

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2004-0164

DELEGATING TO THE CHAIR THE AUTHORITY TO REPRESENT
THE REGIONAL BOARD IN MATTERS INVOLVING LITIGATION IN THE EVENT OF
ABSENCE OF A QUORUM

WHEREAS, under the California Water Code, a regional board is comprised of nine members appointed by the Governor and confirmed by the State Senate for four-year terms; and

WHEREAS, the minimum quorum for the Regional Board to hold a meeting and conduct business is five members; and

WHEREAS, the Regional Board has had one vacancy for some time and the appointments of three Board members 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 a new member is not appointed in their place; and

WHEREAS, without at least five members, the Regional Board cannot hold Board meetings, adopt waste discharge requirements, issue cease and desist orders, hold hearings required by California Water Code section 13323, adopt administrative civil liability orders, or conduct most business requiring action by the Board members in a public meeting; and

WHEREAS, litigation involving the Regional Board may require guidance and representation from the Regional Board; and

WHEREAS, the Regional Board finds that it is advisable to delegate authority to the Chair, or other Board members as appropriate appointed by the Chair, to represent the Regional Board in matters involving litigation.

NOW THEREFORE BE IT RESOLVED, that:

1. The Regional Board delegates to the Chair the authority to represent the Regional Board in litigation involving the Regional Board, or to appoint appropriate Board members to represent the Regional Board in litigation involving the Regional Board.
2. This Resolution shall be reconsidered by the Regional Board within six (6) months of adoption at a meeting where a quorum is present.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify that the forgoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on 15 October 2004.

THOMAS R. PINKOS, Executive Officer

AMENDED