

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET – SAN FRANCISCO, CA 94109

Approved Minutes: Board of Directors' Regular Meeting – September 21, 2005

Call To Order

Opening Comments: Chairperson Townsend called the meeting to order at 9:51 a.m.

Roll Call: Present: Marland Townsend, Chair, Harold Brown, Chris Daly, Mark DeSaulnier, Dan Dunnigan, Erin Garner, Scott Haggerty, Jerry Hill, Liz Kniss (9:58 a.m.), Patrick Kwok, Jake McGoldrick, Nate Miley (9:59 a.m.), Julia Miller, Mark Ross, Michael Shimansky, John Silva, Pam Torliatt (9:58 a.m.), Gayle B. Uilkema, Brad Wagenknecht, Shelia Young.

 Absent: Roberta Cooper, Tim Smith.

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

Public Comment Period: There were no public comments.

Commendations/Proclamation: Teresa Galvin-Lee, Public Information & Outreach Division Director, received from Chairperson Townsend a plaque in recognition of her retirement from the Air District after 31 years of dedicated service. Ms. Lee expressed her appreciation and noted that the public outreach program at the District is well integrated and successful. She wished the Board and the District well in future endeavors. The Board members proffered their appreciation to Ms. Lee.

Director Haggerty presented and read into the record a resolution from the Association of Bay Area Governments (ABAG) adopted on July 21, 2005, honoring the District on its 50th anniversary.

Chairperson Townsend took Item No. 7 out of order.

Committee Reports and Recommendations

7. Report of the Mobile Source Committee Meeting of September 13, 2005

Action(s): Due to a lack of a quorum the Committee referred the following items to the Board of Directors for consideration and approval without recommendations:

a) *Selection of Environmental Engineering Studies, Inc., Pick-N-Pull, and Pick Your Part as the vehicle scrapping contractors for the fiscal year (FY) 2005/06 Vehicle Buy Back (VBB) Program;*

- b) *Authorize the Executive Officer/APCO to execute contracts in the total amount of \$7 million allocated for this purpose to the VBB Program in FY 2005/06 for vehicle scrapping and related services with Environmental Engineering Studies, Inc., Pick-N-Pull, and Pick Your Part to be distributed on a monthly reimbursement basis;*
- c) *Selection of ICF Consulting as the contractor to conduct performance reviews of selected TFCA projects; and*
- d) *Authorize the Executive Officer/APCO to execute a contract with the selected contractor for an amount not to exceed \$200,000 for the provision of the performance review services.*

Director Haggerty presented the report and stated that the Mobile Source Committee met on Tuesday, September 13, 2005. It received presentations from the staff from the California Air Resources Board on plug-in hybrid vehicles, and from District staff on a project of the District's Tri-Valley Resource Team called "The Great Race for Clean Air" and "4 Modes in 4 Weeks." Director Haggerty requested James Paxon of the Tri-Valley Resource Team provide a summary of these two events, and Mr. Paxon distributed an informational flyer on the events.

Board Action: Director Haggerty stated that, due to a lack of a quorum, the Committee is referring Items No. 7(a) through 7(d) identified above to the Board of Directors for consideration and approval without recommendation. Director Haggerty moved the Board adopt Items 7(a) through 7(d); seconded by Director Kwok; carried unanimously without objection.

Director Haggerty noted that the next meeting of the Mobile Source Committee is scheduled for 9:30 a.m., Thursday, October 13, 2005.

Commendations/Proclamation: Clean Air Champion Awards 2005.

Teresa Lee, Director Public Information & Outreach, noted that in concert with the American Lung Association, RIDES for Bay Area Commuters, Live 105 and Alice 97.3, KCBS radio, and the U.S. Environmental Protection Agency have co-sponsored the Clean Air Champions Awards to honor Bay Area citizens and organizations for their efforts to improve air quality. Four champions were honored this year.

The Board of Directors recognized the winners of the 2005 Bay Area Clean Air Champions. The awards were presented as follows: Director Uilkema, Miller, Daly and McGoldrick presented plaques to Jannat Muhammad, Joan Spencer, Maria Luz Torre, and Steven Moss, respectively.

Consent Calendar (Items 1 – 6)

1. Minutes of July 20, 2005 Meeting
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council. There was no report.
4. Monthly Activity Report – Report of Division Activities for the months of July and August 2005.

5. Consider Approval of Resolution Regarding Authority of the Non-Board of Directors Administrative Committee
6. Consider Approval of Request to Transfer Signature Authorization

Board Action: Director Torliatt moved approval of the Consent Calendar; seconded by Director Brown; carried unanimously without objection with the following Board members voting:

AYES: Brown, Daly, DeSaulnier, Dunnigan, Garner, Haggerty, Hill, Kniss, Kwok, McGoldrick, Miley, Miller, Ross, Shimansky, Silva, Torliatt, Uilkema, Wagenknecht, Young, Townsend.

NOES: None.

ABSENT: Cooper, Smith.

Adopted Resolution No. 2005-12: A Resolution of the Bay Area Air Quality Management District Board of Directors Vesting the Authority of the Non-Board Administrative Committee with the Executive Officer/APCO

Adopted Resolution No. 2005-13: A Resolution Notifying the County Treasurer and County Controller of San Mateo County of a Change in Authorized Signatures

Other Business

9. Report of the Executive Officer/APCO. Mr. Broadbent:
 - Reviewed the 2005 ozone season, regarding one federal excess in Livermore and eight recorded state excesses. One month remains for the ozone season to conclude.
 - Reported that one Spare the Air Day was called on July 26, which triggered the free commute program on 21 Bay Area transit systems. Initial results indicate a 10%-12% increase in ridership for certain transit authorities. BART ridership was fairly constant.
 - The District's Ozone Strategy has been issued for public comment, environmental review and public meetings will follow. The Strategy is scheduled for public hearing on December 21, 2005.
 - Regulatory actions include a PM implementation schedule pursuant to SB 656. When combined with pending ozone control regulations, the regulatory agenda will be set for the next two to three years. Staff will bring this to the Board for public hearing in November.
 - Stationary source rules are underway which are the outcome of a lawsuit settlement a few years ago. The flare control rule adopted in July is one of these measures. This rule received a great deal of recognition, and the South Coast AQMD is considering adopting a similar rule. Other pending rules concern pressure relief valves, marine vessel loading operations, blowdown systems and refinery wastewater treatment systems. These are scheduled to come before the Governing Board in public hearings in November and December of this year.

- The District will hold a 50th anniversary dinner on November 10 in Jack London Square in Oakland.

10. Chairperson's Report. Chairperson Townsend:

- Stated that the Board seeks to be in the forefront of innovative air quality solutions, such as climate change. He stated he will form an Ad Hoc Committee on Climate Change and invited interested Board members to e-mail their interest in serving on this Committee to the Executive Officer/APCO.
- Several Board members were given a tour by the California Fuel Cell Partnership in Sacramento on August 17. Chairperson Townsend directed staff to investigate the District's membership at the Associate level.
- Canceled the October 5, 2005 Board Regular Meeting.

Closed Session (The Board adjourned to Closed Session at 11:45 a.m.)

8. Conference with Legal Counsel

Existing Litigation:

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

Open Session (The Board reconvened to Open Session at 11:58 a.m.)

Brian Bunger, Counsel, reported that the Board met in Closed Session with Counsel and necessary personnel on agenda number 8. The Board received a report from Counsel and provided general direction.

11. Board Members' Comments – Director Ross reported that in Martinez the District's wood-smoke ordinance will be presented for adoption. Director Torliatt reported that the City of Petaluma adopted a solar policy that requires all new residential development put the necessary infrastructure in place for solar power. Director Haggerty stated that Alameda County passed a resolution yesterday that allows the selling back of employee vacation and sick leave for purposes of donation to victims of Hurricane Katrina, and he requested that the District look into such an arrangement for employees of the District. Director Shimansky added that he just returned from New Orleans where he spent two weeks with the Red Cross, and the situation there is difficult. Director Kwok stated the City of Cupertino just adopted a resolution to donate or support the Katrina relief fund in the amount of \$25,000.
12. Time and Place of Next Meeting – 9:45 a.m., Wednesday, October 19, 2005, 939 Ellis Street, San Francisco, CA 94109.

13. Adjournment – The meeting adjourned at 11:10 a.m.

/s/ James Corazza

James N. Corazza
Deputy Clerk of the Boards