

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

Board of Directors Regular Meeting  
Wednesday, April 6, 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 authorized by Assembly Bill 361 (Rivas 2021).  
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 9:04 a.m.

#### **Roll Call:**

Present: Chairperson Karen Mitchoff; Vice Chairperson John Bauters; Secretary Davina Hurt; and Directors Margaret Abe-Koga, Teresa Barrett, David Canepa, Rich Constantine, Pauline Russo Cutter, John Gioia, David Haubert, Lynda Hopkins, David Hudson, Tyrone Jue, Myrna Melgar, Nate Miley, Rob Rennie, Brad Wagenknecht, Shamann Walton, and Steve Young.

Absent: Directors Cindy Chavez, Carole Groom, Erin Hannigan, Katie Rice, Mark Ross.

2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC MEETING PROCEDURE**

### **CONSENT CALENDAR (ITEMS 4 – 17)**

4. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
5. Approval of the Minutes of March 11, 2022 and March 16, 2022
6. Board Communications Received from March 16, 2022 through April 5, 2022
7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of February 2022
8. Authorization to Amend Contract with Eide Bailly, LLC
9. Funding to Support the Bay Area Regional Collaborative
10. Report of the Legislative Committee Meeting of March 14, 2022
11. Report of the Administration Committee Meeting of March 16, 2022
12. Report of the Stationary Source & Climate Impacts Committee Meeting of March 21, 2022

13. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of March 21, 2022
14. Report of the Budget & Finance Committee Meeting of March 23, 2022
15. Report of the Mobile Source & Climate Impacts Committee Meeting of March 24, 2022
16. Authorization to Amend Signature Authority for San Mateo County Treasurer
17. Reschedule a Public Hearing to Consider the Adoption of Revised Proposed New Rule 13-5: Industrial Hydrogen Plants and Proposed Amendments to Rule 8-2: Miscellaneous Operation

#### Public Comments

No requests submitted.

#### Board Comments

None.

#### Board Action

Director Hudson made a motion, seconded by Director Wagenknecht, to **approve** Consent Calendar Items 4 through 17, inclusive, as amended; and the motion **carried** by the following vote of the Board:

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

#### PRESENTATIONS

##### 18. **MANAGEMENT AUDIT UPDATE AND FISCAL YEAR ENDING (FYE) 2022 STAFFING AUTHORIZATION REVIEW**

John Chiladakis, Director of Information Services, introduced George Skiles and Lynda McCallum of Sjoberg Evashenk Consulting, the firm hired to conduct the Air District's Management Audit. Mr. Skiles and Ms. McCallum gave the presentation *Air District-Wide Risk Assessment Phase I Report*, including: project objectives and approach; Phase I observations; results (FYE 2022 staffing allocations, internal controls in hiring process); and Phase I conclusions and next steps.

NOTED PRESENT: Director Young was noted present at 9:15 a.m., Director Abe-Koga was noted present at 9:20 a.m., and Director Walton was noted present at 9:33 a.m.

#### Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; Charles Davidson, Sunflower Alliance; and Dr. Raymond Tompkins, African-American Community Health Equity Council.

Board Comments

The Board and staff discussed the desire for the prioritization of an audit of Human Resources’ recruitment practices, despite the urgency for additional technical and field staff; whether the ten positions that were filled without the Board’s authorization were promotions or new hires; the importance of Air District staff reestablishing trust with the Board so that the Board can be confident that Air District staff is executing proper recruitments; whether a contract amendment is needed for the contracted auditing firm to conduct a separate analysis of Human Resources’ recruitment practices, and the direction to staff to carry that out immediately; and the direction to staff to cease hiring until authorized by the Interim Executive Officer/Air Pollution Control Officer (APCO).

Board Action

None; receive and file.

19. **CONSIDERATION OF NEW BILLS**

Alan Abbs, Legislative Officer, gave the staff presentation *Consideration of New Bills*, including: outcome; outline; requested action; Assembly Bill (AB) 2141 - E. Garcia: Greenhouse Gas Reduction Fund: community projects: funding; and AB 2836 - E. Garcia: Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

NOTED PRESENT: Director Rennie was noted present at 9:55 a.m.

Public Comments

No requests received.

Board Comments

The Board and staff discussed The Board and staff discussed the allocation of the ten percent of the annual proceeds of the Greenhouse Gas Reduction Fund that California receives.

Board Action

Secretary Hurt made a motion, seconded by Director Wagenknecht, to Cutter, to **adopt** positions of **SUPPORT** for AB 2141 and AB 2836; and the motion **carried** by the following vote of the Board:

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

20. **AUTHORIZATION TO USE COMMUNITY AIR PROTECTION PROGRAM (CAPP) IMPLEMENTATION FUNDS FOR THE CURRENT JAMES CARY SMITH COMMUNITY GRANT PROGRAM**

Alexander Crockett, Interim Executive Officer/APCO, gave the staff presentation *Authorization to Use Community Air Protection Program Implementation Funds for Community Grant Program*, including: summary and requested action.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Wagenknecht made a motion, seconded by Director Cutter, to **authorize** the use of CAPP Implementation fund grants from *multiple* CAPP Implementation fund cycles (no longer solely from the 2019 CAPP, as was approved in December 2021) to execute grant agreements for recommended projects in the expanded James Cary Smith Community Grant awards program, in an amount not to exceed \$3,061,470; and the motion **carried** by the following vote of the Board:

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

21. **PUBLIC COMMENT ON NON-AGENDA MATTERS (OUT OF ORDER, ITEM 23)**

Public comments were given by LaDonna Williams, All Positives Possible; and Charles Davidson, Sunflower Alliance.

22. **CHAIRPERSON'S REPORT (ITEM 26)**

Chair Mitchoff introduced new Board member, Steve Young, Mayor of Benicia, and remarked that Cindy Chavez will be replaced by Santa Clara County Supervisor, Otto Lee, in May.

**CLOSED SESSION** (10:20 a.m.)

NOTED PRESENT: Director Canepa was noted present in Closed Session at 11:00 a.m.

23. **PUBLIC EMPLOYEE APPOINTMENT (ITEM 21)**

Pursuant to Government Code Section 54957 (b)

*Title: District Counsel Appointment*

**REPORTABLE ACTION:** Chair Mitchoff had nothing to report.

24. **PUBLIC EMPLOYEE EMPLOYMENT (ITEM 22)**

Pursuant to Government Code Section 54957 (b)

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

**REPORTABLE ACTION:** Chair Mitchoff had nothing to report.

**OPEN SESSION** (11:31 a.m.)

**OTHER BUSINESS**

25. **REPORT OF THE EXECUTIVE OFFICER/APCO**

Mr. Crockett introduced Dr. Ranyee Chiang, Director of Meteorology and Measurement, who reported on the status of Particulate Matter<sub>2.5</sub> exceedances thus far in 2022 in the Bay Area.

26. **BOARD MEMBERS' COMMENTS (ITEM 24)**

Director Hudson discussed his opinion of the new amount of time that Chair Mitchoff has allowed for public comments at Board and committee meetings. He also discussed the world's first in-flight emissions study using 100% sustainable aviation fuel on a wide-body commercial passenger aircraft, being conducted by Airbus. The study is called "Emission and Climate Impact of Alternative Fuels" (ECLIF3) project."

Secretary Hurt reported that on March 24, the California Air Resources Board approved updates to its Commercial Harbor Craft Regulation aimed at reducing emissions from harbor craft like tugboats and ferries operated near California's coast to improve public health in nearby communities, many of which are disadvantaged. She also reported that she was invited to serve on a Carl Moyer program committee and consultation group to develop the AB 617 People's Blueprint for Community Air Protection.

Chair Mitchoff announced the departure of Board member Rich Constantine, Mayor of Morgan Hill. Board members thanked Mr. Constantine for his service on the Board.

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

Wednesday, April 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).

28. **ADJOURNMENT**

The meeting adjourned at 11:45 a.m.

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