

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

Approved Minutes: Board of Directors' Regular Meeting – March 21, 2007

**Call To Order**

Opening Comments: Chair Mark Ross called the meeting to order at 9:49 a.m.

Roll Call: Present: Mark Ross, Chair, Tom Bates, Chris Daly, Erin Garner, Scott Haggerty, Jerry Hill, Liz Kniss (10:05 a.m.), Patrick Kwok, Janet Lockhart, Jake McGoldrick, Nate Miley, Michael Shimansky, John Silva, Tim Smith, Pamela Torliatt (10:03 a.m.), Gayle B. Uilkema.

Absent: Harold Brown, Dan Dunnigan, John Gioia, Yoriko Kishimoto, Carol Klatt, Brad Wagenknecht.

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

**Public Comment Period:** There were none.

**Unveiling of Photography Display:** Chairperson Ross, Vice-Chair Hill, and Director Haggerty unveiled panoramas displayed in the 7<sup>th</sup> floor board room.

**Consent Calendar (Items 1 – 6)**

1. Minutes of February 7, 2007
2. Communications. Correspondence addressed to the Board of Directors. For information only.
3. Quarterly Report of Division Activities: *Report of Division Activities for the months of October – December 2006.*
4. Consider Authorization of the Executive Officer/APCO to Accept Fiscal Year 2006/2007 Carl Moyer Program Funds: *The Board of Directors considered authorizing the Executive Officer/APCO to accept fiscal year 2006/2007 Carl Moyer Program funds.*
5. Referral of Draft Proposed Budget for Fiscal Year Ending 2008 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 Ending 2008 to the Budget and Finance Committee for review and consideration.*

6. Consider Approval of Hiring Recommendation at Step E for a Principal Environmental Planner Position

*Considered approval of hiring recommendation at Step E for a Principal Environmental Planner. This position will be responsible for the Climate Protection Grant Program.*

**Board Action:** Director Hill moved approval of the Consent Calendar; seconded by Director Smith; carried unanimously with the following Board members voting:

AYES: Brown, Daly, Garner, Haggerty, Hill, Kwok, Lockhart, McGoldrick, Miley, Shimansky, Silva, Smith, Uilkema, Ross.

NOES: None.

ABSENT: Brown, Dunnigan, Gioia, Kishimoto, Klatt, Kniss, Torliatt, Wagenknecht.

**Adopted Resolution No. 2007-01: A Resolution Accepting Carl Moyer Program Funds From the California Air Resources Board**

### **Committee Reports and Recommendations**

7. Report of the Executive Committee Meeting of February 9, 2007

Chair Ross presented the report and stated that the Committee met on Friday, February 9, 2007 and received and filed the Reports of the Hearing Board and Advisory Council. Advisory Council Chair, Fred Glueck, reviewed the issues the Council would pursue in 2007: 1) The Community Air Risk Evaluation (CARE) program, 2) particulate matter and wood smoke, 3) the Spare the Air Tonight campaign, 4) indoor air quality, and 5) climate protection.

Staff provided the Committee with a status report and updates on the Spare the Air program. The 2007 proposal for the program was presented to the Committee. The Public Outreach Committee will discuss the proposal at their next meeting.

The Committee received an overview of key discussion items at the January 17, 2007 Board Retreat. Staff reviewed the state of the Air District, programs to reduce toxic air contaminants, a wood smoke strategy, and climate protection efforts and received direction from the Committee.

Staff provided a financial overview for the fiscal year 2007/2008 budget process. The unfunded medical liability was discussed and it was noted that the actuarial study has been completed. A detailed presentation was scheduled for the February 28<sup>th</sup> Budget and Finance Committee meeting.

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

**Board Action:** Chair Ross moved that the Board of Directors' approve the report of the Executive Committee; seconded by Director Kishimoto; carried unanimously without objection.

8. Report of the Budget and Finance Committee Meeting of February 28, 2007

*Action(s): The Committee recommended that the Board of Directors' approve staff's recommendation to designate and fund a reserve for "other-than-pension post-employment benefits (OPEB) for Fiscal Year ending 2008, and the transfer of \$1.4 million from undesignated reserves to the newly designated reserve fund.*

Director Daly presented the report and stated that the Committee met on Wednesday, February 28, 2007 and received the Second Quarter Financial Report for Fiscal Year 2006/2007.

One member of the public addressed the audit report under the Public Comment Period.

Gary Caporicci of Caporicci & Larson, provided an overview of the Financial Audit Report for fiscal year 2005/2006. The report included financial statements and reporting responsibilities, the audit procedures, and the audit results. Staff was provided direction regarding details on the increase in salaries and benefits, and on the program distribution.

Staff provided an overview on the continuing State-Wide Carl Moyer audits. The status of the audits are as follows: 1) Bureau of State Audits – onsite work is complete; 2) Air Resources Board – initial onsite work is complete and the auditors will be onsite for one week beginning April 9<sup>th</sup>; and 3) Department of Finance – initial onsite meeting complete, but onsite work dates have not been determined. Results of Carl Moyer audits of other air districts were reviewed.

Staff provided a report on Other Post Employment Benefits (OPEB) that included information on the background of the new reporting requirements for non-pension retiree benefits, a summary of the actuarial study results, a recommendation on pre-funding, and the financial impacts of pre-funding. Staff noted that the funding this year is being taken out of the Reserves, but will be a line item in future budgets. Staff recommended that the Committee recommend that the Board of Directors designate a reserve for "other-than-pension post-employment benefits," and transfer \$1.4 million from undesignated reserves to the newly designated reserve fund.

The next meeting of the Committee is scheduled for 9:00 a.m., Monday, March 26, 2007.

**Board Action:** Director Daly moved that the Board of Directors' approve the recommendation and report of the Executive Committee; seconded by Director Shimansky; carried unanimously without objection.

9. Report of the Personnel Committee Meeting of March 5, 2007

*Action(s): The Committee recommended approval of the following actions:*

- A) Appointment of Thomas M. Dailey, M.D. to fill the regular Medical Profession position for a three-year term that expires on April 14, 2010, and*

*the appointment of Christian Colline to fill the regular Registered Professional Engineer position for a three-year term that expires on March 6, 2010;*

- B) Approve the appointment of Janet Weiss, M.D. to the alternate Medical Profession position for a three-year term effective April 14, 2007 and expires on April 14, 2010; and*
- C) Appoint Melissa Tumbleson to the alternate Registered Professional Engineer position for a three-year term effective immediately and expires on March 6, 2010.*

Director Lockhart presented the report and stated that the Committee met on Monday, March 5, 2007 to conduct interviews of candidates to fill the regular and alternate Medical Profession and Registered Professional Engineer positions on the District's Hearing Board.

The Committee recommends Board of Directors' approval of appointments to the District's Hearing Board:

1. Reappointment of Thomas M. Dailey, M.D. to fill the regular Medical Profession position for a three-year term to expire on April 14, 2010, and the reappointment of Christian Colline to fill the regular Registered Professional Engineer position for a three-year term to expire on March 6, 2010.
2. Appointment of Janet Weiss, M.D. to the alternate Medical Profession position for a three-year term effective April 14, 2007 and expiring on April 14, 2010.
3. Appointment of Melissa Tumbleson to the alternate Registered Professional Engineer position for a three-year term effective immediately and expiring on March 6, 2010.

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

**Board Action:** Director Lockhart moved that the Board of Directors' approve the Committee recommendations for the regular and alternate Medical Profession and Registered Professional Engineer positions on the Air District's Hearing Board for the stated terms of office; seconded by Director Shimansky.

Director Hill requested that, in the future, the Board of Directors' receive copies of the applications of those candidates being selected and recommended for positions on the Hearing Board. The motion then passed unanimously without objection.

10. Report of the Stationary Source Committee Meeting of March 8, 2007

Director Haggerty presented the report and stated that the Committee met on Thursday, March 8, 2007.

Director Pamela Torliatt arrived at 10:03 a.m.

The Committee received reports on the following three informational items:

1. Proposed new Regulation 6, Rule 2: Commercial Cooking Equipment. The report included background information on development of the rule, an overview of the

proposed regulation, the type of equipment that would be regulated, information on Bay Area restaurant emissions and anticipated emission reductions, a review of the comments received during the public workshops, the rationale for the current proposal, and the next steps in the rule development process. The public hearing to consider the proposed new rule will be conducted in May, 2007.

2. Proposed amendments to Regulation 9, Rule 8: Nitrogen Oxides and Carbon Monoxide from Stationary Internal Combustion Engines. The report included a description of the internal combustion (IC) engines, background information of the regulatory requirements affecting IC engines, the emissions inventory associated with stationary IC engines, proposed regulatory amendments to the rule, a summary of the comments received during the public workshop, and the next steps in the rule development process. The public hearing to consider the proposed amendments to the regulation will be conducted in the second quarter of 2007.
3. A Comprehensive Strategy for Wood Smoke Emission Reduction. The report included information on the ambient Particulate Matter (PM<sub>2.5</sub>) levels in the Bay Area, strategies undertaken at other Air Districts, wood smoke control strategies for outreach, incentives and control measures, and projected rule development process and timeline.

The Committee provided direction to staff on items discussed during each presentation.

The next meeting of the Committee is scheduled for 9:30 a.m., Monday, April 16, 2007.

**Board Action:** Director Haggerty moved that the Board of Directors' approve the report of the Stationary Source Committee; seconded by Director Shimansky; carried unanimously without objection.

Director Liz Kniss arrived at 10:05 a.m.

11. Report of the Legislative Committee Meeting of March 12, 2007

*Action(s): The Committee recommended Board of Directors' approval of Air District positions on 13 newly introduced bills as indicated in the packet.*

Director Garner presented the report and stated that the Committee met on Monday, March 12, 2007.

Staff presented new bills for the Committee's consideration. The bills, a brief description, and the Committee's recommendations are as follows:

Bill	Brief Description	Committee Recommendations
<b>AB 218 (Saldana)</b>	<i>Eliminates current loophole allowing vehicle registration without smog certificate without penalty</i>	<b>Support</b>
<b>AB 233 (Jones)</b>	<i>Children's Breathing Rights Act; makes changes to air penalties and requires air districts to report penalty data to ARB</i>	<b>Watch</b>

<b>AB 463 (Huffman)</b>	<i>California Clean Ferry Act of 2007</i>	<b>Support</b>
<b>AB 493 (Ruskin)</b>	<i>Establishes fees and rebates respectively at the time of sale of high and low-emitting new motor vehicles</i>	<b>Support</b>
<b>AB 568 (Karnette)</b>	<i>Requires establishment of Port Community Advisory Committees</i>	<b>Watch</b>
<b>AB 575 (Arambula)</b>	<i>Prioritizes Proposition 1B air quality bond funding to South Coast and San Joaquin</i>	<b>Oppose</b>
<b>AB 616 (Jones)</b>	<i>Requires annual (instead of biennial) smog checks for cars at least 15 years old currently in the program</i>	<b>Support</b>
<b>AB 846 (Blakeslee)</b>	<i>Clean Marine Fuels Tax Incentive Act</i>	<b>Support</b>
<b>AB 934 (Duvall)</b>	<i>Would prohibit air districts from adopting airborne toxic control measures for non-stationary sources</i>	<b>Oppose</b>
<b>AB 1077 (Lieber)</b>	<i>California Plug-in Hybrid Electric Vehicle Leadership Act of 2007</i>	<b>Support</b>
<b>AB 1209 (Karnette)</b>	<i>Establishes criteria favoring southern California ports for distribution of Prop 1B air quality funds</i>	<b>Oppose</b>
<b>SB 587 (Runner)</b>	<i>Establishes exemptions from air district permit requirements for certain printing, coating, adhesive application, and laminating operations, subject to specified criteria</i>	<b>Oppose</b>
<b>SB 974 (Lowenthal)</b>	<i>Establishes a container fee of \$30 per twenty-foot equivalent unit at LA, Long Beach, and Oakland ports</i>	<b>Support in Concept</b>

Staff also provided an update on Proposition 1B Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. The Committee provided direction to staff regarding its position on the distribution of the air quality funds in Proposition 1B.

The next Committee meeting will be at 9:30 a.m., Monday, April 23, 2007.

**Board Action:** Director Garner moved that the Board of Directors' approve the recommendations of the Legislative Committee; seconded by Director Shimansky.

In response to a question from Director Torliatt, Jean Roggenkamp, Deputy APCO, stated that when the Air District takes a position on a bill, the Executive Officer sends a letter to the author of the bill indicating the District's position.

Directors Torliatt and Haggerty requested staff provide the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) Legislative Committee the Air District's positions on bills. Director Torliatt requested that the report that MTC puts together on bills be available for future Legislative Committee meetings.

Director Hill recommended that the Board Chair sign the letters to the Legislators. The motion then passed unanimously without objection.

12. Report of the Public Outreach Committee Meeting of March 19, 2007

**Action(s):** *The Committee recommended Board of Directors' approval of the following contracts to assist with public outreach:*

- A) *Community Outreach – Community Focus not to exceed \$180,000;*
- B) *Advertising Design and Production – O'Rorke not to exceed \$400,000; and*
- C) *Media Relations and Employer Program – Allison & Partners not to exceed \$780,000.*

Director Kwok presented the report and stated that the Public Outreach Committee met on Monday, March 19, 2007.

Staff presented recommendations for contractors for public outreach programs. The Committee recommends Board of Director's approval of the following contracts to assist with public outreach:

- A) Community outreach – Community Focus not to exceed \$180,000,
- B) Advertising design and production – O'Rorke not to exceed \$400,000, and
- C) Media relations and employer program – Allison & Partners not to exceed \$780,000.

The Committee provided direction to staff regarding the RFP process.

A summary of the 2006/2007 Spare the Air Tonight wintertime outreach campaign was presented to the Committee. Staff presented information on PM<sub>2.5</sub>, sources of PM, the advisory history of Spare the Air Tonight, outreach strategy used, Spare the Air Tonight messages, program results, exceedances, and 2007 survey results.

Staff presented a report on the recommendations for the 2007 Spare the Air summer campaign. A review of the campaign included program elements, the results of the 2006 program (including feedback), highlights for the 2007 program, and outreach strategy. The Committee provided direction to staff with regard to the 2007 program.

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

**Board Action:** Director Kwok moved that the Board of Directors approve the report and recommendations of the Public Outreach Committee, including the awarding of contracts and authorize the Executive Officer/APCO to execute such contracts; seconded by Director Shimansky.

Director Shimansky added that the Committee made recommendations to staff to extend the time for submitting an RFP and that more than two staff members review the RFP's. In response to a question from Director Garner, Ms. Roggenkamp stated that part of the criteria of the RFP relates to green business practices and points are awarded for this criteria. The motion then passed unanimously without objection.

**Other Business**

13. Report of the Executive Officer/APCO – Ms. Roggenkamp reviewed the following:

- A) The annual Air & Waste Management Association Conference is scheduled for June 26 through 29, 2007 and will be held in Pittsburgh, PA. This will be the 100<sup>th</sup> annual conference. Registration packets should be available by the next Board meeting.
- B) A current calendar of community events and meetings is at each Board member's place.
- C) The Spare the Air Tonight campaign ended on February 16<sup>th</sup>; there were 30 advisories and 27 exceedances recorded.

14. Chairperson's Report – Chair Ross stated that he had no report.

15. Board Members' Comments – Director Uilkema reported that on Friday, February 16<sup>th</sup> she attended a Regional Climate Action workshop on the issues of climate change and global warming held at the MetroCenter in Oakland. The workshop was sponsored by the Air District, MTC, ABAG, and BCDC. The purpose of the workshop was to solicit and discuss suggestions for appropriate regional action. Other Board members in attendance were Chairperson Mark Ross, Directors Tom Bates, Yoriko Kishimoto, Janet Lockhart, and Michael Shimansky. This report is provided to comply with AB 1234.

Director Haggerty noted that some of the events that the Air District participated in last year were not on this year's calendar and Ms. Roggenkamp indicated staff would check on them.

Director Bates commented that there was good information in the proposed budget and the detail was helpful to new Board members. He also thanked staff for an excellent presentation given to the Berkeley City Council on the issue of diesel and diesel fuel and the impact it is having on the Bay Area.

Director Torliatt suggested that staff attend one of the public workshops on the Graton Casino Draft EIS. Director Torliatt also requested that the Sonoma County Fair and the Sonoma/Marin County Fair be added to the list of events.

Director Daly reported that the San Francisco Board of Supervisors passed an ordinance to regulate emissions from construction equipment that will be implemented in approximately two years.

Director Kwok reported that the Santa Clara Valley Water District Public Environmental Advisory Committee came up with 11 strategic plans for 2007 and that one of the items is climate protection. Director Kwok stated that he has requested that the Committee collaborate with the Air District on the implementation of the program. The Santa Clara County Board of Supervisors is declaring the month of April as Environmental Awareness Month.

Chair Ross recommended that each Director consider an op ed piece, or something in their local papers, to help with outreach on the Spare the Air summer campaign.

16. Time and Place of Next Meeting – 9:45 a.m., Wednesday, April 4, 2007 – 939 Ellis Street, San Francisco, CA 94109

17. Adjournment – The meeting adjourned at 10:28 a.m.



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