



BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

MARGARET ABE-KOGA – CHAIR  
JOHN BAUTERS  
PAULINE RUSSO CUTTER  
SCOTT HAGGERTY  
TYRONE JUE

BRAD WAGENKNECHT – VICE CHAIR  
DAVID CANEPA  
JOHN GIOIA  
DAVINA HURT  
KAREN MITCHOFF

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

- **MEMBERS OF THE COMMITTEE MAY PARTICIPATE BY  
TELECONFERENCE**
- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST  
BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT’S AGENDA  
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- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE  
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COMMENT CAN USE THE “RAISE HAND” FEATURE BY DIALING “\*9”. IN  
ORDER TO RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE  
SURE YOUR APPLICATION IS UP TO DATE**

**THURSDAY  
NOVEMBER 12, 2020  
9:30 A.M.**

## **AGENDA**

**1. CALL TO ORDER - ROLL CALL**

**PUBLIC MEETING PROCEDURE**

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

*This meeting will be webcast. To see the webcast, please visit [www.baaqmd.gov/bodagendas](http://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.*

***Public Comment on Agenda Items** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have three minutes each to address the Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.*

**Staff/Phone (415) 749-**

**2. APPROVAL OF THE MINUTES OF SEPTEMBER 30, 2020**

**Clerk of the Boards/5073**

*The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of September 30, 2020.*

**3. 2021 LEGISLATIVE ACTIVITIES**

**A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)**

*The Committee and staff will discuss potential legislative activities in 2021.*

**4. PUBLIC COMMENT ON NON-AGENDA MATTERS**

*Members of the public who wish to speak on matters not on the agenda for the meeting, will have three minutes each to address the Committee.*

**5. COMMITTEE MEMBER COMMENTS / OTHER BUSINESS**

*Any member of the Committee, 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).*

6. **TIME AND PLACE OF NEXT MEETING**

*Thursday, December 3, 2020, at 9:00 a.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.*

7. **ADJOURNMENT**

*The Committee meeting shall be adjourned by the Committee Chair.*

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[vjohnson@baaqmd.gov](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://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](http://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](mailto: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

#### NOVEMBER 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Advisory Council Meeting	Monday	9	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Thursday	12	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Nominating Committee	Wednesday	18	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Special Meeting	Wednesday	18	10:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee – CANCELLED AND RESCHEDULED TO THURSDAY, DECEMBER 3, 2020 AT 11:30 A.M.	Thursday	19	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Climate Protection Committee	Thursday	19	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Budget & Finance Committee	Monday	23	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source Committee – CANCELLED	Monday	23	11:30 a.m.	Webcast only pursuant to Executive Order N-29-20

#### DECEMBER 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting	Wednesday	2	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Thursday	3	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee	Thursday	3	11:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors & Advisory Council Joint Meeting	Wednesday	16	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source Committee	Thursday	17	11:30 a.m.	Webcast only pursuant to Executive Order N-29-20

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Margaret Abe-Koga and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: November 4, 2020

Re: Approval of the Minutes of September 30, 2020

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RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of September 30, 2020.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of September 30, 2020.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 2A: Draft Minutes of the Committee Meeting of September 30, 2020

## AGENDA 2A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of September 30, 2020

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

### DRAFT MINUTES

Summary of Board of Directors  
Legislative Committee Meeting  
Wednesday, September 30, 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.**

#### 1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 11:30 a.m.

Present: Chairperson Margaret Abe-Koga; and Directors John Bauters, David Canepa, Pauline Russo Cutter, John Gioia, Scott Haggerty, Davina Hurt, and Karen Mitchoff.

Absent: Vice Chairperson Brad Wagenknecht; and Director Tyrone Jue.

Also Present: Board Chair Rod Sinks.

#### 2. APPROVAL OF THE MINUTES OF JUNE 25, 2020

##### Public Comments

No requests received.

##### Committee Comments

None.

##### Committee Action

Director Canepa made a motion, seconded by Director Mitchoff, to approve the Minutes of June 25, 2020; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Bauters, Canepa, Cutter, Haggerty, Hurt, Mitchoff, Sinks.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Gioia, Jue, Wagenknecht.

### **3. RECAP OF THE 2020 LEGISLATIVE YEAR**

Alan Abbs, Legislative Officer, gave the staff presentation *Recap of 2020 Legislative Year*, including: 2020 Legislative Session; Air District-sponsored bills; and Assembly Bill (AB) 617 funding. Mr. Abbs stated that the Governor has until September 30, 2020, to approve or veto legislation from the 2020 legislative session, and that the COVID-19 pandemic has resulted in the smallest number of bills ever to come before a California governor. Mr. Abbs explained that neither of the two bills sponsored by the Air District made it to the Governor. Those bills were AB 2882 (Chu) and AB 3211 (Bauer-Kahan). However, Mr. Abbs reported that AB 617 did maintain statewide implementation funding equivalent to last year's funding. Mr. Abbs added that such funding should not be anticipated in future years.

NOTED PRESENT: Director Gioia was noted present at 11:40 a.m.

#### Public Comments

No requests received.

#### Committee Comments

The Committee and staff discussed the suggestion that the Air District speak with the Department of Finance regarding long-term sustainable AB 617 implementation funding; whether AB 617 is a reimbursable mandate; the Air District's position on Governor's plan to phase out gas-powered vehicles, per Executive Order N-79-20, and how the California Air Resources Board is complying with the Order; and the observation that AB 617 has a history of being under-funded.

#### Committee Action

None; receive and file.

### **4. FEDERAL LEGISLATIVE UPDATE**

Mr. Abbs gave the staff presentation *Federal Legislative Update*, including: Clean Corridors (DeSaulnier); Smoke Planning and Research Act (Eshoo); Special Districts Provide Essential Services Act (Garamendi); and Energy Resilient Communities (Barragan).

#### Public Comments

No requests received.

#### Committee Comments

The Committee and staff discussed how his time serving as an Air District Board member may have helped shape Congressman DeSaulnier's current outlook on air pollution.



Committee Action

None; receive and file.

**5. CONSIDERATION OF PROPOSITION 16 (2020)**

Mr. Abbs gave 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, and is the result of the passage of Assembly Constitutional Amendment 5. The Committee continued to consider a position on California Proposition 16, repeal of Proposition 209, appearing on the November 3, 2020 General Election Ballot.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the need to dismantle systematic racism and gender inequality; and the fact that some politicians of color have felt conflicted about this issue.

Committee Action

Director Hurt made a motion, seconded by Director Bauters, to **adopt** a SUPPORT position on Proposition 16 (2020) to repeal Section 31 of Article 1 of the California Constitution; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Bauters, Canepa, Cutter, Gioia, Haggerty, Hurt, Mitchoff, Sinks.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Jue, Wagenknecht.

**6. 2021 LEGISLATIVE ACTIVITIES**

Mr. Abbs gave the staff presentation *2021 Legislative Activities*, including: previous Air District-sponsored bills; other legislative ideas; and potential other bills. Topics included: indirect source authority, meeting compensation for Air District’s 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.

### Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area; Steve Nadel, Sunflower Alliance; and Richard Gray, 350 Bay Area.

### Committee Comments

The Committee and staff discussed whether the Air District should pursue legislation to change the composition of its membership to include a member from the environmental justice community; the suggestion of prioritizing the recruitment for an environmental justice community member on the Air District’s Advisory Council, and how long it might take to change that provision in the Health and Safety Code to effect this change; the anticipated number of bills it may take to pursue changes to the composition of both the Air District’s Board and Advisory Council, and the suggestion that the Legislative Committee first makes a recommendation to the Board before pursuing a legislative change; New Jersey’s recently passed law (S232) which requires the state’s Department of Environmental Protection to evaluate environmental and public health stressors of certain facilities on overburdened communities when reviewing certain permit applications; whether the Air District should prioritize the pursuit of reclaiming the authority to regulate carbon dioxide emissions from stationary sources already subject to the Cap-and-Trade program, currently prevented by AB 389; the importance of including health impacts from air pollution in socioeconomic analyses; the suggestion that the Air District keeps pursuing indirect source authority, despite the status of AB 3211 (Bauer-Kahan), and the suggestion of asking Nancy Skinner to champion a new bill; whether to prioritize the Air District’s ability to increase fines or indoor air quality authority; the Air District’s pursuit of a new author for its bill to prohibit an Environmental Impact Report or Negative Declaration from being approved for any project involving the purchase or construction of a new chartered elementary or secondary school; the date of the Committee’s next meeting; and the need to keep pursuing AB 617 funding and Greenhouse Gas Reduction Fund programs.

### Committee Action

None; receive and file.

## **7. OVERVIEW OF GOVERNOR’S EXECUTIVE ORDER N-79-20**

Mr. Abbs gave the staff presentation *Overview of Governors’ Executive Order N-79-20*, focusing on vehicular emission reduction targets to address climate change.

### Public Comments

No requests received.

### Committee Comments

The Committee and staff discussed the fact that car and truck regulations may require U. S. Environmental Protection Agency waivers.

Committee Action

None; receive and file.

**8. PUBLIC COMMENT ON NON-AGENDA MATTERS**

Public comments received via electronic mail, and read aloud by Vanessa Johnson, Manager of Executive Operations, were submitted by Jared Johnson, Acterra.

**9. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS**

None.

**10. TIME AND PLACE OF NEXT MEETING**

The next meeting had originally been at the Call of the Chair. After the meeting adjourned, the next meeting was scheduled for Thursday, November 12, 2020, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

**11. ADJOURNMENT**

The meeting adjourned at 1:18 p.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Margaret Abe-Koga and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: November 4, 2020

Re: 2021 Legislative Activities

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**RECOMMENDED ACTION**

The Legislative Committee (Committee) will receive a report from staff on potential legislative activities in 2021, providing direction as necessary.

**BACKGROUND**

The new 2021-2022 Legislative session is set to begin on December 7, 2020. Potential bills will need to be introduced by mid-February 2021, official date pending.

**DISCUSSION**

In addition to the usual work on the state budget, below is a list of potential legislative activities for 2021, including ideas for Air District-sponsored bills as well as other potential bill activity of interest.

**Previous Air District-Sponsored Bills**

*Expansion of Indirect Source or Magnet Source Authority* – In 2020, the Air District sponsored Assembly Bill (AB) 3211, authored by Assemblymember Bauer-Kahan, to expand indirect source authority to include air toxics in addition to pollutants in excess of state ambient air quality standards. This bill was an early casualty of the reduction in bills due to COVID-19 in March as it had been double-referred. Staff has asked Assemblymember Bauer-Kahan's office about authoring the bill in 2021.

*Private/Charter School Requirements for Air Quality Review Under the California Environmental Quality Act (CEQA)* – In 2020, the Air District sponsored AB 2882, authored by Assemblymember Chu, to require new private and charter schools to work with their local air district to identify nearby sources of air emissions that could have public health impacts to school students and employees. The bill easily passed the Assembly but did not receive a hearing in the Senate due to another round of bill hearing reductions in August. This bill is a good candidate for reintroduction but will need a new author as Assemblymember Chu is leaving office.

## **Other Legislative Ideas**

*Wildfire Smoke Public Health Response* – Over 4 million acres burned this year in California and the District called over 50 Spare the Air days due to wildfire smoke. While the Air District has elevated our public health communication, smoke monitoring and modeling, and works closely with local health officers and organizations such as the Red Cross, we see gaps in an equitable public health response that could potentially be addressed through changes in policy. Ideas include either advocacy or legislation to 1) improved Title 24 standards for HVAC filtration in new residential or nonresidential construction, or in subsequent renovation work; 2) create a requirement and incentive program funding to improve filtration in existing rental housing; 3) expansion of funding for HVAC retrofits or filter replacements through programs such as Assemblymember Wicks’ Clean Air Center Pilot Program.

## **Potential Other Bills**

*Carl Moyer/AB 923 (Firebaugh; Chapter 707, Statutes of 2004) Reauthorization or Other Program Changes* – Authorization for the majority of Carl Moyer and AB 923 Mobile Source Incentive Fund (MSIF) funding expires at the end of 2023. Staff is aware of discussions among stakeholders about a possible reauthorization effort in 2021 that would include California Energy Commission (CEC) and CalRecycle programs also sunseting in 2023. Should this type of bill be introduced, the Air District will likely be heavily involved.

## **BUDGET CONSIDERATION/FINANCIAL IMPACT**

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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