

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – EXECUTIVE OFFICE  
MARCH 21, 2017**

**ITEM 2**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION RESCINDING RESOLUTION NO. 92-32 (POLICY REGARDING ROTATION OF A VICE CHAIR), AND ELECTION OF A NEW VICE CHAIR.

**DISCUSSION**

The State Water Resources Control Board (State Water Board) consists of five members appointed by the Governor and confirmed by the Senate. State Water Board members serve staggered, four-year terms with fixed expiration dates. From among those five members, the Governor designates a chairperson. A member serves as the chairperson of the State Water Board at the pleasure of the Governor, but the Governor's designation of a chairperson does not otherwise alter the member's appointment and the length of the member's term on the State Water Board. If the Governor designates a new chairperson, the prior chairperson continues serving out the remainder of her or his term as a member of the board.

In contrast to the chairperson, the board shall elect its vice chairperson from among the members. (Wat. Code, § 182.) The Water Code does not specify any terms related to the election of a vice chairperson. By custom, the vice chairperson performs the responsibilities of the chairperson when the chairperson is unavailable and assists the chairperson and executive director in carrying out the responsibilities of the chairperson.

In 1992, the members of the State Water Board adopted a non-binding policy preference to elect a new vice chairperson at each March board meeting. The policy preference further specified that the vice chair would rotate to the member (other than the chairperson) who was next most senior to the vice chair, based upon the member's date of appointment to the board. Presumably when the most junior member served as vice chairperson, the next election would rotate back to the most senior member.

The State Water Board quickly abandoned this practice and since 1996 has been electing vice chairperson based on the preference and pleasure of the board, without regard to any particular schedule and without regard to the seniority of the members. Members have not expressed an interest in rotating among vice chairpersons and have appreciated the experience and relationships that come from a vice chairperson serving longer than one year. In addition, the current process ensures that the member who serves as vice chairperson is interested in the position and has the support of the chairperson and other members.

The accompanying resolution will formally rescind [Resolution No. 92-32](#). The State Water Board members will be able to call for the election of a new vice chairperson pursuant to Water Code section 182: (i) at their pleasure, (ii) when a vice chairperson resigns as vice chairperson or as a member of the board, or (iii) when a vice chairperson's term expires and s/he is not reappointed to the board.

**POLICY ISSUE**

Should the State Water Board rescind the non-binding policy resolution that identifies a schedule and seniority-based order for electing a vice chairperson?

**FISCAL IMPACT**

None.

**REGIONAL BOARD IMPACT**

None.

**STAFF RECOMMENDATION**

Staff recommends adopting the proposed resolution.

State Water Board action on this item will generally not affect the Water Boards' Strategic Plan implementation.
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# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2017-

### RESCINDING RESOLUTION NO. 92-32 (POLICY REGARDING ROTATION OF A VICE CHAIR)

#### WHEREAS:

1. Water Code section 182 provides that the Governor shall designate a chairperson of the State Water Resources Control Board (State Water Board) from among the board members.
2. Water Code section 182 further provides that the State Water Board shall elect a vice chairperson.
3. In 1992, the State Water Board adopted as [Resolution No. 92-32](#) a non-binding policy preference to rotate its vice chair, based on seniority, at an election held each March.
4. The State Water Board has not followed this policy preference since at least 1996, and the current board has determined that the election of the vice chair should occur based on the prerogative of the board and should not adhere to a strict seniority-based system.

#### THEREFORE BE IT RESOLVED THAT:

The State Water Board rescinds Resolution No. 92-32.

#### 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 March 21, 2017.

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Jeanine Townsend  
Clerk to the Board