



BOARD OF DIRECTORS  
FINANCE AND ADMINISTRATION COMMITTEE

BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

COMMITTEE MEMBERS

JOHN J. BAUTERS – CHAIR  
MARGARET ABE-KOGA  
DAVID HAUBERT  
DAVID HUDSON  
SERGIO LOPEZ  
MARK ROSS

DAVINA HURT - VICE CHAIR  
BRIAN BARNACLE  
LYNDA HOPKINS  
TYRONE JUE  
KATIE RICE

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY  
COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC**

**Bay Area Metro Center  
1st Floor Board Room  
375 Beale Street  
San Francisco, CA 94105**

**Office of Contra Costa County  
Supervisor John Gioia  
Conference Room  
11780 San Pablo Ave., Suite D  
El Cerrito, CA 94530**

**Santa Rosa Junior College Campus  
Doyle Library, Room 148  
1501 Mendocino Ave.  
Santa Rosa, CA, 95401**

**Office of Alameda County Supervisor  
David Haubert  
4501 Pleasanton Avenue  
Pleasanton, CA 94566**

**THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED**

**These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Finance and Administration Committee reserves the right to conduct the meeting without remote webcast and/or Zoom access.**

**The public may observe this meeting through the webcast by clicking the link available on the air district's agenda webpage at [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas).**

**Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/82738944133>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 827 3894 4133**

**Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on a matter on the agenda will have two minutes each to address the Committee on that agenda item, unless a different time limit is established by the Chair. No speaker who has already spoken on an item will be entitled to speak to that item again.**

**The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is *per se* disruptive to a meeting and will not be tolerated.**

# FINANCE AND ADMINISTRATION COMMITTEE MEETING AGENDA

WEDNESDAY, OCTOBER 4, 2023

1:00 PM

1. **Call to Order - Roll Call**

*The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.*

2. **Pledge of Allegiance**

**CONSENT CALENDAR (Items 3 - 4)**

3. Approval of the Draft Minutes of the Finance and Administration Committee Meeting of September 6, 2023

*The Committee will consider approving the Draft Minutes of the Finance and Administration Committee meeting of September 6, 2023*

4. Hearing Board Quarterly Report: April - June 2023

*The Committee will receive the Hearing Board Quarterly Report for the period of April through June 2023.*

**ACTION ITEM(S)**

5. Proposed Update of the Administrative Code

*This is an action item for the Finance and Administration Committee to consider recommending the Board of Directors adopt a comprehensive overhaul of Division I and II of the Administrative Code, replacing those portions of the Code with a new Administrative Code, and adopt Rules of Procedure to accompany the new Administrative Code. This item will be presented by Alexander Crockett, District Counsel, and Amy Ackerman of Renne Public Law Group.*

6. Conduct Interviews and Consider Recommending Board of Directors Approval of Candidates for Appointment to the Air District's Hearing Board

*The Finance and Administration Committee will conduct interviews and consider recommending that the Board of Directors approve candidates for appointment to the Public positions (Principal B and Alternate B) on the Air District's Hearing Board.*

## **OTHER BUSINESS**

### 7. Committee Member Comments

*Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

### 8. Time and Place of Next Meeting

*Wednesday, October 18, 2023, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Finance and Administration Committee members and members of the public will be able to either join in-person or via webcast.*

### 9. Public Comment on Non-Agenda Matters

*Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda will be given an opportunity to address the Committee. Members of the public will have two minutes each to address the Committee, unless a different time limit is established by the Chair. The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.*

### 10. Adjournment

*The Committee meeting shall be adjourned by the Chair.*

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[vjohnson@baaqmd.gov](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at [spesapati@baaqmd.gov](mailto:spesapati@baaqmd.gov).

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
 375 BEALE STREET, SAN FRANCISCO, CA 94105  
 FOR QUESTIONS PLEASE CALL (415) 749-4941**

**EXECUTIVE OFFICE:  
 MONTHLY CALENDAR OF AIR DISTRICT MEETINGS**

**OCTOBER 2023**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	4	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Legislative Committee	Wednesday	4	10:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Finance and Administration Committee	Wednesday	4	1:00 p.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	11	10:00 a.m.	1 <sup>st</sup> Floor, Yerba Buena Room
Board of Directors Mobile Source and Climate Impacts Committee	Wednesday	11	1:00 p.m.	1 <sup>st</sup> Floor, Yerba Buena Room
Board of Directors Meeting - CANCELLED	Wednesday	18	9:00 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Special Finance and Administration Committee	Wednesday	18	10:00 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	18	1:00 p.m.	1 <sup>st</sup> Floor Board Room

HL 9/27/2023 – 3:45 p.m.  
 G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson John J. Bauters and Members  
of the Finance and Administration Committee

From: Philip M. Fine  
Executive Officer/APCO

Date: October 4, 2023

Re: Approval of the Draft Minutes of the Finance and Administration Committee  
Meeting of September 6, 2023

RECOMMENDED ACTION

Approve the Draft Minutes of the Finance and Administration Committee meeting of September 6, 2023

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Finance and Administration Committee meeting of September 6, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Finance and Administration Committee Meeting of September 6, 2023



Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
(415) 749-5073

Finance and Administration Committee  
Wednesday, September 6, 2023

## **DRAFT MINUTES**

*This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. **Opening Comments:** Finance and Administration Committee (Committee) Chairperson, John J. Bauters, called the meeting to order at 1:14 p.m.

#### **Roll Call:**

Present, In-Person (375 Beale Street, Board Room, San Francisco, California, 94105): Chairperson John J. Bauters; Vice Chairperson Davina Hurt; and Directors David Haubert, Tyrone Jue, and Sergio Lopez.

Present, In-Person Satellite Location (Santa Rosa Junior College Campus, Doyle Library, 1501 Mendocino Ave., Room 148, Santa Rosa, California 95401): Director Brian Barnacle.

Present, In-Person Satellite Location: (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Avenue, Suite D, El Cerrito, California, 94530): Director Mark Ross.

Present, In-Person Satellite Location: (County of Sonoma County Administrator's Office, 575 Administration Drive, Sunroom, Suite #110A, Santa Rosa, California, 95403): Director Lynda Hopkins.

Absent: Directors Abe-Koga, David Hudson, and Katie Rice.

2. **PLEDGE OF ALLEGIANCE**

### **CONSENT CALENDAR (ITEMS 3 – 4)**

3. **APPROVAL OF THE DRAFT MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE MEETING OF JULY 5, 2023**

**4. COMMITTEE AUTHORIZATION FOR CHAIR BAUTERS, VICE CHAIR HURT, DIRECTOR RICE, AND DIRECTOR VEENKER TO ATTEND THE AIR DISTRICT'S WASHINGTON D.C. ADVOCACY TRIP**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Haubert made a motion, seconded by Director Jue, to **approve** the Consent Calendar, Items 3 and 4; and the motion **carried** by the following vote of the Committee:

AYES: Barnacle, Bauters, Haubert, Hopkins, Hurt, Jue, Lopez, Ross.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Abe-Koga, Hudson, Rice.

**ACTION ITEMS**

**5. CONDUCT INTERVIEWS AND CONSIDER RECOMMENDING BOARD OF DIRECTORS APPROVAL OF CANDIDATES FOR APPOINTMENT TO THE AIR DISTRICT'S HEARING BOARD**

The Committee conducted interviews of three candidates who were applying for various vacant seats on the Air District's Hearing Board. The candidates were asked the following questions by the Committee: how their experience and perspectives might assist the Hearing Board in reviewing and deciding cases; their knowledge and experience regarding air quality matters and environmental justice; their experience serving on other boards or commissions; why they became interested in this opportunity; whether things from their personal or professional backgrounds may conflict with serving on the Hearing Board; whether they has viewed or observed the Air District's Hearing Board meetings; and their availability to serve on the Hearing Board.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the general nature of the Air District's Hearing Board matters; appreciation for an applicant's interest learning about the Air District's permit appeal process; and how to garner more candidates for the Hearing Board's Medical category.

Committee Action

Vice Chair Hurt made a motion, seconded by Director Lopez, to recommend the Board **approve** the appointment of Dr. Sumeet Batra, as Alternate Member in the Medical category of the Hearing Board; and the motion **carried** by the following vote of the Committee:

AYES: Barnacle, Bauters, Haubert, Hopkins, Hurt, Jue, Lopez, Ross.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Abe-Koga, Hudson, Rice.

Chair Bauters made a motion, seconded by Director Haubert, to recommend the Board **approve** the appointment of Rajiv Dabir, as Principal Member in the Professional Engineer category of the Hearing Board, and of Jeffrey Maddox as Alternate Member in the Professional Engineer category of the Hearing Board; and the motion **carried** by the following vote of the Committee:

AYES: Barnacle, Bauters, Haubert, Hopkins, Hurt, Jue, Lopez, Ross.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Abe-Koga, Hudson, Rice.

After these Committee recommendations to the Board were voted upon, Chair Bauters explained that as of October 7, 2023 there would be two more Hearing Board vacancies (a Principal member and Alternate member in the Public category), and that there were over ten applications to consider. To fill the upcoming two vacancies as quickly as possible, so as not to disrupt Hearing Board proceedings that have already been scheduled, Chair Bauters recommended that an ad hoc committee be formed, comprised of the members of the Finance and Administration Committee, to narrow down the number of applications to five. **Director Hopkins, Hurt, and Ross volunteered to sit on an ad hoc committee, which would, over the next two weeks, identify the five applications that would result in interviews for the positions of Principal and Alternate members in the Public category of the Hearing Board. When asked by Air District staff to develop scoring criteria to identify the five applications, the Committee members present identified the following criteria:**

- applicants that do not qualify for the Hearing Board categories of Professional Engineer, Attorney, or Medical;
- diversity of professional experience
- demonstration of dedicated community service
- applications that were completed the most substantively; and
- geographic diversity throughout the Bay Area

**6. REMOTE TELECONFERENCING GUIDANCE**

Sharon L. Landers, Interim Chief Operating Officer, gave the staff presentation *Remote Teleconferencing Guidance*, including: outline; requested actions; often used locations; teleconferencing locations; Board and committee meeting preferences; and what should be included in a remote teleconferencing policy?

### Public Comments

No requests received.

### Committee Comments

The Committee was asked to consider what elements should be included in a Remote Teleconferencing Policy, if the Committee was interested in continuing to allow remote teleconferencing for Committee meetings.

The Committee and staff discussed the need for accountability of the Board members hosting remote locations; the current remote attendance policies of other Bay Area regional agencies' Brown Act bodies; the feasibility of holding a monthly Board meeting instead of the current bi-weekly schedule, and the possibility of a later starting time; whether the Board's committee meetings would still utilize remote locations, if monthly Board meetings required full in-person participation; whether hybrid meetings should require an in-person participation minimum, or at least the in-person participation of the Chair and Vice Chair of the committees; the suggestion of having only four remote locations (North, South, East, and West Bay Area), and whether to rent, lease, or purchase office space; whether the Air District pays for use of the remote locations that are currently utilized for Board and committee meetings; how often Board members used to travel to 375 Beale Street for Board and committee meetings, prior to the COVID-19 pandemic; the perception that some Board members have taking advantage of remote meeting participation in ways it was not intended for, which can erode public trust of the Air District; the risk of attempting to attend Board meetings remotely while traveling; whether Board members who are experiencing health emergencies should be allowed to attend Board meeting remotely without noticing their location; and whether the Board members may have appointed alternate members to represent their jurisdictions if they cannot attend Air District Board or committee meetings.

### Committee Action

Although no formal action was taken, there was consensus among the Committee members present to recommend that Board members attend one Board meeting per month (first Wednesday of the month) at 375 Beale Street, San Francisco, California, 94105, at the new start time of 10:00 a.m., in person, with no remote participation allowed except for testing positive for COVID-19. The Board's committee meetings may continue to utilize remote locations/satellite offices, but Air District staff will not staff those locations.

The Committee provided the following staff direction:

- Bring the Board a proposed plan for sharing permanently leased remote meeting locations with other Bay Area regional agencies, as agencies have expressed such interest.
- Survey the Board members regarding where they are willing to commute for Air District meetings and bring back a suggested maximum number of remote locations.
- Allow the Committee to bifurcate potential elements of a policy that Air District staff proposed, moving forward with the elements that the Committee *deemed acceptable*, and continuing to develop the others:

1. Only use Board members' offices available for free that can be staffed by their teams.
2. *Limit teleconferencing to locations within the Air District's jurisdiction.*

3. *Require training with Executive Office staff for those assisting at remote locations.*
4. Require notification of remote location a minimum of 30 days before meeting.
5. *Require a primary and secondary point of contact (POC) for each remote Board location.*
6. *Require Board member staff to post meeting notices, open the space, connect with Beale St., and provide technical assistance as needed.*
7. *Require an agreement guaranteeing the selected requirements will be met.*
8. Work on securing permanent satellite locations in the North Bay and South Bay.

## **OTHER BUSINESS**

### **7. PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

### **8. COMMITTEE MEMBER COMMENTS**

None.

### **9. TIME AND PLACE OF NEXT MEETING**

Wednesday, October 4, 2023, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.

### **10. ADJOURNMENT**

The meeting was adjourned at 3:33 p.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson John J. Bauters and Members  
of the Administration Committee

From: Philip M. Fine  
Executive Officer/APCO

Date: October 4, 2023

Re: Hearing Board Quarterly Report: April - June 2023

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

This report covers the second calendar quarter (April – June) of 2023.

- Held no hearings;
- Processed two orders: and
- Collected a total of \$20,128.00 in Hearing Board filing fees

Below is a detail of Hearing Board activity during the same period:

**Docket: 3741 – Berkeley Landfill – Request for Interim and Regular Variances**

**Location:** Alameda County; City of Berkeley

**Regulation(s):** Regulation 8, Rule 34, Section 301.1 & 113.2 (Organic Compounds, Solid Waste Disposal Sites, Landfill Gas Collection and Emission Control System Requirements)

**Synopsis:** The Berkeley Landfill, which has been closed since 1983, is currently developed as a City park known as Cesar Chavez Park and is undergoing post-closure monitoring and maintenance through various programs administered by CalRecycle, San Francisco Bay Regional Water Quality Control Board, and the Air District. The City of Berkeley (Applicant) owns and operates Berkeley Landfill.

From Applicant:

*The Landfill's GCCS collects landfill gas (LFG) from all areas of the landfill and sends it to a flare station where the LFG is combusted within an enclosed flare. The Landfill, which was constructed on reclaimed tidelands of San Francisco Bay, began receiving waste in 1961 and continued operations until 1983. The GCCS for the site was installed and became operational in 1988. In March 2009, the City petitioned for a Less than Continuous (LTC) Operation allowance for the GCCS. The petition was approved on April 30, 2009 and was repeatedly renewed on a 3-year cycle until the installation of a new, smaller flare was completed in May 2019. As the Landfill was operating on a LTC basis historically, there has not been a concern of exceeding the requirements of Air District Regulation 8, Rule 34, Part 113.2, which allows for up to 240 hours of inspection and maintenance downtime of the GCCS. In 2022, a petition for the continued LTC operation status at the Landfill was submitted to the Air District's Permitting Division. Upon multiple information requests from the Air District for additional data and the Landfill providing said additional data, the Landfill decided to withdraw the petition as the Air District's Permitting Division believed massive upgrades were required on the wellfield before they would re-grant the LTC operation status.*

*In 2015/2016, the City performed extensive below grade LFG vertical extraction well component upgrades (including lateral pipelines, valves, test ports and security access vaults) and replacements at the Landfill. Therefore, the City believes that no wells require additional repairs at this time, as the LFG composition and generation volume is representative of the age of the landfill and waste placed within.*

*As the 2022 petition for LTC was not granted by the Air District and subsequently withdrawn by the City, going into 2023, the Landfill was required to utilize the downtime hours as allotted by 8-34-113.2 for qualifying events per Air District Compliance Advisory issued in November 2018. As 2023 commenced, there were two issues which caused GCCS downtime to accrue at an unexpected rate, the first being thermocouple failure, and the second being heavy precipitation.*

*In the beginning of 2023, there was an unprecedented amount of liquid infiltrating the GCCS at the Landfill due to heavy precipitation events. The system was simply not designed for the massive quantities of liquids which occurred in early 2023. There had been condensate buildup within the below grade piping systems due to saturated site conditions and the condensate sumps were unable to drain at an appropriate rate because of the heavy rains. Initially, the Landfill planned to have a vacuum truck onsite to remove the liquids, yet the ground was so saturated that it could not safely access the location to extract liquids. Within five days, the heavy liquids naturally drained from the system. As a result of the unprecedented weather conditions and the system being unable to clear the liquids, there were prolonged periods of downtime at the flare, resulting in GCCS downtime. In addition to the unprecedented weather conditions, the thermocouples in the flare were glitching causing shutdowns and prevented remote restarts. This caused prolonged downtimes as the flare then was required to be manually restarted in these events, which required personnel to travel to site for the manual restarts taking much longer than remote restarts.*

*The issues from the thermocouples first occurred in January 2023, yet it was unknown at that time that they both required full replacements. It was not until later in April 2023 it was identified that the thermocouples were damaged and it was necessary for the equipment in the flare to be replaced. The thermocouples and thermocouple card, which controls the thermocouples, were replaced promptly once it was identified replacements were needed, yet downtime then occurred at the flare to allow for the replacement of the thermocouples.*

*The GCCS will continue to operate, but it is unknown what event(s) could occur which may trigger additional downtime. As noted above, the depleted LFG available for recovery make it difficult to maintain continuous operation at the flare.*

The Applicant requested a regular variance to be allowed additional allowable GCCS downtime for the duration of 2023, beyond the Air District’s regulations.

**Requested Period of Variance:** May 26, 2023 to December 31, 2023.

**Estimated Excess Emissions:** (From the Applicant) *There have been no excess emissions at the Landfill, up to the present as some downtime is allowed up to 240 hours of downtime within a calendar year per the rule and Air District guidance. As it is not known the amount of downtime which may be required for the remainder of the year, we have conservatively estimated potential emissions based on the results of the 2022 source test at the flare, the historical flow rates and the methane concentrations in 2023. The tons per year were based on a conservative estimate of 240 hours of downtime beyond the original 240 hours of allotted downtime per 8-34-113.2.*

**Table 1. Estimated Excess Emissions (provide by Applicant)**

<b>Emissions</b>	<b>Lb/day</b>	<b>Tons/year</b>
<b>Volatile Organic Compounds (VOC)</b>	0.87	0.0043
<b>Non-Methane Organic Compounds</b>	0.89	0.0045
<b>Hazardous Air Pollutants</b>	0.05	0.0003

*Emissions estimates are based on proposed operation of 24 hours/day and 240 hours/year*

**Fees collected this quarter:** \$12,079.00

**Status:** Application for Regular Variance filed by Applicant on May 3, 2023; Application for (additional) Interim Variance filed by Applicant on June 6, 2023 (explanation letter filed on June 7, 2023); Notice of Hearings filed on June 7, 2023; Request to Withdraw Interim Variance Application (by Applicant) and subsequent Order for Dismissal of Interim Variance Application



filed on June 21, 2023; request for continuance of Regular Variance hearing by Applicant filed July 11, 2023; Notice of Continued Hearing filed on July 14, 2023; request for continuance of Regular Variance hearing by Applicant filed August 28, 2023; Notice of Continued Hearing filed on August 30, 2023; hearing now scheduled for November 7, 2023.

**Docket: 3742 – Tesla, Inc. – Appeal from Denial of Permit Application #31706, Issued May 17, 20**

**Location:** Alameda County; City of Fremont

**Regulation(s):** Regulation 2, Rule 2, Section 301 (Permits, New Source Review, Best Available Control Technology Requirement); and Regulation 2, Rule 5, Section 301 (Permits, New Source Review of Toxic Air Contaminants, Best Available Control Technology for Toxics Requirement).

**Synopsis:** Appellant operates an automotive manufacturing facility, and within the facility is the South Paint Shop Body Line.

From Appellant:

*The South Paint Shop Body Line is designed with an interlock between production and its abatement system, which consists of six thermal oxidizers. When an abatement device (i.e., thermal oxidizer) is not operating, the interlock is engaged and all production in the affected units stops. New parts are not introduced into the affected units and no new paint is sprayed. When a shutdown is unplanned, the VOC-laden air is vented differently for ovens and booths. The ovens are vented through the cooling, but still hot, thermal oxidizers. The booths, on the other hand, must purge through a bypass. This is done for safety reasons. It eliminates the possibility of an explosion caused by contact of VOC-laden air with hot surfaces in the thermal oxidizer. The danger of an explosion is present because VOC concentrations within the thermal oxidizer could increase if the combustion air supply (which dilutes the incoming VOC-laden stream when the thermal oxidizer is operating) is cut off by an unplanned shutdown. The bypass eliminates this danger by preventing contact between VOC-laden air and ignition sources. This danger is present in the booths, but not the ovens, because VOC concentrations in the booth exhaust are normally higher than the oven exhaust. As illustrated below, emissions during these bypass events do not exceed any TAC trigger levels in District Regulation 2-5.*

*On April 21, 2022, Tesla submitted an application to revise one condition in the operating permit for the SPS Body Line. Specifically, Tesla sought to revise Permit Condition 27161, Part 15, which currently states: “The owner/operator of A-30192, A-1007, A-30180, A-30181, A-30182, and A-30183 shall ensure that the POC/NPOC emissions from S-1002, S-1007, S-4036, S-4037, S-4038, S-4039, and S-4041 are abated at all times of operation by the properly installed, properly operated, and properly maintained Thermal Oxidizers A-1002, A-1007, A-30180, A-30181, A-30182, and A-30183, respectively.”*

*Tesla's requested revision was to add, " In the event of an unplanned shutdown of the South Paint Sources (S-1001, S-1002, S-1005, S-1007, S-4033, S-4034, S-4035, A-4036, S-4037, S-4038, S-4039, S-4040, S-4041, and S-4042) or Abatement device4s (A-30192, A-1007, A-30180, A-30181, A-30182, and A-30183), the owner/operator shall calculate emissions from such events and include these emissions for the purposes of determining compliance with Part 2. For the purposes of determining compliance with the twelve-month emission limits of Part 2, an unplanned shutdown or outage will not result in immediate violation of Part 2 or Part 15a, when the owner/operator would have otherwise complied, had the unplanned shutdown not occurred.*

*Nearly 10 months after Application 31706 was deemed complete and 7 months past APCO's regulatory deadline, Air Pollution Control Officer (APCO) denied Tesla's application, stating that "Application 31706, as submitted, would violate federal law and will not meet Air District Best Available Control Technology requirements set forth in Air District Regulation 2-2-301 and Best Available Control Technology for Toxics in Air District Regulation 2-5-301." Id. Oddly, in the year from when Application 31706 was submitted and receipt of the District's permit decision denying Application 31706, the District never raised questions about BACT applicability to Tesla.*

*The Denial should be reversed. First, the revision Tesla requested in Application 31706 does not constitute a permit modification under the District's rules. This in turn rendered much of the APCO's evaluation of Application 31706 unnecessary, let alone intrinsically flawed as factors were considered that do not apply to Tesla's request. Specifically, the Denial is justified solely by an alleged failure to comply with BACT and/or TBACT; however, the BACT and TBACT requirements are only triggered by a permit modification. Second, even if Application 31706 is a modification, BACT and TBACT are not triggered. The District made inaccurate presumptions that erroneously inflated the potential to emit the methodologies employed and calculations made by the District were erroneous. The District used a methodology that Tesla is unable to validate. Further, it conflicts with the methodology developed by the District during permit discussions, which would not trigger BACT or TBACT. Even under a conservative mass balance approach, BACT and TBACT are not triggered. Third, even if the requested revision was subject to BACT or TBACT (which Tesla disputes), operation of the equipment as proposed in the Application would comply with BACT and TBACT. The District's BACT/TBACT analysis did not provide any evidence that any existing similar facility is subject to, and in continuous compliance with, a requirement to operate a thermal oxidizer during unplanned shutdown of an automobile spray booth or oven. In the absence of such evidence, the requirement to use such equipment cannot be deemed "achieved in practice." Furthermore, the District did not perform the technological and economic feasibility analysis necessary to support a BACT determination that is not "achieved in practice." Therefore, because the Denial is justified solely by an incorrect conclusion that the application would fail to comply with BACT and/or TBACT, the Denial should be reversed. In addition, the APCO used different standards to evaluate Tesla. It did not adhere to the District's own long-standing processes and procedures when determining whether to grant the requested permit revision. By circumventing its processes, inappropriate assumptions were made, leading to incorrect conclusions about available BACT. Further, the APCO's suggestion in the Denial that Tesla can avail itself of the District's process in exercising enforcement discretion is a red herring. It is inappropriate to expect a permittee to rely on discretionary measures that are inherently subject to arbitrary application. As a permittee, Tesla*

*is entitled to predictable standards against which the permittee and the District will be measured, which is what Tesla requested by submitting Application 31706.*

*Tesla requests that the Hearing Board reverse the Denial and issue the permit revision as requested in the application, or with appropriate revisions to the text to achieve the objectives of the application (to include unplanned shutdown events in the authorized operation).*

**Fees collected this quarter:** \$8,049.00.

**Status:** Appeal filed by Appellant on June 20, 2023; Notice of Hearings filed on June 29, 2023 (Pro Forma Hearing on August 8, 2023 and Evidentiary Hearing on September 5, 2023); Pro Forma Hearing held on August 8, 2023; Order for Schedule of Pre-Hearing Actions filed on August 10, 2023; Notice of Continued (Evidentiary) Hearing filed on August 23, 2023; Revised Order for Schedule of Pre-Hearing Actions filed on September 1, 2023; Evidentiary Hearing scheduled for October 3, 2023.

Following the Pro Forma Hearing held on August 8, 2023, the Hearing Board issued ***Order for Schedule of Pre-Hearing Actions*** (filed on August 10, 2023). On August 31, 2023, the Air District requested two revisions to the aforementioned Order, which the Appellant and Hearing Board Chair accepted. The changes are underlined below:

***Revised Order for Schedule of Pre-Hearing Actions***

- **Pre-Hearing Briefing Schedule:** The parties will conduct parallel briefing, with initial briefs from each party due to the Hearing Board on September 19, 2023. Reply briefs due from each party on September 26, 2023.
- **Pre-Hearing Motion Schedule:** Any motions by the parties are due by September 12, 2023, with replies due September 19, 2023. The Hearing Board will hear all motions filed on October 3, 2023.
- **Certification of a Record:** The parties will agree on a record of the appeal and propose to lodge it with the Hearing Board by ~~the end of August 2023~~September 19, 2023.
- **Stipulation of Facts:** The parties will jointly file the stipulation of facts with the Hearing Board by ~~September 8, 2023~~September 19, 2023.
- **Witnesses:** The parties will exchange witness lists by September 22, 2023.

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None.

Respectfully submitted,

*/S/ Valerie J. Armento, Esq.*

Valerie J. Armento, Esq.  
Chairperson, Hearing Board

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John J. Bauters and Members  
of the Finance and Administration Committee

From: Philip M. Fine  
Executive Officer/APCO

Date: October 4, 2023

Re: Proposed Update of the Administrative Code

RECOMMENDED ACTION

Staff have been working closely with the Ad Hoc Committee on Administrative Code Updates, and based on direction from that Ad Hoc Committee, staff have developed the following documents (copies of which are attached):

- (i) Proposed Revised Administrative Code; and
- (ii) Proposed Board Rules of Procedure.

Staff recommend that the Finance & Administration Committee approve these documents and recommend them to the full Board of Directors for adoption, to be adopted with an effective date of January 1, 2024.

With respect to the proposed revised Administrative Code, staff request that the Finance & Administration Committee recommend adoption of the revised Code either *with* the provision in Section 2.12 requiring Board members to use Air District email addresses, or *without* that provision. The Ad Hoc Committee did not have a recommendation on that provision one way or the other. This issue is discussed in more detail below.

BACKGROUND

The Air District's Administrative Code is outdated and in need of updating. Much of the current Code dates to the 1990s, and it does not align with current law. In addition, it is cumbersome and inefficient, difficult to use, and does not comport with current best-practice standards.

The Board of Directors discussed this situation at its retreat on March 1, 2023, and gave direction to staff to undertake a complete overhaul of the current Administrative Code. Staff have been working on this project since that time, in conjunction with an Ad Hoc Committee of the Board of Directors composed of Chair Bauters and Directors Barnacle, Jue and Melgar.

Staff initiated a Request for Proposals for the administrative code update project, and based on the proposals received selected Renne Public Law Group, a law firm in San Francisco specializing in all aspects of California public agency law. Renne Public Law Group put together a team of specialists in multiple relevant areas, led by partner Amy Ackerman, head of the firm's Government Practice Group. Ms. Ackerman and her team from Renne Public Law Group were joined by District Counsel Alexander Crockett, Interim Chief Operating Officer Sharon Landers, Acting Deputy Executive Officer for Administration (now Chief Technology Officer) John Chiladakis, and Director of External Affairs Lisa Fasano. These staff members, along with Ms. Ackerman and her colleagues from Renne Public Law Group, made up the staff team for this project.

The staff team realized at the outset that the project would need to be divided into two phases, for a number of reasons. **Phase One** is the current phase, and it will overhaul Division I and Division II of the current Administrative Code, which contain the Operating Policies & Procedures and Fiscal Policies & Procedures, respectively. The proposed Administrative Code being presented to the Finance & Administration Committee today will replace these provisions. **Phase Two** of the project will address Division III of the current Administrative Code, which contains the Personnel Policies & Procedures. Division III is in need of an update for the same reasons as Divisions I and II, and the staff team has begun to look at the process for doing so. But that portion of the overall update project will be implemented next year, in Phase Two, in part because some of those policies and procedures will be subject to negotiation with the Employees Association (EA). It is important to provide sufficient time to engage cooperatively with the EA in developing revised personnel policies and procedures that comport with current best-practices standards. We anticipate that this process will result in improved personnel policies and procedures that will benefit all parties.

Focusing on Phase One of the project, the staff team met regularly with the Ad Hoc Committee to develop the proposed Administrative Code and Board Rules of Procedure being presented to the Finance & Administration Committee today. This included an early meeting to discuss the conceptual design of the project, and subsequent meetings as Ms. Ackerman and the rest of the staff team drafted the code and rule provisions and finalized the language of the documents. The Ad Hoc Committee and the staff team are jointly recommending to the Finance & Administration Committee that the Committee recommend adoption of these documents to the Board of Directors.

## DISCUSSION

As directed by the Ad Hoc Committee, Ms. Ackerman and the rest of the staff team have followed several guiding principles in developing the proposed new Administrative Code. The fundamental goals of the Ad Hoc Committee and the staff team have been to ensure that the Air District's Administrative Code is consistent with current law; that it promotes effective oversight of Air District functions by the Board of Directors; that it promotes transparency in all of the agency's programs and operations; that it incorporates current best practices for public agency management and administration; and that it streamlines the work of the Board of Directors so the Board can perform its functions in an efficient manner.

One of Ms. Ackerman's first recommendations consistent with these principles was to address the level of detail appropriate for the Administrative Code, as compared with implementation policies that specify procedures to govern specific agency program or functions. The current Administrative Code does not strike the right balance in this respect, with no provisions addressing some important areas, and overly detailed provisions governing the smallest minutiae in others. For example, the current Administrative Code has a provision specifying that agency memoranda should be dated. (*See* Div. I, § 12.1) Putting the date on a memorandum is certainly good practice. But it is not something that needs to be specified in the agency's Administrative Code.

Ms. Ackerman therefore suggested separating out much of the detail in the current Administrative Code into policy documents. The Administrative Code should set forth the rules and principles under which the Air District will govern itself, with the details of implementation left to the policies – similar to the relationship between an agency's authorizing statutes and its implementing regulations. The Ad Hoc Committee approved of this approach and directed the staff team to go ahead with it.

Consistent with this approach, the proposed new Administrative Code provides for how the Board of Directors and related bodies (the Advisory Councils and Hearing Board) will conduct their business. To accompany the Code, staff are preparing a comprehensive suite of implementation policies, including:

- An Executive Leadership Continuity Policy
- A Records Management and Retention Policy
- A Non-Discrimination Policy
- A Procurement Policy
- A Grants Policy
- A Sponsorship Policy
- An Expense Reimbursement Policy.

Some of these have already been approved by the Board of Directors, and others will be drawn from existing provisions in the current Administrative Code that will be moved into a policy document. But in all cases, the staff team is using this opportunity to evaluate these policies and see if there are opportunities for improvement. Staff plan to bring this suite of implementation policies to the Finance & Administration Committee at its November 1 meeting.

### **Proposed New Administrative Code**

Turning to the Administrative Code itself, the Ad Hoc Committee and the staff team are recommending a number of changes based on the guiding principles that have driven this project as outlined above. Significantly, the proposed new Administrative Code incorporates the following changes:

**Two-Officer Board Leadership Model:** The revised Code moves from the current three-officer Board leadership model, with a Chairperson, Vice-Chairperson, and Secretary, to a two-officer model, with only a Chairperson and Vice-Chairperson. The Secretary position is not crucial for the Air District’s Board, since the Board employs the service of a professional Clerk of the Boards to run meetings, keep a record the proceedings, and oversee the Board’s related administrative affairs. This two-officer model is used by the Metropolitan Transportation Commission (MTC) and South Coast Air Quality Management District, and it has worked successfully for those agencies.

**Two-Year Officer Terms:** The revised Code provides that the Chairperson and Vice-Chairperson will serve two-year terms, instead of the current one-year officer terms. Two-year terms allow for a greater focus on the Air District’s business by each individual member who serves in the officer roles, which will provide for more effective oversight. This is also the approach MTC and the South Coast air district use for their two-officer model, and again it has worked successfully for those agencies.

**Streamlined Board Committees:** The revised Code consolidates the Board’s standing committees into four main committees corresponding to the principal areas of the Board’s work (plus the Nominating Committee, which is specialized committed that meets only to nominate candidates for officer positions). Specifically, the three committees that currently deal with grants, advocacy, and similar areas outside of the Air District’s core stationary-source regulatory function – which are the Mobile Source & Climate Impacts Committee, the Legislative Committee, and the Technology Implementation Office Steering Committee – would be merged into a new, consolidated Policy, Grants & Technology Committee that would have jurisdiction over all of these related areas. With this consolidated committee, the Board’s four main standing committees would be:

1. The **Stationary Source Committee**, with jurisdiction over the Air District’s core regulatory function of regulating emissions from stationary source of air pollution;
2. The **Community, Equity Health & Justice Committee**, with jurisdiction over the Air District’s equity-related work;
3. The new **Policy, Grants & Technology Committee**, which will address all the other areas besides stationary-source regulation in which the Air District seeks to encourage a lower-emissions, decarbonized Bay Area through advocacy and incentivizing clean air choices; and
4. The **Finance & Administration Committee**, which will handle all of the administrative matters regarding how the agency runs itself.

This consolidated committee structure will streamline the number of committees, which means fewer committees that Board members need to sit on; fewer meetings for Board members to attend; and fewer meetings that staff have to support – which will lead to overall efficiency improvements while still giving a space for all of the Air District's important work be heard in a committee.

**Board and Committee Meeting Schedules:** Per direction from this Committee at its last meeting, the Code moves to a meeting schedule of one regular Board meeting a month, with the potential for a second meeting in months when it may be necessary, for example around budget time. Additional regular meetings would be specified in an annual Board and committee meeting



schedule adopted at the beginning of each year. Per this Committee’s direction, Board meetings would be in-person at the Air District’s Beale Street headquarters, with no provisions for remote teleconferencing (except for AB 2449 "just cause" remote participation), with a 10:00 am start time to make sure members have sufficient travel time. Committee meetings will continue to use remote teleconferencing options.

**Quorum Required for All Board and Committee Meetings:** The new Code specifies that Board and Committee meetings cannot be held unless a quorum is present. The current code provides that committees can meet without a quorum, as long as they do not take action, which raises some significant Brown Act concerns and is not recommended. To alleviate these concerns, the new Code provides that a quorum needs to be present for any meeting to go ahead.

**Codify Community Advisory Council in Administrative Code:** The new Code formally codifies the Community Advisory Council, or CAC, for the first time, which will give it equal dignity with the Board’s technical Advisory Council and put it on the footing it deserves in the Administrative Code. There would be no change to the CAC as it is currently constituted. The new Code incorporates the CAC governance structure that the Board recently approved in July, but formally codifies it as an official part of the Air District’s Administrative Code.

**Specify Board and Council Compensation Amounts in Code:** The new Code specifies provisions for compensation for meeting attendance for members of the Board of Directors, Advisory Council, Community Advisory Council, and Hearing Board. The one notable change to current practice in this area is that the Code will provide for compensation for Advisory Council members for the first time. Compensation for the Advisory Council, whose members put in a great deal of time advising the Air District on technical matters related to air quality, was recently authorized by a change in state law that will allow such compensation starting January 1, 2024. The staff team are recommending compensation for Advisory Council members at a rate of \$200 per meeting.

**Single Comprehensive Expense Reimbursement Policy:** The staff team are also preparing a single, comprehensive expense reimbursement policy that will apply to the Board and to all of these other bodies, based on the Board’s own current expense reimbursement rules. Having a single policy applicable to all of these bodies will promote consistency and make it easier for staff to process reimbursement requests. Members of the CAC, Advisory Council, and Hearing Board will be subject to the same expense reimbursement rules as the Board of Directors.

**Codify Roles of APCO, General Counsel, and Clerk of the Boards:** The new Code specifies the powers and duties of the Air Pollution Control Officer (APCO) and General Counsel, the two staff positions that report to the Board of Directors. The Code specifies that the APCO is the sole appointing authority for Air District staff positions (except for positions in the Office of the General Counsel), with no role for the Board of Directors in such decisions. The Code specifies that the General Counsel is the appointing authority for positions in the General Counsel’s office, and has contracting authority to retain outside counsel. The Code also changes the terminology from the current “District Counsel” to the more widely understood “General Counsel,” which is what the chief legal officer is called at most public agencies, including MTC and the South Coast air district. The Code also specifies the role and duties of the Clerk of the Boards, who performs a number of functions referred to throughout the Code.

**\$200,000 Contracting Authority for Procurement Expenditures:** The new Code revises the current code's financial provisions to promote more effective and efficient financial management and oversight. It codifies the Air District's budget preparation and approval process, as well as the provisions governing the agency's annual audits. The new Code also updates the current code's procurement and contracting provisions. Specifically, it increases the APCO's contracting authority from \$100,000 to \$200,000 without requiring Board approval (although any contracts over \$100,000 will still have to be reported to the Board). The current \$100,000 contracting authority limit was adopted many years ago, and inflation has reduced the effective purchasing power of that limit such that the Board is now being asked to consider and approve relatively small contracts. Increasing the limit to \$200,000 will reduce the volume of contracts the Board needs to consider and allow the Board to focus on truly significant agency expenditures, while still retaining Board visibility into all contracts over the current \$100,000 threshold.

The new Code also provides exceptions in case of emergency or where the APCO cannot appropriately execute a contract due to legal, confidentiality, or personnel reasons, or because other good cause exists. These exceptions are intended to be narrowly applied and used only in extremely unusual circumstances. But they are necessary to ensure that contracts can be executed when necessary to address emergent situations.

**Incentive Grants Authority Remains at \$500,000:** On April 6, 2023, the Board of Directors increased the APCO's authority to execute grant agreements and amendments for voluntary emissions reduction projects that are funded by state revenues and local vehicle registration fees up to \$500,000. The new Code codifies the APCO's authority to award grants for these projects up to the previously authorized \$500,000 threshold. All other grants will be subject to the \$200,000 APCO authority limit that applies to procurement contracts.

**\$50,000 Authority to Settle Legal Claims:** The new Code also authorizes the APCO to settle legal claims up to \$50,000 without Board approval, although all such settlements would have to be reported to the Board. Any settlement over \$50,000 would require Board approval. This threshold would allow the APCO to settle minor claims without the need for Board involvement or action.

**Develop New Procurements, Grants and Sponsorships Policies for Board Approval:** The new Code also requires the APCO to develop policies to govern financial expenditures for approval by the Board of Directors -- including a Procurement Policy, a Grants Policy, and a Sponsorships Policy. These policies will specify procedures and protocols to protect public funds and to ensure that funds are being expended consistent with the Air District's mission, applicable legal requirements, and government contracting best practices. Staff are working on these policies now and intend to bring them before this Committee at its November 1 meeting.

**Non-Interference in Administrative Affairs:** The new Code states explicitly that members of the Board of Directors may not give direction to Air District staff except through the APCO (or subordinates if the APCO has given express consent), and only as a collective body and not as individual Board members. This is an important principle of good governance and is implicit in the Board's relationship with staff already. This new provision would make this restriction explicit in the Administrative Code. Violations of the non-interference requirement would

constitute official misconduct and would be subject to enforcement as provided for under the proposed Board Rules of Conduct (see below).

**Use of Electronic Signatures:** Use of electronic signatures is commonplace in the modern world to reduce paperwork burdens associated with signing physical documents. The new Code would specify formal procedures for the use of electronic signatures to ensure consistency with the Uniform Electronic Transactions Act (Cal. Civil Code § 1633.1 *et seq.*).

**Use of Air District Email Addresses:** The new Administrative Code as presented to the Committee today contains a provision requiring Board members to use Air District email addresses (e.g., [name@baaqmd.gov](mailto:name@baaqmd.gov)) for Air-District-related business. (See Section 2.12 of the draft Code.) Using Air District email addresses will mean that Board members' email communications regarding Air District business will reside on the Air District's servers, allowing the District to retain control over members' emails relating to District business and continue to be able to access them after members finish their service on the Board. This will make it easier for the Air District to respond to Public Records Act requests, because District staff will be able to conduct searches of Board members' emails on the Air District's servers and will not require the Board members to conduct those searches. (Members will still need to conduct searches of any other email addresses they use to communicate about Air District business, but if they solely or primarily use their Air District address, that task will become much simpler.) It will, however, require Board members to monitor an additional email address. **The Ad Hoc Committee did not make a recommendation one way or another regarding this proposal. Staff are therefore requesting direction from this Committee on how to proceed.** If the Committee votes to recommend the Administrative Code to the Board of Directors *with* this provision, staff will retain the provision in Section 2.12 as currently written. If the Committee votes *not* to recommend this provision, staff will delete Section 2.12 in the version that is presented to the Board.

### **Proposed Board Rules of Procedure**

In addition to the new Administrative Code, the Ad Hoc Committee and the staff team have developed the attached Board Rules of Procedure, which set forth the procedures for how the Board will hold meetings and conduct business. The Rules cover matters such as calling meetings, setting the agendas, the order of business at meetings, procedures for public comment, closed session procedures, quorum, and voting.

Of particular note given some recent events at Board and committee meetings, the Rules of Procedure specify principles and procedures for public participation and comment at meetings. The Rules affirm the rights of all members of the public to make comments – even those critical of the Air District – but also provide procedures to remove commenters if they make discriminatory or harassing comments that disrupt the meeting and the Board's ability to conduct its business. These procedures have been vetted by outside counsel to ensure consistency with the First Amendment and related free-speech law.

The Rules of Procedure also contain a Code of Conduct for Board Members requiring civility and decorum among members. The Rules also provide an enforcement mechanism in the event that a member is determined to have violated the Administrative Code, the Rules of Procedure, or any other Board-approved policy. In such instances, the Rules authorize the Board of

Directors to (i) adopt a resolution to censure the member; (ii) adopt a resolution that does not censure the member, but expresses the Board’s disapproval over the violation; (iii) remove the member from Board committees; (iv) if the member serves in an officer position, to remove the member from that position; and/or (v) inform the member’s appointing authority of the Board’s action related to the member.

**Next Steps**

The proposed revised Administrative Code and proposed Board Rules of Procedure are attached for the Committee’s review. In addition, the current Administrative Code is attached for reference.

On behalf of the Ad Hoc Committee, the staff team respectfully requests that the Finance and Administration Committee recommend the proposed revised Administrative Code and proposed Board Rules of Procedure for approval by the Board of Directors (either with or without the provision requiring the use Air District email addresses, as noted above). The proposed effective date for the new Code and Rules is January 1, 2024.

The staff team also intends to bring the Implementation Policies referred to above to this Committee at its November 1 meeting, and request that the Committee recommend those for Board approval as well. If this Committee recommends approval, the Administrative Code, the Rules of Procedure, and the Implementation Policies will be presented to the Board of Directors for its consideration and approval at the November 15 Board meeting.

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None.

Respectfully submitted,

Philip M. Fine  
Executive Officer/APCO

Prepared by: Alexander Crockett  
Reviewed by: Sharon Landers

**ATTACHMENTS:**

- 1. Draft Administrative Code
- 2. Draft Board Rules of Procedure
- 3. Current Admin Code - As Revised 9-6-2023



# **Bay Area Air Quality Management District Administrative Code**

**DRAFT**

**For Consideration at  
Finance & Administration Committee  
Meeting, October 4, 2023**

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## **Bay Area Air Quality Management District Administrative Code**

### **Section One. Title and Purpose**

#### **1.1 Title**

This Code shall be known as the “Bay Area Air Quality Management District Administrative Code” or “Air District Administrative Code.”

#### **1.2 Purpose and Overview**

This Code sets forth the governance, administrative, and financial provisions for the Bay Area Air Quality Management District (hereafter “Air District”), the method of appointment of Air District employees, and procedures for the operation and management of the Air District.

The Air District is an independent special district created, pursuant to Chapter 4 of Part 3 of Division 26 of the California Health and Safety Code, to regulate stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties.

#### **1.3 Adoption and Amendment of the Air District Administrative Code**

This Code is adopted and may be amended by ordinance of the Board of Directors, after review and recommendation by the Finance and Administration Committee. The Board of Directors shall ensure that the Air District Administrative Code is reviewed at least every five (5) years, and the Board of Directors shall approve amendments, as necessary.

#### **1.4 Air District Seal**

The Air District may provide for and adopt an official seal. The seal of the Air District shall be used only for purposes directly connected with the official business of the Air District.

#### **1.5 Non-Discrimination**

The Air District is committed to non-discrimination and equity throughout the organization and in carrying out the agency’s mission. The Board of Directors shall adopt by resolution a Non-Discrimination Policy to articulate this commitment and to ensure compliance with all legal obligations, including without limitation the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, Title VI of the Civil Rights Act of 1964, and California Government Code Section 11135. The Air Pollution Control Officer (“APCO”) shall implement this Non-Discrimination Policy and shall ensure that the Policy is communicated in a transparent fashion to Air District staff and to the public and is posted on the Air District’s website.

## **Section Two. Board of Directors**

### **2.1 Appointment**

The Board of Directors is the governing body of the Air District and consists of members appointed pursuant to Article 3 of Chapter 4 of Part 3 of Division 26 of the Health and Safety Code. (Health and Safety Code section 40220 *et seq.*)

### **2.2 Terms**

Each member of the Board of Directors appointed by a board of supervisors shall hold office for a term of four years and until the appointment and qualification of their successor, and each member appointed by a city selection committee shall hold office for a term of two years and until the appointment and qualification of their successor. (Health and Safety Code section 40222.)

### **2.3 Quorum**

A majority of the members of the Board of Directors constitute a quorum for the transaction of business. The Board may meet only when a quorum is present. (Health and Safety Code section 40226.)

### **2.4 Action**

Unless otherwise specified in state law or this Administrative Code, an action of the Board of Directors shall require the presence of a quorum and the affirmative vote of a majority of the total membership of the Board. The Board may act by ordinance, resolution, or motion. (Government Code section 54952.6; Health and Safety section 40226.)

### **2.5 Rules of Procedure**

The Board of Directors shall adopt Rules of Procedure to govern the conduct of its meetings. The Board of Directors may amend those Rules to conform to changes in law or as otherwise needed.

### **2.6 Board of Directors Meetings**

#### **(a) Location**

All regular meetings of the Board of Directors and all regular meetings of Board Committees shall be held at the offices of the Air District located at 375 Beale Street, San Francisco, California.

#### **(b) Regular Meeting Time**

The Board of Directors shall adopt annually by resolution a schedule of regular meetings for each calendar year. Regular meetings of the Board of Directors shall be held on the first Wednesday of each month, beginning at the hour of 10:00

a.m., and at additional dates and times as specified in the annual meeting schedule adopted by the Board.

(c) Special Meetings

A special meeting may be called whenever the business of the Air District may require it. A special meeting may be called at the request of the Chairperson of the Board of Directors in consultation with the APCO, or at the request of a majority of the members of the Board of Directors. Whenever a special meeting is called, notice shall be given to each member of the Board of Directors at least twenty-four (24) hours in advance, and to others as required by law, stating the date and hour of the meeting, the location of the meeting, and the purpose for which the meeting is called. No business shall be transacted at the meeting except as stated in the notice. (Government Code section 54956.)

(d) Use of Remote Teleconferencing

The Board of Directors shall hold all regular meetings in person at the location specified in subsection 2.6(a) above, without provision for members to participate via remote teleconferencing technology (except that members may participate for “just cause” or “emergency circumstances” as provided for under Government Code section 54953(f), to the extent that all the requirements of that provision are satisfied). The Board of Directors shall hold all special meetings in person without remote teleconferencing in the same manner as regular meetings as provided in the preceding sentence, except that special meetings for the sole purpose of holding a closed session may be held using remote teleconferencing technology to the extent permitted under Government Code section 54953(b). As a courtesy to and for the convenience of members of the public, the Board of Directors may provide a webcast or streaming service for any meeting to allow members of the public to watch or participate in the meeting virtually. By choosing to participate in a meeting virtually, members of the public accept the risk that in the event of a disruption to the webcast or streaming service, the Board will continue with its meeting. (Government Code sections 54950 *et seq.*)

2.7 Officers

(a) Officers; Election, Removal

The Board of Directors shall elect a Chairperson and Vice-Chairperson. The Board of Directors shall elect these Officers in November prior to the commencement of the Officers’ terms, or as otherwise necessary to fill a vacancy. The Officers shall serve at the pleasure of the Board of Directors and may be removed by a two-thirds vote of the membership of the Board of Directors held at a regular meeting.

(b) Terms of Officers

The Chairperson and Vice-Chairperson shall serve two-year terms, which shall begin on January 1 of each even-numbered year. Members of the Board of Directors elected to serve as Chairperson and Vice-Chairperson for the one-year 2024 term under the predecessor to this Code shall serve in those positions for the two-year 2024-2025 term under this Code. No member of the Board of Directors may serve more than four years in any one office.

(c) Officer Rotation

The Officer positions shall be rotated among the members of the Board of Directors in a manner to assure participation in the affairs of the Air District from a wide representation of the membership. In selecting members to serve as Officers, the Board of Directors shall consider and balance representation by members appointed by Boards of Supervisors, members appointed by City selection committees, members from large counties, and members from small counties, as well as geographic representation from all parts of the Bay Area, although the Board need not follow any strict rule of rotation.

(d) Chairperson

The Chairperson's duties include without limitation:

- (1) Presiding over the meetings of the Board of Directors.
- (2) Signing all ordinances and resolutions adopted by the Board of Directors while the Chairperson presides.
- (3) Appointing members of committees of the Board of Directors.

(e) Vice-Chairperson

The Vice-Chairperson shall have the following duties:

- (1) In the event the Chairperson is unable to attend a meeting, the Vice-Chairperson shall preside over the meeting and shall sign ordinances and resolutions adopted at the meeting.
- (2) In the event that the Chairperson is unable, for whatever reason, to fulfill their term of office, the Vice-Chairperson shall succeed the Chairperson.

2.8 Non-interference in administration affairs

The Board of Directors and its members shall deal with the administration of the Air District only through the APCO, except for the purpose of inquiry, and neither the Board of Directors nor any member thereof shall give orders or direction to any subordinates of the APCO, without the express consent of the APCO. The APCO shall take their orders and instructions from the Board of Directors only when sitting in a duly held meeting of

the Board, and no individual member of the Board of Directors shall give any orders or instructions to the APCO.

Except as expressly provided in this Administrative Code, the Board of Directors, and its members, shall have no power or authority over, nor shall they dictate, suggest, or interfere with respect to, any appointment, promotion, compensation decision, disciplinary action, contract or requisition for purchase, or other administrative action or recommendation of the APCO.

Violation of this section of the Administrative Code constitutes official misconduct.

## 2.9 Compensation for attendance at meetings

Each member of the Board of Directors shall be entitled to compensation for attendance at meetings as follows:

### (a) Meetings eligible for Compensation

- (1) Meetings of the Board of Directors and of Board Committees; and
- (2) Other meetings while on official business of the Air District as authorized under the Meeting and Expense Reimbursement Policy adopted pursuant to Section 2.10.

### (b) Attendance requirements

A member of the Board of Directors shall be entitled to compensation for attending a meeting of the Board or a Board Committee only if:

- (1) The member arrives for the meeting no later than 30 minutes after the scheduled beginning of the meeting; and
- (2) The member is present at the meeting for at least three quarters ( $\frac{3}{4}$ ) of the total meeting time, including closed session time.

### (c) Amount of compensation

Members of the Board of Directors shall be entitled to compensation of one hundred dollars (\$100) per meeting for attendance at meetings under this Section 2.9, up to a maximum of two hundred dollars (\$200) per day; plus, compensation for active transportation travel calculated as specified in Paragraph (d) below. No Board member may receive compensation of more than six thousand dollars (\$6,000) in any calendar year for meeting attendance pursuant to this Section 2.9.

### (d) Active Transportation Calculation

Compensation for active transportation travel pursuant to Paragraph (c) above shall be calculated as follows:

(1) \$1.56 per mile for travel by personal/private non-motorized bicycle or similar nonmotorized pedal-operated vehicle; and

(2) \$1.50 per mile for travel on foot or by wheelchair.

For multi-modal travel, compensation shall be provided only for miles traveled using the alternative transportation travel modes specified in this Paragraph (d). Members shall provide to the Clerk of the Boards the date of travel, starting and ending points, and purpose of travel when claiming compensation, and must document the distance traveled with a printout from a map website such as Google Maps.

#### 2.10 Expense Reimbursement

Members of the Board of Directors are entitled to receive reimbursement for actual and necessary expenditures incurred in connection with the performance of their official duties. Pursuant to Government Code section 53232.2, the Board of Directors shall adopt a written Meeting and Expense Reimbursement Policy, at a public meeting, specifying the types of occurrences that qualify a member to receive reimbursement for expenses relating to travel, meals, lodging, and other actual and necessary expenses. The Expense Reimbursement Policy shall also apply to other boards and councils of the Air District as specified in this Code. Members of the Board of Directors and other covered boards and councils may receive reimbursement only as provided in the Policy and subject to the Policy's requirements. Members shall comply with the limits and reporting requirements of federal, state, and local law.

#### 2.11 Report of County Populations

Appointments to the Board of Directors are determined by the population of the counties within the geographical jurisdiction of the Air District at the time of appointment according to the provisions of Health and Safety Code sections 40221 and 40221.5. The Clerk of the Boards shall report to the Board of Directors each year the population of each county included, in whole or in part, within the Air District's jurisdiction according to the latest estimate prepared by the Demographic Research Unit of the Department of Finance. For counties for which only a portion of the county is included within the Air District's jurisdiction, the Clerk of the Boards shall report the population of that portion within the Air District's jurisdiction. (Health and Safety Code section 40220.5.) The Clerk of the Boards shall report the populations promptly after the Demographic Research Unit publishes its estimates.

#### 2.12 Use of Air District Email Addresses

Members of the Board of Directors shall use their Air District email address (name@baaqmd.gov) for email communications related to Air District business.

## **Section Three. Committees of the Board of Directors**

### **3.1 Purpose**

The Board of Directors establishes standing committees to advise and make recommendations to the Board on matters within the scope of the committee's jurisdiction. In addition to the functions specified herein, any committee may also consider additional matters as referred by the Board of Directors. Except where explicitly authorized in this Code, the standing committees shall not have authority to approve any action or policy on behalf of the Board of Directors, to alter, change, or reverse any action or policy established by the Board of Directors, or to authorize the expenditure of any funds.

In the normal course of business, matters will be considered by the relevant committee(s) before being considered by the Board of Directors. However, the Board of Directors may take up any matter directly, without previous consideration by a committee, when necessary and appropriate.

### **3.2 Standing Committees**

The standing committees of the Board of Directors are the following:

#### **(a) Community Equity, Health, and Justice Committee**

The Community Equity, Health, and Justice Committee advises and makes recommendations to the Board of Directors regarding equitable and inclusive actions the Air District takes to create a healthy breathing environment and clean air for the people of the Bay Area, regardless of race, ethnicity, age, gender identity, economic status, national origin, immigration status, ability, sexual orientation, or other distinguishing characteristics. The Committee oversees the development of policies for both internal and external operations impacting the Bay Area. Internal operations include applying an equity lens to programs, policies, and procedures related to staffing, recruitment, promotions, inclusive workplace practices, contracting for capital projects and services, and ongoing racial equity training. The committee prioritizes traditionally marginalized and underserved communities for investment opportunities to ensure communities overburdened by air pollution receive the programmatic, policy, and investment resources most needed.

The Community Equity, Health, and Justice Committee also advises and makes recommendations to the Board of Directors regarding the overall direction of the Air District's community engagement activities, civil rights compliance, and the implementation of Assembly Bill 617 (Stats. 2017, Ch. 136), including community selection and approval of Community Emission Reduction Plans. It is also the lead committee interacting and partnering with the Community Advisory Council. The Committee also advises and makes recommendations to the Board of Directors regarding grants related to matters within its jurisdiction.



(b) Finance and Administration Committee

The Finance and Administration Committee advises and makes recommendations to the Board of Directors relating to the administration of the Air District's programs and activities, including but not limited to policies regarding finance, procurement, employment, salaries, working conditions, insurance, and the retaining of consultants.

The Finance and Administration Committee advises and makes recommendations to the Board of Directors with respect to strategic planning regarding the goals and objectives of the Air District. The Committee considers and recommends to the Board of Directors each year proposed updates and/or changes to the Air District's strategic plan, considering the goals and objectives and short- and long-range plans of the California Air Resources Board, as appropriate. The Committee uses the strategic plan approved by the Board of Directors to review and develop the proposed budget each year.

The Finance and Administration Committee oversees the preparation of the Air District's annual budget and presents the annual proposed budget with recommendations to the Board of Directors. At budget review time each year, the Committee evaluates the Air District's goals and objectives, financial plan, and fee schedules and recommends appropriate changes to the Board of Directors. The proposed budget prepared by the APCO is automatically deemed referred to the Finance and Administration Committee for consideration, without need for further action by the Board of Directors.

The Finance and Administration Committee receives and reviews the Air District's annual audited financial statement reports from the independent financial auditors and reports any findings or recommendations to the Board of Directors. The Committee also receives and reviews reports from independent management performance auditors and reports any findings or recommendations to the Board of Directors.

The Finance and Administration Committee keeps itself informed as to the work of the Advisory Council and Hearing Board, and it recommends to the Board of Directors the appointment of members of the Advisory Council and Hearing Board whenever vacancies occur on those bodies.

The Finance and Administration Committee considers and recommends updates or revisions to this Code as may from time to time become necessary.

The Finance and Administration Committee is the successor to, and performs all the functions of, the Personnel Committee as that committee existed prior to January 1, 2023.

(c) Nominating Committee

The Nominating Committee considers and makes recommendations to the Board of Directors regarding candidates for Board Officer positions. In making its recommendations, the Nominating Committee shall consider the principles governing officer rotation as set forth in Section 2.7(c), although it need not follow any strict rule of rotation.

The Nominating Committee consists of the Chairperson of the Board, the past Chairperson of the Board, and three (3) appointees of the Chairperson of the Board (or in the event the past Chairperson is no longer serving on the Board, four (4) appointees of the Chairperson of the Board). The Chairperson shall appoint the Nominating Committee no later than October 15<sup>th</sup> of the final year of the Board Officers' terms, and the Committee shall meet in November of that year to recommend candidates to the Board of Directors for Board Officers for the upcoming terms. The Nominating Committee members shall serve until the appointment of a new Committee, and shall recommend candidates to the Board of Directors in the event a Board Officer position becomes vacant in the middle of a term.

(d) Policy, Grants, and Technology Committee

The Policy, Grants, and Technology Committee advises and makes recommendations to the Board of Directors on policies and funding related to sources and activities that affect air pollution and climate impacts that do not fall within the jurisdiction of the Stationary Source Committee. In particular, the Committee advises and makes recommendations to the Board of Directors on policies and funding related to transportation and mobile sources, as well as equity for impacted communities related to these sectors. The Committee also advises and makes recommendations to the Board of Directors on policies and funding to catalyze innovation and incentivize low-carbon-intensity practices. The Committee also advises and makes recommendations to the Board of Directors relating to legislative advocacy. The Committee adopts legislative priorities each year to guide the work of the Committee and Air District staff related to legislative advocacy.

(e) Stationary Source Committee

The Stationary Source Committee advises and makes recommendations to the Board of Directors relating to the air quality and climate impacts of stationary sources, including indirect sources. The Committee advises and makes recommendations to the Board of Directors regarding all aspects of the Air District's stationary source programs, including but not limited to the following: permitting, compliance, small business assistance, rule development, California Environmental Quality Act thresholds of significance, and state and federal regulations that affect stationary sources. The Committee advises and makes

recommendations to the Board of Directors regarding air quality planning and the development and implementation of State and Federal Air Quality Management Plans, as well as support for regional and local climate planning.

### 3.3 Standing Committee Procedures

#### (a) Meetings

The Board of Directors shall adopt annually by resolution a committee meeting calendar setting the time and place for meetings of each standing committee. Standing committees may hold any meeting using remote teleconferencing technology in accordance with Government Code sections 54953(b) and (f).

#### (b) Quorum and Action

A quorum of a standing committee is a majority of the members of the committee. A committee may meet only when a quorum is present. An action of a committee shall require the presence of a quorum and the affirmative vote of a majority of the total membership of the committee.

#### (c) Minority Report

A standing committee member may submit a Minority Report to accompany a committee recommendation submitted to the Board of Directors, provided that no Air District staff resources are used to prepare such a report.

### 3.4 Appointments to Committees

The Chairperson shall appoint members of the Board of Directors to the standing committees annually in January, or as soon thereafter as new members are named by their appointing authorities (except for the Nominating Committee, which shall be appointed as specified in Section 3.3(e)). The Chairperson may also appoint members at any time a vacancy occurs. The Chairperson shall ensure that Committee membership is rotated to provide equitable representation of cities and counties and geographical diversity to allow participation in the work of the Air District by as broad a representation as may be possible. In no event shall a committee be composed of a quorum of the Board of Directors or any committee of the Board.

### 3.5 Ad Hoc Committees

The Chairperson may establish ad hoc advisory committees, composed solely of members of the Board of Directors, constituting less than a quorum of the Board of Directors or any of its standing committees, to accomplish a specific task in a short period of time. The Chairperson shall appoint the members of those ad hoc Committees. The Chairperson shall create each ad hoc committee and appoint its members in writing, which shall specify the task of the committee. An ad hoc committee expires upon completion of its designated task. The Board of Directors may overrule the Chairperson's

decisions regarding the creation, appointment of members, or designated purpose of the ad hoc committee by majority vote. (Government Code section 54952(b).)

### 3.6 Removal of Committee Members

The Chairperson may remove a member from serving on a standing or ad hoc committee at any time. The Board of Directors may overrule the removal by a majority vote.

## **Section Four. Advisory Council.**

### 4.1 Advisory Council

Pursuant to Health and Safety Code section 40261, the Board of Directors shall appoint a Bay Area Air Quality Management Council (also known as the Advisory Council) to advise and consult with the Board and the APCO on matters referred to it by the Board of Directors or the APCO. Members serve at the pleasure of the Board of Directors and may be removed at any time by a majority vote of the Board of Directors.

### 4.2 Membership

The Advisory Council shall consist of seven members who are skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution, plus one liaison member from the Board of Directors. Advisory Council members shall be selected to include a diversity of perspectives, expertise, and backgrounds. The APCO shall develop position qualifications for serving on the Advisory Council, which shall be approved by the Board of Directors.

### 4.3 Terms of Office

#### (a) Term of Office

Each Advisory Council member shall hold office for a term of two years and until the appointment and qualification of the member's successor.

#### (b) Limitations of Term of Office

The Board of Directors shall not re-appoint a member of the Advisory Council who has served on the Council for twelve (12) consecutive years. A person who has served on the Advisory Council for twelve (12) consecutive years is eligible for re-appointment after an absence of two (2) years from the Council.

### 4.4 Meetings

The Advisory Council shall meet four (4) times each year, or more frequently if the Board of Directors or Advisory Council deems necessary.

#### 4.5 Compensation; Expenses

##### (a) Compensation for Attendance at Meetings.

Members of the Advisory Council shall be entitled to compensation of two hundred dollars (\$200) per meeting for attending meetings of the Advisory Council and other authorized meetings as specified in the Meeting and Expense Reimbursement Policy adopted pursuant to Section 2.10.

(Health and Safety Code section 40266.)

##### (b) Expense Reimbursement

Members of the Advisory Council shall be entitled to reimbursement for actual and necessary expenses incurred by them in attending meetings of the Advisory Council and Advisory Council committees of which they are a member in accordance with the Expense Reimbursement Policy adopted pursuant to Section 2.10.

(Health and Safety Code sections 40260-40268.)

### **Section Five. Community Advisory Council**

#### 5.1 Community Advisory Council

The Board of Directors shall appoint a Community Advisory Council to provide guidance to the Board of Directors on programs and policies that impact all communities, including overburdened communities, within the Air District's jurisdiction; to make recommendations to the Board of Directors on equity and environmental justice matters to improve air quality in all communities, prioritizing the most impacted communities; to meaningfully engage impacted communities to represent and address stakeholders' interests; to advise Air District leadership on community-related matters to advance an equity-forward policy agenda; and to carry out any additional duties as the Board of Directors may prescribe. The Community Advisory Council shall be governed in its work by a Governing Structure adopted by the Board of Directors ("Governing Structure").

#### 5.2 Membership

In accordance with the Governing Structure, the Board of Directors shall appoint seventeen (17) members to the Community Advisory Council, who shall serve at the pleasure of the Board, as follows: Four (4) members shall live or work in Alameda County; four (4) members shall live or work in Contra Costa County; one (1) member shall live or work in the City and County of San Francisco; one (1) member shall live or work in San Mateo County; two (2) members shall live or work in Santa Clara County; one (1) member shall live or work in Solano County; two (2) members shall be youths who are between the ages of fourteen and twenty-four at the start of their term; and two (2) members shall serve in at-large seats. The Board of Directors shall grant priority to individuals living or working in Marin, Napa, or Sonoma counties or individuals with

special expertise, such as wildfire management, when filling the at-large seats. A minimum of seventy percent (70%) of members shall be residents living in the County represented, and no more than six (6) members may represent a County where they work for the benefit of overburdened communities. If selected to fill a seat, a representative of a business holding an Air District permit, or of an industrial company subject to regulation, shall be a non-voting member.

### 5.3 Terms of Office

#### (a) Term of Office

The Board of Directors shall appoint each member to a two-year or four-year term, in accordance with the Governing Structure. A member's term shall end upon expiration of the two- or four-year term, removal by the Board of Directors, or upon other disqualifying event as provided for in the Governing Structure.

#### (b) Term Limits

No member shall serve on the Community Advisory Council for more than eight years.

#### (c) Vacancy

In the event of a vacancy, the Board of Directors may appoint a new member to fill the vacant seat for the remainder of the term.

### 5.4 Meetings

The Community Advisory Council shall set, by resolution, a regular time and place for meetings.

### 5.5 Compensation; Expenses

#### (a) Compensation for Attendance at Meetings and for Other Activities

Members of the Community Advisory Council shall be entitled to compensation for their time spent working on Council matters as follows. The Board of Directors shall adopt a Community Advisory Council Compensation Policy to establish procedures for administering these compensation provisions.

(1) Members shall be entitled to compensation of five hundred dollars (\$500) per meeting for attending meetings of the Community Advisory Council.

(2) Co-Chairs shall be entitled to compensation of seventy-five dollars (\$75) per hour for attending Co-Chair meetings, up to a maximum of four (4) hours per month.

(3) Members of ad hoc or standing committees shall be entitled to compensation of seventy-five dollars (\$75) per hour for attending committee meetings, up to a maximum of six (6) hours per month.

(4) Members shall be entitled to compensation of seventy-five dollars (\$75) per hour for pre-approved participation in events, activities, or services related to the mission and purpose of the Community Advisory Council authorized in accordance with the Community Advisory Council Compensation Policy, up to a maximum of one thousand dollars (\$1,000) per year.

(b) Expense Reimbursement

Members of the Community Advisory Council shall be entitled to reimbursement for actual and necessary expenses incurred by them in connection with attending or participating in any of the meetings or events for which they are entitled to compensation under Section 5.5(a) above. Members shall be entitled to reimbursement for such expenses in accordance with the Expense Reimbursement Policy adopted pursuant to Section 2.10.

## **Section Six. Hearing Board**

### 6.1 Hearing Board

Pursuant to Health and Safety Code section 40800, the Board of Directors shall appoint a Hearing Board consisting of five members, as provided in Health and Safety Code section 40801. In filling the two seats designated for public members under Health and Safety Code section 40801(d), the Board of Directors shall give priority to applicants who do not qualify for the seats designated for members of professions under Health and Safety Code sections 40801(a)-(c). The Hearing Board shall have the power and authority to issue variances under Health and Safety Code sections 42350 *et seq.*, to issue orders for abatement under Health and Safety Code sections 42451 *et seq.*, to hear appeals from decisions by the APCO to issue, deny, or suspend a permit under Health & Safety Code sections 42302 *et seq.*; to revoke a permit under Health and Safety Code section 42307, and to take all other actions authorized under other provisions of the Health and Safety Code and related law.

### 6.2 Terms of Office

The term of office for a member of the Hearing Board shall be three years.

### 6.3 Rules of Procedure

The Hearing Board shall, as it may deem necessary, adopt, re-adopt, or amend rules of procedure for the conduct of its hearings and other matters before it.

### 6.4 Compensation, Expenses

(a) Hearing Board Meetings

Members of the Hearing Board shall be entitled to compensation of four hundred dollars (\$400), or four hundred fifty dollars (\$450) for the Chairperson, for each day attending meetings of the Hearing Board, and shall be entitled to compensation of one hundred dollars (\$100) per day for attending other meetings

as a representative of the Hearing Board upon authorization by the Board of Directors pursuant to the Meeting and Expense Reimbursement Policy adopted pursuant to Section 2.10.

(b) Expense Reimbursement

Members of the Hearing Board shall be entitled to reimbursement for actual and necessary expenses incurred by them in attending meetings of the Hearing Board and other meetings for which compensation is authorized under subsection 6.4(a) in accordance with the Meeting Expense Reimbursement Policy adopted pursuant to Section 2.10.

(Health and Safety Code section 40800 *et seq.*)

**Section Seven. Adoption of Regulations**

7.1 Regulation Authority

Pursuant to Health and Safety Code sections 40000, 40001, and 40702, among other provisions of law, the Board of Directors shall adopt rules and regulations to execute the powers and duties granted to, and imposed upon, the Air District, including but not limited to rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under the Air District's jurisdiction.

7.2 Rule Adoption Files

The APCO shall maintain a file for each rule and regulation adopted by the Board of Directors containing (1) petitions received by the Air District proposing the adoption, amendment, or repeal of the rule or regulation; (2) notice of proposed adoption, amendment, or repeal of the rule or regulation; (3) written comments, data, studies, reports, and any other factual information submitted by any member of the public in connection with the adoption, amendment, or repeal of the rule or regulation; (4) a transcript, recording, or minutes of public hearings held in connection with the adoption, amendment, or repeal of the rule or regulation; and (5) the text of the rule or regulation as originally proposed, and any modified text, that was made available to the public prior to adoption.

(Health and Safety Code section 40728.)

7.3 Public Hearing Notice Requirements

(a) Time of Publication

The Clerk of the Boards shall provide notice of the time and place of a public hearing to adopt, amend, or repeal any rule or regulation not less than 30 days prior thereto in accordance with Health and Safety Code section 40725 for such notice, and by publication in each county of the Air District pursuant to Section 6061 of the Government Code.



(b) Content of Notice

The published notice shall include the following information:

(1) The time and place of the public hearing.

(2) A brief description of the proposed action.

(3) Information on how members of the public may obtain the full text of the regulatory language that is proposed to be adopted, amended, or repealed, including a statement that it is available for public inspection at the Air District's headquarters during regular business hours.

(4) An invitation for the submission of written public comments on the proposed action prior to the hearing. The notice shall include information on how the comments should be submitted, including the name, address and telephone number of the person to whom they should be directed (with addresses for mailing, physical delivery, and electronic submission), and it shall specify the date by which the comments must be received.

7.4 Public Hearing Requirements

(a) Public Hearing Required

The Board of Directors shall not adopt, amend, or repeal any rule or regulation without first holding a public hearing thereon. The public hearing may be agendaized and held in the same manner as any other agenda item in accordance with the Board's Rules of Procedure; no formal action of the Board is required to set the public hearing.

(b) Hearing Procedure

At the public hearing held to adopt, amend, or repeal a rule or regulation, the Board of Directors shall provide for the submission of statements, arguments, or contentions, either oral, written, or both. In addition, any submitted written comments shall be made available to each Board member. Following consideration of all relevant matters presented, the Board of Directors may adopt, amend, or repeal a rule or regulation unless the Board determines to make changes in the text originally made available to the public that are so substantial as to significantly affect the meaning of the proposed rule or regulation. The Board of Directors shall not take action on a rule or regulation containing changed text where the change is so substantial as to significantly affect the meaning of the proposed rule or regulation before its next regular meeting and shall allow further statements, arguments, and contentions either written, oral or both, to be made and considered prior to taking final action.

(c) Findings

Before adopting, amending, or repealing a rule or regulation, the Board of Directors shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined in Health and Safety Code Section 40727, based upon relevant information presented at the hearing.

**Section Eight. Personnel**

8.1 Air Pollution Control Officer (APCO).

(a) Appointment

The Board of Directors shall appoint the Air Pollution Control Officer (APCO), who shall serve at the pleasure of the Board.

(b) Duties

The APCO shall serve as the Executive Officer of the Air District and possess the power and duty to administer the business of the Air District. Those duties include, without limitation:

- (1) Supervising and directing the preparation and submission of all required air quality plans.
- (2) Enforcing all laws, rules, regulations, and orders to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction and enforcing all applicable provisions of state and federal law.
- (3) Supervising and directing the preparation of the annual budget for the Air District.
- (4) Submitting to the Board of Directors each year a complete report of the finances and administrative activities of the Air District from the preceding year.
- (5) Except as otherwise specified in this Administrative Code, executing and administering contracts entered into by the Air District and executing and administering grants and sponsorships funded by the Air District.
- (6) Except as otherwise specified in this Administrative Code, serving as the appointing authority for all positions of employment in the Air District, with plenary and sole authority to hire, fire, discipline, layoff, supervise, and assign employees in the Air District.
- (7) Developing a comprehensive Personnel Policy Manual setting forth personnel policies and procedures for the Air District for approval by the Board of Directors; making the Personnel Manual available to Air District

employees and to the public; and administering the personnel policies and procedures set forth in the Personnel Manual.

- (8) Recommending compensation and benefits for Air District employees for approval by the Board of Directors.
- (9) Overseeing the Air District's labor relations program, including its compliance with relevant labor laws, its implementation of any labor agreements approved by the Board of Directors, and negotiations with any Air District labor organization.
- (10) Overseeing a comprehensive classification and position control plan, subject to approval by the Board of Directors.
- (11) In consultation with the Air District General Counsel, ensuring compliance with all relevant Equal Employment Opportunity and Non-discrimination laws.
- (12) Providing the day-to-day administration of the Air District and carrying out all duties required under the Health and Safety Code.
- (13) Retaining and maintaining records according to state law and the Air District's Records Management and Retention Policy, which shall be approved by a resolution of the Board of Directors.
- (14) Designating the Air District employee with principal responsibility for the financial affairs of the Air District to hold the title of Chief Financial Officer.
- (15) Performing such other and additional duties as the Board of Directors may prescribe.

## 8.2 Air District General Counsel

### (a) Appointment

The Board of Directors shall appoint a General Counsel to the Air District, who shall serve at the pleasure of the Board.

### (b) Duties

The General Counsel shall serve as the chief legal officer of the Air District and possess the power and duty to administer the legal affairs of the Air District and to represent the Air District in all legal matters. The General Counsel's duties include, without limitation:

- (1) Providing advice and legal opinions, either orally or in writing as appropriate to the circumstances, to the Board of Directors, the APCO,

Board Committee, Hearing Board, Advisory Councils, or other committee or employee as directed by the Board of Directors.

- (2) Making recommendations to the APCO and Board of Directors on the settlement of all claims and litigation involving the Air District.
- (3) Approving as to form, prior to enactment, all surety bonds, contracts, ordinances, resolutions, and other legal documents and instruments; and examining and approving title to all real property to be acquired by the Air District.
- (4) Serving as the appointing authority for all positions of employment in the Air District's Legal Division, with plenary and sole authority to hire, fire, discipline, layoff, supervise, and assign employees in that Office.
- (5) Hiring outside legal counsel when in the interests of the Air District. The General Counsel may execute contracts for legal services in an amount that does not exceed two hundred thousand dollars (\$200,000). Contracts in excess of the amount shall be approved by the Board of Directors. The General Counsel shall report all contracts for outside legal services to the Board of Directors. In hiring outside counsel, the General Counsel shall endeavor to follow the Procurement Policy adopted pursuant to Section 9.4 to the extent practicable under the circumstances, but shall not be strictly bound by that Policy.
- (6) Carrying out other and additional duties as the Board of Directors may prescribe.

### 8.3 Clerk of the Boards

The APCO shall appoint a Clerk of the Boards. The Clerk of the Boards shall take the minutes, prepare the correspondence, assemble and distribute the agendas, post and deliver the meeting and hearing notices, keep the records, and generally provide administrative support for the Board of Directors and its committees, the Advisory Councils, and the Hearing Board, as required by law and as requested by the Chairperson and APCO. The Clerk of the Boards shall be the sole entity authorized to accept service of process on behalf of the Air District and its Board of Directors and Hearing Board.

### 8.4 Continuity Policy

In the event that either the APCO or the General Counsel is temporarily unable to perform their duties, or if either position becomes vacant, the duties of that position shall be performed as specified in the Executive Leadership Continuity Policy adopted by the Board of Directors.

## **Section Nine. Fiscal Policies and Procedures**

### **9.1 Treasurer**

The Treasurer of the County of San Mateo shall be ex-officio Treasurer of the Air District and shall have the duties imposed by law.

### **9.2 Annual Audit**

The Board of Directors shall contract with either a certified public accountant or the county auditor of one of the counties of the Air District to conduct an annual audit of the accounts and records of the Air District. The audit shall be conducted in accordance with generally accepted auditing standards for financial audits as specified in the Government Auditing Standards issued by the Comptroller General of the United States. A report of the audit shall be reviewed by the Board of Directors and shall be filed with the County Auditor of each of the counties within the Air District's jurisdiction, the State Controller's Office, and the U.S. Environmental Protection Agency, within twelve months of the end of the fiscal year under examination. (Government Code section 30200; Health and Safety Code section 40276.)

### **9.3 Adoption of Budget**

#### **(a) Budget Preparation**

No later than the 15<sup>th</sup> day of January of each year, the APCO shall start the preparation of the budget for submission to the Board of Directors via the Finance and Administration Committee.

#### **(b) Presentation to Finance and Administration Committee**

The APCO, or their designee, shall present the budget to the Finance and Administration Committee by no later than the 4<sup>th</sup> Wednesday in March to receive direction. By no later than the 4<sup>th</sup> Wednesday in April, the APCO, or their designee, shall present a revised budget to the Finance and Administration Committee for the Committee's approval.

#### **(c) Adoption by the Board of Directors**

##### **(1) Notice**

No less than thirty (30) days before any Board of Directors public hearing on the budget, the APCO, or their designee, shall prepare and make available to the public a summary of the Air District budget and any supporting documents, including, but not limited to, a schedule of fees to be imposed by the Air District to fund its programs.

##### **(2) Public Hearing to Review the Budget**

Not less than two weeks before the public hearing at which the budget is adopted, the Board of Directors shall hold a public hearing for the exclusive purpose of

reviewing the proposed budget and providing the public with the opportunity to comment upon the proposed budget.

(3) Adoption of the Budget

The Board of Directors shall adopt the budget at a public hearing held not less than two weeks after the public hearing to review the proposed budget required under subsection 9.3(c)(2), but under no circumstances any later than the last day of June. (Health and Safety Code section 40130-40131.)

9.4 Procurement and Contracting

- (a) The APCO shall develop for approval by the Board of Directors a Procurement Policy establishing procedures for competitive bidding, awarding, administering, and executing contracts for goods and services, leases, and other similar contractual agreements (collectively referred to herein as “contracts”).
- (b) The APCO may execute contracts in an amount that does not exceed two hundred thousand dollars (\$200,000) as specified in the Procurement Policy. The APCO shall report such contracts to the Board of Directors if they exceed one hundred thousand dollars (\$100,000). Contracts in excess of two hundred thousand dollars (\$200,000) must be approved by the Board of Directors.
- (c) The APCO may execute amendments to contracts if the amount of the contract as amended does not exceed two hundred thousand dollars (\$200,000) as specified in the Procurement Policy. If the amount of the contract as amended exceeds two hundred thousand dollars (\$200,000), the APCO may execute an amendment if the amount of the amendment does not exceed twenty-five percent (25%) of the contract amount or two hundred thousand dollars (\$200,000), whichever is the lesser amount. Any amendment in an amount that exceeds twenty-five percent (25%) of the contract amount or two hundred thousand (\$200,000) must be approved by the Board of Directors, if the total amount of the contract as amended exceeds two hundred thousand dollars (\$200,000). If an amendment does not require approval by the Board of Directors, the APCO shall nevertheless report the amendment to the Board of Directors if the amount of the amendment exceeds ten percent (10%) of the contract amount and the total amount of the contract as amended exceeds one hundred thousand dollars (\$100,000).
- (d) Notwithstanding any limitations in this Section 9.4, the APCO may execute contracts for goods and services without approval by the Board of Directors in the event of a declared state of emergency that causes a need to immediately procure such goods or services to make repairs, to safeguard the lives or property of residents within the Air District jurisdiction or Air District employees or property, or to otherwise protect public health or welfare as a result of extraordinary conditions created by war, epidemic, weather, fire, flood, earthquake or other catastrophe, or the breakdown of any plant, equipment, structure, or public work.

The APCO may execute such a contract in an expeditious manner to the extent necessary to respond to the emergency; however, if the emergency permits, the APCO shall obtain the approval of the Chairperson of the Board of Directors. The APCO shall report to the Board of Directors on the execution of the contract as soon as practicably possible.

- (e) In circumstances where a contract is required to be executed independently from the APCO, and no other Air District employee can appropriately execute the contract due to legal, confidentiality, or personnel reasons, or because other good cause exists, the Chairperson of the Board of Directors may execute the contract on behalf of the Air District, with notification to the Board of Directors, if the amount of the contract does not exceed two hundred thousand dollars (\$200,000). Such contracts in excess of two hundred thousand dollars (\$200,000) must be approved by the Board of Directors. In approving such contracts, the Board of Directors shall authorize and direct the Chairperson, the Vice-Chairperson, or another member of the Board of Directors to execute the contract on behalf of the Air District. In entering into contracts under this subsection 9.4(e), the Chairperson and the Board of Directors shall endeavor to follow the Procurement Policy to the extent practicable under the circumstances, but shall not be strictly bound by that Policy.
- (f) The General Counsel may execute contracts for legal services as provided for in Section 8.2(b).

#### 9.5 Acceptance of Grants and Gifts Made to the Air District

The Board of Directors must approve the acceptance of all grants and gifts made to the Air District of more than five hundred dollars (\$500) in value. The Board of Directors may, in its discretion, approve the acceptance of multiple grants or gifts from a single source or entity in one blanket approval.

#### 9.6 Grants of Air District Funds

- (a) The APCO shall develop for approval by the Board of Directors a Grants Policy for the awarding of grants of Air District funds. The APCO shall ensure that all Air District grants comply with the Grants Policy as approved by the Board of Directors. The APCO shall ensure that opportunities, qualifications, and criteria for applying for Air District grants are widely publicized, posted on the Air District's website, and provided to any person or entity who requests notice of such information, as provided for in the Grants Policy.
- (b) The APCO may approve the award of grants of Air District funding in an amount of up to two hundred thousand dollars (\$200,000) per fiscal year per grantee, or up to five hundred thousand dollars (\$500,000) for voluntary emissions reduction projects that are funded by state revenues and local vehicle registration fees. The APCO shall report these grants to the Board of Directors. Awards of grants in

excess of two hundred thousand dollars (\$200,000) to a single grantee in a fiscal year, or five hundred thousand dollars (\$500,000) for voluntary emissions reduction projects that are funded by state revenues and local vehicle registration fees, must be approved by the Board of Directors. The Board of Directors may, in its discretion, approve such grants for an entire grant program in a blanket approval for that program.

#### 9.7 Sponsorships

The APCO shall develop for approval by the Board of Directors a Sponsorship Policy for the award of Air District funds to sponsor activities and events consistent with the Air District's mission, values and goals. The APCO shall ensure that funds expended for sponsorships of such activities and events comply with the Sponsorship Policy as approved by the Board of Directors.

#### 9.8 Agreements for Employee Compensation, Benefits

- (a) The Board of Directors shall approve all employment and labor agreements regarding Air District employees. All such agreements shall be made available to the public and published on the Air District's website.
- (b) The Board of Directors shall approve all contracts for health, retirement, or other employee benefits. All such contracts shall be made available to the public and published on the Air District's website.
- (c) The Board of Directors shall approve the terms of all pay and benefits provided to Air District employees. The terms of such pay and benefits shall be made available to the public and published on the Air District's website.

#### 9.9 Claims Against the Air District

- (a) All claims against the Air District shall be filed with the Clerk of the Boards and the General Counsel. The Air District shall make available a claims form, which shall be published on the Air District's website and available upon request from the Clerk of the Boards, for purposes of advancing a claim.
- (b) With the approval of the General Counsel, the APCO may allow, compromise, or settle a claim or lawsuit against the Air District for an amount not to exceed fifty thousand dollars (\$50,000). The APCO shall report all such resolutions of claims to the Board of Directors. Any allowance, compromise or settlement of a claim or lawsuit in excess of fifty thousand dollars (\$50,000) must be approved by the Board of Directors.

(Government Code section 935.4)

#### 9.10 Electronic Signatures

- (a) Definitions: The following definitions apply to this Section 9.10:



(1) “Electronic signature” has the same meaning as in Section 1633.2 of the California Civil Code.

(2) “Digital signature” has the same meaning as in Section 16.5 of the California Government Code.

(3) “Transaction” has the same meaning as in Section 1633.2 of the California Civil Code.

(4) “UETA” means the Uniform Electronic Transactions Act, commencing at Section 1633.1 of the California Civil Code.

(b) Electronic and Digital Signatures Accepted

(1) In any transaction with the Air District, in which the parties have agreed to conduct the transaction by electronic means, the Air District may use and accept an electronic signature, if the electronic signature complies with the UETA.

(2) In any written communication with the Air District, in which a signature is used or required, the Air District may use or accept a digital signature, if the digital signature complies with Section 16.5 of the California Government Code.

(3) The APCO or their designee shall determine the documents for which the Air District may use and accept electronic signatures or digital signatures.

(c) Accepted Technologies

The APCO or their designee shall determine acceptable technologies and vendors under this section to ensure the security and integrity of any data and signatures. In determining which technologies and vendors are acceptable for digital signatures, the APCO or their designee shall comply with all applicable regulations, including, but not limited to, ensuring that the level of security used to identify the signer of a document and the level of security used to transmit the signature are sufficient for the transaction being conducted. In addition, to the extent necessary, the APCO or their designee shall ensure that any certificate involved in obtaining a digital signature by the signer is sufficient for the Air District's security and interoperability needs.

## **Section 10. Conflicts of Interest Code**

### **10.1 Conflict of Interest Code**

Pursuant to Government Code section 87300, the Board of Directors shall, by resolution, adopt and maintain a Conflict-of-Interest code.

## **Section 11. California Environmental Quality Act (“CEQA”)**

### 11.1 CEQA Regulations

Pursuant to Public Resources Code section 21082, the Board shall adopt procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations required under the California Environmental Quality Act.

## **Section 12. Transition Provisions, Interpretation of the Code.**

### 12.1 Operative Date

Except as provided herein, this Administrative Code shall be operative on January 1, 2024. On that date, Division I and Division II of the Administrative Code of the Air District that existed prior to that date are hereby repealed; provided however, Section 10 of Division I shall be adopted “as is” in an Employer-Employee Relations Resolution (“EERR”), to also become operative on January 1, 2024. Any differences between the EERR and Section 10, Division I, shall be subject to meet and consult/confer per the Meyers-Milias-Brown Act, as appropriate. The definitions in Division I preceding Section 1, shall remain in effect to the extent they apply to provisions in Division III.

With respect to Division III (Personnel Policies & Procedures) of the prior Administrative Code:

**Represented Employees:** With respect to Air District employees represented by a labor organization recognized by the Air District’s Board of Directors as their exclusive bargaining representative, policies within Division III shall be repealed after the adoption of new comprehensive personnel policies and labor relations rules, subject to meeting and conferring with the applicable labor organization as provided by law.

**Unrepresented Employees:** With respect to Air District employees who are unrepresented, personnel policies may be hereafter adopted by the Board of Directors that supersede policies in Division III. If and when such superseding policies are adopted, the superseded policy shall be identified upon adoption of the new policy.

In the event of a conflict between Division III and this Administrative Code, Division III shall prevail.

### 12.2 Obligations of Contract Not Impaired

All rights, claims, actions, orders, obligations, proceedings, bond authorizations, and contracts existing on the operative date of this Administrative Code shall not be affected by the adoption of this Administrative Code.

### 12.3 Effect of Headings

Section headings contained in this Administrative Code do not constitute any part of the law. Citations to state law are provided for reference only.

#### 12.4 Severability

If any section, subsection, sentence, clause, word, or phrase of this Administrative Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Code. The Board of Directors hereby declares that it would have adopted this Administrative Code and each section, subsection, sentence, clause, word, and phrase it contains, irrespective of the fact that one or more sections, subsections, sentences, clauses, words, or phrases may be held invalid.



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## **BOARD OF DIRECTORS RULES OF PROCEDURE**

**Draft – September 2023**

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## **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

### **BOARD OF DIRECTORS RULES OF PROCEDURE**

#### **SECTION 1. AUTHORITY FOR AND PURPOSE OF RULES**

##### **1.1 State Law.**

The Board of Directors serves as the governing body of the Bay Area Air Quality Management District (“Air District”). (Health & Safety Code §§ 13840, 40220.) These rules govern the procedures for meetings of the Board of Directors.

##### **1.2 Purpose.**

These Rules of Procedure are intended to ensure that the Board of Directors can attend to business efficiently, fairly, with full participation of the Directors, while ensuring that members of the public are provided with an equal opportunity to observe and make public comments at Board meetings.

##### **1.3 Applicability.**

These Rules of Procedure govern meetings and conduct of the Board of Directors, and of committees of the Board of Directors to the extent the Rules are, by their nature, applicable to those committees. To the extent that any provision of the Air District Administrative Code or provision of state law conflicts with these Rules of Procedure, the Administrative Code or state law shall govern.

##### **1.4 Discrimination-Free Environment.**

As set forth more fully in the Air District’s Non-Discrimination Policy, the Air District is committed to maintaining a professional work environment, including at meetings of the Board of Directors and its Committees, that is free from discrimination and harassment, including but not limited to discrimination and harassment based on a protected category. The Non-Discrimination policy is designed to encourage professional and respectful behavior and to prevent discriminatory and harassing conduct in the workplace.

#### **SECTION 2. MEETINGS AND ACTIONS, GENERALLY**

##### **2.1 Meetings to Be Public.**

All meetings of the Board of Directors shall be open to the public, except that the Board may meet in closed session as permitted under the Ralph M. Brown Act (“Brown Act”). (Govt. Code §§ 54950 et seq.)

##### **2.2 Record of Proceedings.**

The Clerk of the Boards shall attend all meetings and keep a written account (“minutes”) of acts of the Board of Directors at all public portions of the meetings of the Board, and those minutes



shall be permanently retained pursuant to the Air District's Records Management and Retention Policy. The Clerk shall include the names of the Directors present in the minutes. The names of the Directors who arrive after the roll call, and the times of their arrivals, shall be noted in the minutes at the stage of the proceedings during which they arrived.

### **2.3 Air Pollution Control Officer ("APCO").**

The APCO, or their designee, shall attend all meetings of the Board of Directors.

### **2.4 General Counsel.**

The General Counsel for the Air District, or their designee, shall attend all meetings of the Board of Directors unless excused and shall, upon request of the presiding officer, give an opinion, either written or oral, on questions of law.

### **2.5 Rosenberg's Rules of Order.**

In the absence of a rule herein to govern a point or procedure, and in absence of any controlling provision in the Air District Administrative Code or other legal authority, Rosenberg's Rules of Order shall be used as a guide.

### **2.6 Written Correspondence.**

The Clerk of the Boards shall furnish to the Board of Directors and to the APCO a synopsis of communications received for consideration by the Board up to twenty-four (24) hours prior to the time scheduled for a Board meeting.

### **2.7 Suspension of Rules.**

The Board of Directors may, by affirmative vote of a majority of the Directors present at a meeting, suspend any provision of these rules not governed by state law or the Air District Administrative Code.

### **2.8 Amendment of Rules.**

The Board of Directors may amend these rules by resolution adopted by a majority vote of the Board.

## **SECTION 3. TYPES OF MEETINGS.**

### **3.1 Regular Meetings.**

Regular meetings of the Board of Directors are held as specified in the Air District Administrative Code.

### **3.2 Special Meetings.**

A special meeting is a meeting held at a time or place that is different from the regular time or place of regular meetings. The Chairperson, in consultation with the APCO, or the Board of

Directors by a majority vote, may call for a special meeting. The notice and agenda for a special meeting shall specify the day, the hour, and the location of the special meeting and shall include an agenda of the items to be considered. Notice shall be provided to any local newspaper and radio or television station that has requested in writing to receive notice and shall be posted on the Air District website. No special meeting shall be held unless it complies with the twenty-four (24) hour minimum notice requirements set forth in the Brown Act. (Govt. Code § 54956.)

### **3.3 Emergency Meetings.**

The Board of Directors may hold an emergency meeting if a majority of the members of the Board find that a work stoppage, crippling activity, or other activity severely impairs public health, safety, or both. In doing so, the Air District must comply with the notice and minutes requirements provided in Government Code section 54956.5.

### **3.4 Adjourned Meetings.**

When the Board of Directors wishes to continue a regular or special meeting to a later date, the Board may, by majority vote, adjourn the meeting and continue it to a definite later time. The subsequent meeting is an “adjourned meeting.” Any meeting of the Board of Directors may be adjourned to a later date and time. The Clerk of the Boards shall provide notice of an adjourned meeting in the same manner required for a special meeting. A copy of the notice of adjournment shall be posted on or near the door of the place where the meeting was held within 2 hours of adjournment. If the adjourned meeting occurs more than five days after the meeting that was continued, a new agenda for the adjourned meeting shall be posted 72 hours in advance of the adjourned meeting. When a regular meeting is adjourned, the adjourned meeting is conducted in the same way as a regular meeting. (Govt. Code § 54955.)

### **3.5 Closed Sessions.**

The Board of Directors may meet in closed session only as permitted by the Brown Act. Closed sessions shall normally be scheduled at the end of the Board of Directors meetings, although the Board may hold closed sessions at other times during meetings as appropriate. Before entering into the closed session, the Board of Directors shall take public comment on the closed session agenda item(s). After the closed session, the Board shall report any action taken in closed session and the vote of each member on that action as required by Government Code section 54957.1.

### **3.6 Disclosure of Information from Closed Session.**

Members of the Board of Directors and all other persons attending a closed session may not disclose confidential information acquired in a closed session to a person not authorized to receive it unless the Board of Directors votes to disclose that information. “Confidential information” means a communication made in a closed session that is specifically related to the basis for the Board of Directors to meet lawfully in closed session. (Govt. Code § 54963.)

### **3.7 Cancellations**

The Chairperson, in consultation with the APCO, may cancel a meeting. The Clerk of the Boards shall post notice of the cancellation at the Air District's headquarters and on the Air District's website.

## **SECTION 4. AGENDAS AND ORDER OF BUSINESS**

### **4.1 Agenda.**

The Clerk of the Boards shall prepare the agenda for a meeting of the Board of Directors as directed by the APCO in consultation with the Chairperson. The Clerk of the Boards shall prepare the agenda for a meeting of a Board of Directors committee meeting as directed by the APCO in consultation with the Chairperson of the committee. The agenda shall list all items to be considered at the meeting, in the order stated in section 4.3, below. The agenda shall contain a brief general discussion of each item of business to be transacted or discussed at the meeting. Each agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation to participate in the public meeting. (Govt. Code §§ 54954, 54954.2.)

### **4.2 Agenda posting, agenda packets.**

The agenda and any supporting documents shall be provided to members of the Board of Directors, posted at the Air District's headquarters, and posted on the Air District's website, at least 72 hours before a regular meeting and at least 24 hours before a special meeting, and shall be provided to anyone who has requested, in writing, to receive copies of the agenda.

In the case of a teleconference meeting pursuant to Government Code section 54953, agendas shall also be posted at all teleconference locations at least 72 hours before a regular meeting and at least 24 hours before a special meeting.

Any public documents provided to the Directors less than 72 hours before the meeting shall be placed on the Air District's website, if feasible, and be made available for review at the District Administrative Office. (Govt. Code §§ 54954.1, 54956, 54957.5.)

### **4.3 Order of Business.**

To facilitate the orderly conduct of the business of the Air District Board of Directors, unless otherwise determined by the APCO and Chairperson, the meeting shall be conducted as follows:

1. CALL TO ORDER and ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. COMMENDATIONS AND PRESENTATIONS
4. CONSENT AGENDA

5. PUBLIC HEARINGS
6. ACTION ITEMS
7. INFORMATIONAL ITEMS
8. PUBLIC COMMENT ON NON-AGENDA ITEMS
9. BOARD MEMBER COMMENTS
10. CLOSED SESSION
11. ADJOURNMENT

#### **4.4 Change to the Order of Business.**

The presiding officer, or the Board of Directors upon a majority vote, may change the order of business as listed on the agenda for a meeting to facilitate the conduct of the meeting.

#### **4.5 Consent Agenda.**

Items of a routine or non-controversial nature may be placed on the Consent Agenda. The Board of Directors shall take public comment on the consent agenda items. All items may be approved by one blanket motion. Any Director may request that any item be withdrawn from the Consent Agenda for separate consideration.

#### **4.6 Discussion of Items Not on the Agenda Prohibited.**

Except as provided in section 4.7, the Board of Directors may not discuss, deliberate, or take action on any item not appearing on the agenda. A Director or staff member may briefly respond to statements made or questions posed by members of the public during public comment. A Director or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. A Director may provide a reference to the APCO or other resources for information, request that the APCO report back to the Board of Directors at a subsequent meeting concerning any matter, or request that a matter be placed on a future agenda for discussion. (Govt. Code § 54954.2(a)(3).)

#### **4.7 Exceptions for Considering Items Not on the Agenda.**

The Board of Directors may discuss or take action on an item not on the agenda only under the following circumstances, and only after publicly identifying the item and the basis for taking action:

1. Upon a determination by a majority vote of the Board of Directors that an emergency exists. For purposes of this section, an emergency is defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the Board of Directors.

2. Upon a determination by a two-thirds vote of the Board of Directors present at the meeting, or, if less than two-thirds of the Directors are present, a unanimous vote of those Directors present, that there is a need to take immediate action and that the need for action came to the attention of the Air District after the agenda was posted.
3. The item was posted for a prior meeting of the Board of Directors occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(Govt. Code § 54954.2 (b).)

## **SECTION 5. CONDUCT OF MEETINGS.**

### **5.1 Call to Order.**

The Chairperson shall preside over meetings of the Board of Directors and shall commence each meeting by calling the meeting to order. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both officers, the Clerk of the Boards shall call the meeting to order. The Directors present shall then, by majority vote of those present, appoint a temporary presiding officer. Upon arrival of the Chairperson or Vice-Chairperson, the temporary presiding officer shall relinquish the chair immediately.

### **5.2 Preservation of Order.**

The presiding officer shall preserve order and decorum and shall confine the debate to the question under discussion. The presiding officer, in the interest of efficiently completing the business of the Board of Directors, may limit the time allotted to Directors to speak and debate, provided that each Director has an equal opportunity to speak on the issue.

### **5.3 Points of Order.**

Directors may raise points of order and questions of privilege, including points of information or clarification. The presiding officer shall determine all points of order, subject to the right of any Director to appeal to the Board of Directors.

### **5.4 Procedure for Board Consideration of Agenda Items.**

The presiding officer shall lead the Board of Directors in consideration of each agenda item according to the following procedure. The presiding officer may adjust the procedure to facilitate efficient consideration of the item.

1. The presiding officer shall call the item.
2. The APCO, the APCO's designee, and/or an invited expert shall provide a report on the item.

3. The presiding officer shall provide an opportunity for Directors to ask questions of staff or an invited expert.
4. The presiding officer shall provide an opportunity for members of the public to provide comments.
5. If the item is an action item, the presiding officer shall entertain a motion and a second on the item.
6. The presiding officer shall provide an opportunity for discussion and deliberation by the Board of Directors and, if the item is an action item, a vote on the pending motion.

### **5.5. Hearings When Board sits as a Quasi-Adjudicatory Body.**

If the Board of Directors is acting in a quasi-adjudicatory capacity, the hearing shall be conducted in the following manner:

1. The Directors disclose any ex parte communications.
2. Staff report.
3. Directors ask questions of staff.
4. The presiding officer then opens the public portion of the hearing.
5. Presentation by appellant/applicant (10 minutes).
6. Directors question appellant, applicant and/or staff.
7. Public comment.
8. Rebuttal by staff (5 minutes).
9. Rebuttal by appellant/applicant (5 minutes)
10. Final Board questions of appellant/applicant.
11. Final Board questions of staff.
12. Presiding officer closes the public portion of hearing.
13. Board discusses, deliberates, makes findings, and takes final action by motion.

At any hearing before the Board sitting as the Board of Appeal, the Board may require that parties and their representatives and witnesses testify under oath.

## **SECTION 6. VOTING PROCEDURE.**

### **6.1 Voting Procedure.**

When meetings are held using teleconferencing, the Clerk shall call for a roll call vote on each action. When meetings occur without teleconferencing, a vote may be taken by roll call vote or other method, provided that each Director casts a vote or indicates their abstention, and the Clerk of the Boards or presiding officer can state the number of votes for and opposed and the number of abstentions. A Director must vote for or against or abstain on each item. If a Director is recused from voting on a matter due to a conflict of interest, the Director must comply with section 6.4, below.

(Govt. Code § 54953(b)(2).)

### **6.2. Announce Vote.**

The presiding officer or Clerk of the Boards shall publicly report any action taken and the vote or abstention on that action of each member present for the action. (Govt. Code § 54953.)

### **6.3 Reconsideration.**

Any Director who voted with the majority on an action may move for reconsideration of that action at the same meeting. After a motion for reconsideration has been acted upon, no other motion for reconsideration of that action shall be made without unanimous consent of the Board of Directors.

### **6.4 Conflict of Interest.**

All Directors are subject to the provisions of Government Code section 1090 *et seq.*, the Political Reform Act (Government Code section 87100 *et seq.*), and applicable regulations regarding conflicts of interest. Any Director prevented from voting on a matter because of a conflict of interest or a declared financial interest shall identify the conflict, leave the dais, refrain from discussion, debate and voting on that matter.

## **SECTION 7. PUBLIC PARTICIPATION.**

### **7.1 Conditions of Attendance.**

(a) The Air District may not require a member of the public to provide their name or other information or to complete a questionnaire as a condition for attending or speaking at a Board of Directors or Board committee meeting. Any attendance list, questionnaire, or other document circulated at a meeting must state clearly that signing or completing the document is optional.

(b) No attendee of a Board of Directors meeting, at any meeting site or virtually, shall engage in conduct that disrupts the orderly conduct of the meeting, including but not limited to using loud or threatening language, whistling, clapping, stamping feet, or speaking over or interrupting the recognized speaker.

(Govt. Code §§ 54953.3; 54954.3(b)(1).)

## **7.2 Public Comment at Meetings.**

### **(a) Public Comment Requirements.**

Each agenda for a regular meeting shall provide for public comment on any matter within the subject matter jurisdiction of the Air District. At every regular and special meeting, the agenda shall provide an opportunity for members of the public to directly address the Board of Directors on each item on the agenda, before or during the Board's consideration of the item.

### **(b) Manner of Addressing the District Board.**

A member of the public wishing to address the Board of Directors shall wait to be recognized by the presiding officer. Once recognized, the person shall direct their remarks to the Chairperson and not to any individual Board member, employee, or other person.

### **(c) Public Comment Rules.**

#### **(1) Time Limits**

The presiding officer or the Board of Directors, upon majority vote, may reasonably limit the total amount of time allocated for public comment on particular items and may limit the time for each individual speaker. Members of the public who wish to speak on an item on the agenda for a meeting, or who wish to speak on non-agenda matters, shall be allowed two minutes each to address the Board on that item, unless a different time limit is established by the Chairperson for that item.

#### **(2) Time Limits for Those Using a Translator**

If a member of the public uses a translator when making public comment, the Board of Directors shall allow that person at least twice the amount of time otherwise allowed for public comment on that item.

#### **(3) Public's Right to Criticize.**

The Board of Directors shall not prohibit public criticism of the policies, procedures, programs, or services of the Air District, or of the acts or omissions of the Board.

(Govt. Code § 54954.3.)

## **7.3 Removal of Disruptive Individuals.**

### **(a) Threat of Force**

The presiding officer may order an individual to be removed from a Board of Directors meeting when the individual is engaging in behavior that constitutes use of force or a "true threat of force," meaning a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.



(b) Disruptive Conduct

(1) The presiding officer may order an individual to be removed from a Board of Directors meeting when the individual is engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, which may include but is not limited to failing to comply with these Rules of Procedure.

(2) Continued use of loud, threatening, profane, or abusive language or discriminatory or harassing remarks after a warning from the presiding officer impedes the orderly conduct of the meeting because it interferes with the Board's ability to accomplish its functions in a reasonably efficient matter by causing a distraction from Air District business, chilling public participation, interfering with the ability of those present to listen and understand the business and proceedings of the Air District, and may constitute or contribute to employment discrimination. "Discriminatory or harassing remarks" is speech, the content of which may be legally protected, at a Board of Directors meeting that disparages an individual or group based on a protected class or violates the Air District's Non-Discrimination Policy.

(3) Prior to ordering the removal of the individual for disruptive conduct, the presiding officer shall warn the individual that their behavior is disrupting the meeting and shall follow the procedures in Section 7.4 below if applicable.

**7.4 Disruptive Discriminatory or Harassing Remarks.**

When a person makes discriminatory or harassing remarks, as defined in Section 7.3(b)(2), that disrupts, disturbs, impedes, or renders infeasible the orderly conduct of a meeting, the presiding officer shall take the following actions:

(a) The presiding officer shall stop the speaker and read the relevant portions of the Air District's Non-Discrimination Policy. The presiding officer shall state that the Air District does not condone comments in violation of the Air District's Policy and that the speaker's language is unwanted and unwelcome and impedes the orderly conduct of the meeting by interfering with the Board's ability to accomplish its functions in a reasonably efficient matter by causing a distraction from Air District business, chilling public participation, interfering with the ability of those present to listen and understand the business and proceedings of the Air District, and may constitute or contribute to employment discrimination.

(b) The presiding officer shall state that any Air District employee present may be excused from attendance at the meeting during the speaker's remarks.

(c) The presiding officer shall hold the speaker's time and the speaker may resume speaking after the presiding officer's admonishment, unless the speaker's comments continue to disrupt, disturb, or impede the orderly conduct of the meeting. If the speaker continues to disrupt, disturb, or impede the orderly conduct of the meeting, the presiding officer may prohibit the speaker from further commenting or may order the speaker to be removed from the meeting.

(d) After the end of the speaker's comments, any Director may make a brief response to such comments, if desired.

(Govt. Code § 54957.95.)

### **7.5 Disruptions by Groups of People.**

If a meeting is willfully disrupted by a group of people so as to render the orderly conduct of the meeting unfeasible, the presiding officer shall first attempt to maintain order. If unsuccessful, the presiding officer may call a recess, adjourn the meeting to another date, or order the removal of the people disrupting the meeting. If order is not restored by removing the people disrupting the meeting, the presiding officer may order the meeting room cleared and continue holding the meeting. Representatives of the media, except those participating in the disturbance, shall be allowed to continue attending the meeting. (Govt. Code § 54957.9.)

## **SECTION EIGHT. BOARD OF DIRECTORS CODE OF CONDUCT.**

### **8.1 Code of Conduct Generally.**

Members of the Board of Directors shall accord the utmost courtesy to each other, to Air District employees, and to the public appearing before them, and they shall always refrain from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Directors shall comply with the requirements of Administrative Code section 2.9 and not engage in interference in administrative affairs.

### **8.2 Conduct at Meetings of the Board of Directors**

Members of the Board of Directors shall practice and promote civility and decorum in discussions and debate. Directors shall honor and support the role of the presiding officer in maintaining order and equity and the presiding officer's efforts to focus discussion on current agenda items. Each Director shall be given an equal opportunity to speak on each item of business at Board meetings. The presiding officer shall not influence, interfere with, or otherwise guide discussion in such a way as to prejudice the proceedings.

Upon taking an action, the will of the majority of the Board of Directors shall prevail. Each Director shall be responsible for and obligated to respect and uphold the action regardless of their individual opinion on the subject matter. A Director may express a personal view, so long as the Director makes clear that their view is not the position of the Board of Directors.

### **8.3 Violations of the Code of Conduct**

If the Board of Directors determines that a Director has violated the Air District Administrative Code, these Rules of Procedure, or any other policy approved by the Board of Directors, the Board, may, in addition to any remedy permitted under state law, take any or all of the following actions.

- (a) Censure

The Board of Directors may adopt a resolution that censures the Director.

- (b) Express Disapproval

The Board of Directors may adopt a resolution that does not censure the Director, but still expresses the Board's disapproval of the Director's conduct or acknowledges that the Director violated the Administrative Code, Rule, or policy.

(c) Removal of Officer

If the Director serves as an officer, the Board of Directors may, as provided in the Air District Administrative Code section 2.8, upon a two-thirds vote, remove the Director from their officer position.

(d) Removal from Committee

The Board of Directors may direct the Chairperson to remove the Director from any or all committees upon which the Director serves.

(e) Inform Appointing Authority

The Board of Directors may direct the Chairperson to inform the Director's appointing authority of the Board's action relating to the Director.

BAY AREA  
AIR QUALITY MANAGEMENT DISTRICT

Administrative Code

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# Division I

## Operating Policies & Procedures

### ADMIN CODE      DEFINITIONS

As used in this Administrative Code, the following terms shall be defined as indicated.

- (a) **APCO** means the Air Pollution Control Officer, Deputy Air Pollution Control Officer acting for the APCO in his/her absence or other person to whom the APCO's duties have been delegated by the APCO.
- (b) **ASSOCIATION** means the Bay Area Air Quality Management District Employees' Association Inc., a recognized employee association, which represents the employees in the Clerical, Technical/General and Professional representation units for all matters of employer/employee relations.
- (c) **BOARD** means the Board of Directors of the Bay Area Air Quality Management District or an authorized committee composed of members of the Board of Directors.
- (d) **CLERICAL EMPLOYEE** means an employee engaged in administrative support activities which include internal and external communication, recording and retrieval of data and/or information and other paper work required in an office. Positions include, but are not limited to, Office Assistant, Accounting Assistant, Secretary.
- (e) **CONFIDENTIAL EMPLOYEE** means any employee who is privy to the decision-making process of the Bay Area Air Quality Management District management or the Board of Directors affecting employer-employee relations matters.
- (f) **DISTRICT** means the Bay Area Air Quality Management District.
- (g) **EMPLOYEE RELATIONS OFFICER** means the APCO or other person designated by the APCO or the Board of Directors to act for the District in employer-employee relations matters.
- (h) **EMPLOYEE** means any person employed by the District on a regular, probationary, or limited term basis, excepting those persons elected or appointed to the Board of Directors, Advisory Council, Hearing Board or similar body. Limited term employees shall not be treated as employees for the purposes of Division III of this Administrative Code until they have worked at least 1,000 hours within a fiscal year. (Rev. 7/20/94)
- (i) **EMPLOYEE ORGANIZATION** means any employee organization recognized and certified by the District which includes employees of the District and which has as one of its primary purposes the representation of such employees in their relations with the District. (Rev. 7/20/94)
- (j) **LIMITED TERM EMPLOYEE** means any person employed by the District to work on one or more specific projects of limited duration, or for a specified period of time, and whose employment with the District is expected to terminate at the conclusion thereof. (Rev. 7/20/94)
- (k) **MANAGEMENT EMPLOYEE** means the APCO, Deputy Air Pollution Control Officers, Division Directors, Section Managers, District Counsel, attorneys and Senior Advanced Projects Advisors.
- (l) **MEET AND CONFER** means the mutual obligation to meet and confer in good faith in order to freely exchange information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation. No agreement shall be

binding on any party unless it is reduced to writing and approved by the Board and the Association.

- (m) **MEMORANDUM OF UNDERSTANDING** means the agreement between the Board and the Association.
- (n) **PROFESSIONAL EMPLOYEE** means an employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, accountants, engineers, planners, meteorologists, statisticians, and the various types of physical, chemical and biological scientists.
- (o) **RECOGNIZED EMPLOYEE ORGANIZATION** means an employee organization which has been certified pursuant to the revisions of Section I-10.5(a) through (h) as representing the employee in a particular representation unit.
- (p) **REPRESENTATION UNIT** means a unit of District employees established pursuant to the provisions of Sections I-10.4(a) through (g).
- (q) **REPRESENTATIVE** means a person or persons designated and authorized by a recognized employee organization to represent its membership.
- (r) **SCOPE OF REPRESENTATION** includes all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment; except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.
- (s) **TECHNICAL EMPLOYEE** means an employee engaged in work requiring scientific or technical knowledge and manual skills attained through college training or through on the job training, including, but not limited to; inspectors, laboratory technicians, and instrument specialists.

## **SECTION 1 BOARD OF DIRECTORS, MEETINGS**

### **1.1 MEETING DATES. (Revised 12/21/2022)**

meetings of the Bay Area Air Quality Management District Board of Directors shall be held on the first and third Wednesday of each month, beginning at the hour of either 9:00 or 9:30 a.m., at the discretion of the Chairperson, with either meeting being subject to cancellation by the APCO with the concurrence of the Chairperson if there is insufficient District business to warrant such meeting. When the day, or the day preceding the day, fixed for a regular meeting of the District Board falls upon a legal holiday, that meeting shall be held at the same hour seven (7) days later not on a holiday.

### **1.2 COMPENSATION FOR MEETING ATTENDANCE. (Revised 12/21/2022)**

#### **(a) MEETINGS ELIGIBLE FOR COMPENSATION.**

Board members shall receive compensation for attendance at:

- (1) Meetings of the Air District Board and of Board Committees; and
- (2) Other meetings while on official business of the District, including but not limited to educational seminars designed to improve officials' skill and information levels, meetings of regional, state and national organizations whose activities affect the Air District's interest with a District staff member in attendance, Air District events, and meetings to discuss community and/or business concerns with regard to air quality in the region.

(b) BOARD MEETING ATTENDANCE REQUIREMENTS.

Unless excused by the Chairperson, a Board member shall receive compensation for attending meetings of the Board only if: (1) the Board member arrives for the meeting no later than 30 minutes after the scheduled beginning of the meeting; and (2) the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.

(c) PRE-APPROVAL AND REPORTING REQUIREMENTS.

Board members shall not receive compensation for attending meetings of the type specified in subparagraph (a)(2) above unless the compensation is approved by the Chairperson in an open session prior to attendance at the meeting, or, for meetings held outside the State of California, unless the compensation is approved by the Board in an open session prior to attendance at the meeting. Board members who receive compensation for attending a meeting of the type specified in subparagraph (a)(2) above must provide a report on the meeting at the next regular board meeting.

(d) AMOUNT OF COMPENSATION.

Board members shall receive compensation of one hundred dollars (\$100) per meeting for attendance at meetings under this Section 1.2, up to a maximum of two hundred dollars (\$200) per day; plus compensation for active transportation travel calculated as specified in Paragraph (e) below. No Board member may receive compensation of more than six thousand dollars (\$6,000) in any fiscal year for meeting attendance pursuant to this Section 1.2.

(e) ACTIVE TRANSPORTATION TRAVEL CALCULATION.

Compensation for active transportation travel pursuant to Paragraph (d) above shall be calculated as follows:

- (1) \$1.56 per mile for travel by personal/private non-motorized bicycle or similar nonmotorized pedal-operated vehicle;
- (2) \$1.50 per mile for travel by foot or wheelchair.

For multi-modal travel, compensation shall be provided only for miles actually traveled using the alternative transportation travel modes specified in this Paragraph (e). Board members must provide details on the date of travel, starting and ending points, and purpose of travel when claiming compensation, and must document the distance traveled with a printout from a map website such as Google Maps.

- (f) REIMBURSEMENT FOR EXPENSES. In addition to compensation for meeting attendance as specified in this Section 1.2, Board members shall also be entitled to reimbursement for actual and necessary expenditures in connection with meeting attendance as provided for in Division II, Section 5. Board members do not need prior approval to be eligible for reimbursement for expenditures in connection with meetings of the Air District Board and Board Committees. To the extent a meeting for which compensation is available includes a meal, Board members shall be entitled to reimbursement for their meal expenditures as specified in Division II, Section 5.1(g), notwithstanding that provision's limitation on meal reimbursement for One Day Travel. A Board member receiving reimbursement for expenditures under this Paragraph (f) must comply with the limits and reporting requirements of local, state and federal law.

**1.3 BOARD MEETING LOCATION.**

All regular meetings of the Board of Directors and all regular meetings of Board Committees shall be held at the offices of the District located at 375 Beale Street, Suite 600, San



Francisco, California, unless at a previous regular Board meeting or committee meeting some other place was designated.

**1.4 SPECIAL MEETINGS.**

Whenever the business of the District may require special meetings, in the opinion of the Chairperson of the Board of Directors or at the express written request of any three (3) members of the Board, such meetings shall be called. Whenever a special meeting shall be called, notice shall be given to each member of the Board of Directors at least twenty-four (24) hours in advance, and to others as required by law, stating the date and hour of the meeting and the purpose for which such meeting is called. No business shall be transacted thereat except such as is stated in the notice.

**1.5 AGENDA.**

All reports, communications, resolutions, contract documents or other matters to be submitted to the Directors shall be delivered to the APCO one (1) week prior to the Board meeting. The APCO shall thereupon arrange a list of such matters according to the order of business. The Clerk of the Boards shall furnish each Board Director with a copy of the same no later than the Friday prior to the meeting and as far in advance of the meeting as is feasible.

**SECTION 2 BOARD OF DIRECTORS, OFFICERS - DUTIES**

**2.1 OFFICERS OF THE BOARD. (Revised 1/21/04)**

The presiding officer of the Board is the Chairperson of the Board of Directors. The Chairperson, Vice Chairperson and Secretary shall, no later than the first meeting in December of each year, be elected by the Board of Directors and assume office January 1, (effective January 1, 2005). The Chairperson shall preserve order and decorum at regular and special meetings of the Board. The Chairperson shall state each question, shall announce the decision, shall decide all questions of order subject to an appeal to the Board. The Chairperson shall vote on all questions, last in order of the roll, and shall sign all ordinances and resolutions adopted by the District Board while the Chairperson presides. (see Section II-4.3)

In the event that the Chairperson is unable, for whatever reason, to fulfill his or her one-year term of office, the Vice-Chairperson shall succeed the Chairperson and the Secretary shall succeed the Vice-Chairperson. Section 2.3 below shall determine the filling of the Secretary vacancy. In any event, no Board Officer shall serve more than three (3) years in any one Board office (Chairperson, Vice-Chairperson, or Secretary).

**2.2 CHAIRPERSON. (Revised 1/14/09)**

The Chairperson shall take the chair at the hour appointed for the meeting and call the District Board to order. In the absence of the Chairperson, the Vice-Chairperson shall call the Board to order and serve as temporary Chairperson. Upon arrival of the Chairperson, the Vice-Chairperson shall relinquish the chair upon the conclusion of the business then pending before the Board. In the absence, or self-determined inability to act, of the Chairperson, or the Vice-Chairperson when the Chairperson is absent, the Board Secretary shall call the Board to order and serve as temporary Chairperson. Upon arrival of the Chairperson or Vice-Chairperson, the Secretary shall relinquish the Chair upon the conclusion of the business then pending before the Board. In the absence, or self-determined inability to act, of the Chairperson, Vice Chairperson or Secretary, members of the Board of Directors shall, by an order on the Minutes, select one of their members to act as temporary Chairperson. Upon the arrival or resumption of ability to act, the Chairperson or Vice-Chairperson shall resume the Chair, upon the conclusion of the business then pending before the Board. It shall be the duty of the

Chairperson to attend all meetings of the Bay Area Air Quality Management District Advisory Council.

**2.3 VICE CHAIRPERSON.**

If, for any reason, the Chairperson ceases to be a member of the Board, the Vice-Chairperson shall automatically assume the office of Chairperson and the Board Secretary shall automatically assume the office of Vice-Chairperson. If, for any reason, the Vice-Chairperson ceases to be a member of the Board, the Board Secretary shall automatically assume the office of Vice-Chairperson. In either eventuality, the Board Nominating Committee shall, upon the request of the Chairperson, make a recommendation at the Board meeting following such request to fill the office of Board Secretary. An election will then immediately be held for that purpose.

**2.4 BOARD SECRETARY.**

The Board Secretary shall be official custodian of the Seal of the District and of the official records of the District and shall perform such secretarial duties as may require execution by the Board of Directors. The Board Secretary may delegate any of these duties to the APCO, or to the Clerk of the Boards.

**2.5 MEETING ROLL CALL.**

Before proceeding with the business of the Board, the Clerk of the Boards shall call the roll of the members, and the names of those present shall be entered in the Minutes. The names of members who arrive after the initial roll call shall be noted in the Minutes at that stage of the Minutes.

**2.6 QUORUM.**

A majority of the members of the Board constitutes a quorum for the transaction of business, and may act for the Board.

**2.7 OFFICER ROTATION.**

It is intended that the positions of Chairperson, Vice Chairperson, and Board Secretary be rotated among the members in a manner to assure participation in the affairs of the District from a wide representation of the membership. In making its recommendations, the Nominating Committee shall take into account such factors as representation by those members appointed by Boards of Supervisors, those members appointed by City selection committees, those members from large counties, and those from small counties.

**SECTION 3 BOARD OF DIRECTORS, ORDER OF BUSINESS**

**3.1 PUBLIC MEETING.**

All meetings of the Board of Directors shall be open to the public, except when in a closed session as permitted by the Brown Act.

**3.2 ORDER OF BUSINESS.**

The following shall be the ordinary Order of Business for meetings of the Board of Directors:

- (a) Roll Call
- (b) Public Presentation
- (c) Approval of Minutes of previous meeting plus consent calendar
- (d) The agenda items as prepared by the APCO

- (e) Special items may be introduced by a Board Member with the consent of a three-fourths vote of the Board Members present, if the requirements of the Brown Act are satisfied.

**3.3 READING OF MINUTES.**

Unless a reading of the Minutes of a previous meeting is requested by a member of the Board, such Minutes may be approved without reading if the APCO has furnished each member with an advance copy thereof per Section I-1.5.

**3.4 COMMUNICATIONS TO THE BOARD.**

The Clerk of the Boards shall furnish to the members of the Board and to the APCO a synopsis of communications received for consideration by the Board up to twenty-four (24) hours prior to the time scheduled for the meeting. Later communications may be considered as new business.

**SECTION 4 BOARD OF DIRECTORS, CONDUCT OF BUSINESS**

**4.1 ROBERT’S RULES OF ORDER.**

Robert’s Rules of Order, Latest Edition, except where inconsistent with express provisions of law, this Code or other resolutions of the Board of Directors of the Bay Area Air Quality Management District, shall govern the conduct of meetings of the Bay Area Air Quality Management District Board of Directors.

**4.2 MOTIONS.**

A Director moving the adoption of an ordinance or resolution shall ordinarily have the privilege of closing debate thereon.

**4.3 RECONSIDERATION.**

A motion to reconsider any action taken by the Board of Directors may be made only on the day such action was taken or at the next succeeding regular or special meeting. It may be made either immediately during the same session or at a recessed or adjourned session thereof. It may be made only by a Director who voted on the prevailing side, but may be seconded by any member. It may be made at any time and have precedence over all other motions, or while a member has the floor, and shall be considered as is provided in Robert’s Rules of Order, Latest Edition. If such a motion is to be brought at a succeeding meeting the Director bringing the motion must notify the Chairperson or the Board Secretary at least ninety-six (96) hours in advance of the meeting.

**4.4 SUBSTITUTE MOTION.**

The Chairperson may, at his or her discretion, allow a substitute motion to take the place of a main motion pending before the Board if the Chairperson determines that the substitute motion clarifies and furthers the intent of the main motion and does not constitute a drastic deviation from the main motion. The Chairperson’s determination to allow a substitute motion may be overruled by a majority of the Board.

**4.5 MINUTES - BOARD COMMENTS.**

A Director may request through the Chairperson, the privilege of having an abstract of his statement on any subject under consideration entered in the Minutes. If the Board consents thereto, such statement shall be entered in the Minutes. The Director so requesting shall furnish the APCO and Clerk of the Boards, with an abstract or transcript of his statement.

**4.6 ADDRESSING THE BOARD.**

Persons who are not members of the Board of Directors desiring to address the Board shall first secure permission of the Chairperson to do so. The Chairperson shall ordinarily recognize for the purpose of address to the Board:

- (a) Persons who have addressed written communications to the District may be recognized in regard to the matters under discussion,
- (b) Persons who have made written request for permission to address the Board on any matter outlined in their request, and
- (c) Persons interested in matters under discussion who have appeared for the purpose of protest, petition, or other presentation.

**4.7 CLOSE OF PUBLIC HEARING.**

After a motion to close a public hearing has been made by a member of the Board, no person shall address the Board until the motion is disposed of.

**4.8 PUBLIC PRESENTATIONS TO THE BOARD.**

Each person addressing the Board shall step up to the speaker's podium, shall give his or her name and address in an audible tone of voice for the record, and, if appearing in a representative capacity, shall state the party represented or, if appearing in a professional capacity such as attorney-at-law or registered engineer, shall state that fact to the Board. Unless further time is granted by the Board Chairperson, remarks shall be limited as set forth in Section I-4.9. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than members of the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Chairperson. No questions shall be asked of a member of the Board except through the Chairperson.

**4.9 PRESENTATION TIME LIMITS. (Revised 2/15/2023)**

Time limits for persons addressing the Board or a Board committee at a public meeting shall be established for each item on the meeting's agenda (including public comment on non-agenda matters) by the Director chairing the meeting.

**4.10 DECORUM.**

- (a) **By Directors.** While the Board of Directors is in session the members shall preserve order and decorum and shall not, either by conversation or otherwise, delay or interrupt the proceedings of the Board nor disturb any member while speaking, or refuse to obey the orders of the Board or its Chairperson, except as may be otherwise expressly provided.
- (b) **By Other Persons.** Any person making personal, impertinent, slanderous or indecorous remarks, or who shall become boisterous while addressing the Board, shall be barred by the Chairperson from further discussion before the Board unless permission to continue is granted by a majority vote.

**4.11 SERGEANT-AT-ARMS.**

At the request of the Chairperson of the Board, the APCO shall obtain the services of a Peace Officer to perform the duties of Sergeant-at-Arms at the meetings of the Board. Whenever necessary, additional Peace Officers may be employed to serve as assistant Sergeants-at-Arms.

**SECTION 5 BOARD OF DIRECTORS, VOTING**

**5.1 VOICE VOTE.**

The usual method of taking a vote is by voice; provided, however, that the Chairperson may, and when requested to do so by two (2) Directors, shall, take a vote by roll call.

**5.2 ROLL CALL.**

All ordinances, rules, regulations or amendments thereto and any matters involving the disbursement of money shall be adopted by roll call, except where a voice vote is declared by the Chairperson to be unanimous, and shall require the affirmative vote of the majority of the members of the Board. In addition, all proposals to settle any pending litigation in which the District is a defendant in a judicial action, whether approved in open session or in closed session, shall require the affirmative vote of the majority of the members of the Board.

**5.3 CONFLICT OF INTEREST.**

When one or more members determines that participation by the member(s) is prohibited by Section 87100 of the Government Code, because of the member(s) financial interest, the total membership of the Board shall be deemed to be reduced by the number of members prohibited from participation for the purpose of determining the number of affirmative votes required pursuant to Section I-5.2.

**SECTION 6 BOARD OF DIRECTORS, COMMITTEES**

**6.1 SPECIAL COMMITTEES.**

All special committees shall be appointed by the Chairperson, unless otherwise directed by the Board.

**6.2 STANDING COMMITTEES. (REVISED 2/15/23)**

Standing Committees of the Board of Directors shall be the following:

- (1) Finance and Administration Committee, consisting of the Chairperson of the Board, who shall be Chairperson of the Committee, the Vice-Chairperson of the Board, the Board Secretary, the last past Chairperson, and up to seven (7) other Directors appointed by the Chairperson.
- (2) Legislative Committee, consisting of up to eleven (11) Directors appointed by the Chairperson.
- (3) Mobile Source and Climate Impacts Committee, consisting of up to eleven (11) Directors appointed by the Chairperson.
- (4) Community Equity Health and Justice Committee, consisting of up to eleven (11) Directors appointed by the Chairperson.
- (5) Stationary Source and Climate Impacts Committee, consisting of up to eleven (11) Directors appointed by the Chairperson.
- (6) The Chairperson shall be an ex-officio member of all Standing Committees of the Board of Directors.
- (7) Each Standing Committee shall have authority to make recommendations to the Board of Directors for action regarding matters within the scope of the Committee's jurisdiction. A standing committee may discuss but may not make recommendations to

the Board of Directors regarding issues outside of its jurisdiction and shall refer such matters to the appropriate committee. Except as specified in this Division or as otherwise specified by the Board of Directors, Standing Committees are not delegated decision-making authority.

- (8) In no event shall the number of members, including the Chairperson of the Board, appointed to a Committee, constitute a quorum of the Board of Directors.

**6.3 ROTATION OF COMMITTEES.**

The membership on committees shall ordinarily be rotated among the Counties so as to secure participation in the work of the District by as broad a representation as may be possible.

**6.4 FINANCE AND ADMINISTRATION COMMITTEE. (REVISED 2/15/23)**

The Finance and Administration Committee will consider and recommend policies of the District relating to the administration of the District's programs and activities, including but not limited to policies regarding finance, procurement, employment, salaries, working conditions, insurance, and the retaining of consultants. The Committee shall not have authority to authorize alter, change or reverse any policy established by the Board of Directors.

The Finance and Administration Committee will oversee and guide staff activities relative to short-range and long-range planning regarding the goals and objectives of the District. The Committee will recommend to the Board of Directors each year a long-range plan. In doing so, the Committee should review the goals and objectives and short- and long-range plans of the California Air Resources Board, to the extent that they are known. The Committee will use the long-range plan approved by the Board of Directors in reviewing and developing the budget each year.

The Finance and Administration Committee will assist in the preparation of the annual budget for the District and will present the annual budget with recommendations to the Board of Directors. At Budget review time each year, the Committee will evaluate District goals and objectives and will recommend to the Board of Directors any changes it determines are appropriate. The Committee shall not have authority to authorize the expenditure of any funds not appropriated in the budget adopted by the Board of Directors.

The Finance and Administration Committee will keep itself informed as to the work of the Advisory Council and Hearing Board, and of persons in the community who may be qualified to serve on the Advisory Council and Hearing Board. The Committee will recommend to the Board of Directors selection of such persons whenever vacancies may from time to time occur on the Advisory Council or Hearing Board.

The Finance and Administration Committee will consider and recommend updates or revisions to this Code as may from time to time become necessary.

The Finance and Administration Committee is the successor to, and performs all of the functions of, the Administration Committee, Budget & Finance Committee, Executive Committee and Personnel Committee as those committees existed prior to January 1, 2023. Any function assigned to the Administration Committee, Budget & Finance Committee, Executive Committee or Personnel Committee under this Code shall be performed by the Finance and Administration Committee.

**6.5 [Reserved]**

**6.6 LEGISLATIVE COMMITTEE.**

The Legislative Committee will consider and recommend legislative proposals for the District and consider and recommend a District position on all proposed legislation affecting the District. The Legislative Committee, in conjunction with District staff and the District

Legislative Advocate, will keep itself informed on pending legislative matters and will meet and/or confer with appropriate legislators as necessary.

**6.7 NOMINATING COMMITTEE. (Revised 10/4/95)**

The Nominating Committee will consist of the Chairperson of the Board, the past Chairperson of the Board and three (3) appointees of the Chairperson of the Board, or in the event the past Chairperson of the Board is no longer serving on the Board, four (4) appointees of the Chairperson of the Board. The Nominating Committee shall be appointed no later than the second Board Meeting in November of each year and shall serve until the appointment of a new Committee. It is the function of the Nominating Committee to recommend to the Board the officers for each calendar year. In making its recommendation, the Committee shall not be bound by a recommendation of a previous Nominating Committee. The Committee need not follow a strict rule of rotation between supervisor and city members but may take into account their proportionate membership on the Board of Directors. Additionally, the Committee shall take into account the provisions of Section I-2.7.

**6.8 MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE. (Revised 7/7/21)**

The Mobile Source and Climate Impacts Committee will consider and recommend policies and positions of the District relating to transportation planning and funding, on-road and off-road mobile sources, mobile source fuels and equity for impacted communities related to these sectors. The Committee will keep itself informed on actions or proposed actions by local, regional, state and federal agencies affecting air pollutant emissions from mobile sources.

The Committee will also consider and recommend to the Board of Directors policies and positions of the District relating to climate protection activities and climate equity for impacted communities relative to mobile sources. The Committee will keep itself informed on actions and proposed actions by local, regional, state, federal, and international agencies and organizations relating to climate protection relative to mobile sources.

**6.9 COMMUNITY EQUITY HEALTH AND JUSTICE COMMITTEE. (Revised 7/7/21)**

The Community Equity Health and Justice Committee will advise the Board of Directors regarding equitable and inclusive actions the Air District takes to create a healthy breathing environment for all people of the Bay Area, regardless of race, ethnicity, age, gender identity, national origin, immigration status, ability or sexual orientation. The Committee will oversee staff efforts in developing policies for both internal and external operations, which impact the Bay Area. Internal operations include applying an equity lens to programs, policies, practices and procedures related to staffing, recruitment, promotions, inclusive practices in the workplace, contracting for capital projects and services, and continuous racial equity training. External operations include addressing disparities by applying an equity lens to Air District programs, policies, practices, and procedures. The Committee will prioritize traditionally marginalized and disinvested communities for investment opportunities to ensure communities highly impacted by air pollution receive program and policy prioritization.

The Committee will also recommend to the Board of Directors overall direction of the District's public engagement programs. In addition, the Committee hears proposals and makes recommendations to the Board of Directors regarding the selection of a contractor(s) to assist the District with aspects of the public engagement programs.

**6.10 STATIONARY SOURCE AND CLIMATE IMPACTS COMMITTEE.**

The Stationary Source and Climate Impacts Committee will consider and recommend policies to the Board of Directors relating to stationary sources. The Committee shall recommend positions to the Board of Directors on stationary source policy issues affecting the implementation of the State and Federal Air Quality Management Plans and key planning policy issues such as federal and State Air Quality Management Plan development and air

quality and economic modeling. The Committee shall review and make recommendations to the Board of Directors regarding major stationary source programs including: permitting, compliance, small business assistance, toxics, source education, and rule development. The Committee shall recommend to the Board of Directors positions concerning federal and state regulations that affect stationary sources. The Committee shall recommend policies to the Board of Directors for disbursement of supplemental environmental project grants.

The Committee will also consider and recommend to the Board of Directors policies and positions of the District relating to climate protection activities and funding relative to stationary sources. The Committee will keep itself informed on actions and proposed actions by local, regional, state, federal, and international agencies and organizations relating to climate protection relative to stationary sources.

**6.11 QUORUM FOR COMMITTEES. (Revised 12/6/06)**

There is no quorum requirement for a Committee meeting to be held, except that, for the purpose of making a Committee recommendation to the Board of Directors, there is established a quorum of five (5) Committee members.

**6.12 COMMITTEE PROCEDURE. (Revised 12/6/06)**

- (a) Voting. Only members of the Committee shall be allowed to vote on Committee recommendations.
- (b) Minority Report. Any Committee member can submit a Minority Report to accompany the Committee recommendation submitted to the Board of Directors, but may not use District staff to prepare such report.

**SECTION 7 ADVISORY COUNCIL**

**7.1 ACTIVITIES OF COUNCIL. (Revised 12/17/14)**

- (a) The Advisory Council shall meet four (4) times each year.
- (c) The Advisory Council shall consider and report to the Board on specific matters which may be referred to the Council.

**7.2 TERM OF OFFICE.**

The terms of office for members of the Advisory Council are fixed by Health and Safety Code Section 40263.

**7.3 LIMITS ON TERM OF OFFICE.**

Effective with appointments for terms on the Advisory Council commencing on January 1, 1992, and thereafter, it is the policy of the Board of Directors that members with twelve (12) consecutive years of membership on the Council not be re-appointed to the Council, except that such members who were serving on the Council on the date of adoption of this policy may be appointed to one additional term. A member not re-appointed because of having served twelve (12) consecutive years on the Council shall again be eligible for appointment after an absence of two years from the Council.

**7.4 EXPENSE REIMBURSEMENT. (Revised 12/17/14)**

Members of the Advisory Council shall be reimbursed for actual and necessary expenses incurred by them in attending meetings of the Advisory Council and meetings and public hearings conducted by the Board of Directors. Transportation, meals, lodging and other incidental expenses will be allowed at the same rate as is allowed to Members of the Board of Directors provided that receipts are presented pursuant to Section II-5.6.



**7.5 OTHER EXPENSES. (Revised 1/14/09)**

Other expenses may be allowed after prior specific approval by a majority of the Board of Directors.

**7.6 CLERK CERTIFICATION OF ATTENDANCE AND EXPENSES.**

The Clerk of the Boards shall certify to the Director of Administrative Services the attendance and the expense reports of members of the Advisory Council.

**SECTION 8 HEARING BOARD**

**8.1 RULES OF PROCEDURE.**

The Hearing Board shall, from time to time, as it may deem necessary, adopt, re-adopt, or amend rules of procedure for the conduct of its hearings and for the conduct of matters which may be submitted to it and which are not inconsistent with law.

**8.2 EXPENSE REIMBURSEMENT. (Revised 10/04/00)**

Members of the Hearing Board may be paid for actual and necessary expenses incurred by them in attending meetings of the Hearing Board, the Board of Directors, Advisory Council and public hearings conducted by the Board of Directors. Mileage, tolls, parking fees, meals and other incidental expenses will be allowed at the same rate as is allowed to the Directors provided that receipts are presented pursuant to Section II-5.6). They shall be allowed a per diem of one hundred dollars (\$100) for each day attending a meeting, other than meetings of the Hearing Board, when requested to do so by the Board or APCO. They shall be allowed a per diem of four hundred dollars (\$400) for each day attending meetings of the Hearing Board. The hearing Board Chairperson shall be allowed a per diem of four hundred fifty dollars (\$450) for each day attending meetings of the Hearing Board.

**8.3 CLERK OF HEARING BOARD.**

The Clerk of the Boards shall be ex-officio the Clerk of the Hearing Board to perform clerical duties for the Hearing Board and to keep and maintain its records.

**8.4 CERTIFICATION OF ATTENDANCE AND EXPENSES.**

The Clerk of the Hearing Board shall certify to the Director of Administrative Services the attendance and the expense reports of the members of the Hearing Board.

**8.5 OTHER EXPENSES.**

Other expenses may be allowed after prior specific approval of a majority of the Executive Committee or the Board.

**8.6 LIMITS ON TERM OF OFFICE. (Revised 5/14/2014)**

Effective with appointments for terms on the Hearing Board commencing on April 1, 2014, and thereafter, members with fifteen (15) consecutive years of membership on the Hearing Board shall not be re-appointed to the Hearing Board, without exception. A member not re-appointed because of having served fifteen (15) consecutive years on the Hearing Board shall again be eligible for appointment after an absence of three years from the Hearing Board.

## **SECTION 9 REGULATION ADOPTION**

### **9.1 PUBLIC HEARING.**

The Board of Directors shall not adopt, amend or repeal any rule or regulation without first holding a public hearing thereon. The vote necessary to adopt, amend or repeal a rule or regulation shall be as set forth in Section I-5.2

### **9.2 DOCKET FILES.**

The APCO shall establish a file for each District rule and regulation which shall include the latest version of the text of the rule and regulation. These are to be known as the Docket Files and are to be regarded as the starting point for the record of any rule- making proceedings which may thereafter occur. Copies of any petitions received by the District from interested persons proposing the adoption, amendment or repeal of a regulation, shall be included in the appropriate Docket File.

### **9.3 PUBLIC HEARING NOTICE REQUIREMENT.**

Notice of the time and place of a public hearing to adopt, amend, or repeal any rule or regulation shall be given not less than 30 days prior thereto in accordance with the provisions specified in the Health and Safety Code for such notice, and by publication in each county of the District pursuant to Section 6061 of the Government Code.

### **9.4 NOTICE OF PUBLIC HEARING.**

The published notice shall include the following information:

- (a) The time and place of the public hearing;
- (b) A brief description of the proposed action;
- (c) A statement that the full text of the regulatory language which is proposed to be adopted, amended, or repealed is available for public inspection at the District office during regular business hours; and
- (d) An invitation for the submission of written public comments to be submitted to the APCO by 5:00 p.m. on the second business day prior to the hearing. The notice shall include the name, address and telephone number of the APCO.

### **9.5 CONDUCT OF PUBLIC HEARING.**

At the public hearing held to adopt, amend or repeal a rule or regulation, the Board shall provide for the submission of statements, arguments, or contentions, either oral, written, or both. In addition, the written comments submitted pursuant to Section I-9.4(d) shall be made available to each Director. Following consideration of all relevant matters presented, the Board may adopt, amend, or repeal a rule or regulation unless the Board determines to make changes in the text originally made available to the public that are so substantial as to significantly affect the meaning of the proposed rule or regulation. The Board shall not take action on a changed text where the change is so substantial as to significantly affect the meaning of the proposed rule or regulation before its next regular meeting, and shall allow further statements, arguments and contentions either written, oral or both, to be made and considered prior to taking final action.

### **9.6 FINDINGS.**

Before adopting, amending, or repealing a rule or regulation, the District Board shall make findings of necessity, authority, clarity, consistency, non-duplication and reference, as defined in Health and Safety Code Section 40727, based upon relevant information presented at the hearing.

**9.7 PUBLIC HEARING RECORDS.**

The APCO shall maintain a file of the appropriate rule or regulation which shall be deemed to be the record for that rule-making proceeding. The file shall include the Docket File for the appropriate rule or regulation supplemented by the following:

- (a) Copies of published notices of proposed adoption, amendment, or repeal of the rule or regulation.
- (b) All data and other factual information, any studies or reports, and written comments submitted to the District in connection with the adoption, amendment or repeal of the rule or regulation. The District staff shall ascertain that this material includes all such material on which it relies to support any action which it has recommended to the Board.
- (c) The cost-effectiveness of the control measure and the direct costs expected to be incurred by regulated parties, including businesses and individuals as determined by the District.
- (d) The minutes of any public hearing by the Board in connection with the adoption, amendment or repeal of the regulation.
- (e) The text of the regulatory language as originally proposed to be adopted, amended or repealed, and the modified text, if any, that were made available to the public prior to the adoption.
- (f) A copy of the Board's resolution adopting the change in the rule or regulation.

**9.8 RECORD OF ADOPTION.**

Following adoption of a change in a rule or regulation, the APCO shall include the rule or regulation as it reads following such adoption in the Docket File.

**SECTION 10 RECOGNITION OF EMPLOYEES' ORGANIZATIONS**

**10.1 GENERAL PROVISIONS.**

- (a) It is the purpose of this article to promote full communication between the Bay Area Air Quality Management District and its employees regarding wages, hours, and other terms and conditions of employment. It is also the purpose of this article to promote the improvement of personnel management and employer-employee relations within the District by providing a uniform basis for recognizing the right of employees of the District to join organizations of their own choice and be represented by such organizations in their employment relationships with the District. Nothing contained herein shall be deemed to supersede the provisions of existing State Law and ordinances affecting the District.
- (b) Nothing in this article shall be interpreted as precluding or discouraging the discussion of any and all matters of mutual interest, at the appropriate level, to the end that there be full understanding and cooperation among the parties and that problems be resolved expeditiously.
- (c) Nothing in this article shall be interpreted as precluding or discouraging the District from requesting assistance or advice, whether from outside experts or otherwise, in situations deemed appropriate by the Board.
- (d) If, after meeting and conferring for a reasonable period of time, representatives of the District and the recognized employee organization or organizations fail to reach agreement, the District and the recognized employee organization or organizations

together may, but are not required to, submit any matters within the scope of representation to mediation and may make the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the District and one-half to the recognized employee organization or organizations.

**10.2 REPRESENTATION.**

- (a) Management and confidential employees shall not represent any employee organization which represents other than management and confidential employees of the District on matters within the scope of representation.
- (b) Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization consisting of such professional employees.

**10.3 REGISTRATION PROCEDURE PRIOR TO RECOGNITION.**

- (a) No employee organization shall have rights under this article unless and until it has been registered with the District through the Employee Relations Officer. Employee organizations, having been registered, shall thereafter report in writing to the Employee Relations Officer any changes in the facts submitted in the registration within thirty (30) days of the occurrence of the change.
- (b) The registration shall consist of:
  - (1) the name and address of the employee organization;
  - (2) a list of the officers and principal representatives of the employee organization and a list of designated representatives authorized by the employee organization to act for it in matters within the scope of representation;
  - (3) a statement that the employee organization includes employees within its membership;
  - (4) a statement that the employee organization has, as one of its primary purposes, the function of representing employees in their relations with the District.
  - (5) the designation of two or more persons and their addresses to whom notice, sent by United States mail, or to a specific place at the District office, will be deemed sufficient notice on the employee organization for any purpose; and
  - (6) a statement that the employee organization has no restriction on membership based on race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

**10.4 PROCEDURES FOR ESTABLISHING REPRESENTATION UNITS.**

- (a) Representation units shall be established by the Board following submission of requests as hereinafter set forth. The decision of the Board shall be binding on all parties for the period established in Section I-10.4(f).
- (b) The APCO shall make a recommendation to the Board concerning proposed representation units for the District. No District employee shall be included in more than one representation unit. Management and confidential employees shall not be included in a representation unit containing classifications of non-management and non-confidential employees. The Employee Relations Officer shall be guided by the policy of the Board that any single representation unit shall encompass as many position classifications as possible consistent with the full use by employees of the privileges of organization and representation established by this article. Within the limits of this policy, criteria used in recommending representation units may include, but shall not be limited to, such factors as community of interest among employees and

the general field of work. No unit shall be established solely on the basis of the extent to which employees in the proposed unit have previously organized.

- (c) Employees or employee organizations may request of the Board the establishment of a particular representation unit by listing classifications and positions to be included and submitting a petition signed by at least thirty percent (30%) of the full-time regular and probationary employees within the proposed representation unit.
- (d) The Employee Relations Officer shall verify all petitions and, upon verification, shall within ten (10) working days give notice to the employees within the proposed representation unit of the contents of the petition.
- (e) Employees within the proposed representation unit shall have ten (10) working days from the date of notification to submit petitions requesting changes in the proposed representation unit. Such petitions must be signed by at least thirty percent (30%) of the employees within the proposed modified representation unit.
- (f) Petitions for changes in representation units may be submitted not sooner than two (2) years following designation of the representation unit by the Board, except that in the event that the end of such two-year period shall occur during the months of April, May, or June of any year, such petitions may be submitted on or after December 1 of the preceding year.
- (g) For the purpose of this chapter, only full-time regular and full-time probationary employees shall be eligible to sign petitions for the establishment of representation units

**10.5 CERTIFICATION AND DE-CERTIFICATION AS A RECOGNIZED EMPLOYEE ORGANIZATION. (Revised 8/6/94)**

- (a) An employee organization shall be considered for certification as a recognized employee organization by the Board, through the Employee Relations Officer, following the submission of a request for recognition accompanied by, or in the form of, a petition indicating that at least thirty percent (30%) of the employees within the proposed or existing representation unit desire the petitioning employee organization to be their sole representative.
- (b) The Employee Relations Officer shall verify each petition and, following verification, shall within ten (10) working days give notice to all employees within the proposed or existing representation unit and all employee organizations of the contents of the request.
- (c) Any other employee organization seeking certification as a recognized employee organization to represent the employees of a proposed or existing representation unit for which a request has been submitted and verified pursuant to Sections I-10.5(a) and (b) may, within ten (10) working days of the date of notice given pursuant to Section I-10.5(b), request the Board through the Employee Relations Officer for recognition accompanied by, or in the form of, a petition indicating at least thirty percent (30%) of the employees within the proposed or existing representation unit desire the petitioning employee organization to be their sole representative.
- (d) If the request for recognition shows a proof of employee approval of thirty percent (30%) of the employees within the unit and no challenging petition is filed within ten (10) working days following the date of notice, or, if two or more requests are filed, the Employee Relations Officer, upon verifying all petitions, shall cause a secret election to be conducted or supervised by an agency independent of the District. All the employees of the representation unit shall be given the opportunity to choose among the petitioning employee organizations and no organization. Full-time employees

within the representation unit on the payroll immediately preceding the election shall be entitled to vote.

- (e) The Board shall officially certify as the recognized employee organization the organization, if any, receiving a majority of such ballots cast. If a majority of such ballots cast is for no organization, the Board shall certify that no recognized employee organization represents the employees within the representation unit. If none of the choices on the ballot receives a majority of the ballots cast, a run-off election shall be held between the choices receiving the two highest number of votes. The Board shall certify as the recognized employee organization for the representation unit the choice receiving the most votes in a valid election, or shall certify that no recognized employee organization represents the employees within the representation unit. For any election provided for in this article to be valid, at least fifty percent (50%) of the eligible voters must vote. The Board shall make its official certification within fifteen (15) working days of the official notification of the election results.
- (f) A request for de-certification of a recognized employee organization or for the certification of an employee organization other than the organization currently certified must be accompanied by, or, in the form of, a petition executed by at least thirty percent (30%) of the employees within the representation unit. The Board may also initiate a de-certification petition where, because of substantial changes in District functions, organizational structure, or job classifications within the representation unit, it appears that the recognized employee organization no longer retains significant support among employees within the representation unit. No de-certification petition under this section shall be filed earlier than two (2) years following certification of the recognized employee organization or earlier than one hundred and twenty (120) days and no later than ninety (90) days prior to the expiration of the period of time covered by an agreement or memorandum of understanding. The provisions of Section I-10.5(b) and (c) shall apply to a proceeding under this section. The Employee Relations Officer shall cause a secret election to be conducted or supervised by an agency independent of the district wherein the employees within the representation unit on the payroll immediately preceding the election shall be entitled to vote. The recognized employee organization shall be de-certified or changed by the Board only if a majority of those casting valid ballots in an election vote for de-certification or change.
- (g) For the purpose of Section I-10.5(a) through (h), only full-time regular and full-time probationary employees shall be eligible to sign representation petitions or to vote in representation elections.
- (h) Requests for certification as a recognized employee organization may be submitted not sooner than one (1) year following the certification that the representation unit shall not be represented by a recognized employee organization.

#### **10.6 MEETINGS.**

- (a) The Employee Relations Officer, and/or others as designated by the Board or APCO, shall meet and confer with representatives of recognized employee organizations on matters within the scope of representation. The recognized employee organizations shall be advised of the name and address of the Employee Relations Officer.
- (b) It is in the interest of the District and of recognized employee organizations that the annual meet and confer process on the subject of salaries, fringe benefits and conditions of employment be brought to a mutually agreeable conclusion prior to that time when the Board adopts its annual budget for the District, which normally takes place in June. In order to meet this goal, the representatives of the District and of the recognized employee organization or organizations shall endeavor to adhere to the following schedule for the conduct of the annual meet and confer process.

- (c) By February 15 of each year, the APCO shall designate three management employees to serve with the Employee Relations Officer as the Board's designated representatives in that year's meet and confer process. The APCO shall designate one of these individuals to serve as chief negotiator.
- (d) During the month of February of each year, the members of the recognized employees organization or organizations should confer among themselves in order to agree upon a list of issues within the scope of representation which the members of the recognized employee organization or organizations wish to address in the course of that year's meet and confer process. In addition, management representatives shall meet and confer among themselves in order to agree upon a list of issues to be addressed in the course of that year's meet and confer process. To the extent practicable, this list shall be drafted in the form of proposed language changes to the then existing memorandum of understanding between the District and the recognized employee organization. These lists should be exchanged by no later than the end of February of each year.  
**(Revised 9/6/95)**
- (e) The Board's designated representatives shall meet with the designated representatives of the recognized employee organization or organizations at a mutually acceptable time as soon as possible after the submission of each employee organization's list of issues.
- (f) The APCO shall present the matters set forth in each employee organization's list of issues to the full Board at a closed session to be held at the second regularly scheduled Board meeting in March. At this session, the Board shall instruct its designated representatives as to the Board's position on the issues to be addressed during that year's meet and confer process including any issues raised by the Board or by management.
- (g) Beginning in April of each year and until the meet and confer process is concluded, each regularly scheduled Board meeting shall have agendaized a brief closed session in order for the designated representatives to update the Board on the progress of that year's meet and confer process and, if necessary, to enable the Board to modify its instructions to its designated representatives concerning the subjects at issue.
- (h) To the extent practicable, the designated representatives of the Board and of the recognized employee organization or organizations shall meet as often as necessary during the course of the meet and confer process. The parties shall endeavor to bring the meet and confer process to a mutually agreeable conclusion by the first scheduled Board meeting in June.
- (i) The purpose of the meet and confer process is to promote an amicable resolution of issues within the scope of representation. This purpose is best served by following the procedures outlined above. For this reason, it is the view of the Board that the spirit of good faith and mutual obligation which the meet and confer process is intended to foster would be compromised if any recognized employee organization, its officers or designated representatives, or the designated representatives of the Board, were to circumvent these procedures or deviate from the meet and confer process with respect to any matter which is the subject of an on-going meet and confer process.
- (j) The District staff will furnish any recognized employee organization, on request, with sufficient data on wage rates, job classifications and related matters to enable the recognized employee organization to bargain understandingly and to prepare for meet and confer sessions.
- (k) If after a reasonable period of time, the representatives of any recognized employee organization and the designated representatives of the Board fail to reach agreement concerning any subject matter at issue during an on-going meet and confer process, the Board and the recognized employee organization together may agree upon the

appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the District and one-half to the recognized employee organization.

- (l) The procedures outlined in Section I-10.6(b) are intended to apply to issues within the scope of representation which are normally addressed in connection with the District's annual budget process. In the event that other issues within the scope of representation arise outside of the time frame outlined in Section I-10.6(b), either the affected recognized employee organization or organizations, or the Employee Relations Officer, may request in writing that the designated representatives of each party meet and confer concerning said issue or issues. The designated representatives of each affected party shall meet at a mutually acceptable time as soon as possible thereafter concerning the issue or issues specified in said written request.
- (m) All meetings shall occur at District facilities, unless otherwise mutually agreed.
- (n) If the subject of a meeting affects more than one representation unit, a joint meeting will be held with all of the recognized employee organizations affected.
- (o) If agreement is reached, the participants shall jointly prepare and sign a written memorandum of such understanding, which shall be presented to the Board for determination and shall not be binding until approved by the Board.
- (p) Unless otherwise mutually agreed, no more than four (4) District employees, who are representatives of each recognized employee organization, shall be granted reasonable time off without loss of compensation or other benefits when formally meeting and conferring with designated Board representatives on matters within the scope of representation.
- (q) Timely requests in writing for reasonable time off for the purpose of Section I-10.6(p) shall be submitted to the employee's department head or his/her designated representative. Such requests shall include:
  - (1) the name of the employee;
  - (2) the name of the organization represented;
  - (3) the time, place, nature and estimated duration of the meeting.Any such request may be denied by the department head on the basis of an operational emergency, the existence of which shall be reported by the department head to the Employee Relations Officer, who shall then contact the representative of the recognized employee organization, so that the meeting may be re-scheduled, if the recognized employee organization so desires.
- (r) Except in cases of emergency as provided in Section I-10.6(s), the Employee Relations Officer shall give reasonable written notice to each recognized employee organization affected of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the Board and shall give such recognized employee organization an opportunity to meet with the Employee Relations Officer of the District.
- (s) In cases of emergency when the Board determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the Board shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution, or regulation.



**10.7**

**ACCESS TO EMPLOYEES DURING WORKING HOURS.**

- (a) Any authorized representative of an employee organization seeking recognition under this article has the right to contact individual employees working within the proposed or existing representation units in District facilities during business hours on matters within the scope of representation, except on matters outlined in Section I-10.7(c) below, providing prior arrangements have been made for each such contact with the department head or his/her designated representative, who shall grant permission for such contact if it will not disrupt the business of the work unit involved. When contact on the work location is precluded by confidentiality of records, or of work situation, health and safety of employees or the public or by disturbance to others, the department head shall have the right to make other arrangements for a contact location removed from the work area.
- (b) Meetings of representatives of employee organizations seeking recognition under this article and a group of employees shall not be permitted during working hours. The Employee Relations Officer or his/her designated representative may, upon timely application, allow meetings of a representative of an employee organization seeking recognition and a group of employees during the lunch period in District facilities and at convenient dates.
- (c) No contacts shall be permitted during working hours with employees regarding membership, collection of moneys, election of officers, or other similar internal employee organization business.
- (d) Unless otherwise agreed, employees or representatives of employee organizations shall not be permitted to attend meetings or conferences called by District personnel concerning matters arising out of the normal course of District activities.

**10.8**

**AGENCY SHOP. (Revised 8/6/94)**

- (a) The District shall deduct and transfer to the Association dues for members of the Association and agency fees for non-member probationary and regular employees who are in job classifications which are non-management and non-confidential.
- (b) Within thirty (30) days from the date of hire any employee who is in a non-management and non-confidential classification may become a dues paying member of the Association or, subject to subsection (e) below, shall thereafter pay an agency fee, in an amount equal to the Employee Association's dues, to the Association. **(Revised 9/6/95)**
- (c) Dues and agency fees shall be withheld by the District twice monthly, and shall be transferred monthly with an itemized statement to the Association member designated in writing as the person authorized to receive such funds, at the address specified.
- (d) The District shall not be obligated to put into effect any new, changed, or discontinued deduction until the pay period commencing after such submission.
- (e) No District employee shall be required to join the Association or to make an agency fee payment if the District employee is an actual verified member of a bona fide religion, body, or sect which has historically held conscientious objections to joining or financially supporting employee organizations; or if the District employee has personal moral objections to joining or financially supporting employee organizations. Such employee must, instead, arrange to satisfy his/her obligation by donating the equivalent amount to a non-labor, non-religious charitable fund chosen by the employee, which is tax exempt under Section 501(c)(3) of the Internal Revenue Code (IRC).

**10.9 CONSTRUCTION OF SECTION I-10. (Renumbered 8/6/94)**

- (a) Nothing in this section shall be construed to deny any person, organization, or employee any rights granted by federal, state, or local law or charter provision.
- (b) The provisions of this section are intended to be consistent with the provisions of Article 10, Division 4, Title I (Section 35, et seq.) of the Government Code of the State of California.
- (c) If any provision of this section or the application of such provision to any person, organization, employee or circumstance shall be held to be invalid, the remainder of section or the application of such provision to person, organization, employees, or circumstances other than those being held invalid shall not be affected thereby.
- (d) Subject to the limitations pertaining to representation units contained in Section I-10.4(b), nothing contained herein shall be construed to prohibit two (2) or more employee organizations from acting jointly, as a single organization, to register, to petition for a representation unit, or to petition for certification as a recognized employee organization, and if certified, to represent the employees within the representation unit.
- (e) It is recognized that the provisions of this article may require amendments from time to time. The Board, through the APCO, shall consult with employee organizations prior to enacting any such amendments.

**SECTION 11 GUIDELINES FOR RECORDS MANAGEMENT AND ACCESS**

**11.1 RECORDS MANAGEMENT POLICY. (New 2/3/10)**

- (a) It is the policy of the Bay Area Air Quality Management District to identify, maintain, safeguard, and dispose of records in the normal course of business; to ensure prompt and accurate retrieval of records; and, to ensure compliance with legal and regulatory requirements.
- (b) District records shall be maintained as electronic records to the extent feasible and reasonable. Electronic records shall be created, stored, and maintained in accordance with standards adopted or recommended by the California Secretary of State pursuant to Government Code Section 12168.7.
- (c) Retention and disposal of records shall be governed by the provisions of Government Code Sections 60201 and 60203 and the provisions below in Sections I-11.3 and I-11.4.
- (d) The APCO is authorized by the Board of Directors to interpret and implement this policy, and, in order to ensure the efficient operation of the District in compliance with all legal requirements, to retain and destroy records in accordance with this policy.

**11.2 DEFINITIONS. (New 2/3/10)**

- (a) Duplicate record – Means a record that is produced by the same impression as the original, or from the same matrix, or by any other technique that accurately reproduces the original in a manner that complies with Government Code Section 60203, subdivisions (a)(1), (a)(2), and (a)(3).
- (b) Electronic record – Means a record created or reproduced in any medium by means of any system requiring the aid of electronic technology to make the record readable or otherwise comprehensible by ordinary human sensory capabilities.

- (c) Original record – Means a record prepared in the first instance or any counterpart intended to have the same effect by a person executing or issuing it. If data are stored in a computer or similar device, any printout or other output readable by sight shown to reflect the data accurately is an “original.”
- (d) Public Record – Means any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by the District, regardless of physical form or characteristics.
- (e) Record – Means, pursuant to Government Code Section 60201, a “writing” as defined by Government Code Section 6252, subdivision (f), i.e. any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.
- (f) Retention Period – The length of time a record must be retained to fulfill its administrative, fiscal and/or legal function as specified in the record retention schedule developed in accordance with Section I-11.3.

**11.3 RETENTION PERIODS. (New 2/3/10)**

- (a) Pursuant to Government Code Section 60201, the APCO shall create and periodically revise a record retention schedule that classifies all of the District’s records by category and establishes a retention period for each category.
- (b) Pursuant to Government Code Section 60201, the Board of Directors shall adopt by resolution the record retention schedule and any revisions to the schedule.

**11.4 DESTRUCTION OF RECORDS. (New 2/3/10)**

- (a) Except as provided in Section I-11.4(b), a record may be destroyed if:
  - (1) The retention period for the record has passed; or
  - (2) The record is not expressly required by law to be filed and preserved in the format or medium in which it exists, and a duplicate record is retained.
- (b) In no instances is a record to be destroyed if there is a continuing need for the record for such matters as pending litigation or special projects, or if the record falls within one of the categories listed in Government Code Section 60201, subdivision (d).
- (c) The destruction of records pursuant to Section I-11.4(a)(1) shall occur as soon as possible after the retention period has passed.
- (d) The destruction of records pursuant to Section I-11.4(a)(2) may be carried out at any time provided the retained duplicate records comply with the provisions of Government Code Section 60203, subdivisions (a)(1), (a)(2), and (a)(3), which require that:
  - (1) The record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document in compliance with Government Code Section 12168.7 for recording of permanent records or nonpermanent records.
  - (2) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one that accurately reproduces the original thereof

in all details and that does not permit additions, deletions, or changes to the original document images.

- (3) The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the files.

#### **11.5 DISCLOSURE POLICY.**

It is the policy of the Bay Area Air Quality Management District that all records not exempted from disclosure by state law shall be open for public inspection with the least possible delay and expense to the requesting party. Additionally, unless otherwise prohibited by law, the District may authorize disclosure of those records identified in Section 6254 of the Government Code where the District determines that such disclosure would benefit the public interest.

#### **11.6 DISCLOSURE PROCEDURE.**

- (a) A request to inspect public records in the custody of the District need not be in any particular form, but it must describe the records with sufficient specificity to enable the District to identify the information sought. Records requests should be in writing, and should include the following information:
  - (1) Name, address and plant number of the subject of the request
  - (2) Date range for records to be reviewed
  - (3) Types of records to be reviewed, e.g., complaints, violation notices, permits or variances
  - (4) Type of copies requested, e.g., photocopy, microfiche or printout
- (b) A request to inspect public records should be addressed to the, Enforcement Services Section, Attention: Records Section, Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, California 94105. Telephone inquiries should be directed to (415) 749-4784.
- (c) Except as provided in sub-section (d) below, the District shall make available the records requested, as provided in Section I-11.1 above, within a reasonable period of time after the date of the request. If, for good cause, the information cannot be made available within a reasonable period of time, the District will notify the requesting person of the reasons for the delay and when the information will be available.
- (d) Within a reasonable period of time after receipt of a request to inspect public records, the District shall advise the requesting person of the following facts when appropriate:
  - (1) The location at which the public records in question may be inspected, and the date and office hours during which they may be inspected.
  - (2) If copies of the public records are requested, the cost of providing such copies, if any.
  - (3) Which of the records requested, if any, have been labeled pursuant to Section 6254.7 of the Government Code as "trade secret" and are not public records.
  - (4) The specific reason why the records cannot be made available, if such is the case. Reasons for unavailability may be, but are not limited to, the following: the records are exempt from disclosure by state law; the records cannot be identified from the information contained in the request; the records do not exist; the District has determined pursuant to Section 6255 of the Government Code that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of

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### **OPERATING POLICIES & PROCEDURES**

the records; or the records in question are not in custody of the District. In the latter situation the District shall, if possible, notify the requesting party of the entity most likely to have custody of the records requested.

#### **11.7 TRADE SECRETS.**

Under the provisions of Government Code Section 6254.7, trade secrets will not be disclosed if the following procedure is followed:

- (a) The company whose records are requested may, within fourteen (14) days following notification, identify in writing any material which it claims to be a trade secret as defined in Government Code Section 6254.7 (c), and state the grounds on which the claim is based;
- (b) The claim and grounds will be forwarded to the person seeking disclosure and;
- (c) If the person seeking disclosure notifies the District that disclosure is still desired within five (5) days of receipt of the company's written claim of trade secret, the company will be given ten (10) days notice to apply for a judicial determination that the material in question may or may not be disclosed; however if no such judicial relief is applied for within the ten (10) day period, the material in question will be disclosed.

#### **11.8 REVIEW PROCEDURES FOR DISTRICT DOCUMENTS.**

(a) General Policy

Documents provided to the public must be reviewed for quality and accuracy in content. Any technical reports, technical memoranda and data shall be treated as preliminary until a formal quality assurance review is complete. For most documents, this review shall be carried out by the author's supervisor, division director, DAPCO and APCO, in that order.

Until the review process has been completed, documents shall be stamped "PRELIMINARY" or "DRAFT", preferably on each page. Such documents shall not be public records, and shall not be cited, quoted or distributed outside the District without "DRAFT-DO NOT QUOTE OR CITE" on each page

(b) Draft Technical Reports - Peer Review

Drafts of technical reports and technical memoranda generated by District personnel including but not limited to technical reports, abstracts, journal articles and conference papers are often subjected to peer review for accuracy and content by technical experts outside the District. The limited release of a draft or preliminary report for peer review shall not waive the draft or preliminary nature of the report, and the draft or preliminary report shall not be cited, quoted or distributed outside the District other than to those conducting the peer review. Such documents shall be stamped "PRELIMINARY" or "DRAFT" and "DISTRIBUTED FOR PURPOSES OF PEER REVIEW ONLY" on each page.

(c) Documents Intended for Internal Use Only:

Documents intended for internal use only shall include a disclaimer on the cover page that states: "THIS IS A TECHNICAL REPORT INTENDED FOR INTERNAL DISCUSSION ONLY. THIS REPORT DOES NOT REPRESENT DISTRICT POLICY AND IS NOT INTENDED FOR PUBLIC RELEASE. DO NOT CITE OR QUOTE."

(d) District Policy Regarding Technical Papers Written by District Employees:

The procedures set forth in this Section shall apply to all abstracts, journal articles, reference papers and technical reports prepared by District employees within the scope of their employment. Nothing herein is intended to prohibit District employees from

publishing articles or delivering papers which may not reflect the policy of the District provided the work is done on the employees own time. However, any such paper, article or report prepared by a District employee outside the scope of his or her employment which has not been subjected to the review process provided for in this Section shall not be a District document, and the employee shall not represent the article or paper as such. Moreover any such paper shall include an explicit disclaimer that the article or paper does not reflect the views or policy of the Bay Area Air Quality Management District.

## **SECTION 12 COMMUNICATIONS WITHIN THE ORGANIZATION**

### **12.1 COMMUNICATION POLICY.**

The policy of the District is to inform all employees promptly and fully of policy plans and changes which relate to or affect their work. The APCO, through each Division Director, is responsible for developing effective communication with all employees. The Personnel Section will prepare "Employee Bulletins" to inform employees of significant developments within the District, including policy changes and other pertinent matters.

### **12.2 WRITTEN COMMUNICATIONS.**

Memoranda between or within Divisions should be addressed specifically to those concerned. The APCO will receive an information copy of Divisional memoranda relating to policy within a Division. Memos shall be dated.

### **12.3 BULLETIN BOARDS.**

Bulletin boards will be maintained on each business floor of the District for announcements, recruitment bulletins and other communications for the information of all District employees. District bulletin boards are for District employees. District bulletin boards are for District business only. The Employees' Association will be allowed use of bulletin boards.

### **12.4 CONFERENCE PARTICIPATION.**

Employees of the District may, with the prior approval of the APCO, or with the Chairperson of the Board in the case of the APCO, attend meetings, conventions, and conferences of specialists, on District time and payroll, within or without the State, at their own expense. In granting approval, the APCO, or the Chairperson of the Board in the case of the APCO, will be guided by whether attendance is apt to increase their professional competence in fields for which they are employed by the District.

### **12.5 LITIGATION.**

From time to time the District and its officers are parties to law suits involving a wide range of factual and legal questions. When an action has been formally commenced (filed with a court and properly served), contacts between the parties are to be made through counsel. Employees are not obliged to speak to any person outside of the District staff regarding pending litigation involving the District. The exception to this rule is the situation in which proper discovery procedure (notice of deposition, interrogatories, requests for admissions) has been followed.

The District Legal Division should be advised of any and all inquiries addressed to an employee by any party or attorney involved in a legal action to which the District is a party.

## **SECTION 13      COMMERCIAL SOFTWARE POLICY**

### **13.1      LICENSE AGREEMENTS.**

All employees shall use software only in accordance with its license agreement. Unless otherwise stated in the license agreement, any duplication of copyrighted software, except for backup or archival purposes, is prohibited. The following points are to be followed to comply with software license agreements:

- a) No employee shall give software to anyone outside the District.
- b) With the exception of software covered by a multi-user site license, all software manuals shall contain the software serial number and shall be maintained in the immediate vicinity of the computer system where the software is installed.
- c) All software used by the organization on District computers will be purchased through appropriate procedures, except as follows: an employee may install software which the employee has legitimately purchased on a single computer system which has been provided by the District for the employee's exclusive use provided that, prior to installation:
  - 1) The employee presents the software to the Information Systems Section (ISS) for a virus scan,
  - 2) The installation and use of the software do not violate the applicable license agreement for that software.

### **13.2      TELECOMMUTING.**

An employee who is participating in an approved telecommuting program may also install software which the District has provided on a District computer system for that employee's exclusive use, on the employee's home computer system provided that:

- a) The employee notifies ISS prior to installation.
- b) The installation and use of the software do not violate the applicable license agreement for that software.
- c) The employee agrees to remove the software when the employee leaves the District or is no longer participating in an approved telecommuting program.

### **13.3      DATABASE OF SOFTWARE.**

ISS will maintain a database of the software products installed on District computer systems and District-provided software installed on employees' home computer systems. ISS may conduct periodic audits of District computer systems to ensure compliance with District policy.

## **SECTION 14      AMENDMENTS TO ADMINISTRATIVE CODE**

### **14.1      AMENDMENT MECHANISM.**

This Administrative Code may be amended at any meeting by a vote of a majority of the members of the Board of Directors provided notice of such amendment has been given at a preceding regular meeting.

## SECTION 15 NON DISCRIMINATION POLICY (New 10/19/2016)

### 15.1 POLICY

**Accessibility and Non-Discrimination Policy:** The Bay Area Air Quality Management District (BAAQMD) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the BAAQMD's policy to provide fair and equal access to the benefits of a program or activity administered by BAAQMD. BAAQMD will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by BAAQMD. Members of the public who believe they or others were unlawfully denied full and equal access to a BAAQMD program or activity may file a discrimination complaint with BAAQMD under this policy. This non-discrimination policy also applies to other people or entities affiliated with BAAQMD, including contractors or grantees that BAAQMD utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the BAAQMD in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to a BAAQMD program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the BAAQMD Non-Discrimination Coordinator, (415) 771-6000 or visit [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) for more information.

### 15.2 COMPLAINT PROCEDURE

The complaint procedure has four steps:

#### 1. Submission of Complaint:

A person who believes that he or she or a specific class of persons has, on the basis of any protected class, been excluded from or denied the benefits of, or been subjected to discrimination under, any program or activity of the Air District may file a written complaint with the Non-Discrimination Coordinator for the Air District. Such complaint must be filed within 180 calendar days after the date the person believes the discrimination occurred. See the [Discrimination Complaint form](#) (277 k PDF, 2 pgs).

#### 2. Referral to Review Officer:

Upon receipt of the complaint, the Non-Discrimination Coordinator will appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint, in consultation with the District Counsel. The staff review officer(s) will complete their review no later than 60 calendar days after the date the Air District received the complaint using a preponderance of the evidence standard. If more time is required, the Non-Discrimination Coordinator will notify the complainant of the estimated time for completing the review. Upon completion of the review, the staff review officer(s) will make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the Air District's processes as they



relate to the Non-Discrimination Policy and environmental justice, as appropriate. The staff review officer(s) will forward their recommendations to the Non-Discrimination Coordinator for review. The Non-Discrimination Coordinator will issue the Air District's written response to the complainant.

3. Appeal:

If the complainant is dissatisfied with the response, the complainant may request an appeal, in writing, to the Executive Officer/Air Pollution Control Officer within 10 calendar days after receipt of the response. The request for appeal should explain any items the complainant feels were not addressed by the Non-Discrimination Coordinator. The Executive Officer/Air Pollution Control Officer will notify the complainant within 10 calendar days whether the request for appeal has been accepted or rejected.

4. Re-Evaluation:

In cases where the Executive Officer/Air Pollution Control Officer agrees to reconsider the matter, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2, above.

# Division II

## Fiscal Policies & Procedures

### SECTION 1 TREASURER

#### 1.1 SAN MATEO COUNTY TREASURER.

The Treasurer of the County of San Mateo shall be ex-officio Treasurer of the Bay Area Air Quality Management District and shall have the duties imposed by law.

### SECTION 2 DISTRICT AUDIT

#### 2.1 ANNUAL AUDIT. (10/15/03)

The Board of Directors shall contract with either a certified public accountant or the county auditor of one of the counties of the District to make an annual audit of the accounts and records of the District. The minimum requirements of the audit shall be as prescribed by the State Controller and Comptroller General of the United States according to the Single Audit Act Amendments of 1996, Budget Circular 133, Statement on Auditing Standards No. 63, Government Accounting Standards Board Statement 34, and shall conform to generally accepted auditing standards. A report thereof shall be filed with the County Auditor of each of the counties within the District's jurisdiction, the State Controller's Office, the U. S. Environmental Protection Agency, and a copy of the report shall be filed with the Board of Directors, within twelve months of the end of the fiscal year under examination.

### SECTION 3 FISCAL PROCEDURES

#### 3.1 BUDGET PROCEDURE.

Not later than the 15th day of January of each calendar year, the APCO shall start the preparation of a tentative budget for submission to the Board of Directors.

#### 3.2 COMPLIANCE WITH GOVERNMENT CODE. (Revised 10/15/03)

Pursuant to Health and Safety Code Section 40276, the Budgetary procedures for the Bay Area Air Quality Management District shall comply as nearly as possible with the provisions of Chapter 1, Division 3, Title 3, of the Government Code (County Budget Act). On or before the first regular meeting in May, the APCO shall deliver a proposed budget to the Board of Directors pursuant to Section 29064 of the Government Code. The Board shall refer the proposed budget to the Budget and Finance Committee and, when applicable, to the Personnel Committee. The Committees shall consider the proposed budget and report to the Board of Directors at the Public Hearing held pursuant to Section 29080 of the Government Code.

#### 3.3 ACCOUNTS TRANSFER. (Revised 10/15/03)

- (a) The APCO may make budget transfers between any accounts by notifying the Director of Administrative Services in writing of each such change. This transfer provision does not apply to the transfer of personnel from one program to another or from one expenditure class to another, which will require Board notification.

- (b) Whenever the APCO transfers a position from one program to another, the APCO may also transfer the pertinent funds from permanent salary accounts (and accounts for related benefits). Each such transfer shall be reported by the APCO to the Board of Directors at the next regular Board meeting.
- (c) A Division Director may transfer funds from any account in one program managed by that Director's Division to any account, except permanent salaries, in another program within the same Division, by notifying the Director of Administrative Services in writing of such a transfer, subject to the following restrictions:
  - (1) Total cumulative transfers made pursuant to this subsection to or from either account have not exceeded \$50,000 within the fiscal year.
  - (2) The funds being transferred have not been encumbered.
  - (3) Prior written approval has been granted by the APCO.
- (d) A Program Manager may make transfers between any accounts within that program except permanent salaries by notifying the Director of Administrative Services in writing of such a change, subject to the following restrictions.
  - (1) Total transfers made pursuant to this subsection to or from each account have not exceeded \$20,000 within the fiscal year.
  - (2) The funds being transferred have not been encumbered.
  - (3) The change shall be reported to the Division Director.
- (e) All other transfers of funds require advance Board approval.

**3.4 PAYMENT OF CLAIMS.**

Claims for items for which funds have been budgeted, or for which authorized adjustments in the budget have been made, shall be made by demand for a check approved by the APCO and directed to the Director of Administrative Services. Such claims shall be supported by such vouchers or other supporting material as may be required by the Director of Administrative Services to establish and identify the claim, the budget item, the delivery of the goods or services, and the justification according to good accounting practices of the payment of the claim. Claims for other items, which have not been budgeted or for which authorized budget adjustments have not been made, shall be presented by the APCO to the Board of Directors at the next succeeding meeting of the Board. Claims involving tort liability of the District, its officers or employees, or un-liquidated claims shall be referred to the District Counsel for recommendation to the APCO and submitted to the District's insurance carrier.

**3.5 REFUND OF MONEY.**

Any monies paid to the District may be refunded as hereinafter set forth, provided that such payment was made by reason of:

- (a) Duplicate payment.
- (b) Payment made in excess of the actual amount due.
- (c) Payment erroneously collected by reason of a clerical error of the District.
- (d) Payment made less than that required by law and for which no performance may, of a consequence, be had.
- (e) Refund of payment made when request for refund is made prior to any official act and is for an amount justly due.

Claims for refund shall be presented and filed with the District within one year after the claim accrued.

Claims for refund shall be itemized, shall be presented by the claimant or a person acting on behalf of the claimant, and shall show the matters required in Section 711 of the Government Code.

Such claim shall be made under penalty of perjury as provided in the Code of Civil Procedure Section 2015.5 and shall be made by the person or authorized agent or guardian or the person who paid the money, or in case of death, by the executor, executrix, administrator, or administrative of that person's estate.

**3.6 APPROVAL OF REFUND CLAIM.**

The APCO shall act on the claim in one of the following ways:

- (a) If it is found that the claim is a proper charge against the District for any of the reasons cited in Section II-3.5(a) through (e), the APCO shall allow the claim. Otherwise, the claim shall be denied.
- (b) If it is found that the claim is a proper claim against the District but is for an amount greater than is justly due, it shall be rejected as to the balance. If the claim is allowed in part and rejected in part, the claimant may be required to accept the amount allowed in settlement of the entire claim.
- (c) Claims less than fifty thousand dollars (\$50,000), shall be processed by the Director of Administrative Services, claims fifty thousand dollars (\$50,000) or greater, shall be submitted to the APCO with a recommendation from the Director of Administrative Services for final action. Rejected claims shall be submitted to the Board of Directors, with a recommendation from the APCO, for final disposition
- (d) Refund deposits when the purpose for which such deposit was made has been achieved and there is no financial loss to the District.

The APCO shall execute such forms as are prescribed by the Director of Administrative Services, attach thereto the verified claim for refund, with the action endorsed thereon, and transmit same to the Director of Administrative Services.

**3.7 REFUND PAYMENT.**

The Director of Administrative Services is hereby authorized and directed to draw a check on the Treasurer in the amount of such refund as is allowed.

**SECTION 4 PURCHASING PROCEDURES**

**4.1 DISTRICT PURCHASING AGENT. (Revised 4/19/95)**

The APCO shall be ex-officio Purchasing Agent for the Bay Area Air Quality Management District. The APCO shall negotiate to obtain the best price obtainable on all goods and services required by the District.

**4.2 SPECIFICATIONS. (Revised 10/15/03)**

In all cases where written specifications are prepared and submitted for public bidding, wherever a trade name is specified the specifications shall contain the phrase "or equal" and a bidder shall be allowed to bid upon a specified trade name product or its equivalent in quality and performance. Specifications must include all criteria to be considered by the District in selecting a successful bidder. Wherever possible, purchasing of items of supply shall be through member counties or businesses in the nine (9) county District Area.

**4.3 CONTRACT LIMITATIONS. (Revised 9/21/16)**

The APCO or designee shall execute, on behalf of the Bay Area Air Quality Management District, contracts for purchase of supplies and materials and services costing not more than one hundred thousand dollars (\$100,000). Contracts for more than one hundred thousand dollars (\$100,000) shall be signed by either the Chairperson of the Board of Directors, or the APCO after being directed to execute such a contract by resolution of the Board of Directors.

For efficiency, recurring payments for routine business needs such as utilities, licenses, office supplies and the like, more than, or accumulating to more than one hundred thousand dollars (\$100,000) shall be presented in the quarterly Financial Report.

**4.4 CONTRACTS WITH MINORITY BUSINESS ENTERPRISES AND WOMEN'S BUSINESS ENTERPRISES. (Revised 12/7/11)**

It is the policy of the Board of Directors of the Bay Area Air Quality Management District that the District comply with its DBE Program where lawful and appropriate and to encourage minority, veteran, and women owned businesses bid on contracts with the District to the extent allowable by law.

**4.5 PURCHASE REQUESTS. (Revised 10/15/03)**

Purchase requests for supplies, equipment and/or services must be completed and submitted to the Business Manager in the Administrative Services Division prior to any order being given to a vendor. The name of the suggested vendor should be included in the request, as well as the cost, tax and estimated shipping charges.

Any deviation from this procedure must have prior written approval of the Business Manager, Finance Manager or Director of Administrative Services.

Purchases requests exceeding the remaining balance of unexpended funds within the budget for each line item for a section must be accompanied by an approval for a transfer of funds as described in Section II-3.3. The approval document must indicate the line item for the source and destination of the transfer of funds.

**4.6 CONTRACTS. (REVISED 10/7/20)**

(a) PURCHASING POLICY.

(1) Methods of Purchasing:

- (A) FORMAL BID - A bid obtained under sealed bid procedures and which is publicly opened and read.
- (B) INFORMAL BID - A written bid solicited from a vendor when the cost of the equipment or services/supplies is so low as to not justify the costs of the formal bidding procedures.
- (C) TELEPHONE BID - Telephone bids may be utilized by the Business Manager/designee when, in the judgment of the APCO or Director of Administrative Services, the best interest of the District may be served due to the need for immediate delivery or for other valid reasons.
- (D) MONOPOLY/SINGLE SOURCE BID - An award may be made without a formal bid when the item to be purchased can be obtained from only one source and the item/service is one which does not lend itself to substitution. Said bids must be confirmed in writing.
- (E) PRIOR BID/LAST PRICE - An award may be made on the basis of a prior bid or on the basis of a last price, if the conditions of a previous purchase are the same.

- (F) LETTER QUOTATION - Letter quotation is an informal, written offer made to the District by a vendor.
- (2) Formal bidding shall be used by the District when economies of scale can be achieved or when there are equal or competitive products and also when discounts are applicable.
- (3) Where federal money will fund all or part of the goods/services that will be purchased the proposals, bids or other documents prepared, shall include the following information: 1) the percentage of the total costs of the goods or services which will be financed with federal funds; 2) the dollar amount of federal funds for the goods or services; and 3) the percentage and dollar amount of the total costs of the goods or services that will be financed by non-governmental sources (per Public Notification Requirement Appropriation Laws).
- (4) In all cases in which written specifications are prepared and submitted for public bid and a trade name is specified, the specifications shall contain the phrase “or equivalent” and the bidder shall be allowed to bid upon such. The Director of Administrative Services shall determine whether the proposed alternative is equivalent.
- (5) The District reserves the right to accept one part of a bid and reject another, and to waive technical defects, if to do so best serves the interests of the District.
- (6) Subject to other provisions of District policy, a bid will be awarded to the bidders offering the best value for quality goods and services. The following may be considered in determining the bid that provides the best value: bid price, proven cost-effectiveness, extended warranty, extended quality discount, esthetic value, expedient delivery of goods or services or other features of sufficient value.
- (7) The preparation of detail specifications may be waived by the APCO if any of the following circumstances are present:
  - (A) Public health or property may be endangered by delay.
  - (B) Cost of labor will exceed savings.
  - (C) Required dates cannot be met.
  - (D) Monopoly/single source items are required.
  - (E) Prior experience has proven that a particular material, type of equipment, supplies or service is more economical to the District.
  - (F) The cost to prepare detailed plans/specifications or bids will exceed possible savings that could be derived from such plans/specifications or bids.
  - (G) Emergency purchases.
  - (H) Value of contract is less than \$25,000.
- (b) SERVICES OF CONSULTANTS.
  - (1) Consultant Selection Policy
    - (A) Due to the nature of the work to be performed or the level of staffing required, it may, from time to time, be necessary to utilize the services of outside consultants who are not employees of the District.

- (B) It is the policy of the District in the selection of any required outside consultants to encourage participation of minority, women and/or disadvantaged business enterprises in the bidding process in accordance with Section II-4.4 to the extent allowable by law.
  - (C) Prior to release of a request for consulting services, the following shall be prepared:
    - (i) A statement of the work to be performed,
    - (ii) A statement of the qualifications of persons necessary to perform the requested work, which can include a specification of experience/education/training in general or specific fields; and
    - (iii) An assessment of the resources needed to carry out the project, i.e. capital equipment or supplies.
  - (D) Determination of Provider Services
 

Based on an evaluation of the information prepared according to Section II-4.6 (b)(1)(C), and any other information gathered, the APCO or designee shall evaluate the ability of staff to perform all or part of the work. If it is determined that all or part of the work should be performed by an outside consultant, the APCO shall determine if the work should be performed by sole source or whether it should be performed after a bid solicitation and award.
  - (E) Contracts for temporary employment services or consultant services shall meet the requirement of the District Purchasing Policy.
- (c) BID SOLICITATION.
- (1) For all contracts for goods or services with a value of \$70,000 or greater, the following documents shall be prepared as required by the person(s) designated by the APCO.
    - (A) Instructions to Bidders (for written bids)
    - (B) Proposal Submittal Requirements
    - (C) Draft contract, including all terms and conditions of the work to be performed, and
    - (D) A list of potential bidders
  - (2) The following steps will be followed to identify potential bidders for all contracts for goods or services with a value of \$40,000 or more, but less than \$70,000.
    - (A) All qualified suppliers of the required goods or services with outlets in the Bay Area shall be contacted (in the case of informal or telephone bids); or
    - (B) At least one supplier of the required goods or services in each of the Bay Area counties shall be contacted (in the case of informal or telephone bids); or
    - (C) The steps listed in Section (3) shall be followed.
  - (3) The following steps will be followed to identify potential bidders for all contracts for goods or services with a value of \$70,000 or more.

- (A) Bids shall be solicited by any method as allowed in Section 4.6 (a) on purchases of services, materials or supplies excluding scientific and technical equipment and services uniquely available from a sole source. Where all sources of such services, materials or supplies in the Bay Area are known, bids may be requested from such sources by all means when it is deemed by the APCO or designee to be in the best interest of the District.
- (4) The APCO may waive the provisions of this section or award a sole-source bid if:
  - (A) The cost of labor for preparation of the documents exceeds the possible savings that could be derived from such detailed documents; or
  - (B) Public health or property may be endangered by delay; or
  - (C) Prior experience has shown that the desired services are only available from the sole-source; or
  - (D) Other circumstances exist which require such waiver in the satisfactory interests of the District.
- (d) BID AWARD.
  - (1) Prior to accepting a bid that is not the lowest of three qualified and responsive bids, other qualified and responsive bidders will be provided with an opportunity to match the additional features provided in the bid of highest value. These bidders will be provided with a list of the features, but not the price.
  - (2) The requesting staff person shall present to the APCO their evaluation of the bids and a recommendation for the award. Upon approval of the recommendation, staff shall negotiate an agreement and prepare it for the APCO's signature.
  - (3) If the APCO determines that no bidder could satisfactorily serve the interests of the District, the APCO may decline to make an award.
  - (4) The District reserves the right to have an Evaluation Panel comprised of District employees to review and analyze the bids and offer a recommendation of acceptance of a bid to the Director of Administrative Services. Upon review of the recommendation of the panel, the Director may accept or reject the recommendation of the panel. If accepted, the Director will recommend award of the bid to the APCO for his review/approval. If the recommendation of the panel is rejected by the Director of Administrative Services, the panel will reconvene to review the bids further.
  - (5) Further renewal of any contract that has been awarded for two consecutive years without competitive bid shall require APCO or Board approval depending upon authorization of the contract to be extended. Service contracts with the original manufacturer of equipment or software are exempt from this requirement.
  - (6) The District shall rebid a contract for financial auditing services every five years.



## SECTION 5 ALLOWABLE EXPENSES

### 5.1 DIRECTOR TRAVEL EXPENSES. (REVISED 12/15/21)

Board Members are entitled to receive reimbursement for actual and necessary expenditures incurred in connection with the performance of their official duties for the Bay Area Air Quality Management District (BAAQMD). The guiding principle of this policy is that travel and expenditures incurred on behalf of BAAQMD must be in the public interest. This document establishes guidelines for expenditures authorized as business expenditures and business travel expenditures incurred by BAAQMD Board Members.

#### **a) General Procedures and Responsibilities**

All travel for BAAQMD Board Members must be justified business travel (Section j) and must be preapproved in accordance with the Administrative Code to be eligible for reimbursement. For all in-state travel, the Chair may authorize Board Member travel on behalf of BAAQMD. For all out-of-state travel, including international travel, the Administration Committee must authorize Board Member travel on behalf of BAAQMD prior to travel. In the case of an unexpected or urgent need to travel on BAAQMD business, a Board Member may obtain the approval of the Chair, in writing, before the expenditures are incurred. Such approval must be reported to and ratified by the Administration Committee at the committee's next meeting.

Board Members will be reimbursed for all reasonable and necessary expenditures while traveling on authorized agency business. Expenditures should be paid with a personal credit card or cash. Advances are not allowed. A list of non-reimbursable expenditures is included in Section j. Actual receipts are almost always required except where otherwise stated in this Policy.

When a Board Member combines business and personal travel on a business trip, the Board Member will be responsible for the additional charges related to the personal travel. Only Board Member's direct travel expenditures are eligible for reimbursement. BAAQMD is unable to provide reimbursement for travel expenditures incurred by a spouse or any another individual traveling with the Board Member.

Requests for reimbursement of expenditures must be submitted on the authorized BAAQMD Expense Reimbursement Form within 30 calendar days after the conclusion of the trip. Receipts must be provided for all expenditures (other than incidentals that typically do not result in a receipt such as tips). Any reimbursement or payment issued by BAAQMD which is subsequently refunded to the traveler by a third party must be repaid to BAAQMD within 30 calendar days of receipt.

Only the Executive Director can override and approve specific cost items that would otherwise be ineligible for reimbursement under this Travel and Expenditure Policy, and only when it is in the best interests of BAAQMD to do so. Any Board Member reimbursement that requires the waiver of this policy by the Executive Director for approval will be brought back to the Administration Committee for informational purposes.

Expenditure reimbursement documents will be audited from time to time and are considered public records subject to disclosure under the California Public Records Act.

Any Board Member authorized to travel on behalf of BAAQMD pursuant to this section shall provide a brief, written report on their travel on the Board Member Travel Report Back Form. The Chair may also request that Board Members who represent BAAQMD at meetings, conferences, or other events provide an oral report on their participation and experience to the Board.

## **b) Board Member Selection for Attendance**

The Chair shall nominate for approval by the Administration Committee, Board Members for out-of-state and international travel to attend conferences, conventions, legislative advocacy trips and other forms of reimbursable travel covered by this policy. In making such nominations, the Chair shall solicit the interest of Board Members and consult with the Executive Director and any other relevant BAAQMD staff to ensure compliance with this policy.

The Chair, Vice Chair or Secretary shall have priority to represent BAAQMD at any event where attendance is limited or capped due to cost or capacity. In considering which other Board Members may be selected for travel, or who shall represent BAAQMD in the stead of the Executive Officers, the Chair shall consider, at a minimum, all the following:

- The history of attendance and participation by Board Members at regular BAAQMD Board and Committee Meetings
- The length of service on the Board by a Board Member
- The prior opportunities to travel and represent BAAQMD by Board Members
- The relevance or appropriateness of Board Members' committee assignments to the nature and purpose for the travel
- Opportunities for the professional growth or development of new Board Members
- The relevance and purpose of a meeting or agenda to the home jurisdiction of Board Members
- Equitable considerations that would elevate or include the voices of marginalized members of the Bay Area.

Additionally, the Chair shall have the authority to recommend non-Board Members for inclusion in BAAQMD-related travel. In making such a recommendation, the Chair shall demonstrate how and why the recommendation fulfills the mission of BAAQMD and is consistent with the goals of the Board and agency.

## **c) Conferences/Conventions**

Registration fees for conferences and conventions are reimbursable for Board Members if the conference or convention is directly related to the mission of BAAQMD, the Board Member is attending as a representative of BAAQMD and the Board Member received preapproval from the Administration Committee.

## **d) Air Travel**

Board Members flying on business should make reservations as early as possible to minimize costs.

For domestic air travel with a flight duration of four hours or less, airfare should be purchased for coach/economy seats only, at the lowest cost possible which provides a practical flight itinerary and meets the requirements of the trip. First and business class airfare is not a reimbursable expenditure, nor are upgrades from the lowest coach/economy fare to "economy plus" seats (or equivalent), or to first or business class. If a Board Member purchases a first or business class ticket, he/she will be reimbursed for the lowest available coach/economy fare only.

For domestic air travel with a flight duration of more than four hours, as well as for international travel, airfare may be purchased at the "economy plus" fare/seats. First and business class airfare is not a reimbursable expenditure, nor are upgrades to first or business

class. If a Board Member purchases a first or business class ticket, he/she will be reimbursed for the lowest available “economy plus” fare only.

Board Members will be reimbursed for regular baggage fees charged pursuant to applicable airline policy. Excess baggage charges will be reimbursed only when the Board Member is traveling with heavy or bulky materials or equipment necessary for BAAQMD business.

**e) Hotel Accommodations**

When making hotel reservations, Board Members must use the approved Per Diem Rates for lodging located on the General Services Administration (GSA) website, [www.gsa.gov](http://www.gsa.gov) for the location of the stay plus 25%, to determine the maximum hotel accommodation expenditure that BAAQMD will reimburse per night, plus any applicable taxes.

Board Members should use hotels where government rates are available. Hotels that subscribe to a “green” standard must be utilized where available.

If the hotel stay is in connection with a conference or training activity, the cost should not exceed the maximum group rate published by the conference or activity sponsor. Inquiries should always be made about any special rates or discounts available to BAAQMD by the hotel, such as governmental rates, to get the best rate possible.

If accommodations are shared with individuals who are not traveling on BAAQMD business, the Board Member is responsible for the payment of any rate difference between the single occupancy room rate and actual rate incurred.

Resort or facility use fees imposed by the hotel, such as fitness center fees and internet connection fees and business center charges incurred for performing BAAQMD work, are allowable as reimbursable business-related expenditures.

Hotel self-parking fees are also allowable as reimbursable business-related expenditures, however, the cost of parking at the hotel should be considered when deciding whether to rent a vehicle or use public transportation (see Transportation discussion below). Valet parking fees will not be reimbursed.

**f) Rental Vehicles**

Reimbursement for rental of cars or other vehicles while traveling on BAAQMD business is limited to those circumstances where the need for a vehicle for business purposes is expected to be extensive, or the use of taxi services or public transportation would not be economical or practical. Board Members who operate vehicles on BAAQMD business must have a valid driver’s license and proof of insurance in their possession and must also have a good driving record.

In the event a rental vehicle is required, BAAQMD will reimburse for a “Standard Class” size vehicle or alternative fuel vehicle, except when there are justifiable circumstances, such as group requirements, which make a larger vehicle necessary. The use of alternative fuel vehicles should, when available, should be used, even if the cost triggers a surcharge or exceeds the cost of a non-alternative fuel vehicle.

BAAQMD holds liability insurance to cover third parties in case a Board Member injures someone or causes property damage to another vehicle while renting a car or driving his/her own personal vehicle while engaging in BAAQMD business. Accordingly, rental car insurance is not an allowable reimbursable expenditure.

Rental cars should be returned with a full tank of gas to avoid refueling fees. The cost of gas for rental cars is an allowable expenditure under this policy.

**g) Meals While Traveling**

One-Day Travel – meals are NOT an allowable reimbursable expenditure for one-day travel unless such travel is more than 25 miles one way from either the Bay Area Metro Center or the Board Member’s personal residence.

Multiple-Day Travel – meals will be reimbursed at the lesser of:

- i) Actual reasonable cost (including applicable taxes and reasonable tip), or
- ii) The Per Diem Rates for meals located on the GSA website, [www.gsa.gov](http://www.gsa.gov) for the location of the stay plus 25%. Note that separate rates are provided for Breakfast, Lunch and Dinner. For travel days where a Board Member has traveled more than 12 hours but less than 24 hours, the Per Diem Rate shall be 75% of the GSA rate for the destination.

If the actual cost method is used, an original itemized receipt must be submitted with the expense report form. If meals are provided by an event or conference the cost for which is paid by BAAQMD, then no separate reimbursement is allowed for that meal. A Board Member who pays the bill for a meal attended by more than one Board Member or BAAQMD employee may submit the expenditure with receipt for the combined meal cost, but all attendees’ names must be included on the expense report form. Only costs related to Board Members and BAAQMD employees’ meals are eligible for reimbursement. Costs incurred for any other person at such a meal (including applicable taxes and appropriate allocation of any tip) must be deducted from the amount of the requested reimbursement.

Board Members who claim the allowable Per Diem Rate from the GSA website should print the page for the location of the meeting or conference from the website to attach to their expense report form. In addition, they should retain their actual receipts to substantiate out-of-pocket expenses in the event of an audit by the State or IRS.

Alcoholic beverages are not a reimbursable expenditure. Alcoholic beverages may appear on the itemized receipt for a meal, but the charge (including applicable taxes and appropriate allocation of any tip) must be deducted from the amount of the requested reimbursement.

Entertainment expenditures are not considered reimbursable expenditures. This includes, but is not limited to, meals unrelated to BAAQMD business, movies, shows, etc...

#### **h) Other Meals**

Expenditures for business meals other than meals during travel, such as meals with other elected officials where BAAQMD business is discussed, must be preapproved by the Executive Director. To obtain reimbursement for such expenditures, the following documentation is required and must be recorded on the expense report form or backup documentation:

- i. Names of individuals present along with their titles and affiliation,
- ii. Name and location of where the meal took place,
- iii. Exact amount and date of the expenditure, and
- iv. Specific BAAQMD-related topics discussed.

#### **i) Miscellaneous Travel Expenditures**

Ordinary, reasonable, and necessary miscellaneous expenditures are reimbursable at actual cost when accompanied by itemized receipts and justification for the expenditures including WiFi, phone, fax, and similar expenses.

In-flight phones and WiFi services should be used only in emergency situations.

Tipping – reasonable and customary tipping rates are reimbursable. In the US 15-20% gratuity on meals, up to a \$3 baggage handling gratuity and up to \$5 per day housekeeping

gratuities are considered reasonable and are allowable. (Receipts for baggage and housekeeping gratuities are not required for reimbursement.)

Transportation – Fares and expenditures for taxis, shuttles, buses, BART, or other public transportation (including Uber, Lyft or similar services) are reimbursable when incurred for BAAQMD business. Receipts should be obtained whenever possible, but expenditures are still eligible for reimbursement when a receipt is unavailable. If a receipt is not available, a printout from the transportation agency showing the fare must be submitted for reimbursement. For example: a printout from the BART website showing the total fare for the trip taken. Board Members should apply prudent business judgment in determining the means of transportation to use.

Personal/Private Vehicle Usage – Board Member’s use of a personal/private vehicle is reimbursable at the mileage rate established by the IRS which can be found at [www.irs.gov](http://www.irs.gov). Details on the date of travel, starting and ending destinations, purpose of travel, miles driven, tolls and parking costs (receipt required when possible) incurred must be provided on the expense report form. A printout from a map website such as Google Maps should be used to determine the total miles driven and must be submitted with the expense report form. Board Members who operate vehicles on BAAQMD business must have a valid driver’s license and proof of insurance in their possession, and a good driving record.

**j) Justified BAAQMD Travel**

Justified BAAQMD travel trips include but are not limited to:

- Attending meetings with local representatives in Sacramento or Washington DC or Sacramento with BAAQMD Staff for legislative advocacy purposes.
- Attending the AWMA Conference as a BAAQMD representative
- Attending other air quality-related conferences as a BAAQMD representative
- Attending the annual COP Climate Conference as a BAAQMD representative

NOTE: Justified travel is not limited to the list provided above. This list is provided for reference purposes only and includes the most common examples of justified travel. All trips must be preapproved, regardless of whether they are included on this list.

**k) Non-Reimbursable Expenditures**

Non-reimbursable expenditures include but are not limited to:

- Airfare upgrades or rental car upgrades
- Air phone charges (except in emergencies)
- Alcoholic beverages
- Business class airfare
- Entertainment expenditures
- Expenditures incurred by/for spouses or other travel companions
- Expenditures related to personal days while on business trip
- First class airfare
- Interest incurred on credit cards
- Loss due to theft of cash or personal property
- Lost baggage or briefcase
- Meeting room rentals (when not for BAAQMD business)

- “No show” charges for hotel or car service
- Optional travel or baggage insurance
- Parking or traffic tickets or fines
- Personal items
- Reading material such as magazines, books and newspapers
- Rental car insurance
- Valet parking fees

NOTE: Non-reimbursable expenditures are not limited to the list provided above. This list is provided for reference purposes only.

**l) Forms**

The Travel and Expense Reimbursement Forms and Board Member Travel Report Back Form are kept by the Clerk of the Board.

**5.2 DIRECTOR PER DIEM MEAL EXPENSES.**

The Board of Directors is authorized to include meals in their expenses, when such expenses occur as a result of attendance at Board, committee or other authorized functions and provided that receipts are presented as required by Section II-5.6.

**5.3 INCIDENTAL EXPENSES OF DIRECTORS AND APCO.**

Actual and necessary incidental expenses in attendance at other meetings or on direction of the Board or Chairperson of the Board, or in conference on District business with qualified persons, shall be allowed to the Board of Directors and the APCO.

**5.4 EMPLOYEE EXPENSES.**

Employees shall be reimbursed for actual and necessary expenses, including meals, incurred by them in the performance of their duties provided that receipts are presented as required by Section II-5.6.

- (a) Employees shall be reimbursed for mileage at the rate per mile allowed by the Internal Revenue Service each year, plus necessary bridge tolls and parking charges. Mileage will ordinarily be computed from the District, except when an employee leaves from a location nearer the destination.
- (b) Travel of employees outside the District area on official business shall be at the direction of the APCO or his designee and with prior specific approval. The APCO shall approve out-of-state travel only after determining that there is no acceptable, lower cost alternative to the travel. Travel outside of-the state must be reported to the Board of Directors at the next regularly scheduled meeting.
- (c) Employees attending meetings, hearings, or conferences with qualified persons at the direction of the APCO in an official capacity will be allowed actual and necessary incidental expenses incurred in connection with such attendance, and shall submit travel requests on appropriate forms.

**5.5 TRAVEL REPORTS.**

Upon request by the APCO or supervisor, it shall be the duty of any assistant, deputy or employee whose duty it has been made to attend a conference or meeting outside of the District to file a reasonably complete report with the APCO.

**5.6 RECEIPTS FOR EXPENSES. (Revised 1/18/12)**

Vouchers or receipts shall be presented to the Director of Administrative Services for all necessary and incidental expenses over \$10.00 such as parking charges and fuel costs. However, vouchers or receipts need not be presented for meal expenses and hotel accommodations. Employees will be reimbursed for meal expenses and hotel accommodations using the applicable General Services Administration rate.

**5.7 TRAVEL EXPENSE ADVANCES.**

Advance payment for travel expenses may be authorized by the APCO to cover expenses which will be incurred by District personnel on approved travel. Such payments may include costs of transportation and other anticipated major expenses.

# Division III

## Personnel Policies & Procedures

### SECTION 1 GENERAL POLICIES

The personnel policy of the Bay Area Air Quality Management District is to ensure District employees of uniform procedures for handling personnel matters and to maintain the efficiency of the District's operations through the employment of competent persons. The District seeks to provide working conditions that will be conducive to good morale.

This personnel policy is applicable to all employees of the District. However, some items herein may be superseded by provisions of the Memorandum of Understanding in effect between the District and the Employees' Association. Unless specifically made applicable to all employees by a resolution of the Board of Directors, conflicting provisions in the MOU will apply only to those persons in the representation units encompassed by the Employees' Association.

The personnel policies and procedures of the District are patterned after the State of California's Rules and Regulations.

The responsibility and authority for setting personnel policy and procedures are vested in the Board of Directors. The Personnel Committee of the Board is responsible for receiving recommendations from staff and other sources concerning policy and practices and making recommendations to the Board of Directors.

The responsibility and authority for the administration of the policy and procedures are vested in the APCO.

#### 1.1 Representation Units

The staff of the District are represented by one of the following four Representation Units: Technical/General, Professional, Confidential or Management. The Technical/General Unit includes those employees identified as members of the Clerical and Technical classes except for those employees included in the Confidential Unit. The Professional Unit include those employees identified as members of the Professional classes. The Confidential Unit include those employees identified as members of the Legal Services class, the Personnel class and Executive Secretaries. The Management Unit include those employees identified as members of the Management classes. The above mentioned classes are described in Section III-5.7.

### SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY POLICY (REVISED 4/10/14)

The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

The District is committed to maintaining a meaningful Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.



**2.1 OBJECTIVES. (Revised 4/10/2014)**

- (a) The District will insure that each employee and applicant is afforded an equal opportunity in all aspects of the employment process without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (b) The District will analyze its work force and the population of the Bay Area.
- (c) The District will focus its equal opportunity efforts on enhanced outreach and training programs.
- (d) The District will establish and administer programs for employment, training and promotion of all employees without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (e) The District will be responsible for Equal Employment Opportunity Plan and designate an Equal Employment Opportunity Officer.
- (f) The District is committed to making a good faith effort to successfully achieve Equal Employment Opportunity.
- (g) Sexual harassment is contrary to basic standards of conduct between individuals and is prohibited by EEOC regulations. The District will therefore insure that the workplace is free from sexual harassment. Sexual harassment is defined in EEOC regulations, and includes, but is not limited to, the following: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment, is used as a basis for employment decisions, or has the purpose or effect of interfering with work performance or creating an otherwise offensive working environment.
- (h) The District will insure that no qualified person will be discriminated against on the basis of a disability. All qualified persons that can perform the essential functions of the job, with or without reasonable accommodation that does not create “undue hardship” for the District, shall be provided an equal opportunity for employment and promotion. All terms used in this section are defined in the regulations implementing the Federal Americans with Disabilities Act.

**2.2 RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY. (Revised 10/5/11)**

- (a) The Air Pollution Control Officer of the District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity Plan.
- (b) The responsibilities of the Equal Employment Opportunity Officer are listed in the Equal Employment Opportunity Plan.

**2.3 DISCRIMINATION COMPLAINT PROCEDURE (Revised 4/10/2014)**

Unlawful discrimination refers to discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

An employee or group of employees who believes an incident involving a violation of the District’s equal employment opportunity policy has arisen, may submit the complaint (in writing) to the Equal Employment Opportunity Officer.

STEP 1      The written complaint must be received by the Equal Employment Opportunity Officer within 30 days of the alleged discrimination and must specify the particulars of the alleged discrimination, including

specific acts and/or statements. Although the specific act must have occurred within 30 days, supplementary or background information supporting the complaint may be included. If a complaint is received in an incomplete form, the Equal Employment Opportunity Officer will advise the complainant that help in its preparation can be arranged. A group of employees filing at the same time must allege acts of similar nature to be considered for class action.

STEP 2 The Equal Employment Opportunity Officer will evaluate the complaint and, if necessary, conduct an investigation.

STEP 3 Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt.

## **SECTION 3 RIGHTS AND OBLIGATIONS**

### **3.1 MANAGEMENT RIGHTS.**

The rights of the District management include, but are not limited to, the exclusive right to, subject to the provisions of the Memorandum of Understanding and consistent with applicable laws and regulations:

- (a) Determine the mission of its constituent departments, boards, and staff committees.
- (b) Set standards of service.
- (c) Determine the procedures and standards of selection for re-employment and promotion.
- (d) Hire, promote, transfer, assign, retain in position, direct, or take other non-disciplinary action toward its employees and to relieve them from duty because of lack of work or for other legitimate reasons.
- (e) Maintain the efficiency of all operations and exercise complete control and discretion over its organization and the technology of performing its work.
- (f) Determine the methods, means and personnel by which District operations are to be conducted.
- (g) Determine the content of job classifications.
- (h) Take all necessary actions to carry out its mission in emergencies.

### **3.2 EMPLOYEE RIGHTS.**

- (a) The rights of employees of the District include, but are not limited to, the right to, subject to the provisions of this agreement and consistent with applicable laws and regulations:
  - (1) Form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matter of employer-employee relations.
  - (2) Refuse to join or participate in the activities of any employee organizations.

- (3) Represent themselves individually in their employment relations with the District.
- (b) The scope of representation by the Association shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order. This subsection parallels Sec. 3504 of the Meyers-Milias-Brown Act and will automatically be amended to reflect any amendment to or replacement of said statutory section on the effective date of any such change.
- (c) The District and the Association shall not interfere with, intimidate, restrain, coerce, or discriminate against employees because of their exercise of these rights.
- (d) Any matter which is within the scope of the Meyers-Milias-Brown Act and is within the scope of the Memorandum of Understanding that the District acts upon without meeting and conferring shall be null and void.

**3.3 DISCIPLINARY ACTION AND RIGHT OF APPEAL. (Revised 9/6/2023)**

- (a) Except for individuals in classifications which serve at the pleasure of the Board of Directors or the District Counsel (see Section III-3.3(c), below), the APCO shall have the right, for due cause, to demote, dismiss, reduce in pay, or suspend without pay any employee. Notice of such action must be in writing and served on such employee by personal service, by e-mail at the address on file with the District, or by first class U.S. mail (or equivalent). Except for individuals serving in the classifications listed in subsection (c), below, the notice will state the action to be taken and contain the reasons for such action.
- (b) Except as provided herein, employees, as defined in Section I, Definitions, shall have the right to appeal the disciplinary action, through the grievance procedure defined in Section III-4.
- (c) The following individuals shall serve at the will of the appointing authority and shall not have any right to appeal any disciplinary action through the grievance procedure defined in Section III-4, regardless of whether they held a prior position in the District. Individuals appointed to the classifications identified below may also be subject to a fixed term of employment and the incumbent will be separated at the expiration of that term (unless said term is extended by the identified appointing authority). Individuals appointed to the classifications identified below are not subject to a probationary period pursuant to Section III -7.3. Likewise, individuals appointed to the classifications identified below are not subject to the Layoff and Recall provisions of Section III-9.3
  - (1) Any individual appointed by the Board of Directors and employed under an employment contract, including the Executive Officer/APCO and District Counsel;
  - (2) Any individual appointed by the Executive Officer to the classification of Chief Operating Officer, who shall serve at the pleasure of the Executive Officer/APCO;
  - (3) Any individual appointed by the Executive Officer to the classification of Deputy Executive Officer after January 1, 2023, shall serve at the pleasure of the Executive Officer/APCO;
  - (4) Any individual appointed by the District Counsel to the classification of Senior Assistant Counsel, who shall serve at the pleasure of the District Counsel; and

- (5) Limited Term employees.
- (d) Notwithstanding Section 3.3(c), any existing District employee who is appointed to the Deputy Executive Officer or Senior Assistant Counsel classification after January 1, 2023, but prior to January 1, 2024, shall be entitled to return to a vacant position in the last classification they held prior to their appointment to the Deputy Executive Officer or Senior Assistant Counsel classification, and at the same salary step they held prior to their appointment to their appointment to the Deputy Executive Officer or Senior Assistant Counsel classification. Reinstatement to the vacant position shall occur upon the termination of their appointment to the Deputy Executive Officer or Senior Assistant Counsel classification, whether that occurs (1) at the end of a specified term, (2) due to their voluntary request to vacate the classification, or (3) at the discretion of the District Counsel or Executive Officer/APCO.
- (1) For a Deputy Executive Officer, if no vacant position exists in the employee's previously-held classification, the employee shall be offered alternate employment by the District. The form of alternate employment shall be at the discretion of the Executive Officer but may include a vacant position in any classification for which they meet the minimum qualifications as determined by the Executive Officer, reclassification of an existing position, or creation of a new position. Alternatively, the Executive Officer/APCO may reclassify a Deputy Executive Officer position to a lower classification. Employees under this provision will be placed at the salary step closest to the current pay for the salary prior to their appointment to the Deputy Executive Officer classification. If the top step of the salary range for the employee's new position is lower than the current pay for the salary the current pay for the prior to their appointment to the Deputy Executive Officer classification, the employee's salary will be Y-rated at the current pay for the salary step they held prior to their appointment to the Deputy Executive Officer classification, without the need for additional Board approval under Section III-6.5.
- (2) For a Senior Assistant Counsel, if no vacant Assistant Counsel position exists, the District Counsel shall reclassify the Senior Assistant Counsel position to Assistant Counsel, and reclassify an existing Assistant Counsel position to Senior Assistant Counsel. In the event of reclassification of a Senior Assistant Counsel under this paragraph, the reclassified Senior Assistant Counsel will be placed at the Assistant Counsel salary step they occupied prior to appointment to the Senior Assistant Counsel classification.
- (3) For employees who have not completed probation prior to being appointed to the Deputy Executive Officer or Senior Assistant Counsel classification, their probationary period for their previous position will continue to run after appointment to their new position. If such an employee returns to their previous classification prior to the end of that probationary period, the employee will be required to complete any remaining probation in their reinstated position after reinstatement and will have only those rights accorded probationary employees by these rules until the end of the probationary period. If such an employee returns to their previous classification after the end of the probationary period for their previous position, they will not be required to complete any further probation and will not be limited to the rights accorded probationary employees.
- (4) Employees appointed pursuant to this Section III-3.3(d) are subject to discipline up to and including suspension while in the classification of Deputy Executive Officer or Senior Assistant Counsel without appeal. However, if the District seeks to terminate an individual who had already passed probation in a District classification with appeal rights, the individual will first be removed from the

Deputy Executive Officer or Senior Assistant Counsel classification and reinstated to another classification as provided in Section III-3.3(d)(1) or III-3.3(d)(2), above. The District may then initiate disciplinary proceedings up to and including termination and the employee may appeal that termination pursuant to the grievance procedure defined in Section III-4. The discipline may be based in whole or in part on conduct which occurred in the Deputy Executive Officer or Senior Assistant Counsel classification. However, any reinstatement would be to the employee's current (civil service) classification. Discipline imposed on an employee in a Deputy Executive Officer or Senior Assistant Counsel classification may be used for purposes of progressive discipline.

**3.4 OATH OF ALLEGIANCE.**

Employees of the District will sign an oath of allegiance as required by the laws of the State of California.

**3.5 PHYSICAL EXAMINATIONS.**

A physical examination or a personal statement of good health may be required by the District after an employment offer has been made.

**3.6 SEXUAL HARASSMENT AND OTHER UNACCEPTABLE CONDUCT.**

In order to ensure a work environment that is free from all forms of unlawful discrimination or harassment, the following kinds of conduct, as defined by the Federal Equal Employment Opportunity Commission (EEOC), are prohibited:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.”

The regulations of the California Fair Employment and Housing Commission also define harassment broadly to include:

- (a) Verbal harassment, e.g., epithets, derogatory comments or slurs (on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation);
- (b) Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual (on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation);
- (c) Visual forms of harassment, e.g., derogatory posters, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation;

**3.7 EMPLOYEES' TIME OFF TO VOTE.**

Employees who wish to vote in the national and state elections may claim time off to vote under the provisions of the State Election Code, Section 14350:

“If a voter does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time which when added to the voting time available outside of working hours will enable the voter to vote.

No more than two hours of the time taken off for voting shall be without loss of pay. The time off for voting shall be only at the beginning or end of the regular working shift, unless otherwise mutually agreed.

If the employee on the third working day prior to the day of election knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the employer at least two working days' notice that time off for voting is desired, in accordance with the provision of this section."

**3.8 DRUG-FREE WORKPLACE.**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on District premises or while conducting District business off-premises is prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The District recognizes drug dependency as an illness and a major health problem. Employees needing help in dealing with such problems are encouraged to use the District's employee assistance referral program and health insurance plans, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record.

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off District premises while conducting District business. A report of the conviction must be made within five (5) days of the conviction.

**3.9 SAFETY**

The District subscribes to and fully supports the purpose, principles, and intent of the Occupational Safety and Health Act of 1970 and complies with all applicable Federal and State laws which relate to health and safety. The District has established a Safety Committee to assist in compliance with the Act. The Safety Committee shall be comprised of two members of District management and three members chosen by the Association, with at least one from each unit, and the members shall choose a chairperson from its members to serve a term of one year. The Personnel manager shall serve as an ex-officio member.

The Safety Committee shall make inspections of the work place as needed. They will meet once every two months to discuss safety matters, including serious accidents and accidents which result in lost time as soon after the occurrence as practical. The Committee shall provide a summary of the meeting and accident findings to the APCO. The APCO shall respond to the Safety Committee's recommendations within ten (10) working days.

Employees shall report unsafe working conditions to their immediate supervisor and may report these conditions to the Safety Committee.

**3.10 WORKPLACE VIOLENCE**

The District is committed to providing a safe workplace for all employees, which includes preventing workplace violence. In order to achieve this objective, the cooperation of employees and their supervisors is critical. Both employees and supervisors should be aware of early warning signs of potentially violent situations and how to respond. Threatening words or actions should be treated seriously. In the event that a violent or potentially violent situation does arise, the following steps are to be followed:

- (a) If there is an immediate threat to the personal safety of an employee in the field, the employee shall contact local law enforcement authorities as soon as possible. The employee shall thereafter contact his or her immediate supervisor and Division Director and shall completely describe the situation.

- (b) If there is an immediate threat to the personal safety of an employee in the District offices, the employee shall contact District security by dialing 5158, or if there is no answer after two rings, by dialing 0 and asking the operator to send District security to the employee's work area. The employee shall thereafter contact his or her immediate supervisor and Division Director and shall completely describe the situation.
- (c) As soon as possible after any such incident, the employee shall complete a Critical Incident Report. All such reports shall be routed to the District Legal Division and to the Personnel Section of the Administrative Division through the APCO. The Personnel Section shall maintain a Critical Incident Log of all such reports. The Legal Division shall review each such incident and shall make a formal recommendation to the APCO regarding further action to be taken.
- (d) Within one week after receiving the Legal Division's recommendation, the APCO shall prepare a memorandum setting forth the key facts of the incident and the APCO's formal determination of further action to be taken as a consequence of the incident. This memorandum shall be forwarded to the Personnel Section to be maintained as part of the Critical Incident Log and shall be distributed to all Division Directors for dissemination to District employees who might encounter a similar incident in connection with their workplace activities.

**3.11 SMOKEFREE WORK SITE**

In recognition of the District's leadership role in public health and air quality, and inasmuch as smoking is a leading contributory factor in many causes of death in California, the District hereby adopts a policy that promotes nonsmoking at the work site.

It is the intent of the District to provide a work atmosphere which is as free as is practicable of tobacco use and its undesired effect. This policy is applicable to all District facilities or other areas controlled by the District, whether leased or owned, including space in buildings shared with other agencies or businesses. This policy shall extend to District-owned vehicles unless specifically exempted by the APCO because the vehicle is only used by smokers.

- (a) DEFINITION: "Smoking" means inhaling, exhaling, burning, or carrying a lighted cigarette, cigar, pipe, or other lighted smoking equipment for tobacco or any other plant.
- (b) IMPLEMENTATION: Smoking is strictly prohibited in the District office and satellite offices except the following designated areas:
  - 1) On the District Office roof area
  - 2) Portals (open to atmosphere) that lead to the rear emergency exit stairwell (however, smoking in the stairwell itself shall always be prohibited)

Designated smoking areas may be redefined if the District finds that smoke from these areas interferes with the health and safety of District employees.

"Smoke breaks" will be permitted at the discretion of the supervisor and the employee, in lieu of regular breaks or rest periods.

- (c) ADMINISTRATION OF THIS POLICY: Managers and supervisors are responsible for informing all employees in their charge of the District's smoking policy. All new hires will be advised during orientation to the District.
- (d) CONFLICT RESOLUTION: Alleged violations of the policy may be reported through the existing Safety incident report process as specified in the Memorandum of Understanding. Employees violating the policy will be subject to disciplinary measures, including termination of employment.

**3.12 Fraud, Misconduct, and Dishonesty in the Workplace. (Addition 1/02/09)**

- (a) It is the policy of the District to prevent, investigate and correct fraud, misconduct and dishonesty in the workplace.
- (b) No employee shall commit fraud or acts of misconduct or dishonesty against the District or in connection with his or her District employment.
- (c) Fraudulent acts and acts of misconduct and dishonesty in District employment include, but are not necessarily limited to, the following:
- Forgery or unauthorized alteration of District financial records, including checks and warrants payable to or by the District;
  - Misappropriation of District goods or assets, e.g., furniture, fixtures, equipment, and office supplies;
  - Misappropriation of District funds and securities;
  - Falsification of employee timesheets or District work reports and products;
  - Knowingly false reporting or handling of District funds for financial transactions;
  - Having a personal financial interest in any purchase, sale or contract with a vendor or contractor made by the employee in his or her capacity as a District employee;<sup>1</sup>
  - Unpermitted personal use or receipt of District assets, goods, funds, and services;
  - Unauthorized solicitation or acceptance of, gifts, gratuities, or other consideration from contractors, vendors or consultants providing goods or services to the District;
  - Solicitation of, asking, acceptance of, or agreement to accept any gratuity, gift or other consideration from someone other than the District for performing District employment;<sup>2</sup>
  - Solicitation of, asking, acceptance of, or agreement to accept a bribe for taking action in one's capacity as a District employee in a matter that is pending or that may take place;<sup>3</sup>
  - Knowingly unpermitted disclosure of confidential or proprietary District information to non-District persons and entities;
  - Intentional or negligent, unpermitted destruction or damage of District goods or assets, e.g., furniture, fixtures, equipment, and office supplies;
  - Use of, or being under the influence of, alcohol or illegal drugs in the course of performing District duties and responsibilities; and
  - Willful failure to perform the duties and tasks of one's District employment.
- (d) Retaliation against an employee who reports reasonable suspicion of the existence or occurrence of an act of fraud, misconduct or dishonesty is prohibited.

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<sup>1</sup> Cal. Government Code section 1090.

<sup>2</sup> Cal. Penal Code section 70.

<sup>3</sup> Cal. Penal Code section 68.



## SECTION 4 GRIEVANCE PROCEDURE

### 4.1 DEFINITION. (Revised 5/3/2023)

A grievance is an employee claim of (a) an alleged violation, misunderstanding, or misinterpretation of a specific section of the Memorandum of Understanding, or (b) any matter within the scope of the Meyers-Milias-Brown Act, or (c) any disciplinary action or demotion, except for separations covered by Section III-9.3 (Layoff and Recall) or discipline involving individuals appointed to the classifications identified in Section III-3.3(c). The parties recognize that disputes should be resolved expeditiously at the lowest possible administrative level. Herein is a systematic procedure for obtaining consideration of grievances.

### 4.2 STEPS IN THE GRIEVANCE PROCEDURE.

**STEP 1.** An employee who believes he or she has a grievance will first discuss the grievance with his or her immediate supervisor. The employee must report the grievance to the supervisor within ten (10) working days after the occurrence. After meeting with the employee and attempting to resolve the issue, the supervisor will discuss the decision with the employee within ten (10) working days of the submission of the grievance.

**STEP 2.** If the employee is not satisfied with the decision at STEP 1, the employee may submit the grievance in writing within ten (10) working days to the Division Director. The written grievance will specify the particulars of the matter including specifically citing articles. The Association will be given written notice of grievances taken to STEP 2. The Division Director or a designee will discuss the grievance with the employee, attempting to resolve the issue, and will render a decision to the employee in writing within ten (10) working days of the submission of the grievance.

**STEP 3.** If the employee is not satisfied with the division's decision, the employee may submit the grievance in writing within ten (10) working days to the Air Pollution Control Officer. The written grievance will specify the same particulars of the matter including specific articles. The Air Pollution Control Officer or designee will discuss the grievance with the employee, attempting to resolve the issue, and will render a decision to the employee in writing within ten (10) working days of the submission of grievance.

**STEP 4.** If the employee is not satisfied with the Air Pollution Control Officer's decision, the employee may within ten (10) working days request of the APCO that the grievance be heard before an impartial grievance advisor. The written grievance will specify the same particulars of the matter including specific articles. Within ten (10) working days of receipt of such request, the APCO shall notify the appropriate agency with a request that copies of all future correspondence be sent to the grievant or grievant's representative.

The grievance advisor will be selected mutually by the District and the employee. The District and the employee will select a grievance advisor from the American Arbitration Association or the California Conciliation Service, depending on the nature of the grievance. The rules and procedures of the American Arbitration Association or the California Conciliation Service, as applicable, will prevail, including its procedure for selecting an arbitrator who will serve in the capacity of grievance advisor.

The advisor will render a decision which will not be binding on either party. The grievance advisor will direct the decision to the grievance matter at hand and to the specific articles mentioned therein. Within five (5) working days of

receipt of the advisor's decision, the APCO will review the findings and inform the employee of his decision.

The costs incurred for the grievance advisor will be borne equally by both parties to the grievance.

**STEP 5.** If the employee is not satisfied with the APCO's reconsideration, the employee may request the decision be heard by the Personnel Committee of the Board of Directors. The employee will submit the grievance to the Personnel Committee within fifteen (15) working days of the APCO's reconsideration. The Personnel Committee will schedule the grievance hearing within thirty (30) working days and will render a final decision in the matter. The Personnel Committee will consider only the record of the hearing before the grievance advisor and any additional statements which the employee and the APCO may wish to make. Pursuant to Code of Civil Procedure Section 1094.6, any petition for judicial review of the Personnel Committee's decision shall be filed in the appropriate court not later than 90th day following the date on which such final decision is rendered.

#### **4.3 GENERAL PROVISIONS.**

- (a) The time limits specified above may be extended to a definite date by mutual agreement of the employee and level of supervision specified in the steps outlined above.
- (b) Employees will be assured freedom from reprisal for using the grievance procedure.
- (c) Grievances involving disciplinary actions will commence at STEP 2 of the grievance procedure, except discharge cases, which will commence at STEP 3.
- (d) Employees may request the assistance of a steward or another person in preparing and presenting the grievance.
- (e) Failure of the employee to submit the grievance within the time limits of any step of the procedure will constitute a withdrawal of the grievance. Failure of the District to comply with the time limits set forth in this Article shall automatically move the grievance to the next level in the Grievance Procedure.

#### **4.4 ASSOCIATION GRIEVANCE.**

The Association may file a grievance, pursuant to Section III-4.2 above, on an alleged violation, misunderstanding, or misinterpretation of Division III of this Administrative Code or of the Memorandum of Understanding.

#### **4.5 EMPLOYEE GRIEVANCES.**

Employees may file a grievance, pursuant to Section III-4.2 above, regarding any alleged violation, misunderstanding, or misinterpretation of any matter within the scope of the Meyers-Milias-Brown Act which includes, but is not limited to, the following provisions of Division III of this Administrative Code: Overtime; Temporary Disability Leave; Military Leave; Leave Without Pay; Extended Leave of Absence; Jury Duty; and Subpoena as a Witness. Grievances regarding discrimination shall be filed according to the procedures of Section III-5.

#### **4.6 NOTIFICATION.**

At the time an employee is summoned to a supervisor's office for the purpose of being advised on an imminent disciplinary action, the employee is to be informed as to the purpose of the meeting and of his/hers right to representation. Documents to be used in any disciplinary proceeding against an employee shall include only materials, copies of which have been given to the employee.

## **SECTION 5 CLASSIFICATION PLAN**

### **5.1 CLASSIFICATION PLAN.**

The District's Classification Plan will include the organization of positions into classes based on the assigned duties, responsibilities and qualifications necessary to successfully perform the work. Maintenance of the plan is the ongoing responsibility of the Personnel Section. The Personnel Section will audit and update the plan as necessary, in order to effectively administer the District's recruitment and selection activities, training program, compensation system, and performance evaluation program.

Recommended changes to the duties of a class shall be submitted to the APCO for approval. The APCO shall submit recommended changes to the qualifications of a class to the Board for approval.

Maintaining the Classification Plan will include the following elements:

- (a) Analyzing and documenting the scope, duties, responsibilities, and job-related qualifications of positions to be classified
- (b) Grouping positions into job classes based on the similarities of work performed and the qualifications required.
- (c) Writing descriptions for each class of positions in order to define the positions and to serve as a guide in allocating and selecting individual positions to job classes.

### **5.2 NEW POSITIONS AND RECLASSIFICATIONS.**

Whenever a new position is proposed, or an existing position is recommended for reclassification, the Personnel Section will conduct a job analysis which will include analyzing and documenting the scope, duties, responsibilities, and job-related qualifications of the position to be reclassified.

The Personnel Section will develop a new class description if a position cannot be reasonably grouped into an existing class based on the similarities of work performed and qualifications required.

The Personnel Section shall submit the new class description to the appropriate management staff and the APCO for approval. The APCO shall submit the new or revised class description and the supporting information and analysis to the Board for approval. Class descriptions which have been approved by the Board shall be disseminated to appropriate personnel.

### **5.3 CLASSIFICATION STUDIES.**

- (a) The Board or the APCO may require that a salary classification study be conducted to evaluate individual positions or groups of positions, classes, or class series. The District shall not conduct any salary or classification survey affecting wages, hours, or working conditions in any represented classification without meeting and conferring with the Association.
- (b) When the District initiates a classification study affecting all classifications, the District will notify the Employees' Association ten (10) days in advance of a new classification plan becoming effective.
- (c) When the District initiates a modification affecting wages, hours, or working conditions in any represented classification, the District will notify the Employees' Association within ten (10) days or as soon as practicable in advance of such modification being proposed to the Board of Directors.

- (d) None of the recommendations resulting from the study are binding on the District. The Board may choose to implement, or not implement, any recommendation. Any changes resulting from a survey shall be incorporated as amendments to the Plan.

**5.4 AMENDMENTS TO THE PLAN.**

The classification plan may be amended from time to time by resolution of the Board.

The allocation of funds to a classification, or the necessity for filling a position will be at the discretion of the Board through the APCO.

**5.5 ALTERNATE STAFFING.**

A Division Director may request that a vacant position be filled at an “entry” Level I or an experienced “journey” Level II for those classes identified as alternately staffed classes in the class specifications, prior to recruiting for a vacancy, depending on the needs of the District.

Advancement to the Level II is not automatic; a supervisor must recommend to the APCO that an incumbent be promoted to Level II after successfully completing the probationary period, and obtaining and demonstrating the required knowledge, skills, abilities and experience, and meeting pre-identified criteria for promotion to the higher class. The Personnel Manager will review the request to determine if advancement criteria are met.

A Division Director may identify certain positions in the class which contain primarily routine and repetitive tasks as “regular” Level I positions. The “regular” or “entry” status of Level I positions will be determined prior to filling a vacancy so that an employee will know of this regular status prior to accepting the position. This determination will be so stated on the job announcement and the candidate will also be advised during the interview process. When a position is identified as a regular Level I position, the employee accepting the position cannot reasonably expect to advance to Level II while in that position.

**5.6 ORGANIZATION CHART**

5.6 ORGANIZATION CHART (continued)

5.6 ORGANIZATION CHART (continued)

**5.7 SERIES GROUPS.**

**Clerical Category**

**Legal Services Classes (Revised 3/6/96)**

Legal Office Services Specialist	Lead
Legal Secretary II	Journey
Legal Secretary I	Entry

**Secretarial Classes**

Executive Secretary	Senior
Administrative Secretary	Journey
Secretary	Entry

**Office Assistant Classes**

Office Services Supervisor	Supervising
Senior Office Assistant	Senior
Data Entry Operator	Journey
Office Assistant II	Journey
Office Assistant I	Entry

**Accounting Assistant Classes**

Senior Accounting Assistant	Senior
Accounting Assistant II	Journey
Accounting Assistant I	Entry

**Clerk of The Boards**

Deputy Clerk of The Boards	Senior
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**Special Classes (Revised 3/6/96)**

Supv. Radio/Telephone Operator	Supervising
Radio/Telephone Operator	Senior

**Technical Category**

**Air Quality Inspector Classes**

Supv. Air Quality Inspector	Supervising
Senior Air Quality Inspector	Senior
Air Quality Inspector II	Journey
Air Quality Inspector I	Entry

**Enforcement Program Specialist Classes (Revised 3/6/96)**

Enforcement Program Supervisor	Supervising
Principal Enforcement Program Spec	Lead
Senior Enforcement Program Spec.	Senior
Enforcement Program Specialist II	Journey
Enforcement Program Specialist I	Entry

**Air Quality Instrument Specialist Classes**

Supv. Air Quality Instrument Spec.	Supervising
Senior Air Quality Instrument Spec.	Senior
Air Quality Instrument Specialist II	Journey
Air Quality Instrument Specialist I	Entry

**Air Quality Technician Classes (Revised 3/6/96)**

Air Quality Permit Technician II	Journey
Air Quality Permit Technician I	Entry
Air Quality Laboratory Technician II	Journey
Air Quality Laboratory Technician I	Entry
Air Quality Technician II	Journey
Air Quality Technician I	Entry

**Mechanic Classes**

Mechanic II	Journey
Mechanic I	Entry

**Personnel Classes (Revised 3/6/96)**

Personnel Analyst	Senior
Equal Opportunity Officer	Journey
Payroll Technician	Journey
Personnel Technician II	Journey
Personnel Technician I	Entry

**Technical Assistant Classes**

Source Test Assistant II	Journey
Source Test Assistant I	Entry

**Public Information Classes**

Senior Public Information Officer	Senior
Public Information Officer II	Journey
Public Information Officer I	Entry

**Programmer Analyst Classes**

Supervising Systems Analyst	Supervising
Systems Analyst	Senior
Programmer Analyst II	Journey
Programmer Analyst I	Entry

**Special Classes (Revised 3/6/96)**

Permit Coordinator	Supervising
Legislative Analyst	Journey
Building Maintenance Mechanic	Journey



5.7 SERIES GROUPS (continued).

**Professional Category**

**Air Quality Engineer Classes (Revised 3/6/96)**

Supv. Air Quality Engineer	Supervising
Principal Air Quality Engineer	Lead
Senior Air Quality Engineer	Senior
Air Quality Engineer II	Journey
Air Quality Engineer I	Entry

**Environmental Planner Classes (Revised 3/6/96)**

Supv. Environmental Planner	Supervising
Principal Environmental Planner	Lead
Senior Environmental Planner	Senior
Environmental Planner II	Journey
Environmental Planner I	Entry

**Air Quality Meteorologist Classes**

Senior Air Quality Meteorologist	Senior
Air Quality Meteorologist II	Journey
Air Quality Meteorologist I	Entry

**Atmospheric Modeler Classes**

Senior Atmospheric Modeler	Senior
Atmospheric Modeler	Journey

**Air Quality Chemist Classes**

Senior Air Quality Chemist	Senior
Air Quality Chemist II	Journey
Air Quality Chemist I	Entry

**Specialist**

Advanced Projects Advisor	Journey
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**Single Position Classes**

Toxicologist	Senior
Statistician	Senior
Research Analyst	Journey
Accountant	Journey
Library Specialist	Journey

**Management Category**

Air Pollution Control Officer  
 District Counsel  
 Clerk of the Boards  
 Deputy Air Pollution Control Officer

**Division Director**

Director of Enforcement  
 Director of Permit Services  
 Director of Planning and Research  
 Director of Technical Services  
 Director of Administrative Services  
 Director of Public Information

**Manager**

Air Quality Engineering Manager  
 Research and Modeling Manager  
 Environmental Review Manager  
 Enforcement Program Manager  
 Information Systems Manager  
 Meteorology and Data Analysis Manager  
 Air Monitoring Manager  
 Laboratory Services Manager  
 Personnel Manager  
 Finance Manager  
 Facilities Maintenance Manager  
 Business Manager  
 Senior Advanced Projects Advisor  
 Legal  
 Senior Assistant Counsel  
 Assistant Counsel II  
 Assistant Counsel I

## **SECTION 6 SALARIES**

### **6.1 SALARIES.**

Salary schedules are subject to revision from time to time by the Board. The salary schedules will be published yearly at or near the beginning of the fiscal year.

### **6.2 SALARY STEPS.**

- (a) There are five (5) steps within the salary range for each position, with a 5% increment between the steps. The time between Entrance Step A and Step B is six (6) months of satisfactory service. The time between Step B and Step C is six (6) months of satisfactory service in Step B. The time between Step C and Step D is one (1) year of satisfactory service in Step C, and the time between Step D and Step E is one (1) year of satisfactory service in Step D.
- (b) An employee promoted to a higher position will receive the minimum salary for the higher position or at least a 5% increase above the employee's former position, whichever is higher, provided the increase is within the range of the higher position. If a promotion is awarded within thirty days of a scheduled step increase, the step increase and promotional increase will both be effective at the time of the change.
- (c) If a position is reclassified to a position having a higher salary range, the incumbent will remain in the same step of the salary range which is currently in effect.
- (d) If a position is reclassified to a position having a lower salary range, the incumbent will be Y-rated according to the provisions of Section III-6.5
- (e) If an employee is transferred, the employee will remain in the same step of the salary range effective prior to the transfer.
- (f) Any employee who has passed through the initial six month or, if extended, one year, probationary period with the District and who is promoted or transfers to another position in the District shall not be subject to any "up or out" probation. However, an employee may be terminated for cause.
- (g) If an employee is demoted for disciplinary reasons to a position having a lower salary range, the employee will remain in the same salary range step effective prior to the demotion.
- (h) If an employee is demoted because of lack of funds, the employee will be placed in the salary step which reflects the least decrease in salary. If an employee promoted to a higher class fails to pass a promotional probationary period, the employee will be returned to the former position and will revert back to the step in the salary range he/she occupied in the former position effective prior to promotion. Step increases will be awarded on the schedule appropriate to the prior position.

### **6.3 MERIT INCREASES. (Revised 12/21/94)**

Merit increases are effective on the first day of the pay period in which the employee's anniversary date falls.

### **6.4 DETERMINATION OF SALARY RATES. (Revised 12/21/94)**

- (a) ORIGINAL APPOINTMENTS. Unless special conditions warrant otherwise, employees will be hired at the entrance salary of the position classification. Hiring at a higher salary step will require justification from the hiring supervisor and the approval

of the APCO for Steps B and C. Recommendation by the APCO and approval of the Personnel Committee of the Board of Directors is required for hiring at Steps D and E.

- (b) **LIMITED-TERM EMPLOYMENT.** Limited-term employees of the District are paid at the rate of the classification in which the person is employed. If a former District employee is re-hired on a temporary basis, the salary rate will be the hourly rate of the range and step the individual was receiving at the time of separation. If it is necessary to hire a limited-term employee through a temporary agency, the District will pay the appropriate agency fees. **(Revised 3/6/96)**
- (c) **TEMPORARY EMPLOYMENT OVERLAP.** Temporary employment overlap is the regular hire of a person who is to fill a position before the current incumbent has terminated. The anniversary date and all other benefits will be the same as if the person were hired to fill a vacant position.

#### **6.5 Y-RATING.**

Y-Rating refers to a position which has been reclassified to a position having a lower salary range. The incumbent will retain his/her present salary until the appropriate step in the reclassified position is equal to or greater than the incumbent's current salary. A Y-Rating status must be approved by the APCO and the Board of Directors.

#### **6.6 OVERTIME PAY/COMPENSATORY TIME.**

Classifications in the Clerical and Technical Series identified in Section III-5.7 are entitled to overtime pay.

- (a) Overtime will be paid at a rate of one and one-half (1-1/2) times the normal straight time rate for work performed in excess of eight (8), nine (9), or ten (10) hours per day (depending on the person's normal schedule) or forty (40) hours per week. This provision does not apply to employees working a schedule other than those defined in Section III-8.1.
- (b) Upon approval by the employee's Division director, eligible employees may elect compensatory time at the rate of one and one-half (1-1/2) times the overtime worked in lieu of overtime pay but not accumulate more than 240 hours of compensatory time. After 240 hours of compensatory time has been accumulated, overtime pay will be the compensation for overtime work.
- (c) Employees required to work on a designated holiday shall receive overtime pay equal to two times the employees' hourly rate of pay. For the purposes of this section, a designated holiday shall be the dates on which the holiday is observed by the District (see Section III-11.12.), except that for New Year's Day, Independence Day and Christmas Day, the designated holiday shall include the actual date of the holiday and if any of these holidays fall on a Saturday or a Sunday, the Monday or Friday on which the holiday is observed by the District.

#### **6.7 NIGHT PLUME EVALUATION TRAINING UNIT SCHEDULE.**

Employees who attend the Night Plume Evaluation Training Unit special shift shall be paid an additional \$1.00 per hour for the whole shift in addition to the employees' regular straight time pay. Night Plume Evaluation Training Unit special shift will be scheduled eight (8) hour shift to begin at 12:00 P.M. or after and end no later than 12:00 A.M. (midnight)

#### **6.8 DIFFERENTIAL PAY.**

Employees not working a regularly scheduled late shift or flex time will be compensated an additional \$1.00 per hour for hours worked between 8:00 P.M. and 6:00 A.M. Differential pay is a premium payment and is, therefore, included in the computation of overtime.

**6.9 SHIFT DIFFERENTIAL PAY.**

A \$2.50 per hour payment shall be paid to any employee assigned regularly established shift differential assignments. For purposes of this Section, shift differential hours are 5:00 P.M. to 8:30 A.M. and all day Saturday and Sunday. Shift differential is a premium payment and is, therefore, included in the computation of overtime. The schedule for employees working a flextime or compressed schedule, as defined in Section III-8.1, shall not be considered shift differential hours.

**6.10 SALARY DEDUCTIONS.**

Salary deductions may be authorized from time to time by resolution of the Board of Directors.

- (a) Mandatory deductions include Federal Withholding Tax, State Withholding Tax, Medicare tax, if applicable, State Disability Insurance premium, and the employees' Public Employees' Retirement System contribution.
- (b) Voluntary deductions include the regular deduction of health insurance payments, life insurance payments, credit union payments, U.S. Savings Bonds and other voluntary program deductions which may be authorized by the employee.

**6.11 PAY PERIOD AND PAY DAY. (Revised 10/18/00)**

The pay period will be a two-week period beginning on Sunday and ending on Saturday. Employees will be paid biweekly no later than the Friday following the close of a pay period. If the pay day falls on a holiday, warrants will be distributed on the previous work day. Start of the pay period will be adjusted for an employee working the compressed workweek. The District shall indicate on each employee's pay check stub the following: accrued annual leave, accrued sick leave, accrued compensatory time, and accrued floating holiday time.

The District shall provide employees with the option of direct deposit of their pay checks to those banks which provide this capability.

**6.12 FINAL PAYMENTS. (Revised 7/20/94)**

- (a) **SALARY.** Final salary payments to any person who terminates will be paid within 72 hours of the last day worked. When an employee is discharged for cause, the final salary payment will be issued on the last day of employment.
- (b) **ACCRUED ANNUAL LEAVE.** An employee leaving the service of the District shall receive a single payment covering the amount of the accrued annual leave remaining on account.
- (c) **ACCRUED SICK LEAVE.** Employees leaving the service of the District will not be paid for any unused accumulated sick leave credit remaining on account. Accrued sick leave will be applied to service credit upon retirement under the PERS contract.
- (d) **FLOATING HOLIDAYS.** Floating holidays must be used within the fiscal year they are credited. An employee leaving the service of the District shall receive a single payment covering the amount of the accrued floating holidays remaining on account.
- (e) **COMPENSATORY TIME.** An employee leaving the service of the District shall receive a single payment covering the amount of accrued compensatory time remaining on account.

**6.13 SALARY ADVANCES.**

Employees may apply for a payroll advance:

- (a) The application will be accepted only after one week of a pay period has been worked.
- (b) The amount requested cannot exceed amount earned to date during the pay period.

- (c) The amount advanced must be deducted from the pay check for that pay period.
- (d) No more than two (2) such requests can be submitted annually. Exceptions may be approved by the APCO and must be announced to the Board under "Report of APCO".
- (e) Requests must be approved by the Director of Administrative Services.

**6.14 ACTING APPOINTMENTS. (Revision Approved 12/04/96; Effective 12/04/96)**

If an employee is appointed by the Air Pollution Control Officer to be acting in a higher paying job, the employee is to receive the salary during that job tenancy for the time period after the passage of fifteen (15) working days which the employee would receive if the appointment were permanent.

**SECTION 7 EMPLOYMENT AND MERIT INCREASES**

**7.1 POLICY.**

Employment, passing of a probationary period and merit increases are based solely on merit of the individual employee. No employee is guaranteed a continuation of employment or the receiving of future salary benefits.

**7.2 ANNIVERSARY DATE.**

The anniversary date for newly hired or promoted employees is the date of hire or date of promotion. The anniversary date will be used in determining when an employee receives salary increments. Annual leave credits and sick leave credits are accrued from original date of hire. For the purposes of annual and sick leave, five (5) consecutive days (or four (4) consecutive 10-hour days) worked in a pay period will constitute working a full pay period. There will be no prorating of time for annual or sick leave for less than this minimum time per pay period.

**7.3 PROBATION PERIOD. (Revised 6/18/03)**

The probationary period is the period of employment beginning with the anniversary date and continuing for one (1) year of full-time actual and cumulative service. Any unpaid leave time taken during this period shall extend the probationary period by the amount of actual leave taken. No acting or temporary service time shall count towards fulfillment of the probationary period. While serving in a probationary period, an employee may be terminated at any time from employment by the Executive Officer/APCO or the APCO without cause and has no right to appeal or grieve the action.

Employees who change positions prior to the successful completion of their probationary period shall be required to serve a new probationary period and will not receive credit for time already served under the former position.

The Executive Officer/APCO or the APCO may extend the probationary period for up to an additional six (6) months.

A formal performance evaluation will normally be given at least once during the probationary period, usually at 6 months. During the probationary period, an employee may have his/her merit increase denied or delayed at the discretion of the Executive Officer/APCO or the APCO and has no right to appeal or grieve the action.

**7.4 PERFORMANCE EVALUATION.**

Approximately two weeks before the first day of the month in which the anniversary date and the length of service makes the employee eligible for a step increase, the supervisor will complete a performance evaluation and sign a merit increase recommendation. Employees at

the top of the salary range will continue to be evaluated yearly. Performance evaluations are a continuing responsibility of each supervisor, and each supervisor will informally discuss employees' performance as often as necessary to ensure effective work performance.

7.5 (Deleted 12/21/94. See III-6.3)

## SECTION 8 HOURS OF WORK

### 8.1 HOURS OF WORK. (Revision Approved 12/04/96; Effective 12/04/96)

A normal workweek shall consist of five (5) consecutive eight (8) hour days, Monday through Friday. The normal workday shall be scheduled over an eight and one-half (8-1/2) hour period from 8:30 am to 5:00 pm, with one-half (1/2) hour for meals. With the approval of Management, an employee's normal workweek and/or work day can be modified to allow for flextime hours or a compressed workweek. In such a case, appropriate adjustments will be made to recognize such a normal flex or compressed day/week.

An employee shall not work any time in excess of his or her approved work schedule without prior approval of the employee's supervisor, acting supervisor or other manager in the employee's chain of command.

When an employee is away from the employee's normal duty assignment for jury duty, an all-day or multi-day meeting, a conference or to take a District-authorized class, the employee shall only be paid for the hours representing the agency at, and travel time to and from, meetings or conferences, for the hours at, and travel time to and from, a class, or for the hours at jury duty and for any travel time between the location of the jury duty and the District office or the location of the employee's normal duty assignment.

The employee is expected to make up any time that would result in the employees working less than his or her normal workweek by altering the hours worked in the remaining days of the pay period. The schedule according to which any such time will be make up will be established in consultation with the employee's supervisor. With the approval of the employee's supervisor, an employee will receive overtime/compensatory time if the time consumed by the outside activity exceeds the employee's normal workday.

### 8.2 LUNCH PERIOD AND REST PERIOD.

- (a) Lunch period of one-half (1/2) hour is normally taken between 12:00 and 1:00 p.m.
- (b) Rest period of one-quarter (1/4) hour is normally taken in mid-morning and mid-afternoon.
- (c) Continuation of Business. An adequate number of employees may be assigned lunch and rest periods to ensure the continuation of business.

### 8.3 ATTENDANCE.

- (a) Supervisors will be responsible for the daily attendance record of each employee.
- (b) An employee who is tardy shall report to the employee's supervisor as promptly as possible after beginning work.
- (c) An employee must report unscheduled leave to the District within the first hour of the work day unless an emergency prevents such reporting.
  - (1) Failure to report may result in loss of pay for the period of absences from work.
  - (2) An employee who is absent without leave and without having reported his/her absence for more than one (1) working day may be considered to have resigned and may be terminated.

#### 8.4 OVERTIME. (Revised 12/21/94)

For definitional purposes, overtime is the necessary, assigned and authorized time worked in excess of 40 hours in a seven day week or 8 hours worked in a 24 hour day. A normal work day begins at 8.30 a.m. and the normal workweek is Monday through Friday. (See Section III-8.5 for compressed workweek.)

The District will provide the services required by law with an emphasis on avoiding the necessity for overtime where possible. The District is under no obligation to assure anyone of the availability of overtime work, nor is the District obligated to treat any particular kind of assignment as overtime. Therefore, the District may adjust work schedules where possible to cover work assignments as straight time work assignments.

The District recognizes that not all work matters can be scheduled during a work shift, and consequently, legitimate overtime assignments will be compensated accordingly.

For the purposes of overtime assignments, a notice to an employee to work overtime is a notice in advance if the assignment is given more than 24 hours prior to the beginning of the work to be performed. Such assignments will be considered "scheduled" overtime. An assignment given less than 24 hours in advance will be considered an "unscheduled" assignments for call-back purposes. A call-back is the unscheduled, emergency, and authorized call-back to return to work after a regular shift has been completed.

The District will make every reasonable effort to notify employees of changes in work schedules 14 days in advance of the work to be performed.

Though work schedules for most employees are within the normal work day and normal workweek, groupings of employees may occasionally or regularly have work schedules at different times. The District reserves the right to continue to change work schedules to meet operational necessities during straight time shifts.

Travel time pay is only authorized for call-back assignments. Travel time and call-back time will be compensated at the applicable rate of pay. The time employees spend traveling to a work assignment, except for qualifying call-back assignments, is not to be paid regardless of whether the employee is traveling to a scheduled overtime or straight time assignment.

- (a) **Authorization** - Overtime is the necessary, assigned authorized time worked in excess of eight (8), nine (9), or ten (10) hours per day (depending on an individual's normal work schedule) or forty (40) hours per week. With regard to flex time or compressed work weeks, it is recognized that the standard work week may not be 40 hours. Any hours worked beyond whatever is necessary to fulfill the designated flex/compressed work week plan for an individual are designated as excess hours. These excess hours are to be paid as overtime or compensatory time at the rate of one and one-half times straight time.

For the purposes of this section, paid leave time shall be included in computing the forty hours per week when determining eligibility for overtime; provided, however, that an employee on a flex time or compressed schedule may, with supervisor's approval, modify a normal schedule in order to meet operational necessities, which modified schedule will then constitute a normal work time.

- (b) **Call-back** - Call-back is the unscheduled, authorized call back to work before or after but not connected to the normal workday. Compensation will be based on a minimum of two hours at the applicable rate of pay.
- (c) **Travel Time** - For a call-back which is not directly connected to the beginning or ending of a normal shift, the employee will receive compensation from the time the employee leaves home until the employee returns home (travel time) at the applicable rate of pay.

- (d) **Distribution of Overtime** - Overtime, other than call-back, will be distributed in the following manner, consistent with District operating requirements:
- (1) When overtime is required to complete an assignment, the person given the assignment will normally continue the work.
  - (2) When unscheduled overtime is required in a supervisor's area (or an extended coverage area) to conduct an additional assignment, employees working for a supervisor (or working in an extended coverage area) will be asked first whether they wish to volunteer for the overtime work. If two or more people volunteer for the assignment, the assignment will be made based on a rotating overtime assignment schedule starting with the most senior person in the work group. If no one volunteers for the assignment, a supervisor may select an individual through the use of a lottery system or, at the discretion of management, the supervisor may select in the order of inverse seniority. Any and all of the above methods may be used to establish an order of rotation for the purposes of distribution of overtime.
  - (3) On continuing extended, overtime assignments, coverage will be assigned on a rotating basis.
  - (4) All overtime assignments will be made with due consideration for employee hardship.
  - (5) Seniority, for the purposes of overtime assignments only, is determined by the time an employee has held the position for which the overtime assignment is required.
  - (6) The District reserves the right to approve, or disapprove, all assignments with due consideration of safe work hours and excessive work schedules.
  - (7) Limited-term employees shall not be offered the opportunity to work overtime hours without first offering the overtime hours to that supervisor's regular employees and allowing those employees to decline the overtime hours.
- (e) **Distribution of Call-back**
- (1) Call-back will be distributed in the following manner:
  - (2) When call-back is required, the person normally responsible for the assignment will be given first opportunity of call-back.
  - (3) If the person normally responsible for the assignment is unavailable for call-back, then the immediate supervisor will be responsible for the assigning of call-back to other employees in the same position.
  - (4) If the immediate supervisor is unavailable for call-back, then the alternate supervisor, manager or division director will be responsible for the assignment of callback.
  - (5) The District maintains the option to deviate from this procedure based upon immediate need.

**8.5 COMPRESSED WORKWEEK. (Revision Approved 12/04/96; Effective 12/04/96)**

Employees may request, subject to discretionary approvals of the immediate supervisor through the Division Director, to work a compressed workweek schedule. Compressed workweek approval shall be subject to such terms and conditions, and shall be subject to renewal annually or at such other intervals, as is deemed necessary by the Division Director to meet the operational needs of the Division. Compressed workweek approval may be



withdrawn at any time in order to meet the operational needs of the District, and employees who fail to maintain an acceptable level of performance and productivity will be withdrawn from a compressed workweek schedule.

A compressed workweek schedule will consist of either four 10-hour days, or eight 9-hour days and one 8-hour day every two weeks. Work hours on a compressed schedule will commence not earlier than 7:00 AM and not later than 9:00 AM. However, exceptions to this rule may be approved at the discretion of the Division Director. Employees who work a compressed workweek schedule will have the start of the workweek adjusted for the purpose of computing overtime.

When a scheduled District holiday falls on a compressed work day, the employee working a compressed schedule shall only receive credit for eight hours of holiday pay. The employee shall take the additional time off on that holiday as annual leave or as a floating holiday, or the employee shall make up the additional time off by altering the hours worked in the remaining days of the pay period in consultation with the employee's supervisor.

**8.6 FLEXIBLE WORK SCHEDULE. (Revision Approved 12/04/96; Effective 12/04/96)**

Employees may request, subject to discretionary approvals of the immediate supervisor through the Division Director, to work a flexible work schedule. Flexible workweek approval shall be subject to such terms and conditions, and shall be subject to renewal annually or at such other intervals, as is deemed necessary by the Division Director to meet the operational needs of the Division. Approval of a flexible work schedule may be withdrawn at any time in order to meet the operational needs of the District, and employees who fail to maintain an acceptable level of performance and productivity will be withdrawn from a flexible work schedule.

Employees on a flexible schedule will normally work a five day workweek, and may adjust their starting time to commence not earlier than 7:00 AM and not later than 9:00 AM, with the shift ending eight and one-half hours later. However, exceptions to this rule may be approved at the discretion of the Division Director.

A flexible work schedule will be determined by management considering the operational needs of the District.

**8.7 PART-TIME AND JOB SHARING. (Revision Approved 12/04/96; Effective 12/04/96)**

Employees may request a reduced workweek schedule or a job share arrangement. All requests will be reviewed by management considering the operational needs of the District, employee hardship or family responsibilities. Appropriate salary adjustments and benefit eligibility will be determined based on the hours worked. The APCO may, at his or her discretion, authorize or discontinue a part-time or job share arrangement.

**8.8 TELECOMMUTING. (Revision Approved 12/04/96; Effective 12/04/96)**

Telecommuting is a working arrangement in which an employee sometimes works away from the District's central office. An employee may apply to telecommute, subject to approvals of the immediate supervisor through the Division Director. Telecommuting is a privilege which the District has the right to refuse or to terminate at any time. An employee also has the right to refuse to telecommute or to withdraw from the program at any time. Approval to telecommute shall be subject to such terms and conditions, and shall be subject to renewal annually or at such other interval, as is deemed necessary by the Division Director to meet the operational needs of the division. Employees who fail to maintain an acceptable level of performance and productivity will be withdrawn from telecommute status.

Telecommuting is voluntary, and should be mutually beneficial to both the employee and the District. An employee's choice to telecommute or not shall have no adverse effects with

regard to advancement or any other aspect of the employee's standing. An employee approved to telecommute will be required to read and sign the Telecommuting Agreement.

All pay, compensation, and normal employee benefits shall be identical whether an employee telecommutes or works at the central office. There will be no diminution from the norm in either an employee's work products or hours when the employee telecommutes.

The telecommuting employee will not provide primary care to others during at-home working hours. Telecommuters must be available to come to the office if requested to do so.

The employee and the employee's supervisor will establish terms of availability or access to the employee while away from the office. In all cases, telecommuters shall make provisions that provide sufficient communication with the office and the public to meet District Goals. The number of days per week on which an employee may be authorized to telecommute shall be at the discretion of the employee's Division Director.

Supervisors who telecommute shall make provisions for adequate supervision of staff while the supervisor is away from the office.

In addition to regularly scheduled telecommuting arrangements, other employees may apply to telecommute on an episodic basis for limited time periods.

Telecommuters are required to provide whatever equipment is necessary to do their job as well at their home in the same manner as if they were in the central office. The employee is responsible for the purchase and maintenance of all equipment (both hardware and software).

The District will provide training to both telecommuting employees and their supervisors. The District will also sponsor focus groups for the telecommuters and their supervisors on an as-needed basis.

## **SECTION 9 SEPARATIONS**

### **9.1 RESIGNATION.**

An employee submitting a resignation is requested to give at least two weeks notice which allows for the orderly transferring of work assignments and for recruiting of replacement employees.

### **9.2 DISMISSAL. (Revised 5/3/2023)**

- (a) The Appointing Authority (APCO or District Counsel) may, for good and sufficient reason, take any or all necessary disciplinary actions including discharge to ensure the continuity and integrity of the District's functions and work place.
- (b) A non-probationary employee whose employment is terminated because of unsatisfactory service, misconduct, or for other just causes shall be given written notice stating the reasons for dismissal, and may be given two (2) weeks' notice before the date on which the employee's services will be terminated. However, (1) Employees terminated for misconduct such as drinking or being intoxicated on the job, fighting, theft, creating a severe safety hazard, gross negligence, or other acts of serious misconduct, (2) Probationary Employees, and (3) "At Will" employees in the classifications identified in Section III-3.3(c) may be dismissed without prior notice.
- (c) Individuals serving in at-will positions pursuant to Section III-3.3(c) serve at the will of the appointing authority and may be separated for any reason or for no reason, with or without prior notice, and with no right to appeal or grieve any disciplinary action. In addition, appointments to positions in the classifications identified in Section III-3.3(c) may be for a fixed term of employment and the incumbent will be separated at the

expiration of that term (unless the employee has return rights to a prior position pursuant to Section III-3.3(d) or said term is extended by the identified appointing authority). Except as expressly provided in Section III-3.3(d), individuals separated from a position in the classifications identified in Section III-3.3(c) shall have no right to return to any other District position, regardless of seniority or tenure.

**9.3. LAY-OFF AND RECALL.**

When a reduction in work force becomes necessary for any reason such as lack of funds or lack of work, the following steps in the layoff and recall procedure will be followed:

- (a) Layoffs within a classification will be in reverse order of District employment seniority. (For the purpose of this Section, District employment seniority is the seniority gained based on overall employment with the District).
- (b) An employee (A) who is to be laid off may displace an employee (B) within a similar or lower paying classification provided:
  - (1) Employee (A) has held a position in the classification in question or if employee (A) has not held a position in the classification, holds a position in one of the identifiable job clusters class series and,
  - (2) Employee (A) has greater District employment seniority than employee (B) and,
  - (3) Employee (A) has the skills and meets the qualifications of the classification in question and,
  - (4) The operating requirements of the District are maintained.
- (c) Employees who are laid off or displace others in lieu of layoff will be placed on a recall list for eighteen (18) months during which service time in the former classification will be preserved but not accrued.
- (d) Employees will be recalled to their former classification in reverse order of layoff provided they respond to the notice of a classification opening by notifying the District of their intent to return within the 5 days of receipt of such a notice and return to work within fifteen (15) calendar days of the receipt of such notice.
- (e) If a policy of layoff by reverse seniority is held to be contrary to the principles of equal opportunity employment or affirmative action by virtue of adjudication by a court of competent jurisdiction or by legislative determination, then this Section shall be void, and the parties hereto shall meet and confer regarding a new and legally acceptable policy at the earliest practicable time.
- (f) To the extent possible, the District will attempt to give an employee 30 days written notice prior to the effective layoff date.
- (g) The District will furnish a list of employees to be laid off to recognized employee organization(s) at the same time employee(s) is/are given the written notice(s).
- (h) An employee's name shall be removed from the recall list only when the employee refuses an offer to be returned to the employee's former position.
- (i) A change in job title shall not affect an employee's recall rights.

**9.4 SUSPENSION.**

- (a) Suspensions from work without pay may be imposed for disciplinary reasons for a period not to exceed thirty (30) days.
- (b) The authority for suspension rests with the APCO.

**9.5 RETIREMENT.**

Retirement is the voluntary separation of an employee from service of the District after the employee has earned a Service Retirement Allowance under the State of California Public Employees' Retirement System.

**SECTION 10 FRINGE BENEFITS**

**10.1 HEALTH INSURANCE.**

This District shall provide health insurance coverage through the Public Employees Medical and Hospital Care Program for employees and their eligible dependents. Health insurance coverage continues for retired employees

**10.2 DENTAL INSURANCE.**

The District shall provide dental insurance coverage through Delta Dental Plan of California for employees. Optional coverage is available for eligible dependents and for Domestic Partners where an employee has filed a confidential Declaration of Domestic Partnership with the Personnel Section. Dental insurance coverage continues for retired employees.

**10.3 VISION CARE. (Revised 9/6/95)**

Vision care is provided by Vision Service Plan. Vision coverage for employees is mandatory. Optional coverage is available for eligible dependents and for Domestic Partners where an employee has filed a confidential Declaration of Domestic Partnership with the Personnel Section. Vision care coverage for dependents must be elected at the time of enrollment. Benefits include examinations, lenses and frames at specified service intervals. Vision care coverage continues for employees who retire on or after July 1, 1995.

**10.4 LIFE INSURANCE.**

The District provides life insurance coverage for employees. The life insurance amount is based on annual salary. Optional Additional Contributory Life and Dependent Life Insurance is also available to employees. Life insurance coverage continues for retired employees.

**10.5 LONG TERM DISABILITY INSURANCE.**

The District shall provide Long Term Disability Insurance which partially replaces lost income on or off the job, for employees who become disabled and meet the eligibility requirements.

**10.6 INSURANCE CONTINUATION.**

An employee who is ill or injured and is eligible for either Workers' Compensation or State Disability Insurance, and on medical leave may continue group insurance coverage. The District will continue to pay its portion of the coverage.

**10.7 HEALTH AND DENTAL COVERAGE AFTER RETIREMENT.**

Health care coverage after retirement will be governed by the provisions of the Public Employees' Medical and Hospital Care Act. Dental care coverage after retirement will be governed by the Delta Dental Plan of California contract.

**10.8 PREMIUM REQUIREMENTS. (Revised 10/18/00)**

Commencing on July 1, 2000 and every fiscal year thereafter, unless otherwise modified by the Board of Directors, the District shall provide up to a maximum of \$627.00 per month for each management employee and \$576.00 per month for each confidential employee for payment of premiums for Health, Dental, Vision and additional Life insurance coverage, as

set forth in Sections III-10.1 through 4 provided that each employee must elect individual dental coverage.

**10.9 STATE DISABILITY INSURANCE.**

Each employee is covered by State Disability Insurance. Premiums are paid by the employee. The District's sick leave payments are integrated with any payments received by the employee from State Disability Insurance. The District shall provide state disability insurance for non-industrial illness or injury. The cost of SDI is deducted from the employee's pay. State Disability Insurance is integrated with the employee's leave time. Employees shall not be entitled to receive more than one hundred percent (100%) of pay when SDI and leave time are combined. The administration of the State Disability Insurance program is solely the responsibility of the State of California. The District is not responsible for benefit leaves, the duration of benefits, or the eligibility of District employees for benefits.

**10.10 WORKERS' COMPENSATION.**

Employees injured on the job and accepted for Workers' Compensation will not be required to use sick leave for the period from the 1st through the 90th calendar day. This period will begin the day following the date of injury or the date Workers' Compensation approved the absence from work, whichever date begins the absence from work. The period will apply only once per injury. The date of injury will be paid as a day worked for pay purposes.

**10.11 PUBLIC EMPLOYEES' RETIREMENT SYSTEM.**

(a) Pick-Up of Employee Contributions

- (1) The District shall make employee contributions on behalf of employees, and such contribution shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States. Such contributions are being made by the District in lieu of employee contributions.
- (2) Employee contributions made under Paragraph A of this Article shall be paid from the same source of funds as used in paying the wages to affected employees.
- (3) Employee contributions made by the employer under Paragraph A of this Article shall be treated for all purposes other than taxation in the same manner and to the same extent as employee contributions made prior to the effective date of this Agreement.
- (4) The employee does not have the option to receive the District-contributed amounts paid directly instead of having them paid to the retirement system.

(b) Wage Adjustment

Notwithstanding any provision on the contrary, the wages of employees shall be reduced by the amount of employee contributions made by the District pursuant to the provisions hereof.

(c) Limitations to Operability

This Subsection 10.11 shall be operative only as long as the District pick-up of employee retirement contributions continues to be excludable from gross income of the employee under the provisions of the Internal Revenue Code.

**10.12 CREDIT UNION.**

Employees may become members in the San Francisco City Employees' Credit Union.

**10.13 EMPLOYEE ASSISTANCE PROGRAM.**

The District shall offer an employee assistance program to employees and members of their household through Personal Performance Consultants. The Employee Assistance program provides professional, confidential counseling service at no cost to the employee.

**10.14 TRANSIT SUBSIDY / CARPOOL SUBSIDY. (Revised 9/6/95)**

Consistent with the District's efforts to promote the use of public transportation and to reduce the number of single-occupant automobiles during commute hours, full-time District employees are eligible for a transit or a carpool subsidy. Use of the passes, or tickets, is confined to the employee during commute hours.

The District will provide transit ticket or passes, up to a maximum value per month or, at the option of the employee, the District will allow a per-day amount up to a maximum per-month per-carpool amount, for the reimbursement to the vehicle owner of commute carpooling expenses and per-day amount to District employees commuting in a carpool (carpool is three or more persons, at least two of which must be District employees).

Procurement of the transit passes is the obligation of the individual employee. No funding will be advanced by the District. Transit tickets or passes for a given month will be made available to eligible District employees at the District's office on a designated day prior to the beginning of that month.

Carpool reimbursement will be made on a monthly basis. No funding will be advanced by the District. In order to receive the carpool subsidy, the employee must certify to the Director of Administrative Services, no later than the 10th day of each month, the number of days carpooled the previous month and the names of the persons who participated in the carpool.

**10.15 DEFERRED COMPENSATION.**

The District shall offer employees the opportunity to participate in a Section 457 deferred compensation plan. The plan allows employees to invest a portion of salary which is tax deferred until such time as the employee withdraws the funds.

**10.16 JOB-RELATED EDUCATIONAL PURSUITS. (Revised 12/21/94)**

(a) EDUCATIONAL LEAVE - Division Directors may, at their complete discretion, permit employees to attend job related educational pursuits during business hours to a maximum of ten (10) hours per week provided normal workloads can be accomplished and provided the time is made up as soon as practicable.

(b) JOB RELATED EDUCATIONAL PURSUITS **(Revised 9/6/95)**

(1) For the purposes of this section "job related educational pursuits" is defined as education which either maintains or improves an employee's job skills as they relate to an employee's current position.

To receive reimbursement, an employee must be enrolled at an accredited college or university in an undergraduate or graduate degree program, or in a certificate program; courses taken must contribute to progress towards the degree or certificate.

To qualify for reimbursement under this Section 10.16 participation in certificate programs is subject to prior approval by the District's Personnel Manager. Certificate programs in which an employee's participation will normally be approvable shall include, but not be limited to, environmental management certificate programs offered by the University of California or other colleges and universities, and coursework leading to a professional license which relates to the work of the District (such as a P.E. license).

- (2) The District shall yearly apportion an amount to allow for reimbursements per employee for those employees who attend and successfully complete job related educational courses or seminars. Such reimbursement will be paid upon proof of completion of any approved course. Employees wishing to take educational or other professional courses must obtain prior approval from the District's Personnel Manager before taking the course in order to be reimbursed.
  - (3) Upon proof of completion of a course (grade "C" or better, "pass", "credit", or other indication of satisfactory completion of the course) the District will reimburse the employee for the course cost and related materials (books, required supplies, lab fees, etc.) up to the prescribed limit.
- (c) **SKILLS ENHANCEMENT PURSUITS**
- (1) For the purposes of this section "skills enhancement educational pursuits" is defined to include educational courses and other skills enhancement courses that may or may not be related to an employee's current position, but reasonably relate to the District's work in general and will enhance an employee's skills and may allow for further advancement or promotion at the District.
  - (2) The District shall yearly apportion an amount to allow for reimbursements per employee for those employees who attend and successfully complete skills enhancement courses. Such reimbursement will be paid upon proof of completion in any approved course. Employees wishing to take skills enhancement courses must obtain prior approval from the District's Personnel Manager before taking the course in order to be reimbursed.
  - (3) Upon proof of completion of a course (grade "C" or better, "pass", "credit", or other indication of satisfactory completion of the course) the District will reimburse the employee for the course cost and related materials (books, required supplies, lab fees, etc.) up to the prescribed limit.

**10.17 DEPENDENT CARE ASSISTANCE PLAN AND MEDICAL CARE REIMBURSEMENT ACCOUNT PLANS. (Revised 10/1/03)**

The District's Dependent Care Assistance Plan allows employees to set aside pre-tax dollars to pay for eligible expenses for dependent care. The Medical Care Reimbursement Account plan allows employees to set aside pre-tax dollars to pay for eligible medical expenses that are not covered by medical, dental, and vision insurance benefits.

**10.18 SOCIAL SECURITY REPLACEMENT BENEFITS.**

- (a) The District's Board of Directors has adopted and implemented a package of benefits designed to replace to the fullest extent possible those benefits formerly provided under the employer-employee jointly funded federal program commonly known as Social Security. These replacement benefits include the following:
  - (1) Special retirement and disability benefits under PERS. (See Resolution No. 1289, December 17, 1980.)
  - (2) Life insurance coverage for employees is as specified in the contracts. The contracts are available in the Personnel Office.
  - (3) A portion of long term disability coverage at the level of 66 2/3% of monthly salary to a maximum benefit of \$4,000. **(Revised 3/6/96)**
  - (4) Qualified pension plan contribution of \$62.50 per month credited to each full-time regular employee's account. (See Resolution No. 1345, August 5, 1981.)
- (b) It is the intention of the Board of Directors that the cost of these benefits in subsequent years be less than and in no event exceed the amount which would have been required

as the employer contribution to Social Security. It is further the intention of the Board that contributions to the qualified pension plan be reduced if necessary to accomplish the cost-limit objective.

- (c) The Board specifically reserves the right, subject to meet and confer to adjust and alter the benefits described above so as to achieve a result which most effectively meets the needs of employees in an equitable manner without adding costs to the District.

**10.20 GUARANTEED RIDE HOME (GRH). (Revised 7/20/94)**

The District shall provide a Guaranteed Ride Home (GRH) to all employees who contribute to the District's Employer Based Trip Reduction (EBTR) goals.

A Guaranteed Ride Home is one of the following:

- (a) Reimbursement for use of the fare for mass transit between the District and the employee's home.
- (b) If the employee's commute does not reasonably accommodate mass transit, the employee may use a pool vehicle from the employee's Division vehicle pool, if one is available. "Reasonably Accommodate" means that use of mass transit will require no more than one transfer between transit vehicles (SF Muni to BART does not count as a transfer), and that the employee expects to leave the office before 7:00 PM or 1 hour after sundown (whichever is later). The vehicle will be returned to the pool coordinator on the employee's next working day.
- (c) If the employee's commute does not reasonably accommodate mass transit, and if there are no available vehicles in the employee's Division vehicle pool, the employee may use a pool vehicle from the District vehicle pool, if one is available. The vehicle will be returned to the Facilities Manager on the employee's next working day.

In order to contribute to the District's EBTR goals, an employee must commit to routine use of an alternative means of commuting to the District by submitting a certification ("GRH Certificate") to the District Transit coordinator. The GRH Certificate must indicate whether or not the employee's commute reasonably accommodates the use of transit. Routine use means use of one or more of the following commute methods as the principal means of transportation for both in-bound and out-bound commute trips at least ten times per month:

- (d) Carpool or rideshare, where the vehicle contains three or more occupants.
- (e) Mass transit.
- (f) Emission-free transportation (walking, jogging, bicycling).

An employee may use a Guaranteed Ride Home for any of the following reasons:

- (g) The employee has a family emergency that requires the employee to leave work early.
- (h) The employee is required to work unscheduled overtime.
- (i) The employee is unable to complete the trip home due to a breakdown of the employee's normal mode of transport.
- (j) The employee has received an on-the-job injury that prevents the employee from reasonably using the normal method of transportation.
- (k) The employee's carpool has left early or late due to one of the above circumstances.

The procedure for using a Guaranteed Ride Home is as follows:

- (l) For transit reimbursement, the employee shall request reimbursement on his/her first working day following use of a Guaranteed Ride Home.



- (m) For use of a pool vehicle, the employee shall contact the Division Pool Coordinator to determine whether or not a Division Pool Vehicle is available; if not, the employee shall contact the Facilities Manager to determine whether or not a District pool vehicle is available.

The pool coordinator or Facility Manager shall verify that the Employee has submitted a GRH Certificate to the Transit coordinator; if so, a vehicle will be provided to the employee if one is available.

The employee shall make sure that the vehicle will not be locked up when needed.

The employee shall return the vehicle and the keys on his/her next working day.

- (n) On the his/her first working day following use of a Guaranteed Ride Home, the employee shall submit to the Transit Coordinator a memorandum describing the form(s) of transit taken, the fare(s) paid, and the qualifying reason for the Ride Home.

## SECTION 11 LEAVE AND HOLIDAYS

### 11.1 ANNUAL LEAVE.

- (a) An employee will earn annual leave credits at the rate of 3.69 hours per pay period (approximately one day per month) for the first three years of employment. Annual leave will accrue but cannot be taken until the successful completion of six months' service. If an employee's annual leave accrual rate changes during a pay period, the new rate will be credited from the first day of that period. **(Revised 12/21/94)**
- (b) An employee with more than three and up to five years of employment will earn annual leave at the rate of 4.64 hours per pay period (approximately 1-1/4 days per month).
- (c) An employee with more than five and up to ten years of employment will earn annual leave at the rate of 5.52 hours per day period (approximately 1-1/2 days per month).
- (d) An employee with ten years or more of employment will earn annual leave at the rate of 6.48 hours per pay period (approximately 1-3/4 days per month).
- (e) An employee with more than twenty years and up to thirty years of employment will earn annual leave at the rate of 7.69 hours per pay period (approximately 2 days per month). **(Revision Approved 6/19/96; Effective 7/01/96)**
- (f) An employee with thirty or more years of employment will earn annual leave at the rate of 9.23 hours per pay period (approximately 2-1/2 days per month).
- (g) Annual leave will be normally scheduled in advance by the employee's immediate supervisor, in consideration of the operating requirements of the section and the division. However, in an emergency situation, annual leave will be authorized so long as the employee's immediate supervisor is notified in advance.
- (h) The maximum accumulation of annual leave is forty (40) working days as of the end of the calendar year. Use of annual leave of more than twenty (20) days must be scheduled and approved by the Air Pollution Control Officer.
- (i) For the purposes of determining the rate of annual leave, accumulated service within the District will be used less any time for leave of absence in excess of two pay periods.
- (j) If a pay day falls during an employee's vacation, the employee may receive a partial pay warrant for the pay period. The employee may pick up the warrant three (3) days prior to beginning vacation, provided two weeks' notice is given to the payroll clerk.

**11.2 SICK LEAVE.**

- (a) Coverage - Sick leave is granted leave to cover authorized absence by an employee unable to work for any of the following reasons:
  - (1) Personal injury or illness, pregnancy, childbirth, or pregnancy-related disability.
  - (2) Exposure to contagious disease requiring quarantine.
  - (3) When the employee is required to attend to a member of the immediate family for reason stated in (1) above, to a maximum of ten (10) days per year.  
**(Revised 9/6/95)**
  - (4) For the purpose of this section, immediate family will include: mother, father, spouse, domestic partner, children, brother, sister, grandparents and grandchildren of the employee, relatives by marriage including mother-, father-, brother-, sister-, son-, and daughter-in-law, and the following domestic partner loved ones: mother, father, brother, sister, son and daughter. **(Revision Approved 12/04/96; Effective 12/04/96)**
  - (5) Appointments for dental, eye, and other medical examinations.
- (b) Allowance - Employees will earn sick leave at the rate of 3.69 hours per pay period. There is no limit to the amount of sick leave which may be accumulated. Employees are eligible to use sick leave as it is earned.
- (c) Coordination with State Disability Insurance - Sick leave will be integrated with State Disability Insurance as soon as eligibility for such benefits is established.
- (d) Job-Related Injury - Employees injured on the job and accepted for Workers' Compensation will not be required to use sick leave for the period from the 1st through the 90th calendar day. This period will begin the day following the date of injury or the date Workers' Compensation approved the absence from work, whichever date begins the absence from work. The period will apply only once per injury. The date of injury will be paid as a day worked for pay purposes.
- (e) Holiday During a Sick Leave Period - If a holiday occurs during a continuous period of authorized sick leave, the holiday will not be counted as a day of sick leave.
- (f) Blood Donations - Employees may take up to two (2) hours to donate blood to the District's account or to a specific person's account to a maximum of twice a year without loss of sick leave credits. Such leave must be approved in advance and consistent with District operating requirements.

**11.3. BEREAVEMENT LEAVE.**

- (a) When a death occurs in the immediate family of an employee, the employee may take three consecutive days off, counting the day of the funeral, without loss of pay.
- (b) If the employee is the family member required to make the family arrangements for the funeral and burial (or equivalent ceremony), the employee may take up to five (5) days off without loss of pay to make such arrangements. Such time shall include all time for travel.
- (c) For the purpose of this Article, immediate family is defined the same as in Section III-11.2(a)(4).

**11.4 TEMPORARY DISABILITY LEAVE. (Revised 12/21/94)**

An employee who becomes temporarily disabled for valid medical reasons including illness, injury, or other medical reasons (other than pregnancy), is entitled to a temporary disability

leave for any period of actual disability for up to a total of six (6) months. Leave in excess of six (6) months may be granted under a leave of absence (see Section 11.8 below).

Before taking unpaid leave, the employee must use all available sick leave except for 80 hours that may be retained or used at the employee's discretion. An employee has the option to use his/her accrued annual leave and floating holiday leave during the disability period. State Disability Insurance benefits received by the employee will be converted to sick leave hours and credited to the employee's sick leave accrual balance. Sick leave and annual leave compensation will be coordinated with State Disability Insurance benefits.

Temporary disability leave grants the employee rights to return to the same position the employee held prior to the leave, or to a comparable position in the same job classification and at the same pay grade.

An employee on temporary disability leave continues to receive benefits described in Section 10, except that an employee on temporary disability leave without pay for 80 hours or more during a fiscal year will not accrue annual or sick leave, receive transit subsidy, or receive educational reimbursement, unless the course was approved prior to the commencement of the leave. However, an employee will continue to accrue annual and sick leave if on temporary disability leave due to an injury sustained while on the job, provided that the period of the leave is covered by an approved Worker's Compensation claim. Employee and employer contributions to PERS are not paid during unpaid portions of temporary disability leave. Temporary disability leave is not considered a break in service.

To enable an employee who is temporarily disabled to return to work as soon as possible, the employee may request a transfer to a less hazardous or strenuous position for the duration of the disability. The APCO will grant such a request if it can be reasonably accommodated. The request for a transfer must be based on the advice of the employee's health care provider.

Temporary disability leave, unlike pregnancy disability leave, runs concurrently with leave taken under the Family Care and Medical Leave provision of Section 11.7 below.

An employee who plans to take a disability leave must give reasonable notice of the date the leave will commence and the estimated duration of the leave. The employee shall provide a medical certification from the employee's health care provider to the Personnel Section within one week after the commencement of any temporary disability leave, and shall provide a supplemental medical certification at least once every four weeks thereafter. In the case of a severe or extended illness, the APCO may waive the requirement to provide supplemental medical certifications.

**11.5 MILITARY LEAVE. (Revised 1/6/10)**

Military leave is governed by the Military and Veterans Code of the State of California and the federal Uniformed Services Employment and Reemployment Rights Act.

**11.6 LEAVE WITHOUT PAY. (Revised 12/21/94)**

Regular full-time or part-time and probationary employees may be granted a leave without pay for non-medical reasons. Such leave will be granted at the discretion of the APCO.

Leave may be granted for any period of time up to thirty (30) calendar days and may be extended for one (1) to ten (10) additional working days. A working day is any day that the District office is open for business. A return to work of one full day is considered as ending a leave period. Additional time after this day will be requested as a new and separate leave.

An employee on leave without pay continues to receive benefits described in Section 10, except that an employee on leave without pay for more than 80 hours during a fiscal year will not accrue annual or sick leave for the period of leave without pay in excess of 80 hours, and will not receive transit subsidy, or receive educational reimbursement, unless the course was approved prior to the commencement of the leave. Employee and employer contributions to

PERS are not paid during leave without pay. A leave without pay is not considered as a break in service, and the employee is assured return to the same position, or to a comparable position in the same job classification and at the same pay grade.

**11.7 FAMILY CARE AND MEDICAL LEAVE. (Revised 1/6/10)**

Reasons for Taking Family Care and Medical Leave

Eligible employees can take Family Care and Medical Leave for any of the following reasons:

1. Birth of an employee's child.
2. Placement of a child with an employee for adoption or foster care.
3. Due to the employee's own serious health condition.
4. To care for a spouse, domestic partner, child or parent with a serious health condition.
5. Due to a qualifying exigency arising out of the fact an employee's spouse, domestic partner, child or parent is on active military duty or has been notified of an impending order to active duty ("Qualifying exigency leave").
6. To care for a current member of the Armed Forces, National Guard or Reserves who has a serious injury or illness if the employee is the spouse, domestic partner, child, parent or next of kin of the servicemember ("Military caregiver leave").

Amount of Leave

Eligible full-time employees are entitled to up to 12 workweeks (480 hours) of family care and medical leave in a 12 month period when the leave is taken for reasons 1 through 5 above. The 12 month period begins on the first date family care and medical leave is taken.

Eligible full-time employees are entitled to up to 26 workweeks (1040 hours) of military caregiver leave within a single 12 month period. Unlike other types of family medical leave, military caregiver leave is a one time entitlement only; it does not renew annually.

An eligible employee may combine military caregiver leave with traditional family medical leave during a single 12 month period; however, the employee is limited to taking a maximum of 26 weeks of leave in such circumstances.

Intermittent or Reduced Schedule Leave

When necessary, family care and medical leave may be taken intermittently or the employee may be authorized to work on a reduced schedule. The District may require the employee to provide certification supporting the need for intermittent or reduced schedule leave. Employees are required to make a reasonable effort to schedule intermittent leave so as not to disrupt the District's operations.

When an employee is taking intermittent leave or working a reduced schedule, the employee may be transferred to an alternate position, with equivalent pay and benefits, that accommodates the periods of leave better than the employee's regular position.

Earned benefits shall be reduced for an employee with a reduced work schedule, if the reduction is one which is normally made for part-time employees.

Eligibility

An employee is eligible for family care and medical leave if he or she has been employed by the District for at least 12 months and has performed work for at least 1250 hours during the 12 months preceding the leave period.

An employee who works part-time is eligible for family care and medical leave if he or she has been employed for at least 12 months. For eligibility purposes, the hours of work performed for by a part-time employee will be calculated on a pro-rata or proportional basis.

Leave entitlement is equal to the sum of work hours and paid leave, including paid or unpaid pregnancy disability leave, during the twelve week period immediately preceding the first request for family care and medical leave, to a maximum of 480 hours.

#### Use of Accruals

##### Family care and medical leave is unpaid

An employee who is taking family care and medical leave to care for an eligible family member, for the birth or placement of a child, or for a qualifying exigency must use all accrued annual leave and floating holidays, except for 80 hours that may be retained or used at the employee's discretion. An employee may also use sick leave in an amount not less than the sick leave that would accrue during six months of the employee's current rate of entitlement when leave is taken to care for an ill family member.

An employee who is taking leave due to the employee's own serious health condition must use all available sick leave, except for 80 hours that may be retained or used at the employee's discretion. The employee is not required, but may choose to, use accrued annual leave and floating holidays during the leave.

Use of paid leave accruals during otherwise unpaid family care and medical leave does not increase the amount of leave available to an employee.

#### Notice

If possible, the employee must provide the District with at least 30 days' notice before the leave begins. If this is not possible, the employee must provide as much notice as is practicable.

To the extent that the employee's absence is the result of planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to avoid undue disruption of the District's operations.

#### Certification

An employee will be required to submit a certification to the division director supporting the need for family care and medical leave. The content of the certification is dependent upon the type of leave being taken as described below.

- (a) For employee's own serious health condition: The certificate shall state (1) the date on which the serious health condition began; (2) the probable duration of the condition; and (3) a statement that due to the serious health condition the employee is unable to perform one or more of the essential functions of his or her position. If intermittent or reduced schedule leave is sought, the certificate must also indicate the medical necessity for the intermittent or reduced schedule leave and its expected duration.
- (b) For family member's serious health condition: The certificate shall state (1) the date on which the serious health condition began; (2) the probable duration of the condition; (3) the amount of time needed to care for the family member; and (4) a statement that the family member's condition warrants the participation of the employee to provide care. If intermittent or reduced schedule leave is sought, the certificate must also indicate that such leave is necessary for the care of the family member and the expected duration of the intermittent or reduced schedule leave.
- (c) For qualifying exigency leave: The certificate shall state (1) the name of the covered military member; (2) the employee's relationship to the military member; (3) a statement describing the reason for requesting qualifying exigency leave and any related supporting documentation; (4) the date on which the leave will commence; and (5) the probable duration of the leave. If intermittent or reduced schedule leave is sought, the certificate must also indicate the anticipated frequency and duration of such

leave. The employee may also be required to provide a copy of the military member's active duty orders.

(d) For military caregiver leave:

1. An employee may be required to provide a certificate containing the following information: (1) the name of the servicemember; (2) the relationship of the employee to the servicemember; (3) whether the servicemember is a current member of the Armed Forces, National Guard or Reserves; (4) whether the servicemember is assigned to a military medical facility and the name of such facility; (5) whether the servicemember is on the temporary disability retired list; (6) a description of the care to be provided to the servicemember; and (7) an estimate of the duration of the leave.
2. An employee may also be required to provide a certificate from an authorized health care provider setting forth the following: (1) whether the servicemember's injury or illness was incurred in the line of duty on active duty; (2) the date on which the injury or illness began and its probable duration; (3) whether the injury or illness renders the servicemember unfit to perform his or her duties; (4) whether the servicemember is receiving medical treatment, recuperation or therapy; (5) information sufficient to establish that the servicemember is in need of care; and (6) the estimated duration of the need for care. If intermittent or reduced schedule leave is sought, the certificate must also indicate that such leave is necessary for the care of the family member and the expected duration of the intermittent or reduced schedule leave. Health care providers authorized to provide this certificate include a U.S. Department of Defense (DOD) health care provider, a U.S. Department of Veterans Affairs health care provider, a DOD TRICARE network health care provider, or a DOD non-network TRICARE health care provider.
3. In lieu of certification forms containing the information set forth above, the District will accept Invitational Travel Orders (ITOs) or Invitational Travel Authorizations (ITAs) issued to a family member of a servicemember.

All certificates will be maintained in a confidential file in the Personnel Section.

#### Benefits

Family care and medical leave will not be considered a break in service. An employee will continue to receive benefits, except that an employee on unpaid family care and medical leave for 80 hours or more during a fiscal year will not accrue annual and sick leave, receive transit, subsidy, or receive education reimbursement, unless the course was approved prior to the commencement of the leave. Employee and employer contributions to PERS are not paid during unpaid portions of family care and medical leave.

#### Reinstatement

Employees returning from family care and medical leave will be reinstated in the same position, or to a comparable position in the same job classification and at the same pay grade.

An employee who takes leave for his or her own serious health condition may be required to produce a fitness for duty certification prior to returning to work.

#### Limitations on leave taken after the birth or placement of a child

Entitlement to this leave expires at the end of the 12-month period beginning on the date of the birth or placement of the child.

If both parents are employed by the District, the aggregate number of hours to which they both are entitled is the larger of their individual entitlements.

## Important Definitions

### Child:

For purposes of leave taken for birth or placement of a child or to care for a family member with a serious health condition, “child” means a biological, adopted, foster child, stepchild, legal ward, or a child for whom the employee is acting as a parent. The child must be under 18 years old or over 18 and incapable of self-care due to a physical or mental disability.

For purposes of military caregiver or qualifying exigency leave, “child” is a biological, adopted, foster child, stepchild, legal ward, or a child for whom the employee is acting as a parent who is of any age.

Next of Kin: For purposes of military caregiver leave, “next of kin” means the nearest blood relative other than the servicemember’s spouse, domestic partner, parent or child, in the following order: blood relatives who have been granted legal custody of the servicemember by court decree, siblings, grandparents, aunts and uncles, and first cousins, unless the servicemember has designated in writing another person as his or her nearest blood relative.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice or residential health care facility, or continuing treatment or supervision by a health care provider.

### Interaction with Pregnancy Disability Leave

Pregnancy disability leave, as described in Section 11.9, may be taken in addition to family care and medical leave, and is not subtracted from the family care and medical leave entitlement. However, any other form of leave (including sick leave and temporary disability leave) which is taken for the purposes of allowed under this Section 11.7, whether paid or unpaid, will be subtracted from the family care and medical leave entitlement. There is no need for the employee or the child to have a serious health condition, nor is it required that an employee continue to be disabled by her pregnancy, childbirth or any related medical condition before taking family care and medical leave in the year following the birth or adoption of a child.

In addition to the leave allowed under this Section 11.7, an employee may be entitled to additional leave time pursuant to Section 11.4 above due to the employee’s disability. The APCO may also grant additional leave without pay pursuant to Section 11.6 above or a leave of absence pursuant to Section 11.8 below.

## **11.8 LEAVE OF ABSENCE. (Revised 12/21/94)**

- (a) Leave of absence may be granted for non-medical reasons or to continue a medical leave for a maximum of six (6) months by the APCO. A consecutive leave of absence may be granted but in no case for a total of more than twelve (12) months for any employee.

No annual or sick leave credits are earned during leaves of absence. An employee on a medical leave of absence continues to receive benefits described in Section 10, except that an employee on leave of absence shall not receive transit subsidy, or receive educational reimbursement, unless the course was approved prior to the commencement of the leave. Employee and employer contributions to PERS are not paid during unpaid leaves of absence. An employee on a leave of absence for non-medical reasons receives none of the benefits described in Section 10. A leave of absence for non-medical reasons is considered a break in service, and the position vacated by this leave may be open for recruitment of a regular employee.

- (b) Return after unexpired leave. Granting a leave of absence will permit the return of the employee to District employment before the expiration of the leave of absence under the following conditions.

- (1) The employee will have preference for re-employment in the same classification or at another lower classification for which the person is qualified, provided the position is vacant.
- (2) Leave of absence does not confer any absolute right to return to position or employment.
- (3) Employee time in-grade for salary increase will be preserved, at the same level.
- (4) Accrued pension rights and pension time will be preserved.

**11.9 PREGNANCY DISABILITY LEAVE. (Revised 12/21/94)**

An employee is eligible to take pregnancy disability leave for any period of actual disability caused by pregnancy, childbirth or any related medical conditions for up to 88 working days per pregnancy. Leave in excess of 88 working days may be granted for up to an additional two months as temporary disability leave under Section 11.4 above, under family care and medical leave under Section 11.7 above, as leave without pay under Section 11.6 above, or as a leave of absence under Section 11.8 above. A working day is any day that the District Office is open for business. The leave can be taken before or after birth, or intermittently for any period of time an employee is unable to work because of the pregnancy or pregnancy-related condition.

An employee has the option to use her accrued annual leave, sick leave and floating holiday leave during the disability period. Sick leave and annual leave compensation will be coordinated with State Disability Insurance benefits. State Disability Insurance benefits received by the employee will be converted to sick leave hours and credited to the employee's sick leave accrual balance.

Pregnancy disability leave grants the employee the right to return to the same position the employee held prior to the leave. An employee on pregnancy disability leave continues to receive benefits described in Section 10, except that an employee on pregnancy disability leave without pay will not receive transit subsidy or receive educational reimbursement, unless the course was approved prior to commencement of the leave. Employee and employer contributions to PERS are not paid during unpaid portions of pregnancy disability leave. Pregnancy disability leave is not considered a break in service.

An employee who is temporarily disabled because of pregnancy or a pregnancy-related condition may request a transfer to a less hazardous or strenuous position for the duration of the disability. The APCO will grant such a request if it can be reasonably accommodated. The request for a transfer must be based on the advice of the employee's health care provider.

Pregnancy disability leave is in addition to leave granted under the family care and medical leave provision of Section 11.7 above. At the end of an employee's period of pregnancy disability leave, the employee may request to take family care and medical leave, if the child has been born by this date.

An employee who plans to take a pregnancy disability leave must give reasonable notice of the date the leave will commence and the estimated duration of the leave. To continue this leave beyond the first six weeks after birth, the employee shall provide a medical certification of the disability from the employee's health care provider to the Personnel Section by the end of the seventh week after birth, and shall provide a supplemental medical certification at least once every four weeks thereafter unless the APCO waives the requirement to provide such supplemental medical certifications.

**11.10 GRANTING A LEAVE FROM WORK. (Renumbered 12/21/94)**

No leave provision mentioned above is granted automatically, but must be applied for and approved before the provisions for such leave are applicable. The APCO may reject a request for such leave for justifiable reason.



**11.11 JURY DUTY. (Renumbered 12/21/94)**

Any employee of the District summoned to serve on a jury shall be entitled to regular pay provided the employee deposits the fees for service with the District Director of Administrative Services (except any mileage reimbursement).

**11.12 SUBPOENA AS A WITNESS. (Renumbered 12/21/94)**

Any employee of the District subpoenaed as a witness shall be entitled to regular pay provided the employee deposits the fees for services with the District's Director of Administrative Services.

**11.13 HOLIDAYS. (Revised 10/02)**

(a) The following days will be paid holidays for all employees:

New Year's Day	(First day of January)
King's Birthday	(Third Monday of January)
Lincoln's Birthday	(Twelfth day of February)
Washington's Birthday	(Third Monday of February)
Memorial Day	(Last Monday of May)
Chavez' Birthday	(Thirty-first day of March)
Independence Day	(Fourth day of July)
Labor Day	(First Monday of September)
Columbus Day	(Second Monday of October)
Veterans Day	(Eleventh day of November)
Thanksgiving Day	(Fourth Thursday of November)
Day After Thanksgiving	(Fourth Friday of November)
Christmas Day	(Twenty-fifth day of December)

(b) Every day appointed by the President of the United States or Governor of California as a holiday.

(c) Holidays falling on Sunday will be celebrated on the following Monday. Holidays falling on Saturday will be celebrated on the preceding Friday, except, if the Governor proclaims the following Monday to be the holiday.

(d) Commencing on October 2002, and every fiscal year thereafter, unless otherwise modified by the Board of Directors, the District shall grant each management employee 72 hours of floating holiday and each confidential employee 36 hours of floating holiday. Except, any management or confidential employee who is hired after July 1<sup>st</sup> of the current fiscal year shall receive a prorated portion of the total floating holiday hours based upon the remaining months for that fiscal year. For purposes of prorating, any management or confidential employee whose hire date is between the 1<sup>st</sup> and the 15<sup>th</sup> of the month shall receive his/her prorated portion for that month. For purposes of prorating, any management or confidential employee whose hire date is between the 16<sup>th</sup> and the last day of the month shall not receive any prorated portion for that month.

Management and confidential employees who were employed on or before July 1st of the fiscal year shall be credited with the total floating holiday hours on July 1st of the current fiscal year shall receive the total prorated portion of floating holiday hours on their date of hire for that fiscal year.

Employees must request to use floating holiday no less than five (5) days in advance. A floating holiday can be taken only with the approval of the employee's supervisor.

(e) If an employee normally is not scheduled to work on a day which is a paid holiday for other District employees, that employee is entitled to 8 hours of paid holiday leave on the day on which that employee is normally scheduled to work which immediately precedes or follows the paid holiday.

- (f) Employees working a compressed workweek whose normal workweek includes a paid holiday for other employees are only entitled to 8 hours of paid leave for that holiday.

**11.14 BENEVOLENT LEAVE FUND (Revised 10/5/11)**

The Benevolent Leave Fund is established for the use and donation by District employees. Any District employee (hereinafter referred to as “employee”) may donate annual leave, sick leave, compensatory time, or floating holiday, with the limitation noted in subsection A immediately below, to the benevolent leave fund for the benefit of employees who are catastrophically ill or injured for one hundred (100) consecutive working hours or longer. In order to donate leave, the following conditions apply:

- (a) Only accrued annual or sick leave, compensatory time, or floating holiday leave may be donated to the fund. Any employee may donate up to 40 hours of sick leave to the fund per fiscal year. Floating holiday leave that is donated will only be valid during the fiscal year in which it is accrued. Thus, if in a given fiscal year, an employee donates floating holiday leave and the leave is not used during that fiscal year, the donated leave will expire on the last day (June 30) of that fiscal year.
- (b) To donate accrued leave to the fund, an employee must be eligible to accrue or use annual leave credit and cannot currently be using leave from the Benevolent Leave Fund.
- (c) To donate sick leave, an employee must have a sick leave balance of at least 200 hours.
- (d) Donated leave may be designated for a specific employee, or may be donated without designation. Floating holiday leave shall be used first. Other benevolent leave that is designated to a specific employee must be used in the sequence it was donated. If leave that is donated to a specific employee is not used within 120 days, such leave will be added to the general benevolent leave fund.
- (e) Leave may be donated to the fund regardless of whether there is a qualified recipient.
- (f) Leave may not be sold, bartered or traded to another employee under any circumstances.
- (g) Once leave has been donated to the fund, that leave cannot be reclaimed by the employee making the donation unless and until that employee later becomes an eligible fund recipient.

In order to be a fund recipient, the following conditions apply:

- (h) The recipient must be catastrophically ill or injured, on an approved leave for medical purposes and must have on file with the Human Resources Office a medical verification from the employee’s personal physician that demonstrates that the recipient is in fact catastrophically ill or injured and unable to work for at least one hundred (100) consecutive working hours or longer.
- (i) Upon written request from the Association Board of Directors, the Human Resources Officer shall provide, to the Association the amount of leave in the fund.
- (j) The recipient must have exhausted all forms of paid leave prior to using any benevolent leave. However, it is understood the employee will accrue all appropriate leaves during the time the Benevolent Leave Fund is in use and shall not be required to use such accrued leave during such time.
- (k) The recipient may not receive benevolent leave from the fund in an amount which exceeds 100% of that employee’s normally scheduled hours for any pay period.
- (l) Written requests to use leave from the fund shall be submitted to the Human Resources Officer.

- (m) The Human Resources Officer or designee shall provide a written response approving or denying the employee's request, or requesting more information within 5 working days. If the request is denied, the Human Resources Officer or designee shall state the reasons for denial in the written response.
- (n) If a request to use leave from the fund is denied, the refusal may be appealed to the APCO. The APCO's decision shall be provided, in writing, to the employee within ten (10) calendar days from the date an appeal is submitted.

Catastrophic illness of injury is defined as a serious illness, injury, impairment, or physical or mental condition that is present for a minimum of one hundred (100) consecutive working hours or longer.

**SECTION 12 PERSONNEL TRANSACTIONS AND RECORDS**

**12.1 HIRING AND INITIAL ORIENTATION.**

The Personnel Section will ensure that each new employee has completed all necessary forms and is given an orientation regarding the District's classification plan, salary and benefit information, and the District's basic structure and organization.

**12.2 PERSONNEL AND MEDICAL FILES.**

The Personnel Section maintains a personnel file on each employee containing application form or resume, references, and other pertinent forms, correspondence and materials. Necessary personal and job-related information about each employee is retained in an official personnel file in the Personnel Section. Each file contains basic identifying information, completed employment application, as well as other hiring-related documents; salary information; fringe benefit and beneficiary information; leave and attendance records; performance evaluation, disciplinary documents; and other job-related information deemed essential by management. All file contents are confidential.

Employees have the right to inspect their personnel files upon request at a mutually agreed-upon time and place.

Internal access to a personnel file is limited to supervisors and managers who are considering an employee for a promotion, transfer or other personnel action, and to other management staff who have a legitimate, verifiable need to know specific information about an employee.

Except as specified in Section III-12.3 below, no personnel information is to be disclosed to any party outside the District unless the current or former employee provides the District with a signed authorization to release information. The District reserves the right to verify basic personnel information without notifying the individual, and to cooperate with law enforcement, public safety, or medical officials who demonstrate a legitimate need to know specific information.

Medical information is retained in a separate file. This information is confidential and may be reviewed only by the employee to whom the information pertains; the employee's physician or attorney, when the employee provides a signed consent form; and, if designated, the employee's representative.

To insure that personnel files are up-to-date at all times, employees are responsible for notifying the Personnel Section of changes to any information.

**12.3 EMPLOYMENT RECORD VERIFICATION.**

The Personnel Section will confirm dates of employment, position, salary and reason for separation for outside employers who request information regarding former District employees.

**12.4 CLASSIFICATION SYSTEM.**

The Personnel Section will ensure that each position in the District is properly classified and that the system is maintained.

**12.5 REQUESTS FOR NEW EMPLOYEES. (Revised 12/21/94)**

- (a) In order to fill a vacancy for a regular employee, full-time or part-time, the supervisor or section manager will request that the Personnel Section initiate a Request For New Employee form. The form will be signed by the supervisor making the request and the Division Director, then routed to the Director of Administrative Services to determine availability of funds. If funds are available, the request form will be routed to the Deputy APCO, when applicable, and the APCO for approval.
- (b) When a limited-term employee or student worker, full-time or part-time, is needed due to an increase in workload and/or absence of a regular employee, the supervisor or section head must submit a written justification to the Division Director, the Deputy APCO, when applicable, and the APCO for approval. The Personnel Section will initiate a Request for New Employee form upon receipt of the approved justification. The Request For New Employee form will then be signed by the requesting supervisor and Division Director, then routed to the Director of Administrative Services to determine availability of funds. If funds are available, the request form will be routed to the Deputy APCO, when applicable, and the APCO for approval.
- (c) Upon receipt of the approved Request form, the Personnel Section will initiate recruitment for the position(s).

**12.6 PERSONNEL ACTION FORMS.**

Personnel actions including new hire, promotion, transfer, merit increase, or any other change in employment status must be approved by the immediate supervisor, the Division Director, and where appropriate, the Deputy APCO and the APCO before such action become effective. The Personnel Section will initiate the appropriate form and will inform the Division and the employee concerned of the approval of the action to be taken.

**SECTION 13 METHOD OF FILLING VACANCIES**

**13.1 RECRUITMENT AND SELECTION OF EMPLOYEES. (Revision Approved 9/18/02; Effective 9/18/02)**

(a) Recruitment / Selection Procedures

The Human Resources Department, in consultation with the designated hiring manager, shall be responsible for the recruitment of applicants, as well as the planning, designing, constructing, and administering of the selection process. Selection processes shall be job related and developed in accordance with the federal Equal Employment Opportunity Commission's Uniform Guidelines on Employee Selection Procedures and related professional standards.

(b) Recruitment Bulletins & Notices

- 1. Written notices concerning vacancies, transfer opportunities, selections for special assignments and related promotional opportunities shall be posted on the

District's website and at work locations of employees who may be affected not later than 10 working days prior to the closing date for the filing of appropriate applications.

2. The Human Resources Department shall determine the need for the use of newspaper advertisements and/or the distribution of bulletins for public notice on a case-by-case basis.

(c) Interest Cards

1. The Human Resources Department shall maintain a file of "interest cards" on which interested persons may indicate that they wish to be notified if and when the application filing period for a particular classification is open. Interest cards shall be kept on file for one year.
2. Application materials shall be mailed to all persons who have an "interest card" for the proper classification on file in the Human Resources Department prior to the open date of filing. It is the responsibility of the "applicant" to maintain the currency of the information provided on interest cards.
3. The failure of any person to receive notice of a vacancy shall not invalidate any procedure.

(d) Filing of Applications

1. Applications for employment will only be accepted if received in the Human Resources Department offices during normal business hours, prior to the close of the filing period. The filing period shall be announced by notice given in accordance with section 13, above, specifying the date by which applications must be received or postmarked. Filing periods may be extended by approval of the Human Resources Officer.
2. Late applications may be accepted by the Human Resources Officer for verifiable cases involving illness, prolonged hospitalization, a serious accident and, in the case of a verifiable mis-delivery or error by the U.S. Postal Service or the District's Mail Unit, when it can be documented that the reasons for failing to file a timely application are beyond the candidate's control, or in instances in which an error was made detrimentally affecting the applicant.

(e) Reasons for Rejecting an Applicant or Candidate for Employment

The following is a comprehensive, but not limiting, listing of reasons for which applicants or candidates for employment may be rejected:

Unsatisfactory health conditions.

Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.

Making a false statement or omitting a statement as to any material fact on an application form.

Practicing any deception or fraud in connection with an examination, or to secure employment.

Dismissal from a previous employment for cause.

Discharge other than honorable from the armed forces of the United States.

A record of unsatisfactory service with the District.

Failure to meet approved standards covering any other basis for rejection of unfit applicants and candidates other than failure to meet requirements established for the examination relating to training, experience, licenses, and certificates.

Failure to report for duty after an assignment has been offered and accepted.

Failure to demonstrate eligibility to work legally in the United States.

Failure, after due notice, to report promptly for review of any of the above reasons for rejection. Such notice shall state that the failure to report is the basis for rejection.

Criminal convictions including Motor Vehicle Violations when driving is integral to performance of the assigned duties (the period for which a candidate may be barred varies, based on the offense for which the candidate was convicted).

(f) Initial Application Screening

The Human Resources Analyst shall conduct an initial screening of all of the applications and supplemental materials received by the closing deadline. Applications shall be screened to determine if the listed education, training, and experiences meet the minimum qualifications criteria specified for the class. The Analyst may make use of one or more Subject Matter Experts (SME) to assist in qualifying the applications.

(g) Additional Selection Procedures

1. When the Human Resources Analyst determines that a substantial number of applications have been received, applications may be further screened by an assessment panel using training and experience standards more specific than just the minimum qualifications for the job.

Training and experience evaluation (T&E) assessment panels shall include at least two members. The scoring of the T&E shall be made on a Rating Sheet designed specifically for evaluating the training and experience of applicants and only those applicants having the most directly related experience as determined by the evaluation will continue in the selection process.

2. Combinations of written, performance and/or oral examinations may be used to further assess the candidate's qualifications.
3. A candidate who obtains a score below the pass point in any one part or in any combination of parts of an examination shall be eliminated from further competition in that examination process.

(h) Oral Boards

1. For classes of positions deemed by the Human Resources Department to require an oral examination, the oral examination board shall include at least two members. Unless specifically directed to evaluate candidates' technical knowledge and skills, the oral examination board shall confine itself to evaluating general fitness for employment in the class. When the oral examination board is directed to evaluate technical knowledge and skills, at least two members of the board shall be technically qualified in the specified occupational area.
2. In no case will an oral examination board be provided with confidential references on employees of the district who are competing in promotional examinations. Scores achieved by the candidate on other parts of the examination shall not be made available to the oral examination board.

3. Questions relating to race, color, national origin, ancestry, age, marital status, sex, sexual orientation, religious creed, political affiliation, medical condition or, physical or mental disability, shall not be asked during an examination interview or interview for appointment.

(i) Eligibility Lists

1. After the examination process is completed, candidates shall be ranked on an eligible list according to their scores. Scores will be based on the combination of the scores from each part of the examination process after the appropriate weights are applied.
2. Scores shall be rounded up (.5 and above) to the nearest whole number.

(j) Final Selection (Hiring) Interview Process

1. When fewer than four applicants are determined to be qualified as a result of the application screening process or subsequent examination procedures, all the qualified candidates may be referred directly to the hiring department for consideration in a selection interview or other selection procedure. The hiring manager may make a selection or request that a new recruitment be initiated. This provision is intended to allow the hiring manager the ability to consider a minimum of four qualified eligibles prior to making a selection.
2. For any single vacancy, the Human Resources Officer shall refer the top four names (or more if there are ties in ranking with the fourth name) on the eligible list to the hiring department. After receiving the referral of names from the eligible list, the hiring department may select any of the referred eligibles.

(k) Offers of Employment

After interviewing all the referred eligibles, the department shall notify the Human Resources Officer of its intention to make an offer of employment. The Human Resources Department is responsible for making offers of employment.

(l) Step Upon Hire

Initial appointments will normally be made at the first step of the range. Advanced step placement, up to Step "C", may be made when a lower step appointment does not provide the person selected with a minimum 5% increase over their existing salary or when there are other extenuating circumstances. approval is obtained from the CEO upon recommendation from the Hiring Manager.

Promotional employees will be placed on the step of the new range that affords a minimum 5% increase over their current salary.

(m) Leave to Participate in Examinations

Employees may participate in examinations and other employment procedures scheduled during working hours without loss of pay, provided the employee notifies their supervisor two days prior to the date of the examination.

(n) Restrictions On Repeating an Examination

Applicants who have competed in an examination process may not repeat the examination for the same classification or repeat tests or test parts which are comprised of essentially the same questions or problems for six months. On the request of the applicant, when the examination process remains the same, the applicant may use his or her score on the previous examination in the current recruitment.

(o) Appeals of Recruitment / Selection Procedures

1. Appeals of an examination part must be received in writing in the Human Resources Department within three (3) working days of the occurrence of the event that is the subject of the appeal.
2. Appeals of an examination part shall descriptively state the specific allegation (inappropriate act, event or omission) on which the appeal is made, how the stated act, event or omission adversely affected the appellant, and the appellant's desired remedy. Failure to adequately describe the basis for the appeal may be grounds for denial of the appeal.
3. The Human Resources Officer shall review the basis for the appeal and shall promptly respond. If the event the Human Resources Officer is unable to respond to an appeal prior to conducting a subsequent examination part, s/he may authorize the candidate to continue in the examination process pending a final decision on the appeal. If the candidate is authorized to provisionally continue in the examination process, any testing part that the candidate participates in will not be scored until the appeal is completed.
4. If the appeal is denied, a written request for a second level review must be filed in the Human Resource Department within three (3) working days of the notice of denial. The Director of Administration will review the decision and shall issue a decision within five (5) working days of receipt of the request for a second level review.
5. If the second level review is denied by the Director of Administration, a final appeal may be made to the CEO. The CEO may choose to respond or let the matter rest.

This section is intended to ensure that alleged improprieties in the conduct of examinations be addressed as quickly as possible. A rating or score by an oral board may not be appealed.

**13.2 ORDER OF FILING VACANCIES**

1. Vacancies for Confidential and Management classes shall be filled in the following order:
  - a. Approved transfer (same classification).
  - b. Reinstatement from layoff.
  - c. Return from medical leave.
  - d. Return from non-medical leave.
  - e. Promotion, new hire or temporary assignment.

**13.3 EXEMPTIONS (Added 5/3/2023)**

- (a) Appointments to positions in the following classifications shall be exempt from the recruitment process in Sections 13.1 and 13.2:
  - (1) Executive Officer/Air Pollution Control Officer;
  - (2) District Counsel;
  - (3) Chief Operating Officer;
  - (4) Deputy Executive Officer;
  - (5) Senior Assistant Counsel.
- (b) Appointments to the classifications listed in subsection (a), above, need not include a competitive recruitment process and may be appointed directly by the appointing



authority listed in in Section III-3.3(c), subject to budgetary approval. Appointments to these classifications may be made at any salary step, notwithstanding any limitations in this Code, including Sections III-6.2 or III-6.4.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John J. Bauters and Members  
of the Finance and Administration Committee

From: Philip M. Fine  
Executive Officer/APCO

Date: October 4, 2023

Re: Conduct Interviews and Consider Recommending Board of Directors Approval of  
Candidates for Appointment to the Air District's Hearing Board

RECOMMENDED ACTION

Conduct interviews and consider recommending the Board of Directors' approval of candidates for appointment to the Public positions (Principal B and Alternate B) on the Air District's Hearing Board.

BACKGROUND

Pursuant to Section 40800 of the California Health and Safety Code, the Air District is required to maintain a Hearing Board consisting of five members including, one member who is a professional engineer registered as such pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code), one member from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine, one member admitted to the practice of law in this state, and two public members. The Air District Board of Directors may also appoint one alternate for each member. The alternate shall have the same qualifications, specified in Section 40801, as the member for whom such person is the alternate. The alternate may serve only in the absence of the member, and for the same term as the member. It has been the Air District's practice to fill all ten seats of the Hearing Board.

Pursuant to Division I, Section 8.6 of the Air District's Administrative Code, Hearing Board Member terms are limited to fifteen (15) consecutive years, with reappointment possible after a three-year absence.

DISCUSSION

The following two Public Category Hearing Board Member terms will expire October 7, 2023 and become vacant on that date: 1) Principal Member B, and 2) Alternate Member B. As a result, there are two positions to fill. Staff initiated recruitment processes to fill these positions. Outreach and advertisement included listings on 12 job boards, including those focusing on diversity and volunteering. The job posting remained open for eight weeks, during which time 13

applications were received from candidates interested in serving on the Hearing Board in the Public Category. Three applicants are interested in serving in the Public (Principal) Member B category. Nine applicants are interested in serving in the Public (Principal/Alternate) Member B category. One applicant withdrew from consideration.

At the September 6, 2023 Finance and Administration Committee meeting, the Committee members designated an Ad Hoc Committee to review all Public Category applications, using established criteria discussed at the meeting, and recommend five candidates to be interviewed at the next Finance and Administration Committee meeting on Wednesday, October 4, 2023. The established criteria included: geographic diversity; applicant does not qualify for another Hearing Board category; diversity in professional experience; dedication to community service; and completeness of application.

The Ad Hoc Committee met and chose to move six candidates forward to interview, instead of five. The six candidates chosen are:

1. David Grace, San Francisco County
2. Barbara Toole O'Neil, San Mateo County
3. Qian Tan, Santa Clara County
4. Danny Cullenward, San Francisco County
5. Gena Hilliard, Alameda County
6. Chuck Leonard, Contra Costa County

The length of each interview will be approximately 15-20 minutes. The application materials submitted by all candidates for the Public category will be provided for your review. Committee members may recommend additional candidates to be interviewed at a future meeting, as necessary.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine  
Executive Officer/APCO

Prepared by: Erica Trask  
Reviewed by: Hyacinth Hinojosa

#### ATTACHMENTS:

1. Hearing Board Public Candidate Packet



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# HEARING BOARD - PUBLIC CANDIDATES

FINANCE AND  
ADMINISTRATION COMMITTEE

October 4, 2023

# HEARING BOARD PUBLIC CANDIDATES TABLE OF CONTENTS

October 4, 2023

- Hearing Board Vacancy Announcement
- Hearing Board Member Roster/Attendance Sheet
- Applicants' Application Materials:

## Public (Principal) Category

Barbara Toole O'Neil – Pacifica  
Principal Category

Qian Tan – San Jose  
Principal Category

Fung Lam – Corte Madera  
Principal Category

## Public (Principal and Alternate) Category

Harish Kashyap – Milpitas  
Principal/Alternate Category

Frank Buffum – San Francisco  
Principal/Alternate Category

Gena Hilliard - Oakland  
Principal/Alternate Category

Public (Principal and Alternate) Category (Cont'd)

Walter Leclerc – Palo Alto  
Principal/Alternate Category

Lawrence Kwoh – Richmond  
Principal/Alternate Category

Danny Cullenward – San Francisco  
Principal/Alternate Category

Tito Martinez – San Francisco  
Principal (preferred)/Alternate Category

Chuck Leonard – Concord  
Principal/Alternate Category

David Grace – San Francisco  
Principal/Alternate Category



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

## Bay Area Air Quality Management District Hearing Board Member

<b>SALARY</b>	\$0.00 Hourly \$0.00 Biweekly \$0.00 Monthly \$0.00 Annually	<b>LOCATION</b>	CA, CA
<b>JOB TYPE</b>	Volunteer	<b>JOB NUMBER</b>	ET23.6.21
<b>DEPARTMENT</b>	Board of Director's Councils or Boards	<b>DIVISION</b>	Hearing Board
<b>OPENING DATE</b>	06/26/2023	<b>CLOSING DATE</b>	8/18/2023 5:00 PM Pacific

### Description



The Bay Area Air Quality Management District (Air District) is a regional government agency, committed to achieving clean air to protect the public's health and the environment. The Air District accomplishes this goal through regulation of industrial facilities and various outreach and incentive programs designed to encourage clean air choices.

The Air District's jurisdiction encompasses all of seven counties - Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Napa, and portions of two others - southwestern Solano and southern Sonoma.

The Hearing Board is established by state law and consists of five members and their alternates - an attorney, a professional engineer, a member from the medical profession, and two members of the public.

The Air District is currently recruiting for the following five (5) Hearing Board seats:

- Principal in the Public category
- Principal in the Professional Engineer category
- Alternate in the Public category
- Alternate in the Medical category
- Alternate in the Professional Engineer category

### Examples of Duties for this Position

The Hearing Board is a quasi-judicial body that rules on particular cases that affect only individual facilities. It is authorized to hear requests for variance relief, permit revocation, abatement orders, and appeals by permit applicants, or by interested

third parties, concerning the issuance or denial of permits.

These are volunteer positions. There is no salary. Members of the Hearing Board receive a stipend of \$400 per meeting day, plus travel expenses, if applicable.

### Minimum Qualifications

The applicants for the Hearing Board are evaluated based on their qualifications to serve as representatives for their profession, field of endeavor, or the community, as the case may be.

Members in the Professional Engineer category must be registered as a Professional Engineer in the State of California, pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the California Business and Professions Code).

Members in the Medical category must be in a medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine.

### How to Apply & Selection Criteria

Hearing Board members serve a term of three years and may be reappointed to a maximum of fifteen consecutive years. The Hearing Board can meet as often as 1-3 times a week depending on the volume of cases filed, usually on Tuesdays, at the Air District's office at 375 Beale Street, San Francisco, CA 94105.

**Interviews are held during the Air District's Board of Director's Finance and Administration Committee Meeting.** If you are selected for an interview, our staff will contact you to request your presence at this meeting/interview.

#### HOW TO APPLY & SELECTION CRITERIA:

Interested individuals must submit the following materials no later than 5:00p.m. on **Friday, August 18, 2023:**

- 1) A completed BAAQMD Hearing Board application, along with;
- 2) A chronological resume

Applications are accepted online. For an application, contact the Human Resources Office at (415) 749-4667 or you may download a copy at our website at [www.baaqmd.gov/jobs](http://www.baaqmd.gov/jobs). Completed application packets should be returned to: Bay Area Air Quality Management District, Human Resources Office, 375 Beale Street, Suite 600, San Francisco, CA 94105. Faxes will be accepted, as long as a hard copy original is submitted by mail or in person by the filing deadline.

#### Agency

Bay Area Air Quality Management District

#### Address

375 Beale Street Suite 600

San Francisco, California, 94105

#### Phone

415-749-4980

415-749-4980

#### Website

<http://www.baaqmd.gov>



## Hearing Board Member Supplemental Questionnaire

### QUESTION 1

Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.

### QUESTION 2

Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.

### QUESTION 3

Please list relevant accomplishment, publications, or awards.

### QUESTION 4

The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?

\* Required Question

Hearing Board Attendance from 2019 - 2023 (Current Members Only)  
as of 8/9/23

Hearing Date	V. Armento Principal Member, Attorney Category	B. Toole O'Neil Principal Member A, Public Category	Q. Tan Alternate Member A, Public Category	P. Chiu Principal Member, Medical Category	D. Conrad Alternate Member, Medical Category	A. Timbers Principal Member B, Public Category	J. Lee Alternate Member, Attorney Category	F. Lam Alternate, Public Category
<b>2019</b>								
4/16/2019	X	X	Not present	X				
5/7/2019	X	X	Not present	X				
7/23/2019	X	X	X	X				
12/10/2019	X	X	Not present	X				
<b>2020</b>								
<b>NO HEARINGS HELD</b>								
<b>2021</b>								
1/12/2021	X	X	x	X	Not present	Not present		
1/26/2021	X	X	Not present	X	Not present	X		
4/20/2021	X	X	Not present	X	Not present	Not present		
<b>2022</b>								
3/15/2022	X	X	Not present	X	Not present	X		
4/12/2022	X	X	X	X	Not present	X	Not present	
6/28/2022	X	X	Not present	X	Not present	X	X	
7/5/2022	X	X	Not present	X	Not present	X	X	
7/12/2022	X	X	Not present	X	Not present	X	X	
9/13/2022	X	X	Not present	Not present	Not present	Not present	X	
10/18/2022	X	X	Not present	X	Not present	X	Not present	
11/8/2022	X	X	Not present	X	Not present	Not present	Not present	
<b>2023</b>								
8/8/2023	X	X	Not present	X	Not present	Not present	Not present	X

"X" means "present"

Gray indicates that the member was not yet appointed to the Hearing Board

**Hearing Board Roster and Vacancy Status as of September 6, 2023**

<b>Category</b>	<b>Hearing Board Position</b>	<b>Name</b>	<b>County of Residence</b>
<b>Public</b>	<b>Principal A</b>	<b>Amelia Timbers</b> Term expires 4/6/25	<b>Contra Costa County</b>
	<b>Alternate A</b>	<b>Fung Lam</b> Term expires 6/21/26	<b>Marin County</b>
	<b>Principal B</b>	<b>Barbara Toole O’Neil (Vice Chair)</b> Term expires 10/7/23	<b>San Mateo County</b>
	<b>Alternate B</b>	<b>Qian Tan</b> Term expires 10/7/23	<b>Santa Clara County</b>
<b>Attorney</b>	<b>Principal</b>	<b>Valerie Armento (Chair)</b> Term expires 4/6/25	<b>Santa Clara County</b>
	<b>Alternate</b>	<b>Jeffrey Lee</b> Term expires 4/6/25	<b>San Francisco County</b>
<b>Professional Engineer</b>	<b>Principal</b>	<b>Rajiv Dabir – Pending</b>	<b>Contra Costa County</b>
	<b>Alternate</b>	<b>Jeffrey Maddox – Pending</b>	<b>Contra Costa County</b>
<b>Medical</b>	<b>Principal</b>	<b>Peter Chiu</b> Term expires 4/6/25	<b>Santa Clara County</b>
	<b>Alternate</b>	<b>David Conrad</b> Term expires 10/7/23	<b>San Mateo County</b>
		<b>Sumeet Batra – Pending</b>	<b>Alameda County</b>

## EMPLOYMENT APPLICATION

	<b>BAY AREA AIR QUALITY MANAGEMENT DISTRICT</b> 375 Beale Street Suite 600 San Francisco, California 94105 415-749-4980 <a href="http://www.baaqmd.gov">http://www.baaqmd.gov</a>	<b>Received: 8/2/23 4:48 PM</b> <b>For Official Use Only:</b> QUAL: _____ DNQ: _____ <input type="checkbox"/> Experience <input type="checkbox"/> Training <input type="checkbox"/> Other: _____
	<b>Toole O'Neil, Barbara</b> <b>ET23.6.21 HEARING BOARD MEMBER</b>	

## PERSONAL INFORMATION

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Toole O'Neil, Barbara		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████ Pacifica, California 94044		<b>EMAIL ADDRESS:</b> ██████████
<b>HOME PHONE:</b> ██████████		<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Master's Degree		

## PREFERENCES

<b>MINIMUM COMPENSATION:</b> \$60.00 per hour; \$0.00 per year	<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Regular	
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Full Time, Part Time, Per Diem	
<b>SHIFTS YOU WILL ACCEPT:</b> Day, Rotating, On Call (as needed)	
<b>OBJECTIVE:</b> To continue serving on the BAAQMD Hearing Board	

## EDUCATION

<b>DATES:</b> From: 1/1976 To: 5/1982	<b>SCHOOL NAME:</b> The University of Akron	
<b>LOCATION: (City, State/Province)</b> Akron, Ohio	<b>DID YOU GRADUATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Master's
<b>MAJOR:</b> Chemical Engineering	<b>UNITS COMPLETED:</b> 122 - Semester	
<b>DATES:</b> From: 9/1971 To: 5/1975	<b>SCHOOL NAME:</b> Carnegie Mellon University	
<b>LOCATION: (City, State/Province)</b> Pittsburgh, Pennsylvania	<b>DID YOU GRADUATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> Chemistry	<b>UNITS COMPLETED:</b> 263 - Semester	

## WORK EXPERIENCE

<b>DATES:</b> From: 4/2012 To: Present	<b>EMPLOYER:</b> Consultant	<b>POSITION TITLE:</b> Consultant
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Pacifica, California, 94044		
<b>PHONE NUMBER:</b> ██████████	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>HOURS PER WEEK:</b> 30	<b>SALARY:</b> ██████████ /month	<b># OF EMPLOYEES SUPERVISED:</b> 0
<b>DUTIES:</b> Sole proprietorship consulting on environmental issues including air quality, climate and climate offset projects. Working primarily with three companies on climate related projects.		
<b>DATES:</b> From: 5/2012 To: Present	<b>EMPLOYER:</b> Aster Global Environmental Services, Inc	<b>POSITION TITLE:</b> Senior Scientist
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) North Lawrence, Ohio		
<b>SUPERVISOR:</b> ██████████ - President	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>HOURS PER WEEK:</b> 25	<b>SALARY:</b> ██████████ /month	<b># OF EMPLOYEES SUPERVISED:</b> 2



<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> Institute of Professional Environmental Practice
<b>TYPE:</b> Accredited Lead Verifier	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> California ARB MRR
<b>TYPE:</b> Accredited Lead Verifier - Carbon Offsets	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> California ARB Cap-and Trade
<b>TYPE:</b> CORSIA Verifier (Carbon Offsetting and Reduction Scheme for International Aviation )	
<b>LICENSE NUMBER:</b> CORSIA [REDACTED]	<b>ISSUING AGENCY:</b> International Air Transportation Association
<b>TYPE:</b> Approved Standardized Methods Expert (carbon offset projects)	
<b>LICENSE NUMBER:</b> None	<b>ISSUING AGENCY:</b> Verra (formerly Verified Carbon Standard)

#### Skills

<b>OFFICE SKILLS:</b> Typing:30 Data Entry:0
<b>OTHER SKILLS:</b>
<b>LANGUAGE(S):</b>

#### ADDITIONAL INFORMATION

<b>Additional Information</b> Appointed Alternate, Hearing Board BAAQMD in August 2013
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#### REFERENCES

<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Peter Hess	<b>POSITION:</b>
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Corte Madera, California		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Michele Grossman	<b>POSITION:</b> Director, Sustainability, Equilibrium Capital.
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) San Francisco, California		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]

**Agency-Wide Questions****1. How did you find out about this position?**

District Employee

**2. If other, please tell us where.**

N/A

**3. Are you currently legally authorized to work in the United States on a full-time basis?**

Yes

**4. Are you related to any District employee or Board member?**

No

**5. Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**

No

**6. If related to a District employee or Board member, what is their name and their relationship to you?**

I am not related to a District employee or Board member

### Job Specific Supplemental Questions

**1. Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**

Ms. Toole O'Neil is an experienced manager and engineer who has focused on air quality and environmental issues. She has worked as a process engineer, research manager, regulatory inspector, and consultant. The work includes pre and post combustion research for fossil- powered generation focusing on fuel, fuel quality and fuel upgrades, Her education includes a BS in Chemistry, and an MS in Chemical Engineering. See the list in item 2 for work on Boards.

**2. Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**

- Board of Directors, Air Waste Management Association (AWMA) (2004-2006) and Vice President (2006)
- Board of Directors (2007-2020) Past Chair (2007-2009), AWMA Golden West Section
- Board of Directors (2012-2016), US Green Building Council, Diablo Valley
- US representative to ISO Technical Committee 207 for development of ISO 14060 series (GHG and Water standards) 2010-2012.

**3. Please list relevant accomplishments, publications, or awards.**

The publications list is provided in the attached resume with ~120 publications

**PROFESSIONAL REGISTRATIONS/CERTIFICATIONS**

- ANSI Assessor, ISO 14065 General Requirements for Greenhouse Gas Validation and Verification Bodies
- Accredited Lead Verifier for California Air Resources Board under the mandatory reporting rule (██████████)
- Accredited Lead Verifier for California Air Resources Board under the Compliance Offset program, Ozone Depleting Substances (ODS) offset project specialist and livestock project specialist (██████████)
- Registered, Qualified Environmental Professional (QEP) (██████████)
- Certified Hazardous Materials Manager, Master Level (██████████)
- Verra (VCS) Approved Standardized Methods Expert
- Accredited Verifier, Airport Carbon Accreditation
- Completed CORSIA Verification Course (CORSIA ██████████)

**PROFESSIONAL ACHIEVEMENTS**

- US EPA Administrator's FY2015 Award for Outstanding Accomplishments by a SD-VOSB Contractor, 2016
- Tetra Tech EM Inc. Award for Excellence in Science and Engineering, 2006
- Regional Administrator's Award for Science, 2003
- Regional Administrator's Award for Outstanding Environmental Results during the Permitting of Tucson Electric Power's Springerville Expansion Project, 2002
- Administrator's Bronze Medal for Commendable Service Award for outstanding efforts to address the California Energy Shortages, 2002
- Chauncey Award for Mercury Research (team) (EPRI Corporate Award of Excellence), 1998
- EPRI 3D Award for Air Toxics Synthesis Report (team) (EPRI Corporate Award of Excellence), 1995

**4. The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**

I have been able to attend the meetings/hearings of the Board for the entire length of the meeting. . And I have had the time to prepare for the meetings/hearings.

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The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand the the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Barbara Toole O'Neil on 8/2/23 4:48 PM



## **BARBARA TOOLE O'NEIL, Q.E.P. CHMM**

### **EDUCATION**

M.S., Chemical Engineering, University of Akron

B.S., Chemistry, Carnegie Mellon University

### **Summary**

Since 2012, Ms. Toole O'Neil has focused on air quality, climate services, corporate responsibility, and energy efficiency projects from the industrial manufacturing to ecosystems services sectors. Her work responsibilities have addressed a wide range of environmental issues from preparing inventories or offset project documents to assessing methodologies submitted to the Verified Carbon Standard (VCS) (forestry to energy efficiency); supporting the development of the ARB Mine Methane Capture Protocol as part of the working group, managing energy efficiency surveys and measurement projects on farms, validating/ verifying inventories and carbon offset projects, corporate social responsibility auditing, developing governance for sustainability non-profits, to writing a social standard to assess the impact of environmental projects (carbon, water, forestry, agriculture) on the quality of life for women in emerging third world countries.

Clients have included: Carbonomics, EPRI, Blue Source, Finite Carbon, Waste Management, Restore Americas Estuaries, Ministry of Industry of Ethiopia, Unisource Energy Marketing, Chinook Energy, Coeur Alaska Kensington Mine, DPC, Dow Chemical, Southern Ute Dept. of Energy, California, DNV·GL (Oakland, CA, Mexico City, Mexico and Oslo, Norway), Sprint, Prologis, CTC, Prologis, Navigant, ICF, Boeing, Freeport McMoRan, Wells Fargo, APL, Navigant, Cradle to Cradle Product Innovations Institute, WREA, and Women Organising for Change through Agriculture and Natural Resources Management(WOCAN).

She is currently a member of the Hearing Board of the Bay Area Air Quality Management District. She was a member of the Environmental Management Advisory Board for the UC Berkeley Extension program, advisor to Cradle to Cradle Product Innovation Institute Standards Board for Renewable Energy and Carbon Management

### **Aster Global Environmental Solutions**

#### **2017-Present**

Ms. Toole O'Neil has worked with the Aster Global team since 2013 they were part of ESI. She has focused on validation, verification and consulting work for the carbon offset clients of Aster Global. The verifications have included mandatory reporting programs in British Columbia, Alberta, Saskatchewan and Quebec. She has also completed CDP verifications that include GHG, water and supply chain verifications and a CORSIA verification. Validation and verifications for carbon offset projects have been completed for VCS and ACR and include forestry, energy use, and re-refining of used oils. Consulting services have included a life cycle assessment for a biomass facility in Ghana, a methodology development, and standards review for a non-profit organization.

### **Independent Consulting**

#### **2012 – P**

Since 2012, Ms. Toole O'Neil has focused on climate services, air quality, corporate responsibility, energy efficiency and utility fuels projects for a wide range of clients from the utilities/manufacturing, consulting to non-profit organizations. Ms. Toole O'Neil has on-call contracts with Terracon, Lindahl Reed, Redhorse Corporation, Environmental Services, Inc., S&A Carbon, and Adelante Consulting.

**University of California, Berkeley**  
**2013 – 2022 (Instructor, Extension Program)**

Ms. Toole O'Neil is an instructor in the Construction and Sustainability Management program teaching classes on climate change, environment and sustainability, environmental measurement and monitoring, California and US environmental law, and fundamentals of greenhouse gas management. She is a member of the Environmental Management Advisory Board for the UC Berkeley Extension program.

**Det Norske Veritas (now DNV-GL)**  
**2009 – 2012 (Principal Consultant, Verification, Validation & Monitoring Services)**

Ms. Toole O'Neil was a Principal Consultant focusing on climate and air quality issues in North America. She led the effort to gain ANSI accreditation to the ISO14065 standard, CARB accreditation, CAR, VCS and ACR accreditation. Her projects have ranged from preparing inventories, reviewing inventories prior to verification, annual update training for inventories and projects to validating/verifying GHG offset projects.

**Tetra Tech EM Inc.**  
**2005-2008 (Environmental Engineer)**

Ms. Toole O'Neil developed and managed the climate program from 2006-2008, building the practice to 40 clients including 22 verification clients and 18 inventory/consulting clients. She also completed projects on air quality and fuels, agriculture and dairies, air toxics permits and monitoring, and new and existing power generation projects.

**U.S. Environmental Protection Agency, Region 9**  
**2001 – 2005 (Environmental Engineer)**

In the Air Division, as part of the technical support staff, Ms. Toole O'Neil focused on air quality monitoring, modeling and implementation of the air toxics regulations. Special focus areas were mercury, energy, and dairies. Ms. Toole O'Neil was part of the energy team responding to energy issues in California and the western United States. As part of the enforcement staff, she was part of the team negotiating a new permit for Tucson Electric Power's Springerville Plant. In the Policy and Management Division, Ms. Toole O'Neil was a Science Policy Advisor, chairing the Regional Science Council and providing summary materials on science activities to the Deputy Regional Administrator.

**The Electric Power Research Institute (EPRI) – Palo Alto, CA**  
**1988 – 2001 (Project Manager)**

Ms. Toole O'Neil had a number of responsibilities while at EPRI including: developing and managing the EPRI response to EPCRA 313, the toxics release inventory which included a web-based product for EPRI-funders; managing the development of a model for characterizing the fate and transport of trace substances around a power plant called the PISCES Model; managing the first EPRI web-based interactive database of multimedia primary data from power plant testing; managing ~20 full-scale tests in response to Title IV of the 1990 Clean Air Act Amendments (CAAA) for air toxics, leading the team of USGS, state surveys, coal companies and utilities to develop a new national coal quality inventory.

**Babcock & Wilcox R&DD Alliance, OH (Research Engineer: 1979 – 1988)**

During her tenure with Babcock & Wilcox R&DD, Ms. Toole O'Neil functioned as a lead engineer and project manager for a ~1MWe pilot plant for testing new post combustion equipment, for contract guarantee tests at commercial power plants, project engineer on EPA/DOE furnace injection technology development, lead engineer/writer for DOE Clean Coal 2 and 3 projects (all awarded contracts)

**PROFESSIONAL REGISTRATIONS/CERTIFICATIONS**

- ANSI Assessor, ISO 14065 General Requirements for Greenhouse Gas Validation and Verification Bodies
- Accredited Lead Verifier for California Air Resources Board under the mandatory reporting rule (██████████)
- Accredited Lead Verifier for California Air Resources Board under the Compliance Offset program, Ozone Depleting Substances (ODS) offset project specialist and livestock project specialist (██████████)
- Registered, Qualified Environmental Professional (QEP) (██████████)
- Certified Hazardous Materials Manager, Master Level (██████████)
- Verra (VCS) Approved Standardized Methods Expert
- Accredited Verifier, Airport Carbon Accreditation
- Completed CORSIA Verification Course (CORSIA ██████████)

**PROFESSIONAL AFFILIATIONS**

- Board of Directors, Air Waste Management Association (AWMA) (2004-2006) and Vice President (2006)
- Board of Directors (2007-2020) Past Chair (2007-2009), AWMA Golden West Section
- Board of Directors (2012-2016), US Green Building Council, Diablo Valley
- US representative to ISO Technical Committee 207 for development of ISO 14060 series (GHG and Water standards) 2010-2012.
- Member, Sigma Xi, AWMA, IHMM

**PROFESSIONAL ACHIEVEMENTS**

- US EPA Administrator's FY2015 Award for Outstanding Accomplishments by a SD-VOSB Contractor, 2016
- Tetra Tech EM Inc. Award for Excellence in Science and Engineering, 2006
- Regional Administrator's Award for Science, 2003
- Regional Administrator's Award for Outstanding Environmental Results during the Permitting of Tucson Electric Power's Springerville Expansion Project, 2002
- Administrator's Bronze Medal for Commendable Service Award for outstanding efforts to address the California Energy Shortages, 2002
- Chauncey Award for Mercury Research (team) (EPRI Corporate Award of Excellence), 1998
- EPRI 3D Award for Air Toxics Synthesis Report (team) (EPRI Corporate Award of Excellence), 1995

## PUBLICATIONS

1. The SporeCam™ - An Autonomous Spectrometer for Ambient Air Monitoring; P. Manatou , B. Toole O'Neil, G. Wanke, D. Pilsworth, A&WMA's 113th Annual Conference & Exhibition, June 29 - July 2, 2020.
2. The Role of Verification in the California Program, B. Toole O'Neil, J. McMahon, AWMA Bracing for Climate Change: Strategies for Mitigation and Resiliency Planning Conference, December 11-12, 2019.
3. A New Instrument for Ambient Air Monitoring, P. Manatou , B. Toole O'Neil. AWMA Air Quality Measurement Methods and Technology Conference, November 9-11, 2017
4. The Status of Measurement, Report and Verification (MRV) Systems, at the International Level: *Lessons for the Implementation of 'Nationally Appropriate Mitigation Actions (NAMAS)' and 'Low Emissions Development Strategies (LEDS)'*. A. Gómez, G. Godínez, B. Toole O'Neil, P. Reed, USAID, August 2013
5. W+ Standard, WOCAN, 2013 (principal author)[ a standard that quantifies the benefit to women from projects, eg carbon projects]
6. Greenhouse Gas Inventories: The Case for Verification, B. Toole O'Neil, Joint Services Environmental Managers Conference, Denver, CO, May 5, 2008
7. A Comparison of Carbon Dioxide Emissions Estimation Methods for Use in GHG Inventories, B. Toole O'Neil, Electric Utilities Environmental Conference, Tucson, AZ, Jan 30, 2008
8. Voluntary Emissions Reporting:- Lessons Learned with the California Climate Action Registry , B. Toole O'Neil, D. Millar, M. Grossman, 2007 Air and Waste Management Annual Conference Pittsburgh, PA, June 20, 2007.
9. Clean Air Mercury Rule and State Implementation, B. Toole O'Neil, M. Grossman, 2007 Air and Waste Management Annual Conference, June 2007
10. Western Bituminous Coal – that other Fuel, B. Toole O'Neil, J. Quik, 20<sup>th</sup> Symposium on Western Fuels – International Conference on Lignite, Brown and Sub-Bituminous Coals, Denver CO. Oct. 22-24, 2006
11. Mercury in U.S. Coal and the Clean Air Mercury Rule, B. Toole O'Neil, 8<sup>th</sup> International Conference on Mercury as a Global Pollutant, Madison WI, Aug. 7, 2006.
12. Pre-Combustion Management as Part of a Long Term Mercury Compliance Plan, Barbara Toole O'Neil, Air & Waste Management Association Annual Conference and Meeting, June, 2006.
13. Mercury in US Coal and the US EPA Clean Air Mercury, B. Toole O'Neil, J. Quick, D. Akers, *Oil, Gas and Energy Law Intelligence*, Vol. 3, Issue 3, October, 2005
14. Compliance Planning for Mercury Control – An Integrated Approach, D.J. O'Connor (EPRI), B. Toole O'Neil, Geological Society of America Annual Meeting, V. 37, No. 7, Oct. 16, 2005
15. Mercury in Coal - Pre-combustion Management Options for Emission Control, B. Toole O'Neil, Geological Society of America Annual Meeting, V. 37, No. 7, Oct. 16, 2005
16. The Potential of Pre-Combustion Management as Part of a Mercury Compliance Plan, B. Toole O'Neil, D.J. O'Connor, for Society of Mining Engineering Annual Meeting, March 2, 2005.
17. Western energy Issues: Power Generation, B. Toole O'Neil, EPA Region 9, <http://www.epa.gov/region09/cross~pr/energy/generators/irindex.html>, 2001
18. Energy Issues in the Pacific Southwest, B. Toole O'Neil, EPA Region 9, [http://www.epa.gov/region09/cross\\_pr/energy/index.html](http://www.epa.gov/region09/cross_pr/energy/index.html), 2001.
19. Removal of Trace Metals from Residual Fuel Oils, B. Toole O'Neil, J. Pirkey, EPRI TR-10001153, 2001.
20. Trace Metals Evaluation of Crumb Rubber Tire-Derived Fuel Co-Firing Tests on a Coal-Fired Boiler, B. Toole O'Neil, EPRI TR-111854, 2001.
21. Hexane and Other Alkane Emission Estimates for natural Gas-Fired Boilers, B. Toole

- O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 2000.
22. Coal as an Organic Rock, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 2000.
  23. Selecting TRI Chemicals Relevant to Utility Power Plants - Revised, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 2000.
  24. Status Report: Mercury in the Environment, J. Yager, B. Toole O'Neil, G. Offen, L. Levin, P. Chu, U.S. EPA Public Meeting on Utility Air Toxics Regulatory Determination, 2000.
  25. Electricity Generation and the Environment, B. Toole O'Neil, *17th Pittsburgh Coal Conference*, 2000.
  26. 12. Mercury Concentration in Coal - Unraveling the Puzzle, B. Toole O'Neil, S.J. Tewalt, R.B.Finkelman, D.J. Akers, *Fuel*, 78, 1, p. 47-54, 1999.
  27. The Cost and Effectiveness of Coal Cleaning for Control of Mercury Emissions, D.J. Akers, B. Toole O'Neil, *Proceedings: EPRI-DOE-EPA Combined Utility Air Pollutant Control Symposium*, EPRI TR-113187, 1999.
  28. Mineral Forms of Trace Elements in Coal and Coal Ash - A Summary, B. Toole O'Neil, G.A. Watkins, R. Myhre, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  29. The Quality, Treatment, and Application of Data in the PISCES Database, R.G. Wetherold, D.A. Orr, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  30. Data Quality and Distribution -A Summary, R. Wetherold, D. Orr, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  31. Data Distribution in the PISCES Database - A Summary, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  32. Sampling and Analytical Methods - A Summary, R. Wetherold, D. Orr, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  33. Quality of Data in the PISCES Database - A Summary, R. Wetherold, D. Orr, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  34. Treatment of Emissions Data in the PISCES Database - A Summary, R. Wetherold, D. Orr, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  35. Comparison of Methods for Treating Nondetected Values - A Summary, R. Wetherold, D. Orr, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  36. Comparison of Emissions Estimating Methods - A Summary, R. Wetherold, D. Orr, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  37. Wet/Dry Coal Basis for EFH Method, R. Wetherold, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  38. A Comparison of Methods for Estimating Power Plant Trace Species Emissions, B. Toole O'Neil, E.S. Rubin, R. Wetherold, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  39. A Comparison of Methods for Estimating Power Plant Trace Species Emissions - A Summary, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  40. Sulfuric Acid Measurement - A Summary, B. Toole O'Neil, R.G. Rhudy, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  41. Oxidizing Biocides in Power Plant Cooling Systems, W. Michelletti, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  42. Oxidizing Biocides in Power Plant Cooling Systems - A Summary, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  43. Cooling Tower Wood Leaching Estimates, W. Michelletti, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  44. Cooling Tower Wood Lesching Estimates - A Summary, B. Toole O'Neil, EPRI TRI

- Technical Resource Guide, <http://www.epri.com>, 1999.
45. An Overview of TRI Treatment Efficiency, B. Toole O'Neil, R. Wetherold, D. Orr, W. Michelletti, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  46. Dioxin and Dioxin-Like Compounds - A Summary of the Petition To EPA Under EPCRA S. 313, D. Choudhury, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  47. Emissions of Dioxin and Dibenzofuran Compounds from Fossil-Fired Utility Boilers, R. Wetherold, D. Orr, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  48. Emissions of Dioxin and Dibenzofuran Compounds from Fossil-Fired Utility Boilers - A Summary, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1999.
  49. Information for Reporting On-Site Waste Treatment Methods and Efficiencies, as Required by Section 7 of EPA's Toxics Release Inventory Form R, W.C. Micheletti, D.A. Orr, R.G. Wetherold, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.qph.com>, 1999.
  50. "TVA Uses EPRI's PISCES Model to Estimate Toxics Release Inventory (TRI) Releases", B. Toole O'Neil, *EPRI Innovators*, EPRI IN-1 12086, 1999.
  51. PISCES: Power Plant Chemical Assessment Model - Version 2.1, Volume 1-2, B. Toole O'Neil, EPRI AP\_107036r, 1998.
  52. Assessment of Coal Cleaning for Trace Element Control, B. Toole O'Neil, EPRI TR-111852, 1998.
  53. Precombustion Control of Trace Metals in Coal, J. Pirkey, B. Toole O'Neil, H. Brandon, ESEERCO EP 96-07, 1998.
  54. The Toxics Release Inventory, *EPRI Environmental Focus*, B. Toole O'Neil, EPRI BR-110004, 1998.
  55. *Dry Scrubbing Technologies for Flue Gas Desulfurization*, B. Toole O'Neil, Ed., Kluwer Academic Publishers, 1998.
  56. Coal Cleaning for HAPS Control: Cost and Performance, D.J. Akers, Z. Zitron, B. Toole O'Neil, Proceedings: 23rd Technical Conference on Coal Utilization and Fuel Systems, 1998.
  57. Engineering Guidelines for Pre-Combustion Control of Air Toxics, C.E. Raleigh, D.J. Akers, G.S. Janik, B. Toole O'Neil, Pittsburgh Coal Conference, 1998.
  58. Trace Element Mineral Forms in Four Major U.S. Coal Basins: A TRI-Oriented Summary of DOE/USGS Tests. B. Toole O'Neil, D. Dunster, R. Myhre, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  59. Trace Element Mineral Forms in Four Major U.S. Coal Basins - A Summary, B. Toole O'Neil, G.A. Watkins, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  60. Emissions of Hydrogen Chloride and Hydrogen Fluoride Aerosols from Coal-Fired Power Plants, R. Wetherold, D. Orr, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  61. Emissions of Hydrogen Chloride from Coal-Fired Power Plants - A Summary, R.G. Wetherold, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  62. Emissions of Hydrogen Fluoride from Coal-Fired Power Plants - A Summary, R.G. Wetherold, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  63. Condenser Corrosion Estimates, W. Michelletti, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  64. Condenser Corrosion Estimates - A Summary, W. Michelletti, B. Toole O'Neil, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  65. Resolve Locational Problems with TRI - A Summary of the Petition To EPA Under EPCRA S. 313, B. Toole O'Neil, D. Choudhury, EPRI TRI Technical Resource Guide,

- <http://www.epri.com>, 1998.
66. Barium Compounds - A Summary of the Petition To EPA Under EPCRA S. 313, B. Toole O'Neil, D. Choudhury, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  67. Hydrochloric Acid - A Summary of the Petition To EPA Under EPCRA S. 313, B. Toole O'Neil, D. Choudhury, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  68. Phosphoric Acid - A Summary of the petition To EPA Under EPCRA S. 313, B. Toole O'Neil, D. Choudhury, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  69. Sulfuric Acid - A Summary of the Petition To EPA Under EPCRA S. 313, B. Toole O'Neil, D. Choudhury, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  70. Mineral Forms of Trace Elements in Coal and Coal Ash, B. Toole O'Neil, K. Finney, R. Myhre, EPRI TRI Technical Resource Guide, <http://www.epri.com>, 1998.
  71. Trace Metals Removal from Residual Fuel Oils, H.B. Lange, J. Pirkey, J.G. Reynolds, B. Toole O'Neil, EPRI-DOE-EPA Combined Utility Air Pollutant Control Symposium, EPRI TR-108683, 1997.
  72. The Use of Coal Cleaning for Trace Element Removal, C.E. Raleigh, D.J. Akers, B. Toole O'Neil, *EPRI-DOE-EPA Combined Utility Air Pollutant Control Symposium*, EPRI TR-108683, 1997.
  73. PISCES: Power Plant Chemical Assessment Model - Version 2.0, Volume 1-2, B. Toole O'Neil, EPRI AP-107036, 1997.
  74. Proceedings: EPRI-DOE International Conference on Managing Hazardous and Particulate Air Pollutants, B. Toole O'Neil, EPRI TR-105749, 1997.
  75. PISCES Database Reference Guide, B. Toole O'Neil, D.A. Orr, R.G. Wetherold, EPRI DN-16016, 1997.
  76. The Feasibility of Coal and Oil Cleaning for Reduced Air Emissions, B. Toole O'Neil, C. E. Raleigh, D.J. Akers, H.B. Lange *EPRI-DOE-EPA Combined Utility Air Pollutant Control Symposium*, EPRI TR-108683, 1997.
  77. Toxic Release Inventory Estimates for Coal-Fired Electric Power Plants, E. S. Rubin, M.D. Bedillion, B. Toole O'Neil, Proceedings: *Fourth International Conference on Managing Hazardous Air Pollutants*, EPRI TR-111024, 1997.
  78. Precombustion Control of Air Toxics, D.J Akers, C. Harrison, M. Nowak, B. Toole O'Neil, PowerGen, 1997.
  79. Use of the PISCES Database: Power Plant Aqueous Stream Compositions, in *Clean Water: Factors that Influence its Availability Quality and its Use*, W. Chow Ed, Kluwer Academic Publishers, 1996.
  80. Coal laboratory User's Guide: An Engineers Look at Laboratory Analyses, B. Toole O'Neil, EPRI TR-106239, 1996.
  81. Gas-Fired Boiler and Turbine Air Toxics Summary Report, B. Toole O'Neil, P. Chu, EPRI TR-105646, 1996.
  82. The EPRI PISCES Database: Summary of Fuels Information, R.G. Wetherold, D.A. Orr, J.M. Leonard, B. Toole O'Neil, Proceedings: EPRI-DOE International Hazardous and Particulate Air Pollutants, EPRI TR-105749, 1995.
  83. Applications of the PISCES Database, D.A. OK, R.G. Wetherold, C.E. Reise, B. Toole O'Neil, *Proceedings: EPRI/DOE International Conference on Managing Hazardous and Particulate Air Pollutants*, EPRI TR-105749, 1995.
  84. Precombustion Control Options for Air Toxics Removal, D.J. Akers, B. Toole O'Neil, Proceedings: *The Economic & Environmental Aspects of Coal Utilization VI*, 1995.
  85. The PISCES Model: A New Tool for Chemical Effluents Assessment and Control, E.S. Rubin, B Toole O'Neil, 1995 International Clem Water Conference, in *The Environmental Professional*, 1995.
  86. Bayesian Methods for Estimating the Uncertainty in Hazardous Air Pollutants Emissions from Coal-Fired Power Plants, J.R. Kalagnanam, E.S. Rubin, MB. Berkenpas, B. Toole O'Neil, *Proceedings: EPRI/DOE International Conference on Managing Hazardous and*

- Particulate Air Pollutants*, EPRI TR-105749, 1995.
87. PISCES: Results from Field Sampling Programs, P. Chu, B. Toole O'Neil, EPRI Environmental Control Systems Update, 1995.
  88. PISCES: Power Plant Chemical Assessment Model - Version 1.0, Volume 1-2, B. Toole O'Neil, EPRI AP-103930, 1995.
  89. Modeling the Uncertainty in Hazardous Air Pollutant Emissions, E.S. Rubin, M.B. Berkenpas, H.C. Frey, and B. Toole O'Neil, *Proceedings: Second International Conference on Managing Hazardous Air Pollutants*, EPRI TR-104295, 1994.
  90. Coal Cleaning: A Pre-Combustion Air Toxics Control Option, D.J. Akers, R.L. Dospoy, C.E. Raleigh, B. Toole O'Neil, *American Chemical Society*, 39, 2 p. 524, 1994.
  91. Pre-Combustion Control Options for Air Toxics, B. Toole O'Neil, D.J. Akers, Engineering Foundation Conference, 1994.
  92. Coal Cleaning: An Effective Method of Trace Element Removal, C. Raleigh, D. Akers, B. Toole O'Neil, *Proceedings: 11th Pittsburgh Coal Conference*, 1994.
  93. Hexavalent Chromium Method Evaluation and Field Measurements, R. Finken, S. Steinsberger, B. Toole O'Neil, Engineering Foundation Conference on Measuring Air Toxics, 1994.
  94. Speciation of Nickel Emissions from Oil-Fired Utility Boilers, J.R. Hone, B. Toole O'Neil, *87th Air & Water Management Association Annual Meeting*, 1994.
  95. Hazardous Air Pollutant Emissions from Natural Gas-Fired Utility Boilers, B.A. Fangmeier, M.D. McDannel, B. Toole O'Neil, *87th Air & Waste Management Association Annual Meeting*, 1994.
  96. Measurement of Radionuclide Inputs and Emissions at Two Oil-Fired Boilers and Two Gas-Fired Boilers, D.V. Kumm, B. Toole O'Neil, *87th Air & Waste Management Association Annual Meeting*, 1994.
  97. A Summary of Air Toxic Emissions from Natural Gas-Fired Combustion Turbines, B.A. Fangmeier, R.M. Himes, M.D. McDannel, R.A. Lott, B. Toole O'Neil, AFRC/JFRC Pacific Rim International Conference on Environmental Control of Combustion Processes, 1994.
  98. Evaluation of NO<sub>x</sub> Removal and NO<sub>2</sub> Emissions in Dry Sodium Desulfurization Processes, B. Toole O'Neil, EPRI TR-103667, 1994.
  99. Dry Calcium Hydroxide Injection at 1000F for SO<sub>2</sub> Control, B. Toole O'Neil, EPRI TR-103666, 1994.
  100. *Proceedings: Second International Conference on Managing Hazardous Air Pollutants*, 1993, B. Toole O'Neil, EPRI TR-104295, 1994.
  101. *Proceedings: 1991 EPRI-DOE-EPA Sulfur Dioxide Control Conference*, B. Toole O'Neil, EPRI TR-101054, 1993.
  102. Prototype Evaluation of Limestone Injection Multistage Burner (LIMB) Technology on a Pulverized-Coal-Fired Boiler Volume.1 - 5, B. Toole O'Neil, EPRI TR-101072, 1993.
  103. PISCES: Interim Air Toxics Literature Data, B. Toole O'Neil, W.Chow, EPRI CD-100560, 1993.
  104. Prototype Evaluation of Sorbent Injection on a Tangentially Fired Utility Boiler, G.C. England, D.K. Moyeda, R. Payne, B.A. Folsom, B. Toole O'Neil, D.G. Lachapelle, I.A. Huffman, *Proceedings 1991 EPRZ-EPA-DOE SO<sub>2</sub> Control Symposium*, EPRI TR-101054, 1993.
  105. Modeling Air Toxics Emissions from Electric Power Plants, M.B. Berkenpas, E.S. Rubin, H.C. Frey, B. Toole O'Neil, *EPRI-AWMA Integrated Energy and Environmental Management Conference*, 1993.
  106. A Computer Simulation Model for Power Plant Air Toxics Emissions, E.S. Rubin, B. Toole O'Neil, Society for Computer Simulation, 1993.
  107. SO<sub>2</sub> and NO<sub>x</sub> Control by Combined Dry Injection of Hydrated Lime and Sodium Bicarbonate, D.J. Helfritch, S.J. Bortz, R.Beitte1, P.D. Bergman, B. Toole O'Neil, American Power Conference, 1993.



108. 10-MW Demonstration of the ADVACATE Flue Gas Desulfurization Process, L.R. Lepovitz, C.A. Brown, T.E. Pearson, J.F. Boyer, T.A. Burnett, V.M. Norwood, E.J. Puschaver, C. B. Sedman, B. Toole O'Neil, *Proceedings: 1993 EPRI-DOE-EPA SO<sub>2</sub> Control Symposium*, 1993.
109. Trace Element Reduction Through Coal Cleaning, D.J. Akers, B. Toole O'Neil, EPRI Fuel Supply Seminar, 1993.
110. Combined SO<sub>2</sub> and NO<sub>x</sub> Removal by Means of Dry Sorbent Injection, D. Helfritsch, S. J. Bortz, R. Beittel, P. Bergman, B. Toole O'Neil, *Environmental Progress*, 11, 1, 1992.
111. 1991 SO<sub>2</sub> Control Symposium Conference Highlights, B. Toole O'Neil, *EPRI Environmental Control Systems Update*, 1992.
112. Calcium Injection Upstream of an Electrostatic precipitator and a Fabric Filter for Simultaneous SO<sub>2</sub> and Particulate Removal: Pilot and Bench-Scale Results, B. Toole O'Neil, EPRI TR-100260, 1992.
113. Furnace Dry Sorbent Injection for SO<sub>2</sub> Control: Pilot and Bench Scale Studies, B. Toole O'Neil, EPRI TR-101684, 1992.
114. Development of Dry Sorbent Emission Control Technologies for SO<sub>2</sub> Removal, B. Toole O'Neil, EPRI TR-101685, 1992.
115. Feasibility of Furnace Limestone Injection for SO<sub>2</sub> Control, B. Toole O'Neil, EPRI TR-101071, 1992.
116. Combined SO<sub>2</sub> and NO<sub>x</sub> Removal by Means of Dry Sorbent Injection, D.J. Helfritsch, S.J. Bortz, R. Beittel, P.D. Bergman, B. Toole O'Neil, *Proceedings: American Institute of Chemical Engineers Summer Annual Meeting*, 1991.
117. Furnace Sorbent Injection, B. Toole O'Neil, *J. Air & Waste Management Association*, 40, 12, p. 1716, 1990.
118. Integrated Dry Sorbent Injection for Coal-Fired Boiler SO<sub>2</sub> and NO<sub>x</sub> Control, D.J. Helfritsch, S. Bortz, B. Toole O'Neil, *83rd Air & Waste Management Association Annual Meeting*, 1990.
119. Furnace Sorbent Injection, B. Toole O'Neil, EPRI, *Environmental Control Systems Update*, No. 19, 1990.
120. Dry Sorbent Injection for Combined SO<sub>2</sub> and NO<sub>x</sub> Control, D.J. Helfritsch, S.J. Bortz, R. Beittel, P.D. Bergman, B. Toole O'Neil, ASME/IEEE Power Generation Conference, 1990.
121. Clean Coal EI Demonstration Project: The LIFAC Innovative Desulfurization Process at Richmond Power & Light's Whitewater Valley # 2 Plant, J.K. Schweers, K. Mattila, I. Huffman, B. Toole O'Neil, DOE Clean Coal Contractor's Conference, 1990.
122. Dry Sorbent Injection of Combined SO<sub>2</sub>/NO<sub>x</sub> Removal, B. Toole O'Neil, *Proceedings: Eighth Pittsburgh Coal Conference*, 1990.
123. Full-scale Demonstration of Desulfurization by Dry Sodium Injection, B. Toole O'Neil, EPRI GS-6860, 1990.
124. Full-scale Demonstration of Additives for NO<sub>2</sub> Reduction with Dry Sodium Desulfurization, B. Toole O'Neil, EPRI GS-6852, 1990.

## EMPLOYMENT APPLICATION

	<b>BAY AREA AIR QUALITY MANAGEMENT DISTRICT</b> 375 Beale Street Suite 600 San Francisco, California 94105 415-749-4980 <a href="http://www.baaqmd.gov">http://www.baaqmd.gov</a>	<b>Received:</b> 8/13/23 5:49 PM <b>For Official Use Only:</b> QUAL: _____ DNQ: _____ <input type="checkbox"/> Experience <input type="checkbox"/> Training <input type="checkbox"/> Other: _____
	<b>Tan, Qian</b> <b>ET23.6.21 HEARING BOARD MEMBER</b>	

## PERSONAL INFORMATION

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Tan, Qian		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] San Jose, California 95125		<b>EMAIL ADDRESS:</b> [REDACTED]
<b>NOTIFICATION PREFERENCE:</b> Email		
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Doctorate		

## PREFERENCES

<b>TYPES OF WORK YOU WILL ACCEPT:</b> Per Diem
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## EDUCATION

<b>DATES:</b> From: 9/1998 To: 5/2004	<b>SCHOOL NAME:</b> Georgia Institute of Technology	
<b>LOCATION:</b> (City, State/Province) Atlanta, Georgia	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Doctorate
<b>MAJOR:</b> Major: Atmospheric Chemistry. Minor: GIS & Remote Sensing.		<b>UNITS COMPLETED:</b> 12 - Semester

## WORK EXPERIENCE

<b>DATES:</b> From: 2/2015 To: Present	<b>EMPLOYER:</b> Bay Area Environmental Research Institute & NASA Ames Research Center	<b>POSITION TITLE:</b> Research Scientist
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], California, 94035		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 20	<b>SALARY:</b> [REDACTED]/month	
<b>DUTIES:</b> 1. Estimate the global premature mortality caused by PM2.5. We collected PM2.5 data from different monitoring networks and model simulations. PM2.5 impacts on public health is provided by WHO's global network. 2. Study the linkage between aerosol optical property to its magnitude and composition. PM2.5 is a major air pollutant and has adverse impact on public health and environment. Satellite observe aerosol (PM2.5/PM10) optically with continuous spatial and temporal coverage. Estimated surface PM2.5 using satellite observation and model simulation is a useful complement to ground EPA monitoring. 3. Study the vertical distribution of dust particles in the atmosphere using satellite measurements. Dust is one the natural air pollutants with large impact on air quality and climate in many part of the world.		
<b>DATES:</b> From: 1/2017 To: 12/2023	<b>EMPLOYER:</b> San Jose State University	<b>POSITION TITLE:</b> Adjunct Associate Professor & Undergraduate Advisor
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], San Jose, California, 95192		
<b>SUPERVISOR:</b> [REDACTED] Department Chair		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 20	<b>SALARY:</b> [REDACTED]/month	
<b># OF EMPLOYEES SUPERVISED:</b> 10		
<b>DUTIES:</b> I teach 2-3 classes every semester at the Meteorology Department, San Jose State University. Courses I taught includes: 'Computer Methods in Meteorology' Level I, II, III, 'Numerical Methods', 'Global Climate Modeling', 'Global Climate Change'. Those classes are on undergraduate and graduate levels. Include both Meteorology major classes and General Education classes for all majors. I give lectures on various topics related to meteorology and climate science, design computer lab experiments. I teach introductory level 'Global Climate Change' class to both Meteorology major students and as a STEM introduction level class to students from other department. For senior and graduate students in our department, I teach them to collect real time meteorological data from various sources, process them with programming languages. I also teach students to run 3D Eulerian and trajectory models and apply them on real time case studies, including Bay Area atmospheric events, wild fire plume dispersion simulations.		

**REASON FOR LEAVING:**  
NA

**CERTIFICATES AND LICENSES**  
Nothing Entered For This Section

**Skills**  
**OFFICE SKILLS:**  
Typing:  
Data Entry:  
**OTHER SKILLS:**  
**LANGUAGE(S):**  
Chinese -  Speak  Read  Write

**ADDITIONAL INFORMATION**  
Nothing Entered For This Section

**REFERENCES**

<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Mian Chin	<b>POSITION:</b> Research Physicist
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) NASA Goddard Space Flight Center, Greenbelt, Maryland 20771		
<b>EMAIL ADDRESS:</b> [REDACTED]	<b>PHONE NUMBER:</b> [REDACTED]	

**Agency-Wide Questions****1. How did you find out about this position?**

District Employee, District Website

**2. If other, please tell us where.****3. Are you currently legally authorized to work in the United States on a full-time basis?**

Yes

**4. Are you related to any District employee or Board member?**

No

**5. Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**

No

**6. If related to a District employee or Board member, what is their name and their relationship to you?**

N/A

### Job Specific Supplemental Questions

**1. Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**

I have been studying air quality since graduate school. My Ph.D. dissertation is about the anthropogenic sulfur compound emitted from East Asia, including their transformation, transport, and removal in East Pacific. After graduation, I have been using US EPA air quality monitoring data, NASA satellite and aircraft measurements, and numerical model simulations to study air quality on different spatial and temporal scales. In a recent project, we estimated global premature mortality due to both man-made PM2.5 and dust particles, one of the major air pollutants. In Fall 2023, I will teach a class, Atmospheric Pollution, at San Jose State University. It is an upper-level (junior and senior year) general education class to college students from multiple departments. I have been the Alternate Member in Public Category in BAAQMD Hearing Board since 2017.

**2. Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**

Member: American Geophysical Union  
Member: American Meteorology Society.

**3. Please list relevant accomplishments, publications, or awards.**

Peer reviewed publications:

1. Yang, A., Q. Tan, C. Rajapakshe, M. Chin, H. Yu, Global premature mortality by dust and pollution PM2.5 estimated from aerosol reanalysis of the modern-era retrospective analysis for research and applications, version 2, Front. Environ. Sci., Vol. 10, doi: 10.3389/fenvs.2022.975755, 2022.
2. Patel, Mohin, S. Chiao, Q. Tan, An Observational Study of Aerosols and Tropical Cyclones over the Eastern Atlantic Ocean Basin for Recent Hurricane Seasons. Atmosphere. 12. 1036. 10.3390/atmos12081036, 2021
3. Yu, H., Tan, Q., Zhou, L., Zhou, Y., Bian, H., Chin, M., et al.: Observation and modeling of the historic "Godzilla" African dust intrusion into the Caribbean Basin and the southern US in June 2020, Atmos. Chem. Phys., 21, 12359–12383, <https://doi.org/10.5194/acp-21-12359-2021>, 2021
4. Yu, H., Q. Tan, M. Chin, L. A. Remer, R. A. Kahn, et al, Estimates of African dust deposition along the trans-Atlantic transit using the decadelong record of aerosol measurements from CALIOP, MODIS, MISR, and IASI. Journal of Geophysical Research: Atmospheres, 124. , 2019
5. Knobelspiesse, K., Q. Tan, C. Bruegge, B. Cairns, J. Chowdhary, et al., Inter comparison of airborne multi-angle polarimeter observations from the Polarimeter Definition Experiment (PODEX), Applied Optics, 58, 650-669, <https://doi.org/10.1364/AO.58.000650>, 2019
6. M. Chin, T. Diehl, Q. Tan, J. M. Prospero, R. A. Kahn, et. al, Multi-decadal variations of atmospheric aerosols from 1980 to 2009: Sources and regional trends, Atmos. Chem. Phys., 2013-527, 2014
7. Yu, H., L. A. Remer, M. Chin, H. Bian, Q. Tan, T. Yuan, Y. Zhang, Aerosols from Overseas Rival Domestic Emissions over North America, Science, Vol. 337, DOI: 10.1126/science.1217576, 2012
8. Huang, Y., W. L. Chameides, Q. Tan, and R. E. Dickinson (2008), Characteristics of anthropogenic sulfate and carbonaceous aerosols over East Asia: Regional modeling and observation, Adv. Atmos. Sci, Vol 25, No. 6.
9. Tan. Q., W. Chameides, D. Streets, et al., An evaluation of TRACE-P emission inventories from China using a regional model and chemical measurements, Journal of Geophysical Research, Vol. 109, D22305, doi:10.1029/2004JD005071, 2004.
10. Tan, Q. Y. Huang, and W. Chameides, The budget and export of anthropogenic SOx from East Asia during the continental outflow conditions. Journal of Geophysical Research, Vol. 107, D13, 2001JD000769, 2002.

**4. The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**

In the Fall semester, I will be teaching on Friday and another class online, i.e., I can record the class ahead of time. Teaching classes virtually gives me the freedom to participate in Hearing Board activities.

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The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand that the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Qian Tan on 8/13/23 5:49 PM

Qian Tan  
Undergraduate Advisor & Lecturer  
Department of Meteorology and Climate Science  
San Jose State University  
[REDACTED], San Jose, CA  
[REDACTED]

To Whom It May Concern

This is Qian Tan, the undergraduate student advisor and lecturer at the Dept. of Meteorology & Climate Science and research scientist at the Bay Area Environmental Research Institute, NASA Ames Research Center.

I am writing to apply for the BAAQMD Hearing Board's Principle Member in the Public category. Currently, I am the Alternate member in the Public category (2020-2023).

BAAQMD safeguards the air quality in the Bay Area. As a local resident, I am grateful for the important work the District is doing.

I have been studying air quality since graduate school on various topics. A recent study is about the premature death caused by PM2.5, a major air pollutant, across the globe. In Fall 2023, I will be teaching a class called 'Air Pollution' to junior and senior students at San Jose State. What BAAQMD, CARB, and EPA are doing will be one of the important topics for this class.

As a resident who cares about air quality and knows about air quality, I am applying for this great opportunity to serve our community.

Please see my CV attached on the next page.

Thank you for your consideration.

*Qian Tan*

Qian Tan

## Curriculum Vitae

### Qian Tan

#### Education

- Ph.D. in Atmospheric Science *Georgia Institute of Technology, Atlanta, GA* (2004)  
Minor: Geographic Information System (GIS) and Remote Sensing
- B.S, Atmospheric Science *Nanjing University, China.* (1996)

#### Board Experience

BAAQMD Hearing Board Alternate Member in Public category 2017 – Now

#### Teaching Experience

Lecturer Spring 2017 -- Now  
*Dept. of Meteorology & Climate Science, SJSU, San Jose, CA*

Undergraduate Advisor Spring 2021 -- Now  
*Dept. of Meteorology & Climate Science, SJSU, San Jose, CA*

Teaching Assistant 2000-2001  
*Georgia Institute of Technology, Atlanta, GA*

Teaching Assistant 1997-1998  
*Dept. Atmospheric Science, Nanjing Univ., Nanjing, China*

#### Research Experience

Research Scientist 02/2015 – Now  
*Bay Area Environmental Research Inst., NASA/Ames, Moffett Field, CA*

Assistant Research Scientist 06/2007 – 06/2012  
*GEST/UMBC; GESTAR/USRA, GSFC/NASA, Greenbelt, MD*

Postdoctoral Associate 07/2004-05/2007  
*Dept. of Earth, Atmospheric and Planetary Sciences, MIT Cambridge, MA*

Research Assistant 09/1998-05/2004  
*School of Earth and Atmospheric Sciences Georgia Tech, Atlanta, GA*

Research Assistant 01/1997 - 05/1998  
*Atmospheric Science Department, Nanjing University, China*

#### Selected Publications

1. Yang, A., Q. Tan, C. Rajapakshe, M. Chin, H. Yu, Global premature mortality by dust and pollution PM2.5 estimated from aerosol reanalysis of the modern-era retrospective analysis for research and applications, version 2, *Front. Environ. Sci.*, Vol. 10, doi: 10.3389/fenvs.2022.975755, 2022.
2. Patel, Mohin, S. Chiao, Q. Tan, An Observational Study of Aerosols and Tropical Cyclones over the Eastern Atlantic Ocean Basin for Recent Hurricane Seasons. *Atmosphere*. 12. 1036. 10.3390/atmos12081036, 2021
3. Yu, H., Tan, Q., Zhou, L., Zhou, Y., Bian, H., Chin, M., Ryder, C. L., Levy, R. C., et al.: Observation and modeling of the historic “Godzilla” African dust intrusion into the Caribbean Basin and the southern US in June 2020, *Atmos. Chem. Phys.*, 21, 12359–12383, <https://doi.org/10.5194/acp-21-12359-2021>, 2021
4. Yu, H., Q. Tan, M. Chin, L. A. Remer, R. A. Kahn, H. Bian, D. Kim, Z. Zhang, T. Yuan, et al, Estimates of African dust deposition along the trans-Atlantic transit using the decadelong record of aerosol measurements from CALIOP, MODIS, MISR, and IASI. *Journal of Geophysical Research: Atmospheres*, 124. , 2019
5. Knobelspiesse, K., Q. Tan, C. Bruegge, B. Cairns, J. Chowdhary, B. van Diedenhoven, D. Diner, et al., Inter comparison of airborne multi-angle polarimeter observations from the Polarimeter Definition Experiment (PODEX), *Applied Optics*, 58, 650-669, <https://doi.org/10.1364/AO.58.000650>, 2019
6. M. Chin, T. Diehl, Q. Tan, J. M. Prospero, R. A. Kahn, L. A. Remer, H. Yu, et. al, Multi-decadal variations of atmospheric aerosols from 1980 to 2009: Sources and regional trends, *Atmos. Chem. Phys.*, 2013-527, 2014
7. Yu, H., L. A. Remer, M. Chin, H. Bian, Q. Tan, T. Yuan, Y. Zhang, Aerosols from Overseas Rival Domestic Emissions over North America, *Science*, Vol. 337, DOI: 10.1126/science.1217576, 2012
8. Huang, Y., W. L. Chameides, Q. Tan, and R. E. Dickinson (2008), Characteristics of anthropogenic sulfate and carbonaceous aerosols over East Asia: Regional modeling and observation, *Adv. Atmos. Sci*, Vol 25, No. 6.
9. Tan, Q., W. Chameides, D. Streets, et al., An evaluation of TRACE-P emission inventories from China using a regional model and chemical measurements, *Journal of Geophysical Research*, Vol. 109, D22305, doi:10.1029/2004JD005071, 2004.
10. Tan, Q. Y. Huang, and W. Chameides, The budget and export of anthropogenic SOx from East Asia during the continental outflow conditions. *Journal of Geophysical Research*, Vol. 107, D13, 2001JD000769, 2002.

## EMPLOYMENT APPLICATION



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

375 Beale Street Suite 600  
San Francisco, California 94105  
415-749-4980  
<http://www.baaqmd.gov>

**Fung, Lam H  
ET23.6.21 HEARING BOARD MEMBER**

**Received: 8/17/23 1:51 PM**

**For Official Use Only:**

QUAL: \_\_\_\_\_

DNQ: \_\_\_\_\_

Experience

Training

Other: \_\_\_\_\_

## PERSONAL INFORMATION

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Fung, Lam H		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], Corte Madera, California 94925		<b>EMAIL ADDRESS:</b> [REDACTED]
<b>HOME PHONE:</b> [REDACTED]		<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Doctorate		

## PREFERENCES

<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Regular
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Part Time
<b>SHIFTS YOU WILL ACCEPT:</b> Day, Weekends
<b>OBJECTIVE:</b> Board position

## EDUCATION

<b>DATES:</b> From: 7/1981 To: 6/1985	<b>SCHOOL NAME:</b> University of California	
<b>LOCATION:</b> (City, State/Province) San Francisco, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Professional
<b>MAJOR:</b> OB-GYN Residency		<b>UNITS COMPLETED:</b> 16 - Quarter
<b>DATES:</b> From: 9/1977 To: 6/1981	<b>SCHOOL NAME:</b> Tufts University	
<b>LOCATION:</b> (City, State/Province) Boston, Massachusetts	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Professional
<b>MAJOR:</b> Doctor of Medicine		<b>UNITS COMPLETED:</b> 16 - Quarter
<b>DATES:</b> From: 9/1972 To: 6/1977	<b>SCHOOL NAME:</b> Harvard College	
<b>LOCATION:</b> (City, State/Province) Cambridge, Massachusetts	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Professional
<b>MAJOR:</b> A.B.		<b>UNITS COMPLETED:</b> 16 - Quarter
<b>DATES:</b> From: 9/1968 To: 6/1972	<b>SCHOOL NAME:</b> Brooklyn Technical High School	
<b>LOCATION:</b> (City, State/Province) Brooklyn, New York	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> High School Diploma

## WORK EXPERIENCE

<b>DATES:</b> From: 7/2012 To: Present	<b>EMPLOYER:</b> Physician's Reimbursement Fund	<b>POSITION TITLE:</b> Director, Chair-Patient Care
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], Sausalito, California, 94965		<b>COMPANY URL:</b> prfrg.com
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - President, CEO	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 4	<b>SALARY:</b> [REDACTED]/month	<b># OF EMPLOYEES SUPERVISED:</b> 2



<b>DUTIES:</b> Chair of patient care and management committee. Oversees management of medical liability cases. Member, Board of Directors since 2012.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 12/2021 To: Present	<b>EMPLOYER:</b> Medical Board of California	<b>POSITION TITLE:</b> Quality Reviewer
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], Sacramento, California, 95815-5401		<b>COMPANY URL:</b> mbc.ca.gov
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - Associate Governmental Program Analyst	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 2	<b>SALARY:</b> [REDACTED]/month	<b># OF EMPLOYEES SUPERVISED:</b> 0
<b>DUTIES:</b> Review Complaints concerning medical care provided by California licensed physicians.		
<b>DATES:</b> From: 7/1985 To: Present	<b>EMPLOYER:</b> UCSF	<b>POSITION TITLE:</b> Clinical Professor
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] San Francisco, California, 94158		<b>COMPANY URL:</b> <a href="https://obgyn.ucsf.edu/">https://obgyn.ucsf.edu/</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - MD, PhD	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 2	<b>SALARY:</b> [REDACTED] month	<b># OF EMPLOYEES SUPERVISED:</b> 0
<b>DUTIES:</b> Teach UCSF Medical Students/trainees.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2017 To: Present	<b>EMPLOYER:</b> Essential Access Health	<b>POSITION TITLE:</b> Primary Investigator
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], Berkeley, California, 94710		<b>COMPANY URL:</b> <a href="https://www.essentialaccess.org/about">https://www.essentialaccess.org/about</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - Assoc. Director of Regulatory Affairs	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 4	<b>SALARY:</b> [REDACTED]/month	<b># OF EMPLOYEES SUPERVISED:</b> 0
<b>DUTIES:</b> Supervising multi-center clinical trials aimed at advancing reproductive health, equity and access.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2020 To: 12/2022	<b>EMPLOYER:</b> Medical Insurance Exchange of California	<b>POSITION TITLE:</b> Board Advisor
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], Oakland, California, 94618		<b>COMPANY URL:</b> miec.com
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - President, CEO	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 4	<b>SALARY:</b> [REDACTED]/month	<b># OF EMPLOYEES SUPERVISED:</b> 0
<b>DUTIES:</b> Medical Advisor to the Board of Governors concerning medical liability, claims and underwriting.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/1993 To: 10/2021	<b>EMPLOYER:</b> California Pacific Medical Center	<b>POSITION TITLE:</b> Director of Medical Education
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], San Francisco, California, 94109		<b>COMPANY URL:</b> sutterhealth.org
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - Chief Medical Executive	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 4	<b>SALARY:</b> [REDACTED]/month	<b># OF EMPLOYEES SUPERVISED:</b> 2
<b>DUTIES:</b> Supervise training of UCSF and Dartmouth Medical Students. Organize Grand Rounds and CME for OB/GYN Department.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 7/1985 To: 7/2020	<b>EMPLOYER:</b> Golden Gate Obstetrics and Gynecology	<b>POSITION TITLE:</b> Senior Partner, President, CEO
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], San Francisco, California, 94111		<b>COMPANY URL:</b> <a href="https://goldengateobgyn.org/">https://goldengateobgyn.org/</a>

<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] Current President, CEO	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 60	<b>SALARY:</b> [REDACTED] month	<b># OF EMPLOYEES SUPERVISED:</b> 45
<b>DUTIES:</b> Senior Partner, Largest private OB-GYN practice in San Francisco President and CEO up to 2020		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/1997 To: 12/2008	<b>EMPLOYER:</b> California-Pacific Medical Center	<b>POSITION TITLE:</b> Chief, Division of Gynecology
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] San Francisco, California, 94109		<b>COMPANY URL:</b> sutterhealth.org
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] Chair, OB-GYN	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 6	<b>SALARY:</b> [REDACTED]/month	<b># OF EMPLOYEES SUPERVISED:</b> 0
<b>DUTIES:</b> Clinical Professor ----- Department of Obstetrics, Gynecology and Reproductive Sciences University of California, San Francisco Clinical Professor, Obstetrics and Gynecology Dartmouth -Geisel Medical School Hanover, New Hampshire Site Director- California Pacific Medical Center Primary Investigator (20 1 1 -present) Essential Access Health Berkeley, California 2		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 10/1989 To: 11/1992	<b>EMPLOYER:</b> Department of Obstetrics and Gynecology	<b>POSITION TITLE:</b> Chair, Commander PHS
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] Gallup, New Mexico, 87301		<b>COMPANY URL:</b> ihs.gov/navajo/healthcarefacilities/gallup
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - Director	
<b>HOURS PER WEEK:</b> 60	<b>SALARY:</b> [REDACTED]/month	<b># OF EMPLOYEES SUPERVISED:</b> 20
<b>DUTIES:</b> Department of Obstetrics and Gynecology Chair, supervised clinical OB/GYN services for underserved Native Americans at GMC ----- Gallup Indian Medical Center Supervised medical student and resident training in OB/GYN at GMC for University of New Mexico School of Medicine		
<b>REASON FOR LEAVING:</b> [REDACTED]		

#### CERTIFICATES AND LICENSES

<b>TYPE:</b> Medical License, California Physician and Surgeon	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> The Medical Board of California
<b>TYPE:</b> Board Certified in Obstetrics and Gynecology	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> American Board of Obstetrics and Gynecology

#### Skills

<b>OFFICE SKILLS:</b> Typing: Data Entry:
<b>OTHER SKILLS:</b>
<b>LANGUAGE(S):</b> Cantonese - <input checked="" type="checkbox"/> Speak <input type="checkbox"/> Read <input type="checkbox"/> Write English - <input checked="" type="checkbox"/> Speak <input checked="" type="checkbox"/> Read <input checked="" type="checkbox"/> Write

#### ADDITIONAL INFORMATION

**Honors & Awards**

Other Honors: 1981 Rolex Award for Enterprise (nominee-cadiovectometry)  
 1986 Children's Hospital San Francisco Faculty Teaching Award  
 1986 First Prize, Best Junior Fellow Research Paper District VIII/IX, American College of Obstetricians and Gynecologists  
 1987 First Prize, Best Research Paper, District VIII/IX, American College of Obstetricians and Gynecologists  
 1989-Medical Design Excellence Awards, MDEA (Nominee- Miniature Infusion Pump).  
 1991 Public Health Service Citation, USPHS  
 1992 Surgeon General's Service Citation, USPHS  
 1993 UCSF/CPMC teaching award  
 1994 UCSF/CPMC teaching award  
 1995 UCSF/CPMC teaching award  
 1996 UCSF/CPMC teaching award  
 1997 UCSF/CPMC teaching award  
 1998 UCSF Dept. of OB/GYN Clinical Faculty Teaching Award  
 1999 UCSF/CPMC teaching award  
 1999 Sutter Health Systems Service Award  
 2000 UCSF/CPMC teaching award  
 2001 ACOG District IX Award for Outstanding Service  
 2002 UCSF/CPMC teaching award  
 2003 UCSF/CPMC teaching award  
 2004 UCSF/CPMC teaching award

**Honors & Awards**

1999 UCSF/CPMC teaching award  
 1999 Sutter Health Systems Service Award  
 2000 UCSF/CPMC teaching award  
 2001 ACOG District IX Award for Outstanding Service  
 2002 UCSF/CPMC teaching award  
 2003 UCSF/CPMC teaching award  
 2004 UCSF/CPMC teaching award

**Honors & Awards**

2004 UCSF/CPMC teaching award  
 2005 UCSF/CPMC teaching award  
 2006 UCSF/CPMC teaching award  
 2007 Wishes for Wellness Foundation (Lifetime Achievement Honoree) Women's and Infant's Health.  
 2009 UCSF OB-GYN Outstanding Resident teaching  
 2010 UCSF Special Recognition Award- Medical Education  
 2011 UCSF OB-GYN Outstanding Student Teaching Award  
 2011 UCSF OB-GYN Outstanding Resident Teaching  
 2012 UCSF OB-GYN Outstanding Student Teaching Award  
 2012 UCSF OB-GYN Outstanding Resident Teaching  
 2013 UCSF OB-GYN Outstanding Student Teaching Award  
 2013 UCSF OB-GYN Outstanding Resident Teaching  
 Award  
 2016 UCSF OB-GYN Outstanding Student Teaching  
 Award  
 2018 UCSF OB-GYN Outstanding Student Teaching  
 Award  
 2019 Dartmouth-Geisel OB-GYN Outstanding Student Teaching Award  
 2019- UCSF OB-GYN Outstanding Student Teaching Award  
 2020 UCSF OB-GYN Outstanding Student Teaching Award

**REFERENCES**

<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Karen Callen, M.D.	<b>POSITION:</b> President, CEO
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Stephen Schiefle, M.D.	<b>POSITION:</b> President, CEO
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Elliott Main, M.D.	<b>POSITION:</b> Medical Director, California Maternal Quality Care Collaborative
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]

**Agency-Wide Questions****1. How did you find out about this position?**

District Employee, District Bulletin Board

**2. If other, please tell us where.****3. Are you currently legally authorized to work in the United States on a full-time basis?**

Yes

**4. Are you related to any District employee or Board member?**

No

**5. Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**

No

**6. If related to a District employee or Board member, what is their name and their relationship to you?**

N.A.

**Job Specific Supplemental Questions**

- 1. Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**

As an OB-GYN, air quality and other environmental toxins has long been a clinical and research passion of mine. Air quality impacts maternal health status and fetal well being. During my career, I have delivered over 5,000 babies in the San Francisco Bay Area. Worldwide, air pollution is now the sixth leading cause of morbidity and mortality. In maternal- fetal health, it is known to contribute to preterm birth, low birthweight and developmental deficits. I have researched this and published and presented extensively and globally. I have been Director, Secretary-Treasurer and President of several Boards,,,,mostly adovcacy, academic and non-profit. I come from an engineering family. I am a proud graduate of Brooklyn Tech and was the national winner of the Material Sciences Institute competition at that time. I have taken this technical background and incorporated in my medical training and practice. I have performed research in in-vivo toxicities and pharmacokinetics. I served 3 years as a commissioned officer in the U.S Public Health Service. I was stationed on the Navajo reservation in New Mexico and was there working with a large multi-disciplinary team led by the CDC that identified the epicenter of the Hantavirus outbreak. I have testified before the FDA, NIH and Canadian Board of Medicine. I am currently the Primary Investigator at Essential Access Heath in Berkeley-performing multi-center studies in reproductive health.
- 2. Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**

I have had Board experience with two of the largest Med-Mal insurance carriers in California. I have worked with teams of attorneys in the litigation of hundreds of cases, involving discovery, depositions, settlements , hearings,, mediations and trials. I am a reviewer for the Medical Board of California, the Registered Nursing Board of California and a consultant to the appellate division of the Superior Court of California.
- 3. Please list relevant accomplishments, publications, or awards.**

Please see attached c.v.,  
I am most proud of being honored with a lifetime achievement award from the Wishes for Wellness Foundation for contributions to maternal-child healthcare.
- 4. The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**

During my career, 100 hour workweeks and 36 hour shifts on call was not uncommon. I am now disabled and no longer clinically active. I have the extra flexibility and "bandwidth" that would be required of a BAAQMD Hearing Board member would require.

---

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand the the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Lam H Fung on 8/17/23 1:51 PM

## CURRICULUM VITAE (Revised 17AUG23)

Name: Fung Lam, M.D., FACOG

Address:

[REDACTED]

Titles:

Senior Partner  
 President and CEO (2005-2020)  
 Golden Gate Obstetrics and Gynecology (1985-2020)  
 [REDACTED]  
 San Francisco, California 94111  
 [REDACTED]

Director (2012 – present)  
 Chair, Patient Care Committee (2009 to present)  
 Physician's Reimbursement Fund  
 Sausalito, California

Chair, GYN quality assurance (1993-2021)  
 Director of Medical Education- OB/GYN (1993-2021)  
 Medical Executive Board (2014-2018)  
 Vice-Chairman, Department of Obstetrics and Gynecology (1997-2012)  
 Chief, Division of Gynecology (1997-2008)  
 California-Pacific Medical Center  
 San Francisco, California

Clinical Professor (1986 to present)  
 Department of Obstetrics, Gynecology and Reproductive Sciences  
 University of California, San Francisco

Clinical Professor, Obstetrics and Gynecology (2010-2020)  
 Dartmouth -Geisel Medical School  
 Hanover, New Hampshire  
 Site Director- California Pacific Medical Center

Primary Investigator (2011-present)  
 Essential Access Health  
 Berkeley, California

Board Advisor (2019 to present)  
 MIEC (Medical Insurance Exchange of California)  
 Oakland, CA.

Quality Reviewer (2019- present)  
 Medical Board of California  
 Sacramento, CA.

Hearing Board (Alternate Public Member 2023-present)  
 Bay Area Air Quality Management District  
 San Francisco, CA.

President (2019-2021)  
 Secretary-Treasurer (2010-2018), President-elect 2019  
 Pacific Coast Obstetrical and Gynecological Society

President (2008-2009) Society President Emeritus (2021- present)  
 Society Secretary- Treasurer (1998-2008)  
 San Francisco Gynecological Society

Section Chair(1997-2000), Vice-chair(1994-1997) District IX  
 (Section 2) American College of Obstetricians and Gynecologists  
 Scientific Program Chair, ACOG ADM VII & IX, Vancouver,  
 1997, Chair, Host Committee- 2010 ACOG ACM-San Francisco

Medical Advisory Board  
 The Triplet Connection  
 Stockton, California

Special Reviewer  
 Obstetrics and Gynecology  
 Journal of the American College of Obstetricians and  
 Gynecologists, Washington, D.C.  
 American Journal of Obstetrics and Gynecology  
 Bridgewater, NJ

Panel Member  
 DATTA, Diagnostic and Therapeutic Technology Assessment  
 American Medical Association  
 Chicago, Illinois

Advisory Board  
 Health Pregnancy Magazine

The Parenting Group and the American College of Obstetricians  
and Gynecologists

- Education: Brooklyn Technical High School- Brooklyn, New York- 1972  
Honors:  
1971, 1972- Columbia Press Awards
- Harvard College, Cambridge, Massachusetts. A.B. *cum laude* 1977  
Honors:  
1972-1977 Harvard National Scholar  
1972-1977 Harvard Club of New York Scholar  
1977 Jack Gilbert Memorial Award  
1977 David McCord Prize  
Tufts University School of Medicine, Boston, Massachusetts  
M.D., 1981  
Honors:  
1979 CIBA Award in Medicine  
1981 Columbia Press Award  
1981 Harry H. Brenner Award in OB/GYN
- University of California, San Francisco, California  
Residency in Obstetrics and Gynecology, 1981-1985  
Honors:  
1985 Administrative Chief Resident  
1985 American Association of Gynecologic Laparoscopists  
Award  
1985 UCSF Dept. of OB/GYN Chief Resident Teaching Award
- Government Service Chief of Service and OB-GYN Chair, Senior Surgeon,  
Commissioned Corps  
Commander, United States Public Health Service  
1989-1992 Department of Obstetrics and Gynecology  
Gallup Indian Medical Center  
Gallup, New Mexico
- Associate Clinical Professor (1989-1992)  
Department of Obstetrics and Gynecology  
University of New Mexico School of Medicine  
Albuquerque, New Mexico
- Other Honors: 1981 Rolex Award for Enterprise (nominee-cadiovectometry)  
1986 Children's Hospital San Francisco Faculty Teaching Award



- 1986 First Prize, Best Junior Fellow Research Paper District VIII/IX, American College of Obstetricians and Gynecologists
- 1987 First Prize, Best Research Paper, District VIII/IX, American College of Obstetricians and Gynecologists  
1989-Medical Design Excellence Awards, MDEA (Nominee- Miniature Infusion Pump).
- 1991 Public Health Service Citation, USPHS
- 1992 Surgeon General's Service Citation, USPHS
- 1993 UCSF/CPMC teaching award
- 1994 UCSF/CPMC teaching award
- 1995 UCSF/CPMC teaching award
- 1996 UCSF/CPMC teaching award
- 1997 UCSF/CPMC teaching award
- 1998 UCSF Dept. of OB/GYN Clinical Faculty Teaching Award
- 1999 UCSF/CPMC teaching award
- 1999 Sutter Health Systems Service Award
- 2000 UCSF/CPMC teaching award
- 2001 ACOG District IX Award for Outstanding Service
- 2002 UCSF/CPMC teaching award
- 2003 UCSF/CPMC teaching award
- 2004 UCSF/CPMC teaching award
- 2005 UCSF/CPMC teaching award
- 2006 UCSF/CPMC teaching award
- 2007 Wishes for Wellness Foundation (Lifetime Achievement Honoree) Women's and Infant's Health.
- 2009 UCSF OB-GYN Outstanding Resident teaching
- 2010 UCSF Special Recognition Award- Medical Education
- 2011 UCSF OB-GYN Outstanding Student Teaching Award
- 2011 UCSF OB-GYN Outstanding Resident Teaching
- 2012 UCSF OB-GYN Outstanding Student Teaching Award
- 2012 UCSF OB-GYN Outstanding Resident Teaching
- 2013 UCSF OB-GYN Outstanding Student Teaching Award
- 2013 UCSF OB-GYN Outstanding Resident Teaching Award
- 2016 UCSF OB-GYN Outstanding Student Teaching Award
- 2018 UCSF OB-GYN Outstanding Student Teaching Award

	<p>2019 Dartmouth-Geisel OB-GYN Outstanding Student Teaching Award</p> <p>2019- UCSF OB-GYN Outstanding Student Teaching Award</p> <p>2020 UCSF OB-GYN Outstanding Student Teaching Award</p>
State Licensure	California, Physician and Surgeon Board Certified in Obstetrics and Gynecology 1987, recertified 1997, 2007, 2008, 2009, 2010-2024
Memberships	<p>Fellow: American College of Obstetricians and Gynecologists</p> <p>American Medical Association</p> <p>California Medical Association</p> <p>San Francisco Medical Society</p> <p>San Francisco Gynecological Society (Secretary/Treasurer (2003-2006), President-Elect (2007), President (2008-2009).</p> <p>Pacific Coast Obstetrical and Gynecological Society</p> <p>American Association of Gynecologic Laparoscopists</p>
Committees	
Present	<p>Care of the Gynecological Patient (QA), {Chair}</p> <p>Perinatal Committee</p> <p>Patient Care Committee (Physician's Re-imburement Fund) Chair</p>
Previous Committees	<p>Pharmacy and Therapeutics Committee</p> <p>GYN Quality Assurance Committee</p> <p>Utilization Review Committee</p> <p>Disaster and Relief Committee</p> <p>Perinatal Information Transfer Committee</p> <p>New Technology Surgical Committee</p> <p>Chief of Services Executive Committee</p>
Invited Presentations	<p>Children's Hospital of San Francisco, 06/84</p> <p>University of California, San Francisco, 11/84</p> <p>University of California, San Francisco, 06/85</p> <p>San Francisco General Hospital, 06/85</p> <p>University of California, San Francisco, 02/87</p> <p>NAACOG, California, 03/87</p> <p>University of Hong Kong, 10/87</p> <p>People's Hospital, Guangzhou, China, 10/87</p>

University of Hawaii, 10/87  
 Stanford University, 02/88  
 Western Perinatal Association, 05/88  
 Pacific Medical Center, 05/88  
 Orange County OB/GYN Society, 06/88  
 University of California, Irvine, 06/88  
 North Coast Perinatal Association, 06/88  
 Women's Hospital, Houston, Texas, 06/88  
 Good Samaritan Hospital, Phoenix, AZ, 06/88  
 Northside Hospital, Atlanta, Georgia, 07/88  
 John Muir Hospital, San Jose, CA. 08/88  
 Utah Perinatal Association, 09/88  
 University of Pennsylvania, 10/88  
 Georgetown University, 10/88  
 ASPO/ LaMaze, National Meeting, 10/88  
 National Perinatal Association, 10/88  
 Univ. of California, Davis, 11/88  
 Assistance Publique, Hopitaux de Paris, 11/88  
 Univ. of Lund and Linkoping, Sweden, 11/88  
 National Univ., Copenhagen, Denmark, 11/88  
 Grant Hospital, Columbus, OH, 01/89  
 Univ. of Washington, 02/89  
 Swedish Hospital, Seattle, WA., 02/89  
 Alexian Brothers Hospital, San Jose, CA., 03/89  
 Continental Gyn. Society, Louisville, KY, 05/89  
 Presbyterian Hospital, Newport Beach, CA., 06/89  
 St. Joseph Hospital, Denver, CO., 06/89  
 Scripps Hospital, LaJolla, CA., 06/89  
 Kaiser Hospital, Walnut Creek, CA.06/89  
 Creighton University, Omaha, Nebraska, 06/89  
 Providence Hospital, Anchorage, Alaska, 08/89  
 Northside Hospital, Atlanta, Georgia, 10/89  
 Ohio State Univ., Dayton, Ohio, 12/89  
 Miami Valley Hospital, Dayton, Ohio, 12/89  
 Medical City Hospital, Dallas, Texas, 01/90  
 NAIHS Annual Meeting, Telluride CO., 02/90  
 HEB Medical Center, Bedford, Texas, 02/90  
 UCSF Dept. Anesthesia Postgraduate Course, 03/90  
 National NAACOG Meeting, Chicago, Illinois, 03/90  
 Food and Drug Administration, Washington, D.C. 03/90  
 Prevention of Prematurity- Annual Meeting, Miami, FL-  
 03/90  
 Bayfront Medical Center, Tampa, FL., 04/90  
 Royal Victorian Hospital, Quebec, Canada, 05/90  
 Queen's University, Kingston, Ontario, 05/90  
 Buffalo General Hospital, Buffalo, N.Y., 06/90

New Jersey OB/GYN Society, 06/90  
 District X ACOG ADM, Tulsa, Oklahoma, 09/90  
 IHS Postgraduate Course, Aurora, CO., 09/90  
 IHS Postgraduate Course, Aurora, CO., 09/90  
 Shiprock Indian Hospital, Shiprock, NM, 10/91  
 Presbyterian Hospital, Dallas, Texas, 01/91  
 St. Vincent's Hospital, Santa Fe, N.M., 10/91  
 Roanoke OB/GYN Society, Roanoke, Virginia, 11/91  
 Wake Medical Center, Raleigh, NC, 11/91  
 Harris Methodist Hospital, Fort Worth, TX, 11/91  
 Texas Tech University, Odessa, TX, 01/92  
 Plano General Hospital, Plano, TX, 01/92  
 Charlton Methodist Hospital, Dallas, TX 02/92  
 March of Dimes Conference, Dallas, TX, 03/92  
 Oklahoma City OB-GYN Society, 04/92  
 Baylor University Hospital, Garland, TX, 05/92  
 University of Minnesota, (Fairview), Minneapolis, 05/92  
 International PVO Conference, Shiprock, NM, 06/92  
 Methodist Hospital, Minneapolis, Minnesota, 07/92  
 Parkland Hospital, Dallas, TX, 08/92  
 Stanford University Hospital, Stanford, CA, 03/97  
 UCSF-AIM Course, 1997  
 ACOG District VIII & IX ADM, Vancouver, BC, 08/97  
 Food and Drug Administration, Washington, D.C., 03/99  
 Pacific Medical Center, San Francisco, CA, 05/99  
 Southwest Perinatal Conference, Phoenix, AZ, 11/2000  
 Blue Shield Advisory Panel, Los Angeles, CA, 03/2002  
 Pacific Coast Obstetrical and Gynecological Society, HI  
 10/05  
 California Board of Administrative Judges, (consultant)  
 3/07  
 San Francisco Gynecological Society-Presidential Address  
 5/09  
 CPMC Grand Rounds, Neuroprotection in Very-low  
 Birthweight Infants." Lam F *et al.* 10/2016.  
 CPMC Grand Rounds, , "Maternal Cardiac Arrest-  
 Pulseless Electrical Activity(PEA)- First Response". Lam F  
*et al.*12/2017  
 CPMC Pediatric Grand Rounds, ,Delayed Cord Clamping-  
 Risks and Benefits for the Newborn.. Lam F *et al* 10/2019  
  
 UCSF-Caltech Research Symposium- Laser Optical  
 Coherence Tomography and "Confocal Laser  
 Endomicroscopy in the Diagnosis of Gynecological  
 Cervical Dysplasia". Lam, F., 9/2021

88<sup>th</sup> Annual Presidential Address, “War Stories, Metaphors in Medicine”. Pacific Coast Obstetrical and Gynecological Society. San Francisco, 9/2021

Abstracts and  
Publications:

Failure to Demonstrate Decreased Beta-Adrenergic Receptor Concentration or Decreased Agonist Efficacy in Term or Preterm Human Parturition. Dattel B, Lam F, and Roberts J, American Journal of Obstetrics and Gynecology 154: 450-6, 1986

Tubo-cornual Re-implantation. chapter in Atlas of Surgery for Female Infertility., Hunt RB, Ed, Levinson CJ, Lam F, (Boston) 1986

Use of the Subcutaneous Terbutaline Pump for Long Term Tocolysis. Lam F, Gill P, Smith M, *et. al.*, Obstetrics and Gynecology 70:852, 1987. Also 1<sup>st</sup> prize Junior Fellow Paper, 1986 District VIII-IX Annual Meeting, American College of Obstetricians and Gynecologists, November, 1986

The Impact of Portable Tocodynamometry and Subcutaneous Terbutaline Pump Therapy on Preterm Birth in a Private Obstetrical Practice. Lam F, Graves WK, Peacock WG, Westberg JA and Webb GA. 1<sup>st</sup> Prize Paper, 1987 District VIII-IX Annual Meeting, American College of Obstetricians and Gynecologists. September, 1997

Comparison of Subcutaneous Portable Terbutaline Pump and Oral Terbutaline Treatment for Long Term Tocolysis: A Randomised Clinical Trial. Lam F, Gill P, Smith M *et. al.* Abstract at the Society of Perinatal Obstetricians. February 1988

The Pharmacokinetic Impact on the Pharmacodynamic Effect of Subcutaneous Terbutaline in the Treatment of Preterm Labor. Lam F, and Klotz R., Paper presented at the Continental Gynecologic Society. April, 1989

Minature Pump Infusion of Terbutaline: An Option in Preterm Labor. Lam F. Contemporary OB/GYN Vol. 33, No. 1 1989

A New Technique for Reduction of Prolapsed Fetal Membranes for Emergency Cervical Cerclage. Scheerer LJ, Lam F, Bartolucci L, *et al.* *Obstetrics and Gynecology* 74:408, 1989

Beyond the Perinatal Database: A Macintosh Based Perinatal Information System. Main EK, and Lam F. Paper at the Society of Perinatal Obstetricians, 10<sup>th</sup> Annual Meeting. January, 1990

Terbutaline Levels During Tocolysis via Portable Pump. Katz M, Belluomini J, Lam F, *et al.* Abstract, Society for Perinatal Obstetricians. San Francisco, CA 1992

Ambulatory Tocolysis. Lam F, Gill P. Chapter in Multiple Pregnancy. Keith LG, Papiernik-Berkhauer E, and Keith DM, Ed. Parthenon Publishing Group. Carnforth, Lancs. United Kingdom. 1995

Pregnancy Prolongation and Route of Tocolytic Administration in Patients with Singleton Gestation. Lam F, Bergauer N, *et al.* Abstract at the Society of Perinatal Obstetricians. 18<sup>th</sup> Annual Meeting. Miami, Florida 1998. *American Journal of Obstetrics and Gynecology* 178S180, 1998

Clinical Issues Surrounding the Use of Terbutaline Sulfate for Preterm Labor. Lam F, Elliot J, Jones S *et al.* *Obstetrics and Gynecology Survey*, Suppl. 53:11, 1998

Pregnancy Prolongation in 386 Twin Gestations Treated with Oral and Subcutaneous Terbutaline. Lam F, Bergauer N, *et al.* Poster at the American College of Obstetricians and Gynecologists. 47<sup>th</sup> Annual Clinical Meeting. Philadelphia, PA. May, 1999

A Comparison of Gestational Days Gained With Oral Terbutaline Versus Continuous Subcutaneous Terbutaline in Women With Twin Gestations. Lam F, Bergauer N, *et al.* *Journal of Perinatology.* November; 20(7) 408-13. 2000

Subcutaneous Terbutaline Therapy in Triplet Gestation. Lam F, Gill P. Chapter in Triplet Pregnancies and Their Consequences. Keith LG, and Blickstein I, Ed. Parthenon Publishing Group. London. United Kingdom. 2002

Managing Perinatal Outcomes: The Clinical- and Cost-Effectiveness of Pharmacologic Treatment of Recurrent Preterm Labor. Lam F, Istwan NB, Jacques D, *et al.* *Managed Care.* July : (39-46). 2003

Inhibition of Preterm Labor and Subcutaneous Terbutaline Pump Therapy. Lam F and Gill P. in Multiple Pregnancy: Epidemiology, Gestation and Perinatal Outcome. Blickstein I and Keith LG, editors. London: Taylor & Francis; (601-25) 2005

Beta-Agonist Tocolytic Therapy. Lam F and Gill P. Chapter in Obstetrics and Gynecology Clinics of North America. Morrison, J. ed. 32(457-484). 2005

Evaluation of the Pregnancy Prolongation Index (PPI) as a Measure of Success of Obstetrical Interventions in the Prevention of Preterm Birth and Associated Morbidities. Lam F, Istwan NB, Rhea D *et al.* *Am J Obstet Gynecol.* 192(6): 2047-52; discussion 2053-4. Jun, 2005

Using Meta-Analysis Methodology to Evaluate Treatment of Preterm Labor. Poster, 57<sup>th</sup> Annual Clinical Meeting, American College of Obstetricians and Gynecologists, May, 2009. Chicago, Illinois

Lam, F Primary Investigator / Multicenter trials (2011-present):

“A Multicenter, Open Label, Randomized Study of the Contraceptive Efficacy and Safety of Amphora Gel Compared to Conceptrol Vaginal Gel”. Lam F. *et al.* 2011-2015

“A Phase 3, Randomized, Three-cycle Double-blind, Placebo-controlled Study to evaluate Induction of Secretory Conversion of Endometrium and Withdrawal bleeding After Administration of TX-12-002-HR in Estrogen-Primed Women with Secondary Amenorrhea”. Lam F *et al.* 2013-2014

“A Single-arm, Open-label, Multicenter, Phase 3 Study of the the Contraceptive Efficacy, Safety and Tolerability of the the AG200-15 Transdermal Contraceptive Delivery System (TCDS), Agile Therapeutics, Inc”. Lam F, *et al.* 2014-2017

“A Phase 3, Single-arm, Clinical Trial to Study the Contraceptive Efficacy and Safety of the MK8342B (etonogestrel + 17b-estradiol) Vaginal Ring in Healthy Women 18 Years of Age and Older at Risk for Pregnancy. Merck & Co.”. Lam F *et al.* 2015-2017

“Evaluation of the Effectiveness, Safety and Tolerability of the ContraMed Veracept Intrauterine Copper Contraceptive for Long-Acting Reversible Contraception. ContraMed LLC”. Lam F *et al.* 2015-2019

“A Multicenter, Open-label, Single-arm Study to Evaluate the Contraceptive Efficacy and Safety of a Combined Oral Contraceptive Containing 15 mg. Esterol and 3 mg. Drospirenone. Estetra SPRL”. Lam F *et al.* 2016-2019

“Evaluation of the Effectiveness, Safety and Tolerability of Levocept (Levonorgestrel-Releasing Intrauterine System) for Long-Acting Reversible Contraception. ContraMed LLC.”. Lam *et al.* 2016-present

“A Single-arm, Phase III, Open-label, Multicenter, Study in Women Aged 18-35 Years of the Contraceptive Efficacy and Safety of Amphora Contraceptive Vaginal Gel. Evofem Inc.”. Lam F *et al.* 2017-2019

“A Phase 3, Prospective, Multi-Center, Single-Arm, Open-Label Study to Evaluate VeraCept®, a Long-Acting Reversible Intrauterine Contraceptive for Contraceptive Efficacy, Safety, and Tolerability” Lam F *et al.* 2018-present.

“A Phase 3, Multicenter, Open-Label Single Arm Study of MR-100A-01 in Women of Childbearing Potential to Evaluate Contraceptive Efficacy and Safety”. 2021(in progress).

\*\*\*\*\*



## EMPLOYMENT APPLICATION



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

## BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 Beale Street Suite 600  
San Francisco, California 94105  
415-749-4980

<http://www.baaqmd.gov>

**Kashyap, Harish  
ET23.6.21 HEARING BOARD MEMBER**

Received: 7/22/23 11:56 PM

**For Official Use Only:**

QUAL: \_\_\_\_\_

DNQ: \_\_\_\_\_

Experience

Training

Other: \_\_\_\_\_

## PERSONAL INFORMATION

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Kashyap, Harish		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████, Milpitas, California 95035		<b>EMAIL ADDRESS:</b> ██████████
<b>HOME PHONE:</b> ██████████		<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: GA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Master's Degree		

## PREFERENCES

<b>MINIMUM COMPENSATION:</b> \$0.00 per year	<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Temporary, Seasonal	
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Part Time, Per Diem	
<b>SHIFTS YOU WILL ACCEPT:</b> Evening, Night, Weekends	
<b>OBJECTIVE:</b> Interested in sustainability, Data Analytics, AI	

## EDUCATION

<b>DATES:</b> From: 9/2005 To: 5/2009	<b>SCHOOL NAME:</b> Northeastern University	
<b>LOCATION:</b> (City, State/Province) Boston, Massachusetts	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Master's
<b>MAJOR:</b> Electrical Engineering		

## WORK EXPERIENCE

<b>DATES:</b> From: 2/2023 To: Present	<b>EMPLOYER:</b> MIT Horizon	<b>POSITION TITLE:</b> AI Subject Matter Expert
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████, Cambridge, Massachusetts		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 6		
<b>DUTIES:</b> Serving on the AI Subject Matter Expert team.		
<b>DATES:</b> From: 9/2018 To: 10/2020	<b>EMPLOYER:</b> Amazon Robotics	<b>POSITION TITLE:</b> Machine Learning Scientist
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████ Westborough, Massachusetts		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> ██████████ /month	
<b>DUTIES:</b> Research & Development in AI and Computer Vision.		

## CERTIFICATES AND LICENSES

Nothing Entered For This Section

## Skills

**OFFICE SKILLS:**

Typing:  
Data Entry:

**OTHER SKILLS:**

Python - Expert - 10 years and 0 months  
Artificial Intelligence - Expert - 6 years and 0 months  
Sustainability - Beginner - 3 years and 0 months

**LANGUAGE(S):**

English -  Speak  Read  Write

**ADDITIONAL INFORMATION**

Nothing Entered For This Section

**REFERENCES**

Nothing Entered For This Section

**Agency-Wide Questions**

1. **How did you find out about this position?**  
Job board/website (list specific under "other")
2. **If other, please tell us where.**  
linkedin
3. **Are you currently legally authorized to work in the United States on a full-time basis?**  
Yes
4. **Are you related to any District employee or Board member?**  
No
5. **Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**  
No
6. **If related to a District employee or Board member, what is their name and their relationship to you?**  
NA

**Job Specific Supplemental Questions**

1. **Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**  
I have done research on AI and emission of green house gases in United States.
  2. **Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**
  3. **Please list relevant accomplishments, publications, or awards.**  
MIT Horizon - AI Subject Matter Expert  
3+ Patents files, 8+ Publications  
AI Advisory Board at Microsoft  
Instructor at Stanford continuing studies
  4. **The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**  
Yes.
- 

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand the the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Harish Kashyap on 7/22/23 11:56 PM

# Harish Kashyap

Achieving sustainability by routing, algorithms, ML, Statistical Methods & Signal Processing



## Summary

Extensive experience in engineering related to traffic routing, computer science, and operations research, and proficiency in data analytics, network analysis, machine learning, and statistical methods. Proven ability to lead sponsored research programs, manage research group contracts, and deliverables with research sponsors, and publish industry reports, patents & academic papers. Skilled in advising undergraduate and graduate interns, and drafting proposals.

## RELEVANT EXPERIENCE

**MIT Horizon, Cambridge, MA - AI Subject Matter Expert, Feb 2023 - Present** *Part-time (2 - 6 week periods in a year)*  
Curating and contributing AI content to MIT's Horizon initiative.

**Colaberry, Boston, MA - Lead AI Scientist (sustainability)**  
Marc 2016 - Oct 18, Mar 2022 - Nov 2022

- Lead sponsored research programs including contracts, deliverables, and funding proposals
- Developed models for emission of greenhouse gasses such as methane, CO, depending on introduction of new industries, population growth, and other factors.
- Developed near best routing technology using data analytics and AI
- Advised graduate and undergraduate interns on related projects
- Produced several industry reports and academic papers
- Consulted through Voyagenius Labs LLP, India between Mar 16 to Oct 18
- *Best paper award at ICMLA, Copenhagen*

**Path Robotics, Remote, Wellesley, MA — Sr. Machine Learning Scientist**  
Nov 2020 - Oct 2021

Conducted research and analysis in areas of path planning and data analytics and image processing using Pytorch and Python. (Patent in process).

## SKILLS

Python, Pytorch, pandas, sklearn, pgmpy, markov modeling, time-series, ML, image & signal processing, video processing, opencv, Matlab, Perl, Golang.

## AWARDS

AI Subject Matter Expert: MIT Horizon

**Re: Mars** Mention of works in Amazon event. Two first author patents.

**Best Presentation Award** - ICMLA 2017, International Conference on Machine Learning Applications - June 2017

**Travel Grant, PIMS** Graduate Industrial Math Modeling Camp and Industrial Problem Solving Workshop, Canada - June 9-20, 2008

**Graduate Student Award, Scholarship** for graduate studies, Northeastern University

## **Amazon Robotics, Westborough, MA — Machine Learning Scientist**

Oct 2018 - Nov 2020

- Worked in the areas of perception, Digital Signal Processing (DSP), probabilistic, statistical ML, and deep learning algorithms to robotics that have customer impact. Worked on RC3D, C3DFast, and other models.
- Developed algorithms for detection of successful picks by the robotic arm by processing of sensor signals using Gaussian Multidimensional HMMs. Patent Pending.
- Automated the detection of barcodes on packages using CV based methods. This algorithm is the main algorithm that drives the scanner and is reported in Amazon Science, The Verge [3, 4]. Patent Pending.

## **Voyagenius Labs LLC, Mysore, India — Co-Founder & CTO**

March 2016 - Present

- Founded a bootstrapped startup that can plan near best routes for any destination.
- Apps using the API featured in iTunes "Travel New", "What's Hot" sections.
- AI consulting with several top firms.

## **Nokia, Burlington, MA — Senior Engineer**

Jun 2010 - Feb 2012

- Developed data analytics APIs and tools related to various programs for Nokia and their clients. Created APIs to generate statistics related to data of various programs within Nokia and its clients in Europe.

## **BBN Technologies/Northeastern University — Graduate Research Assistant**

Sep 2005 - Sep 2009

- Worked on Automatic Speech Recognition (ASR) algorithms on Arabic speech/audio signals such as confidence estimation, system combination of algorithms to improve speech accuracy. This work resulted in a thesis. Perl

## **INTERNSHIPS**

### **MERL, Cambridge, MA — Research Intern**

- Designed and implemented an algorithm for building a topic-based language model for the automotive domain.
- Developed a new algorithm for efficient heating and cooling of

rooms.

Schlumberger Doll Research, Cambridge, MA — Research Intern

Implemented an MCMC based probabilistic generative algorithm to populate 3D geological images given sparse data. (Patent)

## EDUCATION

**Northeastern University, Boston, MA — MS, EE, May 2009**

**Thesis: BBN Technologies:** Developed system combination techniques using bayesian methods at word level and system level. Advisors: John Makhoul, Spyros Matsoukas

**The National Institute of Engineering, Mysore, India — BE, EE, Jun 2002**

**Thesis:** Classification of Power System Faults using Wavelet Transforms and Probabilistic Neural Networks

## Patents

- Method to detect seam in 3D point clouds with High Precision - *TBF Oct 21*
- Validation of a Robotic Manipulation Event Based on a Classifier - *Filed Nov 2020*
- A Robust Auto Calibration System of Gaussian Kernels for Object Identification - *Filed Nov 2020*
- Systems and Methods for Providing Near Best Itinerary Planning for Touring Locations Based on User Interests., *Filed 2017*
- Generating Facies Probability Cubes, US Patent, *Sep 2014*

## Select Publications

1. "Robin deals with a world where things are changing all around it", <https://www.amazon.science/latest-news/robin-deals-with-a-world-where-things-are-changing-all-around-it>
2. "Amazon's robot arms break ground in safety and technology", <https://www.amazon.science/latest-news/amazon-robotics-see-robin-robot-arms-in-action>
3. AR-ID, "Amazon employee-led feedback inspired the creation of this robot", <https://www.youtube.com/watch?v=RKyvfF5-36k>
4. "10 years of Amazon robotics: how robots help sort packages, move product, and improve safety" <https://www.aboutamazon.com/news/operations/10-years-of-amazon-robotics-how-robots-help-sort-packages-move-product-and-improve-safety>
5. "Negative Binomial Classifier for Record Linkage", Computing Conference, London, Jul 2022
6. Harish Krishnamurthy, Anna Lafontant, Ren Yi, A Time-Series Cluster Space

Search Scheme for Localization of Geospatial Events in the UFO database.,  
**Best Presentation Award**, International Conference on Machine Learning  
Applications (ICMLA), Copenhagen, June 2017. ICMLA 2017.

7. Harish K Kashyap, "Study of Algorithms to combine multiple Automatic  
Speech Recognition System(ASR) outputs", Masters Thesis
8. Other publications on google scholar



**EMPLOYMENT APPLICATION**

**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

375 Beale Street Suite 600  
San Francisco, California 94105  
415-749-4980  
<http://www.baaqmd.gov>

**Buffum, Frank  
ET23.6.21 HEARING BOARD MEMBER**

**Received: 7/21/23 3:26  
PM**

**For Official Use Only:**

QUAL: \_\_\_\_\_

DNQ: \_\_\_\_\_

Experience

Training

Other: \_\_\_\_\_

**PERSONAL INFORMATION**

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Buffum, Frank		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] San Francisco, California 94118		<b>EMAIL ADDRESS:</b> [REDACTED]
<b>HOME PHONE:</b> [REDACTED]		<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Bachelor's Degree		

**PREFERENCES**

Nothing Entered For This Section

**EDUCATION**

<b>DATES:</b> From: 1/1987 To: 12/1988	<b>SCHOOL NAME:</b> University of California, Berkeley	
<b>LOCATION:</b> (City, State/Province) Berkeley, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> English		

**WORK EXPERIENCE**

<b>DATES:</b> From: 4/2000 To: 5/2020	<b>EMPLOYER:</b> Dolby Laboratories	<b>POSITION TITLE:</b> Sr. Manager, Technical Communications
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) San Francisco, California, 94103		<b>COMPANY URL:</b> dolby.com
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40	<b># OF EMPLOYEES SUPERVISED:</b> 30	
<b>DUTIES:</b> Please see resume attached/included		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/1999 To: 4/2000	<b>EMPLOYER:</b> Self	<b>POSITION TITLE:</b> Contract Technical Writer
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Oakland, California		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Contracts in telecom, audio engineering, business services.		
<b>REASON FOR LEAVING:</b> [REDACTED]		

**CERTIFICATES AND LICENSES**

Nothing Entered For This Section

**Skills**

Nothing Entered For This Section

**ADDITIONAL INFORMATION**

Nothing Entered For This Section

**REFERENCES**

**Nothing Entered For This Section**

**Agency-Wide Questions****1. How did you find out about this position?**

Job board/website (list specific under "other")

**2. If other, please tell us where.**

volunteermatch.org

**3. Are you currently legally authorized to work in the United States on a full-time basis?**

Yes

**4. Are you related to any District employee or Board member?**

No

**5. Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**

No

**6. If related to a District employee or Board member, what is their name and their relationship to you?**

NA

**Job Specific Supplemental Questions**

1. **Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**  
My undergraduate study included an Environmental Studies survey that shaped my understanding, comprehension and analysis of air quality and how it both affects and reflects human and other life, ever since. As a long-time member/supporter of NGOs including the Union of Concerned Scientists and Oceana, my education in the area has been ongoing ever since.  
I do not have Board experience.
  2. **Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**  
Society for Technical Communication  
My long history of working successfully with advanced engineering concepts, products, and personnel would serve this Board well.
  3. **Please list relevant accomplishments, publications, or awards.**  
None. In my career in a corporate setting, I focused on achieving business objectives, not public recognition.
  4. **The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**  
Yes
- 

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand that the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Frank Buffum on 7/21/23 3:26 PM

# Frank Buffum

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██████████ • San Francisco, CA • ██████████

## Summary

Accomplished expert in delivering complex information as a coherent package. Analyzes challenges, builds alliances, works with teams to deliver customer oriented long-term value.

## Experience

📍 Dolby Laboratories, San Francisco

### **Sr. Manager, Technical Communications, Consumer Entertainment Group**

2016 – 2020

- Championed multi-year transformation of customer experience to portal-based delivery of all content, including all engineering product lines as well as documentation, through successful launch of portal. Led worldwide tech comms team, including specialists in writing, illustration, editing, localization, publishing engineering, as well as regional managers across the globe, in a consolidated business group dedicated to delivering audio and video technology across all types of consumer experiences. Oversaw tech comms infrastructure for, and coordination with other business groups.

### **Sr. Manager, Technical Publications, E-Media Business Group**

2012 – 2016

- Directed business focus to supporting delivery of audio technologies for internet-connected consumer devices of all types, as well as explorations of areas such as VR. Led council of managers across business groups who managed tech writers, including some without tech comms background. Made business case to migrate content management systems and authoring method to industry-standard DITA-based authoring, across all authors in all business groups. Spearheaded effort to charter a publishing portal to transform customer experience.

### **Sr. Manager, Technical Publications**

2006 – 2012

- Expanded team as company acquired and opened engineering offices worldwide. Supported all lines of business. Made business case and executed transition to authoring content in a Content Management System, taking on System Administration of that system personally. Established Tech Pubs as key stakeholder in project planning and execution. Innovated hiring practices, ensuring trust in staff hired. Established Localization standards. Hired second manager for growing team.

# Frank Buffum

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• San Francisco, CA •

## **Manager, Technical Publications**

2002 – 2006

- Took on management of existing tech writers for professional products. Expanded services to include the technology licensing business. Drove demand for tech writing by demonstrating business value; increased team staffing. Made case to senior management to enable adoption of industry standard desktop publishing tool in tech publications.

## **Technical Writer**

2000 – 2002

- Wrote and produced documentation for professional audio product users, and licensed technology product developers.

## **Contract Tech Writer**

Self Employed

1999 – 2000

- Contracts in telecom, audio engineering, business services.

## **Skills and Training**

Project Management, Program Management, Mindful Leadership, Emotional Intelligence, Durable Hiring Process, Content Strategy, Content Management Systems, Content Development, Customer Experience, User Experience.

*References available upon request.*

## EMPLOYMENT APPLICATION



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

## BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 Beale Street Suite 600  
San Francisco, California 94105  
415-749-4980

<http://www.baaqmd.gov>

**HILLIARD, GENA  
ET23.6.21 HEARING BOARD MEMBER**

Received: 7/19/23 11:58 PM

**For Official Use Only:**

QUAL: \_\_\_\_\_

DNQ: \_\_\_\_\_

Experience

Training

Other: \_\_\_\_\_

## PERSONAL INFORMATION

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) HILLIARD, GENA		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████ OAKLAND, California 94605		<b>EMAIL ADDRESS:</b> ██████████
<b>HOME PHONE:</b> ██████████	<b>ALTERNATE PHONE:</b> ██████████	<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Master's Degree		

## PREFERENCES

<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Regular, Temporary, Seasonal
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Full Time, Part Time, Per Diem
<b>SHIFTS YOU WILL ACCEPT:</b> Day, Evening, Night, Rotating, Weekends, On Call (as needed)
<b>OBJECTIVE:</b> Competitive Paying Job, Flexible Work Schedule, Limited/No Supervision, Travel ability

## EDUCATION

<b>DATES:</b> From: 9/2007 To: 6/2011	<b>SCHOOL NAME:</b> SAN FRANCISCO STATE UNIVERSITY	
<b>LOCATION:</b> (City, State/Province) SAN FRANCISCO, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> SOCIOLOGY		<b>UNITS COMPLETED:</b> 1000 - Semester
<b>DATES:</b> From: 9/2004 To: 6/2007	<b>SCHOOL NAME:</b> COLLEGE OF ALAMEDA	
<b>LOCATION:</b> (City, State/Province) ALAMEDA, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Associate's
<b>MAJOR:</b> LIBERAL ARTS/SOCIOLOGY		<b>UNITS COMPLETED:</b> 1000 - Semester
<b>DATES:</b> From: 9/2000 To: 6/2004	<b>SCHOOL NAME:</b> OAKLAND SENIOR HIGH SCHOOL	
<b>LOCATION:</b> (City, State/Province) OAKLAND, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> High School Diploma
<b>DATES:</b>	<b>SCHOOL NAME:</b> California State University East Bay	
<b>LOCATION:</b> (City, State/Province) Hayward, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Master's
<b>MAJOR:</b> Public Administration/Public Policy		<b>UNITS COMPLETED:</b> 24 - Semester

## WORK EXPERIENCE

<b>DATES:</b> From: 5/2007 To: Present	<b>EMPLOYER:</b> CHILDREN'S HOSPITAL OAKLAND	<b>POSITION TITLE:</b> SENIOR/LEAD PBX COMMUNICATIONS OPERATOR
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████ OAKLAND, California, 94609		<b>COMPANY URL:</b> <a href="https://www.childrenshospitaloakland.org/main/home.aspx">https://www.childrenshospitaloakland.org/main/home.aspx</a>
<b>PHONE NUMBER:</b> ██████████	<b>SUPERVISOR:</b> ██████████ - MANAGER	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>HOURS PER WEEK:</b> 34	<b>SALARY:</b> \$ [REDACTED] /month	<b># OF EMPLOYEES SUPERVISED:</b> 9
<b>DUTIES:</b> TELECOMMUNICATIONS OPERATOR CHILDREN'S HOSPITAL OAKLAND 05/2007- PRESENT Senior Operator providing Leadership and advanced skills/expertise to new incumbents. <ul style="list-style-type: none"> <li>• Answered high volume of incoming calls from the public utilizing a multi-line phone system</li> <li>• Utilized both digital and analog phone system</li> <li>• Provided answers to questions and concerns from the public</li> <li>• Transferred calls and directed inquires to appropriate/correct destination</li> <li>• Answered and coordinated responses to emergency and security situations: traumas, codes (blue, red, med STATs, child abductions, bomb threats, weapons)</li> <li>• Monitored alarms and assist engineering department</li> <li>• Liaison with Helicopter Medical Team, Doctors, Security and Staff</li> </ul>		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 2/2022 To: 11/2022	<b>EMPLOYER:</b> City Of Alameda	<b>POSITION TITLE:</b> Administrative Assistant II
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], Alameda, California, 94501		
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - Supervisor	
<b>HOURS PER WEEK:</b> 24	<b># OF EMPLOYEES SUPERVISED:</b> 0	
<b>DUTIES:</b> Answer main line for department Answer general questions from public regarding permit status Help customers navigate City Of Alameda's Permit website Portal. Handled back-end of Permit Center Portal for permit application processing Digitally and manually processed building plans Transfer calls to correct destination Data entry Information research of permit status Handle sensitive /private information		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 7/2014 To: 4/2022	<b>EMPLOYER:</b> KAISER PERMANENTE	<b>POSITION TITLE:</b> PBX COMMUNICATIONS OPERATOR
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] OAKLAND, California, 94611		<b>COMPANY URL:</b> <a href="https://healthy.kaiserpermanente.org/northern-california/facilities/oakland-medical-center-100344">https://healthy.kaiserpermanente.org/northern-california/facilities/oakland-medical-center-100344</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - MANAGER	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 8	<b>SALARY:</b> \$ [REDACTED] /month	<b># OF EMPLOYEES SUPERVISED:</b> 0
<b>DUTIES:</b> <ul style="list-style-type: none"> <li>• Answered high volume of incoming calls from the public utilizing a multi-line phone system</li> <li>• Utilized both digital and analog phone system</li> <li>• Provided answers to questions and concerns from the public</li> <li>• Transferred calls and directed inquires to appropriate/correct destination</li> <li>• Answered and coordinated responses to emergency and security situations: traumas, codes (blue, red, med STATs, child abductions, bomb threats, weapons)</li> <li>• Monitored alarms and assist engineering department</li> </ul>		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 8/2019 To: 2/2022	<b>EMPLOYER:</b> City Of Alameda/Fire Department	<b>POSITION TITLE:</b> Housing Safety/Accessibility Assistant
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] Alameda, California, 94501		<b>COMPANY URL:</b> <a href="http://www.alamedaca.gov">www.alamedaca.gov</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - Manager	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



<b>HOURS PER WEEK:</b> 21	<b># OF EMPLOYEES SUPERVISED:</b> 0	
<b>DUTIES:</b> Evaluate home safety for Seniors/Disabled Persons Coordinate construction and installation of home safety modifications (grab bars, ramps, rails, smoke/carbon monoxide detectors) Maintain inventory of equipment and supplies Determine financial eligibility/budget Verify income (tax documents, social security statements) Perform final inspection of construction/installation of safety modifications Community Outreach Work closely/in concert with EMS, EMT, Fire Dept, Police Dept.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 8/2016 To: 9/2016	<b>EMPLOYER:</b> CONTRA COSTA COUNTY	<b>POSITION TITLE:</b> ELIGIBILITY WORKER/TRAINING
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] HERCULES, California, 94547		<b>COMPANY URL:</b> <a href="http://www.co.contra-costa.ca.us/361/Human-Resources">http://www.co.contra-costa.ca.us/361/Human-Resources</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - MANAGER	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 40	<b># OF EMPLOYEES SUPERVISED:</b> 0	
<b>DUTIES:</b> <ul style="list-style-type: none"> <li>• Heavy public contact in person and over phones.</li> <li>• Conduct interviews.</li> <li>• Assess needs of clients to make appropriate referrals.</li> <li>• Gather and correctly evaluate data for eligibility determination for public assistance (Medi-Cal). Interpret rules and regulations.</li> <li>• Maintain confidential records.</li> <li>• Utilized computer systems and programs</li> </ul>		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 12/2014 To: 8/2016	<b>EMPLOYER:</b> CONTRA COSTA COUNTY	<b>POSITION TITLE:</b> EXCHANGE CUSTOMER SERVICE AGENT
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] MARTINEZ, California, 94553		<b>COMPANY URL:</b> <a href="http://www.co.contra-costa.ca.us/361/Human-Resources">http://www.co.contra-costa.ca.us/361/Human-Resources</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - MANAGER	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 40	<b># OF EMPLOYEES SUPERVISED:</b> 0	
<b>DUTIES:</b> <ul style="list-style-type: none"> <li>• Exchange Customer Service Agent</li> <li>• Answers customer inquiries through multiple system and toll-free telephone numbers for responding to inbound and other calls as necessary;</li> <li>• Handles requests through customer inquiries and complaints, using business knowledge, professionalism, and efficiency, to maximize and facilitate one-call resolution;</li> <li>• Refers unresolved customer complaints to the Customer Service Supervisor or other appropriate staff;</li> <li>• Responds to customers' inquiries, complaints, and refers requests using business knowledge, policy, uniform procedures, professionalism, and efficiency to facilitate one-call resolution</li> </ul>		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 7/2012 To: 7/2014	<b>EMPLOYER:</b> KAISER PERMANENTE	<b>POSITION TITLE:</b> TELE-SERVICE REPRESENTATIVE
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], SAN FRANCISCO, California, 94118		<b>COMPANY URL:</b> KP.ORG
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - MANAGER	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 16	<b># OF EMPLOYEES SUPERVISED:</b> 0	

<b>DUTIES:</b>		
<ul style="list-style-type: none"> <li>• Answer high volume of incoming calls from the public</li> <li>• Scheduled and maintain appointments for twelve medical specialty offices</li> <li>• Typed brief informative correspondence</li> <li>• Managed confidential medical information (Name, Address, Date of Birth, Social Security Number, Medical conditions/history)</li> <li>• Direct calls to appropriate/correct destination</li> <li>• Provided reception and secretarial services for multiple physicians and medical offices</li> </ul>		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 7/2008 To: 11/2010	<b>EMPLOYER:</b> CALTRANS/511.ORG	<b>POSITION TITLE:</b> TRAVELER INFORMATION CENTER OPERATOR
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] OAKLAND, California, 94612		<b>COMPANY URL:</b> <a href="http://www.caltrans.ca.gov/">http://www.caltrans.ca.gov/</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] - MANAGER	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 16	<b># OF EMPLOYEES SUPERVISED:</b> 0	
<b>DUTIES:</b>		
<ul style="list-style-type: none"> <li>• Collecting and disseminating traffic and transit emergency and non-emergency information</li> <li>• Assisting in congestion management in the San Francisco Bay Area.</li> <li>• Utilize software (Traffic and Transit Reporting and Management System (TRAMS) to disseminate information on multiple dissemination channels inclusive of web portal, phone, social media and dynamic message signs.</li> <li>• Responsible for collecting, monitoring and posting of the traffic and transit information.</li> <li>• Disseminate information from California Highway Patrol CAD and Lane Closure System automatically into the Traffic and Transit Reporting and Management System (TRAMS) • Responsible to ensure the incident details are readable and can be understood by the travelers.</li> <li>• Detecting scheduled and unscheduled traffic/transit and incident management events, congestion and travel time imbalances in the geographical coverage area with monitoring and/or surveillance systems</li> </ul>		
<b>REASON FOR LEAVING:</b> [REDACTED]		

#### CERTIFICATES AND LICENSES

<b>TYPE:</b> CPR AND AED	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> CHILDREN'S HOSPITAL OAKLAND

#### Skills

<b>OFFICE SKILLS:</b> Typing: Data Entry:
<b>OTHER SKILLS:</b> AMCOM COMMUNICATIONS SYSTEM - Expert - 10 years and 0 months INTELLIDESK COMMUNICATIONS SYSTEM - Expert - 5 years and 0 months GovClarity.com - Beginner - 1 years and 4 months EVERBRIDGE - Beginner - 1 years and 0 months ACCELA - Beginner - 0 years and 7 months CAMINO - Beginner - 0 years and 7 months
<b>LANGUAGE(S):</b>

#### ADDITIONAL INFORMATION

<b>Volunteer Experience</b> INFORMATION OFFICER Provided court schedule/location info to the public Dublin Courthouse, • FAMILY SERVICES CASE WORKER Simulated certified Family Services Case Workers by assisting them with relief efforts to the victims of Hurricane Katrina Interviewed and solicited information from victims to determine their eligibility for financial aid, housing and other disaster resources. Dispersed financial aid funds to qualified disaster victims • LOCAL CALL CENTER REPRESENTATIVE Assisted with the answering of phone calls from the public during the Hurricane Katrina Disaster Provided the public with inconstant information and updates regarding disaster relief status
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#### REFERENCES

<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Rosie Brooks	<b>POSITION:</b> Senior/Lead Operator
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]

<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> KEVIN JENKINS	<b>POSITION:</b> COUNCIL MEMBER, CITY OF OAKLAND
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Latasha Dunn	<b>POSITION:</b> Office Associate
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]

**Agency-Wide Questions****1. How did you find out about this position?**

District Website

**2. If other, please tell us where.**

<https://www.baaqmd.gov/about-the-air-district/job-opportunities>

**3. Are you currently legally authorized to work in the United States on a full-time basis?**

Yes

**4. Are you related to any District employee or Board member?**

No

**5. Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**

No

**6. If related to a District employee or Board member, what is their name and their relationship to you?**

n/a

**Job Specific Supplemental Questions**

1. **Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**

I do not have experience working with the Air Quality Management District. I do have experience following "Spare The Air" recommendations such as taking public transportation when the air quality is not clear and clean.

I was a member of the UCSF Benioff Children's Hospital Oakland's board responsible for the transition of the hospital to a new Mass Notification System. I had to meet with a group of decision makers to help make decisions on the implementation of the new system and its operations.

2. **Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**

I have no associations with the Hearing Board.

3. **Please list relevant accomplishments, publications, or awards.**

I was able to learn how to operate the permitting portal/database for building and planning permits with the City Of Alameda. I became an intermediate user of the ACCELA and CAMINO permit portal/database. I learned how to issue permits for building and planning projects. I quickly learned rules and regulations and procedures to issuing permits.

4. **The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**

Yes

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The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand the the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by GENA HILLIARD on 7/19/23 11:58 PM

# Gena Hilliard

## EDUCATION

• <b>MASTERS DEGREE</b>	<b>PUBLIC ADMINISTRATION</b> <b>*Focus on Emergency Management</b>
• <b>B.A</b>	<b>SOCIOLOGY</b>
• <b>A.A</b>	<b>LIBERAL ARTS, SOCIOLOGY</b>
• <b>DIPLOMA</b>	<b>GENERAL EDUCATION</b>

## ACCOMPLISHMENTS

- Earned Master Degree in Public Administration while working 3 jobs; During a Pandemic!
- Selected as a consultant in UCSF Benioff Children's Hospital's transition to using EVERBRIDGE mass notification system.
- Leadership-
  - Trained new incoming employees on how to perform job functions, use system and equipment
  - Updated outdated/antiquated training procedures and manual and Created new training procedures and manual for Telecommunications Department.

## HIGHLIGHTS

- Tele/Communication/(EVERBRIDGE, 511.org, Mass Communication)
- Organization (Calendars, Prioritizing, Time Management)
- Follow verbal and written instructions

## EXPERIENCE

**SENIOR/LEAD TELECOMMUNICATIONS OPERATOR, UCSF Benioff Children's Hospital Oakland**  
2007 – **PRESENT**

- Answer high volume of incoming calls from the public utilizing a multi-line phone system
- Utilized both digital and analog phone system
- Provided answers to questions and concerns from the public
- Transferred calls and directed inquires to appropriate/correct destination
- Answered and coordinated responses to emergency and security situations: traumas, codes (blue, red, med STATs, child abductions, bomb threats, weapons)
- Monitored alarms and assist engineering department emergency communication

- Assist with implementation of policy, operations, training and supervising of new employees within the department

**ADMINISTRATIVE ASSISTANT, BUILDING, PLANNING, TRANSPORTATION -City Of Alameda**

FEB 2022- OCT 2022

- Answer main line for department
- Answer general questions from public regarding permit status
- Help customers navigate City Of Alameda's Permit website Portal.
- Handled back-end of Permit Center Portal for permit application processing
- Digitally and manually processed building plans
- Transfer calls to correct destination
- Data entry
- Information research of permit status
- Handle sensitive /private information

**HOUSING SAFETY & ACCESSIBILITY COORDINATOR, City Of Alameda**

2019 – 2022

- Evaluate home safety for Seniors/Disabled Persons
- Coordinate construction and installation of home safety modifications (grab bars, ramps, rails, smoke/carbon monoxide detectors)
- Maintain inventory of equipment and supplies
- Determine financial eligibility Verify income (tax documents, social security statements) Perform final inspection of construction/installation of safety modifications Community Outreach
- Work closely/in concert with EMS, EMT, Fire Dept., Police Dept.

**\*I completed two tier environmental reviews for the Federally Funded Housing Safety Program in HEROS/HUD Environmental Review Online System. I also completed the site-specific appendices to satisfy the second tier review.**

**\*For Housing and Urban Development/ HUD, I completed the CEST/Categorically Excluded Subject To.**

**TELECOMMUNICATIONS OPERATOR, Kaiser Permanente**

2012 – 2022

- Answered high volume of incoming calls from the public utilizing a multi-line phone system
- Utilized both digital and analog phone system
- Provided answers to questions and concerns from the public
- Transferred calls and directed inquires to appropriate/correct destination
- Answered and coordinated responses to emergency and security situations: traumas, codes (blue, red, med STATs, child abductions, bomb threats, weapons)
- Monitored alarms and assist engineering department

### **ELIGIBILITY WORKER 1 (TRAINING), CONTRA COSTA COUNTY**

2016-2016

- Heavy public contact in person and over phones.
- Conduct interviews.
- Assess needs of clients to make appropriate referrals.
- Gather and correctly evaluate data for eligibility determination for public assistance (Medi-Cal). Interpret rules and regulations.
- Maintain confidential records.
- Utilized computer systems and programs

### **EXCHANGE CUSTOMER SERVICE REPRESENTATIVE, CONTRA COSTA COUNTY**

2014- 2016

- Answers customer inquiries through multiple system and toll-free telephone numbers for responding to inbound and other calls as necessary;
- Handles requests through customer inquiries and complaints, using business knowledge, professionalism, and efficiency, to maximize and facilitate one-call resolution;
- Refers unresolved customer complaints to the Customer Service Supervisor or other appropriate staff;
- Responds to customers' inquiries, complaints, and refers requests using business knowledge, policy, uniform procedures, professionalism, and efficiency to facilitate one-call resolution

### **TRAVELER INFORMATION CENTER OPERATOR, 511.ORG/CALTRANS**

2008-2010

- Collecting and disseminating traffic and transit emergency/nonemergency information
- Assisting in congestion management in the San Francisco Bay Area
- Utilize software (Traffic and Transit Reporting and Management System (TRAMS) to disseminate information on multiple dissemination channels inclusive of web portal, phone, social media and dynamic message signs
- Responsible for collecting, monitoring, and posting of the traffic and transit information
- Disseminate information from the California Highway Patrol CAD and Lane Closure System automatically into the traffic and transit reporting and Management System (TRAMS)
- Ensure incident details are readable and can be understood by the travelers
- Detecting scheduled and unscheduled traffic/transit and incident management events, congestion, and travel time imbalances in the geographical coverage area with monitoring and/or surveillance systems



## EMPLOYMENT APPLICATION

	<b>BAY AREA AIR QUALITY MANAGEMENT DISTRICT</b> 375 Beale Street Suite 600 San Francisco, California 94105 415-749-4980 <a href="http://www.baaqmd.gov">http://www.baaqmd.gov</a>	<b>Received: 7/17/23 6:40 PM</b> <b>For Official Use Only:</b> QUAL: _____ DNQ: _____ <input type="checkbox"/> Experience <input type="checkbox"/> Training <input type="checkbox"/> Other: _____
	<b>Leclerc, Walter</b> <b>ET23.6.21 HEARING BOARD MEMBER</b>	

## PERSONAL INFORMATION

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Leclerc, Walter		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████, Palo Alto, California 94306		<b>EMAIL ADDRESS:</b> ██████████
<b>HOME PHONE:</b> ██████████		<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Master's Degree		

## PREFERENCES

<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Regular
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Full Time
<b>OBJECTIVE:</b> Hearing Board Member

## EDUCATION

<b>DATES:</b>	<b>SCHOOL NAME:</b> University of San Francisco	
<b>LOCATION:</b> (City, State/Province) San Francisco, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Master's
<b>MAJOR:</b> Environmental Management		
<b>DATES:</b>	<b>SCHOOL NAME:</b> University of California	
<b>LOCATION:</b> (City, State/Province) Berkeley, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> Chemistry		

## WORK EXPERIENCE

<b>DATES:</b> From: 9/2014 To: 7/2023	<b>EMPLOYER:</b> Digital Realty Trust, Inc.	<b>POSITION TITLE:</b> Director, EOHYS
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████, San Francisco, California, 94111		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> ██████████ /month	<b># OF EMPLOYEES SUPERVISED:</b> 5
<b>DUTIES:</b> Reporting to the VP, Technical Operations and working in tandem with a variety of stakeholders, responsible for the ownership, administration and management of all functional areas related to global EOH&S, sustainability, M&A – EHS, GRC, and ESG as programs are developed and executed at the strategic and tactical levels globally while developing best-in-class programs within the largest wholesale data center provider in the world.		
<b>REASON FOR LEAVING:</b> ██████████		
<b>DATES:</b> From: 6/2011 To: 10/2014	<b>EMPLOYER:</b> JOHNSON CONTROLS, INC.	<b>POSITION TITLE:</b> GWS Senior Account EHS Manager
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Santa Clara, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> [REDACTED]/month	
<b>DUTIES:</b> Responsible for all aspects of the global EH&S program for operations providing engineering design support, technical and operations support/facilities management, and maintenance to Agilent Technologies, including implementation of an EH&S management system (EHSMS), regulatory compliance assurance, and leadership for the sustainability/corporate social responsibility program.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2007 To: 6/2011	<b>EMPLOYER:</b> SLAC NATIONAL ACCELERATOR LABORATORY, STANFORD UNIVERSITY	<b>POSITION TITLE:</b> Director, Office of Assurance
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Menlo Park, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> [REDACTED]/month	
<b>DUTIES:</b> Responsible for overseeing the Assurance Programs, including quality/continuous improvement, issues management, self assessment and reporting, the performance evaluation and measurement plan (PEMP), and trending and analysis with one additional staff member to assist.		
<b>DATES:</b> From: 11/1999 To: 12/2006	<b>EMPLOYER:</b> KELLY-MOORE PAINT COMPANY, INC.	<b>POSITION TITLE:</b> Director of Risk Management, Human Resources, and Auditing
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) San Carlos, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> [REDACTED]/month	
<b>DUTIES:</b> Reporting directly to the President & CEO and serving as an executive business partner to the President & CEO and other executives, responsible for overseeing the Risk Management (self-insurance/large deductible program, product design/stewardship, litigation management, and asset protection/loss prevention/security), Human Resources/QEH&S, and Internal Auditing (financial and operational) departments, including four department/group supervisors and ten staff members covering four manufacturing sites and approximately 190 retail stores in ten western states. <ul style="list-style-type: none"> <li>Accelerated responsibilities to include benefits.</li> <li>Developed and implemented an organizational strategic plan designed to support the company's long range business plan. Achieved numerous strategic objectives (e.g., reduced the OSHA recordable incident rate by 63% in three years; brought the company back into full compliance with numerous air, water, and hazardous waste regulations; and achieved "zero" discharge at the corporate manufacturing plant).</li> <li>Consistently met pre-determined tolerance levels in self-insurance/large deductible program covering GL/AL (product/toxic tort, general/employment, auto, environmental, etc.) and workers' compensation claims and litigation. Reduced workers' compensation costs by over a million dollars, and developed and implemented a workers' compensation fraud abatement program resulting in three criminal convictions with financial restitution.</li> <li>Extensive government/public affairs (e.g., Paint Product Stewardship Initiative), trade/industry association (e.g., California Paint Council), and regulatory compliance interactions, including legislative activities in Washington (e.g., S. 413: asbestos litigation reform) and Sacramento (e.g., AB 10X: fees on consumer products and architectural coatings).</li> <li>Led three successful ISO 9000 program development and registration efforts (ISO 9001:1994 and ISO 9001:2000), and one successful ISO 14000 program development effort.</li> <li>Extensive compliance interactions with regulatory and oversight agencies, including compliance with formulation and product labeling requirements.</li> </ul>		
<b>DATES:</b> From: 5/1998 To: 11/1999	<b>EMPLOYER:</b> RAYTHEON COMPANY	<b>POSITION TITLE:</b> EH&S Manager
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Sunnyvale, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40	<b>SALARY:</b> [REDACTED]/month	
<b>DUTIES:</b> Reporting directly to the General Manager, responsible for the EH&S program, including the responsibility for leading the EH&S Department, which was a ten-member organization comprised of four groups (environmental protection and waste management, occupational health and safety, fire protection services, and disaster preparedness) and a budget of approximately \$1.5 million. <ul style="list-style-type: none"> <li>Brought the power plant back into compliance with Federal (Title V, Synthetic Minor) and local (Bay Area Air Quality Management District) air rules and regulations.</li> <li>First AFSPC unit to receive a rating of "Healthy" in all 13 environmental protocols during an external ECAMP in March 1999 in addition to a perfect record: no "repeat", "carryover" or "high vulnerability" findings and eight positive observations highlighting achievements beyond compliance.</li> <li>Reduced the OSHA recordable rate from 14.6 to 3.29 (87% reduction in 18 months) and lost time case incident rate from 8.77 to 5.14 (41% reduction in 18 months) by implementing a behavior-based safety program and aggressive return to work program, increasing safety awareness, and developing line management responsibility and accountability.</li> <li>Directed and managed the installation of a hazardous materials tracking system/program that served over 2000 users within budget and according to a demanding eight month schedule.</li> </ul>		

**CERTIFICATES AND LICENSES**

<b>TYPE:</b> Professional Sequence Award in ISO 14000 and Environmental Management Systems	
<b>LICENSE NUMBER:</b> N/A	<b>ISSUING AGENCY:</b> University of California, Santa Cruz Extension
<b>TYPE:</b> Professional Sequence Award in ISO 9000 International Standards	
<b>LICENSE NUMBER:</b> N/A	<b>ISSUING AGENCY:</b> University of California, Santa Cruz Extension
<b>TYPE:</b> Certified Hazardous Materials Manager (CHMM)	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> IHMM, 11900 Parklawn Dr., Suite 450, Rockville, MD 20852-2624, Phone: 301-984-8969
<b>TYPE:</b> Senior Professional in Human Resources (SPHR)	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> HR Certification Institute, 1800 Duke Street, Alexandria, Virginia, USA 22314, Phone: 1-866-898-4724
<b>TYPE:</b> Registered Environmental Property Assessor (REPA)	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> National Registry of Environmental Professionals, P.O. Box 2099, Glenview, IL 60025-6099,

#### Skills

Nothing Entered For This Section

#### ADDITIONAL INFORMATION

Nothing Entered For This Section

#### REFERENCES

Nothing Entered For This Section

**Agency-Wide Questions**

1. **How did you find out about this position?**  
Job board/website (list specific under "other"), Other
2. **If other, please tell us where.**  
LinkedIn
3. **Are you currently legally authorized to work in the United States on a full-time basis?**  
Yes
4. **Are you related to any District employee or Board member?**  
No
5. **Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**  
No
6. **If related to a District employee or Board member, what is their name and their relationship to you?**  
N/A

**Job Specific Supplemental Questions**

1. **Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**  
30+ years of environmental, health, and safety experience, including air permitting, quality and risk assessment experience.
  2. **Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**  
ISO 9000, ISO 14000, REPA, CHMM, and SPHR
  3. **Please list relevant accomplishments, publications, or awards.**  
See resume.
  4. **The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**  
Yes
- 

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand the the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Walter Leclerc on 7/17/23 6:40 PM



### Education:

M.S., Environmental Management, University of San Francisco

B.S., Chemistry, University of California, Berkeley

### Credentials:

- Certified Hazardous Materials Manager, [REDACTED], certified since Sept. 1994, current until September 2025
- Senior Professional in Human Resources, [REDACTED], certified since Dec. 2003, current until July 2025
- Registered Environmental Property Assessor, [REDACTED], registered since May 2013, current until May 2024

### Panels/Webinars/Interviews:

- Panel Discussion: Water in Today's Data Centers, 7x24 Exchange Fall Conference, October 2021
- Webinar: [S&P Global – Beyond ESG with Water Risk](#), April 2021
- Interview: [GreenBiz 21 – Walter Leclerc on How Ecolab's partnership is Making Water Management Goals](#), March 2021
- Webinar: A Water Focus, Uptime Institute North America Regional Member Briefing – Q3 2020
- [McGuireWoods – Internet Infrastructure Issues – Data Centers 101 Water Footprint and Consumption](#), May 2020
- [McGuireWoods – Internet Infrastructure Issues - Data Centers 101 Environmental Health and Safety](#), April 2020

### Publications:

- [“Five Simple Safety Best Practices for Data Centers,”](#) LinkedIn, September 2019
- [“Safety is at the Core of Successful Infrastructure,”](#) Digital Realty, February 2019
- [“Six Golden Safety Rules for Data Centers,”](#) Data Center Knowledge, November 2017
- [“Data Center Energized Electrical Work – A Culture Shift is Occurring,”](#) Mission Critical, December 2016
- [“Data Center EH&S 101,”](#) Environmental Protection and OH&S Online, March 2016

## Walter N. Leclerc III

**Executive Summary:** A seasoned environmental, health and safety (EHS) and sustainability professional. Considered by his peers a thought leader, Walter has authored articles focused on cutting-edge EHS and sustainability issues including water scarcity, water conservation strategies, global EHS operating models, EEW (energized electrical work), and related topics. He recently led efforts culminating with industry recognition of Digital Realty for a 2020 Top Project of the Year (Global Water Strategy) award presented by Environment+Energy Leader and earning Digital Realty inclusion on the [2018 America's Safest Companies List](#) presented by EHS Today magazine. With thirty plus (30+) years of increasing responsibilities in his field, Walter believes his ability to share his knowledge compliments the work he does and has spent time as a regular speaker at venues and events across the globe. He has a BS in Chemistry from the University of California, Berkeley and MS in Environmental Management from the University of San Francisco.

Key accomplishments during career include:

- Development and implementation of branded, global EOH&S operating models and strategy at two companies, including the development, establishment, and communication of comprehensive, forward-thinking strategies for preventing and mitigating operational risks. Practical experience with the three lines of defense model application.
- The 2020 Top Project of the Year (Global Water Strategy) award as part of the Environment + Energy Awards Program presented by Environment+Energy Leader.
- The [2018 America's Safest Companies List](#) presented by EHS Today magazine.
- Globally championed “green” as a good business message, brand, and culture utilizing post-consumer/recycled and zero VOC paint products, and achieved numerous environmental strategic objectives.
- Demonstrated results in cost reduction, and productivity and efficiency improvements at five companies.

Overall, experience spans from performing research and analysis of environmental technologies to environmental and safety thought leadership as well as regulation development to advanced regulatory experience and knowledge. Also, a strong business partner on strategic and tactical initiatives, including a track record of implementing industry-leading/“best-in-class” leading programs, including EHS, sustainability, GRC, ESG, quality, risk/compliance, and product stewardship.

### Chronology of Employment:

- Sep. 2014 – present: Director, Environmental Occupational Health and Safety, Digital Realty, Santa Clara, CA
- Jun. 2011 – Sept. 2014: GWS Sr. Account EHS Manager, Johnson Controls, Inc., Santa Clara, CA
- Jan. 2007 – Jun. 2011: Director, Office of Assurance, SLAC National Accelerator Laboratory, Stanford, CA

Work experience prior to Jan. 2007 includes positions in management, EHS, human resources, risk/compliance, quality, technical services, and research.

## PROFILE

A seasoned environmental, health and safety (EHS) and sustainability professional and thought leader, particularly around strategic issues, target-setting processes, and implementation of industry-leading/“best in class” programs and elements. Thirty plus (30+) years of increasingly responsible experience in technology, consulting, and chemical industries spanning from a large Fortune 100 company to a family-owned corporation, including numerous articles published around cutting-edge EHS and sustainability issues such as energized electrical work (EEW), golden safety rules, water scarcity and strategies, and related topics. Also, a proven ability in shaping and implementing EHS, sustainability, quality/auditing, M&A – EHS, governance, risk management, and compliance (GRC), and environmental, social, and governance (ESG) strategy while working with executive teams, industry/trade organizations, and regulators/government agencies initiatives/affairs. Areas of experience and strength include:

- Developing and implementing branded, global EHS operating models and strategy at two companies, including the development, establishment, and communication of comprehensive, forward-thinking strategies for preventing and mitigating operational risks. Practical experience with the three lines of defense model application.
- Implementing innovative and business differentiating EHS programs and technologies.
- Proven “change agent”, including the ability to provide direction, understand resource capability, remove roadblocks, turn information into effective strategies, and successfully drive results to achieve business goals and objectives at all levels.
- Advanced legal challenges/regulatory experience and knowledge with proven negotiation skills with regulators and oversight agencies, including product environmental, safety, and compliance (PESC).
- Extensive government/public affairs, trade/industry association, and regulatory compliance interactions, including legislative activities in Washington and Sacramento.
- Demonstrated results in cost reduction, and productivity and efficiency improvements at five companies.

## PROFESSIONAL EXPERIENCE

DIGITAL REALTY TRUST, INC.

September 2014 to present

Director, Environmental Occupational Health and Safety

Reporting to the VP, Technical Operations and working in tandem with a variety of stakeholders, responsible for the ownership, administration and management of all functional areas related to global EOH&S, sustainability, M&A – EHS, GRC, and ESG as programs are developed and executed at the strategic and tactical levels globally while developing best-in-class programs within the largest wholesale data center provider in the world. Key successes included:

- Development and implementation of a branded, global EOH&S operating model and strategy.
- The [2018 America’s Safest Companies List](#) presented by EHS Today magazine. As a first-time honoree, Digital Realty was one of 13 companies recognized in 2018 for providing a safe working environment for thousands of employees, and the first data center company to ever receive this honor and distinction as one of America’s Safest Companies (ASC). America’s Safest Companies, created in 2002, is a unique and exclusive corporate award honoring the safest companies in the United States. Since 2002 (and as of 2018), only 238 companies with a clearly demonstrated commitment to employee safety and health, environment management, and risk control have been included on the lists published by EHS Today.
- The 2020 Top Project of the Year (Global Water Strategy) award as part of the Environment + Energy Awards Program presented by Environment + Energy Leader. While ensuring reliable performance and operational resiliency and redundancy for data center operations around the world, developed, implemented, and advanced a global water strategy to optimize, conserve, and protect water use through reduction, reuse, and recycle projects.
- Obtained over \$500K in evaporation credits and related cost reductions across the North America portfolio (e.g., City of Santa Clara, City of Los Angeles, etc.).
- By implementing risk improvement opportunities, reduced potential losses by over \$1B, which corresponded to over a \$700K reduction in overall property insurance renewal premiums even though the insurable value increased over this same five-year period from 2014-2019.

JOHNSON CONTROLS, INC.

June 2011 to October 2014

GWS Quality & Compliance Manager

Responsible for all aspects of the global EH&S program for operations providing engineering design support, technical and operations support/facilities management, and maintenance to Agilent Technologies, including implementation of an EH&S management system (EHSMS), regulatory compliance assurance, and leadership for the sustainability/corporate social responsibility program. Key successes included:

- While integrating business content and overseeing technical implementation by the global teams from the Americas, EMEA, and APAC, developed and implemented a global EHSMS to increase efficiencies and implement best management practices/assurance mechanisms in areas such as ISO 14001/OHSAS 18001, NM/UA/UC/HR reporting, fall protection and competent inspections/tracking, workplace compliance inspections, arc flash labeling to NFPA 70E, and emergency response management and capabilities.
- Developed and socialized a comprehensive understanding of Agilent's global footprint – including energy, water, and waste – by re-establishing effective and accurate reporting mechanisms and processes to assist Agilent in reducing their overall footprint and advance their strategic EHS interests globally.
- Scored 95% covering 25 protocols during third-party (Bureau Veritas) JCI Corporate Global Audit in Santa Clara, CA in July 2011 and Penang, Malaysia in September 2013 (since program initiation in 2008, JCI Corporate Highest Score = 97%; JCI Corporate Lowest Score = 54%).
- First GWS account to conduct an Assessment of Culture Safety (ASK) perception survey.
- Developed a new opportunity in EH&S consulting in coordination with Workplace Strategy Americas (WSA) by securing Discover Financial Services (DFS) business.

SLAC NATIONAL ACCELERATOR LABORATORY, STANFORD UNIVERSITY January 2007 to June 2011  
Director, Office of Assurance

Responsible for overseeing the Assurance Programs, including quality/continuous improvement, issues management, self assessment and reporting, the performance evaluation and measurement plan (PEMP), and trending and analysis with one additional staff member to assist. Key successes included:

- Working closely with executive teams and departmental leadership, developed strategic plans, target-setting processes (key performance indicators), and implemented processes to improve consistent productivity and efficiency efforts.
- Developed and maintained the SLAC Assurance Program in accordance with Department of Energy (DOE) Order 414.IC, Quality Assurance and graded application of ISO 9001/14001 and NQA-1 for research environments. Served as the assurance interpretative authority for SLAC.
- Supply chain auditing and assurance, including coordination of contractor oversight and vendor qualifications (e.g., onsite inspections, verifying environmental claims/certifications, analyzing performance data, etc.).

Work experience prior to January 2007 includes positions in management, technical services, government, and research.

## EDUCATION, CREDENTIALS, AWARDS & PUBLICATIONS

University of San Francisco: Master of Science in Environmental Management

University of California, Berkeley: Bachelor of Science in Chemistry

Certified Hazardous Materials Manager (CHMM), [REDACTED]

Registered Environmental Property Assessor (REPA), [REDACTED]

Senior Professional in Human Resources (SPHR), [REDACTED]

Panel Discussion: Water in Today's Data Centers, 7x24 Exchange Fall Conference, October 2021

Webinar: [S&P Global – Beyond ESG with Water Risk](#), April 2021

Interview: [GreenBiz 21 – Walter Leclerc on How Ecolab's Partnership is Making Water Management Goals](#), March 2021

Webinar: Uptime Institute North America Regional Member Briefing – Q3 2020

Webinar: [McGuireWoods – Internet Infrastructure Issues – Data Centers 101 Environmental Health and Safety](#), April 2020

Webinar: [McGuireWoods – Internet Infrastructure Issues – Data Centers 101 Water Footprint and Consumption](#), May 2020

Seminar: Data Center Seminar – Building Corporate Water Strategy in a Water Constraint World, April 2019

2020 Top Project of the Year (Global Water Strategy), Digital Realty, Environment+Energy Leader (2020)

The [2018 America's Safest Companies List](#), Digital Realty, EHS Today magazine (2018)

Leadership Award, Digital Realty (2016)

Gold Award for Superior Safety Performance, Agilent Account (Americas: 2011 & 2013 and EMEA: 2011 & 2012)

Industrial and Commercial Reuse Committee (2021), WaterReuse Association

Chair (2006) and Vice Chair (2002-2005), California Paint Council Steering Committee

OSHA10 Construction Industry

Professional Sequence Award in ISO 14000 and Environmental Management Systems

Professional Sequence Award in ISO 9000 International Standards

[“Five Simple Safety Best Practices for Data Centers,”](#) LinkedIn, September 2019

[“Safety is at the Core of Successful Infrastructure,”](#) Digital Realty, February 2019

[“Six Golden Safety Rules for Data Centers,”](#) Data Center Knowledge, November 2017

[“Data Center Energized Electrical Work – A Culture Shift is Occurring,”](#) Mission Critical, December 2016

[“Data Center EH&S 101,”](#) Environmental Protection and OH&S Online, March 2016



**EMPLOYMENT APPLICATION**

**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

375 Beale Street Suite 600  
San Francisco, California 94105  
415-749-4980  
<http://www.baaqmd.gov>

**Kwoh, Lawrence  
ET23.6.21 HEARING BOARD MEMBER**

**Received: 8/11/23 6:21 PM**

**For Official Use Only:**

QUAL: \_\_\_\_\_

DNQ: \_\_\_\_\_

Experience

Training

Other: \_\_\_\_\_

**PERSONAL INFORMATION**

<b>POSITION TITLE:</b> HEARING BOARD MEMBER	<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Kwoh, Lawrence	<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], Richmond, California 94804	<b>EMAIL ADDRESS:</b> [REDACTED]
<b>HOME PHONE:</b> [REDACTED]	<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Master's Degree	

**PREFERENCES**

<b>MINIMUM COMPENSATION:</b> \$0.00 per hour; \$0.00 per year
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Temporary
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Part Time
<b>SHIFTS YOU WILL ACCEPT:</b> On Call (as needed)
<b>OBJECTIVE:</b> To apply for the public board seats for Board of Director's Finance and Administration Committee:

**EDUCATION**

<b>DATES:</b>	<b>SCHOOL NAME:</b> GEORGETOWN UNIVERSITY	
<b>LOCATION:</b> (City, State/Province) Washington, District of Columbia	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Master's
<b>MAJOR:</b> M.S.		
<b>DATES:</b>	<b>SCHOOL NAME:</b> UNIVERSITY OF PITTSBURGH	
<b>LOCATION:</b> (City, State/Province) Pittsburgh, Pennsylvania	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> B.A.		

**WORK EXPERIENCE**

<b>DATES:</b> From: 12/2017 To: 7/2023	<b>EMPLOYER:</b> Federal Home Loan Bank of San Francisco	<b>POSITION TITLE:</b> VP
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) San Francisco, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Led a team providing second line of defense credit oversight of business units. Conducted policy reviews, enterprise wide portfolio analytics and risk surveillance. Supported senior management and coordinated regulatory responses. Provided advice on policies, methodologies and transaction structures. * Primary author of the Bank's new, comprehensive Credit Policy, revamping and consolidating prior policy documentation into a new holistic policy document. * Key contributor of risk policies and enterprise reports such as Risk Appetite, Risk Management and Enterprise Risk Report. * Vice-chair of Credit Committee. Co-leader of Climate Risk Working Group.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2013 To: 1/2017	<b>EMPLOYER:</b> FEDERAL HOME LOAN BANK OF BOSTON	<b>POSITION TITLE:</b> VP / Director of Credit

<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Boston, Massachusetts		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Chair of the Credit Committee and Head of Credit with a team of 25+ professionals. Directed thought leadership and budget; developed and maintained credit policies/procedures/analytics and their implementations; and supervised credit reviews, analytics, collateral functions, underwriting requirements, and surveillance of investment risks. Maintained a strong relationship with stakeholders to ensure alignment of departmental initiatives with company-wide goals. Proactively monitored risks and worked to improve efficiency and effectiveness while maintaining safe and sound business practices within regulatory guidelines. * Re-tooled the Credit department producing streamlined risk-focused procedures; improved management reports with key performance metrics; revamped analytics and methodologies with regulatory approvals. * Expanded business capacity through the introduction of 3 new collateral types and new memberships especially 15 new * Led cross-functional (with Risk and Model Validation) team to develop several analytical models.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2010 To: 1/2012	<b>EMPLOYER:</b> MORNINGSTAR CREDIT RATINGS LLC	<b>POSITION TITLE:</b> Managing Director
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) New York, New York		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Responsible for the development of RMBS rating business. Established a mortgage loan credit model linkage to Intex to provide highly automated monthly forecasted losses, projected cash flows, and surveillance reports. Continuously reviewed key assumptions and recalibration of the system for analytical enhancement to address synchronization between new issue and surveillance, client feedback, market development, and performance statistics. * Successfully launched a highly automated enterprise-level RMBS surveillance system to provide analytics and rating scores. * Co-authored RMBS criteria for new issue and surveillance. * Collaborated with corporate research department to develop corporate default and solvency models.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2008 To: 1/2010	<b>EMPLOYER:</b> STRUCTURED RISK ANALYTICS LLC	<b>POSITION TITLE:</b> Co-founder
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Mountainside, New Jersey		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Provided independent third-party valuations and risk assessments on structured credit portfolios. Benchmarked clients' risk management processes to industry best practices. Delivered customized advisory solutions ranging from restructuring distressed portfolios to matching up trades. * Successfully completed a \$200MM RMBS portfolio valuation and restructuring advisory assignment for a large Midwestern regional credit union.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2005 To: 1/2008	<b>EMPLOYER:</b> PRINCETON ADVISORY GROUP	<b>POSITION TITLE:</b> Vice President
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Princeton, New Jersey		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Successfully developed and established a Canadian asset-backed commercial paper (ABCP) infrastructure to support a super senior risk portfolio, covering sovereign and corporate names. As part of the ABS team, managed investments in ABS, RMBS, CMBS and CDO, and Commercial Real Estate CDO/CLOs across the capital structure (\$13.5BB AUM). Responsibilities included modeling, structuring, documentation, and investor marketing. * Successfully marketed and received \$100MM equity commitments for the Canadian ABCP conduit proposal. * Closed four ABS CDO and three CLO issuances.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2003 To: 1/2005	<b>EMPLOYER:</b> INTERNATIONAL ASSET TRANSACTIONS LLC	<b>POSITION TITLE:</b> Managing Director
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) New York, New York		
<b>HOURS PER WEEK:</b> 40		

<b>DUTIES:</b> Successfully established an ABCP conduit program. Focused primarily on structuring trade finance receivables and facilitating off-balance sheet bank assets covering a wide range of consumer and commercial asset classes. * Achieved A1/P1 rating for the conduit, one of only six non-bank sponsored conduits. * Formulated the Conduit Investment Guidelines and authored the Credit Policy Manual. * Developed and maintained relationship management with dealers, rating agencies, asset originators, liquidity banks, and credit enhancers.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2000 To: 1/2003	<b>EMPLOYER:</b> FIRST REPUBLIC INVESTMENT MANAGEMENT	<b>POSITION TITLE:</b> Vice President
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) New York, New York		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Vice President, Fixed Income Portfolio Manager ----- Established the CDO business platform. Involved in all deal aspects from investor marketing to interfacing with bankers to legal documentation. Co-managed 3 multi-sector (RMBS, CMBS, ABS, and CDO) CDO portfolios totaling \$1.3 billion. * First to bring a CDO with commercial real estate loans to marketplace. * Averaged portfolio track record of upgrade/no change to downgrade ratio of 4:1. * Added key institutional investors to the CDO business.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 4/1994 To: 11/2000	<b>EMPLOYER:</b> MOODY'S INVESTORS SERVICE	<b>POSITION TITLE:</b> Vice President, Structured Finance Group Lead
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) New York, New York		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Vice President, Structured Finance Group Lead senior analyst on cash flow, market value, synthetic CDO/CLOs, and ABCPs using corporate and asset-backed collateral. Other product responsibilities included derivative product companies (DPC), credit/insurance linked derivatives, and closed end funds. Involved in all deal aspects, including modeling and legal document reviews. ----- * Established criteria for and rated the first emerging market and market value CDOs. * Established criteria for catastrophe bond market and rated the first publicly placed catastrophe bond issuance. * Structured, negotiated, and rated the first independently capitalized municipal GIC DPC to be rated AAA.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>CERTIFICATES AND LICENSES</b>		
Nothing Entered For This Section		
<b>Skills</b>		
Nothing Entered For This Section		
<b>ADDITIONAL INFORMATION</b>		
Nothing Entered For This Section		
<b>REFERENCES</b>		
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Rob Dobilas	<b>POSITION:</b> Managing Partner
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code)		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]

**Agency-Wide Questions**

1. **How did you find out about this position?**

Other

2. **If other, please tell us where.**

LinkedIn

3. **Are you currently legally authorized to work in the United States on a full-time basis?**

Yes

4. **Are you related to any District employee or Board member?**

No

5. **Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**

No

6. **If related to a District employee or Board member, what is their name and their relationship to you?**

NA

**Job Specific Supplemental Questions**

1. **Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**  
I have a lot of professional experience on climate risk modeling and its environmental impacts (and therefore on air quality) from my works at Federal Home Loan Bank of San Francisco and Moody's Investors Service. I was a prior board member at a non-profit, Trinity Center for Urban Life in Philadelphia.
  2. **Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**  
NA
  3. **Please list relevant accomplishments, publications, or awards.**  
\*Authored several housing policies at Federal Home Loan Bank of San Francisco (internal)  
\*Authored and co-authored several publications on criteria applicable to catastrophe bonds at Moody's Investors Service (available upon requests).  
**The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**
  4. **The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**  
Yes
- 

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand the the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Lawrence Kwoh on 8/11/23 6:21 PM

Dear Board of Director's Finance and Administration Committee:

I am writing to apply for the public board seats for the Bay Area Air Quality Management District.

I am a full-time resident in the city of Richmond, California (Contra Costa County). My professional background and interests intersect climate risk modeling and its downstream environmental impact down to site level; policy formulation and real estate finance all of which I believe provides a background that will lend support to the public seats. I hope my skill sets can contribute to the board as it navigates the different stakeholders' pressures on air quality exacerbated by climate change, economic/financial pressures it must deal with, and the well-beings of the Bay Area citizens.

Sincerely,

Lawrence Kwoh

**EMPLOYMENT APPLICATION**



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
375 Beale Street Suite 600  
San Francisco, California 94105  
415-749-4980  
<http://www.baaqmd.gov>

**Cullenward, Danny  
ET23.6.21 HEARING BOARD MEMBER**

**Received: 8/13/23 8:52 PM**  
**For Official Use Only:**  
QUAL: \_\_\_\_\_  
DNQ: \_\_\_\_\_  
 Experience  
 Training  
 Other: \_\_\_\_\_

**PERSONAL INFORMATION**

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Cullenward, Danny		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], San Francisco, California 94112		<b>EMAIL ADDRESS:</b> [REDACTED]
<b>HOME PHONE:</b> [REDACTED]		<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Doctorate		

**PREFERENCES**

Nothing Entered For This Section

**EDUCATION**

<b>DATES:</b> To: 8/2013	<b>SCHOOL NAME:</b> Stanford University	
<b>LOCATION:</b> (City, State/Province) Stanford, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Doctorate
<b>MAJOR:</b> Environment and Resources		
<b>DATES:</b> To: 6/2013	<b>SCHOOL NAME:</b> Stanford Law School	
<b>LOCATION:</b> (City, State/Province) Stanford, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Professional
<b>MAJOR:</b> Law		
<b>DATES:</b> To: 1/2007	<b>SCHOOL NAME:</b> Stanford University	
<b>LOCATION:</b> (City, State/Province) Stanford, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Master's
<b>MAJOR:</b> Management Science & Engineering		
<b>DATES:</b> To: 1/2007	<b>SCHOOL NAME:</b> Stanford University	
<b>LOCATION:</b> (City, State/Province) Stanford, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> Earth Systems		

**WORK EXPERIENCE**

<b>DATES:</b> From: 5/2021 To: Present	<b>EMPLOYER:</b> Institute for Carbon Removal Law and Policy, American University	<b>POSITION TITLE:</b> Research Fellow
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Washington, District of Columbia		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 10		
<b>DUTIES:</b> Conduct research on carbon removal law and policy.		
<b>DATES:</b> From: 9/2017 To: Present	<b>EMPLOYER:</b> Independent Emissions Market Advisory Committee, CalEPA	<b>POSITION TITLE:</b> Member
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Sacramento, California		

<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 2		
<b>DUTIES:</b> Provide expert advice to the California Legislature and California Air Resources Board on the state's cap-and-trade program for greenhouse gas emissions and overall climate policy strategy. Contribute to an annual written report on the performance of the cap-and-trade program. IEMAC Member since September 2017, IEMAC Vice Chair since January 2021.		
<b>DATES:</b> From: 8/2023 To: Present	<b>EMPLOYER:</b> Klenman Center for Energy Policy, University of Pennsylvania	<b>POSITION TITLE:</b> Senior Fellow
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) University of Pennsylvania, Philadelphia, Pennsylvania, 19104		<b>COMPANY URL:</b> <a href="https://kleinmanenergy.upenn.edu/">https://kleinmanenergy.upenn.edu/</a>
<b>HOURS PER WEEK:</b> 5		
<b>DUTIES:</b> Conduct research in the fields of energy and climate policy; publish blog posts, policy briefs, and other public research findings.		
<b>DATES:</b> From: 3/2020 To: 3/2023	<b>EMPLOYER:</b> CarbonPlan	<b>POSITION TITLE:</b> Policy Director
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) San Francisco, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Conduct open source research on projects to remove carbon dioxide from the atmosphere; liaise with companies and governments pursuing carbon dioxide removal technologies; evaluate the economics and performance of carbon removal projects; ensure high ethical standards in non-profit organization's operations.		
<b>DATES:</b> From: 9/2018 To: 6/2021	<b>EMPLOYER:</b> Stanford Law School	<b>POSITION TITLE:</b> Affiliate Fellow & Lecturer in Law
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED], Stanford, California, 94305		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 5		
<b>DUTIES:</b> Teach Energy Law and Climate Law and Policy at Stanford Law School, cross-listed with Stanford's School of Earth, Energy and Environmental Sciences. Conduct public interest research on current topics in energy and climate policy; publish findings in academic journals and communicate findings with the popular media; advise policymakers in California, the United States, and in other countries.		
<b>DATES:</b> From: 4/2016 To: 1/2020	<b>EMPLOYER:</b> Near Zero / Carnegie Institution for Science	<b>POSITION TITLE:</b> Research Associate
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Stanford, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Conducted independent legal, economic, and technical research on energy and environmental law and policy. Managed project teams. Published research findings in academic journals, professional journals, public comment letters, technical reports, and communicate these findings in the media. Supervised student researchers and teach coursework on environmental law and policy. Advised regulators, legislators, legislative staff, and other policymakers as requested.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 9/2017 To: 12/2017	<b>EMPLOYER:</b> Stanford School of Earth, Energy & Environmental Sciences	<b>POSITION TITLE:</b> Lecturer
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Stanford, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 10		
<b>DUTIES:</b> Taught Climate Law and Policy, cross-listed at Stanford Law School.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 4/2017 To: 6/2017	<b>EMPLOYER:</b> Stanford School of Earth, Energy & Environmental Sciences	<b>POSITION TITLE:</b> Lecturer



<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Stanford, California		
<b>HOURS PER WEEK:</b> 10		
<b>DUTIES:</b> Teach U.S. Environmental Law in Transition, cross-listed at Stanford Law School (jointly offered with Stanford Law Professor Deborah A. Sivas).		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 9/2013 To: 12/2016	<b>EMPLOYER:</b> University of California, Berkeley	<b>POSITION TITLE:</b> Philomathia Research Fellow
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Berkeley, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Conducted legal research and practiced public interest law focused on energy and climate policy while supporting the creation of a campus-wide research program on energy and climate issues. Supervised student research assistants; liaised with Deans, Vice Chancellors, and other senior campus leaders; taught climate law and policy; participated in international exchanges with at Cambridge University and with Chinese researchers to evaluate the U.S. and Chinese commitments to the Paris Agreement on climate.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/2012 To: 6/2013	<b>EMPLOYER:</b> Stanford Environmental Law Clinic	<b>POSITION TITLE:</b> Bar-Certified Law Student
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Stanford, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 10		
<b>DUTIES:</b> Contributed to clinic matters addressing dormant commerce clause challenges to California's environmental regulations, listing new protected species under the Endangered Species Act, and the development of new carbon offset protocols in California.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 6/2012 To: 8/2012	<b>EMPLOYER:</b> Morrison & Foerster LLP	<b>POSITION TITLE:</b> Summer Associate
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) San Francisco, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Practice split between environmental law group (permitting, siting, CEQA, NEPA, Proposition 65 issues for clients in energy, real estate, and other industries) and financial transactions group (syndicating lending agreements, security interests, inventory financing agreements, project development for clients in energy and manufacturing industries).		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 6/2011 To: 8/2011	<b>EMPLOYER:</b> U.S. Department of the Treasury	<b>POSITION TITLE:</b> Legal Intern
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Washington, District of Columbia		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Advised senior attorneys and policymakers on international dimensions of U.S. environmental, trade, and national security law. Analyzed cross-border investment applications to Committee on Foreign Investment in the United States. Advised Treasury officials on cross-border financial regulations under Dodd-Frank, regulation of international aviation greenhouse gas emissions, and the design of international climate finance mechanisms.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 7/2007 To: 8/2008	<b>EMPLOYER:</b> MAP Royalty, Inc	<b>POSITION TITLE:</b> Energy Programs Manager
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Palo Alto, California		

<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Managed educational outreach efforts at Stanford University, co-teaching two classes with over 150 students, including a field research class to visit energy facilities across China and study the effect of energy technologies and resources on air pollution.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 6/2006 To: 6/2007	<b>EMPLOYER:</b> Program on Energy and Sustainable Development	<b>POSITION TITLE:</b> Research Associate
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) Stanford, California		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Conducted international field research on energy and climate policy in the U.S., India, China, and Brazil; published findings in academic journals and in popular magazines.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 6/2005 To: 8/2005	<b>EMPLOYER:</b> Natural Resources Defense Council	<b>POSITION TITLE:</b> Schneider Fellow
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) San Francisco, South Carolina		
<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Supported NRDC's work in reducing local and global air pollution from coal power plants, contributed to the design of greenhouse gas emission standards for power plants in California (SB 1368), and researched carbon capture and storage technologies.		
<b>REASON FOR LEAVING:</b> [REDACTED]		

CERTIFICATES AND LICENSES	
<b>TYPE:</b> Admission to the California Bar	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> California Bar Association
<b>TYPE:</b> Admission to the U.S. Supreme Court Bar	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> U.S. Supreme Court
<b>TYPE:</b> Admission to the U.S. Court of Appeals for the District of Columbia Circuit Bar	
<b>LICENSE NUMBER:</b> [REDACTED]	<b>ISSUING AGENCY:</b> U.S. Court of Appeals for the District of Columbia Circuit

Skills	
Nothing Entered For This Section	

ADDITIONAL INFORMATION	
<b>Professional Associations</b> State Bar of California	
<b>Honors &amp; Awards</b> Gerald Gunther Prize for Outstanding Performance in Energy Law, 2013	
<b>Honors &amp; Awards</b> Kimmelman Family Graduate Fellowship in Environment & Resources, 2013	
<b>Honors &amp; Awards</b> John Hart Ely Prize for Outstanding Performance in Climate and Energy Seminar, 2012	
<b>Honors &amp; Awards</b> David and Lucile Packard Foundation Stanford Graduate Fellowship, 2008-2012	
<b>Honors &amp; Awards</b> Philomathia Research Fellowship, University of California, Berkeley, 2013-2015	
<b>Honors &amp; Awards</b> Pro bono distinction, Stanford Law School, 2013	
<b>Honors &amp; Awards</b> Early Career Environmental Scholar, Woods Institute for the Environment, 2011	
<b>Honors &amp; Awards</b> National Science Foundation Graduate Research Fellowship, Honorable Mention, 2008	

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**REFERENCES**

**Nothing Entered For This Section**

**Agency-Wide Questions**

**1. How did you find out about this position?**

District Employee, District Website

**2. If other, please tell us where.**

**3. Are you currently legally authorized to work in the United States on a full-time basis?**

Yes

**4. Are you related to any District employee or Board member?**

No

**5. Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**

No

**6. If related to a District employee or Board member, what is their name and their relationship to you?**

N/A

### Job Specific Supplemental Questions

- 1. Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**
- I completed all of my education at Stanford University. My undergraduate degree is a BS with Honors in Earth Systems, an environmental science program that included atmospheric science coursework. My MS is in Management Science & Engineering, where I developed analytical skills in applied economics, statistics, and optimization. My doctoral degree is in Environment & Resources (E-IPER). I also earned a JD at Stanford Law School, where I focused on environmental law and financial regulation. Since finishing my JD-PhD in 2013, my primary occupation has been as a public interest researcher employed at research universities (Stanford, UC Berkeley, American University, and the University of Pennsylvania) and non-profit research organizations (Carnegie Institution for Science, Near Zero, CarbonPlan). I also taught energy law, climate policy, and a seminar on environmental law as a Lecturer at Stanford Law School. As a result of this work and my academic training, I am very familiar with the U.S. Clean Air Act, the major federal caselaw under this statute, and the state legislative and regulatory environment that shapes California's unique approach to air quality management. Finally, I have consulted for policymakers and non-profit organizations working on energy and climate matters around the world—including in Canada, Europe, and China.
- In 2017, the California Senate appointed me to the Independent Emissions Market Advisory Committee, which is part of the California Environmental Protection Agency. The Committee is charged with providing independent analysis of California's cap-and-trade program for greenhouse gases. In 2020 I was elected the Committee's Vice Chair and currently serve in that role. I regularly advise state policymakers on the design and performance of state climate policies and have testified nine times before the California Assembly and Senate as an academic expert on these matters.
- In late 2017, BAAQMD's Board of Directors appointed me as an Alternate Member of the Hearing Board. In that capacity, I completed all training opportunities and participated on the dais for one enforcement matter. I also regularly attended public hearings during my time as an Alternate Member to gain experience with matters that come before the Hearing Board. I have carefully reviewed all of the relevant statutory provisions, BAAQMD regulations, and Hearing Board guidelines that apply in each matter. I have also reviewed the academic scholarship on the function and practice of Hearing Boards across California.
- In October 2020, I was appointed as a Principal Member of the Hearing Board and served actively in that role until the BAAQMD Board of Directors appointed me to the Advisory Council in August 2021, which required me to resign my position on the Hearing Board. During my time as a Principal Member of the Hearing Board, I addressed matters in approximately six dockets, including an enforcement action, an applicant's appeal of permit conditions, an emergency variance petition, and a short variance petition. I completed my two-year appointment on the Advisory Council and am now interested in returning to service on the Hearing Board as a Principal Member.
- 2. Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**
- I am applying for the principal member position in the public category, for which I understand there are no specific requirements. However, I am also qualified to serve in the lawyer category, as I completed law school and have been an active member of the California state bar since 2014.
- As of August 2023, I hold an academic appointment as a Research Fellow at American University, as part of the Institute on Carbon Removal Law and Policy, and as a Senior Fellow at the University of Pennsylvania, as part of the Kleinman Center for Energy Policy. I am admitted to practice law in the following jurisdictions:
- California
  - U.S. Court of Appeals, D.C. Circuit
  - U.S. Supreme Court
- I am a peer reviewer for over 30 scholarly journals, academic publishers, and research institutes in the fields of energy and environmental science and policy.
- I also serve in the following volunteer positions:
- Member and Vice Chair, Independent Emissions Market Advisory Committee, CalEPA
  - Advisory Board, UC Berkeley Energy & Resources Collaborative
- I have taught the following graduate-level courses:
- Climate Law, Policy, and Politics (UC Berkeley) (once)
  - Climate Law and Policy (Stanford University) (three times)
  - Energy Law (Stanford University) (twice)
  - U.S. Environmental Law in Transition (Stanford University) (once)
- 3. Please list relevant accomplishments, publications, or awards.**
- Selected accomplishments:
- Appointed in 2017 by the California Senate to the Independent Emissions Market Advisory Committee, hosted at the California Environmental Protection Agency
  - Appointed in 2017 by BAAQMD as an Alternate Member of the Hearing Board
  - Appointed in 2020 by BAAQMD as a Principal Member of the Hearing Board
  - Appointed in 2021 by BAAQMD as a Member of the Advisory Council
  - Testified nine times before the California Assembly and Senate on climate policy
  - Represented environmental scientist amici before the Ninth Circuit Court of Appeals and U.S. Supreme Court:
    - o Rocky Mountain Farmers Union v. Corey, 730 F.3d 1070 (9th Cir. 2013) (Defending CARB's Low Carbon Fuel Standard)
    - o FERC v. Electric Power Supply Association, 136 S. Ct. 760 (2016) (Defending FERC Order 745 on demand response policy).
- Book:
- Danny Cullenward & David G. Victor, Making Climate Policy Work (Polity Press, 2020)
- Selected peer-reviewed publications:
- Shane R. Coffield et al., Using remote sensing to quantify the additional climate benefits of California forest carbon offset projects, *Global Change Biology* 28: 6789-6806 (2022).
  - William R.L. Anderegg, O.S. Chegwidden et al., Climate risks to carbon sequestration in U.S. forests, *Ecology Letters* 25: 1510-1520 (2022).
  - Grayson Badgley et al., Systematic over-crediting in California's forest carbon offsets program, *Global Change Biology* 28(4): 1433-45 (2022).
  - Gregory Von Wald et al., Accounting for the Greenhouse Gas Emission Intensity of Regional Electricity Transfers, *Environmental Science & Technology* 55: 6571 (2021).
  - William R.L. Anderegg et al., Climate-driven risks to the climate mitigation potential of forests, *Science* 368: eaaz7005 (2020).
  - Barbara Haya et al., Managing uncertainty in carbon offsets: Insights from California's standardized approach, *Climate Policy* 20(9): 1112-26 (2020).
  - Michael Mastrandrea et al., Assessing California's progress toward its 2020 greenhouse gas emissions limit. *Energy Policy* 138:

111219 (2020).

- Danny Cullenward et al., Tracking banking in the Western Climate Initiative cap-and-trade program. Environmental Research Letters 14: 124037 (2019).
- David G. Victor et al., Prove Paris was more than paper promises. Nature 548: 25–27 (2017).
- Andy Coghlan and Danny Cullenward, State Constitutional Restrictions on the Future of California's Carbon Market. Energy Law Journal 37(2): 219–63 (2016).
- Danny Cullenward et al., Dynamically Estimating the Distributional Impacts of U.S. Climate Policy with NEMS: A Case Study of the Climate Protection Act of 2013. Energy Economics 55: 303–18 (2016).

Selected awards:

- Philomathia Research Fellowship, 2013–2015 (2.5 years of unrestricted salary and research funding, UC Berkeley)
- Pro Bono Distinction, Stanford Law School, 2013
- David and Lucile Packard Stanford Graduate Fellowship, 2008–2012 (3 years of graduate tuition and stipend, Stanford University)
- Kimmelman Family Graduate Fellowship in Environment & Resources, 2012–2013 (1 year of graduate tuition and stipend, Stanford University)

4. **The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**

Yes, I have control over my own schedule and can commit the necessary time to prepare for and attend public hearings. Having previously served on the Hearing Board as both an Alternate and Principal Member, I am familiar with the workload and time commitment involved.

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The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand the the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Danny Cullenward on 8/13/23 8:52 PM

## EMPLOYMENT APPLICATION



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

375 Beale Street Suite 600  
San Francisco, California 94105  
415-749-4980  
<http://www.baaqmd.gov>

**Martinez, Tito  
ET23.6.21 HEARING BOARD MEMBER**

**Received: 8/17/23 11:22 AM**

**For Official Use Only:**

QUAL: \_\_\_\_\_

DNQ: \_\_\_\_\_

Experience

Training

Other: \_\_\_\_\_

## PERSONAL INFORMATION

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Martinez, Tito		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] San Francisco, California 94115		<b>EMAIL ADDRESS:</b> [REDACTED]
<b>HOME PHONE:</b> [REDACTED]		<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Bachelor's Degree		

## PREFERENCES

<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Regular
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Full Time
<b>SHIFTS YOU WILL ACCEPT:</b> Day, Evening

## EDUCATION

<b>DATES:</b> From: 9/2012 To: 6/2017	<b>SCHOOL NAME:</b> University of California - Davis	
<b>LOCATION:</b> (City, State/Province) Davis, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Bachelor's
<b>MAJOR:</b> Mechanical Engineering	<b>UNITS COMPLETED:</b> 270 - Quarter	

## WORK EXPERIENCE

<b>DATES:</b> From: 3/2021 To: Present	<b>EMPLOYER:</b> BB&E Consulting Engineers and Professionals	<b>POSITION TITLE:</b> Air Quality Specialist
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] offett Field, California, 94035		<b>COMPANY URL:</b> <a href="https://www.bbande.com/nasa-ames-research-center-environmental-support-july-2020/">https://www.bbande.com/nasa-ames-research-center-environmental-support-july-2020/</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] Contract Program Manager	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> <ul style="list-style-type: none"> <li>• Manages the Air Quality Program to ensure the facility is in compliance with all applicable Air Quality Environmental Regulations</li> <li>• Compliance &amp; Permitting Team Lead for the contract group at the NASA Ames Environmental Management Division; provides program support for the effective workflow of associated discipline teams (Hazardous Waste, Hazardous Materials and SPCC)</li> <li>• Point of Contact for Air Quality regulatory agencies (BAAQMD, CARB, EPA)</li> <li>• Sustains working knowledge of developing regulations to provide insight and recommendations for long-term projects and budgets</li> </ul>		
<b>DATES:</b> From: 6/2019 To: 2/2021	<b>EMPLOYER:</b> Stantec	<b>POSITION TITLE:</b> Air Quality Specialist and Greenhouse Gas Consultant

<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] Sacramento, California, 95814		<b>COMPANY URL:</b> <a href="https://www.stantec.com/en/offices/united-states-locations/california-offices-filtered/sacramento-ca">https://www.stantec.com/en/offices/united-states-locations/california-offices-filtered/sacramento-ca</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] BC Operations Leader	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 40	<b># OF EMPLOYEES SUPERVISED:</b> 0	

**DUTIES:**

- Performed Greenhouse Gas Mandatory Reporting Requirements for Oil and Gas industry clients
- Supported client needs through the execution of deliverables including AB2588 Air Toxics "Hot Spots" Reporting, Title V Permit Applications Preparation, and Facility Monitoring Plans
- Conducted rule gap assessments of recently amended regulations
- Assisted in project controls logistics and procedures

**REASON FOR LEAVING:**

[REDACTED]

<b>DATES:</b> From: 10/2017 To: 3/2019	<b>EMPLOYER:</b> Feather River Air Quality Management District	<b>POSITION TITLE:</b> Air Quality Engineer
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED] Yuba City, California, 95991		<b>COMPANY URL:</b> <a href="https://www.fraqmd.org/">https://www.fraqmd.org/</a>
<b>PHONE NUMBER:</b> [REDACTED]	<b>SUPERVISOR:</b> [REDACTED] Air Pollution Control Officer	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 40	<b># OF EMPLOYEES SUPERVISED:</b> 0	

**DUTIES:**

- Conducted air-emissions evaluations of toxics and criteria pollutants
- Drafted Air-district Permits (Area Source and Title V)
- Determined applicability of regulatory requirements
- Performed on-site audits of permitted facilities to determine compliance

**REASON FOR LEAVING:**

[REDACTED]

**CERTIFICATES AND LICENSES**

Nothing Entered For This Section

**Skills****OFFICE SKILLS:**

Typing:  
Data Entry:

**OTHER SKILLS:**

Air Quality Rules and Regulations - Intermediate - 5 years and 7 months  
Greenhouse Gas Regulatory Reporting - Intermediate - 4 years and 0 months  
Microsoft Excel - Expert - 12 years and 0 months  
Interpersonal Skills & Relationship Development - Intermediate - 7 years and 0 months  
Air District Permit Application Preparation - Intermediate - 5 years and 0 months

**LANGUAGE(S):**

Spanish -  Speak  Read  Write  
English -  Speak  Read  Write

**ADDITIONAL INFORMATION**

Nothing Entered For This Section

**REFERENCES**

<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Available Upon Request Available Upon Request	<b>POSITION:</b> Environmental Protection Specialist (Retired NASA Ames Civil Servant)
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<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code)	
<b>EMAIL ADDRESS:</b>	<b>PHONE NUMBER:</b> XXXXXXXXXX

**Agency-Wide Questions**

**1. How did you find out about this position?**

District Website

**2. If other, please tell us where.**

**3. Are you currently legally authorized to work in the United States on a full-time basis?**

Yes

**4. Are you related to any District employee or Board member?**

No

**5. Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**

No

**6. If related to a District employee or Board member, what is their name and their relationship to you?**

N/A

**Job Specific Supplemental Questions**

- 1. Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**  
The entirety of my career has been in the field of Air Quality. My first role upon finishing my undergraduate education was as an Air Quality Engineer in an Air District (FRAQMD). I honed my foundational skills here drafting permits, studying regulations and interacting with the public to advance Air Quality efforts. As an Air Quality Engineer, I presented to the Air Districts Board updates to programs such as the Emission Reduction Credits Program and the Agricultural Engine Registration Program. Since my experience at the FRAQMD, I have worked in Air Quality Environmental Consulting for a variety of clients. I have communicated with clients of all levels of management. In my current role, I am a direct contributor and advisor to the clients Construction Review Board.
  - 2. Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**  
Currently studying for the Registered Environmental Manager Certification issued by the National Registry of Environmental Professionals
  - 3. Please list relevant accomplishments, publications, or awards.**  
I have received merit based bonuses from my current employer and most recently cleared my client for no Air Quality Compliance issues.
  - 4. The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**  
Yes. My current full time role is fully remote and they allow me the flexibility to schedule my own working hours.
- 

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand that the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Tito Martinez on 8/17/23 11:22 AM

**EMPLOYMENT APPLICATION**



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
375 Beale Street Suite 600  
San Francisco, California 94105  
415-749-4980  
<http://www.baaqmd.gov>

**Leonard, Chuck  
ET23.6.21 HEARING BOARD MEMBER**

**Received: 8/17/23 5:30 PM**  
**For Official Use Only:**  
QUAL: \_\_\_\_\_  
DNQ: \_\_\_\_\_  
 Experience  
 Training  
 Other: \_\_\_\_\_

**PERSONAL INFORMATION**

<b>POSITION TITLE:</b> HEARING BOARD MEMBER		<b>EXAM ID#:</b> ET23.6.21
<b>NAME:</b> (Last, First, Middle) Leonard, Chuck		<b>SOCIAL SECURITY NUMBER:</b> N/A
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████, Concord, California 94518		<b>EMAIL ADDRESS:</b> ██████████
<b>HOME PHONE:</b> ██████████		<b>NOTIFICATION PREFERENCE:</b> Email
<b>DRIVER'S LICENSE:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DRIVER'S LICENSE:</b> State: CA	<b>LEGAL RIGHT TO WORK IN THE UNITED STATES?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>What is your highest level of education?</b> Technical College		

**PREFERENCES**

<b>MINIMUM COMPENSATION:</b> \$0.00 per hour; \$0.00 per year	<b>ARE YOU WILLING TO RELOCATE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe
<b>WHAT TYPE OF JOB ARE YOU LOOKING FOR?</b> Temporary	
<b>TYPES OF WORK YOU WILL ACCEPT:</b> Part Time	
<b>SHIFTS YOU WILL ACCEPT:</b> On Call (as needed)	
<b>OBJECTIVE:</b> To Serve	

**EDUCATION**

<b>DATES:</b> From: 8/1983 To: 8/1986	<b>SCHOOL NAME:</b> Plumbers and Steamfitters Local 342	
<b>LOCATION:</b> (City, State/Province) Concord, California	<b>DID YOU GRADUATE?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>DEGREE RECEIVED:</b> Vocational

**WORK EXPERIENCE**

<b>DATES:</b> From: 8/1983 To: 12/2023	<b>EMPLOYER:</b> Plumbers and Steamfitters Local 342	<b>POSITION TITLE:</b> Political Representative
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) ██████████		<b>COMPANY URL:</b> ua342.org
<b>PHONE NUMBER:</b> ██████████	<b>SUPERVISOR:</b> ██████████ Business Manager and Financial Secretary	<b>MAY WE CONTACT THIS EMPLOYER?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>HOURS PER WEEK:</b> 50	<b>SALARY:</b> ██████████ month	<b># OF EMPLOYEES SUPERVISED:</b> 4000
<b>DUTIES:</b> Political engagement in Contra Costa and Alameda Counties.		
<b>REASON FOR LEAVING:</b> ██████████		

**CERTIFICATES AND LICENSES**

Nothing Entered For This Section

**Skills**

Nothing Entered For This Section

**ADDITIONAL INFORMATION**

Nothing Entered For This Section

**REFERENCES**

<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Tim Frank	<b>POSITION:</b> Enviromental Consultant
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<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Che Timmons	<b>POSITION:</b> Business Manager / Financial Secretary - Plumbers and Steamfitters Local 342
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]
<b>REFERENCE TYPE:</b> Personal	<b>NAME:</b> Erica Valentine (Paul) Esq.	<b>POSITION:</b> Political Director - Plumbers and Steamfitters Local 393
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]
<b>REFERENCE TYPE:</b> Professional	<b>NAME:</b> Igor Tregub	<b>POSITION:</b> Sierra Club California and SF Bay Chapter Executive Committee
<b>ADDRESS:</b> (Street, City, State/Province, Zip/Postal Code) [REDACTED]		
<b>EMAIL ADDRESS:</b> [REDACTED]		<b>PHONE NUMBER:</b> [REDACTED]

**Agency-Wide Questions**

**1. How did you find out about this position?**

District Employee

**2. If other, please tell us where.**

**3. Are you currently legally authorized to work in the United States on a full-time basis?**

Yes

**4. Are you related to any District employee or Board member?**

No

**5. Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?**

No

**6. If related to a District employee or Board member, what is their name and their relationship to you?**

N/A

**Job Specific Supplemental Questions**

1. **Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards.**  
 As an EPRI certified Level II Process Control Technician, I worked with a team at Chevron that developed the GHG (Green House Gas) program. This consisted of testing and documenting the control systems that are linked to the analyzers that are drawing air samples and sending the results to the Air Board. As a 3rd party contractor, we also took this GHG program to the other refineries in Contra Costa County.  
 I've also installed new, retrofitted and upgraded the analyzer systems at all of the power plants in Alameda and Contra Costa Counties. These changes were made gradually over the last two decades as the air quality laws in California have changed.  
 I'm currently in my second year as a commissioner on the Contra Costa Sustainability Commission. Our responsibilities are to provide recommendations to staff and the Board on successful implementation of the Climate Action Plan, including suggestions on how that work can be performed more efficiently and effectively.
2. **Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.**  
 I am a member of the Industrial Association of Contra Costa County. The mission of the association is to support and promote the manufacturing and industrial community by leveraging members and their collective resources, in order to engage in public policy advocacy, education and relationship building, to ensure the continued success of manufacturing in our region.
3. **Please list relevant accomplishments, publications, or awards.**  
 I am a seated delegate (AD11) in the California Democratic Party, and I'm appointed to the Legislative Committee.  
 I was selected to join the only working group that is funded through the Governor's office in a Just Transition Study. With the Governor's mandate of carbon neutrality and net zero by 2045 and the collaborative efforts between labor (UA & USW), environmental justice (APEN), public sector unions (Contra Costa Labor Council), UC Berkeley Labor and School of Minds, we are on a path of collecting information and giving recommendations to the Governor on the impacts of social, economic and environmental justice as we work towards net zero.  
 This study should be concluded by the first quarter of 2024. The results will be given to the Governor's office and then released to the public.  
 This working group is also exploring the idea of expanding this conversation to a state level and including more stake holders. Josh Sonnenfeld (Blue Green Alliance) is the project manager on this study.
4. **The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?**  
 Yes, the work of this Hearing Board seat is of such importance that I will prioritize my other job responsibilities to ensure that I can fulfill my obligation to this position. Working towards carbon neutrality and net zero is going to take the work of many people over the course of decades and we must be committed to finding solutions.

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The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand the the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by Chuck Leonard on 8/17/23 5:30 PM

The following two letters of support were received electronically by the Clerk of the Boards on Wednesday, September 20, 2023.





North Bay  
**Building Trades**  
Council AFL-CIO #BuildtRightWithUs  
MARIN • SONOMA • LAKE • MENDOCINO COUNTIES



SANTA CLARA & SAN BENITO COUNTIES  
**Building Trades**  
The outstanding workforce

**Andreas Cluver**  
*Secretary-Treasurer*  
Alameda County Building &  
Construction Trades Council

**Bill Whitney**  
*CEO*  
Contra Costa County Building  
& Construction Trades  
Council

**Manuel Pinheiro**  
*CEO*  
Monterey-Santa Cruz County  
Building & Construction  
Trades Council

**Danny Bernardini**  
*Business Manager*  
Napa-Solano County Building  
& Construction Trades  
Council

**Michael Allen**  
*Secretary-Treasurer*  
North Bay Building &  
Construction Trades Council

**Rudy Gonzalez**  
*Secretary-Treasurer*  
San Francisco County  
Building & Construction  
Trades Council

**Bart Pantoja**  
*Business Manager*  
San Mateo County Building  
& Construction Trades  
Council

**David Bini**  
*Executive Director*  
Santa Clara & San Benito  
Counties Building &  
Construction Trades Council

September 20, 2023

Bay Area Air Quality Management District  
Attn: Marcy Hiratzka  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
**Sent via Email**

RECEIVED

SEP 20 2023

CLERK OF  
THE BOARDS

Dear Air Board Members and Staff,

On behalf of the Northern California Regional Building & Construction Trades Councils, we are reaching out to request your consideration of Chuck Leonard for the public seat on the Hearing Board.

Chuck Leonard is a 40-year member of the Plumbers & Steamfitters Local Union 342. Chuck has displayed collaborative political leadership for decades. He is currently seated on the Sustainability Commission in Contra Costa County. The general purpose of the commission is to advise the Board of Supervisors and staff on successful implementation of the Climate Action Plan, including suggestions on how that work can be performed more efficiently and effectively. Chuck is also involved with the only working group that is funded by the State of California to provide the Governor's office with a comprehensive study on Just Transition as it has to do with the transition of the fossil fuels industry to carbon neutrality and net zero by 2045. Lastly, Chuck was elected as a California Democratic Delegate (AD #11) and is appointed to the Legislative Committee for the Democratic party.

The commonality in these different working groups that Mr. Leonard is involved in is that he is consistently working with Labor, Business, Environmental, and Environmental Justice groups. Finding the middle ground in a professional, respectful and collaborative way is essential to ensuring that all parties that have a vested interest in these spaces can find resolve and equity.

We believe it is important to have someone seated at the table who really understands the needs, anxieties, and equity of working men and women that will directly be affected by the decisions made by the Hearing Board.

Your consideration and time are appreciated.

Sincerely,

*Andreas Cluver*

Secretary-Treasurer, Alameda County Building &  
Construction Trades Council

*Bill Whitney*

CEO, Contra Costa County Building & Construction  
Trades Council

*Danny Bernardini*

Business Manager, Napa-Solano County Building &  
Construction Trades Council

*David Bini*

Executive Director, Santa Clara & San Benito Counties  
Building & Construction Trades Council

*Michael Allen*

Secretary-Treasurer, North Bay Building &  
Construction Trades Council

*Bart Pantoja*

Business Manager, San Mateo County  
Building & Construction Trades Council

*Manny Pinheiro*

CEO, Monterey-Santa Cruz County Building &  
Construction Trades Council

*Rudy Gonzalez*

Secretary-Treasurer, San Francisco County Building  
& Construction Trades Council



September 20, 2023

Bay Area Air Quality Management District  
Attn: Marcy Hiratzka  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
Sent via Email

RECEIVED

SEP 20 2023

CLERK OF  
THE BOARDS

Dear Air Board Members and Staff,

On behalf of the Alameda, Contra Costa, Napa/Solano, and South Bay Labor Councils, we are reaching out to request your consideration of Chuck Leonard for the public seat on the Hearing Board.

Chuck Leonard is a 40-year member of the Plumbers & Steamfitters Local Union 342. Chuck has displayed collaborative political leadership for decades. He is currently seated on the Sustainability Commission in Contra Costa County. The general purpose of the commission is to advise the Board of Supervisors and staff on the successful implementation of the Climate Action Plan, including suggestions on how that work can be performed more efficiently and effectively. Chuck is also involved with the only working group that is funded by the State of California to provide the Governor's office with a comprehensive study on Just Transition as it has to do with the transition of the fossil fuels industry to carbon neutrality and net zero by 2045. Lastly, Chuck was elected as a California Democratic Delegate (AD #11) and is appointed to the Legislative Committee for the Democratic party.

The commonality in these different working groups that Mr. Leonard is involved in is that he is consistently working with Labor, Business, Environmental, and Environmental Justice groups. Finding the middle ground in a professional, respectful, and collaborative way is essential to ensuring that all parties that have a vested interest in these spaces can find resolve and equity.

We believe it is important to have someone seated at the table who really understands the needs, anxieties, and equity of working men and women who will directly be affected by the decisions made by the Hearing Board. Your consideration and time are appreciated.

Respectfully submitted,

**Keith D. Brown**  
Executive Secretary-Treasurer  
Alameda Labor Council

**Jon Riley**  
Executive Director  
Napa/Solano Labor Council

**Joshua Anijar**  
Executive Director  
Contra Costa Labor Council

**Jean Cohen**  
Executive Officer  
South Bay Labor Council

## EMPLOYMENT APPLICATION



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
375 Beale Street Suite 600  
San Francisco, California 94105  
415-749-4980  
<http://www.baaqmd.gov>

Grace, David  
ET23.6.21 HEARING BOARD MEMBER

Received: 8/18/23 2:54 PM  
For Official Use Only:  
QUAL: \_\_\_\_\_  
DNQ: \_\_\_\_\_  
 Experience  
 Training  
 Other: \_\_\_\_\_

## PERSONAL INFORMATION

POSITION TITLE: HEARING BOARD MEMBER		EXAM ID# : ET23.6.21
NAME: (Last, First, Middle) Grace, David		SOCIAL SECURITY NUMBER: N/A
ADDRESS: (Street, City, State/Province, Zip/Postal Code) [REDACTED] San Francisco, California 94119		EMAIL ADDRESS: [REDACTED]
HOME PHONE: [REDACTED]		NOTIFICATION PREFERENCE: Email
DRIVER'S LICENSE: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DRIVER'S LICENSE: State: CA	LEGAL RIGHT TO WORK IN THE UNITED STATES? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What is your highest level of education? Some College		

## PREFERENCES

Nothing Entered For This Section

## EDUCATION

DATES: From: 6/1984 To: 6/1988	SCHOOL NAME: Mesa College	
LOCATION: (City, State/Province) Grand Junction, Colorado	DID YOU GRADUATE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DEGREE RECEIVED: No Degree
MAJOR: History/Mass Communications		
DATES:	SCHOOL NAME: City College	
LOCATION: (City, State/Province) San Francisco, California	DEGREE RECEIVED: No Degree	
MAJOR: History/Mass Communications		

## WORK EXPERIENCE

DATES: From: 7/1998 To: Present	EMPLOYER: Sign & Display Union	POSITION TITLE: Journeyman
ADDRESS: (Street, City, State/Province, Zip/Postal Code) San Francisco, California		COMPANY URL: local510.org
PHONE NUMBER: [REDACTED]	MAY WE CONTACT THIS EMPLOYER? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
HOURS PER WEEK: 5		
DUTIES: Building and dismantling conventions		
DATES: From: 2/1991 To: 4/2007	EMPLOYER: Bill Graham Presents	POSITION TITLE: Usher, Security, Sales
ADDRESS: (Street, City, State/Province, Zip/Postal Code) San Francisco, California		
SUPERVISOR: [REDACTED] Supervisor of Ushers		
HOURS PER WEEK: 20		
DUTIES: Aid and direction to concert goers. Sales of merchandise Office management during concerts		
DATES: From: 10/1993 To: 10/2003	EMPLOYER: CitiVisions	POSITION TITLE: Producer
ADDRESS: (Street, City, State/Province, Zip/Postal Code) San Francisco, California		
HOURS PER WEEK: 20		

<b>DUTIES:</b> This cable-access show dealt with economic issues as they relate to society. It ran for ten years.		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 10/1986 To: 4/1998	<b>EMPLOYER:</b> Jury Verdict Reports	<b>POSITION TITLE:</b> Legal Researcher
<b>ADDRESS: (Street, City, State/Province, Zip/Postal Code)</b> Unknown, Maryland		
<b>HOURS PER WEEK:</b> 20		
<b>DUTIES:</b> Gathered data on civil tort claims, through settlements or verdicts		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 1/1991 To: 6/1996	<b>EMPLOYER:</b> Interviews and Focus Group	<b>POSITION TITLE:</b> Market Researcher
<b>ADDRESS: (Street, City, State/Province, Zip/Postal Code)</b> San Francisco, California		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Various Companies - development for a variety of Market Research firms		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 9/1986 To: 1/1988	<b>EMPLOYER:</b> Associated Press	<b>POSITION TITLE:</b> Stringer Reporter
<b>ADDRESS: (Street, City, State/Province, Zip/Postal Code)</b> Fruita, Colorado		
<b>HOURS PER WEEK:</b> 2		
<b>DUTIES:</b> Stringer on occasional stories for radio stations Various Positions in Radio		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 2/1971 To: 4/1986	<b>EMPLOYER:</b> KDNA	<b>POSITION TITLE:</b> DJ
<b>ADDRESS: (Street, City, State/Province, Zip/Postal Code)</b> St Louis, Missouri		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Multiple stations - Houston, TX, Atlanta, GA, St Louis, MO, Columbia, MO, Grand Junction, CO, etc PSA Development, Producer, News, Sports		
<b>REASON FOR LEAVING:</b> [REDACTED]		
<b>DATES:</b> From: 10/1975 To: 7/1977	<b>EMPLOYER:</b> Cargill Carriers	<b>POSITION TITLE:</b> Deckhand
<b>ADDRESS: (Street, City, State/Province, Zip/Postal Code)</b> St Paul, Minnesota		
<b>HOURS PER WEEK:</b> 40		
<b>DUTIES:</b> Engine room aide and deckhand on inland waterways.		
<b>REASON FOR LEAVING:</b> [REDACTED]		

#### CERTIFICATES AND LICENSES

<b>TYPE:</b> 3rd Class Radio Telegraph & Telephone, with Broadcast Endorsement	
<b>LICENSE NUMBER:</b>	<b>ISSUING AGENCY:</b>

#### Skills

Nothing Entered For This Section

#### ADDITIONAL INFORMATION

Nothing Entered For This Section

#### REFERENCES

Nothing Entered For This Section

Agency-Wide Questions

1. How did you find out about this position?  
Job board/website (list specific under "other")
2. If other, please tell us where.  
Indeed
3. Are you currently legally authorized to work in the United States on a full-time basis?  
Yes
4. Are you related to any District employee or Board member?  
No
5. Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?  
No
6. If related to a District employee or Board member, what is their name and their relationship to you?  
none

Job Specific Supplemental Questions

1. Please describe any experience or education that directly relates to air quality. Also describe any experience on Boards. My volunteer work at Abalone Alliance Safe Energy Clearinghouse provided access to multiple publications and websites describing environmental conditions throughout the bay area. In addition, the Jury Verdict Report cases that I reviewed would occasionally involve exposures to indoor or outdoor conditions. Often medical reports were included, with courtroom contradictions.
  2. Please list professional, trade, or business associations held which relate to the Hearing Board category for which you are applying.  
none
  3. Please list relevant accomplishments, publications, or awards.
  4. The Hearing Board's workload varies, but it can meet as often as two or three times a month in person, almost always on Tuesdays. Meetings are often completed within three hours, but sometimes they can run all day. In addition, Hearing Board members may spend two hours or more reviewing materials in advance of a hearing. Given this schedule, do you believe that you have sufficient time to devote to the Hearing Board activities?  
Yes
- 

The following terms were accepted by the applicant upon submitting the online application:

By clicking on the 'Accept' button, I hereby certify that every statement I have made in this application is true and complete to the best of my knowledge. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work. I understand that I will have to produce documentation verifying identity and employment eligibility in the U.S. I understand that I may be required to verify any and all information given on this application. I understand that this completed application is the property of the Air District and will not be returned. I understand the the Air District may contact prior employers and other references. I understand that I must notify the Human Resources Office at (415) 749-4980 of any changes in my name, address, or phone number.

This application was submitted by David Grace on 8/18/23 2:54 PM