



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
PERSONNEL COMMITTEE MEETING

COMMITTEE MEMBERS

HAROLD BROWN – CHAIRPERSON
TOM BATES
JOHN GIOIA
JENNIFER HOSTERMAN
PAMELA TORLIATT

CAROLE GROOM – VICE CHAIRPERSON
CHRIS DALY
SCOTT HAGGERTY
ERIC MAR

WEDNESDAY
JANUARY 12, 2011
1:30 P.M.

4th FLOOR CONFERENCE ROOM
939 ELLIS STREET
SAN FRANCISCO, CA 94109

AGENDA

1. **CALL TO ORDER - ROLL CALL**
2. **PUBLIC COMMENT PERIOD** (*Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3*) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

3. **APPROVAL OF MINUTES OF AUGUST 25, 2010 AND NOVEMBER 17, 2010**

4. **CONDUCT INTERVIEWS AND CONSIDER RECOMMENDING BOARD OF DIRECTORS' APPROVAL OF CANDIDATES FOR APPOINTMENT TO THE AIR DISTRICT'S ADVISORY COUNCIL**
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will conduct interviews of candidates to fill terms of office on the Advisory Council.

5. **CONSIDER PROCEDURE FOR HANDLING FORMAL COMPLAINTS AGAINST BOARD OF DIRECTOR APPOINTED POSITIONS**
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will consider a procedure for handling formal complaints against Board of Director appointed positions.

CLOSED SESSION

6. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Government Code Section 54957 and 54957.6)**
J. Broadbent/5052
jbroadbent@baaqmd.gov

Pursuant to Government Code Section 54957 and 54957.6, the Committee will meet in closed session to conduct a performance evaluation of the Executive Officer/APCO.

OPEN SESSION

7. **COMMITTEE MEMBER COMMENTS/OTHER BUSINESS**

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)

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

9. **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 District's offices 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 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

JANUARY 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
CANCELLED: Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
Advisory Council Retreat <i>(2nd Wednesday of each Month)</i>	Wednesday	12	9:00 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Wednesday	12	1:30 p.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting / Retreat <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Ed Roberts Campus Osher Education Conf. Room 3075 Adeline Street Berkeley, CA 94703
Joint Policy Committee Meeting	Friday	21	10:00 a.m.	MTC Auditorium 101 – 8 th Street Oakland, CA 94607
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	27	9:30 a.m.	4 th Floor Conf. Room

FEBRUARY 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
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>	Thursday	24	9:30 a.m.	4 th Floor Conf. Room

MARCH 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
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>	Thursday	24	9:30 a.m.	4 th Floor Conf. Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Harold Brown and
Members of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 25, 2010

Re: Procedure for Handling Formal Complaints Against Board of Director
Appointed Positions

RECOMMENDED ACTION:

Consider recommending that the Board of Directors adopt the following procedure for handling formal complaints against Board appointed positions.

BACKGROUND:

The purpose of this policy is to provide guidelines for handling formal complaints brought against employees who report directly to the Bay Area Air Quality Management District Board of Directors.

This policy only applies to formal complaints brought against Board appointed positions who report directly to the Board. Complaints brought against any other District employees will continue to be handled in the manner outlined by the District's Administrative Code.

RIGHT TO FILE COMPLAINT:

An Air District employee, Board member, or a member of the public may file a formal complaint in accordance with this policy when such person reasonably believes that an Air District employee who reports directly to the Board of Directors has engaged in improper conduct which, if true, would constitute a violation of District policy, federal, state or local law.

Such a formal complaint must be in writing, signed, dated and filed with the Chair of the Board's Personnel Committee. At a minimum, the formal complaint shall set forth the name of the Air District employee accused of wrongdoing, the date(s) of the alleged wrongdoing, a detailed description of the alleged wrongdoing, and names and contact information of any witnesses who likely have knowledge relating to the allegations.

No formal complaint shall be accepted or considered if the actions complained of took place more than one year prior to the date of filing of the formal complaint.

PROCEDURE:

If an Air District employee, member of the public or another Board member brings a complaint to the attention of a Board member, that Board member shall promptly refer the complaint to the Personnel Committee.

Upon receipt of a written formal complaint meeting the requirements set forth above, the Personnel Committee shall determine what action, if any, to take with respect to the formal complaint. The Personnel Committee reserves the right to take no action on the formal complaint if it is time-barred, does not contain sufficient information upon which action can be taken, or is determined to be frivolous, vexatious or brought in bad faith.

If the formal complaint is not dismissed for any of the foregoing reasons, the Personnel Committee may refer the formal complaint for investigation. Depending upon the circumstances of the particular formal complaint and persons involved, the Personnel Committee will make a determination as to whether the matter is referred to an investigator outside the Air District. If the formal complaint is potentially criminal in nature, the Board of Directors may refer the complaint to proper law enforcement authorities.

In appropriate circumstances, the Personnel Committee may recommend to the Board that the employee being accused of wrongdoing be placed on administrative leave pending the completion of the investigation.

The investigator chosen by the Personnel Committee to conduct the investigation of the formal complaint shall be responsible for the following:

- Conducting a prompt, thorough, and impartial investigation;
- Securing tangible and documentary evidence;
- Interviewing the complainant(s), respondent(s) and witnesses;
- Recommending steps to be taken in order to ensure that the complained of behavior does not continue during the investigation;
- Maintaining confidentiality to the greatest extent practicable;
- Informing all concerned of the prohibition against retaliation against the complainant(s) and witnesses;
- Coming to a conclusion about whether the allegations are substantiated or unsubstantiated;
- Making credibility findings; and
- Issuing a written investigative report.

The investigator will initially meet with the Personnel Committee to discuss the investigative findings and any related recommendations. Thereafter, the Personnel Committee shall report the findings and recommendations to the full Board. The investigator will be present to answer any questions that the Board may have.

At the conclusion of the investigation, the Personnel Committee shall send a written notice to the complainant indicating that the investigation has been concluded and summarizing the findings of the investigation. The complainant is not entitled to know the nature of discipline, if any, taken against the District employee as a result of the investigative findings.

If the Personnel Committee and Board of Directors determine that discipline is appropriate, the provisions of the Air District's Administrative Code relating to discipline shall be followed.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Approved by: Jack M. Colbourn

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 771-6000

DRAFT MINUTES

Summary of Board of Directors
Personnel Committee Meeting
Wednesday, August 25, 2010

Call to Order: Chairperson Harold Brown called the meeting to order at 9:46 a.m.

Roll Call: Chairperson Harold Brown; and Directors Tom Bates, Chris Daly, Scott Haggerty, Eric Mar and Pamela Torliatt

Absent: Vice Chairperson Carole Groom, and Directors John Gioia, and Jennifer Hosterman

Public Comment Period: There were none.

Approval of Minutes of December 16, 2009 and March 8, 2010:

Committee Action: Director Daly made a motion to approve the minutes of December 16, 2009 and March 8, 2010; seconded by Bates; carried unanimously without objection.

Closed Session:

Public Employee Performance Evaluations (Government Code Section 54957 and 54957.6)

The Committee adjourned to Closed Session at 9:50 a.m. to conduct a performance evaluation of the District Counsel.

Open Session:

The Committee reconvened in Open Session at 10:22 a.m.; Chairperson Brown announced that there was no reportable action taken in Closed Session.

Committee Member Comments/Other Business: None

Time and Place of Next Meeting: At the call of the Chair.

Adjournment: The meeting was adjourned at 10:23 a.m.

Lisa Harper
Clerk of the Boards

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 771-6000

DRAFT MINUTES

Summary of Board of Directors
Personnel Committee Meeting
Wednesday, November 17, 2010

Call to Order: Chairperson Harold Brown called the meeting to order at 9:30 a.m. without a quorum

Roll Call: Chairperson Harold Brown; Vice Chairperson Carole Groom, and Directors Chris Daly, Scott Haggerty

Absent: Director Tom Bates, John Gioia, Jennifer Hosterman, Eric Mar, and Pamela Torliatt

Public Comment Period: There were none.

Approval of Minutes of August 25, 2010: Deferred due to a lack of a quorum.

Conduct Interviews and Consider Recommending Board of Directors' Approval of Candidates and Incumbents for Appointment and Re-Appointment to the Air District's Advisory Council

The Personnel Committee met on November 17, 2010 to consider recommending Board of Directors' approval to re-appoint incumbent Advisory Council members whose terms expire December 31, 2010 and to fill terms of two members. There was not an established quorum of the Committee.

Advisory Council Member Michael Sandler and Robert T.P. Huang, Ph.D., have indicated their desire not to be considered for re-appointment to another term.

Based on the Committee's review of candidates' background and responses to interview questions, the consensus of those Committee members present is:

- A) Re-appoint incumbent Advisory Council Members whose terms expire December 31, 2010, except for the *Engineer* category member whose interest will be re-confirmed;
- B) Appoint Sam Altshuler to the Advisory Council, under the *Engineer* category, to a term of office effective January 1, 2011 through December 31, 2012; and
- C) Appoint Elizabeth Lutzker to the Advisory Council, under the *Public Health Agency* category, to a term of office, effective January 1, 2011 through December 31, 2012.

Committee Member Comments/Other Business: None

Time and Place of Next Meeting: At the call of the Chair.

The Committee directed Executive Management Staff to inquire with Ms. Rosanna Lerma about whether she wants to continue to serve on the Advisory Council given her past attendance.

Director Haggerty requested that the Committee consider evaluating compensation for the Air District's Legal Counsel.

Adjournment: The meeting was adjourned at 10:23 a.m.

Lisa Harper
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Harold Brown and
Members of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 5, 2011

Re: Conduct Interviews and Consider Recommending Board of Directors'
Approval of Two Candidates for Appointment to the Air District's Advisory
Council

RECOMMENDED ACTION:

Conduct interviews and consider recommending Board of Directors' approval of two candidates for appointment to the Air District's Advisory Council.

BACKGROUND:

Pursuant to Section 40261 of the California Health and Safety Code the Air District is required to maintain an Advisory Council consisting of 20 members. Further, section 40262 requires that the member categories consist of at least three representatives of public health agencies; at least four representatives of private organizations active in conservation or protection of the environment within the bay district; at least one representative of colleges or universities in the state; and at least one representative of each of the following groups within the bay district: regional park district, park and recreation commissions or equivalent agencies of any city, public mass transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor. To the extent that suitable persons cannot be found for each of the specified categories, council members may be appointed from the general public. The new term expires on December 31, 2012.

DISCUSSION:

One incumbent member has declined to be reappointed. This member's term of office expired on December 31, 2010. Another member has resigned, and this member's term of office would have expired on December 31, 2011. These departures create two vacancies on the Advisory Council. These two vacancies will be filled by candidates in the member categories of Community Planning, Architect or Conservation Organization. Staff initiated a recruitment effort to fill the vacancies. After extensive recruitment and outreach efforts, staff received a total of fourteen applications for the vacancy.

The Human Resources Office and Executive Office have assessed the candidates' experience and education relative to the positions for which the candidates applied and have selected 6 candidates with the most relevant qualifications to interview with the Personnel Committee under the categories of community planning and architect.

Interviews of these 6 candidates will take place on Wednesday, January 12, 2011 and will begin at 1:30 p.m. The length of each interview will be approximately fifteen minutes. The application materials of the 6 candidates are included for your review.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Christine Holmes

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Harold Brown and
Members of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 25, 2010

Re: Procedure for Handling Formal Complaints Against Board of Director
Appointed Positions

RECOMMENDED ACTION:

Consider recommending that the Board of Directors adopt the following procedure for handling formal complaints against Board appointed positions.

BACKGROUND:

The purpose of this policy is to provide guidelines for handling formal complaints brought against employees who report directly to the Bay Area Air Quality Management District Board of Directors.

This policy only applies to formal complaints brought against Board appointed positions who report directly to the Board. Complaints brought against any other District employees will continue to be handled in the manner outlined by the District's Administrative Code.

RIGHT TO FILE COMPLAINT:

An Air District employee, Board member, or a member of the public may file a formal complaint in accordance with this policy when such person reasonably believes that an Air District employee who reports directly to the Board of Directors has engaged in improper conduct which, if true, would constitute a violation of District policy, federal, state or local law.

Such a formal complaint must be in writing, signed, dated and filed with the Chair of the Board's Personnel Committee. At a minimum, the formal complaint shall set forth the name of the Air District employee accused of wrongdoing, the date(s) of the alleged wrongdoing, a detailed description of the alleged wrongdoing, and names and contact information of any witnesses who likely have knowledge relating to the allegations.

No formal complaint shall be accepted or considered if the actions complained of took place more than one year prior to the date of filing of the formal complaint.

PROCEDURE:

If an Air District employee, member of the public or another Board member brings a complaint to the attention of a Board member, that Board member shall promptly refer the complaint to the Personnel Committee.

Upon receipt of a written formal complaint meeting the requirements set forth above, the Personnel Committee shall determine what action, if any, to take with respect to the formal complaint. The Personnel Committee reserves the right to take no action on the formal complaint if it is time-barred, does not contain sufficient information upon which action can be taken, or is determined to be frivolous, vexatious or brought in bad faith.

If the formal complaint is not dismissed for any of the foregoing reasons, the Personnel Committee may refer the formal complaint for investigation. Depending upon the circumstances of the particular formal complaint and persons involved, the Personnel Committee will make a determination as to whether the matter is referred to an investigator outside the Air District. If the formal complaint is potentially criminal in nature, the Board of Directors may refer the complaint to proper law enforcement authorities.

In appropriate circumstances, the Personnel Committee may recommend to the Board that the employee being accused of wrongdoing be placed on administrative leave pending the completion of the investigation.

The investigator chosen by the Personnel Committee to conduct the investigation of the formal complaint shall be responsible for the following:

- Conducting a prompt, thorough, and impartial investigation;
- Securing tangible and documentary evidence;
- Interviewing the complainant(s), respondent(s) and witnesses;
- Recommending steps to be taken in order to ensure that the complained of behavior does not continue during the investigation;
- Maintaining confidentiality to the greatest extent practicable;
- Informing all concerned of the prohibition against retaliation against the complainant(s) and witnesses;
- Coming to a conclusion about whether the allegations are substantiated or unsubstantiated;
- Making credibility findings; and
- Issuing a written investigative report.

The investigator will initially meet with the Personnel Committee to discuss the investigative findings and any related recommendations. Thereafter, the Personnel Committee shall report the findings and recommendations to the full Board. The investigator will be present to answer any questions that the Board may have.

At the conclusion of the investigation, the Personnel Committee shall send a written notice to the complainant indicating that the investigation has been concluded and summarizing the findings of the investigation. The complainant is not entitled to know the nature of discipline, if any, taken against the District employee as a result of the investigative findings.

If the Personnel Committee and Board of Directors determine that discipline is appropriate, the provisions of the Air District's Administrative Code relating to discipline shall be followed.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Approved by: Jack M. Colbourn