

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

Board of Directors Special Meeting
Wednesday, May 6, 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*

This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Rod Sinks, called the meeting to order at 11:11 a.m.

Roll Call:

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

Absent: None.

CONSENT CALENDAR (ITEMS 2 - 9)

2. Minutes of the Board of Directors Meeting of April 15, 2020
3. Board Communications Received from April 15, 2020 through May 5, 2020
4. Quarterly Report of the Executive Office and Division Activities for the Months of January 2020 – March 2020
5. Quarterly Report of California Air Resources Board Representative – Honorable John Gioia
6. Consideration of Authorization to Amend a Contract with Bentley Systems, Inc., for Roadway Telematics Data for Nine Counties
7. Consideration of Authorization for Execution of Purchase Orders in Excess of \$100,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures Section 4.3 Contract Limitations
8. Consideration of Authorization of a Contract Extension and Execution of a Purchase Order in Excess of \$100,000 to Technical and Business Systems Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitations, for Continued Operation of the BioWatch Monitoring Network

9. Participation in Community Air Protection Program Fiscal Year Ending (FYE) 2020

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Cutter made a motion, seconded by Director Wagenknecht, to approve the Consent Calendar, Items 2 through 9, inclusive.

Director Bauters made a SUBSTITUTE MOTION, seconded by Director Cutter, to **approve** the Consent Calendar, Items 3 through 9, and Item 2, with the amendment that the “Board Action” section of Item 15 of the April 15, 2020 minutes includes its original motion; and the SUBSTITUTE MOTION **carried** by the following vote of the Board:

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

COMMITTEE REPORTS

10. **Report of the Personnel Committee Meeting of April 15, 2020**

Personnel Committee Vice Chair, Brad Wagenknecht, read the following Committee report:

The Committee met on Wednesday, April 15, 2020, under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of September 6, 2019 and February 5, 2020.

The Committee met in Closed Session to conduct performance evaluations for the Executive Officer and General Counsel and discuss labor negotiations with the Air District’s Employees Association. Following the Closed Session, Committee Chair Spering announced that contract amendments for the Executive Officer and General Counsel, as well as a new Memorandum of Understanding with the Employees Association, will be presented to the Board of Directors for approval at the same time.

The next meeting of the Personnel Committee will be held 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.

11. Report of the Budget and Finance Committee Meeting of April 22, 2020

Budget and Finance Committee Chair, Carole Groom, recited highlights from the following Committee report:

The Committee met on Wednesday, April 22, 2020, under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of March 25, 2020.

The Committee reviewed and discussed the presentation Third Quarter Financial Report Fiscal Year Ending 2020.

The Committee then reviewed and discussed the staff presentation Proposed Amendments to Regulation 3; Fees. Staff requested the Committee consider recommending the Board adopting a new fee for implementation of Assembly Bill 617 on Title V Facilities, and that the Board revisit the imposition of additional fees later in 2020, as the economic and facility activity level picture become clearer. A motion to approve those recommendations, resulted in a tie and was not approved, and a substitute motion to adopt a new fee for implementation of AB 617 on Title V Facilities and proposed increases for Fee Schedules A, G-3, M, P, and W was also not approved. As a result, the Committee requested that staff return with additional analysis on the fee proposal at its next meeting.

Finally, the Committee reviewed and discussed the staff presentation Continued Discussion of Proposed Budget for Fiscal Year Ending 2021 and Consideration to Recommend Adoption. The Committee recommends the Board:

- 1. Conduct public hearings on the Fiscal Year Ending 2021 Proposed Budget; and*
- 2. Adopt the Fiscal Year Ending 2021 Proposed Budget.*

The next meeting of the Budget and Finance Committee was held on Wednesday, April 29, 2020, at 9:30 a.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. I move that the Board approve the Budget and Finance Committee's recommendations. This concludes the Chair Report of the Budget and Finance Committee.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the fact that although this was originally an action item, it would be best to postpone voting on the FYE 2021 Proposed Budget at this time, given the Board's robust conversation at the Budget Hearing held earlier in the day, and because the Budget and Finance Committee plans to meet one final time prior to the June 3, 2020 Board meeting.

Board Action

None.

12. Report of the Legislative Committee Meeting of April 22, 2020

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

The Committee met on Wednesday, April 22, 2020, under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of November 25, 2019, January 15, 2020, and April 15, 2020.

The Committee reviewed and discussed the staff presentation Sacramento Update, capturing the 2020-2021 State's Climate Budget and the tentative legislative calendar.

The Committee then reviewed and discussed the staff presentation Air District-Sponsored Bills, which provided updates on Assembly Bill 2882, which requires that private schools and charter schools meet the same siting requirements as public schools, and Assembly Bill 3211, which allows air districts to adopt local rules related to toxic air contaminants at indirect sources of air pollution, and also allows collection of data that will help air districts work with these sources and communities to reduce health impacts.

The Committee then reviewed and discussed the staff presentation Bills of Interest. The Committee received further information about Senate Bills 802 and 1099, which had been discussed by the Committee at its April 15th meeting, and caused concerns about the maintenance and testing language of the bills.

Finally, the Committee reviewed and discussed the staff presentation Federal Update, providing updates on the Air District's advocacy efforts for issues such as wildfire smoke, backup-generator use during public safety power shutoffs, electric vehicle charging infrastructure, and diesel emissions reduction.

The next meeting of the Legislative Committee will be on Wednesday, May 27, 2020, at 9:30 a.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair's Report of the Legislative Committee.

Public Comments

No requests received.

Board Comments

Alan Abbs, Legislative Officer, explained that on April 15, 2020, the Board had voted to adopt the position of “oppose unless amended” for both Senate Bill (SB) 802 (Glazer) and SB 1099 (Dodd), which address the use of backup generators during emergency public safety power shutoffs. The staff-recommended position for both bills had been “oppose,” but the Board requested that amended language be proposed to the bills’ authors. In response to that request, Mr. Abbs reported that the authors and sponsors of both bills had been given proposed amended language to consider, and he anticipates that the bills will be heard on May 29, 2020, at the Senate Environmental Quality Committee.

Board Action

None; receive and file.

13. Report of the Stationary Source Committee Meeting of April 22, 2020

Stationary Source Committee Chair, John Bauters, read the following Committee report:

The Committee met on Wednesday, April 22, 2020, under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of February 26, 2020.

The Committee reviewed and discussed the staff presentation Update on Rule Development Efforts.

The next meeting of the Stationary Source Committee will be held on Wednesday, June 24, 2020, at 12:00 p.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair report of the Stationary Source Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

NOTED PRESENT: Directors Kniss, Miley, and Zane were noted present at 11:31 a.m.

14. **Report of the Mobile Source Committee Meeting of April 22, 2020**

Mobile Source Committee Chair, David Canepa, read the following Committee report:

The Committee met on Wednesday, April 22, 2020, under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of March 25, 2020.

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 Selection of Vehicle Buy Back Program Contractors. The Committee recommends the Board:

1. *Approve Environmental Engineering Studies, Inc. and Pick-N-Pull Auto Dismantlers as the vehicle retirement contractors and approve Direct Mail Center as the direct mail service contractor for the Fiscal Year Ending 2021 Vehicle Buy-Back Program;*
2. *Authorize the Executive Officer/Air Pollution Control Officer to execute contracts for:*
 - a. *Vehicle scrapping and related services with Environmental Engineering Studies Inc. and Pick-N-Pull Auto Dismantlers, for a combined amount of up to \$7 million per year; and*
 - b. *Direct mail services for the Vehicle Buy Back Program with Direct Mail Center for up to \$300,000 per year.*
3. *Authorize the Executive Officer/Air Pollution Control Officer to extend these services and budgets for an additional three years, at the Air District's discretion, based on contractor performance.*

Finally, the Committee then reviewed and discussed the staff presentation Fiscal Year Ending 2021 Transportation Fund for Clean Air County Program Manager Expenditure Plans. The Committee recommends the Board:

1. *Approve the allocation of new Transportation Fund for Clean Air revenue for the Carl Moyer Program for Fiscal Year Ending 2021; and*

2. *Authorize the Executive Officer/Air Pollution Control Officer to enter into funding agreements with the County Program Managers for the funds to be programmed in Fiscal Year Ending 2021.*

The next meeting of the Mobile Source Committee will be on Wednesday, May 27, 2020, at 11:00 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. 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 Canepa made a motion, seconded by Director Kniss, 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, Cutter, Gioia, Groom, Haggerty, Hurt, Jue, Kniss, Miley, Mitchoff, Rice, Ross, Sinks, Wagenknecht, Walton, Wilson, Zane.
NOES: None.
ABSTAIN: None.
ABSENT: Chavez, Hudson, Sperring.

15. **Report of the Climate Protection Committee Meeting of April 22, 2020**

Chair Sinks read the following Committee report:

The Committee met on Wednesday, April 22, 2020, under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of February 20, 2020.

The Committee received and discussed the staff presentation Climate Protection Program Update.

The next meeting of the Climate Protection Committee will be held Wednesday, June 24, 2020, at 2:00 p.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair report of the Climate Protection Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

NOTED PRESENT: Vice Chair Chavez and Director Spering were noted present at 11:37 a.m.

16. Report of the Budget and Finance Committee Meeting of April 29, 2020

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

The Committee met on Wednesday, April 29, 2020, under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of April 22, 2020. This meeting was called to revisit amendments to Air District Regulation 3: Fees.

The Committee reviewed additional information presented by Staff and discussed the presentation Proposed Amendments to Regulation 3: Fees. Following an exploration and discussion on several different fee options, the Committee recommends the Board:

- 1. Adopt a new fee for implementation of Assembly Bill 617 on Title V Facilities for Fiscal Year 2021; and*
- 2. Revisit imposition of additional fees in October 2020, as the economic and facility activity level picture become clearer.*

The next meeting of the Budget and Finance Committee will be held on Wednesday, July 23, 2020, at 9:30 a.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. I move that the Board approve the Budget and Finance Committee's recommendations. This concludes the Chair Report of the Budget and Finance Committee.

Public Comments

Public comments were given by Frances Keeler, California Council for Environmental and Economic Balance; and Bob Brown, Western States Petroleum Association.

Board Comments

The Board and staff discussed the proposed date of May 20, 2020, on which the Budget and Finance Committee will convene and what would be discussed at that meeting; whether the Board could still adopt a new fee for implementation of Assembly Bill 617 on Title V Facilities for Fiscal Year Ending 2021 today, even though the Budget and Finance Committee will meet on May 20, 2020; and when the AB 617 fee structure will take effect.

Board Action

Director Bauters made a motion, seconded by Director Cutter, to **approve** the recommendations of the Budget and Finance Committee.

Director Bauters made a SUBSTITUTE MOTION, seconded by Director Cutter, to have the Budget and Finance Committee convene on May 20, 2020, and make a final recommendation regarding the FYE 2021 Proposed Budget and Regulation 3: Fees to be considered at the June 3, 2020 Board meeting; and the motion **carried** by the following vote of the Board:

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

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments were given by Gladwyn D'Souza, Belmont resident; and Jed Holtzman, 350 Bay Area.

BOARD MEMBERS' COMMENTS

18. **Board Members' Comments**

Vice Chair Chavez spoke about an initiative that she is championing in Santa Clara County. Yesterday, the Santa Clara County Board of Supervisors considered recommendations relating to a telecommuting benefits analysis and framework for employees of the region, both public and private, during and after the COVID-19 pandemic.

In response to Vice Chair Chavez' comment, the subsequent comments were given;

- Chair Sinks said that Joint Venture Silicon Valley data on mega commuters, which could be helpful.
- Director Zane said that she would like to see this initiative agenized at the Air District's upcoming Community and Public Health Committee meeting.
- Director Ross asked how feasible it would be to enhance the already-existing Commuter Benefits Program to be more in alignment with this initiative.
- Vice Chair Chavez added that this is an opportunity to “package” measures, incentives, services, and challenges in a new way, and said that she welcomes collaboration with agencies and businesses throughout the Bay Area.
- Director Spring stated that it would be wise to consider the costs that may result from this type of strategy.

- Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, said that the Air District plans to maximize its telecommuting protocol and will encouraging other agencies to do this as well.

OTHER BUSINESS

19. Report of the Executive Officer/Air Pollution Control Officer

Mr. Broadbent announced the following:

- Erica Trask is now Acting Senior Executive Secretary, who will be supporting Mr. Broadbent.
- Dr. Judith Cutino, Health Officer, was asked to inform the Board of two research papers which will also be presented at the upcoming Community and Public Health Committee meeting. The first paper, from the Harvard T.H. Chan School of Public Health, investigated whether exposure to PM2.5 is associated with increased risk of COVID-19 mortality in the US. The second paper is from the University of Bologna, and it addressed the preliminary evidence of SARS-CoV-2 RNA genetic matter found on particulate matter filters. Both papers were published prior to peer-review. Director Rice suggested that the Air District monitors the reduction of air pollution from freight movement activities in California (Goods Movement). Mr. Broadbent said that it might be a good time for Aclima, a company hired by the Air District to deploy a hyperlocal air quality data program, to share its findings (thus far) on air pollutants and greenhouse gas emissions throughout the Bay Area. Chair Sinks requested a status report on the Air District’s Diesel Free by ‘33 initiative.

Public Comments

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

20. Chairperson’s Report

Chair Sinks announced the following:

- The Air & Waste Management Association’s (AMWA) 113th Annual Conference in San Francisco, scheduled for June 29, 2020, will be changed to a virtual format.

21. Time and Place of Next Meeting

Wednesday, June 3, 2020, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

22. Adjournment

The meeting adjourned at 12:21 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards