

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

Approved Minutes: Board of Directors' Regular Meeting – November 1, 2006

**Call To Order**

Opening Comments: Chair Gayle B. Uilkema called the meeting to order at 9:46 a.m.

Pledge of Allegiance: The Board of Directors recited the Pledge of Allegiance.

Roll Call: Present: Gayle B. Uilkema, Chair, Tom Bates, Harold Brown, Chris Daly, Mark DeSaulnier, Dan Dunnigan, Erin Garner, Scott Haggerty, Jerry Hill, Yoriko Kishimoto, Carol Klatt, Liz Kniss (10:00 a.m.), Patrick Kwok, Janet Lockhart, Jake McGoldrick, Mark Ross, Michael Shimansky, John Silva, Pamela Torliatt (9:52 a.m.), Brad Wagenknecht.

Absent: Nate Miley, Tim Smith.

Proclamation/Commendation: There were none.

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

**Consent Calendar (Items 1 – 6)**

1. Minutes of October 18, 2006
2. Communications. Correspondence addressed to the Board of Directors. For information only.
3. District Personnel on Out-of-State Business Travel

*In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board was notified by memoranda the list of District personnel who traveled on out-of-state business.*

4. Consider Authorization for Execution of Purchase Order in Excess of \$70,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures Section 4.3 Contract Limitations

*The Board of Directors considered authorizing the Executive Officer/APCO to execute a purchase order to FLIR Systems, for the purchase of a handheld Infra Red (IR) video camera in an amount not to exceed \$96,068.*

5. Consider Adjusting the District's Maximum Medical Contribution Declared to California Public Employees' Retirement System (CalPERS)

*The Board of Directors considered approval of a resolution adjusting the District's Maximum Medical Contribution declared to CalPERS for management, confidential, represented, and miscellaneous employees and retirees.*

6. Set Public Hearing for December 6, 2006 to Consider Proposed Amendments to Regulation 9, Rule 9: Nitrogen Oxides from Stationary Gas Turbines and Adoption of a California Environmental Quality Act (CEQA) Negative Declaration

*The proposed amendments to Regulation 9, Rule 9 implement control measure SS-14 from the Bay Area 2005 Ozone Strategy. They would set up more stringent limits for emissions of nitrogen oxides (NOx) from stationary gas turbines used for electrical generation, steam and mechanical power.*

**Board Action:** Director Brown moved approval of the Consent Calendar; seconded by Director Kwok; carried unanimously without objection with the following Board members voting:

AYES: Bates, Brown, Daly, DeSaulnier, Dunnigan, Garner, Haggerty, Hill, Kishimoto, Klatt, Kwok, Lockhart, McGoldrick, Ross, Shimansky, Silva, Wagenknecht, Uilkema.

NOES: None.

ABSENT: Kniss, Miley, Smith, Torliatt.

**Adopted Resolution No. 2006-16: A Resolution Fixing the Employees' Contribution Under the Public Employees' Medical and Hospital Care Act**

### **Committee Reports and Recommendations**

7. Report of the Legislative Committee Meeting of October 19, 2006

Director Garner presented the report and stated that the Committee met on Thursday, October 19, 2006.

Staff presented a summary of the recently concluded year in Sacramento and highlighted the outcome of measures on which the District had adopted positions. The Air District sponsored one bill on smoking vehicles and smog check (AB 1870—Lieber) and had formal positions on 13 other measures.

The Committee discussed potential legislative measures for the District's 2007 legislative agenda. These included: 1) a variety of strategies to cut emissions at the Port of Oakland and reduce exposures of surrounding communities to diesel PM; 2) funds for transit subsidy on Spare the Air Days; 3) assessing extra bridge tolls, gasoline refueling fees, and other assessments on Spare the Air days; 4) curtailing certain stationary source emissions on Spare the Air Days; 5) regulation of HVAC systems in large developments and schools to improve

indoor air quality; and 6) mitigating open storage and evaporation of exposed organic liquids at remediation sites.

The next Committee meeting will be at the Call of the Chair.

**Board Action:** Director Garner moved that the Board of Directors' approve the report of the Legislative Committee; seconded by Director Wagenknecht; carried unanimously without objection.

8. Report of the Budget and Finance Committee Meeting of October 30, 2006

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

- A) *Designation of a Reserve for Climate Protection Grant program and funding of Reserve with a transfer of \$3,000,000 from the Reserve for Radio Replacement; and*
- B) *Addition of a line item to the FY 06/07 Planning and Research Professional Services Program 608 in the amount of \$300,000 for the Climate Protection Summit, and increase the Planning and Research Professional Services Program 608 in the amount of \$200,000 to recognize sponsorship income for this event, with the balance of the cost covered by the current budget.*

Director Daly presented the report and stated that the Committee met on Monday, October 30, 2006.

Staff reviewed the reallocation of reserves for funding the Climate Protection Grant Program. The Committee recommends that the Board of Directors designate a Reserve for the Climate Protection Grant Program and fund the new Reserve with a transfer of \$3,000,000 from the Reserve for Radio Replacement.

The Committee received an overview of additional funding expected from the receipt of sponsorships for the Climate Protection Summit and staff recommended amending the fiscal year 2006/2007 budget to recognize the additional revenue from these sponsors. The Committee recommends that the Board of Directors add a line item to the fiscal year 2006/2007 Planning and Research Professional Services Program 608 in the amount of \$300,000 for the Climate Protection Summit, and increase the Planning and Research Professional Services Program 608 in the amount of \$200,000, and correspondingly add a revenue line item of \$200,000 to recognize sponsorship income for this event, with the balance of the cost covered by the current budget.

Finally, as requested, staff presented additional information to the Committee regarding the replacement of the Field Communication System.

The next meeting of the Committee is scheduled for 9:45 a.m., Wednesday, November 22, 2006.

Director Daly added that the Committee discussed other designated reserves and undesignated reserves and considered if the \$3,000,000 figure for the Climate Protection

Grant program could be increased. The Committee determined that the \$3,000,000 is appropriate at this time.

Director Pamela Torliatt arrived at 9:52 a.m.

**Board Action:** Director Daly moved that the Board of Directors approve the recommendations and the report of the Budget and Finance Committee; seconded by Director Haggerty.

Jack Broadbent, Executive Officer/APCO, noted that there was an error in the report in the agenda packet with regard to action A in that the amount of the transfer should be \$3,000,000 and not \$300,000. The motion then passed unanimously without objection.

**Closed Session** The Board convened to Closed Session at 9:55 a.m.

Director Kniss arrived at 10:00 a.m.

9. 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.*

10. Conference with Legal Counsel

**A) Existing Litigation Government Code Section 54956.9(a)**

*Pursuant to Government Code Section 54956.9(a), a need existed to meet in closed session with legal counsel to consider the following case:*

**Bay Area AQMD v. Pacific Steel Casting Company, et al.**, Alameda County Superior Court, Case No. RGO6284043

**B) Threat of Litigation Government Code Section 54956.9(b)**

***Tort Claim of Patricia Howell against the Bay Area Air Quality Management District, and individually against Michael Rich, Mary Ann Goodley, Diane Iwata, Doe 1, and Integrity Support Services, Inc./Employee Screening Resources (ISS) (received 09/27/06)***

**Open Session:** The Board reconvened to open session at 10:15 a.m.

Brian Bunker, Legal Counsel, reported that the Board met in closed session with counsel and labor representative on item 9 and that the Board provided general direction on the matter. On item 10 A, the Board heard a report on the Pacific Steel Casting case and gave general

direction. On item 10 B the Board considered the Tort claim of Patricia Howell against the District and decided unanimously to reject the claim.

### **Other Business**

12. Chairperson's Report – Chair Uilkema reported on the following items:

- A) Requested Board members RSVP for the Climate Protection Summit if they have not already done so.
- B) The November 13<sup>th</sup> Mobile Source Committee meeting has been rescheduled and the new date, as yet to be confirmed, is November 20<sup>th</sup>.
- C) The Personnel Committee meeting is confirmed for December 4<sup>th</sup>.
- D) The Board Executive Committee meeting is confirmed for December 21<sup>st</sup>.
- E) The November 15<sup>th</sup> Board meeting is cancelled.
- F) The next Board meeting is scheduled for December 6<sup>th</sup>.
- G) Appointments to the Nominating Committee are as follows: The Chair of the Board and Directors Kishimoto, Smith, Lockhart, and Garner.
- H) If a Board member would like to be nominated, they should submit a letter to the Chair or any of the members of the Nominating Committee.
- I) The Nominating Committee will meet on November 21<sup>st</sup> and will report out at the December 6<sup>th</sup> Board meeting. The Committee will receive a copy of the appropriate section of the Administrative Code.

Director Kniss noted that the California State Association of Counties (CSAC) is meeting on December 6<sup>th</sup>.

11. Report of the Executive Officer/APCO – Mr. Broadbent reviewed the following:

- A) Staff will follow-up with the Board members attending the Summit to confirm the names of guests for the check-in process at the Summit.
- B) Provided a summary of the 2006 Ozone season (preliminary data through October 16<sup>th</sup>) and PM<sub>2.5</sub> measurements in recent years.
- C) Introduced two new managers in the Outreach and Incentives Division. Karen Schkolnick, agency spokesperson and Richard Lew, community outreach.

13. Board Members' Comments – Director DeSaulnier noted that John Gioia will be his replacement on the Board of Directors.

14. Time and Place of Next Meeting – 9:45 a.m., Wednesday, December 6, 2006 – 939 Ellis Street, San Francisco, CA 94109

15. Adjournment – The meeting adjourned at 10:34 a.m.

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