



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-250
Regulation Title:	Procedural Rule No. 4 – Proxy Voting by Board Members
Action Title:	Periodic Review
Date:	July 19, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

Procedural Rule No. 4 establishes conditions and procedures by which a member of the State Water Control Board (Board) may vote by proxy. The rule provides that each proxy must be in writing, dated and signed by the member giving the proxy, and submitted to the Chairman or his designate prior to the time the vote is taken; each proxy must specify the question to be voted upon, and the member's position thereon (no general proxy will be recognized); that in the event that the question to be voted upon is materially modified prior to the vote, all proxies not reflecting such modification shall be void; and no proxy shall be counted in determining the presence of a quorum.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

State or federal law does not mandate this procedural rule. The legal basis for this rule is Section 62.1-44.15(7) of the Code of Virginia which authorizes the Board to adopt rules governing the procedure of the Board with respect to hearings, the filing of reports, the issuance of certificates and special orders and all other matters relating to procedure.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comment was received as a result of the Notice of Periodic Review published in the Virginia Register.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The goal of the regulation is to establish clear, consistent procedures to be followed in the event that a Board member wishes to vote on an issue before the Board, but is unable to attend the meeting at which a vote will be taken. The regulation is effective in meeting this goal.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The only alternative considered was for the Board to operate without the benefit of guidelines for a proxy vote. Since the Board has not used the proxy vote since the procedural rule was adopted and since specific recommendations on an agenda item are not provided in the Board's briefing material, the procedural rule for proxy vote is unnecessary.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends canceling Procedural Rule No. 4. Since this rule is not a regulation under the Administrative Process Act, the agency, instead of a full regulatory repeal process will pursue the removal of this rule from the Virginia Administrative Code and, after notice to the public, recommend cancellation of the rule to the Board.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

Procedural Rule No. 4 has no impact on the institution of the family and family stability.