

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

Board of Directors Regular Meeting
Wednesday, November 18, 2020

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*

This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Rod Sinks, called the meeting to order at 9:32 a.m.

Roll Call:

Present: Chairperson Rod Sinks; Vice Chairperson Cindy Chavez; Secretary Karen Mitchoff; and Directors Teresa Barrett, John Bauters, David Canepa, Pauline Russo Cutter, John Gioia, Carole Groom, Scott Haggerty, David Hudson, Davina Hurt, Tyrone Jue, Liz Kniss, Nate Miley, Katie Rice, Mark Ross, Jim Spering, Brad Wagenknecht, and Lori Wilson.

Absent: Directors Margaret Abe-Koga, Shamann Walton, and Shirlee Zane.

CLOSED SESSION (9:37 a.m.)

NOTED PRESENT: Directors Miley and Wilson were noted present at 9:45 a.m.

2. **CONFERENCE WITH LEGAL COUNSEL**

EXISTING LITIGATION (Government Code § 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 case:

- A. **Associated Industries Insurance Company v. Bay Area AQMD**, U.S. District Court, N.D. Cal. No. 4:19-cv-05277-DMR

Reportable Action: Brian Bunger, District Counsel, reported that the Board authorized a resolution of the case, which will be available once negotiations have been completed.

OPEN SESSION (9:59 a.m.)

CONSENT CALENDAR (ITEMS 3 - 10)

3. Minutes of the Board of Directors Meeting of October 7, 2020 and the Board of Directors Special Meeting of October 21, 2020
4. Board Communications Received from October 7, 2020 through November 17, 2020
5. Air District Personnel on Out-of-State Business Travel
6. Quarterly Report of California Air Resources Board Representative – Hon. John Gioia
7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of September 2020
8. Quarterly Report of the Executive Office and Division Activities for the Months of July 2020 – September 2020
9. Authorization to Amend a Contract with Kadash & Associates, LLC
10. Authorization to Amend a Contract with Avantpage, Inc.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Cutter made a motion, seconded by Director Wagenknecht, to **approve** the Consent Calendar Items 3 through 10, inclusive; and the motion **carried** by the following vote of the Board:

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

COMMITTEE REPORTS

11. Report of the Advisory Council Meeting of October 9, 2020

Ex Officio Advisory Council member, Rod Sinks, read the following report:

The Advisory Council met on Friday, October 9, 2020, and approved the minutes of July 31, 2020. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Council participated by teleconference.

The Council recognized Professor Severin Borenstein, for his five years of service on the Council. Professor Borenstein was acknowledged in particular for bringing an economist's perspective to Council deliberations on both the Particulate Matter Reduction and Refinery Emissions Cap strategies.

The Council then continued its deliberations on reducing fine Particulate Matter in the Bay Area and potential recommended measures to further protect public health, which will be presented to the Air District's Board of Directors at the end of the year. Deliberations will continue at the upcoming Council meeting.

The next meeting of the Council was held on Monday, November 9, 2020, at 9:00 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

Council Chairman, Stan Hayes, gave the presentation *PM Strategy – Status Update*, including: milestones; schedule; findings; PM reduction statements; framework for evaluation PM reduction strategies; recommended actions; report components; and next steps.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the Board's appreciation of the Council members' time spent on the deliberation that has shaped the draft report.

Board Action

None; receive and file.

12. Report of the Advisory Council Meeting of November 9, 2020 (OUT OF ORDER, ITEM 15)

Ex Officio Advisory Council member, Rod Sinks, read the following report:

The Advisory Council also met on Monday, November 9, 2020, and approved the minutes of October 9, 2020. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Council participated by teleconference.

The Council then continued its deliberations on reducing fine Particulate Matter in the Bay Area and potential recommended measures to further protect public health, which will be presented to the Air District's Board of Directors at the end of the year. Deliberations will continue at the upcoming Council meeting.

The next meeting of the Council will be held on Thursday, December 3, 2020, at 2:00 p.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair Report of the Advisory Council for meetings of October 9, 2020 and November 9, 2020.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

13. Report of the Mobile Source Committee Meeting of October 19, 2020 (ITEM 12)

Mobile Source Committee Vice Chair, Tyrone Jue, read the following report:

The Mobile Source Committee met on Monday, October 19, 2020, and approved the minutes of September 24, 2020. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

The Committee reviewed and discussed the staff presentation Projects and Contracts with Proposed 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 Proposed Updates to the Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2022. The Committee recommends the Board:

- 1) Approve the proposed updates to the Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2022.*

Finally, the Committee reviewed and discussed the staff presentation Allocation of Mobile Source Incentive Funds for Electric Vehicles Charging Projects. The Committee recommends the Board:

- 1) Allocate \$1 million in Mobile Source Incentive Funds for electric vehicles charging project at multi-unit dwellings in Assembly Bill 617 communities.*

The next meeting of the Mobile Source Committee will be held on Thursday, December 3, 2020, at 11:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. I move that the Board approve the Committee's recommendations. This concludes the Chair Report of the Mobile Source Committee.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the desire to see the needs of the Bay Area transit agencies addressed by the Air District; the request that both the Ad Hoc Committee on Equity, Access, and Inclusion and Legislative Committee receive a presentation on electric bicycle and other active transit mobility incentives; and the fact that some Bay Area Community Choice Aggregation agencies offer such incentives.

Board Action

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

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

14. **Report of the Executive Committee Meeting of October 21, 2020 (ITEM 13)**

Executive Committee Chair, Rod Sinks, read the following report:

The Executive Committee met on Wednesday, October 21, 2020, and approved the minutes of July 29, 2020. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

The Committee received the Hearing Board Quarterly Report: July – September 2020, given by Hearing Board Chairperson, Valerie Armento.

The Committee then received the guest presentation Bay Area Regional Collaborative Work Plan Update, given by Executive Director, Allison Brooks.

The Committee then received the guest presentation Particulate Matter Strategy Status Update, given by Air District Advisory Council Chairperson, Stan Hayes.

The Committee then reviewed and discussed the staff presentation Status Update for the Production System Office.

The Committee then reviewed and discussed the staff presentation Request to Amend the Fiscal Year Ending 2021 Budget to Increase Staffing. The Committee referred the request to amend the Fiscal Year Ending 2021 budget to include funds for five of the ten regular positions previously approved by the Board to the Budget and Finance Committee.

Finally, the Committee reviewed and discussed the staff presentation Wildfire Air Quality Response Program Update.

The next meeting of the Executive Committee will be held at the Call of the Chair. This concludes the Chair Report of the Executive Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

15. **Report of the Ad Hoc Committee on Equity, Access, and Inclusion Meeting of November 5, 2020 (ITEM 14)**

Chair of the Ad Hoc Committee on Equity, Access, and Inclusion, Davina Hurt, read the following report:

The Ad Hoc Committee on Equity, Access, And Inclusion met on Thursday, November 5, 2020, and approved the minutes of September 10, 2020. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

The Committee welcomed Michelle Pierce, Executive Director of Bayview Hunter's Point Community Advocates, and asked her to share her experiences in conducting surveys and investigating placing air monitors to characterize the air quality in eastern San Francisco. Ms. Pierce shared the challenges of working with the Air District and urged the Air District to expedite its activities in Bayview Hunter's Point to regain the community's trust.

The Committee then reviewed and discussed the staff presentation Development of a Community Advisory Council. The Committee had a robust discussion of how to best bring voices of people living in communities inequitably burdened by air pollution into Air District decision-making. Based on the results of its discussions and input it is seeking from impacted communities, the Ad Hoc Committee on Equity, Access, and Inclusion plans to provide feedback on the recruitment process for this council to the Personnel Committee.

The Committee then reviewed and discussed the staff presentation Discussion of the Advisory Council Recruitment Process. The Air District's existing "scientific" Advisory Council advises the Executive Officer and Board of Directors in technical and policy matters. Air District staff proposed five principles for candidate selection that the Committee referred to the Personnel Committee to guide the recruitment of new members.

The Committee then reviewed and discussed the staff presentation Discussion on the Development of a Community Benefit Fund. This is intended to provide monetary resources for projects in impacted communities to reduce exposure to air pollution and address public health impacts.

The Committee then reviewed and discussed the staff presentation Update on Assembly Bill 617 Efforts.

Finally, the Committee reviewed and discussed the staff presentation Update on Office of Diversity, Equity, and Inclusion – Internal and External Efforts to Advance Racial Equity.

The next meeting of this committee will be held Monday, December 14, 2020 at 9:30 a.m. This concludes the report of the Ad Hoc Committee on Equity, Access, And Inclusion.

Public Comments

No requests received.

Board Comments

The Committee and staff thanked Chair Hurt for her time spent on advocacy of varying overburdened communities within the Bay Area, in her capacity as Committee Chair.

Board Action

None; receive and file.

16. Report of the Legislative Committee Meeting of November 12, 2020

Legislative Committee Vice Chair, Brad Wagenknecht, read the following report:

The Legislative Committee met on Thursday, November 12, 2020, and approved the minutes of September 30, 2020. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

Alan Abbs, Legislative Officer, described several of the Air District's legislative priorities, which are currently being pursued and developed. These include:

- Identifying a new author and updating the language for failed Assembly Bill 3211 (Bauer-Kahan), which would allow air districts to adopt local rules related to toxic air contaminants at indirect sources of air pollution, and allow collection of data that will help air districts work with these sources and communities to reduce health impacts;*
- Composition of Bay Area Air Quality Management District Board membership;*
- Reauthorization of the Carl Moyer Program, which provides grant funding for cleaner-than-required vehicular engines and equipment. This program is scheduled to sunset in 2023, and program allocations to air districts specifically, have been reduced, due to a State budget cap;*

- *Maintaining and increasing multi-year, Assembly Bill 617 funding for implementation and incentives. This is contingent upon Cap and Trade auction revenues that are being impacted by the COVID-19 pandemic;*
- *Identifying a new author and updating the language for failed Assembly Bill 2882 (K. Chu), which would require that private schools and charter schools meet the same siting requirements as public schools; and*
- *Work with the California Air Resources Board to procure the funding promised for the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program, derived from Assembly Bill 836 (Wicks), which the Governor passed in 2019. This bill provides funding to retrofit ventilation systems to create a network of clean air centers to mitigate adverse health impacts due to wildfires and other smoke events.*

The next meeting of this Committee will be Thursday, December 3, 2020 at 9:00 a.m. This concludes the Chair’s Report of the Legislative Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

17. Report of the Nominating Committee Meeting of November 18, 2020

Nominating Committee Chair, Rod Sinks, read the following report:

The Nominating Committee met on Wednesday, November 18, 2020, and approved the minutes of November 20, 2019. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

The Committee considered nomination of Board Officers for the 2021 Term of Office and recommends Cindy Chavez as Chairperson, Karen Mitchoff as Vice-Chairperson, and John Bauters as Secretary.

I move that the Board of Directors approve recommendations of the Nominating Committee.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the Nominating Committee's difficulty in making its recommendation.

Board Action

Chair Sinks made a motion, seconded by Director Hudson, to **appoint** Cindy Chavez as Chairperson, Karen Mitchoff as Vice-Chairperson, and John Bauters as Secretary for the 2021 Term of Office; and the motion **carried** by the following vote of the Board:

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

PRESENTATIONS

18. **Summary of 2020 Spare the Air Summer Campaign and Update of 2020-2021 Spare the Air Winter Campaign**

Wayne Kino, Deputy Air Pollution Control Officer of Operations, introduced Kristine Roselius and Dr. Tim McLarney, President of True North Research, who gave the presentation *Summary of 2020 Spare the Air Summer Campaign and the Update of 2020- 21 Spare the Air Winter Campaign*, including: winter campaign – advertising and media and social media; and summer campaign – media and social media, outreach, employer program, and survey results.

Public Comments

Public comments were given by Rob Rennie, Los Gatos City Council; and Tony Fisher, Coalition for Clean Air.

Board Comments

The Board and staff discussed changes in travel behavior in the Bay Area over the summer of 2020, and how the average vehicle travel reduction compares with those from previous years; how to quantify the vehicle miles traveled (VMT) in terms of emissions reductions and as a percentage of total VMT; whether the Air District educates the public on the impacts of aerosols; whether the Air District should promote the use of N95 respirators to protect against COVID-19; the suggestion that the placement and distribution of eco posters throughout the Bay Area be improved, and free signage be given to jurisdictions; and the observation that more Bay Area residents are aware of air quality impacts now, and that the Air District should take this opportunity to further educate residents about best air quality practices and consciousness.

Board Action

None; receive and file.

19. **Wildfire Air Quality Response Program Update**

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, introduced Mr. Kino, who gave the staff presentation *Wildfire Air Quality Response Program Update*, including: 2020 wildfire review; Spare the Air comparisons; Wildfire Air Quality Response program; program strategies; evolving program; additional program initiatives; and new grant program concepts.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the expansion of the Air District's Agricultural Waste Chipping program; the suggestion that the Air District adopts a formal position on the efficacy of N95 respirators to protect against woodsmoke *and* COVID-19; and the cost of High Efficiency Particulate Air (HEPA) filtration units.

Board Action

None; receive and file.

20. **Source Test 101**

The Board of Directors was to receive an overview of source testing of emissions from Bay Area Industrial Facilities. **In the interest of time, this item will be continued until December 2, 2020.**

21. **Update on Bay Area Hyperlocal Air Quality Mapping Project**

The Board of Directors was to receive a status update from Air District staff and Aclima on the project to measure typical block-by-block annual concentrations of critical air pollutants and greenhouse gases in the Bay Area. **In the interest of time, this item will be continued until December 2, 2020.**

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

No requests received.

BOARD MEMBERS' COMMENTS

23. **Board Members' Comments**

None.

OTHER BUSINESS

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

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, announced the retirement of Mr. Kino, who has worked for the Air District for 35 years.

25. Chairperson's Report

Chair Sinks announced the following:

- Directors Abe-Koga, Bauters, Hudson, Hurt, and Ross were re-elected or re-appointed to their respective city councils.
- On December 9, 2020, at 10:00 a.m., the Air District will host a moderated discussion, followed by Q&A with Dr. Ibram X. Kendi, professor, historian, and author of How to Be an Antiracist.

Chair Sinks presented Mr. Kino with a proclamation to honor his distinguished career, and the Board provided individual comments to Mr. Kino as well.

26. Time and Place of Next Meeting

Wednesday, December 2, 2020, at 9:00 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

27. Adjournment

The meeting adjourned at 12:10 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards