

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

Board of Directors Regular Meeting
Wednesday, February 1, 2023

APPROVED MINUTES

*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 by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Vice Chairperson, Davina Hurt, called the meeting to order at 9:00 a.m.

Roll Call:

Present: Vice Chairperson Davina Hurt; Secretary Lynda Hopkins; and Directors Margaret Abe-Koga, Ken Carlson, Noelia Corzo, Joelle Gallagher, John Gioia, Erin Hannigan, David Haubert, Tyrone Jue, Sergio Lopez, Otto Lee, Myrna Melgar, Nate Miley, Ray Mueller, Rob Rennie, Katie Rice, Mark Ross, Shamann Walton, and Steve Young.

Absent: Chairperson John J. Bauters; and Director David Hudson.

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

Vice Chair Hurt and Directors Walton and Miley gave remarks about the history of the annual observance of Black History Month/African American History Month in the United States, during the month of February. They encouraged others to honor African American history during the rest of the year as well. The history of the American civil rights movement and subsequent environmental justice movement was also described and acknowledged. Veronica Eady, Senior Deputy Executive Officer of Policy & Equity, described various events that the Air District will be holding in February to honor Black History Month.

NOTED PRESENT: Director Lee was noted present at 9:14 a.m., and Director Mueller was noted present at 9:18 a.m.

CONSENT CALENDAR (ITEMS 5 -9)

- 5. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas) [Click here to view signed Board Resolution No. 2023-02](#)
- 6. Board Communications Received from January 25 through January 31, 2023
- 7. Notice of Proposed Amendments to Section 4.9 and Section 6 of Division I of the Administrative Code Regarding (i) Creation of a New Finance & Administration Committee and (ii) Time Limits for Public Comment
- 8. Authorization to Amend Legal Services Agreement with Shute Mihaly & Weinberger
- 9. Report of the Community Advisory Council meeting of January 19, 2023

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Young made a motion, seconded by Director Carlson, to **approve** Consent Calendar Items 5 through 9, inclusive; and the motion **carried** by the following vote of the Board:

- AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gioia, Hannigan, Haubert, Hopkins, Hurt, Jue, Lopez, Lee, Melgar, Miley, Mueller, Rennie, Rice, Ross, Walton, Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Bauters, Hudson.

OTHER BUSINESS

10. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

11. BOARD MEMBER COMMENTS

None.

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

Sharon L. Landers, Interim Executive Officer/APCO, reported the following:

- Dr. Ranyee Chiang, Director of Meteorology and Measurement, was asked to provide a summary on recent air quality.

- Regarding the reports of a fire at the Martinez Refining Company at noon on January 31, 2023, the Air District sent inspectors to the facility, and responded to complaints from the public. No Notices of Violation have been issued from the Air District to the facility yet. Air District staff will continue to investigate the event and respond to public inquiries and complaints. Jeff Gove, Director of Compliance and Enforcement, added that as of the morning of February 1, 2023: inspectors have not seen any smoke from or at the facility, nor detected any offsite odors from the facility; and no public complaints were made to the Air District during the evening of January 31, 2023, or this morning.

Board Comments

The Board and staff discussed whether the Air District can request the additional support of other agencies, if/when Air District resources are overwhelmed during an investigation of an incident; requests from the Martinez City Council for more detailed answers from the facility, which are necessary to address the public’s concerns about the facility’s frequent incidents; independent reviews of the incident that will be conducted by (root cause analysis and community health risk assessment of facility), commissioned by Contra Costa County Health Services; and anticipated prosecution of the facility by the Contra Costa County District Attorney’s Office.

13. **CHAIRPERSON’S REPORT**

On behalf of Chair Bauters, Vice Chair Hurt gave the following remarks:

- Board members should have received the 2023 Air District Board committee assignments. Calendar invites to those meetings for the entire calendar year will be issued.
- The Budget & Finance Committee will meet on February 1, 2023 at 1:00 p.m., via Zoom.
- Save the date for the in-person, annual Board retreat on March 1, 2023.

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

Wednesday, February 15, 2023, at 9:00 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

15. **ADJOURNMENT**

At 9:33 a.m., the meeting was adjourned in honor of those who lost their lives during recent events in the California communities of Selma, Monterey Park, and Half Moon Bay, as well as Tyre Nichols in Memphis, Tennessee.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards