

Bay Area Air Quality Management District
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

APPROVED MINUTES

Summary of Board of Directors
Executive Committee Meeting
9:45 a.m., Thursday, February 16, 2006

- 1. Call to Order - Roll Call:** Chair Gayle B. Uilkema called the meeting to order at 9:45 a.m.

Present: Gayle B. Uilkema, Chair, Chris Daly, Scott Haggerty, Jerry Hill, Mark Ross, Marland Townsend, Brad Wagenknecht.

Absent: Mark DeSaulnier, John Silva, Tim Smith, Shelia Young.

Also Present: Julia Miller.

- 2. Public Comment Period:** There were no public comments.

- 3. Approval of Minutes of November 30, 2005:** Director Townsend moved approval of the minutes; seconded by Director Hill; carried unanimously without objection.

- 4. Hearing Board Quarterly Report – October 2005-December 2005** Hearing Board Chairperson Tom Dailey presented the *Hearing Board Quarterly Report –October 2005 – December 2005*. Dr. Dailey highlighted the Second Stipulated Conditional Order for Abatement issued in the Tesoro Accusation. Dr. Daly noted that the Deputy Clerk had participated in training a group of new inspectors on the Hearing Board processes.

Committee Action: Director Townsend moved that the Committee accept the report; seconded by Director Daly; carried unanimously without objection.

- 5. Report of the Advisory Council:**

Jack Broadbent, Executive Officer/APCO presented the report and highlighted five key issues the Advisory Council will focus on: 1) Community Air Risk Evaluation (CARE) Program, 2) Climate change and green house gases, 3) particulate matter control, 4) wood burning control strategies, and 5) asthma and indoor air quality.

Peter Hess, Deputy APCO, stated that the Advisory Council Standing Committees (Technical, Air Quality Planning and Public Health) broke into groups at the Council's January 11th retreat to discuss assignments from District staff. Since the Retreat, the Public Health Committee has met and received a report from District staff on wood burning and the status of the Puget Sound and

San Joaquin Valley air district's actions on wood burning. Mr. Hess reported that the Air Quality Planning Committee met and heard a report on green house gas emissions and climate change.

There was discussion on restaurants charbroiling inside and mold as indoor air quality issues.

Committee Action: None. This report provided for information only.

6. Open, Ethical Leadership: Assembly Bill 1234 Compliance Overview: *Legal Counsel provided an overview of AB 1234 compliance requirements with regard to governing board members of California special districts.*

Brian Bunger, Legal Counsel, presented the report and provided an overview of AB 1234 (Salinas) stating that the bill is effective January 1, 2006. Two aspects of AB 1234 are the requirements for payment of compensation and reimbursement of expenses; and ethics training.

Mr. Bunger then reviewed the following:

- Affected parties;
- Payment of compensation;
- Reimbursement for expenses, including specific restrictions and recordkeeping;
- Compensation and reimbursement and potential penalties for noncompliance;
- Overview of ethics training;
- Ethics training content; and
- Ethics training timing and deadlines.

In response to questions from the Committee, Mr. Bunger stated that the statute has a process on how a program can be set up to meet the training requirements. The Advisory Council members and Hearing Board members will also need the ethics training.

Committee Action: None. This report provided for information only.

7. Discussion of Possible Amendments to the Administrative Code: *The Committee discussed and considered possible revisions to Administrative Code Division I, Sections 1- 6 with regard to the Board of Directors, Section 7 with regard to the Advisory Council, Section 8 with regard to the Hearing Board.*

Mr. Broadbent stated that based on the AB 1234 requirements, staff has proposed changes to the Administrative Code. Discussion took place on the following sections:

- Section 1.2 – Compensation-Meeting Attendance, including the deletion of the second paragraph so it is consistent with the requirements of AB 1234.
- Section 2.1 – Officers of the Board.
- Section 4.9 – Presentation Time Limits regarding the amount of time individuals and groups have to speak.
- Section 6.2 – Standing Committees, which provides that the Board Chair is an ex-officio member of all Standing Committees.
- Section 6.10 – Committee Procedure regarding attending a Committee meeting if a Board member is not a member of the Committee.

Director Daly requested an updated Attorney General's opinion on non-Committee members' participation in Committee meetings.

Committee Action: The Committee provided staff with direction on the Sections discussed. Staff will prepare a presentation for the March 15th Board meeting.

8. **Update on Business Processes and Controls:** *Staff provided information to the Committee on the implementation of process and controls items updated at the District.*

Jeff McKay, Chief Financial Officer, reported on the process and control updates implemented since April 2005. Mr. McKay noted that effective implementation of the updates will be verified on an annual basis.

Committee Action: The Committee requested that in six months, the Budget and Finance Committee review the processes and controls implemented and make a recommendation to the Board of Directors, if necessary, on any issues or changes needed.

9. **Time and Place of Next Meeting:** At the Call of the Chair.

10. **Adjournment.** The meeting was adjourned at 11:33 a.m.

/s/ Mary Romaidis

Mary Romaidis
Clerk of the Boards