

State of California
AIR RESOURCES BOARD

Executive Order R-17-005

*Relating to the Amendments to the Quorum Definition,
Section 60003, Title 17, California Code of Regulations*

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, section 39516 of the Health and Safety Code provides that any power, duty, purpose, function, or jurisdiction which the Board may lawfully delegate shall be conclusively presumed to have been delegated to the Executive Officer unless it is shown that the Board specifically has reserved the same for the Board's own action;

WHEREAS, the Board adopted Resolutions 78-10 and 05-40 reserving certain powers, duties, purposes, functions and jurisdiction unto itself;

WHEREAS, the enumerated actions that the Board has specifically reserved unto itself do not include the proposed amendments;

WHEREAS, all administrative proceedings have been held in accordance with the provisions of chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code;

WHEREAS, Health and Safety Code 39510 amended by Assembly Bill 197 (Stats. 2016, ch. 250, effective January 1, 2017) provides for the addition of two members of the Legislature as ex officio, nonvoting members to the Board;

WHEREAS, the quorum definition in California Code of Regulations, title 17, section 60003 predates the addition of the nonvoting Board members and has been amended to align with the provisions of Health and Safety Code section 39510, as described in the Initial Statement of Reasons;

WHEREAS, on August 22, 2017, the Executive Officer released a notice of public comment period including directions on how to request a public hearing to consider for approval the proposed amendments, as set forth in the Initial Statement of Reasons also released on August 22, 2017;

WHEREAS, the Executive Officer held a 45-day public comment period on the proposed amendments from August 25, 2017 to October 9, 2017;

WHEREAS, no relevant written comments were received during the 45-day comment period, and no person requested an Executive Officer hearing;

WHEREAS, the Executive Officer has determined that no further modifications to the regulation are appropriate other than those made available to the public during this rulemaking proceeding, as set forth in Attachment 1 to this order; and

WHEREAS, the environmental analysis prepared under CARB's regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the Initial Statement of Reasons concluded that the proposed action to amend the regulation to update the quorum definition is exempt pursuant to CEQA Guidelines section 15061(b)(3) (the general rule or "common sense" exemption).


NOW, THEREFORE, BE IT ORDERED that the Executive Officer hereby adopts the amendments to section 60003, title 17, California Code of Regulations, as set forth in Attachment 1 to this order.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with nonsubstantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 12th day of October, 2017 at Sacramento, California.

FILED

OCT 18 2017


Richard W. Corey
Executive Officer

Resources Agency of California

Attachment