

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, December 15, 2022**  
**9:00 a.m.**

**Meeting held via teleconferencing with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield). This meeting was webcast.**

- 1. CALL MEETING TO ORDER – The Chair, Vito Chiesa, called the meeting to order at 9:03 a.m.
- 2. ROLL CALL – was taken and a quorum was present.

*Present:*

Drew M. Bessinger, Councilmember*	City of Clovis
Vito Chiesa, Supervisor, <b>Chair</b>	Stanislaus County
Deborah Lewis, Councilmember	City of Los Banos
Buddy Mendes, Supervisor, <b>Vice Chair</b>	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
Alexander Sherriffs, M.D.	Appointed by Governor
Amy Shuklian, Supervisor	Tulare County
Tom Wheeler, Supervisor	Madera County

*Absent:*

David Couch, Supervisor	Kern County
Christina Fugazi, Vice Mayor	City of Stockton
Robert Rickman, Supervisor	San Joaquin County

\*arrived at 9:08 a.m.  
 \*\*arrived at 9:05 a.m.  
 \*\*\*arrived at 9:13 a.m.

3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF CONSENT CALENDAR – Item Numbers (19 - 24): *These matters are routine in nature and are usually approved by a single vote. Prior to action by the board, the public was given the opportunity to comment on any consent item.*
  19. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF OCTOBER 20, 2022
  20. APPROVE EMISSION REDUCTION AGREEMENT WITH COUNTY OF KERN TO MITIGATE AIR QUALITY IMPACTS
  21. RECEIVE AND FILE DISTRICT'S 2021-2022 ANNUAL OFFSET EQUIVALENCY REPORT TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY
  22. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2023
  23. RECEIVE AND FILE OPERATIONS STATISTICS SUMMARY FOR OCTOBER AND NOVEMBER 2022
  24. RECEIVE AND FILE BUDGET STATUS REPORTS AS OF NOVEMBER 30, 2022

Public Comment: None

Moved: Wheeler  
Seconded: Pedersen  
Ayes: Chiesa, Lewis, Mendes, Pacheco-Werner, Pedersen, Preciado, Sherriffs, Shuklian, Wheeler  
Nays: None

***Motion carried to approve Consent Calendar (Items 19-24).***

5. PUBLIC COMMENT – *The following individual(s) provided public comments at this meeting:*
  - Janet Dietz-Kamei, resident

6. RECOGNITION OF THE 2023 KIDS CALENDAR WINNERS – Samir Sheikh, Executive Director/APCO, introduced this item by thanking the children and parents who took time out of their schedule to participate and be highlighted during this meeting. Jaime Holt, Chief Communication Officer, presented the District’s 2023 Kids Calendar and highlighted the following Kids Calendar winners:

Sienna Valdiva (cover artist)  
Miguel Cabrera  
Elyies Dukes  
Genesis Esparaza  
Aranza Garcia  
Felix F Hernandez  
Tabitha Hitchman  
Milli Johal  
Sebastian Jones  
Caitlyn Lee  
Erika Matties  
Millie Murguia  
Arella Siret  
Evelyn

Chair Chiesa thanked the students and parents for taking time to attend along with the teachers who attended online.

Dr. Sherriffs thanked the students who participated in the program, acknowledging the importance of this program.

7. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, Citizens Advisory Chair, reported on the highlights from the CAC meeting held on December 6, 2022.

8. RECOGNITION OF OUTGOING GOVERNING BOARD MEMBERS, VICE MAYOR FUGAZI, SUPERVISOR PEDERSEN, AND SUPERVISOR WHEELER  
Samir Sheikh recognized each outgoing Board Member and thanked them for what they brought to this Board and the accomplishments their service on the Board led to in improving air quality.

Mr. Wheeler shared his experience and thanked Mr. Sheikh, the staff, and the Board for all the support that has been shown to him over the years.

Mr. Pedersen shared his positive experience as well and the progression he has witnessed in his time serving. He expressed appreciation to his colleagues.

Board Members Preciado, Lewis, Sherriffs, Mendes, Pareira, Shuklian, Bessinger, and Chiesa spoke to the appreciation and gratitude they share for the outgoing members.

9. END OF YEAR ADDRESS BY CHAIRMAN CHIESA – Chairman Chiesa delivered his end of year address, which highlighted the District’s ongoing progress in improving air quality and the quality of life for San Joaquin Valley residents during this past year.
10. ELECTION OF OFFICERS FOR 2023– Samir Sheikh reported that in accordance with the Governing Board Officer Selection Policy, the Ad Hoc Governing Board Officer Nomination Subcommittee was formed to evaluate candidates and put forth nominations for the Board to consider for the 2023 officers. The subcommittee met on November 28, 2022 and nominated:
- Supervisor Vito Chiesa to serve as Chair for 2023
  - Councilmember Deborah Lewis to serve as Vice Chair for 2023

Public Comment: None

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

***Motion unanimously carried to elect Supervisor Vito Chiesa as Chair and Councilmember Deborah Lewis as Vice Chair for 2023***

11. RECEIVE THE GOVERNMENT FINANCE OFFICERS’ ASSOCIATION CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING – Samir Sheikh introduced Ryan Buchanan, Director of Administrative Services, and announced that the District has been awarded the Government Finance Officers’ Association of the United States (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the District’s Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2022. Mr. Buchanan thanked the Board for their leadership and making fiscal transparency a priority for the agency. Samir thanked the Finance team for all of the hard work they have demonstrated.

Mr. Chiesa congratulated the staff and Dr. Sherriffs thanked Mr. Buchanan for having his staff attend the presentation of this item.

Public Comment: None

12. ACCEPT AND APPROPRIATE \$6,132,000 IN CARL MOYER FUNDING FOR ZERO-EMISSION COMMERCIAL LANDSCAPING EQUIPMENT – Brian Dodds, Program Manager for the District’s Grants & Incentives Department, presented on this item asking the Board to accept and appropriate \$6,132,000 in state Carl Moyer Program State Reserve Project funding from the California Air Resources

Board (CARB) to fund the replacement of existing commercial-grade lawn and garden equipment with zero-emission equipment in the San Joaquin Valley.

Mr. Wheeler asked trade-ins were required to receive the incentive. Mr. Dodds stated one would need to have a gas-powered, like-for-like piece of equipment in order to qualify.

Mr. Bessinger asked if the funds would be available for private schools or religious institutions. Annette Ballatore, District Counsel, said that the District evaluates those requests on a case-by-case basis.

Dr. Pacheco-Werner expressed excitement for this funding and this state-wide model. She asked about how we can assist the AB617 communities and small businesses. Mr. Sheikh responded that with the larger amount of available funding, we foresee being able to meet the demand and the District will work to ensure the information gets disseminated to our communities and businesses.

Dr. Sherriffs said it was a fantastic program that fosters expanding options that decrease emissions. From a health perspective, he is wondering if regulatory back-up is necessary or how we can measure outcomes.

Mr. Pedersen shared his personal experience with battery-powered equipment. He also shared his concern with how all of the batteries will affect the environment and the waste-stream that is being created. We need to make sure we are being responsible in using the new technology appropriately and not causing more harm than good.

Ms. Lewis advocated for the smaller communities and asked for better ways we can communicate to local landscapers about our incentives and programs.

Mr. Mendes also shared his concern about the waste that is being created. He also asked about the equipment that is available ensuring there is not a wait list.

Mr. Preciado wanted to ensure the disadvantaged communities will have an opportunity to receive the funding and ensuring we are doing as much as possible to inform these communities.

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

- Gilbert Rosas, Modesto City Schools
- Manuel Cunha, Nisei Farmers League (NFL)

*Moved:* Mendes

*Seconded:* Sherriffs

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

*Nays:* None

**Motion unanimously carried to (1) accept and appropriate \$6,132,000 in state Carl Moyer Program State Reserve Project funding from the California Air Resources Board to fund the replacement of existing commercial-grade lawn and garden equipment with zero-emission equipment in the San Joaquin Valley and authorize the District to administer this funding in accordance with Carl Moyer Program guidelines; (2) approve the attached Budget Resolution to amend the 2022-23 District Budget to appropriate \$6,132,000 in new state funding, including \$5,748,750 in project funds and up to \$383,250 in administrative funds; (3) authorize the Executive Director/APCO to enter into any agreements with subcontractors and/or retailer partners as necessary to implement this program; and (4) authorize the Executive Director/APCO to make administrative changes to the program as necessary to ensure successful program implementation.**

13. ADOPT 2022 PLAN FOR THE 2015 8-HOUR OZONE STANDARD – Jessi Fierro, Director of Planning, presented the item and recommended the Board to adopt the proposed 2022 Plan for the 2015 8-Hour Ozone Standard.

Mr. Wheeler said it was a great plan but was concerned about the pesticide language in the plan.

Dr. Pacheco-Werner commended the plan and asked for clarification as to if we are on track to meet the standard or did we already met the standard. Mr. Sheikh said it was based on a clean data demonstration that has not yet be completed, but based on cursory review, indications are there to say the Valley may meet the standard. Dr. Pacheco-Werner stated she is hoping that we continue to look at different types of contingency measures.

Ms. Shuklian echoed Mr. Wheeler's pesticide concern and wants to ensure we do not become a pesticide regulatory agency. Mr. Sheikh clarified that the language in the plan is what was approved by CARB and that neither CARB nor the Air District is committing to adopt a 1,3-Dichloropropene pesticide regulation.

Mr. Preciado also added his concern that the District would not be regulating pesticide application at agricultural operations.

Dr. Sherriffs complimented the presentation. He said that the success will be based on the collaboration of everyone and how we can continue to improve. Although it's a great plan, he had a concern about the 15-year plan as not being expeditious and how we can get to where we need to be in a quicker manner. He referenced vehicle miles traveled, climate change and the moving goals we are faced with. Mr. Sheikh confirmed that the plan is modeled with conservative assumptions that we will be able to meet the standards and stated our rules are the most stringent in the nation.

Mr. Mendes also confirmed that we are not a pesticide-regulatory agency and is also concerned about the extent of regulations.

Mr. Chiesa acknowledged that we have done so much work in successfully cleaning the air since 1980's so now it is extremely expensive to do the rest of the work and being mindful to not put all the onus on businesses.

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

- Cynthia Pinto-Cabrera, Central Valley Air Quality Coalition (CVAQ)
- Genevieve Amsalem, Environmental Justice Network
- Christine Zimmerman, Western States Petroleum Association (WSPA)
- Michael Benjamin, California Air Resources Board
- Perry Elerts, Leadership Counsel for Justice & Accountability
- Chris McGlothlin, Western Ag Processors Association; CA Cotton Ginners and Growers Association
- Manuel Cunha, NFL
- Orchel Krier, Mayor Pro-tem for City of Taft, CAC Member
- John Sanders, CAC Member

Ms. Ballatore, District Counsel, assured the proposed plan before the Board does not include a pesticide regulation as that is not within the District's authority. Mr. Sheikh stated that the language is already in a state adopted Implementation Plan by CARB and we are only adopting the local measures discussed.

Ms. Lewis wanted confirmation that the language being discussed is not an opener to regulating pesticides. Mr. Sheikh confirmed and stated that the Board does not have the authority to remove that measure, only CARB possess that authority.

*Moved:* Pedersen

*Seconded:* Wheeler

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

*Nays:* None

***Motion unanimously carried to (1) adopt the proposed 2022 Plan for the 2015 8-Hour Ozone Standard; and (2) authorize the Chair to sign the attached Resolution adopting the proposed 2022 Plan for the 2015 8-Hour Ozone Standard; (3) direct staff to forward the adopted 2022 Plan for the 2015 8-Hour Ozone Standard and attached Resolution to the California Air Resources Board (CARB) for approval and submittal to the U.S. Environmental Protection Agency (EPA); (4) recommend to CARB that DPR's 1,3-Dichloropropene Health Risk Mitigation measure not be included in the CARB State Implementation Plan.***

*Mr. Pareira left the meeting around 12:45 p.m.*

14. APPOINT AD HOC SUBCOMMITTEE FOR HEARING BOARD REAPPOINTMENTS – Morgan Lambert, Deputy Air Pollution Control Officer, said at the end of February 2023, the terms of the medical professional members of the District’s Hearing Boards will expire and the Governing Board must consider reappointment of the existing members. Staff recommended the Board appoint two Governing Board members from each region to serve on the Ad Hoc Subcommittee to review, evaluate, and make recommendations regarding reappointment of the Hearing Board members. Based on where the current reappointments are located, he said we would need two members from the central region and two members from the southern region to serve on the Ad Hoc Committee.

Chairmen Chiesa appointed Supervisor Mendes, Mayor Preciado, Supervisor Shuklian, and Supervisor Couch to serve on the Ad Hoc Subcommittee for the Hearing Board reappointments.

15. VERBAL REPORT ON CALIFORNIA AIR RESOURCES BOARD (CARB) ACTIVITIES – Dr. Pacheco-Werner provided an update, particularly mentioning the state adopting the scoping plan for the next several years that outlines the path to decarbonization and also commended our staff for all the support and collaboration between CARB and the District so we can continue to meet our goals.
16. EXECUTIVE DIRECTOR/APCO COMMENTS – Samir Sheikh mentioned one incident that occurred in Kern County in our community air monitoring location and that there is an ongoing investigation. He gave recognition to the teams that are out there day in, day out, doing this work for the District. He also expressed appreciation to the Chair and Supervisor Couch who both been really involved in making sure that our team is supported as we take a look at the situation and what could be done to ensure the incident is being addressed.
17. GOVERNING BOARD MEMBER COMMENTS – Mr. Pedersen thanked the Board for all the comments and said he will miss the Board as he departs from public service. Mr. Wheeler also shared his appreciation for this Board. Mr. Lewis thanked the nomination committee for their faith in her in serving as Vice Chair to this Board. She also thanked all the staff for all the hard work and for doing a great job in providing support to the Board members. Mr. Chiesa thanked the Board members for attending in-person as face-to-face leads to better governance.



*Chairman Chiesa moved the meeting into Closed Session at 12:57 p.m.*

18. 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:

- Public Employee Performance Evaluation pursuant to Government Code Sections 54957 and 54957.6 for the following:
  - a) Executive Director/APCO
  - b) District Counsel

Public Comment: None

**ADJOURN**

*Meeting adjourned from Closed Session at 1:45 p.m.*