

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

Board of Directors Regular Meeting  
May 2, 2012

## **APPROVED MINUTES**

### **CALL TO ORDER**

Chairperson John Gioia called the meeting to order at 9:46 a.m.

### **ROLL CALL**

Present: Chairperson John Gioia; Vice Chairperson Ash Kalra; Secretary Nate Miley; and Directors Tom Bates, Susan Garner, Carole Groom, Scott Haggerty, Jennifer Hosterman, David E. Hudson, Carol L. Klatt, Liz Kniss, Eric Mar, Mary Piepho, Katie Rice, Mark Ross, Jim Spering and Brad Wagenknecht.

Absent: Directors John Avalos, Susan Gorin, Edwin M. Lee, Ken Yeager and Shirlee Zane.

### **PLEDGE OF ALLEGIANCE**

Chairperson Gioia led the Pledge of Allegiance.

NOTED PRESENT: Director Rice was noted present at 9:47 a.m.

### **PUBLIC COMMENT ON NON-AGENDA MATTERS**

None.

### **CONSENT CALENDAR (Items 1 – 3)**

- 1. Minutes of the Board of Directors Regular Meeting of April 18, 2012;**
- 2. Board Communications Received from April 18, 2012, through May 1, 2012; and**
- 3. Air District Personnel on Out-of-State Business Travel.**

Board Comments: None.

Public Comments: None.

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

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

### **4. Report of the Budget and Finance Committee Meeting of April 25, 2012** Chairperson C. Groom

Chairperson Gioia noted a correction to the agenda from “Fiscal Year End 2012” to “Fiscal Year End 2013.”

The Committee met on Wednesday, April 25, 2012, and approved the minutes of March 28, 2012.

The Committee received, continued to discuss, and considered recommending adoption of the Proposed Budget for Fiscal Year Ending (FYE) 2013. The Committee reviewed the year-to-year reserve funds budgeted projection; trends in cost cutting; an overview of the distribution of Air District staff vacancies; proposed salary reviews for the Health Officer, Information Systems and Deputy Air Pollution Control Officer positions; and a summary of the FYE 2013 budget. The Committee recommended Board of Directors adoption of the proposed FYE 2013 Budget.

The Committee received the Third Quarter Financial Report – FYE 2012. The Committee reviewed the General Fund revenues and expenses, Air District investments, fund balances and vendor payments in excess of \$70,000 without Board of Directors review for the third quarter of FYE 2012.

The Committee received the staff report and continued to discuss Proposed Fee Amendments for FYE 2013. The Committee reviewed a summary of the original staff proposal, and considered an option to modify the proposed amendments to fee schedules, specifically in regard to gasoline dispensing and Title V facilities. Under this new option, the fees for most gasoline dispensing facilities would be increased by 5%, rather than 9% as originally proposed. Fee increases for the largest 20% of gasoline dispensing facilities would remain at 9%. In order to meet fee revenue targets identified under the District’s Cost Recovery Policy and included in the proposed Budget for FYE 2013, an 11% increase in fees would be assessed under the Title V fee schedule, rather than a 9% increase as originally proposed. The Committee had a significant discussion reflecting different views on the matter which took into consideration the impacts on small and large businesses as well as non-retail operations, likely fee recovery timelines and the actual financial impact for facilities of varying sizes under varying proposals, concerns about subsidization of underpaid permit fees by other permittees and property tax revenue, the likelihood of fee increases being passed to the public and the importance of the public paying the true cost of gas at the pump. The majority of Committee members indicated their preference for the original staff fee proposal, rather than the new option presented. Final action to consider adoption of fee amendments is scheduled for the June 6, 2012 Board of Directors’ meeting.

The next meeting of the Committee is Wednesday, May 23, 2012, at 9:30 a.m.

Board Comments:

Director Spring asked if today's motion, if approved, will result in a modification to the increase in fees for small-scale gas dispensing facilities. Director Groom said that the fees increase will be a matter for Board consideration on June 6, 2012.

Director Piepho requested that staff reformat Board agenda packets so that carried forward Committee meeting documents are noted as such to ease review, thus clearly delineating which items are agenda items for the Board meeting and which are those forwarded from Committee review.

NOTED PRESENT: Director Bates was noted present at 9:52 a.m.

Public Comments: None.

Board Action: Director Groom made a motion to approve the report and recommendations of the Budget and Finance Committee; Director Hudson seconded; approved, with Director Spring opposing.

**5. Report of the Mobile Source Committee Meeting of April 26, 2012**  
Chairperson S. Haggerty

The Committee met on Thursday, April 26, 2012, and approved the minutes of February 23, 2012.

The Committee reviewed Carl Moyer Program projects with proposed grant awards over \$100,000 and recommends Board of Directors approval of three projects that will replace seven pieces of off-road equipment and authorization for the Executive Officer to enter into agreements for those projects.

The Committee also considered Transportation Fund for Clean Air (TFCA) County Program Manager Expenditure Plans for FYE 2013 and recommends that the Board of Directors:

1. Approve the allocation of FYE 2013 TFCA County Program Manager Funds as follows:

<b>County Program Manager</b>	<b>Est. New FYE 2013 TFCA Funds</b>	<b>Total Funds to be Programmed in FYE 2013</b> (New Funds + Interest + Reprogrammed Funds)
Alameda County Congestion Mgt. Agency	\$1,847,854.61	\$1,887,375.09
Contra Costa Transportation Authority	\$1,341,469.07	\$1,348,680.33
Transportation Authority of Marin	\$335,398.24	\$346,088.69
Napa County Transportation Planning Agency	\$186,018.12	\$192,531.89
San Francisco County Transportation Authority	\$716,200.86	\$992,480.15
San Mateo City/County Association of Gov'ts	\$1,012,000.01	\$1,037,781.01
Santa Clara Valley Transportation Agency	\$2,269,375.68	\$2,327,956.10
Solano Transportation Authority	\$293,581.12	\$294,507.74
Sonoma County Transportation Authority	\$566,733.54	\$618,545.43

2. Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into funding agreements with the County Program Managers for the total funds to be programmed in FYE 2013, listed on above table, consistent with the Board-adopted TFCA Program Manager Fund Policies.

The Committee then reviewed the proposed allocation of additional funds to the Lower-Emission School Bus Program and recommends that the Board of Directors:

1. Approve the use of Mobile Source Incentive Funds for the following project types:
  - School bus replacements;
  - The replacement of school bus natural gas fuel tanks;
  - Infrastructure improvements of deteriorating natural gas fueling dispensers; and
  - Retrofit of in-use school buses with emission control devices.
2. Allocate \$7.5 million in Mobile Source Incentive Funds to fund all allowable project types under the Lower-Emission School Bus Program.

The Committee also received an informational report on the TFCA Regional Fund Program. The report recapped the allocations of funding made by the Air District in FYE 2012; previewed the projected funding for FYE 2013; previewed proposed funding allocations for 2013 which included a shuttle program, a set aside of funding for possible inclusion in the Metropolitan Transportation Commission (MTC) One Bay Area Grant, a marine highway project and an Alternative Fuels Program.

The Committee then reviewed a proposal to select a contractor for the Regional Bicycle Share Pilot Project and recommends that the Board of Directors:

1. Approve the selection of Alta Bicycle Share, a contractor, to assist the Air District and its partners in deploying an organized network of publically-accessible bicycles for transportation use along the Peninsula transportation corridor under a Climate Innovation Program grant from the MTC;
2. Authorize the Executive Officer/APCO to enter into an agreement not to exceed \$5,969,000 with Alta Bicycle Share to deploy the bike share program required under the MTC grant; and
3. In the event that a contract cannot be agreed upon with the selected contractor, authorize the Executive Officer/APCO to enter into an agreement with the next consecutively ranked highest bidders, DecoBike or B-cycle to execute all necessary agreements to deploy the bike share program.

The next meeting of the Committee is on Thursday, May 24, 2012.

Board Comments: None.

Public Comments:

Mike Rea, West County Transportation Agency (WCTA), addressed the Board in support, specifically the Lower Emission School Program, thanking the Air District for its support and noting the symbiotic relationship between the WCTA and the Air District.

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

NOTED PRESENT: Director Kniss was noted present at 9:58 a.m.

**PRESENTATIONS**

**6. Sustainable Communities Strategy Update**

Jean Roggenkamp, Deputy APCO, introduced Doug Kimsey, Director of Planning, MTC, and Ken Kirkey, Planning Director, Association of Bay Area Governments (ABAG), invited to present the Plan Bay Area, Draft Preferred Scenario, Jobs-Housing Connection and Transportation Investment Strategy.

Mr. Kirkey began the presentation with a review of the Jobs-Housing Connection, including coordination of regional efforts; trends and projections in the regional growth of employment, population and housing development; key challenges and opportunities, such as the proximity of jobs to transit, job growth strategies and housing challenges in keeping with growth boundaries and the Sustainable Communities Strategy (SCS); and regional housing need allocation, including proposed methodology and regional housing need determination.

NOTED PRESENT: Directors Mar and Garner were noted present at 10:09 a.m.

Mr. Kimsey concluded the presentation with a review of the Draft Transportation Investment Strategy, including revenue forecasts; the six strategies for addressing the Three E's of economy, equity and environment; trade-off and Plan Bay Area summaries; regional agency promotion of healthy infill; and Plan Bay Area Schedule.

Chairperson Gioia asked, regarding slide 31, Investment Strategy #1, Two Investment Options – Option B, the nature of the cost associated with the 55 mph speed limit on Bay Area Freeways. Mr. Kimsey responded that it represents the projected annual cost of California Highway Patrol (CHP) enforcement through the year 2035.

Chairperson Gioia asked about which Environmental Impact Report (EIR) alternatives are being considered in May. Mr. Kimsey responded that they are being developed now and will be presented to the ABAG Administrative and MTC Planning Joint Committee Meeting in June, to be followed by a scoping process and then a presentation of specific alternatives in July.

Ms. Roggenkamp, gave the staff presentation Sustainable Communities Strategy Update, including reviews of the integration of SCS and air quality; Air District engagement with SCS development; a look at why SCS is a move in the right direction; key issues in public health and climate protection; and the next steps.

## Board Comments:

Chairperson Gioia said, regarding slide 5, SCS: Key Issues, that there is a big issue in terms of Priority Development Areas (PDA) and air quality issues and asked how best to merge the policy discussions. Mr. Kirkey responded that ABAG will continue working closely with Air District staff, noting there is no disagreement about the public health imperative, local governments have expressed a need for clarity about what is expected in areas related to Air Quality, positive initial steps have been taken towards integrating MTC funded grants administered by ABAG, the need to develop best practices for local jurisdictions to implement, the goal of making more progress on greenhouse gas (GHG) target and the land development pattern overall, namely to support communities not rich in resources but which have a great deal of land use and transportation capacity.

Chairperson Gioia asked if some of the components regarding exposure to particulate matter and air quality issues will be incorporated between the approval of the preferred scenario in May and the final EIR in April 2013 to which Mr. Kirkey responded in the affirmative. Chairperson Gioia noted its absence to date is creating tensions and asked if it will be included in the 2013 presentation. Mr. Kirkey responded that it needs to be. Ms. Roggenkamp noted the Air District's work supporting these efforts is at a technical level and will likely move into policy discussions. Mr. Kimsey noted discussions are underway regarding funding for priority development plans. Jack Broadbent, Executive Officer/APCO, noted the considerable interaction and support between the agencies at all levels and that additional progress reports will be presented to the Board.

Director Hudson noted, regarding slide 25, Revenue Forecasts, that the anticipated federal revenue in the presentation is at odds with information he has received from other sources and asked to be kept apprised as things progress. Mr. Kimsey responded that the federal transportation bill has gone through successive extensions over the last couple of years and the trends have been that more goes through the metropolitan areas and less through the state and efforts are made towards a consolidation of programs.

Chairperson Gioia reminded the Board that today's goal is to provide input to staff regarding the issues presented.

Director Piepho asked if and how trends were explored and included from the 2010 census data which show an exodus from urban communities to the suburbs. Mr. Kirkey responded that it has been reviewed and opined that the Bay Area will see a different growth pattern under SCS than seen in the last 30 years in the greenfield land areas, and provided some trend assumptions. Director Piepho asked how adaptive management is being implemented. Mr. Kirkey said this effort differs from past regional efforts in the Bay Area in that it is state law and part of the regional transportation plan. Director Piepho stated that infill is expensive, which conflicts with affordable housing goals unless incentivized, and suggested efforts be made to bring employers closer to residences rather than just residences to employers.

Director Bates noted, regarding slide 41, How Can Regional Agencies Promote Healthy Infill?, that the overlap of PDA and infill housing potentially create significant air quality problems and asked how staff intends to support local communities with addressing this. Ms. Roggenkamp stated that the

concept is for the regional agencies to develop some tools such as model ordinances, planning elements and best practices, coupled with planning funding, to help cities and counties grapple with this very real tension.

Director Bates noted that the Air District is putting in roughly \$2 million to the One Bay Area grant and asked how the proper use is being guaranteed. Mr. Broadbent responded that staff is coordinating with cities and counties to make sure there is very explicit direction as they apply for and receive those funds. Ms. Roggenkamp noted that MTC staff is currently suggesting those monies may be retained and used by MTC for region-wide efforts in order to ease compliance tracking.

Director Bates expressed his concern about affordable work-force housing.

Director Ross stated that there seems to be a cost associated with all of these measures but the Air District portions should communicate the resulting savings to others, such as county health systems; the telecommuting scenario over the next 20 years is understated; and more education is needed on smart transportation. Mr. Kimsey stated that telecommuting currently represents 2% of the Bay Area workforce and is projected to double in 20 years. Director Bates suggested that estimate is too conservative. Mr. Broadbent highlighted the Air District's sponsorship of SB 1339 (Yee) regarding commuter benefits which speaks to telecommuting and suggested that helping to implement the SB 375 plan is seen as a vehicle to getting it signed into law. Director Ross noted a series of recent newspaper articles regarding the piecemeal outsourcing, or crowdsourcing, of work to telecommuters.

Director Wagenknecht agreed with the greater growth forecast of at-home occupations and noted that the Air District's function in the planning process is the public health component, work that will be greatly advanced by the Air District's recruitment of a health officer. Mr. Broadbent responded that the health officer is a topic on the next Board meeting agenda.

Director Kniss noted a series of recent reports reflecting that not all telecommuters like it; that the City of Palo Alto developed a very good re-densification project that was disassembled shortly after approval, at least partially because people did not want to be too close to transit; and urged staff to be mindful of the difference between plans that sound good and those that work down on the ground. Mr. Kirkey responded that Director Kniss' comments capture a central challenge both for the plan and the Bay Area as it moves forward and that local work is required in order to satisfy the various demands of individual communities. Director Kniss suggested the use of more three-dimensional modeling to better convey the real world implications of proposed projects.

Director Mar commended staff's work and mentioned concerns expressed by various community groups about equity; noted the African-American community's description of a gentrification process or "push-out"; and asked how equity is being made a central component of the plan, that staff look to include equity in transportation and congestion management plans and its impacts. Mr. Kirkey responded that staff look to equity in short- and long-range housing scenarios and community requirements are adjusted to an individual community's means and makeup, noting that there are a number of different factors pushing-up against each other and suggested that the Bay Area has a good plan comparatively speaking.

Director Haggerty asked if the Air District is in the process of reanalyzing Community Air Risk Evaluation (CARE) communities. Mr. Broadbent responded in the affirmative and explained that the CARE program is coming to its conclusion and transitioning into a number of other programs at the Air District, a proposal that will be brought before the Executive Committee at some point in the future. Director Haggerty asked how this will dovetail into the planning work discussed today and whether a new map will be made available to MTC and ABAG for consideration and inclusion in their work. Mr. Broadbent speculated in the affirmative and explained that the new information may be included while the EIR is out and that it will be included in the final EIR and SCS.

Director Haggerty noted, in concurrence with Director Ross, that CHP costs in 2035 can be quantified but that the health care costs related to air quality seemingly cannot and it is the Air District's responsibility to include this in the discussion. Director Haggerty added that the suburbs should not be abandoned for convenience as they cannot be permitted to grow without a plan and, from a public health standpoint, it is the Air District's responsibility to keep these related issues at the forefront of the discussion.

Director Miley thanked staff, noted the seeming incompatibility of PDA and CARE communities whereby infill is located in near proximity to major sources of emissions, and asked how the two will be reconciled. Ms. Roggenkamp responded that a set of mitigation measures have been developed and work between local governments and regional agencies is needed to implement those that will best promote and assist with the goals each circumstance requires. Director Miley stated that it is important to address existing and new developments, urged staff not to lose focus on the long-term viability of the plans as a whole, and asked staff what they expect to do in order to increase average daily time spent walking or biking, as detailed in slide 33, Investment Strategy #3. Mr. Kimsey responded that is an adopted target and the plan is to concentrate development around transit nodes or essential destinations. Director Miley suggested that more will be needed to get the American people to abandon their automobiles, a cultural shift of significant proportions, and more needs to be done increasing the availability of transit. Mr. Kimsey replied that the point is well taken and relayed that projections currently suggest, despite efforts made, that 85% of the trips in 2035 will still be by automobile.

Director Miley asked if the Bay Area Rapid Transit (BART) to Livermore project is still on the development radar to which Director Haggerty responded in the affirmative.

Director Rice commented regarding investment in infrastructure versus money going towards transit, opined that money is the biggest motivator, and asked if the total investment plan accommodates the shift to transit that will likely result from the ever increasing expense of traveling by private automobile. Mr. Kimsey replied that automobile operating costs are an important factor included in the projections, noting however that projections about the cost of gas in 2035 are very difficult to make.

Director Gioia said that the presentation was intended to get the discussion started and asked for staff updates on progress. Mr. Broadbent responded that the matter will be brought back before the Board a number of times.

Public Comments: None.



Board Action: None; informational only.

## **7. Update on Bay Area Air Quality Trends**

Henry Hilken, Director of Planning, Rules & Research, gave the staff presentation Bay Area Air Quality Trends, including overviews of the distribution of 2008 annual average emissions, emission trends from 1980 – 2010 for stationary sources and all sources, GHG emission inventory, emission reductions from adopted Air District regulations and grants from 1992 – 2012, significant mobile source regulations at the state and federal levels, ozone and particulate matter (PM<sub>2.5</sub>) exceedance trends, carcinogenic and toxic air contaminant health risks and past and present health impacts and costs of air pollution.

Chairperson Gioia noted that “ROG” (for “reactive organic gases”) should be added to the List of Acronyms.

Chairperson Gioia asked, regarding slide 5, GHG Emission Inventory, whether staff can make projections about the inventory that take into account the California Air Resources Board (ARB) scoping plan and SCS to which Mr. Hilken responded in the affirmative and explained that staff is updating the inventory based on recent motor vehicle emission factors.

Director Kniss relayed her recent experience at an upscale resort in the Bay Area that provided an unlimited in-room supply of firewood with no warning about appropriate burn times and asked how many similar facilities exist and the stance of the Air District. Mr. Broadbent responded that the question is noted and will be included in the Winter Spare the Air presentation in the fall.

Director Hosterman asked, regarding slide 9, PM<sub>2.5</sub> Exceedance Trends, whether the measurement standards have changed over time and if the charts reflect that shift over time. Mr. Hilken responded in the affirmative, explaining that the knowledge, focus and standards have all changed over time and the charts have been normalized to reflect that.

Chairperson Gioia noted, regarding slide 10, Carcinogenic and Toxic Air Contaminant Health Risks, that the Bay Area risk factor in 1990 was approximately equal to West Oakland in 2005 and, regarding slide 11, Health Impacts: Past and Present, that the mortality related to these risks is down from approximately 6,400 to under 3,000.

Public Comments: None.

Board Comments:

Director Garner thanked staff and asked which slide in the presentation speaks most accurately to the conditions at the Lehigh cement plant in Santa Clara County. Mr. Hilken responded that slide 9, PM<sub>2.5</sub> Exceedance Trends, provides very generalized information but the data from recent monitoring in the area represent the best available and offered to provide data specific to Santa Clara County.

Director Wagenknecht asked when the Board should expect a report from the Air District Advisory Council regarding ultrafine particles. Ms. Roggenkamp responded that last year's single, consolidated presentation to the Board by the Advisory Council was well received so the current plan is to emulate that approach.

Director Piepho noted that the trending is measured over time and asked if it can be configured to be based on population and included as supplemental information for the next presentation on this topic.

Chairperson Gioia commended the work done by the Air District, Board and staff.

Board action: None; informational only.

## **OTHER BUSINESS**

### **8. Report of the Executive Officer/APCO:**

Mr. Broadbent reported the Spare the Air season started May 2, 2012, and an aggressive outreach campaign will become apparent as work proceeds. Mr. Broadbent also introduced Thomas Addison, Senior Advanced Projects Advisor, who briefly summarized the implications of Senate Bill (SB) 1149 (DeSaulnier) for the Air District, including that it proposes the most significant reorganization of regional government in the Bay Area; was co-authored by Senator Steinberg, President Pro Tem; that it establishes a new agency entitled the Bay Area Regional Commission (BARC), to replace the Joint Policy Committee, which will be governed by a board of 15 directly elected representatives from the nine counties; the budgets, policies, plans, regulations of each regional agency would go to the BARC for approval; the BARC would have the authority to issue its own policies, plans and regulations; a new economic development plan is proposed; a provision prevents the Air District move to the new office headquarters; and fundamentally reorganizing the rules, responsibilities and interactions of the regional agencies.

Chairperson Gioia asked who drafted the bill to which Mr. Addison responded Art Bauer.

Mr. Broadbent urged Air District participation in Senator Mark DeSaulnier's Senate Transit and Housing Committee hearing on May 8, 2012, to take the important opportunity to establish a working relationship with the committee and explain a number of important principles, namely the Air District's public health function which brings with it some need for independence.

Chairperson Gioia expressed his support of Mr. Broadbent's approach and suggested the Air District not take a position at this time.

Mr. Addison noted the importance of the author's representation this is really about SB 375 and that SB 1149 is intended to correspond with and promote better integration or planning, but opined that it goes further in deep and fundamental ways.

Chairperson Gioia relayed that Senator DeSaulnier stressed in their brief conversation that SB 1149 is a work in progress and stakeholder input is welcome. Mr. Broadbent agreed that at first reading, the bill is cause for concern by staff but noted the importance of maintaining a good relationship with Senator DeSaulnier.

Director Haggerty urged the Air District to take an “oppose unless amended” stance until it is amended appropriately and noted that the opening provisions of SB 1149 relate to MTC and perhaps the Air District can be left out of the fight, the drafting of the bill lacked broad public input, and the inappropriateness of grouping the non-regulatory regional agencies with the Air District.

Chairperson Gioia stated that the question before the Board is whether to provide input to the Senate Transit and Housing Committee on May 8, 2012, as opposed to taking a position initially. Mr. Broadbent suggested that the Board may move to take emergency action. Chairperson Gioia suggested that opposition at this stage may not be the most productive approach.

Director Hosterman made a motion to agendize the consideration of the Air District stance on SB 1149 as an emergency item; Director Spring seconded.

Director Hudson called for a point of procedure and stated that it cannot be taken as an emergency item as there is still time to address it at a special meeting. Chairperson Gioia asked Brian Bunker, District Counsel, whether it was appropriate to agendize the matter on an emergency basis. Mr. Bunker responded that the difficulty is that time is available to the Board to agendize another special meeting in the interim. Chairperson Gioia agreed and suggested the Board may also opt to relay its concerns to Senator DeSaulnier through direction to staff today. Mr. Bunker agreed that relaying concerns and suggestion is acceptable.

Director Garner asked for input from Director Bates, Chairperson of the Legislative Committee. Director Bates stated that Senator DeSaulnier put forth a bill that is in obvious need of input without any advance notice to anyone and suggested it is a shot in the dark for the very purpose of receiving input and the Air District would be best served by providing input and then taking a position after that time.

Chairperson Gioia called for a roll call vote on the pending motion; motion was defeated by the following vote of the Board:

AYES: Directors Groom, Hosterman, Kalra, Klatt, Piepho and Spring.

NOES: Chairperson Gioia; and Directors Bates, Garner, Hudson, Rice, Ross and Wagenknecht.

ABSENT: Directors Avalos, Gorin, Haggerty, Kniss, Lee, Mar, Miley, Yeager and Zane.

Director Piepho suggested that the matter be a regular agenda item at future Board meetings, the importance of the Air District going on record with its concerns, that all parties be respectful of the sensitivities involved as well as Senator DeSaulnier’s legislative authority, and an exploration of others’ takes on this bill, such as the Bay Area’s legislative delegation.

Director Hosterman expressed her appreciation for the vote process and suggested that it alone will send a strong message on May 8.

Director Hudson suggested that the vote suggests the need for a Legislative Committee meeting as soon as possible.

Director Sperring reported that he will urge the other bodies of which he is a member to not be passive as the Air District has opted to be and that this bill will create another body that is going to tell this organization how it will integrate these policies; noted that Board members talk about public health as being the Air District's primary mission, the authority for which is taken away by this bill; noted that the bill impacts the very mission of the Air District and runs counter to many regional agency missions, making the turning of a blind eye disingenuous; said that the bill represents an assault on the Air District's efforts to move to a new office building, one of the purposes of which is to enhance the interagency coordination the bill claims to promote, and that he resents any claim by Senator DeSaulnier towards promoting coordination as the bill makes it clear that the Senator cares about his interest alone; asked how one could justify working to dismantle a special district that has made more progress in several fronts than any other in the nation; and proposed that by not taking action today the Board has essentially given a green light to passage of the bill.

Chairperson Gioia noted that today's vote was not relative to a position on the bill but rather one of how best to approach the matter.

Mr. Broadbent said that Mr. Addison will convey to Senator DeSaulnier the strong concerns expressed, a desire to work on the bill, and the deliberation and vote taken today.

Director Groom explained that she voted yes on the motion because the bill speaks to the continued dysfunction of Sacramento and that their continued authoring of bills that impact local government needs to be met with a strong response.

### **CLOSED SESSION**

The Board of Directors adjourned to Closed Session at 12:18 p.m.

### **9. EXISTING LITIGATION (Government Code Section 54956.9(a))**

Pursuant to Government Code Section 54956.9(a), a need existed to meet in closed session with legal counsel to consider the following case:

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

### **OPEN SESSION**

The Board of Directors resumed Open Session at 12:31 p.m. and Mr. Bunger reported out from the Closed Session that the Board authorized the filing of an appeal.

### **PUBLIC COMMENT ON NON-AGENDA MATTERS**

None.

**BOARD MEMBERS' COMMENTS**

None.

**OTHER BUSINESS (CONTINUED)**

10. **Chairperson's Report:** None.
11. **Time and Place of Next Meeting:** Wednesday, May 16, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, CA 94109 at 9:45 a.m.
12. **Adjournment:** The Board of Directors meeting adjourned at 12:31 p.m.

*151 Sean Gallagher*

Sean Gallagher  
Clerk of the Boards