



NORTHERN
SONOMA COUNTY

Air Pollution Control District

Board Resolution:
#26-06

Before the Northern Sonoma County Air Pollution Control District Board of Directors

In the Matter Of: Adopting the "Policy on Policies," establishing a framework for District policy approval authority, policy development and maintenance, and the relationship between District policies and County of Sonoma policies.

The following **RESOLUTION** was duly passed by the Northern Sonoma County Air Pollution Control District Board of Directors at a regular meeting held on **October 15, 2026**, by the following vote:

Ayes: Gore _____ Hopkins X Kelley X Salmon X Wheeler _____
Alternates: _____

Noes: Gore _____ Hopkins _____ Kelley _____ Salmon _____ Wheeler _____
Alternates: _____

Abstain: Gore _____ Hopkins _____ Kelley _____ Salmon _____ Wheeler _____
Alternates: _____

Signed and attested to by me after its passage:

Ann Kelley Board Chair

WHEREAS, the Northern Sonoma County Air Pollution Control District ("District") is a separate public agency organized and operating pursuant to the California Health and Safety Code; and

WHEREAS, the District's Board of Directors (Board) and Air Pollution Control Officer (APCO) exercise policy-making and administrative authority as provided by law; and

WHEREAS, under this policy, the Board reaffirms its role in setting policy direction and major governance decisions, while delegating day-to-day administrative and operational oversight to the APCO; and

WHEREAS, the Board wishes to establish a clear and transparent framework for the development, approval, implementation, review, and maintenance of District policies while preserving the Board's authority over matters requiring Board approval; and

WHEREAS, the framework provides that policies meeting the significance threshold established in the policy, as well as policies the Board directs be brought before it, are considered by the Board at a duly noticed public meeting with an opportunity for public comment; and

WHEREAS, the policy establishes procedures for policy initiation, emergency policy actions, periodic review, recordkeeping, and public access to current policies, and clarifies that District policies do not supersede the District's adopted Rules and Regulations; and

WHEREAS, policy initiation under the adopted policy may occur through the Board, the APCO, a Board-appointed committee making recommendations to the full Board, or a written request from a member of the public submitted to the APCO for referral to the Board or by written petition to the Board; and

WHEREAS, staff is conducting an ongoing policy gap analysis to inventory existing operational guidelines, identify outdated provisions, and prioritize potential policy development and amendments based on risk, regulatory urgency, and operational impact; and

WHEREAS, the District works with agencies and the County of Sonoma through employee arrangements, service contracts, and use of County systems, and the policy clarifies the respective scope of County policies and procedures and the District's independent governance, fiscal, and regulatory authority; and

WHEREAS, the Board finds that adopting a consistent policy framework will support effective District administration, clear interagency coordination, accountability, and public transparency, while preserving Board consideration of significant policy matters and opportunities for public comment as provided in the policy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Northern Sonoma County Air Pollution Control District hereby authorizes:

- 1. Adoption of Policy.** The Board hereby adopts the Policy on Policies with Resolution #26-06, to be attached hereto as Exhibit A and incorporated herein by reference.
- 2. Implementation.** The Air Pollution Control Officer shall administer and implement the Policy on Policies consistent with its terms.
- 3. Effective Date.** This resolution shall take effect upon its adoption by the Board.

EXHIBIT A



NORTHERN SONOMA COUNTY
Air Pollution Control District

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NORTHERN SONOMA COUNTY AIR POLLUTION CONTROL DISTRICT

POLICY ON POLICIES #26-01

Adopted by the Board of Directors: October 15, 2026

Effective Date: October 15, 2026

Definitions

For the purposes of this Policy on Policies, the following terms shall have the meanings ascribed below:

- **Agency Policy:** Any written code, rule, guideline, policy, procedure, or standard adopted by the governing board of a public agency other than the District, including the County of Sonoma Board of Supervisors, or by that agency's chief executive, administrator, or department head, to govern that agency's operations or employees.
- **APCO:** The Air Pollution Control Officer of the Northern Sonoma County Air Pollution Control District, appointed by the Board pursuant to California Health and Safety Code Section 40751 and named Executive Officer under District rule.
- **Board or Board of Directors:** The governing body of the NSCAPCD.
- **CARB:** The California Air Resources Board.
- **CEQA:** The California Environmental Quality Act (Public Resources Code § 21000 et seq.).
- **District:** The Northern Sonoma County Air Pollution Control District (NSCAPCD).
- **District Policy:** Any guideline, procedure, directive, or standard adopted by the Board or the APCO to govern District operations. District Policy does not include the District's rules and regulations, which are adopted and amended through the rulemaking procedures required by law.
- **EPA:** The United States Environmental Protection Agency.

- Hearing Board: The five-member appellate review board of the District as provided for by California Health and Safety Code Section 40800.
 - SIP: State Implementation Plan, as required under the federal Clean Air Act.
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ARTICLE 1: PURPOSE AND SCOPE

1.1 Purpose

This “Policy on Policies” or “top policy” establishes the overarching framework governing the development, adoption, implementation, review, and amendment of all policies of the Northern Sonoma County Air Pollution Control District (NSCAPCD or “District”). It affirms the District’s status as a separate legal entity and articulates how District policies relate to County of Sonoma and other agency policies. It ensures that District policies are created through a transparent, consistent, and legally compliant process that advances the District’s mission of protecting air quality and public health within its jurisdiction.

1.2 Scope

This Policy on Policies applies to all District policies, procedures, guidelines, and administrative directives, including administrative and operational policies; personnel policies applicable to District staff; financial and procurement policies; grant program guidelines; public participation and outreach policies; and interagency agreements and memoranda of understanding.

1.3 Applicability

This Policy on Policies is binding upon the Board of Directors, the Air Pollution Control Officer (APCO), the Hearing Board, and all District staff in the exercise of their policy-related duties.

ARTICLE 2: AUTHORITY AND LEGAL FRAMEWORK

2.1 Statutory Authority

The District is established and operates pursuant to Division 26 of the California Health and Safety Code (commencing with Section 39000). The District is a body politic and corporate and a public agency of the State of California, and is a separate legal entity from the County of Sonoma.

The District derives its authority from, among other sources, Division 26, Part 3 of the California Health and Safety Code (Air Pollution Control Districts), including Chapter 2 (County Air Pollution Control Districts), Chapter 6 (General Powers and Duties), Chapter 6.5 (Regulations of Air Pollution Control Boards), Chapter 7 (Air Pollution Control Officer), and Chapter 8 (Hearing Boards); the California Clean Air Act; the federal Clean Air Act; the California Environmental Quality Act (CEQA); and the Ralph M. Brown Act.

2.2 Relationship to Existing Rules and Regulations

This Policy on Policies supplements, but does not supersede, the District's adopted Rules and Regulations. In the event of a conflict between this Policy on Policies and an adopted rule or regulation, the rule or regulation shall control.

ARTICLE 3: COMMITTEES

Committees

The Board of Directors may establish standing or ad hoc committees to address specific policy areas, including but not limited to planning, finance, and public engagement. Committee recommendations shall be advisory to the full Board.

ARTICLE 4: POLICY APPROVAL AUTHORITY

District policies are approved by either the Board of Directors or the APCO, as provided in this Article. All policies shall be developed in accordance with Article 5, recorded in the repository described in Section 6.2, and posted on the District website.

4.1 Board of Directors Policy Approval

The Board retains full discretion to adopt, amend, or repeal any District policy, whether on its own motion, on the recommendation of a Board committee, or the APCO, or in response to a public request. Any policy that meets the significance threshold in Section 4.3, or that the Board directs be brought before it, shall be approved by the Board at a duly noticed public meeting conducted in compliance with the Ralph M. Brown Act, with an opportunity for public comment. As to APCO approved policies, the District shall provide notice to the regulated community and the public relative to the significance of the policy, and for significant policy actions may convene stakeholder meetings or workshops to obtain input from affected parties, including those disproportionately affected by air pollution. Adoption requires approval by a majority of the quorum present.

4.2 APCO Policy Approval

The APCO may adopt, amend, or repeal policies governing District operations and administration that do not meet the significance threshold in Section 4.3. Prior to adoption, the policy shall be reviewed by legal counsel. The APCO shall notify the Board of the adopted policy at its next regular meeting. The Board may at any time direct that an APCO-adopted policy be brought before it for review, ratification, modification, or rescission.

4.3 Significance Threshold

A policy shall only need approval by the Board (rather than the APCO) if it relates to civil service or terms and conditions of employment, District liability, fiduciary or significant budgetary matters, or a District rule or regulation. Where the APCO is uncertain whether a policy meets this threshold, the APCO shall consult with legal counsel and may refer the policy to the Board.

4.4 Residual Authority of the APCO

Except as otherwise provided by statute, the District's Rules and Regulations, or this Policy on Policies, the APCO has authority over all matters of District operations and administration not expressly reserved to the Board, including the emergency directive authority in Section 5.3.

ARTICLE 5: POLICY DEVELOPMENT AND ADOPTION

District policies shall not be used as a substitute for rules.

5.1 Policy Initiation

New policies or amendments to existing policies may be initiated by the Board of Directors, by motion or resolution; by the APCO, through a written recommendation to the Board; by a Board committee, through a recommendation to the full Board; or by a member of the public, through a written petition to the APCO or the Board.

5.2 Emergency Policy Actions

In the event of an emergency requiring immediate policy action, such as a wildfire smoke event or hazardous air quality conditions, the APCO may implement temporary administrative directives without prior Board approval that would have otherwise needed Board approval, provided that the directive is necessary to protect public health and safety and is consistent with the District's existing rules and regulations. The APCO shall notify the Board of any such directive at the earliest practicable opportunity and shall present the directive to the Board for ratification or modification at the next regular Board meeting.

ARTICLE 6: POLICY REVIEW AND MAINTENANCE

6.1 Periodic Review

All District policies shall be reviewed as necessary as determined by the Board or the APCO.

6.2 Record Keeping

The District shall maintain a central repository of all current policies that records, for each policy, the date of adoption and any amendments, the adopting authority (Board or APCO), the effective

date, and the scheduled review date, together with an archive of superseded policies. The repository shall be accessible to the public on the District website and at District offices.

ARTICLE 7 INTERAGENCY COORDINATION AND SERVICES

The District may, from time to time, enter into contracts with other agencies, non-profits or private entities. When that occurs, the District Board or APCO (whichever is approving the contract) may review and consider any related policies of those entities to determine if the District should follow them.

ARTICLE 8: RELATIONSHIP TO COUNTY OF SONOMA POLICIES

8.1 District Status and Authority

1. As the District utilizes county employees and several county department services under the District-County MOU with service contracts and contracts use of county systems, it is not uncommon for the District to be incorrectly perceived as a county department which can cause avoidable confusion, lost time and resources, and legal risk in day-to-day District operations.
2. The District Board of Directors ("Board") possesses independent authority to adopt rules, regulations, policies, budgets, organizational structures, and operational standards for the District.
3. The Air Pollution Control Officer ("APCO") serves as the District's chief executive officer and is appointed by and accountable to the District Board.
4. The District maintains legal counsel for District business. Legal advice provided to the District is rendered to the District as a separate public agency client.
5. Nothing in any memorandum of understanding, service agreement, or interagency coordination shall be construed as delegating District policy-making authority to the County of Sonoma or subjecting the District to County administrative control absent express District Board action

8.2 County Policies Relating to Terms and Conditions of Employment

District staff are employed by the County of Sonoma pursuant to a memorandum of understanding or similar agreement and appointed to the District by the APCO, pursuant to the APCO's designated appointment authority under the CA Health and Safety Code and therefore manages the count of district position allocations. Accordingly, County policies relating to the terms and conditions of employment generally apply to District staff in their status as County

employees. These may include civil service rules and classification systems, collective bargaining agreements, policies required to comply with employment-related law, workplace safety and workers' compensation requirements, and employee benefits programs.

Application of such policies does not render the District a County department and does not confer County authority over District governance, rulemaking, regulatory decisions, or fiscal matters.

8.3 County Administrative Procedures and Applicability of County Policies

Where the District contracts with the County to provide administrative or support services (including but not limited to payroll, accounting, human resources administration, information technology, purchasing, or facilities), the District shall utilize County administrative procedures as reasonably necessary to utilize county systems, to the extent required by the applicable agreement. Such adherence is limited to the scope of the contracted service and does not extend County administrative policies to District governance, regulatory authority, or independent operational functions.

Outside the scope of a contracted service, County policies governing the internal management or operations of County departments are presumed not to apply to the District unless (1) the policy expressly includes the District within its stated scope, and (2) the District has affirmatively adopted the policy by Board action, APCO action under delegated authority, or explicit contractual provision.

Policies designed for large, multi-department organizations may not be operationally appropriate for a small, specialized regulatory agency. The District retains discretion, exercised by the APCO, to tailor its governance structures proportionate to its size and statutory mission, except where Board review is otherwise required.

8.4 Fiscal and Regulatory Independence

The District's budget, fee structure, allocated employee positions, financial decisions, rulemaking authority, permitting functions, enforcement actions, and regulatory determinations are exercised pursuant to state law and are under the exclusive authority of the District Board and the APCO as provided by statute. These functions are not subject to County administrative oversight except as expressly required by law or by approved agreement.

ARTICLE 9: SEVERABILITY

If any provision of this Policy on Policies is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other provision hereof. The remaining provisions shall continue in full force and effect.

ARTICLE 10: EFFECTIVE DATE

This Policy on Policies shall become effective upon adoption by the Board of Directors.