

RESOLUTION OF THE DELTA STEWARDSHIP COUNCIL TO ADOPT REGULATIONS RELATING  
TO THE COUNCIL’S MEETINGS PROCEDURES

Resolution 2025-06

WHEREAS, the Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq.; Delta Reform Act) creates and directs the Delta Stewardship Council (Council) to develop an enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta and the Suisun Marsh (collectively, the Delta) referred to as the Delta Plan; and

WHEREAS, Water Code section 85200 establishes the membership of the Council to consist of seven voting members, with four appointed by the Governor and confirmed by the Senate, one appointed by the Senate Committee on Rules, one appointed by the Speaker of the Assembly, and one being the chair of the Delta Protection Commission; and

WHEREAS, the Delta Reform Act, among other things, requires the Council to meet once a month in a public forum with at least two meetings per year held at a location in the Delta (Wat. Code, § 85200, subd. (f).); and

WHEREAS, the Bagley-Keene Open Meeting Act (Gov. Code, § 11120 et seq.) declares it is the public policy of the state that public agencies exist to aid in the conduct of the people’s business and the proceedings of public agencies be conducted openly so the public may remain informed; and

WHEREAS, the Council has the power to “adopt regulations or guidelines as needed to carry out the powers and duties identified in [the Delta Reform Act]” (Wat. Code, § 85210, subd. (i).); and

WHEREAS, the Notice of Proposed Action was published in the California Regulatory Notice Register on February 28, 2025, initiating the regular rulemaking process for the conduct of Council meetings proposed regulations (Office of Administrative Law File No. 2025-0212-01); and

WHEREAS, Council staff published on the Council’s website the Notice of Proposed Action, proposed regulatory text, Initial Statement of Reasons, and Economic and Fiscal Impact Statement beginning February 28, 2025, and distributed to interested parties through the Council’s listerv; and

WHEREAS, no public comments were submitted to Council staff during the required public comment period, (Gov. Code, § 11346.4.) running from March 1, 2025, through April 15, 2025, inclusive;

NOW, THEREFORE, BE IT RESOLVED by the Delta Stewardship Council as follows:

Section 1. The Executive Officer, or their designee, is authorized to take the actions necessary to make effective these regulations for the conduct of Council meetings (Cal. Code Regs., tit. 23, § 5000.10 et seq.) in substantially the same form as presented in Attachment A.

Section 2. The Executive Officer, or their designee, is authorized to execute and deliver any documents and take any steps, including making any changes to these regulations to secure approval by the Office of Administrative Law, that the Executive Officer, or their designee, may deem necessary or advisable to effectuate the purposes of this resolution.

Section 3. This resolution takes effect immediately upon approval.

ATTACHMENT A (Mockup of Proposed Regulatory Language)

CERTIFICATION

On a motion by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and a vote of the Council, the foregoing resolution was passed and adopted by the Delta Stewardship Council by the following vote at a regular meeting of the Delta Stewardship Council on May 22, 2025.

Burgis \_\_\_\_\_

Damrell \_\_\_\_\_

Hueso \_\_\_\_\_

Lee \_\_\_\_\_

Mehranian \_\_\_\_\_

Miller \_\_\_\_\_

Zingale \_\_\_\_\_

Dated: May 22, 2025

\_\_\_\_\_  
Emma Askea

Clerk of the Board of the Delta Stewardship Council

ATTACHMENT A

**California Code of Regulations, Title 23. Water.**  
**Division 6. Delta Stewardship Council**  
**Chapter 1. General Provisions.**  
**Addition of Article 2 (commencing with section 5000.10). Council Meetings.**

Additions are in underline. Deletions are in ~~strikeout~~.

Section 5000.10. Purpose.

This article is for the purpose of providing orderly and effective conduct at council meetings conducted pursuant to Water Code section 85200.

Note: Authority Cited: Section 85210, Water Code. Reference: Section 85200, Water Code.

Section 5000.11. Definitions.

For purposes of this article, the following terms have the following meanings:

(a) "Act" means the Bagley-Keene Open Meeting Act (Gov. Code, § 11120 et seq.).

(b) "Council" means the Delta Stewardship Council created pursuant to Water Code section 85200.

Note: Authority cited: Section 85210, Water Code. Reference: Section 11120 et seq., Government Code; and Section 85200, Water Code.

Section 5000.12. Quorum.

The council, when there is less than a quorum in attendance, may meet as a committee of the council and subsequently submit their recommendations to the council when a quorum is present.

Note: Authority cited: Section 85210, Water Code. Reference: Sections 85200 and 85210.5, Water Code.

Section 5000.13. Election and Duties of Chair and Vice Chair.

(a)(1) The council shall elect a chair and a vice chair from among the full council membership when there is a vacancy in either position.

(2) The chair and vice chair shall not serve for more than four years in those roles, respectively.

(b) The chair shall do all of the following:

(1) Preside over all meetings of the council.

(2) Serve as presiding officer for appeals challenging certifications of consistency pursuant to Water Code sections 85225.10, 85225.20, and 85225.25 and California Code of Regulations, title 23, section 5020 et seq.

(3) Decide questions of procedure.

(c) In the chair's absence or inability to preside, the vice chair shall preside, including serving as presiding officer for appeals challenging certifications of consistency pursuant to subsection (b).

Note: Authority cited: Section 85210, Water Code. Reference: Sections 85200, 85201 and 85210, Water Code.

Section 5000.14. Overruling the Chair.

A decision of the chair with respect to the interpretation or applicability of this article shall be overruled only by a majority vote of the full membership of the council.

Note: Authority cited: Section 85210, Water Code. Reference: Sections 85200 and 85210.5, Water Code.

Section 5000.15. Public Comment.

(a) A person may submit a comment in writing on any agenda item. A person submitting a comment shall provide the council with a copy of the comment no later than noon, Pacific Time, the business day before the meeting at which it is to be considered.

(b) Members of the public present at the meeting shall be given an opportunity to make relevant oral comments on any agenda item.

(c) Notwithstanding subsection (b), the chair or other presiding member may limit or preclude comments as necessary for the orderly conduct of business.

Note: Authority cited: Section 85210, Water Code. Reference: Section 11125.7, Government Code; and Section 85200, Water Code.

Section 5000.16. Duties of Chief Counsel and Clerk to Council.

(a) The chief counsel, or their designee, shall attend all meetings of the council and shall serve as parliamentarian and be prepared to advise the council on questions of law.

(b) The clerk to the council, or their designee, shall attend all meetings of the council, facilitate orderly public comment, and maintain a full and complete record of all meetings and the vote of each member.

(c) (1) For a closed session held pursuant to the Act, the clerk, or another officer or employee designated by the council, shall attend each closed session and record the topics discussed and decisions made at all closed sessions.

(2) The minutes of a closed session taken by any person other than the clerk pursuant to this subsection shall be retained in a separate minute book by the chief counsel.

Note: Authority cited: Section 85210, Water Code. Reference: Section 11126.1, Government Code; and Sections 85200 and 85210, Water Code.

Section 5000.17. Record of Meetings.

The transcript, minutes, and resolutions approved in meetings shall be the original evidence of actions taken at any meeting.

Note: Authority cited: Section 85210, Water Code. Reference: Section 85200, Water Code.