

## MINUTES

### FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT SUTTER COUNTY AND YUBA COUNTY

February 27, 2017

The Feather River Air Quality Management District held a special board meeting, commencing at approximately 4:00 p.m. on the above date at the Yuba County Government Center, 915 8<sup>th</sup> Street, Marysville Conference Room, Marysville, California. The following members were present: Directors Whiteaker, Munger, Ghag, Whitmore, Fletcher, Bradford, Vasquez, Cleveland and Pendergraph. Absent: None. Also present were Sutter County Deputy County Counsel Richard Stout, Air Pollution Control Officer Christopher D. Brown, AICP, APCO and Feather River Air Quality Management District Deputy Clerk of the Board Shelley Channel.

#### **PUBLIC COMMENTS**

There were none.

#### **APPROVAL OF MINUTES**

Approve the minutes from the December 5, 2016 Board meeting.

Director Whiteaker moved to approve the minutes from the December 5, 2016 Board meeting, seconded by Director Pendergraph.

On the following roll call vote:

Ayes: Directors Whiteaker, Munger, Ghag, Whitmore, Pendergraph

Noes: None

Abstain: Director Cleveland, Vasquez, Fletcher and Bradford

Absent: None

Motion carried.

#### **APPEARANCE ITEMS**

Elect Chairman and Vice-Chairman for year 2016.

Director Whiteaker nominated Director Pendergraph for Chairman seconded by Director Munger. All in favor, motion carried.

Director Whiteaker nominated Director Munger for Vice-Chairman, seconded by Director Pendergraph. All in favor, motion carried.

Make Committee assignments.

Mr. Brown gave a brief report on which committees were active and which were not.

Chairman Pendergraph stated he would like to stay on all of the committees he is currently on.

Chairman Pendergraph inquired who would like to replace Director Baland on the Basin Control Council and stated that he would remain as the alternate unless someone else would like to take the position.

Director Fletcher stated that he would be the Basin Control Council representative.

Director Bradford stated that he would be the Alternate for the Basin Control Council.

Chairman Pendergraph inquired who would like to replace Director Griego on the Policy/Finance Committee.

Director Vasquez stated that he would be on the Policy/Finance Committee.

Chairman Pendergraph inquired who would like to replace Director Nicoletti on the Personnel Committee.

Director Munger stated that he would be on the Personnel Committee.

Director Whiteaker stated that if someone else wanted to be on the Personnel Committee he would step down.

Director Whitmore stated that he would be on the Personnel Committee.

Chairman Pendergraph inquired who would like to replace Director Nicoletti on the Ag Burn Committee.

Director Ghag stated that he would be on the Ag Burn Committee.

Chairman Pendergraph stated that he would step down from the Ag Burn Committee if someone wanted to be on it.

Director Fletcher stated that he would be on the Ag Burn Committee.

Chairman Pendergraph inquired who would like to replace Director Griego on the Air Quality Attainment Ad-hoc Committee.

Director Whitmore stated that he would be on the Air Quality Attainment Ad-hoc Committee.

Chairman Pendergraph and Director Whiteaker stated that they would step down from the committee if someone wanted to be on it.

Director Vasquez and Director Ghag stated that they would be on the Air Quality Attainment Ad-hoc Committee.

Director Whiteaker moved to approve the Committee assignments, seconded by Director Vasquez. All in favor, motion carried.

### APCO Update (Informational Only).

Mr. Brown gave an overview of the District's role in Yuba and Sutter Counties for the new Board Members.

Mr. Brown gave an update on the Air Resources Board (ARB) activities which included approving of \$10 million dollars in Cap and Trade monies for rural school buses. That grant money has been released and North Coast Air District will be running the program, and coordinating with the rural districts. This will be a state wide program and the District is hoping to see some school buses replaced locally under the program.

Mr. Brown gave an update on the EPA activities. He stated that there were a lot of things going on but not much happening that would affect the District.

Mr. Brown gave an update on the Legislation activities. He stated that he was on the Board of the California Air Pollution Control Officers Association (CAPCOA) and was the Chair for the Rural Section and they have been very active on Bio Mass the last several months. Placer County is usually a driver on Bio Mass as well. The Board has adopted a set of Bio Mass Principles and expects to see some Bills on Bio Mass this year.

Discussion ensued regarding Bio Mass plants.

Mr. Brown stated that there has been discussion of increasing support funding for the Districts from the Legislature, this has not happened since the 1990's and if there is some bill language the District can determine support. Mr. Brown stated this was long overdue, there have not been any Consumer Price Index increases and the current amount of funding hadn't changed since the 1970's.

Mr. Brown gave an update on CAPCOA and BCC items which included the schedule for the next Rural CAPCOA meeting which has been set for late March in Chico.

Mr. Brown stated that an update on the Grant Programs would be given by Ms. Spaethe, District Planner.

Mr. Brown stated that the Hearing Board has some members that needed to be appointed and that the Hearing Board had met in quite some time.

Director Whiteaker inquired about the Cash for Clunkers program.

Mr. Brown stated that is a program Sacramento is running for this area and they did receive around \$7 million dollars, however we have not had any updates at this time. Sacramento is going to hire a contractor and may be restricted to the urbanized areas of Yuba City and Marysville.

Approve a transfer of \$5,500 from account #725-9901-441-80-03 (contingency reserves) to purchase a new Server and authorize the APCO to work with Yuba County I/T to make the purchase.

Mr. Brown gave a report on the transfer of \$5,500 from account #725-9901-441-80-03 (contingency reserves) to purchase a new Server.

Director Vasquez moved to approve the transfer of \$5,500 from account #725-9901-441-80-03 (contingency reserves) to purchase a new Server and authorize the APCO to work with Yuba County I/T to make the purchase, seconded by Director Cleveland.

Approve budget allocation transfer of \$2,800 from account #725-9901-441-22-00 (Office Supplies) to #725-9901-441-25-00 (Rents & Leases Equipment) and establish the new fund allocation for the District Copy Machine Lease.

Mr. Brown gave a report on the budget allocation transfer of \$2,800 from account #725-9901-441-22-00 (Office Supplies) to #725-9901-441-25-00 (Rents & Leases Equipment) and establish the new fund allocation for the District Copy Machine Lease.

Director Munger moved to approve budget allocation transfer of \$2,800 from account #725-9901-441-22-00 (Office Supplies) to #725-9901-441-25-00 (Rents & Leases Equipment) and establish the new fund allocation for the District Copy Machine Lease, seconded by Director Vasquez. All in favor, motion carried.

Approve the appointment of applicants for the Hearing Board vacancies for the period of 02/28/2017 to 02/28/2020.

Mr. Brown gave a report on the appointment of applicants for the Hearing Board vacancies for the period of 02/28/2017 to 02/28/2020.

Director Vasquez moved to approve the appointment of applicants for the Hearing Board vacancies for the period of 02/28/2017 to 02/28/2020, seconded by Director Fletcher. All in favor, motion carried.

Informational Item on FRAQMD grant programs.

Mr. Brown referred to Ms. Spaethe, District Planner, for an update on the grant programs.

Ms. Spaethe gave an update on the Districts grant programs.

Discussion ensued regarding the Districts grant programs.

Approve the adoption of Resolution #2017-01 to accept funding from the State of California through the California Air Pollution Control Officers Association (CAPCOA) to re-establish the District's Woodstove program and authorize the Chiarman and APCO to execute related documents.

Mr. Brown gave a report on the adoption of Resolution #2017-01 to accept funding from the State of California through the California Air Pollution Control Officers Association (CAPCOA) to re-establish the District's Woodstove program.

Director Vasquez moved to approve the adoption of Resolution #2017-01 to accept funding from the State of California through the California Air Pollution Control Officers Association (CAPCOA) to re-establish the District's Woodstove program, seconded by Director Fletcher. All in favor, motion carried.

Approve the adoption of Resolution #2017-02 to apply to the “Carl Moyer Memorial Air quality Standards Attainment Program” for fiscal year 2016/17 (Year 19), apply off-site mitigation towards match funding, and authorize the APCO to sign documents relating to implementation of the Program.

Mr. Brown gave a report on the adoption of Resolution #2017-02 to apply to the “Carl Moyer Memorial Air quality Standards Attainment Program” for fiscal year 2016/17 (Year 19), apply off-site mitigation towards match funding, and authorize the APCO to sign documents relating to implementation of the Program.

Director Whiteaker moved to approve the adoption of Resolution #2017-02 to apply to the “Carl Moyer Memorial Air quality Standards Attainment Program” for fiscal year 2016/17 (Year 19), apply off-site mitigation towards match funding, and authorize the APCO to sign documents relating to implementation of the Program, seconded by Director Cleveland. All in favor, motion carried.

Consider City of Yuba City request to re-allocate \$13,355 from VF 15-04 to VF 13-04.

Chairman Pendergraph inquired as to whether this item was being pulled from the agenda.

Mr. Brown stated that there had been some communications with the City of Yuba City and there was a representative from the City that would be speaking on the item.

Mr. Ben Moody, Public Works Director, City of Yuba City, stated that the City and the District had worked it out, as there was a miscommunication.

The City had been awarded a grant in 2015 for \$48,000 and had only spent around \$34,000 and to try and keep those monies had put in a request for the remaining \$13,300. Mr. Brown had stated that it would not be feasible to fund the 2013 project with the remaining funds so the City would like to withdraw this request to fund the past project but would like to request possible consideration to add it to the 2016 project.

Mr. Brown referred to District Counsel for clarification as to whether that would be possible.

Mr. Richard Stout, District Counsel, stated that the subject item was not noticed on the agenda and only the specific request transfer from VF 15-04 to VF 13-04 was noticed. The request could be put on the next calendar and sent to the Policy/Finance committee first.

Chairman Pendergraph stated that Item 11 will be pulled by the applicant.

Mr. Stout, District Counsel, stated that there were no updates for the existing litigation for closed session so it could be pulled from the agenda.

## **CLOSED SESSION**

Announcement of purpose of closed session:

### **CONFERENCE WITH LEGAL COUNSEL – EXSISTING LITIGATION**

Pursuant to subdivision (d)(1) of Government Code section 54956.9 (a): Update on ongoing cases

Case Number: CVCC 16-0877

Name of Case: People of the State of Cal. Ex rel. FRAQMD v. Thiara, et al.

Case Number: CVCV-15-0000455

Name of Case: PEOPLE OF THE STATE OF CALIFORNIA ex rel. FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT v. HARMUN TAKHAR, et al.

Case Number: CVCV-16-0002055

Name of Case: PEOPLE OF THE STATE OF CALIFORNIA ex rel. FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT v. BALJEET DHILLON & DOES 1-15

Mr. Brown gave clarification for the new members that the District has a separate attorney who does some of the litigation and he may be at future meetings, his name is Matt Mclear and he is an attorney who specializes in environmental litigation.

Mr. Brown stated that the closed session items will stay on the agenda because they are on-going cases and there could be something to update the Board with short notice.

### **APPEARANCE ITEMS**

#### **Board Member Reports**

There were none.

### **ADJOURN**

With no further business before the Board, Vice-Chairman Whitmore adjourned the meeting at approximately 4:48 p.m.

Attest:

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Clerk of the Board

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Chairman