

VALLEY CLEAN ENERGY ALLIANCE

Staff Report – Item 11

TO: Valley Clean Energy Alliance Board of Directors

FROM: Mitch Sears, Interim General Manager

SUBJECT: Approval of Resolution Authorizing Board to Disclose Information to Certain Individuals in Closed Session

DATE: March 14, 2019

RECOMMENDATION

Approve the attached Resolution adopting a policy authorizing the Board to disclose information to member agencies of the Joint Powers Agency pursuant to Government Code Section 54956.96.

BACKGROUND

The policy as stated in the attached Resolution authorizes the VCE Board to adopt a policy that authorizes the disclosure of information disclosed in a VCE closed session to certain individuals, in specified circumstances. Specifically, VCE may disclose certain information to a member of the legislative body of a local agency that is a member of the joint powers agency that was disclosed in a closed session of the joint powers agency that has direct financial or liability implications for that local agency; and may disclose that information to the local agency's legal counsel, and to the other members of the local agency's legislative body in closed session. In addition, upon adoption of such policy, the member agency's legislative body may conduct a closed session, on advice of legal counsel, to receive, discuss and take action on information obtained from the joint powers agency's closed session.

Adoption of the attached resolution will enable VCE to share this type of information with its member agency City Councils and Board of Supervisors.

Attachment: Resolution

VALLEY CLEAN ENERGY ALLIANCE

RESOLUTION NO. 2019- ____

**RESOLUTION ADOPTING A POLICY CONCERNING CLOSED SESSIONS
PURSUANT TO GOVERNMENT CODE SECTION 54956.96 FOR
THE BOARD OF DIRECTORS OF THE VALLEY CLEAN ENERGY ALLIANCE (VCEA)**

WHEREAS, Government Code Section 54956.96 authorizes the legislative body of a joint powers agency to adopt a policy that authorizes the disclosure of information disclosed in a VCEA closed session to certain individuals, in specified circumstances. Specifically, a member of the legislative body of a local agency that is a member of the joint powers agency may disclose information obtained in a closed session of the joint powers agency that has direct financial or liability implications that local agency; and may disclose that information to the local agency's legal counsel, and to the other members of the local agency's legislative body in closed session. In addition, upon adoption of such policy, the member agency's legislative body may conduct a closed session, on advice of legal counsel, to receive, discuss and take action on information obtained from the joint powers agency's closed session; and

WHEREAS, VCEA is a joint powers agency and desires to establish a policy pursuant to Section 54956.96 to allow for the sharing of information with its member cities' councils and the County board of supervisors, and their legal counsel, in those situations where there are direct financial or liability implications for the Cities and the County and that authorizes the legislative body of a member agency, on advice of legal counsel to conduct a closed session of the member agency's legislative body to receive, discuss and take action on information obtained from the joint powers agency's closed session.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE VALLEY CLEAN ENERGY ALLIANCE
RESOLVES AS FOLLOWS:**

The following policy is adopted pursuant to Government Code Section 54956.96, and shall apply to closed sessions of VCEA:

Closed Session Policy Pursuant to Government Code Section 54956.96

1. Councilmembers and Supervisors serving on the board of the VCEA may disclose information obtained in a VCEA closed session that has direct financial or liability implications for the City and/or the County to the following individuals:
 - a. Legal counsel of the City or the County for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency, and
 - b. Other members of the City Council or Board of Supervisors, in a closed session of the City or the County.

2. Councilmembers and Supervisors attending VCEA closed sessions as designated alternates shall be entitled to disclose information obtained in those closed sessions pursuant to Paragraph 1 above.
3. VCEA member agencies may, on advice of their legal counsel, conduct a closed session in order to receive, discuss and take action concerning information obtained in a VCEA closed session pursuant to section 1 of this Policy.

PASSED, APPROVED, AND ADOPTED, at a regular meeting of the Valley Clean Energy Alliance, held on the ___ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tom Stallard, VCEA Chair

Alisa M. Lembke, VCEA Board Secretary