

**ASSEMBLY BILL**

**No. 1228**

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**Introduced by Assembly Member Halderman**  
**(Coauthors: Assembly Members Conway, Grove, and Valadao)**  
(Coauthors: Senators Berryhill and Fuller)

February 18, 2011

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An act to amend Section 54956.96 of the Government Code, relating to public agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1228, as introduced, Halderman. Public agencies: joint power agencies: meetings.

The Joint Exercise of Powers Act authorizes two or more public agencies, if each is authorized by their respective legislative bodies, to enter into an agreement to jointly exercise any power common to those two agencies.

The Ralph M. Brown Act requires that meetings of the legislative body of a local agency, including a joint powers agency, be open and public, with specified exceptions authorizing closed sessions for specified purposes. Existing law permits a joint powers agency to include in its joint powers agreement provisions authorizing (1) any member of the legislative body of a member local agency to disclose information obtained during a closed session of the joint powers agency that has direct financial or liability implications for that member local agency to that agency's legal counsel or to other members of that agency's legislative body, as specified, or (2) any designated alternate member of the legislative body of the joint powers agency that is also a member of the legislative body of a member local agency, who is

attending in lieu of that agency’s regularly appointed member, to attend closed sessions of the joint powers agency, as specified.

This bill would additionally authorize a joint powers agency to include in its joint powers agreement provisions authorizing (1) an employee of a member local agency to disclose information obtained in a closed session of the joint powers agency that has direct financial or liability implications for that member local agency to that agency’s legal counsel or to other persons present in a closed session of the legislative body of that agency, as specified, or (2) any designated alternate member of the legislative body of the joint powers agency who is also an employee of a member local agency, and who is attending in lieu of that agency’s regularly appointed member, to attend a closed session of the joint powers agency, as specified.

This bill would also make various, nonsubstantive, conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 54956.96 of the Government Code is  
 2 amended to read:

3 54956.96. (a) Nothing in this chapter shall be construed to  
 4 prevent the legislative body of a joint powers agency formed  
 5 pursuant to Article 1 (commencing with Section 6500) of Chapter  
 6 5 of Division 7 of Title 1, from adopting a policy or a bylaw or  
 7 including in its joint powers agreement provisions that authorize  
 8 either or both of the following:

9 (1) All information received by the legislative body of the  
 10 *member* local agency ~~member~~ in a closed session related to the  
 11 information presented to the joint powers agency in closed session  
 12 shall be confidential. However, a member of the legislative body  
 13 of a member local agency *or an employee of a member local*  
 14 *agency* may disclose information obtained in a closed session that  
 15 has direct financial or liability implications for that local agency  
 16 to the following individuals:

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

1 (B) ~~Other members of the legislative body of the local agency~~  
2 *Those persons* present in a closed session of *the legislative body*  
3 of that member local agency.

4 (2) Any designated alternate member of the legislative body of  
5 the joint powers agency who is also a member of the legislative  
6 body of a *member* local agency ~~member~~ or an *employee of a*  
7 *member local agency* and who is attending a properly noticed  
8 meeting of the joint powers agency in lieu of a *member* local  
9 ~~agency member's~~ *agency's* regularly appointed member to attend  
10 closed sessions of the joint powers agency.

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