

**REQUEST FOR AN EARLY EFFECTIVE DATE  
Pursuant To Government Code Section 11343.4(b)(3)**

The California Air Resources Board (CARB or Board) requests, pursuant to Government Code Section 11343.4(b)(3), that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the Amendments to the Quorum Definition regulation that was adopted on October 12, 2017. CARB believes the following demonstrates "good cause" for OAL to prescribe an earlier effective date – i.e., an effective date to coincide with the filing of the regulations with the Secretary of State.

**DEMONSTRATION OF GOOD CAUSE**

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 in alignment with the 2017 amendments to section 39510 of the Health and Safety Code.

Specifically, we are adding 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)).

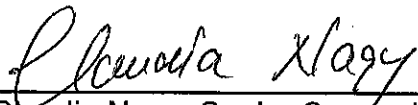
This amendment is important and necessary to avoid an interpretation of the current quorum definition that would be inconsistent with the statute and the existing regulatory scheme. Left unchanged, the definition lends itself to an interpretation that would count the ex officio members toward the quorum, enlarging the current quorum from eight to nine members.

This interpretation is problematic because it can lead to inconsistent voting scenarios and confusion in the Board room, given that ex officio members cannot vote and their attendance at meetings is optional. For example, a quorum that includes an ex officio member would be lost, and the Board meeting would likely end, if the ex officio member decides to leave before the meeting is over. The ex officio legislators may choose to attend Board meetings infrequently, arrive after the meeting has started, leave before the meeting is over, or participate only in discussion items that are of interest to them. This amendment would avoid all potential confusion by clarifying that only voting members can make up the quorum. The next Board meeting will take place on November 16 at Sacramento, California, and CARB requests to have this amendment in effect before that date.

For the reasons set forth above, CARB believes there is good cause for OAL to prescribe an earlier effective date and hereby requests that OAL approve an earlier

effective date, coinciding with OAL's submittal of its approval of this rulemaking action to the Secretary of State pursuant to Government Code section 11343.4(b)(3).

Date: 11/9/17

  
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Claudia Nagy, Senior Counsel