

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

Board of Directors Regular Meeting  
Wednesday, March 2, 2022

### **APPROVED MINUTES**

*Note: Audio recordings of the meeting are available on the website of the  
Bay Area Air Quality Management District at  
[www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)*

**This meeting was conducted under procedures in accordance with Assembly Bill 361. Members of the Board of Directors participated by teleconference.**

### **CALL TO ORDER**

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

#### **Roll Call:**

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

Absent: Director Pauline Russo Cutter.

2. **Pledge of Allegiance**
3. **Public Meeting Procedure**

### **CONSENT CALENDAR (Items 4 – 15) (ITEMS TAKEN OUT OF ORDER)**

Chair Mitchoff **pulled Item 10** from the Consent Calendar, as Air District staff wished to provide the Board with a presentation and discussion.

4. Continuation of Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
5. Approval of the Minutes of February 16, 2022
6. Board Communications Received from February 2, 2022, through March 1, 2022
7. Air District Personnel on Out-of-State Business Travel
8. Projects and Contracts with Proposed Grant Awards Over \$100,000

9. Referral of Proposed Budget for Fiscal Year Ending (FYE) 2023 to the Budget and Finance Committee
10. Set a Public Hearing for April 6, 2022, to Consider Adoption of Proposed New Regulation 13: Climate Pollutants, Rule 5: Industrial Hydrogen Plants and amendments to Regulation 8: Organic Compounds, Rule 2: Miscellaneous Operations, and Certification of an Environmental Impact Report for Rule 13-5 and Approval to File a Notice of Exemption for Rule 8-2 Pursuant to the California Environmental Quality Act (**OUT OF ORDER, ITEM 11**)
11. Report of the Advisory Council Meeting of February 14, 2022 (**ITEM 12**)
12. Report of the Legislative Committee Meeting of February 14, 2022 (**ITEM 13**)
13. Report of the Administration Committee Meeting of February 16, 2022 (**ITEM 14**)
14. Report of the Budget and Finance Committee Meeting of February 23, 2022 (**ITEM 15**)

Public Comments for Items 4-9, and 11-15

No requests received.

Board Comments for Items 4-9, and 11-15

Chair Mitchoff requested that the resolution language pertaining to Item 4 be changed from "...Re-Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Air District for the Period of March 6, 2022, to April 6, 2022" to "...Re-Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Air District for the Period March 6, 2022 to April 1, 2022."

Board Action for Items 4-9, and 11-15

Director Hudson made a motion, seconded by Director Wilson, to **approve** Consent Calendar Items 4 through 9 and 11 through 15; and the motion **carried** by the following vote of the Board:

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

15. Authorization for Four Contracts for the Bay Area Healthy Homes Initiative, Funded by \$2 Million from California Attorney General's Office Automobile Emissions Research and Technology Fund Grant (**ITEM 10**)

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer (APCO), introduced Greg Nudd, Deputy APCO of Policy, who introduced Dr. Idania Zamora, Assistant Manager of Planning & Climate Protection, who gave the staff presentation *Bay Area Healthy Homes Initiative*, including: outline; Contra Costa County's asthma mitigation project; Bay Area Healthy Homes Initiative; program overall need; participant selection; program services and partners; program funding and targets; and feedback requested/prompt.

### Public Comments on Item 10

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County.

NOTED PRESENT: Directors Constantine and Melgar were noted present at 9:32 a.m.

### Board Comments for Item 10

The Board and staff discussed concerns regarding the criteria requiring participants to live less than 1,000 feet from major transportation sources; whether the initiative's definition of "disadvantaged communities" includes areas that experience episodic ozone and Particulate Matter emissions, and whether such areas can be included if they are currently excluded; whether the Air District may combine funding resources (this initiative and the Air District's Wood Smoke Reduction Incentive Program); the request that Air District staff sends participation/application links to the Board members who serve Contra Costa and Alameda County jurisdictions; whether the Air District will have access to participant demographic data; the need to remember that asthma is a chronic disease, and that people who do not have symptoms today may develop them in the future; and the request for a status update for the Board in six months.

### Board Action for Item 10

Director Gioia made a motion, seconded by Director Miley, to **approve** Consent Calendar Item 10; and the motion **carried** by the following vote of the Board:

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

### PRESENTATION

#### 16. **Current Legislation on Potential Amendments to the Brown Act**

Alan Abbs, Legislative Officer, gave the staff presentation *Potential Amendments to the Brown Act*, including: outcome; outline; requested action; background on The Brown Act; background on AB 361; AB 1944 (Lee); AB 2449 (Rubio & Blanca); and Senate Bill (SB) 1100 (Cortese).

### Public Comments

No requests received.

### Board Comments

The Board and staff discussed concerns regarding/the request for clarification from Assembly member Lee about the definitions of "pubic" and "private" within AB 1944; concerns about entities moving

towards practices that would end the current state of (pandemic) emergency; and concerns about potential scheduling burdens that could be caused by AB 2449, and whether the Board should adopt a position of opposition at this time.

#### Board Action

Vice Chair Bauters made a motion, seconded by Director Hopkins, to **adopt** a position of **SUPPORT (with request for clarification of the definitions of “public” and “private”)** for AB 1944 (Lee); and **send** a letter of concern/neutrality to the authors of AB 2449, providing feedback as to how its language could be problematic for public agencies; and the motion **carried** by the following vote of the Board:

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

#### OTHER BUSINESS

##### 17. **Public Comment on Non-Agenda Matters**

Public comments were given by Bob Brown, Western States Petroleum Association.

##### 18. **Board Members’ Comments**

Vice Chair Bauters acknowledged the female members of Board and Air District staff for their leadership, in observance of Women’s History Month (March).

Director Melgar announced that at the March 1, 2022, San Francisco County Board of Supervisors meeting, she introduced “The Healthier, Cleaner, Quieter Communities Act” which includes the banning of gas-powered landscaping equipment.

Director Hopkins announced that the Northern Sonoma County Air Pollution Control District is planning an electric tractor showcase and asked if the Air District wished to co-sponsor the event.

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

Mr. Broadbent announced that the April 6, 2022, Board meeting will be a hybrid format at the Bay Area Metro Center; both in person *and* virtually. He added that the Association of Bay Area Governments and Metropolitan Transportation Commission will also hold hybrid meetings at the Bay Area Metro Center (in March), and that the Board will receive a more detailed presentation on this issue at its March 16, 2022, meeting.

20. **Chairperson's Report**

Chair Mitchoff announced the following:

- As of mid-February, Air District staff has ceased to poll for Board and committee meetings.
- The next time that the Board members convene for a public meeting, they will be doing so as the Sole Member of the Bay Area Clean Air Foundation, on March 16, 2022, at 8:30 a.m., prior to the March 16, 2022, Board meeting at 9:00 a.m.
- Director Hudson is new Vice Chairperson for the Mobile Source & Climate Impacts Committee.
- There is room for new members on the Budget & Finance Committee.

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

Wednesday, March 16, 2022, at 9:00 a.m., via webcast, pursuant to procedures in accordance with Assembly Bill 361.

22. **Adjournment**

The meeting adjourned at 10:10 a.m.

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