



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
PERSONNEL COMMITTEE MEETING

COMMITTEE MEMBERS

BRAD WAGENKNECHT – CHAIRPERSON	ERIC MAR – VICE CHAIRPERSON
SUSAN ADAMS	CAROLE GROOM
SCOTT HAGGERTY	DAVID HUDSON
CAROL KLATT	MARY PIEPHO

**MONDAY**  
**MARCH 11, 2013**  
**9:30 A.M.**

**4<sup>th</sup> 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 Air District headquarters, 939 Ellis Street, San Francisco, CA, and on the Air District's website [www.baaqmd.gov](http://www.baaqmd.gov) 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 FEBRUARY 11, 2013**

**CLOSED SESSION**

4. **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 Executive Officer.*

**OPEN SESSION**

5. **CONDUCT INTERVIEWS AND CONSIDER RECOMMENDING BOARD OF DIRECTORS APPROVAL OF CANDIDATES FOR APPOINTMENT TO THE AIR DISTRICT'S HEARING BOARD**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee will conduct interviews of candidates and consider recommending Board of Directors approval of candidates for appointment to the Air District's Hearing Board.*

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 THE CLERK OF THE BOARDS  
939 ELLIS STREET SF, CA 94109**

**(415) 749-5073  
FAX: (415) 928-8560  
BAAQMD homepage:  
[www.baaqmd.gov](http://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.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109  
FOR QUESTIONS PLEASE CALL (415) 749-4963**

**EXECUTIVE OFFICE:  
MONTHLY CALENDAR OF DISTRICT MEETINGS**

**MARCH 2013**

<b><u>TYPE OF MEETING</u></b>	<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>ROOM</u></b>
<b>Board of Directors Personnel Committee</b> <i>(At the Call of the Chair)</i>	Monday	11	9:30 a.m.	4th Floor Conf. Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	13	9:00 a.m.	Board Room
<b>Board of Directors Legislative Committee</b> <i>(Meets at the Call of the Chair)</i>	Thursday	14	9:30 a.m.	4th Floor Conf. Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets at the Call of the Chair)</i>	Thursday	14	11:00 a.m.	4th Floor Conf. Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month) - CANCELLED</i>	Monday	18	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	18	10:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Special Meeting as the Sole Member of the Bay Area Clean Air Foundation</b>	Wednesday	20	9:45 a.m.	Board Room
<b>Board of Directors Special Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	20	9:45 a.m.	Board Room
<b>Board of Directors Public Outreach Committee</b> <i>(At the Call of the Chair)</i>	Thursday	21	9:30 a.m.	4th Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	27	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	28	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

## APRIL 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	3	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	10	9:00 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	15	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	15	10:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	17	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	24	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	25	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

## MAY 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	1	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	8	9:00 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	15	9:45 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	20	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	20	10:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	22	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	23	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Brad Wagenknecht and Members  
of the Personnel Committee

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: February 14, 2013

Re: Approval of Minutes of February 11, 2013

RECOMMENDED ACTION

Approve attached draft minutes of the Personnel Committee meeting of February 11, 2013.

DISCUSSION

Attached for your review and approval are the draft minutes of the Personnel Committee meeting of February 11, 2013.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Vanessa Johnson  
Reviewed by: Ana Sandoval

Attachment

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109  
(415) 771-4963

**DRAFT MINUTES**

Summary of Board of Directors  
Personnel Committee Meeting  
Monday, February 11, 2013

**1. Call to Order – Roll Call**

Committee Chairperson Brad Wagenknecht called the meeting to order at 9:34 a.m.

Present: Committee Chairperson Brad Wagenknecht and Directors Carole Groom, David Hudson, and Carol Klatt.

Absent: Director Scott Haggerty.

**2. Public Comment Period: None.**

**3. Approval of Minutes of November 8, 2012.**

Approval of the November 8, 2012 minutes was deferred to lack of quorum.

**CLOSED SESSION**

The Committee adjourned to Closed Session at 9:35 a.m.

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

*Pursuant to Government Code Section 54957 and 54957.6, a need existed to meet in closed session to conduct a performance evaluation of the District Counsel.*

Director Eric Mar arrived at 9:40 a.m., during Closed Session.

**OPEN SESSION**

The Committee resumed Open Session at 10:25 a.m. with no reportable action.

**3. Approval of Minutes of November 8, 2012.**

Committee Action: Director Hudson made a motion to approve the Minutes of November 8, 2012; Director Klatt seconded; and the motion was carried unanimously without objection.

5. **Committee Member Comments/Other Business:** Committee Chairperson Brad Wagenknecht suggested the Personnel Committee members to think chronology about the process, and if it were successful. If not, to please provide alternative suggestions.
6. **Time and Place of Next Meeting:** At the call of the Chairperson.
7. **Adjournment:** The meeting adjourned at 10:35 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: March 4, 2013

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

RECOMMENDED ACTION:

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

BACKGROUND:

Pursuant to Section 40800 of the California Health and Safety Code the Air District is required to maintain one or more hearing boards consisting of five principal members each, appointed by the Air District Board. The Air District Board may also appoint one alternate for each member. Further, Section 40801 requires that the board member categories consist of one member admitted to the practice of law in this state, one member who is a professional engineer registered as such, one member from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicological medicine, and two public members. These sections of the California Health and Safety Code are attached for your reference.

DISCUSSION:

The terms of the two principal Hearing Board members in the professional engineer and medical profession categories will expire on March 6, 2013 and April 14, 2013 respectively. Both incumbents have served their maximum terms. Staff initiated a recruitment effort to fill the positions. After extensive recruitment and outreach efforts, staff received a total of 13 applications, including 2 incumbents who are currently serving as alternates and have expressed interest in serving as the principal member. Should the Committee select the alternate incumbent as the principal member, the Personnel Committee will also need to select a candidate to serve as the alternate member.

Staff have assessed the candidates' experience and education relative to the position(s) for which the candidates applied and have selected candidates with the most relevant qualifications to interview with the Personnel Committee.



Interviews of the candidates will occur during the Personnel Committee meeting. The length of each interview will be approximately fifteen minutes. The application materials of the candidates will be provided to you via email for your review.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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

Attachment

# HEALTH AND SAFETY CODE

## SECTION 40800-40809

40800. There is continued in existence and shall be, in each district, one or more hearing boards consisting of five members each, as specified in Section 40801, appointed by the district board.

The district board may also appoint one alternate for each member. The alternate shall have the same qualifications, specified in Section 40801, as the member for whom such person is the alternate. The alternate may serve only in the absence of the member, and for the same term as the member.

An alternate shall not hold any of the single member hearings authorized by subdivision (c) of Section 40824, subdivision (c) of Section 40825, Section 42351.5, or Section 42359.5.

40800.5. Any district board may designate the hearing board appointed by it as the "district hearing panel." Every provision of every statute and every regulation that relates to hearing boards appointed pursuant to this chapter shall be fully applicable to any district hearing panel that is so designated pursuant to this section.

40801. A hearing board shall consist of:

(a) One member admitted to the practice of law in this state.

(b) One member who is a professional engineer registered as such pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code).

(c) One member from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine.

(d) Two public members.

40802. If the district board, in the case of a district with a population of less than 750,000, is unable to appoint a person with the qualifications specified in Section 40801 who is willing and able to serve, and for that reason a vacancy exists on the hearing board, the county district board may, in order to fill that vacancy, appoint any person to the hearing board.

40803. No officer or employee of the district, or of the county in the case of a county district, shall be a member of the district hearing board.

40804. The terms of the members of a hearing board shall be three years.

In the case of the initial members of a hearing board appointed subsequent to January 1, 1974, two shall serve for a term of one year, two for a term of two years, and one for a term of three years.

40805. Within 30 days after a regional district begins to function and exercise its powers, the regional district board shall appoint a hearing board.

40806. A hearing board shall select a chairman from its members.

40807. A hearing board may adopt rules for the conduct of its hearings. The rules shall be consistent with this division and, so far as practicable, shall conform to the rules for administrative adjudication by state agencies in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

Where a district has two or more hearing boards, the rules shall

be the same for all the hearing boards.

40808. Except as provided for in Section 42359, no abatement order, permit, or variance may be issued, modified, or revoked by a hearing board, unless a public hearing thereon has been held by the hearing board pursuant to this chapter.

40809. (a) The office of the county counsel may represent both the district and the hearing board on a matter relating to a hearing before the hearing board as long as the same individual attorney does not represent both the district and the hearing board.

(b) This section does not apply to the bay district or the south coast district.

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