



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 5

Administrative Code Update: Implementation Policies

**Finance and Administration Committee Meeting
November 1, 2023**

**Alexander Crockett, District Counsel
Sharon Landers, Interim Chief Operating Officer
Amy Ackerman, Renne Public Law Group**

Presentation Outcome



- **Overview** of Proposed Administrative Code Implementation Policies:
 - Meeting Compensation & Expense Reimbursement Policy
 - Records Management & Access Policy
 - Revised Records Retention Schedule
 - Procurement Policy
 - Grants Policy
 - Sponsorships Policy
 - Non-Discrimination Policy
 - Employer-Employee Relations Resolution
 - Remote Teleconferencing Meeting Policy
- **Vote** on Recommendation to Board of Directors

Requested Action



Recommend to the Board of Directors to **adopt** the proposed Administrative Code Implementation Policies, to become effective January 1, 2024

Admin. Code Update 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
- **Phase One (2023)**
 - Replace Division I – Operating Provisions
 - Replace Division II – Fiscal Provisions
- **Phase Two (2024)**
 - Replace Division III – Personnel Provisions

Administrative Code vs. Policies



- **Administrative Code**

- Specifies the rules for how agency governs itself

- **Policy Documents**

- Provide procedures for specific agency functions and programs

Meeting Compensation & Expense Reimbursement Policy



- Consolidates rules for compensation and expense reimbursement for all Air District legislative bodies:
 - Board of Directors
 - Community Advisory Council
 - Advisory Council
 - Hearing Board
- Provisions drawn from existing documents
 - Div. II, § 5 of current Admin. Code (“Director Travel Expenses”)
 - CAC Compensation Policy and Procedures
- Provides comprehensive, common policy to govern all bodies



Records Management & Access Policy

- Drawn from Div. I, § 11 of current Admin Code
- **Records Management:**
 - Keep records according to Retention Schedule retention periods
 - Maintain records in secure digital format
 - Destroy records after end of retention periods
- **Public Records Access:**
 - All records open to public review (w/ confidentiality exceptions)
 - Procedures for responding to PRA requests
 - Requirements for submitters to claim trade secret protection:
 - Designate trade secrets at time of submission; provide justification
 - Provide redacted “public copy” to provide to PRA requestors

Records Retention Schedule



- Current Retention Schedule adopted (most recently) July 5, 2023
- One proposed revision:
 - Change in state law requires Schedule to address **ephemeral records** that have **no significant or lasting value**
 - E.g., yellow sticky notes, rough notes, calendar invites, etc.
 - Value of retaining such records is minimal, burden is high
 - Proposed revision: specify that such records **do not** have to be retained
 - Returns to *status quo* before recent change in state law

Procurement Policy



- Current Admin Code procurement provisions somewhat lacking
- Staff are working with consultant on improvements
 - Interim Procurement Policy currently in effect
 - Augments current Admin Code provisions
 - Adds best practices for procurement oversight
 - Full Policy expected for Board consideration early next year
- Procurement Policy would continue this situation in effect until new, comprehensive policy is ready in early 2024
 - Draws from current Admin Code requirements
 - With additional best practices recommended by consultant

Grants Policy



- Formal, Board-approved grants programs have very robust procedures and controls
- Historically, informal ad hoc grants have also been awarded up to \$100,000
- Policy would prohibit any grants except through formal Board-approved grants programs

Sponsorships Policy



- New policy to improve controls over sponsorships
 - Requirements to align with Air District mission, policy, goals
 - Better Board oversight
- Board approval required over specified thresholds:
 - \$35,000 general limit
 - \$70,000 for bundled Spare the Air sponsorships
- Separate review by DEO for Public Affairs & APCO
- Annual report to Board of Directors

Non-Discrimination Policy



- Copied from Div. I, § 15 of current Admin Code
- Two Elements:
 - Non-Discrimination Policy
 - Complaint Procedure
- One change from current provision:
 - Investigations will follow EPA Title VI Guidance

Employer-Employee Relations Resolution



- Taken verbatim from Div. I, § 10 of current Admin Code
- Recognizes Employees' Association
- No change from current provision

Executive Leadership Continuity Policy



- Adopted by the Board on July 5, 2023
- Establishes procedures for deputies to act if APCO or General Counsel unable to perform their duties
- Already in place; no Committee or Board Action required

Remote Teleconference Meeting Policy For Standing Committee Meetings



Per Committee direction, policy requires:

- Mandatory training for Board members and their staff
- Signed Board member agreement to comply with the rules
- Provide two on-site points of contact to assist with meeting
- Post agenda & email photo 72 hours before meeting
- Location must be open to public, even if Board member not present
- Requests to host remote location (or cancel earlier request) must be made at least 8 days in advance
- Committee Chair & Vice Chair must attend at Beale Street
- Board members responsible for providing security as requested

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 Implementation 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 to **adopt** the following proposed Administrative Code Implementation Policies and related documents, to become effective January 1, 2024:

- Meeting Compensation & Expense Reimbursement Policy
- Records Management & Access Policy
- Revised Records Retention Schedule
- Procurement Policy
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