

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

Board of Directors Meeting
Wednesday, May 6, 2026

APPROVED MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air 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 10:10 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 Dionne Adams, Chris Clark, Joelle Gallagher, Juan González III, Tyrone Jue, Gabe Quinto, Mark Salinas, Linda Sell, Lena Tam, and Steve Young.

Present, In-Person Satellite Location: (San Mateo County Supervisor Ray Mueller, 270 Capistrano Rd., Unit 6, Half Moon Bay, CA 940190): Director Ray Mueller.

Present, In-Person Satellite Location: (Solano County Administration Building, 675 N. Texas St. Room A168, Fairfield, CA 94533): Director Monica Brown.

Present, In-Person Satellite Location: (San Mateo County Transit District, 2nd Floor Auditorium, 1250 San Carlos Ave., San Carlos, CA 94070): Directors Noelia Corzo and Rico E. Medina.

Present, In-Person Satellite Location: (Alameda County Supervisor David Haubert, 246 Argonne Way, Long Beach, CA 90803): Director David Haubert

Absent: Directors Brian Barnacle, Ken Carlson, Brian Colbert, John Gioia, Otto Lee, Bilal Mahmood, and Shamann Walton.

2. **PLEDGE OF ALLEGIANCE**

NOTED PRESENT: Directors Adams and Clark were noted present at 10:15 a.m.

CLOSED SESSION (ITEMS 3 – 8) (10:15 a.m.)

Public Comments

No requests received.

3. CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION PURSUANT TO 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: Alexander Crockett, General Counsel announced that there was nothing to report.

4. CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a), (d)(2), AND (e)(3)

Pursuant to Government Code Sections 54956.9(a), (d)(2) and (e)(3), the Board of Directors met in Closed Session with Legal Counsel to discuss a significant exposure to litigation regarding the government code claim of Tinisha Youngs received by the Air District on March 23, 2026.

Reportable Action: Mr. Crockett announced that there was nothing to report.

5. PUBLIC EMPLOYEE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1)

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

Reportable Action: Chair Hopkins announced that there was nothing to report.

6. **PUBLIC EMPLOYEE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1)**

Title: General Counsel

Reportable Action: Chair Hopkins announced that there was nothing to report.

7. **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: BAAQMD Employees Association

Reportable Action: Mr. Crockett announced that there was nothing to report

8. **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: Attorney Management Unit (EA-AMU)

Reportable Action: Mr. Crockett announced that there was nothing to report

At this time, Mr. Crockett gave a verbal Closed Session Report on Prior Closed Session Votes from the Board's previous meetings:

- *Claim of Ronald Rice for damages resulting from a motor vehicle collision. At the March 4, 2026, Board meeting, on Agenda Item 3, the Board voted to authorize settlement on the Claim of Ronald Rice. Voting in favor were Directors Gonzalez, Young, Walton, Abe-Koga, Jue, Gioia, Colbert, Quinto, Tam, Adams, Haubert, Lee, Carlson, Corzo, Mueller, Barnacle, Medina, Mahmood, and Sell; and Vice-Chair Veenker and Chair Hopkins. There were no votes against and no abstentions.*
- *Authorization to join the lawsuit against the United States challenging EPA's rescission of the Clean Air Act endangerment finding. At the April 1, 2026, Board meeting, on Agenda Item 3, the Board voted to authorize the Air District to initiate this litigation. Voting in favor were Directors Gonzalez, Gallager, Young, Walton, Jue, Gioia, Quinto, Tam, Adams, Haubert, Carlson, Mueller, Barnacle, Medina, Salinas, and Sell; and*

Vice-Chair Veenker and Chair Hopkins. There were no votes against and no abstentions.

OPEN SESSION (11:11 a.m.)

9. SPECIAL ORDERS OF THE DAY

Chair Hopkins welcomed the following new employees: Craig Dittman, Senior Air Quality Specialist in the Regulatory Development Division; Daniel Amparo, Air Quality Specialist I in the Compliance and Enforcement Division; and Breana Lee's promotion to Air Quality Engineer I in the Engineering Division.

CONSENT CALENDAR (ITEMS 10 – 26)

Chair Hopkins announced the following, regarding Item 14 (Approval of an Amendment to the Employment Agreement for General Counsel):

The Board of Directors completed their discussion. Section 54953(c)(3) of the Ralph M. Brown Act requires the amount of the amended compensation to be stated orally before final action on this item. The Board, in Closed Session, considered a performance evaluation of our General Counsel, Alexander Crockett, and the current employment agreement allows the Board to consider a salary increase of up to five percent, in connection with this evaluation. The five percent would amount to a new salary of \$416,720.96 per year, effective May 23, 2026, with all provisions of the employment agreement remaining the same.

Chair Hopkins then announced the following, regarding Item 15 (Approval of an Amendment to the Employment Agreement for Executive Officer/APCO):

The Board of Directors had a discussion. Section 54953(c)(3) of the Ralph M. Brown Act requires the amount of the amended compensation to be stated orally before final action on this item. The Board, in Closed Session, considered a technical amendment to increase the Air District's employer matching contribution: the Executive Officer's 457 deferred compensation retirement plan, from \$15,500, as approved in December 2025, to \$16,250 in 2026, due to Internal Revenue Service inflation adjustments, on a yearly basis.

Chair Hopkins then announced the following:

I will be seeking a motion on this Consent Calendar, with those items, as read into the record. Additionally, I would like to pull Item 20 (Consideration of State Legislation), and this is why: At the April 15, 2026, Policy, Grants, and Technology Committee (PGTC) meeting, Committee members voted to send staff recommendations on several bills, including an oppose recommendation for Senate Bill (SB) 1075 (Reyes) to today's meeting of the Board for approval. Due to the potential length of the Board meeting, the item was placed on the consent calendar, which is not our standard practice. Subsequent to the PGTC meeting, SB 1075 received significant amendments, and staff have changed their recommendation to "oppose unless amended." Because of that, I'd like to pull this item for a very brief discussion of SB 1075 and staff's revised recommendation, or any questions from the Board. I also understand that there was an additional conversation, and that there was just barely quorum at the PGTC

meeting, and there were some recommendations that were advanced, with a bit of an asterisk, from the PGTC. So if anyone also wishes to comment on those questions, or raise those issues, they may do so after the Consent Calendar.

10. Approval of the Draft Minutes of the Board of Directors Meeting of April 1, 2026
11. Board Communications Received from April 1, 2026, through May 5, 2026
12. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of March 2026
13. Personnel Out-of-State Business Travel Report for March 2026
14. Approval of an Amendment to the Employment Agreement for General Counsel
15. Approval of an Amendment to the Employment Agreement for Executive Officer/APCO
16. Authorization to Amend Contract with Acterra for Bayview Hunters Point/Southeast San Francisco Assembly Bill 617 Community Steering Committee Support
17. Authorization to Amend Contract with Renne Public Law Group for Legal Services Related to Labor and Employment Issues
18. Authorization to Execute a Sponsorship Contract with the San Francisco Pride Parade
19. Transportation Fund for Clean Air 40% Fund Allocation and Expenditure Plans for Fiscal Year Ending 2027
20. Consideration of State Legislation
21. Report of the Advisory Council Meeting of March 16, 2026
22. Report of the Community Advisory Council Meeting of March 19, 2026
23. Report of the Stationary Source Committee Meeting of April 8, 2026
24. Report of the Community Equity, Health, and Justice Committee Meeting of April 8, 2026
25. Report of the Finance and Administration Committee Meeting of April 15, 2026
26. Report of the Policy, Grants, and Technology Committee Meeting of April 15, 2026

Public Comments

Public comments on Items 14 (Approval of an Amendment to the Employment Agreement for General Counsel) and 15 (Approval of an Amendment to the Employment Agreement for Executive Officer/APCO) were given by Dawn S; Alice; Joanne McPhee; Stephen Theyard; and Ellen.

Public comments on Item 18 (Authorization to Execute a Sponsorship Contract with the San Francisco Pride Parade) were given by Alice; anonymous speaker; and Rick S.

Board Comments

The Board and staff discussed the Board's decision to increase General Counsel's compensation and to sponsor the San Francisco Pride Parade, and a request for an overview of how the Air District is funded/gets its revenue.

Board Action

Director González made a motion, seconded by Vice Chair Veenker, to approve Consent Calendar Items 10 through 19, and 21 through 26; and the motion **carried** by the following vote of the Board:

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

At this point, Alan Abbs, Legislative Officer, gave the following update on Item 20 (Consideration of State Legislation):

I asked the Chair to consider removing this particular item, related to SB 1075. It's been a very fast-moving bill. It was introduced very late in the process. When the PGTC first heard about this bill, it had only been in print for about a week. The PGTC recommended opposing the bill as it was currently written, and then subsequent to that recommendation, the bill went to two of the Senate's committees (Environmental Quality and Local Government). These had significant amendments made to the bill, some of which were amendments that our staff had suggested in a meeting with the author's office. So there is a current version of the bill, which is a lot different from the original bill, but still has couple of problems. So I've changed the recommendation that I'd like the Board to consider, to that of an "oppose unless amended" position. The amendments would be along the lines of making sure that, going forward, communities have the ability to call an end to their participation in the program; not just whether it relates to meeting the Federal Clean Air Act attainment requirements and giving opportunities for other communities to enter the program if there's a space available. Then there are a couple of other modifications that we'd like to see, related to the land use element and how a local planning agency would take into consideration CERP recommendations that were developed by the community steering committees. So I think this bill is still viable but we have some changes we'd like to see to make it better.

Director González made a motion, seconded by Director Tam, to approve Consent Calendar Item 20; and the motion **carried** by the following vote of the Board:

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

DISCUSSION ITEM

27. RULE 9-6 REGULATORY OVERVIEW AND DISCUSSION OF FLEXIBILITY AND AFFORDABILITY AMENDMENTS FOR ZERO NOX WATER HEATERS

Greg Nudd, Deputy Executive Officer of Policy, gave the staff presentation *Rule 9-6: Flexibility and Affordability Amendments for Zero NOx Water Heaters*, including: outline; recommended action; abbreviations; PART I: Why Did the Air District's Board of Directors Adopt Zero NOx Standards for Furnaces and Water Heaters – NOx emissions from buildings, major health benefits from Rule 9-4 and 9-6, zero NOx water heater technology is widely available, zero NOx standards – 2023 amendments, Implementation Working Group Phase 1 Small Water Heaters, Board and committee timeline, release of the regulatory overview; PART II: Why Do

Rule 9-6 Zero NOx Standards for Water Heaters Need Flexibilities – space constraints, electrical constraints, costs associated with implementation, cost distribution of replacement projects, incentive availability; PART III: What are the Proposed Flexibility Exemptions – objectives of exemptions, categories for Rule 9-6 compliance, total estimated exemptions project cost impacts, public health impacts, low-income qualified property owner, project specific exemptions require contractor, one-time exemption per project address, processing fee for exemptions, delay to October 1, 2027 effective date; PART IV: Common Questions and Concerns – stoves or whole home electrification, socioeconomic impacts, high exposure to property owners, panel and service upsizing, housing costs and displacement impacts, equity concerns with low-income exemption, electric grid readiness and reliability, major health benefits from Rule 9-4 and 9-6; and PART V: Next Steps and Discussion – public awareness campaign overview and timeline, immediate next steps, and summary of key recommendations.

Public Comments

Public comments were given by Rod Sinks; Hon. Betsy Nash, Menlo Park; Hon. Fred Simon, San Leandro; Sara Seager; Julia Zeitlin, Palo Alto resident; Alice Snyder; Charlotte Taylor; Kanami Taniguchi; Antoine Tollu; Christine Selig, PODER SF, Avni Jamdar, Emerald Cities Collaborative; Glen Garfunkel, San Jose resident; Casper Leong, San Francisco resident; Fernando Gaytan, Earthjustice; Rev. Gregory Stevens, California Interfaith Power & Light; Sven Thesen, National Charging Access Coalition; Nancy Tierney, Pacifica resident; Ze-Kun Li, Silicon Valley Youth Climate Action; Nick Afable, Electrify My Home; Gina Zari, Santa Clara County Association of Realtors; Heather Brownfield, Enterprise Community Partners; Anna Maria Russo, San Jose resident; Eric Morrill, All Electric California, Enrique Navarro, Santa Clara County Association of Realtors; Jane; Greg Peralta, Santa Clara County Association of Realtors; Meina Young, Business and Housing Network; Jessica Tovar, Local Clean Energy Alliance; Dr. Jean Woo, San Francisco Bay Physicians for Social Responsibility; Kathy Battat; Dr. Bret Andrews, San Francisco Bay Physicians for Social Responsibility; Patrick Messac; Dr. Margie Chen, San Francisco Bay Physicians for Social Responsibility; David Moller, Marin Electrification Council; Mary Dateo, Mountain View resident; Dr. Gottlieb; Karl Lee, Realtor; Dr. Arthur McCallum; Gene Hunt, Santa Clara County Association of Realtors; Zachary Frial, San Francisco resident; Shirley; Teresa Dulalas, South of Market Community Action Network (SOMCAN); Colleen Corrigan, San Francisco Bay Area Planning and Urban Research Association (SPUR); Wendy Chou, Acterra; Leah Catanzarite, Pacific Gas & Electric; Malcom Caplan, Fremont resident; John McKenna; Michael Gordon, Santa Clara Association of Realtors; Jasmine Lozano, 1-888-Heat-Pumps; Sara Greenwald, 350 San Francisco; Angela Evans, Menlo Spark; Lisa Jackson, 350 Contra Costa Action; Sam Fishman, SPUR; Bill Olsen; Brian Schmidt, Menlo Spark; Shana, Albany resident; Olga Mandrussow; Johnny Kocher, Oakland resident; Melissa Yu, Sierra Club; Jed Holtzman; Tony Sirna, Evergreen Action; Gerard Manning, Burlingame resident; Sarah Ranney, Sierra Club; Mark Forbes San Carlos resident; Drew Sage; Dohee Kim, Local Clean Energy Alliance of the Bay Area; Yvonne Eashman, Environmental Justice League (EJL); Mark Williams, EJL; Yvonne Williams, Contra Costa County resident; David Stark, Bay East Association of Realtors; Hope Fasching; Kathy Kerridge, Benicia resident; John Scaglione; Brianna McGuire; Bruce Karney; Linh Dan Do; Neil Collins; Mani Bekele, Silicon Valley Youth Climate Action; Ruthie Redmond; Emily Thompson; Kristel Wickham; Anil Babbar; Dawn S; Aaron Reaven; Lynn Ng Quezon; Stephen Theyard; Mark Hinkle; Linda Brown; George Scharffenberger;

Randy Breunling, San Jose resident; Debbie Mytels; Dr. Stephen Rosenblum, Palo Alto resident; Rebecca Franke; Mark Grossman; David; Phil Kelly; Alice; Dan Pan; Stanley Tseng; Michael Hilber; Dash Leeds, Sierra Club; Hoai-An; Ted E; Katie Van Dyke; Kelly Hunt; Robert Edwards; Maneck Bhujwala; Elina Razdobarina; Pierre; Meron Lemmi, Rocky Mountain Institute; Susan Stephenson; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Peter; Diane Bailey; Ericka Flores; Linda Hutchins-Knowles; Josh P; Jack Wing; Jody; Jack; Jill Toler; Kristel Rietesel; Jeremy; Ken Szutu; Lisa Charpontier; Bruce Naegel; Lucinda Young; Norm; Marna Schwartz; Tom Kunhardt; Mars Keith, Sierra Club; Hon. Igor Tregub, City of Berkeley; Natalie Geise; Tom Kabat, Menlo Park resident; Mark Palmer; Joel Ervice, Regional Asthma Management and Prevention; Cameron Rogers; BR; Howard Strassner; Rebecca Milliken; Jan Pinza; Mauro Benedetti; Rhovy Lyn Antonio; Kathleen Goforth; Dan; Wynn Tucker; Lisa Badenfort, North Bay Association of Realtors; JD Cao; Stephen Parsons; Sherry Listgarten; and Christina.

Board Comments

The Board and staff discussed whether staff is in alignment with the Stationary Source Committee's recommendations as outlined in the presentation; proposed flexibility exemptions for low-income households; whether this particular discussion was limited to water heaters only; concerns about staff's estimated exemptions (38% of water heater installations are estimated to qualify for exemptions); concerns regarding eligible contractor availability, monitoring installation, and enforcing compliance; the anticipated level of involvement of cities and counties (whether they will have to issue building permits for the replacement projects); the manner in which applicants that claim to be low-income qualified property owners would be required to demonstrate that their annual mortgage and property taxes $\geq 28\%$ of gross income; the date by which the Air District anticipates it will have completed an updated socioeconomic impacts report, and whether the revised analysis would be applied to the Rule 9-6 amendments; the fact that some cities are approving all-electric new developments, and what share of total developments that represents; how the prequalification process (for income-based hardships, technical and infrastructure constraints, and specific equipment types) would be structured; whether a survey or poll of the public's awareness of Rule 9-6 has been conducted; whether onus for low-income exemptions are placed on the property owner or contractor; the duration of time that the rulemaking process for Rule 9-4 and 9-6 lasted, prior to their adoption in 2023; why the South Coast Air Quality Management District's Governing Board rejected Proposed Rules 1111 and 1121, which would have required manufacturers to gradually phase out the sale of traditional gas-powered water heaters and furnaces; whether this would be the first time that the Air District would impose regulations on equipment in homes (versus manufacturers) with an associated cost burden; the request for clarification of the definition of "federal poverty"; and what measures the Air District would implement to protect applicants' personal and financial information, such as mortgage payment records and income documentation.

Board Action

No action taken.

At 4:05 p.m., during Item 27, a quorum of Board members (in any location) was lost, and the meeting was forced to adjourn. Item 27 was continued to May 13, 2026, at 10:00

a.m., at which time, the Board of Directors would discuss potential flexibility and affordability amendments to Rule 9-6 for small water heaters and provide direction to staff. Public comment has closed for this item on May 6, 2026. The continuation of this item on May 13, 2026 will be to complete the Board's discussion of the item only. Items 28 through 31 of the Board's May 6, 2026 meeting agenda did not occur.

OTHER BUSINESS

- 28. **PUBLIC COMMENT ON NON-AGENDA MATTERS**
- 29. **BOARD MEMBER COMMENTS**
- 30. **REPORT OF THE EXECUTIVE OFFICER / APCO**
- 31. **CHAIRPERSON'S REPORT**
- 32. **TIME AND PLACE OF NEXT MEETING**

Wednesday, June 3, 2026, at 10:00 a.m. The meeting will be held in-person at the Bay Area Metro Center. Members of the Board of Directors must attend in person at the Bay Area Metro Center; members of the public will be able to attend in person or virtually via webcast.

33. **ADJOURNMENT**

The meeting was adjourned at 4:05 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards