

Bay Area Air Quality Management District
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APPROVED 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.

/s/ Marcy Hiratzka

Marcy Hiratzka
Clerk of the Boards