

**Bay Area Air Quality Management District
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 749-5000**

APPROVED MINUTES

Summary of Board of Directors
Executive Committee Meeting
9: 30 a.m., Thursday, May 12, 2008

1. **Call to Order - Roll Call:** Chair Jerry Hill called the meeting to order at 9:33 a.m.
Present: Jerry Hill, Chair, John Gioia, Scott Haggerty, Mark Ross, Tim Smith, Pamela Torliatt.
Absent: Chris Daly, Gayle B. Uilkema and Brad Wagenknecht.
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of April 10, 2008:** Director Torliatt moved approval of the minutes; seconded by Director Haggerty; carried unanimously without objection.
4. **Joint Policy Committee Update:** *Ted Droettboom provided an update on the activities of the Joint Policy Committee.*

Ted Droettboom distributed a report on the progress on the Regional Agency Climate Protection Program, said the JPC met on Friday and discussed efforts to date.

Committee Action: None. This report provided for information only.

5. **Discussion of Population Estimates for Cities, Counties and the State, 2001-2008 and its Implications to the Board Size:** *The Committee considered information on population data received from the Department of Finance and its implications to the size of the Board of Directors.*

Jack Broadbent presented population data from the Department of Finance and its implications to the size of the Board of Directors, said the increase in Solano County's population will require an additional seat on the Board of Directors which would increase the composition to 23 members, and that within the next year or two San Mateo County's population will increase, resulting in 24 members. He reviewed options to 1) maintain the Board Room's current design; 2) expand the current design; and 3) consider meeting at an offsite location.

The Executive Committee discussed each option and associated costs and previous discussions held with regard to amending legislation relative to the Board.

Committee Action: The Executive Committee unanimously agreed to maintain the current design of the Board Room with the addition of new chairs.

6. Discussion of Bay Area Environmental Health Collaborative Proposed Resolution: *The Committee discussed a proposed cumulative impact resolution presented by the Bay Area Environmental Health Collaborative.*

Jack Broadbent said at the March 5, 2008 Board of Directors meeting, members of the Bay Area Environmental Health Collaborative submitted a proposed resolution regarding cumulative risk and asked for their comments.

Amy Cohen, BAEHC, said they came before the Board in December 2007 and March 2008 to discuss goals and policy changes, acknowledged the need for minor revisions, and asked for the support of the District in adopting the proposed resolution.

Karen Cohn, BAEHC, presented a handout on roadway emissions and asthma emergency room visits showing matching areas of impact, she discussed their desire to address cumulative impacts and asked the District to take the lead in addressing existing proportional effects and new cases.

Karen Pierce gave a brief summary of the resolution and its goals and discussed an example of a building recently converted from a warehouse to one having multiple users. The user was granted permits for 18 backup diesel generators with testing done monthly. She discussed more frequent occurrences of similar situations and the need for the District to impose regulations.

Janet Whittick, CCEEB, believed impacts within neighborhoods are a result of poor land decisions, a gap in land use regulations and disagreed with the resolution's approach expressing that the first step should be validating cumulative impact methodologies. She acknowledged the District's work, asked Board members to work with CCEEB to encourage action by the State and assist in representing concerns specific to the Bay Area.

Dennis Bolt, WSPA, stated serious work was being done with stakeholder groups, said initiatives were underway through the Governor's direction and Cal-EPA who has directed the Office of Environmental Hazard Health Assessment to evaluate a risk screen and identify gaps in the current system. He believed the resolution has subjective terms in it that commits the Board and District staff to do things for which it has no legal authority.

Director Haggerty questioned whether additional dollars were associated with adopting the resolution. Mr. Broadbent said staff met last week with CCEEB, he does not disagree with the concerns being raised, money is being targeted through the CARE Program to regulate trucks at the Port and staff plans on developing guidelines for making these decisions which the Board can consider it its leadership role. He recommended continuing the dialogue, working with CCEEB and returning the resolution at a subsequent meeting. Chair Hill suggested that staff present options where there is disagreement at the time the resolution returns.

Director Gioia suggested forming a working group to move forward in developing policy direction and said he preferred dedicating grant funds to those communities that already have a greater burden rather than allocating monies generally to the entire Bay area. Executive Committee members further discussed the need for revisions to paragraphs 3, 5 and 7 of the resolution, agreed with comments to ensure methodologies are established using quantitative evaluation and agreed with the need for private monies and matching I-Bond funds to decrease diesel emissions.

Committee Action: The Executive Committee directed staff to continue to work with CCEEB and WSPA in revising the resolution and return at the June meeting.

7. Discussion of Community Mitigation Fund: *The Committee discussed a proposed Community Mitigation Grant Program.*

Mr. Broadbent said the concept of the program is to utilize penalty resources collected by the District to fund local community projects through the CMG program. The goals are to enhance public health, reduce sources of air pollution, allow communities to become part of the solution and build stronger relationships with communities. The types of programs targeted include emission reduction, outreach and education and public engagement, and staff recommends that \$200,000 be allocated for the fiscal year where penalties collected exceeds the budgeted amount. He said the District would solicit projects, communities would put together proposals for application of grants and the Executive Committee would review applications, approve grants and distribute funds to projects throughout the Bay Area and not necessarily where violations occurred.

The Executive Committee discussed historical uses of mitigation funds, the need for the District to prioritize communities that have disparate health and those most impacted, recommended information be brought back to identify the last 5 years on the types of fines collected, their location and source category, possibly bifurcating the allocation for those having a regional pool and those with a specific incident and whether or not to set the amount of funding to \$200,000 versus allocating funds on a percentage basis by region or sub-region.

Committee Action: The Executive Committee directed staff to return with information over the last 5 years which identifies types of fines collected, their location and source category and whether allocations were regionally-based or specific in nature.

8. Consideration and Approval of Contract in Excess of \$70,000: *The Committee considered recommending Board of Directors' approval of a contract for professional services with Quetin Consulting Inc. and authorizing the Executive Officer/APCO to execute a contract with Quetin Consulting Inc. in an amount not to exceed \$175,000.*

Mr. Broadbent discussed the request for the Committee's consideration to recommend that the Board of Directors approve a contract for professional services with Quetin Consulting, Inc. and authorize the Executive Officer/APCO to execute the contract in an amount not to exceed \$175,000. He discussed Mr. Quetin's qualifications and said the work would be to assist in development and implementation of audits in the Engineering and Compliance and Enforcement Divisions.

The Executive Committee questioned the consultant's hourly rate and confirmed with Mr. Broadbent the amount of the contract was not to exceed \$175,000 and Jeff McKay would provide oversight of consultant services.

Committee Action: Director Smith moved to authorize the Executive Officer/APCO to execute a contract with Quetin Consulting, Inc. in an amount not to exceed \$175,000; seconded by Director Gioia; carried unanimously without objection.

9. **Committee Member Comments/Other Business:** None
10. **Time and Place of Next Meeting:** 10:00 a.m., Wednesday, June 11, 2008 at 939 Ellis Street, San Francisco, CA 94109.
10. **Adjournment.** The meeting was adjourned at 10:41 a.m.

/s/ Lisa Harper
Clerk of the Board