

## 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, August 19, 2021  
9:00 a.m.**

***Meeting held via Zoom Webinar and video teleconferencing with the Central Region Office (Fresno). This meeting was also webcast. Given the international COVID-19 pandemic, and consistent with the California Department of Public Health's recommendations and Governor Newsom's Executive Order N-29-20, no physical location was provided for public attendance.***

1. CALL MEETING TO ORDER – The Chair, Supervisor Craig Pedersen, called the meeting to order at 9:05 a.m.
2. ROLL CALL – was taken and a quorum was present.

*Present:*

Drew M. Bessinger, Councilmember	City of Clovis
Vito Chiesa, Supervisor	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 Pereira, Supervisor, <b>Vice Chair</b>	Merced County
Craig Pedersen, Supervisor, <b>Chair</b>	Kings County
Alvaro Preciado, Mayor	City of Avenal
Monte Reyes, Mayor	City of Porterville
Robert Rickman, Supervisor	San Joaquin County
Alexander Sherriffs, M.D.	Appointed by Governor
Amy Shuklian, Supervisor	Tulare County
Tom Wheeler, Supervisor	Madera County

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT CALENDAR – Item Numbers (18 – 26): *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.*
18. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, JUNE 17, 2021
19. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2021
20. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR JUNE AND JULY 2021
21. RECEIVE AND FILE BUDGET STATUS REPORTS AS JULY 31, 2021
22. RECEIVE AND FILE QUARTERLY UPDATE TO THE BEST AVAILABLE CONTROL TECHNOLOGY (BACT) CLEARINGHOUSE
23. RECEIVE AND FILE DRAFT 2021 ANNUAL DEMONSTRATION REPORT FOR DISTRICT RULE 9610 (SIP-CREDITABILITY OF EMISSION REDUCTIONS GENERATED THROUGH INCENTIVE PROGRAMS)
24. AMEND DISTRICT'S CLASSIFICATION PLAN AND APPROVE RELATED CHANGES TO THE DISTRICT'S ADMINISTRATIVE CODE
25. APPROVE AGREEMENT WITH CJ LAKE, LLC FOR FEDERAL LEGISLATIVE ADVOCACY FOR AN AMOUNT NOT TO EXCEED \$93,708
26. AMEND CONFLICT OF INTEREST CODE

Public Comment: None

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

**Motion unanimously carried to approve Consent Calendar (Items 18 - 26)**

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

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

6. S.T.A.R. RECOGNITION (Service, Teamwork, Attitude, Respect) – Chenecua Dixon, Director of Personnel, presented this item which recognized the following individuals who reached a service milestone during the second quarter of 2021:

**Five Years of Service**

James Le, Network Systems Analyst  
David Born, Supervising Air Quality Inspector  
Stephanie Aranda, Senior Air Quality Inspector  
Ignacio Dominguez, Air Quality Inspector

**Ten Years of Service**

Bradley Dawson, Supervising Air Quality Instrument Specialist  
Gary Petrosian, Network Systems Analyst

**Fifteen Years of Service**

Kevin Wing, Senior Air Quality Specialist  
Stephanie Hitchman, Senior Air Quality Specialist  
Chris Kalashian, Air Quality Specialist  
Yu Vu, Air Quality Specialist  
Nhia Vu, Supervising Air Quality Specialist  
Adam Mumford, Air Quality Inspector  
David McDonough, Air Quality Specialist  
Seng Lee, Senior Programmer Analyst

**Twenty Years of Service**

Morgan Lambert, Deputy Air Pollution Control Officer  
Lori Sheridan, Air Quality Inspector

7. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Kevin Abernathy, CAC Chairman presented highlights from the CAC meeting held on August 3, 2021.

8. ACCEPT AND APPROPRIATE \$5,579,036 IN ADDITIONAL REVENUE FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO FUND THE REPLACEMENT OF AGRICULTURAL TRACTORS AND HEAVY-DUTY DIESEL TRUCKS – Todd DeYoung, Director of Grants and Incentives, presented this item which asked the Board to accept \$5,579,036 from the US Environmental Protection Agency (EPA) for the following projects:

- \$2,789,518 to replace heavy-duty diesel trucks that have 2016 or older model year engines with low-NOx natural gas trucks
- \$2,789,518 to replace agricultural tractors that have uncontrolled, Tier 1 or Tier 2 engines with new agricultural tractors that have Tier 4 engines

Supervisor Mendes asked about the total amount of funding in the tractor program and the current amount of projects in the queue. Mr. DeYoung responded the District spends roughly \$150 million per year on this program and said there were about \$120 million worth of funding applications pending in the queue.

Chairman Pedersen commented on the difficulty locating vehicles and equipment at this time. Mr. DeYoung responded that the global supply chain issues that we have seen over the last year and a half are affecting the availability of vehicles and other equipment.

Dr. Sherriffs commended staff on the great work and congratulated them for the high rankings they received on their grant proposals. He asked if the Valley receives any greenhouse gas benefits from these grants. Samir Sheikh, Executive Director/APCO, responded that the greenhouse gas benefits were quantifiable from the fuel efficiencies on the tractor and truck side. He said the District increasingly looks not only to quantify but also take advantage in the ongoing search for these co-beneficial programs and opportunities to help address both climate change and local air quality needs.

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

- Thomas Menz, Fresno Resident

*Moved:* Wheeler

*Seconded:* Mendes

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

*Nays:* None

***Motion unanimously carried to accept \$5,579,036 from the United States Environmental Protection Agency for the following projects: \$2,789,518 to replace heavy-duty diesel trucks that have 2016 or older model year***

***engines with low-NOx natural gas trucks and \$2,789,518 to replace agricultural tractors that have uncontrolled, Tier 1 or Tier 2 engines with new agricultural tractors that have Tier 4 engines; and to approve the resolution amending the 2021-22 District Budget to appropriate \$5,579,036 in additional revenue.***

9. APPROVE NEW URBAN GREENING AND VEGETATIVE BARRIER INCENTIVE PROGRAM IN AB 617 COMMUNITIES OF SHAFTER AND SOUTH CENTRAL FRESNO – Mr. DeYoung presented this item which asked the Board to approve a new incentive program to provide funding for the development of urban greening and vegetative barriers consistent with District Board and CARB-approved Community Emissions Reduction Programs (CERPs) for Shafter and South Central Fresno AB 617 communities and future AB 617 communities, as applicable; reallocate \$1,000,000 in the South Central Fresno approved CERP from Locomotive Replacements Measure HD.1 to Urban Greening Measure UG.1; and authorize the Executive Director/APCO to make administrative changes to the program as necessary.

Councilmember Bessinger expressed concerned at shifting \$1 million in funding from locomotives to this project, since the District is trying to get the rail industry engaged in emission reduction efforts. Mr. Sheikh responded there was still substantial funding left in the Community Emission Reduction Plan for rail, so this would not be a full shift. He said there were two different measures and remaining funding under the line haul and switcher locomotive programs. He said staff would continue to conduct outreach with the rail industry.

Councilmember Bessinger asked for clarification on the term biogenic VOC. Mr. DeYoung responded that some of the plant species actually generate VOC and staff wanted to make sure that whatever is being planted has a net positive benefit in terms of overall reduction in pollution. Mr. Sheikh added that one of the biggest sources of VOC emissions are those generated in the wildlands surrounding the Valley. Councilmember Bessinger said the City of Clovis is planning on something very similar, working with Fresno Irrigation District to design linear parks, utilizing existing irrigation canal banks.

Dr. Pacheco-Werner said her research on tree covered neighborhoods has really shown the benefits of urban greening. She said urban green science is really emerging and the evidence is so overwhelming that she sees future opportunities for funding in this area. She said this strategy not only fits the guidelines but has multiple public health benefits as well, and the commitments to maintenance are not unique to urban greening projects, as the trucks and stoves and other technology that the District provides grants for also have maintenance requirements to continue to have emission benefits. She said having studied South Fresno, she knows there is no lack of projects in this area right now, and every little bit will have a direct emissions benefit and this is a really good opportunity.

Supervisor Wheeler commented that planning for water and maintenance is very important for projects such as these and said similar projects in his jurisdiction did not survive due to lack of water.

Mayor Reyes said he was in favor of changing funding where appropriate, especially if it is for innovative ideas but water is definitely critical, especially when there is a commitment to maintenance. He suggested engaging with the local groundwater sustainability agencies in the region.

Supervisor Couch thanked staff for their work in response to the interests of the community of Shafter. He asked what can count towards the matching component. Mr. DeYoung responded that in-kind services such as any labor that is involved can also be used to satisfy the match requirement. As far as some of the ancillary requirements, such as sprinklers and irrigation, he said they would have to be looked at but there were other opportunities besides cash for the match consideration. Supervisor Couch said applicants should be creative and District staff would be analyzing them on a case by case basis. Mr. DeYoung responded affirmatively and said staff has been working very closely with residents in the Shafter area.

Supervisor Mendes asked if the cities of Shafter and Fresno would most likely be the only applicants for this program. Mr. DeYoung responded that owners of industrial areas could also apply for the program. Supervisor Mendes agreed with Supervisor Wheeler in that priority one should be maintenance of these projects. Mr. Sheikh clarified that the District would require a commitment from each applicant to maintain their individual projects.

Supervisor Mendes added that he does not like to take money from locomotive projects, and said that the state should have given more funds so that would not have to happen. He added that railroads are not regulated for air pollution and so there really is not an incentive for them to participate in these types of programs. He said the only success that the District has had in the past in turning over locomotives has been by partnering with them through these funding programs. Mr. Sheikh said staff is looking at ways to broaden those partnerships and he intends to return to the Board with a broader discussion on ways to leverage those opportunities throughout the Valley.

Chairman Pedersen asked about the average cost of a switcher locomotive. Mr. DeYoung responded the average cost can be upwards of \$2 million and generally the incentives have been 50 to 75% of the cost.

Dr. Sherriffs voiced appreciation for the comments highlighting the importance of partnerships and maintenance as they are critical. He said these projects would be seen by residents and people every day when they are out an about. He suggested some sort of branding of these projects to give credit to the District's partnerships, as it will enhance the buy in of the community and help keep everyone who contributed to the project involved to ensure it continues to

aesthetically achieve its goals.

Dr. Pacheco-Werner said it was important to note there is a lot of diversity when it comes to urban greening. She said it can be anything from planting a bunch of trees to a living roof. She asked if there was an opportunity in the guidelines to add in drought-resistant plants, which are key in our area and have shown great emission reduction benefits as well. Mr. DeYoung responded affirmatively and said that is a key consideration in all of these programs.

Councilmember Bessinger voiced agreement with Dr. Sherriffs' comments about the importance of branding. He also suggested reallocating \$1 million in locomotive program reserves as recommended by staff and placing the other \$1 million in reserve until staff reports back where they are with this program and whether or not the railroad industry steps up. Mr. Sheikh responded that staff could open the program and have the projects basically selected within the one year timeframe, and then have direction that if there was not sufficient demand and interest to move forward with this program, that money be reallocated to these more cost effective projects.

Councilmember Fugazi commented in Stockton that partnership is essential. She said they have turned down grant funding in the past, but now are at a point where their urban greening needs to be ramped up and the disparity between areas in their AB 617 geographical map and other parts of the city are very evident. She said looking at those drought resistant options is essential as well and something to realize is that the maintenance does not need to happen in the first three to five years in terms of trimming, because we are starting with relatively young plants and vegetation. She said water is obviously important and that is why drought resistance is so important. As someone who is very active with rail, she said those are huge investments and it was up to the rail line whether or not they wish to participate. Lastly, she said when we look across our cities and see the number of trees that have been negatively impacted by drought and disease, because of lack of resources allocated to them, ultimately this is an opportunity for our AB 617 communities to really change that landscape and one she fully supports.

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

- Manuel Cunha, Nisei Farmers League
- Cynthia Pinto-Cabrera, Central Valley Air Quality Coalition (CVAQ)
- Jasmine Buen Rostro, Central CA Environmental Justice Network
- Janet Dietz-Kamei, Fresno Resident
- Mona Cummings, Tree Fresno
- Andreina Aguilar, City of Fresno
- Christine Zimmerman, Western States Petroleum Association
- Connie Young, CCL
- Lynnda Martin, Shafter Community Steering Committee
- Alena Cotton, Fresno Community Steering Committee

Councilmember Bessinger made a motion to approve staff recommendations with the addition of a report back to the Board in one year from staff about the status of the program and if it is underutilized, reallocate the \$1 million in locomotive funding back to the replacement program at the direction of the Board.

*Ms. Shuklian left at 10:35 a.m.*

Moved: Bessinger  
Seconded: Preciado  
Ayes: Bessinger, Chiesa, Couch, Lewis, Mendes,  
Pacheco-Werner, Pareira, Preciado, Reyes, Rickman,  
Sherriffs, Wheeler, Pedersen  
Nays: None

***Motion unanimously carried to approve the new incentive program to provide funding for urban greening and vegetative barriers consistent with the CERP's for the Shafter and South Central Fresno AB 617 communities and future AB 617 communities, as applicable; reallocate \$1,000,000 in the South Central Fresno approved CERP from Locomotive Replacements Measure HD.1 to Urban Greening Measure UG.1; provide a status report to the Board in one year to evaluate the program; and authorize the Executive Director/APCO to make administrative changes to the program as necessary to ensure successful implementation of the program.***

10. ACCEPT AND APPROPRIATE \$178,200,000 IN STATE FUNDING AND APPROVE ENHANCEMENTS TO ALTERNATIVES TO AGRICULTURAL OPEN BURNING INCENTIVE PROGRAM – Mr. DeYoung presented this item, which asked the Board to accept \$178,200,000 in State funding for utilization in the District's Alternatives to Agricultural Open Burning Incentive Program, and consider enhancements to the District's existing Alternatives to Agricultural Open Burning Incentive Program Guidelines.

*Mr. Pareira left at 10:55 a.m.*

Chairman Pedersen congratulated staff and CARB for providing this much needed funding in record time.

Supervisor Wheeler thanked staff for the great job. He suggested that the mountain areas surrounding the Valley could be added to this program. Mr. Sheikh responded that under the budget statute, this funding was dedicated to the transition away from agricultural burning and is very specific to that purpose. He suggested the Board can discuss the tree mortality issues at a future meeting, along with other program funding opportunities. Supervisor Wheeler clarified that air curtain burners did not qualify under this program. Mr. Sheikh responded affirmatively, and said while they are currently not eligible there is potential for this to be funded through a process at CARB where they reach

certain findings on other alternatives.

Dr. Pacheco-Werner thanked staff and Mr. Cunha for his demonstration project. She voiced support for the increase in staff capacity. She said the additional funding for smaller operations is an amazing way to incentive those and asked if that would be enough to get them out to small farms. Mr. Sheikh said staff have a general understanding of what the incremental set up costs could look like. He added staff will be looking at these issues very closely over the next six months and expect to see a very significant demand from the agricultural community as well as the chippers and other services that will be working with the community to deploy these various alternatives.

Councilmember Bessinger said this was an important program especially for small cities located next to agriculture areas that have to dispose of their waste by burning it. He added the beneficial reuse was exciting as it is a potential business opportunity for growers. He suggested doing outreach via social media and to the local Councils of Government to get the word out to their constituents as this might actually be an economic boost to them.

Dr. Sherriffs thanked staff for their hard work and the community for their input. He said he looked forward to staff reporting back to the Board and said clearly we have learned a lot from our past practices and data that have improved the program. He asked if we have an inventory of engines that currently are used for chipping and said he presumed that we have best practices from an air quality standpoint of the best way to burn the materials that must be burned. Mr. Sheikh said staff have increased their understanding on the fleet side as they have gone through the evaluation and development of this strategy. He said there are certain requirements within our rules on how materials should be burned based on the Ag Commissioner's practices that depend on the specific crop type.

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

- Manuel Cunha, Nisei Farmers League
- John Yeargin, JFS Enterprises
- J Jordan, Leadership Council for Justice and Accountability
- Roger Isom, CCGGA and WAPA
- Elaine Trevino, Almond Alliance of California
- Janet Dietz-Kamei, Fresno Resident
- Dennis Tristao, Citizens Advisory Committee
- Shawn Sage, Bandit Horizontal Grinders

*Moved:* Pacheco-Werner

*Seconded:* Bessinger

*Ayes:* Bessinger, Chiesa, Couch, Lewis, Mendes,  
Pacheco-Werner, Preciado, Reyes, Rickman,  
Sherriffs, Wheeler, Pedersen

*Nays:* None

**Motion unanimously carried to accept \$178,200,000 in state funding and approve enhancements to alternatives to agricultural open burning incentive program; approve enhancements to District's existing Alternatives to Agricultural Open Burning Incentive Program Guidelines; authorize Executive Director/APCO to make administrative changes to the program as necessary to ensure successful implementation; authorize Executive Director/APCO to execute any necessary agreements with the CARB and any other parties; authorize additional regular and temporary positions for successful implementation of the program, and amend the District's Position Control List effective August 19, 2021; authorize and direct the Executive Director/APCO to commence the hiring of new staff and procurement of necessary support resources commensurate with the execution of an agreement with CARB and availability of funding, and utilize temporary staffing to the extent feasible; approve the resolution amending the 2021-22 District Budget to appropriate \$178,200,000 in new state funding, including \$167,062,500 in Non-Operating Appropriations, \$1,277,017 for Salaries and Benefits, \$49,090 for Services and Supplies, and \$286,200 for Fixed Assets; and amend the District Administrative Code to increase Executive Director/APCO signing authority for voluntary incentive grant contracts from \$100,000 to \$200,000 for effective and efficient implementation of District incentive programs.**

11. VERBAL UPDATE ON 2021 WILDFIRE SEASON – This item was tabled.

*Councilmember Fugazi left at 11:57 a.m.*

*Supervisor Couch left at 11:57 a.m.*

*Dr. Sherriffs left at 12:00 p.m.*

12. ADOPT PROPOSED AMENDMENTS TO RULE 4702 (INTERNAL COMBUSTION ENGINES) – Jessica Coria, Program Manager in the District's Air Quality Science and Planning Department, presented this item, which asked the Board to adopt amendments to Rule 4702 (Internal Combustion Engines) to satisfy a commitment in the District's 2018 *PM2.5 Plan* as well as Best Available Retrofit Control Technology (BARCT) requirements under AB 617.

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

- Doug Schafer, California Resources Corporation
- Cynthia Pinto-Cabrera, CVAQ
- Christine Zimmerman, WSPA
- Roger Isom, CCGGA/WAPA
- Kevin Abernathy, Milk Producers Council and Dairy CARES
- Janet Dietz-Kamei, Fresno Resident

Mr. Sheikh responded to a point made about electric rate hikes and said it is consistent with prior Board direction to be able to continue to advocate on issues

related to establishing good electric policy that supports these transitions. He said staff was committed to be able to weigh in on those issues as appropriate.

*Moved:* Wheeler  
*Seconded:* Bessinger  
*Ayes:* Bessinger, Chiesa, Lewis, Mendes, Pacheco-Werner,  
Preciado, Reyes, Rickman, Wheeler, Pedersen  
*Nays:* None

***Motion unanimously carried to authorize the Chair to sign the Resolution adopting amendments to Rule 4702 (Internal Combustion Engines) effective August 19, 2021.***

13. ADOPT PROPOSED ATTAINMENT PLAN REVISION FOR THE 1997 ANNUAL PM2.5 STANDARD – Jon Klassen, Director of Air Quality Science and Planning, provided a presentation to the Board requesting their adoption the proposed *Attainment Plan Revision for the 1997 Annual PM2.5 Standard (Revision)*.

Dr. Pacheco-Werner said she reviewed some older presentations about the way that extraordinary dust events affect the data at the Bakersfield Planz air monitoring site, and asked what mitigation measures were happening around that monitor. Mr. Sheikh responded that the Board has addressed some of the unique issues at that site by funding dust suppression efforts around the airport through wood chips and paving some unpaved roads. He said there is an ongoing discussion around that particular site and staff are taking a close look at either potential further mitigation or just enhancing their understanding of what is going on in terms of the sources that are contributing to the concentrations that are driving the peak values. He clarified the issue that Mr. Klassen mentioned had more to do with data collection and the way the samples were handled.

Dr. Pacheco-Werner said taking out the wildfire events and the monitoring, did we exceed expectations in terms of the standard or were we still borderline. She expressed concern that the next plan relies heavily on CARB's Mobile Source Strategy, and said while she is fighting for the Valley in terms of the near-term reductions, she worried about what we would do if those do not pan out. Mr. Sheikh responded that staff tried to highlight some of the issues that we are collectively going to face. He said at the 15 microgram level, staff feels if it weren't for the data or wildfire issues we would have demonstrated attainment. Furthermore, he said the major reductions we are going to see in the next year or two with the measures discussed will ensure ongoing attainment of this standard. He said the bigger issue is going to be the reductions that we need going into 2024 and 2025. He said staff would continue to work closely with CARB and Dr. Pacheco-Werner on what the Mobile Source Strategy would need to look like for the District to be able to meet its attainment goals.

Dr. Pacheco-Werner said we need to be thinking about how we have a good cushion in terms of our plans and what we are doing at the local level versus

what we are relying on CARB to do, so that we are not in this situation again in four years. She said this does not mean that she does not appreciate all of the amazing work done by staff and the Board. She added it was not clear to her how much cushion the District has if the CARB stuff does not pan out and said she wanted to take every opportunity possible to make sure that we have some back up.

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

- Cynthia Pinto-Cabrera, CVAQ
- Mark Rose, National Parks Conservatory
- Janet Dietz-Kamei, Fresno Resident
- Christine Zimmerman, WSPA
- Thomas Menz, Fresno Resident

*Moved:* Mendes

*Seconded:* Wheeler

*Ayes:* Bessinger, Chiesa, Lewis, Mendes, Preciado, Reyes, Rickman, Wheeler, Pedersen

*Nays:* None

*Abstain:* Pacheco-Werner

***Motion approved 9-0, with one abstention, to authorize the Chair to sign the Resolution adopting the Attainment Plan Revision for the 1997 Annual PM2.5 Standard.***

14. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD ACTIVITIES – Dr. Pacheco-Werner provided an update on highlights from the CARB Board meetings held on June 24, July 22, and July 29, 2021.
15. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh updated the Board on the prospect of the Governing Board Study Session. In light of the rising Covid-19 cases, he said staff are looking for the soonest feasible date where they can have an in person Study Session and would keep the Board apprised. In addition, he said Board members would see increased Healthy Air Living outreach conducted in the Valley, highlighting ways that residents can continue to do things to help improve the air quality, especially with the increase in wildfire activity.
16. GOVERNING BOARD MEMBER COMMENTS – Councilmember Bessinger said there were egregious failures of our state and federal legislatures to take care of the health of our forested lands.

Mr. Wheeler commented on the measures that he has promoted in Madera County that were similar to many actions passed by the Board today.

17. **CLOSED SESSION** – Annette Ballatore, District Counsel, said the Board would adjourn to Closed Session to hear the following items, and asked for public comment.
- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9(d)(4), one (1) potential case.
  - PENDING LITIGATION pursuant to Government Code Section 54956.9(d)(1), *Comite Progreso de Lamont, et. cal. v. SJVUAPCD*, Fresno Co. Superior Ct. Case No. 20CECG01008.

Public Comment - None

*Chairman Pedersen adjourned the meeting to Closed Session at 1:01 p.m.*

Ms. Ballatore announced that in Closed Session, the Board took two actions. The first, to approve the initiation of a lawsuit against Ramos Brothers Furniture for specific performance of a real property purchase agreement, by unanimous consent. In the second item, she announced their approval to refrain from seeking appellate review in the matter of *Comite Progreso de Lamont, et. v. SJVUAPCD*, by unanimous consent.

*The Governing Board adjourned from Closed Session at 1:42 p.m.*

**ADJOURN**

*The next scheduled meeting of the Governing Board is: Thursday, September 16, 2021, at 9:00 a.m. 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).*