



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
MEETING
July 20, 2022**

THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY ASSEMBLY BILL 361 (RIVAS 2021) ALLOWING REMOTE MEETINGS. THIS MEETING WILL BE ACCESSIBLE VIA WEBCAST, TELECONFERENCE, AND ZOOM. A ZOOM PANELIST LINK WILL BE SENT SEPARATELY TO COMMITTEE OR BOARD MEMBERS

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S AGENDA WEBPAGE AT**

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BOARD OF DIRECTORS MEETING AGENDA

WEDNESDAY, JULY 20, 2022
9:00 AM

Chairperson, John J. Bauters

1. **Call to Order - Roll Call**
2. **Pledge of Allegiance**
3. **Public Meeting Procedure**

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

This meeting will be webcast. To see the webcast, please visit 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 Board. No speaker who has already spoken on that item will be entitled to speak to that item again.*

4. **Special Orders of the Day**

COMMENDATION/PROCLAMATION/AWARD

5. Recognition of Mr. Richard Corey for Service/Retirement from the California Air Resources Board

The Board of Directors will recognize Mr. Richard Corey for his 37 years of service and retirement from the California Air Resources Board.

CONSENT CALENDAR (Items 6 - 17)

6. Approval of the Minutes of July 6, 2022

The Board of Directors will consider approving the draft minutes of the Board of Directors meeting of July 6, 2022.

7. Board Communications Received from July 6, 2022 through July 19, 2022

A copy of communications directed to the Board of Directors received by the Air District from July 6, 2022 through July 19, 2022, will be distributed to Board Members by way of email.

8. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)

The Board of Directors will consider approving a resolution reauthorizing Air District Board and Committee meetings using remote teleconferencing through August 19, 2022.

9. Personnel Out of State Business Travel Report for June 2022

In accordance with Section (b) of the Air District Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business in the preceding months.

10. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of May 2022

In accordance with Resolution No. 2012-08 the Board of Directors will receive a list of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the month of May 2022.

11. Quarterly Report of California Air Resources Board Representative - Honorable Davina Hurt

This is an informational item only.

12. Projects and Contracts With Proposed Grant Awards Over \$500,000

This is an action item for the Board of Directors to consider approving the award of incentive funding to projects with proposed grant awards in excess of \$500,000 and to authorize the Interim Executive Officer/APCO to execute grant agreements for the recommended projects.

13. Authorization to Execute Contract Amendment with Ceridian Payroll Services

The Board of Directors will consider authorizing the Interim Executive Officer/APCO to extend the terms of the contract with Ceridian Payroll Services for a three-year term at a total cost of \$600,000 spread between three fiscal years (FYE 23, 24, 25).

14. Authorization of No-Cost Extension of Contract for the Bay Air Center

The Board of Directors will consider authorizing a no-cost extension for the contract for the Bay Air Center, which provides technical assistance to low-cost sensor network projects led by community organizations in the Bay Area.

15. Consider Proposed Amendments to the Administrative Code Regarding the Functions of the Administration Committee

This is an action item to amend the Administrative Code to add two sentences to clarify that the functions of the previous Executive Committee and Personnel Committee, which were eliminated in 2021, have been taken over by the Administration Committee.

16. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of June 27, 2022

The Board of Directors will receive a report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of June 27, 2022.

17. Report of the Community Equity, Health, and Justice Committee Meeting of July 7, 2022

The Board of Directors will receive a report of the Community Equity, Health, and Justice Committee Meeting of July 7, 2022, and will consider approval of the following action items recommended by that Committee:

- A) Approve Authorization to Use California Air Resources Board (CARB) Supplemental Environment Project (SEP) Funds and \$1 Million Wildfire Mitigation Designated Reserves for School and Home Air Filtration Programs

PRESENTATION(S)

18. Report of the Community Advisory Council Meeting of June 30, 2022

The Board of Directors will receive a report of the Community Advisory Council meeting of June 30, 2022.

19. Statewide Expansion of Climate Tech Finance Program

The Board of Directors will consider authorizing the Interim Executive Officer/APCO to negotiate and execute agreements with IBank and Nor-Cal FDC to allow the Air District to receive administrative funds for evaluating loan guarantees under the Climate Tech Finance program with an expanded statewide scope. This item will be presented by Derrick Tang, Manager in the Technology Implementation Office.

OTHER BUSINESS

20. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3

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 Board.

21. Board Member Comments

Any member of the Board, 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)

22. Report of the Interim Executive Officer/APCO

23. Chairperson's Report

24. Time and Place of Next Meeting

Wednesday, September 7, 2022, at 9:00 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

CLOSED SESSION

25. Discussion With Counsel re Existing Litigation (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), the Board will meet in closed session with legal counsel to discuss the following cases:

Chevron U.S.A Inc. v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1739; and

Martinez Refining Co. LLC v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1568.

26. Conference With Legal Counsel re Anticipated Litigation (Government Code Section 54956.9(d)(2))

Pursuant to Government Code section 54956.9(d)(2), the Board will meet in closed session with legal counsel to discuss a significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: One case.

OPEN SESSION

27. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
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 Air 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 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, Suma Peesapati, at (415) 749-4967 or by email at spesapati@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

JULY 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source and Climate Impacts Committee - CANCELLED	Monday	18	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	18	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	20	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee - CANCELLED	Wednesday	20	11:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee - CANCELLED	Wednesday	27	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	28	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

AUGUST 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	15	5:30 p.m.	Webcast only pursuant to Assembly Bill 361

MV 7/13/22 – 11:41 a.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Approval of the Minutes of July 6, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors meeting of July 6, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors meeting of July 6, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Board of Directors Meeting of July 6, 2022

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

DRAFT MINUTES

Board of Directors Regular Meeting
Wednesday, July 6, 2022

*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 Assembly Bill 361 (Rivas 2021), allowing remote meetings. Members of the Board of Directors participated both by teleconference (via Zoom) and in person.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, John J. Bauters, called the meeting to order at 9:00 a.m.

Roll Call:

Present: Chairperson John J. Bauters; Vice Chairperson Davina Hurt (Zoom); Secretary Teresa Barrett (Zoom); and Directors Margaret Abe-Koga (Zoom), David Canepa (Zoom), John Gioia (Zoom), Carole Groom (Zoom), David Haubert (Zoom), Lynda Hopkins (Zoom), David Hudson (Zoom), Tyrone Jue, Otto Lee (Zoom), Sergio Lopez (Zoom), Nate Miley (Zoom), Karen Mitchoff (Zoom), Rob Rennie (Zoom), Katie Rice (Zoom), Mark Ross (Zoom), Shamann Walton, and Steve Young (Zoom).

Absent: Directors Pauline Russo Cutter, Erin Hannigan, and Brad Wagenknecht.

2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC MEETING PROCEDURE**
4. **SPECIAL ORDERS OF THE DAY**

Chair Bauters introduced new Air District employee, Jason Newman, Assistant Staff Specialist in the Strategic Incentives Division. He then introduced Mark Tang, who was promoted to Principal Environmental Planner in the Planning & Climate Protection Division. Both gave self-introductions.

CONSENT CALENDAR (ITEMS 5 – 13)

- 5. Approval of the Minutes of June 15, 2022
- 6. Board Communications Received from June 15, 2022, through July 5, 2022
- 7. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
- 8. Authorization to Execute a Master Service Agreement (MSA) with InterEthnica
- 9. Notice of Proposed Amendments to Division I, Section 6.4, of the Administrative Code Regarding the Functions of the Administration Committee
- 10. Authorization to Execute a Legal Services Agreement with Shute Mihaly & Weinberger to Represent the Air District in Ongoing Litigation Regarding Regulation 6-5
- 11. Report of the Legislative Committee Meeting of June 13, 2022
- 12. Report of the Stationary Source and Climate Impacts Committee Meeting of June 13, 2022
- 13. Report of the Administration Committee Meeting of June 15, 2022

Public Comments

Public comments were given by Angie.

Board Comments

The Board and staff discussed the anticipated timeline of Item 10, Authorization to Execute a Legal Services Agreement with Shute Mihaly & Weinberger to Represent the Air District in Ongoing Litigation Regarding Regulation 6-5.

Board Action

Director Groom made a motion, seconded by Director Hudson, to **approve** Consent Calendar Items 5 through 13, inclusive; and the motion **carried** by the following vote of the Board:

- AYES: Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David Canepa, John Gioia, Carole Groom, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Otto Lee, Sergio Lopez, Nate Miley, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Shamann Walton, Steve Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Pauline Russo Cutter, Erin Hannigan, Brad Wagenknecht.

DISCUSSION

14. MANAGEMENT AUDIT REPORT ON PRIORITY RECRUITMENTS

John Chiladakis, Director of Information Services, introduced George Skiles of Sjoberg Evashenk, who gave the presentation *Organizational Assessment Task Order #3: Phase I Report*. Under this report, the Auditor was tasked to review all unfilled positions and provide immediate staffing recommendations to allocate and fill priority positions.

Mr. Skiles concluded with recommendation that District Management commence filling all vacant positions and processing already-approved position changes as soon as practicable for all positions identified under the following organizational units in Appendix H of the 2023 adopted budget:

- Executive Office
- Legal Office / District Counsel
- Compliance & Enforcement
- Engineering
- Strategic Incentives
- Community Engagement
- Meteorology & Measurement
- Rules

Mr. Skiles indicated that other recruitments or position changes identified in Appendix H for organizational units not listed above will be reviewed by the audit moving forward and independently recommended to the Executive Officer for approval, but any changes to classifications or position allocations across divisions that are not already approved in the FYE 23 budget will have to be brought before the Board for approval.

Mr. Skiles indicated that additional controls have been put in place and the filling of positions will have to comply with processes that include the additional controls.

NOTED PRESENT: Director Gioia was noted present at 9:30 a.m.

Public Comments

No requests received.

Board Comments

The Board and staff discussed which positions are “Board-appointed officers”; whether the Air District has implemented an expedited process for permit applicants who have been waiting long amounts of time for Air District permits; the Air District’s rate of promotions; the need to fill unfilled positions quickly, given the volume of work at the Air District; the definition of “0” in the “Change” column on Slides 5-8; whether current unfilled positions are intended for the San Francisco office, Richmond office, or in the field; challenges that employers face when filling positions, and revisions the Air District should make in its recruitment practices; whether the current number of unfilled positions at the Air District is the “correct” number, and whether the Air District should compare its number to those of other comparable air districts in California; whether the consultant believes that sufficient controls are now in place at the Air District to fill recommended positions successfully; and whether the consultant believes that the current unfilled positions needed are reasonably allocated to the various divisions of the Air District.

Board Action

None; receive and file.

15. **CURRENT LEGISLATION ON POTENTIAL AMENDMENTS TO THE BROWN ACT**

Alan Abbs, Legislative Officer gave a status update on AB 2449 (Rubio), the sole remaining California bill regarding teleconferencing at public meetings of local agencies that may still be passed and signed by the Governor in 2022. Mr. Abbs explained that the other bill had been AB 1944 (Lee), which also focused on the local government meeting structure during a state of emergency, and said that of the two bills, AB 2449 was the more stringent bill. After explaining the history of AB 1944 why it died, Mr. Abbs added that AB 2449 will be going to Senate Appropriations, and lacking fiscal impacts, will not be placed on suspense file.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the desire to support the development and re-introduction of Assembly Member Lee’s dead bill (formerly AB 1944); whether AB 2449 addresses public participation; how AB 2449 would hinder greenhouse gas reduction goals and potentially increase the spreading of germs; origins of the opposition to AB 1944; whether AB 2449 would allow the former Brown Act practice of being able to offer multiple noticed meeting locations that are publicly accessible; limitations on teleconferencing from remote locations; the likelihood that any position on this bill adopted by the Air District would impact the Senate’s vote at this stage in the Legislative process; the difference between “Oppose Unless Amended” and “Support if Amended”; whether the California Legislature is subject to the Brown Act; whether achieving a quorum of Board members in a singular physical location within the Board’s jurisdiction would then mean that all other Board members could participate remotely; the differentiation of travel time between members of city, county, and regional bodies; and the request that Bay Area regional agencies collaborate to establish shared sub-regional public meeting locations.

Board Action

Chair Bauters made a motion, seconded by Director Hudson, to recommend the Board of Directors **adopt** the position of **OPPOSE** on AB 2449 (Rubio) – Open meetings: local agencies: teleconferences; **direct** staff to send a letter to the author and members of California Senate before the Senate votes on this bill, explaining why the Air District opposes it; and **direct** staff to distribute the letter to all Board members.

The motion **carried** by the following vote of the Board:

- AYES: Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David Canepa, John Gioia, Carole Groom, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Otto Lee, Sergio Lopez, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Shamann Walton, Steve Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Pauline Russo Cutter, Erin Hannigan, Nate Miley, Brad Wagenknecht.

16. **VENDOR SELECTION FOR FINANCIAL AND COMPLIANCE AUDITS**

Stephanie Osaze, Finance Director, gave the staff presentation *Vendor Selection for Financial and Compliance Audits*, including: outcome; outline; background; scope of work; 2022 Request for Proposals (RFP) process, evaluation criteria, and bidders' scores and ranking; Simpson & Simpson, LLP overview and cost proposal; actions requested; and next steps.

NOTED PRESENT: Director Miley was noted present at 11:03 a.m.

Joseph Moussa of Simpson & Simpson, LLP was introduced, and then Mr. Moussa described the various stages of an Air District financial and compliance audits.

Public Comments

No requests received.

Board Comments

None.

Board Action

Chair Bauters made a motion, seconded by Director Hudson, to **approve** the selection of Simpson & Simpson, LLP to conduct the Financial Audits and Compliance Audits of the Transportation Fund for Clean Air programs and projects; and **authorize** the Executive Officer/Air Pollution Control Officer (APCO) to execute a contract with Simpson & Simpson, LLP for up to a five-year term at the Air District's discretion, based on the contractor's performance, for a total cost not to exceed \$1,204,000; and the motion **carried** by the following vote of the Board:

- AYES: Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David Canepa, John Gioia, Carole Groom, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Otto Lee, Sergio Lopez, Nate Miley, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Shamann Walton, Steve Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Pauline Russo Cutter, Erin Hannigan, Brad Wagenknecht.

OTHER BUSINESS

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

Public comments were given by Dr. Jeffrey McKay, as a member of the public, and not as the Air District's Chief Financial Officer.

18. **BOARD MEMBER COMMENTS**

Directors Hudson and Ross reported on the Air & Waste Management Association's 115th Annual Conference that they attended as Air District Board members.

19. **REPORT OF THE INTERIM EXECUTIVE OFFICER/APCO**

Sharon Landers, Interim Executive Officer/APCO, was unable to participate in the meeting. As a result, Veronica Eady, Senior Deputy Executive Officer of Policy & Equity, read a statement written by Ms. Landers, regarding the Supreme Court's ruling on "West Virginia vs. Environmental Protection Agency (EPA)", released on June 30, 2022, and the Air District's subsequent pledge to work with the EPA to pursue effective methodologies to reduce carbon emissions from the power sector.

Ms. Eady then asked Dr. Ranyee Chiang, Director of Meteorology and Measurement, to provide a summary on recent air quality.

20. **CHAIRPERSON'S REPORT**

Chair Bauters announced that no Board, nor Committee meetings, will occur within the month of August.

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

Wednesday, July 20, 2022, at 9:00 a.m., in person or via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

CLOSED SESSION (11:20 a.m.)

22. **PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT (GOVERNMENT CODE § 54957(b))**

Title: Executive Officer/APCO

Reportable Action: Alexander Crockett, District Counsel, reported that the Board selected Bob Murray & Associates to lead this recruitment.

OPEN SESSION (11:43 a.m.)

23. **ADJOURNMENT**

The meeting adjourned at 11:45 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Board Communications Received from July 6, 2022 through July 19, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from July 6, 2022 through July 19, 2022, if any, will be distributed to the Board members by way of email.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Aloha de Guzman
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)

RECOMMENDED ACTION

The Board of Directors will consider approving a resolution reauthorizing Air District Board and Committee meetings using remote teleconferencing through August 19, 2022.

BACKGROUND

AB 361 (R. Rivas 2021) (Open meetings: state and local agencies: teleconferences) allows the Board of Directors, Board committees, and other legislative bodies of the District to conduct public meetings using teleconferencing without complying with certain requirements imposed by the Ralph M. Brown Act during the COVID-19 state of emergency proclaimed by Governor Newsom. The Board has adopted a series of resolutions since October 6, 2021, authorizing such meetings under AB 361. AB 361 requires the Board to adopt further resolutions every 30 days in order to continue conducting such meetings.

DISCUSSION

When the COVID-19 pandemic started, local agency boards struggled to conduct their meetings in compliance with the Brown Act's public accessibility requirements while still abiding by stay-at-home orders. As a result, Governor Newsom signed several executive orders to grant local agencies the flexibility to meet remotely during the COVID-19 pandemic. The Governor's executive orders allowed public agencies to meet remotely without requiring physical public access to each board member's remote meeting location. Those executive orders expired on September 30, 2021. AB 361 provides additional flexibility for local agencies looking to meet remotely during a proclaimed state of emergency. Agencies are required to consider and vote on this flexibility every 30 days in order to continue this practice under AB 361.

In order to continue conducting remote meetings without complying with all of the Brown Act's public accessibility requirements while the state of emergency remains active, or while state or local officials have imposed or recommended measures to promote social distancing, the Board must make the following findings by majority vote:

(A) That the Board has reconsidered the circumstances of the state of emergency; and

(B) That any of the following circumstances exist: (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

The circumstances set forth in (B) are present here, and upon reconsideration of the circumstances of the state of emergency, the Board has grounds to make the requisite AB 361 findings. First, the COVID-19 public health emergency continues to present imminent health and safety risks that directly impact the ability of members to meet safely in person. Second, state and local officials continue to impose or recommend measures to promote social distancing.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Alexander G. Crockett

ATTACHMENTS:

1. Draft AB 361 Subsequent Resolution for 07/20/22 - 08/19/22

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS FOR THE PERIOD JULY 20 TO AUGUST 19, 2022

WHEREAS, the Bay Area Air Quality Management District (District) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors, Board Committees, and all other legislative bodies of the District; and

WHEREAS, all meetings of District legislative bodies are open and public, as required by the Ralph M. Brown Act (Brown Act), Cal. Gov. Code §§ 54950- 54963, so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, beginning in 2020, the COVID-19 pandemic gave rise to significant health risks that made it unduly risky for the District's legislative bodies to hold in-person public meetings; and

WHEREAS, the Brown Act authorizes remote teleconferencing participation in meetings by members of a legislative body, but as of the beginning of the pandemic, it included certain restrictions in Government Code section 54953(b)(3) that made fully remote meetings impractical; and

WHEREAS, in response to this situation, and in order to facilitate remote meetings to promote public health and allow for social distancing during the COVID-19 pandemic, the Legislature enacted AB 361 (Rivas), which (among other things) created Government Code section 54953(e); and

WHEREAS, Government Code section 54953(e) makes provision for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Board of Directors adopted Resolutions on October 6, 2021 and thereafter, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3), including (i) that there was and is a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing, and (ii) that as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, as a condition of continuing the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, the COVID-19 state of emergency remains active and Governor Newsom's COVID-19 Emergency Proclamation of March 4, 2020 remains in effect to prevent, mitigate, and respond to the spread of COVID-19; and

WHEREAS, measures to promote social distancing have been ordered or recommended by state and local public health authorities; and

WHEREAS, the Board of Directors does hereby find that the COVID-19 public health emergency continues to present imminent health and safety risks that directly impact the ability of members to meet safely in person; and

WHEREAS, state and local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the Board of Directors desires to affirm that a state of emergency exists and re-ratify the Governor's proclamation of state of emergency; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of the District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District is publicizing in its meeting agendas zoom and webcast links and phone numbers for members of the public to participate remotely in meetings of the District's legislative bodies.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby finds that the state of emergency related to COVID-19 in the District remains active, that measures to promote social distancing have been ordered or recommended by public health authorities, and that the state of emergency continues to present imminent health and safety risks that directly impact the ability of members to meet safely in person.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of

this Resolution, including continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) August 19, 2022, or (ii) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with section 54953(b)(3).

The foregoing resolution was duly regularly introduced, passed, and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the motion of _____, seconded by _____, on the 20th day of JULY 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

John Bauters
Chair of the Board of Directors

Teresa Barrett
Secretary of the Board of Directors

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Personnel Out of State Business Travel Report for June 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified of District personnel who have traveled on out-of-state business. The report covers out-of-state business travel for the month of June 2022. The monthly out-of-state business travel report is presented in the month following travel completion.

DISCUSSION

The following out-of-state business travel activities occurred in the month of June 2022:

- Jun Pan, Fiscal Services Coordinator-Finance Office, attended the Government Finance Officers Association Conference, Austin, TX, from June 4, 2022 through June 8, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

All associated business travel-related costs are covered by the respective division's Fiscal Year Ending 2022 Budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Damian Breen

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of
May 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

In accordance with Resolution No. 2012-08, attached to this Memorandum is a listing of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the calendar month prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties collected are included in the Air District's general fund budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alexander G. Crockett

ATTACHMENTS:

1. Notices of Violations for the Month May 2022

NOTICES OF VIOLATIONS ISSUED

The following Notice(s) of Violations were issued in May 2022:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Aspire Bakeries LLC	B7543	Newark	A61605A	5/16/2022	2-1-301	No Authority to Construct and No Permit to Operate.
Aspire Bakeries LLC	B7543	Newark	A61605B	5/16/2022	2-1-302	No Authority to Construct and No Permit to Operate.
Bay Area Rapid Transit District	A1814	Hayward	A61606A	5/25/2022	2-1-307	Permit Requirement/Condition Violation.
Berkeley Asphalt Co.	A0123	Berkeley	A60646A	5/4/2022	1-441	Denied Access to Information Violation.
Cargill Salt	A0094	Newark	A61609A	5/25/2022	2-1-301	No Authority to Construct and No Permit to Operate.
Cargill Salt	A0094	Newark	A61609B	5/25/2022	2-1-302	No Authority to Construct and No Permit to Operate.
Dublin Toyota	FA728	Dublin	A61713A	5/18/2022	2-1-307	Permit Requirement/Condition Violation.
Dynegy Oakland LLC	B1887	Oakland	A61130A	5/11/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Grand Mandana Gas Station Inc.	FA724	Oakland	A61418A	5/18/2022	8-7-308	Gas Dispensing Facility Violation.
Meadows in Bloom	FA654	Oakland	A60655A	5/3/2022	2-1-301	No Authority to Construct and No Permit to Operate.
Meadows in Bloom	FA654	Oakland	A60655B	5/3/2022	2-1-302	No Authority to Construct and No Permit to Operate.
P.W. Stephens Environmental, Inc.	Z6634	Hayward	A61659A	5/12/2022	11-2-401.5	Asbestos Violation.

P.W. Stephens Environmental, Inc.	Z0961	Hayward	A61657A	5/3/2022	11-2-303.1	Asbestos Violation.
P.W. Stephens Environmental, Inc.	Z0961	Hayward	A61657B	5/3/2022	11-2-303.6	Asbestos Violation.
Pacific Steel Casting Company LLC	A0703	Berkeley	A61729A	5/4/2022	1-301	Public Nuisance Violation.
Preferred Restoration Inc.	FA672	Hayward	A61658A	5/5/2022	11-2-303.6	Asbestos Violation.
SF Fuels, Inc.	FA627	Oakland	A61419A	5/18/2022	2-1-307	Permit Requirement/Condition Violation.
Stop N Go Gas Station	FA742	Oakland	A61422A	5/25/2022	2-1-307	Permit Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61160A	5/12/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Tesla, Inc.	A1438	Fremont	A61604A	5/2/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Turk Island Solid Waste Disposal Site	A3256	Union City	A61607A	5/18/2022	8-34-301	Landfill Violation.
Turk Island Solid Waste Disposal Site	A3256	Union City	A61607B	5/18/2022	8-34-303	Landfill Violation.

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Chemtrade West US LLC	A0023	Richmond	A60647A	5/19/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Chevron Products Company	A0010	Richmond	A60648A	5/20/2022	8-10-501	Refinery Unit Depressurization Violation.
Concord Ready Mix Inc.	E3796	Antioch	A61280A	5/18/2022	2-1-307	Permit Requirement/Condition Violation.

Concord Ready Mix Inc.	E3796	Antioch	A61281A	5/12/2022	2-1-302	No Permit to Operate.
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A61282A	5/17/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A61283A	5/17/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Gold Bond Building Products, LLC	A0706	Richmond	A61728A	5/4/2022	1-301	Public Nuisance Violation.
Gold Bond Building Products, LLC	A0706	Richmond	A61730A	5/4/2022	1-301	Public Nuisance Violation.
Martinez Refining Company LLC	A0011	Martinez	A60423A	5/5/2022	10	Code of Federal Regulation Violation..
Martinez Refining Company LLC	A0011	Martinez	A61981A	5/5/2022	10	Code of Federal Regulation Violation..
Martinez Refining Company LLC	A0011	Martinez	A61982A	5/5/2022	10	Code of Federal Regulation Violation.
Martinez Refining Company LLC	A0011	Martinez	A61983A	5/12/2022	10	Code of Federal Regulation Violation.
Pacific Gas & Electric Co	A0541	Concord	A61284A	5/25/2022	2-1-307	Permit Requirement/Condition Violation.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61098A	5/2/2022	9-1-307	SO2 Emissions Violation.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61099A	5/2/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61100A	5/2/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Reeza Inc.	Z8887	San Ramon	A61686A	5/23/2022	2-1-307	Permit Requirement/Condition Violation.

Reeza Inc.	Z8887	San Ramon	A61687A	5/23/2022	8-7-308	Gas Dispensing Facility Violation.
Reeza Inc.	Z8887	San Ramon	A61687B	5/23/2022	8-7-302.1	Gas Dispensing Facility Violation.
SFD	FA667	Moraga	A61421A	5/24/2022	2-1-307	Permit Requirement/Condition Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61016A	5/3/2022	8-5-322.5	Storage Tank Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61017A	5/3/2022	11-10-304.1	Refinery Hexavalent Chromium Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61018A	5/3/2022	8-5-321	Storage Tank Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61019A	5/10/2022	8-10-501	Refinery Unit Depressurization Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61019B	5/10/2022	8-10-503.3	Refinery Unit Depressurization Violation..
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61020A	5/10/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61021A	5/10/2022	9-8-503	Internal Combustion Engine Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61022A	5/20/2022	8-5-320.5.2	Storage Tank Violation.

Marin						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Bauman Landscaping	FA653	San Rafael	A61554A	5/3/2022	2-1-301	No Authority to Construct and No Permit to Operate.
Bauman Landscaping	FA653	San Rafael	A61554B	5/3/2022	2-1-302	No Authority to Construct and No Permit to Operate.

Napa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Amcor American Canyon LLC	A8917	American Canyon	A59920A	5/17/2022	2-1-307	Permit Requirement/Condition Violation.
Amcor American Canyon LLC	A8917	American Canyon	A59920B	5/17/2022	1-523.3	Parametric Monitor Violation.
Brown's Valley Chevron GDF	FA744	Napa	A60746A	5/2/2022	8-7-301.1	Gas Dispensing Facility Violation.

San Francisco						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
San Francisco South East Treatment Plant	A0568	San Francisco	A60451A	5/5/2022	2-1-307	Permit Requirement/Condition Violation.
San Francisco South East Treatment Plant	A0568	San Francisco	A60452A	5/5/2022	9-7-506	Boiler Emissions Violation.
San Francisco South East Treatment Plant	A0568	San Francisco	A62628A	5/5/2022	9-7-506	Boiler Emissions Violation.
San Francisco South East Treatment Plant	A0568	San Francisco	A62629A	5/5/2022	9-7-506	Boiler Emissions Violation.
San Francisco South East Treatment Plant	A0568	San Francisco	A62630A	5/5/2022	2-1-307	Permit Requirement/Condition Violation.

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
San Mateo Water Quality Control Plant	A0861	San Mateo	A59724A	5/10/2022	2-1-307	Permit Requirement/Condition Violation.

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Adobe Systems International	FA699	San Jose	A61579A	5/3/2022	CCR	Naturally Occurring Asbestos Violation.
Alum Rock Chevron	Y2310	San Jose	A59842A	5/17/2022	2-1-302	No Permit to Operate.
Bayside Petroleum	FA701	Sunnyvale	A61683A	5/3/2022	8-7-302.1	Gas Dispensing Facility Violation.
BP Oil Company	A8871	Los Gatos	A61684A	5/11/2022	2-1-307	Permit Requirement/Condition Violation.
Cupertino Beacon	FA738	Cupertino	A61685A	5/16/2022	8-7-302.1	Gas Dispensing Facility Violation.
Fifth St Coffee Roasting Co.	FA729	Gilroy	A59784A	5/25/2022	2-1-301	No Authority to Construct and No Permit to Operate.
Fifth St Coffee Roasting Co.	FA729	Gilroy	A59784B	5/25/2022	2-1-302	No Authority to Construct and No Permit to Operate.
Intel Corporation	A0633	Santa Clara	A61630A	5/25/2022	2-1-307	Permit Requirement/Condition Violation.
Scientific Metal Finishing Inc.	A9315	Santa Clara	A61629A	5/12/2022	2-1-307	Permit Requirement/Condition Violation.

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Solano County Transit Operations	A6426	Vallejo	A59922A	5/31/2022	2-1-307	Permit Requirement/Condition Violation.
Valero Refining Company - California	B2626	Benicia	A59517A	5/31/2022	9-1-307	SO2 Emissions Violation.
Valero Refining Company - California	B2626	Benicia	A59517B	5/31/2022	10	Code of Federal Regulation Violation.

Valero Refining Company - California	B2626	Benicia	A59518A	5/31/2022	6-1-301	Visible Emissions Violation.
Valero Refining Company - California	B2626	Benicia	A59519A	5/31/2022	1-301	Public Nuisance Violation.
Valero Refining Company - California	B2626	Benicia	A59520A	5/31/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Valero Refining Company - California	B2626	Benicia	A59521A	5/31/2022	2-6-307	Title V Requirement/Permit Condition Violation.

Sonoma						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Salkhi Petroleum Inc.	Z8547	Santa Rosa	A61420A	5/24/2022	2-1-307	Permit Requirement/Condition Violation.
Santa Rosa Water - Laguna Treatment Plant	A1403	Santa Rosa	A61555A	5/25/2022	2-1-307	Permit Requirement/Condition Violation.
SFD	FA732	Sebastopol	A59921A	5/27/2022	5-301	Open Burn Violation.

District Wide						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
BMR Gateway of Pacific, LP	FA670	San Diego	A59723A	5/4/2022	10	Code of Federal Regulation Violation.
BP Products North America, Inc.	FA103	Artesia	A60247A	5/10/2022	2-1-307	Permit Requirement/Condition Violation.
RADC Enterprise Inc.	FA454	Upland	A60246A	5/2/2022	2-1-307	Permit Requirement/Condition Violation.
RADC Enterprise Inc.	FA454	Upland	A61393A	5/5/2022	8-7-302.1	Gas Dispensing Facility Violation.
RADC Enterprise Inc.	FA454	Upland	A61393B	5/5/2022	2-1-307	Permit Requirement/Condition Violation.

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were 3 settlement(s) for \$10,000 or more completed in May 2022.

1) On May 4, 2022, the Air District reached settlement with City of Richmond Wastewater Treatment Plant for \$15,000, regarding the allegations contained in the following 3 Notices of Violations:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A58709A	3/4/2020	11/2/2019	2-1-307	Permit Requirement/Condition Violation
A58710A	11/7/2019	11/2/2019	1-301	Public Nuisance Violation
A58711A	11/7/2019	11/5/2019	1-301	Public Nuisance Violation

2) On May 9, 2022, the District reached settlement with Specialized Coating Services for \$30,000, regarding the allegations contained in the following 1 Notice of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A57026A	6/10/2021	3/26/2021	2-1-307	Permit Requirement/Condition Violation

3) On May 26, 2022, the District reached settlement with Master Builders Solutions Construction Systems US for \$10,000, regarding the allegations contained in the following 1 Notice of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A58774A	1/14/2021	12/1/2019	2-1-307	Permit Requirement/Condition Violation

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Quarterly Report of California Air Resources Board Representative - Honorable
Davina Hurt

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Attached is the Quarterly Report of California Air Resources Board Representative - Honorable
Davina Hurt.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Aloha de Guzman
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. CARB Quarterly Report for Representative Honorable Davina Hurt

To: **Members of the Board of Directors**
From: Davina Hurt, Member, California Air Resources Board
Date: June 29, 2022
Subject: Quarterly Report of My Activities as an Air Resources Board Member

The list below summarizes my activities as a California Air Resources Board member from January 1, 2022, through March 31, 2022:

January Activities

- 13th Meeting w/ So Cal Public Power Auth. Re: ACF
- 21st January Staff Briefing and Cap-and-Trade Briefing
- 24th Meeting w/ ACWA re: ACF
- 27th January Board Meeting

February Activities

- 2nd Meeting w/ CalETC re: ACC II and ACF
- 7th Meeting w/ ACC II Coalition re: ACC II
- 10th AB 617 Community Selections Meeting
- 11th Meeting w/ CARB Staff re: Refinery Conversions
- 14th Meeting w/ CNGVC re: ACC II
- 15th Meeting w/ CARB Staff re: ACC II
- 16th Meeting w/ Auto Alliance re: ACC II
- 22nd February Staff Briefing
- 24th February Board Meeting

March Activities

- 2nd Meeting w/ EHC re: EJAC Joint Meeting
- 4th EJAC Joint Meeting Briefing
Meeting w/ CTA re: ACF
- 21st Meeting w/ Earth Justice re: CHC
- 22nd Meeting w/ Ship Manufacturer's Assoc. re: CHC
- 24th March Board Meeting

Attachments: Public Agendas



Public Meeting Agenda

Thursday, January 27, 2022

In accordance with [Assembly Bill 361](#) (Chapter 165, Stats. of 2021) the January 27, 2022, meeting of the California Air Resources Board (CARB or Board) will not have a physical location open to the public. It will be a remote-only meeting conducted via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

Register for the Webinar – for those who wish to comment verbally at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833

Webinar ID: 882 0383 2049

To only watch the Board Meeting and not provide verbal comments, please view the webcast. The webcast is the same video stream offered by CARB during normal Board Meetings. If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments.

Webcast – for those who only plan to observe the hearing.

How to Participate in the Remote Board Meeting

Agenda de la Reunión Pública

¿Cómo participar en la Reunión Remota del Consejo?

Spanish interpretation will be provided for the January 27, 2022, Board Meeting.

Thursday, January 27, 2022 @ 9:00 a.m.

Discussion Items:

22-1-1: Public Meeting to Consider the Proposed California Clean Fuels for Fleets Certification for the 70 ppb Ozone Standard

The Board will consider adoption of the California Clean Fuels for Fleets Certification for the 70 parts per billion (ppb) Ozone Standard and will also consider adopting a California Environmental Quality Act exemption as part of its action. If adopted, CARB will submit the California Clean Fuels for Fleets Certification for the 70 ppb Ozone Standard to the United States Environmental Protection Agency as a revision to the California State Implementation Plan.

- [More Information](#)
- [Public Meeting Notice](#)
- [Staff Report](#)
- [Item Summary](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-1-2: Public Meeting to Consider the Proposed Research Projects for Fiscal Year 2022-2023

The Board will consider the Proposed Research Projects for Fiscal Year 2022-2023 (Proposed Research) and hear and the modifications to the process to date to operationalize racial equity in CARB research. The research projects will advance the state of the science and support the Board's efforts to meet California's air quality and climate goals. If the Proposed Research is approved by the Board, staff will work with our research partners to develop full proposals. The Executive Officer will then consider the full proposals for approval and funding with consultation from interested Board Members.

- [More Information](#)
- [Public Meeting Notice](#)
- [Addendum to Triennial Plan – FY22-23 Proposed Project Concepts](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-1-3: Public Meeting to Hear the 2021 Legislative Update

The Board will hear an update on 2021 air quality and climate legislation from the Office of Legislative Affairs.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-1-4: Public Meeting to Hear a Report on the California Air Resources Board's Program Priorities for 2022

Executive Officer Richard Corey will provide the Board with an overview of California Air Resources Board priorities for 2022.

- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

Alliance for California Business v. California State Transportation Agency, et al., Sacramento County Superior Court, Case No. 34-2016-80002491.

American Lung Association, et al. v. United States Environmental Protection Agency, et al. (D.C. Cir. 2021) 985 F.3d 914, cert. granted sub nom. *Westmoreland Mining Holdings v. EPA* (U.S., Oct. 29, 2021, No. 20-1778).

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

State of North Dakota, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1242.

State of Wyoming, et al. v. United States Department of the Interior, et al., U.S. District Court, District of Wyoming, Case No. 16-CV-285-SWS; United States Court of Appeals, Tenth Circuit, Case No. 20-8073.

Truck Trailer Manufacturers Association, Inc. v. United States Environmental Protection Agency, et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1430.

People v. Southern California Gas Company, Los Angeles Superior Court, Case No. BC 602973.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

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Open Session to Provide an Opportunity for Members of the Public to Address the Board on Subject Matters within the Jurisdiction of the Board

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Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

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If you have any questions, please contact the Clerks' Office:

1001 I Street, 23rd Floor, Sacramento, California 95814

cotb@arb.ca.gov or (916) 322-5594

CARB Homepage: www.arb.ca.gov

Special Accommodation Request

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Acomodación Especial

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- Documentos disponibles en un formato alternativo u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

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Public Meeting Agenda

Thursday, February 10, 2022

In accordance with [Assembly Bill 361](#) (Gov. Code § 11133) as extended by Governor Newsom's Executive Order [N-1-22](#), the February 10, 2022, meeting of the California Air Resources Board will not have a physical location open to the public. It will be a remote-only meeting conducted via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

[Register for the Webinar](#) – for those who wish to comment verbally at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833

Webinar ID: 881 4231 3780

To only watch the Board Meeting and not provide verbal comments, please view the webcast. The webcast is the same video stream offered by the California Air Resources Board (CARB or Board) during normal Board Meetings. If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments.

[Webcast](#) – for those who only plan to observe the hearing.

[How to Participate in the Remote Board Meeting](#)

[Como Participar en la Reunión del Consejo a Distancia](#)

[Agenda de la Reunión del Consejo del 10 de febrero de 2022](#)

Spanish interpretation will be provided for the February 10, 2022, Board Meeting.

Thursday, February 10, 2022 @ 4:00 p.m.

Discussion Item:

22-2-1: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program – Fourth Annual Selection of Communities

The Board will consider for selection staff's proposed list of communities for the development of community emission reduction programs and/or community monitoring via the Community Air Protection Program. The Board will also consider adopting a California Environmental Quality Act exemption as part of its action.

- [More Information](#)
- [Public Meeting Notice](#)

- [Staff Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Opportunity for Members of the Board to Comment on Matters of Interest

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Open Session to Provide an Opportunity for Members of the Public to Address the Board on Subject Matters within the Jurisdiction of the Board

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Other Information

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Public Meeting Agenda

**Thursday, February 24, 2022 and
Friday, February 25, 2022 (if needed)**

In accordance with *Assembly Bill 361* (Gov. Code § 11133) as extended by Governor Newsom's Executive Order *N-1-22*, the February 24 and 25 (if needed), 2022, meeting of the California Air Resources Board will not have a physical location open to the public. It will be a remote-only meeting conducted via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

Register for the Webinar – for those who wish to comment verbally at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833
Webinar ID: 839 2661 8079

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Webcast – for those who only plan to observe the hearing.

How to Participate in the Remote Board Meeting

Agenda de la Reunión Pública

¿Cómo participar en la Reunión Remota del Consejo?

Thursday, February 24, 2022 @ 9:00 a.m.

Discussion Items:

The following agenda items may be heard in a different order at the Board meeting.

22-3-1: Public Hearing to Consider Proposed 2021 Amendments to Area Designations for State Ambient Air Quality Standards

The Board will consider proposed amendments to the regulations designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified for pollutants for the State ambient air quality standards. Based on 2018 to 2020 air quality data, a total of three changes to area designations are proposed for NO₂, PM₁₀, and PM_{2.5} air

quality standards. The Board will consider adopting a California Environmental Quality Act exemption as part of its action.

- [Formal Rulemaking Page](#)
- [Public Meeting Notice](#)
- [Staff Report](#)
- [Item Summary](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-3-3: Public Hearing to Consider Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate

The Board will consider proposed amendments to the TRU Airborne Toxic Control Measure. The proposed amendments will achieve additional emission and health risk reductions by requiring zero-emission truck TRUs, a particulate matter (PM) emission standard for newly-manufactured non-truck TRU engines, and the use of lower global warming potential refrigerants. This is the second of two Board hearings on this item; the Board will also consider certifying the Final Supplemental Environmental Analysis and approving the written response to comments on the Draft Supplemental Environmental Analysis.

- [Formal Rulemaking Page](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-3-6: Public Meeting to Hear an Informational Update on the 2022 State Strategy for the State Implementation Plan

The Board will hear an informational update on the development of the 2022 State Strategy for the State Implementation Plan (SIP) and Draft 2022 State SIP Strategy, and next steps for Board and public engagement. This item is informational; there will not be a proposal before the Board for it to act on at this meeting. Staff plans to return to the Board with a formal proposal later in 2022.

- [More Information](#)
- [Draft 2022 State SIP Strategy](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-3-5: Public Meeting to Hear an Overview of the Development of the 2022 Scoping Plan Update

The Board will hear an informational update on the 2022 Scoping Plan development process; analytical work underway; and next steps for Board, Environmental Justice Advisory Committee, and public engagement.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-3-4: Public Meeting to Hear an Overview of Community Air Grants Program and 2021 Awardees

This item may be heard and/or continue on Friday, February 25, 2022.

The Board will hear an informational update on the Community Air Grants Program and staff's conditional award of \$10 million in grants to support 39 community-focused efforts pursuant to Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017) and in support of the California Air Resources Board's Community Air Protection Program.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Friday, February 25, 2022 @ 8:30 a.m. (if needed)

Discussion Item:

22-3-4: Public Meeting to Hear an Overview of Community Air Grants Program and 2021 Awardees

This item may be heard on Thursday, February 24 and/or continue on Friday, February 25, 2022.

See above for description of this item.

Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(a)(1), and, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

Alliance for California Business v. California State Transportation Agency, et al., Sacramento County Superior Court, Case No. 34-2016-80002491.

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Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

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Public Meeting Agenda

for the

Joint Meeting of the California Air Resources Board and the Assembly Bill 32 Environmental Justice Advisory Committee

Thursday, March 10, 2022

In accordance with [Assembly Bill 361](#) (Gov. Code § 11133) as extended by Governor Newsom's Executive Order [N-1-22](#), the March 10, 2022, Joint meeting of the California Air Resources Board (CARB or Board) and the Assembly Bill 32 Environmental Justice Advisory Committee will not have a physical location open to the public. It will be a remote-only meeting conducted via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

The California Global Warming Solutions Act of 2006, (Health and Saf. Code §§ 38500 et seq.; Stats. 2006, ch. 488) (AB 32) calls for CARB to convene an Environmental Justice Advisory Committee (EJAC), to advise the Board in developing the Scoping Plan, and any other pertinent matter in implementing AB 32.

[Register for the Webinar](#) – for those who wish to comment verbally at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833

Webinar ID: 815 1765 7954

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[Webcast](#) – for those who only plan to observe the hearing.

**[How to Participate in the Remote Board Meeting](#)
[¿Cómo participar en la Reunión Remota del Consejo?](#)**

Spanish interpretation will be provided for the March 10, 2022, Board Meeting.

Thursday, March 10, 2022 @ 4:00 p.m.

Discussion Items:

Consideration of Appointment of New Members to Assembly Bill 32 Environmental Justice Advisory Committee

The California Air Resources Board will consider staff's recommendations for the appointment of new members to the EJAC, which was reconvened by the Board in 2021 to advise on development of the 2022 Scoping Plan pursuant to AB 32. CARB previously convened the EJAC in 2007, 2013, and 2015 to advise on development of prior Scoping Plans.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Environmental Justice Advisory Committee Leadership Presentation on Initial Scoping Plan Development Recommendations

The AB 32 Environmental Justice Advisory Committee (EJAC) will present for joint discussion initial EJAC recommendations submitted for CARB's consideration in the development of the 2022 Scoping Plan as well as context and background related to environmental justice within the Scoping Plan.

- [More Information](#)
- [EJAC Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Other Information

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[View Submitted Comments](#)

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Public Meeting Agenda

Thursday, March 24, 2022

In accordance with [Assembly Bill 361](#) (Gov. Code § 11133) as extended by Governor Newsom's Executive Order [N-1-22](#), the March 24, 2022, meeting of the California Air Resources Board (CARB) will not have a physical location open to the public. It will be a remote-only meeting conducted via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

Register for the Webinar – for those who wish to comment verbally at the hearing.

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Webinar ID: 851 6900 1884

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Webcast – for those who only plan to observe the hearing.

How to Participate in the Remote Board Meeting

¿Cómo participar en la Reunión Remota del Consejo?

Spanish interpretation will be provided for the March 24, 2022, Board Meeting.

Thursday, March 24, 2022 @ 9:00 a.m.

Discussion Items:

The following agenda items may be heard in a different order at the Board meeting.

22-5-1: Public Hearing to Consider Proposed Amendments to the Commercial Harbor Craft Regulation

The Board will consider the Proposed Amendments to the Commercial Harbor Craft Regulation, which aims to further reduce emissions from harbor craft in California. This is the second of two Board hearings on this item; the Board will also consider certifying the Final Environmental Analysis and approving the written response to comments on the Draft Environmental Analysis.

- [Formal Rulemaking Page](#)

- [Item Summary](#)
- [Hearing Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-5-2: Public Meeting to Hear Draft Scenarios for Achieving Carbon Neutrality in the 2022 Scoping Plan Update

The Board will hear an informational update on development of the 2022 Scoping Plan update, which will include preliminary emissions modeling results for various carbon neutrality scenarios, as well as next steps for Board, Environmental Justice Advisory Committee, and public engagement.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
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Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(a)(1), and as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

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American Lung Association, et al. v. United States Environmental Protection Agency, et al. (D.C. Cir. 2021) 985 F.3d 914, cert. granted sub nom. *Westmoreland Mining Holdings v. EPA* (U.S., Oct. 29, 2021, No. 20-1778).

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

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Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

State of North Dakota, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1242.

State of Wyoming, et al. v. United States Department of the Interior, et al., U.S. District Court, District of Wyoming, Case No. 16-CV-285-SWS; United States Court of Appeals, Tenth Circuit, Case No. 20-8073.

Truck Trailer Manufacturers Association, Inc. v. United States Environmental Protection Agency, et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1430.

People v. Southern California Gas Company, Los Angeles Superior Court, Case No. BC 602973.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

Western States Petroleum Association v. California Air Resources Board, Los Angeles County Superior Court, Case No. 20STCP03138x.

Westmoreland Mining v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1160.

W.O. Stinson & Son LTD. v. Western Climate Initiative, Inc., Ontario Canada Superior Court, Case No. CV-20-00083726-0000.

Opportunity for Members of the Board to Comment on Matters of Interest

Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.

Open Session to Provide an Opportunity for Members of the Public to Address the Board on Subject Matters within the Jurisdiction of the Board

Although no formal Board action may be taken, the Board is allowing an opportunity to interested members of the public to address the Board on items of interest that are within the Board's jurisdiction, but that do not specifically appear on the agenda. Each person will be allowed a maximum of three minutes to ensure that everyone has a chance to speak. The public will also have an opportunity to [submit written comments](#) for open session the morning of the Board Meeting.

Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

Please Note: PowerPoint presentations to be displayed during public comment at the Board meeting must be electronically submitted via email to the Clerks' Office at cotb@arb.ca.gov no later than noon on the business day prior to the scheduled Board meeting.

If you have any questions, please contact the Clerks' Office:

1001 I Street, 23rd Floor,
Sacramento, California 95814
cotb@arb.ca.gov or (916) 322-5594
CARB Homepage: www.arb.ca.gov

Special Accommodation Request

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;

- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or at (916) 322-5594 as soon as possible, but no later than 7 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Acomodación Especial

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor contacte la oficina del Consejo al (916) 322-5594 o por correo electronico al cotb@arb.ca.gov lo más pronto posible, pero no menos de 7 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Projects and Contracts With Proposed Grant Awards Over \$500,000

RECOMMENDED ACTION

Recommend the Board of Directors:

1. Approve recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1; and
2. Authorize the Interim Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.

BACKGROUND

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (CARB), since the program began in fiscal year 1998-1999. The CMP provides grants to public and private entities to reduce emissions of nitrogen oxides (NOx), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible heavy-duty diesel engine applications include on-road trucks and buses, off-road industrial, construction, and agricultural equipment, marine vessels, locomotives, and stationary agricultural pump engines. In 2018, the CMP guidelines were updated to allow funding to be awarded to offset a portion of the cost of installing new refueling or recharging infrastructure that supports the deployment of new zero-emissions vehicles and equipment.

Assembly Bill (AB) 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor vehicle registration surcharges by up to \$2 additional per vehicle and use the revenue to fund projects eligible under the CMP guidelines. AB 923 revenue is deposited in the Air District's Mobile Source Incentive Fund (MSIF).

On January 20, 2021, the Board of Directors (Board) authorized the Air District's participation in Year 23 of the CMP, including an allocation of MSIF revenue as match funds. Per AB 1390, at least 50% of CMP funds must be allocated to projects that benefit communities with the most significant exposure to air contaminants or localized air contaminants.

In 2017, AB 617 directed the CARB, in conjunction with local air districts to establish a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. The AB 617 initiative calls for strategies to address air quality issues in impacted communities, including community-level monitoring, uniform emission reporting across the State, stronger regulation of pollution sources, and incentives for reducing air pollution and public health impacts from mobile and stationary sources.

Beginning in fiscal year ending (FYE) 2018, the California Legislature approved funding from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases, for the Community Air Protection Program (CAPP). CAPP funds may be used to fund projects eligible under the CMP and on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program. Following additional approvals from CARB, CAPP funds may also potentially be used to fund stationary source and mobile source projects that have been identified and prioritized by communities with a Community Emissions Reduction Program, pursuant to HSC Section 44391.2. In May 2020, the Governor's revised budget authorized up to \$200 million for a third cycle of CAPP incentive funding. On June 17, 2020, the Board authorized the Air District to accept, obligate, and expend up to \$40 million in CAPP funds. At least 80% of CAPP funds must be allocated to projects that benefit disadvantaged communities (Senate Bill (SB)535), and low-income communities (AB 1550).

In February 2018, CARB developed the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program Guidelines that outline requirements for eligible equipment, i.e., agricultural harvesting equipment, heavy-duty trucks, pump engines, tractors, and other equipment used in agricultural operations. On October 21, 2019, the FARMER Program Guidelines were revised to include eligibility criteria for demonstration projects. The 2020 California State Budget appropriated \$65 million in Fiscal Year 2019-20 GGRF funds to the CARB for the continued reduction of criteria, toxic, and greenhouse gas emissions from the agricultural sector through the FARMER Program. On November 20, 2019, the Board authorized the Air District's participation in the third cycle of the FARMER program.

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions within the Air District's jurisdiction. The statutory authority and requirements for the Transportation Fund for Clean Air (TFCA) are set forth in HSC Sections 44241 and 44242. Sixty percent of TFCA funds are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air program) and to a program referred to as the Regional Fund. The remaining 40% of the funds are passed-through to the designated Bay Area County Program Manager, who award TFCA funds to eligible projects within their county. Each year, the Board allocates funding and adopts policies and evaluation criteria that govern the expenditure of TFCA monies: On April 7, 2021, the Board authorized funding allocations for use of the 60% of the TFCA revenue in FYE 2022, and cost-effectiveness limits for Air District-sponsored FYE 2022 programs. On June 16, 2021, the Board adopted policies and evaluation criteria for the FYE 2022 Regional Fund program.

Applications for grant funding received by the Air District are reviewed and evaluated for eligibility under the respective governing policies and guidelines established by each funding source, e.g., CARB, the Board. At least quarterly, staff provides updates to the Mobile Source and Climate Impacts Committee on the status of incentive funding for the current fiscal year, including total funding awarded, incentive fund balance available for award, funds allocated by county and by equipment category type, and percentage of funding benefitting low-income residents and impacted communities, including Air District-identified Community Air Risk Evaluation (CARE) areas, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The reported award allocations and emissions reduction benefits to counties and impacted communities, which are based on information provided by each applicant, also does not include “regional” projects, where all communities receive benefits, or projects where the location of the benefit has not yet been determined.

On April 6, 2022, the Board authorized the Air Pollution Control Office (APCO)/Executive Officer to approve projects with awards up to \$500,000. For all projects with proposed awards greater than \$500,000, staff brings recommendations of these projects to the Board for approval.

DISCUSSION

Carl Moyer Program and Community Air Protection Program:

For the FYE 2022, the Air District had approximately \$46.3 million available in CMP, MSIF, CAPP, and FARMER funds, including new and prior year funds. The Air District accepts project applications on a rolling basis and evaluates them on a first-come, first-served basis.

As of June 21, 2022, the Air District has awarded or evaluated 99 project applications. Of the new applications that were evaluated between April 26, 2022 and June 21, 2022, two school bus projects were determined to be eligible and have proposed grant awards over \$500,000. In aggregate, the two projects will replace six compressed natural gas and seven diesel school buses with 13 zero-emission electric school buses, install supporting charging infrastructure, and annually reduce more than 1.2 tons of emissions, including NO_x, ROG, and PM. Staff recommends the allocation of \$6,287,015 for these two projects from a combination of CMP, FARMER, CAPP, MSIF, and TFCA revenues. Attachment 1, Table 1, provides additional information on these projects.

Attachment 2, updated at least quarterly, lists all eligible projects that have been awarded and recommended for award by the Air District between July 1, 2021, and June 21, 2022, and shows the associated project equipment, award amount, estimated emissions reductions, community benefits, and project location. Approximately 85% of these funds have been awarded or allocated to low-income residents or to projects that reduce emissions in CARE, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The percentage may change as more complete information about the location of projects and program participants becomes available.

Transportation Fund for Clean Air Program:

For the FYE 2022, the Air District had approximately \$29.4 million in TFCA monies available, including new and prior year funds. The Air District accepts project applications for certain project categories on a rolling basis and evaluates them on a first-come, first-served basis. Of the new applications that were evaluated between April 26, 2022 and June 21, 2022, one other school bus project was determined to be eligible that has a proposed grant award of over \$500,000, in addition to the two projects discussed above that are recommended for TFCA co-funding. The third school bus project will replace three compressed natural gas school buses with three zero-emission electric school buses that will annually reduce over 0.2 tons of NOx, ROG, and PM. Staff recommends the allocation of \$648,794 for this project from TFCA revenues. Attachment 1, Table 1, provides additional information on this project.

Attachment 3, Table 1, updated at least quarterly, lists all TFCA projects that have been awarded and recommended for award between July 1, 2021, and June 21, 2022, and shows the associated project equipment, award amount, estimated emissions reductions, community benefits, and project location. Approximately 73% of these funds have been awarded or allocated to low-income residents or to projects that reduce emissions in CARE, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The percentage may change as more complete information about the location of projects and program participants becomes available.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The Air District distributes the CMP, MSIF, CAPP, FARMER, and TFCA funding to project sponsors on a reimbursement basis. Funding for administrative costs is provided by each funding source.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Linda Hui and Alona Davis
Reviewed by: Karen Schkolnick

ATTACHMENTS:

1. Projects with Grant Awards Greater than \$500,000 (evaluated 4/26/22 to 06/21/22)
2. CMP/MSIF, FARMER and CAPP Projects (awarded and allocated between 7/1/21 and 6/21/22)
3. TFCA Projects (awarded and allocated between 7/1/21 and 6/21/22)
4. Summary of Funding (awarded and allocated between 7/1/21 and 6/21/22)

ATTACHMENT 1

Table 1 - Carl Moyer Program, Mobile Source Incentive Fund, FARMER, Community Air Protection Program, and Transportation Fund for Clean Air projects with grant awards greater than \$500k (Evaluated between 4/26/22 and 6/21/22)

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Total Project Cost	Emission Reductions (tons per year)			County
						NO _x	ROG	PM	
22SBP117	San Mateo Union High School District	On-Road (School Bus)	Replace 6 compressed natural gas and 2 diesel school buses with 8 zero-emissions electric school buses and install infrastructure for 8 electric DC chargers.	\$ 4,370,779.00	\$ 4,567,092.90	0.7310	0.0584	0.0260	San Mateo
22SBP232	Antioch Unified School District	On-Road (School Bus)	Replace 5 diesel school buses with 5 zero-emissions electric school buses and install infrastructure for 5 electric DC chargers.	\$ 1,916,236	\$ 1,916,236	0.3781	0.0291	0.0021	Contra Costa
22SBP248	Mt. Diablo Unified School District	On-Road (School Bus)	Replace 3 compressed natural gas school buses with 3 zero-emissions electric school buses.	\$ 648,794.00	\$ 1,283,693.30	0.2025	0.0164	0.0083	Contra Costa
3 Projects				\$ 6,935,809	\$ 7,767,022	1.312	0.104	0.036	

ATTACHMENT 2

Data in this table are updated quarterly. Funds awarded or allocated after the date range below will be reflected in the next quarterly update.

*CMP/MSIF, FARMER and Community Air Protection Program projects
(awarded and allocated between 7/1/21 and 6/21/22)*

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	AB1390 Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22SBP71***	School Bus	Equipment replacement + Infrastructure	12	\$ 3,775,186	Petaluma City Schools	0.932	0.071	0.005	7/7/2021	No	Yes	Sonoma
22MOY138	Ag/ off-road	Equipment replacement	3	\$ 525,300	Dave Soiland	2.035	0.165	0.097	7/7/2021	No	No	Sonoma
22SBP84***	School Bus	Equipment replacement + Infrastructure	4	\$ 803,786	Rincon Valley Union School District	0.228	0.015	0.003	7/7/2021	No	Yes	Sonoma
22MOY149	Ag/ off-road	Equipment replacement	1	\$ 170,500	Renati Dairy	0.522	0.068	0.048	7/7/2021	No	No	Sonoma
22MOY127	Ag/ off-road	Equipment replacement	2	\$ 107,100	Napa Select Vineyard Services, Inc.	0.187	0.012	0.011	7/7/2021	No	No	Napa
22MOY142	Ag/ off-road	Equipment replacement	2	\$ 51,750	Cobb Creek Holdings, LLC DBA CCH Ag Services	0.205	0.034	0.021	7/7/2021	No	No	Napa
22MOY135	Marine	Engine replacement	1	\$ 154,000	William E. Smith	1.831	0.018	0.069	7/7/2021	No	No	San Mateo
22SBP105	School Bus	Equipment replacement + Infrastructure	4	\$ 1,731,969	Fremont Unified School District	0.414	0.036	0.018	7/7/2021	No	Yes	Alameda
22MOY169	Ag/ off-road	Equipment replacement	2	\$ 132,260	Kenzo Estate, Inc.	0.223	0.020	0.015	7/7/2021	No	No	Napa
22SBP40***	School Bus	Equipment replacement + Infrastructure	5	\$ 889,832	Franklin-McKinley School District	0.250	0.015	0.003	7/7/2021	Yes	Yes	Santa Clara
22MOY158	Marine	Engine replacement	1	\$ 174,000	Laurence J Collins	0.790	0.018	0.028	7/7/2021	No	No	San Francisco
2102-16395	LD Infrastructure	Charge!	--	\$ 21,000	The Millennium Tower Association	0.007	0.004	0.000	7/7/2021	Yes	No	San Francisco
2103-17230	LD Infrastructure	Charge!	--	\$ 64,000	REEF Energy CA Operations LLC	0.098	0.058	0.002	7/7/2021	Yes	Yes	San Francisco
2103-17359	LD Infrastructure	Charge!	--	\$ 48,000	The Shores at Marina Bay Community Association	0.005	0.003	0.000	7/7/2021	Yes	Yes	Contra Costa
2103-17527	LD Infrastructure	Charge!	--	\$ 24,000	EVmatch, Inc.	0.003	0.002	0.000	7/7/2021	Yes	Yes	Alameda
2103-17603	LD Infrastructure	Charge!	--	\$ 32,000	Bollinger Crest Apartment Investors, LP	0.011	0.006	0.000	7/7/2021	No	No	Alameda
2103-17638	LD Infrastructure	Charge!	--	\$ 48,000	Intertie, Incorporated	0.017	0.010	0.000	7/7/2021	Yes	Yes	San Francisco
22MOY130	On-road	Equipment replacement	1	\$ 25,000	Min Jian Huang (jianhuang)	0.841	0.070	0.000	APCO	Yes	Yes	Alameda
22MOY151	Ag/ off-road	Equipment replacement	2	\$ 86,000	Hardin Vineyard Management LLC	0.257	0.055	0.023	APCO	No	No	Napa
22MOY124	On-road	Equipment replacement	1	\$ 25,000	Kulwant Khera (kskhera)	0.773	0.065	0.000	APCO	Yes	Yes	Alameda
22MOY78	Ag/ off-road	Equipment replacement	1	\$ 31,642	Cortina Vineyard Management	0.047	0.011	0.008	APCO	Yes	Yes	Napa
22MOY131	On-road	Equipment replacement	1	\$ 25,000	Karanbir Singh (karanbirsg)	0.820	0.690	0.000	APCO	No	No	Contra Costa
22MOY166	Ag/ off-road	Equipment replacement	2	\$ 96,400	Stone Bridge Cellars Inc.	0.166	0.009	0.009	APCO	No	No	Napa
22MOY174	On-road	Equipment replacement	1	\$ 25,000	Can Yuan Chen (canchen)	1.008	0.085	0.000	APCO	Yes	Yes	Alameda

ATTACHMENT 2

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CMP/MSIF, FARMER and Community Air Protection Program projects (awarded and allocated between 7/1/21 and 6/21/22)

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	AB1390 Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22MOY92	Ag/ off-road	Equipment replacement	1	\$ 29,550	Paul P. Bianchi, Inc	0.025	0.023	0.007	APCO	No	No	Sonoma
22SBP52	School Bus	Equipment replacement	3	\$ 435,306	Pittsburg Unified School District	0.290	0.022	0.000	10/6/2021	Yes	Yes	Contra Costa
22MOY185	Ag/ off-road	Equipment replacement	1	\$ 67,100	Domenico J. Carinalli, Jr.	0.156	0.010	0.009	APCO	No	No	Sonoma
22MOY99	Ag/ off-road	Equipment replacement	1	\$ 41,100	Daylight Vineyard Management, Inc.	0.062	0.005	0.007	APCO	No	No	Sonoma
22MOY179	Marine	Engine replacement	1	\$ 72,000	Kyle Dryer dba Diamond Sportfishing	0.705	0.009	0.028	APCO	Yes	No	Alameda/Contra Costa/San Francisco
22MOY22	Ag/ off-road	Equipment replacement	2	\$ 57,100	Joseph Pinheiro	0.047	0.018	0.010	APCO	No	No	Sonoma
22MOY160	Marine	Engine replacement	4	\$ 3,529,000	Baydelta Navigation LTD	30.665	2.726	1.021	10/6/2021	Yes	Yes	San Francisco, Alameda, Contra Costa, Marin, Solano
21SBP98*	School Bus	Equipment replacement + Infrastructure	--	\$ 242,828	Palo Alto Unified School District	--	--	--	10/6/2021	Yes	Yes	Santa Clara
22SBP14**	School Bus	Equipment replacement + Infrastructure	--	\$ 95,327	Milpitas Unified School District	--	--	--	10/6/2021	Yes	Yes	Santa Clara
22MOY128	On-road	Equipment replacement	1	\$ 15,000	Aman Khan	0.420	0.035	0.000	APCO	Yes	Yes	Alameda
22MOY187	Ag/ off-road	Equipment replacement	1	\$ 30,100	Dierke's Enterprises	0.017	0.015	0.004	APCO	No	No	Sonoma
22MOY190	Ag/ off-road	Equipment replacement	2	\$ 91,170	Anderson's Conn Valley Winery, Inc.	0.108	0.034	0.015	APCO	No	No	Napa
22MOY170	Off-road	Equipment replacement	1	\$ 106,000	Argent Materials INC	0.814	0.041	0.021	11/17/2021	Yes	Yes	Alameda
22MOY209	Ag/ off-road	Equipment replacement	1	\$ 192,600	Global Mushrooms LLC.	0.362	0.049	0.030	11/17/2021	No	Yes	Santa Clara
22MOY167	Ag/ off-road	Equipment replacement	2	\$ 285,700	Ielmorini Moody Dairy	0.871	0.107	0.052	11/17/2021	No	Yes	Sonoma
22MOY196	Marine	Engine replacement	2	\$ 256,000	A.C. Fishing Charters Inc., dba Tigerfish Sportfishing	0.576	0.000	0.031	11/17/2021	Yes	No	Alameda/Contra Costa/Marin/San Francisco
TBD	LD Infrastructure	Charge! ⁵	--	\$ 1,952,000	BAAQMD	TBD*	TBD*	TBD*	11/17/2021	TBD*	TBD*	Regional
22MOY211	Ag/ off-road	Equipment Replacement	1	\$ 88,900	Pomponio Farms LLC	0.412	0.054	0.031	APCO	No	Yes	San Mateo
22SBP216***	School Bus	Equipment replacement + Infrastructure	3	\$ 887,025	Campbell Union High School District	0.192	0.011	0.001	12/15/2021	Yes	Yes	Santa Clara County
22MOY217	Marine	Engine replacement	2	\$ 380,000	Happy Hooker Sportfishing, LLC	1.340	-0.036	0.056	12/15/2021	Yes	Yes	Alameda, San Francisco, Contra Costa
22MOY206	Ag/ off-road	Equipment Replacement	1	\$ 64,000	Wente Bros. dba. Wente Vineyards	0.214	0.035	0.026	APCO	Yes	No	Alameda
22MOY157	Ag/ off-road	Equipment replacement	3	\$ 133,400	Walsh Vineyards Management Inc.	0.657	0.105	0.067	1/19/2022	No	No	Napa
22MOY220	Ag/ off-road	Equipment replacement	3	\$ 160,300	Atlas Vineyard Management, Inc.	0.301	0.046	0.036	1/19/2022	No	No	Napa/Sonoma
22MOY208	Ag/ off-road	Equipment replacement	1	\$ 117,100	Jack Neal and Son Inc	0.210	0.028	0.019	1/19/2022	No	No	Napa

ATTACHMENT 2

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*CMP/MSIF, FARMER and Community Air Protection Program projects
(awarded and allocated between 7/1/21 and 6/21/22)*

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	AB1390 Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22MOY215	Marine	Engine Replacement	2	\$ 187,000	Reel Screamer Charters LLC	0.371	0.003	0.019	1/19/2022	No	No	San Mateo, San Francisco, Marin
22MOY241	Marine	Engine replacement	2	\$ 258,000	C-Gull II Sportfishing Inc.	0.934	0.000	0.050	1/19/2022	Yes	No	Alameda, San Francisco, Contra Costa, Marin
22MOY245	Marine	Engine replacement	2	\$ 301,400	C-Gull II Sportfishing Inc.	0.550	0.002	0.029	1/19/2022	Yes	No	Alameda, San Francisco, Contra Costa, Marin
22MOY224	Marine	Engine Replacement	2	\$ 133,000	Duane Winter	0.349	0.002	0.018	1/19/2022	No	No	San Mateo, San Francisco
22MOY180	Ag/ off-road	Equipment replacement	1	\$ 32,400	Frog's Leap Winery	0.041	0.003	0.004	APCO	No	No	Napa
22MOY235	Ag/ off-road	Equipment replacement	1	\$ 50,300	Cornerstone Certified Vineyard	0.074	0.007	0.008	APCO	No	No	Sonoma
22MOY228	Marine	Engine replacement	1	\$ 85,300	Wooden Boats for Vetrans Foundation	0.216	0.009	0.009	APCO	Yes	No	Solano/Contra Costa/San Francisco/Marin
22MOY223	Ag/ off-road	Equipment replacement	1	\$ 24,700	Ingenious Solutions Incorporated	0.013	0.011	0.003	APCO	No	No	Napa
22MOY195	Ag/ off-road	Equipment replacement	1	\$ 54,000	Ilseley Brothers Farming, LLC	0.090	0.005	0.005	APCO	No	No	Napa
22MOY227	Ag/ off-road	Equipment replacement	2	\$ 104,400	M. German & Son Partnership	0.379	0.060	0.041	3/2/2022	No	No	Solano
22MOY258	Ag/ off-road	Equipment replacement	2	\$ 119,400	Foley Family Farms, LLC	0.376	0.049	0.033	3/2/2022	No	No	Sonoma
22MOY250	Ag/ off-road	Equipment replacement	3	\$ 447,500	George Bianchi Inc	1.361	0.139	0.080	3/2/2022	No	No	Sonoma
22MOY253	Ag/ off-road	Equipment replacement	1	\$ 60,800	Alan Willey	0.099	0.015	0.009	APCO	No	No	Solano
22MOY259	Ag/ off-road	Equipment replacement	1	\$ 70,200	Morrison Ranch	0.150	0.023	0.017	APCO	No	No	Solano
22MOY270	Ag/ off-road	Equipment replacement	2	\$ 90,400	Dirt Farmer & Company, A California Corporation	0.188	0.012	0.011	APCO	No	No	Sonoma
22SBP203***	School Bus	Equipment replacement	12	\$ 3,164,239	Oak Grove School District	1.000	0.120	0.010	3/2/2022	Yes	Yes	Santa Clara
22MOY261	Marine	Engine replacement	2	\$ 140,000	Bay Marine Services, LLC	0.594	0.003	0.022	3/2/2022	Yes	Yes	Solano, Contra Costa
22MOY277	Ag/ off-road	Engine replacement	4	\$ 192,400	Colinas Farming Company	0.374	0.061	0.046	4/6/2022	No	No	Napa
22MOY226	Ag/ off-road	Engine replacement	2	\$ 108,400	Sonoma-Cutrer Vineyards, Inc.	0.291	0.017	0.017	4/6/2022	No	No	Sonoma
22MOY251	Ag/ off-road	Engine replacement	6	\$ 258,000	New Pina Vineyard Management, LLC.	0.463	0.102	0.056	4/6/2022	No	No	Napa
22MOY283	Ag/ off-road	Engine replacement	2	\$ 83,000	John Edward White	0.095	0.029	0.013	APCO	No	No	Napa
22MOY287	Ag/ off-road	Engine replacement	1	\$ 71,400	A Cut Above Viticulture Service Inc.	0.123	0.020	0.015	APCO	Yes	Yes	Napa
22MOY272	Marine	Engine replacement	3	\$ 99,000	Li'l Man In The Boat, Inc.	0.994	0.039	0.037	APCO	Yes	Yes	San Francisco, Alameda, Marin
22MOY293	Marine	Engine replacement	4	\$ 1,410,000	Golden Gate Ferry	10.169	1.411	0.150	TBD	Yes	Yes	San Francisco, Marin

ATTACHMENT 2

Data in this table are updated quarterly. Funds awarded or allocated after the date range below will be reflected in the next quarterly update.

CMP/MSIF, FARMER and Community Air Protection Program projects (awarded and allocated between 7/1/21 and 6/21/22)

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	AB1390 Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22MOY238	On-road	Infrastructure	-	\$ 4,535,255	AC Transit	-	-	-	TBD	Yes	Yes	Alameda
22SBP177	School Bus	Engine replacement	7	\$ 1,540,000	West County Transportation Agency	0.830	0.070	0.000	TBD	Yes	Yes	Sonoma
22MOY263	Ag/ off-road	Equipment replacement	2	\$ 129,900	Balletto Ranch, Inc.	0.224	0.023	0.018	APCO	No	No	Sonoma
22MOY285	Ag/ off-road	Equipment replacement	1	\$ 50,400	Drake's View Dairy	0.098	0.017	0.013	APCO	Yes	Yes	Marin
22MOY295	Ag/ off-road	Equipment replacement	1	\$ 169,000	A&S Landscape Materials, Inc.	0.590	0.041	0.030	APCO	Yes	Yes	Marin
22MOY204	Ag/ off-road	Equipment replacement + Infrastructure	2	\$ 219,674	San Mateo Lumber Company, Inc.	0.263	0.077	0.003	APCO	Yes	Yes	San Mateo
22MOY266	Ag/ off-road	Equipment replacement	1	\$ 90,600	Complete Equipment, Inc.	0.113	0.018	0.010	APCO	No	No	Sonoma
22MOY291	Ag/ off-road	Equipment replacement	2	\$ 114,500	Turley Wine Cellars, Inc	0.150	0.023	0.020	APCO	No	No	Napa
22MOY292	Ag/ off-road	Equipment replacement	2	\$ 97,200	Buena Tierra Vineyards, Inc.	0.295	0.046	0.027	APCO	No	No	Napa
22MOY309	Ag/ off-road	Equipment replacement	10	\$ 1,050,300	San Felipe Farms LP	3.215	0.373	0.218	BOD	Yes	Yes	Santa Clara
22MOY192	School Bus	Equipment replacement	1	\$ 175,860	Bolinas-Stinson Union School District	0.058	0.004	0.000	APCO	No	No	Marin
22MOY290	Ag/ off-road	Equipment replacement	1	\$ 26,200	Cafaro Family Vineyard	0.021	0.004	0.004	APCO	No	No	Napa
2202-27788	LD Infrastructure	Charge!	--	\$ 48,000	The Shores at Marina Bay Community Association	0.014	0.009	0.007	BOD	Yes	Yes	Contra Costa
22MOY282	Ag/ off-road	Equipment replacement	2	\$ 94,000	Twin Peaks Winery, Inc. dba Cliff Lede Vineyards	0.127	0.031	0.023	APCO	No	No	Napa
22MOY312	Ag/ off-road	Equipment replacement	3	\$ 219,500	Larry's Produce LLC	0.851	0.087	0.048	APCO	No	No	Solano
22MOY264	Ag/ off-road	Equipment replacement	1	\$ 51,700	Lost Fae LLC	0.036	0.033	0.009	APCO	Yes	Yes	San Mateo
22MOY317	Ag/ off-road	Equipment replacement	1	\$ 46,100	Patrick Elliott-Smith	0.053	0.009	0.007	APCO	No	No	Napa
22MOY280	Marine	Engine Replacement	2	\$ 102,000	Northwind Outfitters, LLC	0.328	-0.012	0.021	APCO	Yes	Yes	Alameda, Contra Costa Marin, San Francisco
22MOY281	Marine	Engine Replacement	2	\$ 123,600	California Dawn Sportfishing Inc.	0.782	0.017	0.037	APCO	Yes	Yes	Alameda, Contra Costa Marin, San Francisco
22MOY286	Marine	Engine Replacement	2	\$ 127,000	New Rayann Sportfishing	0.811	0.021	0.038	APCO	No	No	Alameda, Marin, San Francisco
22MOY288	Marine	Engine Replacement	2	\$ 182,400	New Easy Rider Sportfishing	0.869	0.019	0.041	APCO	Yes	Yes	Alameda, Contra Costa Marin, San Francisco
22MOY225	Ag/ off-road	Engine replacement	2	\$ 135,600	Hardin Vineyard Management LLC	0.347	0.041	0.023	APCO	Yes	Yes	Napa
22SBP117***	School Bus	Engine replacement	8	\$ 3,676,199	San Mateo Union High School District	0.731	0.058	0.026	BOD	Yes	yes	San Mateo
22MOY271	Ag/ off-road	Equipment replacement	1	\$ 67,100	Pinheiro dairy	0.200	0.025	0.013	APCO	Yes	Yes	Sonoma

ATTACHMENT 2

Data in this table are updated quarterly. Funds awarded or allocated after the date range below will be reflected in the next quarterly update.

*CMP/MSIF, FARMER and Community Air Protection Program projects
(awarded and allocated between 7/1/21 and 6/21/22)*

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	AB1390 Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22SBP232***	School Bus	Engine replacement	5	\$ 1,138,834	Antioch Unified School District	0.378	0.029	0.002	TBD	Yes	Yes	Contra Costa
22MOY358	Ag/ off-road	Equipment replacement	1	\$ 42,300	Land Revision	0.131	0.020	0.012	APCO	No	No	Sonoma
VBB-FYE22	VBB	Vehicle Buy Back	1591	\$ 1,723,659	Various	TBD**	TBD**	TBD**	APCO	Yes**	Yes**	All
99 Projects			1796	\$ 41,917,451		80.9	8.1	3.2				

*This project award reflects an approved increase of \$242,828 in CMP/MSIF/CAPP funds to allow for DC fast-charging infrastructure to be included as part of this project. This project was previously awarded \$513,500.00 of TFCA funds and \$323,778.00 of CMP/MSIF/CAPP funds on 3/4/20.

**The project award reflects an approved increase of \$95,327 in CMP/MSIF/CAPP funds to allow for DC fast-charging infrastructure to be included as part of this project. This project was previously awarded \$204,598.00 of TFCA funds and \$622,556.00 of CMP/MSIF/CAPP funds on 4/7/21.

*** This project is co-funded with TFCA funds as shown on Attachment 3.

§ Award Amount totalling \$2,000,000 may come from either the Mobile Source Incentive Fund (MSIF) or the Transportation Fund for Clean Air (TFCA).

* Funds have been allocated to this programs and project results will be determined at the end of project period.

** The results of the Vehicle Buy Back program projects will be updated upon completion of the fiscal year, including emissions reductions and percent of funds benefitting priority areas.

ATTACHMENT 3

Table 1 - TFCA projects awarded and allocated (between 7/1/21 and 6/21/22)

Project #	Project Category	Project Description	Award Amount	Applicant Name	Emission Reductions (tons per year)			Board/ APCO Approval Date	CARE Area	AB1550/SB535 Area	County
					NO _x	ROG	PM				
2101-15735	LD Infrastructure	Install and operate 38 DC Fast chargers at 6 transportation corridor facilities in San Francisco, South San Francisco, Millbrae, Menlo Park, and San Jose.	\$ 950,000	EVgo Services LLC	0.350	0.207	0.008	7/7/21	Yes	No	Multi-County
2101-15735	LD Infrastructure	Install and operate 28 single-port DCFC and 22 dual-port DCFC at 10 transportation corridor facilities.	\$ 1,470,000	EVgo Services LLC	1.506	0.896	0.713	6/1/22	No	No	Multi-County
2103-17065	LD Infrastructure	Install and operate 5 Level 2 (high) dual port chargers at 1 transit parking facility in Napa.	\$ 20,000	Napa Valley Transportation Authority	0.014	0.008	0.000	7/7/21	No	No	Napa
2103-17315	LD Infrastructure	Install and operate 135 Level 2 (high) single port chargers and 123 DC fast chargers at 40 destination, transportation corridor, and transit parking facilities in Vallejo, San Jose, Kenwood, Fairfield	\$ 2,999,000	EV Charging Solutions, Inc.	1.446	0.853	0.035	7/7/21	Yes	Yes	Multi-County
2103-17345	LD Infrastructure	Install and operate 2 DC Fast and 2 dual port Level 2 (high) chargers at 2 destination facilities in San Ramon.	\$ 44,000	City of San Ramon	0.024	0.014	0.001	7/7/21	Yes	No	Alameda
2103-17497	LD Infrastructure	Install and operate 17 DC Fast chargers at 1 transportation corridor facility in Oakland.	\$ 425,000	East Bay Community Energy Authority	0.157	0.093	0.004	7/7/21	Yes	Yes	Alameda
2103-17499	LD Infrastructure	Install and operate 8 Level 2 (high) dual port chargers at 1 multi-unit dwelling facility in Alameda.	\$ 64,000	Alameda Multifamily Owner LLC	0.023	0.013	0.001	7/7/21	Yes	No	Alameda
2103-17520	LD Infrastructure	Install and operate 5 Level 2 (high) dual port and 2 Level 2 (high) single port chargers at 2 destination facilities in Dublin.	\$ 26,000	City of Dublin	0.019	0.011	0.000	7/7/21	No	No	Alameda
2103-17524	LD Infrastructure	Install and operate 110 Level 2 (high) single port chargers with solar and 24 Level 2 (high) single port chargers at 3 workplace and 1 destination facilities in Solano.	\$ 406,000	County of Solano	0.309	0.182	0.007	7/7/21	Yes	Yes	Solano
2103-17553	LD Infrastructure	Install and operate 1,008 single-port Level 2 (high) chargers at 2 destination, 14 MUD, and 13 workplace facilities.	\$ 3,000,000	PowerFlex Systems, Inc.	6.262	3.727	2.967	6/1/22	Yes	No	Multi-County
2103-17554	LD Infrastructure	Install and operate 2 Level 2 (high) dual port chargers with solar at 1 workplace facility in Richmond.	\$ 12,000	West County Wastewater District	0.006	0.003	0.000	7/7/21	Yes	Yes	Contra Costa
2103-17587	LD Infrastructure	Install and operate 10 Level 2 (high) single port chargers at 1 MUD facility.	\$ 53,086	University Terrace Berkeley Homeowners Association	0.029	0.017	0.014	6/1/22	Yes	No	Alameda
2103-17625	LD Infrastructure	Install and operate 11 Level 2 (high) dual port chargers at 1 multi-unit dwelling facility in Brentwood.	\$ 44,000	Silvergate Brentwood, LLC	0.037	0.022	0.001	7/7/21	No	No	Contra Costa
2112-26426	LD Infrastructure	Install and operate 10 single-port Level 2 (high) and 10 dual-port direct-current fast charger (DCFC) at 1 MUD facility.	\$ 320,000	EV Charging Solutions, Inc	0.421	0.251	0.200	6/1/22	No	No	Solano
21R05	LD Infrastructure	FYE 21 Charge! Program	\$ 10,000	BAAQMD	TBD*	TBD*	TBD*	7/7/21	TBD*	TBD*	Regional
2201-26844	LD Infrastructure	Install and operate 1 single-port Level 2 (high) and 2 dual-port Level 2 (high) at 2 destination facilities.	\$ 11,000	City of Calistoga	0.018	0.010	0.008	6/1/22	No	Yes	Napa
2202-27617	LD Infrastructure	Install and operate 6 dual-port Level 2 (high) chargers at 2 destination facilities.	\$ 24,000	City of Belmont	0.037	0.022	0.017	6/1/22	No	No	San Mateo
2202-27777	LD Infrastructure	Install and operate 4 single-port Level 2 (high) charging stations at 1 MUD facility.	\$ 28,000	45th Street Artists Cooperative	0.028	0.017	0.013	6/1/22	Yes	Yes	Alameda
2202-27778	LD Infrastructure	Install and operate 60 single-port DCFC, 12 dual-port Level 2 (high) and 4 single-port Level 2 (high) charging stations at 19 transportation corridor and 1 workplace facility.	\$ 1,498,000	ChargePoint	1.660	0.988	0.786	6/1/22	Yes	No	Multi-County

Project #	Project Category	Project Description	Award Amount	Applicant Name	Emission Reductions (tons per year)			Board/ APCO Approval Date	CARE Area	AB1550/ SB535 Area	County
					NO _x	ROG	PM				
2202-27788	LD Infrastructure	Install and operate 2 single-port Level 2 (high) and 4 dual-port Level 2 (high) chargers at 1 multi-unit dwelling (MUD) facility.	\$ 48,000	The Shores at Marina Bay Community Association	0.014	0.009	0.007	6/1/22	Yes	Yes	Contra Costa
2202-27794	LD Infrastructure	Install and operate 2 DCFC, 1 single port Level 2 (high), and 15 dual-port Level 2 (high) charging stations with solar at 1 workplace facility.	\$ 103,000	Union Sanitary District	0.154	0.092	0.073	6/1/22	No	No	Alameda
2202-27968	LD Infrastructure	Install and operate 16 dual-port Level 2 (high) chargers at 2 MUD, 1 workplace, and 1 destination facilities.	\$ 112,000	Blink Network LLC	0.120	0.071	0.057	6/1/22	No	Yes	Santa Clara
2202-28039	LD Infrastructure	Install and operate 10 dual-port DCFC and 30 single-port DCFC at 4 transportation corridor facilities.	\$ 1,040,000	EVgo Services LLC	1.086	0.646	0.514	6/1/22	No	Yes	Multi-County
2203-28067	LD Infrastructure	Install and operate 2 dual-port Level 2 (high) chargers at 1 MUD facility.	\$ 16,000	Casa Del Valle Condominiums	0.016	0.009	0.008	6/1/22	No	Yes	Contra Costa
2203-28080	LD Infrastructure	Install and operate 2 dual-port DCFC at 1 MUD facility.	\$ 60,000	Clocktower Lofts Homeowners Association	0.025	0.015	0.012	6/1/22	Yes	No	San Francisco
22R02	LD Vehicles	Vehicle Buy Back Program	\$ 200,000	BAAQMD	N/A**	N/A**	N/A**	6/16/21	N/A	N/A	Regional
21RSB03	School Bus	Match funding for Project #22SBP71 for the replacement of 12 diesel school buses with 12 electric school buses	\$ 1,153,346	BAAQMD	N/A**	N/A**	N/A**	7/7/21	No	Yes	Sonoma
21RSB04	School Bus	Match funding for Project #22SBP84 for the replacement of 3 diesel school buses & 1 CNG school bus with 4 electric school buses	\$ 892,045	BAAQMD	N/A**	N/A**	N/A**	7/7/21	No	Yes	Sonoma
21RSB05	School Bus	Match funding for Project #22SBP40 for the replacement of 5 diesel special needs school buses with 5 electric special needs school buses	\$ 1,232,175	BAAQMD	N/A**	N/A**	N/A**	7/7/21	Yes	Yes	Santa Clara
22SBP117	School Bus	Match funding for the replacement of 2 compressed natural gas and 2 diesel school buses with 4 zero-emissions electric school buses	\$ 694,580	San Mateo Union High School District	N/A**	N/A**	N/A**	Pending	No	Yes	San Mateo
22SBP203	School Bus	Match funding for the replacement of 8 diesel school buses with 8 electric school buses	\$ 1,428,844	Oak Grove School District	N/A**	N/A**	N/A**	3/2/22	Yes	Yes	Sonoma
22SBP216	School Bus	Match funding for the replacement of 3 diesel school buses with 3 electric school buses	\$ 623,591	Campbell Union High School District	N/A**	N/A**	N/A**	12/15/21	Yes	Yes	Santa Clara
22SBP232	School Bus	Match funding for the replacement of 5 diesel school buses with 5 electric school buses	\$ 777,402	Antioch Unified School District	N/A**	N/A**	N/A**	Pending	Yes	Yes	Contra Costa
22SBP248	School Bus	Replace 3 compressed natural gas school buses with 3 zero-emissions electric school buses	\$ 648,794	Mt. Diablo Unified School District	N/A**	N/A**	N/A**	Pending	Yes	Yes	Contra Costa
21R12	Trip Reduction	Pleasanton Connector Shuttles	\$ 80,000	San Joaquin Regional Rail Commission	N/A ‡	N/A ‡	N/A ‡	6/22/21	No	No	Alameda
22R01	Trip Reduction	Enhanced Mobile Source & Commuter Benefits Enforcement	\$ 150,000	BAAQMD	TBD*	TBD*	TBD*	6/16/21	N/A	N/A	Regional
22R03	Trip Reduction	Spare The Air/Intermittent Control/Flex Your Commute Programs	\$ 2,290,000	BAAQMD	TBD*	TBD*	TBD*	6/16/21	N/A	N/A	Regional

Total 37 Projects \$22,953,863 13.760 8.179 5.447

* Funds have been allocated to these programs and projects and results will be determined at the end of project period.

** Emission reductions are fully reported under the Carl Moyer Program to prevent double counting.

‡ Emission reductions will be reported as part of the Spare the Air program (Project #21R03).

ATTACHMENT 4

Summary of funding awarded and allocated from the following revenue sources between 7/1/21 and 6/21/22

- Carl Moyer Program (CMP)
- Community Air Protection Program (CAPP)
- Mobile Source Incentive Fund (MSIF)
- Transportation Fund for Clean Air (TFCA)
- Funding Agricultural Replacement Measures for Emission Reductions (FARMER)

Figure 1. Status of FYE 2022 funding by source

includes funds awarded, recommended for award, and available

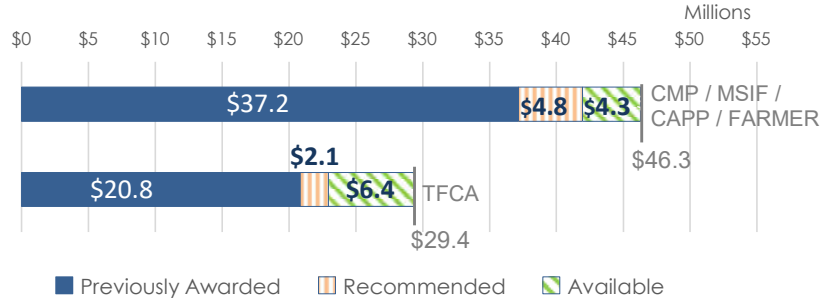


Figure 2. Funding awarded and allocated in FYE 2022 by county

includes funds awarded & recommended for award

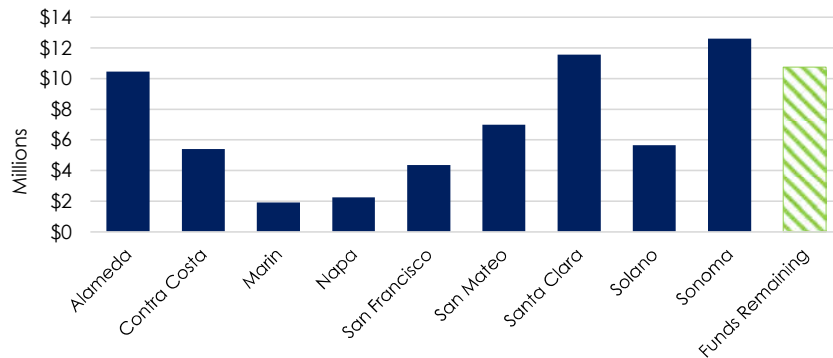
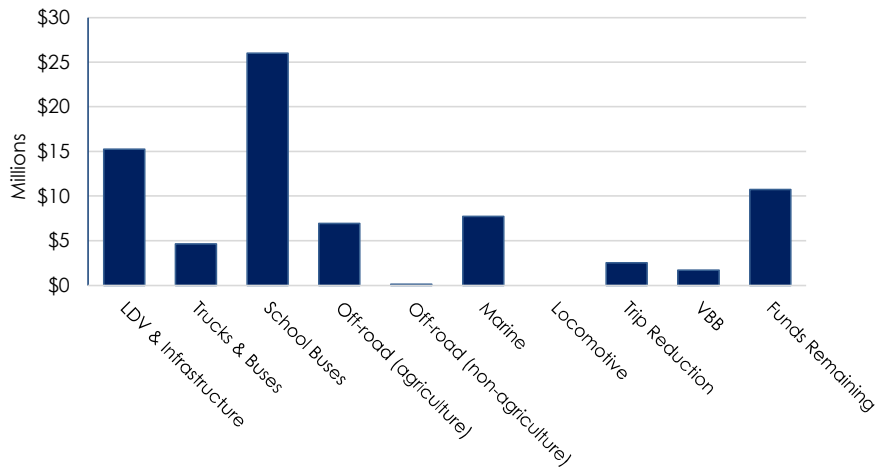


Figure 3. Funding awarded and allocated in FYE 2022 by project category

includes funds awarded & recommended for award



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Authorization to Execute Contract Amendment with Ceridian Payroll Services

RECOMMENDED ACTION

Authorize the Interim Executive Officer/APCO to extend the terms of the contract with Ceridian Payroll Services for a three-year term at a total cost of \$600,000 spread between three fiscal years (FYE 23, 24, 25).

BACKGROUND

The Air District uses the Ceridian Payroll Systems platform to process the biweekly payroll for all employees. In 2018, Ceridian was in the process of implementing a newer platform for their clients which included additional services beyond payroll administration and the Air District was informed that Ceridian would no longer support their previous system. At the time, the Air District Human Resources Office considered other vendors for its payroll services, reviewed a demonstration of competing systems, conducted reference checks with other public employers, and compared this information with Ceridian's services.

The Ceridian system included a human resources information system capability that provided the Air District payroll and human resources staff with efficiencies in the processing of payroll, the ability to implement a self-service portal, a learning management system, more functionality for users and an improved interface. Due to the improvements the newer system offered, the Air District's history with Ceridian Payroll Services, and in evaluating other payroll services for similar services, staff concluded that upgrading the Ceridian Payroll Services platform and continuing to use Ceridian for payroll processing was more efficient, provided more services and was less costly than changing providers. In October 2019, the upgraded Ceridian Payroll System was fully implemented and launched District-wide.

DISCUSSION

This contract amendment will allow the Air District to continue the essential and timely administration of the Air District's payroll and human resources programs. The system is customized to the Air District's payroll and human resources needs and functions effectively,

including providing timely reporting to the finance office. Thus, staff do not recommend changing vendors at this time because of the additional costs, staff time, and potential risks of implementing a new system.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The costs associated with the 2023 fiscal year in the amount of \$200,000 for this contract are included in the Human Resources Division’s FYE 2023 General Fund budget. The remaining future payroll service costs of \$400,000 under contract for FYE 2024 and FYE 2025 will be budgeted and included appropriately in the ordinary course of the Air District’s budget process.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Judy Yu
Reviewed by: Terri Levels

ATTACHMENTS:

- 1. Original Executed Contract - Ceridian Payroll Services - Contract No. 2018.201
- 2. Draft Contract Amendment - Ceridian Payroll Services - Amendment No. 1 - Contract No. 2018.201

ORDER FORM

Client Order No: **Q-12057**
 Generation Date: **July 3, 2018**
 Offer Expiration: **30 days from Generation Date**
 Service Term Length (from Service Start Date): **36 Months**
 Territory: **United States**
 Currency: **USD**

Client Information			
Client Name Bay Area Air Quality Management District		the "Client"	
Service Contact Judy Yu	Phone No. (415) 771-6000 x4626	e-mail jyu@baaqmd.gov	
Billing Street Address 375 Beale Street Suite 600		City San Francisco	State/Province CA Zip/Postal Code 94105

Estimated Recurring Fees	Frequency	Product Type	Unit of Measure	Unit Price	Quantity	Price
Dayforce HCM Subscription Fee*	Monthly	Subscription	Per Employee	\$18.45	353	\$6,512.85
Dayforce Exception Group, Paid & Not Using WFM (Pensioners)**	Monthly	Subscription	Per Employee	\$11.00	200	\$2,200.00

Estimated Staging Fees	Frequency	Product Type	Unit of Measure	Unit Price	Quantity	Price
Dayforce Staging Fee	One Time	Staging	Each	\$999.83	4	\$3,999.34

Estimated Implementation and One-Time Fees	Frequency	Product Type	Unit of Measure	Unit Price	Quantity	Price
Dayforce HCM Activation Fee	One Time	Implementation	Each	\$12,999.15	1	\$12,999.15
Prepaid Professional Services	One Time	One Time	Each	\$180.00	50	\$9,000.00

Summary of Estimated Annual Totals	Total
Estimated Total Recurring Fees	\$104,554.20
Estimated Total One Time Fees	\$25,998.49

The Service Particulars applicable to this Order Form are found at <https://contracts.ceridian.com> under the following name(s):

- Dayforce HCM-General Terms
- Dayforce HCM-Payroll Terms
- Dayforce HCM-Ancillary Services Terms

*Included in the Dayforce HCM Subscription Fee:

- Dayforce HCM (Includes Core Elements and HR & Self Service)
- Dayforce Payroll
- Dayforce Benefits
- Dayforce Time and Attendance
- Dayforce Dashboards
- Dayforce ACA Management
- Dayforce Employment/Salary Verification
- Dayforce HCM Education Package

For the purposes of this Order Form, the Service Start Date shall be the date on which Client has access to all of the Subscribed Modules and/or Services referenced above and all of the following specific Subscribed Modules have been configured for use by Client:

- Dayforce HCM (Includes Core Elements and HR & Self Service)
- Dayforce Payroll
- Dayforce Benefits
- Dayforce Time and Attendance

The Dayforce HCM Subscription Fee includes one (1) Federal, State, and Local Tax Filing ID

Each additional Federal Tax Filing ID will be charged at a price of \$55.00

Each additional State Tax Filing ID will be charged at a price of \$10.00

Each additional Local Tax Filing ID will be charged at a price of \$10.00

**On the basis that for a subset of Client's total Number of Employees (the "Exception Group") Client accesses only the Subscribed Module of Dayforce Payroll, Ceridian agrees to charge Client a separate subscription Recurring Fee at a reduced rate (as set forth herein) specific to the Exception Group and their limited functionality. This separate Recurring Fee will be calculated and billed based on the number of users in the Exception Group set up under a separate pay group for tracking purposes (initial estimate stated above). Should the number of users in the Exception Group change substantially over time, or should the use of the Software change from what is contemplated herein, Ceridian reserves the right to review and adjust the Fees being charged on an ongoing basis.

Prices are exclusive of all Taxes. Goods and/or materials, if any, shipped FOB Origination Point

This Order Form, and the attached SOW(s), is entered into between Client and the Ceridian entity that has signed below, and is governed by the terms of Ceridian's current Master Services Agreement found at <https://contracts.ceridian.com> (the "MSA"). Capitalized terms used and not otherwise defined in the Order Form, SOW(s), or any document found at <https://contracts.ceridian.com> have the meaning set forth in the MSA. In addition to the Fees set forth herein, Client will be charged for ad hoc/ancillary Fees as applicable in accordance with the applicable Rate Sheet also found at <https://contracts.ceridian.com>. Ceridian may change and/or expand the list of items and/or rate of such items from time to time by publishing a new Rate Sheet on the above site, and such changes shall apply to the Client effective the date of such change.

SERVICES MIGRATION: Client's existing payroll and Ceridian Time and Attendance Services will be migrated to the Services ordered herein, for the Fees set forth above.

Client acknowledges having read and understood all terms of the Order Form, MSA, Service Particulars and, if applicable, SOW and Rate Sheet, all of which form an integral part of the Agreement between Ceridian and Client. Client further acknowledges that the terms applicable to its existing Services being replaced by the Services ordered herein will continue to govern until the Service Start Date of the new Services, after which time the prior terms will be of no further effect.

Ceridian HCM, Inc.

Per:



Printed Name:

Matthew Halleck
Account Executive

Title:

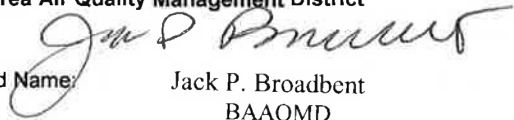
Date:

08/10/2018

I have the authority to bind the corporation

Bay Area Air Quality Management District

Per:



Printed Name:

Jack P. Broadbent

Title:

BAAQMD

APCO/Exec. Officer

Date:

I have the authority to bind the corporation/partnership

**ATTACHMENT A TO ORDER FORM
STATEMENT OF WORK
IMPLEMENTATION SERVICES FOR DAYFORCE HCM**

CLIENT INFORMATION

Client Name Bay Area Air Quality Management District	the "Client"
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This is the implementation SOW for Dayforce HCM as contemplated in the Order Form made between Ceridian and Client. This SOW sets forth the details for the implementation Services and/or deliverables (the "Implementation Services") to be provided in respect of the Subscribed Modules and those Services described in the attached Order Form. Capitalized terms not defined in this SOW shall have the meanings ascribed to them in the MSA.

Ceridian's obligation to deliver the Implementation Services for the One Time Fees stated in the Order Form will survive for twelve (12) months from project launch. Should the project exceed twelve (12) months for any reason not the fault of Ceridian, Ceridian reserves the right to revisit the scope and/or the One Time Fees associated with the Implementation Services.

1. Executive Summary

Client has engaged Ceridian to implement and provide education and training for the following bundled Subscribed Modules:

- Dayforce HCM (Includes Core Elements and HR & Self Service)
- Dayforce Payroll
- Dayforce Benefits
- Dayforce Time and Attendance
- Dayforce Single Sign On
- Dayforce Employment/Salary Verification

For the following population:

- 553 Employees in the United States (inclusive of the Exception Group)

Note: Any Subscribed Module to which Client has subscribed and which is not explicitly documented in this SOW will be Client's sole responsibility to activate for production use (and Client is responsible for the ongoing configuration, accuracy and completeness of its Client Data). Ceridian will enable all relevant features for Client Power Users and will provide Client with instructional materials to prepare Client to activate the Subscribed Module.

2. Implementation Methodology

Ceridian determines the scope of work, timelines and Fees for Implementation Services on the basis that the Implementation Services will be delivered as one continuous project, and has scheduled resources based on this assumption. Any delays or phased roll out may impact the One Time Fees, and could result in a complete work stoppage until resources can be reassigned.

The tasks, duties, responsibilities, and deliverables to be provided by Ceridian to Client in conjunction with the Implementation Services will be provided utilizing the methodology described below. Note: activities within each stage may be adjusted to reflect project scope, and/or complexity. Not all activities apply to all projects. Adjustments, as may be required, will be identified during the Welcome stage.

Stage	High-Level Task	Primary Responsibility	
		Ceridian	Client
Welcome	Implementation team assigned	X	
	Establish project roles and responsibilities	X	X
	Establish project governance	X	X
	Client PM and Power Users complete required training		X
	Provide access to the Activate Wizard	X	
	Provide data in required templates	X	
	Create environment with provided data	X	
	Document integration and data conversion requirements, as appropriate	X	X
	Provide access to instances in the pre-production environment. Included as standard are two (2) pre-production environments: (1) TEST (accessible by Ceridian and Client, generally used for solution refinement), and (2) CONFIG (accessible by Ceridian and Client, generally used for application configuration and testing)	X	
Activate	Complete remaining data templates through the Activate Wizard	X	
	Complete Activate Wizard questionnaires		X
	Complete post-wizard checks and validations	X	X
	Finalize solution blueprint	X	X
	Complete training curriculum		X
Refine	Create test cases for User Acceptance Testing (UAT), and integration testing	X	
	Complete configuration of solution and execute prepared test cases	X	
	Prepare day in the life scenarios	X	
	Execute day in the life scenarios and document feedback		X
	Refine solution based on test/day in the life results vs. requirements, and confirm results with Client	X	
	Create and execute Client-specific test cases to append to Ceridian test cases for UAT and integration testing and document test results		X

	Complete final data loads and audit for parallel testing and go-live	X	
	Conduct parallel payroll testing and document discrepancies		X
	Address Client's parallel payroll testing results through triage and resolution of Client's documented issues	X	
Experience	Complete organizational go-live preparedness activities		X
	Prepare production environment	X	
	Support two (2) live production runs through triage and resolution of Client's documented issues	X	
	Transition Client to Ceridian Customer Support	X	

3. Ceridian and Client Roles and Responsibilities

To facilitate the successful delivery of the Implementation Services, Client and Ceridian will ensure the appropriate individuals are assigned and available, as applicable, to fill the following roles with the associated responsibilities. Depending on project scope, not all projects will require all roles and/or responsibilities. Roles and responsibilities will be confirmed and agreed upon by both Parties during the Welcome stage.

Ceridian Role / Responsibilities		Client Role / Responsibilities	
Project Sponsor	<ul style="list-style-type: none"> Provide overall direction and management support for the Implementation team Allocate necessary resources Participate in executive updates and checkpoints Address project escalations in a timely manner 	Project Sponsor	<ul style="list-style-type: none"> Provide overall direction and management support for the project team Allocate necessary resources Participate in executive updates and checkpoints Address project escalations in a timely manner Make business decisions in a timely manner
Project Manager	<ul style="list-style-type: none"> Develop, maintain and track progress against the project plan and associated logs (risk log, issues log, etc.) Manage milestone schedule with Client Manage Implementation team resources and deliverables Report on project status through meetings and reports, including project risks and issues with mitigation plans Facilitate communication between project teams Act as a central point of contact for all day-to-day activities Lead and manage change control activities Facilitate Client's access to training 	Project Manager or Primary Resource	<ul style="list-style-type: none"> Participate in development and update of project plan and associated logs Manage Client project team and third party resources and deliverables Provide input to project status reports and participate in meetings Act as a central point of contact for all day-to-day activities from all locations and/or business areas Represent Client in change control activities Facilitate communication between Client and third party groups and stakeholders Plan and manage rollout strategy and logistics Develop and manage the execution of an organizational readiness plan
Implementation Consultant(s)	<ul style="list-style-type: none"> Ensure initial instance is set up and that initial back office data entry is complete Lead requirements gathering/validation and documentation throughout the implementation Facilitate completion of data load templates in Dayforce Activate Convey implementation best practices to leverage features and functionality Lead solution configuration, QA, review and refinement Lead and execute required testing and review and confirm the outputs of that testing with Client Support Client testing, parallel processing and audit activities through issue triage and resolution of Client documented issues and defects Provide in-depth product and/or domain knowledge as required throughout the project lifecycle Suggest implementation and configuration best practice Participate in solution configuration, QA and refinement Provide technical services (inbound/outbound data feeds, custom reporting, data conversion/migration) as documented in the project plan Complete issue triage and resolution 	Client Power Users	<ul style="list-style-type: none"> Complete the project workbook Confirm access to the Dayforce Activate URL Confirm access to Live Membership and training materials Organize internal participants as required Validate outputs and provide sign offs at each stage as defined by project plan Review and approve the outputs of test cases with the Implementation Consultant Advise if any needs have been missed or any test cases are inaccurate Work with the Implementation Consultant to identify unique test case requirements as may be required Lead UAT Test script execution with Ceridian support and document discrepancies Execute day in the life scenarios, provide feedback Complete role-specific training at appropriate points in the project lifecycle as documented in the Ceridian Education Center (CEC) training curriculum Complete rollout of the solution across the organization Complete organizational readiness activities leveraging Ceridian provided best practices and collateral Assume ownership of the configured solution at go-live Work with the Implementation Consultant to complete all required "OK to Proceed" milestones
MyMove Data Consultant(s)	<ul style="list-style-type: none"> Complete Getting Started Complete the additional Employee data load templates Complete parallel and final data load templates Provide ongoing support for outstanding data clean-up activities 	Client Power Users	<ul style="list-style-type: none"> Assist with data clean-up in preparation for data load If necessary, complete parallel and final data load templates Ensure accuracy of data and assist Ceridian with data mapping
Dayforce Education	<ul style="list-style-type: none"> Provide access to online training videos that can be deployed to all users Provide access to the organizational readiness toolkit Schedule and deliver multi-client Dayforce Live Membership sessions, Client exclusive sessions (optional) Schedule and deliver custom training sessions (optional) Deliver tailored or customized Dayforce My Path training content (optional) 	Client Trainer(s)	<ul style="list-style-type: none"> Development and execution of the rollout training plan to end users Completion of Ceridian provided training per the project schedule and delivery of rollout training across the organization Adoption of the Ceridian organizational readiness toolkit for Client specific rollout

4. Services, Responsibilities and Deliverables for Implementation of Subscribed Modules and Core Functionality

The components listed below reflect those components and the corresponding scope that are available with respect to the Subscribed Modules listed in the Order Form. Ceridian will provide access to and implement those components indicated below as included.

Unless a task, duty, responsibility or deliverable is expressly identified as included below, it is out of scope and will not be provided or performed by Ceridian as part of the Implementation Services. Without limiting the generality of this principle, Ceridian and Client expressly confirm that the following specific items are out of scope:

- Integration to 3rd party systems other than those identified below;
- Development of training materials outside of the education services specified herein;
- Client resource and/or third party vendor management.

Component	Description	Scope
Dayforce Core Elements		
Organizational Hierarchy	Configuration of the core organizational tree as defined and documented in the solution blueprint.	Included
Jobs and Positions	Configuration and import of jobs and positions including work assignments, pay grades, departments, job families and functions and workers compensation.	Included
Role Security	Configuration of security roles that define what areas of the Dayforce application users can access.	Included
Pay Frequencies	Configuration of pay groups that define the frequency of pay for a group of employees as defined and documented in the solution blueprint	Included
HR Administration Configuration	Configuration of Client provided lists for employment status, employment status reasons, pay classes, pay types, relationship types, contact information types, marital status, and employee properties. Also includes configuration of new hire role assignment and employee data mapping rules.	Included
iOS and Android Applications	Configuration of security roles that define what areas of the mobile application users can access. Employees can download the Dayforce mobile application from Apple's App Store or Google's Play Store.	Included
Dayforce HR & Self Service		
Time Away from Work	Configuration of time off policies to define parameters on how to request time off. Setup of time away from work form and manager approval.	Included
Administrator Self Service Forms	Configuration of Administrator level Self Service forms and associated workflow and guided processes screens as listed in the product documentation.	Included
Manager Self Service Foms	Configuration of Manager level Self Service forms as listed in the product documentation, and access to manager and employee form submission history.	Included
Employee Self Service Forms	Configuration of Employee level Self Service forms as listed in the product documentation, and access to form submission history.	Included
Workflows	Configuration of standard workflows defined as follows: commit to database, single approval, double approval and conditional workflow. Additional workflow configurations are available for a fee based on discovery.	Included
Guided Processes	Configuration of wizard-like collections of forms with configurable start and end messages to manage work and life events.	Included
Entitlements	Configuration of rules that control how employees earn balances that represent their benefits, such as vacation time or personal days.	Included
TeamRelate	Enablement of TeamRelate feature, which allows employees to complete a TeamRelate survey, view their profile and the profile of other employees. Provides manager visibility into employee and team profile information, including communication styles, core convictions, and tips to help promote employee engagement.	Included
Dayforce Payroll		
Payroll Codes	Configuration of earning and deduction groupings that can be utilized for earnings or deduction calculations, pre-defined tax methods built in for compliance purposes, configurable limits and declining balances, arrears tracking and recovery. Configuration of earnings, deductions, memo calculations, and taxable benefits.	Included
Legal Entities	Configuration of legal entities (FEIN, CRA#) for the proper calculation and remittance of tax filing. Includes federal, state/provincial, local, and other employer and employee taxes.	Included
Employer Bank Accounts	Configuration of bank account information from which Client will fund payments for Client payroll.	Included
Deferred Compensation / RRSP and Pension Plans	Configuration for calculation of deferred compensation plans including RRSPs, Pension Plans, 401(k) and 403(b), Roth, catch-up and employer matches.	Included
Workers Compensation	Configuration of Workers Compensation accounts and rates, linking of those rates to jobs and positions, and creating associated Workers Compensation reporting.	Included
3rd Party Payments	Configuration of 3rd party payees.	Included
Year End	Configuration of access to year end processing and year end documents, and filings.	Included
Payroll Production Reports	Configuration of payroll production reports and storage of a rolling 36 months of the payroll production reports.	Included
Payments to Non-Employees (Pensioners or Contractors)	Configuration of 1 additional pay group and legal entity for the explicit use of payments to contractors and configuration of 1 additional pay group and legal entity for the explicit use of payments to pensioners.	Included
Dayforce Benefits		
Benefit Plans	Configuration of all applicable carriers, benefits plans, eligibilities, and coverage dates for Health, Life and Disability, Retirement and Reimbursement plans.	Included

Enrollment Processes	Configuration of all applicable enrollment types (New Hire, Life Event, Open enrollment), including start and end dates, any applicable enrollment forms, and enrollment eligibility. Does not include support for open enrollment post go-live (e.g. carrier changes, rate changes).	Included
Relationship Types	Configuration of relationship types and specified applicable benefit groups.	Included
HR Event Workflows	Configuration of the HR Events that trigger benefits and assignment of eligible workflows and forms to HR events.	Included
Dayforce Time and Attendance		
Scheduling	Consultation of scheduling best practices for both manual and rotation based scheduling techniques. Configuration of shift rotations.	Included
Pay Policies	Configuration of pay policies that define the assignment of pay rules and qualifiers to employees. Standard pay policies include regular time and overtime.	Included
Punch Policies	Configuration of punch policies that define an employee's time entry method and any optional rules and validation to be applied when an employee records working time. Standard punch policies include Salary, Hourly and Hourly Exempt.	Included
Employee System Access	Consultation of Self-Service features that are in scope: Availability, Messaging and Alerts, Schedule Access, Timesheet Access, Employee Self Service Clock, and Time Away from Work Request screen. Ceridian will enable pertinent features as documented in the solution blueprint.	Included
Schedule Compliance	Configuration of employee policies, schedule alerts and warnings to facilitate compliance with legislative and company policies.	Included
Projects	Consultation of Projects functionality, including how to define start/end dates, budget in hours or dollars and assignment to an area of the organization.	Included
Attendance Tracking	Configuration of attendance policies to define attendance incidents, how the occurrence of these incidents cause attendance violations, and the action to be taken for these violations.	Included
Shift Trading	Configuration of shift trading policies to define which employees can make shift trades, swaps, or re-trades with or without supervisor approval.	Included
Dayforce Organizational Readiness		
Essentials	Access to training site content, including training videos, organizational readiness videos and an organizational readiness toolkit. The toolkit includes sample materials and project plans to support Client's organizational readiness efforts.	Included
Platform/Technical		
Client Verified Single Sign On	Provide user authentication with Client's SAML 2.0 or ADFS Identity Management Solution where Client acts as the identity provider.	Included
Imports, Exports and Interfaces		
Interface Configuration	Configuration of interfaces within the framework of the Dayforce application. These can include carrier feeds, GL exports, time imports, etc.	Following Interfaces are Included: 2 - Deferred Compensation, Pension, 401K, RRSP Plans 0 -Standard Imports Required into Dayforce 1 - 3rd Party Exports Required 2 - Benefit Carrier Exports Required ESVS Integration 0 - Standard Ceridian-Web Service Integration(s)
Basic General Ledger Export	Provide one basic employee detail GL and one basic summary GL by pay group at no additional charge. The export format is configured in the standard Ceridian format. GL setup includes configuration of department codes and account numbers for one Chart of Accounts.	Not Included
Client-Specific General Ledger Export	Provide the Client with a GL consultant to gather the Client's requirements to configure a Client-specific GL export file. The number of exports is determined by the number of unique file specifications and/or Chart of Accounts that Ceridian will be required to configure. If the Client does not provide the necessary file requirements in line with the implementation cycle, it may result in a delay in providing the GL export(s) for the Client's first payroll commit and may be subject to additional fees.	Up to 1 Client-Specific General Ledger Export(s) Included
MyMove Conversion Consulting Services		
Current Year Active Employee Record Import	Import of most recent employee record. Some data fields include: name, address, contact information, emergency contacts, confidential information, status, work assignment, TD1/W4 and rate of pay, per the applicable MyMove Foundation Offering Mapping Guide.	Included
Current Year Inactive & Current Year Terminated Employee Record Import	Import of most recent employee record. Some data fields include: name, address, contact information, emergency contacts, confidential information, status, work assignment, TD1/W4 and rate of pay, per the applicable MyMove Foundation Offering Mapping Guide.	Included
Current Year Active & Current Year Inactive Employee Balance Import	Import of most recent record for employee outstanding balance amounts (e.g., entitlements, 401K loans (US), RRSPs (CAN)), per the applicable MyMove Foundation Offering Mapping Guide.	Included
Current Year Active & Current Year Inactive Employee Earning & Deduction Elections Import	Import of employee permanent recurring earnings and deductions, per the applicable MyMove Foundation Offering Mapping Guide.	Included
Current Year Active, Current Year Inactive & Current Year	Import of current year-to-date values for earnings, deductions and taxes, per the applicable MyMove Foundation Offering Mapping Guide.	Included

Terminated Year-To-Date (YTD) Import		
Earning Statement for Current Year Active, Current Year Inactive & Current Year Terminated Employees Import	Import of earning statements for administrative and employee viewing, per the applicable MyMove Foundation Offering Mapping Guide.	Current plus 3 calendar years included, if applicable
Current Year Active, Current Year Inactive & Current Year Terminated Employees HR History Import	Import of HR history data for Job, Compensation, and Employment, per the applicable MyMove Foundation Offering Mapping Guide.	Included, if applicable
Prior Year Terminated Employees Import	Import of most recent HR record for prior year terminated employees having a termination date within last 3 calendar years, per the applicable MyMove Foundation Offering Mapping Guide.	Included, if applicable
Non-Processing Payroll ID (PSID) Import	Import of most recent HR record for non-processing PSID active, inactive and terminated employees having a termination date within last 3 calendar years, per the applicable MyMove Foundation Offering Mapping Guide.	Included, if applicable
Current Year Benefit Elections for Current Year Active, Current Year Inactive & Current Year Terminated Employees Import	Import of employee and dependant benefit elections, per the applicable MyMove Foundation Offering Mapping Guide.	Included, if applicable
Current Year Active & Current Year Inactive Employee Child Support Import	Import of employee active child support profile record(s). Some data fields include payee code, issuing state and duration, per the applicable MyMove Foundation Offering Mapping Guide.	Included, if applicable
Dayforce Education Services		
Dayforce Essentials	Introductory role-based videos available 24/7 providing introduction to Dayforce HCM module functionality. Essentials also includes comprehensive end user training plan template and organization readiness toolkit.	Included
Dayforce HCM Education Package	<p><u>Live Membership</u></p> <ul style="list-style-type: none"> • Allows a single named member to attend any publicly scheduled training session offered to Dayforce HCM clients during the subscription period • Members must register their name and email address with Ceridian • Members must self-enroll using online registration tools • Membership can be transferred to a new user if the current member is no longer accessing the Dayforce application <p><u>MyPath</u></p> <ul style="list-style-type: none"> • Pre-built training content accessible via the Dayforce application • All users with access to the Dayforce application have access to content during the subscription period • Content includes e-learning, student guides and job aids related to the Subscribed Modules 	3 Live Memberships and 1 My Path Subscription Included

CERIDIAN

AMENDMENT

EFFECTIVE DATE: Upon execution by both Parties**TERRITORY: United States****NUMBER OF EMPLOYEES: 675**

CLIENT INFORMATION			
Client Name Bay Area Air Quality Management District		the "Client"	
Service Contact Judy Yu	Phone No. (415) 771-6000 x4626	Fax No. n/a	e-mail jyu@baaqmd.gov
Billing Street Address 375 Beale Street Suite 600	City San Francisco	State/Province CA	Zip/Postal Code 94105
AGREEMENT AMENDED:	Agreement No / Payroll ID. n/a	Agreement Date: August 10, 2018	

Ceridian HCM, Inc., ("Ceridian") and Client hereby agree to amend and modify the terms and provisions of the Original Agreement dated August 10, 2018 (the particulars of which the Parties are familiar, and a copy of which may be attached hereto, and hereinafter referred to as the "Original Agreement") in accordance with the following, the content of which is incorporated herein without further reference. The Parties mutually acknowledge that unless otherwise expressly provided herein, this Amendment does not and will not serve to revise the relationship between the Parties, and it is mutually agreed that any and all unremedied and outstanding accounts, defaults, breaches or other matters, existing between the Parties as at the effective date of this Amendment shall remain intact and subsisting notwithstanding this Amendment. All capitalized terms used herein shall, unless otherwise defined, have the meaning ascribed to them in the Original Agreement.

