

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
RESOLUTION NO. R3-2004-0168
DESIGNATING A HEARING PANEL TO CONDUCT HEARINGS**

WHEREAS, the Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) ("Porter-Cologne"), the Bagley-Keene Open Meetings Act (California Government Code section 11120 et seq.) and the Administrative Procedures Act (California Government Code section 11400 et seq.) require or permit the Regional Water Quality Control Board, Central Coast Region ("Regional Board") to hold hearings when investigating water quality, prescribing waste discharge requirements (including National Pollutant Discharge Elimination System permits), issuing cease and desist orders, issuing cleanup and abatement orders, or imposing administrative civil liabilities or penalties, and provide procedures for such hearings; and

WHEREAS, California Water Code section 13228.14 permits the Regional Board to appoint a hearing panel of three or more Regional Board members to conduct such hearings; and

WHEREAS, if the Regional Board does not appoint a hearing panel, the full Regional Board must conduct the hearing at a noticed meeting at which a quorum of the Regional Board is present; and

WHEREAS, a quorum of the Regional Board consists of five Board members; and

WHEREAS, if the Governor of California does not appoint additional members to the Regional Board, it will have only five Board members; and

WHEREAS, on some matters, one or more of those members will be recused, resulting in the lack of a quorum; and

WHEREAS, at some noticed Board meetings, one or more member will be absent, resulting in the lack of a quorum; and

WHEREAS, the Regional Board finds that it is advisable to have the ability to conduct hearings in a timely manner.

NOW THEREFORE BE IT RESOLVED, that:

1. The Regional Board appoints Jeff Young, Gary Shallcross, Don Villeneuve, Leslie Bowker and Bruce Daniels to serve on a standing hearing panel that is hereby created to conduct hearings on any matter that can be conducted by a hearing panel pursuant to Water Code section 13228.14.
2. The hearing panel may conduct a hearing as long as at least a quorum of the hearing panel (three members) participates in the hearing.

3. The hearing panel may conduct hearings in conjunction with regularly scheduled meetings of the full Regional Board, or at special hearings convened for the purpose of hearing one or more matters pursuant to Water Code section 13228.14, provided that the Regional Board satisfies all 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.

4. Following a panel hearing, the panel shall provide a written report of its proposed decision and order to the Regional Board and shall supply a copy to all parties who appeared at the hearing and requested a copy.

5. The Regional Board shall consider the panel's recommendation at the next Regional Board meeting at which a quorum is present. Panel members may sit as members of the Regional Board in deciding the matter. The Regional Board shall make an independent review of the record and take additional evidence as necessary. No party who appears before the panel is precluded from appearing at the Regional Board meeting. The Regional Board may adopt, revise or reject the proposed decision and order of the panel.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on October 22, 2004.

Executive Officer