

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, October 21, 2013

1. Call to Order – Roll Call

Chairperson Kalra called the meeting to order at 9:39 a.m.

Present: Chairperson Ash Kalra; Vice-Chairperson Nate Miley; and Directors John Gioia, Scott Haggerty and Mark Ross.

Absent: Director Tom Bates, Carole Groom, Mary Piepho and Brad Wagenknecht.

Also Present: None.

2. Public Comment Period: None.

3. Approval of the Minutes of August 5, 2013

Committee Comments: None.

Public Comments: None.

Committee Action:

Director Haggerty made a motion to approve the Minutes of August 5, 2013; Director Miley seconded.

Director Haggerty requested that future minutes include brief answers to the questions recorded. Chairperson Kalra echoed the request.

The motion carried unanimously.

4. Hearing Board Quarterly Report – July through September 2013

Hearing Board Chairperson Terry Trumbull, Esq., presented the quarterly report of the Air District Hearing Board for July through September 2013, including summaries of the cases and fees collected.

Committee Comments:

Director Haggerty and Hearing Board Chairperson Trumbull discussed the withdrawn petition.

Public Comments: None.

Committee Action: None; informational only.

5. Report of the Advisory Council – May through October 2013

Advisory Council Chairperson Robert Bornstein, Ph.D., presented the report of the Advisory Council for May through October 2013 and invited suggestions of future topics for Council consideration.

Committee Comments:

Director Ross asked about wildfire contributions to global climate change, to which question Advisory Council Chairperson Bornstein clarified that Advisory Council work has focused on local impacts instead.

Director Ross said a summary by the Advisory Council of the recent report by the Intergovernmental Panel on Climate Change would be helpful and suggested the Bay Area Rapid Transit (BART) strike will generate revealing data regarding casual carpooling and telecommuting that the Advisory Council may want to review. Advisory Council Chairperson Bornstein suggested a social scientist be invited to speak about the impact. Director Ross suggested hard data will be available.

The Committee, Advisory Council Chair Bornstein and Jean Roggenkamp, Deputy Air Pollution Control Officer, discussed the Advisory Council members who will be departing at year end when their current terms expire, the amount of turn over expected on the Advisory Council in the years ahead and the recent appearance of former Advisory Council presenter Mark Jacobsen on the Late Show with David Letterman. Director Gioia asked that an internet link to the interview be provided to the members of the Committee.

Public Comments: None.

Committee Action: None; informational only.

6. Senate Bill (SB) 1339 – Bay Area Commuter Benefits Program

Ms. Roggenkamp introduced David Burch, Principal Environmental Planner of Planning, Rules and Research, who gave the staff presentation Bay Area Commuter Benefits Program (Program), which is being developed by the Air District and the Metropolitan Transportation Commission (MTC) in response to SB 1339 enacted in fall 2012. The Program would require employers with 50 or more full-time employees in the Bay Area to provide commuter benefits to their employees. The presentation described the purpose of the Program; the four commuter benefit

options that employers could choose among; applicability of the Program; Program implementation efforts and recent progress; employer outreach; local and existing program coordination; and next steps in the Program development process.

Committee Comments:

Director Miley asked about integration of the Program with existing local programs and about plans for a public workshop in Oakland, which questions were answered by Mr. Burch and Ms. Roggenkamp.

Director Miley asked about past outreach event attendance and notification method used, which questions were answered by Mr. Burch, Henry Hilken, Director of Planning, Rules and Research, and Ms. Roggenkamp.

Director Miley asked what will happen if MTC and the Air District do not agree on the formulation of the Program, which question was answered by Jack Broadbent, Executive Officer/Air Pollution Control Officer.

Director Ross asked how an employer would get credit for staff that telecommute or casual carpool and why vanpools are eligible but not carpools, which questions were answered by Mr. Burch.

Chairperson Kalra said Santa Clara County is promoting the Eco Pass in the coming year so the Program will likely coincide well with that effort and the members of the Board of Directors are happy to help with outreach, generally the sooner the better for employers.

Director Miley asked if the Program is incentive based, what enforcement mechanisms are included for addressing employers that choose not to comply and what effect a BART strike would have on employers if it were to happen after Program launch, which questions were answered by Ms. Roggenkamp.

Director Haggerty expressed his concern that the message is not making it out to the appropriate employers and suggested outreach to local corporate headquarters, as well as a creative and aggressive outreach campaign overall, and that a full time employee be assigned to this project.

Director Gioia asked how contact was confirmed and how the program will be enforced, which questions were answered by Mr. Hilken and Ms. Roggenkamp.

Director Ross suggested that employee outreach is important so employees can assist with messaging employers, asked about the definition of “employee” under the rule, asked if full-time is 40 hours per week and if the IRS defines the term, which questions were answered by Mr. Burch.

Chairperson Kalra asked who the employer letters were sent to if not the human resources offices and suggested that confirmations of receipt be requested in the future, which question was answered by Mr. Burch.

Director Ross suggested adopting the IRS definition to avoid generating employer concerns about the Program's compatibility with the tax code. Director Haggerty disagreed with Director Ross, asked if the IRS would investigate a state program, said employers are currently under a great deal of pressure and recommended 40 hours per week because 30 hours per week will include a number of employers of part-time minors.

Chairperson Kalra asked if the definition is for an annualized 30 hour week, which question was answered by Mr. Burch.

Public Comments: None.

Committee Action: None; informational only.

7. Committee Member Comments/Other Business:

Mr. Broadbent introduced Air District Employee Association officers Paul Grazzini, President, and Christopher Coelho, Vice-President.

8. Time and Place of Next Committee Meeting:

Monday, November 18, 2013, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, CA 94109 at 9:30 a.m.

9. Adjournment: The meeting adjourned at 10:32 a.m.

151 Sean Gallagher

Sean Gallagher
Clerk of the Boards