



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
EXECUTIVE COMMITTEE MEETING

COMMITTEE MEMBERS

GAYLE B. UILKEMA – CHAIR
CHRIS DALY
JERRY HILL
TIM SMITH
BRAD WAGENKNECHT

MARK ROSS – VICE CHAIRPERSON
MARK DeSAULNIER
JOHN SILVA
MARLAND TOWNSEND
SHELIA YOUNG

THURSDAY
FEBRUARY 16, 2006
9:45 A.M.

FOURTH FLOOR CONFERENCE ROOM
DISTRICT OFFICES

AGENDA

1. **CALL TO ORDER – ROLL CALL**
2. **PUBLIC COMMENT PERIOD** (*Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3*) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.
3. **APPROVAL OF MINUTES OF NOVEMBER 30, 2005**
4. **HEARING BOARD QUARTERLY REPORT – OCTOBER 2005-DECEMBER 2005**
T. Dailey/4965
tom.dailey@kp.org
5. **REPORT OF THE ADVISORY COUNCIL: JANUARY 1 – 11, 2006** **J. Broadbent/5052**
jbroadbent@baaqmd.gov
6. **OPEN, ETHICAL LEADERSHIP: ASSEMBLY BILL 1234 COMPLIANCE OVERVIEW**
B. Bunger/4797
bbunger@baaqmd.gov
Legal Counsel will provide an overview of AB 1234 compliance requirements with regard to governing board members of California special districts.
7. **DISCUSSION OF POSSIBLE AMENDMENTS TO THE ADMINISTRATIVE CODE**
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will discuss and consider possible revisions to Administrative Code Division I, Sections 1-6 with regard to the Board of Directors, Section 7 with regard to the Advisory Council, Section 8 with regard to the Hearing Board.

8. **UPDATE ON BUSINESS PROCESSES AND CONTROLS**

J. McKay/4629
jmckay@baaqmd.gov

Staff will provide information to the Committee on the implementation of process and controls items updated at the District.

9. **TIME AND PLACE OF NEXT MEETING AT THE CALL OF THE CHAIR**

10. **ADJOURNMENT**

**CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET
SAN FRANCISCO, CA 94109**

**(415) 749-4965
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chair, Gayle B. Uilkema and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 2, 2006

Re: Executive Committee Draft Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Executive Committee meeting of November 30, 2005.

DISCUSSION

Attached for your review and approval are the draft minutes of the November 30, 2005 Executive Committee meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

**Bay Area Air Quality Management District
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000**

DRAFT MINUTES

Summary of Board of Directors
Executive Committee Meeting
9:30 a.m., Wednesday, November 30, 2005

1. **Call to Order - Roll Call:** Chairperson Marland Townsend called the meeting to order at 9:30 a.m.

Present: Marland Townsend, Chairperson, Mark DeSaulnier (9:36 a.m.), Scott Haggerty, Jerry Hill, Julia Miller, Mark Ross, Shelia Young (9:36 a.m.)

Absent: Gayle B. Uilkema, Brad Wagenknecht.

Also Present: Pamela Torliatt (10:07 a.m.)

2. **Public Comment Period:** There were no public comments.
3. **Approval of Minutes of October 12, 2005:** Director Hill moved approval of the minutes; seconded by Director Miller; carried unanimously without objection.
4. **Quarterly Report of the Hearing Board:** Hearing Board Chairperson Tom Dailey presented the Hearing Board Quarterly Report –July 2005 – September 2005. Dr. Dailey noted that the report now includes details on excess emissions as requested by the Committee.

Committee Action: None. This report provided for information only.

Directors Mark DeSaulnier and Shelia Young arrived at 9:36 a.m.

5. **Report of the Advisory Council:**

Brian Zamora, Chairperson of the Advisory Council, presented the Report of the Advisory Council and announced that Kraig Kurucz will be the Council Chairperson for 2006. Mr. Zamora summarized three key accomplishments of the Council this year:

1. A Resolution on Climate Change;
2. Indoor Air Pollution; and
3. The establishment of a Code of Conduct for the Advisory Council.

Mr. Zamora stated that there is one vacancy on the Council and that the Applicant Selection Working Group has interviewed candidates and will take their recommendation to the Personnel

Committee. Mr. Zamora expressed his thanks to Chairperson Townsend for his attendance at the last Advisory Council meeting.

Jack Broadbent, Executive Officer/APCO invited Mr. Zamora to attend the Board meeting of December 21, 2005 for a special presentation.

Committee Action: None. This report provided for information only.

6. **Update on the Joint Policy Committee:** *Ted Droettboom, Regional Planning Program Director of the Joint Policy Committee provided an update on the activities of the Joint Policy Committee.*

Mr. Droettboom updated the Committee on the significant activities of the Joint Policy Committee (JPC). Mr. Droettboom stated that the JPC voted unanimously to endorse the 2005 Ozone Strategy.

Committee Action: None. This report provided for information only.

7. **Consider Recommending to the Board of Directors the Creation of a Self-Insured Retiree Life Insurance Program:** *The Committee considered recommending to the Board of Directors the creation of a self-insured retiree life insurance program.*

Michael Rich, Human Resources Officer, presented the report and reviewed the background on retiree life insurance and provided an update on the District's change in insurers.

Director Pamela Torliatt arrived at 10:07 a.m.

There was considerable discussion regarding the change in insurers from AIG to Metropolitan Life. Mr. Rich then reviewed the considerations for self-insurance and discussed the two options for the Committee to consider for the retiree life insurance program. For Option 1, the District would continue the current model utilizing traditional insurance and, under Option 2, staff would move forward with the implementation of a self-insured retiree life insurance program.

Mr. Rich reported that the District has saved money by switching insurers for retiree life insurance and could potentially save more money by self-insuring the benefit.

The Committee discussed, among other things, the amount of the death benefit, if other air districts or public agencies have a model for self-insurance, and what actions are needed to sever relations with AIG. The Committee requested staff provide additional information at a future meeting relating to the retiree life insurance program.

Committee Action: Director Hill moved that the Committee recommend Board of Director approval of Option #2 for staff to move forward with the implementation of a self-insured retiree life insurance program and, that staff provide additional information to the Committee as discussed; seconded by Director Young; carried unanimously without objection.

8. **Status Report of Phase One Implementation of Video-Conferencing Equipment Installation in the 4th Floor Conference Room:** *The Committee received a status report on progress being*

made with regard to the installation of teleconferencing equipment in the 4th floor conference room.

Jeff McKay, Chief Financial Officer, updated the Committee on the progress being made on the installation of teleconferencing equipment in the 4th floor conference room. Mr. McKay noted that installation will begin in December 2005.

Committee Action: None. This report provided for information only.

9. Replacement of Database and IRIS: *Staff presented an update on the ongoing work on the Production System Replacement.*

Mr. McKay updated the Committee on the ongoing work of the Production System replacement. Areas discussed included the technology available, vendors, configuration decisions, and staff participation in a pilot program and education.

Committee Action: None. This report provided for information only.

10. Time and Place of Next Meeting: At the Call of the Chair.

11. Adjournment. The meeting was adjourned at 11:00 a.m.

Mary Romaidis
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 Memorandum

TO: Chair Gayle B. Uilkema and Members of the Executive Committee
FROM: Chairperson Thomas M. Dailey, M.D., and Members of the Hearing Board
DATE: January 23, 2006
RE: Hearing Board Quarterly Report – OCTOBER 2005 – DECEMBER 2005

RECOMMENDED ACTION:

This report is provided for information only.

DISCUSSION:

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
Alameda/Fremont	NEW UNITED MOTOR MANUFACTURING, INC. (Emergency Variance – Docket No. 3506) – <i>Emergency Variance from regulation requiring compliance with permit conditions</i>	2-1-307	Withdrawn. Applicant in compliance.	===	===
Alameda/Newark	CARGILL SALT (Variance – Docket No. 3503) – <i>Variance from regulation requiring compliance with permit conditions (APCO not opposed.)</i>	2-1-307 (Condition # 19560, Items 1 & 2)	Granted	9/22/05 to 10/6/05	1,063.90 # (PM-10)
Alameda/Pleasanton	DUBLIN SAN RAMON SERVICES DISTRICT (Variance – Docket No. 3504) – <i>Variance from regulation requiring compliance with permit conditions (APCO not opposed.)</i>	2-1-307 (Condition # 16474, Item # 3)	Granted	10/3/05 to 12/30/05	1,308.30 # (CO)
Contra Costa/Martinez	APCO vs. TESORO REFINING & MARKETING CO., GOLDEN EAGLE REFINERY SITE NO. B2758 (Accusation – Docket No. 3492) – <i>Accusation and Request for Conditional Order for Abatement from regulation requiring compliance with standards of Public Nuisance; from regulation requiring compliance with permit conditions; from regulation requiring compliance with an orderly procedure for the review of new sources of air pollution, and of the modification and operation of existing sources and of associated air pollution control devices, through the issuance of authorities to construct and permits to operate; from regulation limiting the quantity of particulate matter in the atmosphere through the establishment of limitations on emission rates, concentration, (continued on next page)</i>	1-301 2-1-307 2-6-407 6-301, 302, 305 & 310 9-10-301 & 304 H&SC Section 41700	Second Stipulated Conditional Order for Abatement adopted and issued.	===	===

<u>COUNTY/CITY</u>	<u>PARTY/PROCEEDING</u>	<u>REGULATION(S)</u>	<u>STATUS</u>	<u>PERIOD OF VARIANCE</u>	<u>ESTIMATED EXCESS EMISSIONS</u>
	<i>visible emissions and opacity; from regulation establishing emission limits for sulfur dioxide from all sources including ships, and limits ground level concentrations of sulfur dioxide; and from Health & Safety Code Section 41700 (public nuisance)- Further Hearing to Adopt (Proposed) Second Stipulated Conditional Order for Abatement</i>				
Contra Costa/Rodeo	CONOCOPHILLIPS COMPANY (Variance – Docket No. 3500) – Variance from regulation requiring compliance with permit conditions	2-1-307 & Permit Conditions 21096(3b) & 21097(3b) of Major Facility Review Permit	Withdrawn. Second set of source tests demonstrated compliance with permit conditions	===	===
San Francisco	GAS & SHOP (Variance – Docket No. 3505) – Variance from regulation limiting emissions of organic compounds from gasoline dispensing facilities	8-7-201	Withdrawn	===	===

NOTE: During the fourth quarter of 2005, the Hearing Board dealt with four Dockets on four hearing days. A total of \$2,965.26 was collected as excess emission fees during this quarter.

EXCESS EMISSION DETAILS

<u>COMPANY NAME</u>	<u>DOCKET NO.</u>	<u>TOTAL EMISSIONS</u>	<u>TYPES OF EMISSIONS</u>	<u>PER UNIT COST</u>	<u>TOTAL AMT COLLECTED</u>
Cargill Salt	3503	1,063.90 lbs.	PM-10	\$ 1.25/lb	\$ 1,329.88
Dublin San Ramon Services District	3504	1,308.30 lbs	CO	\$ 1.25/lb	\$ 1,635.38
TOTAL COLLECTED:					<u>\$2,965.26</u>

Respectfully submitted,

Thomas M. Dailey, M.D.
Chair, Hearing Board

Prepared by: Neel Advani
Reviewed by: Mary Romaidis

FORWARDED: _____
NA:na (1/23/06HBEXQURT)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chair Uilkema and Members of the Board Executive Committee
From: Kraig Kurucz, Chairperson, Advisory Council
Date: January 31, 2006
Re: Report of the Advisory Council: January 1-11, 2006

RECOMMENDED ACTIONS:

Receive and file.

DISCUSSION:

Presented below are summaries of the key issues discussed at meetings of the Advisory Council and its Standing Committees during the above reporting period.

- a) Executive Committee – January 11, 2006. The Committee reviewed the role of the Applicant Selection Working Group in screening applications for Council positions and forwarding recommendations to the Board Personnel Committee. *(Minutes included in the February 16, 2006 Executive Committee Meeting Agenda packet.)*
- b) Retreat & Regular Meeting – January 11, 2006. The Council received a staff presentation on key issues facing the District and prepared its work plan for 2006. *(Minutes included in the February 16, 2006 Executive Committee Meeting Agenda packet.)*

Respectfully submitted,

Kraig Kurucz
Advisory Council Chairperson

Prepared by: James N. Corazza

Reviewed by: Mary Romaidis

FORWARDED BY: _____

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

DRAFT MINUTES

Advisory Council Executive Committee Meeting
9:00 a.m., Wednesday, January 11, 2006

1. **Call to Order – Roll Call.** 9:18 a.m. Present: Kraig Kurucz, Chairperson, Fred Glueck, Louise Bedsworth, Ph.D., Bob Bornstein, Ph.D., Jeffrey Bramlett, Stan Hayes, Brian Zamora.
2. **Public Comment Period.** There were no public comments.
3. **Approval of Minutes of November 9, 2005.** Mr. Glueck moved approval of the minutes; seconded by Brian Zamora; carried unanimously.
4. **Discussion of the Role of the Applicant Selection Working Group.** Chairperson Kurucz stated that the Governing Board recently modified the procedure for reappointing Advisory Council members. It was determined that incumbents will compete at the conclusion of their term with outside applicants. The Committee discussed whether the members now fill the slots on the Council as indicated by the requirements in the California Health & Safety Code, and what role the Applicant Selection Working Group will play in the reappointment process.

Peter Hess, Deputy Air Pollution Control Officer, stated that the members whose terms expired on December 31, 2005 have received a letter from former Board Chair Marland Townsend, which expresses the Board's reasons for changing the reappointment process. In 1994, the Board modified the manner for selecting the Council members by asking the Advisory Council to conduct the initial applicant screening and interviewing functions. The Council established the Applicant Selection Working Group (ASWG) shortly thereafter. The Board has now indicated its desire to conduct the interviews of prospective Council members. The Board would like for the ASWG to conduct some type of screening and then recommend candidates to the Personnel Committee for subsequent interview. The District has sent out advertisements for the slots occupied by the incumbents seeking reappointment, and the application period closes January 27. The ASWG could review the applications received and forward a list of recommendations regarding interviewees to the Personnel Committee.

In discussion, Mr. Hayes suggested the ASWG conduct a paper screening of the applications and forward its ranking regarding the top two candidates to interview to the Personnel Committee. Dr. Bornstein noted that, at San Jose State University, a screening committee evaluates the applications, rank orders them and passes them on to the body that is legally empowered to make the appointing decision. Mr. Zamora noted that given the Council's recent adoption of a Code of Conduct, members on the ASWG whose terms are expiring and who wish to be reappointed will have to recuse themselves from the process to avoid a conflict-of-interest.

Chairperson Kurucz noted that while the Personnel Committee expects that the top two candidates would be recommended by the ASWG, it is unclear whether or not those two would include or exclude the incumbent—who will automatically receive an interview.

Mr. Hayes noted that he would not wish to eliminate any resumes from consideration by the Personnel Committee but simply rank order them and let the Committee determine whom it wishes to interview. He added that a possible hybrid procedure would be for the Board to invite someone from the Advisory Council to be present for the interviews conducted by the Personnel Committee. Mr. Glueck moved the Committee direct that the ASWG rank order the written applications and forward its rating to the Personnel Committee for the latter's use in arranging and conducting the interviews; seconded by Dr. Holtzclaw; carried unanimously.

5. **Review and Discussion of Membership of the Advisory Council.** Mr. Hess stated that the second issue concerns the slots filled by Council members. He noted that Council member Linda Weiner fills the "Public Health Agency" slot but the American Lung Association is not an agency as such, and she would more appropriately fill a "Conservation Organization" category. Additionally, Council member Louise Bedsworth fills a "Public-at-Large" category, which designation is only used when, for a given category, there are no qualified applicants and a member from the public may be appointed. However, she would qualify for the "Conservation Organization" category given her current employment. Dr. Holtzclaw noted that Council member Emily Drennen fits the "Transportation" category given her employment at Walk San Francisco. Dr. Bedsworth cautioned against too strictly construing how well a member fits a given category, noting that she does not so much advocate for the particular organization for which she works as much as she brings her expertise in transportation to Council deliberations.

Chairperson Kurucz observed that this item is only for the Committee's information and discussion, and that no action is required from the Executive Committee. Moreover, only the Governing Board is empowered to reassign Council members to specific statutory categories. Mr. Hayes noted that the reapplication of a Council member at the expiration of his or her term every two years also allows for reassignment to a different Council category should a member's personal and professional circumstances change in such a way that requires such an adjustment.

6. **Committee Member Comments.** Mr. Hayes noted that a conference on Greenhouse Gases will be held in the Bay Area from March 7-9, and Council members are invited to attend.
7. **Time and Place of Next Meeting.** 9:00 a.m., Wednesday, March 8, 2006, 939 Ellis Street, San Francisco, CA 94109.
8. **Adjournment.** 10:03 a.m.

James N. Corazza
Deputy Clerk of the Boards

:jc

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Draft Minutes: Advisory Council Regular Meeting and Retreat– January 11, 2006

CALL TO ORDER

Opening Comments: Chairperson Kurucz called the meeting to order at 10:16 a.m.

Roll Call: Present: Kraig Kurucz, Chair, Cassandra Adams, Sam Altshuler, P.E., Diane Bailey, Louise Bedsworth, Ph.D., Ken Blonski, Bob Bornstein, Ph.D., Jeffrey Bramlett, Harold M. Brazil, Irvin Dawid, Emily Drennen, Fred Glueck, William Hanna, Stan Hayes, John Holtzclaw, Ph.D., Victor Torreano, Linda Weiner, Brian Zamora.

Absent: Kevin Shanahan.

Introduction of New Advisory Council Member: Chairperson Kurucz welcomed new Advisory Council member Steven Kmucha, M.D., in the “Public Health Agency” category.

PUBLIC COMMENT PERIOD: There were no public comments.

CONSENT CALENDAR:

1. **Approval of Minutes of November 9, 2005.** Mr. Altshuler requested that on page three, paragraph three, his comment on ammonium nitrate research be expanded. Dr. Holtzclaw moved adoption of the minutes as corrected; seconded by Dr. Bedsworth; carried unanimously.

COMMITTEE REPORTS

2. **Executive Committee Meeting of January 11, 2006.** Chairperson Kurucz stated that the Committee met this morning with the members of the Applicant Selection Working Group (ASWG) to discuss the Board’s revision to the procedure for reappointing Council members. The Personnel Committee will now interview new applicants along with incumbents reapplying at the conclusion of their term.

The Executive Committee discussed the role of the Applicant Selection Working Group in the new process and agreed that the latter should conduct a paper screening, grade the applications and forward its ranking and recommendations on who should be interviewed to the Personnel Committee, which will then determine whom it wishes to interview and will conduct interviews. Incumbents seeking reappointment need to resubmit their applications and update their resumes by January 27th.

The Committee also discussed Council category representation. It was noted that the American Lung Association is not a “public health agency” *per se*. However, no action from the Council on this issue is required as only the Personnel Committee is empowered adjust members in category assignments.

RETREAT FORMAT:

3. Mission of the Advisory Council

A. Role of the Advisory Council. Chairperson Kurucz:

- reviewed the California Health & Safety Code provisions establishing the categories on the Council. Mr. Altshuler inquired if these categories could be updated to reflect the need for expertise in indoor air quality and energy. Brian Bunger, District Counsel, replied that any amendments to the categories would have to be made by the Legislature and the deadline for introducing new bills is January 21, 2006. He indicated he would confer with District staff member Tom Addison on taking this proposal to the Board at this time. Ms. Drennen requested that any language updating the legislation be couched in gender neutral terms.
- reviewed the paper in the agenda packet entitled “The Advisory Council and Public Agency Working Together” – which was jointly authored in 1990 by District Deputy APCO Peter Hess and former member of the Advisory Council, and the Air Resources Board (ARB), John Lagarias. Chairperson Kurucz observed that this paper provides an excellent historical view.
- noted that the Board’s recent revision of the reappointment process to the Council may interface with any changes in the Council categories. Mr. Hanna inquired about the number of days beyond a member’s term expiration that a member could serve, insofar as the legislation indicates one may serve until the appointment and qualification of the successor. Brian Bunger, District Counsel, replied that the general provision of the Government Code, under which the Council operates, is 90 days beyond the expiration of a term.
- urged the Council members to review the Code of Conduct recently adopted by the Council.

B. Staff Expectations for the Advisory Council. Chairperson Kurucz noted that the Executive Officer/Air Pollution Control Officer, Jack P. Broadbent, could not attend today’s meeting as he was meeting with the new Chair of the ARB, Robert F. Sawyer, P.E., Ph.D., who is a former member of the Advisory Council. Jean Roggenkamp, Deputy Air Pollution Control Officer, stated that the Council works to advise the staff and the Board.

This year the Officers of the Governing Board are as follows: Chair – Supervisor Gayle B. Uilkema of Contra Costa County; Vice-Chair – Vice-Mayor Mark Ross of the City of Martinez; and Secretary – Supervisor Jerry Hill of San Mateo County.

C. Brown Act Refresher. Mr. Bunger stated that the Brown Act requires that Council meetings be open to the public. To conduct business, agendas must be posted and publicly viewable. Its decisions must be made in an open forum. Agenda packet materials and copies of presentations must be available at the meetings. The Council cannot meet in Closed Session because it has no authority over matters for which a closed session would be required. The Brown Act also prohibits conducting “serial” as well as “spoke and hubs” meetings in which members individually and sequentially reach agreement in turn outside a formal meeting context. While a member of the public that is on the agenda as a guest speaker may participate fully in the discussion of the presentation, members of the public who address a specific agenda item are limited to filling out a speaker card and address the Council for a limited period of time. Thereafter their participation in discussion should be limited either to answering clarifying questions or providing brief comments.

Agendas are posted a minimum of 72 hours prior to a meeting on the front door of the building, in the first and seventh floor lobbies, and on the Internet. Issues not on the agenda may not be discussed, except to provide direction to staff, agendaize an item for a future meeting, or direct that research be undertaken. There are narrow exceptions for emergency items, but half of the Council must agree the matter is an emergency and two-thirds must agree to put the matter on the agenda. Moreover, the issue must be unknown to the District rather than to only the Council members.

It is acceptable for Committee Chairs to e-mail members regarding agenda items for forthcoming meetings, and also for two members to conduct research together, as long as they do not reach a quorum. It is generally preferable to limit outside communication as much as possible among Committee members. Violation of the Brown Act has been designated by law as a misdemeanor.

4. Round Table Discussion with District’s Management on Key Issues Facing the District and Assignments Proposed by District Staff. Peter Hess, Deputy APCO, presented a memorandum entitled “Potential Candidate Assignments from the Executive Officer/APCO” which proposed five areas of study for the Advisory Council, as follows:

- 1) Community Air Risk Evaluation (CARE) Program – The District is entering the second year of the multi-year CARE program. The Executive Officer/APCO is requesting the Advisory Council track the progress of program and to provide input as appropriate. – (Suggested Committees, Public Health and Technical Committees.)
- 2) Climate Change and Green House Gases – Last year the California Air Resources Board and the Air District took steps to initiate a program to address Global Warming. The Executive Officer/APCO is requesting the Advisory Council review and recommend the next steps the District should take to address Greenhouse Gases and Global Warming in coordination with initiatives under way by the California Air Resources Board. (Suggested Committees, Planning and Technical Committees.)
- 3) Particulate Matter Control – The EPA has recently proposed revised federal ambient air quality standards for PM2.5 and PM10. The District has also prepared a control program to move closer to attainment of the State particulate matter Ambient Air Quality Standard. The Executive Officer/APCO is requesting the Advisory Council track the progress of this program and provide input as appropriate. (Suggested Committee involvement, Planning, Public Health and Technical Committees.)
- 4) Wood Burning Control Strategies – A number of years ago the Advisory Council was a leader in formulating the District’s model wood burning ordinance. This ordinance has made progress in reducing emissions from wood burning devices in the District. The Executive Officer/APCO is now requesting the Advisory Council continue this work by reviewing and recommending the available emission control option(s) best suited to the District to further control the emissions from wood burning devices. (Suggested Committees, Planning and Public Health Committees.)
- 5) Asthma & Indoor Air Quality – Last year the Advisory Council recommended that the District proceed with an indoor air quality program and made recommendations for next steps. Numerous reports link asthma with poor indoor air quality. The Executive Officer/APCO is requesting the Advisory Council review and suggest possible options where the District can best interface with the County and City Health Officers relative to indoor air quality and asthma. (Suggested Committee, Public Health Committee.)

Jean Roggenkamp, Deputy APCO, stated that the District celebrated its 50th anniversary last year, initiated the CARE program, turned its toxics evaluation policy for permits into a rule, adopted new refinery flare rules and very recently adopted an Ozone Strategy for the region. The District has the fastest permit processing time, along with the finest compliance and enforcement program, in California. The Advisory Council also helped to create the climate protection program at the District. Free transit on Spare the Air Days has been expanded from BART to most of the Bay Area transit authorities. The District's budget is under preparation for FY06-07. The agency is fiscally sound. The state subvention cut that has been in effect for the last two years for the District is now expected to be withdrawn.

The District will continue the CARE program and looks to the Council to provide input on it. Also, the District will move forward with its climate protection program. The federal PM_{2.5} standard may be lowered this year, and while the District is presently in attainment its status may change by 2007. Particulate matter (PM) is a pollutant of increasingly significant health concern. In the nine Bay Area counties, 40 cities and eight counties have adopted some form of the wood smoke abatement ordinance developed a number of years ago by the District, and to which the Council devoted significant in crafting.

Indoor air quality will be a subject of further review this year in connection with asthma, and perhaps city and county public health officers can be brought into the Council's deliberations. In discussion of the time frames by which recommendations would need to be made for the staff, the spring would be ideal for receiving the Council's climate protection recommendations, prior to the Conference on Climate Protection scheduled in March. Other topics are for the long-range and do not have immediate milestones.

Dr. Holtzclaw suggested the District assess the viability of adopting indirect source review measures such as have been adopted in the Central Valley, one of which imposes penalties for building housing projects that require significant vehicular driving. There is a legal challenge to these measures pending. Ms. Weiner and Ms. Bailey expressed their concurrence that these topics deserve Council attention this year.

Ms. Bailey added that goods movement in the state should be evaluated from the perspective of the Bay Area. At the state level there is a deadline for action during this spring. Another area would be for the Council to review CEQA guidelines for the District, as these need to be updated. In the Sacramento area, for example, there are specific CEQA policies and requirements for construction equipment.

Ms. Bailey added that the Council should consider providing recommendations on the disbursement of funds for the Carl Moyer, and Transportation Fund for Clean Air (TFCA) programs, especially as funding for the Moyer program has been increased and the legislation concerning the TFCA now allows for its allocation to private fleet owners. Ms. Drennen agreed, adding that the District should promote use of public transportation, non-motorized transportation and pedestrian and bicycle projects.

Ms. Roggenkamp replied that the transit authorities are responsible for promoting public transportation, although the District emphasizes mode shift where possible. The TFCA also funds transportation projects and emphasizes mode shift and vehicular pollution reduction. The provision of free transit on Spare the Air days by BART and most of the transit authorities in the Bay Area promotes mass public transportation as a vehicular pollution reduction strategy.

Mr. Altshuler raised concern about emissions of NO₂ from diesel particulate traps. He noted that he has observed clean exhaust from buses but has smelled NO₂ on Market Street. This raises questions of health effects at, above or below odor thresholds, and the Advisory Council should investigate this matter.

Chairperson Kurucz observed that the goal is to have recommendations developed on the main issues by November, although they could occur earlier where required. This will require careful planning by each Committee. Dr. Bedsworth suggested that the District consider how to create and improve collaborative structures with other agencies and the various transit authorities, especially as the climate change issues are on the forefront, and indirect source control issues are on the horizon, of air quality management.

In reply to questions, Ms. Roggenkamp noted that the District's Ozone Strategy is intended to address the state's one-hour ozone standard, as the federal one-hour standard has been revoked. The state has an eight-hour standard, but it has not gone through the Office of Administrative Law. Attainment designations have not been made, and there are no planning requirements as yet. The District is in marginal non-attainment for the federal eight-hour standard, and there are no planning requirements for such a status.

Ms. Weiner commended staff for identifying wood smoke abatement as an issue and noted that, even though the Lung Association is not a public health government agency, it is a public health entity and has worked with the District on wood smoke abatement in previous years and will continue to do so.

Mr. Hayes stated the list prepared by staff has some continuity with last year's, and the Council should review PM source apportionment and monitoring data from this year. There is also a question of the interrelationship between emission mitigation efforts for diesel PM, criteria pollutants, air toxics and climate change. The Advisory Council may be able to weigh in on the question of such interrelationships.

Ms. Roggenkamp noted that where Committee charges overlap, joint Committee meetings economize on staff presentations. Chairperson Kurucz suggested that the Council Regular meetings receive speaker presentations on topics that are common to all committees, particularly in terms of particulate matter.

Mr. Dawid suggested the District investigate establishing bans on wood burning such as are in effect in the San Joaquin Valley as well as monitor the use of remote sensing in the South Coast.

Ms. Adams suggested that indoor air quality be adopted as a part of the District's mission. Mr. Bunker indicated that this would be an issue for the State Legislature, as indoor air quality is primarily an occupational safety and public health agency issue and concerns exposure. Ms. Roggenkamp added that the Governing Board has also adopted issues as part of the District's mission, such as the task to reduce toxic air contaminants some years ago and, more recently, the charge to improve climate protection. Mr. Hess noted that in 1974 the District was charged with implementing indirect source control for a few weeks.

Ms. Bailey suggested the Council further explore the District's role via transportation and goods movement in the state, especially as the Moyer and TFCA programs can influence vehicle emission reductions. Ms. Roggenkamp replied that in the Ozone Strategy recently adopted by the Board, there are many transportation control measures (TCMs) that focus on reducing vehicle miles traveled and trips and assist the transit authorities and the congestion management agencies implementing measures that achieve this. Grant programs help to emphasize mode shift to less polluting means of transportation. If the Council devotes further time to this topic, it should start with what exists in the Ozone Strategy at the present time.

Dr. Bedsworth observed that these measures were vetted last year through the Technical and Air Quality Planning Committees, which made joint recommendations on them in the Strategy. Mr. Hess suggested the Advisory Council provide advice on updates to the transportation issues in the Strategy as they arise. Ms. Drennen suggested the Council also consider ways to recommend implementation of TCMs.

5. **Convene to Working Lunch for Meetings and Discussion Sessions of the Public Health Committee, Air Quality Planning Committee and Technical Committee.** The Council convened into Standing Committee format at 11:56 a.m.
6. **Reconvene to Full Council Format for Follow-up on Committee Discussion Sessions.** The full Advisory Council reconvened at 1:25 p.m. The Standing Committees reported out as follows:

Public Health Committee: Mr. Bramlett stated the Committee confirmed the staff recommendations on topics for review, and will review wood burning control strategies, and indoor air quality as it relates to asthma. Regarding wood burning, the Committee will review the status quo and the level of achievement of voluntary measures, with a perspective on what future implementation strategies might be considered from a regional perspective, taking into account aspects of enforcement. Speaker presentations will include a staff review on the status of wood smoke abatement efforts in the District, and outside experts such as former Advisory Council member Dr. Michael Lipsett to address health effects issues and the status of research. Regarding asthma and indoor air quality, the focus will be on how to reduce asthma triggers. Speakers will be requested to address health effects, review research and development. The Committee will endeavor to produce recommendations in November. As adjunct issues, the Committee will be interested in PM abatement and the CARE program, and thus some joint ventures with other Committees will be sought. Time permitting, indirect source review and goods movement may be addressed. The Committee will meet in 2006 from 10:00 a.m. – 11:30 a.m. February 14, April 11, June 13, August 8, October 10 and, if necessary, December 12.

Technical Committee: Dr. Bornstein stated that the Committee will review climate change, the CARE program, and particulate matter. It will address climate change as its first priority in order to develop recommendations prior to the Conference on Climate Change in March. Committee member Dr. Bedsworth has volunteered to summarize what the Council discussed last year on climate change over several meetings and, with the assistance of Council member Hayes, will submit a draft document for Committee review at its first meeting in February. At the second meeting, the Committee will focus on PM research at the District. The Committee's third priority on the CARE program will ideally be addressed in joint meetings with the Public Health Committee. The Committee's first two meetings are scheduled for February 8 at 1:00 p.m. and April 12 at 9:30 a.m.

Air Quality Planning Committee (AQPC): Mr. Hayes stated that the Committee will initially address climate protection. A joint meeting with the Technical Committee would be ideal to discuss data on the status of PM source apportionment analysis and inventory emission work, as well as abatement actions at the District. The Committee is also interested in wood smoke abatement and the CARE Program. The question is one of determining the sources of PM emissions in order to determine what control measures are appropriate, and then to assess the degree to which these are addressed in existing control programs. Another topic the Committee would like to address is land-use planning, and how the District might productively address this subject. Air quality elements in general plans may provide one avenue for doing so, along with indirect source review. A final issue concerns the integration of and the nexus between air quality programs that address criteria pollutants, air toxics, and climate protection. The Committee would like to meet the second Wednesday of every month in between the Council meeting months. The first meeting would be on February 7th.

Dr. Bornstein suggested the AQPC and Technical Committees jointly meet on the 7th to discuss climate protection in terms of Dr. Bedsworth's summary and a presentation from staff on the status of climate protection actions by the District. Mr. Hayes expressed his concurrence with this suggestion.

Chairperson Kurucz suggested that a presentation on PM control should be scheduled for the next Council Regular Meeting since it is common to all three Committees. The Council members agreed.

COMMENDATION/PROCLAMATION:

7. Recognition of Outgoing Chairperson Brian Zamora. Chairperson Kurucz noted that the Board presented a plaque to Mr. Zamora at the December 21 Board Regular meeting acknowledging his outstanding leadership of the Council in 2005 in terms of fact-finding and developing excellent recommendations to the Governing Board on global warming and the District’s role in indoor air quality management, devoting meetings to evaluating the Governor’s hydrogen highway project, the Council’s careful review of the CARE program and its adoption of a Code of Conduct, arranging for a formative presentation on urban sprawl and air quality. The Board favorably received the Council’s recommendations in 2005. Mr. Zamora expressed his satisfaction in having served in this capacity.

OTHER BUSINESS:

8. Council Member Comments/Other Business. Mr. Dawid inquired if a Council member could receive travel reimbursement for attending a meeting of another Committee of which he or she was not a member. Mr. Bunger replied that under the Brown Act, a non-Committee member may not participate in a meeting of another Committee, and while Council members are allowed “reasonable and necessary expenses” such attendance does not qualify for reimbursement under the Brown Act. The Attorney General has issued an Opinion that concludes that attending and participating in a meeting at which one is not a member of the body that is meeting constitutes a violation of the Brown Act. Mr. Hanna inquired as to how a non-Committee member would then be able to present a stakeholder view to a Committee in view of such restrictions. Mr. Bunger replied that that member should contact the committee Chair and request that the issue be raised by the Chair as part of the discussion. Mr. Dawid inquired if a Council member could receive travel reimbursement for attending the Climate Protection Summit. Mr. Bunger replied that staff will look into that question. Ms. Bailey noted that the Air & Waste Management Association is holding a meeting on community air monitoring on February 1. Dr. Bornstein inquired about attendance at the AWMA meeting in the summer, and Mr. Bunger replied that the staff is setting a budget and once the number of places for the Advisory Council are determined the Council will be contacted.

9. Time and Place of Next Meeting. Noting that the next meeting of the Council is scheduled for March 8 when the Conference on Climate Protection is scheduled to take place, the Council unanimously agreed to modify its meeting date to: 1:30 p.m., Wednesday, March 15, 2006, 939 Ellis Street, San Francisco, CA 94109. The Council Executive Committee will meet at 1:00 p.m.

10. Adjournment. The meeting was adjourned at 1:56 p.m.

James N. Corazza
Deputy Clerk of the Boards

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chair, Gayle B. Uilkema and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 6, 2006

Re: Assembly Bill 1234 Compliance Overview

Assembly Bill 1234, which became effective January 1, 2006, imposes certain new requirements regarding payment of compensation and reimbursement for expenses to members of bodies subject to the requirements of the Brown Act. In addition, AB 1234 requires ethics training for members of the same individuals as well as certain staff of affected agencies. The requirements of AB 1234 broadly apply to cities, counties and special districts and to every "legislative body" of those political subdivisions as defined by the Brown Act. For the Air District, AB 1234 applies to members of the Board of Directors, the Advisory Council and the Hearing Board. District Counsel, Brian C. Bunker will provide an overview of the implications of AB1234 for the Air District.

Attached is a copy of the text of AB 1234 for your review.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Assembly Bill No. 1234

Passed the Assembly August 30, 2005

Chief Clerk of the Assembly

Passed the Senate August 29, 2005

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 25008 and 36514.5 of, and to add Article 2.3 (commencing with Section 53232) and Article 2.4 (commencing with Section 53234) to Chapter 2 of Part 1 of Division 2 of Title 5 of, the Government Code, to amend Sections 6060 and 7047 of the Harbors and Navigation Code, to amend Sections 2030, 2851, 4733, 4733.5, 6489, 9031, 13857, 13866, and 32103 of the Health and Safety Code, to amend Section 1197 of the Military and Veterans Code, to amend Sections 5536, 5536.5, 5784.15, and 9303 of the Public Resources Code, to amend Sections 11908, 11908.1, 11908.2, 16002, and 22407 of the Public Utilities Code, and to amend Sections 20201, 21166, 30507, 30507.1, 34741, 40355, 50605, 55305, 56031, 60143, 70078, 71255, and 74208 of, and to add Section 20201.5 to, the Water Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1234, Salinas. Local agencies: compensation and ethics.

Existing law provides for the establishment and operations of cities, counties, cities and counties, districts, and other local government agencies, the composition of their governing bodies, and the payment of governing body members for attending meetings and performing other duties, and prescribes conflicts of interest.

This bill would require a local agency that provides reimbursement for expenses to members of its legislative body to adopt a written policy on the duties for which legislative body members may receive compensation, other than meetings of the legislative body or an advisory body or attendance at a conference or organized educational activity. The bill would require such a governing body to adopt a written policy concerning what occurrences qualify a member to receive reimbursement of expenses for travel, meals, and lodging and would impose related requirements, including the filing of expense reports, which would be public records.

This bill would also require that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, all local agency

officials, except a member whose term of office ends before January 1, 2007, in local agency service as of January 1, 2006, or thereafter receive training in ethics, as specified. This bill would provide that if any entity develops criteria for the ethics training, then the Fair Political Practices Commission and the Attorney General shall be consulted regarding any proposed course content. This bill would specify, with respect to certain special districts, how a director's activities on a specific day are determined to be compensable and would make related changes.

The people of the State of California do enact as follows:

SECTION 1. Section 25008 of the Government Code is amended to read:

25008. Members shall be allowed their actual expenses in going to, attendance upon, and returning from state association meetings and their actual and necessary traveling expenses when traveling outside their counties on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

SEC. 2. Section 36514.5 of the Government Code is amended to read:

36514.5. City council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

SEC. 3. Article 2.3 (commencing with Section 53232) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.3. Compensation

53232. For the purposes of this article, the following terms have the following meanings:

(a) "Governing body" means the board of supervisors in the case of a county or a city and county, the city council or board of trustees in the case of a city, and the board of directors or other governing body in the case of a special district.

(b) "Legislative body" has the same meaning as specified in Section 54952.

(c) “Local agency” means a city, county, city and county, charter city, charter county, charter city and county, or special district.

(d) “Meeting” has the same meaning as specified in subdivision (a) of Section 54952.2.

53232.1. (a) When compensation is otherwise authorized by statute, a local agency may pay compensation to members of a legislative body for attendance at the following occurrences:

- (1) A meeting of the legislative body.
- (2) A meeting of an advisory body.
- (3) A conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234).

(b) A local agency may pay compensation for attendance at occurrences not specified in subdivision (a) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment.

(c) This section shall not apply to any local agency that pays compensation in the form of a salary to members of a legislative body, including, but not limited to, those local agencies whose legislative bodies’ compensation is subject to Section 36516 or 36516.1, subparagraph (B) or (C) of paragraph (2) of subdivision (a) of Section 21166 or Section 22840 of the Water Code, Section 11908.1 of the Public Utilities Code, Section 6060 of the Harbors and Navigation Code, or subdivision (b) of Section 1 or Section 5 of Article XI of the California Constitution.

53232.2. (a) When reimbursement is otherwise authorized by statute, a local agency may reimburse members of a legislative body for actual and necessary expenses incurred in the performance of official duties, including, but not limited to, activities described in Article 2.4 (commencing with Section 53234).

(b) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then the governing body shall adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a member of the legislative body to receive

reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses.

(c) The policy described in subdivision (b) may also specify the reasonable reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses. If it does not, the local agency shall use the Internal Revenue Service rates for reimbursement of travel, meals, lodging, and other actual and necessary expenses as established in Publication 463, or any successor publication.

(d) If the lodging is in connection with a conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234), lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body at the time of booking. If the group rate is not available, the member of a legislative body shall use comparable lodging that is consistent with the requirements of subdivisions (c) and (e).

(e) Members of the legislative body shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.

(f) All expenses that do not fall within the adopted travel reimbursement policy or the Internal Revenue Service reimbursable rates as provided in subdivision (c), shall be approved by the governing body, in a public meeting before the expense is incurred, except as provided in subdivision (d).

(g) This section shall not supersede any other laws establishing reimbursement rates for local agencies.

53232.3. (a) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then a local agency shall provide expense report forms to be filed by the members of the legislative body for reimbursement for actual and necessary expenses incurred on behalf of the local agency in the performance of official duties. Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel.

(b) Expense reports shall document that expenses meet the existing policy, adopted pursuant to Section 53232.2, for expenditure of public resources.

(c) Members of a legislative body shall submit expense reports within a reasonable time after incurring the expense, as determined by the legislative body, and the reports shall be accompanied by the receipts documenting each expense.

(d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

(e) All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

53232.4. Penalties for misuse of public resources or falsifying expense reports in violation of expense reporting polices may include, but are not limited to, the following:

(a) The loss of reimbursement privileges.

(b) Restitution to the local agency.

(c) Civil penalties for misuse of public resources pursuant to Section 8314.

(d) Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code.

SEC. 4. Article 2.4 (commencing with Section 53234) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.4. Ethics Training

53234. For the purposes of this article, the following terms have the following meanings:

(a) “Legislative body” has the same meaning as specified in Section 54952.

(b) “Local agency” means a city, county, city and county, charter city, charter county, charter city and county, or special district.

(c) “Local agency official” means the following:

(1) Any member of a local agency legislative body or any elected local agency official who receives any type of

compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.

(2) Any employee designated by a local agency legislative body to receive the training specified under this article.

(d) “Ethics laws” include, but are not limited to, the following:

(1) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.

(2) Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

(3) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.

(4) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.

53235. (a) If a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties, then all local agency officials shall receive training in ethics pursuant to this article.

(b) Each local agency official shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years.

(c) If any entity develops curricula to satisfy the requirements of this section, then the Fair Political Practices Commission and the Attorney General shall be consulted regarding the sufficiency and accuracy of any proposed course content. When reviewing any proposed course content the Fair Political Practices Commission and the Attorney General shall not preclude an entity from also including local ethics policies in the curricula.

(d) A local agency or an association of local agencies may offer one or more training courses, or sets of self-study materials

with tests, to meet the requirements of this section. These courses may be taken at home, in-person, or online.

(e) All providers of training courses to meet the requirements of this article shall provide participants with proof of participation to meet the requirements of Section 53235.2.

(f) A local agency shall provide information on training available to meet the requirements of this article to its local officials at least once annually.

53235.1. (a) Each local agency official in local agency service as of January 1, 2006, except for officials whose term of office ends before January 1, 2007, shall receive the training required by subdivision (a) of Section 53235 before January 1, 2007. Thereafter, each local agency official shall receive the training required by subdivision (a) of Section 53235 at least once every two years.

(b) Each local agency official who commences service with a local agency on or after January 1, 2006, shall receive the training required by subdivision (a) of Section 53235 no later than one year from the first day of service with the local agency. Thereafter, each local agency official shall receive the training required by subdivision (a) of Section 53235 at least once every two years.

(c) A local agency official who serves more than one local agency shall satisfy the requirements of this article once every two years without regard to the number of local agencies with which he or she serves.

53235.2. (a) A local agency that requires its local agency officials to complete the ethical training prescribed by this article shall maintain records indicating both of the following:

(1) The dates that local officials satisfied the requirements of this article.

(2) The entity that provided the training.

(b) Notwithstanding any other provision of law, a local agency shall maintain these records for at least five years after local officials receive the training. These records are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

SEC. 6. Section 6060 of the Harbors and Navigation Code is amended to read:

6060. The commissioners shall serve without salary until the yearly gross income of the district, exclusive of taxes levied by the district, exceeds twenty thousand dollars (\$20,000) per year, when the board may, by ordinance, fix their salaries, which shall not exceed the sum of six hundred dollars (\$600) per month each.

In addition to any salary received pursuant to this section, the commissioners shall be allowed any actual and necessary expenses incurred in the performance of their duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 7. Section 7047 of the Harbors and Navigation Code is amended to read:

7047. Each director shall receive a sum as may be fixed by the board, not exceeding fifty dollars (\$50) for each meeting of the board attended by him or her, for not exceeding four meetings in any calendar month. A director may also receive traveling and other expenses incurred by him or her when performing duties for the district other than attending board meetings. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 8. Section 2030 of the Health and Safety Code is amended to read:

2030. (a) The members of the board of trustees shall serve without compensation.

(b) The members of the board of trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business. In lieu of paying for actual expenses, the board of trustees may by resolution provide for the allowance and payment to each trustee a sum not to exceed one hundred dollars (\$100) per month for expenses incurred while on official business. A trustee may waive the payments permitted by this subdivision.

(c) Notwithstanding subdivision (a), the secretary of the board of trustees may receive compensation in an amount determined by the board of trustees.

(d) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 9. Section 2851 of the Health and Safety Code is amended to read:

2851. The members of the district board shall hold office at the pleasure of the board of supervisors. They shall serve without compensation, but shall be allowed their necessary traveling and other expenses incurred in performance of their official duties. In lieu of expenses, the district board may, by resolution, provide for the allowance and payment to each member of the board of a sum not exceeding one hundred dollars (\$100) as expenses incurred in attending each business meeting of the board. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 10. Section 4733 of the Health and Safety Code is amended to read:

4733. (a) The district board may fix the amount of compensation per meeting to be paid each member of the board for services for each meeting attended by the member. Subject to subdivision (b), the compensation shall not exceed one hundred dollars (\$100) for each meeting of the district board attended by the member or for each day's service rendered as a member by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

(b) The district board, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the compensation received by the district board members above the amount of one hundred dollars (\$100) per day.

(c) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(d) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 11. Section 4733.5 of the Health and Safety Code is amended to read:

4733.5. Where two or more county sanitation districts have joined in the purchase, ownership, use, construction,

maintenance, or operation of a sewerage system, or sewage disposal or treatment plant, or refuse transfer or disposal system, or both, either within or without the districts, or have so joined for any combination of these purposes, as provided in Section 4742, and the districts hold their meetings jointly, and one or more of the directors serve as a director on more than one of these districts meeting jointly, the districts may, by joint resolution approved by each district, limit the compensation of a director to compensation equal to not more than fifty dollars (\$50) for each jointly held meeting attended by him or her, not to exceed one hundred dollars (\$100) in any one month for attendance at jointly held meetings. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 12. Section 6489 of the Health and Safety Code is amended to read:

6489. (a) Subject to subdivision (b), each of the members of the board shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

(b) The district board, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the compensation received by board members above the amount of one hundred dollars (\$100) per day.

(c) The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he or she may be entitled by reason of attendance at the meeting or meetings of the sanitary board.

(d) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(e) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 13. Section 9031 of the Health and Safety Code is amended to read:

9031. (a) The board of trustees may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for attending each meeting of the board. A member of the board of trustees shall not receive compensation for more than four meetings of the board in a month.

(b) The board of trustees, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation received for attending meetings of the board.

(c) In addition, members of the board of trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business other than a meeting of the board.

(d) A member of the board of trustees may waive any or all of the payments permitted by this section.

(e) For the purposes of this section, a meeting of the board of trustees includes, but is not limited to, regular meetings, special meetings, closed sessions, emergency meetings, board field trips, district public hearings, or meetings of a committee of the board.

(f) For purposes of this section, the determination of whether a trustee's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(g) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 14. Section 13857 of the Health and Safety Code is amended to read:

13857. (a) Subject to subdivision (b), each member of the district board may receive compensation in an amount set by the district board not to exceed one hundred dollars (\$100) for attending each meeting of the district board. The number of meetings for which a member of the board of directors may receive compensation shall not exceed four meetings in any calendar month.

(b) The district board, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the compensation received by the district board members above the amount prescribed by subdivision (a).

(c) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 15. Section 13866 of the Health and Safety Code is amended to read:

13866. A district may authorize its directors and employees to attend professional or vocational meetings and pay their actual and necessary traveling and incidental expenses while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 16. Section 32103 of the Health and Safety Code is amended to read:

32103. The board of directors shall serve without compensation except that the board of directors, by a resolution adopted by a majority vote of the members of the board, may authorize the payment of not to exceed one hundred dollars (\$100) per meeting not to exceed five meetings a month as compensation to each member of the board of directors.

Each member of the board of directors shall be allowed his or her actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 17. Section 1197 of the Military and Veterans Code is amended to read:

1197. The board shall consist of five members who shall be registered electors residing within the district or proposed district at the time of their election and shall be elected by the qualified

electors of the district. A majority of the seats on the board shall be designated for veterans, as defined in Section 940. Any board seat that is so designated, but is not currently filled by a qualifying individual, shall be filled by a qualified individual at the next election at which that seat is to be filled. Members shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in the performance of duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 18. Section 5536 of the Public Resources Code is amended to read:

5536. (a) The board shall establish rules for its proceedings.

(b) The board may provide, by ordinance or resolution, that each of its members may receive an amount not to exceed one hundred dollars (\$100) per day for each attendance at a meeting of the board. For purposes of this section, a meeting of the board includes, but is not limited to, closed sessions of the board, board field trips, district public hearings, or meetings of a committee of the board. The maximum compensation allowable to a board member on any given day shall be one hundred dollars (\$100). Board members shall not receive any other compensation for meetings, and no board member shall receive more than five hundred dollars (\$500) compensation under this section in any one calendar month, except that board members of the East Bay Regional Park District may receive compensation for not more than 10 days in any one calendar month. A board member may elect to waive the per diem. In addition, the board may provide, by ordinance or resolution, that each of its members not otherwise eligible for an employer-paid or partially employer-paid group medical or group dental plan, or both, may participate in any of those plans available to permanent employees of the district on the same terms available to those district employees or on terms and conditions as the board may determine. A board member who elects to participate in any plan may also elect to have the premium for the plan charged against his or her per diem and may further elect to waive the balance of the per diem.

(c) All vacancies on the board shall be filled in accordance with the requirements of Section 1780 of the Government Code, except that, in the case of vacancies caused by the creation of

new wards or subdistricts, the directors shall, prior to the vacancies being filled, determine by lot, for the purpose of fixing the terms of the first directors to be elected to the wards or subdistricts, which ward or subdistrict shall have a four-year term and which ward or subdistrict shall have a two-year term. The persons who fill the vacancies caused by the establishment of new wards or subdistricts shall hold office until the next general election and until their successors are elected and qualified for the terms previously determined by lot.

(d) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 19. Section 5536.5 of the Public Resources Code is amended to read:

5536.5. Members of the board of directors may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 20. Section 5784.15 of the Public Resources Code is amended to read:

5784.15. (a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for attending each meeting of the board. The board of directors, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation received for attending meetings of the board.

(b) The maximum compensation in any calendar month shall be five hundred dollars (\$500).

(c) In addition, members of the board of directors may receive their actual and necessary traveling and incidental expenses incurred while on official business.

(d) A member of the board of directors may waive the compensation.

(e) For the purposes of this section, a meeting of the board of directors includes, but is not limited to, regular meetings, special

meetings, closed sessions, emergency meetings, board field trips, district public hearings, or meetings of a committee of the board.

(f) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(g) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 21. Section 9303 of the Public Resources Code is amended to read:

9303. The directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the district at the direction of the board of directors. The directors shall fix the amount allowed for necessary expenses, but no director shall be appointed to any position for which he or she would receive compensation as a salaried officer or employee of the district. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 22. Section 11908 of the Public Utilities Code is amended to read:

11908. The board shall establish rules for its proceedings and may provide, by ordinance or resolution, that each member shall receive for each attendance at the meetings of the board, or for each day's service rendered as a director by request of the board, the sum of one hundred dollars (\$100). No director shall receive any other compensation, nor receive pay for more than six days in any one calendar month. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 23. Section 11908.1 of the Public Utilities Code is amended to read:

11908.1. (a) Notwithstanding Section 11908, a district with a board having seven directors may provide, by resolution or ordinance, that each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for

each day's attendance at public meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, or, in lieu of that compensation, a salary of not to exceed six hundred dollars (\$600) per month subject to annual adjustments pursuant to subdivision (b), together with any expenses incurred in the performance of his or her duties required or authorized by the board. No resolution or ordinance establishing compensation pursuant to this subdivision shall provide for any automatic increase in that compensation.

(b) Any district which adopts salaries for directors pursuant to subdivision (a) may increase those salaries by not more than 5 percent for each calendar year following the operative date of the last adjustment, commencing with the calendar year following adoption of the salary or increase.

(c) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 24. Section 11908.2 of the Public Utilities Code is amended to read:

11908.2. Notwithstanding Section 11908, the board of a district which has owned and operated an electric distribution system for at least eight years and has a population of 250,000 or more may provide, by ordinance or resolution, that each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at public meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of 10 days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. The board may, by resolution or ordinance, increase the compensation per day by not more than 5 percent for each calendar year following the operative date of the last adjustment, commencing with the 1988 calendar year. No resolution or ordinance establishing compensation pursuant to this subdivision shall provide for any automatic increase in that compensation. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government

Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 25. Section 16002 of the Public Utilities Code is amended to read:

16002. Each member of the board shall receive the compensation that the board by ordinance provides, not exceeding four thousand eight hundred dollars (\$4,800) a year. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 26. Section 22407 of the Public Utilities Code is amended to read:

22407. Each member of the board of directors shall receive compensation in an amount not to exceed one hundred dollars (\$100) for each attendance at the meeting of the board held within the district, which amount shall be fixed from time to time by the board. No director, however, shall receive pay for more than four meetings in any calendar month.

Each director shall be allowed, with the approval of the board, all traveling and other expenses necessarily incurred by the member in the performance of the member's duties. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 27. Section 20201 of the Water Code is amended to read:

20201. Notwithstanding any other provision of law, the governing board of any water district may, by ordinance adopted pursuant to this chapter, provide compensation to members of the governing board, unless any compensation is prohibited by its principal act, in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board, or for each day's service rendered as a member of the board by request of the board, and may, by ordinance adopted pursuant to this chapter, in accordance with Section 20202,

increase the compensation received by members of the governing board above the amount of one hundred dollars (\$100) per day.

It is the intent of the Legislature that any future increase in compensation received by members of the governing board of a water district be authorized by an ordinance adopted pursuant to this chapter and not by an act of the Legislature.

For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 28. Section 20201.5 is added to the Water Code, to read:

20201.5. Reimbursement for expenses of members of a governing board of a water district is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 29. Section 21166 of the Water Code is amended to read:

21166. Notwithstanding any other provision of law, a director, for sitting on the board or acting under its orders, shall receive both of the following:

(a) (1) Except as specified in paragraphs (2) and (3), compensation not to exceed one hundred dollars (\$100) per day, not exceeding six days in any calendar month.

(2) In districts that produce or distribute electric power, one of the following methods of compensation:

(A) Compensation not to exceed one hundred dollars (\$100) per day.

(B) A monthly salary of not to exceed six hundred dollars (\$600) per month.

(C) Annual compensation not to exceed fifteen thousand dollars (\$15,000). Any annual compensation pursuant to this subparagraph shall be fixed by the adoption of an ordinance pursuant to Sections 20203 to 20207, inclusive.

(3) Districts containing 500,000 acres or more are governed by Section 22840.

(b) Actual and necessary expenses when acting under the orders of the board.

For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be

made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 30. Section 30507 of the Water Code is amended to read:

30507. Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 31. Section 30507.1 of the Water Code is amended to read:

30507.1. Each director of the Contra Costa Water District shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board and for each day's service rendered as a director by request of the board, not exceeding a total of 10 days in any calendar month, together with any expenses incurred in the performance of duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 32. Section 34741 of the Water Code is amended to read:

34741. Until their compensation is fixed by the adoption of bylaws, the officers shall receive the following compensation for their services:

(a) The secretary, tax collector, treasurer, and assessor, such sums as shall be fixed by the board.

(b) Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 33. Section 40355 of the Water Code is amended to read:

40355. (a) A director, when sitting on the board or acting under its orders, shall receive not exceeding:

(1) One hundred dollars (\$100) per day, not exceeding six days in any calendar month.

(2) Ten cents (\$0.10) per mile for each mile traveled from his place of residence to the office of the board.

(3) Actual and necessary expenses while engaged in official business under the order of the board.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(c) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 34. Section 50605 of the Water Code is amended to read:

50605. (a) Each member of the board shall receive such compensation for services actually and necessarily performed as the board determines to be just and reasonable, and shall be reimbursed for expenses necessarily incurred in the performance of his duties as trustee.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 35. Section 55305 of the Water Code is amended to read:

55305. (a) The board of directors may fix the compensation of its members for their services as directors not to exceed ten dollars (\$10) for each meeting attended, not exceeding two meetings in any calendar month. If allowed by the board, a director shall also receive for performing duties for the district other than attending board meetings the following:

(1) An amount not to exceed one hundred dollars (\$100) for each day performing such duties.

(2) Traveling and other expenses incurred by him or her in performing his duties.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 36. Section 56031 of the Water Code is amended to read:

56031. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his or her services for each meeting attended by him or her; provided, that the compensation shall not exceed ten dollars (\$10) for each meeting of the district board attended by him or her, together with expenses necessarily incurred by him or her in traveling between his or her place of residence and the place of meeting. However, no member shall receive compensation for attending more than three meetings of the board during any calendar month. This compensation shall be in addition to any other fees or compensation allowed by law for the other official positions specified in Section 56030 that are occupied by members of the district board. For purposes of this section, the determination of whether a director's activities on any specific

day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 37. Section 60143 of the Water Code is amended to read:

60143. Each director shall receive compensation in an amount not exceeding one hundred dollars (\$100) for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 38. Section 70078 of the Water Code is amended to read:

70078. Each member of the board shall receive compensation for services actually and necessarily performed, as the board determines to be just and reasonable, and shall be reimbursed for expenses necessarily incurred in the performance of his or her duties as director. The salaries of all officers and employees of the district shall be fixed and determined by the directors. The board of directors shall fix the compensation that the election officers shall receive for district elections. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 39. Section 71255 of the Water Code is amended to read:

71255. Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for

each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 40. Section 74208 of the Water Code is amended to read:

74208. Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties.

Approved _____, 2005

Governor

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chair, Gayle B. Uilkema and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 6, 2006

Re: Discussion of Possible Amendments to the District's Administrative Code
Provisions Relating to the Board of Directors, Advisory Council and
Hearing Board

RECOMMENDED ACTION

The Committee will discuss possible amendments to the District's Administrative Code, Division I, Sections 1-6 with regard to the Board of Directors, Section 7 with regard to the Advisory Council, and Section 8 with regard to the Hearing Board. Attached is a copy of the District's Administrative Code Division I, Sections 1 – 8 for your review and consideration.

DISCUSSION

In order to address the requirement of Assembly Bill 1234 which became effective January 1, 2006, regarding compensation and reimbursement of expenses for the Board, Advisory Council and Hearing Board, the Board of Directors will need to adopt in a public meeting written policies specifying the types of events beyond regular meetings, committee meetings and conferences for which members of the Board, Advisory Council and Hearing Board may receive compensation or reimbursement for expenses.

In order to compensate members of the Board, Hearing Board and Advisory Council for attending workshops, community meetings and other occurrences, the Board must adopt written policies for the District specifying types of occasions that constitute the performance of official duties for which members of the Board and Hearing Board and Advisory Council can receive compensation. Proposed amendments are attached for your review and consideration.

The District must also have policies adopted by the Board specifying the types of occurrences that qualify a member of the Board, Advisory Council or Hearing Board to receive reimbursement for travel, meals, lodging and other actual expenses. The expense report requirement in AB 1234 is currently met by the forms documenting expenses provided to, and filled out by, members of the Board, Advisory Council and Hearing Board and retained by the District. The Administrative Code should additionally specify that receipts are required to be submitted for all such claimed reimbursable expenses.

The Administrative Code should also address Board members providing a brief report on meetings that they have attended at the District's expense at the next Regular Meeting of the Board.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chair, Gayle B. Uilkema and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: February 16, 2006

Re: Update on Business Processes and Controls

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

Over the last twelve months the District has examined processes and controls in Finance, the Business Office and in other areas with the intention to update these critical components of the District's function.

DISCUSSION

Staff will present an overview of over forty process and control items that have been updated to better meet the District's goals. In addition, staff will provide an overview of a permanent continuous improvement process that will ensure the District adheres to increasingly demanding standards.

BUDGET CONSIDERATION/FINANCIAL IMPACT

In the 04/05 fiscal year the Board approved a transfer of \$200,000 out of the General Reserve to fund this effort. Of this original transfer \$44,000 has been spent with \$156,000 remaining.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jeff McKay