

RESOLUTION NUMBER 3475

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING THE 10TH AMENDMENT TO THE MARCH JOINT POWERS AGREEMENT CONCERNING CLOSED SESSIONS OF JOINT POWERS AUTHORITY MEMBER AGENCIES

WHEREAS, in 1993 the Cities of Moreno Valley, Perris, and Riverside, and the County of Riverside, entered into a Joint Powers Agreement for the present and future reuse of the March Air Force Base;

WHEREAS, Section 5.f. (Ralph M. Brown Act) of the March Joint Powers Agreement states in part that all meetings of the March Joint Powers Agreement shall be conducted in accordance with the provisions of the Ralph M. Brown Act (Commencing with Section 54950 of the California Government Code);

WHEREAS, the California Legislature has passed and the Governor has signed, Assembly Bill 2782 ("AB 2782") pursuant to which a joint powers authority may provide in its joint powers agreement, its bylaws or its policies, that its local agency members may conduct their own closed sessions under the Ralph M. Brown Act (the "Act") in order to consider matters discussed by the joint powers authority in closed session which have direct financial or liability implications for the applicable local agency member;

WHEREAS, on June 16, 2005, the March Joint Powers Authority Board approved the 10th amendment to the March Joint Powers Agreement incorporating the most recent changes to the Brown Act as outlined under AB 2782;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS RESOLVES AS FOLLOWS:

Section 1. The City Council hereby approves the following provisions for inclusion into the March Joint Powers Authority Agreement, bylaws and/or policies of which the City is a member:

"All information received by the legislative body of a local agency member in a closed session related to information presented to the joint powers agency in closed session shall be confidential. However, each local agency member is authorized on advice of its legal counsel to conduct a closed session to consider and take action concerning any matter discussed in closed session by the joint powers authority that has a direct financial or liability implication for the local agency member, pursuant to California Government Code Section 54956.96. For this purpose, a member of the legislative body of a local agency member may disclose information obtained in a closed session of the joint powers authority that has direct financial or liability implications for the local agency member, to (1) legal counsel of the applicable local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency, and (2) other members of the

legislative body of the local agency present in a closed session of that member local agency.

“Legal counsel representing the joint powers agency is authorized to provide information to legal counsel representing the applicable local agency member about the discussion conducted by the joint powers agency in the applicable closed session.

"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 the local agency member's regularly appointed member may attend closed sessions of the joint powers agency."

Section 2. The City Council authorizes that March Joint Powers Authority covered by AB 2782 of which the City is a member, to adopt the above provisions for inclusion in either the applicable joint powers agreement, bylaws or policies.

Section 3. The City Manager and the City Clerk are hereby authorized and directed to transmit a copy of this Resolution to March Joint Powers Authority covered by AB 2782 of which the City is a member within five days from its adoption.

Section 4. This Resolution shall take effect upon adoption.

ADOPTED, SIGNED and **APPROVED** this 12th day of July, 2005.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3475 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 12th day of July, 2005, and that it was so adopted by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Margaret Rey