

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

Board of Directors Regular Meeting
Wednesday, November 16, 2011
9:45 a.m.

APPROVED MINUTES

CALL TO ORDER: Chairperson Tom Bates called the Regular Meeting to order at 9:53 a.m.

Chairperson Bates announced that Roll Call would be taken once a quorum was present.

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

PUBLIC COMMENT ON NON-AGENDA MATTERS: Chairperson Bates opened the public comment period and the following individual provided public comments regarding air monitoring and cumulative impacts definition, and a proposed Bay Area Environmental Health Collaborative (BAEHC) resolution for consideration by the Board:

Francisco DaCosta, Environmental Justice Advocacy

Roll Call: Present: Chairperson Tom Bates; Vice Chair John Gioia; and Directors John Avalos, Carole Groom, Scott Haggerty, Jennifer Hosterman, Eric Mar, Nate Miley, Johanna Partin, Mark Ross, Jim Spering, Gayle Uilkema, Brad Wagenknecht, Ken Yeager, Shirlee Zane. Secretary Ash Kalra; and Directors Susan Garner and Susan Gorin arrived after the roll call was taken.

Absent: Directors Carol Klatt and Liz Kniss.

PUBLIC COMMENT ON NON-AGENDA MATTERS: Chairperson Bates continued the public comment period and the following individuals provided public comments regarding air monitoring, cumulative impacts definition, and a proposed BAEHC resolution for consideration by the Board:

Leotis Martin, BAEHC
Ken Kloc, BAEHC
Andy Katz, BAEHC
Genese Hughes, BAEHC

Henry Clark, BAEHC
Azibuike Akaba, Regional Asthma Management and Prevention
Wafaa Aborashed, BAEHC
Rosina Roibal, BAEHC

Chair Bates acknowledged the receipt of 1,300 postcards collected by community residents that support BAEHC's demands of the Air District.

Dion Taylor, BAEHC
Tessie Ester, BAEHC
Le Tim Ly, BAEHC

Antonio Diaz, PODER
Vendell White, Mother's Committee

Chair Bates thanked the speakers for testifying and for holding a peaceful demonstration outside the Air District offices.

Board Member Comments:

Chair Bates asked Jack Broadbent, Executive Officer, if the Air District had received a copy of the resolution being presented by BAEHC.

Mr. Broadbent responded yes. Mr. Broadbent requested the opportunity to provide the Board members with a copy of the resolution. The Air District will be speaking to the representatives of the various community groups present at this meeting and will be providing an update to the Board at a future Executive Committee meeting.

Chair Bates closed the comment period at 10:24 a.m.

13. Chairperson's Report

Chair Bates announced a special Board of Directors meeting to be held on December 14, 2011. Due to the holidays, the regular Board of Directors meetings scheduled on December 21, 2011 and January 4, 2012 are cancelled.

CONSENT CALENDAR (Items 1-5):

1. Minutes of the November 2, 2011 Board Meeting.
2. Board Communications Received from November 2, 2011 through November 15, 2011.
3. Quarterly Report of Executive Office and Division Activities
4. Notice of Proposed Amendments to the Air District's Administrative Code Division II Fiscal Policies and Procedures – Section 4.4 Contracts with Minority Business Enterprises and Women's Enterprises and Section 4.6 Contracts.
5. Notice of Proposed Amendments to the Air District's Administrative Code Division II Fiscal Policies and Procedures – Section 5.6 Receipts and Expenses.

Board Action: Director Haggerty made a motion to approve Consent Calendar Items 1 through 5; Director Wagenknecht seconded the motion; which carried unanimously without objection.

Board Member Comments: In regards to Consent Item #4, Director Miley asked if the Air District has ever had a progress report for the actual funding expended to minority and women owned enterprises. Director Miley does not recall ever seeing such report.

Mr. Broadbent replied that a report can be provided.

Director Miley asked when this Administrative Code was adopted.

Mr. Broadbent will have staff prepare a report and present it to the Budget and Finance Committee.

COMMITTEE REPORTS AND RECOMMENDATIONS:

6. Report of the Nominating Committee Meeting of November 2, 2011

Chair: Tom Bates

Chairperson Bates reported that the Nominating Committee met on Wednesday, November 2, 2011 and approved the minutes of November 3, 2010.

The Committee considered the 2012 Board Officers for the 2012 Term of Office.

There were two people nominated for the Secretary seat, Director Nate Miley and Director Carole Groom.

The Committee recommended that the Board of Directors approve the following Board Officers for 2012:

Chairperson John Gioia
Vice Chairperson Ash Kalra
Secretary Nate Miley

Director Hosterman expressed her desire to see a woman become a Board Officer and expressed full support for Director Groom.

Director Haggerty was troubled that a minority has not held a seat as Board Officer in the past 16 years. Director Haggerty stated that the ultimate decision was made based on seniority. He also applauded Director Miley's efforts and hard work in working with his constituents. Director Haggerty supported Director Miley.

Director Zane recommended that Director Groom be the Secretary.

Director Hudson was supportive of both candidates and felt that they are both capable of doing their jobs. Director Hudson was concerned that not all of the counties are being fairly represented.

Director Groom stated that the process was conducted fairly and is comfortable with the results.

Board Action: Director Groom made a motion to approve the report of the Nominating Committee; Director Haggerty seconded the motion; which carried unanimously without objection.

Public Comments: Wafaa Aborashed, BAEHC, expressed her opposition to Director Miley serving as a Board Officer. Ms. Aborashed insisted that she and her group have tried numerous times to meet with Director Miley without any success.

Rosina Roibal, BAEHC, expressed full support for Director Groom. Ms. Roibal did not agree with the Nominating Committee consisting of all males. Ms. Roibal requested that Director Groom be the Chairperson of the Executive Committee.

Director Miley requested that Kamika Dunlap, Aide to Director Miley, meet with Ms. Aborashed at the conclusion of the Board meeting to schedule a meeting with himself and/or his staff. Director Miley clarified that if the item in question is not in his District then he would not agree to a meeting. The issues at hand must fall within his District.

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

7. Report of the Personnel Committee Meeting of November 14, 2011
Chair: Brad Wagenknecht

Chairperson Wagenknecht reported that the Personnel Committee met on Monday, November 14, 2011 and approved the minutes of September 19, 2011.

The Committee held interviews for 6 candidates for appointment to the Air District's Advisory Council.

The Committee recommends the following individuals to serve on the Air District's Advisory Council for a term of office effective January 1, 2012 through December 31, 2013:

Jessica Range, Community Planning Category
Estes Al Philips, Organized Labor Category
Murray Wood, Public Health Category

The Committee then adjourned to Closed Session to conduct a performance evaluation of the Executive Officer/APCO and 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 Gioia seconded the motion; which carried unanimously without objection.

Board Member Comments: Director Uilkema asked who conducted the performance evaluation of the APCO and District Counsel.

Brian Bunker, District Counsel, stated that an outside consultant, Marilyn Manning conducted the performance evaluation for District Counsel, and that the report went through the Personnel Committee.

CLOSED SESSION

Chair Bates adjourned the meeting into a closed session at 10:40 a.m.

10. 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. RG-10548693

11. ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(c), a need exists to meet in closed session to discuss one potential litigation matter.

OPEN SESSION

Chair Bates reconvened the meeting at 11:05 a.m. and stated that no reportable action was taken in the closed session meeting.

PRESENTATION(S)

8. Overview of the 2011/2012 Wood Smoke Reduction Program

Chair Bates opened the public comment period. There were no comments from the public.

Eric Stevenson, Director of Technical Services, began the overview of the 2011/2012 Wood Smoke Reduction program and explained that Barbara Coler, Air Quality Program Manager, and Lisa Fasano, Director of Communications and Outreach, would join him.

The presentation included the essential components of the wood smoke program, which are: monitoring and modeling, the enforcement program, compliance assistance, and education and outreach. Program results and future planning will be discussed.

Mr. Stevenson defined PM 2.5 and why it is a health concern. He stated that PM 2.5 is particulate matter that is 2.5 microns or less in size, and identified various sources of PM 2.5. Wood smoke is the major contributor to particulate matter in the Bay Area during peak concentrations.

Tremendous health benefits can be achieved if particulate matter is reduced. Because of this, the Board enacted the Wood Smoke rule on July 9, 2008. Mr. Stevenson provided the Board of Directors with a fact sheet which provided information regarding the rule, statistics on violations and complaints, and statistics on warning notices issued.

Mr. Stevenson discussed the progress of the program. Over the last three years, the number of days that recorded an exceedance has decreased. This is in large part due to the Air District's efforts as well as meteorological conditions which affect PM 2.5 concentrations. While the region is enjoying improved air quality, there are some areas in the Bay Area that experience localized effects. The 2011/2012 Wood Smoke Reduction Program will attempt to address the localized effects.

Barbara Coler, Air Quality Program Manager, continued with the presentation focusing on compliance and enforcement. Ms. Coler's presentation focused on wood smoke patrols, the violation and exemption process, and local solutions.

Ms. Coler acknowledged and thanked several staff members in the compliance and enforcement division for their hard work and efforts in enforcing the rule. The program depends on partnerships with local agencies on local solutions in order to increase this program's success.

The Air District is in the process of developing a new model ordinance. The ordinance can be a tool that cities and counties can consider adopting to address the localized neighborhood impacts. The ordinance will provide a menu of options that cities and counties can select depending on their specific needs.

Lisa Fasano, Director of Communications and Outreach, presented the last part of the presentation. At the request of the Board, the Air District has now developed a local government outreach plan which is ready for implementation. The plan includes talking points, a letter from Jack Broadbent, Executive Officer, to government leaders, instructions for downloading Air District widgets, a fact sheet and a brochure.

The Air District will continue to spread the message about the wood smoke rule and its effects on public health by conducting door-to-door outreach. This year, the targeted cities are Pleasant Hill, Piedmont area of Oakland, possibly Redwood City, Campbell, and Wood Acre. Advertisement will continue to include the Treasure Island banner above the tunnel, movie theatres, "Craig the Bike Guy," fitness centers, billboards, transit shelters, Cable TV, radio, in various language, phone alerts, and press events.

For social media, the Air District will continue to build upon the partnerships with health care organization such as Breathe California, Kaiser Permanente and the American Lung Association to get the health message out to the public. Video and podcasts are being utilized to continue dialogue with the public on social media sites. Videos will be developed for the Air District's You Tube page.

Ms. Fasano concluded the presentation by showing a television commercial which portrays the health impacts from wood smoke in the Bay Area.

Board Member Comments: Director Zane asked if the Air District is also working with local public television stations.

Ms. Fasano replied yes.

Ms. Fasano spoke about the media kickoff which has held in Corte Madera. Mr. Stevenson spoke about conducting a visit to a home with a functioning wood smoke device. During the visit, PM concentrations inside the home were 300 micrograms per cubic meter; the 24 hour standard is 35 micrograms per cubic meter.

Chair Bates asked if this is typical.

Mr. Stevenson stated that it varies widely depending on the type of fireplace and the maintenance given to the fireplace.

Director Zane requested that Air District staff provide information to the Board which identifies which cities and counties have already adopted a wood smoke ordinance.

Director Zane also expressed concern that the Air District's regionwide approach is not sufficiently diverse given different climates.

Jack Broadbent, Executive Officer, responded that currently the program is regionwide. This program has been successful and has brought regional levels down. However, there are pockets with problems. The Air District now has to think about the possibility of calling Spare the Air Alerts county by county.

Director Zane recommended that Spare the Air Alerts be called county by county and inquired about whether the Air District is currently advertising with the bicycle coalition.

Ms. Fasano responded no. The Air District works with "Craig the Bike Guy" who is a contractor for the Air District.

Director Zane suggested that staff contact the bicycle coalition to attempt to obtain volunteers for advertising.

Director Hudson suggested that Spare the Air Alerts should be called prior to reaching the standard for each area.

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

Chairperson Bates requested this item be heard at the December 7, 2011 Board of Directors meeting.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

OTHER BUSINESS

12. Report of the Executive Officer/APCO – Mr. Broadbent informed the Board that Director Brown has retired and announced that his recognition will take place at a future meeting.
14. Time and Place of Next Meeting – At 9:45 a.m., Wednesday, December 7, 2011; at 939 Ellis Street, San Francisco, CA 94109.
15. Adjournment – Chair Bates adjourned the meeting at 11:35 a.m.

/s/ Maricela Martinez
Maricela Martinez
Executive Secretary