

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

Approved Minutes: Board of Directors' Regular Meeting – January 3, 2007

Call To Order

Opening Comments: Chair Gayle B. Uilkema called the meeting to order at 9:50 a.m.

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

Roll Call: Present: Gayle B. Uilkema, Chair, Harold Brown, Dan Dunnigan, John Gioia, Scott Haggerty, Jerry Hill, Yoriko Kishimoto, Carol Klatt, Patrick Kwok, Jake McGoldrick (10:03 a.m.), Nate Miley, Mark Ross, Michael Shimansky, John Silva, Tim Smith, Pamela Torliatt (9:57 a.m.), Brad Wagenknecht.

Absent: Tom Bates, Chris Daly, Erin Garner, Liz Kniss, Janet Lockhart.

Public Comment Period: There were none. Chair Uilkema stated that she received an email from Peter Rogosin, who was going to speak under the public comment period. Chair Uilkema referred the item to staff for follow-up and appropriate contact.

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Chair Uilkema requested that the Board members continue their current Committee assignments until incoming Chair Ross completes the appointments for next year.

Chair Uilkema stated that she has reviewed the materials of the Personnel Committee meeting of December 4, 2006 and is requesting that the Committee convene again to review its recommendations with staff and make a recommendation to the Board at its next meeting.

Proclamation/Commendation:

Chair Uilkema thanked the Board members, the Committee Chairs, and staff for the work done last year.

Director Pamela Torliatt arrived at 9:57 a.m.

Chair Uilkema noted that she attended and spoke at the All-Hands meeting and urged Board members to attend this twice-a-year event. Chair Uilkema thanked the Executive staff for their support. Chair Uilkema then passed the gavel to in-coming Chair Mark Ross.

Director Jake McGoldrick arrived at 10:03 a.m.

The Board of Directors acknowledged incoming Chairperson Mark Ross.

The Board of Directors recognized Chair Gayle B. Uilkema for her leadership in 2006.

Chairperson Ross noted that the new Committee assignments would be completed by the January 17th meeting.

*The Board of Directors will present a plaque to outgoing Advisory Council Chairperson, Kraig Kurucz for his outstanding service on the Council this past year – **This item was deferred to the next Board meeting.***

The Board of Directors recognized Air District employees who have completed milestone levels of twenty-five (25), thirty (30) and thirty-five (35) years of service during the later half of 2006 with certificates and pins.

The Board of Directors recognized the following employees who completed 25 years of service with the District: Brian Bateman, Alex Ezersky, Sharon Jackson, and John England. The Board of Directors recognized the following employees who completed 30 years of service with the District: Kenneth Kunaniec, Michelle Traverse, Fong Ting, and Sylvia Wee. The Board of Directors recognized the following employee who completed 35 years of service with the District: Gary Kendall.

Consent Calendar (Items 1 – 4)

1. Minutes of December 6, 2006
2. Communications. Correspondence addressed to the Board of Directors. For information only.
3. Approval of Proposed Amendments to the Air District's Administrative Code Division I Operating Policies and Procedures of the Board of Directors Sections 6: Board of Directors: Committees – Establishing a Climate Protection Committee

The Board of Directors' considered approval of proposed amendments to the Air District's Administrative Code Division I, Section 6.2: Standing Committees (h), (i), (j), and Sections 5.9-6.14.

4. District Personnel on Out-of-State Business Travel

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board was notified by memoranda the list of District personnel who traveled on out-of-state business.

Board Action: Director Torliatt moved approval of Consent Calendar Items 1 through 4; seconded by Director Uilkema; carried unanimously without objection.

Committee Reports and Recommendations

5. Report of the Budget and Finance Committee Meeting of December 19, 2006

Action(s): The Committee recommended that the Board of Directors' approve staff's recommendation to transfer \$1,000,000 from the Undesignated Reserve into the Reserve for Production System and authorize the Executive Officer/APCO to issue purchase orders from previously appropriated funds with a total not to exceed \$1,400,000.

Director Kwok presented the report and stated that the Committee met on Tuesday, December 19, 2006 and received the First Quarter Financial Report for Fiscal Year 2006/2007.

The Committee received an overview of the Production System replacement for IRIS and databank. The report included project costs and milestones. Accomplishments and examples of deliverables were presented to the Committee. The Committee recommends that the Board of Directors authorize the Executive Officer/APCO to issue purchase orders not to exceed \$1,400,000 and transfer \$1,000,000 from the undesignated reserve to the reserve for Production System.

The next meeting of the Committee is scheduled for 9:30 a.m., Wednesday, January 24, 2007.

Board Action: Director Kwok moved that the Board of Directors' approve the recommendations and report of the Budget and Finance Committee; seconded by Director Wagenknecht; carried unanimously without objection.

6. Report of the Executive Committee Meeting of December 21, 2006

Action(s): The Committee recommended Board of Directors' approval for attendance of ten Board members at the Air & Waste Management Association's People to People Ambassador Program 2007 delegation to China.

Director Uilkema presented the report and stated that the Committee met on Thursday, December 21, 2006 and received and filed the Reports of the Hearing Board and Advisory Council. Advisory Council Chair, Kraig Kurucz, reviewed the Advisory Council's accomplishments for 2006 and presented the Council's recommendations on "Wood Burning Control Strategies." The Committee accepted the Advisory Council's recommendation on "Wood Burning Control Strategies" and directed staff to address the issue at an appropriate Committee and to come back to the full Board with recommendations on how to proceed.

Staff provided an overview of the Production System replacement for IRIS and databank. The report included information on the Plan, the funds required, "quick fix" opportunities, and the vendors.

The Committee discussed and considered participation in the Air & Waste Management Association's (AWMA's) People to People Ambassador Program 2007 delegation to China. The Committee recommends Board of Directors' approval of the creation of a line item in the amount of \$25,000.00 in program 121 for the fiscal year 2007/2008 budget. The maximum contribution to be made by the Air District per Director is \$2,500.00. The total

trip per person is \$5,000.00. Board members interested in participating as a delegate will need to pay a \$500.00 registration fee by the end of January.

Ted Droettboom, Regional Planning Program Director of the Joint Policy Committee (JPC), provided an update on the activities of the JPC.

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

Board Action: Director Uilkema moved that the Board of Directors approve the recommendations and report of the Executive Committee; seconded by Director Kwok.

Director Uilkema also noted that the Directors attending the Ambassador Program to China would pay their own transportation.

Jack Broadbent, Executive Officer/APCO noted that Board members should contact staff by January 15, 2007, if they wish to be part of the delegation. The motion then carried on the following roll call:

AYES: Brown, Dunnigan, Gioia, Hill, Kishimoto, Klatt, Kwok, McGoldrick, Miley, Shimansky, Silva, Smith, Torliatt, Uilkema, Wagenknecht, Ross.

NOES: Haggerty.

ABSENT: Bates, Daly, Garner, Kniss, Lockhart.

Closed Session The Board convened to Closed Session at 10:40 a.m.

7. Conference with Legal Counsel

A) Existing Litigation (Government Code Section 54956.9(a))

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

Sharon Jackson v. Bay Area AOMD, et al. San Francisco County Superior Court Case No. CGC-06-458837

B) Threat of Litigation (Government Code Section 54956.9(b))

Pursuant to Government Code Section 54956.9(b), a need existed to meet in closed session to discuss significant exposure to litigation regarding one matter.

Open Session: The Board reconvened to open session at 10:59 a.m.

Brian Bunger, Legal Counsel, reported that the Board met in closed session with counsel on agenda items 7A and 7B and heard reports on the two items. The Board provided direction to staff on each item.

Other Business

8. Report of the Executive Officer/APCO – Mr. Broadbent reviewed the following:
 - A) Exceedances of the PM2.5 standard from November 20, 2006 through January 2, 2007 and noted that the new standard for PM2.5 was exceeded 15 times to date; and
 - B) Steps the District would need to take if, in the future, the Air District is determined to be in a non-attainment status.

In response to Director Torliatt's request for information on the consequences of being in a non-attainment status, and Director Haggerty's questions on Dura Flame logs, Mr. Broadbent stated that these topics will be discussed at the January 17th Retreat.

9. Chairperson's Report – Chairperson Ross again thanked Director Uilkema for her service.
10. Board Members' Comments – In response to a question from Director Gioia, Mr. Broadbent stated that the request for Committee assignments has been emailed to the Directors.

Director Silva noted he would not be able to attend the January 17th Retreat as he will be at a National Association of Counties conference. Director Silva also inquired if a determination can be made regarding particulate matter constituents from analysis of the filter samples. Mr. Broadbent stated that the District looks at the relevant meteorological information to try to see the sources of the particulate matter. When the District speciates the PM samples, there is a distinction between wood smoke versus directly emitted particulates.

Director Kishimoto commented on the distribution of correspondence sent to the Board of Directors.

Director Haggerty noted that Tuesday's are not good days for Committee meetings because most of the Supervisors meet on that day.

11. Time and Place of Next Meeting – 9:45 a.m., Wednesday, January 17, 2007 – Claremont Resort and Spa – 41 Tunnel Road, Berkeley, CA 94705
12. Adjournment – The meeting adjourned at 11:09 a.m.

/s/ Mary Romaidis
Mary Romaidis
Clerk of the Boards