

**State of California  
Delta Stewardship Council  
715 P Street  
Sacramento, CA 95814**

**Council Meetings  
Title 23, California Code of Regulations  
Chapter 1. General Provisions.  
Additional of Article 2 (Commencing with Section 5000.10)**

**NOTICE IS HEREBY GIVEN** that the Delta Stewardship Council (Council) proposes to adopt changes to the California Code of Regulations, title 23, chapter 1 by adding article 2 (commencing with section 5000.10) after considering all comments, objections, and recommendations regarding the proposed action. The proposed regulations implement provisions of the Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq.) and the Bagley-Keene Open Meeting Act. (Gov. Code, § 11120 et seq.)

**I. PROPOSED REGULATORY ACTION**

The Council proposes to adopt changes by adding article 2 (commencing with section 5000.10) to chapter 1, of title 23, of the California Code of Regulations. By proposing these regulatory additions, the Council intends to add sections 5000.10 to 5000.17, inclusive.

**II. WRITTEN COMMENT PERIOD (Gov. Code, §§ 11340.85, subd. (b); 11346.5, subds. (a)(1), (a)(15).)**

No later than close of business on April 15, 2025, an interested person or authorized representative may submit written comments regarding this proposed regulation to the Council by postal or electronic mail, addressed as follows:

**Electronic Mail**

Comments may be submitted electronically to: [beck.barger@deltacouncil.ca.gov](mailto:beck.barger@deltacouncil.ca.gov)

**U.S. Mail**

Delta Stewardship Council  
Attn: Beck Barger  
715 P Street, 15-300  
Sacramento, CA 95814

**III. PUBLIC HEARING (Gov. Code, §§ 11346.5, subd. (a)(1); 11346.8 subd. (a).)**

A public hearing is not scheduled. Any interested person or their duly authorized representative may request, no later than 15 days prior to the close of the written

comment period, a public hearing, consistent with Government Code section 11346.8.

**IV. AUTHORITY AND REFERENCE (Gov. Code, § 11346.5, subd. (a)(2).)**

The scope of the proposed changes is in California Code of Regulations, title 23, division 6, chapter 1, article 2, pursuant to Water Code sections 85200, 85201, 85210, and 85210.5 and Government Code sections 11125.7 and 11126.1.

**V. INFORMATIVE DIGEST/POLICY STATEMENT (Gov. Code, § 11346.5, subd. (a)(3).)**

**a. Summary of Existing Laws and Effects of Proposed Action**

The Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq.; Delta Reform Act) establishes the Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan, known as the Delta Plan, for the Sacramento-San Joaquin Delta (Delta). The Delta Reform Act declares it is the intent of the Legislature to provide for the sustainable management of the Sacramento-San Joaquin Delta ecosystem, to provide for a more reliable water supply for the state, to protect and enhance the quality of the water supply from the Delta, and to establish a governance structure that will direct efforts across state agencies to develop a legally enforceable Delta Plan.

The Delta Reform Act, among other things, (a) requires the Council to meet once a month in a public forum with at least two meetings each year required to be held at a location within the Delta, (b) requires the Council to select a chair from among the members to serve for not more than four years in that capacity, (c) authorizes the Council to select a vice chair, (d) authorizes any hearing by the Council to be conducted by any member of the Council upon authorization of the Council, (e) designates a majority of the voting members of the Council constitutes a quorum, (f) requires a majority vote of the voting membership to take action with respect to any other matter, unless otherwise specified in the Delta Reform Act, and (g) authorizes the Council to adopt regulations as needed to carry out its specified powers and duties.

The Bagley-Keene Open Meeting Act (Gov. Code, § 11120 et seq.; Bagley-Keene) 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. Bagley-Keene also authorizes a state body to adopt reasonable regulations to limit the total amount of time allocated for public comment on particular issues and for each individual speaker. Bagley-Keene requires a state body to designate a clerk or other officer or employee of the state body to attend each closed session and keep and enter in a minute book a record of topics discussed and decisions made at the meeting, with the minute book being confidential and exempt from inspection pursuant to the California Public Records Act.

(Gov. Code, § 7920.000 et seq.)

The proposed regulations would establish procedures related to Council meetings to allow the Council to conduct its business, respond to the public more efficiently, and save Council staff time and resources. Specifically, the proposed regulations would (a) define specified terms; (b) authorize the Council, when there is less than a quorum in attendance, to meet as a committee of the Council, as specified; (c) require the Council to elect a chair and vice chair from the full Council membership when there is a vacancy in either position; (d) prohibit the chair and vice chair from serving more than four years in those roles; (e) require the chair to preside over all meetings of the Council, serve as presiding officer for appeals challenging certifications of consistency, and decide questions of procedure; (f) require the vice chair to serve in the chair's absence; (g) require a majority vote of the full membership of the Council to overrule a decision of the chair, as specified; (h) authorize a person to submit a comment in writing on any agenda item, as specified; (i) require members of the public present at a Council meeting to be given an opportunity to make relevant oral comments on any agenda item; (j) authorize the chair or other presiding member to limit or preclude comments as necessary for the orderly conduct of business; (k) require the chief counsel, or their designee, to attend all meetings of the Council and serve as parliamentarian and advise on questions of law; (l) require the minutes of a closed session taken by any person other than the clerk to be retained in a separate minute book by the chief counsel; and (m) designate the original evidence of actions taken at any meeting be a transcript, minutes, and resolutions approved in meetings.

**b. Existing Federal Regulations or Statutes**

These proposed regulations do not unnecessarily duplicate or conflict with any federal regulations contained in the Code of Federal Regulations.

**c. Policy Statement and Anticipated Benefits**

The broad objectives of the proposed regulations are to facilitate, coordinate, and implement a range of actions and policies in support of the coequal goals in a forum accessible to the public consistent with Bagley-Keene. The specific benefits of this rulemaking are that these proposed regulations related to Council meetings would improve public transparency, align with available recording technologies and current practices, and make more efficient the conduct of Council meetings.

**d. Existing State Regulations**

After conducting an evaluation for any related regulations, the Council has found that these are only regulations concerning meetings of the Council. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

## VI. EFFECT ON SMALL BUSINESS (Cal. Code Regs, tit. 1, § 4.)

The proposed regulatory action does not affect small business because the proposed regulations would not affect the ability of businesses in the state to compete by making it more costly to produce goods or services. The proposed regulations do not require additional business reports or the use of specific technologies or equipment and may encourage the expansion of businesses in the state.

## VII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION (Gov. Code, §§ 11346.5, subds. (a)(5), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12); 11346.3 subds. (b), (d).)

- a. **Mandate on Local Agencies and School Districts:** None.
- b. **Costs or Savings to Any State Agency:** None.
- c. **Costs to Any Local Agency or School District:** None.
- d. **Nondiscretionary Costs or Savings Imposed on Local Agencies:** None.
- e. **Costs of Savings in Federal Funding to the State:** None.
- f. **Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:** None.
- g. **Cost Impact on Representative Private Persons or Businesses:** None. The Council is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- h. **Results of the Economic Impact Analysis:**
  1. **Creation or Elimination of Jobs Within the State:** The Council has made the initial determination that the proposed regulations would not result in the creation or elimination of jobs within the State of California.
  2. **Creations of New Businesses or the Elimination of Existing Businesses Within the State:** The Council has made the initial determination that the proposed regulations would not result in the creation of new businesses or the elimination of existing businesses within the State of California.
  3. **Expansion of Businesses Currently Doing Business Within the State:** The Council has made the initial determination that the proposed regulations would not result in the expansion of businesses currently operating within the State of California.
  4. **Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:** As stated earlier, the benefits to the health and welfare of California residents would be improved transparency and efficiency in Council meetings, which ultimately further the purposes of the Council's mission to develop, adopt, and implement the Delta Plan, as well as foster collaboration and participation among interested parties. The proposed regulations are not expected to affect worker safety.
- i. **Effect on Housing Costs:** None.

- j. **Costs to Any Local Agency or School District That Must be Reimbursed in Accordance with Government Code sections 17500 through 17630, inclusive:** None.
- k. **Business Report:** None.

**VIII. CONSIDERATION OF ALTERNATIVES (Gov. Code, § 11346.5, subd. (a)(13).)**

The Council must determine that no reasonable alternative it considered or has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the regulatory action is proposed, would be as effective and less burdensome to affected private persons that the regulatory action or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**IX. CONTACT PERSON (Gov. Code, § 11346.5, subd. (a)(14).)**

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations or other information upon which the rulemaking is based, should be directed to:

Delta Stewardship Council  
Attn: Beck Barger  
715 P Street, 15-300  
Sacramento, CA 95814  
[beck.barger@deltacouncil.ca.gov](mailto:beck.barger@deltacouncil.ca.gov)  
(916) 445-5511

Alternate contact:  
Emma Askea  
[emma.askea@deltacouncil.ca.gov](mailto:emma.askea@deltacouncil.ca.gov)  
(916) 275-6824

**X. AVAILABILITY OF THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE (Gov. Code, § 11346.5, subd. (a)(16).)**

The entire rulemaking file is available for public inspection on the Council's website or by contacting the contact person listed above. To date, the rulemaking file consists of this notice, the initial statement of reasons, and the proposed text of the regulations. A copy of the proposed text and initial statement of reasons are available at no charge by written request to the contact person listed above. The final statement of reasons will be available once it has been prepared.

**XI. AVAILABILITY OF CHANGED OR MODIFIED TEXT (Gov. Code, § 11346.5, subd. (a)(18).)**

The Council, on its own motions or at the recommendation of any interested person, may amend the proposed text of the regulation after the public

comment ends.

If the Council amends its regulatory action, a comparison of the original proposed text and the amendments will be prepared for an additional public comment period of not less than 15 days prior to the date on which the Council adopts, amends, or repeals the existing regulations. A copy of the comparison will be emailed to all persons who submitted written comments or asked to be kept informed of the results of this regulatory action.

**XII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS (Gov. Code, § 11346.5, subd. (a)(19).)**

Upon completion, copies of the final statement of reasons may be obtained by contacting the contact person listed above.

**XIII. INTERNET WEBSITE FOR ELECTRONIC PUBLICATION AND DISTRIBUTION (Gov. Code, § 11346.5, subd. (a)(20).)**

Copies of this notice, the initial statement of reasons, the text of the proposed regulations, and all materials published or distributed by the Council on this regulatory action made be found at the Council's website:  
[www.deltacouncil.ca.gov](http://www.deltacouncil.ca.gov).