

**RESOLUTION NO. 2017-XX**

**RESOLUTION ESTABLISHING A POLICY  
REGARDING ATTENDANCE IN CLOSED SESSIONS  
AND RECORDKEEPING RELATED TO  
CLOSED SESSION DELIBERATIONS**

WHEREAS in accordance with the Ralph M Brown Act (Brown Act) and the California Public Records Act, the business of SAWPA is conducted in the public view, except when specific statutory exceptions provide for confidentiality; and

WHEREAS SAWPA Commission meetings are open, public meetings except for when the Commission deliberates in closed session under the authority of specific exceptions provided in the Brown Act; and

WHEREAS the SAWPA Commission has previously adopted Resolution No 434 regarding closed sessions and an allowable procedure for sharing closed session information with a member agency board of directors; and

WHEREAS the SAWPA Commission has previously adopted Resolution 2012-10 establishing a records retention policy;

NOW, THEREFORE, the Commission hereby resolves to adopt the following policy:

1. Closed session deliberations occur in circumstances defined by the Brown Act as exceptions to the open meeting requirement of the law and where recognized interests in confidentiality outweigh the public's interest in open deliberation regarding the agency's business. In such circumstances, the confidentiality of closed session deliberations must be maintained by (1) the participants maintaining the confidentiality of the discussion, (2) the participants in the closed session being limited to Commissioners and other designated personnel who are essential to the closed session discussion, and (3) preparing records of the closed session of discussions/directions to staff and maintaining the confidentiality of those records.
2. Commissioners may attend all closed sessions unless a Commissioner has a conflict of interest. Alternate Commissioners are allowed to attend all closed sessions.
3. SAWPA staff may only attend closed session if their participation is essential to the discussion or deliberation, and those essential personnel will be designated orally by the SAWPA General Manager when a closed session is announced in order to allow the Commission to exercise its discretion to allow attendance or not. Legal counsel must attend any closed session based on one of the litigation exceptions in the Brown Act.
4. Consultants may only attend closed session if their participation is essential to the discussion or deliberation, as recommended by the SAWPA General Manager, and they are under contract including confidentiality provisions applicable to the subject matter of the closed session.
5. Other than records related to litigation matters retained by legal counsel, records of closed sessions will be limited to a confidential file maintained by the Clerk of the

Board containing any written materials provided to and retained by Commissioners during the closed session.

6. It is the Commission's intent in this policy to comply with the Brown Act and the California Public Records Act as those laws are interpreted by the courts, and to supplement but not amend Resolution No. 434 and Resolution No. 2012-10, previously adopted.

ADOPTED this XX<sup>th</sup> day of XXXXXX, 2017.

SANTA ANA WATERSHED PROJECT AUTHORITY

By: \_\_\_\_\_  
Susan Lien Longville, Chair

Attest:

\_\_\_\_\_  
Kelly Berry, CMC  
Clerk of the Board

SAMPLE