

Bay Area Air Quality Management District  
939 ELLIS STREET  
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(415) 749-5000

## APPROVED MINUTES

Summary of Board of Directors  
Executive Committee Meeting  
10:00 a.m., Wednesday, June 11, 2008

1. **Call to Order - Roll Call:** Chair Jerry Hill called the meeting to order at 10:00 a.m.  
  
**Present:** Jerry Hill, Chair, Chris Daly, Tim Smith, Pamela Torliatt, Gayle B. Uilkema, Brad Wagenknecht.  
  
**Absent:** John Gioia, Scott Haggerty, Mark Ross
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of May 12, 2008:** Director Torliatt moved approval of the minutes; seconded by Director Smith; carried unanimously without objection.
4. **Status Report On Discussions With The Bay Area Environmental Health Collaborative On A Proposed Resolution To Address Cumulative Impacts:** *The Committee received a status report on discussion with the Bay Area Environmental Health Collaborative on a proposed resolution to address cumulative impacts.*

Mr. Broadbent provided an update on the Air District's efforts to work with the Bay Area Environmental Health Collaborative, stating they are continuing to meet and further refine the draft resolution, which outlines the Air District's efforts to address cumulative impacts in various communities. The meetings have been successful and they are close to finalizing the draft resolution. He recommended next steps which include meeting with representatives from industry to fully complete the public process and thereafter, bringing the final draft resolution to the full Board of Directors.

### Public Comments:

Bradley Angel, Director of Green Action and speaking on behalf of BAEHC, echoed Mr. Broadbent's comments.

Director Uilkema discussed recent changes in land use policies in her District, citing factors of subdivisions adjacent to freeways, and she asked that land use perspective be included in moving forward. Mr. Broadbent responded by stating that land use guidelines are being developed separately and he hopes for their formalization to be complete by the end of the year.

Vice Chair Torliatt referred to the first NOW, THEREFORE, BE IT RESOLVED clause and while she understands the intent is to deal specifically with impacted communities, she believed the Air District takes seriously all communities throughout the Bay Area.

LeaOtis Martin, BAEHC, Bay View resident, said he has lived at Hunter's Point since 1966 and voiced concern about his family's health issues and pollution impacts in the area.

**Committee Action:** Mr. Broadbent confirmed with the Executive Committee that unless there are major changes to be made to the resolution, staff will move forward and bring the final draft Resolution before the Board of Directors after meetings have occurred with industry representatives.

**5. Consideration Of Community Grant Program:** *The Committee considered recommending Board of Directors' approval of a community grant program*

Mr. Broadbent said staff followed up on the Committee's request to return with information and he presented charts showing total violations issued, monies collected, violations resolved, inspections, air pollution complaints, permitted sources and impacted communities. He said the concept and original intent was to take a portion of the excess amount budgeted for penalties and to establish a program that would serve to provide funds, which would help in terms of building community projects. This would be done in lieu of SEP's and the establishment of a community grant program would be a fixed line item in the Budget.

Mr. Broadbent further stated that a single, clear approach to allocation does not emerge, and therefore, he recommended establishing an annual Bay Area-wide community grant program with a fixed budget, with an initial amount of \$100,000 for FY 2008/09. He discussed an example of a project designed to reduce greenhouse gasses, which benefitted San Francisco Community Power that replaced old wiring, change out of old bulbs to fluorescent lighting, replacement of old refrigerators and improved safety and quality of life benefits.

Committee discussion ensued. The Committee provided direction to staff. Mr. Broadbent said he was hearing comments from the Committee that require more refinement of the program and suggested for those cases where there is direct impact, the Air District can take its existing staff resources to those communities. He agreed to refine the program and bring it back in the fall. Director Uilkema requested increasing the grant program amount above \$100,000.

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

**6. Consideration Of Recommendations Regarding Air District Foundation:** *The Committee considered recommending Board of Directors' approval of various decisions necessary to establish a nonprofit entity to support the Air District.*

Mr. Bunger discussed the recommendation to establish a supporting organization for the Air District, that the District be its sole member as a shareholder, and discussed recommended names for the nonprofit entity. The Board discussed the entity's nonprofit status in comparison to a parks foundation where donations and contributions can be made tax-free. Funding could be dedicated towards research on greenhouse gasses, outreach for the Spare the Air and climate change programs. Staff requested authorization to be able to write a broad scope of service. Mr. Bunger discussed legal activities allowed by the Foundation, consequences of illegal activities, language proposed in the Draft Articles, dedication

of assets, staffing the Foundation, audit requirements, bylaws and the recommendation for a 3-9 member Board where no more than 49% can be employees of the Foundation, the recommendation for two-year terms with consecutive 3 year terms with a one-year hiatus. The Bylaws would provide for the provision of statutory committees. The recommendation would be brought to the full Board of Directors at its July 9, 2008 meeting.

Directors believed there was potential to realize some large benefits of forming a Foundation and agreed with the recommended range of the Foundation having 3-9 members.

**Committee Action:** Director Smith moved that the Committee recommend that the Board of Directors approve moving forward to establish a nonprofit entity to support Air District programs; seconded by Director Wagenknecht; carried unanimously without objection.

7. **Consideration Of Recommendation Authorizing The Executive Officer/APCO To Enter Into A Master Service Contract Agreement For Audit Services With Maze & Associates:** *The Committee considered recommending Board of Directors' approval to allow the Executive Officer/APCO to enter into a Master Service Agreement with Maze & Associates for audit services.*

Finance Manager Linda Serdahl provided a PowerPoint presentation on the Air District's efforts of selecting an auditor, discussed the Request for Proposal, response by firms, panel review and interview of the firms and recommended the Executive Committee recommend that the Board of Directors approve Maze and Associates as the District's auditors for the fiscal years ended June 30, 2008 through June 30, 2010.

Vice Chair Torliatt questioned the point and interview system and confirmed that Maze and Associates received a score of 88 points and were highly recommended due to their experience, knowledge with GASB 45 and overall response to the RFP and presentation.

**Committee Action:** Director Uilkema moved to recommend Board of Directors approval of a Master Services Agreement with Maze & Associates for audit services; seconded by Director Wagenknecht; carried unanimously without objection.

8. **Establishing A Self-Insured Dental Plan:** *The Committee received a report establishing a self-insured dental plan.*

Directors voiced agreement and support of the staff report and recommendation to establish a self-insured dental plan.

**Committee Action:** Director Uilkema moved to support the Air District establishing a self-insured dental plan; seconded by Director Smith; carried unanimously without objection.

9. **CLOSED SESSION WITH DISTRICT'S LABOR NEGOTIATORS**  
*(Government Code § 54957.6(a))*

*Agency Negotiators: Jack P. Broadbent, Executive Officer/APCO  
Michael Rich, Human Resources Officer*

*Employee Organization: Bay Area Air Quality Management District Employees' Association, Inc.*

District Counsel Brian Bunger reported that Directors took no reportable action in Closed Session, except to give direction to staff.

- 10. Committee Member Comments/Other Business:** None
- 11. Time and Place of Next Meeting:** At the call of the Chair.
- 12. Adjournment.** The meeting was adjourned at 11:19 a.m.

*/s/ Lisa Harper*  
Clerk of the Board