



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE

COMMITTEE MEMBERS

PAULINE RUSSO CUTTER – CHAIR  
MARGARET ABE-KOGA  
DAVID HAUBERT  
DAVID HUDSON  
BRAD WAGENKNECHT

ROB RENNIE – VICE-CHAIR  
ERIN HANNIGAN  
LYNDA HOPKINS  
SERGIO LOPEZ

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY ASSEMBLY BILL 361 (RIVAS 2021) ALLOWING REMOTE MEETINGS. THIS MEETING WILL BE ACCESSIBLE VIA WEBCAST, TELECONFERENCE, AND ZOOM. A ZOOM PANELIST LINK WILL BE SENT SEPARATELY TO COMMITTEE OR BOARD MEMBERS**

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# LEGISLATIVE COMMITTEE MEETING AGENDA

**MONDAY, DECEMBER 12, 2022**

**1:00 PM**

1. **Call to Order - Roll Call**
2. **Pledge of Allegiance**
3. **Public Meeting Procedure**

*The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.*

*This meeting will be webcast. To see the webcast, please visit [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas) at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.*

***Public Comment on Agenda Items:** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have two minutes each to address the Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.*

## **CONSENT CALENDAR (Items 4 - 5)**

4. Approval of the Minutes of October 3, 2022

*The Committee will consider approving the draft minutes of the Legislative Committee meeting of October 3, 2022.*

5. Approval of the Minutes of November 14, 2022

*The Committee will consider approving the draft minutes of the Legislative Committee meeting of November 14, 2022.*

## **ACTION ITEM(S)**

6. Potential Legislative Activities for 2023

*This is an action item for the Committee to consider recommending to the Board of Directors Legislative Activities for 2023, and will be presented by Alan Abbs, Legislative Officer.*

## **INFORMATIONAL ITEM(S)**

7. 2022 General Election Update

*This is an informational item only and will be presented by Alan Abbs, Legislative Officer.*

## **OTHER BUSINESS**

8. Public Comment on Non-Agenda Matters

*Pursuant to Government Code Section 54954.3*

*Members of the public who wish to speak on matters not on the agenda for the meeting, will have two minutes each to address the Committee.*

9. Committee Member Comments

*Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

10. Time and Place of Next Meeting

*At the Call of the Chair.*

11. Adjournment

*The Committee meeting shall be adjourned by the Chair.*

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[vjohnson@baaqmd.gov](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at [speesapati@baaqmd.gov](mailto:speesapati@baaqmd.gov).

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

## EXECUTIVE OFFICE:

### MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

#### DECEMBER 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	7	9:00 a.m.	1 <sup>st</sup> Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361
Board of Directors Special Meeting - CANCELLED	Wednesday	7	12:00 p.m.	1 <sup>st</sup> Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361
Board of Directors Legislative Committee	Monday	12	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Advisory Council Meeting - CANCELLED	Thursday	15	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee - CANCELLED	Monday	19	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	21	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	21	11:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Thursday	22	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee - CANCELLED	Wednesday	28	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

#### JANUARY 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting - CANCELLED	Wednesday	4	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Finance & Administration Committee -CANCELLED	Wednesday	4	1:00 p.m.	Webcast only pursuant to Assembly Bill 361

## JANUARY 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Legislative Committee - CANCELLED	Monday	9	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee - CANCELLED	Wednesday	11	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Wednesday	11	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting - CANCELLED	Wednesday	18	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee - CANCELLED	Wednesday	18	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Community Advisory Council Meeting	Thursday	19	6:00 p.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	23	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Special Meeting	Wednesday	25	9:00 a.m.	1 <sup>st</sup> Floor, Board Room (In person option available) <b>and REMOTE</b> pursuant to Assembly Bill 361

MV 12/7/2022 – 2:00 p.m.

G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Pauline Russo Cutter and Members  
of the Legislative Committee

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: December 12, 2022

Re: Approval of the Minutes of October 3, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee meeting of October 3, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Legislative Committee meeting of October 3, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of October 3, 2022



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

**DRAFT MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Monday, October 3, 2022

**This meeting was conducted under procedures authorized by executive order Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.**

**1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Vice Chairperson, Rob Rennie, called the meeting to order at 1:01 p.m.

**Roll Call:**

Present: Vice Chairperson Rob Rennie; and Directors Margaret Abe-Koga, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Sergio Lopez, and Brad Wagenknecht.

Absent: Chairperson Pauline Russo Cutter.

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC MEETING PROCEDURE**

**4. APPROVAL OF THE MINUTES OF JULY 11, 2022**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Hudson made a motion, seconded by Director Haubert, to approve the Minutes of July 11, 2022; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Hannigan, Haubert, Hopkins, Hudson, Lopez, Rennie, Wagenknecht.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Cutter.

## 5. STATE LEGISLATIVE BUDGET UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Budget Update*, including: outcome; outline; requested action; and 2022-23 State Budget versus previous year. Mr. Abbs explained that various budget bills were signed by the Governor after an initial budget was approved in July.

### Public Comments

No requests received.

### Committee Comments

The Committee and staff discussed the Air District’s average annual Carl Moyer Program allocation and why the amount was bigger for the 2021-22 State Budget; and whether grants for long-duration energy storage will be awarded to developers or load-serving entities.

### Committee Action

None; receive and file.

## 6. AIR DISTRICT-SPONSORED BILLS

Mr. Abbs gave the staff presentation *Air District-Sponsored Bills*, providing updates on the following bills:

- **AB 1897 (Wicks): Nonvehicular air pollution control: civil penalties: refineries.** – Status: On August 25, 2022, this bill was gut and amended to become an entirely different bill with a new author.
- **AB 2214 (C. Garcia and Lee): California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.** Status: Placed on suspense file in Senate Appropriations and held under submission on August 11, 2022.
- **AB 2721 (Lee) – Bay Area Air Quality Management District: district board: compensation.** Status: Signed by the Governor on September 23, 2022.
- **AB 2836 (E. Garcia): Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.** Status: Signed by the Governor on September 16, 2022.

### Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; and Dr. Stephen Rosenblum, Climate Action California.

### Committee Comments

The Committee and staff discussed whether a third attempt to require that private and charter schools advise their governing boards on environmental risks of newly-acquired schoolsites will be pursued; and whether non-elected officials who serve on Air District voting bodies other than the Board of Directors receive compensation for meeting attendance.

### Committee Action

None; receive and file.

## **7. STATE LEGISLATIVE UPDATE**

Mr. Abbs gave the staff presentation *State Legislative Update*, including: outcome; outline; requested action; Assembly bills; Senate bills; and Climate package deal. This presentation provided the status of bills that the Air District was tracking during the 2022 Legislative Session and bills that were amended late in the Legislative Session as a Climate Package deal between the Governor, Assembly, and Senate. These bills included:

- **Assembly Bill 1749 (C. Garcia)** - Community emissions reduction programs: toxic air contaminants and criteria air pollutants.
- **Assembly Bill 2206 (Lee)** – Nonattainment basins: employee parking: parking cash-out program.
- **Assembly Bill 2232 (McCarty)** – School facilities: heating, ventilation, and air conditioning systems.
- **Assembly Bill 2449 (Rubio)** – Open meetings: local agencies: teleconferences.
- **Assembly Bill 2550 (Arambula)** – State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment.
- **Assembly Bill 2910 (Santiago)** – Nonvehicular air pollution: civil penalties.
- **Senate Bill 45 (Portantino)** – Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.
- **Senate Bill 1382 (Gonzalez)** – Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.
- **Climate Package Deal:** The following bills were amended late in the Legislative Session as a Climate Package deal between the Governor, Assembly, and Senate: Assembly Bills 1279, 1757, 2133, and Senate Bills 905, 846, 1020, 1137.

### Public Comments

None; receive and file.

Committee Comments

None.

Committee Action

None; receive and file.

**8. FEDERAL LEGISLATIVE UPDATE**

Mr. Abbs gave the staff presentation *Federal Legislative Update*, including: outcome; outline; requested action; Inflation Reduction Act (IRA) of 2022; program funding in the IRA; and other ongoing federal activities.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

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

No requests received.

**10. COMMITTEE MEMBERS' COMMENTS**

None.

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

Monday, November 14, 2022, at 1:00 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

**12. ADJOURNMENT**

The meeting adjourned at 2:21 p.m.

Marcy Hirtzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Pauline Russo Cutter and Members  
of the Legislative Committee

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: December 12, 2022

Re: Approval of the Minutes of November 14, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee meeting of November 14, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Legislative Committee meeting of November 14, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of November 14, 2022

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

**DRAFT MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Monday, November 14, 2022

**This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021).  
Members of the Committee participated by teleconference.**

**1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Co-Chairperson, Pauline Russo Cutter, called the meeting to order at 1:07 p.m.

Present: Chairperson Pauline Russo Cutter; Vice Chairperson Rob Rennie; and Directors David Haubert, and Sergio Lopez.

Absent: Directors Margaret Abe-Koga, Erin Hannigan, Lynda Hopkins, David Hudson, and Brad Wagenknecht.

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC MEETING PROCEDURE**

**4. APPROVAL OF THE MINUTES OF OCTOBER 3, 2022**

Due to a lack of a quorum, this item was continued until the next meeting.

**5. DRAFT 2023 LEGISLATIVE PLATFORM**

Alan Abbs, Legislative Officer, gave the staff presentation *Draft 2023 Legislative Platform*, including: outcome; outline; presentation for information only; State Budget; State legislation; and Federal legislation.

NOTED PRESENT: Director Lopez was noted present at 1:17 p.m.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; and Dr. Stephen Rosenblum, Palo Alto resident.

Committee Comments

The Committee and staff discussed Board members’ desire to prioritize: wood smoke reduction, leaded aviation gas reduction, emergency backup generation, and legislation to fight homeowners associations who would prohibit residents from installing electric heat pumps.

Committee Action

None; receive and file.

**6. POTENTIAL LEGISLATIVE ACTIVITIES FOR 2023**

Mr. Abbs gave the staff presentation *Potential Legislative Activities for 2023*, including: outcome; outline; requested action; 2023 Legislative Session; refinery penalties; school siting (private/charter schools); Brown Act teleconferencing provisions; commuter benefits; vessel speed reduction for ocean-going vessels; Board composition; Goods Movement-related port cargo fee; installation of heat pumps; and Advisory Council stipend.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; and Dr. Stephen Rosenblum, Palo Alto resident.

Committee Comments

The Committee and staff discussed the desire for legislation that prevents homeowners associations from prohibiting residents from installing electric heat pumps, and the importance of drafting such bill language so that it does not embolden homeowner associations to tell residents that they may/should use gas-powered heating appliances; which of the presented issues are to be prioritized; the history of Assembly Bill (AB) 2206 (Lee), and whether an employee who is already receiving transit compensation would also receive the proposed parking subsidy (and how much); and the requirements for a quorum, according to AB 2449 (Rubio).

Committee Action

Due to a lack of a quorum, this item was continued until the next meeting.

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

No requests received.

**8. COMMITTEE MEMBERS’ COMMENTS**

None.

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

Monday, December 12, 2022, at 1:00 p.m. via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).



**10. ADJOURNMENT**

The meeting adjourned at 2:22 p.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Pauline Russo Cutter and Members  
of the Legislative Committee

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: December 12, 2022

Re: Potential Legislative Activities for 2023

**RECOMMENDED ACTION**

The Legislative Committee (Committee) will discuss and consider recommending to the Board of Directors (Board) Legislative Activities for 2023.

**BACKGROUND**

The first year of the 2023-24 Legislative Session began on December 5, 2022, although little legislative activity is likely to occur until January. The exception being that Governor Newsom has stated a desire for an extraordinary session in December to discuss, among other things, an oil profits windfall tax. Even so, the Senate and Assembly could choose to respond in a very minimal fashion and defer major decisions until January, when the legislature reconvenes. Aside from that, key deadlines for Members are January 20, 2023, to submit potential bills to the Office of Legislative Counsel, and February 17, 2023, the deadline for bill introductions.

**DISCUSSION**

**1. *Refinery Penalty Bill***

Reintroduction/modification of the 2022 Air District-sponsored refinery penalty bill to raise penalty ceilings for some air quality regulatory and emissions violations at refineries. Aside from a modest annual Consumer Price Index (CPI) increase beginning in 2017, these penalties have not been changed since 2001.

Staff Notes/Recommendation: Sponsor

**2. *School Siting for Private and Charter Schools***

Reintroduction of the Air District-sponsored schools bill to address environmental review of new school siting for private and charter schools to ensure the public health and safety of all students and school employees in California by requiring that private schools and charter schools meet the same siting requirements as public schools.

Staff Notes/Recommendation: Will likely be taken up in 2023 by an L.A. area senator. Defer sponsorship to stakeholders in this senatorial district. Act as potential co-sponsor or major supporter.

3. ***Brown Act Teleconferencing Provisions***

Address concerns regarding Assembly Bill (AB) 2449 (Rubio, Chapter 285, Statutes of 2022) and the limitations that the teleconferencing provisions within the Brown Act have on the legislative bodies of regional agencies. Several regional agencies across the state have indicated a desire to relax some of the attendance limitations, targeting relaxation for regional agencies specifically.

Staff Notes/Recommendation: Support any legislative efforts to address these concerns.

4. ***Commuter Benefits***

AB 2206 (Lee, Chapter 866, Statutes of 2022) was originally introduced as a bill to identify parking benefits provided to employers in a way that exempted them from some parking cash out programs. Ultimately, the bill was amended to a different commuter benefits topic. District staff is interested in revisiting the original AB 2206 bill and has approached legislative staff about this idea.

Staff Notes/Recommendation: Potential sponsorship or co-sponsorship.

5. ***Vessel Speed Reduction – Ocean-Going Vessels***

Several coastal air districts have administered a voluntary vessel speed reduction program with ocean-going vessels that has documented significant cost-effective reductions in NO<sub>x</sub> and particulate matter (PM), and anecdotally lowers the risk of “whale strikes” during migration periods. Unfortunately, funding for this program is intermittent from a variety of sources. A legislative effort could include direction to various state agencies to develop an official vessel speed reduction program that could make funding more reliable.

Staff Notes/Recommendation: Legislative effort currently led by Ventura County Air Pollution Control District (APCD). Potential co-sponsor or major supporter.

6. ***Air District Board Composition***

The Board and various committees have, on several occasions, discussed the possibility of changes to the Board’s composition, including the size and the types of appointees. Doing this would require a legislative change in the Health and Safety Code related to the authorities and responsibilities of the Air District. The Community Advisory Council may agendaize this topic for future discussion, the results of which will be presented to the Committee and the Board for potential future action.

Staff Notes/Recommendation: No recommendation at this time. Moving forward would require the Air District to be the sponsor.

**7. *Goods Movement-Related Port Cargo Fee***

This is a Legislative idea proposed by the South Coast Air Quality Management District staff to their Legislative Committee. The proposed bill would create a goods movement-related port cargo fee that would generate funding for air quality related incentives for port and cargo equipment replacement with low emission and zero emission equipment. It is unknown if the concept will move forward.

Staff Notes/Recommendation: Legislative effort currently led by South Coast Air Quality Management District (AQMD). Potential co-sponsorship or major supporter.

**8. *Installation of Heat Pumps in Neighborhoods with Homeowners' Associations***

The concept was proposed at the October 17, 2022, Air District Stationary Source and Climate Impacts Committee meeting. There is concern/anecdotal evidence of occasions in which property owners may desire to replace gas furnaces with heat pumps, yet be prevented by their homeowners' association (HOA) for various reasons. Heat pumps for space heating require outdoor compressors, which are sometimes disallowed by HOAs. These appliances eliminate harmful pollutants from gas combustion such as NO<sub>x</sub>, CO<sub>2</sub>, and formaldehyde. Proposed legislation could prevent HOAs from prohibiting the installation of these clean appliances. This concept has previously been used to fix similar issues associated with installation of water-efficient landscaping and electric vehicle (EV) infrastructure.

Staff Notes/Recommendation: Potential Air District sponsorship or co-sponsorship.

**9. *Air District Advisory Council Meeting Stipend***

The Air District's Advisory Council is codified in the Health and Safety Code (HSC) Sections 40260-40268. Section 40266, passed into law in 1975, specifies that Advisory Council members shall receive no compensation other than actual and necessary expenses, usually defined as travel expenses. Given the importance of the Advisory Council's work, a proposed bill could either specify compensation in statute, or allow compensation to be established in the Air District's Administrative Code.

Staff Notes/Recommendation: Sponsor

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Sharon L. Landers

ATTACHMENTS:

None

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Pauline Russo Cutter and Members  
of the Legislative Committee

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: December 12, 2022

Re: 2022 General Election Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

While the election was held on November 8, 2022, at the end of November at least 1 Assembly and 3 Senate races were still too close to call with outstanding ballots remaining to be counted. Statewide offices and ballot measures, however, were called either early in the evening on November 8th, or the next day. County elections officials are required to submit certified results by December 9, 2022, at which point the remaining outstanding races should have declared winners. The Secretary of State will certify the election results by December 16, 2022.

*State Senate*

The make up of the State Senate prior to the election was 31 Democrats and 9 Republicans, with 20 of the 40 seats up for election. Pending results certification, Republicans may gain a seat or two, but Democrats will still have a supermajority (greater than 2/3). In the Bay Area, only two seats were on the ballot, Senate District 2 (won by incumbent Mike McGuire), and Senate District 10 (won by Aisha Wahab, replacing Senator Bob Wieckowski who was term-limited).

*State Assembly*

The make up of the State Assembly prior to the election was 60 Democrats, 19 Republicans, and 1 Independent, with all 80 seats up for election. Pending certification, Democrats may gain a seat or two and maintain a supermajority. In the Bay Area, the following incumbents were re-elected: Aguiar-Curry, Bauer-Kahan, Berman, Bonta, Grayson, Haney, Kalra, Lee, Low, Rivas, Ting, Wicks, Wilson, and Wood. In addition, the following were newly elected and are all Democrats: Damon Connolly - Assembly District 12, Liz Ortega - Assembly District 20, Diane Papan - Assembly District 21, and Gail Pellerin - Assembly District 28.

***Proposition 30***

Proposition 30, supported by the Air District Board, would have raised income taxes on households with over \$2 million in annual income, to fund wildfire prevention and electric vehicle incentive programs. Only 42.3% voted yes, and this measure failed.

**DISCUSSION**

Staff will provide the Legislative Committee with an update on the results of the 2022 General Election.

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Sharon L. Landers

**ATTACHMENTS:**

None