



## Legislation Details (With Text)

**File #:** 2019-781      **Version:** 1      **Name:**  
**Type:** Discussion      **Status:** Agenda Ready  
**File created:** 8/12/2019      **In control:** City Council  
**On agenda:** 8/20/2019      **Final action:**  
**Title:** CONSIDER WAIVING THE CLOSED SESSION AND ATTORNEY CLIENT PRIVILEGES RELATED TO DISTRICTING TO ENSURE TRANSPARENCY (CITY COUNCIL)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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## Report to Mayor and City Council

Tuesday, August 20, 2019

Discussion

### SUBJECT:

**CONSIDER WAIVING THE CLOSED SESSION AND ATTORNEY CLIENT PRIVILEGES RELATED TO DISTRICTING TO ENSURE TRANSPARENCY (CITY COUNCIL)**

### I. SUMMARY

At the request of Mayor Robles, the City Council is asked to discuss and consider waiving the confidentiality of past City Council closed session communications concerning potential litigation regarding the California Voting Rights Act and election districts.

### II. RECOMMENDATION

CONSIDER one of the following options:

- If the City Council desires to waive confidentiality, then:* **AUTHORIZE** disclosure of all confidential information concerning potential litigation regarding the California Voting Rights Act and election districts, acquired by any and all persons, through being present in a previous Carson City Council closed session meeting, while expressly maintaining the confidentiality of all other closed session communications.
- If the City Council desires to maintain confidentiality, then:* take no action (as at present the communications at issue are confidential).

### **III. ALTERNATIVES**

Take any other lawful action that the City Council deems appropriate.

### **IV. BACKGROUND**

Legal action against the City under the California Voting Rights Act (CVRA) has been threatened, if the City does not transition from at-large to district-based elections. The City Council has met in multiple closed sessions to confidentially discuss this potential litigation.

Confidential information acquired in a closed session generally must not be disclosed by any person. (Government Code section 54963(a).) "Confidential information" means any communication made in a closed session that is specifically related to the basis for the City Council's meeting in closed session. (Government Code section 54963(b).) Remedies for the disclosure of such confidential information include injunctive relief to prevent the disclosure, disciplinary action against an employee who willfully discloses the confidential information, and referral of a Councilmember who willfully discloses such confidential information to the grand jury. (Government Code section 54963(c).)

However, the City Council may by express action authorize the disclosure of confidential information acquired by any person through being present in a closed session. (Government Code section 54963(a).)

At the request of Mayor Robles, the City Council is being asked to discuss and consider authorizing the disclosure of all confidential information acquired by any and all persons, by being present in a Carson City Council closed session meeting, that concerned potential litigation regarding the California Voting Rights Act and election districts, while expressly maintaining the confidentiality of all other closed session communications.

### **V. FISCAL IMPACT**

None.

### **VI. EXHIBITS**

None.

Prepared by: City Attorney's Office