

Does Government Code §54957.6 allow AC's Board of Directors to discuss, in sessions that are closed to the public, the service problems related to fast growing unauthorized driver absenteeism, and management's difficulty in controlling it?

# Government Code §54957.6

§ 54957.6 Closed sessions; salaries, salary schedules or fringe benefits

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

## § 54957.6 Continued from previous slide

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

# California League of Cities on §54957.6

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions apply to school and community college districts. A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members, on employee salaries and fringe benefits for both represented (“union”) and non-represented employees. For represented employees, it may also consider working conditions that by law require negotiation.

# Attorney General on Brown Act Interpretation

Since closed sessions are an exception to open meeting requirements, the authority for such sessions has been narrowly construed. The law evinces a strong bias in favor of open meetings, and court decisions and opinions of this office have buttressed that legislative intent. (§ 54950.) The fact that material may be sensitive, embarrassing or controversial does not justify application of a closed session unless it is authorized by some specific exception. (Rowen v. Santa Clara Unified School District (1981) 121 Cal.App.3d 231, 235.) Rather, in many circumstances these characteristics may be further evidence of the need for public scrutiny and participation in discussing such matters. (See Civ. Code, § 47(b) [regarding privileged publication of defamatory remarks in a legislative proceeding].)

# Discussion of leave of absence policy must be in open session unless the issue conjoins with compensation

“3. A board of supervisors may not discuss a leave of absence policy as described above *(county employees running for elective county office must take a leave of absence during the campaign)* in executive session *(pursuant to a meet and confer requirement)* with its ‘designated representative’ unless such policy is being considered in conjunction with those matters specified in section 54957.6.”

61 Ops. CA Atty. Gen. 323 (1978)

# Government Code §54963

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by [Section 54956.7](#), [54956.8](#), [54956.86](#), [54956.87](#), [54956.9](#), [54957](#), [54957.6](#), [54957.8](#), or [54957.10](#) to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, “confidential information” means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.