



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

TOM BATES – CHAIRPERSON
DAN DUNNIGAN
CAROL KLATT
MICHAEL SHIMANSKY

BRAD WAGENKNECHT–VICE
CHAIRPERSON
SCOTT HAGGERTY
MARK ROSS
TIM SMITH

**WEDNESDAY
DECEMBER 17, 2008
Immediately following Board of Directors Meeting**

**ROOM 716
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 SEPTEMBER 22, 2008

4. POTENTIAL LEGISLATIVE AGENDA FOR 2009

**J. Broadbent/5052
jbroadbent@baaqmd.gov**

Staff will present potential legislative proposals for the Committee to consider as it crafts the District's legislative agenda for the upcoming year.

5. 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)

6. TIME AND PLACE OF NEXT MEETING: 9:30 a.m., Monday, January 26, 2009

7. ADJOURNMENT

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

**(415) 749-5127
FAX: (415) 928-8560
BAAQMD homepage:
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).
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all members of the body to which this Agenda relates shall be made available at the District's offices at 939 Ellis Street, San Francisco, CA 94941, at the time such writing is made available to all, or a majority of all members of that body. Such writing may also be posted on the District's website (www.baaqmd.gov) at that time.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS

DECEMBER 2008

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source Committee <i>(Meets 3rd Monday Quarterly)</i> - CANCELLED	Monday	15	9:30 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	17	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(Meets 4th Monday of the Month)</i>	Wednesday	17	Immediately Following Board Meeting	Room 716
Board of Directors Legislative Committee <i>(Meets 4th Monday of the Month) – RESCHEDULED TO WEDNESDAY, DECEMBER 17, 2008</i>	Monday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday of each month)</i> - CANCELLED	Wednesday	24	9:30 a.m.	4 th Floor Conf. Room

JANUARY 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
Board of Directors Climate Protection Committee <i>(Meets 3rd Thursday every other Month)</i>	Thursday	8	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets 3rd Monday quarterly)</i>	Monday	12	9:30 a.m.	Board Room
Advisory Council Retreat <i>(Meets 2nd Wednesday Every Other Month)</i>	Wednesday	14	10:00 a.m.	Board Room
Board of Directors Regular Meeting/Retreat <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Claremont Hotel & Spa 41 Tunnel Road Berkeley, CA 94705
Board of Directors Mobile Source Committee – <i>(Meets 4th Thursday of each Month)</i>	Thursday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Legislative Committee <i>(Meets 4th Monday of the Month)</i>	Monday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets 4th Wednesday of each month)</i>	Wednesday	28	9:30 a.m.	4 th Floor Conf. Room

FEBRUARY 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting (<i>Meets 1st & 3rd Wednesday of each Month</i>)	Wednesday	4	9:45 a.m.	Board Room
Board of Directors Regular Meeting (<i>Meets 1st & 3rd Wednesday of each Month</i>)	Wednesday	18	9:45 a.m.	Board Room
Board of Directors Legislative Committee (<i>Meets 4th Monday of the Month</i>)	Monday	23	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee (<i>Meets 4th Wednesday of each month</i>)	Wednesday	25	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee – (<i>Meets 4th Thursday of each Month</i>)	Thursday	26	9:30 a.m.	4 th Floor Conf. Room

HL - 12/11/08 (4:05 p.m.)
P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Bates and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 17, 2008

Re: Legislative Committee Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of September 22, 2008

DISCUSSION

Attached for your review and approval are the draft minutes of the September 22, 2008 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, September 22, 2008

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, Scott Haggerty, Carol Klatt, Janet Lockhart, Mark Ross and Michael Shimansky

Absent: Erin Garner and Tim Smith

Also Present: Pamela Torliatt
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of April 21, 2008:** Director Shimansky moved approval of the minutes; seconded by Director Ross; carried unanimously without objection.
4. **Summary of 2008 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, stating this year was heavily influenced by the budget and the State's lack of money. From a positive side, no bills that the Air District opposed passed the legislature. All bills the District opposed were either blocked or amended to eliminate the problems with the bills. The Governor has until September 30th to act on the bills.

The District's goal for 2008 was to work with MTC on legislation to allow a vote of the people on a regional gas fee for climate change and transportation. Jared Huffman introduced AB 2744. This would have allowed a popular vote in the Bay Area on a gas fee strictly for climate change. The bill failed to make it out of its first Policy Committee. Ultimately, similar language was placed in AB 2558 (Feuer), which made it all the way to the Senate floor.

Mr. Addison discussed the eleven (11) bills that the District adopted positions on, which included:

- AB 616 (Jones): Requires annual smog checks for cars at least 15 years old currently in the program;
- AB 619 (Emmerson): Amnesty for vehicles that committed title fraud;
- AB 2094 (DeSaulnier): Adds BCDC to the Joint Policy Committee;
- AB 2241 (Saldana): Closes smog check loophole that allows registration without required smog check;
- AB 2522 (Arambula): Increases vehicle registration fees for air quality in the Central Valley;
- AB 2744 (Huffman): Allows a majority vote in the Bay Area on a fuel fee to fund projects to cut climate change emissions from motor vehicles;
- AB 2558 (Feuer): Very similar to AB 2744, but allows a vote in each region of the state, and a vote on either registration surcharge OR fuel fee, and funding for climate change and transportation projects;
- AB 2922 (DeSaulnier): Adds non-vehicle violations to ARB's civil penalty authority;
- AB 2991 (Nunez): Adds climate change experts to ARB's Research Screening Committee;
- AJR 53 (Huffman): Urges Congress to pass legislation allowing California to implement its greenhouse gas standards for new vehicles;
- SB 375 (Steinberg): Changes to transportation and land use planning process to reduce VMT;
- SB 974 (Lowenthal): Establishes a container fee at LA, Long Beach and Oakland ports.

Mr. Addison said one of the biggest bills was SB 974 (Lowenthal), on port container fees. This year's version includes Oakland. After passing both houses, 10 days before the end of the session, the Governor requested major amendments. Mr. Addison noted Director Hill's efforts as being very helpful in blocking amendments that would have sent container fee revenues from the ports to the Central Valley.

Mr. Addison then discussed AB 616 (Jones) which requires annual versus biennial smog checks for cars at least 15 years old. This bill died, but is expected back next year. He noted San Joaquin Valley sponsored AB 2522, a measure to generate funding by raising registration fees dramatically, authored by Mr. Arambula.

Mr. Broadbent reported on a successful CAPCOA conference, noting that all Districts had co-sponsored the event with the exception of San Joaquin. He discussed their desire to look to the Bay Area to support and fund a short sea shipping project that would take containers that go to the Port of Oakland, put them on barges and send them to Stockton to relieve congestion.

Mr. Broadbent agreed to email the Committee members the outcome of the SB 974, as it can provide funding and improvements to the Port.

5. **Overview of 2008/2009 State Budget:** *The Committee received an overview of the State's budget for 2008/2009 and impacts to air quality programs.*

Mr. Addison provided the Committee with an update stating that the good news is that there was little directly affecting air quality in this year's Budget. He said ARB will receive \$6 million for hydrogen highways, an \$11 vehicle registration surcharge, and surprisingly, there was no reduction to air districts. However, he expects this funding may be cut next year.

He reported Proposition 1A subventions prevented a direct property tax hit to local governments. The Governor should sign the budget today or early this week, and a special election will be held in 2009 on components of this year's budget.

In response to questions of the Committee, Mr. Addison said the District's state subvention is currently \$1.2 million, but property taxes are a substantial portion of the District's budget.

Committee Action: None; this report was provided for information.

6. **Committee Members' Comments:** Committee member Haggerty suggested legislation to allow payment for multiple committee meetings on one day which would reduce transportation emissions.
7. **Time and Place of Next Meeting:** *9:30 a.m., Monday, October 27, 2008, 939 Ellis Street, San Francisco, CA.*
8. **Adjournment:** The meeting was adjourned at 10:18 a.m.

Lisa Harper
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Tom Bates and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 11, 2008

Re: Potential Legislative Proposals for 2009

RECOMMENDED ACTION:

Consider legislative proposals for the upcoming year, and recommend approval of a 2009 legislative agenda by the Board of Directors.

BACKGROUND

With the November 4th election concluded, the composition of the 2009-2010 California Legislature is determined. There are 28 new members at the Capitol, all in the Assembly. All members of the Senate are either incumbents or returning as alumni of the Assembly. California's unprecedented fiscal problems are expected to dominate legislative action in 2009. Current estimates of the budget gap over the next 18 months are roughly \$40 billion, and grow by roughly \$40 million each day of inaction. To attempt to address the problem, the Governor has called another special session, and is conducting meetings with legislative leadership. However, no resolution appears likely at this time.

Staff believe that the fiscal crisis will have a pronounced effect on virtually all legislative activity in 2009, as well as on regulatory actions by agencies such as the Air Resources Board. Any policy bills that have some cost to the State, even relatively low costs, appear very unlikely to advance. Even bills without direct costs to the State, but with possible indirect State costs or costs to consumers or businesses, will be affected.

Nevertheless, legislative staff are beginning the process of considering different proposals for introduction as bills. Bills must be submitted to Legislative Counsel by January 30th, and introduced by February 27th.

DISCUSSION

Staff will verbally present potential ideas for the Committee to consider as it discusses a 2009 legislative agenda for the District.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison