

Errata Sheet

Revised Agenda

Board of Directors Meeting

Wednesday, July 20, 2016

The revised agenda reflects the following changes:

Agenda Item 10: Report of the Legislative Committee Meeting of June 27, 2016:

Recommended Action changed to:

The Legislative Committee (Committee) considered a new bill and position and a consensus of the members present supported the staff recommendation for position on bills, AB 1965 (Cooper): Support

The additional bills listed on the original memo were previously considered and action was taken at the April 20, 2016 Board of Directors Regular Meeting.

Agenda Item 11B: Report of the Mobile Source Committee Meeting of June 30, 2016:

Changed to:

2) Adopt a Resolution authorizing the Air District to accept, oblige, and expend up to \$1,420,263 in funds from the U.S. Environmental Protection Agency (EPA) to replace three locomotives.

Amended Resolution to reflect the new funding amount of \$1,420,263 from the U.S. Environmental Protection Agency (EPA) is attached. This reflects an increase in the award from EPA of \$420,263 over the originally anticipated amount of \$1,000,000.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
REGULAR MEETING

JULY 20, 2016

REVISED AGENDA

A regular meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 1st Floor Board Room at the Air District Headquarters, 375 Beale Street, San Francisco, California 94105.

**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 REVISED AGENDA

WEDNESDAY
JULY 20, 2016
9:45 A.M.

BOARD ROOM
1st FLOOR

CALL TO ORDER

Chairperson, Eric Mar

1. **Opening Comments**
2. **Roll Call and Pledge of Allegiance**

The Chair shall call the meeting to order and make opening comments. The Clerk of the Boards shall take roll of the Board members. The Chair shall lead the Pledge of Allegiance.

CLOSED SESSION

3. **CONFERENCE WITH LEGAL COUNSEL**

A) 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):

Western States Petroleum Association, Valero Refining Company – California, Tesoro Refining and Marketing Company, LLC, and Phillips 66 Company v. Bay Area AQMD, Contra Costa County Superior Court, Case No. N16-0963

Valero Refining Company – California, and Tesoro Refining & Marketing Company, LLC, and Phillip 66 v. Bay Area AQMD, Contra Costa County Superior Court, Case No. N16-0095.

B) ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2))

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: one potential case.

OPEN SESSION

CONSENT CALENDAR (ITEMS 4 – 9)

Staff/Phone (415) 749-

4. Minutes of the Board of Directors Regular Meeting of June 15, 2016 Clerk of the Boards/5073

The Board of Directors will consider approving the draft minutes of the Regular Board of Directors Meeting of June 15, 2016.

5. Board Communications Received from June 15, 2016 through July 19, 2016

J. Broadbent/5052
jbroadbent@baaqmd.gov

A copy of communications directed to the Board of Directors received by the Air District from June 15, 2016 through July 19, 2016, if any, will be at each Board Member's place.

6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the months of May and June 2016

J. Broadbent/5052
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 months of May and June 2016.

7. 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.

8. Notification of Proposed Future Adoption of Amendments to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations

J. Broadbent/5052
jbroadbent@baaqmd.gov

At its next meeting, the Board of Directors will consider adoption of amendments to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations, to increase the Executive Officer's contract signing authority from \$70,000 to \$100,000.

9. Consider Authorization to Issue a Purchase Order in Excess of \$70,000, Pursuant to Administrative Code, Division II: Fiscal Policies and Procedures, Section 4.3: Contract Limitations, to Technical and Business Systems for Continued Operation of the BioWatch Monitoring Network

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract and issue a Purchase order to Technical and Business Systems for continued operation of the BioWatch Monitoring Network for an amount not to exceed \$1,116,074.

COMMITTEE REPORTS/COUNCIL REPORT

10. Report of the **Legislative Committee** Meeting of June 27, 2016
CHAIR: B. Wagenknecht

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee received the following report:

A) **Consideration of New Bills**

- 1) *Approve positions on bills*

11. Report of the **Mobile Source Committee** Meeting of June 30, 2016
CHAIR: S. Haggerty

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee received the following reports:

A) **Projects and Contracts with Proposed Grant Awards over \$100,000**

- 1) *Approve Carl Moyer Program (CMP) and Transportation Fund for Clean Air (TFCA) projects with proposed grant awards over \$100,000 as shown in Attachment 1;*
- 2) *Allocate up to \$1,151,430 in TFCA funding as match for California Air Resources Board (ARB) Low Carbon Transportation Greenhouse Gas Emission Reduction Funds (GGRF) for zero-emission truck and bus pilot commercial deployment projects using a project cost-effectiveness of \$500,000 per ton of emissions reduced;*
- 3) *Adopt a resolution that authorizes the Bay Area Air Quality Management District (Air District)'s acceptance, obligation, and expenditure of GGRF funds; and*
- 4) *Authorize the Executive Officer/APCO to enter into agreements for the recommended CMP and TFCA projects and with the ARB and partners for the acceptance and expenditure of GGRF funds.*

B) **Accept, Obligate, and Expend Funding from the Bay Area Clean Air Foundation (Foundation) and from the United States Environmental Protection Agency (EPA)**

- 1) *Adopt a Resolution authorizing the Bay Area Air Quality Management District (Air District) to accept, oblige, and expend up to \$972,262.70 from the Bay Area Clean Air Foundation (Foundation) for electric vehicle and vehicle buyback projects;*
- 2) *Adopt a Resolution authorizing the Air District to accept, oblige, and expend up to \$1,420,263 in funds from the U.S. Environmental Protection Agency (EPA) to replace three locomotives; and*
- 3) *Authorize the Executive Officer/APCO to enter into all agreements necessary to accept and expend this funding.*

C) **Emissions Reduction from Air District Grant Programs**

- 1) *None; receive and file.*

D) **Fiscal Year Ending 2017 Transportation Fund for Clean Air (TFCA) Regional Fund Policies**

- 1) *Approve the proposed Fiscal Year Ending 2017 Transportation Fund for Clean Air (TFCA) Regional Fund Policies and Evaluation Criteria presented in Attachment A.*

12. Report of the **Public Engagement Committee** Meeting of July 18, 2016

CHAIR: M. Ross

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Committee will receive the following reports:

A) **Opportunity for Spare the Air Advertising on the Oakland Broadway Shuttle**

- 1) *Approve \$235,000 to be allocated to the Transportation Fund for Clean Air - Spare the Air Program budget for fiscal year ending (FYE) 2017 for the purposes of:*
 - a. *Securing an advertising contract with the City of Oakland at a cost of \$185,000 per year for up to two years, and*
 - b. *Wrapping four AC transit operated shuttle buses at a cost of approximately \$50,000 on the Broadway route in the City of Oakland with the Spare the Air messaging.*
- 2) *Authorize the Executive Officer/APCO to execute all contracts and agreements with the City of Oakland related to the wrapping and advertising rights;*
- 3) *Authorize the Executive Officer/APCO to extend the advertising service at a cost not to exceed \$185,000 for an additional year, at the Air District's discretion, based on contractor performance.*

B) **Public Participation Plan Status Report and Update Process**

- 1) *None; receive and file.*

C) **Approval of Contract for Graphic Design**

- 1) *Authorize the Executive Officer/APCO to execute a one-year contract with Envall Design for a total amount not to exceed \$200,000 for graphic design services.*

13. Report of the **Advisory Council** Meeting of July 19, 2016

BOARD LIAISON: R. Sinks

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Council will receive the following reports:

A) **Update on Refinery Rulemaking**

- 1) *None; receive and file.*

B) Council Deliberation on Key Question

1) *None; receive and file.*

C) Clean Air Plan as a Framework for Future Council Topics

1) *None; receive and file.*

PRESENTATION

14. UPDATE ON REFINERY RULEMAKING

J. Broadbent/5052
jbroadbent@baaqmd.gov

Staff will provide the Board of Directors with an update on refinery rulemaking.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Speakers will be allowed three minutes each to address the Board on non-agenda matters.

BOARD MEMBERS' COMMENTS

16. *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

17. Report of the Executive Officer/APCO

18. Chairperson's Report

19. Time and Place of Next Meeting:

Wednesday, September 7, 2016, 375 Beale Street, San Francisco, California 94105 at 9:45 a.m.

20. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
mmartinez@baaqmd.gov

(415) 749-5016
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BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting. Please note that all correspondence must be addressed to the “Members of the Board of Directors” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Board meeting. Any correspondence received after that time will be presented to the Board at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- 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 District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at rsanders@baaqmd.gov.