

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
(415) 749-5073

Board of Directors Regular Meeting
Wednesday, August 2, 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:

Opening Comments: Vice Chairperson, David Hudson, called the meeting to order at 9:46 a.m.

Roll Call:

Present: Chairperson Liz Kniss; Vice Chairperson Dave Hudson; Secretary Katie Rice; and Directors Teresa Barrett, David J. Canepa, Cindy Chavez, Pauline Russo Cutter, John Gioia, Carole Groom, Scott Haggerty, Tyrone Jue, Rebecca Kaplan, Doug Kim, Nate Miley, Karen Mitchoff, Mark Ross, Rod Sinks, Jim Spering, and Brad Wagenknecht.

Absent: Directors Margaret Abe-Koga, Hillary Ronen, Pete Sanchez, Jeff Sheehy, and Shirlee Zane.

NOTED PRESENT: Chair Kniss arrived at 9:47 a.m.

CLOSED SESSION (commenced at 9:53 a.m.)

Chair Kniss asked Jack Broadbent, Executive Officer/Air Pollution Control Officer, to describe the items that were to be discussed in Closed Session. Mr. Broadbent said that a proposed contract from the Bay Area Air Quality Management Employees' Association was to be presented to the Board for consideration of approval, and that staff anticipates litigation regarding various regulatory issues.

1. **CONFERENCE WITH LABOR NEGOTIATORS** (Government Code § 54957.6(a))

NOTED PRESENT: Directors Haggerty and Miley were noted present at 9:54 a.m.

Agency Negotiators: *Jack P. Broadbent, Executive Officer/Air Pollution Control Officer
Rex Sanders, Director of Executive/Administrative Resources*

Employee Organization: *Bay Area Air Quality Employee's Association, Inc.*

Public Comments:

Public comments were made by Chris Coelho, Bay Area Air Quality Employee Association, Inc. President.

Board Comments:

None.

Board Action:

Brian Bunger, District Counsel, announced that there was no reportable action from this item.

2. 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.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Brian Bunger, District Counsel, announced that there was no reportable action from this item.

OPEN SESSION (commenced at 10:52 a.m.)

CONSENT CALENDAR (ITEMS 3 – 10)

3. Minutes of the Board of Directors Meeting of June 21, 2017
4. Board Communications Received from June 21, 2017 through August 1, 2017
5. Air District Personnel on Out-of-State Business Travel
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of June 2017
7. Consider Approving the Proposed Memorandum of Understanding between the Bay Area Air Quality Management District (BAAQMD) and the BAAQMD Employees' Association
8. Consider Establishing New Job Classifications of Assistant Staff Specialist I at Salary Level 122 and Assistant Staff Specialist II at Salary Level 126
9. Consider Amending the Salary Range for the Human Resources Technician I Job Classification from Salary Range 116 to 122 and the Human Resources Technician II Job Classification from Salary Range 120 to 126
10. Consider Authorizing the Executive Officer/Air Pollution Control Officer to Execute a Contract in an amount not to exceed \$150,000 for the purpose of Agricultural Waste Chipping in Lieu of Open Burning

Public Comments:

No requests received.

Board Comments:

Regarding Consent Calendar Item 7, the Board and staff discussed the terms of the proposed agreement, acknowledging that the effective date of July 1, 2017 has already passed; and the fact that there will be discussions about cost-sharing on medical costs at future negotiations.

Board Action:

Vice Chair Hudson made a motion, seconded by Director Spering, to **approve** the Consent Calendar Items 3 through 10, inclusive; and the motion **carried** by the following vote of the Board:

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

COMMITTEE REPORTS

11. Report of the **Climate Protection Committee** Meeting of May 18, 2017

Climate Protection Committee Chair Barrett read:

The Climate Protection Committee met on Thursday, May 18, 2017, and approved the minutes of March 22, 2017.

The Committee received and discussed the presentation 2017 Scoping Plan Update – The Proposed Strategy for Achieving California’s 2030 Greenhouse Gas (GHG) Target, given by the California Air Resources Board.

The Committee then received and discussed the presentation Plan Bay Area 2040, given by the Metropolitan Transportation Commission.

Finally, the Committee received and discussed the staff presentation Implementation of the 2017 Clean Air Plan.

The next meeting of the Committee was held on Thursday, July 20, 2017, at 9:30 a.m., at 375 Beale Street, San Francisco, CA 94105. This concludes the Chair report of the Climate Protection Committee.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

None; receive and file.

12. Report of the **Mobile Source Committee** Meeting of May 25, 2017

Mobile Source Committee Chair Mitchoff read:

The Committee met on Thursday, May 25, 2017 and approved the minutes of March 23, 2017.

The Committee reviewed and discussed the staff presentation, Fiscal Year Ending 2018 Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria, and a Proposed Amendment to One Fiscal Year Ending Transportation Fund for Clean Air Regional Fund Policy. The Committee recommends the Board:

- 1. Approve the proposed Fiscal Year Ending 2018 Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria presented in Attachment A; and*
- 2. Approve the proposed amendment to the readiness policy in the Fiscal Year Ending 2017 Transportation Fund for Clean Air Regional Fund Policies.*

The Committee then reviewed and discussed the staff presentation Fiscal Year Ending 2018 Transportation Fund for Clean Air County Program Manager Expenditure Plans. The Committee recommends the Board:

- 1. Approve the allocation of new Fiscal Year Ending 2018 Transportation Fund for Clean Air County Program Manager Funds listed in Table 1; and*
- 2. Authorize the Executive Officer/ Air Pollution Control Officer to enter into funding agreements with the County Program Managers for the total funds to be programmed in Fiscal Year Ending 2018, listed in Table 1.*

Finally, the Committee reviewed and discussed the staff presentation Update on Regional Efforts to Deploy Electric Vehicles and Infrastructure.

The next meeting of the Mobile Source Committee will be held at the call of the Chair. 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 need for a District phone number and website link on *Charge!* grant program flyers, and the need for additional outreach to rental apartments and homeowners associations; the Board's request for a status update on the California Air Resources Board's (CARB)

involvement with Volkswagen's *Electrify America* (Zero Emission Investment Plan) program; and the need to transition from funding hybrid light-duty passenger vehicles with Transportation for Clean Air funds (TFCA) to funding zero-emission-vehicles.

Board Action:

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

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

13. Report of the **Personnel Committee** Meeting of June 2, 2017

Personnel Committee Chair Spering read:

The Committee met on Friday, June 2, 2017, and approved the minutes of March 24, 2017.

The Committee reviewed and discussed four candidates to fill the one alternate member vacancy in the Attorney category on the Air District's Hearing Board. The Committee and staff discussed the recruitment process and then interviewed each candidate. The Committee recommends the Board approve:

- 1. The appointment of Danny Cullenward as Attorney category Alternate.*

The next meeting of the Committee is at the Call of the Chair. I move that the Board approve the Personnel Committee recommendations. This concludes the Chair Report of the Personnel Committee.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Director Spering made a motion, seconded by Director Wagenknecht, to **approve** the recommendation of the Personnel Committee; and the motion **carried** by the following vote of the Board:

AYES: Barrett, Canepa, Chavez, Cutter, Gioia, Groom, Haggerty, Hudson, Jue, Kaplan, Kim, Kniss, Miley, Mitchoff, Rice, Ross, Sinks, Spering, and Wagenknecht.
NOES: None.

ABSTAIN: None.
ABSENT: Abe-Koga, Ronen, Sanchez, Sheehy, and Zane.

14. Report of the **Climate Protection Committee** Meeting of July 20, 2017

Climate Protection Committee Chair Barrett read:

The Climate Protection Committee met on Thursday, July 20, 2017, and approved the minutes of May 18, 2017.

The Committee received and discussed the staff presentation Air District Support for Paris Climate Agreement. The Committee recommends the Board:

- 1. Demonstrate continuing Air District support for the Paris Climate Agreement by supporting the "Under2" Memorandum of Understanding and the "We Are Still In" sign-on letter.*

Finally, the Committee received and discussed the staff presentation Bay Area Model Solar Ordinance Project.

The next meeting of the Committee is on Thursday, September 21, 2017, at 9:30 a.m., at 375 Beale Street, San Francisco, California 94105. I move that the Board approve the Climate Protection Committee recommendations. This concludes the Chair report of the Climate Protection Committee.

Public Comments:

Public comments were made by Rev. Will Scott and Iris Morrell, California Interfaith Power & Light.

Board Comments:

None.

Board Action:

Director Barrett made a motion, seconded by Director Sinks, to **approve** the recommendation of the Climate Protection Committee; and the motion **carried** by the following vote of the Board:

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

15. Report of the **Executive Committee** Meeting of July 31, 2017

Executive Committee Chair Kniss read:

The Committee met on Monday, July 31, 2017, and approved the minutes of February 22, 2017.

The Committee received Hearing Board Quarterly Reports capturing January to March and April to June of 2017.

The Committee then reviewed and discussed the staff presentation Technology Implementation Office: Strategic Planning.

The Committee then reviewed and discussed the staff presentation Contract Award for Spare the Air Website Redesign. The Committee recommends the Board:

- 1. Authorize the Executive Officer/Air Pollution Control Officer to execute a contract with Cylogy, Inc. in the amount of \$300,000 for website upgrades.*

The Committee reviewed and discussed the staff presentation Update on My Air Online Permitting and Compliance System.

Finally, the Committee met in Closed Session to confer with labor negotiators, and recommends that the Board of Directors accepts the proposed contracts with the Bay Area Air Quality Employees' Association, Inc.

The next meeting of the Executive Committee will be held on Monday, September 18, 2017, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m. I move that the Board approve the Executive Committee's recommendations. This concludes the Chair report of the Executive Committee.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Vice Chair Hudson made a motion, seconded by Director Wagenknecht, to **approve** the recommendation of the Executive Committee; and the motion **carried** by the following vote of the Board:

AYES: Barrett, Canepa, Chavez, Cutter, Gioia, Groom, Haggerty, Hudson, Jue, Kaplan, Kim, Kniss, Miley, Mitchoff, Rice, Ross, Sinks, Spering, and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Abe-Koga, Ronen, Sanchez, Sheehy, and Zane.

PRESENTATIONS

16. Update of Completed Fiscal Year Ending (FYE) 2016 James Cary Smith Community Grant Projects

Jean Roggenkamp, Deputy Executive Officer, introduced David Ralston, Community Engagement Manager, who gave the staff presentation *Update of Completed FYE 2016 James Cary Smith Community Grant Projects*, including: map of grant awardees; Center for Climate Protection; Rails-

to-Trails Conservancy; American Canyon High School; Breathe California of the Bay Area; Strategic Energy Innovations; Breathe California Golden Gate Public Health Partnership; Earth Team; Hunters Point Family; La Clinica de la Raza; San Francisco Bicycle Coalition Education Foundation; Rose Foundation; and IntegrArte.

Project updates were given by the following grantees: Breathe California of the Bay Area, Breathe California Golden Gate Public Health Partnership, Center for Climate Protection, American Canyon High School, Rails-to-Trails Conservancy, Rose Foundation, and IntegrArte.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

None; receive and file.

17. Update on Cap and Trade and Related Legislation

Mr. Broadbent gave an update on recent California legislation (AB 398 and AB 617) which affect the District's potential rulemakings. Mr. Broadbent gave the staff presentation *Update on Cap and Trade and Related Legislation*, including: overview; AB 398; Air District GHG regulatory authority; AB 617; key information; facility breakdown by county and sector; map of facilities and Community Air Risk Evaluation (CARE) and CalEnviroscreen communities; next steps for rulemaking and developing a work plan for AB 617 implementation; and priorities.

Public Comments:

Public comments were given by the following speakers: Andres Soto, Communities for a Better Environment (CBE); Sara Greenwald, 350 Bay Area; Dr. Claire Broome, Berkeley resident; Steve Nadel, Sunflower Alliance; David Gassman, Greenaction for Health and Environmental Justice; Bob Brown, Western States Petroleum Association; Charles Davidson, Sunflower Alliance; Ratha Lai, Asian Pacific Environmental Network; Richard Gray, 350 Bay Area; Bill Pinkham, Sunflower Alliance; Colin Cook-Miller, Oakland Climate Action Coalition; Jed Holtzman, 350 Bay Area; and Greg Karras, CBE.

Board Comments:

The Board and staff discussed staff's attempts to amend this legislation, and the Board's appreciation of staff's efforts; the Board's request that staff address the concern of unfunded mandates impacting local governments, and how Board members can advocate for their opposition; the feasibility of dividing Draft Rule 11-18 into phases (based on size of the facilities and/or volumes of their emissions) in an effort to decrease the anticipated diversion of the District's staffing resources; the need to shift attention to regulation regarding Particulate Matter (PM) and other health impacting pollutants; the Board's request for a discussion regarding the District's Authority to Promulgate Rule 12-16, and further exploration of AB 398's language regarding carbon dioxide emission "reductions";

staff's determination to continue educating the public, incentivizing, and regulating emissions that are not preempted by legislation; the high volume of mobile source emissions at the Port of Oakland, and how the District can work with other agencies to abate that, as the District lacks the authority to regulate mobile sources of air pollution; the status of the Phillips 66 Marine Terminal proposal to increase crude by oil tankers to Rodeo; the Board's concern about staff's revised adoption schedule for Draft Rule 11-18, the high volume of public comments that staff have received, and legal scrutiny of the Rule; staff's projected timeline regarding analyzing AB 617 and when a work plan might be brought to the Executive Committee; the fact that less aggressive Air Districts in California are benefitting from the provisions in AB 398; and the anticipated staff report on PM and criteria pollutants from stationary sources that will be given in September.

Board Action:

None; receive and file.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public Comments:

Public comments were made by Greg Karras, CBE.

BOARD MEMBERS' COMMENTS

19. Board Members' Comments

Chair Kniss commented on an article in the *New York Times* called "When Life on Earth was Nearly Extinguished" that was published on July 29, 2017.

Chair Kniss described the Air and Waste Management Association's 110th Annual Conference that took place in Pittsburgh, Pennsylvania in June 2017. The following comments were made by the following Board members that attended:

- Director Gioia remarked on the prominent theme of future of GHG regulation addressed in technical sessions; how there were no panelists representing the Environmental Protection Agency (EPA) at the "EPA Priorities for 2017-2018" technical session; and how other states' development and implementation of Best Available Control Technology deviates from California's views.
- Director Sinks praised the City of Pittsburgh (and its partnership with Green Mountain Energy) for its noticeably clear view, despite having a history in coal mining and air pollution.
- Vice Chair Hudson said that he enjoyed seeing autonomous vehicles available in Pittsburgh.
- Director Ross also commented on how the City of Pittsburgh is implementing more sustainable practices, and how other states are catching up to California's standards, if they are not already more proactive.
- Director Canepa acknowledged District staff representation on the panel for the "Local Government Climate Change Mitigation and Adaptation" technical session; thanked administrative staff for assisting the Board members who attended the conference; and remarked on how proud he is of the Bay Area's progress, since a lot of states are so far behind.
- Mr. Broadbent noted that the location for next year's conference will be Hartford, Connecticut.

OTHER BUSINESS

20. Report of the Executive Officer/Air Pollution Control Officer

Mr. Broadbent introduced the following new members of staff management:

- Ranyee Chiang, Ph.D., Technology Implementation Officer
- Karen Schkolnick, Director of Strategic Incentives Division
- Judith Cutino, D.O., Health Officer (Acting)

A summary of ozone seasons was also displayed.

21. Chairperson's Report

Chair Kniss has nothing to report.

22. Time and Place of Next Meeting

Wednesday, September 20, 2017, at 375 Beale Street, San Francisco, CA 94105 at 9:45 a.m.

23. Adjournment

The meeting adjourned at 1:05 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards