

**CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION**

OPERATIONS COMMITTEE MEETING

**Friday, September 14, 2018
10:00 a.m. – 12:00 noon**

**North Richmond Center for Health
1501 Fred Jackson Way
Richmond CA 94801**

The Contra Costa County Hazardous Materials Commission will provide reasonable accommodations for persons with disabilities planning to attend the Hazardous Materials Commission meetings who contact Michael Kent, Hazardous Materials Commission Executive Assistant, at least 24 hours before the meetings, at (925) 313-6587

AGENDA

- 1. CALL TO ORDER, ANNOUNCEMENTS AND INTRODUCTIONS**
- 2. APPROVAL OF MINUTES: JULY 13, 2018**
- 3. PUBLIC COMMENT:**
- 4. OLD BUSINESS:**
 - a) Review draft hazardous material fact sheet from Contra Costa Climate Leaders
 - b) Status Update on the County Pharmaceutical Ordinance
- 5. NEW BUSINESS:**
 - a) Review Commission by-laws for policy recommendation process.
 - b) Discuss filling vacant Commission Seats
- 6. REPORTS FROM COMMISSIONERS ON MATTERS OF COMMISSION INTEREST Members**
- 7. PLAN NEXT AGENDA**
- 8. ADJOURNMENT**

Attachments

Questions: Call Michael Kent (925) 313-6587

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by Contra Costa Health Services to a majority of members of the Hazardous Materials Commission less than 72 hours prior to that meeting are available for public inspection at 597 Center Avenue in Martinez

***Contra Costa County Hazardous Materials Commission
597 Center Avenue, Suite 200, Martinez CA 94553 (925) 313-6712 Fax (925) 313-6721***

Hazardous Materials Commission

Draft Minutes Operations Committee

July 13, 2018

Members and Alternates

Present: Rick Alcaraz, Fred Glueck, Steve Linsley, Lisa Spark (alternate), Rita Xavier (alternate)

Absent Lara Delaney, Ralph Sattler (represented by alternate), Leslie Stewart (represented by alternate)

Staff: None

Members of the Public: None

- 1) **Call to order, announcements:** Commissioner Glueck called the meeting to order at 10:00 am.

Michael Kent announced:

- There will be no Planning and Policy meeting or full Commission meeting in July or Operations committee meeting in August due to staff vacation.
- Jim Holland from Levin Richmond Terminal will be attending the Planning and Policy committee meeting on August 15th to discuss the dust control measures they use.
- Several Chambers of Commerce have responded positively to the Commission's inquiry about hosting another cybersecurity workshop. We are still waiting on other responses.

Commissioner Linsley announced that there will be a public meeting on the Zenica Clean up plan on July 26th.

- 2) **Approval of Minutes:**

The minutes for the May 11, 2018 meeting were moved by Commissioner Linsley, seconded by Commissioner Alcaraz and approved 5 – 0.

- 3) **Public Comments:** None

- 4) **Old Business:**

- a) **Update on the County's Pharmaceutical Ordinance**

The Environmental Health Department is currently reviewing the final implementation plan of the Pharmaceutical Collaborative for establishing a take-back program. A state-wide pharmaceutical collection bill, SB 212, is winding its way through the legislative process right now. It would not preempt the County's ordinance.

b) Review of Contra Costa County Climate Leaders fact sheet on hazardous materials usage.

The Committee reviewed the latest draft of the hazardous materials factsheet developed by Contra Costa County Climate Leaders and suggested edits to the document.

5) New Business:

a) Discussion of how California Department of Education Siting Guidelines applies to privately-built Charter Schools

Staff reviewed the information he had received on this topic with the committee:

From Fred Yeager at the California Department of Education Facilities Division

- Charter Schools are considered part of the Public School system, but can be privately run.
- They are not subject to the siting criteria contained in the Educational Code.
- They still have to go through the City for Environmental review
- Whoever charters the school can require conditions, but this rarely happens
- It would take new state legislation to apply the school siting criteria to charter schools

From Matt Belasco, Pittsburg USD

- The School District has reviewed the application and rejected it, so Making Waves are applying to the County Board of Education to charter the school.
- The School Board still has to vote on it and there have been some presentations.
- He thinks they would use the State siting guidelines if they do charter the school.

From Hector Rojas, City of Pittsburg Planner

- Making Waves (the entity wanting to site a charter school at the former John Manville site) wants to remove the berm of asbestos material at the site, and has submitted a plan to DTSC.
- The proposal is for 2000 students, in elementary, middle and high school in phase I, a sports field in phase II and Office buildings in phase III.
- A formal application has been submitted to the City. Design review is a discretionary act, so CEQA will apply. A Land Use Permit will be required for phase II and III.
- The City won't be evaluating the application per the state school siting guidelines, but on their checklist they have questions about near-by sources of hazardous materials.
- They haven't issued a Notice of Preparation or a scoping document yet.

Based on this information, Commissioner Linsley made a motion for the full Commission to recommend to the Board of Supervisors that they:

- 1) Add a plank to the County's State Legislative Platform that they support legislation that would add the risk of hazardous material releases from facilities to the state siting criteria.
- 2) Change the State school siting criteria to apply to charter schools

- 3) Require the California Department of Education to provide the current state siting criteria to local jurisdictions when charter schools are being proposed in their jurisdictions.

The motion was seconded by Commissioner Xavier and approved by the committee 5 – 0.

- 6) **Reports from Commissioners on Matters of Commission Interest:** None
- 7) **Plan Next Agenda:** Follow-up with CCCL on hazardous materials fact sheet
- 8) **Adjournment:** The meeting was adjourned at 12:00.

Attachment

Item 4a

Toxic Chemicals in Your City?

What?

No matter where you live, chances are at some point, your community may be impacted by toxic chemicals. In addition to big news story - like the contaminated drinking water in Flint, Michigan - there are dozens of cities and towns that are at risk from toxic chemicals every day.

Local Government/City leaders should be aware of potential risks from toxic chemicals in their communities. Living or working in proximity to industrial sites like refineries, factories, or even auto repair shops, gas stations, and dry cleaners may increase the need for accurate and up to date resiliency plans and emergency response during extreme weather events. Industrial releases may increase long term risk for exposure to harmful chemical, and some contaminated sites may present a risk to nearby residents. The type and severity of the risks depend on the toxicity of the chemicals involved, the concentrations of those chemicals present, their proximity to people, and the way in which people can be exposed to them.

Resources to learn more about potential exposure to chemicals in your community:

1. **US EPA Toxic Release Inventory (TRI)**: This national database was developed for the Emergency Planning and Community Right-to-Know Act (EPCRA 313) by the U.S. Environmental Protection Agency for the purpose of informing on the amounts of toxic chemicals that large industrial facilities generate in our neighborhoods.
www.epa.gov/toxics-release-inventory-tri-program
2. **Local Hazardous Materials Business Plan Data**: As part of EPCRA planning and local resiliency plans, the local County Health Department's Hazardous Materials Program, collects information from facilities about the toxic chemicals they use, store or manufacture. It is available upon request from the Hazardous Materials Program.
<http://www.co.contra-costa.ca.us/> <https://cchealth.org/hazmat/pdf/Area-Plan-2016May.pdf>
3. **State of California Envirostor** The Department of Toxic Substances Control (DTSC) maintains a data management system for tracking state cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination or sites where there may be reasons to investigate further. The database lists brownfield sites and their status. <https://www.envirostor.dtsc.ca.gov/public/>
4. **Bay Area Air Quality Management District (BAAQMD) Emissions Inventory**, This database compiles regional and county inventories that estimate the nine county Bay Area emissions of criteria air pollutants, greenhouse gases, and toxic air contaminants for past, present, and future years. The Air District also periodically conducts special studies to improve emission estimates or to assess emission levels for certain source areas. <http://www.baaqmd.gov/research-and-data/emission-inventory>

5. **State of California Air Resources Board** provides data on their air monitoring sites and site information, air quality information, air toxics emissions, dioxins, and more. <https://www.arb.ca.gov/html/databases.htm>
6. **Regional Water Quality Control Board contaminated site database, Geotracker**, this data management system includes sites that impact, or have the potential to impact, water quality in California, with emphasis on groundwater. Geotracker contains records for sites that require cleanup, such as Leaking Underground Storage Tank (LUST) Sites, Department of Defense Sites, and Cleanup Program Sites. It also contains records for various unregulated projects as well as permitted facilities including: Irrigated Lands, Oil and Gas production, operating Permitted USTs, and Land Disposal Sites. <http://geotracker.waterboards.ca.gov/>

Why?

Climate change is predicted to produce more frequent and powerful natural disasters, including flooding caused by the combination of sea level rise, and more intense and more frequent rainfall, and fires caused by the combination of more droughts and more intense heat. These events can increase the amount of disaster-related hazardous waste generated and released into the environment.

Communities can adapt to these disasters and increase their resiliency by preparing for these disasters through pre-incident planning. Planning can reduce dangers of fire/explosions, personal injury and accidental releases into the environment from industrial facilities and contaminated sites. Identification of better waste management opportunities and chemical storage strategies can minimize exposure during climate related events.

Community leaders have a responsibility to become familiar with the information about toxic chemicals available to them and use it for Emergency Preparedness and Resiliency Plans to plan, prepare, adapt, and inform constituents and industry leaders in the event of a release or emergency; and for general community right-to-know about human health and environmental releases.

We encourage City and Town Councils to be proactive in understanding their local industries and the chemicals and quantities being used.

Where?

1. **US EPA Toxic Release Inventory (TRI):** Using the TRI nationwide annual reporting program which is only for large facilities who release certain listed chemical, over certain chemical releases---- these releases (in pounds) are identified in Contra Costa County:

| City | TRI Reporting Facilities | On-Site | Off-Site | Total Releases |
|--------------|---|-----------|-----------|----------------|
| Antioch | 2: Georgia Pacific; Silgan Containers | 3,995 | 0 | 3,995 |
| Bay Point | 1: Henkel | 0 | 0 | 0 |
| Concord | 3: Calnex MFG; Cemex; PT Systems | 0 | 718 | 718 |
| Martinez | 6: Air P&C(1,2); Eco Services Operations; Mecs; Shell; Tesoro | 1,191,328 | 136,570 | 1,327,898 |
| Pittsburg | 6: Criterion; Douglas Products; Dow Chem; Hasa; K2; USS-Posco | 26,319 | 193,397 | 219,716 |
| Richmond | 12: Bio-Rad; Chemtrade West; Chevron Products; Chevron Tech; +7 | 749,688 | 656,102 | 1,405,790 |
| San Pablo | 3: Air Liquide; Phillips 66 (Carbon, SFR) | 834,730 | 321,319 | 1,156,049 |
| County Total | 33 TRI Reporting Facilities | 2,806,060 | 1,308,106 | 4,114,166 |

[Source, grouped by facility showing amounts in pounds of individual chemicals released:](#)

*On-site refers to air releases, surface water discharges, land releases, recycling, energy recovery, and treatment occurring on site, requiring no transportation. On-site releases may be purposefully confined releases such as through smoke stacks, outflow pipes, or in land based holding areas; or accidental releases such as fugitive air releases, spills, leaks, run-off, or evaporation. Off-site refers to the transport of materials to geographically separate locations from the reporting facility for disposal in any of the previously mentioned disposal methods. [This link](#) contains descriptions of each method

2. **Local Hazardous Materials Business Plan Data:** Using the County's Hazardous Materials Business Plan Data , we can identify the total tons of hazardous materials

handled in each of our Contra Costa Cities

| City | Number of Sites |
|---------------|-----------------|
| CLAYTON | 7 |
| ORINDA | 56 |
| MORAGA | 70 |
| HERCULES | 103 |
| PLEASANT HILL | 112 |
| LAFAYETTE | 139 |
| DANVILLE | 145 |
| PINOLE | 160 |
| OAKLEY | 256 |
| SAN PABLO | 359 |
| EL CERRITO | 403 |
| BRENTWOOD | 545 |
| SAN RAMON | 582 |
| WALNUTCREEK | 1250 |
| CONCORD | 2720 |
| ANTIOCH | 11153 |
| CC COUNTY | 11379 |
| MARTINEZ | 13540 |
| PITTSBURG | 17931 |
| RICHMOND | 119941 |
| TOTAL | 180851 |

*This is available upon request from the Hazardous Materials Program.

<http://www.co.contra-costa.ca.us/>

3. **State of California Envirostor** Using the DTSC Envirostor

| City | Antioch | Bay Point | Brentwood | Concord | El Cerrito | Lafayette | Martinez | Oakley | Pinole | Pittsburg | Richmond | Rodeo | Seely | Walnut Creek | CC Total |
|------------------------|---------|-----------|-----------|---------|------------|-----------|----------|--------|--------|-----------|----------|-------|-------|--------------|----------|
| Site Classification | | | | | | | | | | | | | | | |
| Land Use Restrictions* | | | | | 3 | 1 | | | | | 5 | | | | 9 |
| Voluntary Clean up | 2 | 1 | 1 | 2 | 3* | | | | 1 | 3 | 7* | 1 | | 3 | 24* |
| Corrective Action | 1 | 1 | | | | | 1* | 1 | | 2 | 2* | | | | 8* |
| Tiered Permit | | | | | | | | | | | 1 | | | | 1 |

| | | | | | | | | | | | | | | | |
|-----------------------------|---|---|---|---|----|---|----|---|---|---|-----|---|---|---|-----|
| Fed Superfund Site Listed | | | | 2 | | | | | | | 1* | | | | 3* |
| Fed Superfund Site Delisted | | | | | | | | | | | 1* | | | | 2* |
| School Clean Up | | | | | | 1 | | | | | | | | | 1 |
| State Response | 1 | | | | | | | | | 1 | 7* | | 1 | | 10* |
| Total Active Sites | 5 | 2 | 1 | 4 | 3* | 1 | 1* | 1 | 1 | 6 | 19* | 1 | 1 | 3 | 49* |

* indicates one or more sites in category with land use restrictions, not counted twice

[Link to source data](#)

4. **Bay Area Air Quality Management District (BAAQMD) Emissions Inventory.** The [Criteria Air Pollutant Report](#) (page 17; base year 2011) identified the following pollutants in Contra Costa:

- o Particulate Matter 10 Um (PM-10) 20 tons/day
- o Particulate Matter 10 Um (PM-2.5) 11 tons/day
- o Reactive Organic Gas (ROG) 50 tons/day
- o Nitrogen Oxides (NOx) 54 tons/day
- o Sulfur Dioxide (SO2) 14 tons/day
- o Carbon Monoxide (CO) 220 tons/day

totaling **269 tons/day**

The [GHG Emissions Report](#) (page 19-20; base year 2011, provides the following data to comparing the nine Bay area counties. Contra Costa County clearly has the highest CO2 emissions data by county and the largest share of total emissions in the Bay area. Page 32 shows annual GHG emissions of CCC by sector by pollutant.

2011 CO2- Equivalent Emissions by County (pg19)

| County | % total emissions | CO2 Equivalent (metric tons/year) |
|---------------------|-------------------|-----------------------------------|
| Alameda | 15.2 | 13.2 |
| Contra Costa | 36.3 | 31.4 |
| Marin | 2.8 | 2.4 |
| Napa | 1.7 | 1.5 |
| San Francisco | 6.6 | 5.7 |
| San Mateo | 8.9 | 7.7 |
| Santa Clara | 18.5 | 16 |

| | | |
|---------|-----|------|
| Solano* | 5.9 | 5.1 |
| Sonoma* | 4 | 3.5 |
| Total | 100 | 86.6 |

*Portion within BAAQMD

2011 County Emissions Breakdown by Sector (Million Metric Tons CO2-Equiv./Yr.)
(pg20)

| Sector | Alameda | Contra Costa | Marin | Napa | SF | San Mateo | Santa Clara | Solano | Sonoma |
|---------------------|---------|--------------|-------|------|-----|-----------|-------------|--------|--------|
| Industrial /Comm. | 2.7 | 17.8 | 0.4 | 0.2 | 1.2 | 1.4 | 4.1 | 2.7 | 0.5 |
| Residential Fuel | 1.3 | 1.0 | 0.3 | 0.1 | 0.9 | 0.8 | 1.5 | 0.3 | 0.4 |
| Electricity/CoGen | 0.9 | 7.2 | 0.1 | 0.1 | 0.5 | 0.4 | 2.2 | 0.4 | 0.2 |
| OffRoad Equipment | 0.2 | 0.2 | 0.0 | 0.0 | 0.2 | 0.1 | 0.4 | 0.0 | 0.1 |
| Transportation | 7.9 | 5.0 | 1.3 | 0.9 | 3.0 | 4.0 | 7.6 | 1.6 | 2.0 |
| Agriculture/farming | 0.1 | 0.2 | 0.2 | 0.1 | 0.0 | 0.0 | 0.2 | 0.1 | 0.2 |
| total | 13.2 | 31.4 | 2.4 | 1.5 | 5.7 | 7.7 | 16.0 | 5.1 | 3.5 |

The [Toxic Air Contaminants data](#) can be sorted by county, city, and facility. There are 583 Toxic Air Contaminants reporting facilities in CCC emitting mostly diesel exhaust but many other pollutants are recording. CCC data organized by city [HERE](#)

5. **State of California Air Resources Board** has 9 monitoring sites in CCC measuring all pollutants accessible [HERE](#). Data from these sites are available through the Air Quality and Meteorological Information system ([AQMIS](#)). Though the site list says CCC sites measure all pollutants, data is only available for Carbon Monoxide, Hydrogen Sulfide, Nitrogen Dioxide, Nitric Oxide, NOx, Ozone, Sulfur Dioxide, and PM2.5; and notably does not include Carbon Dioxide, Methane, and PM10 substances.
6. **Regional Water Quality Control Board, Geotracker** provides an overview of all databases including Leading Underground Storage tanks (LUST), non-federally owned clean-up sites, irrigated lands regulatory program, land disposal sites, military clean-up sites, oil and gas monitoring, and waste discharge requirements sites, and more.

- The Leading Underground storage tanks ([LUST](#)) database is organized by county, showing 856 total LUST sites in CCC, currently 65 remain open. http://geotracker.waterboards.ca.gov/site_type_definitions -

Who?

Local Government leaders are taking a leadership role in developing robust resiliency plans and proactively addressing pollution prevention and toxics reduction

- **States:**
 - **??Is there state Guidance/requirements for emergency preparedness plans, and what about resilience plans for impacts of Climate change and Extreme weather events? i.e. how often do emergency plans get updated, how often and does it now have to include climate change? Links to any websites, guidance, letters from the state would be great!**
- **Counties:**
 - **Contra Costa County, CA; Health Services Hazardous Materials Program** administers the California Accidental Release Prevention (CalARP) Program and Industrial Safety Ordinances (ISO) by Contra Costa County and the City of Richmond. <https://cchealth.org/hazmat/calarp/>
 - **King County, WA**, 37 cities and tribal governments in King County are working together to help citizens, businesses, non-profit organizations and government agencies reduce the threat posed by the production, use, storage and disposal of hazardous materials and wastes. http://www.lhwmp.org/home/aboutus/about_us.aspx
- **Cities:**
 - **Richmond, California** is home to a number of heavy industrial processing plants, including major oil refineries. In response, community leaders have come together to educate and advocate for increased responsibility, and to provide resources and services:
 - The West County Toxics Coalition, <https://ej4all.org/affiliates/affiliate-details?pid=33>
 - Communities for a Better Environment (CBE) <http://www.cbecal.org/about/mission-vision/>
 - The Richmond Progressive Alliance (RPA) <http://www.richmondprogressivealliance.net/>
 - **Martinez (Shell Oil, Do they have a Resilience Plan with or separate from their climate action plan? They were one of the first cities to hire an outside consultant to write their climate plan. Wondering if it has been updated and does it incorporate emergency preparedness?)**
- **Other Regional Efforts**

- The West Michigan Environmental Action Council (WMEAC) is a resource for environmental education and advocacy since 1968. They respond to emerging issues and new threats to natural and human ecologies, and are strategically focused on building sustainable communities and protecting water resources. <https://wmeac.org/>
- Alaska Community Action on Toxics (ACAT) is a statewide environmental health and justice organization established in 1997. Advocating for environmental and community health; they empower communities to eliminate exposure to toxics through collaborative research, shared science, education, organizing, and advocacy. https://www.akaction.org/our_story/
- New England's Toxics Action Center empowers communities with the skills and resources needed to prevent or clean up pollution at the local level. Since 1987, they have organized over 1000 community groups and trained over 20,000 individuals to put together tools, plans and strategies to effectively defend their communities' health and safety. Experts strategically and inclusively work for proactive, positive change and have helped win hundreds of campaigns to protect the health of citizens and neighborhoods. <https://toxicsaction.org/about-us/>

It is important that local government leaders stay informed on the types and amounts of toxic chemicals that have been, are being, or have the potential to be released. Consciousness of the problem and proactive solutions will ensure healthy and resilient cities.

Attachment

Item 5a

**BYLAWS OF THE
CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION**

I. RESPONSIBILITIES

- A. Pursuant to Health and Safety Code section 25135.2, the Contra Costa County Hazardous Materials Commission ("Commission") shall:
1. Advise the County Board of Supervisors, County staff, and the mayor's council members, and staffs of the cities within the county, on issues related to the development, approval, and administration of the county hazardous waste management plan.
 2. Hold informal public meetings and workshops to provide the public with information, and to receive comments, during the preparation of the county Hazardous Waste Management Plan.
- B. Pursuant to Board of Supervisors Order dated October 14, 1986, the Commission is charged with the following tasks:
1. Draft a County Hazardous Materials Storage and Transportation Plan for consideration by the Board of Supervisors.
 2. Draft a County Hazardous Materials Storage and Transportation Management Ordinance for consideration by the Board of Supervisors.
 3. Coordinate the implementation of the Hazardous Materials Release Response Plan and Inventory program (AB 2185) (Stats. 1985, ch.1184) with the other recommendations of the Hazardous Waste Task Force and the Hazardous Waste Management Plan.
 4. Address the economic effects of implementing these recommendations.
 5. Further develop the recommendations involving hazardous materials issues which should include obtaining broad public input.
 6. Oversee management coordination of all aspects of the storage or transportation of hazardous materials and the generation, storage, transportation, treatment, and disposal of hazardous waste.
 7. Recommend further charges for consideration by the Board of Supervisors, or recommend changes in the existing charges to the Commission for consideration by the Board of Supervisors.
- C. Report and make recommendations on such further matters concerning hazardous materials and wastes as are referred to the Commission by the Board of Supervisors.

II. MEMBERSHIP

- A. Members. The Commission shall consist of the following thirteen (13) members, each with an appointed alternate, and appointed as follows:

Two (2) representatives of cities, appointed by the City Selection Committee pursuant to Article II (§50270 et seq.) of Chapter 1, Part 1 of Division I of Title 5 of the Government Code;

Three (3) representatives of business, nominated as indicated below, screened by the Internal Operations Committee, and appointed by the Board of Supervisors (IOC Bd Order dated February 24, 1998);

“Business Seat #1 - to be nominated by the West County Council of Industries.”

“Business Seat #2 - to be nominated by the Industrial Association.”

“Business” Seat #3 - to be nominated by the Contra Costa Taxpayers Association.”

Three (3) representatives of environmental organizations, with all applicants to any of the three “Environmental Organization” seats to be nominated by an environmental organization, but that no particular environmental organization will have an exclusive right to nominate an individual to any one of the three aforesaid seats or their alternates, and therefore, which environmental organizations are represented on the Hazardous Materials Commission rests with the Internal Operations Committee and ultimately the Board of Supervisors (IOC Bd Order dated February 24, 1998);

One (1) representative of the League of Women Voters, nominated by the League and appointed by the Board of Supervisors;

Two (2) labor representatives, nominated by labor organizations, screened by the Internal Operations Committee, and appointed by the Board of Supervisors (Bd. Order dated June 4, 1996;)

One (1) representative of environmental engineering firms located in Contra Costa County, nominated by such firms, screened by the Internal Operations Committee, and appointed by the Board of Supervisors;

One (1) representative of the general public, appointed by the Board of Supervisors. (Health & Safety Code, § 25135.2; Bd. Order dated 10/14/86. Amended 02/14/94.)

- B. Board Appointments. Board of Supervisors’ Resolution No. 2002/377 shall govern the procedure for nominating and appointing members appointed by the Board of Supervisors.

- C. Terms. Members shall serve staggered terms of four-years at the pleasure of the appointing authority. There is no limit to the number of terms a member may serve. The Commission shall determine how the terms shall be staggered.

If a Commissioner, or their alternate attending in their place, misses more than half of the full Commission meetings held in the final year of their term, the Commission shall recommend to the Board of Supervisors against reappointment for another term.

- D. Alternates. Organizations nominating or appointing members to serve on the Commission may designate alternates to members of the Commission by submitting the name of the alternate to the County Administrator. If the Board of Supervisors is the appointing authority, the County Administrator shall seek Board approval of the appointment, which becomes effective upon Board approval. (Bd Order date 08/18/87.)

III. OFFICERS

- A. The Commission shall elect a Chairperson and a Vice-Chairperson for terms of one calendar year.
- B. The Clerk of the Board shall be notified of the selection of the Chairperson and Vice-Chairperson.
- C. The Chairperson and Vice-Chairperson may serve consecutive terms.

IV. CONDUCT OF BUSINESS

- A. Meetings. Meetings shall be conducted pursuant to the Ralph M. Brown Act. (Gov Code, § 54950 et seq.)
- B. Chairperson. The Chairperson shall be responsible for:
 - 1. Conducting all meetings of the Commission
 - 2. Reviewing and approving Commission agendas.
 - 3. Selecting Commission members for standing and ad hoc committees.
 - 4. Representing the Commission, or designating a member to represent the Commission, before the Board of Supervisors, City Councils, or other bodies before which the Commission may wish to appear.
- C. Quorum. Business shall be conducted by the Commission only when a quorum is present. A majority of authorized seats shall constitute a quorum.
- D. Final recommendations of the Commission to the Board of Supervisors shall require the number of affirmative votes equal to the quorum of the Commission on the date of the vote.

V. BYLAWS AND OTHER GUIDELINES

- A. Bylaws. These Bylaws shall govern the conduct and activities of the Commission. However, nothing in these bylaws excuses compliance with any other law. The Commission may, from time to time, recommend to the Board of Supervisors that changes be made to these bylaws.

VI. CONFLICT OF INTEREST

- A. General Board Policy. Pursuant to Resolution No. 2002/376, the Board of Supervisors has adopted a policy for Board appointees concerning conflicts of interest. Resolution No. 2002/376 applies to the Commission and requires as follows:
1. Statutes on Conflicts. Officials, Commissioners, and Committee members appointed by the Board shall adhere to the principles and rules of the Political Reform Act of 1974 (Gov. Code, § 816000 et seq.), including the following:
 - a) Local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth. (Gov. Code, § 81001 [b].)
 - b) Public officials should perform their duties in an impartial manner, free from bias caused by financial interests of themselves or their supporters. (Gov. Code, § 81002 [b].)
 - c) Public officials should disclose assets and income which may be materially affected by their official actions, and in appropriate circumstances they should be disqualified from acting, in order to avoid conflicts of interest. (Gov. Code, § 81002[d].)
 2. Common Law Policy on Conflicts. All officials should so conduct the public business as to avoid even any appearance of conflict of interest. (See, e.g., Kimura v. Roberts [1979] 89 Cal.App.3d 871.)
- B. Board Policy for Hazardous Materials Commission. Consistent with Resolution No. 2002/376 and Health and Safety Code section 25135.2, the Board hereby declares, as a matter of legislative determination, that members of the Hazardous Materials Commission are intended to represent and further the interest of specified industries and groups responsible for their nomination. Accordingly, the Board of Supervisors hereby finds that for purposes of members of the Commission nominated by a trade, industrial or professional group, such trade, industrial or professional group constitutes a significant segment of the public within the meaning of Government Code section 87103.

By this policy, the Board does not find or imply that members of the Hazardous Materials Commission are public officials within the meaning of Government Code section 87100 (Political Reform Act). This declaration of policy is only to clarify the application of the Board's general policy on conflict of interest to the Hazardous Materials Commission.

Approved by the Board of Supervisors on October 16, 1989.
Non-substantive amendments by the Commission on April 22, 1992.
Amended by the Board of Supervisors on February 14, 1994.
Board requested recommendations 2/28/98 item c.31, 02/02/98 item c.29 approved Operations Committee April 10, 2000.
Reviewed by the Operations Committee February 11, 2002 with no changes made.
Amended by the Board of Supervisors on 7/15/03, Item c.48
Amended by the Board of Supervisors on 9/21/04, Item c.75

LTF: 10hmc21494.

NAN: (Draft) hmc041000.

NAN:Revised bylaws Bd Ord. 062000 Item c.122