

## 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.

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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.