
California Underground Facilities Safe Excavation Board

January 9, 2023

Agenda Item No. 5 (Action Item) – Staff Report

Review and Approval of Board Policies

PRESENTER

Tony Marino, Executive Officer

SUMMARY

Staff proposes to amend three of the Board’s policies—B-01 (History), A-05 (Accountability to the Legislature), and C-01 (Compliance with Legislative and Administrative Process Requirements)—to reflect organizational, accountability, and compliance changes created by changes in statute.

STRATEGIC PLAN

2020 Strategic Plan Objective: Build Board operations to achieve compliance, reporting, and operational excellence in a resource-efficient manner.

BACKGROUND

During its first meeting in January 2018, the Board adopted policies relating to organization; responsibility and accountability; governance; compliance; and legislative framework. These policies are reviewed at annual, biennial, or triennial intervals, as identified within each policy.

The Legislature, in passing Senate Bill 865 (Chapter 307, Statutes of 2020), made several changes to the Dig Safe Act, including changes to the Board itself. Amendments to Government Code § 4216.12 moved the Board from the Office of the State Fire Marshall to the Office of Energy Infrastructure Safety and stated that the Board would be subject to review at least once every three years by the appropriate policy committees of the Legislature.

DISCUSSION

Pursuant to the review frequency of each of the Board’s adopted policies, 16 policies are up for review in 2023. Of those, staff proposes to amend two policies:

1. A-04: Accountability to the Legislature: This policy currently recognizes that Legislative review by the appropriate policy committees of the Legislature will happen on or after January 1, 2020. Staff proposes the Board amend this policy to recognize that statute has also subject the Board to review every three years thereafter.

2. C-01: Compliance with Legislative and Administrative Process Requirements: This policy recognizes that the Department of Forestry and Fire Protection (CAL FIRE), of which the Office of the State Fire Marshal is a part, must implement requirements regarding the State Administrative Manual and human resources requirements of the California Department of Human Resources, and that the Board processes must comply CAL FIRE’s implementation. Staff proposes to amend this policy to recognize that Board processes must now comply with the implementation of the Office of Energy Infrastructure Safety and to change “Department of Personnel Management” to the department’s more commonly-used name of “Department of Human Resources.”

Staff also proposes to amend one policy that is subject to Board review in 2024:

1. B-01: History: The current policy recognizes the Board’s creation in the Dig Safe Act of 2016. Staff proposes to amend this policy to recognize the Board’s first meeting in 2018 and its move from the Office of the State Fire Marshal to the Office of Energy Infrastructure Safety on January 1, 2022.

Staff proposes that other policies subject to review this year need not be amended. **Table 1** includes a list of all the policies subject to review at this time as well as Policy B-01, and briefly describes proposed amendments where applicable.

Table 1: List of Board policies subject to review in 2023 and brief descriptions of staff recommendations for change, where applicable.

No.	Policy Number and Title	Proposed Changes
1	L-01: 49 USC 60116 – Public Education Programs	No change
2	L-01.a: 49 CFR 192.614, 49 CFR 195.422 – Damage prevention program	No change
3	L-02: 49 USC 60134(b) – Damage Prevention Program Elements	No change
4	L-02.a: 49 CFR 198.55 - What criteria will PHMSA use in evaluating the effectiveness of State damage prevention enforcement programs?	No change
5	L-03: California’s Dig Safe Law	No change
6	B-01: History	Update to reflect move to the Office of Energy Infrastructure Safety
7	B-02: Mission	No change
8	B-03: Vision	No change
9	B-04: Values	No change
10	B-05: Enforcement Philosophy	No change
11	A-01: Responsibilities of the Board	No change
12	A-02: Responsibilities of Board	No change

	Members	
13	A-03: Responsibilities of the Executive Officer	No change
14	A-04: Accountability to the Legislature	Update to reflect triennial Legislative review pursuant to SB 865.
15	A-05: Coordination with State and Federal Agencies	No change
16	G-02: Election of Board Chair and Vice-Chair	No change
17	C-01: Compliance with Legislative and Administrative Process Requirements	Replace “Department of Forestry and Fire Protection” with “Office of Energy Infrastructure Safety” and replace “Department of Personnel Management” with “Department of Human Resources.”

RECOMMENDATION

Staff recommends that the Board approve amended Policies B-01, A-04, and C-01.

ATTACHMENTS

- A. Amended Policy B-01
- B. Amended Policy A-04
- C. Amended Policy C-01
- D. Resolution No. 23-01-01 amending Policies B-01, A-04, and C-01