



ACTION SUMMARY

(Official)

January 18, 2024

1:00 P.M.

**BOARD OF SUPERVISORS HEARING ROOM
COUNTY ADMINISTRATION BUILDING
105 EAST ANAPAMU STREET
SANTA BARBARA, CA**

Board of Directors

Santa Barbara County
Board of Supervisors
Das Williams, First District
Laura Capps, Second District, *Chair*
Joan Hartmann, Third District
Bob Nelson, Fourth District
Steve Lavagnino, Fifth District

City of Buellton
Mayor Dave King
Alternate, Vice-Mayor David Silva

City of Carpinteria
Mayor Al Clark
Alternate, Councilmember Wade Nomura

City of Goleta
Mayor Paula Perotte
Alternate, Mayor Pro Tem Kyle Richards

City of Guadalupe
Mayor Ariston Julian, *Vice-Chair*
Alternate, Councilmember Christina Hernandez

City of Lompoc
Councilmember Gilda Cordova
Alternate, Mayor Jenelle Osborne

City of Santa Barbara
Mayor Randy Rowse
Alternate, Councilmember Eric Friedman

City of Santa Maria
Mayor Alice Patino
Alternate, Councilmember Maribel Aguilera-Hernandez

City of Solvang
Mayor Mark Infanti
Alternate, Councilmember Claudia Orona

Clerk of the APCD Board
Aeron Arlin Genet

A. CALL TO ORDER – ROLL CALL

Chair Patino called the meeting to order at 1:06 p.m.

Present: 11 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse (left at approx. 2:13 pm), Patino, Infanti (left at approx. 1:37 pm).

Absent: 2 - Nelson, Clark.

Directors King, Cordova, and Infanti participated via remote testimony from the City of Santa Maria’s City Hall Council Chambers.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES

Approve minutes of the October 19, 2023 meeting.

A motion was made by Board member Hartmann, seconded by Board member Capps that the minutes of the October 19, 2023 meeting be approved. The motion carried by the following vote:

Ayes: 11 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino, Infanti.

Noes: 0 - None.

Abstain: 0 - None.

Absent: 2 - Nelson, Clark.

D. CLOSED SESSION - Convened from 1:08 p.m. to 1:53 p.m.

Following closed session, Counsel will report, orally, or in writing, any action taken in closed session and the vote or abstention thereon, as required by Government Code § 54957.1(a).

Documents that are finally approved or adopted in the closed session will be provided upon request as required by Government Code § 54957.1(b).

D-1) Public Employee Performance Evaluation (Gov. Code § 54957(b)(1).)

Title: Air Pollution Control Officer.

**D-2) Conference with Labor Negotiators (Gov. Code § 54957.6(a).)
Unrepresented Employee: Air Pollution Control Officer.
Agency-designated Representative: Jennifer Richardson, District Counsel**

Jenna Richardson, District Counsel, announced that there was no reportable action taken in Closed Session.

Director Infanti left during this item.

E. ELECTION OF CHAIR AND VICE-CHAIR FOR 2024

A motion was made by Board member Hartmann, seconded by Board member Lavagnino to elect Laura Capps as Chair and Ariston Julian as Vice-Chair for 2024. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

Chair Capps assumed the gavel and presided over the remainder of the meeting.

F. ADMINISTRATIVE ITEMS

Approved by vote on one motion. These items read only on request of Board members.

Pursuant to Board Member Hartmann's request, item F-10 was pulled for brief discussion and then voted on separately.

F-1) Update on Public Outreach Activities

Receive and file an update on District outreach activities.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be received and filed. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-2) District Grant and Incentives Program Activity

Receive and file the following grant program related activity:

- 1. An update on the Old Car Buy Back Program for vehicles retired during the period of October 1, 2023 through December 31, 2023;**
- 2. An update on the Landscape Equipment Electrification Fund (LEEF) Program Year 3 for zero-emission landscape equipment vouchers during the period of October 1, 2023 through December 31, 2023; and**
- 3. Summary of the emission-reduction grant agreements approved by the Air Pollution Control Officer for the period of August 1, 2023 through December 31, 2023; in accordance with Board Resolution Number 20-13.**

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be received and filed. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.

Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-3) Notice of Violation Report

Receive and file the summary of notices of violation issued and penalty revenue received during the months of October, November, and December 2023.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be received and filed. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-4) Minutes of the August 23, 2023 Regular Meeting of the Community Advisory Council

Receive and file minutes of the August 23, 2023 regular meeting of the Community Advisory Council.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be received and filed. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-5) Summary of Permitting Activity

Receive and file the summary of permitting activity during the months of July through December 2023.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be received and filed. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-6) District Fiscal Year 2022-23 Financial Audit

Receive and file the following:

- 1. Fiscal Year 2022-23 Air Pollution Control District Annual Comprehensive Financial Report also containing the Independent Auditor's Report;**
- 2. The Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards; and**
- 3. The Independent' Auditor's Report to the Board of Directors and Management.**

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be received and filed. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-7) District Hearing Board Appointment

Consider recommendation of the District Hearing Board Nominating Committee to reappoint Mr. Robert Saperstein to the legal member position on the District Hearing Board for a 3-year term.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be approved. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-8) Employee Insurance Plans and Programs

Receive summary and rates of the employee insurance plans and programs for 2024.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be received. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-9) Approval of Contract for Bankruptcy Legal Services

Approve and authorize the Chair to execute a contract with Rimôn, P.C. for a term expiring on December 31, 2024, for an amount not to exceed \$15,000.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be approved. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-10) Salary Merit Increase for Air Pollution Control Officer Aeron Arlin Genet

Approve a 1-3% salary merit increase for Air Pollution Control Officer Aeron Arlin Genet.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be continued to the March 21, 2024 Board of Directors meeting. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-11) Consideration of a District Cost Recovery Policy

Approve and authorize the District's Cost Recovery Policy.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be approved. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-12) Continued Participation in the Woodsmoke Reduction Program and Ratification of Grant Agreement

Consider recommendations as follows:

- 1. Ratify, approve, and authorize the Air Pollution Control Officer (APCO) to accept \$231,900 from the California Air Resources Board (CARB) to continue the District's implementation of the Woodsmoke Reduction Program as outlined in the Woodsmoke Reduction Program – Program Guidelines - Fiscal Year 2022-2023 Appropriation, included as Attachment 1 to the Resolution;**
- 2. Adopt a Resolution to authorize the District's continued participation in CARB's Woodsmoke Reduction Program and the acceptance of \$231,900 in funds awarded to the District to implement the incentive program as outlined in the Woodsmoke Reduction Program – Program Guidelines – Fiscal Year 2022-2023 Appropriation;**
- 3. Delegate authority to the APCO to sign installer agreements that are approved by Counsel, Auditor, and Risk Management and which shall meet the program requirements established by CARB; and**
- 4. Delegate authority to the APCO to enter into Woodsmoke Reduction Program grant agreements with CARB in future years, for amounts not to exceed \$1,000,000, subject to review and approval by the District Counsel, Risk Management, and the Auditor-Controller.**

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be approved. Adopted APCD Resolution No. 24-01. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-13) Award Job Order Contract

Consider recommendations as follows:

- 1. Approve the plans and specifications for typical work for the Job Order Contracts (JOCs) on file with the Capital Projects Division of the County General Services**

Department, the District's Representative for all phases of construction and remodel projects;

2. Approve and authorize the Chair to execute the attached General Building Construction Job Order Contract, with an initial guarantee only to receive the opportunity to perform Job Orders during the Term of the Contract (January 18, 2024 to June 30, 2024), and with a potential Not to Exceed Value of up to \$2,000,000.00, with JG Contracting;
3. Authorize the Air Pollution Control Officer, or their designee, to work with County General Services to award the following categories of Job Orders under the JOC (subject to the authorized contract limits, appropriation of funds for such Job Orders, and the provision in advance of adequate bonds and other security for completing each Job Order), and to take action with respect to the JOCs in accordance with, and within the limits prescribed by, the Public Contract Code, including, but not limited to, Section 20128.5, with respect to job order contracting:
 - a. Repair, remodeling, or other repetitive work eligible for job order contracting in accordance with Public Contract Code Section 20128.5 that has been included in the District's approved annual budget; and
 - b. Repair, remodeling, or other repetitive work eligible for job order contracting in accordance with Public Contract Code Section 20128.5 for which funding has been approved pursuant to a Budget Revision Request.
4. Approve use of the JOC for repair, remodeling, and other repetitive work to be done at 1011 W. McCoy.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be approved. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

F-14) Minutes of the October 5, 2023 Special Meeting of the South Central Coast Basinwide Control Council

Receive and file minutes of the October 5, 2023 special meeting of the South Central Coast Basinwide Control Council.

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be received and filed. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

G. DIRECTOR'S REPORT

Receive brief oral report by the Air Pollution Control Officer. Report to include items such as: Achievements of District staff, upcoming events of interest to the Board of Directors and the public, general status of District programs, state and federal activities and legislation, updates on air quality, and updates from the California Air Pollution Control Officers Association (CAPCOA). There will be no Board discussion except to ask questions or refer matters to staff; and no action will be taken unless listed on a subsequent agenda.

Received Director's Report.

I. DISCUSSION ITEMS

I-1) Appointment of APCD Executive Committee

Select three members of the Board to serve on the APCD Executive Committee during calendar year 2024.

A motion was made by Board member Rowse, seconded by Board member Julian for Board members Capps, Julian, and Patino to serve on the APCD Executive Committee for 2024. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

I-2) Appointment of APCD Board Members to Basinwide Control Council

Appoint one Board member to serve as the primary representative and one Board to serve as the alternate to the South Central Coast Basinwide Control Council during calendar year 2024.

A motion was made by Board member Hartmann, seconded by Board member Patino for Board member Perotte to remain as the primary member on the Basinwide Control Council and Board member Infanti to remain as the alternate for 2024. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Nelson, Clark, Infanti.

H. PUBLIC COMMENT PERIOD

Public comment period inadvertently held after Item I-2.

Persons desiring to address the APCD Board on any subject within the jurisdiction of the Board that is not included as part of the agenda must complete and deliver to the Clerk the "Request to Speak" form which is available at the Hearing Room entrance prior to the commencement of this comment period. Comments shall be limited to fifteen minutes, divided among those desiring to speak, but no person shall speak longer than three minutes.

There were no public comments.

I-3) Appointment of the APCD Hearing Board Nominating Committee

Select five members of the Board to serve on the APCD Hearing Board Nominating Committee during calendar year 2024.

A motion was made by Board member Hartmann, seconded by Board member Patino for Board members Williams, Hartmann, Nelson, Perotte, and Patino to remain on the APCD Hearing Board Nominating Committee for 2024. The motion carried by the following vote:

Ayes: 10 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Rowse, Patino.
Noes: 0 - None.
Abstain: 0 - None.

Absent: 3 - Nelson, Clark, Infanti.

I-4) **Determine that a new District Rule for Gas Turbines and Associated Duct Burners is No Longer Necessary to Satisfy Assembly Bill 617 Requirements**

Consider recommendations as follows:

1. **Receive and file a report regarding Best Available Retrofit Control Technology (BARCT) for Gas Turbines and Associated Duct Burners at Assembly Bill 617 Industrial Facilities; and**
2. **Adopt a resolution determining that adopting a new District Rule is no longer necessary to implement BARCT for Gas Turbines and Associated Duct Burners because the affected Assembly Bill 617 Industrial Facility has requested changes to their District Permit to Operate to directly implement BARCT.**

A motion was made by Board member Hartmann, seconded by Board member Patino that this matter be approved. Adopted APCD Resolution No. 24-02. The motion carried by the following vote:

Ayes: 9 - Williams, Capps, Hartmann, Lavagnino, King, Perotte, Julian, Cordova, Patino.

Noes: 0 - None.

Abstain: 0 - None.

Absent: 4 - Nelson, Clark, Rowse, Infanti.

Public Comment

Patrice Surmeier, ExxonMobil.

Director Rowse left during this item.

J. **ANNOUNCEMENTS**

This meeting will be rebroadcast on Sunday January 22, 2024, at 5:00 p.m. on County of Santa Barbara TV Channel 20.

K. **ADJOURN**

This meeting was adjourned at 2:25 p.m. to 1:00 p.m. on March 21, 2024.