



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

**THURSDAY
JUNE 20, 2013
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 Air District headquarters, 939 Ellis Street, San Francisco, CA, and on the Air District's website 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 MAY 6, 2013**
4. **CONDUCT INTERVIEWS AND CONSIDER RECOMMENDING BOARD OF DIRECTORS' APPROVAL OF A CANDIDATE FOR APPOINTMENT TO THE AIR DISTRICT'S HEARING BOARD**
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will conduct interviews of candidates and consider recommending Board of Directors' approval of a candidate for appointment as alternate member to the Air District's Hearing Board in the Public Category.
5. **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)
6. **TIME AND PLACE OF NEXT MEETING:** 9:30 AM, Wednesday, July 24, 2013, 939 Ellis Street, San Francisco, California 94109
7. **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

- 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**

JUNE 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	17	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month) - CANCELLED</i>	Monday	17	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Thursday	20	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month) - CANCELLED</i>	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month) - CANCELLED</i>	Thursday	27	9:30 a.m.	Board Room

JULY 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month) - CANCELLED</i>	Wednesday	3	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	10	9:00 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	15	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month) - CANCELLED</i>	Monday	15	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	17	9:45 a.m.	Board Room
Board of Directors Climate Protection Committee <i>(Meets on the 3rd Thursday every other month)</i>	Thursday	18	9:30 a.m.	4 th Floor Conf. Room

JULY 2013

Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month) - CANCELLED</i>	Wednesday	24	9:30 a.m.	4th Floor Conf. Room
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Board of Directors Mobile Source Committee *(Meets on the 4th Thursday of each Month)* **Thursday** **25** **9:30 a.m.** **Board Room**

AUGUST 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month) - CANCELLED</i>	Monday	19	9:30 a.m.	4th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month) - CANCELLED</i>	Monday	19	10:30 a.m.	4th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month) - CANCELLED</i>	Thursday	22	9:30 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month) - CANCELLED</i>	Wednesday	21	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month) - CANCELLED</i>	Wednesday	28	9:30 a.m.	4th Floor Conf. Room

HL – 6/6/13 (12:25 p.m.)

P/Library/Forms/Calendar/Calendar/Moncal

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: June 6, 2013

Re: Approval of Minutes of May 6, 2013

RECOMMENDED ACTION

Approve attached draft minutes of the Personnel Committee meeting of May 6, 2013.

DISCUSSION

Attached for your review and approval are the draft minutes of the Personnel Committee meeting of May 6, 2013.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

Attachment

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 749-5073

DRAFT MINUTES

Summary of Board of Directors
Personnel Committee Meeting
Monday, May 6, 2013

1. Call to Order – Roll Call

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

Present: Committee Chairperson Brad Wagenknecht; Vice-Chairperson Eric Mar; and Directors Susan Adams, Scott Haggerty, David Hudson, Carol Klatt and Mary Piepho.

Absent: Director Carole Groom.

Also Present: Board of Directors Chairperson Ash Kalra.

2. Public Comment Period: None.

3. Approval of Minutes of March 11, 2013

Committee Comments: None.

Public Comments: None.

Committee Action: Director Adams made a motion to approve the Minutes of March 11, 2013; Committee Chairperson Wagenknecht seconded; and the motion carried unanimously.

NOTED PRESENT: Director Piepho was noted present at 9:35 a.m.

CLOSED SESSION

The Committee adjourned to Closed Session at 9:34 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 continue a performance evaluation of the Executive Officer.

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

NOTED PRESENT: Director Mar was noted entering the Closed Session meeting at 9:52 a.m.

NOTED PRESENT: Director Haggerty was noted entering the Closed Session meeting at 10:02 a.m.

OPEN SESSION

The Committee resumed Open Session at 10:27 a.m. with no reportable action.

5. **Committee Member Comments/Other Business:** None.
6. **Time and Place of Next Meeting:** At the call of the Chairperson.
7. **Adjournment:** The meeting adjourned at 10:28 a.m.

Sean Gallagher
Clerk of the Boards

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: June 20, 2013

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

RECOMMENDED ACTION

The Committee will conduct interviews of candidates and consider recommending Board of Directors' approval of a candidate for appointment as alternate member to the Air District's Hearing Board in the Public Category.

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.

DISCUSSION

The Hearing Board has one vacancy in the Alternate Public Member category. The former incumbent was appointed by the Air District Board of Directors to serve as the principal member of the Hearing Board in the medical profession category.

Staff posted the vacancy announcement on April 18, 2013. Applications were due no later than May 13, 2013. The vacancy announcement was posted on the Air District website and also promoted via:

- Bay Area Newspapers including: Contra Costa Times, Oakland Tribune, Marin Independent Journal, Napa Valley Register, Press Democrat (Santa Rosa), San Francisco Chronicle, San Jose Mercury, San Mateo Times, and Times Herald (Vallejo)
- Governmentjobs.com
- Ecoemploy.com
- Planetizen.com

- Opportunityknocks.org
- Craigslist.org
- California Air Pollution Control Officers Association (CAPCOA)
- Bay Area Cities & Counties mailing lists
- Air District Community Outreach email list
- Spare the Air Resource Teams email lists
- Air District Hearing Board and Advisory Council Membership
- Air District Board Agendas email list
- Air District Weekly Update email lists

A total of 23 applications were submitted to the Air District, from seven counties throughout the Bay Area. Staff assessed the applicants' experience and education relative to the vacant position, and have selected the six (6) candidates with the most relevant qualifications to interview with the Personnel Committee. At your Committee meeting, staff will discuss the screening criteria utilized in the interview selection process.

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 Committee members under separate cover.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Judy Yu
Reviewed by: Jack M. Colbourn

Attachments:

- 1) Hearing Board Membership Roster
- 2) Health & Safety Code Section 40800-40809

BAY AREA AIR QUALITY MANAGEMENT DISTRICT HEARING BOARD MEMBERSHIP & TERMS OF OFFICE

HEARING BOARD MEMBERS

Attorney Member

Rolf Lindenhayn, Esq. (Vice Chairperson)

Appointed June 2002 (as Alternate); Reappointed September 2003 (as Alternate), June 2006 (as Principal), and April 2012

Term Ending June 3, 2015

Alternate: Valerie J. Armento, Esq.

Engineering

Gilbert Bendix, P.E.

Appointed October 2008 (as Alternate); Reappointed March 2010 (as Alternate), and March 2013 (as Principal)

Term Ending March 20, 2016

Alternate: Nicholas van Haeften, P.E.

Medical Member

Peter Chiu, M.D.

Appointed April 2002 (as Alternate); Reappointed April 2005 (as Alternate), April 2008 (as Alternate), April 2011 (as Alternate), and March 2013 (as Principal, effective April 2013)

Term Ending April 15, 2016

Alternate: Lisa Thompson, Ph.D.

Public Member

Julio A. Magalhães, Ph.D.

Appointed April 2002; Reappointed April 2005, April 2008 and April 2011

Final Term Ending April 2, 2014

Alternate: Vacant

Public Member

Terry A. Trumbull, Esq.

Appointed April 2002; Reappointed April 2005, April 2008 and April 2011

Final Term Ending April 2, 2014

Alternate: Michael F. McGowan, Ph.D.

ALTERNATE MEMBERS *(Note: Alternates have same terms of office as principal members)*

Attorney Alternate

Valerie J. Armento, Esq.

Appointed October 2006; Reappointed June 2009 and April 2012

Alternate for Rolf Lindenhayn, Esq.

Engineer Alternate

Nicholas van Haeften, P.E.

Appointed March 2013

Alternate for Gilbert Bendix, P.E.

Medical Alternate

Lisa Thompson, Ph.D.

Appointed March 2013 (effective April 2013)

Alternate for Peter Chiu, M.D.

Public Alternate

Michael F. McGowan, Ph.D.

Appointed April 2011

Alternate for Terry A. Trumbull, Esq.

Public Alternate

Vacant

Appointed _____

Alternate for Julio A. Magalhães, Ph.D.

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.
