



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

TOM BATES – CHAIRPERSON
DAN DUNNIGAN
SCOTT HAGGERTY
MARK ROSS

BRAD WAGENKNECHT – VICE CHAIRPERSON
SUE GARNER
CAROL KLATT
MICHAEL SHIMANSKY

MONDAY
JANUARY 26, 2009
9:30 a.m.

4TH 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 JANUARY 8, 2009

4. BOARD OF DIRECTORS SIZE AND COMPOSITION

J. Broadbent/5052
jbroadbent@baaqmd.gov

Staff will present legislative options for the Committee to consider as it discusses reducing the size of the Board of Directors.

5. UPDATE ON ADDITIONAL LEGISLATIVE PROPOSALS

J. Broadbent/5052
jbroadbent@baaqmd.gov

Staff will update the Committee on discussions concerning the additional legislative proposals the Committee discussed at its last meeting.

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, February 23, 2009 – 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**

- 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

JANUARY 2009

| <u>TYPE OF MEETING</u> | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u> |
|--|-------------------|--------------------|--------------------|---|
| 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 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 Mobile Source Committee – <i>(Meets 4th Thursday of each Month)</i> | Friday | 23 | 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 |
| Advisory Council Regular Meeting | Wednesday | 11 | 9:00 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 |
| Advisory Council Regular Meeting | Wednesday | 11 | 9:00 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 |

MARCH 2009

| <u>TYPE OF MEETING</u> | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u> |
|---|------------|-------------|-------------|---|
| Board of Directors Climate Protection Committee <i>(Meets 3rd Thursday every other Month)</i> | Thursday | 19 | 9:30 a.m. | 4 th Floor Conf. 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 - 1/21/09 (3:55 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: January 20, 2009

Re: Legislative Committee Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of January 8, 2009.

DISCUSSION

Attached for your review and approval are the draft minutes of the January 8, 2009 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
(Immediately following the Climate Protection Committee Meeting)
Thursday, January 8, 2009

1. **Call to Order - Roll Call:** Chairperson Tom Bates called the meeting to order at 11:17 p.m.

Present: Tom Bates, Chairperson; Brad Wagenknecht, Vice Chairperson; Dan Dunnigan, Sue Garner, Scott Haggerty, Carol Klatt, Mark Ross and Michael Shimansky

Absent: None
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of December 17, 2008:** Director Shimansky moved approval of the minutes; seconded by Director Wagenknecht; carried unanimously without objection.
4. **Potential Legislative Agenda for 2009:** *Staff presented potential proposals for the Committee to consider as it crafts the District's legislative agenda for 2009.*

Executive Officer Jack Broadbent presented the following proposals for the Committee to consider in crafting the Air District's legislative agenda for 2009:

1. Consider revision of the formulation and size of the Board of Directors;
2. Consider pursuing legislation to increase motor vehicle registration fees for air quality;
3. Consider harmonizing wood smoke regulations;
4. Consider legislation to reduce emissions from ports, particularly Oakland's.

Regarding the size of the current Board of Directors, Mr. Broadbent noted that its population based composition was formulated many years ago when the population was much smaller. He suggested the Committee discuss and consider adjusting population thresholds so that as implemented over time, the Board's composition would be somewhat reduced as members' terms expire.

Committee members discussed the potential for appointees being added to the Board, and the Board's current population-based composition.

Regarding the DMV surcharge, Mr. Addison reported that the Governor has proposed a \$12 increase in registration fees. He noted that the San Joaquin and South Coast air districts have a fifth dollar for technology advancement programs. This allows those districts to fund cutting edge projects that would not necessarily meet strict cost-effectiveness criteria. Mr. Addison said that the Sacramento Metro Air District wants to collaborate with us on this proposal, and that the Senate President Pro Tem would be approached to gauge his support for such a bill.

Regarding the new wood smoke regulation, Mr. Broadbent said there is value in all air districts having the same rule, but believed it would be difficult to get an author for the legislation. Committee members briefly discussed the matter and requested Mr. Addison make contact with potential authors.

Regarding the Port of Oakland, Mr. Addison stated that the Port has major air quality impacts to the region and huge impacts on the transportation network throughout the region. However, its Commissioners are appointed by the City of Oakland's Mayor. He asked whether the Committee wanted to work on a bill to add MTC and Air District representatives to the Port Commission, or a bill to require the Port to adopt an Air Quality Improvement Plan.

Committee members discussed representation by MTC and the Air District on the Port's Board and confirmed with Mr. Addison that Senator Lowenthal's bill would include the Port of Oakland. Members discussed the Air District's current enforcement authority and supported further discussion of sponsoring legislation to cut emissions from the Port.

Committee Action: None; for information only.

6. **Committee Members' Comments:** None
7. **Time and Place of Next Meeting:** At the call of the Chair.
8. **Adjournment:** The meeting was adjourned at 12:01 p.m.

Lisa Harper
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Bates and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 20, 2009

Re: Options for Change to Board Size

RECOMMENDED ACTION:

Consider options for legislative changes to the Board size, and make a recommendation to the Board of Directors

BACKGROUND:

At its January 8th meeting, the Committee directed staff to prepare several options for a potential legislative change in the size of the Board of Directors.

The statutory language governing the size of the Board dates to 1976, when the regional population was considerably smaller. It specifies that Bay Area counties with populations less than 300,000 have one seat on the Board, while counties between 300,000 and 750,000 have two seats. Counties between 750,000 and 1,000,000 have three seats, and counties over one million in population have four seats. Thus the Board has steadily expanded in numbers over time to its current size of 22. Outside the Bay Area, the other California air districts have governing boards that range in size from five members to a high of fifteen. The South Coast, for example, has thirteen Board members.

Currently, the counties of Alameda, Contra Costa, and Santa Clara have four seats, while San Francisco has three seats. San Mateo and Sonoma have two seats, while Marin, Napa, and Solano have one. Note that while Solano and Sonoma Counties are each split between the Bay Area and adjacent air basins, their seats are based on the portion of the county population within the Bay Area Air Quality Management District (BAAQMD). The current population of the portion of Solano County in the BAAQMD, for example, is 293, 282. When this population increases to 300,000, the Board will increase to 23 Directors. Similarly, staff anticipate that a 24th Director will likely be seated in a few years as San Mateo County adds a future third representative, and the Board will continue to grow into the future as the region's population continues to expand.

DISCUSSION:

Per the Committee's request, four options have been developed that would modify the current Board composition and reduce its size. The table below summarizes the effect of these alternatives on each county.

Alternative A would move from a population-based approach to simply seating one member from each county. The resulting Board would consist of nine members.

AGENDA : 4

Alternative B would specify that counties with less than one million would have one seat, while counties with more than one million would have two seats. This would result in a Board of twelve, which would likely take many years to grow beyond that number.

Alternative C would grant counties with less than 750,000 one seat, while those with more than that population would have two seats. This yields a Board of 13, although population growth in San Mateo would increase the Board to 14 within perhaps a year.

Alternative D would give three seats to counties with populations over 1,400,000. Counties with populations between 700,000 and 1,400,000 would have two seats, while the smaller counties would have one seat. This would yield a Board of sixteen, which would be stable at that number for many years.

| County | Population in the BAAQMD area | Number of Current Seats | Number of Seats Alternative A | Number of Seats Alternative B | Number of Seats Alternative C | Number of Seats Alternative D |
|------------------|-------------------------------|-------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Alameda | 1,543,000 | 4 | 1 | 2 | 2 | 3 |
| Contra Costa | 1,051,674 | 4 | 1 | 2 | 2 | 2 |
| Marin | 257,406 | 1 | 1 | 1 | 1 | 1 |
| Napa | 136,704 | 1 | 1 | 1 | 1 | 1 |
| Santa Clara | 1,837,075 | 4 | 1 | 2 | 2 | 3 |
| San Francisco | 824,525 | 3 | 1 | 1 | 2 | 2 |
| San Mateo | 739,469 | 2 | 1 | 1 | 1 | 2 |
| Solano | 293,282 | 2 | 1 | 1 | 1 | 1 |
| Sonoma | 427,631 | 2 | 1 | 1 | 1 | 1 |
| Total Board Size | | 23 | 9 | 12 | 13 | 16 |

BUDGET CONSIDERATION/FINANCIAL IMPACT

There would be minor fiscal savings to the District if the Board was reduced in size.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Bates and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 20, 2009

Re: Update on Additional Legislative Proposals

RECOMMENDED ACTION

Recommend a final 2009 legislative agenda to the Board of Directors.

DISCUSSION

At its last meeting, the Legislative Committee discussed a range of legislative proposals (in addition to addressing the size of the Board), and provided direction to staff to discuss these ideas with legislators and others. Staff will verbally update the Committee on these additional proposals.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison