





## Memorandum

To: Mayor and City Council

October 16, 2012

From: Suja Lowenthal, Second District   
Al Austin, Eighth District 

Subject: Brown Act Violations

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### REQUESTED ACTION:

Request the inclusion of information in the *Long Beach City Officials and Employees Handbook* related to violations of the Brown Act involving disclosure of details discussed in Closed Session.

Request the City Attorney outline possible punishment for unethical behavior leading to public disclosure of details discussed in Closed Session.

### BACKGROUND INFORMATION:

According to the California Attorney General's informational pamphlet on open and closed meetings of local legislative bodies, "while the [Brown] Act creates broad public access rights to the meetings of legislative bodies, it also recognizes the legitimate needs of government to conduct some of its meetings outside of the public eye. Closed-session meetings are specifically defined and are limited in scope. Closed-session meetings primarily involve personnel issues, pending litigation, labor negotiations and real property acquisitions." (*The Brown Act*, Office of the Attorney General)

Section 54963 of the California Government Code provides that a person may not disclose confidential information that has been acquired by attending a proper closed session to a person not entitled to receive it, unless the disclosure is authorized by the legislative body.

In CGC Section 54963, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body to meet lawfully in closed session.

Due to the nature and importance of information shared in closed sessions, it is imperative that our elected and appointed officials and city staff understand their responsibilities, as well as the types of violations and legal remedies associated with these meetings.

**FISCAL IMPACT:** No fiscal impact.