

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

## **APPROVED MINUTES**

Community Advisory Council  
Thursday, March 21, 2024

### **1. CALL TO ORDER - ROLL CALL**

The meeting Facilitator, Randolph Belle of Randolph Belle, Artist (RBA) Creative, called the Community Advisory Council (Council) in-person meeting to order at 6:00 p.m.

#### **Roll Call:**

Present, In Person: Council Co-Chairpersons Kevin John Jefferson, Latasha Washington, and Ken Szutu; and Council Members William Goodwin, Ms. Margaret Gordon, Ariann Harrison, Joy Massey, Hana Mendoza, Rio Molina, and Violet Saena.

Participated Remotely, via Zoom (remote presence does not count for quorum, but votes are counted for all action items): Council Member Fernando Campos and Mayra Pelagio (just cause).

Absent: Council Members Dr. Juan Aguilera, Dr. John Ritterman, and Kevin G. Ruano Hernandez.

*Note: Dr. Aguilera listened into the meeting remotely via Zoom as member of the public since his reason for attending remotely did not fall under exemptions for “just cause,” which allows for remote participation under Assembly Bill (AB) 2449 (Rubio, 2022). Thus, he was marked as “absent.”*

### **2. PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

### **CONSENT CALENDAR**

### **3. APPROVAL OF THE DRAFT MINUTES OF THE COMMUNITY ADVISORY COUNCIL (CAC) MEETING OF JANUARY 18, 2024**

#### Public Comments

No requests received.

#### Council Comments

None.

Council Action

Co-Chair Washington made a motion, seconded by Council Member Massey, to **approve** the Draft Minutes of the Community Advisory Council Meeting of January 18, 2024, and the motion **carried** by the following vote of the Council:

AYES: Campos, Goodwin, Gordon, Harrison, Jefferson, Massey, Mendoza, Molina, Pelagio, Szutu, Washington.  
NOES: None.  
ABSTAIN: Saena.  
ABSENT: Aguilera, Ritterman, Ruano Hernandez.

Motion Approved

**ACTION ITEMS**

4. **COMMUNITY ADVISORY COUNCIL WORK PLAN**

This item was presented by the following members of the Work Plan Ad Hoc Committee: Co-Chair Ken Szutu, Council Member William Goodwin, and Council Member Rio Molina. The presentation *Community Advisory Council Workplan* included the slides: outcome; outline; requested action; initial work plan; revised work plan (March 2023 CAC meeting); developing an updated work plan; CAC Retreat – September 2023; and current CAC Work Plan – December 2023.

Public Comments

No requests received.

Council Comments

The Council and staff discussed the desire for more action agenda items and less informational agenda items.

Council Action

Co-Chair Washington made a motion, seconded by Council Member Harrison, to **adopt** the updated Community Advisory Council 2024-2025 Work Plan; and the motion **carried** by the following vote of the Council:

AYES: Campos, Goodwin, Harrison, Jefferson, Massey, Mendoza, Molina, Pelagio, Saena, Szutu, Washington.  
NOES: Gordon.  
ABSTAIN: None.  
ABSENT: Aguilera, Ritterman, Ruano Hernandez.

Motion Approved

## 5. FUNDING COMMUNITY BENEFITS FROM PENALTY FUNDS

Greg Nudd, Deputy Executive Officer, Science and Policy, gave the staff presentation *Funding Community Benefits from Penalty Funds*, including: potential presentation outcomes; proposal; previous CAC vote; remaining questions; community benefit project examples; background; about the penalties; penalty percentage allocation for local and regional community benefits - Option 1: 80-20; Option 2: 70-30; Option 3: 60-40; allocation results – Fiscal Year (FY) 24.

### Public Comments

Public comments were given by the following Richmond-North Richmond-San Pablo Path to Clean Air Community Emissions Reduction Plan Community Steering Committee Members: YAnad Burell (Co-Chair), Marisol Cantú, Alfredo Angulo (Co-Chair), and Nancy Peace.

### Council Comments

The Council and staff discussed concern about annual increases of penalty funds that are budgeted to partially fund the Air District's enforcement program, and the suggestion for a ceiling; whether community benefits projects can be both regionally and locally funded; whether limits could be placed on regional benefits; whether regional or local benefits could apply to law enforcement; the request for a Council orientation on how the Air District determines violations and penalty amounts; how the Air District charges fees to permitted sources based on the type of source; the cost of corrective actions; the manner in which collected penalties would be distributed to communities (who are the recipients, and the comparison of paying regional funds versus local funds); whether the penalties collected for regional benefits can be added to the Air District's budget target; the belief that a member of the Council had not been informed well enough to be polled about penalty allocation options; whether facilities are fined for all of their violations; the manner in which new fees are added to a facility, and whether fees can be allocated for regional or local benefits; the Council's desire for healthy relationships with all of the designated Bay Area Community Health Protection Program (AB 617) Community Steering Committees; whether there is a statute of limitations for assessing penalties for past violations; and whether the Air District must enter into tolling agreements with penalized facilities.

### Council Action

Co-Chairperson Szutu made a motion, seconded by Council Member Mendoza, to recommend that the Board of Directors **set** a policy in collaboration with the Community Advisory Council that automatically **allocates** a portion of penalties for local (80%) and regional (20%) community benefits; and the motion **carried** by the following vote of the Council:

AYES:	Campos, Goodwin, Harrison, Massey, Mendoza, Molina, Pelagio, Saena, Szutu, Washington.
NOES:	Gordon.
ABSTAIN:	Jefferson.
ABSENT:	Aguilera, Ritterman, Ruano Hernandez.

Motion Approved

**THE COUNCIL RECESSED AT 7:33 P.M., AND RESUMED AT 7:45 P.M.**

## **INFORMATIONAL ITEM**

### **6. AIR DISTRICT STRATEGIC PLANNING UPDATE**

Dr. Philip M. Fine, Executive Officer / Air Pollution Control Officer (APCO), and CAC Co-Chair, Latasha Washington, gave the presentation *Strategic Planning Update*, including: outcome; requested action; outline; Environmental Justice (EJ) plan development; inputs for development of EJ priorities; examples of EJ priorities; developing EJ strategies: January 2024 to present; Strategic Plan; early input on Strategic Plan; CAC input (survey responses); consistent engagement findings; Strategic Plan framework and definitions; Draft Revision: Air District mission, core values, 5-year vision; draft goal areas; draft strategy examples; working timelines; and next steps.

#### **Public Comments**

No requests received.

#### **Council Comments**

The Council and staff discussed appreciation for the thank you to the Council's Environmental Justice Policy Ad Hoc Committee and Air District staff for their EJ contribution to the Strategic Plan; the manner in which small groups of Council Members may meet, regarding the Strategic Plan, without violating the Ralph M. Brown Act; the desire for distinction between EJ priorities and EJ principles; the request for a Council orientation on EJ principles so that all Council Members have the same understanding of terms and definitions; whether accountability is part of the Air District's core values; concerns about the proposed goal of "Maintain an Effective, Efficient, and Customer-Oriented Organization", and the suggestion of the removal of corporate-sounding language; whether the Air District's Public Participation Plan will be relaunched; and the suggestion that the Air District hire a person to measure the success of equity initiatives.

#### **Council Action**

None; receive and file.

## **OTHER BUSINESS**

### **7. ENVIRONMENTAL JUSTICE POLICY AD HOC COMMITTEE UPDATE**

The Council received an update from the Environmental Justice Policy Ad Hoc Committee from Environmental Justice Policy Ad Hoc Committee Co-Chair Washington.

#### **Public Comments**

No requests received.

### **8. COMMUNITY BENEFITS FUND AD HOC UPDATE**

The Council received an update from the Community Benefit Fund Ad Hoc Committee from Community Benefit Fund Ad Hoc Committee Co-Chair Campos.

### Public Comments

No requests received.

### 9. **COMMUNITY ADVISORY COUNCIL MEMBER SELECTION AD HOC COMMITTEE**

The Council received an update from the CAC Member Selection Ad Hoc Committee from CAC Member Selection Ad Hoc Committee Co-Chair Pelagio. 33 applications were received for the two vacant seats, and scoring will take place over the next few weeks.

### Public Comments

No requests received.

### Council Comments

The Council and staff discussed the anticipated timeline of the appointment of new Council Members.

### 10. **REPORT OF THE EXECUTIVE OFFICER / AIR POLLUTION CONTROL OFFICER**

Dr. Fine announced the following:

- Marcia Raymond, who has been Acting Deputy Executive Officer of Equity and Community Programs, is continuing in this role for a third extension. The hiring process for a permanent Deputy Executive Officer of Equity and Community Programs is ongoing.
- Air District staff appreciates the Council Members who attended the Board of Directors annual retreat on January 31, 2024.
- The Air District is currently sponsoring several bills: Senate Bill (SB) 1095 (Becker) - Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances; **AB 2298 (Hart, et al.)** – Coastal resources: voluntary vessel speed reduction and sustainable shipping program; and **AB 1465 (Wicks)** – Nonvehicular air pollution: civil penalties.

### 11. **COUNCIL MEMBER COMMENTS / OTHER BUSINESS**

Council Member Goodwin asked whether the Air District has a legislative policy priority platform so that interested members of the public may support and advocate for Air District-sponsored bills, or bills of interest to the Air District.

Co-Chair Jefferson thanked Dr. Fine for centering EJ as guiding principle of Air District's work. Council Member Gordon requested a more detailed explanation of the Air District's harassment policy, process, procedures, and protocol. She believed that the training that the Council Members received lacked clarity.

Council Member Gordon announced the following event:

**Lau Grants for Just Climate Futures Presentation Workshops**

**Friday, April 5, 10 AM to 5 PM at Bauer Wurster Hall, UC Berkeley**

The College of Environmental Design will be holding presentation workshops for the Lau Grants for Just Climate Futures, featuring dialogue around climate adaptation strategies, organized by the Institute of Urban & Regional Development. Exhibitions of the five funded cross-disciplinary projects will be featured, including community partners and representatives of public agencies. At 3:00pm, there will be an exhibit called “**BAAQMAP: Bay Area Air Quality Map Analysis Project**”, which maps real-time air quality and cumulative environmental exposure. Members of the Council will be speakers at that exhibit.

Council Member Mendoza requested that hard copies of agenda packets be made available in larger font size, for those who require it.

Co-Chair Szutu registered a public harassment complaint about comments during the meeting which Co-Chair Szutu considered hostile. In response, Co-Chair Washington offered an apology to Co-Chair Szutu and the Council for her earlier comments, noting that she did not intend to offend Co-Chair Szutu. Council Member Pelagio requested that staff intervene and offer proposed motion language, to assist the maker of a motion, in the future, if needed.

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

Thursday, May 16, 2024, at 6:00 p.m. at the California State University East Bay Oakland Professional Development and Conference Center, Trans Pacific Center, 1000 Broadway, Suite 109, Oakland, CA 94607. The meeting will be in-person for the Community Advisory Council members and members of the public will be able to either join in-person or via webcast.

**13. ADJOURNMENT**

The meeting was adjourned at 9:00 p.m.

*/s/ Marcy Hiratzka*

Marcy Hiratzka  
Clerk of the Boards