

State of California
AIR RESOURCES BOARD

Resolution 85-65

Agenda Item No.: 85-13-2

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, two new advisory committees have been established pursuant to legislation regarding California's toxic air contaminants and acid deposition research programs, and other legislation now requires the Board's Training Section Manager to be subject to conflict of interest disclosure requirements;

WHEREAS, Board staff has proposed amendments to Sections 95002 and 95004, Title 17, California Administrative Code, which would (1) add to the Board's designated disclosure categories the members of the Scientific Review Panel on Toxic Air Contaminants and the Scientific Advisory Committee on Acid Deposition, and the Training Section Manager; (2) change the disclosure category of the Research Screening Committee; (3) add the members of the Abrasive Blasting Committee to the Board's designated employees subject to disclosure requirements; and (4) make minor grammatical and clarifying changes;

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 95002, 95003, 95004, and 95007, Title 17, California Administrative Code, set forth in Attachment A appropriately reflect additions and changes to the designated disclosure categories of the Board's conflict of interest regulations consistent with the requirements of recent legislation and applicable case law;


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 95002, 95003, 95004, and 95007, 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 hereby certify that the above is a true and correct copy of Resolution 85-65, as adopted by the Air Resources Board.


Harold Holmes, Board Secretary

ATTACHMENT A

Amend Title 17, California Administrative Code, Section 95002(a), to read as follows:

95002. Category I.

(a) Air Resources Board Members, members of the Scientific Review Panel on Toxic Air Contaminants, members of the Scientific Advisory Committee on Acid Deposition, members of the Research Screening Committee, 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, of the Administrative Services Division, and the Training Section Manager of the Administrative Services Division.

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code; Sections 82019, 87300 and 87306, Government Code. Reference: Section 87302, Government Code.

Amend Title 17, California Administrative Code, Section 95003(a), to read as follows:

95003. Category II.

(a) Members of the Abrasive Blasting Committee, ~~All~~ all professional employees in and special consultants* attached to the Toxic Pollutants Branch, Project Review Branch and the Strategy Assessment Review Branch of the Stationary Source Division, and the Local Projects Support Branch of the Technical Support Division.

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

Amend Title 17, California Administrative Code, Section 95004(a), to read as follows:

95004. Category III.

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

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

Amend Title 17, California Administrative Code, Section 95007, to read as follows:

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.

Memorandum

To : Gordon Van Vleck
Secretary
Resources Agency

Date : January 27, 1986

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

(Harold Holmes)
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 decisions and response to environmental comments raised during the comment period.

ATTACHMENTS

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85-65
35-70 and SEI
85-79

FILED AND POSTED BY
OFFICE OF THE SECRETARY

JAN 27 1986

Resources Agency of California