



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**

**San Ramon City Hall
Community Conference Room, 2nd Floor
7000 Bollinger Canyon Road
San Ramon, CA 94583**

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.

Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/88103510130>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 881 0351 0130

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, NOVEMBER 1, 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 Special Meeting of October 18, 2023

The Finance and Administration Committee will consider approving the Draft Minutes of the Finance and Administration Committee Special Meeting of October 18, 2023

4. Hearing Board Quarterly Report: July - September 2023

The Committee will receive the Hearing Board Quarterly Report for the period of July through September 2023.

ACTION ITEM(S)

5. Implementation Policies to Support Proposed New Administrative Code

This is an action item for the Finance & Administration Committee to consider recommending the Board of Directors adopt a comprehensive suite of Implementation Policies and related documents to accompany the proposed new Administrative Code that the Board of Directors will consider at its November 15, 2023 meeting. This item will be presented by Alexander Crockett, District Counsel; Sharon Landers, Interim Chief Operating Officer; and Amy Ackerman of Renne Public Law Group.

OTHER BUSINESS

6. 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.

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, December 6, 2023, at 1:00 p.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. Adjournment

The Committee meeting shall be adjourned by the Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
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 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 speesapati@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**

NOVEMBER 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	1	9:00 a.m.	1 st Floor Board Room
Board of Directors Finance and Administration Committee	Wednesday	1	1:00 p.m.	1 st Floor Board Room
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	8	10:00 a.m.	1 st Floor, Yerba Buena Room
Board of Directors Mobile Source and Climate Impacts Committee	Wednesday	8	1:00 p.m.	1 st Floor, Yerba Buena Room
Board of Directors Meeting	Wednesday	15	9:00 a.m.	1 st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	15	1:00 p.m.	1 st Floor Board Room
Community Advisory Council Meeting	Thursday	16	6:00 p.m.	1 st Floor, Yerba Buena Room
Board of Directors Legislative Committee Meeting	Wednesday	29	10:00 a.m.	1 st Floor Board Room

DECEMBER 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Nominating Committee	Wednesday	6	8:59 a.m.	1 st Floor Board Room
Board of Directors Meeting	Wednesday	6	9:00 a.m.	1 st Floor Board Room
Board of Directors Finance and Administration Committee	Wednesday	6	1:00 p.m.	1 st Floor Board Room

DECEMBER 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	13	10:00 a.m.	1 st Floor, Yerba Buena Room
Board of Directors Mobile Source and Climate Impacts Committee	Wednesday	13	1:00 p.m.	1 st Floor, Yerba Buena Room
Board of Directors Meeting	Wednesday	20	9:00 a.m.	1 st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	20	1:00 p.m.	1 st Floor Board Room

MV 10/26/2023 – 12:02 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: November 1, 2023

Re: Approval of the Draft Minutes of the Finance and Administration Committee Special
Meeting of October 18, 2023

RECOMMENDED ACTION

Approve the Draft Minutes of the Finance and Administration Committee Special Meeting of
October 18, 2023

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Finance and Administration
Committee Special Meeting of October 18, 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 Special Meeting of October 18,
2023

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

Finance and Administration Committee
Wednesday, October 18, 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

CALL TO ORDER

1. **Opening Comments:** Finance and Administration Committee (Committee) Chairperson, John J. Bauters, called the meeting to order at 10:04 a.m.

Roll Call:

Present, In-Person (375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Chairperson John J. Bauters; Vice Chairperson Davina Hurt; and Directors Sergio Lopez, and Katie Rice.

Present, In-Person Satellite Location (Office of Alameda County Supervisor David Haubert, 4501 Pleasanton Ave., Pleasanton, CA 94566): Director David Haubert.

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

Present, In-Person Satellite Location (Mountain View City Hall, 500 Castro Street, 3rd Floor, City Clerk's Office Conference Room, Mountain View, California, 94041): Director Margaret Abe-Koga.

Absent: Directors Brian Barnacle, Lynda Hopkins, David Hudson, and Tyrone Jue.

2. **PLEDGE OF ALLEGIANCE**

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE MEETING OF OCTOBER 4, 2023**

Public Comments

Public comments were given by “Happy.”

Committee Comments

None.

Committee Action

Director Rice made a motion, seconded by Vice Chair Hurt, to **approve** the Draft Minutes of the Finance and Administration Committee meeting of October 4, 2023; and the motion **carried** by the following vote of the Committee:

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

INFORMATIONAL ITEM

4. REPORT FROM THE AUDITOR ON THE MY AIR ONLINE FUNCTION

George Skiles of Sjoberg Evashenk Consulting, Inc., gave the presentation *Performance Audit of My Air Online*, including: audit scope and objectives; background; four preliminary findings; recent observations; and key recommendations.

NOTED PRESENT: Director Ross was noted present at 10:13 a.m.

Public Comments

Public comments were given by “Happy.”

Committee Comments

The Committee and staff discussed whether there is risk in waiting to complete the audit before approving the execution of contracts for My Air Online- related services not to exceed \$2,650,000 for Fiscal Year Ending 2024; concerns about how “insufficient contractor oversight” and “lack of key provisions within vendor contracts” occurred, historically; the anticipated total project cost, compared to the initial project budget from 2004, and the request that the final report lists the project-related expenditures; whether the finished product will be compatible with a permit reporting system; concern regarding the perceived violation of fiduciary trust that has resulted, and the importance of having public agencies be transparent and accountable; and the need for a project oversight committee and regular reporting requirements (back to the Board.)

Committee Action

None; receive and file.

ACTION ITEMS

5. UPDATE ON DECOMMISSIONING LEGACY PERMITTING AND ENFORCEMENT COMPUTER SYSTEMS, THE IMPLEMENTATION OF THE MY AIR ONLINE REPLACEMENT SYSTEMS AND A REQUEST TO RECOMMEND AUTHORIZATION TO EXECUTE RELATED SERVICE CONTRACTS NOT TO EXCEED \$2,650,000 FISCAL YEAR ENDING 2024

John Chiladakis, Chief Technology Officer, gave the staff presentation *Status of Decommissioning Legacy Permitting and Enforcement Computer Systems and Request to Recommend Contracts for Replacement Systems*, including: outline; requested action; audit work and immediate changes; celebrating the decommissioning of the systems from 1977 and 1999; My Air Online in operation 2012; new functionality as of 2012; September 29, 2023 functionality; audit recommendations (oversight and transparency, project management practices, eliminate vendor lock-in); project roadmap looking forward; costs presented to Board on April 18, 2023; My Air Online budget forecast; level of detail in vendor contracts and amendments; and recommended action.

Public Comments

Public Comments were given by “Happy.”

Committee Comments

The Committee and staff discussed anticipated cost savings regarding the elimination of vendor lock-in, and whether the Air District anticipates challenges with this; recruiting new staff with expert knowledge of modern technology platforms; whether the Data Bank and IRIS programs are still running in parallel with My Air Online, and if so, why; anticipated vendor service retention, after staff learns the new system and technology; and whether there is risk in not moving forward with the recommendation of authorizing the execution of contracts for related services not to exceed \$2,650,000 for Fiscal Year Ending 2024.

Committee Action

Director Rice made a motion, seconded by Vice Chair Hurt, to recommend that the Board **authorizes** the execution of contracts for related services not to exceed \$2,650,000 for Fiscal Year Ending 2024; and the motion **carried** by the following vote of the Committee:

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

6. REMOTE TELECONFERENCING MEETING POLICY FOR STANDING COMMITTEES

Sharon L. Landers, Interim Chief Operations Officer, gave the staff presentation *Remote Teleconferencing Meeting Policy*, including: outline; requested action; Brown Act requirements for teleconferencing; previous committee discussion; additional remote meeting requirements; process; and requested action.

Public Comments

Public Comments were given by “Happy.”

Committee Comments

The Committee and staff discussed requiring Board members and their staff to receive training with Air District Executive Office staff on how to host remote teleconferencing meetings (Air District staff will no longer travel to remote locations); requiring two points of contact for each remote teleconferencing location; security requirements by cities and counties, as well as at the Doyle Library and Santa Rosa Junior College; the suggestion of eliminating a remote teleconferencing location (for a full calendar year) if that location fails to properly notice a meeting or log onto a meeting correctly; whether committee chairpersons must attend committee meetings in person at 375 Beale Street in San Francisco, and whether they should appoint their committee vice chair to facilitate a committee meeting if they will not attend in person at 375 Beale Street; cost savings by Air District Executive Office staff ceasing to travel to remote teleconferencing locations; the suggestion of renaming Zoom panelist boxes to reflect the Board members' names, when multiple Board members are at the same remote teleconferencing location; concerns regarding limiting travel (i.e.: teleconferencing locations cannot be within 10-mile drive of another or if less than 10-mile drive, more than 30 minutes commute); and concerns regarding requiring Board members to attend monthly Board meetings in person only.

Committee Action

Chair Bauters made a motion, seconded by Vice Chair Hurt, to direct staff to develop a draft remote teleconferencing meeting policy for standing committees **that the Board will review and Finance and Administration Committee will consider for recommendation for Board adoption on November 1, 2023**, containing the following provisions:

- All of the Brown Act requirements for teleconferencing have been enumerated in the staff report and slide deck and will be part of the policy, to serve as a reminder as to what the standing foundational requirements for remote teleconferencing are.
- The policy can either state objectively or be silent on the fact that there is no limit to the number of remote teleconferencing locations that Board members may utilize. Note: there are to be no remote teleconferencing locations in San Francisco City/County, as the only meeting location in San Francisco City/County is to be 375 Beale Street.
- The policy can be silent on, and does not restrict, remote teleconferencing locations to the Air District's 9 county jurisdiction.
- Remote teleconferencing locations are required to have access to Zoom & a speaker phone.
- Board members & their staff must receive training with Executive Office to host remote teleconferencing meeting, not less than one time per calendar year
- Two points of contact per remote teleconferencing location are to be established
- Board members' staff must post agenda(s) not less than 72-hours before meeting, and may be required to send photographs as proof, as requested by Air District staff
- A written agreement, enumerating obligations and commitments to all requirements established by the Board, will be signed by the Board member (and any required staff) who wishes to host a remote teleconferencing location
- Remote teleconferencing locations must notice a meeting agenda at least 8 days prior to the meeting date, and any meeting cancellation requests made more than 8 days prior to the meeting date must be cancelled at least 8 days prior to the meeting date. Note: Board members who will no longer be able to attend a meeting after the 8-day period has lapsed must still affirmatively host the location in their absence at that site, through their staff

- Remote teleconferencing locations must be Americans with Disabilities Act (ADA) compliant with the Brown Act & are strongly encouraged to open at a minimum of 30 minutes, but not less than ten minutes, before the scheduled start time of the meeting.
- Security shall be provided at remote teleconferencing locations, as needed
- While this version of the draft is not to include the elimination of a remote teleconferencing location, should a remote teleconferencing location fail to properly notice a meeting or log onto a meeting correctly, it will be a consideration in the future
- Committee chairs must attend committee meetings in person, and if they are unable, they will communicate to Air District staff the person that will facilitate the meeting in their place
- After the policy is adopted and implemented, Air District staff will follow up with a presentation to the Board on the status of the policy’s implementation

The motion **carried** by the following vote of the Committee:

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

OTHER BUSINESS

7. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public Comments were given by “Happy.”

8. COMMITTEE MEMBER COMMENTS

None.

9. TIME AND PLACE OF NEXT MEETING

Wednesday, November 1, 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 12:14 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: November 1, 2023

Re: Hearing Board Quarterly Report: July - September 2023

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

This report covers the third calendar quarter (July – September) of 2023, *as well as the first half of October 2023.*

- Held two hearings;
- Processed five orders; and
- Collected a total of \$13,876.00 in Hearing Board filing and/or appearance fees

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

Docket: 3742 – Tesla, Inc. – Appeal from Denial of Permit Application #31706, Issued May 17, 20 (This report captures activity slightly extending into Quarter 3 for this docket.)

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, 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: \$9,256.00 for second (evidentiary) hearing collected on October 2, 2023, in Quarter 3. A pro forma hearing was held in August, and the fee for that was captured in the Hearing Board Quarterly Report for Quarter 2.

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; all required pre-evidentiary hearing items submitted by parties to the Clerk of the Boards by September 22, 2023; evidentiary hearing held on October 3, 2023; Order Denying Appeal filed on October 10, 2023.

THE HEARING BOARD ORDERED:

The Appeal from denial of Permit Application #31706 is denied and the existing permit provisions remain unchanged.

Docket: 3743 – Air Pollution Control Officer (APCO) vs. Valero Refining Company – California – Accusation of Violation of Regulation 8-28 and Request for Order for Abatement

Location: Solano County; City of Benicia

Regulation(s): Regulation 8, Rule 28 (Organic Compounds, Episodic Releases from Pressure Relief Devices at Refineries and Chemical Plants)

Synopsis: The Respondent (Valero) operates the Benicia petroleum refinery located at 3400 East Second Street in Benicia, California. The refinery has the capacity to process up to approximately 165,000 barrels of crude oil per day. The refinery processes crude oil through a series of complex operations to produce refined petroleum products such as gasoline and diesel fuel that are sold to the market. The APCO sought an Order for Abatement against Valero to address ongoing, long-standing violations of Air District Regulation 8-28-304.2, which resulted in illegal unabated emissions of harmful organic compounds from eight Pressure Relief Devices (“PRDs”) at the Hydrogen Compressor Unit at the refinery. The Respondent failed to take the appropriate, legally mandated actions to install emissions control equipment on these PRDs to prevent the organic compounds from being emitted into the atmosphere, despite knowing for years—in some cases, more than a decade—that the emission controls were required by Rule 304.2. Therefore, the APCO respectfully requested that the Hearing Board issue an Order for Abatement requiring the Respondent to cease operations at the Hydrogen Compressor Unit until such time as it routes all the affected PRDs to appropriate controls and achieves full compliance with Air District Rule 304.2.

Fees collected this quarter: N/A

Status: Accusation and Statement to Respondent filed by Complainant on August 10, 2023; Accusation Certificate of Service filed by Complainant on August 14, 2023; Respondent’s Notice of Defense filed on August 24, 2023; Notice of Hearing filed on August 28; hearing scheduled for October 24, 2023; Complainant requested withdrawal of accusation and request for order for abatement on October 11, 2023; Order for Dismissal filed on October 12, 2023 (The APCO requested the withdrawal because the Respondent had routed the pressure relief devices at issue in the accusation to a satisfactory disposal system and was back in compliance with Air District Regulation 8-28-304.2, thereby mooting the accusation.)

THE HEARING BOARD ORDERED:

The Accusation is hereby dismissed and all future hearings are canceled.

Docket: 3744 – Chevron Products Company – Request for Emergency Variance

Location: Contra Costa County; City of Richmond

Regulation(s): Regulation 2 Rule 1, Section 307 (Permits, General Requirements, Failure to Meet Permit Conditions); Regulation 2, Rule 6, Section 307 (Permits, Major Facility Review, Non-Compliance); and Permit Condition #11066, Parts 7A, 7A4, and 7A5.

Synopsis: Chevron Products Company, a division of Chevron U.S.A. Inc., (the “Applicant”) operates the Richmond Refinery (the “Facility”), located in Richmond, California. The Facility is an oil refinery, processing crude oils and other feedstocks into refined petroleum products, primarily transportation fuels.

From Applicant:

Processing of crude oil consists of four basic steps: distillation, extraction, conversion, and treating. A key method of conversion involves the use of a Fluid Catalytic Cracking Unit (“FCCU”). The FCCU (Source S-4285) uses a high-temperature catalyst to split (“crack”) heavy gas oil into lighter hydrocarbon molecules, including gasoline. Gradually, the catalyst surface becomes coated with carbonaceous material (coke), at which point the spent catalyst is sent to the regenerator for the coke to be combusted. Combustion in the regenerator results in emissions of particulate matter (PM). The Facility’s FCCU has a Title V throughput limit of 90,000 bbl/day.

To abate these PM emissions, the Facility uses an electrostatic precipitator (ESP). An ESP uses electrical energy to ionize the particles and then cause them to be drawn out of the exhaust gas stream and on to collection plates, after which they are disposed of. The Facility’s permit requires the Facility to energize its ESP at all times the FCCU is operating except during periods of maintenance or servicing. See Permit Condition #11066 (PC #11066), Part 7A, 7A4, and 7A5.

On September 20, 2023 at approximately 7:36 am, the FCCU tripped offline, i.e., stopped processing feed, as a result of an unexpected and sudden reduction in feed from the upstream TKC Plant (Source S-4253), which hydrotreats the FCCU feed. This precipitated a subsequent surge in feed from the TKC Plant, which caused the Distributed Control System (“DCS”) to automatically cut all feed to the FCCU, putting it into “hot standby” (“safe park”) mode, and automatically deenergized the ESP. The FCCU remained in “hot standby” (“safe park”) mode, i.e., without introduction of feed, for the duration of September 20, although unsuccessful efforts were made to reintroduce feed around 6:00 PM. Feed was successfully introduced at 8:31 AM on September 21, however stable operations have not yet been achieved at the time of this application, and the ESP remains deenergized per process safety protocol. Accordingly, the Applicant requests variance relief to permit the Facility to deenergize the ESP during hot standby and startup until the FCCU achieves stable operations of approximately 30,000 barrels per day, which is the rate consistent with the criteria provided by AFPM for safely energizing an ESP abating emissions from an FCCU.

Energizing the ESP while the FCCU is operated in hot standby and startup would pose serious safety risks, risking hydrocarbon carryover and a potential catastrophic explosion. Importantly, the ESP is functioning properly, so as soon as the FCCU achieves stable operations, which could occur within the next 24-96 hours, Applicant will immediately reenergize the ESP. Accordingly, the emergency variance will only last a brief period of time, after which emissions will again be abated by the ESP.

Without this emergency variance, Applicant will not be able to continue operating the FCCU in hot standby mode and subsequently reintroduce feed into it in accordance with best safety practices, but would instead need to completely shut down the FCCU, which would result in a significant and costly bottleneck in production of gasoline delivered to the Northern California fuels market.

Production from the FCCU results in approximately 2,600,000 gallons of gasoline products delivered to the Northern California fuel market per day. This reduced production would result in a significant decline in the available regional supply of gasoline and a consequent increase in the price of gasoline.

Additionally, shutting down the FCCU completely and subsequently restarting it would result in greater emissions during the subsequent restart event, as it would take significantly longer (up to days or weeks) to achieve stable operations.

Requested Period of Variance: September 20, 2023 at 4:10 pm - September 27, 2023 at 7:36 am

Estimated Excess Emissions: (provided by the Applicant)

Pollutant	Net Emissions After Mitigation (lbs/day or Opacity %)
PM₁₀	1640 lb/day
PM_{2.5}	1415 lb/day
Opacity	65 (max opacity)
NO_x	248 lb/day
CO	2370 lb/day

SO ₂	1423 lb/day
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Fees collected this quarter: \$2,310.00

Status: Application for Emergency Variance filed by Applicant on September 21, 2023; Air District Staff Response filed on September 28, 2023; Hearing Board Response filed on October 2, 2023; Order Denying Emergency Variance filed on October 2, 2023.

THE HEARING BOARD ORDERED:

The Application for Emergency Variance from Air District Permit Conditions #7A, 7A4,7A5; Regulation 2, Rule 1, Section 307; and Regulation 2, Rule 6, Section 307 is denied.

Docket: 3745 – Silicon Valley Clean Water– Request for Emergency Variance

Location: San Mateo County; City of Redwood City

Regulation(s): Regulation 2 Rule 1, Section 307 (Permits, General Requirements, Failure to Meet Permit Conditions); Regulation 9, Rule 2, Section 301 (Inorganic Gaseous Pollutants, Hydrogen Sulfide, Limitations on Hydrogen Sulfide); and Permit Condition #26966, Parts 1, 3, 5.

Synopsis: The Applicant owns and operates a regional wastewater treatment plant within Redwood City.

From Applicant:

Fan #1 for Scrubber A-23 catastrophically failed and sent broken pieces of fan and fiberglass casing off of the SVCW property. SVCW personnel discovered the failure immediately after it occurred on Sunday, 9/24/23 at approximately 11 :00 AM.

Scrubber A-23 continued to operate with back-up Fan #2, but there was a 1-hour period where a portion of the Fan #2 exhaust was being diverted through the damaged Fan #1 before SVCW personnel could correct this problem.

SVCW reduced the Fan #2 speed to 60% beginning at 8:30 PM on 9/24/23 out of concern that Fan #2 could experience a failure similar to Fan #1. SVCW ultimately shut off Fan #2 at 7:50 AM on Monday 9/25/23 due to safety concerns.

The Fan #1 failure is currently under review by the fan manufacturer. No cause has been determined, but Fan #2 has been thoroughly inspected by the manufacturer and determined to be sound. Fan #2 returned to service at 7:00 AM on Wednesday, 9/27/23 at a reduced 75% load. SVCW has confirmed that the system is operating at a negative pressure at this reduced load,

such that no uncontrolled emissions are escaping from the system. The circumstances leading to the need for this Emergency Variance were the result of a sudden and unforeseen failure of a new piece of air pollution control equipment the blower fan for the A-23 Packed Bed Scrubber. This failure was not the result of improper maintenance because the fan had been operating for only 19 days. This unforeseen failure resulted in the shutdown of back-up Fan #2 out of concern that whatever defect or condition that caused Fan #1 to catastrophically fail could also cause Fan #2 to similarly fail.

Requested Period of Variance: September 25, 2023 at 7:00 am to October 24, 2023 at 7:00 am

Estimated Excess Emissions: (provided by Applicant)

Pollutant	Net Emissions After Mitigation (lbs/day or Opacity%)
NPCO (methane)	10.6 pounds total, 4.1 pounds per highest day
POC	15.7 pounds total, 6.0 pounds per highest day
H₂S	23.5 pounds total, 10.0 pounds per highest day

Fees collected this quarter: \$2,310.00 (collected on October 2, 2023, in Quarter 3)

Status: Application for Emergency Variance filed by Applicant on September 28, 2023; Air District Staff Response filed on October 5, 2023; Hearing Board Response filed on October 11, 2023; Order Granting Emergency Variance still forthcoming at the time this report was written.

Docket: 3746 – APCO vs. Martin Marietta Materials, Inc. – Accusation of Violation of Regulation 2-1-302 and Request for Conditional Order for Abatement

Location: San Francisco County; City of San Francisco

Regulation(s): Regulation 2 Rule 1, Section 302 (Permits, General Requirements, Permit to Operate)

Synopsis: Respondent operates an unpermitted sand yard located at Pier 92 at 480 Amador Street in San Francisco (hereinafter “Facility” or “Pier 92”), on land owned by and leased from the Port of San Francisco.

From the APCO:

The Facility receives sand dredged from the San Francisco Bay, washes it, and stores it in stockpiles for sale to customers. The Facility’s operations result in emissions of air pollutants,

including particulate matter and respirable crystalline silica. These are constituents of the sand that the Facility handles, and they can pose a threat to public health if they become airborne and are emitted into the air and the surrounding community in quantities exceeding applicable regulatory limits.

Until 2017, the Facility operated subject to an exemption from the Air District's permitting requirements. This exemption provides that certain sand transfer operations do not need an Air District permit if the sand maintains a sufficient moisture level. Keeping the sand adequately wetted prevents particulate matter and crystalline silica from being emitted in quantities that would cause significant public health impacts. The Air District does not require a permit for the exempt operations, as long as they maintain a sufficient moisture content, given the low potential for significant air quality and public health impacts.

In June 2017, the Air District discovered that the sand was not being kept sufficiently wetted to satisfy the requirements for an exemption. At that point, the Facility required an operating permit under Air District Regulation 2-1-302.1 Ongoing operations after that point were, and have been, in violation of Regulation 2-1-302.

The Facility's then-owner, Lehigh Hanson, Inc., applied for a permit in August 2017, and Air District staff have been evaluating the application since that time—initially with Lehigh Hanson, and more recently with Martin Marietta, which acquired the Facility in October of 2021. Air District staff got so far as to develop and issue an initial permit evaluation, including draft permit conditions designed to ensure compliance with applicable air quality requirements. However, Lehigh Hanson and subsequently Martin Marietta have repeatedly changed their plans for the Facility's operation, which has prevented the Air District from completing the evaluation. Each time changes have been made, Air District staff have had to restart their evaluation because all calculations and analyses must be redone, just as if a new permit application were submitted. This has resulted in significant delays in permit processing, which has now stretched out over several years.

Most recently, in July 2023, Martin Marietta proposed reconstructing the Facility completely and replacing the existing operation with a new, state-of-the-art facility. Replacing the current Facility with an upgraded facility will provide better protections for the community, a laudable goal. But Martin Marietta needs to commit to a final plan for the site and see it through, and it needs to be subject to a final compliance deadline to require it to do so. The APCO respectfully requests that the Hearing Board issue a Conditional Order for Abatement to establish such a deadline. Only a legally enforceable compliance schedule will effectively prevent Respondent from further changing its plans and causing additional, unnecessary delays. In addition, Martin Marietta should be required to comply with interim operating conditions to ensure that its operations comply with applicable emissions standards and related requirements to protect public health while it is coming into compliance with Regulation 2-1-302. Imposing such conditions will ensure that the Facility's operations comply with Air District regulations and are protective of public health.

Fees collected this quarter: N/A

Status: Accusation filed by Complainant on October 3, 2023; Accusation Certificate of Service filed by Complainant on October 4 and 5, 2023; on October 4, 2023, Complainant requested pre-hearing conference with both parties and Hearing Board Chair; pre-hearing conference scheduled for October 17, 2023 (hearing date not yet scheduled.)

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: November 1, 2023

Re: Implementation Policies to Support Proposed New Administrative Code

RECOMMENDED ACTION

Staff recommend that the Finance & Administration Committee approve the following implementation policies and related documents to support the proposed new Administrative Code and recommend them to the full Board of Directors for adoption, to be adopted with a recommended effective date of January 1, 2024:

- Meeting Compensation and Expense Reimbursement Policy
- Records Management and Access Policy
- Revised Records Retention Schedule
- Procurement Policy
- Grants Policy
- Sponsorship Policy
- Non-Discrimination Policy
- Employer-Employee Relations Resolution
- Remote Teleconference Meeting Policy

BACKGROUND

Air District staff have been developing a new Administrative Code for the District as directed by the Board of Directors at its March 1, 2023, retreat. This effort has resulted in a draft new Administrative Code, which the Finance & Administration Committee considered and recommended to the Board of Directors for adoption at the Committee's October 4, 2023, meeting. The Board of Directors will consider adoption of the new Administrative Code at its November 15, 2023, meeting.

The proposed new Administrative Code removes a great deal of overly-detailed provisions that do not belong in the Code, with the idea that these matters should be specified in accompanying implementation policies, and not in the Administrative Code itself. As discussed at the October 4, 2023, meeting, 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.

Staff have therefore developed a suite of detailed Implementation Policies to accompany the new Administrative Code, which the Finance & Administration Committee will consider at today's meeting.

In addition, staff have been working on a parallel path to develop a policy for remote teleconferencing for Standing Committee meetings, which the Finance & Administration Committee has considered at its last two meetings. Based on direction from the Committee, staff have prepared a final draft of the Remote Teleconferencing Meeting Policy, which the Committee will also consider at today's meeting.

DISCUSSION

Staff have developed the following proposed Implementation Procedures and related documents. Staff have developed these documents in conjunction with and subject to direction by the Board's Ad Hoc Committee on Administrative Code Updates, which was made up of Chair Bauters and Directors Barnacle, Jue, and Melgar. Staff have also incorporated the input regarding applicable legal requirements and best practices from the Air District's outside consultant leading this project, Renne Public Law Group.

Meeting Compensation and Expense Reimbursement Policy

The proposed Meeting Compensation and Expense Reimbursement Policy, called for under Section 2.10 of the proposed new Administrative Code, consolidates all of the rules for compensation and expense reimbursement for meeting attendance for members of the Board of Directors, Community Advisory Council (CAC), Advisory Council and Hearing Board. It specifies the types of meetings and events for which members of these bodies are entitled to compensation and travel expenses (for example, Board members are covered for Board and Committee meetings and pre-approved trips for events like COP or the Washington, D.C., congressional advocacy trip); and it establishes the rules governing pre-approval for travel and for what types of expenses are or are not reimbursable. Currently, these rules are scattered in various provisions throughout the Administrative Code and in separate documents like the CAC stipend policy and expense reimbursement guidelines. This proposed Policy will put all the rules in one comprehensive, common document, and it will provide a single set of procedures for expense reports and compensation for all four bodies.

Records Management and Access Policy

The proposed Records Management and Access Policy will replace the records management provisions in Division I, Section 11 of the current Administrative Code (entitled "Guidelines for Records Management and Access."). The proposed new Policy covers essentially the same material as in the current Administrative Code, but we have worked with Renne Public Law Group to update it to reflect current best practices. In particular, the new Policy will clarify how Air District staff handle trade secret information submitted by permit applicants. Permit applicants will be required in all cases to designate any trade secret information at the time of submission, and provide a trade-secret copy and a redacted public copy. That way, when the Air District receives a Public Records Act request staff will have a public copy ready to give the

requestor immediately, with no need to seek input from the applicant as to what information if any contains trade secret material. The proposed Policy also contains a provision for review of trade secret designations by the General Counsel’s Office if there is a dispute over whether the designated information actually qualifies for confidentiality under the Public Records Act.

Revised Records Retention Schedule

The proposed Records Management and Access Policy also incorporates by reference the Air District’s Records Retention Schedule, which was adopted by the Board most recently on July 5, 2023. Staff are proposing one change to the Records Retention Schedule for consideration by the Finance & Administration Committee, regarding ephemeral records that do not contain information of significant or lasting value – for example, things like yellow sticky notes, responses accepting calendar invites via email, rough notes, etc. Historically, California law has never required public agencies to retain such records, so the Air District’s Records Retention Schedule does not address them. But a statutory revision last year means that the Records Retention Schedule now does have to address them. Unless the Schedule affirmatively states that such ephemeral records do not have to be maintained, the Air District will be required to keep them for the retention periods specified in the Schedule. Staff propose revising the Records Retention Schedule to specify that such records do not have to be maintained, because the value of these records is minimal and the burden of retaining them all is very high.

Procurement Policy

The current Administrative Code contains provisions governing procurement in Division II, Section 4 (entitled “Purchasing Procedures”). These provisions are somewhat lacking, and the Air District has hired a public agency procurement consultant to help develop new procurement procedures consistent with current best practices. That process is underway and is expected to be complete and ready for Board approval early next year. In the meantime, staff have worked with the consultant to develop an interim procurement policy to augment and clarify the current Administrative Code language in Division II, Section 4, which is what staff are currently using to govern procurements of goods and services.

Staff are proposing to carry over this current situation in the proposed new Procurement Policy. This proposed Policy would govern procurements from January 1, 2024, until the consultant completes its work and a comprehensive new procurement system is in place. The Policy pulls the procurement requirements from the current Administrative Code, coupled with the interim procurement policy that staff are currently using, with necessary revisions to reflect the changes being proposed in the new Administrative Code such as the proposed \$200,000 APCO contracting authority. This will allow Air District staff to continue to operate under the current procurements system (with the new \$200,000 APCO approval limit) while the new system is being finalized.

Grants Policy

All of the Air District's formal grant programs, such as TFCA, Carl Moyer, FARMER, etc., operate under very strict guidelines and procedures to ensure that public funds are being awarded appropriately. But in addition to these approved grant programs, the Air District has at times also given out informal, one-off grants of up to \$100,000 to entities that solicited them, without any principles or guidelines about how such funds were awarded. The proposed new Grants Policy will restrict the APCO's discretion to award such grants, in order to increase Board oversight and implement controls to ensure that public funds are spent appropriately. The Policy will provide that grants can be awarded only through a formal Board-approved grants program. It will also provide a mechanism for the APCO to develop additional grants programs for Board consideration when circumstances warrant it. This will still allow for a certain amount of appropriate grant-making activity, but subject to full oversight by the Board of Directors.

Sponsorship Policy

The Sponsorship Policy is a new policy called for under Section 9.7 of the proposed new Administrative Code. As with grants, the Administrative Code has never had any provisions governing sponsorships. This new Policy will govern how the Air District decides to sponsor activities, events and programs consistent with the Air District's mission, values and goals. The Policy will authorize the APCO to award sponsorships of up to \$35,000 (or up to \$70,000 for bundled sponsorships for promoting the Spare the Air program) without approval by the Board of Directors. This new policy also requires the Deputy Executive Officer for Public Affairs to review each sponsorship award for consistency with the Policy and final approval by the APCO. The Policy also requires an annual reporting to the Board of Directors as part of the budget process of all sponsorships awarded over the prior year, which will enable the Board to have better oversight of the Air District's sponsorship activities.

Non-Discrimination Policy

The proposed Non-Discrimination Policy is taken essentially verbatim from the current Non-Discrimination Policy language in Division 1, Section 15 of the current Administrative Code. The only change to the substance of the policy is to add an element stating that, if the Air District receives a complaint about alleged discrimination, the complaint procedure will follow EPA guidance on investigating and responding to complaints under Title VI of the federal Civil Rights Act. This will help ensure that the Air District is following best practices regarding such investigations.

Employer-Employee Relations Resolution

The current Administrative Code has a lengthy section recognizing employee organizations (i.e., the Employees' Association) in Division I, Section 10. Per guidance from Renne Public Law Group, best practice for a provision like this is to include it in a separate Employer-Employee Relations Resolution (EERR), not in an Administrative Code provision. Staff are therefore proposing to transfer it, verbatim, into a standalone EERR, which would be adopted along with all of the Implementation Policies to take effect January 1, 2024. Transferring these provisions to

an EERR will not affect the substance of them in any way and will maintain the Board's commitment to recognizing the Employees' Association as a partner in furthering the Air District's mission.

Remote Teleconferencing Meeting Policy

This is a new policy that sets forth requirements for members of the Board's Standing Committees to take advantage of the remote teleconferencing provisions of the Ralph M. Brown Act as an alternative to attending committee meetings in-person at the Air District's Beale Street headquarters. The intent is to minimize the risks of Brown Act provisions not being met, which could result in Committee actions being invalidated, or meetings being delayed or canceled altogether. While the new policy does not restrict the number or location of remote teleconferencing sites, it establishes procedures to be met to qualify as a remote teleconferencing location, including but not limited to training for Board members that want to host remote teleconferencing meetings and their staff; a minimum of two points of contact at a remote teleconferencing location; electronic connectivity through speaker and video; and a signed agreement between the hosting Board member and the Air District where the Board member commits to following the requirements set forth in the Policy. At the direction of the Chair, staff plan to bring this Policy back to the Finance & Administrative Committee to be reviewed after six months of implementation to determine if any changes are required.

Executive Leadership Continuity Policy

Finally, the implementation policies called out on the proposed new Administrative Code include an Executive Leadership Continuity Policy to provide procedures to ensure continuity in executive leadership in the event that either of the Board-appointed leadership positions (APCO and General Counsel) becomes incapacitated or is otherwise unable to perform their duties. This Policy was adopted by the Board on July 5, 2023. No further action is needed on this Policy by the Finance & Administration Committee or Board of Directors. Staff are including this Policy in the attachments hereto for completeness and to ensure that the Committee has the full suite of implementation policies before it as it considers this item.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alexander Crockett
Reviewed by: Sharon Landers

ATTACHMENTS:

1. DRAFT Meeting Compensation and Expense Reimbursement Policy
2. DRAFT Records Management and Access Policy
3. Draft Amended Record Retention Schedule (redline)
4. Draft Amended Record Retention Schedule (clean)
5. DRAFT Procurement Policy
6. DRAFT Grants Policy
7. DRAFT Sponsorship Policy
8. DRAFT Non-Discrimination Policy
9. DRAFT Employer-Employee Relations Resolution
10. DRAFT Remote Teleconference Meeting Policy
11. Executive Leadership Continuity Policy - Resolution 2023-13 - Adopted July 5 2023
12. PowerPoint Presentation - Nov 1 FAC Meeting - Implementation Policies

BAY AREA AIR QUALITY MANAGEMENT

**MEETING COMPENSATION AND EXPENSE REIMBURSEMENT POLICY
FOR MEMBERS OF THE BOARD OF DIRECTORS, COMMUNITY ADVISORY
COUNCIL, ADVISORY COUNCIL, AND HEARING BOARD**

This Meeting Compensation and Expense Reimbursement Policy (“Policy”) is established by the Board of Directors of the Bay Area Air Quality Management District (“Air District”) to provide a single, common policy to govern compensation and expense reimbursement for members of the Air District’s legislative bodies. This Policy will promote consistency and ease of use by the members of these bodies and by Air District staff who administer compensation and expense reimbursement for these bodies.

This Policy governs compensation and expense reimbursement for members of the Air District’s Board of Directors, Community Advisory Council (“CAC”), Advisory Council, and Hearing Board. As used herein, “Member” refers generically to all members of any of these legislative bodies. Where it is necessary to refer to the members of a body specifically, they are referred to as “Board of Directors member,” “CAC member,” “Advisory Council member,” and “Hearing Board member”, respectively.

The first section of this Policy addresses the types of meetings for which Members are entitled to claim compensation and expenses. It also provides the procedures by which Members must obtain prior authorization to attend such meetings, for meetings where such authorization is required. Given the difference among the legislative bodies governed by this Policy, the policies and procedures regarding approved meeting attendance vary somewhat among the four bodies.

The second section of this Policy addresses the types of actual and necessary expenses for which Members are entitled to reimbursement in connection with approved meeting attendance. These policies and procedures are the same for all Members of all four legislative bodies.

**Section One: Authorized Meetings for Which Members Can
Claim Compensation and Expenses**

Pursuant to the Air District’s Administrative Code and relevant provisions of California law, it is the policy of the Bay Area Air Quality Management that Members of the Air District’s Board of Directors, Community Advisory Council, Advisory Council, and Hearing Board are entitled to receive compensation for meeting attendance at the rates set forth in the Administrative Code. Compensation for meeting attendance is intended to compensate Members for the time they spend preparing for, traveling to, and attending meetings on behalf of the Air District. Providing compensation for Members’ time spent on this work recognizes the value of the important work that Members perform on behalf of the public in furthering the Air District’s mission.

The Air District's policies for the types of meetings for which Members are eligible for compensation are set forth below for each of the four legislative bodies governed by this Policy.

1.1 Board of Directors

1.1.1 Board and Committee Meetings

Members of the Board of Directors are entitled to compensation and expense reimbursement for attendance at all meetings of the Board of Directors and of the Board's standing and ad hoc committees, without any need for prior approval. As provided in Section 2.9(c) of the Administrative Code, in order for members to be eligible for compensation for meetings of the Board and Board committees, they must arrive for the meeting no later than 30 minutes after the scheduled beginning of the meeting and must be present for at least three quarters ($\frac{3}{4}$) of the total meeting time, including closed session time.

1.1.2 Other Meetings

For meetings other than Board and committee meetings, in order to be entitled to compensation and expense reimbursement, a Board member's attendance at the meeting must be (i) recommended by the APCO and (ii) authorized by the Board of Directors. For all in-state meetings, the Chairperson is delegated the power to authorize Board member attendance on behalf of the Board of Directors. For all out-of-state meetings, including international travel to meetings in other countries, the full Board of Directors must vote to authorize Board member travel. Board members must obtain authorization prior to travel, except in the case of an unexpected or urgent need to travel, in which case a Board Member may obtain the approval of the Chair, in writing, before any travel expenditures are incurred. Such approval must be reported to and ratified by the Board of Directors at the Board's next meeting.

The Board of Directors (or Chairperson on the Board's behalf) may authorize attendance by Board members only for meetings that are related to the Air District's mission and where attendance by the Board member will further that mission. The types of meeting attendance that may be authorized under this Policy include (but are not limited to):

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

DRAFT Meeting Compensation & Expense Reimbursement Policy – October 2023

For out-of-state and international travel to attend conferences, conventions, legislative advocacy trips and other compensable and reimbursable meetings covered by this Policy, the Chairperson shall nominate Board members to attend such events for approval by the Board of Directors. In making such nominations, the Chairperson shall solicit the interest of Board Members and consult with the Executive Officer/Air Pollution Control Officer (“APCO”) and any other relevant Air District staff to ensure compliance with this Policy.

The Chairperson and Vice-Chairperson shall have priority to represent the Air District 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 Air District in the stead of the Chairperson and Vice-Chairperson, the Chairperson shall consider, at a minimum, all the following:

- The history of attendance and participation by Board members at regular Air District Board and Committee meetings.
- The length of service on the Board by a Board member.
- The prior opportunities to travel and represent Air District 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 Chairperson shall have the authority to recommend non-Board-members for inclusion in Air-District-related travel. In making such a recommendation, the Chairperson shall demonstrate how and why the recommendation fulfills the mission of Air District and is consistent with the goals of the Board of Directors and the agency.

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

1.1.3 Active Transportation Travel

As provided for in Section 2.9(d) of the Administrative Code, Board of Directors members are entitled to compensation for active transportation travel to and from authorized meetings. Payments under this provision for active transportation travel is compensation, not a reimbursement for travel expenses.

1.1.4 Annual Limit on Compensation

Under California law and Section 2.9(c) of the Administrative Code, Board members are subject to a limit of \$6,000 per year in total combined compensation for meeting attendance of all types under this Section 1.1.

1.2 Community Advisory Council

1.2.1 CAC Meetings

CAC members are eligible to receive stipends for participation in meetings of the full CAC, currently occurring every other month (bi-monthly). The Air District will provide a stipend of five hundred dollars (\$500)¹ to travel to and from the meeting, prepare for, participate in, and everything else related to the bi-monthly CAC meetings. The five-hundred-dollar (\$500) stipend for each CAC meeting is intended to cover time spent during the meeting and to fully prepare and participate in CAC meetings. This shall include any Air District trainings and educational events hosted by the Air District in advance of a full CAC meeting. Trainings and educational activities made available to CAC members in preparation for CAC meetings are not compensated separately from the CAC stipend. The time preparing for and participating in the meeting is not to exceed ten (10) hours.

1.2.2 Co-Chair Meetings, Ad-Hoc and Standing Committee Meetings, and Other Required Meetings

In compliance with the Brown Act, Co-Chairs meetings and Ad Hoc Committee meetings are held virtually, standing Committee meetings must have quorum in-person, other required meetings (consisting of less than a quorum) may be in-person or virtually. Co-Chairs are compensated at seventy-five dollars (\$75) per hour² to attend Co-Chairs meetings. The maximum number of hours per month to attend Co-Chair meetings is four (4) hours. The Co-Chairs may attend meetings related to the work of the CAC, beyond the designated 4 hours for Co-Chairs meetings, as requested by the Board or Air District Staff. CAC members of an Ad Hoc Committee or standing Committee will be compensated at \$75 per hour to attend committee meetings and other required meetings related to the work of the CAC. The maximum number of hours per month for participation in each Ad Hoc Committee and Other Required Meetings shall not exceed six (6) hours per member each month. CAC members will only receive a stipend for time spent in meetings. Members will not receive a stipend for travel time or meeting preparation time. To receive a stipend for participation members must be present in the meeting as set forth above. Stipends will be pro-rated based on time spent in the meeting. For example, if a member

¹ Stipend is in alignment with the stipend the California Air Resources Board (CARB) provides to the Environmental Justice Advisory Committee.

² The Air District uses as a guide the living wage in San Francisco, California for a household of three (\$75/hour at the time of this publication) to determine an equitable community stipend amount.

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attends only 30 minutes of a one-hour meeting, they will receive only 50% of the hourly rate, or \$37.50.

1.2.3 Other CAC Member Activities

Every fiscal year, each CAC member can apply for up to one thousand dollars (\$1,000) in funding to support their participation in events, activities, or services the CAC Co-Chairs and Air District Project Lead agree fulfils the mission of the Air District and purpose of the CAC. For example, the CAC may provide funding to send a CAC Member to a regional conference and the stipend would cover their time to attend conference sessions. Another example may be to pay a member of the CAC for research or work related to the Committees, above and beyond meeting attendance. The stipend is intended to cover pre-approved costs related to the work of the CAC up to \$1,000 and shall be calculated at \$75 per hour for time spent on the proposed activity. It is the responsibility of the CAC member to make a request for funding at an appropriate level of funding. Requests should be submitted to the Air District Project Lead thirty (30) days in advance of the proposed activity. When a Co-Chair makes a request, they shall recuse themselves from the approval process and the decision to approve the funding request will be made by the other Co-Chairs. When the CAC only has one Chair, and they make a request for funding, it must be approved by the full body of the CAC. Neither the CAC nor the Air District will be responsible for covering costs beyond the member's estimated expenses and up to a maximum of \$1,000. CAC Members must file a reimbursement for the approved \$1,000 stipend within the applicable fiscal year and are not eligible for additional funding from the "other activities" category until the next fiscal year. Unused funding will not roll over to the next fiscal year. This funding is only available to the CAC during the first nine (9) months of the fiscal year or until the amount budgeted in the CAC's Board-approved budget is exhausted, whichever comes first. The CAC Co-Chairs reserve the right to reallocate unused funding from this budget item after 9 months for any purpose related to the operations of the CAC.

1.2.4 Other Meetings on Behalf of the Air District

CAC members are eligible for compensation and expense reimbursement for attending other conferences, conventions, and similar meetings if (i) the meeting is directly related to the mission of the Air District and consistent with the purpose of the CAC; (ii) the CAC Member is attending as a representative of the Air District; and (iii) the CAC member has received preapproval pursuant to this Section 1.2.4. For in-state meetings, the designated CAC Co-Chair, in agreement with the APCO, may authorize CAC member attendance on behalf of the Air District. For all out-of-state meetings, including international travel to meetings in other countries, the Community, Equity, Health and Justice Committee must authorize CAC member travel. CAC members must obtain authorization prior to travel, except in the case of an unexpected or urgent need to travel, in which case a CAC member may obtain the approval of the designated CAC Co-Chair and the APCO, in writing, before any travel-related expenditures are incurred. Such approval must be reported to and ratified by the Community, Equity, Health and Justice Committee at that Committee's next meeting.

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Meeting attendance may be authorized under this Section 1.2.4 only for meetings that are related to the Air District's mission and consistent with the purpose of the CAC and where attendance of the CAC member will further that mission.

For out-of-state and international travel to attend conferences, conventions, and other compensable and reimbursable meetings covered by this this Section 1.2.4, the CAC Chair/Co-Chairs shall nominate CAC members to attend such events for approval by the Community Equity, Health, and Justice Committee. In making such nominations, the CAC Chair/Co-Chairs shall solicit the interest of CAC Members and consult with the Executive Officer and any other relevant Air District staff to ensure compliance with this Policy.

The CAC Chair or Co-Chairs shall have priority to represent the Air District at any event where attendance is limited or capped due to cost or capacity. In considering which other CAC members may be selected for attendance, or who shall represent the Air District, the CAC Chair/Co-Chairs shall consider, at a minimum, all the following:

- The history of attendance and participation by the CAC member at regular CAC, Co-Chair meetings, and Ad Hoc Committee Meetings (if the CAC member is a member of an Ad Hoc Committee).
- The length of service on the CAC by a CAC member.
- The prior opportunities to travel and represent the Air District by the CAC member.
- The relevance or appropriateness of the CAC member's committee assignments to the nature and purpose for the travel.
- Opportunities for the professional growth or development of new CAC members.
- The relevance and purpose of a meeting or agenda to the home jurisdiction of the CAC member.
- Equitable considerations that would elevate or include the voices of marginalized members of the Bay Area.

Additionally, the CAC Chair/Co-Chairs shall have the authority to recommend non-CAC-members for inclusion in Air-District-related travel. Non-CAC-members must live in an overburdened community within the 9-County Bay Area. The recommended non-CAC-member cannot be a family member of any CAC member. In making such a recommendation, the Chair/Co-Chairs shall demonstrate how and why the recommendation fulfills the mission of the Air District and is consistent with the purpose of the CAC and agency.

Any CAC Member authorized to attend a meeting(s) on behalf of the Air District pursuant to this section shall provide the CAC with a brief, written report on their travel on the Travel Report Back Form. Any Co-Chair may also request that a CAC member who represents the Air District at a meeting, conference, or other event provide an oral report on their participation and experience to the full CAC at the bi-monthly meeting following the CAC member's return.

1.3 Advisory Council

1.3.1 Advisory Council Meetings

Members of the Advisory Council are entitled to compensation and expense reimbursement for attendance at all Advisory Council meetings.

1.3.2 Other Meetings

Members of the Advisory Council are entitled to compensation and expense reimbursement for attendance as a representative of the Council at technical conferences and similar meetings directly related to the work of the Council if and only if authorized in advance by the Board of Directors. Any Advisory Council member authorized to attend such a meeting as a representative of the Council pursuant to this section shall provide a brief, written report of the meeting to the Board of Directors and Advisory Council on the Travel Report Back Form. The Chairpersons of the Board of Directors and Advisory Council may also request that a Council member who attends such a meeting as a representative of the Advisory Council provide an oral report on their participation and experience to the Board of Directors or Advisory Council, respectively.

1.4 Hearing Board

1.4.1 Hearing Board Hearings and Meetings

Hearing Board members are entitled to compensation and expense reimbursement for attendance at hearings and other meetings of the Hearing Board.

1.4.2 Other Meetings

Hearing Board members are entitled to compensation and expense reimbursement for attendance at meetings of the Board of Directors or Advisory Council as a representative of the Hearing Board when their attendance is requested by the Board of Directors or Advisory Council.

Section Two: Procedures for Claiming Reimbursement for Actual and Necessary Expenses Incurred in Connection with Meeting Attendance

It is the policy of the Bay Area Air Quality Management that Members of the Air District's Board of Directors, Community Advisory Council, Advisory Council, and Hearing Board are entitled to receive reimbursement for actual and necessary expenditures incurred in connection with the performance of their official duties for the Air District, as provided for in the Air District Administrative Code and by state law. The guiding principle of this policy is that travel and other expenditures incurred by Members while working on behalf of the Air District and its boards and councils must be in the public interest. Pursuant to California Government

Code section 53232.2, this Expense Reimbursement Policy establishes guidelines for expenditures authorized as business travel expenditures and other business expenditures and incurred by Members in the course of their duties.

2.1 General Procedures and Responsibilities

Members are entitled to reimbursement for actual and necessary travel and other expenses under this Policy only for justified business travel in connection with attending meetings authorized under Section I above.

Members will be entitled to reimbursement for all actual 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 2.9 below. Actual receipts are almost always required except where otherwise stated in this Policy.

When a Member combines business and personal travel on a business trip, the Member will be responsible for the additional charges related to the personal travel. Only the Member's direct travel expenditures are eligible for reimbursement. The Air District will not provide reimbursement for travel expenditures incurred by a spouse or any another individual traveling with the Member.

Requests for reimbursement of expenditures must be submitted on the authorized Air District 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 the Air District that is subsequently refunded to the Member by a third party must be repaid to the Air District within 30 calendar days of receipt of the refund.

Only the APCO can override and approve specific cost items that would otherwise be ineligible for reimbursement under this Policy, and only when it is in the best interests of the Air District to do so. Any reimbursement of an expenditure that requires the waiver of any provision of this Policy by the APCO must be reported for informational purposes to the authority responsible for approving the Member's meeting attendance pursuant to Section I of this Policy.

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

2.2 Air Travel

Members flying on Air District business for which they will seek reimbursement 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 possible cost that 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 Member purchases a first- or business-class ticket, they will be eligible for reimbursement for the amount of 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 reimbursable, nor are upgrades to first or business class. If a Member purchases a first- or business-class ticket, they will be eligible for reimbursement for the lowest available “economy plus” fare only.

Members are entitled to reimbursement for regular baggage fees charged pursuant to applicable airline policy. Excess baggage charges will be reimbursed only when the Member is traveling with heavy or bulky materials or equipment necessary for the Air District business for which the travel is being undertaken.

2.3 Hotel Accommodations

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

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 Air District by the hotel, such as governmental rates, to get the best rate possible.

If accommodations are shared with individuals who are not traveling on Air District business, the 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 Air District 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.

2.4 Rental Vehicles

Reimbursement for rental of cars or other vehicles while traveling on Air District 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. Members who operate vehicles on Air District 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, Air District will reimburse for a "Standard Class" size vehicle or alternative fuel vehicle, except when there are justifiable circumstances, such as group requirements, that make a larger vehicle necessary. Alternative fuel vehicles should be used when available, even if the cost triggers a surcharge or exceeds the cost of a non-alternative-fuel vehicle.

The Air District holds liability insurance to cover third parties in case a Member injures someone or causes property damage to another vehicle while renting a car or driving his/her own personal vehicle while engaging in Air District 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.

2.5 Event Registration Fees

If a Member obtains authorization as provided in Section One to attend a conference, convention, seminar, or similar event for which a registration fee is required, the Member is eligible for reimbursement of such registration fee(s).

2.6 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 Member's personal residence.

Multiple-Day Travel: For 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) for the location of the stay plus 25%. Note that separate rates are provided for Breakfast, Lunch and Dinner. For travel days where a 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 Air District, then no separate reimbursement is allowed for that meal. A Member who pays the bill

for a meal attended by more than one Member or Air District 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 Members and Air District 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.

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, including but not limited to meals unrelated to the Member's Air District business, movies, shows, etc., are not reimbursable expenditures.

2.7 Other Meals

Expenditures for business meals other than meals during travel, such as meals with other elected officials where Air District business is discussed, must be preapproved by the APCO. 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 Air District-related topics discussed.

2.8 Miscellaneous Travel Expenses

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

In-Flight Communications: In-flight phones and Wi-Fi 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 gratuity 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 Air District 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 (e.g., a printout from the BART website showing the total fare for the trip taken). Members should apply prudent business judgment in determining the means of transportation to use.

Personal/Private Vehicle Usage: Members' use of a personal/private vehicle is reimbursable at the mileage rate established by the IRS, which can be found at 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. Members who operate vehicles on Air District business must have a valid driver's license and proof of insurance in their possession, and a good driving record.

2.9 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 Air District travel
- 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 Air District 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.)

2.10 Forms

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

2.11 Receipts for Expenses

Members must submit vouchers or receipts for all necessary and incidental expenses over \$10.00 such as parking charges and fuel costs. Vouchers or receipts need not be presented for meal expenses and hotel accommodations.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RECORDS MANAGEMENT AND ACCESS POLICY

This Records Management and Access Policy establishes the procedures for how the Bay Area Air Quality Management District (“Air District”) will manage its records to ensure that records are identified, maintained and safeguarded pursuant to the Air District’s Records Retention Schedule, and are appropriately destroyed after their retention period has expired in accordance with all applicable legal requirements; and to ensure that records are made available to members of the public in an efficient, responsive and transparent manner. This policy is adopted in conformance with the requirements of Government Code sections 60200-60204, the Local Government Records Management Guidelines prepared by the Secretary of State pursuant to Government Code section 12168.7, and the California Public Records Act, Government Code sections 7920.000 *et seq.*

I. Records Management and Access Policy

It is the policy of the Air District to maintain and safeguard all records relating to the Air District’s work for appropriate periods of time to ensure that they are available for use by Air District staff and others involved in Air District business and are available for inspection by members of the public. It is the policy of the Air District to maintain and safeguard all such records in accordance with the Records Retention Schedule adopted by the Board of Directors.

To promote efficient and cost-effective recordkeeping, it is the policy of the Air District to reduce the number of records in active file areas, eliminate unnecessary retention of duplicate or obsolete documents, and provide for timely transfer of inactive files in compliance with applicable legal requirements and the provisions of this Policy. It is the policy of the Air District to keep records in electronic formats to the extent practicable and consistent with applicable legal requirements.

In addition, in keeping with the Air District’s commitment to full public transparency in all aspects of its work, it is the policy of the Air District that all records not exempt from disclosure by law shall be open for public inspection with the least possible delay and expense to the requesting party. Furthermore, unless otherwise prohibited by law or by specific provisions of this Policy, the District may authorize the disclosure of otherwise exempt records whenever the District determines that such disclosure would benefit the public interest.

The Air Pollution Control Officer (“APCO”) is authorized and directed by the Board of Directors to implement this Records Management and Access Policy and to ensure that all Air District staff comply with it.

II. Definitions

The following definitions shall apply to terms used in this Policy.

- A. “Official Record” means any document or other record defined as an official document or record in applicable statutes or in Air District business practices.
- B. “Public Record” means any writing containing information relating to the conduct of the Air District’s business prepared, owned, used, or retained by the Air District, regardless of physical form or characteristics.
- C. “Record” has the same definition as “writing” in Government Code section 7920.545 and means 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.
- D. “Retention Period” means the length of time a record must be retained as specified in the current Record Retention Schedule as adopted by the Board of Directors pursuant to Government Code Section 60201.
- E. “Unusual Circumstances” means, to the extent reasonably necessary to the proper processing of a particular Public Records Act request, any of the following:
 - a. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
 - b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
 - c. The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
 - d. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

III. Use of Electronic Recordkeeping

The Air District shall maintain records in electronic format to the extent feasible and reasonable. The Air District shall create, store and maintain all electronic official records, as defined in Section II.A. above, on a system that meets the requirements of Government Code Sections 12168.7 and 60203 and any standards adopted or recommended by the

California Secretary of State for such systems pursuant to Government Code Section 12168.7.

IV. Retention and Destruction of Records

A. Records Retention Schedule.

The Board of Directors has adopted a Records Retention Schedule pursuant to Government Code Section 60201 that classifies Air District records by category and establishes a Retention Period for each category. The Board of Directors shall review the Records Retention Schedule at least once every five (5) years, and at other appropriate times when a change in law or change in circumstances may impact the maintenance or disposal of Air District records, and shall revise the Records Retention Schedule whenever necessary.

B. Maintenance of Records.

The Air District shall maintain and preserve all Air District records according to the current version of the Records Retention Schedule adopted by the Board of Directors. Records shall be maintained in electronic format to the extent practical as provided for in Section III above.

C. Destruction of Records After End of Retention Period.

The Air District shall destroy records as soon as practicable after the end of the Retention Period specified in the Records Retention Schedule, unless:

- (1) There is a continuing need for the record, including but not limited to needs such as pending litigation, a Public Records Act request, or a special project; or
- (2) The record falls within one of the categories listed in Government Code Section 60201, subdivision (d).

When a record is destroyed pursuant to this Section IV.C., the Air District shall destroy all originals, photocopies, and copies stored in an electronic format. If the record contains confidential information, the Air District shall destroy it by shredding physical records, wiping electronically stored information, or other secure manner that ensures no confidential information will be preserved.

D. Preservation of Records Required to Be Maintained For Litigation.

In instances where the Air District is required to maintain records because of pending litigation or other similar reasons, the Office of the General Counsel will issue a Litigation Hold requiring all Air District staff to maintain certain documents or categories of documents that may be relevant to the litigation or otherwise required to be maintained. The Office of the General Counsel shall notify all Air District staff, Board members, contractors and others who may have documents covered by such a Litigation Hold and direct those persons not to destroy records covered by the

Litigation Hold, as well as any other relevant circumstances. Notwithstanding any other provision of this Policy, the Air District and its Board Members, employees, contractors, and agents shall not destroy any records if they are subject to a Litigation Hold issued by the Office of the General Counsel.

E. Destruction of Duplicated Records.

Pursuant to Government Code Section 60203, the Air District may destroy any record at any time provided that the record is not expressly required by law to be filed and preserved in the format or medium in which it exists, and that a duplicate record is maintained that satisfies the following requirements:

- (1) The record 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.
- (2) The device used to reproduce the record is one that accurately reproduces the record in all details (including any metadata) and does not permit additions, deletions, or changes to the record being reproduced.
- (3) The duplicate record is maintained in a conveniently accessible file and provision is made for preserving, examining, and using the file.

V. **Public Access to Air District Records**

A. Submission of Public Records Act Requests.

Requests for Air District public records do not need to be in any particular form. However, for efficiency of processing, requestors are encouraged to submit requests through the Air District's public records portal at [Request Public Records \(baaqmd.gov\)](https://baaqmd.gov). Requests may also be submitted to Public Records Coordinator, Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, CA, 94105, publicrecords@baaqmd.gov.

B. Information Required in Public Records Act Requests.

Requests for Air District public records must be focused and specific and must reasonably describe an identifiable record or records with sufficient specificity to enable the Air District to determine what record or records are being sought. To ensure that requests provide sufficient specificity to enable the Air District to identify the record or records being sought, requestors are encouraged to provide as much information as possible regarding the information and/or documents they are seeking, including (as applicable) the name, address and plant number of the subject of the request, the date range for which records are being sought, and the types of records sought (e.g., complaints, violation notices, permit application files, etc.).

C. Providing Assistance to Requestors Seeking Air District Records.

The Air District's Public Records Coordinator shall assist requestors to the extent necessary to help the requestor make a focused and effective request that reasonably describes an identifiable record or records. To provide such assistance, the Public Records Coordinator shall make all reasonable efforts to assist the requestor to identify records and information that are responsive to the request or to the purpose of the request (if stated); shall describe the information technology and physical location in which the records exist; and shall provide suggestions for overcoming any practical basis for denying access to the records or information sought.

D. Responding to Public Records Act Requests

The Air District shall respond to all requests for records as expeditiously as possible, and in all cases within the timeframes required by the Public Records Act, as follows:

- a. Initial Response. No later than ten (10) calendar days following receipt of the request, the Public Records Coordinator shall notify the requestor whether the request seeks disclosable public records in the Air District's possession. If the request seeks disclosable public records in the Air District's possession, the notification shall state the estimated date and time when the records will be made available in accordance with Section V.D.c. below. If the request is received after 5:00 pm Pacific time or on a weekend or holiday, the Public Records Coordinator shall treat it as being received on the next business day. If the 10-day deadline falls on a weekend or holiday, the notification shall be provided no later than the next business day.
- b. Extension of Deadline for Initial Response. In unusual circumstances as defined in Section II.E. above, the Public Records Coordinator may extend the 10-day deadline for providing an initial response by written notice to the requestor stating the reasons for the extension and the date by which the initial response shall be provided, which shall be no longer than fourteen (14) days after the original 10-day deadline.
- c. Full Response. The Air District shall provide all disclosable public records requested as soon as the records can reasonably be collected, reviewed, and made ready for disclosure. In determining the timeframe for providing a response, the Air District shall balance the need to publicly disclose information in a timely manner with the need for the Air District to serve all other aspects of its statutorily mandated mission to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and the global climate. If the volume of records is significant, or would require a substantial diversion of staff time or resources from other important Air District business, responsive records shall be produced on a rolling basis, with partial productions occurring periodically from time to time until the response is completed. The Air District shall

endeavor to respond by the estimated date and time provided in the initial response pursuant to section V.D.a. above. However, if it becomes apparently that the Air District will not reasonable be able to respond by that initial estimate, the Public Records Coordinator shall notify the requestor as soon as possible that the records will not be ready by that estimated date and time and shall provide a revised estimate.

- d. **Providing Access to Requested Records.** The Air District shall respond to requests for disclosable public records by making the records available for inspection, or, to the extent practicable, by providing copies of the records. In lieu of providing copies or making the records available for inspection, the Air District may post the records on its website and direct the requestor to the location on the website where the records are posted (unless the requestor requests a copy of the records due to an inability to access or reproduce the records from the website, in which case the Public Records Coordinator shall promptly provide the requestor with a copy of the records).
- e. **Withholding or Redaction of Records Exempt From Disclosure.** The Air District shall withhold or redact information that is exempted or protected from disclosure under the Public Records Act, including but not limited to investigation files regarding ongoing investigations into suspected air quality violations, attorney work product and attorney-client privileged communications, deliberative process privileged materials and communications, confidential personnel records, personal identifying information regarding persons who submit air quality complaints, trade secrets and other confidential proprietary information as provided under Section VI below, and other records or information for which the public interest served by non-disclosure clearly outweighs the public interest served by disclosure. The Air District will segregate exempt information from any non-exempt information and will provide redacted records disclosing the non-exempt information, to the extent the non-exempt information is reasonably segregable from the exempt information.
- f. **Written Response if Records Are Withheld.** If the Air District's response to a Public Records Act request includes a determination that the request is denied, in whole or in part, the Air District shall provide the response in writing; shall justify the withholding of any record by demonstrating that the record in question is expressly exempt from disclosure under provisions of the Public Records Act or that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record; and shall state the name and title or position of each person responsible for the denial.

E. Fees for Public Records Act Requests.

Air District shall make public records available free of charge, except that it may charge the requestor for the direct costs of making copies of records when copies are requested and the costs of any data compilation, extraction or programming required to produce the records (but not costs of searching for, reviewing or redacting the records). The Air District may waive any such fees for good cause.

F. Compliance with Legal Process.

The Air District will produce records as required by law in response to subpoenas, discovery requests, judicial orders, or other legal process duly served or propounded on the Air District. Legal Process shall be served on the Clerk of the Boards as provided for under Section 8.3 of the Administrative Code.

VI. Protection of Trade Secret Information Contained in Air District Records

A. Protection of Trade Secret Information.

The Air District will not disclose trade secret information exempted from disclosure under Section 7924.510 of the Public Records Act or other provision of law as provided in this Section VI. The Air District will not withhold such information unless the submitter of the information complies with the provisions set forth herein.

B. Designating Trade Secret Information.

Any entity submitting information to the Air District that it contends constitutes trade secret information exempt from disclosure under this Section VI must do all of the following:

- a. Provide two copies of all documents submitted that include claimed trade secret information, including (i) an unredacted version for use by Air District staff, and (ii) a redacted public copy with the claimed trade secret information redacted. The unredacted and redacted versions must be clearly marked “Trade Secret Copy” and “Public Copy,” respectively. The public copy will be subject to public disclosure and review without further notification pursuant to Section VI.E. below and should not contain any unredacted information that the submitter contends is trade secret information.
- b. Provide a detailed written justification for why the information claimed to be trade secret constitutes a trade secret exempt from disclosure under the Public Records Act. The detailed justification must reference each item of information claimed to be trade secret by reference to the page number on which the item appears, and by line or section number or other identifier to the extent there is more than one item on a page. The justification may not claim trade secret protection of any air pollution emission or monitoring data or other information specifically defined as non-exempt under Government Code section 7924.510.

- c. Provide the name and email address of a designated contact person for any correspondence in the event the Air District receives a request for the claimed trade secret information, and promptly notify the Air District if the designated contact person changes.
- d. Provide a statement by a person legally authorized to make such a statement on behalf of the submitter that the submitter agrees to indemnify the Air District for any legal claims, penalties, damages or other liability based on the Air District's withholding of the information claimed as trade secret.

C. Review of Trade Secret Claims Upon Submission.

The Air District may, but is not required to, review the submitter's justification for why the claimed trade secret information is exempt from disclosure under the Public Records Act. If the Air District determines that the information provided is insufficient to support a claim of trade secret, it may request that the submitter provide further information to support the claim. If the Air District determines that the information claimed to be trade secret does not qualify for any exemption from disclosure under the Public Records Act, it shall inform the submitter of that determination and shall not treat the information as trade secret under this Policy.

D. Protection of Trade Secret Information.

The Air District will not voluntarily disclose information for which the submitter has claimed trade secret protection in accordance with this Section VI. The Air District will disclose such information in response to a Public Records Request only in accordance with subsection VI.E. below.

E. Responding to Requests for Records For Which A Trade Secret Claim Has Been Asserted.

If the Air District receives a Public Records Request seeking a document containing claimed trade secret information submitted pursuant to section VI.B. above, the Air District will respond according to the following provisions:

- a. The Public Records Coordinator will provide the public copy to the requestor and inform the requestor in writing of the submitter's stated justification for why the redacted information constitutes a trade secret exempt from disclosure under the Public Records Act. The Public Records Coordinator will inform the requestor that they should notify the Public Records Coordinator if the requestor disagrees with the stated justification and believes the Air District should release some or all of the redacted information.
- b. If the requestor responds that they believe the Air District should release some or all of the redacted information, the Public Records Coordinator shall inform the General Counsel's office.

- c. Upon notification by the Public Records Coordinator, the General Counsel's office shall review the redacted information sought by the requestor and the submitter's stated justification for why that information constitutes a trade secret exempt from disclosure under the Public Records Act.
- d. If the General Counsel's office determines that the redacted information sought constitutes a trade secret exempt from disclosure under the Public Records Act, it will inform the requestor of that determination, with explanation of basis of the determination.
- e. If the General Counsel's office determines that the redacted information is not exempt from disclosure under the Public Records Act, it will provide notice of that determination by email to the submitter's contact person identified pursuant to Subparagraph VI.B.c. above. The email notification shall state that if the submitter does not initiate legal proceedings to prevent release and serve a summons on the Air District within thirty (30) calendar days from the date of the email notification, the Air District will disclose the redacted information sought by the requestor.
- f. If submitter has not initiated legal proceedings and served a summons on the Air District within thirty (30) calendar days from the date of the Air District's email notification provided pursuant to subsection VI.E.e. above, the Air District will release the requested records without redaction of the non-exempt information sought. The Air District shall not disclose any disputed information if prohibited by an order issued by the court in any such legal proceedings.

F. Compliance With Legal Process.

Nothing in this Policy shall relieve the Air District from any legal obligations to comply with subpoenas, discovery requests, court orders, or other process in any judicial or administrative proceeding.

G. Disclosure to Other Governmental Agencies Pursuant to Confidentiality Agreement.

Notwithstanding the limitations in Section VI.D., the Air District may disclose information and records designated as trade secret to other governmental agencies that agree to treat the disclosed material as confidential in accordance with the provisions of Government Code section 7921.505(c)(5).

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

Record Retention Schedule

This schedule is a catalog of all record types employed by the Bay Area Air Quality Management District (Air District) in carrying out the work of the agency. Pursuant to California Government Code section 60201, this schedule and any revisions to the schedule must be adopted by the Air District Board of Directors. This schedule is a component of the Air District's records management program, to be implemented in conjunction with the Air District's Record Management and Access Policy. Guidelines for the records management program are set forth in the Air District Administrative Code, Division I, Operating Policies and Procedures, Section 11. The purpose of ~~this~~ records management program is to maintain records in a manner that furthers the public purposes of the Air District while ensuring prompt and accurate retrieval of records and compliance with all legal requirements.

Retention of Records

For each record type, the schedule establishes a retention period. The record types are sorted by retention period. Certain records will be kept permanently because of their continuing importance to the Air District and the public. For records not kept permanently, the schedule establishes a retention period. The retention period is the period of time that the Air District will keep a record after its "use period" is over. For most records, use occurs at a point in time, with the retention period beginning after this brief active use period. Most of the records in this schedule are of this type.

For certain records, the use period extends over a significant period of time. Examples include building blueprints, equipment manuals, contract documents, and grant documents. For these records, the schedule indicates the triggering event for the running of the retention period.

The substance of a record, rather than the format or medium in which it is held, determines the appropriate category for the record. Thus, paper records, emails, and electronic data alike acquire the retention period of the applicable substantive category.

A record needs to be retained under the schedule only if either (i) there is a law that requires the record to be retained or (ii) the record is necessary or convenient to the discharge of the Air District's duties and it was made or retained for the purpose of preserving its informational content for future reference. As specified in the provision at the end of the schedule for "non-retained records," records do not need to be retained if they do not contain information of significant or lasting value (provided there is no law that requires them to be retained. Such non-retained records including but not limited to transmittal letters, acknowledgements, drafts, rough notes, calculations, courtesy letters, publications not produced by the Air District in the course of business, duplicate copies, tape recordings (unless designated the official record), virtual meeting chats, and copies of other government agency reports.

In addition, only one copy of a record needs to be retained under this schedule, unless otherwise required by law. The Air District may destroy any record at any time if a duplicate

record is maintained that satisfies the requirements of Government Code Section 60203, provided that the record is not expressly required by law to be filed and preserved in the format or medium in which it exists.

Destruction of Records

Records should be destroyed as soon as practicable after the end of the specified retention period, unless:

- (1) There is a continuing need for the record, including but not limited to needs such as pending litigation, a Public Records Act request, or a special project; or
- (2) The record falls within one of the categories listed in Government Code Section 60201, subdivision (d).

When a record is retained for longer than the specified retention period because of a continuing need for the record, the record should be destroyed when it is no longer needed. When a record is retained for longer than the specified retention period because it falls into one of the categories listed in Government Code Section 60201, subdivision (d), it should be destroyed if circumstances change such that the record no longer qualifies for any of those categories.

Non-retained records, which as noted above are records created or received during the course of business that do not merit retention because they do not contain information of significant or lasting value, including but not limited to transmittal letters, acknowledgements, drafts, rough notes, calculations, courtesy letters, publications not produced by the Air District in the course of business, duplicate copies, tape recordings (unless designated the official record), virtual meeting chats, and copies of other government agency reports, should be destroyed as soon as their use period is over, provided that they are not required by law to be maintained.

When a record is destroyed pursuant to this schedule, the Air District shall destroy all originals, photocopies, and copies stored in an electronic format. If the record contains confidential information, the Air District shall destroy it by shredding physical records, wiping electronically stored information, or other secure manner that ensures no confidential information will be preserved.

Notwithstanding any other provision of this policy, the Air District shall not destroy any records if they are subject to a Litigation Hold issued by the Office of the General Counsel.

Record type	Including these specific records:	Retention period
General		
General correspondence	General interoffice memoranda, general correspondence	3 years
Policies, procedures and workbooks	Policy documents, including enforcement policies and procedures, BACT/TBACT workbook, permit handbook, and source test protocols and plans	Revised + 7 years
Requests from public	Public records requests and responses	3 years
Boards and Executive		
Board audio and video records	Audio and video records of Advisory Council, Board of Directors, and committee meetings; Hearing Board hearings	1 year
Board files	Oaths of office, expense reports for Advisory Council, Board, Hearing Board, Board member correspondence, Board member travel authorizations and Board expense claims	End of term + 7 years
Board records	Board, Board committees, Hearing Board, Advisory Council and Advisory Council committees: agenda packages, minutes, reports, resolutions, and rosters	Permanent
Executive files	Chronological correspondence files, conflict of interest forms, lobbyist employer/lobbyist registration	7 years
Hearing Board docket	All case related files	Final compliance date + 7 years
Legislative and bill files	Bill file (documents, analyses, correspondence), Legislative Committee records	3 years
Administrative		
Bonds, insurance and warrants records	Bonds, property and liability insurance policies and documentation, warrants	Permanent
Building records	Building blueprints, building equipment information, building maintenance information, construction drawings & information, drawings – space plans, maintenance working records.	Life of building + 7 years
Cal OSHA reports	Cal OSHA reports and citations	7 years

Record type	Including these specific records:	Retention period
Contracts	Contract files and any related task orders or purchase orders, and any related bids, RFPs, RFQs or accepted proposals, contractor timesheets, contractor logs	Contract final expiration + 7 years
Fleet vehicle records	Vehicle maintenance expenses, vehicle mileage reports, vehicle request forms, vehicle registration fees, travel trip slips	Life of vehicle + 3 years
Mailroom records	Certified mail log, certified mail receipts – fee invoices, fee billing invoices, fee billing problem resolution files, returned mail (fee invoices and validations)	3 years
Physical security reports	Security guard activity reports	3 years
Rejected bids	RFPs/RFQs/evaluations/unaccepted proposals and bids	Fiscal year of bid + 3 years
Stockroom records	Stockroom requisitions	1 year
Tort and workers compensation claims	Tort claim liability files, worker’s compensation files	Until closed + 7 years
Emission Monitoring, Source Testing, and Ambient Monitoring		
Emission monitoring records	Continuous emission monitoring (CEMS) monthly reports, CEM indicated excesses – source test evaluation forms, CEM approvals pursuant to Regulation 1, Section 522	Life of facility + 7 years
Laboratory samples and air quality monitoring data	PM 2.5 filters and PM 10 filters collected from sampling equipment, ambient air monitoring data – strip charts, air monitoring station log books, asbestos samples submitted for analysis, instrument log books, laboratory notebooks, results, methods of analysis, photo-micrographics, standard operating procedures	7 years
Meteorological and air monitoring data	Ambient air monitoring data – data logger data, forecasts, meteorological monitoring data, ground level monitoring data; ground level monitoring audit reports	Permanent
Meteorological reports	Meteorological reports	1 year

Record type	Including these specific records:	Retention period
QA/QC and calibration records	Lab, source test, and air monitoring equipment calibration records and QA/QC records, quality assurance manual	7 years
Source test results and raw data	Source test results and raw data from both the District and outside contractors, field accuracy test results, raw data, and reports, contractor-conducted source test notifications (ref: Volume IV, V, MOP)	Life of facility + 7 years
Technical equipment records	Manuals and maintenance records, 10% quality assurance analysis reports, additional records required by NVLAP accreditation program, audit records, blind sample analysis reports, inter-laboratory analysis reports, maintenance and calibration reports, proficiency test, quality control charts and data	Life of equipment + 3 years
Enforcement		
Activity authorization	Open burns, exemption petitions, tank pulls/excavations, PERP, landfill reports	7 years
Activity authorization	Asbestos dust mitigation plans, asbestos removal, naturally occurring asbestos reports	Permanent
Complaints	All complaint information including wood smoke and smoking vehicle complaints	7 years
Compliance records	Compliance advisories and compliance reports required by regulation (Regs. 8-5, 8-10, 8-17, 8-18, 8-40, 9-10)	7 years
Flare records	Flare minimization – approved plans (Reg. 12-12), flaring notifications and reports (Reg. 12-12), plan review documents (Reg. 12-12), flare monitoring reports (Reg. 12-11)	7 years
Inspection records	Inspection reports, internal correspondence on inspections	7 years
Title V reports	Title V semi-annual and annual reports, Title V 10-day and 30-day deviation reports	7 years
Violation records	Notice of Violation files and Notice to Comply files, including all supporting documentation	Lesser of 25 years or life of facility + 7 years

Financial

Accounts payable - general	General accounts payable invoices, general checks-cancelled or voided, Board of Directors travel and meeting expenses, credit card payments and records, travel expense reimbursement requests, fixed assets invoices	7 years
Accounts payable check register, reports	Accounts payable check register, accounts payable general ledger post report, accounts payable journal voucher report	3 years
Accounts payable - grants	Grant accounts payable files	End of project + 10 years (longer if required by grantor)
Accounts receivable - general	Bank check deposits/permit check deposits, supporting documents for check deposits, credit card reports and supporting documents	5 years
Accounts receivable - other	Wire transfers/NSF checks, other accounts receivable reports/registers	3 years
Budget - adopted	Annual adopted budget	Permanent
Budget - other	Draft budget, proposed budget and supporting documents, budget transfers and adjustments	3 years
Deposit records - general	General monthly bank statements, general bank reconciliations	7 years
Deposit records - grants	Grant bank statements and related records	End of project + 10 years (longer if required by grantor)
Fixed asset files	Acquisition/disposal/sale/surplus records for personal property; lease/rent schedule and supporting documents for leased property; inventory and schedule of infrastructure and buildings for real property	Asset disposal/lease expiration/life of building + 7 years
I-Bond (Goods Movement) documents	Grant financial files and supporting documents	35 years
Refunds/unclaimed property	Refund and unclaimed property files	3 years
Tax documents	1099, W9 and other related documents; Board of Equalization sales tax reports	7 years (longer if related to grant and required by grantor)

Year-end financial statements and related reports	Annual audited financial statements and related reports, journal entries and supporting documents, certificate of participation records/bonds	Permanent
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Human Resources

Employee accident and injury records	Accident files, employee injury (first aid) files	7 years
Employee benefit records	Tuition reimbursement, COBRA documentation, Section 125 documentation	7 years
Employee HR records	Disciplinary action log, employee workforce data, grievances & arbitrations, negotiations, complaint summary logs	Permanent
Employee recruitment records	Classification studies, class specifications, recruitment files, wage and salary data, acquisition records	7 years
Equal employment opportunity plan	Equal employment opportunity plan	Until replaced
Insurance benefits records	Insurance contracts, life insurance documentation, health insurance documentation	Life of policy + 3 years
Payroll records	Payroll registers, tickler files, timecards, vacation requests, family/medical leave requests	7 years
Payroll records	Payroll direct deposit records, CALPERS reports, Form 941 quarterly reports, payroll history YTD totals report, year end clearing/closing reports	Permanent
Personnel files	Personal and professional files of Air District employees, including disciplinary support files and discrimination complaint files	Last day of employment + 4 years
Personnel files	Application files for applicants for employment at the Air District	Date of hiring decision + 4 years
Tax records	457 deferred comp documents, W2, W2 reports, transmittal of W2	7 years
Training records	Training program files, employee training completion records	Permanent

Incentives

Grant files	Program audit documents, program eligibility guideline documents; grant application, review and decision documents; grant program financial records; grantee monitoring documents; internal activity and tracking documents; project audit documents	End of project + 5 years
I-Bond grant records	I-Bond grant files	35 years
Reports to CARB/EPA	Grant reports to CARB/EPA	7 years
Vehicle Buy Back program	Vehicle Buy Back program - copies of vehicle eligibility documents provided to District for review	3 years

Information Systems

IT system backups	System backups	Until replaced
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Legal

Legal records	Comments on legislative, administrative and hearing board matters	7 years
Legal records	Litigation-pleadings and orders, settlement agreements, opinions and advice files, rule interpretations/opinions, civil enforcement case records	Permanent

Permitting

Data update forms	Responses to facility data update questionnaires	Data entry + 3 years
EPA grants	EPA 105 grant documents	Final report + 3 years
Permit application records	Authority to Construct documents, Permit to Operate documents, banking documents, registration documents, application forms, permit exemptions	Life of facility or emission reduction credit + 7 years
Permit advisories	Advisories regarding permitting	7 years
Plant (facility) files	Permit documents, ownership/facility status records, emission-related documentation, regulatory plan submittals, source data forms	Life of facility + 7 years
Reports to CARB/EPA	Engineering reports to CARB/EPA	7 years
Toxics Hotspots records	Toxics emissions inventory reports, risk assessments	Life of facility + 7 years

Planning

Air quality plans	State and federal air quality plans and supporting documentation, including emission inventory and modeling records, environmental and socioeconomic review documents, and any associated plan-related reports to ARB or EPA	Permanent
CEQA records	CEQA comments as responsible agency or commenting agency	7 years
Emission inventory records	Final emission inventory reports and supporting material for greenhouse gases, criteria pollutants, and toxic air contaminants; emission inventory annual reports submitted to ARB CEIDARS database	Permanent

Public Relations and Outreach

Annual reports	Annual reports	Permanent
Community meeting records	Community outreach community meeting files and resource team records	7 years
Mailing lists	Mailing lists	Until replaced
News media records	News releases and clips	Permanent
Outreach documents	Brochures	Until replaced
Publications	Newsletters and other publications	7 years
Requests from public	Requests for general information, requests for publications, requests for speakers	3 years

Rulemaking

Rules and regulations	All versions of rules and regulations that were adopted or made available to the public; rule development files and any associated economic or environmental analyses	Permanent
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Non-Retained Records

Non-retained records

Records created or received during the course of business that do not merit retention because they do not contain information of significant or lasting value, including but not limited to transmittal letters, acknowledgements, drafts, rough notes, calculations, courtesy letters, publications not produced by the Air District in the course of business, duplicate copies, tape recordings (unless designated the official record), virtual meeting chats, and copies of other government agency reports, provided that such records are not required by law to be maintained.

Not retained; subject to destruction when use period is over

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Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

Record Retention Schedule

This schedule is a catalog of all record types employed by the Bay Area Air Quality Management District (Air District) in carrying out the work of the agency. Pursuant to California Government Code section 60201, this schedule and any revisions to the schedule must be adopted by the Air District Board of Directors. This schedule is a component of the Air District's records management program, to be implemented in conjunction with the Air District's Record Management and Access Policy. The purpose of the records management program is to maintain records in a manner that furthers the public purposes of the Air District while ensuring prompt and accurate retrieval of records and compliance with all legal requirements.

Retention of Records

For each record type, the schedule establishes a retention period. The record types are sorted by retention period. Certain records will be kept permanently because of their continuing importance to the Air District and the public. For records not kept permanently, the schedule establishes a retention period. The retention period is the period of time that the Air District will keep a record after its "use period" is over. For most records, use occurs at a point in time, with the retention period beginning after this brief active use period. Most of the records in this schedule are of this type.

For certain records, the use period extends over a significant period of time. Examples include building blueprints, equipment manuals, contract documents, and grant documents. For these records, the schedule indicates the triggering event for the running of the retention period.

The substance of a record, rather than the format or medium in which it is held, determines the appropriate category for the record. Thus, paper records, emails, and electronic data alike acquire the retention period of the applicable substantive category.

A record needs to be retained under the schedule only if either (i) there is a law that requires the record to be retained or (ii) the record is necessary or convenient to the discharge of the Air District's duties and it was made or retained for the purpose of preserving its informational content for future reference. As specified in the provision at the end of the schedule for "non-retained records," records do not need to be retained if they do not contain information of significant or lasting value (provided there is no law that requires them to be retained). Such non-retained records including but not limited to transmittal letters, acknowledgements, drafts, rough notes, calculations, courtesy letters, publications not produced by the Air District in the course of business, duplicate copies, tape recordings (unless designated the official record), virtual meeting chats, and copies of other government agency reports.

In addition, only one copy of a record needs to be retained under this schedule, unless otherwise required by law. The Air District may destroy any record at any time if a duplicate record is maintained that satisfies the requirements of Government Code Section 60203,

provided that the record is not expressly required by law to be filed and preserved in the format or medium in which it exists.

Destruction of Records

Records should be destroyed as soon as practicable after the end of the specified retention period, unless:

- (1) There is a continuing need for the record, including but not limited to needs such as pending litigation, a Public Records Act request, or a special project; or
- (2) The record falls within one of the categories listed in Government Code Section 60201, subdivision (d).

When a record is retained for longer than the specified retention period because of a continuing need for the record, the record should be destroyed when it is no longer needed. When a record is retained for longer than the specified retention period because it falls into one of the categories listed in Government Code Section 60201, subdivision (d), it should be destroyed if circumstances change such that the record no longer qualifies for any of those categories.

Non-retained records, which as noted above are records created or received during the course of business that do not merit retention because they do not contain information of significant or lasting value, including but not limited to transmittal letters, acknowledgements, drafts, rough notes, calculations, courtesy letters, publications not produced by the Air District in the course of business, duplicate copies, tape recordings (unless designated the official record), virtual meeting chats, and copies of other government agency reports, should be destroyed as soon as their use period is over, provided that they are not required by law to be maintained.

When a record is destroyed pursuant to this schedule, the Air District shall destroy all originals, photocopies, and copies stored in an electronic format. If the record contains confidential information, the Air District shall destroy it by shredding physical records, wiping electronically stored information, or other secure manner that ensures no confidential information will be preserved.

Notwithstanding any other provision of this policy, the Air District shall not destroy any records if they are subject to a Litigation Hold issued by the Office of the General Counsel.

Record type	Including these specific records:	Retention period
General		
General correspondence	General interoffice memoranda, general correspondence	3 years
Policies, procedures and workbooks	Policy documents, including enforcement policies and procedures, BACT/TBACT workbook, permit handbook, and source test protocols and plans	Revised + 7 years
Requests from public	Public records requests and responses	3 years
Boards and Executive		
Board audio and video records	Audio and video records of Advisory Council, Board of Directors, and committee meetings; Hearing Board hearings	1 year
Board files	Oaths of office, expense reports for Advisory Council, Board, Hearing Board, Board member correspondence, Board member travel authorizations and Board expense claims	End of term + 7 years
Board records	Board, Board committees, Hearing Board, Advisory Council and Advisory Council committees: agenda packages, minutes, reports, resolutions, and rosters	Permanent
Executive files	Chronological correspondence files, conflict of interest forms, lobbyist employer/lobbyist registration	7 years
Hearing Board docket	All case related files	Final compliance date + 7 years
Legislative and bill files	Bill file (documents, analyses, correspondence), Legislative Committee records	3 years
Administrative		
Bonds, insurance and warrants records	Bonds, property and liability insurance policies and documentation, warrants	Permanent
Building records	Building blueprints, building equipment information, building maintenance information, construction drawings & information, drawings – space plans, maintenance working records.	Life of building + 7 years
Cal OSHA reports	Cal OSHA reports and citations	7 years

Record type	Including these specific records:	Retention period
Contracts	Contract files and any related task orders or purchase orders, and any related bids, RFPs, RFQs or accepted proposals, contractor timesheets, contractor logs	Contract final expiration + 7 years
Fleet vehicle records	Vehicle maintenance expenses, vehicle mileage reports, vehicle request forms, vehicle registration fees, travel trip slips	Life of vehicle + 3 years
Mailroom records	Certified mail log, certified mail receipts – fee invoices, fee billing invoices, fee billing problem resolution files, returned mail (fee invoices and validations)	3 years
Physical security reports	Security guard activity reports	3 years
Rejected bids	RFPs/RFQs/evaluations/unaccepted proposals and bids	Fiscal year of bid + 3 years
Stockroom records	Stockroom requisitions	1 year
Tort and workers compensation claims	Tort claim liability files, worker’s compensation files	Until closed + 7 years
Emission Monitoring, Source Testing, and Ambient Monitoring		
Emission monitoring records	Continuous emission monitoring (CEMS) monthly reports, CEM indicated excesses – source test evaluation forms, CEM approvals pursuant to Regulation 1, Section 522	Life of facility + 7 years
Laboratory samples and air quality monitoring data	PM 2.5 filters and PM 10 filters collected from sampling equipment, ambient air monitoring data – strip charts, air monitoring station log books, asbestos samples submitted for analysis, instrument log books, laboratory notebooks, results, methods of analysis, photo-micrographics, standard operating procedures	7 years
Meteorological and air monitoring data	Ambient air monitoring data – data logger data, forecasts, meteorological monitoring data, ground level monitoring data; ground level monitoring audit reports	Permanent
Meteorological reports	Meteorological reports	1 year

Record type	Including these specific records:	Retention period
QA/QC and calibration records	Lab, source test, and air monitoring equipment calibration records and QA/QC records, quality assurance manual	7 years
Source test results and raw data	Source test results and raw data from both the District and outside contractors, field accuracy test results, raw data, and reports, contractor-conducted source test notifications (ref: Volume IV, V, MOP)	Life of facility + 7 years
Technical equipment records	Manuals and maintenance records, 10% quality assurance analysis reports, additional records required by NVLAP accreditation program, audit records, blind sample analysis reports, inter-laboratory analysis reports, maintenance and calibration reports, proficiency test, quality control charts and data	Life of equipment + 3 years
Enforcement		
Activity authorization	Open burns, exemption petitions, tank pulls/excavations, PERP, landfill reports	7 years
Activity authorization	Asbestos dust mitigation plans, asbestos removal, naturally occurring asbestos reports	Permanent
Complaints	All complaint information including wood smoke and smoking vehicle complaints	7 years
Compliance records	Compliance advisories and compliance reports required by regulation (Regs. 8-5, 8-10, 8-17, 8-18, 8-40, 9-10)	7 years
Flare records	Flare minimization – approved plans (Reg. 12-12), flaring notifications and reports (Reg. 12-12), plan review documents (Reg. 12-12), flare monitoring reports (Reg. 12-11)	7 years
Inspection records	Inspection reports, internal correspondence on inspections	7 years
Title V reports	Title V semi-annual and annual reports, Title V 10-day and 30-day deviation reports	7 years
Violation records	Notice of Violation files and Notice to Comply files, including all supporting documentation	Lesser of 25 years or life of facility + 7 years

Financial

Accounts payable - general	General accounts payable invoices, general checks-cancelled or voided, Board of Directors travel and meeting expenses, credit card payments and records, travel expense reimbursement requests, fixed assets invoices	7 years
Accounts payable check register, reports	Accounts payable check register, accounts payable general ledger post report, accounts payable journal voucher report	3 years
Accounts payable - grants	Grant accounts payable files	End of project + 10 years (longer if required by grantor)
Accounts receivable - general	Bank check deposits/permit check deposits, supporting documents for check deposits, credit card reports and supporting documents	5 years
Accounts receivable - other	Wire transfers/NSF checks, other accounts receivable reports/registers	3 years
Budget - adopted	Annual adopted budget	Permanent
Budget - other	Draft budget, proposed budget and supporting documents, budget transfers and adjustments	3 years
Deposit records - general	General monthly bank statements, general bank reconciliations	7 years
Deposit records - grants	Grant bank statements and related records	End of project + 10 years (longer if required by grantor)
Fixed asset files	Acquisition/disposal/sale/surplus records for personal property; lease/rent schedule and supporting documents for leased property; inventory and schedule of infrastructure and buildings for real property	Asset disposal/lease expiration/life of building + 7 years
I-Bond (Goods Movement) documents	Grant financial files and supporting documents	35 years
Refunds/unclaimed property	Refund and unclaimed property files	3 years
Tax documents	1099, W9 and other related documents; Board of Equalization sales tax reports	7 years (longer if related to grant and required by grantor)

Year-end financial statements and related reports	Annual audited financial statements and related reports, journal entries and supporting documents, certificate of participation records/bonds	Permanent
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Human Resources

Employee accident and injury records	Accident files, employee injury (first aid) files	7 years
Employee benefit records	Tuition reimbursement, COBRA documentation, Section 125 documentation	7 years
Employee HR records	Disciplinary action log, employee workforce data, grievances & arbitrations, negotiations, complaint summary logs	Permanent
Employee recruitment records	Classification studies, class specifications, recruitment files, wage and salary data, acquisition records	7 years
Equal employment opportunity plan	Equal employment opportunity plan	Until replaced
Insurance benefits records	Insurance contracts, life insurance documentation, health insurance documentation	Life of policy + 3 years
Payroll records	Payroll registers, tickler files, timecards, vacation requests, family/medical leave requests	7 years
Payroll records	Payroll direct deposit records, CALPERS reports, Form 941 quarterly reports, payroll history YTD totals report, year end clearing/closing reports	Permanent
Personnel files	Personal and professional files of Air District employees, including disciplinary support files and discrimination complaint files	Last day of employment + 4 years
Personnel files	Application files for applicants for employment at the Air District	Date of hiring decision + 4 years
Tax records	457 deferred comp documents, W2, W2 reports, transmittal of W2	7 years
Training records	Training program files, employee training completion records	Permanent

Incentives

Grant files	Program audit documents, program eligibility guideline documents; grant application, review and decision documents; grant program financial records; grantee monitoring documents; internal activity and tracking documents; project audit documents	End of project + 5 years
I-Bond grant records	I-Bond grant files	35 years
Reports to CARB/EPA	Grant reports to CARB/EPA	7 years
Vehicle Buy Back program	Vehicle Buy Back program - copies of vehicle eligibility documents provided to District for review	3 years

Information Systems

IT system backups	System backups	Until replaced
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Legal

Legal records	Comments on legislative, administrative and hearing board matters	7 years
Legal records	Litigation-pleadings and orders, settlement agreements, opinions and advice files, rule interpretations/opinions, civil enforcement case records	Permanent

Permitting

Data update forms	Responses to facility data update questionnaires	Data entry + 3 years
EPA grants	EPA 105 grant documents	Final report + 3 years
Permit application records	Authority to Construct documents, Permit to Operate documents, banking documents, registration documents, application forms, permit exemptions	Life of facility or emission reduction credit + 7 years
Permit advisories	Advisories regarding permitting	7 years
Plant (facility) files	Permit documents, ownership/facility status records, emission-related documentation, regulatory plan submittals, source data forms	Life of facility + 7 years
Reports to CARB/EPA	Engineering reports to CARB/EPA	7 years
Toxics Hotspots records	Toxics emissions inventory reports, risk assessments	Life of facility + 7 years

Planning

Air quality plans	State and federal air quality plans and supporting documentation, including emission inventory and modeling records, environmental and socioeconomic review documents, and any associated plan-related reports to ARB or EPA	Permanent
CEQA records	CEQA comments as responsible agency or commenting agency	7 years
Emission inventory records	Final emission inventory reports and supporting material for greenhouse gases, criteria pollutants, and toxic air contaminants; emission inventory annual reports submitted to ARB CEIDARS database	Permanent

Public Relations and Outreach

Annual reports	Annual reports	Permanent
Community meeting records	Community outreach community meeting files and resource team records	7 years
Mailing lists	Mailing lists	Until replaced
News media records	News releases and clips	Permanent
Outreach documents	Brochures	Until replaced
Publications	Newsletters and other publications	7 years
Requests from public	Requests for general information, requests for publications, requests for speakers	3 years

Rulemaking

Rules and regulations	All versions of rules and regulations that were adopted or made available to the public; rule development files and any associated economic or environmental analyses	Permanent
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Non-Retained Records

Non-retained records

Records created or received during the course of business that do not merit retention because they do not contain information of significant or lasting value, including but not limited to transmittal letters, acknowledgements, drafts, rough notes, calculations, courtesy letters, publications not produced by the Air District in the course of business, duplicate copies, tape recordings (unless designated the official record), virtual meeting chats, and copies of other government agency reports, provided that such records are not required by law to be maintained.

Not retained; subject to destruction when use period is over

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**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
PROCUREMENT POLICY**

This Procurement Policy (Policy) is established by the Board of Directors of the Bay Area Air Quality Management District (Air District) pursuant to Section 9.4 of the Air District’s Administrative Code to establish 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”). This Policy is a continuation of the Purchasing Procedures provisions set forth in Division II, Section 4, of the Air District’s former Administrative Code, which was superseded by the current Administrative Code effective January 1, 2024, with certain revisions and additions to reflect updated procurement provisions incorporated into the current Administrative Code.

1. Air District Purchasing Agent

The Executive Officer/Air Pollution Control Officer (APCO) shall be ex-officio Purchasing Agent for the Air District. The APCO shall negotiate to obtain the best price obtainable on all goods and services required by the Air District.

2. Contract Limitations

As specified in Section 9.4 of the Administrative Code, the APCO or designee may execute, on behalf of the Air District, contracts in an amount that does not exceed two hundred thousand dollars (\$200,000). Contracts (including amendments to contracts) in excess of two hundred thousand dollars (\$200,000) must be approved by the Board of Directors as specified in Sections 9.4(b) and 9.4(c) of the Administrative Code. For purposes of applying the \$200,000 Board of Directors approval threshold, the value of a contract shall be determined by adding the amount of the procurement to the sum of all previous procurements from the same vendor in excess of \$30,000 (under a single purchase order) for the preceding 36-month period. If the \$200,000 threshold has been reached, any procurement from the same vendor over \$30,000 must be approved by the Board of Directors. Procurements that do not exceed \$30,000 may be approved by the APCO. Procurements may not be split into multiple purchase orders under \$30,000 to circumvent this approval requirement.

Contracts (including amendments to contracts) in excess of one hundred thousand dollars (\$100,000) must be reported to the Board of Directors as specified in Sections 9.4(b) and 9.4(c) of the Administrative Code. For purposes of applying the \$100,000 Board of Directors reporting threshold, the value of a contract shall be determined by adding the amount of the procurement to the sum of all previous procurements from the same vendor in excess of \$30,000 (under a single purchase order) for the preceding 36-month period. If the \$100,000 threshold has been reached, the APCO shall report any procurement from the same vendor over \$30,000 to the

Board of Directors. Procurements may not be split into multiple purchase orders under \$30,000 to circumvent this reporting requirement.

Notwithstanding any of the requirements referenced above, the APCO may renew contracts for which the total contract amount exceeds two hundred thousand dollars (\$200,000) for the following categories of goods and services without approval by the Board of Directors, provided that the initial procurement was authorized under the then-applicable provisions of the Administrative Code, including the use of appropriate required competitive processes:

- 1) Utilities
- 2) Software Licenses
- 3) Software as a Service
- 4) OEM Equipment Warranties
- 5) OEM Equipment Maintenance/Service
- 6) Legal Services
- 7) Equipment Leases
- 8) Bay Area Headquarters Authority common area and shared services agreements
- 9) Employee Benefits (CalPERS, Life Insurance, FSA, etc.)
- 10) Fuel (e.g., WEX card)

For all such contracts, recurring payments under these contracts shall be presented in the quarterly Financial Report provided to the Board of Directors. In addition, all such contracts are subject to the Board of Directors reporting requirements for contracts exceeding one hundred thousand dollars (\$100,000) as specified in 9.4(b) and 9.4(c) of the Administrative Code. The provisions of this paragraph apply to qualifying renewals of existing contracts only. Approval by the Board of Directors is required for all new contracts if the goods or services are initially anticipated to be greater than \$200,000, as calculated pursuant to the procedures set forth above.

The APCO may execute contracts in emergency circumstances as specified in Section 9.4(d) of the Administrative Code.

3. Contracts With Minority Business Enterprises, Women’s Business Enterprises, and Local Firms

It is the policy of the Air District to encourage minority-, veteran-, and women-owned businesses to bid on contracts with the Air District to the extent allowable by law. Wherever possible, the Air District shall procure goods and services through member counties or businesses within the Air District’s nine-county geographic jurisdiction.

4. Contracts For Goods and Services

(a) Procurement Policy

- (1) The formality and complexity of the bidding process for the procurement of goods or services is determined by the cost of the items under the procurement. Procurements may not be split into multiple purchase orders in order to circumvent the requirements of this Policy. The Air District shall utilize multiple firms so that there is no favoritism or perception of favoritism.

The following methods of procurement may be used as appropriate under the circumstances, subject to any other requirements of this Policy:

- (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 Air 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 Air District by a vendor.
- (2) Formal bidding shall be used by the Air District when economies of scale can be achieved or when there are equal or competitive products and also when discounts are applicable. Except as provided in Section 4(c)(4) below, all procurements of seventy thousand dollars (\$70,000) or more require a formal bid.
- (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 cost of

the goods or services that 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 cost of the goods or services that will be financed by non-governmental sources (per Public Notification Requirement Appropriation Laws).

- (4) Bid specifications must include all criteria to be considered by the Air District in selecting a successful bidder. 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 equivalent” and bidders shall be allowed to bid upon an equivalent in quality and performance.
- (5) The Air 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 Air District.
- (6) Subject to other provisions of Air District policy, a contract will be awarded to the bidder(s) 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 detailed 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 Air 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) Consultant Selection Policy

- (1) 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 Air District.
- (2) It is the policy of the Air District in the selection of any required outside consultants to encourage participation of minority, women and/or disadvantaged business enterprises, and of firms from within the Air District's nine-county geographic jurisdiction, in the bidding process in accordance with Section 3 above, to the extent allowable by law.
- (3) Prior to release of a request for consulting services, the following shall be prepared:
 - (A) A statement of the work to be performed;
 - (B) 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
 - (C) An assessment of the resources needed to carry out the project, i.e., capital equipment or supplies.
- (4) Based on an evaluation of the information prepared according to subparagraph (b)(3) above, 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.
- (5) Contracts for temporary employment services or consultant services shall meet the requirements of this Policy.

(c) Bid Solicitation

- (1) For all procurements of goods or services with a value of thirty thousand dollars (\$30,000) or more, but not more than seventy thousand dollars (\$70,000), the APCO shall obtain a minimum of three (3) competitive prices for the goods/services. If there are not three vendors that provide the goods/services, the APCO must provide documentation that fewer than three vendors exist. The APCO must provide written justification for the selection of the vendor where the justification may be based on price or other factors that are important to the Air District.

- (2) For all procurements for goods or services with a value of seventy thousand dollars (\$70,000) or greater, the APCO shall prepare the following documents (as required):
 - (A) Instructions to Bidders (for written bids);
 - (B) Proposal Submittal Requirements;
 - (C) A draft contract, including all terms and conditions of the work to be performed; and
 - (D) A list of potential bidders.

Bids shall be solicited by any method as allowed in paragraph (a)(1) of this Section 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 to be in the best interest of the Air District.

- (3) The APCO may waive the provisions of this Section 4 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 that require such waiver in the satisfactory interests of the Air 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) Contracts subject to the competitive bidding requirements of this Policy shall be re-bid no less frequently than once every three years, except for financial auditing services contracts, which shall be re-bid no less frequently than once every five years. Service contracts with the original

manufacturer of equipment or software are exempt from the requirement of this subparagraph (d)(2).

5. Leases

The APCO is authorized to enter into lease agreements for the lease of real property as necessary and appropriate for the conduct of the Air District’s business, subject to the contracting limitations set forth in Section 9.4 of the Administrative Code and the provisions of this Policy (to the extent applicable to lease agreements). The APCO shall procure leases on the most favorable terms available.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT GRANTS POLICY

As part of the Bay Area Air Quality Management District’s goal to create a healthy breathing environment for Bay Area residents while protecting and improving public health, air quality, and the global climate, the Air District makes grants available for air quality improvement consistent with authorization received from the Air District Board of Directors and available funding.

The Air District administers grant funding through a variety of grant programs that help advance clean air projects throughout the Bay Area. All Air District grant programs are approved through the Air Districts Board of Directors and are funded through many different federal and state funding programs including, but not limited to: Congestion Management and Air Quality, Transportation for Clean Air Funds, Volkswagen Mitigation Trust, Community Health Protection, Community Grants, I Bank and state of California Carl Moyer programs as well as others. Each grant funding program has specific application, deadline, and funding requirements. Those interested in Air District grants can subscribe to and receive information about upcoming grant availability by going to the [Funding and Incentives](#) page on the Air District’s website to learn more about Air District grant programs.

Air District grants are only made through grant programs authorized by the Air District Board of Directors. In addition to federal and state grant funding, the Air District also makes grant funds available through new initiatives, settlement funds or other funding sources to help reach regional air quality goals. The Air District will give preference to awarding grants that benefit communities that have been disproportionately impacted by harmful emissions.

These grant projects are offered intermittently as funding becomes available for projects including, but are not limited to the categories listed below:

- a. *Local Programs and Initiatives*** - Clean air programs that include indoor air quality improvement, clean technology deployment and demonstration, air quality studies, greenhouse gas reduction initiatives and other clean air efforts in neighborhoods, cities or within certain industries.
- b. *Education, Training*** - Programs designed to provide the public with information regarding how air pollutants and exposure are measured, reduced, or studied. Can include training for air quality efforts by residents and students.
- c. *Community Health Partnerships*** - Programs that support respiratory health, education, and neighborhood health delivery programs.

The Air District strives to promote transparency, equity, fairness, and best practices in its grant programs. When grant funding becomes available, the Air District will announce and conduct outreach regarding the scope, eligibility, and application requirements of the funding opportunities.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT SPONSORSHIP POLICY

The Bay Area Air Quality Management District sponsors public events, conferences, public health programs and other activities that align with or help further its mission to create a healthy breathing environment for Bay Area residents while protecting and improving public health, air quality and the global climate.

The goal of Air District sponsorships is to advance the work of the Air District to promote clean air, behavior change, public health, greenhouse gas reductions and air quality education through public outreach, community engagement and partnerships. The Air District strives to support partnerships and events that introduce the Air District's mission and initiatives to audiences who may not be familiar with them and to gain their support. The Air District's objective is to promote transparency, equity, fairness, and best practices through its sponsorships policy and procedures.

To qualify for sponsorship, an organization or activity must fall within one or more of the following categories:

- a. *Showcasing Air District Programs and Initiatives*** through an event that provides an opportunity for the Air District to engage with key audiences and share information regarding the Air District's mission and work by encouraging and promoting air quality improvement and behavior change, answering air quality questions, enrolling the public to receive Spare the Air Alerts or other Air District social media notifications, and other similar activities.
- b. *Education, Training and Networking Opportunity for Air District Workforce*** through attendance at professional conferences, seminars, workshops, and symposia hosted by trade, state, federal or professional organizations. This may also include opportunities for panel participation and staffing a booth that showcases the Air District's activities.
- c. *Community Partnerships with Non-Profit Organizations*** to promote clean air initiatives that improve community health, further air pollution and greenhouse gas education and reduction goals, and other similar efforts.

Events must meet the requirements below, if applicable, to be eligible for a sponsorship:

- The Air District has available resources to staff an event or provide requested materials.
- The audience is made up of key stakeholders including Bay Area residents, air quality health practitioners, air quality professionals, and other groups that focus on clean air and greenhouse gas reductions.
- The sponsored event aligns with the mission and priorities outlined in the Air District's Strategic Plan and helps build Air District partnerships with various organizations who can help advance Air District goals.

The Executive Officer/APCO is authorized to approve sponsorships up to \$35,000, or up to \$70,000 for Spare the Air (STA) sponsored events as part of the seasonal advertising and messaging campaigns where sponsorships are packaged together through a third-party event vendor to help the STA program gain visibility at multiple events. Approval by the Board of Directors is required for sponsorship above these amounts.

The Deputy Executive Officer for Public Affairs shall review all sponsorship applications for consistency with this Policy and shall recommend appropriate sponsorships to the Executive Officer/APCO for approval. The Executive Officer/APCO shall have final responsibility for approving all sponsorship awards under this Policy, with prior approval by the Board of Directors for sponsorships exceeding the thresholds specified in the preceding paragraph.

The Executive Officer/APCO shall report a summary of all sponsorships awarded in the prior year when presenting the Air District's proposed budget to the Board of Directors each year, including the name of the sponsorship recipient; the amount of the sponsorship; the activity, event, program or conference sponsored; and what the Air District received in return for the sponsorship.

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**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
NON-DISCRIMINATION POLICY**

This Non-Discrimination Policy (Policy) is adopted by Resolution of the Board of Directors of the Bay Area Air Quality Management District (Air District) to ensure non-discrimination, equity and accessibility throughout the Air District in all Air District programs and functions. This Policy implements Section 1.5 of the Air District’s Administrative Code and is a continuation of the Non-Discrimination Policy that was set forth in Division I, Section 15, of the Air District’s former Administrative Code, which was superseded by the current Administrative Code effective January 1, 2024.

Section One: Accessibility and Non-Discrimination Policy

The 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 the 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 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 with the Air District under this Policy. This Non-Discrimination Policy also applies to other people or entities affiliated with the 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. Individuals should contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

Any person who believes discrimination has occurred with respect to an Air District program or activity should contact the Non-Discrimination Coordinator or visit the Air District’s website at 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 Non-Discrimination Coordinator, (415) 771-6000, or visit www.baaqmd.gov/accessibility for more information.

Section Two: Complaint Procedure

The complaint procedure has four steps. For complaints implicating violations of Title VI of the federal Civil Rights Act, the complaint procedure will follow EPA guidance on investigating and responding to Title VI complaints.

1. Submission of Complaint

A person who believes that they have, 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. The Executive Officer/Air Pollution Control Officer (APCO) may develop a Discrimination Complaint Form to facilitate the filing of such complaints.

2. Referral to Review Officer

Upon receipt of a 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 General Counsel. The staff review officer(s) will complete their review no later than 180 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. Request for Reconsideration

If the complainant is dissatisfied with the response, the complainant may request, in writing, reconsideration by the APCO within 10 calendar days after receipt of the response. The request for reconsideration should explain any items the complainant feels were not addressed by the Non-Discrimination Coordinator. The APCO will notify the complainant within 10 calendar days whether the request for reconsideration has been accepted or rejected.

4. Reconsideration

In cases where the APCO 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.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
EMPLOYER-EMPLOYEE RELATIONS RESOLUTION**

This Employer-Employee Relations Resolution addressing Recognition of Employees' Organizations is adopted by Resolution of the Board of Directors (Board) of the Bay Area Air Quality Management District (Air District) to continue in effect the provisions of Division I, Section 10, of the Air District's former Administrative Code ("Recognition of Employees' Organizations"), which was superseded by the current Administrative Code as of January 1, 2024. This Resolution is adopted and effectuates Section 12.1 of the current Administrative Code, which provides for Division I, Section 10, of the former Administrative Code to be adopted "as is" in an Employer-Employee Relations Resolution effective January 1, 2024

1. GENERAL PROVISIONS.

- (a) It is the purpose of this Resolution 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 Resolution to promote the improvement of personnel management and employer-employee relations within the Air District by providing a uniform basis for recognizing the right of employees of the Air District to join organizations of their own choice and be represented by such organizations in their employment relationships with the Air District. Nothing contained herein shall be deemed to supersede the provisions of existing State Law and ordinances affecting the Air 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 Air 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 Air District and the recognized employee organization or organizations fail to reach agreement, the Air 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 Air District and one-half to the recognized employee organization or organizations.

2. REPRESENTATION.

- (a) Management and confidential employees shall not represent any employee organization which represents other than management and confidential employees of the Air 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.

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 Air 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 Air 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 Air 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.

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 4(f) below.
- (b) The APCO shall make a recommendation to the Board concerning proposed representation units for the Air District. No Air 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.

5. CERTIFICATION AND DE-CERTIFICATION AS A RECOGNIZED EMPLOYEE ORGANIZATION.

- (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 5(a) and (b) above may, within ten (10) working days of the date of notice given pursuant to Section 5(b) above, 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 Air 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 Air 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 Sections 5(b) and (c) above 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 Air 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 Sections 5(a) through (h) above, 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.

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 Air 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 Air District, which normally takes place in June. In order to meet this goal, the representatives of the Air 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 Air District and the recognized employee organization. These lists should be exchanged by no later than the end of February of each year.
- (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) Air 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 Air District and one-half to the recognized employee organization.
- (l) The procedures outlined in Section 6(b) above are intended to apply to issues within the scope of representation which are normally addressed in connection with the Air 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 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 Air 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) Air 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 6(p) above 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 6(s) below, 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 Air 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.

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 Air District facilities during business hours on matters within the scope of representation, except on matters outlined in Section 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 Air 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 Air District personnel concerning matters arising out of the normal course of Air District activities.

8 AGENCY SHOP.

- (a) The Air 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.
- (c) Dues and agency fees shall be withheld by the Air 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 Air 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 Air District employee shall be required to join the Association or to make an agency fee payment if the Air 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 Air 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).

9. CONSTRUCTION OF THIS RESOLUTION

- (a) Nothing in this Resolution 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 Resolution are intended to be consistent with the provisions of Article 10, Division 4, Title 1 (Section 35, et seq.) of the Government Code of the State of California.
- (c) If any provision of this Resolution 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 4(b) above, 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 Resolution may require amendments from time to time. The Board, through the APCO, shall consult with employee organizations prior to enacting any such amendments.

Bay Area Air Quality Management District
Remote Teleconferencing Meeting Policy

This Remote Teleconferencing Meeting Policy is established by the Board of Directors of the Bay Area Air Quality Management District to provide meeting flexibility for members and the public while also reducing transportation related emissions and greenhouse gases.

This Policy affirms the rules by which Air District Remote Teleconferencing locations can be used by Standing Committees to ensure they fulfill Ralph M. Brown Act requirements and conform to requirements adopted by the Board of Directors.

Any member of the Board of Directors who wishes to host a remote teleconferencing location for a Standing Committee meeting must comply with the following requirements:

1. Board members and their staff are required to receive mandatory training at least once per year with the Air District Executive Office prior to hosting a remote teleconferencing meeting.
2. Board members are required to designate at least two staff members as on-site points of contact for each meeting with the ability to connect on Wi-Fi, access the Zoom platform, re-establish a connection via speakerphone if Wi-Fi goes out, and to provide technical assistance to attendees.
3. At least 72 hours prior to the start of the meeting, Board members or their staff are required to:
 - a. Post the Committee meeting agenda in a publicly accessible location that is open to the public 24 hours a day in accordance with Brown Act requirements; and
 - b. Email a photo of the posted agenda to the Manager of the Executive Office.
4. If the posting of the agenda at a remote teleconferencing location did not meet the 72-hour notice requirement, Board members may not participate in the meeting from that location, but the location must still be open to the public in accordance with all other provisions of this Policy.
5. Each remote meeting location must be open to the public throughout the entirety of the Committee meeting and must comply with all ADA accessibility requirements. It is strongly recommended that remote teleconferencing locations be opened to the public 30 minutes before the scheduled start of the meeting but, at a minimum, the location must be opened no less than 10 minutes before the scheduled start of the meeting.
6. Board members must submit requests to host a remote teleconferencing location by email to the Manager of the Executive Office, with a copy to the Executive Officer/APCO, a minimum of 8 days prior to the meeting.
7. To cancel a request to host a remote teleconferencing location, Board members must notify the Manager of the Executive Office by email, with a copy to the Executive Officer/APCO, a minimum of 8 days prior to the meeting to ensure that the location is

removed from the agenda before it is circulated and made available to the public. If the cancellation is not timely and the published agenda includes the location, the location must be open to the public in accordance with all other provisions of this Policy, even if the Board member who originally requested the location will not be present at that location.

8. Committee Chairs and Vice Chairs are required to attend the Committee meeting in-person at the Beale Street location. In the event that neither a Chair nor Vice Chair is able to attend a meeting at the Beale Street location but is attending remotely, the Committee Chair may designate another member of the Committee who is present at the Beale Street location to serve as Presiding Officer for the meeting. In the event that nobody is present at the Beale Street location but a quorum of the Committee is present at other locations, the meeting shall be chaired remotely.
9. The only location that can be used for Standing Committee meetings in San Francisco is the Air District's Beale Street location.
10. Board members are responsible for ensuring that security is provided at the remote teleconferencing location consistent with any security needs identified or directed by Air District staff.
11. Board members must sign a written agreement committing to complying with all requirements established by the Board of Directors in this Remote Teleconferencing Meeting Policy.

This policy may be reviewed by the Finance and Administration Committee periodically including the addition of procedures to address violations of the policy. The Committee may make recommendations to the Board of Directors to update or revise this policy as necessary to ensure the work of the Air District continues and statutory deadlines are met.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2023 - 13

A Resolution of the Board of Directors of the Bay Area Air Quality Management District Establishing an Executive Leadership Continuity Policy

RECITALS

WHEREAS, the Bay Area Air Quality Management District (Air District) recognizes the need to ensure executive leadership continuity in the event of a vacancy or the inability of the incumbent to fulfill their duties in positions reporting directly to the Board of Directors; and

WHEREAS, on November 2, 2022, the Air District’s Management Auditor Sjoberg Evashenk presented an Audit Report to the Board of Directors, which included Recommendation 1.9 calling for the implementation of executive leadership succession protocols; and

WHEREAS, the Air District aims to implement protocols that ensure executive leadership continuity in accordance with the recommendations provided;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Bay Area Air Quality Management District hereby establishes the Executive Leadership Continuity Policy as provided in Attachment 1 to this Resolution.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of DIRECTOR GONZALEZ, seconded by DIRECTOR HUDSON, on the 5th day of JULY, 2023 by the following vote of the Board:

AYES: BRIAN BARNACLE, JOHN J. BAUTERS, KEN CARLSON, NOELIA CORZO, JOELLE GALLAGHER, JOHN GIOIA, JUAN GONZALEZ, DAVID HAUBERT, LYNDA HOPKINS, DAVID HUDSON, DAVINA HURT, TYRONE JUE, SERGIO LOPEZ, MYRNA MELGAR, NATE MILEY, RAY MUELLER, KATIE RICE, VICKI VEENKER, SHAMANN WALTON, STEVE YOUNG.

NOES: NONE.

ABSTAIN: NONE.

ABSENT: MARGARET ABE-KOGA, ERIN HANNIGAN, OTTO LEE, MARK ROSS.

DocuSigned by:
John Bauters
C7389B49E2E9456...
John J. Bauters

Chairperson of the Board of Directors

ATTEST:

DocuSigned by:
Lynda Hopkins
CC4FE6A9DF864C5...
Lynda Hopkins

Secretary of the Board of Directors

ATTACHMENT 1 – Executive Leadership Continuity Policy

The Board of Directors establishes the following policy and protocols to ensure continuity of Executive Leadership in the event that the Executive Officer/APCO or District Counsel positions become vacant or the incumbent is unavailable or unable to perform their duties.¹

4.1 Continuity of Executive Officer/APCO Leadership

4.1.1 Anticipated Inability to Perform Duties: If the Executive Officer/APCO (EO) anticipates that they will be unable to perform their duties for a period of time, the EO may, after informing the Chairperson of the Board, appoint any employee meeting the minimum qualifications of the then-current EO classification specification to serve as Acting EO during that period, up to a maximum of 21 working days. The EO shall promptly communicate this Acting EO appointment to all other Deputies and other appropriate Air District staff. The employee appointed to serve as Acting EO shall not receive an increase in pay during the Acting EO assignment. Should this period extend beyond 21 days, the EO may extend the appointment or appoint an alternate employee meeting the minimum qualifications of the then-current EO classification specification, with the written approval of the Chairperson of the Board. The extension of this appointment shall not exceed a total of 60 days without Board approval.

4.1.2 Unanticipated Inability to Perform Duties:

4.1.2.1 Emergency Appointment of Acting EO: In the event that (i) the EO is unable to perform their duties, (ii) no Acting EO has been appointed under Subsection 4.1.1 above; and (iii) an urgent need arises for action by the EO, another member of the executive team shall serve as Acting EO according to the following order of priority:

- i. Chief Operating Officer
- ii. Deputy of Finance and Administration
- iii. Deputy of Engineering and Operations
- iv. Deputy of Community and Equity
- v. Deputy of Science and Policy
- vi. Deputy of Governmental Affairs

The highest-priority employee from the priority list above who is able to perform the duties of the EO shall serve as Acting EO upon confirming that there is an urgent need for action and confirming that

¹ The numbering in this policy starts with 4 for convenience so that this policy of the Board of Directors can be incorporated directly into an implementation document of the Air District's Human Resources Division.

the EO and any higher-priority employees are unable to perform the EO duties, after making all reasonable efforts under the circumstances to contact and confer with the EO, all other employees from the priority list, the DC, and the Board Chair in accordance with the Continuity of Executive Leadership Procedures. That employee shall serve as Acting EO until such time as the EO or a higher-priority employee becomes able to perform the EO duties, or the Chairperson or the Board appoints a different person to serve as Acting EO. Any person who serves as Acting EO under this Subsection 4.1.2.1 shall take all reasonable steps to notify Air District staff and Board members promptly upon beginning their Acting EO service, and shall explain the circumstances authorizing their Acting EO service under this policy (without revealing any employee privacy or other confidential information). As soon as practicable, but not later than seven (7) days after the circumstances arise that create the need for Acting EO service under this Subsection 4.1.2, the Chairperson shall either affirm the Acting EO's appointment as Acting EO under this Policy or appoint an alternate qualified Air District employee to serve as Acting EO, to the extent that circumstances still require an Acting EO. A person serving as Acting EO shall not receive any increase in salary during their Acting EO service.

4.1.2.2 Board Appointment of Interim or Acting EO: As soon as practicable after the EO becomes unable to perform their duties, but not later than sixty (60) days thereafter, the Board shall convene in open session to appoint an Interim or Acting EO who meets the minimum qualifications of the then-current Classification Specification for EO position, to the extent the EO continues to be unable to perform their duties. If the candidate EO is a current employee of the Air District, the Acting EO shall be paid at Step E of the Deputy Executive Officer Classification, but not less than ten percent (10%) greater than the employee's current salary. If the candidate is not a current employee of the Air District, the Board shall authorize an appropriate salary in an employment contract with the Interim EO.

4.1.3 Removal of the EO by Board: If the Board terminates the EO's employment contract or suspends the EO from active duty, or if the Contract with the EO expires before a new EO is appointed, then unless the Board has taken action to appoint an acting/interim EO within 24 hours of the removal of the EO, the Chairperson shall appoint a current employee as Acting EO with an initial salary at Step E of the Deputy Executive Officer Classification, but not less than 10% greater than the appointee's current salary. As soon as practicable, but no later than sixty (60) days from the EO's termination/ suspension/contract expiration, the Board shall convene in open session to appoint an Interim EO who meets

the minimum qualifications of the then-current Classification Specification for EO position. If the Interim EO is a current employee of the Air District, the Interim EO shall be paid at Step E of the Deputy Executive Officer Classification, but not less than ten percent (10%) greater than the appointee's current salary. If the Interim EO is not a current employee of the Air District, the Board shall authorize an appropriate salary in an employment contract with the Interim EO.

4.2 Appointment and Salary Setting for the Acting District Counsel

4.2.1 Anticipated Inability to Perform Duties: If the District Counsel (DC) anticipates that they will be unable to perform their duties for a period of time, the DC may, after informing the Chairperson of the Board, appoint any employee meeting the minimum qualifications of the then-current DC classification specification to serve as Acting DC during that period, up to a maximum of 21 working days. The DC shall promptly communicate this Acting DC appointment to the APCO, Deputies, and other appropriate Air District staff. The employee appointed to serve as Acting DC shall not receive an increase in pay during the Acting DC assignment. Should this period extend beyond 21 days, the DC may extend the appointment or appoint an alternate employee meeting the minimum qualifications of the then-current DC classification specification, with the written approval of the Chairperson of the Board. The extension of this appointment shall not exceed a total of 60 days without Board approval.

4.2.2 Unanticipated Inability to Perform Duties:

4.2.2.1 Emergency Appointment of Acting DC: In the event that (i) the DC is unable to perform their duties, (ii) no Acting DC has been appointed under Subsection 4.2.1 above; and (iii) an urgent need arises for action by the DC, then another Air District attorney shall serve as Acting DC according to the following order of priority:

- i. Senior Assistant Counsel
- ii. Acting Senior Assistant Counsel
- iii. Assistant Counsel

The highest-priority Air District attorney from the priority list above (or in the event there are multiple attorneys in a category, the one with the longest tenure in that category) who is able to perform the duties of the DC shall serve as Acting DC upon confirming that there is an urgent need for action and confirming that the DC and any higher-priority Air District attorney are unable to perform the DC duties, after making all reasonable efforts under the circumstances to contact and confer with the DC, all other Air District attorneys, the APCO, and the Board Chair in accordance with the Continuity of

Executive Leadership Procedures. That Air District attorney shall serve as Acting DC until such time as the DC or a higher-priority Air District attorney becomes able to perform the DC duties, or the Chairperson or the Board appoints a different person to serve as Acting DC. Any person who serves as Acting DC under this Subsection 4.2.2.1 shall take all reasonable steps to notify Air District staff and Board members promptly upon beginning their Acting DC service, and shall explain the circumstances authorizing their Acting DC service under this policy (without revealing any employee privacy or other confidential information). As soon as practicable, but not later than seven (7) days after the circumstances arise that create the need for Acting DC service under this Subsection 4.2.2, the Chairperson shall either affirm the Acting DC's appointment as Acting DC under this Policy or appoint an alternate qualified Air District employee to serve as Acting DC, to the extent that circumstances still require an Acting DC. A person serving as Acting DC shall not receive any increase in salary during their Acting DC service.

4.2.2.2 **Board Appointment of Interim or Acting DC:** As soon as practicable after the DC becomes unable to perform their duties, but not later than sixty (60) days thereafter, the Board shall convene in open session to appoint an Interim or Acting DC who meets the minimum qualifications of the then-current Classification Specification for DC position, to the extent the DC continues to be unable to perform their duties. If the candidate DC is a current employee of the Air District, the Acting DC shall be paid at Step E of the Senior Assistant Counsel Classification, but not less than ten percent (10%) greater than the employee's current salary. If the candidate is not a current employee of the Air District, the Board shall authorize an appropriate salary in an employment contract with the Interim DC.

4.2.3 Removal of the DC by Board: If the Board terminates the DC's employment contract or suspends the DC from active duty, or if the Contract with the DC expires before a new DC is appointed, then unless the Board has taken action to appoint an acting/interim DC within 24 hours of the removal of the DC, the Chairperson shall appoint a current employee as Acting DC with an initial salary at Step E of the Senior Assistant Counsel Classification, but not less than 10% greater than the appointee's current salary. As soon as practicable, but no later than sixty (60) days from the DC's termination/suspension/contract expiration, the Board shall convene in open session to appoint an Interim DC who meets the minimum qualifications of the then-current Classification Specification for DC position. If the Interim DC is a current employee of the Air District, the Interim DC shall be paid at Step E of the Senior Assistant Counsel Classification, but not less than ten percent (10%) greater than the appointee's

current salary. If the Interim DC I s not a current employee of the Air District, the Board shall authorize an appropriate salary in an employment contract with the Interim DC.