

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

APPROVED MINUTES

Board of Directors Regular Meeting
Wednesday, May 18, 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.**

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, John Bauters, called the meeting to order at 9:01 a.m.

Note: Effective May 12, 2022, Karen Mitchoff stepped down as Chairperson of the Board, resuming her position as a regular Board member. This action automatically promoted John Bauters, then Vice Chairperson, to the position of Chairperson, and Davina Hurt, then Secretary, to that of Vice Chairperson, for the remainder of the Calendar Year (per § 2.3 of the Air District's Administration Code.)

Roll Call:

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

Absent: Directors David Canepa and Myrna Melgar.

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

CONSENT CALENDAR (ITEMS 4 – 13)

4. Approval of the Minutes of May 4, 2022
5. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
6. Board Communications Received from May 5, 2022 through May 17, 2022
7. Air District Personnel on Out of State Business Travel for the Month Ending April 2022
8. Authorization to Execute Contract Amendment for Environmental Audit, Inc.
9. Authorization to Execute Contract Amendment for BioWatch Maintenance and Operations
10. Authorization to Execute Contract Amendment for Mortarotti-Ramirez Productions
11. Authorization to Execute Contract Amendment for Cylogy, Inc.
12. Report of the Community Equity, Health and Justice Committee Meeting of May 5, 2022
13. Report of the Legislative Committee Meeting of May 9, 2022

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Groom made a motion, seconded by Director Cutter, to **approve** Consent Calendar Items 4 through 13, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Cutter, Gioia, Hannigan, Groom, Haubert, Hopkins, Hudson, Hurt, Jue, Lee, Lopez, Miley, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Walton, Young.

NOES: None.

ABSTAIN: None.

ABSENT: Canepa, Melgar.

DISCUSSION

14. APPOINTMENT OF NEW BOARD SECRETARY FOR REMAINDER OF 2022 TERM

Chair Bauters reported on the discussion and subsequent recommendation of the Nominating Committee that held its meeting prior to the Board meeting (both on May 18, 2022).

Public Comments

No requests received.

Board Comments

After receiving the Report of the Nominating Committee Meeting of May 18, 2022, the Board and staff discussed whether the recent change in Board officers will remain from May 18, 2022 until the end of

Calendar Year 2023, through automatic succession; and the importance of intentionally and fairly rotating Board members who are county supervisors and city councilmembers in the role of Board Chairperson.

Board Action

Director Haubert made a motion, seconded by Director Hannigan, to **approve** the appointment of Teresa Barrett as Board Secretary for the remainder of the 2022 Term, effective May 18, 2022; and the motion **carried** by the following vote of the Board:

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

CLOSED SESSION (9:13 a.m.)

15. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (GOVERNMENT CODE § 54956.9)**

The Athletics Investment Group, LLC v. Bay Area Air Quality Management District, Alameda County Superior Ct. No. 22CV010930

Reportable Action: Chair Bauters had nothing to report.

16. **PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT**

Pursuant to Government Code Section 54957(b)

Title: Interim Executive Officer/Air Pollution Control Officer (APCO)

Reportable Action: Chair Bauters had nothing to report.

OPEN SESSION (9:53 a.m.)

17. **CONSIDER APPROVING THE DISTRICT COUNSEL'S EMPLOYMENT AGREEMENT**

Chair Bauters asked for a motion to approve a proposed contract with Alexander Crockett (currently in the role of Interim Executive Officer/APCO) as District Counsel, which would take effect on May 23, 2022.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Cutter made a motion, seconded by Director Gioia, to **approve** a proposed contract with Alexander Crockett as District Counsel for a three-year term with an annual salary of \$291,750 and regular Air District non-represented Executive Staff employee benefits, and **authorize** the Chair to execute the agreement; and the motion **carried** by the following vote of the Board:

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

18. **CONSIDER APPROVING THE INTERIM EXECUTIVE OFFICER’S EMPLOYMENT AGREEMENT**

Chair Bauters asked for a motion to approve the proposed Interim Executive Officer’s Employment Agreement of Sharon Landers, which would take effect on May 23, 2022.

Public Comments

No requests received.

Board Comments

None.

Board Action

Motion that the board approves the contract to **appoint** Sharon Landers to the position of Interim Executive Officer for a nine-month term with a monthly salary of \$27,000 and regular District non-represented executive staff employee benefits and **authorize** the Chair to execute the agreement; and the motion **carried** by the following vote of the Board:

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

19. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Bob Brown, Western States Petroleum Association; Gary Hughes, biofuelwatch; and LaDonna Williams, All Positives Possible.

20. BOARD MEMBER COMMENTS

Director Mitchoff thanked the Board members who have reached out to her after stepping down from her position as Chairperson. She and Directors Groom and Lopez thanked Chair Bauters and Vice Chair Hurt for accepting their new Board Officer positions, as a result.

Chair Bauters thanked Director Mitchoff for her five-month service as Chairperson. He also acknowledged the month of May as National Bike Month and encouraged others to ride bicycles instead of gas-powered vehicles.

21. REPORT OF THE INTERIM EXECUTIVE OFFICER/APCO

Mr. Crockett thanked Director Mitchoff for supporting and assisting him as he began his role as Interim Executive Officer/APCO. He also asked Dr. Ranyee Chiang, Director of Meteorology and Measurement, to provide a summary on recent air quality.

22. CHAIRPERSON'S REPORT

Chair Bauters announced the following:

- On May 5, 2022, the Contra Costa Mayors Conference reappointed David Hudson to a new 2-year term on the Air District's Board, expiring June 15, 2024.
- The May 25, 2022 Budget & Finance Committee meeting has been cancelled.

23. TIME AND PLACE OF NEXT MEETING

Wednesday, June 1, 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).

24. ADJOURNMENT

The meeting adjourned at 10:14 a.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards