

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 4105
(415) 749-5073

Board of Directors Regular Meeting
Wednesday, March 15, 2017

APPROVED MINUTES

Note: Audio recordings of the meeting are available on the website of the Bay Area Air Quality Management District at <http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes>

CALL TO ORDER:

1. **Opening Comments:** Vice Chairperson Hudson called the meeting to order at 9:49 a.m.

Roll Call:

Present: Vice Chairperson Dave Hudson; Secretary Katie Rice; and Directors Margaret Abekoga, David J. Canepa, Cindy Chavez, Pauline Russo Cutter, John Gioia, Scott Haggerty, Tyrone Jue, Rebecca Kaplan, Doug Kim, Karen Mitchoff, Hillary Ronen, Mark Ross, Pete Sanchez, Jeff Sheehy, and Rod Sinks.

Absent: Chairperson Liz Kniss; Directors Teresa Barrett, Carole Groom, Nate Miley, Jim Spring, Brad Wagenknecht, and Shirlee Zane.

PUBLIC COMMENT ON NON-AGENDA MATTERS

2. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

Public comments were made by Greg Karras, Communities for a Better Environment; Nick Despota, Richmond resident; Karen Green, Tesoro; and Richard Gray, 350 Bay Area.

Director Ross thanked the refinery workers who gathered behind Ms. Green to reiterate Ms. Green's comments without being verbally repetitive.

CONSENT CALENDAR (ITEMS 3-7)

3. **Minutes of the Regular Board of Directors Meeting of March 1, 2017**
4. **Board Communications Received from March 1, 2017 through March 14, 2017**
5. **Air District Personnel on Out-of-State Business Travel**
6. **Notices of Violations Issues and Settlements in Excess of \$10,000 in the Month of February 2017**
7. **Referral of Proposed Budget for Fiscal Year Ending (FYE) 2018 to the Budget & Finance Committee**

Public Comments:

No requests received.

Committee Comments:

None.

Committee Action:

Director Chavez made a motion, seconded by Director Mitchoff, to **approve** the Consent Calendar Items 3 through 7, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Canepa, Chavez, Cutter, Gioia, Haggerty, Hudson, Jue, Kaplan, Kim, Mitchoff, Rice, Ronen, Ross, Sanchez, and Sinks.
NOES: None.
ABSTAIN: None.
ABSENT: Barrett, Groom, Kniss, Miley, Sheehy, Spering, Wagenknecht, and Zane.

COMMITTEE REPORTS

8. Report of the **Public Engagement Committee** Meeting of March 6, 2017

Public Engagement Committee Chair, Director Ross, read the following Committee report:

The Committee met on Monday, March 6, 2017 and postponed the approval of the minutes of October 20, 2016, for lack of quorum.

The Committee reviewed and discussed the staff presentation, Summary of 2016-2017 Winter Spare the Air Season.

The Committee then reviewed and discussed the staff presentation, Update on Recent Open Houses, Workshops, and Online Civic Engagement Activities.

The Committee then reviewed and discussed the staff presentation, Summary of Youth for the Environment and Sustainability 2017 Conference.

Lastly, the Committee reviewed and discussed the staff presentation, Renewal of Contract for Spare the Air Advertising and Messaging Campaigns. A consensus of the Committee members present supported the following staff recommendation to the Board of Directors:

- 1. Authorization of the Executive Officer/Air Pollution Control Officer to amend existing contract with O'Rorke, Inc. for the Fiscal Year Ending 2018 Spare the Air Campaigns' Advertising, Communications & Evaluation Services in an amount not to exceed \$2,019,000.*

The next meeting is at the call of the Chair. I move that the Board approve the Public Engagement Committee's recommendation. This concludes the Chair Report of the Public Engagement Committee.

Public Comments:

No requests received.

Board Comments:

Director Kaplan reiterated that she would like to see enhanced public engagement that would directly result in behavior changes and the public actively seeking to reduce its carbon footprint, among other environmental initiatives. She suggested that the District promote online advertisements that would direct the public to websites showing them how to take action.

Board Action:

Director Ross made a motion, seconded by Director Kaplan, to **approve** the recommendations of the Public Engagement Committee; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Canepa, Chavez, Cutter, Gioia, Haggerty, Hudson, Jue, Kaplan, Kim, Mitchoff, Rice, Ronen, Ross, Sanchez, and Sinks.
NOES: None.
ABSTAIN: None.
ABSENT: Barrett, Groom, Kniss, Miley, Sheehy, Spering, Wagenknecht, and Zane.

CLOSED SESSION (commenced at 10:07 a.m.)

9. **CONFERENCE WITH LEGAL COUNSEL (OUT OF ORDER, ITEM 10)**

EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following cases:

- A. **California Building Industry Association v. Bay Area AQMD**, Alameda County Superior Court, Case No. RG-10548693; California Court of Appeal, First Appellate District, Case No. A135335; California Supreme Court, Case No. S213478

Brian Bunger, District Counsel, reported that the Board reached a decision to settle, and that the terms of the agreement will be available when the agreement has been approved and signed by both parties.

- B. **Valero Refining Company – California, and Tesoro Refining & Marketing Company, LLC v. Bay Area AQMD**, Contra Costa County Superior Court, Case No. N16-0095

Mr. Bunger reported that the Board decided on an interim resolution, which will be available upon negotiation.

NOTED PRESENT: Director Sheehy was noted present at 10:52 a.m.

10. **CONFERENCE WITH LEGAL COUNSEL (ITEM 11)**

ANTICIPATED LITIGATION (Government Code Section 54956.9 (b)(1))

Significant exposure to litigation pursuant to paragraph (1) of subdivision (b) of Section 54956.9:

A. Tort claim of Michael Bachmann against the Bay Area Air Quality Management District

Jack Broadbent, Executive Officer/Air Pollution Control Officer, reported that the Board voted to reject the claim of Michael Bachmann.

B. Tort claim of Sarah Steele against the Bay Area Air Quality Management District

Mr. Broadbent reported that the Board voted to return the claim of Sarah Steele with no further action.

OPEN SESSION (commenced at 10:52 a.m.)

PUBLIC COMMENT ON NON-AGENDA MATTERS (ITEM 12)

11. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

No requests received.

PRESENTATION

12. **2016/2017 Winter Spare the Air Program Overview (ITEM 9)**

Mr. Broadbent introduced Wayne Kino, Compliance and Enforcement Director, Lisa Fasano, Communications Officer, and Karen Schkolnick, Strategic Incentives Acting Director, who all gave the staff presentation *2016/2017 Winter Spare the Air Program Overview*, including: Winter Particulate Matter (PM)_{2.5} seasons; more rainfall equals less PM pollution; highest air quality readings; wood smoke enforcement; enforcement highlights; Regulation 6, Rule 3: New Requirements; advertising; media coverage; social media; results; Wood Smoke Reduction Incentive Program and outreach; project distribution; key results; county statistics; and next steps.

Public Comments:

No requests received.

Board Comments:

The Board and staff discussed the symbol “ $\mu\text{g}/\text{m}^3$ ” or “micrograms per cubic meter of air,” included in the *Winter PM_{2.5} Seasons* slide; the reason why the District chooses to focus on PM_{2.5} when the Spare the Air program is based on the Air Quality Index; the Board’s concern about communicating a false sense of clean air, as the District only displays regional levels of PM_{2.5}, and not localized levels; the difficulty of predicting emission levels during Thanksgiving and Christmas; the need to distinguish preliminary Spare the Air forecasts from actual data, and for a legend bearing the federal

air quality standards; the locations and types of District sensors and PM instrumentation; the difference between national and state ambient air quality standards; the dangers of PM_{2.5}; the need for public education on recreational fires regulations and exemptions at campgrounds; the District's method of advertising for the Winter Spare the Air program; the Board's request that the Winter Spare the Air results be broken down by County; recommended changes for the next funding cycle; the need to promote electric heat pumps rather than natural gas fireplaces, as this goes against the District's Clean Air Plan; the willingness of Board members whose jurisdictions do not include high-impact residents to focus program resources on high-impact residents; potential benefits of a transition from individual designated days of no burning to a continual state of no burning; the differences between the Winter and Summer Spare the Air programs; the District's use of focus groups as an indicator of behavior change; the Board's appreciation of staff's resourcefulness with the modest budget for the Wood Smoke Reduction Incentive Program, and for the program's multiple-language outreach; and the prospect of the District collaborating with the Metropolitan Transportation Commission (MTC) to conduct in-depth, frequent, and regional (as opposed to by county) focus groups regarding ridesharing.

Board Action:

None; receive and file.

BOARD MEMBERS' COMMENTS

13. Board Members' Comments

None.

OTHER BUSINESS

14. Report of the Executive Officer / APCO

Mr. Broadbent reported that on March 14, 2017, the District signed purchase and sale agreement of 375 Beale Street and acknowledged his staff for their assistance in this process. Mr. Broadbent also reported that the District sent a letter to Environmental Protection Agency Administrator, Scott Pruitt, regarding the District's concerns of federal environmental programs that are being cut. The Board will be given additional correspondence to review at the next Board meeting.

15. Chairperson's Report

Vice Chair Hudson reported that Peninsula Corridor Electrification Project (Caltrain), and the Bay Area in general, was a point of interest at the American Public Transportation Association's Legislative Conference in Washington DC. He also encouraged Board members to sign up for the Air and Waste Management Association's 110th Annual Conference in Pittsburgh, PA on June 5.

Director Kaplan reiterated the need for local advocacy for Caltrain electrification and the need to distinguish that project from statewide high-speed rail. Damien Breen, Deputy Air Pollution Control Officer, stated that the District has collaborated with MTC on a letter for the Bay Area, as well as a fact sheet with talking points that Board members may use when speaking with state delegates.

16. **Time and Place of Next Meeting**

Wednesday, April 19, 2017, at 375 Beale Street, San Francisco, CA 94109 at 9:45 a.m.

17. **Adjournment**

The meeting adjourned at 12:00 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards