

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

Board of Directors Regular Meeting
Wednesday, February 5, 2025

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 10:06 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, 1st Floor Board Room, San Francisco, CA, 94105): Chairperson Davina Hurt; Vice Chairperson Lynda Hopkins; and Directors Dionne Adams, Monica Brown, Ken Carlson, Brian Colbert, Joelle Gallagher, Juan González III, David Haubert, Tyrone Jue, Sergio Lopez, Gabe Quinto, Mark Salinas, Lena Tam, Vicki Veenker, Shamann Walton, and Steve Young.

Present, In-Person (Santa Rosa Junior College Campus Doyle Library, Room 141, 1501 Mendocino Ave., Santa Rosa, CA, 95401): Director Brian Barnacle.

Present, In-Person (Intellectual Property Law Group, LLC Office, 1871 The Alameda Suite 250, San Jose, CA 95126): Directors Margaret Abe-Koga and Otto Lee.

Present, In-Person (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, CA 94530): Director John Gioia.

Present, In-Person (San Mateo County Board of Supervisors Offices, 500 County Center - 5th Floor, Redwood City, CA 94063): Directors Noelia Corzo and Ray Mueller.

Absent: None.

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

Chair Hurt welcomed the following new employees: Bradley Cole, Manager in the Rules and Strategic Policy Division; Miranda Iglesias, Manager in the Communications Office; Joseph Palmer, Principal Air Quality Specialist in the Compliance and Enforcement Division; Clara Sanchez, Executive Assistant I in the Executive Office; and Pretika Singh, Accounting Assistant II in the Finance Office.

Vice Chair Hopkins presented Chair Hurt with a proclamation, recognizing her years of service on the Air District's Board of Directors and special attention to environmental justice (EJ).

NOTED PRESENT: Director Corzo was noted present at 10:09 a.m.

CONSENT CALENDAR (ITEMS 4 – 15)

4. Approval of the Draft Minutes of the Board of Directors Meeting of December 4, 2024
5. Approval of the Draft Minutes of the Board of Directors Special Meeting of December 11, 2024
6. Board Communications Received from December 12, 2024 through February 4, 2025
7. Personnel Out-of-State Business Travel Report for November and December 2024
8. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Months of November and December 2024
9. Authorization to Accept Grant Program Revenues from the United States Environmental Protection Agency for Air Monitoring Instrumentation and to Procure Equipment Using Those Funds
[Click here to view approved Board Resolution No. 2025-01](#)
10. Authorization to Amend the Master Services Agreement with Communities for a Better Environment to Continue Support for the Development of a Community Emissions Reduction Plan for East Oakland
11. Authorization to Execute a Grant Agreement with the West Oakland Environmental Indicators Project to Continue the Implementation of the Community Emissions Reduction Plan (CERP) for West Oakland
12. Authorization to Execute Software Development and Maintenance Contracts
13. Report of the Community Equity, Health, and Justice Committee Meeting of December 11, 2024
14. Report of the Finance and Administration Committee Special Meeting of December 18, 2024
15. Report of the Policy, Grants, and Technology Committee Meeting of December 18, 2024

Public Comments

Regarding Items 10 and 11, public comments were given by Mark Williams, Environmental Justice League (EJL); Yvonne Eashman, ELJ; Mark Williams, Sr., ELJ; Rowena Newsom, Oakland resident; Michael Randall; and Lacyia Johnson.

Board Comments

None.

Board Action

Director González made a motion, seconded by Director Salinas, to **approve** Consent Calendar Items 4-15, inclusive; and the motion **carried** by the following vote of the Board:

- | | |
|----------|--|
| AYES: | Abe-Koga, Adams, Barnacle, Brown, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Hurt, Jue, Lee, Mueller, Quinto, Salinas, Veenker, Walton, Young. |
| NOES: | None. |
| ABSTAIN: | Tam. |
| ABSENT: | Lopez. |

ACTION ITEMS

16. 2025 LEGISLATIVE PLATFORM AND LEGISLATIVE ACTIVITIES

Alan Abbs, Legislative Officer, gave the staff presentation *2025 Legislative Platform and Legislative Activities*, including: requested action; outline; abbreviations; overview of Air District Legislative Platform; State Budget; state legislation; federal legislation and regulatory authority; key dates and deadlines; proposed legislative activities; and recap of requested action.

NOTED PRESENT: Director Lopez was noted present at 10:51 a.m.

Public Comments

No requests received.

Board Comments

Regarding a bill that would expedite permitting and installations of heat pump space and water heaters, including contractor certifications, consolidated permitting, and restrictions on homeowners' associations' architectural prohibitions, the Board and staff discussed the following: potential requirements regarding contractor certification and consolidated permitting, and the suggestion of creating a standardized contractor certification and permitting program among all the municipalities in the Air District's jurisdiction.

Regarding a bill that would provide that the California Air Resources Board (CARB) Board members representing air districts receive the same level of compensation as other Governor-appointed voting CARB board members, the Board and staff discussed the following: opposition to this proposal; whether alternative stipend amounts were considered, and the reasons for resistance to the proposition; and whether the option of paying only the CARB Board members who serve on a city council and not the CARB members who serve on a county board of supervisors was proposed.

The Board and staff also discussed whether there are proposed bills regarding hydrogen or solar projects that previously died in previous legislative sessions that are being revived; concern of potential claw backs on funding that was already allocated for greening low-income homes and electric vehicle infrastructure; given the Presidential administration change, whether the Air District has the authority to support decarbonization initiatives and join legal initiatives in response to potential rollbacks; reauthorization of the State's Cap and Trade program and its interplay with Assembly Bill 617 (2017); the request that a second discussion regarding the 2025 Presidential election and federal policy impacts be agendized at a future Board meeting; the need to work with local governments to retain Inflation Reduction Act funding; and the suggestion that the Air District combining legislative efforts with the League of California Cities and California State Association of Counties.

Board Action

Director González made a motion, seconded by Director Quinto, to **adopt** the proposed 2025 Legislative Platform; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Adams, Barnacle, Brown, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Hurt, Jue, Lee, Lopez, Mueller, Quinto, Salinas, Tam, Veenker, Walton, Young.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Director González made a motion, seconded by Director Carlson, to **adopt** the position of PROPOSE CO-SPONSOR for an assembly bill regarding the speed reduction of ocean-going vessels (formerly known as “Protecting Blue Whales and Blue Skies”); and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Adams, Barnacle, Brown, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Hurt, Jue, Lee, Lopez, Mueller, Quinto, Salinas, Tam, Veenker, Walton, Young.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Director Veenker made a motion, seconded by Director Quinto, to **adopt** the position of CO-SPONSOR for a bill that would expedite permitting and installations of heat pump space and water heaters, including contractor certifications, consolidated permitting, and restrictions on homeowners’ architectural prohibitions; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Adams, Brown, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Hurt, Jue, Lee, Lopez, Mueller, Quinto, Salinas, Tam, Veenker, Young.
NOES: None.
ABSTAIN: Barnacle.
ABSENT: Walton.

Director Carlson made a motion, seconded by Director Quinto, to **adopt** the position of SUPPORT for a bill that would provide that the California Air Resources Board (CARB) Board members representing air districts receive the same level of compensation as other Governor-appointed voting CARB board members; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Adams, Barnacle, Brown, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hurt, Jue, Lee, Lopez, Quinto, Salinas, Tam, Veenker, Young.
NOES: Mueller.
ABSTAIN: Hopkins.
ABSENT: Walton.

INFORMATIONAL ITEMS

17. COMMUNITY ADVISORY COUNCIL’S (CAC) ENVIRONMENTAL JUSTICE – A CALL TO ACTION: CHARTING A NEW COURSE TOWARDS ENVIRONMENTAL JUSTICE AT THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

The Committee discussed the Community Advisory Council’s *A Call to Action: Charting a New Course Towards Environmental Justice at the Bay Area Air Quality Management District*, a document that

builds on the CAC's nine EJ Priorities and collaborative sessions with the Air District to co-develop EJ strategies and actions in response to EJ community needs.

Vernice Miller-Travis of The Metropolitan Group (MG), and Co-Chair of the CAC's EJ Policy Ad Hoc Committee, Latasha Washington, gave the presentation *Community Advisory Council's Environmental Justice Call to Action*, including: EJ Policy Ad Hoc Committee members from 2022 to 2024; key milestones in the Air District's EJ Action Planning; coordination and alignment with the Air District's Strategic Plan; CAC EJ priorities and *A Call to Action*; reflections on process from EJ Policy Ad Hoc members; *A Call to Action* Table of Contents; acknowledgement of Board Chair Davina Hurt; and next steps.

Public Comments

Public comments were given by Mark Williams, EJL; Yvonne Eashman, EJL; Rowena Newsom, Oakland resident; Mark Williams, Sr., EJL; Jared Butler; Josaih Butler; Gary Hughes, biofuelwatch; Stacy Richardson; Michael Randall; and Francisco Orellana, Oakland resident

Board Comments

The Board and staff discussed the desire to see policy change that would allow for empty space in communities that would ensure that housing is not close to sources of pollution; the desire for balance between economic activity and public safety; the target audiences that the CAC hopes will read this document; the manner in which the Air District is staff operationalizing and implementing the strategies in this document; appreciation for Chair Hurt, Ms. Miller-Travis, and Air District staff who developed this document; and the importance of Priority #3 (Integrate EJ Consideration in the Air District's Core Functions).

Board Action

No action taken.

18. PUBLIC COMMENT ON NON-AGENDA MATTERS (OUT OF ORDER, ITEM 19)

Public comments were given by Brandon Matson, Martinez Refining Company (MRC); Alicia Gadde, Healthy Martinez: A Refinery Accountability Group; Heidi Taylor; and Rochele Henderson, an Air District Employee who provided comments in her personal capacity.

CLOSED SESSION (12:48 p.m.)

19. CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(1)) (ITEM 24)

Pursuant to Government Code Sections 54956.9(a) and (d)(1), the Board of Directors met in Closed Session with Legal Counsel to discuss the following cases:

The Athletics Investment Group, LLC v. Bay Area Air Quality Management District et al., Alameda County Superior Court Case No. 22CV010930;

Stephen (Rex) Sanders v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04416-RFL;

Terri Levels v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04432-RFL;

Lewis Letang v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01316-RFL;

Rochele Henderson v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01460-RFL;

Veronica Eady v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-07000-RFL; and

Vanessa Johnson v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-06276-RFL.

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

20. **CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(2)) (ITEM 25)**

Pursuant to Government Code Sections 54956.9(a) and (d)(2), the Board of Directors met in Closed Session with Legal Counsel to discuss significant exposure to litigation: Four cases.

Reportable Action: Mr. Crockett had nothing to report.

21. **PUBLIC EMPLOYEE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1) (ITEM 26)**

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

Reportable Action: Chair Hurt had nothing to report.

After the closed session, Mr. Crockett also reported out from the Closed Session on Agenda Item 23 from the December 4, 2024 Board of Directors meeting.

In that item, the Board considered pending litigation in the case of *State of California et al. v. United States Postal Service et al.*, Northern District of California case no. 3:22-cv-02583. The Board voted in Closed Session to join the State of California and other co-plaintiffs to the extent that the plaintiffs group decided to dismiss the case. This vote was not reported out at the time pursuant to Brown Act Section 54957.1(a)(3), which provides that conditional authorization to resolve a lawsuit in this manner is not reported until the resolution becomes final. The plaintiffs group has finally dismissed that case, so Mr. Crockett reported the vote on joining the dismissal as taken in the December 4, 2024 meeting.

The vote was as follows: In Favor were: Directors Carlson, Gallagher, Gioia, Hannigan, Jue, Lopez, Rice, Salinas, Veenker, Walton, and Young, and Vice Chair Hopkins and Chair Hurt. There were no votes against and no abstentions.

OPEN SESSION (2:33 p.m.)

ACTION ITEM

22. APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR EXECUTIVE OFFICER/APCO (ITEM 27)

During Item 26, in Closed Session, the Board of Directors considered approving an amendment to the Employment Agreement for the Executive Officer/APCO.

During Open Session, Director González made a motion, seconded by Director Quinto, to **approve** a salary increase of 5% for a new salary of \$421,386.53 per year, in connection with a performance evaluation of Dr. Philip M. Fine, effective February 1, 2025, with all provisions of the Employment Agreement remaining the same; and the motion **carried** by the following vote of the Board:

AYES: Adams, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Hurt, Jue, Lopez, Quinto, Salinas, Tam, Veenker, Young.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Barnacle, Brown, Lee, Mueller, Walton.

23. UPDATE ON UNITED STATES ENVIRONMENTAL PROTECTION AGENCY’S INITIAL AREA DESIGNATIONS FOR THE FEDERAL ANNUAL FINE PARTICULATE MATTER (PM) STANDARD (ITEM 18)

Chair Hurt continued this item until March 5, 2025.

OTHER BUSINESS

24. BOARD MEMBER COMMENTS (ITEM 20)

- Regarding the February 1, 2025, fire at the Martinez Refining Company, Director Jue acknowledged representation from MRC at the Board meeting (see Item 19 above) and appreciated their straightforwardness. He urged MRC to engage with the public and try to rebuild public trust.
- Also regarding the February 1, 2025, fire at MRC, Director Young expressed concerns about when he inquired himself with the Air District on the first day of the fire, and requested a report from the Air District on the incident.
- As he was not present during Item 3, Director Lopez used this time to thank Chair Hurt for her service to the Air District.
- Director Carlson thanked Dr. Fine for explaining how the Air District responds to air quality incidents and expressed his desire for improved communication between the Air District and first responders so that the public is given consistent information.
- Chair Hurt suggested that the Air District creates a webpage dedicated to air quality incidents in real-time, making it more prominent and easier to find than the Air District’s current practice. She also thanked MRC for coming forward during Item 19, and urged them to mimic the Air District’s engagement with the EJ community.
- Director Gioia explained that the Contra Costa County Health Department evaluates and issues advisories as to when the community should shelter in place during/after an air quality incident. He added that the County’s Industrial Safety Ordinance/Community Warning System Ad Hoc Committee will oversee the investigation of the MRC fire.

25. **REPORT OF THE EXECUTIVE OFFICER/ APCO (ITEM 21)**

Dr. Philip M. Fine, Executive Officer/APCO, reported the following:

- This past weekend, the Air District, along with Contra Costa Fire, Martinez Fire, Contra Costa County Hazmat, and Contra Costa County Health, responded to a large fire at MRC. The incident also included flaring and an overflow at a containment pond caused by water from fire-fighting efforts.
- The public notification tool, which was launched last spring, was used to send timely email and text alerts, as well as post updates on social media and the website to ensure the community was promptly informed.
- The Air District coordinated closely with Contra Costa County Health and refinery representatives throughout the incident.
- Fenceline monitors detected elevated H₂S on Saturday between 4-5pm but Air District monitors in Martinez and elsewhere remained very low. Measurements of criteria pollutants such as PM_{2.5}, NO₂, SO₂, and CO all remained within health-based standards. We have collected samples for toxics, which are being analyzed by our lab.
- Currently, we have issued 2 Notices of Violation to MRC for public nuisance, excessive smoke and soot fallout.
- We are continuing to investigate, and additional violations are possible.
- We appreciate the partnership with other local agencies – we each have a different but important role to play.

Board Comments

Vice Chair Hopkins repeated Chair Hurt's previous request for a separate website for air quality incidents.

26. **CHAIRPERSON'S REPORT (ITEM 22)**

Chair Hurt made the following announcements:

- Happy Black History Month
- Welcome to the new Board Members (to the Air District's headquarters for the first time) (Adams, Brown, Colbert, Tam.)
- On January 14, 2025, the Alameda County Board of Supervisors reappointed Director Haubert to the Air District's Board, for another 4-year term ending April 13, 2029.
- On February 4, 2025, San Francisco Mayor, Daniel Lurie, appointed himself to the Air District's Board, and appointed Tyrone Jue to serve as his Deputy, both for a term from February 4, 2025 to February 4, 2027.
- On January 14, 2025, the San Francisco County Board of Supervisors reappointed Director Walton to the Air District's Board, for another 4-year term, from January 28, 2025 to February 1, 2029.
- On February 4, 2025, she participated in a panel discussion hosted by KALW Radio's Climate reporter, Mary Catherine O'Connor, regarding climate action in an uncertain environment.
- On February 4, 2025, she spoke at an Atmosphere and Energy Seminar Series at Stanford University regarding Particulate Matter_{2.5}, directed at the School of Engineering & Doerr School of Sustainability
- Board members who wish to revise their committee assignments have until March 1, 2025 to let her know
- She passed the gavel to Vice Chair Hopkins at this time.

27. **TIME AND PLACE OF NEXT MEETING (ITEM 23)**

Wednesday, March 5, 2025, 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.

28. **ADJOURNMENT**

The meeting was adjourned at 2:58 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards