

**Governance – Brown Act**  
**Executive Cabinet Policy No. 1.005**

Meetings of the Executive Cabinet are conducted for the purpose of accomplishing JPA business. In accordance with state open meeting laws (The Ralph M. Brown Act), the Executive Cabinet shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement, Executive Cabinet meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the JPA's bylaws, policies, and administrative procedures.

An Executive Cabinet meeting exists whenever a majority of Executive Cabinet members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Executive Cabinet or district.  
(Government Code 54952.2)

A majority of the Executive Cabinet shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Executive Cabinet. However, an employee or district official may engage in separate conversations with Executive Cabinet members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Executive Cabinet as long as that employee or district official does not communicate the comments or position of any Executive Cabinet members to other Executive Cabinet members. (Government Code 54952.2)

In order to help ensure the participation of individuals with disabilities at Executive Cabinet meetings, the Executive Director or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

### Regular Meetings

The Executive Cabinet shall hold one (1) regular meeting each month. Regular meetings shall be held at the Peralta Community College District Office, 333 8th Street, Oakland, CA 94612.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Executive Cabinet less than 72 hours before the meeting, the President or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

## Special Meetings

Special meetings of the Executive Cabinet may be called at any time by the presiding officer or a majority of the Executive Cabinet members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Executive Director or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Executive Cabinet members and the local media who have requested such notice in writing. The notice also shall be posted on the JPA's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Executive Cabinet member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Executive Cabinet or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Executive Cabinet concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

## Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Executive Cabinet may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Executive Cabinet shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Executive Cabinet
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Executive Cabinet to provide one-hour notice before holding an

emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Executive Cabinet.

3. Except in the case of a dire emergency, the Executive Cabinet president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Executive Cabinet shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Executive Cabinet. In the case of a dire emergency, the Executive Cabinet president or designee shall give such notice at or near the time he/she notifies the other members of the Executive Cabinet about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Executive Cabinet president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### 4. Adjourned/Continued Meetings

A majority vote by the Executive Cabinet may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Executive Cabinet may adjourn such a meeting. If no Executive Cabinet members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

#### 5. Closed Session

Closed sessions of the Executive Cabinet shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code and California Education Code. Matters discussed in closed session may include:

- The appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- Charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty

-four (24) hours written notice of the closed session.

- Advice of counsel on pending litigation, as defined by law;
- Consideration of tort liability claims as part of the district's membership in any joint powers agency formed for purposes of insurance pooling;
- Real property transactions;
- Threats to public security;
- Review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
- Discussion of student disciplinary action, with final action taken in public;
- Conferring of honorary degrees;
- Consideration of gifts from a donor who wishes to remain anonymous;
- To consider a response to a confidential draft audit report from the Bureau of State Audits.

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session.

After any closed session, the Executive Cabinet shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention of every member present. All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Executive Cabinet or by law

#### 6. Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Executive Cabinet may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Executive Cabinet may also convene a retreat or discussion meeting to discuss Executive Cabinet roles and relationships.