



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
MEETING
December 21, 2022**

THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY ASSEMBLY BILL 361 (RIVAS 2021) ALLOWING REMOTE MEETINGS. THIS MEETING WILL BE ACCESSIBLE VIA WEBCAST, TELECONFERENCE, AND ZOOM. A ZOOM PANELIST LINK WILL BE SENT SEPARATELY TO COMMITTEE OR BOARD MEMBERS

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S AGENDA WEBPAGE AT**

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- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE FOLLOWING LINK OR BY PHONE**

<https://bayareametro.zoom.us/j/88460237707>

(669) 900-6833 or (408) 638-0968

WEBINAR ID: 884 6023 7707

- **THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A COMMENT CAN USE THE "RAISE HAND" FEATURE BY DIALING "*9". IN ORDER TO RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE SURE YOUR APPLICATION IS UP TO DATE**

BOARD OF DIRECTORS MEETING AGENDA

WEDNESDAY, DECEMBER 21, 2022

9:00 AM

Chairperson, John J. Bauters

1. **Call to Order - Roll Call**
2. **Pledge of Allegiance**
3. **Public Meeting Procedure**

The Board Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Board members.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

***Public Comment on Agenda Items:** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have three minutes each to address the Board. No speaker who has already spoken on that item will be entitled to speak to that item again.*

4. **Special Orders of the Day**

CONSENT CALENDAR (Items 5 - 18)

5. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)

The Board of Directors will consider approving a resolution authorizing Air District Board and Committee meetings using remote teleconferencing through January 20, 2023.

6. Approval of the Minutes of December 7, 2022

The Board will consider approving the draft minutes of the Board of Directors Regular meeting of December 7, 2022.

7. Board Communications Received from December 7, 2022 through December 20, 2022

A copy of communications directed to the Board of Directors received by the Air District from December 7, 2022 through December 20, 2022, if any, will be distributed to the Board Members by way of email.

8. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of November 2022

In accordance with Resolution No. 2012-08 the Board of Directors will receive a list of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the month of November 2022.

9. Personnel Out of State Travel Report for October and November 2022

In accordance with Division II, Section 5.4(b) of the Air District Administrative Code, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business in the preceding months.

10. Quarterly Report of California Air Resources Board Representative - Honorable Davina Hurt

The Board of Directors will receive a report of California Air Resources Board Representative Honorable Davina Hurt.

11. Consider Adopting Proposed Amendments to Division I, Sections 1.1 and 1.2, of the Administrative Code Regarding Board Member Compensation for Meeting Attendance and Board Meeting Start Time

The Board of Directors will consider adopting revisions to Division I, Sections 1.1 and 1.2, of the Administrative Code, as recommended by the Administration Committee. These recommended revisions would: (i) increase the compensation for Board member attendance at multiple meetings on the same day to \$200; (ii) provide compensation for Board members for active transportation travel to meetings in an amount of \$1.56 per mile for travel by bicycle and \$1.50 per mile for travel by foot or wheelchair; (iii) make various other non-substantive changes to reorganize and clarify the provisions for Board member meeting attendance compensation; and (iv) make the start time for regular Board meetings 9:00 am or 9:30 am, at the discretion of the Chair.

12. Authorization to Accept Clean Cars For All Funding

The Board of Directors will consider adopting a resolution authorizing the Interim Executive Officer/APCO to accept, obligate, and expend up to \$28 million from the California Air Resources Board for the Bay Area Clean Cars for All Program.

13. Participation in the Community Air Protection Incentives Program Fiscal Year 2022-2023

The Board of Directors will consider adopting a resolution authorizing the Air District to participate in the Community Air Protection Incentives Program for Fiscal Year 2022-2023 and authorizing the Interim Executive Officer/APCO to enter into all necessary agreements to accept, obligate, and expend program funds.

14. Authorization to Accept Community Air Protection Program (CAPP) Implementation Funds Fiscal Year 2022-2023 from the California Air Resources Board (CARB)

The Board of Directors will consider adopting a resolution accepting Fiscal Year 2022-2023 Community Air Protection Program Implementation Funds from California Air Resources Board (CARB) and authorizing the Interim Executive Officer/APCO to execute all necessary agreements with the CARB.

15. Authorization to Execute a Lease Amendment for the San Pablo-Rumrill Air Monitoring Station

The Board of Directors will consider authorizing the Interim Executive Officer/APCO to execute an amendment to the Air District's lease agreement with Lao Family Community Development, Inc. effective December 6, 2022 through May 31, 2027, which would result in lease payments up to \$341,522.

16. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of November 28, 2022

The Board of Directors will receive a report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of November 28, 2022.

17. Report of the Community Equity, Health & Justice Committee Meeting of December 1, 2022

The Board of Directors will receive a report of the Community Equity, Health & Justice Committee meeting of December 1, 2022.

18. Report of the Legislative Committee Meeting of December 12, 2022

The Board of Directors will receive a report of the Legislative Committee meeting of December 12, 2022, and will consider approval of the following action items recommended by that Committee:

A) Potential Legislative Activities for 2023

Approve a recommendation that the Board of Directors endorse the following nine Legislative activities for 2023:

- *Refinery Penalties (sponsor);*
- *School Siting for Private and Charter Schools (act as potential co-sponsor or major supporter);*
- *Brown Act Teleconferencing Provisions (support any legislative efforts to address these concerns);*
- *Commuter Benefits (potential sponsorship or co-sponsorship);*
- *Vessel Speed Reduction for Ocean-Going Vessels (potential co-sponsor or major supporter);*
- *Air District Board Composition (no recommendation at this time);*
- *Goods Movement-Related Port Cargo Fee (potential co-sponsorship or major supporter);*
- *Installation of Heat Pumps in Neighborhoods with Homeowners' Associations (potential Air District sponsorship or co-sponsorship); and*
- *Air District Advisory Council Meeting Stipend (sponsor)*

CLOSED SESSION

19. PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT Pursuant to Government Code Section 54957(b)

Title: Executive Officer/APCO

20. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6

*Agency Designated Representatives: Board Chair John J. Bauters; Acting CAO John Chiladakis; and Charles Sakai and DeeAnne Gillick of Sloan, Sakai, Yeung & Wong
Unrepresented Employee: Executive Officer/APCO*

OPEN SESSION

ACTION ITEM(S)

21. Consider Authorization of Non-Represented Employee Benefits

This is an action item and will be presented by Sharon L. Landers, Interim Executive Officer/APCO and John Chiladakis, Acting Chief Administrative Officer. The Board of Directors will consider authorization of current compensation practices for non-represented employees to continue until the development of a comprehensive compensation philosophy and the completion of a compensation plan review as detailed in the Human Resources Performance Audit Recommendation 1.6 and 1.7.

22. Consider Approving the Executive Officer's Employment Agreement

This is an action item and will be presented by John Bauters, Chairperson of the Board. The Board of Directors will consider approving the Executive Officer's Employment Agreement and authorizing the Board Chairperson to execute the agreement.

23. Consider Authorizing the Allocation, Classification, and Recruitment of the 20 Unclassified Vacant Positions included in the Fiscal Year Ending (FYE) 2023 Budget

This is an action item and will be presented by Sharon L. Landers, Interim Executive Officer/APCO and John Chiladakis, Acting Chief Administrative Officer. The Board of Directors will consider a resolution authorizing the allocation, classification, and recruitment of the 20 unclassified vacant positions included in the FYE 2023 budget in accordance with the designations provided in Table 2 (attached in respective memorandum).

INFORMATIONAL ITEM(S)

24. Revision of the PM_{2.5} National Ambient Air Quality Standard: The Role of Air Monitoring Data

This is an informational item that will be presented by Dr. Kate Hoag, Assistant Manager in the Meteorology and Measurement Division. To provide background information to help understand upcoming proposals from EPA, Air District staff will provide an overview of how air monitoring data is compared to the NAAQS.

OTHER BUSINESS

25. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3

Members of the public who wish to speak on matters not on the agenda for the meeting, will have three minutes each to address the Board.

26. Board Member Comments

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

27. Report of the Interim Executive Officer/APCO

28. Chairperson's Report

The Board of Directors will recognize the following outgoing Board members for their outstanding leadership and dedication to protecting air quality in the Bay Area.

- *Teresa Barrett*
- *Pauline Russo Cutter*
- *Carole Groom*
- *Karen Mitchoff*
- *Brad Wagenknecht*

29. Time and Place of Next Meeting

Wednesday, January 25, 2023, at 9:00 a.m., in person or via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

CLOSED SESSION

30. Conference With Legal Counsel re Existing Litigation (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), the Board will meet in closed session with legal counsel to discuss the following case:

Communities for a Better Environment v. Bay Area Air Quality Management District and McWane Inc., Alameda Superior Court Case No. 22CV020451.

31. Conference with Legal Counsel re Anticipated Litigation (Government Code Sections 54956.9(a) and (d)(2))

Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board will meet in closed session with legal counsel to discuss a significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: Four cases.

OPEN SESSION

32. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs, and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at spesapati@baaqmd.gov.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

DECEMBER 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source and Climate Impacts Committee - CANCELLED	Monday	19	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	21	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	21	11:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Thursday	22	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee - CANCELLED	Wednesday	28	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

JANUARY 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting - CANCELLED	Wednesday	4	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Finance & Administration Committee -CANCELLED	Wednesday	4	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee - CANCELLED	Monday	9	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee - CANCELLED	Wednesday	11	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Wednesday	11	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting - CANCELLED	Wednesday	18	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee - CANCELLED	Wednesday	18	1:00 p.m.	Webcast only pursuant to Assembly Bill 361

JANUARY 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Community Advisory Council Meeting	Thursday	19	6:00 p.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	23	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Special Meeting	Wednesday	25	9:00 a.m.	1st Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361

MV 12/16/2022 – 3:47 p.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)

RECOMMENDED ACTION

Consider approving a resolution reauthorizing Air District Board and Committee meetings using remote teleconferencing through January 20, 2023.

BACKGROUND

AB 361 (R. Rivas 2021) (Open meetings: state and local agencies: teleconferences) allows the Board of Directors, Board committees, and other legislative bodies of the Air District to conduct public meetings using teleconferencing without complying with certain requirements imposed by the Ralph M. Brown Act during the COVID-19 state of emergency proclaimed by Governor Newsom. On December 7, 2022, the Board of Directors adopted Resolution No. 2022-25 authorizing such meetings under AB 361. AB 361 requires the Board to reconsider the state of emergency and adopt further resolutions every 30 days in order to continue conducting such meetings.

DISCUSSION

When the COVID-19 pandemic started, local agency boards struggled to conduct their meetings in compliance with the Brown Act's public accessibility requirements while still abiding by stay-at-home orders. As a result, Governor Newsom signed several executive orders to grant local agencies the flexibility to meet remotely during the pandemic. The Governor's executive orders allowed public agencies to meet remotely without requiring physical public access to each board member's remote meeting location. Those executive orders expired on September 30, 2021. AB 361 provides additional flexibility for local agencies looking to meet remotely during a proclaimed state of emergency. Agencies are required to consider and vote on this flexibility every 30 days in order to continue this practice under AB 361.

In order to continue conducting remote meetings without complying with all of the Brown Act’s public accessibility requirements while the state of emergency remains active, or while state or local officials have imposed or recommended measures to promote social distancing, the Board of Directors must make the following findings by majority vote:

(A) That the Board has reconsidered the circumstances of the state of emergency; and

(B) That any of the following circumstances exist: (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

The circumstances set forth in (B)(ii) are present here, and upon reconsideration of the circumstances of the state of emergency, the Board has grounds to make the requisite AB 361 findings. Public officials continue to impose or recommend measures to promote social distancing, including but not limited to the Santa Clara County Public Health Officer, who reaffirmed on September 21, 2022, that public bodies such as the Air District Board of Directors and Committees should continue to meet remotely to the extent possible. The Public Health Officer made this recommendation due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission.

Staff therefore recommend adopting the attached resolution to authorize continued remote meetings under AB 361. Note that the proposed resolution also authorizes hybrid meetings, to the extent they may be appropriate. Hybrid meetings are those where Board and/or Committee members who feel comfortable attending in person can do so, while others who may find the health risks from in-person attendance unreasonably high can participate remotely. Hybrid meetings may be appropriate to the extent the Board finds that the COVID-19 public health emergency has abated sufficiently to allow some members of the Air District’s legislative bodies to participate safely in in-person meetings, but the pandemic continues to present imminent risks to the health or safety of other members, including but not limited to those who may have weakened immune systems, those who may have reasons preventing them from being vaccinated, and those who may live in a household in close proximity with such persons. In such cases, a hybrid meeting may be appropriate to allow those members who can participate in person to do so, while still preserving the option for other members who do not feel comfortable doing so to participate remotely.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Alexander G. Crockett

ATTACHMENTS:

1. Draft AB 361 Subsequent Resolution December 21, 2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2022-

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT AUTHORIZING
CONTINUED REMOTE TELECONFERENCE MEETINGS FOR THE PERIOD
DECEMBER 21, 2022 TO JANUARY 20, 2023**

WHEREAS, the Bay Area Air Quality Management District (Air District) is committed to preserving and nurturing public access to and participation in meetings of the Board of Directors, Board Committees, and all other legislative bodies of the Air District; and

WHEREAS, all meetings of Air District legislative bodies are open and public, as required by the Ralph M. Brown Act (Brown Act), Cal. Gov. Code §§ 54950-54963, so that any member of the public may attend, participate in, and watch meetings at which the Air District's legislative bodies conduct their business; and

WHEREAS, beginning in 2020, the COVID-19 pandemic gave rise to significant health risks that made it unduly risky for the Air District's legislative bodies to hold in-person public meetings; and

WHEREAS, the Brown Act authorizes remote teleconferencing participation in meetings by members of a legislative body, but as of the beginning of the pandemic, it included certain restrictions in Government Code section 54953(b)(3) that made fully remote meetings impractical; and

WHEREAS, in response to this situation, and in order to facilitate remote meetings to promote public health and allow for social distancing during the COVID-19 pandemic, the Legislature enacted AB 361 (Rivas), which (among other things) created Government Code section 54953(e); and

WHEREAS, Government Code section 54953(e) makes provision for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on December 7, 2022, the Board of Directors adopted Resolution No. 2022-25, finding that the requisite conditions exist for the legislative bodies of the Air District to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3), including that there was and is a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, as a condition of continuing the use of the provisions found in section 54953(e) after adopting Resolution No. 2022-25 on December 7, 2022, at least every 30 days thereafter, the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, the COVID-19 state of emergency remains active and Governor Newsom's COVID-19 Emergency Proclamation of March 4, 2020 remains in effect to prevent, mitigate, and respond to the spread of COVID-19; and

WHEREAS, state and local officials continue to impose or recommend measures to promote social distancing, including but not limited to the Santa Clara County Public Health Officer, who reaffirmed on September 21, 2022, that public bodies such as the Air District Board of Directors and Committees should continue to meet remotely to the extent possible; and

WHEREAS, in reaffirming this recommendation, the Santa Clara County Public Health Officer identified the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission;

WHEREAS, as a consequence of the local emergency persisting and the continued recommendation by public officials for measures to promote social distancing, the Board of Directors does hereby find that the legislative bodies of the Air District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Air District is publicizing in its meeting agendas zoom and webcast links and phone numbers for members of the public to participate remotely in meetings of the Air District's legislative bodies.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby finds that the state of emergency related to COVID-19 in the District remains active and that measures to promote social distancing have been ordered or recommended by public health authorities.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board of Directors hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the Air District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Consideration of Hybrid Meetings: The Board of Directors hereby finds that although the COVID-19 public health emergency has abated somewhat, and that it may now be appropriate

in certain circumstances for some members of the Air District’s legislative bodies to participate safely in in-person meetings, the public health emergency continues to present imminent risks to the health or safety of other members, including but not limited to those who may have weakened immune systems, those who may have reasons preventing them from being vaccinated, and those who may live in a household in close proximity with such persons, such that the Air District’s legislative bodies have a need to hold hybrid and/or fully-remote meetings, as appropriate, to protect the health of the members of the legislative bodies, Air District staff, and the public.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 20, 2023, or (ii) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Air District may continue to teleconference without compliance with section 54953(b)(3).

The foregoing resolution was duly and regularly introduced, passed, and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the motion of _____, seconded by _____, on the 21st day of DECEMBER, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

John J. Bauters
Chair of the Board of Directors

Teresa Barrett
Secretary of the Board of Directors

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Approval of the Minutes of December 7, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Regular meeting of December 7, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular meeting of December 7, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Board of Directors Meeting of December 7, 2022

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

Board of Directors Regular Meeting
Wednesday, December 7, 2022

DRAFT 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 Assembly Bill 361 (Rivas 2021) allowing remote meetings. Members of the Board of Directors participated both by teleconference (via Zoom) and in person.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, John J. Bauters, called the meeting to order at 9:01 a.m.

Roll Call:

Present: Chairperson John J. Bauters; Vice Chairperson Davina Hurt; Secretary Teresa Barrett; and Directors Margaret Abe-Koga, John Gioia, Carole Groom (Zoom), Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Tyrone Jue, Otto Lee, Sergio Lopez, Myrna Melgar, Nate Miley, Karen Mitchoff (Zoom), Rob Rennie, Katie Rice, Mark Ross (Zoom), Brad Wagenknecht, Shamann Walton, and Steve Young.

Absent: Directors David Canepa and Pauline Russo Cutter.

2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC MEETING PROCEDURE**
4. **SPECIAL ORDERS OF THE DAY**

Chair Bauters introduced recently hired Air District employees, Alexandra Kamel, Assistant Counsel II; Somerset Perry, Assistant Counsel II; and Misha Nishiki, Assistant Counsel I (returning to the Air District.)

CONSENT CALENDAR (Items 5 – 23)

5. Remote Teleconferencing per Assembly Bill (AB) 361
6. Approval of the Minutes of November 2, 2022

7. Board Communications Received from November 2, 2022, through December 6, 2022
8. Authorization to Execute a Contract with Lores Maintenance
9. Notices of Violations Issued and Penalty Settlements in Excess of \$10,000 in the Month of October 2022
10. Authorization to Amend Signature Authority for San Mateo County Treasurer
11. Notice of Proposed Amendments to Division I, Sections 1.1 and 1.2, of the Administrative Code Regarding Board Member Compensation for Meeting Attendance and Board Meeting Start Time
12. Quarterly Report of the Executive Office and Division Activities for the Months of July 2022 - September 2022
13. Proposed Regulatory Agenda for 2023
14. Authorization to Execute Contract Extension for Support of Grant Program Data Management Systems

15. Report of the Budget and Finance Committee Meeting of October 26, 2022

Consider approval of the following action items recommended by that Committee:

A. Funding Policy for the Other Post-Employment Benefits and Pension Funding Policy:

- *Approve the Air District's proposed Other Post-Employment Benefits and Pension Funding Policy.*

B. California Employers' Pension Prefunding Trust Investment Policy:

- *Direct investments in the Air District's California Employers' Pension Prefunding Trust 115 Trust account to use investment strategy 2; and*
- *Allocate Air District's funds to the California Employers' Pension Prefunding Trust 115 Trust account in 2 tranches:*
 - *Following adoption of the recommendation (1st tranche)*
 - *At the end of Fiscal Year 2023 (2nd tranche).*

16. Report of the Mobile Source & Climate Impacts Committee Meeting of October 27, 2022

Consider approval of the following action items recommended by that Committee:

A. Projects and Contracts with Proposed Grant Awards Over \$500,000:

- *Approve the recommended projects with proposed grant awards in excess of \$500,000; and*
- *Authorize the Interim Executive Officer/Air Pollution Control Officer (APCO) execute grant agreements with applicants for the recommended projects.*

B. Proposed Updates to the Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2024:

- *Approve the proposed Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2024.*

17. Report of the Administration Committee Meeting of November 2, 2022
18. Report of the Community Equity, Health & Justice Committee Meeting of November 3, 2022
19. Report of the Legislative Committee Meeting of November 14, 2022
20. Report of the Community Advisory Council meeting of November 17, 2022
21. Report of the Stationary Source and Climate Impacts Committee Meeting of November 21, 2022

22. Report of the Budget and Finance Committee Meeting of November 23, 2022

Consider approval of the following action items recommended by that Committee:

A. *Cost Recovery and Containment Policy:*

- *Adopt the proposed amended Cost Recovery and Containment Policy: A) clarify that the Air District's cost recovery analysis be periodically reviewed by an independent entity; and B) update the cost recovery goals including the 100% cost recovery goal from fee-based activities.*

23. Report of the Mobile Source & Climate Impacts Committee Meeting of November 28, 2022

Consider approval of the following action items recommended by that Committee:

A. *Projects and Contracts with Proposed Grant Awards Over \$500,000:*

- *Approve projects with proposed grant awards over \$500,000; and*
- *Authorize the Interim Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.*

B. *Acceptance of 2022-2023 Carl Moyer Program Funding from the California Air Resources Board:*

- *Authorize the Air District to participate in Fiscal Year 2022-2023 Carl Moyer Program;*
- *Adopt a resolution to authorize the Air District's participation in the program; and*
- *Authorize the Interim Executive Officer/APCO to enter into all necessary agreements to accept, obligate, and expend program funds.*

Public Comments

No requests received.

Board Comments

Director Hudson had wanted to pull Item 22 for discussion. He later waived discussion, and Chair Bauters asked whether two Consent Calendar votes would be necessary since Director Hudson planned to vote “no” on Item 22. District Counsel requested that two votes be taken, reflecting that Item 22 was pulled.

Board Action

Director Young made a motion, seconded by Secretary Barrett, to **approve** Consent Calendar Items 5 through 21, and 23; and the motion **carried** by the following vote of the Board:

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

Secretary Barrett made a motion, seconded by Director Wagenknecht, to **approve** Consent Calendar Item 22; and the motion **carried** by the following vote of the Board:

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

INFORMATIONAL PRESENTATIONS

24. COP27 REPORT OUT

A video created by the Air District, capturing Air District staff and Board members attending the 2022 United Nations Climate Change Conference - Conference of the Parties (COP) 27, was displayed. Dr. Idania Zamora, Assistant Planning & Climate Protection Manager, Areana Flores, Senior Staff Specialist, Jennifer Elwell, Senior Air Quality Engineer, Chair Bauters, and Vice Chair Hurt all spoke about their experiences at this event.

Public Comments

No requests received.

Board Comments

None.

Committee Action

None; receive and file.

25. UPDATE ON 2022-2023 SPARE THE AIR WINTER SEASON AND SUMMARY OF 2022 SPARE THE AIR SUMMER SEASON

Kristine Roselius, Director in the Communications Office, and Dr. Tim McLarney of True North Research, gave the joint report *2022-2023 Spare the Air Winter Campaign Overview and Summary of 2022 Spare The Air Summer Campaign*, including: outcome; outline; presentation for information only; winter campaign; door-to-door outreach; creative and advertising; commercial; media and social media; summer campaign; creative and advertising; media and social media; additional outreach; employer program; and survey.

NOTED PRESENT: Director Melgar was noted present at 9:25 a.m.

Public Comments

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

Board Comments

The Board and staff discussed the fact that woodsmoke is largest contributor of air pollution during the Bay Area's winter season; the perceived influence of a particular former Winter Spare the Air (STA) ad; the number of door hanger Winter STA messaging distributed to residences in West and East Oakland, how those residences are identified, who distributes the door hangers, and whether a digital version exists for the Board members' circulation; whether the results from the 2022 STA survey conducted during the summer campaign indicate how many electric vehicles are being driven by solo drivers; the request that the Air Districts partners with regional transit agencies by promoting their services to increase and restore ridership; whether the Air District has geographical data about whether vehicle miles traveled are being reduced in impacted communities, and how much pollution in these communities is generated by non-residents passing through; whether the Air District can publicize burning violations to the neighbors of the offending residence or facility; whether alternatives to firewood are less hazardous to human health when burned; the request that a list of hazards of wood smoke be circulated to the Board members; the number of Bay Area residents who burn wood as a sole source of heat, versus those who are burning for ambiance; the desire to see all residential woodburning banned; and cognitive impacts related to woodsmoke.

Board Action

None; receive and file.

OTHER BUSINESS

26. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County; Alysia Gadde, Martinez resident; Rochele Henderson; Air District employee; Ken Szutu, Citizen Air Monitoring Network of Vallejo; Justin Gomez, Martinez resident; Jerome Shaw; and Charles Davison, Hercules resident.

27. BOARD MEMBERS' COMMENTS

Regarding an incident at the Martinez Refining Company's refinery on Thanksgiving, during which potentially hazardous materials were released, Director Ross said that the incident will be agendized at the City of Martinez City Council meeting of December 7, 2022.

Director Miley requested regular updates on West Oakland Community Action Plan implementation activities the activities of the East Oakland AB 617 Community Steering Committee.

28. REPORT OF THE INTERIM EXECUTIVE OFFICER/APCO

Sharon L. Landers, Interim Executive Officer/APCO, made the following announcements:

- At the Air District's Community Advisory Council meeting on November 17, 2022, the Council endorsed the Air District's Compliance and Enforcement Division's scheduling of bi-monthly community meetings, designed to engage the community in enhancing monitoring and enforcement work.
- Regarding the aforementioned incident on Thanksgiving at the Martinez Refining Company's refinery, the Air District issued a Notice of Violation on December 5, and a subsequent investigation is ongoing.
- Dr. Ranyee Chiang, Director of Meteorology and Measurement, was asked to provide a summary on recent air quality.

29. CHAIRPERSON'S REPORT

Chair Bauters announced that regarding recruitment for the Executive Officer/APCO, interviews of several candidates were conducted by several interview panels on November 9, 2022. The interview panels consisted of members of the public, Air District staff and staff from other California air quality regulatory agencies, Board members, and the Air District's Community Advisory Council. Several candidates were asked to return for second interviews on December 7, 2022. There will be an (open session) item at a future Board meeting, during which public can view the candidates and provide feedback.

30. TIME AND PLACE OF NEXT MEETING

Wednesday, December 21, 2022, at 9:00 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

CLOSED SESSION (10:24 a.m.)

31. CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(a))

Pursuant to Government Code Section 54956.9(a), the Board will meet in closed session with legal counsel to discuss the following cases:

Chevron U.S.A Inc. v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1739;

Martinez Refining Co. LLC v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1568;

The Athletics Investment Group, LLC, v. The Bay Area Air Quality Management District et al. (Schnitzer Steel Industries, Inc., Real Party in Interest), Alameda Superior Court Case No. 22CV010930;

Communities for a Better Environment v. Bay Area Air Quality Management District and McWane Inc., Alameda Superior Court Case No. 22CV020451.

Reportable Action: Chair Bauters had nothing to report except that appropriate action was given to staff.

32. CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(2))

Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board will meet in closed session with legal counsel to discuss a significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: Three cases.

Reportable Action: Chair Bauters had nothing to report except that appropriate action was given to staff.

33. PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT PURSUANT TO GOVERNMENT CODE SECTION 54957(b)

Title: Executive Officer/APCO

Reportable Action: Chair Bauters had nothing to report except that appropriate action was given to staff.

34. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

*Agency Designated Representatives: Board Chair John J. Bauters; Acting CAO John Chiladakis; and Charles Sakai and DeeAnne Gillick of Sloan, Sakai, Yeung & Wong
Unrepresented Employees: Executive Officer/APCO*

Reportable Action: Chair Bauters had nothing to report except that appropriate action was given to staff.

OPEN SESSION (4:04 p.m.)

35. **ADJOURNMENT**

The meeting adjourned at 4:06 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Board Communications Received from December 7, 2022 through December 20,
2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from December 7, 2022 through December 20, 2022, if any, will be distributed to the Board members by way of email.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Justine Buenaflor
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of
November 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

In accordance with Resolution No. 2012-08, attached to this Memorandum is a listing of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the calendar months prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties are collected and recorded in the Air District's General Fund.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alexander G. Crockett

ATTACHMENTS:

1. Notices of Violations for the Month of November 2022

NOTICES OF VIOLATIONS ISSUED

The following Notice(s) of Violation(s) were issued in November 2022:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Argent Materials Inc.	E2474	Oakland	A60657A	11/16/2022	2-1-307	Permit Requirement/Condition Violation
Argent Materials Inc.	E2474	Oakland	A60657B	11/16/2022	6-6-501	Trackout Violation
S E Combined Services of California	E0905	Oakland	A60658A	11/29/2022	2-1-307	Permit Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A61756A	11/14/2022	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A61757A	11/14/2022	2-6-307	Title V Requirement/Condition Violation

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Air Liquide Large Industries US LP	B7419	Rodeo	A61242A	11/10/2022	1-522.7	Continuous Emissions Monitor Violation
Air Liquide Large Industries US LP	B7419	Rodeo	A61243A	11/10/2022	1-522.7	Continuous Emissions Monitor Violation
C & H Sugar Company, Inc.	B1911	Crockett	A61739A	11/22/2022	9-2-301	Hydrogen Sulfide Violation
C & H Sugar Company, Inc.	B1911	Crockett	A61740A	11/22/2022	9-2-301	Hydrogen Sulfide Violation
C & H Sugar Company, Inc.	B1911	Crockett	A61741A	11/22/2022	9-2-301	Hydrogen Sulfide Violation
C & H Sugar	B1911	Crockett	A61742A	11/22/2022	9-2-301	Hydrogen Sulfide

Company, Inc.						Violation
C & H Sugar Company, Inc.	B1911	Crockett	A61743A	11/22/2022	9-2-301	Hydrogen Sulfide Violation
Chevron Products Company	A0010	Richmond	A60928A	11/2/2022	8-18-503.4	Equipment Leak Violation
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60853A	11/29/2022	2-6-307	Title V Requirement/Condition Violation
Keller Canyon Landfill Company	A4618	Pittsburg	A61300A	11/29/2022	2-6-307	Title V Requirement/Condition Violation
Keller Canyon Landfill Company	A4618	Pittsburg	A61301A	11/29/2022	2-6-307	Title V Requirement/Condition Violation
Keller Canyon Landfill Company	A4618	Pittsburg	A61302A	11/29/2022	2-6-307	Title V Requirement/Condition Violation
Martinez Refining Company LLC	A0011	Martinez	A60835A	11/9/2022	9-1-307	SO2 Emissions Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61240A	11/4/2022	2-6-307	Title V Requirement/Condition Violation
Pittsburg Shell	Z4465	Pittsburg	A62307A	11/17/2022	8-7-301.5	Gasoline Dispensing Facility Violation
San Ramon Valley Fire District - Admin Bldg.	B4021	San Ramon	A61721A	11/8/2022	2-1-307	Permit Requirement/Condition Violation
San Ramon Valley USD	Z4769	San Ramon	A61722A	11/8/2022	2-1-307	Permit Requirement/Condition Violation

Marin						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Prime Skylark LLC	FB383	Larkspur	A61669A	11/10/2022	11-2-304	Asbestos Violation
Prime Skylark LLC	FB383	Larkspur	A61669B	11/10/2022	11-2-303.8	Asbestos Violation
Prime Skylark LLC	FB383	Larkspur	A61670A	11/10/2022	11-2-303.9	Asbestos Violation
Upper Skylark LLC	T5301	Larkspur	A61667A	11/7/2022	11-2-303.8	Asbestos Violation

San Francisco						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Pacific Gas and Electric Company	FB369	San Francisco	A61671A	11/22/2022	11-2-401.3	Asbestos Violation
San Francisco International Airport	A1784	San Francisco	A59023A	11/23/2022	2-6-307	Title V Requirement/Condition Violation

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
CEMEX Construction Materials Pacific, LLC	B2652	Redwood City	A59188A	11/15/2022	2-1-307	Permit Requirement/Condition Violation
Cypress Amloc Land Co , Inc.	A1364	Colma	A60332A	11/22/2022	8-34-301.1	Landfill Violation
Spirit HD Colma CA, LP	A5897	Colma	A60331A	11/10/2022	2-1-302	No Permit to Operate

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Auris Health	E2346	San Jose	A61619A	11/30/2022	2-1-307	Permit Requirement/Condition Violation
Capital - Snell 76	FB338	San Jose	A61702A	11/3/2022	2-1-307	Permit Requirement/Condition Violation
CDF Fire	FB330	Morgan Hill	A61723A	11/8/2022	2-1-307	Permit Requirement/Condition Violation
Great Gas San Pablo Inc.	FB367	Santa Clara	A61402A	11/17/2022	8-7-302.5	Gasoline Dispensing Facility Violation
Great Gas San Pablo Inc.	FB367	Santa Clara	A61402B	11/17/2022	8-7-301.6	Gasoline Dispensing Facility Violation
Lehigh Southwest Cement Company	A0017	Cupertino	A58399A	11/3/2022	2-6-307	Title V Requirement/Condition Violation
Lehigh Southwest Cement Company	A0017	Cupertino	A58400A	11/3/2022	2-6-307	Title V Requirement/Condition Violation
Lehigh Southwest Cement Company	A0017	Cupertino	A58401A	11/3/2022	2-1-307	Permit Requirement/Condition Violation
Northrop Grumman Systems Corporation	B0861	Sunnyvale	A58402A	11/9/2022	2-1-307	Permit Requirement/Condition Violation
Northrop Grumman Systems Corporation	B0861	Sunnyvale	A58402B	11/9/2022	1-522.4	Continuous Emissions Monitor Violation

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
A&A Gas Inc.	FB374	Fairfield	A62308A	11/22/2022	8-7-301.5	Gasoline Dispensing Facility Violation
A&A Gas Inc.	FB317	Fairfield	A62309A	11/28/2022	8-7-301.5	Gasoline Dispensing Facility Violation
Valero Refining Company - California	B2626	Benicia	A60813A	11/1/2022	2-6-307	Title V Requirement/Condition Violation

Company Address Outside of Bay Area						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Diesel Direct West	FB386	Stockton	A62246A	11/17/2022	8-7-308	Gasoline Dispensing Facility Violation
P.W. Stephens Environmental Inc.	FB327	Sacramento	A61668A	11/8/2022	11-2-303.6	Asbestos Violation

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were 0 settlement(s) for \$10,000 or more completed in November 2022.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Personnel Out of State Travel Report for October and November 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In accordance with Division II, Section 5.4(b) of the District’s Administrative Code, the Board is hereby notified of District personnel who have traveled on out-of-state business. The report covers out-of-state business travel for the months of October and November 2022. The monthly out-of-state business travel report is presented in the month following travel completion.

DISCUSSION

The following out-of-state business travel activities occurred in the months of October and November 2022:

EPA’s Annual Community Modeling and Analysis System (CMAS) Conference, Chapel Hill, NC, October 16-20, 2022 attendees:

- Bonyoung Koo, Senior Atmospheric Modeler
- Stephen Reid, Senior Advanced Projects Advisor

National Adaptation Forum 2022, Baltimore, MD, October 22-27, 2022 attendee:

- Jamesine Rogers Gibson, Senior Advanced Projects Advisor

2022 Ceridian Dayforce Conference, Las Vegas, NV, November 7-11, 2022 attendee:

- Soyeb Palya, Human Resources Analyst – Payroll

Conference of the Parties to the United Nations Framework Convention on Climate Change (COP27), Sharm El-Sheikh, Egypt, November 11-19, 2022 attendees:

- Jennifer Elwell, Senior Air Quality Engineer, Rules & Strategic Policy Division
- Areana Flores, Program Lead, Climate Tech Finance
- Idania Zamora, Ph.D., Assistant Manager, Climate Protection

BUDGET CONSIDERATION/FINANCIAL IMPACT

All associated business travel-related costs are covered by the respective division's Fiscal Year Ending 2023 Budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Veronica Eady

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Quarterly Report of California Air Resources Board Representative - Honorable
Davina Hurt

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Attached is the Quarterly Report of California Air Resources Board Representative - Honorable
Davina Hurt.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Aloha de Guzman
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. CARB Quarterly Report for Representative - Honorable Davina Hurt

To: Members of the Board of Directors, BAAQMD

From: Davina Hurt, Member, California Air Resources Board

Date: November 29, 2022

Subject: Quarterly Report of My Activities as an Air Resources Board Member

The list below summarizes my activities as a California Air Resources Board member from July 1, 2022, through September 30, 2022:

July Activities

18th Meeting w/ Valley Clean Air re: SJV SIP
19th Meeting w/ Ford re: Battery Durability
Meeting w/ American Lung Assoc. re: Various CARB Items
22nd AB 617 Consultation Group Meeting
28th Meeting w/ Consumer Reports re: ACC II
Meeting w/ CVEC re: ACC II
AB 617 Community Listening Session

August Activities

9th AB 617 Community Listening Session
12th Meeting w/ Oberon Fuels re: Meet-and-Greet
Meeting w/ ACC II Coalition re: ACC II
Meeting w/ Dr. Cullenward (Stanford) re: Scoping Plan
15th Meeting w/ Auto Alliance re: ACC II
16th Meeting w/ Natl. Fed. On Small Business re: Scoping Plan
Meeting w/ SierraClub/Earth Justice re: Scoping Plan
August Staff Briefing
18th Meeting w/ Dr. Peribas (Livermore Lab) re: CCS
22nd Meeting w/ SEMA re: ACC II
25th August Board Meeting
29th CARB/EJAC Staff Briefing

September Activities

1st CARB/EJAC Joint Meeting
7th AB 617 Consultation Group Meeting
9th Meeting w/ CalETC re: ACF/Funding Plan
12th Meeting w/ CVAQ re: SJV Ozone SIP
14th September Staff Briefing
19th Meeting w/ Pacific Environment re: Scoping Plan
Meeting w/ ALA/CCA re: Various CARB Items

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20th Meeting w/ CTA re: ACF

21st Meeting w/ CAs for Pesticide Reform re: Scoping Plan

22nd September Board Meeting

Attachments: Public Agendas



Public Meeting Agenda

Thursday, August 25, 2022

California Environmental Protection Agency

1001 I Street, Sacramento, California 95814

Byron Sher Auditorium, 2nd Floor

Webcast (Livestream/Watch Only)

Zoom Webinar [Register Here](#)

Phone Number: (669) 900-6833

Webinar ID: 839 8167 7287

The August 25, 2022, meeting of the California Air Resources Board (CARB or Board) will be held at 1001 I Street in Sacramento, with remote participation available to the public and Board members in accordance with [Senate Bill 189](#) (Gov. Code § 11133). This facility is accessible to persons with disabilities and by public transit. For transit information, call (916) 321-BUSS (2877) or visit <http://sacrt.com/>.

To only watch the Board Meeting and not provide verbal comments, please view the [webcast](#). If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments. Please do not view the webcast and then switch over to the webinar to comment as the webcast will have a time delay; instead, register to participate via the Zoom webinar.

Public Comment Guidelines and Information

- [In-Person Public Testimony \(NEW\)](#)
- [Remote Public Participation \(UPDATED\)](#)

In-person speakers signed up to comment will be called upon first, followed by public Zoom and phone participants wishing to comment.

The Chair will close speaker sign-ups 30 minutes after the public comment portion of an item has begun.

Spanish interpretation will be available for the August 25 Board Meeting.

- [Agenda de la Reunión Pública](#) – Coming Soon
- [Spanish Webcast](#)

Thursday, August 25, 2022 @ 9:00 a.m.

Discussion Items:

The following agenda items may be heard in a different order at the Board meeting.

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

22-10-1: Public Hearing to Consider the Proposed Advanced Clean Cars II Regulations

The Board will consider the proposed Advanced Clean Cars II Regulations. This is the second of two Board hearings on this item. The Board will also consider certifying the Final Environmental Analysis and approving the written response to comments received on the Draft Environmental Analysis. If adopted, the regulations will be submitted to the United States Environmental Protection Agency for approval as a revision to the California state implementation plan required by the federal Clean Air Act.

- [Formal Rulemaking Page](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

The following item will not be heard prior to 4:00 p.m.

22-10-2: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program - South Los Angeles Community Emissions Reduction Program

The Board will consider the South Los Angeles Community Emissions Reduction Program as required by Assembly Bill 617 and will also consider invoking a California Environmental Quality Act exemption in connection with its action.

- [More Information](#)
- [Staff Report](#)
- [Public Meeting Notice](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(a)(1), and as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

Alliance for California Business v. California State Transportation Agency, et al., Sacramento County Superior Court, Case No. 34-2016-80002491.

American Lung Association, et al. v. United States Environmental Protection Agency, et al. (D.C. Cir. 2021) 985 F.3d 914, cert. granted sub nom. *Westmoreland Mining Holdings v. EPA* (U.S., Oct. 29, 2021, No. 20-1778).

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

State of North Dakota, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1242.

State of Wyoming, et al. v. United States Department of the Interior, et al., U.S. District Court, District of Wyoming, Case No. 16-CV-285-SWS; United States Court of Appeals, Tenth Circuit, Case No. 20-8073.

Truck Trailer Manufacturers Association, Inc. v. United States Environmental Protection Agency, et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1430.

People v. Southern California Gas Company, Los Angeles Superior Court, Case No. BC 602973.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

Western States Petroleum Association v. California Air Resources Board, Los Angeles County Superior Court, Case No. 20STCP03138x.

Westmoreland Mining v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1160.

W.O. Stinson & Son LTD. v. Western Climate Initiative, Inc., Ontario Canada Superior Court, Case No. CV-20-00083726-0000.

Opportunity for Members of the Board to Comment on Matters of Interest

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Open Session to Provide an Opportunity for Members of the Public to Address the Board on Subject Matters within the Jurisdiction of the Board

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[View Submitted Comments](#)

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CARB Homepage: www.arb.ca.gov

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- Documentos disponibles en un formato alternativo u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

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Public Meeting Agenda

for the

Joint Meeting of the California Air Resources Board and the
Assembly Bill 32 Environmental Justice Advisory Committee

Thursday, September 1, 2022

California Environmental Protection Agency
1001 I Street, Sacramento, California 95814
Coastal Hearing Room, 2nd Floor

Webcast (Livestream/Watch Only)
Zoom Webinar [Register Here](#)

Phone Number: (669) 900-6833
Webinar ID: 890 4460 4013

The September 1, 2022, joint meeting of the California Air Resources Board (CARB or Board) and the Assembly Bill 32 Environmental Justice Advisory Committee (EJAC) will be held at 1001 I Street in Sacramento, with remote participation available to the public and Board members in accordance with [Senate Bill 189](#) (Gov. Code § 11133). Due to the limited seating capacity in the Coastal Hearing Room, remote participation is highly encouraged for members of the public. This facility is accessible to persons with disabilities and by public transit. For transit information, call (916) 321-BUSS (2877) or visit <http://sacrt.com/>.

To only watch the Board Meeting and not provide verbal comments, please view the [webcast](#). If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments. Please do not view the webcast and then switch over to the webinar to comment as the webcast will have a time delay; instead, register to participate via the Zoom webinar.

Public Comment Guidelines and Information

- [In-Person Public Testimony \(NEW\)](#)
- [Remote Public Participation \(UPDATED\)](#)

In-person participants signed up to comment will be called upon first, followed by public Zoom and phone participants wishing to comment.

The Chair will close speaker sign-ups 30 minutes after the public comment portion of an item has begun.

Spanish and Cantonese interpretation will be available for the September 1 Board Meeting.

- [Agenda de la Reunión Pública – Coming Soon](#)
- [Guía de participación pública remota](#)

- [Spanish Webcast](#)
- [遠程公眾參與指導 \(Cantonese\)](#)

Thursday, September 1, 2022 @ 1:00 p.m.

Discussion Items:

Hard copies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

Discussion of Environmental Justice Advisory Committee Recommendations and Developing the Final 2022 Scoping Plan

The California Air Resources Board (CARB) and the Environmental Justice Advisory Committee (EJAC) will hear an update on the 2022 Scoping Plan development and discuss final EJAC recommendations submitted for CARB staff's consideration in the development of the 2022 Scoping Plan as well as context and background related to environmental justice within the Scoping Plan.

- [More Information](#)
- [CARB Meeting Presentation](#)
- [EJAC Meeting Presentation](#)
- [EJAC Recommendations](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

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Public Meeting Agenda

Thursday, September 22, 2022

California Environmental Protection Agency

1001 I Street, Sacramento, California 95814

Byron Sher Auditorium, 2nd Floor

Webcast (Livestream/Watch Only)

Zoom Webinar [Register Here](#)

Phone Number: (669) 900-6833

Webinar ID: 874 6569 2656

The September 22, 2022, meeting of the California Air Resources Board (CARB or Board) will be held at 1001 I Street in Sacramento, with remote participation available to the public and Board members in accordance with [Senate Bill 189](#) (Gov. Code § 11133). This facility is accessible to persons with disabilities and by public transit. For transit information, call (916) 321-BUSS (2877) or visit <http://sacrt.com/>.

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Public Comment Guidelines and Information

- [In-Person Public Testimony \(NEW\)](#)
- [Remote Public Participation \(UPDATED\)](#)

In-person speakers signed up to comment will be called upon first, followed by public Zoom and phone participants wishing to comment.

The Chair will close speaker sign-ups 30 minutes after the public comment portion of an item has begun.

Spanish interpretation will be available for the September 22 Board Meeting.

- [Agenda de la Reunión Pública](#)
- [Spanish Webcast](#)

Thursday, September 22, 2022 @ 9:00 a.m.

Discussion Items:

The following agenda items may be heard in a different order at the Board meeting.

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

22-12-1: Public Meeting to Consider Proposed Research Contract with the University of California, Berkeley, Titled “Children’s Health and Air Pollution Study: Standardized Assessments, Attention and Cognition in California Kids (CHAPS: STACK)”

The Board will consider approval of the research proposal. This item is added to the agenda due to the contract amount and also to satisfy Board approval requirements in Government Code section 1091 because one Board member is affiliated with the University of California, Berkeley.

- [Item Summary](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-12-2: Public Meeting to Hear the Innovative Clean Transit Program Update and Comprehensive Review on 2023 Program Readiness

The Board will hear about the Innovative Clean Transit regulation's implementation update and 2023 program readiness, which includes the findings of a comprehensive review on zero-emission bus performance and related technologies, infrastructure, costs, and workforce development.

- [More Information](#)
- [Public Meeting Notice](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-12-3: Public Meeting to Consider the Proposed 2022 State Strategy for the State Implementation Plan

The Board will consider adoption of the Proposed 2022 State Strategy for the State Implementation Plan, which describes the State’s proposed control measures as needed to support attainment of the federal 70 parts per billion ozone standard across California. This is the second of two Board hearings on this item; the Board will also consider certifying the Final Environmental Analysis, including the written responses to comments received on the Draft Environmental Analysis.

- [More Information](#)
- [Staff Report](#)
- [Public Meeting Notice](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

Alliance for California Business v. California State Transportation Agency, et al., Sacramento County Superior Court, Case No. 34-2016-80002491.

American Lung Association, et al. v. United States Environmental Protection Agency, et al. (D.C. Cir. 2021) 985 F.3d 914, cert. granted sub nom. *Westmoreland Mining Holdings v. EPA* (U.S., Oct. 29, 2021, No. 20-1778).

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Consider Adopting Proposed Amendments to Division I, Sections 1.1 and 1.2, of the
Administrative Code Regarding Board Member Compensation for Meeting
Attendance and Board Meeting Start Time

RECOMMENDED ACTION

Adopt proposed revisions to Division I, Sections 1.1 and 1.2, of the Administrative Code, as recommended by the Administration Committee, to (i) increase the compensation for Board member attendance at multiple meetings on the same day to \$200; (ii) provide compensation for Board members for active transportation travel to meetings in an amount of \$1.56 per mile for travel by bicycle and \$1.50 per mile for travel by foot or wheelchair; (iii) make various other non-substantive changes to reorganize and clarify the provisions for Board member meeting attendance compensation; and (iv) make the start time for regular Board meetings 9:00 am or 9:30 am, at the discretion of the Chair.

BACKGROUND

Governor Newsom signed Assembly Bill (AB) 2721 (Lee) on September 23, 2022. This bill revises the amount of compensation that a member of the Board of Directors may receive for attending a meeting of the Board or a Board committee, or attending a meeting while on official business of the Air District, to an amount not to exceed \$100 per meeting and \$200 per day.

The bill also authorizes Board members to receive compensation for active transportation travel to such meetings. Active transportation travel is defined in the bill as bicycling, walking, and other modes of travel that "... reduce traffic, improve health outcomes, and reduce air pollution." Compensation for active transportation travel can be set on a per mile basis or at a fixed daily, weekly, monthly, or annual rate. The bill's definition of active transportation travel as including bicycling and walking aligns well with the active transportation strategies in the 2017 Clean Air Plan, Plan Bay Area 2050, and the State of California's active transportation funding program.

Total compensation for meeting attendance, including active transportation travel compensation, is subject to a limit of \$6,000 per year.

DISCUSSION

To implement AB 2721's revised authority for Board meeting compensation, Staff are proposing amendments to Division I, Section 1.2 of the Administrative Code.

First, the proposed revisions would provide for compensation for Board member attendance at Board meetings, Committee meetings, and various other types of meetings of \$100 per meeting, up to \$200 per day. Section 1.2 currently limits compensation to \$100 per day, even if a Board member attends multiple meetings in a single day.

Second, the proposed revisions would provide compensation for Board members who travel to such meetings by bicycle, foot or wheelchair. Bicycle travel would be compensated at \$1.56 per mile. This rate is based on studies and research that show that (i) bicycle upkeep costs \$0.06 per mile on average; (ii) increases in bicycling provide an air quality benefit of \$0.10 per mile; and (iii) bicycling provides an additional \$1.40 per mile in benefits from reduced congestion, roadway cost savings, noise pollution reduction, parking facilities and traffic safety benefits. Travel by foot or wheelchair would be compensated at \$1.50 per mile. Research into equivalent per-mile rates for walking is less robust than it is for bicycle usage. However, since walking and bicycling both displace automobile trips, resulting in comparable air quality and societal benefits, staff recommend that the compensation rate for walking to meetings be set at \$1.50 per mile. Staff further recommend that this rate be applied for walking the entire distance to a meeting or the distance for connecting to/from public transit.

Total compensation for meeting attendance would continue to be capped at \$6,000 per year, consistent with AB 2721.

Staff are also proposing a number of other non-substantive revisions to Section 1.2 to clarify all of the applicable rules and procedures for compensation for meeting attendance. The current version of Section 1.2 is not well organized and is unclear and difficult to follow in many areas. The proposed revisions would make these provisions clearer, without changing the substance of the rules for when and how Board members are eligible for compensation when they attend meetings on behalf of the District.

Finally, Staff are also proposing an amendment to Division I, Section 1.1 to make the start time for regular Board meetings 9:00 am or 9:30 am, at the discretion of the Chair.

All of the proposed revisions to Sections 1.1 and 1.2 are indicated in the attached proposed revised versions, including a redline markup of the current text and a clean version of the proposed revised text.

The Administration Committee considered staff's proposal at its November 2, 2022, meeting, and voted to recommend to the Board of Directors that the Board adopt these proposed revisions. Per Division I, Section 14.1 of the Administrative Code, notice of these proposed amendments was provided at the Board of Directors regular meeting on December 7, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Compensation rates will be reflected in the Air District budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alexander Crockett

ATTACHMENTS:

1. Proposed Revisions to Admin Code Div 1 Sec 1.1 & 1.2 - Redline
2. Proposed Revisions to Admin Code Div 1 Sec 1.1 & 1.2 - Clean

SECTION 1 BOARD OF DIRECTORS, MEETINGS

1.1 MEETING DATES. (Revised __/__/2022)

Regular meetings of the Bay Area Air Quality Management District Board of Directors shall be held on the first and third Wednesday of each month, beginning at the hour of either 9:00 or 9:30 a.m., at the discretion of the Chairperson, with either meeting being subject to cancellation by the APCO with the concurrence of the Chairperson if there is insufficient District business to warrant such meeting. When the day, or the day preceding the day, fixed for a regular meeting of the District Board falls upon a legal holiday, that meeting shall be held at the same hour seven (7) days later not on a holiday.

1.2 ~~A.~~ COMPENSATION FOR- MEETING ATTENDANCE. (Revised __/__/2022) (Revised 3/7/2018)

~~Board members shall receive compensation of one hundred dollars (\$100) for each day attending~~

(a) MEETINGS ELIGIBLE FOR COMPENSATION.

Board members shall receive compensation for attendance at:

(1) ~~M~~meetings of the Air District Board and of Board Committees; ~~;~~ and

(~~1~~) ~~or upon authorization of the Board~~ Other meetings while on official business of the District, ~~including but not limited to~~ but such compensation shall not exceed six thousand dollars (\$6,000) in any one fiscal year. ~~Board members may receive compensation for attendance at the following types of meetings other than Board and Committee meetings:~~

(~~2~~) ~~eo~~ educational seminars designed to improve officials' skill and information levels; ~~;~~

(~~3~~) ~~meetings of regional, state and national organizations whose activities affect the Air District's interest with a District staff member in attendance. ~~;~~~~

(~~4~~) Air District events. ~~;~~ and

(~~5~~)(2) ~~and~~ meetings to discuss community and/or business concerns with regard to air quality in the region.

(b) BOARD MEETING ATTENDANCE REQUIRMENTS.

Unless excused by the Chairperson, a Board member shall receive compensation for attending meetings of the Board only if:

(1) the Board member arrives for the meeting no later than 30 minutes after the scheduled beginning of the meeting; and

(2) the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.

(c) PRE-APPROVAL AND REPORTING REQUIREMENTS.

Board members shall not receive compensation for attending meetings of ~~any~~ the type specified in subparagraph (a)(2) above unless the compensation ~~for attendance at such meeting(s)~~ is approved by the Chairperson in an open session prior to attendance at the meeting, or, for meetings held outside the State of California, unless the compensation is approved by the Board in an open session prior to attendance at the meeting. Board members who receive compensation for attending a meeting of the type specified in subparagraph (a)(2) above must provide a

~~Report(s) on any the meetings that members have attended at the Air District's expense will be given at the next regular board meeting.~~

(d) AMOUNT OF COMPENSATION.

Board members shall receive compensation of one hundred dollars (\$100) per meeting for attendance at meetings under this Section 1.2, up to a maximum of two hundred dollars (\$200) per day; plus compensation for active transportation travel calculated as specified in Paragraph (e) below. No Board member may receive compensation of more than six thousand dollars (\$6,000) in any fiscal year for meeting attendance pursuant to this Section 1.2.

~~(a)~~

(e) ACTIVE TRANSPORTATION TRAVEL CALCULATION.

Compensation for active transportation travel pursuant to Paragraph (d) above shall be calculated as follows:

- (1) \$1.56 per mile for travel by personal/private non-motorized bicycle or similar non-motorized pedal-operated vehicle;
- (2) \$1.50 per mile for travel by foot or wheelchair.

For multi-modal travel, compensation shall be provided only for miles actually traveled using the alternative transportation travel modes specified in this Paragraph (e). Board members must provide details on the date of travel, starting and ending points, and purpose of travel when claiming compensation, and must document the distance traveled with a printout from a map website such as Google Maps.

(f) REIMBURSEMENT FOR EXPENSES.

In addition to compensation for meeting attendance as specified in this Section 1.2, Board members shall also be entitled to reimbursement for actual and necessary expenditures in connection with meeting attendance as provided for in Division II, Section 5. Board members do not need prior approval to be eligible for reimbursement for expenditures in connection with meetings of the Air District Board and Board Committees. To the extent a meeting for which compensation is available includes a meal, ~~a Board members may~~ ~~be~~ ~~shall~~ ~~be~~ ~~entitled~~ ~~to~~ ~~reimbursed~~ ~~reimbursement~~ ~~for~~ ~~their~~ ~~meal~~ ~~expenditures~~ ~~as~~ ~~long~~ ~~as~~ ~~specified~~ ~~in~~ ~~Division~~ ~~II,~~ ~~Section~~ ~~5.1(g),~~ ~~notwithstanding~~ ~~that~~ ~~provision's~~ ~~limitation~~ ~~on~~ ~~meal~~ ~~reimbursement~~ ~~for~~ ~~One~~ ~~Day~~ ~~Travel.~~ ~~A~~ ~~the~~ ~~Board~~ ~~member~~ ~~receiving~~ ~~reimbursement~~ ~~for~~ ~~expenditures~~ ~~under~~ ~~this~~ ~~Paragraph~~ ~~(f)~~ ~~must~~ ~~complies~~ ~~comply~~ ~~with~~ ~~the~~ ~~limits~~ ~~and~~ ~~reporting~~ ~~requirements~~ ~~of~~ ~~local,~~ ~~state~~ ~~and~~ ~~federal~~ ~~law~~ ~~and~~ ~~the~~ ~~meal~~ ~~expenditure~~ ~~is~~ ~~reasonable~~ ~~and~~ ~~necessary.~~

1.2 — B. LIMITS ON COMPENSATION FOR MEETING ATTENDANCE.
(Revised 4/5/2006)

~~Board members shall not receive compensation for attendance at meetings of any type held outside the State of California unless compensation for attendance at such meeting(s) is approved by the Board in an open session prior to attendance at the meeting.~~

~~Unless excused by the Chairperson, a Board member shall receive such compensation for attending meetings of the Board only if:~~

~~the Board member arrives for the meeting within 30 minutes of the scheduled beginning of the meeting; and~~

~~the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.~~

SECTION 1 BOARD OF DIRECTORS, MEETINGS

1.1 MEETING DATES. (Revised __/__/2022)

Regular meetings of the Bay Area Air Quality Management District Board of Directors shall be held on the first and third Wednesday of each month, beginning at the hour of either 9:00 or 9:30 a.m., at the discretion of the Chairperson, with either meeting being subject to cancellation by the APCO with the concurrence of the Chairperson if there is insufficient District business to warrant such meeting. When the day, or the day preceding the day, fixed for a regular meeting of the District Board falls upon a legal holiday, that meeting shall be held at the same hour seven (7) days later not on a holiday.

1.2 COMPENSATION FOR MEETING ATTENDANCE. (Revised __/__/2022)

(a) MEETINGS ELIGIBLE FOR COMPENSATION.

Board members shall receive compensation for attendance at:

- (1) Meetings of the Air District Board and of Board Committees; and
- (2) Other meetings while on official business of the District, including but not limited to educational seminars designed to improve officials' skill and information levels, meetings of regional, state and national organizations whose activities affect the Air District's interest with a District staff member in attendance, Air District events, and meetings to discuss community and/or business concerns with regard to air quality in the region.

(b) BOARD MEETING ATTENDANCE REQUIREMENTS.

Unless excused by the Chairperson, a Board member shall receive compensation for attending meetings of the Board only if:

- (1) the Board member arrives for the meeting no later than 30 minutes after the scheduled beginning of the meeting; and
- (2) the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.

(c) PRE-APPROVAL AND REPORTING REQUIREMENTS.

Board members shall not receive compensation for attending meetings of the type specified in subparagraph (a)(2) above unless the compensation is approved by the Chairperson in an open session prior to attendance at the meeting, or, for meetings held outside the State of California, unless the compensation is approved by the Board in an open session prior to attendance at the meeting. Board members who receive compensation for attending a meeting of the type specified in subparagraph (a)(2) above must provide a report on the meeting at the next regular board meeting.

(d) AMOUNT OF COMPENSATION.

Board members shall receive compensation of one hundred dollars (\$100) per meeting for attendance at meetings under this Section 1.2, up to a maximum of two hundred dollars (\$200) per day; plus compensation for active transportation travel calculated as specified in Paragraph (e) below. No Board member may receive compensation of more than six thousand dollars (\$6,000) in any fiscal year for meeting attendance pursuant to this Section 1.2.

(e) ACTIVE TRANSPORTATION TRAVEL CALCULATION.

Compensation for active transportation travel pursuant to Paragraph (d) above shall be calculated as follows:

- (1) \$1.56 per mile for travel by personal/private non-motorized bicycle or similar non-motorized pedal-operated vehicle;
- (2) \$1.50 per mile for travel by foot or wheelchair.

For multi-modal travel, compensation shall be provided only for miles actually traveled using the alternative transportation travel modes specified in this Paragraph (e). Board members must provide details on the date of travel, starting and ending points, and purpose of travel when claiming compensation, and must document the distance traveled with a printout from a map website such as Google Maps.

(f) REIMBURSEMENT FOR EXPENSES.

In addition to compensation for meeting attendance as specified in this Section 1.2, Board members shall also be entitled to reimbursement for actual and necessary expenditures in connection with meeting attendance as provided for in Division II, Section 5. Board members do not need prior approval to be eligible for reimbursement for expenditures in connection with meetings of the Air District Board and Board Committees. To the extent a meeting for which compensation is available includes a meal, Board members shall be entitled to reimbursement for their meal expenditures as specified in Division II, Section 5.1(g), notwithstanding that provision's limitation on meal reimbursement for One Day Travel. A Board member receiving reimbursement for expenditures under this Paragraph (f) must comply with the limits and reporting requirements of local, state and federal law.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Authorization to Accept Clean Cars For All Funding

RECOMMENDED ACTION

1. Adopt a resolution authorizing the Interim Executive Officer/APCO to accept, obligate, and expend up to \$28 million from the California Air Resources Board for the Bay Area Clean Cars For All (CCFA) Program; and,
2. Authorize the Interim Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding.

BACKGROUND

Wide-scale adoption of zero-emission vehicles (ZEVs) and electrification of all types of transportation are essential to achieving local, state, and federal emission reduction targets for greenhouse gases and criteria pollutants. California has set a goal of five million ZEVs sold by 2030, and the Bay Area has set a target of 90% of vehicles in the Bay Area being ZEVs by 2050. The Bay Area and California also share the goal to cut greenhouse gas emissions to 80% below 1990 levels by 2050. Additionally, Governor Newsom's 2020 Executive Order N-79-20 sets a goal for 100% of state sales of new passenger cars and trucks be zero emission by 2035, which was included as part of the recently adopted California Air Resources Board (CARB) Advanced Clean Cars II Regulation.

Through the Clean Cars for All Program (Program or CCFA) the Air District provides incentives for low-income households (up to 400% of the Federal Poverty Level - FPL) to retire older, high-polluting vehicles and replace them with a newer, cleaner vehicle or with mobility options (e.g. public transit card or e-bikes). Participants may purchase or lease a new or used hybrid electric vehicle, PHEV, BEV or FCEV. A rebate to install a home charger or to purchase a portable charger is available for participants that purchase a PHEV or BEV through CCFA. Alternatively, participants may opt to retire their vehicle in exchange for funding for public transit or an electric bike. The Program reduces criteria pollutants and greenhouse gas emissions throughout the Bay Area and supports the goal of equitable access to electric vehicles and clean transportation.

DISCUSSION

The CCFA Program began in 2019 and has been supported by a total of \$45 million from a variety of state and local funds and continues to be a popular and beneficial program. The Air District administers the CCFA program along with its partners – CARB, GRID Alternatives, a network of 75 vehicle dealers, and two auto dismantlers. CARB requires participating air districts to focus on California Climate Investment (CCI) Program funding on disadvantaged communities (based on CalEnviroScreen 3.0) which limited program eligibility to 76 zip codes in the Bay Area. The demand for the CCFA incentives has steadily increased since the Program began. The Program quickly allocates new funding to qualified low-income residents and is an important tool in achieving our air quality and climate goals.

Staff presented a detailed CCFA program update to the Mobile Source & Climate Impacts Committee on November 28, 2022. As of early November 2022, over 3,500 applications have been awarded in the Bay Area. Over 75% of applicants traded in their existing vehicle for a PHEV or BEV, with about 20% of applicants purchasing hybrid vehicles. Of those that purchased vehicles through the Program, 62% purchased new while 38% purchased used vehicles. About 59% of applicants reside in AB1550 areas. Over 80% of the awards made were to applicants with household income less than 225% of the FPL. Finally, 61% of participants live in single-family homes and 29% live in apartments or condos.

The CCFA program has grown to be incredibly popular in the region and is successfully making clean transportation achievable for more low-income residents. At times, application volumes have swelled, making it difficult for staff to provide the one-on-one assistance needed to guide applicants through the process and move applications as quickly as we would like. As an example, the 2021 Clean Air Day press event mentioned earlier generated the Program's highest application rates, which created a backlog where it took staff approximately 90 days to review some applications. We recognize that more efficient processing is critical and are looking for new ways to improve efficiency as well as add new resources. CARB also recognizes the importance of quicker response times and has indicated that it would be looking to set goals for future processing times that could be as short as two weeks. Other challenges that we continue to experience are the availability of new or used vehicles for purchase with many applicants having to request extensions due to manufacturer delivery delays and increasing vehicle costs.

FY2023 Funding allocation

In November 2022, CARB notified the Air District that up to \$28 million was available in CCI and General Funds for the Air District's CCFA Program. This funding is available as part of the Fiscal Year (FY) 2022-23 Funding Plan for Clean Transportation Incentives which has a total FY 2022-2023 statewide CCFA Program allocation of \$80 million. As part of the 2022-2023 Low Carbon Transportation Funding Plan CARB is proposing several Program changes that will impact future implementation for the region. Some of those changes include: higher funding amounts and up to \$2,000 more for participants in disadvantaged communities; expansion to include non-DAC areas; focus on the lowest-income residents (<300% of FPL); development of a more needs-based approach; and, updates to the survey and data collection processes. Additionally, CARB is looking to expand the Program to other parts of the state that currently

do not have a local CCFA program.

This funding will allow the Air District to continue providing incentives to low-income residents in disadvantaged communities to increase access to clean transportation for more residents. Up to 15% of the funds awarded to the Air District may be used to administer the Program, with 10% available to support Air District staff costs to manage applications. The remaining 5% may be used to subcontract with third party entities to assist applicants and help increase participation. CARB requires the Air District Board to adopt a resolution to accept funds before it enters into a contract with the Air District for the Program funds.

BUDGET CONSIDERATION/FINANCIAL IMPACT

These funds from CARB are considered “pass-through” funds, which are offered to grantees directly or to reduce the purchase or lease costs for vehicles. Up to 10% of the funds awarded can be used for Air District staff costs and other program costs.

Each cycle of grant funding that is accepted by the Air District creates an obligation of effort that has a typical duration of multiple years, whereby most work occurs in the first two years, involving project solicitation and outreach, awarding, and reimbursements, as well as project monitoring and reporting to CARB. Future years' work includes continued project monitoring, reporting to CARB, and enforcement action when needed.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Anthony Fournier
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Draft Board Resolution to Accept CARB Clean Cars For All Funding

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2022-_____

**A Resolution Accepting Clean Cars for All Program funds
From the California Air Resources Board**

WHEREAS, the purpose of this Resolution is to authorize the Bay Area Air Quality Management District (Air District) to accept, obligate, and expend up to \$28 million in additional funding from the California Air Resources Board (CARB) to administer the Bay Area Clean Cars For All Program and to authorize the Executive Officer/Air Pollution Control Officer to execute all necessary agreements, required documents, and amendments required to expend this funding;

WHEREAS, the California Legislature added item 3900-101-0001 to Section 2.00 of the Budget Act of 2022 which directed at least \$80 million of the Low Carbon Transportation appropriation be allocated for air districts currently operating their own Clean Cars For All Program (previously named the EFMP and EFMP Plus-up Program), a vehicle retirement and replacement program;

WHEREAS, in November 2022, CARB staff notified the Air District that they will award up to \$28 million in Fiscal Year (FY) 2022-2023 Low Carbon Transportation Funds to the Air District's Bay Area Clean Cars For All Program;

WHEREAS, CARB will authorize a grant of up to \$28 million to the Air District to continue to implement the Bay Area Clean Cars For All program, upon approval by the Board of Directors to accept such grant of funds;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the Air District's acceptance of CARB funds and commits the Air District to comply with the CARB Clean Cars For All regulatory requirements.

BE IT FURTHER RESOLVED that the Board of Directors hereby authorizes the Executive Officer/Air Pollution Control Officer to accept, obligate, and execute all agreements, required documents, and any amendments thereto to implement and carry out the purposes of this resolution.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2022 by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

John J. Bauters
Chair of the Board of Directors

ATTEST:

Teresa Barrett
Secretary of the Board of Directors

DRAFT

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 Memorandum

To: Chairperson John J. Bauters and Members
 of the Board of Directors

From: Sharon L. Landers
 Interim Executive Officer/APCO

Date: December 21, 2022

Re: Participation in the Community Air Protection Incentives Program Fiscal Year 2022-2023

RECOMMENDED ACTION

1. Authorize the Bay Area Air Quality Management District (Air District) to accept, obligate, and expend new Fiscal Year 2022-2023 State funds from the California Air Resources Board for the Community Air Protection, or CAP, Incentives Program (up to \$60 million);
2. Adopt a resolution authorizing the Air District’s participation in the CAP Incentives Program; and
3. Authorize the Interim Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding.

BACKGROUND

In 2017, Assembly Bill (AB) 617 directed the California Air Resources Board (CARB), in conjunction with local air districts, to establish the Community Air Protection Program (CAP) Program that aims to benefit communities disproportionately impacted by air pollution. The Bay Area Air Quality Management District (Air District) has participated in the CAP Incentives Program, a key element of the broader AB 617 initiative, since its inception in 2018. Community Air Protection Incentives Program revenue may be used to fund mobile source projects eligible under the Carl Moyer Program (CMP) or the Proposition 1B Goods Movement Emission Reduction Program (Prop 1B), stationary source emission reduction projects including zero-emission projects, and other projects developed with community input through a public process so long as the program is consistent with the actions identified in the applicable community emission reduction program pursuant to Section 44391.2 of the California Health and Safety Code. Eligible CMP and Prop 1B projects reduce emissions of oxides of nitrogen (NOx), reactive organic gases (ROG), and particulate matter (PM), and include vehicle and equipment replacements, repowers, or retrofits from on-road, marine, locomotive, agricultural, and off-road engines, and infrastructure to support zero-emission equipment.

Pursuant to the state-adopted CAP guidelines and the legislative requirements imposed on Greenhouse Gas Reduction Funds, at least 70% of CAP project funds must benefit

Disadvantaged Communities (DAC) designated in SB 535 and 80% must benefit DACs and/or Low-Income Communities (LIC) defined in AB 1550. To meet these requirement, staff conducts enhanced outreach in areas in and around communities and prioritizes funding to projects where emissions reductions benefit these impacted communities. Staff evaluates all proposed project benefits in DACs and LICs using the state’s CalEnviroScreen mapping tool.

DISCUSSION

The 2022-2023 California State Budget appropriated \$240 million in Greenhouse Gas Reduction Funds statewide for the CAP Incentives Program. The Air District will apply for up to \$60 million of CAP Incentives FY 2022-2023 (CAP Incentives Year 6) funds for the implementation of programs to provide incentives for clean air projects. Up to 6.25% of the total funds awarded to the Air District may be used to pay for administrative expenses related to the implementation of this program.

If the Board of Directors approves participation in the program, and following execution of a grant agreement with CARB, Air District staff expect to begin accepting applications under this funding source in calendar year 2023 for projects eligible under the most current CARB approved CAP Guidelines and any subsequent updates. Staff will also work on expanding eligible project categories allowed under the CAP Incentives Program Guidelines based on community priorities. Applications for eligible projects are evaluated on a first-come, first-served basis until all funds have been allocated with funding prioritized for projects that benefit DACs and LICs.

Each cycle of grant funding that is accepted by the Air District creates an obligation of effort that has a typical duration of between ten to fourteen years, whereby most of the work occurs in the first four to five years, involving project solicitation and outreach, awarding, contracting, inspections, reimbursements, project monitoring, and reporting to CARB. Future years work includes continued project monitoring, reporting to CARB, and enforcement action when needed.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Revenue from FY 2022-23 CAP Incentives Program is anticipated to be up to \$60 million. At least 93.75% of the funding will be distributed to grantees on a reimbursement basis for direct project expenses, and up to 6.25% of the revenue will be used by the Air District for its own administrative costs. These revenues will be budgeted in FYE 24 and future years, as needed.

The Air District has been administering state incentive fund programs since 1998 and CAP Incentives Program since FY 2017-2018. During the past five years there has been a significant increase in annual revenue for state programs with minimal increase in staffing. If the Board approves this action, staff will work with the Executive Management and the management auditor to identify opportunities to increase staffing needed to continue to implement the CAP incentives program.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alona Davis
Reviewed by: Karen Schkolnick

ATTACHMENTS:

1. Resolution Accepting Community Air Protection Incentives Program Funds from the California Air Resources Board

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2022 -

**Resolution Accepting Fiscal Year 2022-2023
Community Air Protection Incentives Program Grant Funding
from the California Air Resources Board**

WHEREAS, Assembly Bill (AB) 617 directed the California Air Resources Board (ARB), in conjunction with local air districts, to establish the Community Air Protection (CAP) Incentives Program in order to provide a community-focused framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution;

WHEREAS, the Bay Area Air Quality Management District (District) has successfully implemented the CAP Incentives Program since its inception in 2017;

WHEREAS, the District will apply for up to \$60 million in CAP Incentives Program funds to implement the Fiscal Year (FY) 2022-2023 cycle of the CAP program.;

WHEREAS, eligible projects include mobile sources that meet eligibility requirements of the Carl Moyer Program and California Goods Movement Bond Program, stationary source equipment replacement projects that reduce emissions, and community-identified projects consistent with the applicable community emission reduction program pursuant to Section 44391.2 of the CA Health and Safety Code;

WHEREAS, the District will implement emission reduction projects pursuant to the CAP Incentives Guidelines, allocating funding to projects consistent with priorities identified by affected communities in a transparent, meaningful public process;

WHEREAS, the District may use up to 6.25 percent of the funds it receives to pay the reasonable costs of administering the incentive program.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the District's acceptance of FY 2022-2023 CAP Incentives Program funds to be awarded to eligible projects in accordance with legislative and applicable program requirements.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the District grant agreements with ARB and all other necessary documents to implement and carry out the purposes of this resolution.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District

on the Motion of Director _____, seconded by Director _____,
on the ____ day of _____, 2022, by the following vote of the Board:

AYES:

NOES:

ABSENT:

John J. Bauters
Chairperson of the Board of Directors

ATTEST:

Teresa Barrett
Secretary of the Board of Directors

DRAFT

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Authorization to Accept Community Air Protection Program (CAPP) Implementation
Funds Fiscal Year 2022-2023 from the California Air Resources Board (CARB)

RECOMMENDED ACTION

Recommend the Board of Directors adopt a resolution to:

1. Adopt a resolution authorizing the Air District's acceptance of the Fiscal Year 2022-2023 Community Air Protection Program implementation funds; and
2. Authorize the Interim Executive Officer/APCO to execute all necessary agreements with the California Air Resources Board (CARB) to accept the funding and implement the program.

BACKGROUND

The Budget Act of 2022 provides funds for CARB to allocate to local air quality districts for expenses related to implementation of Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017). The California Air Pollution Control Officers Association (CAPCOA) Board is working on an allocation plan for distribution of available funds to the air quality districts.

DISCUSSION

CARB has requested that the Air District's Board of Directors adopt a resolution (see Attachment 1) to accept this funding. Implementation funds are used to cover Air District staff costs related to AB 617 implementation, related professional services, facilitation and language access services, community monitoring, community stipends and support for community organizations. This funding also covers the agency's administrative and indirect costs associated with the 617 program.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The CAPP-22 funds, in an amount up to \$15 million, will support the Air District's ongoing implementation of the 617 program and will be included in the Air District's FYE 2024 Approved Budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Christy Riviere
Reviewed by: Suma Peesapati

ATTACHMENTS:

1. Draft Resolution to Accept Community Air Protection Program Implementation Funds from the California Air Resources Board

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2022 – XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT ACCEPTING COMMUNITY AIR PROTECTION PROGRAM IMPLEMENTATION FUNDS FROM THE CALIFORNIA AIR RESOURCES BOARD

WHEREAS, The California Legislature provides funds for the California Air Resources Board (CARB) to allocate to local air quality districts;

WHEREAS, Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017) directs air districts to implement a Community Air Protection Program;

WHEREAS, the Bay Area Air Quality Management District (District) expects to be approved by CARB for a grant under the Community Air Protection Program for Fiscal Year 2022-2023;

WHEREAS, the California Air Pollution Control Officers Association Board will develop an allocation plan for the available funds;

WHEREAS, CARB will authorize a grant to the District to implement the Community Air Protection Program upon approval by the Board of Directors to accept such grant of funds; and

WHEREAS, CARB will award a grant in an amount up to \$15,000,000 for Fiscal Year 2022-2023;

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the District's acceptance of Fiscal Year 2022-2023 Community Air Protection Program Implementation funds, in an amount up to \$15,000,000, to cover Air District staff costs, facilitation and language access services, community monitoring, and support for community organizations, along with any other direct, administrative, and indirect costs associated with implementing the 617 program, in accordance with the CARB Community Air Protection Program guidelines.

BE IT FURTHER RESOLVED, the Executive Officer/ Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the District all necessary agreements with CARB to implement and carry out the purposes of this resolution.

* * * * *

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the 21st day of DECEMBER, 2022 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

John J. Bauters
Chair of the Board of Directors

Teresa Barrett
Secretary of the Board of Directors

DRAFT

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Authorization to Execute a Lease Amendment for the San Pablo-Rumrill Air
Monitoring Station

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Interim Executive Officer/APCO to execute an amendment to the Air District's lease agreement with Lao Family Community Development, Inc. effective December 6, 2022 through May 31, 2027, which would result in lease payments up to \$341,522.

BACKGROUND

The Air District maintains a comprehensive air quality monitoring network, consisting of over 30 stations distributed among the nine Bay Area counties. This network measures concentrations of pollutants for which health-based ambient air quality standards have been set by the U.S. Environmental Protection Agency and the California Air Resources Board. The network also measures concentrations of various pollutants designated as Toxic Air Contaminants by the state of California. This information is used to determine compliance with state and federal air quality standards, prepare air quality forecasts, develop air quality plans, provide information for permit modeling, prepare environmental impact reports, and track air quality trends.

DISCUSSION

The Air District began air monitoring measurements in San Pablo, CA at 1865 Rumrill Boulevard in 2007. The purpose of this station is to support a federally mandated State and Local Air Monitoring Station (SLAMS) within the San Francisco-Oakland-Berkeley Metropolitan Statistical Area. There is an existing lease agreement with Lao Family Community Development, Inc., which has expired (Attachment 1). The Board is requested to authorize the Interim Executive Officer/APCO to execute a five-year lease extension, effective December 6, 2022, through May 31, 2027 (Attachment 2). The lease payments are anticipated to be a total of \$341,522 over this timeframe. The monthly rents are listed in Table 1.

Table 1: Anticipated Monthly Rents

	Monthly Rent
December 6, 2022 to May 31, 2023	\$5,663.00
Starting June 1, 2023	\$5,946.15
Starting June 1, 2024	\$6,243.46
Starting June 1, 2025	\$6,555.63
Starting June 1, 2026	\$6,883.41

BUDGET CONSIDERATION/FINANCIAL IMPACT

The rental costs for Fiscal Year Ending (FYE) 2023 are included in the approved FYE 2023 budget for Program Code 802. The rental costs for future years will be proposed in the FYE 2024 through FYE 2027 budgets.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Ranyee Chiang
Reviewed by: Greg Nudd

ATTACHMENTS:

1. Current Lease Agreement for San Pablo Rumrill Road
2. Proposed Lease Amendment for San Pablo Rumrill Road

Lao Family Community Development, Inc.

1865 Rumrill Blvd. –suite B-
San Pablo, California 94806
(510) 215-1220, Fax (510) 215-1216

COMMERCIAL RENTAL AGREEMENT

1. **PARTIES:** This agreement, dated, for reference purposes only, as of June 1, 2017, is made by and between Bay Area Air Quality Management District (“Tenant”) and Lao Family Community Development, Inc. (“Owner”) (Collectively the “Parties,” or individually a “Party”).
2. **PREMISES:** Owner hereby rents to Tenant and Tenant hereby rents from Owner the premises, including all improvements therein or to be provided by the Owner under the terms of this agreement, situated in the City of San Pablo, County of Contra Costa, State of California, described as a portion of the real property of Owner, commonly known as 1865 Rumrill Boulevard, San Pablo, California 94806, and more specifically described as Room D and E, a total of 1,215 sq. ft. (37.5 x 32.4), and the roof top for an additional 1,000 sq. ft. All the described areas rented to Tenant (the “Premises”) shall be rented upon the followings terms and conditions:
3. **TERM:** The term of this agreement shall be for Five (5) years and or Sixty (60) Months commencing from June 1, 2017 and ending by May 31, 2022. Any extension of the agreement shall be negotiated between the Owner and Tenant at least 90 days prior to expiration of the current agreement.
4. **OPTION PERIOD:** Provided that Tenant has at no time been in default of the term of this lease, then Tenant shall have the option to extend the lease for five (5) years (option term). Tenant minimum monthly rent shall be adjusted annually at fair, “Fair Market Value” but in no case, shall it be less than five percent (5%) increase over the rental rate of the month immediately preceding the effective date of the Option Term.
5. **RENT:** Rent for Room D, E of the Premises shall be at a rate of \$2.60 per square foot (of 1,215 sq. ft.) on a monthly basis, including utilities and CAM per 5% annual increase from the previous years. Rent for the roof of the Premises will be at a rate of \$1.50 per square foot (for 1,000 sq. ft.) on a monthly basis. Year 1 combined rent shall be \$4,659.00 per month shall be payable in advance on the first (1st) day of each month, commencing June 1, 2017 and shall be considered late if not paid by the fifth (5th) day of that month.
 - A. Advance payment of rent for the last month of this Agreement dated June 1, 2021, in the amount of \$5,663.00 is hereby due upon execution of this agreement and shall be paid to the Owner.
 - B. Index cost or cost of living increase after year 5 will be increase at 5% annually is effective according to the followings schedules:
 - * Year 2: June 1, 2018 rent increase to \$2.73 per sq. ft. or \$4,892.00 per month
 - * Year 3: June 1, 2019 rent increase to \$2.87 per sq. ft. or \$5,137.00 per month
 - * Year 4: June 1, 2020 rent increase to \$3.01 per sq. ft. or \$5,393.00 per month
 - * Year 5: June 1, 2021 rent increase to \$3.16 per sq. ft. or \$5,663.00 per month

Lao Family Community Development, Inc.

1865 Rumrill Blvd. –suite B-
San Pablo, California 94806
(510) 215-1220, Fax (510) 215-1216

6. SECURITY DEPOSIT: A Security deposit of \$3,159.00 represents Year one, one month's rent minus the \$1,500.00 deposit in possession by the Owner from original lease, will be deposited by Tenant with Owner as security for the faithful performance of all the covenants and conditions of the lease by the said Tenant. If Tenant faithfully performs all the covenants and conditions on their part to be performed within the 5 years, then the sum deposited shall be returned to Tenant at the end of 5 years or be increased with the execution of them Option.

7. DELIVERY OF POSSESSION: If for any reason the Owner cannot deliver possession of the leased property to Tenant when the lease term commences, this Agreement shall not be void or voidable, nor shall Owner be liable to Tenant for any loss or damage resulting therefrom. However, there shall be an abatement of rent for the period between the commencement of the lease term and the time when Owner delivers possession.

8. UTILITIES AND ADDITIONAL RELATED TERMS:
 - A. Owner shall pay all PG&E utility charge connected with the outside of the Premises.
 - B. Owner shall pay for all Water utility charges connected with the Premises inside of the building.
 - C. Owner shall cover expenses for garbage pick-up once a week from the Premises. Any additional sanitary disposal and pick-up costs will be at Tenant's expense.
 - D. Owner shall provide janitorial and custodial services for all common areas including exterior hallway, parking lot area, landscaping and watering on a regular basis. Tenant shall regularly keep the inside of the Premises in neat and clean order. Tenant shall provide your own janitorial/custodial services for inside Premises at Tenant's cost.

9. USE: The Premises may be used only for the following purpose(s):
 - A. Bay Area Air Quality Management District to Monitoring Air Station, Order Panel, Instrument Repairs, and Office
 - B. Tenant shall not use any rooms or part of Owner's property other than the rooms designated without the express written consent of Owner.
 - C. Tenant shall not use any portion of the Premises for purpose other than those specified herein above.
 - D. Smoking is not prohibited in or within 25 feet of the Premises.
 - E. Tenant staff personnel may eat in the Premises providing all refuse is placed in appropriate containers and removed from the Premises at the end of each working day, visits and or the weekend.

Lao Family Community Development, Inc.

1865 Rumrill Blvd. –suite B-

San Pablo, California 94806

(510) 215-1220, Fax (510) 215-1216

10. SUBLET AND ASSIGNMENT: Tenant shall not sublet any portion of the premises without prior written consent of the Owner, which consent shall not unreasonably be withheld. Any assignment or subletting without consent shall be void, and at the option of the owner, may terminate this agreement.
11. MAINTENANCE: Owner shall deliver the Premises in good, safe, and clean condition. Owner shall, at its own expense and at all times, maintain the Premises in good and safe condition, exterior walls, electrical fixtures and wiring, plumbing and heating installations and any other system or equipment upon the Premises unless damage thereto has been caused by Tenant or Tenant's use thereof, which damage shall be repaired by Tenant.
12. IMPROVEMENTS AND ALTERATIONS: Owner is not required to renovate rooms. Tenant shall be entitled to make improvements or alterations, as it may deem appropriate, subject to Owner's prior written consent, which consent shall not unreasonably be withheld. Any such improvements or alterations shall be made by a licensed and bonded contractor in good standing and maintained at Tenant's sole expense. Prior to the commencement of any substantial repair, improvement or alteration, Tenant shall give to Owner at least thirty (30) days written notice in order that Owner may post appropriate notice to avoid any liability for liens. For urgent situations that require rapid responses, the notification timeframe may be adjusted.
13. INSURANCE: Tenant, at its expense, shall maintain public liability and property damage insurance and renter's insurance, insuring Tenant and Lao Family Community Development Inc. (Owner) with minimum coverage of \$2,000,000_per occurrence level. Tenant shall provide Owner with a Certificate of Insurance showing Owner as additionally insured. The Certificate shall provide for a thirty- (30) day written notice to Owner in the event of cancellation or material change of coverage. To the maximum extent permitted by insurance policies, which may be owned by Owner and Tenant, said parties shall for the benefit of each other only, waive any and all rights of subrogation, which might otherwise exist.
14. ACCESS TO ROOF: Tenant shall submit to the Owner a calendar of scheduled maintenance to BAAQMD equipment located on the roof. Any special repairs to such equipment shall require the Tenant to notify the Owner in writing.
15. INDEMNIFICATION: Owner shall not be liable for damage or injury to Tenant, or any other person, or to any property, occurring on the Premises or any part thereof other than damage or injury caused by the negligent act or omission or intentional wrong of Owner, and Tenant agrees to indemnify, defend and hold Owner harmless from any claims for damages arising from any incident or occurrence on or about the Premises, particularly related to the roof area, or any other area of the Premises accessed by the Tenant while used by Tenant or caused by any employee, contractor, invitee or guest of Tenant, except those caused by the negligent act or omission of intentional wrong of Owner.
16. PROPERTY TAX: The parties acknowledge that the Premises and contents may be taxable, as deemed by local jurisdiction, depending on Tenant's tax status and use category where Tenant will

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assume the costs of any additional business property tax. Real property tax is included in the monthly rent. However, if Owner is deemed to be subject to personal business property taxes, Tenant will assume the costs of the additional tax dues.

17. PARKING: Owner will provide 14 (plus 2 handicapped) parking spaces on a first come-first serve basis for Tenant use without additional charge.
18. SIGNS: Tenant shall not construct or erect any sign without the prior written consent of Owner and shall comply with any City of San Pablo and the Owner's Design and Signage Guidelines for the Premises; such consent shall not unreasonably be withheld. Tenant must obtain a permit from the city prior to erecting any signs.
19. DEFAULT: The occurrence of any of the following events shall constitute an event of default on the part of the Tenant:
 - A. Vacation or abandonment of the Premises (except during normal vacation periods) for a continuous period in excess of fifteen (15) days, if rent is unpaid for that period;
 - B. Failure to pay any installment of rent when the same is due and within ten (10) days after written demand therefor is made by Owner;
 - C. Failure (i) to perform any of Tenant's covenants hereunder (other than the payment of rent) and (ii) to commence to remedy such failure within thirty (30) days after written demand is made therefor and (iii) thereafter to use its best efforts to remedy the same as rapidly and as completely as possible.
20. REMEDIES: In the event of any material default or breach of this Lease by Tenant, Landlord may at any time thereafter, with or without notice or demand and without limiting Landlord in the exercise of any right or remedy which Landlord may have by reason of such default:
 - A. Terminate Tenant's right to possession of the Premises by any lawful means, in which case this Lease and the term hereof shall terminate and Tenant shall immediately surrender possession of the Premises to Landlord. In such event Landlord shall be entitled to recover from Tenant all damages incurred by Landlord by reason of Tenant's default including, but not limited to, the cost of recovering possession of the Premises; expenses of re-letting, including necessary renovation and alteration of the Premises, reasonable attorneys' fees, and any real estate commission actually paid; the worth at the time of award by the court having jurisdiction thereof of the amount by which the unpaid rent for the balance of the term after the time of such award exceeds the amount of such rental loss for the same period that Tenant proves could be reasonably avoided; that portion of the leasing

Lao Family Community Development, Inc.

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commission paid by Landlord pursuant to paragraph 15 applicable to the unexpired term of this Lease.

- B. Maintain Tenant's right to possession in which case this Lease shall continue in effect whether or not Tenant shall have vacated or abandoned the Premises. In such event Landlord shall be entitled to enforce all of Landlord's rights and remedies under this Lease, including the right to recover the rent as it becomes due hereunder.

- C. Require Tenant make payment of rent or any other payment required to be made by Tenant hereunder in the form of a cashier's check or money order.

- D. Pursue any other remedy now or hereafter available to Landlord under the laws or judicial decisions of the state wherein the Premises are located. All remedies are cumulative and Landlord shall have the right to exercise any and all rights and remedies available by virtue of this lease or under any statute or in law or equity. Nothing in this Remedies section shall be deemed to diminish or defeat Landlord's indemnity rights as given in this Lease for injuries or harm caused by Tenant or Tenant's agents or invitees. Unpaid installments of rent and other unpaid monetary obligations of Tenant under the terms of this Lease shall bear interest from the date due at the maximum rate then allowable by law.

- 20. LEGAL FEES: In the event of any legal action or arbitration by the parties arising out of this Agreement, the losing party shall pay the prevailing party reasonable attorney's fees and court or arbitration costs to be fixed by the court or arbitrator hearing the dispute or suit.
- 21. WAIVER: Failure of Owner to enforce any term thereof shall not be deemed to be a waiver.
- 22. NOTICE: Any notice which either party may or is required to give, shall be given by mailing the same, postage prepaid, to the Tenant at the Premises, or Owner at 1865 Rumrill Boulevard, suite B, San Pablo, California 94806 or at such other place as may be designated by the parties in writing from time to time.
- 23. REMOVAL OF FIXTURES: Any and all improvements made to the Premises during the term hereof shall belong to the Owner except trade fixtures of the Tenant. Tenant may, upon termination

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hereof, remove all its trade fixtures, but shall repair or pay for all repairs necessary to damages to the Premises occasioned by removal.

- 24. ARBITRATION: In the event of any dispute between Owner and Tenant with respect to other provisions hereof, the matter shall be settled by arbitration in such manner as the parties may agree upon, or if they cannot agree, in accordance with the Rules of American Arbitration Association, with any award to be enforceable according to the California Law.
- 25. TERMINATION: Either party shall have the right, upon sixty (60) days prior notice, to terminate this agreement. In the event of termination of this Agreement by Owner, Tenant's right to possession shall also terminate.
- 26. ENTIRE AGREEMENT: The foregoing constitutes the entire agreement between the parties, and it may be modified only in writing signed by both parties.


IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

By: _____

Date: _____

Kathy Chao Rothberg
Executive Director (Owner)
Lao Family Community Development, Inc.
1865 Rumrill Blvd, Suite B
510-334-4826 krothberg@lfcd.org
San Pablo, CA 94806
Tel: (510) 533-8850, Fax: (510) 533-2676

By: 
FOR Jack P. Broadbent
Executive Officer/APCO
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
Tel: 415-749-4952, Fax: 415-749-5111

By: 
Brian C. Bungler
District Counsel
BAAQMD
375 Beale Street, Suite 600
San Francisco, CA 94105

Date: 7/31/17

Date: 7/28/2017

AMENDMENT NO. 1 TO
COMMERCIAL RENTAL AGREEMENT BETWEEN
LAO FAMILY COMMUNITY DEVELOPMENT, INC. and
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

This amendment to the above-entitled agreement ("Agreement Amendment ") is dated, for reference purposes only, December 6, 2022, and consists of two pages.

RECITALS:

1. The Lao Family Community Development, Inc. ("Owner") and Bay Area Air Quality Management District ("Tenant") (hereinafter referred to as the "PARTIES") entered into the above-entitled agreement for rental of roof top and rooms at 1865 Rumrill Boulevard, Room D and E, San Pablo, California (the "Agreement"), which Agreement was executed on behalf of Owner on July 28, 2017, and on behalf of Tenant on July 31, 2017.
2. The Agreement provides, in Section 4, for an extension of the term of the Agreement for an additional five-year "Option Term," to be negotiated by the Parties, as provided in Section 3.
3. In accordance with Section 26 of the Agreement, Owner and Tenant desire to amend the above-entitled Agreement as follows:

TERMS AND CONDITIONS OF AGREEMENT AMENDMENT:

1. By this Agreement Amendment, Owner and Tenant amend Section 3, "Term" to read as follows:

TERM: The term of this agreement shall be for Ten (10) years or One Hundred Twenty (120) months commencing June 1, 2017 and ending May 31, 2027. Any extension of the agreement shall be negotiated between the Owner and Tenant at least 90 days prior to the expiration of the current agreement.

2. By this Agreement Amendment, Owner and Tenant amend Section 5.B. to add, following the line for Year 5, the rent increases and resulting rents for years 6 through 10:

*Year 6: June 1, 2022 rent increase of \$283.15 to \$5,663.00 per month.

*Year 7: June 1, 2023 rent increase of \$297.31 to \$5,946.15 per month.

- *Year 8: June 1, 2024 rent increase of \$312.17 to \$6,243.46 per month.
- *Year 9: June 1, 2025 rent increase of \$327.78 to \$6,555.63 per month.
- *Year 10: June 1, 2026 rent increase of \$344.17 to \$6,883.41 per month.

3. Owner and Tenant agree that all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the PARTIES have caused this Agreement Amendment to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

LAO FAMILY COMMUNITY
DEVELOPMENT, INC.

By: _____
Sharon Landers
Interim Executive Officer/APCO

By: 

Kathy Chao Rothberg
~~Executive Director~~
CEO

Date: _____

Date: 12/6/2022

Approved as to form:
District Counsel

By: _____
Alexander G. Crockett
District Counsel

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Report of the Richmond Area Community Emissions Reduction Plan Steering
Committee Meeting of November 28, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Path to Clean Air Steering Committee and the public received a presentation on key issue statements and draft strategy ideas. The Community Steering Committee then recessed to provide an opportunity for the Problems to Solutions ad-hoc small groups to gather input on draft key issue statements and strategies for the groups focused on Fuel Refining, Distribution, and Support and Commercial and Industrial Sources Near Communities. The group asked for input or brainstorming on draft strategy ideas that will be incorporated into developing the first draft chapters for each of the key issue areas. Members of the public and local city planners were also invited to attend these small-group ad-hoc discussions. The Steering Committee then reconvened to hear and discuss reports from the ad-hoc small group discussions.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Kevin Olp
Reviewed by: Joshua Abraham

ATTACHMENTS:

1. Path to Clean Air CERP Community Steering Committee November 28, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: November 28, 2022

Re: Developing Key Issue Statements and Draft Strategy Ideas: Fuel Refining, Support Facilities, Storage, and Distribution and Commercial and Industrial Sources Near Communities

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Path to Clean Air Steering Committee and the public will receive a presentation on key issue statements and draft strategy ideas. The Community Steering Committee will then recess to provide an opportunity for the Problems to Solutions ad-hoc small groups to gather input on draft key issue statements and strategies for the groups focused on Fuel Refining, Support Facilities, Storage, and Distribution, and Commercial and Industrial Sources Near Communities.

DISCUSSION

This agenda item will begin with a brief presentation to recap the work that has been done to develop draft key issue statements and initial strategy ideas. After this presentation, the Community Steering Committee will recess to provide an opportunity for ad-hoc small groups to provide input on draft key issue statements for the key issues groups focused on Fuel Refining, Support Facilities, Storage, and Distribution, and Commercial and Industrial Sources Near Communities. The groups will also ask for input or brainstorming on draft strategy ideas that will be incorporated into developing the first draft chapters for each of the key issue areas. Members of the public will be invited to attend these small-group ad-hoc discussions. The Steering Committee will then reconvene to hear and discuss reports from the ad-hoc small group discussions.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White

Reviewed by: Veronica Eady

ATTACHMENTS:

None

PATH TO CLEAN AIR COMMUNITY
EMISSIONS REDUCTION PLAN
COMMUNITY STEERING COMMITTEE
MEETING OF 11/28/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Report of the Community Equity, Health & Justice Committee Meeting of December
1, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Community Equity, Health & Justice Committee met on Thursday, December 1, 2022, and approved the minutes of November 3, 2022. This meeting was conducted under procedures in accordance with Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

The Committee then received the guest presentation *Liaising with the Board*, given by Latasha Washington, Co-Chairperson of the Air District's Community Advisory Council. This presentation expressed the desire of the Community Advisory Council for a Board member to be selected (by the Board) to serve as a liaison to the Community Advisory Council.

The Committee then received the joint presentation *Owning Our Air: The West Oakland Community Action Plan*, given by Alison Kirk, Assistant Director of Air Quality Planning for the Air District, and Nicole Merino Tsui, Senior Project Manager for the West Oakland Environmental Indicators Project.

Finally, the Committee received the staff presentation *Assembly Bill 617 Program Update*, containing updates from Assembly Bill 617 designated communities in Richmond, East Oakland, and Bayview Hunters Point.

The next meeting of the Community Equity, Health & Justice Committee will be at the Call of the Chair. This concludes the Chair Report of the Community Equity, Health & Justice Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

- 1. Community Equity, Health and Justice Committee December 1, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 1, 2022

Re: Community Perspectives

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

The Community Equity, Health and Justice Committee provides local and regional community environmental justice advocates and local leaders a platform to present and share their expertise and/or lived experiences. Specific subjects/topics will vary based upon each community perspective member's unique experience.

Pathways to Achievement of Total Health in Students (PATHS) works with underserved communities to address the opioid crisis by creating special projects that focus on harm reduction. Touro University California has partnered with Kaiser Permanente Vallejo to offer a PATHS mentoring program for Vallejo High School students and 7th and 8th graders at Mare Island Health and Fitness Academy. This program focuses on increasing substance abuse education and decreasing substance abuse in the local Vallejo community.

The Air District Community Advisory Council (CAC) advises and consults with the Board of Directors and the Executive Officer on community related matters and environmental justice issues. The CAC is composed of 17 members representing the nine Bay Area counties of Solano, Contra Costa, San Francisco, Alameda, San Mateo, Santa Clara.

DISCUSSION

Latasha Washington will share information regarding her work at PATHS and her work leading a mentorship program for high school and middle school students. The mentorship program guides students to make sound decisions, raise awareness about substance use/abuse, and helps support their decision-making and confidence to graduate.

As the Air District Community Advisory Council Co-Chair, Ms. Washington will share her perspective and experiences leading the Council since its inception. In addition, Co-Chair Washington will share her thoughts on the importance of the Board of Directors designating a liaison between the Board and the Community Advisory Council.

Councilmember Washington is a public health specialist. As a Richmond native, she has experienced and understands the adversities residents face living in an underserved community. She obtained her undergraduate degree in Biological Sciences from California State University, Sacramento and her master's degrees in Health Science and Public Health from Touro University California in Vallejo, CA.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Tim Williams
Reviewed by: Veronica Eady

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 1, 2022

Re: West Oakland Community Action Plan Annual Report

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

Assembly Bill 617 (AB 617), signed in 2017, focuses on improving local air quality and health in disproportionately impacted communities. The West Oakland Environmental Indicators Project (WOEIP) partnered with the Air District (together, the “Co-leads”) to develop *Owning Our Air: The West Oakland Community Action Plan (Owning Our Air or Plan)*. The Board of Directors adopted *Owning Our Air* on October 2, 2019. Over the last three years, the Steering Committee and the Co-leads have worked together to implement *Owning Our Air*.

DISCUSSION

At the Community Equity, Health and Justice Committee meeting, staff will present an update on *Owning Our Air* implementation activities conducted since the Board of Directors adopted the Plan. WOEIP staff will share an update on the community-facing tracking tool and community engagement activities.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alison Kirk
Reviewed by: Henry Hilken

ATTACHMENTS:

- .. Attachment A, Cover Sheet - Owing Our Air Annual Progress Report Strategy Status, December 2022
2. Attachment A, Table - Owing Our Air Annual Progress Report Strategy Status, December 2022

COMMUNITY EQUITY, HEALTH AND
JUSTICE COMMITTEE MEETING
OF 12/01/2022

Attachment A: Owing Our Air Annual Progress Report Strategy Status, December 2022

Introduction: Attachment A provides an update on the status of all Strategies, Enforcement Measures, and Further Study Measures in *Owning Our Air: The West Oakland Community Action Plan (Plan)* during the July 1, 2021 to June 30, 2022 reporting period. The list below describes how the Strategies and other Measures are organized in Attachment A:

1. **Air District Strategies:** These strategies commit the Bay Area Air Quality Management District to lead, propose adoption, and/or otherwise implement, for example, Air District regulations or incentives.
2. **Air District Metrics:** A summary of cumulative meetings, enforcement actions, and incentives dollars and emissions reduced from incentive programs.
3. **CARB Strategies:** These strategies commit the California Air Resources Board (CARB) to lead, propose adoption, and/or otherwise implement, for example, CARB regulations.
4. **CARB Incentives:** A summary of incentive-related activities in which CARB has participated cumulatively; including events, projects, and funds spent, organized by incentive funding program.
5. **Partner Strategies:** These strategies propose action by regional and local partners, such as the City of Oakland, Port of Oakland, Alameda County Department of Public Health, and others, described as the “Lead Agency” on the partner strategies status update.

Partner strategies have been grouped into four subject matter areas as follows:

- **Port & Freight:** These strategies address emissions and exposure from activities at the Port of Oakland and related freight movement. These strategies require action by the City of Oakland, the Port of Oakland, and Caltrans.
- **Land Use:** These strategies address emissions and exposure from land use decisions. These strategies require action by the City of Oakland.
- **Transit/Bike/Walk:** These strategies address emissions and exposure from transportation activities. These strategies require action by the City of Oakland, AC Transit, Alameda County Transportation Authority, Bay Area Rapid Transit, and Caltrans.
- **Health/Living Buffers:** These strategies include health and greening programs and actions to mitigate exposure to emissions. These strategies require action by the City of Oakland and the Alameda County Public Health Department.

Air District Strategies		
Strategy#	Strategy Description	2022 Status
2	The Air District will continue to engage in environmental review processes for development projects in West Oakland, such as the Oakland A's Ballpark and the MacArthur Maze Vertical Clearance Project, including coordinating with community partners and lead agency staff, providing data and technical assistance, and reviewing and commenting on CEQA documents through 2025.	District staff reviewed and submitted comment letters on the proposed US Army Corps of Engineers – Oakland Harbor Turning Basins Widening Navigation Study Integrated Feasibility Report and Environmental Assessment, and the West Oakland Link Project, and started working with the City to develop the City's General Plan Update.
3	The Air District will study the potential air pollution and health outcomes of allowing truck traffic on I-580 and designating a truck lane on I-880. Allowing truck traffic on I-580 would require legislative approval, re-engineering, and re-construction.	The Air District started emissions estimation for roadway sources to develop a base case scenario for the I-880 and I-580 study area. The Air District continued collaboration with Caltrans and completed review of the proposed work scope for the I-580 Truck Access Study: Community, Equity, Traffic, and Environment. Funding for the study has been approved by Caltrans; an RFP for study consultants to be issued in Fall 2022; work is anticipated to begin Winter 2023.
12	The Air District and the West Oakland Environmental Indicators Project intends to implement the green infrastructure project currently under development between Interstate I-880 and the Prescott neighborhood in West Oakland by 2021.	See Strategy #10.
14	The Air District provides subsidized loans for local small businesses to install energy storage systems (e.g. batteries, fuel cells) to replace stationary sources of pollution (e.g. back-up generators).	Air District staff are in the process of developing the incentive program for replacing back-up diesel generators with clean technologies.
18	The Air District advocates for more electrical infrastructure and power storage, including development of (1) fast-charging facilities, (2) truck charging stations and (3) better land use support for electric trucks by 2025.	While the Air District didn't fund any electrification projects in West Oakland during the reporting period, the Air District continued to partner with the Port of Oakland and others to advance zero emissions technology and infrastructure at the Port. See also Strategy 19.
21	The Air District works with the City and Port of Oakland and other agency and local partners to create a Sustainable Freight Advisory Committee to provide recommendations to each agency's governing board or council. The Committee's scope includes: air quality issues, enhanced/increased enforcement of truck parking and idling, improved referral and follow-up to nuisance and odor complaints related to goods movement, improvements to the Port appointment system, charging infrastructure and rates, developing land-use restrictions in industrial areas, funding, and consideration of video surveillance to enforce truck parking, route, and idling restrictions.	To meet the intent of this strategy, the Port, Air District and others initiated the "West Oakland Sustainable Port Collaborative" in 2021 to work with the Port to develop and finalize the Port's electrification plan. The Port's Board has formed an environmental committee to oversee the development and build out of the electrification plan. The Sustainable Port Collaborative met once within the 2022 reporting period, in March. The March meeting focused on zero emission cargo handling equipment Air District staff are integral members of the Collaborative and made a presentation at the March Meeting.

Air District Strategies		
Strategy#	Strategy Description	2022 Status
24	The Air District works with agency and local partners to improve referral and follow-up on nuisance and odor complaints by 2021. This work includes updates to complaint processes, enforcement procedures, and coordination with other public agencies regarding odors, backyard burning, and other complaints.	Completed per 2021 Annual Report. See District metrics for more information.
41	The Air District works with CARB to streamline the process for providing financial incentives for fueling infrastructure, and for low and zero-emission equipment. The Air District increases outreach and assistance to individual owner-operators and small companies by providing two workshops and enhanced outreach in West Oakland by 2022.	<ul style="list-style-type: none"> Through CAPCOA, the Air District worked with CARB to increase the cost effectiveness limits and maximum funding amounts for certain low and ZE on-road vehicle projects, allowing for higher funding opportunities for applicants; Air District continues to advocate for streamlining program requirements and increased funding for ZE on-road projects (under the VIP program) through CARB's Incentive Program Advisory Group (IPAG). Continue to provide information to operators at the Port of Oakland through workshops and meetings.
48	The Air District plans to offer up to \$7 million per year to replace older autos through the Vehicle Buy Back program, and up to \$4 million per year through the Clean Cars for All program to replace older autos and provide an incentive for a hybrid electric, plug-in hybrid electric, battery electric vehicle, or Clipper Card for public transit.	<ul style="list-style-type: none"> The Air District opened another round of Clean Cars for All funding in August 2021 and has \$6.75 million in funding available. The Air District also continued its light duty vehicle scrappage program, Vehicle Buy Back, to scrap cars of model year 1997 and older. Throughout the year, the Air District worked to update the program and bring changes to the Board for approval. Starting in July of 2022, the Air District changed the eligible model year to 1998.
49	The Air District offers financial incentives to replace box and yard diesel trucks with zero emission trucks owned by West Oakland businesses every year.	The Air District continues to make funding available for this strategy under the Goods Movement and Moyer/CAP, and VW Zero Emission Freight and Marine incentive programs.
50	The Air District plans to offer financial incentives to upgrade tugs and barges operating at the Port of Oakland with cleaner engines every year.	The Air District continues to make funding available for tugs at the Port to repower with cleaner engines under Carl Moyer, CAP, and VW ZEFM. Outreach to tug owners is ongoing.
51	The Air District plans to offer financial incentives to upgrade line-haul, passenger, and switcher (yard) locomotives with cleaner engines every year.	The Air District continues to make funding available for this equipment under Carl Moyer, CAP, and Goods Movement programs. Outreach is ongoing.
52	The Air District plans to offer financial incentives to support the development of a hydrogen refueling station and the purchase of trucks and off-road equipment powered by fuel cells every year.	The Air District awarded AC Transit a \$4.5 million grant to expand the capacity of the current hydrogen fueling facility at 1100 Seminary Ave in Oakland. This will support AC Transit's Zero-Emission Fleet Plan that commits to running their existing and growing ZE fleet on routes that serve disadvantaged communities including West Oakland. The Air District continues to work with the NorCal Drayage project that is piloting 30 zero-emission hydrogen trucks and associated infrastructure out of the Port of Oakland. (Note that the Air District awarded funding to this Project in October 2022).
53	The Air District offers financial incentives to replace long-haul diesel trucks with zero-emission trucks owned by West Oakland businesses every year.	The Air District continues to make funding available for long-haul diesel trucks with zero-emission trucks under Carl Moyer, CAP, and TFCA programs. Staff continues to do targeted outreach to truck owners.

Air District Strategies		
Strategy#	Strategy Description	2022 Status
54	The Air District will award up to \$1 million in funding incentives to pay for the cost of purchasing cleaner equipment in West Oakland, potentially including: electric lawn and garden equipment, battery electric Transport Refrigeration Units, and cargo-handling equipment, by 2021.	<ul style="list-style-type: none"> The Air District continues to make funding available for this equipment (> 25hp) under Carl Moyer, CAP, and Goods Movement programs. Outreach is ongoing. Two projects to fund upgrades to nine hybrid rubber-tired gantry cranes (RTGs) at the Port are in the pipeline as potential projects. Through CAPCOA, the Air District is working with CARB to evaluate proposed changes to the Carl Moyer Guidelines for lawn and garden equipment. We anticipate greater incentive opportunities for upgrading commercial equipment to zero-emission equipment once these changes have been approved.
57	Through the Pilot Trip Reduction Program, the Air District offers incentives for the purchase of electric bicycles for bike share programs.	The Air District continues promoting e-bike and mobility options to future grantees; Clean Cars for All offers e-bikes to qualified residents who scrap an older vehicle. No grantees chose to purchase e-bikes this cycle.
66	The Air District works with Schnitzer Steel to study the feasibility of installing a shore-power or bonnet system to capture and abate vessel emissions at the West Oakland facility by 2021.	A bonnet system study will be required as part of the Eagle Rock Aggregate project at the Port of Oakland. The project is still pending.
67	The Air District intends to seek authority in 2021 to reduce emissions and risk from magnet sources, such as the Port of Oakland, freight operations and warehouse distribution centers.	After the failure of AB 426 in 2021, staff did not introduce a similar bill in 2022. Instead, staff monitored ongoing rulemaking at the South Coast AQMD related to magnet sources, that could serve as a model for the BAAQMD either through similar rulemaking, or through legislative activity. Staff may revisit bill introduction in 2023.
68	The Air District proposes amendments to existing regulations to further reduce emissions from metal recycling and foundry operations, such as changes to: 1) Rule 6-4: Metal Recycling and Shredding Operations, which requires metal recycling and shredding facilities to minimize fugitive PM emissions through the development and implementation of facility Emission Minimization Plans; and 2) Rule 12-13: Foundry and Forging Operations, which requires metal foundries and forges to minimize fugitive emissions of PM and odorous substances through the development and implementation of facility Emission Minimization Plans by 2025.	<ul style="list-style-type: none"> Priorities for source evaluation and rule development efforts were presented to the Board of Directors at the beginning of 2022 and included plans to begin additional white paper evaluations (including strategies identified in WOCAP) as capacity allows. Work has begun on white paper evaluation of metal recycling and shredding operations and potential control strategies and concepts.
69	The Air District's Rule 11-18: Reduce Risk from TACS at Existing Facilities requires selected Bay Area facilities to reduce risk or install best available retrofit control technology for toxics on all significant sources of toxic emissions. Based on the results of the facility-specific health risk assessment, the Air District may require Schnitzer Steel and the East Bay Municipal Utility District to adopt a Risk Reduction Plan if the health risk exceeds a risk action level per the requirements of Rule 11-18 implementation.	<ul style="list-style-type: none"> Amendments to Regulation 2 to strengthen permitting requirements for toxic emissions – Amendments adopted December 2021. In April 2022, Schnitzer Steel began operating the control equipment for the shredder, which include two regenerative thermal oxidizers (RTOs) to control organic toxic emissions and two acid gas scrubbers to control secondary hydrogen chloride and hydrogen fluoride emissions that are generated by combustion of collected gas from the shredder building. These controls reduced cancer risk from shredder operations (the main source of health impacts from this facility) to less than 3 in a million. Source test confirmation of compliance with applicable limits is underway. The Rule 11-18 preliminary HRA for Schnitzer Steel has been delayed until 2023. This site-wide HRA will include the operation of the shredder controls (RTOs and acid gas scrubbers) and will show the remaining health impacts at the facility to see if any further risk reductions are required. The Rule 11-18 preliminary HRA for East Bay MUD currently anticipated in 2023.

Air District Strategies		
Strategy#	Strategy Description	2022 Status
70	The Air District intends to provide incentives to replace existing diesel stationary and standby engines (fire pumps, dryers, conveyor belts, cranes) with Tier 4 diesel or cleaner engines. Priority is given to upgrading Tier 0, 1 & 2 engines located closest to schools, senior citizen centers, childcare facilities, and hospitals.	<ul style="list-style-type: none"> Air District staff are still in the process of developing a CAP incentive program to replace back-up diesel generators with the cleanest, available technology, with anticipated CARB approval and opening of this category by late 2023. The Air District continues to make funding available for eligible portable and stationary engines (> 25hp) under Carl Moyer, CAP, and FARMER programs.
71	The Air District proposes new regulations to reduce emission sources from autobody and other coating operations, including the use of vanishing oils and rust inhibitors by 2025.	<ul style="list-style-type: none"> Priorities for source evaluation and rule development efforts were presented to the Board of Directors at the beginning of 2022 and included plans to begin additional white paper evaluations (including strategies identified in WOCAP) as capacity allows. Work has not yet begun on white paper evaluation of this source.
72	The Air District proposes new regulations to reduce emissions from wastewater treatment plants and anaerobic digestion facilities, such as a regulation to reduce emissions of methane, reactive organic gases, and oxides of nitrogen by 2020.	<ul style="list-style-type: none"> New GHG Rule 13-5: Hydrogen Plants – Board adopted new rule in May 2022 NOx rules for furnaces and boilers 9-4 & 9-6 – Draft amendments released Q4 2021, CEQA NOP/IS released May 2022, Proposal and CEQA EIR anticipated Q4 2022. Priorities for source evaluation and rule development efforts were presented to the Board of Directors at the beginning of 2022 and included plans to begin additional white paper evaluations (including strategies identified in WOCAP) as capacity allows. Further study is needed for this source; this further work has not yet begun.
73	The Air District proposes amendments to existing Regulation 8-5 to further reduce emissions of reactive organic gases and other toxic compounds from organic liquid storage tanks by 2020. Organic liquid storage tanks are defined in Regulation 8-5.	<ul style="list-style-type: none"> Rule 8-5 liquid storage tanks – Technical assessment ongoing In June 2022, staff presented an update on this effort to the Air District's Stationary Source and Climate Impacts Committee. Based on further research that was conducted, staff found that rulemaking may have limited potential to effectively achieve substantial VOC emission reductions and recommend removal of this effort from the BARCT schedule. Staff also recommended that toxic emissions from these sources should still be addressed, and the most appropriate strategy would be to pursue these reductions through continued implementation of Rule 11-18.
74	The Air District advocates for a plan that East Bay Clean Energy and PG&E are spearheading to replace the Dynegy Power Plant with a cleaner and more reliable source of energy by 2022. The proposed location for this initiative is the Oakland C, Oakland L, Maritime Port of Oakland, and Schnitzer Steel substation pocket, which is located within PG&E's Oakland distribution planning area. Eligible resource types include: (1) in-front-of-the-meter renewable generation; (2) in-front-of-the-meter energy storage, and (3) behind-the-meter energy storage. EBCE is seeking to procure the energy, resource adequacy (RA), and renewable energy credits (RECs) associated with these local resources, while PG&E will focus on meeting Oakland's transmission reliability needs.	Agencies no longer pursuing the initiative. (PG&E and EBCE were jointly pursuing this initiative. Ultimately the project did not move forward because PG&E withdrew their CPUC application for the project and terminated the contract with the third-party vendor.)

Air District Strategies		
Strategy#	Strategy Description	2022 Status
75	The Air District intends to develop and fund a program to reduce exposure to air pollution at schools, day care facilities, senior centers, health facilities, public facilities, apartments and homes in West Oakland by 2021. This Strategy includes policies or grants for building energy efficiency upgrades to reduce infiltration of pollutants and the installation of high-efficiency air filtration systems (rated MERV 14 or higher).	<ul style="list-style-type: none"> The Air District continued to work with external partners on logistical efforts to launch the Bay Area Healthy Homes Initiative Program. The expected launch of the program is late fall 2022. The Air District, with guidance and facilitation from our Co-Leads partner, WO EIP, successfully distributed 30 indoor air filter units to West Oakland residents already impacted by respiratory health issues. Each unit included replacement HEPA filters that would ensure optimum function for a calendar year. The Air District worked closely with the West Oakland Health Council and its physicians to identify the best candidates for the indoor air filter units based on previous visits for respiratory health services. \$6,283.58 was spent for 30 replacement filters. The initial effort will serve as a pilot for a deeper partnership between the West Oakland Health Council and the Air District. Our plan is to distribute more indoor air filter units to West Oakland community members in 2023 through our relationship with the local clinic.
80	The Air District researches actions that are potentially exposure-reducing, such as: 1) an engineering evaluation of exhaust stacks and/or vents to determine if relocation will reduce local exposure; (2) a study to determine if smart air filtration systems can reduce exposure by in-taking air during daily non-peak vehicle travel times, such as between midnight and four a.m.; and (3) a study of the potential air quality benefits of a centralized package delivery site such as personal lockers by 2025.	Work on this Strategy anticipated to begin in 2023.
87	CARB conducts a technology assessment of commercial cooking rules and control strategies and proposes incentives and/or a Suggested Control Measure for commercial cooking. The Air District offers incentives and/or proposes a regulation to reduce emissions from commercial cooking.	Air District staff need to conduct more research before beginning work
E-1	Increase frequency of compliance inspections at stationary sources: a) Inspect all the permitted facilities and sources within a 2-year period; b) Inspect any unpermitted facilities and sources identified by the Steering Committee; and c) Annually track and document the number of inspections conducted, including type, date and location.	Completed per 2021 Annual Report
E-2	Develop education and outreach material on open burning: To address the community concern of illegal backyard burning in West Oakland, Air District Compliance & Enforcement staff will develop outreach materials to ensure the community understands health and air quality impacts from backyard burning	Completed per 2021 Annual Report

Air District Strategies		
Strategy#	Strategy Description	2022 Status
E-3	Provide Annual Report on Enforcement Activities of Stationary Sources: a) Provide an annual inspection summary to the Steering Committee noting inspection results and a general description of violations in the West Oakland area; and b) Number of complaints received in the West Oakland area, including a description of the types of complaints.	See District Metrics (Compliance & Enforcement Metrics Table)
E-4	Update Air District Complaint Policy: Review and update the complaint procedure to include the evaluation of new technologies to streamline complaint receipt, response and investigations. This work includes a series of community workshops throughout the Air District in the last quarter of 2019 to solicit input from Bay Area residents. Air District staff will work with the West Oakland Steering Committee in this endeavor.	Completed per 2021 Annual Report
E-5	Enhanced Enforcement Referral Process: Through the course of Air District work in West Oakland, Air District inspectors may identify compliance concerns that fall within another local enforcement authority or jurisdiction. The Compliance and Enforcement Division will develop an enhanced referral system with the different agencies having jurisdiction in West Oakland. Any issues identified beyond the scope of Air District's authority will be referred to the appropriate agency on the day of the investigation.	Completed per 2021 Annual Report
E-6	Identify Unpermitted Sources: CARB and District staff will consult the community for areas where there may be potentially unpermitted sources of emissions.	District staff continues to work with community members and other agency staff to identify unpermitted sources.
FSM 1	The Air District will investigate local impacts of backyard wood fires and strategies to minimize these impacts.	Air District staff will need to conduct more research to better understand the local impacts of and strategies to minimize impacts of wood burning. Also see the status update for Strategy E-2.
FSM 2	The Air District will analyze road dust emission rates for local streets.	<ul style="list-style-type: none"> The Air District started emissions estimation for all roadway segments in the Bay Area to develop a base case scenario of regional and local road dust emissions inventory. Air District staff continue to serve on the Caltrans advisory panel with CARB and US EPA staff for the research project performed by UC Riverside. The primary goal of this research project is to deliver a model for paved road dust emission factors that improves upon the current AP 42 model for estimating emission factors of road dust (PM 10 and PM 2.5), especially for California freeways with high traffic volume. The model should be able to provide estimates of the uncertainty in the predictions of emission factors. The panel members advise on planned work scope, review technical findings, and participate monthly project progress meetings.

Air District Strategies		
Strategy#	Strategy Description	2022 Status
FSM 3	The Air District will investigate potential rulemaking to limit fugitive dust from construction activity.	Air District staff will evaluate this strategy as part of the Source Prioritization Framework.
FSM 4	The Air District will work with CARB, EBMUD, and other agency and community partners to identify strategies and incentives to address community concerns about odors, health-related emissions, and disclosing to the community information about complaints and complaint resolutions from the EBMUD facility in the Owning Our Air plan area.	Air District staff need to conduct more research before beginning work on this further study measure.
FSM 5	The Air District will investigate the feasibility of amending Regulation 5 (Open Burning) and/or Reg. 6-3 (Wood Burning Devices) to prohibit recreational fires	Air District staff need to conduct more research before beginning work on this further study measure.
FSM 6	The Air District works with the Port of Oakland to optimize the Port appointment system to minimize truck idling.	Air District staff need to conduct more research before beginning work on this further study measure.

COMMUNITY EQUITY, HEALTH AND JUSTICE COMMITTEE MEETING OF 12/01/2022

District Incentive Program	Awarded Incentive Funding October 2018-June 2021		Awarded Incentive Funding July 2021-June 2022 ⁵	
	Funding Amount (\$)	Number of Projects (Qty)	Funding Amount (\$)	Number of Projects (Qty) ⁶
Carl Moyer Program	\$12,427,500	45	\$4,535,255	1
West Oakland Zero Emissions Grant Program	\$1,106,630	11	\$ -	-
Community Air Protection Grant ⁴	\$9,945,366	15	\$ -	-
Clean Cars For All ³	\$279,154	48	\$28,500	3
Charge!	\$1,902	1	\$ -	-
Climate Tech. Finance ³	\$2,500,000	1	\$ -	-
Reformulated Gas Settlement (RFG) Funds	\$25,286	1	\$ -	-
Transportation Fund for Clean Air Fund	\$3,360,000	1	\$ -	-
Vehicle Buyback Program	\$155,800	21	\$3,600	3
Grand Total	\$29,801,638	144	\$4,567,355	7

Notes:

- DPM = Diesel Particulate Matter
- All DMP = PM10
- Emission reductions currently not available
- Data Provided by CARB
- Data consists of Project not already reported
- Includes Project that supports WOCAP but not domiciled in West Oakland

District Incentive Program	Awarded Incentive Funding TAC Emissions Reductions October 2018-June 2021				Awarded Incentive Funding TAC Emissions Reductions July 2021-Attachment June 2022 ⁵			
	DPM ^{1,2} (tons/yr)	PM (tons/yr)	ROG (tons/yr)	NOx (tons/yr)	DPM ^{1,2} (tons/yr)	PM (tons/yr)	ROG (tons/yr)	NOx (tons/yr)
Carl Moyer Program	1.011	1.011	5.684	102.092	-	-	-	-.6
West Oakland Zero Emissions Grant Program	-	0.05	0.17	1.08	-	-	-	-
Community Air Protection Grant ⁴	13.108	-	13.071	328.423	-	-	-	-
Clean Cars For All ³	-	-	-	-	-	-	-	-
Charge!	-	-	-	-	-	-	-	-
Climate Tech. Finance ³	-	-	-	-	-	-	-	-
Reformulated Gas Settlement (RFG) Funds	-	-	-	-	-	-	-	-
Transportation Fund for Clean Air Fund	-	0.005	0.14	2.148	-	-	-	-
Vehicle Buyback Program	-	0.021	2.788	1.678	-	-	0.06	0.03
Grand Total	14.119	1.087	21.853	435.421	0	0	0.06	0.03

Notes:

- DPM = Diesel Particulate Matter
- All DMP = PM10
- Emission reductions currently not available
- Data Provided by CARB
- Data consists of Project not already reported
- A significant AC Transit infrastructure project to expand/upgrade the current hydrogen fueling facility at 1100 Seminary Ave in Oakland was contracted during the reporting period. The project will support AC Transit's expanding fleet of hydrogen fuel cell buses under their Zero-Emission Fleet Plan; infrastructure-only projects have no calculated emissions reductions.

AIR DISTRICT METRICS		January 2019 – June 2021	July 2021-June 2022
Meeting Counts by Strategy Category			
Category		Amount	Amount
<i>Enforcement Total</i>		22	8
<i>Health Programs Total</i>		41	32
<i>Further Study Measures Total</i>		0	0
<i>Land-Use Total</i>		46	26
<i>Mobile Sources Total</i>		54	14
<i>Stationary Sources Total</i>		0	0
Grand Total		163	80

Compliance & Enforcement Metrics		January 2019 – June 2021	July 2021 – June 2022
Category		Amount	Amount
<i>Inspections Total</i>		271	184
<i>Violations Total</i>		34	9
<i>Complaints Total</i>		140	43
Grand Total		445	236

COMMUNITY EQUITY AND JUSTICE COMMITTEE MEETING OF 12/01/2022

CARB STRATEGIES		
Strategy#	Strategy Description	2022 Status
28	The California Air Resources Board develops improvements to the existing truck and bus inspection and maintenance programs. Potential improvements include increasing warranty requirements, adding a lower in-use emissions performance level, increasing inspections in West Oakland, using aggregated GPS and other telecommunication records to identify locations of idling trucks and buses, and partnering with the Air District to develop a system using on-board diagnostic and remote sensing devices to identify and fix faulty emissions abatement devices on trucks and buses.	<p>The CARB Board approved for adoption the HD I/M Regulation at the December 9, 2021 public hearing, with the direction to increase the frequency of periodic vehicle inspections from two a year to four a year for most vehicles equipped with on-board diagnostic (OBD) systems three years after periodic inspections have begun. The inspection frequency will remain at two a year for vehicles not equipped with OBD systems. After the Office of Administrative Law has approved the HD I/M Regulation, first-phase implementation will begin in January 2023 with the deployment of remote emissions monitoring devices to detect potential high-emitting vehicles for additional follow-up testing and emissions-related component repairs, as necessary. Periodic inspections for all vehicles operating in California, including those registered outside of the state, will begin no earlier than January 2024. Vehicles must comply with the HD I/M Regulation to legal operate in California.</p> <p>The On-Board Diagnostics (OBD) data tracking provides the opportunity to quickly and cost effectively collect real-world emissions data from a large number of vehicles. These data, referred to as Real Emissions Assessment Logging (REAL), will be used to identify populations of vehicles for screening and compliance testing, identify the conditions in-use where vehicles are not performing as expected regarding emissions control, and generally better inform CARB's inventory, regulatory, certification, and enforcement programs. For the 2022 and subsequent model years, the engine computers on MD and HD on-road vehicles will track and store data on NOx emissions for diesel vehicles and CO2 emissions on all vehicles. These data will be available for download from the vehicle computers by a physical connection with standardized tools. To ensure that the REAL data are being properly tracked and stored in the on-board computer for each model year, the engine manufacturers are required to provide a representative sample of the REAL data from in-use vehicles generally within 12 months from the start of production of the model year.</p>
29	The California Air Resources Board develops the following regulations to increase the number of zero-emission trucks and buses operating in West Oakland: 1) The Advanced Clean Trucks regulation to transition to zero-emission technology those truck fleets that operate in urban centers, have stop-and-go driving cycles, and are centrally maintained and fueled. 2) Amendment to the drayage truck regulation to transition the drayage truck fleet to zero emissions.	The Advanced Clean Fleet regulation development is well under way. Staff is finalizing the proposed regulation language and 45-day package documents, including the Staff Report: Initial Statement of Reasons. The SRIA has already been submitted to and posted on the Dept. of Finance website. Initial Board hearing in October 2022, second hearing in Spring 2023.

CARB STRATEGIES		
Strategy#	Strategy Description	2022 Status
30	The California Air Resources Board, in partnership with the Steering Committee, WOEIP and the Air District, conduct a pilot study to assess local idling impacts from trucks and buses. The Steering Committee, WOEIP and the Air District advocate for “Clean Idle” trucks and buses to idle no more than 5 minutes when in West Oakland.	No update at this time.
31	The California Air Resources Board develops amendments to the transport refrigeration unit (TRU) regulation to transition the TRU fleet to zero-emission operations by requiring both zero-emission technology and supporting infrastructure.	No update at this time.
32	The California Air Resources Board develops amendments to the existing cargo handling equipment regulation, which includes yard trucks, rubber-tired gantry cranes, and top handlers, that may reduce idling and transition the various types of equipment to zero-emission operation.	CARB Board consideration of the amendments to the Cargo Handling Equipment Regulation are expected to occur in 2025, with implementation occurring from 2026 through 2036.
33	The California Air Resources Board develops a handbook that identifies best practices for the siting, design, construction, and operation of freight facilities to minimize community exposure to air pollution.	Currently, CARB staff resources assigned to developing a standalone Freight Handbook have been reprioritized to work on developing freight regulations. To ensure that the recommendations included in the Concept Paper for the Freight Handbook and public stakeholder input are utilized, CARB staff are working to integrate this information into the Community Air Protection Program Resource Center (https://ww2.arb.ca.gov/ocap_resource_center).
34	The California Air Resources Board develops regulations to expand California-specific standards for new light-duty vehicles, impacting 2026 and later model year vehicles, to increase the number of new zero-emission and plug-in hybrid electric vehicles sold in California and increase the stringency of fleet-wide emission standards for greenhouse gases and criteria pollutants.	Regulatory documents were posted along with a broadcast of the availability of such documents to relevant listservs. Staff prepared documents for the June 9, 2022 Board Hearing.
35	The California Air Resources Board develops new standards for small off-road engines (SORE), which are spark-ignition engines rated at or below 19 kilowatts and used primarily for lawn, garden, and other outdoor power equipment.	On December 9, 2021, the CARB Board approved adoption the Proposed Amendments to the small off-road engine regulations. CARB anticipates it will begin implementation of the amended regulations in 2023.
60	The California Air Resources Board develops amendments to the At-Berth Air Toxics Control Measure to further reduce ship emissions at berth by strengthening the regulation to cover more vessel visits and types of ships.	The At Berth Regulation was amended in 2020 to achieve additional emissions reductions through the inclusion of smaller container and refrigerated cargo fleets. In Spring 2022, CARB staff approved the terminal operator plans for four container terminals at the Port of Oakland specifying the use offshore power at the terminal to reduce emissions from ocean-going vessels

CARB STRATEGIES		
Strategy#	Strategy Description	2022 Status
61	The California Air Resources Board develops amendments to the Commercial Harbor Craft Air Toxics Control Measure to achieve additional control of harbor craft emissions. The Steering Committee, WOEIP, and the Air District advocate for early compliance of harbor craft operating near West Oakland.	At the March 24th Board Hearing, the CARB Board approved the Commercial Harbor Craft Amendments, which will take effect on January 1st, 2023. The Board directed staff to release a 15-day package for public comment, and all public comments will be included in the Final Statement of Reasons.
62	The California Air Resources Board develops regulations to reduce idling emissions from locomotives at rail yards with an emphasis on reducing emissions from locomotives not pre-empted under the federal Clean Air Act. The Steering Committee, WOEIP, and the Air District advocate for early compliance for locomotives operating in West Oakland.	The Standardized Regulatory Impact Assessment (SRIA) will be submitted to, and posted by, the Department of Finance (DOF) 2nd quarter 2022.
87	CARB conducts a technology assessment of commercial cooking rules and control strategies and proposes incentives and/or a Suggested Control Measure for commercial cooking. The Air District offers incentives and/or proposes a regulation to reduce emissions from commercial cooking.	CARB conducted research with the air districts on primary sources and pollutants within the commercial cooking category. CARB found that most local emissions from commercial cooking come from underfired charbroiling. CARB is now moving forward with the districts to evaluate existing and emerging control technologies for underfired charbroiling. The results of the technology evaluation will determine CARB's next steps.
Enf_CARB_1	Increase the frequency of compliance inspections with guidance from the community steering committee: CARB will collaborate with the West Oakland community emissions reduction program Co-leads to work with the Steering Committee to actively enhance enforcement activities. This will be done through a combination of improved complaint reporting, more focused inspections, and report-back meetings to update the community Steering Committee on both the status of inspections and to obtain additional areas of mobile source concern. CARB will work with the Co-leads to meet annually with the community Steering Committee in order to prioritize enforcement measures and identify possible locations where non-compliant vehicles are present. CARB will additionally report to the community the number of inspections performed, mapped locations of the enforcement, and the number of citations and/or Notices of Violations issued.	In August 2021, CARB's Enforcement Division and Office of Community Air Protection participated in an enforcement tour led by the West Oakland Environmental Indicators Project. Over the two-day tour, CARB was able to screen 403 trucks through PEAQS, conduct 55 vehicle inspections, scan on-board diagnostic (OBD) data for 29 trucks, and conduct three facility inspections.
Enf_CARB_2	Coordinate and conduct inspections of Stationary Source with Air District staff: CARB will coordinate with Air District staff and will select, based on Steering Committee input, stationary sources for joint inspections. CARB is also committed to assisting Air District staff with compliance inspections of unpermitted sources identified by the Steering Committee.	No update at this time.
Enf_CARB_3	Achieve Compliance with the Truck and Bus Regulation via Senate Bill 1: In April 2017, the Governor signed Senate Bill 1 (SB 1) into law which included a provision that, beginning in 2020, a vehicle must demonstrate compliance with the State Truck and Bus regulation before it can be registered with the Department of Motor Vehicles (DMV). Beginning in 2020, the DMV, in conjunction with data provided by CARB, will deny vehicle registration to non-compliant heavy-duty vehicles based on the model year of the vehicle.	No update at this time.

CARB STRATEGIES		
Strategy#	Strategy Description	2022 Status
Enf_CARB_4	Provide Annual Report of Enforcement Activities: CARB's enforcement division will provide an annual report to the Steering Committee to update and summarize CARB's enforcement activities within the community.	See Strategy Enf_CARB_1.
Enf_CARB_5	Coordinate with other agencies: CARB will seek opportunities to coordinate with other agencies with enforcement authority in West Oakland like the City and Port of Oakland. One such opportunity could involve CARB staff working with the City of Oakland to provide truck idling signage in areas where community members observe trucks idling.	CARB staff participated in a West Oakland Enforcement Field Event hosted by the City of Oakland in August 2022, after the 21-22 reporting period.
Enf_CARB_6	Enhance CARB's Data Management Practices. CARB is committed to enhancing the quality of enforcement data for the West Oakland community. Moving forward, CARB will maintain the location of enforcement activity and received complaints to provide the Steering Committee with the most accurate data available. CARB has recently completed a visualization tool that makes CARB enforcement data more transparent and available. The tool can be accessed online by visiting https://webmaps.arb.ca.gov/edvs/ .	CARB's Enforcement Data Visualization System (EDVS) has been updated with inspection data up to year 2021.
Enf_CARB_7	Provide in-person community specific training: CARB will develop and implement a new program that will be offered to the West Oakland community. Information will cover topics like the fundamentals of enforcement, how the enforcement process works, instructions on filing a thorough complaint, and what to expect from the enforcement process after filing a complaint. Through this program, community members will be able to better support CARB or air district enforcement processes. CARB may also develop online trainings in the future.	CARB staff participated in a West Oakland Enforcement Field Event hosted by the City of Oakland in August 2022, after the 21-22 reporting period.
Enf_CARB_8	Update enforcement measures as applicable: CARB staff are committed to updating enforcement strategies as requested by the Steering Committee, if said strategies are enforceable by CARB staff or if CARB can reasonably accommodate the request (e.g., additional enforcement training for idling vehicles). As new CARB regulations included in the Plan are adopted, CARB will enforce these measures and integrate associated activities and data into the West Oakland enforcement measures.	CARB Enforcement has yet to be approached with suggestions to update strategies in the West Oakland Enforcement Plan.

	Incentive Project Funds						Estimated Project Emissions Reductions			
	2017	2018	2019	2020	2021	Cumulative Total	Oxides of Nitrogen (Tons)	Reactive Organic Gasses (tons)	PM 2.5 (tons)	
CARB Programs										
Advanced Technology Demonstration and Pilot Projects	\$ -	\$ -	\$ -	\$ -	\$ 11,979,914	\$ 4	11,979,914	1.1	0.1	0.2
Car Sharing and Mobility Options Pilot	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	-	-	-
Carl Moyer Memorial Air Quality Standards Attainment Program	\$ -	\$ 140,000	\$ -	\$ 179,000	\$ -	\$ -	\$ 319,000	6.9	0.4	0.2
Clean Cars For All	\$ -	\$ -	\$ 16,500	\$ 175,226	\$ 12,742	\$ -	\$ 204,468	0.2	0.0	0.0
Clean Off Road Equipment Voucher Incentive Project	\$ -	\$ -	\$ -	\$ 154,000	\$ -	\$ -	\$ 154,000	0.0	0.0	0.0
Clean Vehicle Rebate Project	\$ 123,000	\$ 182,000	\$ 265,800	\$ 144,000	\$ 242,500	\$ -	\$ 957,300	0.3	0.0	0.2
Community Air Grants	\$ -	\$ 499,712	\$ -	\$ -	\$ -	\$ -	\$ 499,712	-	-	-
Community Air Protection Funds	\$ -	\$ 7,638,000	\$ 9,311,000	\$ 9,688,386	\$ 4,137,000	\$ -	\$ 30,774,386	1,679.5	83.8	43.7
Financing Assistance Incentives Pilot	\$ 5,000	\$ 7,500	\$ 12,000	\$ 21,000	\$ 38,500	\$ -	\$ 84,000	0.0	0.0	0.0
Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project	\$ -	\$ 810,000	\$ 360,000	\$ -	\$ -	\$ -	\$ 1,170,000	2.1	0.1	0.0
Off-Road Advanced Technology Demonstration Project	\$ -	\$ 3,000,000	\$ -	\$ -	\$ -	\$ -	\$ 3,000,000	5.9	0.7	0.1
Supplemental Environmental Projects	\$ -	\$ -	\$ 2,000,000	\$ 1,067,887	\$ -	\$ -	\$ 3,067,887	-	-	-
Truck Loan Assistance Program	\$ 34,105	\$ -	\$ 70,245	\$ -	\$ -	\$ -	\$ 104,350	-	-	-
Zero-and Near Zero-Emission Freight Facilities Project	\$ -	\$ -	\$ 50,000,000	\$ -	\$ -	\$ -	\$ 50,000,000	187.2	5.4	0.8
Total by State Agency										
Air Resources Board	\$ 162,105	\$ 12,277,212	\$ 62,035,545	\$ 11,429,499	\$ 17,410,656	\$ -	\$ 103,315,016	1,883.3	90.6	45.3

	Incentive Project Funds						Estimated Project Emissions Reductions		
	2017	2018	2019	2020	2021	Cumulative Total	Oxides of Nitrogen (Tons)	Reactive Organic Gasses (tons)	PM 2.5 (tons)
Department of Community Services and Development	\$ 461,167	\$ 670,493	\$ -	\$ 38,438	\$ -	\$ 1,170,098	0.3	0.0	0.0
Department of Forestry and Fire Protection	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	-	-
Department of Transportation	\$ -	\$ -	\$ -	\$ 4,720,738	\$ -	\$ 4,720,738	0.0	0.0	0.0
Department of Water Resources	\$ -	\$ 134,902	\$ 73,630	\$ -	\$ -	\$ 208,532	-	-	-
Strategic Growth Council	\$ -	\$ -	\$ 9,117,500	\$ 600,000	\$ 1,410,000	\$ 11,127,500	3.8	0.7	0.1
Workforce Development Board	\$ -	\$ -	\$ -	\$ -	\$ 600,000	\$ 600,000	-	-	-
Grand Total	\$ 623,272	\$ 13,082,607	\$ 71,226,675	\$ 16,788,675	\$ 19,420,656	\$ 121,141,884	1,887	91	45

COMMUNITY EQUITY AND JUSTICE COMMITTEE OF 12/01/2022

PARTNER STRATEGIES: PORT & FREIGHT

Strategy#	Strategy Description	Lead Agency	2022 Status
7	The City of Oakland revises business licensing procedures to require current and proposed businesses to disclose truck visits per day and works with Caltrans to determine the number of trucks that park in the Caltrans right-of-way near West Oakland. Caltrans works with WOEIP and the Air District to address air quality issues from truck parking leases, such as by modifying leases to allow for collecting surveys and partnering with the Air District and CARB to allow enforcement access.	City of Oakland/Caltrans	See Planning Code amendments referenced in Strategy 5 which will ask for truck trip information for new businesses. Caltrans coordination remains a separate task.
9	The City of Oakland develops a plan to limit the hours that trucks can operate in the community.	City of Oakland	See Strategy 5.
19	The Port of Oakland adopts an Electrical Infrastructure Plan for the maritime waterfront areas of Oakland. This Plan seeks to remove barriers to adoption of zero-emission trucks, such as cost, land, and ownership of charging equipment.	Port of Oakland	<p>The Port's 2020 and Beyond Plan - Near Term Action Plan includes actions to remove barriers to adoption of zero-emission trucks, such as cost, land and ownership of charging equipment. Activities focused on the electric power supply include building core infrastructure and purchasing more power from PG&E. Part of the strategy includes pursuing grants related to the Port's core electric system and infrastructure such as the Air District-supported MARAD grant in which the Port received \$5.2 million for various clean energy projects. Notable grants submitted and under review include the request for \$60 million for the Port's Green Power Microgrid project, part of the "MegaRegion Dozen" high priority projects in Northern California for new state/federal transportation funds.</p> <p>The West Oakland Sustainable Port Collaborative continues working with the Port to develop and finalize the Port's electrification plan. The Port's Board has formed an environmental committee to oversee the development of the electrification plan and build out.</p>
26	The City and Port of Oakland will work to establish permanent locations for parking and staging of Port related trucks and cargo equipment, i.e. tractors, chassis, and containers. Such facilities will provide long-term leases to parking operators and truck owner-operators at competitive rates. Such facilities will be at the City or Port logistics center or otherwise not adjacent to West Oakland residents.	City of Oakland & Port	This strategy was incorporated into the Port's Near Term Action Plan as Implementing Action 38. The Port of Oakland offers truck parking at Roundhouse (approx. 20 acres) and are working on securing a provider for public chargers and EV trucks. OMSS continues to provide truck parking and related services to nearly 300 operators at the Burma/Wake Ave site. The City of Oakland has opened a truck parking lot at Wake Avenue and West Grand Avenue at the Gateway Industrial District next to the Port of Oakland. The Wake Avenue Truck Parking Lot provides truck, chassis and container parking spaces on a daily, weekly and monthly basis. Currently available are limited monthly parking for owner-operators and very small fleets.
36	The City of Oakland requires industrial and warehouse facilities to provide electrical connections for electric trucks and transport refrigeration units in support of CARB regulations.	City of Oakland	There are requirements for any new facilities as of 2017 per PEV Readiness requirements, but no upgrade requirements for existing facilities.

PARTNER STRATEGIES: PORT & FREIGHT

Strategy#	Strategy Description	Lead Agency	2022 Status
37	The Port of Oakland, as part of the 2020 and Beyond Seaport Air Quality Plan, supports the transition to zero-emission drayage truck operations, including setting interim year targets out to 2035, coordinating an extensive zero-emission truck commercialization effort, working with the City of Oakland to amend local ordinances to increase the allowable weight limits for single-axle, zero-emission trucks on local streets located within the Port and the Oakland Army Base/Gateway areas, and developing an investment plan for needed upgrades to the Port's electrical infrastructure. The Port of Oakland also works with the California Public Utilities Commission and the California Energy Commission to study the development of time-of-day electric rate structures favorable to truck operators.	Port of Oakland	Progress on this strategy stems from the Port's work implementing its 2020 and Beyond Plan, specifically focusing on road trucks. The Port reported findings related to demonstration projects testing battery-electric trucks. Findings identified challenges with charging for longer-distance trips.
38	The City of Oakland, consistent with the West Oakland Truck Management Plan: 1) improves training for police officers, community resource officers, and parking control technicians who issue truck and trailer parking tickets; 2) changes the parking regulations so they are easier to enforce; 3) increases truck parking fines; 4) targets enforcement at specific times and locations; and 5) improves signage directing drivers to available truck parking.	City of Oakland	At its April 19, 2022, hearing Oakland City Council adopted new truck parking regulations for West Oakland consistent with the TMP. On August 27, 2022, the City hosted a community meeting to roll out the truck parking regulations including reviewing enforcement protocols. As of Sept. 2022, new truck parking signage has been installed and parking technicians have been trained on the new truck parking regulations. On July 5, 2022, City Council accepted the Sustainable Transportation Equity Project (STEP) grant from the California Air Resources Board. This grant funds work to implement components of the Truck Management Plan, including truck route signage plan and installation, engagement and outreach, and truck and trailer parking enforcement training. OakDOT will use the grant funds to purchase a vehicle license reader (in fall 2022 or winter 2022) to support enforcement efforts.
39	The City of Oakland, consistent with the West Oakland Truck Management Plan: 1) improves signage regarding existing truck routes; 2) works with businesses on preferred routes to use when destinations are not located on truck routes; and 3) adds to, or changes, truck routes and prohibited streets.	City of Oakland	At its April 19, 2022 hearing, Oakland City Council did not pass the updates to the truck route network (TMP Strategy 3) and instead asked for more community process before returning to City Council. The City and Port are currently working on an approach to fulfill this request.
40	The City of Oakland, consistent with the West Oakland Truck Management Plan, implements, in consultation with West Oakland residents, traffic calming measures to keep truck traffic off residential streets.	City of Oakland	In response to community feedback related to trucks parking in the median on Frontage Road received during 2021-2022 outreach, OakDOT identified installation of plastic delineators in the median of Frontage Road as a near-term measure. Its specific objective is to prevent parking in the median. It is being delivered through the Rapid Response Program. The West Oakland STEP grant funds traffic calming recommendations. An implementation plan for this will be developed in Fall 2022.
42	The City and Port of Oakland award long-term leases to vendors that will deliver trucker services (including mini-market and convenience stores, fast food, and fast casual restaurants), and parking to keep trucks off West Oakland streets.	City of Oakland & Port	This has not been incorporated into the Port's Near-Term Action Plan

PARTNER STRATEGIES: PORT & FREIGHT

Strategy#	Strategy Description	Lead Agency	2022 Status
43	The Port of Oakland studies the effects on truck flow and congestion due to increasing visits from larger container ships, the feasibility of an off-terminal container yard that utilizes zero-emission trucks to move containers to and from the marine terminals, and the potential efficiency gains from increasing the number of trucks hauling loaded containers on each leg of a roundtrip to the Port.	Port of Oakland	The Port has undertaken a Long Term Traffic and Circulation Study and a Truck Parking Study. Both will both be part of the Port's Master Plan, expected in 2023.
44	The Alameda County Transportation Commission works with West Oakland residents and businesses to develop mitigations to short- and long-term impacts caused by the construction of the 7th St Grade Separation East Project and the implementation of other elements of the GoPort Initiative.	ACTC	See update for Strategy 10 related to the Prescott Greening project.
63	The Port of Oakland implements a Clean Ship Program to increase the frequency of visits by ships with International Maritime Organization Tier 2 and Tier 3 engines.	Port of Oakland	This strategy will not be pursued because the Port completed a feasibility study and concluded that implementation of this strategy is currently infeasible; however, the Port has contributed in other ways to reduce emissions from vessels approaching and leaving San Francisco Bay through funding for the Protecting Blue Whales Blue Skies program (a program to slow down vessels so they burn less fuel), a program for which the Air District is a project partner.
64	The Port of Oakland implements a Clean Locomotive Program to increase the number of U.S. EPA Tier 4 compliant locomotives used by the UP, BNSF, and OGRE railways to provide service in and out of the Port of Oakland.	Port of Oakland	As noted in the 2021 update, the feasibility study concluded that this strategy was not yet ready for implementation since most locomotive fleets are dispatched nationally. However, CARB is considering a regulation that will implement a Clean Locomotive program beginning in 2024 that will increase the number of Tier 4 engines operating in California. The regulation will also require the phase-in of zero emission locomotives beginning in 2030.
65	The Port of Oakland studies the feasibility of using electric switcher locomotives at the two Port railyards.	Port of Oakland	Not yet underway. CARB is considering a regulation that will implement a Clean Locomotive program beginning in 2024 that will increase the number of Tier 4 engines operating in California. The regulation will also require the phase-in of zero emission locomotives beginning in 2030.

PARTNER STRATEGIES: LAND USE

Strategy#	Strategy Description	Lead Agency	2022 Status
1	The City of Oakland continues working with California Waste Solutions and CASS, Inc. to relocate operations to the former Oakland Army Base and works with the property owners and local residents to redevelop the former sites in West Oakland with new business and light industrial uses that fit into a green economy.	City of Oakland	The City and CASS executed an Exclusive Negotiating Agreement (ENA) dated September 21, 2021. CASS outreach consultants completed the outreach plan CASS will implement during its relocation process from its West Oakland locations to its new proposed location in the Gateway Industrial District (formally the Oakland Army Base). The City and CASS are now negotiating the terms of a Disposition and Development Agreement over the next year. Under the L/DDA approved by the City on July 21, 2021, California Waste Solutions (CWS) is in the process of obtaining its regulatory approvals and meeting its milestones in order to close escrow on conveyance of the property from the City to CWS by the end of 2022 and begin construction between December 2022 and March 2023.
4	Consistent with measures in the West Oakland Specific Plan, the City of Oakland identifies locations outside of West Oakland for heavier industrial businesses currently in West Oakland that contribute to air pollution emissions and negative health outcomes in West Oakland.	City of Oakland	To be considered as part of the industrial lands study scheduled for completion in 2022 which will inform the Land Use and Transportation Element (estimated to begin in mid-2023 as part of Phase 2 of the GPU).
5	The City of Oakland and Port of Oakland amends existing Ordinances, Resolutions, or Administrative policies to accelerate relocation of truck yards and truck repair, service, and fueling businesses in West Oakland currently located within the freeway boundaries that do not conform with the zoning designations adopted in the West Oakland Specific Plan.	City of Oakland	The Planning & Building Department (PBD) anticipates bringing Planning Code amendments to City Council for adoption in 2023 along with the Environmental Justice Element. The amendments will update conditional use permit (CUP) and non-conforming use termination timeframes (i.e., the amount of time that may transpire between change of ownership at a conditionally-permitted business or business that is "non-conforming" (i.e., "grandfathered in").
6	The City of Oakland uses incentives and subsidies to relocate businesses away from West Oakland that do not conform with the zoning designations adopted in the West Oakland Specific Plan. The Air District will provide emissions data and technical support to assist the City in these efforts and to ensure that any relocated businesses do not cause exposure issues at the new location.	City of Oakland	To be considered as part of the General Plan Update. Recycler CWS is being relocated to the Army Base. The City is also working on moving CASS. See #1, above.
7	The City of Oakland revises business licensing procedures to require current and proposed businesses to disclose truck visits per day and works with Caltrans to determine the number of trucks that park in the Caltrans right-of-way near West Oakland. Caltrans works with WOEIP and the Air District to address air quality issues from truck parking leases, such as by modifying leases to allow for collecting surveys and partnering with the Air District and CARB to allow enforcement access.	City of Oakland	See Planning Code amendments referenced in Strategy 5 which will ask for truck trip information for new businesses. Caltrans I980 Study Project includes consideration of returning ROW to the City for land use.

Attachment A: Owning Our Air Annual Progress Report
Strategy Status

December 2022

8	The City of Oakland amends existing City Ordinances and Administrative policies to list new truck yards and truck service, repair and fueling businesses as prohibited uses within the area of West Oakland that is inside the freeways (excluding the Port, OAB, and 3rd St. corridor of Jack London Square from Brush St. to Union St.).	City of Oakland	Completed.
9	The City of Oakland develops a plan to limit the hours that trucks can operate in the community	City of Oakland	See Strategy 5.
13	The City of Oakland conducts a study regarding development fees for environmental mitigations.	City of Oakland	To be considered as part of General Plan update process
15	The City of Oakland continues requiring new developments to provide infrastructure for electrical vehicle charging stations.	City of Oakland	Completed.
17	The City of Oakland adopts policies to lessen air quality impacts of residential and office buildings through the reduction or elimination of natural gas systems.	City of Oakland	In process: City Staff plans to bring a complete draft Building Electrification Roadmap to Council in July 2023, detailing how Oakland will achieve the complete elimination of gas use in buildings by 2040 per the ECAP. Sometime in 2023, staff expects to also bring forward an Ordinance with strategies to move toward electrification during major retrofits of private buildings. The IRA includes significant funding to advance electrification, and the State also has a sizeable budget to incentivize same. Many statewide and regional resources including BayREN, EBCE, & Switch Is On.
20	The City of Oakland revises development requirements to require the implementation of as many transportation demand management (TDM) strategies as feasible by developers of new buildings.	City of Oakland	The City of Oakland Transportation Impact Review Guidelines outline developer requirements for TDM Plans that require implementation of TDM strategies and infrastructure improvements. No update
22	The City of Oakland adopts more stringent air quality construction and operations requirements.	City of Oakland	To be considered as part of General Plan update process.
25	To address potential changes in local pollution exposure, the City of Oakland works with local community groups to address gentrification and the pricing out of long-term residents caused by gentrification. This effort includes meetings with local community groups and incentives and loans targeted to existing businesses and residents. Funding for this effort is identified as needed.	City of Oakland	No update.
27	The City of Oakland and other appropriate local agencies limit fugitive dust from construction activity through better enforcement of existing regulations and permit requirements.	City of Oakland	To be considered as part of General Plan update process
77	Consistent with the Healthy Development Guidelines, the City of Oakland implements a project-wide smoking ban in Oakland at new developments.	City of Oakland	City has started conversations with Alameda County Public Health Department and started workgroup with County and other community partners, however the threat of punitive action to vulnerable renters needs to be addressed.

78	Consistent with the State's Building Energy Efficiency Standards for air filtration in effect as of January 1, 2020, the City of Oakland requires newly constructed buildings of four or more habitable floors to include air filtration systems equal to or greater than MERV 13 (ASHRAE Standard 52.2), or a particle size efficiency rating equal to or greater than 50 percent in the 0.3-1.0 µm range and equal to or greater than 85 percent in the 1.0-3.0 µm range (AHRI Standard 680).	City of Oakland	Completed.
81	The City of Oakland works with local businesses, partner agencies, and community members to develop a Green Business Strategic Plan to attract, retain, and support innovative green companies in West Oakland. This effort includes coordination with State and local agencies to develop criteria for green business certification for new and existing businesses.	City of Oakland	To be considered as part of General Plan update process
83	The City of Oakland works with community partners to implement the Healthy Development Guidelines for new building projects.	City of Oakland	To be considered as part of General Plan update process. To start arriving at potential goals and policies, City staff assessed EJ goals, policies, and programs in existing city plans and community-driven planning initiatives, including the Healthy Development Guidelines to help form a basis for the EJ element.
88	The City of Oakland studies revising standard conditions of approval and/or similar requirements for large projects to require "opt-up" to East Bay Community Energy's Brilliant 100 carbon-free electricity supply.	City of Oakland	This action has been paused while EBCE restructures its rate offerings.

COMMUNITY EQUITY AND JUSTICE COMMITTEE OF 12/01/2022 HEALTH AND MEETING

PARTNER STRATEGIES: TRANSIT, BIKE AND WALK			
Strategy#	Strategy Description	Lead Agency	2022 Status
45	The City of Oakland collaborates with AC Transit, BART, Emery-Go-Round, and the local community to implement the broad array of transit improvements identified in the West Oakland Specific Plan.	City of Oakland	The City began design of 13 bus stop upgrades in West Oakland as part of the West Oakland Transit Improvements (WOTI) project. OakDOT is coordinating with the Planning Department on review of the West Oakland TOD development to incorporate multimodal improvements around the BART Station. OakDOT is moving forward with design of the 7th Street Connections Project, a State-funded major streetscape project on 7th Street between Mandela Parkway and Martin Luther King Jr Way. OakDOT is working on the Safer 8th Street Project to design traffic calming elements on 8th Street from Wood to Brush Street.
46	The City of Oakland collaborates with MTC and ACTC to consider a program for extending car sharing to low-income individuals and groups.	City of Oakland	The City's Zero Emission Vehicle Action Plan includes Action CL-5 – Expand Affordable Neighborhood ZEV Car Sharing Programs By 2025 work with partner agencies and car sharing platforms to explore strategies for expanding car share programs into frontline communities. Strategies may include: <ul style="list-style-type: none"> • Pursue partnerships and incentives that expand car share services into Priority Communities as defined by the OakDOT Geographic Equity Toolbox; • Work with car share operators to ensure that ZEV car share vehicles are deployed in communities disproportionately impacted by transportation-related air pollution; • Partner with property developers and managers to expand access to dedicated ZEV car sharing services in affordable multifamily buildings; • Support community-based organizations in pursuing funding for community-level or non-profit run ZEV car sharing programs; and • Ensure that, wherever feasible, ZEV car sharing amenities or programs are available at Mobility Hubs developed by the City or by external partners with City support.
47	AC Transit implements the Grand Avenue transit improvements identified in its Bus Rapid Transit Plan, as well as mitigations if the improvements cause increases in truck and auto idling on Grand Avenue.	AC Transit	See Strategy 45.
55	The Bay Area Rapid Transit District will develop a bike station with controlled access at the West Oakland BART Station.	BART	Approved preliminary plans include an enhanced bicycle station located on the east side of the station structure that provides both valet and 24-hour secure bicycle parking to accommodate a minimum of 500 bicycles. The bike station will also include a retail and repair facility (both self-service and a bike shop).
56	The City of Oakland implements the broad array of bicycle and pedestrian improvements identified in the West Oakland Specific Plan, the 2019 Oakland Bike Plan, and the 2017 Oakland Walks Pedestrian Plan.	City of Oakland	<ul style="list-style-type: none"> • West St road diet – Project complete - Pave the length of the street, upgrade curb ramps to meet accessibility standards, and install buffered bike lanes and high-visibility crosswalks. See OakDOT Major Projects Map: https://www.oaklandca.gov/resources/active-major-improvements-project. Awarded Funding: <ul style="list-style-type: none"> • CARB West Oakland STEP Grant, West - Oakland Bike Resource Hub: Finalizing the grant agreement with CARB. On July 5, 2022, City Council authorized the city to accept the Sustainable Transportation Equity

PARTNER STRATEGIES: TRANSIT, BIKE AND WALK			
Strategy#	Strategy Description	Lead Agency	2022 Status
			<p>Project (STEP) grant from the California Air Resources Board and enter into contracts with community partners in West Oakland. This grant will implement four projects that were identified as community-driven priorities in WOCAP: Truck Management Plan implementation, Urban Greening and Pedestrian Improvements, Bicycle Resource Hub, and Transit Access Improvements.</p> <ul style="list-style-type: none"> 8th St West Oakland: Completed two rounds of community input; working on the construction plans: https://www.oaklandca.gov/projects/8th-st-project 7th Street Streetscape Project (Mandela to MLK) MLK Jr Way AHSC (in design): Redesign of MLK Jr Way between 7th and 20th St with the goal of reducing traffic collisions and speeding 18th St St Bikeways & Railroad Removal (Design): Bike and ped improvements including a road diet, Class II and III bikeways, high visibility crosswalks, and addressing abandoned rail tracks (AHSC grant) 14th St: Install a combination of Rapid Rectangular Flashing Beacons, left-turn only signal phases, pedestrian countdown heads, and leading pedestrian intervals at 4 intersections on 14th St with a history of pedestrian collisions: Mandela, Poplar, Magnolia, and Adeline. Spring 2024. (HSIP grant) MLK Corridor Streetscape Improvements (2nd Street to 12th Street): received Federal RAISE Grant
58	The Oakland Unified School District and the City of Oakland, as part of the Safe Routes to Schools Program in West Oakland, begin twice a day street closures next to public schools in West Oakland to keep cars and trucks away from arriving and departing students.	City of Oakland	Completed. This was determined to be infeasible by School District and OakDOT staff.
59	The City of Oakland increases the frequency of street sweeping to decrease road dust, particularly on streets adjacent to schools, on designated truck routes, and on streets near freeways. The California Department of Transportation increases the frequency of street sweeping along the I-880, I-980, and I-580 freeways. Consideration is given to technology and techniques that avoid re-suspending road dust.	City of Oakland & Caltrans	OakDOT already sweeps more often in West Oakland (Thurs/Fri every week) and East Oakland than other parts of the City. City staff believes there is tension between frequent sweeping and parking citations; perception that City is extracting revenue from low-income residents. Sweeping staff would need to know more about specific issues.
89	The Alameda CTC and Caltrans will continually engage with the community, at a minimum through participation in quarterly meetings of the WOCAP implementation committee, on early project planning and delivery for projects in West Oakland where Alameda CTC and/or Caltrans is the project sponsor in order to ensure projects do not increase transportation impacts on residents. These projects will undergo appropriate reviews to assess the environmental and health impacts, and potential local benefits, and adopt associated mitigation measures so they do not result in a net increase in air pollution	ACTC & Caltrans	Alameda CTC staff attend WOCAP meetings, has conducted community outreach on projects in West Oakland, and is available to update the Steering Committee on its projects on an ongoing basis.

PARTNER STRATEGIES: TRANSIT, BIKE AND WALK			
Strategy#	Strategy Description	Lead Agency	2022 Status
	or health inequities for residents most impacted by the county's freight transportation system in West Oakland.		

COMMUNITY EQUITY, HEALTH AND JUSTICE COMMITTEE MEETING OF 12/01/2022

PARTNER STRATEGIES: HEALTH & LIVING BUFFERS			
Strategy#	Strategy Description	Lead Agency	2022 Status
10	The City of Oakland creates a comprehensive, area-wide urban canopy and vegetation plan that identifies locations that trees can be added and maintained, such as parks and along Caltrans' rights-of-way and develops a plan to protect existing trees that reduce exposure to air pollution emissions in West Oakland. This includes partnering with local nonprofit groups, encouraging trees on private property, and working with the community on tree maintenance and (as needed) removal. The development of the Oakland Urban Forest Master Plan will inform this work.	City of Oakland	<p>#1 A draft of the Oakland Urban Forest Plan (UFP) is expected to be available for public review and comment in Winter 2022/2023. The final version of the plan is expected to go to City Council for adoption in Spring 2023. The UFP is focused on trees and not other vegetation. The previously-completed tree inventory identified areas where trees can be added in sidewalk/street planting areas throughout Oakland. The UFP is expected to address collaboration with volunteers for tree planting/care as well as workforce development. The City of Oakland's Community Engagement phase of the Urban Forest Master Plan was completed July 30, 2022. Four local community groups were hired to reach out to their networks and obtain input on the Plan. The Plan's estimated date of completion has been pushed back to 2023.</p> <p>#2 The Steering Committee created the Prescott Greening Project implementation team as a result of the grant funding from MTC. The project is currenting under development as it works with the many stakeholders (WOEIP, Port, City Planning, CM Fife's Office, and Hyphae Design Labs). In addition, the project is in coordination with the Frontage Road study which plans to develop formalize Frontage Road as truck route for transport trucks.</p>
11	The City of Oakland works with local groups to train residents to maintain biofilters.	City of Oakland	See Strategy 10.
16	The City of Oakland, in partnership with the Steering Committee, CARB and the Air District, studies the exposure reduction benefit of requiring solid or vegetative barriers to be incorporated into site design between buildings and sources of air pollution (for example, a freeway).	City of Oakland	See Strategy 10.
23	The City adds the AB 617 Steering Committee Co-Chairs to the official lists to receive notification of "Applications on File" for discretionary planning projects and "Meeting Agendas" of the Planning Commission and its five subcommittees, and the Landmarks Preservation Board.	City of Oakland	Completed.
76	The City of Oakland works with local and agency partners to implement regional and local adoption of the State Department of Public Health's "Health In All Policies" program.	City of Oakland	No update.
79	The City of Oakland works with agency and community partners to undertake participatory budgeting with West Oakland community members to allocate local health improvement grants that reduce emissions or exposure to emissions.	City of Oakland	No update.
82	The California Office of Environmental Health Hazard Assessment, in partnership with the Steering Committee, the City of Oakland, CARB, and the Air District, studies setting a limit on West Oakland's cumulative exposure to TACs.	OEHHA	No update.

PARTNER STRATEGIES: HEALTH & LIVING BUFFERS			
Strategy#	Strategy Description	Lead Agency	2022 Status
84	The Alameda County Public Health Department expands its Asthma Management programs.	Alameda County Public Health Department	The Air District was awarded \$2 million in grant funding to address impacted communities and reduce exposure within Alameda and Contra Costa Counties in Winter of 2021 from the State's Attorney General's Office. The Air District has partnered with ACPHD and BayRen to expand on Contra Costa County Health Department's pilot effort in cooperation with the Regional Asthma Management Program into Alameda County. The program expects to launch in Fall of 2022.
85	The City of Oakland works with Alameda County Public Health Department to improve access to medical services within West Oakland. This work expands existing programs such as: (1) Child Health and Disability Prevention Program free health check-ups for infants through teens; (2) Asthma Management at schools; (3) Building Blocks for Health Equity which works to correct inequity in health outcomes for children; (4) Urban Male Health Initiative which is charged with reducing the premature mortality of men and boys in Alameda County; and (5) Alameda County Health Improvement Plan to develop and implement a five-year county plan to improve health and achieve health equity.	City of Oakland	See Strategy 84.
86	The Alameda County Public Health Department works with agency and local partners to investigate the use of green building approaches in housing construction and renovation that will reduce emissions and exposure to air pollution emissions. This work examines weatherization/energy efficiency and renewable energy services. This work draws from the Contra Costa County Health Department's pilot effort in cooperation with the Regional Asthma Management Program.	Alameda County Public Health Department	See Strategy 84

COMMUNITY EQUITY, HEALTH AND JUSTICE COMMITTEE MEETING OF 12/01/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 1, 2022

Re: Assembly Bill (AB) 617 Program Update

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017) requires local air districts to prepare community-led emissions reduction plans or community-led air monitoring plans in designated environmental justice communities. Since September 2018, the California Air Resources Board (CARB) designated the following Air District's nominated communities: West Oakland, Richmond – North Richmond – San Pablo and East Oakland. Since then, West Oakland has completed a Community Emission Reduction Plan (CERP), Richmond-North Richmond-San Pablo completed, and is implementing, a Community Air Monitoring Plan and is developing a CERP, and East Oakland is developing a CERP. Bayview Hunters Point—the Air District's most recently nominated community—is pending CARB designation.

By way of further, community-specific detail, in November of 2020, the Air District's Board of Directors nominated Richmond – North Richmond – San Pablo to develop a CERP, following the recommendation from community groups. In February 2021, CARB approved that nomination. The Air District established the 31-member Community Steering Committee (CSC) in March 2021 and approved new members to the CSC to fill vacancies in December 2021. The Steering Committee launched in April 2021 and meets monthly.

In November of 2021, the Air District's Board of Directors nominated East Oakland to be the third Bay Area community to develop a CERP, following many years of community advocacy by East Oakland community organizations and residents. The Air District partnered with Communities for a Better Environment (CBE) to develop that East Oakland recommendation. On February 10, 2022, CARB approved that nomination.

Since February, the Air District and CBE partnered to establish and convene an East Oakland Community Steering Committee to guide the development of a CERP that addresses air quality

and environmental justice issues in East Oakland. In May 2022, with CBE's support, the Air District contracted with Just Cities, which was one firm selected through a Request for Qualifications (RFQ) process (RFQ No. 2021-014 for Community Engagement Support and Facilitation Services) for administrative, logistical and facilitation assistance in the development of an East Oakland CERP.

The Board of Directors voted unanimously on November 2, 2022, to support Bayview Hunters Point's self-nomination to be designated as an AB 617 community for preparation of a CERP. CARB will consider this and other nominations throughout the state at their February 22, 2023 meeting.

DISCUSSION

The Path to Clean Air Community Steering Committee (CSC) - Richmond, North Richmond, San Pablo - has been focused on developing the key elements of the CERP. In March 2022, the CSC hosted a Town Hall for the public where they gathered input to inform their priorities. In June 2022, an ad hoc group of CSC members finalized work with the Air District to complete key elements of the Technical Assessment. And, in September 2022, another ad hoc group of CSC members completed the Community Description portion of the report. September through December 2022 is focused on developing draft strategies that will go into the final version of the CERP.

The East Oakland CSC has met three times. The first meeting was on Thursday, September 15, 2022, at which the CSC members met each other and received grounding in AB 617 and the CERP development process. The CSC members also learned about the role the CSC will play in the process and the goals and expectations for the group. The CSC members continued to learn more about the CERP process and timeline at the second and third meetings. The CSC also discussed and determined the process by which they would elect Co-Chairs. Once selected, the Co-Chairs will provide CSC leadership, begin chairing meetings and provide direction in developing the CERP along with the Air District and CBE. At the upcoming CSC meeting on December 8, the CSC will consider Co-Chair candidates and hold a vote to elect three Co-Chairs—two adults, and one youth.

The Bayview Hunters Point letter of self-nomination to be designated as an AB 617 community for preparation of a CERP was brought forward to the Community, Equity, Health and Justice (CEHJ) committee on October 6, 2022, as a co-led initiative of the Bayview Hunters Point Community Advocates and the Marie Harrison Community Foundation—two recognized environmental justice groups working in southeastern San Francisco. The CEHJ received presentations from the co-leads and Air District staff, and recommended that the Board support the nomination. The Board of Directors subsequently approved support of the nomination on November 2, 2022. Air District staff and the community co-leads hosted an online AB 617/Bayview Hunters Point public workshop on October 27, 2022, and are continuing to do expanded outreach to engage different linguistic and geographical communities within the proposed CERP area. Meanwhile, the community co-leads and Air District staff continue to engage with local City and County government representatives. Before the formal CARB selection vote in February, the co-leads and staff will also prepare needed technical assessment

documents and deliver a presentation on the CERP nomination at the upcoming CARB AB 617 workshop on December 6, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding to support current AB 617 implementation activities are included in the FYE 2023 budget. Longer-term resource needs will be heavily dependent upon State funding.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Kevin Olp, Aneesh Rana and David Ralston
Reviewed by: Suma Peesapati and Henry Hilken

ATTACHMENTS:

None

COMMUNITY EQUITY, HEALTH AND JUSTICE COMMITTEE MEETING OF 12/01/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Report of the Legislative Committee Meeting of December 12, 2022

RECOMMENDED ACTION

A) Potential Legislative Activities for 2023.

1. The Committee recommends the Board **approve** a recommendation that the Board endorse nine Legislative activities for 2023.

BACKGROUND

None.

DISCUSSION

The Legislative Committee met on Monday, December 12, 2022, and approved the Minutes of October 3, and November 14, 2022. This meeting was conducted under procedures in accordance with Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

The Committee then received the staff presentation *Potential Legislative Activities for 2023*. The Committee recommends the Board **approve** a recommendation that the Board endorse these nine Legislative Activities for 2023:

- Refinery Penalties (sponsor);
- School Siting for Private and Charter Schools (act as potential co-sponsor or major supporter);
- Brown Act Teleconferencing Provisions (support any legislative efforts to address these concerns);
- Commuter Benefits (potential sponsorship or co-sponsorship);
- Vessel Speed Reduction for Ocean-Going Vessels (potential co-sponsor or major supporter);
- Air District Board Composition (no recommendation at this time);

- Goods Movement-Related Port Cargo Fee (potential co-sponsorship or major supporter);
- Installation of Heat Pumps in Neighborhoods with Homeowners' Associations (potential Air District sponsorship or co-sponsorship); and
- Air District Advisory Council Meeting Stipend (sponsor)

The Committee then received an update from Air District staff regarding the results of the 2022 General Election, including California Legislature races and California Proposition 30.

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

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Legislative Committee December 12, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 12, 2022

Re: Potential Legislative Activities for 2023

RECOMMENDED ACTION

The Legislative Committee (Committee) will discuss and consider recommending to the Board of Directors (Board) Legislative Activities for 2023.

BACKGROUND

The first year of the 2023-24 Legislative Session began on December 5, 2022, although little legislative activity is likely to occur until January. The exception being that Governor Newsom has stated a desire for an extraordinary session in December to discuss, among other things, an oil profits windfall tax. Even so, the Senate and Assembly could choose to respond in a very minimal fashion and defer major decisions until January, when the legislature reconvenes. Aside from that, key deadlines for Members are January 20, 2023, to submit potential bills to the Office of Legislative Counsel, and February 17, 2023, the deadline for bill introductions.

DISCUSSION

1. ***Refinery Penalty Bill***

Reintroduction/modification of the 2022 Air District-sponsored refinery penalty bill to raise penalty ceilings for some air quality regulatory and emissions violations at refineries. Aside from a modest annual Consumer Price Index (CPI) increase beginning in 2017, these penalties have not been changed since 2001.

Staff Notes/Recommendation: Sponsor

2. ***School Siting for Private and Charter Schools***

Reintroduction of the Air District-sponsored schools bill to address environmental review of new school siting for private and charter schools to ensure the public health and safety of all students and school employees in California by requiring that private schools and charter schools meet the same siting requirements as public schools.

Staff Notes/Recommendation: Will likely be taken up in 2023 by an L.A. area senator. Defer sponsorship to stakeholders in this senatorial district. Act as potential co-sponsor or major supporter.

3. ***Brown Act Teleconferencing Provisions***

Address concerns regarding Assembly Bill (AB) 2449 (Rubio, Chapter 285, Statutes of 2022) and the limitations that the teleconferencing provisions within the Brown Act have on the legislative bodies of regional agencies. Several regional agencies across the state have indicated a desire to relax some of the attendance limitations, targeting relaxation for regional agencies specifically.

Staff Notes/Recommendation: Support any legislative efforts to address these concerns.

4. ***Commuter Benefits***

AB 2206 (Lee, Chapter 866, Statutes of 2022) was originally introduced as a bill to identify parking benefits provided to employers in a way that exempted them from some parking cash out programs. Ultimately, the bill was amended to a different commuter benefits topic. District staff is interested in revisiting the original AB 2206 bill and has approached legislative staff about this idea.

Staff Notes/Recommendation: Potential sponsorship or co-sponsorship.

5. ***Vessel Speed Reduction – Ocean-Going Vessels***

Several coastal air districts have administered a voluntary vessel speed reduction program with ocean-going vessels that has documented significant cost-effective reductions in NO_x and particulate matter (PM), and anecdotally lowers the risk of “whale strikes” during migration periods. Unfortunately, funding for this program is intermittent from a variety of sources. A legislative effort could include direction to various state agencies to develop an official vessel speed reduction program that could make funding more reliable.

Staff Notes/Recommendation: Legislative effort currently led by Ventura County Air Pollution Control District (APCD). Potential co-sponsor or major supporter.

6. ***Air District Board Composition***

The Board and various committees have, on several occasions, discussed the possibility of changes to the Board’s composition, including the size and the types of appointees. Doing this would require a legislative change in the Health and Safety Code related to the authorities and responsibilities of the Air District. The Community Advisory Council may agendaize this topic for future discussion, the results of which will be presented to the Committee and the Board for potential future action.

Staff Notes/Recommendation: No recommendation at this time. Moving forward would require the Air District to be the sponsor.

7. Goods Movement-Related Port Cargo Fee

This is a Legislative idea proposed by the South Coast Air Quality Management District staff to their Legislative Committee. The proposed bill would create a goods movement-related port cargo fee that would generate funding for air quality related incentives for port and cargo equipment replacement with low emission and zero emission equipment. It is unknown if the concept will move forward.

Staff Notes/Recommendation: Legislative effort currently led by South Coast Air Quality Management District (AQMD). Potential co-sponsorship or major supporter.

8. Installation of Heat Pumps in Neighborhoods with Homeowners' Associations

The concept was proposed at the October 17, 2022, Air District Stationary Source and Climate Impacts Committee meeting. There is concern/anecdotal evidence of occasions in which property owners may desire to replace gas furnaces with heat pumps, yet be prevented by their homeowners' association (HOA) for various reasons. Heat pumps for space heating require outdoor compressors, which are sometimes disallowed by HOAs. These appliances eliminate harmful pollutants from gas combustion such as NO_x, CO₂, and formaldehyde. Proposed legislation could prevent HOAs from prohibiting the installation of these clean appliances. This concept has previously been used to fix similar issues associated with installation of water-efficient landscaping and electric vehicle (EV) infrastructure.

Staff Notes/Recommendation: Potential Air District sponsorship or co-sponsorship.

9. Air District Advisory Council Meeting Stipend

The Air District's Advisory Council is codified in the Health and Safety Code (HSC) Sections 40260-40268. Section 40266, passed into law in 1975, specifies that Advisory Council members shall receive no compensation other than actual and necessary expenses, usually defined as travel expenses. Given the importance of the Advisory Council's work, a proposed bill could either specify compensation in statute, or allow compensation to be established in the Air District's Administrative Code.

Staff Notes/Recommendation: Sponsor

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

None

LEGISLATIVE COMMITTEE
MEETING OF 12/12/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 12, 2022

Re: 2022 General Election Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

While the election was held on November 8, 2022, at the end of November at least 1 Assembly and 3 Senate races were still too close to call with outstanding ballots remaining to be counted. Statewide offices and ballot measures, however, were called either early in the evening on November 8th, or the next day. County elections officials are required to submit certified results by December 9, 2022, at which point the remaining outstanding races should have declared winners. The Secretary of State will certify the election results by December 16, 2022.

State Senate

The make up of the State Senate prior to the election was 31 Democrats and 9 Republicans, with 20 of the 40 seats up for election. Pending results certification, Republicans may gain a seat or two, but Democrats will still have a supermajority (greater than 2/3). In the Bay Area, only two seats were on the ballot, Senate District 2 (won by incumbent Mike McGuire), and Senate District 10 (won by Aisha Wahab, replacing Senator Bob Wieckowski who was term-limited).

State Assembly

The make up of the State Assembly prior to the election was 60 Democrats, 19 Republicans, and 1 Independent, with all 80 seats up for election. Pending certification, Democrats may gain a seat or two and maintain a supermajority. In the Bay Area, the following incumbents were re-elected: Aguiar-Curry, Bauer-Kahan, Berman, Bonta, Grayson, Haney, Kalra, Lee, Low, Rivas, Ting, Wicks, Wilson, and Wood. In addition, the following were newly elected and are all Democrats: Damon Connolly - Assembly District 12, Liz Ortega - Assembly District 20, Diane Papan - Assembly District 21, and Gail Pellerin - Assembly District 28.

Proposition 30

Proposition 30, supported by the Air District Board, would have raised income taxes on households with over \$2 million in annual income, to fund wildfire prevention and electric vehicle incentive programs. Only 42.3% voted yes, and this measure failed.

DISCUSSION

Staff will provide the Legislative Committee with an update on the results of the 2022 General Election.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Potential Legislative Activities for 2023

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Preparer Name
Reviewed by: Reviewer Name

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Consider Authorization of Non-Represented Employee Benefits

RECOMMENDED ACTION

The Board of Directors will consider the following:

- Direct staff to develop a compensation philosophy for Board approval in accordance with Human Resource Performance Audit Recommendation 1.6.
- Direct staff to conduct a compensation study and develop a comprehensive compensation plan for Board approval that is based on the compensation philosophy and in accordance with the Human Resources Performance Audit Recommendation 1.7, and
- Authorize current compensation practices for non-represented employees as detailed in Attachment 1 to continue until the Board authorizes the new comprehensive compensation plan.

BACKGROUND

It is a common and acceptable practice for government agencies to present complete compensation packages for all classes of employees to their boards of directors each year for approval and record the approval through board resolution. Although the Air District follows this practice with salary compensation each year, the Air District has not followed this practice with benefits, or procedures that provide for non-salary compensation such as the administration of pay for acting assignments. Instead, the Air District has presented for approval the benefit packages and administration procedures negotiated with represented bargaining unit employees only and applied those negotiated benefits and their associated practices to all employees.

Although it is a common practice for government agencies to provide at least the same benefits to non-represented employees as those that are provided to represented bargaining unit employees, transparency and Board approval is a critical component of that practice. The Human Resources Performance Audit calls for such a practice in recommendation 1.6 and 1.7 as follows:

1.6 Prepare a compensation philosophy defining key parameters governing the Air District's compensation plan, as presented in this report, and present to the Board of Directors for consideration.

1.7 Continue conducting compensation studies on a periodic basis; in doing so, present all results to the Board of Directors for consideration and enhance study methods by:

- a. Including compensation elements deemed relevant and material to the Air District's compensation plan;*
- b. Broadening the employers considered comparable to the Air District;*
- c. Incorporating additional indicators of market compensation; and*
- d. Establishing a clear approach for incorporating market comparisons into future compensation decisions*

DISCUSSION

The Performance Audit of Human Resources Management report dated November 2, 2022, found that in the year 2002, the Board adopted Resolution 2002-17 authorizing that salaries and fringe benefit increases for non-represented employees of the Air District be the same as represented employees for that year. The Audit report further found that Air District Human Resources management improperly applied that resolution not just to salaries but to all benefits and benefit-related administrative practices. Further, Air District Human Resources management continued to apply the 2002 Resolution each year thereafter, even though the Resolution was written specifically to apply to the year 2002 only.

The application of the same benefits across all employee classes, although generally not considered unusual or an unacceptable practice, was not presented to the Board and not properly authorized.

In addition to not being authorized properly, some current benefits and benefit practices provided to non-represented employees are not always consistent with the benefits that are documented for such employees in the benefits section of the Air District's Administrative Code, which has not been updated for more than twenty years. Over the past twenty years there have been many instances of singular Board resolutions, authorized by the Board, providing additional benefits to non-represented staff, however due to the complexity of the resolutions, and the complexity of the benefits the resolutions cannot be fully reconciled with the benefits currently provided. Further, when "total compensation" information was presented to the Board, typically when asked to consider salary increases for staff and management, the information was incomplete and omitted material elements of the District's compensation packages. Presenting total compensation package information to the Board when the board considers changes to salaries, or any other benefits, is important because it provides a singular summary of the total compensation package in a way that an administrative code is not well suited to provide and

provides an unambiguous statement of benefit offerings that can be easily reconciled to Board actions. In fact, it is unusual and not considered a best practice to codify *all* potential benefits in a governmental administrative code because benefit types and offerings change over time and employers need flexibility to adapt to compensation practices in the labor market. Such changes may occur more frequently than an administrative code would otherwise be expected to be updated, and procedures for updating an administrative code can be cumbersome.

Today, the Board is presented with the complete benefit package and key compensation practices detailed in Attachment 1, and the Board is asked to direct staff to develop a compensation philosophy for the Air District and upon completion, to conduct a comprehensive compensation study, in accordance with the Human Resources Performance Audit Recommendations 1.6 and 1.7, and to present for consideration to the Board a comprehensive compensation plan informed by that work. The Board is asked to authorize the current practices detailed in Attachment 1 until the new compensation plan is presented to the board for consideration.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The continuation of current practices is not expected to create a financial impact.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: John Chiladakis
Reviewed by: George Skiles, Sjoberg Evashenk

ATTACHMENTS:

1. Attachment 1 - Compensation Benefits Summary for Non-Represented Employees

ATTACHMENT 1

Non-Represented Employee Compensation Practices – Benefits

	Benefit	Represented	Confidential	Management	Executive*
CalPERS Retirement	Employees pay their own mandatory contribution	X	X	X	X
Money Purchase Plan	\$112.62 per month In lieu of Social Security	X	X	X	X
Flexible Benefits Allowance (Cafeteria Plan)	Includes Health, Dental, Vision and supplemental life insurance. Current maximum value is \$2,209 mo. for family	X	X	X	X
Retiree Health	Same benefit as active employee for employees who retire with 10 years + service (note, for those hire after 2010, they are subject to vesting schedule from 10-15 years of CalPERS service; for those hire prior to 2010, no vesting schedule; the fringe benefit allowance is frozen at the time of retirement)	X	X	X	X
Life Insurance	Up to \$500K District paid. Additional \$100K available for cost. Continues at retirement when dollar amount decreases with age.	X	X	X	X
Long Term Disability	\$6500 per month maximum	X	X	X	X
Vehicle Allowance	Assigned Vehicle or \$500 per month Directors and above			X	X
Sick Leave	12 days per year no accrual limit	X	X	X	X
Transit Subsidy	Transit subsidy up to \$280/month	X	X	X	X

Non-Represented Employee Compensation Practices – Benefits

Benefit	Represented	Confidential	Management	Executive*
Educational Reimbursement	Maximum \$2,000 per fiscal year for employee educational pursuits. Maximum \$1,500 for skill enhancement pursuits, up to \$1,000 per year per employee for student loan payback. Total annual amount paid to all employees cannot exceed \$30,000	X	X	X
Dependent Care Assistance	Ability to set aside \$5,000 pre-tax income per year	X	X	X
Medical Care Account	Ability to set aside \$2,850 pre-tax income per year	X	X	X
Deferred Compensation	457 plan available. Employees may set aside up to the legal pre-tax maximum (up to \$22,500 per employee per year for 2023) \$30K includes age 50 catch up	X	X	X
Holidays	14 paid holidays	X	X	X
Floating Holidays	Hours per year of Leave given July 1	36	72	72
Annual Leave	From 12 to 30 days per year depending on length of service. Maximum 550 hours expires June 30, 2023. Thereafter, maximum 460 hours accrual each January 1. Annual cash out of up to 40 hours is allowed.	X	X	X
Management Leave	Hours per year of Leave given July 1 (annual cash out allowed)		80	120

Compensation Practices Non-Represented Employee

Practice		Represented	Confidential	Management	Executive
Overtime Pay	Eligibility for 1.5 times hourly salary (or 2 times if working on holiday) for working hours more than 80 hours per pay period	X	X		
Acting Assignment Pay	Eligibility for a pay increase during an assignment where an employee is temporarily acting in a higher paying position	Eligible for assignments longer than 40 hours. Increased pay starts on hour 1	Eligible for assignments longer than 15 days. Increased pay starts on day 16	Eligible for assignments longer than 15 days. Increased pay starts on day 16	Eligible for assignments longer than 15 days. Increased pay starts on day 16
Covid Hazard Pay	2.5% pay to employees who are deemed essential and are directed to work in the Air District offices or the field during Covid State of Emergency. Governor announced the Covid State of Emergency will end on 2/28/23.	X	X	X	X
Regular Hazard Pay	2.5% pay to employees who perform hazardous duties, including: 1) climb 30 feet or more; 2) wear Self-Contained Breathing Apparatus (SCBA) or safety harness; 3) perform confined space entries	X	X	X	X

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Board of Directors

From: John J. Bauters
Board Chairperson

Date: December 21, 2022

Re: Consider Approving the Executive Officer's Employment Agreement

RECOMMENDED ACTION

The Board of Directors will consider the attached Executive Officer's employment agreement. In the event there is a recommended action from closed session related to the Executive Officer's appointment and labor negotiations, the Executive Officer's employment agreement with any potential amendments due to the negotiations will be considered for approval by the Board pursuant to this agenda item and the Board of Directors will authorize the Chair to execute the Agreement.

BACKGROUND

The recruitment process for the Air District's APCO/Executive officer position was established and scheduled in July by an Adhoc committee of the Board of Directors. The schedule is included as Attachment 1 and each of the steps and the dates in the schedule have not changed or slipped since the schedule was initiated. The process went to the full board on July 6th for approval and the full board approved the selection of a recruiter at that meeting in open session.

Information about the qualities of an ideal candidate for the job was solicited from Board members, from the Air District's staff through listening sessions, and from the Community as represented by the District's Community Advisory Council (CAC). An 11-page inclusive position announcement was created with each stakeholder group contributing a full page describing the qualities of an ideal candidate from that group's perspective. At the September 7, 2022 Board meeting, the Board approved the position announcement. It was posted and remained open for 6 weeks. During that time, the recruiter reached out to dozens of potential candidates that were recommended from the various groups.

Approximately fifteen completed candidate applications were received. Of those fifteen, nine met the minimum qualifications, and seven were selected as best fits for the position as documented in the position announcement. The seven candidates were offered screening interviews and five moved forward to panel interviews.

Three interview panels were assembled, each comprised of seven members. One panel was comprised of Board members, another comprised of Air District staff and Executive Officers of other Districts, and another panel was comprised of members of the CAC. All three panels established their own questions, and on November 9, 2022 the panels interviewed the five remaining candidates.

Several candidates moved forward and on December 7, 2022 were interviewed by the Board of Directors. Employment contract negotiations with the Board's preferred candidate continued for several days, and a final agreement will be presented for Board approval.

DISCUSSION

Dr. Philip Fine has been selected as the Board's preferred choice for the Position of APCO and Executive Officer of the Bay Area Air Quality Management District. Dr. Fine's biography and resume are attached to this Item as Attachment 2. Bay Area Air District Outside Counsel, Sloan, Sakai, Yeung & Wong, LLP, has prepared the proposed contract included with this Item as Attachment 3.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

John J. Bauters
Board Chairperson

Prepared by: John Chiladakis

Reviewed by: Sharon Landers and DeeAnne Gillick, Sloan Sakai Yeung & Wong LLP

ATTACHMENTS:

1. Attachment 1 - Recruitment Schedule for Permanent APCO/Executive Officer
2. Attachment 2 - Biography of Philip M. Fine
3. Attachment 3 - Employment Agreement, APCO/Executive Officer

Attachment 1 : Recruitment Schedule for Permanent APCO/Executive Officer



Complete		JUNE	JULY	AUG	SEP	OCT	NOV	DEC
✓	Obtain Recruiter Bids							
✓	Adhoc Committee Meets for Kickoff and to Interview Recruiters		JULY 1					
✓	Full Board Approves Recruiter		JULY 6					
✓	One-On-One Meetings with Recruiter Offered to Any Board Member		JULY 7	AUG 15				
✓	Brochure and Advertising Plan Provided to Committee			AUG 22				
✓	Adhoc Committee Meets to Approve Brochure/Advertising Plan			AUG 29				
✓	Full Board Approves Advertising Plan and Brochure				SEP 7			
✓	Job Opens – Postings Live				SEP 7			
✓	Form Community and Peer Committees							
✓	Job Closes - No More Applications (6 weeks)					OCT 19		
✓	Recruiter sends Ranked Candidate Materials to committee					OCT 22		
✓	Adhoc Committee Meets to Select Candidates for Recruiter Screening Interview					OCT 26		
✓	Screening Interviews Complete						NOV 01	
✓	Adhoc Committee Meets to Select Candidates Moving Forward						NOV 02	
✓	Interview Day						NOV 09	
✓	Adhoc Committee Meets to Discuss input from Advisory Committees and Select Finalists						NOV 16	
✓	Finalists Interviewed by Board and Board Discussion							DEC 7
	Potential Board Action to Appoint New EO/APCO							DEC 21

Attachment 2

PHILIP M. FINE
Principal Deputy Associate Administrator for Policy

In the Office of Policy at EPA, Dr. Fine provides advice and leadership on a wide variety of cross-agency and inter-agency policy programs. These include environmental justice and equity, permitting policy, regulatory design and impacts analysis, sustainable community development, sector-based approaches, and voluntary standards. He represents EPA on a variety of interagency working groups, including serving as EPA's lead on the Justice40 initiative and the Federal Permitting Improvement Steering Council.



Dr. Fine joined EPA after a 15-year career at the South Coast Air Quality Management District in Southern California where he most recently served as the Deputy Executive Officer leading the Planning, Rule Development & Area Sources Division. He oversaw all activities of the Division, including development of State Implementation Plans and Air Quality Management Plans, strategies and regulations for air pollution control, meteorology and forecasting, air quality evaluation, air toxics risk assessment, emissions inventories, socioeconomic analyses, transportation programs, and enforcement for area sources.

Prior to this role, Dr. Fine's previous responsibilities at South Coast AQMD included oversight of ambient air monitoring, laboratory services, quality assurance, and source testing. Dr. Fine served on the California Air Resources Board's legislatively mandated Research Screening Committee and has also served on several EPA Clean Air Scientific Advisory Committee expert panels.

Before joining the South Coast AQMD, Dr. Fine was a Research Assistant Professor at the University of Southern California, Los Angeles where he taught courses and conducted extensive research on particulate pollution, air monitoring technologies, and exposure assessment. He has over 50 peer-reviewed scientific publications to date. He received his Ph.D. from the California Institute of Technology in Environmental Science & Engineering, and his bachelor's degree in Mechanical Engineering and Materials Science & Engineering from the University of California, Berkeley.

PHILIP M. FINE, Ph.D.

An internationally recognized expert in air quality science and policy with a successful track record of executive management and organization-building experience

WORK EXPERIENCE

United States Environmental Protection Agency **2021 – present**

As the politically-appointed *Principal Deputy Associate Administrator for Policy*, advised the EPA Administrator and the Associate Administrator for Policy on the full range of policy issues before EPA. As EPA's *Environmental Justice Officer* led the Office of Environmental Justice through a period of unprecedented attention, action, and growth, including the creation of a new National Program office, a 1000-fold increase in external grant funding, the implementation of the President's Justice40 initiative, and the high-priority work to embed Environmental Justice into strategic planning and decision-making across all of EPA's portfolio. Collaborated closely with the White House and other federal agencies on variety of interagency efforts with a focus on justice, equity, community-based strategies, labor, climate, infrastructure, and supply chains. As EPA's representative on the *Federal Permitting Improvement Steering Council* and the lead appointee for cross-agency permitting policy, worked to modernize permitting through increased transparency, electronic application processes, enhanced environmental protections and the integration of environmental justice and climate change considerations in permitting decisions. Engaged and represented EPA with external stakeholders including state and local governments, tribes, NGOs, community-based organizations, and industry to advance Administration priorities related to climate and justice. Presented keynote addresses and panel presentations at a variety of conferences and symposia across the country. Provided direction and input across the full extent of EPA's regulatory activities, including air, water, land, waste, and chemicals, and facilitated the White House's review and approval process. Led and assisted other activities in the Office of Policy as needed, including EPA's NEPA commenting authority, sustainable community development, economic analysis, climate adaptation, voluntary consensus standards, and sector-based strategies.

South Coast Air Quality Management District **2006 - 2021**

As *Deputy Executive Officer* (2015 – 2021) for Planning, Rules & Area Sources, responsible for oversight and direction of all operational and administrative functions of a division with more than 150 staff. Division activities include rulemaking, emissions inventory, toxics programs, CEQA, Economic assessments, SIP development, meteorology, forecasting, air quality modeling, data analysis, and transportation programs. Represented the District in frequent public hearings and workshops, meetings with public officials and community groups, stakeholder working groups, state legislative committees, and scientific conferences. Provided advice and consultation to the Executive Officer, and Governing Board Members on a wide range of technical and policy issues.

As *Assistant Deputy Executive Officer* (2014 – 2015) for Planning, Rules & Area Sources, responsible for oversight, administration, and direction of VOC and particulate matter rulemaking and control strategies, PM annual emissions inventory reporting, AB2588 air toxics program, air quality management plans and SIP development, meteorology and forecasting, and air quality modeling and data analysis.

As *Assistant Deputy Executive Officer* (2013 – 2014) for Science & Technology Advancement, responsible for oversight, administration, and direction of the Monitoring and Analysis Division, which includes over 100 staff members in Ambient Measurements, Laboratory Services, and Source Testing. Communicated results and implications of air quality measurements to the Executive Officer, Governing Board Members, elected officials, and the public.

As *Planning and Rules Manager* (2011 – 2013), oversaw several planning, reporting, policy and rule-making functions including climate change and energy policy, particulate matter control strategies, annual

emissions inventory reporting, AB2588 air toxics program, air quality management plan and SIP development, meteorology and forecasting, and air quality data analysis. Managed approximately 30 professional staff in these areas. Developed and administered the proposal and implementation process for a \$53 million grant program to achieve emissions reductions in the Coachella Valley. Led the development and completion of the 2012 Air Quality Management Plan and the Lead (Pb) State Implementation Plan (SIP) for Los Angeles County that demonstrate attainment with revised federal air quality standards.

As *Atmospheric Measurements Manager* (2006 - 2011), oversaw all aspects of air monitoring and data collection in the Los Angeles Air Basin, including over 35 air monitoring network sites, numerous special projects, emergency response, and data validation and reporting. Managed a staff of over 45 air quality instrument technicians and data analysts, and created annual budgets for multiple monitoring programs. Worked closely with state and federal agencies, elected officials and community organizations. Assisted other AQMD divisions with issues related to compliance, rulemaking, modeling and planning.

University of Southern California, Los Angeles, California

2002 - 2006

As *Research Assistant Professor*, engaged in cutting-edge air quality research, primarily in the areas of atmospheric chemistry and physics of particulate matter, measurement instrumentation, and exposure assessment for health effects studies. Analyzed data from a novel size-fractionated continuous fine particle nitrate monitor and prepared results for publication. Designed and conducted a study to measure individual primary and secondary organic compounds present in ambient ultrafine particles on short time scales and at different Southern California sampling sites. Analyzed data from on-going Southern California Supersite project and supervised the preparation of numerous manuscripts accepted for publication. Continued the development and testing of an electrostatic filter designed for the control of ultrafine particle emissions from major sources. Designed, built and tested improved fine particle concentration systems for use in ambient sampling, in vitro and in vivo health exposure studies. Provided support for health effects investigators by collecting ambient particulate matter samples for subsequent toxicity assays. Successfully managed an extensive sampling campaign in Mexico City to collect particle samples for in vitro toxicity testing. Evaluated a personal continuous particle monitor for use in future epidemiological panel studies. Initiated the development of a multi-purpose fully automated particle concentrator that will be deployed for the unattended collection of in vitro samples and used to increase the sensitivity of current particle mass spectrometry technologies.

Prepared or assisted in the preparation of several funding. Supervised several graduate students and technicians on numerous research projects. Served on several Ph.D. thesis proposal and defense committees. taught graduate level courses in “Environmental Pollution: Monitoring and Risk Assessment” and “Air Pollution Fundamentals”

California Institute of Technology, Pasadena, California

1995 – 2002

As *Graduate Student Researcher*, designed, planned, and conducted emissions testing experiments to fully characterize the fine particle emissions from a variety of biomass combustion sources including fireplaces and wood stoves. Analyzed fine particle samples for chemical composition using several advanced analytical techniques including gas chromatography/mass spectrometry (GC/MS). Used chemical mass balance receptor modeling to determine the contribution of biomass combustion to ambient fine particle levels throughout the United States. Prepared a research grant application to the U.S. EPA resulting in complete funding for doctoral thesis research. Performed additional emissions testing to aid in the assessment of the effects of indoor candle burning on the soiling of interior surfaces within historical churches. Participated in several field sampling campaigns, including both indoor and outdoor air quality studies. Provided technical support and maintenance for GC/MS instrumentation.

Pacific Environmental Services, Inc., Baldwin Park, California

1994 – 1995

As *Environmental Engineering Consultant*, performed numerous air emissions source tests for industrial clients using EPA methodology. Compiled air emissions inventories for government installations via extensive record review and personnel interviews. Prepared Title V permit applications for a variety of industrial sources. Produced written reports for submission to state and local regulatory agencies, including a complete Storm Water Pollution Prevention Plan for a local U. S. Air Force base.

Lawrence Berkeley Laboratory, Berkeley, California

1991 – 1993

Engaged in various team and individual research projects for the design and manufacture of semiconductor radiation detectors. Performed chemical and mechanical processing of semiconductor devices. Presented research results in oral and written summary reports.

EDUCATION

California Institute of Technology, Pasadena, California

Ph.D., Environmental Engineering Science, January 2002

M.S., Environmental Engineering Science, June 1997

Minor in Art History

Doctoral Thesis: *The Contribution of Biomass Combustion to Ambient Fine Particle Concentrations in the United States*

University of California, Berkeley, California

B.S., Mechanical Engineering/Materials Science and Engineering, with Highest Honors, May 1993

Minor in Classical Civilization, Mary C. and William G. Drake Scholarship

OTHER PROFESSIONAL EXPERIENCE/SERVICE

California Science Fair, Los Angeles, California, Director of Judging (volunteer) 2006-2021

Research Screening Committee, California Air Resources Board, 2013 - 2021

NOx Review Panel of the U.S. Environmental Protection Agency Clean Air Scientific Advisory Committee, 2013

Panelist, Kickoff Workshop to Inform EPA's Review of the Primary National Ambient Air Quality Standards for Nitrogen Dioxide, 2012

Air Monitoring and Methods Subcommittee of the U.S. Environmental Protection Agency Clean Air Scientific Advisory Committee, 2011

Advisory Committee, Port of Long Beach Mitigation Grant Programs, 2010-2011

Project Panel, Airport Cooperative Research Program, Transportation Research Board, National Research Council, 2010-2011

Technical Program Committee, Air & Waste Management Association Symposium on Air Quality Measurement Methods and Technology, November, 2010

American Association for Aerosol Research - Session Chairperson, AAAR 2000, 2001, 2004 conferences

Member of the Air & Waste Management Association

U. S. EPA/NACAA Monitoring Steering Committee, 2007-2014

External Scientific Advisory Committee, MESA Air Study, University of Washington, 2005-2012

External Advisory Committee, NIEHS P01 Grant, University of Southern California, 2006-2011

Advisory Board, University of Southern California Department of Civil and Environmental Engineering, 2011-2021

NSF Workshop – Emerging Issues in Nanoparticle Aerosol Science and Technology - contributing author to the final report, 2003

U.S. EPA STAR Grant Program – Peer Review Panels, 2003, 2004, 2006, 2007, and 2010

Reviewed over 55 manuscripts for scientific journals

Reviewed research proposals for National Science Foundation, Natural Environment Research Council (UK), California Air Resources Board, and University of Singapore

SELECTED PUBLICATIONS

Epstein, S. A.; Lee, S.; Katzenstein, A. S.; Carreras-Sospedra, M.; Zhang, X.; Farina, S. C.; Vahmani, P.; **Fine, P. M.**; Ban-Weiss, G. "Air-quality implications of widespread adoption of cool roofs on ozone and particulate matter in southern California." *Proceedings of the National Academy of Sciences of the United States of America*, **114** (34), 8991-8996, 2017.

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Short, D.; Giordano, M.; Zhu, Y.; **Fine, P. M.**; Polidori, A.; Asa-Awuku, A. "A Unique Online Method to Infer Water-Insoluble Particle Contributions." *Aerosol Science and Technology*, **48**:7, 706-714, 2014

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- Derhacopian, N.; **Fine, P.**; Walton, J. T.; Wong, Y. K.; Rossington, C. S.; Luke, P. N. "Determination of Surface Recombination Velocity and Bulk Lifetime in Detector-Grade Silicon and Germanium Crystals." *IEEE Transactions on Nuclear Science*, **41** (4), 1026-1030, 1994.
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EMPLOYMENT AGREEMENT

Executive Officer and Air Pollution Control Officer

This Employment Agreement (“Agreement”) is made and entered into on this 21st day of December 2022, (“Effective Date”) by and between the **Bay Area Air Quality Management District** (the “District”) and **Philip M. Fine** (“Employee”) for services to be performed by Employee in the position of Executive Officer and Air Pollution Control Officer of the District. District and Employee are collectively hereinafter referred to as “Parties.”

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the Parties agree as follows:

1. **Term.**

The District hereby employs Employee as Executive Officer and Air Pollution Control Officer of the District and Employee hereby accepts employment for a period of three (3) years commencing on February 21, 2023, and ending on February 20, 2026, subject to the limitations of this Agreement.

2. **Duties.**

Employee shall serve as the Executive Officer and Air Pollution Control Officer of the District. Employee’s core function will be to administer and carry out the provisions of the District enabling statute (Chapter 4 of Part 3 of Division 26 of the California Health and Safety Code, commencing with section 40200) and as directed by the District Board. Employee shall carry out their duties in a manner consistent with the District’s operating rules and regulations and all applicable laws. The Executive Officer shall further the purposes and goals of the District and shall be responsible to the District Board of Directors (“Board”) for the implementation of Board policy and for efficient and effective administration of all Board affairs.

Typical duties required of the Executive Officer include:

- To attend all regular meetings of the Board and its committees, or assign an appropriate designee to attend, with the right to take part in discussions, but without the power to vote.
- To develop and direct the policies and procedures for program implementation of the goals and objectives of the Board.
- To recommend to the Board for adoption of such measures and resolutions as may be appropriate to support the duties and obligations of the Executive Officer.
- To prepare and submit to the Board for its consideration and approval the proposed annual budget.
- To support the review of administrative activities and provide responsive recommendations to the Board.

Employee understands and agrees that the duties listed in this section are illustrative only. Employee shall devote themselves on a full-time basis to fulfillment of their responsibilities and shall devote such time as may be reasonably necessary for satisfactory performance of their obligations under this Agreement. Employee shall undertake no other professional employment during the term of this Agreement.

3. Work Product/Attorney-Client Privilege.

Employee agrees that all files, notes, documents, data, specifications, correspondence, drawings, reports and other material prepared by or furnished to Employee in connection with his District employment shall be and remain the sole and exclusive property of the District.

4. Compensation and Benefits.

a. Salary

For services rendered pursuant to this Agreement the District shall pay Employee an annual base salary of \$370,000 (“Base Salary”). Said Base Salary shall be paid on the dates and in the manner consistent with the payroll procedures of the District.

b. Cost of Living Adjustments

Employee shall receive an automatic cost of living adjustment to Employee’s Base Salary on each July 1, commencing on July 1, 2024, during the term of employment equal to the California Consumer Price Index for Urban Wage Earners and Clerical Workers as calculated for the prior calendar year (“Annual Average”) by the Department of Industrial Relations for the San Francisco Bay Area, but such adjustment shall not be greater than five percent (5%).

c. Fringe Benefits

Except as otherwise provided in this Agreement, and except for an automobile allowance not to be included, Employee shall receive such employee benefits, including but not limited to pension, health insurance, and vacation benefits, as are payable to that class of District employees designated non-represented District Executive Management Staff.

Notwithstanding the health benefits otherwise provided to the non-represented District Executive Management Staff, District shall provide Employee an amount sufficient to cover the total premium cost for Health insurance at each level of coverage (Employee only, Two-Party, or Employee plus Two or More) for the PEMHCA Kaiser Permanente Region 1 Plan. If Employee chooses a plan with a higher premium at any level of coverage, Employee shall pay the additional premium. District shall provide Employee an amount sufficient to cover the total premium cost for the Dental Plan and Vision Service Plan – Buy-Up Plan at each level of coverage (Employee only, Two-Party, or Employee plus Two or More) for the plans offered by the District. The District will provide Employee with Life Insurance coverage of \$600,000.

Annual Leave

Notwithstanding the annual leave provided to non-represented District Executive Management Staff, Employee shall be granted fifteen (15) years of employment seniority for the purposes of calculating annual leave accrual as of the start date of this contract (i.e. Employee will accrue annual leave at the same rate as a fifteen-year employee upon hire). In addition, the minimum of accrued annual leave required for Employee to utilize the annual leave cash out policy shall be one hundred (100) hours. Employee may cash out up to 80 hours of annual leave each year. Annual leave shall otherwise be applied,

earned, and administered consistent with the annual leave provided to non-represented District Executive Management Staff.

Management Leave

Employee shall be entitled to one-hundred twenty (120) hours of management leave annually. Management leave shall otherwise be applied, earned and administered consistent with the practices and procedures applicable to other non-represented District Executive Management Staff.

d. Relocation Package.

The District shall pay the Employee an initial sum of \$20,000 on February 21, 2023, for the purposes of contributing to Employee's short-term living expenses prior to the employee's household move.

Should the Employee not commence employment by the date provided in Section 1 of this agreement, or should Employee voluntarily resign from the District in the first six (6) months of employment, Employee agrees to repay District the initial sum of \$20,000, less any amount withheld by the District from the initial sum.

In addition, District will pay a second sum of \$40,000 after April 1, 2023, but before April 15, 2023, to facilitate employee's final household relocation to the San Francisco Bay Area.

Should the Employee voluntarily resign from the District within the first eighteen (18) months of the Effective Date of this Agreement, Employee agrees to repay District the second sum as follows, less any amount withheld by the District from the secondary sum:

- i. \$40,000 (100%) If Employee voluntarily resigns in the first six (6) months of employment
- ii. \$20,000 (50%) If Employee voluntarily resigns in the first twelve (12) months of employment
- iii. \$10,000 (25%) If Employee voluntarily resigns in the first eighteen (18) months of employment

Employee shall not be required to repay the second sum of the Relocation Package if Employee is employed with the District for more than eighteen (18) months. If the District terminates Employee, the Employee shall not be required to repay the second sum of the Relocation Package.

e. Income Tax Liabilities

Employee shall be responsible for all income tax liability assessed under law on account of his Compensation under this Agreement.

5. Annual Goals.

Employee shall develop an annual statement of goals and objectives and a progress report for the

District and shall present such goals at a regularly called meeting of the Board to be selected each year by the Board Chair in coordination with Employee.

6. **Annual Performance Evaluation.**

Employee shall receive a one-year performance evaluation where the District will consider a Base Salary increase up to five percent (5%). A two-year performance evaluation will be conducted by the District where the District will consider another Base Salary increase up to five percent (5%). The District may, in its sole discretion, use any professional assistance in establishing standards for performance assessment. Nothing in this section shall be construed to require District to grant Employee any pay increases based on the performance standards, if any, mentioned above nor to limit in any manner the discretion of District to grant or not pay increases. Nor shall anything in this Agreement be interpreted to require District to evaluate Employee solely upon the performance standards, nor to limit the discretion of the District to evaluate Employee as it deems necessary in the sole discretion of the District.

7. **Termination and Severance.**

- a. Employee's tenure as Executive Officer and Air Pollution Control Officer under this Agreement is limited to the contractual term of three (3) years and Employee's employment will terminate on February 20, 2026, unless the parties agree to extend this Agreement on or before that date. The Parties agree to meet and confer not less than four (4) months prior to the termination date to discuss whether to extend this Agreement, and if so, on what terms.
- b. Moreover, due to the duties of the position and nature of the services provided by Employee to District, the Employee serves at-will at the pleasure of the Board, and nothing herein shall prevent, limit, or otherwise interfere with the right of the Board to terminate Employee with or without cause. Except where the termination is for cause, the District will provide written notice thirty (30) days prior to the termination date. The District may, at its option, relieve Employee of his duties with pay during the notice period. Employee shall have no right to a termination hearing.
- c. Notwithstanding any other provision of this Agreement, and as required by Government Code Sections 3511.2 and 53260, if Employee is terminated by the District while the Employee is still willing and able to perform the duties of Executive Officer and Air Pollution Control Officer, the District agrees to pay Employee a lump sum payment as follows: a cash settlement equal to Employee's monthly Base Salary, as adjusted, multiplied by the number of months left on the unexpired term of this Agreement, up to a maximum of six (6) months. Payment of this cash settlement shall not affect any retirement or other post-employment benefits employee may be entitled to under this Agreement or otherwise. District and Employee agree that the cash settlement maximum of six (6) months provided for in this Section may be re-opened for negotiation within thirty (30) days of receiving a satisfactory performance review upon conclusion of the one-year evaluation.
- d. Any severance payment made by the District pursuant to this section shall be contingent on Employee executing and delivering to the District a release in substantially the same

form as that attached hereto as Exhibit A.

- e. Notwithstanding section 7(d) above, the District shall not be obligated to pay, and shall not pay any amounts to Employee if Employee is terminated because of:
 - i. the conviction or plea of nolo contendere to any felony,
 - ii. the conviction or plea of nolo contendere to any misdemeanor involving moral turpitude or abuse of office,
 - iii. the willful or persistent material breach of duties or inattention to duties,
 - iv. a violation of statute or law constituting misconduct in office, or
 - v. willful misconduct.
- f. The District shall not be obligated to pay Employee any severance amount under this Agreement if Employee voluntarily retires or resigns in writing prior to termination, or if employee is terminated at expiration of this Agreement. In the event Employee voluntarily retires or resigns, Employee shall provide advance written notice to the District of at least thirty (30) calendar days.
- g. This Agreement shall be immediately terminated upon Employee's death or legal incapacity.

8. **Indemnification and Defense.**

District shall indemnify, defend, and hold Employee harmless from and against all demands, claims, suits, actions, and legal proceedings brought against Employee and arising out of events within the scope of Employee's employment, except to the extent that Employee's actions are the result of gross negligence or willful misconduct. Employee shall cooperate in good faith with the District with respect to defense of such claims, demands, or legal actions.

9. **Abuse of Office.**

Any salary provided Employee during an investigation shall be fully reimbursed if the Employee is convicted of a crime involving an abuse of office or position, as set forth in Government Code sections 53243 and 53243.4, resulting from the investigation. Any funds for the legal criminal defense of the Employee provided by the District shall be fully reimbursed to the District if the Employee is convicted of an abuse of office or position, as set forth in Government Code sections 53243.1 and 53243.4. Further, regardless of the term of this Agreement, if this Agreement is terminated, any cash settlement or severance related to the termination that the Employee receives from the District shall be fully reimbursed to the District if the Employee is convicted of a crime involving an abuse of office or position, as set forth in Government Code sections 53243.2 and 53243.4.

10. **Severability.**

If any term of this Agreement is finally held or determined to be illegal or void by a court having jurisdiction over the District and Employee, the remainder of this Agreement shall remain in full force and effect unless the term or terms held to be illegal or void are wholly inseparable from the remaining provisions of the Agreement.

11. **Governing Law.**

This Agreement shall be governed by the laws of the State of California.

12. **Counterparts.**

This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.

13. **Entire Agreement.**

This Agreement is the entire agreement between the parties regarding District's employment of Employee and supersedes all prior oral or written understandings. This Agreement cannot be modified except by a written amendment signed by both Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement which shall be effective upon the commencement date specified in Section 1 herein.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

John J. Bauters, Chairperson
Board of Directors

EMPLOYEE

Philip M. Fine

EXHIBIT A
MODEL RELEASE OF ALL CLAIMS
BETWEEN EMPLOYEE AND THE BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

1. **Parties:** This Separation Agreement and Release of Claims (hereinafter referred to as the “Agreement” or “Separation Agreement and Release”) is made and entered into by and between EMPLOYEE (hereinafter referred to as “EMPLOYEE”) and the Bay Area Air Quality Management District (hereinafter referred to as “the District”), together referred to throughout this agreement as “the PARTIES.”

2. **Mutual Waivers and Releases:**

(A.) In exchange for the valuable consideration and compromises set forth in this Agreement, EMPLOYEE releases and waives *any and all claims* that he might possibly have against the District, *whether either party is aware of them or not* concerning matters described herein, except those claims that cannot be legally released, including but not limited to EMPLOYEE’s vested rights under his CalPERS retirement plans, deferred compensation plans, any fringe benefits rights, and any existing rights to indemnity by the District. This Release does cover all other statutory, common law, constitutional and other claims, *including but not limited to:*

- (a) Any and all claims for wrongful discharge, constructive discharge, or wrongful demotion;
- (b) Any grievance or other administrative remedy deriving from District policy or any collective bargaining agreement with the District, if applicable;
- (c) Any claims of discrimination, harassment or retaliation on the bases of any protected classification, such as race, color, national origin, age, sex, gender, gender identity, gender expression, disability, medical condition, religious affiliation, sexual orientation, marital status, military or veteran status;
- (d) Any and all claims relating to any contracts of employment, express or implied, or breach of the covenant of good faith and fair dealing, express or implied;
- (e) Any and all tort claims of any nature, including but not limited to claims for negligence, defamation, misrepresentation, fraud, or negligent or intentional infliction of emotional distress;
- (f) Any and all claims for violations under federal, state or municipal statutes or ordinances, including any claims under the California Fair Employment and Housing Act, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, 42 U.S.C. Section 1981, the Age Discrimination in Employment Act, the Older Workers’ Benefit Protection Act, the Americans With Disabilities Act, the Employment Retirement Income Security Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Occupational Safety and Health Act, the California Family Rights Act, the California Labor Code (including any claims related to the payment of wages), and any other laws and regulations relating to employment; and
- (g) Any and all claims for attorneys’ fees or costs.

EXHIBIT A
MODEL RELEASE OF ALL CLAIMS
BETWEEN EMPLOYEE AND THE BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

EMPLOYEE further agrees that this Agreement shall operate as a complete bar against any and all litigation, charges, grievances, claims or demands of any kind whatsoever, now pending or contemplated by EMPLOYEE, including but not limited to, any and all matters relating to or derived from his employment with or separation from employment from the District, but excluding those claims that cannot legally be released. Each and all of the aforesaid claims are hereby fully and finally released by EMPLOYEE. Nothing in this Agreement shall affect the U.S. Equal Employment Opportunity Commission's ("EEOC") rights and responsibilities to enforce Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, or any other applicable law, nor shall anything in this Agreement be construed as the basis for interfering with EMPLOYEE's protected right to file a charge with, or participate in an investigation or proceeding conducted by the EEOC or any other state, federal or local government entity that commences an investigation or issues a complaint on EMPLOYEE's behalf. EMPLOYEE further agrees that if any such claim is prosecuted in his name before any court or administrative agency, he waives and agrees not to take any award of money or other damages, or to accept reinstatement, from such suit.

(B.) In exchange for the valuable consideration and compromises set forth in this Agreement, the District releases and waives *any and all claims* that it might possibly have against EMPLOYEE, *whether either party is aware of them or not* concerning EMPLOYEE's employment or termination of employment from the District. This Release covers statutory, common law, constitutional and other claims that it may have against EMPLOYEE, including any and all claims for attorneys' fees and costs.

3. **ADEA Waiver / Waiting Period and Revocation:** Without limiting the scope of this Agreement in any way, EMPLOYEE certifies that this Agreement constitutes a knowing and voluntary waiver of any and all rights or claims that exist or that he has or may claim to have under the Age Discrimination in Employment Act ("ADEA"), as amended by the Older Workers' Benefit Protection Act of 1990. EMPLOYEE acknowledges that, as required by the ADEA, that he has been advised by this writing that:

- (a) his waiver and release does not apply to any rights or claims that may arise after the date EMPLOYEE signs this Separation Agreement and Release;
- (b) the consideration provided pursuant to this Agreement is in addition to any consideration that he would otherwise be entitled to receive,
- (c) he has been and is hereby advised in writing to consult with an attorney prior to signing this Agreement;
- (d) he has been provided a full and ample opportunity to review this Agreement, including a period of at least twenty-one (21) days within which to consider it;
- (e) to the extent that he takes less than twenty-one (21) days to consider this Agreement prior to execution, EMPLOYEE acknowledges that he had sufficient time to consider this Agreement and that he expressly, voluntarily and knowingly waives any additional time;

EXHIBIT A
MODEL RELEASE OF ALL CLAIMS
BETWEEN EMPLOYEE AND THE BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

- (f) he is aware of his right to revoke this Agreement at any time within the seven (7) day period following the date he signs it by delivering to T, a written letter notifying the District of his revocation; and
- (g) this Agreement shall not become effective or enforceable until the seven (7) day revocation period expires. The Effective Date of this Agreement is after the 7-day revocation period expires.

4. **Waiver of Unknown Claims/Specific Waiver of Section 1542:** The PARTIES expressly waive and relinquish all rights under Section 1542 of the California Civil Code, understanding and acknowledging the significance of such specific waiver. Section 1542 reads:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

EMPLOYEE and the District understand that Section 1542 gives each of them the right not to release existing claims of which they are not now aware, unless they voluntarily choose to waive this right. Even though they are aware of this right, they nevertheless hereby voluntarily waive the rights described in Section 1542, and elect to assume all risks for claims that now exist in their favor, *known or unknown*, arising from the subject matter of this Agreement.

Accordingly, the PARTIES expressly acknowledge that this Agreement is intended to include in its effect, without limitation, all claims which the PARTIES do not know or suspect to exist in their favor at the time of execution of this Agreement, and that this Agreement contemplates the extinguishment of any such claim(s).

EMPLOYEE's Initials: _____ District Representative Initials: _____

5. **No Admission of Liability:** This Agreement, and compliance with this Agreement, shall not be construed as an admission of any liability by any party, or of any unlawful or wrongful acts by any party, individually or collectively. This Agreement is entered into solely to amicably settle any disputes arising out of EMPLOYEE's employment and separation of employment from the District.

6. **Obligations to Return District Property:** EMPLOYEE agrees to promptly return to the District all District-owned property except as specified in this Agreement (for example, keys, District records, etc.) within ten (10) days after EMPLOYEE and the District execute the Agreement. District agrees that EMPLOYEE may retain his District issued computer and mobile phone and District further agrees that it will keep EMPLOYEE's District email and mobile number active in order to facilitate communications and transition. EMPLOYEE agrees to limit his use of the e-mail address and phone number for activities that include: (1) referring District business to other District staff; (2) referring non-District emails that are personal in nature to his personal email accounts; (3) handling his personnel matters with the District or any of his benefit plan or retirement coordinators; (4) coordinating work matters within the District, as requested and needed, in this transition period, by using reasonable professional judgment and discretion; and (5) any other transition duties that are generally consistent with this Agreement. EMPLOYEE agrees to return these devices to District within five days of the Separation Date. In the event that

EXHIBIT A
MODEL RELEASE OF ALL CLAIMS
BETWEEN EMPLOYEE AND THE BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

the District believes that EMPLOYEE is using his e-mail or cell phone in a manner outside the uses identified above, the PARTIES will meet immediately to discuss the uses of his e-mail and cellular access. The PARTIES agree to work out a cure to issues about District device usage in an amicable fashion. The District ultimately retains the right to shut off EMPLOYEE's access on these devices during the transition period, which right shall not be exercised unreasonably.

7. **No Assignment:** EMPLOYEE warrants that he has not assigned, transferred, nor purported to assign or transfer, any claim(s) he may have against the District, and that he will not assign or transfer, nor purport to assign or transfer, any claim(s) he may have against the District, except in the event of his death, in which case his financial rights and benefits under this Agreement will be paid to the fullest extent under applicable law to **XXXXXX**.

8. **Non-precedential:** The Parties specifically acknowledge and agree that this Agreement is a compromise which shall not operate as, nor be considered as evidence of a practice or past practice of the District or of a precedent in the future.

9. **No Disparagement.** EMPLOYEE and the District agree that their relationship has been based, and shall continue to be based upon professionalism, amicability, and mutual respect. Accordingly, the PARTIES and their agents shall not make disparaging or derogatory remarks, written or verbal, about the other with respect to EMPLOYEE'S employment or separation from employment with the District. Notwithstanding the foregoing, neither party shall be precluded from providing accurate factual information to third parties where such disclosure is required by law.

10. **Confidentiality.** The parties agree that it is in the best interest of EMPLOYEE and the District to refrain from involving District personnel in the details of EMPLOYEE's severance from District employment. To this end, the PARTIES agree not to disclose information regarding the substance and material terms of this Agreement, except to attorneys, tax or other financial advisors, or immediate family members with whom they choose to consult regarding this Agreement. In response to third party requests for an employment reference on EMPLOYEE, the District agrees to direct such requests to HR and to provide only position held and dates of employment, stating that this is District policy.

If asked by a third party about EMPLOYEE's separation of employment from the District, each of the PARTIES shall state words to the effect that EMPLOYEE decided to separate from service at the District and the departure from active service as the District's Counsel is/was an amicable one. The PARTIES may also state, until EMPLOYEE's Separation Date, that he is on vacation and/or using accrued leave time.

The District may inform members of the Board of Directors and/or District personnel, with a genuine need to know, the terms of this Agreement. All other District personnel shall be treated as third parties for purposes of this Agreement.

The District agrees not to release this Agreement to third parties unless it receives a request under the California Public Records Act ("Act"), or if the disclosure is required in response to any legal proceeding. The District will notify EMPLOYEE of any request for the disclosure of this Agreement under the Act, or any legal proceeding in order that he may assert any defense to its disclosure, which may be applicable.

EXHIBIT A
MODEL RELEASE OF ALL CLAIMS
BETWEEN EMPLOYEE AND THE BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

11. **Complete and Voluntary Agreement:** EMPLOYEE acknowledges that he has read and understands this Agreement; that he has had the opportunity to seek legal counsel of his own choosing and to have the terms of the Agreement fully explained to him; that he is not executing this Agreement in reliance on any promises, representations or inducements other than those contained herein; and that he is executing this Agreement voluntarily, free of any duress or coercion. EMPLOYEE specifically understands that by entering into this Agreement he is forever foreclosed from pursuing any of the claims he has waived above.

12. **Construction of the Agreement:** Each party has cooperated in the drafting and preparation of the Agreement. Hence, in any construction to be made of this Agreement, the same shall not be construed against any party on the basis that the party was the drafter. The section and paragraph headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

13. **Savings Clause:** Should any of the provisions of this Agreement be determined to be invalid or unenforceable by a court or government agency of competent jurisdiction, it is agreed that such determination shall not affect the enforceability of the other provisions herein.

14. **Scope of Agreement:** This Agreement constitutes the entire understanding of the Parties on the subjects covered. Except as expressly provided here, this Agreement supersedes and renders null and void any and all prior agreements between or on behalf of EMPLOYEE and the District.

15. **Governing Law.** This Separation Agreement and Release will be deemed to have been entered into and will be construed and enforced in accordance with the laws of the State of California.

16. **Attorneys' Fees and Costs:** Each party shall bear its own attorneys' fees and costs arising from and/or in any way related to EMPLOYEE's employment with the District, his separation from employment, or the negotiation and creation of this Agreement. EMPLOYEE expressly waives any and all rights and claims he might otherwise have against the District for reimbursement of attorneys' fees and costs associated with his legal representation. Upon breach of this Agreement, the non-breaching party shall notify the party in breach and the breaching party shall take all necessary action to cure the breach. If the breach is not cured within thirty (30) days, either party may seek to enforce this Agreement and the prevailing party to such a contract dispute shall be entitled to receive his/its reasonable attorneys' fees and costs.

17. **Counterparts:** This Agreement may be executed in one or more counterparts, each of which shall, for all purposes, be deemed an original and all such counterparts, taken together, shall constitute one and the same instrument.

PLEASE READ CAREFULLY. THIS AGREEMENT CONTAINS A FULL RELEASE OF LEGAL CLAIMS, BOTH KNOWN AND UNKNOWN.

To indicate acceptance of this Agreement, please sign and date this Agreement in the space provided below and return it to the District.

ACCEPTED AND AGREED:

**EXHIBIT A
MODEL RELEASE OF ALL CLAIMS
BETWEEN EMPLOYEE AND THE BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

EMPLOYEE

Dated:

DISTRICT

Dated:

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Consider Authorizing the Allocation, Classification, and Recruitment of the 20
Unclassified Vacant Positions included in the Fiscal Year Ending (FYE) 2023 Budget

RECOMMENDED ACTION

The Board of Directors will consider adopting a resolution attached hereto for the allocation, classification, and recruitment of the 20 unclassified vacant positions included in the FYE 2023 budget, and for updating Appendix H of the FYE 2023 budget in accordance with the position designations provided in attached Table 2.

BACKGROUND

In accordance with recommendations from the Air District's Management Performance Auditor and Air District Management, the Board of Directors authorized the addition of 20 vacant unclassified full-time positions as part of the Air District's FYE 2023 budget. The positions were authorized under the condition that they were to remain unfilled, unallocated to programs, and unclassified pending allocation and classification recommendations by the Air District's Management Auditor, Air District Management, and subsequent approval by the Board of Directors.

DISCUSSION

On November 2, 2022, the Air District's Management Auditor presented recommendations to the Administration Committee of the Board of Directors to allocate and classify the 20 vacant positions. Air District Management has reviewed those recommendations and, in cooperation with the Air District's Management Auditor, has provided a revised set of recommendations. Both sets of recommendations are provided in Table 1, attached.

Of the 20 initially recommended positions, three have been reallocated, one (1) executive management Full Time Equivalent (FTE) originally allocated to direct public and governmental affairs functions was redirected to address lower priority needs and has been reallocated to Meteorology and Measurement.

One (1) FTE originally allocated for regulatory development was moved to Meteorology and Measurement where the FTE would be better utilized not only to work on core air monitoring functions, but also to provide for specific expertise needed to develop new and amended regulations.

One (1) FTE originally designated for an ombuds function providing permit assistance to regulated entities was evaluated as a priority but determined to be better filled using contracted resources, which would allow for flexibility in the magnitude of resources as needs shift. This FTE was also re-directed to Meteorology and Measurement.

The reallocation of these three (3) FTEs to the Meteorology and Measurement Division addresses the current critical need to support community monitoring and state implementation planning.

The complete revised recommended allocations were provided to the division directors with a request to enumerate the required duties of the staff that were needed. Those duties were then matched to the appropriate position classification, resulting in the position classifications listed in Table 2. The additional positions listed in Table 2 have been included in Appendix H of the Fiscal Year Ending 2023 budget, which is attached and marked up to show the changes. The draft resolution adopting these changes is also attached.

Core duties and the business functions that will be directly enabled by the 20 newly classified FTEs are listed below:

- **Operations**

- **Compliance and Enforcement**

- Two (2) Assistant Air Quality Specialist I/II and two (2) Air Quality Specialist I/II. These are the entry level and journey-level specialists that primarily focus on conducting on-site inspections of manufacturing, industrial, commercial, and agricultural operations and their compliance to ensure adherence to air quality standards and regulations. These staff will allow the Air District to increase frequency and response for inspections.

- **Engineering**

- One (1) Supervising Air Quality Engineer and three (3) Air Quality Engineers I/II to supplement staffing in the division to increase the capacity to work on permit applications and Regulation 11-18 Facility Risk Reduction inventories and facility-wide health risk assessments. Additional staff will be able to reduce the permit application backlog and devote time to Regulation 11-18 Facility Risk Reduction.

- **Finance**

- One (1) Manager and One (1) Senior Accountant to provide for additional functions required by the recommendations from the Districts HR management performance audit. The first recommendation was moving the payroll function from the Human Resources Office to the Finance Office, which is recommended best practice. The second recommendation

was to have a dedicated program for budget management to focus on budget development and budget control, including ongoing monitoring and reporting.

- **Policy and Equity**

- **Community Engagement**

- One (1) Staff Specialist I/II to supplement staffing in the Community Engagement Division to increase capacity to work on our ever-growing AB 617 program. This year, staff expect a new CARB designation for the Bayview Hunters Point community, which will require a Steering Committee and emissions reductions strategy development process, all in close partnership with community leadership.
 - One (1) Staff Specialist I/II to supplement staffing to reinvigorate the youth engagement work, which was put on hold due to staffing constraints and the challenges to engagement due to the pandemic. Youth engagement work is important to expanding outreach to environmental justice communities, educating intergenerationally, and supporting the cultivation of new leadership in environmental justice communities.

- **Meteorology and Measurement**

- One (1) Senior AQ Specialist to conduct test observations and review to identify violations at Gasoline Dispensing Facilities, a source of concern for air toxics.
 - One (1) Air Quality Engineer to reduce the backlog for source test protocol and report review and conduct source test observations, which are required for Air District permitting and enforcement. Both Source Test positions will also help to address some of the expanded requirements due to revisions to Regs 2-1 and 2-5 (amended permitting rules to address overburdened and vulnerable communities).
 - One (1) Senior AQ Specialist to focus on quality assurance and documentation to begin to address the U.S. Environmental Protection Agency's audit findings that program resources are not sufficient to adequately execute the required regulatory air monitoring program.

- **Strategic Incentives and Technology Implementation**

- The Air District would like to seek approval from the Board at a future date to recruit and fill Limited Term Grant Funded positions to support the increasing allocation of grant funds from the California Air Resources Board and other sources. The District is collaborating with its Employees Association to find an acceptable method to hire additional limited term employees that will be consistent with the Air District's labor contract.

- **Administration**

- One (1) Chief Technology Officer to provide organization wide IT governance and to provide for the centralization of information technology, services and software solutions as recommended by the Air District's performance audit.
 - One (1) Chief of Staff reporting to the Executive Officer and managing three to four offices to reduce span of control for the Executive officer.

- **Administrative Resources**

- One (1) Senior Advanced Project Advisor (SAPA) to create and establish a risk management program within the Administrative Division. The SAPA will identify, evaluate, monitor, and provide for the mitigation of the operational and administrative risks that may affect the Air District. This role will have primary responsibility for the execution of the risk management program, which includes performing and facilitating risk assessments.

- **Information Services**

- One (1) Manager to manage a new cybersecurity program, budget, staff, and control implementation. This recommendation is consistent with the Air District's Cybersecurity review provided by RFP 2018-006 and the recommendations provided by the Air District's Management Performance Auditor.
- One (1) Systems Analyst to provide expert cybersecurity functional assistance for programmatic development. This recommendation is consistent with the Air District's Cybersecurity review provided by RFP 2018-006 and the recommendations provided by the Air District's Management Performance Auditor.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The 20 FTEs are budgeted in the current FYE 2023 budget resulting in no FYE 2023 impact. The full year cost of these positions will stay within this budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: John Chiladakis

ATTACHMENTS:

1. Table 1 Initial and Revised Allocations
2. Table 2: Position Classifications for 20 FTEs
3. Draft Board Resolution re Allocation of 20 Unclassified Positions in FYE 23 Budget
4. FYE2023 Staffing Appendix H Formatted_20 FTEs

Table 1: Initial and Revised Allocations

Divisions/Offices	Auditor's Initial Allocation of Unfilled Positions	District and Auditor Revised Allocation of Unfilled Positions
Executive	2 (Public Affairs & Ombuds)	0 *Use consultant for Ombuds
Operations		
Compliance & Enforcement	4	4
Engineering	4	4
Finance	2	2
Policy & Equity		
Community Engagement	2	2
Rules	1	0
Meteorology & Measurement	0	3
Strategic Incentives and Technology Implementation	0	Up to 10 Grant Funded Limited Term Positions
Administration	2 (CTO, Chief of Staff)	2 (CTO, Chief of Staff)
Administrative Resources	1	1
Information Services	2	2

Table 2 : Position Classifications for 20 FTEs

Divisions/Offices	Recommended Class/Paygrade	Total Count
Operations		
Compliance & Enforcement	(2) Air Quality Specialist I/II (2) Assistant AQS I/II	4
Engineering	(1) Supervising AQE (3) Air Quality Engineer I/II	4
Finance	(1) Manager (1) Senior Accountant	2
Policy & Equity		
Community Engagement	(2) Staff Specialist I/II	2
Meteorology & Measurement	(2) Senior AQ Specialist (1) Air Quality Engineer I/II	3
Strategic Incentives and Technology Implementation	Staff Specialist I/II	Future Authorization Request
Administration	(2) Deputy Air Pollution Control Officers	2 (CTO, Chief of Staff)
Administrative Resources	(1) Senior Advanced Projects Advisor	1
Information Services	(1) Manager (1) Systems Analyst	2

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2022-_____

**A Resolution Authorizing the Allocation, Classification and Recruitment
of the Twenty Unclassified Vacant Positions Approved in the
Fiscal Year Ending June 30, 2023 Budget**

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District (Air District) has the statutory authority and direction to set the Air District's financial budget pursuant to Health & Safety Code Section 40131;

WHEREAS, on June 15, 2022, the Board of Directors adopted Resolution No. 2022-15, which adopted the budget for the Air District for the fiscal year ending June 30, 2023 (FYE 2023 Budget);

WHEREAS, Appendix H to the adopted FYE 2023 Budget identifies the permanent full-time positions authorized by the Board of Directors, along with the associated division assignments and position classifications;

WHEREAS, Appendix H includes twenty (20) "unassigned" positions, which are positions that were not yet allocated to a job classification and division as of the adoption of the FYE 2023 Budget;

WHEREAS, Appendix H provided that the Board of Directors would consider final allocation of these "unassigned" positions at a future Board Meeting;

WHEREAS, at a regular meeting held on December 21, 2022, the Board of Directors considered a proposal by the Interim Executive Officer/APCO for final allocation of these 20 "unassigned" positions;

WHEREAS, the proposal presented by the Interim Executive Officer/APCO was developed in conjunction with the Air District's Management Auditor, who presented recommendations to the Administration Committee of the Board of Directors on November 2, 2022;

WHEREAS, after the Administration Committee meeting on November 2, 2022, the Interim Executive Officer/APCO and Air District staff worked with the Management Auditor to develop a somewhat revised allocation of the 20 "unassigned" positions, which formed the basis of the proposal presented to the Board of Directors at the December 21, 2022, meeting;

WHEREAS, the proposed allocation of the 20 "unassigned" positions that was presented to the Board of Directors at the December 21, 2022, meeting is set forth in Table 2 of the

Staff Memorandum provided in connection with Agenda Item No. 23 at that meeting (Table 2), a copy of which is attached hereto and incorporated herein by reference;

WHEREAS, the Board of Directors has considered the Interim Executive Officer/APCO's proposed allocation of the 20 "unassigned" positions as set forth in Table 2 and the reasons for the proposed allocation as presented at the December 21, 2022, meeting, and concurs that the proposed allocation is the most appropriate allocation of these personnel resources of the Air District;

WHEREAS, the Board of Directors now desires to approve and adopt the Interim Executive Officer/APCO's proposal for final allocation of the 20 "unassigned" positions as set forth in Table 2; to amend Appendix H to the FYE 2023 Budget to reflect that allocation as provided for in Appendix H; and to authorize the allocation, classification, and recruitment of the 20 "unassigned" positions as set forth in Table 2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the final allocation and classification of the twenty (20) unclassified vacant positions included in Appendix H to the FYE 2023 Budget as reflected in Table 2 of the Staff Memorandum presented to the Board of Directors in connection with Agenda Item No. 23 at the December 21, 2022, Board meeting, as attached hereto and incorporated herein by reference (Table 2).

BE IT FURTHER RESOLVED that the Board of Directors hereby amends Appendix H to the FYE 2023 Budget to reflect the final allocations shown in Table 2.

BE IT FURTHER RESOLVED that the Board of Directors hereby authorizes the Interim Executive Officer/APCO to recruit and fill the twenty (20) positions allocated and classified pursuant to this Resolution.

* * * * *

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2022 by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

John J. Bauters
Chair of the Board of Directors

ATTEST:

Teresa Barrett
Secretary of the Board of Directors

APPENDIX H

TABLE 1: The positions listed in Table 1, below, constitute the entirety of authorized permanent full-time positions and division assignments at the designated classifications for Fiscal Year Ending (FYE) 2023. Effective immediately, any changes to the information listed in Table 1 shall require approval by the District’s Board of Directors. If approved, the FYE 23 Budget contains twenty (20) additional positions which are not yet allocated to a job classification and division. These positions are listed in Table 1 as “Unassigned”. The Board of Directors will consider final allocation of these positions at a future Board meeting.

**Table 1
FYE 2023 Authorized Staff**

Division	Position Classification	Salary Range ID	FYE 22	FYE 23	Difference
Administrative Resources					
	Director/Officer	156	1	1	0
	Facilities Maintenance Worker	108	1	1	0
	Manager	148	1	1	0
	<u>Senior Advanced Projects</u>				
	<u>Advisor</u>	<u>148</u>	<u>0</u>	<u>1</u>	<u>1</u>
	Senior Executive Assistant	134	1	1	0
	Senior Staff Specialist	138	1	0*	-1
	Staff Specialist I/II	130/134	6	5*	-1
	Supervising Staff Specialist	142	1	3*	2
	**Principal Staff Specialist	142	0	0	0
Administrative Resources Total			12	12 13	0 1
Assessment, Inventory & Modeling					
	Advanced Projects Advisor	144	2	2	0
	Air Quality Engineer I/II	132/136	2	2	0
	Air Quality Meteorologist I/II	131/135	1	1	0
	Atmospheric Modeler	140	1	1	0
	Director/Officer	156	1	1	0
	Manager	148	2	2	0
	Principal Air Quality Engineer	144	3	3	0
	Research Analyst	130	1	1	0
	Senior Advanced Projects				
	Advisor	148	2	2	0
	Senior Air Quality Engineer	140	1	1	0
	Senior Atmospheric Modeler	144	1	1	0
	Statistician	137	1	1	0
Assessment, Inventory & Modeling Total			18	18	0
Communications					
	Assistant Staff Specialist I/II	122/126	2	2	0
	Director/Officer	156	1	1	0

	Manager	148	1	1	0
	Public Information Officer I/II	130/134	5	5	0
	Senior Public Information Officer	138	1	1	0
Communications Total			10	10	0
Community Engagement					
	Administrative Assistant I/II	114/118	1	1	0
	Assistant Manager	147	1	1	0
	Assistant Staff Specialist I/II	122/126	1	1	0
	Director/Officer	156	1	1	0
	Manager	148	2	2	0
	Public Information Officer I/II	130/134	1	1	0
	Senior Air Quality Engineer	140	1	1	0
	Senior Staff Specialist	138	5	5	0
	Staff Specialist I/II	130/134	2	<u>2</u>	<u>0</u>
Community Engagement Total			15	<u>15</u>	<u>0</u>
Compliance & Enforcement					
	Administrative Assistant I/II	114/118	2	2	0
	Air Quality Engineer I/II	132/136	1	1	0
	Air Quality Specialist I/II	130/134	48	<u>37</u>	<u>-11</u>
	Air Quality Technician I/II	122/126	6	6	0
	<u>Assistant Air Quality Specialist I/II</u>	<u>122/126</u>	<u>0</u>	<u>2</u>	<u>2</u>
	Director/Officer	156	1	1	0
	Manager	148	5	5	0
	Principal Air Quality Specialist	142	2	1*	-1
	Radio/Telephone Operator	113	4	4	0
	Radio/Telephone Operator Supervisor	119	1	1	0
	Senior Advanced Projects Advisor	148	0	1*	1
	Senior Air Quality Engineer	140	3	3	0
	Senior Air Quality Specialist	138	5	16*	11
	Senior Air Quality Technician	130	2	2	0
	Supervising Air Quality Specialist	142	9	9	0
Compliance & Enforcement Total			89	<u>89</u>	<u>0</u>
Diversity, Equity & Inclusion					
	Manager	148	1	1	0
	Staff Specialist I/II	130/134	1	1	0
Diversity, Equity & Inclusion Total			2	2	0

Engineering					
Administrative Assistant I/II	114/118	4	4	0	
Air Quality Engineer I/II	132/136	18	18 21	0 3	
Air Quality Permit Technician I/II	122/126	2	2	0	
Air Quality Specialist I/II	130/134	2	2	0	
Air Quality Technician I/II	122/126	5	5	0	
Assistant Manager	147	1	1	0	
Director/Officer	156	1	1	0	
Manager	148	5	5	0	
Principal Air Quality Engineer	144	4	4	0	
Senior Advanced Projects Advisor	148	1	1	0	
Senior Air Quality Engineer	140	10	10	0	
Senior Air Quality Technician	130	2	2	0	
Supervising Air Quality Engineer	144	11	11 12	0 1	
Supervising Air Quality Specialist	142	1	1	0	
Supervising Systems Analyst	139	1	1	0	
Toxicologist	144	1	1	0	
Engineering Total		69	69 73	0 4	

Executive					
Administrative Assistant I/II	114/118	1	1	0	
Air Quality Technician I/II	122/126	1	1	0	
Assistant Manager	147	1	1	0	
Clerk of the Boards	132	1	1	0	
Deputy Air Pollution Control Officer	160	3	3 5	0 2	
Deputy Executive Officer	169	3	3	0	
Director/Officer	156	3	3	0	
Executive Assistant I/II	128/132	2	2	0	
Executive Officer/Air Pollution Control Officer	Contract	1	1	0	
Manager	296	3	3	0	
Principal Environmental Planner	142	1	1	0	
Senior Advanced Projects Advisor	148	2	2	0	
Senior Executive Assistant	134	3	3	0	
Executive Total		25	25 27	0 2	

Finance Office					
Accountant I/II	**130/134	5	4*	-1	
Accounting Assistant I/II	**122/126	3	3	0	
Assistant Manager	147	1	0*	-1	
Director/Officer	156	1	1	0	
**Fiscal Services Supervisor	142	1	1	0	
Manager	148	1	23 *	12	

	**Senior Accountant	**138	0	<u>01</u>	<u>01</u>
	Senior Staff Specialist	138	1	1	0
	Staff Specialist I/II	130/134	2	3*	1
	Supervising Staff Specialist	142	1	1	0
	Systems Analyst	135	1	1	0
Finance Office Total			17	<u>17 19</u>	<u>0 2</u>
Human Resources Office					
	Assistant Manager	147	1	0*	-1
	Director/Officer	156	1	1	0
	Human Resources Analyst I/II	130/134	1	1	0
	Manager	148	1	2*	1
	Principal Human Resources Analyst	142	1	1	0
	Senior Human Resources Analyst	138	5	5	0
Human Resources Office Total			10	10	0
Information Services					
	Air Quality Specialist I/II	130/134	1	1	0
	Assistant Air Quality Specialist I/II	122/126	1	1	0
	Assistant Manager	147	1	1	0
	Director/Officer	156	1	1	0
	Manager	148	2	<u>2 3</u>	<u>0 1</u>
	Programmer Analyst I/II	127/131	1	1	0
	Staff Specialist I/II	130/134	1	1	0
	Supervising Systems Analyst	139	2	2	0
	Systems Analyst	135	2	<u>2 3</u>	<u>0 1</u>
Information Services Total			12	<u>12 14</u>	<u>0 2</u>
Legal Services					
	Assistant Counsel I/II	149/153	8	8	0
	Counsel	0	1	1	0
	Legal Office Services Specialist	124	1	1	0
	Senior Assistant Counsel	157	2	2	0
	Staff Specialist I/II	130/134	4	4	0
Legal Services Total			16	16	0
Legislative					
	Director/Officer	156	1	1	0
	Staff Specialist I	130/134	1	1	0
Legislative Total			2	2	0
Meteorology & Measurement					
	Administrative Assistant I/II	114/118	1	1	0
	Advanced Projects Advisor	144	1	1	0

Air Quality Engineer I/II	132/136	2	2 3	0 1
Air Quality Laboratory Technician I/II	122/126	1	1	0
Air Quality Meteorologist I/II	131/135	2	2	0
Air Quality Specialist I/II	130/134	16	10*	-6
Air Quality Technical Assistant	118	1	0*	-1
Assistant Air Quality Specialist I/II	122/126	8	9*	1
Assistant Manager	147	2	2	0
Assistant Staff Specialist I/II	122/126	2	2	0
Director/Officer	156	1	1	0
Manager	148	5	5	0
Principal Air and Meteorological Monitoring Specialist	143	1	1	0
Principal Air Quality Chemist	142	3	3	0
Principal Air Quality Engineer	144	1	1	0
Principal Air Quality Meteorologist	143	1	1	0
Principal Air Quality Specialist	142	4	4	0
Senior Air Quality Chemist	138	2	2	0
Senior Air Quality Engineer	140	2	2	0
Senior Air Quality Specialist	138	2	8 10*	6 8
Staff Specialist I/II	130/134	1	1	0
Supervising Air Quality Engineer	144	1	1	0
Supervising Air Quality Specialist	142	5	5	0
Systems Analyst	135	2	2	0

Meteorology & Measurement Total		67	67 70	0 3
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My Air Online				
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Assistant Manager	147	4	4	0
Director/Officer	156	1	1	0
Supervising Systems Analyst	139	1	1	0
Systems Analyst	135	1	1	0
Web Master	135	1	1	0

My Air Online Total		8	8	0
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Planning & Climate Protection				
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Administrative Assistant I/II	114/118	1	0*	-1
Advanced Projects Advisor	144	1	1	0
Assistant Manager	147	2	2	0
Assistant Staff Specialist	126	0	1*	1
Director/Officer	156	1	1	0
Environmental Planner I/II	130/134	3	3	0
Manager	148	2	2	0

	Principal Environmental Planner	142	2	2	0
	Senior Advanced Projects Advisor	148	1	1	0
	Senior Air Quality Engineer	140	1	1	0
	Senior Air Quality Specialist	138	1	1	0
	Senior Environmental Planner	138	4	4	0
	Senior Policy Advisor	148	1	1	0
Planning & Climate Protection Total			20	20	0
Rules					
	Assistant Manager	147	1	1	0
	Director/Officer	156	1	1	0
	Manager	148	1	1	0
	Senior Air Quality Engineer	140	5	5	0
	Senior Air Quality Specialist	138	3	3	0
Rules Total			11	11	0
Strategic Incentives					
	Administrative Assistant I/II	114/118	1	1	0
	Assistant Staff Specialist I/II	122/126	3	3	0
	Director/Officer	156	1	1	0
	Manager	148	4	4	0
	Senior Staff Specialist	138	5	5	0
	Staff Specialist I/II	130/134	13	13	0
	Supervising Staff Specialist	142	4	4	0
Strategic Incentives Total			31	31	0
Technology Implementation					
	Assistant Staff Specialist I/II	122/126	3	2*	-1
	Director/Officer	156	1	1	0
	Manager	148	1	1	0
	Senior Staff Specialist	138	1	1	0
	Staff Specialist I/II	130/134	4	5*	1
	Supervising Staff Specialist	142	1	1	0
Technology Implementation Total			11	11	0
Unassigned					
	Unassigned	N/A	0	20	20
Unassigned Total			0	20	20
Grand Total			445	465	20

*A single asterisk in the FYE 23 Column identifies a request to change a previously board approved position to a different classification within the same division. A negative number in the Difference Column indicates the job classification being removed and a positive number in the same column indicates the position being added. These requests equal a net zero change in the headcount.

**A double asterisk in any column identifies an individual item that is pending Board approval.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: December 21, 2022

Re: Revision of the PM_{2.5} National Ambient Air Quality Standard: The Role of Air
Monitoring Data

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

The U.S. National Ambient Air Quality Standards (NAAQS, pronounced /'næks/ naks) are limits on atmospheric concentration of six pollutants that cause serious health hazards as well as smog and acid rain. Of these six pollutants, in the Bay Area, the concentrations of fine particulate matter (PM_{2.5}) and ozone are closest to the NAAQS. The U.S. Environmental Protection Agency is anticipated to make the (annual) fine particulate matter (PM_{2.5}) standard more stringent, which may put the Bay Area above the new NAAQS, depending on where it is set. The Bay Area will likely be required to develop and submit a federally enforceable plan to attain the new, more health protective standard. For ozone, the EPA has determined that the Bay Area met the ozone NAAQS (8-hour). However, our most recent air monitoring station data indicates we may bounce above and below this standard in the coming years.

DISCUSSION

Air District staff will provide background information to help understand upcoming proposals from EPA. The presentation will include a review of NAAQS, how monitoring data is used to calculate a design value (the statistic that is compared to the NAAQS), an example of PM_{2.5} trends relative to current and proposed NAAQS, and how wildfire data impacts design values. Staff will also introduce the implications for a revised PM_{2.5} NAAQS and the policy challenges for significantly reduce ambient PM concentrations. We will continue to evaluate our air monitoring data and respond to any upcoming EPA rulemaking on the NAAQS.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Ranyee Chiang and Kate Hoag
Reviewed by: Greg Nudd

ATTACHMENTS:

None