

Bay Area Air Quality Management District  
Residence Inn by Marriott  
Monte Vista Room  
19429 Stevens Creek Blvd.  
Cupertino, CA 95014

Board of Directors Special Meeting/Retreat  
Wednesday, January 29, 2020

### **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 10:18 a.m.

#### **Roll Call:**

Present: Chairperson Rod Sinks; Vice Chair Cindy Chavez; Secretary Karen Mitchoff; and Directors Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David J. Canepa, Pauline Russo Cutter, John Gioia, Carole Groom, Scott Haggerty, David Hudson, Davina Hurt, Tyrone Jue, Liz Kniss, Katie Rice, Mark Ross, Jim Spering, Brad Wagenknecht, and Shamann Walton.

Absent: Directors Gordon Mar, Nate Miley, Lori Wilson, and Shirlee Zane.

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

NOTED PRESENT: Secretary Mitchoff was noted present at 10:21 a.m.

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

No requests received.

#### **COMMENDATION/PROCLAMATION/AWARD**

3. The Board of Directors recognized Katie Rice, outgoing Board Chairperson, for her outstanding leadership as Chair of the Board of Directors for the calendar year of 2019. Rod Sinks, Chairperson-Elect, listed the accomplishments of the Air District under Chair Rice's leadership, including the distribution of two books to the entire Board that focused on themes of gender and racial equality.

## **CONSENT CALENDAR (ITEMS 4 – 12)**

4. Minutes of the Board of Directors Regular Meeting of December 4, 2019
5. Board Communications Received from December 4, 2019 through January 28, 2020
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the months of November 2019 and December 2019
7. Air District Personnel on Out-of-State Business Travel
8. Consider Authorizing a California Environmental Quality Act (CEQA) Review Consultant Services Contract for the Schnitzer Steel Ocean-Going Vessels Project
9. Consider Authorizing the Executive Officer/Air Pollution Control Officer (APCO) to Amend a Contract Agreement with Resolute Security Group, Inc., in an Amount Not to Exceed \$300,000
10. Consider Authorizing the Executive Officer/APCO to Execute a Multi-Year Contract Amendment with IT Help, LLC, in an Amount Not to Exceed \$250,000
11. Funding to Support the Bay Area Regional Collaborative (BARC)
12. 50<sup>th</sup> Anniversary of the Clean Air Act and Earth Day Event

### **Public Comments**

No requests received.

### **Board Comments**

None.

### **Board Action**

Director Bauters made a motion, seconded by Director Cutter, to **approve** the Consent Calendar Items 4 through 12, inclusive; and the motion **carried** by the following vote of the Board:

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

## **COMMITTEE REPORTS**

### **13. Report of the Advisory Council Meeting of December 9, 2019**

Advisory Council Board Liaison, Rod Sinks, gave the following report:

*The Council met on Monday, December 9, 2019, and approved the minutes of October 28, 2019.*

*The Council then received the presentation Particulate Matter (PM) Health Protection Symposium by Council Chairman, Stan Hayes.*

*The Council then received the staff presentation Update on Particulate Matter Air District Work, including Regional and Local-Scale PM<sub>2.5</sub> Source Apportionment, Monitoring, Grant Programs, and Rules and Regulatory Development. In addition, Alvaro Alvarado presented on the California Air Resources Board's research and rule development regarding PM exposure.*

*Finally, the Council discussed the content of the October 28, 2019 Particulate Matter Symposium Summary Report and deliberated about the Report's adoption date.*

*The next meeting of the Council will be on Tuesday, March 24, 2020 at 9:00 a.m., at the Oakland Marriott City Center, Oakland, CA. This concludes the Chair Report of the Advisory Council.*

#### Public Comments

No requests received.

#### Board Comments

None.

#### Board Action

None; receive and file.

#### **14. Report of the Stationary Source Committee Meeting of December 16, 2019**

Stationary Source Committee Chair, Rod Sinks, gave the following report:

*The Committee met on Monday, December 16, 2019, and approved the minutes of September 16, 2019.*

*The Committee reviewed and discussed the staff presentation Update on Implementation of Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities.*

*Finally, the Committee reviewed and discussed the staff presentation Odor Attribution Study in the South Bay.*

*The next meeting of the Stationary Source Committee will be at the Call of the Chair. This concludes the Chair report of the Stationary Source Committee.*

#### Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

**15. Report of the Mobile Source Committee Meeting of December 18, 2019**

Mobile Source Committee Chair, David J. Canepa, gave the following report:

*The Committee met on Wednesday, December 18, 2019, and approved the minutes of October 24, 2019.*

*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/APCO to enter into all necessary agreements with applicants for the recommended projects.*

*The Committee then reviewed and discussed the staff presentation Transportation Fund for Clean Air Program Audit #20 Results.*

*The Committee then reviewed and discussed the staff presentation Transportation Fund for Clean Air Expenditures and Effectiveness for Fiscal Year Ending 2019.*

*The Committee then reviewed and discussed the staff presentation Policy to Prohibit Use of Air District Funds on Vehicles Manufactured by Companies that Oppose California Regulations of Light-Duty Vehicle Emissions. The Committee directed Air District staff to look at developing a policy that prohibits Air District incentive and general funds from being used for the purchase of light-duty vehicles manufactured by companies that oppose the State of California's right to regulate light-duty vehicle emissions. The Committee requested that staff contact the California Air Resources Board to ensure coordination of Air District actions with those of the state. Staff will report back to the Board at its February meeting on those conversations and on a proposed policy.*

*Finally, the Committee then reviewed and discussed the staff presentation Contract for Electric Vehicle Market Research and Survey Services. The Committee recommends the Board:*

- 1. Authorize the Executive Officer/APCO to increase an existing contract with the Center for Sustainable Energy by an amount not to exceed \$5,000 for services performed in Fiscal Year Ending 2019 and Fiscal Year Ending 2020 for electric vehicle market research services.*

*The next meeting of the Mobile Source Committee will be on Thursday, February 27, 2020, at 9:30 a.m. 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 concerns from Board members regarding the development of a policy that would prohibit Air District incentive and general funds from being used for the purchase of light-duty vehicles by manufacturers that oppose the State of California's right to regulate light-duty vehicle emissions, and the request that Air District staff flesh out the aforementioned policy, at an upcoming Mobile Source Committee meeting.

## Board Action

Director Canepa made a motion, seconded by Chair Rice, 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, Hurt, Jue, Kniss, Rice, Ross, Sinks, Spering, Wagenknecht, and Walton.  
NOES: Groom, Haggerty, Hudson, Mitchoff.  
ABSTAIN: None.  
ABSENT: Mar, Miley, Wilson, Zane.

## 16. **Report of the Legislative Committee meeting of January 15, 2020**

Legislative Committee Chair, Margaret Abe-Koga, gave the following report:

*The Legislative Committee met on Wednesday, January 15, 2020, in the form of a Legislative Briefing for legislative staff at the California State Capitol.*

*Air District staff presented the history of the Air District, its function, major pollution concerns in the Bay Area, and 2020 Air District initiatives.*

*Following the staff presentation, the Legislative Committee members met with legislators to discuss several of the Air District's initiatives for 2020.*

*The next meeting of the Legislative Committee will be on Wednesday, February 26, 2020, at 10:30 a.m. This concludes the Chair's report of the Legislative Committee.*

## Public Comments

No requests received.

## Board Comments

The Board and staff discussed the request for a scripted breakdown of which points Legislative Committee members addressed with the Legislators, the request that the entire Board receives copies

of the facts sheet that the Legislative Committee members used during the briefing; the suggestion that Air District staff create an Annual Report of Air District activities, specifically designed for Legislators, and which can be circulated by Board members at their discretion; whether any Legislators that met with the Legislative Committee members provided any feedback about the issues presented; which Legislators met with the Legislative Committee members; and the appreciation for Director Bauters' suggestion to hold this briefing.

#### Board Action

None; receive and file.

### **BOARD OF DIRECTORS RETREAT**

#### **17. Opening Comments**

At this point, Chairperson-Elect Sinks took over the remainder of the meeting as the Air District's new Chairperson. Chair Sinks described the economic history of Cupertino. He also asked Air District staff to discuss the tours of the Newby Island Landfill and Zero Waste Energy Development Company, LLC, that the Board members recently took in Milpitas. Jack P. Broadbent, Executive Officer/APCO, gave an overview of the retreat presentation, explaining the topics that would be covered.

#### **A. State of the Air District, Air Quality Summary, and the Proposed Regulatory Agenda for 2020**

Mr. Broadbent presented the following slides: opening comments; overview; Bay Area ozone trends; and Bay Area (PM<sub>2.5</sub>) exceedance trends.

#### Board Comments

The Board and staff discussed the hiring status of employees that are needed to implement Assembly Bill (AB) 617, and whether the Air District should postpone those recruitments until proper funding is identified and allocated.

#### **B. Air District Administrative Update**

Rex Sanders, Chief Administrative Officer, presented *Air District Administrative Overview*, including a human resources update. Kennieth McKellar, 2020 President of the Bay Area Air Quality Management District's Employees Association, was introduced to the Board.

#### Board Comments

The Board and staff discussed whether the Air District collects workforce data on its diversity among subgroups of employees; and ways in which the Personnel Committee is involved with the Air District's Office of Diversity, Equity, and Inclusion.

### **C. Air District Financial Overview**

Dr. Jeff McKay, Chief Financial Officer, presented *Air District Financial Overview*, including fiscal update; and Headquarters East.

#### Board Comments

The Board and staff discussed projected California Public Employees' Retirement System (CalPERS) Rates of Return and Discount Rates; and how the Air District prepares for and has dealt with economic downturns.

### **D. Air District Core Programs Overview**

Damian Breen, Deputy APCO of Technology, presented the following slides: regulated facilities; stationary sources: ongoing and new initiatives; and major facility projects for 2020.

#### Board Comments

The Board and staff discussed which stationary sources are applying for permits for backup generators during Pacific Gas & Electric public safety power shutoffs, how many applicants for backup generators are located in areas where the air quality is already impacted, and the suggestion of prohibiting the use of *diesel* generators, as they will most likely be needed during poor air quality conditions; and the suggestion that the Air District collaborates with community choice aggregation agencies in the Bay Area to share decarbonization solutions and strategies.

Wayne Kino, Deputy APCO of Operations, presented the following slides: inspection program; air quality complaint program; enforcement program; compliance assistance and operations; new initiatives: updating air quality complaint investigation guidelines and South Bay Odor Study; Lehigh Quarry and Cement Plant; air quality monitoring: multiple measurement strategies throughout the Bay Area; and meteorology: air quality forecasting.

#### Board Comments

The Board and staff discussed the request that the Air District's South Bay Odor Study informs the Board of which operations cause different types of emissions, in addition to odors, as well as how the Air District is encouraging new technologies for facilities; how studying odors in the South Bay may serve as a guide for other parts of the Bay Area; and the anticipation of PM reduction at Lehigh Cement due to the legal settlement between the United States Environmental Protection Agency (and Air District, among other plaintiffs) and Lehigh.

### **E. Key Policy Initiatives**

Greg Nudd, Deputy APCO of Policy, presented *Key Policy Initiatives*, including: community-level: AB 617 2019 accomplishments and 2020 implementation, magnet sources, hyperlocal monitoring, community protection rules, PM Symposium, and PM Strategy; regional-level: Plan Bay Area 2050, CEQA guidelines and thresholds, and Best Available Retrofit Control Technologies rules; and global-level: methane rules, decarbonizing buildings, and Bay Area carbon dioxide emissions and strategy.

## Board Comments

The Board and staff discussed whether San Leandro will receive the same attention as East Oakland, regarding AB 617 resources; whether the Air District has utilized data from Google Earth, in addition to the study with Aclima; the level of engagement of jurisdictions with the Air District regarding AB 617; how much the Air District's most current regulation adoption schedule diverts from what was projected in 2019; the status of Air District Rule 9-4 (Nitrogen Oxides from Fan Type Residential Central Furnaces); the value in developing model policies as part of a handbook for others, especially smaller jurisdictions, to use; the reiteration of the importance of collaborating with community choice aggregation agencies to exchange decarbonization solutions and strategies; and whether the Air District is looking at reducing emissions from the goods and services sector, and gardening equipment.

### **F. Future Efforts**

- Diversity, Equity and Inclusion Program Update – In the interest of time, Mr. Broadbent asked the Board if it would agree to receive a shortened presentation on this topic at the retreat and have a full presentation at the February 19, 2020 Board meeting instead. Board members had various opinions on this proposal. Mary Ann Okpalaugo, Manager of the Office of Diversity, Equity, and Inclusion, gave an abbreviated presentation on the demographics of Air District employees and key priorities for this office in 2020. Mr. Broadbent also spoke of the current recruitment for the new Senior Deputy Executive Officer of Policy and Equity.
- Wildfire Strategy Update – This discussion was tabled, in the interest of time.
- Legislative Efforts – Alan Abbs, Legislative Officer, spoke about the following:
  - The Governor's Budget decreased AB 617 implementation funding by half for 2020. In response, the Air District will send a letter to the Governor and Legislature to emphasize how that action compromises promises made to disadvantaged communities with the launching of California's Cap and Trade program in 2013.
  - The Wildfire Smoke Clean Air Shelters for Vulnerable Populations Incentive Pilot Program (AB 836) was allocated \$5.5 million from the 2020-2021 State Budget. Nationwide funding for clean air centers is also being pursued at the Congressional level. The Air District is also working directly with industry to support clean air center work in local communities.
  - There are currently four proposed climate resilience bonds, two of which have measures to support clean air centers. The bonds are anticipated to be merged into one.
  - The Air District's magnet source authority bill has been submitted to Legislative Counsel, but still needs an author.
  - The Air District's private school siting bill is being supported by California State Superintendent of Public Instruction, Dr. Tony Thurman. Assemblymember Kansen Chu has agreed to author the bill.
  - Faster Bay Area, a November 2020 ballot measure that would raise up to \$100 billion over 40 years for transportation projects in the nine Bay Area counties, may affect the Bay Area Commuter Benefits Program, which the Air District co-manages with the Metropolitan Transportation Commission.
  - Assemblymember Kansen Chu plans to introduce a bill regarding the cancellation of school athletic events during wildfire smoke emergencies. The Air District will help with the bill language.



## Board Comments

The Board and staff discussed the suggestion that the Air District collaborates with community choice aggregation agencies in the Bay Area to champion legislation about climate action programs; and whether the Senior Deputy Executive Officer of Policy and Equity would be a new position or a vacancy to be filled.

### **G. Board Development and Committee Assignments for 2020**

Chair Sinks released the Board Members' 2020 Standing Committee Assignments. He anticipates having one Board of Directors meeting per month, with exceptions, as needed. Chair Sinks then distributed the books, Drawdown, by Paul Hawken, and Choked: Life and Breath in the Age of Air Pollution, by Beth Gardiner, to the Board.

## Board Comments

The Board and staff discussed the need for consistency regarding the frequency of committee meetings, and the benefit of having two Board meetings per month.

### Public Comments (on Items 17A – 17G):

No requests received.

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

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

No requests received.

### **BOARD MEMBERS' COMMENTS**

#### **19. Board Members' Comments**

- Director Cutter requested that the text of PowerPoint presentation handouts be printed in black ink, as opposed to other colors.
- Director Jue announced that today is the launch of “Car-Free Market Street,” part of the Better Market Street Project. Banning private cars on the downtown portion of Market Street, east of 10<sup>th</sup> Street, this strategy is designed to relieve congestion and encourage active transit.
- Director Ross suggested that the Air District seeks more empirical data that measures things like hospital visit-reduction and disease-reduction, based on the reduction of pollution.
- Director Kniss acknowledged the work of the Office of Environmental Health Hazard Assessment.

## **OTHER BUSINESS**

### **20. Report of the Executive Office/APCO**

Mr. Broadbent announced that Anthony Fournier, former Manager of the Strategic Incentives Division, was appointed as the new Technology Implementation Officer. Mr. Broadbent thanked Air District staff who helped plan this retreat.

### **21. Chairperson's Report**

Chair Sinks congratulated Vice Chair Chavez, Secretary Mitchoff, and Directors Canepa, Hurt, Jue, Kniss, Wilson, Wagenknecht and Zane for their recent reappointments to the Board, and announced the resignation of Director Mar, effective immediately.

### **22. Time and Place of Next Meeting**

Wednesday, February 19, 2020, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

### **23. Adjournment**

The meeting adjourned at 1:55 p.m.

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