

## **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

939 ELLIS STREET – SAN FRANCISCO, CA 94109

Approved Minutes: Board of Directors' Regular Meeting – May 16, 2007

### **Call To Order**

Opening Comments: Chair Mark Ross called the meeting to order at 9:48 a.m.

Roll Call: Present: Mark Ross, Chair, Tom Bates, Harold Brown (10:05 a.m.), Chris Daly, Dan Dunnigan, Erin Garner, Scott Haggerty, Jerry Hill, Carol Klatt, Patrick Kwok, Janet Lockhart, Jake McGoldrick (9:55 a.m.), Nate Miley, Michael Shimansky, John Silva, Pamela Torliatt, Gayle B. Uilkema, Brad Wagenknecht.

Absent: John Gioia, Yoriko Kishimoto, Liz Kniss, Tim Smith.

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

Public Comment: There were none.

Director Jake McGoldrick arrived at 9:55 a.m.

Commendations/Proclamation: Mr. Jack P. Broadbent, Executive Officer/APCO introduced Jeff McKay, Director of Finance, Administration and Information Systems. Mr. McKay provided the Board of Directors' with an overview of the Air District being the first government agency in San Francisco to be certified as a Green Business.

Mr. McKay introduced Ms. Sushma Dhulipala Bhatia, Manager of the Green Business Program for the San Francisco Department of the Environment. Ms. Dhulipala provided the Board of Directors' with a summary of the Green Business designation. This recognition is for businesses and government agencies that operate in an environmentally responsible way, which includes going beyond compliance with federal, State and local regulations, taking steps to actively conserve natural resources, minimize waste, prevent pollution and reduce its ecology footprint. Ms. Dhulipala thanked the Air District and the Board of Directors' for their support in the green initiative.

Chairperson Ross thanked Ms. Dhulipala and the City and County of San Francisco for the recognition, as well as thanked staff for implementing the steps that allow the Air District to become a green business.

Director Torliatt requested a list of items being implemented at the Air District that were required for certification.

### **Consent Calendar (Items 1 – 5)**

1. Minutes of May 16, 2007

Director Harold Brown arrived at 10:05 a.m.

2. Communications. Correspondence addressed to the Board of Directors. For information only.
3. Quarterly Report of the Air District Activities
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 is hereby notified that the attached memoranda lists District personnel who traveled on out-of-state business.*

5. Consider Establishing a New Classification of Facilities Maintenance Worker with a Salary at Pay Range 108 Effective as of the Date of Board Approval

*The Board of Directors will consider establishing a new classification and salary range for a Facilities Maintenance Worker in the Finance, Administration, and Information Services Division.*

**Board Action:** Director Shimansky moved approval of Consent Calendar Items 1 through 5; seconded by Director Wagenknecht; carried unanimously with the following Board members voting:

### **Committee Reports and Recommendations**

6. Report of the Climate Protection Committee Meeting of May 3, 2007

Director Torliatt presented the report and stated that the Committee met on Thursday, May 3, 2007. The Committee received a presentation on implementation of AB 32 "The California Global Warming Solutions Action of 2006," from Mr. Chuck Shulock, of the Air Resources Board.

The Committee expressed concerns about the lack of Air District involvement in the implementation of AB 32. There was extensive discussion, and the Committee directed staff to forward a copy of the minutes to the Air Resources Board.

Due to the lengthy discussion on implementation of AB 32 the presentation from the consultants on the Air District funded study "Opportunities for Greenhouse Gas Reductions from Stationary Sources" was deferred to the next meeting of the Committee.

The Committee received a presentation from staff on minimizing the Air District's carbon footprint. Staff provided an overview of the Air District's efforts to quantify, reduce and offset greenhouse gas emissions associated with Air District operations.

The Committee provided direction to staff. It was also noted that the Air District is recognized as a Certified Green Business.

The next meeting of the Committee is scheduled for 9:30 a.m., Thursday, July 19, 2007.

**Board Action:** Director Torliatt moved that the Board of Directors' approve the recommendations and report of the Climate Protection Committee; seconded by Director Wagenknecht; carried unanimously without objection.

7. Report of the Public Outreach Committee Meeting of May 7, 2007

Director Kwok presented the report and stated that the Committee met on Monday, May 7, 2007. The Committee received a presentation from staff on the Spare the Air/Free Transit campaign for the 2007 ozone season.

Staff provided a summary of the 2006 highlights and the 2007 campaign elements. This year the Free Transit component will include 4 free half-day commutes (until 1 p.m.) on BART, Cal Train, Ace and ferries; and the bus systems are free all day. 32 transit operators are participating. The ozone season will begin June 1<sup>st</sup>. Staff has developed a new campaign design this year. Printed collateral materials developed for this season were distributed.

Also presented to the Committee was the youth outreach program for fiscal year 2006/2007 and a brief overview of staff's development of a State standard based climate change curriculum for elementary school children was given. After an extensive discussion, the Committee directed staff to significantly expand the program to affect behavioral changes. Avenues to investigate included:

- 1) Expanding the opportunity for more teachers to receive the Clean Air Challenge curriculum;
- 2) Purchase of a demonstration mobile bio-diesel truck or van;
- 3) Provide Board members and school superintendents materials for outreach to teachers in their counties to participate in the Clean Air Challenge curriculum; and
- 4) Legislation.

The next meeting of the Committee is scheduled for Monday, May 21, 2007. Director Kwok also noted that the kick-off meeting in San Francisco for the Spare the Air Day is May 30, 2007.

**Board Action:** Director Kwok moved that the Board of Directors' approve the recommendations and report of the Public Outreach Committee; seconded by Director Uilkema; carried unanimously without objection.

### **Public Hearings**

8. Public Hearing to Consider Adoption of New District Regulation 6: Rule 2: Commercial Cooking Equipment, and Adoption of a CEQA Negative Declaration

*Proposed New Regulation 6: Rule 2 would regulate PM<sub>10</sub> (particulate matter of 10 microns in diameter or less) and organic compound emissions from charbroilers used in commercial restaurant operations. The proposed rule will fulfill the District's commitment to control restaurant emissions under its SB 656 Particulate Matter Implementation Schedule and to study potential controls on commercial charbroilers as proposed in further study measure FS-3 in the Bay Area 2005 Ozone Strategy.*

Virginia Lau, Senior Air Quality Specialist provided the Board of Directors' with a presentation on the above mentioned rule.

Some of the background information included the following:

- Nonattainment standards;
- Trends;
- Regulatory commitment; and
- 3 Air Districts that have currently have rules to control emissions which include South Coast; San Joaquin and Ventura County

There has been a significant amount of public outreach with regard to this regulation, some of which included:

- Postcard mailings to both restaurant owners and hood vendors;
- Two meeting were held w/county health departments;
- Meeting w/ the Golden Gate Restaurant Association;
- Held 4 public workshops in November 2006; and
- Final proposal posted on Air District's website on April 16, 2007

A registration fee of \$475 will be required along with an annual fee of \$135. It was requested that this rule become effective June 8, 2008; one year after the adoption of the rule.

After a lengthy discussion, the item was opened for public hearing.

Chairperson Ross opened the Public Hearing at 11:05 a.m.; the following speakers spoke on this item:

Robert Auemian  
Green Kitchen Designs  
954 Third Ave.  
New York, NY 10022

Johnnise Downs  
CA Restaurant Assoc.  
1011 10<sup>th</sup> St.  
Sacramento, CA 95814

Jenny Bard  
American Lung Assoc, of CA  
115 Talbot Ave.  
Santa Rosa, CA 95404

Daniel Scherotter  
Golden Gate Restaurant Assoc.  
640 Sacramento St.  
San Francisco, CA 94111

Lewis Chilton  
Elaine Bell Catering Co.  
776 Technology Way  
Napa, CA 94558

Chairperson Ross closed the public hearing on Agenda Item #8 at 11:28 a.m.

**Board Action:** Director Uilkema moved the Board of Directors' refer the entire item back to the Stationary Source Committee; seconded by Director Kwok.

**AYES:** Brown, Dunnigan, Garner, Haggerty, Kwok, Lockhart, Miley, Shimansky, Silva, Uilkema, Wagenknecht.

NOES: Bates, Daly, Hill, Klatt, Ross.

ABSENT: Gioia, Kishimoto, Kniss, McGoldrick, Smith, Torliatt.

9. Public Hearing on the Proposed District Fiscal Year 2007/2008 Budget

*Pursuant to California Health and Safety Code Section 40131, the Board of Directors will conduct the first of two public hearings on the proposed Air District Budget for FY 2007/2008. The second public hearing is scheduled for June 6, 2007.*

Jeff McKay provided the Board of Directors' with a presentation informing the Board of Directors that the proposed budget is balanced with the inclusion of fee increases which have been previously presented to the Board of Directors' for consideration.

Mr. McKay stated that the budget ensures the continuing effectiveness of the current programs as well as enhancement of current programs which includes an increase of 2.4 FTE's. Some of the challenges include unfunded medical liability; beginning fiscal year 2009 the Air District will be required to show the unfunded medical liability in its financials. Before the end of the calendar year, the Air District intends to bring forward a specific plan to meet this liability challenge.

The key programs include:

- Community Air Risk Evaluation (CARE) Program
- Climate Protection
- Woodsmoke: Enhanced Outreach

Increases in the proposed budget for these programs are all in the professional services area, and vary with each program.

Lastly, Mr. McKay noted that 2 public hearings are required for the proposed budget and that the second public hearing is currently scheduled for June 6, 2007.

Chairperson Ross moved to open the Public Hearing at 11:50 a.m. There were no speakers from the public.

Chairperson Ross closed the public hearing on agenda item #9 at 11:51 a.m.

**Board Action:** Director Uilkema moved the Board of Directors' continue the second public hearing to June 6, 2007; seconded by Director Haggerty.

**Closed Session** – The Board convened to Closed Session at 11:52 a.m.

10. Conference with Legal Counsel-

**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:*

**Thomasina Mayfield v. Bay Area AQMD**, San Francisco Superior Court, Case No. CGC-06-455723

**Open Session** – The Board reconvened to open session at 11:58 a.m.

Brian Bunger, Counsel, reported that the Board met in Closed Session on item 10 and received a report on the item. The Board provided general direction to staff on that item.

**Other Business**

11. Report of the Executive Officer/APCO – Mr. Broadbent stated that he had no report.
12. Chairperson’s Report – Chair Ross stated that he had no report.
13. Board Members’ Comments – There were none.
14. Time and Place of Next Meeting –The next Regular Board meeting is scheduled for 9:45 a.m., Wednesday, June 6, 2007 – 939 Ellis Street, San Francisco, CA 94109
15. Adjournment – The meeting adjourned at 12:00 p.m.

*/s/ Vanessa Johnson*  
Vanessa Johnson  
Acting Clerk of the Boards