



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT



ADVISORY COUNCIL EXECUTIVE COMMITTEE

COMMITTEE MEMBERS

BRIAN ZAMORA, CHAIR
ELINOR BLAKE
FRED GLUECK
STAN HAYES

JOHN HOLTZCLAW, PH.D.
KRAIG KURUCZ
VICTOR TORREANO

WEDNESDAY
JULY 13, 2005
9:00 A.M.

CONFERENCE ROOM
716

AGENDA

1. Call to Order – Roll Call

2. Public Comment Period

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3. The public has the opportunity to speak on any agenda item. All agendas for Advisory Council Committee meetings are posted at the District, 939 Ellis Street, San Francisco, at least 72 hours before a meeting. At the beginning of the meeting, an opportunity is also provided for the public to speak on any subject within the Committee's purview. Speakers are limited to five minutes each.

3. Approval of Minutes of May 11, 2005

4. Code of Conduct

The Committee will discuss a second draft of a code of conduct for Advisory Council members.

5. Work Plan Review with Committee Chairs

The Committee will discuss work plan progress and areas of possible joint committee work.

6. Committee Member Comments/Other Business

Committee or staff members on their own initiative, or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on their own activities, provide a reference to staff about 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.

7. Time and Place of Next Meeting

9:00 a.m., Wednesday, September 14, 2005, 939 Ellis Street, San Francisco, CA 94109.

8. Adjournment

BZ:jc

CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET SF, CA 94109

(415) 749-4965
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 Clerk's Office should be given in a timely manner so that arrangements can be made accordingly.

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

CLERK OF THE BOARDS OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

JULY 2005

<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	6	9:45 a.m.	Board Room
Board of Directors Public Outreach Committee (<i>Meets 4th Monday every other month</i>) – Rescheduled to July 18, 2005	Monday	11	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Executive Committee	Wednesday	13	9:00 a.m.	Room 716
Advisory Council Regular Meeting	Wednesday	13	10:00 a.m.	Board Room
Board of Directors Mobile Source Committee (<i>Meets 2nd Thursday each Month</i>)	Thursday	14	9:30 a.m.	4 th Floor Conf. Room
Joint Policy Committee - CANCELLED	Friday	15	10:00 a.m. – Noon	MetroCenter Auditorium 101 8 th Street Oakland, CA 94607
Board of Directors Public Outreach Committee (<i>Meets 4th Monday every other month</i>)	Monday	18	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting (<i>Meets 1st & 3rd Wednesday of each Month</i>)	Wednesday	20	9:45 a.m.	Board Room
Board of Directors Stationary Source Committee (<i>Meets 4th Monday every other Month</i>)	Monday	25	9:30 a.m.	Board Room
Board of Directors Budget & Finance Committee (<i>Meets 4th Wednesday each Month</i>)	Wednesday	27	9:45 a.m.	4 th Floor Conf. Room

AUGUST 2005

<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	3	9:45 a.m.	Board Room
Advisory Council Air Quality Planning Committee	Wednesday	10	9:30 a.m.	Room 716
Board of Directors Mobile Source Committee (<i>Meets 2nd Thursday each Month</i>)	Thursday	11	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Public Health Committee	Monday	15	1:30 p.m.	Room 716

August 2005 Calendar continued on next page

AUGUST 2005

Board of Directors Regular Meeting (*Meets 1st & 3rd Wednesday of each Month*) **Wednesday** **17** **9:45 a.m.** **Board Room**

Joint Policy Committee - CANCELLED **Friday** **19** **10:00 a.m. – Noon** **MetroCenter Auditorium
101 8th Street
Oakland, CA 94607**

Board of Directors Budget & Finance Committee (*Meets 4th Wednesday each Month*) **Wednesday** **24** **9:45 a.m.** **4th Floor
Conf. Room**

Board of Directors Executive Committee (*Meets at the call of the Chair*) **Wednesday** **31** **9:30** **4th Floor
Conf. Room**

SEPTEMBER 2005

<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 Mobile Source Committee (<i>Meets 2nd Thursday each Month</i>)	Thursday	8	9:30 a.m.	4th Floor Conf. Room
Board of Directors Public Outreach Committee (<i>Meets 4th Monday every other month</i>)	Monday	12	9:30 a.m.	4th Floor Conf. Room
Advisory Council Executive Committee	Wednesday	14	9:00 a.m.	Room 716
Advisory Council Regular Meeting	Wednesday	14	10:00 a.m.	Board Room
Board of Directors Regular Meeting (<i>Meets 1st & 3rd Wednesday of each Month</i>)	Wednesday	21	9:45 a.m.	Board Room
Joint Policy Committee	Friday	23	10:00 a.m. – Noon	MetroCenter Auditorium 101 8th Street Oakland, CA 94607
Board of Directors Stationary Source Committee (<i>Meets 4th Monday every other Month</i>)	Monday	26	9:30 a.m.	Board Room
Board of Directors Budget & Finance Committee (<i>Meets 4th Wednesday each Month</i>)	Wednesday	28	9:45 a.m.	4th Floor Conf. Room

MR:hl
7/5/05 (1:45 p.m.)
P/Library/Calendar/Moncal

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

DRAFT MINUTES

Advisory Council Executive Committee Meeting
9:00 a.m., Wednesday, May 11, 2005

1. **Call to Order – Roll Call.** 9:04 a.m. Present: Brian Zamora, Chairperson, Elinor Blake, Fred Glueck, Stan Hayes, John Holtzclaw, Ph.D., Victor Torreano. Absent: Kraig Kurucz.
2. **Public Comment Period.** There were none.
3. **Approval of Minutes of March 9, 2005.** Mr. Glueck moved approval of the minutes as submitted; seconded by Dr. Holtzclaw; carried, with Ms. Blake abstaining.
4. **Update of Advisory Council By-Laws.** Chairperson Zamora summarized the changes in the By-Laws and called for discussion. Dr. Holtzclaw suggested that “and” be added after “September” in Article I and moved adoption of the By-Laws as further amended; seconded by Mr. Hayes; carried unanimously. Chair Zamora directed that today’s correction and the other tracked changes be incorporated into the By-Laws for review at the next Regular meeting.
5. **Code of Conduct.** Chairperson Zamora called for discussion on the first draft of the “Code of Conduct for Public Officials” as it might be applied to a Code of Conduct for the Advisory Council. The following comments were offered by the Committee members:
 - The first draft is an excellent overview from which to consider and address a wide variety of issues. However, the extensive detail should be reduced and the direction of the document be revised to reflect a more general orientation. There is no need for a clause referencing the matter of “confidentiality” as the Council performs an advisory function. (Holtzclaw)
 - The text should identify which Council positions are the responsible spokespersons for the Council or a Committee. When Council members are contacted by groups, there should be clear direction as to whom to refer the inquiry: whether to the Air District staff or the Council Chair, or a Committee Chair if it concerns a guest speaker at a Committee meeting. Such direction should be placed into a single section and entitled “Council representation.” It should identify the Council’s duties, and explain that the membership must vote on a matter before it goes to the Governing Board. It should also note that Council recommendations are made only to the full Council, and that the Chair alone speaks for the Council unless a member is designated by the Chair to represent an issue. (Glueck, Holtzclaw)
 - There are some underlying assumptions in the draft document that differ from the principles that govern the operation and purpose of the Council. The California Health & Safety Code establishes the Advisory Council as representing diverse interest groups and a variety of stakeholders, and any references in the Code of Conduct to incompatible interests and neutrality should be considered in light of the statutory mandate. A member should not feel that being active politically outside the Council is limited by the Code of Conduct. (Hayes)

- The meaning of “loyalty” in Article V is unclear. The reference to “public confidence” in Article IX is commendable. References to conflict-of-interest should be brief and incorporate any references to “misuse of position.” (Blake)
- The document should provide a baseline that educates any new member on the expectations that concern proper conduct on an advisory panel. (Zamora)
- The text does not affect business activities outside the Advisory Council. It is a template that offers guidance that can be edited over time. (Torreano)

Suggestions were made by Committee members that the following articles should be deleted: 18, 19, 20, 22, 24, 25, 26, 27 and sections 3 and 4 of Article 28. Article 21 should be reworked to include the issue of Advisory Council representation, and Article 10 revised to deal with use of resources without reference to “discretionary powers.” Chairperson Zamora requested Committee member assistance in incorporating the suggestions made at today’s meeting into a second draft of the Code. Messrs. Holtzclaw and Hayes volunteered to so assist the Chair.

- 6. Work Plan Review with Committee Chairs.** Mr. Hayes stated that the Technical Committee is reviewing the Community Air Risk Evaluation (CARE) program and focusing on the source apportionment for air toxics and particulates. In its review of climate change, the Committee is evaluating the connection between the regulation of criteria and greenhouse gas emissions.

Dr. Holtzclaw reported that the Air Quality Planning Committee received a presentation on the Governor’s Hydrogen Highway Blueprint from Dr. Shannon Baxter-Clemmons of the California Environmental Protection Agency. The Committee will consider adopting recommendations on this Blueprint at its next meeting. Messrs. Holtzclaw and Hayes agreed that on June 8, 2005 their respective Committees will meet jointly. The agenda will contain three items: the CARE program, the hydrogen highway blueprint and greenhouse gas emissions. The full Council’s discussion of a resolution on climate change later today will provide the baseline for discussion at the Committee level on next steps.

Mr. Torreano reported that the Public Health Committee received a presentation from California Air Resources Board staff on indoor air quality. At its next meeting, the Committee will consider crafting recommendations based on previous presentations and discussions at both the Committee and Council level. In discussion, several Executive Committee members suggested that the Public Health Committee examine the linkage between indoor and outdoor pollutants and the ability of the District to conduct public outreach and education on indoor air quality.

- 7. Committee Member Comments/Other Business.** There were none.
- 8. Time and Place of Next Meeting.** 9:00 a.m., Wednesday, July 13, 2005, 939 Ellis Street, San Francisco, CA 94109.
- 9. Adjournment.** 9:56 a.m.

James N. Corazza
Deputy Clerk of the Boards

AGENDA NO. 4

Model code of Conduct for the Advisory Council public officials

Appendix to Recommendation No. R (2000) 10

Interpretation and application

Article 1

1. This Code applies to all Advisory Council members public officials.
2. For the purpose of this Code "members public official" means a person appointed to employed by the Advisory Council (Council), Bay Area Air Quality Management District (District) a public authority.
3. ~~The provisions of this Code may also be applied to persons employed by private profit and not for profit organisations organizations performing public services.~~
4. ~~The provisions of this Code do not apply to publicly elected representatives, members of the government and holders of judicial office.~~

Article 2

1. On the coming into effect of this Code, the District Executive Officer or his designee public administration shall has a duty to inform members public officials about its provisions.
2. This Code shall form part of the provisions governing the appointment employment of members public officials from the moment they certify that they have been informed about it.
3. Every member public official has the duty to take all necessary action to comply with the provisions of this Code.

Article 3 – Object of the Code

The purpose of this Code is to specify the standards of integrity and conduct to be observed by members public officials, to help them meet those standards and to inform the public of the conduct it is entitled to expect of public officials.

General principles

Article 4

1. The member public official should carry out his or her duties in accordance with the law, and with those lawful instructions and ethical standards which relate to his or her functions.
2. The member public official should act in a politically neutral manner and should not attempt to frustrate the lawful policies, decisions or actions of the Council public authorities.

Article 5

1. The member public official has the duty to serve ~~loyally~~ the Council loyally lawfully constituted

~~national, local or regional authority.~~

2. The ~~member~~public official is expected to be honest, impartial and efficient and to perform his or her duties to the best of his or her ability with skill, fairness and understanding, having regard only for the ~~District's mission~~public interest and the relevant circumstances of the case.

3. The ~~member~~public official should be courteous both in his or her relations with the citizens he or she serves, as well as in his or her relations with his or her superiors, colleagues and ~~District~~subordinate staff.

Article 6

In the performance of his or her duties, the ~~member~~public official should not act arbitrarily to the detriment of any person, group or body and should have due regard for the rights, duties and proper interests of all others.

Article 7

In decision making the ~~member~~public official should act lawfully and exercise his or her discretionary powers impartially, taking into account only relevant matters.

Article 8

1. The ~~member~~public official should not allow his or her private interest to conflict with his or her public position. It is his or her responsibility to avoid such conflicts of interest, whether real or perceived, potential or apparent.

2. The ~~member~~public official should never take undue advantage of his or her position for his or her private interest.

Article 9

The ~~member~~public official has a duty always to conduct himself or herself in a way that the public's confidence and trust in the integrity, impartiality and effectiveness of the public service are preserved and enhanced.

Article 10

The ~~member~~public official is accountable to the Council Chairperson. A member shall not represent the Council without the authorization from the Chairperson. his or her immediate hierarchical superior unless otherwise prescribed by law.

Article 11

~~11~~

~~Having due regard for the right of access to official information, the~~ member~~public official~~ has a duty to treat appropriately, with all necessary confidentiality, all information and documents acquired by him or her in the course of, or as a result of, his or her membership~~employment~~.

Article 12 — Reporting

~~1. The public official who believes he or she is being required to act in a way which is unlawful, improper or unethical, which involves maladministration, or which is otherwise inconsistent with this~~

~~Code, should report the matter in accordance with the law.~~

~~2. The public official should, in accordance with the law, report to the competent authorities if he or she becomes aware of breaches of this Code by other public officials.~~

~~3. The public official who has reported any of the above in accordance with the law and believes that the response does not meet his or her concern may report the matter in writing to the relevant head of the public service.~~

~~4. Where a matter cannot be resolved by the procedures and appeals set out in the legislation on the public service on a basis acceptable to the public official concerned, the public official should carry out the lawful instructions he or she has been given.~~

~~5. The public official should report to the competent authorities any evidence, allegation or suspicion of unlawful or criminal activity relating to the public service coming to his or her knowledge in the course of, or arising from, his or her ~~appointment~~employment. The investigation of the reported facts shall be carried out by the competent authorities.~~

~~6. The public administration should ensure that no prejudice is caused to a public official who reports any of the above on reasonable grounds and in good faith.~~

Article 13 – Conflict of interest

1. Conflict of interest arises from a situation in which the ~~member~~public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.

2. The ~~member~~public official's private interest includes any advantage to himself or herself, to his or her family, close relatives, friends and persons or ~~organisations~~organizations with whom he or she has or has had business or political relations. It includes also any liability, whether financial or civil, relating thereto.

3. Since the ~~member~~public official is usually the only person who knows whether he or she is in that situation, the ~~member~~public official has a personal responsibility to:

- be alert to any actual or potential conflict of interest;
- take steps to avoid such conflict;
- disclose to ~~the Council Chairperson~~his or her supervisor any such conflict as soon as he or she becomes aware of it;
- comply with any final decision to withdraw from the situation or to divest himself or herself of the advantage causing the conflict.

4. Whenever required to do so, the ~~member~~public official should declare whether or not he or she has a conflict of interest.

5. Any conflict of interest declared by a candidate to the public service or to a new post in the public service should be resolved before appointment.

Article 14 – Declaration of interests

The ~~member~~public official who occupies a position in which his or her personal or private interests are likely to be affected by his or her official duties should, as lawfully required, declare upon appointment, at regular intervals thereafter and whenever any changes occur the nature and extent of those interests.

Article 15 — Incompatible outside interests

1. The public official should not engage in any activity or transaction or acquire any position or function, whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a public official. Where it is not clear whether an activity is compatible, he or she should seek advice from the Council Chairperson who will confer with the District Legal Council ~~from his or her superior.~~

2. Subject to the provisions of the law, the public official should be required to notify and seek the approval of his or her public service employer to carry out certain activities, whether paid or unpaid, or to accept certain positions or functions outside his or her public service employment.

3. The public official should comply with any lawful requirement to declare membership of, or association with, ~~organisations~~ organizations that could detract from his or her position or proper performance of his or her duties as a public official.

Article 16 — Political or public activity

1. Subject to respect for fundamental and constitutional rights, the public official should take care that none of his or her political activities or involvement on political or public debates impairs the confidence of the public and his or her employers in his or her ability to perform his or her duties impartially and loyally.

2. In the exercise of his or her duties, the public official should not allow himself or herself to be used for partisan political purposes.

3. The public official should comply with any restrictions on political activity lawfully imposed on certain categories of public officials by reason of their position or the nature of their duties.

Article 17 — Protection of the ~~member~~public official's privacy

All necessary steps should be taken to ensure that the ~~member~~public official's privacy is appropriately respected; accordingly, declarations provided for in this Code are to be kept confidential unless otherwise provided for by law.

Article 18 — Gifts

1. The public official should not demand or accept gifts, ~~favours~~ favors, hospitality or any other benefit for himself or his or her family, close relatives and friends, or persons or ~~organisations~~ organizations with whom he or she has or has had business or political relations which may influence or appear to influence the impartiality with which he or she carries out his or her duties or may be or appear to be a reward relating to his or her duties. This does not include conventional hospitality or minor gifts.

2. Where the public official is in doubt whether he or she can accept a gift or hospitality, he or she should seek the advice of the Council Chairperson ~~his or her superior.~~

Article 19 — Reaction to improper offers

If the public official is offered an undue advantage he or she should take the following steps to protect himself or herself:

- refuse the undue advantage; there is no need to accept it for use as evidence;
- try to identify the person who made the offer;
- avoid lengthy contacts, but knowing the reason for the offer could be useful in evidence;
- if the gift cannot be refused or returned to the sender, it should be preserved, but handled as

- little as possible;
- obtain witnesses if possible, such as colleagues working nearby;
- prepare as soon as possible a written record of the attempt, preferably in an official notebook;
- report the attempt as soon as possible to ~~the Council Chairperson and District Legal Council~~ **his or her supervisor or directly to the appropriate law enforcement authority**;
- continue to work normally, particularly on the matter in relation to which the undue advantage was offered.

Article 20 — Susceptibility to influence by others

The public official should not allow himself or herself to be put, or appear to be put, in a position of obligation to return a ~~favour~~ **favor** to any person or body. Nor should his or her conduct in his or her official capacity or in his or her private life make him or her susceptible to the improper influence of others.

Article 21 – Misuse of official position

1. The ~~member~~ **public official** should not offer or give any advantage in any way connected with his or her position as a public official, unless lawfully ~~authorised~~ **authorized** to do so.
2. The ~~member~~ **public official** should not seek to influence for private purposes any person or body, including other public officials, by using his or her official position or by offering them personal advantages.

Article 22 — Information held by public authorities

1. Having regard to the framework provided by domestic law for access to information held by public authorities, a public official should only disclose information in accordance with the rules and requirements applying to the authority by which he or she is ~~appointed~~ **employed**.
2. The public official should take appropriate steps to protect the security and confidentiality of information for which he or she is responsible or of which he or she becomes aware.
3. The public official should not seek access to information which it is inappropriate for him or her to have. The public official should not make improper use of information which he or she may acquire in the course of, or arising from, his or her ~~appointment~~ **employment**.
4. Equally the public official has a duty not to withhold official information that should properly be released and a duty not to provide information which he or she knows or has reasonable ground to believe is false or misleading.

Article 23 – Public and official resources

~~In the exercise of his or her discretionary powers, I~~ the ~~member~~ **public official** should ensure that on ~~the one hand the staff, and on the other hand the~~ public property, facilities, services and financial resources with which he or she is entrusted are managed and used effectively, efficiently and economically. They should not be used for private purposes except when permission is lawfully given.

Article 24 — Integrity checking

1. The public official who has responsibilities for recruitment, promotion or posting should ensure that appropriate checks on the integrity of the candidate are carried out as lawfully required.
2. If the result of any such check makes him or her uncertain as to how to proceed, he or she should

seek appropriate advice.

Article 25 — Supervisory accountability

1. The public official who supervises or manages other public officials should do so in accordance with the policies and purposes of the public authority for which he or she works. He or she should be answerable for acts or omissions by his or her staff which are not consistent with those policies and purposes if he or she has not taken those reasonable steps required from a person in his or her position to prevent such acts or omissions.

2. The public official who supervises or manages other public officials should take reasonable steps to prevent corruption by his or her staff in relation to his or her office. These steps may include ~~emphasising~~emphasizing and enforcing rules and regulations, providing appropriate education or training, being alert to signs of financial or other difficulties of his or her staff, and providing by his or her personal conduct an example of propriety and integrity.

Article 26 — Leaving the public service

1. The public official should not take improper advantage of his or her public office to obtain the opportunity of employment outside the public service.

2. The public official should not allow the prospect of other employment to create for him or her an actual or perceived, potential or apparent conflict of interest. He or she should immediately disclose to ~~the Council Chairperson~~his or her supervisor any concrete offer of employment that could create a conflict of interest. He or she should also disclose to ~~the Council Chairperson~~ his or her superior his or her acceptance of any offer of employment.

3. In accordance with the law, for an appropriate period of time, the former public official should not act for any person or body in respect of any matter on which he or she acted for, or advised, the public service and which would result in a particular benefit to that person or body.

4. The former public official should not use or disclose confidential information acquired by him or her as a public official unless lawfully ~~authorised~~authorized to do so.

5. The public official should comply with any lawful rules that apply to him or her regarding the acceptance of appointments on leaving the public service.

Article 27 — Dealing with former public officials

The public official should not give preferential treatment or privileged access to the public service to former public officials.

Article 28 – Observance of this Code and sanctions

1. This Code is issued under the authority of the ~~Executive Officer~~minister or of the head of the ~~District~~public service. The ~~member~~public official has a duty to conduct himself or herself in accordance with this Code and therefore to keep himself or herself informed of its provisions and any amendments. He or she should seek advice from an appropriate source when he or she is unsure of how to proceed.

2. Subject to Article 2, paragraph 2, the provisions of this Code form part of the terms of ~~appointment to the Council~~employment of the ~~member~~public official. Breach of them may result in ~~removal from the Council~~disciplinary action.

3. The ~~member~~public official who negotiates terms of ~~appointment~~employment should include in

them a provision to the effect that this Code is to be observed and forms part of such terms.

4. The public official who supervises or manages other public officials has the responsibility to see that they observe this Code and to take or propose appropriate disciplinary action for breaches of it.

5. The Council ~~public administration~~ will regularly review the provisions of this Code.
