



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

REVISED

BOARD OF DIRECTORS
REGULAR MEETING

April 2, 2014

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th Floor Board Room at the Air District Headquarters, 939 Ellis Street, San Francisco, California.

**Questions About
an Agenda Item**

The name, telephone number and e-mail of the appropriate staff Person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

This meeting will be webcast. To see the webcast, please visit <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx> at the time of the meeting.

Public Comment Procedures

Persons wishing to make public comment must fill out a Public Comment Card indicating their name and the number of the agenda item on which they wish to speak, or that they intend to address the Board on matters not on the Agenda for the meeting.

Public Comment on Non-Agenda Matters, Pursuant to Government Code Section 54954.3 For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to commencement of the meeting. The remainder of the speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

Public Comment on Agenda Items After the initial public comment on non-agenda matters, the public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.

Up to ten (10) speakers may speak for three minutes on each item on the Agenda. If there are more than ten persons interested in speaking on an item on the agenda, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. Speakers are permitted to yield their time to one other speaker; however no one speaker shall have more than six minutes. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

BOARD OF DIRECTORS REGULAR MEETING REVISED AGENDA

WEDNESDAY
APRIL 2, 2014
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

1. Opening Comments

Chairperson, Nate Miley

The Chair shall call the meeting to order and make opening comments.

2. Roll Call

Pledge of Allegiance

The Clerk of the Boards shall take roll of the Board members. The Chair shall lead the Pledge of Allegiance.

PUBLIC COMMENT ON NON-AGENDA MATTERS

3. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.

CONSENT CALENDAR (ITEMS 4 –6)

Staff/Phone (415) 749-

4. Minutes of the Directors Regular Meeting of March 19, 2014

Clerk of the Boards/5073

The Board of Directors will consider approving the draft minutes of the Board of Directors Regular Meeting of March 19, 2014.

5. Board Communications Received from March 19, 2014 through April 1, 2014

J. Broadbent/5052

jbroadbent@baaqmd.gov

A copy of communications directed to the Board of Directors received by the Air District from March 19, 2014 through April 1, 2014, if any, will be at each Board Member's place.

6. Authorization to Approve Changes to Website Projects

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to enter into an agreement with Oasis for an amount not to exceed \$585,000 and increase the total amount of funding for Cylogy from \$110,000 to \$160,000.

COMMITTEE REPORT(S)

7. Report of the **Climate Protection Committee** Meeting of March 20, 2014

CHAIR: J. Avalos

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee received the following reports and recommends that the Board of Directors approve the following items as indicated below:

A) **Regional Climate Protection Work Program**

1. *Adoption of the 10-Point Climate Action Work Program included as Attachment 1.*

Overview of California Cap and Trade Program Revenue Allocation

None; received and filed.

Assembly Bill 32 Scoping Plan Update

None; received and filed.

8. Report of the **Personnel Committee** Meeting of March 24, 2014

CHAIR: B. Wagenknecht

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee received the following reports and recommends that the Board of Directors approve the following items as indicated below:

A) **Strategic Staffing Plan Update**

None; receive and file.

B) **Conduct Interviews and Consider Recommending Board of Directors Approval of a Candidate for Appointment to the Air District's Advisory Council in the Agriculture Category and Consider Recommending Hearing Board Member Reappointments**

1. *Re-appointment of Terry A. Trumbull, Esq., and Julio A. Magalhães, Ph.D., to the regular public member positions and of Michael F. McGowan, Ph.D., and Barbara Toole O'Neil, Ch.E., Q.E.P., to the alternate public members positions on the Air District's Hearing Board for three-year terms and the appointment of Frank Imhof to the agriculture category seat on the Air District's Advisory Council, for the remainder of a term expiring December 31, 2014.*

C) **Appeal of Air Pollution Control Officer/Executive Officer Decision on Douglas W. Hall's Complaint of Violation of the Air District's Equal Employment Opportunity Policy**

1. *None; receive and file. The Committee denied the appeal and will take no further action because the allegations in Douglas W. Hall's complaint lack merit.*

9. Report of the **Budget and Finance Committee** Meeting of March 26, 2014

CHAIR: C. Groom

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee received the following reports:

A) **Proposed Amendment to Regulation 3: Fees**

B) **Discussion of Proposed Budget for Fiscal Year Ending (FYE) 2015**

PRESENTATION

10. Overview of the 2013/2014 Wood Smoke Reduction Program

J. Broadbent/5052
jbroadbent@baaqmd.gov

Staff will provide an overview of the 2013/2014 Wood Smoke Reduction Program.

CLOSED SESSION

11. **CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: one potential case.

12. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR – (Government Code Section 54956.8)** *The Board of Directors will meet in closed session pursuant to Government Code Section 54956.8 to confer with real property negotiators to discuss the disposition and leaseback of real property as follows:*

Property: 939 Ellis Street, San Francisco, CA

Air District Negotiators: Jack P. Broadbent, Executive Officer/APCO
Jeffrey McKay, Deputy Air Pollution Control Officer
Tom Christian, Cassidy Turley
Ric Russell, Cassidy Turley

Negotiating Parties: Columbia Pacific Real Estate Fund I, L.P.

Under Negotiation: Price and Terms

OPEN SESSION

PUBLIC COMMENT ON NON-AGENDA MATTERS

13. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

Speakers who did not have the opportunity to address the Board in the first round of comments on non-agenda matters will be allowed three minutes each to address the Board on non-agenda matters.

BOARD MEMBERS' COMMENTS

14. *Any member of the Board, 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)*

OTHER BUSINESS

15. Report of the Executive Officer/APCO

The Executive Officer/APCO will provide the Board of Directors a report of recent and upcoming activities.

16. Chairperson's Report

The Chair will provide the Board of Directors a report of recent and upcoming activities.

17. Time and Place of Next Meeting: *Wednesday, April 16, 2014, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.*

18. Adjournment

The Board meeting shall be adjourned by the Board Chair.

**CONTACT THE CLERK OF THE BOARDS
939 ELLIS STREET 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 Executive Office should be given at least 3 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 Air District's headquarters 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) 749-5016 or (415) 749-4941

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

MARCH 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i> - CANCELLED	Thursday	27	9:30 a.m.	Board Room

APRIL 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting as the Sole Member of the Bay Area Clean Air Foundation	Wednesday	2	9:45 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(At the Call of the Chair)</i>	Thursday	3	10:00 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room
Ad Hoc Building Committee <i>(At the Call of the Chair)</i>	Wednesday	16	Immediately following the Regular Board meeting	4 th Floor Conf. Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	21	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	23	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	24	9:30 a.m.	Board Room

MAY 2014

<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	7	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	14	9:00 a.m.	Board Room
Board of Directors Climate Protection Committee <i>(Meets 3rd Thursday of every other month)</i>	Thursday	15	9:30 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	19	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets Quarterly at the Call of the Chair)</i>	Monday	19	10:30 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	22	9:30 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	28	9:30 a.m.	4 th Floor Conf. Room

HL – 3/25/14 (2:15 p.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

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

Date: March 24, 2014

Re: Minutes of the Board of Directors Regular Meeting of March 19, 2014

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Regular Meeting of March 19, 2014.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of March 19, 2014.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

Attachments

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

Board of Directors Regular Meeting
Wednesday, March 19, 2014

DRAFT MINUTES

1. **CALL TO ORDER:** Chairperson Nate Miley called the meeting to order at 9:49 a.m.

OPENING COMMENTS: None.

ROLL CALL:

Present: Chairperson Nate Miley; Vice-Chairperson Carole Groom; Secretary Eric Mar; and Directors Susan Adams, John Avalos, Tom Bates, Cindy Chavez, John Gioia, Scott Haggerty, David Hudson, Ash Kalra, Roger Kim (on behalf of Edwin Lee), Carol L. Klatt, Liz Kniss, Jan Pepper, Mark Ross, Jim Spring and Brad Wagenknecht.

Absent: Directors Teresa Barrett, Mary Piepho, Tim Sbranti (resigned) and Shirlee Zane.

PLEDGE OF ALLEGIANCE: Chairperson Miley led the Pledge of Allegiance.

2. **PUBLIC COMMENT ON NON-AGENDA MATTERS:**

Robert Card, IBM, was invited to the podium to which there was no response.

CONSENT CALENDAR (ITEMS 3 – 9)

3. **Minutes of the Board of Directors (Board) Regular Meeting of February 19, 2014;**
4. **Board Communications Received from February 19, 2014 through March 18, 2014;**
5. **Air District Personnel on Out-of-State Business Travel;**
6. **Notice of Violations Issued and Settlements in Excess of \$10,000 in February 2014;**
7. **Referral of Proposed Budget for Fiscal Year Ending (FYE) 2015 to the Budget and Finance Committee;**
8. **Adoption of Amendments to the Air District's Administrative Code Division I: Operating Policies and Procedures for the Hearing Board – Section 8.6 Limits on Term of Office; and**
9. **Set a Public Hearing for April 16, 2014 to Consider Adoption of Proposed Amendments to Regulation 3: Fees and Approval of a Notice of Exemption from the California Environmental Quality Act (CEQA).**

Board Comments:

Agenda Item #8, Adoption of Amendments to the Air District's Administrative Code Division I: Operating Policies and Procedures for the Hearing Board – Section 8.6 Limits on Term of Office, was removed from the consent calendar for consideration.

Public Comments: None.

Board Action:

Director Hudson made a motion to approve Consent Calendar Items 3 through 7, inclusive, and 9; Director Haggerty seconded; and the motion carried by the following vote of the Board:

AYES: Adams, Avalos, Bates, Chavez, Gioia, Groom, Haggerty, Hudson, Kalra, Kim, Klatt, Kniss, Miley, Pepper, Ross, Spering and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Barrett, Mar, Piepho, Sbranti and Zane.

NOTED PRESENT: Director Mar was noted present at 9:56 a.m.

8. Adoption of Amendments to the Air District's Administrative Code Division I: Operating Policies and Procedures for the Hearing Board – Section 8.6 Limits on Term of Office (as Removed from Consent Calendar)

Board Comments:

The Board and staff discussed the possible elimination of term limits altogether, the staggered terms of Hearing Board members, and a possible comprehensive review of the Advisory Council and Hearing Board by the Executive Committee (EC).

Public Comments: None.

Board Action:

Director Hudson made a motion to approve the recommendation of staff regarding Adoption of Amendments to the Air District's Administrative Code Division I: Operating Policies and Procedures for the Hearing Board – Section 8.6 Limits on Term of Office; Director Wagenknecht seconded; and the motion carried by the following vote of the Board:

AYES: Adams, Chavez, Gioia, Groom, Haggerty, Hudson, Kalra, Kim, Klatt, Kniss, Mar, Miley, Pepper, Ross, Spering and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Avalos, Barrett, Bates, Piepho, Sbranti and Zane.

COMMITTEE REPORTS AND RECOMMENDATIONS

10. Report of the Stationary Source Committee (SSC) Meeting of February 24, 2014 Committee Chairperson Gioia

The SSC met on Monday, February 24, 2014, and approved the minutes of October 21, 2013.

The SSC received the staff presentation *Lehigh Southwest Cement Compliance Status*, including background; facility location and description; issues prior to the adoption of Regulation 9, Rule 13 due to facility operations; control technologies utilized as a result of Regulation 9, Rule 13; the facility's current compliance status; and compliance and enforcement activities.

The SSC then received the staff presentation *Update on Sims Metal Management Facility*, including background information on the facility; overviews of the facility fires; a summary of the goals and requirements of Regulation 6, Rule 4: Metal Recycling and Shredding Operations; and next steps.

The SSC then received the staff presentation *Update on Petroleum Refining Emissions Tracking Rule*, including an explanation of the purpose of the Rule; an update on the development process; summaries of baseline and ongoing emissions inventories, trigger-levels and emissions reduction plans, air monitoring systems, public comments, and revisions to the draft rule; a schematic flow chart of a typical complex refinery; analyses of trends in crude oil quality; the relationship between crude slate and carbon dioxide emissions; and next steps.

The next meeting of the SSC is quarterly at the call of the Chair.

Board Comments: None.

Public Comments: None.

Board Action: None; receive and file.

11. Report of the Mobile Source Committee (MSC) Meeting of February 27, 2014 Committee Chairperson Haggerty

The MSC met on Thursday, February 27, 2014, and approved the minutes of January 23, 2014.

The MSC then reviewed a request to award FYE 2014 Transportation Fund for Clean Air (TFCA) funding to ten Regional Fund Shuttle and Rideshare Projects. The MSC discussed the program guidelines, policies, and possible changes to the program, and instructed staff to provide an in-depth briefing on shuttles and ride sharing programs at a future meeting. The MSC also requested that staff provide additional review for project # 14R12, Altamont Corridor Express Routes 53 and 54, and to return at the next committee meeting with the results of that review for consideration. The MSC recommends the Board of Directors:

1. Approve awards for the TFCA Shuttle, Ridesharing and Vanpool projects listed in Attachment A to the MSC staff report; and
2. Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into agreements for the recommended TFCA projects in Attachment A in the amount of \$3,732,038.

The MSC then reviewed and discussed the staff presentation *Air District Grant Programs Overview*, including background; summaries of 2013 allocations from the California Goods Movement Bond, TFCA Regional Fund, Mobile Source Incentive Fund, the Carl Moyer Program, and the total from all these funds; summaries of 2013 highlights and expenditures by county; emissions reductions achieved; 2014 projections and proposed TFCA allocations; and upcoming activities.

The MSC then reviewed a request for On-Road Truck Replacement Funding and recommends the Board:

1. Approve changes to the FYE 2014 TFCA Regional Fund Policies to include on-road truck replacement projects as an eligible project type;
2. Allocate \$5 million in TFCA Regional Funds for eligible projects submitted as part of the Year 4 Goods Movement Program; and
3. Authorize the Executive Officer/APCO to enter into contracts for eligible projects.

The next meeting of the MSC is on Thursday, April 24, 2014, at 9:30 a.m.

Board Comments: None.

Board Action:

Director Haggerty made a motion to approve the recommendations of the MSC and Director Hudson seconded.

Public Comments:

Dr. Anthony Fisher, Coalition for Clean Air, addressed the Board in support of diesel reduction efforts through on-road truck replacement funding, to request increased funding to replace additional vehicles and to offer his organization's support on future retrofit efforts.

The Board and staff discussed the funding levels for the truck and bus program, applicable vehicle types, the nature and frequency of funding sources, the outlook of funding distribution to the Air District, the focus of Air District efforts to date, and whether there are options for alternative funding sources.

Board Action (continued):

The motion carried by the following vote of the Board:

AYES: Adams, Bates, Chavez, Gioia, Groom, Haggerty, Hudson, Kalra, Kim, Klatt, Kniss, Mar, Miley, Pepper, Ross, Spering and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Avalos, Barrett, Piepho, Sbranti and Zane.

12. Report of the EC Meeting of March 17, 2014
Committee Chairperson Miley

The EC met on Monday, March 17, 2014, and approved the minutes of December 16, 2013.

The EC received the Quarterly Report of the Hearing Board for October through December 2013, including summaries of the cases and fees collected, from Terry Trumbull, Esq., Chairperson of the Hearing Board.

The EC then received a staff presentation on the *Bay Area Commuter Benefits Program (BACBP)*, which is being developed by the Air District and the Metropolitan Transportation Commission in response to Senate Bill (SB) 1339 enacted in fall 2012. The BACBP 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 and positive benefits of the BACBP; the four commuter benefit options that employers could choose amongst; applicability of the BACBP; employer outreach and public workshops; input received; recent progress and preparations for implementation; and next steps.

The EC also received a staff presentation on the *Community Air Risk Evaluation (CARE) Program Update*, including discussion of CARE objectives and accomplishments; updated maps of impacted communities; and next steps.

Lastly, the EC received a briefing on SB 1415 regarding the Air District Advisory Council, including a description of and the current status of SB 1415, authored by Senator Jerry Hill.

The next meeting of the EC is Monday, April 21, 2014, at 9:30 a.m.

Board Comments: None.

Public Comments: None.

Board Action: None; receive and file.

PUBLIC HEARING

13. Public Hearing to Consider Adoption of Proposed Regulation 14: Mobile Source Emissions Reduction Measures, Rule 1: BACBP; and Approval of a CEQA Negative Declaration

Jean Roggenkamp, Deputy APCO (DAPCO), introduced the topic and David Burch, Principal Environmental Planner of Planning, Rules and Research, who gave the staff presentation *BACBP*, including a description of the purpose and positive benefits of the Program; the four commuter benefit options that employers could choose among; applicability of the Program; employer outreach and public workshops; input received; recent progress and preparations for implementation; and next steps.

Board Comments:

Director Hudson requested a copy of the airport ordinance.

The Board and staff discussed the amount of flexibility provided by the legislation in terms of program structure; a proposal to phase-in the program in urban centers first; the possibility of an exemption for employers of low-wage service staff that do most of their commuting during non-peak hours with limited transit opportunities; the limited transit opportunities in some locales; what effect Option 1 will have on existing employer programs; and possible incentivization by the Air District for employers and employees.

Public Comments:

Sara Greenwald, 350 San Francisco, addressed the Board in support of the BACBP and to note the inadequacy of the proposal to address the professional limitations imposed by limited transit options in parts of the Bay Area.

Janice Blumenkrantz, League of Women Voters Bay Area, submitted written material and addressed the Board in support of the BACBP.

Stuart Baker, Commuter Check, addressed the Board in support of the BACBP.

Board Action:

Director Kalra made a motion, seconded by Director Kniss, to:

1. Adopt a Negative Declaration pursuant to the CEQA for proposed Regulation 14, Rule 1; and
2. Adopt proposed Regulation 14: Mobile Source Emissions Reduction Measures, Rule 1: BACBP.

Board Comments (continued):

The Board and staff discussed the desire to see data coming out of the BACBP pilot regarding whether a mode shift is achieved; whether the tax benefit is tied to work-related commutes only; if the employer tax deduction for employer-provided transportation has a limitation; the need for BACBP flexibility that equals that of its users; minimum compliance levels; whether the benefit is considered a pensionable one for employees; options for employers in terms of support from the Air District; whether additional incentives to employers are possible; the short- and long-term benefits; and the administrative burden imposed on employers with small administration staffs.

Director Ross requested information that shows how the Air District, as an employer, complies with the requirements of BACBP.

Director Kalra amended the motion to include direction to staff to include in its pilot program report to the Board an analysis of BACBP's impact in suburban locales with limited transit options; seconded by Director Kniss; and the amended motion carried by the following vote of the Board:

AYES: Adams, Avalos, Bates, Chavez, Gioia, Groom, Haggerty, Hudson, Kalra, Kim, Klatt, Kniss, Mar, Miley, Pepper, Ross and Spering.

NOES: None.

ABSTAIN: None.

ABSENT: Barrett, Piepho, Sbranti, Wagenknecht and Zane.

The Board and staff discussed the length of the pilot program and the updates that can be expected.

CLOSED SESSION

The Board adjourned to Closed Session at 11:15 a.m.

14. EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), the Board met in closed session to discuss with legal counsel the following case:

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RG-10548693; California Court of Appeal, First Appellate District, Case No. A135335; California Supreme Court, Case No. S214378.

15. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

Pursuant to Government Code Section 54956.8, the Board met in closed session to confer with real property negotiators to discuss the disposition and leaseback of real property as follows:

Property:	939 Ellis Street, San Francisco, CA
Air District Negotiators:	Jack P. Broadbent, Executive Officer/APCO Jeffrey McKay, DAPCO Tom Christian, Cassidy Turley Ric Russell, Cassidy Turley
Negotiating Parties:	Columbia Pacific Real Estate Fund I, L.P.
Under Negotiation:	Price and Terms

OPEN SESSION

The Board resumed Open Session at 11:34 a.m. with no reportable action.

16. PUBLIC COMMENT ON NON-AGENDA MATTERS:

There were no requests for public comment.

17. BOARD MEMBERS' COMMENTS:

The Board referred the letter from Director Zane, received March 18, 2014, to the Executive Committee.

The Board and staff discussed the status of the recruitment process for the vacant agriculture category seat on the Advisory Council.

OTHER BUSINESS

18. Report of the Executive Officer/APCO:

Mr. Broadbent presented a summary of the Winter Fine Particulate Matter Season and gave a brief overview of some of the items the Board will see in the coming months.

19. Chairperson's Report:

Chairperson Miley invited those directors who are interested in attending the 2014 Annual Air & Waste Management Conference in Long Beach, California, to contact Rex Sanders, Manager of Executive Operations.

20. Time and Place of Next Meeting:

Wednesday, April 2, 2014, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

21. Adjournment: The Board meeting adjourned at 11:40 a.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 19, 2014

Re: Board Communications Received from March 19, 2014 through April 1, 2014

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from March 19, 2014 through April 1, 2014, if any, will be at each Board Member's place at the April 2, 2014 Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Reviewed by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 21, 2014

Re: Authorization to Approve Changes to Website Projects

RECOMMENDED ACTION:

Recommend Board of Directors:

- Authorize the Executive Officer/APCO to execute a separate contract with Agency Oasis (\$585,000) for completion of the My Air Online website.
- Authorize the Executive Officer/APCO to increase the total amount of funding for Cylogy from \$110,000 to \$160,000 for programming and support of the current website.

BACKGROUND

On June 19, 2013, the Bay Area Air Quality Management District (Air District) Board of Directors (Board) selected SymSoft Solutions (SymSoft) via a request for proposals (RFP) 2013-003, as the contractor for the My Air Online website project (My Air Online). The purpose of My Air Online is to modernize the Air District's web presence to: 1) provide online services to the regulated community; and 2) to simplify and expand access to air quality information for members of the public. SymSoft's RFP proposal was selected by the Board based on their "team approach" to the project with a partnering consultant group, Agency Oasis (Oasis). SymSoft entered into a Master Services Agreement with the Air District on July 17, 2013, for My Air Online and began the discovery phase of the project. SymSoft and Oasis proceeded to learn about the Air District's internal processes and current website via interviews with internal and external users. As part of this effort, SymSoft concentrated on "public facing" design, architecture and content elements for the website, while Oasis concentrated on "back end" design, programming and functionality for the new site. At the end of a successful discovery phase, both the contractors and the Air District determined that additional elements (outside of the scope of the original RFP bid) are needed in order to successfully deliver the needs and vision for the website.

The Air District's current website is supported by a combination of staff and contractors including: Cylogy, a contractor who specializes in the upkeep and programming of the backbone software for web operations (Sitecore and ASP.NET). While the Air District is in the process of designing My Air Online, it still has the obligation to maintain the current website and to complete customizations that will be imported into the new online environment. In order to achieve this, Cylogy has been retained to assist with ongoing maintenance and programming. Additionally, as Cylogy has an intimate knowledge of the current operations of the Air District website; it will be necessary for them to engage with

both SymSoft and Oasis in order to ensure that custom functionality from the current website can be integrated into the new online environment.

DISCUSSION

My Air Online

As part of the results of the initial discovery phase for My Air Online, the contractors (SymSoft and Oasis) uncovered additional elements that were outside the scope of their original RFP bid. In order to ensure that the needs and vision of My Air Online is delivered as expected to the Board, public and regulated community, staff is recommending the following changes to the project:

- In order to curtail the overall increase in project costs based on the additional elements not included in the RFP bid, staff is proposing to split the contract between SymSoft and Oasis, and to assume the project management role for both contracts.
- Additionally, the overall project budget for My Air Online will increase from \$847,845 to \$1,031,584 (an increase of \$183,739).

Current Website and Transition to My Air Online

The Air District's current website has a number of projects and applications that require additional maintenance and programming. This maintenance and programming includes upgrades to web elements displaying air quality data, and upgrades to website search calendaring and alerts that are expected to be transferable to the new web environment. In order to complete these projects and to ensure the transition and testing of these custom applications to My Air Online staff is recommending an increase of \$50,000 to the current contract with Cylogy.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None. Funds to cover the overall increase in project costs are contained in the current fiscal year ending 2014 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Damian Breen
Reviewed by: Jaime Williams

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

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

Date: March 17, 2014

Re: Report of the Climate Protection Committee Meeting of March 20, 2014

RECOMMENDED ACTION

The Climate Protection Committee (Committee) recommends Board of Directors' approval of the following items:

- A) Adoption of the 10-Point Climate Action Work Program included as Attachment 1;
- B) None; receive and file; and
- C) None; receive and file.

BACKGROUND

The Committee met on Thursday, March 20, 2014, and received the following reports:

- A) Regional Climate Protection Work Program;
- B) Overview of California Cap and Trade Program Revenue Allocation; and
- C) Assembly Bill 32 Scoping Plan Update.

Attached are the staff reports presented in the Committee packet.

Committee Chairperson John Avalos will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) Enhanced climate protection activities would require additional resources. Such resources are being identified in preparation of the Fiscal Year Ending (FYE) 2015 budget. Climate protection activities occurring through June 2014 can be funded within the existing FYE 2014 budget.
- B) None.

C) None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

Attachments

10-Point Climate Action Work Program

March 25, 2014

This 10-Point Climate Action Work Program represents the focus and direction of the Air District's Climate Protection Program in 2014 and 2015. This Work Program reflects the Air District's strength in playing a coordinating role for policy implementation at the federal, state, regional and local levels. The actions described below will serve as the Air District's priorities for the next two years as it continues to work with many stakeholders to reduce the Bay Area's greenhouse gas (GHG) emissions.

1. **Set GHG Reduction Goal** – Set a goal to reduce GHG emissions in the Bay Area 80% below 1990 levels by 2050 to align the Air District with Executive Order S-3-05, and work with stakeholders to develop interim targets and performance objectives, including per capita targets, to support this goal.
2. **Update GHG Inventory and Forecasting** – Update the Air District's regional GHG emissions inventory for the Bay Area. Conduct GHG emissions forecasts for 2020, a mid-term year and 2050. Use input from stakeholders, including local governments, to develop different GHG emissions scenarios, which will lay a foundation for the development of the Regional Climate Action Strategy described below. Seek to incorporate effects of federal, state (Scoping Plan), regional (Plan Bay Area and 2015 Clean Air Plan), and local (local climate action plans) initiatives. Identify gaps between forecast reductions from existing and proposed plans and measures, and the 2050 goal.
3. **Implement GHG Emissions Monitoring** – Initiate local monitoring of certain greenhouse gases, including methane and carbon dioxide. The Air District will integrate monitoring of methane within its current air monitoring network. The Air District will work with UC Berkeley researchers to collect local CO₂ emissions data through a university-led network of local CO₂ monitoring stations. Data collected will help develop a better understanding of ambient concentrations, variability and trends over time, as well as provide more specific local data for the regional GHG inventory.
4. **Develop Regional Climate Action Strategy** – Identify policy gaps between the 2050 GHG goal and interim GHG reduction targets and local climate action plans, Plan Bay Area, federal and state regulations and programs, and policies where the Air District has authority or influence to control GHG emissions. These potential Air District actions could be included in the 2015 Clean Air Plan and serve as a Regional Climate Action Strategy. The Strategy will encourage regional and local economic approaches that support the 2050 goal and interim targets of this Work Program. Conduct an economic and public health impacts study of the Strategy, including a focus on disadvantaged communities. Continue to work with the Joint Policy Committee and its member agencies to support regional planning efforts to reduce GHG emissions and benefit public health. Conduct a robust public outreach effort, as part of the 2015 Clean Air Plan process, including work with local researchers, representatives of affected industry, commercial interests, governing bodies, environmental organizations and community groups to engage them in discussion about the need, and path forward, for significant GHG reductions.
5. **Support and Enhance Local Action** – Increase the local implementation of GHG-reducing policies and programs through enhanced technical assistance to cities and counties and special districts in preparing and implementing local Climate Action Plans. Expand technical assistance to local governments through development of incentive programs, CEQA mechanisms and providing necessary data:
 - Support local climate action planning through data delivery, technical tools, providing a clearinghouse of information and promoting best practices;
 - Promote EV readiness and best practices in local plans;

- Explore funding sources for incentives to improve energy efficiency, including work with ARB to potentially use Cap and Trade auction proceeds, and working with other potential sources of funding to increase investment in local and regional GHG reduction;
 - Update CEQA thresholds for GHGs and update CEQA Guidelines to assist cities, counties and other lead agencies;
 - Work with lead agencies to use the CAPCOA GHG Exchange for offsite mitigation under CEQA (e.g., work with organizations such as the Marin Carbon Project to develop protocols for GHG reduction credits); develop offset protocols that support GHG reduction projects in the Bay Area;
 - Work with GHG emissions data providers to provide regular and consistent data to local governments;
6. **Initiate Rule Development** – Initiate rule development to advance GHG reduction in sources subject to Air District regulatory authority, and identify opportunities to require GHG emission reductions in existing rules and policies. Examples may include:
- Integrate GHG emission reduction into the Air District’s permitting program to facilitate GHG emission reductions consistent with California’s Cap and Trade program and other federal and state provisions;
 - Reduce methane emissions and other short-lived climate pollutants, such as black carbon;
 - Enhance and/or backstop upcoming federal requirements to control GHG emissions from new and existing power plants;
 - Increase deployment of heat mitigating technologies and policies, such as cool roofing and cool paving;
 - Explore opportunities to reduce energy use in the residential, commercial and industrial sectors;
 - Work with stakeholder groups to identify additional opportunities to reduce GHG emissions through Air District rule-making.
7. **Expand Enforcement** – Expand enforcement of statewide regulations to reduce GHGs, especially short-term climate pollutants. Continue working with the Air Resources Board (ARB) to enforce existing Scoping Plan regulations addressing landfills, semiconductors and refrigerants. Work with ARB to explore further opportunities through the development of the Scoping Plan Update.
8. **Launch Climate Change & Public Health Impacts Initiative** – Collect and synthesize information, reports and data on climate change impacts related to air quality, public health and disproportionate impacts. Work with state and local public health professionals to identify policies and programs targeting impacts that affect air quality and public health, including wildfires and extreme heat. Include impacts associated with black carbon emissions. Identify strategies and funding opportunities to assist the most vulnerable populations and disadvantaged communities.
9. **Report Progress to the Public** – Select indicators to measure, track and report on progress toward the 2050 goal and related performance objectives. Report this information publicly, presented in a manner that informs and engages the public, such as Berkeley’s Climate Action Plan Results web page.
10. **Explore the Bay Area’s Energy Future** – Assign the Air District’s Advisory Council the role of investigating technical issues related to the Air District’s Climate Protection Program. Initially focus on the energy future of the Bay Area, including examining trends in Bay Area fossil fuel demand and production, and exploring opportunities for the Air District to promote and support the development of clean energy options.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Avalos and Members
of the Climate Protection Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 11, 2014

Re: Regional Climate Protection Work Program

RECOMMENDED ACTION

Recommend that the Board of Directors adopt the attached 10-Point Climate Action Work Program.

BACKGROUND

On November 6, 2013, the Air District Board of Directors unanimously adopted Resolution 2013-11, *Resolution Adopting a Greenhouse Gas Reduction Goal and Commitment to Develop a Regional Climate Action Strategy* (Attachment A). This resolution sets a regional goal of reducing greenhouse gas (GHG) emissions 80% below 1990 levels by 2050. In order to make progress toward achieving this goal, the resolution calls on the Air District to develop a regional climate protection strategy, and directs Air District staff to develop a work program to guide and document the Air District's climate protection activities in the near term.

In conjunction with resolution 2013-11, Air District staff developed a 10-Point Climate Action Work Program that represents the focus, direction and priorities of the Air District's Climate Protection Program over the next two years. At its December 9, 2013 meeting, the Climate Protection Committee directed staff to perform additional outreach to local governments and key stakeholders in order to solicit feedback and input on the Work Program.

DISCUSSION

Since the last Climate Protection Committee, Air District staff conducted a series of meetings throughout the region, and met with a broad range of stakeholders to present and solicit feedback on the draft Work Program. To date, staff has convened a total of 15 meetings and one public workshop on the draft Work Program. Through these meetings, staff has reached out to regional and local government agencies, special districts, transportation agencies, business organizations, public health officers, environmental advocacy groups and community-based organizations (a complete list is included in Attachment B).

Staff will provide an overview of the proposed 10-Point Climate Action Work Program (Attachment C), a summary of the meetings convened, and the feedback received.

BUDGET CONSIDERATION / FINANCIAL IMPACT

Enhanced climate protection activities would require additional resources. Such resources are being identified in preparation of the FYE 2015 budget. Climate protection activities occurring through June 2014 can be funded within the existing FYE 2014 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Abby Young
Reviewed by: Henry Hilken

Attachment A: Climate Protection Strategy Resolution
Attachment B: List of Stakeholders
Attachment C: 10-Point Climate Action Work Program for the Bay Area

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2013 - 11

A Resolution of the Board of Directors of the Bay Area Air Quality Management District

Resolution Adopting a Greenhouse Gas Reduction Goal and Commitment to Develop a Regional Climate Protection Strategy

WHEREAS, The Intergovernmental Panel on Climate Change (IPCC) has stated in its recently released 5th Assessment Report, *Climate Change 2013: The Physical Science Basis*, that “Warming of the climate system is unequivocal,” and “It is *extremely likely* that human influence has been the dominant cause of the observed warming since the mid-20th century”; and,

WHEREAS, Conservative estimates by the world’s climate scientists state that to achieve climate stabilization and avoid cataclysmic climate change, emissions of greenhouse gases (GHGs) must be brought to 80% below 1990 levels by 2050; and

WHEREAS, The Bay Area Air Quality Management District launched a Climate Protection Program in 2005, and through this program works with the State of California, regional agencies, and city and county governments throughout the Bay Area region to reduce greenhouse gas emissions, thus providing a national model for climate leadership; and

WHEREAS, The Global Warming Solutions Act of 2006 commits the State of California to reduce greenhouse gas emissions to 1990 levels by 2020, and the Governor’s Executive Order S-3-05 establishes as State policy to reduce greenhouse gas emissions 80% below 1990 levels by 2050; and,

WHEREAS, The Air District's 2010 Clean Air Plan set performance objectives to “Reduce emissions of greenhouse gases (GHGs) to 1990 levels by 2020 and 40% below 1990 levels by 2035”; and

WHEREAS, The Air District has invested in the development of local climate action plans throughout the Bay Area through its Climate Protection Grant Program, and nearly 50 Bay Area local governments have developed and adopted climate action plans; and

WHEREAS, The counties of Alameda and San Francisco have adopted goals of reducing GHG emissions 80% below 1990 levels by 2050, and many other jurisdictions, including Contra Costa County, San Mateo County, Santa Clara County, and the cities of Berkeley, Burlingame, Daly City, Hayward, Millbrae, San Jose, San Mateo and San Rafael, have adopted goals of reducing GHG emissions 80% below 2005 levels by 2050, through their adoption of the Sierra Club Cool Cities and Cool Counties resolutions; and

WHEREAS, The Center for Disease Control and Prevention (CDC) states that the increased temperatures and extreme weather events that are anticipated to be caused by climate change will likely create a number of health threats; and

WHEREAS, The CDC states that “heat exposure has a range of health effects,” including “increasing ground level ozone concentrations, causing direct lung injury and increasing the severity of respiratory diseases such as asthma and chronic obstructive pulmonary disease,” and states that “higher temperatures and heat waves increase demand for electricity and thus combustion of fossil fuels, generating airborne particulates and indirectly leading to increased respiratory disease;” and

WHEREAS, The CDC states that “increased concentrations of ground-level carbon dioxide and longer growing seasons could result in higher pollen production, worsening allergic and respiratory disease;” and

WHEREAS, Climate change may increase the occurrence and severity of wildfires in and around the Bay Area, resulting in increased PM_{2.5} exposure and associated negative health impacts, including respiratory and cardiovascular effects; and

WHEREAS, Measures to reduce Bay Area GHG emissions often would also result in reductions in emissions of criteria air pollutants and toxic air contaminants and support the goals of the Air District’s *2010 Clean Air Plan*; and

WHEREAS, Reducing greenhouse gas emissions can achieve co-benefits for disproportionately impacted communities by reducing exposure to particulate matter and air toxic pollutants and thereby reducing the negative health impacts in those communities; and

WHEREAS, Greenhouse gas reduction policies that achieve energy and resource savings can yield economic co-benefits to residents and businesses within the Bay Area; and

WHEREAS, Regional Agencies in the Bay Area are actively engaged in climate action planning, through efforts such as *Plan Bay Area*, the Bay Conservation and Development Commission’s *Adapting to Rising Tides Project*, and the Air District’s development of the *2014 Clean Air Plan*, and are coordinating these planning efforts through the Joint Policy Committee; and

WHEREAS, Pursuant to California Clean Air Act and Amendments (HSC Sections 39002 and 40910 et seq) and the Federal Clean Air Act and Amendments (42 U.S.C. Section 7401 et seq.), the Air District has authority to regulate emissions from non-vehicular sources of air pollution, including GHGs, and to enact more stringent requirements than federal or State law; and

NOW, THEREFORE, BE IT RESOLVED, The Board of Directors seeks to build on local, regional and state climate protection planning efforts by leading a regional climate protection planning process to include:

- Setting a goal for the Bay Area region of reducing GHG emissions to 80% below 1990 levels by 2050, and developing specific performance objectives to track progress in achieving the goal; and
- Developing a Regional Climate Action Strategy to guide and document the Air District's work towards achieving the 2050 goal for GHG emission reductions that complements existing planning efforts at the state, regional and local levels, utilizing the Air District's 2014 Clean Air Plan to coordinate the planning and outreach processes; and
- Directing staff to develop a work program to guide and document the Air District's climate protection activities in the near term, to be approved by the Board of Directors in the first quarter of 2014.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director AVALOS, seconded by Director ADAMS, on the 6th day of NOVEMBER, 2013, by the following vote of the Board:

AYES: ADAM, AVALOS, BARRETT, CHAVEZ, GIOIA, GROOM, HAGGERTY, HUDSON, KIM, KLATT, MAR, MILEY, PEPPER, PIEPHO, ROSS, SPERING, WAGENKNECHT, ZANE, KALRA

NOES: NONE

ABSENT: BATES, KNISS, SBRANTI

ABSTAIN: NONE



Ash Kalra
Chairperson of the Board of Directors

ATTEST:



Carole Groom
Secretary of the Board of Directors

10-Point Climate Action Work Program/Clean Air Plan County Meetings Outreach Meetings

Air District staff has convened a total of 15 meetings with stakeholder groups, and one public workshop, to conduct outreach and solicit input on the Draft 10-Point Climate Action Work Program. Below is a list of the meetings convened and the stakeholder groups that attended each meeting. This list does not include stakeholders that were invited to meetings but did not attend.

COUNTY-BASED MEETINGS

Alameda County

General Services Agency
Alameda County Public Health
StopWaste.Org
Bay Localize

Contra Costa County

Contra Costa Health Services
Contra Costa Dept. of Conservation
Contra Costa Water District
Contra Costa Office of the Sheriff
City of Antioch
East Bay Regional Parks
Contra Costa Council/East Bay Leadership Council

Marin County

Marin Climate and Energy Partnership
Sustainable Marin
City of San Rafael
City of Novato, Planning Director
Marin Clean Energy
Tamalpais Community Services District
Marin County Health Dept.
Marin County Director of Community Development
Marin County Chamber of Commerce

Napa County

Napa County Transportation and Planning Authority
City of American Canyon
City of Napa

San Francisco County

San Francisco Department of the Environment
SPUR
Business Council on Climate Change (BC3)

Joint Venture Silicon Valley Public Sector Climate Taskforce (San Mateo and Santa Clara Counties)

Air District staff met with the Taskforce, which includes public agency and private sector members from Santa Clara and San Mateo counties. Members present at the meeting include:

San Mateo County
Santa Clara County
PMC Consulting
PG&E
City of Los Gatos
City of Milbrae
Redwood City
City of Palo Alto
City of Morgan Hill
Another Bus (private business)
City of Los Altos
City of San Carlos
City of San Mateo
Sierra Club
Portola Valley
Bay Area Climate Collaborative
Optimy (private business)
Climate Corporation, San Mateo County
San Mateo City/County Association of Governments
City of South San Francisco

Santa Clara County (Planning Officials)

City of Saratoga
City of Los Gatos
City of Cupertino
City of Mountain View
City of Sunnyvale
City of Belmont
City of Santa Clara
City of Morgan Hill
City of Campbell
City of Palo Alto

Solano County (Planning Directors)

City of Dixon
City of Fairfield
City of Benicia
Solano County
City of Rio Vista
Solano Transit Authority
Solano County Local Agency Formation Commission (LAFCO)
City of Vacaville
City of Vallejo

Sonoma County

Sonoma County Permit and Resource Management Dept.
Regional Climate Protection Authority/Sonoma County Transportation Authority
Sonoma County Water Agency
Sonoma County Energy
Climate Protection Campaign
Regional Climate Protection Authority
City of Santa Rosa
North Bay Climate Adaptation Initiative
Sonoma Ecology Center

SPECIAL INTEREST MEETINGS**350 Bay Area**

Air District staff met directly with 350 Bay Area, a grassroots environmental advocacy organization representing individual climate advocates.

Bay Area Clean Water Agencies

Air District staff presented to a meeting of the Bay Area Clean Water Agencies, including a diverse group of water agencies from around the region.

California Council for Environmental and Economic Balance (CCEEB)

Air District convened two direct meetings with CCEEB membership. CCEEB is a non-profit coalition of industry, labor and public leaders.

Regional Agency Planning Staff

Association of Bay Area Governments
Bay Conservation and Development Commission
Joint Policy Committee
Metropolitan Transportation Commission

Silicon Valley Leadership Group

Air District staff met directly with Silicon Valley businesses serving on SVLG's Environment Committee.

10-Point Climate Action Work Program

March 13, 2014

This 10-Point Climate Action Work Program represents the focus and direction of the Air District's Climate Protection Program in 2015. This Work Program reflects the Air District's strength in playing a coordinating role for policy implementation at the federal, state, regional and local levels. The actions described below will serve as the Air District's priorities for the next two years as it continues to work with many stakeholders to reduce the Bay Area's greenhouse gas (GHG) emissions.

1. **Set GHG Reduction Goal** – Set a goal to reduce GHG emissions in the Bay Area 80% below 1990 levels by 2050 to align the Air District with Executive Order S-3-05, and work with stakeholders to develop interim targets and performance objectives, including per capita targets, to support this goal.
2. **Update GHG Inventory and Forecasting** – Update the Air District's regional GHG emissions inventory for the Bay Area. Conduct GHG emissions forecasts for 2020, 2035 and 2050. Use input from stakeholders, including local governments, to develop different GHG emissions scenarios, which will lay a foundation for the development of the Regional Climate Action Strategy described below. Seek to incorporate effects of federal, state (Scoping Plan), regional (Plan Bay Area and 2014 Clean Air Plan), and local (local climate action plans) initiatives. Identify gaps between forecast reductions from existing and proposed plans and measures, and the 2050 goal.
3. **Implement GHG Emissions Monitoring** – Initiate local monitoring of certain greenhouse gases, including methane and carbon dioxide. The Air District will integrate monitoring of methane within its current air monitoring network. The Air District will work with UC Berkeley researchers to collect local CO₂ emissions data through a university-led network of local CO₂ monitoring stations. Data collected will help develop a better understanding of ambient concentrations, variability and trends over time, as well as provide more specific local data for the regional GHG inventory.
4. **Develop Regional Climate Action Strategy** – Identify policy gaps between the 2050 GHG goal and interim GHG reduction targets and local climate action plans, Plan Bay Area, federal and state regulations and programs, and policies where the Air District has authority or influence to control GHG emissions. These potential Air District actions could be included in the 2015 Clean Air Plan and serve as a Regional Climate Action Strategy. The Strategy will encourage regional and local economic approaches that support the 2050 goal and interim targets of this Work Program. Conduct an economic and public health impacts study of the Strategy, including a focus on disadvantaged communities. Continue to work with the Joint Policy Committee and its member agencies to support regional planning efforts to reduce GHG emissions and benefit public health. Conduct a robust public outreach effort, as part of the 2015 Clean Air Plan process, including work with local researchers, representatives of affected industry, commercial interests, governing bodies, environmental organizations and community groups to engage them in discussion about the need, and path forward, for significant GHG reductions.
5. **Support and Enhance Local Action** – Increase the local implementation of GHG-reducing policies and programs through enhanced technical assistance to cities and counties and special districts in preparing and implementing local Climate Action Plans. Expand technical assistance to local governments through development of incentive programs, CEQA mechanisms and providing necessary data:
 - Support local climate action planning through data delivery, technical tools, providing a clearinghouse of information and promoting best practices;

- Promote EV readiness and best practices in local plans;
 - Explore funding sources for incentives to improve energy efficiency, including work with ARB to potentially use Cap and Trade auction proceeds, and working with other potential sources of funding to increase investment in local and regional GHG reduction;
 - Update CEQA thresholds for GHGs and update CEQA Guidelines to assist cities, counties and other lead agencies;
 - Work with lead agencies to use the CAPCOA GHG Exchange for offsite mitigation under CEQA (e.g., work with organizations such as the Marin Carbon Project to develop protocols for GHG reduction credits); develop offset protocols that support GHG reduction projects in the Bay Area;
 - Work with GHG emissions data providers to provide regular and consistent data to local governments;
6. **Initiate Rule Development** – Initiate rule development to advance GHG reduction in sources subject to Air District regulatory authority, and identify opportunities to require GHG emission reductions in existing rules and policies. Examples may include:
- Review the Air District’s permitting program for opportunities to facilitate GHG emission reductions.
 - Reduce methane emissions and other short-lived climate pollutants, such as black carbon;
 - Enhance and/or backstop upcoming federal requirements to control GHG emissions from new and existing power plants;
 - Increase deployment of heat mitigating technologies and policies, such as cool roofing and cool paving;
 - Explore opportunities to reduce energy use in the residential, commercial and industrial sectors;
 - Work with stakeholder groups to identify additional opportunities to reduce GHG emissions through Air District rule-making.
7. **Expand Enforcement** – Expand enforcement of statewide regulations to reduce GHGs, especially short-term climate pollutants. Continue working with the Air Resources Board (ARB) to enforce existing Scoping Plan regulations addressing landfills, semiconductors and refrigerants. Work with ARB to explore further opportunities through the development of the Scoping Plan Update.
8. **Launch Climate Change & Public Health Impacts Initiative** – Collect and synthesize information, reports and data on climate change impacts related to air quality, public health and disproportionate impacts. Work with state and local public health professionals to identify policies and programs targeting impacts that affect air quality and public health, including wildfires and extreme heat. Include impacts associated with black carbon emissions. Identify strategies and funding opportunities to assist the most vulnerable populations and disadvantaged communities.
9. **Report Progress to the Public** – Select indicators to measure, track and report on progress toward the 2050 goal and related performance objectives. Report this information publicly, presented in a manner that informs and engages the public, such as Berkeley’s Climate Action Plan Results web page.
10. **Explore the Bay Area’s Energy Future** – Assign the Air District’s Advisory Council the role of investigating technical issues related to the Air District’s Climate Protection Program. Initially focus on the energy future of the Bay Area, including examining trends in Bay Area fossil fuel demand and production, and exploring opportunities for the Air District to promote and support the development of clean energy options.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Avalos and Members
of the Climate Protection Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 5, 2014

Re: Overview of California Cap and Trade Program Revenue Allocation

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

A key element of the State of California's efforts to reduce GHG emissions is the California Air Resources Board's (ARB) Cap and Trade regulation (Title 17, California Code of Regulations, section 95800 et seq.), which creates a limit on the emissions from sources responsible for 85 percent of California's GHG emissions. The goal of this program is to reduce GHG emissions from regulated entities by more than 16 percent between 2013 and 2020. The Cap and Trade regulation applies to electric power plants and industrial plants (refineries, chemical plants, etc.) that emit 25,000 metric tons of carbon dioxide equivalent (CO₂e) per year or more. In 2015, the rules will also apply to fuel distributors (including distributors of heating and transportation fuels) that meet the 25,000 metric ton threshold, ultimately affecting a total of around 360 businesses throughout California. The program imposes a GHG emission limit that will decrease by approximately two percent each year through 2015, and by approximately three percent annually from 2015 through 2020 to achieve the required 16% total reduction.

Under the Cap and Trade regulation, ARB places a limit, or Cap, on GHG emissions by issuing a limited number of tradable permits (called allowances) equal to the Cap annually. Each allowance amounts to one metric ton of carbon dioxide equivalent. These allowances are distributed by ARB in a mix of free allocation to industries and via quarterly auctions. The portion of emissions covered by free allowances will vary by industry, but initially will account for approximately ninety percent of a subject business's overall emissions. The percentage of free allowances allocated to each business under the cap declines over time requiring them to either reduce their emissions or to buy allowances at auction or from other entities. Businesses may also use verified offsets generated in the United States to comply with 8% of their compliance obligations. Emissions allowances have a minimum value of \$10, which may rise 5% annually over the rate of inflation; additionally, their value is capped at \$40.

The first auction for allowances was held on November 14, 2012. Four additional auctions were held in 2013, with two auctions in 2014 already scheduled. Because of the structure of the

regulation, auctions are divided into two segments: one where allowances are reserved for electric utilities and the other where allowances are reserved for all other market segments. To date, the auctions have generated \$1.37 billion, of which \$836 million was received from sale of allowances reserved for electric utilities. Revenues generated from sale of allowances reserved for electrical utilities will be allocated by the California Public Utilities Commission (CPUC) for programs benefiting utility ratepayers. Revenues from the other portion of the auction are allocated via the following two step process:

1. **Three-Year Investment Plans:** The California Department of Finance (DOF) prepares and ARB must adopt a three-year investment plan identifying priority investments for auction proceeds.
2. **Annual Budget Appropriations:** Funding will be appropriated to State agencies by the California Legislature, consistent with the three-year investment plan prepared by DOF and adopted ARB.

As part of this report, staff will discuss the structure of the current DOF and ARB investment plan, the Governor's proposed budget allocations of Cap and Trade revenues for the fiscal year ending (FYE) 2015 California State Budget, implications of the proposed budget for the Bay Area, challenges and next steps.

DISCUSSION

The Current Three-Year Investment Plan

ARB adopted the initial three-year investment plan for Cap and Trade revenues on April 25, 2013, covering State of California FYE 2014 through 2016. The Plan recommends that expenditures be directed to three broad categories:

- Sustainable Communities and Clean Transportation
- Energy Efficiency and Clean Energy
- Natural Resources and Waste Diversion

Legislation (SB 535), put in place to govern the expenditure of Cap and Trade revenues, requires that 25 percent of the proceeds subject to the investment plan be expended to benefit disadvantaged communities. SB 535 also requires that at least 10 percent of the proceeds be expended directly within those communities. While the initial investment plan did take this legislation into account, in the majority of categories ARB established more aggressive funding distribution targets for Cap and Trade revenue distribution in impacted communities as illustrated in the following table:

Table 1 - Funding Distribution Targets for Cap and Trade Revenues in Impacted Communities

Funding Category	Percentage Funding Targeted to Impacted Communities
Sustainable Communities Strategy (SCS) Implementation	25%
Developing Plans for SCS	50%
Low-Carbon Freight Transport and Zero-Emission Passenger Transportation	50%
Energy Efficiency and Residential Weatherization	50%
Public Energy Efficiency and Renewable Energy	50%
Industrial/Agricultural Energy Efficiency	50%
Forests and Ecosystem Management	<25%
Agricultural Management	<25%
Waste Diversion	75%

ARB identified the qualifying disadvantaged communities in the FYE 2014-2016 investment plan using the CALENVIROSCREEN tool as illustrated on the maps included in Attachment 1. CALENVIROSCREEN utilizes 11 types of pollution (e.g., ozone, PM 2.5, diesel particulate matter, etc.) and environmental factors (e.g., pesticide use, traffic density, proximity to toxic release sites, etc.); and seven (7) population characteristics and socioeconomic factors (e.g., asthma, educational attainment, poverty, race/ethnicity, etc.); on a zip code by zip code basis to determine “disadvantage” to local communities. Areas identified for funding in the investment plan represent the top 10% of disadvantaged communities in the State based on the tool.

As is illustrated in the maps in Attachment 1, large portions of San Joaquin Valley and Los Angeles areas have been identified, with very few Bay Area zip codes rising into the top 10% of disadvantaged communities in State. Because CALENVIROSCREEN does not use population or GHG emissions weighting, it is quite possible that the Bay Area may not receive a "fair share" of this funding for its impacted communities. This prospect becomes more evident when the funding targets for impacted communities are overlaid on the proposed State Budget for FYE 2015.

Proposed State Budget

The State Budget for FYE 2014 loaned \$500 million of the Cap and Trade revenue raised via the initial auctions to the State General Fund. The loaned funds are scheduled to be returned in this fiscal year. As a result, Governor Brown’s draft Budget for FYE 2015 allocates \$850 million in Cap and Trade revenue to various State Departments and Agencies for programs consistent with the adopted ARB expenditure plan (as described earlier, the CPUC is also budgeted for Cap and Trade revenues for their adopted ratepayer benefit programs; their use of those revenues is not discussed here). The proposed allocations are summarized in Table 2. However, final allocations

of this revenue will depend on action by the Legislature through the adoption of the final FYE 2015 budget.

Table 2 –Cap and Trade Expenditure in Proposed FYE 2015 California State Budget

Category	Department	Program	Amount (Millions)	% Targeted to Impacted Communities*	Funds for Other Communities*
Sustainable Communities and Clean Transportation	High-Speed Rail Authority Caltrans	Rail Modernization	\$300	50%	\$150
	Strategic Growth Council	Sustainable Communities	\$100	50%	\$50
	Air Resources Board	Low Carbon Transportation	\$200	50%	\$100
Energy Efficiency and Clean Energy	Department of Community Services and Development	Energy Efficiency Upgrades & Weatherization	\$80	50%	\$40
	Department of General Services	Green State Buildings	\$20	50%	\$10
	Department of Food and Agriculture	Agricultural Energy and Operational Efficiency	\$20	50%	\$10
	Department of Water Resources	Water Action Plan – Water and Energy Efficiency	\$20	50%	\$10
Natural Resources and Waste Diversion	Department of Fish and Wildlife	Wetlands and Watershed Restoration	\$30	<25%	\$30
	Department of Forestry	Fire Protection and Urban Forestry	\$30	<25%	\$30
	Cal Recycle	Waste Diversion	\$30	75%	\$7.5
TOTALS			\$830		\$437.5

*Per ARB's 2014-16 investment plan

Impacts of the Proposed Budget on the Bay Area

As is evidenced by the proposed budget, if the funding plan targets and CALENVIROSCREEN methodology remain in place, large portions of the Bay Area may be eligible for 52% of the available funding only. Additionally, our impacted communities will be competing for disbursements from the remaining 48% of funds in competition with much larger geographic areas in the State.

Based on staff discussion with the ARB and Governor's office, it is highly unlikely that Cap and Trade revenue will be administered by local entities as part of the upcoming budget cycle. It is expected that the funding (barring new legislation) will remain at State level to be administered by agencies such as ARB, the Department of Forestry, Department of General Services, etc. In the unlikely event that funding does flow through to the Air District, it may come from ARB via the \$200 million Low Carbon Transportation allocation. Regardless, the Low Carbon Transportation allocation should benefit the Bay Area greatly. This is because ARB has proposed allocations in this category for electric vehicle rebates, electric and hybrid truck rebates and advanced technology zero emissions freight demonstration projects for the coming budget cycle.

As the Bay Area leads the per capita adoption of the majority of electric vehicles and hybrid and electric trucks it is likely that a large portion of this funding will come to this region.

In the future, based on the inclusion of the fuel sector under the cap, revenues are expected to grow to the \$8 billion per year mark in 2015. As these revenues grow, ARB and other State agencies have stated that they expect funding flow through to the local level to be expended by entities such as air districts; however, there are no firm policies around when and how this may happen.

Challenges

While Staff is largely supportive of the Governor's proposed budget allocations, especially in the area of low carbon transportation, as expected there is a large demand for this funding. Already, numerous legislative bills and letters have been circulated proposing to allocate the funding differently; and Staff expects that the allocation of this funding will take up a significant portion of the agenda during the current State legislative session. Staff also expects that it will be difficult to maintain the current allocations and that significant effort will be need to ensure air quality programs are considered in the final budget.

Next Steps

Staff is working with the State Legislature and the Bay Area delegation to express our concerns regarding the allocation of funding proportionally to impacted communities based on the CALENVIROSCREEN methodology. Also, staff will continue to work with the California Air Pollution Control Officers Association, the Bay Area delegation and Governor's office to ensure the proposed allocation of funding to low carbon transportation is preserved though the budget process.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

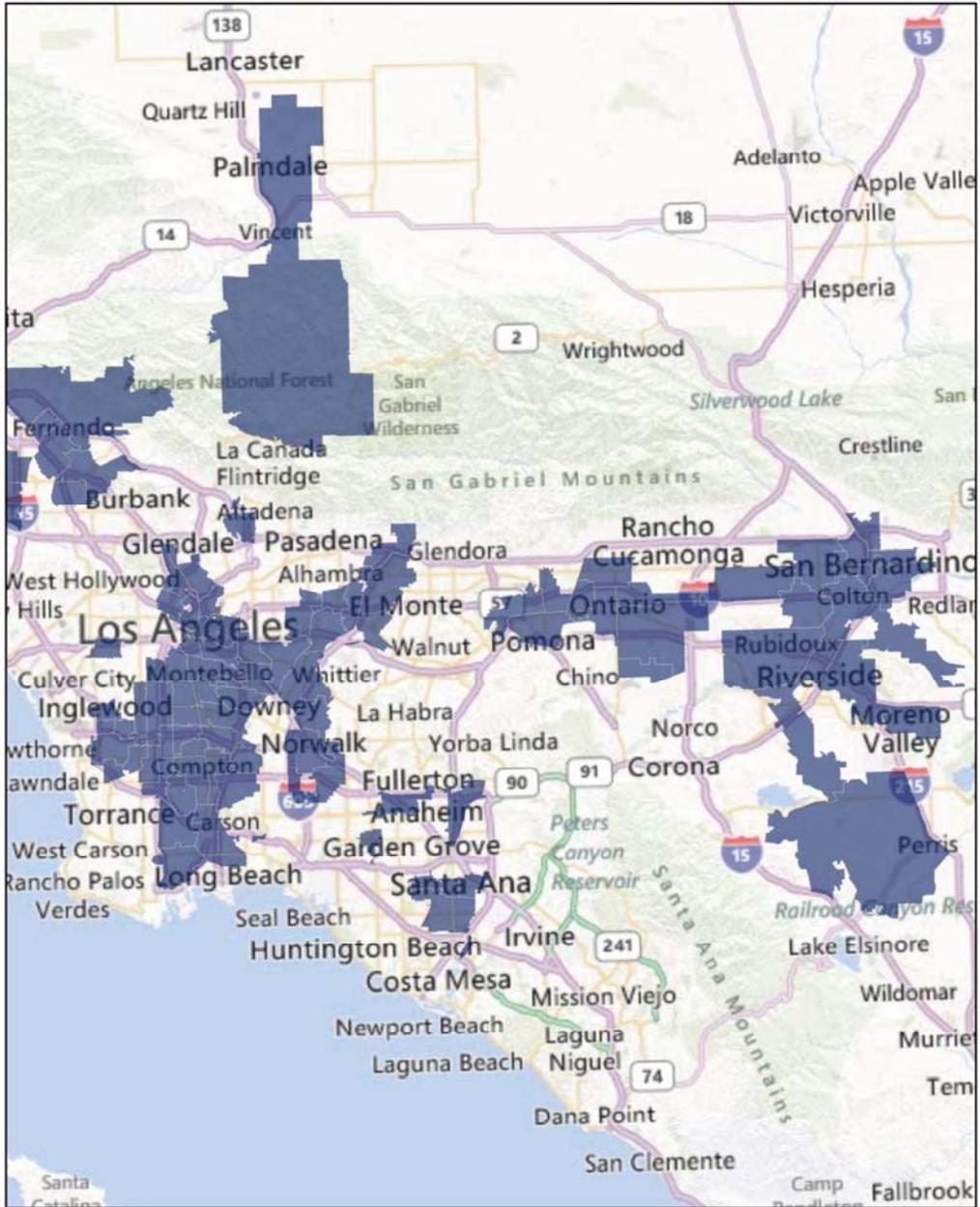
Prepared by: Damian Breen

Attachment 1: Qualifying Disadvantaged Communities as identified by the
CALENVIROSCREEN methodology in the ARB's Investment Plan

Figure C-1
CALENVIROSCREEN VERSION 1.0 (APR 23, 2013)
Top 10% Highest Scoring Census ZIP Codes – Los Angeles Area

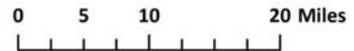
CalEnviroScreen
1.0 Results

 **Top 10% of ZIP codes**



Los Angeles Area

0 5 10 20 Miles

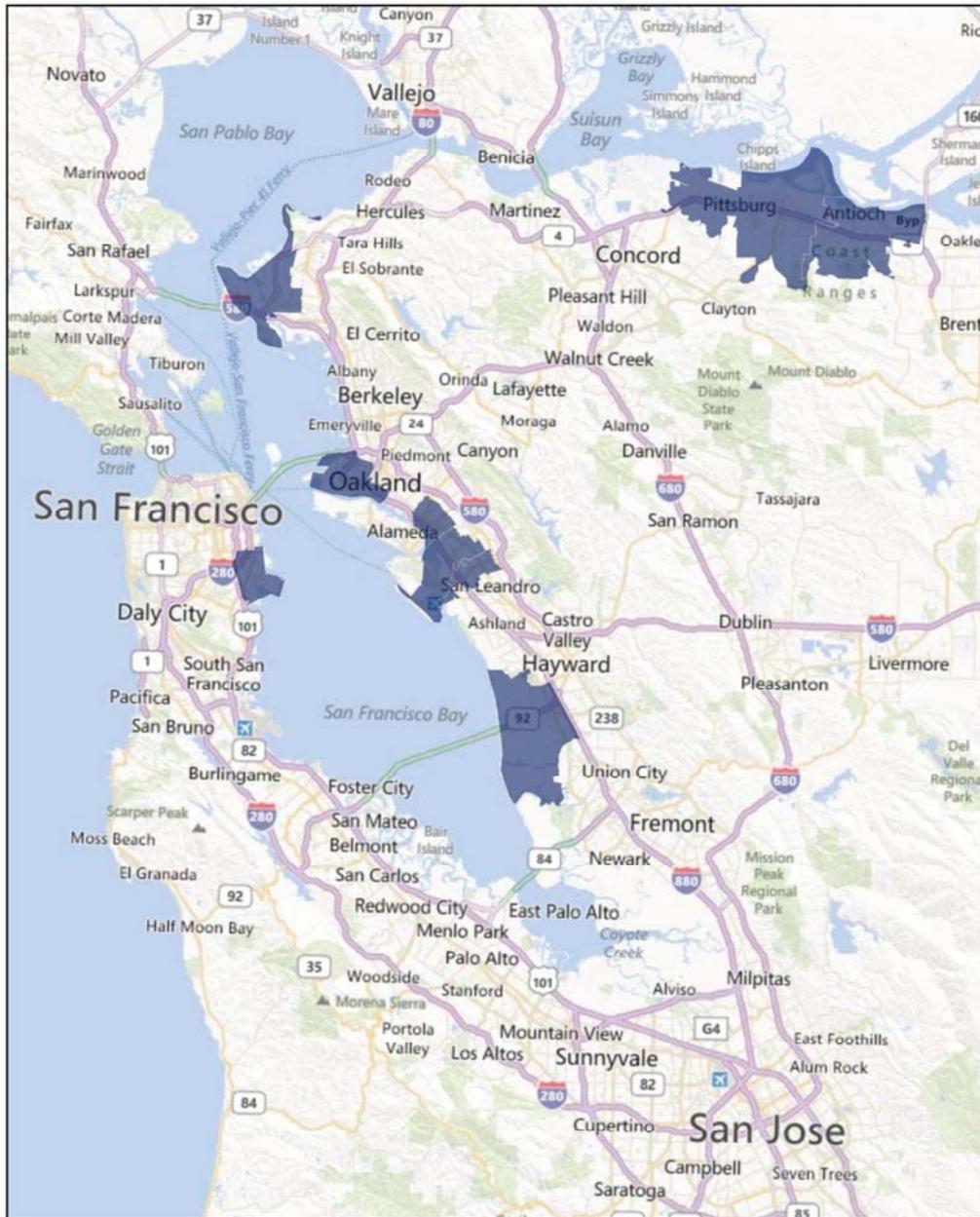


Basemap source: (c) 2010 Microsoft Corporation and its data suppliers

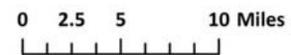
Figure C-2
CALENVIROSCREEN VERSION 1.0 (APR 23, 2013)
Top 10% Highest Scoring Census ZIP Codes – San Francisco Area

CalEnviroScreen
1.0 Results

 **Top 10% of ZIP codes**



San Francisco Area

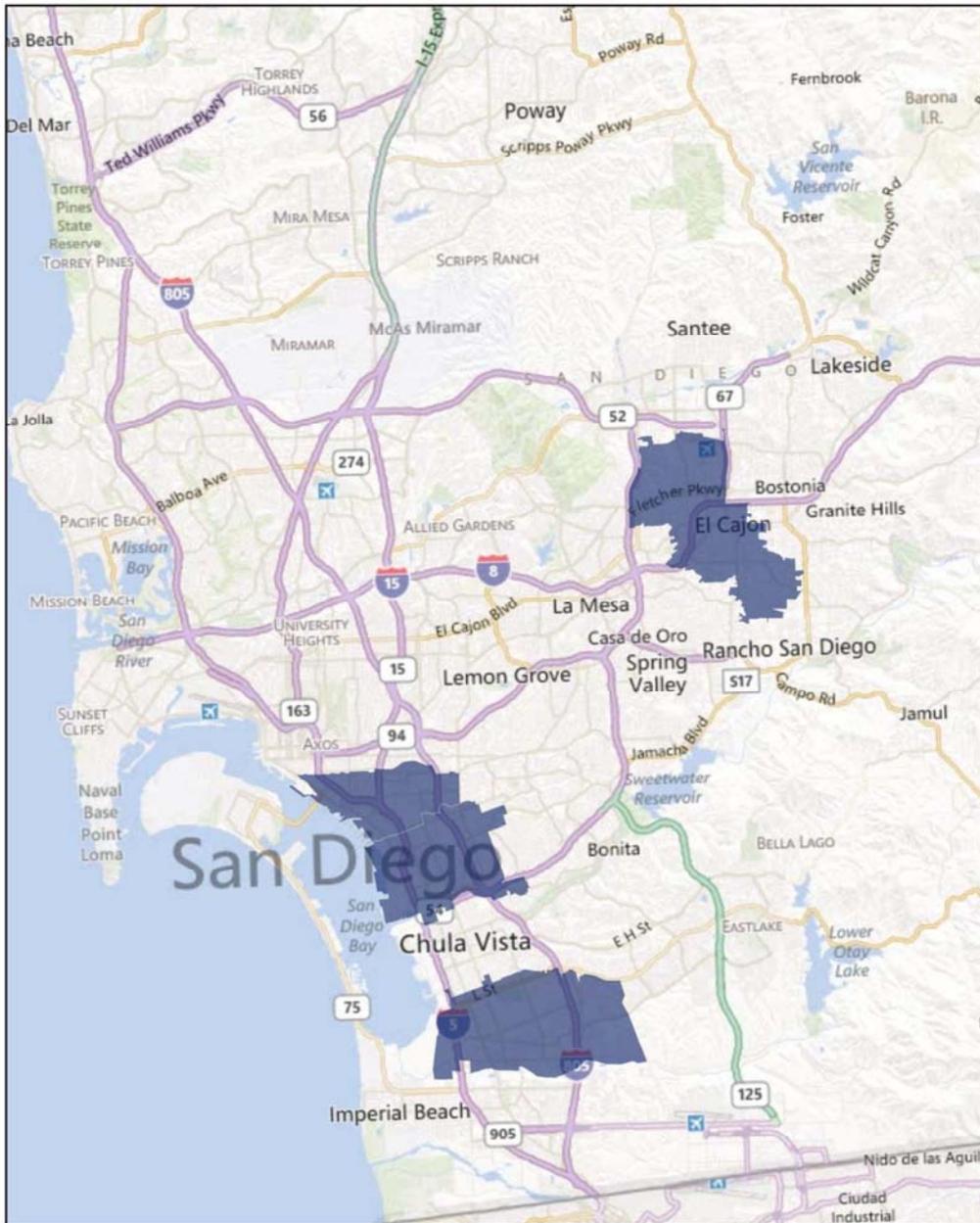


Basemap source: (c) 2010 Microsoft Corporation and its data suppliers

Figure C-3
CALENVIROSCREEN VERSION 1.0 (APR 23, 2013)
Top 10% Highest Scoring Census ZIP Codes – San Diego Area

CalEnviroScreen 1.0 Results

 Top 10% of ZIP codes

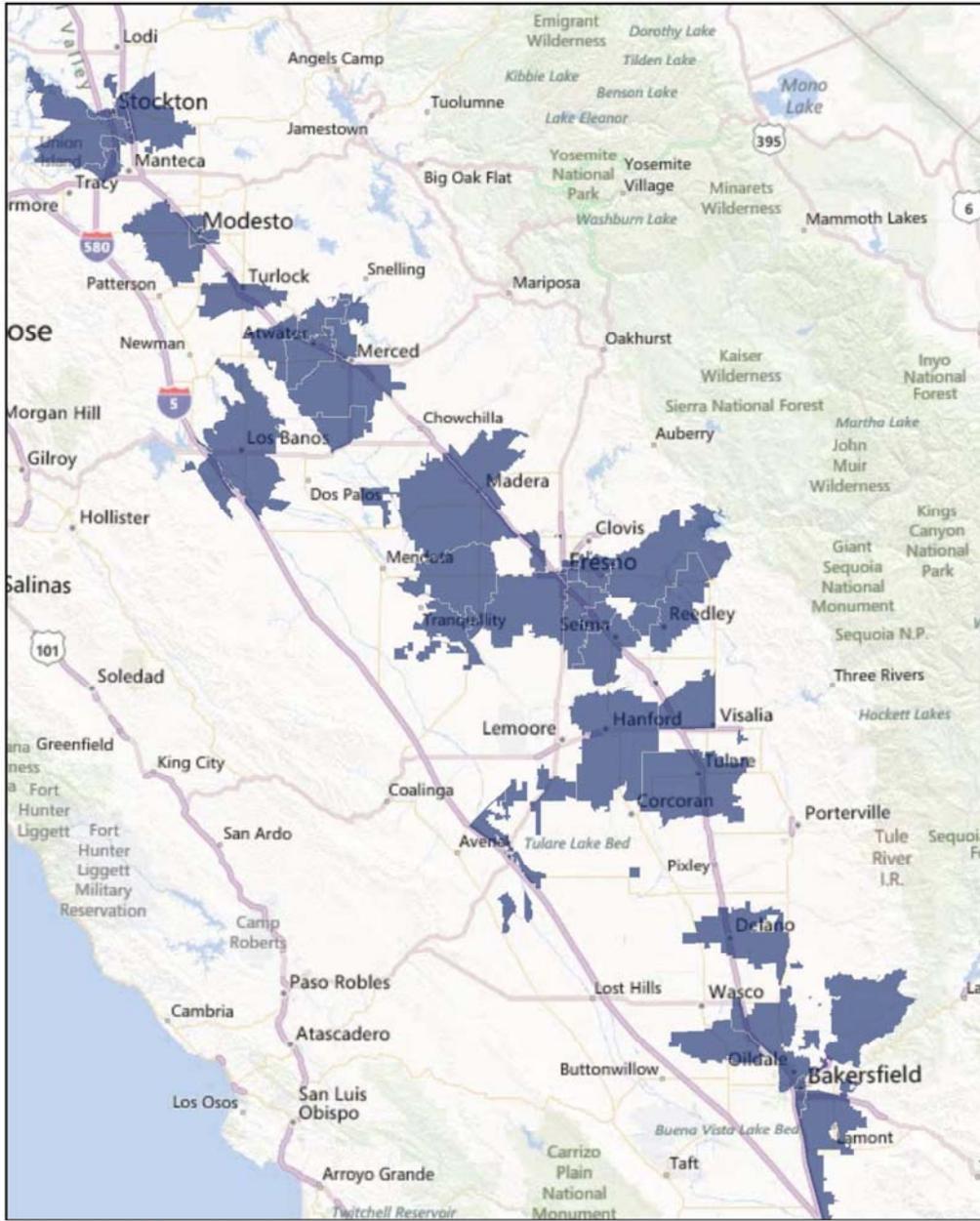


San Diego Area
Basemap source: (c) 2010 Microsoft Corporation and its data suppliers

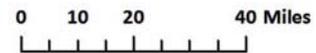
Figure C-4
CALENVIROSCREEN VERSION 1.0 (APR 23, 2013)
Top 10% Highest Scoring Census ZIP Codes – San Joaquin Area

CalEnviroScreen
1.0 Results

 **Top 10% of ZIP codes**



San Joaquin Valley



Basemap source: (c) 2010 Microsoft Corporation and its data suppliers

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Avalos and Members
of the Climate Protection Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 6, 2014

Re: Assembly Bill 32 Scoping Plan Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Assembly Bill 32 (AB 32), the Global Warming Solutions Act, was passed by the Legislature and signed by Governor Schwarzenegger in 2006. This Act requires the State of California to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020, and calls upon the Air Resources Board (ARB) to develop a strategy for achieving that goal. This strategy, the AB 32 Scoping Plan, must be updated every five years.

ARB released their proposed first update to the Scoping Plan (Update) in February 2014. The Update highlights ARB's progress to date in implementing the initial Scoping Plan and defines ARB's climate change priorities for the next five years. The Update is intended to keep California on course to achieve its near- and long-term climate goals for 2020 and 2050 respectively. ARB will formally present the Update to its Board in Spring 2014.

DISCUSSION

The Update reports that California is on track to meet the state's 2020 GHG target and is well positioned to maintain and continue reductions beyond 2020. The Scoping Plan Update highlights the state's successful initiatives in achieving GHG reductions and recommends key focus areas where additional opportunities exist for future GHG reductions.

Air District staff will provide an overview of the Scoping Plan Update, including opportunities for the Bay Area and Air District involvement.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sigalle Michael
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

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

Date: March 24, 2014

Re: Report of the Personnel Committee Meeting of March 24, 2014

PROPOSED RECOMMENDED ACTION

The Personnel Committee (Committee) recommends Board of Directors' approval of the following items:

- A) None; receive and file;
- B) Re-appointment of Terry A. Trumbull, Esq., and Julio A. Magalhães, Ph.D., to the regular public member positions and of Michael F. McGowan, Ph.D., and Barbara Toole O'Neil, Ch.E., Q.E.P., to the alternate public members positions on the Air District's Hearing Board for three-year terms and the appointment of Frank Imhof to the agriculture category seat on the Air District's Advisory Council, for the remainder of a term expiring December 31, 2014; and
- C) None; receive and file. The Committee denied the appeal and will take no further action because the allegations in Douglas W. Hall's complaint lack merit.

BACKGROUND

The Committee met on Monday, March 24, 2014, and received the following reports:

- A) Strategic Staffing Plan Update;
- B) Conduct Interviews and Consider Recommending Board of Directors Approval of a Candidate for Appointment to the Air District's Advisory Council in the Agriculture Category and Consider Recommending Hearing Board Member Reappointments; and
- C) Appeal of Executive Officer/Air Pollution Control Officer Decision on Douglas W. Hall's Complaint of Violation of the Air District's Equal Employment Opportunity Policy.

Attached are the staff reports presented in the Committee packet.

Chairperson Brad Wagenknecht will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACTS:

- A) None; all personnel costs are contained the Fiscal Year End (FYE) 2015 budget.
- B) None.
- C) None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

Attachment

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 17, 2014

Re: Strategic Staffing Plan Update

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

At the January 15, 2014 Board Retreat, the Board requested an update on the Air District's strategic staffing process.

DISCUSSION

The Air District, as part of its annual budget process, considers, analyzes and implements the staffing of the Agency. Staff will update the Personnel Committee on this annual process and the considerations for the Fiscal Year Ending (FYE) 2015 budget.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None; all personnel costs are contained the FYE 2015 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 19, 2014

Re: Conduct Interviews and Consider Recommending Board of Directors Approval of a
Candidate for Appointment to the Air District's Advisory Council in the Agriculture
Category and Consider Recommending Hearing Board Member Reappointments

RECOMMENDED ACTION:

Conduct interviews of candidates for appointment to the Air District's Advisory Council in the Agriculture Category. The Committee will consider recommending Board of Directors' approval to re-appoint the regular and alternate member positions for the two public member positions and their alternates on the Air District's Hearing Board.

BACKGROUND

Advisory Council

Pursuant to Section 40261 of the California Health and Safety Code the Air District is required to maintain an Advisory Council consisting of 20 members. Further, section 40262 requires that the member categories consist of at least three representatives of public health agencies; at least four representatives of private organizations active in conservation or protection of the environment within the bay district; at least one representative of colleges or universities in the state; and at least one representative of each of the following groups within the bay district: regional park district, park and recreation commissions or equivalent agencies of any city, public mass transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor. To the extent that suitable persons cannot be found for each of the specified categories, council members may be appointed from the general public. Advisory Council members serve a term of two years.

Recently, State Senator Jerry Hill (D-San Mateo) has introduced a bill about the District's Advisory Council. Senator Hill served on the District Board, and as Chair in 2008. As Chair, he served as an ex-officio member of the Advisory Council. Senate Bill (SB) 1415 makes some changes to the District's Advisory Council.

In 1955, at the same time it established the District, the Legislature also established the Advisory Council. That language remains in statute today, virtually unchanged. This language reads that the Advisory Council members "preferably are skilled and experienced in the field of air pollution." Today, the Air District is required by state and federal law to address a far more diverse set of issues than it handled in 1955. The Air District works to reduce emissions from a

much wider range of sources, addresses the public health impacts of air pollution, and is part of a unified effort on climate change.

SB 1415 updates the Advisory Council statute language to recognize the current responsibilities of the Air District. Specifically, the bill would require the members to be “skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution”.

Hearing Board

Pursuant to Section 40800 of the California Health and Safety Code, the Air District is required to maintain a Hearing Board consisting of five members including, one member who is a professional engineer registered as such pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code), one member from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine, and two public members. The Air District board may also appoint one alternate for each member. The alternate shall have the same qualifications, specified in Section 40801, as the member for whom such person is the alternate. The alternate may serve only in the absence of the member, and for the same term as the member.

Pursuant to Division I, Section 8.6 of the Air District’s Administrative Code, Hearing Board Member terms are limited to fifteen (15) consecutive years, with re-appointment possible after a three-year absence. If re-appointed, this will be the regular Public Members’ fifth consecutive three-year terms and the Alternate Members’ second consecutive term.

DISCUSSION

Advisory Council

There is one vacancy in the Agriculture Member category, in which the incumbent submitted her resignation. Staff initiated three consecutive recruitment efforts to fill the vacancy. The vacancy announcement was posted on the Air District website and outreached to the following sites:

- Bay Area Newspapers including: Contra Costa Times, Oakland Tribune, Marin Independent Journal, Napa Valley Register, Press Democrat (Santa Rosa), San Francisco Chronicle, San Jose Mercury, San Mateo Times, and Times Herald (Vallejo)
- California Air Pollution Control Officers Association (CAPCOA)
- Governmentjobs.com
- Agcareers.com
- Ecojobs.com
- Ecoemploy.com
- Craiglists.org
- Bay Area Cities & Counties mailing lists
- Bay Area Professional Associations (e.g. Farm Bureau, Agricultural and Land Trusts, Farmer’s Market Associations, Agricultural Council of California, Marin Organic, Agricultural Institute of Marin, Association of Winegrape Growers, etc.)
- Previous Advisory Council (Agriculture Category) Candidates
- Board Members

After extensive recruitment and outreach efforts, staff received a total of seven (7) applications for the vacancy in the Agriculture category. Staff and the Advisory Council Chair and/or their designee have assessed the candidates' experience and education relative to the position for which the candidates applied and have selected three (3) candidates with the most relevant qualifications to interview with the Personnel Committee.

Interviews of the candidates will occur during the Personnel Committee meeting. The length of each interview will be approximately fifteen minutes. The application materials of the candidates will be provided to you for your review.

Hearing Board

The terms of office for the Public regular and alternate Members will expire on April 2, 2014. Of the four positions with terms expiring, both regular incumbents and both alternate incumbents have expressed an interest in being considered for re-appointment. Therefore, staff recommends that interviews be waived and both incumbents be re-appointed to three (3) year terms of office. Information on the incumbents attendance at hearings and their term limits will be provided to you for your review.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Rex Sanders
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Brad Wagenknecht and Members
of the Personnel Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 18, 2014

Re: Appeal of Air Pollution Control Officer/Executive Officer Decision on Douglas W.
Hall's Complaint of Violation of the Air District's Equal Employment Opportunity
Policy

INTRODUCTION

This item is an appeal of a decision by the Air Pollution Control Officer/Executive Officer to deny an appeal of a decision made by the Air District's Equal Employment Opportunity Officer.[†] Both decisions determined that there have been no violations of the Air District's Equal Employment Opportunity Policy ("Policy") and Equal Opportunity Plan ("Plan")[‡] as alleged in a complaint filed by Air District employee Douglas Hall. (For the Committee's convenience, a copy of the Policy is attached as Attachment A; a copy of the Plan is attached as Attachment B; a copy of the Air Pollution Control Officer's decision denying the appeal is attached as Attachment C, a copy of the Equal Employment Officer's decision addressing Mr. Hall's complaint is attached as Attachment D, and Mr. Hall's Appeal is attached as Attachment E.)

Mr. Hall contends that the Air District has not properly implemented the Air District's Policy, because Acting Manager assignments in the Engineering Division were assigned to individuals who the Director determined could appropriately ensure that the Air District's obligations were met during the acting assignments. The Division Director's acting assignments were made on the basis of interviews, reviews of work product, and reviews of other aspects of job performance of interested candidates, rather than rotating the acting assignments among all interested staff members. According to Mr. Hall, this resulted in his candidacy for a recruitment to hire a manager being disadvantaged because he was not selected to fill one of the acting manager roles.

[†] Pursuant to the Bay Area Air Quality Management District's Administrative Code, Division III, Personnel Policies & Procedures, Section 2.3 Discrimination Complaint Procedure, the Personnel Committee may consider an employee's appeal of the Air Pollution Control Officer/Executive Officer's decision regarding the District's Equal Employment Opportunity Policy.

[‡] The Plan generally implements the Policy. The Policy is set forth in Division III, Section 2 of the Air District's Administrative Code.

Although Mr. Hall's contentions may relate to a particular recruitment, his claims can and do relate only to an alleged failure of the Air District to implement the Policy. Therefore, neither Mr. Hall's qualifications for the position he sought, nor the qualifications of any other individual, including the incumbent, are at issue in this matter. Moreover, because the issue raised by Mr. Hall does not relate to the hiring, termination, or discipline of any employee, and particularly not an employee under the direct supervision of the Board of Directors, this matter must be considered in open session under the Brown Act.

RECOMMENDED ACTION

Staff recommends that the Personnel Committee deny the appeal and take no further action, because the allegations in Mr. Hall's complaint and appeals lack merit.

BACKGROUND

The Air District's Policy and Plan have been in place since the late 1960's. Fundamentally, the Policy and the Plan are intended to ensure equal opportunity for all people to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, and otherwise treated within the workplace. As noted above, the Plan is designed to implement the Policy. The Policy and Plan have been revised several times over the years, with the latest revision occurring on September 12, 2011. The 2011 revision changed all references from "affirmative action" to "equal employment opportunity" and deleted items that referred to affirmative action plan activities, (i.e., those activities that would favor applicants or employees based on gender or ethnic status). The Policy and Plan place the responsibility for implementation with the Director of Administrative Services acting as the Equal Employment Opportunity Officer and the Air Pollution Control Officer/Executive Officer and provide that division directors are responsible for implementation within a division. Neither the Policy nor the Plan specifically addresses acting assignments.

In 2012, the Director of Engineering determined that there was a need to backfill two vacant positions with acting managers. Air District Division Directors have considerable flexibility to determine the procedures for making acting assignments. These determinations are based on the needs of the division to carry out the Air District's mission and are made in accordance with the Air District's Administrative Code and the Memorandum of Understanding between the Air District and the Air District Employee Association. Typically, the division director makes an acting assignment to an individual who the director believes can fill the role without engaging in a formal process.

The Director of Engineering initially requested that senior staff in the Engineering Division apprise him of their interest in the acting assignments and indicated that the acting assignment might be rotated among interested staff. In many cases, Supervisor level staff members, who are immediately below managers, are considered for acting manager assignments. In this case, the Director of Engineering expanded the opportunity to undertake the acting manager assignments to Senior Engineers. After interviewing interested staff, including Mr. Hall, and considering their work performance and quality of work, the Director of Engineering determined the most qualified staff for the acting assignments. The Director of Engineering initially rotated four

engineers in the acting assignments, but eventually chose to have only two engineers act on a longer-term basis, because the Director determined that those individuals were best handling the assignments and accomplishing the Engineering Division's work and the Air District's mission.

The Air District began recruitment to fill the vacant Air Quality Engineering Manager position on April 8, 2013. Along with six other candidates, Mr. Hall applied for the open Engineering Manager position. He was interviewed for the position, including by the Division Director, and the Deputy Air Pollution Control Officer, but ultimately was not selected for the position.

DISCUSSION

On October 6, 2013, Mr. Hall filed a complaint alleging a violation of the Policy and Plan. Mr. Hall contends that the acting Engineering Assignments were not assigned in accordance with the Policy and Plan. According to Mr. Hall, the provision in the policy stating a commitment to "[p]rovide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities" mandates that acting assignments be distributed to all interested Air District staff, or at the least, to Mr. Hall.

As noted above, neither the policy nor the Plan addresses acting assignments. Furthermore, nothing in the Air District Administrative Code or the Memorandum of Understanding requires that acting assignments be rotated or otherwise assigned to whoever is interested without regard to the need to accomplish the necessary work of the Air District.

Staff fully investigated Mr. Hall's allegations. Staff also retained a licensed investigator to assist with the investigation. Based on the findings of the investigation, there is no merit to Mr. Hall's allegations. The investigation concluded that there was no evidence that the Director of Engineering violated any Air District policy based on the manner in which acting assignments were made as outlined above. The investigation further concluded that there was no evidence that acting assignments in the Engineering Division violated the Policy or the Plan. Furthermore, the investigation concluded that there is no evidence that race, ethnicity, or any other legally protected factor has played any role in acting assignments in the Engineering Division.

In short, there is no evidence that the Air District violated the Policy or the Plan. On the basis of the investigation, after following all appropriate procedures, on October 24, 2013, the Air District's Equal Employment Opportunity Officer responded to Mr. Hall's complaint and informed Mr. Hall that it had been determined by an independent investigator that there had been no violation of the Policy or Plan as alleged by Mr. Hall. On November 6, 2013, Mr. Hall appealed that decision to the Air Pollution Control Officer/Executive Officer. On November 26, 2013, the Air Pollution Control Officer/Executive Officer denied Mr. Hall's appeal and confirmed the findings of the Equal Employment Opportunity Officer. On December 18, 2013, Mr. Hall filed an appeal of the decision to the Personnel Committee.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian C. Bunger
Reviewed by: Jack M. Colbourn

Attachments: Attachment A - Air District's Equal Employment Opportunity Policy
Attachment B - Air District's Equal Opportunity Plan
Attachment C - The Air Pollution Control Officer's decision denying
Attachment D - The Equal Employment Officer's decision addressing Mr. Hall's
complaint
Attachment E - Mr. Hall's Appeal

SECTION 2 EQUAL EMPLOYMENT OPPORTUNITY POLICY
(Revised 10/5/11)

The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

The District is committed to maintaining a meaningful Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

2.1 OBJECTIVES. (Revised 10/5/11)

- (a) The District will insure that each employee and applicant is afforded an equal opportunity in all aspects of the employment process without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (b) The District will analyze its work force and the population of the Bay Area.
- (c) The District will focus its equal opportunity efforts on enhanced outreach and training programs.
- (d) The District will establish and administer programs for employment, training and promotion of all employees without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.
- (e) The District will be responsible for Equal Employment Opportunity Plan and designate an Equal Employment Opportunity Officer.
- (f) The District is committed to making a good faith effort to successfully achieve Equal Employment Opportunity.
- (g) Sexual harassment is contrary to basic standards of conduct between individuals and is prohibited by EEOC regulations. The District will therefore insure that the workplace is free from sexual harassment. Sexual harassment is defined in EEOC regulations, and includes, but is not limited to, the following: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made explicitly or implicitly a term or condition of employment, is used as a basis for employment decisions, or has the purpose or effect of interfering with work performance or creating an otherwise offensive working environment.
- (h) The District will insure that no qualified person will be discriminated against on the basis of a disability. All qualified persons that can perform the essential functions of the job, with or without reasonable accommodation that does not create "undue hardship" for the District, shall be provided an equal opportunity for employment and promotion. All terms used in this section are defined in the regulations implementing the Federal Americans with Disabilities Act.

2.2 RESPONSIBILITY FOR EQUAL EMPLOYMENT OPPORTUNITY. (Revised 10/5/11)

- (a) The Air Pollution Control Officer of the District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity Plan.

- (b) The responsibilities of the Equal Employment Opportunity Officer are listed in the Equal Employment Opportunity Plan.

2.3

DISCRIMINATION COMPLAINT PROCEDURE (Revised 10/5/11)

Unlawful discrimination refers to discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

An employee or group of employees who believes an incident involving a violation of the District's equal employment opportunity policy has arisen, may submit the complaint (in writing) to the Equal Employment Opportunity Officer.

- STEP 1 The written complaint must be received by the Equal Employment Opportunity Officer within 30 days of the alleged discrimination and must specify the particulars of the alleged discrimination, including specific acts and/or statements. Although the specific act must have occurred within 30 days, supplementary or background information supporting the complaint may be included. If a complaint is received in an incomplete form, the Equal Employment Opportunity Officer will advise the complainant that help in its preparation can be arranged. A group of employees filing at the same time must allege acts of similar nature to be considered for class action.
- STEP 2 The Equal Employment Opportunity Officer will evaluate the complaint and, if necessary, conduct an investigation.
- STEP 3 Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt. If the employee is not satisfied with the action of the APCO, the employee may request the complaint be heard by the Personnel Committee of the Board of Directors. The employee will submit the complaint to the Personnel Committee within fifteen (15) working days of the action of the APCO.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

for

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-4980**

EEO Contact: Human Resources Officer
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 Ellis Street
San Francisco, CA 94109
(415) 749-4980

**EQUAL EMPLOYMENT OPPORTUNITY PLAN
FOR BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

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BACKGROUND

The Bay Area Air Quality Management District (Air District) is a regional government agency responsible for improving air quality in the San Francisco Bay Area. The Air District employs approximately 350 full-time employees in a variety of jobs ranging from Air Quality Engineers and Inspectors, to clerical and administrative support staff. Most of the Air District's employees work in the main office located in San Francisco, California.

The Air District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated assigned work and otherwise treated without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age or sexual orientation.

To affect its policy of equal employment opportunity, the Board commits itself and the Air District to implementing an Equal Employment Opportunity Plan. The plan is designed to analyze the Air District's workforce and the population of the Bay Area and to set forth specific plans and procedures to ensure equal employment opportunity.

APPLICABLE REGULATIONS

The Air District's Equal Employment Opportunity Plan has been prepared according to the Air District's Administrative Code Division 3, Section 2: Equal Employment Opportunity Policy.

Federal and State equal employment opportunity laws and regulations include Title VII of the Civil Rights Act, the Equal Pay Act, the Americans with Disabilities Act, the Genetic Information Non-Discrimination Act, the California Fair Employment and Housing Act.

For purposes of the Equal Employment Opportunity Plan, the Air District collects data on gender, race or ethnic groups.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 1: COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

The Bay Area Air Quality Management District reaffirms its commitment to a policy of equal employment opportunity. The Air District will continue to administer its personnel policies and conduct its employment practices in a manner that treats each employee and applicant for employment on the basis of merit, experience, and other work related criteria, without regard to race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sex, age, or sexual orientation.

The Air District is committed to maintaining a meaningful, result-oriented Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.

The Air District will designate the Human Resources Officer to also serve as the Equal Employment Opportunity Officer, and will focus its equal employment opportunity efforts on enhanced outreach and training programs. The Air District is committed to making a good faith effort to successfully achieve equal employment opportunity.

(Signature)

Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 2: ORGANIZATIONAL PROFILE

Workforce Analysis/Lines of Progression

The Air District conducts a workforce analysis to identify employees by gender and race/ethnicity in each job title. The data is collected from payroll records.

Job titles are listed by organizational unit. Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles.

For each job title, the lower threshold of the salary range is provided, as well as the EEO Category to which the title is assigned. For each job title, the Air District identifies the total number of employees, the number of male and female employees, the total number of White, Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native employees, and the male and female employees within each of these race/ethnic groups.

Lines of Progression

In conjunction with the workforce analysis, the Air District develops lines of progression. Lines of progression (career ladders/career paths) identify the job titles through which an employee can move to the top of a line. For each line of progression, applicable departments are identified. These are the departments that employ persons in the job titles in the specified line of progression. Some lines of progression are limited to only one department, while others are found throughout several departments.

The lines of progression provide useful information regarding patterns of vertical and horizontal movement throughout our workforce. These patterns are evaluated to ascertain whether they provide to our employees the optimum career mobility and opportunities for advancement.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 3: JOB GROUP ANALYSIS

The Air District conducts the workforce analysis individually for every job title. The job titles are grouped for the comparison of incumbency to availability. There are several reasons for grouping jobs.

Many job titles are similar in content such that handling them individually in the Equal Employment Opportunity Plan is not necessary. Grouping together these very similar titles is appropriate for the comparison of incumbency to availability.

For many job titles, there is limited data available and the same data must be used for several related jobs. Therefore, grouping these related titles together is logical.

Many job titles have few incumbents. A meaningful comparison is conducted by grouping several similar titles and increasing the number of employees involved.

The most critical guideline in creating job groups is that job titles discuss "similar" or "related" jobs. Above all, the job titles placed into a job group must be more similar or related to each other than the job titles in other job groups.

Listed below are the guidelines that are followed in developing the job groups.

Job Grouping Guidelines

1. The content of the jobs in a group must be similar. Similar content refers to job responsibilities and requisite skills required.
2. The wage or salary rate for the jobs in a group must be similar. Pay rates are considered in conjunction with job content. Large apparent differences in pay, when associated with differences in job title and/or location within an organization, suggest an unacceptable job grouping.
3. Job titles placed in a job group should be similar in opportunity. Opportunity refers to the ability to take advantage of training, transfers, promotions, mobility to desirable situations, and other employment benefits. Ideally, each job within a job group should have opportunities similar to other job titles within the same job group.
4. The groups should not include jobs with clearly different representation patterns. For example, jobs predominately filled with males should not be combined in the same group with jobs predominately filled with females.
5. Many job groups, if appropriately constructed, should cut across departmental or organizational units, but not across EEO Categories.

6. Employers with over 150 employees should not use EEO occupational categories as the only job groups in an Equal Employment Opportunity Plan. EEO categories are generally much too broad for proper availability analysis purposes. However, jobs placed in a group should generally belong to the same EEO Category.
7. Employers with less than 150 employers may use EEO categories as the only job groups.
8. The size of the employer's workforce is a major factor in determining how well the criteria above can be met in creating job groups.
 - A. Job groups must have enough incumbents to permit meaningful comparisons of incumbency to availability. No minimum size has been established for this purpose, however, since it is dependent not only on the size of the job group, but also on the size of the availability percentage.

Although the Air District recognizes that it is not possible to adhere to every guideline above when creating job groups, the Air District does not combine job titles with different content, wages, or opportunities.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 4: PLACEMENT OF INCUMBENTS IN JOB GROUPS

Each job group appears on a Job Group Report with a job group name and number. The report lists each job title in the job group. For each job title, the worksheet provides the following information: EEO reporting category, pay grade, job title, employee headcounts for each job title, and overall percentages by gender and race/ethnicity.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 5: DETERMINING AVAILABILITY

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at the Air District for a given job group in the relevant labor market during the life of the Equal Employment Opportunity Plan. Availability indicates the approximate level at which each race/ethnic and sex group could reasonably be expected to be represented in a job group if the Air District's employment decisions are being made without regard to gender, race, or ethnic origin. Correct comparisons of incumbency to availability depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis).

Steps in Comparison of Incumbency to Availability

Identify Availability Factors

The following availability factors are for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the most recent Census of Population.
 - a. Local labor area: An employee residence zip code analysis was conducted to identify the local labor areas.
 - b. Reasonable labor area: National: 100.0%
2. Internal Factor: The percentage of employees promotable, transferable, and trainable within the Air District.

Assign Internal and External Factor Weights: Weights are assigned to each factor for each job group. A combination of historical data and experience are used to determine the weights. Weights are never assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights are multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component are summed. This produces a final availability estimate for each sex and race/ethnic group.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 6: COMPARING INCUMBENCY TO AVAILABILITY

Availability estimates are made for each job group. The Air District compares the percentage of incumbents in each job group to their corresponding availability. A comparison is made between the percentage and that group's final availability.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 7: DESIGNATION OF RESPONSIBILITY

The Executive Officer/Air Pollution Control Officer of the Air District has the overall responsibility to the Board of Directors for actions by the staff in planning, coordinating, implementing, evaluating and reporting on all phases of the Equal Employment Opportunity Plan. The Executive Officer/Air Pollution Control Officer or his designee reports to the Board of Directors on the progress and objectives of the plan.

The Executive Officer/Air Pollution Control Officer designates the Human Resources Officer to also serve in the role of Equal Employment Opportunity Officer and be responsible to ensure that the equal employment policies and programs are implemented.

Division Directors are responsible to implement the Equal Employment Opportunity Plan within a division, including informing all supervisory personnel of the Air District's Equal Employment Opportunity policy and ensuring hiring, promotion, and employee development are consistent with program objectives.

It is the responsibility of Management to ensure that the workplace is free of sexual harassment and that the Air District takes corrective action when an employee is determined to have violated the Equal Employment Opportunity Plan's objective regarding harassment.

Equal Employment Opportunity Officer

The responsibilities of the Equal Employment Opportunity Officer will include:

1. Reviewing the Air District's personnel policies to ensure they are consistent with the equal opportunity laws and the Air District's Equal Employment Opportunity Plan.
2. Reviewing, evaluating, and updating the Equal Employment Opportunity Plan as necessary, and with the approval of the Executive Officer/Air Pollution Control Officer.
3. Providing assistance to divisions in implementing the Equal Employment Opportunity Plan.
4. Reporting progress of equal employment opportunity programs to the Executive Officer/Air Pollution Control Officer.
5. Advising divisions on training needs and encouraging development of training programs.
6. Recommending revision of job description forms when necessary so forms accurately reflect duties, responsibilities, and qualifications required for each job.

Human Resources Officer

The responsibilities of the Human Resources Officer will include:

1. Disseminating the Equal Employment Opportunity Plan to all employees and other interested parties.
2. Providing all recruiting and hiring data to aid in monitoring the equal employment opportunity program, including the number hired, the number of terminations, the number of promotions, the number of persons trained, the number of persons interviewed, and other relevant data.
3. Providing the liaison between the Air District and school, community, and professional organizations, both inside and outside the Air District.
4. Providing the liaison between the Air District and compliance agencies.
5. Developing and implementing training programs that support the Equal Employment Opportunity Plan.
6. Reviewing all recruiting procedures, to ensure that they conform to equal opportunity and employment practice guidelines.
7. Providing various training programs.
8. Advising employees on availability of training inside and outside the Air District with emphasis on individual career development and training.
9. Submitting employment pattern reports to the Executive Officer/Air Pollution Control Officer.
10. Reviewing hiring and promotion procedures to ensure equal employment opportunity-guidelines are followed.
11. Reviewing the desirable qualifications on job descriptions to ensure that job requirements are non-discriminatory.
12. Reviewing the effectiveness of the Equal Employment Opportunity Plan from time to time and suggest changes as necessary.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

CHAPTER 8: ACTION-ORIENTED PROGRAMS

The following programs have been developed to meet the Air District's Equal Employment Opportunity Plan:

A. SELECTION PROCESS

1. Review all class descriptions to ensure that they accurately reflect the position functions and contain the essential functions of the position in order to conform with the Americans With Disabilities Act.
2. Review the qualifications for each class to determine that the qualifications are job-related and nondiscriminatory.
3. Distribute class descriptions to management staff involved in recruiting, screening, selection, and promotion process.
4. Train all personnel involved in a selection process.
5. Evaluate selection tests to ensure that they are based on valid job-related criteria.

B. RECRUITMENT PROCEDURES

1. Maintain an extensive recruitment list of state and local community and professional organizations, state and local organizations representing persons with disabilities, state employment development departments, state vocational agencies, local sheltered workshops, college placement offices, and state and local educational institutions.
2. Actively encourage employees to refer applicants.
3. Make employees available for participation in Career Days, Job Fairs, and related activities in the community.
4. Maintain active interest file of applicants and distribute position announcements.
5. Contact community and professional organizations representing persons with disabilities for referrals.
6. Remain active in community organizations and encourage Air District employees to participate.
7. Advertise in various Bay Area newspapers and publications.
8. Continue recruitment efforts at colleges and schools. Provide brochures, conduct

informational presentations, and participate in career day activities.

9. Participate in career fairs.

PROMOTIONAL OPPORTUNITIES AND TRAINING

1. Post job announcements for promotional opportunities on bulletin boards, electronic bulletin boards, and distribute to all personnel.
2. Provide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities.
3. Inform employees about the Air District's Educational Reimbursement Program and Leave Policy for educational purposes.
4. Provide educational courses that will aid employees in obtaining mobility through promotions.
5. Provide career counseling to employees.
6. Continue to offer speech classes to employees who are non-native speakers of English.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

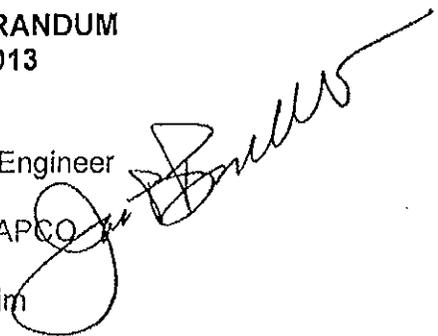
CHAPTER 9: INTERNAL AUDIT AND REPORTING

To assure that the Air District's Equal Employment Opportunity Plan is fully implemented, the following internal audit system has been established.

1. The Human Resources Office will maintain and monitor accurate records of all employment activities, including, but not limited to, applicants, hires, promotions, transfers, and terminations.
2. The Executive Officer/Air Pollution Control Officer will review reports provided by the Equal Employment Opportunity Officer to ensure that the Air District's Equal Employment Opportunity program is being carried out.
3. The Human Resources Officer will file an EEO-4 Report as required by the federal guidelines.
4. The Executive Officer/Air Pollution Control Officer or his designee will present the Equal Employment Opportunity Plan to the Executive Committee of the Board of Directors.
5. The Equal Employment Opportunity Plan will be provided to interested parties upon request.
6. The reporting and auditing system will be utilized to measure the status and effectiveness of the Air District's Equal Employment Opportunity Plan.

INTEROFFICE MEMORANDUM
November 26, 2013

TO: Douglas Hall, Supervising Air Quality Engineer
FROM: Jack P. Broadbent, Executive Officer/APCO
SUBJECT: Appeal of Determination of EEOP Claim



This memo is in response to your memo of November 6, 2013 in which you appeal the determination of your claim of a violation of the Equal Employment Opportunity Plan (EEOP) which you filed on October 6, 2013.

In that claim, you have asserted that a violation of the EEOP policy has occurred. Specifically, you have claimed that the selection of staff for acting management assignments in the Engineering Division has damaged your ability to be promoted.

As you are aware, the Air District retained a competent third party investigator to fully explore both your earlier complaint concerning the Air Quality Engineering Manager recruitment examination and the EEOP claim you filed on October 6, 2013. That investigation determined that no Air District policy, including but not limited to the EEOP, was violated.

I have reviewed your claim, met with you to understand your concerns, read the report of the investigator, and reviewed the determination of the EEOP Officer and I am satisfied that no violation of the EEOP has occurred in relation to your claim. Further, I am confident that the EEOP Officer and Human Resources Staff have acted responsively and thoroughly in addressing and investigating your concerns.

For the reasons stated above, I find that the determination of the EEOP Officer in response to your October 6, 2013 claim stands.

CC: Jack M. Colbourn, Director of Administrative Services / EEOP Officer / HRO

OFFICE MEMORANDUM
October 24, 2013

To: Douglas W. Hall
From: Jack M. Colbourn, Director of Administrative Services
Subject: Violation of the EEOP

By this correspondence we acknowledge receipt of your memo of October 6, 2013 in which you report a complaint concerning alleged violations of the District's Equal Employment Opportunity Plan (EEOP) as it relates to acting manager assignments in the Engineering Division. For the reasons explained below, we have concluded that no investigation of the concerns you raised is warranted at this time.

In the summer, an outside investigator was hired by the District to conduct an investigation into allegations that one of your co-workers raised about acting manager assignments made by Engineering Division Director, Jim Karas, as well as Mr. Karas' recommendation that Pamela Leong be promoted to the vacant Engineering Manager position. That investigation considered the very same allegations that you have raised in your complaint - whether Mr. Karas' acting manager assignments in late 2012 and 2013 violated any District policy (including, but not limited to, the EEOP) and whether those acting assignments unfairly benefitted Ms. Leong in the recruitment process for the Engineering Manager position.

After interviewing numerous individuals and reviewing a voluminous amount of documents relating to acting assignments, the Engineering Manager recruitment, and other recent recruitments in the Division, the investigator concluded that District policy grants Mr. Karas broad discretion in making acting assignments and there is no evidence to suggest that Mr. Karas has abused that discretion or that his decisions concerning acting manager assignments violated the EEOP.

The investigator further concluded that Mr. Karas did not abuse his discretion in recommending Ms. Leong for the permanent position of Engineering Manager. According to the investigator, Mr. Karas credibly explained his reasons for believing Ms. Leong was the best fit for the position. Although Mr. Karas did consider Ms. Leong's tenure as acting manager in recommending her for the promotion, that was not the only reason for his recommendation. Further, Mr. Karas' belief that Ms. Leong was most qualified for the position was corroborated by others who were involved in the recruitment process. The initial screeners – division directors Damian Breen and Wayne Kino – believed Ms. Leong to be the best choice for the position as did Human Resources Analyst, Christine Holmes, who sat in on the interviews of the finalists. Also,

as you know, Jeff McKay re-interviewed all the finalist candidates and agreed that Ms. Leong was most suited for the position.

Based on the investigator's findings regarding acting assignments in the Engineering Division and their impact on the Engineering Manager recruitment, we have concluded that no further investigation is warranted at this time.

Please let us know if you have any further questions regarding this matter.

**VIOLATION OF SPIRIT AND INTENT
OF
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

BY

DOUGLAS W. HALL

SUPERVISING AIR QUALITY ENGINEER

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

October 6, 2013

To: Equal Employment Opportunity Officer

From: Douglas W. Hall, Supervising Air Quality Engineer, *DWH*

Subject: Violation of Equal Employment Opportunity Policy

I am filing a complaint as permitted under Section 2 of the Equal Employment Opportunity Policy:

"An employee or group of employees who believes an incident involving a violation of the District's equal employment opportunity policy has arisen, may submit the complaint (in writing) to the Equal Employment Opportunity Officer."

The District is an Equal Employment Opportunity and affirms elements of its policy below:

- The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated...
- The District is committed to maintaining and implementing an Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.
- Division Directors are responsible to implement the Equal Employment Opportunity Plan within a division...
- Provide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities.

I believe that an incident involving a violation of the District's equal employment opportunity policy has occurred, which has severely damaged my opportunity for advancement. In the promotional recruitment for the hire of a new Air Quality Engineering Manager in the Engineering Division, I was not afforded the same opportunity as others to demonstrate leadership and supervisory capabilities in the role of acting manager prior to the open recruitment. It is essential to have been allowed this opportunity to enhance my chances for advancement. Education and breadth of experience has little weight in this management recruitment unless given the same opportunity which was afforded to

others in an acting management assignment. The hiring manager has stated the importance of this acting managerial assignment in the announcement of the new hire.

"I have selected Pamela Leong for Air Quality Engineering Manager in the Engineering Division. Pam demonstrated that she has the most relevant experience and qualifications to perform the duties of this position."

Given the same opportunity as Pam in an acting managerial assignment, I would have rated very highly and, using the same measuring stick, I would have been selected over Pam for the position. My MBA Degree in Management and 40 years of professional engineering experience of which more than half was spent as a District supervisor along with the opportunity of an acting managerial assignment would have given me more relevant experience and qualifications than her. The failure of the Director of Engineering (the Hiring Manager) to afford me the opportunity to demonstrate leadership and supervisory capabilities in a management capacity is contrary to the spirit and intent of equal employment. The Director of Engineering should not be allowed to pick and choose who he wants to fill a position at the expense of not carrying out his responsibility to implement equal employment opportunity.

No employee should be favored over another as opportunity belongs to everyone. In the 4th quarter of 2012, the Director had informal interviews to see all who wanted an acting managerial assignment as part of a rotation. I was interviewed but was never appointed by the Director of Engineering to assume one of the two acting managerial assignments. For all intent and purposes, the two acting assignments were filled by two employees (Pam Leong and Sanjeev Kamboj)

Recommendation

I recommend that an investigation be launched to determine the severity of this alleged infraction on my ability to be promoted into management. If my complaint is found to have merit and to be as I have declared, appropriate action should be taken by the Equal Employment Opportunity Officer in an effort to make right that which is wrong. I have proposed a satisfactory remedy below.

Remedy

To correct for the harm that has befallen me, I recommend that the fourth management position in the Engineering Division that was lost because of the 3rd DAPCO position be restored and that I be placed in that management position.

November 6, 2013

To: Executive Officer/Air Pollution Control Officer

From: Douglas W. Hall, Supervising Air Quality Engineer 

Subject: Violation of Spirit and Intent of Equal Employment Opportunity Policy

On October 24, 2013, the EEOC Officer responded back to my filed complaint on October 6, 2013 asserting a violation of the Equal Employment Opportunity Policy. In essence, I was informed that the Director of Engineering has broad discretion in appointing acting assignments and no violation of the Equal Employment Opportunity Policy occurred. I am now appealing to the APCO to determine whether or not the Director of Engineering erred in his responsibility to ensure the spirit and intent of the Equal Employment Opportunity Policy was carried out.

I do not want to rehash what was stated in my attached filed complaint nor provide a rebuttal, at this time, to the statements made in the attached EEOC Officer reply. In a nutshell, I am focusing on what happened prior to the open recruitment for the Air Quality Engineering Manager Position. Did the Director of Engineering hand pick Pam Leong, his favorite, to be his successor? Did he provide her with greater responsibilities to demonstrate leadership and supervisory capabilities at a management level to set her apart from potential contenders for the subsequent opening of the manager position? Did Pam Leong have a competitive advantage prior to the recruitment that would allow her to excel in the interviews and be ultimately chosen? The answer to all of these questions, in my unbiased opinion, is yes. You should reflect on these questions and ask yourself does this advance or regress the implementation of equal employment opportunity.

The investigator mentioned that the Director of Engineering has broad discretion in making acting assignments. However, at what point, does that cross over the line into practicing unequal employment opportunity. The Director of Engineering had good intentions. He conducted informal interviews in 2012 to set up a rotation for those advanced-journey engineers and higher that wanted an acting manager assignment in the Division. For reasons unknown, he scrapped this plan which provided equitable and fair treatment to all and appointed, for the most part, Pam Leong and Sanjeev Kamboj to serve long term in the two positions for acting manager. Each had served for at least a year prior to Pam being selected for the position. Even though the position was filled competitively, the outcome was predetermined because of the managerial experience she had gained. Hence, the recruitment process was perfunctory at best, which is in violation of the spirit and intent of equal employment opportunity.

If the actions of the current Director of Engineer continue to go unfettered, I have no opportunity of ever being promoted into the management class.

December 18, 2013

To: Brad Wagenknecht – Chairperson and Personnel Committee Members

From: Douglas W. Hall, Supervising Air Quality Engineer

Subject: Violation of Spirit and Intent of Equal Employment Opportunity Policy

I am filing an appeal of a violation of the Equal Employment Opportunity Policy (EEO) to be heard before the Personnel Committee in accordance with the Administrative Code, Section 2.3, Step 3, which is as follows:

STEP 3 Discrimination complaints found by the Equal Employment Opportunity Officer to be valid will be forwarded to the APCO for appropriate action. Complaints found by the Equal Employment Opportunity Officer to be invalid may be appealed to the APCO within ten (10) working days of the Equal Employment Opportunity Officer's decision. Any complaint decision forwarded or appealed to the APCO shall be acted upon within ten (10) working days of receipt. If the employee is not satisfied with the action of the APCO, the employee may request the complaint be heard by the Personnel Committee of the Board of Directors. The employee will submit the complaint to the Personnel Committee within fifteen (15) working days of the action of the APCO.

I filed my complaint on October 6, 2013 and followed the complaint resolution process. I have attached to this appeal a copy of my correspondences detailing the complaint and the District's reply for your benefit. In my complaint, I stressed the importance in adhering to the elements of the EEO policy. I mentioned that the District is an Equal Employment Opportunity Employer and affirms elements of its policy below:

- The Board of Directors of the Bay Area Air Quality Management District affirms its policy to provide equal employment opportunities for all persons to be recruited, employed, placed, selected for training, trained, evaluated, promoted, demoted, laid off, terminated, compensated, assigned work and otherwise treated...
- The District is committed to maintaining and implementing an Equal Employment Opportunity Plan. It is the responsibility of the Human Resources Office, under the direction of the Director of Administrative Services and under the general direction of the Executive Officer/Air Pollution Control Officer, to ensure the spirit and intent of the Equal Employment Opportunity Plan is carried out.
- Division Directors are responsible to implement the Equal Employment Opportunity Plan within a division...

- Provide training to employees for positions of greater responsibility and afford employees the opportunity to demonstrate leadership and supervisory capabilities.

I believe that an incident involving a violation of the District's equal employment opportunity policy has occurred in the area of acting assignments for management positions in the Engineering Division. I am not focusing on acting assignments in other divisions as this violation is systemic only to the Engineering Division. Also, I must add the Executive Officer, EEOP Officer and Human Resources staff have acted responsibly and admirably in addressing and investigating my claim. The Investigator did her best in reviewing my allegations. However, this EEOP violation is of the 21st century. Perhaps, only those that have been victimized can see the slightest flaws in the system.

This case begins with two management vacancies in the Engineering Division. The Director of Engineering put out an announcement to attract all interested engineers (senior level and higher) for the opportunity to hold an acting managerial assignment in the Engineering Division. See the attached emails at the end of this document for the opportunity for an acting managerial assignment. Later, he held meetings to discuss this opportunity with each of the interested engineers. He never went through with his plan. He scrapped the planned rotational process, which would have provided fair and equitable treatment for all. Instead, for all intent and purposes, he appointed two of his favorites for the two acting managerial assignments.

The Director of Engineering provided on-the-job training for their growth and development. He gave them tenure in that management role which added up to be about a year in a 15-month window. Those two "senior" engineers were groomed to be the best qualified candidates when the position finally opened up. Each of the acting managers was subsequently promoted to fill those vacancies by the hiring manager, the Director of Engineering. Even though I have been at the District for more than 26 years with 23 years as a supervisor, I was no match for this orchestrated plan. The appearance of a properly run recruitment process and employment selection procedure were only a disguise to cover up this violation of the EEOP policy, as the hiring process was only perfunctory. Vacancies are filled through the District's Administrative Code through a competitive process. Picking your managerial cabinet months in advance prior to the competitive process promotes unequal job opportunities and should be banned.

The Director of Engineering failed to carry out his responsibility in implementing the EEOP policy by:

1. Foregoing the Board of Directors' directive to implement the Equal Employment Opportunity Plan in the Engineering Division by shunning rotating the long-term acting assignments.
2. Choosing not to train and develop all the interested engineers for management positions as he had alluded to.

The Investigator stated that the Director of Engineering is granted broad discretion in making acting assignments. However, his discretion is limited when it comes to his commitment to implement equal employment opportunity in the Division. In my opinion, he exercised poor judgment by foregoing the planned rotational process and manipulating the system to place his favorites in management positions, which reported directly to him.

The vacancy should be viewed as an opportunity to develop employees and provide an opportunity for the employees to "try" the job and obtain an introduction to supervisory-leadership within a compressed timeline. A good management practice, in sync with the Equal Employment Opportunity Policy, would be to identify all engineers having promotional potential and recognize those engineers with personal desires for advancement so that those individuals may be given full opportunities for training, transfers or mentoring to gain the skills needed for the promotion. The Division directors should encourage a balancing of the operational work demands of the District with employee development needs and be a champion for promoting employment equity practices.

Opportunity Means Promotion

Education and breadth of experience has little weight in this management recruitment unless given the same opportunity which was afforded to others in an acting management assignment. The hiring manager has stated the importance of this acting managerial assignment in the announcement of the new hire.

"I have selected Pamela Leong for Air Quality Engineering Manager in the Engineering Division. Pam demonstrated that she has the most relevant experience and qualifications to perform the duties of this position."

Given the same opportunity as Pam in being granted an acting managerial assignment, I would have rated very highly and, using the same measuring stick, I would have been selected over her for the position. Please look at the two attached documents that show my education along with my job experiences and accomplishments. My MBA Degree in Management and 40 years of professional engineering experience of which more than half was spent as a District supervisor along with the opportunity of an acting managerial assignment would have given me exceedingly more relevant experience and qualifications than her. The failure of the Director of Engineering (the Hiring Manager) to afford me the same opportunity to demonstrate my management abilities is contrary to the spirit and intent of equal employment. The Director of Engineering should not be allowed to manipulate the system to pick and choose who he wants to fill a position at the expense of not carrying out his responsibility to implement equal employment opportunity.

Remedy

To compensate the aggrieved party for the harm that has befallen him, and to send a strong message to the Director of Engineering to provide fair and equitable treatment to all staff, I recommend that the fourth management position in the Engineering Division that was lost because of the 3rd DAPCO position be restored. The District has grown immensely in the number of management positions over the years. The Engineering Division is the only major division at the District which has **not** grown in the number of managers since I joined the Air District (more than 26 years ago). It is rich with minorities and females and is fertile ground to increase workplace diversity. Furthermore, to eliminate a management position in the Engineering Division would be regressive, in my opinion. It would stagnate opportunities for promotional advancement into the management field for minorities and females, which are already few and in between.

Also, once restored, I recommend that Juan Ortellado, Manager of Permit Evaluation, be reassigned his old position as Manager of Permit Operations where he excelled. Presently, Pam Leong, the new manager, is managing that section along with the Engineering Projects Section.

Further, I recommend that I become the new manager of the Permit Evaluation Section filling the vacancy left by Juan Ortellado. My entire time at the District has been in the Permit Evaluation Section and I am well qualified to perform the duties and responsibilities of that management class. My hiring selection can follow the same process as the promotion for Sanjeev Kamboj (chosen by the hiring manager from the list of finalists in the recent management recruitment for the division). I was one of the finalists that were interviewed for the open Air Quality Engineering Management position by the hiring manager back in the summer of 2013.

ATTACHMENT

From: Douglas Hall
Sent: Monday, September 10, 2012 4:21 PM
To: Sa Sa Kotovsky
Subject: FW: Interest in Acting Manager

Sa Sa,

I am interested in the two vacant Manager positions. Please arrange an appointment for me to discuss this opportunity with Jim.

Thanks,

Doug

From: Jim Karas
Sent: Tuesday, September 04, 2012 5:01 PM
To: Juan Ortellado; Barry Young; Pamela Leong; Joseph Slamovich
Subject: RE: Interest in Acting Manager

Clarification:

Senior staff includes senior engineers and above.

Please have interested staff contact SaSa by Friday, September 14th.

JimK

From: Jim Karas
Sent: Tuesday, September 04, 2012 4:54 PM
To: Juan Ortellado; Barry Young; Pamela Leong; Joseph Slamovich
Subject: Interest in Acting Manager

Managers,

As you know, we have two vacant Manager positions. Please have any interested senior staff make an appointment with SaSa to discuss this opportunity with me.

JimK

Jim Karas

Director of Engineering

Bay Area Air Quality Management District

jkaras@baaqmd.gov

www.baaqmd.gov

Douglas W. Hall

2454 Merritt Avenue
San Pablo, CA 94806

Specialty

Improving and maintaining air quality and protecting the public's health

Summary of Achievements

- Supervised 21 engineers, many new hires, over the past 23 years as a supervisor, in permitting routine and complex permit applications for which nearly ½ have become seniors or supervisors.
- Reviewed and edited more than 5000 engineering evaluations over 23 years as a supervisor for clarity, conciseness, soundness and accuracy.
- Managed the Title V program for 6 years and timely issued 41 of the 43 Title V renewals on the Our Children's Earth (OCE) list prior to the deadline.
- Interpreted and enforced for 26 years the District regulatory requirements on permitting existing, new and modified sources of air pollution.
- Led, as Project Leader, the Engineering Division in the interdivisional Flare Minimization Plan (FMP) efforts involving Engineering, Enforcement and Legal.
- Amended regulation and revised data forms to allow the permitting of portable equipment and pre-certified sources.
- Provided technical expertise as District representative on the CAPCOA and ARB portable equipment registration program.
- Represented Air District and reported directly to APCO on Locomotive Emissions Advisory Committee (LEAC).
- Taught and trained 19 Interns and 2 temporary employees to carry out the business of the Air District.
- Conducted many outside recruitments and hired two engineers into the Engineering Division.
- Acted as Acting Manager for an aggregate of 6 months during my tenure at the District and was the Acting Director of the Permit Services Division for 3 days.
- Improved public speaking skills through numerous presentations before the District's Personnel Committee, Budget and Finance Committee and Board of Directors.
- Helped develop and write policies on Enhanced Enforceability of Permit Conditions Committee (Engineering, Enforcement and Technical).

While Not Requested

- Authored and published nationwide BAAQMD paper on stationary internal combustion engines.
- Performed all work to create new job class in the Engineering Division -- Supervising Air Quality Engineer.
- Spoke before the Board of Directors on acceptance of the fiscal year budget.

Employment

BAAQMD, San Francisco, CA

Air Quality Engineer II (1987-1990) and Supervising Air Quality Engineer (1990 – Present)

Assigned, organized, reviewed, planned, evaluated and supervised, over this period, the air quality work of 21 Journey/Senior level Air Quality Engineers and 1 Title V Technician. Supervised and managed the Title V program for issuance of initial Title V permits, Title V renewals, Title V reopenings and revisions (administrative, minor, and significant). Managed the activities of three major refineries (Phillips 66, Valero and Tesoro) and Lehigh Southwest Cement. Managed the District engine program, and trained Interns and temporary employees.

Chevron Research Company, Richmond, CA

Research Engineer (1973 to 1986)

Explored the effect of carburetor deposits on engine performance. Evaluated the effect of gasoline volatility on engine driveability. Evaluated the octane quality of gasoline to keep engines from pinging. Explored feasible control measures to reduce NOx emissions from diesel engines.

Selected Publications

“Current Regulations Impacting Exhaust Emissions from Stationary Internal Combustion Engines”, D.W. Hall, BAAQMD, presented at the American Society of Mechanical Engineers Technical Conference in San Antonio, Texas, October 1988.

“Carburetor Deposits – Are Clean Throttle Bodies Enough?”, D. W. Hall and L. M. Gibbs, Society of Automotive Engineers, Paper #760752, Presented at F and L meeting, Dearborn, Michigan, October 1976.

Education

BS, Mechanical Engineering, 1973

Southern University, Baton Rouge, Louisiana

MBA, Management, 1979

Golden Gate University, San Francisco, CA

AIR QUALITY ENGINEERING MANAGER

Supplemental Information

1. Education

I have a Bachelor of Science (BS) degree in Mechanical Engineering from Southern University in Baton Rouge, Louisiana. I completed around 160 semester units to obtain this degree. I graduated with a 3.3 grade point average. Major course work was in chemistry, mathematics, thermodynamics, fluid mechanics, strength of materials, engineering economics and heat transfer.

I have a Master of Business Administration (MBA) degree in Management from Golden Gate University in San Francisco, CA. I completed 24 semester hours in management prerequisite course and 30 semester hours in the graduate program to obtain the MBA degree. I graduated with a 3.4 grade point average. Major courses for the MBA were: a) Business Policy, b) Marketing Decision Making, c) Public Policies toward Business, d) Business Policy: Strategy Formation and Management Section, e) Legal Environment of Business, f) Marketing Fundamentals, g) Decision Analysis for the Manager, h) Management, i) Managerial Finance and j) Managing toward Accounting Performance.

Training

Seminars/Workshops/Courses

- | | |
|--|---|
| o Sexual Harassment Training | November 8, 2011 |
| o Title V Permitting Program Overview | August 12, 2010 |
| o Personal Empowerment: Taking Initiative | January 27, 2009 |
| o Compliance Assurance Monitoring (CAM) | August 27, 2008 |
| o Portable Equipment Registration Program (PERP), Course #295 | August 19, 2008 |
| o Effective Permit Writing | February 26 - 28, 2008 |
| o Preventing Harassment | November 5, 2007 |
| o Employee Due Process Rights and Skelly | May 24, 2007 |
| o Environmental Impact Assessment & CEQA | May 2 - 4, 2006 |
| o Supervisory Skills for the First Line Supervisor/Manager | April 6, 2006 |
| o Legal Issues Regarding Hiring | February 16, 2006 |
| o Environmental Regulations of CA. Overview of Federal and State Law | February 7 and 8, 2006 |
| o Preventing Workplace Harassment, Discrimination and Retaliation | September 15, 2005 |
| o Discipline: Putting It Into Practice | March 2, 2005 |
| o Coaching For Improvement | February 3, 2005 |
| o MACT: Course #290, Sacramento | December 9, 2004 |
| o Use and Abuse of Absenteeism | February 4, 2004 |
| o Labor Relations Primer | October 8, 2003 |
| o Cal/OSHA | October 8, 2003 |
| o Managing the Marginal Employee | April 9, 2003 |
| o 12 Steps to Avoiding Liability | April 9, 2003 |
| o Accounting/Budgeting | 1999/2000 |
| o Understanding Finance and Accounting | November 2 and 3, 1998 |
| o Basics of Employment Law | March 24 and 25, 1998 |
| o Petroleum Refinery Compliance | 1997 |
| o How to be a Successful Team Leader | January 31, 1997 |
| o Interviewing Skills and Selection | May 15, 1997 |
| o Your Role as A Supervisor and Manager | May 14, 1997 |
| o How to Supervise People | December 6, 1996 |
| o For the newly Appointed Supervisor and Manager | |
| o Managing Multiple Projects, Objectives and Deadlines | November 5, 1996 |
| o Assertiveness Skills | October 15, 1996 |
| o Overview of Environmental Law | August 16, 1996 |
| o <u>CONFERENCES</u> | |
| o National Petroleum Refiners Association | October 15-17, 1995, September 27, 1993 |
| o Clean Air Act Conference and New Control Technology | October 16 and 17, 1990 |
| o Internal Combustion Engine Technical Conference | October 2 - 5, 1988 |

2. Notwithstanding 13 years at Chevron Research Company as a Research Engineer, I have spent 26 years at BAAQMD in the Permit Evaluation Section of the Engineering Division. Much of this time was spent on permitting existing, new and modified stationary sources at industrial facilities including refineries and carrying out the Title V program. Also, I was the lead person on the portable equipment program. During this period of time at the District, I was involved in these major activities.

BAAQMD: Supervising Air Quality Engineer: NSR and PSD: 23 years (1990 to present)

Assigned, organized, reviewed, planned, evaluated and supervised the air quality work of 21 professional journey/senior level air quality engineers over my tenure at the District. Main duties and responsibilities were to issue District operating permits to facilities operating existing, new and modified stationary equipment to control and monitor the release of harmful air contaminants. Applications were reviewed for correct source description, accurate emissions calculation, health-related impacts, chargeable cumulative increase, current BACT, generation of offsets, compliance with federal, state and local regulations, environmental impacts and soundness of permit conditions. The supervised group has evaluated more than 5000 applications of varying complexities and has issued a multitude of air permits.

BAAQMD: Air Quality Engineer II: NSR and PSD: 3 years (1987 to 1990)

Reviewed and evaluated more than 100 permit applications for issuing permits to existing, new and modified stationary equipment. Many applications were subjected to new source review (BACT, offsets), toxics and CEQA. Also, I completed several banking applications for emission reduction credits (ERC's).

BAAQMD: Supervising Air Quality Engineer: Title V: 17 years (1996 to Present)

Assigned, organized, planned, reviewed, evaluated and supervised the Title V activities of four to six professional air quality engineers. The supervised group was responsible for more than 20 Title V plants, which included the Valero, Phillips 66 and Tesoro refineries. Activities have included issuing Title V permits, renewing the Title V permits, revising Title V permits and issuing Synthetic Minor Operating Permits. The supervised group reviewed the various Title V action items for correct source descriptions, all inclusive general and applicable requirements, enforceable and sound permit conditions, appropriate monitoring requirements and established test methods. Also, they wrote the Statement of Basis to properly document all changes made in the Title V permit.

BAAQMD: Title V Supervisor: 7 years (2006 to Present)

I am the supervisor for the Title V program. I have direct supervision over a senior Title V engineer, a Title V technician and the indirect supervision of all other engineers working on Title V. I am responsible to ensure that non-refinery Title V permits and refinery Title V permits are completed in a timely fashion taking into account manpower shortages and resources. I arranged bi-weekly meeting to get progress reports and set up a wall-sized chart to monitor increments of progress. I am charged with reviewing the completed Title V work for completeness and quality control.

BAAQMD: Supervising Air Quality Engineer: Interns: 6 years (2006 to 2012)

Assigned, organized, planned, reviewed and supervised the work of 19 College Engineering Interns over this period of time. The Interns were primarily responsible for issuing permits to existing and new diesel engines and ensuring compliance with the stationary ATCM.

BAAQMD: FMP Project Leader: 2 years (2006 to 2008)

I am the FMP Project Leader in the Engineering Division. The FMP program is carried out by Enforcement and legal with technical support from the Engineering Division. I ensured that the 5 refinery engineers were clear on their assignments and met the deliverable dates. The team had numerous meetings with District staff, the refineries and WSPA. I attended all of the informational public meetings on the initial FMP held in the impacted community. I prepared the quarterly FMP reports and kept management updated on the FMP activities.

3. **BAAQMD: Supervising Air Quality Engineer: NSR, PSD & Title V: 23 years (1990 to now)**

Assigned, planned, organized, reviewed, evaluated, trained and supervised the air quality work of 21 professional journey/senior level air quality engineers over my tenure at the District. Main duties and responsibilities included issuing District and federal operating permits to facilities operating stationary equipment to: (1) control air pollution to maintain and improve air quality and (2) protect the public's health. Applications to permit new and modified sources were subjected to New Source Review (BACT, Offsets) and PSD. Health related impacts were evaluated through a toxic risk screen analysis. Discretionary projects were evaluated to comply with CEQA. Regarding Title V, the engineers have played an extreme role in issuing and maintaining Title V permits and synthetic minor operating permits. The supervised staff has also been instrumental in the field of rule development.

Work Example: I set a performance standard for the engineers to have no overdues (zero tolerance) while producing a good work product. Five methods have been employed to ensure that the engineer met the no overdue performance standard: 1) reviewing weekly application status report, 2) balancing work load among supervised staff, 3) seeking extensions when more time is needed, 4) providing direction and guidance to the assigned permit engineer on the projects, and 5) pushing overtime when an engineer has a work imbalance. In the event a permit application became overdue in spite of this policing, I made every effort to get it quickly off the overdue list. In regard to a good work product, I reviewed all completed assignments to ensure that they met the accurateness, thoroughness and completeness requirements set by the Engineering Division. I provided feedback to the engineers on shortcomings to improve the work quality of present and future documents.

BAAQMD: FMP Project Leader: 2 years (2006 to 2008)

Led the Engineering Division in the interdivisional FMP efforts. We supported fully the FMP efforts by Enforcement and legal for refineries to produce and follow a Flare Minimization Plan (FMP) to reduce emissions from flares by minimizing the frequency and magnitude of flaring. My main duties and responsibilities were to help ensure the success of the FMP program. This feat was accomplished by having the five refinery engineers work diligently with District staff and the refineries on completing the initial FMP, reviewing causal reports for future prevention measures and reviewing the annual FMP update. I provided work assignments, monitored progress, and kept the group and management informed of new developments.

Work Example: I set a performance standard for the refinery engineers to meet the deadline for completing the FMP assignments. On one occasion, the refinery engineers along with the inspectors were to do a synopsis of the draft FMP submitted by the refineries to help identify deficiencies. In a follow up visit with the engineers, I learned that two senior-level engineers were not going to do the synopsis because of poor morale. They felt they were working in vain since most of their hard work, in the past, was overlooked by Enforcement. I reiterated the importance of the FMP program and our commitment to support the FMP activities. After this discussion, both engineers completed the assignment by the deadline. Each engineer has now fully embraced the team concept in spite of perceived indifferences.

BAAQMD: College Engineering Interns' Supervisor: 6 years (2006 to 2012)

I was the supervisor for 19 College Engineering Interns over the past 6 years. I assigned, planned, organized, directed, reviewed and supervised their work in permitting diesel engines and other stationary sources of air pollution. I was actively involved in the hiring process. I was responsible for their training as well as their personal growth and development.

Work Example: I set a performance standard that each Intern is to have a high level of work productivity. This meant that they needed to complete, on average, about 3 to 5 permit applications per week. The methods used to ensure that they met that standard were to balance the workload among the Interns and then follow their weekly output. One Intern failed grossly to meet that standard and was fired.

BAAQMD: Title V Supervisor: 7 years (2006 to Present)

I am the supervisor for the Title V program. I am responsible to ensure that non-refinery Title V permits and refinery Title V permits are completed in a timely fashion taking into account manpower shortages and available resources. I am charged with reviewing the complete Title V work for completeness and quality control.

Work Example: I set a performance standard that the refinery engineers work with the refineries to ensure that they submitted their Title V applications for renewal on time. The methods used to ensure that they met that standard were: 1) to provide them with a clean Title V copy, 2) have the refineries complete a how-we-can help questionnaire, 3) hold periodic meetings with Title V engineers on increments of progress and 4) periodically meet with the refineries and WSPA on expectations. All of the refineries met the deadline.

4. **Hiring/Policies and Procedures**

Time as Acting Manager/Director

I have spent an aggregate of about 6 months since March of 1990 as the acting manager of the New Source Review Section. I have spent 3 days in April of 1995 as the acting Director of the Permit Services Division.

Hiring Personnel

I was the person in direct charge of the recruitment to hire two engineers into the Engineering Division. I reviewed the pool of candidates' applications, interviewed the applicants and made a recommendation for hire (which was approved). On numerous other occasions, I have been involved in the recruitment process, which included screening, interviewing and recommending the hire of the best candidate or candidates.

Policies and Procedures

An Ad hoc committee was formed to set policies and procedures for the enhanced enforceability of operating permits. I was one of the representatives from the Engineering Division (then Permit Services Division) that participated on this committee. The Committee operated as a team and, all policies set were through a collaborative effort. Standard language for permit conditions, such as temperature excursion language for thermal oxidizers and source test language, was set. A form was developed for reporting compliance problems in the field detected by area enforcement inspectors to permits. Policy related to quantifying emissions from internal combustion engines was also set. This committee met, on average, about once a month and lasted for two to three years.

DEVELOPING AND ADMINISTERING PROGRAMS

For more than 26 years, I have been instrumental in the developing and administering of various environmental programs, such as, the portable equipment program, Title V program and New Source Review Program. I participated in the District's 5-year Plan (1 week).

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

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

Date: March 26, 2014

Re: Report of the Budget and Finance Committee Meeting of March 26, 2014

RECOMMENDED ACTION

The Budget and Finance Committee (Committee) has no recommendations of approval by the Board of Directors.

BACKGROUND

The Committee met on Wednesday, March 26, 2014, and considered the following reports:

- A) Proposed Amendment to Regulation 3: Fees; and
- B) Discussion of Proposed Budget for Fiscal Year Ending (FYE) 2015.

Attached are the staff reports that were presented in the Committee packet.

Committee Chairperson Carole Groom will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) The draft fee amendments would increase fee revenue in FYE 2015 by an estimated \$2.7 million from revenue that would otherwise result without a fee increase. Fee revenue estimates are included in the draft FYE 2015 budget.
- B) The proposed consolidated budget for FYE 2015 is a balanced budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

Attachments

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Groom and Members
of the Budget and Finance Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 12, 2014

Re: Proposed Amendment to Regulation 3: Fees

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Staff develops amendments to the Air District's fee regulation as a part of the budget preparation process. On March 7, 2012, the Board of Directors adopted a Cost Recovery Policy that established a goal of increasing fee revenue sufficient to achieve 85% recovery of regulatory program costs by Fiscal Year Ending (FYE) 2016. Air District staff estimated that in order to achieve this goal, fee revenue will need to be increased by approximately 6.4% per year between FYE 2013 and 2016.

DISCUSSION

Consistent with the cost recovery policy, draft amendments to specific fee schedules were made in consideration of cost recovery analyses conducted at the fee schedule-level, with larger increases being proposed for the schedules that have larger cost recovery gaps.

Existing fee schedules would be amended as follows:

- 2% increase for fee schedules that are recovering greater than 95% of costs.
- 7% increase for fee schedules that are recovering 85% to 95% of costs.
- 8% increase for fee schedules that are recovering 75% to 84% of costs.
- 9% increase for fee schedules that are recovering less than 75% of costs.

Several fees that are administrative in nature (permit application filing fees, alternative compliance plan fees, and permit to operate renewal processing fees) would be increased by 3%.

In addition, proposed amendments to Schedule T: Greenhouse Gases would increase the fee rate from \$0.048 to \$0.09 per metric ton of carbon dioxide equivalent (CDE) emissions. This fee increase is intended to fund stationary source programs necessary to implement Board Climate Protection Resolution No. 2013-11.

Air District staff will provide the committee with additional details regarding the draft fee amendments at the committee meeting on March 26, 2014. A summary of public comments received to date, including those received at a public workshop held on February 18, 2014 will be provided.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The draft fee amendments would increase fee revenue in FYE 2015 by an estimated \$2.7 million from revenue that would otherwise result without a fee increase. Fee revenue estimates will be included in the draft FYE 2015 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jim Karas
Reveiwed by: Jeffrey McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Carole Groom and Members
of the Budget and Finance Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 26, 2014

Re: Discussion of Proposed Budget for Fiscal Year Ending (FYE) 2015

RECOMMENDED ACTION

The Executive Officer/APCO requests that the Budget and Finance Committee review the Proposed Budget for FYE 2015, and make any recommendations for further discussions to be held during the April 23, 2014 Budget and Finance Committee meeting.

BACKGROUND

At the March 19, 2014 Regular Board of Directors meeting, the FYE 2015 Proposed Budget document was referred to the Budget and Finance Committee for review at the Committee's March 26, 2014 meeting.

DISCUSSION

Air District staff will present the Proposed Budget for FYE 2015. The Proposed Budget is balanced, without the use of any reserves.

Air District staff will publish, prior to April 21, 2014, a notice to the general public that the first of two public hearings on the budget will be conducted on May 21, 2014 and that the second hearing will be conducted on June 4, 2014. Staff requests that the Budget and Finance Committee complete its review and take action on the Proposed Budget at the April 23, 2014 Budget and Finance Committee meeting. This will allow staff the necessary time required to amend, if necessary, the budget for the first public hearing to be held on May 21, 2014.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The proposed consolidated budget for FYE 2014 is a balanced budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 20, 2014

Re: Overview of the 2013/2014 Wood Smoke Reduction Program

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

Fine particulate matter (PM_{2.5}) is the most significant air pollutant in the Bay Area, especially during the winter months, according to the Air District's 2010 Clean Air Plan. The Air District records the highest levels of PM_{2.5} during the *Winter Spare the Air* season from November 1, 2013 through February 28, 2014. In the winter, more than 30% of PM_{2.5} air pollution is attributed to wood burning from the estimated 1.4 million fireplaces and other wood-burning devices in the Bay Area.

On July 9, 2008 the Board of Directors adopted Regulation 6-3: Wood-burning Devices to protect Bay Area residents from the public health impacts of wood smoke pollution. The rule bans wood burning during *Winter Spare the Air Alerts*, limits excess visible smoke, prohibits burning garbage, restricts the sale and installation of non-EPA certified wood burning devices, and requires labeling on firewood and solid fuels sold within the Air District.

DISCUSSION

While the Air District's air monitoring data show concentrations of PM_{2.5} have decreased over time, the lack of winter storms this winter season caused an increased number of *Winter Spare the Air Alerts* to be issued and more days when the National Ambient Air Quality Standard for PM_{2.5} was exceeded compared to the recent past. Staff will present a review of, and lessons learned from, the 2013/2014 winter season, including how enforcement actions and public outreach contribute to the public's understanding of how reducing wood smoke positively affects their health.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Eric Stevenson
Reviewed by: Lisa Fasano/Wayne Kino