



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

REVISED
BOARD OF DIRECTORS
REGULAR MEETING
SEPTEMBER 21, 2011

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th Floor Board Room at the Air District Headquarters, 939 Ellis Street, San Francisco, California.

**Questions About
an Agenda Item**

The name, telephone number and e-mail of the appropriate staff Person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

Public Comment Procedures

Persons wishing to make public comment must fill out a Public Comment Card indicating their name and the number of the agenda item on which they wish to speak, or that they intend to address the Board on matters not on the Agenda for the meeting.

Public Comment on Non-Agenda Matters, Pursuant to Government Code Section 54954.3 For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to commencement of the meeting. The remainder of the speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

Public Comment on Agenda Items After the initial public comment on non-agenda matters, the public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.

Up to ten (10) speakers may speak for three minutes on each item on the Agenda. If there are more than ten persons interested in speaking on an item on the agenda, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. Speakers are permitted to yield their time to one other speaker; however no one speaker shall have more than six minutes. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

BOARD OF DIRECTORS REGULAR MEETING

REVISED AGENDA

WEDNESDAY
SEPTEMBER 21, 2011
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance

Chairperson, Tom Bates
Clerk of the Boards

PUBLIC COMMENT ON NON-AGENDA MATTERS

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to commencement of the meeting.

CONSENT CALENDAR (ITEMS 1 – 8)

Staff/Phone (415) 749-

1. Minutes of the Board of Directors Special Meeting of July 18, 2011 **Clerk of the Boards**
2. Board Communications Received from July 18, 2011 through September 20, 2011
J. Broadbent/5052
jbroadbent@baaqmd.gov

A list of communications directed to the Board of Directors received by the Air District from July 18, 2011 through September 20, 2011 if any, will be at each Board Member's place.

3. Air District Personnel on Out-of-State Business Travel
J. Broadbent/5052
jbroadbent@baaqmd.gov

In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business.

4. Acceptance of an additional \$557,987 in funding from United States Environmental Protection Agency (EPA) and up to \$261,000 from the California Air Resources Board (ARB) for Mobile Source Grants
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider (1) adopting a resolution to authorize the Executive Officer/APCO to accept grant funding and enter into one contract with the California Air Resources Board (ARB) and one contract with the United States Environmental Protection Agency (EPA) on behalf of the Air District, (2) authorizing the Executive Officer/APCO to provide up to \$52,200 in Back-Up Diesel Generator (BUG) funds to match ARB grant monies and up to \$1,557,987 in I-Bond funding to match Diesel Emission Reduction Act (DERA)

requirements, and (3) authorize the Executive Officer/APCO to execute all necessary contracts to expend this funding.

5. Approval of Contract for Janitorial Services

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract amendment with SWA Services Group, Inc. to increase janitorial services from three days per week to five days per week increasing the contract amount from \$62,952 to \$100,680.

6. Notice of Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider at its next regular meeting Proposed Amendments to the Air District's Administrative Code, Division III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund.

7. Notice of Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider at its next regular meeting Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy.

8. Administrative Code, Division II, Section 3.3 – Account Transfers

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider transfer of personnel from one program to another or from one expenditure class to another.

COMMITTEE REPORTS AND RECOMMENDATIONS

9. Report of the **Personnel Committee** Meeting of September 19, 2011

CHAIR: B. WAGENKNECHT

The Personnel Committee may recommend Board of Directors approval of proposed amendments to the (1) Air District's Administrative Code, Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy; and (2) Equal Employment Opportunity Plan.

PRESENTATION

10. Overview of the Air District's Permit and Enforcement Programs

B. Bateman/4653
bbateman@baaqmd.gov

Staff will provide a description of the Air District's Permit and Enforcement Programs, which are used to implement and enforce regulatory requirements that apply to stationary sources of air pollution in the Bay Area.

11. Blueprint for Healthy Communities Summit

L. Fasano/5170
lfasano@baaqmd.gov

Recommend Board of Directors authorize Executive Officer/APCO to execute contract for conference logistics and coordination in an amount not to exceed \$70,000.

CLOSED SESSION

12. **EXISTING LITIGATION (Government Code Section 54956.9(a))**

Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following case(s):

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RC-10548693

Our Children's Earth Foundation v. Bay Area AQMD, and Jack P. Broadbent, San Francisco County Superior Court, Case No. CPF-11-511437

Peter Rogosin v. Bay Area AQMD, et al., San Francisco County Superior Court, Case No. CGC-08-478154

Andrea Gordon v. Bay Area AQMD, San Francisco County Superior Court, Case No. CGC-10-497722

Som D. Gupta, et al. v. City of Union City, Bay Area AQMD et al., Alameda County Superior Court, Case No. RG-10552284

Healthy Air Coalition v. Bay Area AQMD, San Francisco County Superior Court, Case No. CGC-09-486990

13. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Government Code Section 54957 and 54957.6)**

Pursuant to Government Code Section 54957 and 54957.6, the Committee will meet in closed session to conduct a performance evaluation of the Air District Counsel.

OPEN SESSION

PUBLIC COMMENT ON NON-AGENDA MATTERS

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

Speakers who did not have the opportunity to address the Board in the first round of comments on non-agenda matters will be allowed three minutes each to address the Board on non-agenda matters.

BOARD MEMBERS' COMMENTS

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

OTHER BUSINESS

14. Report of the Executive Officer/APCO
15. Chairperson's Report
16. Time and Place of Next Meeting – 9:45 A.M. Wednesday, October 5, 2011 – 939 Ellis Streets, San Francisco, CA 94109
17. Adjournment

CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109

(415) 749-5130
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 Executive Office should be given at least 3 working days prior to the date of the meeting so that arrangements can be made accordingly.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's headquarters at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the Air District's website (www.baaqmd.gov) at that time.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

SEPTEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	7	9:45 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i> - RESCHEDULED TO 9/19/11	Monday	12	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	14	9:00 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Monday	19	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	22	9:30 a.m.	Board Room
Board of Directors Stationary Source Committee <i>(At the Call of the Chair)</i>	Thursday	29	9:30 a.m.	Board Room

OCTOBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	12	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(At the Call of the Chair)</i>	Wednesday	19	Following Board Meeting	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	27	9:30 a.m.	4 th Floor Conf. Room

NOVEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i> - CANCELLED	Thursday	24	9:30 a.m.	4 th Floor Conf. Room

HL – 9/12/11 (2:15 p.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 14, 2011

Re: Board of Directors Draft Meeting Minutes

RECOMMENDED ACTION

Approve attached draft minutes of the Board of Directors Regular Meeting of July 18, 2011.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of July 18, 2011.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kris Perez Krow
Reviewed by: Jennifer Cooper

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

Board of Directors Special Meeting
Monday, July 18, 2011
9:45 a.m.

DRAFT MINUTES

CALL TO ORDER: Chairperson Tom Bates called the special meeting to order at 9:50 a.m.

PLEDGE OF ALLEGIANCE: Director Spering led the Pledge of Allegiance.

Roll Call: Chairperson Tom Bates; Secretary Ash Kalra; and Directors John Avalos, Carole Groom, Jennifer Hosterman, Kate Howard, David Hudson, Carol Klatt, Eric Mar, Nate Miley, Mark Ross, James Spering, Brad Wagenknecht, and Ken Yeager, were present. Director Susan Garner arrived after the roll was called.

Absent: Vice Chair John Gioia; and Directors Harold Brown, Susan Gorin, Scott Haggerty, Liz Kniss, Gayle B. Uilkema and Shirlee Zane were absent.

Chair Bates announced that the agenda items would be taken out of order. The meeting started with the consent calendar items and then went directly to Item #11 followed by the closed session.

CONSENT CALENDAR (Items 1-6):

- 1. Minutes of June 15, 2011 Regular Meeting.**
- 2. Board Communications Received from June 15, 2011 through July 17, 2011.**
- 3. District Personnel on Out-of-State Business Travel.**
- 4. Consider Establishing a New Job Classification of a Human Resources Manager.**
- 5. Adopt Management Leave Resolution.**
- 6. Quarterly Report of California Air Resources Board Representative – Honorable Ken Yeager.**

Board Action: Director Wagenknecht made a motion to approve Consent Calendar Items 1 through 6; Director Hosterman seconded the motion; unanimously approved without objection.

11. Status Report on the Strategic Planning for a Joint Regional Co-location Facility

Mr. Broadbent presented the open session portion item regarding the co-location facility. He stated staff is recommending that the Board of Directors approve participation in the pending acquisition of 390 Main Street, San Francisco, as a facility to be jointly occupied by the Air District, the Bay Area Toll Authority (BATA), the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), subject to the "Building Acquisition Principles" which will be discussed in closed session.

Mr. Broadbent went over the history of the search for a new location, and detailed the benefits of the building and the advantages of sharing the facility with the other agencies.

Public Comments:

The Honorable Jean Quan, Mayor of Oakland, addressed the Board of Directors encouraging relocation to Oakland, rather than San Francisco. She stated the 1100 Broadway site is fully permitted and located centrally to a BART station. She said Oakland may be able to work on the development of the current MTC/ABAG site to possibly rezone and up-zone. She would like the Board to take more time before deciding this matter.

Steven Wolmark from SKS investments spoke to the Board about the specifics of the 1100 Broadway, Oakland site.

Other speakers appearing in support of 1100 Broadway, Oakland site:

- Andreas Cluver, Secretary-Treasurer from the Alameda County Building Trades Council
- Stuart Helfer, from Teamsters Local 853
- Peter Garza, field representative of Carpenters Union, Local 713
- Scott Peterson, from the East Bay Development Alliance

Board Comments:

Director Mar thanked Oakland Mayor Jean Quan and the trade representatives from the East Bay for their participation and said he appreciated the friendly competition. He supported the staff recommendation of 390 Main Street.

Director Hosterman had questions about the utility cost savings estimates detailed in the SKS presentation regarding the 1100 Broadway, Oakland site. Mr. Wolmark of SKS responded to the questions.

Director Miley said he hoped for more information in closed session and stated unless there was something compelling his motion would be for a delay.

Chair Bates recognized Ms. Kate Howard who is the Mayor of San Francisco's appointee to the Board of Directors at this meeting.

Chair Bates announced two letters were received on this issue from Senator Loni Hancock and Senator Ellen Corbett.

Chair Bates adjourned the meeting to closed session to hear Items 12 and 13 at 10:20 a.m.

CLOSED SESSION

12. Conference with Real Property Negotiator

13. Existing Litigation

OPEN SESSION

Chair Bates reconvened the meeting at 11:43 a.m. He reported that during the closed session a motion to delay the action regarding relocation was defeated by a vote of 3 - 12.

Board Action:

Chair Bates reported the Board of Directors voted 13 – 2 in favor of participation in acquisition of 390 Main Street, subject to the Building Acquisition Principles , pending MTC/BATA acquisition of the property and authorized staff to complete negotiations of terms and conditions of Lease/Purchase Option Agreement and Condominium Agreement and other necessary documents consistent with Building Acquisition Principles.

COMMITTEE REPORTS AND RECOMMENDATIONS *(out of order)*

10. Report of the Public Outreach Committee Meeting of July 14, 2011

Chair: Mark Ross

Director Mark Ross reported the Public Outreach Committee met on July 14, 2011 and approved the minutes of June 6, 2011.

Director Ross stated the Committee discussed the media relations contract for the Spare the Air Every Day program, and recommended Board of Directors approval of a contract with Reizobos Holzbaur Design Group (RHDG) for \$125,000, to continue media relations services for the remainder of the 2011 Spare the Air Every Day season. RHDG is currently the Air District's Smoking Vehicle and 1-800-EXHAUST program media relations contractor and is replacing the Spare the Air media relations contractor that was recently terminated.

Director Ross reported the Committee reviewed final extensions of the 2011 and 2012 Winter Spare the Air contracts for advertising and media relations, social media services, and public

opinion research. The Committee recommended Board of Directors approval of three contracts totaling \$750,000. A new RFP for the Spare the Air program will be issued in the fall.

Director Ross stated the Committee received information and discussed a potential partnership between the Air District and the MTC to promote MTC's Climate Initiatives Program under the well-known Spare the Air brand. The Committee expressed concern that MTC does not have experience running a behavior change campaign. The Committee directed staff to communicate an alternative approach where by MTC would pay for the Air District to execute this program by combining the few additional elements to the Air District's existing Spare the Air Every Day campaign.

Director Ross stated staff had presented information and materials to the Committee to promote the Air District's Great Race for Clean Air. The second annual competition takes place September 1 through October 31, 2011.

The next meeting of the Public Outreach Committee will be scheduled at the Call of the Chair.

Board Action:

Director Ross moved that the Board of Directors accept the report and approve RHDG as the contractor to carry out media relations services; and authorize the Executive Officer to execute a contract with the selected contractor in an amount not to exceed \$125,000; and approve the following contract extensions for the 2011 Winter Spare the Air campaign:

- a) Advertising and Media/Public Relations Services – O'Rorke Inc. \$650,000
- b) Social Media Services – Riezobos Holzbaur Design Group \$50,000
- c) Public Opinion Research – True North Research - \$50,000

The motion was seconded by Director Wagenknecht and carried unanimously without objection.

7. Report of the Mobile Source Committee Meeting of June 30, 2011

Chair: Scott Haggerty

Director Groom reported the Mobile Source Committee met on June 30, 2011 and approved the minutes of June 2, 2011.

Director Groom stated Committee members received a report on four mobile source grants and recommend Board of Directors' approval to accept \$2,060,000 in funding from the United States Environmental Protection Agency (EPA) and the California Air Resources Board (ARB); and authorization of matching funds of \$1 million in Goods Movement Bond On-road Truck Funding. The recommendation includes demonstration projects funded by Assembly Bill 118 for a Caterpillar emission control device on a marine vessel; construction of a Tier-4 Genset locomotive with the Richmond Pacific Railroad; and a GTE Industries diesel particulate filter for a locomotive with the Burlington Northern Santa Fe Railroad. The EPA grant will fund a Heavy-

Duty Drayage Truck Replacement Program, which gives preference to trucks serving the Port of Oakland.

Director Groom reported the Committee heard an update on Electric Vehicle Planning, and the Air District's involvement with the State-wide Plug-In Electric Vehicle Collaborative. The Air District, together with the Collaborative has applied to the United States Department of Energy (DOE) for \$300,000 to produce an electric vehicle readiness plan. In support of this effort, the Committee recommends that the Board of Directors authorize the Executive Officer/APCO to allocate \$75,000 in Transportation Fund for Clean Air (TFCA) Regional Fund monies to support outreach by Clean Cities Coalitions for the plan.

Director Groom stated staff presented a report on TFCA Regional Fund Policies and Evaluation Criteria. The Committee recommends Board of Directors' approval of the FYE 2012 policies that cover allocation of TFCA funds; and approval of a \$4 million allocation for shuttle bus and regional ride share programs. The amount of this allocation is the same as in the past two fiscal years. The Committee also recommends Board of Directors' approval of the extension and award of \$82,000 to an Oakland Waterfront shuttle as part of this action.

Committee members then received a report on the Year 2 California Goods Movement Bond Program on-road truck solicitation. Staff received over 350 applications for this program totaling over \$60 million in funding requests. A list of eligible projects will be submitted to the ARB for review and cost effectiveness ranking. Upon receipt of an approved list, staff will fund truck replacements in order of ranking until funding runs out. The Committee recommends Board of Directors' authorization for the Executive Officer/APCO to enter into agreements for on-road truck replacement projects based on the ARB rankings and with total awards not to exceed the funding available of \$7,232,574.

Director Groom explained Committee members received a report on One Bay Area Grant, a pilot regional grant program from MTC. The Air District is being requested to consider an initial contribution of \$2 million in TFCA Regional Fund monies to the program. There are several issues to be resolved and the request is for exploration only, not a commitment. Committee members recommended Board of Directors' authorization for the Executive Officer/APCO to explore this allocation.

The next meeting of the Mobile Source Committee will be scheduled at the Call of the Chair.

Board Action:

Director Groom moved that the Board of Directors accept the report and approve the following recommendations from the Mobile Source Committee:

- A) Acceptance of \$2,061,000 in Funding from EPA and ARB for Mobile Source Grants.
 - 1) Adopt a resolution to authorize the Executive Officer/APCO to accept grant funding and enter into three contracts with the ARB and one contract with the EPA on behalf of the Air District.

- 2) Authorize the Executive Officer/APCO to match Diesel Emission Reduction Act (DERA) funding with \$1,000,000 in Goods Movement Bond (I-Bond) On-road Truck Funding.
 - 3) Authorize the Executive Officer/APCO to execute all necessary contracts to expend this funding.
- B) Update on Bay Area Electric Vehicle (EV) Planning and Funding for Clean Cities Coalitions for EV Planning Project.
- 1) Authorize the Executive Officer/APCO to allocate \$75,000 in TFCA Regional Fund monies to support Clean Cities Coalitions outreach activities as part of a DOE grant for regional EV infrastructure planning.
- C) TFCA Regional Fund Policies and Evaluation Criteria for Fiscal Year Ending (FYE) 2012 and Proposed Allocations for Shuttle and Ridesharing Projects.
- 1) Approve the proposed FYE 2012 TFCA Regional Fund Policies and Evaluation Criteria (FYE 2012 Policies);
 - 2) Approve an allocation of up to \$4 million in TFCA Regional Funds for shuttle/feeder bus and regional ridesharing projects. Any monies not spent in this category within 12 months will revert back to the TFCA Regional Fund for re-allocation; and
 - 3) Approve an extension request and award of \$82,000 to Project #09R14 - Oakland Waterfront – Uptown Pilot Shuttle project.
- D) California Goods Movement Bond (I-Bond) Program Funding for On-Road Trucks.
- 1) Authorize the Executive Officer/ APCO to enter into agreements for Year 2 I-Bond truck projects ranked and approved by ARB.
- E) Participation in the MTC Block Grant Pilot Program.
- 1) Authorize the Executive Officer/APCO to explore allocation of \$2 million in TFCA Regional Fund for a proposed MTC Block Grant pilot program.

Director Spring seconded the motion and it carried unanimously without objection.

8. Report of the Executive Committee Meeting of July 6, 2011

Chair: Tom Bates

Chair Bates reported the Executive Committee met on July 6, 2011 and approved the minutes of May 26, 2011.

Chair Bates stated the Committee received a mid-year update from Executive Officer/Air Pollution Control Officer on the Air District's major initiatives of 2011 and saw an overview of 21 items including new rules, the production system, action plans and other programs, along with the status and target month for each initiative.

Chair Bates noted the Committee adjourned into a closed session for negotiations of real property and labor matters and there was no reportable action from the closed session.

The next meeting of the Executive Committee will be at the Call of the Chair.

Board Action:

Chair Bates moved that the Board of Directors approve the report of the Executive Committee, the motion was seconded by Director Wagenknecht and carried unanimously without objection.

9. Report of the Stationary Source Committee Meeting of July 7, 2011

Chair: Gayle Uilkema

Director Wagenknecht reported the Stationary Source Committee met on July 7, 2011 and approved the minutes of May 5, 2011. He stated the Committee received a comprehensive and detailed update of the Air District's new business operations software system and staff went through the history and goals of the new system and highlighted the efficiency, consistency and enhanced customer service provided with the new system.

Director Wagenknecht reported Committee members were able to see the permit application process, the compliance and inspection overview, and look over various customer fields and staff dashboards in the new system; and staff provided the Committee with a "hands-on" demonstration opportunity after the meeting was adjourned.

The next meeting of the Stationary Source Committee will be scheduled at the Call of the Chair.

Director Wagenknecht moved the Board of Directors approve the report of the Stationary Source Committee; the motion was seconded by Director Garner and carried unanimously without objection.

PUBLIC COMMENT ON NON-AGENDA MATTERS

There was no public comment.

OTHER BUSINESS

14. Report of the Executive Office/APCO – Mr. Broadbent waived his report.

15. Chairperson's Report – None

16. Time and Place of Next Meeting: Wednesday, September 21, 2011, 9:45 a.m. at 939 Ellis Street, San Francisco, CA 94109.

17. Adjournment: Chair Bates adjourned the meeting at 12:25 p.m.

Kris Perez Krow
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 14, 2011

Re: Board Communications Received from July 18, 2011 through September 20, 2011

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

A list of communications directed to the Board of Directors received by the Air District from July 18, 2011 through September 20, 2011 if any, will be at each Board Member's place at the September 21, 2011 Regular Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Maricela Martinez
Reviewed by: Jennifer Cooper

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chair Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 14, 2011

Re: Air District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the following Air District personnel have traveled on out-of-state business:

There was no out-of-state business travel for the period July 1, 2011 through August 31, 2011. Out-of-state travel is reported in the month following travel completion.

DISCUSSION

There were no Air District personnel traveling out of state during this reporting period.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: David Glasser
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 8, 2011

Re: Acceptance of an additional \$557,987 in funding from United States
Environmental Protection Agency and up to \$261,000 from the California Air
Resources Board for Mobile Source Grants

RECOMMENDED ACTION

Recommend Board of Directors:

- Adopt a resolution to authorize the Executive Officer/APCO to accept grant funding and enter into one contract with the California Air Resources Board (ARB) and one contract with the United States Environmental Protection Agency (EPA) on behalf of the Air District.
- Authorize the Executive Officer/APCO to provide up to \$52,200 in Back-Up Diesel Generator (BUG) funds to match ARB grant monies and up to \$1,557,987 in I-Bond funding to match DERA requirements
- Authorize the Executive Officer/APCO to execute all necessary contracts to expend this funding.

BACKGROUND

The Air District has received notice from the Caterpillar company that it is withdrawing from a grant received from the ARB under Assembly Bill (AB) 118. The project, previously approved by the Air District's Board of Directors (Board), was the demonstration of a diesel particulate filter (DPF)/selective catalytic reduction (SCR) emission control device on a marine vessel. The grant award was for \$261,000. ARB now wishes to reallocate this award to another Air District proposal submitted under the same solicitation. That project would demonstrate emissions reductions from a wind assisted ferry.

Additionally, the EPA previously awarded the Air District \$1 million through the Diesel Emission Reduction Act (DERA) to implement a heavy-duty truck replacement program. This project was also approved by the Board, however, EPA has subsequently offered to increase the award for this project by \$557,987 to a total of \$1,557,987.

DISCUSSION

AB 118

The grant initially received under the AB 118 program from ARB was for the demonstration of marine technologies to reduce air pollution. The supplemental project selected by ARB as a result of Caterpillar's withdrawal will demonstrate the ability of "wind assist" technology to reduce emissions from commute passenger ferries. The sponsor for this project, Wind+Wing Technologies, is a Napa County based company. They have developed a concept which allows passenger ferries to reduce emissions by installing catamaran style wing sails which propel the vessel in concert with its diesel engines. The result is that the diesel engines need to operate at lower rates resulting in significant fuel savings and emissions reductions while maintaining vessel speed and operational capability. This project has received a letter of support from Golden Gate Ferry and is believed that they would be the likely customer for the vessel if the concept is proven as part of this demonstration. This project has a cost effectiveness of \$21,200/ton of criteria pollutant emissions reduced and will reduce greenhouse gas emissions through fuel savings at a rate of over 2,000 tons per year.

DERA

The proposed additional funding from the DERA grant would provide for the replacement of 43 older, higher polluting heavy duty trucks that operate in goods movement at the Port of Oakland (Port) or along the major transportation corridors in the Bay Area (first preferences in this program will be given to drayage trucks). This project will augment the Air District's existing I-Bond Program and will provide \$50,000 per vehicle to replace heavy-duty trucks of engine model year (MY) 2003 or older with EPA/ARB certified trucks of MY 2007 or newer. This project is projected to reduce 0.1 tons of PM and 32.8 tons of NOx annually.

Grant Requirements

In order for the Air District to accept ARB and EPA funding, a resolution of local support from the Air District's Board of Directors (Board) is required. Specifically, this resolution must state the title of the person authorized to accept the award and enter into a contract with the granting agencies. The resolution must commit the Air District to comply with advanced technology demonstration project requirements and authorize the agency to accept the grant funds from ARB. Additionally, the Board resolution shall authorize the Executive Officer/APCO to supply sufficient funding to meet the stated match commitments for all grants. Staff is requesting that the Board authorize up to \$52,200 in Back-Up Diesel Generator (BUG) funds to match the ARB grant and up to \$1,557,987 in I-Bond funding to match DERA requirements.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None. Administrative funding is provided by the I-Bond and DERA programs to cover staff costs for truck projects. Administrative funding for ARB project will be provided by the District's BUG fund.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Joseph Steinberger
Reviewed by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2011-_____

**A Resolution of the
Board of Directors of the Bay Area Air Quality Management District
Authorizing the Executive Officer/APCO to Enter Into One Grant Agreement with
ARB to Reallocate Previously-Approved Grant Funds to a New Project and One
Grant Agreement with EPA Supplementing Previously-Approved Grant Funds**

WHEREAS, the California Air Resources Board (ARB) operates an Air Quality Improvement Program (AQIP) that was established by Assembly Bill (AB) 118 of 2007, through which it makes grants for projects demonstrating air quality improvement technologies;

