

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

Board of Directors Regular Meeting  
Wednesday, September 6, 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 9:01 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; Vice Chairperson Davina Hurt; and Directors Ken Carlson, Juan Gonzalez, David Haubert, Tyrone Jue, Sergio Lopez, Myrna Melgar, 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, Mark Ross, and Steve Young.

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, 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: (Santa Rose Junior College, Doyle Library, 1501 Mendocino Ave., Room 148 Santa Rosa, California, 95401): Director Brian Barnacle.

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

Present, In-Person Satellite Location: (Office of Santa Clara County Supervisor Otto Lee, 70 W Hedding St., East Wing, 10<sup>th</sup> Floor, San Jose, California, 95110): Directors Noelia Corzo and Otto Lee.

Absent: Directors Erin Hannigan, David Hudson, Nate Miley, and Katie Rice.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Bauters introduced Heidi Howerton, a new Staff Specialist I in the Air District’s Strategic Incentives Division. He also announced the promotion of Dr. Wendy Goodfriend, now Director of the Air District’s Planning & Climate Protection Division, and the upcoming retirement of Scott Owen, Supervising Air Quality Engineer, who will be retiring after 38 years at the Air District.

NOTED PRESENT: Director Lee was noted present at 9:04 a.m., and Director Gallagher was noted present at 9:10 a.m.

**CONSENT CALENDAR (ITEMS 4 – 21)**

4. Approval of the Draft Minutes of the Board of Directors Regular Meeting of July 19, 2023
5. Board Communications Received from July 19, 2023, through September 5, 2023
6. Personnel Out-of-State Business Travel Report for July 2023
7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Months of June 2023 and July 2023
8. Quarterly Reports of California Air Resources Board Representative – Hon. Davina Hurt
9. Authorization to Amend Contract with Kadash & Associates LLC for Federal Legislative Advocacy Services
10. Authorization to Amend Contract with Moore Iacofano Goltsman, Inc., for the AB 617 Richmond-North Richmond-San Pablo Path to Clean Air Community Emissions Reduction Plan Community Steering Committee
11. Authorization to Amend Contract with DIFF WORKS, LLC for Videography Services
12. Authorization to Execute Lease Amendments for Compliance and Enforcement Field Office Space in Richmond
13. Authorization to Accept Grant Program Funds from the U.S. Environmental Protection Agency for Mobile and Portable Monitoring and to Procure Equipment Using Those Funds  
[Click here to view signed Board Resolution No. 2023-16](#)
14. Authorization to Amend Master Services Agreement with Just Cities, LLC for East Oakland AB 617 Community Steering Committee Support
15. Authorization to Amend Signature Authority for Air District Accounts Held With the San Mateo County Treasurer  
[Click here to view signed Board Resolution No. 2023-17](#)
16. Authorization for a One-Year Contract Renewal with Microsoft Corporation for Unified Support and Expanded Cybersecurity Operation Services
17. Authorization to Execute a Multi-Year Contract with Ideal Computer Services, Inc. for Hosting Services of the Legacy Systems
18. Amendments to Administrative Code Regarding Probationary Periods and Return Rights for Current Employees Promoted to Deputy Executive Officer or Senior Assistant Counsel

19. Authorization to Add and Amend Position Classifications to Reduce Barriers to Recruiting and Provide for Span of Control
20. Report of the Stationary Source and Climate Impacts Committee Meeting of July 12, 2023
21. Report of the Community Advisory Council Meeting of July 20, 2023

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Gonzalez made a motion, seconded by Vice Chair Hurt, to **approve** Consent Calendar Items 4 – 21, 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, Lee, Melgar, Veenker, Walton, Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Hannigan, Hudson, Lopez, Mueller, Miley, Rice, Ross.

**OTHER BUSINESS**

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

Public comments were given by Eddie Ahn, Brightline Defense.

NOTED PRESENT: Director Lopez was noted present at 9:16 a.m.

**23. BOARD MEMBER COMMENTS**

None.

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

Dr. Philip M. Fine, Executive Officer/APCO, announced that on September 5, 2023, the Air District and Communities for a Better Environment partnered to increase transparency and community participation in evaluating industrial health risks, via an agreement to enhance Air District Regulation 11-18 Health Risk Assessment process. The associated press release can be found [here](#).

Dr. Fine announced that the Air District offered the following positions to the following candidates: Dr. Meredith Bauer as Deputy Executive Officer of Engineering & Compliance; Hyacinth “Hy” Hinojosa as Deputy Executive Officer of Finance & Administration; and Viet Tran as Deputy Executive Officer of Public Affairs. The associated press release can be found [here](#).

Veronica Eady, Deputy Executive Officer of Equity & Community Programs, described the upcoming Community Advisory Council retreat, which will take place in Petaluma, California, on September 14 and 15, 2023.

**25. CHAIRPERSON'S REPORT**

Chair Bauters announced that the Board's Finance and Administration Committee will meet following this meeting (on September 6, 2023), no earlier than 1:00 p.m.

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

Wednesday, September 20, 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** (9:24 a.m.)

NOTED PRESENT: Director Mueller was noted present at 9:24 a.m., and Director Ross was noted present at 9:25 a.m.

**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 cases:*

*Chevron U.S.A Inc. v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1739;*

*Martinez Refining Co. LLC v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1568;*

*Stephen (Rex) Sanders v. Bay Area Air Quality Management District, San Francisco Superior Court Case No. CGC-23-608095;*

*Terri Levels v. Bay Area Air Quality Management District, San Francisco Superior Court Case No. CGC-23-608122.*

**REPORTABLE ACTION:** Alexander Crockett, District Counsel, had nothing to report, regarding the cases listed above in Item 27. However, Mr. Crockett did report action from the Board's Closed Session at its July 19, 2023 meeting. The Board voted to authorize the Executive Officer/APCO to accept and execute a settlement agreement in the case of Communities for a Better Environment v. Bay Area Air Quality Management District et al all (Alameda County Sup. Ct. No. 22CV020451.) Pursuant to Section 54957.1 (a)(3)(B) of the Brown Act, that action was not publicly recorded reported at that time. Under that Brown Act provision, settlements of pending litigation are not reported until the settlement becomes final. The settlement agreement was finalized on September 2, 2023, and so under the Brown Act, Mr. Crockett used the September 6, 2023 Board meeting to publicly report the action taken to approve the settlement

agreement that occurred in Closed Session on July 19, 2023. The vote to approve the settlement agreement was unanimous, with the following Directors present and voting in favor: Directors Gonzalez, Gallagher, Lopez, Young, Abe-Koga, Jue, Gioia, Rice, Miley, Carlson, Corzo, Mueller, and Veenker, Secretary Hopkins, and Chair Bauters. There were no votes against and no abstentions.

28. **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:** Mr. Crockett had nothing to report.

**OPEN SESSION** (11:14 a.m.)

29. **ADJOURNMENT**

The meeting was adjourned at 11:15 a.m.

*/s/ Marcy Hiratzka*

Marcy Hiratzka  
Clerk of the Boards