

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Resolution No. 2022-15

**A RESOLUTION TO APPROVE THE BUDGET FOR THE FISCAL YEAR
ENDING JUNE 30, 2023 (FY 2022-2023)
AND VARIOUS BUDGET RELATED ACTIONS**

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District (Air District) has the statutory authority and direction to set the Air District's financial budget pursuant to Health & Safety Code Sections 40130-40131 and 40270-40276;

WHEREAS, by Resolution No. 2021-08, the Board of Directors adopted the Air District Budget for Fiscal Year (FY) 2021-2022 on June 16, 2021, pursuant to the above-mentioned statutory authority;

WHEREAS, the Board of Directors, in connection with that action, approved the following budget related actions:

- A. Transfer Funds from Encumbered Balance of Appropriations to the Next Fiscal Year for Continuation of Projects/Programs
- B. Transfer Funds from Unencumbered Balance of Appropriations to the General Reserve;
- C. Fund the General Reserve from Year to Year;
- D. Authorize Modification to Name and Purpose of certain Designated Reserve Funds;
- E. Authorize Disposal of Surplus Government Property;
- F. Approve Salary Ranges for District Employees; and
- G. Approve Proposed District Budget for FY 2021-2022;

WHEREAS, Air District staff has determined through its annual budget review and analysis that similar actions are necessary in connection with the adoption of a budget for FY 2022-2023 and that all of these actions be incorporated into a single resolution;

WHEREAS, the Budget and Finance Committee of the Board of Directors reviewed the proposed FY 2022-2023 Air District Budget at public meetings held on March 23, 2022, and April 27, 2022, and recommended that the Board of Directors approve as submitted;

WHEREAS, an initial public hearing was duly noticed and held on May 4, 2022, at a Special Meeting of the Board of Directors held pursuant to Health & Safety Code Section 40131, for the purpose of reviewing the Air District's proposed FY 2022-20223 Budget and of providing the public with an opportunity to comment upon the proposed District Budget;

WHEREAS, at the May 4, 2022 Special Meeting of the Board of Directors, the Proposed FY 2022-2023 Air District Budget was set for a further hearing and proposed adoption at the Regular Meeting of the Board of Directors to be held on June 15, 2022;

WHEREAS, in connection with the public hearing and consideration of the Proposed FY 2022-2023 Air District Budget on June 15, 2022, the Board of Directors decided to take the following actions related to the FY 2021-2022 District Budget:

A. CARRYFORWARD ENCUMBERED BALANCE OF APPROPRIATIONS TO THE NEXT FISCAL YEAR FOR CONTINUATION OF PROJECTS/PROGRAMS NOT COMPLETED IN THE CURRENT FISCAL YEAR

WHEREAS, the Air District Budget FY2021-2022 has appropriated funds committed for projects/programs not completed in the current fiscal year that will carry over to the next fiscal year;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby directs Air District staff, that in the event there is encumbered balance of appropriations from FY 2021-2022 for continuation of projects, to transfer such appropriations to the 2022-2023 fiscal year budget as needed for completion of projects/programs;

B. TRANSFER FUNDS FROM UNENCUMBERED BALANCE OF APPROPRIATIONS TO THE GENERAL RESERVE

WHEREAS, the Proposed Air District Budget provides sufficient funds for the operation of the Air District for FY 2022-2023;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby directs Air District staff, that in the event there is an unencumbered balance of appropriations from FY 2021-2022, to transfer such excess balance to the General Reserve.

C. FUND THE GENERAL RESERVE FROM YEAR TO YEAR

WHEREAS, the Board of Directors on June 12, 1958, created a General Reserve in the Air District's budget and transferred certain funds into it;

WHEREAS, the Air District has operated for much of its existence with a General Reserve in its fiscal year budget;

WHEREAS, the Air District retained the consulting firm of KPMG LLP in 1998-99 to conduct a permit fee cost recovery study of the Air District;

WHEREAS, KPMG LLP determined through their study of Air District finances that the General Reserve was inadequately funded and therefore recommended that the General Reserve be funded to a level consistent with generally accepted governmental practices;

WHEREAS, Air District staff concurred with this finding and recommendation from KPMG LLP;

WHEREAS, the Board of Directors concurs with the recommendation of KPMG LLP, Air District staff and its Budget and Finance Committee that maintaining a healthy and properly funded General Reserve in the Air District's budget is a prudent and financially sound decision;

WHEREAS, as a part of the adoption of the 2015-16 Budget, the Board of Director approved an Economic Contingency Reserve Policy of 20% of the General Fund Budget;

NOW THEREFORE, BE IT FURTHER RESOLVED that the General Reserve be continued for FY 2022-2023, and thereafter until discontinued by resolution of the Board of Directors.

D. AUTHORIZE DISPOSAL OF SURPLUS GOVERNMENT PROPERTY

WHEREAS, the Air District Budget for FY 2022-2023 provides for the replacement of certain equipment and other property that has either become obsolete and surplus or will become obsolete and surplus;

WHEREAS, Air District staff has determined that certain equipment or other property will no longer be economically feasible to maintain or repair, and that some equipment will become obsolete and not useful for Air District purposes;

WHEREAS, from time to time during the course of the coming fiscal year it may be advantageous to the Air District to sell or dispose of such equipment or other property;

WHEREAS, the Board of Directors desires to authorize the Executive Officer/APCO, or his or her designee, to sell or dispose of such surplus or obsolete equipment or other property pursuant the requirements and guidelines of Government Code Sections 25363 and 25504;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the Executive Officer/APCO, or his or her designee, to sell or dispose of surplus or obsolete equipment or other property during FY 2022-2023.

E. SALARY RANGES FOR DISTRICT EMPLOYEES

WHEREAS, the Board of Directors established Salary Ranges and Classifications on June 10, 1962, pursuant to Resolution No. 270 and has from time to time amended those Salary Ranges and Classifications;

WHEREAS, the Air District Budget for FY 2022-2023 includes funds for Board of Director discretionary use in adjusting salaries and fringe benefits for Air District employees;

WHEREAS, the successor MOU between the District and EA is set to expire on June 30, 2023 and all provisions shall supersede the provisions of the July 1, 2020 to June 30, 2021 agreement;

WHEREAS, management employees and confidential employees are not represented by a recognized employee organization;

WHEREAS, the attached salary schedules proposes salary adjustments, 3.4% effective July 3, 2022 as provided for in the MOU for Represented Classes; salaries for non-Board of Director appointed Management and Confidential employees; and salaries adjusted pursuant to contracts with Board appointed management employees;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Directors approves the revised salary schedules attached hereto which, consistent with the FY 2022-2023 Proposed Budget; and with contracts with Board appointed management employees, provide salary increases effective July 3, 2022.

F. APPROVE FUNDING FOR OTHER POST RETIREMENT BENEFITS (OPEB) AND CALPERS PENSION BENEFITS (CalPERS) FOR FY 2022-2023

WHEREAS, as a part of the adoption of the FY 2016 and FY 2017 Budgets, the Board of Directors approved a policy to prefund OPEB by contributing \$4 million in discretionary funding annually to achieve 90% funding with no target date; and the 90% funded status was achieved based on the 2021 actuarial valuation performed by MacCleod Watts Inc;

WHEREAS, as a part of the adoption of the FY 2019 Budget, the Board of Directors approved recommendation to amend the funding policy for the CalPERS pension plan to achieve 90% funding within 20 years;

WHEREAS, the funding policy also states, the Board of Directors can redirect the \$4 million discretionary funds from OPEB upon reaching funded target to the CalPERS pension plan;

NOW, THEREFORE, BE IT FURTHER RESOLVED that as a part of the FY 2022-2023 Proposed Budget, the Board of Directors approved a recommendation to redirect the \$4 million in discretionary funding to the CalPERS pension plan for a total of \$5 million for the continuation of prefunding CalPERS Pension plan;

G. APPROVE PROPOSED AIR DISTRICT BUDGET FOR FY 2022-2023

WHEREAS, on May 4, 2022, and June 15, 2022, public proceedings have been held in a manner and form required by Health & Safety Code Section 40131 for the adoption of the FY 2022-2023 Budget of the Bay Area Air Quality Management District;

WHEREAS, the Board of Directors has considered the Proposed Budget for the fiscal year ending June 30, 2023, as well as the report on this proposed budget from the Budget and Finance Committee of the Board of Directors which considered the Proposed FY 2022-2023 Air District Budget at their meetings of March 23, 2022 and April 27, 2022;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Proposed Air District Budget for Fiscal Year Ending 2022-2023 in the total consolidated amount of Two Hundred Forty- Six Million, Nine Hundred Forty Thousand, Six Hundred and Ninety One Dollars (\$246,940,691), specifying by appropriation classification – personnel, services and supplies, capital outlay, program distributions and transfers –is hereby adopted by the Board of Directors of the Bay Area Air Quality Management District to become effective as of July 1, 2022.

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 GROOM, seconded by DIRECTOR WAGENKNECHT, on the 15th day of JUNE 2022, by the following vote of the Board:

AYES: TERESA BARRETT, JOHN BAUTERS, DAVID CANEPA, PAULINE RUSSO CUTTER, JOHN GIOIA, CAROLE GROOM, ERIN HANNIGAN, DAVID HUDSON, DAVINA HURT, TYRONE JUE, OTTO LEE, SERGIO LOPEZ, KAREN MITCHOFF, ROB RENNIE, KATIE RICE, MARK ROSS, BRAD WAGENKNECHT, STEVE YOUNG.

NOES: NONE.

ABSTAIN: NONE.

ABSENT: MARGARET ABE-KOGA, DAVID HAUBERT, LYNDY HOPKINS, NATE MILEY, SHAMANN WALTON.

ATTEST:



JOHN J. BAUTERS
Chairperson of the Board of Directors



TERESA BARRETT
Secretary of the Board of Directors