

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 15, 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 9:08 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 Noelia Corzo, Tyrone Jue, Myrna Melgar, and Shamann Walton.

Present, In-Person Satellite Location: (Palo Alto City Hall, 250 Hamilton Ave., Palo Alto, California, 94301): Directors Sergio Lopez, Ray Mueller, and Vicki Veenker.

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

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

Present, In-Person Satellite Location: (Office of Contra Costa County Supervisor John Gioia, 11780 San Pablo Ave., Suite D, Conference Room, El Cerrito, California, 94530): Directors Ken Carlson, John Gioia, 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: (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, Joelle Gallagher, Juan Gonzalez, Erin Hannigan, Nate Miley, and Katie Rice.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Bauters congratulated Jodie Mackenzie, who was promoted to the position of Budget Manager.

CONSENT CALENDAR (ITEMS 4 – 11)

- 4. Approval of the Draft Minutes of the Board of Directors Meeting of November 1, 2023
- 5. Board Communications Received from November 1, 2023, through November 14, 2023
- 6. Personnel Out-of-State Business Travel Report for September 2023
- 7. Authorization to Execute a Contract with Sharon Beals
- 8. Authorization to Execute a Contract for a Grant Project Over \$500,000 and Accept New State Monies

[Click here to view Board Resolution No. 2023-22](#)

[Click here to view Board Resolution No. 2023-23](#)

- 9. Report of the Finance and Administration Committee Meeting of November 1, 2023
- 10. Report of the Stationary Source and Climate Impacts Committee Meeting of November 8, 2023
- 11. Report of the Mobile Source and Climate Impacts Committee Meeting of November 8, 2023

Public Comments

No requests received.

Board Comments

Director Young pulled Item 7 (Authorization to Execute a Contract with Sharon Beals), concerned about the contract amount and whether a Request for Proposals process was conducted.

Board Action

Chair Bauters made a motion, seconded by Director Corzo, to **approve** Consent Calendar Items 4, 5, 6, 8, 9, 10, and 11; and the motion **carried** by the following vote of the Board:

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

Chair Bauters made a motion, seconded by Director Walton, to **approve** Consent Calendar Item 7; and the motion **carried** by the following vote of the Board:

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

ACTION ITEM

12. **COMPREHENSIVE ADMINISTRATIVE CODE UPDATE AND ACCOMPANYING IMPLEMENTATION POLICIES AND BOARD RULES OF PROCEDURE**

Alexander Crockett, District Counsel, Sharon Landers, Interim Chief Operating Officer, and Amy Ackerman of Renne Public Law Group, gave the presentation *Comprehensive Administrative Code Update Project*, including: outcome; requested action; overview; guiding principles; Administrative Code vs. procedures and policies; project timeline; new Administrative Code – effective Board leadership, streamlined standing committees, Board and committee meeting schedules, advisory councils and Hearing Board, codified staff and Board roles, and more effective and efficient financial practices; Board Rules of Procedure; implementation policies; and action requested.

Public Comments

No requests received.

NOTED PRESENT: Director Carlson was noted present at 9:47 a.m.; Director Jue was noted present at 9:56 a.m.

Board Comments

The Board and staff discussed Section 2.9(d) (Board of Directors, Compensation for Attendance at meetings, Active Transportation Calculation), and whether electric bicycles and non-motorized vehicles should qualify as a commuting option that may be compensated; concern regarding Board members being required to attend all Board meetings in person in San Francisco; concerns regarding Committee Chairs and Vice Chairs being required to attend committee meetings in person at in San Francisco; whether the Air District is allowed to compensate for Board member mileage beyond 2023 Internal Revenue Service mileage rates; risks of the Ralph M. Brown Act provisions not being met, which could result in committee actions being invalidated, or meetings being delayed or canceled altogether, and whether any Board-related incidents have occurred that have violated the Brown Act; the suggestion that Air District staff send committee meeting agendas to the people overseeing the remote teleconferencing locations well before the 72-hour noticing requirement; concerns regarding Board members having to sign a written agreement committing to complying with all requirements established by the Board of Directors in the Remote Teleconferencing Meeting Policy; the suggestion of seeking input from members of the public about whether to continue offering remote teleconferencing locations; the suggestion of requiring in-person attendance when the Board considers specific matters (rulemakings, budget, etc.), and the suggestion of giving the Board Chairperson the authority to determine which Board meetings will require in-person attendance; whether other Bay Area regional government agencies are requiring their Board members to attend meetings in person; and whether the Executive Leadership Continuity Policy includes compensation provisions; challenges with multiple remote teleconferencing locations.

Board Action

Chair Bauters made a motion, seconded by Director Melgar, to do the following:

Approve the comprehensive update and overhaul of the Administrative Code that will replace Division I and Division II of the current code and proposed accompanying implementation policies and related documents, with (i) an amendment to section 2.6, subparagraph (d), of the proposed Administrative Code to amend the use of remote teleconferencing to use the language provided in Section 3.3, subparagraph (a),

that allows for remote meetings under the Government Code, with the exception that remote meetings shall not be allowed for a meeting at which the Board is to adopt the budget or is to hold a public hearing for adoption of a rule or regulation, or upon special circumstances at the call of the chair; and (ii) an amendment to the proposed Remote Teleconferencing Meeting Policy to strike all references to “standing committee” or “committee” and to strike Paragraph 8 in its entirety and to renumber paragraphs 9 through 11 as Paragraphs 8 through 10.

The motion **carried** by the following vote of the Board:

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

[Click here to view Board Resolution No. 2023-24](#)

INFORMATIONAL ITMES

13. OVERVIEW OF 2023-2024 SPARE THE AIR WINTER SEASON AND SUMMARY OF 2023 SPARE THE AIR SUMMER SEASON

Kristine Roselius, Communications Director, and Tim McLarney of True North Research, gave the presentation *Overview of 2023-24 Spare the Air Winter Season and Summary of 2023 Spare the Air Summer Season*, including: outcome; outline; requested action; winter campaign; creative and advertising; media and social media; door-to-door outreach; summer campaign; creative and advertising; outreach and social media; Employer Program; survey; and feedback requested.

Public Comments

Public comments were given by Jane Kramer, Alameda resident; and Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Board Comments

The Board and staff discussed the request that future Spare the Air program surveys be sent to residents of Assembly Bill (AB) 617 and disadvantaged communities; whether the shift in primary transportation modes during the past year includes both gas-powered and electric vehicles; the history of California’s smoking bans, how they have changed behavior, and whether that is comparable to the banning of residential wood-burning; the desire for community outreach regarding health impacts of woodsmoke, in multiple languages; past advertising that was memorable to the public; and the request for a copy of the survey that was used for the 2023 Spare the Air Summer Program.

Board Action

None; receive and file.

14. OVERVIEW OF THE BAY AREA EMISSIONS INVENTORY

Dr. Song Bai, Acting Director of the Assessment, Inventory, and Modeling Division, gave the staff presentation *Overview of the Bay Area Emissions Inventory*, including: outcomes; outline; illustration of air pollution environment; what is an emissions inventory (EI); EI in the air quality analysis process; EI applications; what are the limitations of an EI; EI source types and methodology; example of source contributions: Particulate Matter (PM)_{2.5} and nitrogen oxides (NOx); sub-regional inventory data; regional inventory trends; Assembly Bill (AB) community inventories; summary; and upcoming inventory work products.

Public Comments

Public comments were given by Jane Kramer, Alameda resident; Jan Warren, Interfaith Climate Action Network of Contra Costa County; and Tony Fisher, Coalition for Clean Air.

Board Comments

The Board and staff discussed reasons why NOx levels of multiple Bay Area counties vary (source contributions); the fact that emissions data alone are an incomplete picture of the contribution to air pollution, and how the picture of air quality must be augmented with ambient measurements and other information; whether the on-road sources data accounts for different vehicle types; and which sources are federally regulated (versus regulated by the State), and the importance of ongoing engagement with the Air District's federal partners.

Board Action

None; receive and file.

OTHER BUSINESS

15. PUBLIC COMMENT ON NON-AGENDA MATERS

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County.

16. BOARD MEMBER COMMENTS

Director Young stated that he observed the November 7, 2023 Implementation Working Group for Rules 9-4 and 9-6 meeting, at which, the presentation *Planning for Home Electrification*, discussed appliance conversion. The presentation referenced a study, conducted in ten San Mateo County homes, which concluded that there is enough grid capacity to electrify homes. Director Young requested that the same study be conducted in AB 617 and disadvantaged communities, as this regulation is anticipated to impact middle and low-income communities.

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

Dr. Philip M. Fine, Executive Officer/APCO, had nothing to report.

18. **CHAIRPERSON'S REPORT**

Chair Bauters announced the following:

- The Board's Community Equity, Health, and Justice Committee will meet following the Board meeting (on November 15, 2023), no earlier than 1:00 p.m.
- Chair Bauters is calling for nominations for Board members who are interested in serving as Board Officer (Chair or Vice Chair) on the Board in 2024. Those who are interested in serving as an officer on the Board in 2024 or would like to nominate another Board Member to serve, are to submit their nominations in writing to Vanessa Johnson (and copy Chair Bauters) by close of business Tuesday, November 28, 2023. Nominations will be presented, considered, and recommended at the Nominating Committee meeting scheduled to meet on Wednesday, December 6, 2023, at 8:45 a.m.

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

Wednesday, December 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 (11:37 a.m.)

20. **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.

OPEN SESSION (12:07 pm)

21. **ADJOURNMENT**

The meeting was adjourned at 12:08 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards