AGENDA: 5

Administrative Code Update Project

Finance and Administration Committee Meeting
October 4, 2023

Amy Ackerman
Renne Public Law Group

Alexander Crockett
District Counsel
acrockett@baaqmd.gov
Presentation Outcome

- Briefing on Administrative Code Update Project
- Overview of Proposed New Administrative Code and Board Rules of Procedure
- Vote on Recommendation to Board of Directors
Ad Hoc Committee Requested Action

Recommend to the Board of Directors:

- **Adopt** the Revised Administrative Code
- **Adopt** the Board Rules of Procedure
- Effective January 1, 2024
Objective: Update Administrative Code to improve efficiency of Board and agency functions, align with current law, and incorporate best practices for public agency management

Project Team:
- Consultant: Amy Ackerman, Renne Public Law Group
- Board Ad Hoc Committee: Chair Bauters and Directors Barnacle, Jue & Melgar
- Staff Team: Sharon Landers, John Chiladakis, Lisa Fasano, Alexander Crockett

- Phase One (2023)
  - Replace Division I – Operating Provisions
  - Replace Division II – Fiscal Provisions

- Phase Two (2024)
  - Replace Division III – Personnel Provisions
Direction from Ad Hoc Committee

- Consistency with Current Law
- More Effective Board Oversight
- Increased Transparency
- Incorporate Public Agency Best Practices
- Streamline the Work of the Board of Directors
Administrative Code vs. Policies

• **Administrative Code** specifies how agency governs itself

• **Policy Documents** provide procedures for specific functions
  • Executive Leadership Continuity Policy
  • Records Management and Retention Policy
  • Non-Discrimination Policy
  • Procurement Policy
  • Grants Policy
  • Sponsorship Policy
  • Expense Reimbursement Policy
Effective Board Leadership

• Two-Officer Model: Chair and Vice-Chair
  • Clerk serves the function of recording actions of the Board

• Two-Year Officer Terms
  • Promotes continuity
  • Promotes effective leadership
  • Promotes greater oversight
Streamlined Standing Committees

• Stationary Source Committee
• Community, Equity, Health & Justice Committee
• Finance & Administration Committee
• Policy, Grants & Technology Committee

Combines:
• Mobile Source & Climate Impacts Committee
• Legislative Committee
• Technology Implementation Office Steering Committee
Board and Committee Meeting Schedules

• Board Meetings
  • Default rule is one regular meeting a month (first Wednesday)
  • Additional regular meetings per calendar adopted at beginning of year
  • All Board meetings in person (AB 2449 exceptions allowed)
  • Start time 10:00 am

• Committee Meetings
  • Remote teleconferencing option permitted
  • Remote location policy for further Committee discussion Oct. 18

• Quorum Required for All Board and Committee Meetings
Advisory Councils & Hearing Board

- Community Advisory Council (CAC)
  - Formally added to Administrative Code
  - Governance structure as approved by Board 7/5/23

- Advisory Council
  - State law now allows compensation – proposed $200 per meeting

- Hearing Board
  - No changes to Hearing Board provisions
Codified Staff Roles

• APCO
  • Statutory Duties
  • Program implementation duties
  • Hiring authority/personnel management duties
  • Financial & budget management responsibilities

• General Counsel
  • Chief Legal Officer
  • Hiring authority for Legal Division
  • Authority to retain outside counsel

• Clerk of the Boards
  • Prepares agendas and minutes
  • Official recordkeeper of Board of Directors affairs
More Effective & Efficient Financial Practices

• Codifies Budget Preparation & Approval Process

• APCO Contracting Authority Increased to $200,000 (from $100,000)

• APCO Incentive Grants Authority Remains at $500,000

• APCO can settle claims up to $50,000 (with Board reporting)

• APCO to Develop Policies for Board Approval:
  • Procurement Policy
  • Grants Policy
  • Sponsorships Policy
Efficient Governance Practices

• Non-Interference in Administrative Affairs

• Use of Electronic Signatures

• Board use of Air District @baaqmd.gov email addresses?
  • **Pros:** Helps simplify PRA responses
  • **Cons:** Additional email account to monitor

*No Recommendation From Ad Hoc Committee – For Vote Today*
Board Rules of Procedure

• Establishes Rules of Procedure
  • Relevant Content from Current Code
  • Brown Act Requirements
  • Board Procedure Best Practices

• Provisions for Handling Disruptive Public Commenters

• Code of Conduct for Board Members

• Board Action for Code of Conduct Violations
<table>
<thead>
<tr>
<th>Month</th>
<th>Task Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>March</td>
<td>Board direction to commence Code Update Project</td>
</tr>
<tr>
<td>March-May</td>
<td>RFP and Vendor Selection – Renne Public Law Group</td>
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<tr>
<td>May-June</td>
<td>Document review, project planning, Ad Hoc Committee selection</td>
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<tr>
<td>July</td>
<td>Conceptual outlining with Ad Hoc Committee</td>
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<tr>
<td>July-August</td>
<td>Drafting detailed language</td>
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<tr>
<td>September</td>
<td>Finalize draft code language with Ad Hoc Committee</td>
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<tr>
<td>October 4</td>
<td><strong>F&amp;A Committee</strong> considers recommending proposed Admin Code</td>
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<tr>
<td>November 1</td>
<td><strong>F&amp;A Committee</strong> considers recommending proposed Policies</td>
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<td><strong>Board of Directors</strong> receives notice of consideration of Admin Code</td>
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<td>November 15</td>
<td><strong>Board of Directors</strong> considers adoption of proposed Admin Code and Policies</td>
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Recommend to the Board of Directors:

• **Adopt** the Revised Administrative Code
  • *With* requirement to use Air District email addresses
  or
  • *Without* the requirement to use Air District email addresses

• **Adopt** the Board Rules of Procedure

• Effective January 1, 2024