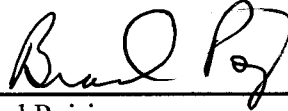


GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District
Policy 94-01
Amended: June 24, 2019



Jeff Williams
Governing Board Chair



Brad Poiriez
Executive Director/APCO

SUBJECT: AUTHORITY OF THE AIR POLLUTION CONTROL OFFICER (APCO)

POLICY:

It is the policy of the Governing Board of the Mojave Desert Air Quality Management District (District) to delegate to the Executive Director/APCO management authority as set forth herein. Nothing in this policy shall be considered an amendment of the employment agreement between the District and the APCO. In the case of a conflict, the terms of the employment agreement shall take precedence.

AMPLIFICATION OF POLICY:

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.

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.

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

**Governing Board Policy
of the
*Mojave Desert Air Quality Management District***

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 including the sole authority to convey real property or real property rights.

**Governing Board Policy
of the
*Mojave Desert Air Quality Management District***

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 \$5,000 (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 in accordance with applicable laws. The APCO or his or her designee shall periodically report to the Governing Board detailing surplus property and manner of disposition, but not less than annually 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 \$10,000; 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.

The Governing Board delegates to the APCO the authority to execute contracts to receive grant awards up to \$100,000 and report the action(s) to the Board at the next regular meeting. The APCO is also authorized to execute contracts where the District is granting funds to eligible projects up to \$100,000 and report the action(s) to the Board at the next regular meeting.

H. Approval of Inter-Basin/Inter-District Offset Transfers Pursuant to Health & Safety Code 40709.6

Pursuant to Health & Safety Code 40709.6 certain findings and approvals are required to implement Inter-basin and Inter-District transfers of offsetting emissions reductions between air districts. The statute specifically allows the Governing Board to delegate these findings and approvals to the APCO. The Governing Board hereby delegates to the APCO the authority to approve Inter-Basin and Inter-District Offset Transfers in accordance with the provisions of Health & Safety Code 40709.6. Such decision and any findings in support thereof as made by the APCO shall be appealable to the Governing Board within 30 days of the decision or notice of decision of the applicable offset transfer by any aggrieved person who has in person or through a representative participated (via writing, appearance or otherwise) in either the proposed offset transfer or in any underlying permitting activity that is directly linked to the proposed offset transfer.

I. Authority to Examine Communications.

The APCO is authorized to open and examine all mail or other written communications addressed to the Governing Board or its members unless marked "confidential" or "personal" and, within the authority delegated to the APCO by the Governing Board, give it immediate attention.

**Governing Board Policy
of the
*Mojave Desert Air Quality Management District***

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 also address such circumstances by additional resolutions or actions of the Board.

Revision History:

Adopted:	January 26, 1994
Amended:	November 23, 1998; March 26, 2001; January 28, 2002; April 22, 2002; January 28, 2008; January 23, 2012; March 27, 2017; June 24, 2019