

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

Board of Directors Regular Meeting
Wednesday, October 7, 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 9:35 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, Scott Haggerty, David Hudson, Davina Hurt, Tyrone Jue, Liz Kniss, Nate Miley, Mark Ross, Jim Spring, Brad Wagenknecht, Shamann Walton, Lori Wilson, and Shirlee Zane.

Absent: Directors Carole Groom and Katie Rice.

CONSENT CALENDAR (ITEMS 2-6)

2. Minutes of the Board of Directors Meeting of September 16, 2020
3. Board Communications Received from September 16, 2020 through October 6, 2020
4. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of August 2020
5. Authorization to Execute Contract with Regional Climate Protection Authority of Sonoma County
6. Consider Adopting Proposed Amendments to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4: Purchasing Procedures, Section 4.6: Contract, Section 4.6 (d): Bid Award

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Wagenknecht made a motion, seconded by Director Cutter, to **approve** the Consent Calendar Items 2 through 6, inclusive; and the motion **carried** by the following vote of the Board:

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

NOTED PRESENT: Director Walton was noted present at 9:40 a.m.

RESOLUTION

7. Consider Adopting Resolution No. 2020-10 Reaffirming the Bay Area Air Quality Management District's (Air District) Commitment to Diversity, Equity, Access, and Inclusion

NOTED PRESENT: Director Hurt was noted present at 9:55 a.m.; Director Wilson was noted present at 10:40 a.m.

Chair Sinks read the resolution, which reaffirms the Bay Area Air Quality Management District's commitment to diversity, equity, access, and inclusion, and formally apologizes to Dr. Henry Clark and honors him as a pioneer and advocate in the environmental justice movement. Dr. Clark was asked to give remarks, and he thanked Ladonna Williams, Dr. Raymond Tompkins, and Director Gioia for helping coordinate this document and gesture from the Air District.

Public Comments

Public comments were given by Ladonna Williams, All Positives Possible; and Dr. Raymond Tompkins, Clean Air Health Alliance.

Board Comments

The Board and staff discussed the history of Dr. Clark's contributions to environmental justice policies; the need to not misunderstand passion for violence; the need to find out whether other individuals have felt wronged by interactions that occurred at Air District meetings; whether the resolution language should have been communicated in a letter directly to Dr. Clark, as opposed to a public resolution; the fact that some Board members may feel unfairly labeled, due to the fact that the resolution does not specify which Board member summoned the San Francisco Police Department; the fact that institutional racism is not a generalization; the importance of remembering that trauma can be a long-term issue; and that Assemblyman Banta's bill (Assembly Bill [AB] 1550) would pose serious

consequences on 911 callers who are motivated by an individual's race, religion, sex, or any other protected class by designating such reports as a hate crime.

Board Action

Director Gioia made a motion, seconded by Director Ross, to **adopt** Board Resolution 2020-10, “***Reaffirming the Air District’s Commitment to Diversity, Equity, Access, and Inclusion***”; and the motion **carried** by the following vote of the Board:

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

COMMITTEE REPORTS

8. **Report of the Community and Public Health Meeting of September 17, 2020**

Community and Public Health Committee Chair, Shirley Zane, read the following committee report:

The Community and Public Health Committee met on Thursday, September 17, 2020, and approved the minutes of May 20, 2020. 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.

The Committee reviewed and discussed the staff presentation Owing Our Air West Oakland Community Action Plan Update. Ms. Margaret Gordon and Brian Beveridge of the West Oakland Environmental Indicators Project gave their perspectives on the progress of West Oakland Community Action Plan implementation as well.

The Committee then reviewed and discussed the staff presentation Assembly Bill 617 Community Emissions Reduction Plan Recommendation and Program Next Steps. The Committee recommends the Board:

- 1) *Approve the Richmond-San Pablo area for a community emission reduction plan under Year 3 of the State’s Community Air Protection Program.*

The next meeting of the Community and Public Health Committee will be held on Thursday, November 5, 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 Committee’s recommendation. This concludes the Chair Report of the Community and Public Health Committee.

Public Comments

Public comments were given by Ladonna Williams, All Positives Possible; Jed Holtzman, 350 Bay Area; and Dr. Raymond Tompkins, Clean Air Health Alliance.

Board Comments

The Board and staff discussed how the communities of Richmond and San Pablo have been waiting to develop an emission reduction plan under AB 617; and acknowledgement of Air District staff who have helped get these communities to this point.

Board Action

Director Zane made a motion, seconded by Director Gioia, to **approve** the Richmond-San Pablo area for a community emission reduction plan under Year 3 of the State's Community Air Protection Program; and the motion **carried** by the following vote of the Board:

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

9. **Report of the Mobile Source Committee Meeting of September 24, 2020**

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

The Mobile Source Committee met on Thursday, September 24, 2020, and approved the minutes of June 18, 2020. 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.

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/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 Amendments to Transportation Fund for Clean Air's Regional Fund and County Program Manager Fund Policies for Fiscal Years Ending 2018, 2019, 2020, and 2021. The Committee recommends the Board:

- 1) Approve amendments to the Transportation Fund for Clean Air Regional Fund and County Program Manager Policies for Fiscal Years Ending 2018, 2019, 2020, and 2021, to allow up to 24 months for projects to commence and to remove restrictions regarding match funding requirements for the Existing Shuttle/Feeder Bus Service project category.*

The next meeting of the Mobile Source Committee will be held on Monday, October 19, 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 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 Cutter, 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, Kniss, Miley, Mitchoff, Ross, Sinks, Spering, Wagenknecht, Walton, Wilson, Zane.
NOES: None.
ABSTAIN: None.
ABSENT: Groom, Hudson, Hurt, Rice.

10. Report of the Climate Protection Committee Meeting of September 30, 2020

Climate Protection Committee Chair, Teresa Barrett, read the following committee report:

The Climate Protection Committee met on Wednesday, September 30, 2020, and approved the minutes of June 28, 2020. 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.

The Committee received and discussed the staff presentation Clean Building Compass, which featured a video demonstrating how to utilize this centralized clearinghouse of policy tools on building decarbonization for local governments.

The Committee then received and discussed the staff presentation Outreach on Climate and Food.

The next meeting of the Climate Protection Committee will be held on Thursday, November 19, 2020, at 11:30 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 Climate Protection Committee.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the wealth of information within the Clean Building Compass platform.

Board Action

None; receive and file.

11. **Report of the Legislative Committee Meeting of September 30, 2020**

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

The Committee met on Wednesday, September 30, 2020, and approved the minutes of June 25, 2020. 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.

The Committee reviewed and discussed the staff presentation Recap of 2020 Legislative Year, capturing two Air District-sponsored bills that were not passed by the State, and the status of Assembly Bill 617 funding.

The Committee then reviewed and discussed the staff presentation Federal Legislative Update, which included four federal bills that the Air District is monitoring regarding alternative fueling infrastructure, wildfire smoke, funding for special districts, and clean energy microgrids.

The Committee then reviewed and discussed the staff presentation Consideration of Proposition 16, a constitutional amendment to repeal Proposition 209 (1996), which prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. Proposition 16 is the result of the passage of Assembly Constitutional Amendment 5. The Committee recommends the Board:

- 1) *Adopt a **SUPPORT** position on Proposition 16 (2020) to repeal Section 31 of Article I of the California Constitution.*

The Committee then reviewed and discussed the staff presentation Potential 2021 Legislative Activities, regarding topics such as indirect source authority, meeting compensation for Air District Board members, intellectual property authority, amending Assembly Bill 617 or the Community Air Protection program, composition of the Air District Board, and the reauthorization of existing air pollution funding sources whose fund are to expire in 2023.

Finally, the Committee reviewed and discussed the staff presentation Overview of Governor's Executive Order N-79-20, focusing on vehicular emission reduction targets to address climate change.

The next meeting of this Committee will be Thursday, November 12, 2020 at 9:30 a.m. I move that the Board approve the Committee's recommendation. This concludes the Chair's Report of the Legislative Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Abe-Koga made a motion, seconded by Director Bauters, to **adopt** a **SUPPORT** position on Proposition 16 (2020) to repeal Section 31 of Article I of the California Constitution; and the motion **carried** by the following vote of the Board:

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

12. **Report of the Budget and Finance Committee Meeting of September 30, 2020**

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

The Budget and Finance Committee met on Wednesday, September 30, 2020, and approved the minutes of May 20, 2020. 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.

The Committee reviewed and discussed the staff presentation Update on Economic Impact of COVID-19.

The Committee then reviewed and discussed the staff presentation Review Fiscal Year Ending 2021 Budget.

The next meeting of the Budget and Finance Committee will be held on Monday, November 23, 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 Budget and Finance Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

13. Report of the Stationary Source Committee Meeting of October 1, 2020

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

The Stationary Source Committee met on Thursday, October 1, 2020, and approved the minutes of July 29, 2020. 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.

The Committee reviewed and discussed the staff presentations Update on the Development of Amendments to Rule 6-5 and Fine Particulate Matter 2.5 Impacts from Two Bay Area Petroleum Refineries.

The next meeting of the Stationary Source Committee will be held 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.

14. Report of the Personnel Committee Meeting of October 5, 2020

Personnel Committee Chair, Jim Spring, read the following committee report:

The Personnel Committee met on Monday, October 5, 2020, and approved the minutes of May 27, 2020. 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.

The Committee reviewed and discussed twelve candidates to fill five vacancies on the Air District's Hearing Board: Two Principal members in the Public category, two Alternate members in the Public category, and one Alternate member in the Medical category. The Committee and staff discussed the recruitment process and then interviewed each candidate, via the Zoom application. The Committee recommends the Board approve:

- 1) The appointment of Danny Cullenward as Public category Principal;*
- 2) The appointment of Barbara Toole O'Neil as Public category Principal;*
- 3) The appointment of Amelia Timber as Public category Alternate;*
- 4) The appointment of Qian Tan as Public category Alternate; and*
- 5) The appointment of David Conrad as Medical Alternate.*

The next meeting of the Committee is at the Call of the Chair. I move that the Board approve the Personnel Committee recommendations. This concludes the Chair Report of the Personnel Committee.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the diversity of the candidates; and the appreciation for a well-run, efficient meeting.

Board Action

Director Spering made a motion, seconded by Director Wagenknecht, to **approve** the recommendations of the Personnel Committee; and the motion **carried** by the following vote of the Board:

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

PRESENTATIONS

15. Cut the Commute Pledge

Vice Chair Chavez, who first championed this initiative in Santa Clara County, thanked the Air District and Board members who support the concept and signed the pledge. Lisa Fasano, External Affairs Officer, gave the staff presentation *Cut the Commute Program*, including: Cut the Commute program; Bay Area Commuter Benefits program; employers’ views on remote work; Commuter Benefit program compliance; equity in commuter benefits; and next steps

Public Comments

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

Board Comments

The Board and staff discussed the possibility of renaming the program to focus on the objective of reducing single-occupancy vehicle trips; the need to flesh out reduced costs to employers and individuals as a result of implementation of this program; compliance rate by employer size; when data from employers should be collected, as the COVID-19 pandemic has not yet ended; the need to incentivize methods of active transportation (walking or biking) and not only transit; the need for Bay Area counties to sign the pledge; the concern regarding equity for those who cannot telecommute to

work; and the opportunity to demonstrate to those that are resistant to change that change can be beneficial.

Board Action

None; receive and file.

16. **Overview of Governor's Executive Order N-79-20**

The Board of Directors was to receive an overview of Governor Newsom's September 23, 2020, Executive Order N-79-20 related to climate change. **In the interest of time, this item will be continued until October 21, 2020.**

CLOSED SESSION (12:22 p.m.)

17. **CONFERENCE WITH LEGAL COUNSEL**

EXISTING LITIGATION (Government Code § 54956.9(a))

Pursuant to Government Code Section 54956.9 (a), a need exists to meet in closed session with legal counsel to consider the following case:

Associated Industries Insurance Company v. Bay Area AQMD, U.S. District Court, N.D. Cal. No. 4:19-cv-05277-DMR

REPORTABLE ACTION: Chair Sinks had nothing to report.

OPEN SESSION (12:35 p.m.)

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments were made by Tony Fisher, Coalition for Clean Air.

BOARD MEMBERS' COMMENTS

19. **Board Members' Comments**

Director Bauters promoted National Coming Out Day, an annual LGBT awareness day observed on October 11, 2020. He shared his personal story and encouraged jurisdictions to make their spaces more accommodating for those who need to come out.

OTHER BUSINESS

20. **Report of the Executive Officer/Air Pollution Control Officer**

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, announced the following:

- Four (4) million acres burned in California thus far in 2020, and wildfire season is not over yet; the Air District called 46 Spare the Air alerts during the summer season thus far.
- On October 21, 2020, the Executive Committee will receive a staff presentation on the Air District's Wildfire Response Program.
- Air quality forecast videos, presented by the Air District's Meteorologists, have gained popularity during the summer into fall, and have even been incorporated into local news stations' broadcasts.
- This warming and fire trend is the new normal and will most likely intensify over time.

21. Chairperson's Report

Chair Sinks announced the following:

- The Air District is hosting Climate Tech Marketplace 2020 on October 22, 2020, from 10:00 a.m. to 1:00 p.m. This free online event will showcase emerging technologies that reduce greenhouse gases, bringing together technology developers, local governments, investors, and potential technology customers. The event will also feature panel discussions on climate resilience, equity, and government innovation, as well as a live technology exhibitor showcase. Registration can be found on the Air District's website.
- Nominations for 2021 Board officers are being accepted by Chair Sinks until close of business on November 6, 2020. Board members who are interested in serving as committee chairs should submit their interest to Vanessa Johnson, Manager of Executive Operations, by December 4, 2020.
- Air District staff will poll for an Executive Committee meeting on October 21, 2020.
- Nominating and Board meetings that were scheduled for November 4, 2020 will be cancelled and moved to another date (to be determined.)

22. Time and Place of Next Meeting

Wednesday, October 21, 2020, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

23. Adjournment

The meeting adjourned at 12:48 p.m. in honor of National Coming Out Day.

/s/ Marcy Hiratzka
 Marcy Hiratzka
 Clerk of the Boards