

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT



GOVERNING BOARD REGULAR MEETING INFORMATION

Meeting Date & Time

Thursday, September 14, 2017 at 10:00 am

Meeting Location

Town of Mammoth Lakes Council Chambers
437 Old Mammoth Road (Suite Z)
Mammoth Lakes, California 93546

District Board

John Wentworth, Town of Mammoth Lakes, Chair
David Griffith, Alpine County, Vice Chair
Ron Hames, Alpine County
Dan Totheroh, Inyo County
Fred Stump, Mono County
Matt Kingsley, Inyo County
Larry Johnston, Mono County

Phillip L. Kiddoo, Air Pollution Control Officer
157 Short Street, Bishop, California 93514
(760) 872-8211 E-mail: pkiddoo@gbuapcd.org



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 www.gbuapcd.org

GOVERNING BOARD REGULAR MEETING AGENDA

THURSDAY, SEPTEMBER 14, 2017 AT 10:00 AM

Town of Mammoth Lakes Council Chambers

437 Old Mammoth Road (Suite Z)

Mammoth Lakes, California 93546

Assistance for those with disabilities: If you have a disability and need accommodation to participate in the meeting, please call Tori DeHaven, Board Clerk, at (760) 872-8211 for assistance so the necessary arrangements can be made.

Great Basin Unified Air Pollution Control District is a California regional government agency that works to protect the people and the environment of Alpine, Mono and Inyo Counties from the harmful effects of air pollution.

1. Call to Order and Pledge of Allegiance
2. Public Comment on Matters Not on the Agenda (No Action)
3. Consent Items (Action)
 - a. Approval of the May 11, 2017 Regular Governing Board Meeting Minutes.....1
 - b. Approval of the July 13, 2017 Regular Governing Board Meeting Minutes13
 - c. Approval for Annual Support Renewal Payment to Agilaire for Hosted AirVision Air Monitoring Database Services in the Amount of \$12,660.....40
 - d. Approve Purchase Orders with Campbell Scientific and Sensit Inc. for the Total Amount of \$71,493.42 for the Purchase of Sand Motion Monitors and Radios for the Owens Lake and Mono Lake Dust ID Networks.....44
 - e. Award of Three Construction Bids to Henkels & McCoy, Inc. for the Lee Vining Shelter Installation for the Total Amount of \$81,028.33, as follows: 1) 2017-LV1B-1 for \$18,498.17, 2) 2017-LV1B-3 for \$32,796.26, 3) 2017-LV1B-4 for \$29,733.90.....48
 - f. Authorize the Procurement of Four (4) Teledyne-API T640X PM10/PM2.5 Particulate Monitors from Clipper Controls, a District Sole-Source Provider of PM Monitors, for \$170,000.....50
 - g. Authorize APCO to Sign and Submit Application for Subvention Funds53
 - h. Approve the Resolution, Memorandum of Understanding, and Program Participation Agreement with Special District Risk Management Authority Authorizing the District's Enrollment in an Employee Assistance Program.....54
4. Air Quality Permitting for Biomass Facilities (No Action).....67

5. Informational Items (No Action)
 - a. Travel Report70
 - b. Permit Enforcement Activity Report71
 - c. Contracts Signed by the Air Pollution Control Officer72
 - d. 4th Quarter Financial Reports (April 1 - June 30)73
 - e. Updated Conflict of Interest Code Effective August 17, 201781
6. Board Member Reports (No Action)
7. Air Pollution Control Officer Report (No Action)86
8. Confirm Date and Location of Next Regular Meeting (November 9, 2017, in Mono County)87
9. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Antelope Valley Resource Conservation District; pursuant California Government Code §54956.9 (d)(4).**
10. **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – City of Los Angeles v. Great Basin Unified Air Pollution Control District, et al., Superior Court of the State of California, County of Sacramento, Case No. 34-2013- 80001451-CU-WM-GDS, Interpretation of 2014 Stipulated Judgment Recital BB, Paragraphs 2, 3, 9, District 2013 Stipulated Order of Abatement, and District Board Order #160413-01, pursuant California Government Code §54956.9 (d)(4).**
11. **CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**
 - a. Russell Covington; Robert Moore; Randy Sipes; Randal Sipes, Jr.; Laborers’ International Union of North America Local Union No. 783 vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140075; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
 - b. Mammoth Community Water District vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140076; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
12. Adjournment

(All Meetings Are Electronically Recorded – All public records relating to an agenda item on this agenda are available for public inspection at the time the record is distributed to all, or a majority of all, members of the Board. Such records shall be available at the District office located at 157 Short Street, Bishop, California.)



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537
Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Tori DeHaven, Clerk of the Board

Subject: Approval of the May 11, 2017 Regular Governing Board Meeting Minutes

Summary:

Attached for the Board's approval are the minutes from the May 11, 2017 regular meeting held in Bridgeport, California.

Board Action:

Staff recommends that the Board review and approve the minutes from the May 11, 2017 meeting.

Attachment: May 11, 2017 minutes

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
GOVERNING BOARD MINUTES
May 11, 2017

(All Meetings Are Mechanically Recorded)

The Great Basin Unified Air Pollution Control District Governing Board of the Counties of Alpine, Inyo and Mono, State of California met at 10:00 am on May 11, 2017 at the Mono County Board of Supervisors Chamber, Mono County Courthouse, Main Street (U.S. Highway 395), Bridgeport, California.

Governing Board members present:

David Griffith, Board Vice Chair, Alpine County
Fred Stump, Mono County
Larry Johnston, Mono County
Dan Totheroh, Inyo County
Bill Sauser, Town of Mammoth Lakes, Alternate
Ron Hames, Alpine County

Governing Board members absent:

John Wentworth, Board Chair, Town of Mammoth Lakes
Matt Kingsley, Inyo County

A quorum was present.

GBUAPCD staff present:

Phill Kiddoo, Air Pollution Control Officer
Ann Piersall, Deputy Air Pollution Control Officer
Susan Cash, Administrative Projects Manager
Grace Holder, Senior Scientist
Chris Lanane, Air Monitoring Specialist
Christine Holt, Air Monitoring Technician I
Tori DeHaven, Clerk of the Board

Agenda Item #1
Call to Order
Pledge of Allegiance

Board Vice Chair Griffith called to order the regular meeting of the Governing Board at 10:00 a.m.

Ms. Cash then led the Pledge of Allegiance.

Agenda Item #2
Public Comment on
Items not on the
Agenda
(No Action)

Board Vice Chair Griffith asked for public comment on items not on the agenda at 10:01 am.

Mr. Milad Taghavi and Mr. Jamie Valenzuela updated the Board regarding LADWP's emergency measures on Owens Lake to reduce damage to infrastructure that may happen due to the runoff.

Mr. Valenzuela noted that the runoff is estimated, based on models and historical data, to raise the brine pool elevation by four to seven feet which translates to inundation of anywhere between 20 to 22 square miles of dust control area. Peak flow (800-1200 cubic feet per second) projections are estimated to occur in June, July and August. Although LADWP recognizes that the entire lake and infrastructure cannot be protected, they are working toward protecting key infrastructure such as the Lower Owens River Pumpback Station (LORPS), the heart of the lake. They have started placing barriers around the station in case the water level rises up and are also starting to open up the dike next to the station to increase the flow capacity next to it. LADWP is also looking at installing a diversion structure in the river on the western bank to help protect some of the existing dust mitigation infrastructure which will involve a combination of shoring, tamping and modification to the existing bank. There will also be support added to the T29 and T36 berms. To get all of the work done that will be required, LADWP will be installing one million square feet of geoliner, 30,000 tons of rock, 35,000 sandbags and about 8,000 pieces of k-rail. The LADWP has committed approximately \$23 million to these preventative measures.

Board alternate Sauser arrived at 10:03 am.

**Agenda Item #3
PUBLIC HEARING**

a) Adoption of Orders to the City of Los Angeles to Pay 2017-2018 Fiscal Year Fees as Provided by Section 42316 of the California Health & Safety Code (SB 270)
b) Fiscal Year 2017-2018 Total District Budget – Approval of the District and SB 270 Sub-budgets (Second of two Required Budget Hearings)
(Action)

The public hearing was opened at 10:21 am.

Ms. Cash, Administrative Projects Manager, explained that the final fiscal year 2017-2018 budget, as presented in the Board Packet, has changed very little compared to the draft that was previously presented at the last Governing Board meeting. She noted that all changes made were typographical. The District did not receive any new public comments regarding the budget; the only comments received for the draft budget were from the LADWP indicating that they have no objection to the fee assessment.

The Board asked for public comment at 10:23 am.

No comment was offered.

The public hearing was closed at 10:23 am.

Motion (Hames/Johnston) approving the item as follows:

1. The Board conducted the scheduled public hearing for input regarding the proposed fiscal year 2017-2018 SB 270 Fee Assessment Order.
2. The Board adopted the “Fiscal Year 2017-2018 SB 270 Fee Assessment Order to Pay” for the base SB 270 costs in the amount of \$4,859,118, as presented in the Board Packet.

Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump

Noes: 0

Abstain: 0

Absent: Board Members – Kingsley

Motion carried 6/0 and so ordered.

B/O #170511-01

Motion (Hames/Johnston) approving the items as follows:

1. The Board conducted the second of two public hearings on the total budget, considered all comments and testimony, and considered whatever changes were found appropriate to District or SB 270 budgets. (no changes found)
2. The Board adopted the total Great Basin Unified Air Pollution Control District budget which includes: a) the proposed final 2017-18 District budget; and b) the proposed final 2017-18 SB 270 budget.
3. The Board waived the automatic Consumer Price Index increase for District permit fees based on the adopted FY 2017-18 District budget (less special funds) for the 2017-18 fiscal year and the amount of current District (non-SB 270) reserve funds.

Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump

Noes: 0

Abstain: 0

Absent: Board Members – Kingsley

Motion carried 6/0 and so ordered.

B/O #170511-03b

Agenda Item #4
Consent Items
(Action)

Motion (Stump/Hames) approving consent agenda items a through g as follows:

- a. Approval of the March 9, 2017 regular Governing Board meeting minutes
- b. Designation of Greenheart Farms INC as a sole source provider of plant material for the Keeler Dunes Project and approval of purchase order #2017-1027GH for an amount not to exceed \$48,487.50 with Greenheart Farms INC for the propagation of 25,000 plants for the Keeler Dunes Project
- c. Approve purchase order with Campbell Scientific Inc. for the amount of \$40,071.94 for the purchase of dataloggers to be used in the air-monitoring network at the Owens Lake
- d. Approve purchase of one 12' x 20' building from High Sierra Containers West Coast Barns and Sheds for the construction and delivery for the amount of \$19,044.81
- e. Approve consulting and service contracts for Fiscal Year 2017-2018
- f. Approve monitoring leases and rental agreements for Fiscal Years 2017-2018 and 2018-2019

g. End of year transfer authority, appropriation changes and carryovers

Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump

Noes: 0

Abstain: 0

Absent: Board Members – Kingsley

Motion carried 6/0 and so ordered.

B/O #170511-04

Agenda Item #5
Adoption of the 2017
Great Basin Unified
APCD Air Quality
Monitoring Network
Plan for Air
Monitoring Efforts
in the District
(Action)

Motion (Totheroh/Hames) adopting the District’s 2017 Annual Air Quality Monitoring Network Plan for submission to the US EPA Region IX administrator for approval.

Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump

Noes: 0

Abstain: 0

Absent: Board Members – Kingsley

Motion carried 6/0 and so ordered.

B/O #170511-05

Agenda Item #6
District and SB 270
Operating Reserves
(Action)

APCO Kiddoo explained that the District is asking that the Governing Board consider an increase to the reserve-to-budget ratio to 33.3% as outlined in the staff report and to direct staff to update the Reserve Policy, which hasn’t been updated since 2012. APCO Kiddoo then went on to explain some of the background regarding the Reserve Policy. In 2012 the level of cooperation between LADWP and staff was challenging due to litigation. Staff was asked at the last Governing Board meeting to review the policy and bring back suggestions to the Board. LADWP asked for a decrease to the reserve-to-budget ratio due to the change in relationship and improvement in cooperation between the District and LADWP. APCO Kiddoo added, aside from previous litigation with LADWP, the District must be prepared to respond to the following scenarios: unexpected litigation (LADWP and non-LADWP), unexpected shortfall in revenue, unexpected demands on services, unanticipated opportunities, less than perfect judgement and insight, a change in direction, and normal day-to-day fluctuations.

Board member Johnston asked if this would apply to both budgets (SB 270 & non-SB 270 budgets).

APCO Kiddoo confirmed that it would.

Mr. Taghavi commented that the agreements made between the District and

LADWP, in the 2014 Stipulated Judgment, will not allow for the contentions that were happening previous to 2014. The concerns that have been expressed as justification for the increase have been significantly, if not totally, eliminated. The key concerns that the LADWP had, regarding the dust control, have been settled. Mr. Taghavi added that it would be nice to be able to go back to the rate payers, since the money would be coming from them, and tell them that not only are costs going down due to a reduction in legal costs but also in other things as a result of the previous legal agreements. Using past issues that have been totally resolved to increase from 20% to 33.3% is not a reasonable discussion. In light of the historic resolution of the previous dust control issues, reducing the ratio may be warranted. LADWP has proven their goodwill and commitment since the lawsuits were settled. Mr. Taghavi said that he would like the Board to have a cause prior to taking an action that would increase the ratio. Simply preparing for a situation that hasn't happened, isn't a cause for action.

Board member Hames noted that he is very happy to have such cooperation with the LADWP. He added that a change in leadership within the LADWP could change that. Also, not all of the District's lawsuits are with LADWP so we need protection for other instances as well.

Board member Johnston said that as much as things have changed in such a positive direction, he would need more time to come around to trusting that LADWP won't be suing the District at every turn which was what was happening previously. He is leaning toward going with an increase in order to prepare for the worst-case scenario which would allow the District to respond quickly to a situation.

Board member Totheroh indicated that although he is sensitive to the fact that there certainly has been a change in the relationship, if we are under a mandate that is relatively new with not being able to bill other than yearly, it seems like we have a change that we must deal with. If LADWP were to say, "you are allowed to bill us at any time" rather than the judgement which says only once a year, maybe that ratio could be reduced over time. But until that happens, Board member Totheroh would have to side with the amount that will allow us to cover our needs when we need to.

Mr. Taghavi added that the agreement is not subject to a change by a different leadership within LADWP, it's under a court's jurisdiction. So any changes to that would have to come from a court. Due to this fact, there are a lot of protections which means the Governing Board does not need the "sledgehammer" for this particular process. A decrease in legal fees and an increase in fees doesn't reduce costs. LADWP has a fiduciary responsibility to the rate payers. A reduction is a reasonable request for LADWP to make.

Board member Johnston asked if the increase to the reserve ratio would carry over to the next years' budget.

APCO Kiddoo responded yes it does and it still would have the refund of any amount over that in application toward the next years' assessment.

Board member Johnston then asked how much it would increase from what is currently in reserves to the 33.3%.

APCO Kiddoo explained that last year's wasn't much different and would be slightly smaller at \$600,000. The District actually credited over \$160,000 this year so that would be a difference of about \$450,000 more.

Board member Stump asked for clarification on what LADWP would actually be charged.

APCO Kiddoo explained that with this, after this fiscal year, 33.3% would be the reserve. If there were funds greater than 33.3%, that would be applied as a credit so next year we would have to increase our reserves to match that 33.3%.

Board member Stump asked if that would be reflected in the fee that would be charged to LADWP.

APCO Kiddoo confirmed that yes, it would.

Board member Stump clarified that the fee would actually fluctuate.

APCO Kiddoo explained that the fee is based on staff's best estimate on costs for the year.

Board Vice Chair Griffith noted that it's important to recognize that there is much more cooperation. He added that we're in the situation of the minnow and the whale: with the District being the minnow. The District should prep for something bigger than itself. He then clarified that this is not a reserve that gets added to every year. It doesn't mean there will be an increase in the budget every year.

Board alternate Sauser asked if other than legal fees, is this the operating reserves. He noted that to him a three-plus month reserve is prudent for any individual, business or organization. 33.3% is a prudent amount to have for emergencies.

APCO Kiddoo added that the District is significantly vulnerable due to its budget being 85-90% from LADWP.

Board Vice Chair Griffith asked for clarification as to what the reserve would be for four months.

APCO Kiddoo that a four-month reserve would be 33.3%.

Board Vice Chair Griffith added that the District has to continue in some way in

order to maintain its staff. If there is uncertainty there may be a loss of staff.

Board member Hames stated that he agreed with the Board report. He also noted that he wants to make sure that LADWP understands that this is not a reflection on their trustworthiness, this is business.

Board member Johnston said that the Board wants to show good faith as well and at some point, he wouldn't mind taking this up again next year.

Motion (Hames/Johnston) approving to increase the reserve-to-budget ratio to 33.3% as detailed in the staff report and direct staff to update the District's Reserve Fund Policy to reflect this change.

Ayes: Board Members – Griffith, Johnston, Totheroh, Sauser, Hames, Stump

Noes: 0

Abstain: 0

Absent: Board Members – Kingsley

Motion carried 6/0 and so ordered.

B/O #170511-06

Agenda Item #7
California Regional
Haze Plan and Rule
Revision
Implications
(No Action)

A break was taken at 12:15 pm. The Board reconvened in open session at 12:25 pm.

Ms. Tina Suarez-Murias, Air Pollution Specialist from the California Air Resources Board, gave a presentation on the California Regional Haze Plan and Rule Revision Implications. *(the presentation is available upon request)*

Presentation Overview:

- Clean Air Act – amendments of 1977 set national goal
 - i. Reasonably Attributable Visibility Impairment (RAVI) initially intended to address plume blight
 - ii. Interagency Monitoring of Protected Visual Environments (IMPROVE) measures speciated particulate matter using federally operated monitors deployed nationwide since the 1980's
 - iii. Regional Haze Rule (1999) applies to all states and requires preparation of a Regional Haze State Implementation Plan every ten years to achieve Natural Conditions in 2064
 - iv. Best Available Retrofit Technology (BART) Rule in 2005 required controls of highest polluting source types
 - v. Regional Haze Rule Revisions (2017) (SIP Implementation Guidance pending)
- Class I Areas (California & United States) – visibility depends on geography
 - i. Visual Range varies greatly across USA
 - ii. Causes of Haze varies considerably at each Class I Area

- iii. Airshed features affect particle formation and transport, making visibility at each Class I area unique
- iv. Controlling anthropogenic sources of haze-causing particles reaching IMPROVE monitors has challenges
- Cause of Haze (Impaired Visibility)
 - i. Highest deciview days can have very different particle compositions
 - ii. “Worst Days” (Haziest 20% each year) often due to natural causes in west
 - iii. Need metric that targets anthropogenic contributions
 - iv. Visual range easier to comprehend (cleaner air, greater distance)
- Progress in Improving Visibility
 - i. West started with better visual range (20-100+ miles); expect less dramatic visibility improvements
 - ii. Natural source emissions caused many worst haze days in west
 - iii. Anthropogenic emissions dominate all worst haze days in east (current visual range about 15-40 miles)
 - iv. Adjustments to Regional Haze Rule metrics needed to account for natural haze and to measure progress made in reducing visibility impairment specifically from anthropogenic sources
- Regulatory Considerations – issues addressed in Rule revisions
 - i. Coordinate with other program timelines; co-benefits from criteria pollutant reductions and SIP preparation resources
 - ii. Western “Worst Haze Days” caused by Natural Sources that skew averages
 - iii. International sources not under state control also impact visibility
 - iv. Wildfires increasing in west; beneficial prescribed burning considered man-made
 - v. Natural conditions estimates don’t reflect site-specific geography
 - vi. Federal Land Managers not given sufficient time for input
 - vii. Control measures should result in measurable visibility improvements
- Next Steps
 - i. Work with western states, FLM, tribes, and U.S. EPA to prepare Regional Haze SIP tasks with limited funding for regional monitoring
 - ii. Methods discussed in Proposed Guidance may not be same as Final Guidance
 - iii. Reduce anthropogenic haze precursors to improve visibility; correlates well with actions to improve health by reducing criteria pollutants

Board Vice Chair Griffith as for public comment at 12:08 pm.

Ms. Liz O’Sullivan, Mono County resident, thanked the Board and Ms. Suarez-Murias for taking the time to discuss such a complex and important issue. She noted that her concerns are within regard to the classification of wind events which actually seem to be due to an increase in human use specifically dirt roads, OHV use and an increase in grazing. She questioned how one agency such as LADWP could be held responsible for emissions from Owens Lake yet other agencies aren’t being held responsible for the human-caused emissive events. Ms. O’Sullivan expressed concern for burning and said that perhaps wild fires are a better way of dealing with forest health than prescribed burning is. Prescribed burning in the shoulder season along with wild fires means pollution issues year-round for the residents of the local communities. The Eastern Sierra is also impacted by pollution and smoke from the west side as well. She questions whether or not forest health is more important than human health which may be complex discussions that need to be taken into consideration.

Ms. Suarez-Murias added that it is important to get local input to adjust the thresholds on wind events.

Mr. Mike O’Sullivan, Mono County resident, expressed his concerns as well. Although vast improvements in dialogue between the east side and west side of the Sierra have reduced smoke issues due to prescribed burning since 2012, he wondered if the federal government is writing themselves an exemption when it comes to these burns to reduce costs. After all, the Forest Service and other agencies do have alternative options for forest management such as chipping but that are higher in cost. Mr. O’Sullivan added that the City of Los Angeles was not afforded the same cost considerations when ordered to mitigate the dust issues on Owens Lake.

Agenda Item #8
Air Quality
Implications of the
Sustainable
Groundwater
Management Act
(SGMA) and
Groundwater
Sustainable Agency
(GSA) Formation
(No Action)

Board member Stump explained that he requested this particular item be added to the agenda. Although this issue may not affect the entire Great Basin District, there are still parts of the District that will be affected significantly. The specific area of concern in Mono County is in the tri-valley area which includes Benton, Hammil Valley, Chalfant and portions along the Sierra Crest.

APCO Kiddoo gave a brief presentation on air quality implications of the Sustainable Groundwater Management Act (SGMA) and Groundwater Sustainable Agency (GSA) Formation. For compliance with SGMA, various groundwater basins within the District must form a Groundwater Sustainable Agency (GSA) by June 30, 2017 or the State will assume responsibility for managing the basins which may include imposition of fees on groundwater users. The three groundwater basins within the District boundaries are the Tri-Valley Groundwater Basin, the Owens Valley Groundwater Basin and a portion of the Indian Wells Groundwater Basin. Local agencies forming GSAs include the Indian Wells Groundwater Authority, Tri-Valley Groundwater Management District, Inyo County and Mono County which recently signed a resolution to serve as the groundwater Sustainability Agency for portions of the Owens Valley Groundwater Basin within Mono county that are not within the boundaries of the Tri-Valley Groundwater Management District. There are air quality implications of SGMA management formation that exist. For example, without GSA formation, State intervention may occur with subsequent fees imposed on groundwater users which may result in change of land use practices to the detriment of air quality. Various enforcement mechanisms are available to the District that require particulate pollution control mitigation for fugitive dust sources. These mechanisms include CA Health and Safety Code (CH&SC) 42316, and District Prohibitory Rules 400 – Ringelmann Chart, 401 – Fugitive Dust, and 402 – Nuisance. Generally the property owner is liable for emissions control and subject to District Notices of Violation. In certain circumstances, another entity may be responsible for pollution control other than the property owner as is the case at Owens Lake where the California State Lands Commission is the property owner of the lake and the

Los Angeles Department of Water and Power is the liable entity to control the particulate emissions.

Agenda Item #9
Informational Items
(No Action)

APCO Kiddoo asked the Board if they had any questions regarding the informational items.

No questions were asked.

Agenda Item #10
Board Member
Reports
(No Action)

Board Vice Chair Griffith suggested a tour of Owens Lake happen soon.

No other reports were given.

Agenda Item #11
Air Pollution Control
Officers Report
(No Action)

APCO Kiddoo introduced Ms. Christine Holt as the District's new Air Monitoring Technician I.

Agenda Item #12
Confirm Date and
Location of Next
Regular Meeting
(July 13, 2017 in
Markleeville, CA)

The next regular meeting of the District Governing Board will convene at 10:00 am on July 13, 2017 in Markleeville, California. The District's Clerk of the Board will find and reserve a handicap accessible meeting room and contact the District Board members as to its location.

Agenda Item #13
CLOSED SESSION

Board Vice Chair Griffith convened the Board into closed session at 12:47 pm.

CLOSED SESSION - The Board will recess into closed session for a conference call with legal counsel regarding existing litigation in the following matters:

- a. Russell Covington; Robert Moore; Randy Sipes; Randal Sipes, Jr.; Laborers' International Union of North America Local Union No. 783 vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140075; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
- b. Mammoth Community Water District vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140076; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

The Board reconvened into open session at 1:03 pm with no action taken.

Adjournment

The meeting was adjourned by Board Vice Chair Griffith at 1:03 pm. The Board will reconvene in open session at 10:00 am, on Thursday, July 13, 2017 in Markleeville, California.

John Wentworth, Board Chair

Attest:

Tori DeHaven, Board Clerk



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537
Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Tori DeHaven, Clerk of the Board

Subject: Approval of the July 13, 2017 Regular Governing Board Meeting Minutes

Summary:

Attached for the Board's approval are the minutes from the July 13, 2017 regular meeting held in Markleeville, California.

Board Action:

Staff recommends that the Board review and approve the minutes from the July 13, 2017 meeting.

Attachment: July 13, 2017 minutes

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
GOVERNING BOARD MINUTES
July 13, 2017

(All Meetings Are Mechanically Recorded)

The Great Basin Unified Air Pollution Control District Governing Board of the Counties of Alpine, Inyo and Mono, State of California met at 10:00 am on July 13, 2017 at the Alpine County Administrative Center, 99 Water Street (State Highway 89), Markleeville, California.

Governing Board members present:

John Wentworth, Board Chair, Town of Mammoth Lakes
David Griffith, Board Vice Chair, Alpine County
Stacy Corless, Mono County Alternate
Matt Kingsley, Inyo County
Dan Totheroh, Inyo County
Ron Hames, Alpine County

Governing Board members absent:

Fred Stump, Mono County
Larry Johnston, Mono County

A quorum was present.

GBUAPCD staff present:

Phill Kiddoo, Air Pollution Control Officer
Ann Piersall, Deputy Air Pollution Control Officer
Susan Cash, Administrative Projects Manager
Grace Holder, Senior Scientist
Tori DeHaven, Clerk of the Board

Members of the public included: (as indicated by voluntary sign-in)

Milad Taghavi, City of Los Angeles, Department of Water & Power
Jennifer Mattox, California State Lands Commission
Terrie Robinson, Native American Heritage Commission
Mary Ferrell, TEAM
Kathy Bancroft, Lone Pine Paiute Shoshone Reservation

Agenda Item #1
Call to Order
Pledge of Allegiance

Board Chair Wentworth called to order the regular meeting of the Governing Board at 10:01 a.m.

APCO Kiddoo then led the Pledge of Allegiance.

Agenda Item #2
Public Comment on
Items not on the
Agenda
(No Action)

Board Chair Wentworth asked for public comment on items not on the agenda at 10:04 am.

No comment was offered.

Agenda Item #3
Consent Items
(Action)

It was noted that with the intended abstention of Board members Corless, Kingsley and Wentworth that there would not be a quorum to approve consent agenda item a) approval of the May 11, 2017 regular Governing Board meeting minutes. The item will be deferred until the September meeting. Item b was also pulled for discussion.

Motion (Kingsley/Griffith) approving consent items c through d as follows:

c. Approve the purchase of one (1) 2018 high-clearance, 4-door, 4-wheel drive sport utility vehicle in the amount of \$36,190.12 from Perry Motors of Bishop, CA

d. Approval of annual sole source determinations.

(vote was taken by roll call)

Ayes: Board Members – Wentworth, Griffith, Corless, Totheroh, Kingsley, Hames

Noes: 0

Abstain: 0

Absent: Board Members – Stump, Johnston

Motion carried 6/0 and so ordered.

B/O #170713-03c

Discussion: Board member Kingsley asked if the full amount of the contract is used annually. He clarified that it is to provide services for the Keeler Dunes Dust Control Project. Staff responded that the project will continue and that the extension is for work that has been budgeted for this year.

Motion (Totheroh/Griffith) approving consent item b as follows:

b. Approval of contract with Amec Foster Wheeler Environmental & Infrastructure, Inc. for project management services of the Keeler Dunes Project for Fiscal Year 2017-2018 for an amount of \$86,500

(vote was taken by roll call)

Ayes: Board Members – Wentworth, Griffith, Corless, Totheroh, Kingsley, Hames

Noes: 0

Abstain: 0

Absent: Board Members – Stump, Johnston

Motion carried 6/0 and so ordered.

Agenda Item #4
 United States
 Environmental
 Protection Agency
 (EPA) 2016 Owens
 Valley Planning
 Area (OVPA) PM10
 State Implementation
 Plan (2016 SIP)
 Approval
 (No Action)

APCO Kiddoo explained that this is an exciting event for this agency. As there are only two current Board members present today that were involved in approval of the State Implementation Plan (SIP), he gave a brief history. In 1987 the Environmental Protection Agency (EPA) designated the Owens Valley Planning Area (OVPA) as non-attainment. It is the District's responsibility to develop a plan that meets the state and federal requirements on how to achieve attainment. After the non-attainment designation, the District developed its first plan in 1998. Prior to that there was a lot of work to develop the Best Available Control Measures (BACM) which have to be approved by the EPA as acceptable to meet the control efficiency reductions necessary to meet attainment. In 1998 the Plan had 13.5 square miles of dust control that at the time the District had monitored and had determined to be the most emissive areas. There were provisions to extend those areas with additional monitoring if those areas needed to be controlled. That 1998 SIP was approved by both the California Air Resources Board (CARB) and the EPA. With a Demonstration of Attainment and a Plan there are attainment deadlines which, in 1998, was December 31, 2001. The District and the Los Angeles Department of Water and Power (LADWP) did not reach the standards at that deadline. EPA granted a five-year extension and subsequently the District developed the 2003 Plan. That extension of five years in 2007 was not reached as well. At that time, the EPA did not grant a five-year extension. Instead, they issued a Failure to Attain which means that EPA isn't satisfied and the Plan isn't working and a new Plan needs to be revised. What was required of the District at that time was to develop a new Plan that did the emissions inventory through 2006 and the emissions reduction attainment demonstration. The District developed a Plan in 2008 that incorporated the 2006 Settlement Agreement between the District and the LADWP. However, like the 2003 Plan, it was submitted to CARB and was not approved or disapproved by EPA. It sat at EPA for a time and exceeded the deadlines for attainment not having an official five-year extension. In 2014 the District and LADWP had a court decision (2014 Stipulated Judgment) from California Superior Court that required LADWP to do 3.2 square miles of dust control based on the 2011/2012 Supplemental Control Requirements Determinations (SCRD) and required stipulations which needed to be incorporated into the Plan. One of the provisions in the Stipulated Judgment was that the District develop a Plan to reach attainment in 2015. The Superior Court of California extended that deadline until April 15, 2016. The District's Board approved a Plan on April 13, 2016 that incorporated all the previous Plans, the Stipulated Judgment and previous agreements which truly demonstrates attainment and has an endpoint of dust controls at Owens Lake. With the Stipulated Judgment, the LADWP is only responsible for 53.4 square miles of dust control which is 4.8 square miles beyond what they have already committed to with the Phase 9/10 Project. Along with approval of the Plan, two other actions were

approved which included approving the Board Order and Rule 433: The Control of Particulate Emissions at Owens Lake. In developing the Plan, the District worked very hard to ensure approval by the EPA. One of the key developments in this Plan was to have a regulatory enforcement mechanism for EPA to be able to enforce the SIP which they couldn't do or hadn't done through the District's Board Orders. Rule 433 was instrumental in part of federal approval of the SIP and the process. Following the April 2016 approval by the Governing Board, staff forwarded the SIP to CARB and it was approved in May 2016. CARB then submitted it to EPA for review and approval. It wasn't until September 2016 that EPA proposed a rule adoption of Rule 433 which would be their first order of processes in having a regulatory mechanism to back a Plan that they are approving. On December 12, 2016 EPA proposed the 2016 SIP as meeting all statutory and regulatory requirements under the Clean Air Act (CAA) which was both significant and historic for the District. On December 28, 2016 EPA approved/published in the Federal Register their final action to have the Plan effective with the effective date being January 27, 2017. Due to a change of administration and the nation's President on January 20, 2017, there was an Executive Order issued that started a clock for a regulatory freeze which looked at and reviewed thirty different regulations that had already been reviewed and had effective dates and were waiting out the clock. This allowed the new administration and EPA to review these regulations during this freeze prior to approval. There was also another Executive Order that two regulations would go away for every regulation that was approved that did not affect or was not a part of this process at all. EPA did have to review and evaluate this regulation and some other aspects of it before they could approve it now with the regulatory thaw that was now occurring. It wasn't until March 13, 2017 that EPA published in the Federal Register that the SIP was going to have a new effective date of April 12, 2017 and this was one day prior to the one-year anniversary to the adoption of the SIP by the District's Governing Board. Under Section 307 of the CAA there is a sixty-day period for petitions to the United States Court of Appeals and no petitions were filed so it was the day after this Board's last meeting that period had expired with no such petitions filed. The SIP has been effective since April 12, 2017. APCO Kiddoo then congratulated the Board, staff and everybody who worked on the SIP and were involved throughout the process.

Agenda Item #5
Owens Lake and the
2017 Snowpack
Runoff Emergency
(No Action)

APCO Kiddoo gave a brief presentation on the 2017 Snowpack Runoff Emergency and Owens Lake impacts. He focused on five major topics, as outlined in the Board Packet, 1) Owens Lake activities related to the runoff, 2) BACM compliance, 3) Water spreading in existing compliance areas, 4) Upcoming compliance deadlines for Phase 7a Best Available Control Measure (BACM) Managed Vegetation, Phase 9/10 BACM Gravel Blanket and Phase 9/10 BACM Shallow Flooding, and 5) Recent Eastern Sierra runoff conditions.

(the slideshow presentation is available upon request to the Clerk of the Board)

Board Chair Wentworth asked for public comment at 10:46 am.

Mr. Milad Taghavi, Los Angeles Department of Water and Power, requested a copy of the recording for today's meeting (*a copy of the recording was sent via email to Mr. Taghavi on July 14, 2017 by the Clerk of the Board*). Mr. Taghavi added that it has been a tremendous amount of effort in addressing the runoff issues. He thanked the counties of Inyo and Mono for having their emergency declarations in place which aided in addressing runoff concerns and problems. He noted that LADWP staff was often working five to seven days a week utilizing heavy equipment and manual labor. Protection strategies included water spreading which minimized flood damage. Emergency measures on the lake will be maintained until March of next year. Placement of sand bags was completed around June 23.

Agenda Item #6

Adoption of a Resolution of the Governing Board of the Great Basin Unified Air Pollution Control District to nominate Owens Lake to the National Register of Historic Places as an Archaeological District
(Action)

DAPCO Piersall outlined for the Board the significance of having the nomination in place. Nomination of Owens Lake as an archaeological district and development of an accompanying management plan, prior to future dust control orders, in current avoidance areas or in additional contingency areas, will prevent future delays in dust mitigation and prevent excess emissions. She indicated that staff is seeking Board support for this nomination as it may be required for future projects and may take years to finalize. Initiating the process now will provide all parties predictability, opportunity for participation, transparency and most importantly, from an air pollution standpoint, will not result in inevitable delays associated with inaction. DAPCO Piersall added that time equates to prolonged dust emissions and significant public health impacts. She then gave a brief background on cultural resources and dust mitigation on Owens Lake and the relationship between the nomination of Owens Lake as an archaeological district and dust mitigation, and including an overview of what an archaeological district is and the nomination process. DAPCO Piersall then referenced the Board Report and the questions and answers therein, which are particular to the nomination process. (*see page 94 of the July 13, 2017 Governing Board Packet*) It was noted that all members of the Cultural Resource Task Force (CRTF), with the exception of the LADWP which has yet to take a stance, support this nomination. DAPCO Piersall went on to read Resolution 2017-01 as outlined in staff's Board report.

Board Chair Wentworth then asked the Board for questions.

Board Vice Chair Griffith asked if the artifacts that have been found so far, in the proposed district, are above or below the historic shoreline.

DAPCO Piersall responded artifacts have been found both above and below the historic shoreline.

Board Vice Chair Griffith then asked how far would they be below the historic shoreline.

DAPCO Piersall replied that it varies but that Owens Lake was, at points, larger than the 3600 shoreline and at times lower. She wasn't sure of the lowest elevation (at which the artifacts were found) but that they extend significantly onto the lakebed.

Board member Totheroh noted that there was a lot in the presentation. He clarified that basically it is the position of staff that making this an archaeological district will avoid future delays in resolving the dust control problem that would happen if not nominated.

DAPCO Piersall agreed and explained that it is important to note that this has been a topic of conversation of the CRTF for the past two years and LADWP has been involved in those meetings including specific sub-committee meetings on a nomination and they have continued to state that they would study the issue and have yet to take action. All other members of the CRTF support the nomination and feel it's the appropriate action for both protection of cultural resources and dust abatement.

Board member Totheroh asked if he was remembering correctly that during her presentation DAPCO Piersall said that if this area is designated it doesn't mean that there will be any more or less strict measures to protect the resources it just means that it can be dealt with in a more manageable way.

DAPCO Piersall indicated that he was correct. She further explained that nomination and listing doesn't provide additional legal protections. It could mean that certain sites that are deemed ineligible now might be considered eligible when looked at in a larger context.

Board member Totheroh asked, if in relationship to avoidance, is flooding an avoidance.

DAPCO Piersall replied no, that due to the infrastructure that needs to be placed for water and berms. Best Available Control Measures (BACM) shallow flooding...

Board member Totheroh interjected that he could understand that ground moving activities would not be avoidance but is flooding without ground moving considered avoidance?

APCO Kiddoo replied that they (LADWP) haven't been able to accomplish flooding without ground moving.

Board member Hames commented that when the Board negotiated this with LADWP, this was one of the issues that they tried to settle but just couldn't and it was put off because there are so many stakeholders. He added that he is glad that we are on the road to try and solve that problem. He added that he remembers from

previous discussions of this that the artifacts found were the result of the massacre that happened.

APCO Kiddoo added that the massacre site being referenced is part of the 7a dust control which is what really elevated these items. Both LADWP and the District have come to an agreement outside of consultation or work with any other parties for how the areas should be treated. Both parties are still involved in that process to this day. There are seven known (possibly more) presumably massacre sites out on Owens Lake other than just the one that has been referenced.

Board member Hames noted that his only concern was controlling emissions while preserving the artifacts. Nomination seems like the road that has to be taken in order to accomplish both.

Board Vice Chair Griffith added that basically we're concerned about air quality. He asked if one of the other organizations of the CRTF would be a more natural fit for application for nomination than for the District.

APCO Kiddoo replied that staff still feels that LADWP would be the appropriate agency to lead the nomination. However, that has not happened. LADWP has been encouraged by all parties of the CRTF to do so. Most of the parties have agreed that LADWP is the appropriate agency to take the lead on this. Staff has asked LADWP numerous times to collaborate and cooperate in this process; staff would still like to see that and this doesn't preclude them from doing that. LADWP has yet to officially take a stance to support or oppose the nomination. Staff will still seek their inclusion and cooperation with this process that will continue over the next couple of years.

DAPCO Piersall added that however, in lieu of them making a decision, the District and other members of the CRTF do not feel that waiting would be the appropriate action.

Board Chair Wentworth asked who is the owner of record of this property.

DAPCO Piersall stated California State Lands Commission (CSLC) along with other landowners below the shoreline.

Board Chair Wentworth then asked how this would affect environmental processes.

DAPCO Piersall explained that CEQA and NEPA have been done for different phases of dust control. For the most recent, Phase 9/10, the lack of evaluation of archaeological resources in the context of an archaeological district was brought up in comments from California State Lands.

Board Chair Wentworth then asked if we put a designation over this whole area is that going to hinder, accelerate or make more efficient future environmental efforts.

DAPCO Piersall replied that it would facilitate and make the process more efficient because you would do all the work ahead of time.

Board Chair Wentworth added that it would be a standing archaeological assessment that could be used for environmental processes as you go forward. He then asked if there would be any effort to market these sites as being archaeological sites.

DAPCO Piersall noted that the District feels this process should be done closely with the other stakeholders including the tribes. Those types of decisions should be made in conjunction with the CRTF.

Board Chair Wentworth asked if this designation precludes any other type of activity in the landscape such as recreation activities.

DAPCO Piersall said it does not.

Board Chair Wentworth asked for public comment at 11:27 am.

Ms. Jennifer Mattox, California State Lands Commission, noted that she currently serves as the Executive Science Advisor to the CSLC as well as the CSLC tribal Liaison. She explained that the Tribal Liaison position was created subsequent to the issuing of Executive Order B-10-11 by Governor Brown, which stated that all state agencies were required to improve their coordination and consultation with federally and non-federally recognized California Native American tribes; to designate a tribal liaison; and to develop and approve tribal consultation policies. So consistent with that the CSLC put into place the Tribal Liaison position. A Tribal Consultation Policy was developed and approved by the CSLC in 2016. Ms. Mattox went on to explain that the CSLC owns the majority of Owens Lake. Over thousands of years the lake level has risen and fallen. Currently there are five federally (and nationally) recognized tribes that have geographical and cultural affiliation with the Owens Lake and the surrounding area. Tribes moved with the rise and fall of the lake level and experienced displacement and tragedy at the hands of the settlers who arrived to occupy the area. As a result, today there are culturally significant resources and sites on the lake, some known due to discovery and archaeological resources and some still undiscovered. These resources include not just physical artifacts, which is what we often focus on, but also culturally important landscapes such as ceremonial areas, massacre sites and other non-physical places of value. The CSLC has the sovereign authority over the lake because it was once a commercially navigable water way. The responsibility of the CSLC falls under following the public trust doctrine which goes back to ancient Roman law and English common law. The public trust doctrine was put in place to

protect state-owned lands and to manage them for all the people in the best interest of the state particularly regarding water related, water dependent, commerce, navigation, fisheries, recreation, cultural protection, public access and open space conservation. Ms. Mattox indicated that when the CSLC looks at its responsibilities on the Owens Lake in terms of the dust control needs, they definitely look at public health and safety as an important public trust. In doing so they have tried to be a good partner and have provided suggestions for protecting and enhancing the public trust but they also recognize that dust control needs to be done. In 1999 the CSLC issued its first lease for dust mitigation on Owens Lake and since then that twenty-year lease has been amended eighteen times. The lease expires in April 2019, which is an important date and is only twenty-one months away. Over the time that CSLC has been working with the District, LADWP, environmental and geo partners, the Bureau of Land Management, the tribes, and the Department of Fish and Wildlife it became very evident that a collaborative and comprehensive approach is necessary in order to efficiently, and for resource value, protect the lake while doing dust mitigation. In 2009, in one of the lease amendments, the CSLC required that the state and the LADWP undertake a comprehensive management evaluation, which has since been called the Owens Lake Master Plan. CSLC participated in trying to develop that master plan for several years with the relevant state agencies, local agencies, some environmental groups, tribes and in 2011 a draft document was produced. However, at a certain point everyone involved became stuck and that effort was ended but repackaged as a proposal in 2013 by the LADWP as the Owens Lake Master Project. The CSLC's hope for the master project was that it could be thoroughly described with an end goal instead of having to go site by site, order by order, piece-meal approach which would not have been good for the ecology or cultural resources as has been seen at this site by site investigation. In many cases this approach has artificially truncated and split apart important cultural sites that part of it maybe had dust control before it was discovered or part of it is on a site that hasn't been ordered yet. In doing segment by segment or order by order projects as the lead agency under CEQA those were very constrained because they were limited to looking at any artifacts, generally physical archaeological historical artifacts, from the CEQA perspective of eligibility. The CEQA perspective of eligibility under California Code of Regulations 15064.5 guides the evaluation of eligibility and that is very constrained to things that are eligible listed under the Historic California Resources Register or local register and the unfortunate part of that is that not only does that not then consider the larger context but it doesn't take into account the cultural value, historic and present, to the tribes who use it to this day. Ms. Mattox added that she always reminds people that these tribes live there now, they're connected to the lake now, the lake is a living resource now, they are not fossils, they are not extinct, they are not a collection of arrowheads that somebody digs up when they are trenching. It came to the CSLC staff in pursuing their obligations under their Tribal Consultation Policy and Executive Order B-10-11 that supporting a nomination of the lake as comprehensively as an archaeological district, exploring the possibility that it would be eligible as a traditional cultural property would not only align with their vision managing the lake under their

comprehensive master project but that it would also serve the needs of the local tribes better. CSLC recognized that it would also save a lot of money for LADWP and would allow dust mitigation projects to move forward in a more timely fashion. At the June meeting of the CSLC staff prepared for consideration a resolution to support moving the nomination forward in coordination with the CRTF and had the CSLC direct their staff to work cooperatively and to provide whatever staff time, expertise, and resources they could, falling short of financial resources. The CSLC continues to believe that the financial resources for forwarding this and for protecting cultural resources lays at the feet of the LADWP as the leasee and as the project proponent for doing dust control which has been on record for several years not only through letters from the CSLC staff itself for cultural resources but also through the state Historic Preservation Officer. The CSLC views it as a win all the way around and notes that there have been a lot of complexities that have prevented the Settlement Agreement cultural resources protocols from being as effective as they might be which goes back to the fact that it really focuses on discoveries of physical resources and it also is constrained under the CEQA and archaeological eligibility determination which leave out, entirely, the input of the tribes. Rather than being an instrument of improved efficiency and improved protection of cultural resources an unintended consequence of the Settlement Agreement is that it further alienated the tribes and the CSLC which was not part of or a party to that Settlement Agreement. The Settlement Agreement took it out of the hands of the public trust and from the tribal members and tribal leadership themselves and put it in the hands of archaeologists to bat it around in a sort of academic sense and so the CSLC is seeking this mechanism as a way for it to really incorporate the input from the tribes. They will have the chance to have their story told and to come up with a management plan that suites everyone ahead of time. At this time, the CSLC supports the resolution from the District.

Board Chair Wentworth then asked for questions from the Board.

Board member Kingsley asked if the CSLC is conditioning the renewal of the lease on Owens Lake on the LADWP initiating the archaeological district nomination process.

Ms. Mattox replied that the CSLC has not done that yet and is interested in being solution-oriented. They have been trying to engage the LADWP and all the other people in the CRTF to open a cooperative dialogue. A lease renewal would require an environmental document and CSLC has stated to the LADWP that they expect that lease renewal application to replace the amendments with one comprehensive master lease; cultural resources and tribal cultural resources will need to be evaluated in that environmental document. The environmental impact report will need to be certified and approved by the lead agency before the CSLC can act on a new lease. From the perspective of the CSLC, having progress and at least the framework for a management plan and an archaeological district would be very beneficial to meeting the CEQA requirements and the public trust needs. At this

time CSLC has not put that in any lease conditions that have been approved by the CSLC. However, in past amendments the CSLC has put extra requirements above and beyond what have been in LADWP's CEQA documents to try to cover cultural resources but, again, the CSLC views that as highly inefficient and a very segmented way of doing business.

Board member Kingsley asked what would happen if the lease was not renewed.

Ms. Mattox replied it would go into what is called "hold over" and then everyone would continue working on it. It would then be up to the CSLC at one of its public meetings to determine the next and appropriate course of action. It is not good when leases are in hold over. The CSLC is audited by the state quite frequently and the number of leases in hold over is always something that is highly frowned upon and something that they are directed to address.

Board Vice Chair Griffith asked why, as the landowner, doesn't the CSLC nominate Owens Lake as an archaeological district. The landowner seems to be the natural person to do it.

Ms. Mattox explained that with the way it has shaken out with the CRTF and the archaeologists, who are already on contract and who have already done work and have that familiarity, makes for a good head start. The other issue is that the CSLC does not have the financial capacity to undertake this and then retroactively seek reimbursement from LADWP. She indicated that she would say that a lot of those negotiations as to the ultimate reimbursement is still under discussion; there is hope that at a certain point everybody will be made whole. The CSLC has certain contracting rules and financial constraints.

Board Chair Wentworth asked, as a master project for the Owens Lake area, if the other components could be stated, other than the archaeological, that will be a part of that plan.

Ms. Mattox noted that generally speaking, the stated goals of the master project are to reduce water use on the lake, maintain and enhance wildlife value and to preserve recreational and cultural resource. CSLC has been working with LADWP and their staff biologists and modelers to develop a habitat value model that could then be followed. One of the issues, pertaining to cultural resource value that has happened in the past was that artifacts have been removed from the lake and sent to academic institutions, such as UC Riverside. This is tremendously concerning and troubling to the tribes who would like to have a connection to those resources. Although that was the protocol at the time, CSLC would really like a mechanism by which the physical artifacts, should they have to be removed for dust control, can be maintained more locally for the tribes to stay connected with. The CSLC does believe there is a lot more out there which speaks to criterion D as indicated by DAPCO Piersall that there is data of value and informational value to be gleaned from these artifacts and that it would also meet criterion A which would

be a historical and present value and use by the tribes. CSLC would like to see all of this rolled into the master project and facilitate the environmental analysis in compliance with CEQA and the cultural resource context by having this plan in place.

Ms. Terrie Robinson, General Counsel for the Native American Heritage Commission (NAHC), came to express support for the District's resolution. She indicated that the NAHC also supported a similar resolution that was adopted by the CSLC and there is a similar resolution on the calendar for the NAHC at their July 21st meeting. The NAHC also has jurisdiction over much of the land that is involved in Owens Lake under Public Resources Code 5097.9 because it is public land that is not within the bounds of the city or county of Los Angeles. The NAHC sees this as an opportunity to use the best available means to protect cultural resources although it's through an archaeological lens. Ms. Robinson then addressed the question of marketing the site or the area as in terms of archaeology. The NAHC's concern as an agency is with cultural resources and unfortunately the difference between cultural resources and archaeological resources is often lost because when you are looking at archaeological resources, and typically the means of protecting them, you look at it in terms of uniqueness and its ability to yield scientific information. When you are dealing with cultural resources you are really dealing with the current lived experience of the tribe. For the tribes, a cultural resource isn't just what's below the ground and it's not about the uniqueness or the scientific information. It's about the significance to the current lived experience of the tribe. Unfortunately, the laws that protect don't often incorporate that tribal perspective and so we tend to look at cultural resources through an archaeological lens, which is not the most appropriate lens, but it is the best tool we have. The NAHC stands in support of this because this would be the best way of protecting this as a cultural resource even though we are using the lens of archaeological examination and value. The NAHC thinks this is a better approach than the piecemeal approach. If you look at the Owens Lake as an archaeological district you can see that it may have more significance in its entirety than if you look at it in the phased measures of the approach of the dust mitigation project, which is not the fault of how it was designed or what is trying to be done, it just doesn't fit in the rubric of cultural evaluation or archaeological evaluation. Ms. Robinson also believes that LADWP is the proper party to lead the effort and to pay for it. The NAHC is not the proper party because their annual budget is \$1.8 million and the \$100,000 or so that is estimated to be needed to take care of this would be a significant chunk of their budget and, given the choice, it would be cheaper to pursue protection under their own authorizing statutes. The nomination means so much more because it has a weight in NEPA proceedings that a NAHC designation would not. She suggested the Board ask LADWP what percentage of their budget the nomination would present. If the nomination doesn't go through, the alternative that the NAHC would have at this point would be to proceed under their statutes which would be 5097.97 and 5097.94. Those statutes allow the NAHC to begin an investigation to determine whether or not it is a sacred site and to declare it so. The NAHC process is different because they do look at sites

through the lens of the tribe and through the lens of cultural resources which means that they do not have the same standards that the National Register or the California Register does and once a site is declared a sacred site then before the NAHC can pursue litigation, they would issue a series of mitigation measures that would best protect the site and would also try to accomplish the purposes of whatever the project may be. It would be up to the landowner, in this case CSLC, to accept or reject those mitigation measures. If they accept them, there is nothing further. If they reject them then the NAHC is authorized to seek injunctive relief to impose those mitigation measures and then it would be a weighing within the court system about the public benefits of the project versus the mitigation measures they are seeking. Ms. Robinson does not recommend going that route as litigation can be time consuming and costly. She added that when the process fails it's the cultural resources that suffer as well as the tribes tied to them. This process of nomination will incorporate the voices of the tribes not just the archaeologists and will consider the effect on those resources.

Mr. Milad Taghavi, Manager of Owens Lake Policy and Planning Water Operations Division for the City of Los Angeles Department of Water and Power, noted that he would like to address a few of the questions asked and also indicated that LADWP was not aware of the District's proposed action until they were informed by CSLC. LADWP submitted a letter to the District, dated July 11, 2017, in response to the District's proposed action of nomination. Regarding the master project, there are four elements: 1) to meet dust mitigation obligations, 2) maintain habitat value, 3) water conservation 4) groundwater for dust mitigation purposes. There were several questions in terms of the depth of where the artifacts are. He explained that the regulatory shoreline is 3,600 feet elevation, the artifacts have been found forty-seven feet below the regulatory shoreline. Regarding the budget component, the LADWP bills every other month which means six bills are submitted to their rate payers. One of those bills is to pay for dust mitigation at Owens Lake which means basically the entire two months bill from their customers goes to dust mitigation purposes, which is a significant amount of funding that has been allocated and continues to be allocated for dust mitigation purposes. To date, in the last seventeen years LADWP has spent over \$2.1 billion for dust mitigation purposes. A question was asked whether this nomination restricts any kind of use of the properties and based on the understanding of the LADWP when an area has been designated as an archaeological district, you no longer can do mitigated negative declaration and you cannot use exemption because by its nature it is already significant and you have to go through a full environmental impact review to address the cultural components. Also, Inyo County has regulations on the books that it has some additional implications on properties. LADWP has also indicated in their original letter that there are boundary limitations on this to which they were told that if it goes beyond 3,600-foot elevation, then so be it. What the Governing Board is considering, there is no limitations put in within the context of the regulatory shoreline. So, part of this could go beyond the regulatory shoreline which could bring about questions of fiscal responsibility. LADWP has questions about the scope of the designation.

What has been done and what has been agreed to in the 2014 Stipulated Judgment is 53.4 square miles; so far, they have completed 48.6 square miles. If there is anything additional above that then there will have to be discussions. A question that the LADWP has continued to ask regarding the nomination is what is the budget for it. If it takes several years to complete, Mr. Taghavi doubts that \$150,000 to \$200,000 will be enough for the process especially if the area is not identified as being the Owens Lake dust mitigation project. Mr. Taghavi noted that there were discussions about no process in terms of obtaining input. He noted that there is AB 52 and if there are any federal lands involved there is section 106 which is a process for getting input from the tribes. With that, Mr. Taghavi reviewed some of the points in the July 11 letter, as submitted to the Board (*the letter is available upon request to the Clerk of the Board and has been made part of the record*) Some of the points included:

- LADWP requests that the District provide clear and direct responses to the questions posed in the June 9 and June 19, 2017 letters. LADWP contends that as they read previous responses from District staff, questions have not been answered.
- LADWP has and continues to support efforts to preserve and maintain the cultural, archaeological, paleo and tribal cultural resources at Owens Lake.
- There are indications in the Board letter (*page 93 of 121 in the Board Packet*) that there are no provisions in the 2013 or 2014 Stipulated Judgment for how to treat cultural issues at Owens Lake to which LADWP wholeheartedly disagrees with. There is a process in place that was discussed in 2013: there are the agreements between the GBUAPCD and the LADWP which require discussions and the tribes can provide input. Input can be on a range from removing the artifacts to avoidance of the artifacts. Current discussions from the tribes have been that they would like to see some time pass before they have advocated for avoidance and then if the area is still emissive then they would like the District to come back to them and discuss how to address the artifacts.

Mr. Taghavi added that in regard to the budget for the nomination process, LADWP has never received a scope of work or cost estimate. LADWP does not think it's appropriate to assume, with no boundaries in the declaration, that LADWP would be liable for the costs associated with the nomination process. If there was a map that could identify areas within the 53.4 square miles, that would be one thing. If the area goes beyond that there may be discussions needed. Areas beyond LADWP's responsibility may include a lot of private properties as well as other agencies. Mr. Taghavi reiterated that what LADWP is trying to do is to get more information which is why they have not decided and a response to their questions would help them to be able to decide on whether the LADWP must and should be the lead agency on this. Mr. Taghavi asked of the CRTF to be given until September. That was determined to be inadequate. The nomination process may take several years, asking for three months will not hurt anybody or will suddenly make the situation worse. At this time, LADWP would like to request again that this item be deferred for three months to allow LADWP time to continue evaluating the information.

Ms. Danelle Bacoch-Gutierrez, Tribal Historic Preservation Officer for the Big Pine Paiute Tribe of the Owens Valley, introduced herself using a traditional greeting:

“Manahuu ee-nunnee-a-nay Danelle Bacoch-Gutierrez. Tovowahamatu Payahanuudo wa hu-Kema-do”

She went on to say that she is here to relay a message from her people of the Big Pine Paiute Tribe of the Owens Valley and to speak for Pasiata, also known as Owens Lake. Many point to Owens Lake as a valuable cultural resource but, to its native people, it is a livelihood. Those people have lived and died on the shorelines with massacre sites being well-documented. Ms. Bacoch-Gutierrez is glad for the opportunity to not only speak today but to attend the CRTF meetings to speak for Owens Lake. She clarified that this discussion was brought about several years ago by the State Historic Preservation Officer (SHPO) and is not new to LADWP and has been discussed in previous meetings with CRTF members, LADWP, CSLC, SHPO, tribal representatives, the Bureau of Land Management (BLM) and Great Basin. Discussions have been conducted in respectful manners. She noted that to hear LADWP state that this is a surprise, doesn't sound right in light of the many discussions. Ms. Bacoch-Gutierrez has been a participant with CRTF, since it was formed, as a culture community member. Her people view Pasiata/Owens Lake as a traditional cultural property, its sacredness is of deep traditional value. Owens Lake is abundant with natural and cultural resources and her people have lived there. Many archaeologist's sites in the lakebed and along the shorelines have been determined eligible for the California Register of Historical Resources and the National Register of Historic Places for the research and potential association with important events in California history. These sites along with the traditional place names attest to the lake's long Paiute-Shoshone history and tribes within the Owens Valley, Death Valley and adjacent to the mountains on both sides. This area and areas near it have been visited by over two hundred different tribes, many trails go through there. She added that this place is a significant sacred place to her people and to see it dried up and being desiccated, desecrated and disrespected is hurtful. To hear the stories of her people from long ago and to think of how the lake once thrived, to see it now with the roads and construction going on, you'll see the pain and the hurt of it. To know that its natural resources are coming from the mountains right now in runoff that can complete that lake again and fulfill it and again it's being diverted by man-made destruction; what's creating dust emissions is man-made destruction and it's not right. Many people have died due to dust related issues in the Owens Valley; this problem doesn't just affect native people. All life in the Owens Valley is being affected including wildlife; everything is trying to survive out there and it's a disrespect. Ms. Bacoch-Gutierrez would like to see it listed as an archaeological district which will at least make it seen as a whole and not ripped apart, piece by piece, site by site which is a disrespect to the history of her people. The footprint of the native people is being removed at all times during excavations and projects. Bulldozers used have obliterated sites. The native people value what is out there as a tool of who they are today which gives them the right to speak for the lands; it's a remnant of the

people. The language and songs are still alive today; the tools that are out there called artifacts are called “tusus, wehees, pahas”, they have traditional names out there and are still used today. Gatherings are still done; tulies, duck hunting are all still used today as it was back then. Unfortunately, it can’t still be done in the same area of the history of the people. Ms. Bacoch-Gutierrez added that she would like to see it protected some way, somehow with a title to it. It’s not fair that it is being ripped apart; it’s not fair to the ancestors or the people of today and it’s not fair to the public for their health issues. She encouraged the Board to take the nomination into consideration and she acknowledged her appreciation of District staff’s participation in the meetings as well as the participation of all of the other agencies and people. She thanked the LADWP archaeologists as there have been sites out there that were deemed ineligible that were revisited and deemed eligible.

Ms. Sally Manning, Environmental Director for the Big Pine Paiute Tribe of the Owens Valley, noted that she has been participating in the CRTF since it was initiated. She indicated that the tribe submitted a letter to the CSLC when they had their hearing on this issue. Ms. Manning explained that this is about justice for the tribes, for the people of the Owens Valley, the environment and the lake. The Governing Board has the opportunity here to start moving in the right direction for how resources should be protected in the Eastern Sierra. She acknowledged her background as a scientist and the understanding that in science when there is a big problem you break it down into little pieces that can be addressed, digested and fixed. But sometimes when you get to that point of fixing all of the little pieces you forget that you have to go back to the big problem and bring all those solutions together and start to look back at the bigger picture. While the Board’s recommendation will not mean that an archaeological district recommendation will not come out tomorrow it will move us forward towards getting to the point where we can have a report and an analysis that will show us something that is of importance to the tribes and for all humanity to help us understand better how people have responded through changing environments over time and what types of resources they have used and called upon. It could be an incredible gift to humanity in terms of moving forward.

Ms. Kathy Jefferson Bancroft, Tribal Historic Preservation Officer for the Lone Pine Paiute-Shoshone Reservation, introduced herself using a traditional greeting: “Manahuu. I naniane Kathy Jefferson Bancroft, Payahüüna-du-a-wea nu kimadu.”

She then went on to note that she has worked on the Owens Lake since 2002 on a daily basis. When the first archaeologists were told to come down to the Owens Lake for this dust mitigation project they were told, “we’re required by law to be there, you’re not going to find anything because people didn’t live under water.” That was proven not quite true. The first paleontologists weren’t allowed to be out there until Phase 5, since that time he was told there was no fish in Owens Lake because it’s too saline. However, since that time there has been fifteen species of fish identified through the fossil records along with numerous birds, mammals and all kinds of things that they didn’t even know lived in this area. There have been

fish found that have pushed the lake date back to five-million years before it was previously determined. There has been all kinds of stuff that has come out, that before, wasn't even thought of. Which is how this project has kind of gone on; from not knowing to having proof and having a goal. Previously it was thought that birds only migrated here but it has sense been proven that they in fact lived here. If the tribes had been asked they could have told everyone that; those facts are in their stories. Ms. Jefferson Bancroft said that she really appreciates the resolution and she appreciates that CSLC came through with their resolution, as well. It's nice to have support and people listening because it's not what her people are used to. The tribes have been on the lake in different capacities through the years; things have gotten better and things have gotten worse. She noted that it's interesting to see the change in the attitudes and with the CRTF everyone can talk at least and come to some kind of conclusion. However, what she is still not seeing is the tribal perspective, while she appreciates the resolution there is still a lack of emphasis on tribal perspective being incorporated into this nomination which is vital to the way it's looked at. There could have been a lot of cultural resources saved and the tribe has tried to save a lot by taking them and hiding them, at first. They realized the only way people are looking at this is through the archaeologists eyes which is what she sees in the resolution which is not the whole story. It's through the archaeologists' interpretation but what about the tribal interpretation? Ms. Jefferson Bancroft has been on the lake with the paleontologists and the archaeologists and has shown them something which they have given little acknowledgement to and then have walked off. To protect it she hid the cultural resource and it was not listed in the record. However, upon visiting the museum in Independence the next day she found a similar cultural resource but the archaeologist didn't care. In Phase 9/10 she had an archaeologist come up to her and he said, "when they did the surveys, did you know these were here?" And he showed her two huge cairns. She replied that she had known and he asked her why it wasn't in the record and if she had told anyone about it. She said that she had but that she doesn't control what is written down. Which shows they are not telling the whole story; it's a big story and there is a lot of information out there which is getting destroyed every day. It's really hard to be out there every day and watch what goes on and to try to do everything you can. Ms. Jefferson Bancroft does not believe that those are her artifacts but she does believe her ancestors still walk out there and it's her job to protect what is out there. That applies to everything out there; from the rocks that have significance to the rocks that archaeologists haven't defined as artifacts to every bird, every animal, every spring, everything. When all of the tribal monitors are out there they are watching the whole lake. They aren't concerned with little pieces; they know stories and they are being ignored. People are going by reports and criteria; everything out there has been on criterion B which is how much information is important for your history which is not always what's important to the tribes. The tribes have a history too and are an important part of this history which is an important part of your history. It wasn't until "the" massacre site was discovered that the history was all of a sudden important and they were able to save it for at least a little while. As APCO Kiddoo pointed out, there are plenty of other massacre sites out there. One was just destroyed in Phase

9/10 which was a place that was significant to the tribes but the archaeologists didn't care and they didn't want another site discovered and refused to document it. The tribal monitors documented it but it was refused and they didn't want to hear the story. Ms. Jefferson Bancroft has learned that there are a lot of other factors that make things significant not just finding artifacts or features out there, those include things such as feelings and the way it makes you feel. When you look at the other criteria it has to do with events that make a significant contribution. A lot of those things out there that happened are very significant contribution to her culture. They have lived in this valley for thousands of years and it's only taken a little over a hundred years to almost destroy this valley which is very hard for the tribes because they lived in ways that sustained the land and a way of life for a lot of people. They were able to manage everything and appreciate stuff. Currently, the work is being done but not consideration is being given to what's important and they're not listening resulting in destruction. When things are ignored and people are looking to see what they can get out of this, they end up digging everything up. It's hard to stand out there by yourself and say, "hold on a minute." Money and time are being spent and they have to get the job done which means there is no time for the important things. Meanwhile things are disappearing and being destroyed, piece by piece. An archaeological district is not the answer; the district has been talked about for over ten years as recommended. It came out in the Environmental Impact Report (EIR) two years ago with SHPO's letter and has been discussed ever since on a high-profile basis. A year ago, people were out there looking at sites where one site is eligible and fifty feet away there is another site that was ineligible; they're right along the shoreline and it doesn't make any sense. The two sites are not two sites, they are one. This isn't a way to look at something. There was a discussion and decided that something had to be done. It was decided that a CRTF was the best way and fastest way to get something done. A year ago, Ms. Jefferson Bancroft wrote a letter to the parties involved explaining that something needs to be done and fast, yet she didn't receive any response. A year later it's still being discussed. Something needs to be done and quickly, LADWP's says three months doesn't make a difference, however, she feels a week would make a difference. She is out there every day watching things be destroyed with no control over it. She can talk, beg, plead and warn but something more concrete needs to happen. The tribe needs their stories to be heard, there needs to be something on paper. The tribes are working on a traditional cultural property for the valley and will hopefully have layers so they will have to stop and look. The tribes cannot be ignored anymore; it's not the way things need to be done. She then reiterated the importance of incorporating the tribal perspective, defining what cultural resources are and how to manage them, and really listening to the tribes when coming up with a plan.

Board Chair Wentworth noted, for the purpose of the Board, that he really wants to focus on what the recommended actions are. He then asked if the Board feels comfortable discussing the resolution prior to getting the communication issues in the letter resolved.

The Board expressed comfort in discussing the resolution, absent the letter. Discussion followed.

Board member Kingsley explained to Mr. Taghavi that the Board passing a resolution does not end the opportunity for LADWP to ask questions, engage and talk about the size of the project and any parts of the project. The resolution directs staff to start a process. He then added that he feels torn by the proposal. On one hand, it seems like the District, whose job it is to consider the impacts of air quality, is proposing to use a historical district designation on what is a completely manipulated, disturbed and engineered dry lake, as a tool to streamline getting work done on the dry lake. He added that he didn't hear anyone that spoke in favor of this designation talking about streamlining anything. In fact the description that Ms. Robinson gave would be the opposite of an opportunity to streamline. When Ms. Jefferson Bancroft speaks, it resonates with him. If Ms. Jefferson Bancroft and staff support this designation he will probably vote in support of it, but he is not sure he or anyone else knows what the unintended consequences could be from this designation. He believes through the many discussions between the agencies there has been forewarning and there shouldn't be any surprise as indicated by LADWP. However, personally, Board member Kingsley doesn't feel completely informed about it and only heard of the designation from the manager of Rio Tinto about a month and a half ago. Some of the things that Mr. Taghavi brought up do resonate including the fact that there is no map demonstrating the area concerned. Also, the decision on who pays for what shouldn't be based on who has the most money. That argument doesn't resonate at all. LADWP is probably responsible for this and hopefully they will look at all of the factors and decide that this is actually in their benefit to do this. This where Board member Kingsley hopes we end up.

Board Vice Chair Griffith thanked the tribal representatives for their involvement and for bringing a different perspective. However, he is not convinced that this has been thought through from the Board's perspective. This is new to him as well. He gets the feeling that it hasn't been thought through as to how much it's going to cost; perhaps there are some costs that are unforeseen consequences. The request from LADWP to wait for three months makes sense. That will give everyone a chance to answer some of the questions, straighten some of the communication going back and forth, and resolve some of the conflicting information that has been given. Although not against the nomination, Board Vice Chair Griffith would like to see a deferment. He has some doubt as to whether it should be this Board that follows through with the nomination for designation.

Board member Hames explained that having been involved in previous negotiations, he has known this was going to be the path forward. The LADWP may be being a bit disingenuous as this has been talked about quite a bit. The problem couldn't be solved during negotiations with LADWP so it was decided that it would be put off until later when everyone could come back together to address the issue. This was not a surprise and everyone was well aware that a lot of these issues were going to be problematic, there would be other agencies involved

and so the negotiations settled what could be settled at the time. This was always going to be left on the table to come back to. The reality of how much it's going to cost is always going to be an issue we have to deal with; you can't give a cost estimate because we don't know what we're going to find until we find it. Board member Hames expressed concern that if the designation as an archaeological district does happen would that restrict the responsibility of the Board to protect air quality. In the meantime, the more work being done on the lake, the more cultural resources will be found. The fact that the cultural resources may be permanently destroyed really makes it hard for him to go against the nomination because there is not a way to go back once it is destroyed. Board member Hames intends to support the motion.

Board Alternate Corless acknowledged that this is her first time being on the Governing Board. However, she noted, that it is clear what the right thing to do is in this case which is to support this resolution for not only the lake, dust mitigation but for the people as well.

Board member Totheroh stated that he is somewhat conflicted but maybe not in the same places as Board member Kingsley. Looking at things in a holistic way can help us better understand everything. Doing it by a piece meal approach doesn't look at the big picture. He trusts that, based on the information given, that if we do look at this in a more holistic way it's going to make things more streamlined and possibly less expensive. Board member Totheroh is in favor of the nomination due to the possible cost decrease and because it is simply the right thing to do. He is not sure of LADWP's role in this other than it seems that communication about this has been going on for a long time. He is unsure of what would happen if the Board passes the resolution and LADWP comes up with a better way to address the issue in the future. There are certainly unintended consequences with anything we do but there are also consequences for what's being done now as it was presented which are irretrievable. Board member Totheroh is in favor of the resolution.

Board Chair Wentworth expressed that he is enormously supportive of the values that staff has brought forward in trying to do something like this. He is also enormously moved and swayed by the representation heard today. His concern is technical in that in the resolution the District is making representation to develop any agreements and plans in order to protect cultural resources while at the same time prevent delays in dust control implementation. He is not convinced that the argument, the rationale being presented for moving forward for this to make things more streamlined, more efficient and for the Board to save money is necessarily in the best interest of the cultural and historic things being talked about and there is a need to focus the scope of what it is that we are doing here. He then added that he is not sure to what degree this District is in the cultural resources business. The current language in the resolution is open ended and considering the history between the District and LADWP, he is not convinced the language will bring about success. The ultimate thing wanted by all is to be successful with this effort.

Board Chair Wentworth is not insensitive to LADWP's need for more time and although he supports the resolution, he doesn't feel it's quite right yet. A delay seems reasonable.

Board Alternate Corless then asked if some of the concerns being expressed by the Board be addressed on the nomination process after the resolution is adopted.

APCO Kiddoo replied that yes, they could. This is just the initiation and not intended to be the end all.

Board Chair Wentworth asked how would the refinements and concerns come back to the Board in a way to satisfy some of the concerns.

APCO Kiddoo explained that this process is just an extension of what the District is required to do under the law as part of the CRTF. The Board has not been involved up to this date and the intent of this meeting is to bring the Board involvement here and to bring this out into the public forum.

Board Chair Wentworth asked what is the obligation going to be for the Board and how are we going to deal with these kinds of questions that you have heard expressed here today.

APCO Kiddoo responded that the best way to do this is to direct the District and its staff to take a lead on this district nomination and allow staff to proceed with all of the parties and to engage with LADWP to push them to collaborate and cooperate.

Board Chair Wentworth asked what if things don't work out. Has the Board then committed this agency to get into the middle of that if only because we haven't refined and focused what the public's expectations would be at this point for this organization prior to doing that.

APCO Kiddoo explained that we don't go backwards at all. This District's mission is to protect public health from the harmful effects of air pollution. It's in the best interest to protect that public health to move forward in a process that allows us to implement dust control measures. We are required under the CRTF, the Stipulated Order for Abatement and the Stipulated Judgment to protect cultural resources.

Board Chair Wentworth replied that when APCO Kiddoo says that our mission is air quality and we have this other part, which are the cultural issues, it sounds like the District's role of those cultural issues is already defined by law. We are going to be defaulting to the law and not getting into things that are beyond the scope of this District.

APCO Kiddoo replied that is correct. He added that, if approved today, the next step is to go back to the CRTF and initiate doing the work that needs to be done

for an archaeological district nomination. The nomination process is not a political or administrative process. It's done on a scientific level therefore it would not come back to this Board.

Board member Kingsley clarified that what he is hearing is to have a regulatory agency, that regulates dust, initiate a process to protect cultural resources and have LADWP pay for it. There seems to be a little bit there that doesn't line up. He added that he could easily see us here in two years with Ms. Robinson saying, "look, we don't like something here and the NAHC is going to consider litigation on this because we don't see the District following the law as we see it." Again, this might be the right thing to do, he isn't advocating that it's not, but if you look at it it's a little odd.

Ms. Mattox explained that in terms of how this fits in to the District's role of mitigate dust particulates is actually critical. First, the District is delegated jurisdictional authority from the Environmental Protection Agency (EPA), and the EPA has a very robust, not only Native American or indigenous communities consultation coordination ethic, but also has an environmental justice ethic. Even though your jurisdiction is to control emissions there is an axis to both environmental socio-justice and also to Native American indigenous communities. The other thing that is important to note, is that anyone can do this nomination. You won't have control over what the management plan looks like, what it includes as significant or non-significant if you don't participate. As a public agency and property owners, CSLC, LADWP or BLM can object. A nightmare scenario would be that somebody else comes in and has their registered archaeologist put this data together, take the ethno-histories, put a package together and submit it to the SHPO and it goes through the SHPO to the keeper with a management plan that does nothing for mitigating air pollution and dust emissions. It is the District's best interest to get this moving because it provides a sense of ownership and control for the specific air pollution control needs of the District. The other nightmare scenario would be the mitigation and injunction coming down from the NAHC that tasks the CSLC as the owner and all of the sudden the lease and lease amendments come to a screeching halt which means dust emission control comes to a screeching halt.

Ms. Robinson clarified that the jurisdiction of the NAHC to seek injunctive relief is against landowners, possibly lessors, not against regulatory agencies.

Board Chair Wentworth asked of staff, based on what they have heard here, how the District is going to pay for the work that needs to be done.

DAPCO Piersall explained as stated earlier, for five years cultural resource has been budgeted for and approved by the Board (two years through Sapphos Environmental and two years through TEAM Engineering) and so the previous fiscal year 16/17 there is \$58,000 remaining and for fiscal year 17/18 there is approximately \$250,000. Task 2 of the TEAM contract specifically states that

work with TEAM shall be specific to the CRTF consisting of technical work and participation with CRTF. TEAM Engineering and Management will provide archaeological environmental services related to CRTF pertaining to the 2013 Phase 7A and Keeler Dunes settlement agreement, the related 2013 Stipulated Order for Abatement and the 2014 Stipulated Judgment. This work falls under that prevue already and has gone through the public process and so the District feels they can start the nomination process in conjunction with CRTF and all of the other participants designated staff time. Hopefully LADWP will work cooperatively with the District. A lot of the scientific work for archaeological resources has been done through previous phases, so a lot of that work may just be synthesizing previous work that has been done. Hopefully staff can work closely with the tribes and CRTF to bring in the tribal perspective to the nomination.

Board Chair Wentworth asked that when it says in the resolution, “to develop any necessary agreements and plans,” is the District anticipating it will have the budget to do so. Also, would the agreements and plans expose the District to any liability?

APCO Kiddoo replied that these would be part of a process that the District would be required to participate in if this project were federalized, which BLM has indicated it would be if any of these areas on their property required dust control in eligible cultural resource areas. There is already \$210,000 in the District’s existing reach to pursue these processes for this current fiscal year. The District has dealt with these issues before with LADWP, for example, the Keeler Dunes settlement. The District knew that dust controls would be required for the Keeler Dunes and initiated environmental work because LADWP would not do that. The District paid for that through the Owens Lake Trust Fund and was not reimbursed for that until a settlement was reached. There is still over \$1 million in the Owens Lake Trust Fund, which is there to reduce air pollution. There is also over \$750,000 in the Clean Air Projects Program left over for administrative funds as part of an emission offset. The work being done to expedite and prevent delays of emission controls is an appropriate use of these funds.

Motion (Totheroh/Hames) approving Resolution 2017-01, a resolution of the Governing Board of the Great Basin Unified Air Pollution Control District, to nominate Owens Lake to the National Register of Historic Places as an archaeological district.

(vote was taken by roll call)

Ayes: Board Members – Wentworth, Corless, Totheroh, Kingsley, Hames

Noes: Board Members - Griffith

Abstain: 0

Absent: Board Members – Stump, Johnston

Motion carried 5/1 and so ordered.

B/O #170713-06.1

Motion (Corless/Griffith) authorizing the Board Chair to sign District correspondence in response to Mel Levine, President of the Board of Water and Power Commissioners, correspondence dated June 13, 2017.

(vote was taken by roll call)

Ayes: Board Members – Wentworth, Griffith, Corless, Tothoroh, Kingsley, Hames

Noes: 0

Abstain: 0

Absent: Board Members – Stump, Johnston

Motion carried 6/0 and so ordered.

B/O #170713-06.2

A break was taken at 1:05 pm. The Board reconvened at 1:15 pm.

Agenda Item #7
Use of Unexpended
FY 16/17 SB 270
Funds and PARS
GASB 68 Trust
Funds to Pay Down
CalPERS Pension
Liabilities
(Action)

Ms. Susan Cash, Administrative Projects Manager, gave a brief report on item #7 as outlined in the Board Packet.

Board Chair Wentworth asked for public comment as 1:19 pm.

Mr. Taghavi commented that normal procedure would be to have these discussions when the annual budget is being considered. By making these changes outside of the budget, these considerations are not being addressed in the fee order that is issued by the Board. These funding considerations were not in the original budget documents. LADWP would suggest that the proper way to approve this would be to re-issue a new order or to discuss with the annual budget process so there is an opportunity to look at it. According to the District's Reserve Fund Policy when there is unspent funds, it goes to the reserve fund and a credit back to the next SB 270 bill. The unspent amount should go toward the credit based on the policies and practices of this Board and discussed with the budget considerations.

APCO Kiddoo explained that this is very similar to what the Board did in February 2016 which was to pay down the unexpended accrued liabilities (UAL). With the LADWP not allowing the District to pay off the UAL on the SB 270 side, the District cannot pay off the District side either. Not only does that obstruct the District's ability to be fiscally responsible but it's obstructing and sabotaging. Staff is asking to pay off everything pre-2013 and to use a pay-as-you-go approach, as requested by LADWP, for the SB 270 side.

Motion (Hames/Corless) approving agenda item 7 as follows:

1. Approve the use of up to \$200,000 unexpended FY 16/17 SB 270 funds to pay off SB 270 portion of CalPERS Pre-2013 UAL.

2. Approve the use of \$1,042,927 PARS GASB 68 trust funds to pay off SB 270 portion of CalPERS Pre-2013 UAL.
3. Approve the use of PARS GASB 68 trust to pay District's portion of Post-2013 UALs.
4. Approve minor variances to any of these amounts to account for annual evaluation updates in order to reach the goals of paying off the Pre-2013 UAL and the District portion of the Post-2013 UAL.

(vote was taken by roll call)

Ayes: Board Members – Wentworth, Griffith, Corless, Totheroh, Kingsley, Hames

Noes: 0

Abstain: 0

Absent: Board Members – Stump, Johnston

Motion carried 6/0 and so ordered.

B/O #170713-07

Agenda Item #8
Update on Keeler
Dunes Dust Control
Project
(No Action)

Dr. Grace Holder gave a brief slideshow presentation on the Keeler Dunes Dust Control Project update.
(the presentation is available upon request to the Clerk of the Board)

Agenda Item #9
Informational Items
(No Action)

APCO Kiddoo asked the Board if they had any questions regarding the informational items.

No questions were asked.

Agenda Item #10
Board Member
Reports
(No Action)

Board Vice Chair Griffith requested that staff avoid using acronyms in future reports.

Board Alternate Corless reported that Board member Johnston is facing a very serious health issue and will be out of the area seeking medical treatment. He has formally requested for alternates to take over his assignments for the time being. She encouraged everyone to reach out to him as he does want to know what's going on.

Board Chair Wentworth reported that the Town of Mammoth Lakes was awarded a U.S. Forest Service wood innovation grant. The grant is worth \$250,000 with \$125,000 match. He requested that this topic be considered for a future potential agenda item to give everyone an update.

Agenda Item #11
Air Pollution Control
Officers Report
(No Action)

APCO Kiddoo directed the Board to the agenda and noted that the District's mission statement will now be on every agenda to remind everyone of why we are all here.

Agenda Item #12
Confirm Date and
Location of Next
Regular Meeting
(September 14, 2017
in Mono County,
CA)

The next regular meeting of the District Governing Board will convene at 10:00 am on September 14, 2017 in Mammoth Lakes, California. The District's Clerk of the Board will find and reserve a handicap accessible meeting room and contact the District Board members as to its location.

Agenda Item #13
CLOSED SESSION

Board Chair Wentworth convened the Board into closed session at 1:49 pm.

CLOSED SESSION - The Board will recess into closed session for a conference call with legal counsel regarding existing litigation in the following matters:

- a. Russell Covington; Robert Moore; Randy Sipes; Randal Sipes, Jr.; Laborers' International Union of North America Local Union No. 783 vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140075; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
- b. Mammoth Community Water District vs. Great Basin Unified Air Pollution Control District; Mono County Superior Court, Case No. CV140076; pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

The Board reconvened into open session at 1:56 pm with no action taken.

Adjournment

The meeting was adjourned by Board Chair Wentworth at 1:56 pm. The Board will reconvene in open session at 10:00 am, on Thursday, September 14, 2017 in Mammoth Lakes, California.

John Wentworth, Board Chair

Attest:

Tori DeHaven, Board Clerk



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

www.gbuapcd.org

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Chris Howard, Senior Research and Systems Analyst

Subject: Approval for Annual Support Renewal Payment to Agilaire for Hosted AirVision Air Monitoring Database Services in the Amount of \$12,660

Summary:

Since September 2016, the District has relied upon the hosting and technical services of Agilaire LLC to manage District air monitoring data in the AirVision air monitoring database. An Annual Hosting and Support payment in the amount of \$12,660 is due September 2017. This payment will provide the District one year of AirVision cloud hosting as well as on-call technical support. The District is very satisfied with AirVision and recommends its continuation through this annual support payment. The District Governing Board has previously determined Agilaire LLC a sole-source provider for District data management systems and data acquisition systems.

Background:

The essential components of District data processing are 1) data acquisition systems, and 2) data management systems. In 2016 the former District data management system, designed in Microsoft Access, was nearing maximum storage capacity and in need of replacement. The District performed an exhaustive search for an alternative and, after much testing and many trials, decided upon a cloud-based data management system by Agilaire named AirVision. The Board authorized the purchase of the AirVision cloud-hosted system in September 2016 and the District now realizes the benefits of the advanced capabilities of AirVision on a daily basis, such as real-time alerts, automatic data pre-validation, and multiple-trigger health alerts. The District data validation process is now fully AirVision-based. AirVision has turned out to be very efficient managing vast amounts of data.

The initial acquisition of AirVision in 2016 included one year of hosting and support, which expires September 2017. District staff recommends that the Board consider approval of an Annual Support Renewal payment of \$12,660 to Agilaire to provide one year of cloud-based hosting of District data in AirVision, as well as on-call technical support.

Consent (Action) – Approval for Annual Support Renewal Payment to Agilaire for Hosted
AirVision Air Monitoring Database Services in the Amount of \$12,660
September 14, 2017 - Agenda Item No. 3.c. – Page 1

Fiscal Impact:

The September 2017 Annual AirVision Support Renewal payment was anticipated and included in the District's 2017-2018 SB270 Budget under line Item II.K., Professional & Special Services in the amount of \$14,000. Approval of the purchase order 2017-1041CBH will encumber \$12,600 from the SB270 Budget Item II.K. for the payment to Agilaire LLC for the Annual AirVision Support Renewal.

Board Action:

Approve purchase order 2017-1041CBH of one Annual AirVision Support Renewal in the amount of \$12,660 from Agilaire LLC, Knoxville, Tennessee.

Attachments:

1. Agilaire Invoice #4266, dated 8/10/2017, Annual AirVision Support Renewal – hosted system – through 9/1/2018
2. Purchase Order 2017-1041CBH with Agilaire for one Annual AirVision Support Renewal – hosted system, covering services between 9/1/2017 and 9/1/2018.

Consent (Action) – Approval for Annual Support Renewal Payment to Agilaire for Hosted
AirVision Air Monitoring Database Services in the Amount of \$12,660
September 14, 2017 - Agenda Item No. 3.c. – Page 2



Agilaire LLC
dba Agilaire LLC
2904B Tazewell Pike, Suite A
Knoxville, TN 37918

Invoice

Date	Invoice #
8/10/2017	4266

Bill To
Great BasinUnified APCD 157 Short Street Bishop, CA 872-8211

Ship To
Great BasinUnified APCD 157 Short Street Bishop, CA 872-8211

P.O. Number	Terms	Ship	Via	F.O.B.	Project
4766	Net 45	8/10/2017	Federal Express	Knoxville, TN	

Quantity	Item Code	Description	Price Each	Amount
1	AirVision Support Renewal	Hosted System (SaaS) with ADVP, FIT, PARS, 20 Direct Poll through 9/1/18	12,660.00	12,660.00

Phone #	Fax #	E-mail
865-927-9440	865-927-9552	info@agilairecorp.com

Total	\$12,660.00
--------------	-------------

157 Short Street
Bishop, California 93514
760-872-8211 Fax: 760-872-6109

Purchase Order No.	2017-1041CBH
---------------------------	--------------

This number must appear on all related correspondence & invoices.

Federal Tax ID No. 43-2106258

[illegible]

<p>Approved: _____</p> <p>Date: _____</p> <p>* Purchase Orders totaling \$500.00 or more must <u>first</u> be:</p> <p>(1) Submitted to the Projects Manager (original + 1 copy); and</p> <p>(2) Approved and signed by the APCO prior to ordering.</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><u>BUDGET:</u></td> <td style="width: 30%;"><u>Task # or budget category:</u></td> <td style="width: 40%;"></td> </tr> <tr> <td>SB 270 _____</td> <td>100% _____</td> <td>2.K.9 (Prof and other Services)</td> </tr> <tr> <td>District _____</td> <td>_____</td> <td>_____</td> </tr> </table> <div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p>_____ Reviewed for PBC Policy (P. Kiddoo)</p> <p>_____ Budget Log (S. Cash)</p> <p>_____ Fiscal Services (P Gilpin)</p> </div>	<u>BUDGET:</u>	<u>Task # or budget category:</u>		SB 270 _____	100% _____	2.K.9 (Prof and other Services)	District _____	_____	_____
<u>BUDGET:</u>	<u>Task # or budget category:</u>									
SB 270 _____	100% _____	2.K.9 (Prof and other Services)								
District _____	_____	_____								



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

Board Report

Mtg. Date: September 14, 2017

To: District Governing Board

From: Nik Barbieri, Director of Technical Services

Subject: Approve Purchase Orders with Campbell Scientific and Sensit Inc. for the Total Amount of \$71,493.42 for the Purchase of Sand Motion Monitors and Radios for the Owens Lake and Mono Lake Dust ID Networks

Summary:

The 2017-2018 SB 270 Projects Budget contains funds for maintaining and upgrading the existing Dust ID monitoring networks on Owens and Mono Lakes. The attached purchase orders are for electronic equipment to monitor sand motion (flux). The equipment included in the following purchase orders is needed to upgrade and maintain existing sites. The new radio equipment will replace antiquated equipment currently being used on the lake. The total replacement of all older equipment started last year, is going as scheduled, and is expected to take a couple more years to replace and upgrade all outdated equipment.

Background:

The District's Dust ID Program determines where and when sand motion occurs on Owens and Mono lakebeds. The District currently has a Sensit network consisting of over 125 Sensits on the Owens Lake playa collecting information 24 hours a day 7 days a week. Each site is solar powered and is capable of storing, and sending data via radio to the office in Keeler. The District also operates ten Sensit sites on the north shore of Mono Lake. These sites were upgraded last year to have communication equipment. This upgrade has resulted in more frequent data collection and has assisted staff in site maintenance. This fall, staff plans to reconfigure the Mono Sensit network and add an additional 5 Sensit sites. The purchase order with Sensit Inc. is for the purchase of 25 Sensits, and the second purchase order with Campbell Scientific Inc is for the purchase of radio, equipment from Campbell Scientific. Campbell Scientific equipment is rugged and designed to withstand the harsh conditions on the lakebed. The District Board has previously designated both Sensit Inc. and Campbell Scientific Inc. as sole source providers.

Fiscal Impact:

The funds for this purchase order have been budgeted in the SB270 Dust ID Program for 2017-2018. The funds for these purchase orders will come from SB270 Budget, Items II.I.-4.

Consent (Action) - Approve Purchase Orders with Campbell Scientific and Sensit Inc. for the
Total Amount of \$71,493.42 for the Purchase of Sand Motion Monitors and Radios for the
Owens Lake and Mono Lake Dust ID Networks
September 14, 2017 – Agenda Item No. 3.d – Page 1

Board Action:

District staff recommends that the Governing Board approve the purchase with Sensit Inc. in the amount of \$52,840.20 and Campbell Scientific Inc. in the amount of \$18,653.22 for maintenance of Sensit sites and authorize the Board Chair to sign the attached purchase orders totaling \$71,493.42.

Attachments:

1. Purchase Order with Sensit Inc. in the amount of \$52,840.20
2. Purchase Order with Campbell Scientific, Inc. in the amount of \$18,653.22

Consent (Action) - Approve Purchase Orders with Campbell Scientific and Sensit Inc. for the
Total Amount of \$71,493.42 for the Purchase of Sand Motion Monitors and Radios for the
Owens Lake and Mono Lake Dust ID Networks
September 14, 2017 – Agenda Item No. 3.d – Page 2

GREAT BASIN

Unified Air Pollution Control District
157 Short Street
Bishop, California 93514
760-872-8211 Fax: 760-872-6109
Federal Tax ID No. 43-2106258

PURCHASE ORDER

Purchase Order No. _____

This number must appear on all related correspondence & invoices.

Vendor:

Name
Company Campbell Scientific Inc.
Address 815 W. 1800 N
City/State/Zip Logan, Utah 84321-1784
Phone (435) 753-2342 Fax (435) 750-9540
Acct. No. 9957
Reference 155190

Ship to:

Name Nik Barbieri
Company Great Basin Unified Air Poll. Ctrl. Dist.
Address 190 Cerro Gordo
City / State / Zip Keeler, Ca 93530
Phone (760) 876-1803 Fax: (760) 876-8174
Ship Via
Terms Net 30

P.O. Date: 14-Sep-17

Date Required: ASAP

Quantity	Units	Description	Unit Price	TOTAL
20	Units	RF323-M1 Ritron Radio (453.7625)	\$536.61	\$10,732.20
20	Units	RF500M-ST-SW-PB-J1 Modem	\$311.55	\$6,231.00
1	Unit	CR1000KD Keyboard display	\$280.00	\$280.00
SubTotal				\$17,243.20
Shipping & Handling (estimate)				\$73.67
Taxes: Rate: 7.75%				\$1,336.35
TOTAL*				\$18,653.22

Ordered By: Nik Barbieri

Approved: _____

Date: _____

* Purchase Orders totaling \$500.00 or more must first be:

- (1) Submitted to the Projects Manager (original + 1 copy); and
- (2) Approved and signed by the APCO prior to ordering.

00 Purchase Order (Excel) 1/29/99

0

BUDGET: Task # or budget category:

SB 270 100% SB270 II.I-4

SB270 _____

Geotherm _____ Monitoring

_____ Reviewed for PBC Policy (Kiddoo)

_____ Budget Log (S. Cash)

_____ Fiscal Services (P. Gilpin)



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

www.gbuapcd.org

BOARD REPORT

Mtg. Date: September 14, 2017

Date Prepared: August 24, 2017

To: District Governing Board

From: Christopher Lanane

Subject: Award of Three Construction Bids to Henkels & McCoy, Inc. for the Lee Vining Shelter Installation for the Total Amount of \$81,028.33, as follows: 1) 2017-LV1B-1 for \$18,498.17, 2) 2017-LV1B-3 for \$32,796.26, 3) 2017-LV1B-4 for \$29,733.90

Summary: The District has planned for some time to upgrade the monitor at the Lee Vining site from a filter-based PM10 monitor collecting one integrated 24-hour sample every three days to a continuous PM10 monitor collecting hourly-resolved data. In September 2016, staff requested and the Board approved the purchase of a new monitoring shelter for the Lee Vining site. Subsequently, a parcel was leased from the LADWP for the placement of the station and an archaeological survey of the area was conducted by TEAM Engineering and Management, Inc. Requests for bids on the construction of site improvements necessary for the placement of the shelter were published for two weeks in April, after which no bids were received, and again in early June, after which one non-compliant bid was received. Staff went out to bid again, separating each facet of the project into a separate bid: 1) site preparation and installation of base material; 2) construction of a building foundation; 3) installation of a buried electrical line and electrical connection; and, 4) installation of a perimeter fence.

The District received one qualifying bid for each for three facets of the project from Henkels & McCoy, Inc., of Pomona, California, a registered engineering contractor and a registered public works contractor with the State of California. The details of the bids are presented below.

Bid Number 2017-LV1B-1: Site Preparation and Installation of Decomposed Granite Base Material:
Bid Amount: \$18,498.17

Bid Number 2017-LV1B-3: Installation of a Buried Electrical Line and Electrical Connection:
Bid Amount: \$32,796.26

Bid Number 2017-LV1B-4: Installation of a Perimeter Fence:
Bid Amount: \$29,733.90

Consent (Action) – Award of Three Construction Bids to Henkels & McCoy, Inc. for the Lee Vining Shelter Installation for the Total Amount of \$81,028.33, as follows:

1) 2017-LV1B-1 for \$18,498.17, 2) 2017-LV1B-3 for \$32,796.26, 3) 2017-LV1B-4 for \$29,733.90

September 14, 2017– Agenda Item No. 3.e. – Page 1

The sum total of the bids offered by Henkels & McCoy is \$81,028.33

No bids were received for Bid Number 2017-LV1B-2: Construction of a Building Foundation. District staff has determined that the building foundation can be constructed in-house utilizing staff expertise with engineering of the foundation provided by a local engineering contractor to-be-determined.

Financial Justification - Funds in the amount of \$61,000 were added to the SB270 budget (Item No. III.A.3 Mono Network Upgrades) for the procurement and installation of a new monitoring shelter in the community of Lee Vining. \$42,000 of those funds were used for the procurement of the Lee Vining shelter as approved at the September 14, 2016 Board Meeting (B/O #160914-05), leaving \$19,000 remaining for site improvements. Additional funds in the amount of \$10,000 have been allocated in the FY 2017-18 SB270 budget (Item No. III.A.3 Mono Network Upgrades). Additional funds needed for the site improvements, based on the bids received are estimate to be \$52,028.33, which will be taken from the SB270 Capital Asset Reserve funds, the balance of which is currently \$79,000.

Fiscal Impact: Funds in the amount of \$18,366.84 remain from the FY 2016-17 SB270 budget (Item No. III.A.3 Mono Network Upgrades) for the installation of a new monitoring shelter in the community of Lee Vining. Funds in the amount of \$10,000 have been allocated in the FY 2017-18 SB270 budget (Item No. III.A.3 Mono Network Upgrades) for site improvements for a new monitoring shelter in the community of Lee Vining. Funds in the amount of \$79,000 are available in the SB270 Capital Asset Reserves for the purchase and upgrade of monitoring systems. It is estimated that \$52,661.49 would be needed from the Capital Asset Reserves for the site improvements as indicated by the bids above. The total cost of the bids for the site improvements for the Lee Vining monitoring station is estimated to be \$81,028.33.

BOARD ACTION

Staff recommends the Governing Board take the following actions:

- 1) Award the three bids for which quotes were received to Henkels & McCoy, Inc., for the following bid requests:
- | | |
|--|--------------------|
| 1) 2017-LV1B-1 Site Preparation, etc., | \$18,498.17 |
| 2) 2017-LV1B-3 Installation of Buried Electrical Line, etc., | \$32,796.26 |
| 3) 2017-LV1B-4 Installation of a Perimeter Fence, | \$29,733.90 |
| Total of the Three Bids: | \$81,028.33 |

- 2) Authorize the APCO to sign contracts and/or approve purchase orders for the construction services as bid from Henkels & McCoy, Inc., as described.

Consent (Action) – Award of Three Construction Bids to Henkels & McCoy, Inc. for the Lee Vining Shelter Installation for the Total Amount of \$81,028.33, as follows:

- 1) 2017-LV1B-1 for \$18,498.17, 2) 2017-LV1B-3 for \$32,796.26, 3) 2017-LV1B-4 for \$29,733.90
September 14, 2017– Agenda Item No. 3.e. – Page 2



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

www.gbuapcd.org

BOARD REPORT

Mtg. Date: September 14, 2017

Date Prepared: August 23, 2017

To: District Governing Board

From: Christopher Lanane

Subject: Authorize the Procurement of Four (4) Teledyne-API T640X PM10/PM2.5 Particulate Monitors from Clipper Controls, a District Sole-Source Provider of PM Monitors, for \$170,000

Summary:

The Teledyne-API Model T640X PM10/PM2.5 Particle Monitoring System (**Figure 1**) is certified by the US EPA for the continuous collection of PM2.5 and PM10 concentrations. Staff procured and operated one of these systems for the PM Monitor Intercomparison study at its White Mountain Research Center station, has analyzed data from this system, and found that the measurements compare favorably with other continuous PM monitors. As a result of that research, staff added Teledyne-API to the list of sole-source providers of particulate monitoring equipment. Staff is now ready to begin replacement of the existing TEOM monitors used in the communities with the Teledyne-API T640X PM10/PM2.5 monitors.

This monitor replacement will serve two purposes: 1) it will provide the District with a new PM10 continuous monitor that has been tested by the District and is fully supported by the manufacturer; and 2) it will provide the District with continuous PM2.5 data as well that is especially useful for monitoring wildfire impacts in the communities. The current TEOM monitors, according to the manufacturer, Thermo Environmental, will be supported through December 2020, however, District staff has already had difficulty getting replacement parts from the manufacturer.

Staff recommends the Board authorize the APCO to sign purchase orders for the procurement of up to four (4) Teledyne-API Model T640X PM10/PM2.5 Particle Measurement Systems and associated equipment for approximately \$170,000, (**Table 1**), from Clipper Controls, the Teledyne-API exclusive vendor for our region. Three (3) systems will be procured for the SB270 monitoring network and one (1) for the District monitoring network.

Financial Justification/Fiscal Impact - Funds have been allocated in the 2017-18 fiscal year (FY 2017-18) SB270 (\$130,000) and District (\$20,000) budgets for the purchase of particulate monitors.

Consent (Action) – Authorize the Procurement of Four (4) Teledyne-API T640X PM10/PM2.5 Particulate Monitors from Clipper Controls, a District Sole-Source Provider of PM Monitors, for \$170,000.00

September 14, 2017– Agenda Item No. 3.f. – Page 1

Additional funds in the District capital asset reserve account (\$15,000), and in the EPA 105 Grant (\$5,000) are available for the procurement of replacement District PM Monitors.

Board Action:

Staff recommends the Board authorize the APCO to sign purchase orders for the procurement of up to four (4) Teledyne-API Model T640X PM10/PM2.5 Particle Measurement Systems and associated equipment from Clipper Controls, Inc., regional distributor for Teledyne-API, and a District sole-source provider, for \$170,000. Funds will be taken from the FY 2017-18 SB270 (\$130,000) and District (\$20,000) budgets with additional funds from the District Capital Asset Reserve account (\$15,000) and the EPA 105 Grant (\$5,000) for the procurement of the monitors.

Figure 1. Teledyne-API T640X PM10/PM2.5 Monitor



- Continuous, real-time PM₁₀ and PM_{2.5} mass concentration results
- Simple set-up and 10-minute warm up time
- Superior measurement sensitivity and precision
- Long autonomy and low power consumption
- Low maintenance and cost of operation
- US EPA-approved

Consent (Action) – Authorize the Procurement of Four (4) Teledyne-API T640X PM10/PM2.5 Particulate Monitors from Clipper Controls, a District Sole-Source Provider of PM Monitors, for \$170,000.00
September 14, 2017– Agenda Item No. 3.f. – Page 2

Table 1. Teledyne-API T640X Cost Breakdown

Teledyne-API T640X Cost Breakdown			
Item	Quantity	Unit Price	Subtotal Cost
T640X	4	\$ 36,000	\$ 144,000
Support Equipment	4	\$ 2,500	\$ 10,000
Consumables: Filters, Pump Rbld kits, etc.	4	\$ 500	\$ 2,000
		Subtotal	\$ 156,000
		Sales Tax 7.75%	\$ 12,090
		Shipping Est.	\$ 1,000
		Estimated Total	\$ 169,090

Consent (Action) – Authorize the Procurement of Four (4) Teledyne-API T640X PM10/PM2.5 Particulate Monitors from Clipper Controls, a District Sole-Source Provider of PM Monitors, for \$170,000.00
September 14, 2017– Agenda Item No. 3.f. – Page 3



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Patricia Gilpin, Fiscal Services Technician

Subject: Authorize APCO to Sign and Submit Application for Subvention Funds

Summary:

The subvention application and year-end financial report is due to the California Air Resources Board in early November, but the application has yet to be received from the state. Because the Governing Board may not meet again until after the application is due, authorization is being requested to grant the APCO permission to sign and submit the subvention application and accompanying financial report when it is due. The completed subvention application will be made available to the Governing Board at the next meeting. The funds are customarily paid in two payments, usually in November and February.

Fiscal Impact:

Every year the district completes an application for State Subvention Funds and submits it to the California Air Resources Board. The subvention funds help finance the Great Basin's District budget (non-SB270). It is necessary to complete an application each year to reflect the financial position of the District and to show that the District has available matching funds to qualify for the subvention funding. The District's revenue from permits, renewal fees and penalties and fines exceed the necessary 1:1 ratio for subvention funds.

The District budget has in prior years received approximately \$138,000 from subvention funding. It is unknown now if the funding for the fiscal year 2017-2018 will remain the same as previous amounts.

Board Action:

Staff recommends the Governing Board authorize the APCO to sign and submit the FY 2017-18 Subvention Application and accompanying financial reports to the California Air Resources Board by the November deadline.



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Susan Cash, Administrative Projects Manager

Subject: Approve the Resolution, Memorandum of Understanding, and Program Participation Agreement with Special District Risk Management Authority Authorizing the District's Enrollment in an Employee Assistance Program

Summary:

A recent review of the District's contracts revealed that we do not participate in an Employee Assistance Program (EAP). Employee Assistance Programs give employees a way to cope with personal issues that can have a negative impact on job performance, such as work-related stress or problems outside the workplace. EAPs allow for the prevention, identification, and resolution of issues and are a way to maintain and improve employee health and productivity, and retain employees.

The Special District Risk Management Authority (SDRMA), the provider of Workers Compensation and property/liability insurance for the District, offers an EAP as one of its Ancillary Coverages. In order to participate, the District Board must approve the attached Resolution and Memorandum of Understanding (MOU), and authorize the APCO to sign the MOU and Program Participation Agreement.

Fiscal Impact:

The cost for the remainder of the Fiscal Year, at \$2.97/mo/employee will be approximately \$650. Thereafter, the cost for a full year will likely be less than \$1,000 depending on the monthly rate and the number of employees. This cost will be paid by District funds (15%) and SB 270 funds (85%).

Board Action:

Staff recommends that the Board

- 1) Adopt the attached Resolution of the Governing Body Approving the Form of and Authorizing Execution of the Memorandum of Understanding and Authorizing Participation in the Special District Risk Management Authority's Health Benefits Program.
- 2) Authorize the APCO to sign the Memorandum of Understanding Relating to the Special District Risk Management Authority's Health Benefits Ancillary Coverages.
- 3) Authorize the APCO to execute the Program Participation Agreement.

Consent (Action) - Approve the Resolution, Memorandum of Understanding, and Program Participation Agreement with Special District Risk Management Authority (SDRMA) Authorizing the District's Enrollment in an Employee Assistance Program
September 14, 2017 – Agenda Item No. 3.h. – Page 1

Attachments:

1. Resolution
2. Memorandum of Understanding
3. Program Participation Agreement
4. MHN Employee Assistance Program Summary

Consent (Action) - Approve the Resolution, Memorandum of Understanding, and Program Participation Agreement with Special District Risk Management Authority (SDRMA) Authorizing the District's Enrollment in an Employee Assistance Program
September 14, 2017 – Agenda Item No. 3.h. – Page 2

RESOLUTION NO. _____

A RESOLUTION OF THE (GOVERNING BODY) OF Great Basin Unified Air Pollution Control District APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING AND AUTHORIZING PARTICIPATION IN THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY'S HEALTH BENEFITS PROGRAM

WHEREAS, Great Basin Unified Air Pollution Control District, a public agency duly organized and existing under and by virtue of the laws of the State of California (the "ENTITY"), has determined that it is in the best interest and to the advantage of the ENTITY to participate in Health Benefits offered by the Special District Risk Management Authority (the "Authority"); and

WHEREAS, the Authority was formed in 1986 in accordance with the provisions of California Government Code 6500 *et seq.*, for the purpose of providing risk financing, risk management programs and other coverage protection programs; and

WHEREAS, participation in Authority programs requires the ENTITY to execute and enter into a Memorandum of Understanding which states the purpose and participation requirements for Health Benefits; and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the ENTITY is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ENTITY AS FOLLOWS:

Section 1. Findings. The ENTITY's Governing Body hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the ENTITY.

Section 2. Memorandum of Understanding. The Memorandum of Understanding, to be executed and entered into by and between the ENTITY and the Authority, in the form presented at this meeting and on file with the ENTITY's Secretary, is hereby approved. The ENTITY's Governing Body and/or Authorized Officers ("The Authorized Officers") are hereby authorized and directed, for and in the name and on behalf of the ENTITY, to execute and deliver to the Authority the Memorandum of Understanding.

Section 3. Program Participation. The ENTITY's Governing Body approves participating in the Special District Risk Management Authority's Health Benefits Program.

Section 4. Other Actions. The Authorized Officers of the ENTITY are each hereby authorized and directed to execute and deliver any and all documents which are necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____, 20____ by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Name

Title

ENTITY Secretary

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (HEREAFTER "MEMORANDUM") IS ENTERED INTO BY AND BETWEEN THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (HEREAFTER "SDRMA") AND THE PARTICIPATING PUBLIC ENTITY (HEREAFTER "ENTITY") WHO IS SIGNATORY TO THIS MEMORANDUM.

WHEREAS, on August 1, 2006, SDRMA was appointed administrator for the purpose of enrolling small public entities typically having 250 or less employees into the CSAC - Excess Insurance Authority Health's ("CSAC-EIA Health") Small Group Health Benefits Program (hereinafter "PROGRAM"); and

WHEREAS, the terms and conditions of the PROGRAM as well as benefit coverage, rates, assessments, and premiums are governed by CSAC-EIA Health Committee for the PROGRAM (the "COMMITTEE") and not SDRMA; and.

WHEREAS, ENTITY desires to enroll and participate in the PROGRAM.

NOW THEREFORE, SDRMA and ENTITY agree as follows:

1. **PURPOSE.** ENTITY is signatory to this MEMORANDUM for the express purpose of enrolling in the PROGRAM.
2. **ENTRY INTO PROGRAM.** ENTITY shall enroll in the PROGRAM by making application through SDRMA which shall be subject to approval by the PROGRAM's Underwriter and governing documents and in accordance with applicable eligibility guidelines.
3. **MAINTENANCE OF EFFORT.** PROGRAM is designed to provide an alternative health benefit solution to all participants of the ENTITY including active employees, retired employees (optional), dependents (optional) and public officials (optional). ENTITY public officials may participate in the PROGRAM only if they are currently being covered and their own ENTITY's enabling act, plans and policies allow it. ENTITY must contribute at least the minimum percentage required by the eligibility requirements
4. **PREMIUMS.** ENTITY understands that premiums and rates for the PROGRAM are set by the COMMITTEE. ENTITY will remit monthly premiums based upon rates established for each category of participants and the census of covered employees, public officials, dependents and retirees.

Rates for the ENTITY and each category of participant will be determined by the COMMITTEE designated for the PROGRAM based upon advice from its consultants and/or a consulting Benefits Actuary and insurance carriers. In addition, SDRMA adds an administrative fee to premiums and rates set by the COMMITTEE for costs associated with administering the PROGRAM. Rates may vary depending upon factors including, but not limited to, demographic characteristics, loss experience of all public entities participating in the PROGRAM and differences in benefits provided (plan design), if any.

- a. SDRMA will administrate a billing to ENTITY each month, with payments due by the date specified by SDRMA. Payments received after the specified date will accrue penalties. Premiums are based on a full month and there are no partial months or prorated premiums.
- b. ENTITY must send notification of termination of benefits for a covered employee or dependent to SDRMA within 31 days of the date of termination. Benefits will be terminated the last day of the month in which the termination occurred. If the termination notice is received after 31 days of the date of termination, the request must be approved by the PROGRAM to terminate coverage. All requests may not be approved; therefore participants may need to wait for open enrollment to elect the change (termination). If the termination is due to an employee terminating employment, if not approved to retroactively terminate coverage, coverage will be terminated prospectively at the end of the month.

5. **BENEFITS.** Benefits provided to ENTITY participants shall be as set forth in ENTITY's Plan Summary for the PROGRAM and as agreed upon between the ENTITY and its recognized employee organizations as applicable. Not all plan offerings will be available to ENTITY, and plans requested by ENTITY must be submitted to PROGRAM underwriter for approval.
6. **COVERAGE DOCUMENTS.** Except as otherwise provided herein, CSAC-EIA Health documents outlining the coverage provided, including terms and conditions of coverage, are controlling with respect to the coverage of the PROGRAM.
7. **PROGRAM FUNDING.** It is the intent of this MEMORANDUM to provide for a fully funded PROGRAM by any or all of the following: pooling risk; purchasing individual stop loss coverage to protect the pool from large claims; and purchasing aggregate stop loss coverage.
8. **ASSESSMENTS.** Should the PROGRAM not be adequately funded for any reason, pro-rata assessments to the ENTITY may be utilized to ensure the approved funding level for applicable policy periods. Any assessments which are deemed necessary to ensure approved funding levels shall be made upon the determination and approval of the COMMITTEE in accordance with the following:
 - a. Assessments/dividends will be used sparingly. Generally, any over/under funding will be factored into renewal rates.
 - b. If a dividend/assessment is declared, allocation will be based upon each ENTITY's proportional share of total premiums paid for the preceding 3 years. An ENTITY must be a current participant to receive a dividend, except upon termination of the PROGRAM and distribution of assets.
 - c. ENTITY will be liable for assessments for 12 months following withdrawal from the PROGRAM.
 - d. Fund equity will be evaluated on a total PROGRAM-wide basis as opposed to each year standing on its own.
9. **WITHDRAWAL.** ENTITY may withdraw subject to the following condition: ENTITY shall notify SDRMA and the PROGRAM in writing of its intent to withdraw at least 90 days prior to their requested withdrawal date. ENTITY may rescind its notice of intent to withdraw. Once ENTITY withdraws from the PROGRAM, there is a 3-year waiting period to come back into the PROGRAM, and the ENTITY will be subject to underwriting approval again.
10. **LIAISON WITH SDRMA.** Each ENTITY shall maintain staff to act as liaison with the SDRMA and between the ENTITY and the SDRMA's designated PROGRAM representative.
11. **GOVERNING LAW.** This MEMORANDUM shall be governed in accordance with the laws of the State of California.
12. **VENUE.** Venue for any dispute or enforcement shall be in Sacramento, California.
13. **ATTORNEY FEES.** The prevailing party in any dispute shall be entitled to an award of reasonable attorney fees.
14. **COMPLETE AGREEMENT.** This MEMORANDUM together with the related PROGRAM documents constitutes the full and complete agreement of the ENTITY.
15. **SEVERABILITY.** Should any provision of this MEMORANDUM be judicially determined to be void or unenforceable, such determination shall not affect any remaining provision.
16. **AMENDMENT OF MEMORANDUM.** This MEMORANDUM may be amended by the SDRMA Board of Directors and such amendments are subject to approval of ENTITY's signatory to this MEMORANDUM.

Any ENTITY who fails or refuses to execute an amendment to this MEMORANDUM shall be deemed to have withdrawn from the PROGRAM on the next annual renewal date.

17. EFFECTIVE DATE. This MEMORANDUM shall become effective upon the signing of this MEMORANDUM by the ENTITY and Chief Executive Officer or Board President of SDRMA.
18. EXECUTION IN COUNTERPARTS. This MEMORANDUM may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

In Witness Whereof, the undersigned have executed the MEMORANDUM as of the date set forth below.

Dated: _____

By: _____

Special District Risk
Management Authority

Dated: _____

By: _____

Great Basin Unified Air Pollution Control District

To: Great Basin Unified Air Pollution Control District
From: EIA Underwriting
Date: August 23, 2017
Re: **Great Basin Unified Air Pollution Control District: Small Group Program Application**

We are happy to approve the application of Great Basin Unified Air Pollution Control District for acceptance and participation in the EIA Small Group program.

As part of this acceptance you will find two additional attachments to this letter:

1. Program Underwriting & Eligibility Rules
2. Program Participation Agreement

The Underwriting and Eligibility Rules are to serve as a general guide for program rules and expectations. These rules serve as expectations of member conduct within the program and are designed to protect both the pool and the member from actions that may increase the cost and risk in the program.

The Program Participation Agreement details the final terms of acceptance and any special exceptions or terms that have been made as part of this approval. Please read these terms carefully and contact your representative at SDRMA if you have any questions or clarifications.

Acceptance of the terms, completion and execution of the participation agreement will constitute full acceptance of the organization as a member of the program and eligible to participate in the insurance coverage program(s) applied for and accepted in this agreement. **Please return the signed Program Participation Agreement to SDRMA.**

We thank you for your interest in the EIA Small Group program and look forward to your participation in the program.

Sincerely,

Julia Arriaga

Underwriter

FOR INTERNAL USE ONLY

Application is:

☒

Accepted

☐

Rejected

Case No. _____

Effective:

10/1/2017

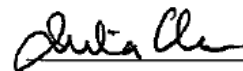
Underwriter:

Julia Arriaga

Date:

8/23/2017

By:



(Signature)

SMALL GROUP PROGRAM UNDERWRITING & ELIGIBILITY GUIDELINES

(Subject to attached Custom Contingencies and Caveats section)

Health Program Eligibility

Active Employees	Full-time salaried or hourly employees who are actively at work at least 30 hours per week.
Part-Time Employees	Part-time employees who are actively at work at least 20 hours per week.
Dependent Eligibility	Eligible dependents are covered to age 26 and will terminate coverage first of the month following 26th Birthday. Disabled dependents are covered regardless of age but must be approved by the plan administrator (claim fiduciary medical management) prior to annual enrollment.
COBRA Participants	Eligible to elect coverage through COBRA.
Board members, Trustees, Council Members, or Other Elected officials	Directors, board members, and other elected/appointed officials can only elect plan if they are eligible on the current plan and are subject to the same requirements as Active employees.
Retirees	To qualify for Medicare plans and rates, retiree must be enrolled in Medicare Parts A&B.
	Retired employees who are currently eligible and participating on the plan will be eligible to continue coverage under the program, if the coverage permits. Retirees who declined coverage may not enroll in any coverage at a subsequent enrollment date.
	Medicare eligible retirees must enroll in Medicare parts A&B.

Health Program Underwriting (Continued on next page)

Group Size Requirements	
Minimum/Maximum	Minimum: 2 Full-Time Active Employees. Maximum: 200-250 Employees
Participation Guidelines	
Active Employees or Retirees	<ul style="list-style-type: none"> Minimum participation of 75% of all eligible. Non-Medicare Retirees cannot exceed 20% of the total covered population.
Employer Contributions	
Contributions should be structured to allocate cost for tiers with dependent coverage. Cash-Back or "Cash-in-lieu-of" employer contributions are not permitted unless a specific exception* has been made.	
Active Employees, Board members, Trustees, Council Members, or Other Elected officials	Employer pays Minimum 75% of the single-only cost, 50% suggested contribution for dependents.
Retirees	No minimum employer contribution.
Waiting Period	
Date of hire is not allowed unless hire date is on the first of the month. All plan changes resulting from Qualifying Events will be effective on the 1st of the month following the event.	