Ceridian and Client agree that the Original Agreement is amended as follows:

- Extended Term.** The Dayforce services (the "Services") will be provided for an extended term commencing on the effective date of this Amendment and expiring thirty-six (36) months thereafter (the "Extended Term"). Upon expiration of the Extended Term, the Original Agreement will remain in effect until terminated by either Party upon ninety (90) days' written notice, effective on or any time after the expiration of the Extended Term.
- Service Fees.** Fees applicable to the Services shall continue at the same rates as currently in effect. Ceridian reserves the right to increase Fees no more than once annually by giving Client at least thirty (30) days' written notice of the change, but Fees shall not increase by more than the annual increase in the Employment Cost Index for total compensation, for private industry workers, by occupational group and industry (not seasonally adjusted), for all workers (ECI), as published by the Bureau of Labor Statistics, US Department of Labor in the 12-month period preceding the increase. Thereafter, Ceridian reserves the right to increase Fees annually with thirty (30) days' prior written notice to Client, but Fees shall not increase by more than the annual increase in the Annual Inflation Index for the respective billing currency. "Annual Inflation Index" means (i) if the currency is USD, the Employment Cost Index for total compensation, for private industry workers, by occupational group and industry (not seasonally adjusted), for all workers (ECI), as published by the Bureau of Labor Statistics, US Department of Labor; (ii) if the currency is CAD, the Consumer Price Index, as published by Statistics Canada, Government of Canada; (iii) if the currency is GBP, the Retail Prices Index excluding mortgage interest, as published by the Office for National Statistics (United Kingdom); (iv) if the currency is Euro, the Consumer Price Index, all groups, non-seasonally adjusted, as published by the Reserve Bank of Australia; (v) in the case of the Republic of Ireland, the Consumer Price Index (All Items), as published by the Central Statistics Office (Ireland); (vi) if the currency is NZD, the Consumers Price Index, as published by Stats NZ; and (vii) for all for all other currencies, the applicable price index published by the Organization for Economic Cooperation and Development for the applicable Territory
- In no event will the Number of Employees used for calculating the monthly Recurring Fees for any given calendar month be less than the Minimum Monthly Employee Count, where "*Minimum Monthly Employee Count*" means eighty percent (80%) of the Number of Employees stated above, or such increased quantity as indicated on Client's Order Form(s), which number represents the approximate current Number of Employees of the Client. Where Client's Services include Managed Payroll and / or Managed Benefits Services in addition to Dayforce SaaS Services, the Minimum Monthly Employee Count specific to such managed Services will be calculated separately from the Minimum Monthly Employee Count for Dayforce SaaS Services.
- Early Termination.** If Client terminates the Services prior to the expiration of the Extended Term, Client shall be responsible to pay to Ceridian, in addition to the Fees payable up to and including the effective date of termination of the Service (including all One Time Fees for work performed up to and including the date of termination), an early termination fee equal to the average monthly Recurring Fees (computed based on the Recurring Fees for Services provided to Client during the three (3) month period preceding cancellation), multiplied by the number of whole or partial months between the date that the cancellation is effective and the expiration date of the Extended Term, less a discount equal to 25%.

Except as modified by this Amendment, all terms and conditions of the above-referenced Agreement will remain in full force and effect.

Ceridian HCM, Inc.

Per:

Printed Name:

Title:

Date:

I have the authority to bind the corporation

Bay Area Air Quality Management District

Per:

Printed Name:

Title:

Date:

I have the authority to bind the corporation/partnership

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Authorization of No-Cost Extension of Contract for the Bay Air Center

RECOMMENDED ACTION

Staff recommends the Board of Directors authorize the Interim Executive Officer/APCO to extend and re-execute the existing master services agreement (MSA) with Kearns and West for no cost until June 2023 to provide technical assistance to low-cost sensor network projects led by community organizations in the Bay Area.

BACKGROUND

The Bay Air Center is a third-party independent service that is designed to provide a variety of materials, hands-on guidance, training, and access to a team of technical experts for assistance. The Bay Air Center is designed to support communities in becoming further engaged with the Air District on understanding local air quality concerns, community scale ambient air quality monitoring or other technical projects, and advocating for air quality improvements. This service provides technical support independent from the Air District and can support communities' efforts to measure local air quality and interpret the data to advance their goals.

Specifically, the Bay Air Center can provide technical support on general air quality information, study design, monitoring objective support, quality assurance and quality assurance project plan assistance, network design and sensor placement, collocation with sensor verification system, managing and processing data, data review, data analysis and interpretation and next steps ideation. Currently, the Bay Air Center is providing technical support to ongoing community-led sensor projects, including with the community of Belle Haven through the leadership of Councilwoman Cecilia Taylor, and with Community Air Grant Projects funded by the California Air Resources Board (CARB), led by Greenaction for Health and Environmental Justice and the Brightline Defense Project.

In 2018, a multi-division workgroup used information from internal and external stakeholder interviews to design an implementation framework for independent technical support for communities conducting air monitoring free of charge. This framework was the basis for a District RFQ through which Kearns & West and their subcontractors were selected in late 2018.

The Board of Directors approved an original \$540,000 contract with Kearns and West on April 3, 2019. On June 3, 2020, the Board of Directors approved an amendment to add \$473,000 to the original agreement, taking the total amount to \$1,013,000 for this contract. The current contract expired on June 30, 2022, with \$434,349 expended and \$578,652 encumbered but unspent. The Air District has been happy with the contractor's performance to date and since 2019, the Bay Air Center has:

- developed guiding principles, identified the needs for resources and other types of support, criteria for prioritizing requests, and processes for coordination,
- provided project-specific technical support and training as requested to sensor projects funded by James Carey Smith Grants and Bay Area school grant projects,
- developed resources on sensor network deployment and operation, choosing the type of monitoring to match data objectives, data review, general quality assurance, and meteorology,
- designed and developed a website to share information, resources, and project profiles with the public,
- developed an informational air quality display in collaboration with Alameda County Library,
- developed a community-specific data analysis in collaboration with the Belle Haven community and presented the findings to the Belle Haven Climate Change Community Team,
- built and tested a portable air monitoring system to conduct side-by-side verification measurements with community sensor networks, which was deployed in collaboration with Brightline Defense,
- developed a plan for technical support for the sensor network deployed by Greenaction for Health and Environmental Justice, conducted site visits with the sensor network operators to help improve data capture, and
- provided resources to Literacy for Environmental Justice on air quality foundations and sensor network deployment.

However, since the inception of this contract, there have been a number of changes to the type of community projects that receive Bay Air Center support (currently partners funded by the California Air Resources Board to conduct community-scale air quality monitoring projects), delays due to COVID-19, and subsequent revisions to the program, that have caused the Air District to reconsider the longevity of this contract.

DISCUSSION

Air District staff are recommending that the Board consider extending the MSA through June 2023 (Attachment 2). The maximum amount of the MSA does not need to be changed.

Bay Air Center technical support in Fiscal Year Ending 2023 will be focused on supporting sensor network projects led by organizations and/or communities that have either received a California Air Resources Board (CARB) AB 617 Community Air Grants and/or an Environmental Protection Agency (U.S. EPA) American Rescue Plan (ARP) Enhanced Air Quality Monitoring for Communities Grant. The Bay Air Center will also complete projects that

have already been started. To reflect these plans, this contract amendment also updates previous Task Orders and adds two additional Task Orders (Attachments 3 and 4).

Bay Air Center activities will also continue to include implementation of the sensor verification system for sensor network QA assistance and an external website to house developed general resources so that they are accessible to the public. These activities will continue to expand the Bay Air Center's ability to provide meaningful and targeted technical assistance and guidance requested by communities that have received CARB or U.S EPA grants.

BUDGET CONSIDERATION/FINANCIAL IMPACT

For this phase of this contract, funding is carried over from the Fiscal Year Ending (FYE) 2022 budget (\$250,000) and is included in the approved FYE 2023 budget (\$356,000, Program Code 811).

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Michael Flagg
Reviewed by: Greg Nudd, Ranyee Chiang, Kate Hoag

ATTACHMENTS:

1. Kearns & West Executed Contract
2. Kearns & West Draft Amendment
3. Kearns & West Draft Task Order 7
4. Kearns & West Draft Task Order 8

**AMENDMENT NO. 1 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2019.131**

This amendment to the above-entitled contract ("Contract Amendment") is dated, for reference purposes only, November 16, 2020.

RECITALS:

1. The Bay Area Air Quality Management District ("DISTRICT") and **Kearns & West, Inc.** ("CONTRACTOR") (hereinafter referred to as the "PARTIES") entered into the above-entitled contract for the development, public launch, and ongoing management and implementation of the technical assistance center also known as the Bay Air Center (the "Contract"), which Contract was executed on behalf of CONTRACTOR on July 3, 2019, and on behalf of DISTRICT on July 12, 2019.
2. The PARTIES inadvertently failed to extend the termination date of the Contract, however, it was and is the intent of the PARTIES to continue the Contract beyond the June 30, 2020 termination date. CONTRACTOR has since continued to provide services to DISTRICT, and the PARTIES have maintained and continued their relationship, in accordance with all the terms and conditions of the Contract.
3. Accordingly, the PARTIES seek to amend the term and total maximum cost of the Contract because DISTRICT seeks for CONTRACTOR to continue to provide the services prescribed in the Contract, and CONTRACTOR desires to continue to provide those services, up to the new term end date and total maximum cost.
4. The PARTIES also seek to update DISTRICT's contact information because DISTRICT's designated contact has changed.
5. The PARTIES further seek to amend the Task Orders executed under the Contract due to changes to the Work Plan, total maximum cost, hourly rates, and period of performance.
6. In accordance with Section 29 of the Contract, DISTRICT and CONTRACTOR desire to amend the above-entitled Contract as follows:

TERMS AND CONDITIONS OF CONTRACT AMENDMENT:

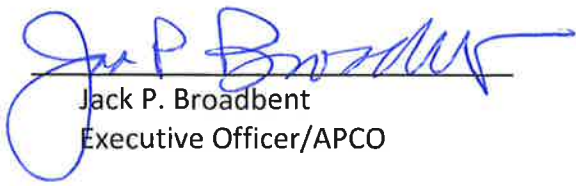
1. By this Contract Amendment, DISTRICT and CONTRACTOR amend Section 4, "Term." The term of the Contract shall be extended so that the termination date of the Contract is now June 30, 2022.

2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph D of Section 9, "Agreement to Provide Services," of the Contract to replace "\$540,000" with "\$1,013,000."
3. By this Contract Amendment, DISTRICT and CONTRACTOR amend Section 13, "Notices," of the Contract to replace the DISTRICT's point of contact "Kristina Chu" with "Katherine Hoag."
4. By this Contract Amendment, DISTRICT and CONTRACTOR replace Task Order No. 1 of the Contract with the attached "Task Order No. 1-A" and agree that all references in the Contract to Task Order No. 1 shall be deemed refer to Task Order No. 1-A.
5. By this Contract Amendment, DISTRICT and CONTRACTOR replace Task Order No. 2 of the Contract with the attached "Task Order No. 2-A" and agree that all references in the Contract to Task Order No. 2 shall be deemed refer to Task Order No. 2-A.
6. By this Contract Amendment, DISTRICT and CONTRACTOR replace Task Order No. 3 of the Contract with the attached "Task Order No. 3-A" and agree that all references in the Contract to Task Order No. 3 shall be deemed refer to Task Order No. 3-A.
7. By this Contract Amendment, DISTRICT and CONTRACTOR replace Task Order No. 4 of the Contract with the attached "Task Order No. 4-A" and agree that all references in the Contract to Task Order No. 4 shall be deemed refer to Task Order No. 4-A.
8. DISTRICT and CONTRACTOR agree that all other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the PARTIES have caused this Contract Amendment to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

KEARNS & WEST, INC.

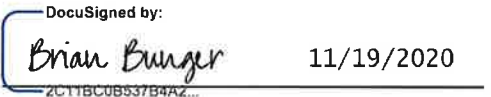
By: 
Jack P. Broadbent
Executive Officer/APCO

By: 
Ben Gettleman
Vice President

Date: 11/23/20

Date: November 18, 2020

Approved as to form:
District Counsel

By:  11/19/2020
Brian C. Bungler
District Counsel

Task Order No. 1-A

Work Plan:

Internal Coordination and Work Planning – Upon request by, and in consultation with DISTRICT, CONTRACTOR shall:

1. Plan and facilitate bi-monthly planning meetings (24 meetings) with relevant Project subcontractors and DISTRICT Community Engagement and Meteorology & Measurement staff through June 30, 2020.
2. Plan and facilitate monthly planning meetings (24 meetings) with relevant Project subcontractors and DISTRICT Community Engagement and Meteorology & Measurement staff through June 30, 2022.
3. Support internal DISTRICT working group meetings comprised of various DISTRICT staff by planning and facilitating quarterly or more frequent meetings (not to exceed 8 meetings) and ongoing coordination between DISTRICT and relevant Project subcontractors.
4. Support internal information sharing by hosting internal brown bag meetings and events (at least 2 internal brown bag meetings/trainings/events) for DISTRICT staff.
5. Support DISTRICT staff with presentation(s) or other related materials (such as language for Board of Directors memos and agendas) for DISTRICT Board of Directors meetings.

Deliverables:

1. Meeting agendas.
2. Meeting summaries.
3. Presentations and other related materials for Board of Directors.

Task Order Cost: DISTRICT will pay CONTRACTOR to complete all tasks in this Task Order on a time and materials basis at the hourly rates listed in the table below, up to a maximum amount of \$95,000. All expenses including, but not limited to, materials, refreshments, room rental, and travel, shall require prior approval from the DISTRICT.

Staff	Category	Hourly Rate (July 1, 2019 - June 30, 2020)	Hourly Rate* (July 1, 2020 - June 30, 2022)
Kearns & West, Inc.			
Ben Gettleman	Vice President	\$200.85	\$210.89
TBD	Director	\$154.50	N/A
Cici Vu/Jorge Kalil	Associate	\$118.45	\$141.75
Melina Smith- Castro/Kai Walcott	Project Coordinator	\$103.00	\$124.37
Eva Spiegel	Senior Associate	N/A	\$162.75
TBD	Designer	\$77.25	\$81.11

Staff	Category	Hourly Rate (July 1, 2019 - June 30, 2020)	Hourly Rate* (July 1, 2020 - June 30, 2022)
TD Environmental			
Tim Dye	President	\$242.00	\$254.10
Matt Beach	Data Systems and Operation	\$203.00	\$213.68
Lauraleigh Lockocy	Air Quality QA & Data Analyst	\$96.00	\$100.49
T&B Systems			
David Bush	Principal	\$198.00	\$228.69
Denis Mikel	Senior Scientist	N/A	\$190.58
David Yoho	Scientist III	\$135.00	\$155.93
Nicole Mazar	Field Manager	\$102.00	\$117.81
Patrick Bush	Scientist	\$81.00	\$103.95
Randall Baxter	Scientist	\$81.00	\$103.95
TBD	Technician	\$44.00	\$50.82
Gwen Ottinger	Strategic Advisor	\$248.00	\$259.88
InterEthnica			
Lisa Abboud	Principal	\$165.00	\$173.25
Carla de Mesa	Project Manager	\$138.00	\$144.89
TBD	Interpreter	\$125.00- \$200.00	\$125.00- \$200.00

*Hourly rates shall be firm through June 30, 2022. If the Master Services Contract is extended beyond June 30, 2022, any increases to the hourly rates shall not be more than five percent (5%) over the current hourly rates and shall be approved in writing in advance by DISTRICT's project manager.

Task Order Duration: The period of performance for this Task Order shall continue for the duration of the Master Services Contract or until all work in the Task Order is complete, whichever occurs first.

Task Order No. 2-A

Work Plan:

External Communications and Engagement – Upon request by, and in consultation with DISTRICT, CONTRACTOR shall:

1. Recruit participants to form an external working group of community experts to better inform the services to be provided by the Center.
2. Hold biannual external working group meetings or conference calls (at least 2 working group meetings or conference calls).
3. Co-sponsor and attend community meetings and/or webinars as specified by DISTRICT staff and provide presentations at existing partner meetings (e.g., Bayview Hunters Point Environmental Justice Task Force meetings, and others) as requested by DISTRICT staff.

Deliverables:

1. External community working group participant list
2. External community working group communications, meeting agendas, and summaries of meetings
3. Presentation(s) for webinars and other external meetings

Task Order Cost: DISTRICT will pay CONTRACTOR on a time and materials basis at the hourly rates listed in the table below, up to a maximum amount of \$70,000. All expenses including, but not limited to, materials, refreshments, room rental, and travel, shall require prior approval from DISTRICT.

Staff	Category	Hourly Rate (July 1, 2019 - June 30, 2020)	Hourly Rate* (July 1, 2020 - June 30, 2022)
Kearns & West, Inc.			
Ben Gettleman	Vice President	\$200.85	\$210.89
TBD	Director	\$154.50	N/A
Cici Vu/Jorge Kalil	Associate	\$118.45	\$141.75
Melina Smith-Castro/Kai Walcott	Project Coordinator	\$103.00	\$124.37
Eva Spiegel	Senior Associate	N/A	\$162.75
TBD	Designer	\$77.25	\$81.11
TD Environmental			
Tim Dye	President	\$242.00	\$254.10
Matt Beach	Data Systems and Operation	\$203.00	\$213.68
Lauraleigh Lockocy	Air Quality QA & Data Analyst	\$96.00	\$100.49

Staff	Category	Hourly Rate (July 1, 2019 - June 30, 2020)	Hourly Rate* (July 1, 2020 - June 30, 2022)
T&B Systems			
David Bush	Principal	\$198.00	\$228.69
Denis Mikel	Senior Scientist	N/A	\$190.58
David Yoho	Scientist III	\$135.00	\$155.93
Nicole Mazar	Field Manager	\$102.00	\$117.81
Patrick Bush	Scientist	\$81.00	\$103.95
Randall Baxter	Scientist	\$81.00	\$103.95
TBD	Technician	\$44.00	\$50.82
Gwen Ottinger			
	Strategic Advisor	\$248.00	\$259.88
InterEthnica			
Lisa Abboud	Principal	\$165.00	\$173.25
Carla de Mesa	Project Manager	\$138.00	\$144.89
TBD	Interpreter	\$125.00- \$200.00	\$125.00- \$200.00

*Hourly rates shall be firm through June 30, 2022. If the Master Services Contract is extended beyond June 30, 2022, any increases to the hourly rates shall not be more than five percent (5%) over the current hourly rates and shall be approved in writing in advance by DISTRICT's project manager.

Task Order Duration: The period of performance for this Task Order shall continue for the duration of the Master Services Contract or until all work in the Task Order is complete, whichever occurs first.

Task Order No. 3-A

Work Plan:

Training and Assistance for Technical Projects – Upon request by, and in consultation with DISTRICT, CONTRACTOR shall:

1. Create a project tracking system and process for using the collaborative system.
2. Create a virtual collaboration system for the Bay Air Center team to monitor Center priorities and resources.
3. Create project intake form and process.
4. Provide (end-to-end) project assistance and support for 5-7 community-led projects as referred by the DISTRICT.
5. Provide technical assistance including:
 - a. Provide grant application support;
 - b. Develop comprehensive study plans for projects;
 - c. Assist with refining scope of project; explore options;
 - d. Identify and clarify objectives (may include source info, ground truthing, odor studies, designing sensor networks, etc.);
 - e. Provide capacity building and mentoring;
 - f. Host educational trainings;
 - g. Instrument set-up, audits, operations;
 - h. Conduct data review, management, and analysis; and
 - i. Conduct end of study workshop and help formulate next steps.
6. Provide on-call technical assistance to referred customers up to 300 hours of general air quality support.
7. Conduct up to 40 hours of training courses.

Deliverables:

1. Project tracking and virtual collaboration system.
2. Project intake form.
3. Meeting notes, study plans, project support summaries or reports, and end of study workshop materials.

Task Order Cost: DISTRICT will pay CONTRACTOR to complete all tasks in this Task Order on a time and materials basis at the hourly rates listed in the table below, up to a maximum amount of \$270,000. All expenses including, but not limited to, materials, refreshments, room rental, and travel, shall require prior approval from the DISTRICT.

Staff	Category	Hourly Rate (July 1, 2019 - June 30, 2020)	Hourly Rate* (July 1, 2020 - June 30, 2022)
Kearns & West, Inc.			
Ben Gettleman	Vice President	\$200.85	\$210.89
TBD	Director	\$154.50	N/A

Staff	Category	Hourly Rate (July 1, 2019 - June 30, 2020)	Hourly Rate* (July 1, 2020 - June 30, 2022)
Cici Vu/Jorge Kalil	Associate	\$118.45	\$141.75
Melina Smith- Castro/Kai Walcott	Project Coordinator	\$103.00	\$124.37
Eva Spiegel	Senior Associate	N/A	\$162.75
TBD	Designer	\$77.25	\$81.11
TD Environmental			
Tim Dye	President	\$242.00	\$254.10
Matt Beach	Data Systems and Operation	\$203.00	\$213.68
Lauraleigh Lockocy	Air Quality QA & Data Analyst	\$96.00	\$100.49
T&B Systems			
David Bush	Principal	\$198.00	\$228.69
Denis Mikel	Senior Scientist	N/A	\$190.58
David Yoho	Scientist III	\$135.00	\$155.93
Nicole Mazar	Field Manager	\$102.00	\$117.81
Patrick Bush	Scientist	\$81.00	\$103.95
Randall Baxter	Scientist	\$81.00	\$103.95
TBD	Technician	\$44.00	\$50.82
Gwen Ottinger	Strategic Advisor	\$248.00	\$259.88
InterEthnica			
Lisa Abboud	Principal	\$165.00	\$173.25
Carla de Mesa	Project Manager	\$138.00	\$144.89
TBD	Interpreter	\$125.00- \$200.00	\$125.00- \$200.00

*Hourly rates shall be firm through June 30, 2022. If the Master Services Contract is extended beyond June 30, 2022, any increases to the hourly rates shall not be more than five percent (5%) over the current hourly rates and shall be approved in writing in advance by DISTRICT's project manager.

Task Order Duration: The period of performance for this Task Order shall continue for the duration of the Master Services Contract or until all work in the Task Order is complete, whichever occurs first.

Task Order No. 4-A

Work Plan:

Develop Center Resources – Upon request by, and in consultation with DISTRICT, CONTRACTOR shall:

1. Develop overview materials explaining the Bay Air Center and process.
2. Develop 15-20 priority informational fact sheets on air quality, low-cost sensor use, or other technical topics as requested and approved by the DISTRICT.
3. Identify topics that will be best communicated through video, develop 3-5 videos as requested by the DISTRICT and make available to the public by request.
4. Develop content and training materials for basic air quality training courses.

Deliverables:

1. Copy of overview materials.
2. Copies of informational fact sheets.
3. Copy of videos.
4. Training materials.

Task Order Cost: DISTRICT will pay CONTRACTOR to complete all tasks in this Task Order on a time and materials basis at the hourly rates listed in the table below, up to a maximum amount of \$45,000. All expenses including, but not limited to, materials, refreshments, room rental, and travel, shall require prior approval from DISTRICT.

Staff	Category	Hourly Rate (July 1, 2019 - June 30, 2020)	Hourly Rate* (July 1, 2020 - June 30, 2022)
Kearns & West, Inc.			
Ben Gettleman	Vice President	\$200.85	\$210.89
TBD	Director	\$154.50	N/A
Cici Vu/Jorge Kalil	Associate	\$118.45	\$141.75
Melina Smith- Castro/Kai Walcott	Project Coordinator	\$103.00	\$124.37
Eva Spiegel	Senior Associate	N/A	\$162.75
TBD	Designer	\$77.25	\$81.11
TD Environmental			
Tim Dye	President	\$242.00	\$254.10
Matt Beach	Data Systems and Operation	\$203.00	\$213.68
Lauraleigh Lockocy	Air Quality QA & Data Analyst	\$96.00	\$100.49

Staff	Category	Hourly Rate (July 1, 2019 - June 30, 2020)	Hourly Rate* (July 1, 2020 - June 30, 2022)
T&B Systems			
David Bush	Principal	\$198.00	\$228.69
Denis Mikel	Senior Scientist	N/A	\$190.58
David Yoho	Scientist III	\$135.00	\$155.93
Nicole Mazar	Field Manager	\$102.00	\$117.81
Patrick Bush	Scientist	\$81.00	\$103.95
Randall Baxter	Scientist	\$81.00	\$103.95
TBD	Technician	\$44.00	\$50.82
Gwen Ottinger	Strategic Advisor	\$248.00	\$259.88
InterEthnica			
Lisa Abboud	Principal	\$165.00	\$173.25
Carla de Mesa	Project Manager	\$138.00	\$144.89
TBD	Interpreter	\$125.00- \$200.00	\$125.00- \$200.00

*Hourly rates shall be firm through June 30, 2022. If the Master Services Contract is extended beyond June 30, 2022, any increases to the hourly rates shall not be more than five percent (5%) over the current hourly rates and shall be approved in writing in advance by DISTRICT’s project manager.

Task Order Duration: The period of performance for this Task Order shall continue for the duration of the Master Services Contract or until all work in the Task Order is complete, whichever occurs first.

AMENDMENT NO. 2 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2019.131

This amendment to the above-entitled contract (“Contract Amendment”) is dated, for reference purposes only, June 15, 2022.

RECITALS:

1. The Bay Area Air Quality Management District (“DISTRICT”) and **Kearns & West, Inc.** (“CONTRACTOR”) (hereinafter referred to as the “PARTIES”) entered into the above-entitled contract for the development, public launch, and ongoing management and implementation of the technical assistance center also known as the Bay Air Center (the “Contract”), which Contract was executed on behalf of CONTRACTOR on July 3, 2019, and on behalf of DISTRICT on July 12, 2019.
2. The PARTIES entered into Amendment No. 1 to the Contract, dated November 16, 2020, for reference purposes only, to amend the term, total maximum cost of the Contract, and Task Orders executed under the Contract.
3. The PARTIES seek to extend the term of the Contract because DISTRICT seeks for CONTRACTOR to continue to provide the services prescribed in the Contract, and CONTRACTOR desires to continue to provide those services, up to the new term end date.
4. The PARTIES further seek to amend the Task Orders executed under the Contract due to changes to the Work Plan, total maximum cost, hourly rates, and period of performance.
5. In accordance with Section 29 of the Contract, DISTRICT and CONTRACTOR desire to amend the above-entitled Contract as follows:

TERMS AND CONDITIONS OF CONTRACT AMENDMENT:

1. By this Contract Amendment, DISTRICT and CONTRACTOR amend Section 4, “Term.” The term of the Contract shall be extended so that the termination date of the Contract is now June 30, 2023.
2. By this Contract Amendment, DISTRICT and CONTRACTOR replace Task Order No. 1-A of the Contract with the attached “Task Order No. 1-B” and agree that all references in the Contract to Task Order No. 1 shall be deemed to refer to Task Order No. 1-B.

3. By this Contract Amendment, DISTRICT and CONTRACTOR replace Task Order No. 5 of the Contract with the attached "Task Order No. 5-A" and agree that all references in the Contract to Task Order No. 5 shall be deemed to refer to Task Order No. 5-A.
4. By this Contract Amendment, DISTRICT and CONTRACTOR replace Task Order No. 6 of the Contract with the attached "Task Order No. 6-A" and agree that all references in the Contract to Task Order No. 6 shall be deemed to refer to Task Order No. 6-A.
5. DISTRICT and CONTRACTOR agree that all other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the PARTIES have caused this Contract Amendment to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

KEARNS & WEST, INC.

By: _____
Sharon Landers
Interim Executive Officer/APCO

By: _____
Ben Gettleman
Vice President

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander Crockett
District Counsel

Task Order No. 1-B

Work Plan:

General Internal Coordination and Contract Administration – Upon request by, and in consultation with DISTRICT, CONTRACTOR shall:

1. Plan, attend, and facilitate regularly scheduled check-in meetings with relevant project subcontractors and DISTRICT Meteorology & Measurement staff. Generally, check-in meetings will cover general contract management and logistical issues, status updates on outstanding action items under each Task Order, and discussion of planned future work under each Task Order.
2. Maintain project specific budget and task order spend down tracking, including ongoing project and task order tracking in Air Table.
3. Provide monthly invoices with project specific tracking of spent funds.

Deliverables:

1. Meeting agendas and zoom links 48 working hours before scheduled meetings
2. Meeting notes 48 working hours after scheduled meetings
3. Summary and tracking of outstanding action items updated after each check-in meeting
4. Summary reports in Air Table that keep track of spending for each Task Order and also for each project under Task Orders 7 and 8 compared to the original quoted cost updated after each check-in meeting
5. Monthly invoices that include a list of meetings and deliverables completed with cost breakdowns by Task Order and each project under Task Orders 7 and 8

Task Order Cost: DISTRICT will pay CONTRACTOR on a time and materials basis at the hourly rates listed in the table below, up to a maximum amount of \$135,000. All expenses including, but not limited to, materials, refreshments, room rental, and travel, shall require prior approval from the DISTRICT.

Staff	Category	Hourly Rate
Kearns & West		
Ben Gettleman	Vice President	\$245.00
TBD	Director	\$195.00
TBD	Senior Associate	\$170.00
Jasmine King Celina Horbat	Associate	\$150.00
TBD	Project Coordinator	\$130.00
TBD	Designer	\$81.11
TD Environmental		
Tim Dye	President	\$254.10
Lee Boyes	Education Lead	\$110.00
Story Schwantes	Air Quality Scientist	\$100.49
T&B Systems		
David Bush	Principal	\$231.00

Staff	Category	Hourly Rate
Denis Mikel	Senior Scientist	\$198.00
David Yoho	Scientist III	\$160.00
Nicole Mazar	Field Manager	\$125.40
Patrick Bush	Scientist	\$106.70
Randall Baxter	Scientist	\$106.70
TBD	Technician	\$51.70
Gwen Ottinger	Strategic Advisor	\$259.88
InterEthnica		
Lisa Abboud	Principal	\$192.50
TBD	Project Manager	\$165.00
TBD	Copywriter/Editor	\$165.00
TBD	Graphic Designer	\$137.50
TBD	Interpreter	\$192.50-\$220.00

Task Order Duration: The duration of Task Order #1-B shall continue for the duration of the Master Services Contract or until Task Order funds are fully expended, whichever occurs first.

Task Order No. 5-A

Work Plan:

Sensor Verification System Maintenance – Upon request by, and in consultation with DISTRICT, CONTRACTOR shall:

1. Update, revise, and maintain quality assurance project plan (QAPP) for the system that includes: up-to-date Standard Operating Procedures (SOPs), system quick start guide, or additional materials related to the implementation and maintenance of the system.
2. Provide on-going system support including performing routine instrument maintenance or repairs, periodic verification of instruments against NIST traceable standards and PM_{2.5} FEM analyzers, and on-demand troubleshooting in accordance with the Sensor Verification System Quality Assurance Project Plan.
3. Installation of additional instrumentation or replacement of current instrumentation for preferred alternatives.
4. Conduct additional field testing of the system beyond the activities described in the QAPP and SOPs as assigned by the DISTRICT.

Deliverables:

1. Up-to-date QAPP, SOPs, quick start guide, and additional related materials.
 - a. Materials should be made available to the public on the Bay Air Center Website (“Website”) when complete.
2. Submit quarterly reports summarizing system maintenance and verification results consistent with procedures specified in the QAPP no later than two weeks after the end of a calendar quarter (e.g. January-March report would be due the 2nd week in April)
3. Provide specifications of new instrumentation and cost estimate for procuring instrumentation and instrument acceptance testing and installation consistent with procedures in the QAPP.
4. Provide complete deployment and analysis report for additional field testing deployments as well as the raw data in .csv or .xlsx format.

Task Order Cost: DISTRICT will pay CONTRACTOR on a time and materials basis at the hourly rates listed in the table below, up to a maximum amount of \$170,000. All expenses including, but not limited to, materials, refreshments, room rental, and travel, shall require prior approval from the DISTRICT.

Staff	Category	Hourly Rate
Kearns & West		
Ben Gettleman	Vice President	\$245.00
TBD	Director	\$195.00
TBD	Senior Associate	\$170.00
Jasmine King Celina Horbat	Associate	\$150.00
TBD	Project Coordinator	\$130.00
TBD	Designer	\$81.11
TD Environmental		
Tim Dye	President	\$254.10

Lee Boyes	Education Lead	\$110.00
Story Schwantes	Air Quality Scientist	\$100.49
T&B Systems		
David Bush	Principal	\$231.00
Denis Mikel	Senior Scientist	\$198.00
David Yoho	Scientist III	\$160.00
Nicole Mazar	Field Manager	\$125.40
Patrick Bush	Scientist	\$106.70
Randall Baxter	Scientist	\$106.70
TBD	Technician	\$51.70
Gwen Ottinger	Strategic Advisor	\$259.88
InterEthnica		
Lisa Abboud	Principal	\$192.50
TBD	Project Manager	\$165.00
TBD	Copywriter/Editor	\$165.00
TBD	Graphic Designer	\$137.50
TBD	Interpreter	\$192.50-\$220.00

Task Order Duration: The duration of Task Order #5-A shall continue for the duration of the Master Services Contract or until Task Order funds are fully expended, whichever occurs first.

Task Order No. 6-A

Work Plan:

Website Completion and Maintenance – Upon request by, and in consultation with DISTRICT, CONTRACTOR shall:

1. Coordinate with DISTRICT staff on developing the Bay Air Center Website that aligns with current scope of the Bay Air Center.
2. The Website will be housed on an external server and feature an “air gap” and will not be directly connected to DISTRICT servers.
3. The Website will be designed and developed to be transferable to ensure an efficient transition if/when website operation needs to be transferred from the vendor to the DISTRICT.
4. Develop remaining Website content to match current scope of the Bay Air Center including, but not limited to, Website copy, figures, graphs, and additional informational content.
5. The Website will meet Web Content Accessibility Guidelines and be fully responsive and functional cross-platform/system/device per DISTRICT specifications.
6. Develop Website Management Plan that includes process for updating website content and the administrative maintenance
7. Develop Website Transferability Plan.
8. Conduct Quality Assurance (QA) and User Acceptance Testing (UAT) plans.
9. Operate, update, and maintain Website as needed in accordance with management plan.

Deliverables:

1. Complete minor revisions to existing website framework to match current scope of the Bay Air Center
2. Develop additional Website content consistent with current scope of Bay Air Center
3. Create a flyer/one-pager to communicate Website availability to external partners
4. Website Management Plan
 - a. Updates to Website content should be posted 1 week after being approved by the DISTRICT
5. Website Transferability Plan
6. QA and UAT plans and quarterly updates on any issues or results.
7. Fully functional revised Website that meets the specifications outlined above
8. Website launch materials including messaging for outreach and a Website flyer.
9. Quarterly reports on Website usage

Task Order Cost: DISTRICT will pay CONTRACTOR on a time and materials basis at the hourly rates listed in the table below, up to a maximum amount of \$70,000. All expenses including, but not limited to, materials, refreshments, room rental, and travel, shall require prior approval from the DISTRICT.

Staff	Category	Hourly Rate
Kearns & West		
Ben Gettleman	Vice President	\$245.00
TBD	Director	\$195.00
TBD	Senior Associate	\$170.00

Jasmine King Celina Horbat	Associate	\$150.00
TBD	Project Coordinator	\$130.00
TBD	Designer	\$81.11
TD Environmental		
Tim Dye	President	\$254.10
Lee Boyes	Education Lead	\$110.00
Story Schwantes	Air Quality Scientist	\$100.49
T&B Systems		
David Bush	Principal	\$231.00
Denis Mikel	Senior Scientist	\$198.00
David Yoho	Scientist III	\$160.00
Nicole Mazar	Field Manager	\$125.40
Patrick Bush	Scientist	\$106.70
Randall Baxter	Scientist	\$106.70
TBD	Technician	\$51.70
Gwen Ottinger	Strategic Advisor	\$259.88
InterEthnica		
Lisa Abboud	Principal	\$192.50
TBD	Project Manager	\$165.00
TBD	Copywriter/Editor	\$165.00
TBD	Graphic Designer	\$137.50
TBD	Interpreter	\$192.50-\$220.00

Task Order Duration: The duration of Task Order #6-A shall continue for the duration of the Master Services Contract or until Task Order funds are fully expended, whichever occurs first.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
MASTER SERVICES CONTRACT
KEARNS & WEST, INC.
CONTRACT NO. 2019.131
Task Order No. 7**

Work Plan:

Technical Support for Community Sensor Network Projects – Upon request by, and in consultation with DISTRICT, CONTRACTOR shall:

1. Provide technical support to existing onboarded community projects or current or future recipients of CARB Community Air Grants or EPA Enhanced Air Quality Monitoring for Communities Grant. Existing onboarded community project partners include:
 - a. Sensor network operated in the community of Belle Haven, working with Councilwoman Taylor other community partners
 - b. Bayview Hunters Point IVAN PM sensor network operated by Greenaction for Health and Environmental Justice (CARB Community Air Grants)
 - c. Sensor network in San Francisco’s Tenderloin and SOMA neighborhoods operated by Brightline Defense Project (CARB Community Air Grants)
2. In consultation with DISTRICT and each community project partner, CONTRACTOR shall develop a detailed scope of work and associated cost estimate for each community technical support project. Each scope of work shall include type(s) of specific technical support, the level of effort, deliverables, and expected timeframe specific to the requests from each community project and shall be approved by the DISTRICT prior to project-specific work commencing. Types of technical support described in an Air District-approved community project scope of work can include but is not limited to:
 - a. Answering questions or conducting trainings on general air quality topics, measurements of air pollutants, operating and maintaining a sensor network, air quality data validation, management, and analysis.
 - b. Planning, deploying, or evaluating sensor networks.
 - c. Assisting with sensor data which could include review, validation, interpretation, reporting, and/or overall data management.
 - d. Providing Quality Assurance support for community measurements using the Sensor Verification System (SVS) which could include deployment of the SVS by the CONTRACTOR, providing training on operating the SVS to community partners, and/or providing standardized data summary reports that document and display the results of an SVS deployment.
 - e. Assisting community project partners in developing training or outreach materials about their sensor network measurements.
 - f. Assisting community project partners in developing proposals for opportunities to secure funding for ongoing sensor measurements or other community-scale sensor projects.
 - g. Soliciting feedback on technical support provided from community project partners at project completion and on an ad hoc basis when specified by the DISTRICT.
3. Provide coordination, scheduling, attendance, notetaking (or other tracking or logistical tasks) of meetings with DISTRICT, CONTRACTOR, and/or community project partners, all of which shall be included in the scope of work and associated cost estimates.
4. At project completion, distribute, collect, and summarize evaluations from the community partners assessing progress or successful completion of the technical support from the Bay

Air Center.

5. Implement improvements or changes to technical support approaches for ongoing or future project implementation based on feedback from community project partners or the DISTRICT.

Deliverables:

1. As new projects are assigned, develop a project-specific scope of work and cost estimate
2. Quarterly progress reports for each community technical support project, listing the expenditures, the meetings or trainings that occurred and the resources that were developed and/or shared with community project partners.
3. Resources developed as part of providing technical support for a community project (e.g. factsheets, videos, presentations, training materials, data analysis tools, data analysis reports, etc.).
 - a. Materials should be made available to the public on the Bay Air Center website when complete.
4. Standardized deployment and analysis reports for Sensor Verification System deployments that document the specific details for a particular deployment as well as an evaluation of the data collected during the deployment, respectively.
5. Semi-annually and end of project evaluations from the community partners assessing BAC technical support provided

Task Order Cost: DISTRICT will pay CONTRACTOR on a time and materials basis at the hourly rates listed in the table below, up to a maximum amount of \$425,000. All expenses including, but not limited to, materials, refreshments, room rental, and travel, shall require prior approval from the DISTRICT.

Staff	Category	Hourly Rate
Kearns & West		
Ben Gettleman	Vice President	\$245.00
TBD	Director	\$195.00
TBD	Senior Associate	\$170.00
Jasmine King Celina Horbat	Associate	\$150.00
TBD	Project Coordinator	\$130.00
TBD	Designer	\$81.11
TD Environmental		
Tim Dye	President	\$254.10
Lee Boyes	Education Lead	\$110.00
Story Schwantes	Air Quality Scientist	\$100.49
T&B Systems		
David Bush	Principal	\$231.00
Denis Mikel	Senior Scientist	\$198.00
David Yoho	Scientist III	\$160.00
Nicole Mazar	Field Manager	\$125.40
Patrick Bush	Scientist	\$106.70
Randall Baxter	Scientist	\$106.70
TBD	Technician	\$51.70

Gwen Ottinger	Strategic Advisor	\$259.88
InterEthnica		
Lisa Abboud	Principal	\$192.50
TBD	Project Manager	\$165.00
TBD	Copywriter/Editor	\$165.00
TBD	Graphic Designer	\$137.50
TBD	Interpreter	\$192.50-\$220.00

Task Order Duration: The period of performance for this Task Order No. 7 shall continue for the duration of the Master Services Contract or until Task Order funds are fully expended, whichever occurs first.

PARTIES agree on the total not to exceed invoice amounts for Task Orders Nos. 2, 3, and 4 in the table below and that work for Task Orders Nos. 2, 3, and 4 has completed.

Task Order	NTE Invoice Total
2	\$3,241.78
3	\$100,000.00
4	\$44,978.71
NTE Total	\$148,220.49

Total Task Order No. 7 cost not to exceed: \$425,000.

IN WITNESS WHEREOF, the parties to this Task Order have caused this Task Order to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

KEARNS & WEST, INC.

By: _____
Sharon Landers
Interim Executive Officer/APCO

By: _____
Ben Gettleman
Vice President

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander Crockett
District Counsel

DRAFT

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 MASTER SERVICES CONTRACT
 KEARNS & WEST, INC.
 CONTRACT NO. 2019.131
 Task Order No. 8**

Work Plan:

Internal Coordination and Work Planning – Upon request by, and in consultation with DISTRICT, CONTRACTOR shall:

1. As assigned by the DISTRICT, perform, document, and report results of data analysis projects of publicly available sensor data to assess air quality on a local scale for areas throughout the DISTRICT’s jurisdiction.
2. Once assigned, the CONTRACTOR will develop and submit a detailed scope of work and associated cost estimate for each data analysis project, including descriptions of expected deliverables and a timeline, which is subject to DISTRICT approval prior to work commencing.
3. Level of effort, type of analysis and deliverables will be specific to each data analysis project and determined in consultation with the DISTRICT.

Deliverables:

1. Project specific scope of work and cost estimate
2. Data analysis products (e.g. compiled and reviewed/QA’ed sensor datasets with readme documenting data source and issues identified during data review, data analysis reports, data visualizations, programming code, or other forms of documentation of the analysis and methods utilized).

Task Order Cost: DISTRICT will pay CONTRACTOR on a time and materials basis at the hourly rates listed in the table below, up to a maximum amount of \$30,000. All expenses including, but not limited to, materials, refreshments, room rental, and travel, shall require prior approval from the DISTRICT.

Staff	Category	Hourly Rate
Kearns & West		
Ben Gettleman	Vice President	\$245.00
TBD	Director	\$195.00
TBD	Senior Associate	\$170.00
Jasmine King Celina Horbat	Associate	\$150.00
TBD	Project Coordinator	\$130.00
TBD	Designer	\$81.11
TD Environmental		
Tim Dye	President	\$254.10
Lee Boyes	Education Lead	\$110.00
Story Schwantes	Air Quality Scientist	\$100.49
T&B Systems		

David Bush	Principal	\$231.00
Denis Mikel	Senior Scientist	\$198.00
David Yoho	Scientist III	\$160.00
Nicole Mazar	Field Manager	\$125.40
Patrick Bush	Scientist	\$106.70
Randall Baxter	Scientist	\$106.70
TBD	Technician	\$51.70
Gwen Ottinger	Strategic Advisor	\$259.88
InterEthnica		
Lisa Abboud	Principal	\$192.50
TBD	Project Manager	\$165.00
TBD	Copywriter/Editor	\$165.00
TBD	Graphic Designer	\$137.50
TBD	Interpreter	\$192.50-\$220.00

Task Order Duration: The duration of Task Order #8 will adhere to schedules specified in the Master Services Contract (CONTRACT NO. 2019.131).

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

Accepted for KEARNS & WEST, INC.

By: _____
Sharon Landers, Interim Executive Officer

By: _____
Ben Gettleman, Vice President

Date: _____

Date: _____

By: _____
Alexander G. Crockett, Air District Counsel

Date: _____

By: _____
Satnam Hundel, Business Manager

Date: _____

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Consider Proposed Amendments to the Administrative Code Regarding the Functions
of the Administration Committee

RECOMMENDED ACTION

Staff recommends the Board of Directors amend the Administrative Code to add two sentences to clarify that the functions of the previous Executive Committee and Personnel Committee, which were eliminated in 2021, have been taken over by the Administration Committee. Notice of this proposed amendment to the Administrative Code was provided to the Board at its July 6, 2022, meeting as required by Division I, Section 14.1 of the Administrative Code.

BACKGROUND

The Board of Directors consolidated its committee structure on January 20, 2021. One change was to combine the functions of the Executive Committee and Personnel Committee into a new Administration Committee. The description of the functions of those two committees was copied verbatim to describe the functions of the new Administration Committee, as set forth in the current version of the Administrative Code in Division I, Section 6.4 – Administration Committee. The January 20, 2021 revisions are shown in Attachment A, which is a redline version showing the made to Section 6.4. The clear intent of this change was to have the new Administration Committee take over all of the functions of the former Executive Committee and Personnel Committee.

When this change was made, however, certain other sections of the Administrative Code that refer to the Executive Committee and Personnel Committee were not revised to reflect the change. Those Code provisions still refer to the Executive Committee and Personnel Committee, even though those committees were discontinued after January 20, 2021. This situation could create confusion when applying those other provisions, as the language refers to committees that no longer exist.

DISCUSSION

To eliminate any potential confusion that could arise from this artefact, staff propose adding two sentences to the description of the Administration Committee's functions in Section 6.4 of Division I of the Administrative Code, as follows:

The Administration Committee performs all of the functions of the Executive Committee and Personnel Committee as the those committees existed prior to January 20, 2021. Any function assigned to the Executive Committee or Personnel Committee under this Code shall be performed by the Administration Committee.

These sentences will make clear that whenever the Administrative Code refers to an action to be taken by the Executive Committee or Personnel Committee, that action shall be taken by the Administration Committee. The proposed changes are shown in redline format in Attachments B (clean version) and C (redline version).

Notice that the Board of Directors will be considering this matter was given at the Board meeting on July 6, 2022, as required by Division I, Section 14.1 of the Administrative Code.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alexander Crockett

ATTACHMENTS:

1. Attachment A - Excerpt from 12-20-2021 Board Memo re amending Admin Code to reorganize committees
2. Attachment B - Proposed Revised Admin Code Section 6.4 - Clean Version
3. Attachment C - Proposed Revised Admin Code Section 6.4 - Redline Version

Proposed Amended Administrative Code, Division I, Operating Policies and Procedures, Section 6 Board of Directors Committees - Redline

SECTION 6 BOARD OF DIRECTORS, COMMITTEES

6.1 SPECIAL COMMITTEES.

All special committees shall be appointed by the Chairperson, unless otherwise directed by the Board.

6.2 STANDING COMMITTEES. ~~(Revised 3/6/2015)~~

Standing Committees of the Board of Directors shall be the following:

- (a) ~~Executive Administration~~ Executive Administration Committee, consisting of the Chairperson of the Board, who shall be Chairperson of the Committee, the Vice-Chairperson of the Board, the Board Secretary, the last past Chairperson and ~~five (5)~~ up to seven (7) other Directors appointed by the Chairperson.
- (b) ~~Budget and Finance~~ Legislative Committee, consisting of ~~nine (9)~~ up to eleven (11) Directors appointed by the Chairperson.
- (c) ~~Personnel~~ Mobile Source and Climate Impacts Committee, consisting of ~~nine (9)~~ up to eleven (11) Directors appointed by the Chairperson.
- (d) ~~Legislative~~ Community Equity Health and Justice Committee, consisting of ~~nine (9)~~ up to eleven (11) Directors appointed by the Chairperson.
- (e) ~~Mobile~~ Stationary Source and Climate Impacts Committee, consisting of ~~nine (9)~~ up to eleven (11) Directors appointed by the Chairperson.
- ~~(f) Public Engagement Committee, consisting of (9) Directors appointed by the Chairperson.~~
- ~~(g) Stationary Source Committee, consisting of nine (9) Directors appointed by the Chairperson. (f~~
- ~~(h) Climate Protection Committee, consisting of nine (9) Directors appointed by the Chairperson.~~
- (i) The Chairperson shall be an ex-officio member of all Standing Committees of the Board of Directors.
- (j) Each Standing Committee shall have authority to make recommendations to the Board of Directors for action regarding matters within the scope of the Committee's jurisdiction. A standing committee may discuss but may not make recommendations to the Board of Directors regarding issues outside of its jurisdiction and shall refer such matters to the appropriate committee. Except as specified in this Division or as otherwise specified by the Board of Directors, Standing Committees are not delegated decision-making authority.
- (h) In no event shall the number of members, including the Chairperson of the Board, appointed to a Committee, constitute a quorum of the Board of Directors.

6.3 ROTATION OF COMMITTEES.

The membership on committees shall ordinarily be rotated among the Counties so as to secure participation in the work of the District by as broad a representation as may be possible.

6.4 ~~DUTIES OF EXECUTIVE ADMINISTRATION~~ COMMITTEE.

~~It is the function of the Executive~~ The Administration Committee ~~to~~ will consider such matters of policy affecting the affairs of the District as may arise from time to time when the Board of Directors is not in session. The ~~Executive Administration~~ Administration Committee shall consult with the officers of the

District and, within the scope and limitations of resolutions or other policies adopted by the Board of Directors, shall implement and make more specific the policies and programs of the District and, within such limits determine policies for the officers of the District. The ~~Executive Administration~~ Committee shall not have authority to authorize the expenditure of any moneys otherwise than is appropriated by the budget adopted by the Board of Directors or to alter, change or reverse any policy established by the Board of Directors. (See Section I-6.7) The ~~Executive Administration~~ Committee ~~shall have~~ shall have the responsibility for overseeing and guiding staff activities relative to long range planning and for receiving short range and long range plan proposals submitted by the District staff, as well as goals and objectives of the District; and for endorsing each year a long range plan to be submitted to the Board for its approval, and ~~to the Budget and Finance Committee~~ for its use in reviewing the Budget. The ~~Executive Administration~~ Committee should review the goals and objectives, short- and long-range plans of the California Air Resources Board to the extent that they are known. The ~~Executive Administration~~ Committee may receive and consider staff reports, presentations by staff members or other persons, and any other matter not requiring action by the Board. The ~~Executive Administration~~ Committee shall subsequently report on such matters to the Board at a regular meeting of the Board.

~~6.5 BUDGET AND FINANCE COMMITTEE. (Revised 5/3/00)~~

~~It is the function of the Budget and Finance~~ ~~The Administration~~ Committee ~~to will also~~ assist in the preparation of the annual budget for the District and to present the annual budget with recommendations to the District Board of Directors. The ~~Budget and Finance Administration~~ Committee also is responsible for approving administrative policy proposed by the APCO in the area of finance, procurement, insurance and related matters. At Budget review time each year the Committee shall evaluate District goals and objectives and recommend to the Board of Directors any changes, deletions and additions which it determines to be appropriate.

~~6.6 PERSONNEL COMMITTEE.~~

~~It is the function of the Personnel~~ ~~The Administration~~ Committee ~~to will also~~ consider and recommend policies of the District relating to procurement of officers and employees, employment of officers and employees, discharge of officers and employees, salaries and working conditions, and the retaining of consultants. The ~~Personnel Administration~~ Committee shall keep itself informed as to the work of the Advisory Council and Hearing Board, to be informed about persons in the community who may be qualified to serve on the Advisory Council and Hearing Board, and to recommend to the Board of Directors selection of such persons whenever vacancies may from time to time occur in the Advisory Council and Hearing Board.

~~6.75 LEGISLATIVE COMMITTEE.~~

~~It is the function of the~~ ~~The~~ Legislative Committee ~~to will~~ consider and recommend legislative proposals for the District and ~~to~~ consider and recommend a District position on all proposed legislation affecting the District. The Legislative Committee, in conjunction with District staff and the District Legislative Advocate, will keep itself informed on pending legislative matters and will meet and/or confer with appropriate legislators as necessary.

~~6.86 NOMINATING COMMITTEE. (Revised 10/4/95)~~

The Nominating Committee will consist of the Chairperson of the Board, the past Chairperson of the Board and three (3) appointees of the Chairperson of the Board, or in the event the past

6.3 ROTATION OF COMMITTEES.

The membership on committees shall ordinarily be rotated among the Counties so as to secure participation in the work of the District by as broad a representation as may be possible.

6.4 ADMINISTRATION COMMITTEE. (REVISED 2/16/22)

The Administration Committee will consider such matters of policy affecting the affairs of the District as may arise from time to time when the Board of Directors is not in session. The Administration Committee shall consult with the officers of the District and, within the scope and limitations of resolutions or other policies adopted by the Board of Directors, shall implement and make more specific the policies and programs of the District and, within such limits determine policies for the officers of the District. The Administration Committee shall not have authority to authorize the expenditure of any moneys otherwise than is appropriated by the budget adopted by the Board of Directors or to alter, change or reverse any policy established by the Board of Directors. (See Section I-6.7) The Administration Committee shall have the responsibility for overseeing and guiding staff activities relative to long range planning and for receiving short range and long range plan proposals submitted by the District staff, as well as goals and objectives of the District; and for endorsing each year a long range plan to be submitted to the Board for its approval, and for its use in reviewing the Budget. The Administration Committee should review the goals and objectives, short and long range plans of the California Air Resources Board to the extent that they are known. The Administration Committee may receive and consider staff reports, presentations by staff members or other persons, and any other matter not requiring action by the Board. The Administration Committee shall subsequently report on such matters to the Board at a regular meeting of the Board.

The Administration Committee will also consider and recommend policies of the District relating to procurement of officers and employees, employment of officers and employees, discharge of officers and employees, salaries and working conditions, and the retaining of consultants. The Administration Committee shall keep itself informed as to the work of the Advisory Council and Hearing Board, to be informed about persons in the community who may be qualified to serve on the Advisory Council and Hearing Board, and to recommend to the Board of Directors selection of such persons whenever vacancies may from time to time occur in the Advisory Council and Hearing Board.

The Administration Committee performs all of the functions of the Executive Committee and Personnel as those committees existed prior to January 20, 2021. Any function assigned to the Executive Committee or Personnel Committee under this Code shall be performed by the Administration Committee.

6.5 BUDGET AND FINANCE COMMITTEE. (REVISED 2/16/22)

The Budget and Finance Committee will also assist in the preparation of the annual budget for the District and to present the annual budget with recommendations to the District Board of Directors. The Budget and Finance Committee also is responsible for approving administrative policy proposed by the APCO in the area of finance, procurement, insurance and related matters. At Budget review time each year the Committee shall evaluate District goals and objectives and recommend to the Board of Directors any changes, deletions and additions which it determines to be appropriate.

6.6 LEGISLATIVE COMMITTEE.

The Legislative Committee will consider and recommend legislative proposals for the District and consider and recommend a District position on all proposed legislation affecting the District. The Legislative Committee, in conjunction with District staff and the District Legislative Advocate, will keep itself informed on pending legislative matters and will meet and/or confer with appropriate legislators as necessary.

6.7 NOMINATING COMMITTEE. (Revised 10/4/95)

The Nominating Committee will consist of the Chairperson of the Board, the past Chairperson of the Board and three (3) appointees of the Chairperson of the Board, or in the event the past Chairperson of the Board is no longer serving on the Board, four (4) appointees of the

6.3 ROTATION OF COMMITTEES.

The membership on committees shall ordinarily be rotated among the Counties so as to secure participation in the work of the District by as broad a representation as may be possible.

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The Administration Committee will consider such matters of policy affecting the affairs of the District as may arise from time to time when the Board of Directors is not in session. The Administration Committee shall consult with the officers of the District and, within the scope and limitations of resolutions or other policies adopted by the Board of Directors, shall implement and make more specific the policies and programs of the District and, within such limits determine policies for the officers of the District. The Administration Committee shall not have authority to authorize the expenditure of any moneys otherwise than is appropriated by the budget adopted by the Board of Directors or to alter, change or reverse any policy established by the Board of Directors. (See Section I-6.7) The Administration Committee shall have the responsibility for overseeing and guiding staff activities relative to long range planning and for receiving short range and long range plan proposals submitted by the District staff, as well as goals and objectives of the District; and for endorsing each year a long range plan to be submitted to the Board for its approval, and for its use in reviewing the Budget. The Administration Committee should review the goals and objectives, short and long range plans of the California Air Resources Board to the extent that they are known. The Administration Committee may receive and consider staff reports, presentations by staff members or other persons, and any other matter not requiring action by the Board. The Administration Committee shall subsequently report on such matters to the Board at a regular meeting of the Board.

The Administration Committee will also consider and recommend policies of the District relating to procurement of officers and employees, employment of officers and employees, discharge of officers and employees, salaries and working conditions, and the retaining of consultants. The Administration Committee shall keep itself informed as to the work of the Advisory Council and Hearing Board, to be informed about persons in the community who may be qualified to serve on the Advisory Council and Hearing Board, and to recommend to the Board of Directors selection of such persons whenever vacancies may from time to time occur in the Advisory Council and Hearing Board.

The Administration Committee performs all of the functions of the Executive Committee and Personnel as those committees existed prior to January 20, 2021. Any function assigned to the Executive Committee or Personnel Committee under this Code shall be performed by the Administration Committee.

6.5 BUDGET AND FINANCE COMMITTEE. (REVISED 2/16/22)

The Budget and Finance Committee will also assist in the preparation of the annual budget for the District and to present the annual budget with recommendations to the District Board of Directors. The Budget and Finance Committee also is responsible for approving administrative policy proposed by the APCO in the area of finance, procurement, insurance and related matters. At Budget review time each year the Committee shall evaluate District goals and objectives and recommend to the Board of Directors any changes, deletions and additions which it determines to be appropriate.

6.6 LEGISLATIVE COMMITTEE.

The Legislative Committee will consider and recommend legislative proposals for the District and consider and recommend a District position on all proposed legislation affecting the District. The Legislative Committee, in conjunction with District staff and the District Legislative Advocate, will keep itself informed on pending legislative matters and will meet and/or confer with appropriate legislators as necessary.

6.7 NOMINATING COMMITTEE. (Revised 10/4/95)

The Nominating Committee will consist of the Chairperson of the Board, the past Chairperson of the Board and three (3) appointees of the Chairperson of the Board, or in the event the past Chairperson of the Board is no longer serving on the Board, four (4) appointees of the

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Report of the Richmond Area Community Emissions Reduction Plan Steering
Committee Meeting of June 27, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Richmond Area Community Emissions Reduction Plan Steering Committee met on Monday, June 27, 2022, and approved the Minutes of May 16, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

The Committee then received status updates on the activities of the Committee's Community Description Ad Hoc Committee and Technical Assessment Ad Hoc Committee.

The Committee then received the staff presentation *Air District Problems to Solutions Presentation #2*, presented by Kelly Malinowski, Senior Environmental Planner. Following a presentation received in February 2022, regarding the current menu of Air District emission reduction strategies, this second presentation offered more specific Air District strategy examples (past, present, and future within various Air District divisions), for the Richmond Path to Clean Air project area. Six concerns were identified within the presentation: 1) fuel refining, support facilities, storage, and distribution; 2) industrial and commercial sources near communities; 3) vehicles and trucks, streets and freeways, and logistics; 4) marine and rail; 5) odors and smells; and 6) addressing public health and reducing exposure.

The Committee then received the staff presentation *Problems to Solutions Ad Hoc Presentation*, presented by Kevin Olp, Senior Staff Specialist. This presentation focused on the formation of a

new Problems to Solutions Ad Hoc Committee, its slate of members, and scope of work. This Committee will address the six concerns listed in the item above.

Finally, the Committee members then shared updates from the environmental justice community.

The next meeting of the Richmond Area Community Emissions Reduction Plan Steering Committee will be held on Monday, July 18th 2022, at 5:30 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021). This concludes the Chair Report of the Richmond Area Community Emissions Reduction Plan Steering Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Richmond Area Community Emissions Reduction Plan Steering Committee June 27, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Path to Clean Air Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: June 27, 2022

Re: Air District Problems to Solutions Presentation #2

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Following the presentation received in February 2022 on the broad menu of Air District strategies, this second presentation will offer more specific Air District strategy examples (past, present, and future), for the Path to Clean Air project area.

DISCUSSION

The Committee will receive a presentation on more specific Air District strategies, to prepare for strategy development.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White

Reviewed by: Veronica Eady

ATTACHMENTS:

None

PATH TO CLEAN AIR STEERING
COMMITTEE MEETING OF 06/27/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Path to Clean Air Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: June 27, 2022

Re: Strategy Development Process and Ad Hoc Co-leads Selection Presentation

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Co-chairs Alfredo Angulo Castro and Y'Anad Burrell will present on the path forward for forming a Problems to Solutions Ad Hoc and will finalize the slate of members on the Ad Hoc.

DISCUSSION

Steering Committee members will review a draft approach for how the Ad Hoc will lead the development of the strategies section of the CERP report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White

Reviewed by: Veronica Eady

ATTACHMENTS:

None

PATH TO CLEAN AIR STEERING
COMMITTEE MEETING OF 06/27/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Report of the Community Equity, Health, and Justice Committee Meeting of July 7,
2022

RECOMMENDED ACTION

A) Authorization to use California Air Resources Board Supplemental Environmental Project Funds and \$1M Wildfire Mitigation Designated Reserves for School and Home Air Filtration Programs, given by Joshua Abraham, Acting Assistant Community Engagement Manager.

The Committee recommends the Board **authorize** the Interim Executive Officer/Air Pollution Control Officer to allocate California Air Resources Board Supplemental Environmental Project funds and amend the Community Engagement Division Budget by \$1 million using the Wildfire Mitigation Designation Reserves. These combined funding sources will be used in the following ways:

1. Use of \$231,000 for the purchase of air filters and replacement filters for low-income clients of state Asthma Mitigation Partners with asthma or other respiratory disease
2. Execution of a \$69,000 professional services contract with Regional Asthma Management Prevention (a project of the Public Health Institute)
3. Execution of contract amendment with IQAir to use remaining \$97,603.29 of California Air Resources Board Supplemental Environmental Project funds and \$294,600.95 of Wildfire Mitigation Designation Reserves for installation of air filtration and 5-year maintenance for four elementary schools in the Richmond - San Pablo area
4. Use \$300,000 to purchase air filtration units and replacement filters for federally qualified health centers to distribute to low-income clients with asthma or other respiratory disease in Assembly Bill 617 communities
5. Use \$100,000 to purchase air filtration units and replacement filters for Assembly Bill 617 communities and outdoor workers recruited by James Cary Smith Community Grantees and other community-based organizations.

BACKGROUND

None.

DISCUSSION

The Community Equity, Health & Justice Committee met on Thursday, June 7, 2022, and approved the minutes of June 2, 2022. This meeting was conducted under procedures in accordance with Assembly Bill 361. Members of the Committee participated by teleconference.

The Committee then received an oral presentation from Kevin G. Ruano Hernandez, college student and member of both the Air District's Community Advisory Council and Path to Clean Air Community Emissions Reduction Plan Community Steering Committee. Mr. Ruano Hernandez spoke about his concern of the public's lack of knowledge about the Air District's activities, emphasized the importance of active listening, and encouraged the Air District to improve its communication and engagement methods with the public.

The Committee then received the presentation *Efficacy of In-Room Air Cleaners during Wildfire Smoke*, given by Dr. Wanyu Rengie Chan of the Lawrence Berkeley National Laboratory.

Finally, the Committee received the staff presentation *Authorization to use California Air Resources Board Supplemental Environmental Project Funds and \$1M Wildfire Mitigation Designated Reserves for School and Home Air Filtration Programs*, given by Joshua Abraham, Acting Assistant Community Engagement Manager. The Committee recommends the Board **authorize** the Interim Executive Officer/Air Pollution Control Officer to allocate California Air Resources Board Supplemental Environmental Project funds and amend the Community Engagement Division Budget by \$1 million using the Wildfire Mitigation Designation Reserves. These combined funding sources will be used in the following ways:

1. Use of \$231,000 for the purchase of air filters and replacement filters for low-income clients of state Asthma Mitigation Partners with asthma or other respiratory disease
2. Execution of a \$69,000 professional services contract with Regional Asthma Management Prevention (a project of the Public Health Institute)
3. Execution of contract amendment with IQAir to use remaining \$97,603.29 of California Air Resources Board Supplemental Environmental Project funds and \$294,600.95 of Wildfire Mitigation Designation Reserves for installation of air filtration and 5-year maintenance for four elementary schools in the Richmond - San Pablo area
4. Use \$300,000 to purchase air filtration units and replacement filters for federally qualified health centers to distribute to low-income clients with asthma or other respiratory disease in Assembly Bill 617 communities
5. Use \$100,000 to purchase air filtration units and replacement filters for Assembly Bill 617 communities and outdoor workers recruited by James Cary Smith Community Grantees and other community-based organizations.

The next meeting of the Community Equity, Health & Justice Committee will be at the Call of the Chair. This concludes the Chair Report of the Community Equity, Health & Justice Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

- 1. Community Equity, Health and Justice Committee July 7, 2022, Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 7, 2022

Re: Community Perspectives

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Community Equity, Health and Justice Committee provides local and regional community environmental justice advocates and local leaders a platform to present and share their expertise and/or lived experiences. Specific subjects/topics will vary based upon each community perspective member's unique experience.

The Richmond Listening Project was established by the Richmond Progressive Alliance (RPA) to begin a community-engagement process within Richmond. This process was designed to support the transition away from fossil fuels being utilized in Richmond. The goal of the Richmond Listening Project is to better understand the concerns and needs of communities that have historically suffered the greatest harm from generations of fossil fuel operations in Richmond. Members of the Richmond Listening Project work directly with community members by surveying and interviewing the residents of Richmond to better understand the impacts of the climate crisis. The qualitative data from the interviews and surveys should then be utilized to support policies that are guided by the communities. To provide a medium that would center the needs of the community and empower residents to voice their concerns within their community, the Listening Project Podcast was created.

Kevin G. Ruano Hernandez is a first-generation college student and an environmental justice organizer in Richmond. He is a member of the Assembly Bill (AB) 617 Community Emissions Reductions Plan Steering Committee and the Monitoring Outreach Team for Richmond and San Pablo. Mr. Ruano Hernandez is a participating member of the Bay Area Air Quality Management District's (Air District) Community Advisory Council. Additionally, Mr. Ruano Hernandez is a researcher at Contra Costa Community College and a Junior Environmental Engineer for Ramboll where he conducts research on the particulate matter yielded from air quality samples.

DISCUSSION

Kevin G. Ruano Hernandez is a lifelong resident of Richmond and has dealt first-hand with the deleterious effects of refinery pollution that contributes to high rates of asthma, cancer, and heart disease among Richmond residents. Mr. Ruano Hernandez's participation in the Richmond Listening Project aligned with his goal to bring awareness to the concerns of the community. Mr. Ruano Hernandez will discuss the successes of the Richmond Listening Project and how institutions should implement a robust community engagement process that amplifies the voices of frontline communities.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Tim Williams
Reviewed by: Veronica Eady

ATTACHMENTS:

None.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 7, 2022

Re: Efficacy of In-Room Air Cleaners During Wildfire Smoke

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Wildfires produce a mixture of fine particulate matter and hazardous chemicals into the air we breathe. Given the below average rainfall for the 2021-2022 rainy season, we anticipate the potential for wildfire smoke to affect local air quality and public health. Also, people living close to industrial facilities are often exposed to higher levels of particulate matter and other types of air pollution. Indoor air quality can be improved with air filtration.

DISCUSSION

The Committee will hear a presentation on the efficacy of in-room air cleaners during wildfire smoke, including health benefits of air filtration to reduce exposure to particulate matter in indoor air. Also included is a discussion of indoor air cleaners to protect against exposure to outdoor air pollution, whether the source is from wildfire smoke or industrial sources of air pollution.

Dr. Wanyu (Rengie) Chan, a Research Scientist and Deputy Indoor Environment Group Leader in Energy Analysis and Environmental Impact Division at Lawrence Berkeley National Laboratory, will give the presentation.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Judith Cutino
Reviewed by: Greg Nudd

ATTACHMENTS:

None.

COMMUNITY EQUITY, HEALTH
AND JUSTICE COMMITTEE
MEETING OF 07/07/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 7, 2022

Re: Authorization to Use California Air Resources Board (CARB) Supplemental Environment Project (SEP) Funds and \$1 Million Wildfire Mitigation Designated Reserves for School and Home Air Filtration Programs

RECOMMENDED ACTION

Authorize the Interim Executive Officer/ APCO to allocate CARB Supplemental Environmental Project funds and amend the Community Engagement Division Budget by \$1 million using the Wildfire Mitigation Designation General Fund Reserves. These combined funding sources will be used in the following ways:

- Execute a \$69,000 professional services contract with Regional Asthma Management Prevention (a project of the Public Health Institute)
- Use \$231,000 to purchase air filters and replacement filters for low-income clients of state Asthma Mitigation Partners with asthma or other respiratory disease
- Execute a contract amendment with IQAir to use the remaining \$97,603.29 of CARB SEP funds and \$294,600.95 of Wildfire Mitigation Designation Reserves for installation of air filtration and 5-year maintenance for four elementary schools in Richmond - San Pablo
- Use \$300,000 to purchase air filtration units and replacement filters for federally qualified health centers to distribute to low-income clients with asthma or other respiratory disease in AB 617 communities
- Use \$100,000 to purchase air filtration units and replacement filters for residents of AB 617 communities and outdoor workers recruited by James Cary Smith Community Grantees and other community-based organizations in West Oakland, Richmond-North Richmond-San Pablo, Santa Clara County

BACKGROUND

In 2019, through a \$2 million Supplemental Environmental Project grant from CARB, the Air District began an initiative to provide school air filtration in East and West Oakland, Eastern San Francisco, Pittsburg and Bay Point, Livermore and San Leandro. The Air District has installed air filtration at twelve schools but could not install air filtration in Richmond-San Pablo schools because the local school district declined to participate at that time.

On June 16, 2021, the Air District Board of Directors (Board) expanded the filtration program to private homes by unanimously approving \$250,000 in funding for the Air District's Home Air Filtration Program. Through a partnership with Regional Asthma Management and Prevention (RAMP), the Air District provides air filtration units to low-income individuals suffering from severe asthma who are enrolled in the state's Asthma Mitigation Project (AMP), a program that provides in-home asthma care visits. The AMP partners include: Alameda County Public Health Department Asthma Start Program, Breathe California, Contra Costa Health Services, Lifelong Medical Care, Roots Community Clinic, San Mateo County Family Health Services, and Santa Rosa Community Health Centers. The AMP partners have distributed 875 home air filters so far with over 70% of recipients reporting their race/ ethnicity as Latinx/ Latino or Hispanic and African American or Black.

On the heels of the Board's approval to expand home filtration, and building on existing partnerships, staff made initial inquiries to work with West Oakland Health Council, Ole Health (Napa County), La Clinica (Vallejo) and Marin County Community Clinic. All these entities except Marin County Community Clinic expressed interest in working with the District. Separately, the District also distributed 293 air filters in a pilot to distribute to low-income community members through the following NGO groups: All Positives Possible (Vallejo), Healing Impacted Communities (Bayo Vista, Rodeo), West Oakland Health Council, Belle Haven (Menlo Park), City of Millbrae, United Council (Pier 94, Bayview Hunters Point, San Francisco).

In September 2021, the Board authorized the Executive Officer/Air Pollution Control Officer (APCO) to allocate an additional \$1 million to the Wildfire Mitigation Designation and to reduce the Pandemic Reserves Designation by \$1 million.

The Community Engagement Office presented a proposal for the use of the wildfire mitigation designated reserves for school and home air filtration to the Community Advisory Council (CAC) on Thursday June 30, 2022. With a unanimous vote from the 17-member body, the CAC approved the proposal on how to allocate the \$1 million wildfire mitigation designation to vulnerable populations throughout the Bay Area and recommended the program strategy to the Board of Directors. The distribution of home air filtration units and the installation of filtration in schools are features of the grants and incentives strategy within a wider Air District Wildfire Air Quality Response Program.

DISCUSSION

Community Consultation

In preparation for this year's upcoming wildfire season, staff consulted with community members from nonprofit organizations working in AB 617 communities and members of the Community Advisory Council to obtain feedback and suggestions on ways to expand access to air filtration through school partnerships and the Home Air Filtration Program, discuss community priorities, address gaps and barriers, potential partnerships and how to best and equitably utilize existing funding and resources.

Community members supported the District's efforts and emphasized: 1) the need for a localized focus, including prioritizing the unhoused; 2) locations with a high percentage of historically marginalized communities, such as neighborhoods located next to freeways, undocumented communities/ worker camps, and indigenous communities; 3) professions that would benefit from air filtration; and 4) the importance of non-competitive funding; 5) the need for a comprehensive plan that leverages existing work and assets; 6) means to effectively distribute resource information to communities; and, 7) data that explains why particular communities are being selected.

Proposed Strategies

Staff propose the use of the \$1 million Wildfire Mitigation Designation funds by building and expanding on the existing Home and School Air Filtration Programs during 2022. The Home and School Air Filtration Program seeks to ameliorate the impact of wildfire smoke and poor air quality on vulnerable populations through four (4) partnership strategies by distributing air filters: RAMP, local health centers, schools and community-based organizations. The proposed strategies and associated costs are shown below. The HEPA air filtration units and filter replacements are CARB certified and selected through a Request for Quotations conducted in early 2022.

Regional Asthma Mitigation and Prevention	Local Health Centers	Schools	Community Partners
<p>\$300,000 to expand the air cleaner distribution partnership with RAMP to include all clients of the AMP partners with asthma or respiratory disease; coordinate orders and data collection, create educational materials in various languages and a case study of the partnership (see attachments 1 and 2)</p>	<p>\$300,000 to expand outreach to local health centers in AB 617 communities to distribute to low-income clients with asthma or respiratory disease (see attachment 2 for sample MOU)</p>	<p>\$300,000 combined with remaining SEP grant funds for air filtration installation and 5-year maintenance in the following elementary schools in West Contra Costa Unified School District (Richmond – San Pablo area) (see attachment 3 for IQ Air contract amendment):</p> <ul style="list-style-type: none"> • Dover Elementary School • King Elementary School • Riverside Elementary School • Washington Elementary School 	<p>\$100,000 to partner with James Cary Smith (JCS) Community Grantees to distribute air filters in AB 617 communities and/ or communities prioritized in CalEnviroScreen 4.0; outreach in West Oakland, Richmond-North Richmond-San Pablo and in Santa Clara County to support outdoor workers (see attachment 4 for sample MOU)</p>

Evaluation

Staff will create a data reporting tool and instruct partners on how to report data before they begin to distribute the air filters. Staff will also ask for feedback from project partners in order to determine how the project can be improved for future wildfire seasons.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Approximately \$1.1 million in funding is being allocated to this program. If the requested action is approved, the Community Engagement Division’s Fiscal Year 2023 budget will be amended by \$1 million with a transfer from the Wildfire Mitigation Designation General Fund Reserves and the remaining funds will be allocated from Board-approved, CARB Supplemental Environmental Project grant.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Lisa Flores
Reviewed by: Veronica Eady

ATTACHMENTS:

None.

COMMUNITY EQUITY, HEALTH
AND JUSTICE COMMITTEE
MEETING OF 07/07/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Approve Authorization to Use California Air Resources Board (CARB)
Supplemental Environment Project (SEP) Funds and \$1 Million Wildfire Mitigation
Designated Reserves for School and Home Air Filtration Programs

RECOMMENDED ACTION

Authorize the Interim Executive Officer/ APCO to allocate CARB Supplemental Environmental Project funds and amend the Community Engagement Division Budget by \$1 million using the Wildfire Mitigation Designation General Fund Reserves. These combined funding sources will be used in the following ways:

- Execute a \$69,000 professional services contract with Regional Asthma Management Prevention (a project of the Public Health Institute)
- Use \$231,000 to purchase air filters and replacement filters for low-income clients of state Asthma Mitigation Partners with asthma or other respiratory disease
- Execute a contract amendment with IQAir to use the remaining \$97,603.29 of CARB SEP funds and \$294,600.95 of Wildfire Mitigation Designation Reserves for installation of air filtration and 5-year maintenance for four elementary schools in Richmond - San Pablo
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BACKGROUND

In 2019, through a \$2 million Supplemental Environmental Project grant from CARB, the Air District began an initiative to provide school air filtration in East and West Oakland, Eastern San Francisco, Pittsburg and Bay Point, Livermore and San Leandro. The Air District has installed air filtration at twelve schools but could not install air filtration in Richmond-San Pablo schools because the local school district declined to participate at that time.

On June 16, 2021, the Air District Board of Directors (Board) expanded the filtration program to private homes by unanimously approving \$250,000 in funding for the Air District's Home Air Filtration Program. Through a partnership with Regional Asthma Management and Prevention (RAMP), the Air District provides air filtration units to low-income individuals suffering from severe asthma who are enrolled in the state's Asthma Mitigation Project (AMP), a program that provides in-home asthma care visits. The AMP partners include: Alameda County Public Health Department Asthma Start Program, Breathe California, Contra Costa Health Services, Lifelong Medical Care, Roots Community Clinic, San Mateo County Family Health Services, and Santa Rosa Community Health Centers. The AMP partners have distributed 875 home air filters so far with over 70% of recipients reporting their race/ ethnicity as Latinx/ Latino or Hispanic and African American or Black.

On the heels of the Board's approval to expand home filtration, and building on existing partnerships, staff made initial inquiries to work with West Oakland Health Council, Ole Health (Napa County), La Clinica (Vallejo) and Marin County Community Clinic. All these entities except Marin County Community Clinic expressed interest in working with the District. Separately, the District also distributed 293 air filters in a pilot to distribute to low-income community members through the following NGO groups: All Positives Possible (Vallejo), Healing Impacted Communities (Bayo Vista, Rodeo), West Oakland Health Council, Belle Haven (Menlo Park), City of Millbrae, United Council (Pier 94, Bayview Hunters Point, San Francisco).

In September 2021, the Board authorized the Executive Officer/Air Pollution Control Officer (APCO) to allocate an additional \$1 million to the Wildfire Mitigation Designation and to reduce the Pandemic Reserves Designation by \$1 million.

The Community Engagement Office presented a proposal for the use of the wildfire mitigation designated reserves for school and home air filtration to the Community Advisory Council (CAC) on Thursday June 30, 2022. With a unanimous vote from the 17-member body, the CAC approved the proposal on how to allocate the \$1 million wildfire mitigation designation to vulnerable populations throughout the Bay Area and recommended the program strategy to the Board of Directors. The distribution of home air filtration units and the installation of filtration in schools are features of the grants and incentives strategy within a wider Air District Wildfire Air Quality Response Program.

DISCUSSION

Community Consultation

In preparation for this year's upcoming wildfire season, staff consulted with community members from nonprofit organizations working in AB 617 communities and members of the Community Advisory Council to obtain feedback and suggestions on ways to expand access to air filtration through school partnerships and the Home Air Filtration Program, discuss community priorities, address gaps and barriers, potential partnerships and how to best and equitably utilize existing funding and resources.

Community members supported the District's efforts and emphasized: 1) the need for a localized focus, including prioritizing the unhoused; 2) locations with a high percentage of historically marginalized communities, such as neighborhoods located next to freeways, undocumented communities/ worker camps, and indigenous communities; 3) professions that would benefit from air filtration; and 4) the importance of non-competitive funding; 5) the need for a comprehensive plan that leverages existing work and assets; 6) means to effectively distribute resource information to communities; and, 7) data that explains why particular communities are being selected.

Proposed Strategies

Staff propose the use of the \$1 million Wildfire Mitigation Designation funds by building and expanding on the existing Home and School Air Filtration Programs during 2022. The Home and School Air Filtration Program seeks to ameliorate the impact of wildfire smoke and poor air quality on vulnerable populations through four (4) partnership strategies by distributing air filters: RAMP, local health centers, schools and community-based organizations. The proposed strategies and associated costs are shown below. The HEPA air filtration units and filter replacements are CARB certified and selected through a Request for Quotations conducted in early 2022.

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Evaluation

Staff will create a data reporting tool and instruct partners on how to report data before they begin to distribute the air filters. Staff will also ask for feedback from project partners in order to determine how the project can be improved for future wildfire seasons.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Approximately \$1.1 million in funding is being allocated to this program. If the requested action is approved, the Community Engagement Division’s Fiscal Year 2023 budget will be amended by \$1 million with a transfer from the Wildfire Mitigation Designation General Fund Reserves and the remaining funds will be allocated from Board-approved, CARB Supplemental Environmental Project grant.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Lisa Flores
Reviewed by: Veronica Eady

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Report of the Community Advisory Council Meeting of June 30, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Air District's Community Advisory Council on Wednesday, June 30, 2022, and approved the Minutes of March 30, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Council participated by teleconference.

The Council then received the presentation *Community Advisory Council Meeting Land Acknowledgement In Lieu of Pledge of Allegiance*, given by Councilmember Kevin G. Ruano Hernandez. The Committee members were presented with two Land Acknowledgement language options; the one selected will be read at the beginning of each Council meeting. No action was needed at this time, as the three Co-Chairs decided to continue developing the two options with Councilmembers Ruano Hernandez and Molina and Air District staff. This item will be brought back for the Council's consideration at a future meeting.

The Council then received the presentation *Update on the Selection of the Air District's Air Pollution Control Officer* from the Air District's Board of Directors Chairperson John J. Bauters, and Vice Chairperson Davina Hurt. This presentation was given because the Community Advisory Council had expressed interest in learning about and engaging in the Air District's Executive Officer / Air Pollution Control Officer hiring process, after the departure of Jack Broadbent. Board Chair Bauters and Vice Chair Hurt provided an update on the status of the hiring process for this position and the anticipated timeline of potential Board actions regarding this matter.

The Council then received a presentation given in conjunction with the item listed above. Co-Chair Washington presented *Discuss and Develop a List of Desired Qualifications for the Air District's Executive Officer / Air Pollution Control Officer*, and then invited Council members to contribute their perspectives on ideal, community-oriented qualifications that it would like to see considered by the Board when recruiting for this position, using the Jamboard application. The Council identified and agreed upon the following twelve (12) desired qualifications for the Board to consider when identifying candidates for the Air District's new Executive Officer/Air Pollution Control Officer, and is submitting them to the Board via this item:

1. Long-term record leading efforts around air quality, air pollution, and climate change. Ability to lead transformative regulatory efforts. Understanding experience with AB 617 communities. Translates goals and objectives into programs and enforceable regulations.
2. Courageous visionary, anti-racist, dynamic, articulate, team builder, and results-oriented leader with cultural humility. Excellent communication skills and develops common ground around differing values and opinions.
3. Familiar with the environmental history of the Bay Area, including working with diverse communities and ethnic minorities. Understand the difference between equality and equity.
4. Understand impact of jobs in environmental justice communities.
5. Meaningful history of commitment to racial equity and environmental justice. Understand and acknowledge that white privilege exists.
6. The ability to anticipate program strengths, weaknesses, and opportunities.
7. Ability to anticipate budgetary impacts from potential and existing grant-funding changes.
8. Knowledge of the regulatory and legislative processes. Anticipate issues and policy questions - determine "what is not being said" to understand the true message. Strength and orchestrating and facilitating meetings, projects, and advocacy efforts.
9. Must be able to exercise a high degree of inventiveness, imagination, innovation, and independent judgment to identify critical and non-critical issues.
10. To develop and analyze options, and to make and implement decisions; creatively use analytical tools; and research data.
11. Solve problems in cooperation with other disciplines and entities; keep multi-task timelines coordinated.
12. Track record of hiring, retaining, and promoting people of color.

The Council will also form an interview panel (members must submit an essay explaining why they wish to participate).

The Council then received the staff presentation *Overview of Wildfire Mitigation and Home Air Filtration Program* by Joshua Abraham, Senior Staff Specialist. The Council recommends the Board:

1. Approve the proposed expansion strategies to the Home Air Filtration Program for the upcoming wildfire season, for the \$1 million Wildfire Mitigation Designation.

The Council then received the presentation *Selection of Ad-Hoc Committee to Develop the Community Advisory Council Workplan for FY23*, given by Randolph Bell, meeting facilitator. The Council approved the following members for an ad-hoc committee to develop the Council's workplan for FY 2023 (July 1, 2022 – June 30, 2023): Councilmembers Campos, Goodwin, Harrison, Molina, Pelagio, and Szutu.

Two additional staff presentations were to be given but were tabled until the next meeting, due to the late hour. The presentations that were to be given were: *Update on Community Air Quality Concerns at the Alice Griffith Housing Development in BVHP* and *Air District's Services to Address Community-Identified Air Quality Concerns – Overview of the Air Quality Complaint Program and Investigation Process*.

The next meeting of the Community Advisory Council will be held at the Call of the Co-Chairs. This concludes the Summary Report of the Community Advisory Council.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Community Advisory Council June 30, 2022, Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 30, 2022

Re: Community Advisory Council Meeting Land Acknowledgement in lieu of Pledge of Allegiance

RECOMMENDED ACTION

Participate in a Land Acknowledgement in lieu of the Pledge of Allegiance.

BACKGROUND

A land acknowledgement is an act of reconciliation that involves making a statement recognizing the traditional territory of the Indigenous people who called the land home before the arrival of European settlers, and in many cases still call it home.

DISCUSSION

The Community Advisory Council will discuss participating in a Land Acknowledgement at the beginning of each council meeting. At the beginning of each meeting, a Community Advisory Council Co-Chair can acknowledge the land by making a formal statement that recognizes and respects Indigenous Peoples as traditional stewards of this land and the enduring relationship that exists between Indigenous Peoples and their traditional territories. Additionally, any other council member calling in from a location outside the San Francisco Bay Area, can make a statement acknowledging their individual location.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Brian Butler
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Community Advisory Council Meeting Land Acknowledgement in Lieu of Pledge of Allegiance Presentation

COMMUNITY ADVISORY COUNCIL
MEETING OF 06/30/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 30, 2022

Re: Discussion on the Selection of the Air District's Air Pollution Control Officer (APCO)

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Community Advisory Council (CAC) expressed interest in learning about and engaging in the Air District's Executive Officer / Air Pollution Control Officer (APCO) hiring process and requested an update.

DISCUSSION

Chair Bauters and Vice Chair Hurt will provide an update on the status of the Executive Officer / APCO hiring process and possible next steps.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Lisa Flores
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Update on the Selection of the Air District's Air Pollution Control Officer

COMMUNITY ADVISORY COUNCIL
MEETING OF 06/30/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 30, 2022

Re: Discuss and Develop a List of Desired Qualifications for the Air District's Executive Officer / Air Pollution Control Officer

RECOMMENDED ACTION

Develop and approve a list of desired qualifications for the Executive Officer / Air Pollution Control Officer to be included in a letter signed by the Community Advisory Council Co-Chairs and submitted to the Air District Board of Directors.

BACKGROUND

The Air District Board of Directors invited the Community Advisory Council (CAC) to submit a letter of desired qualifications for the Executive Officer / Air Pollution Control Officer (APCO). The letter must be submitted by the CAC Co-Chairs on or before August 15th, 2022.

DISCUSSION

Community Advisory Council (CAC) Co-Chair Latasha Washington will present the process to develop a list of desired qualifications for the Executive Officer / APCO. The CAC will engage in a virtual exercise to contribute their perspectives on ideal, community-oriented qualifications. The CAC will vote on the list of qualifications to be included in a letter signed by the CAC Co-Chairs. The letter will be submitted to the Air District Board of Directors to consider including it in the job listing for the Executive Officer / APCO.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Miriam Torres
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Discuss and Develop a List of Desired Qualifications for the Air District's Executive Officer
Air Pollution Control Officer

COMMUNITY ADVISORY COUNCIL
MEETING OF 06/30/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 30, 2022

Re: Overview of Wildfire Mitigation and Home Air Filtration Program

RECOMMENDED ACTION

Recommend approval of the proposed strategy and recommend the proposed program strategy for the \$1 million Wildfire Mitigation Designation to the Board of Directors.

BACKGROUND

Following the North Bay fires in 2017, the Air District implemented the Wildfire Air Quality Response Program (WAQRP) to help the region better prepare for and respond to wildfires through five (5) strategies: Legislative Initiatives, Air District Rules and Regulations, Community Information and Resources, Partnerships and Regional Alliance, and Grants Programs and Incentives. The Air District's Clean Air Filtration Program (CAF) is the District's Grants Programs and Incentives and includes several initiatives focused on providing air filtration in the following ways:

- School Air Filtration
- Home Air Filtration
- Cleaner Air Centers
- Evacuation and Sheltering Facilities

In 2019, the Air District began an initiative to provide school air filtration through a \$2 million Supplemental Environmental Project grant from CARB in East and West Oakland, Eastern San Francisco, Pittsburg and Bay Point, Livermore and San Leandro. The Air District could not install air filtration in Richmond-San Pablo because the school district declined to continue at the time.

On June 16, 2021, the Air District Board of Directors (Board) unanimously approved authorization of \$250,000 in funding for the Air District's Home Air Filtration Program. Through a partnership with Regional Asthma Management and Prevention, the program aims to provide air filtration units to low-income individuals suffering from severe asthma and enrolled in the state's Asthma Mitigation Project (AMP), a program that provides in-home asthma care visits. The program includes patients living in Alameda, Contra Costa, San Francisco, San

Mateo, Sonoma, and Santa Clara counties. The AMP partners include: Alameda County Public Health Department Asthma Start Program, Breathe California, Contra Costa Health Services, Lifelong Medical Care, Roots Community Clinic, San Mateo County Family Health Services, Santa Rosa Community Health Centers.

In September 2021, the Board authorized the Executive Officer/Air Pollution Control Officer (APCO) to allocate an additional \$1 million to the Wildfire Mitigation Designation and to reduce the Pandemic Reserves Designation by \$1 million. Staff continued existing partnerships and began making initial inquiries with West Oakland Health Council, Ole Health (Napa County), La Clinica (Vallejo) and Marin County Community Clinic (Marin County Community Clinic did not express interest). In early 2022, the Home Air filtration Program transitioned to the Community Engagement Office from the Compliance & Enforcement Division.

The AMP partners have distributed 875 home air filters so far with over 70% of recipients reporting their race/ ethnicity as Latinx/ Latino or Hispanic and African American or Black. The District also distributed 293 air filters in a pilot to the following community groups for redistribution to low-income community members: All Positives Possible (Vallejo), Healing Impacted Communities (Bayo Vista, Rodeo), West Oakland Health Council, Belle Haven (Menlo Park), City of Millbrae, United Council (Pier 94, Bayview Hunters Point, San Francisco).

DISCUSSION

In preparation for this year's upcoming wildfire season, Community Engagement staff held various focus groups with community members in late March and early April to obtain feedback and suggestions on ways to expand access to air filtration through School partnerships and the Home Air Filtration Program, discuss community priorities, address gaps and barriers, potential partnerships and how to best and equitably utilize existing funding and resources. Attendees included (in alphabetical order by last name):

- Esther Goolsby, Communities for a Better Environment (CBE)
- Ms. Margaret Gordon, The West Oakland Environmental Indicators Project (WOEIP) and Community Advisory Council (CAC) Co-Chair
- Arieann Harrison, The Marie Harrison Community Foundation, Inc. and CAC Councilmember
- John Kevin Jefferson III, CAC Co-Chair
- Mayra Pelagio, Latinos United for a New America (LUNA) and CAC Councilmember
- Latasha Washington, CAC Co-Chair
- LaDonna Williams, All Positives Possible

Community members supported the District's efforts and emphasized the need for a localized focus (prioritizing the unhoused, locations with high percentage of historically marginalized communities, such as neighborhoods located next to freeways, undocumented communities/ worker camps, professions that would benefit from air filtration and indigenous communities), non-competitive funding, the need for a comprehensive plan that integrates existing work (asset map), a way to distribute resource information to communities, and data that explicitly states why these communities are being selected.

Proposed Strategies

Staff propose the use of the \$1 million Wildfire Mitigation Designation funds by building and expanding on the existing Home and School Air Filtration Programs for 2022. The Home and School Air Filtration Program seeks to ameliorate the impact of wildfire smoke and poor air quality on vulnerable populations which include children, populations with pre-existing conditions such as respiratory illnesses, elders, outdoor workers, and communities who are experiencing other environmental or health burdens through local partnerships in four (4) key areas. The proposed strategies and estimated costs are shown in the table below with a focus on low-income individuals, people diagnosed with respiratory illness and/ or AB 617 communities.

Regional Asthma Mitigation and Prevention	Local Health Centers	Schools	Community Partners
\$300,000 to expand partnership with Regional Asthma Management and Prevention and the Asthma Mitigation Program partners, to including all clients with asthma or respiratory disease, create educational materials and case study	\$300,000 to expand outreach to local health centers in AB 617 communities to distribute to low-income clients with asthma or respiratory illness	\$300,000 in combination with remaining SEP grant funds to expand to elementary schools in the West Contra Costa Unified School District (Richmond-San Pablo), which has not received air filtration through existing efforts yet	\$100,000 to work with James Cary Smith Community Grantees doing capacity-building work to apply to distribute in AB 617 communities and Santa Clara County-East San Jose (Community Agency for Resources, Advocacy and Services (CARAS)

Evaluation

After the program is implemented, staff will evaluate the program outcomes through the data collected from the partners and reach out to project partners to determine how the project can be improved, as well as discuss any aspects that can be modified for the next wildfire season.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for this program strategy is proposed to be allocated from the \$1 million Wildfire Mitigation Designation that was designated in September 2021.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Lisa Flores
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Overview of Wildfire Mitigation and Home Air Filtration Program

COMMUNITY ADVISORY COUNCIL
MEETING OF 06/30/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 30, 2022

Re: Selection of Ad-Hoc Committee to Develop the Community Advisory Council (CAC) Workplan for Fiscal Year (FY) 2023

RECOMMENDED ACTION

Vote on the creation of an ad-hoc committee to develop the Community Advisory Council's (Council) workplan for FY 2023.

BACKGROUND

This is an action item for the Council to consider selecting members for an ad-hoc committee that will develop the Council's workplan for FY 2023, which runs from July 1, 2022 to June 30, 2023.

DISCUSSION

The Council's workplan will establish a shared vision for the Council's work and goals to achieve in FY 2023. In adherence with the Brown Act, the Council can select up to 8 councilmembers to serve on a workplan ad-hoc committee. The Council will have the opportunity to vote to establish an ad hoc committee to develop a work plan.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None; stipends for the work of the Community Advisory Councilmembers selected to participate in the ad-hoc committee have been included in the Fiscal Year Ending (FYE) 2022 and FYE 2023 budgets.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Brian Butler
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Selection of Ad-Hoc Committee to Develop the Community Advisory Council Workplan for FY23

COMMUNITY ADVISORY COUNCIL
MEETING OF 06/30/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 30, 2022

Re: Update on Community Air Quality Concerns at the Alice Griffith Housing Development in Bayview Hunters Point, San Francisco

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Residents of the Alice Griffith Housing Development and members of the community have expressed concerns about health and quality of living impacts from air pollution emitted by facilities and construction activities near this Bayview Hunters Point neighborhood. Material handling facilities to the residents' east and past and present construction activities within and around the surrounding area contributed to particulate matter (PM) pollution including dust and PM2.5 and raised concerns of exposure to naturally occurring asbestos (NOA).

DISCUSSION

Staff will provide an update on the actions taken by Air District staff and other partnering agencies to address community air quality concerns at the Alice Griffith Housing Development in Bayview Hunters Point, San Francisco. The presentation will include a discussion of the Air District's enforcement process, an overview of the regulated facilities adjacent to the housing development, a discussion of neighborhood air quality concerns, and an overview of the actions taken to address these air quality concerns over the past year.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: John Marvin
Reviewed by: Jeff Gove

ATTACHMENTS:

1. Update on Community AQ Concerns at the Alice Griffith Housing Development in Bayview Hunters Point

COMMUNITY ADVISORY COUNCIL
MEETING OF 06/30/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 30, 2022

Re: Air District's Services to Address Community-Identified Air Quality Concerns –
Overview of the Air Quality Complaint Program and Investigation Process

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air Quality Complaint Program is a core program of the Compliance & Enforcement Division that provides an avenue for members of the public to communicate air quality concerns to the Air District. The Air District investigates every air pollution complaint received to achieve early intervention in resolving air quality problems and identifying violations of State or Federal law or Air District regulations. Air pollution complaints are an important part of the daily work of Inspectors, and it is essential that complaint investigations are handled in an objective, efficient, and professional manner. The Air District investigates all air pollution complaints as an impartial party to determine facts and circumstances surrounding alleged air emission releases and takes appropriate enforcement actions for violations of air quality regulations. Mitigating and resolving community air pollution concerns through the Air Quality Complaint Program continues to be a top priority for the Air District.

DISCUSSION

The presentation will provide an overview of the Air Quality Complaint Program and highlight the different steps in the complaint investigation process to ensure compliance with air quality regulations. Staff will speak to the program goals and objectives, how the public may report a complaint via phone and online, and how Inspectors investigate a complaint at an alleged site/facility to determine and identify the potential source(s) of emissions. The presentation will explain the role of the Air District Inspector and the actions taken to document an alleged complaint, investigation findings and enforcement actions when non-compliance is discovered.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Ying Yu and Tracy Lee
Reviewed by: Damian Breen and Veronica Eady

ATTACHMENTS:

1. Air District's Services to Address Community-Identified Air Quality Concerns – Overview of the Air Quality Complaint Program and Investigation

COMMUNITY ADVISORY COUNCIL
MEETING OF 06/30/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 20, 2022

Re: Statewide Expansion of Climate Tech Finance Program

RECOMMENDED ACTION

Recommend the Board of Directors:

- Authorize the Interim Executive Officer/APCO to negotiate and execute agreements with IBank and Nor-Cal FDC to allow the Air District to receive administrative funds for evaluating loan guarantees under the Climate Tech Finance program with an expanded statewide scope.

BACKGROUND

Climate Tech Finance is the Air District's first loan program, with the aim of reducing greenhouse gases by accelerating the commercialization of climate technologies. The program offers two financing vehicles: loan guarantees to improve access to credit for climate technology entrepreneurs, and direct loans to improve local government access to capital when buying climate technologies. These financial products are offered through a partnership with the California Infrastructure and Economic Development Bank (IBank) and in close collaboration with the Northern California Financial Development Corporation (Nor-Cal FDC).

On August 1, 2018, the Air District Board of Directors authorized the Executive Officer to enter into an agreement with IBank not to exceed \$4,185,000 to fund the loan program. On March 3, 2021, the Board of Directors approved an extension of the agreement to continue support of Climate Tech Finance loans and loan guarantees. Under the partnership with IBank, IBank provides up to 80% loan guarantees for climate-related loans. The Air District may use its funds to provide up to an additional 10% guarantee. The Air District also conducts an impact evaluation to assess the merits of the technology, estimated greenhouse gas emissions reductions, and social impacts.

DISCUSSION

To date, the Climate Tech Finance program has successfully funded ten loans totaling \$23.6 million. Of these loans, five were funded with guarantees above 80%, for which the Air District has encumbered a total of \$955,000. The loan guarantees mature on a seven-year term, but may resolve earlier if loans are repaid sooner. Climate Tech Finance has supported companies working in energy, mobility, circular economy, and climate advocacy sectors. The companies the program has supported are projected to reduce over 2.5 megatonnes of CO₂-equivalent emissions by 2026.

The American Rescue Plan Act of 2021 allocated \$10 billion to the State Small Business Credit Initiative (SSBCI), of which California will receive \$895 million—roughly five times larger than the previous SSBCI program in 2010. IBank is a primary beneficiary of these funds and will need to quickly facilitate a large volume of loans through its loan guarantee program. To help enable greater loan activity, IBank will be increasing the loan guarantee maximum from \$2.5 million to \$5 million per loan.

The new SSBCI funds represent a significant opportunity to expand the Climate Tech Finance partnership by scaling up the program statewide. Staff have engaged in discussions with IBank to develop a potential fee-sharing arrangement to help fund the Air District's administrative costs, especially for conducting impact evaluations for loan guarantees outside the Bay Area. Staff are also negotiating an additional referral fee arrangement with Nor-Cal FDC that would introduce a second revenue source to fund administrative costs for a statewide program. In the proposed arrangement with IBank (see Attachment), the Air District would receive a portion of the loan guarantee fee (0.5% out of 3%) for successfully funded climate loans. By way of example, if the Climate Tech Finance program completes eight loans with \$5 million guarantees in one year, the Air District would receive \$200,000 in administrative funds.

These administrative funds can cover the costs for performing loan guarantee evaluations outside the Bay Area. Collecting the funds also builds up a revenue base that could fund additional staffing in the future, to further expand the program's capacity to catalyze climate financing. Staff plan to work with the management auditor to evaluate the appropriate timing and need for additional staff for this program.

Staff believe that fee-sharing will be a sustainable funding source as loan activity has accelerated as the program has gained traction. The program funded four loans in the past quarter alone and is in advanced discussions with lenders on seven loans that are targeting closing in the next quarter. Of the loans that have been funded, 70% are maximum guarantees, as are 100% of loans funded in the past year. Staff expect that loan volume will increase significantly when the loan guarantee maximum is doubled, and upon expansion of the program beyond the Bay Area.

The program is well positioned to expand its efforts statewide as nearly half of the existing pipeline has current or planned projects outside the Bay Area. The Air District has launched a new Climate Tech Finance website and has implemented a customer relationship management software to streamline the growing demand for loan guarantees. In total, the program has identified a pipeline of climate projects seeking more than \$150 million in loan funding within the next 12 months.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Derrick Tang
Reviewed by: Anthony Fournier, Damian Breen

ATTACHMENTS:

1. Draft Interagency Agreement with IBank - Agreement 2022.167
2. Statewide Expansion of Climate Tech Finance Program PowerPoint Presentation

STATEWIDE INTERAGENCY AGREEMENT

This Statewide Interagency Agreement (this "Agreement") is entered into as of July __, 2022, by and between the California Infrastructure and Economic Development Bank ("IBank"), an instrumentality of the State of California, and the Bay Area Air Quality Management District (the "Air District"), a California air pollution control district. IBank and the Air District are hereinafter referred to collectively at times as the "Parties" and individually as a "Party."

ARTICLE I

RECITALS

WHEREAS, the California Infrastructure and Economic Development Bank ("IBank") is established pursuant to the Bergeson-Peace Infrastructure and Economic Development Bank Act (California Government Code Section 63000 et seq.) (the "IBank Act") for the purpose of providing financial assistance to eligible entities in the State of California (the "State") through a variety of financing mechanisms, which include, among other things, loan guarantees and direct loans for small businesses in the State;

WHEREAS, the Small Business Financial Assistance Act of 2013, (the "Small Business Act") (i) established the California Small Business Finance Center (the "Center") within IBank, (ii) transferred administration of the State's Small Business Loan Guarantee Program (the "SBLGP"), the Farm Loan Program, the Surety Bonds Guarantee Program, the Disaster Loan Guaranty Program, and the Secondary Market for Guaranteed Loans Program to the Center; and (iii) added provisions of the Small Business Act to the IBank Act;

WHEREAS, the Air District is a special district created by the California Legislature and has the power and authority to control air pollution from stationary sources in the San Francisco Bay Area air basin;

WHEREAS, IBank's programs include the Small Business Finance Center ("SBFC") and the Small Business Loan Guarantee Program ("SBLGP"), which is a sub-program of the SBFC;

WHEREAS, IBank, through its SBFC and the SBLGP sub-program, is empowered by the Act to, among other things, provide loan guarantees (each, a "Loan Guarantee") on eligible small business loans that are issued by financial development corporations who are registered with the SBLGP (each, a "Program FDC");

WHEREAS, the Parties have previously executed an Interagency Agreement dated March 4, 2019, as subsequently amended by that First Amended and Restated Interagency Agreement dated June 13, 2021, and that Second Amended and Restated Interagency Agreement, dated March 1, 2022 (collectively "Restated Interagency Agreement") whereby, among other things, the Air District transferred [\$1,000,000] to IBank for the purpose of partially funding loan guarantees under the SBLGP on terms set forth in the Restated Interagency Agreement;

WHEREAS, the Parties mutually desire to continue to perform pursuant to the Restated Interagency Agreement and continue the period within which to issue small business Loan Guarantees;

WHEREAS, the Air District has extensive experience in undertaking engineering evaluations of proposed climate technology, their greenhouse gas reduction impacts, and their impacts on social equity and producing a Climate Technology Engineering Evaluation (each, an “Evaluation”) in the course of underwriting and providing Loan Guarantees for the Climate Tech Finance program;

WHEREAS, upon successful completion of an Evaluation, the Air District sends to SBLGP a letter confirming that the technology subject to the Evaluation meets the technical requirements for a Climate Tech Finance Loan Guarantee to be issued (each such letter, a “Letter of Qualification”);

WHEREAS, the Parties desire to establish a process whereby IBank collects Evaluation Fees directly from Program FDCs and transfers such amounts to the Air District as set forth in this Agreement;

NOW, THEREFORE, in consideration of the promises and the mutual agreements herein contained, the Parties do hereby agree as follows:

**ARTICLE II
INCORPORATION OF RECITALS**

The Parties hereby mutually agree that the recitals set forth in Article I are true and correct in their entirety and are incorporated into this Agreement and made a part hereof.

**ARTICLE III
EVALUATION FEES**

The Air District shall charge a fee for production of an Evaluation (each such fee, an “Evaluation Fee”) as part of the loan closing process in the amounts set forth below:

Fee	Amount	Paid By	Paid To
Evaluation Fee	One-time fee of 50 basis points (bp) (50% of 1%) of loan guarantee amount, charged at issuance	Borrower	Program FDC

The Air District will specify which Program FDC should collect the Evaluation Fee by identifying the participating Program FDC in the Letter of Qualification sent to IBank after conclusion of the Evaluation process.

Each participating Program FDC shall charge the Evaluation Fee as part of the loan closing process and shall transfer the balance of the Evaluation Fee to IBank, for the benefit of the Air District, within 10 business days of the subject loan closing.

Air District understands that IBank has no liability, authority or obligation to charge or collect the Evaluation Fee, and has no direct participation in the closing of loans which are subsequently

enrolled in a Loan Guarantee. It is further understood that IBank's only obligation and liability pursuant to this Agreement is the collection, management, and quarterly transfer of Evaluation Fees collected by Program FDCs and transferred to IBank, to the Air District.

ARTICLE IV

EVALUATION FEE ADMINISTRATION

4.1 Use of the SBLGP BAAQMD Program Account.

(a) IBank established previously the SBLGP Greenhouse Gas Reduction Account (the "SBLGP Account") in the SBFC which IBank has held, disbursed, and administered, and shall continue to hold, disburse, and administer, in accordance with this Agreement, Air District funds allocated for use in loan guarantees administered through the SBFC.

(b) IBank shall hold all Evaluation Fees sent by Program FDCs in the SBLGP Account, and shall disburse the total of all such Evaluation Fees held in the SBLGP Account to Air District on a quarterly basis.

(c) IBank shall invest sums in the SBLGP Account pursuant to the IBank Investment Policy then in effect. This Air District acknowledges and agrees that SBLGP Account investments may either realize gains or incur losses. Any gains on SBLGP Account investments shall be reinvested automatically in the SBLGP Account, unless the Air District has otherwise directed the application of such gains in writing with proper Air District authorization.

4.2 Reporting and Retention.

(a) The SBFC shall provide the Air District with quarterly account statements, reports, and billing related to Evaluation Fees upon request.

(b) The SBFC agrees to preserve all financial or accounting records pertaining to this Agreement during the term of this Agreement. During such period, the Air District, upon reasonable notice, shall have the right to audit such books and records to the extent authorized and permitted by law. The SBFC shall have the right to preserve all records in original form or electronic form.

ARTICLE V

REPRESENTATIONS, WARRANTIES, ACKNOWLEDGEMENTS, AND AGREEMENTS OF THE PARTIES

5.1 The Parties' Representations and Warranties.

Each of the Parties represents and warrants, solely on its own behalf, that:

(a) It is duly organized and existing under the laws of the State and has all necessary power and authority to enter into and perform its duties under this Agreement.

(b) This Agreement has been duly authorized, executed and delivered and constitutes legal, valid and binding obligations, enforceable in accordance with its terms, except as enforcement may be

limited by bankruptcy, insolvency, reorganization, moratorium or similar laws or equitable principles relating to or limiting creditors' rights generally.

(c) The execution and delivery of this Agreement and compliance with the provisions hereof will not conflict materially with any law, administrative regulation, court decree, resolution, charter, by-law, or any agreement to which it is subject or by which it is bound or by which its properties may be affected.

(d) There is no action, suit, proceeding or investigation at law or in equity before or by any court or governmental agency or body, pending or threatened, to restrain or enjoin the execution or delivery of this Agreement, or in any way contesting or affecting the validity of this Agreement, or contesting its power to enter into or perform its obligations under this Agreement, or that would affect its ability to perform its obligations under this Agreement.

(e) It is not in material breach of, or material default under, any applicable law or administrative regulation of the State or the United States, the Constitution of the State (including article XVI, section 18 thereof), any applicable judgment or decree, any agreement, indenture, bond, note, resolution, agreement or other instrument to which it is a party or is otherwise subject which, if not resolved in its favor, would have a material adverse impact on its ability to perform its obligations under this Agreement and no event has occurred and is continuing which, with the passage of time or the giving of notice, or both, would constitute a default or an event of default under any such instrument.

(f) No consent, permission, authorization, order or licenses of, or filing or registration with, any governmental authority is necessary in connection with the execution and delivery of this Agreement or the consummation of any transaction contemplated herein, except as has been obtained or made and is in full force and effect.

ARTICLE VI

CONFIDENTIALITY

To carry out the purposes of this Agreement, the Parties may require access to certain of the other Party's confidential information (including trade secrets, inventions, confidential know-how, confidential business information, and other information that such Party considers confidential) (collectively, "Confidential Information"). It is expressly understood and agreed that each Party may designate in a conspicuous manner Confidential Information and that with respect to such Confidential Information, the receiving Party agrees to:

(a) Observe complete confidentiality with respect to such information, including without limitation, agreeing not to disclose or otherwise permit access to such information by any other person or entity in any manner whatsoever, except where such disclosure or access is required by law, including, but not limited to, the California Public Records Act, a subpoena, and/or a discovery request. In addition, such disclosure or access shall be permitted to those Representatives (as defined below) of receiving Party requiring access in fulfillment of the obligations and services provided under this Agreement.

(b) Ensure that receiving Party's officers, employees, agents, representatives, and independent contractors (the "Representatives") are informed of the confidential nature of such information and to inform the Representatives that, except as otherwise provided herein, they are prohibited from copying or revealing, for any purpose whatsoever, the contents of such information or any part thereof, or from taking any action otherwise prohibited under this Article V.

(c) Not use such information or any part thereof in the direct performance of services to others or for the benefit of others in any form whatsoever whether gratuitously or for valuable consideration, except as permitted under this Agreement.

(d) Notify the delivering Party promptly and in writing of the circumstances surrounding any attempted or actual possession, use, or knowledge of such information or any part thereof by any person or entity other than those authorized hereunder.

(f) Engage in reasonable efforts to prevent access to such materials by a person or entity not authorized under this Agreement.

Provided, however, either Party to this Agreement may at any time notify the other Party in writing of its desire not to receive any Confidential Information. Upon receipt thereof, the Party receiving such written notice will not convey to the notifying Party any Confidential Information. If the Party receiving such notification inadvertently conveys to the notifying Party Confidential Information, the notifying Party shall use reasonable good faith efforts to return promptly such Confidential Information, but shall otherwise bear no obligation with respect to the receipt of such Confidential Information. The notifying Party may at any time rescind such notification in writing, and upon doing so, shall be subject to the requirements of this Article VI.

ARTICLE VII

TERM

The term of this Agreement shall commence on the date this Agreement is fully executed and shall continue until cancelled or terminated by agreement of the Parties.

ARTICLE VIII

MISCELLANEOUS

8.1 Notices. All notices required under this Agreement shall be provided in the manner set forth herein, unless specified in writing otherwise. Notice to a Party shall be delivered to the attention of the person listed below and at the address listed below, or to such other person or persons, or address, as may hereafter be designated by that Party in writing. Notice shall be in writing and (1) personally delivered, or (2) sent by overnight mail with a nationally-recognized carrier. In the case of personal delivery, notice shall be deemed complete upon delivery. In the case of overnight mail, notice shall be deemed to have been delivered one day following the date of delivery to the overnight mailing carrier.

Bay Area Air Quality Management District	California Infrastructure and Economic Development Bank
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Manager, Technology Implementation Office 375 Beale Street, Suite 600 San Francisco, CA 94105	Chief Deputy Executive Director 1325 J Street 13th Floor Sacramento, CA 95814
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8.2 Modification. No term or provision of this Agreement may be waived or otherwise modified except by a written agreement signed by the Parties. The Parties acknowledge and agree that the previous sentence shall be interpreted, enforced, and adhered to strictly, notwithstanding any legal doctrine, rule, statute, or case law that may permit oral modification of this Agreement, or that may find under certain circumstances the portion of this Section 8.2 requiring all modifications to this Agreement be in writing is waived orally or by the Parties' conduct. To the greatest extent permissible under the law, the Parties hereby agree to waive any legal doctrine, rule, statute, or case law that permits, or could be construed to permit, modification of this Agreement by means other than a writing signed by both Parties.

8.3 Partial Invalidity. The illegality, unenforceability, or invalidity of any provision of this Agreement with regard to any Party or circumstance shall not render that provision illegal, unenforceable, or invalid with regard to any other Party or circumstance. All provisions of this Agreement, in all other respects, shall remain legal, enforceable, and valid to the fullest extent permitted by law. If any provision of this Agreement is held to be illegal, unenforceable, or invalid by a court of competent jurisdiction, then such provision shall be deemed severed from this Agreement and this Agreement shall be construed and enforced as if such illegal, unenforceable, or invalid provision had never been part hereof.

8.4 Headings. Headings on the sections and paragraphs of this Agreement are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Agreement.

8.5 Counterparts. This Agreement shall become enforceable upon its execution and delivery. No Party shall be bound by this Agreement until the Parties have exchanged their respective signatures to this Agreement. This Agreement may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed an original, and all of which together shall constitute the same contract. The Parties may rely upon a facsimile copy or scanned copy of any Party's signature as an original for all purposes.

8.6 Governing Law, Venue. This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State. Any action or proceeding arising out of this Agreement shall be filed and maintained in the Superior Court in and for the County of Sacramento, California unless otherwise expressly agreed to by IBank in its sole and absolute discretion.

8.7 Third Party Beneficiaries Excluded. This Agreement is solely for the benefit of the Parties hereto. Nothing in this Agreement, expressed or implied, shall give to any person other than IBank and the Air District any right, remedy, or claim under or by reason of this Agreement. All covenants, stipulations, promises, or agreements contained in this Agreement by and on behalf of the Parties shall be for their and their permitted assigns sole and exclusive benefit.

8.8 Assignment. No Party shall assign any rights or obligations under this Agreement to a third party without the prior written consent of the other Party, and any attempt to do so shall be void upon inception. Whenever in this Agreement either Party is named or referred to, such reference shall be deemed to include the permitted successors or assigns thereof, and all the covenants and agreements in this Agreement contained by or on behalf of either Party hereto shall bind and inure to the benefit of the respective permitted successors and assigns thereof, whether so expressed or not.

8.9 Waiver of Personal Liability. No member, officer, agent, or employee of either Party shall be individually or personally liable for any sums due under this Agreement; but nothing herein contained shall relieve any such member, officer, agent, or employee from the performance of any official duty provided by law.

8.10 Entire Agreement. Except as expressly stated herein, this Agreement, together with the exhibits and attachments hereto, constitutes the entire agreement among the Parties. Except as expressly stated herein, there are no understandings, agreements, representations or warranties, express or implied, not specified herein or therein regarding this Agreement. Any terms and conditions of any document in connection with this Agreement which are in addition to or inconsistent with the terms and conditions of this Agreement will not be binding on the Parties and will not apply to this Agreement.

8.11 Expectations. Each individual signing this Agreement on behalf of a Party is an authorized representative of such Party acting for and on behalf of such Party in executing this Agreement. To the best of the knowledge and belief of each person executing this Agreement on behalf of a Party, there are no other facts, estimates or circumstances that would materially change the expectations as set forth herein, and said expectations are reasonable.

8.12 Waiver of Consequential Damages. To the fullest extent permitted by law, the Parties shall not assert, and hereby waive, any claim against the other Party on any theory of liability for special, indirect, consequential, or punitive damages (as opposed to direct actual damages) arising from, or in connection with, this Agreement, in the event of any dispute, lawsuit, claim, or controversy between IBank and the Air District related to any loan guarantee.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be signed by their respective officers on the dates set forth below.

CALIFORNIA INFRASTRUCTURE AND
ECONOMIC DEVELOPMENT BANK

By _____
Clint Kellum
Chief Deputy Executive Director

Date _____

BAY AREA AIR QUALITY MANAGEMENT
DISTRICT

By _____
Sharon Landers
Interim Executive Officer/APCO

Date _____

APPROVED AS TO FORM

By _____
Alexander Crockett
District Counsel

Date _____