



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 5

Administrative Code Update Project

**Finance and Administration Committee Meeting
October 4, 2023**

**Amy Ackerman
Renne Public Law Group**

**Alexander Crockett
District Counsel
acrockett@baaqmd.gov**

Presentation Outcome



- Briefing on Administrative Code Update Project
- Overview of Proposed New Administrative Code and Board Rules of Procedure
- Vote on Recommendation to Board of Directors

Ad Hoc Committee Requested Action



Recommend to the Board of Directors:

- **Adopt** the Revised Administrative Code
- **Adopt** the Board Rules of Procedure
- Effective January 1, 2024

Project Overview



Objective: Update Administrative Code to improve efficiency of Board and agency functions, align with current law, and incorporate best practices for public agency management

Project Team:

- Consultant: Amy Ackerman, Renne Public Law Group
 - Board Ad Hoc Committee: Chair Bauters and Directors Barnacle, Jue & Melgar
 - Staff Team: Sharon Landers, John Chiladakis, Lisa Fasano, Alexander Crockett
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- **Phase One (2023)**
 - Replace Division I – Operating Provisions
 - Replace Division II – Fiscal Provisions
 - **Phase Two (2024)**
 - Replace Division III – Personnel Provisions

Direction from Ad Hoc Committee



- Consistency with Current Law
- More Effective Board Oversight
- Increased Transparency
- Incorporate Public Agency Best Practices
- Streamline the Work of the Board of Directors

Administrative Code vs. Policies



- **Administrative Code** specifies how agency governs itself
- **Policy Documents** provide procedures for specific functions
 - Executive Leadership Continuity Policy
 - Records Management and Retention Policy
 - Non-Discrimination Policy
 - Procurement Policy
 - Grants Policy
 - Sponsorship Policy
 - Expense Reimbursement Policy

Effective Board Leadership



- Two-Officer Model: Chair and Vice-Chair
 - Clerk serves the function of recording actions of the Board
- Two-Year Officer Terms
 - Promotes continuity
 - Promotes effective leadership
 - Promotes greater oversight

Streamlined Standing Committees



- Stationary Source Committee
- Community, Equity, Health & Justice Committee
- Finance & Administration Committee
- Policy, Grants & Technology Committee
 - Combines:
 - Mobile Source & Climate Impacts Committee
 - Legislative Committee
 - Technology Implementation Office Steering Committee

Board and Committee Meeting Schedules



- Board Meetings
 - Default rule is one regular meeting a month (first Wednesday)
 - Additional regular meetings per calendar adopted at beginning of year
 - All Board meetings in person (AB 2449 exceptions allowed)
 - Start time 10:00 am
- Committee Meetings
 - Remote teleconferencing option permitted
 - Remote location policy for further Committee discussion Oct. 18
- Quorum Required for All Board and Committee Meetings

Advisory Councils & Hearing Board



- **Community Advisory Council (CAC)**
 - Formally added to Administrative Code
 - Governance structure as approved by Board 7/5/23
- **Advisory Council**
 - State law now allows compensation – proposed \$200 per meeting
- **Hearing Board**
 - No changes to Hearing Board provisions

Codified Staff Roles



- **APCO**
 - Statutory Duties
 - Program implementation duties
 - Hiring authority/personnel management duties
 - Financial & budget management responsibilities
- **General Counsel**
 - Chief Legal Officer
 - Hiring authority for Legal Division
 - Authority to retain outside counsel
- **Clerk of the Boards**
 - Prepares agendas and minutes
 - Official recordkeeper of Board of Directors affairs

More Effective & Efficient Financial Practices



- Codifies Budget Preparation & Approval Process
- APCO Contracting Authority Increased to **\$200,000** (from \$100,000)
- APCO Incentive Grants Authority Remains at \$500,000
- APCO can settle claims up to \$50,000 (with Board reporting)
- APCO to Develop Policies for Board Approval:
 - Procurement Policy
 - Grants Policy
 - Sponsorships Policy

Efficient Governance Practices



- Non-Interference in Administrative Affairs
- Use of Electronic Signatures
- Board use of Air District [@baaqmd.gov](mailto:baaqmd.gov) email addresses?
 - Pros: Helps simplify PRA responses
 - Cons: Additional email account to monitor

No Recommendation From Ad Hoc Committee – For Vote Today

Board Rules of Procedure



- Establishes Rules of Procedure
 - Relevant Content from Current Code
 - Brown Act Requirements
 - Board Procedure Best Practices
- Provisions for Handling Disruptive Public Commenters
- Code of Conduct for Board Members
- Board Action for Code of Conduct Violations

Project Timeline



March	Board direction to commence Code Update Project
March-May	RFP and Vendor Selection – Renne Public Law Group
May-June	Document review, project planning, Ad Hoc Committee selection
July	Conceptual outlining with Ad Hoc Committee
July-August	Drafting detailed language
September	Finalize draft code language with Ad Hoc Committee
October 4	F&A Committee considers recommending proposed Admin Code
November 1	F&A Committee considers recommending proposed Policies Board of Directors receives notice of consideration of Admin Code
November 15	Board of Directors considers adoption of proposed Admin Code and Policies



Action Requested



Recommend to the Board of Directors:

- **Adopt** the Revised Administrative Code
 - *With* requirement to use Air District email addresses
 - **or**
 - *Without* the requirement to use Air District email addresses
- **Adopt** the Board Rules of Procedure
- Effective January 1, 2024