

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 80-72

STATEMENT OF POLICY REGARDING THE EXERCISE OF RULES OF PRACTICE
AND PROCEDURE BY THE STATE AND REGIONAL BOARDS

WHEREAS:

1. The State Board has developed regulations regarding State and Regional Board rules of practice and procedure.
2. These regulations describe the procedure under which the State and Regional Boards operate.
3. Portions of the regulations permit the exercise of discretion by the State and Regional Boards regarding procedural matters.
4. It is desirable to adopt a statement of policy regarding the sound exercise of such discretion.

THEREFORE BE IT RESOLVED:

That the following guidance shall be considered prior to the exercise of applicable procedural requirements of the State and Regional Boards:

1. When an item must be considered or a meeting held because of unforeseen emergency conditions, every reasonable effort shall be made to give all known interested persons as much advance notice as possible.
2. The use of executive sessions shall be used only when authorized by law. Even if so authorized, such sessions shall be held only when the desirability for openness is outweighed by other factors.
3. When a prehearing conference is requested by an interested person regarding an adjudicatory matter, such a conference should be held if there is a reasonable expectation that such a conference may help in resolving the matter.
4. When an interested person requests a continuance of an adjudicatory proceeding, such requests shall be carefully considered and shall be granted if a violation of due process right would otherwise result.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control 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 October 16, 1980.



Clint Whitney
Executive Director