

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

Board of Directors Regular Meeting
Wednesday, June 7, 2023

APPROVED MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, John J. Bauters, called the meeting to order at 9:02 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Chairperson John J. Bauters; Vice Chairperson Davina Hurt; and Directors Margaret Abe-Koga, Ken Carlson, Noelia Corzo, Juan Gonzalez, Tyrone Jue, Sergio Lopez, Myrna Melgar, Ray Mueller, and Shamann Walton.

Present, In-Person Satellite Location: (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Avenue, Suite D, El Cerrito, California, 94530): Directors Erin Hannigan, John Gioia, Nate Miley, Mark Ross, and Steve Young.

Present, In-Person Satellite Location: (City of Palo Alto City Hall, 250 Hamilton Avenue, 7th Floor, Palo Alto, California, 94301): Director Vicki Veenker.

Present, In-Person Satellite Location: (County of Sonoma County Administrator's Office 575 Administration Drive Sunroom, Suite #110A Santa Rosa, CA 95403): Secretary Lynda Hopkins.

Present, In-Person Satellite Location: (Office of Santa Clara County Supervisor Otto Lee 70 W Hedding St East Wing, 10th Floor San Jose, CA 95110): Director Otto Lee.

Present, In-Person Satellite Location; Office of Alameda County Supervisor David Haubert 4501 Pleasanton Avenue Pleasanton, CA 94566): Director David Haubert.

Absent: Directors Brian Barnacle, Joelle Gallagher, David Hudson, and Katie Rice.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Bauters introduced Diana Perez-Domencich, who was recently hired as an Environmental Planner II in the Air District’s Planning & Climate Protection Division.

CLOSED SESSION (9:07 a.m.)

4. **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 met 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.

REPORTABLE ACTION: Chair Bauters stated that there was nothing to report.

OPEN SESSION (9:42 a.m.)

CONSENT CALENDAR (ITEMS 5 – 17)

5. Approval of the Draft Budget Hearing Minutes of May 17, 2023
6. Approval of the Draft Minutes of the Board of Directors Regular Meeting of May 17, 2023
7. Board Communications Received from May 17, 2023 through June 6, 2023
8. Authorization to Execute a Contract Amendment with Renne Public Law Group
9. Authorization to Execute Purchases for Meteorology and Measurement Division Operations
10. Authorization to Purchase Equipment from Tricorntech Corporation
11. Authorization to Amend Contract with Breathe California of the Bay Area, Golden Gate, and Central Coast
12. Authorization to Amend Contract with Resource Development Associates (RDA Consulting)
13. Authorization to Establish a New Classification of Senior Payroll Analyst
14. Authorization for Collection of Salary Overpayments
[Click here to view signed Board Resolution No. 2023 – 05](#)
15. Report of the Stationary Source and Climate Impacts Committee Meeting of May 10, 2023
16. Report of the Community Equity, Health, and Justice Committee Meeting of May 17, 2023
17. Report of the Community Advisory Council meeting of May 18, 2023

Public Comments

No requests received.

Board Comments

None.

Board Action

Vice Chair Hurt made a motion, seconded by Director Walton, to **approve** Consent Calendar Items 5 – 17, inclusive; and the motion **carried** by the following vote of the Board:

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

PUBLIC HEARINGS

18. FINAL PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO AIR DISTRICT REGULATION 3: FEES

The Board of Directors held the second of two public hearings to receive testimony on proposed amendments to the Air District's fee regulation, Regulation 3, that would apply beginning July 1, 2023. Chair Bauters waived the staff presentation *Amendments to Regulation 3, Fees*.

Chair Bauters opened the Public Hearing.

Public Comments

Public comments were given by Christine Wolfe, California Council for Environmental Economic Balance; and Bob Brown, Western States Petroleum Association.

Board Comments

None.

Chair Bauters closed the Public Hearing.

Board Action

Director Gonzalez made a motion, seconded by Vice Chair Hurt, to **adopt** a resolution amending Air District Regulation 3: Fees, effective on July 1, 2023, and **determine** that the amendments are statutorily exempt from California Environmental Quality Act; and the motion **carried** by the following vote of the Board:

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

[Click here to view signed Board Resolution No. 2023 – 06](#)

19. FINAL PUBLIC HEARING TO CONSIDER ADOPTION OF THE FISCAL YEAR 2023-2024 PROPOSED AIR DISTRICT'S BUDGET

The Board of Directors held the second of two public hearings to receive testimony on the proposed Air District Budget for public review and comment. Chair Bauters waived the staff presentation *Conduct Second Public Hearing to Consider Adoption of the Proposed Budget for Fiscal Year 2023-2024*.

John Chiladakis, Acting Deputy Executive Officer of Finance and Administration, announced that there had been four typos in the proposed salary schedule that was presented to the Board on May 17. The annual, monthly, bi-weekly, and hourly rates for the position of Executive Officer/Air Pollution Control Officer were all incorrect (higher than the correct proposed adjustment), and have been lowered to reflect the correct proposed adjustments.

Chair Bauters opened the Public Hearing.

Public Comments

No requests received.

Board Comments

None.

Chair Bauters closed the Public Hearing.

Board Action

Director Gonzalez made a motion, seconded by Director Abe-Koga, to **adopt** a resolution approving the Fiscal Year Ending 2023-2023 Air District Proposed Budget and various budget related actions; and the motion **carried** by the following vote of the Board:

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

[Click here to view signed Board Resolution No. 2023 – 07](#)

ACTION ITEM

20. **RESOLUTION URGING RESPONSIBLE LEADERSHIP AND CLIMATE JUSTICE AT COP28**

Chair Bauters explained that Sultan Al Jaber was selected as president of the 2023 United Nations Climate Change Conference of the Parties (COP28) climate summit. Air District staff recommends the adoption of the Resolution Urging Responsible Leadership and Climate Justice at COP28. This resolution formally recognizes the Air District’s deep concerns on the selection of Sultan Al Jaber as president of the COP28 climate summit. Staff seeks authority to submit the Resolution Urging Responsible Leadership and Climate Justice at COP28 to the United Nations COP committee and express the Board’s decision to explore alternative climate forums if the necessary changes in COP28 leadership are not implemented.

Public Comments

No requests received.

Board Comments

None.

Board Action

Chair Bauters made a motion, seconded by Vice Chair Hurt, to adopt a Resolution Urging Responsible Leadership and Climate Justice at COP28 at the 2023 United Nations Climate Change Conference of the Parties climate summit, due to concerns on the selection of Sultan Al Jaber as president of the COP28 climate summit; and the motion **carried** by the following vote of the Board:

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

[Click here to view signed Board Resolution No. 2023 – 08](#)

INFORMATIONAL ITEM

21. STATE IMPLEMENTATION PLAN (SIP): RULES AND REGULATIONS

Greg Nudd, Deputy Executive Officer of Science and Policy, introduced Mark Tang, Principal Environmental Planner, who gave the staff presentation *State Implementation Plan: Rules and Regulations*, including: outcome; outline; requested action; Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS); proposed revised PM NAAQS (primary); what happens after the US Environmental Protection Agency (EPA) revises a NAAQS; elements of a SIP; rule submittal into the SIP; backsliding; and feedback requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the way in which states that lack regional air districts set attainment levels; whether rules submitted to the SIP must be compliant with federal law, to be federally enforceable; whether PM from freeways is within the Air District's regulatory authority; the source of freeway emissions (tire and break wear); and how frequently the Board will receive status updates on this item and how much time it will require of the Board members.

Board Action

None; receive and file.

OTHER BUSINESS

22. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Tony Fisher, Coalition for Clean Air.

23. BOARD MEMBER COMMENTS

None.

24. REPORT OF THE EXECUTIVE OFFICER/APCO

Dr. Philip M. Fine, Executive Officer/Air Pollution Control Officer, announced that the EPA's Inflation Reduction Act is offering a new Climate Pollution Reduction Grants program, which will provide grants to states, local governments, tribes, and territories to develop and implement plans for reducing greenhouse gas emissions and other harmful air pollution. Section 60114 of the Inflation Reduction Act provides an investment of \$5 billion to support efforts by states, municipalities, air pollution control agencies, tribes, and groups thereof to develop and implement strong, local greenhouse gas reduction strategies. The State of California was awarded two such grants, and the Air District is to be the lead agency overseeing the activities resulting from one of those awards. Implementation grants will be awarded through a competitive process to implement measures contained in plans developed with planning grants. Entities included in, or covered by, such plans will be eligible to apply for implementation funding. EPA anticipates that entities with existing climate plans could use planning money to update or expand their existing plans in preparation for the future implementation grants competition.

25. CHAIRPERSON'S REPORT

Chair Bauters announced the following:

- The Legislative Committee will meet on June 7, 2023, following the Board meeting, at 375 Beale Street, Yerba Buena Room, San Francisco, California, 94105.
- The Finance and Administration Committee will meet on June 7, 2023, following the Legislative Committee meeting, at 375 Beale Street, Yerba Buena Room, San Francisco, California, 94105.
- Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month is celebrated each year in the month of June in the United States, honoring the 1969 Stonewall Uprising in Manhattan, LGBTQ rights, and LGBTQ culture. Chair Bauters spoke about personal experiences and sentiments.
- **Juneteenth** is a federal holiday in the United States commemorating the emancipation of enslaved African Americans. Deriving its name from combining "June" and "nineteenth", it is celebrated on the anniversary of the order, issued by Major General Gordon Granger on June 19, 1865, proclaiming freedom for slaves in Texas. Chair Bauters gave the history of this holiday and expressed his views regarding how Americans are impacted today.

26. TIME AND PLACE OF NEXT MEETING

Wednesday, June 21, 2023, at 9:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the board members and members of the public will be able to either join in-person or via webcast.

CLOSED SESSION (10:25 a.m.)

27. **CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6**

Conference with Labor Negotiators

Pursuant to Government Code Section 54957.6

Agency Designated Representatives:

Laura A. Izon , Atkinson, Andelson, Loya, Ruud & Romo

John Chiladakis, Acting Chief Administrative Officer

Employee organization: BAAQMD Employees' Association

REPORTABLE ACTION: REPORTABLE ACTION: Chair Bauters stated that there was nothing to report.

28. **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 met in Closed Session with Legal Counsel to discuss significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: One case.

REPORTABLE ACTION: REPORTABLE ACTION: Chair Bauters stated that there was nothing to report.

29. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1)**

Title: District Counsel

REPORTABLE ACTION: REPORTABLE ACTION: Chair Bauters stated that there was nothing to report.

OPEN SESSION (11:51 a.m.)/X

30. **ADJOURNMENT**

The meeting was adjourned at 11:51 a.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards