

San Diego County Air Pollution Control District

Bylaws

1.1 General Provisions.

1.1.1 Introduction. The San Diego County Air Pollution Control District (“District”) is established and organized pursuant to Part 3 of Division 26 of the California Health and Safety Code. The Governing Board of the District (“Board”) is composed of 11 members appointed as set forth in Health and Safety Code section 40100.6. Subject to the powers and duties of the California Air Resources Board, the purpose of the District is to adopt and enforce rules and regulations to achieve and maintain state and federal ambient air quality standards in all areas affected by emission sources under its jurisdiction, and to enforce all applicable provisions of state and federal law. The District has the primary responsibility for the control of air pollution from all sources in San Diego County, other than emissions from motor vehicles.

1.1.2 Purpose of Bylaws. These Bylaws supplement the provisions of the Air Pollution Control Law and other applicable laws by providing additional policies and procedures concerning the District’s governance, internal organization, legal compliance, and other matters addressed in these Bylaws. Except as stated herein, these Bylaws do not impose any mandatory duties on District Governing Board members, officers, or employees not otherwise imposed by applicable law.

1.1.3 Interim Coordination with County Policies. As of March 1, 2021, the District is no longer legally subject to the Administrative Code of the County of San Diego, or subject as an agency or department to policies adopted by the San Diego County Board of Supervisors. However, the District contracts with the County for vital support services, and District County employees. Therefore:

- a) In areas in which the District relies on the County as a service provider, related County policies and procedures are applicable to the District, unless the service agreement between the District and the County otherwise states,
- b) County Policies that address the rights and responsibilities of, or that regulate the behavior of, County employees remain applicable to District staff (including Officers) as County employees.
- c) Except as set out above, County-adopted policies are no longer applicable to the District.

1.1.4 Definitions. Except as otherwise provided in specific sections of these Bylaws, the following words shall have the following meanings:

- (a) Air Pollution Control Law means Division 26 of the California Health and Safety Code (commencing with Section 39000).
- (b) APCO means the Air Pollution Control Officer appointed by the Board.
- (c) Applicable Law means any applicable state or federal statutes, rules, or regulations, including, but not limited to, Air Pollution Control Law and the applicable provisions of the Government Code. Applicable law also includes the District's Conflict of Interest Code, attached hereto as Attachment C.
- (d) Board or Governing Board means the Governing Board of the District.
- (e) Clerk means the Air Pollution Control District Governing Board Clerk.
- (f) District means the San Diego County Air Pollution Control District.

1.2 Governing Board.

1.2.1 Composition and Powers. The Governing Board is made up of 11 Board Members composed of: (a) two members of the San Diego County Board of Supervisors; (b) the Mayor or a City Council member from the City of San Diego; (c) five City Council members, each being from a city within one of the five county supervisorial districts; and (d) three public members appointed in accordance with Section 40100.6(a)(4) of the California Health and Safety Code. The Board shall have all the powers and duties set forth in the applicable Air Pollution Control Law and other applicable laws.

- (a) The two members appointed to represent the County of San Diego and the one member appointed to represent the City of San Diego under items (a) and (b) above shall be appointed pursuant to the applicable procedures of the County and City.
- (b) The five members representing cities within each of the five supervisorial districts shall be appointed pursuant to the applicable procedures established by the Rules and Regulations of the City Selection Committee of the County of San Diego, as may be amended from time to time. Such rules shall be consistent with the provisions of Section 40100.6(a)(3) of the California Health and Safety Code. Consistent with Section 40100.6(a)(3)(B), no city shall have more than two members appointed under this subsection.
- (c) The three public members shall be appointed as described in Attachment A to these Bylaws.
- (d) Each member shall serve for a term of four years and until that member's successor is appointed.

1.2.2 Resignation. A Board Member may resign at any time by giving written notice to the Clerk. The notice of resignation may specify a date on which the resignation will become effective.

1.2.3 Vacancy. If a Board Member ceases to comply with the applicable requirements of the Air Pollution Control Law relating to Board membership (e.g., a city representative ceases to be a city council member, a public member moves outside of the County, etc.), a vacancy shall be declared. If at any time a vacancy occurs on the Board, a replacement shall be appointed in accordance with the Air Pollution Control Law, these Bylaws, and other applicable procedures.

1.2.4 Compensation and Expense Reimbursement. Each of the three public members of the Board shall receive compensation of \$100 for each day, or a portion thereof, but not to exceed \$1,000 per month, while attending meetings of the Board or any committee of the Board or, upon authorization of the Board while on official business of the District, as well as the actual and necessary expenses incurred in performing the member's official duties. (Health & Safety Code § 40010.6(e).) Other members of the Board shall serve without compensation from the District. Compensation may be provided as approved by their appointing agencies, and any such compensation shall be the responsibility of the appointing agency.

(a) The following activities/events are preapproved for public Board members to receive per diem compensation and expenses pursuant to Government Code Section 53232.2: (1) State-mandated ethics training; and (2) State-mandated sexual harassment avoidance training.

(b) Public Board members may seek authorization from the Board to attend other functions that constitute the performance of "official business" or "official duties," which may include but not be limited to, conferences, tours of relevant facilities, legislative roundtables, and public hearings on behalf of the District. Public Board members desiring to attend events of this nature require approval from the Board in order to receive per diem compensation and/or expense reimbursement.

(c) Any expense reimbursement shall comply with the provisions of Government Code Section 53232, *et seq.*, including, but not limited to the following:

(i) Rates for reimbursement of travel (including mileage), meals, lodging, and other actual and necessary expenses shall be as established in Internal Revenue Service Publication 463 or any successor publication.

(ii) Any lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available at

the time of booking. If the group rate is not available, comparable lodging that meets the other requirements of these provisions shall be used. Government and group rates offered by a provider of transportation or lodging services shall be used whenever available.

- (iii) Any expenses that do not meet the requirements of this section or the Internal Revenue Service reimbursable rates shall be specifically approved by the Board in a public meeting before the expense is incurred.
 - (iv) If a Board member chooses to incur additional costs that are above the rates established pursuant to this section and those costs are not otherwise approved by the Board, the Board member shall do so at their own expense.
- (d) All reimbursed expenses require itemized receipts to be attached to the expense claim form. If the itemized receipt is not provided by a vendor or is lost, a sufficiently detailed explanation of the expenditure shall be included on the expense claim form and approved by the Board for payment. Alcohol will not be reimbursed. If conference registration includes meals, substitute meals will not be reimbursed.
- (e) If expenses are prepaid by the District and are not used, the District will require reimbursement unless the reason for not attending was due to personal illness or an event that impeded good faith efforts to attend. Such events could include flight or other public transportation delays or cancellations, meeting cancellations or date changes, or sudden events within the District which would serve the District's best interest that the individual not be away.
- (f) The District does not make credit cards available to Board members. Payment for Board expenses will be made through District credit cards, purchase orders, checks or reimbursement through accounts payable or payroll.
- (g) At the Board meeting following any event or function attended for which per diem or expense reimbursement is paid, the Board member(s) shall briefly report on the event or function or provide a written report. If multiple Board members attended, a joint report may be made.

1.3 Board Officers and Liaisons.

1.3.1 Chair. Each year, the Board shall elect a Chair from among the Board Members. The Chair shall be the presiding officer at all Board meetings and perform other duties as may be imposed by the Board. In the event of a vacancy, the position shall be filled at the next regular meeting of the Board

held after such vacancy occurs or as soon as practicable thereafter.

1.3.2 Vice Chair. Each year, the Board shall elect a Vice Chair from among the Board Members. The Vice Chair shall preside in the absence of the Chair and perform other duties of the Chair in their absence. In the event of a vacancy, the position shall be filled at the next regular meeting of the Board held after such vacancy occurs or as soon as practicable thereafter.

1.3.3 Military Liaison. Each year, the Board shall elect a Military Liaison from among the two Board Members representing the County Board of Supervisors. (Health & Safety Code § 40010.6(g)(2).) The Military Liaison shall serve as the liaison to the United States Navy, the United States Marine Corps, and the United States Coast Guard, and shall report to the Board as necessary to inform the Board of any issues with the permitting, rules, regulations, and planning issues that have the potential to impact the mission of the military.

1.3.3.1 Consult with the United States Navy, United States Marine Corps, and the United States Coast Guard to determine the appropriate points of contact for each of those respective branches.

1.3.3.2 Direct District Staff to meet with each point of contact at least quarterly, on all permitting, rules, regulations, and planning issues that have the potential to impact the mission of the United States Navy, the United States Marine Corps, and the United States Coast Guard, as required.

1.3.3.3 Direct District staff to report to the Military Liaison and concerns raised by military installation representatives that cannot be fully addressed by staff.

1.3.3.4 Offer to meet with each military point of contact to discuss any concerns related to permitting, rules, regulations and planning issues that cannot be address by District Staff.

1.3.3.5 Provide updates, as needed, to the Governing Board, in the form of a "Military Liaison report" on any issues that have the potential to impact the mission of the military. Comments made to the military Liaison in the course of the above-described consultation process shall bot become part of the administrative record in a rulemaking or other proceeding, unless formally submitted as comments in that proceeding.

1.3.4 Term of Office; Election of Chair, Vice Chair, and Military Liaison. The terms of office of the Chair, Vice Chair, and Military Liaison shall be one year, or until such time as a successor has been elected by the Board. An annual meeting of the Board shall be held in January of each year or as soon as

possible thereafter to elect the Chair, Vice Chair, and Military Liaison. Notwithstanding the preceding sentence, the Board may elect a new Chair, Vice Chair, or Military Liaison at any regular meeting of the Board duly noticed for that purpose. There shall be no limit on the number of terms of the Chair, Vice Chair, or Military Liaison.

1.4 Other Officers.

1.4.1 Air Pollution Control Officer. The Board shall appoint an Air Pollution Control Officer (“APCO”) for the District. Subject to the direction of the Board, the APCO shall appoint District personnel, including any deputies necessary for the prompt and faithful discharge of their duties. The APCO shall be responsible for the day-to-day operation and management of the District and its functions, as described in Section 40752 of the California Health and Safety Code.

Except for the purposes of a brief factual inquiry and information, or in the same capacity as any member of the public, neither the members of the Board nor any member of their staff shall contact any District employee except through the APCO. Neither the members of the Board nor any member of their staff shall give orders to any District employee subordinate to the APCO either publicly or privately.

1.4.2 Governing Board Clerk. The Governing Board Clerk (“Clerk”), or their designee, shall record all minutes of meetings of the Board, keep the records of the Governing Board, and perform such other duties as may be delegated by the Board. The APCO shall appoint the Clerk.

1.5 Ethical Conduct by Board Members. It is the policy of the District to maintain the highest ethical standards for its Board Members. The proper operation of the District requires that decisions and policy be made within the proper channels of governmental structure, that public office not be used for personal gain, and that Board Members remain objective and responsive to the needs of the public they serve. Accordingly, it is the policy of the District that Board Members and District employees maintain the highest standard of honesty, integrity, and fairness in carrying out their duties. This Article sets forth the minimum ethical standards to be followed by the Board.

1.6 Ethical Conduct by District employees. It is the policy of the District that District staff, as County employees, act in accordance with the San Diego County Code of Ethics in the performance of District business.

1.7 Responsibility of Public Office. Board Members are obligated to uphold the Constitution of the United States and the Constitution of the State of California.

Board Members will comply with applicable laws, including but not limited to, laws regulating ethical conduct, including the Political Reform Act of 1974 (Gov. Code § 81000 *et seq.* and implementing regulations), Government Code section 1090, *et seq.*, Government Code section 84308 and any other applicable financial disclosure and open government laws.

1.8 Conflict of Interest Code. The District' adopted Conflict of Interest Code, attached hereto as Attachment C, is required by the Political Reform Act of 1974 (Gov. Code § 81000 *et seq.* and implementing regulations). This Code meets the requirements in Section 18730 of Title 2 of the California Code of Regulations. The Code applies to Governing Board members when conducting District business, and for District employees has the force of law. Violation of this Code is a misdemeanor. The District shall publish this Code on its website and may incorporate the Code into a District Administrative Code of District policy manual at a later date. All District employees and Governing Board members shall comply with the District's then-applicable conflict of interest code, as it may be recodified, amended or replaced from time to time.

1.9 Meetings; Time and Place.

1.9.1 Open Meetings. All meetings of the Board shall be conducted in accordance with the provisions of the Ralph M. Brown Act (California Government Code § 54950 *et seq.*, including any waivers of the provisions thereof pursuant to Executive Order or other applicable law). Board Members may participate in meetings remotely, with full voting rights, to the extent permitted by law.

1.9.2 Regular Meetings. The Board shall hold regular meetings at an interval established by the Board. The date, hour, and place of regular meetings shall be fixed by resolution of the Board.

1.9.3 Special and Emergency Meetings. Special and emergency meetings of the Board may be called in accordance with the provisions of Government Code sections 54956 and 54956.5, respectively.

1.9.4 Closed Sessions; Confidentiality. Closed sessions may be held during a meeting for the purpose of discussing matters permitted by law to be discussed in closed session, including but not limited to, real estate negotiations, existing or anticipated litigation, liability claims, public employee appointments, evaluations and discipline, and labor negotiations. Closed session items must be briefly described on the posted agenda and the description must state the specific section of the Brown Act authorizing the closed session. The Board shall make pre-closed session and post-closed session announcements or reports as required under the Brown Act. Discussions and information obtained during closed sessions of the Board shall be confidential.

1.9.5 Adjourned Meetings. The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified

in the order of adjournment. Less than a quorum may so adjourn from time to time. If all Board Members are absent from any regular or adjourned regular meeting, the Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of adjournment to be given. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced. A copy of order or notice of adjournment shall be conspicuously posted on the door of the meeting location within 24 hours after the time of adjournment. If the meeting is continued to a time less than 24 hours after the time specified in the order or notice of meeting, a copy of the order or notice of continuance shall be posted immediately following the meeting at which the order was adopted.

1.10 Agendas and Agenda Items.

1.10.1 Preparation of Agendas. The Air Pollution Control Officer or a designee shall have the Clerk prepare and issue the agenda for each Board meeting. Agenda items will be generated by the need to conduct the District's business in a timely manner. The Air Pollution Control Officer shall review with the Board Chair (or the Vice-Chair in the absence of the Chair), the agenda for regular meetings of the Board.

1.10.2 Addition of Agenda Items Before a Meeting. Board Members may add a "Board Member Initiated Item" to a future meeting agenda. Board Member Initiated Items are prepared by the requesting Board Member and require no District staff time. Board Member Initiated Items must be submitted to the Air Pollution Control Officer at least ten (10) days prior to the next Board meeting.

In addition, items may be added to a future Board meeting agenda in the following ways:

- (a)** The Chair provides an express oral direction to the Air Pollution Control Officer during a Board meeting. If a Board Member disagrees with the Chair's direction, the Board Member may make a motion regarding the addition of the item without discussion of the substance of the item.
- (b)** For items requiring staff time, an item shall be added by motion without discussion of the substance of the item.
- (c)** Requests from members of the audience, after being authorized to speak, may be added to a future agenda by a Board Member as a Board Member Initiated Item, as discussed above. If the item requires staff time, the item may be added only by motion without discussion of the substance of the item.
- (d)** The Chair or a majority of the Board may refer items to a committee for further review.

1.10.3 Modification of Agenda Order; Addition of Items During a Meeting. The order of items on the agenda may be modified by the Chair if there is no objection, or by a motion and majority vote of the Board. No action or discussion may be undertaken on any item not appearing on the posted agenda, except as allowed under the Brown Act.

1.10.4 Consent Calendar. The consent calendar shall consist of items which appear to be routine or ministerial in nature on which no Board discussion will be required. Before adopting the consent calendar, the Chair will ask Board Members whether anyone wishes to move a matter from the consent calendar to the regular agenda. Members of the public may also request to move a matter from the consent calendar to the regular agenda. The Board will then proceed with consideration of the remaining consent calendar. The consent calendar will be acted upon in one motion without discussion. Items pulled from the consent calendar will be considered immediately following adoption of the remaining consent calendar, and staff reports will only be given if requested by the Board Member who pulled them or by the Chair if the item was pulled by a member of the public.

1.11 Public Comments. The policy of the Board is to permit public participation in Board meetings. Agendas of regular meetings shall provide an opportunity for members of the public to address the Board on any item within the jurisdiction of the District which are not on the agenda. Generally, speakers shall be limited to three minutes each, with 30 minutes being provided for non-agenda public comments. If the number of speakers is estimated to exceed the 30-minute period, the Chair may, in their discretion, reduce the time allotted to each speaker, extend the period for non-agenda public comment, or continue the remaining comments to the end of the agenda. For public comments on agenda items, the Chair may reduce the time allotted to each speaker in their discretion.

No person shall address the Board without the permission of the Chair. No person may yield speaking time to another person. However, the Chair may authorize organized group presentations of three or more persons for up to 15 minutes. The Board shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the Board.

Any person wishing to speak to the Board on a specific agenda item must file a Request to Speak form with the Clerk prior to the scheduled start time of the meeting (for non-agenda public comments) or prior to the time the item is called for discussion (for specific agenda items). Any person who does not wish to speak to the Board but wishes to have the record reflect a position in favor or in opposition to an agenda item may do so by indicating the same on the Request to Speak form.

1.12 Agendas and Other Meeting Materials. Agendas and any other writings, when distributed to all, or a majority of all, of the members of the Board in connection

with a matter subject to discussion or consideration at an open meeting of the Board, are generally disclosable public records under the Public Records Act and shall be made available upon request without delay, unless exempt from public disclosure as provided under the Brown Act and Public Records Act. (Gov. Code § 54957.5(a).) If a disclosable record relates to an agenda item for an open session of a regular meeting of the Board and is distributed less than 72 hours prior to that meeting, the record shall be made available for public inspection at the time the writing is distributed to all, or a majority of all, of the members of the body at an office or location stated on the agenda. (Gov. Code § 54957.5(b).) The District may also post the writing on its website in a position and manner that makes it clear that the record relates to an agenda item for an upcoming meeting.

Disclosable records that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the District or a Board Member, or after the meeting if prepared by another person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability by applicable law. (Gov. Code § 54957.5(c).)

If a member of the public attending a meeting desires to provide a hard-copy document to the Board related to an item on the agenda, the person should submit sufficient hard copies of the document to the Clerk as soon as practicable, but no later than the time to provide public comments on the agenda item has expired. If a person desires to provide an e-mail or other electronic document to the Board related to an item on the agenda, or desires to provide a hard-copy document but is not attending the meeting in person, the Clerk must receive the e-mail, electronic document, or sufficient hard copies of the document, at least twenty-four hours before the meeting time to ensure sufficient time to receive, review, and distribute the material to the Board. Later-received materials may still be distributed to the Board before or during the meeting, if feasible.

1.13 Order and Procedure at Meetings. All meetings of the Board shall be conducted in an orderly manner designed to accomplish the business of the Board in accordance with applicable law. Except as otherwise provided in these Bylaws, Rosenberg's Rules of Order will be used as a guide to resolve questions of procedure. The Clerk shall serve as parliamentarian.

1.14 Motions. Actions of the Board shall be taken by motion.

1.14.1 Motions Generally. Any action of the Board may be proposed by the motion of any Board Member. Such a motion, if seconded by any Member, shall be on the floor and must be considered. If a motion is not seconded, the motion fails for lack of a second, and shall be so declared by the Chair.

1.14.2 Withdrawal of Motion or Second. A motion may be withdrawn by its maker at any time before adoption or rejection, with the consent of the second. Absent the consent of the second, the motion shall remain on the floor. The second to a motion may be withdrawn by the second at any time before adoption or rejection of the motion. Upon withdrawal of the second, the

motion will be lost for lack of a second and so declared by the Chair unless seconded by another Member.

1.14.3 Rules of Debate and Decorum. Debate upon all matters pending before the Board shall be under the supervision of the Chair and conducted in such a manner as to expedite the business of the Board. The Chair shall recognize Members of the Board who desire to obtain the floor to speak in the order that they request to speak. Upon recognition by the Chair, the Board Member shall confine remarks to the item under consideration. A Board Member, once recognized, shall not be interrupted when speaking unless it is to call the Board Member to order or when the interest of the Board requires, as determined by the Chair.

1.14.4 Consideration of Motion. When a question or "original motion" is under debate, no motion shall be received unless it is a motion:

- (a) To adjourn
- (b) To lay on the table
- (c) To consider the previous question
- (d) To postpone to a certain date
- (e) To commit to committee
- (f) To amend
- (g) To postpone indefinitely

These motions shall have preference in the above order.

1.14.5 Amendment of Motion. A motion on the floor may be amended by motion at any time before adoption or rejection. If the motion to amend fails, the original motion will be voted upon. If the motion to amend passes, the amendment is adopted and, thereafter, the original motion, as amended, will be voted upon.

1.14.6 Discussion of Motions; Call of the Question. After a motion has been seconded, any Member may discuss the subject of the motion. When no Member wishes to discuss the motion further, the Chair shall call for a vote on the motion. At any time after a motion has been seconded, any Member who has the floor may call for the question. The Chair may call for the vote if it appears that further discussion will be repetitious or that a majority of the Members present concur in the call.

1.14.7 Motion to Table. At any time after a motion has been seconded, any Member may move to table the motion. If the motion to table is seconded, the Chair shall forthwith call for a vote on such motion. A motion to table

shall include all amendments to the original motion. A motion to table an item is not debatable and no further discussion or debate shall be permitted on either the original motion or the motion to table. If the motion to table does not pass, consideration of the original motion will continue. If the motion to table does pass, the original motion will remain on the floor but may not again be considered at that session unless a motion to remove the original motion from the table is passed. The original motion may be considered and voted upon at a subsequent meeting, including an adjourned meeting.

1.14.8 Motion to Adjourn. A motion to adjourn or a motion to fix the time of adjournment shall be decided with debate.

1.14.9 Motion to Consider the Previous Question. A motion to consider the previous question shall preclude all amendment from debate to the main question and shall be put in the form "shall the main question be put to a vote."

1.14.10 Call to Order. A Member called to order shall relinquish the floor unless permitted to explain by the Chair, and the Board, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the Chair shall be final.

1.14.11 Motion to Reconsider. A motion to reconsider the vote on an agenda item may be made at the session at which the item was acted upon, or any adjourned session of the same meeting. The motion may be made only by a Member who voted on the prevailing side of the agenda item sought to be reconsidered. No question can be twice reconsidered unless it was amended after its first reconsideration. The provisions of this subsection shall apply also to any motion/request to reconsider an item previously acted upon by the Board whereby a motion/request to reconsider may be brought at a meeting or time other than the meeting, or adjourned session thereof, where the agenda item sought to be reconsidered was acted upon.

1.14.12 Motion to Commit to Committee. A motion to commit to committee shall specify the committee to which the matter is referred, which may be a Standing Committee or an ad hoc committee established to consider the matter.

1.15 Disruption of Meetings. Placards, banners, signs, flags, or other large objects designed to interrupt or disrupt the orderly conduct of the meeting are not permitted in the Board meeting room. In the event any meeting of the Board is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by taking a recess and/or removal of individuals who are willfully interrupting the meeting, the Chair may order the meeting room cleared and the Board may continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those

participating in the disturbance, shall be allowed to attend any session held pursuant to this section. The Board may establish procedures readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

1.16 Quorum and Voting. A simple majority of the eleven Board members shall constitute a quorum. No actions may be taken by the Board without a quorum of the Board Members present. Except as otherwise required by law, Board action shall require votes of a majority of the quorum present at the meeting. The consequence of a tie vote shall generally be “no action” taken.

1.17 Committees.

1.17.1 Establishment. The Board may establish advisory committees as the Board deems appropriate to assist the Board in carrying out its functions.

1.17.2 Standing Committees. Committees composed of less than a quorum of Board Members with continuing subject matter jurisdiction, or having a meeting schedule fixed by charter, ordinance, resolution, or formal action of the Board, shall be Standing Committees of the Board, and meetings thereof shall be held in compliance with the Brown Act.

1.17.3 Appointment to Standing Committees. For Standing Committees, the Chair shall nominate committee members (including the chair and vice chair of each committee), subject to approval by a majority vote of the Board. If the Board fails to approve the Chair’s nomination(s) to a Standing Committee, the Board may entertain a motion for the appointment of committee members. The Chair shall propose appointments to Standing Committees each year at the meeting following the election of the Board Chair and Vice Chair, or as soon as practicable thereafter.

1.17.4 Committee Voting. Action by a committee on all matters shall require an affirmative vote of a majority of the members of the committee who are present and voting.

1.17.5 Removal of Committee Members. The Board may remove a committee member from a committee, with or without cause, by a majority vote of the Board.

1.17.6 Ad Hoc Committees. The Board may establish temporary ad hoc advisory committees that: (a) are composed of less than a quorum of the Board, (b) have no continuing subject matter jurisdiction, and (c) have no meeting schedule fixed by charter, ordinance, resolution, or formal action of the Board. The Chair shall appoint the members of such ad hoc committees and may designate a chair and vice chair.

1.18 Closed Session. Matters presented by legal counsel in closed session, and related discussions in closed session, are confidential attorney-client communications. In addition, Government Code section 54963 prohibits board members from disclosing

confidential information that has been acquired by being present in closed session to a person not entitled to receive it. Board Members, District Officers and staff and legal counsel shall maintain the confidentiality of closed session matters, unless the Board authorizes disclosure.

- 1.19** Public Statements by Board Members on Behalf of the District. Board members may express their personal views or represent the views of their constituencies on any District agenda item during Board meetings, and may also speak freely on any District-related matter of concern to them in other public statements, subject only to Brown Act “serial meeting” limitations. However, Board Members may make public statements *on behalf of the District* only when authorized to do so by a majority of the Board in an open public meeting, or where the Board’s position has been determined in a public meeting and the member’s statements support that position.
- 1.20** Service of Process. Service of summons and complaints against the District or against individual Board members or District Officers in their official capacity may only be made during regular business hours at the business center of District’s main office.
- 1.21** Acceptance and Use of Gifts and Donations. Board Members and District staff shall conform to the principles set out in County Board of Supervisor’s Policy A-112 when accepting and using gifts and donations paid to the District which are intended to be used for official District business purposes by employees in the performance of their duties including, for example, attendance at job training sessions. When the District receives gifts or donations, such as payments for travel, the District will designate the employees who will participate in District-approved training, the cost of which will be paid by the gifts or donations. Before accepting any gift or donation, the APCO shall determine whether other conditions for the acceptance of gifts and donations set out in Policy A-112 have been met.
- 1.22** Additional Provisions.
- 1.22.1** Severability. It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses, and phrases of these Bylaws are severable; and if any section, paragraph, sentence, clause, or phrase of these Bylaws is declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses, and phrases of these Bylaws.
- 1.22.2** Amendments. These Bylaws and any of their provisions may be amended, supplemented, or repealed from time to time. Such amendment, supplement, or repeal shall be accomplished by approval of a resolution or motion of the Board at a duly constituted meeting. Upon the effective date of the resolution or motion, the revised or new sections shall be inserted into these Bylaws and those for which they are substituted shall be removed.

San Diego County Air Pollution Control District

Procedures for Appointment of Governing Board Public Members

- A. Notices Inviting Applications. Notices inviting applications are posted on the District's website and social media accounts. Other means of notification, including press releases and outreach to interested groups or organizations, may also be used.
- B. Applications. Persons seeking appointment to the Board must file an application, in the form and manner prescribed by the Clerk of the District's Governing Board (Clerk), or their designee. The application shall include information stating the applicant's qualifications for the public Board position(s) being sought. Applications shall be due ten (10) days prior to the Board meeting at which appointments will be considered. After the application deadline has passed, the Clerk will forward all timely received applications to the Board and include copies of the applications in the Board's agenda packet (with redactions as appropriate to protect the applicants' home address, phone number, personal e-mail address, or other exempt information under the Public Records Act).
- C. Qualifications. All public members shall reside within the boundaries of the County of San Diego and shall be appointed on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with the air pollution problems of the San Diego Air Basin. Specific qualifications for each of the three (3) public Board members, as established by Health & Safety Code section 40100.6(a)(4)(A)–(C), are as follows:
1. One public member shall be a ***physician or public health professional*** actively practicing within the boundaries of the County of San Diego. The member's specialty shall be in the health effects of air pollution on vulnerable populations.
 2. One public member shall be a ***person representing environmental justice interests*** and who works directly with communities within the boundaries of the County of San Diego that are most significantly burdened by, and vulnerable to, high levels of pollution, including communities with diverse racial and ethnic populations and communities with low-income populations. This member may be a resident of that community and have a demonstrated record of community leadership.
 3. One public member shall be a ***person with a scientific or technical background in air pollution***, such as an environmental engineer, chemist, meteorologist, or air pollution specialist.

D. Public Hearing and Appointment.

1. Interviews of applicants will be scheduled as a public hearing held during a properly noticed and open meeting of the Board. Due to COVID-19 protocols, such meeting will take place via videoconference held in compliance with applicable waivers to the Brown Act. The Clerk, or their designee, will ask each applicant to attend the Board meeting and be prepared to make an introductory statement and answer questions from the Board.
2. After the Chair opens the public hearing, applicants will be interviewed individually in the following order: (1) applicants for the physician or public health professional member; (2) applicants for the environmental justice member; (3) applicants for the scientific or technical member. If feasible, the Chair will request the applicants' consent to be placed in a virtual "waiting room" while the Board is interviewing other applicants. (Any applicant may, however, decline this request and remain in the meeting during all interviews.)
3. Following applicant interviews, the Board will receive comments from the general public. After public comment, the public hearing will be closed.
4. The Board will then consider the appointment of each of the three (3) public Board members in the order listed above. Each appointment shall be considered separately; the Board will not vote on a slate for multiple positions in the same motion.

The floor will be opened for discussion but, before any motion is made, each Board Member will have an opportunity to state the names of up to three (3) preferred applicants whom they would like the Board to consider for appointment.

After each Board Member has had the opportunity to identify their preferred applicant(s), any Board Member may make a motion to appoint an applicant. The motion will require a second by another Board Member. Following discussion, if any, the Board will vote on the motion to appoint. The motion to appoint must be approved by a majority of the quorum.

- E. Oath of Office. Prior to conducting any business at the Board meeting at which their appointment occurs, or at a subsequent Board meeting, each newly appointed public Board member shall take and subscribe the oath of office. A ceremonial oath of office may also occur.
- F. Vacancies. If a public position remains vacant following consideration of appointments by the Board, the application period to fill the position will be

automatically extended by an additional fifteen (15) days or for such other time period determined by a majority vote of the Board, and the Board may consider the appointment at an upcoming meeting. Upon the time period being extended, the Clerk's office will receive further applications for future consideration by the Board.

(*Note:* Consistent with Health & Safety Code section 40100.6(a)(4), in the event of a vacancy in a public Board member position, other public Board members are not eligible to vote on the appointment to fill the vacancy; only those Board members representing the County of San Diego, City of San Diego, and other cities within San Diego County are eligible to vote on the appointment of public Board members.)

San Diego County Air Pollution Control District

Procedures for Appointment of Hearing Board Members

- A. Notices Inviting Applications. Notices inviting applications will be posted on the District's website and social media accounts at least 30 days prior to the meeting at which the members will be appointed. Other means of notification, including press releases and outreach to interested groups or organizations, may also be used.
- B. Applications. Persons seeking appointment to the San Diego County Air Pollution Control District Hearing Board must file an application, in the form and manner prescribed by the Clerk of the District's Governing Board (Clerk), or their designee. The application shall include information stating the applicant's qualifications for the Hearing Board position(s) being sought. Applications shall be due ten (10) days prior to the Governing Board meeting at which appointments will be considered. After the application deadline has passed, the Clerk will forward all timely received applications to the Governing Board and include copies of the applications in the Governing Board's agenda packet (with redactions as appropriate to protect the applicants' home address, phone number, personal e-mail address, or other exempt information under the Public Records Act).
- C. Qualifications. Specific qualifications for each of the five (5) Hearing Board members and their alternates, as established by Health & Safety Code section 40801, are as follows:
1. One member shall be **admitted to the practice of law** in California.
 2. One member shall be 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).
 3. One member shall be from the **medical profession**, whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine.
 4. Two members shall be **public members**.
- D. Appointment.
1. Interviews of applicants will be held during a properly noticed and open meeting of the Governing Board. Such meeting may take place via videoconference held in compliance with applicable waivers to the Brown Act. The Clerk, or their designee, will ask each applicant to attend the Board meeting and be prepared to make an introductory statement and answer questions from the Board.

**APCD Governing Board
Bylaws
Attachment B**

2. Applicants will be interviewed individually in the following order: (1) applicants for the attorney member; (2) applicants for the engineer member; (3) applicants for the medical professional member; (4) applicants for the public members. If feasible, the Chair will request the applicants' consent to be placed in a virtual "waiting room" while the Board is interviewing other applicants. (Any applicant may, however, decline this request and remain in the meeting during all interviews.)
3. Following applicant interviews, the Board will receive comments from the general public.
4. The Board will then consider the appointment of the Hearing Board members and their alternates in the order listed above. Each appointment shall be considered separately; the Board will not vote on a slate for multiple positions in the same motion.

The floor will be opened for discussion but, before any motion is made, each Governing Board Member will have an opportunity to state the names of up to three (3) preferred applicants whom they would like the Board to consider for appointment.

After each Board Member has had the opportunity to identify their preferred applicant(s), any Governing Board Member may make a motion to appoint an applicant as a Hearing Board member. The motion will require a second by another Governing Board Member. Following discussion, if any, the Governing Board will vote on the motion to appoint. The motion to appoint must be approved by a majority of the quorum.

Subsequently, any Governing Board Member may make a motion to appoint an applicant as an alternate Hearing Board member, following the process described above.

- E. Oath of Office. Prior to conducting any business at next meeting of the Hearing Board, each newly appointed Hearing Board member and alternate Hearing Board member shall take and subscribe the oath of office. A ceremonial oath of office may also occur.
- F. Vacancies. If a Hearing Board position remains vacant following consideration of appointments by the Governing Board, the application period to fill the position will be automatically extended by an additional thirty (30) days or for such other time period determined by a majority vote of the Governing Board, and the Governing Board may consider the appointment at an upcoming meeting. Upon the time period being extended, the Clerk's office will receive further applications for future consideration by the Governing Board.

**APCD Governing Board
Bylaws
Attachment C**

**San Diego County Air Pollution Control District
Conflict of Interest Code**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This Code and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the Conflict-of-Interest Code of the San Diego County Air Pollution Control District (District). This Code is effective upon approval by the San Diego County Air Pollution Control District Governing Board.

Individuals holding designated positions shall file their statements of economic interests with the District, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the District.

**APPENDIX
EMPLOYEES DESIGNATED TO DISCLOSE FINANCIAL INTEREST**

LIST OF DESIGNATED POSITIONS	REPORTABLE INTERESTS					
	see FPPC Form 700					
Air Pollution Control District Governing Board Members	A-1	A-2	B	C	D*	E
Air Pollution Control District Hearing Board Members	A-1	A-2	B	C	D*	E
APCD Hearing Board Alternate Members	A-1	A-2	B	C	D*	E
Air Pollution Control Officer	A-1	A-2	B	C	D*	E
Air Pollution Control Civil Actions Investigator	A-1	A-2	B	C	D*	E
Assistant Director, Air Pollution Control District	A-1	A-2	B	C	D*	E
Chief, Departmental Operations	A-1	A-2	B	C	D*	E
Consultant**	A-1	A-2	B	C	D*	E
Deputy Director, Air Pollution Control	A-1	A-2	B	C	D*	E
Program Coordinator	A-1	A-2	B	C	D*	E
Senior Air Pollution Control Engineer	A-1	A-2	B	C	D*	E
Supervising Air Quality Inspector	A-1	A-2	B	C	D*	E

Supervising Air Resources Specialist	A-1	A-2	B	C	D*	E
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* Disclosure for designated employees pursuant to Schedule D, Gifts, shall be limited to gifts with a value of \$50 or more from persons doing business with or regulated by the District.

** The Director may determine in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements specified here. Such determination shall include a description of the consultant's or new position's duties and based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code (Gov. Code Section 81008).