

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 16, 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.**

1. **PUBLIC MEETING PROCEDURE (OUT OF ORDER, ITEM 3)**
2. **CALL TO ORDER (ITEM 1)** Board of Directors (Board) Chairperson, Karen Mitchoff, called the meeting to order at 9:16 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, Pauline Russo Cutter, John Gioia, 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 Carole Groom.

3. **PLEDGE OF ALLEGIANCE (ITEM 2)**

After the Pledge of Allegiance was conducted, Chair Mitchoff invited former Executive Officer/Air Pollution Control Officer, Jack P. Broadbent, to make comments about his immediate retirement. The Board thanked Mr. Broadbent for his 18 years of service at the Air District. Chair Mitchoff introduced Alexander “Sandy” Crockett, Assistant Counsel, who will assume the role of Acting Interim Executive Officer for the next several weeks until the Air District identifies a longer-term interim executive officer and ultimately, a permanent replacement.

#### **CONSENT CALENDAR (Items 6 – 16)**

4. Approval of the Minutes of March 2, 2022 **(ITEM 6)**
5. Board Communications Received from March 2, 2022 through March 15, 2022 **(ITEM 7)**
6. Air District Personnel on Out-of-State Business Travel **(ITEM 8)**

7. Quarterly Report of the Executive Office and Division Activities for the Months of October 2021 - December 2021 **(ITEM 9)**
8. Quarterly Report of California Air Resources Board Representative - Honorable Davina Hurt **(ITEM 10)**
9. Authorization to a Multi-Year Contract Agreement with IT Help, LLC **(ITEM 11)**
10. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of January 2022 **(ITEM 12)**
11. Report of the Stationary Source Committee Meeting of February 28, 2022 **(ITEM 13)**
12. Report of the Path to Clean Air Community Emissions Reduction Plan Community Steering Committee Meeting of February 28, 2022 **(ITEM 14)**
13. Report of the Community Equity, Health and Justice Committee Meeting of March 3, 2022 **(ITEM 15)**
14. My Air Online Software Development Contract Extensions **(ITEM 16)**

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Wagenknecht made a motion, seconded by Director Wilson, to **approve** Consent Calendar Items 6 through 16, inclusive; and the motion **carried** by the following vote of the Board:

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

**PRESENTATION**

**15. INTRODUCTION TO A HYBRID BOARD MEETING ENVIRONMENT (ITEM 17)**

Rex Sanders, Chief Administrative Officer, gave the staff presentation *Introduction to the Hybrid Meeting Environment*, including: outcome; outline; requested action; definitions; current status; hybrid meetings; facility COVID-19 protocols for in-person participation; and next steps.

Public Comments

No requests received.

## Board Comments

The Board and staff discussed information from the Bay Area Headquarters Authority regarding whether the regional government agencies housed at the Bay Area Metro Center have a joint policy on wearing face masks and allowing the voting members at the dais to eat and drink in the Board Room during public meetings; whether Assembly Bill (AB) 1944 (Lee) would allow members of a legislative body to teleconference from a location that is not public without having to identify that address in the notice and agenda or make that location accessible to the public when the legislative body has elected to allow members to participate via teleconferencing; whether the Bay Area Metro Center's filtration systems meet the highest public health recommendations; whether a quorum of live voting members in the Board Room will be required during a hybrid meeting format; the Bay Area Metro Center's symptom check protocol; the current status of AB 361 and AB 1944, and the fact that an urgency clause could be added to AB 1944; whether to require that a certain percentage of the Board members by live in person in the Board Room for each public meeting and ways to accomplish that; the request that Board members sign up to physically attend Board meetings from April to the end of July; and whether there will be a limit as to how many Board members may attend in person at a time.

## Board Action

None; receive and file.

## **OTHER BUSINESS**

### **16. CHAIRPERSON'S REPORT (ITEM 21)**

Chair Mitchoff announced the following:

- Director Wilson will be leaving the Board, effective April 6, 2022, as she will be sworn into the California Assembly on that day.
- On March 9, 2022, the Alameda County Mayors' Conference reappointed John Bauters to the BAAQMD Board of Directors for another two-year term, from April 12, 2022 to April 12, 2024.
- The Air & Waste Management Association's 115<sup>th</sup> Annual Conference will take place in person in San Francisco from June 27-30 at the Hyatt Regency. Board members who wish to attend need to let Vanessa Johnson know by March 31.

### **17. BOARD MEMBER COMMENTS (ITEM 19)**

Director Hannigan thanked Director Wilson for her service to the Air District and Director Wilson thanked her fellow Board members, the public, and Air District staff.

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

No requests received.

### **19. REPORT OF THE EXECUTIVE OFFICER/APCO (ITEM 20)**

Mr. Crockett introduced himself and wished Mr. Broadbent well.

Dr. Ranyee Chiang, Director of Meteorology and Measurement, summarized highlights from the recent Winter Spare the Air season (November to February).

Mr. Crocket discussed a voluntary compliance agreement that is being finalized between the Air District and United States Environmental Protection Agency's (EPA) External Civil Rights Compliance Office. Damian Breen, Senior Deputy Executive Officer of Operations, elaborated on this matter, EPA Complaint No. 01R-21-R9, which was filed in November 2020. The EPA alleges that Air District discriminated against the historically Black community of the Bayview and Hunters Point neighborhoods, on the basis of race in violation of Title VI of the Civil Rights Act of 1964, in its response to an air quality and Title VI complaint involving an alleged release of naturally occurring asbestos during soil disturbance work at Parcel A, formally part of the Hunters Point Naval Shipyard. Mr. Breen said that the EPA has made its findings and the Air District has reached an agreement with the EPA, which includes improvements to the Air District's complaint and investigation procedures. Director Walton, who represents the community of Hunter's Point, emphasized the importance of the Air District communicating to the community of Hunter's Point about actions that were taken to address this matter and how procedures are to be improved for future complaints.

**20. TIME AND PLACE OF NEXT MEETING (ITEM 22)**

Wednesday, April 6, 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** (10:07 a.m.)

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

**21. Public Employee Performance Evaluation Pursuant to Government Code Section 54957 (b)(1) (ITEM 4)**

*Title: Chief Executive Officer/Air Pollution Control Officer*

Reportable Action: Chair Mitchoff said there was nothing to report.

**22. Public Employee Performance Evaluation Pursuant to Government Code Section 54957 (b)(1) (ITEM 5)**

*Title: Acting District Counsel*

Reportable Action: Chair Mitchoff said there was nothing to report.

**OPEN SESSION** (10:38 a.m.)

**23. ADJOURNMENT**

The meeting adjourned at 10:39 a.m.

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