State of California
AIR RESOURCES BOARD

Resolution 00-33

September 28, 2000

Agenda Item No.: 00-9-4

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board) to adopt standards, rules and regulations and to do such acts as may be 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 Code of Regulations;

WHEREAS, the Board's Conflict of Interest Code (Code) incorporates by reference the standard conflict of interest code established by the Fair Political Practices Commission (FPPC) in section 18730, title 2, California Code of Regulations; designates the Board and staff positions which involve the making of, 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, section 87306 of the Government Code authorizes and requires the Board to conduct a biennial review of the Board's Code and to amend the Board's Code to reflect, among other changes, the reorganization or renaming of divisions within disclosure categories; the creation of new positions which involve the making of, or participation in the making of, decisions which may foreseeably have a material effect on any financial interest; and the reclassification, renaming or deletion of previously designated positions;

WHEREAS, the Board's staff has proposed amendments to sections 95001, 95002, and 95005, title 17, California Code of Regulations, to reflect broader classifications for, additions to, and deletions of, positions designated under the Board's Code; to reflect the reorganization of divisions within the disclosure categories under the Board's Code; and to make minor grammatical and clarifying changes;

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

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, and 95005, title 17, California Code of Regulations, set forth in Attachment A, appropriately reflect broader classifications for, additions to, and deletions of, positions designated under the Board's Code; reflect the reorganization of divisions within the disclosure categories under the Board's Code; and make minor grammatical and clarifying changes;

The amendments to sections 95001, 95002, and 95005, title 17, California Code of Regulations, set forth in Attachment A, have no significant adverse environmental impacts; and

The amendments set forth in Attachment A meet the requirements of sections 87300-87313 of the Government Code.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendments to sections 95001, 95002, 95005, title 17, California Code of Regulations, as set forth in Attachment A hereto.

I hereby certify that the above is a true and correct copy of Resolution 00-33, as adopted by the Air Resources Board.

Marie Kavan

Marie Kavan, Clerk of the Board

Attachment A

PROPOSED TEXT OF REGULATIONS FOR CONFLICT OF INTEREST CODE

Amend Sections 95001, 95002, and 95005, Subchapter 9. Conflict of Interest Code, Chapter 1, Division 3, Title 17, California Code of Regulations, as follows:

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:

~~Air Pollution Research Specialists~~
~~Air Pollution Specialists~~
~~Air Resources Field Representatives~~
Analysts
~~Auto Emissions Test Supervisors~~
Biostatisticians
Chemists
~~Data Processing Analysts~~
~~Data Processing Managers~~
~~Economists~~
Engineers
Field Representatives
~~Government Program Analysts~~
~~Information Officers~~
~~Information Systems Analysts~~
~~Information Systems Managers~~
~~Management Analysts~~
Managers
Meteorologists
Officers
Programmers
~~Research Analysts~~
Spectroscopists
Specialists
~~Staff Analysts~~
~~Staff Services Managers~~
Supervisors
~~Telecommunications systems Analysts~~
Toxicologists

Transportation Planners
~~Vehicle Pollution Advisors~~
Writers

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

95002. Category I.

(a) Air Resources Board Members, Advisors to the Board, 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, Chief Deputy Executive Officer, Deputy Executive Officers, ~~Assistant Executive Officer~~, all ~~Chair and Executive Office~~ Special Office Chiefs, all Division Chiefs and Assistant Division Chiefs, all Administrative Law Judges, all Staff Attorneys, all professional employees, special assistants and special consultants* attached to the Chair's Office and to the Executive Office, Branch Chiefs of the Administrative Services Division, and the Training Section Manager, the Contracts Manager, Contracts Analysts, Procurement Officers, Business Services Officer Supervisors, and Business Management Analysts ~~and the Regional Administrative Officer of the Administrative Services Division~~.

(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 82019, 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

95005. Category IV.

(a) All professional employees in and special consultants* attached to the Compliance Division, the Planning and Technical Support Division and the Monitoring and 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, in any business entity which is subject to any law of the control of air pollution from vehicular or non-vehicular sources, or which is

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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 the description, a statement of the extent of the disclosure requirements. A copy of the written determination shall be retained at the Offices of the Air Resources Board and made available for public inspection. 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.)