

MEMORANDUM OF LAW

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DATE: November 17, 1989

TO: Gary Page, Deputy Director for Records
Management and Information, City Clerk's
Office

FROM: City Attorney

SUBJECT: Retention of Minutes of Closed Sessions

This is in response to your memorandum of October 31, 1989 and confirms our telephone conversation of November 14. You have asked us several questions regarding retention of closed session minutes, some portions of which we previously answered in our March 8, 1989 Memorandum of Law attached hereto.

Under Government Code section 54957.2, a local government may, but is not required to, keep minutes of closed sessions held by its legislative body. By that same statute, these minutes are not public records subject to inspection pursuant to the California Public Records Act (Government Code section 6250 et seq.). Also under this statute the minute book is available only to members of the legislative body or, if a violation of the public meetings law is alleged to have occurred, then it is open to a court of general jurisdiction within San Diego county.

Under Government Code section 34090(e), the minutes of a local legislative body are to be retained permanently. The law makes no distinction between minutes of open sessions and closed sessions. Therefore we recommend that you keep these minutes on a permanent basis.

Lastly, you query whether the closed session minutes should be maintained in a separate series apart from the City Council open session minutes. As a practical matter, since the closed session minutes are to be treated as confidential, non-public records, we believe it is advisable that you maintain the closed session minutes separate from the City Council open session minutes.

If you have further questions, please do hesitate to ask.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

CCM:jrl:014(x043.2)

Attachment

ML-89-107