



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS SPECIAL MEETING

June 17, 2020

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY
EXECUTIVE ORDER N-29-20 ISSUED BY
GOVERNOR GAVIN NEWSOM**

- **MEMBERS OF THE BOARD OF DIRECTORS MUST PARTICIPATE BY
TELECONFERENCE**
- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST OF
THE MEETING BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S
AGENDA WEBPAGE FOR THE MEETING AVAILABLE AT**

www.baaqmd.gov/bodagendas

**PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR
WEBINAR ID: 980 9585 7967**

<https://bayareametro.zoom.us/j/98095857967>

- **PUBLIC COMMENTS WILL BE TAKEN DURING THE TELECONFERENCE.
INSTRUCTIONS WILL BE PROVIDED ON HOW TO COMMENT AT THE START
OF THE MEETING. COMMENTS MAY ALSO BE SUBMITTED AT**

Comments@baaqmd.gov

BOARD OF DIRECTORS SPECIAL MEETING AGENDA

WEDNESDAY
JUNE 17, 2020
11:30 A.M.

Chairperson, Rod Sinks

1. CALL TO ORDER - ROLL CALL

PUBLIC MEETING PROCEDURE

The Board Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Board members.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

***Email Comment on Agenda Items:** The public may comment on each item on the agenda. Email Comments for items on the agenda must be submitted to Comments@baaqmd.gov prior to the Board taking up the particular item and indicate the agenda item to which the comment relates. Emailed comments will be considered as the agenda item is taken up by the Board. Emailed comments containing 250 words or less will be read aloud by staff. Emailed comments exceeding 250 words may be summarized during the meeting, if feasible.*

PRESENTATIONS

2. Acceptance of 2020 Greenhouse Gas Reduction Funds and other Monies from the California Air Resources Board
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider the Air District's acceptance, obligation, and expenditure of 2020 Greenhouse Gas Reduction Funds and other monies that may become available from the California Air Resources Board before June 30, 2020, and authorization for the Executive Officer/APCO's execution of agreements and amendments for projects in award amounts up to \$100,000 for the funding sources listed above.

3. Resolution Condemning Racism and Injustice, and Affirming Commitment to Diversity, Equity, Access and Inclusion
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider adopting the Resolution condemning racism and injustice, and affirming commitment to Diversity, Equity, Access and Inclusion.

4. Legislative Update
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will receive a legislative update.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Emailed comments indicating the comment pertains to non-agenda matters will be considered under this item. Emailed comments containing 250 words or less will be read aloud by staff. Emailed comments exceeding 250 words may be summarized during the meeting, if feasible.

BOARD MEMBERS' COMMENTS

6. *Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

OTHER BUSINESS

7. Report of the Executive Officer/APCO

8. Chairperson's Report

9. Time and Place of Next Meeting:

Wednesday, July 15, 2020, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

10. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
yjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at rsanders@baaqmd.gov.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

JUNE 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source Committee	Wednesday	17	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Special Meeting	Wednesday	17	11:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee	Thursday	18	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Climate Protection Committee	Thursday	18	11:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Budget & Finance Committee – CANCELLED	Wednesday	24	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee - CANCELLED & RESCHEDULED TO THURSDAY, JUNE 25, 2020 AT 9:30 A.M.	Wednesday	24	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee – CANCELLED & RESCHEDULED TO THURSDAY, JUNE 18, 2020 AT 9:30 A.M.	Wednesday	24	11:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source Committee – CANCELLED & RESCHEDULED TO WEDNESDAY, JUNE 17, 2020 AT 9:30 A.M.	Wednesday	24	12:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Climate Protection Committee – CANCELLED & RESCHEDULED TO THURSDAY, JUNE 18, 2020 AT 11:30 A.M.	Wednesday	24	2:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Thursday	25	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20

JULY 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting - CANCELLED	Wednesday	1	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Ad Hoc Committee on Equity, Access, and Inclusion	Wednesday	1	10:00 a.m.	Webcast only pursuant to Executive Order N-29-20

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Rod Sinks and Members
Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: June 10, 2020

Re: Acceptance of 2020 Greenhouse Gas Reduction Funds and other monies from the
California Air Resources Board

RECOMMENDED ACTION

Recommend Board of Directors:

1. Authorize the Air District to accept, obligate, and expend new Community Air Protection grant program revenue from the Greenhouse Gas Reduction Fund;
2. Authorize the Air District to accept, obligate, and expend any additional funds from settlements, penalties or Greenhouse Gas Reduction Fund monies from the California Air Resources Board in State Fiscal Year Ending 2020;
3. Approve the corresponding authorizing resolution; and
4. Authorize the Executive Officer/APCO to execute Grant Agreements and amendments for projects with individual grant award amounts up to \$100,000 for the funding sources listed above.

BACKGROUND

In 2017, Assembly Bill (AB) 617 directed the California Air Resources Board (CARB), in conjunction with local air districts to establish the Community Air Protection Program. AB 617 provides a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. AB 617 seeks to: improve air pollution data collection and reporting; expedite pollution control retrofit of large stationary sources; increase penalties for air pollution violations; require enhanced air pollution monitoring; adopt a statewide emissions reduction strategy targeting pollution-burdened communities; and require CARB and air districts to implement community emissions reduction programs.

Prior to the development of the Community Air Protection program, the Governor and Legislature established an early-action component to AB 617 to use existing incentive programs to get immediate emission reductions in the communities most affected by air pollution. In 2017, AB 134 provided \$50 million from the Greenhouse Gas Reduction Fund (GGRF) for Bay Area emissions reduction projects. In 2018, Senate Bill (SB) 856 continued funding support for the

Community Air Protection program and \$40 million was provided to the Bay Area. The Bay Area Air Quality Management District (Air District) awards Community Air Protection funds to eligible projects through its Community Health Protection grant program.

The 2020-21 California State Budget, issued in January 2020, appropriated \$200 million in GGRF funds for the Community Air Protection grant program to reduce emissions including criteria pollutants, toxic air contaminants, and greenhouse gases in AB 617 communities. The May revised budget clarified that although funding in the GGRF is currently “uncertain,” funding for this program would be prioritized.

Community Health Protection grant program projects with recommended award amounts over \$100,000 are brought to the Mobile Source Committee for consideration at least on a quarterly basis. Staff reviews and evaluates grant applications based upon the respective governing policies and guidelines established by CARB and the Air District Board.

DISCUSSION

Community Health Protection Grant Program

The Bay Area is expected to receive up to \$40 million in GGRF funds for the Community Health Protection grant program for award to eligible emission reduction projects in 2020. Up to 6.25% of the funds received may be used for Air District administrative costs. Project funds can be expended under the state-adopted guidelines for:

- **Mobile sources:** Eligible for funding under following existing incentive programs
 - *Carl Moyer Program (CMP):* The CMP provides grants to public and private entities to reduce emissions of oxides of nitrogen (NO_x), reactive organic gases (ROG) and Particulate Matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible heavy-duty diesel engine applications include on-road trucks and buses, off-road equipment, marine vessels, locomotives, and stationary agricultural pump engines.
 - *California Goods Movement Bond Program (GMB):* Similar to the CMP this program provides grant funding to private entities to reduce emissions of NO_x, ROG, and PM from heavy-duty engines engaged in goods movement by either replacing or retrofitting them. This funding has been limited by the Legislature to use for GMB truck projects only.
- **Stationary sources:** Grant funding may be available to owners of stationary sources for replacement of equipment with technologies that will reduce emissions of toxic air contaminants and criteria air pollution, including zero-emission technologies.
- **Other projects:** Grant funding may be used for a program developed by the Air District with community input through a public process so long as the program is consistent with the actions identified in the applicable community emission reduction program pursuant to Section 44391.2 of the CA Health and Safety Code.

Other Settlements, Penalties or Greenhouse Gas Reduction Fund

Infrequently, CARB distributes monies from settlements, penalties or unspent Greenhouse Gas Reduction Fund monies to the Air District. Due to the uncertain timing and nature of this funding, Staff is requesting the Board of Directors authorize the Executive Office to accept any such monies that may be made available to the Air District between now and the end of the State's fiscal year on June 30, 2020.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None. The Air District distributes Community Air Protection grant funds to public agencies and private entities on a reimbursement basis and administrative costs are provided by the funding source.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Karen Schkolnick
Reviewed by: Anthony Fournier and Damian Breen

Attachment 2A: Draft Community Air Protection Grant Program Board Resolution

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2020 -

**Resolution Accepting Community Air Protection Grant Funding
From the California Air Resources Board**

WHEREAS, the Governor's 2020-21 Budget Summary issued May 14, 2020 prioritizes the appropriation of Greenhouse Gas Reduction Fund revenue to the California Air Resources Board (ARB) for programs, including \$200 million for the Community Air Protection grant program;

WHEREAS, a portion of the \$200 million in funding shall be distributed to the Bay Area Air Quality Management District (District) to implement emission reduction projects pursuant to the ARB guidelines for the: Community Air Protection (CAP) Fund Supplement to the Carl Moyer Memorial Air Quality Attainment program, Proposition 1B truck program, stationary source projects, and community programs;

WHEREAS, the District may use up to 6.25 percent of the funds it receives to pay the reasonable costs of administering the incentive programs;

WHEREAS, the goal of the funding is to provide near-term targeted deployment within impacted communities and focus on reducing emissions from mobile sources, stationary sources, and equipment that spend a substantial amount of time within impacted communities;

WHEREAS, the District shall allocate funding to projects consistent with priorities identified by the affected communities in a transparent, meaningful public process;

WHEREAS, the predominant emission reductions from the funded projects occurring in the most impacted communities will reduce emissions in excess of those otherwise required by law or regulation, and will also contribute to progress on meeting regional clean air standards;

WHEREAS, there are specific legislative requirements (e.g., expenditure record, quantification methodology, annual reporting, and disadvantaged/low income community investments) of the cap and trade proceeds that the District will need to adhere to;

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the District's acceptance of the CAP funds to be awarded to eligible projects in accordance with the legislative and applicable program requirements.

BE IT FURTHER RESOLVED, the District will commit to working with the environmental justice community on recommended spending priorities within its region.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the District grant agreements with ARB and all other necessary documents to implement and carry out the purposes of this resolution.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to also execute on behalf of the District any grant or other agreements related to the distribution of funds from settlements, penalties or Greenhouse Gas Reduction Fund monies received from the California Air Resources Board in State Fiscal Year Ending 2020 and all other necessary documents to implement and carry out the purposes of this resolution.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2020, by the following vote of the Board:

AYES:

NOES:

ABSENT:

Rod Sinks
Chairperson of the Board of Directors

ATTEST:

Karen Mitchoff
Secretary of the Board of Directors

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Rod Sinks and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: June 11, 2020

Re: Resolution Condemning Racism and Injustice, and Affirming Commitment to
Diversity, Equity, Access and Inclusion

RECOMMENDED ACTION

Recommend the Board of Directors adopt the Resolution condemning racism and injustice and affirming commitment to Diversity, Equity, Access and Inclusion.

BACKGROUND

The Air District condemns racism, discrimination, and police brutality, in all its destructive manifestations. Racial injustice has historically been ingrained in American systems of government, from federal to local levels, and remaining silent is no longer an option. Government at every level must assume the responsibility for actively promoting economic, environmental, and social equity. Progress will require action and coordination among many counterparts, and we as an agency affirm our commitment to fighting for racial justice and aiding in the dismantling of the insidious systems that continue to perpetuate racial disparities.

DISCUSSION

Staff recommends the adoption of the resolution Condemning Racism and Injustice, and Affirming Commitment to Diversity, Equity, Access and Inclusion. This resolution formally recognizes the Air District's commitment to advance the cause of diversity, equity, and inclusion, internally and externally, by further entrenching it as an integral part of our policies, programs, and practices.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kristina Chu
Reviewed by: Kristine Roselius

Attachment 3A: Draft Resolution Condemning Racism and Injustice, and Affirming
Commitment to Diversity, Equity, Access and Inclusion

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2020 -

Resolution Condemning Racism and Injustice and Affirming Commitment to Diversity, Equity, Access and Inclusion

WHEREAS, we are witnessing another time in history, where there is an awakening to racial injustice, police brutality, and the dehumanization of African Americans in the criminal legal system. Mass protests across the nation have been sparked, as people are grappling with their sorrow, anger and despair of the murder of Mr. George Floyd while in police custody. Mr. Floyd is joining a long list of Americans who have suffered similar fates; most recently, their names are Breonna Taylor, Miles Hall, Philando Castile, Oscar Grant, Tamar Rice, Sandra Bland, and so many others. Yet, these protests, which have extended across the globe, are not simply about these deaths alone. The effects of racism are far more pervasive, resulting from long-standing and deeply embedded systems of racial discrimination and bias;

WHEREAS, studies have shown that racial discrimination takes a tremendous toll on the physical and mental health of Black people in the U.S. Racial discrimination is now recognized as a public health crisis. It's a chronic stressor, contributing to even higher COVID-19 mortality rates among Black people, a statistic most likely elevated by living in neighborhoods with higher exposure to fine particle air pollution. These higher death rates are not a random coincidence; but, instead, is the result of systemic racism and a consequential lack of social, economic and political opportunities;

WHEREAS, community proximity to sources of air pollution is one of these systemic issues. Many of the neighborhoods in the Bay Area with the poorest air quality are in communities historically populated by a largely Black population, due to racist redlining policies in housing and credit, and public and private disinvestment. These residents face many challenges; limited access to quality food, health services, and poverty create stressful conditions and poor health outcomes;

WHEREAS, in recent years, through groundbreaking programs like the Community Air Risk Evaluation Program, and now under the guidance of state Assembly Bill 617, the Air District has concentrated efforts on addressing the air quality challenges faced by these vulnerable communities, which are disproportionately affected by air pollution as well as the socioeconomic impacts of systemic racism;

WHEREAS, we remain committed to our mission of protecting public health and will continue to advance the cause of diversity, access, equity and inclusion in our policies, programs and practices;

NOW, THEREFORE BE IT PROCLAIMED, the Bay Area Air Quality Management District condemns racism, discrimination, and police brutality, in all its destructive manifestations. Racial discrimination is historically ingrained in American systems of government at every level, whether federal, state or local. Government must lead and call on every individual to assume the responsibility for actively addressing racial injustices, structural inequities, and economic disparities. We affirm our commitment to fighting for racial justice and changing the systems that continue to perpetuate racial disparities, especially as they contribute to disproportionate exposure to hazardous air pollution. We vow to use our voice and resources as an ally to the Black community to affect the meaningful and measurable changes that are so urgently needed in the Bay Area.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2020, by the following vote of the Board:

AYES:

NOES:

ABSENT:

Rod Sinks
Chairperson of the Board of Directors

ATTEST:

Karen Mitchoff
Secretary of the Board of Directors

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Rod Sinks and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: June 11, 2020

Re: Legislative Update

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

The Board of Directors will receive an update on state budget negotiations as it relates to the Air District.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent