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July 10, 2017

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Board of Commissioners
Transportation Authority of Marin
781 Lincoln Avenue, Suite 160
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Re: Closed Session – Significant Exposure to Litigation [GC section 54956.9(d)(2)]

I request that you conduct a closed session, during your meeting on July 10, 2017 to discuss significant exposure to litigation. In my opinion, public discussion of this matter would prejudice your position. The specific reason and the legal authority for the closed session is Government Code section 54956.9(d)(2). A legislative body may hold closed sessions when, a point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency. In my opinion, a point has been reached where there is significant exposure to litigation against the County because of facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs.

It should be noted that Government Code section 54954.2(a)(1) requires that the Closed Session item be posted on the Board agenda. Government Code section 54954.5 recommends that the agenda description should read as follows:

The agenda description should read as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION
There is significant exposure to litigation against the Agency pursuant to Government Code section 54956.9(d)(2)
Number of Cases: 1

Respectfully submitted,

BRIAN C. CASE
Deputy County Counsel
Attorney(s) for Transportation Authority of Marin

cc: Clerk of the Commission
Dianne Steinhauser, Executive Director

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