

September 2, 1997

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

ATTORNEY GENERAL OPINION ON DISCLOSURE
OF CONFIDENTIAL COMMUNICATIONS

Enclosed for your review is a recent Opinion of the California Attorney General which discusses the propriety of local legislators disclosing information concerning pending litigation that is received in a closed session authorized by the California Open Meeting law (commonly known as the Brown Act). Following a review of the requirements for holding closed sessions on pending litigation, and the various Attorney General Opinions that have issued over the years on the subject, the Attorney General concludes:

[W]e believe that under the pending litigation exception, members of a local agency's legislative body are precluded from publicly commenting on information received and discussed in closed session except to reiterate the facts that are authorized to be reported publicly by the local agency pursuant to [the Brown Act].

We would be happy to answer any questions you may have regarding this issue.

Respectfully submitted,

CASEY GWINN
City Attorney

LJG:ljk:070(043.1)

enclosure

cc: City Manager

City Clerk

City Auditor

RC-97-21

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