

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

Board of Directors Regular Meeting
Wednesday, February 21, 2018

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:** Board Chairperson, David Hudson, called the meeting to order 9:48 a.m.

Chair Hudson announced that his priorities during his stint as Chairman are the reduction of Particulate Matter (PM) and methane emissions, and to help the District's new Technology Implementation Office reach its full potential.

Roll Call:

Present: Chairperson David Hudson; Vice Chair Katie Rice; Secretary Rod Sinks; and Directors Margaret Abe-Koga, David J. Canepa, Cindy Chavez, John Gioia, Carole Groom, Scott Haggerty, Tyrone Jue, Rebecca Kaplan, Nate Miley, Hilary Ronen, Mark Ross, Pete Sanchez, Jim Spring, Brad Wagenknecht, and Shirlee Zane.

Absent: Directors Teresa Barrett, Pauline Russo Cutter, Doug Kim, Liz Kniss, Karen Mitchoff, and Jeff Sheehy.

COMMENDATIONS / PROCLAMATIONS / AWARDS

2. The Board of Directors recognized nine Air District employees who participated in the 2017 Government Alliance on Race and Equity Program (GARE):
 1. Alona Davis – Air Quality Specialist II, Compliance and Enforcement Division
 2. Sanjeev Kamboj – Manager, Engineering Division
 3. Kristen Law – Staff Specialist I, Public Engagement Office
 4. Justin LeVeque – Environ. Planner II, Planning & Climate Protection Division
 5. Mary Ann Okpalaugo – Manager, Office of Diversity, Equity & Inclusion
 6. Juan Ortellado – Program Manager, Compliance and Enforcement Division
 7. David Ralston – Program Manager, Public Engagement Office
 8. Raquel Trinidad – Public Information Officer I, Public Engagement Office
 9. Tim Williams – Staff Specialist II, Office of Diversity, Equity & Inclusion

Chair Hudson announced that these individuals participated in a one-year program through a national network of government professionals working to advance racial equity and advance opportunities via

supporting jurisdictions that are at the forefront of work on racial equity, building pathways for new jurisdictions to begin doing racial equity work, and expanding and strengthening local and regional collaborations that are broadly inclusive. Chair Hudson also acknowledged Mary Ann Okpalaugo for her outstanding leadership as the District’s first Manager of the Office of Diversity, Equity & Inclusion, since July 2017.

Public Comments:

No requests received.

Board Comments:

None.

NOTED PRESENT: Director Ross was noted present at 9:52 a.m.

CLOSED SESSION (commenced at 9:54 a.m.)

NOTED PRESENT: Director Miley was noted present at 10:28 a.m.

3. **CONFERENCE WITH LEGAL COUNSEL**

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. **Western States Petroleum Association, Valero Refining Company – California, Tesoro Refining and Marketing Company, and Phillips 66 Company vs. Bay Area AQMD, et al.**, Contra Costa County Superior Court, Case No. N17-2300

REPORTABLE ACTION: Brian Bunger, District Counsel, reported that the Board agreed to resolve the matter, and that the settlement agreement will be available once it has been executed by the parties.

4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – (Government Code Section 54957 and 54957.6)**

Pursuant to Government Code Section 54957 and 54957.6, the Board of Directors will meet in closed session to conduct a performance evaluation of the Executive Officer.

Board Comments: Personnel Committee Chair, Jim Spering, acknowledged that, during the period of evaluation, Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), addressed the Board’s goals and met the Board’s expectations, amid contentious and challenging issues. Director Spering commended Mr. Broadbent on an excellent performance. As a result of the performance evaluation, Board recommended contract amendments reflected in “Fifth Amendment to Employment Agreement

Between Bay Area Air Quality Management District and Jack P. Broadbent” (Item 13 on Consent Calendar below.)

5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION – (Government Code Section 54957 and 54957.6)**

Pursuant to Government Code Section 54957 and 54957.6, the Board of Directors will meet in closed session to conduct a performance evaluation of the District Counsel.

Board Comments: As Personnel Committee Chair, Director Sperring acknowledged that, during the period of evaluation, Brian Bunger, District Counsel, accomplished the objectives that the Board outlined in 2017 and provided the Board with well-thought-out legal advice and guidance on complex issues. Director Sperring commended Mr. Bunger on an excellent performance. As a result of the performance evaluation, Board recommended contract amendments reflected in “Sixth Amendment to Employment Agreement Between Bay Area Air Quality Management District and Brian C. Bunger” (Item 13 on Consent Calendar below.)

OPEN SESSION (commenced at 10:49 a.m.)

CONSENT CALENDAR (ITEMS 6 – 15)

6. Minutes of the Board of Directors Special Meeting / Retreat of January 17, 2018
7. Board Communications Received from January 17, 2018 through February 20, 2018
8. Air District Personnel on Out-of-State Business Travel
9. Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of January 2018
10. Quarterly Reports of California Air Resources Board (CARB) Representative – Hon. John Gioia
11. Quarterly Report of the Executive Office and Division Activities for the Months of October 2017 - December 2017
12. Consider Authorization to Execute Contract Amendments for the Production System Office
13. Consider Approval of Employee Contract Amendments for the Executive Officer/APCO and District Counsel
14. Notice of Proposed Amendments to the Air District’s Administrative Code Division I: Operating Policies and Procedures, Section 1: Board of Directors, Meetings, Section 1.1: Meeting Dates, Section 1: Board of Directors, Meetings, Section 1.2A: Compensation – Meeting Attendance, and Section 6: Board of Directors, Committees, Section 6.2: Standing Committees
15. Request to Increase Credit Card Limits and Issue Additional Cards

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Director Wagenknecht made a motion, seconded by Director Sanchez, to **approve** the Consent Calendar Items 6 through 15, inclusive; and the motion **carried** by the following vote of the Board:

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

COMMITTEE REPORTS

16. Report of the **Budget and Finance Committee** Meeting of January 24, 2018

Budget and Finance Committee Chair, Director Carole Groom, read the following Committee report:

The Committee met on Wednesday, January 24, 2018, and approved the minutes of December 7, 2017.

The Committee reviewed and discussed the staff presentation Air District Financial Audit Report for the Fiscal Year Ended 2017.

The Committee then reviewed and discussed the staff presentation Second Quarter Financial Report - Fiscal Year Ending 2018.

Finally, the Committee reviewed and discussed the staff presentation Air District Financial Overview.

The next meeting of the Budget and Finance Committee will be held on Wednesday, February 28, 2018, 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.

17. Report of the **Mobile Source Committee** Meeting of January 25, 2018

Mobile Source Committee Chair, Director Scott Haggerty, read the following Committee report:

The Committee met on Thursday, January 25, 2018, and approved the minutes of December 7, 2017.

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

- 1. Approve Carl Moyer Program with proposed grant awards over \$100,000 as shown in Attachment 1; and*
- 2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary grant agreements for the recommended projects.*

The Committee then reviewed and discussed the staff presentation Participation in Year 20 of the Carl Moyer Program and Approval of the 2018 Caltrain Funding Plan. The Committee recommends the Board:

- 1. Adopt a resolution authorizing the Executive Officer/Air Pollution Control Officer to execute all necessary agreements with CARB relating to the Air District's receipt of Carl Moyer Program funds for fiscal year 2017-2018 (Program Year 20);*
- 2. Allocate \$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;*
- 3. Authorize the Executive Officer/Air Pollution Control Officer to execute Grant Agreements and amendments for projects funded with Carl Moyer Program and Mobile Source Incentive Funds, with individual grant award amounts up to \$500,000; and*
- 4. Approve the proposed 2018 funding plan for the Caltrain Electrification project.*

Finally, the Committee reviewed and discussed the staff presentation Overview of Air District Trip Reduction Programs.

The next meeting of the Mobile Source Committee will be held on Thursday, February 22, 2018, at 9:30 a.m., at the Bay Area Air Quality Management District Office, 375 Beale Street, Board Room, 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:

None.

Board Action:

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

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

ABSENT: Barrett, Cutter, Kim, Kniss, Mitchoff, Sheehy.

18. Report of the **Personnel Committee** Meeting of February 7, 2018

Personnel Committee Chair, Director Jim Spring, read the following Committee report:

The Committee met on Wednesday, February 7, 2018, and approved the minutes of December 18, 2017. The Committee reviewed and discussed the staff presentation, Update of the Air District's Diversity, Equity, and Inclusion Program.

The Committee then went into Closed Session to conduct the performance evaluations of the Executive Officer/Air Pollution Control Officer and District Counsel, with no reportable action.

The next meeting of the Committee is at the Call of the Chair. This concludes the Chair Report of the Personnel Committee.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

None; receive and file.

19. Report of the **Executive Committee** Meeting of February 7, 2018

Executive Committee Chair, Chair David Hudson, read the following Committee report:

The Committee met on Wednesday, February 7, 2018, and approved the minutes of December 14, 2017.

The Committee received the Hearing Board Quarterly Report of October through December 2017.

The Committee then reviewed and discussed the staff presentation Administrative Code Update. The Committee recommends that the Board:

1. *Notice at the next full Board of Directors meeting, and at a subsequent meeting of the Board of Directors, adopt amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 1: Board of Directors, Meetings; Section 1.1: Meeting Dates; Section 1: Board of Directors, Meetings; Section 1.2A: Compensation – Meeting Attendance; and Section 6: Board of Directors, Committees, Section 6.2: Standing Committees.*

Finally, the Committee reviewed and discussed the staff presentation Update on Assembly Bill (AB) 617 and Related Incentives Funding Program.

The next meeting of the Executive Committee will be held on Monday, March 26, 2018, 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.

PRESENTATION

20. Update of the Air District's Diversity, Equity, and Inclusion Program

Mr. Broadbent explained that staff presented this item to the Personnel Committee on February 7, but felt that the full Board would benefit from receiving the presentation as well. He introduced Rex Sanders, Chief Administrative Officer, who gave the presentation *Update on Diversity, Equity, and Inclusion (DE&I) Program*, including: overview; current snapshot of the air district – gender and race by job level (Bay Area versus the District); new hires and promotions by gender and race from 2013-17 (Bay Area versus the District); diversity hiring and employment efforts and practices; and ongoing efforts. Mr. Sanders introduced Mary Ann Okpalaugo, Manager of the Diversity, Equity, and Inclusion Office, who continued with the presentation, including: Office of DE&I - strategic planning and highlight of 2017 implementation; what is the GARE; and next steps.

Public Comments:

No requests received.

Board Comments:

The Board and staff discussed the need for expanded outreach to underrepresented groups regarding job recruitment; the ethnic publications in which the District advertises job recruitments, and the suggestion that the District enhances its outreach to the underrepresented demographics it has identified; the suggestion that the DE&I Office presents an “annual report card” to the Board, and shares lessons learned with other government agencies who are also cognizant of need for diversity and inclusion; the suggestion that an external committee be formed to provide feedback to the DE&I Office regarding its activities and the District's hiring practices; the suggestion that the District remembers the importance of an external perspective of the District (from those not employed by the District); the suggestion of encouraging internal mentoring and youth internships at the District as ways to combat job retention in younger employees; the suggestion that the District partner with workforce organizations that specialize in entry level job training, so that people can be groomed for District job opportunities; the suggestion that the District assesses the comfort-level of current District employees in order to gauge the likelihood

of retention, taking into account cultural and generational differences; the Board’s appreciation of the District’s contributions to furthering equity and diversity; and whether the District inquires about a candidate’s prior involvement with harassment during the hiring process.

PUBLIC COMMENT ON NON - AGENDA ITEMS

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

No requests received.

BOARD MEMBERS’ COMMENTS

22. Board Member Comments

Director Kaplan thanked Chair Hudson for stating at the beginning of the meeting that a priority of his is the reduction of PM emissions. She also suggested that the District engages in public outreach about impacts on air quality from household products, of which the public may not be aware. She also mentioned her efforts to create a ballot measure that would tax transportation network company vehicles per trip, and encouraged other Board members to implement such regulation in their jurisdictions as well. Finally, Director Kaplan reiterated her desire for a truck buyback program at the District.

Regarding the possible repeal of the Clean Power Plan, Director Jue announced that the US Environmental Protection Agency will be holding a listening session at the San Francisco Main Library on Feb. 28. He announced that registration to give public comment ends today, but that comments may be submitted online until the end of April.

Director Zane requested that the District partners with her office so that her constituents can learn about the impacts of wood smoke, via town hall meetings. She suggested that the District reaches out to Tennis Wick, Sonoma County Permit & Resource Management Department, and David Gouin, Director of Housing and Community Services for the City of Santa Rosa.

OTHER BUSINESS

23. Report of the Executive Officer / APCO

Mr. Broadbent announced the following:

- Former Manager of Executive Operations, Maricela Martinez, was promoted to Director of Executive and Administrative Resources Division, and former Acting Health Officer, Judy Cutino, was promoted to Health Officer.
- The District issued two Notices of Violation for the fire at Sims Metal Management in Richmond that occurred on January 30.
- Staff would like to discuss the details of recruitment for two Advisory Council vacancies at the next Board meeting.
- The dates and locations of public meetings to discuss refinery monitoring efforts of Rule 12-15.
- 19 Winter Spare the Air alerts were called in 2017, but there were only 8 days on which the Bay Area exceeded Federal Ambient Air Quality Standards.
- Director Zane was invited to speak at the *Metro Talks* speaker series on the topic of “Learning From the North Bay Wildfires”, held at the Bay Area Metro Center on February 1. Secretary

Sinks commended Director Zane and District staff for their comments, and acknowledged the District's opportunity to educate the public on proactive public health measures when rebuilding the 5200 homes that were destroyed in Sonoma County.

24. **Chairperson's Report**

Chair Hudson announced the following:

- On January 31, he attended the District's first Community Health Protection Program (AB 617) Workshop. He noted that it will be the job of staff and the Board to educate the public about the content of this legislation, and added that, in his opinion, CARB's allocation of funds to the Bay Area will depend on community support of the District's efforts. He encouraged staff to monitor and correct any misinformation about AB 617 that disadvantaged communities receive, and continue to promote data that the District has been collecting.
- On February 1-3, he attended the Local Government Commission's Annual New Partners for Smart Growth Conference, which the District sponsored. He reported that he attended the Race Forward panel by the Center for Social Inclusion, and that he believes that the State should require such trainings of elected officials.
- On February 6, he attended the Rethink Methane Conference in Sacramento.
- On February 13, he attended the Special District Selection Committee meeting of the San Mateo County Local Agency Formation Commission, to help appoint members to the Commission's County Oversight Board.
- On February 16, he attended a Bay Area Regional Collaborative meeting, at which Greg Nudd, Deputy Air Pollution Control Officer on Policy, spoke about AB 617 implementation. He also said that he wished to monitor the progress of the Berkeley Energy Assurance Transformation Microgrid Project that was presented, a clean energy microgrid, powered by solar, in downtown Berkeley to provide power to key City facilities for daily use as well as when power is disrupted.
- He congratulated Directors Chavez and Kniss for being reappointed for another term to the District's Board of Directors.

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

Wednesday, March 7, 2018, at 375 Beale Street, San Francisco, CA 94109 at 9:45 a.m.

26. **Adjournment**

The meeting adjourned at 11:50 a.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards