

KERN COUNTY BOARD OF SUPERVISORS
PUBLIC STATEMENT REGARDING CLOSED SESSION

(Government Code Section 54956.9)

On the advice of counsel, the Board of Supervisors will hold a closed session to confer with and receive advice from its legal counsel regarding pending litigation because discussion in open session would prejudice the position of the County in such litigation. The closed session involves:

- a lawsuit or proceeding formally initiated; the title is not disclosed because to do so could jeopardize settlement negotiations or jeopardize the ability to effectuate service of process upon one or more unserved parties. (Government Code Section 54956.9(a))
- X a lawsuit entitled *City of Los Angeles, et al. v. Kern County*, USDC No. CV-65094 (Government Code Section 54956.9(a))
- significant exposure to litigation against the County in the opinion of the Board on the advice of legal counsel, based on existing facts and circumstances. (Government Code Section 54956.9(b)(1))
- a meeting only to decide whether a closed session is authorized because of significant exposure to litigation, based on existing facts and circumstances. (Government Code Section 54956.9(b)(2))
- Significant exposure to litigation against the County arising from the following (Government Code Section 54956.9 (b) (3)):
 - Facts and circumstances are believed to be not yet known to potential plaintiffs and need not be disclosed. (A)
 - Facts and circumstances are known to potential plaintiffs (memo from County Counsel attached). (B)
 - Claim or written threat from potential plaintiff that is available for public inspection. (C)
 - Statement made by a person in an open and public meeting. (D)
 - Threat of litigation made outside public meeting and written record made that is available for public inspection. (E)
- a determination of whether the County will initiate or intervene in litigation or join as amicus curiae in a lawsuit. (Government Code Section 54956.9(c))
- a need to discuss _____ (Government Code Section 54962 and Health and Safety Code Section 1462)