

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

Board of Directors Regular Meeting
Wednesday, June 18, 2014

APPROVED MINUTES

- CALL TO ORDER:** Chairperson Nate Miley called the meeting to order at 9:55 a.m.

Opening Comments: None.

Roll Call:

Present: Chairperson Nate Miley; Vice-Chairperson Carole Groom; Secretary Eric Mar; and Directors Susan Adams, John Avalos, Teresa Barrett, Tom Bates, Cindy Chavez, David Hudson, Ash Kalra, Liz Kniss, Jan Pepper, Mary Piepho, Mark Ross, Jim Sperring and Brad Wagenknecht.

Absent: Directors Margaret Fujioka, John Gioia, Scott Haggerty, Roger Kim (on behalf of Edwin Lee), Carol L. Klatt, and Shirlee Zane.

Pledge of Allegiance: Chairperson Miley led the Pledge of Allegiance.

- PUBLIC COMMENT ON NON-AGENDA MATTERS:**

Abby Sterling, KPIX TV, addressed the Board of Directors (Board) asking about regulation of condensable particulate matter in follow up to an inquiry to staff. Chairperson Miley referred the matter to staff for response. Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), acknowledged the referral and said staff would provide an update to the Stationary Source Committee (SSC) at its meeting in July.

Greg Karras, Communities for a Better Environment, provided written material and addressed the Board in follow up to a public records request to staff regarding emissions. Chairperson Miley referred the matter to staff for response. Mr. Broadbent acknowledged the referral and requested time to provide the Board and public an update that is appropriate to the complex issues involved. Brian Bunger, District Counsel, said staff responded initially to the record request and the request is currently being processed. Chairperson Miley requested an update be delivered to the SSC in July.

Bill Almon Quarry No, provided written material and addressed the Board regarding alleged emissions at the Lehigh cement facility in excess of the limits imposed by an addendum to the Health Risk Assessment and requested assistance. Mr. Broadbent said the issue is part of an ongoing compliance discussion and staff will work with SSC Chairperson Gioia on agendizing an update, likely in September.

Tim Brand referenced correspondence previously submitted by Dr. Gary Latshaw, provided written material and addressed the Board to summarize the same. Mr. Broadbent said staff would meet with Messrs. Almon and Brand. Director Pepper asked to be notified of the meeting in advance.

3. PROCLAMATION/AWARDS:

Chairperson Miley recognized Brian Bateman, Health and Science Officer, upon his retirement for his years of service with the Air District. Mr. Bateman addressed the Board in appreciation. Mr. Broadbent recognized Mr. Bateman for his service.

Director Avalos recognized Tom Story, Advanced Projects Advisor, who completed the milestone of 45 years of service with the Air District during this first half of the calendar year. Mr. Story addressed the Board in appreciation.

Director Avalos recognized Carol Lee, Senior Air Quality Engineer, who completed the milestone of 25 years of service with the Air District during this first half of the calendar year. Ms. Lee addressed the Board in appreciation.

Director Groom recognized Steven Chin, Supervising Human Resources Analyst, who completed the milestone of 30 years of service with the Air District during this first half of the calendar year. Mr. Chin addressed the Board in appreciation.

Director Groom recognized Emmanuel Jimenez, Air Quality Instrument Specialist, who completed the milestone of 30 years of service with the Air District during this first half of the calendar year. Mr. Jimenez addressed the Board in appreciation.

Director Groom recognized Michelle Torres, Air Quality Technician, who completed the milestone of 30 years of service with the Air District during this first half of the calendar year. Ms. Torres addressed the Board in appreciation.

Director Kniss recognized Harold Lips, Principal Air Quality Engineer, who completed the milestone of 25 years of service with the Air District during this first half of the calendar year. Mr. Lips addressed the Board in appreciation.

Director Piepho recognized Charles McClure, Supervising Air Quality Engineer, who completed the milestone of 25 years of service with the Air District during this first half of the calendar year. Mr. McClure addressed the Board in appreciation.

Chairperson Miley recognized Hiroshi Doi, Senior Air Quality Instrument Specialist, who completed the milestone of 25 years of service with the Air District during this first half of the calendar year. Mr. Doi addressed the Board in appreciation.

Chairperson Miley recognized Virginia Manolo, Senior Accounting Assistant, Roland Wiebe, Air Quality Instrument Specialist, and Barry Young, Senior Advanced Projects Advisor, in absentia, for their completion of milestone years of service with the Air District during this first half of the calendar year.

CONSENT CALENDAR (ITEMS 4 – 12)

- 4. Minutes of the Board Regular Meeting of June 4, 2014;**
- 5. Board Communications Received from June 4, 2014 through June 17, 2014;**
- 6. Air District Personnel on Out-of-State Business Travel;**
- 7. Notice of Violations Issued and Settlements in Excess of \$10,000 in May 2014;**
- 8. Approve Proposed Memorandum of Understanding Between the Bay Area Air Quality Management District and Bay Area Air Quality Management District Employees' Association (EA);**
- 9. Approval for Execution of a Contract Totaling in Excess of \$70,000 for Site Development Work Required by U.S. Environmental Protection Agency Mandated Near-Road Monitoring Adjacent to Interstate 80 at Aquatic Park, Berkeley, CA.**
- 10. Consider Authorizing Contract Amendments for the My Air Online Program;**
- 11. Consider Authorizing a Contract Amendment for Spare the Air Resource Teams; and**
- 12. Consider a Support Position on Senate Bill 1249 – Hill.**

Board Action:

Director Wagenknecht made a motion, seconded by Director Piepho, to approve Consent Calendar Items 4 through 12, inclusive.

Board Comments:

The Board and staff discussed, regarding agenda items 11 and 12, the intent, lack of committee consideration and staff recommendations.

Public Comments:

Paul Grazzini, EA, addressed the Board in support of the staff recommendation regarding agenda item 8, reported the outcome of the EA vote on the same and provided an overview of the negotiation process. Chairperson Miley commended the outcome of the negotiations and described the balancing of interests the Board performs.

Director Piepho suggested that the term “fringe benefits” not be used as a descriptor for health care in the future in light of the diminutive connotation of an earned benefit.

Board Action (continued):

The motion carried by the following vote of the Board:

AYES: Adams, Barrett, Bates, Chavez, Groom, Hudson, Kniss, Miley, Pepper, Piepho, Ross, Spering and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Avalos, Fujioka, Gioia, Haggerty, Kalra, Kim, Klatt, Mar and Zane.

COMMITTEE REPORTS AND RECOMMENDATIONS

13. Report of the Public Outreach Committee (POC) Meeting of June 5, 2014

Committee Chairperson Ross

The POC met on Thursday, June 5, 2014, and approved the minutes of October 31, 2013.

The POC received the staff presentation *Great Race for Clean Air*, including a program overview, participant statistics, participant categories and the winners.

The POC then received the staff presentation *2014 Spare the Air Creative Elements*, including campaign highlights, advertising, website utilization, media relations, employer outreach and next steps. Staff will deliver a summary of new creative elements today for the full Board.

The POC then received a staff presentation on the Bay Area Commuter Benefits Program communications plan. Presented were program objectives; constituent discussion tools; an overview of the program on the 511 SF Bay website; review of a 3-minute video explaining the program that will be shown today; an outreach summary; and an overview of opinion-shaping and advertising efforts.

The next meeting of the POC is at the call of the Chairperson.

Board Comments: None.

Public Comments: No requests received.

Board Action: None; receive and file.

14. Report of the Ad Hoc Building Oversight Committee (AHBOC) Meeting of June 18, 2014

Committee Chairperson Miley

The AHBOC met on Wednesday, June 18, 2014, and approved the minutes of April 16, 2014.

The AHBOC received and discussed a status report on the Regional Agency Headquarters, including a construction update and future schedule; the inter-agency shared services delivery assessment currently being conducted; and the next steps with respect to the selection of the furniture manufacturer/dealer team.

The AHBOC then received, discussed and recommends authorizing the Executive Officer/APCO to enter into a contract for project/construction management services to assist in oversight of improvements to Air District space in 375 Beale Street in an amount not to exceed \$300,000 and further recommends that the Board increase the FYE 2015, Program 104 budget by a corresponding \$300,000.00, to be drawn from the Air District's undesignated reserves.

The next meeting of the AHBOC is at the call of the Chair.

Board Action:

Chairperson Miley made a motion, seconded by Director Spering, to approve the recommendations of the AHBOC.

Board Comments:

Director Ross suggested the inclusion of an electronic voting system in the new headquarters.

Public Comments: No requests received.

Board Action (continued):

The motion carried by the following vote of the Board:

AYES: Adams, Barrett, Bates, Chavez, Groom, Hudson, Kniss, Miley, Pepper, Piepho, Ross, Spering and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Avalos, Fujioka, Gioia, Haggerty, Kalra, Kim, Klatt, Mar and Zane.

The Board screened a video provided by the Bay Area Headquarters Authority summarizing construction progress to date.

13. Report of the POC Meeting of June 5, 2014 (continued)

The Board screened a video provided by staff entitled *Bay Area Commuter Benefits Program*.

PRESENTATION

15. Overview of the Home Box Office (HBO) Documentary “Toxic Hot Seat”

Dan Dunnigan, Former Member of the Air District Board, addressed the Board regarding the documentary, *Toxic Hot Seat*.

The Board screened a video trailer of the documentary, *Toxic Hot Seat*, as provided by Mr. Dunnigan.

Mr. Dunnigan announced future public screenings of the feature-length documentary, noted the importance of the issue to all members of the public and introduced Donald Lucas, Ph.D., Staff Scientist, Environmental Energy Technologies Division, Lawrence Berkeley Laboratory, who gave the guest presentation *Balancing the Equations on Flame Retardants: Regulations, Health, Fire Safety*.

Mr. Dunnigan offered to arrange for additional public screenings upon request.

Board Comments:

The Board and staff discussed the date and location of future public screenings and the usefulness of providing additional contact information in the handout material.

Public Comments: No requests received.

Board Action: None; receive and file.

CLOSED SESSION

The Board adjourned to Closed Session at 11:48 a.m.

16. EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), the Board met in closed session with legal counsel to consider the following cases:

Communities for a Better Environment, et al. v. Bay Area AQMD, Kinder Morgan Material Services, LLC, et al., Real Parties in Interest, San Francisco County Superior Court, Case No. CPF-14-513557.

Communities for a Better Environment v. Bay Area AQMD, Chevron Products Company, et al., Real Parties in Interest, San Francisco County Superior Court, Case No. CPF-14-513704.

17. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2), the Board met in closed session to confer with legal counsel to consider significant exposure to litigation from one potential case.

OPEN SESSION

The Board resumed Open Session at 12:29 p.m. with no reportable action.

PUBLIC COMMENT ON NON-AGENDA MATTERS: No requests received.

BOARD MEMBERS' COMMENTS: None.

OTHER BUSINESS

18. Report of the Executive Officer/APCO:

Mr. Broadbent gave the staff presentation *Summary of Ozone Seasons*; recognized and thanked Mr. Grazzini and Christopher Coelho, Air Quality Inspector, for their roles on behalf of the EA during negotiations with the Air District and Jack Colbourn, Director of Administrative Services, for his role

on behalf of the Air District; and announced the Annual Conference of the Air and Waste Management Association (AWMA) is Tuesday, June 24, 2014 through Friday, June 27, 2014 with the Chairperson's Dinner scheduled for Wednesday night.

The Board and staff discussed the recent spate of fires in the Bay Area and the likelihood of difficult air quality challenges ahead during the fire season.

19. Chairperson's Report:

Chairperson Miley announced he will not attend the AWMA Annual Conference due to other obligations; congratulated Director Hudson on his re-appointment to the Board; announced the appointment of Mayor Margaret Fujioka, City of Piedmont, to the Board; commended all those who participated in labor negotiations between the Air District and EA for their successful and professional efforts; and announced the cancellation of the Board meetings on July 2, 2014 and July 16, 2014.

Mr. Broadbent announced the appointment of Anthony Fournier to the position of Director of Strategic Incentives.

20. Time and Place of Next Meeting:

Wednesday, August 6, 2014, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

21. Adjournment: The Board meeting adjourned at 12:36 p.m.

151 Sean Gallagher

Sean Gallagher
Clerk of the Boards