

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

Board of Directors Special Meeting
Wednesday, June 3, 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 9:01 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.

CLOSED SESSION (9:04 a.m.)

NOTED PRESENT: Director Miley was noted present at 9:06 a.m.

2. **CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6(a))**

Agency Negotiators: *Jack P. Broadbent, Executive Officer/Air Pollution Control Officer (APCO)
Rex Sanders, Chief Administrative Officer*

Employee Organizations: *Bay Area Air Quality Management District Employees' Association, Management, and Confidential Employee Groups*

REPORTABLE ACTION: None.

OPEN SESSION (9:52 a.m.)

CONSENT CALENDAR (ITEMS 3 - 13)

3. Minutes of the Board of Directors Special Budget Hearing Meeting and Special Meeting of May 6, 2020
4. Board Communications Received from May 6, 2020 through June 2, 2020
5. Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of April 2020
6. Authorization to Execute a Contract with Contra Costa County to Support the County's Green and Healthy Homes Initiative
7. Authorization to Extend and Increase Funds for a Contract with Kearns and West for Implementation of the Bay Air Center
8. Authorization to Execute a Master Services Agreement Contract with West Oakland Environmental Indicators Project to Support Assembly Bill (AB) 617 Implementation
9. Authorization to Extend the Contract and Execute a Purchase Order with Direct Mail Center in Excess of \$100,000 for Public Notice Expenses
10. Authorization for a Funded Partnership Agreement with the Metropolitan Transportation Commission (MTC) on Database Development
11. Consider Approving the Proposed Memorandum of Understanding (MOU) between the Bay Area Air Quality Management District and the Bay Area Air Quality Management District Employees' Association (EA) and to Approve Changes to the Salaries and Benefits of the Management and Confidential Units
12. Consider Approval of Employee Contract Amendments for the Executive Officer/APCO
13. Consider Approval of Employee Contract Amendments for the District Counsel

Public Comments

No requests received.

Board Comments

Brian Bunger, District Counsel, stated that the following typo was noted in the "Discussion" section of the memo pertaining to Item 11: "November 8, 2021" should be "November 8, 2020."

Board Action

Director Kniss made a motion, seconded by Director Wilson, to **approve** the Consent Calendar Items 3 through 13, 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, Miley, Mitchoff, Rice, Ross, Sinks, Spering, Wagenknecht, Walton, Wilson, Zane.
NOES: None.
ABSTAIN: None.
ABSENT: None.

COMMITTEE REPORTS

14. Report of the Advisory Council Meeting of May 12, 2020

Chair Sinks waived reading aloud the report below:

The Council met on Tuesday, May 12, 2020, under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Council participated by teleconference. The Council approved the minutes of December 9, 2019.

The Council then received the staff presentation Particulate Matter Symposium Overview. During this item, the Council reviewed answers to discussion questions that had been asked of the Health Effects Panel.

The Council then received the presentation Community Reflections from the February 27, 2020 Community Summit on Particulate Matter. This presentation was given by Jed Holtzman of 350 Bay Area, and LaDonna Williams of All Positives Possible.

Finally, the Council discussed the staff presentation Update on Air District Particulate Matter Potential Policy Strategies.

The next meeting of the Council will be at the Call of the Chair. This concludes the Chair Report of the Advisory Council.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

15. Report of the Technology Implementation Office (TIO) Steering Committee Meeting of May 15, 2020

TIO Steering Committee Chair, Cindy Chavez, read the following Committee report:

The Committee met on Friday, May 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 October 4, 2019.

The Committee reviewed and discussed the staff presentation Update on Electric Vehicle Incentive Programs.

The Committee then reviewed and discussed the staff presentation Climate Tech Finance Program Update.

The next meeting of the Technology Implementation Office Steering Committee will be held at the call of the Chair. This concludes the Chair Report of the Technology Implementation Office Steering Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

16. Report of the Mobile Source Committee Meeting of May 20, 2020

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

The Committee met on Wednesday, May 20, 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.

The Committee reviewed and discussed the staff presentation Projects and Contracts with Proposed 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 Fiscal Year Ending (FYE) 2021 Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria. The Committee recommends the Board:

- 1. Approve the proposed FYE 2021 Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria.*

The next meeting of the Mobile Source Committee will be on Thursday, June 18, 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 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 Hudson, 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, Groom, Haggerty, Hudson, Hurt, Jue, Kniss, Miley, Mitchoff, Rice, Ross, Sinks, Spring, Wagenknecht, Walton, Wilson, Zane.
NOES: None.
ABSTAIN: None.
ABSENT: None.

17. Report of the Budget and Finance Committee Meeting of May 20, 2020

Budget and Finance Committee Chair, Carole Groom, read the following Committee report:

The Committee met on Wednesday, May 20, 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 29, 2020.

The Committee then reviewed and discussed the staff presentation Proposed Amendments to Regulation 3; Fees, which included three different fee options. The Committee approved Air District staff's recommendation with a friendly amendment regarding discretionary funding of retirement liabilities. The Committee recommends the Board:

- 1. Adopt a new fee for implementation of Assembly Bill 617 on Title V Facilities for FYE 2021;*
- 2. Revisit imposition of additional fees in October 2020, as the economic and facility activity level picture become clearer; and*
- 3. Make the annual \$5 million dollars of continued discretionary funding of retirement liabilities a designation within the Reserves, not yet to be invested into the 115 Trust, pending further Board direction.*

The next meeting of the Budget and Finance Committee will be held on Wednesday, July 22, 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

None.

Board Action

Director Groom made a motion, seconded by Director Bauters, to **adopt** a new fee for implementation of Assembly Bill (AB) 617 on Title V Facilities for FYE 2021 and **revisit** imposition of additional fees in October 2020, as the economic and facility activity level picture become clearer; 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, Miley, Mitchoff, Rice, Ross, Sinks, Spring, Wagenknecht, Walton, Wilson, Zane.
NOES: None.
ABSTAIN: None.
ABSENT: None.

18. Report of the Community and Public Health Committee Meeting of May 20, 2020

In the interest of time, Community and Public Health Committee Chair, Shirlee Zane, waived reading aloud the report below:

The Community and Public Health Committee met on Wednesday, May 20, 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 5, 2020.

The Committee reviewed and discussed the staff presentation Recent Studies on COVID-19 and Particulate Matter.

The Committee then reviewed and discussed the staff presentation Air District Efforts to Encourage Teleworking.

Finally, the Committee reviewed and discussed the staff presentation Contra Costa County Green and Healthy Homes Initiative.

The next meeting of the Community and Public Health Committee will be held on Thursday, July 2, 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 Report of the Community and Public Health Committee.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the importance of creating telecommuting and remote work policies.

Board Action

None; receive and file.

19. Report of the Personnel Committee Meeting of May 27, 2020

In the interest of time, Personnel Committee Chair, Jim Spring, waived reading aloud the report below:

The Committee met on Wednesday, May 27, 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 April 15, 2020.

The Committee met in Closed Session to discuss labor negotiations with the Air District's Employees Association.

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.

20. Report of the Legislative Committee Meeting of May 27, 2020

In the interest of time, Legislative Committee Chair, Margaret Abe-Koga, waived reading aloud the report below:

The Committee met on Wednesday, May 27, 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.

The Committee reviewed and discussed the staff presentation Sacramento Legislative/Budget Update, capturing various program allocations from the Governor's May revision to the FY 2020-2021 Budget, as of May 14, 2020 that are of interest to the Air District.

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.

Finally, the Committee reviewed and discussed the staff presentation State Legislation Update, which discussed the merging of Senate Bills 802 and 1099, both regarding emergency backup generators.

The next meeting of the Legislative Committee will be on Thursday, June 25, 2020, at 9:30 a.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newson. This concludes the Chair's Report of the Legislative Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file

PUBLIC HEARINGS

21. Public Hearing to Consider Adoption of Proposed Amendments to Air District Regulation 3: Fees and Approval of the Filing of a Notice of Exemption from the California Environmental Quality Act

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, introduced Damian Breen, Deputy Air Pollution Control Officer of Technology, who gave the staff presentation *Proposed Amendments to regulation 3, Fees*, including: outline; cost recovery background; pre-pandemic fee proposal; Criteria Pollutant and Toxics Emissions Reporting Regulation fee; Budget and Finance Committee process; current fee proposal; comments received; rule development process; and recommendations.

Chair Sinks opened the second of two required Public Hearings to Receive Testimony on Proposed Amendments to Air District Regulation 3: Fees.

Public Comments

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

Chair Sinks closed the Public Hearing.

Board Comments

None.

Board Action

Revise Section 3-327, Permit to Operate, Renewal Fees as follows:
– A new community health impact fee would be charged during permit renewal to each permitted facility. This fee would help cover the Air District’s costs associated with CARB’s Assembly Bill (AB) 617 “Community Air Protection Program.”
– Staff is proposing a fee equal to 5.7% of the annual total permit renewal fees for each Title V facility owner with a maximum cap of \$100,000 per year.
– Add references to Schedule W (Petroleum Refining Emissions Tracking Fees) and Schedule X (Major Stationary Source Community Air Monitoring Fees) since fees assessed during permit renewal are typically listed in this section.
Change the Existing Fee Schedules as follows:
– Revise the language in Fee Schedule N (Toxic Inventory Fees) to clarify the methodology used by the Air District to calculate the facility’s weighted toxic inventory.
– Amend the language in Fee Schedule V (Open Burning) to reflect recent Regulation 5 amendments.

Chair Sinks made a motion, seconded by Vice Chair Chavez, to **adopt** the five (above) proposed amendments to Air District Regulation 3: Fees that would become effective on July 1, 2020, and approve the filing of a California Environmental Quality Act Notice of Exemption; and the motion **carried** by the following vote of the Board:

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

22. **Public Hearing to Consider Adoption of the Air District’s Proposed Budget for Fiscal Year Ending 2021**

Chair Sinks waived the staff presentation for this item, in the interest of time, and because this was the second Public Hearing the Board was holding to consider the Air District’s Proposed Budget for Fiscal Year Ending 2021.

Public Comments

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

Board Comments

The Board and staff discussed the request that staff addresses how the Air District plans to reinvest into disadvantaged communities when additional fee increases are revisited in October 2020.

Board Action

Director Spring made a motion, seconded by Secretary Mitchoff, to **adopt** a resolution to **approve** the Budget for the FYE 2021 and various budget related actions; and the motion **carried** by the following vote of the Board:

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

PRESENTATIONS

23. **Health & Zip Code: Environmental Health Inequities from Dr. Anthony Iton**

Chair Sinks introduced Dr. Anthony Iton, M.D., J.D., MPH, Senior Vice President for Healthy Communities at The California Endowment, and previous Alameda County Public Health Department Director and Health Officer, who gave the presentation *Policy of Violence: The Root Cause of Health Inequity*.

Public Comments

Public comments were given by Caryn; Dr. Raymond Tompkins; and Ladonna Williams.

Board Comments

The Board and staff discussed the request for presentations on this topic on a quarterly basis; the need to link regulation back to public health and the need to prioritize health risk prevention; whether those who advocate for communities that are impacted by inequities are residents of those communities; health disparities versus health inequities; importance of building the leadership pipeline (building capacity and effective advocacy); how to quantify savings regarding human health; the California Endowment's efforts to increase the presence of indigenous health care leaders; the correlation between a community's empowerment and its recovery; how a lack of solidarity and social networks keeps low-income communities separated from resources; how environmental stressors are internalized and affect the body; how people can address the fact that COVID-19 is impacting poor communities the most; and reputable sources/entities that can educate regarding racial injustice.

Board Action

None; receive and file.

24. **Air District Print and Online Annual Report**

Mr. Broadbent introduced Tina Landis, Public Information Officer, who gave the staff presentation *Air District Print and Online Annual Report*, including: *Coming Together* in print, interactive website, and video content; and social media promotion. Ms. Landis navigated through the 2019 interactive, online Annual Report, which highlights the accomplishments of the Air District over the past year.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

25. Process for Appointment to the Air District's Advisory Council

Mr. Broadbent gave the staff presentation *Process for Appointment to the Air District's Advisory Council*, including: Air District Advisory Council Health and Safety Code; Advisory Council current status; and current members. Mr. Broadbent announced that Professor Severin Borenstein, one of the seven members of the Air District's Advisory Council, recently resigned and that the Air District will hold a public recruitment for the vacancy.

Public Comments

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

Board Comments

The Board and staff discussed the request that this item comes before the Ad Hoc Committee on Equity, Access, and Inclusion; the lack of applicants yielded from past Advisory Council members recruitments; the request that recruitment be opened for incumbents' positions; whether to expedite recruitment for the current vacancy on the Advisory Council, regardless of the term expirations of the other Advisory Council members; and the suggestion of proactively reaching out to potential applicants.

Board Action

None; receive and file.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments were given by David Page; and Greg Karras.

BOARD MEMBERS' COMMENTS

27. Board Members' Comments

None.

OTHER BUSINESS

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

Mr. Broadbent announced the following:

- The Bay Area has not yet exceeded National Ambient Air Quality Standards, despite warmer temperatures and the summer smog season.
- Air District staff is trying to consider the fact that many Board members prefer not to have multiple meetings on the same day, as June meetings are being scheduled.
- Thank you to the Air District staff who helped facilitate the amendments to the Employees' Association MOU, Regulation 3: Fees, and Proposed Budget for Fiscal Year Ending (FYE) 2021.

29. 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 virtual, due to the COVID-19 pandemic.

30. Time and Place of Next Meeting

The next meeting had originally been scheduled for 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. After the meeting adjourned, the next meeting was scheduled for Wednesday, June 17, 2020, at 11:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

31. Adjournment

The meeting adjourned at 1:10 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards