State of California
AIR RESOURCES BOARD

Resolution 84-6

Agenda Item No.: 84-4-5

WHEREAS, Section 39601 of the Health and Safety Code authorizes the Air Resources Board (the "Board") to adopt standards, rules and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Sections 87300-87302 of the Government Code authorize and require the Board to adopt a Conflict of Interest Code containing certain specified provisions;

WHEREAS, the Board has established a Conflict of Interest Code in Sections 95000-95007, Title 17, California Administrative Code;

WHEREAS, the Board's Conflict of Interest Code incorporates by reference the Standard Conflict of Interest Code established by the Fair Political Practices Commission (the "FPPC") in Section 18730, Title 2, California Administrative Code, designates the Board and staff positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on financial interests, and establishes disclosure categories which specify the kinds of financial interests that must be reported by the various designated employees;

WHEREAS, since the last formal amendment of the Board's Conflict of Interest Code, the Board's staff has been reorganized and the new employment classification of Biostatistician has been added;

WHEREAS, Board staff has proposed amendments to Sections 95001, 95002, 95003, 95005, and 95006, Title 17, California Administrative Code, which would reflect the recent reorganization of the Board's staff and add Biostatistician to the list of professional employees;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

The amendments to Sections 95001, 95002, 95003, 95005, and 95006, Title 17, California Administrative Code, set forth in Attachment A appropriately reflect the recent reorganization of the Board's staff and add Biostatistician to the list of professional employees;

The amendments set forth in Attachment A meet the requirements of Sections 87300-87313 of the Government Code; and

The regulatory amendments set forth in Attachment A will have no adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby amends Sections 95001, 95002, 95003, 95005, and 95006, Title 17, California Administrative Code, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to submit the amendments to the FPPC for approval.

I certify that the above is a true and correcty copy of Resolution 84-6, as adopted by the Air Resources Board.

Harold Holmes, Board Secretary

ATTACHMENT A

Amend Title 17, California Administrative Code, Sections 95001, 95002, 95003, 95005, and 95006, to read as follows:

[For ease of understanding, the text of Title 17, California Administrative Code, Sections 95000, 95004, and 95007 are included below, although they would not be changed by the proposed amendments.]

SUBCHAPTER 9. CONFLICT OF INTEREST CODE

Article 1. General Provisions

95000. Incorporation by Reference of Standard Conflict of Interest Code.

The Political Reform Act, Government Code Sections 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 Cal.Adm.Code Section 18730, which contains the terms of a standard Conflict of Interest Code which can be incorporated by reference into the Conflict of Interest Code of a state agency. The regulation may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal.Adm.Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated herein by reference and, along with the following Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the California Air Resources Board.

Pursuant to Section 4(A) of the standard Code (2 Cal.Adm.Code Section 18730(g)(4)(A)), designated employees shall file statements of economic interests with the person designated to perform this function for the agency. Upon receipt of the statement of the Board Members and the Executive Officer

of the Air Resources Board, said person shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 87300, 87301, 87302 and 87500, Government Code; Section 18730 of Title 2, California Administrative Code.

Article 2. Appendix: Designated Employees and Disclosure Categories

95001. Professional Employees.

For purposes of the following disclosure categories persons at all levels of the following employment classifications are deemed to be professional employees:

Engineers

Meteorologists

Biologists

Chemists

Physicists

Spectroscopists

Engineering Specialists

Engineering Associates

Air Pollution Research Specialists

Air Pollution Specialists

Data Processing Analysts

Planners

Economists

Government Program Analysts

Management Analysts

Staff Analysts

Air Resources Field Representatives

Vehicle Coordinators

Biostatisticians

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

95002. Category I.

(a) Air Resources Board Members, Executive Officer, Deputy Executive Officers, Legislative Liaisons, Public Information Officers, all Division Chiefs and Assistant Division Chiefs, all staff Attorneys, all professional staff of the Office of Program Planning Evaluation and Coordination and the Office of External Affairs, professional employees and special consultants* attached to the Executive Office, and Branch Chiefs, Administrative Services Division.

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* With respect to consultants, however, the Executive Officer may determine in writing that a particular consultant, although a "designated person", is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer shall forward a copy of this determination to the Fair Political Practices Commission. Nothing herein excuses any consultant from any other provision of this Conflict of Interest Code. (This footnote applies to consultants in all disclosure categories, as indicated by the asterisks in the following Sections.)

(b) Every person in this Category must report: all investments, all interests in real property, all sources of income, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management in any business entity.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

95003. Category II.

(a) All professional employees in and special consultants* attached to the ~~Regional-Programs-Division-and-the-Energy-Strategy-Development-Branch~~ Toxic Pollutants Branch, Project Review Branch and the ~~Industrial~~ Strategy ~~Development~~ Assessment Review Branch of the Stationary Source ~~Control~~ Division, and the Local Project Support Branch of the Technical Support Division.

(b) Every person in this Category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management, (i) in any business entity which is subject to any laws of the State of California, or regulations promulgated by the Air Resources Board, relating to the control of air pollution from nonvehicular sources, or subject to any rules or regulations promulgated by any local air pollution control district; (ii) in any business entity of the type which has contracted with the board to provide services, supplies, materials, machinery, instrumentation, or equipment to the board; (iii) in any business entity, including a construction company, which is regularly engaged in the development of or investment in real property in California; and (iv) in any business entity which is regularly engaged in the preparation of environmental impact reports or environmental impact statements.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

95004. Category III.

(a) All professional employees in and special consultants* attached to the Research Division, and all members of the Research Screening Committee.

(b) Every person in this Category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management in (i) any business entity which is subject to any laws of the State relating to the control of air pollution from vehicular or nonvehicular sources, or which is subject to any rules or regulations promulgated either by the Air Resources Board or by any local air pollution control district; and (ii) any business entity or non-profit institution involved in activities relating to air pollution research, the development of air pollution control strategies or any activity which for the past two years has been the subject of a board research proposal, bid or contract.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

95005. Category IV.

(a) All professional employees in and special consultants* attached to the ~~Enforcement~~ Compliance Division, the Aerometric Data Division, the Emissions Inventory Branch, the Data Processing Branch and the Analysis and Modeling Branch of the Technical ~~Services~~ Support Division, and the Engineering Evaluation Branch ~~and the Emission Inventory Branch~~ of the Stationary Source ~~Control~~ Division.

(b) Every person in this Category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management, in any business entity which is subject to the laws of the State of California relating to the control of air pollution from vehicular or nonvehicular sources, or which is subject to any rules or regulations promulgated either by the Air Resources Board or by any local air pollution control district.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

95006. Category V.

(a) All professional personnel in and special consultants* attached to the Mobile Source ~~Control~~ Division and the Haagen-Smit Laboratory Division.

(b) Every person in this Category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management, (i) in any business entity associated with the manufacture, distribution, sale, leasing, repair, or (except for entities associated solely with the news media) the advertisement of motor vehicles, vehicular emission control devices or equipment, or vehicle aftermarket parts or vehicle fuels or fuel additives which may affect emissions; and (ii) in any business entity of the type which has contracted within the previous two years with the board to provide services, supplies, materials, machinery, instrumentation, or equipment to the board.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

95007. Advisory Committees.

The board finds that all members of advisory groups or committees appointed by the board pursuant to Health and Safety Code Section 39603, and all members of the Sandblasting Committee appointed by the board pursuant to Health and Safety Code Section 41900, perform a solely advisory function, and hence are not "designated employees" within the meaning of this Code, and are therefore exempt from the requirements of this Code.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

State of California

Memorandum

To : Gordon Van Vleck
Secretary
Resources Agency

Date : April 5, 1984

Subject : Filing of Notice of Decisions of the Air Resources Board

Harold Holmes
Board Secretary
From : Air Resources Board

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decision and response to environmental comments raised during the comment period.

ATTACHMENTS
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