



**ENVIRONMENTAL QUALITY ADVISORY BOARD
CITY OF SCOTTSDALE
GRANITE REEF SENIOR CENTER
1700 N. GRANITE REEF RD., RM. 12
SCOTTSDALE, ARIZONA
WEDNESDAY, JANUARY 16, 2008**

SUMMARIZED REGULAR MEETING MINUTES

PRESENT: Brian Munson, Chair
Michele Cohen, Vice Chair
Bill Gill, Board Member
Ron Hand, Board Member
James McCay, Board Member

ABSENT: James Mulloy, Board Member (absence excused)
Jimmy Leung, Board Member (absence excused)

STAFF: Larry Person, Environmental Coordinator
Chuck Skidmore, Energy Management Engineer
Andrew Kocisky, Environmental Technician
Anthony Floyd, Green Building Manager
Samantha Bollinger, Green Building Administrator
Frank Gray, General Manager, Planning Services
Connie Padian, Chief Planning Officer, Planning Services
Kathe Anderson, Assistant City Attorney

1). **Call to Order**

Vice Chair Cohen called the meeting to order at 5:30 p.m.

2). **Roll Call**

A formal roll call confirmed members present as stated above, noting the presence of a quorum.

3). **Energy Plan 2007 Update**

Ms. Padian provided an update on the City's approach to the Energy Plan proposals that went forward to Council last October. The City Manager has established a professional rotation program to give executive level managers exposure to different departments. A candidate has been selected to handle the energy plan implementation, and will start at the end of January.

The candidate has been asked to look at the most efficient ways to address the City's energy issues, and consider whether some of the other environmental programs should be consolidated to increase efficiency. The candidate would be expected to report their findings back to the City Council by April 1, in time for the FY08/09 budget process. A series of studies will be done to establish existing efficiency metrics to prioritize the recommendations made in the plan.

Mr. Gray said that historically, the Environmental Department was more robust than it currently is, but was cut back in the wake of the 9/11 attacks. Council will consider whether it is time to recreate an environmental quality agency for the City.

In response to Chair Munson, Mr. Gray said the chosen candidate would analyze the most important recommendations, determine a dollar figure for them, and then recommend an administrative structure to implement them.

4). **Public Comment**

None.

5). **Air Quality**

- a) Update and discussion on the five ordinance requirements in SB 1552 and how the City is responding to those requirements.

Ms. Anderson reviewed the ordinances of SB 1552 that municipalities in Maricopa County must comply with. The deadline to adopt the ordinances has been set on March 31. The ordinances affect a number of different elements of the City code, including Chapters 18, 19, and 46. A ban on blowing leaves onto public roadways has been inserted into Chapter 18 on property maintenance. The City is struggling with the definition of a public roadway, since the State did not provide one.

The second and third ordinances require the surfacing of unpaved surfaces. They would affect a great number of private businesses and residences in the city. The eventual solution would have to strike a balance between air quality and water quality, because pavement has other environmental impacts. Ordinances 4 and 5 address off-road vehicle use on vacant property. There is a struggle to define vacant lots, and how to conduct effective public outreach.

Vice Chair Cohen inquired about dust related to demolition. Mr. Person responded that Maricopa County rules require a permit whenever something is demolished, stipulate that dust control is performed throughout the process, and that the surface is stabilized once the process is completed. The property owner is responsible for dust violations once it becomes a vacant lot. He noted that the County's interpretation of the State requirements might be at odds with the City of Scottsdale's interpretation.

- b) Discussion and possible action to forward recommendations to Council on City response to new air quality regulations under SB 1552 and Maricopa County Air Quality rules 310 and 310.01.

Chair Munson inquired if a resolution from EQAB in support of the ordinances would be helpful to have when it goes before Council. Ms. Anderson said the ordinances are likely to raise some uncomfortable issues and would benefit from support.

Mr. Person reviewed a draft of the EQAB recommendation to enact the ordinances, and make suggestions on resource allocation, and public outreach. Chair Munson encouraged the Board Members to read the recommendation and be prepared to consider it at the next meeting.

Ms. Padian noted that the City's zoning ordinance would need to be amended in order to enact some of the changes. That requires a very specific process, including an open house with the community. Board Member McCay said the public would benefit from an informational resource that clearly explains the basic issues involved and what can be done to address them.

Mr. Person said there are other environmental issues like heat island effect and storm water runoff that the air quality rules do not consider. Particulate air pollution is not the only environmental issue. Unfortunately, the law is hitting Scottsdale particularly hard, because the City made the shift a few years ago to allow more unpaved surfaces to address those other issues.

6). **Annual Meeting**

- a. Election of Chair and Vice Chair for 2008

BOARD MEMBER HAND NOMINATED BRIAN MUNSON AS CHAIR OF THE ENVIRONMENTAL QUALITY ADVISORY BOARD FOR 2008. BOARD MEMBER GILL SECONDED. THE NOMINATION WAS APPROVED BY A VOTE OF FOUR (4) TO ZERO (0), WITH CHAIR MUNSON ABSTAINING.

BOARD MEMBER MCCAY NOMINATED MICHELE COHEN AS VICE CHAIR OF THE ENVIRONMENTAL QUALITY ADVISORY BOARD FOR 2008. BOARD MEMBER HAND SECONDED. THE NOMINATION WAS APPROVED BY A VOTE OF FOUR (4) TO ZERO (0), WITH VICE CHAIR COHEN ABSTAINING.

b. Review by-laws

Mr. Person explained that the Board could discuss possible changes to the bylaws at one meeting, and then vote on them at the next meeting. Chair Munson asked the Board to consider whether any changes were warranted.

Mr. Person noted some proposed changes. The Chair of EQAB would appoint both the Chair and Vice Chair of the standing committees, instead of just the Chair as previous language suggested. Term limits are being proposed for Committee Members who would be eligible to serve up to four consecutive one-year terms.

The Legal Department has expressed concern about having non-Scottsdale residents serve on Boards and Commissions. The City plans to return to the requirement that applicants be either Scottsdale residents or have their primary office in Scottsdale.

Mr. Person explained that the residency requirement was loosened to attract appropriate expertise to the Boards and Commissions, but that decision has led to unintended consequences, and the City wants to move deliberately back towards a residency requirement. Language allowing an applicant's primary office to be in Scottsdale would be left in place for now, because otherwise the GBAC would lose half of its members.

For new Committee Members, EQAB's focus would be on accepting applications from Scottsdale residents only. In essence, non-resident Committee Members would be grandfathered in, but also subject to the new terms limits. Mr. Floyd said it could be disruptive if Committee Members were forced to leave midway through their term.

In response to an inquiry from Chair Munson, Mr. Person explained that the current bylaws require that a majority of Committee Members be residents of Scottsdale. Of the ten Committee Members of the GBAC who are re-applying, five are residents of Scottsdale, and five are not. Chair Cohen said it would be disruptive to make such a drastic change so suddenly, and suggested indicating to Mayor/Council that EQAB is moving in the direction of requiring residency, but would allow a transition period in order to adjust.

Mr. Person said the City recognizes that the GBAC has done more for the City than any other group of volunteers, and does not want to dishonor that legacy, but the Committees do have to be managed.

Board Member Hand felt that term limits really do not matter, because they do not preclude anyone from continuing to participate in the green building program. The program has thrived over the years because of the grass roots volunteer effort. Term limits would only apply to the appointed positions.

Ms. Bollinger noted that the Expo Planning Committee has been required to re-approve several motions for technical reasons because non-voting members have proposed them. It is not just an issue of semantics; it affects how a committee operates.

Chair Munson said the only things that need to be voted on at subcommittee meetings are recommendations to be brought to EQAB. Everything else could be decided by consensus.

Ms. Bollinger said the requirement to allow only Scottsdale residents would create problems when filling seats for subcommittees. Mr. Person explained that strict procedures have been allowed to slip recently, and EQAB is trying to correct that. EQAB is a parent Board that appoints its Committees and Subcommittees at its discretion. These policies are part of the official structure of the City. While voting members must be Scottsdale residents, non-voting volunteers are welcome to participate in the activities.

Board Member McCay noted that the language of the bylaws was unclear when it comes to describing how subcommittees are appointed. Mr. Person responded that the intent was that the chairs and vice chairs of standing committees, being EQAB members, would carry out the Board's wishes to those committees. Committees and subcommittees cannot do anything unless EQAB authorizes them to.

Board Member McCay expressed concern that a Scottsdale residency requirement would exclude many volunteers. Mr. Person responded that the City's attorneys would ideally like to have all members of all committees and subcommittees be EQAB Members appointed by the Council. The bylaws have been clear, but the practice has not been. An appointment to a voting position is not necessary to validate the positive experience that comes from volunteering.

Vice Chair Cohen understood that the purpose of the Boards and Commissions is to advise Council, and that Council has the right to choose who is giving that advice.

Mr. Floyd said the transition would be difficult because there are many people who have contributed a great deal to the green building effort over the years that would not be able to vote on key decisions any longer. Mr. Person said if people want to volunteer and get involved, they have to follow City practices, meet City standards, and forward City goals. The Board members of EQAB are part of the formal process.

Mr. Person clarified that this year's appointments would be based on the existing bylaws, which say that a majority of the members of the committees, subcommittees and work groups are required to be either Scottsdale residents, or have an office in Scottsdale. He said Board Members, once their term limit had expired, could return after sitting out a cycle. Committee Members would have to sit out a year before returning.

Mr. Person noted that nearly half of the applicants for the committees were neither Scottsdale residents, nor work in Scottsdale. That practice has deviated from the intent of the bylaws.

Board Member Hand declared a conflict of interest in regard to applicant Nicholas Smith, because he does contract work with his City office.

Board Member McCay noted that there is no mention in EQAB's bylaws that Board members were restricted to two re-appointments. Chair Munson explained that it is in the City code, which authorizes the existence of all the boards and commissions.

Mr. Floyd presented an updated list of all the Committee Members who resided or worked in Scottsdale. The Board questioned whether some of the applicants qualified as having their primary office in Scottsdale.

Chair Munson said that as long as it is clear that EQAB is moving in the direction that the City wants to move, he felt a transition period would be acceptable. The new bylaws can be drawn up and voted on at the next meeting. He said EQAB should support the reappointment of a very strong Committee and appoint new members in anticipation of the new requirements.

c. Review and Appoint Committee Members

i. Green Building Advisory Committee

Vice Chair Cohen noted that Mr. Floyd and she had selected the strongest applicants to and presented the list to the Committee for discussion. Vice Chair Cohen noted that the GBAC had a difficult time deciding between the candidates and felt that any of them would make a significant contribution. The Committee deliberated over the applicants, and by consensus agreed to recommend the applicants in the following order of preference:

1. Anne Bertino, Interior Designer
2. Thomas Swett, Landscape Architect
3. Nicholas Smith, Architect
4. Douglas Patriquin, Civil Engineer
5. Tamara Bennett, AKA Green
6. Susanne Moore, Graphic and Interior Designer
7. Alisa McMahon, Green homeowner
8. Clark Worthley, Contractor
9. Jeffrey Black, Builder
10. Christopher Leone, Building Finance

Mr. Person noted that Mr. Patriquin is a Scottsdale resident, while Mr. Swett has clients in Scottsdale, but his primary office is not.

In response to an inquiry from Board Member Gill, Vice Chair Cohen postulated that non-residents are attracted to serving on Scottsdale's GBAC because the City has the premiere green building program in Arizona, and they want to contribute to that success. Mr. Person added that the Committee's focus is not exclusively about Scottsdale, but incorporates the broader regions as well.

The Board discussed whether the top three candidates should be recommended, despite not being residents of, or having a primary office in Scottsdale. Board Member McCay said if all ten existing Committee Members were re-approved, there would be at least one who is going to be affected next term under the new bylaws. They should all be made aware that this could be their last term.

Board Member Hand said the volunteers need to think about why they are volunteering. Is it to contribute to a program they believe in, or to vote in a committee? Green building needs to move past this formality and get back to what the group's purpose is all about.

Mr. Skidmore said nobody would be prevented from volunteering their time, expertise and opinions at public meetings. Green building volunteers can still contribute, regardless of where they live; they just have to understand that they are not going to be voting on anything.

Board Member McCay said it needs to be clearly specified that voting is to be done by appointed members, but public participation is still allowed under the Open Meeting Law.

Mr. Person said the abuses have to be stopped. Volunteers cannot represent themselves as members of an official City of Scottsdale board, commission or subcommittee, unless they have been recommended as such by EQAB and approved by Mayor/Council. Some volunteers have violated this, expressing minority opinions that were not part of the official City structure, and causing embarrassment to EQAB, the GBAC and the City in the process.

Vice Chair Cohen said it is the job of EQAB Board Members to make it clear to the members of committees and subcommittees what the expectations are. When it is not done, it leads to confusion.

In response to Board Member Hand, Mr. Person explained that GBAC's bylaws specifically state that the City of Scottsdale runs the Green Building Program, not the Committee. Board Member Hand said nobody refers to it as the Green Building Program anymore; everyone calls it the GBAC and thinks they have to be appointed in order to participate in the Program. It does not encourage volunteers to just show up and participate every month. Ms. Bollinger noted that to the people who have been participating in the Expo for years, drawing a distinction between voting and non-voting members is deeply insulting.

Mr. Person said he understood why they feel that way, but they have to understand that this is an official process of the City of Scottsdale. The Green Building Advisory Committee has one single purpose, to advise EQAB on green building issues. They do not conduct an Expo, or a Design Day. It is a different mindset from where the veterans started. They did not sign on to advise EQAB. In the official process, however, that is what they are being asked to do.

The Committee briefly debated whether the Green Building Expo should be incorporated into the bylaws, and whether the GBAC should be managing events. Chair Munson said those discussions would have to be agendaized for a future meeting.

In response to an inquiry from Chair Munson, Mr. Person explained that amendments to EQAB's bylaws must be discussed at one meeting, voted on at the next, and the approved amendments become effective at the next regular meeting. The Committees do not have to do that.

BOARD MEMBER MCCAY MOVED TO RE-APPOINT THE TEN EXISTING MEMBERS OF THE GREEN BUILDING ADVISORY COMMITTEE, AND APPOINT ANNE BERTINO, THOMAS SWETT, NICHOLAS SMITH, AND DOUGLAS PATRIQUIN, ON CONDITION THAT THEY ARE INFORMED THAT THE BYLAWS COULD POTENTIALLY BE AMENDED TO INCLUDE NEW RESIDENCY RESTRICTIONS. BOARD MEMBER GILL SECONDED.

Board Member Hand noted that his conflict of interest regarding one of the candidates would prevent him from voting on the motion as presented.

Board Member McCay withdrew his motion, and Board Member Gill his second.

BOARD MEMBER MCCAY MOVED TO RE-APPOINT THE TEN EXISTING MEMBERS OF THE GREEN BUILDING ADVISORY COMMITTEE, ON CONDITION THAT THEY ARE INFORMED THAT THE BYLAWS COULD POTENTIALLY BE AMENDED TO INCLUDE NEW RESIDENCY RESTRICTIONS. VICE CHAIR COHEN SECONDED. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).

BOARD MEMBER MCCAY MOVED TO APPOINT ANNE BERTINO, THOMAS SWETT, NICHOLAS SMITH, AND DOUGLAS PATRIQUIN TO THE GREEN BUILDING ADVISORY COMMITTEE, ON CONDITION THAT THEY ARE INFORMED THAT THE BYLAWS COULD POTENTIALLY BE AMENDED TO INCLUDE NEW RESIDENCY RESTRICTIONS. BOARD MEMBER GILL SECONDED.

Vice Chair Cohen asked the Committee to consider whether to move towards the requirement that all new appointees be Scottsdale residents. In response to an inquiry from Chair Munson, Mr. Person noted that under the current bylaws, any appointees would remain on the GBAC for up to four years.

Vice Chair Cohen felt the GBAC would feel confident in any of the applicants, and urged the Board to adhere to the residency requirements, rather than cause a problem that would recur in the future.

The Committee reconsidered the list with the residency/workplace restrictions in mind. Board Member McCay withdrew his motion.

VICE CHAIR COHEN NOMINATED DOUGLAS PATRIQUIN TO BE APPOINTED TO THE GREEN BUILDING ADVISORY COMMITTEE. BOARD MEMBER HAND SECONDED. THE NOMINATION WAS APPROVED BY A VOTE OF FIVE (5) TO ZERO (0).

BOARD MEMBER MCCAY NOMINATED CLARK WORTHLEY TO BE APPOINTED TO THE GREEN BUILDING ADVISORY COMMITTEE. BOARD MEMBER GILL SECONDED. THE NOMINATION WAS APPROVED BY A VOTE OF FIVE (5) TO ZERO (0).

BOARD MEMBER HAND NOMINATED ALISA MCMAHON TO BE APPOINTED TO THE GREEN BUILDING ADVISORY COMMITTEE. BOARD MEMBER MCCAY SECONDED. THE NOMINATION WAS APPROVED BY A VOTE OF FIVE (5) TO ZERO (0).

VICE CHAIR COHEN NOMINATED NICHOLAS SMITH TO BE APPOINTED TO THE GREEN BUILDING ADVISORY COMMITTEE.

Vice-Chair Cohen said Mr. Smith would bring an interesting perspective to the Committee and she felt he qualified as someone who works in Scottsdale.

Board Member Hand reiterated his conflict of interest.

BOARD MEMBER MCCAY SECONDED, WITH THE CONDITION THAT MR. SMITH WAS INFORMED THAT THE BYLAWS COULD POTENTIALLY BE AMENDED TO

INCLUDE NEW RESIDENCY RESTRICTIONS. THE NOMINATION FAILED TO MEET QUORUM BY A VOTE OF THREE (3) TO ONE (1), WITH BOARD MEMBER GILL DISSENTING, AND BOARD MEMBER HAND RECUSING HIMSELF.

VICE CHAIR COHEN NOMINATED TAMARA BENNETT TO BE APPOINTED TO THE GREEN BUILDING ADVISORY COMMITTEE. BOARD MEMBER MCCAY SECONDED. THE NOMINATION WAS APPROVED BY A VOTE OF FIVE (5) TO ZERO (0).

ii. Energy Advisory Committee

Chair Munson reviewed the applicants for the Energy Advisory Committee.

VICE CHAIR COHEN NOMINATED BRIAN O'DONNELL, BILL SHEAFFER, DAVID WALKER AND RICHARD STEGEMAN TO BE APPOINTED TO THE ENERGY ADVISORY COMMITTEE. BOARD MEMBER HAND SECONDED. THE NOMINATIONS PASSED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).

iii. Water Advisory Committee

No appointments were necessary for this committee.

iv. Green Building Expo Planning Committee

Mr. Person said all sitting members of the Expo Committee are existing GBAC members. The new applicants are Mick Dalrymple, Denise Van Den Bossche, and Rick Johnson.

VICE CHAIR COHEN NOMINATED MICK DALRYMPLE, DENISE VAN DEN BOSSCHE, AND RICK JOHNSON TO BE APPOINTED AS VOTING MEMBERS OF, AND KEVIN EDWARDS, JOAN BARON, BEVERLY WESTGAARD, LAURIE JACKSON, LEE FELICIANO, JULIE STANTON, LANE DONATELLO TO BE RE-APPOINTED TO THE GREEN BUILDING EXPO PLANNING COMMITTEE. BOARD MEMBER MCCAY SECONDED.

Mr. Person noted that EQAB's bylaws call for an EQAB member to chair every committee, so Mr. Edwards would no longer be able to chair the Expo Committee. Several Board Members said the language on that subject was unclear. Vice Chair Cohen requested that the issue be discussed later.

THE NOMINATIONS PASSED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).

d. Strategic Plan

Mr. Person presented the document that resulted from EQAB's retreat. Chair Munson asked the Board to discuss how to handle the strategic process. The Board agreed with Vice Chair Cohen's recommendation to agendize the discussion for a later meeting.

7). **Standing Committee Reports**

a. Green Building Advisory Committee

- i. Report on and discussion of effectiveness of Green Building Lectures in expanding Green building awareness in our community, including videotaping of lectures and previews for City Cable 11.

Vice Chair Cohen reported that the December lecture attracted 40 people, and the January lecture 75. An effort is being made to track how people learned about the lectures. Preview programs have been airing on City Cable 11. They are informative in their own right, and are designed to promote the lectures.

Chair Munson suggested posting the interviews on the website.

- ii. Presentation, discussion and possible vote on GBAC memorandum: Strategic Goals for City of Scottsdale as Related to a Built Environment.

The GBAC is working on a document to present to EQAB on possible strategic goals for the Committee to pursue in terms of policy. That report will be presented next month.

b. Water Advisory Committee

- i. Discussion and possible recommendation to Council supporting the Water Resources Department's Reclaimed Water/Salinity Issue for Golf Courses.

Board Member Gill reported that the WAC will discuss the golf course group's response to the City in February, and subsequently report to EQAB.

- ii. Discussion and possible recommendation to Council supporting the Water Resources Department's Assured Water Supply Application.

The Assured Water Supply Application will go before Council in February. No action is needed by EQAB. The calculated 100-year supply is 137,000 annual acre-feet, and the projected demand is 128,000 annual acre-feet.

- iii. Update and discussion of the Water Conservation Rebate Program.

Mr. Gill reported that everything is going according to plan. The Arizona Rinse Smart program goes before Council on February 19, and it will be a memorandum of understanding with ADWR, instead of an intergovernmental agreement. The program allows high water users, such as restaurants, to receive free low-flow faucets.

c. Energy Advisory Committee

Mr. Skidmore reported that Richard Stegeman will make a valuable addition to the Committee. A working group will draw up case studies to compare and contrast an

efficient City building, from an energy standpoint, with an inefficient one. The goal is to demonstrate to Council the benefits of energy efficiency in real-world terms.

Mr. Floyd noted that an ASU graduate student is researching how green buildings affect their occupants and wants to use the Senior Center as part of her case study.

8). **Updates and Reminders**

- a) Board Member suggestions for environmental topics on future agendas.

Chair Munson suggested obtaining advice from the City Attorney as to whether the standing committees are subject to the bylaws or to guidelines.

- b) Next Meeting is Tentatively Scheduled for February 20, 2008.

9). **Approval of November 28, 2007 regular and special meeting minutes**

The Board tabled approval of minutes until the next meeting.

10). **Adjournment**

With no further business to discuss, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

A/V-Tronics, Inc.