

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

Board of Directors Regular Meeting  
Wednesday, April 18, 2018

## **APPROVED MINUTES**

*Note: Audio recordings of the meeting are available on the website of the  
Bay Area Air Quality Management District at  
[www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. **Opening Comments:** Board Chairperson, David Hudson, called the meeting to order at 9:41 a.m. and introduced new Board Member, John J. Bauters, Mayor of Emeryville.

#### **Roll Call:**

Present: Chairperson David Hudson; Vice Chair Katie Rice; Secretary Rod Sinks; and Directors Margaret Abe-Koga, Teresa Barrett, John J. Bauters, Cindy Chavez, Pauline Russo Cutter, Carole Groom, Scott Haggerty, Tyrone Jue, Doug Kim, Liz Kniss, Nate Miley, Pete Sanchez, Jim Spring, and Brad Wagenknecht.

Absent: Directors David Canepa, John Gioia, Karen Mitchoff, Hillary Ronen, Mark Ross, and Shirlee Zane.

### **CONSENT CALENDAR (ITEMS 2 – 7)**

2. Minutes of the Regular Board of Directors Meeting of April 4, 2018
3. Board Communications Received from April 4, 2018 through April 17, 2018
4. Air District Personnel on Out-of-State Business Travel
5. Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of March 2018
6. Quarterly Reports of California Air Resources Board Representative – Honorable John Gioia
7. Participation in Community Air Protection Program Fiscal Year Ending (FYE) 2017 – 2018

#### **Board Comments:**

Due to the public comment request, regarding Item 7 of the Consent Calendar, the Board considered Items 2 through 6 in one vote, and Item 7 in another.

#### **Board Action:**

Director Haggerty made a motion, seconded by Director Sanchez, to **approve** the Consent Calendar Items 2 through 6; and the motion **carried** by the following vote of the Board:

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

Public Comments:

Public comments on Consent Calendar Item 7 were given by Tony Fisher, Coalition for Clean Air.

Director Haggerty made a motion, seconded by Secretary Sinks, to **approve** Consent Calendar Item 7; and the motion **carried** by the following vote of the Board:

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

**COMMITTEE REPORTS**

8. Report of the **Ad Hoc Refinery Oversight Committee** Meeting of April 9, 2018

Ad Hoc Refinery Oversight Committee Chair, Director Cindy Chavez, read the following Committee report:

*The first meeting of the Ad Hoc Refinery Oversight Committee was held on Monday, April 9, 2018.*

*The Committee reviewed and discussed the staff presentation Update on the Role of the Ad Hoc Refinery Oversight Committee, Background on Refinery Operations, and Applicable Regulations in the Bay Area.*

*The Committee then reviewed and discussed the staff presentation Project Overview and Permit Status of Bay Area Refinery Projects. The Committee also received testimony from forty-four public speakers on this presentation.*

*The next meeting of the Ad Hoc Refinery Oversight Committee will be at the call of the Chair. This concludes the Chair report of the Ad Hoc Refinery Oversight Committee.*

Public Comments:

No requests received.

Board Comments:

The Board and staff discussed the lack of Committee member representation at the first Ad Hoc Refinery Oversight Committee meeting on April 9, 2018; and the concern that large numbers of public comment speakers can impact the amount of time District staff takes to present items.

Board Action:

None; receive and file.

9. Report of the **Executive Committee** Meeting of April 16, 2018

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

*The Executive Committee met on Monday, April 16, 2018, and approved the minutes of March 26, 2018.*

*The Committee reviewed and discussed the staff presentation Hearing Board Quarterly Report: January to March 2018.*

*The Committee then reviewed and discussed the staff presentation Bay Area Regional Collaborative Update.*

*The Committee then reviewed and discussed the staff presentation Technology Implementation Office Steering Committee Update and Fiscal Year Ending 2019 Budget Preview.*

