

Action Summary Minutes

San Joaquin Valley Unified Air Pollution Control District

GOVERNING BOARD MEETING

Central Region Office, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA

**Thursday, January 20, 2022
9:00 a.m.**

Given the international COVID-19 pandemic, and consistent with public health recommendations and Assembly Bill 361, this meeting was held via Zoom Webinar and video teleconferencing with the Central Region Office (Fresno). This meeting was also webcast.

1. CALL MEETING TO ORDER – The Vice Chair, Supervisor Vito Chiesa, called the meeting to order at 9:01 a.m.
2. ROLL CALL – was taken and a quorum was present.

Present:

Drew M. Bessinger, Councilmember	City of Clovis
Vito Chiesa, Supervisor, Vice Chair	Stanislaus County
David Couch, Supervisor	Kern County
Christina Fugazi, Vice Mayor	City of Stockton
Deborah Lewis, Mayor Pro Tem**	City of Los Banos
Buddy Mendes, Supervisor	Fresno County
Tania Pacheco-Werner, Ph.D.*	Appointed by Governor
Lloyd Pareira, Supervisor,	Merced County
Craig Pedersen, Supervisor	Kings County
Alvaro Preciado, Mayor	City of Avenal
Robert Rickman, Supervisor	San Joaquin County
Alexander Sherriffs, M.D.	Appointed by Governor
Amy Shuklian, Supervisor	Tulare County
Tom Wheeler, Supervisor	Madera County

Absent:

Monte Reyes, Mayor, Chair	City of Porterville
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*arrived at 9:05 a.m.

**arrived at 10:23 a.m.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT CALENDAR – Item Numbers (17 - 25): *These matters are routine in nature and are usually approved by a single vote. Prior to any action by the board, the public was given the opportunity to comment on any consent item.*
17. ASSEMBLY BILL 361 AND DISTRICT REMOTE TELECONFERENCING UPDATE
18. RECEIVE AND FILE QUARTERLY UPDATE TO THE BEST AVAILABLE CONTROL TECHNOLOGY (BACT) CLEARING HOUSE
19. EXECUTE AGREEMENT WITH PACIFIC SOLAR TO INSTALL ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AT DISTRICT OFFICES FOR A COST NOT TO EXCEED \$295,838 (\$210,838 AFTER CEC GRANT)
20. APPROVE CONTRACT WITH EXECUTIVE DIRECTOR/APCO
21. APPROVE CONTRACT WITH LEGAL COUNSEL
22. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, DECEMBER 16, 2021
23. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2021
24. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR DECEMBER 2021
25. RECEIVE AND FILE BUDGET STATUS REPORTS AS DECEMBER 31, 2021

Dr. Sherriffs commented on item 19 EXECUTE AGREEMENT WITH PACIFIC SOLAR TO INSTALL ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AT DISTRICT OFFICES FOR A COST NOT TO EXCEED \$295,838 (\$210,838 AFTER CEC GRANT).

Dr. Sherriffs commended staff and the Board for continuing to move forward with the electrification of the District's fleet according to the District's Green Procurement Policy and partnering with state agencies. He said change is not simple, and there are many parts that need to come together for success, but this is a win-win for long-term maintenance and fuel savings, criteria pollutants emissions, and state greenhouse gas goals. He added the work the District is doing represents a role model for other agencies that want to move in this direction.

Vice Mayor Fugazi said it was important to her to make sure that all of our agencies would be able to have potential access to these funds as we move towards electrification. She said the timing is perfect as the District should be leading by example and she was very much in favor of this item as well.

Samir Sheikh, Executive Director/APCO expressed appreciation for these comments and let the Board know that staff anticipates reporting out on those plans in a broader discussion with the Board and sharing lessons learned with other agencies.

Annette Ballatore, District Counsel, summarized the details of the contracts contained in item 20 APPROVE CONTRACT WITH EXECUTIVE DIRECTOR/APCO and 21 APPROVE CONTRACT WITH LEGAL COUNSEL.

Public Comment: *The following persons commented on this item:*

- Janet Dietz-Kamei, Fresno Resident

Moved: Mendes

Seconded: Wheeler

Ayes: Bessinger, Chiesa, Couch, Fugazi, Mendes, Pacheco-Werner, Pareira, Pedersen, Preciado, Rickman, Sherriffs, Shuklian, Wheeler

Nays: None

Motion unanimously carried to approve Consent Calendar (Items 17-25)

5. PUBLIC COMMENT – *The following persons provided public comments at this meeting:*

- Connie Young, Citizens Climate Lobby (CCL)
- Janet Dietz-Kamei, Fresno Resident
- Thomas Menz, Fresno Resident

6. S.T.A.R. RECOGNITION (Service, Teamwork, Attitude, Respect) – Chenecua Dixon, Director of Personnel, recognized the following staff members for reaching a service milestone during the fourth quarter of 2021:

Five Years of Service

April Taylor, Accounting Technician
Brittney Thompson, Air Quality Assistant
Cathy Benenati, Accounting Assistant
Karrie Maslowski, Office Assistant
Sarah Hasan, Senior Air Quality Specialist

Fifteen Years of Service

Claire Gottschalk, Air Quality Inspector
Erin Green, Personnel Technician
Guadalupe Jauregui, Supervising Air Quality Inspector
Jon Klassen, Director of Air Quality Science and Planning
Pete Biscay, Air Quality Specialist
Ryan Kincaid, Supervising Accountant

Twenty Years of Service

Aleksander Krivobok, Network Systems Analyst
Brant Botill, Senior Air Quality Specialist
Iona Safavardi, Air Quality Inspector
Tim Bush, Air Quality Engineer

7. **RECEIVE AND FILE ANNUAL COMPREHENSIVE FINANCIAL REPORT AND SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2021 –**

Mr. Sheikh introduced Mehri Barati, Director of Administrative Services, and recognized the excellent financial team at the District that works very hard to fulfill the Board's expectation of having strong fiscal accountability and transparency.

Ms. Barati introduced Fausto Hinojosa and Osvaldo Gutierrez from Price, Page, and Company who presented results from their audit of District financial statements for the fiscal year ended June 30, 2021.

Supervisor Pereira asked for additional clarification regarding the importance of paying attention to the pension liability. Mr. Hinojosa responded that it was the most significant liability on the District's balance sheet, the District was in a cost sharing plan and the liability can change from year to year. He added if there was a change in the long term expected rate of return for investments that can have significant impact on that liability.

Public Comment: None

Moved: Mendes

Seconded: Bessinger

Ayes: Bessinger, Couch, Chiesa, Fugazi, Mendes, Pacheco-Werner, Pereira, Pedersen, Preciado, Rickman, Sherriffs, Shuklian, Wheeler

Nays: None

Motion unanimously carried to receive and file the District's Annual Comprehensive Financial Report and Single Audit Report for the Fiscal Year ended June 30, 2021

8. APPROVE UP TO \$4,000,000 IN ADDITIONAL FUNDING FOR THE IMPLEMENTATION OF THE TUNE IN TUNE UP VEHICLE REPAIR PROGRAM

– Mr. Sheikh introduced Brian Dodds, Program Manager, presented this item which asked the Board to execute an amendment to the existing agreement with Valley Clean Air Now for the continued implementation of the District's Tune In Tune Up vehicle repair program for an additional \$4,000,000 in program funding for the remainder of the 2021-22 fiscal year.

Supervisor Wheeler commented on the high participation rates in Madera County. He said he hoped to increase participation rates in the mountain communities in Madera.

Councilmember Bessinger said this was one of his favorite District programs because it gives money directly to folks who are in need of vehicle repairs or replacement. He said as a law enforcement officer, he has stopped vehicles for expired registration and many drivers were on their way to work, sharing with him that their vehicles cannot pass a smog test. He said he contacted several cities and counties to let them know about this program, especially those in rural areas whose residents can benefit most from this program. He added he would like the District to work with law enforcement to communicate information about the program and its participants. He said this program not only reduces pollution, but also helps the economy as there are many residents who want to work but do not have the ability to get there.

Dr. Sherriffs echoed Councilmember Bessinger's sentiments. He added this was one of the District's most cost effective programs as well as providing an opportunity to share information about the District's other incentive programs with Valley residents who participate in the in-person events.

Vice Mayor Fugazi said as a huge supporter of this program, she wondered how to get more repair shops involved. She said many program participants have to wait two or three months to get an appointment because the shops are so inundated with demand. She added she definitely supports both the ability to call in to participate as well as the in-person events, and said it was important for the Board to continue funding to meet the demand.

Supervisor Pedersen asked about the Covid-19 model of this program versus previous years. Mr. Sheikh responded there were some major efficiencies gained through the direct participation model. He introduced Tom Knox, Executive Director, of Valley Clean Air Now who gave specific details on program administration during the Covid-19 pandemic.

Public Comment: None

Moved: Mendes

Seconded: Wheeler
Ayes: Bessinger, Chiesa, Couch, Fugazi, Mendes, Pacheco-Werner
Pareira, Pedersen, Preciado, Rickman, Sherriffs, Shuklian, Wheeler
Nays: None

Motion unanimously carried to (1) authorize the Board Chair, with Executive Director/APCO recommendation, to execute an amendment to the existing agreement with Valley Clean Air Now for the continued implementation of the District's Tune In Tune Up vehicle repair program for an additional \$4,000,000 in program funding for the remainder of the 2021-22 fiscal year; (2) continue option for direct participation by Valley residents, in addition to continued implementation of weekend events throughout the Valley; and (3) authorize the Executive Director/APCO to make administrative changes to the program as necessary to ensure successful program implementation.

9. APPROVE PROJECT PLAN FOR THE IMPLEMENTATION OF DISTRICT'S BURN CLEANER PROGRAM WITHIN THE STOCKTON AB 617 COMMUNITY
– Todd DeYoung, Director of Grants and Incentives, and Jessica Olsen, Director of Community Strategies and Resources, presented the Project Plan for implementation of the District's Burn Cleaner Program within the AB 617 community of Stockton consistent with District Board and CARB-approved Community Emissions Reduction Program (CERP) for Stockton and future AB 617 communities.

Vice Chairman Chiesa asked about participation rates during the Covid-19 pandemic. Ms. Olsen responded staff have noticed an increase in accessibility and participation in the virtual meetings.

Supervisor Pedersen asked about the availability of funding for the AB 617 program. Mr. Sheikh responded said there is money in the budget adopted late last year by the state for implementation, community air protection grant programs, and to support some additional community focused work. He added there is funding for implementation and incentive programs in the new budget as well and the District will continue to advocate for needed AB 617 resources.

Ms. Lewis arrived at 10:23 a.m.

Vice Mayor Fugazi said this has been an empowering process for residents within the Stockton AB 617 community. She said she has heard from many members who are proud to be part of the process of making positive changes in their community. She thanked staff for working with residents and the members themselves because this is what they believe is going to create the change we need and they are the best promoters of the AB 617 program as they talk to others about it.

Dr. Sherriffs thanked Vice Mayor Fugazi for her comments and said he salutes

District staff for their ability to be adaptable and innovative in coordinating and collaborating with a very diverse group of community members and advocates, local governmental agencies, CARB, and other state agencies. He said it was an incredibly complex process and it was very gratifying that the District has been able to do so well with all of the communities.

Public Comment: *The following persons commented on this item:*

- Kevin Hamilton, Central CA Asthma Coalition

Moved: Fugazi

Seconded: Sherriffs

Ayes: Bessinger, Chiesa, Couch, Fugazi, Lewis, Mendes,
Pacheco-Werner, Pereira, Pedersen, Preciado, Rickman,
Sherriffs, Shuklian, Wheeler

Nays: None

Motion unanimously carried to (1) approve the Project Plan for implementation of the District's Burn Cleaner Program within the AB 617 community of Stockton consistent with District Board and CARB-approved Community Emissions Reduction Program (CERP) for Stockton and future AB 617 communities, as applicable; and (2) authorize the Executive Director/APCO to make administrative changes to the program as necessary to ensure successful implementation of the program.

10. APPROVE THE DISTRICT'S 2022 LEGISLATIVE PLATFORM – Tom Jordan, Senior Policy Advisor, presented the District's recommended 2022 Legislative Platform, including the following priorities to provide policy guidance and recognize the unique needs of the Valley in the coming year:

1. (State/Federal) Funding for Clean Air Projects
2. (State/Federal) Support Greenhouse Gas Reduction Measures that Provide for Local Criteria and Toxic Air Emissions Benefits
3. (State/Federal) Engagement on New Climate Initiatives to Maximize Opportunities for Achieving Goals of Reducing Local Air Pollution (Criteria/Air Toxics) and Greenhouse Gas Emissions
4. (State) Supporting Impacted Communities
5. (Federal) Work with Administrative Branch Including EPA to Advance Streamlined and Efficient Implementation of the Clean Air Act Mandates
6. (Federal) National Standards for On-Road Heavy-Duty Trucks, Locomotives, and other Mobile Sources under Federal Jurisdiction
7. (State/Federal) District Policy Position on the Deployment of Near-Zero and Zero Emission Technologies

8. (State) Support Legislation Extending the Carl Moyer Program and the District's Existing Authority for DMV Fees to Match Applicable Federally Mandated Attainment Deadlines
9. (State/Federal) Support Efforts that Provide for Cost-Effective Alternatives to Open Burning of Agricultural Waste
10. (State/Federal) Technology Advancement
11. (State/Federal) Support adequate resources and policies to reduce the impact of wildfires and their attendant public health impact

Lynn Jacquez of CJ Lake, LLC, provided an update on federal legislative efforts. Sylvia Solis Shaw of Shaw, Yoder, Antwih, Schmelzer, and Lange, who provided an update on state legislative efforts.

Councilmember Bessinger commented on federal money that will be potentially earmarked for wildfires. He said in 2019, he was part of a group advocating for forest management training and fellers. In the face of increasing wildfires, he said it was important to continue highlighting the importance of removing the dead and diseased fuel from forests.

Supervisor Wheeler said sawmills are also an important part of forest management. He said there used to be over one hundred sawmills and now there are only 20 that still exist.

Vice Chair Chiesa said that good policy directs our Legislative Platform and he has been a firm believer that if there is a dollar out there, he would just assume it was spent in the San Joaquin Valley and sometimes our policies have to morph depending on the funding situation.

Dr. Pacheco-Werner commended District staff for their leadership in targeting and identifying this set of funds they will be going after this year. She said being at the table instead of on the menu in terms of the zero emission transition is really key and especially for our rural communities. She added she would continue to advocate for these programs including equipment and vehicles for low income communities. She added staff is being responsive to the times that we are in right now and taking advantage of what is out there.

Public Comment: *The following persons commented on this item:*

- Connie Young, CCL
- John Larrea, CA League of Food Processors
- Janet Dietz-Kamei, Fresno Resident
- Thomas Menz, Fresno Resident
- Manuel Cunha, Nisei Farmers League

Dr. Sherriffs thanked the District's legislative advocacy partners for their great

work and complimented staff for developing a very thoughtful and collaborative legislative platform for our advocates to work with.

Moved: Mendes

Seconded: Pareira

Ayes: Bessinger, Chiesa, Couch, Lewis, Mendes, Pacheco-Werner, Pareira, Pedersen, Preciado, Sherriffs, Shuklian, Wheeler

Nays: None

Motion unanimously carried to approve the District's 2022 Legislative Platform.

11. RECEIVE UPDATE ON AIR QUALITY PLANNING AND REGULATORY EFFORTS AND APPROVE ADDITIONAL RESOURCES – Sheraz Gill, Deputy APCO, provided Board members with an update on the status and next steps regarding air quality planning and regulatory efforts required to address state and federal mandates. In addition, given the extensive air quality planning activities required to address state and federal mandates in the coming years, staff recommends adding a Director of Air Quality Planning to ensure necessary support and oversight, and effective implementation of these mandates.

Mr. Sheikh walked the Board and public through the various challenges that the Valley will face with plans and other regulatory work that staff is doing to continue to move the ball forward under the Clean Air Act. He added it was critical for the Board, District, and Valley that we continue developing innovative plans, and responding to the changing requirements such as contingency.

Dr. Sherriffs thanked staff said there was fantastic progress in terms of ozone attainment and said he was amazed what was accomplished with the staff we have in place. He said he was always concerned about how climate change impacts our attainment with air quality standards. He added climate change issues are a reminder of the complexity of what we are doing and it sounds appropriate to increase staff at this point to help with that.

Dr. Pacheco-Werner voiced support for the added dedicated staff person to focus on air quality planning and regulatory efforts and said she has no doubt there are qualified people out there to do this work. She said she was impressed by the District's coordination with CARB and advocating to EPA. She said while it was important to track the exceptional events from an attainment piece it does not take away from the public health impact that they continue to have on our population. She added it was important, especially given all of the new studies that have come out this past year tracking everything from preterm birth to life expectancy when it comes to PM that we must continue to push the envelope on gaining as many reductions as we can.

Supervisor Couch left at 11:39 a.m.

Supervisor Rickman left at 11:40 a.m.

Supervisor Mendes said he was very supportive of the staffing enhancement because everything the District does is driven by data and the District has the best data.

Public Comment: *The following persons commented on this item:*

- Janet Dietz-Kamei, Fresno Resident

Moved: Mendes

Seconded: Wheeler

Ayes: Bessinger, Chiesa, Lewis, Mendes, Pacheco-Werner,
Pareira, Pedersen, Preciado, Sherriffs, Shuklian, Wheeler

Nays: None

Motion unanimously carried to (1) add a Director of Air Quality Planning to ensure necessary support and oversight over air quality planning activities required to address state and federal mandates; (2) amend the District's Position Control List effective January 20, 2022; and (3) adopt Budget Resolution to amend the 2021/22 District Budget

12. APPOINT AD HOC SUBCOMMITTEE FOR HEARING BOARD REAPPOINTMENTS – Mr. Sheikh said the terms of 6 Attorney and Engineer Hearing Board members will expire on February 28, 2022, and said the Board must either reappoint the existing members or appoint new individuals to the Hearing Boards. He said staff recommended appointing two Governing Board members from each region to serve on an Ad Hoc Subcommittee to review, evaluate, and make recommendations regarding reappointment. He said the District Counsel will coordinate the process with Subcommittee members via email and phone.

Vice Chairman Chiesa appointed Councilmember Bessinger, Supervisor Mendes, Vice Mayor Fugazi, Supervisor Pareira, Mayor Reyes, and Supervisor Shuklian to the Ad Hoc Subcommittee for Hearing Board reappointments.
13. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD ACTIVITIES – Dr. Pacheco-Werner reported on highlights from the CARB Board meeting held on December 9, 2021.
14. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh reported that the District's bilingual Healthy Air Living Kids Calendar is now available for distribution to the Board and the public. He also discussed the impacts of Covid-19 on the Valley, and said he was happy to report that all District programs are fully up and running and we are able to manage by working closely with our wonderful staff, including continued telecommuting where feasible.
15. GOVERNING BOARD MEMBER COMMENTS – Dr. Sherriffs commented

although omicron is less virulent and lethal it is certainly more infectious and causing a very serious surge at Valley hospitals. He reminded all that masking is very important for protecting ourselves and the people around us.

Supervisor Mendes thanked Supervisor Chiesa for chairing a great meeting.

Councilmember Bessinger announced that the first two hybrid law enforcement vehicles purchased under the program adopted by the Board were ready to be deployed to the Fresno State Police Department. He suggested including information on this program in District outreach efforts. He requested staff to work with Fresno State on a press release to notify other law enforcement agencies in the Valley of the available resources.

Supervisor Shuklian asked if the District had a presence at the World Ag Expo. Mr. Sheikh responded affirmatively and said it has been a great place to continue pushing the various clean air initiatives within the agricultural community as well as sharing information on the agricultural burning phase out.

Supervisor Pareira raised a concern about the state's electric grid failures and suggested the District advocate for grid reinforcement and more hydroelectric power to facilitate the switch to electric vehicles. Mr. Sheikh responded that the District's Legislative Platform covers this issue and gives staff and the Board latitude to continue pushing for grid resiliency.

Vice Chair Chiesa thanked the Board and staff for showing patience with him as he chaired his first Board meeting.

16. **CLOSED SESSION:** Annette Ballatore, District Counsel, announced that the Governing Board would hold a Closed Session pursuant to the Ralph M. Brown Act as follows:
- CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to Government Code Section 54956.9(d)(1) in *Comite Progreso do Lamont, et. al. v. SJVUAPCD, Fresno Co. Sup. Ct. Case No. 20CECG01008.*

Public Comment: None

ADJOURN

Vice Chair Chiesa adjourned the meeting to Closed Session at 12:20 p.m.

Meeting adjourned from Closed Session at 12:45 p.m.

The next scheduled meeting of the Governing Board is: Thursday, February 17, 2022. The meeting starts at 9:00 a.m., in the Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via Zoom audio and video teleconference (VTC).