

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

Board of Directors Regular Meeting  
Wednesday, March 6, 2024

### **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, Davina Hurt, called the meeting to order at 10:01 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 Davina Hurt; and Directors John J. Bauters, Noelia Corzo, Juan González III, Tyrone Jue, Katie Rice, 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: (Office of Contra Costa County Supervisor John Gioia, 11780 San Pablo Ave., Suite D, Conference Room, El Cerrito, California, 94530): Directors Erin Hannigan and Steve Young.

Present, In-Person Satellite Location: (Napa County Administration Building, 1195 Third Street, Suite 310, Crystal Conference Room, Napa, California, 94559): Director Joelle Gallagher.

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

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: (Office of Contra Costa County Supervisor Ken Carlson, 2255 Contra Costa Blvd., Suite 202, Pleasant Hill, California, 94523): Directors Ken Carlson and Mark Ross.

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

Absent: Directors Margaret Abe-Koga, John Gioia, and Nate Miley.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Hurt welcomed the following new employees: Nina Garde, Staff Specialist I in Community Engagement; Leo Castellblanch, Air Quality Technician I, Engineering; Zach Kowalewski, Air Quality Engineer I, in Engineering; Leo Ly, Air Quality Engineer II, in Engineering; Kristine Ferguson, Air Quality Engineer I, in Engineering. She also congratulated Perry Ng, who was promoted to the position of Senior Air Quality Engineer, in Engineering.

NOTED PRESENT: Director Jue was noted present at 10:07 a.m.; Directors Lopez and Ross were noted present at 10:13 a.m.

**CONSENT CALENDAR (ITEMS 4 – 13)**

4. Approval of the Draft Minutes of the Board of Directors Special Meeting/Retreat of January 31, 2024
5. Approval of the Draft Minutes of the Board of Directors Meeting of February 7, 2024
6. Board Communications Received from February 7, 2024 through March 5, 2024
7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of January 2024
8. Acceptance of Clean Cars For All Funding

**[CLICK HERE TO VIEW BOARD RESOLUTION 2024-02](#)**

9. Designation of Fair Labor Standards Act Status for All Classifications
10. Establish a New Classification of Principal Cybersecurity Analyst
11. Report of the Stationary Source Committee Meeting of February 14, 2024
12. Report of the Finance and Administration Committee Meeting of February 21, 2024
13. Report of the Policy Grants, and Technology Committee Meeting of February 21, 2024

**Public Comments**

No requests received.

**Board Comments**

None.

Board Action

Director González made a motion, seconded by Director Bauters, to **approve** Consent Calendar Items 4 – 13, inclusive; and the motion **carried** by the following vote of the Board:

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

**ACTION ITEMS**

**14. AIR DISTRICT COMPENSATION PHILOSOPHY**

Lisa Baker, Human Resources Officer, gave the staff presentation *Air District Compensation Philosophy*, including: requested action; overview; definition and key elements of a compensation philosophy; proposed compensation philosophy; comprehensive compensation; our proposed talent market; sustainability and public stewardship; our proposed compensation program; stakeholder input; Finance and Administration Committee feedback; communication plan; and recommended action.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the Board’s appreciation for the standing Board agenda item of “Special Orders of the Day”, during which, new employees, and employees that have been promoted within the Air District are given an opportunity to introduce themselves to the Board; the desire that the compensation philosophy meets employees’ needs and provides opportunities for upward mobility; appreciation for the feedback from the Finance and Administration Committee; the desire for merit pay (recognize exceptional performance); the Air District’s current vacancy rate; and whether this compensation philosophy gives any attention to gender wage gaps.

Board Action

Director Rice made a motion, seconded by Director González, to **adopt** the proposed Compensation Philosophy for the Air District; and the motion **carried** by the following vote of the Board:

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

## 15. STATE LEGISLATIVE BILLS UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Bills Update*, including: outcome; outline; requested action; Assembly Bill (AB) 1465 (Wicks); AB 2298 (Hart et al.); Senate Bill (SB) 1095 (Becker); SB 382 (Becker); SB 1158 (Archuleta); SB 1193 (Menjivar); AB 1894 (ta); AB 2522 (Carrillo); and recap of requested action.

### Public Comments

Public comments were given by Dr. Stephen Rosenblum, Palo Alto resident.

### Board Comments

The Board and staff discussed the following:

#### **SB 1193**

Whether SB 1193 would have jurisdiction over Phillips 66's plans to make renewable jet fuel; the hope that SB 1193 will designate a state agency to rank the airport operators and aviation retail establishments that are located in or adjacent to disadvantaged communities; the desire that this bill is passed to set an example for the country; Santa Clara County's 2022 banning of the sale of leaded air fuels at its local airports, and resulting challenges; the importance of protecting the health of airport workers; and whether any unions are supporting this bill).

#### **AB 1465**

The level of severity of the civil penalties, per the proposed language of AB 1465.

#### **SB 1158**

Concerns about transparency and accountability.

#### **AB 2522**

Whether the Board's Finance and Administration Committee had already discussed AB 2522, and whether the Policy, Grants, and Technology Committee should discuss before the Board votes to take any action regarding this bill; reasons to weigh in on another air district's board's compensation, and reasons not to do so; ways in which the Bay Area Air Quality Management District could mimic the proposed model for the South Coast Air District, and whether the bill language could be amended to include the Bay Area Air District during the Spring of 2024; reasons to increase Bay Area Air District Board members' stipends and reasons not to do so; equity issues and pay disparity between county supervisors and city councilmembers (or members of voting Air District bodies who are not appropriately financially compensated to attend their meetings); suggested methods of making compensation among Board members more equitable; and the suggestion of supporting this bill and also advocating for the inclusion of stipend increases for the Bay Area Air District Board members, but waiting to change the Board member compensation policy until a later time, should the amended bill pass.

### Board Action

Director Bauters made a motion, seconded by Director Corzo, to **adopt** the recommended positions for the following bills:

<b>Bill</b>	<b>Proposed Action</b>
SB 382 (Becker) – Single-family residential property: disclosures	Support and offer to sponsor/co-sponsor
SB 1158 (Archuleta) – Carl Moyer Memorial Air Quality Standards Attainment program	Support
SB 1193 (Menjivar) – Airports: leaded aviation gasoline.	Support
AB 1894 (Ta) – Nonvehicular air pollution: civil penalties	Oppose

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

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

Director Bauters made a motion, seconded by Director Haubert, to **refer** AB 2522 (Carrillo) to Air District Board’s Policy, Grants, and Tehcnology Committee for further analysis and a potential recommendation, taking no position in the current time on the bill; and the motion **carried** by the following vote of the Board:

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

**CLOSED SESSION** (11:53 a.m.)

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

*Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board met in Closed Session with Legal Counsel to discuss significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: One case.*

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

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

*Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board met in Closed Session with Legal Counsel to discuss significant exposure to litigation regarding the claims of Makena "Ruby" World related to California Civil Rights Department Case No. 202309-22030520.*

**Reportable Action:** Mr. Crockett had nothing to report.

18. **CONFERENCE WITH LEGAL COUNSEL RE 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:*

*State of California et al. v. United States Postal Service (N. Dist. Cal. Case Nos. 3:22-cv-02583-RFL & 3:22-cv-02576-RFL);*

*South Coast Air Quality Management District et al. v. EPA (D.C. Circuit Case No. 19-1241); and*

*South Coast Air Quality Management District et al. v. National Highway Traffic Safety Administration (D.C. Circuit Case No. 20-1173).*

**Reportable Action:** Mr. Crockett had nothing to report.

19. **PUBLIC EMPLOYEE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1)**

*Title: Executive Officer/ Air Pollution Control Officer (APCO)*

**Reportable Action:** Hyacinth Hinojosa, Deputy Executive Officer of Finance & Administration, had nothing to report.

At this time, Mr. Crockett read a report from the Closed Session from the Board's meeting on February 7, 2024:

“In that Closed Session, the Board considered and voted to authorize settlements in two pending cases, in Agenda Item 21. That was the Rule 6-5 litigation, *Chevron USA Inc. v. BAAQMD* and *Martinez Refining Co. v. BAAQMD*. Under the Brown Act, Closed Session votes to authorize settlements are not reported immediately but are reported after the settlement agreements are signed and become final. Those Settlement Agreements have been signed, so the Board now has a duty to report out the votes to approve those settlements, which I will do now.

The votes were the same in both cases, with the Board voting unanimously to approve each settlement. Votes in favor were as follows:

Directors **Gonzales; Gallagher; Lopez; Young; Hannigan; Walton; Abe-Koga; Jue; Gioia; Hudson; Ross; Haubert; Lee; Bauters; Carlson; and Veenker**, and Vice Chair **Hopkins** and Chair **Hurt**.

There were no votes against and no abstentions.”

**OPEN SESSION** (1:27 p.m.)

**ACTION ITEM**

**20. APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR EXECUTIVE OFFICER / APCO**

Chair Hurt announced that the Board discussed the evaluation of the Executive Officer/APCO during Item 19, in Closed Session.

**Public Comments**

No requests received.

**Board Comments**

None.

**Board Action**

Director González made a motion, seconded by Director Lee, to **amend** to the employment contract for the Executive Officer/APCO by providing up to a 5% base salary increase, consistent with the Executive Officer/APCO’s employee agreement; and the motion **carried** by the following vote of the Board:

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

**OTHER BUSINESS**

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

No requests received.

**22. BOARD MEMBER COMMENTS**

Director Hudson announced that the Contra Costa Transportation Authority formed a partnership with Heex Technologies to refine data processing capabilities for autonomous vehicle original equipment manufacturers and mobility operators. This alliance was designed to contribute to the development of local and national safety standards and rulemaking for autonomous vehicles through the gathering and sharing of vehicle data.

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

Dr. Philip M. Fine, Executive Officer/APCO, reported that in January 2024, the Air District experienced a significant information service outage, which was the result of a targeted malware attack. The outage

impacted a number of systems at the Air District, but was contained, and the Air District's servers and systems are now back online.

24. **CHAIRPERSON'S REPORT**

Chair Hurt had nothing to report.

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

Wednesday, April 3, 2024, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Board of Directors members and members of the public will be able to either join in-person or via webcast.

26. **ADJOURNMENT**

The meeting was adjourned at 1:34 p.m.

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