

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

RESOLUTION NO. R2-2004-0094

AUTHORIZING A PANEL TO HOLD PANEL HEARINGS  
AND A SUBCOMMITTEE TO HOLD WORKSHOPS  
IN THE ABSENCE OF A QUORUM

- A. WHEREAS, under the California Water Code, the California Regional Water Quality Control Board, San Francisco Bay Region (Board), is comprised of nine members appointed by the Governor and confirmed by the State Senate for four-year terms; and
- B. WHEREAS, the minimum quorum for the Board to hold a meeting and take Board action is five members; and
- C. WHEREAS, without at least five members present at a Board meeting, the Board cannot conduct most business requiring action by the Board in a public meeting; and
- D. WHEREAS, the Board currently has eight members, three of whose terms expired September 30, 2004, although these three Board members can choose to continue to serve for up to 60 days after their terms have expired if they are not reappointed or a new member is not appointed in their place; and
- E. WHEREAS, California Water Code section 13228.14 permits the Board to appoint a hearing panel of three or more Board members to hold hearings relating to investigating the quality of waters of the State, prescribing waste discharge requirements, issuing cease and desist orders, requiring cleanup or abatement of waste or imposing administrative civil liabilities or penalties; and
- F. WHEREAS, the Board may additionally appoint a subcommittee of the Board to conduct workshops on Board business, but not take Board action; and
- G. WHEREAS, the Board finds that it is advisable to have the ability to conduct panel hearings by a panel of three or more Board members for the purposes allowed under California Water Code section 13228.14 and to hold workshops by a subcommittee of three or more Board members in the event that a quorum cannot be convened; and
- H. WHEREAS, the Board further finds it advisable for the Chair of the Board to have the ability to establish such panels and subcommittees and to appoint their members.

NOW THEREFORE BE IT RESOLVED, that:

1. The Board authorizes panel hearings to be conducted by a panel of three or more Board members for the purposes set forth in California Water Code section 13228.14 and subcommittees of three or more Board members to hold workshops but not take action on Board business when a quorum of the Board cannot be convened, subject to the requirements and limitations set forth below.
2. The Chair of the Board is authorized to establish such panels and subcommittees described above and to appoint their members.
3. Any appointed panel or subcommittee is not authorized to act on behalf of the Board.
4. For panel hearings, the panel, after a hearing, shall formulate and report its proposed decision and order to the Board. The Board should consider the panel's proposed decision and order at the next Board meeting at which a quorum is present. Panel members may sit as members of the Board in deciding the matter. The Board shall make an independent review of the record and may take additional evidence as necessary. No party who appears before the panel is precluded from appearing at the Board meeting. The Board may adopt, revise or reject the proposed decision and order of the panel.
5. For subcommittee workshops, the subcommittee shall report its findings and recommendations, if any, to the Board at the next Board meeting at which a quorum is present.
6. Panel hearings and subcommittee workshops shall be conducted in accordance with all applicable laws and regulations, including any applicable notice and other requirements of the Bagley-Keene Open Meeting Act (California Government Code section 11120 et seq.) and California Water Code section 13228.14.

I, Bruce H. Wolfe, Executive Officer, hereby certify that the forgoing is a full, true and correct copy of the Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, at its regular meeting on November 17, 2004.

BRUCE H. WOLFE  
Executive Officer