

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 15, 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](http://www.baaqmd.gov/bodagendas)*

**This meeting was conducted under procedures authorized by Assembly Bill (AB) 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) 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 Lynda Hopkins; and Directors Margaret Abe-Koga, Brian Barnacle, Ken Carlson, Noelia Corzo, Joelle Gallagher, John Gioia, Juan Gonzalez, David Haubert, Tyrone Jue, Sergio Lopez, Otto Lee, Myrna Melgar, Nate Miley, Ray Mueller, Katie Rice, Mark Ross, Shamann Walton, and Steve Young.

Absent: Director Erin Hannigan and David Hudson.

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

Chair Bauters introduced recently promoted Air District employee, Linda Heller, Administrative Assistant II in the Engineering Division; and new employee, Wei Ji, Staff Specialist II in the Finance Division.

## CONSENT CALENDAR (ITEMS 5 -13)

5. Approval of the Minutes of the Board of Directors Meeting of January 25, 2023
6. Approval of the Minutes of the Board of Directors Meeting of February 1, 2023
7. Board Communications Received from February 1, 2023 through February 14, 2023
8. Personnel Out-of-State Business Travel Report for January 2023
9. Consider Adopting 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
10. Report of the Advisory Council Meeting of January 30, 2023
11. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of January 30, 2023
12. Report of the Budget and Finance Committee Meeting of February 1, 2023
13. Report of the Stationary Source and Climate Impacts Committee Meeting of February 8, 2023

### Public Comments

No requests received.

### Board Comments

None.

### Board Action

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

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

## INFORMATIONAL ITEMS

14. **GREEN AND HEALTHY HOMES INITIATIVE'S (GHHI) INNOVATIVE FUNDING STRATEGIES FOR LOW-INCOME BUILDING RETROFITS (OUT OF ORDER, ITEM 15)**

NOTED PRESENT: Director Miley was noted present at 9:11 a.m.

Ruth Ann Norton, President and Chief Executive Officer of the Green and Healthy Homes Initiative, gave presentation on funding strategies for low-income building retrofits, including: vision and mission; accomplishments; the GHHI model; the whole-house strategy in Baltimore, Maryland; Contra Costa asthma technical assistance – data utilized to map need to address asthma episodes, disadvantaged communities, and largest polluters; program component and staffing organization; projects with revalue.io and BlocPower; increasing public health consensus on indoor air quality and natural gas

appliances; major medical associations are recognizing the link between gas stoves, indoor air quality, and asthma triggers; effects of gas stoves; racial equity metrics; decarbonization/electrification policies in other jurisdictions; Cities and States Across the Country are Adopting Housing Codes and Standards to Improve Indoor Air Quality and Reduce Asthma Triggers; relevant health policy considerations; State Plan Amendment – Asthma Preventive Services; In Lieu of Services (1115 Waiver); Policy for CA to explore: CHIP Health Service Initiatives; Policy for CA to explore: Health Related Social Needs- (1115 Waiver); Value-Based Model / Public-Private \$4.75M Investment in New York City to Serve 850 Medicaid Members with Asthma; and NY Healthy Homes Collaborative - Funding Flow Diagram.

### Public Comments

Public comments were given by Marti Roach; Michael Kent, Contra Costa County Health Services; and Leah Louis-Prescott, Rocky Mountain Institute.

### Board Comments

The Board and staff discussed an “all-electric building” ordinance adopted by the Contra Costa County Board of Supervisors in January 2022; whether GHHI has looked at the health impacts of propane, and battery backup times in rural (versus urban) areas; whether any California legislation is requiring gas and electric utilities to upgrade their infrastructure; strategies for electrification of farms and rural properties; concerns about the potential impact on electrical grids after appliances are converted; and whether GHHI partners with housing authorities regarding the renovations of existing homes.

### Board Action

None; receive and file.

## **15. OVERVIEW OF STATE AND FEDERAL FUNDING FOR RETROFITTING LOW-INCOME HOMES WITH CLEANER APPLIANCES (ITEM 14)**

Amy Dao, Senior Planner, gave the staff presentation *Overview of State and Federal Funding for Retrofitting Low-Income Homes with Cleaner Appliances*, including: outcome; outline; presentation for information only; background on health impacts; federal incentives – Inflation Reduction Act (IRA); IRA: High Efficiency Electric Home Rebate Program (HEEHRA) and Homeowner Managing Energy Savings Program (HOMES); State funds – California Energy Commission and California Public Utilities Commission (CPUC); and other funds.

### Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; and Jan Warren, Interfaith Climate Action Network of Contra Costa County.

### Board Comments

The Board and staff discussed how to measure the number of households that that utilized weatherization programs by utility providers; the need to improve outreach about existing grants opportunities to low and middle-income households; concerns of unintended consequences and cost burdens associated with converting to electric appliances; how having to pay for costs upfront and waiting to receive rebates may deter potential incentive applicants, and whether zero-interest loans can

be offered to applicants before they are reimbursed; whether HOMES incentives are available to tenants (and whether the homeowner must occupy the home as well); incentives offered within the IRA for electric ranges, cooktops, and wall ovens; the need to identify potential future funding sources prior to the depletion of the IRA and similar rebate programs; CPUC proceedings regarding rate reform efforts that would provide bill protection for low-income households; the need to improve the electric retrofitting workforce development; the desire for one-stop shop and/or ombudsman programs that assist with the decarbonization grant application process, and the suggestion of collaborating with organizations that have such existing programs; concerns about funding sources for the aforementioned one-stop-shop and/or ombudsman programs; whether the Air District has researched solar ordinance adoption trends; concerns about the potential impact on electrical grids after appliances are converted; and stakeholders that make up the Implementation Working Group that will support proposed rule amendments to Rules 9-4 and 9-6 (to reduce emissions of nitrogen oxides from residential and commercial furnaces and water heaters in buildings in the Bay Area) after potential adoption.

#### Board Action

None; receive and file.

#### 16. **AIR MONITORING AND MODELING OF INCIDENTS: FORMATION OF AN AD HOC COMMITTEE**

Dr. Ranyee Chiang, Director of Meteorology and Measurement, gave the staff presentation *Air Monitoring and Modeling of Incidents: Formation of Ad Hoc Committee*, including: presentation for information only; Stationary Source and Climate Impacts Committee: Agenda Items on Incidents; current Air District role during incidents; limitations to current Air District role during incidents; formation of an ad hoc committee; ad hoc committee; and summary of proposal – timeline.

#### Public Comments

No requests received.

#### Board Comments

The Board and staff discussed whether the proposed ad hoc committee will be subject to the Ralph M. Brown Act; the request that the ad hoc committee meetings to added to the Air District's website with as much advanced notice as possible, for the public's benefit; and whether the proposed ad hoc committee would focus on fence line monitoring.

#### Board Action

None; receive and file.

#### **CLOSED SESSION** (10:56 a.m.)

#### 17. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND EMPLOYMENT**

*Pursuant to Government Code Section 54957(b)*

*Title: Interim Air Pollution Control Officer/Executive Officer*

**Reportable Action:** DeeAnne Gillick of Sloan Sakai, Yeung & Wong, LLP, Bay Area Air District Outside Counsel, had nothing to report.

18. **PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT**

*Pursuant to Government Code Section 54957(b)  
Title: Interim Chief Operating Officer*

**Reportable Action:** Ms. Gillick had nothing to report.

19. **CONFERENCE WITH LABOR NEGOTIATORS**

*Pursuant to Government Code Section 54957.6  
Agency Designated Representatives: Board Chair John J. Bauters; DeeAnne Gillick, Sloan Sakai Yeung & Wong LLP  
Unrepresented Employee: Interim Chief Operating Officer*

**Reportable Action:** Ms. Gillick had nothing to report.

20. **CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(2))**

*Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board will meet in closed session with legal counsel to discuss a significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: One case.*

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

21. **CONFERENCE WITH LEGAL COUNSEL RE 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 case:  
Communities for a Better Environment v. Bay Area Air Quality Management District and McWane Inc., Alameda Superior Court Case No. 22CV020451.*

**Reportable Action:** Mr. Crockett had nothing to report.

**OPEN SESSION** (11:27 a.m.)

**ACTION ITEMS**

22. **CONSIDER AMENDING THE INTERIM EXECUTIVE OFFICER / AIR POLLUTION CONTROL OFFICER'S (APCO) EMPLOYMENT AGREEMENT AND APPROVING THE INTERIM CHIEF OPERATING OFFICER'S EMPLOYMENT AGREEMENT**

Chair Bauters described the following history of the current Interim Executive Officer/APCO's appointment:

On May 18, 2022, the Board of Directors appointed Sharon Landers as Interim Executive Officer / APCO for a nine-month term ending on February 23, 2023, and Ms. Landers has executed the duties of the office in accordance with the direction of the Board since her appointment. An Executive Officer / APCO was appointed by the Board for the permanent position on December 21, 2022, and will begin employment in the position on February 21, 2023. The Board will consider appointing Ms. Landers as Interim Chief Operating Officer for a term beginning February 21, 2023, and ending on December 31, 2023. In Closed Session, the Board considered the proposed amendment to the Interim Executive Officer / APCO's employment agreement and the attached Interim Chief Operating Officer's employment agreement.

#### Public Comments

Public comments were given by Rochele Henderson, an Air District Employee who provided comments in her personal capacity.

#### Board Comments

None.

#### Board Action

Chair Bauters made a motion, seconded by Director Haubert, to **amend** the current contract for Sharon L. Landers in the position of Executive Officer/APCO to terminate on February 20, 2023, instead of February 23, 2023, and to further **approve** the contract to appoint Sharon L. Landers as the Interim Chief Operating Officer for a term beginning February 21, 2023, and ending on December 31, 2023, at an annual salary of \$337,748 per year, including all of the other regular Air District, non-represented executive staff employee benefits.

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

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

#### 23. **RECOMMEND AMENDING THE MANAGEMENT AUDIT CONTRACT WITH SJOBERG EVASHENK CONSULTING, INC.**

John Chiladakis, Acting Chief Administrative Officer, gave the staff presentation *Recommend Amending the Management Audit Contract with Sjoberg Evashenk Consulting*, including: outline; requested action; key milestones to date; next audits; and requested action.

#### Public Comments

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

## Board Comments

None.

## Board Action

Director Carlson made a motion, seconded by Director Abe-Koga, to **authorize** the Interim Executive Officer / APCO to amend the Air District's contract with Sjoberg Evashenk Consulting, Inc. to fund ongoing management audit services through 2023 by increasing the contract's not to exceed amount by \$300,000 from \$250,000 to a total of \$550,000; and the motion **carried** by the following vote of the Board:

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

## OTHER BUSINESS

### 24. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Bob Brown, Western States Petroleum Association; and Rochele Henderson, an Air District Employee who provided comments in her personal capacity.

### 25. BOARD MEMBER COMMENTS

None.

### 26. REPORT OF THE EXECUTIVE OFFICER/APCO

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

- Dr. Chiang, Director was asked to provide a summary on recent air quality.
- On January 6, 2023, the US Environmental Protection Agency (EPA) proposed revisions to the Particulate Matter National Ambient Air Quality Standards, or “PM NAAQS” in response to petitions to reconsider their 2020 PM NAAQS decisions. The EPA is proposing to reduce the primary annual PM<sub>2.5</sub> NAAQS from 12 µg/m<sup>3</sup> [*Micrograms per cubic meter*] to a range between 9 and 10 µg/m<sup>3</sup>. The EPA is also proposing to retain the 24-hour PM<sub>2.5</sub> NAAQS of 35 µg/m<sup>3</sup>. The EPA is soliciting comments regarding the level of the standard until the end of March. They would consider an annual standard as low as 8 µg/m<sup>3</sup> and a 24-standard as low as 25 µg/m<sup>3</sup>. The EPA expects to finalize the revised NAAQS by late 2023, which is followed by their initial area designations, which takes two years to complete. The Air District is currently designated as unclassifiable/attainment for the existing annual PM<sub>2.5</sub> standard and nonattainment for the existing 24-hour PM<sub>2.5</sub> standard. Air District staff are currently reviewing the proposal and are drafting written public comments. Staff expect to support EPA's science-based approach to selecting the most stringent levels for both the annual and 24-hour PM NAAQS that are requisite to protect public health. This is consistent with recommendations from Air District staff, our Advisory Council and California Air Resources Board (CARB). In

- the likely scenario our region is designated nonattainment, we would be required to develop and implement a strategy to attain the standard. The plan would need to be submitted to EPA for inclusion into the State Implementation Plan
- Air District staff has released proposed amendments to Rules 9-4 and 9-6 to reduce emissions of nitrogen oxides from residential and commercial furnaces and water heaters in buildings in the Bay Area. These rules govern point of sale emission standards for small, typically residential and commercial, water and space heating systems. The proposed rule amendments would set zero-NO<sub>x</sub> standards for these appliances starting with water heaters in 2027, phasing out this pollution over time as old equipment is replaced with cleaner appliances. Emissions of nitrogen oxides impact local and regional air quality and contribute to the formation of ozone and secondary particulate matter. The Air District Board of Directors will conduct a public hearing to consider adoption of the proposed amendments and certification of the Environmental Impact Report on March 15, 2023, at 9:00 AM. If the amendments are adopted by the Board, Staff plans to convene a formalized ongoing Implementation Working Group (IWG) to support the proposed rule amendments after potential adoption. The IWG is intended to consist of a variety of stakeholders with different areas of expertise in reference to the implementation of the rule amendments. This may include community-based organizations, environmental justice groups, advocacy, and subject matter expert organizations, building technology experts, affordable and market rate housing developers and managers, local and state government staff, funding and financing agencies, equipment manufacturers and distributors, tenant representation organizations and labor organizations. The comment period for the rule ended on Feb 6, 2023, and 560 comment letters or emails had been received. Staff is developing responses to all of these comments which will be compiled in a response to comments document that will be published ahead of the Board hearing on March 15, 2023.
  - The Legislative Office has worked with two Assemblymembers to introduce two District-sponsored bills below. The bill introduction period ends this coming Friday, and staff will provide an update on introduced bills at the next Legislative committee meeting.
    - a. AB 536 was introduced by Assemblymember Lori Wilson and would provide the BAAQMD Board with the authority to set compensation rates for members of the Technical Advisory Committee to attend TAC meetings. Since 1975, state law has not allowed for any meeting attendance compensation.
    - b. AB 953 was introduced by Assemblymember Damon Connolly and would create a statewide voluntary vessel speed reduction program modeled after the successful Bay Area, Santa Barbara County, and Ventura County programs which works with shipping companies to reduce oceangoing vessel speeds during whale migration periods, simultaneously reducing air emissions along the coast and reducing harmful whale strikes.
  - As February is Black History Month, the Air District will have several events and activities throughout the month led by our Diversity, Equity & Inclusion Office. One of these is a presentation on February 15, 2023, via Zoom, given by Dr. Bruce Strouble. The presentation is entitled *The Impacts of Environmental Racism on the Development of Social Capital in African American Communities*. Dr. Strouble will also discuss how special government agencies, like the Air District, play a role in environmental justice. Board Members will be sent a link for registration.
  - The Co-Chairs of the Air District’s Community Advisory Council (CAC) will present an overview of their last meeting during the upcoming Community Equity, Health & Justice Committee meeting on February 15, 2023, at 1:00 p.m. At that meeting, staff will also be



presenting the CAC Compensation Policy recommended by the CAC for approval by the Committee. If approved, it will move on to the full Board for consideration of approval.

## 27. **CHAIRPERSON'S REPORT**

Chair Bauters gave the following remarks:

- The annual Board retreat will take place on Wednesday, March 1, 2023, at 9:30 a.m., at the Towers Emeryville. While the Board members and Air District staff are expected to attend in person, members of the public who wish to observe and make public comments via Zoom, may do so.
- Palo Alto City Councilmember, Vicki Veenker was appointed to the Board by the Cites Association of Santa Clara County on February 9, 2023, for a two-year term.
- Director Lopez was reappointed to our Board by the Cites Association of Santa Clara County on February 9, 2023, for a new two-year term.
- Brian Barnacle, Petaluma City Councilmember, was appointed to the Board by the Sonoma County Cities Selection Committee on February 9, 2023, for a two-year term.
- Juan Gonzalez III, Mayor of San Leandro, was appointed to the Board by the Alameda County Mayors' Conference on February 8, 2023, for a two-year term.
- The Board's Community Equity, Health & Justice Committee will meet on February 15, 2023, at 1:00 p.m., via Zoom.
- This is the final Board meeting that will be fully remote, via Zoom. While most meetings will be held at 375 Beale Street in San Francisco, beginning March 1, 2023, Air District staff is identifying remote locations throughout the Bay Area that can be used by Board members and members of the public.

## 28. **TIME AND PLACE OF NEXT MEETING**

March 1, 2023, at 9:30 a.m. at the Towers Emeryville, 2000 Powell St., Suite 250, Second Floor Tenant Lounge and Training Center, Emeryville, CA 94608. The meeting will also be webcast for members of the public.

## 29. **ADJOURNMENT**

The meeting was adjourned at 12:03 p.m.

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