

# California Underground Facilities

## Safe Excavation Board

Item #60

### *Agenda Item – Resolution*

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**DATE:** January 9, 2018

**TO:** Members, Underground Facilities Safe Excavation Board

**FROM:** Tony Marino, Executive Officer

**SUBJECT:** Board Policies: Compliance

**BACKGROUND:**

The Underground Facilities Safe Excavation Board, as an entity in California government, is subject to many statutory, regulatory, and control agency policies that exist to promote fairness, transparency, fiscal accountability, and ethical behavior.

**DISCUSSION:**

Board policy may at times appear inconsistent with some compliance requirements. For instance, confidential employee reporting programs have been used to facilitate employee reporting of safety issues that they otherwise may not be comfortable doing for fear of reprisal. The California Public Records Act, on the other hand, can make the withholding of reporting documents difficult or impossible. In cases where there is a conflict between an action proposed to implement a Board policy and a compliance requirement placed on the Board, the Board shall comply.

Nonetheless, while there may at times be conflicts between Board policy and a compliance requirement, there is often, given enough time and effort, a means to accomplish the policy without running afoul of the Board's legal compliance obligations.

**RECOMMENDATION:**

Adopt attached policy regarding compliance with legislative and administrative process requirements.

**ATTACHMENTS:**

- 1) Resolution
- 2) Compliance C-01: Compliance with Legislative and Administrative Process Requirements

**CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD**

**RESOLUTION No. 18-01-04**

**A RESOLUTION OF THE CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD ADOPTING POLICIES REGARDING COMPLIANCE WITH LEGISLATIVE AND ADMINISTRATIVE REQUIREMENTS**

**Whereas** the California Underground Facilities Safe Excavation Board is subject to legislative and administrative process requirements; and

**Whereas** such requirements exist to promote fairness, transparency, fiscal accountability, and ethical behavior; and

**Whereas** such requirements may challenge, if not conflict, with actions proposed to implement Board policy;

**Be it resolved** that the Board adopts as a policy C-01 (“Compliance with Legislative and Administrative Process Requirements”).

I certify that this resolution was adopted by the California Underground Facilities Safe Excavation Board at its business meeting on January 9, 2018, the following Members approving it:

*/s/ Anthony R Marino*

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ANTHONY R. MARINO  
Executive Officer

Category:	<b>Compliance</b>	Process Number:	C-01
Title:	<b>Compliance with Legislative and Administrative Process Requirements</b>		
Adopted:	Draft	Resolution:	
Revision:			

The policies and processes adopted by the Underground Facilities Safe Excavation Board are built upon the superstructure of existing legislative and administrative requirements which include, but are not limited to, the rulemaking and adjudication provisions of the Administrative Procedures Act, the Bagley-Keene Open Meeting Act, accounting and budgetary provisions of the State Administrative Manual, hiring and personnel requirements of the Department of Personnel Management, and the implementation of these various processes by the Department of Forestry and Fire Protection.

Monitoring Method: Staff  
Frequency: Annual