WHEREAS, pursuant to a grant agreement dated June 13, 2011, ARB awarded the Air District \$261,000 in AQIP grant funds for a project with Caterpillar Inc. that would demonstrate the use of a diesel particulate filter (DPF) together with selective catalytic reduction (SCR) to reduce both particular and nitrogen oxides emissions from a marine vessel;

WHEREAS, on July 18, 2011, the Board of Directors adopted Resolution No. 2011-15 authorizing the Executive Officer to execute a grant agreement for the original project;

WHEREAS, Caterpillar has chosen to withdraw from the demonstration project, and ARB has decided to reallocate the funding to a different project proposed by the Air District that would demonstrate the use of wind assist technology for commute passenger ferries;

WHEREAS, the U.S. Environmental Protection Agency (EPA) operates a Diesel Emission Reduction Act (DERA) grant program called the National Clean Diesel Funding Assistance Program;

WHEREAS, EPA awarded the Air District a DERA grant to implement a Heavy-Duty Truck Replacement Program in an original amount of \$1,000,000;

WHEREAS, on July 18, 2011, the Board of Directors adopted Resolution No. 2011-15 authorizing the Executive Officer to execute a DERA grant agreement for the original project amount of \$1,000,000;

WHEREAS, EPA now wishes to supplement the original proposed grant amount with additional funds so that the grant amount would now be \$1,557,987;

WHEREAS, ARB requires a minimum match in funding of fifty (50) percent (%) in non-federal funds for Advanced Technology Demonstration Project and at least 10% of the

amount requested must be cash match, and EPA requires minimum match funding of at least seventy-five (75) percent (%);

WHEREAS, the Air District's proposal would require the following in cash match and in-kind match,

1. Marine demonstration of wind assisted ferry - up to \$52,200 cash and up to \$208,800 in-kind.
2. EPA Heavy-Duty Truck Replacement Program - \$ 1,557,987 cash;

WHEREAS, the Air District is an eligible project sponsor for AB 118 and DERA funds;

WHEREAS, pursuant to ARB and EPA, eligible project sponsors wishing to receive AB 118 and DERA funds for a project shall submit a resolution from the applicant's governing board stating the title of the person authorized to enter into a grant contract with ARB and/or EPA;

NOW, THEREFORE, BE IT RESOLVED that the Air District is authorized to execute a grant contract for funding for the ARB and EPA projects described above; and be it further

RESOLVED that the Air District by adopting this resolution does hereby state that:

1. Air District and its project partners (truck owners) will provide \$1,610,187 in cash matching funds for the DERA grant; and
2. Air District will provide up to \$52,200 cash and up to \$208,800 in-kind services to match the AB 118 grant; and therefore be it further

RESOLVED that the Air District is an eligible sponsor of ARB and EPA funded projects; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed ARB or EPA grant contracts, or the ability of the Air District to deliver such ARB or EPA projects; and be it further

RESOLVED that the Air District authorizes its Executive Director/Air Pollution Control Officer, General Manager, or designee to enter into a grant contract with ARB or EPA on behalf of the Air District for the ARB AB 118 Advanced Technology Demonstration Project or EPA DERA National Clean Diesel Funding Assistance Program project as referenced in this resolution.

RESOLVED that the Air District authorizes the acceptance of the ARB AB 118 Advanced Technology Demonstration Project and EPA DERA National Clean Diesel Funding Assistance Program grant contract funds and commits to comply with the requirements of the ARB AB 118 Advanced Technology Demonstration Project and the EPA DERA National Clean Diesel Funding Assistance Program.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2011 by the following vote of the Board:

AYES:

NOES:

ABSENT:

Tom Bates
Chair of the Board of Directors

ATTEST:

Ash Kalra
Secretary of the Board of Directors

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 31, 2011

Re: Approval of Contract for Janitorial Services

RECOMMENDED ACTION

The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract amendment with SWA Services Group, Inc. to increase janitorial services from three days per week to five days per week increasing the contract amount from \$62,952 to \$100,680.

BACKGROUND

The Air District completed a Request for Proposal (RFP) process in May 2011 to solicit proposals for janitorial services, reducing services from five days a week to three days a week due to budgetary considerations at the Air District. SWA Services Group, Inc. was awarded the contract effective July 1, 2011 for \$62,952 per year.

DISCUSSION

It has been determined that janitorial services are required five days a week in order to provide an appropriate level of cleanliness at the Air District.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The current contract with SWA Services Group Inc. has a yearly cost of \$62,952. The increase in janitorial services to five days per week from three days per week total cost is \$100,680 per year.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Mary Ann Okpalaugo
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 31, 2011

Re: Notice of Proposed Amendments to the Air District's Administrative Code Division
III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14
Benevolent Leave Fund

RECOMMENDED ACTION

This item is to provide notice that the Board of Directors will consider Proposed Amendments to the Air District's Administrative Code, Division III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund at its next regular meeting.

BACKGROUND AND DISCUSSION

In accordance with provisions of the Administrative Code governing amendments to the Code, notice is hereby given at the Board of Directors regular meeting of September 21, 2011 that the Board of Directors will consider at its next regular meeting, amendments to the Administrative Code, Division III Personnel Policies and Procedures - Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund.

On June 15, 2011, the Board of Directors adopted the new Memorandum of Understanding (MOU), which included amendments to the Benevolent Leave Fund. The proposed amendments (attached) will reflect the same changes that were made in the MOU.

This noticing action starts the process of amending the Air District's Administrative Code to incorporate the proposed amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Reviewed by: Jack M. Colbourn

Attachment: Proposed Amendments to Division III Personnel Policies and Procedures –
Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund

PROPOSED ADMINISTRATIVE CODE AMENDMENTS

Proposed Amendment to Division III, "Personnel Policies and Procedures," Section 11.14, Benevolent Leave Fund as follows:

~~11.14 BENEVOLENT LEAVE FUND (Revised 9/6/95)~~

~~Any employee may donate annual leave or, with the limitation noted in subsection (a) below, floating holiday leave to a benevolent leave fund for the benefit of employees who are catastrophically ill or injured. For the purposes of this section, "catastrophically ill or injured" means that an employee has sustained a life threatening or incapacitating illness or injury. In order to donate leave, the following conditions apply:~~

- ~~(a) Only accrued annual or floating holiday leave may be donated. Floating holiday leave which is donated will only be valid during the fiscal year in which it is accrued. This, if in a given fiscal year, an employee donates floating holiday leave without designation, and there is no eligible recipient during that fiscal year, the donated leave will expire on the last day (June 30) of that fiscal year.~~
- ~~(b) To donate accrued leave to the fund, an employee must not be catastrophically ill or injured and must be eligible to accumulate and use annual leave credit.~~
- ~~(c) Donated leave may be designated for a specific employee, or may be donated without designation.~~
- ~~(d) Leave may be donated to the fund regardless of whether there is a qualified recipient.~~
- ~~(e) Leave may not be sold, bartered or traded to another employee under any circumstances.~~
- ~~(f) Once leave has been donated to the fund, that leave cannot be reclaimed by the employee making the donation unless and until that employee later becomes an eligible fund recipient.~~

~~In order to be a fund recipient, the following conditions apply:~~

- ~~(g) The recipient must have on file with the District's Personnel Section a medical statement and supporting medical records which demonstrate that the recipient is in fact catastrophically ill or injured.~~
- ~~(h) The recipient must have exhausted all forms of paid leave.~~
- ~~(i) The recipient may not receive benevolent leave from the fund in an amount which exceeds 100% of that employee's normally scheduled hours for any pay period.~~
- ~~(j) If a request to use leave from the fund is denied, the refusal may be appealed to the APCO.~~

SECTION 11.14 BENEVOLENT LEAVE FUND

1. The Benevolent Leave Fund is established for the use and donation by District employees. Any District employee (hereinafter referred to as “employee”) may donate annual leave, sick leave, compensatory time, or floating holiday, with the limitation noted in subsection A immediately below, to the benevolent leave fund for the benefit of employees who are catastrophically ill or injured for one hundred (100) consecutive working hours or longer. In order to donate leave, the following conditions apply:
 - A. Only accrued annual or sick leave, compensatory time, or floating holiday leave may be donated to the fund. Any employee may donate up to 40 hours of sick leave to the fund per fiscal year. Floating holiday leave that is donated will only be valid during the fiscal year in which it is accrued. Thus, if in a given fiscal year, an employee donates floating holiday leave and the leave is not used during that fiscal year, the donated leave will expire on the last day (June 30) of that fiscal year.
 - B. To donate accrued leave to the fund, an employee must be eligible to accrue or use annual leave credit and cannot currently be using leave from the Benevolent Leave Fund.
 - C. To donate sick leave, an employee must have a sick leave balance of at least 200 hours.
 - D. Donated leave may be designated for a specific employee, or may be donated without designation. Floating holiday leave shall be used first. Other benevolent leave that is designated to a specific employee must be used in the sequence it was donated. If leave that is donated to a specific employee is not used within 120 days, such leave will be added to the general benevolent leave fund.
 - E. Leave may be donated to the fund regardless of whether there is a qualified recipient.
 - F. Leave may not be sold, bartered or traded to another employee under any circumstances.
 - G. Once leave has been donated to the fund, that leave cannot be reclaimed by the employee making the donation unless and until that employee later becomes an eligible fund recipient.

2. In order to be a fund recipient, the following conditions apply:
 - A. The recipient must be catastrophically ill or injured, on an approved leave for medical purposes and must have on file with the Human Resources Office a medical verification from the employee’s personal physician that demonstrates that the recipient is in fact catastrophically ill or injured and unable to work for at least one hundred (100) consecutive working hours or longer.
 - B. Upon written request from the Association Board of Directors, the Human Resources Officer shall provide, to the Association the amount of leave in the fund.
 - C. The recipient must have exhausted all forms of paid leave prior to using any benevolent leave. However, it is understood the employee will accrue all appropriate leaves during the time the Benevolent Leave Fund is in use and shall not be required to use such accrued leave during such time.
 - D. The recipient may not receive benevolent leave from the fund in an amount which exceeds 100% of that employee’s normally scheduled hours for any pay period.

- E. Written requests to use leave from the fund shall be submitted to the Human Resources Officer.
- F. The Human Resources Officer or designee shall provide a written response approving or denying the employee's request, or requesting more information within 5 working days. If the request is denied, the Human Resources Officer or designee shall state the reasons for denial in the written response.
- G. If a request to use leave from the fund is denied, the refusal may be appealed to the APCO. The APCO's decision shall be provided, in writing, to the employee within ten (10) calendar days from the date an appeal is submitted.

3. Catastrophic illness or injury is defined as a serious illness, injury, impairment, or physical or mental condition that is present for a minimum of one hundred (100) consecutive working hours or longer.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 6, 2011

Re: Notice of Proposed Amendments to the Air District's Administrative Code Division
III Personnel Policies and Procedures - Section 2 Equal Employment Opportunity
Policy

RECOMMENDED ACTION

This item is to provide notice that the Board of Directors will consider Proposed Amendments to the Air District's Administrative Code, Division III Personnel Policies and Procedures - Section 2 Equal Employment Opportunity Policy at its next regular meeting.

BACKGROUND AND DISCUSSION

In accordance with provisions of the Administrative Code governing amendments to the Code, notice is hereby given at the Board of Directors regular meeting of September 21, 2011 that the Board of Directors will consider at its next regular meeting, amendments to the Administrative Code, Division III Personnel Policies and Procedures - Section 2 Equal Employment Opportunity (EEO) Policy.

Last year, the law firm, Meyers Nave, conducted a legal audit of the Human Resources Office. Meyers Nave concluded that for the Air District to remain in legal compliance, the Air District must amend its EEO Policy as follows:

- 1) Change the name of the Affirmative Action Plan to an Equal Employment Opportunity Plan and replace all references to "affirmative action" with "equal employment opportunity."
- 2) Delete the items that refer to affirmative action plan activities, e.g. those that would favor applicants or employees based on gender or ethnic status.

This noticing action starts the process of amending the Air District's Administrative Code to incorporate the proposed amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Reviewed by: Jack M. Colbourn

Attachment: Proposed Amendment to Division III, "Personnel Policies and Procedures," –
Section 2 Equal Employment Opportunity Policy

PROPOSED ADMINISTRATIVE CODE AMENDMENTS

Proposed Amendment to Division III, "Personnel Policies and Procedures," Section 2 Equal Employment Opportunity Policy as follows:

SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

~~To effect its policy of equal employment opportunity, the Board commits itself and the District to implementing an Affirmative Action Plan. The plan is designed to achieve the goal of a District work force which reflects the gender and ethnic minority work force composition of the nine Bay Area counties covered by the District.~~

The District is committed to maintaining a meaningful Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

~~Provisions of the Affirmative Action Plan of the District prevail over the Memorandum of Understanding.~~

2.1 OBJECTIVES.

- (a) The District will insure that each employee and applicant is afforded an equal opportunity in all aspects of the employment process without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (b) The District will analyze its work force and the population of the Bay Area ~~to identify areas where women and ethnic minorities are underutilized.~~
- (c) The District will focus its equal employment opportunity efforts on enhanced outreach and training programs. The District will establish practical short range and long range hiring, promotion and training goals to eliminate under utilization.
- (d) ~~The District will take affirmative action to increase the number of ethnic minority and female employees in all occupational categories.~~

- (e) The District will establish and administer programs for employment, training and promotion of all employees to aid in reaching the goals and objectives of the Affirmative Action Plan without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (f) The District will ~~establish responsibility~~ be responsible for ~~carrying out the goals and objectives of the program~~ Equal Employment Opportunity Plan and ~~designate~~ appoint an ~~Affirmative Action~~ Equal Employment Opportunity Officer, and ~~establish an Equal Employment Opportunity Council.~~
- (g) ~~Establish a timeline for implementation of objectives and goals.~~ The District is committed to making a good faith effort to successfully achieve Equal Employment Opportunity.
- (h) Sexual harassment is contrary to basic standards of conduct between individuals and is prohibited by EEOC regulations. The District will therefore insure that the workplace is free from sexual harassment. Sexual harassment is defined in EEOC regulations, and includes, but is not limited to, the following: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment, is used as a basis for employment decisions, or has the purpose or effect of interfering with work performance or creating an otherwise offensive working environment.
- (d) The District will insure that no qualified person will be discriminated against on the basis of a disability. All qualified persons that can perform the essential functions of the job, with or without reasonable accommodation that does not create "undue hardship" for the District, shall be provided an equal opportunity for employment and promotion. All terms used in this section are defined in the regulations implementing the Federal Americans with Disabilities Act.

2.2 RESPONSIBILITY FOR AFFIRMATIVE ACTION EQUAL EMPLOYMENT OPPORTUNITY.

- (a) The Air Pollution Control Officer of the District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity ~~Plan~~ Policy.
- (b) The responsibilities of the ~~Affirmative Action~~ Equal Employment Opportunity Officer, ~~the Personnel Manager and the Affirmative Action Council~~ are listed ~~delineated~~ in the ~~Affirmative Action~~ Equal Employment Opportunity Plan.

2.3 **DISCRIMINATION COMPLAINT PROCEDURE (Revised 9/6/95)**

Unlawful discrimination refers to discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

An employee or group of employees who believes an incident involving a violation of the District's equal employment opportunity policy has arisen, may submit the complaint (in writing) to the Equal Employment Opportunity Officer.

- STEP 1 The written complaint must be received by the Equal Employment Opportunity Officer within 30 days of the alleged discrimination and must specify the particulars of the alleged discrimination, including specific acts and/or statements. Although the specific act must have occurred within 30 days, supplementary or background information supporting the complaint may be included. If a complaint is received in an incomplete form, the Equal Employment Opportunity Officer will advise the complainant that help in its preparation can be arranged. A group of employees filing at the same time must allege acts of similar nature to be considered for class action.
- STEP 2 The Equal Employment Opportunity Officer will evaluate the complaint and, if necessary, conduct an investigation.
- STEP 3 Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt. If the employee is not satisfied with the action of the APCO, the employee may request the complaint be heard by the Personnel Committee of the Board of Directors. The employee will submit the complaint to the Personnel Committee within fifteen (15) working days of the action of the APCO.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 14, 2011

Re: Administrative Code, Division II, Section 3.3 - Account Transfers

RECOMMENDED ACTION

None; receive and file.

BACKGROUND AND DISCUSSION

The Administrative Code, Division II, Section 3.3 Account Transfers requires that the transfer of personnel from one program to another or from one expenditure class to another requires Board notification.

As of August 22, 2011, there is approximately \$90,300 in salary savings due to two vacancies in the Information Services Division. The Director of Information Services position has been vacant since July 1, 2011 and the Information Systems Manager has been vacant since May 20, 2011. The Air District plans to fill the vacancies before the end of the fiscal year. The Air District will transfer the \$90,300 to expenditure class 53300 Professional Services and Contracts.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: David Glasser
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 7, 2011

Re: Report of the Personnel Committee Meeting of September 19, 2011

RECOMMENDED ACTION

The Personnel Committee may recommend Board of Directors approval of proposed amendments to the (1) Air District's Administrative Code, Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy; and (2) Equal Employment Opportunity Plan.

BACKGROUND

The Personnel Committee will meet on September 19, 2011 to consider:

- a) Human Resources Legal Audit Update and Status of Current Air District Programs
- b) Proposed Amendments to (1) the Air District's Administrative Code, Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy and (2) Equal Employment Opportunity Plan
- c) Public Employee Performance Evaluation – District Counsel
(In Closed Session, pursuant to Government Code Section 54957 and 54957.6)

Attached are the staff reports submitted to the Personnel Committee at the September 19, 2011 meeting. There is no staff report for the Closed Session item.

Chair Wagenknecht will provide an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kris Perez Krow
Reviewed by: Jennifer C. Cooper

Attachment(s)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 12, 2011

Re: Summary of Human Resources Audit Report and Status of Current Air District
Programs

RECOMMENDED ACTION

None; receive and file.

BACKGROUND AND DISCUSSION

In 2010, the professional law firm, Meyers Nave, conducted a legal audit of the Human Resources Division. The audit found no violations of current local, state or federal employment or labor laws. Attached is a summary of specific recommendations along with information describing the status of the Air District's response to each of the recommended action areas.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Reviewed by: Jack M. Colbourn

Attachment: Summary of Human Resources Audit Report and Status of Current District
Programs

Summary of Human Resources Audit Report and Status of Current District Programs

In 2010, an audit of the District's human resources program was conducted by Meyers Nave, a local law firm. The audit found no violations of current local, state or federal employment or labor laws. A summary of specific recommendations is provided below along with information describing the status of the District's response to each of the recommended action areas.

1. Employee Designations: Although the District's practices with respect to treatment of "at will" and "good cause" employees and paying overtime to non-exempt employees appear to comply with the law, the District's policies do not adequately distinguish between at-will employees and good cause employees and exempt and non-exempt (for overtime purposes) employees. We recommend clarifying these provisions, as well as being clearer on these subjects in the District's employment offer letters.

Status of District program – The District has reviewed this recommendation and concluded that it is in compliance. The District currently has only two 'at will' employees, including the Executive Officer and District Counsel, who both are contracted, with 'at will' status provisions included. Most other District employees are represented by the EA, with 'good cause' contract provisions.

2. Overtime: The primary potential legal concern among the District's overtime practices is that the District is in fact including all "remuneration" paid to an employee (except payments specifically excluded) in the overtime rate for FLSA overtime hours (hours actually worked over 40 in a designated workweek). The Admin Code and MOU indicate certain types of pays that are included in the overtime rate (e.g. differential pay, hazard pay) but are silent as to other types of pays that also should be included (bilingual pay, standby pay, acting assignment pay and longevity pay). We understand you are going to follow-up on this question. Our recommendation of course is that, if the District is not currently including these types of pay in the FLSA overtime rate, then the District should do so. Failure to include these types of compensation means that the District would be paying overtime at 1.5 times too low a rate. If affected employees successfully sued under the FLSA, they would be entitled to the amounts not paid going back two years from the date of the lawsuit, as well as an equal amount in double ("liquidated") damages and payment of their attorneys' fees.

Status of District program – The District has reviewed its current overtime pay practices, and concluded that current practices conform both to FLSA and contract requirements.

3. New Policies: We suggest the District adopt certain policies or rules in areas where none currently exist. Doing so will make the District's rights clearer, and protect against an Association claim that the District cannot take a particular action. These suggested policies include bargaining impasse procedures, a fitness for duty policy, expanded sick leave rules and Workers Compensation rules, and a broader technology policy.

Status of District program – The District is unable to unilaterally implement recommended personnel policy changes pursuant to its contract with the EA. The District is currently meeting and conferring with the EA over a variety of proposed policy changes.

4. Affirmative Action Plan: Under Proposition 209, it is unconstitutional for public agencies “to discriminate against, or grant preferential treatment to, any individual group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment . . .” Case law following Proposition 209 has confirmed that affirmative action programs that establish goals and timetables designed to overcome areas of underutilization of minorities and women by job category were unlawful. As such, we recommend updating the District’s written “Affirmative Action Plan” by changing the title to “Equal Opportunity Plan” and by eliminating from its provisions language indicating the District will take “affirmative action to increase the number of ethnic minority and female employees in all occupational categories” and establishing specific goals for hiring minorities and females. Please note that the District may lawfully continue its practices of working through fair and appropriate hiring criteria and processes, and through inclusive public outreach and recruitment programs, toward the more general goal of a non-discriminatory work place.

Status of District program – The District has revised the EEO plan pursuant to advice received from Meyers Nave. The revised document is included in this agenda item.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 12, 2011

Re: Proposed Amendments to the (1) Air District's Administrative Code Division III
Personnel Policies and Procedures - Section 2 Equal Employment Opportunity Policy
and (2) Equal Employment Opportunity Plan

RECOMMENDED ACTION

This item is to request that the Committee recommend that the Board of Directors provide notice of proposed amendments to (1) the Air District's Administrative Code, Division III Personnel Policies and Procedures - Section 2 Equal Employment Opportunity Policy and (2) the Equal Employment Opportunity Plan.

BACKGROUND AND DISCUSSION

In accordance with provisions of the Administrative Code governing amendments to the Code, Air District staff requests that the Personnel Committee recommend that notice be given at the Board of Directors regular meeting of September 21, 2011 that the Board of Directors will consider at its next regular meeting, amendments to (1) the Administrative Code, Division III Personnel Policies and Procedures - Section 2 Equal Employment Opportunity Policy and (2) the Equal Employment Opportunity Plan.

In 2010, the professional law firm, Meyers Nave, conducted a legal audit of the Human Resources Office. One aspect of the legal audit involved reviewing the Air District's Affirmative Action Program for legal compliance. Meyers Nave recommends that the Air District perform the following:

- 1) Change the name of the Affirmative Action Plan to the Equal Employment Opportunity Plan and replace all references to "affirmative action" with "equal employment opportunity."
- 2) Delete the items that refer to affirmative action plan activities, e.g. those that would favor applicants or employees based on gender or ethnic status.

This noticing action starts the process of amending the Air District's Administrative Code to incorporate the proposed amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Reviewed by: Jack M. Colbourn

Attachments: Proposed Amendments to Administrative Code Division III Personnel Policies
and Procedures, Section 2 Equal Employment Opportunity Policy

Equal Employment Opportunity Plan

PROPOSED ADMINISTRATIVE CODE AMENDMENTS

Proposed Amendment to Division III, "Personnel Policies and Procedures," Section 2 Equal Employment Opportunity Policy as follows:

SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

~~To effect its policy of equal employment opportunity, the Board commits itself and the District to implementing an Affirmative Action Plan. The plan is designed to achieve the goal of a District work force which reflects the gender and ethnic minority work force composition of the nine Bay Area counties covered by the District.~~

The District is committed to maintaining and implementing an Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

~~Provisions of the Affirmative Action Plan of the District prevail over the Memorandum of Understanding.~~

2.1 OBJECTIVES.

- (a) The District will insure that each employee and applicant is afforded an equal opportunity in all aspects of the employment process without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (b) The District will analyze its work force and the population of the Bay Area to identify the effectiveness of its outreach and training programs. ~~to identify areas where women and ethnic minorities are underutilized.~~
- (c) The District will establish practical short range and long range hiring, promotion and training goals to eliminate under utilization.
- (d) ~~The District will take affirmative action to increase the number of ethnic minority and female employees in all occupational categories.~~

- (e) The District will establish and administer programs for employment, training and promotion of all employees to aid in reaching the goals and objectives of the Affirmative Action Plan without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (f) ~~The District will establish responsibility for carrying out the goals and objectives of the program appoint an Affirmative Action Officer, and establish an Equal Employment Opportunity Council.~~
- (g) ~~Establish a timeline for implementation of objectives and goals. The District is committed to making a good faith effort to successfully achieve Equal Employment Opportunity. The District will focus its equal employment opportunity efforts on enhanced outreach and training programs to work towards a non-discriminatory work place.~~
- (h) Sexual harassment is contrary to basic standards of conduct between individuals and is prohibited by EEOC regulations. The District will therefore insure that the workplace is free from sexual harassment. Sexual harassment is defined in EEOC regulations, and includes, but is not limited to, the following: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment, is used as a basis for employment decisions, or has the purpose or effect of interfering with work performance or creating an otherwise offensive working environment.
- (d) The District will insure that no qualified person will be discriminated against on the basis of a disability. All qualified persons that can perform the essential functions of the job, with or without reasonable accommodation that does not create "undue hardship" for the District, shall be provided an equal opportunity for employment and promotion. All terms used in this section are defined in the regulations implementing the Federal Americans with Disabilities Act.

2.2 RESPONSIBILITY FOR AFFIRMATIVE ACTION EQUAL EMPLOYMENT OPPORTUNITY.

- (a) The Air Pollution Control Officer of the District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity ~~Plan~~ Policy.
- (b) The responsibilities of the ~~Affirmative Action~~ Equal Employment Opportunity Officer, the Personnel Manager and the Affirmative Action Council are ~~listed delineated~~ in the ~~Affirmative Action~~ Equal Employment Opportunity Plan.

2.3 **DISCRIMINATION COMPLAINT PROCEDURE (Revised 9/6/95)**

Unlawful discrimination refers to discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

An employee or group of employees who believes an incident involving a violation of the District's equal employment opportunity policy has arisen, may submit the complaint (in writing) to the Equal Employment Opportunity Officer.

- STEP 1 The written complaint must be received by the Equal Employment Opportunity Officer within 30 days of the alleged discrimination and must specify the particulars of the alleged discrimination, including specific acts and/or statements. Although the specific act must have occurred within 30 days, supplementary or background information supporting the complaint may be included. If a complaint is received in an incomplete form, the Equal Employment Opportunity Officer will advise the complainant that help in its preparation can be arranged. A group of employees filing at the same time must allege acts of similar nature to be considered for class action.
- STEP 2 The Equal Employment Opportunity Officer will evaluate the complaint and, if necessary, conduct an investigation.
- STEP 3 Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt. If the employee is not satisfied with the action of the APCO, the employee may request the complaint be heard by the Personnel Committee of the Board of Directors. The employee will submit the complaint to the Personnel Committee within fifteen (15) working days of the action of the APCO.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

for

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-4980**

EEO Contact:

Human Resources Officer
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 Ellis Street
San Francisco, CA 94109
(415) 749-4980

**EQUAL EMPLOYMENT OPPORTUNITY PLAN
FOR BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

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BACKGROUND

The Bay Area Air Quality Management District (Air District) is a regional government agency responsible for improving air quality in the San Francisco Bay Area. The Air District employs approximately 350 full-time employees in a variety of jobs ranging from Air Quality Engineers and Inspectors, to clerical and administrative support staff. Most of the Air District's employees work in the main office located in San Francisco, California.

The Air District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

To affect its policy of equal employment opportunity, the Board commits itself and the Air District to implementing an Equal Employment Opportunity Plan. The plan is designed to analyze the Air District's workforce and the population of the Bay Area and to set forth specific plans and procedures to ensure equal employment opportunity.

APPLICABLE REGULATIONS

The Air District's Equal Employment Opportunity Plan has been prepared according to the Air District's Administrative Code Division 3, Section 2: Equal Employment Opportunity Policy.

Federal and State equal employment opportunity laws and regulations include Title VII of the Civil Rights Act, the Equal Pay Act, the Americans with Disabilities Act, the Genetic Information Non-Discrimination Act, the California Fair Employment and Housing Act.

For purposes of the Equal Employment Opportunity Plan, the Air District collects data on gender, race or ethnic groups.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 1: COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

The Bay Area Air Quality Management District reaffirms its commitment to a policy of equal employment opportunity. The Air District will continue to administer its personnel policies and conduct its employment practices in a manner that treats each employee and applicant for employment on the basis of merit, experience, and other work related criteria, without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

The Air District is committed to maintaining a meaningful, result-oriented Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

The Air District will designate the Human Resources Officer to also serve as the Equal Employment Opportunity Officer, and will focus its equal employment opportunity efforts on enhanced outreach and training programs. The Air District is committed to making a good faith effort to successfully achieve equal employment opportunity.

(Signature)

Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 2: ORGANIZATIONAL PROFILE

Workforce Analysis/Lines of Progression

The Air District conducts a workforce analysis to identify employees by gender and race/ethnicity in each job title. The data is collected from payroll records.

Job titles are listed by organizational unit. Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles.

For each job title, the lower threshold of the salary range is provided, as well as the EEO Category to which the title is assigned. For each job title, the Air District identifies the total number of employees, the number of male and female employees, the total number of White, Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native employees, and the male and female employees within each of these race/ethnic groups.

Lines of Progression

In conjunction with the workforce analysis, the Air District develops lines of progression. Lines of progression (career ladders/career paths) identify the job titles through which an employee can move to the top of a line. For each line of progression, applicable departments are identified. These are the departments that employ persons in the job titles in the specified line of progression. Some lines of progression are limited to only one department, while others are found throughout several departments.

The lines of progression provide useful information regarding patterns of vertical and horizontal movement throughout our workforce. These patterns are evaluated to ascertain whether they provide to our employees the optimum career mobility and opportunities for advancement.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 3: JOB GROUP ANALYSIS

The Air District conducts the workforce analysis individually for every job title. The job titles are grouped for the comparison of incumbency to availability. There are several reasons for grouping jobs.

Many job titles are similar in content such that handling them individually in the Equal Employment Opportunity Plan is not necessary. Grouping together these very similar titles is appropriate for the comparison of incumbency to availability.

For many job titles, there is limited data available and the same data must be used for several related jobs. Therefore, grouping these related titles together is logical.

Many job titles have few incumbents. A meaningful comparison is conducted by grouping several similar titles and increasing the number of employees involved.

The most critical guideline in creating job groups is that job titles discuss "similar" or "related" jobs. Above all, the job titles placed into a job group must be more similar or related to each other than the job titles in other job groups.

Listed below are the guidelines that are followed in developing the job groups.

Job Grouping Guidelines

1. The content of the jobs in a group must be similar. Similar content refers to job responsibilities and requisite skills required.
2. The wage or salary rate for the jobs in a group must be similar. Pay rates are considered in conjunction with job content. Large apparent differences in pay, when associated with differences in job title and/or location within an organization, suggest an unacceptable job grouping.
3. Job titles placed in a job group should be similar in opportunity. Opportunity refers to the ability to take advantage of training, transfers, promotions, mobility to desirable situations, and other employment benefits. Ideally, each job within a job group should have opportunities similar to other job titles within the same job group.
4. The groups should not include jobs with clearly different representation patterns. For example, jobs predominately filled with males should not be combined in the same group with jobs predominately filled with females.
5. Many job groups, if appropriately constructed, should cut across departmental or organizational units, but not across EEO Categories.

6. Employers with over 150 employees should not use EEO occupational categories as the only job groups in an Equal Employment Opportunity Plan. EEO categories are generally much too broad for proper availability analysis purposes. However, jobs placed in a group should generally belong to the same EEO Category.
7. Employers with less than 150 employees may use EEO categories as the only job groups.
8. The size of the employer's workforce is a major factor in determining how well the criteria above can be met in creating job groups.
 - A. Job groups must have enough incumbents to permit meaningful comparisons of incumbency to availability. No minimum size has been established for this purpose, however, since it is dependent not only on the size of the job group, but also on the size of the availability percentage.

Although the Air District recognizes that it is not possible to adhere to every guideline above when creating job groups, the Air District does not combine job titles with different content, wages, or opportunities.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 4: PLACEMENT OF INCUMBENTS IN JOB GROUPS

Each job group appears on a Job Group Report with a job group name and number. The report lists each job title in the job group. For each job title, the worksheet provides the following information: EEO reporting category, pay grade, job title, employee headcounts for each job title, and overall percentages by gender and race/ethnicity.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 5: DETERMINING AVAILABILITY

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at the Air District for a given job group in the relevant labor market during the life of the Equal Employment Opportunity Plan. Availability indicates the approximate level at which each race/ethnic and sex group could reasonably be expected to be represented in a job group if the Air District's employment decisions are being made without regard to gender, race, or ethnic origin. Correct comparisons of incumbency to availability depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis).

Steps in Comparison of Incumbency to Availability

Identify Availability Factors

The following availability factors are for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the most recent Census of Population.
 - a. Local labor area: An employee residence zip code analysis was conducted to identify the local labor areas.
 - b. Reasonable labor area: National: 100.0%
2. Internal Factor: The percentage of employees promotable, transferable, and trainable within the Air District.

Assign Internal and External Factor Weights: Weights are assigned to each factor for each job group. A combination of historical data and experience are used to determine the weights. Weights are never assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights are multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component are summed. This produces a final availability estimate for each sex and race/ethnic group.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 6: COMPARING INCUMBENCY TO AVAILABILITY

Availability estimates are made for each job group. The Air District compares the percentage of incumbents in each job group to their corresponding availability. A comparison is made between the percentage and that group's final availability.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 7: DESIGNATION OF RESPONSIBILITY

The Executive Officer/Air Pollution Control Officer of the Air District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity Plan. The Executive Officer/Air Pollution Control Officer or his designee reports to the Board of Directors on the progress and objectives of the plan.

The Executive Officer/Air Pollution Control Officer designates the Human Resources Officer to also serve in the role of Equal Employment Opportunity Officer and be responsible to ensure that the equal employment policies and programs are implemented.

Division Directors are responsible to implement the Equal Employment Opportunity Plan within a division, including informing all supervisory personnel of the Air District's Equal Employment Opportunity policy and ensuring hiring, promotion, and employee development are consistent with program objectives.

It is the responsibility of Management to ensure that the workplace is free of sexual harassment and that the Air District takes corrective action when an employee is determined to have violated the Equal Employment Opportunity Plan's objective regarding harassment.

Equal Employment Opportunity Officer

The responsibilities of the Equal Employment Opportunity Officer will include:

1. Reviewing the Air District's personnel policies to ensure they are consistent with the equal opportunity laws and the Air District's Equal Employment Opportunity Plan.
2. Reviewing, evaluating, and updating the Equal Employment Opportunity Plan as necessary, and with the approval of the Executive Officer/Air Pollution Control Officer.
3. Providing assistance to divisions in implementing the Equal Employment Opportunity Plan.
4. Reporting progress of equal employment opportunity programs to the Executive Officer/Air Pollution Control Officer.
5. Advising divisions on training needs and encouraging development of training programs.
6. Recommending revision of job description forms when necessary so forms accurately reflect duties, responsibilities, and qualifications required for each job.

Human Resources Officer

The responsibilities of the Human Resources Officer will include:

1. Disseminating the Equal Employment Opportunity Plan to all employees and other interested parties.
2. Providing all recruiting and hiring data to aid in monitoring the equal employment opportunity program, including the number hired, the number of terminations, the number of promotions, the number of persons trained, the number of persons interviewed, and other relevant data.
3. Providing the liaison between the Air District and school, community, and professional organizations, both inside and outside the Air District.
4. Providing the liaison between the Air District and compliance agencies.
5. Developing and implementing training programs that support the Equal Employment Opportunity Plan.
6. Reviewing all recruiting procedures, to ensure that they conform to equal opportunity and employment practice guidelines.
7. Providing various training programs.
8. Advising employees on availability of training inside and outside the Air District with emphasis on individual career development and training.
9. Submitting employment pattern reports to the Executive Officer/Air Pollution Control Officer.
10. Reviewing hiring and promotion procedures to ensure equal employment opportunity-guidelines are followed.
11. Reviewing the desirable qualifications on job descriptions to ensure that job requirements are non-discriminatory.
12. Reviewing the effectiveness of the Equal Employment Opportunity Plan from time to time and suggest changes as necessary.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 8: ACTION-ORIENTED PROGRAMS

The following programs have been developed to meet the Air District's Equal Employment Opportunity Plan:

A. SELECTION PROCESS

1. Review all class descriptions to ensure that they accurately reflect the position functions and contain the essential functions of the position in order to conform with the Americans With Disabilities Act.
2. Review the qualifications for each class to determine that the qualifications are job-related and nondiscriminatory.
3. Distribute class descriptions to management staff involved in recruiting, screening, selection, and promotion process.
4. Train all personnel involved in a selection process.
5. Evaluate selection tests to ensure that they are based on valid job-related criteria.

B. RECRUITMENT PROCEDURES

1. Maintain an extensive recruitment list of state and local community and professional organizations, state and local organizations representing persons with disabilities, state employment development departments, state vocational agencies, local sheltered workshops, college placement offices, and state and local educational institutions.
2. Actively encourage employees to refer applicants.
3. Make employees available for participation in Career Days, Job Fairs, and related activities in the community.
4. Maintain active interest file of applicants and distribute position announcements.
5. Contact community and professional organizations representing persons with disabilities for referrals.
6. Remain active in community organizations and encourage Air District employees to participate.
7. Advertise in various Bay Area newspapers and publications.
8. Continue recruitment efforts at colleges and schools. Provide brochures, conduct

informational presentations, and participate in career day activities.

9. Participate in career fairs.

PROMOTIONAL OPPORTUNITIES AND TRAINING

1. Post job announcements for promotional opportunities on bulletin boards, electronic bulletin boards, and distribute to all personnel.
2. Provide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities.
3. Inform employees about the Air District's Educational Reimbursement Program and Leave Policy for educational purposes.
4. Provide educational courses that will aid employees in obtaining mobility through promotions.
5. Provide career counseling to employees.
6. Continue to offer speech classes to employees who are non-native speakers of English.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 9: INTERNAL AUDIT AND REPORTING

To assure that the Air District's Equal Employment Opportunity Plan is fully implemented, the following internal audit system has been established.

1. The Human Resources Office will maintain and monitor accurate records of all employment activities, including, but not limited to, applicants, hires, promotions, transfers, and terminations.
2. The Executive Officer/Air Pollution Control Officer will review reports provided by the Equal Employment Opportunity Officer to ensure that the Air District's Equal Employment Opportunity program is being carried out.
3. The Human Resources Officer will file an EEO-4 Report as required by the federal guidelines.
4. The Executive Officer/Air Pollution Control Officer or his designee will present the Equal Employment Opportunity Plan to the Executive Committee of the Board of Directors.
5. The Equal Employment Opportunity Plan will be provided to interested parties upon request.
6. The reporting and auditing system will be utilized to measure the status and effectiveness of the Air District's Equal Employment Opportunity Plan.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 12, 2011

Re: Overview of the Air District's Permit and Enforcement Programs

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Chairperson Bates requested that staff provide a number of informational presentations throughout the year describing various operations and duties of the Air District. The first presentation in this series was held on March 16, 2011, and covered the composition of the air we breathe, how pollutants affect our health, ambient air quality standards, air quality trends, and the Air District's air monitoring network. The second presentation was held on June 1, 2011, and covered the legal framework in which the Air District operates and the legal authorities granted and obligations imposed by that framework. At the September 21, 2011 Board meeting, staff will present the third informational presentation in this series.

DISCUSSION

Staff will discuss the Air District's Permit and Enforcement programs, which are used to implement and enforce adopted regulatory requirements that focus on controlling emissions from stationary sources of air pollution. These regulatory requirements include those adopted by the Air District, the California Air Resources Board, and the U.S. Environmental Protection Agency.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian Bateman
Reviewed by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Tom Bates and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 14, 2011

Re: Blueprint for Healthy Communities Summit

RECOMMENDED ACTION

Recommend Board of Directors authorize Executive Officer/APCO to execute contract for conference logistic and coordination in an amount not to exceed \$70,000.

BACKGROUND

In 2010, the Air District adopted the Bay Area Clean Air Plan and updated regional CEQA Guidelines. Both documents addressed the connection between land use planning and air quality/public health. The Executive Officer signed a contract for \$69,500 with O'Rorke Inc. to investigate conference location options, speakers and begin planning efforts for a Healthy Communities Summit in the fall of 2011. O'Rorke was able to secure former President Bill Clinton and has since secured Nancy Sutely, White House Chair for the Council of the Environment. To accommodate the speakers schedules, the conference date was moved up to Friday, October 21, 2011 and preparations are underway for the Blueprint for Healthy Communities Summit at the Craneway Pavilion in Richmond, Calif. The purpose of the conference is to foster dialogue and creative planning regarding critical municipal planning and development issues that directly impact public health.

DISCUSSION

The Board of Directors will receive an overview of plans for the Blueprint for Healthy Communities Summit and consider staff recommendation to enter into an additional contract for conference logistics and coordination services with O'Rorke, Inc.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for this event was included in the FY10-11 Budget.

Respectfully,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Lisa Fasano
Reviewed by: Jean Roggenkamp