

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, July 6, 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 (Zoom); Secretary Teresa Barrett (Zoom); and Directors Margaret Abe-Koga (Zoom), David Canepa (Zoom), John Gioia (Zoom), Carole Groom (Zoom), David Haubert (Zoom), Lynda Hopkins (Zoom), David Hudson (Zoom), Tyrone Jue, Otto Lee (Zoom), Sergio Lopez (Zoom), Nate Miley (Zoom), Karen Mitchoff (Zoom), Rob Rennie (Zoom), Katie Rice (Zoom), Mark Ross (Zoom), Shamann Walton, and Steve Young (Zoom).

Absent: Directors Pauline Russo Cutter, Erin Hannigan, and Brad Wagenknecht.

2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC MEETING PROCEDURE**
4. **SPECIAL ORDERS OF THE DAY**

Chair Bauters introduced new Air District employee, Jason Newman, Assistant Staff Specialist in the Strategic Incentives Division. He then introduced Mark Tang, who was promoted to Principal Environmental Planner in the Planning & Climate Protection Division. Both gave self-introductions.

CONSENT CALENDAR (ITEMS 5 – 13)

5. Approval of the Minutes of June 15, 2022
6. Board Communications Received from June 15, 2022, through July 5, 2022
7. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
8. Authorization to Execute a Master Service Agreement (MSA) with InterEthnica
9. Notice of Proposed Amendments to Division I, Section 6.4, of the Administrative Code Regarding the Functions of the Administration Committee
10. Authorization to Execute a Legal Services Agreement with Shute Mihaly & Weinberger to Represent the Air District in Ongoing Litigation Regarding Regulation 6-5
11. Report of the Legislative Committee Meeting of June 13, 2022
12. Report of the Stationary Source and Climate Impacts Committee Meeting of June 13, 2022
13. Report of the Administration Committee Meeting of June 15, 2022

Public Comments

Public comments were given by Angie.

Board Comments

The Board and staff discussed the anticipated timeline of Item 10, Authorization to Execute a Legal Services Agreement with Shute Mihaly & Weinberger to Represent the Air District in Ongoing Litigation Regarding Regulation 6-5.

Board Action

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

AYES: Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David Canepa, John Gioia, Carole Groom, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Otto Lee, Sergio Lopez, Nate Miley, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Shamann Walton, Steve Young.

NOES: None.

ABSTAIN: None.

ABSENT: Pauline Russo Cutter, Erin Hannigan, Brad Wagenknecht.

DISCUSSION

14. **MANAGEMENT AUDIT REPORT ON PRIORITY RECRUITMENTS**

John Chiladakis, Director of Information Services, introduced George Skiles of Sjoberg Evashenk, who gave the presentation *Organizational Assessment Task Order #3: Phase I Report*. Under this report, the Auditor was tasked to review all unfilled positions and provide immediate staffing recommendations to allocate and fill priority positions.

Mr. Skiles concluded with recommendation that District Management commence filling all vacant positions and processing already-approved position changes as soon as practicable for all positions identified under the following organizational units in Appendix H of the 2023 adopted budget:

- Executive Office
- Legal Office / District Counsel
- Compliance & Enforcement
- Engineering
- Strategic Incentives
- Community Engagement
- Meteorology & Measurement
- Rules

Mr. Skiles indicated that other recruitments or position changes identified in Appendix H for organizational units not listed above will be reviewed by the audit moving forward and independently recommended to the Executive Officer for approval, but any changes to classifications or position allocations across divisions that are not already approved in the FYE 23 budget will have to be brought before the Board for approval.

Mr. Skiles indicated that additional controls have been put in place and the filling of positions will have to comply with processes that include the additional controls.

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

Public Comments

No requests received.

Board Comments

The Board and staff discussed which positions are “Board-appointed officers”; whether the Air District has implemented an expedited process for permit applicants who have been waiting long amounts of time for Air District permits; the Air District’s rate of promotions; the need to fill unfilled positions quickly, given the volume of work at the Air District; the definition of “0” in the “Change” column on Slides 5-8; whether current unfilled positions are intended for the San Francisco office, Richmond office, or in the field; challenges that employers face when filling positions, and revisions the Air District should make in its recruitment practices; whether the current number of unfilled positions at the Air District is the “correct” number, and whether the Air District should compare its number to those of other comparable air districts in California; whether the consultant believes that sufficient controls are now in place at the Air District to fill recommended positions successfully; and whether the consultant believes that the current unfilled positions needed are reasonably allocated to the various divisions of the Air District.

Board Action

None; receive and file.

15. CURRENT LEGISLATION ON POTENTIAL AMENDMENTS TO THE BROWN ACT

Alan Abbs, Legislative Officer gave a status update on AB 2449 (Rubio), the sole remaining California bill regarding teleconferencing at public meetings of local agencies that may still be passed and signed by the Governor in 2022. Mr. Abbs explained that the other bill had been AB 1944 (Lee), which also focused on the local government meeting structure during a state of emergency, and said that of the two bills, AB 2449 was the more stringent bill. After explaining the history of AB 1944 why it died, Mr. Abbs added that AB 2449 will be going to Senate Appropriations, and lacking fiscal impacts, will not be placed on suspense file.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the desire to support the development and re-introduction of Assembly Member Lee's dead bill (formerly AB 1944); whether AB 2449 addresses public participation; how AB 2449 would hinder greenhouse gas reduction goals and potentially increase the spreading of germs; origins of the opposition to AB 1944; whether AB 2449 would allow the former Brown Act practice of being able to offer multiple noticed meeting locations that are publicly accessible; limitations on teleconferencing from remote locations; the likelihood that any position on this bill adopted by the Air District would impact the Senate's vote at this stage in the Legislative process; the difference between "Oppose Unless Amended" and "Support if Amended"; whether the California Legislature is subject to the Brown Act; whether achieving a quorum of Board members in a singular physical location within the Board's jurisdiction would then mean that all other Board members could participate remotely; the differentiation of travel time between members of city, county, and regional bodies; and the request that Bay Area regional agencies collaborate to establish shared sub-regional public meeting locations.

Board Action

Chair Bauters made a motion, seconded by Director Hudson, to recommend the Board of Directors **adopt** the position of **OPPOSE** on AB 2449 (Rubio) – Open meetings: local agencies: teleconferences; **direct** staff to send a letter to the author and members of California Senate before the Senate votes on this bill, explaining why the Air District opposes it; and **direct** staff to distribute the letter to all Board members.

The motion **carried** by the following vote of the Board:

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

16. **VENDOR SELECTION FOR FINANCIAL AND COMPLIANCE AUDITS**

Stephanie Osaze, Finance Director, gave the staff presentation *Vendor Selection for Financial and Compliance Audits*, including: outcome; outline; background; scope of work; 2022 Request for Proposals (RFP) process, evaluation criteria, and bidders' scores and ranking; Simpson & Simpson, LLP overview and cost proposal; actions requested; and next steps.

NOTED PRESENT: Director Miley was noted present at 11:03 a.m.

Joseph Moussa of Simpson & Simpson, LLP was introduced, and then Mr. Moussa described the various stages of an Air District financial and compliance audits.

Public Comments

No requests received.

Board Comments

None.

Board Action

Chair Bauters made a motion, seconded by Director Hudson, to **approve** the selection of Simpson & Simpson, LLP to conduct the Financial Audits and Compliance Audits of the Transportation Fund for Clean Air programs and projects; and **authorize** the Executive Officer/Air Pollution Control Officer (APCO) to execute a contract with Simpson & Simpson, LLP for up to a five-year term at the Air District's discretion, based on the contractor's performance, for a total cost not to exceed \$1,204,000; and the motion **carried** by the following vote of the Board:

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

OTHER BUSINESS

17. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

Public comments were given by Dr. Jeffrey McKay, as a member of the public, and not as the Air District's Chief Financial Officer.

18. **BOARD MEMBER COMMENTS**

Directors Hudson and Ross reported on the Air & Waste Management Association's 115th Annual Conference that they attended as Air District Board members.

19. **REPORT OF THE INTERIM EXECUTIVE OFFICER/APCO**

Sharon Landers, Interim Executive Officer/APCO, was unable to participate in the meeting. As a result, Veronica Eady, Senior Deputy Executive Officer of Policy & Equity, read a statement written by Ms. Landers, regarding the Supreme Court’s ruling on “West Virginia vs. Environmental Protection Agency (EPA)”, released on June 30, 2022, and the Air District’s subsequent pledge to work with the EPA to pursue effective methodologies to reduce carbon emissions from the power sector.

Ms. Eady then asked Dr. Ranyee Chiang, Director of Meteorology and Measurement, to provide a summary on recent air quality.

20. **CHAIRPERSON’S REPORT**

Chair Bauters announced that no Board, nor Committee meetings, will occur within the month of August.

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

Wednesday, July 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).

CLOSED SESSION (11:20 a.m.)

22. **PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT (GOVERNMENT CODE § 54957(b))**

Title: Executive Officer/APCO

Reportable Action: Alexander Crockett, District Counsel, reported that the Board selected Bob Murray & Associates to lead this recruitment.

OPEN SESSION (11:43 a.m.)

23. **ADJOURNMENT**

The meeting adjourned at 11:45 a.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards