

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

## **APPROVED MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Wednesday, February 14, 2022

**This meeting was conducted under procedures authorized in accordance with Assembly Bill 361. Members of the Committee participated by teleconference.**

### **1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Chairperson, Pauline Russo Cutter, called the meeting to order at 1:00 p.m.

#### **ROLL CALL:**

Present: Chairperson Pauline Russo Cutter; Vice Chairperson Rob Rennie; and Directors Margaret Abe-Koga, Lynda Hopkins, David Hudson, Katie Rice, Brad Wagenknecht.

Absent: Directors Erin Hannigan and Lori Wilson.

### **2. PLEDGE OF ALLEGIANCE**

### **3. PUBLIC MEETING PROCEDURE**

### **4. APPROVAL OF THE MINUTES OF DECEMBER 9, 2021**

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

Director Abe-Koga made a motion, seconded by Director Wagenknecht, to approve the Minutes of December 9, 2021; and the motion carried by the following vote of the Committee:

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

## 5. STATE LEGISLATIVE BUDGET UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Budget Update*. This presentation provided an overview of proposed budgets for programs significant to the Air District within the Governor's Proposed Budget for Fiscal Year 2022-23. Mr. Abbs also mentioned budgeted items that had not been included in the presentation when the presentation was created, including funding for port, freight, and goods movement infrastructure, zero-emissions port terminal equipment, and zero-emission short-haul (drayage) trucks and transit buses.

NOTED PRESENT: Director Hudson was noted present at 1:12 p.m.

### Public Comments

No requests received.

### Committee Comments

The Committee and staff discussed whether hydrogen busses are included for proposed funding; the manner in which federal funding for electric vehicle chargers (from the Infrastructure Investment and Jobs Act and Alternative Fuels Incentive Grant program) will be distributed to Bay Area communities; the concern that jurisdictions will not be able to accommodate fully-electrified vehicle fleets, due to charging needs; the request for a graph that shows sources and percentages of Bay Area pollution; and the status of funding for commercial zero-emission landscaping equipment incentive programs in 2022.

### Committee Action

None; receive and file.

## 6. AIR-DISTRICT SPONSORED BILLS

Mr. Abbs gave an update on new bills that are being sponsored by the Air District. These bills' topics included:

- **Assembly Bill (AB) 1897 (Wicks) – Nonvehicular air pollution control: refineries: penalties.** This bill would make a person who violates this provision liable for a civil penalty of not more than \$30,000 if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act, and the stationary source is a refinery, the discharge results in a severe disruption to the community, the discharge contains or includes one or more toxic air contaminants, as specified, and 25 or more people are exposed to the discharge. The bill would additionally make a person who

violates this provision liable for a civil penalty of not more than \$100,000 for a subsequent violation within a 12-month period. The bill would prohibit this provision from applying if the violation is caused by unforeseen and unforeseeable criminal acts, acts of war, acts of terrorism, or civil unrest. Mr. Abbs reported that this bill was introduced on February 9, 2022 and may be heard in committee on March 12.

- **AB 2214 (C. Garcia) – California Environmental Quality Act: schoolsites: acquisition of property.** This bill would require the governing board or body of a charter school or private school, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission having jurisdiction. The bill would also require the planning commission to investigate the proposed site and submit a written report to the governing board or body of the charter school or private school. Mr. Abbs reported that this bill had not yet been introduced (since February 14, 2022, this bill has been introduced, and may be heard in committee on March 18.)
- The Air District is working with an Assemblymember to develop a bill that would revise Air District Board member compensation (to include compensation for modes of active transportation to Air District meetings and increased stipends for Board members who attend more than one meeting per day.) This bill has not yet been introduced.
- Air District staff is developing recommendations regarding changes to the composition of the Air District’s Board of Directors. Updates on this issue will be presented to the Board’s Administration and Legislative Committees (perhaps others as well). Staff hopes to propose a resolution to the Board at the end of the 2022 Calendar Year.

### Public Comments

Public comments were given by Dr. Stephen Rosenblum, Palo Alto resident.

### Committee Comments

None.

### Committee Action

None; receive and file.

## **7. STATE LEGISLATIVE UPDATE AND CONSIDERATION OF NEW BILLS**

Mr. Abbs gave an update regarding the Air District’s consideration of new bills being introduced in the California Legislature. Thus far, the Air District is monitoring:

- **AB 1717 (Aguiar-Curry) – Public Works: definition.** This bill would expand the definition of “public works” to include fuel reduction work paid for in whole or in part out of public funds performed as part of a fire mitigation project.
- **AB 1749 (C. Garcia) - Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants.** This bill would require the California Air Resources Board to identify in each statewide strategy update measures to reduce criteria air pollutants and toxic air contaminants in disadvantaged communities.

- **AB 1944 (Lee & C. Garcia) - Local government: open and public meetings.** This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing. This bill would also require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.
- The Air District is aware of a new bill that will be introduced regarding Community Emission Reduction Plan Steering Committee timelines and funding within California's Community Air Protection Program (formerly Assembly Bill 617).

Staff will continue presenting bills of interest to the Committee and recommend that the Board of Directors take positions on high priority bills where appropriate.

#### Public Comments

No requests received

#### Committee Comments

The Committee and staff discussed how affordable housing projects in disadvantaged "Community Air Risk Evaluation" communities may be impacted by certain provisions of AB 1749; and whether Senator (Dave) Cortese is developing a Brown Act reform bill, similar to AB 1944.

#### Committee Action

None; receive and file.

## 8. REVIEW OF THE DRAFT LEGISLATIVE PLATFORM FOR 2022

Mr. Abbs gave the staff presentation *2022 Legislative Platform*, including three sections – State Budget, State legislation, and federal advocacy.

<b>Topic</b>	<b>State Budget</b>	<b>State Legislation</b>	<b>Fed. Legislation</b>
State Funding for Clean Air Projects	X		
AB 617 Community Air Protection Implementation and Incentive Funding	X	X	
Carl Moyer / Mobile Source Incentive Fund / AB 118 Reauthorization	X		
Wildfire Smoke Public Health Response	X	X	X
Support for Air District Activities Related to Wildfire Mitigation	X		
Clean Tech Financing	X		
Low-Carbon Transportation Incentives	X		
Commercial Harbor Craft Funding	X		
Vehicle Emissions and Congestion Relief		X	
Climate Change		X	X
Emergency Backup Generation		X	
Toxic Air Emissions		X	
Stationary Source Greenhouse Gas Authority		X	
Wildfire Smoke Mitigation/Prescribed Fire		X	
Land Use		X	
Federal Funding for Air District Clean Air Programs			X
Clean Transportation Programs			X
Clean Energy Programs			X
Particulate Matter Standards			X
Vehicle Emission Standards			X
Leaded Aviation Gas			X

### Public Comments

No requests received.

### Committee Comments

The Committee and staff discussed whether the timing of Board adoption of positions on various bills will align with the State's legislative calendar; the request for the history of the Air District's monitoring of issues within the Air District's legislative platform (which topics are of more recent interest and how long has the Air District been monitoring others); how often the Air District's legislative platform results in the actual creation of legislation that is passed; the Air District's practice of visiting legislators in Sacramento to advocate for issues of interest; whether battery storage is included in the Air District's legislative platform; and the need to decrease vehicle miles traveled within new land use policies.

Committee Action

None; receive and file.

**OTHER BUSINESS**

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

No requests received.

**10. COMMITTEE MEMBERS' COMMENTS**

Director Hudson asked whether the Air District has been in discussions with the other regional agencies, also housed at the Bay Area Metro Center, regarding a collaborative procedure for conducting in-person public meetings at the Bay Area Metro Center.

Director Hudson asked the status of the Air District's "Diesel Free by '33" campaign and suggested that the Board receives regular updates, especially as new for new county supervisors and city councilmembers rotate through the Air District's Board.

Chair Cutter said that she appreciates people who have their profile picture displayed when their camera is off during Zoom meetings, and encouraged everyone to do this.

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

Monday, March 14, 2022, at 1:00 p.m. via webcast, pursuant to procedures authorized in accordance with Assembly Bill 361.

**12. ADJOURNMENT**

The meeting adjourned at 2:20 p.m.

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