

Bay Area Air Quality Management District
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San Francisco, CA 94105
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APPROVED MINUTES

Board of Directors Regular Meeting
Wednesday, June 15, 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; Secretary Teresa Barrett; and Directors Margaret Abe-Koga (Zoom), David Canepa (Zoom), Pauline Russo Cutter (Zoom), John Gioia (Zoom), Carole Groom (Zoom), Erin Hannigan (Zoom), David Haubert (Zoom), David Hudson, Tyrone Jue (Zoom), Otto Lee (Zoom), Sergio Lopez (Zoom), Karen Mitchoff (Zoom), Rob Rennie, Katie Rice (Zoom), Mark Ross (Zoom), Brad Wagenknecht (Zoom), Shamann Walton (Zoom), and Steve Young (Zoom).

Absent: Directors Lynda Hopkins and Nate Miley.

2. **PUBLIC MEETING PROCEDURE (OUT OF ORDER, ITEM 3)**
3. **SPECIAL ORDERS OF THE DAY (ITEM 4)**

Chair Bauters announced that this is a new standing item on Board meeting agendas, during which, new and/or recently promoted Air District employees will be introduced to the Board. Jamesine Rogers Gibson, Senior Advanced Projects Advisor, in the Air District's Planning Division, introduced herself.

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

CONSENT CALENDAR (ITEMS 5 – 13)

- 5. Approval of the Budget Hearing Minutes of May 4, 2022
- 6. Approval of the Minutes of June 1, 2022
- 7. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
- 8. Board Communications Received from June 2, 2022, through June 14, 2022
- 9. Personnel Out-of-State Business Travel Report for May 2022
- 10. Authorization to Accept Grant Funding from the California Energy Commission
- 11. Authorization to Amend Contract with Environmental Consultant, PlaceWorks
- 12. Authorization to Establish and Amend Existing Air District Job Classifications and Salary Ranges
- 13. Report of the Community Equity, Health and Justice Committee Meeting of June 2, 2022

Public Comments

No requests received.

Board Comments

None.

Board Action

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

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

PUBLIC HEARINGS

14. FINAL PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO AIR DISTRICT REGULATION 3: FEES

The Board of Directors held the second of two required public hearings for the exclusive purpose of considering testimony on the Air District's proposed amendments to Air District Regulation 3 (Fees) that would become effective on July 1, 2022.

Damian Breen, Senior Deputy Executive Officer of Operations, introduced Fred Tanaka, Engineering Manager, who gave the staff presentation *Amendments to Regulation 3: Fees*, including: outcome; outline; requested action; cost recovery background; proposed changes to fee schedules (15% increase); schedules not being increased; other proposed amendments (Regulations 2-1 & 2-5 and naturally

occurring asbestos); impact of large facilities (power plants and petroleum refineries); impact on small businesses (renewal fees and impact); rule development schedule; feedback requested/prompt.

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

Chair Bauters opened the public hearing.

Public Comments

Public comments were given by Kevin Buchan, Western States Petroleum Association; Jed Holtzman, San Francisco resident; Veronica Pardo, Resource Recovery Coalition of California; Christine Wolfe, California Council for Environmental and Economic Balance; and Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Board Comments

The Board and staff discussed the Air District's cost and fee schedule structures, compared to those of other California air districts; the difference in fee schedule increases, depending upon whether the fee is existing or new; ways in which the proposed fee changes have been revised and altered since the beginning of 2022; the historical timing of Regulation 3 (fee amendment) implementation; how proposing a new set of fee amendments (beyond this meeting) might impact the fee schedule and FYE 2023 Budget implementation timeline; the Air District's historical rate of cost recovery, and the rate of cost recovery associated with the proposed fee amendments for FYE 2023; concern about fee increases for small businesses in overburdened communities; whether the Air District's current workload justifies the proposed fee increases; and the desire to have a report back within the next 60 days on the causes of backlogs in permit issuance and solutions to reducing and eliminating such delays in the future.

Chair Bauters closed the public hearing.

Board Action

Secretary Barrett made a motion, seconded by Director Gioia, to **adopt** proposed amendments to Air District Regulation 3: Fees (effective on July 1, 2022); and the motion **carried** by the following vote of the Board:

AYES: Teresa Barrett, John J. Bauters, David Canepa, John Gioia, Carole Groom, Erin Hannigan, David Hudson, Davina Hurt, Tyrone Jue, Sergio Lopez, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht.

NOES: Pauline Russo Cutter.

ABSTAIN: David Haubert, Otto Lee.

ABSENT: Margaret Abe-Koga, Lynda Hopkins, Nate Miley, Shamann Walton, Steve Young.

15. **FINAL PUBLIC HEARING TO CONSIDER ADOPTION OF THE AIR DISTRICT'S PROPOSED BUDGET FOR FISCAL YEAR ENDING (FYE) 2023**

The Board of Directors held the second of two required public hearings for the exclusive purpose of considering testimony on the Air District's Proposed Budget for the FYE 2023 and various budget-related actions.

Dr. Jeff McKay, Chief Financial Officer, introduced Stephanie Osaze, Finance Director and Rex Sanders, Chief Administration Officer, who gave the staff presentation *Conduct Second Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year 2022- 2023*, including: outcome; outline; requested action; FY 2022-2023 Proposed Budget overview; breakdown of \$15.2 million budget increase; proposed 20 new staff; budget options (6.4% vs. 10.9% blended rate); capital budget detail; funding of retirement liabilities; Other Post-Employment Benefits funded status; reserves designations; FYE 2023 authorized staff; FY 2022-2023 Proposed Budget summary; and feedback requested/prompt.

Chair Bauters opened the public hearing.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident.

Board Comments

None.

Chair Bauters closed the public hearing.

Board Action

Director Groom made a motion, seconded by Director Wagenknecht, to **approve** the Proposed Budget for the Fiscal Year Ending 2023 and various budget-related actions; and the motion **carried** by the following vote of the Board:

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

16. **WILDFIRE SEASON PREVIEW**

Mr. Breen introduced Michael Flagg, Principal Air Quality Specialist, and Tracy Lee, Compliance & Enforcement Manager, who gave the staff presentation *Wildfire Season Preview*, including: outcome;

outline; requested action; wildfires in California have intensified; 2022 fire season outlook; 2022 fire season started June 1; air monitoring; air quality forecasting; air quality data sites; Wildfire Air Quality Response Program; communications; wildfire preparedness tips; mask messaging; reducing wildfire risk; wildfire smoke preparedness; Assembly Bill 836; air filtration for schools; Home Air Filtration Program; and actions requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the cause of changing air quality during the wildfire season (why conditions may improve and then become worse.)

Board Action

None; receive and file

OTHER BUSINESS

17. PUBLIC COMMENT ON NON-AGENDA MATTERS

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

18. BOARD MEMBER COMMENTS

Director Hudson reported that he attended the California Hydrogen Leadership Summit in early June and said that he believes that there will be an increase in hydrogen-related legislation in the future. He suggested that the Air District begins monitoring hydrogen bills, moving forward.

19. REPORT OF THE INTERIM EXECUTIVE OFFICER/AIR POLLUTION CONTROL OFFICER (APCO)

Sharon Landers, Interim Executive Officer/APCO, asked Dr. Ranyee Chiang, Director of Meteorology and Measurement, to provide a summary on recent air quality.

20. CHAIRPERSON'S REPORT

Chair Bauters recognized and explained the history of the federal holiday, Juneteenth, which will take place on Sunday, June 19, 2022.

21. TIME AND PLACE OF NEXT MEETING

Wednesday, July 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 (11:16 a.m.)

22. PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT

Pursuant to Government Code Section 54957(b)

Title: Executive Officer/Air Pollution Control Officer

Reportable Action: Alexander Crockett, District Counsel, had nothing to report.

23. 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:

South Coast Air Quality Management District v. Chao, D.C. District Court, Case No. 19-CV-3436 (consolidated under lead Case No. 19-CV-2826);

Reportable Action: Mr. Crockett reported that the Board authorized the voluntary dismissal of this case.

South Coast Air Quality Management District v. EPA, D.C. Circuit, Case No. 19-1241 (consolidated under lead Case No. 19-1230); and

Reportable Action: Mr. Crockett had nothing to report.

South Coast Air Quality Management District v. NHTSA, D.C. Circuit, Case No. 20-1173 (consolidated under lead Case No. 20-1145)

Reportable Action: Mr. Crockett had nothing to report.

OPEN SESSION (12:32 p.m.)

24. ADJOURNMENT

The meeting adjourned at 12:33 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards