

WORTHINGTON CITY COUNCIL

AGENDA

Special Meeting, 6:30 P.M. - Monday, May 10, 2010

City Hall Council Chambers

- A. CALL TO ORDER**

- B. CITY COUNCIL BUSINESS - RUBY DEVELOPMENT - CLOSED SESSION UNDER MINN. STAT. § 13D.05, SUBD. 3(B) ATTORNEY CLIENT PRIVILEGE (**SEE NOTE)**
 - 1. Motion to Close Meeting
 - 2. Discussion
 - 3. Motion to Re-Open Meeting

- C. ADJOURNMENT**

****NOTE:** Minn. Stat. § 13D.05, subd. 3(b).Attorney-client privilege. Meetings between the governing body and its attorney to discuss active, threatened, or pending litigation may be closed when the balancing of the purposes served by the attorney-client privilege against those served by the open meeting law dictates the need for absolute confidentiality. The need for absolute confidentiality should relate to litigation strategy, and will usually arise only after a substantive decision on the underlying matter has been made. This privilege may not be abused to suppress public observations of the decision-making process, and does not include situations where the council will be receiving general legal opinions and advice on the strengths and weaknesses of a proposed underlying action that may give rise to future litigation.

Procedure. The following must be done to use this exception:

- i. Before closing the meeting, the council must state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed. The council should also describe how a balancing of the purposes of the attorney-client privilege against the purposes of the open meeting law demonstrates the need for absolute confidentiality.

- ii. The council must actually communicate with its attorney at the meeting.