

Bay Area Air Quality Management District  
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San Francisco, CA 94105  
(415) 749-5073

Board of Directors Special Meeting  
Wednesday, May 5, 2021

### **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](http://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 Board of Directors participated by teleconference.**

#### **CALL TO ORDER**

1. **Opening Comments:** Board of Directors (Board) Chairperson, Cindy Chavez, called the meeting to order at 10:50 a.m.

#### **Roll Call:**

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Margaret Abe-Koga, David Canepa, Rich Constantine; Pauline Russo Cutter, John Gioia, Carole Groom, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Myrna Melgar, Nate Miley, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, and Lori Wilson.

Absent: Director Teresa Barrett.

#### **TRANSPARENCY, PROCESS, ETHICS, AND ACCOUNTABILITY WORKSHOP**

2. **Opening Comments**
3. **Presentations on Selected Brown Act Topics and Best Practices for Conducting Public Meetings**

Brian Bunger, Air District Counsel, gave the staff presentation *Brown Act Selected Topics*, including: outcome; requested action; outline; Brown Act fundamentals; relationship to parliamentary procedure; legislative bodies under the Brown Act; Brown Act meetings and exceptions; virtual meetings under the Brown Act; voting; public comment; and feedback requested/prompt.

Board Secretary, John Bauters, gave the presentation *Public Meeting Best Practices*, including: outcome; outline; goals; important notes; consistency versus rigidity; structure of an agenda item; the public comment; the Board discussion; Board member conduct; and feedback requested/prompt.

### Public Comment

Public comments were given by LaDonna Williams, All Positives Possible; Steve Nadel, Sunflower Alliance; and Dr. Raymond Tompkins, African-American Community Health Equity Council.

### Board Comments

The Board and staff discussed whether Board members may interrupt or halt a public comment that is not related to the current agenda item; how to best respond to public comments that may be provocative or inflammatory; what a Board member or Air District staff member should display on their screen if they need to step away during a virtual meeting; whether public comment speakers may use visual aids when they give their comments; how much Board committee governance will be allowed to diverge from the expectations described in Secretary Bauters' presentation, and the Board Chairperson's desire for consistency between committee and Board meetings, for the public's benefit; how to determine and adjust the amount of time per public comment speaker, should the number of public comment speakers increase during a given agenda item, and how to end comments that exceed the given amount of time; and the request that Air District staff drafts an "in-person/virtual hybrid" meeting policy and a visual aid policy, and bring both policies to the Administration Committee and then to the Board.

### **CONSENT CALENDAR (ITEMS 4 – 16)**

4. **Minutes of the Board of Directors Special Meeting of April 7, 2021**
5. **Board Communications Received from April 7, 2021 through May 4, 2021**
6. **Air District Personnel on Out-of-State Business Travel**
7. **Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of March 2021**
8. **Authorization to Execute Contract Amendment for Spare the Air Web Project and Maintenance Services**
9. **Authorization to Execute Contract Amendment for BioWatch Maintenance and Operations**
10. **Authorization to Execute Contract Amendment for California Environmental Quality Act (CEQA) Consulting Services**
11. **Authorization to Execute Contract Amendment for the Contra Costa County Green and Healthy Homes Initiative**
12. **Authorization to Execute Contract Amendment with Avantpage, Inc., for Language Translation Services for the Community Engagement Office and Rules Division**
13. **Stationary Source & Climate Impacts Committee Meeting**

The Board approved the following:

- 13.1 Committee Chair Summary Report of April 19, 2021
- 13.2 Report of the Stationary Source & Climate Impacts Committee Meeting of April 19, 2021

- A) **Costs and Financing Options for Building Decarbonization in the Bay Area**  
1) *None; receive and file.*
- B) **Rule Development Concepts for Building Appliance Regulation**  
1) *None; receive and file.*
- C) **Source Test 101**  
1) *None; receive and file.*

14. **Administration Committee Meeting**

The Board approved the following:

14.1 **ACTION REQUESTED:** Committee Chair Summary Report of April 21, 2021

14.2 Report of the Administration Committee Meeting of April 21, 2021

- A) **Hearing Board Quarterly Report: January 2021 – March 2021**  
1) *None; receive and file.*
- B) **Air District Financial Audit Report for Fiscal Year Ending (FYE) 2020**  
1) *None; receive and file.*
- C) **Third Quarter Financial Report – FYE 2021**  
1) *None; receive and file.*
- D) **ACTION REQUESTED AMENDED: Continued Discussion of Proposed Budget for FYE 2022 and Consideration to Recommend Adoption**  
1) *The Administration Committee will continue discussion of the proposed budget for FYE 2022 and consider recommending that the Board of Directors (Board)*
  - a. *Conduct Public Hearings on the FYE 2022 Proposed Budget; and*
  - b. *Adopt the FYE 2022 Proposed Budget.*
- E) **Summary of the 2020-2021 Spare the Air Winter Campaign**  
1) *None; receive and file.*
- F) **Board Governance – Next Steps**  
1) *None; receive and file.*
- G) **ACTION REQUESTED: Discussion on Administration Committee Workplan for 2021**  
1) *Recommend the Administration Committee approve the 2021 Workplan for the Committee.*

15. **Legislative Committee Meeting**

The Board approved the following:

15.1 **ACTION REQUESTED:** Committee Chair Summary Report of April 21, 2021

15.2 Report of the Legislative Committee Meeting of April 21, 2021

A) **Sacramento Legislative Budget Update**

1) *None; receive and file.*

B) **Air District-Sponsored Bills**

1) *None; receive and file.*

C) **ACTION REQUESTED Consideration of New Bills**

1) *Discuss and review bills and take positions where appropriate. Staff recommends oppose positions on the following bill: **Assembly Bill (AB) 905 (Quirk)** – Mobile fueling on-demand tank vehicles: performance standards.*

D) **2021 Legislative Platform**

1) *None; receive and file.*

E) **Federal Legislative Update**

1) *None; receive and file.*

16. **Mobile Source and Climate Impacts Committee Meeting**

The Board approved the following:

16.1 **ACTION REQUESTED:** Committee Chair Summary Report of April 22, 2021

16.2 Report of the Mobile Source Committee Meeting of April 22, 2021

A) **ACTION REQUESTED Projects and Contracts with Proposed Grant Awards Over \$100,000:**

- 1) *Approve recommended projects with proposed grant awards over \$100,000;*
- 2) *Approve the acceptance, obligation, and expenditure of up to \$3,640,000 from the Alameda County Transportation Commission (ACTC) that will be provided to the Air District to use as matching funds for project 21R07;*
- 3) *Adopt a resolution authorizing the Air District award of Transportation Fund for Clean Air (TFCA) and ACTC funds in support of the Center for Transportation and the Environment’s project 21R07; and*
- 4) *Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into all necessary agreements with applicants for the recommended projects.*

- B) TFCA Audit #21 Results: Air District-Sponsored Programs and County Program Manager Fund Projects**  
*1) None; receive and file.*
- C) ACTION REQUESTED TFCA County Program Manager (CPM) Expenditure Plans for FYE 2022**  
*1) Approve the allocation of new TFCA revenue to each of the nine CPM for FYE 2022; and*  
*2) Authorize the Executive Officer/APCO to enter into funding agreements with the CPMs for TFCA revenues to be programmed in FYE 2022.*
- D) Clean Cars for All Program Funding**  
*1) Adopt a resolution authorizing the Executive Officer/APCO to accept, obligate, and expend up to \$3 million from the California Air Resources Board for the Bay Area Clean Cars for All Program; and*  
*2) Authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding.*

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Cutter made a motion, seconded by Director Wilson, to **approve** the Consent Calendar Items 4 through 16, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Hopkins, Hudson, Hurt, Jue, Melgar, Miley, Mitchoff, Rice, Ross, Wagenknecht, Walton, Wilson.

NOES: None.

ABSTAIN: None.

ABSENT: Barrett, Haubert, Rennie.

**END OF CONSENT CALENDAR**

**PRESENTATIONS**

**17. Overview of Petroleum Refining Market in California**

Jack P. Broadbent, Executive Officer/APCO, introduced Gordon Schremp, Senior Fuels Specialist for the California Energy Commission, who gave the presentation *Transportation Fuel Trends, Jet Fuel Overview, Fuel Market Changes, and Potential Refinery Closure Impacts* including: overview; California primary transportation fuels; pandemic impacts and outlook – gasoline; California gasoline

demand in 2020; mobility trends in California and Bay Area; vehicle counts – Bay Area bridges; gasoline demand forecast; pandemic impacts and outlook – diesel; California diesel demand in 2020; rail activity in United States; Ports of Los Angeles and Long Beach – container imports; diesel demand forecast; pandemic impacts and outlook – jet fuel; global flight activity still down; United States airport passenger counts from 2019 through 2020; Bay Area Kinder Morgan lines; jet flows in Northern California and Southern California; jet fuel logistics; recent refinery closures; refiners adjust ratio of jet production; gasoline and diesel flows in Northern California; refinery conversion projects; increasing renewable diesel availability; potential impacts of refinery closures; retail gasoline price differences (California less United States average); Torrance refinery outage – market changes; and potential impacts of refinery closures.

### Public Comments

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

### Board Comments

The Board and staff discussed when refinery consolidation is anticipated to occur; the likelihood of an oversupply of gas and subsequent price decreases in California, even with a refinery closure; the likelihood of the implementation of a carbon tax; consumers’ historical reactions to gasoline price increases in California over an extended period; who will be making decisions that will require refineries to shift production to renewable fuel; and how the fuel market defines ‘renewable energy.’

### Board Action

None; receive and file.

### 18. **Wildfire Season Preview**

In the interest of time, this item was continued to June 16, 2021.

### **PUBLIC COMMENT ON NON-AGENDA MATTERS**

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

Public comments received from Serge Bonte, mountain view resident, were read by Air District staff.

### **BOARD MEMBERS’ COMMENTS**

### 20. **Board Members’ Comments**

Director Walton expressed his concern about not having been notified that the Air District arranged a tour and /or meetings with residents of Bayview Hunters Point. He requested to be informed of such meetings, moving forward.

Director Miley asked Air District staff to announce the following: The Air District and Communities for a Better Environment will conduct a joint virtual public workshop to present, discuss, and receive comments on the draft Health Risk Assessment (HRA) for AB&I Foundry located in East Oakland at 7825 San Leandro Street. Communities for a Better Environment will share community members' perspectives. Air District staff will provide presentations and respond to questions on the draft HRA. The Air District conducts health risk assessments as part of its ongoing effort to reduce emissions from stationary sources of toxic air pollution. HRAs are conducted for facilities whose emissions pose potentially high health risks to identify opportunities to reduce pollution and protect public health. The virtual workshop will be held using Zoom on Friday, May 7, 2021, from 5:30 PM to 8:30 PM.

## **OTHER BUSINESS**

### **21. Report of the Executive Officer/APCO**

#### **A. 2020 Annual Report**

In the interest of time, this item was continued to June 16, 2021.

### **22. Chairperson's Report**

Chair Chavez announced the following:

- The Alameda County Board of Supervisors reappointed David Haubert to the Air District's Board on April 6, 2021, for a four-year term, expiring on April 6, 2025.
- The Air & Waste Management Association's 114<sup>th</sup> Conference will be held virtually from June 14-17, 2021. Any Board members who wish to attend should inform Vanessa Johnson.

### **23. Time and Place of Next Meeting**

Wednesday, June 2, 2021, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

### **24. Adjournment**

The meeting adjourned at 1:22 p.m.

*/s/ Marcy Hiratzka*  
Marcy Hiratzka  
Clerk of the Boards