

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET - SAN FRANCISCO, CALIFORNIA 94109

Approved Minutes: Board of Directors Regular Meeting – November 19, 2003

Call To Order

Opening Comments: Chairperson Haggerty called the meeting to order at 9:54 a.m.

Pledge of Allegiance: Director Young led the Board in the Pledge of Allegiance.

Roll Call: Present: Scott Haggerty, Chair, Harold Brown, Roberta Cooper, Chris Daly (9:56 a.m.), Jerry Hill, Patrick Kwok, Julia Miller, Dena Mossar, Mark Ross, Pam Torliatt, Marland Townsend, Shelia Young.

Absent: Willie Brown, Jr., Mark DeSaulnier, Liz Kniss, Jake McGoldrick, Nate Miley, John Silva, Tim Smith, Gayle Uilkema, Brad Wagenknecht.

Commendations/Proclamations: Chairperson Haggerty presented a plaque to William C. Norton, Executive Officer/APCO, from the Board of Directors in appreciation of his service to the Air District.

Public Comment Period: Speaker: James N. Corazza
Employees' Association

On behalf of the Employees' Association, Mr. Corazza thanked Mr. Norton for his efforts in negotiating the Memorandum of Understanding and presented him with a gift from the Association.

Consent Calendar (Items 1 – 8)

1. Minutes of October 15, 2003
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council – *There was no report.*
4. Monthly Activity Reports – *Division Activities for the month of October 2003*
5. Request Approval of Change of Signature for District Checks.

Approved notification to San Mateo County Treasurer and Controller of change in authorized signature.

Adopted Resolution No. 2003-09: A Resolution Notifying the County Treasurer and County Controller of San Mateo County of Authorized Signatures

6. Approve Resolution Adjusting the District's Maximum Medical Contribution Declared to CalPERS and Creating a New Category of miscellaneous Employees to Properly Administer Benefits

The Board of Directors considered approval of Resolution adjusting the District's maximum medical contribution declared to CalPERS for management, confidential, and represented employees and retirees and creating a new category of miscellaneous employees who may receive medical benefits.

Adopted Resolution No. 2003-10: A Resolution to Fix the District's Contribution Under the Public Employees' Medical and Hospital Care Act

7. Notice of Proposed Amendment to Administrative Code Division III, Section 10.17 Dependent Care Assistance Plan

Pursuant to Administrative Code Division I Operating Policies and Procedures Section 14: Amendments; notification was given of the proposed amendment to the Administrative Code Division III Section 10.17 Dependent Care Assistance Plan.

8. Considered Approval of Side Letters of Agreement Between the District and the Employees' Association Regarding College and High School Internship Programs

The Board considered approving two Side Letters of Understanding regarding High School and College Internship Programs and incorporating them into the MOU with the Employees' Association.

Adopted Resolution No. 2003-11: A Resolution to Approve Two Side Letters of Understanding Regarding High School and College Internship Program

Board Action: Director Townsend moved approval of Consent Calendar Items 1 through 8; seconded by Director H. Brown; carried unanimously without objection with the following Board members voting:

AYES: H. Brown, Cooper, Daly, Hill, Kwok, Miller, Mossar, Ross, Torliatt, Townsend, Young, Haggerty.

NOES: None.

ABSENT: W. Brown, DeSaulnier, Kniss, McGoldrick, Miley, Silva, Smith, Uilkema, Wagenknecht.

Committee Reports and Recommendations

9. Report of the Executive Committee Meeting of October 29, 2003

Action(s) The Committee recommends approval of the following:

- A) *Appointment of four Advisory Council members and Reappointment of seven Advisory Council members to serve additional two-years terms; and*
- B) *Provide Notice of Proposed Amendments to the Administrative Code Division I, Section 2.1: Officers of the Board, to provide for a one-year term of office for Board of Director Officers, effective 2005.*

Chairperson Haggerty presented the report and stated that the Committee met on Wednesday, October 29, 2003, and received and filed the Quarterly Report of the Hearing Board and the Report of the Advisory Council.

The Committee received and approved the recommendations from the Advisory Council Applicant Selection Working Group to recommend the Board appoint four Advisory Council members (Jeffrey Bramlett – *Park & Recreation*, Diane Bailey – *Conservation Organization*, Emily Drennen – *Conservation Organization* [for terms beginning January 1, 2004 and ending December 31, 2005], and Robert Bornstein, Ph.D. – *Colleges & Universities* [to fill remainder of term that expires December 31, 2004]) and reappoint seven Advisory Council members to serve additional two-year terms (Harold Brazil – *Mass Public Transportation*, Fred Glueck – *General Contractor*, William Hanna – *Agriculture*, Kraig Kurucz – *Industry*, Norman Lapera, Jr. – *Regional Park District*, Victor Torreano – *Organized Labor*, and Brian Zamora – *Public Health Agency* [terms ending December 31, 2005]),

The Committee considered and recommends the term of office for Board Officers be changed from two years back to one year effective calendar year 2005 and to amend the Administrative Code, Division I, Section 2.1: Officers of the Board to reflect the change.

Staff presented a report on the monitoring record for the national 1-hour and 8-hour ozone standards. Staff noted that in the *Federal Register* the Environmental Protection Agency (EPA) would propose a finding of attainment of the Bay Area for the 1-hour federal ozone ambient air quality standard. After a 30-day public comment period, the Air Resources Board (ARB) will initiate the action for EPA to remove three parts of the District's 2001 Plan: 1) Attainment demonstration; 2) Reasonable further progress report; and 3) Contingency provisions. The District will start changing the 2004 Plan to a Maintenance Plan and will also start putting together a 10-year Plan to demonstrate attainment for the next 10 years.

Staff reported on the high reading at the San Martin station, which put the three-year annual average of the fourth highest reading at 86 ppb. The federal 8-hour standard is 85 ppb. EPA will designate the District as non-attainment for the federal 8-hour standard. The District will put together an attainment Plan for the federal 8-hour standard, which will be due in 2005.

The Committee received a status report on the 2003-04 Ozone Planning, which included discussion on 1) photochemical modeling; 2) public involvement; and 3) control measure evaluation.

The next meeting of the Executive Committee will be at the Call of the Chair.

Board Action: Chairperson Haggerty moved that the Board accept the report of the Executive Committee and approve the recommendations on the appointment of four new Advisory Council members and reappointment of seven Advisory Council members to serve additional two-year terms; seconded by Director Daly; carried unanimously without objection.

10. Report of the Public Outreach Committee Meeting of November 3, 2003

Director Ross presented the report and stated that the Public Outreach Committee met on Monday, November 3, 2003 and Staff presented the plan for the Air District's wintertime outreach program and reviewed the media outreach, advertising, and the Santa Clara County outreach for the Woodstove/Fireplace Changeout Program. Staff noted that the District has received funding from two power plants in Santa Clara County for the Woodstove/Fireplace Changeout Program.

Staff discussed the potential for lawn mower buy-back programs in the spring of 2004. The Air District and local waste management agencies have co-sponsored this program, and the Alameda County Waste Management Agency has run their own program. The Committee discussed potential funding sources to continue this program in 2004, which included using some Supplemental Environmental Program (SEP) funds or funding the program from the general reserves. The consensus of the Committee was to continue this program in 2004. Staff and the consultant, Community Focus, updated the Committee on Resource Team activities including:

1. The Marin/Sonoma team which is developing a vanpool promotion aimed at starting five new vanpools in the Marin/Sonoma corridor. The team is also supporting a "School Pool" project.
2. The Napa team is also working on recruiting people to use vanpools and is looking into producing a downtown transit brochure,
3. The San Francisco/San Mateo team is working with the bike coalitions to promote "Bike to Work Week,"
4. The southern Alameda County team is working on a commuter resource guide for Southern Alameda County.
5. The Santa Clara team is working on local outreach to support Rideshare Thursday and
6. The Tri-Valley team is discussing ways to support the "Commuter Choice Fair" sponsored by the City of Pleasanton and Hacienda Business Park.

The Committee received an update on the Environmental Justice Resource Teams. In San Francisco, the team is working on the health assessment project in the Bayview-Hunters Point area. In East Palo Alto, the team received a \$20,000 grant from the San Francisco Foundation; it has submitted proposals to the District for SEP funds; they are developing a community outreach plan and will be submitting a letter to the Air Resources Board to request that the mobile ARB van be placed in East Palo Alto.

Staff reviewed the draft "Air Pollution Report Card To The Community." There was considerable discussion on this item. Several Committee members felt the format of the Report Card presented the information in a negative way and did not distinguish the severity

levels, or indicate any violations that had been corrected. The Committee requested that another draft be presented at a future meeting.

Staff presented information on the rebidding process on the five major contracts. The Committee recommended that staff handle the rebidding process. Staff reviewed the referrals from the last meeting. The next meeting of the Committee is scheduled for 9:45 a.m., Monday, January 12, 2004.

Board Action: Director Ross moved the Board approve the Public Outreach Committee Report; seconded by Director Townsend; carried unanimously without objection.

11. Report of the Mobile Source Committee meeting of November 13, 2003

Director Young presented the report and stated that the Committee met on Thursday, November 13, 2003 and Staff presented a report on the Transportation Fund for Clean Air (TFCA) additional Regional Fund grant awards for FY 2003/04. The District received 57 grant applications totaling \$17.5 million in funding requests. There is \$11.1 million available for allocation. Staff recommended three additional projects for funding:

1. The City of East Palo Alto's shuttle bus service for the Dumbarton Bridge;
2. The County of Alameda's Class 2 bike lane on Tesla Road; and
3. The City of Sunnyvale's traffic signal battery back-up system.

Staff indicated a fourth project, the City of Berkeley's Dynamic Ridesharing Program, not be recommended at this time. Additional time is needed to clarify and evaluate this program and staff has suggested that the City of Berkeley consider a pilot program that would help with project evaluation. The three projects will result in additional emission reductions of 2.85 tons over the life of the projects, and an overall cost effectiveness of \$87,347 TFCA dollars per ton. The Committee recommends Board approval of these additional FY 2003/04 TFCA Regional Fund grant awards.

Staff presented a report on clean air vehicle incentives for private consumers. After considerable discussion, the Committee referred this issue back to staff for further review and recommendation. The December 11, 2003 Committee meeting is cancelled. The next meeting of the Committee is scheduled for January 8, 2004.

Board Action: Director Young moved the Board approve the recommendations of the Mobile Source Committee; seconded by Director Cooper; carried unanimously without objection.

Other Business

12. Report of the Executive Officer/APCO. Mr. Norton reported that next week the District would be issuing its Title V major facility permits. The EPA due date for these permits is December 1, 2003 and this Air District will be on time. This Air District is one of the few districts that will be in compliance with the due date.

13. Chairperson's Report. Chairperson Haggerty stated that he had no report.

Closed Session (The Board adjourned to Closed Session at 10:18 a.m.)

14. Conference with Legal Counsel

Existing Litigation:

Pursuant to Government Code Section 54956.9(a), a need existed to met in Closed Session with legal counsel to consider the following cases:

- A) *Alvin Greenberg, Ph.D. v. Bay Area AQMD, et al., United States District Court, N.D. Cal., Case No. C 02 1501 VRW*
- B) *Communities for a Better Environment and Transportation Defense and Education Fund v. Bay Area AQMD, Metropolitan Transportation Commission, Association of Bay Area Governments, and California Air Resources Board, San Francisco Superior Court, Case No. 323849*

Open Session (The Board reconvened to Open Session at 10:23 a.m.)

Brian Bunger, Counsel, reported on items A and B of Agenda Item 14 and stated that the Board heard a status report from Counsel on both cases and provided general direction to Counsel.

- 15. Board Members' Comments: Director Kwok expressed his thanks to Kelly Wee, Director of Compliance and Enforcement, and other staff members who attended the meetings in Milpitas regarding odors.
- 16. Time and Place of Next Meeting - 9:45 a.m., Wednesday, December 3, 2003, 939 Ellis Street, San Francisco, California.
- 17. Adjournment: The meeting was adjourned at 10:24 a.m.

Mary Romaidis

Mary Romaidis
Clerk of the Boards

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