

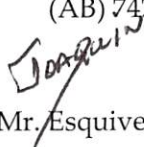


**E. Joaquin Esquivel, Chair**  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

**Subject:** Designation of the Presiding Hearing Officer Under Assembly Bill  
(AB) 747.

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Dear Mr. Esquivel:

On May 17, 2019, Chief Counsel for the State Water Resources Control Board (Board), Michael Lauffer, announced the posting of the above-referenced position. Byron Bethany Irrigation District (BBID) supported the passage of AB 747, and was directly involved in the initial drafting and subsequent amendments to the legislation.

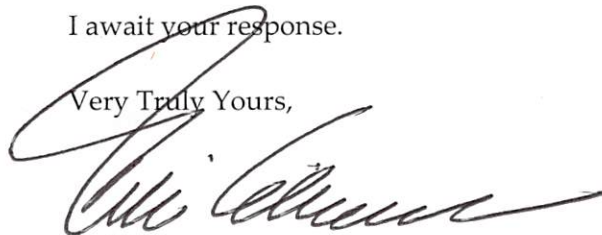
**General Manager  
Secretary**  
Rick Gilmore

AB 747 establishes the Administrative Hearings Office within the Board in order to, among other things, provide qualified, impartial hearing officers in order to insure fair and unbiased decision-making at the Board's administrative level. (Water Code § 1110, subd. (b).) This new Administrative Hearings Office is necessary because, historically, Board decisions favored staff in enforcement actions. (Senate Floor Analysis, 8/30/18.) Therefore, presiding officers and hearing officers must be capable of exercising independence from the Board in order to fulfill the purposes of AB 747.

As part of AB 747, Water Code section 1111, subdivision (b), states the following: "The *board* shall designate a hearing officer to serve as the presiding officer." (Emphasis added.) It was BBID's understanding at the time AB 747 was approved by the Legislature that the Board will undertake the designation of the presiding hearing officer through a transparent process providing the regulated community an opportunity to comment on the candidate(s). It is also BBID's understanding that the Board members will directly undertake the designation process, and not delegate the task to staff merely subject to final Board approval. If this understanding is incorrect, please advise me.

I await your response.

Very Truly Yours,



Rick Gilmore  
General Manager