

Errata Sheet
Revised Agenda
Board of Directors Special Meeting
Wednesday, January 25, 2023

Agenda Item #13 Updated Agenda Language

13. 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.*

Updated Agenda Language:

13. 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 five minutes each to address the
Board.*



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS SPECIAL MEETING

January 25, 2023

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**

www.baaqmd.gov/bodagendas

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

<https://bayareametro.zoom.us/j/85052119278>

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

WEBINAR ID: 850 5211 9278

- **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 SPECIAL MEETING

REVISED AGENDA

WEDNESDAY, JANUARY 25, 2023

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 - 12)

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 February 24, 2023.

6. Approval of the Minutes of December 21, 2022

The Board will consider approving the attached draft minutes of the Meeting of December 21, 2022.

7. Board Communications Received from December 22, 2022 through January 24, 2023

A copy of communications directed to the Board of Directors received by the Air District from December 22, 2022 through January 24, 2023, if any, will be distributed to the Board Members by way of email.

8. Personnel Out-of-State Business Travel Report for December 2022

In accordance with Division III, 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.

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

10. Report of the Administration Committee Meeting of December 21, 2022

The Board of Directors will receive a report of the Administration Committee meeting of December 21, 2022, and will consider approval of the following action item recommended by that Committee:

A) Action Item: Consider Authorizing the Corrective Action Plan to implement the recommendations from the Human Resources Management Performance Audit.

11. Authorization to Execute Legal Services Agreement with Woodruff, Spradlin & Smart to represent the Air District in *Communities for a Better Environment v. Bay Area Air Quality Management District et al.*

*The Board of Directors will consider authorizing the Interim Executive Officer/APCO to execute a Legal Services Agreement with Woodruff, Spradlin & Smart in an amount not to exceed \$95,000 to provide legal representation in the matter of *Communities for a Better Environment v. Bay Area Air Quality Management District et al.*; and will consider authorizing the transfer of \$95,000 from the Litigation Contingency General Fund Reserves to amend the Fiscal Year 2022-2023 Legal Office's Litigation program budget. This contract would be in addition to an existing Legal Services Agreement with WSS to represent the Air District in another case, *The Athletics Investment Group, LLC v. Bay Area Air Quality Management District et al.*, in an amount not to exceed \$400,000, which was previously approved by the Board.*

12. Authorization to Execute a Contract Amendment with Renne Public Law Group

The Board of Directors will consider authorizing the Interim Executive Officer/APCO to amend the contract with Renne Public Law Group increasing the maximum dollar amount of the contract from \$200,000 to \$300,000 for legal services related to labor and employment matters.

OTHER BUSINESS

13. 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 five minutes each to address the Board.

14. 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)

15. Report of the Executive Officer/APCO

16. Chairperson's Report

17. Time and Place of Next Meeting

Wednesday, February 1, 2023, at 9:00 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

CLOSED SESSION

18. 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.

19. 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.

OPEN SESSION

20. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

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- 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.