

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

Board of Directors Regular Meeting
Wednesday, May 20, 2015

APPROVED MINUTES

Note: Audio and video recordings of the meeting are available on the website of the Bay Area Air Quality Management District at <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx>.

1. CALL TO ORDER: Chairperson Carole Groom called the meeting to order at 9:49 a.m.

Opening Comments: Chairperson Groom announced a reordering of the agenda.

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

Roll Call:

Present: Chairperson Carole Groom; and Directors John Avalos, Tom Bates, David J. Canepa, Cindy Chavez, Margaret Fujioka, David Hudson, Roger Kim (on behalf of Edwin Lee), Nate Miley, Karen Mitchoff, Jan Pepper, Katie Rice, Mark Ross, Rod Sinks, Jim Sperring and Brad Wagenknecht.

Absent: Vice-Chairperson Eric Mar; Secretary Liz Kniss; and Directors Teresa Barrett, John Gioia, Scott Haggerty and Shirlee Zane.

2. Report of the Executive Officer/APCO (Out of Order Agenda Item 17)

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), gave a staff presentation regarding greenhouse gases (GHGs) being included in permit review; workshop comments and responses; and items at Stationary Source on May 27.

Public Comment:

Greg Karras, Communities for a Better Environment, addressed the Board of Directors (Board) in support of emissions limits being included in proposed rule 12-16.

Mr. Broadbent announced the appointment of Abby Young, Manager in the Planning and Climate Protection Division.

3. PUBLIC COMMENT ON NON-AGENDA MATTERS (AGENDA ITEM 2):

No requests received.

CONSENT CALENDAR (ITEMS 4 – 9) (AGENDA ITEMS 3 – 8)

- 4. Minutes of the Board Regular Meeting of May 6, 2015;**
- 5. Board Communications Received from May 6, 2015 through May 19, 2015;**
- 6. Air District Personnel on Out-of-State Business Travel;**
- 7. Notice of Violations Issued and Settlements in Excess of \$10,000 in the Month of April 2015;**
- 8. Consider Authorizing a Contract Amendment to Environmental Audit, Inc., and Execution of a Purchase Order in Excess of \$70,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitations for Continued California Environmental Quality Act Analyses and Documents; and**
- 9. Consider Authorizing a Purchase Order in Excess of \$70,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitations for Purchase of GHG Measurement Equipment.**

Board Comments: None.

Public Comments: No requests received.

Board Action:

Director Hudson made a motion, seconded by Director Wagenknecht, to approve Consent Calendar Items 4 through 9, inclusive; and the motion carried by the following vote of the Board:

AYES: Avalos, Bates, Canepa, Chavez, Groom, Hudson, Mitchoff, Pepper, Rice, Ross, Sinks, Spering and Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Barrett, Fujioka, Gioia, Haggerty, Kim, Kniss, Mar, Miley, and Zane.

COMMITTEE REPORTS

10. Report of the Personnel Committee (PC) Meeting of May 18, 2015 (Agenda Item 9)
Committee Chairperson Wagenknecht

The PC met on Monday, May 18, 2015, and approved the minutes of April 20, 2015.

The PC received and discussed the staff presentation *Strategic Staffing Plan Update – Management Restructuring Plan*, including background; succession planning efforts; management restructuring plan; and next steps.

The PC then met in closed session to conduct performance evaluations of the Executive Officer and District Counsel with no reportable action. The Committee Chair will brief the Board on the evaluation during today's closed session.

The next meeting of the PC is on Thursday, June 11, 2015, at 9:30 a.m.

Board Comments: None.

Public Comments: No requests received.

Board Action: None; receive and file.

PRESENTATION

11. Status Update of Regulation 6, Rule 3: Wood Burning Devices (Agenda Item 10)

Mr. Broadbent introduced the topic and Wayne Kino, Director of the Compliance and Enforcement Division, who gave the staff presentation *Regulation 6, Rule 3, Wood Burning Devices, Rule Development Update*, including goal and nature of proposed amendments; public comment; workshop input; and rule development timeline.

NOTED PRESENT: Director Kim was noted present at 10:04 a.m. and Director Miley was noted present at 10:10 a.m.

Mr. Broadbent made additional comments regarding an upcoming announcement intended to clarify the revised rule making proposal.

Board Comments:

The Board and staff discussed the possibility of developing the rule in a way that is crafted to acknowledge and address the unique circumstances of particular locales; Air District work with local governments to address particular locales with targeted compliance and enforcement actions; overall program effectiveness; interest in a possible incentive program and various options; support for the real estate disclosure provision relative to sales and rentals; local ordinances as important enforcement and education resources; opportunities for collaboration with local governments; concern about the adequacy of Air District staffing levels to ensure proper community engagement during high-intensity campaigns; support for providing incentives for technology like heat pumps instead of natural gas devices; encouragement of providing Air District information through links in local government websites; whether additional public education is necessary to convey that Winter Spare the Air is primarily relative to wood smoke rather than automobile emissions; appreciation for the advertisement that ties wood burning to cigarette smoking; the viability of a private right of action provision in the Air District model ordinance for local governments; whether fireplace retrofits qualify for Property Assessed Clean Energy financing; the viability of directing cap-and-trade revenue to the financing of fireplace retrofits in disadvantaged communities; encouragement of an enhanced education and outreach program through increased department funding; and next steps.

NOTED PRESENT: Director Fujioka was noted present at 10:19 a.m.

Public Comments: No requests received.

Board Action: None; receive and file.

CLOSED SESSION

The Board adjourned to Closed Session at 10:43 a.m.

NOTED PRESENT: Director Mar was noted as entering the closed session at 11:20 a.m.

12. Public Employee Performance Evaluation (Government Code Sections (GOV §§) 54957 and 54957.6) (Agenda Item 11)

Pursuant to GOV §§ 54957 and 54957.6, the Board met in closed session to conduct a performance evaluation of the Executive Officer.

13. Public Employee Performance Evaluation (GOV §§ 54957 and 54957.6) (Agenda Item 12)

Pursuant to GOV §§ 54957 and 54957.6, the Board met in closed session to conduct a performance evaluation of the District Counsel.

14. Conference with Legal Counsel – Anticipated Litigation (Agenda Item 13)

Pursuant to GOV § 54956.9(d)(2), the Board met in closed session with legal counsel to consider one potential matter with significant exposure to litigation.

15. Existing Litigation (GOV § 54956.9(a)) (Agenda Item 14)

Pursuant to GOV § 54956.9(a), the Board met in closed session with legal counsel to consider the following cases:

Friends of Eel River, et al. v. North Coast Railway Authority, et al., California Supreme Court Case No. S222472.

OPEN SESSION

The Board resumed Open Session at 12:27 p.m. with reportable action as follows:

12. Public Employee Performance Evaluation – Executive Officer: None.
13. Public Employee Performance Evaluation – District Counsel: None.
14. Conference with Legal Counsel – Anticipated Litigation: None.
15. Existing Litigation: The Board members present unanimously agreed to Air District participation in the case as amicus curiae.

16. PUBLIC COMMENT ON NON-AGENDA MATTERS (AGENDA ITEM 15)

No requests received.

17. **BOARD MEMBERS' COMMENTS (AGENDA ITEM 16):** None.

OTHER BUSINESS

18. **Chairperson's Report:** None.

19. **Time and Place of Next Meeting**

Wednesday, June 3, 2015, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

20. **Adjournment:** The Board meeting adjourned at 12:28 p.m.

/s/ Sean Gallagher

Sean Gallagher
Clerk of the Boards