

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 4105  
(415) 749-5073

Board of Directors Regular Meeting  
Wednesday, March 1, 2017

### **APPROVED MINUTES**

*Note: Audio recordings of the meeting are available on the website of the  
Bay Area Air Quality Management District at  
<http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes>*

#### **CALL TO ORDER:**

1. **Opening Comments:** Chairperson Liz Kniss called the meeting to order at 9:53 a.m. Chair Kniss introduced new Board members, San Francisco County Supervisors, Hillary Ronen and Jeff Sheehy, and Mountain View Councilmember, Margaret Abe-Koga.

#### **Roll Call:**

Present: Chairperson Liz Kniss; Vice Chair Dave Hudson; Secretary Katie Rice; and Directors Margaret Abe-Koga, Teresa Barrett, David J. Canepa, Cindy Chavez, Pauline Russo Cutter, John Gioia, Scott Haggerty, Tyrone Jue, Rebecca Kaplan, Doug Kim, Nate Miley, Karen Mitchoff, Hillary Ronen, Mark Ross, Jeff Sheehy, Rod Sinks, and Brad Wagenknecht.

Absent: Directors Carole Groom, Pete Sanchez, Jim Spering, and Shirlee Zane.

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

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

Public comments were made by Steve Zeltzer, United Public Workers for Action; Ahimsa Porter Sumchai, M.D., San Francisco resident; Francisco Da Costa, Environmental Justice Advocacy; Daniel M. Berman, Ph.D., Injured Workers National Network; Albert Kueffner, Alameda Interfaith Climate Action Network; David Gassman, Sunflower Alliance; Matthew Zugsberger, Upperlake resident; and Tom Lewis, NAACP East County.

#### **COMMENDATIONS/PROCLAMATIONS/AWARDS**

3. Chair Kniss announced that the Board had been planning to recognize outgoing Director, Jan Pepper, for her service, leadership, and dedication to protecting air quality in the Bay Area. However, outgoing Director Pepper was unable to attend the meeting.

## CONSENT CALENDAR (ITEMS 4-9)

4. **Minutes of the Regular Board of Directors Meeting of February 1, 2017**
5. **Board Communications Received from February 1, 2017 through February 28, 2017**
6. **Air District Personnel on Out-of-State Business Travel**
7. **Notices of Violations Issues and Settlements in Excess of \$10,000 in the Month of January 2017**
8. **Quarterly Report of the Executive Office and Division Activities for the Months of October 2016-December 2016**
9. **Consider Authorization to Execute Contract Amendments of My Air Online Development Services in Amounts in Excess of \$100,000**

### Public Comments:

No requests received.

### Committee Comments:

Director Chavez requested that the record show that her dissenting vote pertained only to Item 9 on the Consent Calendar, due to the fact that she would like more background information on contracts in the future.

### Committee Action:

Director Mitchoff made a motion, seconded by Director Sinks to **approve** the Consent Calendar Items 4 through 9, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Canepa, Cutter, Gioia, Haggerty, Hudson, Jue, Kaplan, Kim, Kniss, Miley, Mitchoff, Rice, Ronen, Ross, Sheehy, Sinks, and Wagenknecht.  
NOES: Chavez.  
ABSTAIN: None.  
ABSENT: Groom, Sanchez, Spring, and Zane.

## COMMITTEE REPORTS

10. Report of the **Advisory Council** Meeting of February 6, 2017

Advisory Council Ex-Officio Member Sinks read:

*The Council met on Monday, February 6, 2017 and approved the minutes of October 3, 2016.*

*The Council continued deliberation on the efficacy of greenhouse gas (GHG) caps for local refineries, and provided the final edit to its opinion on the topic.*

*The Council then received a staff presentation on Regulation 13, Rule 1: Refinery Carbon Intensity Cap.*

*Finally, the Council deliberated on the Draft 2017 Clean Air Plan/Regional Climate Protection Strategy, with particular emphasis on the Executive Summary and First Chapter.*

*The next meeting of the Council is at the call of the Chair. This concludes the Chair Report of the Advisory Council.*

Public Comments:

No requests received.

Board Comments:

Jack Broadbent, Executive Officer/Air Pollution Control Officer, explained that on February 22, 2017, the Executive Committee was to have been presented with a summary of the Advisory Council's process, their deliberations, and their final opinion on GHG caps on Bay Area refineries. However, due to the shortage of time, the consensus of the Committee was to table the presentation. Mr. Broadbent said that the full Board will be presented with this presentation on May 17, 2017, the day on which the Board will consider Draft Rule 12-16.

Board Action:

None; receive and file.

11. Report of the **Budget and Finance Committee** Meeting of February 22, 2017

Budget and Finance Committee Vice Chair Rice read:

*The Committee met on Wednesday, February 22, 2017 and approved the minutes of January 25, 2017.*

*The Committee reviewed and discussed the staff presentation Discussion of Projects and Funding Priorities Relevant to the Fiscal Year Ending 2018 Budget.*

*The next meeting of the Budget and Finance Committee will be held on Wednesday, March 22, 2017, at 9:30 a.m., at the Bay Area Air Quality Management District office, 375 Beale Street, San Francisco, CA 94105. This concludes the Chair Report of the Budget and Finance Committee.*

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

None; receive and file.

12. Report of the **Executive Committee** Meeting of February 22, 2017

Executive Committee Chair Kniss read:

*The Committee met on Wednesday, February 22, 2017, and approved the minutes of November 21, 2016.*

*The Committee received Hearing Board Quarterly Reports capturing July to September and October to December of 2016.*

*The Committee then received an update from the Bay Area Regional Collaborative.*

*The Committee then reviewed and discussed the staff presentation Update on Technology Implementation Office.*

*Due to the shortage of time, District staff suggested that the staff presentation, Advisory Council Opinion on the Efficacy of Greenhouse Gas Caps at Bay Area Refineries, be tabled. At the consensus of the Committee, public comments pertaining to this item were heard, and the presentation was tabled.*

*The next meeting of the Executive Committee will be held on Monday, April 17, 2017, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m.*

*This concludes the Chair report of the Executive Committee.*

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

None; receive and file.

13. Report of the **Mobile Source Committee** Meeting of February 23, 2017

Mobile Source Committee Chair Mitchoff read:

*The Committee met on Thursday, February 23, 2017 and approved the minutes of January 26, 2017.*

*The Committee reviewed and discussed the staff presentation, Projects with Proposed Grant Awards Over \$100,000. The Committee recommends the Board approve:*

- 1. Carl Moyer Program projects with proposed grant awards over \$100,000 as shown in Attachment 1; and*

2. *Authorization of the Executive Officer/Air Pollution Control Officer to enter into agreements with applicants for the recommended projects.*

*The Committee then reviewed and discussed the staff presentation Air District Grant Programs Overview.*

*Finally, the Committee reviewed and discussed the staff presentation Participation in Year 19 of the Carl Moyer Program and 2017 Caltrain Funding Plan. The Committee recommends the Board approve:*

1. *The adoption of a resolution authorizing the Executive Officer/ Air Pollution Control Officer to execute all necessary agreements with the California Air Resources Board relating to the Air District's receipt of Carl Moyer Program funds for fiscal year 2016-2017, which is Program Year 19;*
2. *The allocation of \$3 million in Mobile Source Incentive Funding to provide the required match funding and additional monies for projects eligible for funding under the Carl Moyer Program guidelines; and*
3. *The proposed 2017 funding plan for the Caltrain Electrification project.*

*The next meeting of the Mobile Source Committee will be held on Thursday, March 23, 2017, at 9:30 a.m., at the Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105.*

*I move that the Board approve the Mobile Source Committee's recommendations. This concludes the Chair Report of the Mobile Source Committee.*

Public Comments:

No requests received.

Board Comments:

The Board and staff discussed the District's allocation of \$20M to the Caltrain Electrification project; potential outreach from the District to the Federal Transit Administration and (Congressman McCarthy) who are delaying the project, and the advocating efforts of other agencies; and the fact that this is not just a "peninsula" project, and the need to distinguish Caltrain electrification in the Bay Area from the California high-speed rail project.

Board Action:

Director Mitchoff made a motion, seconded by Director Kaplan, to **approve** the recommendations of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Canepa, Chavez, Cutter, Haggerty, Hudson, Jue, Kaplan, Kniss, Miley, Mitchoff, Rice, Ronen, Ross, Sheehy, Sinks, and Wagenknecht.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Gioia, Groom, Kim, Sanchez, Spring, and Zane.

## PRESENTATION

### 14. **Draft 2017 Clean Air Plan: Spare the Air, Cool the Climate**

Mr. Broadbent introduced Henry Hilken, Director of Planning and Climate Protection, who gave the staff report, *Draft 2017 Clean Air Plan: Spare the Air, Cool the Climate*, including: critical challenges; what is this plan; climate challenge in the Bay Area; healthy air for all Bay Area residents; where do we want to be in 2050; how does this plan get us there; implementation - 2017 & 2018 rule development, supporting local governments, and climate protection grants; Community Air Risk Evaluation (CARE) program in the Clean Air Plan; feedback received; recent and next steps; and Bay Area leadership.

#### Public Comments:

Public comment was given by Jed Holtzman, 350 Bay Area.

#### Board Comments:

The Board and staff discussed the District's involvement with the solar reach ordinance project (for new residential construction) being facilitated by the Association of Bay Area Governments and the Bay Area Regional Collaborative, and the status of the project; how the District intends to implement the Clean Air Plan, despite the uncertainty of the EPA's future authority; the need to increase carpooling in order to free up space on existing infrastructure that is needed by transit vehicles; the East Bay Municipal Utility District's conversation of post-consumer food scraps to renewable energy, and the future of biofuel; the need to focus on how human receptors can reduce pollution; what the District can do to help decrease GHG emissions from small off-road gas engines, make people aware of the need to reduce their carbon footprint by way of a potential carbon tax and promote energy efficiency in buildings; feedback from the public on Clean Air Plan open houses; the need to seek new technological advancements that will help the District reach the goals within the Plan; the value in carbon sequestration; the need for open houses that are held in the evenings so that more of the public may attend; and multimedia applications regarding the Clean Air Plan.

#### Board Action:

None; receive and file.

## CLOSED SESSION (commenced at 11:20)

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

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

- A. **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; California Supreme Court, Case No. S213478

16. **CONFERENCE WITH LEGAL COUNSEL**

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

*Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: two potential cases.*

**OPEN SESSION** (commenced at 12:37)

Chair Kniss announced that there was nothing to report from Closed Session.

**PUBLIC COMMENT ON NON-AGENDA MATTERS**

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

Public comment was given by Tom Lewis, NAACP East County.

**BOARD MEMBERS' COMMENTS**

18. **Board Members' Comments**

None.

**OTHER BUSINESS**

19. **Report of the Executive Officer / APCO**

Mr. Broadbent's presentation on ozone seasons has been posted on the District website.

20. **Chairperson's Report**

Chair Kniss had nothing to report.

21. **Time and Place of Next Meeting**

Wednesday, March 15, 2017, at 375 Beale Street, San Francisco, CA 94109 at 9:45 a.m.

22. **Adjournment**

The meeting adjourned at 12:40 p.m.

*/s/ Marcy Hiratzka*

Marcy Hiratzka  
Clerk of the Boards