



Metro Wastewater JPA Procedure No. 1

Guidelines for Staff in Closed Session

The Joint Powers Authority Proactively Addressing Regional Wastewater Issues

Chula Vista • Coronado • Del Mar • El Cajon • Imperial Beach • La Mesa • Lemon Grove Sanitation District
National City • Otay Water District • Poway • Padre Dam Municipal Water District
County of San Diego, representing East Otay, Lakeside/Alpine, Spring Valley & Winter Gardens Sanitation Districts

Metro Wastewater Joint Powers Authority

Guidelines for Staff in Closed Sessions

The chart below is meant to be helpful guidance regarding who is and is not permitted in a closed session under the guidance of California Attorney General (“AG”) Opinion No. 21-1102, published May 26, 2022, regarding staff attendance at closed sessions held under the Ralph M. Brown Act. These guidelines are subject to revision as the law changes. In the event of a change in law; the most current law will control.

Who May Attend Closed Session

- Members of the legislative body.
- Individuals authorized by statute to attend (i.e., legal counsel, real estate negotiator).
- Individuals who are “essential” to the agency’s ability to conduct the closed session business (such as the Executive Director, Executive Staff, or a percipient factual witness; must be “more than a mere potential benefit”).
- Designated clerk, officer, or employee to take notes and record closed session (must be the same single person designated by the Metro JPA Board for each closed session).

Who May Not Attend Closed Session

- Members of the public; non-essential staff or consultants
- Members of Metro TAC (unless deemed “essential” for the purposes of that closed session).
- Individual staff members of the legislative body members, or the participating agency (unless deemed “essential”), even for purposes of taking notes, administering the meeting, or providing the members with relevant information.
- An Alternate Board Member of the legislative body who is not serving in place of an absent member.
- Anyone else not expressly designated as essential to the closed session.