

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

Board of Directors Regular Meeting
Wednesday, June 5, 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

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Davina Hurt, called the meeting to order at 10:05 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Chairperson Davina Hurt; Vice Chairperson Lynda Hopkins; and Directors Ken Carlson, Noelia Corzo, Joelle Gallagher, John Gioia, Juan González III, Erin Hannigan, David Haubert, Tyrone Jue, Otto Lee, Sergio Lopez, Nate Miley, Ray Mueller, Katie Rice, Mark Ross, Mark Salinas, Vicki Veenker, Shamann Walton, and Steve Young.

Participated Remotely, via Zoom (remote presence does not count for quorum, but votes are counted for all action items): Director David Hudson (just cause).

Absent: Directors Margaret Abe-Koga and Brian Barnacle.

2. **PLEDGE OF ALLEGIANCE**
3. **SPECIAL ORDERS OF THE DAY**

Chair Hurt observed the celebrations of Juneteenth and Pride Month during the month of June. She then welcomed the following new employees: Alex Dodd, Air Quality Meteorologist II in the Meteorology and Measurements Division; Lauren Louie, Staff Specialist II in the Technology Implementation Office; Robert Patterson, Director of Information Services; and Clif Brady, Human Resources Manager. Chair Hurt also announced that Simon Weiner, Supervising Air Quality Specialist of the Compliance and Enforcement Division, was retiring after 33 years of service.

NOTED PRESENT: Director Miley was noted present at 10:15 a.m.

CONSENT CALENDAR (ITEMS 4 – 30)

4. Approval of the Draft Minutes of the Special Budget Hearing of May 1, 2024
5. Approval of the Draft Minutes of the Board of Directors Meeting of May 1, 2024
6. Board Communications Received from May 1, 2024 through June 4, 2024
7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of April 2024
8. Authorization to Execute an Agreement with Alliant Insurance Services, Inc. for Insurance Broker Services
9. Authorization to Execute a Contract with Allison+Partners for Public Relations and Outreach Support Services
10. Authorization to Execute a Contract Amendment with Acterra for Electric Vehicle Coordinating Council Facilitation
11. Authorization to Execute a Contract Amendment with George McDaniel for Climate Tech Finance Program Services
12. Authorization to Execute a Contract Amendment with InterEthnica, Inc. for Meeting Facilitation Services to Support the Community Engagement Office
13. Authorization to Execute Contracts for the Modernization of Information Technology Infrastructure and Related Installation and Configuration Services
14. Authorization to Execute a Contract Amendment with Direct Mail Center for Public Notice Expenses and General Mailing Services
15. Authorization to Execute a Contract with the Metropolitan Transportation Commission for the Spare the Air Youth Program
16. Authorization to Execute a Memorandum of Agreement with the Association of Bay Area Governments for Implementation of Bay Area Clean Homes Initiative
17. Report of County Populations
18. Authorization to Execute Contract Amendments for Online Permitting and Compliance System (My Air Online)
19. Authorization to Execute Purchases for Meteorology and Measurement Division Operations
20. Authorization to Execute Agreements for Projects and Contracts with Proposed Grant Awards Over \$500,000 and Approve Selection Criteria for Solicitation for Electric Charging Infrastructure
21. Approval of Transportation Fund for Clean Air Regional Fund Policies & Evaluation Criteria Commencing Fiscal Year Ending 2025
22. Authorization to Execute a Sponsorship Contract with Veloz to Support Electric Vehicle Sales Throughout California and the Bay Area
23. Authorization of Funding Allocation and Cost-Effectiveness Limits for the Transportation Fund for Clean Air in Fiscal Year Ending 2025 - 60% Funds
24. Authorization to Execute a Contract with TTEC Digital for Development and Implementation of a Public Records Management System
25. Authorization for Attendance and Compensation for Board of Directors and Advisory Council Members to Attend the Air & Waste Management Association's Annual Conference in Alberta, Canada
26. Report of the Stationary Source Committee Meeting of May 8, 2024
27. Report of the Community Equity, Health and Justice Committee Special Meeting of May 8, 2024
28. Report of the Finance and Administration Committee Meeting of May 15, 2024
29. Report of the Policy, Grants, and Technology Committee Meeting of May 15, 2024
30. Report of the Community Advisory Council Meeting of May 16, 2024

Public Comments

No requests received.

Board Comments

The Board and staff discussed the Bay Area Clean Homes Initiative proposed grant that would enable the Association of Bay Area Governments to retrofit 1,500 existing homes in targeted communities, and the Air District to lead a \$4.5 M effort to develop and deploy key policy interventions aimed at removing systemic barriers to scaling decarbonization across the region.

Board Action

Director Lee made a motion, seconded by Director Hannigan, to **approve** Consent Calendar Items 4 – 30, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Carlson, Corzo, Gallagher, Gioia, González, Hannigan, Hopkins (Items 6 to 30), Hudson, Hurt, Jue, Lee, Lopez, Miley, Mueller, Rice, Ross, Salinas, Veenker, Walton, Young.
NOES: None.
ABSTAIN: Hopkins (Items 4 & 5).
ABSENT: Abe-Koga, Barnacle, Haubert.

PUBLIC HEARINGS

31. PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO AIR DISTRICT REGULATION 3: FEES

The Board of Directors held a second required public hearing to consider a resolution amending Air District Regulation 3: Fees, to become effective on July 1, 2024. The proposed fee amendments are designed to recover the costs of regulatory program activities in accordance with the Air District's Cost Recovery and Containment Policy.

Fred Tanaka, Engineering Manager, gave the staff presentation *Amendments to Regulation 3, Fees*, including: outcome; outline; requested action; budget and rule development schedule; proposed amendments (cost recovery impact, cost recovery, schedules not being increased, delete obsolete sections, clarifying language, alignment of risk assessment fees; cost recovery trends (by fee schedule, overall cost recovery, Board actions and policies, cost recovery directions, Board policies and programs); overview of public comments (objection to fee increases, level of service and staffing, improve cost containment and efficiency, possible fee reductions from the Online System, notification of the process, other); resolution and recommendation.

Chair Hurt opened the public hearing.

Public Comments

Public comments were given by Allegra Curiel, California Council for Environmental and Economic Balance; Kevin Buchan, Western States Petroleum Association; and Kathy Kerridge, Benicia Community Air Monitoring Program.

Board Comments

The Board and staff discussed why the Air District proposed to increase fee schedules with a cost recovery fee percentage greater than or equal to 100 percent but less than *110 percent* by the annual Consumer Price Index for Bay Area Urban Wage Earners and Clerical Workers; whether the 15% increase proposed for schedules with a cost recovery rate less than 100 percent will be repeated each Fiscal Year; which entity now regulates the excavation of contaminated soil and removal of underground storage tank operation work, since the Air District no longer does; potential areas for cost containment; operations within Schedule G-1; the desire that small businesses not be subjected to fee increases; whether larger or smaller operations are anticipated to be impacted by the proposed 15% fee increase, and how many impacted facilities would be non-petroleum refinery operations; the number of small business would be affected by this increase; the desire for a modified labor tracking/billing practice that includes specific efforts, such as permit number, facility, and equipment; the desire for companies to bear the burden of the health impacts that their operations cause; the request that the definition of “small business” be refined and specified; historical accounting construct versus service level construct; how often amendments to Regulation 3: Fees are considered; concerns about economic impacts of transferring costs (charging a company more, who then charges their customers more to pay Air District fees); and the manner in which Air District staff bills facilities for their time spent on that facility, and whether that process is comparable to an attorney’s billable hours.

Chair Hurt closed the public hearing.

Board Action

Director Salinas made a motion, seconded by Director Lee, to **adopt** the proposed amendments to Regulation 3, effective July 1, 2024; and the motion **carried** by the following vote of the Board:

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

[Click here to view Board Resolution No. 2024-04](#)

32. **PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED BUDGET FOR FISCAL YEAR 2024-2025**

The Board of Directors held a second required public hearing to consider a resolution adopting the proposed Fiscal Year 2024-2025 Budget, including proposed staffing recommendations, salary schedule and benefits, and other budget-related actions. The Finance and Administration Committee

recommended approval of the proposed Budget on April 17, 2024, and the Board held an initial public hearing to discuss the proposed Budget and to provide the public with an opportunity to comment on it on May 1, 2024.

Stephanie Osaze, Director of Finance, gave the staff presentation *Second Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year 2024-2025*, including: outcome; outline; Fiscal Year 2024-2025 Proposed Budget Summary; cost containment strategies; potential actions to address budget impact; summary of budget resolution actions; and recommendation.

Chair Hurt opened the public hearing.

Public Comments

No requests received.

Board Comments

None.

Chair Hurt closed the public hearing.

Board Action

Director González made a motion, seconded by Director Hudson, to **adopt** Resolution to approve the Fiscal Year 2024-25 Proposed Budget and related budget actions; and the motion **carried** by the following vote of the Board:

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

[Click here to view Board Resolution No. 2024-05](#)

COMMENDATION / PROCLAMATION / AWARD

33. RECOGNITION OF OUTGOING BOARD MEMBER: DAVID E. HUDSON (OUT OF ORDER, ITEM 34)

The Board of Directors recognized outgoing Director David E. Hudson for his fourteen years of service, leadership, and dedication to protecting air quality in the Bay Area.

Public Comments

Public comments were given by Bob Brown, Western States Petroleum Association; Jan Warren, Interfaith Climate Action Network of Contra Costa County; and Kathy Kerridge, Benicia Community Air Monitoring Program.

Board Comments

Board members gave individual comments acknowledging Director Hudson.

Board Action

No action taken.

CLOSED SESSION (12:35 p.m.)

34. **CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(a)) (ITEM 40)**

Pursuant to Government Code Section 54956.9(a), the Board met in Closed Session with Legal Counsel to discuss the following cases:

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: Alexander Crockett, General Counsel, had nothing to report.

35. **PUBLIC EMPLOYEE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1) (ITEM 41)**

Title: General Counsel

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

OPEN SESSION (1:24 p.m.)

ACTION ITEM

36. **APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR GENERAL COUNSEL (ITEM 42)**

Chair Hurt

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Salinas made a motion, seconded by Director Ross, to **approve** an amendment to the Employment Agreement for General Counsel, increasing the salary by 5%; and the motion **carried** by the following vote of the Board:

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

INFORMATIONAL ITEM

37. WILDFIRE SEASON PREVIEW AND WILDFIRE PROGRAMS (ITEM 33)

Dr. Ranyee Chiang, Director of Meteorology and Measurement, gave the staff presentation *Wildfire Season Preview and Wildfire Programs*, including: action requested; outline; wildfire impacts on air quality; 2024 fire season outlook; air district role during wildfires; air monitoring; air quality data sites; air quality forecasting; US Environmental Protection Agency (EPA) updated Air Quality Index (AQI); communications (2024 wildfire season); wildfire preparedness tips; mask messaging; Air District programs for wildfire prevention and mitigation of impacts; reducing wildfire risk; summary of Smoke Management Plan steps; permissive burns days per year (2014-2023); Clean Air Centers; and air filtration initiatives.

Public Comments

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

Board Comments

The Board and staff discussed whether there is common messaging on this topic between the Air District’s Health Officer (Dr. Cutino) and the Association of Bay Area Health Officials (ABAHO); whether the Air District plans to distribute N95 masks as wildfire season approaches; whether the Air District homepage displays information on wildfire smoke and the Air Quality Index (AQI) (data from all air monitoring sources); whether the Air District proactively messages about what the federal government considers to be moderate AQI levels; whether the Air District will be recommending activities for each AQI threshold level, and whether ABAHO would be involved in those recommendations; and recommendations for schools during wildfire smoke incidents.

Board Action

No action taken.

OTHER BUSINESS

38. PUBLIC COMMENT ON NON-AGENDA MATTERS (ITEM 35)

Public comments were given by Bob Tuck, Atlas Heating and Air Conditioning Company; Kathy Kerridge, Benicia Community Air Monitoring Program; and Jan Warren, Interfaith Climate Action Network of Contra Costa County.

39. BOARD MEMBER COMMENTS (ITEM 36)

Director Corzo requested a future Board discussion regarding a release of tear gas and pepper spray during a training exercise at the San Francisco County Jail in San Bruno on May 21, 2024 that led to students at a nearby elementary school to become sick.

40. REPORT OF THE EXECUTIVE OFFICER / AIR POLLUTION CONTROL OFFICER (ITEM 37)

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

41. CHAIRPERSON'S REPORT (ITEM 38)

Chair Hurt announced that on April 13, 2024, the Contra Costa County Mayors' Conference, appointed City of El Cerrito Councilmember Gabe Quinto to serve on the Air District's Board of Directors for a term of two years, beginning on June 16, 2024, and ending June 15, 2026.

42. TIME AND PLACE OF NEXT MEETING (ITEM 39)

Wednesday, September 4, 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.

43. ADJOURNMENT

The meeting was adjourned at 2:00 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards