

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

APPROVED MINUTES

Summary of Board of Directors
Executive Committee Meeting
9:30 a.m., Monday, May 18, 2009

- Call to Order - Roll Call:** Vice Chairperson Brad Wagenknecht called the meeting to order at 9:31 a.m.
- Present:** Brad Wagenknecht, Vice Chairperson; Tom Bates, Secretary; Chris Daley, John Gioia, Scott Haggerty, Yoriko Kishimoto and Mark Ross
- Absent:** Pamela Torliatt, Chairperson, and Gayle B. Uilkema
- Also Present:** Terry Trumbull, Hearing Board Member

Public Comment Period: None

Approval of Minutes-March 16, 2009: Director Bates moved approval of the minutes; seconded by Director Gioia; carried unanimously without objection.

Quarterly Report of the Hearing Board– January 2009 – March 2009: Mr. Terry Trumbull, Hearing Board Member, gave the Quarterly Report for January 2009 through March 2009.

Consideration of Air District Strategic Vision: *Presented by Executive Officer/APCO Jack Broadbent:*

Purpose of Strategic Vision

- Unifying strategy for Air District efforts
- Guidance for new programs and responsibilities
- Framework of Air District’s purpose, activities, values, and aspirations

Strategic Vision Process

- Comprehensive internal development process – Kick off and announcement Fall 2008, employee survey, meeting series, major concepts expressed included pride in technical expertise and scientific basis of work, desire to be leading air quality agency, and dedication to cause of healthy air and public health.
- Comprehensive stakeholder input process – Advisory Council, Hearing Board, CARE Task Force, Community Resource Teams, and affiliated organizations.
- Board of Directors input
 - Board Retreat January 21, 2009
 - Executive Committee March 16, 2009

Comments Received

- Appreciative of opportunity to comment
- Greater Public health focus

- Bigger, broader vision statement
- Language more reflective of Air District leadership position

Proposed Strategic Vision Highlights

- Public Health
- Equity
- Climate Protection

Vision: A healthy breathing environment for every Bay Area resident.

Mission: To make meaningful strides in improving public health, air quality and the global climate.

Mr. Broadbent described core values and strategic goals, and said next steps include adoption of the Air District Strategic Vision, publication and dissemination, and implementation.

Committee and Staff Discussion:

Directors acknowledged improvement by changing characteristic of the Strategic Vision’s focus from an “agency” perspective to an “environment” perspective and supported the specific identification of health disparities. After brief discussion regarding collaborative efforts, Directors requested amending the Core Values – Collaboration:

Collaboration Involving, listening, and engaging all stakeholders including partner agencies to create broad acceptance for healthy air solutions.

Committee Action: Director Kishimoto made a motion to recommend that the Board of Directors approve the Air District Strategic Vision, as amended; Director Haggerty seconded the motion; unanimously carried without objection.

Discussion of Advisory Council Recommendations: *Staff Presentation-Director of Technical Services Gary Kendall*

Mr. Broadbent briefly discussed the Advisory Council’s role and approach in holding series of symposiums with keynote speakers, and he recognized Mr. Kendall’s efforts in working to bring forward recommendations of the Advisory Committee.

Mr. Kendall reviewed recommendations of the Advisory Council on Air Quality and Public Health and presented a summary of Air District actions related to those recommendations:

Role of the Advisory Council:

- Staff proposed revising meeting format and role of the Advisory Council (AC) in 2008
- Make the AC more efficient and effective resource for the Board and staff
- Discussed proposal with AC and officers
- Presented revised meeting format and role to Executive Committee and Board
- Board approved Admin Code changes at January 7, 2009 meeting

Revised Advisory Council Meeting Format:

- Nine meetings per year, with January retreat
- 4 topic meetings with presentations by experts
- Topic meeting followed by discussion meeting
- Presentations & materials received are discussed & a report to the Board prepared
- Report with Key Points, Emerging Issues & Recommendations presented to the Board

First Advisory Council Topic Meeting:

- Air Quality & Public Health, February 11, 2009
- Presentations by four County Health Officers, Alameda, Contra Costa, San Francisco & Santa Clara
- Two discussion meetings, March 11th and April 8th
- Report finalized at April 8th meeting
- Report, including recommendations, presented to the Board at April 15th meeting

Advisory Council Recommendations from Meeting on Air Quality and Public Health:

- *19 recommendations in three categories:*
 - *Reducing Health Impacts from Air Pollution - 7*
 - *Public Outreach & Community Collaboration – 5*
 - *Legislation, Regulation & Policy – 7*

Actions Responsive to Advisory Council Recommendations (*Actions related to Clean Air Community Initiatives are shown in italics below*):

- Reducing Health Impacts from Air Pollution:
 - *Focus grant & incentive funds on emission reductions in CARE Program impacted communities: Carl Moyer Funds - 2002 / other Funds - 2008*
 - *Phase I - more stringent permit requirements for new & modified sources of TACs in impacted communities – Dec 2009*
 - *Phase II – more stringent permit requirements for new & modified sources of PM – considering for 2010*
 - 2009 Clean Air Plan (multi-pollutant) for ozone, & related impacts on PM, TACs and GHGs – 4th quarter 2009
 - *Community monitoring – from 2002*
 - *Amend proposed Budget by \$345,000 for equipment for additional community monitoring and lab analyses – FY2009/2010*
 - Update CEQA Guidelines to address criteria pollutants, TACs & GHGs and new development in impacted communities – 3rd quarter 2009
 - *Local emission inventory development and modeling analysis for near roadway locations – FY 2009/2010*
 - *Developing emission inventory for 4 smaller ports – September 2009; working on emissions from distribution centers*
 - *Considering how to incorporate PM into CARE Program – 2010*
- Public Outreach & Community Collaboration:
 - Provide public with summary & analysis of community monitoring results and comparison with other locations – 2009
 - *West Oakland Diesel Truck Traffic Survey with Community – from 2008*
 - *Work with local Public Health Departments to engage community members on air quality issues in CARE communities – from 2008*
 - Add a Health Officer Position – 3rd quarter 2009
 - *New Air District web site under development to improve access & make it easier to find and understand information – June 2009*
 - *Improve web site access to emission inventory and CARE data – 2010*
 - *Language access study to develop language assistance plan for communities with limited English proficiency – September 2009*
- Legislation, Regulation & Policy:
 - *Enhanced enforcement of idling limits for trucks & locomotives at the Port of Oakland to reduce DPM exposure – ongoing from 2006*

- *Developing compliance plan to enforce additional CARB regulations for DPM sources – 4th quarter 2009*
- *Developing indirect source rule (ISR) to mitigate emissions from magnet sources - 2010*
- *Begin regional implementation of AB 32 and SB375 – 4th quarter 2010*
- *Support legislation requiring container fees to mitigate air pollution from ports – ongoing from 2006*
- *Support legislation to improve transit and provide funding for incentive programs to reduce emissions - ongoing*

Committee Discussion/Comments:

- Directors recommended that the Executive Committee presentation be given to the Advisory Council at a future meeting;
- Directors confirmed that real time access to air quality monitoring data and community monitoring could be found on approximately 30 sites on the Air District's website;
- Directors discussed emissions from airports, regulatory limitations, the level of diesel emissions at seaports as being much more of an impact, and inventories include emissions from airports. Through the CARE inventory, an analysis was done of the air toxic emissions for airports which generally show much less concern than those at water ports, and this is why marine terminals should be the first priority;
- Directors suggested legislation, regulation or policies to further reduce emissions at all airports and confirmed with staff that overall, airports were becoming cleaner through energy efficiency standards for engines. Acrolein was discussed as a bi-product of combustion that occurs in a turbine engine, which is an eye irritant and not a carcinogen;
- Directors confirmed Advisory Council membership as being selected by statute through a variety of categories, recruited through the Personnel Committee and then appointed by the Board of Directors;
- CARE communities included those in the Western Alameda County region, which incorporates West Berkeley; areas along the 880 transportation corridor;
- Directors confirmed that staff was working on a language access study to place Air District information in Spanish on the website and also determining the need for additional alternative languages;
- Directors discussed actions of enhanced enforcement of idling limits for trucks and locomotives to reduce DPM exposure, and requested wording be altered to reflect that Richmond falls under the CARB statewide MOU, as well as Oakland.

Recommendation: No action; Receive and file.

Consideration of Community Grant Program Guidelines: *Staff Presentation-Communications and Public Outreach Director, Lisa Fasano*

Mr. Broadbent introduced the report and noted detailed guidelines for the Community Grant Program wherein the District would fund projects to community groups, and an initial \$250,000 has been approved by the Board of Directors.

Ms. Fasano discussed the modeling of the program's guidelines, with a focus of the program to reduce air pollution at the local level, supplement the District's community outreach efforts, and increase opportunities for communities to improve air quality locally.

Grant Guidelines:

- Projects must provide service within the District jurisdiction;
- \$250,000 allocated for 2009 Community Grant Program;

- Grants will range from \$10,000 to \$50,000;
- Grant timeframe will be 12-18 months.

Project Categories:

- Outreach & Education
 - Cool the Earth
 - West Oakland Environmental Indicators Project
- Emissions Reductions
 - Napa wood chipper – Firewise Program
 - Bike/walk to school
- Respiratory Health Improvement
 - Breathmobile
 - Asthma Screening
 - BVHP Health Fair

Timeline:

June 15, 2009	Call for Community Grant Program Applications
July 17, 2009	Deadline for District receipt of applications
August 14, 2009	Notification of Grants
September 25, 2009	Deadline to execute agreement

Committee Discussion/Comments:

- Vice Chairperson Wagenknecht questioned the ability for small projects to be submitted for consideration, and Ms. Fasano noted that generally they will see value in larger projects of between \$10,000 and \$50,000.
- Director Ross confirmed that minimum requirements include provisions for applicants to be a 501(c)3's, a recognized group, and have a viable project ready, and that schools, PTA's and education foundations could also qualify.
- Director Gioia requested amendment to page 6: second bullet under Outreach and Education, as follows: "youth-based projects that educate parents and students about air pollution and encourage lower polluting activities."
- Director Kishimoto confirmed that funding would start at \$250,000 and would fund as many programs as possible within the District's jurisdiction.
- Secretary Bates requested amendment to the grant range under Outreach and Education on page 6 to read: \$10,000 - \$50,000, which he said was similar to other categories.
- Directors discussed and agreed to amend the Evaluation Criteria for Scoring for Mitigation of Air Pollution Impacts grants across all three grant criteria areas to maintain consistency.

Committee Action: Director Haggerty made a motion to recommend Board of Directors' approval of guidelines for the Community Grant Program; as amended; Director Bates seconded the motion; unanimously carried without objection as follows:

- Page 6--Outreach and Education Grants: Increase grant range from \$25,000 to \$50,000
- Page 6—Amend the second bullet under eligible projects, as follows:
 - ~~school~~ **youth**-based projects that educate parents and students about **air** pollution ~~generated by schools and that~~ encourage lower polluting activities; ~~at school and at home;~~

- Pages 8, 10 and 12—Amend evaluation criteria and scoring for 1) Outreach and Education; 2) Emissions Reductions; and 3) Respiratory Health Improvement Projects:

Evaluation Criteria and Scoring

Meets Grant Program objectives	25
Strength and feasibility of proposal	20
Demonstration of potential pollution reduction/project reach	15
Engaging impacted communities	15
Demonstrated track record/fiscally sound	15
<u>Matching Funds</u>	<u>10</u>
Total possible points	100

Consideration of Recommendation Regarding Appointment of Interim Officers and Directors on the Air District Foundation: *Staff Presentation-Executive Officer/APCO Jack Broadbent*

Overview:

Mr. Broadbent reported that the Board of Directors approved establishment of the Air District Foundation for the purpose of accepting and leveraging monies to fund greenhouse gas mitigation and other projects. The concept would be for a third party, separate entity and a body which would be hearing and funding proposals. He said the District filed paperwork to create a 501(c)3. Potential monies have been identified for deposit into the Foundation, and Interim Officers and Directors are needed for the 501(c)3 to be certified.

Mr. Broadbent recommended that he, the CFO and Chairperson be appointed to serve as Interim Officers and Directors, and noted Ms. Abby Young would present other funding mechanisms that currently exist for consideration by the Committee.

Committee Discussion/Comments:

- Director Haggerty discussed the legality and potential of Brown Act issues by having the Chairperson and/or Board Members serve on the Foundation. Mr. Bunger noted that the Foundation could also appoint non-elected officials to serve which are not subject to the Brown Act. To file the 501(c)3 paperwork, the Foundation must have officers and directors, and he discussed federal settlement proceeds which could be deposited once the Corporation is approved.
- Director Daly questioned and confirmed resources to manage the Foundation would require at least one staff person;
- Director Haggerty suggested appointment(s) of former Board Member(s).

Regional Funding Mechanisms-Options:

Abby Young presented the following examples of establishing a funding mechanism:

- Carbon Offset Fund:

Examples:

Oregon Climate Trust – Funded through carbon fees on utilities
 San Francisco Carbon Fund – Funded through (13%) premium on staff air travel

- Revolving Loan Fund:

Examples:

Stopwaste.org – businesses doing recycling and waste stream diversion activities
 California Energy Commission – Energy efficiency low interest loan fund
 City of Cambridge, MA – private donations of \$100 million with the goal to upgrade 50% of the City’s building stock with energy efficient upgrades within 6 years.

- Bay Area Foundation: “Pass-through” Giving

Examples:

Give out only what you take in each year
No endowment required
Donors receive tax benefit

Director Haggerty suggested staff contact former Chairperson Marland Townsend and/or Tim Smith to determine their interest to serve on the Foundation.

Motion: Director Haggerty made a motion to move forward and for staff to contact former Chairperson Marland Townsend; Director Kishimoto seconded the motion.

Discussion: Director Bates supported the Foundation as separate from the District and without utilization of District staff and briefly discussed his preference for the revolving loan fund. Vice Chairperson Wagenknecht agreed the Foundation not be associated with the Board of Directors.

Director Kishimoto voiced concerns about potential conflicts of interest in accepting money from entities the District regulates, requested review of the Bylaws, and suggested deferring the recommendation until more information is obtained regarding funding mechanisms.

Vice Chairperson Wagenknecht preferred moving forward with identifying potential members of the Foundation so the 501(c)3 could be certified, and thereafter, discuss preferences for funding mechanisms.

Director Bates suggested staff also contacting other Board Members, and Mr. Bunger noted the Foundation Board could be formed initially and expanded to between 3 and 9 members, and at least one Officer. Director Haggerty asked that his initial motion stand.

Vice Chairperson Wagenknecht suggested amendment of the motion to include the Executive Officer/APCO, CFO, and former members of the Board of Directors.

Director Kishimoto asked to see the Bylaws prior to voting, and withdrew her second.

Committee Action: Director Haggerty amended his motion to recommend Board of Directors’ approval of Interim Officers and Directors on the Air District’s Foundation, to include the Executive Officer/APCO, the CFO and former members of the Board of Directors; Director Daly seconded the amended motion. Vote: (5-0-2-1) Ayes: Daly, Gioia, Haggerty, Ross, Wagenknecht. Noes: None; Abstain: Bates and Kishimoto. Absent: Torliatt and Uilkema.

Discussion of Committee Meeting Schedules and Consideration to Amend the Air District’s Administrative Code: *Staff Presentation-Executive Officer Jack Broadbent/APCO*

Director Bates discussed revising the current one-year term of office for Board Officers to a two-year term of office, noted that his term ends December 2012 and while he would not be able to serve as Chairperson, he believed it made sense to have the Chairperson remain in office for a longer period of time due to the base of knowledge acquired within a one year time period.

Directors discussed the technical environment and learning curve, term limits and how they affect Board Member representation, the importance of continuity and leadership, the potential effective date of the revision to the Administrative Code, and timing of Secretary Bates’ term which ends December 2012 and timing of the chairmanship of Chair Torliatt and Vice Chair Wagenknecht.

Motion: Director Daly made a motion to revise the current one-year term of office for Board Officers to a two-year term of office effective immediately. Directors briefly discussed timing and amendment to the Administrative Code.

Substitute Motion: Director Haggerty made a substitute motion to revise the current one-year term of office for Board Officers to a two-year term of office to take effect after Chairperson Torliatt's term; Director Gioia seconded the motion.

Directors discussed issues relating to Board Members extending their individual terms, and Director Haggerty withdrew his substitute motion.

Committee Action: Director Ross made a motion to recommend that the Board of Directors amend the Air District's Administrative Code Division 1, Section 2.1: Officers of the Board, to extend the term of office to a two-year term, effective December of 2011; Director Haggerty seconded the motion. Vote: 7-1-2 (Daly voted no; Torliatt and Uilkema absent).

Committee Member Comments/Other Business: Directors discussed scheduling two meetings on the same day. After brief discussion, Directors agreed that meetings will be scheduled at the call of the respective Chair, except for the Legislative and Climate Protection meetings which will be held one after another, unless otherwise changed.

Time and Place of Next Meeting: At the call of the Chair.

Adjournment. The meeting was adjourned at 11:21 a.m.

Lisa Harper
Clerk of the Boards