



Memorandum

TO: RULES AND OPEN GOVERNMENT
COMMITTEE

FROM: Councilmember
Donald Rocha

SUBJECT: WAIVER OF CLOSED SESSION
PRIVILEGE

DATE: January 7, 2015

Approved

Date

1/7/15

RECOMMENDATION

That the Rules Committee take the following action:

1. Agendize Council consideration of a waiver of closed session privilege for Item A on the closed session agenda for December 16, 2014, concerning the evaluation of City Manager Ed Shikada. The discussion could happen in open or closed session, as appropriate.
2. Request that the City Attorney advise the Council as to whether any other legal restrictions besides closed session privilege may limit disclosure of any portion of the particular closed session discussion at question.

ANALYSIS

The abrupt departure of City Manager Shikada late last year has prompted much public speculation and engendered considerable ill-will among some of the City's employee bargaining units. Although State law allows the City Council to discuss personnel matters concerning its appointees in closed session, I believe that in this instance it may be appropriate to waive our closed session privilege, to provide the Mayor and Councilmembers the opportunity to explain the reasoning for their decision if they wish to do so. Thus, I ask that the Rules Committee allow the full Council an opportunity to decide whether to waive closed session privilege.