

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

Board of Directors Regular Meeting
February 2, 2011

APPROVED MINUTES

CALL TO ORDER: Chairperson Tom Bates called the regular meeting to order at 9:48 a.m. without an initial quorum.

PLEDGE OF ALLEGIANCE: Vice Chairperson Gioia led the Pledge of Allegiance.

Roll Call: Chairperson Tom Bates; Vice Chairperson John Gioia; Secretary Ash Kalra; and Directors Carole Groom, Scott Haggerty, Jennifer Hosterman, David Hudson, Carol Klatt, Liz Kniss, Eric Mar, Nate Miley, Mark Ross, Pamela Torliatt, Gayle B. Uilkema, Brad Wagenknecht, Ken Yeager, and Shirlee Zane

Absent: Directors Harold Brown, Chris Daly, Susan Garner, and James Spering

Chairperson Bates suspended the regular meeting to the Special Meeting. He noted that a quorum had been established.

RECONVENE REGULAR MEETING:

Chairperson Bates reconvened the regular meeting at 9:55 a.m.

PUBLIC COMMENTS:

Evan Reeves, Center for Creative Land Recycling, voiced appreciation to the Board for extending the implementation date of CEQA thresholds for toxic air contaminants for new receptor projects to May 1, 2011, but strongly disagreed with the decision to leave the screening tools up on the District's public website while revisions are underway. He submitted a comment letter authored by Stephanie Shakofsky, Executive Director, that expanded upon their request to remove the screening tools and guidance from the website, and to direct staff resources toward assisting communities with the development of their Community Risk Reduction Plans (CRRPs).

BOARD MEMBER COMMENTS:

Director Torliatt thanked the Board of Directors for their farewell wishes given to her at the January 19, 2011 Board Retreat. She announced this would be her last meeting, as the Petaluma City Council will be recommending and appointing City of Santa Rosa Councilmember, Susan Gorin, on February 10, 2011 to the District Board of Directors.

CONSENT CALENDAR (Items 1-5):

1. **Minutes of January 19, 2011 Regular Meeting;**
2. **Communications;**
3. **District Personnel on Out-of-State Business Travel;**
4. **Quarterly Report of Air Resources Board Representative-Honorable Ken Yeager;**
5. **Resolution Supporting the California Air Resources Board in Promoting Clean and Energy Efficient Motor Vehicles**

Board Action: Director Hudson made a motion to approve Consent Calendar Items 1, 2, 3, 4 and 5; Director Wagenknecht seconded the motion; unanimously approved without objection.

Resolution No. 2011-02 was adopted supporting the California Air Resources Board's Leadership in Promoting Clean and Energy Efficient Motor Vehicles.

COMMITTEE REPORTS AND RECOMMENDATIONS

6. Report of the Budget & Finance Committee Meeting of January 26, 2011

Chair: C. Groom

The Budget and Finance Committee met on January 26, 2011 and approved the minutes of December 8, 2010.

The Committee received the Financial Report for the second quarter for Fiscal Year 2010/11 and reviewed a comparison of budget to actual revenue, expenditures, investment balances, fund balances, and year end results.

The Committee received an overview of information from the first six months of the current fiscal year, reviewed reserve and OPEB funding levels per Board direction, current staff vacancies and utilization of staff resources. The Committee reviewed a breakdown of General Fund revenue. Permit fee revenues are projected to be \$1.0 million below the amount budgeted.

The Committee asked for a presentation of the cost recovery study once it has been completed.

The next meeting of the Budget and Finance Committee is at the Call of the Chair.

Board Action: Director Groom made a motion to approve the report of the Budget and Finance Committee; Director Uilkema seconded the motion; which carried unanimously without objection.

7. Report of the Mobile Source Committee Meeting of January 27, 2011

Chair: S. Haggerty

The Mobile Source Committee met on Thursday, January 27, 2011 and approved the minutes of November 18, 2010.

The Committee recommends the Board of Directors' approve the following:

- Carl Moyer projects with grant awards over \$100,000; and authorization for the Executive Officer/APCO to execute grant agreements;

- \$5 million in Mobile Source Incentive Funds for shore-power projects at the Port of Oakland; and authorization for the Executive Officer/APCO to execute grant agreements;
- Resolution authorizing the Executive Officer/APCO to execute all necessary agreements with the California Air Resources Board relating to the Air District's receipt of Carl Moyer Program funds for fiscal year 2010-2011 (Year 13); and allocation of \$5 in Mobile Source Incentive Funding for projects eligible for funding under Year 13 Carl Moyer Program;
- Award \$3.9 million in TFCA funds to: ECotality, Coulomb Technology, AeroVironment and Clipper Creek as contractors for the Home Charger Rebate project; 2) ECotality and AeroVironment as contractors for the Direct Current (DC) Fast Charger Deployment project; and 3) ECotality as the contractor for Program Coordination; and authorize the Executive Officer/APCO to execute contracts with each of these contractors.

The next meeting of the Mobile Source Committee will be at the call of the Chair.

Director Bates said the shore power funding to the Port of Oakland is of particular significance, and he thanked staff for their work in advancing the funding.

Omar Benjamin, Executive Director, Port of Oakland, introduced Port Commissioner Margaret Gordon who thanked everyone for supporting the Port and for working to electrify docks which will reduce emissions in West Oakland.

Mr. Benjamin expressed his thanks for what the Board, staff and colleagues have done to support clean air. He said the Port and District built a plan together, they have banned dirty trucks, received support from the District on the truck retrofitting program and shore-power plan, and noted design work has already started. The Port anticipates breaking ground later this year, and they want to continue the relationship as they solidify the final Proposition 1B funding. He especially thanked Directors Haggerty and Miley and their coordinated efforts.

Board Action: Director Haggerty made a motion to approve the report and recommendations of the Mobile Source Committee; Director Hosterman seconded the motion; which carried unanimously without objection.

CLOSED SESSION:

The Board of Directors adjourned to Closed Session at 10:07 a.m.

8. 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):

A.) Dura flame, Inc. v. Bay Area AQMD, California Supreme Court, Case No. S187990

B.) California Building Industry Association v. Bay Area AQMD, San Francisco Superior Court, Case No. RG 10548693

- C.) Som D. Gupta, et al. v. City of Union City, Bay Area AQMD, et al., Alameda County Superior Court, Case No. RG10552284
- D.) United States, et al. v. Pacific Gas & Electric Co., et al., United States District Court, N.D. Cal., Case No. C-09-4503 SI
- E.) Bay Area AQMD v. Frederick Lau, San Francisco County Superior Court, Case Nos. CCH-10-571

The Board of Directors reconvened in Open Session at 10:27 a.m.

Chairperson Bates announced that the Board of Directors met in Closed Session and no reportable action was taken. He stated the Personnel Committee would continue discussion on matters relating to Item 9; Performance Evaluation of the Executive Officer/APCO.

OTHER BUSINESS

9. Report of the Executive Officer/APCO:

Mr. Broadbent reported on the Spare the Air Season, stating it is the middle of the season, a total of 4 Spare the Air days had been called, and indicated that a full Spare the Air report will be returned to the Board in April.

Mr. Broadbent recognized Karen Schkolnick, recipient of an award from the Department of Energy for her work in clean air funding efforts.

Director of Strategic Incentives, Damian Breen reported that the award was from the East Bay Clean Cities Coalition portion of the Department of Energy's Clean Cities Program. Ms. Schkolnick was recognized for her outreach to promote electric vehicles and manage funding programs.

Mr. Broadbent stated Chairperson Bates has proposed the Board hold workshops throughout the year. Before all Board Members is a list of 5 workshop topics and dates proposed to be held through the course of the year, which are intended to provide a framework on various topics relating to air quality management, monitoring, tours of stations, the institutional and legal framework of the Environmental Protection Agency and California Air Resources Board, the District's authority, permitting, enforcement, and outreach and incentives discussion. He added that work is also underway by the Advisory Council relating to ultrafine particulates, which will be addressed.

10. Chairperson's Report:

Chairperson Bates reported that while adjustments may need to be made, the proposed workshops will be instrumental in serving as educational forums.

Chairperson Bates congratulated Director Ross in his re-appointment by the Contra Costa Mayors Conference to serve another two-year term on the Board of Directors.

Chairperson Bates canceled the February 16, 2011 meeting, and offered invitation for Mr. Townsend to comment.

Marland Townsend, Director, Bay Area Clean Air Foundation, said as a former Board Member, he is pleased to see the proposed list of workshop topics and to have witnessed such forward-thinking on the Board's part over the last several years.

Director Haggerty recognized Mr. Townsend's service, said he was pleased to see him still involved, and cited his impressive background.

11. Time and Place of Next Meeting: 9:45 a.m., Wednesday, March 2, 2011 – 939 Ellis Street, San Francisco, CA 94109.

12. Adjournment: The Board of Directors meeting adjourned at 10:35 p.m.

LS/ Lisa Harper

Lisa Harper
Clerk of the Boards