

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Bay Area Rapid Transit District, First Floor Board Room, 800 Madison Street, Oakland, CA 94607

Approved Minutes: Board of Directors Regular Meeting – March 3, 2004

Call To Order

Opening Comments: Chairperson Haggerty called the meeting to order at 9:10 a.m.

Pledge of Allegiance: Director Smith led the Board in the Pledge of Allegiance.

Roll Call: Present: Scott Haggerty, Chair, Roberta Cooper (9:26 a.m.), Chris Daly, Mark DeSaulnier, Jerry Hill, Liz Kniss (9:32 a.m.), Patrick Kwok, Nate Miley (9:26 a.m.), Tim Smith, Pam Torliatt (9:16 a.m.), Gayle Uilkema, Shelia Young.

Absent: Harold Brown, Jake McGoldrick, Julia Miller, Dena Mossar, Mark Ross, John Silva, Marland Townsend, Brad Wagenknecht.

Chairperson Haggerty congratulated the following Board members on being re-elected: Tim Smith, Gayle Uilkema, Liz Kniss, Hal Brown and John Silva.

Chairperson Haggerty announced the March 17, 2004 Board meeting is cancelled.

Public Comment Period: There were no speakers.

Commendations/Proclamations: Chairperson Haggerty acknowledged Director Dena Mossar who has served on the Board of Directors since March 1999. Chairperson Haggerty directed staff to send Director Mossar her plaque along with a letter of appreciation. Chairperson Haggerty also directed staff to send a letter to Deputy Director Maria Ayerdi, who resigned from the Board in January.

Consent Calendar (Items 1 – 5) – The Consent Calendar was deferred until a quorum was present.

Committee Reports and Recommendations – The Committee Reports and Recommendations were deferred until a quorum was present.

Presentation

8. Summary of Environmental Community Tour

Staff provided a summary of the Environmental Community tour and the Air District's response to questions raised during the tour.

Jack Broadbent, Executive Officer/APCO, presented a report of the February 18, 2004 Environmental Community Tour of Oakland. Mr. Broadbent reviewed the community

member comments and concerns raised during the tour and summarized how the Air District is addressing these concerns.

Other Business

9. Report of the Executive Officer/APCO – Mr. Broadbent stated he had no report.

10. Chairperson’s Report

Chairperson Haggerty discussed the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) putting together a joint planning council that will look at comprehensive regional planning for the nine Bay Area counties. Mr. Haggerty stated that a comprehensive plan should not only include transportation and housing, but air quality.

Director DeSaulnier congratulated Chairperson Haggerty on his re-election. Director DeSaulnier added that at the last Regional Agency Coordinating Committee (RACC) having the Air District a part of any kind of regional transportation/land-use commission was discussed. Director DeSaulnier noted that the ultimate goal is to have better coordination between the regional agencies and coordination on land use issues; and that it is appropriate for the Air District to be include in these discussions. Director DeSaulnier stated that since the RACC is already established and designated on the implementation of the regional agency’s Smart Growth Implementation Plan, it would be appropriate to continue with the RACC.

Chairperson Haggerty directed staff to send a letter to Senator Torlakson and the Chairs of MTC and ABAG. The letter should discuss the fact that, if there is going to be a comprehensive regional plan, the Air District believes it should be at the table; that the Air District would prefer that this move to the RACC; and if that is not possible; then the Air District would want an equivalent amount of seats as ABAG and MTC as the new joint planning council is established. Mr. Broadbent will sign the letter to ABAG and Chairperson Haggerty will sign the letter to MTC.

Closed Session (The Board adjourned to Closed Session at 9:25 a.m. without a quorum)

11. Conference with Legal Counsel

Existing Litigation:

Communities for a Better Environment and Transportation Defense and Education Fund v. Bay Area AQMD, Metropolitan Transportation Commission, Association of Bay Area Governments, and California Air Resources Board, San Francisco Superior Court, Case No. 323849

With the arrival of Directors Miley and Cooper at 9:26 a.m. and Director Kniss at 9:32 a.m., a quorum was present for the Closed Session.

Open Session (The Board reconvened to Open Session at 9:37 a.m.)

Brian Bunker, Counsel, reported that the Board met in Closed Session to discuss Item 11 on the agenda. The Board agreed unanimously to approve the settlement, and that the terms of the settlement agreement will be made available when the other parties have approved it.

12. Board Members' Comments – There were none.

Consent Calendar (Items 1 – 5)

1. Minutes of February 18, 2004
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council – There was no report.
4. Consider Approval of Resolution to Create Non-Board Administrative Committee

The Board of Directors Considered approval of a resolution to create a non-Board Administrative Committee with the authority to administer and amend benefit plan documents when necessitated by changes to tax laws, implementation of Board approved labor agreements, and Board direction on benefits for non-represented employees.

5. Consider Amending the MOU with the Employees' Association to add the Principal Air Quality Chemist classification title.

The Board of Directors considered amending the MOU with the Employees' Association to add the Principal Air Quality Chemist classification title.

Board Action: Director Torliatt moved approval of Consent Calendar Items 1 through 5; seconded by Director Young; carried unanimously with the following Board members voting:

AYES: Cooper, Daly, DeSaulnier, Hill, Kniss, Kwok, Miley, Smith, Torliatt, Uilkema, Young, Haggerty.

NOES: None.

ABSENT: Brown, McGoldrick, Miller, Mossar, Ross, Silva, Townsend, Wagenknecht.

Adopted Resolution No. 2004-04: A Resolution of the Bay Area Air Quality Management District Board of Directors Establishing an Administrative Committee and Bestowing Authority on the Administrative Committee to Administer and Amend Employee Benefit Plans

Adopted Resolution No. 2004-05: A Resolution to Approve the Side Letter of Agreement Regarding the Principal Air Quality Chemist Classification

Committee Reports and Recommendations

6. Report of the Budget & Finance Committee Meeting of February 25, 2004

Director Daly presented the report and stated that the Committee, lacking a quorum, met on Wednesday, February 25, 2004. Staff reported on the impact of the Governor's proposed budget for fiscal year 2004/05 on the Air District. Staff reviewed the timeline for the State budget and noted that the Legislature hoped to pass the budget by July 1st. The District's share of subvention this year is \$1.8 million, which is the same as last year. Staff reported that the Governor's proposal would shift \$1.3 billion in property taxes from local governments to the State. The Governor's proposal does not specify if the Air District is included in this shift, and if the District is included, how much property tax would be taken. Staff also reviewed the State revenues and expenditures for the 2004/05 fiscal year.

Staff presented the Second Quarter Financial Report for Fiscal Year 2003/2004. Staff reviewed the Statement of Revenue and Statement of Expenditures and the comparison of budget to actual for each. Staff reviewed the income and expenditures of the Transportation Fund for Clean Air (TFCA) fund.

Staff presented a report on the Lawn Mower Buyback Programs and a request for the transfer of \$135,000 from the Reserve for Contingencies to continue the programs in 2004. Staff noted that seven counties (Alameda, Contra Costa, Solano, Sonoma, Napa, San Mateo and San Francisco) and the City of Sunnyvale want to partner with the Air District to sponsor local lawn mower buy-back programs. Staff is also working with Alameda County to coordinate another lawn mower buy-back program in that county again this year. The consensus of the Committee was to forward this request to the full Board for approval.

The March 24th meeting of the Committee has been cancelled. The next meeting of the Committee is scheduled for 9:45 a.m., Wednesday, April 28, 2004.

Board Action: Director Daly moved the Board approve the report of the Budget and Finance Committee; seconded by Director Torliatt; carried unanimously without objection.

7. Report of the Mobile Source Committee Meeting of February 26, 2004

The Committee met on Thursday, February 26, 2004 and staff presented reports on the following five items and the Committee recommends the Board approve the actions under each item:

1) Carl Moyer Program Grant Allocations.

- Approval of \$3.32 million in grants to 16 projects.
- Approval of \$500,000 in future Carl Moyer Program funds for a specified project at the Port of Oakland.
- Authorize the Executive Officer to offer grants to additional projects as more Carl Moyer funds become available during the 2004 calendar year.
- Authorize the Executive Officer to solicit additional projects that would assist the Air District in complying with the requirements of Health & Safety Code

Section 43023.5 when distributing additional Carl Moyer funds that become available during the 2004 calendar year.

- Authorization for the Executive Officer to enter into funding agreements with recipients of Carl Moyer grants.
- 2) An amendment to the San Francisco County Program Manager expenditure program for fiscal year 2003/2004.
 - Approve the allocation of \$216,000 in TFCA Program Manager funds for 375 Claire Longview system devices for 375 San Francisco Municipal Railway (MUNI) coaches.
 - 3) The allocation of the remaining available fiscal year 2003/2004 Transportation Fund for Clean Air (TFCA) Regional Funds for two projects.
 - Approve \$1 million in TFCA Regional Funds to the Lower Emission School Bus Program.
 - Approve \$512,000 in TFCA Regional Funds to the Metropolitan Transportation Commission (MTC) to help install particulate matter (PM) and nitrogen oxide (NOx) filters on transit buses throughout the region.
 - 4) An amendment to the Marin County Program Manager expenditure program for fiscal year 2003/2004.
 - Approve the allocation of \$98,675 in Marin County Program Manager funds for the County of Marin's Ride and Roll Program.
 - 5) An amendment to the Alameda County Program Manager expenditure program for fiscal year 2003/2004.
 - Approve the allocation of \$941,130 in Alameda County Program Manager funds, awarding:
 - \$500,000 to Alameda County Transit (AC Transit) for the Transit Bus Priority System, International Boulevard project;
 - \$231,200 to the Alameda County Congestion Management Agency for the Guaranteed Ride Home project;
 - \$125,996 to the City of Berkeley for the City Carshare, East Bay Expansion project; and
 - \$83,934 to the Livermore Amador Valley Transit Authority (LAVTA), Altamont Commuter Express (ACE) Shuttle Service, Pleasanton ACE Station to Bay Area Rapid Transit (BART) project.

The Committee also directed staff to make some changes to various reports. The March 11, 2004 meeting of the Committee has been cancelled. The next meeting of the Committee is scheduled for 9:30 a.m., Thursday, April 8, 2004.

Board Action: Director Young moved Board approval of the report as written and Board approval of the five action items as stated in the report; seconded by Director Torliatt.

Speaker: Meena Palaniappan
Pacific Institute
Oakland, CA 94610

Ms. Palaniappan spoke on the Carl Moyer Program grant allocations.

In response to a question from Director Miley, Mr. Broadbent stated that he has met with members of the Pacific Institute about the community being involved with the process with the Moyer funds, but noted that the current Moyer funds are very restrictive on how the money is spent. Mr. Broadbent added that the Air District will continue to meet with the Pacific Institute and take into consideration their concerns as the District works with the Port of Oakland to dispense the money.

The motion then passed without objection.

13. Time and Place of Next Meeting - 9:45 a.m., Wednesday, April 7, 2004, 939 Ellis Street, San Francisco, California.
14. Adjournment: The meeting was adjourned at 9:47 a.m.

/s/Mary Romaidis

Mary Romaidis
Clerk of the Boards

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