

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

Approved Minutes: Board of Directors' Regular Meeting – May 3, 2006

**Call To Order**

Opening Comments: Chair Gayle B. Uilkema called the meeting to order at 9:51 a.m.

Pledge of Allegiance: The Board of Directors recited the Pledge of Allegiance.

Roll Call: Present: Gayle B. Uilkema, Chair, Harold Brown, Roberta Cooper, Chris Daly, Dan Dunnigan, Erin Garner, Scott Haggerty, Yoriko Kishimoto, Carol Klatt, Liz Kniss (10:18 a.m.), Patrick Kwok, Janet Lockhart, Jake McGoldrick, Nate Miley, Mark Ross, Michael Shimansky, John Silva, Tim Smith, Pam Torliatt (9:59 a.m.), Brad Wagenknecht.

Absent: Mark DeSaulnier, Jerry Hill.

Commendations/Proclamations: There were none. Chair Uilkema noted that there was an article about Director Lockhart in *Diablo* magazine.

**Public Comment Period:**

The following individual spoke on issues relating to the Pacific Steel Casting (PSC) plant in Berkeley, California:

Ralph Hoover  
Pacific Steel Casting  
Berkeley, CA 94546

Chair Uilkema requested that a letter be sent to Pacific Steel Casting expressing the thanks of the Board of Directors for their hospitality during the tour. Chair Uilkema noted that the three Board officers attended the tour, as well as Directors Shimansky and Kwok.

Director Torliatt arrived at 9:59 a.m.

Chair Uilkema commented on keeping the community informed about what is happening at the Pacific Steel Casting facility.

**Consent Calendar (Items 1 – 8)**

1. Minutes of April 5, 2006 Meeting

2. Communications. Correspondence addressed to the Board of Directors. For Information Only.
3. Monthly Activity Report – *Report of Division Activities for the month of March 2006.*
4. Report of the Air Resources Board Representative Honorable Mark DeSaulnier
5. Referral of Preliminary Operating Budget for Fiscal Year 2006/2007 to the Budget and Finance Committee

*Pursuant to Administrative Code Division II, Section 3.2 Fiscal Policies and Procedures, and in compliance with Section 29064 of the Government Code, the Board referred the proposed budget for Fiscal Year 2006/2007 to the Budget and Finance Committee for review and consideration.*

6. Set Public Hearing for May 17, 2006 and June 7, 2006 to Consider the Proposed Fiscal Year 2006/2007 Operating Budget
7. Considered Approval of Resolution Authorizing Use of Optional Benefit with the California Public Employees Retirement System (CALPers) Pursuant to Government Code Section 20903

*The Board of Directors considered approval of a resolution authorizing the use of an optional benefit with CALPers pursuant to Government Code Section 20903.*

8. Considered Authorizing Acceptance and Distribution of Fiscal Year 2005/2006 Lower-Emission School Bus Program Funds – Bus Replacement and Retrofit Components

*The Board of Directors considered authorizing the Executive Officer/APCO to execute all necessary agreements with the California Air Resources Board and School Districts regarding receipt and distribution of FY 2005/2006 Lower Emission School Bus program funds.*

**Board Action:** Director Brown moved approval of the Consent Calendar; seconded by Director Kwok; carried with the following Board members voting:

AYES: Brown, Cooper, Daly, Dunnigan, Garner, Haggerty, Kishimoto, Klatt, Kwok, Lockhart, McGoldrick, Miley, Ross, Shimansky, Silva, Smith, Torliatt, Wagenknecht, Uilkema.

NOES: None.

ABSENT: DeSaulnier, Hill, Kniss.

**Adopted Resolution 2006-06: A Resolution of the Board of Directors of the Bay Area Air Quality Management District Granting Another Designated Period for Two Years of Additional Service Credit**

**Adopted Resolution 2006-07: A Resolution Accepting Lower-Emission School Bus Program Funds From the California Air Resources Board**

**Committee Reports/Recommendations**

9. Report of the Public Outreach Committee Meeting of April 24, 2006

Director Wagenknecht presented the report and stated that the Public Outreach Committee met on Monday, April 24, 2006.

Staff provided an overview of public outreach activities conducted since October 1, 2005, which included a summary of media coverage, community events, symposiums, and conferences.

Staff presented a status report on the 2006 Spare the Air activities. The Spare the Air program starts June 1<sup>st</sup> and ends October 13<sup>th</sup>. Staff reviewed the free transit days, media events, advertising and marketing plans, and new advertising concepts. There will be 23 transit operators that will be participating in the three free transit days.

A summary of the 2005/2006 wintertime Spare the Air Tonight survey results was presented to the Committee. Discussion included the methodology used, results and trends, and new questions that were added to the survey.

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

**Board Action:** Director Wagenknecht moved that the Board of Directors approve the report of the Public Outreach Committee; seconded by Director Kishimoto; carried unanimously without objection.

10. Report of the Budget and Finance Committee Meeting of April 26, 2006

Director Daly presented the report and stated that the Committee met on Wednesday, April 26, 2006.

Staff presented a report on and the Committee discussed the preliminary budget for fiscal year 2006/2007. The discussion included the fiscal challenges for the upcoming year, a review of the key programs, and proposed key staff positions.

Staff presented a report on the proposed amendments to the District's fee regulation. The report included background on the District's authority to assess fees, a summary of the proposed fee amendments, examples of permit renewal fee increases, and the rule development schedule. The Committee recommends that the Board of Directors direct staff to proceed with proposed amendments to the District's fee regulation.

The Committee provided direction to staff with regard to the preliminary budget.

The next meeting of the Committee is scheduled for 9:45 a.m., Wednesday, May 10, 2006.

**Board Action:** Director Daly moved that the Board of Directors approve the recommendation and report of the Budget and Finance Committee; seconded by Director Torliatt.

Director Daly added that the Committee, in terms of the fee regulations, discussed the last Cost Recovery Study and suggested that a new Study be conducted for next year. The motion then passed unanimously without objection.

### **Closed Session**

11. Conference with Legal Counsel – Existing Litigation

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

**Paul Mauriello v. Bay Area AQMD** (Public Employment Relations Board, Unfair Practice Charge No. SF-CE-336-M)

The Board of Directors convened to Closed Session at 10:07 a.m. and reconvened to Open Session at 10:16 a.m.

Brian Bunger, Counsel, stated that the Board of Directors met in Closed Session on the matter listed in agenda item 11 and provided general direction on the item.

### **Other Business**

12. Report of the Executive Officer/APCO – Mr. Broadbent reported on the following items:

- A) The Summer Spare the Air campaign will start on June 1, 2006. On May 21, 2006, there will be a kick-off event at the A's versus Giants game being held at McAfee Coliseum in Oakland. Any Board member wishing to attend the game should contact the Executive Office no later than May 10, 2006;
- B) Nominations are being accepted for the Clean Air Champions Award Program;
- C) A list of community events is at each Board member's place; and
- D) A description of the May 1, 2006 ConocoPhillips Refinery incident was placed at each Board member's place.

Director Kniss arrived at 10:18 a.m.

There was considerable discussion on the ConocoPhillips incident and what actions the Air District is taking, or may want to take, regarding the power outages at the facility. Chair Uilkema stated that the status report on the causal analysis of the ConocoPhillips incident should be forwarded to the Board members when it is available. In response to a question from Director Daly, Mr. Broadbent stated that the staff will look at the issue of best available control technology (BACT) for back-up systems to prevent the type of outages that have occurred at the ConocoPhillips facility.

11. Report of the Chair - Chair Uilkema reported on the following items:

- A) All of the vacancies on the Board Standing Committees have been filled;
- B) Director Roberta Cooper will be retiring, therefore, additional changes will be made on the Standing Committees in the near future;
- C) Ethics training required under AB 1234 must be completed by the end of the year. The Air District will provide the training on May 11<sup>th</sup> if any Board member interested in attending, they should contact the Executive Office; and
- D) The Air and Waste Management Annual Conference is June 20<sup>th</sup> to June 23<sup>rd</sup>. Prior approval from the Board of Directors is needed for any Board member that would like to attend.

There was discussion on what role the Board should have regarding issues at the Pacific Steel Casting facility. Mr. Bunger clarified that a briefing with regard to PSC had been given to the Board at the April 5<sup>th</sup> Closed Session. Chair Uilkema recommended that Directors Lockhart, Kishimoto and McGoldrick make arrangements with Mr. Broadbent for a briefing on PSC since they were not available for the April 5<sup>th</sup> briefing. Director Haggerty noted that Alameda County is taking the matter seriously.

- 12. Board Members' Comments – There were none.
- 13. Time and Place of Next Meeting – 9:45 a.m., Wednesday, May 17, 2006 – 939 Ellis Street, San Francisco, CA 94109
- 14. Adjournment – The meeting adjourned at 10:43 a.m.

*/s/ Mary Romaidis*  
Mary Romaidis  
Clerk of the Boards