



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS REGULAR MEETING

April 17, 2013

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th 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 9:45 a.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.

This meeting will be webcast. To see the webcast, please visit <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx> at the time of 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 REGULAR MEETING AGENDA

WEDNESDAY
APRIL 17, 2013
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance

Chairperson, Ash Kalra
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 – 7)

Staff/Phone (415) 749-

1. Minutes of the Board of Directors Meeting of March 20, 2013

Clerk of the Boards/5073

2. Board Communications Received from March 20, 2013 through April 16, 2013

J. Broadbent/5052

jbroadbent@baaqmd.gov

A list of communications directed to the Board of Directors received by the Air District from March 20, 2013 through April 16, 2013, 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

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 in the preceding month.

4. Notice of Violations Issued and Settlements in excess of \$10,000 in March 2013

B. Bungler/4797

jbroadbent@baaqmd.gov

In accordance with Resolution No. 2012-08, the Board of Directors will receive a list of all Notices of Violation issued and all settlements for amounts in excess of \$10,000 during the month of March 2013.

5. Approval of Board Members to Attend the Air & Waste Management Association 106th Annual Conference & Exhibition

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Board of Directors will consider the approval of Board Members to attend the upcoming Air & Waste Management Association 106th Annual Conference & Exhibition in Chicago, Illinois from Tuesday, June 25, 2013 to Friday, June 28, 2013.

6. Set a Public Hearing for May 1, 2013 to Consider Adoption of Proposed Regulation 12, Rule 13: Foundry and Forging Operations; Regulation 6, Rule 4: Metal Recycling and Shredding Operations; Amendments to Regulation 2, Rule 1: Permits, General Requirements and Approval of a California Environmental Quality Act (CEQA) Negative Declaration

J. Broadbent/5052

jbroadbent@baaqmd.gov

At the May 1, 2013 meeting, the Board of Directors will consider adoption of two new rules: Regulation 12, Rule 13: Foundry and Forging Operations; Regulation 6, Rule 4: Metal Recycling and Shredding Operations; amendments to Regulation 2, Rule 1: Permits, General Requirements and approval of a California Environmental Quality Act (CEQA) Negative Declaration.

7. Notice of Proposed Amendments to the Air District's Administrative Code Division I: Operating Policies and Procedures for the Board of Directors – Section 5.4 Failure to Vote

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Board of Directors will consider proposed amendments to the Air District's Administrative Code, Division I: Operating Policies of the Board of Directors – Section 5.4: Failure to Vote.

COMMITTEE REPORTS AND RECOMMENDATIONS

8. Report of the **Public Outreach Committee** Meeting of March 21, 2013

CHAIR: M. Ross

J. Broadbent/5052

jbroadbent@baaqmd.gov

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

- 1) *Authorize the Executive Officer/APCO to execute a one-year contract with Cylogy, Inc., not to exceed \$110,000 for website maintenance and routine upgrades.*
- 2) *Authorize the Executive Officer/APCO to execute a contract amendment with O'Rorke, Inc., for year two of the contract in the amount of \$1,990,000 for Advertising, Communications, and Evaluation services for the Spare the Air Campaigns as follows:*

Spare the Air Every Day Campaign

- *Advertising* \$600,000
- *Media Relations* \$200,000
- *Social Media* \$50,000
- *Employer Program* \$150,000
- *Public Opinion Surveys* \$45,000

Winter Spare the Air Campaign

- Advertising \$550,000
- Media Relations \$100,000
- Social Media \$50,000
- Public Opinion Surveys \$45,000

Spare the Air Grants and Incentives Campaign

- Advertising \$200,000

9. Report of the **Budget and Finance Committee** Meeting of March 27, 2013

CHAIR: C. Groom

J. Broadbent/5052
jbroadbent@baaqmd.gov

10. Report of the **Mobile Source Committee** Meeting of March 28, 2013

CHAIR: S. Haggerty

J. Broadbent/5052
jbroadbent@baaqmd.gov

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

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/APCO to enter into agreements for the recommended CMP projects.*

B) Participation in California Goods Movement Bond Program (I-Bond) Year 4

1. *Adopt a resolution in support of the Air District's application for I-Bond funding.*
2. *Authorize the Executive Officer/APCO to enter into agreements with the California Air Resources Board (ARB) related to the acceptance of I-Bond funding.*
3. *Authorize the Executive Officer/APCO to enter into agreements with eligible applicants for projects ranked and approved by the ARB.*

PRESENTATION(S)

11. **SUSTAINABLE COMMUNITY STRATEGY UPDATE**

J. Broadbent/5052
jbroadbent@baaqmd.gov

Staff from the Association of Bay Area Governments (ABAG), the Metropolitan Transportation Commission (MTC) and the Air District will provide an update on the Sustainable Communities Strategy.

12. **STATUS REPORT ON 939 ELLIS STREET DISPOSITION**

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will receive a status report on the disposition of 939 Ellis Street from the Air District's broker, Cassidy Turley.

CLOSED SESSION

13. **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

14. Report of the Executive Officer/APCO
15. Chairperson's Report
16. Time and Place of Next Meeting is Wednesday, May 1, 2013, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.
17. Adjournment

**CONTACT THE CLERK OF THE BOARDS
939 ELLIS STREET SF, CA 94109**

**(415) 749-5073
FAX: (415) 928-8560
BAAQMD homepage:
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.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
FOR QUESTIONS PLEASE CALL (415) 749-4963**

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

APRIL 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee (<i>Meets on the 3rd Monday of each Month</i>) – CANCELLED AND RESCHEDULED TO MONDAY, APRIL 29, 2013	Monday	15	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee (<i>Meets on the 3rd Monday of each Month</i>) - CANCELLED	Monday	15	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting (<i>Meets on the 1st & 3rd Wednesday of each Month</i>)	Wednesday	17	9:45 a.m.	Board Room
Board of Directors Personnel Committee (<i>At the Call of the Chair</i>)	Monday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee (<i>Meets on the 4th Wednesday of each Month</i>)	Wednesday	24	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee (<i>Meets on the 4th Thursday of each Month</i>)	Thursday	25	9:30 a.m.	Board Room
Board of Directors Executive Committee (<i>Rescheduled from Monday April 15, 2013</i>)	Monday	29	9:30 a.m.	4 th Floor Conf. Room

MAY 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting (<i>Meets on the 1st & 3rd Wednesday of each Month</i>)	Wednesday	1	9:45 a.m.	Board Room
Advisory Council Regular Meeting (<i>Meets on the 2nd Wednesday of each Month</i>)	Wednesday	8	9:00 a.m.	Board Room
Board of Directors Climate Protection Committee (<i>At the Call of the Chair</i>)	Thursday	9	10:00 a.m.	4 th Floor Conf. Room
Special Board of Directors Meeting - Budget Hearing (<i>At the Call of the Chair</i>)	Wednesday	15	9:45 a.m.	Board Room
Board of Directors Regular Meeting (<i>Meets on the 1st & 3rd Wednesday of each Month</i>)	Wednesday	15	9:45 a.m.	Board Room

MAY 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	20	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	20	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	22	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	23	9:30 a.m.	Board Room

JUNE 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
Board of Directors Legislative Committee <i>(At the Call of the Chair)</i>	Thursday	6	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	12	9:00 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	17	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	17	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	27	9:30 a.m.	Board Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: April 3, 2013

Re: Minutes of the Board of Directors Regular Meeting of March 20, 2013

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Regular Meeting of March 20, 2013.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of March 20, 2013.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

Attachment

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5073

Board of Directors Regular Meeting
Wednesday, March 20, 2013

DRAFT MINUTES

CALL TO ORDER

Chairperson Ash Kalra called the meeting to order at 10:08 a.m.

ROLL CALL

Present: Chairperson Ash Kalra; Vice-Chairperson Nate Miley; Secretary Carole Groom; and Directors Susan Adams, John Avalos, Tom Bates, Teresa Barrett, John Gioia, Scott Haggerty, David Hudson, Liz Kniss, Eric Mar, Jan Pepper, Mark Ross, Jim Spering, Brad Wagenknecht and Shirlee Zane.

Absent: Directors Carol Klatt, Edwin Lee, Mary Piepho, Tim Sbranti and Ken Yeager.

PLEDGE OF ALLEGIANCE

Chairperson Kalra led the Pledge of Allegiance.

OPENING COMMENTS: None.

PUBLIC COMMENT ON NON-AGENDA MATTERS: None.

CONSENT CALENDAR (ITEMS 1 – 6)

1. **Minutes of the Board of Directors Regular Meeting of March 6, 2013;**
2. **Board Communications Received from March 6, 2013, through March 19, 2013;**
3. **Notice of Violations Issued and Settlements in Excess of \$10,000 in February 2013;**
4. **Referral of Proposed Budget for Fiscal Year Ending 2014 to the Budget and Finance Committee;**
5. **Contractor Selection for the Development of a Plug-In Electric Vehicle Readiness Plan for the Monterey Bay Area; and**
6. **Set a Public Hearing for April 17, 2013, to Consider Adoption of Proposed Regulation 12, Rule 13: Foundry and Forging Operations; Regulation 6, Rule 4: Metal Recycling and Shredding Operations; Amendments to Regulation 2, Rule 1: Permits, General Requirements and approval of a California Environmental Quality Act Negative Declaration.**

Board Comments: None.

Public Comments: None.

Board Action: Director Haggerty made a motion to approve Consent Calendar Items 1, 2, 3, 4, 5 and 6; Director Sperring seconded; and the motion carried unanimously.

COMMITTEE REPORTS AND RECOMMENDATIONS

7. Report of the Personnel Committee Meeting of March 11, 2013 Committee Chairperson Wagenknecht

The Personnel Committee met on Monday, March 11, 2013, and approved the minutes of February 11, 2013.

The Personnel Committee met in closed session to conduct a performance evaluation of the Executive Officer/Air Pollution Control Officer (APCO) with no reportable action. The Personnel Committee Chair will brief the Board of Directors on the evaluation during today's closed session.

The Personnel Committee received the Hearing Board Interview summary material for the professional engineer and medical profession categories, conducted interviews of applicants for each, and recommends Board of Directors' approval of the appointments to the Air District's Hearing Board of Gilbert Bendix for the principal professional engineer category and Nicholas van Haeften for the alternate professional engineer category, effective immediately, and Peter Chiu for the principal medical profession category and Lisa Thompson for the alternate medical profession category, effective April 15, 2013.

The next meeting of the Personnel Committee is on Monday, April 22, 2013, at 9:30 a.m.

Board Comments: None.

Public Comments: None.

Board Action:

Director Wagenknecht made a motion to approve the report of the Personnel Committee; Director Adams seconded; and the motion carried unanimously.

8. Report of the Legislative Committee Meeting of March 14, 2013 Committee Chairperson Bates

The Legislative Committee met on Thursday, March 14, 2013, and approved the minutes of March 21, 2012, and December 3, 2012.

The Legislative Committee received an update on the Air District's legislative agenda of which there are two primary components. The first is passing legislation to reauthorize critical air quality funding programs due to expire in the next several years, including the Carl Moyer and Assembly Bill (AB) 923 programs. Senate Bill (SB) 8 (Perea and Skinner) and SB 11 (Pavley and Rubio) would reauthorize these programs. The second is to sponsor legislation in response to the August 6, 2012, fire at the Chevron Richmond refinery. SB 691 (Hancock) would encourage compliance by

establishing higher penalty ceilings for one-day incidents that disrupt communities. The Committee recommends the Board of Directors approve the following positions:

AB 8 Perea & Skinner: Support
SB 11 Pavley & Rubio: Support; and
SB 691 Hancock: Support.

The Legislative Committee discussed new bills, and is recommending the following positions to the Board of Directors.

AB 794 Gorell: Oppose
AB 818 Blumenfield: Oppose
AB 866 Lindner: Oppose
AB 953 Ammiano: Support
AB 1077 Muratsuchi: Support
AB 1193 Ting: Support in concept
SB 454 Corbett: Support in concept
SB 621 Gaines: Oppose
SB 736 Wright: Oppose
SB 760 Wright: Oppose; and
SB 792 DeSaulnier: No position.

The Legislative Committee discussed the timing of the proposed delegation visit to Sacramento and will work with Chair Kalra.

The next meeting of the Legislative Committee is at the call of the Chair.

Board Action:

Director Bates made a motion to approve the report and recommendations of the Legislative Committee and Director Wagenknecht seconded.

Public Comments: None.

Board Comments:

At the request of the Board, Jack Broadbent, Executive Officer/APCO, provided an explanation of the staff recommendation regarding AB 794 Gorrell.

Director Sperring asked why exceptions do not exist for remotely cited facilities, which question was answered by Mr. Broadbent.

Board Action:

Director Bates made an amended motion to approve the report and recommendations of the Legislative Committee, excluding AB 794 Gorrell and AB 953 Ammiano; Director Wagenknecht seconded; and the motion carried unanimously.

Director Hudson suggested a watch position on both AB 794 Gorrell and AB 953 Ammiano.

Director Bates made a motion to adopt an oppose position on AB 794 Gorrell; Director Adams seconded; and the motion carried, with Director Spering voting no.

Director Bates made a motion to adopt a support position on AB 953 Ammiano; Director Groom seconded; and the motion carried, with Directors Hudson and Haggerty voting no.

Director Haggerty noted that a “no” vote is the only option under the current Administrative Code for a Director who wants an abstention not be counted as a vote for the majority outcome and asked staff to consider an amendment to the same.

9. Report of the Climate Protection Committee Meeting of March 14, 2013
Committee Chairperson Avalos

The Climate Protection Committee met on Thursday, March 14, 2013, and postponed approval of the minutes of October 31, 2011, and April 16, 2012, for lack of a quorum.

The Climate Protection Committee received an informational staff presentation on collaboration with the California Air Resources Board on Climate Change, including the air districts’ roles in Cap and Trade compliance, revision of the AB 32 Scoping Plan, adaptive management, program implementation assessments, greenhouse gas (GHG) data management and next steps.

The Climate Protection Committee then received a staff presentation regarding approval of additional ConocoPhillips GHG Reduction Grant Program (GGRGP) project components. The Climate Protection Committee reviewed the program background, status of funds awarded, a summary of projects remaining on a Board approved contingency list and a request for expansion of that contingency list. A consensus of the members present at the Climate Protection Committee meeting supported staff’s recommendation for the Board of Directors to:

1. Allocate an additional up to \$435,907 in GGRGP derived funds;
2. Approve the addition of 17 GGRGP contingency project components listed in Attachment C; and
3. Authorize the Executive Officer/APCO to execute all contracts and contingencies to expend the funding for the recommended GGRGP contingency project components listed in Attachment C.

The Climate Protection Committee also received a staff presentation on the California Air Pollution Control Officers Association GHG Reduction Exchange, including an overview of the reasons for and functions of the exchange and how the Air District participates in the exchange.

The next meeting of the Climate Protection Committee is at the call of the Chair.

Board Action:

Director Avalos made a motion to approve the report of the Climate Protection Committee and consensus of the members present at the Climate Protection Committee meeting and Director Adams seconded.

Board Comments:

Director Zane noted the lack of quorum and inquired about the Board policy relating to participating in meetings remotely via telephone or videoconferencing. The Board discussed the history and current status of the policy.

Public Comments: None.

Board Action: The motion carried unanimously.

10. Report of the Stationary Source Committee Meeting of March 28, 2013
Committee Chairperson Avalos

The Stationary Source Committee met on Monday, March 18, 2013, and approved the minutes of September 17, 2012.

The Stationary Source Committee received the staff presentation Update on Work Plan – Action Items Related to Accidental Releases from Industrial Facilities, including status updates regarding the seven key action categories of investigation, procedures, air quality monitoring, rule development, community outreach, legislation and resource needs.

The Stationary Source Committee received the staff presentation Proposed Rules 12-13: Foundry & Forging Operations and 6-4: Metal Recycling & Shredding Operations, including overview, background, an explanation of the two rules approach, overviews of foundry and forge and metal recycling and shredding operations and emissions, recent facility improvements, a summary of the proposed rules, emissions reductions, costs, the rule development process and next steps.

The next meeting of the Stationary Source Committee is Monday, April 15, 2013, at 10:30 a.m.

Director Gioia made a motion to approve the report of the Stationary Source Committee and Director Wagenknecht seconded.

Board Comments:

Director Sperring requested, and Director Gioia and Mr. Broadbent provided, clarification regarding the direction to staff on outreach in the rule development process.

Public Comments: None.

Board Action: The motion carried unanimously.

PRESENTATION

11. Overview of the 2012/2013 Wood Smoke Reduction Program

Mr. Broadbent introduced the topic and Eric Stevenson, Director of Technical Services, who gave the staff presentation Overview of the 2012-13 Winter Spare the Air Season, including the benefits of fine particulate matter reductions, progress and trends, impacts of meteorology and forecasting, an enforcement overview, summary of local partnerships and outreach efforts, examples of media coverage, and public response.

Director Zane asked, regarding slide #5, Meteorology & Progress, why the Santa Rosa location is the only site included, which questions were answered by Mr. Stevenson.

Director Gioia noted, regarding slide #5, Meteorology & Progress, the downward trend before 2008 and asked staff to explain, which explanation was provided by Mr. Stevenson. Director Ross noted the wood smoke penalties were not imposed until 2008 but that a non-penalty program existed before that time.

Mr. Stevenson continued the presentation.

Chairperson Kalra asked, regarding slide #7, Wood Smoke Enforcement, for information about the available exemptions, which explanation was provided by Mr. Stevenson.

Director Miley asked, regarding slide #7, Wood Smoke Enforcement, for an explanation of the jump in violations from 2010-11 to 2011-12, which explanation was provided by Mr. Stevenson.

Director Zane asked, regarding slide #7, Wood Smoke Enforcement, for information about the wood smoke school program, which was provided by Brian Bunger, District Counsel. Chairperson Kalra asked that any information available on the wood smoke school program be forwarded to the full Board of Directors.

Director Miley asked, regarding slide #7, Wood Smoke Enforcement, for information relative to the amounts and locations of the fines imposed for the 178 violations listed, which information was provided by Messrs. Bunger and Stevenson and Wayne Kino, Director of Compliance and Enforcement.

Director Kniss asked, regarding slide #7, Wood Smoke Enforcement, about whether the Air District continues to receive multiple, repeated complaints by one individual about another, which question was answered by Mr. Kino.

Director Adams asked about the appeal rights built in to the notice of violation process, which questions were answered by Mr. Bunger.

Director Zane asked for an explanation about a seeming lack of correlation between the number of complaints and violations, which question was answered by Mr. Kino.

Mr. Stevenson concluded the presentation.

Director Adams made introductory comments regarding an outreach video made by and for Marin County. The video was played for the Board.

Board Comments:

Director Gioia asked for more information relative to outreach efforts being made to non-English speaking communities.

Director Ross noted the violations are not abundant in regions traditionally known to have diverse non-English speaking communities and asked if the outreach effort may need to focus on other obstacles to understanding, which question was answered by Mr. Bunger.

Public Comments:

Fred Mundy addressed the Board regarding the lack of enforcement relative to existing opacity limits, the inadequacy of the voice recognition report system, the lack of a natural gas/propane exemption, the ineffectiveness of the program and the need for improving the navigability of the Air District website.

Andres Kislik addressed the Board regarding the underwhelming response to his repeated complaints about a troublesome neighbor, the commendable progress made to date, and to request improved enforcement efforts.

Susan Goldsborough, Families for Clean Air, addressed the Board regarding the results of a recent survey of Forest Knolls and to encourage enforcement of the existing opacity limits.

Tracey Grant, Families for Clean Air, addressed the Board regarding the contribution of wood smoke to climate change and to urge for the further curtailing of residential wood burning.

Patricia Weisselberg, Families for Clean Air, addressed the Board regarding the focus of the wood smoke program on Spare the Air Days instead of opacity limits and urged for implementation of an altered approach.

Beverly Wood, Families for Clean Air, addressed the Board to suggest that the entire program be revamped.

J. Haden Werhan addressed the Board to present a video of a neighbor violator, to commend the Air District efforts to date and to request additional assistance with the neighbor violator.

Victoria Werhan addressed the Board to echo the comments and requests of Mr. Werhan and to request the Air District conduct a site visit, provide an update on program plans for the future and to reconsider the structure of the program, as it serves to pit neighbors against each other as they attempt to impose, and defend against, the rule.

Mr. Broadbent relayed to the Board that staff will investigate those situations described today, noted that the program was created for a large and diverse region, and said the Air District needs the assistance of the cities and counties if it is going to have an effect on those isolated hot spots

throughout the region. Chairperson Kalra noted that local ordinances provide greater enforcement capabilities and urged the Board to look at how best their own cities and counties might help.

Director Gioia suggested this may present an opportunity for Air District staff to work with local public health agencies, perhaps in shaping a model ordinance for existing structures, to which Mr. Broadbent responded.

Director Bates asked if the Air District may delegate enforcement authority to local agencies, which question was answered by Mr. Bunger. Director Bates suggested the Air District research how best to enable this delegation.

Director Zane said it is important for the Air District to reach out to, and work with, local enforcement partners, suggested the Board and its Committees keep enforcement needs in mind during the budget cycle, and said staff should review the available exemptions.

Director Hudson echoed the comments of his colleagues and said the Air District needs to take up opacity; noted studies which continue to show a disconnect in the public mind about the health effect of wood burning, much like there was initially for secondhand smoke; urged cities and counties to enact ordinances; and asked staff to consider a grant program to extend natural gas/propane retrofits as far as possible.

Director Ross said the budget includes the enforcement consideration mentioned by Director Zane, requested that staff act on the complaints aired today and asked if there is a public nuisance law that applies, which question was answered by Mr. Bunger. Mr. Kino clarified that garbage burning, as opposed to wood burning, is a violation regardless of opacity or the calling of Winter Spare the Air Alerts.

Director Pepper asked about the existence of grant programs that might be able to direct resources at this issue, which question was answered by Mr. Broadbent. Jean Roggenkamp, Deputy APCO, noted that staff is already conducting this search.

Director Spring suggested staff develop a legal assistance program to support the victims of egregious behavior.

Director Bates asked about the Air District's authority to apply more localized standards, which questions were answered by Mr. Broadbent.

Board Action: None; informational only.

CLOSED SESSION

The Board adjourned to Closed Session at 12:03 p.m.

12. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957 and 54957.6)

Pursuant to Government Code Sections 54957 and 54957.6, the Board met in closed session to discuss the performance evaluation of the Executive Officer conducted at the Personnel Committee meeting on March 11, 2013.

OPEN SESSION

The Board resumed Open Session at 12:20 p.m. with no reportable action.

PUBLIC COMMENT ON NON-AGENDA MATTERS: None.

BOARD MEMBERS' COMMENTS: None.

OTHER BUSINESS

13. Report of the Executive Officer/APCO: None.

14. Chairperson's Report:

Chairperson Kalra congratulated Directors Avalos and Mar on their reappointments to the Board, announced the cancellation of the Board meeting on April 3, 2013, and directed interested members of the Board to contact staff regarding attending the annual conference of the Air & Waste Management Association.

15. Time and Place of Next Meeting: Wednesday, April 17, 2013, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

16. Adjournment: The Board meeting adjourned at 12:22 p.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: April 3, 2013

Re: Board Communications Received from March 20, 2013 through April 16, 2013

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

A list of communications directed to the Board of Directors received by the Air District from March 20, 2013 through April 16, 2013, if any, will be at each Board Member's place at the April 17, 2013 Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Maricela Martinez
Reviewed by: Ana Sandoval

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chair Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 17, 2013

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

RECOMMENDED ACTION

None; 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 Air District personnel have traveled on out-of-state business.

The report covers the out-of-state business travel for the period of March 1-31, 2013. Out-of-state travel is reported in the month following travel completion.

DISCUSSION

The following personnel have traveled on out-of-state business:

Henry Hilken, Planning, Rules & Research Division Director, attended the 9th Annual Air Quality Management workshop in Nanjing, China March 16 – 24, 2013 (flight and hotel costs paid by conference sponsors).

Jack P. Broadbent, Executive Officer/APCO, attended the AB 32 Cap-and-Trade Regulation workshop in Shenzhen, China March 28 – April 1, 2013 (flight and hotel costs paid by conference sponsors).

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 Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 9, 2013

Re: Notices of Violation Issued and Settlements in Excess of \$10,000 in March 2013

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

In accordance with Resolution No. 2012-08, attached to this Memorandum is a listing of all Notices of Violation issued, and all settlements for amounts in excess of \$10,000 during the calendar month prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties collected are included in the Air District's general fund budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian C. Bunger

Attachments

NOTICES OF VIOLATION ISSUED

The following Notice(s) of Violation were issued in March 2013:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Dawit Auto Body	V8056	Oakland	A51018 A	3/25/13	8-45-316	spray painting auto vehicles without a spray booth

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
California Lithographers	A9722	Concord	A50423 A	3/15/13	2-1-301	No A/C for new printer
California Lithographers	A9722	Concord	A50423 B	3/15/13	2-1-302	No P/O for new printer
Chevron Inc	A0072	Richmond	A52952 A	3/27/13	2-1-307	permit condition 00438, part 3
Chevron Products Company	A0010	Richmond	A52176 A	3/21/13	8-10-502	deviation 3439, non-EPA method 21 monitor used
Chevron Products Company	A0010	Richmond	A52443 A	3/4/13	12-11-502.3.1	Missed 3 of 44 Flare Gas S amples Due To Flaring associated w/8-06-12#4 Crude Fire
Criterion Catalysts Company LP	A0227	Pittsburg	A52268 A	3/5/13	2-1-302	operating emergency standby engine w/o District permit
Criterion Catalysts Company LP	A0227	Pittsburg	A52268 B	3/5/13	9-8-530	records not being maintained
Criterion Catalysts Company LP	A0227	Pittsburg	A52268 C	3/5/13	2-6-307	dev. 3447

John Muir Medical Center	B0742	Walnut Creek	A50424 A	3/21/13	2-1-301	No A/C for boiler retrofit
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A52479 A	3/14/13	8-5-304.4	Liquid product on tank roof (06G15)
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A52480 A	3/14/13	8-5-304.4	Tank roof resting on legs 7/29-30/12
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A52489 A	3/6/13	9-2-301	(06H47) GLM excess H2S
Tesoro Refining & Marketing Company LLC	B2758	Martinez	A52490 A	3/21/13	9-2-301	(06H38) 10/20/12 H2S exceedence GLM

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Cycle Shack Inc	B1496	South San Francisco	A52288 A	3/27/13	2-1-307	title 17CCR93102.13(1)(1) permit cond#16078 late annual report
Recology Sunset Scavenger Company	A6140	Brisbane	A35141 A	3/20/13	13 CCR 2485	LIC_CA 8P94314
San Francisco International Airport	A1784	San Francisco	A52287 A	3/19/13	2-6-307	Permit Condition #18329 H2S in digester gas > 2,250ppm

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Lehigh Southwest Cement Company	A0017	Cupertino	A52606 A	3/29/13	2-6-307	missing daily surface wet condition report on eight permitted sources
O'Connor Hospital	A1502	San Jose	A52605 A	3/13/13	2-1-301	No permit application submitted for boiler alteration

O'Connor Hospital	A1502	San Jose	A52605 B	3/13/13	2-1-302	No permit application submitted for boiler alteration
SAP Labs LLC	B3958	Palo Alto	A51067 A	3/28/13	2-1-302	Unpaid Permit to Operate App #17762

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Valero Benicia Asphalt Plant	A0901	Benicia	A52717 A	3/20/13	8-18-401.2	4th Qtr 2012 Fugitives Deviation: 5 Undocumented Valves
Valero Benicia Asphalt Plant	A0901	Benicia	A52717 B	3/20/13	8-18-402.2	4th Qtr 2012 Fugitives Deviation: 5 Undocumented Valves
Valero Refining Company - California	B2626	Benicia	A52713 A	3/21/13	1-522.7	failure to submit excess LPFG report w/in 96hrs
Valero Refining Company - California	B2626	Benicia	A52714 A	3/28/13	1-523.3	late reporting of parametric excess for F-801
Valero Refining Company - California	B2626	Benicia	A52716 A	3/20/13	10	Failure to maintain record of 4th Qtr 2012 Bwaste Inspection Recordkeeping
Valero Refining Company - California	B2626	Benicia	A52718 A	3/20/13	8-18-401.2	Failure to maintain record of 4th Qtr 2012 Bwaste Inspection Recordkeeping
Valero Refining Company - California	B2626	Benicia	A52718 B	3/20/13	8-18-402.1	4th Qtr 2012 Refinery Fugitives Valves Misclassified, Not Documented & Open Ended

Sonoma						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comments
Alfredo Nunez	V8111	Windsor	A52509 A	3/19/13	5-301.1	two burn piles - wood, brush
David Schulze	V7964	Kenwood	A52507 A	3/4/13	5-301.1	6'x12'x2' yard brush; lumber

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were no settlement(s) for \$10,000 or more completed in March 2013.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 2, 2013

Re: Approval of Board Members to attend the Air & Waste Management Association
106th Annual Conference & Exhibition

RECOMMENDED ACTION

Consider approval to send the following Board Members to the Air & Waste Management Association (A&WMA) 106th Annual Conference & Exhibition on Tuesday, June 25 through Friday, June 28, 2013 in Chicago, Illinois:

Board of Directors Chairperson, Ash Kalra
Board Member, Supervisor John Gioia
Board Member, Council Member David E. Hudson
Board Member, Supervisor Mary Piepho
Board Member, Council Member Mark Ross
Board Member, Supervisor Brad Wagenknecht

BACKGROUND

Pursuant to Division I, Section 1.2 (A) of the Air District's Administrative Code, Board Members may receive compensation for attendance at the following types of meetings other than Board and Committee meetings:

- (a) Educational seminars designed to improve officials' skill and information levels;
- (b) Meetings of regional, state and national organizations whose activities affect the Air District's interest with a District staff member in attendance;
- (c) Air District events; and,
- (d) Meetings to discuss community and/or business concerns with regard to air quality in the region.

Pursuant to Division I, Section 1.2 (B) of the Air District's Administrative Code, Board Members shall not receive compensation for attendance at meetings of any type held outside the State of California unless compensation for attendance at such meeting is approved by the Board in an open session prior to attendance at the meeting.

DISCUSSION

The A&WMA is a nonprofit, nonpartisan professional organization that enhances knowledge and expertise by providing a neutral forum for information exchange, professional development, networking opportunities, public education, and outreach to more than 8,000 environmental professionals in 65 countries. The A&WMA also promotes global environmental responsibility and increases the effectiveness of organizations to make critical decisions that benefit society. The mission of A&WMA is to assist in the professional development and critical environmental decision-making of members to benefit society. The core purpose of A&WMA is to improve environmental knowledge and decisions by providing a neutral forum for exchanging information.

The 2013 A&WMA 106th Annual Conference & Exhibition on June 25 through June 28, 2013 in Chicago, Illinois is expected to bring together more than 2,000 environmental industry professionals for three days featuring technical programs in the industry, including 500 presentations, two poster sessions with over 150 posters displayed, over 150 exhibitors and networking events.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. Funding for travel and conference participation is included in the FYE 2013 Budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Maricela Martinez
Reviewed by: Ana Sandoval

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 2, 2013

Re: Set Public Hearing for May 1, 2013 to Consider Proposed Regulation 12, Rule 13:
Foundry and Forging Operations; Regulation 6, Rule 4: Metal Recycling and
Shredding Operations; Amendments to Regulation 2, Rule 1: Permits, General
Requirements; and Approval of a CEQA Negative Declaration

RECOMMENDED ACTION

Set a Public Hearing for May 1, 2013 to consider adoption of a two new rules, Regulation 12: Miscellaneous Standards of Performance, Rule 13: Foundry and Forging Operations; Regulation 6: Particulate Matter, Rule 4: Metal Recycling and Shredding Operations; amendments to Regulation 2: Permits, Rule 1: General Requirements; and approval of a California Environmental Quality Act (CEQA) Negative Declaration.

BACKGROUND

Control Measure SSM-1 in the 2010 Clean Air Plan considered reductions in fine particulate matter (PM), toxic compounds and odor emissions from metal melting facilities. There are about 20 metal production facilities in the Bay Area that melt and cast metals (foundries) or heat treat metals (forges). These facilities are sources of emissions of PM (including metals identified as toxic air contaminants) and odorous substances. During the investigation of metal melting facilities, it was determined that there are also three large-scale metal recycling facilities in the Bay Area that are also sources of emissions of PM. While process emissions of both PM and odorous substances are highly regulated and significantly reduced, fugitive emissions of these pollutants remain a significant fraction of the total emissions from these facilities.

DISCUSSION

The proposed rules would require these facilities to develop emissions minimization plans that would detail how each facility would reduce fugitive emissions of PM and odorous substances. The plans would focus on operations and activities at the facilities that are the sources of these pollutants. Once drafted, the plans would be released for public review and comment, staff recommendations, and APCO approval; and in the future, periodically updated.

Adoption of these two proposed new rules would reduce fugitive emissions of PM from foundries, forges, and metal recycling including shredding operations; and also reduce emissions of odorous substances from foundry operations. The proposed rules are crafted to

promote continuous improvement through periodic updates of the plans and through technology sharing inherent in the public comment period and Air District review and approval of the plans. These proposals avoid duplication of existing rules and standards by focusing on fugitive emissions that are not fully regulated or controlled.

RULE DEVELOPMENT PROCESS

Regulation 12, Rule 13 and Regulation 6, Rule 4 were developed through a lengthy process that began in 2010 and included representatives from foundries, forges, and metal recycling facilities; representatives of communities near these facilities; the California Metals Coalition, the Institute of Scrap Recycling Industries, and the American Foundry Society; binding resin manufacturers; environmental consultants; representatives of other agencies; and Air District staff from every division.

Staff conducted two sets of public workshops on drafts of the proposed rules: on the evening of July 27, 2011 at the Metropolitan Transportation Commission Auditorium in Oakland, CA and in the afternoon of July 28, 2011 at the Redwood Shores Library in Redwood City, CA; and on subsequent drafts on the evening of July 11, 2012 and the afternoon of July 12, 2012 at these same two locations. Over 200 persons attended the first workshops and approximately 25 attended the second. Staff gave presentations to the Stationary Source Committee on the rule development process on April 12, 2010, March 3, 2011, September 29, 2011, and March 18, 2013.

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 Air 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; copies of proposed Regulation 12, Rule 13: Foundry and Forging Operations; proposed Regulation 6, Rule 4: Metal Recycling and Shredding Operations; the proposed amendments to Regulation 2, Rule 1: Permits, General Requirements; the CEQA initial study and Negative Declaration; a socioeconomic analysis; and a staff report are available by request and have been posted on the Air District's website at http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.htm.

BUDGET CONSIDERATIONS/FINANCIAL IMPACTS

None. Air District staff already permits and inspects the affected facilities.

Respectfully submitted,

Jack P. Broadbent
Executive Officer / APCO

Prepared by: Victor Douglas
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 17, 2013

Re: Notice of Proposed Amendments to the Air District's Administrative Code Division
I: Operating Policies and Procedures for the Board of Directors - Section 5.4 Failure
to Vote

RECOMMENDED ACTION

The Board of Directors will consider proposed amendments to the Air District's Administrative Code Division I: Operating Policies and Procedures of the Board of Directors - Section 5.4 Failure to Vote.

BACKGROUND

Administrative Code Section 14.1, Amendments Mechanism, requires the noticing of proposed amendments at a preceding meeting of the Board of Directors before adoption can take place.

DISCUSSION

During a Legislative Committee meeting of March 14, 2013, there was a discussion on the Administrative Code Operating Policies and Procedures for the Board of Directors regarding Failure to Vote. The provision currently states that if a Director remains silent on a voice vote or on a roll call, the Director shall be deemed to have voted with the prevailing side.

Staff was directed to develop an amendment to this provision to remove the above rule. Upon further review of Administrative Code Section 5.4, staff determined that it is inconsistent with Robert's Rules of Order, which the Board has expressed its desire to follow in conducting its meetings (see Administrative Code Section 4.1). In addition, the reference in Section 5.4 to a Board Member's "interest" in a matter is vague and potentially duplicative of Section 5.3.

Accordingly, staff has developed the requested amendment to the Administrative Code that would delete this provision in its entirety. Under Robert's Rules of Order, the effect of the proposed amended language (attached) is that if a Director remains silent, or abstains from voting, on a voice vote or on a roll call vote, the Director's abstention will not be counted with either side.

The proposed amendments to the Administrative Code are attached for your review and consideration.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Rex Sanders

Reviewed by: Brian C. Bunger

Attachments: 1) Administrative Code Section 5 – Red-line version
2) Administrative Code Section 5 – Final version

SECTION 5 BOARD OF DIRECTORS, VOTING

5.1 VOICE VOTE.

The usual method of taking a vote is by voice; provided, however, that the Chairperson may, and when requested to do so by two (2) Directors, shall, take a vote by roll call.

5.2 ROLL CALL.

All ordinances, rules, regulations or amendments thereto and any matters involving the disbursement of money shall be adopted by roll call, except where a voice vote is declared by the Chairperson to be unanimous, and shall require the affirmative vote of the majority of the members of the Board. In addition, all proposals to settle any pending litigation in which the District is a defendant in a judicial action, whether approved in open session or in closed session, shall require the affirmative vote of the majority of the members of the Board.

5.3 CONFLICT OF INTEREST.

When one or more members determines that participation by the member(s) is prohibited by Section 87100 of the Government Code, because of the member(s)' financial interest, the total membership of the Board shall be deemed to be reduced by the number of members prohibited from participation for the purpose of determining the number of affirmative votes required pursuant to Section I-5.2.

~~**5.4 FAILURE TO VOTE.**~~

~~If a Director shall remain silent on a voice vote or on a roll call, the Director shall be deemed to have voted with the prevailing side. It shall be the duty of the Directors to vote when present. A Director who has an interest in the matter being voted upon shall announce the fact that the Director has an interest and request permission from the Chairperson to be excused from voting. In such case, the failure to vote shall not be deemed a vote on either side.~~

SECTION 5 BOARD OF DIRECTORS, VOTING

5.1 VOICE VOTE.

The usual method of taking a vote is by voice; provided, however, that the Chairperson may, and when requested to do so by two (2) Directors, shall, take a vote by roll call.

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All ordinances, rules, regulations or amendments thereto and any matters involving the disbursement of money shall be adopted by roll call, except where a voice vote is declared by the Chairperson to be unanimous, and shall require the affirmative vote of the majority of the members of the Board. In addition, all proposals to settle any pending litigation in which the District is a defendant in a judicial action, whether approved in open session or in closed session, shall require the affirmative vote of the majority of the members of the Board.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 3, 2013

Re: Report of the Public Outreach Committee Meeting of March 21, 2013

RECOMMENDED ACTION:

The Public Outreach Committee recommends Board of Directors' approval of the following items:

- A) Authorize the Executive Officer/APCO to execute a one-year contract with Cylogy, Inc., not to exceed \$110,000 for website maintenance and routine upgrades.
- B) None. Informational item, receive and file.
- C) None. Informational item, receive and file.
- D) Authorize the Executive Officer/APCO to execute a contract amendment with O'Rorke, Inc., for year two of the contract in the amount of \$1,990,000 for Advertising, Communications, and Evaluation services for the Spare the Air Campaigns as follows:
 - Spare the Air Every Day Campaign
 - Advertising \$600,000
 - Media Relations \$200,000
 - Social Media \$50,000
 - Employer Program \$150,000
 - Public Opinion Surveys \$45,000
 - Winter Spare the Air Campaign
 - Advertising \$550,000
 - Media Relations \$100,000
 - Social Media \$50,000
 - Public Opinion Surveys \$45,000
 - Spare the Air Grants & Incentives Campaign
 - Advertising \$200,000

BACKGROUND

The Committee met on Thursday, March 21, 2013. The Committee received and considered the following reports and recommendations:

- A) Website Maintenance and Routine Upgrades Contract Approval;
- B) Update on the Public Participation Plan;
- C) 2013 Spare the Air Campaign; and
- D) Funding Approval for Spare the Air Campaign.

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 will be included in the proposed FYE 2014 budget.
- B) Funding for this project is included in the FYE 2013 Budget.
- C) Funding for the campaign is included in the FYE 2013 and FYE 2014 budgets. The campaign is funded primarily through the Congestion Mitigation Air Quality (CMAQ) program, supplemented by the Transportation Fund for Clean Air (TFCA).
- D) Funding for this contract comes from the following sources:
 - Spare the Air Every Day
 - CMAQ - \$895,000 for FYE 2014
 - TFCA - \$150,000 for FYE 2014
 - Winter Spare the Air
 - General Revenue - \$745,000 for FYE 2014
 - Grants and Incentives
 - Carl Moyer Program, Mobile Source Incentive Fund - \$200,000 for FYE 2014

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

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: March 11, 2013

Re: Website Maintenance and Routine Upgrades Contract Approval

RECOMMENDED ACTION:

The Committee will consider recommending that the Board of Directors authorize the Executive Officer/APCO to execute a one year contract with Cylogy, Inc., not to exceed \$110,000 for website maintenance and routine 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. The Air District currently has two contracts with Cylogy, Inc. for a total of \$152,000 through the current fiscal year. The new contract is necessary to continue general website updates, maintenance, support and bug fixes to ensure optimal performance of Air District websites. Projects include:

- Website Ongoing Maintenance - \$72,000
- Website Routine Upgrades - \$38,000

DISCUSSION

The Air District currently has two contracts with Cylogy, Inc. that will end this current fiscal year. Staff is recommending Board approval of a new Website Ongoing Maintenance and Routine Upgrades contract to coincide with the Fiscal Year 2013-14.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funding for this project will be included in the proposed FYE 2014 budget.

Respectfully submitted,

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: March 11, 2012

Re: Update on the Public Participation Plan

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

In October 2012, staff updated the Committee on progress toward the development a comprehensive, District-wide *Public Participation Plan*. The purpose of this plan is to develop a District-wide, consistent approach when engaging stakeholders in Air District public processes.

Air District staff has continued to develop the draft *Public Participation Plan* document to be presented to the public for comment in the spring and summer of 2013.

DISCUSSION

Staff will present an overview of the draft *Public Participation Plan* document and update the Committee on plans for public outreach.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

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

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jim Smith
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: March 11, 2013

Re: 2013 Spare the Air Campaign

RECOMMENDED ACTION:

None; receive and file.

BACKGROUND

Since 1991, the Spare the Air campaign has encouraged the public to adopt long-term behaviors to reduce air pollution and protect air quality. Past Spare the Air campaigns have targeted the general population, household decision-makers, young adults and solo drivers.

DISCUSSION

This year's Spare the Air campaign will be completely retooled and feature all new advertising. This season, the Spare the Air campaign will be a region-wide campaign with specific geo-targeting of Bay Area residents in the Tri-Valley, San Jose and the Peninsula. Residents of these areas are being specifically targeted due to their commute distances and number of employees in these regions as well as transit and carpool options available to them.

An update on the Bay Area Commuter Benefits Program and how it will be integrated into future Spare the Air efforts will be provided to the Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funding for the campaign is included in the FYE 2013 and FYE 2014 budgets. The campaign is funded primarily through the Congestion Mitigation Air Quality program, supplemented by the Transportation Fund for Clean Air.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kristine Roselius
Reviewed by: Lisa Fasano

AGENDA: 7

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: March 11, 2013

Re: Funding Approval for Spare the Air Campaign

RECOMMENDED ACTION:

The Committee will consider recommending Board of Directors approval of FYE 2014 funding of the Spare the Air Campaigns' Advertising, Communications & Evaluation Services.

A three-year contract was approved by the Board in March 2012 for O'Rorke Inc. and funding of up to \$1,990,000 was approved through FYE 2013. Staff is recommending Board approval of \$1,990,000 for the second year of the contract as follows:

- Spare the Air Every Day Campaign
 - Advertising \$600,000
 - Media Relations \$200,000
 - Social Media \$50,000
 - Employer Program \$150,000
 - Public Opinion Surveys \$45,000

- Winter Spare the Air Campaign
 - Advertising \$550,000
 - Media Relations \$100,000
 - Social Media \$50,000
 - Public Opinion Surveys \$45,000

- Spare the Air Grants & Incentives Campaign
 - Advertising \$200,000

BACKGROUND

The Air District's Communications and Outreach Division relies on contractors to assist with various aspects of its advertising and outreach programs. The Communications and Outreach Division completed a Request for Proposal (RFP) process in February 2012 to solicit responses for the following services: Advertising, Media Relations, Social Media, Public Opinion Surveys and Employer Outreach services. O'Rorke, Inc. was the selected contractor.

The amount of the contract for these services is up to \$1,990,000 per contract year, for up to three years.

DISCUSSION

In the previous year, contractor has satisfied Air District requirements and staff is recommending Board approval.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funding for this contract comes from the following sources:

- Spare the Air Every Day
 - Congestion Mitigation Air Quality (CMAQ) - \$895,000 for FYE 2014
 - Transportation Fund for Clean Air (TFCA) - \$150,000 for FYE 2014
- Winter Spare the Air
 - General Revenue - \$745,000 for FYE 2014
- Grants and Incentives
 - Carl Moyer Program, Mobile Source Incentive Fund - \$200,000 for FYE 2014

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kristine Roselius
Reviewed by: Lisa Fasano

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: April 3, 2013

Re: Report of the Budget and Finance Committee Meeting of March 27, 2013

RECOMMENDED ACTION

The Budget and Finance Committee received only informational items and has no recommendations of approval by the Board of Directors.

BACKGROUND

The Committee met on Thursday, March 27, 2013. The Committee received and considered the following reports:

- A) Summary of Draft Fee Amendments for Fiscal Year Ending (FYE) 2014;
- B) Discussion of Proposed Budget for FYE 2014; and
- C) Status Report on 939 Ellis Street Disposition.

Attached are the staff reports presented in the Committee packet.

Chairperson Carole Groom will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) The draft fee amendments would increase fee revenue in FYE 2014 by an estimated \$2 million. Fee revenue estimates will be included in the proposed FYE 2014 budget.
- B) The proposed consolidated budget for FYE 2014 is a balanced budget.
- C) None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

Attachments

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Carole Groom and Members
of the Budget and Finance Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 13, 2013

Re: Summary of Draft Fee Amendments for Fiscal Year Ending (FYE) 2014

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Staff develops amendments to the Air District's fee regulation as a part of the budget preparation process. On March 7, 2012, the Board of Directors adopted a Cost Recovery Policy that established a goal of increasing fee revenue sufficient to achieve 85 percent recovery of regulatory program activity costs by the end of FYE 2016. Staff estimated that in order to achieve this goal, fee revenue will need to be increased by 6.4 percent per year over the next four years.

DISCUSSION

Staff has prepared draft fee amendments that would increase fee revenue by approximately 6.4 percent from what would otherwise result without a fee increase. Consistent with the Cost Recovery Policy, draft amendments to specific fee schedules were made in consideration of cost recovery analyses conducted at the fee schedule-level, with larger increases being proposed for the schedules that have larger cost recovery gaps.

Existing fee schedules would be amended as follows:

- No change for fee schedules that are recovering greater than 95 percent of costs.
- 5 percent increase for fee schedules that are recovering 85 to 95 percent of costs.
- 7 percent increase for fee schedules that are recovering 70 to 84 percent of costs.
- 9 percent increase for fee schedules that are recovering less than 70 percent of costs.

Several fees that are administrative in nature (permit application filing fees, alternative compliance plan fees, and permit to operate renewal processing fees) would be increased by 3 percent.

In addition, three new fees are proposed as follows:

- An Open Burn Fee to recover the costs associated with open burning allowed under Air District Regulation 5.
- An Incident Response Fee to recover the costs incurred by the Air District in responding to non-routine releases of air pollutants that may cause adverse health consequences to the public.
- An Online Customer Interface Fee to fund a new customer interface that will allow facilities to conduct business with the Air District.

Staff will provide the committee with additional details regarding the draft fee amendments at the committee meeting on March 27, 2013. A summary of public comments received to date, including those received at a public workshop held on February 28, 2013, will also be provided.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The draft fee amendments would increase fee revenue in FYE 2014 by an estimated \$2 million. Fee revenue estimates will be included in the proposed FYE 2014 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jim Karas
Reviewed by: Jeffrey McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Carole Groom and Members
of the Budget and Finance Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 13, 2013

Re: Discussion of Proposed Budget for Fiscal Year Ending (FYE) 2014

RECOMMENDED ACTION

The Executive Officer/APCO requests that the Budget and Finance Committee review the Proposed Budget for FYE 2014, and make any recommendations for further discussions to be held during the April 24, 2013 Budget and Finance Committee meeting.

BACKGROUND

At the March 20, 2013 Regular Board of Directors meeting, the FYE 2014 Proposed Budget document was referred to the Budget and Finance Committee for review at the Committee's March 27, 2013 meeting.

DISCUSSION

Staff will present the proposed budget for FYE 2014. The proposed budget is balanced, without the use of any reserves.

Staff will publish, prior to March 31, 2013, a notice to the general public that the first of two public hearings on the budget will be conducted on May 1, 2013 and that the second hearing will be conducted on June 5, 2013. Staff requests that the Budget and Finance Committee complete its review and take action on the proposed budget at the April 24, 2013 Budget and Finance Committee meeting. This will allow staff the necessary time required to amend, if necessary, the budget for the first public hearing to be held on May 1, 2013.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The proposed consolidated budget for FYE 2014 is a balanced budget.

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 Carole Groom and Members
of the Budget and Finance Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 14, 2013

Re: Status Report on 939 Ellis Street Disposition

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Board of Directors at its December 19, 2012 meeting, approved the Executive Committee's recommendation for real estate brokerage services and authorized the Executive Officer/APCO to enter into a contract with Cassidy Turley to develop and implement a marketing strategy for the disposition of 939 Ellis Street.

The Air District expects to move to 390 Main as early as fall 2014. The proceeds from the disposition of 939 Ellis Street will contribute to the funds available for the Air District's anticipated acquisition of a portion of 390 Main Street.

DISCUSSION

District staff and the Air District's broker, Cassidy Turley, will provide a status report on disposition of 939 Ellis Street.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: MaryAnn Okpalaugo

Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: April 3, 2013

Re: Report of the Mobile Source Committee Meeting of March 28, 2013

RECOMMENDED ACTION

The Mobile Source Committee recommends Board of Directors' approval of the following items:

- 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/APCO to enter into agreements for the recommended CMP projects.
- B) Participation in California Goods Movement Bond Program (I-Bond) Year 4:
 - 1. Adopt a resolution in support of the Air District's application for I-Bond funding.
 - 2. Authorize the Executive Officer/APCO to enter into agreements with the California Air Resources Board (ARB) related to the acceptance of I-Bond funding.
 - 3. Authorize the Executive Officer/APCO to enter into agreements with eligible applicants for projects ranked and approved by the ARB.
- C) None. Informational item, receive and file.

BACKGROUND

The Committee met on Thursday, March 28, 2013. The Committee received the following reports and recommendations:

- A) Projects with Proposed Grant Awards over \$100,000;
- B) Participation in I-Bond Year 4; and
- C) Update on the Regional Bicycle Share Pilot Project.

Attached are the staff reports presented in the Committee packet.

Chairperson Scott Haggerty will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None. Through the CMP, Mobile Source Incentive Fund and Transportation Fund for Clean Air (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. Through the I-Bond program the Air District distributes “pass-through” funds to public agencies and private entities on a reimbursement basis. Administrative costs for the program are provided by the funding source.
- C) None. The Air District distributes Congestion Mitigation Air Quality monies as “pass-through” funds on a reimbursement basis. Administrative costs for project staffing are provided by the TFCA.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Ana Sandoval

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: March 18, 2013

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 March 7, 2012, the Board of Directors authorized Air District participation in Year 14 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 14 projects on July 23, 2012. The Air District has approximately \$15 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 March 12, 2013, the Air District had received 32 project applications. Of the applications that have been evaluated between February 6, 2013 and March 12, 2013, four (4) eligible projects have proposed individual grant awards over \$100,000. These projects will replace four (4) diesel-powered off-road loaders with newer, low-polluting equipment. These projects will reduce over 3.8 tons of NO_x, ROG and PM per year. Staff recommends allocating \$471,610 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 March 12, 2013, 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 March 12, 2013 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 14 Carl Moyer Program/MSIF projects with grant awards greater than \$100,000 (evaluated between 2/6/13 and 3/12/13)
- Attachment 2: Summary of all CMP Year 14/MSIF and VIP approved/eligible projects (as of 3/12/13)

AGENDA 4 - ATTACHMENT 1

BAAQMD Year 14 Carl Moyer Program/ Mobile Source Incentive Fund projects
with grant awards greater than \$100k (Evaluated between 2/6/13 and 3/12/13)

Project #	Applicant name	Equipment category	Project type	Proposed contract award	Emission Reductions (Tons per year)			County
					NOx	ROG	PM	
14MOY29	McClelland's Dairy	Off-road	Replacement of one (1) off-road diesel-powered loader.	\$ 125,039.00	1.062	0.135	0.046	Sonoma
14MOY30	Dolcini Jersey Dairy	Off-road	Replacement of one (1) off-road diesel-powered loader.	\$ 110,533.00	0.518	0.065	0.022	Marin
14MOY31	Andrew J. Poncia dba Poncia Fertilizer Spreading	Off-road	Replacement of one (1) off-road diesel-powered loader.	\$ 110,533.00	0.852	0.146	0.053	Sonoma
14MOY32	St. Helena Aggregates	Off-road	Replacement of one (1) off-road diesel-powered loader.	\$ 125,505.00	0.789	0.093	0.034	Napa
				\$ 471,610.00	3.220	0.440	0.154	

AGENDA 4 - ATTACHMENT 2

Summary of all CMP Yr 14/ MSIF and VIP approved/ eligible projects (As of 2/6/13)

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
14MOY2	Off-road	Loader replacement	1	\$ 45,176.00	Bordessa Dairy	0.135	0.023	0.007	APCO	Sonoma
14MOY3	Off-road	Loader replacement	1	\$ 98,511.00	Blakes Landing Farms, Inc. (Dairy)	0.448	0.078	0.028	APCO	Marin
14MOY4	Marine	Engine replacement	2	\$ 227,786.00	C & W Diving Services, Inc. (Vessel: "Taylor Anne II")	1.033	0.057	0.039	11/7/2012	Alameda
14MOY7	Marine	Engine replacement	2	\$ 108,400.00	C & W Diving Services, Inc. (Vessel: "STELLA LIND")	0.318	-0.011	0.020	11/7/2012	Alameda
14MOY8	Off-road	Tractor replacement	1	\$ 24,400.00	Lamoreaux Vineyards LLC	0.116	0.024	0.008	APCO	Napa
14MOY9	Off-road	Tractor replacement	1	\$ 23,241.00	Andrea Bartolucci dba Madonna Estate (Vineyard)	0.098	0.020	0.007	APCO	Napa
14MOYL1	Locomotive	Wayside power installation	8	\$ 330,000.00	Peninsula Corridor Joint Powers Board	1.488	0.079	0.032	12/5/2012	Santa Clara
14MOY5	Off-road	Loader & backhoe replacement	2	\$ 178,805.00	SOILAND Co Inc.	1.540	0.118	0.043	12/5/2012	Sonoma
14MOY16	Off-road	Tractor replacement	8	\$ 206,138.00	Stone Bridge Cellars Inc.	0.909	0.206	0.079	12/5/2012	Napa
14MOY6	Marine	Engine replacement	1	\$ 46,484.00	Danny M Murray dba FV King Crab	0.633	0.010	0.020	APCO	San Francisco
14MOY18	Marine	Engine replacement	2	\$ 80,970.00	James Townsend (Charter fishing)	0.297	0.007	0.011	APCO	Contra Costa
14MOY15	Off-road	Tractor replacement	1	\$ 15,776.00	Ronald Smith (Vineyard farming and field maintenance)	0.022	0.020	0.004	APCO	Napa
14MOY10	Off-road	Tractor replacement	1	\$ 32,184.00	Morrison Ranch	0.120	0.024	0.007	APCO	Solano
14MOY12	Off-road	Tractor replacement	2	\$ 55,056.00	Donald W. Johnson dba Gordon Valley Farms	0.298	0.057	0.027	APCO	Solano
14MOY20	Off-road	Loader replacement	1	\$ 113,738.00	MCE Amos Inc	0.533	0.092	0.033	TBD	Sonoma
14MOY26	Marine	Engine replacement	1	\$ 97,460.00	Paul Lourenco (Commercial fishing)	0.732	0.029	0.029	APCO	San Mateo
14MOY27	Marine	Engine replacement	4	\$ 455,162.00	Lehigh Hanson (Tug boat)	13.244	0.315	0.463	TBD	Contra Costa
14MOY19	Off-road	Tractor replacement	1	\$ 21,097.00	Arcadia Vineyards, LLC	0.133	0.025	0.009	APCO	Napa
14MOY29	Off-road	Loader replacement	1	\$ 125,039.00	McClelland's Dairy	1.062	0.135	0.046	TBD	Sonoma
14MOY23	Marine	Engine replacement	2	\$ 78,640.00	University of California Fleet Services	0.302	-0.006	0.011	APCO	Sonoma
14MOY21	Off-road	Tractor replacement	1	\$ 25,620.00	Abel Tirado dba Tirado Vineyards	0.175	0.035	0.013	APCO	Napa
14MOY30	Off-road	Loader replacement	1	\$ 110,533.00	Dolcini Jersey Dairy	0.518	0.065	0.022	TBD	Marin
14MOY31	Off-road	Loader replacement	1	\$ 110,533.00	Andrew J. Poncea dba Poncea Fertilizer Spreading	0.852	0.146	0.053	TBD	Sonoma
14MOY32	Off-road	Loader replacement	1	\$ 125,505.00	St. Helena Aggregates	0.789	0.093	0.034	TBD	Napa
VIP72	VIP	Truck replacement	1	\$ 45,000.00	Bhin Trucking LLC	2.786	0.056	0.000	APCO	Santa Clara
VIP73	VIP	Truck replacement	1	\$ 40,000.00	Bhin Trucking LLC	2.458	0.049	0.000	APCO	Santa Clara
VIP75	VIP	Truck replacement	1	\$ 40,000.00	Kirvin Holtz	2.481	0.052	0.000	APCO	Sonoma
VIP77	VIP	Truck replacement	1	\$ 15,000.00	Michael Feuquay	0.306	0.008	0.000	APCO	Santa Clara
VIP78	VIP	Truck replacement	1	\$ 35,000.00	Michael Feuquay	1.380	0.020	0.040	APCO	Santa Clara

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
VIP79	VIP	Truck replacement	1	\$ 25,000.00	Michael Feuquay	1.006	0.015	0.029	APCO	Santa Clara
VIP80	VIP	Truck replacement	1	\$ 45,000.00	Ernest Gonzales	2.735	0.086	0.000	APCO	Alameda
VIP81	VIP	Truck replacement	1	\$ 35,000.00	Santos Construction Inc.	2.149	0.056	0.000	APCO	Contra Costa
VIP84	VIP	Truck replacement	1	\$ 10,000.00	San Miguel Trans Inc	0.629	0.013	0.000	APCO	Sonoma
VIP87	VIP	Truck replacement	1	\$ 35,000.00	Gill Hardial Singh	0.714	0.018	0.000	APCO	Alameda
VIP89	VIP	Truck replacement	1	\$ 10,000.00	T1 Trucking, Inc.	0.205	0.004	0.000	APCO	San Mateo
VIP90	VIP	Truck replacement	1	\$ 45,000.00	Guidotti Trucking, Inc.	0.929	0.019	0.000	APCO	Santa Clara
VIP92	VIP	Truck replacement	1	\$ 20,000.00	Sequoia Landscape Mtls, Inc.	0.412	0.009	0.000	APCO	Sonoma
VIP93	VIP	Truck replacement	1	\$ 10,000.00	Cotati Brand Eggs Foods Services	0.214	0.001	0.000	APCO	Sonoma
VIP96	VIP	Truck replacement	1	\$ 40,000.00	Bernardini Enterprises, Inc.	0.819	0.016	0.000	APCO	San Mateo
VIP99	VIP	Truck replacement	1	\$ 30,000.00	Bernardini Enterprises, Inc. DBA JD Services	0.615	0.012	0.000	APCO	San Mateo
VIP100	VIP	Truck replacement	1	\$ 35,000.00	Bernardini Enterprises, Inc. DBA JD Services	0.517	0.007	0.010	APCO	San Mateo
VIP103	VIP	Truck replacement	1	\$ 45,000.00	Express Freight Systems	0.645	0.009	0.014	APCO	Alameda
VIP104	VIP	Truck replacement	1	\$ 25,000.00	D Foskett Trucking, Inc.	0.519	0.010	0.000	APCO	Contra Costa
VIP106	VIP	Truck replacement	1	\$ 25,000.00	DW Heavy Equipment	0.411	0.002	0.006	APCO	Sonoma
VIP107	VIP	Truck replacement	1	\$ 45,000.00	Express Freight Systems	0.645	0.009	0.014	APCO	Alameda
VIP108	VIP	Truck replacement	1	\$ 45,000.00	Patricia A. Smith	0.923	0.019	0.000	APCO	San Bernardino County
VIP109	VIP	Truck replacement	1	\$ 45,000.00	Kellogg Distribution, Inc.	0.929	0.019	0.000	APCO	Sacramento
47 Projects			70	\$ 3,481,254.00		50.220	2.151	1.157		

Figure 1: CMP/ MSIF Funding Distribution by Equipment Category as of 2/6/13

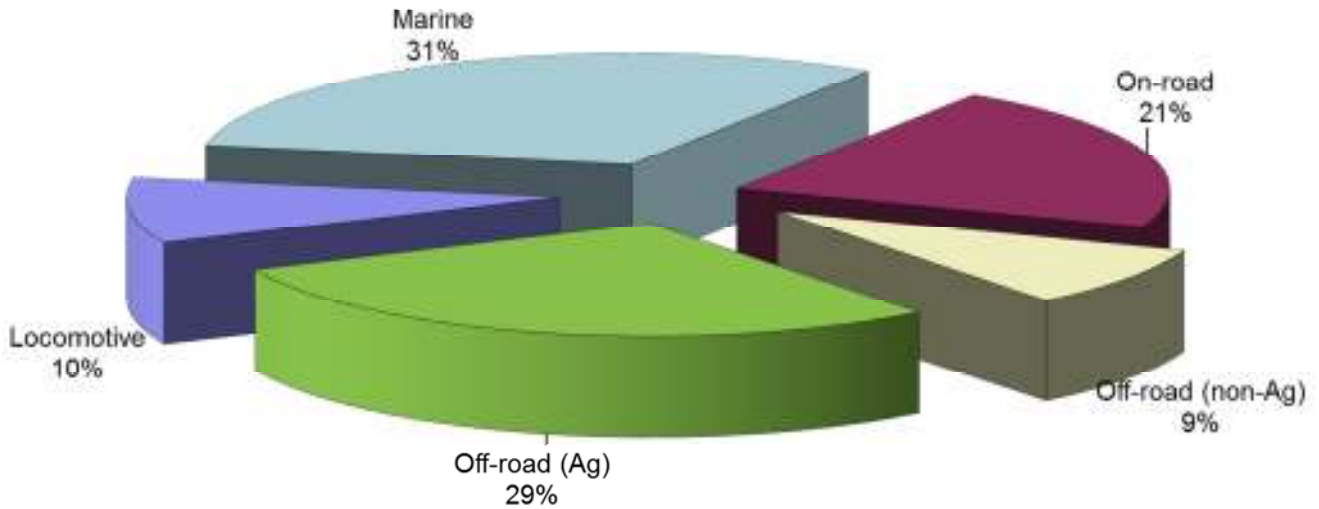
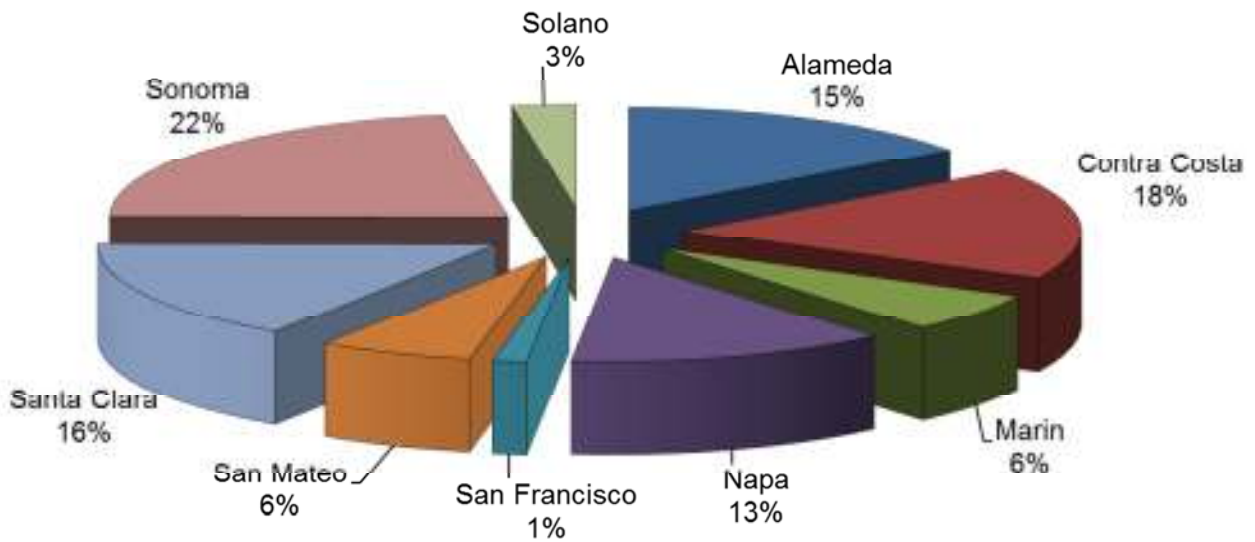


Figure 2: CMP/ MSIF Funding Distribution by County as of 2/6/13



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: March 18, 2013

Re: Participation in California Goods Movement Bond Program Year 4

RECOMMENDED ACTION:

Recommend the Board of Directors:

1. Adopt a resolution in support of the Air District's application for Goods Movement Bond Program (I-Bond) funding.
2. Authorize the Executive Officer/ APCO to enter into agreements with the California Air Resources Board (ARB) related to the acceptance of I-Bond funding.
3. Authorize the Executive Officer/ APCO to enter into agreements with eligible applicants for projects ranked and approved by the ARB.

BACKGROUND

In November 2006, California voters authorized the Legislature to appropriate \$1 billion in bond funding to quickly reduce air pollution emissions and health risk from freight movement along California's priority trade corridors. On February 28, 2008, The California Air Resources Board (ARB) approved an allocation of \$140 million from projected bond sales for emission reduction projects in the Bay Area trade corridor (approximately \$35 million per year over four years.)

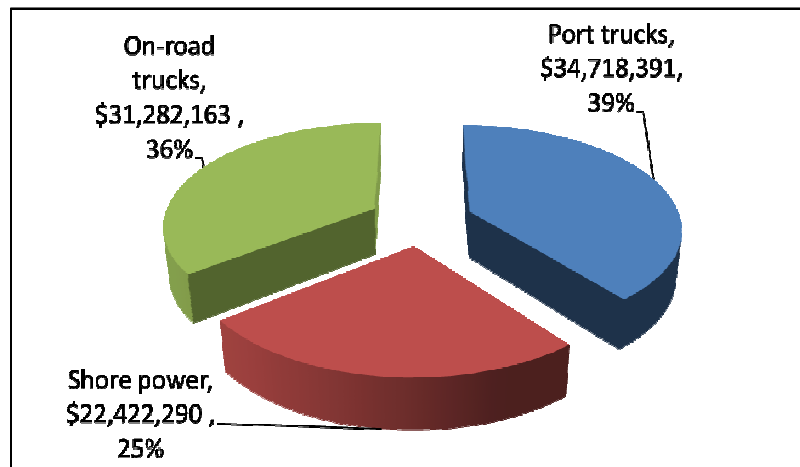
The Air District has administered the Goods Movement Bond Program (I-Bond) in the Bay Area for the first three funding cycles. To date the Air District has encumbered \$88 million in I-Bond funding for the following projects:

- Retrofit of 1,400 port trucks
- Replacement of 500 port trucks*
- Retrofit of 65 on-road trucks
- Replacement of 740 on-road trucks*
- Electrification of one (1) truck-stop*
- Electrification of 11 berths at the Port of Oakland (shore power)*

* *Projects still being completed.*

Figure 1 shows the distribution of prior I-Bond funding by equipment category.

Figure 1 - Distribution of prior Air District I-Bond funding by equipment category



As part of this report staff will update the Committee on the Air District's Year 4 I-Bond application and request Board of Directors adoption of a resolution in support of this application and program implementation.

DISCUSSION

On February 7, 2013, the ARB issued a Notice of Funding Availability for Year 4 I-Bond funding. As part of this announcement, ARB identified eligible equipment categories and the following priorities for future funding: 1) Truck upgrade projects, 2) Locomotive projects, and 3) Projects utilizing zero-emissions equipment.

Staff held a public meeting on March 11, 2013 to gather input on ideas for Year 4 I-Bond program funding objectives for the Bay Area trade corridor. The meeting was attended by eleven stakeholders, all with trucking interests (fleet owners, vendors, and lenders). The input from the public meeting was taken into consideration as staff finalized the Air District application. The application focuses on the following categories:

- **On-road trucks:** Emissions from these vehicles are responsible for up to 85% of the total cancer health risk in the Bay Area air basin and are the major driver of health impacts in communities along Bay Area highways. With over 30,000 eligible trucks registered within Air District jurisdiction, there will be a large demand for replacement truck funding prior to upcoming ARB regulatory compliance deadlines.

The Air District's application to ARB requested \$38,025,000 in Year 4 I-Bond funding for heavy-duty diesel truck projects. The requested amount includes project and administrative funding, and will reduce emissions from approximately 905 trucks. The requested funding is estimated to reduce 82,315 lbs of PM and 2,915,250 lbs of NOx over the lives of the projects.

- **Locomotives:** Emissions from locomotives are another key driver of health risk in West Oakland and Richmond. Additionally, locomotives cannot be regulated by local or state jurisdictions; therefore, providing incentives for emissions reductions in this category remains a priority for the I-Bond program.

The Air District's application to ARB requested \$16,995,000 in Year 4 I-Bond funding for Locomotive and rail yard projects. The requested amount includes project and administrative funding and will reduce emissions from approximately eight (8) locomotives. The Year 4 locomotive funding is estimated to reduce 145,200 lbs of PM and 2,408,505 lbs of NO_x over the lives of the projects.

The Air District's application was submitted to ARB on March 12, 2013. ARB expects to have funding from spring 2013 bond sales to award up to \$393 million for new projects to local and state agencies. The funding awards will be considered by the ARB Board at a public hearing in June 2013. Staff will update the Committee on the final funding awarded as a result of this process.

One required element of the Air District I-Bond application to ARB is the submittal of an Air District Board resolution. Staff requests the Committee recommend the Board of Directors adopt a resolution in support of the Air District's application for I-Bond funding. Additionally, staff recommends the Committee request the Board of Directors authorize the Executive Officer/ APCO to enter into agreements with ARB to accept I-Bond funding, and enter into agreements with eligible applicants for projects ranked and approved by the ARB. Staff will update the Committee on the status of this program throughout implementation.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. Through the I-Bond program the Air District distributes "pass-through" funds to public agencies and private entities on a reimbursement basis. Administrative costs for the program are provided by the funding source.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Anthony Fournier
Reviewed by: Damian Breen

Attachment 1: Resolution for Air District participation in Year 4 of the I-Bond program

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2013 -

**A Resolution of the Board of Directors of the Bay Area Air Quality Management
Accepting Goods Movement Emission Reduction Program Funds
From the California Air Resources Board**

WHEREAS, under Government Code, Section 8879.23, subdivision (c), paragraph (2), funds are appropriated to the California Air Resources Board (ARB) for allocation on a competitive basis for projects that are shown to achieve the greatest emission reductions from activities related to the movement of freight along California's trade corridors;

WHEREAS, California Health and Safety Code, Section 39625 et seq. empowers ARB to allocate Goods Movement Emission Reduction Program ("Program") funds to local public entities, such as the Bay Area Air Quality Management District (District), to provide financial incentives to reduce emissions associated with the movement of freight along California's trade corridors;

WHEREAS, ARB has awarded the first three installments of Program funds to local agencies, which are currently implementing emission reduction projects under the Program;

WHEREAS, under the State's current fiscal policies, ARB's ability to award the subsequent Program funding is dependent on the availability of cash from bond sales or other State financing mechanisms;

WHEREAS, ARB expects to have funding from Spring 2013 bond sales to award up to \$393 million for new projects to local and state agencies at a public ARB Board hearing in June 2013;

WHEREAS, in February 2013, ARB issued a notice of funding availability inviting local and state agencies to submit applications for funding for new projects;

WHEREAS, the District wishes to apply for funds for new projects pursuant to the ARB notice of funding availability;

WHEREAS, ARB requires each public agency to include in its application a signed or proposed resolution authorizing receipt of Program funding;

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby authorizes the District to enter into an agreement with ARB, accept funds, and provide matching funds under the fiduciary control of the District that are identified in a District project funding demonstration.

BE IT FURTHER RESOLVED, the Executive Officer is the District representative authorized to sign and submit the local agency project application.

BE IT FURTHER RESOLVED, the Executive Officer is the District representative authorized to execute the District's project grant agreement between ARB and the District.

BE IT FURTHER RESOLVED, the ARB approval of a competitively ranked equipment project list indicates the projects selected for funding and a backup list of eligible projects.

BE IT FURTHER RESOLVED, the Executive Officer is the District representative authorized to execute an equipment project contract between the District and equipment owner and delegate signature authorization to others.

BE IT FURTHER RESOLVED, the Executive Officer is the District representative authorized to sign Grant Expenditure Requests and delegate signature authorization to others.

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 _____, 2013, by the following vote of the Board:

AYES:

NOES:

ABSENT:

Ash Kalra
Chairperson of the Board of Directors

ATTEST:

Carole Groom
Secretary of the Board of Directors

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: March 18, 2013

Re: Update on the Regional Bicycle Share Pilot Project

RECOMMENDED ACTION:

Receive and file information update on the Regional Bicycle Share Pilot Project.

BACKGROUND

The Bay Area Air Quality Management District (Air District) is serving as the initial program administrator for a pilot regional bicycle sharing project. The pilot project is being conducted in partnership with the City and County of San Francisco, San Mateo County Transit District, City of Redwood City, County of San Mateo, and Santa Clara Valley Transportation Authority. The pilot will deploy an organized network of publicly-accessible bicycles in the cities of San Jose, Palo Alto, Mountain View, Redwood City and San Francisco for at least 12 months.

The goal of the pilot is to test and develop a self-funded regional bicycle share system that complements existing transportation options by providing a convenient option for residents, commuters, and visitors making short trips to and from transit facilities, places of employment and residence, and social and recreational destinations.

During the pilot, the Air District will work with its partners and contractor, Alta Bicycle Share, Inc. (Alta), to secure additional funding to successfully transition the program over to a self-sustaining system. To date, approximately \$7 million in funding has come from the Metropolitan Transportation Commission's (MTC) Congestion Mitigation and Air Quality Improvement Program (CMAQ) fund (\$4.29 million), the Air District's Transportation Fund for Clean Air (TFCA) (\$1.4 million), and local match funds from the partners (\$1.3 million).

DISCUSSION

The initial funding for this project was awarded by the Air District Board of Directors in October 2010. During the first year after the funding was awarded the Air District worked to obtain the necessary CMAQ funding approvals from the California Department of Transportation (Caltrans) and to execute an Intergovernmental Agency Agreement between the Air District and the six pilot partner agencies. The second year of project work mainly focused on securing a contractor to design, build, operate,

maintain, manage and publicize the project. To this end, the Air District, in consultation with its partners, developed and issued a Request for Proposals (RFP), held a pre-bidder's conference, and reviewed and evaluated proposals. The Board of Directors approved a recommendation to authorize Air District staff to negotiate with the highest ranked bidder, Alta, on May 2, 2012.

From May 2012, through approximately January 2013, the Air District and its partners worked to develop a contract and negotiate the terms and pricing on equipment, deployment, and operations with Alta. During this same period, the Air District continued to work with Caltrans' Office of Local Assistance to ensure that the contract that was being developed would meet CMAQ funding requirements and also met on a regular basis with its partners to discuss project and contract specifications. The contract between the Air District and Alta was executed on February 6, 2013, and the Air District subsequently issued a Notice to Proceed and an initial purchase order for the first set of equipment consisting of an initial fleet of approximately 700 bicycles and 70 stations to Alta on February 26, 2013. The initial fleet and bicycle share service is anticipated to launch in August 2013.

Further details on past and future milestones are listed below in Table 1:

Table 1 - Regional Bicycle Share Pilot Program Milestones Past and Future

Date	Past Milestones
10/6/2010	Air District Board of Directors approved \$1.4 million for the project
10/27/2010	Air District awarded CMAQ funding by MTC
11/2010 - 10/5/2011	Air District developed and executed Intergovernmental Agreement with pilot project partners
7/11/2011	Air District executed CMAQ funding agreement with Caltrans
7/2011 – 3/2012	Developed and issued RFP for bicycle share contractor, held Pre-Bidder's Conference, and reviewed and evaluated proposals
5/2/2012	Air District Board of Directors approved RFP results and authorized staff to negotiate with the highest ranked bidder
5/2012 – 1/2013	Conducted negotiations with Alta and developed contract
2/6/2013	Executed contract with Alta
2/26/2013	Issued Notice to Proceed and purchase order for initial equipment

Next Steps

Based on the size of other North American metropolitan bicycle share systems, it is anticipated that the Bay Area's program has the potential to grow to achieve a fleet size of between 6,000 to 10,000 bicycles. As program administrator, the Air District will be working to secure private sponsorships to help fund the cost of increasing the fleet size within the initial participating service areas and expanding the service area to include

other Bay Area communities. Once the program launches, user fee revenue will also be used to fund ongoing operations.

In addition to fundraising, the Air District and its partners will also be working with Alta to finalize site selection for stations and completing required permitting for this equipment. The Air District, its partners, and Alta are also developing a coordinated strategy for publicizing and promoting the regional bicycle share system which is expected to begin with additional program schedule and launch announcements that will be made on or around Bike to Work week in May.

As part of this report, Air District staff will update the Committee on the project milestones accomplished to date, current work being conducted, and next steps.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. The Air District distributes CMAQ monies as “pass-through” funds on a reimbursement basis. Administrative costs for project staffing are provided by the TFCA.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Patrick Wenzinger and Karen Schkolnick
Reviewed by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 3, 2013

Re: Sustainable Communities Strategy Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In 2008, the California Legislature adopted SB 375, requiring all metropolitan planning organizations in the State of California to develop “Sustainable Communities Strategies” (SCS) that align regional transportation, regional housing, and regional land-use plans. Specifically, SB 375 requires each metropolitan region to reduce greenhouse gas (GHG) emissions from cars and light duty trucks through land use planning and transportation investments, while ensuring that the region can provide housing for the future projected populations in 2020 and 2035.

The California Air Resources Board set the GHG reduction targets for each metropolitan region in 2010. In the Bay Area, per capita GHG emissions from cars and light duty trucks must be reduced to 7% below 2005 levels by 2020 and 15% below 2005 levels by 2035.

In the Bay Area, the SCS will be included as part of the 2013 Regional Transportation Plan in a long-term regional planning document titled *Plan Bay Area*. The development of *Plan Bay Area* is being led by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). Staff from ABAG, MTC, and the Air District provided updates on the development of *Plan Bay Area* to the Board’s Climate Protection Committee on October 31, 2011, and to the Board of Directors on May 2, 2012.

DISCUSSION

Air District staff has worked closely with ABAG and MTC throughout this planning effort. On March 22, 2013, the two agencies released the Draft Plan Bay Area for public review, and will be convening public workshops in April and May.

ABAG, MTC and Air District staff will provide an update on the status of the development of *Plan Bay Area*, including an overview of how the *Plan* meets the GHG and other performance targets, air quality findings in the Draft Environmental Impact Report, and the timeline for completion and adoption of the *Plan*.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Abby Young
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Ash Kalra and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 8, 2013

Re: Status Report on 939 Ellis Street Disposition

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Board of Directors at its December 19, 2012 meeting, approved the Executive Committee's recommendation for real estate brokerage services and authorized the Executive Officer/APCO to enter into a contract with Cassidy Turley to develop and implement a marketing strategy for the disposition of 939 Ellis Street.

The Air District expects to move to 390 Main as early as fall 2014. The proceeds from the disposition of 939 Ellis Street will contribute to the funds available for the Air District's anticipated acquisition of a portion of 390 Main Street.

DISCUSSION

Air District staff and the Air District's broker, Cassidy Turley, will provide a status report on disposition of 939 Ellis Street.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: MaryAnn Okpalaugo
Reviewed by: Jack M. Colbourn