

STATE WATER RESOURCES CONTROL BOARD

RESOLUTION NO. 2000 - 028

RESOLUTION FINDING A CONDITION OF EMERGENCY AND ADOPTING EMERGENCY REGULATIONS SETTING FORTH PROCEDURES FOR THE SELECTION OF PRIVATE ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LAND SURVEYING, OR CONSTRUCTION PROJECT MANAGEMENT FIRMS

WHEREAS:

1. Section 4526 of the Government Code requires state agencies to adopt by regulation procedures for the selection of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms.
2. Pursuant to section 25299.36 of the Health and Safety Code or section 13304 of the Water Code, a Regional Water Quality Control Board (RWQCB) at any time may need to contract with a private professional services firm for corrective action to address a situation which requires prompt action to protect human health or the environment or to prevent substantial pollution, nuisance, or injury to any waters of the state.
3. The Division of Water Rights at the State Water Resources Control Board (SWRCB) immediately needs to contract with private professional services firms to prepare environmental documents required by the California Environmental Quality Act because existing staff cannot timely process the volume of pending water right applications and petitions for change in a water right permit.
4. Without the proposed regulations the SWRCB and RWQCBs cannot enter contracts with these private professional services firms, and thus cannot address situations requiring corrective action or environmental reporting. This situation is an emergency requiring the immediate adoption of regulations in order to preserve the public peace, health and safety, and general welfare.
5. Proposed additions to Title 23, California Code of Regulations, division 3 will enable the SWRCB and RWQCBs to contract with private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms in response to the SWRCB's and RWQCBs' immediate needs.

THEREFORE BE IT RESOLVED THAT:

1. For the reasons set forth in the Finding of Emergency prepared in connection with the proposed regulations, a condition of emergency exists for the purposes of Government Code section 11346.1, subdivision (b) justifying the immediate adoption of the proposed regulations in order to preserve the public peace, health and safety, and general welfare.

2. The proposed additions to Title 23, California Code of Regulations, division 3, chapter 29, sections 3870 to 3880 are adopted on an emergency basis, and the Executive Director is authorized to transmit the additions to the Office of Administrative Law for filing with the Secretary of State.

CERTIFICATION

The undersigned, Administrative Assistant 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 April 26, 2000.

/s/

Maureen Marché
Administrative Assistant