



OFFICE OF THE
COUNTY COUNSEL

Brian E. Washington
COUNTY COUNSEL

September 28, 2017

Jack F. Govi
ASSISTANT COUNTY COUNSEL

Board of Directors
Transportation Authority of Marin
900 5th Ave #100
San Rafael, CA 94901

Renee Giacomini Brewer
CHIEF DEPUTY COUNTY COUNSEL

Re: Closed Session – Significant Exposure to Litigation [GC section 54956.9(d)(2)]

Mari-Ann G. Rivers
Michele Keno
Patrick M. K. Richardson
Stephen R. Raab
Steven M. Perl
Edward J. Kiernan
Brian C. Case
Jenna J. Brady
Valorie R. Boughey
Kerry L. Gerchow
Tarisha K. Bal
Ayriel A. Bland
Michael W. Jorgenson

I request that you conduct a closed session, during your meeting on September 28, 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.

DEPUTIES

Jeanine Michaels
ADMINISTRATIVE ASSISTANT

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:

Marin County Civic Center
3501 Civic Center Drive Suite
275
San Rafael, CA 94903
415 473 6117 T
415 473 3796 F
415 473 2226 TTY
www.marincounty.org/cl

**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 Board; Dianne Steinhauser, Executive Director

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