

RIVERSIDE TRANSIT AGENCY
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March 24, 2005

TO: BOARD OF DIRECTORS
THRU: Larry Rubio, Chief Executive Officer
FROM: Ken Smart, General Counsel
SUBJECT: Policy Concerning Disclosure of Confidential Information to Member Agencies

Summary: The Brown Act was amended effective January 1, 2005, to authorize a Joint Powers Agency, such as RTA, to adopt a policy authorizing a member of the Board of Directors to disclose confidential information obtained in an RTA closed session to other members of the legislative body of an RTA member agency in a closed session of the member agency. This authorization is limited to confidential information that has direct financial or liability implications for the member agency. Also, the RTA Director is authorized to consult with legal counsel for the member agency to obtain advice on whether the matter has direct financial or liability implications for the member agency. Attached is a copy of Government Code Section 54956.96 which authorizes such a policy.

Fiscal Impact:

None

Recommendation:

Adopt the following Policy:

Directors, and designated Alternate Directors in the absence of Directors, may disclose information obtained in a closed session that has direct financial or liability implications for a member entity of RTA to the following individuals:

- A. Legal counsel of that member entity for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member entity.
- B. Other members of the legislative body of that member entity present in a closed session of that member entity.

GOVERNMENT CODE

§ 54956.96. Joint powers agency; legislative body; closed session; confidential information

(a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency.

(B) Other members of the legislative body of the local agency present in a closed session of that member local agency.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

(Added by Stats.2004, c. 784 (A.B.2782), § 2.)