

## UPDATED INFORMATIVE DIGEST

### AMENDMENTS TO THE QUORUM DEFINITION California Code of Regulations, Title 17, Section 60003

#### Sections Affected

Amendments to the quorum definition in California Code of Regulations (Cal. Code Regs.), Title 17, Section 60003.

#### Background

This regulatory amendment updates the quorum definition in California Code of Regulations, title 17, section 60003 to clarify that only *voting* members count toward the quorum, change which is alignment with the 2017 amendments to section 39510 of the Health and Safety Code.

Section 60003 defines quorum as “the presence of a majority of the total appointed members of the state board” and requires that “formal Board decisions be made by vote of the majority of the quorum.” This definition was clear when adopted because every Board member at the time had voting rights. As of January 1, 2017, the Board was enlarged by the addition of 2 legislators as *ex officio*, *nonvoting* members to the Board. (Health & Saf. Code § 39510, subd. (i), added by Assembly Bill 197, Stats. 2016, ch. 250). Because the current Board has 14 voting members *and* 2 nonvoting members, we are updating the quorum definition to reflect the current status and clarify that only voting members count towards the quorum.

#### Description of the Adopted Regulatory Action

We added the word “voting” to the quorum definition to clarify that only voting members count towards the quorum. This amendment maintains the status quo for the 14 voting members of the Board. It does not affect the voting rights of the 2 *ex officio* members, because the governing statute provides that *ex officio* members are nonvoting members. (Health and Saf. Code § 39510 subd. (i)).

This change is necessary, however, to avoid an interpretation of the current quorum definition that would be inconsistent with the statute and the existing regulatory scheme. The change would avoid inconsistent voting scenarios and potential confusion at Board meetings.

We also updated the reference and authority citations for section 60003 by deleting inapplicable and outdated citations, and by adding Health and Safety Code section 39510, as that is the specific statutory provision interpreted in section 60003.

The California Air Resources Board Executive Officer approved the proposed amendments to the quorum definition.