

WELL STANDARDS ADVISORY BOARD
BYLAWS

ARTICLE I. Name of Organization

A. The name of this organization shall be the Well Standards Advisory Board, hereinafter referred to as "WSAB."

B. The official location of the WSAB shall be:

1241 E. Dyer Road, Suite 120
Santa Ana, CA 92705

C. The official mailing address of the WSAB shall be:

PO Box 25400
Santa Ana, CA 92799

ARTICLE II. Establishment of Well Standards Advisory Board

A. The Members of the Well Standards Advisory Board are appointed by the Orange County Board of Supervisors ("Board") pursuant to Orange County Codified Ordinances ("OCCO") section 4-5-16.

ARTICLE III. Purpose and Functions

A. The purpose and function of the WSAB is to:

1. Hear appeals related to the denial for, or revocation or suspension of, a Well Construction or Destruction Permit issued by the County Health Officer pursuant to OCCO sections 4-5-25, 4-5-28, and 4-5-29.
2. Hear matters related to the County Health Officer's determination that a well constitutes a public nuisance pursuant to OCCO sections 4-5-26, 4-5-27, 4-5-28, and 4-5-29.
3. Advise and give concurrence to the County Health Officer regarding modifications to Well Standards being considered or made by the County Health Officer pursuant to OCCO section 4-5-30.

ARTICLE IV: Appointment and Membership

A. In accordance with the OCCO section 4-5-16, the WSAB shall consist of five (5) members, as follows:

1. One member shall be a person employed in a supervisory capacity by a water purveyor in Orange County, whose system relies to a significant extent upon groundwater.
2. One member shall be a registered civil engineer under the laws of the State of California, who is experienced in sanitary engineering and qualified in the field of water supply.

Well Standard Advisory Board Bylaws

3. One member shall be a licensed professional under Chapter 9 of Division 3 of the Business and Professions Code.
 4. One member shall be a person qualified in the field of water quality.
 5. One member shall be a registered geologist under the laws of the State of California, who is qualified in the field of groundwater hydrology.
 6. One of the aforementioned persons shall be a representative of the Orange County Water District and one shall represent the Orange County Water Pollution Department (now a division of Orange County Public Works).
- B. Except where the Board finds it is in the best interest of the County to waive voter and residency requirements, all members of the WSAB shall reside in the County and be registered voters in the County.
- C. Length of WSAB Membership
1. In accordance with OCCO section 4-5-16, members shall serve for a three-year term. All terms shall end on the first Monday in January of the year in which such term is to expire.
 2. A member whose term of office is expiring may reapply for another term to serve as a member.
 3. Pursuant to Government Code section 1302, a member whose term has expired shall continue serving as a member until reappointed or replaced.
 4. Appointments made to fill a vacancy left by a member before the expiration of the term of that member shall be for the remaining term of that member.

ARTICLE V. Advisory Board Officers

- A. WSAB officers shall consist of:
1. Chairperson
 - a. The Chairperson shall be appointed by the majority of the WSAB, a quorum being present. The duties of the Chairperson shall be to preside at meetings of the WSAB, call special meetings, decide points of order, announce all businesses, entertain motions, put motions to vote, announce vote results, ensure that each meeting proceeds in an orderly fashion, and represent the WSAB at public functions. The Chairperson may identify another member to act as the Chairperson pro tem in the Chairperson's absence.
- B. Term for Chairperson of the WSAB shall be for one year.
- C. No person, except a member of the Board, may serve as Chairperson of the WSAB for more than three consecutive terms.

Well Standard Advisory Board Bylaws

- D. No person, except a member of the Board, may serve simultaneously as Chairperson for two or more Boards, Commissions, or Committees.
- E. Election of Chairperson shall be held annually during the first meeting of each calendar year by majority vote, a quorum being present.

ARTICLE VI. Duties of Members

- A. Members shall attend the meetings of the WSAB. The Chairperson shall regularly review member attendance at WSAB meetings.
- B. Members shall notify the Chairperson of the WSAB of any expected absence for a meeting by 5:00 p.m. on the day before a WSAB meeting, indicating good and sufficient reasons for the absence.
- C. In the performance of its responsibilities, the WSAB shall not engage in nor employ any unlawfully discriminatory practices in the provision of services or benefits, assignment of accommodations, treatment, employment of personnel or in any other respect on the basis of sex, race, color, ethnicity, national origin, ancestry, religion, age, marital status, medical condition, sexual orientation, physical or mental disability or any other protected group in accordance with the requirements of all applicable County, state, or federal laws.
- D. Members of the WSAB shall comply with the County Equal Employment Opportunity and Anti-Harassment Policy and Procedures.
- E. Members of the WSAB shall comply with County Code of Ethics.
- F. Members of the WSAB shall operate strictly within designated purposes of the WSAB as consistent with these bylaws and Article 2 of Division 5 of Title 5 of the Orange County Codified Ordinances.

ARTICLE VIII. Meetings and Actions

- A. All meetings of the WSAB shall be open, public, and noticed in conformance with the provisions of the Ralph M. Brown Act, California Government Code section 54950 et seq., as amended and held at a location within Orange County, California that satisfies the access requirements of the Americans with Disabilities Act. The requirements in this subsection shall not apply to hearings held pursuant to OCCO sections 4-5-25, 4-5-26, 4-5-27, 4-5-28, 4-5-29.
- B. Special meetings of the WSAB may be called either by the Chairperson or at the request of a majority of the WSAB members. Notice of special meetings shall:
 - 1. Be delivered to members personally, by mail or electronically, and must be received by no later than 24 hours in advance of the meetings.
 - 2. State the business to be considered and whether alternative technological means may be used such as telephone or video conferencing, as technological resource availability permits and as permissible by the Ralph M. Brown Act.

Well Standard Advisory Board Bylaws

- C. Quorum shall be no less than 50%+1 of the membership.
- D. Voting Majority: Decisions and acts made by majority vote of the members at any duly constituted meeting shall be regarded as acts of the WSAB, except as otherwise provided by these bylaws.
 - 1. Members choosing to abstain from voting on specific actions will not affect majority requirements. Abstentions are considered a “non-vote” – neither a vote in the affirmative nor in the negative. However, in order for an action to be passed, a majority of the quorum casting votes must vote in the affirmative.
- E. Minutes: The staff from Orange County Health Care Agency, Environmental Health Division shall prepare and publish the minutes for each meeting of the WSAB.

ARTICLE IX. Compensation and Reimbursement

- A. In accordance with the OCCO section 4-5-16, travelling and other expenses incurred by each WSAB member in the performance of his/her official duties shall be reimbursed at a rate of ten dollars (\$10.00) per meeting. WSAB members may elect to waive reimbursement. All requests for reimbursement shall be submitted in accordance with the policies and procedures adopted by the County on a form approved by the County Auditor-Controller.

ARTICLE X. Removal and Resignation of Members

- A. Removal: All WSAB members shall serve at the discretion of the Board, and any member or members of the WSAB may have his/her membership terminated by a majority vote of the Board. A vacancy thereby created shall be filled in the same manner as the original appointment.
- B. Resignation: Resignation of WSAB members shall be effected by a written letter of resignation submitted to the Chairperson or designee of the WSAB and to the Board.
- C. The Chairperson or designee shall notify the Clerk of the Board in writing of any vacancies within 10 days of learning the existence of any such vacancy.

ARTICLE XI. Authority

- A. Parliamentary Authority: The Chairperson shall preside and manage WSAB meetings using parliamentary procedure consistent with these bylaws, any special rules of order the WSAB may adopt, and any applicable County, state, and federal law.

ARTICLE XII. Conflict of Interest

- A. Members of the WSAB shall abstain from voting on any issue in which they may be personally interested to avoid a conflict of interest in accordance with County, state, and federal laws and shall refrain from engaging in any behavior that conflicts with the best interest of the County.
- B. Members of the WSAB shall not vote nor attempt to influence any other WSAB member on a matter under consideration by the WSAB:

Well Standard Advisory Board Bylaws

1. Regarding the provision of services by such member or by an entity that such member represents; or
 2. That would provide direct financial benefit to such member or the immediate family of such member; or
 3. Engage in any other activity constituting a conflict of interest under County, state, or federal law.
- C. If a question arises as to whether a conflict exists that may prevent a member from voting, the Chairperson or designee may consult with designated County staff to assist them in making that determination.
- D. In order to avoid a conflict of interest or the appearance of such conflict, all nominees to become members of the WSAB shall disclose on forms provided by the County information regarding their private economic interests that may be implicated by their service on the WSAB.
- E. Neither the WSAB nor any of its members shall promote, directly or indirectly, a political party, political candidate, or political activity using the name, emblem, or any other identifier of the WSAB.
- F. No assets or assistance provided by County to the WSAB shall be used for sectarian worship, instruction, or proselytization, except as otherwise permitted by law.

ARTICLE XIII. Adoption and Amendment of Bylaws

- A. Adoption: An affirmative vote of at least 50%+1 of those voting, a quorum being present, shall be required to recommend these bylaws for Board approval. These bylaws become effective upon approval by the Board.
- B. Amendments:
1. Any member of the WSAB may propose amendments to these bylaws.
 2. Proposed amendments shall be submitted in writing and made available to each member of the WSAB no less than five days prior to consideration before a vote can be taken.
 3. An affirmative vote of at least 50%+1 of those voting, a quorum being present, shall be required to recommend bylaws amendments for Board approval. Any amendments to the bylaws become effective upon approval by the Board.

ARTICLE XIV. Severability

- A. Should any part, term, portion or provision of these bylaws be determined to be in conflict with any law or otherwise unenforceable or ineffectual, the remaining parts, terms, portions or provisions shall be deemed severable and their validity shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the provisions that the members intended to enact in the first instance.

Well Standard Advisory Board Bylaws

ARTICLE XV. Staffing Support

- A. Staff support from Orange County Health Care Agency, Environmental Health Division shall be provided to support the WSAB in conjunction with the work of the WSAB.