

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
939 ELLIS STREET – SAN FRANCISCO, CA 94109

Approved Minutes: Board of Directors' Special Meeting – December 21, 2004

**Call To Order**

Opening Comments:           Chairperson Scott Haggerty called the meeting to order at 9:00 a.m.

Pledge of Allegiance:        Director Harold Brown led the Board in the Pledge of Allegiance.

Roll Call:           Present:    Scott Haggerty, Chair, Harold Brown, Roberta Cooper, Chris Daly, Mark DeSaulnier, Dan Dunnigan, Erin Garner, Jerry Hill, Erling Horn, Patrick Kwok, Jake McGoldrick, Nate Miley, Julia Miller, Mark Ross, John Silva, Marland Townsend, Gayle Uilkema (9:08 a.m.), Brad Wagenknecht.

Absent:    Liz Kniss, Tim Smith, Pam Torliatt, Shelia Young.

**Commendation/Proclamations:** There were none.

**Public Comment Period:** There were none.

**Consent Calendar (Items 1 – 6)**

1.     Minutes of December 1, 2004
2.     Communications. Correspondence addressed to the Board of Directors
3.     Report of the Advisory Council.
4.     Monthly Activity Report

*Report of Division Activities for the months of October and November 2004.*

5.     2005 Regulatory Calendar

*Section 40923 of the California Health and Safety Code requires Districts to publish a list of regulatory measures scheduled or tentatively scheduled for consideration during the next calendar year. The list of regulatory measures that may be considered during 2005 is included in the packet.*

6.     Report of District Personnel on Out of State Business Travel

**Board Action:** Director Townsend moved approval of the Consent Calendar; seconded by Director Cooper; carried unanimously without objection.

## Committee Reports and Recommendations

### 7. Report of the Executive Committee Meeting of November 29, 2004

- Action(s): The Committee recommended Board of Director approval of the following items:*
- A) Approve reappointment of nine (9) Advisory Council members to serve an additional two-year term of office on the Council, effective January 1, 2005 and ending December 31, 2006; and*
  - B) Appointment of Cassandra Adams to the vacant "Architect" category on the Advisory Council to serve a two-year term of office, effective January 1, 2005 and ending December 31, 2006.*

Chairperson Haggerty presented the report and stated that the Committee met on Monday, November 29, 2004 and received and filed the Report of the Hearing Board.

Stan Hayes, Chairperson of the Advisory Council Applicant Selection Working Group, recommended the reappointment of nine Advisory Council members to another two-year term on the Council and the appointment of Cassandra Adams to the "Architect" category for a two-year term on the Council. The Committee recommends Board approval of the appointments to the Advisory Council. The Committee discussed the possibility of, in the future, changing the method by which applicants are selected to the Advisory Council.

Elinor Blake, Chairperson of the Advisory Council, presented the Report of the Advisory Council and discussed the Council's recommendations for fence-line monitoring. Ms. Blake announced the Council Officers for calendar year 2005 as follows: Chairperson, Brian Zamora; Vice-Chairperson, Kraig Kurucz; and Secretary, Fred Glueck. Ms. Blake noted the key issues discussed at meetings of the Council and its Standing Committees.

Staff presented a status report on the Bay Area 2004 Ozone Strategy and stated that the draft Ozone Strategy and draft EIR would be released for public review in January 2005. The Ozone Strategy would be before the Board for hearing and adoption during the second quarter of 2005.

Staff provided status reports and information on the following:

1. The extension of the Memorandum of Understanding with the Employees' Association. The Employees' Association voted to accept the extension of the MOU.
2. An update on the Air District's Affirmative Action Plan.
3. The video teleconferencing for Board of Director meetings. The Committee requested staff follow-up on several items.
4. An update on the District's production system for IRIS/Databank Replacement.

The next meeting of the Executive Committee is scheduled for 9:45 a.m., Wednesday, March 30, 2005.

**Board Action:** Chairperson Haggerty moved that the Board approve the report and recommendations of the Executive Committee; seconded by Director Kwok; carried unanimously without objection.

8. Report of the Mobile Source Committee Meeting of December 6, 2004

*Action(s): The Committee recommended Board of Director approval of the following items:*

- A) Additional fiscal year 2004-2005 Transportation Fund for Clean Air (TFCA) Regional Fund grant awards to three airport shuttle projects; and*
- B) Approval of the expenditure plan for the \$2 increase in the motor vehicle registration fee surcharge within the Bay Area Air Quality Management District.*

Chairperson Haggerty presented the report and stated that the Committee met on Monday, December 6, 2004 and staff presented a report on additional fiscal year 2004/05 Transportation Fund for Clean Air (TFCA) Regional Fund grant awards. Staff recommended funding of four additional projects.

After considerable discussion, the Committee recommends Board approval of three airport shuttle projects – 04R10; 04R11; and 04R24. The City of Sunnyvale in-pavement crosswalk warning lights project (04R48) is not recommended for funding.

Staff presented a report on the expenditure plan for the additional \$2 fee from motor vehicles registered within the Air District’s jurisdiction for an expanded Carl Moyer Program. The increased surcharge would generate approximately \$11 million annually for the expanded Carl Moyer Program. Staff reviewed the types of projects eligible for the new funding. The Committee recommends Board approval of the expenditure plan for the \$2 increase in the motor vehicle registration fee surcharge within the Bay Area Air Quality Management District. A resolution requesting the collection of the surcharge effective April 1, 2005 will be sent to the Department of Motor Vehicles.

The Committee requested staff provide follow-up and/or additional information on several items. The next meeting of the Committee is scheduled for 9:30 a.m., Thursday, January 13, 2005.

**Board Action:** Chairperson Haggerty moved that the Board approve the recommendations of the Mobile Source Committee; seconded by Director Brown.

Director Miller objected to the motion. Director Miller explained that the City of Sunnyvale project was originally approved at 40%, but the project was pulled from the original Mobile Source calendar for further review by staff. After the review by staff, the project was brought back to the Committee for approval at 100%. During the Committee’s discussions, it was decided that traffic calming projects should not be eligible for TFCA funding. Director Miller noted that since the Policies and Guidelines have not yet been changed, she requested approval of the City of Sunnyvale project.

Chairperson Haggerty amended his motion to include the City of Sunnyvale project at the original staff recommendation of \$58,100; Director Brown accepted the amendment to the motion.

Director Uilkema arrived at 9:08 a.m.

The amended motion then passed on the following roll call:

AYES: Brown, Daly, DeSaulnier, Dunnigan, Garner, Hill, Horn, Kwok, McGoldrick, Miller, Ross, Townsend, Wagenknecht, Haggerty.

NOES: Cooper, Miley, Silva, Uilkema.

ABSENT: Kniss, Smith, Torliatt, Young.

**Adopted Resolution No. 2004-16: A Resolution Approving an Increase in the Motor Vehicle Registration Fee Surcharge and a Program for Expenditure of the Increased Fees**

**Public Hearing**

9. Public Hearing to Consider Amendments to District Regulation 2: Permits, Rule 1: General Requirements, Rule 2: New Source Review, and Rule 4: Emissions Banking; and Approval of a Notice of Exemption pursuant to the California Environmental Quality Act

*The primary purpose of these amendments is to conform to changes in State regulations that lower the emissions threshold at which facilities must offset emission increases from new and modified sources. A number of other miscellaneous amendments to permit requirements have also been proposed.*

Chairperson Haggerty continued the Public Hearing at 9:09 a.m.

Jack Broadbent, Executive Officer/APCO, noted that this item involves changes to the District's New Source Review (NSR) program so that the Air District can comply with state law. Each Board member has been provided a transcription of the comments made at the December 15<sup>th</sup> public hearing on this item.

Steve Hill, Manager of Permit Evaluation, stated that the proposed revisions change the requirements for providing offsets under the NSR rule. It is a state requirement and it lowers the thresholds for triggering offsets from 15 tons per year to 10 tons per year, these are facility-wide emissions. Mr. Hill noted that the District has a Small Facility Bank (SFB) that is used to make the process go more smoothly for small facilities. Currently a small facility is defined as 15 to 50 tons per year. In order to prevent depletion of the SFB, the District is proposing to change participation thresholds from 15 to 50 tons per year down to 10 to 35 tons per year.

Director Townsend moved to close the public hearing at 9:11 a.m.; seconded by Director Miller; the motion passed without objection.

**Board Action:** Director Townsend moved that the Board adopt the proposed amendments; seconded by Director Brown; carried unanimously with the following Board members voting:

AYES: Brown, Cooper, Daly, DeSaulnier, Dunnigan, Garner, Hill, Horn, Kwok, McGoldrick, Miley, Miller, Ross, Silva, Townsend, Uilkema, Wagenknecht, Haggerty.

NOES: None.

ABSENT: Kniss, Smith, Torliatt, Young.

**Adopted Resolution No. 2004-17: A Resolution of the Board of Directors of the Bay Area Air Quality Management District Amending Regulation 2: Permits, Rule 1: General Requirements, Rule 2: New Source Review, and Rule 4: Emissions Banking**

**Other Business**

10. Report of the Executive Officer/APCO – Jack Broadbent, Executive Officer/APCO reported on the following:
  1. Thanked the Board for attending today’s meeting to pass the \$2 increase in the motor vehicle registration fee surcharge.
  2. Dr. Alan Lloyd has been named the new Secretary of Cal EPA
  3. The Goods Movement Conference on December 8<sup>th</sup> and 9<sup>th</sup>.
  4. A copy of all the slides that were presented at the Goods Movement Conference will be sent to the Board members.
  5. Wished everyone a safe and relaxing holiday.
11. Chairperson’s Report – Chairperson Haggerty had no report.
12. Board Members’ Comments – Director Townsend, incoming Chairperson, announced that the new Board Standing Committee assignments would begin after the first meeting in January 2005.
13. Time and Place of Next Meeting – Chairperson Haggerty cancelled the January 5, 2005 Board meeting. The next meeting is scheduled for 9:45 a.m., Wednesday, January 19, 2005.
14. Adjournment – The meeting adjourned at 9:15 a.m.

*/s/ Mary Romaidis*  
Mary Romaidis  
Clerk of the Boards