

Office of the Mayor
M E M O R A N D U M

DATE: November 27, 2002

TO: City Council Colleagues

FROM: Vice Mayor Mossar and Council Member Beecham

SUBJECT: Opening the record of the October 30, 2002 Closed Session

We have requested the City Clerk to agendaize at the December 2 City Council meeting a discussion by the Council leading to a vote on whether we should open the record of the October 30 closed City Council session.

Substantial portions of the substance of the closed session matter are now in the public realm.

However, this information is neither complete nor necessarily accurate. As long as the session remains closed and confidential, the Council is unable to clarify actions taken and the rationale for those actions as well as to correct misperceptions that may exist in the community.

We two colleagues disagree with each other on the appropriateness of the October 30 session having been called as a closed session. But as long as that session remains officially closed, we cannot clearly debate this issue in public.

Section 2.04.040 (attached below) provides that the Council may determine that confidentiality is no longer necessary or appropriate for a closed session. As has already been disclosed, the rationale for having the session closed was to protect the personnel rights of an employee, City Attorney Ariel Calonne, relative to his grievance against a Councilmember. Because the crux of the personnel matter has entered the public realm, we believe it is no longer appropriate or necessary to continue confidentially on this closed session.

We believe it is in the Council's and public's best interest to more accurately understand the actions and rationales of the Council regarding this matter.

We therefore request the Council to open the record on the matter discussed at the October 30, 2002 closed session.

2.04.040 Confidentiality of closed sessions.

(a) No person in attendance at a lawful closed session conducted by the council or any other city board or commission shall disclose the substance or effect of any matter discussed during the closed session, or any written material distributed in connection with the closed session, until such time as the council or such other board or commission determines by formal action that confidentiality is no longer necessary or appropriate. This section shall not preclude public reports of council action as provided in Section 2.04.030.

(b) Violations of this section shall be punishable by resolution of the council censuring the person or persons responsible for the disclosure and any other penalty provided under the this code or state law.

(Ord. 4692 § 1 (part), 2001)