

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, 2019

APPROVED MINUTES

*Note: Audio recordings of the meeting are 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, Katie Rice, called the meeting to order at 9:34 a.m.

Roll Call:

Present: Chairperson Katie Rice; and Directors Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David J. Canepa, John Gioia, Scott Haggerty, David Hudson, Tyrone Jue, Doug Kim, Liz Kniss, Gordon Mar, Karen Mitchoff, Mark Ross, Jim Spering, Brad Wagenknecht, and Lori Wilson.

Absent: Vice Chairperson Rod Sinks; Secretary Cindy Chavez; and Directors Pauline Russo Cutter, Carole Groom, Nate Miley, 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 given by Bradley Angel, Greenaction for Health and Environmental Justice; Crystal Dai, Maggie Tanzarella, Kewei Tang, parents of students attending The Stratford School and E.M. Grimmer Elementary School in Fremont; Andres Soto; Communities for a Better Environment (CBE); Mila Zelkha, Palantir Technologies; and Nancy Shepherd, Manzanita Talks.

The Board and staff discussed the suggestion for a dedicated item on a future Stationary Source Committee agenda to address the issues at Tri City Rock in Fremont and the suggestion of holding a future Stationary Source Committee meeting in Fremont; interim steps the Air District will take to reduce impacts at Stratford School in Fremont; the acknowledged absence of the Stratford School and Tri Rock City's representatives at public Air District meetings; the school's lack of cooperation with the Air District; and the City of Fremont's level of involvement in this issue.

CLOSED SESSION (10:09 a.m.)

3. **CONFERENCE WITH LEGAL COUNSEL**

NOTED PRESENT; Director Mar was noted present at 10:10 a.m.

A. EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54945.9(a), a need exists to meet in closed session with legal counsel to consider the following case:

Michael Bachmann and Sarah Steele v. Bay Area AQMD, Contra Costa County Superior Court, Case No. C17-01565.

REPORT OUT: Brian Bunger, Air District Counsel, stated that there was no reportable action for this item.

Public comment on Item 3A was given by Andres Soto, CBE.

B. CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6(a))

*Agency Negotiators: Jack P. Broadbent, Executive Officer/APCO
Rex Sanders, Chief Administrative Officer*

*Employee Organizations: Management and Confidential Employee Groups
Bay Area Air Quality Employee’s Association, Inc.*

REPORT OUT: Mr. Bunger stated that there was no reportable action for this item.

OPEN SESSION (10:47 a.m.)

CONSENT CALENDAR (ITEMS 4 – 9)

- 4. Minutes of the Board of Directors Special Budget Hearing Meeting and Special Meeting of May 15, 2019
- 5. Board Communications Received from May 15, 2019 through June 4, 2019
- 6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of April 2019
- 7. Authorization to Execute a Contract for Graphic Design
- 8. Authorization to Execute a Contract with KBM-Hogue for Furniture Redesign and Purchase

CHAIR RICE PULLED ITEM 9 FROM THE CONSENT CALENDAR

Public Comments on Items 4 - 8

No comments received.

Board Comments on Items 4 - 8

None.

Board Action on Items 4 - 8

Director Hudson made a motion, seconded by Director Wagenknecht, to **approve** the Consent Calendar Items 4 through 8, inclusive; and the motion **carried** by the following vote of the Board:

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

9. **Consider Approving a Resolution Which Provides Salary Adjustments to the Management and Confidential Employee Groups (PULLED FROM CONSENT CALENDAR)**

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, stated that Air District staff recommends that salary increases of 3.5% be made for management and confidential employee groups, effective July 1, 2019.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the Board's direction that retroactive compensation will not be negotiated for members of the Air District's Employees' Association once the upcoming contract is approved.

Board Action

Director Haggerty made a motion, seconded by Director Wagenknecht, to **approve** a resolution providing salary adjustments to the management and confidential employee groups effective July 1, 2019; and the motion **carried** by the following vote of the Board:

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

COMMITTEE REPORTS

10. **Report of the Community and Public Health Committee Meeting of May 20, 2019**

Community and Public Health Committee Vice Chair, Mark Ross, read the following Committee report:

The Community and Public Health Committee met on Monday, May 20, 2019 and approved the minutes of March 14, 2019.

The Committee reviewed and discussed the staff presentation West Oakland Community Action Plan Update. Air District staff will provide a presentation under Agenda Item #15.

The Committee then reviewed and discussed the staff presentation Grant Opportunities Available to Communities.

Finally, the Committee reviewed and discussed the staff presentation Regional Wildfire Communication Effort.

The next meeting of the Committee will be held on Thursday, June 20, 2019, at 9:30 a.m. This concludes the Chair Report.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

11. Report of the Legislative Committee Meeting of May 22, 2019

Legislative Committee Chair, Doug Kim, read the following Committee report:

The Legislative Committee met on Wednesday, May 22, 2019, and approved the minutes of April 24, 2019.

*Prior to the Committee's discussion of the consideration of new bills, staff had recommended that the Committee recommend that the Board adopt an **OPPOSE** position regarding **Senate Bill 629 (McGuire)**, a spot bill which currently requires air district hearing boards to send Notices of Hearings not less than 72 hours before a hearing to any person who requests the Notice, thereby making changes to conform the Notice provisions within the Notice provisions of the act. Staff anticipate that this bill's focus will shift to air quality exemptions at wineries. The Committee provided direction to staff to communicate the Air District's opposition to such a bill. Staff also discussed bills of interest to the Air District that passed their respective legislative committees and those that did not.*

The Committee then received an update on Assembly Bill 836, the Air District-sponsored bill introduced by Assemblymember Buffy Wicks regarding the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program.

Finally, the Committee received an update on recent events of significance in Sacramento, including the Governor's, Assembly's and Senate's budget proposals, and how each proposal potentially affects funding for Assembly Bill (AB) 617.

The next meeting of the Legislative Committee will be at the Call of the Chair. This concludes the Chair's report of the Legislative Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

12. Report of the Mobile Source Committee Meeting of May 23, 2019

Mobile Source Committee Chair, David J. Canepa, read the following Committee report:

The Committee met on Thursday, May 23, 2019, and approved the minutes of April 25, 2019.

The Committee reviewed and discussed the staff presentation, Projects and Contracts with Proposed Grant Awards Over \$100,000. The Committee recommends the Board:

- 1. Approve recommended projects with proposed grant awards over \$100,000; and*
- 2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.*

The Committee then reviewed and discussed the staff presentation Fiscal Year Ending 2020 Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria. The Committee recommends the Board:

- 1. Approve the proposed Fiscal Year Ending 2020 Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria and;*
- 2. Approve a change to Fiscal Year Ending 2020 Transportation for Clean Air County Program Manager Fund Policies to increase the cost-effectiveness threshold for the Bicycle Projects category such that it is aligned with the threshold that is proposed for the Fiscal Year Ending 2020 Transportation for Clean Air Regional Fund Policies.*

Finally, the Committee then reviewed and discussed the staff presentation Electric Vehicle Ecosystem Update: Electric Vehicle Equity.

The next meeting of the Mobile Source Committee will be on Thursday, July 25, 2019, at 9:30 a.m. I move that the Board approve the Mobile Source Committee's recommendations. This concludes the Chair Report of the Mobile Source Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Canepa made a motion, seconded by Director Wilson, to **approve** the recommendations of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Gioia, Haggerty, Hudson, Jue, Kim, Kniss, Mar, Mitchoff, Rice, Ross, Spring, Wagenknecht, and Wilson.
NOES: None.
ABSTAIN: None.
ABSENT: Chavez, Cutter, Groom, Miley, Sinks, and Zane.

PUBLIC HEARINGS

13. Public Hearing to Consider Adoption of Proposed Amendments to Air District Regulation 3: Fees and Approval of the Filing of a Notice of Exemption from the California Environmental Quality Act

Pamela Leong, Director of Engineering, gave the staff presentation *Public Hearing to Consider Adoption of Proposed Amendments to Air District Regulation 3: Fees and Approval of the Filing of a Notice of Exemption from the California Environmental Quality Act*, including: presentation outline; revenue sources – Fiscal Year Ending (FYE) 2018; cost recovery background; trends in expenditures and cost recovery; proposed changes to fee schedules; other proposed amendments; impact on larger facilities (power plants and petroleum refineries) and small businesses; comments received; stakeholder meeting; proposed actions; cost recovery actions; 2019 rule development schedule; and recommended action.

Public Comments

Public comments were given by Bill Quinn, California Council for Environmental and Economic Balance.

Board Comments

The Board and staff discussed the recent establishment of a “Budget Development Advisory Group” which was created to address fee structure questions from stakeholders and reports directly to the Budget and

Finance Committee; the leadership of Budget and Finance Committee Chairperson, Carole Groom, and Air District Finance staff; and whether Air District fees impact gasoline prices for consumers.

Board Action

Director Bauters made a motion, seconded by Director Hudson, to **adopt** proposed amendments to Air District Regulation 3: Fees that would become effective on July 1, 2019, and approval of a Notice of Exemption from the California Environmental Quality Act; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Gioia, Haggerty, Hudson, Jue, Kim, Kniss, Mar, Mitchoff, Rice, Ross, Spring, Wagenknecht, and Wilson.
NOES: None.
ABSTAIN: None.
ABSENT: Chavez, Cutter, Groom, Miley, Sinks, and Zane.

14. **Public Hearing to Consider Adoption of the Air District’s Proposed Budget for Fiscal Year Ending 2020**

Mr. Broadbent explained that this is the second of two public hearings to consider adoption of the Air District’s Proposed Budget for FYE 2020. The staff presentation *Public Hearing to Consider Adoption of the Air District’s Proposed Budget for FYE 2020* was waived, but Dr. Jeff McKay, Chief Financial Officer, referred to two slides, “Budget Summary” and “Recommended Action.”

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Hudson made a motion, seconded by Director Mitchoff, to **adopt** a resolution to **approve** the Proposed Budget for FYE 2019-2020 and various budget related actions; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Gioia, Haggerty, Hudson, Jue, Kim, Kniss, Mar, Mitchoff, Rice, Ross, Spring, Wagenknecht, and Wilson.
NOES: None.
ABSTAIN: None.
ABSENT: Chavez, Cutter, Groom, Miley, Sinks, and Zane.

PRESENTATION

15. Update on West Oakland Community Action Plan

Greg Nudd, Deputy Air Pollution Control Officer of Policy, introduced Henry Hilken, Director of Planning and Climate Protection, who gave the staff presentation *West Oakland Community Action Plan Update*, including: Assembly Bill (AB) 617 communities; health indicator rates in West Oakland and Alameda County; community engagement – developing the Steering Committee; Steering Committee overview and getting up to speed; local cancer risk; impact zones; sources of cancer risk; West Oakland proposed strategies; Seaport Air Quality 2020 and Beyond Plan – a Pathway to Zero-Emissions Seaport Operations; and what’s next.

Ms. Margaret Gordon and Brian Beveridge of the West Oakland Environmental Indicators Project were also given opportunities to speak about AB 617 implementation in West Oakland.

Public Comments

Public comments were given by Richard Sinkoff, Port of Oakland.

Board Comments

The Board and staff discussed the approximate linear distance between the two outmost impact zones (Third Street and Hoover-Foster); how the Air District and other agencies connected with AB 617 requirements will measure air pollution progress, emissions reductions, and health benefits; appreciation for the West Oakland Environmental Indicators Project for their assistance in implementing AB 617 and for the organization’s past efforts and historic partnership with the Air District; the need to remind the public that risk can still remain, despite air quality improvements and emission reductions, and that factors outside the Air District’s authority can still make communities unhealthy; the fact that, although the Air District has concerns about the Port of Oakland’s Seaport Air Quality 2020 and Beyond Plan, the Port’s plan provides good opportunities for community oversight; how the Air District plans to bridge gaps between its own initiatives and less-aggressive strategies of other agencies; anticipated funds to be allocated for AB 617 in 2020; estimated health care savings (medical, hospital costs) that may result from AB 617 implementation; and how agencies need to be cognizant of the unintended consequences of prioritizing one objective without considering another, and the need to always include members of impacted communities in such devising strategies.

Board Action

None; receive and file.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments were given by Tony Fisher, Coalition for Clean Air.

BOARD MEMBERS' COMMENTS

17. Board Members' Comments

Director Spering expressed his concern regarding the anticipated increase in backup diesel generator usage during rolling blackouts (presumably during wildfire season) and requested a future Board presentation on this issue.

OTHER BUSINESS

18. Report of the Executive Officer/Air Pollution Control Officer

Mr. Broadbent stated the following:

- The Air District assisted the California Air Resources Board in producing a chart of School Air Quality Activity Recommendations, designed to protect student health during poor air quality and woodsmoke incidents. Thanks to Lisa Fasano, Communications Officer, and Alan Abbs, Legislative Officer, for taking the lead on this. It was noted that not all Air Pollution Control/Air Quality Management Districts in California use the United States Environmental Protection Agency's Air Quality Index, although Bay Area school districts are encouraged to refer to it. Director Mitchoff stated that she attended the California for All Emergency Management Preparedness Summit in Sacramento on June 3, 2019, and urged Air District staff to get involved with this effort (organized by the Governor's Office of Emergency Services.) Chair Rice asked how this chart is being distributed to communities and whether the Association of Bay Area Health Officials had any feedback.
- The Board of Directors' October meeting will be held in West Oakland, as the Board will be considering the adoption of the West Oakland Community Action Plan at that meeting.

19. Chairperson's Report

Chair Rice reported the following:

- Director Hudson and Chair Rice attended the 32nd Annual International Electric Vehicle Symposium in Lyon, France at the end of May. Karen Schkolnick, Director of Strategic Incentives Division, gave a presentation entitled "*Accelerating Beyond Early Adopters to Achieve Equitable and Widespread Electric Vehicle Use in the San Francisco Bay Area.*"

20. Time and Place of Next Meeting

Wednesday, July 31, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

21. Adjournment

The meeting adjourned at 12:25 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards