



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  
SUSAN GARNER  
CAROL KLATT  
MICHAEL SHIMANSKY

**MONDAY**  
**FEBRUARY 23, 2009**  
**9:30 a.m.**

**4<sup>TH</sup> 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 26, 2009**

**4. CONTINUED DISCUSSION OF 2009 AIR DISTRICT LEGISLATIVE AGENDA**

**J. Broadbent/5052**

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

*The Committee will continue discussions concerning the Air District's 2009 legislative agenda.*

**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, March 23, 2009 – 939 Ellis Street San Francisco, CA 94109**

**7. 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).
- 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](http://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**

**FEBRUARY 2009**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Advisory Council Regular Meeting</b>	Wednesday	11	9:00 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	18	9:45 a.m.	Board Room
<b>Board of Directors Personnel Committee</b> <i>(At the Call of the Chair)</i>	Wednesday	18	10:00 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Legislative Committee</b> <i>(Meets 4<sup>th</sup> Monday of the Month)</i>	Monday	23	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets 4<sup>th</sup> Wednesday of each month)</i>	Wednesday	25	1:30 p.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> - <i>(Meets 4<sup>th</sup> Thursday of each Month)</i>	Thursday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

**MARCH 2009**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	4	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b>	Wednesday	11	9:00 a.m.	Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets 2nd Thursday each Month)</i> RESCHEDULED TO 2/20/09	Thursday	12	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets 2nd Thursday each Month)</i>	Friday	20	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Joint Policy Committee</b>	Friday	20	10:00 a.m.	MTC Auditorium 101 8 <sup>th</sup> Street Oakland, CA 94607
<b>Board of Directors Legislative Committee</b> <i>(Meets 4<sup>th</sup> Monday of the Month)</i>	Monday	23	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets 4<sup>th</sup> Wednesday of each month)</i>	Wednesday	25	1:30 p.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> - <i>(Meets 4<sup>th</sup> Thursday of each Month)</i>	Thursday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

## APRIL 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	1	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b>	Wednesday	8	9:00 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	15	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets 4<sup>th</sup> Wednesday of each month)</i>	Wednesday	22	1:30 p.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>– (Meets 4<sup>th</sup> Thursday of each Month)</i>	Thursday	23	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Legislative Committee</b> <i>(Meets 4<sup>th</sup> Monday of the Month)</i>	Monday	27	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

HL – 2/909 (11:25 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: February 10, 2009

Re: Legislative Committee Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of January 26, 2009.

DISCUSSION

Attached for your review and approval are the draft minutes of the January 26, 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  
9:30 a.m.  
Monday, January 26, 2009

1. **Call to Order - Roll Call:** Chairperson Tom Bates called the meeting to order at 9:33 a.m.  
  
**Present:** Tom Bates, Chairperson; Brad Wagenknecht, Vice Chairperson; and Committee Members Sue Garner, Scott Haggerty, Carol Klatt and Michael Shimansky  
  
**Absent:** Dan Dunnigan and Mark Ross
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of January 8, 2009:** Director Shimansky moved approval of the minutes; seconded by Vice Chairperson Wagenknecht; carried unanimously without objection.
4. **Board of Directors Size and Composition:** *Staff presented legislative options for the Committee to consider as it discusses reducing the size of the Board of Directors.*

Executive Officer/APCO, Jack Broadbent introduced the matter, stating that at its January 8, 2009 meeting, the Committee had directed staff to:

- Consider revising of the formulation and size of the Board of Directors;
- Consider pursuing legislation to increase motor vehicle registration fees for air quality;
- Consider harmonizing wood smoke regulations;
- Consider legislation to reduce emissions from ports.

Senior Advanced Projects Advisor Tom Addison, provided an historical account of the Board of Directors size and composition, comparative sizes and composition of northern and southern California air districts, population statistics, the years in which the Board had increased in size, and instances where concern was voiced regarding the growing number of members.

Committee Members discussed with staff various options as outlined in the staff report, discussed instances during prior meetings where the subject matter had been discussed, pros and cons of capping the number of Board Members, contributions of the work performed by committees, physical constraints of the Board Room, the potential for Governor-appointed members, population growth projections by county, Committee preferences for population

thresholds, comparative sizes of other air district Boards, population and funding relationships, and methodologies of Supervisor and Councilmember representation per the Health and Safety Code.

At the request of Committee Member Garner, Mr. Broadbent said he would provide information on permit fees paid out by county.

**Committee Action:** Director Haggerty moved to recommend Board of Directors' approval of a legislative agenda for 2009 to include proposed legislation that would result in a Board of Directors with 21 members, effective January 1, 2011, which would require a county with a population of over one million to appoint three members to the district board and a county with a population of under one million to appoint two members to the district board; Vice Chair Wagenknecht seconded the motion; the motion carried with a vote of 4-2-2 (Garner and Shimansky voted no; Dunnigan and Ross absent)

**5. Update on Additional Legislative Proposals:** *Staff updated the Committee on discussions concerning the additional legislative proposals the Committee discussed at its last meeting*

Senior Advanced Projects Advisor Tom Addison, updated the Committee regarding legislative proposals the Committee had discussed at its last meeting. He noted that the Committee had voiced interest in pursuing legislation to cut emissions from the Port of Oakland given the Port's health impact on the county and entire region.

The Committee expressed their concerns that the Port had recently backed away from its plans to fund truck retrofits. Staff noted that the southern California container ports faced similar economic pressures, but were proceeding with their plans to implement a container fee, cut emissions, and retrofit trucks at an accelerated schedule compared to that required by ARB regulation.

The Committee expressed its interest in having the Port of Oakland adopt an air quality plan and having that plan be as stringent as the southern California emission reduction efforts. The Committee discussed whether any legislation should apply only to container ports, or should apply to all ports. The Committee discussed whether Senator Lowenthal would continue his efforts to implement a container fee and associated emission reduction programs. Staff indicated that this was likely.

Mr. Addison also noted there was some discussion at the previous meeting among Committee members regarding a vehicle license fee increase, which he said was less likely to be supported.

**Committee Action:** Vice Chairperson Wagenknecht made a motion to direct staff to introduce a bill that would require all container ports to file clean air plans for review, approval or disapproval by the appropriate local air pollution control district; seconded by Director Klatt; carried unanimously without objection.

**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 10:52 a.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: February 9, 2009

Re: Continued Discussion of 2009 District Legislative Agenda

RECOMMENDATION:

None.

BACKGROUND:

At its January 26<sup>th</sup> meeting, the Committee discussed sponsoring legislation to make changes to the size of the Board of Directors. The Committee endorsed a proposal that would change the Board's composition. Essentially, the proposal would allow counties with populations in the Bay Area of less than one million two seats on the Board, and counties with populations over one million three seats on the Board. At its February 4<sup>th</sup> meeting, the Board of Directors voted to send the issue back to the Legislative Committee for further deliberation.

DISCUSSION:

The Committee will continue its discussions concerning potential legislation to change Board size and to reduce port emissions.

BUDGET CONSIDERATION/FINANCIAL IMPACT

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

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison