

**CALENDAR ITEM
C114**

A	Statewide	04/23/15
		W 26856
S	Statewide	M. Meier

**CONSIDER ESTABLISHMENT OF PROCEDURES FOR
DESIGNATION OF AN ACTING CHAIR OF THE COMMISSION**

BACKGROUND:

Although the position of Chair of the California State Lands Commission is mentioned in sections 6308, 6462, 7555, 35600 and 36800 of the Public Resources Code, no provision in statute or regulation governs how the Chair is chosen. It is therefore left to the Commission itself to determine which member is to serve as chair at any given time.

Since 1985, the position has passed annually between the two Commission members who are also constitutional officers; i.e., the Controller and the Lieutenant Governor. The Commission, however, is free to alter this practice at any time. Currently, the Lieutenant Governor is serving as Chair. In his absence, his alternate serves in that same capacity.

Normally, when both the Chair and his or her alternate must leave the Commission meeting, he or she has turned "the gavel" over to the other remaining constitutional officer or that person's alternate. However, if an emergency transpires that leaves the meeting without a Chair or, as is more likely, the connection to the Chair is lost during a telephonic meeting, the Chair would not have an opportunity to "pass the gavel." In such a circumstance, the remaining two Commissioners could go through the process of choosing an Acting Chair; but this may be an unnecessarily cumbersome and time consuming process, particularly if the only business left to be completed is adjournment.

PROPOSAL:

To enhance efficiency, staff therefore proposes that the Commission establish a general practice under which an Acting Chair is designated to serve upon the unexpected absence of the Chair or his or her designated alternate. Staff recommends that, unless the Commission decides otherwise, when neither the Chair nor the Chair's designated alternate is in attendance, the constitutional officer remaining at the meeting, or that member's designated alternate, is to serve as the Acting Chair. The Commission could, of course, depart from this practice at any time upon motion, second and vote of the majority of those Commissioners present, as long as there is a quorum.

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OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that adoption of the proposed recommendation does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with CEQA.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

STATUTORY REFERENCES:

Public Resources Code section 6108

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the establishment of procedures for designation of an Acting Chair of the Commission is not subject to the requirements of CEQA pursuant California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the establishment of procedures is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, section 15378.

AUTHORIZATION:

Direct that, unless the Commission decides otherwise at the time, when neither the Chair of the Commission nor the Chair's designated alternate is in attendance, the constitutional officer remaining at the meeting, or that member's designated alternate, is to serve as the Acting Chair.