

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

Approved Minutes: Board of Directors' Regular Meeting – June 6, 2007

**Call To Order**

Opening Comments: Chair Mark Ross called the meeting to order at 9:50 a.m.

Roll Call: Present: Mark Ross, Chair, Tom Bates, Harold Brown, Chris Daly, Dan Dunnigan, Scott Haggerty, Jerry Hill, Yoriko Kishimoto, Carol Klatt, Liz Kniss (10:05 a.m.), Patrick Kwok, Janet Lockhart, Jake McGoldrick, Nate Miley, Michael Shimansky, John Silva, Tim Smith, Pamela Torliatt (10:00 a.m.), Gayle B. Uilkema, Brad Wagenknecht.

Absent: Erin Garner, John Gioia.

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

Public Comment: There were none.

Director Pamela Torliatt arrived at 10:00 a.m.

**Consent Calendar (Items 1 – 2)**

1. Minutes of May 16, 2007
2. Communications. Correspondence addressed to the Board of Directors. For information only.

**Board Action:** Director Brown moved approval of Consent Calendar Items 1 through 2; seconded by Director Wagenknecht; carried unanimously without objection:

**Committee Reports and Recommendations**

3. Report of the Public Outreach Committee Meeting of May 21, 2007

Director Kwok presented the report and stated that the Committee met on Monday, May 21, 2007. The Committee received follow-up presentation from staff on the Spare the Air/Free Transit campaign for 2007. The ozone kick-off event was scheduled for May 30, 2007 at the Justin Herman Plaza in San Francisco.

The Committee considered a staff recommendation for a public opinion research firm to conduct telephone surveys, gather data on the effectiveness of District outreach programs, and assess public behavior patterns using statistically accepted methodologies.

The Committee recommended Board of Directors' approval of the following:

1. True North Research as the contractor to conduct public opinion research services; and
2. Authorization for the Executive Officer/APCO to execute a contract with True North Research in an amount not to exceed \$175,000.

Also presented to the Committee was a recommendation for a strategic media contractor to assist with preparation of strategic advisories, press releases, and electronic media covering key Air District initiative such as Ports and goods movement; climate protection; clean air choices; Spare the Air communication relations; and wood smoke reduction.

The Committee recommended Board of Directors' approval of the following:

1. P & P Communications as the contractor to provide strategic media services; and
2. Authorization for the Executive Officer/APCO to execute contract with P & P Communications in an amount not to exceed \$150,000.

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 recommendations and report of the Public Outreach Committee; seconded by Director Wagenknecht; carried unanimously without objection.

4. Report of the Executive Committee Meeting of May 30, 2007

Chairperson Mark Ross presented the report and stated that the Committee met on Wednesday, May 30, 2007. The Committee received and filed the Reports of the Hearing Board and Advisory Council. Advisory Council Chair, Fred Glueck, reviewed the topics discussed by the Advisory Council and its Standing Committees.

The Committee received an update on the Production System project and a description of the next milestones.

Staff presented a status report on the Air District's Affirmative Action Plan Update. The report included a response to an inquiry regarding gender-based differences in compensation and a preliminary analysis of data for the Plan update for fiscal year 2007/2008.

The Committee also met in Closed Session to discuss the Air District's response to audit findings and the Committee provided direction to staff on the item.

Staff provided a report on the proposed comprehensive internal systems review. The Committee recommended that the Board of Directors authorize the Executive Officer/APCO to solicit bids and execute an agreement to perform a comprehensive operations and internal systems review of the agency and authorize the transfer of \$400,000 from the General Reserve and adjust the Air District's proposed fiscal year 2007/2008 budget for this purpose.

Staff provided a report on the Smart-Growth Preamble and Policies and made recommendations to the Committee regarding proposed new policies and revisions to

existing policies. The Committee recommended that the Board of Directors adopt the proposed amendments to the Smart-Growth Preamble and Policies.

Lastly, 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:** Chairperson Ross moved that the Board of Directors approve the recommendations and report of the Executive Committee; seconded by Director Daly; carried unanimously without objection.

## **Public Hearings**

5. Final Public Hearing to Consider Adoption of Proposed Amendments to Regulation 3: Fees, and Approval of the Filing of a CEQA Notice of Exemptions

*Final public hearing required under California Health and Safety Code 41512.5 to consider any further testimony regarding proposed amendments to Regulation 3: Schedule L: Asbestos Operations and Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks, and proposed adoption of Schedule R: Commercial Cooking Operations and Schedule S: Naturally Occurring Asbestos Operations.*

Brian Bateman, Director of Engineering provided the Board of Directors' with a presentation on the above mentioned rule.

Some of the background information included the following:

- Proposed fee amendments for permitted sources of air pollution were adopted on May 2, 2007;
- On an overall basis, proposed amendments would increase fee revenues by approximately 6% (\$1.4 million) from revenue projected for the current fiscal year; and
- Increase in CPI for Bay Area was 2.9%.

Additional details of remaining proposed fee amendments included:

- Schedule L: Asbestos Operations
- Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks

Proposed new fee schedules include:

- Commercial Charbroilers; and
- Asbestos Dust Mitigation Plans (ADMPs)

Lastly, Mr. Bateman, provide the Board of Directors' with a summary of the Rule Development Process which included:

- Draft fee regulation amendments issued - February 14, 2007;
- Public Workshop - March 9, 2007;

- Public Comments - None received;
- Budget & Finance Committee briefing - March 26, 2007;
- Public Hearings and Board of Directors' consideration for adoption - May 2 and June 6, 2007; and
- Amendments would be effective July 1, 2007

Chairperson Ross moved to open the Public Hearing at 10:00 a.m.; there were no speakers who spoke on this item.

Chairperson Ross closed the public hearing on Agenda Item #5 at 10:01 a.m.

**Board Action:** Director Hill moved that the Board of Directors' approve the recommended action as outlined; seconded by Director Wagenknecht carried unanimously with the following Board members voting:

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

NOES: None.

ABSENT: Garner, Gioia, Kniss

**Adopted Resolution No. 2007-07: A Resolution of the Board of Directors of the Bay Area Air Quality Management District Amending Regulation 3 - Fees**

**Closed Session** – The Board convened to Closed Session at 10:02 a.m.

6. Conference with Legal Counsel-

**Audit by Bureau of State Audits**

*Pursuant to Government Code Section 54956.75, a need existed to meet in closed session to review the Air District's response to an audit conducted by the Bureau of State Audits.*

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

**Open Session** – The Board reconvened to open session at 10:35 a.m.

Brian Bunger, Counsel, reported that the Board met in Closed Session on item 6 and received a report on the item. The Board provided general direction to staff on that item.

## **Other Business**

7. Report of the Executive Officer/APCO – Mr. Broadbent presented to the Board of Directors' several Spare the Air radio and television ads, one of which included the Spare the Air/Free Transit kick-off event that was held on May 30, 2007 at Justin Herman Plaza in San Francisco.
8. Chairperson's Report – Chair Ross stated that he had no report.
9. Board Members' Comments – Several Board Members suggested that staff research other methods for the distribution of the Air District's Annual Report.
10. Time and Place of Next Meeting –Immediately following Wednesday, June 6, 2007 Meeting– 939 Ellis Street, San Francisco, CA 94109
11. Adjournment – The meeting adjourned at 10:47 a.m.

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