

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

Board of Directors Regular Meeting
Wednesday, July 5, 2023

APROVED 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 9:07 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Chairperson John J. Bauters; Vice Chairperson Davina Hurt; and Directors Ken Carlson, Noelia Corzo, Juan Gonzalez, Tyrone Jue, Sergio Lopez, Myrna Melgar, Katie Rice, 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 Joelle Gallagher, John Gioia, Nate Miley, and Steve Young.

Present, In-Person Satellite Location: (Office of Alameda County Supervisor David Haubert, 4501 Pleasanton Avenue, Pleasanton, California, 94566): Directors David Haubert and David Hudson.

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

Present, In-Person Satellite Location: (Santa Rosa Junior College, Doyle Library, Room 148, 1501 Mendocino Ave., Santa Rosa, California, 95401): Secretary Lynda Hopkins; and Director Brian Barnacle.

Present, In-Person Satellite Location: (City of Bloomington City Hall, 401 N. Morton Street, Room 235, Bloomington, Indiana, 47404): Director Vicki Veenker.

Absent: Directors Margaret Abe-Koga, Erin Hannigan, Otto Lee, and Mark Ross.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Bauters stated that Lisa Flores was promoted to Staff Specialist II in the Community Engagement Division.

CONSENT CALENDAR (Items 4 – 15)

4. Approval of the Draft Minutes of the Board of Directors Regular Meeting of June 21, 2023
5. Board Communications Received from June 21, 2023, through July 4, 2023
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of May 2023
7. Authorization to Execute Purchases for Meteorology and Measurement Division Operations
8. Authorization to Amend Climate Tech Finance Program Consultant Contract
9. Authorization to Execute Contract with We The Creative to Provide Design and Development of the Air District’s 2023 Annual Report
10. Authorization to Amend Contract with Cylogy, Inc. to Create a Website Incident Response Notification System and Enhance the Spare the Air Website
11. Approval of Revised Salary Schedule for Fiscal Year Ending 2023 and Fiscal Year Ending 2024
[Click to view signed Board Resolution No. 2023–10](#)
12. Amendment to the Air District's Record Retention Schedule Regarding Destruction of Confidential Personnel Records After They Are No Longer Needed
[Click to view signed Board Resolution No. 2023–11](#)
13. Participation in Community Air Protection Program Implementation Funds Fiscal Year 2022-2023
[Click to view signed Board Resolution No. 2023–12](#)
14. Report of the Stationary Source and Climate Impacts Committee Meeting of June 21, 2023
15. Report of the Community Equity, Health, and Justice Committee Meeting of June 21, 2023

Public Comments

Public comments were given by “Call-In-User_1.”

Board Comments

None.

Board Action

Director Hudson made a motion, seconded by Director Carlson, to **approve** Consent Calendar Items 4 – 15, inclusive; and the motion **carried** by the following vote of the Board:

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

ACTION ITEMS

16. **CONSIDER TAKING ‘SUPPORT’ POSITION ON THE FEDERAL “CLEANER AIR SPACES ACT OF 2023”**

Alan Abbs, Legislative Officer, gave the staff presentation *Consider Taking ‘Support’ Position on the Federal “Cleaner Air Spaces Act of 2023”*, including: outcome; outline; requested action; and Cleaner Air Spaces Act of 2023.

Public Comments

Public comments were given by “Call-In-User_1.”

NOTED PRESENT: Director Melgar was noted at 9:20 a.m.; Director Miley was noted present at 9:30 a.m.

Board Comments

The Board and staff discussed ways in which the Cleaner Air Spaces Act of 2023 relates to Assembly Bill (AB) 836 (Wicks) - Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program; and the desire to see the Bay Area set a national example in the prevention and mitigation of air quality effects of wildfires.

Board Action

Vice Chair Hurt made a motion, seconded by Director Gonzales, to **adopt** a ‘support’ position on the "Cleaner Air Spaces Act of 2023" introduced by Representative Scott Peters (CA-50) and Senators Michael Bennet (D-CO) and Jeff Merkley (D-OR); and the motion **carried** by the following vote of the Board:

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

17. **ADOPTION OF PROTOCOLS TO ENSURE CONTINUITY OF EXECUTIVE LEADERSHIP**

Sharon L. Landers, Interim Chief Operating Officer, gave the staff presentation *Adoption of Protocols to Ensure Continuity of Executive Leadership*, including: outcome; outline; need for continuity; policy protocols; and recommended action.

Public Comments

Public comments were given by “Call-In-User_1.”

Board Comments

The Board and staff discussed whether 60 days is enough time to allow the for the Executive Officer/Air Pollution Control Officer’s (APCO) or District Counsel’s unanticipated absence, due to a medical emergency; which staff position would facilitate this process, if needed; and the request that the Executive Officer/APCO and District Counsel coordinate their anticipated absences during summer months appropriately.

Board Action

Director Gonzalez made a motion, seconded by Director Hudson, to adopt a resolution to provide for continuity in the Executive Officer/APCO and District Counsel positions in the event that these positions become vacant or the incumbent becomes unavailable or unable to continue executing their duties; the motion **carried** by the following vote of the Board:

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

[Click to view signed Board Resolution No. 2023–13](#)

18. ESTABLISHMENT OF A GOVERNANCE STRUCTURE FOR THE COMMUNITY ADVISORY COUNCIL (CAC) AND APPROVAL OF THE CAC CHARTER AND CAC COMPENSATION POLICY AND PROCEDURES

Miriam Torres, Senior Advances Projects Advisor, gave the staff presentation *Consider Adoption of a Resolution Establishing a Governance Structure for the Community Advisory Council, the Community Advisory Council Charter and the Community Advisory Council Compensation Policy and Procedures*, including: outcome; outline; requested action; resolution; Resolution Establishing a Governance Structure for the CAC; background; CAC governing structure; CAC Charter; Governance Ad Hoc Committee; CAC Charter; meetings; CAC Compensation Policy and Procedures; overview; Compensation Policy; CAC meetings; Co-Chairs, Committee, and Other Required Meetings; other activities; and reimbursements.

Public Comments

Public comments were given by “Call-In-User_1.”

Board Comments

The Board and staff discussed the way in which Board members may participate in the CAC member candidate selection process; the way in which the proposed \$75/per hour compensation rate for CAC non-general meetings was calculated, and at what point that hourly rate is to be capped; the maximum amount of financial compensation that a CAC member may receive annually; whether CAC members receive a Form 1099 each year from the Air District; the administrative oversight process of issuing

CAC member compensation; the governing structure that requires at least of 70% of CAC members to *live* in county they are representing, allowing six CAC members to work in the county they are representing, and whether these percentages are sufficient; whether the CAC general meetings allow remote participation or require all members to meet in person at one location; the number of CAC members representing each of the nine Bay Area counties; eligible activities that can be covered by the \$1,000 in funding that CAC members may apply for each year to cover their time spent on events, activities, or services related to the advancement of the Mission of the Air District and purpose of the CAC; the importance of compensating people for their time; whether this model will be made available to other governing bodies within regional agencies; and appreciation for raising up community voices and lived experiences.

Board Action

Vice Chair Hurt made a motion, seconded by Chair Bauters, to adopt a resolution establishing a governance structure for the Community Advisory Council, which includes the Community Advisory Council Charter and the Community Advisory Council Compensation Policy and Procedures; the motion **carried** by the following vote of the Board:

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

[Click to view signed Board Resolution No. 2023–14](#)

INFORMATIONAL ITEM

19. **WILDFIRE SEASON PREVIEW**

*Dr. Ranyee Chiang, Director of the Meteorology and Measurement Division, gave the staff presentation *Wildfire Season Preview*, including: outcome; outline; presentation for information only; wildfire impacts on air quality; 2023 fire season outlook; outline; air monitoring; air quality data sites; air quality forecasting; communications; wildfire preparedness tips; mask messaging; outline; reducing wildfire risk, Clean Air Centers; and air filtration initiatives.*

Public Comments

Public comments were given by Trinity Vang, Brightline Defense; Carolina Correa, Brightline Defense; and “Call-In-User_1.”

Board Comments

The Board and staff discussed the request for Air District staff to agendize concerns raised by Brightline Defense regarding climate change impacts upon Single Room Occupancy tenants; and the request for the Air District staff to work with fire authorities have concerns about the Air District’s prescribed burning requirements.

Board Action

None; receive and file.

OTHER BUSINESS

20. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by “Call-In-User_1.”

21. BOARD MEMBER COMMENTS

Chair Bauters responded to comments made by “Call-In-User_1.”

Director Hudson said that personal attacks on Board members and Air District staff members, via public comments, must stop.

22. REPORT OF THE EXECUTIVE OFFICER/APCO

Dr. Philip M. Fine, Executive Officer/APCO, waived his report.

23. CHAIRPERSON’S REPORT

Chair Bauters announced the following:

- The Finance and Administration Committee will meet on July 5, 2023, following the Board meeting, at 375 Beale Street, San Francisco, California, 94105.
- The Air District’s “Headquarters East” office is now open to Board members, staff, and the public, as a satellite office for Board and committee meetings. The address is 4114 Lakeside Drive, Granada Conference Room, Richmond, California, 94806.
- The Mobile Source and Climate Impacts Committee meeting that was scheduled for July 12, and Community Equity, Health, and Justice Committee meeting that was scheduled for July 19, have both been cancelled.
- No Board or committee meetings will be held during the month of August.

24. TIME AND PLACE OF NEXT MEETING

Wednesday, July 19, 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 (11:15 a.m.)

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

26. **CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(a))**

Pursuant to Government Code Section 54956.9(a), the Board met 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.

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

*Significant exposure to litigation pursuant to Government Code sections 54956.9(a) and (d)(2):
Claim of Stephen Sanders (1 claim)*

REPORTABLE ACTION: Mr. Crockett had nothing to report.

OPEN SESSION (12:40 p.m.)

28. **ADJOURNMENT**

The meeting was adjourned at 12:40 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards