

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

Board of Directors Regular Meeting
Wednesday, September 7, 2022

APPROVED MINUTES

*Note: Audio recordings of the meeting are available on the website of the
Bay Area Air Quality Management District at
www.baaqmd.gov/bodagendas*

This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021) allowing remote meetings. The Board of Directors participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, John J. Bauters, called the meeting to order at 9:03 a.m.

Roll Call:

Present: Chairperson John J. Bauters; Vice Chairperson Davina Hurt; Secretary Teresa Barrett; and Directors Margaret Abe-Koga, David Canepa, John Gioia, David Haubert, Lynda Hopkins, Tyrone Jue, Sergio Lopez, Nate Miley, Karen Mitchoff, Rob Rennie, Mark Ross, Brad Wagenknecht, Shamann Walton, and Steve Young.

Absent: Directors Pauline Russo Cutter, Carole Groom, Erin Hannigan, David Hudson, Otto Lee, and Katie Rice.

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

Chair Bauters introduced new Air District employee, Alicia Parker, Principal Env Planner. Ms. Parker introduced herself.

CONSENT CALENDAR (Items 5 – 21)

5. Remote Teleconferencing per Assembly Bill (AB) 361
6. Approval of the Minutes of July 20, 2022

7. Board Communications Received from July 20, 2022 through September 6, 2022
8. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Months of June and July 2022
9. Personnel Out-of-State Business Travel Report for July 2022
10. Quarterly Report of California Air Resources Board Representative – Hon. Davina Hurt
11. Quarterly Report of the Executive Office and Division Activities for the Months of April – June 2022
12. Authorization to Execute a Purchase Order with Teledyne Inc.
13. Authorization to Execute Contract Amendment with Kadesh & Associates, LLC
14. Authorization to Execute Contract Amendment with Enforce LLC
15. Authorization to Execute a Legal Services Agreement with Woodruff, Spradlin & Smart to Represent the Air District in *The Athletics Investment Group LLC v. Bay Area Air Quality Management District et al.*
16. Participation in Community Air Protection Program Fiscal Year Ending (FYE) 2022
17. Report of the Advisory Council Meeting of July 11, 2022
18. Report of the Legislative Committee Meeting of July 11, 2022
19. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of July 18, 2022
20. Report of the Mobile Source & Climate Impacts Committee Meeting of July 28, 2022
21. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of August 15, 2022

Public Comments

No requests submitted.

Board Comments

None.

Board Action

Director Gioia made a motion, seconded by Vice Chair Hurt, to **approve** Consent Calendar Items 5 through 21, inclusive; and the motion **carried** by the following vote of the Board:

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

PRESENTATION

22. **VENDOR SELECTION FOR STRATEGIC COMMUNICATIONS AND EVALUATION OF THE FLEX YOUR COMMUTE PROGRAM (OUT OF ORDER, ITEM 24)**

Lisa Fasano, External Affairs Officer, gave the staff presentation *Vendor Selection for Strategic Communications and Evaluation of the Flex Your Commute Program*, including: outcome; outline;

background; scope of work; 2022 RFP process; evaluation criteria; bidder score and interview score; eliminated submission score; Kenough Consulting overview; and actions requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed concerns that the RPF response period (during which bidders can prepare and submit their proposals) was too short, and the Air District’s standard RPF practices.

Board Action

Secretary Barrett made a motion, seconded by Director Abe-Koga, to **approve** the vendor selection of a Request for Proposal (RFP) No. 2022-007 for Strategic Communications and Evaluation of the Flex Your Commute Program to Keough Consulting in an amount not to exceed \$250,000 for one year with the option of extending the contract three additional years pending a positive year review and authorize the Interim Executive Officer/Air Pollution Control Officer (APCO) to execute contract; and the motion **carried** by the following vote of the Board:

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

CLOSED SESSION (9:27 a.m.)

23. PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT (GOVERNMENT CODE SECTION 54957(B)(1)) (ITEM 22)

Pursuant to Government Code Section 54957(b)(1)

Title: Executive Officer/Air Pollution Control Officer (APCO)

NOTED PRESENT: Directors Rennie and Walton were noted present at 10:00 a.m.

REPORTABLE ACTION: Alexander Crockett, District Counsel, reported that he had nothing to report.

OPEN SESSION (10:07 a.m.)

DISCUSSION

24. CONSIDER APPROVING THE ADVERTISING BROCHURE FOR THE UPCOMING EXECUTIVE OFFICER/APCO RECRUITMENT (ITEM 23)

Chair Bauters introduced Valerie Phillips of Bob Murray & Associates, who introduced the brochure that was designed to recruit for the position of Air District Executive Officer/APCO.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Mitchoff made a motion, seconded by Director Haubert, to **approve** the proposed advertising brochure for the upcoming Executive Officer/APCO recruitment, as amended (“Filing Deadline of October 26, 2022” on Page 11 will be changed to “October 19, 2022”); and the motion **carried** by the following vote of the Board:

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

OTHER BUSINESS

25. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

26. BOARD MEMBERS’ COMMENTS

None.

27. REPORT OF THE EXECUTIVE OFFICER/APCO

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

- During the heat wave of the week of September 5, 2022, the Air District increased its communications with the public regarding the multiple Spare the Air alerts that were issued.
- A new cost recovery policy is being developed by Air District staff and consultants; it should be brought to the Board’s Budget & Finance Committee in October.

- In July, Director Lee had requested a report on the reasons for the Air District’s current backlog of permit applications, and staff is developing a presentation to address this issue.
- The Air District is partnering with Communities for a Better Environment to create a community-based Steering Committee to develop the East Oakland AB 617 Community Emissions Reduction Plan. The Committee’s first meeting is scheduled for September 15.
- Several budget bills that the Air District has been monitoring are awaiting the Governor’s signature:
 - **AB 2449 (Rubio)** - Open meetings: local agencies: teleconferences.
 - **AB 2836 (E. Garcia)** - Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.
 - **AB 2721 (Lee)** – Bay Area Air Quality Management District: district board: compensation.
 - **AB 1749 (C. Garcia)** - Community emissions reduction programs: toxic air contaminants and criteria air pollutants.

Dr. Ranyee Chiang, Director of Meteorology and Measurement, was asked to provide a summary on recent air quality.

28. CHAIRPERSON’S REPORT

Chair Bauters announced that on August 9, 2022, the Marin County Board of Supervisors reappointed Katie Rice of the Air District’s Board for a new four-year term, expiring August 2026.

29. TIME AND PLACE OF NEXT MEETING

Wednesday, September 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 (10:26 a.m.)

30. CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(1))

Pursuant to Government Code Sections 54956.9(a) and (d)(1), the Board met in Closed Session with Legal Counsel to discuss the following case: The Athletics Investment Group, LLC, v. The Bay Area Air Quality Management District et al. (Schnitzer Steel Industries, Inc., Real Party in Interest), Case No. 3:22-cv-03268-MMC (N. Dist. Cal.).

REPORTABLE ACTION: Mr. Crockett had nothing to report.

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 met 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: Two cases.

REPORTABLE ACTION: Mr. Crockett reported that the Board voted to authorize the partial waiver of attorney-client privilege as required and determined by Counsel for the Air District for compliance with due process in employee discipline.

32. **PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT (GOVERNMENT CODE SECTION 54957(b)(1))**

Pursuant to Government Code Section 54957(b)(1)

Title: Executive Officer/APCO

REPORTABLE ACTION: Mr. Crockett had nothing to report.

33. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION (GOVERNMENT CODE SECTION 54957(b)(1))**

Pursuant to Government Code Section 54957(b)(1)

Title: Interim Executive Officer/APCO

REPORTABLE ACTION: Mr. Crockett had nothing to report.

OPEN SESSION (11:59 a.m.)

34. **ADJOURNMENT**

The meeting adjourned at 12:00 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards