



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

January 7, 2009

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th floor Board Room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING A G E N D A

WEDNESDAY
JANUARY 7, 2009
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance
Swearing in of New Board Members

Chairperson, Pamela Torliatt
Clerk of the Boards

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 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 Board's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.

CONSENT CALENDAR (ITEMS 1 – 4)

Staff/Phone (415) 749-

1. Minutes of December 17, 2008

L. Harper/5073

lharper@baaqmd.gov

2. Communications

J. Broadbent/5052

jbroadbent@baaqmd.gov

Information only.

3. District Personnel on Out-of-State Business Travel

J. Broadbent/5052

jbroadbent@baaqmd.gov

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.

4. Approval of Proposed Amendments to the Air District's Administrative Code Division I- Operating Policies and Procedures of the Board of Directors, Section 2: Board of Directors, Officer – Duties; and Section 7: Advisory Council

J. Broadbent/5052

jbroadbent@baaqmd.gov

Approval of proposed amendments to the Administrative Code Division I, Operating Policies and Procedures, of the Board of Directors, Section 2 Board Officer – Duties and Section 7: Advisory Council.

CLOSED SESSION

5. Public Employee Performance Evaluation

Pursuant to Government Code Section 54957, the Board will meet in closed session to consider public employee performance evaluations conducted of the Executive Officer/APCO and the District Counsel.

OPEN SESSION

OTHER BUSINESS

6. Report of the Executive Officer/APCO
7. Chairperson's Report
8. Board Members' Comments

Any member of the Board, 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)

9. Time and Place of Next Meeting – 9:45 a.m., Wednesday, January 21, 2009 – 41 Tunnel Street, Berkeley, CA 94705
10. Adjournment

CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, 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 3 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 Air District's headquarters at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the Air 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

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	Wednesday	14	10:00 a.m.	Board Room
Joint Policy Committee	Friday	16	10:00 a.m.	MTC Auditorium 101 8 th Street Oakland, CA 94607
Board of Directors Regular Meeting/Retreat <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Claremont Hotel 41 Tunnel Road Berkeley, CA 94705
Board of Directors Mobile Source Committee – <i>(Meets 4th Thursday of each Month)</i> – TO BE RESCHEDULED	Thursday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Ad Hoc Cme. on Port Emissions – <i>(At the Call of the Chair)</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

MARCH 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
Joint Policy Committee	Friday	20	10:00 a.m.	MTC Auditorium 101 8 th Street Oakland, CA 94607
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 - 12/22/08 (4:15 p.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 29, 2008

Re: Board of Directors' Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Regular Board of Directors' meeting of December 17, 2008.

DISCUSSION

Attached for your review and approval are the draft minutes of the December 17, 2008 Regular Board of Directors' meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

DRAFT MINUTES

Board of Directors' Regular Meeting– December 17, 2008

Call To Order

Opening Comments: Chairperson Pamela Torliatt called the meeting to order at 9:50 a.m.

Roll Call: Present: Chairperson Pamela Torliatt, Vice Chairperson Brad Wagenknecht, Secretary Tom Bates, Harold Brown, Chris Daly, Dan Dunnigan, Erin Garner, John Gioia, Scott Haggerty, Yoriko Kishimoto, Liz Kniss, Janet Lockhart, Jake McGoldrick, Nate Miley, Mark Ross, Michael Shimansky, John Silva, Tim Smith, Gayle Uilkema and Ken Yeager

Absent: Carol Klatt

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

Public Comment Period:

None

Commendation/Proclamation:

The Board of Directors recognized outgoing Board members, Janet Lockhart, Jake McGoldrick, Erin Garner, John Silva and Tim Smith for their dedicated service and leadership.

The Board of Directors recognized outgoing Advisory Council Chairperson, Louise Bedsworth, Ph.D., for her outstanding leadership on the Advisory Council this past year.

The Board of Directors recognized Air District employees who have completed milestone levels of twenty-five (25) and thirty-five (35) years of service during the later half of 2008. Director Gioia presented a 25-year award to Tamara Hirata; Director Haggerty presented a 35-year award to Kenneth Jensen; and Director Uilkema presented a 35-year award to Gary Fend.

Consent Calendar (Items 1 – 5)

1. Minutes of December 3, 2008
2. Communications
Information only.
3. 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
4. Report of Division Activities
Report of Division Activities for the months of July–September 2008
5. Notice of Proposed Amendments to the Air District's Administrative Code Division I- Operating Policies and Procedures of the Board of Directors, Section 2: Board of Directors, Officer – Duties; and Section 7: Advisory Council
Notification is hereby given of proposed amendments to the Administrative Code Division I, Operating Policies and Procedures, of the Board of Directors, Section 2 Board Officer – Duties and Section 7: Advisory Council.

Board Action: Director McGoldrick moved approval of Consent Calendar Items 1, 2, 3, 4 and 5; seconded by Vice Chairperson Wagenknecht; carried unanimously without opposition.

CLOSED SESSION

6. Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following case(s):
Pacific Steel Casting Company v. Bay Area AQMD, San Francisco Superior Court, Case No. CGC-08-48228
7. Report of Executive Committee Meetings of November 24, 2008 and December 5, 2008 on Public Employee Performance Evaluations Conducted

Pursuant to Government Code Section 54957, the Board will meet in closed session to receive Report of Executive Committee meetings of November 24, 2008 and December 5, 2008 on public employee performance evaluations conducted of the Executive Officer/APCO and the District Counsel.

REPORT OF CLOSED SESSION

Chairperson Torliatt reported that the Board of Directors will be meeting in Closed Session at the next regular Board meeting to set up a performance review process for District Counsel. Review will be within 6 months.

OTHER BUSINESS

8. **Report of the Executive Officer/APCO** - None
9. **Chairperson's Report** - None
10. **Board Members' Comments** - None
11. **Time and Place of Next Meeting** – 9:45 a.m., Wednesday, January 7, 2009- 939 Ellis Street, San Francisco, CA 94109.
12. **Adjournment** - The meeting adjourned at 1:28 p.m.

Lisa Harper
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 22, 2008

Re: Board Communications Received from December 17, 2008 through January 6, 2009

RECOMMENDED ACTION

Receive and file.

DISCUSSION

A list of Communications directed to the Board of Directors' received by the Air District from December 17, 2008 through January 6, 2009, if any, will be at each Board member's place at the January 7, 2009 Regular Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

BAY AREA AIR QUALITY MANGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 22, 2008

Re: District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

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 following District personnel have traveled on out-of-state business.

The out-of-state business travel summarized below covers the period from December 1 – December 31, 2008. Out-of-state travel is reported in the month following travel completion.

DISCUSSION

There were no employees who traveled out of state in the Month of December, 2008.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Linda J. Serdahl
Reviewed by: Jeffrey M. McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pamela Torliatt and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 22, 2008

Re: Approval of Proposed Amendments to the Air District's Administrative
Code, Division I Operating Policies and Procedures of the Board of
Directors, Section 2 Board of Directors, Officers – Duties; and Section 7
Advisory Council

RECOMMENDED ACTION:

Approve proposed Amendments to the Air District's Administrative Code, Division I Operating Policies and Procedures of the Board of Directors, Section 2 Board of Directors, Officers – Duties; and Section 7 Advisory Council. These proposed amendments define the meetings and role of the Advisory Council and the duties of the Chairperson of the Board of Directors relative to the Advisory Council. The proposed revisions are indicated in underline and strikethrough in the attached proposal.

BACKGROUND

In accordance with provisions of the Administrative Code governing amendments to the Code, notice of these proposed amendments was given at the Board of Directors regular meeting of December 17, 2008.

The Executive Committee of the Board of Directors met on September 29, 2008, and considered a revised meeting approach and role for the Advisory Council and directed the Executive Officer/APCO to discuss this matter with the Advisory Council. Following meetings with the Advisory Council, and separately with the officers of the Advisory Council, the Executive Officer/APCO presented a revised meeting approach and role for the Advisory Council at the November 24, 2008, meeting of the Executive Committee of the Board of Directors. Based on that presentation, at its November 24, 2008, meeting, the Executive Committee unanimously recommended Board of Directors' approval of revised meeting approach and role for the Advisory Council. Subsequently, at its December 3, 2008, regular meeting, the Board of Directors unanimously approved the recommendation of the Executive Committee and directed staff to present this proposed amendment to the District's Administrative Code.

DISCUSSION

The Board of Directors will consider approval of proposed revisions to the Air District's Administrative Code to define the meetings and role of the Advisory Council and the duties of the Chairperson of the Board of Directors relative to the Advisory Council.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian C. Bunger
Reviewed by: Jean Roggenkamp

Attachment(s)

Proposed Amendments to Administrative Code

SECTION 2 BOARD OF DIRECTORS, OFFICERS - DUTIES

2.2 CHAIRPERSON.

The Chairperson shall take the chair at the hour appointed for the meeting and call the District Board to order. In the absence of the Chairperson, the Vice-Chairperson shall call the Board to order and serve as temporary Chairperson. Upon arrival of the Chairperson, the Vice-Chairperson shall relinquish the chair upon the conclusion of the business then pending before the Board. In the absence, or self-determined inability to act, of the Chairperson, or the Vice-Chairperson when the Chairperson is absent, the Board Secretary shall call the Board to order and serve as temporary Chairperson. Upon arrival of the Chairperson or Vice-Chairperson, the Secretary shall relinquish the Chair upon the conclusion of the business then pending before the Board. In the absence, or self-determined inability to act, of the Chairperson, Vice Chairperson or Secretary, members of the Board of Directors shall, by an order on the Minutes, select one of their members to act as temporary Chairperson. Upon the arrival or resumption of ability to act, the Chairperson or Vice-Chairperson shall resume the Chair, upon the conclusion of the business then pending before the Board. It shall be the duty of the Chairperson to attend all meetings of the Bay Area Air Quality Management District Advisory Council.

SECTION 7 ADVISORY COUNCIL

7.1 ACTIVITIES OF COUNCIL.

A. The Advisory Council shall meet as a full Council a total of nine (9) times each year, for the following purposes: In or around January of each year the Advisory Council shall meet in a retreat format to consult with the Executive Officer/APCO to consider topics for four (4) meetings in a symposium format at which presentations and discussion on specific topics shall take place. The topics for these four (4) meetings may include, but are not necessarily limited to, the following topics: (a) current developments in health information related to air quality; (b) current developments in technologies and techniques for control of air emissions from stationary sources; (c) current developments in technologies and techniques for control of air emissions from mobile sources; and (d) current developments related to air quality in land use planning and transportation planning. Each of these four (4) meetings shall be followed by one meeting (for a total of four (4) additional meetings) at which the presentations made and materials received at the topical meeting are discussed and a report for the Board's consideration on the specific topic is agreed upon.

B. For any single additional meeting, if at least two-thirds (2/3) of the seated members of the Advisory Council determine by a vote taken in a regular meeting of the Advisory Council, or if at least two-thirds (2/3) of the seated members of the Board of Directors determine by a vote taken during a regular meeting of the Board of Directors, that such additional meeting is necessary, the Advisory Council may meet at such additional times and occasions as the Advisory Council, itself, or the Board of Directors shall determine is necessary.

C. The Advisory Council shall make recommendations and reports to the Board of Directors on ~~such~~ the matters considered at its meetings as the Council determines to be advisable and in such manner and form as the Council determines advisable. The

Advisory Council shall consider and report to the Board on specific matters which may be referred to the Council by the Board of Directors or by the Executive Committee of the Board of Directors. The members of the Advisory Council are selected because of their eminence in their professions and fields of endeavor and as representatives of interest groups in the community. The Advisory Council shall consider for the Board of Directors matters which come before the Council to arrive at the best advice upon which the Council may agree, which advice may include the technical, social, economic, environmental and fiscal aspects of such issues.

D. No more than four (4) Advisory Council members shall attend meetings other than meetings of the Advisory Council and meetings of the Board of Directors or Board of Directors' Committees at the District's expense.

7.2 TERM OF OFFICE.

The terms of office for members of the Advisory Council are fixed by Health and Safety Code Section 40263.

7.3 LIMITS ON TERM OF OFFICE.

Effective with appointments for terms on the Advisory Council commencing on January 1, 1992, and thereafter, it is the policy of the Board of Directors that members with twelve (12) consecutive years of membership on the Council not be re-appointed to the Council, except that such members who were serving on the Council on the date of adoption of this policy may be appointed to one additional term. A member not re-appointed because of having served twelve (12) consecutive years on the Council shall again be eligible for appointment after an absence of two years from the Council.

7.4 EXPENSE REIMBURSEMENT.

Members of the Advisory Council shall be reimbursed for actual and necessary expenses incurred by them in attending meetings of the Advisory Council and meetings and public hearings conducted by the Board of Directors. Mileage, tolls, parking fees, meals and other incidental expenses will be allowed at the same rate as is allowed to Members of the Board of Directors provided that receipts are presented pursuant to Section II-5.6.

7.5 OTHER EXPENSES.

Other expenses may be allowed after prior specific approval ~~of~~ by a majority of the ~~Executive Committee or the~~ Board of Directors.

7.6 CLERK CERTIFICATION OF ATTENDANCE AND EXPENSES.

The Clerk of the Boards shall certify to the Director of Administrative Services the attendance and the expense reports of members of the Advisory Council.