



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

SPECIAL MEETING OF THE  
BOARD OF DIRECTORS  
JULY 30, 2012

A Special Meeting of the Bay Area Air Quality Management District Board of Directors will be held at 1:30 p.m. in the 7<sup>th</sup> Floor Board Room at the Air District Headquarters, 939 Ellis Street, San Francisco, California.

**Questions About  
an Agenda Item**

The name, telephone number and e-mail of the appropriate staff Person to contact for additional information or to resolve concerns is listed for each agenda item.

**Meeting Procedures**

The public meeting of the Air District Board of Directors begins at 1:30 p.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

## Public Comment Procedures

Persons wishing to make public comment must fill out a Public Comment Card indicating their name and the number of the agenda item on which they wish to speak, or that they intend to address the Board on matters not on the Agenda for the meeting.

**Public Comment on Non-Agenda Matters, Pursuant to Government Code Section 54954.3** For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to commencement of the meeting. The remainder of the speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

**Public Comment on Agenda Items** After the initial public comment on non-agenda matters, the public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.

Up to ten (10) speakers may speak for three minutes on each item on the Agenda. If there are more than ten persons interested in speaking on an item on the agenda, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. Speakers are permitted to yield their time to one other speaker; however no one speaker shall have more than six minutes. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

# BOARD OF DIRECTORS SPECIAL MEETING AGENDA

**MONDAY  
JULY 30, 2012  
1:30 P.M.**

**BOARD ROOM  
7TH FLOOR**

## **CALL TO ORDER**

Opening Comments  
Roll Call  
Pledge of Allegiance

Chairperson, John Gioia  
Clerk of the Boards

## **PUBLIC COMMENT ON NON-AGENDA MATTERS**

### **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

*For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.*

## **CONSENT CALENDAR (ITEMS 1 – 8)**

Staff/Phone (415) 749-

1. Minutes of the Board of Directors Meeting of June 6, 2012

Clerk of the Boards

2. Board Communications Received from June 6, 2012 through July 29, 2012

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A list of communications directed to the Board of Directors received by the Air District from June 6, 2012 through July 29, 2012, if any, will be at each Board Member's place.*

3. Air District Personnel on Out-of-State Business Travel

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business.*

4. Consider Authorization for Execution of a New Contract and Associated Purchase Order not to exceed \$127,000 Pursuant to Administrative Code Division II, Fiscal Policies and Procedures, Section 4.3 Contract Limitations, for further development of the Data Management System for Ambient Air Quality and Meteorological Data

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract with, and issue an associated Purchase Order not to exceed \$127,000, to Sonoma Technology, Inc. (STI) to further enhance the Data Management System (DMS) to allow for easy incorporation of data from laboratory analysis.*

5. Consider Authorization for Expenditures for the Implementation of the Production System

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to execute agreements for contracts not to exceed amounts with the following firms: Farallon Geographics, in the amount of \$24,000, IT Dependz, Inc., in the amount of \$155,088, SMI, in the amount of \$46,800, Sushimedia LLC., in the amount of \$16,640, Trinity Technology Group, Inc., in the amount of \$162,000, Trinity Technology Group, Inc., in the amount of \$81,000, and Vertigo Software, Inc., in the amount of \$324,000.*

6. Consider Approving the Resolution joining the California State Association of Counties Excess Insurance Authority (CSAC-EIA)

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider approving a resolution approving executing the Joint Powers Agreement with the California State Association of Counties Excess Insurance Authority (CSAC-EIA) for the purpose of obtaining dental and other insurance coverage.*

7. Set a Public Hearing for September 19, 2012 to consider adoption of Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants from Portland Cement Manufacturing, and adoption of a California Environmental Quality Act (CEQA) Negative Declaration

**H. Hilken/4642**  
[hhilken@baaqmd.gov](mailto:hhilken@baaqmd.gov)

*At the September 19, 2012 meeting, the Board of Directors will consider adoption of a new rule, Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants from Portland Cement Manufacturing, and adoption of a California Environmental Quality Act (CEQA) Negative Declaration.*

8. Consider Authorization for Expenditures not to exceed \$125,000 to EcoInteractive for Nationwide Burn Status Phone Number, Complaint Customer Service Center, Data System and Woodsmoke Awareness Course  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Director will consider authorizing the Executive Officer/APCO to execute agreements not to exceed \$125,000 with EcoInteractive for Nationwide Burn Status Phone Number, Complaint Customer Service Center, Data System and Woodsmoke Awareness Course.*

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

9. Report of the **Mobile Source Committee** Meeting of June 28, 2012  
CHAIR: S. Haggerty  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee recommends Board of Directors approval of the following items:*

### **Projects with Proposed Grant Awards over \$100,000**

- 1. Approve Carl Moyer Program projects with proposed grant awards over \$100,000.*
- 2. Authorize the Executive Officer/APCO to enter into agreements for the recommended Carl Moyer Program projects.*

### **Lawn Mower Replacement Contractor Selection**

- 1. Approve the selection of RW Direct-WORX, a contractor to assist the Bay Area Air Quality Management District (Air District) in the implementation of a lawn mower replacement program under a grant from the California Air Resources Board (ARB).*
- 2. Authorize the Executive Officer/APCO to enter into all necessary agreements with RW Direct-WORX to implement the program funded by the ARB not to exceed \$364,050.*

### **Engine Model Year 2005/ 2006 Port Truck Replacement Program**

- 1. Approve the selection of Cascade Sierra Solutions, as a contractor to assist the District in the implementation of an engine model year 2005/ 2006 drayage truck replacement program.*
- 2. Authorize the Executive Officer/APCO to enter into all necessary agreements with Cascade Sierra Solutions to implement the program.*

## **Approval of Transportation Fund for Clean Air (TFCA) Allocations for Three Projects**

1. *Authorize the Executive Officer/APCO to enter into and execute all necessary contracts with:*

- *Dero Bike Rack Co., Sportsworld Northwest Inc. and Creative Pipe Inc., not to exceed a total of \$600,000 for a Bicycle Rack Voucher Project.*
- *Port of Oakland for a performance-based contract not to exceed \$750,000 for a Marine Highway project.*

2. *Authorize the Executive Officer/APCO to expend up to \$1 million in TFCA funding to execute an Enhanced Mobile Sources Inspections project.*

10. Report of the Special Joint Meeting of the Bay Area Headquarters Authority (BAHA), The Executive Committee of the Board of Directors of the Bay Area Air Quality Management District (BAAQMD), and the Administrative Committee of the Association of Bay Area Governments (ABAG) Meeting of July 11, 2012

CHAIR: J. Gioia

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

11. Report of the **Public Outreach Committee** Meeting of July 19, 2012

CHAIR: M. Ross

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee recommends Board of Directors approval of the following items:*

### **Website Maintenance and Minor Upgrades Contract Approval**

1. *Authorize the Executive Officer/APCO to execute an eight-month contract with Cylogy, Inc., not to exceed \$87,000 for website maintenance and minor upgrades.*

12. Report of the **Personnel Committee** Meeting of July 23, 2012

CHAIR: B. Wagenknecht

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee recommends Board of Directors approval of the following items:*

### **Conduct Interviews and Consider Recommending Board of Directors Approval of Candidates for Appointment to the Air District's Advisory Council**

1. *Approve candidates for appointments to the Air District's Advisory Council.*

## **PRESENTATION(S)**

13. 390 Main Street Conceptual Design Plans Presentation

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Conceptual design plans will be presented by Perkins + Will, the architectural and engineering design firm working on the project.*

## **CLOSED SESSION**

14. **RESPONSE TO CONFIDENTIAL FINAL DRAFT AUDIT REPORT FROM THE BUREAU OF STATE AUDITS (Government Code Section 54956.75)**

*Pursuant to Government Code Section 54956.75, the Board will discuss a response, if any, to a confidential final draft audit report from the Bureau of State Audits.*

15. **EXISTING LITIGATION (Government Code Section 54956.9(a))**

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

**California Building Industry Association v. Bay Area AQMD**, Alameda County Superior Court, Case No. RG-10548693; California Court of Appeal, First Appellate District, Case No. A135335.

## **OPEN SESSION**

### **PUBLIC COMMENT ON NON-AGENDA MATTERS**

**Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

*Speakers who did not have the opportunity to address the Board in the first round of comments on non-agenda matters will be allowed three minutes each to address the Board on non-agenda matters.*

### **BOARD MEMBERS' COMMENTS**

*Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

## **OTHER BUSINESS**

16. Report of the Executive Officer/APCO

17. Chairperson's Report

18. Time and Place of Next Meeting is Wednesday, September 19, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

19. Adjournment

**CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109**

**(415) 749-5130**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities. Notification to the Executive Office should be given at least 3 working days prior to the date of the meeting so that arrangements can be made accordingly.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's headquarters at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the Air District's website ([www.baaqmd.gov](http://www.baaqmd.gov)) at that time.



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109**  
**(415) 771-6000**

**EXECUTIVE OFFICE:**  
**MONTHLY CALENDAR OF DISTRICT MEETINGS**

**JULY 2012**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets the 4th Wednesday of Each Month)</i> - CANCELLED	Wednesday	25	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Special Meeting of the Board of Directors</b> - CANCELLED	Wednesday	25	1:30 p.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday of each Month)</i> - CANCELLED	Thursday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Special Mtg. of the Board of Directors</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Monday	30	1:30 p.m.	Board Room

**AUGUST 2012**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	1	9:45 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	15	9:45 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED	Monday	20	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets the 4th Wednesday of each Month)</i> - CANCELLED	Wednesday	22	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday of each Month)</i> - CANCELLED	Thursday	23	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

# SEPTEMBER 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	5	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	12	9:00 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets 3<sup>rd</sup> Monday of each Month)</i>	Monday	17	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets the 3<sup>rd</sup> Monday of Every Other Month)</i>	Monday	17	10:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets the 4<sup>th</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday of each Month)</i>	Thursday	27	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

VJ – 7/23/12 (12:50 p.m.)

P/Library/Forms/Calendar/Calendar/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 12, 2012

Re: Board of Directors Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Board of Directors Regular Meeting of June 6, 2012.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of June 6, 2012.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Jennifer C. Cooper

Attachment

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109  
(415) 749-5000

Board of Directors Regular Meeting  
June 6, 2012

## **DRAFT MINUTES**

### **CALL TO ORDER**

Chairperson John Gioia called the meeting to order at 9:48 a.m.

### **ROLL CALL**

Present: Chairperson John Gioia; Secretary Nate Miley; and Directors Tom Bates, Susan Garner, Carole Groom, Scott Haggerty, Jennifer Hosterman, David E. Hudson, Eric Mar, Mary Piepho, Katie Rice, Mark Ross, Jim Spering and Brad Wagenknecht.

Absent: Vice Chairperson Ash Kalra; and Directors John Avalos, Susan Gorin, Carol L. Klatt, Liz Kniss, Edwin M. Lee, Ken Yeager and Shirlee Zane.

### **PLEDGE OF ALLEGIANCE**

Director Wagenknecht led the Pledge of Allegiance.

### **PUBLIC COMMENT ON NON-AGENDA MATTERS**

None.

### **OTHER BUSINESS**

#### **1. Report of the Executive Officer/Air Pollution Control Officer (APCO):**

Jack Broadbent, Executive Officer/APCO, distributed the Clean Air Every Day Annual Report 2011 to the Board and announced the appointment of Jaime Williams to the position of Director of Information Systems Services, effective May 21, 2012, and the anticipated appointment of Brian Bateman to the position of Public Health and Science Officer, to be effective July 1, 2012.

Mr. Broadbent introduced Thomas Addison, Senior Advanced Projects Advisor, who provided a legislative update regarding various bills pending in the California State Legislature regarding regional government. Mr. Addison reported SB 1149 (DeSaulnier) has been withdrawn by its author. Chairperson Gioia interjected to confirm its withdrawal and the author's commitment to discuss the principles of regional government in the Bay Area with the Joint Policy Committee (JPC) at a meeting that has yet to be scheduled.

Mr. Addison reported that SB 1545 (DeSaulnier), regarding the new regional agency office headquarters, is moving ahead and the Bureau of State Audits has not yet released its report but it is expected sometime before the end of July 2012.

Mr. Addison reported that SB 878 (DeSaulnier) moved through the State Senate last year and is now before the Assembly in a gutted and amended form; the version relating to regional governance has not yet been heard by any policy committees; and the new amendments to the bill were made public for the first time on Tuesday, June 5, 2012, and that staff were not briefed on amendments made but that, in some ways, they do not appear to represent a significant change to the bill. Mr. Addison noted that the Board previously took a watch position on SB 878 (DeSaulnier), a bill that before amendment would serve to have the JPC talk about regional reorganization, look for ways to improve efficiency and coordination between the Association of Bay Area Governments, Metropolitan Transportation Commission (MTC), San Francisco Bay Conservation and Development Commission, and the Air District, direct the JPC to consider a regional economic development plan and program, direct each of the four agencies to report to the State Legislature on public outreach efforts; and noted a tone throughout the bill that current public outreach is inadequate and agency actions are not adequately transparent. Mr. Addison summarized the amendments as drawing from the principles detailed in Senator DeSaulnier's handout to the JPC on May 18, 2012, without any work in conjunction with the regional agencies and noted that some appear on their face to be acceptable while others will likely be a source of contention for some of the directors. Mr. Addison noted that some significant changes are relative to the economic development plan and how that is to be prepared, including the establishment of an advisory committee to the JPC, which will be composed entirely of members from the business, business-interests or business-minded academic communities with no members from the public, environmental organizations, agricultural industry or others that would lend to the creation of a more diverse body. Mr. Addison said the California State Assembly Committee on Local Government is scheduled to hear the bill this Wednesday, June 13, 2012, and that the Board may not take a position on the bill today but staff wanted to bring it to the Board's attention.

Mr. Addison invited questions and comments to relay to Senator DeSaulnier and the State Committee.

NOTED PRESENT: Director Miley was noted present at 10:01 a.m.

NOTED PRESENT: Director Haggerty was noted present at 10:02 a.m.

NOTED PRESENT: Director Bates was noted present at 10:03 a.m.

Mr. Broadbent stated that staff is concerned that Senator DeSaulnier did not allow for the input that he promised relative to SB 1149, the bill calling for an economic development report to be generated and increased efforts to ensure Air District work is coordinated with other regional agencies. He noted that their goals make a great deal of sense, and staff want to encourage Senator DeSaulnier to engage in the promised dialogue. Chairperson Gioia reiterated the understanding coming out of the JPC meeting in May and summarized the composition of the proposed advisory committee. Mr. Addison noted the absence of environment organizations, community interest groups and agriculture.

Director Hudson read several excerpts from SB 878 (DeSaulnier), said the lack of agricultural representatives in the committee composition will disenfranchise entire counties, and noted provisions that leave open the possibility of establishing a new regional committee instead of working with the

JPC and changing how it does business. Director Hudson added that SB 1149 (DeSaulnier) was not withdrawn, as previously stated, but was instead canceled before the California State Senate Appropriations Committee, meaning only that it can't get through the Legislature this year.

Director Hosterman said that SB 878 (DeSaulnier) represents an end run and expressed her hope that the Board will send a strong message to the author that the Board will not support legislation of this sort until he is willing to sit down with the agencies prior to promulgating new legislation.

NOTED PRESENT: Director Garner was noted present at 10:07 a.m.

Director Wagenknecht concurred with Director Hosterman that process is key and Director Hudson that agriculture must be a part of any advisory body, noted the Board was promised involvement which was subsequently denied by virtue of the timing and lack of cooperation, and suggested the Board issue a strong message.

Director Bates concurred with Director Wagenknecht's comments and urged Senator DeSaulnier to meet with local leaders as promised or, if not, that the Board oppose SB 878 (DeSaulnier). He said that a letter is being drafted by members of the JPC relaying the same concept, and pointed out that the bill has an unfunded mandate. Director Bates said SB 878 (DeSaulnier) has problems as there is an appropriations issue.

Chairperson Gioia said that his understanding from the JPC meeting was that Director Bates was to set up a discussion with Senator DeSaulnier before any amendments to SB 1149 (DeSaulnier) or other, related bills are issued. Director Bates agreed and said they are working on scheduling now.

Director Piepho echoed the comments of her colleagues and Air District staff, noted that Senator DeSaulnier has expressed a desire to improve public outreach by the regional agencies of the Bay Area while at the same time showing his own professional outreach to be lacking as he seems unwilling to discuss these bills in a transparent way, and echoed the need for agricultural representation on an advisory body.

Director Haggerty concurred with Director Bates.

Chairperson Gioia suggested Mr. Addison carry a message to Senator DeSaulnier to follow through on the commitments made before the JPC to meet with regional agency representatives prior to the introduction of any new amendments or bills.

#### **CONSENT CALENDAR (Items 2 – 4)**

- 2. Minutes of the Board of Directors Budget Hearing of May 16, 2012, and Board of Directors Special Meetings of May 16, 2012, and May 21, 2012;**
- 3. Board Communications Received from May 21, 2012, through June 5, 2012; and**
- 4. Air District Personnel on Out-of-State Business Travel.**

Board Comments: None.

Public Comments: None.

Board Action: Director Wagenknecht made a motion to approve Consent Calendar Items 2, 3 and 4; Director Hosterman seconded; unanimously approved without objection.

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

### **5. Report of the Mobile Source Committee Meeting of May 24, 2012** Chairperson S. Haggerty

The Committee met on Thursday, May 24, 2012, and approved the minutes of April 26, 2012.

The Committee reviewed Carl Moyer Program projects with proposed grant awards over \$100,000 and recommended Board of Directors approval of three projects that will replace five pieces of equipment and authorization for the Executive Officer/APCO to enter into agreements for those projects.

The Committee received an update on the Lower-Emission School Bus Program, including a summary of recent projects and buses funded through 2007, projected demand for compressed natural gas tanks and funds available, current solicitation and outreach efforts, and recommended that the Board of Directors authorize the Executive Officer/APCO to enter into funding agreements with grantees meeting the requirements of the program.

The Committee also received an informational presentation on a Marine Highway Project, including a review of the current truck transportation model, the marine highway concept, the current project and its possible emissions reductions, and next steps. The Committee was joined for the item by representatives of the US Department of Transportation, Maritime Administration, and the Port of Oakland.

Finally, the Committee received an informational presentation on the Port Drayage Truck Program, including a review of the current drayage truck population, California Goods Movement Bond Program Year 3 funding, Engine Model Year (MY) 2004 Replacement Program, and Engine MY 2005/2006 Replacement Program.

The next regularly scheduled meeting of the Committee on Thursday, June 28, 2012, is cancelled. Staff is working to identify a new date and time before the Special Meeting of the Board of Directors on July 11, 2012.

#### Board Comments:

Director Haggerty congratulated Director Miley on the election results.

Director Hudson requested additional information regarding the Marine Highway Project and the rumored rail line into the port.

Public Comments: None.

Board Action: Director Haggerty made a motion to approve the report and recommendations of the Mobile Source Committee; Director Wagenknecht seconded; carried unanimously without opposition.

**6. Report of the Public Outreach Committee Meeting of May 31, 2012**

Chairperson M. Ross

The Committee met on Thursday, May 31, 2012, without establishing a quorum.

The Committee received an update on the Spare the Air Campaign & Great Race for Clean Air, including an overview of the 2012 campaign and its focus on “smart transportation.” Advertising will be repurposed this year and greater attention will be paid to messaging through Bay Area employers. Social media presence has been expanded to include Facebook, Twitter, Pinterest, You Tube and Google Plus. Partnership with 511 and the MTC will be a key focus of media opportunities and messaging.

The Committee received the staff presentation regarding Website Rebuild and Redesign, including background information, the request for proposals process and evaluations. Staff recommended approval of the following: 1) Contract for Lightmaker USA not to exceed \$100,000 for first phase of website project, 2) Allocating up to \$500,000 for website project over two fiscal years (FY), \$250,000 from FY 2012 and \$250,000 from FY 2013 and 3) Funding of \$150,000 to be held from FY 2012 budget to be added to FY 2013 project budget to complete website rebuild and redesign project. A consensus of the members present recommended that the Board of Directors approve the staff requests.

The Committee received the staff presentation regarding approval of Spare the Air Resource Team Contractor, including project background, the request for proposals process, review team composition, evaluation criteria and proposal scores. Staff recommended approval of the following: 1) Selection of Community Focus for the Spare the Air Resource Team contractor and 2) Contract with Community Focus for an amount not to exceed \$227,000 per contract year for up to three contract years. A consensus of the members present recommended that the Board of Directors approve the staff requests.

The next meeting of the Committee is Tuesday, July 17, 2012, at 9:30 a.m.

Board Comments: None.

Public Comments: None.

Board Action: Director Ross made a motion to approve the report and consensus recommendations of the Public Outreach Committee; Director Wagenknecht seconded; carried unanimously without opposition.

**PUBLIC HEARINGS**

**7. Public Hearing to Consider Adoption of Proposed Amendments to Air District Regulation 3: Fees**

Jeffrey McKay, Deputy APCO, introduced Brian Bateman, Director of Compliance & Enforcement, who gave the staff presentation Proposed Fee Regulation Amendments for Fiscal Year Ending (FYE) 2013 (cont.), including the rule development schedule, summary of staff proposal, proposed



amendments for fee schedules, an overview of Air District regulation of gas stations, an alternative fee increase for consideration and the impacts thereof on Title V facilities, and recommendations.

Chairperson Gioia clarified, regarding slide 8, Impact of Alternative on Title V Facilities, that the source of the increase in fee revenue under the alternative fee schedule for gas dispensing facilities (GDF) is large refineries.

Chairperson Gioia noted, regarding slide 7, Alternative for Consideration, that the decrease for GDF from a 9% fee increase to a 5% fee increase will result, for example, in a fee increase of approximately \$96 instead of \$164, effectively a cost savings of \$70 per year for a hypothetical GDF.

Mr. Broadbent noted that the staff recommendation today is not the alternative fee proposal, based on discussions in the Budget and Finance Committee meetings.

Chairperson Gioia opened the public hearing, and hearing none, Director Bates made a motion to close the public hearing; Director Wagenknecht seconded; carried unanimously without opposition.

#### Board Comments:

Director Piepho clarified that the motion brought by Director Bates and seconded by Director Wagenknecht is for approval of the original proposed amendments, expressed her preference that the Board approve the alternative version, and suggested the effective date be phased in after July 1, 2012, as that is only several weeks away.

Chairperson Gioia suggested that supporting the staff and committee recommendation makes sense and asked for a staff response on the topic of the effective date. Mr. Broadbent responded that this timeline is standard practice for the Air District in conjunction with the beginning of the next fiscal year and the corresponding budget and that notices are phased throughout the year so everyone is not billed at the beginning of the fiscal year. Director Piepho suggested the Air District be mindful of the budgets of small business owners.

Director Sperring said that he will not be supporting the motion but noted that staff has worked hard, expressed his gratitude to staff for exploring an alternative proposal, stated that GDF do not have cost recovery options, and noted that it is just this provision regarding GDF that he does not support.

Chairperson Gioia stated that large facilities are already paying a greater cost recovery percentage, comparatively speaking, and concluded that increases in fee recovery need to come from those areas where the Air District is recovering at lower rates. Mr. Broadbent agreed, said that staff reviewed costs through staff time sheets with the assistance of a third-party and found that GDF recovery does not cover the cost of the work required to regulate them, and noted that although GDF are largely small businesses, their operations are the only operation that involves the public use of air pollution control equipment and that GDF are collectively the single biggest source of emissions.

Chairperson Gioia asked for cost recovery figures for GDFs and large facilities for comparison purposes. Mr. Bateman responded that the fee schedule for GDFs is under 50% recovery. Chairperson Gioia asked what the Air District is recovering from those facilities listed on slide 8, Impact of Alternative on Title V Facilities. Mr. Bateman responded that it is hard to tease out the exact number as there are multiple sources at most large facilities, however, the larger facilities show a more

complete cost recovery rate than GDF. Mr. Broadbent interjected that the large facility recovery rate is approximately 80%. Mr. Bateman said the figure represents near total recovery for large facilities.

Director Sperring said that every dollar raised at the refinery level is passed along to the consumer and GDF do not have that capability so it only seems appropriate to impose the fee on large facilities. Director Bates suggested Director Sperring's idea to be an interesting one and asked how the alternative fee would play out in the long term. Mr. Broadbent responded that it will take longer to recover costs on GDF.

Director Groom said, leaving aside the debate about the appropriateness of the fee increase, that the Budget and Finance Committee worked on this proposal and the related cost recovery policy for the better part of a year with rigorous discussions on both topics; noted that a stakeholder committee was convened on the cost recovery matter; reported a 4-to-3 vote on the initially proposed GDF fee increase and suggested it as an example of the difficult discussions and shifting votes on this topic; and noted the Board responsibility is much greater than this single fee increase, and that although disagreement among the Board is welcome, the directors should understand the work that has been invested up to this point.

Director Hudson said that the Air District has already accepted a diminished recovery rate of 85% as full recovery instead of 100% and are now considering a proposal to decrease it even further for certain industries instead of others and to do so based on an assumption that one will be able to recover the loss and another will not, and asked if the Air District is going to stick its own established policy.

Chairperson Gioia suggested that if the Board is going to deviate from the fee recovery policy then it seems appropriate to invite representatives from every regulated sector to discuss the impacts of the fee increase or, instead, to raise the fees in a way that is consistent with a standard.

Director Groom suggested that the stakeholder meetings were held to get the very input Chairperson Gioia alluded to.

Chairperson Gioia said that the large industrial sector did not oppose either of the proposals despite their shouldering more of a cost share and a fee increase already and noted that GDF are well organized and mobilized.

Director Hudson clarified that the large industrial sector did oppose the proposals initially but expressed their understanding with an 85% recovery rate.

Public Comments: None.

Board Action: Director Bates made a motion to approve staff's and the Budget and Finance Committee's proposed amendments to District Regulation 3: Fees, effective July 1, 2012; Director Wagenknecht seconded; Chairperson Gioia called for a roll call vote on the pending motion; motion was carried by the following vote of the Board:

AYES: Chairperson Gioia; and Directors Garner, Groom, Hosterman, Hudson, Mar, Rice and Wagenknecht.

NOES: Directors Bates, Haggerty, Miley, Piepho, Ross and Spering.

ABSENT: Directors Avalos, Gorin, Kalra, Klatt, Kniss, Lee, Yeager and Zane.

**8. Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year Ending (FYE) 2013**

Mr. McKay gave the staff presentation Proposed Fiscal Year End 2013 Budget, including revenue and expenditure for FYE 2013, responses to challenges for FYE 2013 and a detailed review of revenue and expenditure.

Board Comments:

Director Piepho asked where the Air District is in the process of fully funding instead of keeping up with the costs of funding Other Post-Employment Benefits based on the latest actuarial. Mr. McKay responded that it is 20% funded.

Director Bates asked how much money is being discussed relative to the decreased community grant fund. Jean Roggenkamp, Deputy APCO, responded that approximately \$200,000 to \$250,000 was allocated by the Board several years ago for a community grant fund and that upon continued review, staff deemed it unsustainable at this time. Director Bates asked what the funds were used for. Ms. Roggenkamp responded that it was spent working with community groups, such as Ditching Dirty Diesel on outreach regarding idling, and with good results but staff determined that cuts were necessary and this was deemed a possibility, particularly in light of other work done with the communities. Director Bates replied that he appreciates community-level work and encouraged staff to consider restoring the fund in the future, even if at diminished levels, in light of the total cost being only \$250,000.

Public Comments: None.

Board Action: Director Wagenknecht made a motion to adopt the Air District Proposed Budget for FYE 2013; Director Hudson seconded; carried unanimously without opposition.

**OTHER BUSINESS (CONTINUED)**

**9. Chairperson's Report:**

Chairperson Gioia said that the Board of Directors regular meetings on June 20, 2012, July 4, 2012, July 18, 2012, August 7, 2012, and August 21, 2012 are canceled.

Chairperson Gioia noted a Board of Directors special meeting on July 11, 2012, at ConocoPhillips, 1380 San Pablo Avenue, Rodeo, California 94572 at 1:30 p.m.

Chairperson Gioia reported that committees will continue to meet through the summer months as needed.

**BOARD MEMBERS' COMMENTS**

Director Piepho commended staff for typographical changes made in the preparation of the meeting agenda packet.

**CLOSED SESSION**

The Board of Directors adjourned to Closed Session at 10:57 a.m.

**10. 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:

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RG-10548693

**OPEN SESSION**

The Board of Directors resumed Open Session at 11:08 a.m. with no reportable action.

**PUBLIC COMMENT ON NON-AGENDA MATTERS**

None.

**OTHER BUSINESS (CONTINUED)**

11. **Time and Place of Next Meeting:** Wednesday, July 11, 2012, at ConocoPhillips, 1380 San Pablo Avenue, Rodeo, California 94572 at 1:30 p.m.
12. **Adjournment:** The Board of Directors meeting adjourned at 11:08 a.m.

Sean Gallagher  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 12, 2012

Re: Board Communications Received from June 6, 2012 through July 29, 2012

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

A list of communications directed to the Board of Directors received by the Air District from June 6, 2012 through July 29, 2012 if any, will be at each Board Member's place at the July 30, 2012 Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Vanessa Johnson  
Reviewed by: Jennifer C. Cooper

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 5, 2012

Re: District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that District personnel listed below have traveled on out-of-state business.

The report covers the out-of-state business travel for the period May 22, 2012 through May 31, 2012 and June 1, 2012 through June 30, 2012.

DISCUSSION

Damian Breen, Strategic Incentives Division Director, attended the Intelligent Transportation Conference in Washington D.C. May 22 -23, 2012.

Mark Ross, Board of Directors, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Brad Wagenknecht, Board of Directors, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

David Hudson, Board of Directors, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

John Gioia, Board of Directors, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Sam Altshuler, Advisory Council, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Robert Bornstein, Advisory Council, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

John Holtzclaw, Advisory Council, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Jack Broadbent, Executive Office / APCO, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Brian Bunger, Counsel/Director of Legal Division, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Jean Roggenkamp, Deputy/APCO, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Jack Colbourn, Administration Division Director, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Ana Sandoval, Communications Manager, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Eric Stevenson, Technical Services Division Director, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Lisa Fasano, Communications and Outreach Division Director, attended 105<sup>th</sup> Air and Waste Management Association conference and Exhibition in San Antonio, TX June 18 – 22, 2012

Christy Riviere, Principal Environmental Planner, attended 105<sup>th</sup> Air and Waste Management Association conference in San Antonio, TX June 18 – 21, 2012

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: David Glasser  
Reviewed by: Jack M. Colbourn

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: June 4, 2012

Re: Consider Authorization for Execution of a New Contract and Associated Purchase Order not to Exceed \$127,000 Pursuant to Administrative Code Division II, Fiscal Policies and Procedures, Section 4.3 Contract Limitations, for Further Development of the Data Management System for Ambient Air Quality and Meteorological Data

RECOMMENDED ACTION:

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract with, and issue an associated Purchase Order not to exceed \$127,000, to Sonoma Technology, Inc. (STI) to further enhance the Data Management System (DMS) to allow for easy incorporation of data from laboratory analysis.

DISCUSSION

Using EPA Grant funding, the Air District completed Phase I and II development of the DMS and is executing Phase III to replace several antiquated air quality and meteorological databases. The Air District initially chose STI for the Phase I work based on their experience with similar database structures developed for EPA's AirNOW and various California Air Resources Board special studies. The Board of Directors approved acceptance of an EPA grant award and contract with STI for Phase II development at its December 7, 2005 meeting. The Air District is executing Phase III with funding from an EPA National Environmental Information Exchange Network (NEIEN) Grant utilizing STI as the contractor that the Board of Directors approved at its December 15, 2010 meeting. This proposed project will allow laboratory air quality data to be managed and processed directly into DMS, increasing data review and processing efficiencies and thereby increase the laboratory's analytical capacity.

DMS is currently in use automatically collecting, quality-checking, and distributing real-time hourly and sub-hourly data to Air District web pages and other public venues such as AirNOW. The DMS has reduced the amount of staff time and resources needed to prepare final regulatory data and allowed earlier submittal to EPA's Air Quality System for non-laboratory air quality data. In order to provide additional laboratory data handling features, services and documentation, avoid delays and increased costs, an understanding of the complex specifications and knowledge of the Air District's current DMS is required. STI acquired this knowledge and experience working on Phases I, II and III of the project, and, as a result, staff recommends STI be the sole source vendor for continued DMS development work.



BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funds for this purchase order were consolidated from remaining Fiscal Year Ending 2012 funds in Technical Services Division accounts. No further funding is required to complete this project.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Eric Stevenson  
Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
 Memorandum

To: Chairperson John Gioia and Members  
 of the Board of Directors

From: Jack P. Broadbent  
 Executive Officer/APCO

Date: July 17, 2012

Re: Consider Authorization for Expenditures for the Implementation of the  
Production System

RECOMMENDED ACTION:

Recommend that the Board of Directors authorize the Executive Officer/APCO to execute agreements not to exceed the amounts below with the following firms:

<b>Firm</b>	<b>Amount</b>	<b>Description</b>
Farallon Geographics	\$24,000	Geospatial software development and data management.
IT Dependz, Inc.	\$155,088	Software development, automated testing and quality assurance services related to the implementation of Production System and registration software.
SMI	\$46,800	Software development support for the interface between the JD Edwards financials system and the Production System.
Sushimedia, LLC.	\$16,640	User experience design for permitting and enforcement software.
Trinity Technology Group, Inc.	\$162,000	Data clean-up and transfer services from legacy permitting and compliance systems to the new Production System.
Trinity Technology Group, Inc.	\$81,000	Business rules logic implementation and testing for permitting and enforcement processes.
Vertigo Software, Inc.	\$324,000	Software development and implementation of Production System functionality.

DISCUSSION:

The Air District has used these firms in prior fiscal years to assist with the design, development and testing of the Production System. These firms have performed well under their existing contracts. Staff is recommending the continued use of proven resources familiar with Air District systems.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

This recommendation is funded from the approved Information Systems Division FYE 2013 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Jaime Williams  
Reviewed by: Jeffrey McKay

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: June 8, 2012

Re: Consider Approving the attached Resolution and Execution of a Joint Powers Agreement with California State Association of Counties Excess Insurance Authority (CSAC-EIA)

---

RECOMMENDED ACTION:

Approve the attached Resolution and the Air District's execution of a Joint Powers Agreement with the California State Association of Counties Excess Insurance Authority (CSAC-EIA), for the purpose of obtaining dental and potentially other insurance coverage.

BACKGROUND AND DISCUSSION

The Air District currently contracts directly with Delta Dental of California for its dental insurance plan. In an ongoing effort to analyze and achieve cost-savings for the Air District, staff recommend that the Air District contract with and participate in the CSAC-EIA's dental insurance pool program. The CSAC-EIA dental insurance pool program consists of cities, counties, special districts, and other government entities in California who pool the administration of their benefit providers to achieve cost savings. Because of the large pool of participants, the CSAC-EIA program offers lower administrative fees to its pooled participants than what the Air District can achieve through a direct contract with Delta Dental.

Members of CSAC-EIA include the Bay Area counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, Solano, and Sonoma; and the Bay Area cities of Alameda, Berkeley, Burlingame, Concord, Daly City, Fairfield, Livermore, Los Altos, Mill Valley, Millbrae, Napa, Novato, Oakland, Pleasanton, Redwood City, Richmond, Santa Clara, Santa Rosa, South San Francisco, Sunnyvale, and Walnut Creek.

Staff recommends that the Board of Directors approve the attached Resolution and execution of the Joint Powers Agreement for the Air District to participate in the CSAC-EIA.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Through membership in CSAC-EIA, the District would be able to secure annual administrative fee savings of approximately 3.5% on the same dental coverage, or approximately \$12,000 for the fiscal year ending 2013. Additional savings may be realized if future insurance needs can be met through CSAC-EIA coverages.

Respectfully Submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Rex Sanders  
Reviewed by: Jack M. Colbourn

Attachment

## **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

### **RESOLUTION No. 2012-**

#### **A Resolution of the Board of Directors of the Bay Area Air Quality Management District Approving Membership in the California State Association of Counties Excess Insurance Authority For Purposes of Administering Insurance Programs**

WHEREAS, the Board of Directors (“Board”) of the Bay Area Air Quality Management District (“District”) has the statutory authority and direction to provide for compensation to District employees pursuant to Health & Safety Code Section 40706;

WHEREAS, pursuant to Health and Safety Code section 40701, the District has the power to cooperate and contract with any federal, state or local governmental agencies, private industries, or civic groups necessary or proper to the accomplishment of authorized District purposes;

WHEREAS, under the sponsorship of the California State Association of Counties (“CSAC”), a joint powers agency, called the CSAC Excess Insurance Authority (“CSAC-EIA”) has been established for the purpose of jointly developing and funding insurance programs to serve the needs of Member Counties and Member Public Entities;

WHEREAS, members of CSAC-EIA include the Bay Area counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, Solano, and Sonoma; and the Bay Area cities of Alameda, Berkeley, Burlingame, Concord, Daly City, Fairfield, Livermore, Los Altos, Mill Valley, Millbrae, Napa, Novato, Oakland, Pleasanton, Redwood City, Richmond, Santa Clara, Santa Rosa, South San Francisco, Sunnyvale, and Walnut Creek;

WHEREAS, the District currently provides dental insurance by directly contracting with Delta Dental of California;

WHEREAS, through membership in CSAC-EIA, the District would be able to secure annual administrative fee savings of approximately 3.5% on the same coverage, or approximately \$12,000 for the fiscal year ending 2013;

WHEREAS, through membership in CSAC-EIA, the District may be able to secure other insurance savings;

WHEREAS, the Board of Directors concurs with the recommendations of District staff and desires to become a member of CSAC-EIA;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Bay Area Air Quality Management District hereby authorizes the Chairperson, on behalf of the District, to execute the “Joint Powers Agreement Creating the CSAC Excess Insurance Authority,” attached as Attachment A, thereby making the District a member of CSAC-EIA.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, 2012 by the following vote of the Board:

AYES:

NOES:

ABSENT:

---

John Gioia  
Chairperson of the Board of Directors

ATTEST:

---

Nate Miley  
Secretary of the Board of Directors

**ATTACHMENT A**

**JOINT POWERS AGREEMENT  
CREATING THE CSAC EXCESS INSURANCE AUTHORITY**





Adopted: October 5, 1979  
Amended: May 12, 1980  
Amended: January 23, 1987  
Amended: October 7, 1988  
Amended: March 1993  
Amended: November 18, 1996  
Amended: October 4, 2005  
Amended: February 28, 2006

**JOINT POWERS AGREEMENT  
CREATING THE CSAC EXCESS INSURANCE AUTHORITY**

This Agreement is executed in the State of California by and among those counties and public entities organized and existing under the Constitution of the State of California which are parties signatory to this Agreement. The CSAC Excess Insurance Authority was formed under the sponsorship of CSAC. All such counties, hereinafter called member counties, and public entities, hereinafter called member public entities, [collectively "members"] shall be listed in Appendix A, which shall be attached hereto and made a part hereof.

**RECITALS**

**WHEREAS**, Article 1, Chapter 5, Division 7, Title 1 of the California Government Code (Section 6500 et seq.) permits two or more public agencies by agreement to exercise jointly powers common to the contracting parties; and

**WHEREAS**, Article 16, Section 6 of the California Constitution provides that insurance pooling arrangements under joint exercise of power agreements shall not be considered the giving or lending of credit as prohibited therein; and

**WHEREAS**, California Government Code Section 990.4 provides that a local public entity may self-insure, purchase insurance through an authorized carrier, or purchase insurance through a surplus line broker, or any combination of these; and

**WHEREAS**, pursuant to California Government Code Section 990.6, the cost of insurance provided by a local public entity is a proper charge against the local public entity; and

**WHEREAS**, California Government Code Section 990.8 provides that two or more local entities may, by a joint powers agreement, provide insurance for any purpose by any one or more of the methods specified in Government Code Section 990.4 and such pooling of self-insured claims or losses is not considered insurance nor subject to regulation under the Insurance Code; and

**WHEREAS**, the counties and public entities executing this Agreement desire to join together for the purpose of jointly funding and/or establishing excess and other insurance programs as determined;

**NOW THEREFORE**, the parties agree as follows:

**ARTICLE 1**  
**DEFINITIONS**

**"CSAC"** shall mean the County Supervisors Association of California, dba California State Association of Counties.

**"Authority"** shall mean the CSAC Excess Insurance Authority created by this Agreement.

**"Board of Directors"** or **"Board"** shall mean the governing body of the Authority.

**"Claim"** shall mean a claim made against a member arising out of an occurrence which is covered by an excess or primary insurance program of the Authority in which the member is a participant.

**"Executive Committee"** shall mean the Executive Committee of the Board of Directors of the Authority.

**"Fiscal year"** shall mean that period of twelve months which is established by the Board of Directors as the fiscal year of the Authority.

**"Government Code"** shall mean the California Government Code.

**"Insurance program"** or **"program"** shall mean a program of the Authority under which participating members are protected against designated losses, either through joint purchase of primary or excess insurance, pooling of self-insured claims or losses, purchased insurance or any other combination as determined by the Board. The Board of Directors or the Executive Committee may determine applicable criteria for determining eligibility in any insurance program, as well as establishing program policies and procedures.

**"Joint powers law"** shall mean Article 1, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the Government Code.

**"Loss"** shall mean a liability or potential liability of a member, including litigation expenses, attorneys' fees and other costs, which is covered by an insurance program of the Authority in which the member is a participant.

**"Member county"** shall mean any county which, through the membership of its supervisors in CSAC, has executed this Agreement and become a member of the Authority. "Member county" shall also include those entities or other bodies set forth in Article 3 (c).

**"Member Public Entity"** shall mean any California public entity which does not maintain a membership in CSAC, has executed this Agreement and become a member of the Authority, "Member Public Entity" shall also include those entities or other bodies set forth in Article 3(c).

**"Occurrence"** shall mean an event which is more fully defined in the memorandums of coverage and/or policies of an insurance program in which the participating county or participating public entity is a member.

**"Participating county"** shall mean any member county which has entered into a program offered by the Authority pursuant to Article 14 of this Agreement and has not withdrawn or been canceled therefrom pursuant to Articles 20 or 21.

**"Participating public entity"** shall mean any member public entity which has entered into a program offered by the Authority pursuant to Article 14 of this Agreement and has not withdrawn or been canceled therefrom pursuant to Articles 20 or 21.

**"Self-insured retention"** shall mean that portion of a loss resulting from an occurrence experienced by a member which is retained as a liability or potential liability of the member and is not subject to payment by the Authority.

**"Reinsurance"** shall mean insurance purchased by the Authority as part of an insurance program to cover that portion of any loss which exceeds the joint funding capacity of that program.

## **ARTICLE 2 PURPOSES**

This Agreement is entered into by the member counties and member public entities in order to jointly develop and fund insurance programs as determined. Such programs may include, but are not limited to, the creation of joint insurance funds, including primary and excess insurance funds, the pooling of self-insured claims and losses, purchased insurance, including reinsurance, and the provision of necessary administrative services. Such administrative services may include, but shall not be limited to, risk management consulting, loss prevention and control, centralized loss reporting, actuarial consulting, claims adjusting, and legal defense services.

## **ARTICLE 3 PARTIES TO AGREEMENT**

(a) There shall be two classes of membership of the parties pursuant to this Agreement consisting of one class designated as Member Counties and another class designated as Member Public Entities.

(b) Each member county and member public entity, as a party to this Agreement, certifies that it intends to and does contract with all other members as parties to this Agreement and, with such other members as may later be added as parties to this Agreement pursuant to Article 19 as to all programs of which it is a participating member. Each member also certifies that the removal of any party from this Agreement, pursuant to Articles 20 or 21, shall not affect this Agreement or the member's obligations hereunder.

(c) A member for purposes of providing insurance coverage under any program of the Authority, may contract on behalf of, and shall be deemed to include:

Any public entity as defined in Government Code § 811.2 which the member requests to be added and from the time that such request is approved by the Executive Committee of the Authority.

Any nonprofit entity, including a nonprofit public benefit corporation formed pursuant to Corporations Code §§ 5111, 5120 and, 5065, which the member requests to be added and from the time that such request is approved by the Executive Committee.

(d) Any public entity or nonprofit so added shall be subject to and included under the member's SIR or deductible, and when so added, may be subject to such other terms and conditions as determined by the Executive Committee.

(e) Such public entity or nonprofit shall not be considered a separate party to this Agreement. Any public entity or nonprofit so added, shall not affect the member's representation on the Board of Directors and shall be considered part of and represented by the member for all purposes under this Agreement.

(f) The Executive Committee shall establish guidelines for approval of any public entity or nonprofit so added in accordance with Article 3(c) and (d).

(g) Should any conflict arise between the provisions of this Article and any applicable Memorandum of Coverage or other document evidencing coverage, such Memorandum of Coverage or other document evidencing coverage shall prevail.

#### **ARTICLE 4**

##### **TERM**

This Agreement shall continue in effect until terminated as provided herein.

#### **ARTICLE 5**

##### **CREATION OF THE AUTHORITY**

Pursuant to the joint powers law, there is hereby created a public entity separate and apart from the parties hereto, to be known as the CSAC Excess Insurance Authority, with such powers as are hereinafter set forth.

#### **ARTICLE 6**

##### **POWERS OF THE AUTHORITY**

The Authority shall have all of the powers common to General Law counties in California, such as Alpine County and all additional powers set forth in the joint powers law, and is hereby authorized to do all acts necessary for the exercise of said powers. Such powers include, but are not limited to, the following:

(a) To make and enter into contracts.

- (b) To incur debts, liabilities, and obligations.
- (c) To acquire, hold, or dispose of property, contributions and donations of property, funds, services, and other forms of assistance from persons, firms, corporations, and government entities.
- (d) To sue and be sued in its own name, and to settle any claim against it.
- (e) To receive and use contributions and advances from members as provided in Government Code Section 6504, including contributions or advances of personnel, equipment, or property.
- (f) To invest any money in its treasury that is not required for its immediate necessities, pursuant to Government Code Section 6509.5.
- (g) To carry out all provisions of this Agreement.

Said powers shall be exercised pursuant to the terms hereof and in the manner provided by law.

## **ARTICLE 7 BOARD OF DIRECTORS**

The Authority shall be governed by the Board of Directors, which shall be composed as follows:

a) One director from each member county, appointed by the member county board of supervisors and serving at the pleasure of that body. Each member county board of supervisors shall also appoint an alternate director who shall have the authority to attend, participate in and vote at any meeting of the Board when the director is absent. A director or alternate director shall be a county supervisor, other county official, or staff person of the member county, and upon termination of office or employment with the county, shall automatically terminate membership or alternate membership on the Board.

b) Ten directors consisting of seven directors and three alternate directors chosen in the manner specified in the Bylaws from those participating as public entity members. A director or alternate public entity director shall be an official, or staff person of the public entity member, and upon termination of office or employment with the public entity, shall automatically terminate membership or alternate membership on the Board.

c) Member county directors shall consist of a minimum of 80% of the eligible voting members on the Board. The public entity member directors shall be reduced accordingly to ensure at least 80% of the Board consists of county director members (By way of example, if the number of county members is reduced from the current 54 by member withdrawals to a level of 28, then county members would be at the 80% level, 28/35. If the county members go to 27, then the public entity members would lose one seat and would only have 6 votes).

Any vacancy in a county director or alternate director position shall be filled by the appointing county's board of supervisors, subject to the Provisions of this Article. Any vacancy in a public entity director position shall be filled by vote of the public entity members.

A majority of the membership of the Board shall constitute a quorum for the transaction of business. Each member of the Board shall have one vote. Except as otherwise provided in this Agreement or any other duly executed agreement of the members, all actions of the Board shall require the affirmative vote of a majority of the members; provided, that any action which is restricted in effect to one of the Authority's insurance programs, shall require the affirmative vote of a majority of those Board members who represent counties and public entities participating in that program. For purposes of an insurance program vote, to the extent there are public entity members participating in a program, the public entity Board members as a whole shall have a minimum of one vote. The public entity Board members may in no event cast more votes than would constitute 20% of the number of total county members in that program (subject to the one vote minimum). Should the number of public entity Board votes authorized herein be less than the number of public entity Board members at a duly noticed meeting, the public entity Board members shall decide among themselves which Board member shall vote. Should they be unable to decide, the President of the Authority shall determine which director(s) shall vote.

## **ARTICLE 8**

### **POWERS OF THE BOARD OF DIRECTORS**

The Board of Directors shall have the following powers and functions:

(a) The Board shall exercise all powers and conduct all business of the Authority, either directly or by delegation to other bodies or persons unless otherwise prohibited by this Agreement, or any other duly executed agreement of the members or by law.

(b) The Board of Directors may adopt such resolutions as deemed necessary in the exercise of those powers and duties set forth herein.

(c) The Board shall form an Executive Committee, as provided in Article 11. The Board may delegate to the Executive Committee and the Executive Committee may discharge any powers or duties of the Board except adoption of the Authority's annual budget. The powers and duties so delegated shall be specified in resolutions adopted by the Board.

(d) The Board may form, as provided in Article 12, such other committees as it deems appropriate to conduct the business of the Authority. The membership of any such other committee may consist in whole or in part of persons who are not members of the Board; provided that the Board may delegate its powers and duties only to a committee of the Board composed of a majority of Board members and/or alternate members. Any committee which is not composed of a majority of Board members and/or alternate members may function only in an advisory capacity.

(e) The Board shall elect the officers of the Authority and shall appoint or employ necessary staff in accordance with Article 13.

(f) The Board shall cause to be prepared, and shall review, modify as necessary, and adopt the annual operating budget of the Authority. Adoption of the budget may not be delegated.

(g) The Board shall develop, or cause to be developed, and shall review, modify as necessary, and adopt each insurance program of the Authority, including all provisions for reinsurance and administrative services necessary to carry out such program.

(h) The Board, directly or through the Executive Committee, shall provide for necessary services to the Authority and to members, by contract or otherwise, which may include, but shall not be limited to, risk management consulting, loss prevention and control, centralized loss reporting, actuarial consulting, claims adjusting, and legal services.

(i) The Board shall provide general supervision and policy direction to the Chief Executive Officer.

(j) The Board shall receive and act upon reports of the committees and the Chief Executive Officer.

(k) The Board shall act upon each claim involving liability of the Authority, directly or by delegation of authority to the Executive Committee or other committee, body or person, provided, that the Board shall establish monetary limits upon any delegation of claims settlement authority, beyond which a proposed settlement must be referred to the Board for approval.

(l) The Board may require that the Authority review, audit, report upon, and make recommendations with regard to the safety or claims administration functions of any member, insofar as those functions affect the liability or potential liability of the Authority. The Board may forward any or all such recommendations to the member with a request for compliance and a statement of potential consequences for noncompliance.

(m) The Board shall receive, review and act upon periodic reports and audits of the funds of the Authority, as required under Articles 15 and 16 of this Agreement.

(n) The Board may, upon consultation with a casualty actuary, declare that any funds established for any program has a surplus of funds and determine a formula to return such surplus to the participating counties and participating public entities which have contributed to such fund.

(o) The Board shall have such other powers and duties as are reasonably necessary to carry out the purposes of the Authority.

## **ARTICLE 9**

### **MEETINGS OF THE BOARD OF DIRECTORS**

(a) The Board shall hold at least one regular meeting each year and shall provide for such other regular meetings and for such special meetings as it deems necessary.

(b) The Chief Executive Officer of the Authority shall provide for the keeping of minutes of regular and special meetings of the Board, and shall provide a copy of the minutes to each member of the Board at the next scheduled meeting.

(c) All meetings of the Board, the Executive Committee and such committees as established by the Board pursuant to Article 12 herein, shall be called, noticed, held and conducted in accordance with the provisions of Government Code Section 54950 et seq.

**ARTICLE 10  
OFFICERS**

The Board of Directors shall elect from its membership a President and Vice President of the Board, to serve for one-year terms.

The President, or in his or her absence, the Vice President, shall preside at and conduct all meetings of the Board and shall chair the Executive Committee.

**ARTICLE 11  
EXECUTIVE COMMITTEE**

The Board of Directors shall establish an Executive Committee of the Board which shall consist of eleven members: the President and Vice President of the Board, and nine members elected by the Board from its membership.

The terms of office of the nine non-officer members shall be as provided in the Bylaws of the Authority.

The Executive Committee shall conduct the business of the Authority between meetings of the Board, exercising all those powers as provided for in Article 8, or as otherwise delegated to it by the Board.

**ARTICLE 12  
COMMITTEES**

The Board of Directors may establish committees, as it deems appropriate to conduct the business of the Authority. Members of the committees shall be appointed by the Board, to serve two year terms, subject to reappointment by the Board. The members of each committee shall annually select one of their members to chair the Committee.

Each committee shall be composed of at least five members and shall have those duties as determined by the Board, or as otherwise set forth in the Bylaws.

Each committee shall meet on the call of its chair, and shall report to the Executive Committee and the Board as directed by the Board.



**ARTICLE 13****STAFF**

(a) **Principal Staff.** The following staff members shall be appointed by and serve at the pleasure of the Board of Directors:

(1) **Chief Executive Officer.** The Chief Executive Officer shall administer the business and activities of the Authority, subject to the general supervision and policy direction of the Board of Directors and Executive Committee; shall be responsible for all minutes, notices and records of the Authority and shall perform such other duties as are assigned by the Board and Executive Committee.

(2) **Treasurer.** The duties of the Treasurer are set forth in Article 16 of this Agreement. Pursuant to Government Code Section 6505.5, the Treasurer shall be the county treasurer of a member county of the Authority, or, pursuant to Government Code Section 6505.6, the Board may appoint one of its officers or employees to the position of Treasurer, who shall comply with the provisions of Government Code Section 6505.5 (a-d).

(3) **Auditor.** The Auditor shall draw warrants to pay demands against the Authority when approved by the Treasurer. Pursuant to Government Code Section 6505.5, the Auditor shall be the Auditor of the county from which the Treasurer is appointed by the Board under (2) above, or, pursuant to Government Code Section 6505.6, the Board may appoint one of its officers or employees to the position of Auditor, who shall comply with the provisions of Government Code Section 6505.5 (a-d).

(b) **Charges for Treasurer and Auditor Services.** Pursuant to Government Code Section 6505, the charges to the Authority for the services of Treasurer and Auditor shall be determined by the board of supervisors of the member county from which such staff members are appointed.

(c) **Other Staff.** The Board, Executive Committee or Chief Executive Officer shall provide for the appointment of such other staff as may be necessary for the administration of the Authority.

**ARTICLE 14****DEVELOPMENT, FUNDING AND IMPLEMENTATION  
OF INSURANCE PROGRAMS**

(a) **Program Coverage.** Insurance programs of the Authority may provide coverage, including excess insurance coverage for:

- (1) Workers' compensation;
- (2) Comprehensive liability, including but not limited to general, personal injury, contractual, public officials errors and omissions, and incidental malpractice liability;
- (3) Comprehensive automobile liability;
- (4) Hospital malpractice liability;
- (5) Property and related programs;

and may provide any other coverages authorized by the Board of Directors. The Board shall determine, for each such program, a minimum number of participants required for program implementation and may develop specific program coverages requiring detailed agreements for implementation of the above programs.

(b) **Program and Authority Funding.** The members developing or participating in an insurance program shall fund all costs of that program, including administrative costs, as hereinafter provided. Costs of staffing and supporting the Authority, hereinafter called Authority general expenses, shall be equitably allocated among the various programs by the Board, and shall be funded by the members developing or participating in such programs in accordance with such allocations, as hereinafter provided. In addition, the Board may, in its discretion, allocate a share of such Authority general expense to those members which are not developing or participating in any program, and require those counties and public entities to fund such share through a prescribed charge.

(1) **Development Charge.** Development costs of an insurance program shall be funded by a development charge, as established by the Board of Directors. The development charge shall be paid by each participant in the program following the program's adoption by the Board. Development costs are those costs actually incurred by the Authority in developing a program for review and adoption by the Board of Directors, including but not limited to: research, feasibility studies, information and liaison work among participants, preparation and review of documents, and actuarial and risk management consulting services. The development charge may also include a share of Authority general expenses, as allocated to the program development function.

The development charge shall be billed by the Authority to all participants in the program upon establishment of the program and shall be payable in accordance with the Authority's invoice and payment policy.

Upon the conclusion of program development: any deficiency in development funds shall be billed to all participants which have paid the development charge, on a pro-rata or other equitable basis, as determined by the Board; any surplus in such funds shall be transferred into the Authority's general expense funds.

(2) **Annual Premium.** Except as provided in (3) below, all post-development costs of an insurance program shall be funded by annual premiums charged to the members participating in the program each policy year, and by interest earnings on the funds so accumulated. Such premiums shall be determined by the Board of Directors upon the basis of a cost allocation plan and rating formula developed by the Authority with the assistance of a casualty actuary, risk management consultant, or other qualified person. The premium for each participating member shall include that participant's share of expected program losses including a margin for contingencies as determined by the Board, program reinsurance costs, and program administrative costs for the year, plus that participant's share of Authority general expense allocated to the program by the Board.

(3) **Premium Surcharge**

(i) If the Authority experiences an unusually large number of losses under a program during a policy year, such that notwithstanding reinsurance coverage for large individual losses,

the joint insurance funds for the program may be exhausted before the next annual premiums are due, the Board of Directors may, upon consultation with a casualty actuary, impose premium surcharges on all participating members; or

(ii) If it is determined by the Board of Directors, upon consultation with a casualty actuary, that the joint insurance funds for a program are insufficient to pay losses, fund known estimated losses, and fund estimated losses which have been incurred but not reported, the Board of Directors may impose a surcharge on all participating members.

(iii) Premium surcharges imposed pursuant to (i) and/or (ii) above shall be in an amount which will assure adequate funds for the program to be actuarially sound; provided that the surcharge to any participating member shall not exceed an amount equal to three (3) times the member's annual premium for that year, unless otherwise determined by the Board of Directors.

Provided, however, that no premium surcharge in excess of three times the member's annual premium for that year may be assessed unless, ninety days prior to the Board of Directors taking action to determine the amount of the surcharge, the Authority notifies the governing body of each participating member in writing of its recommendations regarding its intent to assess a premium surcharge and the amount recommended to be assessed each member. The Authority shall, concurrently with the written notification, provide each participating member with a copy of the actuarial study upon which the recommended premium surcharge is based.

(iv) A member which is no longer a participating member at the time the premium surcharge is assessed, but which was a participating member during the policy year(s) for which the premium surcharge was assessed, shall pay such premium surcharges as it would have otherwise been assessed in accordance with the provisions of (i), (ii), and (iii) above.

(c) **Program Implementation and Effective Date.** Upon establishment of an insurance program by the Board of Directors, the Authority shall determine the manner of program implementation and shall give written notice to all members of such program, which shall include, but not be limited to: program participation levels, coverages and terms of coverage of the program, estimates of first year premium charges, program development costs, effective date of the program (or estimated effective date) and such other program provisions as deemed appropriate.

(d) **Late Entry Into Program.** A member which does not elect to enter an insurance program upon its implementation, pursuant to (c) above, or a county or public entity which becomes a party to this Agreement following implementation of the program, may petition the Board of Directors for late entry into the program. Such request may be granted upon a majority vote of the Board members, plus a majority vote of those board members who represent participants in the program. Alternatively, a county or public entity may petition the Executive Committee for late entry into the program, or a program committee, when authorized by an MOU governing that specific program, may approve late entry into that program. Such request may be granted upon a majority vote of the Executive Committee or program committee.

As a condition of late entry, the member shall pay the development charge for the program, as adjusted at the conclusion of the development period, but not subject to further adjustment,

and also any costs incurred by the Authority in analyzing the member's loss data and determining its annual premium as of the time of entry.

(e) **Reentry Into A Program.** Any county or public entity that is a member of an insurance program of the Authority who withdraws or is cancelled from an insurance program under Articles 21 and 22, may not reenter such insurance program for a period of three years from the effective date of withdrawal or cancellation.

## ARTICLE 15 ACCOUNTS AND RECORDS

(a) **Annual Budget.** The Authority shall annually adopt an operating budget pursuant to Article 8 of this Agreement, which shall include a separate budget for each insurance program under development or adopted and implemented by the Authority.

(b) **Funds and Accounts.** The Auditor of the Authority shall establish and maintain such funds and accounts as may be required by good accounting practices and by the Board of Directors. Separate accounts shall be established and maintained for each insurance program under development or adopted and implemented by the Authority. Books and records of the Authority in the hands of the Auditor shall be open to inspection at all reasonable times by authorized representatives of members.

The Authority shall adhere to the standard of strict accountability for funds set forth in Government Code Section 6505.

(c) **Auditor's Report.** The Auditor, within one hundred and twenty (120) days after the close of each fiscal year, shall give a complete written report of all financial activities for such fiscal year to the Board and to each member.

(d) **Annual Audit.** Pursuant to Government Code Section 6505, the Authority shall either make or contract with a certified public accountant to make an annual fiscal year audit of all accounts and records of the Authority, conforming in all respects with the requirements of that section. A report of the audit shall be filed as a public record with each of the members and also with the county auditor of the county where the home office of the Authority is located and shall be sent to any public agency or person in California that submits a written request to the Authority. The report shall be filed within six months of the end of the fiscal year or years under examination. Costs of the audit shall be considered a general expense of the Authority.

## ARTICLE 16 RESPONSIBILITIES FOR FUNDS AND PROPERTY

(a) The Treasurer shall have the custody of and disburse the Authority's funds. He or she may delegate disbursing authority to such persons as may be authorized by the Board of Directors to perform that function, subject to the requirements of (b) below.

(b) Pursuant to Government Code Section 6505.5, the Treasurer shall:

- (1) Receive and acknowledge receipt for all funds of the Authority and place them in the treasury of the Treasurer to the credit of the Authority.
  - (2) Be responsible upon his or her official bond for the safekeeping and disbursements of all Authority funds so held by him or her.
  - (3) Pay any sums due from the Authority, as approved for payment by the Board of Directors or by any body or person to whom the Board has delegated approval authority, making such payments from Authority funds upon warrants drawn by the Auditor.
  - (4) Verify and report in writing to the Authority and to members, as of the first day of each quarter of the fiscal year, the amount of money then held for the Authority, the amount of receipts since the last report, and the amount paid out since the last report.
- (c) Pursuant to Government Code Section 6505.1, the Chief Executive Officer, the Treasurer, and such other persons as the Board of Directors may designate shall have charge of, handle, and have access to the property of the Authority.
- (d) The Authority shall secure and pay for a fidelity bond or bonds, in an amount or amounts and in the form specified by the Board of Directors, covering all officers and staff of the Authority, and all officers and staff who are authorized to have charge of, handle, and have access to property of the Authority.

## **ARTICLE 17**

### **RESPONSIBILITIES OF MEMBERS**

Members shall have the following responsibilities under this Agreement.

- (a) The board of supervisors of each member county shall appoint a representative and one alternate representative to the Board of Directors, pursuant to Article 7.
- (b) Each member shall appoint an officer or employee of the member to be responsible for the risk management function for that member and to serve as a liaison between the member and the Authority for all matters relating to risk management.
- (c) Each member shall maintain an active safety program, and shall consider and act upon all recommendations of the Authority concerning the reduction of unsafe practices.
- (d) Each member shall maintain its own claims and loss records in each category of liability covered by an insurance program of the Authority in which the member is a participant, and shall provide copies of such records to the Authority as directed by the Board of Directors or Executive Committee, or to such other committee as directed by the Board or Executive Committee.
- (e) Each member shall pay development charges, premiums, and premium surcharges due to the Authority as required under Article 14. Penalties for late payment of such charges, premiums and/or premium surcharges shall be as determined and assessed by the Board of Directors. After withdrawal, cancellation, or termination action under Articles 20, 21, or 23, each member shall pay promptly to the Authority any additional premiums due, as determined and assessed by the Board of

Directors under Articles 22 or 23. Any costs incurred by the Authority associated with the collection of such premiums or other charges, shall be recoverable by the Authority.

(f) Each member shall provide the Authority such other information or assistance as may be necessary for the Authority to develop and implement insurance programs under this Agreement.

(g) Each member shall cooperate with and assist the Authority, and any insurer of the Authority, in all matters relating to this Agreement, and shall comply with all Bylaws, and other rules by the Board of Directors.

(h) Each member county shall maintain membership in CSAC.

(i) Each member shall have such other responsibilities as are provided elsewhere in this Agreement, and as are established by the Board of Directors in order to carry out the purposes of this Agreement.

## **ARTICLE 18 ADMINISTRATION OF CLAIMS**

(a) Subject to subparagraph (e), each member shall be responsible for the investigation, settlement or defense, and appeal of any claim made, suit brought, or proceeding instituted against the member arising out of a loss.

(b) The Authority may develop standards for the administration of claims for each insurance program of the Authority so as to permit oversight of the administration of claims by the members.

(c) Each participating member shall give the Authority timely written notice of claims in accordance with the provisions of the Bylaws.

(d) A member shall not enter into any settlement involving liability of the Authority without the advance written consent of the Authority.

(e) The Authority, at its own election and expense, shall have the right to participate with a member in the settlement, defense, or appeal of any claim, suit or proceeding which, in the judgment of the Authority, may involve liability of the Authority.

## **ARTICLE 19 NEW MEMBERS**

Any California public entity may become a party to this Agreement and participate in any insurance program in which it is not presently participating upon approval of the Board of Directors, by a majority vote of the members, or by majority vote of the Executive Committee.

**ARTICLE 20  
WITHDRAWAL**

(a) A member may withdraw as a party to this Agreement upon thirty (30) days advance written notice to the Authority if it has never become a participant in any insurance program pursuant to Article 14, or if it has previously withdrawn from all insurance programs in which it was a participant.

(b) After becoming a participant in an insurance program, a member may withdraw from that program only at the end of a policy year for the program, and only if it gives the Authority at least sixty (60) days advance written notice of such action.

**ARTICLE 21  
CANCELLATION**

(a) Notwithstanding the provisions of Article 20, the Board of Directors may:

(1) Cancel any member from this Agreement and membership in the Authority, on a majority vote of the Board members. Such action shall have the effect of canceling the member's participation in all insurance programs of the Authority as of the date that all membership is canceled.

(2) Cancel any member's participation in an insurance program of the Authority, without canceling the member's membership in the Authority or participation in other programs, on a vote of two-thirds of the Board members present and voting who represent participants in the program.

The Board shall give sixty (60) days advance written notice of the effective date of any cancellation under the foregoing provisions. Upon such effective date, the member shall be treated the same as if it had voluntarily withdrawn from this Agreement, or from the insurance program, as the case may be.

(b) A member that does not enter one or more of the insurance programs developed and implemented by the Authority within the member's first year as a member of the Authority shall be considered to have withdrawn as a party to this Agreement at the end of such period, and its membership in the Authority shall be automatically canceled as of that time, without action of the Board of Directors.

(c) A member which withdraws from all insurance programs of the Authority in which it was a participant and does not enter any program for a period of six (6) months thereafter shall be considered to have withdrawn as a party to the Agreement at the end of such period, and its membership in the Authority shall be automatically canceled as of that time, without action of the Board of Directors.

(d) A member county that terminates its membership in CSAC shall be considered to have thereby withdrawn as a party to this Agreement, and its membership in the Authority and participation in any insurance program of the Authority shall be automatically canceled as of that time, without the action of the Board of Directors.

**ARTICLE 22**  
**EFFECT OF WITHDRAWAL OR CANCELLATION**

(a) If a member's participation in an insurance program of the Authority is canceled under Article 21, with or without cancellation of membership in the Authority, and such cancellation is effective before the end of the policy year for that program, the Authority shall promptly determine and return to that member the amount of any unearned premium payment from the member for the policy year, such amount to be computed on a pro-rata basis from the effective date of cancellation.

(b) Except as provided in (a) above, a member which withdraws or is canceled from this Agreement and membership in the Authority, or from any program of the Authority, shall not be entitled to the return of any premium or other payment to the Authority, or of any property contributed to the Authority. However, in the event of termination of this Agreement, such member may share in the distribution of assets of the Authority to the extent provided in Article 23 provided; however, that any withdrawn or canceled member which has been assessed a premium surcharge pursuant to Article 14 (b) (3) (ii) shall be entitled to return of said member's unused surcharge, plus interest accrued thereon, at such time as the Board of Directors declares that a surplus exists in any insurance fund for which a premium surcharge was assessed.

(c) Except as provided in (d) below, a member shall pay any premium charges which the Board of Directors determines are due from the member for losses and costs incurred during the entire coverage year in which the member was a participant in such program regardless of the date of entry into such program. Such charges may include any deficiency in a premium previously paid by the member, as determined by audit under Article 14 (b) (2); any premium surcharge assessed to the member under Article 14 (b) (3); and any additional amount of premium which the Board determines to be due from the member upon final disposition of all claims arising from losses under the program during the entire coverage year in which the member was a participant regardless of date of entry into such program. Any such premium charges shall be payable by the member in accordance with the Authority's invoice and payment policy.

(d) Those members which who have withdrawn or been canceled pursuant to Articles 20 and 21 from any program of the Authority during a coverage year shall pay any premium charges which the Board of Directors determines are due from the members for losses and costs which were incurred during the county's participation in any program.

**ARTICLE 23**  
**TERMINATION AND DISTRIBUTION OF ASSETS**

(a) A three-fourths vote of the total voting membership of the Authority, consisting of member counties, acting through their boards of supervisors, and the voting Board members from the member public entities, is required to terminate this Agreement; provided, however, that this Agreement and the



Authority shall continue to exist after such election for the purpose of disposing of all claims, distributing all assets, and performing all other functions necessary to conclude the affairs of the Authority.

(b) Upon termination of this Agreement, all assets of the Authority in each insurance program shall be distributed among those members which participated in that program in proportion to their cash contributions, including premiums paid and property contributed (at market value when contributed). The Board of Directors shall determine such distribution within six (6) months after disposal of the last pending claim or other liability covered by the program.

(c) Following termination of this Agreement, any member which was a participant in an insurance program of the Authority shall pay any additional amount of premium, determined by the Board of Directors in accordance with a loss allocation formula, which may be necessary to enable final disposition of all claims arising from losses under that program during the entire coverage year in which the member was a participant regardless of the date of entry into such program.

**ARTICLE 24**  
**LIABILITY OF BOARD OF DIRECTORS, OFFICERS, COMMITTEE MEMBERS**  
**AND LEGAL ADVISORS**

The members of the Board of Directors, Officers, committee members and legal advisors to any Board or committees of the Authority shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. They shall not be liable for any mistake of judgment or any other action made, taken or omitted by them in good faith, nor for any action taken or omitted by any agent, employee or independent contractor selected with reasonable care, nor for loss incurred through investment of Authority funds, or failure to invest.

No Director, Officer, committee member, or legal advisor to any Board or committee shall be responsible for any action taken or omitted by any other Director, Officer, committee member, or legal advisor to any committee. No Director, Officer, committee member or legal advisor to any committee shall be required to give a bond or other security to guarantee the faithful performance of their duties pursuant to this Agreement.

The funds of the Authority shall be used to defend, indemnify and hold harmless the Authority and any Director, Officer, committee member or legal advisor to any committee for their actions taken within the scope of the authority of the Authority. Nothing herein shall limit the right of the Authority to purchase insurance to provide such coverage as is hereinabove set forth.

**ARTICLE 25  
BYLAWS**

The Board may adopt Bylaws consistent with this Agreement which shall provide for the administration and management of the Authority.

**ARTICLE 26  
NOTICES**

The Authority shall address notices, billings and other communications to a member as directed by the member. Each member shall provide the Authority with the address to which communications are to be sent. Members shall address notices and other communications to the Authority to the Chief Executive Officer of the Authority, at the office address of the Authority as set forth in the Bylaws.

**ARTICLE 27  
AMENDMENT**

A two-thirds vote of the total voting membership of the Authority, consisting of member counties, acting through their boards of supervisors, and the voting Board members from member public entities, is required to amend this Agreement.

**ARTICLE 28  
PROHIBITION AGAINST ASSIGNMENT**

No member may assign any right, claim or interest it may have under this Agreement, and no creditor, assignee or third party beneficiary of any member shall have any right, claim or title to any part, share, interest, fund, premium or asset of the Authority.

**ARTICLE 29  
AGREEMENT COMPLETE**

This Agreement constitutes the full and complete Agreement of the parties.

**ARTICLE 30**  
**EFFECTIVE DATE OF AMENDMENTS**

Any amendment of this Agreement shall become effective upon the date specified by the Board and upon approval of any Amended Agreement as required in Article 27. Approval of any amendment by the voting boards of supervisors and public entity board member's must take place no later than 30 days from the effective date specified by the Board.

**ARTICLE 31**  
**DISPUTE RESOLUTION**

When a dispute arises between the Authority and a member, the following procedures are to be followed:

(a) Request for Reconsideration. The member will make a written request to the Authority for the appropriate Committee to reconsider their position, citing the arguments in favor of the member and any applicable case law that applies. The member can also, request a personal presentation to that Committee, if it so desires.

(b) Committee Appeal. The committee responsible for the program or having jurisdiction over the decision in question will review the matter and reconsider the Authority's position. This committee appeal process is an opportunity for both sides to discuss and substantiate their positions based upon legal arguments and the most complete information available. If the member requesting reconsideration is represented on the committee having jurisdiction, that committee member shall be deemed to have a conflict and shall be excluded from any vote.

(c) Executive Committee Appeal. If the member is not satisfied with the outcome of the committee appeal, the matter will be brought to the Executive Committee for reconsideration upon request of the member. If the member requesting reconsideration is represented on the Executive Committee, that Executive Committee member shall be deemed to have a conflict and shall be excluded from any vote.

(d) Arbitration. If the member is not satisfied with the outcome of the Executive Committee appeal, the next step in the appeal process is arbitration. The arbitration, whether binding or non-binding, is to be mutually agreed upon by the parties. The matter will be submitted to a mutually agreed arbitrator or panel of arbitrators for a determination. If Binding Arbitration is selected, then of course the decision of the arbitrator is final. Both sides agree to abide by the decision of the arbitrator. The cost of arbitration will be shared equally by the involved member and the Authority.

(e) Litigation. If, after following the dispute resolution procedure paragraphs a-d, either party is not satisfied with the outcome of the non-binding arbitration process, either party may consider litigation as a possible remedy to the dispute.

**ARTICLE 32**  
**FILING WITH SECRETARY OF STATE**

The Chief Executive Officer of the Authority shall file a notice of this Agreement with the office of California Secretary of State within 30 days of its effective date, as required by Government Code Section 6503.5 and within 70 days of its effective date as required by Government Code Section 53051.

**IN WITNESS WHEREOF**, the undersigned party hereto has executed this Agreement on the date indicated below.

DATE: \_\_\_\_\_

MEMBER: \_\_\_\_\_

(Print Name of Member)

BY: \_\_\_\_\_

(Authorized signature of Member)

Seal:

**APPENDIX A**  
**JOINT POWERS AGREEMENT**  
**CSAC EXCESS INSURANCE AUTHORITY**

**MEMBERS (AS OF OCTOBER 26, 2009)**

ALAMEDA COUNTY  
AMADOR COUNTY  
BUTTE COUNTY  
CALAVERAS COUNTY  
COLUSA COUNTY  
CONTRA COASTA COUNTY  
DEL NORTE COUNTY  
EL DORADO COUNTY  
FRESNO COUNTY  
GLENN COUNTY  
HUMBOLDT COUNTY  
IMPERIAL COUNTY  
INYO COUNTY  
KERN COUNTY  
KINGS COUNTY  
LAKE COUNTY  
LASSEN COUNTY  
MADERA COUNTY  
MARIN COUNTY  
MARIPOSA COUNTY  
MENDOCINO COUNTY  
MERCED COUNTY  
MODOC COUNTY  
MONO COUNTY  
MONTERERY COUNTY  
NAPA COUNTY  
NEVADA COUNTY  
ORANGE COUNTY  
PLACER COUNTY  
PLUMAS COUNTY  
RIVERSIDE COUNTY  
SACRAMENTO COUNTY  
SAN BENITO COUNTY  
SAN DIEGO COUNTY  
SAN JOAQUIN COUNTY  
SAN LUIS OBISPO COUNTY  
SANTA BARBARA COUNTY  
SANTA CLARA COUNTY  
SANTA CRUZ COUNTY  
SHASTA COUNTY  
SIERRA COUNTY  
SISKIYOU COUNTY  
SOLANO COUNTY  
SONOMA COUNTY  
STANISLAUS COUNTY  
SUTTER COUNTY  
TEHAMA COUNTY  
TRINITY COUNTY  
TULARA COUNTY  
TUOLUMNE COUNTY  
VENTURA COUNTY  
YOLO COUNTY  
YUBA COUNTY

ALAMEDA COUNTY MEDICAL CENTER  
AMADOR REGIONAL TRANSIT SYSTEM  
ANAHEIM UNION HIGH SCHOOL DISTRICT  
ANTELOPE VALLEY HEALTHCARE DISTRICT  
AUTHORITY FOR CALIF. CITIES EXCESS LIABILITY  
BAY AREA HOUSING AUTHORITY RMA  
BERKELEY UNIFIED SCHOOL DISTRICT  
BIG INDEPENDENT CITIES EXCESS POOL  
BURBANK REDEVELOPMENT AGENCY  
CALIF. ASSOC. FOR PARK & RECREATION INS.  
CALIFORNIA FAIR SERVICES AUTHORITY  
CAMPBELL UNION HIGH SCHOOL DISTRICT  
CAMPBELL UNION SCHOOL DISTRICT  
CAPITOL AREA DEVELOPMENT AUTHORITY  
CASITAS MUNICIPAL WATER DISTRICT  
CENTRAL SIERRA CHILD SUPPORT AGENCY  
CITY OF BAKERSFIELD  
CITY OF BELL  
CITY OF BELMONT  
CITY OF BURBANK  
CITY OF BURLINGAME  
CITY OF CARMEL BY THE SEA  
CITY OF CHULA VISTA  
CITY OF CONCORD  
CITY OF CORONA  
CITY OF COVINA  
CITY OF CUPERTINO  
CITY OF DALY CITY  
CITY OF DEL MAR  
CITY OF DOWNEY  
CITY OF EL CAJON  
CITY OF EL MONTE  
CITY OF ELK GROVE  
CITY OF ESCONDIDO  
CITY OF FAIRFIELD  
CITY OF FONTANA  
CITY OF FREMONT  
CITY OF FRESNO  
CITY OF GARDEN GROVE  
CITY OF HAWTHORNE  
CITY OF HEMET  
CITY OF IMPERIAL BEACH  
CITY OF IRVINE  
CITY OF LAGUNA HILLS  
CITY OF LANCASTER  
CITY OF LEMON GROVE  
CITY OF LOMPOC  
CITY OF LONG BEACH  
CITY OF MERCED  
CITY OF MILLBRAE  
CITY OF MONTEBELLO  
CITY OF MORENO VALLEY  
CITY OF NAPA

CITY OF NATIONAL CITY  
CITY OF OAKLAND  
CITY OF OCEANSIDE  
CITY OF POMONA  
CITY OF RANCHO CORDOVA  
CITY OF REDDING  
CITY OF REDWOOD CITY  
CITY OF RIALTO  
CITY OF RICHMOND  
CITY OF RIDGECREST  
CITY OF SACRAMENTO  
CITY OF SAN BUENAVENTURA  
CITY OF SAN CLEMENTE  
CITY OF SAN DIEGO  
CITY OF SANTA CLARA  
CITY OF SANTA ROSA  
CITY OF SIMI VALLEY  
CITY OF SOLANO BEACH  
CITY OF SOUTH SAN FRANCISCO  
CITY OF STOCKTON  
CITY OF SUNNYVALE  
CITY OF TORRANCE  
CITY OF VISALIA  
CITY OF WHITTIER  
CITY OF YUBA CITY  
COMM. DEVELOPMENT COMM. OF LA COUNTY  
CONTRA COSTA CO. IHSS PUBLIC AUTHORITY  
CORONA NORCO UNIFIED SCHOOL DISTRICT  
COUNCIL OF SAN BENITO CO. GOVERNMENTS  
DEL NORTE IHSS PUBLIC AUTHORITY  
EAST BAY REGIONAL PARK DISTRICT  
EAST SAN GABRIEL VALLEY ROP  
ELK GROVE UNIFIED SCHOOL DISTRICT  
EVERGREEN ELEMENTARY SCHOOL DISTRICT  
EXCLUSIVE RISK MGMT. AUTHORITY OF CALIF.  
FIRST 5 CONTRA COSTA CHLD & FAMILIES COMM  
FIRST FIVE SACRAMENTO COMMISSION  
GOLD COAST TRANSIT  
GOLDEN EMPIRE TRANSIT DISTRICT  
GOLDEN STATE RISK MANAGEMENT AUTHORITY  
GSRMA JPA ADMINISTRATION  
HOUSING AUTHORITY OF THE CO. OF RIVERSIDE  
HUMBOLDT IHSS PUBLIC AUTHORITY  
HUNTINGTON BEACH UNION HIGH SCHOOL DIST  
IHSS PUBLIC AUTHORITY OF MARIN  
IMPERIAL COUNTY IHSS PUBLIC AUTHORITY  
IRVINE RANCH WATER DISTRICT  
KERN HEALTH SYSTEMS  
KERN IHSS PA  
KINGS COUNTY AREA PUBLIC TRANSIT AGENCY  
KINGS WASTE & RECYCLING AUTHORITY  
LAKE ELSINORE UNIFIED SCHOOL DISTRICT  
LOCAL AGENCY WC EXCESS JPA  
MADERA IHSS PUBLIC AUTHORITY  
MARIN COUNTY TRANSIT DISTRICT  
MERCED IHSS PUBLIC AUTHORITY  
MILITARY DEPT OF THE STATE OF CALIFORNIA  
MONTEREY SALINAS TRANSIT AUTHORITY  
MORONGO BASIN TRANSIT AUTHORITY  
MOUNTAIN COMMUNITIES HEALTHCARE DIST  
MT. DIABLO UNIFIED SCHOOL DISTRICT  
MUNICIPAL POOLING AUTHORITY  
NORTHERN CALIF CITIES SELF INSURANCE FUND  
NORTHERN CALIF SPECIAL DISTRICTS INS. AUTH  
OMNITRANS  
ORANGE COUNTY FIRE AUTHORITY  
ORANGE COUNTY SANITATION DISTRICT  
PASIS - SAN BERNARDINO  
PASIS - SAN DIEGO  
PUBLIC AGENCY RISK SHARING AUTH OF CALIF  
PUBLIC ENTITY RISK MANAGEMENT AUTHORITY  
RIVERSIDE IHSS PUBLIC AUTHORITY  
RIVERSIDE TRANSIT AGENCY  
SACRAMENTO AREA FLOOD CONTROL AGENCY  
SACRAMENTO COUNTY CONTRACTS  
SACRAMENTO COUNTY IHSS PUBLIC AUTHORITY  
SACRAMENTO METROPOLITAN CABLE  
TELEVISION COMMISSION  
SAN BENITO IHSS PUBLIC AUTHORITY  
SAN BERNARDINO CO. SPECIFIED DEPTS  
SAN BERNARDINO IHSS PUBLIC AUTHORITY  
SAN DIEGO COUNTY IHSS PUBLIC AUTHORITY  
SAN DIEGO HOUSING COMMISSION  
SAN DIEGO METRO TRANSIT SYSTEM  
SAN DIEGO UNIFIED SCHOOL DISTRICT  
SAN JOAQUIN IHSS PUBLIC AUTHORITY  
SAN JOSE UNIFIED SCHOOL DISTRICT  
SAN LUIS OBISPO REGIONAL TRANSIT AUTH.  
SAN MATEO CO. SCHOOLS INSURANCE GROUP  
SANTA BARBARA METRO TRANSIT DISTRICT  
SANTA CLARA CO. VECTOR CONTROL DISTRICT  
SANTA CRUZ CO. FIRE AGENCIES INS. GROUP  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
SCHOOLS INS. RISK MANAGEMENT AUTHORITY  
SHASTA IHSS PUBLIC AUTHORITY  
SONOMA COUNTY AS RESPECTS THE FAIR  
SONOMA CO. EMPLOYEES' RETIREMENT ASSOC.  
SOUTH COUNTY AREA TRANSIT  
SOUTHERN CALIF SCHOOLS RISK MANAGEMENT  
SPECIAL DISTRICT RISK MANAGEMENT AUTH.  
SUTTER BUTTE FLOOD CONTROL AGENCY JPA  
SUTTER IHSS PUBLIC AUTHORITY  
SPORTS & OPEN SPACE AUTH OF SANTA CLARA  
TORRANCE UNIFIED SCHOOL DISTRICT  
TOWN OF COLMA  
TRINDEL INSURANCE FUND  
TULARE IHSS PUBLIC AUTHORITY  
TURLOCK IRRIGATION DISTRICT  
UC HASTINGS COLLEGE OF LAW  
VAN HORN REGIONAL TREATMENT FACILITY  
WEST SAN GABRIEL LIABILITY & PROPERTY JPA  
WEST SAN GABRIEL WC JPA  
YOLO PUBLIC AGENCY RISK MGMT INS AUTH

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 20, 2012

Re: Set Public Hearing for September 19, 2012 to Consider Proposed Regulation  
9, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants  
from Portland Cement Manufacturing; and Approval of a CEQA Negative  
Declaration

---

RECOMMENDED ACTION:

Set a Public Hearing for September 19, 2012 to consider adoption of a new rule, Regulation 9: Inorganic Gaseous Pollutants, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants from Portland Cement Manufacturing; and approval of a California Environmental Quality Act (CEQA) Negative Declaration.

BACKGROUND

Control Measure SSM-9 in the 2010 Clean Air Plan considered reductions in nitrogen oxide (NOx) emissions from Portland cement manufacturing. The only Portland cement manufacturer in the Bay Area is the Lehigh Southwest Cement facility in Santa Clara County. The cement kiln at Lehigh currently represents the largest single source of NOx emissions in the District without modern add-on controls. It emits an average of 1700 tons of NOx per year.

DISCUSSION

The proposed rule would set emissions standards for NOx, particulate matter (PM), and toxic air contaminants (TAC). The rule also proposes modifications to the emissions stack of the kiln based on analysis of health risk effects to the surrounding community, and would impose fugitive dust control and mitigation measures at the facility to further reduce PM emissions. The proposed rule would limit NOx emissions from cement manufacturing kilns to 2.3 lbs NOx per ton of cement clinker (unfinished cement) produced, averaged over 30 days, and 0.04 lbs particulate matter per ton of cement clinker produced. The rule would require cement kilns to emit no more ammonia than 10 parts per million by volume, averaged over 24 hours, above a baseline established prior to operation of NOx control equipment. The rule would also set limits consistent with the federal National Emissions Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry as proposed on June 22, 2012. These limits would affect emissions of dioxins and furans, mercury, hydrochloric acid, and organic hazardous air pollutants. To meet these standards requires the use of NOx control equipment, monitoring of the NOx control equipment to limit the ammonia emissions



above a baseline, and the operation of an activated carbon injection system and a lime slurry injection system to meet the TAC standards. The systems to control TAC have already been installed. The existing baghouse to control PM is able to meet the proposed standard. The rule would also set an opacity (visible emissions) standard for all operations except the kiln and clinker cooler emission points. Finally, the rule would contain a variety of operational requirements to reduce fugitive dust and contains monitoring, testing, recordkeeping and reporting requirements.

EPA revised existing National Emissions Standards for Hazardous Air Pollutants for the Cement Manufacturing Industry in 2010. This rule set standards for all cement manufacturing facilities in the US for emissions of mercury, dioxins and furans, organic hazardous air pollutants (organic TAC), hydrochloric acid, and particulate matter. The rules were appealed and challenged in court by the cement industry. EPA reached a settlement agreement in April, 2012, and re-proposed the NESHAP standards in June, 2012. The TAC limits in proposed Regulation 9, Rule 13 are consistent with the federal NESHAP standards, except for PM, which is consistent with the 2010 NESHAP. Regulation 9, Rule 13 is proposed to become effective in September, 2013, consistent with the 2010 NESHAP. The June, 2012 proposed NESHAP amendments extend the national compliance date until September, 2015. As mentioned above, Lehigh already has installed control equipment to meet these standards.

#### RULE DEVELOPMENT PROCESS

Regulation 8, Rule 13 was developed through a process that began in 2010 and included the affected facility representatives, US EPA staff, members of the public and District staff from every division.

Staff conducted a public workshop, in Cupertino, CA on the evening of December 12, 2011. The workshop was attended by members of the public, Cupertino City Councilmembers, staff from Lehigh Southwest Cement Company, representatives of local environmental organizations, and the local press. Staff gave presentations to the Stationary Source Committee on the rule development process on July 23, 2010, and before a special meeting of the Board of Directors in Cupertino, CA on May 21, 2012.

Pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et seq.), an initial study for the proposed rule has been conducted, concluding that the proposed rule would not have significant adverse environmental impacts. Notice is hereby given that the District intends to adopt a negative declaration for the rule pursuant to Public Resources Code section 21080(c) and CEQA Guidelines section 15070 et seq.

A public hearing notice; proposed Regulation 9, Rule 13: Nitrogen Oxides, Particulate Matter and Toxic Air Contaminants from Portland Cement Manufacturing; the CEQA initial study and Negative Declaration; a socioeconomic analysis; and a staff report are available on the District's website at [http://www.baaqmd.gov/pln/ruledev/regulatory\\_public\\_hearings.htm](http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.htm) or by request.

BUDGET CONSIDERATIONS/FINANCIAL IMPACTS:

None. District inspection staff is already present at the Lehigh Southwest Cement facility.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer / Air Pollution Control Officer

Prepared by: Robert Cave  
Reviewed by: Henry Hilken

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 17, 2012

Re: Consider Authorization for Expenditures not to exceed \$125,000 to  
EcoInteractive for Nationwide Burn Status Phone Number, Complaint Customer  
Service Center, Data System and Woodsmoke Awareness Course

**RECOMMENDED ACTION:**

Recommend that the Board of Directors authorize the Executive Officer/APCO to execute agreements not to exceed \$125,000 with EcoInteractive for Nationwide Burn Status Phone Number, Complaint Customer Service Center, Data System and Woodsmoke Awareness Course.

**Background:**

In 2009, pursuant to requests by the APCO, staff conducted research on different options to expand the 24-hour burn status phone number, also known as the 877-4NO-BURN line, to route to other air districts with similar programs both in California and other states. These findings were presented in our February 24, 2009 memo that outlined 3 possible options for consideration. In summary, the memo outlined that with the existing phone system and infrastructure, the District experienced significant problems with the increased call volume and woodsmoke complaint line routing (e.g., calls were dropped and the ODOR complaint line was compromised). Additionally, it did not have the capability to route calls outside the District, therefore we concluded that it is appropriate to look to a new system that more closely mirrors the APCO's goal for this system. Staff conducted additional research and determined that the preferred option was to use an outside vendor to establish a call center type system and woodsmoke complaint data system (WCDS).

EcoInteractive, Inc. was the contractor selected in mid-2009 to develop the systems. They met the District's needs in an expedited timeframe with high quality work (the systems were launched and fully functional October 1, 2009, a month prior to the *Winter Spare the Air Season - WSTA*); the initial contract was extended and the contractor has continued to meet the needs of District for the past three years. The annual costs for the system(s) are \$125,000, well below the estimated \$500,000 to \$1 million District staff originally estimated for the call center component of the system alone. The call center and complaint systems are used year-round; the highest usage is during the *WSTA*. The contractor has not raised its costs to the District and has no plans to do so.

**Contract Renewal:**

The Contractor provides access to the Woodsmoke Phone Call Center using an outside vendor; provides access to the woodsmoke Complaint Data System (WCDS) via software as a service over the Internet; and will be providing access to the new Wood Smoke Awareness Course via the same URL connection as the WCDS. Use of this contractor is needed to continue to provide the same services over time; if discontinued, the District would no longer have access to any of these systems (and the District would need to develop new systems and procure new contractors, at significant additional costs; any new systems would not be ready for the start of the next *WSTA* or months or a year(s) thereafter). In summary, renewing the contract for the next three years is similar to continuing software subscriptions over time. It is critical that the contract is renewed in June in order to ensure that there is no discontinuance (or lapse) of any services and to allow the addition of the new functionality (the woodsmoke school) with an adequate testing period. Below is a brief summary of the systems and the new function which will be added this year.

**Call Center and WCDS System:**

The vendor setup a call center external to the District’s infrastructure to handle incoming calls and to also provide the option for callers from within the District jurisdiction to file a woodsmoke complaint. Callers have the option to listen to the burn status and learn about the *Winter Spare the Air* Program in 6 different languages. Callers wishing to file a woodsmoke complaint are transferred to an integrated voice response system (IVR) that prompts callers to give all necessary information such as complaint type, observed time and date, caller name, phone number and alleged source location. The data is downloaded immediately into the WCDS for District staff to access the data, have tools to manage data, deploy woodsmoke patrols or otherwise assign inspectors and generate reports.

Another key function of the WCDS is the option to enter complaints online. The system has a web-based complaint form that allows complainants to enter the required data that is input directly into the WCDS. Community representatives requested an online woodsmoke complaint system; this option is used approximately 4 times more than phone complaints.

The external call center, woodsmoke complaint IVR and WCDS are capable of handling high call volumes (approximately 300,000 – 500,000+ calls per season), allows routing to burn programs within and outside of California, is expandable as more burn programs become effective, and does not require the District to purchase or maintain expensive system infrastructure.

**Woodsmoke Awareness Course:**

For the 2012/13 *Winter Spare the Air Season*, we will be adding an online Woodsmoke Awareness Course component to the WCDS.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

This recommendation is funded from the approved FYE 2013 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Barbara Coler  
Reviewed by: Jeffrey McKay

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 16, 2012

Re: Report of the Mobile Source Committee Meeting of June 28, 2012

RECOMMENDED ACTION:

- A) Projects with Proposed Grant Awards over \$100,000
- 1) Approve Carl Moyer Program (CMP) projects with proposed grant awards over \$100,000.
  - 2) Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into agreements for the recommended CMP projects.
- B) Lawn Mower Replacement Contractor Selection
- 1) Approve the selection of RW Direct-WORX, a contractor to assist the Bay Area Air Quality Management District (Air District) in the implementation of a lawn mower replacement program under a grant from the California Air Resources Board (ARB).
  - 2) Authorize the Executive Officer/APCO to enter into all necessary agreements with RW Direct-WORX to implement the program funded by the ARB not to exceed \$364,050.
- C) Engine Model Year 2005/2006 Port Truck Replacement Program
- 1) Approve the selection of Cascade Sierra Solutions, as a contractor to assist the District in the implementation of an engine model year 2005/2006 drayage truck replacement program.
  - 2) Authorize the Executive Officer/APCO to enter into all necessary agreements with Cascade Sierra Solutions to implement the program.
- D) Approval of Transportation Fund for Clean Air (TFCA) Allocations for Three Projects
- 1) Authorize the Executive Officer/APCO to enter into and execute all necessary contracts with:

- a) Dero Bike Rack Co., Sportsworld Northwest Inc. and Creative Pipe Inc., not to exceed a total of \$600,000 for a Bicycle Rack Voucher Project (BRVP).
  - b) Port of Oakland for a performance-based contract not to exceed \$750,000 for a Marine Highway project.
- 2) Authorize the Executive Officer/APCO to expend up to \$1 million in TFCA funding to execute an Enhanced Mobile Sources Inspections project.

## BACKGROUND

The Mobile Source Committee met on Thursday, June 28, 2012. The Committee received and considered the following reports and recommendations:

- A) Projects with Proposed Grant Awards over \$100,000
- B) Lawn Mower Replacement Contractor Selection
- C) Engine Model Year 2005/ 2006 Port Truck Replacement Program
- D) Approval of TFCA Allocations for Three Projects

Attached are the staff reports presented in the Mobile Source Committee packet.

Chairperson Scott Haggerty will give an oral report of the meeting.

## BUDGET CONSIDERATION/FINANCIAL IMPACT:

- A) None. Through the CMP, Mobile Source Incentive Funds (MSIF) and TFCA, the Air District distributes “pass-through” funds to public agencies and private entities on a reimbursement basis. Administrative costs for both programs are provided by each funding source.
- B) None. The Air District match and administrative funding for these projects comes from the MSIF program.
- C) None. The Air District receives funding for the administration of these programs as part of the TFCA program.
- D) The Air District distributes “pass-through” funds to public agencies and private entities on a reimbursement basis. Administrative costs for the TFCA Regional Fund program is provided by the funding source. Funding for the BRVP is provided through FYE 2011 TFCA Funds, funding for the Marine Highway project is provided through FYE 2013 TFCA Funds and funding for the Enhanced Mobile Sources Inspections Project is provided via unspent project funds from previous TFCA fiscal years. Upon approval of the Board of Directors, these projects and associated revenues will be added as addenda to the Air District FYE 2013 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Jennifer C. Cooper

Attachments



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Haggerty and Members  
of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: June 13, 2012

Re: Projects with Proposed Grant Awards over \$100,000

RECOMMENDATIONS:

Recommend the Board of Directors:

1. Approve Carl Moyer Program projects with proposed grant awards over \$100,000.
2. Authorize the Executive Officer/APCO to enter into agreements for the recommended Carl Moyer Program projects.

BACKGROUND

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (ARB), since the program began in fiscal year 1998/1999. The CMP provides grants to public and private entities to reduce emissions of oxides of nitrogen (NOx), reactive organic gases (ROG) and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible heavy-duty diesel engine applications include on-road trucks and buses, off-road equipment, marine vessels, locomotives, stationary agricultural pump engines and forklifts.

Assembly Bill 923 (AB 923 - Firebaugh), enacted in 2004 (codified as Health and Safety Code Section 44225), authorized local air districts to increase their motor vehicle registration surcharge up to an additional \$2 per vehicle. The revenues from the additional \$2 surcharge are deposited in the Air District's Mobile Source Incentive Fund (MSIF). AB 923 stipulates that air districts may use the revenues generated by the additional \$2 surcharge for projects eligible for grants under the CMP.

Since 1991, the Transportation Fund for Clean Air (TFCA) program has funded projects that achieve surplus emission reductions from on-road motor vehicles. Sixty percent (60%) of TFCA funds are awarded directly by the Air District through a grant program known as the Regional Fund that is allocated on a competitive basis to eligible projects proposed by project sponsors. Funding for this program is provided by a \$4 surcharge on motor vehicles registered within the San Francisco Bay Area as authorized by the California State Legislature. The statutory authority

for the TFCA and requirements of the program are set forth in California Health and Safety Code Sections 44241 and 44242.

On February 2, 2011, the Board of Directors authorized Air District participation in Year 13 of the CMP, and authorized the Executive Officer/APCO to execute Grant Agreements and amendments for projects funded with CMP funds or MSIF revenues, with individual grant award amounts up to \$100,000. On November 18, 2009, the Air District Board of Directors authorized the Executive Officer/APCO to execute Grant Agreements and amendments for projects funded with TFCA funds, with individual grant award amounts up to \$100,000.

CMP and TFCA projects with grant award amounts over \$100,000 are brought to the Committee for consideration at least on a quarterly basis. Staff reviews and evaluates the grant applications based upon the respective governing policies and guidelines established by the ARB and/or the Air District's Board of Directors.

## DISCUSSION

### **Carl Moyer Program:**

The Air District started accepting applications for CMP Year 13 projects on August 8, 2011. The Air District has approximately \$14 million available for CMP projects from a combination of MSIF and CMP funds. Project applications are being accepted and evaluated on a first-come, first-served basis.

As of June 13, 2012, the Air District had received 100 project applications. Of the applications that have been evaluated between May 9, 2012 and June 13, 2012, three eligible projects have proposed individual grant awards over \$100,000. These projects will replace nine (9) pieces of off-road equipment, and four (4) marine engines which will result in the reduction of over 5 tons of NOx, ROG and PM per year. Staff recommends allocating \$568,869 to these projects from a combination of CMP funds and MSIF revenues. Attachment 1 to this staff report provides additional information on these projects.

Attachment 2 lists all of the eligible projects that have been received by the Air District as of June 13, 2012, and summarizes the allocation of funding by equipment category (Figure 1), and county (Figure 2). This list also includes the Voucher Incentive Program (VIP) on-road replacement projects awarded since the last committee update. Approximately 50% of the funds have been awarded to projects that reduce emissions in highly impacted Bay Area communities.


### **TFCA:**

No TFCA applications requesting individual grant awards over \$100,000 received as of June 13, 2012 are being forwarded for approval at this time.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. Through the CMP, MSIF and TFCA, the Air District distributes "pass-through" funds to public agencies and private entities on a reimbursement basis. Administrative costs for both programs are provided by each funding source.

Respectfully submitted,



Jack P. Broadbent  
Executive Director/APCO

Prepared by: Anthony Fournier

Reviewed by: Damian Breen

Attachment 1: BAAQMD Year 13 Carl Moyer Program/MSIF projects with grant awards greater than \$100,000 (evaluated between 5/9/12 and 6/13/12)

Attachment 2: Summary of all CMP Year 13/MSIF and VIP approved/eligible projects (as of 6/13/12)

**Attachment 1:**

BAAQMD Year 13 Carl Moyer Program/ MSIF projects with grant awards greater than \$100k  
(Evaluated between 5/9/12 and 6/13/12)

Project #	Applicant name	Equipment category	Project type	Proposed contract award	NOx (TPY)	ROG (TPY)	PM (TPY)	County
13MOY69	Sonoma-Cutrer Vineyards, Inc.	Off-road	Equipment replacement of nine (9) diesel-powered agricultural tractors	\$ 248,742.00	1.228	0.266	0.127	Sonoma
13MOY98	Benjamin D. Platt (Commercial fisherman)	Marine	Repower of one (1) diesel-powered propulsion engine on the commercial fishing marine vessel "Seastar"	\$ 123,635.00	1.078	0.038	0.041	San Mateo
13MOY91	Marine Science Institute	Marine	Repower of two (2) diesel-powered propulsion engines and one (1) diesel-powered auxiliary engine on the research marine vessel "Robert G. Brownlee"	\$ 196,492.00	2.259	0.049	0.086	San Mateo
				\$ 568,869.00	4.565	0.353	0.254	

## Attachment 2

Summary of all CMP Yr 13/MSIF and VIP approved/eligible projects (As of 6/13/12)

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	NOx (TPY)	ROG (TPY)	PM (TPY)	Board approval date	County
13MOY4	Off-road	Tractor replacement	2	\$ 122,000.00	Humberto Castaneda (farmer)	1.076	0.142	0.037	12/7/2011	Sonoma
13MOY6	Off-road	Tractor replacement	2	\$ 29,757.00	Ronald Palmer (Vineyard)	0.126	0.027	0.007	APCO	Sonoma
13MOY9	Off-road	Tractor replacement	1	\$ 23,576.00	Joesph Pinheiro (Dairy)	0.159	0.028	0.008	APCO	Sonoma
13MOY15	Off-road	Tractor replacement	1	\$ 23,576.00	David Evans dba Marin Sun Farms, Inc.	0.299	0.050	0.016	APCO	Marin
13MOY10	Off-road	Loader replacement	10	\$ 379,700.00	GreenWaste Recovery, Inc.	2.095	0.456	0.115	12/7/2011	Santa Clara
13MOY12	Off-road	Loader replacement	1	\$ 110,132.00	Deniz Dairy	0.541	0.066	0.025	12/7/2011	Sonoma
13MOY17	Off-road	Tractor replacement	1	\$ 36,163.00	Neil McIsaac & Son Dairy	0.158	0.029	0.013	APCO	Marin
13MOY19	Off-road	Tractor replacement	1	\$ 24,577.00	Foley Family Wines dba Sebastiani Vineyards	0.151	0.033	0.008	APCO	Sonoma
13MOY13	Off-road	Loader replacement	1	\$ 104,943.00	Renati Dairy	0.375	0.070	0.025	12/7/2011	Sonoma
13MOY18	Off-road	Tractor replacement	2	\$ 75,489.00	Gerald & Kristy Spaletta (Dairy)	0.520	0.088	0.029	APCO	Sonoma
13MOY14	Off-road	Tractor replacement	1	\$ 181,905.00	Silva Farms	1.270	0.151	0.055	3/7/2012	Santa Clara
13MOY16	Off-road	Tractor replacement	2	\$ 73,232.00	R. Castaneda Farms	0.490	0.085	0.030	APCO	Sonoma
13MOY23	Off-road	Tractor replacement	1	\$ 225,700.00	Simoni & Massoni Farms	1.365	0.088	0.031	3/7/2012	Contra Costa
13MOY28	Off-road	Tractor replacement	2	\$ 54,212.00	Boisset Family Estates (Vineyard)	0.305	0.062	0.019	APCO	Napa
13MOY21	Off-road	Tractor replacement	1	\$ 28,948.00	Roy and Beverly King (Dairy)	0.105	0.030	0.012	APCO	Sonoma
13MOY29	Off-road	Tractor replacement	2	\$ 158,666.00	RANKINS AG INC.	1.408	0.181	0.063	3/7/2012	Contra Costa
13MOY30	Off-road	Tractor replacement	1	\$ 28,651.00	Clos Du Val Wine Company, Ltd.	0.085	0.016	0.007	APCO	Napa
13MOY33	Off-road	Tractor replacement	1	\$ 29,920.00	Michael Meyer DBA: Meyer Farming	0.107	0.023	0.006	APCO	Sonoma
13MOY24	Marine	Engine reman and repower	4	\$ 585,928.00	Harley Marine Services, Inc.	40.012	0.636	1.192	3/7/2012	Alameda
13MOY37	Off-road	Tractor replacement	1	\$ 30,748.00	Greg Lyons (farmer)	0.324	0.054	0.020	APCO	Solano
13MOY35	Off-road	Tractor replacement	1	\$ 39,700.00	Dominus Estate Corporation	0.129	0.025	0.009	APCO	Napa
13MOY25	Marine	Engine reman and repower	3	\$ 549,078.00	Harley Marine Services, Inc.	37.843	0.602	1.126	3/7/2012	Alameda
13MOY26	Marine	Engine reman and repower	4	\$ 594,249.00	Harley Marine Services, Inc.	34.517	0.542	1.034	3/7/2012	Alameda
13MOY36	Off-road	Equipment replacement	2	\$ 45,106.00	Dutton Ranch Corp.	0.189	0.040	0.012	APCO	Sonoma
13MOY41	Off-road	Equipment replacement	1	\$ 114,014.00	F.A. Maggiore & Sons (Farming)	0.933	0.102	0.040	5/2/2012	Contra Costa
13MOY42	Off-road	Equipment replacement	2	\$ 55,966.00	Dutton Ranch Corp.	0.243	0.046	0.021	APCO	Sonoma
13MOY45	Off-road	Equipment replacement	1	\$ 30,900.00	Arthur Kunde and Sons Inc	0.092	0.018	0.005	APCO	Sonoma
13MOY46	Off-road	Equipment replacement	2	\$ 34,871.00	Carty Bros.	0.179	0.048	0.013	APCO	Solano
13MOY38	Off-road	Equipment replacement	1	\$ 24,175.00	Moon Vineyards	0.099	0.017	0.005	APCO	Napa
13MOY39	Marine	Engine repower	2	\$ 98,386.00	Sal Papetti (Commercial fisherman)	0.601	0.016	0.021	APCO	San Francisco
13MOY31	Marine	Engine repower	2	\$ 82,790.00	Blue & Gold Fleet LP	0.772	-0.017	0.028	APCO	San Francisco
13MOY58	Off-road	Equipment replacement	5	\$ 150,266.00	Diamond M Dairy	0.873	0.170	0.058	5/2/2012	Sonoma
13MOY63	Off-road	Equipment replacement	1	\$ 151,841.00	Andrew Poncia (Fertilizer co.)	0.928	0.106	0.037	5/2/2012	Sonoma
13MOY60	Off-road	Equipment replacement	1	\$ 14,210.00	Cameros Vineyard Management LLC	0.002	0.018	0.004	APCO	Sonoma
13MOY59	Off-road	Equipment replacement	2	\$ 58,766.00	Sinskey Vineyards, Inc., dba Robert Sinskey Vineyards	0.156	0.047	0.019	APCO	Napa

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	NOx (TPY)	ROG (TPY)	PM (TPY)	Board approval date	County
13MOYFA1	Emergency Equipment	Equipment replacement	1	\$ 43,000.00	City of Sunnyvale	0.112	0.006	0.009	APCO	Santa Clara
13MOY73	Off-road	Equipment replacement	1	\$ 30,321.00	Renati Dairy	0.243	0.041	0.015	APCO	Sonoma
13MOY74	Off-road	Equipment replacement	1	\$ 39,507.00	Jacobs Farm Del Cabo Inc.	0.135	0.029	0.007	APCO	San Mateo
13MOY77	Off-road	Equipment replacement	1	\$ 142,164.00	Gregory Lyons (Lyons Farm)	0.848	0.099	0.035	6/6/2012	Solano
13MOY79	Marine	Engine remanufacture kit	2	\$ 233,768.00	Sortwell Inc. (dba Amnav Maritime Services	27.011	0.483	0.803	6/6/2012	San Francisco
13MOY61	Off-road	Equipment replacement	3	\$ 99,229.00	Diageo-Chateau & Estate Wines	0.312	0.061	0.016	APCO	Napa
13MOY40	Off-road	Equipment replacement	4	\$ 172,050.00	Premier Recycle Company	1.486	0.220	0.051	6/6/2012	Santa Clara
13MOY72	Off-road	Equipment replacement	2	\$ 38,988.00	Triple C Ranch	0.245	0.059	0.014	APCO	Sonoma
13MOY65	Off-road	Equipment replacement	2	\$ 32,184.00	Twin Creeks Vineyard Company, LLC	0.152	0.043	0.011	APCO	Napa
13MOY69	Off-road	Equipment replacement	9	\$ 248,742.00	Sonoma-Cutrer Vineyards, Inc.	1.228	0.266	0.127	TBD	Sonoma
13MOY49	Off-road	Equipment replacement	2	\$ 50,949.00	Tri-Valley Vineyard Management Inc.	0.235	0.042	0.010	APCO	Sonoma
13MOY70	Off-road	Equipment replacement	1	\$ 36,756.00	Mcdonald ranches	0.138	0.023	0.008	APCO	Marin
13MOY52	Off-road	Equipment replacement	2	\$ 47,337.00	Regusci Vineyard Management, Inc.	0.150	0.032	0.011	APCO	Napa
13MOY43	Off-road	Equipment replacement	3	\$ 64,518.00	Silverado Farming Company	0.465	0.084	0.025	APCO	Napa
13MOY75	Off-road	Equipment replacement	1	\$ 16,325.00	La Prenda vineyards management, Inc.	0.014	0.019	0.004	APCO	Sonoma
13MOY89	Off-road	Equipment replacement	1	\$ 26,373.00	Ronald E. Palmer (Vineyard)	0.162	0.034	0.009	APCO	Sonoma
13MOY90	Off-road	Equipment replacement	1	\$ 25,200.00	Comerstone Certified Vineyard	0.048	0.015	0.006	APCO	Sonoma
13MOY50	Off-road	Equipment replacement	4	\$ 85,047.00	Francis V. Mahoney dba Mahoney Vineyards	0.356	0.870	0.028	APCO	Napa
13MOY54	Off-road	Equipment replacement	1	\$ 17,715.00	MCE Amos Inc. (Dairy)	0.177	0.031	0.009	APCO	Sonoma
13MOY78	Off-road	Equipment replacement	2	\$ 58,242.00	Sanchietti Ranch	0.228	0.047	0.017	APCO	Sonoma
13MOY48	Off-road	Equipment replacement	2	\$ 28,870.00	Capp Bros Vineyard Management	0.031	0.035	0.007	APCO	Napa
13MOY68	Off-road	Equipment replacement	2	\$ 58,196.00	Dale Ricci dba Ricci Vineyards Cameros, Inc.	0.198	0.048	0.017	APCO	Sonoma
13MOY80	Off-road	Equipment replacement	1	\$ 22,106.00	Christine & Robert Bianchi (Bianchi Ranches)	0.140	0.025	0.006	APCO	Santa Clara
13MOY71	Off-road	Equipment replacement	1	\$ 23,570.00	L. Corda & Sons Dairy	0.105	0.032	0.013	APCO	Sonoma
13MOY83	Off-road	Equipment replacement	1	\$ 28,948.00	Double M Dairy LLC	0.131	0.023	0.007	APCO	Marin
13MOY64	Off-road	Equipment replacement	1	\$ 11,900.00	Mitchell Knight dba Black Knight Vineyards	0.010	0.014	0.003	APCO	Sonoma
13MOY66	Off-road	Equipment replacement	2	\$ 37,411.00	Wight Vineyard Management, Inc.	0.101	0.041	0.013	APCO	Napa
13MOY84	Off-road	Equipment replacement	1	\$ 26,373.00	Domenico J. Cannalli, Jr.	0.192	0.040	0.011	APCO	Sonoma
13MOY98	Marine	Engine repower	1	\$ 123,635.00	Benjamin D. Platt (Commercial fisherman)	1.078	0.038	0.041	TBD	San Mateo
13MOY91	Marine	Engine repower	3	\$ 196,492.00	Marine Science Institute	2.259	0.049	0.086	TBD	San Mateo
13MOY82	Off-road	Engine repower	2	\$ 63,041.00	CES-Controlled Environmental Services Inc.	0.172	0.068	0.026	APCO	Contra Costa
VIP41	VIP	Truck replacement	1	\$ 40,000.00	James Bell	0.550	0.017	0.036	APCO	Santa Clara
VIP42	VIP	Truck replacement	1	\$ 40,000.00	Robert E. Poole	0.547	0.002	0.036	APCO	Marin
VIP43	VIP	Truck replacement	1	\$ 45,000.00	Thomas Garcia	0.970	0.019	0.022	APCO	San Mateo
VIP44	VIP	Truck replacement	1	\$ 20,000.00	Clark's Rock	0.280	0.010	0.019	APCO	Napa
VIP45	VIP	Truck replacement	1	\$ 45,000.00	Nanak Singh	0.970	0.019	0.022	APCO	Contra Costa
VIP48	VIP	Truck replacement	1	\$ 20,000.00	Jill Lee	0.282	0.009	0.019	APCO	Contra Costa

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	NOx (TPY)	COG (TPY)	PM (TPY)	Board approval date	County
VIP49	VIP	Truck replacement	1	\$ 35,000.00	Domingo Rodriguez III	0.649	0.016	0.022	APCO	Alameda
VIP50	VIP	Truck replacement	1	\$ 15,000.00	Kon Chen	0.464	0.009	0.000	APCO	Alameda
VIP51	VIP	Truck replacement	1	\$ 10,000.00	Kon Chen	0.314	0.006	0.000	APCO	Alameda
VIP52	VIP	Truck replacement	1	\$ 10,000.00	Kon Chen	0.314	0.006	0.000	APCO	Alameda
VIP53	VIP	Truck replacement	1	\$ 10,000.00	Kon Chen	0.314	0.006	0.000	APCO	Alameda
VIP54	VIP	Truck replacement	1	\$ 45,000.00	Richard Renfro	0.452	0.000	0.048	APCO	Alameda
VIP55	VIP	Truck replacement	1	\$ 5,000.00	James Bell	0.000	0.000	0.008	APCO	Santa Clara
VIP56	VIP	Truck replacement	1	\$ 45,000.00	James Key	0.970	0.190	0.022	APCO	San Benito
VIP57	VIP	Truck replacement	1	\$ 20,000.00	Saleem M. Salimi	0.281	0.000	0.007	APCO	Alameda
VIP58	VIP	Truck replacement	1	\$ 5,000.00	All Points Rolloff inc.	0.160	0.000	0.011	APCO	Santa Clara
VIP60	VIP	Truck replacement	1	\$ 45,000.00	Tammy Huang	2.786	0.056	0.000	APCO	San Mateo
VIP61	VIP	Truck replacement	1	\$ 45,000.00	Tammy Huang	2.786	0.056	0.000	APCO	San Mateo
VIP62	VIP	Truck replacement	1	\$ 35,000.00	Freddy Alberto Largaespada	2.143	0.053	0.000	APCO	Los Angeles
VIP63	VIP	Truck replacement	1	\$ 45,000.00	Edward Eric Martinez	2.786	0.056	0.000	APCO	Placer County
VIP64	VIP	Truck replacement	1	\$ 45,000.00	S/S Trucking	2.786	0.056	0.000	APCO	Alameda
VIP65	VIP	Truck replacement	1	\$ 25,000.00	Don White	1.546	0.034	0.000	APCO	Alameda
VIP66	VIP	Truck replacement	1	\$ 45,000.00	Jaswinder Singh	2.788	0.058	0.000	APCO	Contra Costa
VIP67	VIP	Truck replacement	1	\$ 20,000.00	Wilson Chiem	0.978	0.006	0.014	APCO	San Francisco
VIP68	VIP	Truck replacement	1	\$ 45,000.00	Robert Kenny	2.786	0.056	0.000	APCO	San Francisco
VIP69	VIP	Truck replacement	1	\$ 40,000.00	Tien Cong Huynh	2.427	0.081	0.000	APCO	Alameda
VIP70	VIP	Truck replacement	1	\$ 20,000.00	William Ballinger	1.236	0.032	0.000	APCO	Alameda
VIP71	VIP	Truck replacement	1	\$ 45,000.00	CBA Intertrans Inc.	2.011	0.026	0.040	APCO	San Francisco
94 Projects			157	\$ 7,366,098.00		201.245	7.892	5.922		

Figure 1: CMP/ MSIF Funding Distribution by Equipment Category as of 6/13/12

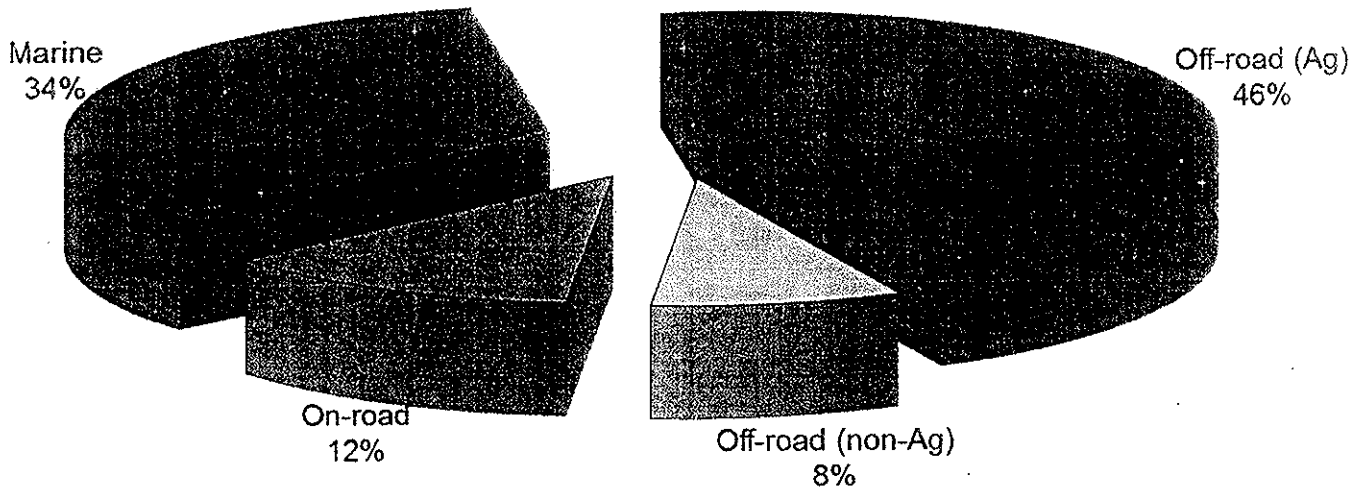
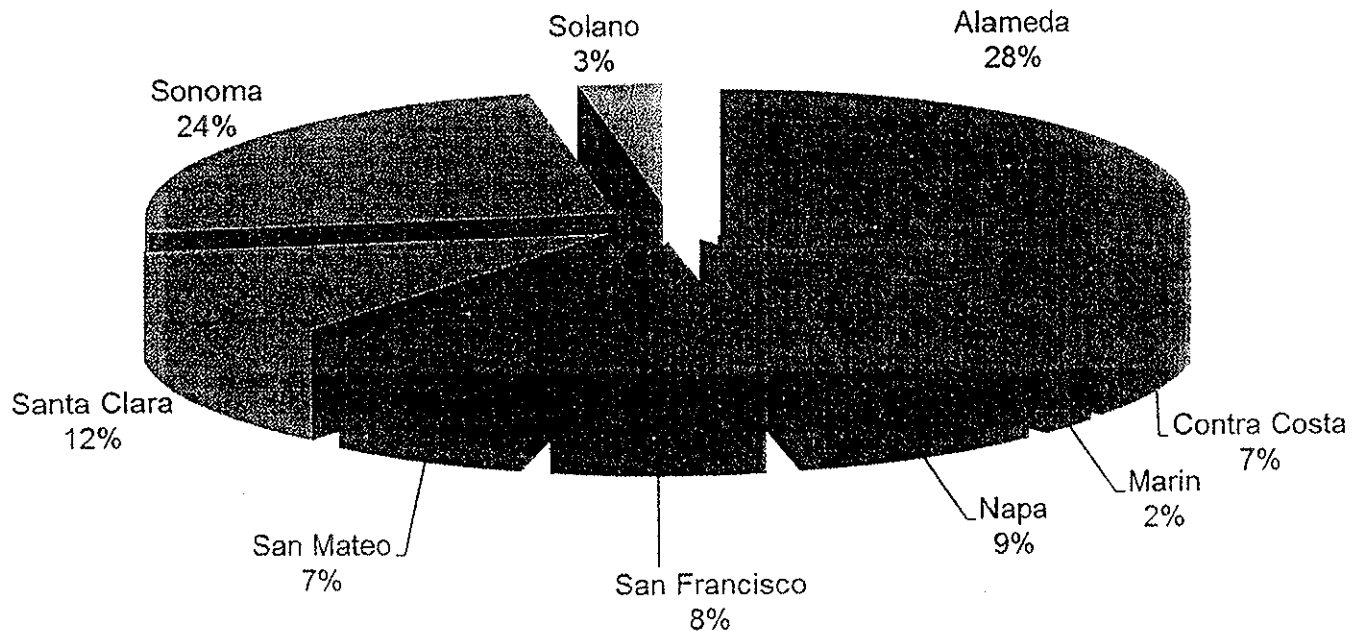


Figure 2: CMP/ MSIF Funding Distribution by County as of 6/13/12





**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Haggerty and Members  
of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: June 21, 2012

Re: Lawn Mower Replacement Contractor Selection

RECOMMENDATION:

Recommend the Board of Directors:

1. Approve the selection of RW Direct-WORX, a contractor to assist the Bay Area Air Quality Management District (Air District) in the implementation of a lawn mower replacement program under a grant from the California Air Resources Board (ARB).
2. Authorize the Executive Officer/APCO to enter into all necessary agreements with RW Direct-WORX to implement the program funded by the ARB not to exceed \$364,050.

BACKGROUND

Lawn mower replacement programs provide a streamlined approach to reduce emissions by replacing existing gasoline lawn mowers with cordless, zero-emission equipment. Replacement programs provide real emission benefits by providing lawn mower owners the incentivized option of purchasing a cordless, zero-emission mower instead of higher polluting gasoline equipment. Zero-emission lawn mowers are not required by regulation, so all emissions reduced by equipment "change outs" are surplus.

In order to fund the current program, the Air District submitted a proposal to the ARB to implement a lawn mower replacement program under ARB's Air Quality Improvement Program (AQIP) and was awarded a grant of \$182,025. Under the guidelines for the AQIP grant a one-to-one match is required from the Air District. The Air District's Board of Directors passed Resolution No. 2011-05 on May 4, 2011, allocating a match of \$182,025 from Mobile Source Incentive Funds (MSIF). The Air District receives MSIF funds from local motor vehicle surcharges under AB 923. The total funding for this project including AQIP and MSIF funds is \$364,050.

Under the Air District's Lawn Mower Replacement Program residents of the Air District will be able to obtain a \$145 discount voucher for the purchase of a new, cordless electric lawn mower after turning in an operable gasoline lawn mower for scrapping. The Air District plans to replace approximately 2,400 mowers through the Program,

which will run from August 1, 2012, until October 31, 2012, or until the funds are exhausted, whichever happens first. The guidelines for administering the Program are contained in the Carl Moyer Guidelines.

DISCUSSION

Air District staff issued a Request for Proposals (RFP) on January 12, 2012, seeking a contractor(s) to assist with the implementation of the Lawn Mower Replacement Program. The Air District invited proposals from cordless electric mower manufacturers, cordless electric mower merchants, and other companies that could provide on a turn-key basis a range of services, including all customer interfacing aspects of the Program. The RFP contains all of the requirements in the Carl Moyer Guidelines including the details regarding customer registration, used-mower turn-in and recycling, hazardous materials disposal, new-mower sales and service, advertising, and required data and reports to the Air District. The voucher amount of \$145 per lawn mower is the only reimbursement that the Air District will provide to the contractor selected under this RFP. The timeline for completion of the Program is the Fall of 2012, and the expenditure deadline for ARB funds is June 30, 2013.

The RFP closed on April 25, 2012, at which time completed applications were due to the Air District offices by 4 PM. The Air District received a total of two (2) applications for the RFP. Four Air District staff analyzed and scored the applications received against the following criteria:

**Table 1 - RFP Scoring Criteria and Percentages**

Criteria	Allotted Percentage
Technical expertise, size and structure of the firm and personnel assigned to RFP tasks; firm's ability to perform and complete the work in a professional and timely manner.	30%
Past experience of the firm and, in particular, experience of the team working on projects of similar scope for other governmental agencies.	20%
Responsiveness of the proposal, based upon a clear understanding of the work to be performed.	20%
Cost	20%
References of the firm, local business/Green Business	10%

Based on the combined average score for each submittal provided by the Panel (see Table 2), staff is recommending that the Committee recommend the Board of Directors award a contract for this project to RW Direct-WORX.

RW Direct-WORX has managed lawn mower exchange programs for the South Coast Air Quality Management District as well as in nine other states and was recently awarded a contract to conduct a program for the Yolo-Solano AQMD. They have a selection of four (4) WORX electric lawn mowers that would be eligible for the program and WORX mowers have service centers in Fremont, El Cerrito, Novato, Vallejo and Santa Rosa. RW Direct-WORX will hold up to five (5) local events to conduct exchanges and will have on-line information and registration for the program in addition to on-line sales. They will also manage marketing and advertising for the program including print, radio and TV advertisements. RW Direct-WORX will work with Recology to scrap the old lawn mowers. Participants in the program may scrap their old lawn mowers at the local events or by visiting one of the eight (8) facilities operated by Recology in the Bay Area.

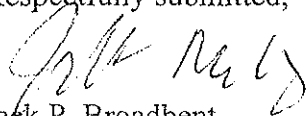
**Table 2 - Ranked RFP Scores by Contractor**

	<b>Technical Expertise (30 Pts.)</b>	<b>Past Experience (20 Pts.)</b>	<b>Responsiveness (20 Pts.)</b>	<b>Cost (20 Pts.)</b>	<b>References (10 Pts.)</b>	<b>Score &amp; Ranking</b>
<b>RW Direct - WORX</b>	22	18	18	18	2	<b>78</b>
<b>TSR Construction</b>	3	0	5	6	2	<b>16</b>

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. The Air District match and administrative funding for these projects comes from the MSIF program.

Respectfully submitted,

  
 Jack P. Broadbent  
 Executive Officer/APCO

Prepared by: Joseph Steinberger  
 Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Haggerty and Members  
Members of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: June 13, 2012

Re: Engine Model Year 2005/ 2006 Port Truck Replacement Program

RECOMMENDATION:

Recommend the Board of Directors:

1. Approve the selection of Cascade Sierra Solutions, as a contractor to assist the District in the implementation of an engine model year 2005/ 2006 drayage truck replacement program.
2. Authorize the Executive Officer/APCO to enter into all necessary agreements with Cascade Sierra Solutions to implement the program.

BACKGROUND

In December of 2007, the California Air Resources Board (ARB) approved a regulation to reduce emissions from drayage trucks operating at California’s ports and intermodal rail yards. The first phase of the regulation went into effect on December 31, 2009, and Phase 2 of the regulation goes into effect on December 31, 2013. A summary of the regulation’s compliance requirements is shown in Table 1:

**Table 1: ARB Drayage Truck Regulation Compliance Schedule**

Phase	Date	Engine Model Years (MY)	Regulation requirement
Phase 1	12/31/09	1993 and older	Prohibited from operation as a drayage truck
		1994 – 2003	Install a Level 3 retrofit device
	12/31/11	2004	Install a Level 3 retrofit device
	12/31/12	2005 and 2006	Install a Level 3 retrofit device
Phase 2	12/31/13	1994 – 2006	Meet 2007 * engine emissions standards

\* Trucks with 2007-2009 model year engines are compliant through 2022. Trucks with 2010 and newer engines are fully compliant

As part of this report, the Committee will be updated on the Bay Area Air Quality Management District’s (Air District) continued efforts to assist port truck drivers reduce their emissions ahead of these regulatory deadlines.

DISCUSSION

Table 2, below contains data from ARB's Drayage Truck Registry database, and describes the population of vehicles calling on Northern California ports by engine model year. Table 2 also identifies the number of trucks that received grant funds from the original Air District Drayage Truck Program in 2009/2010 that provided over \$25 million for port truck retrofits and replacements.

**Table 2: Drayage truck population as of November 2011**

Engine MY	Compliant until	# of Drayage trucks in Northern CA <sup>1</sup>	# of trucks that received grant funds	Grant funds expended <sup>3</sup>
1994-2003 (w/ retrofits)	12/31/13	1,700	1,319	\$15,586,534
2004	12/31/11	700	TBD <sup>2</sup>	TBD
2005 & 2006	12/31/12	2,200	TBD	TBD
2007 – 2009	2022	1,400	203	\$10,150,000
2010 +	Fully compliant	500		
<b>Total</b>		<b>6,500</b>	<b>1,522</b>	<b>\$25,736,534</b>

**Notes:**

1. The number of trucks registered in the ARB Drayage Truck Registry (DTR) with zip codes North of Fresno.
2. Final payments for the engine MY 2004 port truck program have not yet been made.
3. Funding sources for the Air District's Year 1 port truck funding program: TFCA (\$5 million), Port (\$5 million), ARB Prop 1B (\$13,835,133), and DERA (~\$2 million)

In analyzing the data from Table 2, staff determined that there are a significant number of engine MY 2005/2006 drayage trucks that need to comply with the upcoming requirements of the ARB rule. A further staff analysis revealed that 916 of the 2,200, engine MY 2005/2006 Northern California drayage trucks required to meet upcoming ARB deadlines are registered within the boundaries of the Air District (Table 3).

**Table 3: Analysis of Northern California MY2005/2006 Drayage Trucks**

County	# of trucks	Bay Area %
Alameda	550	60.0%
Contra Costa	126	13.8%
Santa Clara	108	11.8%
San Mateo	16	1.7%
Solano	33	3.6%
San Francisco	35	3.8%
Sonoma	46	5.0%
Napa	2	0.2%
Marin	0	0.0%
<b>Total</b>	<b>916</b>	

On March 7, 2012, the Air District's Board of Directors approved a grant program for engine MY 2005/ 2006 port trucks registered in the Bay Area. The program is funded by a combination of the balance of the 2004 drayage truck program funding, \$1 million in TFCA Regional Funds, and \$1.43 million in Alameda County TFCA Program Manager Funds. The program will provide \$10,000 in assistance for the replacement of more than 300 of the 916 eligible Bay Area trucks.

***Request for Proposals***

On May 24, 2012, staff issued an RFP to identify a contractor to assist with program implementation. Public comments/questions on the RFP were accepted until June 4, 2012 and responses to all questions received by the deadline were posted on June 5, 2012 (see Attachment 1). The RFP closed on June 13, 2012.

Two (2) bids were submitted, one by Cascade Sierra Solutions (CSS), and one by Central Cal Transportation. These proposals were evaluated by a team of four (4) Air District staff from the Strategic Incentives, Engineering, and Administration divisions. The evaluation team reviewed and scored both bids according to the criteria shown in Table 4.

**Table 4: RFP Evaluation Criteria and Scoring**

<b>CRITERIA (POINTS)</b>	<b>Cascade Sierra Solutions</b>	<b>Central Cal Transportation</b>
<i>Technical expertise and past experience (40)</i>	27	14
<i>Responsiveness of Proposal (20)</i>	17	7
<i>Cost of the replacement trucks (30)</i>	22	5
<i>References/ Local /Green Business (10)</i>	5	4
<b>Total Points (100)</b>	<b>71</b>	<b>30</b>

Based on the results of the evaluation and ranking shown in Table 4, staff is recommending the Board of Directors award a program administration contract to the top-scoring applicant, CSS. As part of the contract administration CSS would:

- Provide up to 330 replacement trucks at an individual truck cost of up to \$70,000 or less.
- Provide the trade-in value of at least \$15,000 on the engine MY 2005/ 2006 truck being traded in (dependent on condition).
- Coordinate the out-of-state sale of the replaced engine MY 2005/ 2006 trucks.
- Provide financing assistance in order to ensure that local truckers with poor credit scores can receive loan guarantees under an ARB program being run concurrently.

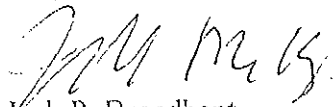
- Assist truckers in availing themselves of the program and meet all Air District administrative requirements.

Additionally, as part of the operation of this program, CSS will be provided with \$500 in administrative cost (5% of grant funding total for each truck) by the Air District for every successful truck replacement. This administrative revenue and a \$250 upfront application fee (which is put towards the cost of the truck when a grantee follows through on to purchase a vehicle) ensures that Cascade Sierra Solutions can operate the program at the level of services envisioned in the RFP.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. The Air District receives funding for the administration of these programs as part of the TFCA program.

Respectfully submitted,



Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Damian Breen

Reviewed by: Jean Roggenkamp

Attachment 1: Air District responses to RFP questions

**Attachment 1**  
**Air District responses to RFP questions**



1. **Question:** *We work closely with a used truck dealer in the state of California. Can we sell trucks to him with the verbiage that trucks must be sold outside of California and cannot return for 5 years?*

Response: The contractor selected for this program is responsible for making sure the trucks are sold out of state, even if they contract with a 3<sup>rd</sup> party to sell the trucks. The District would consider a proposal like this if the engine model year 2005/2006 trucks leave CA soon after the engine model year 2007 (or newer) truck is delivered. If proposing an alternative method for removing the trucks from the state, please include a detailed description of the proposal with your response to the RFP.

2. **Question:** *It is impossible for a dealer to control what an end user does after truck is sold. Therefore, if we sell a truck out of state and have written language on the invoice stating truck cannot come back into California for 5 years will that suffice your contract criteria for guaranteeing a truck stays out of state for 5 years?*

Response: The contractor selected for this program is responsible for making sure the engine model year 2005/2006 trucks are sold out of state, and will have to report on the location of the trucks for 5 years. The District will consider alternative approaches to this requirement, but a statement in the invoice that the truck not return does not remove the requirement to monitor the location of the truck for the 5 year period. The contractor could also increase the likelihood of the trucks staying out of CA by selling the vehicles to locations in the mid-west or east coast where they would operate on local service routes. If proposing an alternative method for removing the trucks from the state, please include a detailed description of the proposal with your response to the RFP.

3. **Question:** *The terms of your contract are unique. You limited the truck buyer to \$69,400? If buyer wants and can afford a MY 2010 engine but cost exceeds \$69,400 then he can't buy a cleaner engine. Is this accurate? Why is there a dollar limit?*

Response: The costs listed in the contract were developed for trucks with engines meeting the 2007 emissions standards. If an applicant wants to purchase a more expensive truck certified to the 2010 emissions standard they can do so, but the grant award amount would not change.

4. **Question:** *If prospect with MY 2005 and 2006 engine comes in and truck is worth less than \$15,000 do we have a right to reject the deal?*

Response: The figures listed in the RFP are our expected trade-in values, but we understand that the trade-in value will vary from truck-to-truck based on the condition of the vehicle. If a truck comes in that is in extremely poor condition and not worth \$15,000 the contractor could offer the truck owner a lower amount or reject the deal. We would request that the contractor inform the Air District of cases where the trade-in value comes in below the \$15,000 limit.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Haggerty and Members  
of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: June 13, 2012

Re: Approval of Transportation Fund for Clean Air Allocations for Three  
Projects

---

RECOMMENDATIONS:

Recommend the Board of Directors:

1. Authorize the Executive Officer/APCO to enter into and execute all necessary contracts with:
  - Dero Bike Rack Co., Sportsworld Northwest Inc. and Creative Pipe Inc., not to exceed a total of \$600,000 for a Bicycle Rack Voucher Project.
  - Port of Oakland for a performance-based contract not to exceed \$750,000 for a Marine Highway project.
2. Authorize the Executive Officer/APCO to expend up to \$1 million in TFCA funding to execute an Enhanced Mobile Sources Inspections project.

BACKGROUND

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the San Francisco Bay Area to fund projects that reduce on-road motor vehicle emissions. The Air District has allocated these funds to its Transportation Fund for Clean Air (TFCA) to fund eligible projects. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code Sections 44241 and 44242.

Sixty percent (60%) of TFCA funds are allocated to eligible programs implemented directly by the Air District, including the Smoking Vehicle Program and the Spare the Air Program. The balance is allocated on a competitive basis to eligible projects proposed by project sponsors through the TFCA Regional Fund.

## DISCUSSION

### *Bicycle Rack Voucher Project (BRVP)*

Staff has developed a Bicycle Rack Voucher Project (BRVP) for public agencies to acquire bicycle parking racks. This voucher-based project is designed to provide Bay Area public agencies with access to low (bulk rate) pricing which will allow a greater number of agencies to access bicycle funds. Under the BPVP, the Air District would contract directly with the selected bicycle rack vendors and would issue vouchers in the amount of up to \$60 for each bicycle parking space provided (a typical two space bicycle rack would qualify for a \$120 voucher). The \$60 cap allows these projects to meet the \$90,000 per ton of emissions reduced cost effectiveness criteria for these projects imposed by the Air Districts Board of Directors. The project itself will run in two phases: Phase 1 will allow public agencies to apply for vouchers totaling up to \$12,000 (200 racks) during the first four months of the project. This will allow 50 or more agencies to qualify for funding under this project phase. Phase 2 of the project will expend any remaining funds by raising the maximum voucher amount to \$60,000 per agency.

To seek contractors for this project, the Air District issued a Request for Proposals (RFP) on May 22, 2012. The RFP required vendors to offer a fixed, competitive price for the purchase of bicycle parking equipment. The deadline to respond to the RFP was June 5, 2012 and five proposals were received. An evaluation committee comprised of staff from the Air District, the City of San Mateo, and the City and County of San Francisco vetted the proposals received.

Three out of the five proposals received scores of 81% or better. Two proposals were not evaluated as they did not meet the RFP criteria (i.e., Cycle Safe did not respond to the project requirements and eLock submitted their proposal after the submission deadline and they do not sell bicycle racks). Based on the combined scores (Table 1), staff is recommending that the Air District execute contracts for bicycle rack purchases with Dero Bike Rack Co., Sportwork Northwest Inc., and Creative Pipe, Inc. Although these companies offer similar types of equipment, staff is recommending that all three companies be included in the project in order to allow greater choice to participating agencies.

**Table 1 – Maximum Points by Criteria and Bidder Scores and Ranking**

	Creative Pipe	Sportwork	Dero	Cycle Safe	eLock
Proposal (30 pts.)	22	27	27	*	*
Price (60 pts.)	60	60	60	*	*
Green/Local (30 pts.)	2	0	0	*	*
Total	81	87	87	*	*

During the development of the BRVP, staff determined that the voucher project is not an appropriate vehicle for electronic locker projects. In order to make funding available to public agencies for this funding type, staff is working to include this project category in the FYE 2013 Regional Fund proposed policies that will be brought to next meeting of the Committee with a recommendation for additional funding.

***Marine Highway Project (MHP)***

The current Marine Highway project proposed by the Ports of Oakland (Oakland) and Stockton (Stockton) will eliminate 744 truck trips weekly between the ports based on the transportation of 350 overweight containers (52,000 pounds) via barge between those ports twice-weekly. The project assumes that containers transported to Stockton are moved approximately 13 miles to and from railhead to distribution centers in that area, that the barges used in the transportation of containers meet United States Environmental Protection Agency (EPA) Tier-2 emissions standards and that comparative transportation emissions would be generated by trucks meeting an engine model year 2007 emissions standards. Under that scenario, the following emissions would result from the implementation of the Marine Highway project in the Bay Area:

**Table 1- Bay Area Emissions from Marine Highway Project Vs. Truck Transportation**

	<b>NOx (tpy)</b>	<b>ROG (tpy)</b>	<b>PM10 (tpy)</b>	<b>PM2.5 (tpy)</b>	<b>CO2 (metric tpy)</b>
Truck Travel Emissions	67.1	0.8	1.6	0.8	6,826
Marine Highway Emissions	22.4	1.8	0.6	0.5	2,206
<b>Net Difference</b>	44.6	(1.0)	1.0	0.3	4,620

While the proposed project slightly increases the amount of reactive organic gases (ROG) emitted in the Bay Area, staff believes that this increase is more than offset by the additional reductions of nitrogen oxides, greenhouse gases (CO2) and more importantly the reductions in diesel particulate matter (PM 2.5). Diesel particulate matter is responsible for 85% of the cancer health risk from toxic air contaminants in the Bay Area. This project would reduce the total emissions from on-road heavy diesel trucks in the Bay Area and the resultant health risk in both the community surrounding the Port of Oakland and along Bay Area highways. Additionally, the estimated cost-effectiveness of this project is \$4,060 dollars per ton reduced; well under cost-effectiveness cap imposed by the Air Districts Board of Directors for TFCA.

Oakland and Stockton are requesting \$750,000 to support the purchase of barges and the operation of tugs boats for this project. However, due to the legislative requirements of the TFCA program it will also be necessary for the Port of Oakland to make the Marine Highway a "physical improvement project" that achieves motor vehicle emissions reductions under their Maritime Air Quality Improvement Plan (MAQIP). Provided the Board of Directors approves this project, Staff will work with Oakland to ensure that the required changes to the MAQIP are made. Additionally, the Air District contract with

Oakland will contain conditions that require the levels of container moves and emissions reductions detailed in the table above be met or funding will be required to be returned.

### *Enhanced Mobile Sources Inspections Project*

In order to further reduce mobile source emissions, staff is proposing an enhanced inspections program for two areas (smoking vehicles and port trucks) for the upcoming fiscal year. An explanation of these enhanced inspections is as follows:

#### **Smoking Vehicles**

Under this project, staff is proposing to conduct enhanced enforcement patrols for smoking vehicles to reduce their particulate matter emissions. Currently, the Air District is in non-attainment of federal standards for particulate matter (PM 2.5). Automotive emissions are a significant source of this criteria pollutant (approximately 6 % of the Bay Area total). It is anticipated that each of the Air District's 55 Inspectors will patrol for smoking vehicles on route between performing inspections and answering complaints. As part of these patrols, inspectors will report vehicles observed to be emitting excess particulates to Air District dispatchers who will contact vehicle owners by letter using information extracted from DMV records. Letters sent by the Air District will request that the owners of the vehicles repair them. As a result of these efforts, it is estimated that upwards of 40 additional tons per year of combined NOx, ROG and PM can be reduced by this project. Also, as the Air District considers the future of the smoking vehicle program, the results of this project will be used to advise the Committee on next steps.

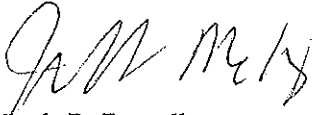
#### **Port Trucks**

In order to ensure that projected emissions reductions for the California Air Resources Board (ARB) drayage truck regulation are achieved at the Port of Oakland (Port), staff proposes to undertake additional inspections under its current enforcement effort. This enhanced enforcement effort is targeted at ensuring upgrades and modifications to engine model year 2004, 2005 and 2006 trucks are completed in compliance with the requirements of Phase 1 and Phase 2 of ARB's regulation and that no non-compliant trucks are entering the Port. This enhanced effort will ensure that the West Oakland community receives the benefit of the projected 11 tons per year of combined NOx and PM reductions that result from the drayage truck industry's compliance with the rule. This project will also include an outreach component to educate truckers on upcoming regulatory deadlines over the next two years and of the availability of Air District grants.

#### **BUDGET CONSIDERATION / FINANCIAL IMPACT:**

The Air District distributes "pass-through" funds to public agencies and private entities on a reimbursement basis. Administrative costs for the TFCA Regional Fund program is provided by the funding source. Funding for the BRVP is provided through FYE 2011 TFCA Funds, funding for the Marine Highway project is provided through FYE 2013 TFCA Funds and funding for the Enhanced Mobile Sources Inspections Project is provided via unspent project funds from previous TFCA fiscal years. Upon approval of the Board of Directors, these projects and associated revenues will be added as addenda to the Air District FYE 2013 budget.

Respectfully submitted,



o Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Damian Breen

Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 12, 2012

Re: Report of the Executive Committee Special Joint Meeting of July 11, 2012

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

The Executive Committee met in a Special Joint Meeting along with the Bay Area Headquarters Authority and the Administrative Committee of the Association of Bay Area Governments on Wednesday, July 11, 2012. The Committee received a report from Andrew Wolfram, Associate Principal, Perkins + Will, regarding 390 Main Street Conceptual Design.

Chairperson John Gioia will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Jennifer C. Cooper

Attachment



Regional Agency Headquarters  
 390 Main Street, San Francisco, CA 94105  
 TEL 415.543.BAHA (2242)  
 EMAIL info@mtc.ca.gov  
 WEB www.mtc.ca.gov



101 8th Street, Oakland, CA 94607  
 TEL 510.464.7900  
 EMAIL info@abag.ca.gov  
 WEB www.abag.ca.gov



939 Ellis Street, San Francisco, CA 94109  
 TEL 415.749.5000  
 EMAIL www.baaqmd.gov  
 WEB www.baaqmd.gov

<b>BAHA Authority Members:</b>	<b>ABAG Administrative Committee Members:</b>	<b>Bay Area Air Quality Management District Executive Committee Board Members:</b>
Chair: Adrienne Tissier Vice Chair: Amy Rein Worth	Chair: Mark Luce Vice Chair: Julie Pierce	Chair: John Gioia Vice Chair: Ash Kalra
Members: Bill Dodd Tom Bates Dave Cortese Scott Wiener	Members: Dave Cortese Rose Jacobs Gibson John Gioia Jack Gingles Mark Green Scott Haggerty Sam Liccardo James P. Sperring	Secretary: Nate Miley Members: John Avalos Tom Bates Carole Groom Scott Haggerty Mark Ross Brad Wagenknecht
Staff Liaison: Andrew Fremier	Staff Liaison: Patricia Jones	

**SPECIAL JOINT MEETING OF THE BAY AREA HEADQUARTERS AUTHORITY (BAHA),  
 THE EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS OF THE BAY AREA AIR  
 QUALITY MANAGEMENT DISTRICT (BAAQMD), AND THE ADMINISTRATIVE COMMITTEE  
 OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)**

Wednesday, July 11, 2012 at 9:00 a.m.  
 Regional Agency Headquarters  
 390 Main Street, San Francisco, CA. 94105  
 6<sup>th</sup> Floor, BAHA Conference Room

**\*\* Note: Meeting Location \*\***  
**Regional Agency Headquarters**  
**390 Main Street, 6th Floor, San Francisco, CA**

**See map and transit directions at**  
[http://www.mtc.ca.gov/about\\_mtc/390\\_main.htm](http://www.mtc.ca.gov/about_mtc/390_main.htm)

*Members of the public shall be provided an opportunity to directly address BAHA, the Executive Committee of the Board of Directors of the BAAQMD and the ABAG Administration Committee before or during consideration of the items on the agenda.*



## AGENDA

### ACTION RECOMMENDED\*\*

1. Confirm Quorum Confirm Quorum
2. Compensation Announcement (Committee Secretary) Information
3. 390 Main Street Conceptual Design Presentation.\* Information  
  
*Conceptual designs plans will be presented by Perkins+Will, the architectural and engineering design team.*
4. Public Comment / Adjournment Information
5. Next BAHA Meeting: Information  
Wednesday, July 25, 2012  
Joseph P. Bort MetroCenter, 2nd Floor  
Claremont Conference Room  
101 8th Street, Oakland, California 94607

- \* Attachment sent to Authority members, key staff and other as appropriate. Copies will be available at the meeting.
- \*\* All items on the agenda are subject to action and/or change by the Authority.
- \*\*\* A quorum of this authority shall be a majority of its regular non-ex-officio voting members four (4).

**Public Comment:** The public is encouraged to comment on agenda items at committee meetings by completing a request-to-speak card (available from staff) and passing it to the committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

**Record of Meeting:** MTC meetings are recorded. Copies of recordings are available at nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site for public review for at least one year.

**Transit Access to 390 Main Street, San Francisco, CA:**

Take BART or Muni Metro to Embarcadero Station in San Francisco. If walking from Embarcadero, continue 1/3 mile (about 10 minutes) on Main Street south of Market Street to 390 Main near the corner of Harrison Street.

Or take Muni Metro KT or N line past Embarcadero Station and continue Inbound to The Embarcadero and Folsom Street, and walk 1/4 mile up Folsom, then left on Main Street to 390 near Harrison Street.

Local Muni bus routes include the #5, #38L, and #71, serving stops near Howard Street and Main two blocks from 390 Main Street.

There are several bus agencies that serve the temporary Transbay Terminal on Folsom near Main in San Francisco, within a block of 390 Main Street. From the East Bay, take any of the AC Transbay routes that serve the temporary Transbay Terminal, or WestCat LYNX from Hercules. From the North Bay, Golden Gate Transit buses also serve the temporary Transbay Terminal. Check schedules for all Transbay routes to ensure service availability.

Caltrain from the South Bay connects to Muni routes KT and N Outbound at the Caltrain San Francisco Station at 4th and King Street. Disembark from the KT or N lines at Embarcadero and Folsom Street for the 1/4 mile walk to 390 Main Street.

SamTrans has limited express bus service to the vicinity of Folsom and Main and Beale Street a few blocks from 390 Main Street. (Check schedules to ensure service availability).

For transit information from other Bay Area destinations or more specific routing suggestions, call 511 or use the 511 Transit Trip Planner at [www.511.org](http://www.511.org) to plan your trip.

**Parking at 390 Main Street, San Francisco, CA:** Metered parking is available on the street. No public parking is provided at 390 Main Street, San Francisco. Spaces reserved for Commissioners are for the use of their stickered vehicles only; all other vehicles will be towed away. For surrounding parking lots and fees, please visit [http://en.parkopedia.co/parking/lot/390\\_main\\_street/94105/san\\_francisco/](http://en.parkopedia.co/parking/lot/390_main_street/94105/san_francisco/)

**Accessibility and Title VI:** MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 510.817.5757 or 510.817.5769 for TDD/TTY. We require three working days' notice to accommodate your request.

**Ferry Service:** The San Francisco Ferry Building, located at the foot of Market Street in San Francisco, is served by several ferry lines coming from the East Bay and North Bay: Golden Gate Ferry (from Larkspur and Sausalito in Marin County); Vallejo Baylink Ferry; Alameda/Oakland Ferry; and Alameda Harbor Bay Ferry. From the Ferry Building, you can walk south on The Embarcadero, turn right on Folsom Street, and continue two blocks to Main Street. Or you can take the special shuttle available the day of the meetings (see information below).

**Shuttle Service:** Free on-demand rides will be available from key SF transit hubs to 390 Main Street on the day of the meetings.

**Locations:** Embarcadero BART, CalTrain King Street Station, Ferry Terminal (Clock Tower), 390 Main Street

**Date/Time:** July 11, 2012 (7:00 AM until 4:00 PM)

**Vehicle Description:** Black Bauer's 24-person mini bus shuttle with ADA wheelchair lift

**Driver:** Mike Dixon

**Mr. Dixon's Cell Phone:** (415) 939-3605. As a backup, you can call Bauer's 24 hour dispatch: (415) 263-4000

The Driver will pick up passengers at any of the 4 locations above with a phone call. He will call back the number on his cell when he is in the area. There will be a small sign in the front window of the vehicle that says BAHA, MTC Meetings.

**可及性和法令第六章:** MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 510.817.5757 或 510.817.5769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

**Acceso y el Título VI:** La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieren dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 510.817.5757 o al 510.817.5769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

**Meeting Conduct:** In the event that any public meeting conducted by BATA is willfully interrupted or disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible, the Chair may order the removal of those individuals who are willfully disrupting the meeting. Such individuals may be subject to arrest. If order cannot be restored by such removal, the members of the committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue on matters appearing on the agenda.

Executive Committee Special Joint Meeting



Regional Agency Headquarters  
390 Main Street, San Francisco, CA 94105  
TEL 415.543.BAHA (2242)  
EMAIL info@mtc.ca.gov  
WEB www.mtc.ca.gov



Association of  
Bay Area Governments

101 8th Street, Oakland, CA 94607  
TEL 510.464.7900  
EMAIL info@abag.ca.gov  
WEB www.abag.ca.gov



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT  
939 Ellis Street, San Francisco, CA 94109  
TEL 415.749.5000  
EMAIL www.baaqmd.gov  
WEB www.baaqmd.gov

**CALL AND NOTICE OF SPECIAL JOINT MEETING OF THE BAY AREA  
HEADQUARTERS AUTHORITY, THE EXECUTIVE COMMITTEE OF THE  
BOARD OF DIRECTORS OF THE BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT AND THE ADMINISTRATIVE COMMITTEE OF  
THE ASSOCIATION OF BAY AREA GOVERNMENTS**

Time: 9:00 a.m.

Date: Wednesday, July 11, 2012

Place: 390 Main Street, 6<sup>th</sup> Floor, BAHA Conference Room, San Francisco, CA

As Chairs of the Bay Area Headquarters Authority (BAHA), the Executive Committee of the Board of Directors of the Bay Area Air Quality Management District (BAAQMD) and the Administrative Committee of the Association of Bay Area Governments (ABAG), we are calling a special joint meeting of the BAHA, the Executive Committee of the Board of Directors of the BAAQMD and the ABAG Administrative Committee for July 11, 2012 at 9:00 a.m. at the Bay Area Regional Headquarters Building, 390 Main Street, San Francisco, CA 94105. The business to be transacted will include (i) compensation announcement, and (ii) receiving a presentation on information regarding the 390 Main Street conceptual design plans by Perkins + Will, the architectural and engineering design team. Members of the public shall be provided an opportunity to directly address BAHA, the Executive Committee of the Board of Directors of the BAAQMD and the ABAG Administrative Committee concerning any item described in this notice, before or during consideration of that item. Agendas and materials will be posted and distributed for this meeting by BAHA, BAAQMD and ABAG staff in the normal course.

Dated: July 3, 2012

Adrienne J. Tissier, Chair  
Bay Area Headquarters  
Authority

Mark Luce, President  
Association of Bay Area  
Governments

John Gioia, Chair of the Executive Committee  
of the Board of  
Directors of the BAAQMD

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 19, 2012

Re: Report of the Public Outreach Committee Meeting of July 19, 2012

RECOMMENDED ACTION:

- A) Authorize the Executive Officer/APCO to execute an eight-month contract with Cylogy, Inc., not to exceed \$87,000 for website maintenance and minor upgrades.
- B) None. Informational item, receive and file.
- C) None. Informational item, receive and file.

BACKGROUND

The Public Outreach Committee met on Thursday, July 19, 2012. The Committee received and considered the following reports and recommendations:

- A) Website Maintenance and Minor Upgrades Contract Approval
- B) Update on the 2012 Great Race for Clean Air
- C) Update on Collaboration with the Bay Area Environmental Health Collaborative

Attached are the staff reports presented in the Public Outreach Committee packet.

Chairperson Mark Ross will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

- A) Funding for this project is included in the FYE 2013 budget.
- B) None.
- C) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Jennifer C. Cooper

Attachments

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Mark Ross and Members  
of the Public Outreach Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: June 28, 2012

Re: Website Maintenance and Minor Upgrades Contract Approval

RECOMMENDED ACTION:

The Committee will consider recommending that the Board of Directors authorize the Executive Officer/APCO to execute an eight-month contract with Cylogy, Inc., not to exceed \$87,000 for website maintenance and minor upgrades.

BACKGROUND

The Air District's Communications and Outreach Division relies on contractors to assist with various aspects of website maintenance, upgrades and support.

Cylogy, Inc. has provided website maintenance and support for the Air District since 2009. General website updates, maintenance, support and bug fixes are necessary to ensure optimal performance of Air District websites. Projects include:

- Website Maintenance - \$46,000  
General website updates, maintenance, support and bug fixes to ensure operation of the Air District Websites.
- Web Upgrades - \$25,000  
Special projects to address technical needs and requirements. Includes adjustments to components such as tables, calendar, and more.
- Gate 1 Migration - \$16,000  
Migration from the existing Gate 1 server to Sitecore server and development to upgrade the data presentation to increase functionality and ease-of-use for website visitors.

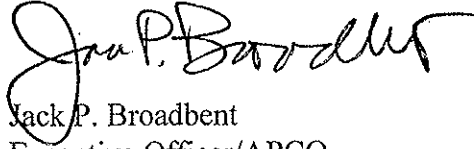
DISCUSSION

The Air District currently has a \$65,000 contract with Cylogy, Inc. through October 2012. Approval of this eight-month contract will ensure critical maintenance and upgrades of the website will continue uninterrupted through fiscal year end (FYE) 2013.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funding for this project is included in the FYE 2013 budget.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack P. Broadbent". The signature is written in a cursive style with a large initial "J".

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Kristine Roselius

Reviewed by: Lisa Fasano

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Mark Ross and Members  
of the Public Outreach Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: June 26, 2012

Re: Update on the 2012 Great Race for Clean Air

RECOMMENDED ACTION:

None; informational only.

BACKGROUND

The Air District's annual Great Race for Clean Air is a friendly competition between Bay Area employers to encourage use of commute alternatives such as transit, carpooling, vanpooling, walking and bicycling rather than driving solo to work. The Great Race for Clean Air competition runs from September 1, 2012, until October 31, 2012. Employers have until August 15, 2012 to register.

The Great Race for Clean Air originated from a Tri-Valley Resource Team project over five years ago. After much success in the Tri-Valley region, the program expanded to encompass all Bay Area employers. In its third annual year, Great Race for Clean Air participants have saved over 1300 tons of carbon dioxide by using alternatives to solo driving to work.

DISCUSSION

The Committee will receive an update and materials for the Great Race for Clean Air to encourage participation from member counties.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,



Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Kristina Chu  
Reviewed by: Lisa Fasano



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Mark Ross and Members  
of the Public Outreach Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: June 28, 2012

Re: Update on Collaboration with the Bay Area Environmental Health Collaborative  
(BAEHC)

---

RECOMMENDED ACTION:

None; informational only.

BACKGROUND

The Bay Area Environmental Health Collaborative (BAEHC) is an advocacy organization based in Oakland. It is comprised of approximately 30 member organizations, such as the Regional Asthma Prevention Program and Greenaction. Over the past several years, Air District staff and BAEHC have collaborated on numerous issues, including a resolution to continue reducing air contaminants in impacted communities, a language assessment conducted by the Air District in 2010, and the Public Participation Plan currently being developed.

DISCUSSION

On January 26, 2012, Air District staff and BAEHC held a retreat at the Port of San Francisco facilities. Approximately 30 individuals from BAEHC and the Air District participated in the full day retreat. At the end of the day, the group collectively identified next steps for working together.

Staff will provide an update on activities with BAEHC since the retreat. The update will include a review of the Bayview Hunters Point interagency walk-through held on May 11, 2012, the Community Air Risk Evaluation (CARE) Task Force Meeting on Identifying Impacted Communities held on June 5, 2012 and Air District staff participation at BAEHC quarterly meetings.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack P. Broadbent". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Ana Sandoval

Reviewed by: Lisa Fasano

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 23, 2012

Re: Report of the Personnel Committee Meeting of July 23, 2012

RECOMMENDED ACTION:

The Personnel Committee recommends Board of Directors approval of:

- A) Appointment of Caryl Hart and Rick Marshall to the Air District's Advisory Council.

BACKGROUND

The Personnel Committee met on July 23, 2012. The Committee received and considered the following reports and recommendations:

- A) Conduct Interviews and Consider Recommending Board of Directors Approval of Candidates for Appointment to the Air District's Advisory Council
- B) The Executive Officer/Air Pollution Control Officer conducted salary reviews for the DAPCOs as proposed in the April 25, 2012, Budget and Finance Committee meeting.

Attached are the staff reports that were presented in the Personnel Committee packet for the July 23, 2012 meeting.

Chairperson Wagenknecht will provide an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACTS:

- A) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Jennifer C. Cooper

Attachments

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Brad Wagenknecht and Members  
of the Personnel Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 23, 2012

Re: Conduct Interviews and Consider Recommending Board of Directors Approval of  
Candidates for Appointment to the Air District's Advisory Council

RECOMMENDED ACTION

Conduct interviews and consider recommending Board of Directors approval of candidates for appointment to the Air District's Advisory Council.

BACKGROUND

Pursuant to Section 40261 of the California Health and Safety Code the Air District is required to maintain an Advisory Council consisting of 20 members. Further, section 40262 requires that the member categories consist of at least three representatives of public health agencies; at least four representatives of private organizations active in conservation or protection of the environment within the bay district; at least one representative of colleges or universities in the state; and at least one representative of each of the following groups within the bay district: regional park district, park and recreation commissions or equivalent agencies of any city, public mass transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor. To the extent that suitable persons cannot be found for each of the specified categories, council members may be appointed from the general public. Advisory Council members serve a term of two years.

DISCUSSION

Two Advisory Council members submitted their resignation, which leaves one vacancy in the Transportation category and one vacancy in the Regional Park District category. Staff initiated a recruitment effort to fill the vacancies. After extensive recruitment and outreach efforts, staff received a total of 19 applications for the vacancies in the transportation and regional park district categories.

The Human Resources Office and the Executive Office have assessed the candidates' experience and education relative to the position(s) for which the candidates applied and have selected candidates with the most relevant qualifications to interview with the Personnel Committee.

Interviews of the candidates will take place at 9:30 a.m. on Monday, July 23, 2012. The length of each interview will be approximately fifteen minutes. The application materials of the candidates are included for your review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack P. Broadbent". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Judy Yu  
Reviewed by: Jack M. Colbourn

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Brad Wagenknecht and Members  
of the Personnel Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 23, 2012

Re: Discussion and Consideration of Adjustments to the Deputy Air Pollution Control  
Officer Benefits

---

RECOMMENDED ACTION

Discuss and consider recommending Board of Directors approval of adjustments to the Deputy Air Pollution Control Officer (DAPCO) benefits.

BACKGROUND

The Executive Officer/APCO conducted salary reviews for the DAPCOs as proposed in the April 25, 2012 Budget and Finance Committee meeting.

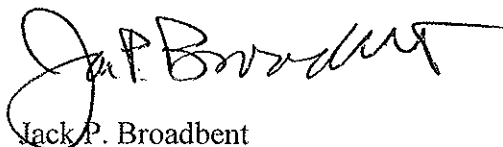
DISCUSSION

The Executive Officer/APCO will present potential adjustments of the DAPCO benefits based on the salary reviews for the Personnel Committee's consideration

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Possible adjustments to the DAPCO benefits are included in the 2012-2013 budget.

Respectfully submitted,



Jack P. Broadbent  
Executive Officer/APCO

Reviewed by: Jack Colbourn

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: July 17, 2012

Re: 390 Main Street Conceptual Design Plans Presentation

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

The Executive Committee of the Board of Directors met in a Special Joint Meeting of the Bay Area Headquarters Authority, and the Administrative Committee of the Association of Bay Area Governments on Wednesday, July 11, 2012. The Committees received a presentation from Andrew Wolfram, Associate Principal Architect at Perkins + Will, regarding conceptual design plans for the seismic retrofit and renovation of 390 Main Street as the Regional Agency Headquarters facility. It was agreed by each of the agencies to also present the conceptual design plans to each of the three governing boards.

The designs are the culmination of a series of interactive design and programming sessions hosted by Perkins + Will and Tom Eliot Fisch, workplace design subconsultants with staff from the Air District, the Metropolitan Transportation Commission (MTC), the San Francisco Bay Conservation Development Commission (BCDC) and the Association of Bay Area Governments (ABAG). Staff input was received through an on-line survey with a (72%) participation rate, executive management and section director interviews, staff focus groups and onsite observations. Air District and MTC staff advisory groups were also formed to gather additional feedback to support workplace design concepts. McCarthy Building Companies, Inc. joined the design team to provide critical input from a constructability point of view.

Staff of Perkins + Will, will present the conceptual design plans on July 30, 2012, at the Special Meeting of the Board of Directors.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Mary Ann Okpalaugo  
Reviewed by: Jack M. Colbourn