

**State of California
Office of Administrative Law**

In re:
Delta Stewardship Council

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 5000.10, 5000.11, 5000.12,
5000.13, 5000.14, 5000.15,
5000.16, 5000.17

Amend sections:

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2025-0708-02

OAL Matter Type: Regular (S)

This action adopts procedures related to council meetings, including among other things, regulations governing (1) a council quorum; (2) electing and serving as chair and vice chair; (3) public comments; (4) the chief counsel or designee attendance at council meetings as parliamentarian; and (5) closed session meeting minutes.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2025.

Date: August 19, 2025



Digitally signed by Mark
Storm
Date: 2025.08.19 14:34:02
-07'00'

Mark Storm
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Jessica R. Pearson, Executive
Officer

Copy: Bree Montague

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2025-0212-01	REGULATORY ACTION NUMBER 2025-0708-028	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
PER AGENCY REQUEST MS		OFFICE OF ADMIN. LAW 2025 JUL 8 PM4:04	
NOTICE		REGULATIONS	

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

AUG 19 2025
3:04 PM MS

AGENCY WITH RULEMAKING AUTHORITY
 Delta Stewardship Council

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2025,09-2	PUBLICATION DATE 2/28/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Council Meetings		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 5000.10, 5000.11, 5000.12, 5000.13, 5000.14, 5000.15, 5000.16, 5000.17	
TITLE(S) 23		AMEND	
TITLE(S) 23		REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only			
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 400) (SAM §660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal			
<input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Bree Montague		TELEPHONE NUMBER (916) 902-6486	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

7/8/2025

TYPED NAME AND TITLE OF SIGNATORY

Jessica Pearson

Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**AUG 19 2025****Office of Administrative Law**

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.