

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

## **APPROVED MINUTES**

Summary of Board of Directors  
Executive Committee Meeting  
Monday, May 20, 2013

### **1. Call to Order – Roll Call**

Chairperson Ash Kalra called the meeting to order at 9:38 a.m.

Present: Chairperson Ash Kalra; Vice Chairperson Nate Miley; and Directors Tom Bates, John Gioia, Carole Groom, 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 February 25, 2013**

Committee Comments: None.

Public Comments: None.

Committee Action: Director Haggerty made a motion to approve the Minutes of February 25, 2013; Director Ross seconded; and the motion carried unanimously.

### **4. Hearing Board Quarterly Report – January through March 2013**

Hearing Board Chairperson Terry Trumbull, Esq., presented the quarterly report of the Air District Hearing Board for January through March of 2013 and notified the Board of upcoming term expirations on the Hearing Board.

Committee Comments:

Director Bates asked for guidance on appointment considerations, which was provided by Hearing Board Chairperson Trumbull. The Committee, Hearing Board Chairperson Trumbull and staff discussed the same.

Director Bates suggested the Committee consider staggering the future terms of Hearing Board members.

Public Comments: None.

Committee Action: None; informational only.

## **5. Report of the Advisory Council – January through May 2013**

Advisory Council Chairperson Robert Bornstein, Ph.D., presented the report of the Advisory Council for January through May 2013 and asked for direction regarding the current and future topics for Council consideration and regarding possible changes in Council procedure.

Committee Comments:

Director Ross suggested a topic regarding climate action plans, specifically the work of creating an accessible but comprehensive document that details the most efficacious pathways by which an average citizen may reduce emissions and exposure, while preparing for climate change.

Director Bates suggested a topic regarding review of the cumulative effects of the various pollutants that are currently tracked and considered individually.

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), said the Climate Protection Committee had a thorough conversation about and provided direction regarding an overall Air District strategy in terms of the climate protection program.

Public Comments: None.

Committee Action: None; informational only.

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

Jeffrey McKay, Deputy APCO, gave the staff presentation Update on Joint Regional Agency Co-Location at 390 Main Street, 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.

Mr. Broadbent added, regarding slide #11, Disposition of 939 Ellis, that staff suggests convening an Executive Committee meeting on June 17, 2013, so staff may present on the status of the production system and on the disposition of 939 Ellis, which Committee meeting would be followed by a Board of Directors closed session on the disposition of 939 Ellis. Brian Bunger, District Counsel, said the contingency revolves around not knowing when the Air District can move in to 390 Main and this uncertainty will affect bids on 939 Ellis.

Mr. McKay concluded the presentation.

Mr. Broadbent said staff is working with the Air District's future co-tenants on consolidating administrative functions and enhancing synergies where appropriate.

Committee Comments:

Director Haggerty asked for information regarding the cohabitation of the regional agencies, such as if a central phone operator will be screening calls for all of the agencies. Mr. Broadbent said those types of things are a subject of current discussions and the outcome will be reported to the Executive Committee.

Director Ross asked, regarding slide #16, BAAQMD 390 Main Financing Principles, fourth bullet, about the possibility of having a period of time where the Air District could be confronted with making payments for both locations, which questions were answered by Messrs. McKay and Bunger.

Director Bates asked about a backup plan should 939 Ellis fail to sell for at least \$8 million, which question was answered by Mr. McKay.

Public Comments: None.

Committee Action: None; informational only.

## **7. Discussion on Directors' Obligation to Vote**

Mr. Bunger delivered the staff report Discussion on Directors' Obligation to Vote, including background of the relevant Administrative Code provision and an overview of recent Board discussions.

Committee Comments:

Director Ross suggested the voting rules be reviewed and clarified, if needed, as the Air District begins to allow remote participation at its Board committee meetings. Mr. Bunger said the rules require a roll call vote in those instances but that a provision can be added to the Administrative Code for the sake of clarification.

Director Groom asked if language needed to be included regarding conflicts of interest, which question was answered by Mr. Bunger.

Director Piepho noted the County of Santa Barbara Board of Supervisors as a possible exemplar of remote participation in public meetings.

Director Bates asked the meaning and ramification of not voting, which was provided by Mr. Bunger.

Chairperson Kalra suggested restating both the duty to vote provision and the roll call vote requirement in the Administrative Code.

Director Haggerty asked about jurisdictional authority relative to the Administrative Code and requested a copy of the enabling legislation, which questions were answered by Mr. Bunger.

Public Comments: None.

Committee Action: None; informational only.

**8. Committee Member Comments/Other Business:**

Director Bates asked if staff has considered transitioning to the use of electronic tablets in the place of paper and computer monitors, which questions were answered by Mr. Broadbent. Director Bates suggested the move to 390 Main Street as an opportune time to implement the change in conjunction with the other regional agencies.

**9. Time and Place of Next Committee Meeting:** Monday, June 17, 2013, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, CA 94109 at 9:30 a.m.

**10. Adjournment:** The meeting adjourned at 10:24 a.m.

*151 Sean Gallagher*

Sean Gallagher  
Clerk of the Boards