

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, March 18, 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 Vice Chair, Supervisor Lloyd Pareira, called the meeting to order at 9:03 a.m.
2. ROLL CALL – was taken and a quorum was present.

Present:

Drew M. Bessinger, Mayor	City of Clovis
Vito Chiesa, Supervisor	Stanislaus County
David Couch, Supervisor	Kern County
Christina Fugazi, Councilmember	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, Vice Chair	Merced County
Craig Pedersen, Supervisor, Chair***	Kings County
Alvaro Preciado, Mayor Pro Tem	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

* Arrived at 9:06 a.m.

**Arrived at 9:15 a.m.

***Arrived at 9:51 a.m.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF CONSENT CALENDAR – Item Numbers (14 – 19): *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.*
14. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, FEBRUARY 21, 2021
15. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2021
16. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR FEBRUARY 2021
17. RECEIVE AND FILE BUDGET STATUS REPORTS AS FEBRUARY 28, 2021
18. APPROVE REAPPOINTMENT OF HEARING BOARD PUBLIC MEMBERS GROUP
19. APPOINT SOUTHERN REGION HEARING BOARD ENGINEER PRIMARY MEMBER

Public Comment: None

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

Motion unanimously carried to approve Consent Calendar (Items 14 - 19)

Mayor Pro Tem Lewis arrived at 9:06 a.m.

5. PUBLIC COMMENT – *The following persons commented on this item:*
- Connie Young, Citizens Climate Lobby
 - Janet Dietz-Kamei, Fresno Resident
 - Matt Holmes, Little Manila Rising & AB 617 Stockton Community Steering Committee (CSC) member
6. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – *the written report of recent Citizens Advisory Committee activities was included with the agenda.*

Supervisor Rickman arrived at 9:15 a.m.

7. RECEIVE AND FILE DISTRICT'S ANNUAL AIR TOXICS REPORT FOR 2020 – Morgan Lambert, Deputy APCO, presented this item which asked the Board to receive and file the District's Annual Air Toxics report for the Year 2020, and authorize District staff to distribute the report to county boards of supervisors, city councils, and local health officers.

Dr. Pacheco-Werner thanked staff for this great report. She asked the how non-cancer risks are evaluated under the District's integrated air toxics program. Mr. Lambert responded that in addition to cancer risk, the District also assesses both acute and chronic non-cancer risk under the program.

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

- Manuel Cunha, Nisei Farmers League
- Janet Dietz-Kamei, Fresno Resident

Moved: Sherriffs

Seconded: Wheeler

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

Nays: None

Motion unanimously carried to receive file District's Annual Air Toxics Report for 2020 and authorize District staff to distribute the report to county boards of supervisors, city councils, and local health officials

8. AUTHORIZE EXECUTIVE DIRECTOR/APCO TO ENTER INTO AGREEMENTS WITH SAN JOAQUIN VALLEY CHAMBERS OF COMMERCE TO IMPLEMENT ENERGY EFFICIENCY PROGRAMS FOR A TOTAL AMOUNT NOT TO EXCEED \$50,000 – Tom Jordan, Senior Policy Advisor, presented this item which asked the Board to authorize the Executive Director/APCO, with Board Chair's signature, to execute agreements with San Joaquin Valley Chambers of Commerce to implement "Green Team" programs designed to reduce operating costs by promoting recycling, energy efficiency, and air-quality education for Valley businesses and public agencies, for a total amount not to exceed \$50,000 for fiscal year 2020-21.

Dr. Sherriffs thanked staff for reenergizing this program, adding it has been a fantastic opportunity for the District to collaborate with Valley chambers. He said this was a win-win for everyone in the Valley in terms of being able to advocate for efficiencies, which has co-benefits for reducing criteria and toxic pollutants and helping with climate change as well. He asked when staff would report back to the Board on the results of this program, and how did staff suggest criteria for these chambers.

Mr. Jordan responded that previous chambers who have participated in the

program take part in the outreach efforts to other chambers and share their experiences. He added each chamber is unique in that they all have different processes and ways of implementing this program.

Samir Sheikh, Executive Director/APCO suggested that the District could profile this program in their Annual Report to the community, as a good example of collaboration. He said it was also important to acknowledge that while this funding is important, there really is a significant match commitment by a chamber in order to participate in this program. He said the District's funding is seed funding and the chambers would have to allocate personnel resources and energy well beyond the funding provided by the District.

Chairman Pedersen arrived at 9:51 a.m.

Public Comment: None

Moved: Sherriffs

Seconded: Mendes

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

Nays: None

Motion unanimously carried to authorize Executive Director/APCO to enter into agreements with San Joaquin Valley Chambers of Commerce to implement energy efficiency programs for a total amount not to exceed \$50,000

9. ADOPT PROPOSED COMMUNITY EMISSIONS REDUCTION PROGRAM FOR AB 617 COMMUNITY OF STOCKTON – Ryan Hayashi, Deputy APCO, and Jessica Olsen, Program Manager, presented this item which asked the Board to adopt the proposed Community Emissions Reduction Program (CERP) for the AB 617 community of Stockton, and commence development and implementation of the measures specified in the CERP.

Mr. Sheikh said it was important to acknowledge how this proposed CERP came to be before the Board for consideration. First and foremost, he said it would not have been possible without the dedication and the time and energy spent by the Stockton Community Steering Committee. He expressed gratitude to the residents, business representatives, community-based organizations, the City, the County, the Port, a variety of representatives from schools, and other stakeholders in the community. He added it has been a very lively and very well-attended process over the course of a year and four months. He thanked CARB staff who have been there at every single meeting and played an important role in committing to various measures within the CERP. He also acknowledged the state and local agencies involved in the process including the Councils of Governments, Caltrans, and the Housing Authority.

Mr. Sheikh also recognized the Institute for Local Government for being an excellent facilitator and working very hard with staff and the Community Steering Committee to make sure the voices were heard. Lastly, he recognized the staff who worked on this process. He added over the last couple of years, we have developed new skill sets and he expressed his appreciation and commended staff for their hard work.

Mayor Bessinger said he read the public comments that were submitted prior to the meeting and asked why the Community Steering Committee voted to not include the Port related measures in the CERP since the Port was identified as a high priority concern. Mr. Sheikh responded there was generally a desire by the community, the Port and the District to continue looking at the port-related emissions. He said at the end of the day, in order for this program to be available as a tool for that interaction to happen, you have to have willing partners on the community level, port level, District level and others that would make some of these measures come to fruition. He said that a majority of the Committee members, through their consultative role, decided that they did not want to include those measures in the CERP. Mr. Sheikh did acknowledge that there were a number of letters and comments that have come in support of this item today that do recognize a desire and an interest in having some ability to actually have that interaction that was previously discussed with the Steering Committee. He added that the Port was also willing to continue to engage at least on working on these various areas.

Dr. Pacheco-Werner said she could not thank the Board enough for their trust in the District to do this work. She also recognized Councilmember Fugazi for being such a champion of this community as well. She thanked staff for all of their hard work and said some important lessons were learned about how resource and people intensive this work really is. She applauded the initiatives taken by the District since the process began. She also thanked every single resident that was involved in this process and said she was just so impressed at the individual ability to just want to engage in such a comprehensive process. She also thanked CARB staff and said she would continue to advocate for more resources in her role at CARB so that other communities can produce such stellar plans as this one.

She mentioned that she heard that the Port was not included in the plan because there was some confusion on the side of the residents as to what they were voting for at the end of a very long meeting. She suggested that given the Board has seen an expression of interest by residents, through their comment letters, in continuing to work with the Port, she thought it would be important to continue to give the opportunity for this community to engage this important player. She also commended the Port for wanting to be engaged in this process as well, because like many other independent authorities, they don't have to. She agreed with Mayor Bessinger's comment that this program can be a model for other air districts. She said she did not believe the Board would have to amend their

action today to add the Port into this program at a later date.

Mr. Sheikh stated that there were four port-specific measures that were developed over a long period of discussion with the Community Steering Committee that ultimately the Committee decided not to include in the CERP. He said if the Board desires, staff would summarize those measures after Board discussion and the public comment period. He said they range from community engagement commitments by the Port to incentive measures totaling about \$5 million to target emission reductions from various vehicles and equipment at the Port.

Dr. Sherriffs echoed all of the sentiments regarding appreciation for the commitment, time, and persistence of all the partners in this effort. Regarding the port issue, he said no plan is perfect and there is always something that can be added. He said it was unfortunate that this plan couldn't come forward to the Board with agreement on the port-specific measures because, as has been noted, it is a great opportunity. He said he was not sure how these measures could be considered as they were not put forward by the community. He added he looked forward to the Board being asked to approve a number of these really creative and productive opportunities at the Port in the future. Regarding the proposed measures, he said he understood this would be targeted more at enhanced funding in the community to replace wood burning devices and clarified they would be replaced with only natural gas or electric units. Mr. Sheikh responded affirmatively. Lastly, Dr. Sherriffs said he looked forward to the Board being able to vote to approve the port-specific measures in the future.

Mayor Pro Tem Preciado thanked everyone who was involved in creating this CERP. He said it was unfortunate that the proposed port actions were not included. He suggested that the Board could leave the option open, if they approve the plan today, to maybe implement some changes. He reiterated that the ultimate goal was to reduce pollution in the area.

Councilmember Fugazi said she was really excited to be discussing Stockton and said many would not understand unless they have been to the area. She said she attended a majority of these meetings to listen to the discussions. She said she wanted to be a part of it because these are her neighbors, people she sees at a park, or a store on the Miracle Mile downtown. She said this was a very challenging effort only because there were so many meetings, and often more than one meeting a month, sometimes more than one meeting a week. She said there was a vote taken on the port measures, and the Committee came back the next week to try and iron out the issues with the port measures. She agreed that no plan is perfect and said she looked forward to hearing from the members during the public comment period. Councilmember Fugazi added they were very excited about moving onto the implementation phase.

Chairman Pedersen thanked staff for all of their hard work during the process. He asked Mr. Sheikh to identify the source of the funds associated with the port-

specific measures. Mr. Sheikh responded over the last couple of years, the District has been able to secure state community protection incentive funds which have been used to support the implementation of CERPS. Technically speaking, all of these funds are eligible to be used in any defined low-income and disadvantaged communities throughout the state. He added his recognition for the Board's focus on allocating significant portions of these funds to these Community Emission Reduction Programs, which is really dependent on the community coming together to pursue good measures that the Board can consider at moments like these. He said it was important to note that these funds are not specifically allocated by the state to the community of Stockton. He said these funds could be spent in many other communities and there are statutory timeframes and deadlines that are associated with liquidation of these funds. He reiterated the importance of moving forward with implementation of the CERP.

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

- Matt Holmes, Little Manila Rising & AB 617 Stockton CSC member
- Nate Knodt, AB 617 Stockton CSC member
- Ector Olivares
- Janet Dietz-Kamei, Fresno Resident
- Mary Elizabeth, AB 617 Stockton CSC member
- Connie Young, Citizens Climate Lobby
- Taylor Williams, AB 617 Stockton CSC member
- Cynthia Pinto Cabrera, Central Valley Air Quality Coalition
- Tina Lau, Lehigh Southwest Cement-Terminal and AB 617 Stockton CSC member
- Margo Praus, AB 617 Stockton CSC member
- Jeff Wingfield, Port of Stockton & AB 617 Stockton CSC member
- Doug Vigil, AB 617 Stockton CSC member

Supervisor Wheeler said he really appreciated Councilmember Fugazi's efforts. He said he appreciates the public comments on this item and the hard work the Community Steering Committee has put into this process.

Mr. Sheikh summarized the two main options for Board consideration. One is to adopt the proposed Community Emission Reduction Plan with staff recommendations for approval. He said obviously the work would continue and would move to implementation phase where staff would work with the community and the port to determine if consensus on port-specific measures could be reached. If successful, these measures could be brought back to the Board in a few months for consideration. He said if this option was selected it would be important to get Board direction on timing and other criteria to facilitate the process of considering measures and returning to the Board in short order.

Mr. Sheikh said the second option is for the Board to discuss the four port measures that were previously drafted that were discussed at length by the

Community Steering Committee. He said CERP development is complex, and generally everyone agrees that more time would benefit the process, but unfortunately AB 617 is prescriptive on the timeframes for the program.

Mayor Pro Tem Lewis asked if the Board was capable of adding additional measures to the proposed CERP since this was not agendaized. She suggested the first option to bring the port item back to the Board at a later date, seemed like the best option to her.

District Counsel Annette Ballatore, said in terms of presenting the additional port measures, the Chair can direct staff to show those measures and discuss them. She added that the agenda item as described fairly encompasses including additional measures as the Brown Act simply requires that you have a short, plain statement of the general subject matter of the item up for discussion.

Chairman Pedersen asked staff to present the four measures dealing with the port that were up for consideration and ultimately not included by the Committee. Mr. Sheikh presented the additional measures. He said to add these measures at this point would require a commitment from all parties to work through the issues and ensure successful implementation of the measures.

Councilmember Fugazi voiced appreciation for Mr. Sheikh's first option and said it was the best option for the community in moving forward and making sure we continue on to the implementation phase. She made a motion to approve the CERP as it was presented with a desire to update the plan. Mayor Pro Tem Lewis seconded the motion.

Mr. Sheikh asked for clarification of the motion and said part of that would also include continuing to set aside at least the opportunity for the \$5 million in funding, just to make sure because in the absence of acting on that today, that money would not actually be allocated to this plan. Councilmember Fugazi agreed.

Dr. Pacheco-Werner clarified that setting aside the money will still make it part of the CERP process. Mr. Sheikh clarified that between now and May, staff would work with the Committee to discuss and potentially reach consensus on the previously discussed port-related measures and bring them to the Board. That also includes continuing to hold the \$5 million, and make it available to those port-related measures if adopted by the Board. He said in the absence of being able to develop those measures and bring them to the Board that money would no longer be available. He said staff would have to work with CARB as far as approval goes, to let them know there is an ongoing discussion around the Port.

Dr. Sherriffs said it was important to improve the plan in a timely fashion and this seems like the best outcome from the Board's discussion today.

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

Motion unanimously carried to approve the proposed Community Emissions Reduction Program for AB 617 community of Stockton as presented, return to the Board in April/May timeframe with proposed Port measures, and continue to hold opportunity for additional \$5 million funding

Supervisor Wheeler left at 11:42 a.m.

10. UPDATE ON AB 617 PROGRAM AND APPROVE ADDITIONAL RESOURCES
– Ryan Hayashi, Deputy APCO, presented this item which asked the Board to approve additional resources for the District’s successful implementation of AB 617 related mandates.

Supervisor Pareira left at 11:52 a.m.

Mayor Bessinger voiced support for staff recommendations. Regarding bilingual materials, he asked if other languages were being considered in addition to Spanish. He noted the Sikh community was predominant in the trucking industry. Mr. Sheikh responded the proposed position would be focused primarily on Spanish because that is the largest need that we have. He said the District continues to grow our response in other languages including Sikh and Hmong. He said when those needs arise staff make them available and have actually incorporated those into the District’s ongoing engagement. He said this position would provide savings to the District in not having to rely so much on outsourced interpretation. Mayor Bessinger suggested that if the District finds challenges with specific groups, members of the Board may have connections in those communities and can assist.

Supervisor Mendes expressed support for this action, saying it was necessary to avoid taking staff away from their key duties in other departments at the District to work on this very demanding but important program. He expressed concern that it may become another unfunded mandate in the future that the state may shortchange the District on. Mr. Sheikh responded while we have been successful in receiving funding to date, it is an ongoing advocacy effort to make sure it doesn’t become an unfunded mandate.

Councilmember Fugazi said she was very happy to see this on the agenda today after seeing staff work so hard on this program, including in excess of 20 meetings for the Stockton AB 617 program. She said she was definitely in support of this action, and mentioned that a member of the Stockton Committee

was deaf which required a sign language interpreter which was not inexpensive. She said the most important thing is to make sure that we are inclusive of all members of our community.

Mayor Reyes mentioned this definitely helps address some of the public comments and ways to help strengthen the AB 617 program. He said if we do it right, growth is guaranteed with these programs. He added we can help remind the state of the need for the funding to keep coming our way.

Dr. Pacheco-Werner said she has already stated the need for additional resources for the District to continue to do this work. She said that another Community Emissions Reduction Plan approved today is evidence of how this is the District to invest in, in terms of getting your money's worth for your resources. She thanked staff for all of their hard work.

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

- Manuel Cunha, Nisei Farmers League
- Janet Dietz-Kamei, Fresno Resident

Moved: Fugazi

Seconded: Sherriffs

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

Nays: None

Motion unanimously carried to approve additional resources for the District's AB 617 program.

11. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD ACTIVITIES – Dr. Pacheco-Werner provided an update on highlights from the CARB Board meeting held on February 25, 2021.
12. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sheikh reported on the next steps regarding the agricultural burning action taken by CARB at their February meeting. He thanked Dr. Pacheco-Werner for playing a vital role during the Board meeting, representing the San Joaquin Valley, and helping to land the item. He said between now and August, staff will be working on this issue and return to the Board with updated strategies that now reflect the action taken by the CARB Board. He said it was a very extensive strategy. He said one of the most important components that staff is now working on is generating additional funding by the state to back up the new state direction. He said under the strategy, by the beginning of 2025 there would basically be a near complete phase out of agricultural open burning in the Valley. He said staff would continue to update the Board while we work with Valley stakeholders to flesh out the details that would go into the final strategy.

In addition, he reported on an important evaluation by the Alaska Department of Environmental Regulation that has been looking at wood stove certification and emissions. He said they have been finding some issues in the EPA recertification process for certain stoves. He said it was really early to know what this means but he wanted Board members to be aware of this while EPA takes a closer look at the information.

Lastly, he said staff is continuing to evaluate District operations in light of the ever-evolving health-related recommendations associated with the COVID-19 pandemic. He said he will keep the Board updated on public meeting format and other important District operations as they relate to the pandemic.

13. GOVERNING BOARD MEMBER COMMENTS – Mayor Preciado expressed his gratitude to everyone who participated in the AB 617 process for the Stockton area.

Chairman Pedersen adjourned the meeting at 12:24 p.m.

ADJOURN

The next scheduled meeting of the Governing Board is: Thursday, April 15, 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).