

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2011-0041**

AUTHORIZING DESIGNATED STAFF TO ENTER INTO AGREEMENTS FOR OUTSIDE
LEGAL SERVICES WHEN THE ATTORNEY GENERAL AUTHORIZES THE STATE WATER
RESOURCES CONTROL BOARD OR A REGIONAL WATER QUALITY CONTROL BOARD
TO HIRE OUTSIDE COUNSEL

WHEREAS:

1. The Attorney General's Office customarily represents the State Water Resources Control Board and the California Regional Water Quality Control Boards (collectively, Water Boards) in judicial proceedings.
2. The Water Boards periodically retain the services of outside counsel as authorized by Water Code section 186, including obtaining the consent of the Attorney General pursuant to Government Code section 11040 to employ outside counsel to appear in a judicial proceeding.
3. The State Water Board's Office of Chief Counsel makes the final decision as to outside counsel to retain and manages the Water Boards' contracts for outside counsel.
4. Existing legal services contracts have been entered under delegated authority pursuant to State Water Board [Resolution 2002-0105](#), Resolved Paragraphs 2-3, which delegate to the Executive Director, the Chief Deputy Director, or the Chief of the Division of Administrative Services the authority to execute contracts of \$500,000 or less.
5. From time to time, the Water Boards receive budgetary authority to defend judicial proceedings against the Water Boards, as well as other state agencies and the State of California, that requires the services of outside counsel and that exceeds the \$500,000 threshold in State Water Board Resolution 2002-0105.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director, the Chief Deputy Director, or the Chief (now known as the Deputy Director) of the Division of Administrative Services to enter into agreements for outside legal services in a judicial proceeding, regardless of amount, provided (i) the amount is within the Water Board's budget authority for external legal services (which includes both the Attorney General's Office and outside counsel); and (ii) the Attorney General has provided written consent for the Water Boards to retain outside counsel;
2. Directs that any authority conferred by the authorization contained in paragraph 1 otherwise conform to the authority delegated by Resolution 2002-0105 or a successor delegation resolution.

3. Ratifies amendments made to existing legal services contracts that satisfy the conditions of paragraph 1.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 19, 2011.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board