

LAW OFFICE OF
MATTHEW J. McALERNEY
A Professional Corporation
545000 Ema-Lu Lane
McArthur, CA 96056

Telephone (530) 336-6394
Fax (530) 336-5083

Attachment

B

e-mail: mattm@shasta.com

state bar # 77337

June 24, 2009

Board of Directors
Mayers Memorial Hospital District

Dear Directors,

As a preface to my remarks, I refer you important Constitutional provisions which guarantee fundamental rights to each and all of us:

The First Amendment of the United States Constitution provides as follows:

Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The guarantees of the First Amendment are made applicable to the States, and their political subdivisions, including the Mayers Memorial Hospital District, by the Fourteenth Amendment to the US Constitution.

I next refer you to Article 1, sections 2 and 3, of the Constitution of the State of California which, in relevant part, provide as follows:

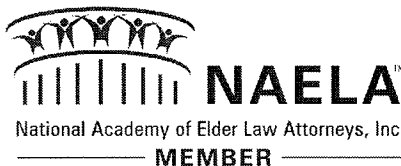
SECTION 2. (a) Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

SECTION 3. (a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

With these important constitutional guarantees of fundamental rights as a backdrop, I am writing to address two separate but closely related items.

This board has adopted a policy which prohibits its members, and the board itself, from soliciting input from hospital personnel and medical staff as to matters which would be used for the evaluation of the Chief Executive Officer of the hospital. That policy deprives the board of access to the people who are most likely to have opinions and knowledge of facts applicable to the evaluation of the Chief Executive Officer.



Leading the Way in Special Needs and Elder Law

More importantly, the policy severs the line of communication between the members of the board and a significant portion of the public whose interests the board represents. The policy in question is an unwarranted abdication of power granted to the board by law, and entrusted to the board by the electorate. No facts germane to the performance of the Chief Executive Officer, and no sources of such facts, can be placed beyond the reach of the board or its members. The public has entrusted the board with the power to consider all facts, and this self-imposed policy is a violation of that trust. It must be repealed.

I am also bringing to the attention of the board reports I have heard which, if true, tell us that a serious infringement of the civil rights of hospital personnel is occurring.

Specifically, I have been informed that the current Chief Executive Officer of the hospital has informed hospital employees that they are prohibited from contacting members of this board. They are prohibited from engaging in discussion with members of this board. They are discouraged from attending the public meetings of this board.

If this is true, the Chief Executive Officer has enacted a personnel policy which denies to the employees of the hospital their constitutional rights of freedom of speech and association, and their right to petition this governing body for the redress of grievances. No person, whether elected, appointed or hired to a position of authority and power, has the right to abuse that authority and power in this manner.

One who engages in such conduct is inflicting serious injury upon the individuals whose liberties are being restrained, and on the general public which depends on the exercise of individual rights of expression. Conduct which restrains the civil rights of individuals or groups is illegal.

I therefore call upon this board to immediately investigate whether the Chief Executive Officer of Mayers Memorial Hospital has prohibited, or has even attempted to prohibit, employees from contacting this board or its members.

Of course, in order to fairly investigate this question you must repeal the earlier discussed policy which prohibits you from soliciting input from employees and staff in your evaluation of the Chief Executive Officer. For this is indeed a matter against which that official will be evaluated.

If your investigation reveals that the matter I have reported is true, if you find that Katharine Ann Campbell has even attempted to prohibit the exercise of an employee's constitutional rights, I call upon you to terminate her immediately, for cause.

Thank you for your service and attention.

Sincerely,



MATT McALERNEY