

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

Board of Directors Regular Meeting  
Wednesday, February 6, 2019

### **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 of Directors (Board) Chairperson, Katie Rice, called the meeting to order at 9:39 a.m., and introduced new Board member, Lori Wilson, Mayor of Suisun City.

#### **Roll Call:**

Present: Chairperson Katie Rice; Vice Chair Rod Sinks; Secretary Cindy Chavez; and Directors Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David J. Canepa, Pauline Russo Cutter, John Gioia, Scott Haggerty, David Hudson, Tyrone Jue, Doug Kim, Liz Kniss, Karen Mitchoff, Mark Ross, Jim Spering, Brad Wagenknecht, Lori Wilson, and Shirlee Zane.

Absent: Directors Carole Groom, Rafael Mandelman, Nate Miley, and Hillary Ronen.

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

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

Public comments were given by Milo Wetherall, Caroline Schurz, Nicholas Morgenstein, Mary Lawrence, Grace McGee, Generation: Our Climate; Claire Valderama, California State University, East Bay; and Charles Davidson, Hercules resident.

NOTED PRESENT: Director Abe-Koga was noted present at 9:43 a.m.

#### **Board Comments**

The Board expressed its gratitude to the high school and nursing students who were represented during this item.

## **COMMENDATIONS/PROCLAMATIONS/AWARDS**

3. The Board of Directors recognized outgoing Board Member, San Francisco County Supervisor, **Hillary Ronen**, in absentia, for her leadership and dedication to protecting air quality in the Bay Area.
4. The Board of Directors recognized outgoing Metropolitan Transportation Commission (MTC) Executive Director, **Steve Heminger**, for his leadership and dedication to protecting air quality in the Bay Area. Jack P. Broadbent, Executive Director/Air Pollution Control Officer, and Air District Board members who also serve as MTC Commissioners made remarks about Mr. Heminger's accomplishments.

## **CLOSED SESSION** (10:16 a.m.)

### 5. **CONFERENCE WITH LEGAL COUNSEL**

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

*Pursuant to Government Code Section 54945.9(a), a need exists to meet in closed session with legal counsel to consider the following case:*

#### **A. Western States Petroleum Association, Valero Refining Company – California, Tesoro Refining & Marketing Company, LLC, and Phillips 66 Company v. Bay Area AQMD, Contra Costa County Superior Court, Case No. N17-2300**

**REPORT OUT:** Brian Bunger, Air District Counsel, reported that members of the Board that were present, Board authorized settlement of this case on terms which will be available when the other parties have approved them.

## **OPEN SESSION** (10:45 a.m.)

### **CONSENT CALENDAR (ITEMS 6 – 9)**

6. **Minutes of the Board of Directors Special Meeting/Retreat of January 16, 2019**
7. **Board Communications Received from January 16, 2019 through February 5, 2019**
8. **Notice of Proposed Amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees, Section 6.2: Standing Committees and Section 6.10: Public Engagement Committee**
9. **Request to Increase Credit Card Limits**

#### **Public Comments**

No requests received.

Board Comments

Regarding Item 8 in the Consent Calendar, Chair Rice explained that the Board was given official notice that it will consider at its next regular meeting, amendments to the Air District’s Administrative Code that will change the name of the “Public Engagement Committee,” to the “Community and Public Health Committee,” as this name change accurately reflects that the Air District’s programs that report to this Committee include: Communications, Community Engagement, Public Health and Community Protection Offices.

Board Action

Director Cutter made a motion, seconded by Director Bauters, to **approve** the Consent Calendar Items 6 through 9, inclusive; and the motion **carried** by the following vote of the Board:

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

**COMMITTEE REPORTS**

**10. Report of the Budget and Finance Committee Meeting of January 23, 2019**

Budget and Finance Committee Vice Chair, John J. Bauters, read the following Committee report:

*The Committee met on Wednesday, January 23, 2019, and approved the minutes of April 25, 2018.*

*The Committee reviewed and discussed the presentation Fourth Quarter Financial Report – Fiscal Year Ending 2018.*

*The Committee then reviewed and discussed the presentation First Quarter Financial Report – Fiscal Year Ending 2019.*

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

*The next meeting of the Budget and Finance Committee will be held on Wednesday, February 27, 2019, 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.

### **11. Report of the Mobile Source Committee Meeting of January 24, 2019**

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

*The Committee met on Thursday, January 24, 2019, and approved the minutes of December 17, 2018.*

*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 recommended projects with proposed grant awards over \$100,000; and*
- 2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.*

*The Committee then reviewed and discussed the staff presentation Participation in Year 21 of the Carl Moyer Program and 2019 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 the California Air Resources Board (CARB) relating to the Air District's receipt of Carl Moyer Program funds for Fiscal Year 2018-2019 (Program Year 21);*
- 2. Allocate \$3 million dollars 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 Funding, with individual grant award amounts up to \$100,000 dollars; and*
- 4. Approve \$1 million dollars in 2019 Mobile Source Incentive Fund monies for the proposed 2019 funding plan for the Caltrain Electrification project.*

*Finally, the Committee reviewed and discussed the staff presentation Air District Grant Programs Overview. Priority focuses for the grant programs in the coming cycle will be reducing exposures in Assembly Bill 617 and impacted communities, Diesel Free by 2033, more light and heavy-duty electrical infrastructure, and innovative first and last-mile transportation solutions.*

*The next meeting of the Mobile Source Committee will be held on Thursday, February 28, 2019, at 9:30 a.m., at the Bay Area Air Quality Management District office, 375 Beale Street, San Francisco, CA 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 Wagenknecht, to **approve** the recommendations of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

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

**12. Report of the Ad Hoc Building Oversight Committee Meeting of February 6, 2019**

Ad Hoc Building Oversight Committee Chair, Mark Ross, read the following Committee report:

*The Ad Hoc Building Oversight Committee met on Wednesday, February 6, 2019, and approved the minutes of September 19, 2018.*

*The Committee received and discussed the staff presentation Financial Participation in Creation of a Large Multi-Use Space at 375 Beale Street. The Committee recommends the Board:*

- 1. Approve the Bay Area Air Quality Management District's financial participation in the build-out of the northwest corner of the first floor of 375 Beale Street, and designate the space as Jointly Used Space, with an agreement substantially in the form of the Term Sheet, for a total cost not to exceed \$3,000,000, and authorize the Executive Officer to negotiate and execute an agreement with the Bay Area Headquarters Authority and to negotiate and execute any necessary amended Covenants, Conditions, and Restrictions.*

*Dr. Jeff McKay will present on this item.*

*The next meeting of the Ad Hoc Building Oversight Committee will be at the call of the Chair. I move that the Board approve the Ad Hoc Building Oversight Committee's recommendation. This concludes the Chair report of the Ad Hoc Building Oversight Committee.*

Public Comments

No requests received.

Board Comments

The Board and staff discussed the request that this space be publicly accessible for a nominal fee or for free; the request that renewable energy technologies be implemented within the space; the operator that the Bay Area Headquarters Authority intends to hire for programming of the space for events when not in use by regional agency tenants of 375 Beale Street; and which party would be held liable for patrons' injuries if any occurred in the new space.

Board Action

Director Ross made a motion, seconded by Director Spering, to **approve** the recommendations of the Ad Hoc Building Oversight Committee; and the motion **carried** by the following vote of the Board:

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

**PRESENTATIONS**

**13. Update on Light Duty Electric Vehicle Adoption and Request to Accept Funding for the Clean Cars for All Program**

Damian Breen, Deputy Air Pollution Control Officer of Technology, introduced Tin Le, Staff Specialist, who gave the staff presentation *Update on Light Duty Electric Vehicle (EV) Adoption and Request to Accept Funding for the Clean Cars for All Program*, including: light duty/passenger EV adoption; need to accelerate EV adoption to reach Clean Air Plan goal; Bay Area public charging stations distribution map; examples of complementary programs, policies, and Air District partners; uneven adoption of EVs in the Bay Area; achieving equitable access to EVs: Clean Cars for All Program; additional funds available through Volkswagen Settlement; funds available to support CARB's One-Stop-Shop pilot project (\$30,000); Clean Cars for All next steps in 2019; and recommendations.

Public Comments

No requests received.

Board Comments

The Board and staff discussed this program's focus on low-income Bay Area residents in communities disproportionately burdened by sources of pollution and how to best expand this program to those communities; the potential termination of the federal electric vehicle tax credit that offers buyers of new electric vehicles a \$7,500 tax deduction; the hesitation to purchase EVs for fear of a lack of EV charging infrastructure, and contrariwise, the hesitation to install EV charging infrastructure for fear of a lack of vehicles that would require said infrastructure; how program

incentives can be utilized by multi-family dwellings; the suggestion that Air District staff reaches out to Generation: Our Climate, the student-run organization that gave public comments on Item Two, and informs the organization of the Air District's EV incentive opportunities; how EV range-anxiety can impact the perception of female drivers' safety, and how to combat those concerns; the request that the Board members receive the consumer research the Air District uses to guide its investing decisions and recommendations; the suggestion that the Air District partner with city and county and housing departments regarding affordable housing projects that need EV charging infrastructure, as well as lenders for affordable housing projects that might be interested in the Air District's incentive programs in general; the comparison between the percentage of true EVs and the percentage of plug-in EVs driven in the Bay Area; the percentage of EVs being purchased in the Bay Area, and prior ownership requirements; whether navigation systems in new vehicles have the capability to detect and map EV charging stations; the challenges posed to residences that lack driveways and can only utilize off-street parking; and the need to emphasize to the public the potential financial benefits of owning an EV.

### Board Action

Director Gioia made a motion, seconded by Director Cutter, to **adopt** a resolution authorizing the Air District to accept up to \$10 million from CARB to expand the Bay Area Clean Cars for All Program; and **adopt** a resolution authorizing the Air District to accept \$30,000 from GRID Alternatives to link the Bay Area Clean Cars for All Program to the state-wide One-Stop-Shop Pilot; and the motion **carried** by the following vote of the Board:

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

### 14. **Update on Clean Air Shelters Legislative Strategy**

Mr. Broadbent introduced Alan Abbs, Legislative Officer, who gave the staff presentation *Update on Clean Air Shelters Legislative Strategy*, including: legislative strategy and timeline; and update on bill author selection and outreach.

### Public Comments

No requests received.

### Board Comments

The Board and staff discussed the Air District's strategy to execute community stakeholder input and develop program guidelines; the prediction of statewide support; whether the anticipated funds will come from the State's General Fund or from Cap and Trade; the suggestion that the bill considers geographic diversity, which facilities have historically been impacted by wildfire smoke, and socioeconomic limitations; the amount of annual funds that the Air District will request for this

program; the spot bill that the Air District submitted regarding this issue; the selection of Assembly member Buffy Wicks as the bill's author; and the request that "wildfires and smoke events" be expanded to include other natural disasters as well.

#### Board Action

None; receive and file.

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

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

No requests received.

### **BOARD MEMBER COMMENTS**

#### **16. Board Members' Comments**

- Director Gioia announced that on December 14, 2018, CARB adopted Innovative Clean Transit (ICT) Regulation that requires California transit agencies to gradually transition their buses to zero-emission technologies.
- Director Canepa thanked Chair Rice for providing all of the Board members with copies of The Color of Law and That's What She Said at the annual Board retreat in January.
- Director Mitchoff promoted the 2019 Silicon Valley Auto Show from March 7, 2019 to March 10, 2019, at the San Jose Convention Center, as she believes it would be a helpful resource about the latest EVs.

### **OTHER BUSINESS**

#### **17. Report of the Executive Officer/Air Pollution Control Officer**

Mr. Broadbent announced that Richard Rothstein, author of The Color of Law, will be presenting to the Board on March 6, 2019, followed by a brown bag seminar for Board members and staff; and discussed the current Winter Spare the Air season, promising to bring the Board details at the next Board meeting.

#### Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area.

#### **18. Chairperson's Report**

Chair Rice made the following announcements:

- Congratulations to Director Wilson on her recent appointment to the Board.
- Congratulations to Director Barrett for her recent re-appointment to the Board.



- Director Mandelman tendered his resignation as Air District Board member, due to Supervisorial scheduling conflicts.
- Thank you to the outgoing and incoming committee Chairs and Vice Chairs.

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

Wednesday, March 6, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

20. **Adjournment**

The meeting adjourned at 12:15 p.m.

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