

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL
BOARDSAN FRANCISCO BAY REGION

EXECUTIVE OFFICER SUMMARY REPORT
MEETING DATE: April 14, 2021

ITEM: 5C

Resolution Authorizing Hearing Panels for Administrative Civil Liabilities and Chair to Establish Hearing Panels and Appoint Their Members

DISCUSSION:

This item is a follow-up to last month's Board meeting item on the use of hearing panels, in which individual Board members expressed varying opinions on expanding the use of hearing panels for considering the imposition of administrative civil liabilities (ACL) in circumstances other than when a quorum cannot be convened. The Board members nevertheless supported having the option to use hearing panels for ACLs as needed to maximize flexibility in carrying out the Board's duties and responsibilities. Therefore, the attached resolution expressly authorizes (1) the use of hearing panels for consideration of ACLs and (2) the Chair of the Board to establish such hearing panels and appoint their members.

While the use of hearing panels is statutorily authorized under California Water Code section 13228.14, it is advisable for the Board to expressly authorize in a resolution their use for ACLs for clarity and transparency. In 2004, the Board took a similar step with Resolution No. R2-2004-0094 when it expressly authorized the use of hearing panels when a Board quorum cannot be convened.

It is also advisable for the Chair of the Board to have the ability to establish hearing panels and appoint their members. Such authority will allow the Board to act nimbly and quickly, without having to first convene a board meeting to establish the hearing panel and appoint members to it. This ability to act quickly is important, as a hearing on an ACL complaint must occur within 90 days of issuance.

APPENDIX:

A. Draft Resolution - Hearing Panels for Administrative Civil Liabilities

Appendix A

Resolution