

**CALIFORNIA
OIL SPILL
TECHNICAL ADVISORY COMMITTEE
BYLAWS**

ARTICLE I – NAME OF BODY

Section 1. The Oil Spill Technical Advisory Committee. (hereafter referred to as the “Committee”).

ARTICLE II – PURPOSE & AUTHORITY

Section 1. The Committee is established to provide public input and independent judgment of the actions of the Administrator of the Office of Spill Prevention and Response (OSPR). [Ref. Government Code §§8760.54 - 8670.56.1]

ARTICLE III -- MEMBERSHIP

Section 1. Members

The Committee shall consist of fourteen (14) members of whom eight (8) shall be appointed by the Governor, three (3) by the Speaker of the Assembly and three (3) by the Senate Committee on Rules. The appointments shall be made in the following manner:

- a) The Speaker of the Assembly and Senate Committee on Rules shall each appoint a member who shall be a representative of the public.
- b) The Governor shall appoint a member who has a demonstrable knowledge of marine transportation.
- c) The Speaker of the Assembly and the Senate Committee on Rules shall each appoint two members who have demonstrable knowledge of environmental protection and the study of ecosystems.
- d) The Governor shall appoint a member who has served a local government elected official or who has worked for a local government.
- e) The Governor shall appoint a member who has experience in oil spill response and prevention programs.
- f) The Governor shall appoint a member who has been employed in the petroleum industry.
- g) The Governor shall appoint a member who has worked in State government.
- h) The Governor shall appoint a member who has demonstrable knowledge of the dry cargo vessel industry.
- i) The Governor shall appoint a member who has demonstrable knowledge of the railroad industry.
- j) The Governor shall appoint a member who has demonstrable knowledge of the oil production industry.

Section 2. Term of Membership

Notwithstanding any other provision of law, a member shall serve:

- a) Until replaced by the appointing authority, or
- b) Until member resigns

By a vote of at least two thirds of the appointed Committee members, the Committee may ask a member for his or her resignation for good cause or for nonparticipation.

Section 3. Alternates

A Committee member may appoint an alternate representative. The alternate representative shall meet the same requirements and represent the same group as the appointing Committee member. The appointed alternate shall have full proxy powers of the Committee member, and may vote, participate in, or take any other action on behalf of the Committee member consistent with statutory provisions pertaining to the Committee, or any Bylaws pertaining to the Committee and its activities. An alternate may serve only in the absence of the Committee member.

Section 4. Attendance

While attendance at scheduled Committee meetings is not mandatory, members appointed to the Committee or their alternates are expected to attend, and participate, to the best of their ability.

Members and their alternates who miss four consecutive meetings are deemed to be unavailable to serve on the Committee. Upon the fourth consecutive absence of any Committee member and their alternate, the Committee Chair shall forthwith request from the appointing authority a replacement for the absentee Committee member and their alternate.

Section 5. Reimbursement

The Administrator shall pay Members or their alternates one hundred dollars (\$100) per day for participating in each meeting and reimburse them for reasonably necessary expenses incurred in the conduct of official Committee business. Reimbursements shall be consistent with travel, per diem, and other expense regulations applicable to California State appointees.

ARTICLE IV – OFFICERS

Section 1. A Chairperson and Vice Chair shall be elected by a majority vote of the Committee, who shall serve for a two (2) year term commencing at date of election.

Section 2. A Secretary shall be appointed by the Administrator. The Secretary shall not be a member of the Committee, but shall serve as an administrative position to the Committee.

Section 3. The Administrator, and any personnel the Administrator determines to be appropriate and necessary, shall serve as staff to the Committee.

ARTICLE V – SUBCOMMITTEES

Section 1. The Committee may establish subcommittees as it deems necessary. A subcommittee shall comply with the *Bagley-Keene Open Meeting Act*, if required by that Act.

ARTICLE VI – RECOMMENDATIONS FROM COMMITTEE

Section 1. The Committee shall provide recommendations to the Administrator, the State Lands Commission, the California Coastal Commission, the San Francisco Bay Conservation and Development Commission, the Division of Oil, Gas, and Geothermal Resources, the Office of the State Fire Marshal, and the Public Utilities Commission, on any provision of the *Lempert-Keene-Seastrand Oil Spill Prevention and Response Act*, including the promulgation of all rules, regulations, guidelines, and policies.

Section 2. The Committee may study, comment on, or evaluate, at its own discretion, any aspect of oil spill prevention and response in the State. To the greatest extent possible, these studies shall be coordinated with studies being done by the Federal Government, the Administrator, the State Lands Commission, the State Water Resources Control Board, and other appropriate State and international entities. The Committee shall strive to cooperate with agencies and organizations interested in oil spill prevention and response programs to avoid duplication of efforts.

Section 3. Committee members may attend any oil spill drills called by OSPR, or any oil spills, if practicable.

Section 4. The Committee shall prepare and submit all reports required by law. Specifically, the Committee shall report biennially to the Governor and the Legislature on its evaluation of oil spill response and preparedness programs within the state and may prepare and send any additional reports it determines to be appropriate to the Governor and the Legislature.

ARTICLE VII – MEETINGS & AGENDAS

Section 1. A meeting occurs when a quorum of the Committee members or their alternatives convenes in person or by audio or video contemporaneous communications method (eg. phone, video conference, etc.). A quorum is a majority of all the Committee members who have been appointed and are presently serving. The Committee shall meet as often as required, but at least twice per year, preferably rotating among various venues within the State.

Section 2. The scheduling, notice, and conduct of the meetings shall be governed by the *Bagley-Keene Open Meeting Act* [Gov. C. §11120 *et seq.*]. The parliamentary procedure of the meeting shall be governed by *Robert's Rules of Order*, unless otherwise provided for in these Bylaws.

Section 3. Notice of Meetings & Agenda for Meetings pursuant to the *Bagley-Keene Open Meeting Act*

- a) A meeting Notice and an Agenda shall be prepared by the Committee Chair in consultation with the Administrator and Committee members for each meeting of the Committee. The Notice and Agenda shall be prepared and publicly posted no fewer than ten (10) days prior to the scheduled meeting.
- b) Notice and Agendas shall be sent to the Committee members and to any interested persons, consistent with provisions of law regarding notice of public meetings.
- c) Agendas shall include a brief general description of each item to be discussed, including whether action is anticipated to be taken on an item.
- d) Each Agenda item which requires Committee action shall include time for public comment.
- e) A Committee member may discuss an item not on the Agenda under New Business. However, no action by the Committee can be taken until such time as the item is duly noticed at a regular or special meeting, and time has been allotted to receive public input prior to Committee action.

Section 4. Action on Items Not on the Agenda:

The Committee may take action on items of business not appearing on the posted Agenda if the members physically present and participating by phone or other immediate audio or video means of communication so decide, under any of the conditions stated below:

- a) A determination by a majority vote of the appointed Committee that an emergency situation exists consisting of an activity or crippling disaster that severely impairs public health or safety; or
- b) A determination by a two-thirds vote of the appointed Committee, or, if less than two-thirds of the appointed members are present, a unanimous vote of those members present, that there exists a need to take immediate action and that the need for action came to the attention of the Committee subsequent to the agenda being posted.

In addition to one of the findings above, the Committee must also follow the provisions of Government Code sections 11125.3, 11125.4, and 11125.5 as applicable, regarding notice of the item(s) to be considered for action.

Section 5. Special Meetings and Emergency Meetings:

The Committee may hold a special meeting or an emergency meeting if done pursuant to Government Code sections 11125.4 and 11125.5.

ARTICLE VIII – VOTING

Section 1. Quorum:

Except for the provisions in section 4 of Article VII, a quorum shall consist of a majority of those appointed Committee members or their alternates are physically present and participating by audio or video contemporaneous communication method. When all members are appointed and serving, quorum is eight (8) of the fourteen (14) member Committee. Should a quorum not be present, the Committee can proceed as a committee of the whole, can take public testimony, and can receive input on any agenda item duly noticed, but cannot take an action on any item.

Section 2. Voting:

- a) With the exception of items specified in Article IX, passage of any item subject to a vote by Committee members shall be a majority of those present appointed members or their alternates at a meeting. No action shall be taken on any item which is not on the posted Agenda except pursuant to section 4 of Article VII.
- b) Due to the advisory nature of the Committee and its selected representatives, members shall not be excused from voting for potential conflict of interest in most cases.

ARTICLE IX – BYLAWS ENACTMENT AND AMENDMENTS

Section 1. Enactment or Amendment of Bylaws:

These bylaws may be enacted, amended, repealed, or re-enacted in whole or in part by a two-thirds

vote of the appointed members currently serving who are present and participating by contemporaneous communications methods at a regular meeting of the Committee or at any special meeting called for such purpose.

To enact, amend, or repeal the bylaws, the proposed changes must be:

- a) Included as an Agenda item at a regular meeting;
- b) Noticed to the public in accordance with Article VII of these Bylaws; and,

Section 2. Effective Date of these Bylaws:

This version of the bylaws supersedes the January 1, 2008 version, and shall become effective August 26, 2015. This version shall continue in force until amended or repealed.

END