



Proposed Changes to Administrative Code - Sections 3.4, 8.2, 9.3, and 9.4

Finance and Administration Committee

October 15, 2025

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Recommended Action

Recommend to the Board of Directors that the Board adopt proposed updates to the following sections of the Air District's Administrative Code:

Section 9.4 Procurement and Contracting;

Section 8.2 General Counsel;

Section 9.3 Adoption of Budget; and

Section 3.4 Appointments to Committees

Agenda

- Background
- Proposed Administrative Code Updates:
 - 9.4 Procurement and Contracting
 - 8.2 General Counsel
 - 9.3 Adoption of Budget
 - 3.4 Appointments to Committees

Background: Air District Administrative Code

- In December of 2023, the Board of Directors approved significant revisions to the Administrative Code, which took effect on January 1, 2024, that created a single document with improved efficiencies for the Board of Directors and agency functions
- Section 9.4 of the Administrative Code required the Air Pollution Control Officer (APCO) to develop a comprehensive procurement policy for Board approval
- On May 1, 2024, the Board of Directors approved the new Procurement Policy and additional revisions to Administrative Code Section 9.4

Proposed Updates: Sections 9.4 & 8.2

9.4 Procurement and Contracting:

- Authorize the Executive Officer/APCO to update the Procurement Policy without the need for approval by the Board of Directors
- Specify the categories of recurring contracts exceeding \$200,000, the APCO can renew without further Board approval: insurance; employee benefits (e.g., retirement benefits, life insurance, etc.); fueling and charging of Air District vehicles; Bay Area Headquarters Authority common area and shared services expenses; real property leases and license agreements; software services (e.g. licenses, warranties, maintenance, and support); cloud-based information infrastructure and services; original equipment manufacturer (OEM) equipment warranties; and equipment leases

Proposed Updates: Sections 9.4 & 8.2 (Cont.)

And for these situations, require reporting to the Board of Directors of payments that exceed \$30,000 in total in any fiscal year

- Consolidate language related to procurement that was previously in Section 8.2 (General Counsel)
- Clarify requirements and incorporate other non-substantive editorial revisions to enhance readability and ensure consistency

8.2 General Counsel:

- Ensure consistency with the proposed changes in Section 9.4

Proposed Updates: Section 9.3

9.3 Adoption of Budget:

- Revise the timeline for presenting the proposed budget to the Finance and Administration Committee (FAC) to ensure alignment with the overall budget adoption timeline
- Eliminate the requirement for a second FAC meeting if the budget remains unchanged, while allowing for optional second meeting in April, if deemed necessary
- Improves timeline in forwarding the proposed budget & fee amendment to the Board for public hearings to ensure the two required public hearing meetings are held before June 30

Proposed Updates: Section 3.4

3.4 Appointments to Committees:

- Revised to require the Clerk of the Boards report the Committee appointments to the Board of Directors at its first meeting in February of each year, or as soon thereafter as the Committee appointments are made

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Questions & Discussion

For more information:

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