

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

APPROVED MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Monday, March 23, 2009

Call to Order: Chairperson Tom Bates called the meeting to order at 9:35 a.m.

Roll Call: Chairperson Tom Bates, Vice Chairperson Brad Wagenknecht, Susan Garner, Scott Haggerty, Mark Ross and Michael Shimansky.

Absent: Dan Dunnigan and Carol Klatt

Also Present: Chairperson Pamela Torliatt

Public Comments: There were no public comments.

Consideration of New Bills and Corresponding Agency Positions: *Senior Advanced Projects Advisor Tom Addison*

- Bill introduction deadline – February 27, 2009
- 120 Legislators responded with approximately 2,500 new bills
- Air quality popular subject area

Bills of Air Quality Significance/Recommended Position:

BILL	AUTHOR	DESCRIPTION	POSITION
AB 28	Jeffries	Prohibits air districts from restricting use of public agency natural gas engines to pump water	OPPOSE
AB 118	Logue	Repeals California Global Warming Solutions Act of 2006	OPPOSE
AB 318	Emmerson	Smog check amnesty cleanup (fixing last year's bill)	SUPPORT
AB 859	Jones	Annual smog inspection of older vehicles	SUPPORT
AB 892	Furutani	Allows Prop 1B Goods Movement Emission Reduction Program funds to be reallocated when a project is no longer feasible	SUPPORT

AB 1135	Skinner	VMT data collection at time of registration	SUPPORT
AB 1186	Blumenfield	Requires non-residential building lessors to separately list parking costs in the lease agreement	SUPPORT
SB 435	Pavley	Adds post-2000 motorcycles to smog check program	SUPPORT
SB 554	Hollingsworth	Prohibits air districts from restricting the installation or use of wood-burning equipment	OPPOSE
SB 632	Lowenthal	Requires container ports to assess and report their infrastructure and air quality needs	SUPPORT
SB 728	Lowenthal	Imposes civil penalty for violation of parking cashout law, and allows air districts to impose additional penalties and compliance mechanisms	SUPPORT

Committee Discussion

AB 118:

- Shimansky: Suggested suspending AB 118, opposed to AB 1135.

AB 1135:

- Ross: AB 1135-Odometer already reported to DMV if vehicle older than 7 years but exempt for vehicles pre-1975; potential privacy issue for those who have older cars.
- Torliatt: No privacy issues when FastTrac began; may be broken down by zip code to determine VMT; asked that bill include provision for insurance information not to be released.

AB 1186:

- Torliatt: Questioned how bill applies to undesignated parking; would rather provide cash incentive to employers with +50 employees.
- Bates: Confirmed that cashout law does not apply if parking and building are bundled.
- Ross: Concerns of having to renegotiate leases; problematic with common areas.
- **Committee Recommendation:** Request amendment of AB 1186 such that the benefit would apply to all employers, regardless of whether they rent or own buildings; and change position from “Support” to “Neutral, unless amended”.

SB 728:

- Ross: Confirmed employers could be exempt if they charged some amount of money for parking, i.e., 25 cents.

- Garner: Questioned enforcement; confirmed this would be done by local jurisdiction; abstained/non-support due to information lacking enforcement provisions.
- Haggerty: Abstain/non-support position.

Committee Action: Vice Chairperson Wagenknecht made a motion to recommend Board of Directors’ approval of the following positions on bills:

Oppose: AB 28, AB 118 and SB 554
 Support: AB 318, AB 859, AB 892, AB 1135, SB 435, SB 632 and SB 728
 Neutral unless amended: AB 1186

Chairperson Torliatt seconded the motion; which carried unanimously (*AB 118 and AB 1135: Shimansky voted no; SB 728: Garner, Bates and Haggerty voted no*).

Approval of Minutes: Director Shimansky moved to approve February 23, 2009 minutes; seconded by Director Garner; carried unanimously without objection.

Discussion of Survey Results on Board Size and Composition:
Executive Officer/APCO Jack Broadbent & Senior Advanced Projects Advisor Tom Addison

Member Comments: Committee had directed staff to poll Board of Directors as follows:

- No change;
- Cap the size of the Board of Directors at 22 members regardless of population growth;
- Grandfather current structure, allow for growth to occur at higher thresholds of 350,000, 800,000, and 1.2 million. Under this scenario, no county’s current number of representatives would be reduced;
- Propose alternate option.

11 Members responded:

- 2 expressed no preference;
- 4 preferred Option one – no change;
- 3 preferred Option 3;
- 1 preferred Option 2 – Cap the Board at current size of 22;
- Final respondent: Proposed option wherein the Board size would be reduced further than the first three options—all counties would receive 1 representative, counties with a population over 1 million would receive second representative; and additionally, the cities of San Jose, San Francisco and Oakland would receive a representative—total Board size of 15.

Committee Discussion/Direction: Committee members discussed capping Board size at current level, ramifications of thresholds in Option 3, grandfathering in existing members, and requested staff to re-poll the Board of Directors.

Committee Member Comments: The Committee discussed changing the “per day” Board Member compensation language “per meeting”, voiced a desire to tie it to reductions in vehicle miles traveled and emissions, and suggested pursuing legislation next year.

Next Meeting:

**9:30 a.m., Monday, April 9, 2009
939 Ellis Street, 4th Floor Conference Room**

Adjournment:

Meeting adjourned at 10:38 a.m.

Lisa Harper
Clerk of the Boards