

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

Board of Directors Regular Meeting  
Wednesday, August 4, 2021

### **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](http://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 Board of Directors participated by teleconference.**

### **CALL TO ORDER**

1. **Opening Comments:** Board of Directors (Board) Chairperson, Cindy Chavez, called the meeting to order at 9:31 a.m.

#### **Roll Call:**

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Margaret Abe-Koga, Teresa Barrett, David Canepa, Rich Constantine, Pauline Russo Cutter, John Gioia, Carole Groom, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Nate Miley, Katie Rice, Mark Ross, Brad Wagenknecht, and Lori Wilson.

Absent: Directors Myrna Melgar, Rob Rennie, and Shamann Walton.

### **CLOSED SESSION** (9:35 a.m.)

2. **A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND EMPLOYMENT Pursuant to Government Code Section 54957 (b)(1)**

*Title: Chief Executive Officer/Air Pollution Control Officer*

**REPORTABLE ACTION:** Secretary Bauters announced that there was nothing to report.

#### **B. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6**

*Agency designated representatives: Cindy Chavez, John Chiladakis, Charles Sakai, Sloan Sakai Yeung & Wong LLP*

*Unrepresented employees: Chief Executive Officer/Air Pollution Control Officer*

**REPORTABLE ACTION:** Secretary Bauters announced that there was nothing to report.

**OPEN SESSION** (10:23 a.m.)

**CONSENT CALENDAR (ITEMS 3 – 9)**

3. Minutes of the Board of Directors Regular Meeting of July 7, 2021, and the Board of Directors Special Meeting of July 21, 2021
4. Board Communications Received from July 7, 2021, through August 3, 2021
5. Air District Personnel on Out-of-State Business Travel
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of June 2021
7. Authorization to Accept Clean Cars for All Funding
8. Stationary Source and Climate Impacts Committee Meeting
- 8.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of July 19, 2021
- 8.2 Report of the Stationary Source and Climate Impacts Committee Meeting of July 19, 2021
9. Richmond Area Community Emissions Reduction Plan Steering Committee Meeting
- 9.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of July 19, 2021
- 9.2 Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of July 19, 2021

**Public Comments**

No requests received.

**Board Comments**

None.

**Board Action**

Director Wagenknecht made a motion, seconded by Director Rice, to **approve** Consent Calendar Items 3 through 9, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Hopkins, Hudson, Hurt, Jue, Miley, Mitchoff, Rice, Ross, Wagenknecht, Wilson.

NOES: None.

ABSTAIN: None.

ABSENT: Haubert, Melgar, Rennie, Walton.

**PUBLIC COMMENT ON NON-AGENDA MATTERS**

10. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3 (OUT OF ORDER, ITEM 11)**

None.

## **BOARD MEMBERS' COMMENTS**

### **11. Board Members' Comments (ITEM 12)**

None.

## **OTHER BUSINESS**

### **12. Report of the Executive Officer/Air Pollution Control Officer (APCO) (ITEM 13)**

Jack P. Broadbent, Executive Officer/APCO, reported that the Bay Area has experienced only two ozone exceedances thus far in 2021, based on the National Ambient Air Quality Standards. He added that predominant offshore flow patterns have been typically beginning several weeks into August and acknowledged the presence of wildfires currently burning to the east of the Bay Area. The smoke from those fires may degrade the Bay Area's air quality and should Particulate Matter levels in the air become elevated, the Air District's Communications and Meteorology and Measurement teams will be deployed to inform the public.

### **13. Chairperson's Report (ITEM 14)**

Chair Chavez announced the following:

- There will be no committee meetings in August.
- Santa Clara County hired Mountain Data Group to conduct a study entitled "Leaded Aviation Gasoline Exposure Risk at Reid-Hillview Airport in Santa Clara County, California", which was published on August 3, 2021. This report will be sent to the Board members, as the study pertains to the impact of leaded fuel on the community, particularly children.

## **CONTRACT AMENDMENT CONSIDERATION**

### **14. Consider Approving an Amendment to the Executive Officer's Employment Agreement and Authorizing the Chair to Execute the Amendment (ITEM 10)**

The Board of Directors considered the Executive Officer's employment contract and labor negotiations in Closed Session (ITEM 2). Based upon the discussion from Closed Session, the Chair presented a recommended action to the Board.

#### **Public Comments**

No requests received.

#### **Board Comments**

None.

#### **Board Action**

Director Cutter made a motion, seconded by Director Gioia, to **direct** the Chair do the following:

Negotiate a modification to the Employment Agreement with Jack Broadbent to convert it from an Evergreen contract to one with a fixed term. The Chair is authorized to negotiate an amendment to the Employment Agreement to be approved by the Board in Open Session, which makes the following changes:

1. Establishes a contract end date of December 31, 2023;
2. Modifies the contract ending provision to apply to any separation of employment which occurs on or before December 31, 2023, including a termination due to the expiration of the agreement but excluding termination for cause; and
3. Re-examines the cause provisions for ending the contract

The motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Hopkins, Hudson, Hurt, Jue, Miley, Mitchoff, Rice, Ross, Wagenknecht, Wilson.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Haubert, Melgar, Rennie, Walton.

#### **OTHER BUSINESS CONTINUED**

##### **15. Time and Place of Next Meeting**

Wednesday, September 1, 2021, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

##### **16. Adjournment**

The meeting adjourned at 10:38 a.m.

*/s/ Marcy Hiratzka*  
Marcy Hiratzka  
Clerk of the Boards