

State of California

AIR RESOURCES BOARD

Resolution 74-69

November 14, 1974

WHEREAS, Government Code Section 11125, as amended by Chapter 1126, Statutes of 1973, requires the Board to adopt regulations according to the Administrative Procedure Act to define unforeseen emergency conditions before the Board may consider matters with less than one week's advance written notice to persons who have requested such notice;

WHEREAS, the Board finds that there is a likelihood that it may be required in the future to consider emergency matters on less than one week's advance written notice; and

WHEREAS, the Board has held a public hearing in accordance with the requirements of the Administrative Procedure Act as required by said Government Code Section 11125;

NOW, THEREFORE, BE IT RESOLVED, that the Board adopts the attached Subchapter 7, Title 17, California Administrative Code, entitled "Emergency Meetings", and directs the Executive Officer forthwith to file said regulations with the Secretary of State.

ATTACHMENT

SUBCHAPTER 7

California Administrative Code

SUBCHAPTER 7. Emergency Meetings

Section 93000. Government Code Section 11125.

11125. (a) The state agency shall provide notice of its meetings to any person who requests such notice in writing. Notice shall be given at least one week in advance of the meeting, provided that emergency meetings may be held with less than one week's notice when such meetings are necessary to discuss unforeseen emergency conditions, as defined by published rule of the agency adopted pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of this part.

(b) Notice shall include the items of business to be transacted, and no item shall be added to the agenda subsequent to the provisions of such notice, absent unforeseen emergency conditions, as provided in subdivision (a).

(c) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of the agency or only for a specific meeting or meetings. In addition, at the agency's discretion, a person may request, and may be provided, notice of only those agency meetings at which a particular subject or subjects specified in the request will be discussed. A request for notice of more than one meeting of an agency shall be subject to the provisions of Section 14911.

Section 93001. Definitions. As used in this subchapter: (a) "air contaminant" means pollutants discharged into the air from any source which may create a danger to public health; (b) "Board" means the State Air Resources Board; (c) "District" means each county air pollution control district, regional air pollution control district, unified air pollution control district or the Bay Area Air Pollution Control District.

Section 93002. Unforeseen Emergency Conditions. For the purpose of Section 11125 of the Government Code, an unforeseen emergency which shall justify the holding of a public meeting with less than one week's notice shall include the following situations: (a) evidence of the existence of a concentration of air contaminants in any place in the state that is presenting an imminent and substantial endangerment to the health of persons, and with respect to which the district or districts affected are not taking reasonable action to abate the concentration of air contaminants; (b) issuance of a court order or passage of an urgency statute or resolution by the state legislature or the federal government requiring immediate action by the Board in order to preserve the public health, safety, and general welfare; (c) any other set of circumstances affecting air quality such that the Board reasonably believes that it is necessary to take immediate action in order to preserve the public health, safety, and general welfare.

Section 93003. Notification. The Board shall make a reasonable effort to give notice to all persons that may be directly effected by the Board's proposed action in order that such person may be present during the emergency meeting.