

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

Board of Directors Regular Meeting
Wednesday, June 16, 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*

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 9:31 a.m.

Roll Call:

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

Absent: Directors Lynda Hopkins, Tyrone Jue, Myrna Melgar, Shamann Walton.

CLOSED SESSION (9:36 a.m.)

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

Agency Negotiators: *Jack P. Broadbent, Executive Officer/Air Pollution Control Officer (APCO)
John Chiladakis, Acting Chief Administrative Officer
Terri Levels, People and Engagement Officer*

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

Public Comments

Public comments were given by Will Skinner.

REPORTABLE ACTION: Alexander Crockett, Assistant District Counsel, reported that the Board will proceed to a vote on Item 16 (Consider Approving Proposed Contract Terms Resulting from Labor Negotiations and Associated Terms for Management and Confidential Employees.)

OPEN SESSION (10:05 a.m.)

CONSENT CALENDAR (ITEMS 3 – 24)

3. Minutes of the Board of Directors Special Budget Hearing Meeting of May 5, 2021, Special Meeting of May 5, 2021, and Meeting of June 2, 2021
4. Board Communications Received from May 5, 2021, through June 15, 2021
5. Air District Personnel on Out-of-State Business Travel
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of April 2021
7. Quarterly Report of the Executive Office and Division Activities for the Months of January 2021-March 2021
8. Quarterly Report of California Air Resources Board Representative – Honorable Davina Hurt
9. Authorization to Amend Contract with Sharon Beals
10. Notice of Proposed Amendments to the Air District’s Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees
11. Participation in Community Air Protection Program Fiscal Year Ending (FYE) 2021
12. Authorization to Amend Contract with Enforce, LLC
13. Authorization to Amend Contract with Moore Iacofano Goltsman, Inc.
14. Authorization for Procurement for Replacement of Computer Workstations
15. Authorization for Funding to the Partnership Agreement with the Metropolitan Transportation Commission (MTC) for Additional Training and Database Development
16. Consider Approving Proposed Contract Terms Resulting from Labor Negotiations and Associated Terms for Management and Confidential Employees
 - A. Consider Approving the Proposed Memorandum of Understanding between the Bay Area Air Quality Management District and the Bay Area Air Quality Management District Employees’ Association and to Approve Changes to the Salaries and Benefits of the Management and Confidential Units
 - B. Consider Pay Equity Adjustments for Select Job Classifications
 - C. Consider Consolidating the Air Quality Inspector and Air Quality Instrument Specialist Job Classification Series into the Air Quality Specialist Job Classification Series

- 17. Authorization to Amend Contract with Aclima
- 18. Community Equity, Health and Justice Committee Meeting
 - 18.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of May 6, 2021
 - 18.2 Report of the Community Equity, Health and Justice Committee Meeting of May 6, 2021
(DIRECTOR HUDSON PULLED ITEM 18.2 FROM CONSENT CALENDAR)

The Committee recommends Board of Directors' approval of the following:

ACTION REQUESTED: Consideration of AB 617 Richmond-North Richmond-San Pablo Community Emissions Reduction Plan Steering Committee Proposed Stipend for Co-Chairs

The Committee recommends the Board of Directors approve stipend amounts for Co-Chairs be set to \$100 per Community Emissions Reduction Plan Steering Committee meeting attended, and an additional \$300 per month.

- 19. Stationary Source and Climate Impacts Committee Meeting
 - 19.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of May 17, 2021
 - 19.2 Report of the Stationary Source and Climate Impacts Committee Meeting of May 17, 2021
- 20. Administration Committee Meeting
 - 20.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of May 19, 2021
 - 20.2 Report of the Administration Committee Meeting of May 19, 2021

The Committee recommends Board of Directors' approval of the following:

A) ACTION REQUESTED: Community Benefit Fund

The Committee recommends the Board of Directors approve a modification to the Proposed Fiscal Year ending (FYE) 2022 budget Reserves Designations to increase the Community Benefit designation from \$1M to \$3M, reducing the Pandemic Contingency designation from \$10M to \$8M, and require that Air District staff give regular updates on the Community Benefit Fund to the Committee.

B) ACTION REQUESTED: Cost Recovery

The Committee recommends the Board of Directors approve a target for a 100% cost recovery policy.

C) ACTION REQUESTED: Review Workplan to Initiate Management Audit

The Committee recommends the Board of Directors approve the proposed Workplan to initiate a management audit and the scope of work to procure services for a management audit, acknowledging the following priorities: evaluate the Air District's current hiring process, analyze Air District divisions that are asking for the greatest numbers of new

staffing positions, include a risk assessment within the audit. The selection team of the auditor will include Board Members Carole Groom and Margaret Abe-Koga, as well as one community member appointed by the Community Equity, Health, and Justice Committee, and another appointed by the Stationary Source and Impacts Committee.

21. Legislative Committee Meeting

21.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of May 19, 2021

21.2 Report of the Legislative Committee Meeting of May 19, 2021

The Committee recommends Board of Directors approval of the following:

ACTION REQUESTED: State Legislative Update and Consideration of New Bills

The Committee recommends the Board of Directors adopts the position of SUPPORT on Senate Bill 771 (Becker).

22. Mobile Source and Climate Impacts Committee Meeting

22.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of May 27, 2021

22.2 Report of the Mobile Source and Climate Impacts Committee Meeting of May 27, 2021

The Committee recommends Board of Directors approval of the following:

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

1) The Committee recommends the Board of Directors approve recommended projects with proposed grant awards over \$100,000 as shown in Attachment 1; and;

2) Authorize the Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.

B) ACTION REQUESTED: Updates to the Transportation Fund for Clean Air (TFCA) Regional Fund Policies and Evaluation Criteria for Fiscal Year Ending (FYE) 2022

1) The Committee recommends the Board of Directors approve the proposed updates to TFCA Regional Fund Policies and Evaluation Criteria for FYE 2022.

23. Technology Implementation Office Committee Meeting

23.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of May 28, 2021

23.2 Report of the Technology Implementation Office Committee Meeting of May 28, 2021

24. Community Equity, Health and Justice Committee Meeting

24.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of June 3, 2021

24.2 Report of the Community Equity, Health and Justice Committee Meeting of June 3, 2021

Public Comments on Consent Calendar Items 3 through 18.1, and Items 19 through 24

No requests received.

Board Comments on Consent Calendar Items 3 through 18.1, and Items 19 through 24

None.

Board Action on Consent Calendar Items 3 through 18.1, and Items 19 through 24

Director Wagenknecht made a motion, seconded by Director Cutter, to **approve** Consent Calendar Items 3 through 18.1, and Items 19 through 24; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Haubert, Hudson, Hurt, Mitchoff, Rennie, Rice, Wagenknecht, Wilson.
NOES: None.
ABSTAIN: None.
ABSENT: Hopkins, Jue, Melgar, Miley, Ross, Walton.

Public Comments on Item 18.2

No requests received.

Board Comments on Item 18.2

The Board and staff discussed varying opinions about whether the Richmond-North Richmond-San Pablo Community Emissions Reduction Plan Steering Committee Co-Chairs should receive additional compensation beyond the \$100 stipend per meeting.

Board Action on Item 18.2

Secretary Bauters made a motion, seconded by Director Gioia, to **approve** Consent Calendar Item 18.2; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Haubert, Hurt, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Wilson.
NOES: Hudson.
ABSTAIN: None.
ABSENT: Hopkins, Jue, Melgar, Miley, Walton.

END OF CONSENT CALENDAR

PUBLIC HEARINGS

25. 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

Fred Tanaka, Air Quality Engineering Manager, gave the staff presentation *Proposed Amendments to Regulation 3: Fees*, including: outcome; outline; requested action; cost recovery background; trends in cost recovery from regulatory fees; Draft Fee Amendments (proposed changes to fee schedules; other proposed amendments; public comments received; impact on large facilities and small businesses; rule development schedule; and feedback requested/prompt.

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

NOTED PRESENT: Director Miley was noted present at 10:30 a.m.

Public Comments

Public comments were given by Bob Brown, Western States Petroleum Association; Jed Holtzman, 350 Bay Area; Dr. Stephen Rosenblum, Palo Alto resident; and Christine Wolf, California Council for Environmental and Economic Balance.

Chair Chavez closed the Public Hearing.

Board Comments

The Board and staff discussed whether the Board officially approved a 100% cost recovery policy in the Consent Calendar (Item 20.2B); a cost recovery study that is to be conducted at the Air District; and concerns about the burdens on small businesses due to Air District fee increases.

Board Action

Director Wagenknecht made a motion, seconded by Vice Chair Mitchoff, to **approve** the proposed amendments to Air District Regulation 3: Fees, effective on July 1, 2021, and **approve** the filing of a California Environmental Quality Act Notice of Exemption; and the motion **carried** by the following vote of the Board:

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|----------|---|
| AYES: | Abe-Koga, Barrett, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Haubert, Hudson, Hurt, Miley, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Wilson. |
| NOES: | None. |
| ABSTAIN: | None. |
| ABSENT: | Hopkins, Jue, Melgar, Walton. |

26. Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year Ending (FYE) 2022

Dr. Jeff McKay, Chief Financial Officer, gave the staff presentation *First Public Hearing on the Proposed Air District Budget for FYE 2022*, including: outcome; outline; requested action; financial history – actual reserves and policy trends, cost recovery trends, fees and cost recovery overview; possible path to 100% cost recovery; next steps on cost recovery; current FY budget overview; FY 21-22 Proposed Budget overview; breakdown of \$10.5 million budget increase; new staffing request (General Fund and grant funded); hiring plan and management audit; funding of retirement liabilities; Community Benefit Funding; pandemic contingency reserves; revised reserve recommendations; reserves designations; revised reserves designations; FY 21-22 Proposed Budget summary; and feedback requested/prompt.

Chair Chavez opened the second of two required public hearings for the exclusive purpose of considering testimony on the Air District's Proposed Budget for FYE 2022.

Public Comments

No requests received.

Chair Chavez closed the Public Hearing.

Board Comments

The Board and staff discussed whether the Board officially approved a 100% cost recovery policy in the Consent Calendar (Item 20.2B); the Air District's California Public Employees' Retirement System retirement pension funding policy; the request for a comparison of Bay Area Air Quality Management District costs, annual budgets, and full-time equivalent data versus those of other California air districts; distinct changes in the Proposed Budget for FYE 2022 and whether Air District staff comfortable with today's proposal; whether the proposed budget was designed to protect the Air District from future downturns; and permitted facilities (by sector) that are not contributing to, but would benefit from, increases in Air District fees.

Board Action

Director Constantine made a motion, seconded by Director Hurt, to **approve** the proposed Budget for the Fiscal Year Ending (FYE) 2022 and various budget related actions; and the motion **carried** by the following vote of the Board:

- AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Haubert, Hudson, Hurt, Miley, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Wilson.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Hopkins, Jue, Melgar, Walton.

END OF PUBLIC HEARINGS

PRESENTATION

27. Wildfire Season Preview

Dr. Ranyee Chiang, Director of Metrology and Measurement, gave the staff presentation *Wildfire Seasons Preview*, including: outcome; outline; requested action; wildfires in California have intensified; 2021 fire season outlook; 2021 fire season likely to start earlier; air monitoring; air quality can change rapidly and varies from one location to another; forecasting during wildfire incidents; communications; where can the public get air quality data; how to prepare for wildfire smoke; reducing wildfire risk; and protecting indoor air quality.

Public Comments

No requests received.

Board Comments

The Board and staff discussed how some existing electrical and filtration systems are not compatible with High Efficiency Particulate Air purifiers or Minimum Efficiency Reporting Value filters; whether the Air District will encourage the public to wear respirators during anticipated wildfire activity; the suggestion that the Air District creates a public video to demonstrate how to properly put on a respirator; the number of filters that will be funded under the Home Air Filtration Program and Regional Asthma Management and Prevention program; the need to educate the public about the effects of Particulate Matter and harm reduction; the request for an Air District-issued list of recommendations to the public regarding wildfire season safety, similar to that of the United States Centers for Disease Control and Prevention; difficulties that result when different Bay Area counties give conflicting messages about respirators during wildfire activity; and how mask requirements from the pandemic may affect people’s feelings about wearing respirators during wildfires.

Board Action

Vice Chair Mitchoff made a motion, seconded by Director Wagenknecht, to **authorize** the Executive Officer/APCO to enter into agreements with Home filter manufacturers Helen of Troy and Winix, Inc. in amounts not to exceed \$250,000 to purchase home air filters for the Home Air Filtration Program, and **expand** a current agreement with the Public Health Institute’s Regional Asthma Management and Prevention program to distribute these filters; and the motion **carried** by the following vote of the Board:

- AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Hudson, Hurt, Miley, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Wilson.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Haubert, Hopkins, Jue, Melgar, Walton.

END OF PRESENTATION

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

No requests received.

BOARD MEMBERS’ COMMENTS

29. **Board Members’ Comments**

Director Bauters wished any lesbian, gay, bisexual, and transgender Air District employees happy Pride Month, and he offered himself as a resource for those who have concerns about revealing their sexual or gender identity.

OTHER BUSINESS

30. Report of the Executive Officer/APCO

Jack P. Broadbent, Executive Officer/APCO, reported that meteorologists predict that the Bay Area will exceed the ozone National Ambient Air Quality Standards, and “Spare the Air” alerts will be called on June 17 and 18, 2021.

31. **Chairperson’s Report**

Chair Chavez announced the following tentative Board meeting schedule:

- Friday, June 25, 2021, at 3:30 p.m. The only item on this meeting’s agenda will be Closed Session, during which, performance evaluations for the Executive Officer/APCO and District Counsel will be discussed.
- Wednesday, July 7, 2021, at 9:30 a.m.
- Wednesday, July 21, 2021, at 8:30 a.m., to consider amendments to Regulation 6-5 (Particulate Emissions from Refinery Fluidized Catalytic Cracking Units)

32. **Time and Place of Next Meeting**

The next Board was to be Wednesday, July 7, 2021, at 9:30 a.m. Before the meeting concluded, as part of Item 31 (Chairperson’s Report), Chair Chavez announced that the Board will next meet on Friday, June 25, 2021, at 3:30 p.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

33. **Adjournment**

The meeting adjourned at 1:22 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards