

Item20. **(ORAL PRESENTATION) FORMATION OF A HOSPITAL AD HOC COMMITTEE** Council consideration of forming and appointment of members to an ad hoc subcommittee of the City Council **to work with** Palomar Pomerado Hospital District regarding development of the Downtown Medical Campus, development at the ERTC, and implementation of the Development Agreement and Memorandum of Understanding with the City

Staff Recommendations: Approve formation and ratify the Mayor's selection of members to serve
(Mayor Lori Holt Pfeiler)

Dear City Council,

Feb. 6, 2008

According to the agenda, the ad hoc subcommittee is being formed **“to work with”** PPH. I am advocating the position that the **workshops** held with PPH by the ad hoc subcommittee should be open to the public because PPH is a necessary party to these workshops. The Brown Act supports the open workshop position:

CA Govt Code 54952. As used in this chapter, "legislative body" means:

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, **composed solely of the members of the legislative body** that are less than a quorum of the legislative body are not legislative bodies, **except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed** by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

PPH's participation in the ad hoc subcommittee's workshops means the committee is not "composed solely of the members" of the City Council as required by the Brown Act exemption.

Further, the agenda does not state that the ad hoc subcommittee will have a limited term, i.e., will perform a specific task to be accomplished in a short time period defined by a date certain. Thus, the ad hoc subcommittee will be a standing committee having **continuing subject matter jurisdiction**, requiring the workshops to be open to the public.

Further, newspaper reports indicate that the ad hoc subcommittee is to have a meeting schedule (at least bimonthly) fixed by the City Council, again requiring the workshops to be open.

Finally, this ad hoc subcommittee is not necessary absent a finding by the City Council that PPH is not providing the desired information to staff, or that staff is incapable of procuring the information through more open processes such as attending PPH meetings, public record requests, or the like.

Sincerely,
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