

## BOARD APPROVED POLICIES

### Sorted by Committee Responsibility

#### Governance

Gov-01	Access by Board to PPH records	3 years	4/11/05	Approved
Gov-02	Organizations By Laws	1 year	3/14/05	Approved
Gov-03	Conflict of Interest Code	2 years	11/04	Approved
Gov-04	Confidentiality Statement	3 years	3/14/05	Approved
Gov-05	Oath of Office	3 years	3/14/05	Approved
Gov-06	Governing Body Orientation	1 year	3/14/05	Approved
Gov-07	Board Responsibility	3 years	11/15/05	Complete
Gov-08	Correspondence to or from Board members	3 years	3/14/05	Approved
Gov-09	Absenteeism by Board Members	3 years	3/14/05	Approved
Gov-10	Affects of Absenteeism	3 years	3/14/05	Approved
Gov-11	Membership Organizations and Board Representations	3 years	3/14/05	Approved
Gov-12	Revision of Policies/was HR	3 years	3/14/05	Approved
Gov-13	Promulgation of PPH Procedures/was HR	3 years	3/14/05	Approved
Gov-14	Code of Ethics	3 years	3/14/05	Approved
Gov-15	Governance /was HR	1 year	4/11/05	Approved
Gov-16	Leadership and Management	3 years	4/11/05	Approved
Gov-17	Succession Policy	3 years		M. Covert
Gov-18	Agenda Items/ Board Packet Preparation	3 years	11/15/05	Complete
Gov-19	Annual Fees for Board packets	3 years	11/15/05	Complete
Gov-20	Public Comments and Attendance at public Board Meetings	1 year	11/15/05	Complete
Gov-21	Media Relations	3 years	4/11/05	Approved
Gov-22	Solicitation and Distribution of Literature on PPH Property	3 years	7/11/05	Approved
Gov-23	Smoking Policy in PPH Facilities	3 years	11/15/05	Complete
Gov-24	Inspection and Copying of Public Records	3 years	11/15/05	Complete
Gov-25	Recording of Governing Board Meetings	1 year	11/15/05	Complete
Gov-26	Opening Ceremony for Board Meetings	3 years	11/15/05	Complete
Gov-27	Political Activities on PPH Property	3 years	7/11/05	Approved
Gov-28	Board Self Evaluation	3 years	6/13/05	Approved
Gov-29	Compliance Program	3 years	6/13/05	Approved
Gov-30	Chain of Command	3 years	11/15/05	Complete
Gov-31	Recruitment and Selection of President /CEO	3 years		M. Covert
Gov-32	Position Description – CEO	3 years		M. Covert
Gov-33	Evaluation – CEO	3 years	11/15/05	Complete
Gov-34	Gifts and Donations	3 years	11/15/05	Complete

#### Human Resources

HR-01	Continuance HR Standards Compliance	3 years	4/11/05	Approved
HR-02	Equal Employment Opportunity	3 years	4/11/05	Approved
HR-03	HR Performance Quality Management	3 years	4/11/05	Approved
HR-04	Total Compensation	3 years	4/11/05	Approved
HR-05	Employee Relations	3 years	4/11/05	Approved
HR-06	Employee Problem Resolution Process	3 years	4/11/05	Approved

#### Finance

FIN-01	Annual Budget Approval	3 years	7/11/05	Approved
FIN-02	Annual Financial Audit	3 years	7/11/05	Approved
FIN-03	PPH Credit Cards	3 years		B. Hemker
FIN-04	Expense Reimbursement and Advances	3 years	7/11/05	Approved
FIN-05	Compensation of Board Members	3 years	7/11/05	Approved
FIN-06	Procurement of Public Works Contracts (“Bidding Procedure”)	3 years	11/15/04	Approved
FIN-07	Disposition of Surplus Capital Equipment or Supplies	3 years	11/15/05	Complete
FIN-08	Health and Life Insurance for Board Members	3 years	7/11/05	Approved
FIN-09	Professional Liability Insurance	3 years	7/11/05	Approved
FIN-10	Charity Care	1 year	5/04/04	Approved
FIN-11	Annual Adoption of Statement of Investment	3 years		B. Hemker
FIN-12	Expenditure and Requisition Approval Authority	3 years	5/04/04	Approved
FIN-13	Physician Recruitment and Retention	1 year	6/6/05	Approved
FIN-14	Physician Professional Services Agreement	3 years	11/15/05	J. Neal

## Quality Assistance

QLT-01	Patient Complaints and Grievances	2 years	12/03/04	Approved
QLT-02	EMTALA Compliance	2 years	3/14/05	Approved
QLT-03	Life Sustaining, No Code withdrawal	2 years	3/14/05	Approved
QLT-04	EMTALA; Acceptance of Transfers	2 years	3/14/05	Approved
QLT-05	EMTALA: Medical Screening Policy	2 years	3/14/05	Approved
QLT-06	EMTALA: Reporting Violations	2 years	3/14/05	Approved
QLT-07	EMTALA: Non Position Medical Screen Exam for OB Patients	2 years	6/11/05	Approved
QLT-08	EMTALA: Transfer Policy	2 years	3/14/05	Approved
QLT-09	Continuum of Care	2 years	3/14/05	Approved
QLT-10	Environment of Care Management	2 years	11/15/05	Compliant
QLT-11	Infection Control	2 years	3/14/05	Approved
QLT-12	Information Management	2 years	11/15/05	Compliant
QLT-13	Medical Staff	2 years	3/14/05	Approved
QLT-14	Nursing – Chief Nursing Executive	3 years	3/14/05	Approved
QLT-15	Assessment of Patients	3 years	3/14/05	Approved
QLT-16	Patient and Family Education	2 years	3/14/05	Approved
QLT-17	Performance Improvement	2 years	3/14/05	Approved
QLT-18	Patient Rights and Ethics	3 years	3/14/05	Approved
QLT-19	Care of Patients	3 years	3/14/05	Approved
QLT-20	Admission Criteria: Home Health	1 year	3/14/05	Approved
QLT-21	Clinical Program: Home Health	3 years	3/14/05	Approved
QLT-22	Clinical Records: Home Health	1 year	3/14/05	Approved
QLT-23	Discharge Policy: Home Health	1 year	3/14/05	Approved
QLT-24	Electronic Signature: Home Health	3 years	3/14/05	Approved
QLT-25	Emergency Care – Disaster Preparedness: Home Health	1 year	3/14/05	Approved
QLT-26	Infection Control: Home Health	3 years	3/14/05	Approved
QLT-27	Medical Supervision: Home Health	1 year	3/14/05	Approved
QLT-28	OASIS – Data Submission: Home Health	3 years	4/11/04	Approved
QLT-29	Patient Complaints and Grievances: Home Health	3 years	4/11/04	Approved
QLT-30	Personnel qualifications and Competency: Home Health	1 year	4/11/04	Approved
QLT-31	Plan of Care – Plan of treatment: Home Health	1 year	4/11/04	Approved
QLT-32	Professional Advisory Committee – Program Evaluation: Home Health	1 year	4/11/04	Approved
QLT-33	Reassessment Policy: Home Health	1 year	3/14/05	Approved
QLT-34	Administrative Policies – Home Health	3 years	4/11/04	Approved
QLT-35	Advanced Directives: Home Health	3 years	3/14/05	Approved

October 10, 2005

## **Policy**

### **GOV-2 Organizations By Laws.....Page 1**

**Change Summery:** Currently PPH is reviewing Board Bylaws annually. This change will reflect this action. The Bylaws section 2.3.2 and 2.3.3 will be modified to reflect these changes. This change was recommended by the DHS Inspector during the past inspection of Home Health.

### **GOV-7 Board Responsibilities .....Page 11**

**Change Summery:** As this was a total rewrite, there is no redline copy. This revision includes the final versions of the PPH Board Member/Committee Position Descriptions approved by the Governance Committee of November 18, 2004 and by the Board on December 13, 2004. Per Governance Committee of January 20, 2005 and the February 7 Board meeting, an additional item under the sub-heading "Responsibilities" was requested to be added to each description as follows: "Provide a brief one-page Committee Summary of Accomplishments for the Year to the Annual Board Self-Evaluation Meeting". As this was a total rewrite, there is no redline copy.

### **GOV-18 Agenda Items Board Packet Preparation.....Page 30**

**Change Summery:** Changes reflect what is currently being done and allows all flexibility allowed under the law.

### **GOV-19 Cost of Board packets .....Page 51**

**Change Summery:** Changes reflect what is currently being done and allows all flexibility allowed under the law.

### **GOV-20 Public Comments And Attendance At Public Board Meetings .Page 62**

**Change Summery:** There were no significant changes to this policy.

### **GOV-23 Smoking Policy in PPH Facilities.....Page 91**

**Change Summery:** Changes reflect JCAHO wording changes. There were no significant changes to this policy.

### **GOV-24 Inspection and Coping of Public Records.....Page 111**

**Change Summery:** This policy required a total rewrite. The old policy referred to the resolution which had all the information, the resolution has been incorporated into the policy for a single document. Much of the information included in the old policy will be incorporated into a procedure.

**GOV-25 Recording of Governing Board Meetings.....Page 156**

**Change Summery:** There were no significant changes to this policy.

**GOV-26 Opening Ceremony for Board Meetings.....Page 166**

**Change Summery:** There were no significant changes to this policy.

**GOV-30 Chain of Command.....Page 176**

**Change Summery:** The significant change to this policy was changing the second in command from “Senior Vice President of Clinical Affairs” to “CFO”.

**GOV-33 Evaluation CEO.....Page 185**

**Change Summery:** This was an HR Policy that was deleted by the HR Committee. It was brought back as a Governance Committee Policy at the request of this Committee. There were no significant changes to this policy. Added a requirement for a review as required.

**GOV-34 Gifts and Donations .....Page 197**

**Change Summery:** Where the old policy referred to the resolution that had all the information, the resolution has been incorporated into the policy. There were no significant changes to this policy.

**FIN-07 Disposition of Surplus Property.....Page 208**

**Change Summery:** Changes reflect what is currently being done and allows all flexibility allowed under the law.

**OLT-10 Total Compensation.....Page 208**

**Change Summery:** There were no significant changes to this policy.

**OLT-12 Information Management.....Page 219**

**Change Summery:** There were no significant changes to this policy.

**FIN-07 Disposition of Surplus Property.....Page 247**

**Change Summery:** Changes reflect what is currently being done and allows all flexibility allowed under the law.

**Board Policies for Approval by the  
Governance Committee**

**November 15, 2005**

# **PALOMAR POMERADO HEALTH**

## **BOARD POLICY**

**GOV-02**

### **ORGANIZATIONS BYLAWS**

October 15 2005

## **Change Summery**

1. Currently PPH is reviewing Board Bylaws annually. This change will reflect this action.
2. The Bylaws section 2.3.2 will now read "The Board shall annually, through the Governance Committee as provided below, oversee and ensure collaboration between the Board and District management for the purpose of developing, reviewing and revising the District Bylaws, Policies, Procedures, and other rules or regulations".

NEW POLICY

REDLINE

## **I. PURPOSE:**

As the organized governing body of the Palomar Pomerado Health, the Board of Directors is responsible for establishing policy, maintaining quality patient care, providing institutional management and planning and other legal and fiduciary responsibilities of the District. The organizational structure and governance to fulfill these obligations shall be established by the bylaws that shall be consistent with the applicable government codes and JCAHO Standards. The bylaws are adopted by resolution by majority vote of the board and may be amended or repealed in the same manner. The Bylaws will be reviewed as needed or at least annually.

## **II. DEFINITIONS:**

A. None

## **III. TEXT / OF PRACTICE:**

A. Consistent with the JCAHO standards, the bylaws shall specify at least the following:

1. The role and purpose of the health district;
2. The duties and responsibilities of the governing body;
3. The process and criteria for the selection of members of the governing body;
4. The governing body's organizational structure, including at least:
  - a. the mechanism for selection officers;
  - b. the responsibilities of officers;
  - c. the procedures for meetings;
  - d. the composition and responsibilities of governing body committees; and
  - e. the inclusion of medical staff members on governing body committees that deliberate issues affecting the discharge of medical staff responsibilities.
5. The relationship of the responsibilities of the governing body as they relate to:
  - a. any authority superior to the governing body;
  - b. the chief executive officer; and
  - c. the medical staff.
6. The requirement for the establishment of a medical staff and an auxiliary organization;
7. The mechanism for adopting, reviewing and revising the governing body bylaws; and
8. The authority and responsibility of each level of the organization shall be specified with respect to:
  - a. quality of care;
  - b. quality assessment and improvement mechanisms;
  - c. credentials review and privilege delineation;
  - d. selection of the health district's governing body;
  - e. selection of the chief executive officer and other key management staff;
  - f. selection of medical staff department chairpersons;
  - g. planning district services;
  - h. development and approval of the budget; and
  - i. review of the governing body's performance.

C. This policy and the Bylaws will be reviewed and updated as required or at least every year.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 2/94

Reviewed: 4/95; 11/96; 2/98; 2/05

Revision Number: 3 Dated: 12/17/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Rivera, Chairman

**VI. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-101

OLD POLICY

...  
WITH  
RESOLUTION

## **I. PURPOSE:**

As the organized governing body of the Palomar Pomerado Health, the Board of Directors is responsible for establishing policy, maintaining quality patient care, providing institutional management and planning and other legal and fiduciary responsibilities of the District. The organizational structure and governance to fulfill these obligations shall be established by the bylaws that shall be consistent with the applicable government codes and JCAHO Standards. The bylaws are adopted by resolution by majority vote of the board and may be amended or repealed in the same manner. Provisions for reviewing are to be established as well.

## **II. DEFINITIONS:**

A. None

## **III. TEXT / OF PRACTICE:**

A. Consistent with the JCAHO standards, the bylaws shall specify at least the following:

1. The role and purpose of the health district;
2. The duties and responsibilities of the governing body;
3. The process and criteria for the selection of members of the governing body;
4. The governing body's organizational structure, including at least:
  - a. the mechanism for selection officers;
  - b. the responsibilities of officers;
  - c. the procedures for meetings;
  - d. the composition and responsibilities of governing body committees; and
  - e. the inclusion of medical staff members on governing body committees that deliberate issues affecting the discharge of medical staff responsibilities.
5. The relationship of the responsibilities of the governing body as they relate to:
  - a. any authority superior to the governing body;
  - b. the chief executive officer; and
  - c. the medical staff.
6. The requirement for the establishment of a medical staff and an auxiliary organization;
7. The mechanism for adopting, reviewing and revising the governing body bylaws; and
8. The authority and responsibility of each level of the organization shall be specified with respect to:
  - a. quality of care;
  - b. quality assessment and improvement mechanisms;
  - c. credentials review and privilege delineation;
  - d. selection of the health district's governing body;
  - e. selection of the chief executive officer and other key management staff;
  - f. selection of medical staff department chairpersons;
  - g. planning district services;
  - h. development and approval of the budget; and
  - i. review of the governing body's performance.

C. This policy will be reviewed and updated as required or at least every year.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 2/94

Reviewed: 4/95; 11/96; 2/98; 2/05

Revision Number: 3 Dated: 12/17/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Rivera, Chairman

**VI. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-101

NEW POLICY

IN

LUCIDOC FORMAT

## **I. PURPOSE:**

As the organized governing body of the Palomar Pomerado Health, the Board of Directors is responsible for establishing policy, maintaining quality patient care, providing institutional management and planning and other legal and fiduciary responsibilities of the District. The organizational structure and governance to fulfill these obligations shall be established by the bylaws that shall be consistent with the applicable government codes and JCAHO Standards. The bylaws are adopted by resolution by majority vote of the board and may be amended or repealed in the same manner. The Bylaws will be reviewed as needed or at least annually.

## **II. DEFINITIONS:**

A. None

## **III. TEXT / OF PRACTICE:**

A. Consistent with the JCAHO standards, the bylaws shall specify at least the following:

1. The role and purpose of the health district;
2. The duties and responsibilities of the governing body;
3. The process and criteria for the selection of members of the governing body;
4. The governing body's organizational structure, including at least:
  - a. the mechanism for selection officers;
  - b. the responsibilities of officers;
  - c. the procedures for meetings;
  - d. the composition and responsibilities of governing body committees; and
  - e. the inclusion of medical staff members on governing body committees that deliberate issues affecting the discharge of medical staff responsibilities.
5. The relationship of the responsibilities of the governing body as they relate to:
  - a. any authority superior to the governing body;
  - b. the chief executive officer; and
  - c. the medical staff.
6. The requirement for the establishment of a medical staff and an auxiliary organization;
7. The mechanism for adopting, reviewing and revising the governing body bylaws; and
8. The authority and responsibility of each level of the organization shall be specified with respect to:
  - a. quality of care;
  - b. quality assessment and improvement mechanisms;
  - c. credentials review and privilege delineation;
  - d. selection of the health district's governing body;
  - e. selection of the chief executive officer and other key management staff;
  - f. selection of medical staff department chairpersons;
  - g. planning district services;
  - h. development and approval of the budget; and
  - i. review of the governing body's performance.

# **PALOMAR POMERADO HEALTH**

## **BOARD POLICY**

### **GOV-7**

#### **Board Responsibility**

## **Change Summery**

1. Reviewed the current Health and Safety Code § 3200, Government Code, and Administrative Code for compliance.
2. Placed in approver LUCIDUC format.
3. Included is the final versions of the PPH Board Member/Committee Position Descriptions approved by the Governance Committee of November 18, 2004 and by the Board on December 13, 2004. Per Governance Committee of January 20, '05 (to February 7 Board meeting), an additional item under the sub-heading "Responsibilities" was requested to be added to each description as follows: "Provide a brief one-page Committee Summary of Accomplishments for the Year to the Annual Board Self-Evaluation Meeting"
4. As this was a total rewrite, there is no redline copy.
5. Added a three year review date.

**NEW POLICY**

**REDLINE**

**As this was a total rewrite, there is no redline copy.**

OLD POLICY

WITH  
RESOLUTION

**PALOMAR POMERADO HEALTH SYSTEM**  
**District Policy No. 10-110**

***POSITION RESPONSIBILITIES: BOARD OF DIRECTORS***

**POLICY:** The Board of Directors of the Palomar Pomerado Health System are responsible for the institution, protection of assets and quality of services the District provides to its patients. Directors are expected to perform their responsibilities in accordance with the directors' position description.

**GUIDELINES:**

1. **Basic Function.** Provides continuing direction for planning, operation and evaluation of all System programs, services and related corporate activities consistent with the Section 32000 of the Health and Safety Code of the State of California. Appoints the chief executive officer (CEO) of the System. Approves actions of board committees taken in the name of the board between board meetings.
2. **Requirements, Mission and Objectives.**
  - a. Considers the health requirements of the community and the responsibilities that the System should assume in helping to meet them.
  - b. Adopts statements of mission, objectives and subsidiary operating goals.
  - c. Determines the desired scope and quality of the programs and services to be provided by the System.
3. **Programs and Services.**
  - a. Approves long-range plans for the development of programs and services to be provided by the System. Takes action on the recommendation of board and Steering Committees and CEO.
  - b. Provides general direction to the CEO in the implementation of programs and service plans.
  - c. Appraises the results of programs and services on the basis of previously established objectives and requirements. Receives reports from the CEO and directs him to plan and take corrective actions where warranted.
4. **Organization and Staffing.**
  - a. Adopts the plan of organization of the System, including plans of organization of the Board of Directors, administration and medical staffs.
  - b. Elects officers of the District in accordance with provisions of the Bylaws.
  - c. Selects, retains and evaluates the CEO.
5. **Medical Staff.**
  - a. Appoints, reappoints and approves privileges for all medical staff members.
  - b. Ensures that the Systems' medical staffs are organized to support the objectives of the System.
  - c. Reviews and takes final action of appeals involving termination of medical staff appointments.
  - d. Approves medical staff bylaws and proposed revisions.

6. Quality of Care.
- a. Assumes ultimate responsibility for the quality of care provided by the System.
  - b. Approves the System's quality assurance plans and ensures that the System has in place mechanisms for monitoring and evaluating quality, identifying and resolving problems and identifying opportunities to improve patient care.
  - c. Requires that the system has in its quality assurance program a process to ensure the competence of all individuals who provide patient care services but who are not subject to the medical staff privilege delineation process.
  4. Requires mechanisms to ensure that one level of patient care is provided throughout the System.
  5. Provides for resources and support systems for quality assurance and risk management related to patient care and safety.
7. Finance.
1. Assumes ultimate fiduciary responsibility for the District and all its entities.
  2. Adopts annual budgets, both capital and operating.
  3. Selects, receives and reviews reports of the System's independent auditors. Considers recommendations of the Finance Committee and the CEO. Periodically reviews the performance of the independent auditors.
  4. Approves policies governing the financial affairs of the System.
  5. Authorizes officers of the corporation to act for the System in the execution of financial transactions.
8. Planning.
1. Approves long-term plans for development, expansion, modernization and replacement of the System's facilities, major equipment and other tangible assets.
  2. Approves the acquisition, sale and lease of real property in accordance with provisions of the Health/Safety Code and bylaws.
9. Other Responsibilities. Performs other responsibilities as may be required for the safe operation of all District entities and for the betterment of the patients of the District.

APPROVED BY:

Chairman of the Board

PREPARED BY:	Rose S. Godfrey
SOURCE:	<i>Challenge of Hosp't'l. Gov.: How to Become/Exemplary Board; Bylaws</i>
DATED:	April 6, 1995
REVIEWED:	January, 1999
REVISED:	
APPROVED:	August 14, 1995
DISTRIBUTION:	BOD; Finance; Designated Employees

601rspnsbl99

NEW POLICY

IN  
LUCIDOC FORMAT

## **I. PURPOSE:**

- A. To establish policy, to identify the Board of Directors responsibility for the institution, protection of assets and the quality of services the District provides to its patients.

## **II. DEFINITIONS:**

None

## **III. TEXT / OR PRACTICE:**

- A. Board Member Position Description: It is the responsibility of the Board Member to develop and ensure that the organization's mission and vision statements are carried out in an effective and ethical manner. To that end, the member is accountable for oversight and implementation of policies and monitoring of the organizations performance in establishment of strategic direction, financial stewardship, quality outcomes and leadership of the Healthcare District.

### **1. Specific Responsibilities**

- a. Regularly review and where appropriate, update, the mission and vision statements for the System and subsidiaries to ensure the needs of the citizens of the District are being met in accordance with its Charter.
- b. Approve a system-wide quality assurance plan and monitor the effectiveness of the organization in meeting targets of performance to insure the health, well-being and safety of those served.
- c. Work closely with Medical Staff and Administrative Leadership to insure that effective clinical care is being provided in the system's facilities and that competency of Medical and Allied Health staff are assured on behalf of the citizens of the District.
- d. Review and approve all financial policies, plans and programs for the system and enhance the preservation of the organization's assets and resources on behalf of the District.
- e. Review and approve a comprehensive strategic plan, consistent with the organization's mission and vision that aligns the system's financial, human resources, facilities, technology and quality plans.
- f. Advocate on behalf of the Healthcare District's policies, programs and plans within the community served and with other constituency groups.
- g. Recruit, employ and evaluate the performance of the Chief Executive Officer in accordance with goals and objectives established on a short and long term basis with the CEO.
- h. Establish and implement ethical policies that minimize conflicts of interest and insure compliance with governmental, regulatory and other agency standards, laws and principles relative to excellent stewardship of the Public Healthcare District.
- i. Regularly evaluate the Board's performance and the individual performance of each Board member to continually enhance the effective stewardship of the system.
- j. Perform other duties as may be assigned by the Board.

### **2. Requirements:**

- a. Interest and willingness to commit time and energy to completion of Board responsibilities and meeting requirements.
- b. Ability to work in a civil, ethical and collaborative manner with other members of the

Board.

- c. Have an appreciation for group process, open-mindedness, respect for others and an ability to think objectively, logically and analytically.
- d. Have effective oral and written communication and negotiation skills.
- e. A knowledge of health and medical care issues and a willingness to expand one's knowledge through various educational opportunities.

**B. Board Audit Committee:** It is the responsibility of the Board Member to insure that appropriate review mechanisms and management of the District's assets and resources are in place and that the organization complies with all applicable state and federal regulations relative to the audit and financial stewardship of Palomar Pomerado Health.

**1. Responsibilities:**

- a. Approve the annual program and scope of all audits to be performed by the Director of Audit Services.
- b. Routinely review the system of internal controls for the organization and its subsidiaries.
- c. Recommend a qualified audit firm to complete independent financial audits of the system and review reports, management letters and recommendations from the firm to assure compliance with recognized audit principles and standards throughout PPH.
- d. Participate in special investigations for the Board as may be assigned.
- e. Regularly review reports from the Director of Audit Services and the CEO and where appropriate make recommendations on system controls and improvements that could insure effective stewardship of the organization.
- f. Keep up with trends in the field of health care audit and compliance to help educate other Board members on the latest trends in the industry.
- g. Provide a brief one page summary of committee accomplishments to the board as part of the Board annual self evaluation.
- h. Complete other duties as may be assigned by the Chairman.

**2. Requirements:**

- a. Interest and willingness to commit the time and energy necessary to meet committee responsibilities and meeting requirements.
- b. Knowledge of health care finance audit processes and compliance is helpful.
- c. Compliance with other Board position description requirements.

**C. Board Community Relations Committee:** It is the responsibility of the Board Member to develop plans and programs that help to communicate the District's mission and vision to various constituents and related groups and to educate the public on Healthcare and wellness issues facing the citizens of the District.

**1. Responsibilities:**

- a. Review and make recommendations to the Board on Community Relations and outreach policies and procedures including marketing, community education and wellness activities in accordance with the System's mission and vision.
- b. Support the efforts of the Systems Healthcare and other Advisory Councils and Advocacy

groups in the promotion of the District's communication efforts.

- c. Provide advice and council to the organization in the development and maintenance of a governmental liaison program and ensure local, State and National governmental leaders understand the Healthcare challenges and issues faced by the District; and support the organization in achievement of its mission.
- d. Develop educational programs and endeavors to help the Board understand Healthcare issues facing the District and communicate/advocate on behalf of the System.
- e. Provide a brief one page summery of committee accomplishments to the board as part of the Board annual self evaluation.
- f. Complete other duties as assigned by the Chairman.

2. Requirements:

- a. Interest and willingness to commit the time and energy to complete committee responsibilities and meeting requirements.
- b. Interest and willingness to advocate on behalf of the Board.
- c. Knowledge of marketing, research and communications techniques used in promotion of organization and a willingness to expand ones knowledge in this arena.
- d. Compliance with other Board member position description requirements.

D. Board Facilities & Grounds Committee: It is the responsibility of the Board Member to provide oversight for the development, expansion, modernization and replacement of the Health District facilities and grounds in order to promote the physical life of the assets belonging to the District; and to insure the safety and well being of those working in and being served in the facilities and on the grounds.

1. Responsibilities:

- a. To insure that a long-term master facility is developed and updated regularly.
- b. To provide oversight regarding the maintenance of facilities and grounds and implementation of improvement projects.
- c. To insure that the District is in compliance with governmental agency and accreditation requirements with respect to earthquake and disaster preparedness, fire and safety codes, environmental standards and physical security needs, etc.
- d. Provide guidance in the selection of architects, and general construction vendors.
- e. To advise the Finance Committee with respect to the need of adequate projects funding.
- f. Provide a brief one page summery of committee accomplishments to the board as part of the Board annual self evaluation.
- g. Complete other duties as may be assigned by the Chair of the Committee.

2. Requirements:

- a. An interest and willingness to commit time and energy to provide input to the committee membership.
- b. A background in design, construction and financing of construction projects and/or facilities management preferred.
- c. A willingness to update one's knowledge in this arena on a regular basis.
- d. Compliance with other Board position description requirements.

- E. Board Finance Committee: It is the responsibility of the Board Member to monitor and ensure the financial viability of the organization through the effective establishment of sound policies and development of a system of controls to safeguard the preservation and use of assets and resources.

1. Responsibilities:

- a. Review and approve annual and long range operating cash, operational and Capital Budgets for the System.
- b. Develop and maintain sound understanding of the services of the District's revenues and expenses and its economic environment.
- c. Approve methods of financing major capital asset renovations, replacements and additions.
- d. Review financial reports and operating statistics on a regular basis to ensure that the organization takes appropriate action in response to operating trends in achievement of financial goals.
- e. Evaluate and approve financial plans for new business ventures, programs, and services and establish criteria to measure their ongoing viability.
- f. Develop programs and communications in order to enhance the understanding of other members in regard to financial matters of the system.
- g. Provide a brief one page summary of committee accomplishments to the board as part of the Board annual self evaluation.
- h. Performs other duties as may be assigned by the committee chair/Treasurer of the Board.

2. Requirements:

- a. Interest and willingness to commit time and energy to completion of Finance Committee responsibilities and meeting requirements.
- b. A knowledge of basic Healthcare finance issues and economics and a willingness to expand ones knowledge in the areas of financial management, productivity, revenue and cash management, alternative delivery systems and prepared health plans, governmental payor systems, etc.
- c. An understanding of systems of Internal control and Audit Committee.
- d. An interest in the development of information technology and systems that support the use of such.
- e. Commitment to comply with the other requirements of Board members as outlined in the member's position description.

- F. Board Governance Committee: It is the responsibility of the Board Member to help insure the effective and efficient management of the governmental processes of the Board.

1. Responsibilities:

- a. Complete an annual review of the Board's by-laws and policies and where appropriate make recommendations for changes that enhance the functioning of the District Board.
- b. Provide guidance to the CEO in the development of education and orientation programs that enhance member understanding of Board stewardships, health care, issues and management of the system.

- c. Assist in development and completion of an annual Board self-assessment and where appropriate make recommendations to enhance governance of the organization by its members.
- d. Review and where appropriate make recommendations to the Board on pending or existing state and federal legislation that could affect the direction of the District and Board member responsibilities.
- e. Annually review the boundaries of the District to insure compliance with its charter in the completion of health care stewardship responsibilities.
- f. Provide a brief one page summary of committee accomplishments to the board as part of the Board annual self evaluation.
- g. Complete other duties as may be assigned by the Chairman.

2. Requirements:

- a. Interest and willingness to commit time and energy necessary to meet committee responsibilities in meeting requirements.
- b. Have an interest in issues of governance and good stewardship.
- c. Strong communication and negotiation skills preferred.
- d. Compliance with other Board position description requirements.

G. Board Human Resources Committee: It is the responsibility of the Board Member to help develop a workforce environment that effectively translates the District's mission and vision into reality on a daily basis.

1. Responsibilities:

- a. Review and assess regular reports from administration on the education and development of staff, turnover, completion of performance appraisals, staffing plans, etc. to identify trends and needs and to ensure that governmental agency requirements are met.
- b. Review, understand and recommend Human Resource policies and compensation programs in order to provide an excellent work environment and stewardship of the workforce.
- c. Monitor labor relations program as established by the District and review/recommend changes (in conjunction with the District's Labor Attorney and Administration) to the Board when appropriate.
- d. Keep abreast of changes in Healthcare workforce issues and develop educational programs and communications for the Board to keep them up-to-date on challenges faced by the District.
- e. Review and make recommendations to the Board regarding executive salary and incentive compensation programs.
- f. Provide a brief one page summary of committee accomplishments to the board as part of the Board annual self evaluation.
- g. Perform such other duties as may be assigned by the Chair of the Committee.

2. Requirements:

- a. Interest and willingness to commit the time and energy necessary to meet Committee responsibility and meeting requirements.
- b. Knowledge of compensation and benefit programs, labor relations, education and

development of staff, labor workforce complexities and issues is helpful.

- c. A willingness to advocate on behalf of staff and organization needs with external groups.
- d. Compliance with other Board position description requirements.

H. Board Quality Committee: It is the responsibility of the Board Member to assure the quality of care rendered in the District's facilities is at the highest possible level when compared to national standards and that actions are taken on behalf of the Board to ensure the safety and wellbeing of the citizens served.

1. Responsibilities:

- a. Regularly review and approve the systems annual and long term quality assurance plans to ensure the identification, assessment and resolution of patient care issues.
- b. Ensure that the system is meeting regulatory and governmental requirements and standards pertaining to the delivery of quality medical clinical care in all of its facilities and programs.
- c. Monitor Institutional liability/Risk experience and ensure that proper systems are put into place to reduce exposure to loss.
- d. Ensure that credentials of Medical and Allied Health staff are reviewed and privileges granted and renewed on the basis of demonstrated professional competence and adherence to the bylaws and code of conduct set forth by the Medical Executive Committee of the Healthcare practitioners involved.
- e. Provide oversight to the development and management of educational endeavors to improve staff performance and skills in the completion of their clinical care responsibilities.
- f. Regularly review and assess Quality care reports, statistics and programs from Medical Staff and System departments to identify trends or clinical care issues and to recommend stewardship action where appropriate.
- g. Provide a brief one page summary of committee accomplishments to the board as part of the Board annual self evaluation.
- h. Perform other duties as may be assigned by the Committee Chair.

2. Requirements:

- a. Interest and willingness to commit the time and energy necessary to complete Board committee responsibilities and meeting obligations.
- b. Background and familiarity with aspects of clinical care issues and willingness to expand knowledge in this arena.
- c. An appreciation for risk management and the relationship of medical care, clinical competence and financial/legal issues resulting from potential adverse events.
- d. Compliance with other Board member requirements.

I. Board Strategic Planning Committee: It is the responsibility of the Board Member to ensure that the mission and vision of the Board are implemented in an effective and meaningful manner through the establishment and implementation of plans and programs that enhance the well being of the citizens of the District.

1. Responsibilities:

- a. To review and make recommendations to the Board regarding the District's short and long range plans and strategic collaborative relationships.
- b. Develop and approve physician development plans and oversee the implementation of physician recruitment and retention programs on an annual basis.
- c. Monitor completion of annual goals in order to ensure their effective completion on behalf of the system.
- d. Develop educational programs and enhance Board members understanding of trends in the local, state and national health care arena and issues affecting the system.
- e. Review the development of new programs and system initiatives to ensure their direction is in accordance with the mission and vision of the organization and support the strategic plans of the District.
- f. Provide a brief one page summary of committee accomplishments to the board as part of the Board annual self evaluation.
- g. Complete other duties as may be assigned by the Chair of the Committee.

2. Requirements:

- a. Interest and willingness to commit time and energy to completion of Strategic Planning Committee responsibilities and meeting requirements.
- b. A general knowledge of Healthcare issues and trends affecting Healthcare organizations and medical staffs; a willingness to actively expand ones knowledge in this arena.
- c. A commitment to the general requirements of Board members as outlined in the Palomar Pomerado Health Board member position description.

J. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 4/95

Reviewed: 1/99; 10/05

Revision Number: 1 10/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-101

# LAWS

# **HEALTH AND SAFETY CODE**

## **SECTION 32000**

32000. This division shall be known and may be cited as "The Local Health Care District Law." Any reference in any statute to the Local Hospital District Law shall be deemed a reference to the Local Health Care District Law, and any reference in any statute to a hospital district shall be deemed to be a reference to a health care district.

32000.1. For purposes of this division, both of the following shall apply:

- (a) Any reference to "hospital district" or "district" shall mean "health care district," and any reference to "hospital administrator" or "administrator" shall mean "chief executive officer."
- (b) "Health care facility" shall mean a health facility as defined in Section 1250 and a clinic as defined in Section 1204.

32001. A local hospital district may be organized, incorporated and managed, as provided in this division and may exercise the powers herein granted or necessarily implied. Such a district may include incorporated or unincorporated territory, or both, or territory in any one or more counties. The territory comprising this district need not be contiguous but the territory of a municipal corporation shall not be divided; provided, that land either in a municipal corporation or in unincorporated territory which the supervising authority finds will not be benefited shall not be included.

32002. The manner of formation of local hospital districts, and the conducting of all hospital district elections, unless otherwise provided in this division shall be as in the manner provided, respectively, by Chapter 1 (commencing with Section 58000) of Division 2 of Title 6 of the Government Code, and Part 3 (commencing with Section 10400) and Part 4 (commencing with Section 10500) of Division 10 of the Elections Code. Except as provided in this division, these provisions are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein. In addition to all other requirements regarding formation of

hospital districts, no hearing upon the petition to form a hospital district shall be held until comments and recommendations of the Office of Statewide Health Planning and Development and each area health planning agency having territory within the proposed district, concerning the need for new or additional health facilities in the area to be served by the proposed district have been filed with the supervising authority. The Office of Statewide Health Planning and Development and the area health planning agency or agencies shall submit these comments and recommendations to the supervising authority within 60 days after receiving a request therefor from the proponents. Failure to submit these comments to the supervising body within 60 days shall be deemed to constitute a "no comment" response.

32002.31. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

32002.32. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

32002.33. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

- (a) The board of supervisors or any member or members of the board authorized by the board.
- (b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

**PALOMAR POMERADO HEALTH**

**BOARD POLICY**

**GOV-18**

**AGENDA ITEMS: BOARD PACKET PREPARATION**

January 20, 2005

## **Change Summery**

1. Reviewed the current Government Code, Administrative Code and the Health and Safety Code §101861 - 101861 for compliance.
2. Placed in approver LUCIDUC format.
3. Combined three separate Board documents 1) Old policy 10-403; 2) Implementation of Board Packet Guidelines; and 3) Board Agenda and Board Packet, Purpose, Preparation and Distribution; to make one complete policy.
4. Section III.B.1.d changed by adding the sentence in red to read:  
*As a courtesy to the Board and CEO, no other packets are to be distributed until the Courier has been dispatched with the Board's Packets. Adhering to this practice avoids Board Members hearing about the contents of *their* packet *on the street* before the Board has had an opportunity to view the packet.*
5. Added a requirement for a three year review.

NEW POLICY

REDLINE

## **I. PURPOSE:**

- A. To provide relevant and complete information to the Board in support of all agenda items in a time frame that allows ample time for Board members' perusal prior to any Board meeting, the following guidelines have been established and shall be the Board's policy for the ~~placement~~ inclusion of items on a Board agenda.
- B. ~~The primary purpose is~~ To ensure that legal notice requirements are met relative to the Board of Directors and Members of the Public.
- C. ~~The primary purpose is~~ To ensure that Staff members, Employees and Press have appropriate information in a timely manner.

## **II. DEFINITIONS:**

None

## **III. TEXT / OF PRACTICE:**

### **A. Agenda Narratives:**

- 1. Prepare 20\* double-sided, collated and stapled copies of the Board Agenda together with Board Minutes for distribution to Staff and Public per mailing list.
- 2. Prepare 20\* double-sided, collated and stapled copies of the Board Agenda. Place in the box with the extra Board Packets (referred to in I.B.3 above).
- 3. A Board Agenda is posted on the notice board at PPH Corporate Offices on Innovation Drive, and on the notice boards at PMC and Pomerado Hospital; another is faxed to members of the Press and Public by using the "Public Listing" on the Board Office's fax, and also e-mailing.
- 4. Narrative is to be completed for each agenda item. The narrative is to be addressed to the Committee, or to the Board, and contain the recommendation of the staff. Prior to forwarding the item for full Board deliberation, the Narrative is to be adapted as appropriate for Board review. (Addressed to the Board of Directors; change Committee date to Board meeting date; include Committee discussion and Committee recommendation.)
- 5. The discussion portion of the Narrative is to contain all background information necessary for an informed decision and may, in some cases, summarize significant events that span a period of months to provide a complete background.
- 6. Narratives with inadequate information will not be included in the packet and will be removed from the agenda. The determination of adequacy of such Narratives shall be made by the Committee Staff Person or CEO.
- 7. To enable appropriate review by the Committee, the Committee meeting packet shall be delivered to the membership a minimum of three calendar days before the meeting. Board packets shall be delivered three to five calendar days before the meeting.

### **B. Board Packets**

- 1. (First Priority)

stapled), 10 of which are designated for the Board, CEO, Legal Counsel and Board Assistant. (Applicable special instructions, if any, will be on Board Packet Mailing List).

- b. 10 Board Packets are inserted into inside right pocket of each of 10 same-colored file folders, with inside left pocket containing an additional, separate Board agenda on colored paper, together with an updated copy of the Board calendar on white paper, for Board information and ease of reference.
  - c. 7 Board Packets are placed in labeled envelopes for members of the Board and delivered as soon as possible by PPH Courier Service on stand-by for delivery. The 3 remaining Board Packets are for the CEO, Legal Counsel (inserted into a labeled envelope and mailed) and the Board Assistant.
  - d. As a courtesy to the Board and CEO, no other packets are to be distributed until the Courier has been dispatched with the Board's Packets. Adhering to this practice avoids Board Members hearing about the contents of *their* packet *on the street* before the Board has had an opportunity to view the packet.
  - e. The remaining 4 Board packets for the Chiefs of Staff, and Chief of Staff elect (but without colored file folders) are to be dispatched only after the above process is complete. *(The sequence of delivery is important for both political and practical reasons.)*
2. (Second priority)
- a. Prepare 40\* Board Packets (double-sided, collated and stapled). If the packet is too large for the copier, it may be copied and collated in sections with complete packets hand-stapled. However, the packet may also be copied, collated and automatically stapled in sections, with break-points strategically chosen, preferably at the end of an agenda item rather than at the mid-point.
  - b. Board Packets are inserted into labeled envelopes for distribution internally and externally.
  - c. Extra Board Packets are placed in a small box and put onto a luggage cart ready for the Board Meeting. They will then be placed on a table outside the room where the Board Meeting is held for the perusal of the public, together with Request for Comment Forms and additional Board Agendas. The Board Assistant's Board Packet should also contain a Board Compensation Form for completion at the meeting.

C. Minutes:

1. Committee minutes are taken and maintained by the appropriate Committee secretary, are to reflect the essence of the discussion, and include all agenda items. They are to be accurate and succinct with emphasis on action rather than discussion.
2. Minutes of Open session Committees are provided to non-committee members upon request. Minutes of Closed session Board or Committee meetings are not copied for distribution. Any Committee or Board member may view Closed session meeting minutes within the respective department. (See Policy Gov-25, Recording of Governing Board Meetings)
3. Minutes of ad hoc Committee meetings are considered to be confidential.

D. Packet Maintenance/Storage/Supplies

Board Office until the subsequent month.

2. The original Open Session Board Packet including Agenda, Minutes and attachments (if any) once approved and signed, are kept on permanent file in the Board Office. Original Closed Session Agendas and minutes are kept in a secure manner on file as appropriate.
3. A copy of the Open Board Agendas and Minutes with copy attachments (if any) are kept in the Board Office in a 3-ring binder for ease of access – normally one binder per calendar year - for purposes of review, research, Public Records Act inquiries or JCAHO access.
4. An adequate variety of pastel-colored paper should also be maintained together with a supply of 10-pack colored double-pocket folders, large white envelopes and labels.

E. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 2/94

Reviewed: 2/94; 4/95; 1/99; 9/05

Revision Number: 1 Dated: 9/20/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**VI. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-403

OLD POLICY

WITH  
RESOLUTION

**PALOMAR POMERADO HEALTH SYSTEM**  
**District Policy No. 10-403**

***AGENDA ITEMS: BOARD PACKET PREPARATION***

**POLICY:** In the interest of providing relevant and complete information to the board in support of all agenda items in a time frame which allows ample time for Board perusal prior to any board meeting, the following guidelines have been established and shall be the Board's policy for the placement of items on a board agenda.

**GUIDELINES:**

Guidelines for implementation are contained in the attached procedure.

**APPROVED BY:**

Chairman of the Board

**PREPARED BY:** Rose S. Godfrey  
Administrative Assistant

**SOURCE:** 6/11/93 Report from G.L. Root/Rose Godfrey  
and *Procedure for Committee Minutes and Narratives*

**DATED:** February, 1994

**REVIEWED:** 2/94, 4/95, 1/99

**REVISED:**

**APPROVED:** August 14, 1995

**DISTRIBUTION:** BOD, OPS

**Implementation  
of Committee  
and Board  
Packet  
Guidelines:**

**NARRATIVES:**

1. A Narrative is to be completed for each agenda item. The narrative is to be addressed to the Committee, or to the Board, and contain the recommendation of the staff. Prior to forwarding the item for full Board deliberation, the Narrative is to be adapted as appropriate for Board review. (Addressed to the Board of Directors; change Committee date to Board meeting date; include Committee discussion and Committee recommendation.)
2. The discussion portion of the Narrative is to contain all background information necessary for an informed decision and may, in some cases, summarize significant events which span a period of months to provide a complete background.
3. Narratives with inadequate information will not be included in the packet and will be removed from the agenda. The determination of adequacy of such Narratives shall be made by the Committee Staff Person or CEO.
4. To enable appropriate review by the Committee, the Committee meeting packet shall be delivered to the membership a minimum of three calendar days before the meeting. Board packets shall be delivered three to five calendar days before the meeting.

**MINUTES:**

1. Committee minutes are taken and maintained by the appropriate Committee secretary, are to reflect the essence of the discussion, and include all agenda items. They are to be accurate and succinct with emphasis on action rather than discussion.
2. Minutes of Open session Committees are provided to non-committee members upon request. Minutes of Closed session Board or Committee meetings are not copied for distribution. Any Committee or Board member may view Closed session meeting minutes within the respective department. (See Policy 10-412)
3. Minutes of ad hoc Committee meetings are considered to be confidential.

Sample of Committee/Board  
Narrative

*[TITLE OF AGENDA ITEM]*

TO: *[PERTINENT COMMITTEE or BOARD OF DIRECTORS]*

MEETING DATE:

FROM: *[NAME OF INDIVIDUAL COMPLETING FORM]*

SUBJECT: *[EXPOUND ON TITLE]*

DISCUSSION: *[TO CONTAIN ALL INFORMATION REQUIRED TO FACILITATE  
AN INFORMED DECISION]*

STAFF RECOMMENDATION: *[To Committee]*

COMMITTEE RECOMMENDATION: *[To Board]*

## BOARD AGENDA AND BOARD PACKET

### -- PURPOSE, PREPARATION AND DISTRIBUTION:

**PURPOSE:** *The primary purpose is to ensure that legal notice requirements are met relative to the Board of Directors and Members of the Public. The secondary purpose is to ensure that Staff members, Employees and Press have appropriate information in a timely manner.*

### PREPARATION AND DISTRIBUTION:

#### I. Board Packets

##### A. (Priority)

1. Prepare and copy 14\* Board Packets (on white paper, double-sided, collated and stapled), 10 of which are designated for the Board, CEO, Legal Counsel and Board Assistant. (Applicable special instructions, if any, will be on Board Packet Mailing List).
2. 10 Board Packets are inserted into inside right pocket of each of 10 same-colored file folders, with inside left pocket containing an additional, separate Board agenda on colored paper, together with an updated copy of the Board calendar on white paper, for Board information and ease of reference.
3. 7 Board Packets are placed in labeled envelopes for members of the Board and delivered as soon as possible by PPH Courier Service on stand-by for delivery. The 3 remaining Board Packets are for the CEO, Legal Counsel (inserted into a labeled envelope and mailed) and the Board Assistant.
4. As a courtesy to the Board and CEO, no other packets are to be distributed until the Courier has been dispatched with the Board's Packets. Adhering to this practice avoids Board Members hearing about the contents of *their* packet *on the street* before the Board has had an opportunity to view the packet.
5. The remaining 4 Board packets for the Chiefs of Staff, and Chief of Staff elect (but without colored file folders) are to be dispatched only after the above process is complete. *(The sequence of delivery is important for both political and practical reasons.)*

##### B. (Second priority)

1. Prepare 40\* Board Packets (double-sided, collated and stapled). If the packet is too large for the copier, it may be copied and collated in sections with complete packets hand-stapled. However, the packet may also be copied, collated and automatically stapled in sections, with break-points strategically chosen, preferably at the end of an agenda item rather than at the mid-point.
2. Board Packets are inserted into labeled envelopes for distribution internally and externally.
3. Extra Board Packets are placed in a small box and put onto a luggage cart ready for the Board Meeting. They will then be placed on a table outside the room where the Board Meeting is held for the perusal of the public, together with Request for Comment Forms and additional Board Agendas. The Board Assistant's Board Packet should also contain a Board Compensation Form for completion at the meeting.

**II. Agenda/Minutes (Third priority)**

1. Prepare 20\* double-sided, collated and stapled copies of the Board Agenda together with Board Minutes for distribution to Staff and Public per mailing list.
2. Prepare 20\* double-sided, collated and stapled copies of the Board Agenda. Place in the box with the extra Board Packets (referred to in I.B.3 above).
3. A Board Agenda is posted on the notice board at PPH Corporate Offices on Innovation Drive, and on the notice boards at PMC and Pomerado Hospital; another is faxed to members of the Press and Public by using the "Public Listing" on the Board Office's fax, and also e-mailing.

**III. Packet Maintenance/Storage/  
Supplies**

1. Following distribution of the Board packet, the original copy (Board Agenda, Minutes and remainder of packet used for copying, together with working copy) are kept on file in the Board Office until the subsequent month.
2. The original Open Session Board Packet including Agenda, Minutes and attachments (if any) once approved and signed, are kept on permanent file in the Board Office. Original Closed Session Agendas and minutes are kept in a secure manner on file as appropriate.
3. A copy of the Open Board Agendas and Minutes with copy attachments (if any) are kept in the Board Office in a 3-ring binder for ease of access – normally one binder per calendar year - for purposes of review, research, Public Records Act inquiries or JCAHO access.
4. An adequate variety of pastel-colored paper should also be maintained together with a supply of 10-pack colored double-pocket folders, large white envelopes and labels.

NEW POLICY

IN  
LUCIDOC FORMAT

## **I. PURPOSE:**

- A. To provide relevant and complete information to the Board in support of all agenda items in a time frame that allows ample time for Board members' perusal prior to any Board meeting, the following guidelines have been established and shall be the Board's policy for the inclusion of items on a Board agenda.
- B. To ensure that legal notice requirements are met relative to the Board of Directors and Members of the Public.
- C. To ensure that Staff members, Employees and Press have appropriate information in a timely manner.

## **II. DEFINITIONS:**

None

## **III. TEXT / OF PRACTICE:**

### **A. Agenda Narratives:**

- 1. Prepare 20 double-sided, collated and stapled copies of the Board Agenda together with Board Minutes for distribution to Staff and Public per mailing list.
- 2. Prepare 20 double-sided, collated and stapled copies of the Board Agenda. Place in the box with the extra Board Packets (referred to in I.B.3 above).
- 3. A Board Agenda is posted on the notice board at PPH Corporate Offices on Innovation Drive, and on the notice boards at PMC and Pomerado Hospital; another is faxed to members of the Press and Public by using the "Public Listing" on the Board Office's fax, and also e-mailing.
- 4. Narrative is to be completed for each agenda item. The narrative is to be addressed to the Committee, or to the Board, and contain the recommendation of the staff. Prior to forwarding the item for full Board deliberation, the Narrative is to be adapted as appropriate for Board review. (Addressed to the Board of Directors; change Committee date to Board meeting date; include Committee discussion and Committee recommendation.)
- 5. The discussion portion of the Narrative is to contain all background information necessary for an informed decision and may, in some cases, summarize significant events that span a period of months to provide a complete background.
- 6. Narratives with inadequate information will not be included in the packet and will be removed from the agenda. The determination of adequacy of such Narratives shall be made by the Committee Staff Person or CEO.
- 7. To enable appropriate review by the Committee, the Committee meeting packet shall be delivered to the membership a minimum of three calendar days before the meeting. Board packets shall be delivered three to five calendar days before the meeting.

### **B. Board Packets**

- 1. (First Priority)

10 of which are designated for the Board, CEO, Legal Counsel and Board Assistant. (Applicable special instructions, if any, will be on Board Packet Mailing List).

- b. 10 Board Packets are inserted into inside right pocket of each of 10 same-colored file folders, with inside left pocket containing an additional, separate Board agenda on colored paper, together with an updated copy of the Board calendar on white paper, for Board information and ease of reference.
- c. 7 Board Packets are placed in labeled envelopes for members of the Board and delivered as soon as possible by PPH Courier Service on stand-by for delivery. The 3 remaining Board Packets are for the CEO, Legal Counsel (inserted into a labeled envelope and mailed) and the Board Assistant.
- d. As a courtesy to the Board and CEO, no other packets are to be distributed until the Courier has been dispatched with the Board's Packets. Adhering to this practice avoids Board Members hearing about the contents of *their packet on the street* before the Board has had an opportunity to view the packet.
- e. The remaining 4 Board packets for the Chiefs of Staff, and Chief of Staff elect (but without colored file folders) are to be dispatched only after the above process is complete. *(The sequence of delivery is important for both political and practical reasons.)*

2. (Second priority)

- a. Prepare 40 Board Packets (double-sided, collated and stapled). If the packet is too large for the copier, it may be copied and collated in sections with complete packets hand-stapled. However, the packet may also be copied, collated and automatically stapled in sections, with break-points strategically chosen, preferably at the end of an agenda item rather than at the mid-point.
- b. Board Packets are inserted into labeled envelopes for distribution internally and externally.
- c. Extra Board Packets are placed in a small box and put onto a luggage cart ready for the Board Meeting. They will then be placed on a table outside the room where the Board Meeting is held for the perusal of the public, together with Request for Comment Forms and additional Board Agendas. The Board Assistant's Board Packet should also contain a Board Compensation Form for completion at the meeting.

C. Minutes:

- 1. Committee minutes are taken and maintained by the appropriate Committee secretary, are to reflect the essence of the discussion, and include all agenda items. They are to be accurate and succinct with emphasis on action rather than discussion.
- 2. Minutes of Open session Committees are provided to non-committee members upon request. Minutes of Closed session Board or Committee meetings are not copied for distribution. Any Committee or Board member may view Closed session meeting minutes within the respective department. (See Policy Gov-25, Recording of Governing Board Meetings)
- 3. Minutes of ad hoc Committee meetings are considered to be confidential.

D. Packet Maintenance/Storage/Supplies

- 1. Following distribution of the Board packet, the original copy (Board Agenda, Minutes and

2. The original Open Session Board Packet including Agenda, Minutes and attachments (if any) once approved and signed, are kept on permanent file in the Board Office. Original Closed Session Agendas and minutes are kept in a secure manner on file as appropriate.
3. A copy of the Open Board Agendas and Minutes with copy attachments (if any) are kept in the Board Office in a 3-ring binder for ease of access – normally one binder per calendar year - for purposes of review, research, Public Records Act inquiries or JCAHO access.
4. An adequate variety of pastel-colored paper should also be maintained together with a supply of 10-pack colored double-pocket folders, large white envelopes and labels.

E. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 2/94

Reviewed: 2/94; 4/95; 1/99; 9/05

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Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**VI. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-403

# LAWS

CALIFORNIA CODES  
HEALTH AND SAFETY CODE  
SECTION 101861-101866

101861. Meetings of the corporation shall be open and public, and all persons shall be permitted to attend, except as otherwise provided in this article.

101862. (a) As used in this article, "action taken" means a collective decision made at a meeting, including a decision upon a motion or resolution. Actions shall be taken by rollcall vote.

(b) For the purposes of this article, "meeting" means any meeting of a majority of the board of directors of the corporation and meetings of any committee exercising final decisionmaking authority delegated by the board, which committee was created by board action appointing the members of the committee. A meeting does not include a mere congregation of a majority of the directors or of a committee for purposes other than consideration of the business of the corporation or within the subject matter jurisdiction of the committee, provided no business of the corporation is discussed. A meeting does not include any of the circumstances described in subdivision (c) of Section 54952.2 of the Government Code.

101863. (a) Agendas of the meetings shall be posted not less than 72 hours in advance of the meetings in a place freely accessible to the public. Agendas of meetings and any other writings, when distributed to all, or a majority of all, of the directors or committee members for consideration during an open session of a meeting, and which writings would otherwise be subject to disclosure pursuant to Article 4 (commencing with Section 101870), shall be made reasonably available at the meetings, or as soon thereafter as practicable upon request. However, this shall not include any writing exempt from disclosure under Article 4 (commencing with Section 101870). The **agenda** shall indicate the time and place of the meeting and contain a brief, general description of each item of business to be considered or acted upon at the meeting, including items to be discussed in closed session. A description generally need not exceed 20 words. Items of business not included in the posted **agenda** shall not be considered at a meeting; except that an item may be added to the **agenda** upon a determination by a two-thirds vote, or if less than two-thirds of the directors or committee members are present, an unanimous vote of those present, that there is a need to take immediate action and that the need for action came to the attention of the corporation after the **agenda** was posted.

(b) Agendas shall include opportunity for public comment on any item on the **agenda** at the meeting, subject to fair and reasonable standards determined by the board of directors to ensure that the intent of this article is carried out.

(c) Meetings shall be held at a location accessible to the public. Meetings may be held by teleconference or video teleconference, provided that during the public portions of each teleconferenced meeting, the proceedings shall be audible to the public at the locations specified in the notice of the meeting, and all votes taken

shall be by rollicall. When meeting by teleconference or video teleconference, at least one of the locations specified in the notice shall be a principal place of business of the corporation, including a hospital or related facility. The board of directors may adopt reasonable rules to prevent disruption of the meetings by any person.

(d) In the case of an emergency situation involving matters upon which prompt action is necessary due to a disruption or threatened disruption of the business of the corporation, an emergency meeting may be called with less than 72 hours notice. In that event, newspapers of general circulation and radio or television stations that have previously requested, in writing, notices of meetings shall be notified, if practicable, at least one hour prior to the emergency meeting.

101864. Closed sessions of meetings may be conducted to consider, discuss, and act upon matters relating to any of the following:

(a) Collective bargaining or contract negotiations with represented and unrepresented employees, including discussion of the corporation's available funds and funding priorities, but only insofar as the discussion relates to the corporation's ability to conclude the collective bargaining agreement or contract under discussion. For the purposes of this subdivision, "employee" shall include an officer, an independent contractor who functions as an officer or an employee, a physician and surgeon or other professional with medical staff privileges at a health facility or clinic operated by the corporation, or other person exercising professional responsibilities as authorized by the corporation at a health facility or clinic operated by the corporation, but shall not include other independent contractors.

(b) The purchase or sale of securities or other investments, including investments of the corporation in endowment and pension funds.

(c) Gifts, devises, bequests, and grants.

(d) Reports of a hospital or medical audit committee or a quality assurance committee or similar reports by staff of the corporation, accreditation reports, audits, audit compliance, licensure compliance, insurance and self-insurance coverage, health care peer review reports, and quality assessments, including, but not limited to, a review of the credentials of, or the quality of care rendered by, health care providers in the facilities of the corporation, or hearings regarding the privileges of medical staff and allied health professionals.

(e) National security.

(f) Acquisition, disposition, or lease of property. However, notwithstanding any other provision of this article, no less than 10 days prior to any action on any transaction involving the acquisition, disposition, or lease of real property having a fair market value of five million dollars (\$5,000,000) or more or personal property having a fair market value of ten million dollars (\$10,000,000) or more that is owned by a state agency, including a constitutional corporation, the corporation shall hold an open session at which the public shall have an opportunity to comment on the proposed transaction.

(g) Pending litigation, including any adjudicatory proceeding before a court, administrative body, hearing officer, arbitrator, mediator, or other formal dispute resolution mechanism. For the purposes of this subdivision "pending" means that, based on advice of

the corporation's legal counsel, there are facts and circumstances within the contemplation of the corporation that may result or has resulted in proceedings against or by the corporation, whether or not known to a potential plaintiff or plaintiffs or to a potential defendant or defendants.

(h) Evaluation, appointment, employment, performance, compensation, or dismissal of officers or employees of the corporation or its medical or professional staff, including internal adjudicatory proceedings, complaints, charges, investigations, and hearings. For the purposes of this subdivision, the term "employee" shall include an officer, an independent contractor who functions as an officer or performs functions traditionally performed by an employee, a physician and surgeon or other professional with medical staff privileges at a health facility or clinic operated by the corporation, or other person exercising professional responsibilities as authorized by the corporation at a health facility or clinic operated by the corporation, but shall not include any member of the board of directors, as such, or other independent contractors. The term "employee" shall also include a chief executive officer or other employee of the corporation who is an ex-officio member of the board of directors.

(i) Consideration of the appointment or reappointment of directors to the board of the corporation.

(j) The terms and conditions of contracts for the provision of health care services, including compliance with regulatory conditions thereof, with governmental and nongovernmental insurers, health care providers, health plans, third-party administrators, management services organizations, self-insured employers, medical groups, and payers or any other portion of contract negotiations, impressions, opinions, recommendations, meeting minutes, research, work product, theories or strategy, or instructions or advice to employees.

(k) Charges or complaints from a member enrolled in a health plan or any affiliated provider of health care services.

(l) Any trade secret as defined in subdivision (d) of Section 3426.1 of the Civil Code.

(m) Any item that cannot be discussed in open session without revealing information prohibited or exempted from public disclosure by any provision of state or federal law applicable to any governmental hospital, or any state or federal statute applicable to a nongovernmental hospital, including, but not limited to, provisions of the Evidence Code relating to privilege. Prior to holding any closed session under this subdivision, the provision of state or federal law shall be publicly identified, where applicable.

101865. (a) Prior to holding any closed session, the **agenda** item or items to be discussed in the closed session shall be publicly identified. An item may be identified by reference to the item or items as they are listed by number or letter on the **agenda**. In a closed session, only those matters covered in the statement may be considered. Nothing in this article shall require or authorize a disclosure of information prohibited by state or federal law.

(b) The corporation shall designate an officer or officers who shall attend each closed session of the board or a committee and keep a minute book of the session. The minute book may, but need not, consist of a recording of the closed session. The minute book is not a record subject to Section 101871 and shall be kept confidential.

The minute book shall be available only to members of the board or committee or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the corporation lies.

(c) After any closed session, the board or committee shall reconvene into open session prior to adjournment and shall make any disclosures required by subdivision (d) of action in the closed session. Announcements required to be made in open session pursuant to this article shall be made at the location announced in the agenda for the closed session.

(d) Any action taken during a closed session of a meeting shall be announced publicly, including the vote or abstention of every director present, as follows:

(1) Approval of an agreement concluding property negotiations pursuant to subdivision (f) of Section 101864 shall be reported after the agreement is final, as specified below:

(A) If its own approval renders the agreement final, the corporation shall report that approval and the substance of the agreement in open session at the meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the corporation shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the corporation of its approval.

(2) Approval given to its legal counsel of a settlement of pending litigation, as described in subdivision (g) of Section 101864, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

(A) If the corporation accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the corporation shall disclose the fact of that approval, and identify the substance of the agreement.

(3) Approval of an agreement concluding collective bargaining or contract negotiations with represented or unrepresented employees pursuant to subdivision (a) of Section 101864 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

101866. Announcements that are required to be made pursuant to this article may be made orally or in writing. Any contracts, settlement agreements, or other documents that are finally approved or adopted in the closed session and are subject to an announcement pursuant to this article shall be records subject to disclosure in accordance with Article 4 (commencing with Section 101870). However, nothing in this section shall require the announcement or disclosure of records that would impair the corporation's ability to accomplish its primary public benefit purposes either by depriving the corporation of a material or competitive economic benefit, or exposing the corporation to a material competitive or economic risk.

**PALOMAR POMERADO HEALTH  
BOARD POLICY**

**GOV-19**

**ANNUAL FEES FOR BOARD PACKETS**

January 20, 2005

## **Change Summery**

1. Reviewed the current Government Code § 54954, Health and Safety Code; and the Administrative Code for compliance.
2. Placed in approver LUCIDUC format.
3. Removed the word "System" from Palomar Pomerado Health.
4. Brought policy more in line with the requirements of the law and PPH's actual process.
5. Added a section requiring a three year review.

NEW POLICY

REDLINE

PALOMAR POMERADO HEALTH SYSTEM

~~District Board~~ Policy No. 10-405

ANNUAL FEES FOR BOARD PACKETS FEES

POLICY:

- I. PURPOSE:** —In accordance with current statute, the Health System Palomar Pomerado Health shall have the option of establishing and charging for the costs of notices of public Board meetings. Such fees shall be based on the ~~are to be based on the~~ actual cost of providing the service.

GUIDELINES:

**II. DEFINITIONS:**

None

**III. TEXT / OF PRACTICE**

- A1. The cost of providing simple notices of Board meetings is minimal; Therefore, Palomar Pomerado Health shall ~~the Health System will bear that~~ cost for those residents and members of the press who so request in writing.
- B2. The information packet which accompanies the board and/or committee agendas shall be provided free of charge to ~~is provided free of charge to members of the board, staff and medical staff leaders. Members of the public and Residents and members of the press who so request in writing may be provided with Board information packets, subject to Section D4 below and any applicable laws and regulations, though such requesting parties may be charged reproduction and postage costs, payable in advance on an annual basis.~~ ~~shall be charged reproduction and postage costs, payable in advance on an annual basis.~~ However, such charges have not normally been levied as a goodwill gesture within the community, so long as printing and distribution of the number of packets is not considered exorbitant.
- C. 3. — All requests for notice shall be honored for a period of one year.
- D. 4. — Notwithstanding the foregoing, in the event the Board deems that certain portions of a Board information packet and/or committee meeting agenda should not be disclosed to the public or the news media pursuant to applicable laws and regulations, included but not limited to the Public Records Act, the Board shall remove such protected and/or non-disclosable information from any materials provided pursuant to this Policy.
- E. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 11/14/85

Revision Number: 1 Dated: 9/20/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**VI. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-405

APPROVED BY: —

Chairman of the Board

PREPARED BY: Rose S. Godfrey Christine D. Meaney  
Administrative Assistant Assistant to the Board

SOURCE: A.G.'s Open Meeting Laws, A.G.'s Open Meeting Laws Brown  
Act, Public Records Act

DATED: November 14, 1985

REVIEWED: January, 1993, January, 1999, February 11, 2002,  
September, 2005??

REVISED: January, 1987, February, 1990, April, 1995, February  
11, 2002, August, 2005??

APPROVED: August 14, 1995, February 11, 2002, October 10, 2005??

DISTRIBUTION: BOD, EMT??

OLD POLICY

WITH  
RESOLUTION

**PALOMAR POMERADO HEALTH SYSTEM**  
**District Policy No. 10-405**

***ANNUAL FEES FOR BOARD PACKETS***

**POLICY:** In accordance with current statute, the Health System shall have the option of establishing and charging for the costs of notices of public meetings. Such fees are to be based on the actual cost of providing the service.

**GUIDELINES:**

1. The cost of providing simple notice of meeting is minimal; the Health System will bear that cost for those residents and members of the press who so request in writing.
2. The information packet which accompanies the board and/or committee agendas is provided free of charge to members of the board, staff and medical staff leaders. Residents and members of the press who so request in writing shall be charged reproduction and postage costs, payable in advance on an annual basis.
3. All requests for notice shall be honored for a period of one year.

**APPROVED BY:**

**Chairman of the Board**

**PREPARED BY:** Rose S. Godfrey  
Administrative Assistant

**SOURCE:** A.G.'s *Open Meeting Laws*

**DATED:** November 14, 1985

**REVIEWED:** January, 1993; January, 1999

**REVISED:** January, 1987; February, 1990; April, 1995

**APPROVED:** August 14, 1995

**DISTRIBUTION:** BOD

NEW POLICY

IN  
LUCIDOC FORMAT

**I. PURPOSE:**

In accordance with current statute, Palomar Pomerado Health shall have the option of establishing and charging for the costs of notices of public Board meetings. Such fees shall be based on the actual cost of providing the service.

**II. DEFINITIONS:**

None

**III. TEXT / OF PRACTICE**

- A. The cost of providing simple notices of Board meetings is minimal. Therefore, Palomar Pomerado Health shall bear the cost for those residents and members of the press who so request in writing.
- B. The information packet which accompanies the board and/or committee agendas shall be provided free of charge to members of the board, staff and medical staff leaders. Members of the public and the press who so request in writing may be provided with Board information packets, subject to Section D below and any applicable laws and regulations, though such requesting parties may be charged reproduction and postage costs, payable in advance on an annual basis. However, such charges have not normally been levied as a goodwill gesture within the community, so long as printing and distribution of the number of packets is not considered exorbitant.
- C. All requests for notice shall be honored for a period of one year.
- D. Notwithstanding the foregoing, in the event the Board deems that certain portions of a Board information packet and/or committee meeting agenda should not be disclosed to the public or the news media pursuant to applicable laws and regulations, included but not limited to the Public Records Act, the Board shall remove such protected and/or non-disclosable information from any materials provided pursuant to this Policy.
- E. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 11/14/85

Reviewed: 1/93; 1/99; 2/02; 9/05

Revision Number: 1 Dated: 9/20/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**VI. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-405

# LAWS

**CALIFORNIA CODES  
GOVERNMENT CODE  
SECTION 54954.4.**

(a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

**PALOMAR POMERADO HEALTH**

**BOARD POLICY**

**GOV-20**

**PUBLIC COMMENTS AND ATTENDANCE AT PUBLIC  
BOARD MEETINGS**

### **Change Summery**

1. Reviewed the current Government Code § 54953 and 54954, Health and Safety Code; and the Administrative Code for compliance.
2. Placed in approver LUCIDUC format.
3. Removed the word "System" from Palomar Pomerado Health.
4. Brought policy more in line with the requirements of the law and PPH's actual process.
5. Added a section requiring a three year review.

NEW POLICY

REDLINE

~~POLICY:~~

A. \_\_\_\_\_ The following provide guidelines have been written in the interest of conducting orderly, open public meetings while ensuring that the public is afforded opportunity to attend and to address the board.

## II. DEFINITIONS:

### **III. TEXT / OF PRACTICE**

- A. 1. \_\_\_\_\_ Members of the public who wish to address the board are asked to complete a *Request for Public Comment* form and submit to the ~~Board secretary~~ Assistant prior to the meeting. The information requested shall be limited to name, address, phone number and subject.
- B. 2. \_\_\_\_\_ Should ~~Board~~ action be requested, the request should be included on the form as well. Written copies of presentations are encouraged and may be attached to the form.
- C. 3. \_\_\_\_\_ The subject matter is to be confined to the topic requested and must be germane to the ~~Distriet's~~ Palomar Pomerado Health's jurisdiction.
- D. 4. \_\_\_\_\_ The maximum allowable time is five minutes per speaker with a cumulative total of fifteen minutes per group.
- E. 5. \_\_\_\_\_ The time and date of presentation are at the discretion of the Board Chair. Questions or comments will be entertained either during "Public Comments" section on the agenda or at the time the subject is discussed, provided that either time is prior to or during the time the item is being considered. Public comments at ~~Board~~ workshops will be limited to the "Public Comments" section.
- F. 6. \_\_\_\_\_ The public shall be accommodated by a designated seating area at all public meetings, unless room accommodations preclude it.
- G. 7. \_\_\_\_\_ In the event of a disturbance ~~that~~ which is sufficient to impede the proceedings, all persons may be excluded with the exception of newspaper personnel who were not involved in the disturbance in question.
- H. 8. \_\_\_\_\_ The public shall be afforded those rights listed below (Government Code Section 54953 and 54954).

1. a. — To receive appropriate notice of meetings;
2. b. — To attend with no pre-conditions to attendance;
3. e. — To testify within reasonable limits prior to or during consideration of the subject in question;
4. d. — To know the result of any ballots cast;
5. e. — To broadcast or record proceedings (conditional on lack of disruption to meeting);
6. f. — To review recordings of meetings within thirty days of recording; minutes to be Board approved before release.

~~PPHS District Policy No. 10-406~~

~~PUBLIC ATTENDANCE AND RIGHTS AT DISTRICT MEETINGS~~

7. g. — To publicly criticize the District Palomar Pomerado Health or the Board; and
8. h. — To review without delay agendas of all public meetings and any other writings distributed at the meeting.

- I. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 2/94

Reviewed: 8/95; 1/99; 9/05

Revision Number: 1 Dated: 9/20/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**V. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-406

APPROVED BY: —

~~Chairman of the Board~~

~~PREPARED BY: Rose S. Godfrey Christine D. Meaney  
Administrative Assistant Assistant to the Board~~

~~SOURCE: W/A: To Whom Does The Act Apply? by G. L. Root,  
Attorney General's Open Meeting Laws, 1989  
Open & Public II~~

~~DATED: February, 1994~~

REVIEWED: ~~January, 1999, September, 2005??~~

REVISED: ~~August, 1995, August, 2005??~~

APPROVED: ~~August 14, 1995, October 10, 2005??~~

DISTRIBUTION: ~~BOD, EMT??~~  
Administration

601public99

OLD POLICY

WITH  
RESOLUTION

**PALOMAR POMERADO HEALTH SYSTEM**  
**District Policy No. 10-406**

***PUBLIC COMMENTS AND ATTENDANCE AT PUBLIC BOARD MEETINGS***

**POLICY:** The following guidelines have been written in the interest of conducting orderly, open public meetings while ensuring that the public is afforded opportunity to attend and to address the board.

**GUIDELINES:**

1. Members of the public who wish to address the board are asked to complete a *Request for Public Comment* form and submit to the board secretary prior to the meeting. The information requested shall be limited to name, address, phone number and subject.
2. Should board action be requested, the request should be included on the form as well. Written copies of presentations are encouraged and may be attached to the form.
3. The subject matter is to be confined to the topic requested and must be germane to the District's jurisdiction.
4. The maximum allowable time is five minutes per speaker with a cumulative total of fifteen minutes per group.
5. Questions or comments will be entertained either during "Public Comments" or at the time the subject is discussed, provided that either time is prior to or during the time the item is being considered. Public comments at board workshops will be limited to the "Public Comment" section.
6. The public shall be accommodated by a designated seating area at all public meetings, unless room accommodations preclude it.
7. In the event of a disturbance which is sufficient to impede the proceedings, all persons may be excluded with the exception of newspaper personnel who were not involved in the disturbance in question.
8. The public shall be afforded those rights listed below (Government Code Section 54953 and 54954).
  - a. To receive appropriate notice of meetings;
  - b. To attend with no pre-conditions to attendance;
  - c. To testify within reasonable limits prior to or during consideration of the subject in question;
  - d. To know the result of any ballots cast;
  - e. To broadcast or record proceedings (conditional on lack of disruption to meeting);
  - f. To review recordings of meetings within thirty days of recording;

**PPHS District Policy No. 10-406**  
**PUBLIC ATTENDANCE AND RIGHTS AT DISTRICT MEETINGS**

- g. To publicly criticize the District or board; and
- h. To review without delay agendas of all public meetings and any other writings distributed at the meeting.

**APPROVED BY:**

**Chairman of the Board**

**PREPARED BY:** Rose S. Godfrey  
Administrative Assistant

**SOURCE:** *W/A: To Whom Does The Act Apply?* by G. L. Root;  
*Attorney General's Open Meeting Laws, 1989*  
*Open & Public II*

**DATED:** February, 1994

**REVIEWED:** January, 1999

**REVISED:** August, 1995

**APPROVED:** August 14, 1995

**DISTRIBUTION:** BOD  
Administration

NEW POLICY

IN  
LUCIDOC FORMAT

## **I. PURPOSE:**

- A. To provide guidelines in the interest of conducting orderly, open public meetings while ensuring that the public is afforded opportunity to attend and to address the board.

## **II. DEFINITIONS:**

None

## **III. TEXT / OF PRACTICE**

- A. Members of the public who wish to address the board are asked to complete a *Request for Public Comment* form and submit to the Board Assistant prior to the meeting. The information requested shall be limited to name, address, phone number and subject.
- B. Should Board action be requested, the request should be included on the form as well. Written copies of presentations are encouraged and may be attached to the form.
- C. The subject matter is to be confined to the topic requested and must be germane to Palomar Pomerado Health's jurisdiction.
- D. The maximum allowable time is five minutes per speaker with a cumulative total of fifteen minutes per group.
- E. The time and date of presentation are at the discretion of the Board Chair. Questions or comments will be entertained either during "Public Comments" section on the agenda or at the time the subject is discussed, provided that either time is prior to or during the time the item is being considered. Public comments at Board workshops will be limited to the "Public Comments" section.
- F. The public shall be accommodated by a designated seating area at all public meetings, unless room accommodations preclude it.
- G. In the event of a disturbance that is sufficient to impede the proceedings, all persons may be excluded with the exception of newspaper personnel who were not involved in the disturbance in question.
- H. The public shall be afforded those rights listed below (Government Code Section 54953 and 54954).
  - 1. To receive appropriate notice of meetings;
  - 2. To attend with no pre-conditions to attendance;
  - 3. To testify within reasonable limits prior to ordering consideration of the subject in question;
  - 4. To know the result of any ballots cast;
  - 5. To broadcast or record proceedings (conditional on lack of disruption to meeting);
  - 6. To review recordings of meetings within thirty days of recording; minutes to be Board approved before release,

7. To publicly criticize Palomar Pomerado Health or the Board; and
8. To review without delay agendas of all public meetings and any other writings distributed at the meeting.

I. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 2/94

Reviewed: 8/95; 1/99; 9/05

Revision Number: 1 Dated: 9/20/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**V. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-406

# LAWS

# GOVERNMENT CODE

## SECTION 54953-54954

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different

locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) No legislative body shall take action by secret ballot, whether preliminary or final.

54953.1. The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

54953.2. All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

54953.3. A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

**54953.5. (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.**

**(b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.**

**54953.6. No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.**

**54953.7. Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.**

54954. (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a

legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

54954.1. Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be

made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a

modification or accommodation in order to participate in the public meeting.

(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within

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the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

54954.4. (a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

54954.5. For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information

provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

**LICENSE/PERMIT DETERMINATION**

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

**CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**

(Subdivision (a) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

**CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be

required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

#### **LIABILITY CLAIMS**

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

#### **THREAT TO PUBLIC SERVICES OR FACILITIES**

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

#### **PUBLIC EMPLOYEE APPOINTMENT**

Title: (Specify description of position to be filled)

#### **PUBLIC EMPLOYMENT**

Title: (Specify description of position to be filled)

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: (Specify position title of employee being reviewed)

#### **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

#### **CONFERENCE WITH LABOR NEGOTIATORS**

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

#### CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

#### REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

#### HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

#### CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency.) Name of local agency representative on joint powers agency board: (Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

#### AUDIT BY BUREAU OF STATE AUDITS

54954.6. (a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's

principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed.

Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a

reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization assessment roll, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The estimated amount of the assessment per parcel. If the assessment is proposed to be increased from any previous year, the

joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be

**PALOMAR POMERADO HEALTH  
BOARD POLICY**

**GOV-23**

**SMOKING POLICY IN PPH FACILITIES**

January 20, 2005

### **Change Summery**

1. Reviewed the current Municipal Codes from Poway and Escondido, Health and Safety Code and the 2005 JCAHO requirements for compliance.
2. Placed in approver LUCIDUC format.
3. The significant changes to this policy was updating for JCAHO requirements.
4. Added a requirement for a three year review.

NEW POLICY

REDLINE

~~SMOKING POLICY FOR PPH FACILITIES~~

~~POLICY:~~

**I. PURPOSE:**

In recognition of the danger to the health, safety and welfare of employees, patients and visitors ~~which~~that may be created by smoking, smoking in PPH facilities is prohibited subject to the exceptions listed in the guidelines below.

**II. DEFINITIONS:**

For purposes of this Policy the definition of "smoking" includes the carrying of a lighted pipe, cigar or cigarette.

**III. TEXT / OF PRACTICE:**

- A. Smoking shall be prohibited by persons in all PPH facilities, patient rooms, lounges, offices, waiting rooms and enclosed buildings or areas owned or operated by PPH, subject to section 2 below.
- B. Notwithstanding the foregoing, smoking shall be permitted in Palomar Medical Center patient rooms ~~where all patients assigned to such rooms have requested a room where smoking is permitted, have received~~ designated locations that are environmentally separated from care, treatment and service areas as required by JCAHO. Patients must have written permission from their physicians permitting smoking, and provided that an adult is present if the patient must ~~education on options for smoking cessation, smoke in bed. However, smoking is expressly and without exception prohibited in areas where oxygen is being given to a patient. In the event that Palomar Medical Center has reached capacity, PPH shall have a reasonable time in which to reassign requesting patients from non-smoking rooms to smoking rooms.~~
- C. Employees, medical staff, patients and visitors shall have the duty to inform any person who is in violation of such policy. Violators shall be directed to extinguish their cigarette, pipe or cigar and informed that violators may be subject to punishment by fine (Escondido Municipal Code §22-A, Poway Municipal Code §8.04.040 (in part)).
- D. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 6/86

Reviewed: 2/90; 4/95; 1/99; 4/95; 2/02; 9/05

Revision Number: 1 Dated: 10/17/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

~~APPROVED BY:~~

~~PREPARED BY:~~

~~DATED: REVIEWED: REVISED: APPROVED: DISTRIBUTION:~~

~~Rose S. Godfrey~~

~~Administrative Assistant~~

~~July 1, 1986~~

~~January, 1999; February 11, 2002~~

~~February, 1990; April, 1995; February 11, 2002 August 14, 1995; February 11, 2002~~

~~BOD; Facilities~~

~~Printed: 2/5/2002~~

OLD POLICY

WITH  
RESOLUTION

**PALOMAR POMERADO HEALTH**  
**District Policy No. 10-410**

***SMOKING POLICY FOR PPH FACILITIES***

**POLICY:** In recognition of the danger to the health, safety and welfare of employees, patients and visitors which may be created by smoking, smoking in PPH facilities is prohibited subject to the exceptions listed in the guidelines below. For purposes of this Policy, "smoking" includes the carrying of a lighted pipe, cigar or cigarette.

**GUIDELINES:**

1. Smoking shall be prohibited by persons in all PPH facilities, patient rooms, lounges, offices, waiting rooms and enclosed buildings or areas owned or operated by PPH, subject to section 2 below.
2. Notwithstanding the foregoing, smoking shall be permitted in Palomar Medical Center patient rooms where all patients assigned to such rooms have requested a room where smoking is permitted, have received written permission from their physicians permitting smoking, and provided that an adult is present if the patient must smoke in bed. However, smoking is expressly and without exception prohibited in areas where oxygen is being given to a patient. In the event that Palomar Medical Center has reached capacity, PPH shall have a reasonable time in which to reassign requesting patients from non-smoking rooms to smoking rooms.
3. Employees, medical staff, patients and visitors shall have the duty to inform any person who is in violation of this Policy. Violators shall be directed to extinguish their cigarette, pipe or cigar and informed that violators may be subject to punishment by fine (Escondido Municipal Code §22A; Poway Municipal Code §8.04.040).

**APPROVED BY:**

<b>PREPARED BY:</b>	Rose S. Godfrey Administrative Assistant
<b>DATED:</b>	July 1, 1986
<b>REVIEWED:</b>	January, 1999; February 11, 2002
<b>REVISED:</b>	February, 1990; April, 1995; February 11, 2002
<b>APPROVED:</b>	August 14, 1995; February 11, 2002
<b>DISTRIBUTION:</b>	BOD; Facilities

NEW POLICY

IN

LUCIDOC FORMAT

## **I. PURPOSE:**

In recognition of the danger to the health, safety and welfare of employees, patients and visitors that may be created by smoking, smoking in District facilities is prohibited with the possible exceptions listed in the guidelines below.

## **II. DEFINITIONS:**

For purposes of this policy, the definition of "smoking" includes the carrying of a lighted pipe, cigar or cigarette.

## **III. TEXT / OF PRACTICE:**

- A. Smoking shall be prohibited by persons in all PPH facilities, patient rooms, lounges, offices, waiting rooms and enclosed buildings or areas owned or operated by PPH, subject to section B below.
- B. Notwithstanding the foregoing, smoking shall be permitted in designated locations that are environmentally separated from care, treatment and service areas as required by JCAHO. Patients must have written permission from their physicians permitting smoking, and provided education on options for smoking cessation. However, smoking is expressly and without exception prohibited in areas where oxygen is being given to a patient.
- C. Employees, medical staff, patients and visitors shall have the duty to inform any person who is in violation of such policy. Violators shall be directed to extinguish their cigarette, pipe or cigar and informed that violators may be subject to punishment by fine (Escondido Municipal Code §22-A, Poway Municipal Code §8.04.040 (in part)).
- D. This policy will be reviewed and updated as required or at least every three years.

## **IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 6/86

Reviewed: 2/90; 1/99; 4/95; 9/05

Revision Number: 1 Dated: 10/17/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

## **CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-410

# LAWS

# Escondido Municipal Code

22-A

## Chapter 22A SMOKING REGULATIONS

### Sec. 22A-1. Purpose and intent.

### Sec. 22A-2. Definitions.

### Sec. 22A-3. Prohibitions.

### Sec. 22A-4. Designation of smoking areas.

### Sec. 22A-5. Posting of signs.

### Sec. 22A-6. Exceptions.

### Sec. 22A-7. Enforcement.

### Sec. 22A-8. Violations and penalties.

### Sec. 22A-1. Purpose and intent.

Because smoking of tobacco, or any other weed or plant, is a positive danger to health and a material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined spaces, and in order to serve public health, safety and welfare, the declared purpose of this chapter is to prohibit the smoking of tobacco, or any other weed or plant, in public places and places of employment except in designated smoking areas. (Ord. No. 83-59, § 1, 11-23-83)

### Sec. 22A-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(a) Smoke or smoking as defined in this chapter means and includes the carrying of a lighted pipe, or lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind.

(b) Public place means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, retail stores, retail service establishments, retail food production and marketing establishments, restaurants, theatres, waiting rooms, reception areas, educational facilities, health facilities and public transportation facilities. A private residence is not a "public place".

(c) Place of employment means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias. A private residence is not a "place of employment". (Ord. No. 83-59, § 1, 11-23-83)

#### **Sec. 22A-3. Prohibitions.**

No person shall smoke in a public place or place of employment except in designated smoking areas. (Ord. No. 83-59, § 1, 11-23-83)

#### **Sec. 22A-4. Designation of smoking areas.**

Smoking areas may be designated in public places and places of employment by proprietors or other persons in charge except in retail stores, retail service establishments, food markets, public conveyances, theatres, auditoriums, public assembly rooms, meeting rooms, restrooms, elevators, pharmacies, libraries, museums or galleries which are open to the public or any other place where smoking is prohibited by the fire marshal or by other law, ordinance or regulation. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent

nonsmoking areas. It shall be the responsibility of employers to provide smokefree areas for nonsmokers to the maximum extent possible within existing facilities. Restaurants covered by the provisions of this chapter shall designate an adequate amount of seating capacity to sufficiently meet the demands and shall inform all patrons that a no smoking section is provided. (Ord. No. 83-59, § 1, 11-23-83)

#### **Sec. 22A-5. Posting of signs.**

Signs which designate smoking or no smoking areas established by this chapter shall be clearly, sufficiently, and conspicuously posted in every room, building, or other place so covered by this chapter. No smoking signs shall be specifically placed in retail food production and marketing establishments, including grocery stores and supermarkets open to the public, so that they are clearly visible to persons upon entering the store, clearly visible to persons in checkout lines, and clearly visible to persons at meat and produce counters. The manner of such posting including the wording, size, color, design, and place of posting whether on walls, doors, tables, counters, stands or elsewhere shall be at the discretion of the owner, operator, manager, or other person having control of such room, building, or other place so long as clarity, sufficiency and conspicuousness are apparent in communicating the intent of this chapter. (Ord. No. 83-59, § 1, 11-23-83)

#### **Sec. 22A-6. Exceptions.**

No smoking sections are not required in individual private offices, hotel and motel meeting and assembly rooms rented to guests, areas and rooms while in use for private functions, private hospital rooms, psychiatric facilities, jails, bars, stores that deal exclusively in tobacco products and accessories, restaurants or eating establishments with a seating capacity of less than twenty (20) persons, and retail stores or retail service establishments having gross floor area of one thousand (1,000) square feet or less. Restaurants or eating establishments with

a seating capacity of less than twenty (20) persons and retail stores or retail service establishments having gross floor area of one thousand (1,000) square feet or less shall have the option of designating a no smoking section or allowing or prohibiting smoking throughout the establishment, provided that if smoking is permitted throughout the establishment a sign indicating that fact shall be prominently displayed at the entrance of such establishment. (Ord. No. 83-59, § 1, 11-23-83)

#### **Sec. 22A-7. Enforcement.**

The owner, operator or manager of any facility or agency shall post or cause to be posted all "No Smoking" signs required by this chapter. Owners, operators, managers or employees of same shall be required to orally inform persons violating this chapter of the provisions thereof.

The duty to inform such violator shall arise when such owner, operator, manager or employee of same becomes aware of such violation. It shall be the responsibility of employers to disseminate information concerning the provisions of this chapter to all employees. The city manager shall be responsible for compliance with this chapter within facilities which are owned, operated or leased by the City of Escondido. (Ord. No. 83-59, § 1, 11-23-83)

#### **Sec. 22A-8. Violations and penalties.**

Any person who violates any provisions of this chapter by smoking in a "No Smoking" posted area, or by failing to post or cause to be posted a "No Smoking" sign required by this chapter, or by a knowing failure to inform any person who violates the provisions of this chapter, when such duty to inform arises as set forth in section 22A-7 above, is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00). (Ord. No. 83-59, § 1, 11-23-83)

## Chapter 8.04

### SMOKING PROHIBITED IN CERTAIN PUBLIC AREAS<sup>\*</sup>

#### Sections:

8.04.010 Purpose.

8.04.020 Definitions.

8.04.030 Prohibitions.

8.04.040 Designation of smoking areas.

8.04.050 Optional prohibition.

8.04.060 Posting of signs.

8.04.070 Retaliation against person requesting compliance prohibited.

8.04.080 Governmental agency cooperation.

8.04.090 Exceptions.

8.04.100 Violation – Enforcement and penalties.

\* Prior legislation: Ords. 29, 67 and 89.

#### 8.04.010 Purpose.

Because smoking of tobacco, or any other weed or plant, is a positive danger to health and a cause of material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined places, and in order to serve public health, safety and welfare, the declared purpose of this chapter is to prohibit the smoking of tobacco, or any other weed or plant, in public places and places of employment, except in designated smoking areas identified by "Smoking Permitted" signs. (Ord. 354 § 1, 1992)

#### 8.04.020 Definitions.

For the purposes of this chapter, the following words are defined:

A. "Place of employment" means any area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias. A private residence is not a "place of employment."

B. "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, retail stores, retail service establishments, retail food production and marketing establishments, restaurants, theaters, waiting rooms, reception areas, educational facilities, health facilities and public transportation facilities. A private residence is not a "public place."

C. "Smoke" or "smoking" means and includes the carrying of a lighted pipe, cigar, or cigarette of any kind, or the lighting of a pipe, cigar or cigarette of any kind. (Ord. 354 § 1, 1992)

#### 8.04.030 Prohibitions.

No person shall smoke in a public place or place of employment, except in

designated smoking areas. A building may be designated in its entirety as a "Smoking Prohibited" area. However, in no case may an entire building be designated as a "Smoking Permitted" area. (Ord. 354 § 1, 1992)

#### **8.04.040 Designation of smoking areas.**

A. Smoking areas may be designated in public places and places of employment by proprietors or other persons in charge except in retail stores, retail service establishments, food markets, food service lines, restaurant waiting areas, hospital and health care facilities, public conveyances, theaters, auditoriums, public assembly rooms, meeting rooms, restrooms, elevators, pharmacies, libraries, museums or galleries including restaurants within the above specified establishments which are constructed so that smoke can drift into the nonrestaurant part of the establishment, which are open to the public or any other place where smoking is prohibited by law, ordinance or regulation. Smoking areas may not be designated in areas that the public must walk through to get to no smoking areas unless no other arrangement is structurally possible. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas. It shall be the responsibility of employers to provide smokefree areas for nonsmokers to the maximum extent possible within existing facilities. Restaurant owners or operators covered by the provisions of this chapter shall designate at least 50 percent of indoor seating capacity for no smoking and shall inform all patrons that a no smoking section is provided. Hotel and motel owners and operators shall designate an adequate number of guest rooms for no smoking to sufficiently meet demands and shall inform all patrons that no smoking rooms are provided.

B. Smoking areas may not be designated in a shared work area of a place of employment. A shared work area is any room in which more than one employee is assigned to perform work during the course of a work shift period. Employers shall provide written information to employees concerning smoking at the place of employment, including the location of designated smoking or nonsmoking areas.

C. No ashtrays or other ash receptacles shall be placed in areas where smoking is prohibited. (Ord. 354 § 1, 1992)

#### **8.04.050 Optional prohibition.**

All managers and owners of any establishments serving or doing business with the public may at their discretion post "No Smoking" signs within various areas of their businesses and utilize the full right of the provisions of this chapter. No public place other than the ones enumerated in PMC 8.04.090 shall be designated as a smoking area in its entirety. (Ord. 354 § 1, 1992)

#### **8.04.060 Posting of signs.**

Signs which designate smoking or no smoking areas established by this chapter shall be clearly, sufficiently, and conspicuously posted in every room, building, or other place so covered by this chapter. No smoking signs shall be specifically placed in retail food and marketing establishments, including grocery stores and supermarkets open to the public, so they are clearly visible to persons upon entering the store, clearly visible to persons in checkout lines, and clearly visible to persons at meat and produce counters. In addition, signs shall be placed at all entrances to public places and places of employment, except restaurants, that read substantially as follows: NO SMOKING EXCEPT IN DESIGNATED AREAS. Smoking shall only be permitted in public places and places of employment, except restaurants, in areas containing a sign that reads substantially as follows: DESIGNATED SMOKING AREA. Restaurants shall either place a sign at the restaurant entrance as provided above or shall place signs in the restaurant interior which designate smoking or no smoking areas. Signs which designate smoking or

no smoking areas established by this chapter shall be clearly, sufficiently, and conspicuously posted. The manner of such posting including the wording, size, color, design, and place of posting whether on the walls, doors, tables, counters, stands or elsewhere shall be at the discretion of the owner, operator, manager, or other person having control of such room, building or other place so long as clarity, sufficiency, and conspicuousness are apparent in communicating the intent of this chapter. (Ord. 354 § 1, 1992)

#### **8.04.070 Retaliation against person requesting compliance prohibited.**

No person shall intimidate or threaten any reprisal or effect any reprisal for the purpose of retaliating against another person because such other person seeks to attain compliance with the provisions of this chapter. (Ord. 354 § 1, 1992)

#### **8.04.080 Governmental agency cooperation.**

The City Manager shall annually request governmental and educational agencies involved with their specific business within the City of Poway to establish local operating procedures to cooperate and comply with this chapter. As to premises within the City of Poway which are owned, operated or leased by the Federal or State governments or by special districts, school districts or community college districts, the City Manager shall urge enforcement of the existing no smoking prohibition of those agencies and request cooperation with this chapter. (Ord. 354 § 1, 1992)

#### **8.04.090 Exceptions.**

Exceptions to this chapter shall be as follows:

A. Individual private offices, in places of employment assigned to only one person, provided that such offices have floor-to-ceiling walls and doors that shut. Smoking shall be permitted in such private offices only when the doors are closed, no smoke drifts into shared work areas, and when no nonsmoking person is present;

B. Hotel and motel meeting areas and assembly rooms rented to guests, areas and rooms while in use for private social functions, private hospital rooms;

C. Psychiatric facilities, including psychiatric units of hospitals, chemical dependency and substance abuse facilities, including dependency and substance abuse units within hospitals, and long-term skilled nursing facilities;

D. Bars, lounges and similar establishments where the primary business is sale of alcoholic beverages for consumption on the premises and which require all occupants to be 21 years of age or older;

E. Stores that deal exclusively in tobacco products and accessories.

Any owner or manager of a business or other establishment subject to this chapter may apply to the City Manager for an exemption or modification of the provisions of this chapter due to unique or unusual circumstances or conditions. (Ord. 354 § 1, 1992)

#### **8.04.100 Violation – Enforcement and penalties.**

A. Any person who violates any provision of this chapter by smoking in a posted "No Smoking" area, or by failing to post or cause to be posted a "No Smoking" sign required by this chapter, or by a knowing failure to inform any person who violates the provisions of this chapter, when such duty to inform arises as set forth in this section, is guilty of an infraction and, upon conviction thereof, shall be punished as specified in PMC 1.08.010.

B. The City Council shall be responsible for compliance with this chapter when facilities which are owned, operated or leased by the City are involved.

C. The owner, operator or manager of any public place or place of employment within the purview of this chapter shall comply herewith. Such owner, operator or

manager shall post or cause to be posted all "No Smoking" signs required by this chapter. Such owner, operator or manager shall inform any person who violates this chapter or the provisions of this chapter and may refuse services or sales to such persons.

D. It shall be the responsibility of employers to disseminate information concerning the provisions of this chapter to employees. (Ord. 354 § 1, 1992)

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E-mail Code Publishing

- C M** 6. The hospital establishes safety policies and procedures that are adopted, practiced, and reviewed as frequently as necessary, but at least every three years.
7. Not applicable
- B** 8. The hospital ensures that a process exists for responding to safety recalls by appropriate hospital staff.
- B** 9. The hospital ensures that all grounds and equipment are maintained appropriately.

**Standard EC.1.20**

The hospital maintains a safe environment.

**Rationale for EC.1.20**

It is essential that the hospital conduct periodic environmental tours to determine if its current processes for managing patient, public, and staff safety risks are being practiced correctly and are effective. These tours can also be used to assess knowledge and behaviors, identify new or altered risks in areas where construction or changes in services have occurred, and identify opportunities to improve the environment.

**Elements of Performance for EC.1.20**

- B** 1. The hospital conducts environmental tours to identify environmental deficiencies, hazards, and unsafe practices.
- C M** 2. The hospital conducts environmental tours at least every six months in all areas where individuals are served.
- C M** 3. The hospital conducts environmental tours at least annually in areas where individuals are not served.

**Standard EC.1.30**

The hospital develops and implements a policy to prohibit smoking except in specified circumstances.

**Rationale for EC.1.30**

This standard is intended to reduce the following risks:

- To people who smoke, including possible adverse effects on care, treatment, and services
- Of passive smoking for others
- Of fire

The standard prohibits smoking in all areas of all building(s) under the hospital's control, except for patients in circumstances specified in the EPs below.

**Performance for EC.1.30**

The hospital develops a policy regarding smoking(s) under the hospital's control.

The hospital's policy prohibits smoking in all areas under the hospital's control (no medical exceptions) except as follows:

- All hospital-based outpatients
- All children or youth patients

The hospital's policy may permit patient smoking in designated buildings under the following circumstances:

- A patient is residing in long term care (more than 30 days' length of stay); or
- A patient is granted permission that is approved by a licensed independent practitioner, the medical staff

When patients are permitted to smoke, the hospital's policy requires that patients smoke only under the following circumstances:

- In designated locations environment, and service areas\*
- After the hospital has taken measures to minimize exposure to smoke

5. Patients who do smoke in the hospital are required to inform staff of their smoking status, including information about other smoking status.
6. The hospital identifies and implements measures to ensure compliance with the policy.
7. The hospital develops strategies to address violations when identified.
8. Smoking is not permitted in the laboratory or in the laboratory of the laboratory.

**Standard EC.2.10**

The hospital identifies and manages its security risks.

**Rationale for EC.2.10**

It is essential that a hospital manages the physical security risks to its staff (including addressing the risks of violence) coming to the hospital's facilities. In addition, the hospital must manage its physical security, equipment, supplies, and information.

\* Note: This does not require that a designated smoking area be a separate, well-ventilated room (a designated smoking area that is exhausted to the outside) is acceptable.

### Elements of Performance for EC.1.30

1. The hospital develops a policy regarding smoking in all areas of all building(s) under the hospital's control.
  2. The hospital's policy prohibits smoking in all areas of all building(s) under the hospital's control (no medical exceptions allowed) for the following:
    - All hospital-based outpatients
    - All children or youth patients
  3. The hospital's policy may permit patients to smoke in the hospital's buildings under the following circumstance(s):
    - A patient is residing in long term care settings (that is, longer than 30 days' length of stay); or
    - A patient is granted permission that has been authorized by a licensed independent practitioner, based on criteria developed by the medical staff
  4. When patients are permitted to smoke in the hospital's buildings, they smoke only under the following circumstance(s):
    - In designated locations environmentally separate from care, treatment, and service areas\*
    - After the hospital has taken measures to minimize fire risks
  5. Patients who do smoke in the hospital's buildings are provided education, including information about options for smoking cessation.
- The hospital identifies and implements a process(es) for monitoring compliance with the policy.
- The hospital develops strategies to eliminate the incidence of policy violations when identified.
- Smoking is not permitted in the laboratory and areas under the control of the laboratory.

EC

### Element EC.2.10

The hospital identifies and manages its security risks.

### Element for EC.2.10

The hospital that a hospital manages the physical and personal security of patients, including addressing the risks of violence in the workplace), and individuals within the hospital's facilities. In addition, security of the established environment, equipment, supplies, and information is also important.

*The hospital does not require that a designated smoking area be a specific distance from care, treatment, and service areas, but must be a physically separate, well-ventilated room (a designated area for authorized smoking by patients that is environmentally separate from care, treatment, and service areas) is acceptable.*

**PALOMAR POMERADO HEALTH**

**BOARD POLICY**

**GOV-24**

**INSPECTION AND COPING OF PUBLIC RECORDS**

### **Change Summery**

1. Reviewed the current Government Code § 1098 and Administrative Code § 18702 and 18702.2 for compliance.
2. Placed in approver LUCIDUC format.
3. Removed the word "System" from Palomar Pomerado Health.
4. Where the old policy referred to the resolution which had all the information, the resolution has been incorporated into the policy. Much of this information will be incorporated into a procedure.

NEW POLICY

REDLINE

**As this is a total rewrite of this Policy there is no "redline version".**

OLD POLICY

WITH  
RESOLUTION

PALOMAR POMERADO HEALTH SYSTEM  
District Policy No. 10-411

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*INSPECTION AND COPYING OF PUBLIC RECORDS*

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**POLICY:** To meet the state regulations which pertain to the Public Records Act as well as the state and federal requirements which govern patient confidentiality, formal guidelines shall be formulated. Those guidelines were adopted by Resolution No. 6.23.88(01) and shall be the District policy which governs the inspection and copying of public records.

**GUIDELINES:** See Resolution No. 6.23.88(01), attached.

**APPROVED BY:**



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Chairman of the Board

**PREPARED BY:** Rose S. Godfrey  
Administrative Assistant

**SOURCE:** Resolution No. 06.23.88(01)

**DATED:** February, 1994

**REVIEWED:** September, 1995; January, 1999

**REVISED:**

**DISTRIBUTION:** BOD; Admin; Medical Records

601inspect99

RESOLUTION NO. 06.23.88(01)

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE PALOMAR POMERADO HOSPITAL DISTRICT  
REVISING PROCEDURES CONCERNING INSPECTION AND  
COPYING PUBLIC RECORDS

WHEREAS, the District promulgated and adopted Procedures Concerning Inspection and Copying of the District's Public Records by Resolution No. 06.23.88(01);

WHEREAS, those procedures include guidelines pertaining to compliance with subpoenas duces tecum requesting copies of the District's records;

WHEREAS, recent amendments to the law pertaining to subpoenas duces tecum require some revisions in the guidelines;

RESOLVED, the District's procedures concerning inspection and copying of public records are hereby revised as indicated on Exhibit A, attached to this Resolution and incorporated herein by this reference;


RESOLVED FURTHER, that this Resolution shall supersede prior resolutions pertaining the copying of public records.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Palomar Pomerado Hospital District on June 23, 1988 by the following vote:

AYES:	Brown, Hutchings, Jaques, Lyon, Madison, Reeves, Thomas
NOES:	None
ABSENT:	None
ABSTAINING:	None

  
Edward H. Lyon, Chairman

ATTEST:

  
Pam Thomas, Secretary

2. The address of the applicant.
3. The telephone number of the applicant.
4. The date of inspection.
5. The exact description of the records which the applicant desires to inspect.
6. Whether the applicant desires a copy of such records.
7. Whether the applicant has specific authorization to inspect the records (when such authorization is required pursuant to District Guidelines).

When specific written authorization is required to inspect the subject records, a copy of such written authorization must accompany the application and shall be permanently affixed thereto.

**E. DISTRICT'S RESPONSE TO APPLICATION FOR INSPECTION.**

Upon receipt of any Application for Inspection or Copying of Records, the District shall determine within ten (10) days after the receipt of such application whether to comply with the request. The District shall immediately thereafter notify the person making the application of the District's determination and the reasons therefor.

In case of unusual circumstances, the ten (10) day time limit may be extended by written notice from the District President/Chief Executive Officer to the person making the application. Such notice shall set forth the reasons for the extension and the date on which a determination is expected to be made. Any such extension shall not exceed ten (10) working days. As used in this paragraph, "unusual circumstances" means:

a. The need to search for and collect the requested records from field facilities;

b. The need to search for, collect and appropriately examine a voluminous amount of separate records; or

c. The need for consultation, which shall be conducted with practicable speed, with another agency having a substantial interest in the determination of the application or among two or more components of the District which have substantial interest in matters covered by the application.

## EXHIBIT B

### GUIDELINES FOR THE ACCESSIBILITY OF THE PUBLIC RECORDS OF THE PALOMAR POMERADO HOSPITAL DISTRICT

The following Guidelines shall govern the accessibility for inspection and copying of all of the Public records of the District. The Guidelines have been set by the Board of Directors of the District and are to be administered by the President/Chief Executive Officer of the District.

#### A. PURPOSE OF GUIDELINES.

The purpose of these Guidelines is to serve as general rules to be followed by those persons charged with administration of the Procedures Concerning Inspection and Copying of the Public Records of the Palomar Pomerado Hospital District heretofore adopted by the Board of Directors. Certain requirements of law must be observed relating to disclosure of records and to the protection of the confidentiality of records. These Guidelines set forth the general rules contained in such laws.

#### B. DEFINITIONS.

"Person" and "Public records" are defined in the Procedures Concerning Inspection, etc., of the District and such definitions apply herein.

"Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

#### C. QUESTIONS OF INTERPRETATION.

In case of any question as to the accessibility of the records of the District under these Guidelines, records should not be made accessible to the Public until such question has been determined by the President/Chief Executive Officer of the District. The decision of such officer is final unless overruled by the Board of Directors.

The District shall justify the withholding of any record by demonstrating that the record requested and withheld is exempt

such person above named or an attorney at law representing such person.

2. Upon presentation of a written order therefor issued by a Court of the State of California or of the United States of America (see references to Subpoenas Duces Tecum hereinafter) which specifically commands the District to disclose specified records.

G. RECORDS NOT SUBJECT TO INSPECTION (UNLESS BY COURT ORDER).

The following records of the District are not subject to inspection by any person without a written order therefor issued by a Court of the State of California or of the United States of America (see reference to Subpoena Duces Tecum hereinafter):

1. Records of the proceedings or other records of an organized committee of medical or medical-dental staffs in the District's hospitals having the responsibility of evaluation and improvement of the quality of care rendered in the Hospital.

2. Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code of California, until such litigation or claim has been finally adjudicated or otherwise settled.

3. Personnel, medical or similar files of nonpatients, the disclosure of which would constitute an unwarranted invasion of personal privacy of the individual or individuals concerned.

4. Records of complaints to or investigations conducted by, or investigatory or security files compiled by the District for correctional, law enforcement or licensing purposes.

5. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or academic examination.

6. The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the District relative to the acquisition of property, or to prospective Public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreements obtained.

7. Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law,

I. DISCRETIONARY WITHHOLDING OF RECORDS.

In addition to the limitations upon disclosure of records set forth in these Guidelines, the District may, in its discretion, withhold inspection of any record when the District determines that on the facts of the particular case the Public interest served by not making the record Public clearly outweighs the Public interest served by disclosure of the record. Such discretion shall be exercised by the District by and through the President/Chief Executive Officer whose decision shall be final unless overruled by the Board of Directors.

J. COMPLIANCE WITH SUBPOENA DUCES TECUM.

While a Subpoena Duces Tecum (a notice to appear and to bring records, or to produce records without appearance) is issued by a court, it is not an order of the court declaring that the particular records are subject to disclosure. Such records may still be subject to protection against disclosure by reason of the existence of a privilege or other legal excuse. Therefore, receipt of such a subpoena does not permit disclosure of records in and of itself and the following rules should be followed:

1. Subpoena in action where District is a party:

Immediately consult with legal counsel representing the District as to the proper response.

2. Subpoena in other actions:

(a) If the records sought to be discovered fall within one of the categories in Paragraphs F, G or H above, consult with the District's counsel prior to responding to the subpoena.

(b) If the records sought to be discovered are those which can be inspected, it is sufficient compliance with the subpoena (if it seeks only records and does not specify that "testimony" or "examination upon such records" will be required) to deliver a copy by mail or otherwise, following the procedure set forth in Exhibit "1" attached hereto.

3. If only a portion of the records may be disclosed or inspected:

If only portions of any requested records may be disclosed or inspected, the disclosable portions should be segregated from the non-disclosable portions, and the segregated non-disclosable portions should be withheld unless and until a court orders their production.

(2) The copy is a true copy of all the records described in the subpoena.

(3) The records were prepared by the personnel of the District in the ordinary course of business at or near the time of the act, condition, or event.

D. If the District has none of the records described, or only part thereof, the custodian or other qualified witness shall so state in the affidavit, and deliver the affidavit and such records as are available in the manner provided in Paragraph B above.

E. Notwithstanding the procedure for sending records described above, the personal attendance of the custodian or other qualified witness and the production of the original records is required at the time and place designated if the Subpoena Duces Tecum contains a clause which reads:

"The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized pursuant to subdivision (b) of Section 1560, and Sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena."

F. Notwithstanding the procedure for sending records described above, the records should be produced for copying at an appropriate District office by an authorized representative of the subpoenaing party if the subpoena so requires. The affidavit referred to in paragraph C above shall be revised accordingly.

G. (1) Where the business records described in a subpoena are patient records of a hospital, or of a physician and surgeon, osteopath, or dentist licensed to practice in this State, or a group of such practitioners, and the personal attendance of the custodian of such records or other qualified witness is not required, the fee for complying with such subpoena is ten cents (\$.10) per page for standard reproduction of documents of 8½ by 14 inches or less, Twenty Cents (\$.20) per page for copying documents from microfilm and actual costs for reproduction of oversized documents or documents which require special processing, plus clerical costs incurred in locating and making the records available, billed at the rate of Sixteen Dollars (\$16.00) per hour per person computed on the basis of Four Dollars (\$4.00) per quarter hour or fraction thereof, actual postage costs, plus actual costs, if any, charged to the District by any third person for retrieval and return of records held by that person. Notwithstanding the foregoing, the only fee for complying with a subpoena under Sections 1560 through 1563 of the Evidence Code, where the records sought are produced for

PALOMAR POMERADO HOSPITAL DISTRICT APPLICATION  
FOR INSPECTION OF PUBLIC RECORDS

- 1) NAME OF APPLICANT: \_\_\_\_\_
- 2) ADDRESS: \_\_\_\_\_  
\_\_\_\_\_
- 3) TELEPHONE NUMBER: \_\_\_\_\_
- 4) DATE OF APPLICATION: \_\_\_\_\_
- 5) Please indicate on the attached page, for each public record desired: (a) an exact description of the record; (b) whether you would like a copy of the record; and (c) whether you have specific authorization to inspect any records for which such authorization is required by the District's Guidelines for the Accessibility of Public Records. You may obtain a copy of the Guidelines upon request.

In the event copies are requested of any of the records you requested, you will be charged ten cents per page for standard reproduction of documents 8 1/2" by 14" or less, and actual costs for reproduction of oversized documents or documents which require special processing. Additionally, clerical costs directly incurred in duplication, billed at the rate of \$16.00 per hour for a clerical person computed on the basis of \$4.00 per quarter hour or fraction thereof, will be charged. In the event copying cannot be done by the District for technical reasons, an estimate of the cost of copying shall be obtained by the District from an available source, and you will be required to deposit the amount of such estimate with the District prior to copying. The records shall be copied by the District (or an outside source, if necessary) as soon as possible without disruption of the normal business of the District.

Further information concerning this procedure is available in the District's Procedures Concerning Inspection and Copying of Public Records. You may obtain a copy of the Procedures upon request.

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PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

\_\_\_\_\_  
Signature of Applicant

NEW POLICY

IN

LUCIDOC FORMAT

## **I. PURPOSE:**

- A. PPH supports the principle that every citizen has a right to information concerning the conduct of business in a public PPH.
- B. The California Public Records Act (CPRA) applies to PPH records and grants access to information concerning the conduct of PPH business.

## **II. DEFINITIONS**

### **A. Public Records**

- 1. All papers, maps, documents, films, photographs, mag or paper tapes or cards, discs, and other documents containing information relating to the conduct of PPH business.
- 2. Listed below are a few examples of public records:
  - a. Minutes of most meetings.
  - b. Completed Purchase Orders.
  - c. Construction bids after contract has been let.
  - d. Employment contract which would include current rate of pay, source of funds, current job description, percent of time.
  - e. Campus phone directory.

### **B. Records Not Public**

- 1. Any record for which it can be demonstrated that the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.
- 2. Preliminary drafts, notes or intra-PPH memoranda not retained by PPH in the ordinary course of business, provided that the public interest served in withholding such material clearly outweighs the public interest in disclosure.
- 3. Records pertaining to pending litigation to which PPH is a party.
- 4. Records or complaints to, or investigations conducted by, the campus Police Department or other agencies for correctional or law enforcement purposes.
- 5. Test questions, scoring keys, and other examination data.
- 6. Real estate appraisals, engineering feasibility estimates and evaluations, relative to the acquisition of property, or public supply and construction contracts, until all of the property has been acquired or contract agreement obtained.
- 7. Library and museum materials acquired and presented solely for reference or exhibition.
- 8. Any record, the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including provisions of the evidence code relating to the physician-patient, psycho-therapist-patient, lawyer-client, and official confidential privileges.
- 9. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

## **III. TEXT / OF PRACTICE:**

### **A. Protection of Personal Privacy**

1. Prior to release of public information, the material *must* be reviewed carefully to make certain that it does not contain any information about a particular individual that could be defined as "personal information" under the Information Practices Act.
2. The Records Advisor should be consulted when trying to make a determination as to whether material should be released or not.
3. Where discretion is allowed, the protection of privacy should override the option to disclose.

**B. Guidelines For Inspection And Release Of Public Records**

1. The request for information should be in writing and specific enough to locate the record.
2. The record holder must determine within 10 working days whether to grant or deny the request. In "unusual circumstances", the 10 day time limit may be extended by 10 working days if the reasons for the delay and the date on which a determination is expected are specified. Unusual circumstances are limited to the following:
3. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
4. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
5. The need for consultation with another agency having a substantial interest in the determination of the request or among two or more departments having substantial subject matter interest therein.
6. Notification of denial of any request for records must be in writing and must state the reason for denial and the names and titles of each person responsible for the denial.
7. Public records must be open for inspection during regular office hours and copies must be made available promptly when a requestor has a right to them.
8. The following actual costs may be recovered by the record holder:
  - a. Staff time spent constructing new records from various source documents (i.e., in order to supply the requested information, data from a variety of source documents has to be extracted and combined to form an entirely new record.)
  - b. Staff time spent deleting "personal" or "confidential" information (in accordance with the Information Practices Act) prior to release of existing records.
  - c. Computer services.
  - d. Fees for duplicating tapes.
  - e. Record Holders may charge 10¢ / page or 10¢ / extract for copying costs plus the time of the employee doing the photocopying.
9. The following expenses may not be recovered by the record holder:
  - a. Locating, reviewing, or assembling records.
  - b. Annotating or explaining a record in order to make it reasonably comprehensible.
  - c. Postage.
10. It is preferable for payment to be made prior to or at the time of delivery of the material. Checks are to be made out to Palomar Pomerado Health. All funds collected are to be forwarded to Finance for deposit.
11. Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law.
12. Prior to disclosing an otherwise exempt record to a federal agency, the federal agency must agree in writing to comply with the provisions of the California Public Records Act.

- C. This policy will be reviewed and updated as required or at least every three years.**

#### **IV. DOCUMENT / PUBLICATION HISTORY:**

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Authorized Promulgating Officers: Marcelo R. Revera, Chairman

#### **CROSS REFERENCE DOCUMENTS:**

# LAWS

# GOVERNMENT CODE

## SECTION 6250-6200

### Public Records Act

6250. In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

6251. This chapter shall be known and may be cited as the California Public Records Act.

6252. As used in this chapter:

(a) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

(b) "Member of the public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

(c) "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

(d) "Public agency" means any state or local agency.

(e) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.

(f) "State agency" means every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(g) "Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

6252.5. Notwithstanding the definition of "member of the public" in Section 6252, an elected member or officer of any state or local agency is entitled to access to public records of that agency on the same basis as any other person. Nothing in this section shall limit the ability of elected members or officers to access public records

permitted by law in the administration of their duties. This section does not constitute a change in, but is declaratory of, existing law.

6252.6. Notwithstanding paragraph (2) of subdivision (a) of Section 827 of the Welfare and Institutions Code, after the death of a foster child who is a minor, the name, date of birth, and date of death of the child shall be subject to disclosure by the county child welfare agency pursuant to this chapter.

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided.

Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

6253.1. (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

(d) This section shall not apply to a request for public records if any of the following applies:

(1) The public agency makes available the requested records pursuant to Section 6253.

(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.

(3) The public agency makes available an index of its records.

6253.2. (a) Notwithstanding any other provision of this chapter to the contrary, information regarding persons paid by the state to provide in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code or personal care services pursuant to Section 14132.95 of the Welfare and Institutions Code, shall not be subject to public disclosure pursuant to this chapter, except as provided in subdivision (b).

(b) Copies of names, addresses, and telephone numbers of persons described in subdivision (a) shall be made available, upon request, to an exclusive bargaining agent and to any labor organization seeking representation rights pursuant to subdivision (c) of Section 12301.6 or Section 12302 of the Welfare and Institutions Code or Chapter 10 (commencing with Section 3500) of Division 4 of Title 1. This information shall not be used by the receiving entity for any purpose other than the employee organizing, representation, and assistance activities of the labor organization.

(c) This section shall apply solely to individuals who provide services under the In-Home Supportive Services Program (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code) or the Personal Care Services Program pursuant to Section 14132.95 of the Welfare and Institutions Code.

(d) Nothing in this section is intended to alter or shall be interpreted to alter the rights of parties under the Meyers-Millias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4) or any other labor relations law.

6253.4. (a) Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.

The following state and local bodies shall establish written guidelines for accessibility of records. A copy of these guidelines shall be posted in a conspicuous public place at the offices of these bodies, and a copy of the guidelines shall be available upon request free of charge to any person requesting that body's records:

Department of Motor Vehicles  
Department of Consumer Affairs  
Department of Transportation  
Department of Real Estate  
Department of Corrections  
Department of the Youth Authority  
Department of Justice  
Department of Insurance  
Department of Corporations  
Department of Managed Health Care  
Secretary of State  
State Air Resources Board  
Department of Water Resources  
Department of Parks and Recreation  
San Francisco Bay Development Commission  
State Board of Equalization  
State Department of Health Services  
Employment Development Department  
State Department of Social Services

State Department of Mental Health  
State Department of Developmental Services  
State Department of Alcohol and Drug Abuse  
Office of Statewide Health Planning and Development  
Public Employees' Retirement System  
Teachers' Retirement Board  
Department of Industrial Relations  
Department of General Services  
Department of Veterans Affairs  
Public Utilities Commission  
California Coastal Commission  
State Water Resources Control Board  
San Francisco Bay Area Rapid Transit District  
All regional water quality control boards  
Los Angeles County Air Pollution Control District  
Bay Area Air Pollution Control District  
Golden Gate Bridge, Highway and Transportation District  
Department of Toxic Substances Control  
Office of Environmental Health Hazard Assessment

(b) Guidelines and regulations adopted pursuant to this section shall be consistent with all other sections of this chapter and shall reflect the intention of the Legislature to make the records accessible to the public. The guidelines and regulations adopted pursuant to this section shall not operate to limit the hours public records are open for inspection as prescribed in Section 6253.

6253.5. Notwithstanding Sections 6252 and 6253, statewide, county, city, and district initiative, referendum, and recall petitions, petitions circulated pursuant to Section 5091 of the Education Code, petitions for the reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, petitions for the reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of the Education Code and all memoranda prepared by the county elections

officials in the examination of the petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving the petitions or who are responsible for the preparation of that memoranda and, if the petition is found to be insufficient, by the proponents of the petition and the representatives of the proponents as may be designated by the proponents in writing in order to determine which signatures were disqualified and the reasons therefor. However, the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a school district or a community college district attorney, and a city attorney shall be permitted to examine the material upon approval of the appropriate superior court.

If the proponents of a petition are permitted to examine the petition and memoranda, the examination shall commence not later than 21 days after certification of insufficiency.

(a) As used in this section, "petition" shall mean any petition to which a registered voter has affixed his or her signature.

(b) As used in this section "proponents of the petition" means the following:

(1) For statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he or she prepare a title and summary of the chief purpose and points of the proposed measure.

(2) For other initiative and referenda on measures, the person or persons who publish a notice of intention to circulate petitions, or, where publication is not required, who file petitions with the elections official.

(3) For recall measures, the person or persons defined in Section 343 of the Elections Code.

(4) For petitions circulated pursuant to Section 5091 of the Education Code, the person or persons having charge of the petition who submit the petition to the county superintendent of schools.

(5) For petitions circulated pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, the person or persons designated as chief petitioners under Section 35701 of the Education Code.

(6) For petitions circulated pursuant to Part 46 (commencing with Section 74000) of the Education Code, the person or persons designated as chief petitioners under Sections 74102, 74133, and 74152 of the Education Code.

6253.6. (a) Notwithstanding the provisions of Sections 6252 and 6253, information compiled by public officers or public employees revealing the identity of persons who have requested bilingual ballots or ballot pamphlets, made in accordance with any federal or state law, or other data that would reveal the identity of the requester, shall not be deemed to be public records and shall not be provided to any person other than public officers or public employees who are responsible for receiving those requests and processing the same.

(b) Nothing contained in subdivision (a) shall be construed as prohibiting any person who is otherwise authorized by law from examining election materials, including, but not limited to, affidavits of registration, provided that requests for bilingual ballots or ballot pamphlets shall be subject to the restrictions contained in subdivision (a).

6253.8. (a) Every final enforcement order issued by an agency listed in subdivision (b) under any provision of law that is administered by an entity listed in subdivision (b), shall be displayed on the entity's Internet website, if the final enforcement order is a public record that is not exempt from disclosure pursuant to this chapter.

(b) This section applies to the California Environmental Protection Agency and to all of the following entities within the agency:

- (1) The State Air Resources Board.
- (2) The California Integrated Waste Management Board.
- (3) The State Water Resources Control Board, and each California regional water quality control board.
- (4) The Department of Pesticide Regulation.
- (5) The Department of Toxic Substances Control.

(c) (1) Except as provided in paragraph (2), for purposes of this section, an enforcement order is final when the time for judicial review has expired on or after January 1, 2001, or when all means of judicial review have been exhausted on or after January 1, 2001.

(2) In addition to the requirements of paragraph (1), with regard to a final enforcement order issued by the State Water Resources Control Board or a California regional water quality control board, this section shall apply only to a final enforcement order adopted by that board or a regional board at a public meeting.

(d) An order posted pursuant to this section shall be posted for not less than one year.

(e) The California Environmental Protection Agency shall oversee the implementation of this section.

(f) This section shall become operative April 1, 2001.

6253.9. (a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with the provisions of subdivision (a), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

(c) Nothing in this section shall be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

(d) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.

(e) Nothing in this section shall be construed to permit an agency to make information available only in an electronic format.

(f) Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

(g) Nothing in this section shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

6254. Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled.

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(d) Contained in or related to any of the following:

(1) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.

(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(4) Information received in confidence by any state agency referred to in paragraph (1).

(e) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes, except that state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an

authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflect the analysis or conclusions of the investigating officer.

Customer lists provided to a state or local police agency by an alarm or security company at the request of the agency shall be construed to be records subject to this subdivision.

Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.

(3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, where the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter

11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code, except that the address of the victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph may not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury. Nothing in this paragraph shall be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code.

(h) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. However, the law of eminent domain shall not be affected by this provision.

(i) Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information.

(j) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. The exemption in this subdivision shall not apply to records of fines imposed on the borrowers.

(k) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

(l) Correspondence of and to the Governor or employees of the Governor's office or in the custody of or maintained by the Governor's Legal Affairs Secretary, provided that public records shall not be transferred to the custody of the Governor's Legal Affairs Secretary to evade the disclosure provisions of this chapter.

(m) In the custody of or maintained by the Legislative Counsel, except those records in the public database maintained by the Legislative Counsel that are described in Section 10248.

(n) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualification for the license, certificate, or permit applied for.

(o) Financial data contained in applications for financing under Division 27 (commencing with Section 44500) of the Health and Safety Code, where an authorized officer of the California Pollution Control Financing Authority determines that disclosure of the financial data would be competitively injurious to the applicant and the data is required in order to obtain guarantees from the United States Small Business Administration. The California Pollution Control Financing Authority shall adopt rules for review of individual requests for confidentiality under this section and for making available to the public those portions of an application that are subject to disclosure under this chapter.

(p) Records of state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), and Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, that reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under these chapters. Nothing in this subdivision shall be construed to limit the disclosure duties of a state agency with respect to any other records relating to the activities governed by the employee relations acts referred to in this subdivision.

(q) Records of state agencies related to activities governed by Article 2.6 (commencing with Section 14081), Article 2.8 (commencing with Section 14087.5), and Article 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, that reveal the special negotiator's deliberative processes, discussions, communications, or any other portion of the negotiations with providers of health care services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees.

Except for the portion of a contract containing the rates of payment, contracts for inpatient services entered into pursuant to these articles, on or after April 1, 1984, shall be open to inspection one year after they are fully executed. In the event that a contract for inpatient services that is entered into prior to April 1, 1984, is amended on or after April 1, 1984, the amendment, except for any portion containing the rates of payment, shall be open to inspection one year after it is fully executed. If the California Medical Assistance Commission enters into contracts with health care providers for other than inpatient hospital services, those contracts shall be open to inspection one year after they are fully executed.

Three years after a contract or amendment is open to inspection under this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

Notwithstanding any other provision of law, the entire contract or amendment shall be open to inspection by the Joint Legislative Audit Committee and the Legislative Analyst's Office. The committee and that office shall maintain the confidentiality of the contracts and amendments until the time a contract or amendment is fully open to inspection by the public.

(r) Records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

(s) A final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Health Services pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.

(t) Records of a local hospital district, formed pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code, or the records of a municipal hospital, formed pursuant to Article 7 (commencing with Section 37600) or Article 8 (commencing with Section 37650) of Chapter 5 of Division 3 of Title 4 of this code, that relate to any contract with an insurer or nonprofit hospital service plan for inpatient or outpatient services for alternative rates pursuant to Section 10133 or 11512 of the Insurance Code. However, the record shall be open to inspection within one year after the contract is fully executed.

(u) (1) Information contained in applications for licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department that indicates

when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family.

(2) The home address and telephone number of peace officers, judges, court commissioners, and magistrates that are set forth in applications for licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department.

(3) The home address and telephone number of peace officers, judges, court commissioners, and magistrates that are set forth in licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department.

(v) (1) Records of the Major Risk Medical Insurance Program related to activities governed by Part 6.3 (commencing with Section 12695) and Part 6.5 (commencing with Section 12700) of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with health plans, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) (A) Except for the portion of a contract that contains the rates of payment, contracts for health coverage entered into pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5 (commencing with Section 12700) of Division 2 of the Insurance Code, on or after July 1, 1991, shall be open to inspection one year after they have been fully executed.

(B) In the event that a contract for health coverage that is entered into prior to July 1, 1991, is amended on or after July 1, 1991, the amendment, except for any portion containing the rates of payment, shall be open to inspection one year after the amendment has been fully executed.

(3) Three years after a contract or amendment is open to inspection pursuant to this subdivision, the portion of the contractor amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other provision of law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contracts and amendments thereto, until the contract or amendments to a contract is open to inspection pursuant to paragraph (3).

(w) (1) Records of the Major Risk Medical Insurance Program related to activities governed by Chapter 14 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with health plans, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) Except for the portion of a contract that contains the rates of payment, contracts for health coverage entered into pursuant to Chapter 14 (commencing with Section 10700) of Part 2 of Division 2 of the Insurance Code, on or after January 1, 1993, shall be open to inspection one year after they have been fully executed.

(3) Notwithstanding any other provision of law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the

contracts and amendments thereto, until the contract or amendments to a contract is open to inspection pursuant to paragraph (2).

(x) Financial data contained in applications for registration, or registration renewal, as a service contractor filed with the Director of the Department of Consumer Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of the Business and Professions Code, for the purpose of establishing the service contractor's net worth, or financial data regarding the funded accounts held in escrow for service contracts held in force in this state by a service contractor.

(y) (1) Records of the Managed Risk Medical Insurance Board related to activities governed by Part 6.2 (commencing with Section 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with health plans, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) (A) Except for the portion of a contract that contains the rates of payment, contracts entered into pursuant to Part 6.2 (commencing with Section 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code, on or after January 1, 1998, shall be open to inspection one year after they have been fully executed.

(B) In the event that a contract entered into pursuant to Part 6.2 (commencing with Section 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code is amended, the amendment shall be open to inspection one year after the amendment has been fully executed.

(3) Three years after a contract or amendment is open to inspection pursuant to this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other provision of law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contracts and amendments thereto until the contract or amendments to a contract are open to inspection pursuant to paragraph (2) or (3).

(5) The exemption from disclosure provided pursuant to this subdivision for the contracts, deliberative processes, discussions, communications, negotiations with health plans, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff shall also apply to the contracts, deliberative processes, discussions, communications, negotiations with health plans, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of applicants pursuant to Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code.

(z) Records obtained pursuant to paragraph (2) of subdivision (c) of Section 2891.1 of the Public Utilities Code.

(aa) A document prepared by or for a state or local agency that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operations and that is for distribution or consideration in a closed session.

(bb) (1) Records of the Managed Risk Medical Insurance Board related to activities governed by Part 8.7 (commencing with Section 2120) of Division 2 of the Labor Code, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to

contract with the board, or the impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.

(2) (A) Except for the portion of a contract that contains the rates of payment, contracts entered into pursuant to Part 8.7 (commencing with Section 2120) of Division 2 of the Labor Code on or after January 1, 2004, shall be open to inspection one year after they have been fully executed.

(B) In the event that a contract entered into pursuant to Part 8.7 (commencing with Section 2120) of Division 2 of the Labor Code is amended, the amendment shall be open to inspection one year after the amendment has been fully executed.

(3) Three years after a contract or amendment is open to inspection pursuant to this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

(4) Notwithstanding any other provision of law, the entire contract or amendments to a contract shall be open to inspection by the Joint Legislative Audit Committee. The committee shall maintain the confidentiality of the contracts and amendments thereto until the contract or amendments to a contract are open to inspection pursuant to paragraph (2) or (3).

(cc) All information provided to the Secretary of State by a person for the purpose of registration in the Advance Health Care Directive Registry, except that those records shall be released at the request of a health care provider, a public guardian, or the registrant's legal representative.

Nothing in this section prevents any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

Nothing in this section prevents any health facility from disclosing to a certified bargaining agent relevant financing information pursuant to Section 8 of the National Labor Relations Act.

6254.1. (a) Except as provided in Section 6254.7, nothing in this chapter requires disclosure of records that are the residence address of any person contained in the records of the Department of Housing and Community Development, if the person has requested confidentiality of that information, in accordance with Section 18081 of the Health and Safety Code.

(b) Nothing in this chapter requires the disclosure of the residence or mailing address of any person in any record of the Department of Motor Vehicles except in accordance with Section 1808.21 of the Vehicle Code.

(c) Nothing in this chapter requires the disclosure of the results of a test undertaken pursuant to Section 12804.8 of the Vehicle Code.

6254.2. (a) Nothing in this chapter exempts from public disclosure the same categories of pesticide safety and efficacy information that are disclosable under paragraph (1) of subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)), if the individual requesting the information is not an officer, employee, or agent specified in subdivision (h) and signs the affirmation specified in subdivision (h).

(b) The Director of Pesticide Regulation, upon his or her initiative, or upon receipt of a request pursuant to this chapter for the release of data submitted and designated as a trade secret by a registrant or applicant, shall determine whether any or all of the data so submitted is a properly designated trade secret. In order to assure that the interested public has an opportunity to obtain and review pesticide safety and efficacy data and to comment prior to the expiration of the public comment period on a proposed pesticide registration, the director shall provide notice to interested persons when an application for registration enters the registration evaluation process.

(c) If the director determines that the data is not a trade secret, the director shall notify the registrant or applicant by certified mail.

(d) The registrant or applicant shall have 30 days after receipt of this notification to provide the director with a complete justification and statement of the grounds on which the trade secret privilege is claimed. This justification and statement shall be submitted by certified mail.

(e) The director shall determine whether the data is protected as a trade secret within 15 days after receipt of the justification and statement or, if no justification and statement is filed, within 45 days of the original notice. The director shall notify the registrant or applicant and any party who has requested the data pursuant to this chapter of that determination by certified mail. If the director determines that the data is not protected as a trade secret, the final notice shall also specify a date, not sooner than 15 days after the date of mailing of the final notice, when the data shall be available to any person requesting information pursuant to subdivision (a).

(f) "Trade secret" means data that is nondisclosable under paragraph (1) of subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide Act.

(g) This section shall be operative only so long as, and to the extent that, enforcement of paragraph (1) of subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide Act has not been enjoined by federal court order, and shall become inoperative if an unappealable federal court judgment or decision becomes final that holds that paragraph invalid, to the extent of the invalidity.

(h) The director shall not knowingly disclose information submitted to the state by an applicant or registrant pursuant to Article 4 (commencing with Section 12811) of Chapter 2 of Division 7 of the Food and Agricultural Code to any officer, employee, or agent of any business or other entity engaged in the production, sale, or distribution of pesticides in countries other than the United States or in countries in addition to the United States, or to any other person who intends to deliver this information to any foreign or multi-national business or entity, unless the applicant or registrant consents to the disclosure. To implement this subdivision, the director shall require the following affirmation to be signed by the person who requests such information:

#### AFFIRMATION OF STATUS

This affirmation is required by Section 6254.2 of the Government Code.

I have requested access to information submitted to the Department of Pesticide Regulation (or previously submitted to the Department of Food and Agriculture) by a pesticide applicant or registrant pursuant to the California Food and Agricultural Code. I hereby affirm all of the following statements:

(1) I do not seek access to the information for purposes of delivering it or offering it for sale to any business or other entity, including the business or entity of which I am an officer, employee, or agent engaged in the production,

sale, or distribution of pesticides in countries other than the United States or in countries in addition to the United States, or to the officers, employees, or agents of such a business or entity.

(2) I will not purposefully deliver or negligently cause the data to be delivered to a business or entity specified in paragraph (1) or its officers, employees, or agents.

I am aware that I may be subject to criminal penalties under Section 118 of the Penal Code if I make any statement of material facts knowing that the statement is false or if I willfully conceal any material fact.

\_\_\_\_\_  
\_\_\_\_\_  
Name of Requester      Name of Requester's  
Organization

\_\_\_\_\_  
\_\_\_\_\_  
Signature of Requester      Address of Requester

\_\_\_\_\_  
\_\_\_\_\_  
Date      Request No.      Telephone Number of Requester

Name, Address, and Telephone      Number of Requester's Client, if the requester has requested access to the information on behalf of someone other than the requester or the requester's organization listed above.

(i) Notwithstanding any other provision of this section, the director may disclose information submitted by an applicant or registrant to any person in connection with a public proceeding conducted under law or regulation, if the director determines that the information is needed to determine whether a pesticide, or any ingredient of any pesticide, causes unreasonable adverse effects on health or the environment.

(j) The director shall maintain records of the names of persons to whom data is disclosed pursuant to this section and the persons or organizations they represent and shall inform the applicant or registrant of the names and the affiliation of these persons.

(k) Section 118 of the Penal Code applies to any affirmation made pursuant to this section.

(l) Any officer or employee of the state or former officer or employee of the state who, because of this employment or official position, obtains possession of, or has access to, material which is prohibited from disclosure by this section, and who, knowing that disclosure of this material is prohibited by this section, willfully discloses the material in any manner to any person not entitled to receive it, shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in the county jail for not more than one year, or by both fine and imprisonment.

For purposes of this subdivision, any contractor with the state who is furnished information pursuant to this section, or any employee of any contractor, shall be considered an employee of the state.

(m) This section does not prohibit any person from maintaining a civil action for wrongful disclosure of trade secrets.

(n) The director may limit an individual to one request per month pursuant to this section if the director determines that a person has made a frivolous request within the past 12-month period.

6254.20. Nothing in this chapter shall be construed to require the disclosure of records that relate to electronically collected personal information, as defined by Section 11015.5, received, collected, or compiled by a state agency.

6254.21. (a) No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.

(b) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child on the Internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. A violation of this subdivision is a misdemeanor. A violation of this subdivision that leads to the bodily injury of the official, or his or her residing spouse or child, is a misdemeanor or a felony.

(c) For purposes of this section "elected or appointed official" includes, but is not limited to, all of the following:

- (1) State constitutional officers.
- (2) Members of the Legislature.
- (3) Judges and court commissioners.
- (4) District attorneys.
- (5) Public defenders.
- (6) Members of a city council.
- (7) Members of a board of supervisors.
- (8) Appointees of the Governor.
- (9) Appointees of the Legislature.
- (10) Mayors.
- (11) City attorneys.
- (12) Police chiefs and sheriffs.
- (13) A public safety official as defined in Section 6254.24.

(d) Nothing in this section is intended to preclude punishment instead under Sections 69, 76, or 422 of the Penal Code, or any other provision of law.

6254.22. Nothing in this chapter or any other provision of law shall require the disclosure of records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulae or calculations for these payments, and contract negotiations with providers of health care for alternative rates for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption. The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

6254.24. As used in this chapter, "public safety official" means the following:

- (a) An active or retired peace officer as defined in Sections 830 and 830.1 of the Penal Code.
- (b) An active or retired public officer or other person listed in Sections 1808.2 and 1808.6 of the Vehicle Code.
- (c) An "elected or appointed official" as defined in subdivision (c) of Section 6254.21.
- (d) Attorneys employed by the Department of Justice, the State Public Defender, or a county office of the district attorney or public defender.
- (e) City attorneys and attorneys who represent cities in criminal matters.
- (f) Specified employees of the Department of Corrections, the California Youth Authority, and the Prison Industry Authority who supervise inmates or are required to have a prisoner in their care or custody.
- (g) Nonsworn employees who supervise inmates in a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps, ranches, and homes.
- (h) Federal prosecutors and criminal investigators and National Park Service Rangers working in California.
- (i) The surviving spouse or child of a peace officer defined in Section 830 of the Penal Code, if the peace officer died in the line of duty.

6254.25. Nothing in this chapter or any other provision of law shall require the disclosure of a memorandum submitted to a state body or to the legislative body of a local agency by its legal counsel pursuant to subdivision (q) of Section 11126 or Section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. The memorandum shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled.

6254.3. (a) The home addresses and home telephone numbers of state employees and employees of a school district or county office of education shall not be deemed to be public records and shall not be open to public inspection, except that disclosure of that information may be made as follows:

- (1) To an agent, or a family member of the individual to whom the information pertains.
- (2) To an officer or employee of another state agency, school district, or county office of education when necessary for the performance of its official duties.
- (3) To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed.

- (4) To an agent or employee of a health benefit plan providing health services or administering claims for health services to state, school districts, and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents.

(b) Upon written request of any employee, a state agency, school district, or county office of education shall not disclose the employee's home address or home telephone number pursuant to paragraph (3) of subdivision (a) and an agency shall remove the employee's home address and home telephone number from any mailing list maintained by the agency, except if the list is used exclusively by the agency to contact the employee.

6254.4. (a) The home address, telephone number, e-mail address, precinct number, or other number specified by the Secretary of State for voter registration purposes, and prior registration information shown on the voter registration card for all registered voters is confidential, and shall not be disclosed to any person, except pursuant to Section 2194 of the Elections Code.

(b) For purposes of this section, "home address" means street address only, and does not include an individual's city or post office address.

(c) The California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on a voter registration card of a registered voter, or added to the voter registration records to comply with the requirements of the Help America Vote Act of 2002 (P.L. 107-252), are confidential and shall not be disclosed to any person.

6254.5. Notwithstanding any other provisions of the law, whenever a state or local agency discloses a public record which is otherwise exempt from this chapter, to any member of the public, this disclosure shall constitute a waiver of the exemptions specified in Sections 6254, 6254.7, or other similar provisions of law. For purposes of this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment. This section, however, shall not apply to disclosures:

- (a) Made pursuant to the Information Practices Act (commencing with Section 1798 of the Civil Code) or discovery proceedings.
- (b) Made through other legal proceedings or as otherwise required by law.
- (c) Within the scope of disclosure of a statute which limits disclosure of specified writings to certain purposes.
- (d) Not required by law, and prohibited by formal action of an elected legislative body of the local agency which retains the writings.

(e) Made to any governmental agency which agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes which are consistent with existing law.

(f) Of records relating to a financial institution or an affiliate thereof, if the disclosures are made to the financial institution or affiliate by a state agency responsible for the regulation or supervision of the financial institution or affiliate.

(g) Of records relating to any person that is subject to the jurisdiction of the Department of Corporations, if the disclosures are made to the person that is the subject of the records for the purpose of corrective action by that person, or if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Corporations.

(h) Made by the Commissioner of Financial Institutions under Section 1909, 8009, or 18396 of the Financial Code.

(i) Of records relating to any person that is subject to the jurisdiction of the Department of Managed Health Care, if the disclosures are made to the person that is the subject of the records for the purpose of corrective action by that person, or if a corporation, to an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Managed Health Care.

6254.6. Whenever a city and county or a joint powers agency, pursuant to a mandatory statute or charter provision to collect private industry wage data for salary setting purposes, or a contract entered to implement that mandate, is provided this data by the federal Bureau of Labor Statistics on the basis that the identity of private industry employers shall remain confidential, the identity of the employers shall not be open to the public or be admitted as evidence in any action or special proceeding.

6254.7. (a) All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or air quality management district, or any other state or local agency or district, requires any applicant to provide before the applicant builds, erects, alters, replaces, operates, sells, rents, or uses the article, machine, equipment, or other contrivance, are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) All records of notices and orders directed to the owner of any building of violations of housing or building codes, ordinances, statutes, or regulations which constitute violations of standards provided in Section 1941.1 of the Civil Code, and records of subsequent action with respect to those notices and orders, are public records.

(d) Except as otherwise provided in subdivision (e) and Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code, trade secrets are not public records under this section. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(e) Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in subdivision (d), are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

(f) Data used to calculate the costs of obtaining emissions offsets are not public records. At the time that an air pollution control district or air quality management district issues a permit to construct to an applicant who is required to obtain offsets pursuant to district rules and regulations, data obtained from the applicant consisting of the year the offset transaction occurred, the amount of offsets purchased, by pollutant, and the total cost, by pollutant, of the offsets purchased is a public record. If an application is denied, the data shall not be a public record.

6254.8. Every employment contract between a state or local agency and any public official or public employee is a public record which is not subject to the provisions of Sections 6254 and 6255.

6254.9. (a) Computer software developed by a state or local agency is not itself a public record under this chapter. The agency may sell, lease, or license the software for commercial or noncommercial use.

(b) As used in this section, "computer software" includes computer mapping systems, computer programs, and computer graphics systems.

(c) This section shall not be construed to create an implied warranty on the part of the State of California or any local agency for errors, omissions, or other defects in any computer software as provided pursuant to this section.

(d) Nothing in this section is intended to affect the public record status of information merely because it is stored in a computer. Public records stored in a computer shall be disclosed as required by this chapter.

(e) Nothing in this section is intended to limit any copyright protections.

6254.10. Nothing in this chapter requires disclosure of records that relate to archeological site information maintained by the Department of Parks and Recreation, the State Historical Resources Commission, or the State Lands Commission.

6254.11. Nothing in this chapter requires the disclosure of records that relate to volatile organic compounds or chemical substances information received or compiled by an air pollution control officer pursuant to Section 42303.2 of the Health and Safety Code.

6254.12. Any information reported to the North American Securities Administrators Association/National Association of Securities Dealers' Central Registration Depository and compiled as disciplinary records which are made available to the Department of Corporations through a computer system, shall constitute a public record. Notwithstanding any other provision of law, the Department of Corporations may disclose that information and the current license status and the year of issuance of the license of a broker-dealer upon written or oral request pursuant to Section 25247 of the Corporations Code.

6254.13. Notwithstanding Section 6254, upon the request of any Member of the Legislature or upon request of the Governor or his or her designee, test questions or materials that would be used to administer an examination and are provided by the State Department of Education and administered as part of a statewide testing program of pupils enrolled in the public schools shall be disclosed to the requester. These questions or materials may not include an individual examination that has been administered to a pupil and scored. The requester may not take physical possession of the questions or materials, but may view the questions or materials at a location selected by the department. Upon viewing this information, the requester shall keep the materials that he or she has seen confidential.

6254.14. (a) Except as provided in Sections 6254 and 6254.7, nothing in this chapter shall be construed to require disclosure of records of the Department of Corrections that relate to health care services contract negotiations, and that reveal the deliberative processes, discussions, communications, or any other portion of the negotiations, including, but not limited to, records related to those negotiations such as meeting minutes, research, work product, theories, or strategy of the department, or its staff, or members of the California Medical Assistance Commission, or its staff, who act in consultation with, or on behalf of, the department.

Except for the portion of a contract that contains the rates of payment, contracts for health services entered into by the Department of Corrections or the California Medical Assistance Commission on or after July 1, 1993, shall be open to inspection one year after they are fully executed. In the event that a contract for health services that is entered into prior to July 1, 1993, is amended on or after July 1, 1993, the amendment, except for any portion containing rates of payment, shall be open to inspection one year after it is fully executed.

Three years after a contract or amendment is open to inspection under this subdivision, the portion of the contract or amendment containing the rates of payment shall be open to inspection.

Notwithstanding any other provision of law, the entire contract or amendment shall be open to inspection by the Joint Legislative Audit Committee and the Bureau of State Audits. The Joint Legislative Audit Committee and the Bureau of State Audits shall maintain the confidentiality of the contracts and amendments until the contract or amendment is fully open to inspection by the public. It is the intent of the Legislature that confidentiality of health

care provider contracts, and of the contracting process as provided in this subdivision, is intended to protect the competitive nature of the negotiation process, and shall not affect public access to other information relating to the delivery of health care services.

(b) The inspection authority and confidentiality requirements established in subdivisions (q), (v), and (w) of Section 6254 for the Legislative Audit Committee shall also apply to the Bureau of State Audits.

6254.15. Nothing in this chapter shall be construed to require the disclosure of records that are any of the following: corporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California. Except as provided below, incentives offered by state or local government agencies, if any, shall be disclosed upon communication to the agency or the public of a decision to stay, locate, relocate, or expand, by a company, or upon application by that company to a governmental agency for a general plan amendment, rezone, use permit, building permit, or any other permit, whichever occurs first.

The agency shall delete, prior to disclosure to the public, information that is exempt pursuant to this section from any record describing state or local incentives offered by an agency to a private business to retain, locate, relocate, or expand the business within California.

6254.16. Nothing in this chapter shall be construed to require the disclosure of the name, credit history, utility usage data, home address, or telephone number of utility customers of local agencies, except that disclosure of name, utility usage data, and the home address of utility customers of local agencies shall be made available upon request as follows:

- (a) To an agent or authorized family member of the person to whom the information pertains.
- (b) To an officer or employee of another governmental agency when necessary for the performance of its official duties.
- (c) Upon court order or the request of a law enforcement agency relative to an ongoing investigation.
- (d) Upon determination by the local agency that the utility customer who is the subject of the request has used utility services in a manner inconsistent with applicable local utility usage policies.
- (e) Upon determination by the local agency that the utility customer who is the subject of the request is an elected or appointed official with authority to determine the utility usage policies of the local agency, provided that the home address of an appointed official shall not be disclosed without his or her consent.
- (f) Upon determination by the local agency that the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure.

6254.17. (a) Nothing in this chapter shall be construed to require disclosure of records of the California Victim Compensation and Government Claims Board that relate to a request for assistance under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2.

(b) This section shall not apply to a disclosure of the following information, if no information is disclosed that connects the information to a specific victim, derivative victim, or applicant under Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of Title 2:

- (1) The amount of money paid to a specific provider of services.
- (2) Summary data concerning the types of crimes for which assistance is provided.

6254.18. (a) Nothing in this chapter shall be construed to require disclosure of any personal information received, collected, or compiled by a public agency regarding the employees, volunteers, board members, owners, partners, officers, or contractors of a reproductive health services facility who have notified the public agency pursuant to subdivision (d) if the personal information is contained in a document that relates to the facility.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Contractor" means an individual or entity that contracts with a reproductive health services facility for services related to patient care.

(2) "Personal information" means the following information related to an individual that is maintained by a public agency: social security number, physical description, home address, home telephone number, statements of personal worth or personal financial data filed pursuant to subdivision (n) of Section 6254, personal medical history, employment history, electronic mail address, and information that reveals any electronic network location or identity.

(3) "Public agency" means all of the following:

- (A) The State Department of Health Services.
- (B) The Department of Consumer Affairs.
- (C) The Department of Managed Health Care.

(4) "Reproductive health services facility" means the office of a licensed physician and surgeon whose specialty is family practice, obstetrics, or gynecology, or a licensed clinic, where at least 50 percent of the patients of the physician or the clinic are provided with family planning or abortion services.

(c) Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to obtain access to employment history information pursuant to Sections 6258 and 6259. If the court finds, based on the facts of a particular case, that the public interest served by disclosure of employment history information clearly outweighs the public interest served by not disclosing the information, the court shall order the officer or person charged with withholding the information to disclose employment history information or show cause why he or she should not do so pursuant to Section 6259.

(d) In order for this section to apply to an individual who is an employee, volunteer, board member, officer, or contractor of a reproductive health services facility, the individual shall notify the public agency to which his or her personal information is being submitted or has been submitted that he or she falls within the application of this section. The reproductive health services facility shall retain a copy of all notifications submitted pursuant to this section. This notification shall be valid if it complies with all of the following:

- (1) Is on the official letterhead of the facility.
- (2) Is clearly separate from any other language present on the same page and is executed by a signature that serves no other purpose than to execute the notification.

(3) Is signed and dated by both of the following:

(A) The individual whose information is being submitted.

(B) The executive officer or his or her designee of the reproductive health services facility.

(e) The privacy protections for personal information authorized pursuant to this section shall be effective from the time of notification pursuant to subdivision (d) until either one of the following occurs:

(1) Six months after the date of separation from a reproductive health services facility for an individual who has served for not more than one year as an employee, contractor, volunteer, board member, or officer of the reproductive health services facility.

(2) One year after the date of separation from a reproductive health services facility for an individual who has served for more than one year as an employee, contractor, volunteer, board member, or officer of the reproductive health services facility.

(f) Within 90 days of separation of an employee, contractor, volunteer, board member, or officer of the reproductive health services facility who has provided notice to a public agency pursuant to subdivision (c), the facility shall provide notice of the separation to the relevant agency or agencies.

(g) Nothing in this section shall prevent the disclosure by a government agency of data regarding age, race, ethnicity, national origin, or gender of individuals whose personal information is protected pursuant to this section, so long as the data contains no individually identifiable information.

6255. (a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

6257.5. This chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

6258. Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this chapter. The times for responsive pleadings and for hearings in these proceedings shall be set by the judge of the court with the object of securing a decision as to these matters at the earliest possible time.

6259. (a) Whenever it is made to appear by verified petition to the superior court of the county where the records or some part thereof are situated that certain public records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the public record or show cause why he or she should not do so. The court shall decide the case after examining the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties and any oral argument and additional evidence as the court may allow.

(b) If the court finds that the public official's decision to refuse disclosure is not justified under Section 6254 or 6255, he or she shall order the public official to make the record public. If the judge determines that the public official was justified in refusing to make the record public, he or she shall return the item to the public official without disclosing its content with an order supporting the decision refusing disclosure.

(c) In an action filed on or after January 1, 1991, an order of the court, either directing disclosure by a public official or supporting the decision of the public official refusing disclosure, is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken, but shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ. Upon entry of any order pursuant to this section, a party shall, in order to obtain review of the order, file a petition within 20 days after service upon him or her of a written notice of entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the notice is served by mail, the period within which to file the petition shall be increased by five days. A stay of an order or judgment shall not be granted unless the petitioning party demonstrates it will otherwise sustain irreparable damage and probable success on the merits. Any person who fails to obey the order of the court shall be cited to show cause why he or she is not in contempt of court.

(d) The court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section. The costs and fees shall be paid by the public agency of which the public official is a member or employee and shall not become a personal liability of the public official. If the court finds that the plaintiff's case is clearly frivolous, it shall award court costs and reasonable attorney fees to the public agency.

6260. The provisions of this chapter shall not be deemed in any manner to affect the status of judicial records as it existed immediately prior to the effective date of this section, nor to affect the rights of litigants, including parties to administrative proceedings, under the laws of discovery of this state, nor to limit or impair any rights of discovery in a criminal case.

**PALOMAR POMERADO HEALTH**

**BOARD POLICY**

**GOV-25**

**RECORDING OF GOVERNING BOARD MEETINGS**

## **Change Summery**

1. Reviewed the current Government Code; Administrative Code; and the Health and Safety Code for compliance.
2. Placed in approver LUCIDUC format.
3. Removed the word "System" from Palomar Pomerado Health.
4. Removed the reference to Rose Godfrey by name. Referred to the "Board Assistant".
5. Reorganized policy to make easier to read.

NEW POLICY

REDLINE

## **I. PURPOSE:**

- A. Applicable law allows open session meetings of the gGoverning bBoard to be recorded by video or audiotape or by still or motion picture cameras. Closed session meetings may be recorded as well under strictly defined procedures that protect the confidentiality of the information contained in such recordings. This statement of policy is intended to set forth policy (and procedures) to govern the recording of any PPHs Governing bBoard meeting, as well as any committee of the bBoard.
- B. This statement of policy shall apply to meetings of any committee of the gGoverning bBoard, as well as to meetings of the bBoard itself.

## **II. DEFINITIONS:**

- A. "Person" shall include members of the public, as well as PPHs bBoard members, officers and employees.
- B. "Record" means action taken by a person to chronicle a meeting of the gGoverning bBoard with an audio or video tape recorder or a still or motion picture camera.

## **III. PROCEDURE – TEXT/STANDARDS OF PRACTICE:**

- A. Recording open session meetings of the gGoverning bBoard.
  - 1. Any member of the public, any member of PPHs gGoverning bBoard or its staff or any other PPHs officer or employee may record open session meetings of the gGoverning bBoard in accordance with the procedure set forth herein.
  - 2. Subject to paragraph A.3 below, any person attending an open and public meeting of the Governing bBoard may record the proceedings with an audio or video tape recorder or still or motion picture camera.
  - 3. Nothing herein shall be construed to limit the right of the bBoard to terminate any recording in progress if it finds that the recording cannot continue without undue noise, illumination or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.
  - 4. Any recording of an open session made by or at the direction of PPHs shall be subject to inspection pursuant to the California Public Records Act and may be erased or destroyed thirty days after the taping or recording. Any inspection of such a recording shall be provided without charge or a video or tape player made available by PPHs.
- B. Recording closed session meetings of the gGoverning bBoard
  - 1. ~~On November 24, 1986, the Board designated Rose Godfrey as Administrative Assistant.~~ The Board designated Board Administrative Assistant, or such other person temporarily or permanently in that position, will attend closed sessions when requested and to keep and enter into a minute book records of the topics discussed and discussions occurring at those meetings. The bBoard

believes that, as a part of that designation, ~~Rose Godfrey~~ the Board Assistant is permitted to record those closed sessions with audio or video tape recorder or with still or motion picture cameras, as the Board may from time to time direct. No other individual shall record closed session meetings of the Governing Board or of any of its committees. The Board Assistant, or such other person temporarily or permanently in her position, is the only person authorized to record closed session meetings of the Board. Unless designated in a prior resolution by the Board, no PPHs Board member, officer or employee shall record closed session meetings of the Board.

2. The Board Assistant, or such other person temporarily or permanently in her position, shall be the custodian of any recordings made of closed session meetings of the Board. This person shall maintain such recordings at a secure location at PPHs administrative offices.
3. Closed session recordings shall not constitute a public record. Board members and staff who wish to review such recordings shall do so within the confines of a secure area established by the Administrative Assistant, or such other person temporarily or permanently in that position, and shall be subject to reasonable security measures established by her to safeguard the confidential nature of the information contained in the recordings.

C. This policy will be reviewed and updated as required or at least every three years.

#### **IV. DOCUMENT/PUBLICATION HISTORY:**

Original Document Date: 1/16/96

Reviewed: 2/99; 9/05

Revision Number: 1      Dated: 9/26/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**I. PURPOSE:**

To promote an atmosphere of patriotism, civility and solemnity at public Board meetings, the meetings *may* be opened with the Pledge of Allegiance and an inspirational/motivational recitation.

**II. DEFINITIONS:**

None

**III. TEXT / OF PRACTICE:**

- A. The PPH Directors *may allow* public board meetings to be opened with the Pledge of Allegiance to the Flag and an invocation.
- B. The purpose is as stated above will be secular in nature with no promotion of religion.
- C. The Pledge of Allegiance and the recitation are to precede the Regular Board Meeting agenda items. The title on the appropriate section of the agenda is to read, "Pledge of Allegiance to the Flag" and "Recitation".
  - 1. The Pledge of Allegiance and the recitation are to precede the Regular Board Meeting agenda items. The title on the appropriate section of the agenda is to read, "Pledge of Allegiance to the Flag" and "Recitation".
  - 2. The Chairman of the Board will lead the Pledge of Allegiance.
  - 3. Recitations of an inspirational/motivational nature that neither promote nor discourage religion nor one religion over another shall be provided by the Palomar Pomerado Health Chaplains.
- D. This Policy will be reviewed every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 9/97

Reviewed: 1/99; 9/05

Revision Number: 1 Dated: 9/25/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

OLD POLICY

WITH

RESOLUTION

PALOMAR POMERADO HEALTH SYSTEM  
District Policy No. 10-413

**OPENING CEREMONY FOR BOARD MEETINGS**

**POLICY:** The PPHS Directors *may allow* public board meetings to be opened with the Pledge of Allegiance to the Flag and an invocation.

**PURPOSE:** The opening ceremony to PPHS=s legislative process is solely for secular purposesBto recognize all freedoms and to promote an atmosphere of civility and understanding at the board meetings.

The invocation shall be done without cost to PPHS and shall neither encourage nor discourage religion nor promote the practices of one religion over another.

**PROCEDURE:** In compliance with the above policy, the following procedure is to be followed:

1. The recitation of the Pledge of Allegiance and the giving of the invocation are to precede the regular board meeting agenda items.
2. The Chairman of the Board will lead the Pledge of Allegiance.
3. The PPHS Chaplain is to coordinate the invocations. Should the Chaplain or designee be unable to attend, no last-minute substitutions will be accepted, and the meeting will begin without such presentation.
4. To inform those attending board meetings, the title on the appropriate section of the agenda is to read, APledge of Allegiance to the Flag@ and AInvocation@.

**APPROVED BY:**

Chairman of the Board

PREPARED BY: General Counsel & Amended

DATED: 9/97

REVIEWED: 1/99

REVISED:

APPROVED: 9/97

NEW POLICY

IN

LUCIDOC FORMAT

**I. PURPOSE:**

To promote an atmosphere of patriotism, civility and solemnity at public Board meetings, the meetings *may* be opened with the Pledge of Allegiance and an inspirational/motivational recitation.

**II. DEFINITIONS:**

None

**III. TEXT / OF PRACTICE:**

- A. The PPH Directors *may allow* public board meetings to be opened with the Pledge of Allegiance to the Flag and an invocation.
- B. The purpose is as stated above will be secular in nature with no promotion of religion.
- C. The Pledge of Allegiance and the recitation are to precede the Regular Board Meeting agenda items. The title on the appropriate section of the agenda is to read, "Pledge of Allegiance to the Flag" and "Recitation".
  - 1. The Pledge of Allegiance and the recitation are to precede the Regular Board Meeting agenda items. The title on the appropriate section of the agenda is to read, "Pledge of Allegiance to the Flag" and "Recitation".
  - 2. The Chairman of the Board will lead the Pledge of Allegiance.
  - 3. Recitations of an inspirational/motivational nature that neither promote nor discourage religion nor one religion over another shall be provided by the Palomar Pomerado Health Chaplains.
- D. This Policy will be reviewed every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 9/97

Reviewed: 1/99; 9/05

Revision Number: 1 Dated: 9/25/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**PALOMAR POMERADO HEALTH**

**BOARD POLICY**

**GOV-26**

**OPENING CEREMONY FOR BOARD MEETINGS**

### **Change Summery**

1. Reviewed the current Government Code and Administrative Code for compliance.
2. Placed in approver LUCIDUC format.
3. Removed the word "System" from Palomar Pomerado Health.
4. There were no significant changes to this policy..

NEW POLICY

REDLINE

**I. PURPOSE:**

To promote an atmosphere of patriotism, civility and solemnity at public Board meetings, the meetings *may* be opened with the Pledge of Allegiance and an inspirational/motivational recitation. The PPHS Directors *may allow* public board meetings to be opened with the Pledge of Allegiance to the Flag and an invocation.

**II. DEFINITIONS:**

None

**III. TEXT / OF PRACTICE:**

- A. The PPH Directors *may allow* public board meetings to be opened with the Pledge of Allegiance to the Flag and an invocation.
- B. The purpose is as stated above will be secular in nature with no promotion of religion.
- C. The Pledge of Allegiance and the recitation are to precede the Regular Board Meeting agenda items. The title on the appropriate section of the agenda is to read, "Pledge of Allegiance to the Flag" and "Recitation".
1. The Pledge of Allegiance and the recitation are to precede the Regular Board Meeting agenda items. The title on the appropriate section of the agenda is to read, "Pledge of Allegiance to the Flag" and "Recitation".
  2. The Chairman of the Board will lead the Pledge of Allegiance.
  3. Recitations of an inspirational/motivational nature that neither promote nor discourage religion nor one religion over another shall be provided by the Palomar Pomerado Health Chaplains.
- D. This Policy will be reviewed every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 9/97

Reviewed: 1/99; 9/05

Revision Number: 1 Dated: 9/25/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

OLD POLICY

WITH  
RESOLUTION

PALOMAR POMERADO HEALTH  
Board Policy No. 10-412

*RECORDING OF GOVERNING BOARD MEETINGS*

**PURPOSE:** Applicable law allows open session meetings of the Governing Board to be recorded by video or audio tape or by still or motion picture cameras. Closed session meetings may be recorded as well under strictly-defined procedures that protect the confidentiality of the information contained in such recordings. This statement of policy is intended to set forth policy (and procedures) to govern the recording of any PPH Governing Board meeting, as well as any Committee of the Board.

This statement of policy shall apply to meetings of any Committee of the Governing Board, as well as to meetings of the Board itself.

**POLICY:** A. Open session meetings of the Governing Board

Any member of the public, any member of PPH Governing Board or its staff or any other PPH officer or employee may record open session meetings of the Governing Board in accordance with the procedure set forth herein.

B. Closed session meetings of the Governing Board

On November 24, 1986, the Board designated Rose Godfrey as Administrative Assistant, or such other person temporarily or permanently in that position, to attend closed sessions when requested and to keep and enter into a minute book records of the topics discussed and discussions occurring at those meetings. The board believes that, as a part of that designation, Christine Meaney is permitted to record those closed sessions with audio or video tape recorder or with still or motion picture cameras, as the Board may from time to time direct. No other individual shall record closed session meetings of the Governing Board or of any of its Committees.

**GUIDELINES:**

A. Recording open session meetings of the Governing Board.

1. Subject to paragraph A.2 below, any person attending an open and public meeting of the Governing Board may record the proceedings with an audio or video tape recorder or still or motion picture camera.
  - a. "Person" shall include members of the public, as well as PPH Board members, officers and employees.
  - b. "Record" means action taken by a person to chronicle a meeting of the Governing Board with an audio or video tape recorder or a still or motion picture camera.
2. Nothing herein shall be construed to limit the right of the Board to terminate any recording in progress if it finds that the recording cannot continue without undue noise, illumination or obstruction of view that constitutes, or would

Policy 10-412 Recording Meetings of Governing Body (Continued)

constitute, a persistent disruption of the proceedings.

3. Any recording of an open session made by or at the direction of PPH shall be subject to inspection pursuant to the California Public Records Act and may be erased or destroyed thirty days after the taping or recording. Any inspection of such a recording shall be provided without charge or a video or tape player made available by PPH.

**B. Recording closed session meetings of the governing board.**

1. The Board Assistant, or such other person temporarily or permanently in her position, is the only person authorized to record closed session meetings of the board.
2. Unless designated in a prior resolution by the board, no PPH Board member, officer or employee shall record closed session meetings of the Board.
3. The Board Assistant, or such other person temporarily or permanently in her position, shall be the custodian of any recordings made of closed session meetings of the board. She shall maintain such recordings at a secure location at PPH administrative offices.
4. Closed session recordings shall not constitute a public record. Board members and staff who wish to review such recordings shall do so within the confines of a secure area established by Christine Meaney, or such other person temporarily or permanently in her person, and shall be subject to reasonable security measures established by her to safeguard the confidential nature of the information contained in the recordings.

APPROVED BY:

Chairman of the Board

PREPARED BY: George L. Root, General Counsel, Foley Lardner, Weissburg and Aronson  
AUTHORITY: California Government Code Section 54953.5, 54957.2.  
California Penal Code Section 632.  
DATED: January 16, 1996  
REVIEWED: February, 1999; September, 2005??  
REVISED: February, 1999; August, 2005??  
APPROVED: February 12, 1996; October, 2005??  
DISTRIBUTION: BOD; EMT??

NEW POLICY

IN

LUCIDOC FORMAT

## **I. PURPOSE:**

- A. Applicable law allows open session meetings of the Governing Board to be recorded by video or audiotape or by still or motion picture cameras. Closed session meetings may be recorded as well under strictly defined procedures that protect the confidentiality of the information contained in such recordings. This statement of policy is intended to set forth policy (and procedures) to govern the recording of any PPH Governing Board meeting, as well as any committee of the Board.
- B. This statement of policy shall apply to meetings of any committee of the Governing Board, as well as to meetings of the Board itself.

## **II. DEFINITIONS:**

- A. "Person" shall include members of the public, as well as PPH Board members, officers and employees.
- B. "Record" means action taken by a person to chronicle a meeting of the Governing Board with an audio or video tape recorder or a still or motion picture camera.

## **III. PROCEDURE – TEXT/STANDARDS OF PRACTICE:**

- A. Recording open session meetings of the Governing Board.
  - 1. Any member of the public, any member of PPH Governing Board or its staff or any other PPH officer or employee may record open session meetings of the Governing Board in accordance with the procedure set forth herein.
  - 2. Subject to paragraph A.3 below, any person attending an open and public meeting of the Governing Board may record the proceedings with an audio or video tape recorder or still or motion picture camera.
  - 3. Nothing herein shall be construed to limit the right of the Board to terminate any recording in progress if it finds that the recording cannot continue without undue noise, illumination or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.
  - 4. Any recording of an open session made by or at the direction of PPH shall be subject to inspection pursuant to the California Public Records Act and may be erased or destroyed thirty days after the taping or recording. Any inspection of such a recording shall be provided without charge or a video or tape player made available by PPH.
- B. Recording closed session meetings of the Governing Board
  - 1. The Board designated Board Assistant, or such other person temporarily or permanently in that position, will attend closed sessions when requested and to keep and enter into a minute book records of the topics discussed and discussions occurring at those meetings. The Board believes that, as a part of that designation, the Board Assistant is permitted to record those closed sessions with audio or video tape recorder or with still or motion picture cameras, as the Board may from

time to time direct. No other individual shall record closed session meetings of the Governing Board or of any of its committees. The Board Assistant, or such other person temporarily or permanently in her position, is the only person authorized to record closed session meetings of the Board. Unless designated in a prior resolution by the Board, no PPH Board member, officer or employee shall record closed session meetings of the Board.

2. The Board Assistant, or such other person temporarily or permanently in her position, shall be the custodian of any recordings made of closed session meetings of the Board. This person shall maintain such recordings at a secure location at PPH administrative offices.
3. Closed session recordings shall not constitute a public record. Board members and staff who wish to review such recordings shall do so within the confines of a secure area established by the Administrative Assistant, or such other person temporarily or permanently in that position, and shall be subject to reasonable security measures established by her to safeguard the confidential nature of the information contained in the recordings.

C. This policy will be reviewed and updated as required or at least every three years.

#### **IV. DOCUMENT/PUBLICATION HISTORY:**

Original Document Date: 1/16/96

Reviewed: 2/99; 9/05

Revision Number: 1      Dated: 9/26/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**PALOMAR POMERADO HEALTH**

**BOARD POLICY**

**GOV-30**

**Chain of Command**

### **Change Summery**

1. Reviewed by Mr. Covert.
2. Placed in approver LUCIDUC format.
3. The significant changes to this policy was changing the second in command from "Senior Vice President of Clinical Affairs" to "CFO".
4. Added a requirement for a three year review.

**I. PURPOSE:**

To promote an atmosphere of patriotism, civility and solemnity at public Board meetings, the meetings *may* be opened with the Pledge of Allegiance and an inspirational/motivational recitation. The PPHS Directors *may allow* public board meetings to be opened with the Pledge of Allegiance to the Flag and an invocation.

**II. DEFINITIONS:**

None

**III. TEXT / OF PRACTICE:**

- A. The PPH Directors *may allow* public board meetings to be opened with the Pledge of Allegiance to the Flag and an invocation.
- B. The purpose is as stated above will be secular in nature with no promotion of religion.
- C. The Pledge of Allegiance and the recitation are to precede the Regular Board Meeting agenda items. The title on the appropriate section of the agenda is to read, "Pledge of Allegiance to the Flag" and "Recitation".
  - 1. The Pledge of Allegiance and the recitation are to precede the Regular Board Meeting agenda items. The title on the appropriate section of the agenda is to read, "Pledge of Allegiance to the Flag" and "Recitation".
  - 2. The Chairman of the Board will lead the Pledge of Allegiance.
  - 3. Recitations of an inspirational/motivational nature that neither promote nor discourage religion nor one religion over another shall be provided by the Palomar Pomerado Health Chaplains.
- D. This Policy will be reviewed every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 9/97

Reviewed: 1/99; 9/05

Revision Number: 1 Dated: 9/25/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

NEW POLICY

REDLINE

**PALOMAR POMERADO HEALTH SYSTEM**

District Policy No. 10-204

**CHAIN OF COMMAND**

**POLICY:**

**I. PURPOSE:**

To facilitate a smooth transition in the conduction of business in the temporary absence of the President and Chief Executive Officer, there shall be a designated chain of command to ensure this transition. The individuals are designated at the discretion of the CEO; such designation is to be in a written procedure form.

**GUIDELINES:**

**II. DEFINITIONS:**

None

**III. TEXT / OF PRACTICE:**

A. In the temporary absence of the President and Chief Executive Officer, the chain of command shall proceed in the following order:

1. Chief Financial Officer;  
Clinical Vice President of Clinical Affairs;
2. Administrator/Chief Operating Officer Palomar Medical Center;
3. Administrator/Chief Operating Officer Pomerado Hospital

B. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 11/89

Reviewed: 1/93; 2/94; 3/95; 1/05

Revision Number: 2 Dated: 6/20/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Rivera, Chairman

**VI. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-204

DATED: November, 1989

REVIEWED: 1/93; 2/94; 3/95; 2/99; 2/00

REVISED: January, 1993; February, 1994; February, 1999; April, 2000

APPROVED: June, 2000

DISTRIBUTION: Executive Management Group

**OLD POLICY**

**WITH  
RESOLUTION**

**PALOMAR POMERADO HEALTH SYSTEM**  
**District Policy No. 10-204**

***CHAIN OF COMMAND***

**POLICY:** To facilitate a smooth transition in the conduction of business in the temporary absence of the President and Chief Executive Officer, there shall be a designated chain of command to ensure this transition. The individuals are designated at the discretion of the CEO; such designation is to be in a written procedure form.

**GUIDELINES:** In the temporary absence of the President and Chief Executive Officer, the chain of command shall proceed in the following order:

1. Clinical Vice President of Clinical Affairs;
2. Administrator/Chief Operating Officer Palomar Medical Center;
3. Administrator/Chief Operating Officer Pomerado Hospital.

**APPROVED BY:**

Nicholas Yphantides, M.D.  
Chairman of the Board

**PREPARED BY:** Rose S. Godfrey  
**SOURCE:** Policy No. 10-12, dated November, 1989  
**DATED:** November, 1989  
**REVIEWED:** 1/93; 2/94, 3/95; 2/99; 2/00  
**REVISED:** January, 1993; February, 1994; February, 1999; April, 2000  
**APPROVED:** June, 2000  
**DISTRIBUTION:** Executive Management Group

NEW POLICY

IN

LUCIDOC FORMAT

**I. PURPOSE:**

To facilitate a smooth transition in the conduction of business in the temporary absence of the President and Chief Executive Officer, there shall be a designated chain of command to ensure this transition. The individuals are designated at the discretion of the CEO; such designation is to be in a written procedure form.

**II. DEFINITIONS:**

None

**III. TEXT / OF PRACTICE:**

A. In the temporary absence of the President and Chief Executive Officer, the chain of command shall proceed in the following order:

1. Chief Financial Officer;
2. Administrator/Chief Operating Officer Palomar Medical Center;
3. Administrator/Chief Operating Officer Pomerado Hospital

B. This policy will be reviewed and updated as required or at least every three years.

**IV. DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 11/89

Reviewed: 1/93; 2/94; 3/95; 1/05

Revision Number: 2 Dated: 6/20/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Rivera, Chairman

**VI. CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-204

**PALOMARPOMERADO HEALTH**

**BOARD POLICY**

**GOV-33**

**Evaluation – CEO**

## **Change Summery**

1. This was an HR Policy.
2. There were no significant changes to this policy.
3. Added a requirement for a review as required.

NEW POLICY

REDLINE

**PERFORMANCE EVALUATION PROCESS**  
**CHIEF EXECUTIVE OFFICER**

**POLICY:**

**I. PURPOSE:**

~~The~~To provide guidelines to clarify and standardize the process for the evaluation of the Chief Executive Officer. This evaluation shall be comprehensive and global in nature, focusing on all aspects of performance in carrying out the mission and philosophy of the Health System, District, corporate integrity and organizational viability. The appraisal shall be performed on an annual basis by either an ad hoc committee of the Board or by the Board as a whole.

**II. DEFINITIONS:**

None

**III. TEXT / OF PRACTICE:**

- A. The Board-established goals of the Chief Executive Officer generate the goals for management, necessitating the need for a critically-timed CEO evaluation process. To ensure inclusion in the budget process, the CEO goals for the ensuing year are to be formalized by the end of April with approval by July 31. The evaluation of the past year's performance occurs as follows:
1. To include organizational financial performance, the first meeting of the appraisal process is to be held when the end-of-fiscal-year data is available, which is anticipated to be the third week of July.
  2. Pre-audit financial data is considered to be preliminary. It is understood that post-audit adjustments may occasionally be necessary.
  3. The process is initiated by the completion and submission of the CEO's self-assessment.
  4. To achieve the appropriate flow of the Health System's evaluation process, the CEO evaluation is to be finalized by the end of August.
  5. In anticipation of potential conflicts with summer vacation schedules, the evaluation process is to be included on the Calendar of Events which is approved at the Annual (December) Board Meeting.
- B. Format. For the process to be successful, there should be agreement of the format by both the Board and CEO. In the interest of both integrity and consistency in the process, the format should embody the intent of the performance evaluation. It is also important to achieve a balance between objective and subjective areas of performance.
- C. Elements. The performance evaluation process shall embody certain essential elements,

such as:

1. Written, approved policy to guide the process;
2. Objectives which form the basis of the evaluation and which have been established with the participation of the CEO;
3. Informing the entire Board of the timing of the evaluation and providing opportunity for input;
4. Objective but quantitative criteria;
5. The results of the performance evaluation forms the basis for new or revised performance goals and objectives; and
6. A clear understanding by both Board and CEO of the criteria and procedure involved in applicable incentives or bonuses.

D. Criteria. The following criteria shall be included:

1. Fulfillment and advancement of the Mission and Philosophy;
2. Elevating the level of corporate integrity as it applies to legal issues, financial practices and organizational behavior in general;
3. Financial goals and objectives;
4. Organization planning and staffing to achieve goals and objectives;
5. Patient care and service quality;
6. Development and maintenance of productive relationships with the following constituents:
  - Board of Directors
  - Medical Staff
  - Community
  - Employees
  - Professional associations and societies.
7. Strategic planning;
8. System cooperation;
9. Special projects and specific objectives; and
10. Professional and leadership development objectives.

E. Bonus. Bonuses or salary changes shall be made in accordance with the CEO contract and in accordance with applicable provisions in the Government Code.

1. Information relating to bonuses or changes in compensation should be made available as far in advance as is practical to facilitate a more meaningful discussion. Such information may include the following:
  - Listing of current fringe benefits and summary of CEO's salary history;
  - Current salaries and benefits of CEO's of comparable health systems;
  - Information regarding industry compensation levels for similar positions; and
  - Salary study by expert, if requested.
2. While it is permissible to make the threshold decision of whether a salary increase is to be granted in closed session, all discussions regarding the amount of salary increase are

to be held in public session<sup>1</sup>. Specific recommendations are to be reported at the next Regular Meeting.

F. Conclusions and Findings. The discussion, conclusion and findings of the evaluation are confidential between the CEO and members of the Board and re protected by the Personnel Exception of the Government Code. While the need for appropriate documentation for the record is recognized, access to the contents if *expressly restricted* to the Board and CEO.

1. The conclusions/findings of the evaluation are to be documented and signed by the Board Chair, sealed in an envelope with seal to be initialed for placement in the Board's permanent records.
2. Salary/bonus recommendations are documented by letter from the Board Chair to the CEO with copies to the full Board, VP Human Resources, and Board Assistant for permanent file. Human Resources will initiate the salary/bonus aspects and place a copy of the letter in the CEO's personnel file.
3. Goals for the ensuing year are also placed in CEO's personnel file and the Board's permanent records.
4. Should special instructions be given for the subsequent year, they are to be included with the goals.

G. This policy will be reviewed and updated as required.

**DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 4/95

Reviewed: 2/00; 10/05

Revision Number: 1 Dated: 10/17/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-203

PREPARED BY: \_\_\_\_\_ Rose S. Godfrey  
Assistant to Board of Directors

DATED: \_\_\_\_\_ April, 1995

REVIEWED: \_\_\_\_\_ February, 2000

REVISED: \_\_\_\_\_ April 10, 2000

SOURCE: \_\_\_\_\_ *Performance Review System and Suggested Revisions to Policy* by Norm Gruber, and *Open Meeting Laws of the State of California*, Attorney General's Office.

<sup>1</sup> The court has specifically rejected the argument that the terms *employment* or *performance* as used in Section 54957 (Personnel Closed Exception) should be interpreted to include salary level determination. The court has held that, "Salaries and other terms of compensation constitute municipal budgetary matters of substantial public interest warranting open discussion and eventual electoral public ratification."

OLD POLICY

WITH  
RESOLUTION

PALOMAR POMERADO HEALTH SYSTEM  
Executive Offices Procedure No. 10-203

**PERFORMANCE EVALUATION PROCESS**  
**CHIEF EXECUTIVE OFFICER**

**POLICY:** *The evaluation of the Chief Executive Officer shall be comprehensive and global in nature, focusing on all aspects of performance in carrying out the mission and philosophy of the Health System, corporate integrity and organizational viability. The appraisal shall be performed on an annual basis by either an ad hoc committee of the Board or by the Board as a whole.*

**TIMETABLE:** The Board-established goals of the Chief Executive Officer generate the goals for management, necessitating the need for a critically-timed CEO evaluation process. To ensure inclusion in the budget process, the CEO goals for the ensuing year are to be formalized by the end of April with approval by July 31. The evaluation of the past year's performance occurs as follows:

1. To include organizational financial performance, the first meeting of the appraisal process is to be held when the end-of-fiscal-year data is available, which is anticipated to be the third week of July.
2. Pre-audit financial data is considered to be preliminary. It is understood that post-audit adjustments may occasionally be necessary.
3. The process is initiated by the completion and submission of the CEO's self-assessment.
4. To achieve the appropriate flow of the Health System's evaluation process, the CEO evaluation is to be finalized by the end of August.
5. In anticipation of potential conflicts with summer vacation schedules, the evaluation process is to be included on the Calendar of Events which is approved at the Annual (December) Board Meeting.

**FORMAT:** For the process to be successful, there should be agreement of the format by both the Board and CEO. In the interest of both integrity and consistency in the process, the format should embody the intent of the performance evaluation. It is also important to achieve a balance between objective and subjective areas of performance.

**I ELEMENTS.** The performance evaluation process shall embody certain essential elements, such as:

1. Written, approved policy to guide the process;
2. Objectives which form the basis of the evaluation and which have been established with the participation of the CEO;

Performance Evaluation Process  
Chief Executive Officer  
Policy No. 10-203

3. Informing the entire Board of the timing of the evaluation and providing opportunity for input;
4. Objective but quantitative criteria;
5. The results of the performance evaluation forms the basis for new or revised performance goals and objectives; and
6. A clear understanding by both Board and CEO of the criteria and procedure involved in applicable incentives or bonuses.

**II CRITERIA.** The following criteria shall be included:

1. Fulfillment and advancement of the Mission and Philosophy;
2. Elevating the level of corporate integrity as it applies to legal issues, financial practices and organizational behavior in general;
3. Financial goals and objectives;
4. Organization planning and staffing to achieve goals and objectives;
5. Patient care and service quality;
6. Development and maintenance of productive relationships with the following constituents:
  - Board of Directors
  - Medical Staff
  - Community
  - Employees
  - Professional associations and societies.
7. Strategic planning;
8. System cooperation;
9. Special projects and specific objectives; and
10. Professional and leadership development objectives.

**III BONUS.** Bonuses or salary changes shall be made in accordance with the CEO contract and in accordance with applicable provisions in the Government Code.

1. Information relating to bonuses or changes in compensation should be made available as far in advance as is practical to facilitate a more meaningful discussion. Such information may include the following:
  - Listing of current fringe benefits and summary of CEO's salary history;
  - Current salaries and benefits of CEO's of comparable health systems;
  - Information regarding industry compensation levels for similar positions; and
  - Salary study by expert, if requested.

Performance Evaluation Process  
Chief Executive Officer  
Policy No. 10-203

2. While it is permissible to make the threshold decision of whether a salary increase is to be granted in closed session, all discussions regarding the amount of salary increase are to be held in public session<sup>1</sup>. Specific recommendations are to be reported at the next Regular Meeting.

IV **CONCLUSIONS AND FINDINGS.** The discussion, conclusion and findings of the evaluation are confidential between the CEO and members of the Board and re protected by the Personnel Exception of the Government Code. While the need for appropriate documentation for the record is recognized, access to the contents if *expressly restricted* to the Board and CEO.

1. The conclusions/findings of the evaluation are to be documented and signed by the Board Chair, sealed in an envelope with seal to be initialed for placement in the Board's permanent records.
2. Salary/bonus recommendations are documented by letter from the Board Chair to the CEO with copies to the full Board, VP Human Resources, and Board Assistant for permanent file. Human Resources will initiate the salary/bonus aspects and place a copy of the letter in the CEO's personnel file.
3. Goals for the ensuing year are also placed in CEO's personnel file and the Board's permanent records.
4. Should special instructions be given for the subsequent year, they are to be included with the goals.

SIGNATURE:

Chairman of the Board

PREPARED BY: Rose S. Godfrey  
Assistant to Board of Directors

DATED: April, 1995

REVIEWED: February, 2000

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<sup>1</sup> The court has specifically rejected the argument that the terms *employment* or *performance* as used in Section 54957 (Personnel Closed Exception) should be interpreted to include salary level determination. The court has held that, "Salaries and other terms of compensation constitute municipal budgetary matters of substantial public interest warranting open discussion and eventual electoral public ratification."

NEW POLICY

IN

LUCIDOC FORMAT

## **I. PURPOSE:**

To provide guidelines to clarify and standardize the process for the evaluation of the Chief Executive Officer. This evaluation shall be comprehensive and global in nature, focusing on all aspects of performance in carrying out the mission and philosophy of the Health District, corporate integrity and organizational viability. The appraisal shall be performed on an annual basis by either an ad hoc committee of the Board or by the Board as a whole.

## **II. DEFINITIONS:**

None

## **III. TEXT / OF PRACTICE:**

A. The Board-established goals of the Chief Executive Officer generate the goals for management, necessitating the need for a critically-timed CEO evaluation process. To ensure inclusion in the budget process, the CEO goals for the ensuing year are to be formalized by the end of April with approval by July 31. The evaluation of the past year's performance occurs as follows:

1. To include organizational financial performance, the first meeting of the appraisal process is to be held when the end-of-fiscal-year data is available, which is anticipated to be the third week of July.
2. Pre-audit financial data is considered to be preliminary. It is understood that post-audit adjustments may occasionally be necessary.
3. The process is initiated by the completion and submission of the CEO's self-assessment.
4. To achieve the appropriate flow of the Health System's evaluation process, the CEO evaluation is to be finalized by the end of August.
5. In anticipation of potential conflicts with summer vacation schedules, the evaluation process is to be included on the Calendar of Events which is approved at the Annual (December) Board Meeting.

B. Format. For the process to be successful, there should be agreement of the format by both the Board and CEO. In the interest of both integrity and consistency in the process, the format should embody the intent of the performance evaluation. It is also important to achieve a balance between objective and subjective areas of performance.

C. Elements. The performance evaluation process shall embody certain essential elements, such as:

1. Written, approved policy to guide the process;
2. Objectives which form the basis of the evaluation and which have been established with the participation of the CEO;
3. Informing the entire Board of the timing of the evaluation and providing opportunity for

**PALOMAR POMERADO HEALTH**

**BOARD POLICY**

**GOV-34**

**Gifts and Donations**

## **Change Summery**

1. Reviewed the current Government Code and Administrative Code for compliance.
2. Placed in approver LUCIDUC format.
3. Removed the word "System" from Palomar Pomerado Health.
4. Where the old policy referred to the resolution that had all the information, the resolution has been incorporated into the policy.

NEW POLICY

REDLINE

## **I. PURPOSE:**

- A. To the designate the Palomar Pomerado Health Foundation as the recipient for all PPH gifts and donations and to ensure appropriate recognition, receipt and accountability, as well as consistent handling of these gifts and donations.
- B. The charitable purpose of Palomar Pomerado Health Foundation, a California nonprofit, public benefit corporation ("Foundation") is to support the charitable work performed by Palomar Pomerado Health through contributions and donations to the District and its various affiliates and their respective health-care programs.

## **II. DEFINITIONS:**

None

## **III. TEXT / OF PRACTICE:**

- A. The Board has determined that it is in the best interests of Palomar Pomerado Health to ensure that:
1. all gifts, contributions and donations (collectively, "Gifts") to the District made by the public are properly accounted for;
  2. such Gifts comply with applicable federal and California tax laws and regulations;
  3. appropriate receipts are provided to donors for tax purposes; and
  4. all donors receive appropriate communications of the appreciation of the District, its senior staff and its key volunteers;
- B. The Foundation can and will provide all of the foregoing services to the District in connection with Gifts to the District.
- C. The District and the Foundation will establish procedures:
1. pursuant to which the Foundation will provide the services described above with respect to gifts made by donors for use by the District, its affiliates and their respective health care programs in furtherance of its charitable purposes; and
  2. that will ensure that all donors are advised that the ultimate recipient of the Gifts will be the District;
  3. compliance with any and all restrictions placed on Gifts by the applicable donors; and
  4. that the District is provided with the flexibility to direct the Foundation in respect of specific uses for Gifts, as the District deems reasonably necessary to fulfill its charitable purposes.
- D. This policy will be reviewed every three years.

## **DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 4/95

Reviewed: 2/99; 11/05

Revision Number: 1

Dated: 11/05

Document Owner: Michael Covert  
Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-205

OLD POLICY

WITH  
RESOLUTION

**PALOMAR POMERADO HEALTH SYSTEM**  
**District Policy No. 10-205**

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***GIFTS AND DONATIONS***

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**POLICY:** To ensure appropriate recognition, receipt and accountability, as well as consistent handling of donations to the Health System, the Palomar Pomerado Health Foundation has been the design of all PPHS gifts and donations. This designation was by adoption of Resolution No. 02.13.95

**APPROVED BY:**

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**Chairman of the Board**

**PREPARED BY:** Rose S. Godfrey  
Administrative Assistant

**SOURCE:** Resolution 02.13.95(02)

**DATED:** April 20, 1995

**REVIEWED:** February, 1999

**REVISED:**

**APPROVED:** December 11, 1995

**DIS1RIBUTION:** BOD, OPS, Foundation

**RESOLUTION NO. 02.13.95(02)**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE PALOMAR POMERADO HEALTH SYSTEM  
DESIGNATING PALOMAR POMERADO HEALTH FOUNDATION  
AS RECIPIENT OF ALL PPHS GIFTS AND DONATIONS**

WHEREAS, the charitable purpose of Palomar Pomerado Health Foundation, a California nonprofit, public benefit corporation ("Foundation") is to support the charitable work performed by Palomar Pomerado Health System through contributions and donations to the System and its various affiliates and their respective health-care programs;

WHEREAS, the Board has determined that it is in the best interests of Palomar Pomerado Health system to ensure that: (1) all gifts, contributions and donations (collectively, "Gifts") to the System made by the public are properly accounted for; (2) such Gifts comply with applicable federal and California tax laws and regulations; (3) appropriate receipts are provided to donors for tax purposes; and (4) all donors receive appropriate communications of the appreciation of the System, its senior staff and its key volunteers;

WHEREAS, the Foundation is able to provide all of the foregoing services to the System in connection with Gifts to the System, and the System desires that the Foundation provide such services;

NOW, THEREFORE, be it resolved that the System and the Foundation will establish procedures (A) pursuant to which the Foundation will provide the services described above with respect to Gifts made by donors for use by the System, its affiliates and their respective health care programs in furtherance of its charitable purposes and (B) that will ensure that all donors are advised that the ultimate recipient of the Gifts will be the System; compliance with any and all restrictions placed on Gifts by the applicable donors; and that the System is provided with the flexibility to direct the Foundation in respect of specific uses for Gifts, as the System deems reasonably necessary to fulfill its charitable purposes.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Palomar Pomerado Health system held on February 13, 1995.

AYES: Gallego, Gigliotti, Hutchings, Reeves and Scofield None

NOES: . None

ABSENT: Brown and Kirchoff

ABSTAINED: None

NEW POLICY

IN  
LUCIDOC FORMAT

## **I. PURPOSE:**

- A. To designate the Palomar Pomerado Health Foundation as the recipient for all PPH gifts and donations and to ensure appropriate recognition, receipt and accountability, as well as consistent handling of these gifts and donations.
- B. The charitable purpose of Palomar Pomerado Health Foundation, a California nonprofit, public benefit corporation ("Foundation") is to support the charitable work performed by Palomar Pomerado Health through contributions and donations to the District and its various affiliates and their respective health-care programs.

## **II. DEFINITIONS:**

None

## **III. TEXT / OF PRACTICE:**

- A. The Board has determined that it is in the best interests of Palomar Pomerado Health to ensure that:
  - 1. all gifts, contributions and donations (collectively, "Gifts") to the District made by the public are properly accounted for;
  - 2. such Gifts comply with applicable federal and California tax laws and regulations;
  - 3. appropriate receipts are provided to donors for tax purposes; and
  - 4. all donors receive appropriate communications of the appreciation of the District, its senior staff and its key volunteers;
- B. The Foundation can and will provide all of the foregoing services to the District in connection with Gifts to the District.
- C. The District and the Foundation will establish procedures:
  - 1. pursuant to which the Foundation will provide the services described above with respect to gifts made by donors for use by the District, its affiliates and their respective health care programs in furtherance of its charitable purposes; and
  - 2. that will ensure that all donors are advised that the ultimate recipient of the Gifts will be the District;
  - 3. compliance with any and all restrictions placed on Gifts by the applicable donors; and
  - 4. that the District is provided with the flexibility to direct the Foundation in respect of specific uses for Gifts, as the District deems reasonably necessary to fulfill its charitable purposes.
- D. This policy will be reviewed every three years.

## **DOCUMENT / PUBLICATION HISTORY:**

Original Document Date: 4/95

Reviewed: 2/99; 11/05

Revision Number: 1

Dated: 11/05

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

**CROSS REFERENCE DOCUMENTS:**

Prior to 2005, this policy was Board Policy 10-205

**PALOMAR POMERADO HEALTH**  
**BOARD POLICY**

**FIN-07**

**Disposition of Surplus Capital Equipment or Supplies**

## **Change Summery**

1. Reviewed the current Health and Safety Code § 32121.2, Government Code, Revenue and Taxation Code§ 23701d.U.S.C. § 501 (c)(3) and Administrative Code § 18702 and 18702.2 for compliance.
2. Placed in approver LUCIDUC format.
3. Removed the word "System" from Palomar Pomerado Health.
4. Changed the title from "Surplus Property" to "Surplus Capital Equipment and Supplies". Made this change through out the policy.
5. Changed the title of the individual responsible for the program from "Director" to the correct title "Supply Chain Director"
6. Eliminated any references to sale of surplus capital equipment and supplies by any one other then "Medinet". This will be coordinated with the Supply Chain Director.
7. Combined the information from the current policy and resolution to make a single policy.
8. Added a three year review date.

Note: This policy was closely coordinated with Paul Sas.

NEW POLICY

REDLINE

## **I. PURPOSE:**

- A. To provide guidelines to clarify and standardize the process for the disposition of district surplus capital equipment and supplies as authorized by the Health and Safety Code section 32121.2.
- B. Health and Safety Code section 32121.2 further provides that such disposition shall be at fair market value, if the surplus capital equipment and supplies has any value, except that surplus capital equipment and supplies ~~property~~ may be donated or sold at less than fair market value to another local hospital district.
- C. District's existing bylaws and policies concerning the disposition of surplus capital equipment and supplies provide appropriate authorization and guidelines for District personnel in disposing of surplus capital equipment and supplies ~~property~~.
- D. The Board of Directors of the District feel that it is in the best interest of the District and the communities it serves to amend the Bylaws and Policy for Disposition of surplus Capital Equipment and Supplies to allow the disposal of surplus capital equipment and supplies ~~property~~, for a nominal consideration, to one or more nonprofit public benefit corporations exempt from taxation under 26 U.S.C. § 501(c)(3) and Revenue and Taxation Code § 23701d, provided that said corporation has its principal place of business in California and whose work benefits the residents of the District.

## **II. DEFINITIONS:**

None

## **III. PROCEDURE – TEXT/STANDARDS OF PRACTICE:**

- A. The disposition of any surplus capital equipment and supplies ~~property~~ of the District is authorized at fair market value by any method determined by the Board; provided, however, that:
  - 1. The Board may donate or sell, at less than fair market value, any surplus capital equipment and supplies ~~property~~ to another local hospital district in California;
  - 2. The Board may give advance authorization to a designated official of the District to dispose of surplus capital equipment and supplies ~~property~~, for a nominal consideration, by transfer to one or more nonprofit public benefit corporations exempt from taxation under 26 U.S.C. § 501(c)(3) and Revenue and Taxation Code § 23701d, provided that:
    - a. The Board finds that it is in the best interest of the District and the communities it serves to do so;
    - b. The Board specifies eligibility criteria for such corporations in advance;
    - c. The surplus capital equipment and supplies ~~property~~ are first offered for sale to employees of the District, to other area hospital districts and to the general public; and
    - d. The designated official or employee determines that the equipment or supplies have little or no fair market value.
- B. Disposition of all District capital equipment and supplies ~~property~~ and its individual entities will be effected according to the following process:
  - 1. The process shall cover the storage for re-use, sale, salvage for parts, trade-in, donation to

another hospital district, disposal by transfer to a tax-exempt nonprofit public benefit corporation, or scrap of surplus capital equipment and supplies property.

2. All surplus capital equipment and supplies property will be turned over to the "Supply Chain Director" for storage for re-use, sale, salvage, trade-in, donation to another hospital district, disposal by transfer to a tax-exempt nonprofit public benefit corporation, or scrapping.

### **POLICY FOR DISPOSITION OF SURPLUS CAPITAL EQUIPMENT OR SUPPLIES**

**POLICY:** ~~Disposition of all District surplus capital equipment or supplies ("Surplus Property") of the District and its individual entities will be effected according to the following procedure.~~

~~The Procedure shall cover the storage for re-use, sale, salvage for parts, trade-in, donation to another hospital district, disposal by transfer to a tax-exempt nonprofit public benefit corporation, or scrap of Surplus Property.~~

~~Surplus Property will be turned over to the following officials for storage for re-use, sale, salvage, trade-in, donation to another hospital district, disposal by transfer to a tax-exempt nonprofit public benefit corporation, or scrapping. These officials shall be generally referred to as "Director":~~

- |  |   |
|--|---|
| 1. <del>Palomar Medical Center<br/>and Palomar Continuing<br/>Care Center:</del> | <del>Director of Plant Operations</del>                               |
| 2. <del>Pomerado Hospital and<br/>Villa Pomerado:</del>                          | <del>Director of Plant Operations</del>                               |
| 2. <del>All other facilities<br/>of the District:</del>                          | <del>Director of Material Services and<br/>Operational Support.</del> |

#### Procedure

##### C. Process

1. Department Directors/Managers will submit the Request Slip for Disposition of surplus Equipment or Supplies ("Request Slip") to the Supply Chain Director for the disposal of surplus capital equipment and supplies property.
2. It shall be the responsibility of the Department Head Director/Manager to arrange for transfer of the surplus capital equipment and supplies property to a location designated by a Supply Chain Director. A Supply Chain Director will not accept any surplus capital equipment and supplies property without a completed, signed Request Slip. A copy of the completed, signed Request Slip shall be forwarded to the Administrative Supervisor of a Director.

~~Surplus Property shall not be disposed of without approval of a Director and the Director's Administrative Supervisor.~~

3. The Supply Chain Director shall notify the General Accounting Department when any surplus capital equipment and supplies property is received for a purpose other than storage for re-use pursuant to Paragraph 5.a below.
4. The Supply Chain Director, considering the recommendation of the Department Head-Director or Manager, will determine the surplus capital equipment and supplies property disposition category: (a) Storage for Re-Use; (b) Turned over to Medinet for sale; (c) Salvage for Parts; (d) Trade-Ins; (e) Donation to Other Local Hospital Districts; (f) Disposal by transfer to Tax-Exempt Nonprofit Public Benefit Corporations; or (g) Scrap.

- a. Storage for Re-Use: Surplus capital equipment and supplies property will be stored for future re-use.
- b. Sale: Medinet is the only representative authorized to sell surplus PPH capital equipment and supplies property.

~~Surplus Property may be sold (i) as priced, or (ii) by sealed offer or (iii) by auction pursuant to whatever procedures a Director deems appropriate. A Director may refuse all offers or waive irregularities or informalities in any offers. The sale of Surplus Property is not subject to the laws or policies applicable to public construction, procurement and similar contracts.~~

~~(1) Sales of Surplus Property as priced may be accomplished by listing the available items on the District's electronic bulletin board for sale at fair market value to District employees. Such items may be sold thereby to said employees without public notice.~~

~~(2) Sales conducted by sealed offer shall be advertised, in appropriate cases, pursuant to policies and procedures established by a Director, which shall be designed to reasonably disseminate information concerning Surplus Property to potential purchasers.~~

- c. Salvage for Parts: Parts that can be used to repair and maintain other equipment shall be salvaged by the Plant Operations Department.
- d. Trade-In: If beneficial to the District, surplus capital equipment and supplies property may be traded in for new equipment.
- e. Donation to Other Local Hospital Districts: A Supply Chain Director may authorize the donation of any surplus capital equipment and supplies property to other local hospital districts, if the surplus capital equipment and supplies property is deemed by a Director to be inappropriate for Storage for Re-Use, Sale, or Salvage for Parts.
- f. Disposal by Transfer to Tax-Exempt Nonprofit Public Benefit Corporations: Surplus capital equipment and supplies property may be disposed of by transfer to one or more tax-exempt nonprofit public benefit corporations in accordance with this paragraph.
  - (1) The Supply Chain Director must first attempt to sell the Surplus capital equipment and supplies property in accordance with the procedures of paragraph 4.b. above, modified to include:

- (i) Written notice to at least two other hospital districts at least seven (7) calendar days in advance of the anticipated date of transfer;
  - (ii) If the District receives timely notice from an entity or person wishing to purchase the Surplus capital equipment and supplies property, good faith negotiations must ensue.
- (2) If the District has not received timely notice, or after receiving notice the proposed transaction is not completed within sixty (60) days thereafter, the Supply Chain Director must then determine whether the Surplus capital equipment and supplies property has little or no potential fair market value relative to the cost of sale, salvage, storage for re-use, or trade-in.
  - (3) If the Supply Chain Director determines that the Surplus capital equipment and supplies property has little or no potential fair market value relative to the cost of sale, salvage, storage for re-use, or trade-in, he or she may authorize the disposal of the Surplus capital equipment and supplies property by transfer to one or more of the corporations specified in paragraph 5.f.(4) below, for a nominal consideration.
  - (4) Any nonprofit public benefit corporation exempt from taxation under 26 U.S.C. § 501(c)(3) and Revenue and Taxation Code § 23701d is eligible to receive Surplus capital equipment and supplies property under this paragraph 4.f., provided that the corporation has its principal place of business in California and the corporation's work benefits the District's residents.
- g. Scrap: Surplus capital equipment and supplies property which has been designated for Re-Use, Sale, Salvage, Trade-In, Donation or Disposal by Transfer to a tax-exempt nonprofit corporation, may be scrapped when reasonable attempts to dispose of the surplus capital equipment and supplies property, as indicated above, have been exhausted. Such surplus capital equipment and supplies property may be scrapped in a manner that is least expensive to the District. Scrapping may include selling of scrap material or complete disposal or waste.

D. This policy will be reviewed every three years.

#### IV. DOCUMENT / PUBLICATION HISTORY:

Original Document Date: 10/95

Reviewed:

Revision Number:

Document Owner: Michael Covert

Authorized Promulgating Officers: Marcelo R. Revera, Chairman

5. ~~Pursuant to Health and Safety Code section 32121.2, Surplus Property which is sold shall be sold at fair market value, unless the Board transfers the Surplus Property at less than fair market value to another local hospital district in California or to an eligible nonprofit public benefit corporation. Fair market value shall be determined by a Director, taking into account the cost of sale or other disposition, by whichever of the following methods as shall be practical:~~

- a. ~~By reviewing offers received from prospective purchasers in cases where the sale has been~~

advertised pursuant to Paragraph 5.b.(1) above.

- b. By contacting dealers in used equipment or obtaining formal or informal estimates of their value.
- c. By reviewing sales listings for similar items in newspapers, trade journals or other sources.
- d. If the above alternatives cannot be reasonably accomplished, by calculating the estimated fair market value of the Surplus Property based on whatever evidence is available.

6. All Surplus Property sold will have a Bill of Sale signed by a Director, and then submitted to the Hospital Controller.

Approved: \_\_\_\_\_

\_\_\_\_\_, 1994

\_\_\_\_\_  
Lark Bearden

Director of Material Services and Operational  
Support

\_\_\_\_\_, 1994

\_\_\_\_\_  
Michael I. Bernstein

Senior Vice President, Finance

\_\_\_\_\_, 1994

\_\_\_\_\_  
Andrew W. Deems

Chief Executive Officer

Dist: Administrators.

All Department Heads

OLD POLICY

WITH  
RESOLUTION

**PALOMAR POMERADO HEALTH**  
**District Policy No. 10-508**

***PROPERTY, DISPOSITION OF SURPLUS***

**POLICY:** Consistent with the requirements of Health and Safety Code 32121.2 that the disposition of surplus property of a local hospital district is to be determined by the Board of Directors, that authority has been delegated in the form and manner described in Resolution No. 07.11.94(34).

**GUIDELINES:** See Resolution No. 07.11.94(34).

**APPROVED BY:**

**Chairman of the Board**

**PREPARED BY:** Christine Meaney  
Administrative Assistant

**SOURCE:** Bylaws; Resolution No. 3.14.88(05);  
Resolution No. 6.14.93(03)

**DATED:** February, 1994

**REVIEWED:** 2/94, 4/95, 1/99

**REVISED:** April 19, 1995

**APPROVED:** August 14, 1995

**DISTRIBUTION:** BOD; Finance; Purchasing

**ATTACHMENTS**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
PALOMAR POMERADO HEALTH SYSTEM  
RESOLUTION NO.07 .11. 94 (34)  
ADOPTED JULY 11,1994  
SUBJECT: SALE OR DONATION OF SURPLUS PROPERTY**

**WHEREAS**, Health and Safety Code section 32121.2 provides that the Board of Directors of a local hospital district may authorize the disposition of surplus property of the District by any method determined appropriate by the Board;

**WHEREAS**, that Section further provides that such disposition shall be at fair market value, if the surplus property has any value, except that surplus property may be donated or sold at less than fair market value to another local hospital district;

**WHEREAS**, the Board believes that the disposal of surplus property to certain tax-exempt nonprofit public benefit corporations, with appropriate procedural safeguards, is consistent with the policy of applicable law, and is in the best interests of the District and the communities it serves;

**WHEREAS**, the District's existing bylaws and policy concerning the disposition of surplus property require revision in order to streamline current procedures, and to provide appropriate authorization and guidelines for District personnel in disposing of surplus property;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Board of Directors of the District that it is in the best interest of the District and the communities it serves to amend the Bylaws and Policy for Disposition of Surplus Capital Equipment and Supplies to allow the disposal of surplus capital equipment or supplies, for a nominal consideration, to one or more nonprofit public benefit corporations exempt from taxation under 26 V.S.C. § 501(c)(3) and Revenue and Taxation Code § 23701d, provided that said corporation has its principal place of business in California and whose work benefits the residents of the District;

**RESOLVED FURTHER**, that nothing herein authorizes the transfer of any District assets, in the absence of adequate consideration, to one or more nonprofit corporations to operate and maintain the assets, without compliance with the requirements of Health and Safety Code § 32121(P).

**RESOLVED FURTHER**, that Article 2.2.26 of the Bylaws is hereby amended to read as follows:

2.2:26 To authorize the disposition of any surplus capital equipment or supplies of the District at fair market value by any method determined by the Board; provided, however, that: (a) the Board may donate or sell, at less than fair market value, any surplus capital equipment or supplies to another local hospital district in California; and (b) the Board may give advance authorization to a designated official of the District to dispose of surplus capital equipment or supplies, for a nominal consideration, by transfer to one or

more nonprofit public benefit corporations exempt from taxation under 26 U.S.C. § 501(c)(3) and Revenue and Taxation Code . § 23701d, provided that: (1) the Board finds that it is in the best interest of the District and the communities it serves to do so; (2) the Board specifies eligibility criteria for such corporations in advance; (3) the surplus capital equipment or supplies are first offered for sale to employees of the District, to other area hospital districts and to the general public; and (4) the designated official or employee determines that the equipment or supplies have little or no fair market value.

**RESOLVED FURTHER**, that the District's disposition of surplus capital equipment or supplies policy shall be revised to read as follows:

### **POLICY FOR DISPOSITION OF SURPLUS CAPITAL EQUIPMENT OR SUPPLIES**

**POLICY:** Disposition of all District surplus capital equipment or supplies ("Surplus Property") of the District and its individual entities will be effected according to the following procedure.

The Procedure shall cover the storage for re-use, sale, salvage for parts, trade-in, donation to another hospital district, disposal by transfer to a tax-exempt nonprofit public benefit corporation, or scrap of Surplus Property.

Surplus Property will be turned over to the following officials for storage for re-use, sale, salvage, trade-in, donation to another hospital district, disposal by transfer to a taxexempt nonprofit public benefit corporation, or scrapping. These officials shall be generally referred to as "Director":

- |   |   |
|---|---|
| 1. Palomar Medical Center<br>and Palomar Continuing<br>Care Center: | Director of Plant Operations                              |
| 2. Pomerado Hospital and<br>Villa Pomerado:                         | Director of Plant Operations                              |
| 2. All other facilities<br>of the District:                         | Director of Material Services and<br>Operational Support. |

#### **Procedure**

1. Department Heads/Managers will submit the Request Slip for Disposition of Surplus Equipment or Supplies ("Request Slip") to the responsible Director for the disposal of Surplus Property.
2. It shall be the responsibility of the Department Head/Manager to arrange for transfer of the

Surplus Property to a location designated by a Director. A Director will not accept any Surplus Property without a completed, signed Request Slip. A copy of the completed, signed Request Slip shall be forwarded to the Administrative Supervisor of a Director.

3. Surplus Property shall not be disposed of without approval of a Director and the Director's Administrative Supervisor.
4. A Director shall notify the General Accounting Department when any Surplus Property is received for a purpose other than storage for re-use pursuant to Paragraph 5.a below.
5. A Director, considering the recommendation of the Department Head/Manager, will determine the Surplus Property disposition category: (a) Storage for Re-Use; (b) Sale; (c) Salvage for Parts; (d) Trade-Ins; (e) Donation to Other Local Hospital Districts; (f) Disposal by transfer to Tax-Exempt Nonprofit Public Benefit Corporations; or (g) Scrap.
  - a. Storage for Re-Use: Surplus Property will be stored for future re-use.
  - b. Sale: Surplus Property may be sold (i) as priced, or (ii) by sealed offer or (Hi) by auction pursuant to whatever procedures a Director deems appropriate. A Director may refuse all offers or waive irregularities or informalities in any offers. The sale of Surplus Property is not subject to the laws or policies applicable to public construction, procurement and similar contracts.
    - (1) Sales of Surplus Property as priced may be accomplished by listing the available items on the District's electronic bulletin board for sale at fair market value to District employees. Such items may be sold thereby to said employees without public notice.
    - (2) Sales conducted by sealed offer shall be advertised, in appropriate cases, pursuant to policies and procedures established by a Director, which shall be designed to reasonably disseminate information concerning Surplus Property to potential purchasers.
  - c. Salvage for Parts: Parts which can be used to repair and maintain other equipment shall be salvaged by the Engineering Department.
  - d. Trade-In: If beneficial to the District, Surplus Property may be traded in for new equipment.
  - e. Donation to Other Local Hospital Districts: A Director may authorize the donation of any Surplus Property to other local hospital districts, if the Surplus Property is deemed by a Director to be inappropriate for Storage for Re-Use, Sale, or Salvage for Parts.
  - f. Disposal by Transfer to Tax-Exempt Nonprofit Public Benefit Corporations: Surplus Property may be disposed of by transfer to one or more tax-exempt nonprofit public benefit corporations in accordance with this paragraph.
    - (1) A Director must first attempt to sell the Surplus Property in accordance with the

procedures of paragraph 5.b. above, modified to include:

- (i) Written notice to at least two other hospital districts and the general public at least seven (7) calendar days in advance of the anticipated date of transfer;
  - (ii) If the District receives timely notice from an entity or person wishing to purchase the Surplus Property, good faith negotiations must ensue.
- (2) If the District has not received timely notice, or after receiving notice the proposed transaction is not completed within sixty (60) days thereafter, a Director must then determine whether the Surplus Property has little or no potential fair market value relative to the cost of sale, salvage, storage for re-use, or trade-in.
- (3) If a Director determines that the Surplus Property has little or no potential fair market value relative to the cost of sale, salvage, storage for re-use, or trade-in, he or she may authorize the disposal of the Surplus Property by transfer to one or more of the corporations specified in paragraph 5.f.(4) below, for a nominal consideration.
- (4) Any nonprofit public benefit corporation exempt from taxation under 26 U.S.C. § 501(c)(3) and Revenue and Taxation Code § 23701d is eligible to receive Surplus Property under this paragraph 5.f., provided that the corporation has its principal place of business in California and the corporation's work benefits the District's residents.
- g. Scrap: Surplus Property which has been designated for Re-Use, Sale, Salvage, Trade-In, Donation or Disposal by Transfer to a tax-exempt nonprofit corporation, may be scrapped when reasonable attempts to dispose of the Surplus Property, as indicated above, have been exhausted. Such Surplus Property may be scrapped in a manner which is least expensive to the District. Scrapping may include selling of scrap material or complete disposal or waste.
6. Pursuant to Health and Safety Code section 32121.2, Surplus Property which is sold shall be sold at fair market value, unless the Board transfers the Surplus Property at less than fair market value to another local hospital district in California or to an eligible nonprofit public benefit corporation. Fair market value shall be determined by a Director, taking into account the cost of sale or other disposition, by whichever of the following methods as shall be practical:
- a. By reviewing offers received from prospective purchasers in cases where the sale has been advertised pursuant to Paragraph 5.b.(I) above.
  - b. By contacting dealers in used equipment or obtaining formal or informal estimates of their value.
  - c. By reviewing sales listings for similar items in newspapers, trade journals or other sources ..
  - d. If the above alternatives cannot be reasonably accomplished, by calculating the estimated

fair market value of the Surplus Property based on whatever evidence is available.

7. All Surplus Property sold will have a Bill of Sale signed by a Director, and then submitted to the Hospital Controller.

Approved:

\_\_\_\_\_, 1994

\_\_\_\_\_  
Lark Bearden  
Director of Material Services and  
Operational Support

\_\_\_\_\_, 1994

\_\_\_\_\_  
Michael I. Bernstein  
Senior Vice President, Finance

\_\_\_\_\_, 1994

\_\_\_\_\_  
Andrew W. Deems  
Chief Executive Officer

Dist: Administrators.  
All Department Heads

PASSED AND ADOPTED at a meeting of the Board of Directors of Palomar Pomerado Health System held July 11, 1994, by the following vote:

AYES: : Brown, Gigliotti, Kirchoff, Hutchings, Reeves and Scofield

NOES: None

ABSTAINING: None

ABSENT: Galleto

ATTEST:

\_\_\_\_\_  
Secretary

NEW POLICY

IN  
LUCIDOC FORMAT

## **I. PURPOSE:**

- A. To provide guidelines to clarify and standardize the process for the disposition of district surplus capital equipment and supplies as authorized by the Health and Safety Code section 32121.2.
- B. Health and Safety Code section 32121.2 further provides that such disposition shall be at fair market value, if the surplus capital equipment and supplies has any value, except that surplus capital equipment or supplies may be donated or sold at less than fair market value to another local hospital district.
- C. District's existing bylaws and policies concerning the disposition of surplus capital equipment and supplies provide appropriate authorization and guidelines for District personnel in disposing of surplus capital equipment or supplies.
- D. The Board of Directors of the District feel that it is in the best interest of the District and the communities it serves to amend the Bylaws and Policy for Disposition of surplus Capital Equipment and Supplies to allow the disposal of surplus capital equipment or supplies, for a nominal consideration, to one or more nonprofit public benefit corporations exempt from taxation under 26 U.S.C. § 501(c)(3) and Revenue and Taxation Code § 23701d, provided that said corporation has its principal place of business in California and whose work benefits the residents of the District.

## **II. DEFINITIONS:**

None

## **III. PROCEDURE – TEXT/STANDARDS OF PRACTICE:**

- A. The disposition of any surplus capital equipment and supplies of the District is authorized at fair market value by any method determined by the Board; provided, however, that:
  - 1. The Board may donate or sell, at less than fair market value, any surplus capital equipment or supplies to another local hospital district in California;
  - 2. The Board may give advance authorization to a designated official of the District to dispose of surplus capital equipment or supplies, for a nominal consideration, by transfer to one or more nonprofit public benefit corporations exempt from taxation under 26 U.S.C. § 501(c)(3) and Revenue and Taxation Code § 23701d, provided that:
    - a. The Board finds that it is in the best interest of the District and the communities it serves to do so;
    - b. The Board specifies eligibility criteria for such corporations in advance;
    - c. The surplus capital equipment or supplies are first offered for sale to employees of the District, to other area hospital districts and to the general public; and
    - d. The designated official or employee determines that the equipment or supplies have little or no fair market value.
- B. Disposition of all District capital equipment or supplies and its individual entities will be effected according to the following process:
  - 1. The process shall cover the storage for re-use, sale, salvage for parts, trade-in, donation to

# LAWS

## **HEALTH AND SAFETY CODE**

### **SECTION 32121.2**

32121.2. Except as provided in this section, by resolution, the board of directors of a local hospital district may authorize the disposition of any surplus property of the district at fair market value by any method determined appropriate by the board.

The board of directors of a local hospital district may donate or sell, at less than fair market value, any surplus property to another local hospital district in California.

# REVENUE AND TAXATION CODE

## SECTION 23701-23712

23701d. (a) Corporations, community chests or trusts, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involved the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, (except as otherwise provided in Section 23704.5), and which does not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of (or in opposition to) any candidate for public office. An organization is not organized exclusively for exempt purposes listed above unless its assets are irrevocably dedicated to one or more purposes listed in this section. Dedication of assets requires that in the event of dissolution of an organization or the impossibility of performing the specific organizational purposes the assets would continue to be devoted to exempt purposes. Assets shall be deemed irrevocably dedicated to exempt purposes if the articles of organization provide that upon dissolution the assets will be distributed to an organization which is exempt under this section or Section 501(c)(3) of the Internal Revenue Code or to the federal government, or to a state or local government for public purposes; or by a provision in the articles of organization, satisfactory to the Franchise Tax Board; that the property will be distributed in trust for exempt purposes; or by establishing that the assets are irrevocably dedicated to exempt purposes by operation of law. The irrevocable dedication requirement shall not be a sole basis for revocation of an exempt determination made by the Franchise Tax Board prior to the effective date of this amendment.

(b) (1) In the case of a qualified amateur sports organization--

(A) The requirement of subdivision (a) that no part of its activities involve the provision of athletic facilities or equipment shall not apply.

(B) That organization shall not fail to meet the requirements of subdivision (a) merely because its membership is local or regional in nature.

(2) For purposes of this subdivision, "qualified amateur sports organization" means any organization organized and operated exclusively to foster national or international amateur sports competition if that organization is also organized and operated primarily to conduct national or international competition in sports or to support and develop amateur athletes for national or international competition in sports.

## **HEALTH AND SAFETY CODE**

### **SECTION 32121.2**

32121.2. Except as provided in this section, by resolution, the board of directors of a local hospital district may authorize the disposition of any surplus property of the district at fair market value by any method determined appropriate by the board.

The board of directors of a local hospital district may donate or sell, at less than fair market value, any surplus property to another local hospital district in California.

# REVENUE AND TAXATION CODE

## SECTION 23701-23712

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(b) (1) In the case of a qualified amateur sports organization--

(A) The requirement of subdivision (a) that no part of its activities involve the provision of athletic facilities or equipment shall not apply.

(B) That organization shall not fail to meet the requirements of subdivision (a) merely because its membership is local or regional in nature.

(2) For purposes of this subdivision, "qualified amateur sports organization" means any organization organized and operated exclusively to foster national or international amateur sports competition if that organization is also organized and operated primarily to conduct national or international competition in sports or to support and develop amateur athletes for national or international competition in sports.

**PALOMAR POMERADO HEALTH**  
**BOARD POLICY**

**QLT-10**

**Environment of Care Management**

February 17, 2005

### **Change Summery**

1. Reviewed the current PPH plans that are in place and the 2005 JCAHO requirements for compliance.
2. There were no significant changes to this policy.
3. Added a requirement for a three year review.

NEW POLICY

REDLINE



Palomar Pomerado Health

Policy

## Environment of Care Management

Board Policies

QLT-10

Official(Rev: 1)

Applicable to:

Affected Departments:

### I. PURPOSE:

To provide directions to the employees of PPH from the Board of Directors to provide a safe, functional, supportive and effective environment for patients, staff members, and other individuals in the PPH facilities.

### II. DEFINITIONS:

### III. TEXT / STANDARDS OF PRACTICE:

Members of the Leadership PPH team will establish and maintain systems and processes through the Environment of Care Plans to provide:

- A. Strategic planning for a safe environment for workers and customers including:
  - 1. General Safety.
  - 2. Security.
  - 3. Hazardous Materials and Waste.
  - 4. Fire Prevention.
  - 5. Medical Equipment.
  - 6. Utility systems.
  - 7. Environment that meets the needs of patients, including space, equipment, and privacy.
  - 8. Emergency Preparedness.
- B. Planning for a supportive environment with resources needed to safely and effectively support the services provided consistent with PPH mission and goals, the needs of our customers and applicable laws and regulations.
- C. Implementation of the plans to create and manage the hospital's Environment of Care elements listed above.
- D. Standards to measure staff and facility performance in managing and improving the Environment of Care related to the elements listed above and a working atmosphere to implement recommendations for improvement and monitor effectiveness of the recommendations implemented.
- E. This policy will be reviewed and updated as required or at least every three years.

### IV. ADDENDUM:

### V. DOCUMENT / PUBLICATION HISTORY:

### VI. CROSS-REFERENCE DOCUMENTS:

### V. DOCUMENT / PUBLICATION HISTORY: (template)

Revision Number	Effective Date	Document Owner at Publication	Description
-----------------	----------------	-------------------------------	-------------

1 (this version) 12/17/2001 Jim Flinn

Original Version

VI.

**Authorized Promulgating Officers:**

( 12/17/2001 ) George G. Gigliotti, Chairman  
( unsigned ) Christine Greenstein  
( unsigned ) James Neal, Director of Corporate Integrity  
( unsigned ) Dr. Marcelo R Rivera, Director, PPH Board

**VI. CROSS-REFERENCE DOCUMENTS:(template)**

Reference Type	Title	Notes
Source Documents	1	
JCAHO CAMH Standard	Management of the Environment of Care	
JCAHO CAMH Standard	Title 22	
JCAHO CAMH Standard	OSHA	
JCAHO CAMH Standard	CDC	
JCAHO CAMH Standard	CoP	
JCAHO CAMH Standard	Fire Prevention	

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OLD POLICY

WITH  
RESOLUTION



PALOMAR  
POMERADO  
HEALTH

Palomar Pomerado Health

## Environment of Care Management

Policy

Board Policies

QLT-10

Official(Rev: 1)

Applicable to:

Affected Departments:

### I. PURPOSE:

To provide directions to the employees of PPH from the Board of Directors to provide a safe, functional, supportive and effective environment for patients, staff members, and other individuals in the PPH facilities.

### II. DEFINITIONS:

### III. TEXT / STANDARDS OF PRACTICE:

Members of the Leadership PPH team will establish and maintain systems and processes through the Environment of Care Plans to provide:

- A. Strategic planning for a safe environment for workers and customers including:
  - 1. General Safety.
  - 2. Security.
  - 3. Hazardous Materials and Waste.
  - 4. Fire Prevention.
  - 5. Medical Equipment.
  - 6. Utility systems.
  - 7. Environment that meets the needs of patients, including space, equipment, and privacy.
  - 8. Emergency Preparedness.
- B. Planning for a supportive environment with resources needed to safely and effectively support the services provided consistent with PPH mission and goals, the needs of our customers and applicable laws and regulations.
- C. Implementation of the plans to create and manage the hospital's Environment of Care elements listed above.
- D. Standards to measure staff and facility performance in managing and improving the Environment of Care related to the elements listed above and a working atmosphere to implement recommendations for improvement and monitor effectiveness of the recommendations implemented.

### IV. ADDENDUM:

### V. DOCUMENT / PUBLICATION HISTORY:

### VI. CROSS-REFERENCE DOCUMENTS:

### V. DOCUMENT / PUBLICATION HISTORY: (template)

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1 (this version)	12/17/2001	Jim Flinn	Original Version

VI.

**Authorized Promulgating  
Officers:**

( 12/17/2001 ) George G. Gigliotti, Chairman  
( unsigned ) Christine Greenstein  
( unsigned ) James Neal, Director of Corporate  
Integrity  
( unsigned ) Dr. Marcelo R Rivera, Director, PPH  
Board

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purposes. The current version is in Lucidoc at  
<http://www.lucidoc.com/cgi/doc-gw.pl/ref/pphealth:10576> .*

NEW POLICY

IN

LUCIDOC FORMAT



Palomar Pomerado Health

Policy

## Environment of Care Management

Board Policies

QLT-10

Official(Rev: 1)

Applicable to:

Affected Departments:

### I. PURPOSE:

To provide directions to the employees of PPH from the Board of Directors to provide a safe, functional, supportive and effective environment for patients, staff members, and other individuals in the PPH facilities.

### II. DEFINITIONS:

### III. TEXT / STANDARDS OF PRACTICE:

Members of the Leadership PPH team will establish and maintain systems and processes through the Environment of Care Plans to provide:

- A. Strategic planning for a safe environment for workers and customers including:
  - 1. General Safety.
  - 2. Security.
  - 3. Hazardous Materials and Waste.
  - 4. Fire Prevention.
  - 5. Medical Equipment.
  - 6. Utility systems.
  - 7. Environment that meets the needs of patients, including space, equipment, and privacy.
  - 8. Emergency Preparedness.
- B. Planning for a supportive environment with resources needed to safely and effectively support the services provided consistent with PPH mission and goals, the needs of our customers and applicable laws and regulations.
- C. Implementation of the plans to create and manage the hospital's Environment of Care elements listed above.
- D. Standards to measure staff and facility performance in managing and improving the Environment of Care related to the elements listed above and a working atmosphere to implement recommendations for improvement and monitor effectiveness of the recommendations implemented.
- E. This policy will be reviewed and updated as required or at least every three years.

### IV. ADDENDUM:

### V. DOCUMENT / PUBLICATION HISTORY:

### VI. CROSS-REFERENCE DOCUMENTS:

### V. DOCUMENT / PUBLICATION HISTORY: (template)

Revision Number	Effective Date	Document Owner at Publication	Description
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VI.

**Authorized Promulgating Officers:**

( 12/17/2001 ) George G. Gigliotti, Chairman  
( unsigned ) Christine Greenstein  
( unsigned ) James Neal, Director of Corporate Integrity  
( unsigned ) Dr. Marcelo R Rivera, Director, PPH Board

**VI. CROSS-REFERENCE DOCUMENTS:(template)**

Reference Type	Title	Notes
Source Documents	1	
JCAHO CAMH Standard	Management of the Environment of Care	
JCAHO CAMH Standard	Title 22	
JCAHO CAMH Standard	OSHA	
JCAHO CAMH Standard	CDC	
JCAHO CAMH Standard	CoP	
JCAHO CAMH Standard	Fire Prevention	

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**PALOMAR POMERADO HEALTH**  
**BOARD POLICY**

**QLT-12**

**Information Management**

### **Change Summery**

1. There were no significant changes to this policy.
2. Added a requirement for a review every three years.

NEW POLICY

REDLINE



Palomar Pomerado Health

Policy

## Information Management

Board Policies

Gov-12

Official(Rev: 1)

Applicable to:

Affected Departments:

### I. PURPOSE:

To provide direction to the employees from the PPH Board of Directors relative to the management of information and pertinent documentation that meets the standards, rules, and regulations of all professional accrediting and regulatory agencies.

### II. DEFINITIONS:

### III. TEXT / STANDARDS OF PRACTICE:

Information is managed by Palomar Pomerado Health to include:

- A. Planning and designing of systems based on needs assessments.
- B. Providing confidentiality, security and integrity of data.
- C. Protecting records.
- D. Analyzing data.
- E. Transmitting information in a timely and accurate manner.
- F. Providing a medical record for each individual that is accurate and complete, documenting the assessment, diagnosis, plan, implementation and evaluation of the patient's care and the plan for the patient's continued care.
- G. Collecting aggregate data to support care and service delivery operations.
- H. Providing knowledge based information resources.
  - I. Analyzing data from comparative performance and information sources for use in improving processes and outcomes.
- J. This policy will be reviewed every three years.

### IV. ADDENDUM:

### V. DOCUMENT / PUBLICATION HISTORY:

#### CROSS-REFERENCE DOCUMENTS:

#### DOCUMENT / PUBLICATION HISTORY: (template)

Revision Number	Effective Date	Document Owner at Publication	Description
1 (this version)	12/17/2001	Steve Tanaka, Chief Information Officer	Original Version

V.

Authorized Promulgating Officers: ( 12/17/2001 ) Dr. Marcelo R Rivera, Chairman

### VI. CROSS-REFERENCE DOCUMENTS:(template)

Reference Type	Title	Notes
Source Documents	1	
JCAHO CAMH Standard	Management of Information	
JCAHO CAMH Standard	Title 22	
JCAHO CAMH Standard	HIPAA	

OLD POLICY

WITH  
RESOLUTION



## Palomar Pomerado Health

Policy

### Information Management

Board Policies

IM-01

Official(Rev: 1)

Applicable to:

Affected Departments:

#### I. PURPOSE:

To provide direction to the employees from the PPH Board of Directors relative to the management of information and pertinent documentation that meets the standards, rules, and regulations of all professional accrediting and regulatory agencies.

#### II. DEFINITIONS:

#### III. TEXT / STANDARDS OF PRACTICE:

Information is managed by Palomar Pomerado Health to include:

- A. Planning and designing of systems based on needs assessments.
- B. Providing confidentiality, security and integrity of data.
- C. Protecting records.
- D. Analyzing data.
- E. Transmitting information in a timely and accurate manner.
- F. Providing a medical record for each individual that is accurate and complete, documenting the assessment, diagnosis, plan, implementation and evaluation of the patient's care and the plan for the patient's continued care.
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#### V. DOCUMENT / PUBLICATION HISTORY:

#### VI. CROSS-REFERENCE DOCUMENTS:

#### V. DOCUMENT / PUBLICATION HISTORY: (template)

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1 (this version)	12/17/2001	Elizabeth Renfree, Chief Information Officer	Original Version

VI.

Authorized Promulgating Officers:

( 12/17/2001 ) George G. Gigliotti, Chairman  
( unsigned ) Dr. Marcelo R Rivera, Director, PPH Board

#### VI. CROSS-REFERENCE DOCUMENTS:(template)

Reference Type	Title	Notes
Source Documents	1	
JCAHO CAMH Standard	Management of Information	
JCAHO CAMH Standard	Title 22	
JCAHO CAMH Standard	HIPAA	

NEW POLICY

IN

LUCIDOC FORMAT



# Palomar Pomerado Health

Policy

## Information Management

Board Policies

Gov-12

Official(Rev: 1)

Applicable to:

Affected Departments:

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V.

Authorized Promulgating Officers: ( 12/17/2001 ) Dr. Marcelo R Rivera, Chairman

### VI. CROSS-REFERENCE DOCUMENTS:(template)

Reference Type	Title	Notes
Source Documents	1	
JCAHO CAMH Standard	Management of Information	
JCAHO CAMH Standard	Title 22	
JCAHO CAMH Standard	HIPAA	