

CONDUCT OF MEETING AND PROCEDURES June 10, 2024

1. Purpose of meeting and agenda: The purpose of the meeting is for the Central Coast Water Board to obtain input from concerned and affected persons and make decisions after considering the recommendations made by the Executive Officer. The Board will vote only on matters listed on the agenda as action items. The Board may give direction to the Executive Officer on any matter discussed during the meeting. Agenda items are numbered for identification purposes and will not necessarily be considered in the order listed.
2. Ex Parte Communications: An ex parte communication is a communication to a board member from any person, about a pending matter, that occurs in the absence of other parties and without notice and opportunity for them to respond. The California Government Code prohibits the board members from engaging in ex parte communications during permitting, enforcement, and other “quasi- adjudicatory” matters. Ex parte communications are allowed on pending general orders (such as general waste discharge requirements, general waivers, and general Clean Water Act section 401 water quality certifications) subject to the disclosure requirements of Water Code section 13287. For further information and disclosure forms, please visit: [Central Coast Exparte Disclosure Form \(ca.gov\)](#)

The Regional Board discourages ex parte communications during rulemaking and other “quasi-legislative” proceedings. The ex parte rules are intended to provide fairness, and to ensure that the board’s decisions are transparent, based on the evidence in the administrative record, and that evidence is used only if stakeholders have had the opportunity to hear and respond to it. Ex parte rules do not prevent anyone from providing information to the water boards or requesting that the water boards take a particular action. They simply require that the information come into the record through proper channels during a duly noticed, public meeting. A board member who has engaged or been engaged in a prohibited ex parte communication will be required to publicly disclose the communication on the record and may be disqualified from participating in the proceeding. For more information, please look at the ex parte questions and answers document found at:

www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf

3. Rules for Late Submission of Written Materials: This paragraph applies only if there are no deadlines for written evidence, testimony or comments or other written materials in a separate agenda notice for an item. Written material received after the due date on the first page of the agenda and before noon on the Monday of board meeting week generally will not be provided to Board members until the day of the meeting, but will become part of the record unless the Chair rules that the late submission would prejudice the Central Coast Water Board staff or any party. Written material received after noon on the Monday of board meeting week will not be provided to Board members or become part of the record, unless the Chair approves the late submission. The Chair will not approve a late submission if doing so would prejudice any party

(including Central Coast Water Board staff) or the Board, but may modify this rule if a party demonstrates severe hardship. The Chair will make this determination at or before the meeting.

4. Time limits: The Board and staff welcome information on pertinent issues, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take the appropriate action. Lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. In order to give everyone an opportunity to be heard, comments should have been previously submitted in writing and a time limit on presentations may be imposed on any agenda item. Speakers should plan to summarize key points within three minutes. You will need to receive approval from the Chair prior to meetings to speak for longer than three minutes. Please make your request to the Executive Officer at least one week before the meeting.
5. Presentations: Material presented to the Board, as part of testimony (e.g., photographs, slides, charts, diagrams, etc.) must be left with the Assistant Executive Officer. Photographs or slides of large exhibits are acceptable. If you plan to use visual aids such as PowerPoint, contact the Central Coast Water Board staff prior to the meeting to arrange for equipment set-up. You must provide a printed or electronic copy of any PowerPoint presentation. All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby part of the record. The facility where the Board meetings are held is accessible to people with disabilities. Individuals who require special accommodations are requested to contact RB3-CommentLetters@waterboards.ca.gov at least seven working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.
6. Board Meeting Conduct: Any person who appears before the Board has an obligation not to act abusively or discourteously. Zealous representation of your interest, or the interest of a person or organization you represent, should be carried out in a professional manner. Speakers should not engage in derogatory conduct based on race, national origin, religion, gender, sexual orientation, or similar characteristics of any person. Speakers should always be civil and courteous when communicating with Board members, staff, or other interested persons. All speakers should be punctual and prepared for all Board meeting appearances so that all matters may start on time and proceed efficiently. The Board will not delay proceedings to accommodate late arrivals. The same considerations apply to members of the audience who choose not to address the Board.

The Board may refuse to allow any person who engages in discourteous or disruptive conduct to speak. In the event that any person or group intentionally interrupts the orderly conduct of a meeting, the Board can have the person or group removed from the meeting. In the event that order cannot be restored by the removal of individuals who are interrupting the meeting, the Board may order the meeting room cleared and continue in session. (Gov. Code § 11126.5.) The Board may place reasonable limitations on taking still or video photographs or using placards or signage if these

disrupt the meeting.

The Board may also issue contempt sanctions in adjudicatory proceedings. The Board can issue contempt citations for the following conduct: obstruction or interruption of the meeting or hearing by any of the following: (1) disorderly, contemptuous, or insolent behavior toward the Board; (2) breach of the peace, boisterous conduct, or violent disturbance; or (3) other unlawful interference with the process or proceedings. Conduct that is not in the Boardroom but that is near the meeting or hearing can also give rise to contempt sanctions. (Ca. Gov. Code sections 11455.10-11455.30; Ca. Code of Civ. Proc. section 128.5; Cal. Code of Regs, tit. 23, sections 648(b), 648.8.)

A copy of the procedures governing Water Board meetings may be found in Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Central Coast Water Board are conducted pursuant to Chapter 4.5 of the Administrative Procedure Act and statutes referenced therein.

7. Petitions: Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Central Coast Water Board. A petition must be received by State Water Resources Control Board, Office of Chief Counsel, Attention: Adrianna Crowl, 1001 I Street, 22nd Floor, Sacramento, CA, 95814, within 30 days of the action. Instructions for filing water quality petitions are located on the State Water Resources Control website at [Water Quality Petitions | California State Water Resources Control Board](#).
8. NPDES Rules: All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit pending before the Central Coast Water Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent within the last 12 months to any Central Coast Water Board Member. All permit applicants or persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Central Coast Water Board, are prohibited from making a contribution of \$250 (or more) to any Board Member for three months following a Central Coast Water Board decision on the permit application.