*The Committee then reviewed and discussed the staff presentation Recommendation of Candidate Communities for the Assembly Bill (AB) 617 Program. The Committee recommends the Board:*

- 1) Approve a draft letter to the California Air Resources Board, describing the District's initial submittal on candidate communities for the State's Community Air Protection Program, which was established by the State to implement AB 617.*

*Finally, the Committee reviewed and discussed the staff presentation Update on "My Air Online" Permitting and Compliance System.*

*The next meeting of the Executive Committee will be at the call of the Chair. I move that the Board approve the Executive Committee's recommendations. This concludes the Chair report of the Executive Committee.*

At this time, Jack Broadbent, Executive Officer/Air Pollution Control Officer, introduced Greg Nudd, Deputy Air Pollution Control Officer, who gave the staff presentation *Recommendation of Candidate Communities for the AB 617 Program*, including: AB 617 - a new approach to Community Health Protection; program components; all candidate communities; work with communities to select priority areas; and program milestones.

Public Comments:

No requests received.

Board Comments:

The Board and staff discussed types of air monitoring and modeling that can be conducted in communities in which the District has not apportioned sources of pollution exposure; the selection of meeting locations for workshops on the District's Community Health Protection Program (AB 617);

communities that experience high volumes of pollution that are generated in other communities; how the language “high cumulative exposure burden,” within the statute for AB 617 has caused discomfort to those that live in such areas; the concern that local and regional airfields, some of which are becoming commercial, are not depicted on the District’s map of high cumulative exposure burden areas presented at the meeting, and the need to increase monitoring efforts at local airports; and ways in which the District can measure the improvements of the air quality captured on the map of candidate communities.

Board Action:

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

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

10. Report of the **Ad Hoc Building Oversight Committee** Meeting of April 18, 2018

As the neither the Chair, nor the Vice Chair, of the Ad Hoc Building Oversight Committee were present, Chair Hudson read the following Committee report:

*The Ad Hoc Building Oversight Committee met on Monday, April 18, 2018, and approved the minutes of February 1, 2017.*

*The Committee met in Closed Session with District staff to confer with real property negotiators, and to discuss potential acquisition of real property in Richmond, California.*

*The next meeting of the Ad Hoc Building Oversight Committee will be at the call of the Chair. This concludes the Chair report of the Ad Hoc Building Oversight Committee.*

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

None; receive and file.

**PRESENTATION**

11. Overview of Cost Recovery and Cost Containment Study

Dr. Jeff McKay, Chief Financial Officer, introduced Courtney Ramos, Project Manager for Matrix Consulting Group, who gave the presentation *Overview of Cost Recovery and Containment Study*, including: firm overview; scope of services; methodology; recommendations; excel-based model; cost recovery; and cost containment.

Public Comments:

No requests received.

Board Comments:

The Board and staff discussed how challenges of coding and workload tracking for District staff can impact cost containment; and the District's current cost recovery of 83% and the anticipated amount of time it will take to reach the goal of 85%.

Board Action:

None; receive and file.

**PUBLIC HEARING**

12. Public Hearing to Receive Testimony on Proposed Amendments to Air District Regulation 3: Fees

Mr. Broadbent explained that this is the first of two Public Hearings on this matter, the final public hearing and consideration of adoption of the proposed amendments scheduled for June 6, 2018. Dr. McKay gave the staff presentation *Public Hearing to Receive Testimony on Proposed Amendment to the Air District Regulation 3: Fees*, including: outline; revenue sources – FYE 2017; cost recovery background; trends in cost recovery and expenditures; proposed changes to fee schedules; other proposed amendments; public comments received; impact on small businesses and large facilities (petroleum refineries, power plants); and rule development schedule.

Chair Hudson opened the hearing to public input.

Public Comments:

No requests received.

Chair Hudson announced that public input on this item had concluded.

Committee Comments:

The Board and staff discussed whether the District can ease the financial burden of fee payments for small businesses by allowing installment plans; the ways in which District fee increases are publicized; and the correlation (not necessarily causation) between the implementation of the District's Cost Recovery Policy and a reduced number of public comments from permit holders.

Board Action:

None; receive and file

**CLOSED SESSION** (commenced at 10:43 a.m.)

13. A) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – (*Government Code Section 54956.8*) *The Committee will meet in closed session pursuant to Government Code Section 54956.8 to confer with real property negotiators to discuss acquisition of real property.*

Property: 3033, 3065, and 3095 Richmond Parkway,  
Richmond, CA 94806

Air District Negotiators: Jack P. Broadbent, Executive Officer/APCO  
Rex Sanders, Chief Administrative Officer

Negotiating Parties: Wang Brothers Investment, LLC

Under Negotiation: Price and Terms

- B) **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:*

Michael Bachmann and Sarah Steele v. Bay Area AQMD, Contra Costa County Superior Court, Case No. C17-01565

Public Comments:

No requests received.

Board Comments:

None.

Reportable Action:

Chair Hudson reported that the Board gave the property negotiator direction on Item 13-A, and there was no reportable action for Item 13-B.

NOTED PRESENT: Director Miley was noted present at 11:10 a.m.

**OPEN SESSION** (commenced at 11:10 a.m.)

**PUBLIC COMMENT ON NON-AGENDA MATTERS**

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

None.

**BOARD MEMBERS' COMMENTS**

15. Board Members' Comments

Vice Chair Rice announced the completion of Marin Clean Energy (MCE)'s project called Solar One, a 10.5-megawatt solar farm built on a brownfield that was the site of a former landfill, and the Bay Area's largest public-private solar partnership.

Vice Chair Rice reported that the Marin County Board of Supervisors and the County's Community Development Agency's Sustainability Team sponsored a televised, interactive sustainability workshop on April 17, discussing impacts of climate change (specifically wood smoke inhalation) on public health, and the public's ideas on how to reduce carbon emissions.

Director Bauters formally introduced himself to the Board.

**OTHER BUSINESS**

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

Mr. Broadbent made the following announcements:

- The 2018 Business Environmental Awards Ceremony and Reception will be held at the Bay Area Metro Center on May 31. A Spare the Air Leadership award will be presented.
- The Board set aside \$3 million dollars of District Reserves to incentivize and aid fire recovery efforts in Sonoma and Napa Counties, and staff will be coming to the Board (Executive Committee first) with final recommendations in June.
- Per the Board's direction, and in response to concerns about possible violations of the Brown Act that could have occurred at Board meetings in 2017, staff submitted and discussed with the Board a proposed "Board Resolution Adoption Protocol." Mr. Broadbent said that staff would like to present the Board with annual presentations regarding statutes and rules, moving forward.
- Mr. Broadbent will schedule meetings with each Board member to inquire about specific issues in each jurisdiction that the Board members would like addressed.
- Former Senior Executive Secretary of the Executive Office, Vanessa Johnson, was promoted to Manager of Executive Operations, over the Executive Office.

17. **Chairperson's Report**

Chair Hudson announced the following:

- The Board of Directors meeting that was scheduled for May 2, 2018 has been cancelled. **(Subsequent meeting of May 2, 2018 was reinstated, following the adjournment of the April 18, 2018 Board of Directors meeting.)**
- Board members who have registered to attend the Air & Waste Management Associations' 111<sup>th</sup> Annual Conference in June should stay posted for more details from Vanessa Johnson.

- A Budget Hearing will take place at 9:30 a.m. in the Board Room prior to the regular Board Meeting on May 16, 2018. Board members are encouraged to attend.

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

Wednesday, May 2, 2018, at 375 Beale Street, San Francisco, CA 94105 at 9:30 am.

19. **Adjournment**

The meeting adjourned at 11:41 a.m.

*/s/ Marcy Hiratzka*  
Marcy Hiratzka  
Clerk of the Boards