

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

Approved Minutes: Board of Directors’ Regular Meeting – February 16, 2005

**Call To Order**

Opening Comments: Vice-Chairperson Gayle B. Uilkema called the meeting to order at 9:48 a.m.

Roll Call: Present: Gayle B. Uilkema, Vice-Chair, Harold Brown, Roberta Cooper, Chris Daly, Mark DeSaulnier, Dan Dunnigan (9:52 a.m.), Scott Haggerty, Jerry Hill, Liz Kniss (9:52 a.m.), Patrick Kwok, Jake McGoldrick, Julia Miller, Mark Ross, Tim Smith, Pam Torliatt, Brad Wagenknecht, Shelia Young.

Absent: Erin Garner, Nate Miley, John Silva.

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

Commendation/Proclamation: There were none.

Swearing in of New Board Member: Danville Councilperson Michael Shimansky, representing Contra Costa County, was sworn in as a Board Member.

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

**Commendation/Proclamations:** The Board of Directors presented a plaque to Director Erling Horn in recognition of his service on the Air District’s Board of Directors.

**Consent Calendar (Items 1 – 7)**

1. Minutes of January 19, 2005
2. Communications. Correspondence addressed to the Board of Directors
3. Report of the Advisory Council. There was no report.
4. Monthly Activity Report  
*Report of Division Activities for the month of January 2005.*
5. Quarterly Report of the Clerk of the Boards
6. Quarterly Report of the Air Resources Board Representative

7. Consider Authorizing the Executive Officer/APCO to Accept Congestion Mitigation and Air Quality (CMAQ) Improvement Program Funds

*The Board of Directors considered a resolution authorizing the Executive Officer/APCO to accept CMAQ Improvement Program funds for the District's Solid Waste Collection Vehicle Incentive Program.*

**Board Action:** Director Haggerty moved approval of the Consent Calendar; seconded by Director Kwok; carried unanimously with the following Board members voting:

AYES: Brown, Cooper, Daly, DeSaulnier, Haggerty, Hill, Kwok, McGoldrick, Miller, Ross, Shimansky, Smith, Torliatt, Uilkema, Wagenknecht, Young.

NOES: None.

ABSENT: Dunnigan, Garner, Kniss, Miley, Silva, Townsend.

**Adopted Resolution No. 2005-01: Resolution of the Bay Area Air Quality Management District Board of Directors Authorizing District Participation in the Congestion Mitigation and Air Quality (CMAQ) Improvement Program for the San Francisco Bay Area**

Directors Liz Kniss and Dan Dunnigan arrived at 9:52 a.m.

**Committee Reports and Recommendations**

8. Report of the Stationary Source Committee Meeting of January 24, 2005

Director DeSaulnier presented the report and stated that the Committee met on Monday, January 24, 2005.

Staff provided a progress report on the Air District's proposed flare control rule. The presentation included information on progress of the workgroup; control strategy; elements of a Flare Management Plan; and the Rule development process.

Staff presented a status report on the District's Air Toxics New Source Review (NSR) rule development project. The report included the background of the existing Air Toxics NSR Program; a summary of the goals, the District staff's proposal and public comments; and a review of the work that remains to be done. The revised Rule proposal will be issued the first quarter in calendar year 2005, additional workshops will be held, and the District staff will evaluate and respond to additional public comments. It is anticipated the Rule will be before the Board for adoption in mid-2005.

The Committee received an update on the Community Air Risk Evaluation (CARE) Program. The report included information on the Program goals and objectives; public outreach and input; emission inventory and emission density maps; and the technical and analytical quality assurance. The Program will perform a cumulative risk analysis for a pilot project neighborhood, evaluate risk reduction opportunity and then implement a risk reduction plan. Staff reviewed the status of the CARE Advisory Committee.

The next meeting of the Committee is scheduled for Monday, March 28, 2005.

**Board Action:** Director DeSaulnier moved that the Board approve the report of the Stationary Source Committee; seconded by Director Young; carried unanimously without objection.

9. Report of the Budget and Finance Committee Meeting of January 26, 2005

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

- A) Contract with Commercial Sound & Video in the amount of \$28,653 for the implementation of Phase 1 video-conferencing equipment in the 4<sup>th</sup> floor conference room;*
- B) Funding in the amount of \$100,000 for the 2005 Lawn Mower Buy-Back Program; and*
- C) Transfer of \$137,053 from the Reserve for Contingency, and Increase the FY 2004/2005 Capital Budget \$28,653, the ISS Budget \$8,400, and Public Information Program 303-Professional Services and Contracts Budget \$100,000*

Director Miller presented the report and stated that the Committee met on Wednesday, January 26, 2005.

Staff provided information on the Governor's proposed 2005/2006 state budget. Staff reviewed the time line for the state budget and noted there is no initial proposal to cut subvention funds this year and that there is no proposal to further reduce the property taxes the District receives. Funding and staff are slated to be increased for the California Air Resources Board (CARB) due to a number of new programs.

Staff presented a report and recommendation to the Committee that the Board approve phase one implementation of video-conferencing in the 4<sup>th</sup> floor conference room. This would include approval of a purchase order not to exceed \$28,653 to Commercial Video and the transfer of \$37,053 from the Reserve for Contingency. Staff also requested that the Committee recommend Board approval to amend the fiscal year 2004/2005 Capital Budget by \$28,653 and the ISS Budget by \$8,400. The Committee approved the staff recommendation.

Staff requested and the Committee recommended Board approval of a transfer of funds not to exceed \$100,000 from the Reserve for Contingencies to fund the Spring 2005 Lawn Mower Buyback Programs.

The next meeting of the Committee is scheduled for 9:45 a.m., Wednesday, March 2, 2005.

**Board Action:** Director Miller moved that the Board approve the recommendation of agenda item 9A; seconded by Director Torliatt; carried on the following roll call:

AYES: Brown, Daly, DeSaulnier, Dunnigan, Haggerty, Hill, Kniss, Kwok, McGoldrick, Miller, Ross, Shimansky, Smith, Torliatt, Wagenknecht, Young.

NOES: Cooper, Uilkema.

ABSENT: Garner, Miley, Silva, Townsend.

**Board Action:** Director Miller moved that the Board approve the recommendations of agenda items 9B and 9C; seconded by Director Kwok; carried unanimously without objection.

10. Report of the Executive Committee Meeting of February 4, 2005

Director Ross presented the report and stated that the Committee met on Friday, February 4, 2005 and received and filed the Report of the Hearing Board. Brian Zamora, Advisory Council Chairperson, presented the Report of the Advisory Council and noted the Council would be working on its By-Laws and a Code of Conduct this year. In addition, the Council has five issues on its agenda this year: indoor air pollution, climate change and greenhouse gases, the clean up of existing diesel sources, the hydrogen highway blue print, and the District's CARE Program.

Staff presented a report on the Bay Area Ozone Strategy and updated the Committee on the work done to date. Staff discussed the National 1-hour ozone standard and the transition from a national 1-hour to 8-hour ozone standard. Due to legal challenges regarding EPA's 8-hour implementation rule, the District is pausing release of the Ozone Strategy pending clarification of national ozone planning requirements. Staff reviewed the next steps to be taken and they include the following:

- Track the transition from a national 1-hour standard to an 8-hour standard.
- Release the draft Ozone Strategy and draft EIR for public review and comment.
- Prepare the final Ozone Strategy and EIR for Board consideration.
- Rule development and emission reductions are ongoing.

Staff presented a summary of the January 28<sup>th</sup> Northern California Air Quality Coordinating Group meeting. There was discussion at the meeting on areas of mutual concern with regard to the downwind Districts, 8-hour ozone planning, incentive programs, and smart growth.

Ted Droettboom, Regional Planning Program Director of the Joint Policy Committee (JPC), briefed the Committee on the background, mandate and work program of the JPC.

Staff presented a status report on the District's Community Risk Evaluation (CARE) Program and reviewed the Program goals and objectives. Staff also updated the Committee on the CARE Task Force membership.

Staff presented a status report on the District's production system and IRIS/databank replacement.

The Committee met in Closed Session in a conference with the District's labor negotiators. The Committee provided overall direction to the Executive Officer/APCO.

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

**Board Action:** Director Ross moved that the Board approve the report of the Executive Committee; seconded by Director Wagenknecht; carried unanimously without objection.

11. Report of the Mobile Source Committee Meeting of February 10, 2005

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

- A) Proposed Revisions to the Transportation Fund for Clean Air (TFCA) Policies and Evaluation Criteria to govern allocation of FY 2005/2006 TFCA funds;*
- B) Reallocation of Lower-Emission School Bus Program funds;*
- C) Continued Participation in Implementing the California Air Resources Board FY 2004/2005 Carl Moyer Program in the Bay Area; and*
- D) Amendment to the TFCA Alameda County Program Manager Expenditure Program for FY 2004/2005.*

Director Haggerty presented the report and stated that the Committee met on Thursday, February 10, 2005 and Staff presented a report on proposed revisions to the Transportation Fund for Clean Air (TFCA) Policies and Evaluation Criteria for fiscal year 2005/2006. The Committee recommends Board approval of the following:

- Adopt policies 1 through 35 and the evaluation criteria as proposed;
- Adopt proposed policy number 36 but reinstate incident management as an eligible project type; and
- Adopt proposed policy number 37, but include pedestrian projects as an eligible project type.

The proposed revisions, along with a memorandum from Jack Broadbent, are at Board members' places. The Committee discussed taking a more in-depth review of policy numbers 36 and 37 during the next year.

The Committee received reports on and recommended Board approval of the following:

- Reallocation of 2004 Lower-Emission School Bus Program funds;
- Continued participation in the Carl Moyer Program, which includes authorizing the APCO to enter into necessary contracts with the California Air Resources Board (CARB) and Moyer project applicants, and Board approval of procedures to allocate Year 7 Moyer funds;
- Amendment to the TFCA Alameda County Program Manager Expenditure Program for fiscal year 2004/2005 in the amount of \$75,000 for a City of Hayward project.

The next meeting of the Committee is scheduled for 9:30 a.m., Thursday, March 10, 2005.

**Board Action:** Director Haggerty moved that the Board approve the recommendation of the Mobile Source Committee; seconded by Director Brown; carried unanimously without objection.

**Other Business**

12. Report of the Executive Officer/APCO – Jack Broadbent, Executive Officer/APCO, reported on the following items:

1. The District is concluding its winter Spare the Air Tonight program. There was one exceedance on Christmas day in Concord.
  2. The District is in the process of working with the Metropolitan Transportation Commission (MTC) to expand the Spare the Air program so there is free transit on work day Spare the Air Days on all transit systems. Mr. Broadbent noted in today's *Chronicle* there was an article entitled "Spare the Fare".
13. Chairperson's Report: Vice-Chairperson Uilkema announced that the March 2, 2005 Board meeting is cancelled and the next meeting will be on March 16<sup>th</sup>.

**Closed Session** The Board convened to Closed Session at 10:06 a.m.

14. Conference with District's Labor Negotiators  
(Government Code § 54957.6(a))

*Agency Negotiators:* Jack P. Broadbent, Executive Officer/APCO  
Michael Rich, Human Resources Officer

*Employee Organization:* Bay Area Air Quality Management District  
Employees' Association, Inc.

**Open Session** The Board reconvened to Open Session at 10:25 a.m.

Brian Bunger, District Counsel, reported that the Board met in Closed Session on agenda item 14 and the Board gave general direction to Mr. Broadbent to continue discussions on negotiations.

15. Board Members' Comments – There were none.
16. Time and Place of Next Meeting – 9:45 a.m., Wednesday, March 16, 2005.
17. Adjournment – The meeting adjourned at 10:26 a.m.

*/s/ Mary Romaidis*

Mary Romaidis  
Clerk of the Boards