



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
PERSONNEL COMMITTEE MEETING

COMMITTEE MEMBERS

BRAD WAGENKNECHT – CHAIRPERSON ERIC MAR – VICE CHAIRPERSON
SUSAN GORIN
CAROLE GROOM JOHN GIOIA
CAROL KLATT SCOTT HAGGERTY
JENNIFER HOSTERMAN

MONDAY
NOVEMBER 14, 2011
9:30 A.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 SEPTEMBER 19, 2011**
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 and recommend Board of Directors approval of candidates for appointment.

CLOSED SESSION

5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS - (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 Executive Officer and District Counsel.

OPEN SESSION

6. **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)

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

8. **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

NOVEMBER 2011

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Monday	14	9:30 a.m.	4 th Floor Conf. 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
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Monday	28	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(At the Call of the Chair)</i> - CANCELLED	Monday	28	Immediately Following Mobile Source Cme.	4 th Floor Conf. Room

DECEMBER 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	7	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(At the Call of the Chair)</i>	Wednesday	14	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Executive 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> - CANCELLED	Thursday	22	9:30 a.m.	Board Room

JANUARY 2012

<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	4	9:45 a.m.	Board Room
Board of Directors Stationary Source Committee <i>(At the Call of the Chair)</i>	Monday	9	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	11	9:00 a.m.	Board Room
Special Board of Directors Regular Meeting / Retreat <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	San Pablo, CA
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	26	9:30 a.m.	4 th Floor Conf. Room

HL – 11/9/11 (10:30 a.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 31, 2011

Re: Personnel Committee Draft Meeting Minutes

RECOMMENDED ACTION

Approve attached draft minutes of the Personnel Committee meeting of September 19, 2011.

DISCUSSION

Attached for your review and approval are the draft minutes of the September 19, 2011 Personnel Committee meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Reviewed by: Jennifer Cooper

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
Monday, September 19, 2011
9:30 a.m.

Call to Order: Chairperson Brad Wagenknecht called the meeting to order at 9:33 a.m.

Roll Call: Present: Chairperson Brad Wagenknecht, and Vice Chairperson Eric Mar, and Directors John Gioia, Carole Groom, Scott Haggerty, and Carol Klatt

Also Present: Board of Directors Chairperson Tom Bates

Absent: Directors Harold Brown, Susan Gorin, and Jennifer Hosterman

2. **Public Comment Period:** There were none.

3. **Approval of Minutes of January 19, 2011 and March 28, 2011:**

Committee Action: Director Klatt made a motion to approve the minutes of January 19, 2011 and March 28, 2011; Chair Bates seconded the motion; carried unanimously without objection.

4. **Summary of Human Resources Audit Report and Status of Current Air District Programs**

Director of Administrative Services, Jack Colbourn, introduced Eddie Kreisberg, from Meyers Nave, who presented the staff report. The purpose of the audit was to review the Air District's Human Resources practices, policies and governing documents conform to legal requirements. In addition, the Air District requested feedback on best practices. This was done by reviewing the written policies, the Memorandum of Understanding (MOU).

Mr. Kreisberg continued stating the Air District had good compliance with the law, but suggested language changes. Those suggestions include the following:

- Better distinguish between "at will" and "good cause" employees in policies and procedures and employment offer letters.

In addition, Mr. Kreisberg stated as part of the audit overtime was included in the review. In part, the Air District will ensure those who are entitled to overtime, make sure the Air District is calculating the overtime rate accurately.

Meyers Nave made the following recommendations:

- Confirm the Air District is including all types of pay in the overtime rate that the Fair Labor Standards Act (FLSA) requires and then update written policies accordingly.
- We understand the Air District already confirmed it is in fact calculating FLSA overtime properly.

Mr. Kreisberg stated another category of the audit was to make suggestions on improvements or best practices areas, to avoid questions in the future. These suggestions are in the form of new policies that would be useful at the Air District.

The areas of suggestion include:

- Develop impasse procedures for Memorandum of Understanding (MOU) negotiations
- Create 'fitness for duty' policy and fitness for duty exams
- Create expanded sick leave and workers comp rules
- Broaden policy regarding use of technology, (e.g. instant messaging)
- Clean-up language so consistent with current practices
- Note: The District is obligated under State labor law (the Meyers-Milias-Brown Act "MMBA") to negotiate these types of policy changes with the Employees Association.

Mr. Kreisberg continued that he is aware the Air District is currently working on a number of the areas listed above, and this is just suggestions for areas of improvement as opposed to legally problematic areas.

Committee Comments/Questions:

Director Groom inquired about the Air District's sick leave policy. District Counsel, Brian Bunger, stated the Air District's policy is 3.69 hours per pay period.

Executive Officer/APCO, Jack Broadbent, continued stating the Air District has been working on the sick leave policy for quite some time.

Mr. Kreisberg continued with the last area of recommendation includes:

- Revise and re-title District's "Affirmative Action Plan" to Equal Employment Opportunity consistent with District's current practice and practice for (at least) the last 10-15 years and to conform to Proposition 209 prohibition against "granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting."
- We understand District staff will present proposed revisions consistent with this recommendation at this meeting.

Mr. Kreisberg concluded his presentation.

Committee Action: None; as this item is for receive and file.

5. 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

Mr. Colbourn introduced Human Resources Analyst Consultant, Geoff Rothman. Mr. Rothman presented the staff report. Mr. Rothman stated that the current policy which deals with Equal Employment Opportunity (EEO) contains language provisions that do not reflect the current practices within the Air District and should be revised to confirm to the provisions of Proposition 209.

Included as part of the changes are changes to both the Administrative Code. Those changes include removal of any references to affirmative action and specific goals and timetables related to gender, ethnicity, etc. In addition, there is substitution language that references equal employment opportunity. Mr. Rothman continued stating there is no change in the Air District's general policy.

Committee Comments/Questions:

Director Bates asked how the Air District is informed that this practice is being followed. Mr. Rothman responded stating the information is tracked with the use of the available workforce data, which is information that comes from the census bureau. In addition, there is review of the Air District's recruitment and hiring efforts in comparison to the available workforce.

Director Bates requested the Committee receive information on the Air District's recruitment and hiring efforts in order to track the Air District's progress.

Director Gioia asked about the status of policies the Air District currently have in place for the use of contractors with regard to outreach. Director Gioia requested the information on employment practices for contractor be provided at a future meeting.

Committee Action: Director Haggerty made a motion to 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, Director Gioia seconded the motion; carried unanimously without objection.

CLOSED SESSION:

Public Employee Performance Evaluation – District Counsel, Pursuant to Government Code Section 54957 and 54957.6

The Committee adjourned to Closed Session at 9:57 a.m.

OPEN SESSION:

The Committee reconvened in Open Session at 11:51 a.m. Chairperson Wagenknecht reported there were no reportable actions from Closed Session.

Draft Minutes of September 19, 2011 Personnel Committee Meeting

Committee Member Comments/Other Business: None

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

Adjournment: The meeting was adjourned at 11:53 a.m.

Vanessa Johnson
Executive Secretary II

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: October 26, 2011

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

RECOMMENDED ACTION

Conduct interviews and consider recommending Board of Directors' approval of 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 terms would expire on December 31, 2013.

DISCUSSION

The terms of office for ten members in the following categories will expire on December 31, 2011: public health agencies (2), conservation organization (1), regional park district (1), park and recreation commissions (1), public mass transportation system (1), industry (1), community planning (1), architects (1), and organized labor (1). Seven incumbent members reapplied for their respective categories, and their reappointment may be recommended by the Personnel Committee. Staff initiated a recruitment effort to fill the remaining three vacancies. After extensive recruitment and outreach efforts, staff received a total of nine applications for the vacancies.

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

On Monday, November 14, 2011 at 9:30 a.m., the six non-incumbent candidates will be interviewed. The length of each interview will be approximately fifteen minutes. The application materials of the six new candidates and the seven incumbent members are included for your review.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Rex Sanders
Reviewed by: Jack M. Colbourn