

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 – 0011

ADOPTION OF THE WAIVER OF LITIGATION RIGHTS LANGUAGE FOR THE
2005-06 CONSOLIDATED GRANTS PROGRAM GUIDELINES

WHEREAS:

1. The State Water Resources Control Board (State Water Board), adopted the 2005-06 Consolidated Grants Program Guidelines, with the exception of Section VI. F. “WAIVER OF LITIGATION RIGHTS,” at its January 4, 2006, meeting;
2. The State Water Board has considered input regarding the waiver of litigation rights section of the 2005-06 Consolidated Grants Program Guidelines from a broad spectrum of stakeholders and the public through the public comment process and at the January 4, 2006, meeting;
3. The State Water Board has considered several options regarding appropriate language in this matter; and
4. The State Water Board considers the following language sufficient to identify the scope of litigation waiver language in grant agreements made pursuant to other grant programs administered by the Division of Financial Assistance.

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board adopts the following waiver of litigation rights language, for inclusion in Section VI .F. of the 2005-06 Consolidated Grants Program Guidelines:

F. RELATED LITIGATION

Grant agreements funded by the State Water Board will specify the following:

Under no circumstances may a Grantee use funds from any disbursement under this Grant Agreement to pay costs associated with any litigation the Grantee pursues against the State Water Resources Control Board or any Regional Water Quality Control Board. Regardless of the outcome of any such litigation, and notwithstanding any conflicting language in this agreement, the Grantee agrees to complete the Project funded by this agreement or to repay all of the grant funds plus interest.

CERTIFICATION

The undersigned, Acting 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 February 1, 2006.

AYE: Tam M. Doduc
Richard Katz
Gerald D. Secundy

OPPOSED: None

ABSENT: Arthur G. Baggett, Jr.

ABSTAIN: None



Selica Potter
Acting Clerk to the Board