

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

Board of Directors Regular Meeting
Wednesday, September 21, 2011
9:45 a.m.

APPROVED MINUTES

CALL TO ORDER: Chairperson Tom Bates called the Regular Meeting to order at 9:50 a.m.

Pledge of Allegiance: Chairperson Bates led the Pledge of Allegiance.

Roll Call:

Present: Chairperson Tom Bates; Vice Chair John Gioia; Secretary Ash Kalra; and Directors Susan Garner, Susan Gorin, Carole Groom, Scott Haggerty, David Hudson, Carol Klatt, Nate Miley, Johanna Partin, Mark Ross, Wagenknecht and Shirlee Zane. Directors Eric Mar and Liz Kniss arrived after the roll call was taken.

Absent: Directors John Avalos, Harold Brown, Jennifer Hosterman, James Spring, Gayle B. Uilkema and Ken Yeager.

PUBLIC COMMENT ON NON-AGENDA MATTERS: Chairperson Bates opened the public comment period and the following individuals provided public comments regarding air monitoring and cumulative impacts definition:

Karen Cohen, BAEHC
Anna Lee, BAEHC/CBE
Rosina Roibal, BAEHC
Bradley Angel, Greenaction
Marie Harrison, Greenaction / Bayview Hunters Point
Mavis Williams, Hunters View Mother's Committee
Sabrina Boydd, Hunters View Mother's Committee
Theresa Faumui, Hunters View Mother's Committee
Tessie Esther, Hunters View Mother's Committee
Terrell Silas, Hunters View Mother's Committee

Chairperson Bates closed the public comment period at 10:05 a.m.

CONSENT CALENDAR (Items 1-8):

2. Minutes of the July 18, 2011 Special Meeting.
3. Board Communications Received from July 18, 2011 through September 20, 2011.
4. Air District Personnel on Out-of-State Business Travel.

5. Approval of Contract for Janitorial Services.
6. Notice of Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures – Section 11 Leave and Holidays: 11.14 Benevolent Leave Fund.
7. Notice of Proposed Amendments to the Air District's Administrative Code Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy.
8. Administrative Code, Division II, Section 3.3 – Account Transfers.

Board Action: Director Wagenknecht made a motion to approve Consent Calendar Items 1 through 8; Director Kniss seconded the motion; which carried unanimously without objection.

COMMITTEE REPORTS AND RECOMMENDATIONS

9. Report of the Personnel Committee Meeting of September 19, 2011 Chair: Brad Wagenknecht

Director Wagenknecht reported that the Personnel Committee met on Monday, September 19, 2011 and approved the minutes of January 19, 2011 and March 28, 2011.

The Committee received a summary of Human Resources Audit Report conducted by the professional law firm Meyers Nave and Status of Current Air District Programs by Air District staff.

The Committee recommended that the Board of Directors provide notice of proposed amendments to (1) the Air District's Administrative Code, Division III Personnel Policies and Procedures – Section 2 Equal Employment Opportunity Policy and (2) the Equal Employment Opportunity Plan.

The Committee then adjourned to Closed Session to conduct a performance evaluation of the District Counsel, pursuant to Government Code Section 54957 and 54957.6.

The Committee reconvened in Open Session, and the Chair announced that no reportable action had been taken in Closed Session.

The next meeting of the Personnel Committee is at the call of the chair.

Board Action: Director Wagenknecht made a motion to approve the report of the Personnel Committee; Director Kniss seconded the motion; which carried unanimously without objection.

PRESENTATION

10. Overview of the Air District's Permit and Enforcement and Programs.

Chairperson Bates requested this item be heard at the October 5, 2011 Board of Directors meeting.

11. Blueprint for Healthy Communities Summit

Jack Broadbent, Executive Director/APCO, provided the Board with background of the presentation. Lisa Fasano, Director, Communications and Outreach, provided the staff report including a summary of previous events hosted by the Air District such as the 2006 Climate Protection Summit featuring Vice President Al Gore and in 2009 Climate Action Leadership Summit featuring author Thomas Friedman.

Ms. Fasano stated the Air District is viewed as a leader prompting necessary and timely efforts on big issues before the Bay Area. The Blueprint for Healthy Communities Summit will continue the Air District's regional efforts in improving air quality.

Ms. Fasano explained that as the Bay Area continues to grow, one of the critical issues facing the region is how the Air District decides to develop and house the growing population, in order to protect the public from added air pollution, halt increasing traffic and reduce energy use. Ms. Fasano shared that the focus of the Summit is to bring municipal leaders together to learn from each other, draw on good examples and inspire them to think creatively.

Ms. Fasano further stated the Air District expects the Summit will have a galvanizing effect on those who have a stake in shaping the future. The Air District must ensure local compliance with the Clean Air Act and educate and communicate air quality information to the bay area public.

Ms. Fasano stated that confirmed speakers Nancy Sutley, Chair White House Council on Environmental Quality (CEQ), and President Bill Clinton, Clinton Global Initiative are expected to draw municipal leaders to this important conference and that they will also share their perspective on relevant environmental policies.

Ms. Fasano said additional speakers confirmed to date include:

- Melanie Marty, PhD, Office of Environmental Health Hazard Assessment
- Dr. Tony Iton, JD, MPH – Healthy Communities at California Endowment
- Jared Blumenfeld – EPA Region 9
- Dr. Rajiv Batia - MPH, SF Dept. of Public Health/UCSF
- Dr. Phil Martien - BAAQMD
- Dr. Philip Fine - SCAQMD
- Prof. Betty Deacon, UC Berkeley Planning & Urban Design
- Henry Hilken, BAAQMD
- Bill Lindsay, City of Richmond
- Peter Calthorpe - Principal, Calthorpe Associates

Ms. Fasano stated that funding for this event was budgeted in Fiscal Year Ending 2010/11. In addition, a number of sponsors are secured and the Air District continues to finalize agreements with other sponsors who would be good partners for this event. Sponsors are being considered from the healthcare industry, research and development, government, and others who have a particular interest in air quality, land use and public health connection.

Ms. Fasano further stated this Summit will promote a timely discussion on health and air quality planning efforts. In addition, it will help close the gap on land use, public health, and the air quality planning process.

Ms. Fasano concluded the presentation with the recommendation that the Board of Directors authorize the Executive Officer/APCO to execute a contract for conference logistics and coordination in an amount not to exceed \$70,000.

Mr. Broadbent provided further explanation, stating the Air District initially had planned the conference for the end November 2011.

Public Comments: Chair Bates opened the public comment period.

Mr. Bradley Angel, Greenaction. Mr. Angel expressed his frustration about the conference and was disappointed that the community members were not invited to this event.

Dr. Henry Clark, West County Toxics Coalition. Mr. Clark stated he lives in Richmond, and is part of an environmental justice group, yet he was not informed of the Summit.

Johnny White, West County Toxics Coalition. Mr. White questioned why various community groups were not included as part of the planning process.

Marie Harrison, Greenaction. Ms. Harrison said that the Air District left out the people in the affected community.

Tessie Esther, Hunters View Mother's Committee. Ms. Esther requested to sit on the panel, as she offers good ideas and information.

Board Member Comments:

The Board members discussed the Summit at length and expressed both their support and concerns. The Board supported hosting the Summit but at a later date to allow time for the community to participate in the planning process, and secure sponsors from entities not regulated by the Air District.

Director Miley asked if the discussion would be based around economic impacts during the breakout sessions.

Director Partin suggested involving the community in shaping the agenda.

Director Wagenknecht stated the Summit would bring the community together, but is concerned about the current sponsors and suggested having a vehicle that would transport the guests to visit some of the sites in the community.

Director Kniss ask why the Metropolitan Transportation Commission reduced their sponsorship.

Director Haggerty stated that he believed everyone was over reacting, and suggested the Executive Committee meet and report its results at the October 5, 2011 Board of Directors meeting.

Ms. Garner said the past two summits have been exciting and offered new energy.

Director Mar stated that he hopes that grassroots organizations are part of the summit.

Chair Bates asked if the Air District had time to incorporate some of the Board's suggestions. Chair Bates also stated the Craneway Pavilion, the venue for the Summit, is a large facility that can potentially hold 600 individuals and that the issues in question are solvable.

Chair Bates stated \$250,000 was set aside for the purpose of educating and outreach, and that this Summit meets the objectives for use of the funds. Chair Bates asked Mr. Broadbent to respond to the Board's inquiries and the Board would vote on how to proceed.

Mr. Broadbent stated the agenda presented to the Board is not final but a progress report. Mr. Broadbent explained that the purpose of the Summit is to address the issues of land use planning, transportation and growth in communities with high levels of diesel particulate.

Mr. Broadbent provided responses to the Board of Directors, and suggested the Board move forward with having the conference on October 21, 2011.

Mr. Broadbent informed the Board members that the \$70,000 would allow the Air District to continue to pay the consultant. Chair Bates requested further clarification for approval of the \$70,000. Deputy Air Pollution Control Officer, Jean Roggenkamp, stated the funds would be for the use of the consultant for conference logistics and coordination, and continuing to acquire sponsorships.

Director Miley also suggested proceeding with the conference without President Clinton as a speaker, as the conference will continue to be successful.

Board Action:

Chair Bates recommended a roll call vote that the Board of Directors delay the Blueprint for Healthy Communities Summit; Vice Chair Gioia seconded the motion. Chair Bates reported the Board of Directors voted 14 – 2 in favor of delaying the Blueprint for Healthy Communities Summit.

CLOSED SESSION

Chair Bates adjourned the meeting into a closed session at 12:25 p.m.

12. EXISTING LITIGATION (Government Code Section 54956.9(a))

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):

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RC-10548693

Our Children's Earth Foundation v. Bay Area AQMD, and Jack P. Broadbent, San Francisco County Superior Court, Case No. CPF-11-511437

Peter Rogosin v. Bay Area AQMD, et al., San Francisco County Superior Court, Case No. CGC-08-478154

Andrea Gordon v. Bay Area AQMD, San Francisco County Superior Court, Case No. CGC-10-497722

Som D. Gupta, et al. v. City of Union City, Bay Area AQMD et al., Alameda County Superior Court, Case No. RG-10552284

Healthy Air Coalition v. Bay Area AQMD, San Francisco County Superior Court, Case No. CGC-09-486990

13. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** - (Government Code Section 54957 and 54957.6)
Pursuant to Government Code Section 54957 and 54957.6, the Committee will meet in closed session to conduct a performance evaluation of the Air District Counsel.

OPEN SESSION

Chair Bates reconvened the meeting at 12:55 p.m. and stated that no reportable action was taken in the closed session meeting. Chair Bates noted that District Counsel received a high satisfactory performance evaluation and directed staff to prepare a pay scale analysis with other Air Districts for the District Counsel and Executive Officer.

PUBLIC COMMENT ON NON-AGENDA MATTERS

No one from the public addressed the Board at this time.

OTHER BUSINESS

14. Report of the Executive Officer/APCO – Mr. Broadbent provided a summary of the ozone season, and he stated that staff continues work on the Metal Melting Rule.
15. Chairperson’s Report – None.
16. Time and Place of Next Meeting – At 9:45 a.m., Wednesday, October 5, 2011; at 939 Ellis Street, San Francisco, CA 94109.
17. Adjournment – Chair Bates adjourned the meeting at 1:15 p.m.

15/ Vanessa Johnson

Vanessa Johnson
Executive Secretary II