

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

Board of Directors Regular Meeting
Wednesday, April 2, 2025

APPROVED MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Lynda Hopkins, called the meeting to order at 10:03 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, 1st Floor Board Room, San Francisco, CA, 94105): Chairperson Lynda Hopkins; Vice Chairperson Vicki Veenker; and Directors Ken Carlson, Brian Colbert, Noelia Corzo, Juan González III, Tyrone Jue, Sergio Lopez, Bilal Mahmood, Gabe Quinto, Mark Salinas, and Shamann Walton.

Present, In-Person Satellite Location: (Office of Santa Clara County, 70 W. Hedding St., 1st Floor Conference Room, San Jose, CA 95110): Directors Margaret Abe-Koga and Otto Lee.

Present, In-Person Satellite Location: (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, CA 94530): Directors John Gioia and Steve Young.

Present, In-Person Satellite Location: (San Mateo County Board of Supervisors Offices, 500 County Center – 5th Floor, Redwood City, CA 94063): Directors Rico E. Medina and Ray Mueller.

Present, In-Person Satellite Location: (Napa County Administration Building, 1195 Third Street, Suite 310, Crystal Conference Room, Napa, CA 94559): Director Joelle Gallagher.

Present, In-Person Satellite Location: (Scott Haggerty Heritage House, 4501 Pleasanton Ave., Pleasanton, CA 94566): Director David Haubert.

Present, In-Person Satellite Location: (Alameda County Board of Supervisors District 3, Office of Supervisor Lena Tam, 101 Callan Avenue, Suite #103, San Leandro, CA 94577): Director Lena Tam.

Present, In-Person Satellite Location: (Santa Rosa Junior College Campus, Doyle Library, Room 148, 1501 Mendocino Ave., Santa Rosa, CA, 95401): Director Brian Barnacle.

Present, In-Person Satellite Location: (Pittsburg City Hall, City Manager's Office Mayor/Council Conference Room, 301A, 65 Civic Ave., 3rd Floor, Pittsburg, California 94565): Director Dionne Adams.

Absent: Director Monica Brown.

2. **PLEDGE OF ALLEGIANCE**
3. **SPECIAL ORDERS OF THE DAY**

Chair Hopkins welcomed the following new employees: Dr. Annie Anderson, Senior Air Quality Specialist in the Rules & Strategic Policy Division; Ayah Hassan, Principal Air Quality Engineer in the Engineering Division; Kristopher Huckabay Senior Air Quality Specialist in the Meteorology and Measurement Division; Jamal Jackson, Senior Staff Specialist in the Civil Rights Office; and Azara Torres, Staff Specialist I in the Strategic Incentives Division.

CONSENT CALENDAR (ITEMS 4 – 17)

4. Approval of the Draft Minutes of the Board of Directors Meeting of March 5, 2025
5. Board Communications Received from March 6, 2025, through April 1, 2025
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of February 2025
7. Personnel Out-of-State Business Travel Report for February 2025
8. Authorization to Amend Master Services Agreement with CipherEx, Inc. for Computer Infrastructure Maintenance Services
9. Authorization to Amend the Master Services Agreement with KBM-Hogue for Workplace Furniture Design, Procurement, and Installation Services at the Air District's Beale Street Headquarters
10. Reappointment of Three Incumbent Members of the Air District's Hearing Board
11. Authorization to Execute Lease Extension for Oakland East Air Monitoring Site
12. Approval of an Amendment to the Employment Agreement for General Counsel
13. Report of the Stationary Source Committee Meeting of March 12, 2025
14. Report of the Community Equity, Health, and Justice Committee Meeting of March 12, 2025
15. Report of the Policy, Grants, and Technology Committee Meeting of March 19, 2025
16. Report of the Finance and Administration Committee Special Meeting of March 19, 2025
17. Report of the Community Advisory Council Meeting of March 20, 2025

Public Comments

No requests received.

Board Comments

Chair Hopkins announced that, the Board will consider a three-year contract extension through May 22, 2028, for General Counsel, Alexander Crockett, in **Item 12 (Approval of an Amendment to the Employment Agreement for General Counsel)**, on the Consent Calendar. The terms of the contract maintain the current General Counsel's salary, at \$367,683.07

Board Action

Director González made a motion, seconded by Director Salinas, to approve the Consent Calendar, Items 4-17, inclusive; and the motion **carried** by the following vote of the Board:

- AYES: Abe-Koga, Adams, Barnacle, Carlson, Colbert, Corzo, Gallagher, González, Haubert, Hopkins, Jue, Lee, Lopez, Mahmood, Medina, Mueller, Quinto, Salinas, Tam, Veenker, Walton, Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Brown, Gioia.

ACTION ITEM

18. CONSIDERATION OF STATE LEGISLATION

Alan Abbs, Legislative Officer, gave the staff presentation *Consideration of State Legislation*, including: action requested; Assembly Bill (AB) 339 (Ortega); AB 1368 (Wallis); Senate Bill (SB) 712 (Grove); AB 1226 (Essayli); SB 318 (Becker); and recap of action requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the following:

AB 339 (Ortega) – Local public employee organizations: notice requirements: which entities are supporting this bill; whether there is a provision for emergency exemptions; and what implementation of this bill would look like.

SB 712 (Grove) – Smog check: exemption: whether customized cars with lowered bodies, which are often vintage vehicles, are subject to this bill; and current vehicle smog exemptions.

SB 318 (Becker) – Air pollution: stationary sources: best available control technology: indirect sources: the level of engagement between Air District staff and Senator Becker and his staff, regarding this bill, and why the Board is being asked to take a position on this bill prior to Senator Becker meeting with Air District staff; whether there is potential for amendments that the Board would approve of, whether the Board should wait to take a position until after Senator Becker meets with Air District staff, and whether the Board’s Policy, Grants, and Technology Committee could have the authority to make the final recommendation and decision, instead of the Board; whether there is a sponsor for this bill yet; whether the legislation mandates the temporary assignment or loan of employees within an agency, or between agencies or jurisdictions, including air districts, on a limited-term basis, to enable the state to obtain expertise needed to meet a compelling program need; whether the California Air Resources Board currently has staff with the same level of permitting expertise that air districts do; the suggestion of partnering with logical allies to streamline the permitting of backup generators during emergencies; proposed solutions to streamline permitting; published whitepapers regarding “best available control technology” and “best available retrofit control technology” (BACT/BARCT); objectives of BACT; positions that other California air districts have adopted, in response to this bill, or interactions they may have had with Senator Becker; whether the Board may adopt an “oppose, pending staff’s meeting with the senator” position, or “oppose, unless amended” position, or “oppose, work with author” position; what problem is being solved by this bill; and in the proposed permitting process, whether the Air District would be required to determine what a project’s BACT is, and then, whether the State may reverse the Air District’s BACT determination.

AB 1226 (Essayli) – Air quality: wildland vegetation management burning: permits; exemption: the fact that, effective April 1, 2025, Assemblymember Essayli resigned from the California State Legislature to accept a federal position, which makes this bill dead, and no longer a staff recommendation (to adopt a position). *Note: At the Committee meeting on March 19, 2025, the Committee recommended the Board discuss and consider this bill. An “Oppose” position was recommended by Air District staff, but no position was taken by the Committee. A motion was made to recommend the Board adopt a position of “Oppose Unless Amended” – the vote result was 5 in favor and 3 opposed, however the motion did not carry, due to the fact that a majority of 11 Committee members (6) did not vote in favor. A second motion was made to recommend the Board as a whole, discuss and consider AB 1226 (Essayli) with no recommendation from the Committee – the motion carried.*

Board Action

Vice Chair Veenker made a motion, seconded by Director Carlson, to **adopt** the position of **OPPOSE** on Assembly Bill 339 (Ortega) – Local public employee organizations: notice requirements; and the motion **carried** by the following vote of the Board:

AYES:	Abe-Koga, Adams, Barnacle, Carlson, Colbert, Gallagher, Gioia, González, Haubert, Hopkins, Jue, Lee, Lopez, Medina, Mueller, Quinto, Salinas, Tam, Veenker, Young.
NOES:	Mahmood, Walton.
ABSTAIN:	Corzo.
ABSENT:	Brown.

Director González made a motion, seconded by Director Quinto, to **adopt** the position of **OPPOSE** on Assembly Bill 1368 (Wallis) – Smog check: exemption; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Adams, Barnacle, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Jue, Lee, Lopez, Mahmood, Medina, Mueller, Quinto, Salinas, Tam, Veenker, Walton, Young.
NOES: None.
ABSTAIN: None.
ABSENT: Brown.

Director Carlson made a motion, seconded by Director Corzo, to **adopt** the position of **OPPOSE** on Senate Bill 712 (Grove) – Smog check: exemption; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Adams, Barnacle, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Jue, Lee, Lopez, Mahmood, Medina, Mueller, Salinas, Tam, Veenker, Walton, Young.
NOES: None.
ABSTAIN: Quinto.
ABSENT: Brown.

ORIGINAL MOTION:

Vice Chair Veenker made a motion, seconded by Director González, to **adopt** the position of **OPPOSE** on Senate Bill 318 (Becker) – Air pollution: stationary sources: BACT: indirect sources.

SUBSTITUTE MOTION:

Director Jue made a motion, seconded by Director Quinto, to **delegate authority** to the Board's Policy, Grants, and Technology Committee to adopt a position on Senate Bill 318 (Becker) – Air pollution: stationary sources: BACT : indirect sources, on the Board's behalf, on April 16, 2025.

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

AYES: Abe-Koga, Adams, Barnacle, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Jue, Lee, Lopez, Mahmood, Medina, Mueller, Quinto, Salinas, Tam, Veenker, Walton, Young.
NOES: Carlson.
ABSTAIN: None.
ABSENT: Brown.

INFORMATIONAL ITEM

19. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US EPA) INITIATIVES UNDER THE NEW FEDERAL ADMINISTRATION AND HOW THE BAY AREA MAY BE AFFECTED

Carrie Schilling, Senior Assistant Counsel, gave the staff presentation *US EPA Initiatives Under the New Federal Administration and How the Bay Area May be Affected*, including: outline; factors that may impact US EPA's agenda; California's motor vehicle waivers; reconsideration of recent Particulate Matter (PM)_{2.5} standard; reconsideration of greenhouse gas (GHG) endangerment finding; federally funded grants; and environmental justice.

Public Comments

Public comments were given by Lola.

Board Comments

The Board and staff discussed nationwide local governments experiencing cancelled US EPA grants due to the claim that the awarded projects no longer meet the policy objectives of the current administration, and the Board's desire to be kept apprised of litigation opportunities as regulatory rollbacks continue to occur; the suggestion of allocating the Air District's lawsuit proceeds (resulting from businesses that violate Air District regulations) directly to local governments to use as they see fit, perhaps in the place of the Air District's Community Benefit Fund's current structure; and the request for data and talking points regarding how Clean Air Act waivers have contributed to a reduction in cancer and asthma.

Board Action

No action taken.

OTHER BUSINESS

20. PUBLIC COMMENT ON NON-AGENDA MATTERS (OUT OF ORDER, ITEM 19)

Public comments were given by Mark Williams, Jr., Environmental Justice League (EJL); Earl Johnson Jr; Mark Williams, Sr., EJL; Yvonne Eashman, ELJ; Jared Butler, Pittsburg resident; Michael Randall, EJL; Stacey, EJL; Josiah Butler, Pittsburg resident.

21. BOARD MEMBER COMMENTS

- Director Colbert asked to speak with staff after the meeting regarding fugitive dust in Marin County.
- Director Mueller inquired after the procedure by which Board members may add potential items to future Board meeting agendas.

22. REPORT OF THE EXECUTIVE OFFICER/AIR POLLUTION CONTROL OFFICER (APCO)

Dr. Philip M. Fine, Executive Officer/APCO, and Arsenio Mataka, Deputy Executive Officer of Equity & Community Programs, made the following announcements:

- On April 10 at 6:00 p.m. there will be a virtual workshop on the Air District’s proposed Budget for Fiscal Year (FY) 2025-2026 and fee regulation amendments. Gain insight into the Air District’s programs and funding sources, learn about proposed fee regulation amendments, share your input, and ask questions.
- The Air District has launched a survey on its website, asking for community members’ input on how to help shape the way in which \$124 million in community funds are spent, to support local communities overburdened by air pollution. This funding comes from penalties collected from industry and businesses that violate Air District regulations.
- On April 8 from 5:00 – 6:00 p.m., there will be a virtual workshop on the Air District’s newly established Community Investments Office and the plan to implement programs that direct funding to communities most impacted by air pollution.

Board Comments

Director Young said that the City of Benicia has been hearing feedback from its constituents who desire to expedite the Air District’s Community Benefit Fund allocation, resulting from the \$82 million penalty from the air pollution violations by Valero Refining Co. at its Benicia refinery that were identified in 2024. He said that the City of Benicia has established its own process to generate emissions and health-related project proposals from the community, and that two different appointed bodies will vet project proposals from both city staff and the community.; one that was established on April 1, 2025, with the passage of Item 15 A: “Industrial Safety Ordinance Fees Discussion”, and the City’s Community Sustainability Commission.

23. CHAIRPERSON’S REPORT

Chair Hopkins announced that a Budget Hearing will be held at 9:00 am, prior to the Board meeting on May 7, 2025.

24. TIME AND PLACE OF NEXT MEETING

Wednesday, May 7, 2025, at 9:00 a.m. at 375 Beale Street, San Francisco, CA 94105 (Budget Hearing prior to Board meeting at 10:00 a.m.). The meeting will be in-person for the Board members and members of the public will be able to either join in-person or via webcast.

CLOSED SESSION (12:35 p.m.)

25. 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 of Directors met in Closed Session with Legal Counsel to discuss the following cases:

Stephen (Rex) Sanders v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04416-RFL;

Terri Levels v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04432-RFL;

Lewis Letang v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01316-RFL;

Rochele Henderson v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01460-RFL;

Veronica Eady v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-07000-RFL; and

Vanessa Johnson v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-06276-RFL.

Reportable Action: Mr. Crockett had nothing to report.

26. **CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6**

Conference with Labor Negotiators

Pursuant to Government Code Section 54957.6

Agency Designated Representatives:

Laura A. Izon, Atkinson, Andelson, Loya, Ruud & Romo

Hyacinth Hinojosa, Deputy Executive Officer of Finance and Administration

Lisa Baker, Director of Human Resources

Employee organization: Bay Area Air Quality Management District Employees' Association

Reportable Action: Mr. Crockett had nothing to report.

At this time, Mr. Crockett made the following announcement:

The Board of Directors met in Closed Session to discuss agenda Items 25 and 26. There is no reportable action on those items.

I do have one reportable action from the Board's closed session at its meeting on February 5, 2025. At that meeting, in closed session item 25, the Board voted to authorize the Executive Officer/APCO to settle and resolve legal claims by Hannah Mesraty pursuant to Section 9.9 of the Administrative Code. Under Section 54957.1(a)(3)(B) of the Brown Act, that action was not publicly reported at the time. Under that Brown Act provision, such settlements are not reported until the settlement becomes final. A settlement was agreed to and became final on March 28, 2025, and so under the Brown Act, I am now publicly reporting the action taken to authorize settlement in the closed session on February 5, 2025. The vote to authorize settlement of this claim was unanimous, with the following Directors present and voting in

favor: Directors Gonzalez, Gallagher, Lopez, Young, Brown, Jue, Gioia, Colbert, Quinto, Tam, Adams, Haubert, Salinas, Carlson, Corzo, and Veenker, Vice Chair Hopkins, and Chair Hurt. There were no votes against and no abstentions.

OPEN SESSION (2:11 p.m.)

27. ADJOURNMENT

The meeting was adjourned at 2:24 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards