

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

Board of Directors Regular Meeting
Wednesday, November 1, 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 9:24 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; Secretary Lynda Hopkins; and Directors Ken Carlson, Noelia Corzo, Joelle Gallagher, John Gioia, Juan Gonzalez, Erin Hannigan, Tyrone Jue, Otto Lee, Sergio Lopez, Myrna Melgar, Mark Ross, Vicki Veenker, Shamann Walton, and Steve Young.

Present, In-Person Satellite Location: (Glenarden Library, 8724 Glenarden Parkway, Glenarden, Maryland, 20706): Director Nate Miley.

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

Absent: Directors Margaret Abe-Koga, Brian Barnacle, David Haubert, Ray Mueller, and Katie Rice.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Bauters congratulated Liana Solis, who was promoted to the position of Air Quality Specialist I in the Engineering Division; Cris Vinluan, who was promoted to the position of Programmer Analyst I in the Information Services Division; and Michael Kong, who was promoted to Senior Air Quality Specialist in the Meteorology and Measurement Division.

CONSENT CALENDAR (ITEMS 4 – 24)

4. Approval of the Draft Minutes of the Board of Directors Meeting of October 4, 2023

5. Board Communications Received from October 18, 2023, through October 31, 2023
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of September 2023
7. Quarterly Report of the Executive Office and Division Activities for the Months of April 2023 - June 2023
8. Notice of Proposed Amendments to Administrative Code – Comprehensive Administrative Code Update
9. Appointment of Hearing Board Members for the Public Category Positions - Principal Member B and Alternate Member B
10. Authorization to Issue a Credit Card to the Deputy Executive Officer of Engineering and Compliance and Deputy Executive Officer of Public Affairs
11. Authorization to Allocate Remaining Wildfire Mitigation Designation Funds to Home Air Filtration Program
12. Authorization to Execute a Sponsorship Contract with the American Lung Association (ALA)
13. Authorization to Execute Lease Agreement for a Compliance & Enforcement (C&E) Field Office in Hayward
14. Authorization to Execute Professional Services Agreement with En2Action for Bayview Hunters Point/Southeast San Francisco AB 617 Community Steering Committee
15. Authorization to Extend the Term and Increase the Total Dollar Amount of the Master Services Agreement with the Marie Harrison Community Foundation for the Bayview Hunters Point/Southeast San Francisco Community Emissions Reduction Plan (AB 617)
16. Authorization to Extend the Term and Increase the Total Dollar Amount of the Master Services Agreement with the Bayview Hunters Point Community Advocates for the Bayview Hunters Point/Southeast San Francisco Community Emissions Reduction Plan (AB 617)
17. Authorization to Execute a Contract with NFP Retirement, Inc.
18. Authorization to Execute Contract Amendments for Website Maintenance and Improvements in the amount of \$440,335
19. Report of the Legislative Committee Meeting of October 4, 2023
20. Report of the Finance and Administration Committee Meeting of October 4, 2023
21. Report of the Stationary Source and Climate Impacts Committee Meeting of October 11, 2023
22. Report of the Mobile Source and Climate Impacts Committee Meeting of October 11, 2023
 - a. Projects and Contracts with Proposed Grant Awards Over \$500,000
 - b. Participation in 2023-2024 Funding Agricultural Reduction Measures for Emissions Reductions (FARMER) Incentive Program
[Click here to view Board Resolution No. 2023-20](#)
 - c. Updates to the Transportation Fund for Clean Air 40% Fund Policies for Fiscal Year Ending (FYE) 2025 and a Request from Alameda County Transportation Commission for Approval of a Cost-Effectiveness Limit for a FYE 2024 Project
23. Report of the Finance and Administration Committee's Special Meeting of October 18, 2023
24. Report of the Community Equity, Health and Justice Committee Meeting of October 18, 2023
 - a. Authorization for Year 3 of the James Cary Smith Community Grant Program

Public Comments

Public comments were given by “Call-In User_1”; Ariann Harrison, Marie Harrison Community Foundation; and Tonia Randell, Marie Harrison Community Foundation.

Board Comments

The Board and staff discussed the proposed contracts within Items 14, 15, and 16; the fact that the memo for Item 9 does not list the recommended candidates for the two vacant Hearing Board positions; and appreciation for the Board members and Air District staff for attending a recent tour of Bayview Hunters Point.

Board Action

Director Gonzalez made a motion, seconded by Director Lee, to **approve** Consent Calendar Items 4 – 24, inclusive; and the motion **carried** by the following vote of the Board:

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

ACTION ITEMS

25. APPROVAL OF PROPOSED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT AND THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT EMPLOYEES’ ASSOCIATION AND AUTHORIZATION OF COMPENSATION PACKAGE FOR AIR DISTRICT EMPLOYEES FOR THE FISCAL YEAR ENDING 2024

Hyacinth Hinojosa, Deputy Executive Officer of Finance and Administration, gave the staff presentation *Consider Approving the Proposed MOU between the Air District and the Employees’ Association and Authorizing the Compensation Package for Air District Employees for the Fiscal Year Ending 2024*, including: requested action; background; summary of salaries and benefits; budget consideration; and recommendation for motion.

Public Comments

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

Board Comments

Board members expressed their appreciation for the Air District’s Employees’ Association’s involvement regarding this item; and for the transparent manner in which this item was executed.

Board Action

Vice Chair Hurt made a motion, seconded by Director Carlson, to **approve** the proposed Memorandum of Understanding between the Bay Area Air Quality Management District and the Bay Area Air Quality Management District Employees’ Association, **adopt** the Resolution authorizing employee salaries and benefits for represented and non-represented employees, and **authorize** the transfer of \$820,000 from the General Fund undesignated reserves for one-time salary payments and 401A contributions; the motion **carried** by the following vote of the Board:

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

[Click here to view Board Resolution No. 2023-21](#)

26. UPDATE ON DECOMMISSIONING LEGACY PERMITTING AND ENFORCEMENT COMPUTER SYSTEMS AND THE IMPLEMENTATION OF THE MY AIR ONLINE REPLACEMENT SYSTEMS; AND CONSIDER FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDATION THAT THE BOARD OF DIRECTORS AUTHORIZE THE AIR POLLUTION CONTROL OFFICER (APCO) TO EXECUTE RELATED SERVICE CONTRACTS NOT TO EXCEED \$2,650,000

At a special meeting of the Finance and Administration Committee (on October 18, 2023), Air District staff presented the Committee with the status of the decommissioning of legacy permitting and enforcement software and hardware systems, the implementation schedule for the new My Air Online replacement systems, and a request to recommend contract amendments.

John Chiladakis, Chief Technology Officer, gave the staff presentation *Status of Decommissioning Legacy Permitting and Enforcement Computer Systems and Request to Recommend Contracts for Replacement Systems*, including: outline; requested action; audit work and immediate changes; Legacy System databank decommissioned September 29, 2023; audit recommendations; project roadmap looking forward; My Air Online budget and forecast; vendor contract amendments; and recommended action.

Public Comments

Public comments were given by “Call-In User_1”; and Kevin Buchan, Western States Petroleum Association.

Board Comments

The Board and staff discussed the history and events leading up to the decommissioning of the legacy systems, and the explanation for the Board-requested audit of the My Air Online program; whether the proposed vendor contract amount of \$2.65 million would be a one-time amount, versus reoccurring; whether the decommissioning of the legacy systems (and subsequent launching of the full My Air Online program) is anticipated to process permit applications more efficiently, and why this is only happening now; and the desire to know how My Air Online and its technology will evolve (for the sake of transparency to the public and affected facilities).

Board Action

Chair Bauters made a motion, seconded by Director Lee, to recommend that the Board **authorizes** the APCO to execute contracts for related services not to exceed \$2,650,000; and the motion **carried** by the following vote of the Board:

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

INFORMATIONAL ITMS

27. UPDATE ON THE HOME AIR FILTRATION PROGRAM (HAFP) BY AIR DISTRICT STAFF AND ASTHMA MITIGATION PROJECT (RAMP) PARTNER AGENCIES

The Board of Directors received a presentation on an overview of the District’s Home Air Filtration Program by Air District staff and Asthma Mitigation Project (AMP) partner agencies from 2021 to 2023. This update included Regional Asthma Management and RAMP’s case study report on client-level data and the partnership between the District, RAMP and AMP partner agencies, and a spotlight on Breathe CA – one of the AMP partners providing air filters and asthma education to low-income clients with lung conditions. Amy Smith of the District’s Community Engagement Office, Anne Kelsey Lamb of Regional Asthma Management and Prevention (RAMP), and Tanya Payyappilly of Breathe CA, gave the presentation *Update on the Home Air Filtration Program with Asthma Mitigation Project Partner Agencies*, including: requested action; outcome; outline; background; AMP expansion; HAFP AMP expansion; and guest presentations on HAFP lessons learned and tips for replication; and Breathe CA of the Bay Area, Golden Gate, and Central Coast.

Public Comments

Public comments were given by Trinity Vang, Brightline Defense; “Call-In User_1”; and Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Board Comments

The Board and staff discussed whether the service area of Breathe California may be expanded to serve all Bay Area Counties; the desire for additional AMP partners throughout Bay Area Counties, especially in areas with higher asthma rates; the process by which AMP clients are identified; the desire for multilingual community outreach language regarding AMS partners and client opportunities; concern that HAFP AMP partnership opportunities may be overlooked in low-income areas that are not identified by CalEnviroscreen 4.0; whether the Air District measures the reduction of air pollution in the homes of air filter recipients; the suggestion of prioritizing Assembly Bill (AB) 617 communities for new AMP partnerships; the suggestion of cross-referencing the Air District’s priority area lists with those that cities and counties may have already generated; the current status of the expansion of Clean Air Centers in the Bay Area; health coverage trends of air filter recipients; and near-term challenges that can be supported by policy changes or public support.

Board Action

None; receive and file.

28. AIR DISTRICT STRATEGIC PLANNING UPDATE

Mindy Craig, Principal/Owner of BluePoint Planning, together with Air District staff, gave the presentation *Strategic Plan Board Introduction*, including: BluePoint Planning; what is the Strategic Plan; integration

with the Environmental Justice Action Plan; internal and external stakeholders; the role of the Board ad hoc committee; Board involvement; and opportunity for Board member interviews.

Public Comments

No requests received.

Board Comments

The Board and staff discussed whether stakeholder (Board member) interviews are required; how the recruitment for the Air District's Deputy Executive Officer of Equity and Community Programs will correlate with the Strategic Plan timeline; and the desire that all Board members complete the survey issued by BluePoint and sign up for their stakeholder interview in preparation for the Board retreat discussion in early 2024.

Board Action

None; receive and file.

OTHER BUSINESS

29. PUBLIC COMMENT ON NON-AGENDA MATERS

Public comments were given by Alysia Gadde, Healthy Martinez: A Refinery Accountability Group

30. BOARD MEMBER COMMENTS

Vice Chair Hurt, in her capacity as a member of the California Air Resources Board's (CARB) Governing Board, announced that on October 26, 2023, CARB's Board of Directors approved the Final Draft Blueprint 2.0 (AB 617 Community Air Protection Program Statewide Strategy Update). CARB's Board adopted the first Blueprint in September 2018, and Blueprint 2.0 is the first update since the first Blueprint was adopted. CARB implements most of the activities described in the Blueprint through the Community Air Protection Program (AB 617). The original Blueprint describes how CARB selects initial communities, establishes how community air monitoring plans and community emissions reduction programs must be developed and implemented, and identifies new strategies for reducing pollution in all communities affected by a high cumulative exposure burden (overburdened communities) consistent with state statute. Blueprint 2.0 builds on lessons learned in the program over the last five years, provides guidance to implement the Program, and incorporates new pathways to expand the Community Air Protection Program benefits to more communities statewide. The Final Draft Blueprint 2.0, will replace the original document in its entirety.

31. REPORT OF THE EXECUTIVE OFFICER/APCO

Dr. Philip M. Fine, Executive Officer/APCO, thanked the community and political partners involved with organizing the tour of Bayview Hunters Point on Saturday, October 28, 2023.

32. CHAIRPERSON'S REPORT

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

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

Wednesday, November 15, 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 (11:07 a.m.)

34. **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.

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

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

Significant exposure to litigation pursuant to Government Code section 54956.9(a) and (d)(2): Claim of Makena "Ruby" World (1 claim).

REPORTABLE ACTION: Mr. Crockett had nothing to report.

OPEN SESSION (12:59 p.m.)

36. **ADJOURNMENT**

The meeting was adjourned at 1:01 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards