

**SPECIAL MEETING of the Board of Directors of the
Los Angeles Community Choice Energy Authority
(dba Clean Power Alliance of Southern California)**

Tuesday, March 6, 2018

12:30 p.m.

Los Angeles County Hall of Administration

Room 864

500 West Temple Street

Los Angeles, California 90012

Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact Julie Gomez, at least 2 working days before the meeting at jgomez@ceo.lacounty.gov or (213) 974-1172. Notification in advance of the meeting will enable us to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Attendees to this meeting are reminded that other attendees may be sensitive to various chemical based products.

If you wish to speak to the Board, please fill out a speaker's slip located on the tables as you enter the Board Chambers. If you have anything that you wish to be distributed to the Board and included in the official record, please hand it to a member of the staff who will distribute the information to the Board members and other staff.

Members of the public may also participate in this meeting remotely at the following addresses:

*Agoura Hills City Hall – Community Room
30001 Ladyface Court, Agoura Hills, CA 91301*

*City of Alhambra, City Hall
111 S. First Street, Alhambra, CA 91801*

*Calabasas City Hall – Council Conference Room
100 Civic Center Way, Calabasas, CA 91302*

*City of Carson City Hall – Executive Conference Room (2nd Fl.)
701 E. Carson Street, Carson, CA 90745*

*Claremont – Sanitation District of Los Angeles County
1955 Workman Mill Rd., Whittier, CA 90601*

*Downey City Hall – City Council Conference Room
11111 Brookshire Ave, Downey, CA 90241*

*Ojai City Hall – Council Chambers
401 S. Ventura Street, Ojai, CA 93023*

*City of Paramount – Public Works Conference Room
15300 Downey Avenue, Paramount, CA 90723*

*City of Redondo Beach, City Hall
415 Diamond Street, Redondo Beach, CA 90277*

*Santa Monica City Hall – Room 209
1685 Main Street, Santa Monica, CA 90401*

*Temple City – City Council Office
9701 Las Tunas Drive, Temple City, CA 91780*

*Thousand Oaks City Hall
2100 Thousand Oaks Blvd., Thousand Oaks, CA 91360*

*Ventura County – Office of Linda Parks
625 West Hillcrest Drive, Thousand Oaks, CA 91360*

I. WELCOME AND ROLL CALL**II. PUBLIC COMMENT**

This item is reserved for persons wishing to address the Board on any LACCE-related matters not on today's agenda. Public comments on matters on today's agenda shall be heard at the time the matter is called.

As with all public comment, members of the public who wish to address the Board are requested to complete a speaker's slip and provide it to LACCE staff. Speakers are customarily limited to two minutes, but an extension can be provided at the discretion of the Board Chair.

III. CLOSED SESSION**CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
(Government Code Section 54957)

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (1)

IV. REGULAR AGENDA

1. Adopt Policy Regarding Communication of Closed Session Items

V. STAFF AND BOARD ANNOUNCEMENTS**VI. ADJOURN**

Public records that relate to any item on the open session agenda for a regular board meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the County of Los Angeles, Chief Sustainability Office, Kenneth Hahn Hall of Administration, Room 493, 500 West Temple Street, Los Angeles, CA 90012, for the purpose of making those public records available for inspection. The documents are also available on LACCE's internet website. The website is located at: lacce.org

Staff Report – Item 1

To: LACCE Authority Board of Directors

From: LACCE General Counsel

Item 1: Adopt Policy #001 Regarding Closed Session Communications

Date: March 6, 2018

RECOMMENDATION

Adopt Policy #001 (attached) regarding communications of closed session items that would authorize a Board Member to disclose information obtained in a closed session of the LACCE Board of Directors to the Board Member's local agency's legal counsel and/or to other members of the local agency's legislative body in closed session.

BACKGROUND

If the Board wishes to allow Board Members to communicate certain confidential information learned in an LACCE closed session to the legal counsel for the city or county they represent, or to the city council or board of supervisors for the city or county they represent, the Board should adopt the proposed policy to allow disclosure of closed session information.

Disclosure of Closed Session Information

California Government Code Section 54956.96(a)(1) authorizes a joint powers agency (JPA) to adopt a policy to authorize the sharing of certain categories of information disclosed to JPA board members in a closed session to the board member's local agency's legal counsel and other members of the local agency's legislative body.

Specifically, Government Code section 54956.96 provides that a JPA may adopt such a policy to authorize a JPA board member to disclose information "that has direct financial or liability implications" for the local agency (e.g., the city or county). Such a policy may only authorize disclosure of that information to:

- (1) legal counsel for the member local agency (e.g., the city attorney or county counsel) "for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency," or
- (2) Other members of the legislative body of the local agency present in a closed session of that member local agency.

LOS ANGELES COMMUNITY CHOICE ENERGY AUTHORITY

In addition, the Policy allows any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency. According to the statute, the alternate must be a member of the legislative body of the local agency. As such, it cannot be a staff member or a consultant.

If the Board wishes to authorize Board members to confer with their city attorneys, county counsel, and fellow city councilmembers or supervisors in closed session about confidential information "that has direct financial or liability implications" for their member agency, the attached Policy should be approved.

POLICY NO. 001
CLOSED SESSION COMMUNICATIONS POLICY

When the Board of Directors (“Board”) of the Los Angeles Community Choice Energy (“LACCE”) Authority, also known as the Clean Power Alliance of Southern California, has so authorized and upon advice of LACCE’s General Counsel, the Board may meet in closed session to receive, discuss, and act on information obtained in a closed session of the LACCE Authority.

All information presented to the Board in closed session shall be confidential.

However, a Board Director may disclose information obtained in a closed session that has direct financial or liability implications for the Board Director’s local agency, to the following individuals:

- 1) Legal counsel of the Board Director’s local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency; and
- 2) Other members of the legislative body of the Board Director’s local agency present in a closed session of that local agency.

Prior to disclosing any information obtained in a closed session to legal counsel of the Board Director’s local agency or other members of the legislative body of the Board Director’s local agency, the Board Director shall notify the LACCE General Counsel of the intention to discuss the matter with their local agency's legal counsel or other members of the legislative body. This notification shall provide the LACCE General Counsel with an opportunity to discuss with the local agency's legal counsel whether the matter has direct financial or liability implications for the Board Member’s local agency.

Further, any designated Alternate LACCE Board Director who is also a member of the local agency’s legislative body and who is attending a LACCE Board meeting in lieu of a local agency’s regularly appointed member may participate in closed session discussion of the LACCE Authority. However, Alternate LACCE Board Directors who are not members of the local agency’s legislative body may not participate in a closed session of the LACCE Authority in lieu of the primary designated Board Director.