

**CALENDAR ITEM
C80**

A: Statewide

01/26/12

S: Statewide

K. Lunetta

**CONSIDER SETTING MEETING SCHEDULE DATES AND
LOCATIONS FOR REMAINDER OF CALENDAR YEAR 2012**

The purpose of this agenda item is to provide the Commission the opportunity to establish dates for future Commission meetings. This item also is to advise the Commissioners on issues involving alternates sitting on their behalf, including quorums and voting on Commission matters.

Under Government Code sections 7.6 and 7.9, constitutional officers and state officers, including the Lieutenant Governor and the Controller, may designate a deputy to act on their behalf as if the constitutional member or state officer was present. Thus a deputy generally is counted as part of a quorum and may participate in proceedings and vote on matters before a board or commission and act with the same authority as the appointing power. Similarly the director of a state department, such as the Director of the Department of Finance, may designate a deputy to act in his or her stead. (Government Code Section 7.5) The constitutional officers and directors are responsible for the actions of their deputies.

Section 6101 of the Public Resources Code establishes the Lieutenant Governor, the State Controller and the Director of the Department of Finance as the three *ex-officio* members of the State Lands Commission. Pursuant to the Government Code each may designate a deputy to act in his or her stead and place. However, Government Code section 7.6(f) expressly states that only one constitutional officer may be represented by a deputy at any meeting of the State Lands Commission. When matters are before the Commission for consideration, if neither the Lieutenant Governor nor the State Controller are present, only one of those officers may be represented by a deputy and participate and vote (See 50 Ops.Cal.Atty.Gen. 120). The presence of the Director of the Department of Finance is never required and the Director may be represented by a deputy at any time.

Public Resources Code section 6105 designates that two members constitute a quorum. Thus, in the absence of the Director of Finance or his or her representative either the Lieutenant Governor or the State Controller must be present at a meeting to constitute a quorum. As a practical matter, either the Lieutenant Governor or the State Controller must be present at a meeting for all three members or alternates to participate and vote.

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The Commission's regulations are found in California Code of Regulations, Title 2, Division 3, Chapter 1. Section 1902 of the regulations states that, "The Commission shall meet at Sacramento on the last Thursday of each month unless, upon due notice, the date and place of meeting are otherwise designated by at least two members."

During the 1980s and the first part of the 1990s, the Commission typically met monthly and sometimes more frequently to address matters brought before it. Beginning in 1995 the Commission has met less frequently, but generally every other month and in locations in northern and southern California as well as in Sacramento. This practice has allowed the public living in different parts of the State to participate and observe the Commission meetings first hand. Although we would like to continue the practice of holding Commission meetings in various venues throughout the state, until the state's fiscal bottom line improves staff has proposed scheduling the remaining meetings for 2012 in Sacramento.

Periodically during the last 15 years the Commission has set an annual schedule for a year in advance, thus allowing the Commissioners, the Commission staff and the public the ability to schedule their activities and prepare matters in advance. The proposed schedule set forth below has sought to follow as closely as possible the last Thursday of alternating months. This schedule has been modified minimally in both May and November to accommodate already scheduled meetings of the Ocean Protection Council.

In order to facilitate advance scheduling for the Commissioners, staff and the public, staff is suggesting that the Commission consider setting meeting dates on the following dates for the remainder of 2012: March 29, May 24, July 26, September 27 and November 30.

Recognizing the busy and often conflicting schedules of the Commissioners and that circumstances may change so that they or their alternates may not be able to attend on one of these days, it is recognized that CCR Section 1902 authorizes two of the Commissioners to set a different date or schedule a special meeting on appropriate notice if the above scheduled meeting dates end up not working. Any necessary rescheduling may be accomplished by contacting the Executive Officer's Administrative Assistant, Kim Lunetta.

IT IS RECOMMENDED THAT THE COMMISSION:

1. Find that the activity is exempt from the requirements of CEQA pursuant to 14 Cal. Code Regs. 15061 because the activity is not a project as defined by Public Resources Code section 21065 and 14 Cal. Code Regs. 15378.

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2. Establish the following dates and locations for its meetings for the remainder of calendar year 2012:

March 29, 2012 - Sacramento

May 24, 2012 - Sacramento

July 26, 2012 - Sacramento

September 27, 2012 - Sacramento

November 30, 2012 - Sacramento