

**GOVERNING BOARD POLICY**  
*Mojave Desert Air Quality Management District*

Policy No: 94-1  
Effective Date: January 26, 1994

Adopted: January 26, 1994  
Amended: November 23, 1998  
March 26, 2001  
January 28, 2002  
April 22, 2002  
January 28, 2008  
January 23, 2012

/s/  
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Brad Mitzelfelt, Chair

Last Review: January 26, 2015

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**SUBJECT: AUTHORITY OF THE AIR POLLUTION CONTROL OFFICER**

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**POLICY:**

As more specifically set forth in the employment agreement between the Mojave Desert Air Quality Management District (District) and the Air Pollution Control Officer (APCO), the Governing Board (Board) of the District has employed the APCO to carry out Board policies, direct District operations, and provide day to day supervision of District employees, hire and retain contract employees, and control District expenditures. It is the judgment of the Board that a clear delineation of the APCO's authority is essential to effective District management and to ensure that the respective roles of the Board and the APCO are reasonably defined. Therefore, it is the policy of the Governing Board to delegate to the APCO management authority as set forth herein. Nothing in this policy shall be considered an amendment of the employment agreement set forth above. In the case of a conflict, the terms of the employment agreement shall take precedence.

**AMPLIFICATION OF POLICY:**

A. Management Decisions:

The Governing Board delegates to the APCO or his or her duly appointed designee the basic authority to make management decisions to implement duly adopted District policies.

B. Consultants:

.The Governing Board delegates to the APCO the authority to hire, subject to ratification by the Board, consultants for projects and activities contained in the annual Board-approved District budget or otherwise approved by the Board.

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C. District Employees:

The Governing Board delegates to the APCO the authority to hire, dismiss, make assignments, direct, supervise, and assist District employees to ensure the successful operation of the District. The APCO may hire and retain contract employees as a part of his or her authority to hire and retain regular employees. Reclassification or change in compensation of employee(s) shall be subject to review and approval by the Board. For the purpose of this Section, change in compensation shall not include increases resulting from collective bargaining agreements or any Board approved agreement.

D. Financial Operations and District's Funds:

The Governing Board delegates to the APCO or his or her duly appointed designee the authority to manage District financial operations and to expend District funds in conformity with the District budget. Upon Board approval of the budget, the APCO shall have the discretionary authority to transfer funds between line items in the budget categories of Services & Supplies and Fixed Assets. The APCO shall also have the authority to expend District funds for capital replacement and improvement projects up to the limits established for each project in the District budget. The APCO shall promptly inform the Board when revenues or expenditures exceed 10% of the budget, and propose corrective action if appropriate. The APCO or his or her designee shall review budget status and revenue and expenditure patterns monthly for the Board and present a report to the Board at periodic intervals, but not less than once every three months.

E. Emergency Authority:

The Governing Board delegates to the APCO or his or her duly appointed designee the authority to expend District funds and utilize the District's resources when an emergency occurs which adversely affects, directly or potentially, the ability of the District to perform its services, which puts District property or personnel in jeopardy, or which may jeopardize the health and safety of the community and its residents. The APCO shall first determine that an emergency exists; declare an emergency; and take whatever steps, devote whatever resources are available, and expend whatever funds he or she deems necessary to address the emergency. The APCO shall separately track those expenses and resources utilized to address the declared emergency. At the earliest opportunity, the APCO shall inform the Board of the declaration of emergency and the steps the APCO has taken to meet it, including, without limitation, any resources used and costs incurred.

F. Property Rights:

1. Real Property. The Governing Board delegates to the APCO the authority to accept, on behalf of the District, easements and other real property rights and interests required for effective performance of the District's legitimate functions. The sole authority to convey real property or real property rights.

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2. Other Property: The Governing Board delegates to the APCO or his or her duly appointed designee the authority to declare surplus and dispose of other District Property valued at less than \$1,000 (depreciated value) and to arrange for the recycle or disposal of such property in a manner such that District liability is minimized, District information is protected, and applicable laws are followed. The APCO or his or her designee shall present a report detailing surplus property and manner of disposition to the Board at periodic intervals, but not less than once every six months if property has been disposed of during that period.

G. Execution of Contracts:

The Governing Board delegates to the APCO the authority to execute contracts for items not listed in the adopted budget, as amended, provided the contract cost for the items does not exceed \$5,000; and the authority to execute contracts for items listed in the adopted budget, as amended, provided the contract cost for the items does not exceed \$50,000. These limitations do not apply to the APCO's powers under a declared emergency.

Recognizing that this policy is not meant to be altogether exhaustive and that new circumstances may arise requiring the Board to further define the APCO's role, the Board may address such circumstances by additional resolutions or actions of the Board.