

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

Board of Directors Special Meeting
Wednesday, December 15, 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*

This meeting was conducted under procedures in accordance with Assembly Bill 361. 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 8:33 a.m.

Roll Call:

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Teresa Barrett, Pauline Russo Cutter, John Gioia, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Nate Miley, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, and Shamann Walton.

Absent: Directors Margaret Abe-Koga, David Canepa, Rich Constantine, Carole Groom, Myrna Melgar, and Lori Wilson.

CLOSED SESSION (8:37 a.m.)

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

Title: Chief Executive Officer/Air Pollution Control Officer

REPORTABLE ACTION: Acting District Counsel, Adan Schwartz, said that there was nothing to report.

3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957 (b)(1)**

Title: Acting District Counsel

REPORTABLE ACTION: Mr. Schwartz said that there was nothing to report.

OPEN SESSION (10:05 a.m.)

NOTED PRESENT: Director Rennie was noted present 10:06 a.m.

CONSENT CALENDAR (ITEMS 4 – 15)

4. Continuation of Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
5. Minutes of the Board of Directors Special Meeting of December 1, 2021
6. Board Communications Received from December 1, 2021, through December 14, 2021
7. District Personnel on Out-of-State Business Travel
8. Consider Adopting Proposed Amendments to the Air District’s Administrative Code, Division II: Fiscal Policies & Procedures, Section 5 Allowable Expenses, 5.1 Director Travel Expenses
9. Consider Amending the Air District’s Classification Plan to Combine the Air Quality Inspector and Air Quality Instrument Specialist Classification Series with the Air Quality Specialist Classification Series and Approve a New Assistant Air Quality Specialist I/II Classification
10. Consider Approval of Hiring Recommendation at Step E of Salary Range 128 for the Air Quality Inspector II Positions
11. Authorization to Amend Air Monitoring Operations Budget with Schedule X Fees
12. Management Audit Vendor Qualification Recommendation
13. Administration Committee Meeting
- 13.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of December 1, 2021
- 13.2 Report of the Administration Committee Meeting of December 1, 2021

The Committee presented to the Board the following as informational:

Formation of an Executive Support Standing Committee:

- 1) The current Ad Hoc Executive Support Committee is tasked with developing the final composition of the future oversight standing Committee that includes minimally the Board Chair, Vice Chair and past or recent past Chair.
- 2) Set at a minimum quarterly meeting with the Committee and the Executive Officer to review current and planned actions and activities and discuss how they connect to the Board’s goals.
- 3) Set at a minimum quarterly meeting with the Committee and the District Counsel to review current and upcoming legal actions and any other relevant information.
- 4) Perform an employee 360* or other innovative evaluation of the Executive Officer every 3 years to gain clarity about how District employees perceive the direction of the agency under the leadership of the Executive Officer. Evaluation reports should be written with an emphasis on confidentiality.

- 5) Perform an employee 360* or other innovative evaluation of the District Counsel every 3 years to gain clarity about District employees' opinion of the current legal direction of the agency. Evaluation reports should be written with an emphasis on confidentiality.
- 6) Retain outside counsel to assess the current annual evaluation process.
- 7) Work with outside counsel to create a standardized annual evaluation process, including performance measures and a standardized set of evaluation questions.
- 8) Create an annual practice of providing each board member with a list of the annual evaluation questions, past years' materials, and previous evaluations at the beginning of the year to help inform their future assessment.

14. Community Equity, Health and Justice Committee Meeting

14.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of December 2, 2021

14.2 Report of the Community Equity, Health and Justice Committee Meeting of December 2, 2021

The Board of Directors approved the following:

ACTION REQUESTED: Discussion on Process for Filling Vacant Seats for Path to Clean Air Community Emissions Reduction Plan (CERP) Community Steering Committee:

- 1) Approve the recommended slate of four candidates to fill the current vacancies in the Path to Clean Air Steering Committee with the following applicants: Simren Sandhu, Marisol Cantó, Daniella Zacky, and Michelle Gomez Garcia. In addition, request staff to develop and propose a new procedure for filling future vacancies and reserves list that the Committee may review and provide input to then be implemented to fill a future reserves list.

15. Mobile Source and Climate Impacts Committee Meeting

15.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of December 6, 2021

15.2 Report of the Mobile Source and Climate Impacts Committee Meeting of December 6, 2021

The Board of Directors approved the following:

A) **ACTION REQUESTED:** Projects and Contracts with Proposed Grant Awards Over \$100,000

- 1) Approve recommended projects with proposed grant awards over \$100,000 as shown in Attachment 1; and
- 2) Authorize the Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.

Public Comments

No requests received.

Board Comments

None.

Board Action

Secretary Bauters made a motion, seconded by Director Cutter, to **approve** the Consent Calendar Items 4 through 15, inclusive; and the motion **carried** by the following vote of the Board:

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

PUBLIC HEARING

16. Public Hearing to Consider Adoption of Proposed Amendments to Regulation 2, Rule 1: General Requirements (Rule 2-1) and Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants (Rule 2-5) and Adoption of a Negative Declaration Pursuant to the California Environmental Quality Act (CEQA)

Greg Nudd, Deputy Air Pollution Control Officer of Policy, introduced Mark Tang, Senior Air Quality Specialist, who gave the staff presentation *Public Hearing on Proposed Amendments to Rules 2-1 and 2-5*, including: outcome; outline; requested action; background (exposure and vulnerability); rule development process and engagement; proposed amendments to Rules 2-1 and 2-5; costs and socioeconomic impacts; environmental impacts; statutory findings; Air District impacts; comment themes and responses; and feedback requested/prompt.

Chair Chavez opened the required public hearing to consider the adoption of proposed amendments to Regulation 2, Rule 1: General Requirements and Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants and adoption of a Negative Declaration pursuant to CEQA.

Public Comments

Public comments were given by Christine Wolfe, California Council for Environmental and Economic Balance; Ms. Margaret Gordon, West Oakland Environmental Indicators Project; Lorien Fono, Bay Area Clean Water Agencies; Rita Cheng, Central Contra Costa Sanitary District; Amit Mutsuddy, San Jose Santa Clara Regional Wastewater Facility; Tyler Earl, Communities for a Better Environment (CBE); Susann Bradford, Golden Gate University; LaDonna Williams, All Positive Possible; and Richard Gray, Sunflower Alliance.

Chair Chavez closed the public hearing.

Board Comments

The Board and staff discussed the need to prioritize overburdened communities; cancer risk versus asthma risk; whether wastewater treatment facilities should be exempt from this regulation, and whether public wastewater treatment facilities will be treated differently from private ones; the exemption for new emergency services (police, fire, hospitals); whether the Air District has ever provided a definition for the term “overburdened community” within a proposed regulation prior to these proposed amendments; the request for enhanced notification for permitting activity and projects within overburdened communities (to the Board via the Stationary Source & Climate Impacts Committee); and how to expand communication strategies regarding differences in regions relative to emissions.

Board Action

Director Cutter made a motion, seconded by Vice Chair Mitchoff, to **adopt** the proposed amendments to Regulation 2, Rule 1: General Requirements and Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants and a Negative Declaration pursuant to the California Environmental Quality Act; and the motion **carried** by the following vote of the Board:

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

COMMENDATION/PROCLAMATION/AWARDS

17. The Board of Directors recognized outgoing Board Chairperson Cindy Chavez for her outstanding leadership as Chair of the Board of Directors in 2021, and dedication to protecting air quality in the Bay Area.

Public Comments

Public comments were given by LaDonna Williams, All Positives Possible; Richard Gray, Sunflower Alliance; and Lonnie Mason, First Generation.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County; Tyler Earl, CBE; and Richard Gray, Sunflower Alliance.

BOARD MEMBERS' COMMENTS

19. Board Members' Comments

None.

OTHER BUSINESS

20. Report of the Executive Officer/APCO

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, gave an update on the Air District's efforts regarding the California Public Utilities Commission's (CPUC) plan to expand broadband internet service throughout California. (As the Air District's Flex Your Commute program encourages employers to incentivize their employees' remote work, equitable and reliable internet access is of interest to the Air District.) Mr. Broadbent reported that after the Board authorized him to transfer \$250,000 to the Flex Your Commute program for program development and file a motion for party status with the CPUC to expand broadband internet access throughout the Bay Area on September 15, 2020, the CPUC approved the Air District as a party. The Air District will be providing support to the fiscal sponsor to support this effort moving forward.

21. Chairperson's Report

Chair Chavez announced that the Board's annual retreat will take place on January 19, 2022, at 9:30 a.m., both in person in Pleasant Hill, and via teleconference. Chair Chavez also acknowledged the 75th birthday of Ms. Margaret Gordon, on Dec 31, 2021.

22. Time and Place of Next Meeting

At the end of the meeting, it was announced that the next Board meeting would be held on Wednesday, January 19, 2022, at 9:30 a.m., at the Pleasant Hill Community Center, 320 Civic Drive (Pavilion Room), Pleasant Hill, CA 94523 and, via webcast, pursuant to procedures in accordance with Assembly Bill 361. After the meeting adjourned, the meeting was changed to via webcast only, due to the Covid pandemic, and the time was changed to 9:00 a.m. (date remained the same.)

23. Adjournment

The meeting adjourned at 1:14 p.m. in memory of Steve Nadel, a founder of the Sunflower Alliance.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards