



BOARD OF DIRECTORS
EXECUTIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

ASH KALRA – CHAIR
TOM BATES
CAROLE GROOM
MARY PIEPHO
BRAD WAGENKNECHT

NATE MILEY – VICE-CHAIR
JOHN GIOIA
SCOTT HAGGERTY
MARK ROSS

MONDAY
MAY 20, 2013
9:30 A.M.

7TH FLOOR BOARD ROOM
939 ELLIS STREET
SAN FRANCISCO, CA 94109

AGENDA

1. **CALL TO ORDER – ROLL CALL**
2. **PUBLIC COMMENT PERIOD** (*Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3*) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at Air District headquarters, 939 Ellis Street, San Francisco, CA, and at the Air District's website www.baaqmd.gov at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.
3. **APPROVAL OF THE MINUTES OF FEBRUARY 25, 2013**
4. **HEARING BOARD QUARTERLY REPORT - JANUARY THROUGH MARCH 2013**
T. Trumbull/5073
TerryT1011@aol.com
5. **REPORT OF THE ADVISORY COUNCIL - JANUARY THROUGH MAY 2013**
R. Bornstein/5073
pblmodel@hotmail.com
6. **UPDATE ON JOINT REGIONAL AGENCY CO-LOCATION AT 390 MAIN STREET**
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will receive an update on the joint regional agency co-location of the Metropolitan Transportation Commission, the Association of Bay Area Governments, and the Air District at 390 Main Street in San Francisco.

7. **DISCUSSION ON DIRECTORS' OBLIGATION TO VOTE**

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will discuss Directors' obligation to vote.

8. **COMMITTEE MEMBER COMMENTS/OTHER BUSINESS**

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2).

9. **TIME AND PLACE OF NEXT MEETING** – Monday, June 17, 2013, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, California 94109 at 9:30 a.m.

10. **ADJOURNMENT**

CONTACT THE CLERK OF THE BOARDS
939 ELLIS ST, SF, CA 94109

(415) 749-5073
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly.

Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District's offices at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
FOR QUESTIONS PLEASE CALL (415) 749-4963**

**EXECUTIVE OFFICE:
MONTHLY CALENDAR OF DISTRICT MEETINGS**

MAY 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	20	9:30 a.m.	7 th Floor Board Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	20	10:30 a.m.	7 th Floor Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month) - CANCELLED</i>	Wednesday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	23	9:30 a.m.	Board Room
Board of Directors Public Outreach Committee <i>(At the Call of the Chair)</i>	Wednesday	29	9:30 a.m.	4 th Floor Conf. Room

JUNE 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(At the Call of the Chair)</i>	Thursday	6	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	12	9:00 a.m.	Board Room

June 2013 Calendar Continued on Next Page

JUNE 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	17	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	17	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	27	9:30 a.m.	Board Room

JULY 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	3	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	10	9:00 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	15	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	15	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	17	9:45 a.m.	Board Room
Board of Directors Climate Protection Committee <i>(At the Call of the Chair)</i>	Thursday	18	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	24	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	25	9:30 a.m.	Board Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Ash Kalra and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: May 6, 2013

Re: Approval of the Minutes of February 25, 2013

RECOMMENDED ACTION

Approve attached draft minutes of the Executive Committee meeting of February 25, 2013.

DISCUSSION

Attached for your review and approval are the draft minutes of the Executive Committee meeting of February 25, 2013.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

Attachment

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 749-5073

DRAFT MINUTES

Summary of Board of Directors
Executive Committee Meeting
Monday, February 25, 2013

1. Call to Order – Roll Call

Chairperson Ash Kalra called the meeting to order at 9:32 a.m.

Present: Chairperson Ash Kalra; Vice Chairperson Nate Miley; Secretary Carole Groom; and Directors Tom Bates, John Gioia, Scott Haggerty, Mary Piepho, Mark Ross and Brad Wagenknecht.

Absent: None.

Also Present: None.

2. Public Comment Period: None.

3. Approval of the Minutes of December 17, 2012

Committee Comments: None.

Public Comments: None.

Committee Action: Director Ross made a motion to approve the Minutes of December 17, 2012; Director Gioia seconded; and the motion carried unanimously.

4. Hearing Board Quarterly Report – October through December 2012

Hearing Board Vice-Chairperson Christian Colline, P.E., presented the quarterly report of the Air District Hearing Board for October through December of 2012.

NOTED PRESENT: Directors Bates and Piepho were noted present at 9:34 a.m.

Committee Comments: None.

Public Comments: None.

Committee Action: None; informational only.

5. Consideration of Remote Participation Protocol for Committee Meetings

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), introduced Ana Sandoval, Manager of Executive Operations/Policy Analyst, who gave the staff presentation Remote Participation Protocol for Committee Meetings, including current protocol, a proposal for consideration and next steps.

NOTED PRESENT: Directors Haggerty and Miley were noted present at 9:38 a.m.

Director Gioia asked, regarding slide 5, Committees Eligible for New Protocol, whether the Stationary Source Committee would be included, which question was answered by Ms. Sandoval and Brian Bunger, District Counsel.

Ms. Sandoval concluded the presentation.

Committee Comments:

Director Haggerty suggested that the location of the Committee Chairperson should be part of the discussion and adopted protocol. The Committee discussed the same.

Director Haggerty said Alameda County is ready to participate as a remote location. Chairperson Kalra said the system will be expanded after the launch allows staff to identify and address any issues that may arise.

Director Wagenknecht said Napa County is also ready to participate as a remote location. Chairperson Kalra suggested that all counties within the Air District's jurisdiction will eventually be included.

Director Ross asked why meetings in the seventh floor board room could not be included, which question was answered by Ms. Sandoval. Director Ross and Mr. Bunger discussed the options available and the infrastructure considerations.

Chairperson Kalra expressed his preference that remote locations be in public buildings and Mr. Bunger stated that the Brown Act required it.

Director Gioia said the effort on this protocol is for the benefit of the public, and the Board. The Directors agreed with Chairperson Kalra that remote locations should be public sites and asked whether Board meetings would eventually be included.

Director Bates suggested the Committee members all seem to be in agreement with the initial concept and that expanding the opportunity to all counties is a positive move once Brown Act considerations, costing and other questions have been addressed during the testing phase.

Chairperson Kalra agreed with Director Bates and said including Board meetings may be an option after the Air District relocates to its new facility.

Directors Wagenknecht and Ross asked about the mechanics of remote participation, which questions were answered by Ms. Sandoval.

Chairperson Kalra said much of the logistics will depend upon the sites and those variations are one of the key considerations in choosing to expand the system in stages.

Director Gioia suggested that public outreach regarding these appearance opportunities is necessary and that all meetings should eventually be accessible via remote locations in all counties and Chairperson Kalra agreed.

Director Piepho asked why phone-conferencing and video-conferencing were being treated differently under the protocol. Chairperson Kalra responded that is the case for the launch phase. Staff clarified the direction to them at the present time and the problematic history related to phone-conferencing.

Director Ross urged for a broadening of technology deemed acceptable under the protocol in order to increase accessibility.

Public Comments: None.

Committee Action:

Director Bates made a motion, seconded by Director Piepho, to recommend the Board of Directors:

1. Allow remote participation by committee members for all committee meetings held in the Air District Headquarters 4th floor Conference Room at 939 Ellis Street in San Francisco, with the exception of Executive Committee and Personnel Committee meetings;
2. The Committee Chair, Vice-Chair or member who will facilitate the meeting must participate in person;
3. Any remote participation for committee meetings will occur only via video-conferencing at identified and secured locations; and
4. Video-conferencing locations will be made available for committee meetings upon direction of the Executive Officer/Air Pollution Control Officer (APCO) or by request by one or more members of the committee; provided the location(s) is/are available and all legal noticing requirements can be met.

The motion carried unanimously.

6. Update on Joint Regional Agency Co-Location at 390 Main Street

Jeff McKay, Deputy APCO, gave the staff presentation 390 Main Acquisition Status and Financing, including overviews of the site location, floor plans and shared space, components for disposition of 939 Ellis, comparisons of the annual costs for each building, a detailed review of the financing principles and next steps.

The Committee discussed slide 8, Floor 2 – Lab, the parking accommodations available to the Board directors and the floor plan for floor 1.

Mr. McKay continued the presentation.

Director Piepho asked, regarding slide 12, Shared Under Condominium Agreement, about the percentage of shared space in the building, which questions were answered by Mr. McKay.

Mr. McKay continued the presentation.

Director Gioia asked, regarding slide 13, Disposition of 939 Ellis, what a potential buyer's use for the building may be and the amount of and method for determining the current value, which questions were answered by Mr. McKay.

Director Ross said staff may want to invest the time and effort to address entitlement issues in order to increase the value of the property, which suggestion was discussed by the Committee and staff. Director Bates asked about the current entitlements, which questions were answered by Mr. Bunger.

Mr. McKay said that a marketing plan will be presented at a future committee meeting that will address many of the topics being discussed. Director Piepho asked that the broker attend said meeting.

Mr. McKay continued the presentation.

Chairperson Kalra asked, regarding slide 16, Building Purchase 390 Main Street February 2013 Assumptions, whether a reserve is necessary, which question was answered by Mr. McKay.

Director Haggerty inquired about the condominium agreement and total square footage, which questions were answered by Messrs. McKay and Bunger.

Chairperson Kalra noted the efficiencies of space that will be gained by the move.

Director Ross noted the significant difference in loadable space and asked about the cost of renting the private space and the details of the common area maintenance for the same, which questions were answered by Messrs. Broadbent and Bunger.

Director Piepho asked about the proportionality of voting rights under the condominium agreement, which questions were answered by Messrs. Bunger and Broadbent.

Chairperson Kalra noted that a direct comparison of annual costs for each building does not give an accurate sense as maintenance at 939 Ellis Street has long been deferred, where possible, in anticipation of the move. Director Bates said it is important to provide the public with more information in this regard and Chairperson Kalra agreed.

Director Bates asked about possible scenarios should 939 Ellis not sell before the scheduled move date, which questions were answered by Mr. McKay.

Mr. McKay continued the presentation.

Director Bates asked, regarding slide 19, BAAQMD 390 Main Financing Principles, if the Air District will end up paying more should interest rates return to their pre-recession levels, which question was answered by Messrs. Bunger and Broadbent.

Mr. McKay continued the presentation.

Director Bates asked, regarding slide 20, Debt Service with Interest Rate Caps in Immediate Effect, for information on the interest rates in the worst-case scenario, which questions were answered by Mr. McKay.

Committee Comments:

Director Ross asked about fixed-rate loan options, which questions were answered by Mr. Bunger. Director Ross suggested the entitlement process may provide additional money to apply to debt service.

Director Miley asked when the initial \$1.2 million dollar payment is made, under what scenarios staff envision the Air District would not move into 390 Main Street, and for information regarding the timing and expense of the move, which questions were answered by Mr. Bunger.

Director Bates asked if 390 Main Street will provide any room for agency expansion, which question was answered by Messrs. Broadbent, McKay and Bunger.

Public Comments: None.

Committee Action:

Director Bates made a motion, seconded by Director Wagenknecht, to recommend, with the concurrence of the Budget and Finance Committee, that the Board of Directors authorize the Executive Officer/APCO to complete necessary documents to finance the purchase of the Air District portion of 390 Main Street, San Francisco, CA under the terms of the Principles of Financing presented to the committee.

The motion carried unanimously.

7. **Committee Member Comments/Other Business:** None.
8. **Time and Place of Next Committee Meeting:** Monday, March 18, 2013, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, CA 94109 at 9:30 a.m.
9. **Adjournment:** The meeting adjourned at 10: 50 a.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Executive Committee

From: Chairperson Terry Trumbull, Esq., and Members
of the Hearing Board

Date: May 6, 2013

Re: Hearing Board Quarterly Report – January through March 2013

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the first quarter of 2013 (January through March), the Hearing Board:

- Held four (4) hearings consisting of one (1) Accusation (3646), three (3) Appeals (Evidentiary hearing, days 1 through 3, in 3644) and zero (0) Variances;
- Processed a total of five (5) orders consisting of one (1) Accusation (3638), zero (0) Appeals, zero (0) Variances, zero (0) Emergency Variances and four (4) Requests for Withdrawal/Dismissal (3624, 3640, 3641 and 3645); and
- Collected a total of \$3,290.00.

Below is a detail of Hearing Board activity during the same period:

Location: Contra Costa County; City of Martinez

Docket: 3624 – TESORO REFINING AND MARKETING COMPANY, GOLDEN EAGLE REFINERY (B2758) AND AMORCO TERMINAL (B2759) – *Appeal from Final Major Facility Review Permit issued June 28, 2011*

Regulation(s): Final Major Facility Review Permit

Synopsis: Applicant's Title V Permit must be renewed every two years. Applicable regulations were amended in the interim period and the conditions of the Title V Permit were not amended to conform to same.

Status: Order for Dismissal filed 03-07-2013, upon the request of Appellant.

Period of Variance: N/A
Estimated Excess Emissions: N/A

Fees collected this quarter: \$0

Location: San Mateo County; City of La Honda

Docket: 3638 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. COSTA LOMA LIMITED CORPORATION, A CALIFORNIA CORPORATION and JAMES A. WILKINSON, A/K/A HIM WILKINSON, INDIVIDUALLY AND D/B/A COSTA LOMA LTD. CORPORATION – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to operate an unsafe facility with no permit to operate in place or accompanying fees paid.

Status: Conditional Order for Abatement filed 01-10-2013.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the Air District)

Location: Contra Costa County; City of Martinez

Docket: 3640 TESORO REFINING AND MARKETING COMPANY – *Application for Regular Variance*

Regulation(s): 8-2-301 regarding compliance with Condition 22070 and Table VII – B.6 of Permit to Operate; 2-6-307; and 2-1-307

Synopsis: Applicant's Hydrogen Plant includes two carbon dioxide removal systems that include carbon dioxide vents, one of which is believed to have measured excess emissions.

Status: Order for Dismissal filed 01-18-2013, upon the request of Applicant.

Period of Variance: N/A

Estimated Excess Emissions: Between 1.34 and 288.9 lb/day carbon over the limit of 15 lb/day.

Fees collected this quarter: \$0

Location: Contra Costa County; City of Concord

Docket: 3641 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. ALL STAR SERVICE, INC., D/B/A ALL STAR GASOLINE AND KELLY ENGINEER, INDIVIDUALLY AND D/B/A ALL STAR GASOLINE – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to own and/or operate a gas dispensing facility without a permit to operate since January 1, 2011.

Status: Order for Dismissal filed 01-10-2013, upon the request of Complainant.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the Air District)

Location: Solano County; City of Suisun City

Docket: 3644 POTRERO HILLS ENERGY PRODUCERS, LLC, AND DTE BIOMASS ENERGY – *Appeal from Conditions of Authority to Construct Requiring Selective Catalytic Reduction as Best Available Control Technology for the Landfill Gas to Energy Project*

Regulation(s): Conditions of Authority to Construct Requiring Selective Catalytic Reduction as Best Available Control Technology for the Landfill Gas to Energy Project

Synopsis: Appellant requested review of the conditions imposed by the Air District requiring Selective Catalytic Reduction as Best Available Control Technology in issuing an Authority to Construct.

Status: Evidentiary hearing days 1 through 3 held on 02-07-2013, 02-28-2013 and 03-21-2013, respectively. Appeal was granted.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$2,991.00 (filing fee)

Location: San Mateo County; City of La Honda

Docket: 3645 COSTA LOMA LIMITED CORPORATION – *Application for Regular Variance*

Regulation(s): 8-5-301

Synopsis: Applicant seeks temporary relief for the facility that is the subject of Docket 3638 APCO v. Costa Loma Limited Corporation (see above).

Status: Order for Dismissal filed on 01-10-2013, upon the request of Applicant.

Period of Variance: Requested 235 days

Estimated Excess Emissions: None

Fees collected this quarter: \$0 (Hardship waiver filed)

Location: Alameda County; City of Hayward

Docket: 3646 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. KELLY ENGINEER, AN INDIVIDUAL – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to operate a gasoline dispensing facility with no permit to operate in place or accompanying fees paid.

Status: Evidentiary hearing held 03-07-2013 and Conditional Order for Abatement was granted, based upon the stipulation of the parties.

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A (action initiated by the Air District)

Location: Contra Costa County; Census Designated Place of Crockett

Docket: 3647 CROCKETT COGENERATION – *Application for Emergency Variance*

Regulation(s): 2-6-307 and 2-2-301

Synopsis: Request to allow for short term commissioning period of the gas turbine with a refurbished compressor to repair damage to the gas turbine compressor resulting from the combustion turbine blade failures.

Status: Request was denied.

Period of Variance: N/A

Estimated Excess Emissions: 736.1 lbs/day of NOx

Fees collected this quarter: \$747.00

Location: Santa Clara County; City of San Jose

Docket: 3648 SAN JOSE / SANTA CLARA WATER POLLUTION CONTROL PLANT –
Application for Emergency Variance

Regulation(s): 9-1-302; Permit Condition 17741 – Digester gas total sulfur content shall not exceed 650 ppm

Synopsis: Ferric chloride dosing tank leak that results in chemical release; must replace the tank after obtaining requisite permits and will be unable to dose during transition.

Status: Granted as requested.

Period of Variance: Requested 03-20-13 through 04-20-13

Estimated Excess Emissions: None at this time

Fees collected this quarter: \$747.00

Location: Contra Costa County; Census Designated Place of Crockett

Docket: 3647 CROCKETT COGENERATION – *Application for Variance (Short)*

Regulation(s): 2-6-307 and 2-2-301

Synopsis: Request to allow for short term commissioning period of the gas turbine with a refurbished compressor to repair damage to the gas turbine compressor resulting from the combustion turbine blade failures.

Status: Evidentiary hearing scheduled for 05-02-13

Period of Variance: Requested 04-22-13 through 05-05-13

Estimated Excess Emissions: 736 lbs/day of NOx

Fees collected this quarter: \$1,796.00

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Executive Committee

From: Chairperson Robert Bornstein and Members
of the Advisory Council

Date: May 8, 2013

Re: Report of the Advisory Council - January through May 2013

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

The Advisory Council studies and makes recommendations on specific matters referred from the Board of Directors or the Air Pollution Control Officer. Matters can include technical, social, economic and environmental aspects of air quality issues. For example, in 2004 and 2005, the Advisory Council focused on Climate Change and influenced the Air District's direction in establishing its Climate Protection Program in 2005. Over the last two years, the Advisory Council has focused on ultrafine particulate matter and provided recommendations that were included in the Air District report, *Understanding Particulate Matter; Protecting Public Health in the San Francisco Bay Area (November 2012)*.

The Advisory Council consists of 20 members, representing a variety fields and interests, including public health agencies, conservation organizations, colleges or universities, regional park districts, park and recreation commissions, public mass transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor. A roster of current Advisory Council members is attached for reference.

Council members serve for a term of two years, for a maximum of four terms. Members serve without compensation but are reimbursed for travel related to their duty on the Council.

In an effort to keep the Board of Directors apprised of the activities and progress of the Advisory Council, the Executive Committee will be briefed by the Chair of the Advisory Council on a regular basis. The current report covers Advisory Council activity from January through May 2013.

DISCUSSION

This calendar year, the Advisory Council is focusing on the effects of black carbon on public health and the global climate. Presented below are summaries of the meetings of the Advisory Council thus far in 2013:

1. Advisory Council Regular Meeting and Retreat – January 9, 2013. The Council reviewed presentations and reports of 2012. The Council discussed plans for the 2013 Advisory Council Meetings including topics and dates. The Council received an overview of Air District activities regarding Black Carbon.
2. Advisory Council Regular Meeting – February 13, 2013. The Council received and discussed the following presentations on Black Carbon - Concepts and Issues, A National Perspective, by Sarah Rizk, of the U.S. Environmental Protection Agency, Region 9 Black Carbon - Concepts and Issues from a Statewide Perspective by Bart Croes of the California Air Resources Board.
3. Advisory Council Regular Meeting – March 13, 2013. The Council discussed their draft report summarizing the February 13, 2013 meeting on Black Carbon.
4. Advisory Council Regular Meeting – April 10, 2013. The Council finalized their report summarizing the February 13, 2013 meeting on Black Carbon.
5. Advisory Council Regular Meeting – May 8, 2013. The Council received and discussed the following presentations on Black Carbon – Exposure and Mitigation, by Professor V. Ramanathan of the University of California, San Diego and Black Carbon – Measurement and Modeling by Professor Robert Harley of the University of California, Berkeley.

Advisory Council Chair, Robert Bornstein will provide an update of the Advisory Council's activities at the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Expenses associated with the administration of the Advisory Council are included in the FYE 2013 Budget under program 123.

Respectfully submitted,

Robert Bornstein
Chairperson, Advisory Council

Prepared by: Ana Sandoval
Reviewed by: Eric Stevenson

Attachment: 2013 Advisory Council Roster

BAY AREA AQMD ADVISORY COUNCIL – ROSTER: 2013

CHAIRPERSON

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 10, 2013

Re: Update on Joint Regional Agency Co-location at 390 Main Street

RECOMMENDED ACTION

None, receive and file.

DISCUSSION

At the February 25, 2013 Executive Committee Meeting, Air District staff described the terms of financing for the acquisition of the Air District's portion of 390 Main Street. The terms describe an approximate cost of \$29,000,000 for approximately 75,000 square feet of space.

The current status of the financing process will be discussed.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 9, 2013

Re: Discussion on Directors' Obligation to Vote

RECOMMENDED ACTION

None; for discussion only.

BACKGROUND

During the Legislative Committee meeting of March 14, 2013 and the subsequent Board of Directors Meeting of March 20, 2013, Board Members discussed a provision in the Air District's Administrative Code Operating Policies and Procedures for the Board of Directors regarding Failure to Vote; specifically, Section 5.4 which stated that if a Director remains silent on a voice vote or on a roll call, the Director shall be deemed to have voted with the prevailing side. This position also contained a sentence stating that it was the duty of each member present to vote. Staff was directed to develop an amendment to remove this provision.

Staff developed the requested amendment, and provided advanced notice of its adoption in the April 17, 2013 Board of Directors meeting agenda packet. At their meeting of April 17, 2013, the Board of Directors directed staff to move forward with the amendment removing Section 5.4 and also to agendize a discussion at the next Executive Committee Meeting regarding Directors' obligation to vote and whether a new provision should be added to the Administrative Code to address this topic.

Section 5 of the Administrative Code, as amended on May 1, 2013 by the Board of Directors, is attached for your reference.

DISCUSSION

At your committee meeting members will discuss a Director's obligation to vote.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Ana Sandoval

Attachments: Administrative Code Section 5

AGENDA: 7 - ATTACHMENT
(as Amended by the Board of Directors on May 1, 2013)

SECTION 5 BOARD OF DIRECTORS, VOTING

5.1 VOICE VOTE.

The usual method of taking a vote is by voice; provided, however, that the Chairperson may, and when requested to do so by two (2) Directors, shall, take a vote by roll call.

5.2 ROLL CALL.

All ordinances, rules, regulations or amendments thereto and any matters involving the disbursement of money shall be adopted by roll call, except where a voice vote is declared by the Chairperson to be unanimous, and shall require the affirmative vote of the majority of the members of the Board. In addition, all proposals to settle any pending litigation in which the District is a defendant in a judicial action, whether approved in open session or in closed session, shall require the affirmative vote of the majority of the members of the Board.

5.3 CONFLICT OF INTEREST.

When one or more members determines that participation by the member(s) is prohibited by Section 87100 of the Government Code, because of the member(s)' financial interest, the total membership of the Board shall be deemed to be reduced by the number of members prohibited from participation for the purpose of determining the number of affirmative votes required pursuant to Section I-5.2.