

Bay Area Air Quality Management District
The Towers Emeryville
2000 Powell St., Suite 250
2nd Floor Tenant Lounge And Training Center
Emeryville, Ca 94605

Board of Directors Annual Retreat/Special Meeting
Wednesday, March 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 (AB) 2449 (Rubio 2022), allowing Board members to attend Ralph M. Brown Act meetings remotely without following the traditional rules for teleconferenced meetings, if a member participating remotely demonstrates a need to do so, either because of an emergency circumstance or other “just cause” as defined in the statute (for non-emergencies, members may only make use of this provision two times per calendar year). Members of the Board of Directors participated in person (or remotely if necessary), while members of the public were invited to participate in person or remotely, via Zoom.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, John J. Bauters, called the meeting to order at 9:37 a.m.

Roll Call:

Present, In Person: Chairperson John J. Bauters; Vice Chairperson Davina Hurt; Secretary Lynda Hopkins; and Directors Margaret Abe-Koga, Brian Barnacle, Noelia Corzo, Joelle Gallagher, John Gioia, Juan Gonzalez, Erin Hannigan, David Haubert, Tyrone Jue, Sergio Lopez, Otto Lee, Myrna Melgar, Ray Mueller, Katie Rice, Mark Ross, Vicki Veenker, and Shamann Walton.

Participated Remotely, via Zoom (remote presence does not count for quorum, but votes are counted for all action items): Director Ken Carlson (just cause.)

Absent: Directors David Hudson, Nate Miley, and Steve Young.

2. **PUBLIC MEETING PROCEDURE**

NOTED PRESENT: Director Gonzalez was noted present at 9:41 a.m.

CONSENT CALENDAR (ITEMS 5 – 10) (OUT OF ORDER)

3. Approval of the Minutes of the Board of Directors Meeting of February 15, 2023 **(ITEM 5)**
4. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of January 2023 **(ITEM 6)**
5. Set a Public Hearing for March 15, 2023 to Consider Adoption of Proposed Amendments to Regulation 9: Inorganic Gaseous Pollutants, Rule 4: Nitrogen Oxides from Fan Type Central Furnaces (Rule 9-4) and Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters (Rule 9-6), and Certification of an Environmental Impact Report for the Proposed Amendments to Rule 9-4 and Rule 9-6 Pursuant to the California Environmental Quality Act (CEQA) **(ITEM 7)**
6. Consider Authorization to Execute a Contract with Direct Mail Center **(ITEM 8)**
7. Authorization to Execute a Contract Amendment with Shute Mihaly & Weinberger LLP **(ITEM 9)**
8. Authorization to Execute a Contract Amendment with Van Dermeyden Makus Law Corporation **(ITEM 10)**

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Haubert made a motion, seconded by Director Lee, to **approve** Consent Calendar Items 5 through 10, inclusive; and the motion **carried** by the following vote of the Board:

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

MORNING SESSION

9. **TRANSLATING GLOBAL ENVIRONMENTAL CHALLENGES INTO LOCAL INITIATIVES (ITEM 3)**

A. TRIBAL LAND ACKNOWLEDGEMENT

Chair Bauters introduced Corrina Gould, Tribal Chair of the Confederated Villages of Lisjan/Ohlonas Nations, and Co-Founder of the Sogorea Te' Land Trust. Ms. Gould gave remarks to acknowledge the history of the land on which the meeting took place, and the importance of respecting our natural resources and indigenous communities.

Chair Bauters also acknowledged the remarks given by Vice Chair Hurt and Directors Walton and Miley at the February 1, 2023 Board meeting, in honor of Black History Month/African American History Month in the United States. In honor of Women's History Month, observed in the month of March in the United States, Chair Bauters asked Secretary Hopkins to give remarks. Chair Bauters then introduced Dr. Shawn Spano, who was selected to facilitate the participatory items of the meeting. Dr. Spano explained how the meeting was anticipated to run, emphasizing relationship-building with the community.

NOTED PRESENT: Director Abe-Koga was noted present at 9:54 a.m.

B. 2022 ACCOMPLISHMENTS

Vice Chair Hurt introduced various Air District staff members who gave the presentation *2022 Accomplishments*, including: Clean Air Filtration Program (Anna Lee, Community Engagement Manager); AB 617 Community Health Protection Program (Suma Peesapati, Environmental Justice and Community Engagement Officer); Community Advisory Council (CAC) (Miriam Torres, Senior Advanced Project Advisor); more stringent permitting in overburdened communities (Pam Leong, Director of Engineering); increasing access to electric vehicles (Anthony Fournier, Technology Implementation Officer); improving diversity, equity, and inclusion (Veronica Eady, Senior Deputy Executive Officer of Policy & Equity); and our work at the State Capitol (Alan Abbs, Legislative Officer).

C. 2022 UNITED NATIONS CLIMATE CHANGE CONFERENCE, OR CONFERENCE OF THE PARTIES (COP) OF THE UNITED NATIONS CLIMATE CHANGE CONFERENCE 27: A PERSPECTIVE

The Board received a video capturing a talk from the 2022 United Nations Climate Change Conference, hosted in Sharm El-Sheik, Egypt. Hindou Oumarou Ibrahim, President of the Association for Indigenous Women and Peoples of Chad, and expert in the adaptation and mitigation of indigenous peoples to climate change, celebrated International Women's Day and encouraged attendees to consider utilizing the knowledge of indigenous people before relying on science and technology. Chair Bauters gave remarks about his experience at the Conference, expressing his appreciation for indigenous, female leadership.

D. YOUTH PERSPECTIVE

The Board received a talk from a community youth representative, Cecilia Mejia. Ms. Mejia, a recent graduate of the University of California at Berkeley, coordinates Brightline's Defense's Air Quality Monitoring Program, and is a member of the Air District's CAC. She gave remarks on the role government plays in community wellness.

E. FEDERAL PERSPECTIVE

The Board received a talk from Robin Collin, Senior Advisor to the U.S. Environmental Protection Agency Administrator for Environmental Justice with a perspective on how local government can partner with communities to promote wellness. Ms. Collin gave remarks on community power sharing and collaboration, community based research, and cumulative impacts.

Public Comments on Morning Session Items

Public comments were given by John Kevin Jefferson, CAC Co-Chair; Arieann Harrison, Marie Harrison Community Foundation Inc.; and Rochele Henderson, an Air District Employee who provided comments in her personal capacity.

Board Comments on Morning Session Items

The Board and staff discussed how negative reactions that can occur when a person or group deviates from the existing state of social or political affairs, and events that have been observed to reflect positive momentum to overcome obstacles in the environmental justice space; how well intentioned policies can negatively impact communities of people of color, and how Air District policies should be developed with disadvantaged/overburdened/low-income communities in mind; the desire to develop policy by balancing science *and* lived experiences; acknowledgement of the Board Officers for structuring the meeting with an emphasis on environmental justice; the importance of Board members hearing community voices at Air District meetings; and ways in which elected officials can most effectively promote and embed the prevention of air/soil/water pollution in their jurisdictions.

LUNCH BREAK (11:50 a.m.)

AFTERNOON SESSION (12:46 p.m.)

10. ACHIEVING ORGANIZATIONAL EXCELLENCE – VISIONING AND LEVEL SETTING (ITEM 4)

A. FACILITATED PANEL DISCUSSION WITH REPRESENTATIVES OF THE COMMUNITY ADVISORY COUNCIL (CAC) AND AB 617 COMMUNITY STEERING COMMITTEES

Dr. Spano introduced the following four panelists: Y'Anad Burrell, Richmond Area Community Emissions Reduction Plan Steering Committee Co-Chair; Charles Reed, East Oakland Community Emissions Reduction Plan Steering Committee Co-Chair; Arieann Harrison, Bayview Hunters Point/Southeast San Francisco Community Emissions Reduction Plan Steering Committee Co-Lead; and John Kevin Jefferson, CAC Co-Chair. Dr. Spano facilitated a discussion on how local government can partner with communities to promote wellness; how government can address air pollution and health impacts; what or who is missing from Air District conversations; and what is critical to the work their advocacy work.

Board Comments

The Board and staff discussed the importance of partnering with those most affected to identify solutions, and empowering those most affected; the importance of elected officials focusing on root causes and social determinates of health; the concept of a problem-solving technique called human center design; and the role that elected officials can play to expedite the implementation of solutions in a meaningful way.

Board Action

None; receive and file.

B. DISCUSSION ON WORK GOALS FOR THE YEAR

Chair Bauters presented a slide regarding Board Work Goals for 2023, including:

- **New strategic planning initiative:** The Board and staff will develop a 5-year plan to guide priorities and improve effectiveness and community engagement. A contractor will be hired to assist with this process, and a new ad hoc committee to guide the Strategic Plan’s development will be formed.
- **Update on making processes more efficient and conducive to good government and community input:** The Air District’s Administrative Code will be modernized to achieve more efficient processes, intended to benefit the public. A contractor will be hired to assist with this process, and a new ad hoc committee, derived from the Administration Committee, to guide this process, will be formed.
- **Responding to community needs:** Each of the Board’s committees has been asked to develop their work plans and objectives by April 2023. Pursuant to the Stationary Source & Climate Impacts Committee, a new Ad Hoc Committee on Air Monitoring and Incident Management has been formed, consisting of Directors Gioia, Hannigan, and Ross.

Public Comments

Public comments were given by Bill Whitney, Contra Costa County Building Trades Council; Bart Pantoja, San Mateo County Building Trades Council; Rudy Gonzalez, San Francisco Building Trades Council; Tanya Boyce; and Erin Armstrong.

Board Comments

The Board and staff discussed the anticipated timeline for the Board’s 20232 Work Goals; the history of the Board’s most recent work plan; the reasons for revising the Air District’s Administrative Code; concerns of the Bay Area Building Trades Councils regarding Air District’s Socioeconomic Impact Analysis Policy; how recommendations from the Bay Area AB 617 Community Steering Committees will be implemented; the request for Board field trips to the Bay Area AB 617 communities; the importance of achieving community health goals that are the most obtainable in the short run, to

address the public's health concerns as quickly as possible, especially those who are unhoused; the importance of honoring the public's request for bottom-up approaches (as opposed to top-down); whether the elements of the 2023 Work Plan have been budgeted; the request that the various committee work plans are shared with all Board members, as not all Board members sit on all committees; the request for an audio file of the Facilitated Panel Discussion with representatives of the CAC and AB 617 Community Steering Committee members, as well as those of the Youth and Federal Perspectives from this Morning Session of this meeting; and appreciation of the Air District's Community Engagement division for arranging all of the speakers at this meeting.

Board Action

None; receive and file.

OTHER BUSINESS

11. BOARD MEMBER COMMENTS

The California Air Resources Board (CARB) is developing a medium and heavy-duty zero-emission fleet regulation with the goal of achieving a zero-emission truck and bus California fleet by 2045 everywhere feasible and significantly earlier for certain market segments such as last mile delivery and drayage applications. The initial focus would be on high-priority fleets with vehicles that are suitable for early electrification, their subhauers, and entities that hire them. The goal of this effort is to accelerate the number of medium and heavy-duty zero-emission vehicle purchases to achieve a full transition to zero-emission vehicles in California as soon as possible. This regulation will be considered for adoption in late March. Air District Board members are encouraged to provide Vice Chair Hurt (in her capacity as a CARB Board member) with feedback, regarding how this may impact jurisdictions.

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

Dr. Philip M. Fine, Executive Officer/APCO, reported the following:

- The Board will conduct a public hearing to consider adoption of the proposed amendments to Rules 9-4 and 9-6 on March 15, 2023. A significant amount of public commenting is anticipated. 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-NOx 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. 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, consisting of a variety of stakeholders with different areas of expertise in reference to the implementation of the rule amendments.

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

13. CHAIRPERSON’S REPORT

Chair Bauters gave the following remarks:

- 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.
- The February 28, 2023 expiration of the Governor's emergency proclamation requires local legislative bodies to return to in-person meetings, with limited exceptions that allow remote participation. 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.

14. TIME AND PLACE OF NEXT MEETING

March 15, 2023, at 9:00 a.m. at 375 Beale Street, San Francisco, CA 94105. Members of the public may attend in person or view via webcast. Board Chair Bauters added that the Community Equity, Health & Justice Committee and Legislative Committee are scheduled to meet after the Board meeting on March 15, and requested that the Board members who serve on those committees plan to be in San Francisco for the entire day.

15. ADJOURNMENT

The meeting was adjourned at 3:00 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards