

Expectations for Appointed Regional Water Quality Control Board Members

The California Regional Water Quality Control Boards (Regional Water Boards or Boards) are unique in their structure and in the legal authority that they exercise. They are composed of part-time volunteers appointed by the Governor and confirmed by the Senate, empaneled to implement federal and state water quality laws. Each Regional Water Board is a semi-autonomous entity. By design, Regional Water Board members represent the public in their regions and not a particular constituency. Their terms are staggered to provide for continuity in knowledge and experience through overlapping tenures. The powers of individual Regional Water Board members are generally constrained by the principle that the powers and duties of the Board can only be exercised by a quorum of the Board at a properly noticed public meeting.

The Regional Water Boards convene regular public meetings, with a publicly noticed agenda. Each Regional Water Board is part administrator, part planner, and part adjudicator. It adopts and amends the region's water quality control plan(s) (basin plan), issues waste discharge requirements, including federal permits for point source discharges to waters of the United States, issues cleanup and abatement orders, cease and desist orders, investigative orders, administrative civil liability orders, and time schedule orders, imposes monitoring and reporting requirements, and may refer cases to the Attorney General's Office for judicial enforcement. The Regional Water Board provides broad policy direction to staff. The matters coming before the Regional Water Boards are of incredible importance to the health and long-term sustainability of California's people and environment.

This document establishes baseline expectations and shared principles for appointed Regional Water Board members that will help the Boards perform and make decisions with high standards of professionalism, integrity, and dedication to public service.

Preparing for Board Meetings

Regional Water Board members are expected to:

- Attend substantially all Board meetings.
- Notify the Executive Officer and Office of Chief Counsel in advance (ideally three weeks in advance) of any planned absences from, or remote participation in, a meeting. Advance notice is necessary to ensure a quorum of members is physically present, and members are expected to attend meetings in person unless prior arrangements for remote participation have been made.
- Be generally knowledgeable about the Regional Water Board's mission and functions as well as the rules governing its proceedings.
- Prepare for Board meetings by reviewing the Board meeting package, including draft permits or planning actions and associated materials, such as staff reports, public comments and responses to comments, and the Executive Officer's report.

- Request briefings from the Executive Officer as needed to understand pending Board items or other particular topics. Promptly review proposed agendas to identify and disclose conflicts of interest well in advance of the Board meeting, and communicate with the Executive Officer and Office of Chief Counsel on any potential conflicts that are identified.

Conduct During Board Meetings

Regional Water Board members are expected to:

- Arrive timely and stay for the duration of the Board meeting, including closed session, unless the Executive Officer and Office of Chief Counsel have been made aware in advance of a planned absence from part of the meeting. Unplanned absences for part of the meeting may jeopardize the ability of the Regional Water Board to act on an agenda item and at a minimum create an impression of lack of interest or commitment in the public eye.
- Listen actively with an open mind to all policy and technical viewpoints presented at the meeting. All Board members should listen to others' points of view, acknowledge their perspectives, and demonstrate an understanding of where others are coming from — even if they disagree.
- Keep comments and questions focused on the item before the Board. Board members should refrain from making comments and asking questions that are not directly relevant to the item being considered.
- Show respect for one another, Board staff, and stakeholders by refraining from the use of electronic devices during the meeting for non-Board meeting related matters, including texting, emailing, or using the internet or social media.
- Keep cameras on (except as allowed by law) and actively engage when participating remotely.
- Recognize that disagreements among Board Members are a healthy part of a robust discussion and decision-making. Board members should raise any concerns in as open and transparent a manner as possible; open discussion on even controversial topics fosters trust and respect for the Regional Water Board. Be mindful, when providing feedback or direction to the Executive Officer or staff during a Board meeting, of how the direction will impact staff time, limited Board resources, and competing commitments and priorities, as well as whether it may conflict with other Board policies, requirements, or procedures.

Conduct as a Board Member Between Board Meetings

Regional Water Board members are expected to:

- Abide by [ex parte communication rules](#). Inform the Office of Chief Counsel of any prohibited ex parte communications received so that timely and appropriate disclosure is made. Prohibited ex parte communications may be grounds for disqualifying the Board member from participating in an adjudicative proceeding and could be used as a basis to challenge the Board's action, among other adverse outcomes.
- Inform the Executive Officer when invited to engage with stakeholders, so that the Executive Officer can provide any appropriate information to the Board

member as well as inform appropriate offices such as the Office of Legislative Affairs or the Office of Public Participation.

- Consider opportunities provided by the Executive Officer to participate in staff meetings and other events at the Regional Water Board to foster connections between Regional Water Board members and their teams.
- Protect Board confidentiality. When in doubt, the Executive Officer and the Office of Chief Counsel are always available to answer inquiries on confidential and sensitive matters.
- Avoid acting or speaking on behalf of the Regional Water Board without authorization, including speaking to media outlets and elected officials.
- Alert the Executive Officer about significant matters within the Board's jurisdiction that the Board member becomes aware of in a timely manner, including matters that implicate Board responsibilities or may receive negative publicity. Because of Bagley-Keene Open-Meeting Act limitations, Board members should refrain from copying other members on these alerts.
- Not assign work directly to staff or provide individual policy direction directly to staff, but instead communicate with the Executive Officer. The Executive Officer can work with individual staff and their managers to ensure that the Board member's concerns are addressed, while carefully balancing other Board members' concerns, competing demands on staff time, legal requirements, and water quality priorities.