

# Community and Workplace Culture Committee



Approve a limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the Organization, Personnel, and Effectiveness Committee on October 14, 2025, for the limited purpose of conducting an attorney-client privileged investigation overseen by the Ethics Office, and authorize Metropolitan staff and directors present during the October 14, 2025 closed session Committee meeting to disclose information from the closed session to the assigned investigator pursuant to the limited waiver.

Item 8-3

January 13, 2026

Presented by: Ethics Officer Abel Salinas and

Senior Deputy General Counsel Betty Kuo Brinton

## Item 8-3

### Subject

Approve a limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the Organization, Personnel, and Effectiveness Committee on October 14, 2025, for the limited purpose of conducting an attorney-client privileged investigation overseen by the Ethics Office, and authorize Metropolitan staff and directors present during the October 14, 2025 closed session Committee meeting to disclose information from the closed session to the assigned investigator pursuant to the limited waiver.

### Purpose

Provide relevant information to the Board for consideration of proposed waiver.

## Item 8-3

# Recommendation and Fiscal Impact

Approve a limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the Organization, Personnel, and Effectiveness Committee on October 14, 2025, for the limited purpose of conducting an attorney-client privileged investigation overseen by the Ethics Office, and authorize Metropolitan staff and directors present during the October 14, 2025 closed session Committee meeting to disclose information from the closed session to the assigned investigator pursuant to the limited waiver.

Fiscal Impact – No direct impact for authorizing the limited waiver of the closed session privilege. Investigation costs are separate.

## Item 8-3

# Background

- Brown Act (Government Code § 54963): A person may not disclose, to a person not entitled to receive it, closed session confidential information specifically related to the lawfully agendized basis for the closed session, unless the legislative body authorizes disclosure of that confidential information.
- Authorization for a limited waiver is needed to complete a confidential ethics investigation.
- The requested limited waiver allows only relevant information to be shared with the assigned investigator.

## Item 8-3

# Limited Waiver

- The limited waiver does not waive confidentiality for any portion of the closed session unrelated to the investigation.
- Any discussion within the lawfully agendized closed session basis and not related to the investigation remains confidential pursuant to the Brown Act.
- This Board action does not authorize and is not to discuss what occurred at the October 14, 2025, closed session with any person not entitled to receive it other than the assigned investigator.
- Please refrain from making statements in open session about what occurred at that closed session.

# Board Options

## Option #1

Approve a limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the Organization, Personnel, and Effectiveness Committee on October 14, 2025, for the limited purpose of conducting an attorney-client privileged investigation overseen by the Ethics Office, and authorize Metropolitan staff and directors present during the October 14, 2025 closed session Committee meeting to disclose information from the closed session to the assigned investigator pursuant to the limited waiver.

## Option #2

Do not authorize a limited waiver of the Brown Act closed session privilege for the investigation.

# Staff Recommendation

- **Option #1**

Approve a limited waiver of the Brown Act closed session privilege regarding the closed session meeting of the Organization, Personnel, and Effectiveness Committee on October 14, 2025, for the limited purpose of conducting an attorney-client privileged investigation overseen by the Ethics Office, and authorize Metropolitan staff and directors present during the October 14, 2025 closed session Committee meeting to disclose information from the closed session to the assigned investigator pursuant to the limited waiver.

