



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BRAD WAGENKNECHT – CHAIRPERSON

DAN DUNNIGAN

CAROL KLATT

MARK ROSS

TIM SMITH

ERIN GARNER–VICE CHAIRPERSON

SCOTT HAGGERTY

JANET LOCKHART

MICHAEL SHIMANSKY

**MONDAY**  
**FEBRUARY 25, 2008**  
**9:30 A.M.**

**FOURTH FLOOR CONFERENCE ROOM**  
**DISTRICT OFFICES**

**AGENDA**

**1. CALL TO ORDER - ROLL CALL**

**2. PUBLIC COMMENT PERIOD**

*(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.*

**3. APPROVAL OF MINUTES OF NOVEMBER 26, 2007**

**4. CONSIDERATION OF NEW BILLS AND CORRESPONDING AGENCY POSITIONS**

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Staff will present newly-introduced air quality bills for the Committee's deliberation.*

**5. UPDATE ON AIR DISTRICT 2008 LEGISLATIVE AGENDA**

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee will receive an update on the proposals for the District's legislative agenda for 2008.*

**6. COMMITTEE MEMBERS' COMMENTS**

*Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

7. **TIME AND PLACE OF NEXT MEETING:** *9:30 a.m., Monday, March 24, 2008, 939 Ellis Street, San Francisco, CA 94109.*
8. **ADJOURNMENT**

**CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET  
SAN FRANCISCO, CA 94109**

**(415) 749-5127  
FAX: (415) 928-8560  
BAAQMD homepage:  
[www.baaqmd.gov](http://www.baaqmd.gov)**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities (notification to the Executive Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly).

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Wagenknecht and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 20, 2008

Re: Legislative Committee Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of November 26, 2007.

DISCUSSION

Attached for your review and approval are the draft minutes of the November 26, 2007 Legislative Committee meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

**Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109  
(415) 749-5000**

**DRAFT MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
9:30 a.m., Monday, November 26, 2007

1. **Call to Order - Roll Call:** Chair Brad Wagenknecht called the meeting to order at 9:32 a.m.  
  
**Present:** Brad Wagenknecht, Chairperson; Dan Dunnigan, Carol Klatt, Janet Lockhart, Michael Shimansky, Tim Smith (9:37 a.m.).  
  
**Absent:** Erin Garner, Scott Haggerty.  
  
**Also Present:** Board Chair Mark Ross (9:35 a.m.), Pamela Torliatt (9:48 a.m.).
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of April 23, 2007 and July 23, 2007:** Director Shimansky moved approval of the minutes; seconded by Director Lockhart; carried unanimously without objection.
4. **Summary of 2007 Legislative Year:** *Staff presented a summary of the recently-concluded year in Sacramento, highlighting the outcome of measures on which the District adopted positions.*

Thomas Addison, Senior Advanced Projects Advisor, presented the report and stated that the most significant bill this year was AB 118 (Nunez), which was submitted at the end of the legislative session.

Board Chair Mark Ross arrived at 9:35 a.m.

Mr. Addison stated that AB 118 will generate over \$213 million annually through 2016. Funds will be generated by an increase in vehicle fees and will fund three air quality programs: 1) an enhanced state vehicle scrappage program; 2) the Alternative and Renewable Fuel and Vehicle Program; and 3) the Air Quality Improvement Program.

Director Tim Smith arrived at 9:37 a.m.

Mr. Addison explained that no action had been taken on other significant bills, including Senator Lowenthal's bill regarding container fees, which failed to pass the Legislature. Mr. Addison

stated that this bill would most likely come back in January 2008 and that the Air District supported the bill. Mr. Addison also noted that this is year one of a two year session.

Mr. Addison reported that there were a number of bills this year that would have been harmful to air quality, but that none of them passed. A bill was introduced late in the year (AB 1610) that would have changed the mission of inspectors at refineries. Mr. Addison provided information on bills that changed the make-up of the Board for the San Joaquin Valley Unified Air District and the term limits for the South Coast Air Quality Management District Board.

Director Pamela Torliatt arrived at 9:48 a.m.

There was a discussion on AB 32 and other bills related to climate change. Jean Roggenkamp, Deputy APCO, stated that the California Air Resources Board (CARB) received a report from a Market Advisory Committee, which is a Committee that was set up by Cal EPA to advise the ARB on climate change and AB 32. The ARB accepted the report and the report is being incorporated into ARB's process as they develop a Scoping Plan. There will be a series of workshops on the Scoping Plan, and at least one will be on incentive-based and market-based ideas.

Jack Broadbent, Executive Officer/APCO, stated that ARB has a set of nine early action measures to put in place through regulation by 2010. These will follow the standard regulatory approach that CARB takes. The Scoping Plan that CARB is putting together will contain another set of action measures that, by regulation, will be put into place in 2020.

Mr. Broadbent stated that the efforts on AB 32 are coming out of Sacramento and that the air districts are not involved at this point. CARB's first regulation is mandatory reporting, which will be before the CARB Board in December. CAPCOA has, and continues to have, discussions with CARB on the issues surrounding AB 32.

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

**5. Potential Legislative Proposals for 2008:** *The Committee discussed potential legislative proposals for the District's legislative agenda for 2008.*

Mr. Broadbent introduced the item and stated that the Executive Committee met last week and discussed two key legislative issues for next year. One issue is the Air District supporting legislation in partnership with the Metropolitan Transportation Commission (MTC) to establish a gas fee in the Bay Area. The Committee also discussed the possibility of moving forward with a legislative proposal regarding the size of the Board. The Committee determined to not move forward at this time on the issue on the size of the Board.

The Committee discussed potential legislative proposals for the legislative agenda for 2008. Mr. Addison provided information on two recent polls that were conducted regarding a regional gasoline fee. Mr. Addison stated that the majority of people polled would be willing to pay a gasoline fee to address climate change. The MTC Legislative Committee met on the issue and it will be presented to their full Board on December 19, 2007. Mr. Addison reviewed MTC's

authority regarding its ability to impose a tax versus a fee, which would require a legislative change. The Committee requested staff conduct research on a regional gas fee and report back to the Committee at a later date.

Mr. Addison provided a brief report on the upcoming state budget and noted that the Governor's budget will be released on January 10, 2008. There was further discussion on the gasoline fee and the Committee also discussed the possibility of developing state-wide burning requirements or programs.

**Committee Action:** The Committee discussed potential legislative proposals for the legislative agenda for 2008.

6. **Committee Members' Comments:** There were none.
7. **Time and Place of Next Meeting:** Chair Wagenknecht stated that the Legislative Committee will not meet on December 24<sup>th</sup> and that the next meeting will be at the Call of the Chair.
8. **Adjournment:** The meeting was adjourned at 10:27a.m.

Mary Romaidis  
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Brad Wagenknecht and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 20, 2008

Re: Consideration of New Bills and Corresponding Agency Positions

RECOMMENDED ACTION:

None. Informational item.

DISCUSSION

The bill introduction deadline this year is February 23, 2008 and typically several thousand new bills appear in print for the first time immediately prior to this deadline. Staff expects that a number of air quality measures will be introduced just before this deadline, and will bring some of these measures to the Committee for discussion. As of the date of this memorandum, no such bills have yet been introduced. Staff will distribute copies of significant air quality bills at the meeting, and present verbal analyses and recommended positions on significant bills to the Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Brad Wagenknecht and  
Members of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 20, 2008

Re: Update on Air District 2008 Legislative Agenda

RECOMMENDED ACTION:

None. Informational item.

DISCUSSION

Staff will present a verbal update to the Committee on the Air District's 2008 legislative agenda.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison