

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 19, 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](http://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, 1<sup>st</sup> Floor Board Room, San Francisco, California, 94105): Chairperson John J. Bauters; and Directors Ken Carlson, Juan Gonzalez, Tyrone Jue, Katie Rice, Vicki Veenker, 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, Mark Ross, and Steve Young.

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

Present, In-Person Satellite Location: (City of Palo Alto City Hall, 250 Hamilton Avenue, 7<sup>th</sup> Floor, Palo Alto, California, 94301): Directors Margaret Abe-Koga, Noelia Corzo, Sergio Lopez, and Ray Mueller.

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

Present, In-Person Satellite Location: (San Ramon City Hall, 7000 Bollinger Canyon Road, Community Conference Room, 2<sup>nd</sup> Floor, San Ramon, California, 94583): Director David Hudson.

Absent: Vice Chairperson Davina Hurt; Directors Brian Barnacle, Erin Hannigan, Otto Lee, and Myrna Melgar.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Bauters stated that Jose Orozco was hired as an Air Quality Specialist I in the Air District's Compliance & Enforcement Division. He also announced that Dr. Phil Martien, Director of the Assessment, Inventory, and Modeling Division, will be retiring after 33 years at the Air District.

NOTED PRESENT: Director Rice was noted present at 9:07 a.m., and Director Abe-Koga was noted present at 9:08 a.m.

**CONSENT CALENDAR** (Items 4 – 16)

4. Approval of the Draft Minutes of the Board of Directors Regular Meeting of July 5, 2023
5. Board Communications Received from July 5, 2023, through July 18, 2023
6. Personnel Out-of-State Business Travel Report for June 2023
7. Quarterly Report of the Executive Office and Division Activities for the Months of January 2023 - March 2023
8. Authorization to Amend Legal Services Agreement with Woodruff & Smart for Continued Representation of the Air District in The Athletics Investment Group LLC v. Bay Area Air Quality Management District et al.
9. Projects and Contracts with Proposed Grant Awards Over \$500,000
10. Authorization to Expand Benefits, Vendors, and Partnership Agreements for the Home Air Filtration Program
11. Authorization to Amend Contract with Clean Cars for All Contractor
12. Notice of Proposed Amendments to Administrative Code Regarding Probationary Periods and Return Rights for Current Employees Promoted to Deputy Executive Officer or Senior Assistant Counsel
13. Authorization to Amend Legal Services Agreement with Shute Mihaly & Weinberger for Continued Representation of the Air District in Ongoing Litigation Regarding Regulation 6-5
14. Authorization to Execute Three-Year Contracts with Four Temporary Staffing Firms Not to Exceed \$1.6 Million
15. Authorization to Execute a Contract Amendment with Van Dermyden Makus Law Corporation
16. Report of the Finance and Administration Committee Meeting of July 5, 2023

**Public Comments**

Public comments were given by Jason Crossland, Central City Single-Room Occupancy (SRO) Collaborative; Eddie Ahn, Brightline Defense; Miriam, Central City SRO Collaborative; Danny Garcia, Central City SRO Collaborative; and Trinity Vang, Brightline Defense.

NOTED PRESENT: Director Corzo was noted present at 9:12 a.m., Director Ross was noted present at 9:18 a.m., and Director Mueller was noted present at 9:20 a.m.

### Board Comments

Director Walton said that, based upon the public comments, which were intended for Item 18, he would speak to the leadership at Central City SRO Collaborative about the tenants' concerns.

### Board Action

Director Gonzalez made a motion, seconded by Director Veenker, to **approve** Consent Calendar Items 4 – 16, inclusive; and the motion **carried** by the following vote of the Board:

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

### **ACTION ITEMS**

#### **17. AUTHORIZATION OF EMPLOYEE COMPENSATION AND BENEFITS**

John Chiladakis, Acting Deputy Executive Officer of Finance and Administration, gave the staff presentation *Consider Authorization of Employee Compensation Plan*, including: requested motion; background; compensation summary – salaries and benefits; and recommendation for motion.

### Public Comments

No requests received.

### Board Comments

The Board and staff discussed when the resolution approving the pay increase that would be effective on July 1, 2024 will be adopted.

### Board Action

Director Carlson made a motion, seconded by Chair Bauters, to **adopt** a resolution authorizing employee compensation and benefits for Fiscal Year Ending 2024; and the motion **carried** by the following vote of the Board:

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

[Please click here to view signed Board Resolution No. 2023–15](#)

18. **AUTHORIZATION TO AMEND THE HOME AIR FILTRATION PROGRAM ELIGIBILITY CRITERIA FOR JAMES CARY SMITH COMMUNITY GRANTEE PARTNERSHIPS**

Anna Lee, Community Engagement Manager, gave the staff presentation *Amendment of Home Air Filtration Program Eligibility Criteria for James Cary Smith Community Grantee Partnerships*, including: outcome; outline; requested action; background & program scope; current program overview; target populations and communities; James Cary Smith grantees and community organization partnerships; James Cary Smith grantee partner eligibility; and summary of requested action.

NOTED PRESENT: Director Miley was noted present at 9:36 a.m.

Public Comments

Public comments were given by Eddie Ahn, Brightline Defense; and Charles Davison, Hercules resident.

Board Comments

The Board and staff discussed whether the Air District is tracking the impact of the filters on health of the recipients; the desire for confirmation of use of the filters that are allocated; concerns about the length and complexity of the filter application; whether any of the grants that the Air District manages are oversubscribed; the request for a future Board presentation from Breathe California.

Board Action

Director Gonzalez made a motion, seconded by Director Rice, to **approve** a clarification to the criteria for the Home Air Filtration Program James Cary Smith Community Grantee partnerships to include, in addition to AB 617 communities, any other community with an overall score of 70 to 100 in CalEnviroScreen 4.0, an environmental health screening tool that shows cumulative impacts in California communities by census tract; and the motion **carried** by the following vote of the Board:

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

19. **AUTHORIZATION TO EXECUTE A MULTI-YEAR CONTRACT WITH BLUEPOINT INC. FOR STRATEGIC PLANNING SERVICES NOT TO EXCEED \$234,70**

On behalf of Dr. Philip M. Fine, Executive Officer/Air Pollution Control Officer, Mr. Chiladakis gave the staff presentation *Consider Authorization of Strategic Planning Contract*, including: discussion; and recommendation for motion.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Gonzalez made a motion, seconded by Director Veenker, to **authorize** the Executive Officer/APCO to execute a contract with BluePoint Planning for the development of an agency-wide Strategic Plan in an amount not to exceed \$234,700; the motion **carried** by the following vote of the Board:

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

**INFORMATIONAL ITEM**

20. **AIR QUALITY SUMMARY AND TRENDS: PM<sub>2.5</sub>**

Michael Flagg, Principal Air Quality Specialist, gave the staff presentation *Air Quality Summary and Trends: Particulate Matter (PM)<sub>2.5</sub>*, including: outline; requested action; estimating levels of air pollution; Air District monitoring network; key takeaway #1; annual PM<sub>2.5</sub>; 24-hour PM<sub>2.5</sub>; key takeaway #2; long-term averages worse in dense urban areas and near the bay; short-term episodes worse in South Bay and eastern valleys; key takeaway #3; 2022 PM<sub>2.5</sub> (all monitoring sites); region-wide higher pollution episodes; localized higher pollution episodes; San Jose – Knox (near road); key takeaway #4; composition of PM; ongoing and future work; upcoming analyses of air sensor data; and summary.

Public Comments

Public comments were given by “Call-In-User\_1”; Jan Warren, Interfaith Climate Action Network of Contra Costa County; and Charles Davidson, Hercules resident.

Board Comments

The Board and staff discussed what is our strategy and what future presentations will the Board receive regarding this issue; the degree to which other regulatory bodies are responsible for helping to meet revised/future air quality standards; whether there has been an increase in concentration of black carbon; the effectiveness and tradeoffs of PurpleAir sensors, and whether they measure emissions from refineries; the need for additional monitors in overburdened communities; the suggestion for three-dimensional data visualization and daily heat maps of emissions averages; reason for emission increases

during the winter months; the desire to see the City of Benicia receive as much attention and resources as other overburdened communities, despite it not being a low-income community; how the Air District plans to utilize its speciation data; and sources of volatile organic compounds and how much of them are biogenic versus anthropogenic.

Board Action

None; receive and file.

**OTHER BUSINESS**

**21. PUBLIC COMMENT ON NON-AGENDA MATTERS**

Public comments were given by Kathy Kerridge, Benicia Community Air Monitoring Program; and “Call-In-User\_1.”

**22. BOARD MEMBER COMMENTS**

None.

**23. REPORT OF THE EXECUTIVE OFFICER/APCO**

Dr. Ranyee Chiang, Director of Meteorology and Measurement, gave an advisory for wildfire smoke in the Bay Area from the Flat Fire in Oregon.

**24. CHAIRPERSON’S REPORT**

Chair Bauters announced the following:

- On July 11, San Francisco Mayor, London Breed, announced the appointment of Tyrone Jue as the new Director of the San Francisco Environment Department. This appointment follows a nationwide search led by the Commission on the Environment and is effective immediately.

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

Wednesday, September 6, 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** (10:57 a.m.)

Public Comments

Public comments were given by “Call-In-User\_1.”

26. **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 Deputy Executive Officer of Finance and Administration*

*Employee organization: BAAQMD Employees' Association*

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

27. **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.

28. **CONFERENCE WITH LEGAL COUNSEL REGARDING 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 Terri Levels (1 claim)*

**REPORTABLE ACTION:** Mr. Crockett had nothing to report.

**OPEN SESSION** (12:05 p.m.)

29. **ADJOURNMENT**

The meeting was adjourned at 12:06 p.m.

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