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Seyed Sadredin

Executive Director Air Pollution Control Officer

Northern Region Office 4800 Enterprise Way Modesto, CA 95356-8718 (209) 557-6400 • FAX (209) 557-6475

Central Region Office 1990 East Gettysburg Avenue Fresno, CA 93726-0244 (559) 230-6000 • FAX (559) 230-6061

Southern Region Office 34946 Flyover Court Bakersfield, CA 93308-9725 (661) 392-5500 • FAX (661) 392-5585 DATE: December 21, 2017

TO: SJVUAPCD Governing Board

FROM: Seyed Sadredin, Executive Director/APCO

Project Coordinator: Todd DeYoung

ITEM NUMBER 11: ACCEPT AND APPROPRIATE RE:

> \$88,400,000 IN CAP AND TRADE FUNDS FROM THE CALIFORNIA AIR RESOURCES BOARD TO IMPLEMENT EMISSION REDUCTION INCENTIVE PROJECTS IN THE SAN JOAQUIN VALLEY AND SUPPORT THE DISTRICT'S IMPLEMENTATION

OF AB 617

RECOMMENDATIONS:

- 1. Accept and appropriate \$80,000,000 in Cap and Trade funding authorized under AB 134 from the California Air Resources Board and utilize these funds for the primary purpose of improving public health in accordance with AB 617 in the Valley's disadvantaged communities while maximizing opportunities to advance efforts necessary to attain the federal health-based standards for PM2.5 and ozone.
- 2. Approve proposed framework for implementing a mechanism by which Cap and Trade funds are used in the Valley's disadvantaged communities while maximizing every opportunity to also advance the Valley's attainment needs.
- Accept \$8,400,000 in funding authorized under AB 109 from the California Air Resources Board to support District's implementation of state mandates under AB 617.
- Authorize the Executive Director/Air Pollution Control Officer (APCO), with Board Chair signature where necessary, to negotiate and enter into agreement(s) for these funds and make administrative changes to the programs as necessary.

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5. Approve the attached Budget Resolution to amend the 2017-18 District Budget to appropriate \$88,400,000 in unanticipated revenue.

BACKGROUND:

In September 2017, the State Legislature and Governor agreed to extend Cap and Trade as part of a legislative package that included the appropriation of \$1.5 billion in Cap and Trade funding. The Cap and Trade deal also included the passage of AB 617 that requires the state Air Resources Board and air districts to develop and implement additional emissions reporting, monitoring, and reduction plans and measures in an effort to reduce air pollution exposure in impacted communities.

In adherence with guidance from your Governing Board as expressed in the District's 2017 Legislative Platform, the District's advocacy focused on efforts to ensure that the state's climate change initiatives also assist with Valley-centric public health objectives aimed at reducing criteria pollutants and toxic emissions. This is critical in light of the District's current efforts to attain the federal PM2.5 standards and pending mandates for the latest federal ozone standard. These efforts were highly successful in educating the state's administrative and legislative branches and led to significant new funding sources for the District's clean air programs. The purpose of this item is to seek your Board's approval of the framework and manner by which the District will utilize these resources in an integrated fashion aimed at securing expeditious reductions in emissions and fulfilling federal mandates under the Clean Air Act. Furthermore, today's recommendation also seeks your Board's approval to accept the first portion of these new funds under AB 134 and AB 109.

ANTICIPATED NEW FUNDING FOR SAN JOAQUIN VALLEY:

As a direct result of the District's advocacy efforts working closely with Valley stakeholders, the Cap and Trade legislative package includes significant new funding for the Valley that will greatly assist in achieving the enormous emissions reductions necessary for our upcoming State Implementation Plans aimed at attaining the federal health-based standards. The District's advocacy efforts were guided by the Legislative Platform adopted by your Board which specifically identified the following objectives:

Projects funded with Cap and Trade revenues should achieve greenhouse gas reductions, with priority given to projects that achieve reductions in criteria pollutants as well.

A. A portion of Cap and Trade revenues should be directed to projects in areas that are already disproportionately impacted by air pollution.

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B. Policies should be put in place to ensure that programs funded with Cap and Trade revenues meet or exceed the provisions of SB 535 that require a minimum of 25% of the Cap and Trade revenue be spent to benefit disadvantaged communities and that 10% of the revenue be spent in those communities. In determining what communities are disadvantaged, the state is required to prioritize communities that face significant environmental challenges as well as economic challenges.

While the primary focus for many was solely the climate change objectives, the District successfully argued that the public health needs in disadvantaged communities such as those in the Valley must be a top priority for the state. The deal that was reached goes a long way toward fulfilling these policy objectives guaranteeing that the District receives a fair share of revenues, and assisting the Valley in achieving reductions in the Valley's disadvantaged communities in a manner that will also assist our attainment efforts in the upcoming State Implementation Plans. The following provisions in the adopted budget legislation package of AB 109 and AB 134 are particularly beneficial to the Valley:

- \$250 million for Carl Moyer projects and clean trucks that meet Prop 1B guidelines, distributed as follows:
 - South Coast AQMD (43%), \$107.5 million
 - San Joaquin Valley APCD (32%), \$80 million (Today's Item)
 - Bay Area AQMD (20%), \$50 million
 - Other districts (5%), \$12.5 million
- \$85 million for projects to reduce emission from Agriculture, the majority of which will come to the Valley
- \$6 million for Ag renewable energy projects, the majority of which will come to the Valley
- \$50 million to ARB for Ag incentives, the majority of which will come to the Valley
- \$99 million for dairy digesters, the majority of which will come to the Valley
- \$60 million for food processors for GHG reduction projects, a majority of which will come to the Valley.
- \$100 million for Enhanced Fleet Modernization Program (EFMP) and EFMP Plus-Up, school bus replacement, and low-income Clean Vehicle Rebate Program. The Valley contains 20 of the 30 most disadvantaged communities. This funding is targeted at those communities.

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- \$180 million for the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP). This is a statewide program that the Valley traditionally takes advantage of.
- \$27 million for air districts to implement AB 617. The District will receive \$8.4 million of these funds. (Today's Item)

PROPOSED FRAMEWORK FOR NEW FUNDING EXPENDITURE:

As we contemplate effective use of the new funds towards fulfillment of the applicable state and federal mandates, the District faces fast approaching deadlines and timing is of the essence. First, the state's enabling funding legislation imposes ambitious deadlines for the encumbrance and liquidation of the funds, as follows:

- All funding must be encumbered (under executed contract) by June 30, 2019
- All funding must be liquidated (paid out) by June 30, 2021

As stated earlier, the District worked hard to compel the state to place a top priority on expenditure of these funds to improve public health in disadvantaged communities. Having succeeded in this regard, we now must devise and implement a mechanism by which these funds are used in the Valley's disadvantaged communities while maximizing every opportunity to also advance the Valley's attainment needs. Toward that end, the following framework is recommended for your Board's approval:

- 1. For the expenditure of the initial \$80 million in funding under AB 134, identify existing qualifying projects in the queue that are located in and/or benefit the Valley's disadvantaged and low income communities.
- 2. For the expenditure of additional funds beyond those described in item 1 above, utilize existing incentive program components and develop new components as necessary to achieve emissions reductions in and/or benefitting the Valley's disadvantaged and low income communities. In addition to the queue of existing applications outlined above, if approved, the District is proposing to release several solicitations for project categories that may include but are not limited to the following:
 - Heavy-duty emergency vehicle replacement with diesel or natural gas technology
 - Medium and heavy-duty on-road truck replacement with zero/near-zero technology
 - Agricultural irrigation pump replacement/electrification and associated infrastructure
 - Agricultural zero-emission utility vehicle deployment/replacement

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- Alternative fuel infrastructure (fueling stations)
- Locomotive (line-haul, short haul, switcher) replacement with cleaner diesel/hybrid/zero-emission technology
- Yard truck replacement with zero-emission technology
- Forklift/cargo handling equipment replacement with zero/near-zero emission technology
- School bus replacement with zero/near-zero emission technology
- 3. If approved, the District is proposing to develop and release the first of these solicitations within the first quarter of 2018 to meet the stringent timelines associated with the AB 134 funding.
- Incorporate necessary requirements to maximize the amount of reductions in criteria pollutant emissions that are creditable in the District's State Implementation Plans for attaining the federal health-based standards.
- 5. The District will make good faith efforts to fully engage Valley residents and businesses while ensuring expeditious reductions in emissions in the Valley's disadvantaged communities and timely encumbrance and liquidation of these funds as mandated by applicable laws.
- 6. Utilize the District's well-respected multilingual outreach and communication program to reach Valley residents through a variety of media, including print, radio, television and social media, email list serves and the District website. The California Climate Investments Funding Guidelines further specify outreach and transparency requirements, including specific outreach to SB 535 disadvantaged communities and AB 1550 low income communities. These efforts will include some combination of the following:
 - Engaging Valley community groups and other organizations to solicit input including the District's EJAG
 - Program development workshops to solicit community input
 - Applicant workshops for specific programs
 - Valley-wide or targeted community informational meetings
 - Website notifications regarding upcoming or open solicitations
 - Press releases for open solicitations
 - Specific email list-serves
 - Targeted social media postings
- 7. Comply with all applicable state guidelines and requirements for expenditure of the funds provided by the state.
- 8. Consistent with the District's zero-based budgeting process, appropriate necessary resources, including required staffing, for expeditious and streamlined implementation. Considering that time is of the essence, the District will implement your Board's objectives with existing staff to the extent possible. If additional staffing is needed as expected, a detailed proposal will be presented to

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your Board as a mid-year Budget amendment and as a part of the District's 2018/19 Budget.

STATE MANDATES UNDER AB 134 FOR EXPENDITURE OF INITIAL \$80 MILLION:

AB 134 stipulates that the funds allocated to the three referenced air districts be spent to implement projects pursuant to the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), with the discretion to utilize up to 40% of the funds to incentivize clean trucks in accordance with the Proposition 1B guidelines, relative to funding amounts and truck evaluation. Up to 6.25% of the funds may be used to offset air district costs to administer the funding. For the District, this equates to \$5,000,000 in administrative funding. This percentage is consistent with the percentage of administrative funding provided under the Carl Moyer Program.

The state legislature placed a priority on using this funding to assist with the implementation of AB 617. The legislature directed ARB to utilize the funding provided in AB 134 to assist in achieving early reductions, particularly in disadvantaged and low income communities and to provide immediate benefits to air quality and public health.

To ensure the funding is utilized as quickly as possible, ARB in consultation with the three participating air districts are using established criteria for the expenditure of Cap and Trade funds for determining areas and communities in which to target funding provided under AB 134. These established criteria are defined within two previously adopted pieces of legislation, SB 535 and AB 1550, which include the following requirements for the expenditure of all Cap and Trade funds:

- 25% of funds are to be spent on projects located within, and benefitting individuals within disadvantaged communities;
- An additional minimum of 5% of funds are to be spent on projects that benefit low income households or to projects located within, and benefitting individuals living in low income communities:
- An additional minimum of 5% of funds are to be spent either on projects that benefit low income households that are outside of, but within ½ mile of disadvantaged communities, or on projects located within the boundaries of, and benefitting individuals living in low income communities that are outside of but within ½ mile of disadvantaged communities.

The three participating air districts are working closely with ARB to determine the specific criteria to be used to ensure that the legislature's direction to achieve early actions to comply with the strategy and community action programs established pursuant to AB 617 is met. This will likely result in higher percentages of expenditure of AB 134 funds in the Valley's disadvantaged and low income communities than would

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otherwise be required under SB 535 and/or AB 1550. However, given that 20 out of the top 30 disadvantaged communities in California are located in the District, staff is confident that these targets can be achieved with the existing projects in the queue.

The District has more than 18 years of experience administering Carl Moyer Program funding and more than 10 years of experience administering Proposition 1B Program funding within the District's Heavy-Duty Engine Program. As such, the District is confident in our ability to quickly and efficiently administer the AB 134 funds and garner the resulting emission reductions and associated health benefits in an expeditious manner, as required by AB 617.

Additionally, because these are Cap and Trade funds, the District is required to comply with the California Climate Investments Funding Guidelines developed by ARB. These guidelines prescribe, among other things, how outreach must be conducted and who must be targeted with that outreach, what information must be included in funding solicitations, specific language that must be included in funding agreements, and specific reporting requirements.

To meet these aggressive timelines and ensure that the early benefits associated with AB 617 are realized, the District is proposing to utilize an existing queue of qualified applications and use this funding as an opportunity to solicit additional applications for a wide variety of eligible, cost-effective project categories. While on the surface the District's existing queue of applications potentially exceeds the available funding, all applications must be evaluated to ensure that the requirements of AB 617, SB 535 and AB 1550 are all satisfied prior to funding and that the projects are consistent with the District's overall attainment strategy. This could result in a different overall mix of projects being used to implement this funding.

The District's queue of existing applications potentially eligible for this funding includes the following:

- Up to \$120 million in existing applications for agricultural equipment replacement
- Up to \$50 million in existing applications for school bus replacement
- Up to \$30 million in existing applications for off-road equipment repowers
- Up to \$10 million in existing applications heavy-duty truck replacement

Pending your Board's approval, consistent with the proposed framework including efforts to solicit public input and due diligence to ensure public health benefits in disadvantaged and low income communities that also assist with the District's attainment efforts, a list of eligible projects will be submitted to ARB to secure funding and begin implementation of emission reduction projects.

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STATE MANDATES FOR EXPENDITURE OF \$8.4 MILLION UNDER AB 109:

AB 617 was signed by the Governor on July 26, 2017 and contains several requirements related to monitoring and reporting on emissions from facilities subject to the Cap and Trade regulation. AB 617 requires ARB to develop a uniform statewide system of annual reporting of criteria pollutants and toxic air contaminants at "capped" facilities and certain other stationary sources. This bill further requires ARB to develop a plan and system to identify the highest priority locations across the state for implementing community-level monitoring at the identified locations by 2018. Additional site-specific air monitoring and measures to reduce emissions at these locations are then imposed if it is determined that these facilities emit air pollutants in, or materially affect the selected locations or communities.

While the specific requirements under AB 617 are currently under development by the Air Resources Board through a public process, it was clear through the legislative process that significant resources will be required by air districts to implement the new requirements. As stated earlier, the District will receive \$8.4 million from funding provided under AB 109 for the initial tasks associated with new mandates under AB 617.

The District will use this funding to implement AB 617 requirements that will include development and implementation of additional emissions reporting, air pollution monitoring, Best Available Retrofit Control Technology (BARCT), and emission reduction plan requirements and measures. These requirements include strict implementation deadlines that will require significant amounts of work and resources. Initially, significant work will be required to analyze and amend, if necessary, District rules affecting sources that are subject to Cap and Trade limits to ensure that those rules meet BARCT requirements. AB 617 also requires additional monitoring in the highest priority locations, which will require the purchase and implementation of highly specialized air quality monitoring equipment, establishment of new air monitoring shelters and lease agreements among other associated costs. It is estimated that it will cost approximately \$1 million per monitoring site and 10 to 20 monitoring sites will be required with an estimated cost between \$10 million and \$20 million. In addition, ongoing costs to support these monitoring stations which include staff time, consumable parts, lab analysis, and maintenance are estimated between \$1.5 million and \$3 million annually. In summary, the total cost ranges from \$13 million to \$25 million, and annual operational costs range from \$1.5 million to \$3 million (see Table 1). These costs are only preliminary estimates with actual costs likely to be higher as the District goes through the process of implementing these requirements and gain a better understanding of the resource requirements. ARB has indicated that future funding will most likely be made available to continue to support the implementation of AB 617.

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Table 1 – Estimated Cost to Implement AB 617 Requirements

Implementation Requirement	Estimated Cost
BARCT Rule Analysis and Amendment	\$1.5 - \$2 million
Initial Monitoring Equipment Installation:	
 Install 10 to 20 monitors 	\$10 - \$20 million
- \$1 million per site	
Annual Monitoring Operational Cost:	
- Maintain 10 to 20 monitors	\$1.5 - \$3 million
 \$150,000 per site, per year 	
Total Estimated Cost:	\$13 - \$25 million

FISCAL IMPACT:

Approval of the attached Budget Resolution will:

- 1. Increase the District's 2017-18 Budget revenues and appropriations in the amount of \$80,000,000 to be utilized in the District's Heavy-Duty Engine Program. ARB has provided up to 6.25% of the total grant award (\$5,000,000) to offset the District's cost to administer these programs. Any staffing or other resource increases proposed to facilitate the expeditious implementation of these funds will be brought before your Board for approval at a later time.
- 2. Increase the District's 2017-18 Budget revenues in the amount of \$8,400,000 to be utilized by the District for the initial implementation of ARB's Community Air Protection Program established pursuant to AB 617. Any staffing or other resource increases proposed to facilitate the use of these funds to implement AB 617 requirements will be brought before your Board for approval at a later time.

Attachment: Budget Resolution (5 pages)

San Joaquin Valley Unified Air Pollution Control District Meeting of the Governing Board December 21, 2017

ACCEPT AND APPROPRIATE \$88,400,000 IN CAP AND TRADE FUNDS FROM THE CALIFORNIA AIR RESOURCES BOARD TO IMPLEMENT EMISSION REDUCTION INCENTIVE PROJECTS IN THE SAN JOAQUIN VALLEY AND SUPPORT THE DISTRICT'S IMPLEMENTATION OF AB 617

Attachment:

BUDGET RESOLUTION (5 PAGES)

BEFORE THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

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IN THE MATTER OF INCREASING THE 2017/18 DISTRICT BUDGET \$88,400,000 FOR THE RECEIPT OF REVENUE FROM THE CALIFORNIA AIR RESOURCES BOARD

RESOL	LITION	J NO	
NESUL	.0 1 101	NINC.	

WHEREAS, The San Joaquin Valley Unified Air Pollution Control District (District) is a duly constituted unified district, as provided in California Health and Safety Code sections 40150 to 40161; and

WHEREAS, the District is authorized by California Health and Safety Code section 40702 to make and enforce all necessary and proper orders, rules and regulations to accomplish the purpose of Division 26 of the Health and Safety Code; and

WHEREAS, AB 134 amends the 2017 Budget Act to add provisions related to the 2017 Greenhouse Gas Expenditure Plan, which appropriates \$250 million in Greenhouse Gas Reduction Fund revenue to the California Air Resources Board (ARB) for distribution to California air districts as follows: 43 percent (\$107.5 million) to the South Coast Air Quality Management District, 32 percent (\$80 million) to the San Joaquin Valley Unified Air Pollution Control District, 20 percent (\$50 million) to the Bay Area Air Quality Management District, and five percent to the State Air Resources Board for distribution to other districts in the state as determined by the board in consultation with the districts; and

WHEREAS, AB 134 specifies that South Coast Air Quality Management District, the San Joaquin Valley Unified Air Pollution Control District, and the Bay Area Air Quality Management District shall use the funds to implement projects pursuant to the Carl Moyer Memorial Air Quality Standards Attainment Program (Ch. 9 (commencing with Sec. 44275). Pt. 5, Div. 26, H. & S.C.), except that at its discretion, a district may allocate up to 40 percent of the funds it receives to incentivize clean trucks in accordance with the State Air Resources Board's Proposition 1B Guidelines, relative to funding amounts and truck evaluation; and

WHEREAS, AB 109 amends the 2017 Budget Act, which appropriates \$27 million of which the District expects to receive \$8.4 million to support District's implementation of Chapter 136 of the Statutes of 2017 in support of state mandates under AB 617; and

WHEREAS, the District may use up to 6.25 percent of the funds it receives to pay the reasonable costs of administering the incentive programs; and

WHEREAS, the District is committed to implement incentives to benefit disadvantaged communities as envisioned in AB 617 and to address AB 1550 targets for Greenhouse Gas Reduction Funds; and

WHEREAS, 20 of the 30 most disadvantaged communities identified by the state's CalEnviroScreen are located in the San Joaquin Valley and fulfilling the mandates under AB 617 to improve public health in these communities will also assist in bringing the Valley into attainment with federal health-based air quality standards for PM2.5 and ozone; and

WHEREAS, the Valley has been classified as Extreme nonattainment for ozone and Serious nonattainment for PM2.5 by the EPA; and

WHEREAS, the San Joaquin Valley Air Pollution Control District Governing Board has adopted and implemented strong regulatory and incentive-based measures to reduce air pollution from stationary sources, indirect sources, on-road and off-road vehicles and equipment; and

WHEREAS, said funds are critical to the District's attainment strategy for meeting the federal ambient air quality standards for ozone and PM2.5 by enabling the District to provide funding for reducing emissions from sources over which the District lacks regulatory authority; and

WHEREAS, monies allocated to the District pursuant to AB 134 and AB 109 were not reflected in the Appropriations and Estimated Revenues of the 2017/18 District Budget; and

NOW, THEREFORE, IT IS RESOLVED THAT the Governing Board of the San Joaquin Valley Unified Air Pollution Control District does hereby accept the terms and

FRESNO, CA 93726-0244

1	TOTAL RESERVES INCREASED	<u>\$13,400,000</u>
2 3	BE IT FURTHER RESOLVED THAT the estimated revenues	for the 2017/18
	District Budget be adjusted as follows:	
4	ESTIMATED REVENUES	
5	NON-OPERATING REVENUE	
6 7	AB 134 - Greenhouse Gas Reduction Funds 551-4610-350-100	\$75,000,000
8	Administrative Fees – AB 134 – GGRF 551-4495-160-100	\$5,000,000
9	TOTAL NON-OPERATING REVENUES	<u>\$80,000,000</u>
10	OPERATING REVENUE	
11 12	State Operating Grant – AB 109 100-4406-000-100	\$8,400,000
13 14	TOTAL OPERATING REVENUES	<u>\$8,400,000</u>
15	TOTAL ESTIMATED REVENUES	<u>\$88,400,000</u>
16		
17	BE IT FURTHER RESOLVED THAT the estimated transfers	for the 2017/18
18	District Budget be adjusted as follows:	
19 20	OPERATING - TRANSFERS IN GENERAL FUND ADMIN EARNED 100-4720-000-100	<u>\$5,000,000</u>
21	NON-OPERATING - TRANSFERS OUT	
22	PROGRAM ADMIN COSTS 551-9020-160-100	<u>\$5,000,000</u>
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24		
25	Approved as to Accounting Form	
26	By	
27	Mehri Barati Director of Administrative Services	
28		

SJVUAPCD 1990 E. GETTYSBURG AVENUE FRESNO, CA 93726-0244

1	THE FOREGOING was passed and ado	pted by the following vote of the Governing Board
2	of the SAN JOAQUIN VALLEY UNIFIED	AIR POLLUTION CONTROL DISTRICT this 21st
3	day of December, 2017, to wit:	
4		
5	AYES:	
6		
7	NOES:	
8		
9	ABSENT:	
10		
11		SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT
12		By
13		Oliver L. Baines III
14		Governing Board Chair
15	ATTEST:	
16	Clerk to the Governing Board	
17	Ву	
18 19	Michelle Franco	
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