Washington Township Health Care District

Board of Directors

Jacob Eapen, MD
William F. Nicholson, MD
Bernard Stewart, DDS
Michael J. Wallace
Jeannie Yee

BOARD OF DIRECTORS' MEETING
Wednesday, October 28, 2026 – 6:00 P.M.
Board Room of Washington Hospital, 2000 Mowry Avenue, Fremont and via Zoom
https://whhs.zoom.us/j/92155129065?pwd=JNY6aKakVrqxUMH6kOGb4IzxVTRiQb.1
Passcode: 457416

Board Agenda and Packet can be found at:
October 2026 | Washington Health
AGENDA

		PRESENTED BY:
I.	**CALL TO ORDER & PLEDGE OF ALLEGIANCE**	William F. Nicholson, MD President
II.	**ROLL CALL**	Cheryl Renaud District Clerk
III.	**COMMUNICATIONS**	
	A. Oral *This opportunity is provided for persons in the audience to make a brief statement, not to exceed three (3) minutes on issues or concerns not on the agenda and within the subject matter of jurisdiction of the Board. "Request to Speak" cards should be filled out in advance and presented to the District Clerk. For the record, please state your name.*	
	B. Written	
IV.	**CONSENT CALENDAR** *Items listed under the Consent Calendar include reviewed reports and recommendations and are acted upon by one motion of the Board. Any Board Member or member of the public may remove an item for discussion before a motion is made.*	William F. Nicholson, MD President

V. **ACTION**

A. Consideration of Board Policy #A-019: Disruption of Telephonic or Internet Service During Public Meetings — *Motion Required*

VI. **ANNOUNCEMENTS**

VII. **ADJOURN TO CLOSED SESSION**

A. Consideration of Closed Session Minutes of the Meeting of the District Board: September 21 & 23, 2026 — *Motion Required*

B. Conference with Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(d)(2) — *Motion Required*

Number of Claims: One

Shannon Price, John Price & Sarah Price for Bradley Price (decedent)

C. Reports regarding Medical Audit & Quality Assurance Matters pursuant to Health & Safety Code Section 32155 — *Motion Required*

- Medical Staff Committee Report

D. Conference Involving Trade Secrets pursuant to Health & Safety Code Section 32106

- Strategic Planning

E. Conference Involving Labor Negotiations pursuant to Government Code Section 54957.6; Agency designated representative: Kimberly Hartz, CEO

VIII. **RECONVENE TO OPEN SESSION & REPORT ON PERMISSABLE ACTIONS TAKEN DURING CLOSED SESSION** — William F. Nicholson, MD, President

IX. **ADJOURNMENT** — William F. Nicholson, MD, President

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at (510) 818-6500. Notification two working days prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

MEMORANDUM

TO: Board of Directors, Washington Township Health Care District

CC: Kimberly Hartz, Chief Executive Officer

FROM: Paul Kozachenko, Legal Counsel

DATE: October 23, 2026

RE: Telephonic and Internet Service Disruption Policy

Background

California Government Code section 54953.4(b) requires the District to adopt a service-disruption policy at a noticed public meeting in open session, outside the consent calendar. The proposed policy implements that statutory framework of the California Government Code.

The proposed policy before you establishes three principal procedures for a qualifying disruption of telephonic or internet service during an open meeting: a mandatory recess, a limitation on when the meeting may reconvene, and required findings by roll call vote if the Board reconvenes before remote public access has been restored. These procedures will require active monitoring of remote access, immediate coordination among the Board Chair (usually the President), Clerk of the Board, technical staff, and Legal Counsel, documented restoration efforts, and accurate recording of the disruption and any related findings in the meeting minutes.

The proposed policy is intended to preserve meaningful public access to Board meetings when telephonic or internet service is disrupted. Notwithstanding that objective, when matters affecting public health or safety require timely action, the Board may continue the meeting after making the findings required by the policy and applicable law. During the disruption, the Board may also convene or continue in closed session to the extent permitted by the Brown Act.

Recommendation

We recommend that the Board adopt the proposed policy.

Washington Township Health Care District
Board of Directors Policy

Title: DISRUPTION OF TELEPHONIC OR INTERNET SERVICE DURING PUBLIC MEETINGS	
Category: Governance and General Administration	**Policy No: A-019**
Original Adoption Date:	
Last Reviewed/Revised Date: 10-28-2026	
Last Approval Date: 10-28-2026	

Article 1 — Purpose and Authority

1.1 Purpose. The purpose of this Policy is to establish a uniform procedure for Washington Township Health Care District to address any disruption of telephonic or internet-based service that occurs during a public meeting and affects the public's ability to observe the meeting or offer public comment through a telephonic or internet-based option provided by the District.

1.2 Authority. This Policy is adopted to implement California Government Code section 54953.4(b) and shall be administered in a manner consistent with the Ralph M. Brown Act, including the District's obligations concerning public access, public comment, notice, transparency, and accessibility.

1.3 Policy objective. The District shall not take further action on any agenda item during a Qualifying Disruption unless and until public access through the affected Telephonic or Internet-Based Service has been restored, the meeting has been lawfully continued or adjourned, the item has been lawfully deferred for consideration at a subsequent meeting, or the District Board has reconvened in compliance with the mandatory recess, reconvening limitation, and required finding procedures set forth in this Policy.

Article 2 — Scope

2.1 Covered bodies. This Policy applies to the Board of Directors of Washington Township Health Care District.

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2.2 Covered meetings. This Policy applies to any open and public meeting at which the District provides a telephonic or internet-based option for members of the public to observe the meeting or provide public comment, whether the meeting is held in person, by teleconference, by hybrid format, or by any other format authorized by applicable law.

2.3 Non-limitation of public access rights. Nothing in this Policy shall be construed to limit any right of the public to attend, observe, or comment at a public meeting in person or through any method required or provided by applicable law.

Article 3 — Definitions

3.1 District. "District" means Washington Township Health Care District.

3.2 Legislative Body. "Legislative Body" as defined in California Government Code section 54953.4 means the District Board of Directors.

3.3 Meeting Chair. "Meeting Chair" means the presiding officer of the District which usually will be the President of the Board or, in the presiding officer's absence, the person lawfully serving as chair for the meeting.

3.4 Open Session. "Open Session" means any portion of a meeting of a District Board that is required to be open and public under the Brown Act.

3.5 Telephonic or Internet-Based Service. "Telephonic or Internet-Based Service" means any telephone conference line, dial-in number, videoconference platform, web-based meeting platform, livestream, audio broadcast, internet broadcast, two-way telephonic service, two-way audiovisual platform, or substantially similar technology provided by the District for public observation of a meeting or for public comment.

3.6 Disruption. "Disruption" means any interruption, failure, degradation, outage, malfunction, disconnection, platform failure, audio failure, video failure, access-control failure, or other technical condition that prevents or materially impairs members of the public from observing the meeting or offering public comment through a Telephonic or Internet-Based Service made available by the District.

3.7 Qualifying Disruption. "Qualifying Disruption" means a Disruption that, under California Government Code section 54953.4, requires the District Board to refrain from

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taking further action on agenda items unless and until public access through the affected Telephonic or Internet-Based Service has been restored, the meeting or item is otherwise handled in a manner authorized by law, or the District reconvenes in compliance with this Policy and applicable law.

3.8 Public Access Restored. "Public Access Restored" means that the District has reasonably confirmed that members of the public are again able to observe the meeting or provide public comment, as applicable, through the Telephonic or Internet-Based Service that was affected by the Disruption or through another lawful telephonic or internet-based option provided by the District for the same meeting.

3.9 Mandatory Recess Period. "Mandatory Recess Period" means the period beginning when a Qualifying Disruption is identified and continuing until the earlier of: the time Public Access is Restored; or one hour after the Qualifying Disruption began.

3.10 Required Reconvening Findings. "Required Reconvening Findings" means findings adopted by roll call vote that: good faith efforts to restore the disrupted Telephonic or Internet-Based Service have been made in accordance with this Policy; and the public interest in continuing the meeting outweighs the public interest in remote public access through the disrupted Telephonic or Internet-Based Service.

Article 4 — General Policy

4.1 Immediate protection of public participation. Upon identification of a Qualifying Disruption, the Meeting Chair shall promptly suspend substantive proceedings on agenda items, and the District Board shall take no further action on any agenda item unless and until permitted under this Policy and applicable law.

4.2 Mandatory recess. Upon identification of a Qualifying Disruption during Open Session, the Meeting Chair shall recess the Open Session for the Mandatory Recess Period. During the recess, District staff shall make good faith efforts to restore the disrupted Telephonic or Internet-Based Service in accordance with this Policy.

4.3 No action during disruption or mandatory recess. During a Qualifying Disruption and throughout the Mandatory Recess Period, the District Board shall not deliberate toward, vote on, decide, approve, reject, receive final public comment on, or

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otherwise take action on any agenda item while the public is prevented or materially impaired from observing the meeting or providing public comment through the affected Telephonic or Internet-Based Service. However, the District Board may meet and act in Closed Session during a Qualifying Disruption in accordance with the Brown Act requirements for meeting in Closed Session.

4.4 Reconvening limitation. The District Board shall not reconvene the Open Session following a Qualifying Disruption until the earlier of: Public Access Restored; or the expiration of one hour after the Qualifying Disruption began. If Public Access has not been restored at the time the District Board reconvenes, the District Board may continue with the meeting only after adopting the Required Reconvening Findings by roll call vote.

4.5 Permitted limited actions. During a Qualifying Disruption, the District Board, the Meeting Chair, and District staff may take only those limited procedural steps necessary to preserve public access and orderly meeting administration, including:

A. Announcing the disruption. The Meeting Chair may announce that a Disruption has been identified, that substantive proceedings are suspended, and that the Open Session is being recessed as required by this Policy.

B. Recessing the meeting. The Meeting Chair shall recess the Open Session for the Mandatory Recess Period.

C. Providing technical instructions. District staff may provide instructions to the public concerning restored or alternative access, if available.

D. Restoring service. District staff may take actions reasonably necessary to restore the disrupted Telephonic or Internet-Based Service or provide another lawful telephonic or internet-based access method.

E. Reconvening or deferring matters. After the Mandatory Recess Period has ended, the District Board may reconvene, continue the meeting, adjourn the meeting, or defer affected agenda items, provided that it proceeds in compliance with this Policy, the Brown Act, and any other applicable legal requirements.

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Article 5 — Responsibilities

5.1 Meeting Chair. The Meeting Chair shall be responsible for maintaining orderly proceedings, recognizing a potential Qualifying Disruption, suspending substantive proceedings when required, recessing the Open Session for the Mandatory Recess Period, and announcing the procedure by which the meeting will proceed.

5.2 Clerk or recording secretary. The Clerk of the Board, recording secretary, or other designated District staff member shall document any Qualifying Disruption in the meeting minutes, including, to the extent reasonably ascertainable:

A. Time of disruption. The approximate time the Disruption began.

B. Service affected. The Telephonic or Internet-Based Service affected.

C. Public access impact. Whether the Disruption affected public observation, public comment, or both.

D. Mandatory recess. The time the Open Session was recessed and the time the Open Session reconvened, if applicable.

E. Corrective steps. The good faith efforts made to restore service or provide an alternative lawful access method.

F. Time of restoration. The approximate time Public Access was Restored, if applicable.

G. Reconvening findings. If the District Board reconvened before Public Access was Restored, the roll call vote and Required Reconvening Findings adopted by the District Board.

H. Agenda items affected. Any agenda items paused, deferred, continued, acted upon after reconvening, or otherwise affected by the Disruption.

5.3 District staff and technical support. District staff responsible for meeting administration or technical support shall use reasonable efforts to monitor Telephonic or Internet-Based Service during the meeting, identify Disruptions, notify the Meeting Chair promptly, and restore Public Access as quickly as reasonably practicable.

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5.4 Legal Counsel. The District's Legal Counsel, if present or consulted, may advise the Meeting Chair and District Board concerning compliance with this Policy, the Brown Act, and any procedural options available during or after a Disruption.

Article 6 — Procedure During a Disruption

6.1 Identification. A Disruption may be identified by District staff, the Meeting Chair, a member of the District Board, Legal Counsel, or a member of the public who notifies the District during the meeting through an available communication method.

6.2 Initial assessment. Upon receiving notice of a possible Disruption, the Meeting Chair, with assistance from District staff as appropriate, shall promptly determine whether the condition prevents or materially impairs public observation or public comment through a Telephonic or Internet-Based Service provided by the District.

6.3 Suspension of agenda action. If the Meeting Chair determines that a Qualifying Disruption has occurred, the Meeting Chair shall announce that a Qualifying Disruption has occurred, suspend further action on agenda items, and recess the Open Session for the Mandatory Recess Period.

6.4 Mandatory recess and good faith restoration efforts. During the Mandatory Recess Period, District staff shall make good faith efforts to restore the affected Telephonic or Internet-Based Service or to provide another lawful telephonic or internet-based access method for the meeting. Such efforts may include, as appropriate under the circumstances:

A. **Technical diagnosis.** Determining whether the Disruption arises from District equipment, meeting platform functionality, internet connectivity, telephone connectivity, audio equipment, video equipment, access controls, meeting settings, or another identifiable source.

B. **Platform or line restoration.** Restarting, reconnecting, reconfiguring, or replacing the affected meeting platform, teleconference line, audiovisual connection, livestream, or other access method.

C. **Alternative access.** Activating an alternative lawful telephonic or internet-based option when reasonably available and capable of providing public observation or public comment, as applicable.

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D. Public instructions. Providing updated instructions to the public regarding restored or alternative access through the District's available meeting communication channels.

E. Status communication. Updating the Meeting Chair regarding restoration efforts and whether Public Access has been restored.

6.5 Reconvening after public access is restored. If Public Access is Restored before one hour has elapsed after the Qualifying Disruption began, the Meeting Chair may reconvene the Open Session after reasonably confirming restoration of public access. Before resuming substantive proceedings, the Meeting Chair should announce that Public Access has been restored and, when appropriate, summarize the agenda item then under consideration.

6.6 Reconvening after one hour without restoration. If one hour has elapsed after the Qualifying Disruption began and Public Access has not been restored, the District Board may reconvene the Open Session only if the District Board first considers and adopts the Required Reconvening Findings by roll call vote. The findings shall be substantially in the following form:

A. Good faith efforts finding. "The District Board finds that the District has made good faith efforts to restore the disrupted Telephonic or Internet-Based Service in accordance with the District's Policy Regarding Disruption of Telephonic or Internet Service During Public Meetings."

B. Public interest finding. "The District Board finds that the public interest in continuing this meeting outweighs the public interest in remote public access through the disrupted Telephonic or Internet-Based Service."

6.7 Considerations for public interest finding. In determining whether the public interest in continuing the meeting outweighs the public interest in remote public access, the District Board may consider all relevant circumstances, including:

A. Time sensitivity. Whether one or more agenda items require action before the next regular or special meeting.

B. Public health and safety. Whether continuation of the meeting is necessary to address matters affecting public health, patient care, hospital operations, emergency preparedness, public safety, or essential District functions.

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C. **Legal or operational deadlines.** Whether delay may impair compliance with legal, regulatory, contractual, financial, or operational deadlines.

D. **Availability of in-person access.** Whether members of the public remain able to attend, observe, and comment in person at the meeting location, if applicable.

E. **Extent of prior public participation.** Whether public comment on the affected item had already been completed before the Disruption occurred.

F. **Feasibility of continuation or deferral.** Whether the affected item can reasonably be continued, deferred, or heard at a subsequent meeting without material prejudice to the District or the public interest.

6.8 Failure to adopt required findings. If Public Access has not been restored and the District Board does not adopt the Required Reconvening Findings by roll call vote, the District Board shall not take further action on agenda items and shall continue the meeting, adjourn the meeting, or defer affected agenda items in a manner consistent with the Brown Act and other applicable legal requirements.

6.9 Public comment following restoration or reconvening. If a Qualifying Disruption occurred during a period designated for public comment, or before public comment on an agenda item had been completed, the District Board shall provide a reasonable opportunity for public comment after Public Access is Restored and before taking action on the affected item. If the District Board reconvenes after one hour without Public Access Restored and adopts the Required Reconvening Findings, the District Board shall provide any public comment opportunity required by the Brown Act through the means then lawfully available.

6.10 Continuation, adjournment, or deferral. If Public Access cannot be restored during the Mandatory Recess Period, the District Board may continue the meeting, adjourn the meeting, or defer one or more agenda items to a future meeting, provided that the District Board proceeds in compliance with the Brown Act and any other applicable legal requirements.

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Article 7 — Agenda Notice

7.1 Notice of procedure. Agendas for meetings covered by this Policy shall include, or incorporate by reference in a manner permitted by law, a notice substantially in the following form:

A. Disruption notice. "If a disruption of telephonic or internet-based service occurs during this meeting and prevents or materially impairs members of the public from observing the meeting or offering public comment through the telephonic or internet-based option provided by the District, the District will suspend further action on agenda items and recess the open session for the period required by District policy and applicable law. The District will make good faith efforts to restore public access. The District may not reconvene the open session until public access is restored or until one hour has elapsed after the disruption began, whichever occurs earlier. If the District reconvenes before public access is restored, the District Board must first adopt required findings by roll call vote in accordance with District policy and applicable law."

7.2 Accessibility coordination. The agenda may include additional instructions identifying how members of the public may notify the District of technical access issues during a meeting, provided that such instructions shall not limit the District's obligations under this Policy or applicable law.

Article 8 — Documentation and Meeting Record

8.1 Minutes. The minutes for any meeting at which a Qualifying Disruption occurs shall reflect the occurrence of the Disruption, the suspension of substantive proceedings, the Mandatory Recess Period, the restoration of Public Access if achieved, any Required Reconvening Findings adopted by roll call vote, and any affected agenda items.

8.2 Record integrity. The absence of a complete technical record of a Disruption shall not preclude the Meeting Chair from suspending proceedings and recessing the Open Session when the Meeting Chair reasonably determines that public access has been prevented or materially impaired.

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8.3 No retroactive action. If action on an agenda item is taken after Public Access is Restored or after the District Board lawfully reconvenes by adopting the Required Reconvening Findings, the minutes should reflect the point at which action occurred. If an item is deferred or continued due to an unresolved Disruption, the minutes should identify the item and the disposition.

8.4 Roll call documentation. If the District Board reconvenes after one hour without Public Access Restored, the minutes shall document the roll call vote on the Required Reconvening Findings and the findings adopted before any further action is taken on agenda items.

Article 9 — Implementation

9.1 Administrative procedures. The District's Chief Executive Officer, Clerk of the Board, or other designated District official may establish administrative procedures, staff assignments, meeting scripts, technical protocols, and agenda language to implement this Policy.

9.2 Training. District staff responsible for preparing, noticing, supporting, or recording public meetings should receive appropriate instruction concerning this Policy and the procedures for identifying, documenting, recessing for, restoring service after, and responding to Qualifying Disruptions.

9.3 Technical preparedness. To support implementation of this Policy, District staff should, as appropriate and feasible, maintain procedures for monitoring telephonic or internet-based access during meetings, identifying technical support contacts, preserving alternative lawful access options, and communicating restoration instructions to the public.

9.4 Consistency with law. This Policy shall be interpreted and applied in a manner consistent with the Brown Act. If any provision of this Policy conflicts with applicable law, applicable law shall govern, and the remaining provisions of this Policy shall remain in effect to the fullest extent permitted by law.

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Article 10 — Adoption and Effective Date

10.1 Adoption. This Policy is adopted by the Board of Directors of Washington Township Health Care District on October 28, 2026 at a noticed public meeting in Open Session.

10.2 Consent calendar. This Policy shall not be adopted or materially amended as part of a consent calendar unless applicable law permits such action.

10.3 Effective date. This Policy shall take effect immediately upon adoption unless the Board specifies a later effective date.

10.4 Review. The District may review and update this Policy from time to time to reflect changes in applicable law, meeting technology, or District meeting practices.

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