

MEMORANDUM OF LAW

DATE: January 15, 1993

TO: Arthur Duncan, Management Assistant

FROM: City Attorney

SUBJECT: Citizens' Advisory Board on Police Community  
Relations

At the November 9, 1992, meeting of the Citizens' Advisory Board on Police Community Relations ("Board"), Chief Bob Burgreen discussed with Board members the selection procedures for the new chief. Subsequently, Board members requested that they be allowed to meet with City Manager Jack McGrory in closed session to discuss the selection of the new chief. You have asked if this is permissible.

Clearly, discussion of the Board's concerns regarding the qualifications of, and the selection process for, the new police chief are matters within the purview of the Board. However, the Board, like all City boards and commissions, is subject to the strictures of the Brown Act, Government Code section 54950 et seq.

Closed session meetings are permitted by the Brown Act under certain circumstances. However, Government Code section 54962 provides: "Except as expressly authorized by this chapter, no closed session may be held by the legislative body of any local agency." Government Code section 54957 does provide for the legislative body to meet in closed session to discuss the appointment of a public employee. The Board, however, is an advisory body only, and cannot, therefore, avail itself of this section. No other section provides applicable grounds for the Board to adjourn into closed session.

We suggest the Board put the discussion of the qualifications and selection of the new chief on the next agenda. Mr. McGrory can then be invited to be present at the session to listen to the concerns of the Board.

If you have any further questions, please contact me.

JOHN W. WITT, City Attorney

By

Sharon A. Marshall

Deputy City Attorney

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