Waivers	
Coverage can only be waived with proof of group coverage through spouse, other group coverage, Medicare/Medical or COBRA.	
Carrier Guidelines	
Carrier: Blue Shield and Anthem Blue Cross	Carrier Limitations apply: "Blue on Blue" rules apply.
Alongside Another Carrier (Slice Coverage)	
Slice coverage (i.e. offering Kaiser as well as EIA Small Group plans) is not permitted as a rule, unless a specific exception* has been provided for.	
Lock-out period	
Groups that leave the EIA program are not allowed to return (re-apply) to the program for a 3-year period.	
Plan Selections and Combinations Guidelines	
Plan Selection	Subject to underwriting review and approval: <ul style="list-style-type: none"> • 2-100 enrolled lives: 2 plans • 101-200 enrolled lives: 3 plans
Plan Combinations	<ul style="list-style-type: none"> • Only 1 HMO or HDHP plan may be offered to an employee group • Plans requested in addition to HMO or HDHP require approval from EIA underwriting. • Future plan changes are subject to review and approval by EIA underwriting

Eligibility Guidelines: Dental, Vision, Life, Disability and EAP

The following underwriting guidelines assume the employer will only be offering the EIA Small Group coverage plans.

Active Employees	Full-time salaried or hourly employees who are actively at work at least 30 hours per week.
Part-Time Employees	Part-time employees who are actively at work at least 20 hours per week.
COBRA Participants	<ul style="list-style-type: none"> • Dental & Vision: Eligible to elect coverage through COBRA. • Life/AD&D, Disability, EAP: Not eligible to elect coverage through COBRA.
Board members, Trustees, Council Members, or Other Elected officials	<ul style="list-style-type: none"> • Dental, Vision, Life/AD&D,EAP: Directors, board members, and other elected/appointed officials can only elect plan if they are eligible on the current plan and are subject to the same requirements as Active employees. • Supplemental Life and Disability: Not eligible.
Retirees	<ul style="list-style-type: none"> • Dental and Vision: Retirees are eligible • Life/AD&D, Disability, and EAP: Not eligible

Underwriting Guidelines: Dental, Vision, Life, Disability and EAP

Group Size Requirements	
Minimum/Maximum	Min: 2 Full-Time Active Employees Max: Up to 50 Employees*
Participation Guidelines	
Active Employees	<ul style="list-style-type: none"> • Dental and Vision: 75% of all eligible. • Life/AD&D, Disability, and EAP: 100% of all eligible
Employer Contributions	
Contributions should be structured to allocate cost for tiers with dependent coverage. Cash-Back or "Cash-in-lieu-of" employer contributions are not permitted unless a specific exception* has been made.	
Active Employees, Board members, Trustees, Council Members, or Other Elected officials	Employer pays 100% of the single-only cost, except for Supplemental Life.
Retirees	No minimum employer contribution (for eligible lines of coverage).
Carrier Guidelines	
Cannot be a current client of the following carriers: Delta, VSP, ING or MHN.	
Lock-out period	
Groups that leave the EIA program are not allowed to return (re-apply) to the program for a 3-year period.	
Plan Selection Guidelines	
Plan Selection	<ul style="list-style-type: none"> • Employers can select only one plan to offer their employees and dependents. • Basic Life and AD&D: Employer must select a plan for each class of employee(Designated by level of benefit)

* At the discretion of EIA Underwriting. See Special Acceptance Terms section of Participation Agreement for further detail.

PROGRAM PARTICIPATION AGREEMENT

The coverage and premiums offered under this agreement are based on the information provided. The submission of any false information may result in the denial of coverage. The provision of known false or misleading information shall render this agreement null and void, and any insurance coverage offered hereunder shall be withdrawn retroactively to the effective date of the policy.

Great Basin Unified Air Pollution Control District is approved for the following products:

Health ☐ Dental ☐ Vision ☐ Life ☐ Disability ☐ EAP ☒

Future underwriting approval is required for coverage not requested / approved above.

Special Acceptance Terms

- N/A

Standard Acceptance Terms

- The Underwriting & Eligibility Rules are part of the terms of this agreement and apply unless stated otherwise in the Special Acceptance Terms.
- Proposed rates are guaranteed ONLY for the current population of **Great Basin Unified Air Pollution Control District**, including all currently covered active employees, retirees and public officials (where approved).
- This proposal includes the following Affordable Care Act Government Fees (Health plans only)
 - Reinsurance Fee, PCORI Fee, Insurer Fee (where applicable)
- Rate proposal assumes current enrollment as provided in census file submitted in Interest Packet. The EIA reserves the right to potentially non-renew if the following changes occur and no corrective action is taken by the member organization:
 - If total program enrollment changes by more than 10%.
 - If the distribution of Actives versus non-Medicare Retirees changes by more than 10%.
 - If the tiered enrollment distribution changes by more than 10%.
 - If employer's contribution towards the employee only cost falls below 75%. This proposal assumes current employer contribution is at least 75% of employee-only cost unless a specific exception has been provided by underwriting. Contribution requirement does not apply to Voluntary Life.

GENERAL AGREEMENT AND SIGNATURE

Effective date requested: October 1, 2017 (Actual date will be assigned by EIA if application is accepted). Application is hereby made to EIA or the appropriate affiliated company for Employee benefits coverage identified above. If this application is accepted, this Program Participation Agreement will become part of the agreement to join the program.

Upon Acceptance of the application, the **Great Basin Unified Air Pollution Control District** will inform all persons who are eligible for coverage that they may apply for EIA coverage under the Agreement/Policy. By signing below applicant acknowledges receipt and adherence of EIA's underwriting and eligibility guidelines and terms of the Participation Agreement.

By: _____ Title: _____
(Authorized Signature)

MHN EMPLOYEE ASSISTANCE PROGRAM – RATES GUARANTEED UNTIL JULY 1, 2018

Employee Assistance Program	
Number of Sessions/Frequency	3 Face to Face, telephonic/web-video sessions per incident per member
Employee Services	Telephonic Counseling & Referral for Counselling Sessions
Work Life	Life Management Services
Legal	Legal Referral Service – Up to 30 minutes/session and 25% discount for additional services
Dependent Care	Child & Elder Care Referral Service
Financial	Financial Consultations to include Pre-retirement and tax consultations
Education Referrals	Education and Schooling Referrals
Concierge	Daily Living Services
Employer Services	
Brown Bag Seminars	10 hours/year/member group
CISD – Critical Incident Stress Debriefing	20 hours per incident/member group
Management Consultations	Unlimited
Management Training	Unlimited
On-site Orientation	No Limits
Reports	Annual Utilization reports
Newsletter and Collateral Materials	Yes, No Charge
Internet Service	members.mhn.com
EAP Rate – Per Employee Per Month	\$2.97
Identity Theft Assistance:	30-minute free consultation with a trained fraud specialist
Daily Living:	Assistance with pet care, consumer services, home contractors, travel arrangements and more

THIS SUMMARY IS INTENDED TO COMPARE COVERAGE BENEFITS ONLY. THE ACTUAL PLAN CONTRACT SHOULD BE CONSULTED FOR A DETAILED DESCRIPTION OF COVERAGE BENEFITS AND LIMITATIONS.



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
157 Short Street, Bishop, California 93514-3537
Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Ann Piersall, Deputy Air Pollution Control Officer

Subject: Air Quality Permitting for Biomass Facilities

Summary:

At the request of the District Governing Board this Board Report provides general information regarding air quality permitting for biomass facilities including relevant federal, state and local District regulations. Biomass facilities convert organic matter, such as wood waste, to energy such as electricity or heat. The information put forth here is for biomass combustion facilities and does not cover other types of biomass conversion processes such as anaerobic digestion.

Biomass facilities do not occur without air emissions impact. The primary pollutants of concern from the burning of organic material include particulate matter (PM), nitrogen oxides (NO_x), carbon monoxide (CO) and hazardous air pollutants (HAPs). Biomass facilities may be required to have air pollution control technology or limitations on operation as a result of these emissions.

The following information provides an overview of information tailored to permitting new stationary source biomass combustion facilities and does not cover all rules and regulations, exemptions or other considerations that may be applicable.

General Permitting

Any new source, or modification to an existing source, that emits air pollution is subject to review rules and applicable federal, state and local District rules and regulations. Permitting may require emission limits, application of controls, monitoring requirements, record keeping requirements, reporting requirements and source testing requirements.

The primary factors that impact air quality permitting of a source are the types of pollutants emitted, amount of emissions, location of the facility and proximity to receptors. The siting of a project will influence the significance of the air quality impacts. Facilities with significant emissions of criteria air pollutants or hazard air pollutants should not be located close to receptors, such as homes, schools and hospitals.

Toxic Risk Assessment

The burning of biomass can be a significant source of hazard air pollutants (HAPs) that are toxic when inhaled. A screening risk assessment must be performed by the District for any source that emits toxic air contaminants, as listed by the California Air Resources Board or U.S. Environmental Protection Agency (EPA). The screening assessment is performed utilizing the maximum emission rates of the facility and emission factors specific to the type of source and process from the US EPA's AP-42 Compilation of Air Emission Factors and California Air Toxic Emission Factors (CATEF).

The screening generates an air toxics prioritization score of cancer risk. Per the District Toxic Risk Assessment Policy (District Governing Board Order #120987-12), if the lifetime carcinogenic risk to the maximum exposed receptor is greater than one in one million a formal health risk assessment and an Environmental Impact Report are required. Health risk assessments are a comprehensive analysis involving dispersion modeling of the hazardous substances, the potential human exposure, and a quantitative assessment of health risks associated with the levels of exposure that are reviewed by the Office of Environmental Health Hazard Assessment (OEHHA) and by the District. Permits may be denied, or mitigations may be required, on the basis of a health risk assessment.

National Ambient Air Quality Standards Area Designation

Sources may be major or minor sources of air pollutants. Major sources are stationary sources that have the actual or potential to emit an air pollutant or precursor to a pollutant in quantities equal to or exceeding specific thresholds. In areas designated as nonattainment for National Ambient Air Quality Standards the thresholds are lower. Sources can opt to become a synthetic minor source by restricting operations to keep actual emissions below those that qualify as a major source.

Major sources emitting a pollutant in an area designated nonattainment of the National Ambient Air Quality Standards (NAAQS) are subject to Nonattainment New Source Review (NSR) regulations to ensure that ambient air quality does not deteriorate further. Areas of the District in nonattainment of the federal standard for PM₁₀ (particulate matter of 10 µm or less) include the Mono Basin Planning Area and the Owens Valley Planning Area.

Major sources emitting a pollutant in an area designated in attainment for National Ambient Air Quality Standards are subject to Prevention of Significant Deterioration (PSD) regulations to ensure air quality in attainment areas does not deteriorate. Prevention of Significant Deterioration regulations also impart more stringent protection from impacts from air pollutants and visibility degradation to areas designated as Class I areas that include some national wilderness areas and national parks. Class I areas within or in close proximity to Great Basin Unified Air Pollution Control District include Sequoia, Kings Canyon, and Yosemite National Parks, and Domeland, John Muir, Ansel Adams, Hoover, Emigrant and Mokelumne Wilderness Areas.

Permitting a source under Nonattainment New Source Review or Prevention of Significant Deterioration regulations typically requires the application of emission control through Best Available Control Technology (BACT), continuous emission monitoring, source testing requirements as well as other enforceable permit conditions. Through dispersion modeling, sources must

demonstrate that the National Ambient Air Quality Standards and California Ambient Air Quality Standards will be met outside of the property boundary of the source.

Title V Permitting

Title V Permits are a comprehensive permit issued by the District and approved by the U.S. EPA for any source with actual or potential emissions that meet major source thresholds, including those for hazardous air pollutants. Per federal regulation, units burning materials meeting the definition of "solid waste" under 40 CFR 241.2 are considered solid waste incineration units and must obtain a Title V permit, regardless of size. Boilers whose fuels meet the definition of "clean cellulosic biomass" and "traditional fuel" may be exempted.

Asbestos

No asbestos containing material can be burned in a biomass facility. The federal Asbestos National Emissions Standard for Hazardous Air Pollutants (NESHAP) and District Rule 1002, National Emission Standards for Hazardous Air Pollutants Asbestos, specify that wood material shall only be accepted, chipped and burned if it is documented to be non-asbestos containing by a Cal/OSHA Certified Asbestos Consultant.

Fugitive Dust

Any facility with high traffic operations or dry and dusty material onsite, such as biomass, can be significant source of fugitive dust and become a public nuisance. District Rule 401, Fugitive Dust, requires reasonable precautions be taken to prevent visible particulate emissions from crossing the property boundary. District Rule 402, Nuisance, prohibits sources of air pollution from causing a nuisance to the public or endangering public health and safety.

California Environmental Quality Act (CEQA) Environmental Review

The California Environmental Quality Act (CEQA) defines procedures for environmental review and impact analysis of projects that need approval by local or state agencies. CEQA requires agencies determine whether a proposed action or project may have a significant impact on the environment, and to determine the appropriate level of environmental review. The law requires that the potential adverse impacts of a proposed project be evaluated and avoided or minimized. The environmental review process requires an opportunity for public review and comment.

Board Action: None. Information only.



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537
Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2017

To: Governing Board

From: Tori DeHaven, Clerk of the Board

Subject: Travel Report

Summary:

Ann Piersall	July 18 – 19	CARB* Training	Long Beach, CA
	July 20	LADWP Meeting	Los Angeles, CA
	July 21	Native American Heritage	San Diego, CA
		Commission Meeting	

Board Action:

None. Information only.

**CARB: California Air Resource Board; specific training is: CARB #100B Fundamental of Enforcement - Visible Emissions Evaluation Field Training; Course #100.1 - Visible Emissions Evaluation (VEE) Day Certification*



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Tori DeHaven, Permit Coordinator/Board Clerk

Subject: Permit Enforcement Activity Report

The permit database is maintained by the Permit Coordinator. Information collected from the Air Quality Specialists, Air Pollution Control Officer and Deputy Air Pollution Control Officer is entered upon receipt. The data and reports are discussed regularly in permit enforcement meetings. Data collected as of June 30, 2017, is as follows:

4th Qtr. Permit Activity: April 1, 2016 – June 30, 2016

Permit Applications Received	4
Authority to Construct Issued	2
Temporary/Permits to Operate Issued	5
Permit Inspections	17
Notices of Violation Issued	1

4th Qtr. Permit Activity: April 1, 2017 – June 30, 2017

Permit Applications Received	0
Authority to Construct Issued	1
Temporary/Permits to Operate Issued	5
Permit Inspections	16
Notices of Violation Issued	1

Open Notices of Violation

Inyo County	Mono County	Alpine County
5	0	0

Board Action:

None. Information only.



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

www.gbuapcd.org

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Susan Cash, Administrative Projects Manager

Subject: Contracts Less than \$10,000 or Otherwise Within the APCO's Authority

The District's purchasing, bidding and contracting policy allows the Air Pollution Control Officer (APCO) to execute leases, contracts and purchase orders for consultant and contractor services when the value is less than or equal to \$10,000. The APCO can also execute contract change orders or amendments when the value of the change order is less than 10% of the contract price or \$25,000, whichever is less. The policy requires the APCO to inform the Board of all such contracts or leases at the Board's next meeting.

Since the last report to the Board, the APCO has executed the following leases, consultant and contractor contracts or contract amendments:

Contract with David Gemmill (Quality Assurance Consulting). The APCO executed a contract on March 20, 2017 with David Gemmill of Temecula, California in the amount of \$9,600.00. The contract is for quality assurance for the NCore Monitoring Project. The term of the contract is from March 20, 2017 through December 31, 2017.

Contract Amendment with Jourdan Trust. The APCO executed a contract amendment on August 21, 2017 with the Jourdan Trust, owners of the Bishop Offices, correcting a typographical error in the original contract that is valid through June 30, 2020. The original contract skipped fiscal year 2019-2020 and ended in fiscal year 2020-2021. There was no increase in the monetary value or any other part of the lease.

Side Letters with Management and Non-Management Employee Associations. The APCO negotiated and executed Side Letters in mid-July with each of the two employee associations in order to comply with Assembly Bill 119, which was passed as part of the California State Budget and became effective immediately on June 27, 2017. The bill requires, among other things, that public employers allow employee associations access to new employees during orientation and that the employer regularly provide updates to the associations regarding certain information of all employees eligible to be part of the association. There is no cost associated with these side letters, and there were no other changes to the Memorandums of Understanding via these side letters.

Contract Amendment with TEAM Engineering. The APCO executed a contract amendment on July 5, 2017 with TEAM Engineering to extend the contract term to June 30, 2018 from June 30, 2017. All other conditions of the contract remain the same. This amendment was no cost.

Board Action: None. Information only.



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537
Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Patricia Gilpin, Fiscal Services Technician

Subject: 4th Quarter Financial Reports (April 1 – June 30)

Summary:

The 2016-2017 fiscal year is closed, with all ledgers, bank statements and cash balanced with the Inyo County Auditor's records. The financial reports for the 4th quarter are attached and include five budgets: District, SB 270, Owens Lake Trust Fund, Clean Air Projects Program and Keeler Dunes Dust Control Project.

The SB 270 budget for 2016-17 was \$4,706,000 and \$214,000 in carry overs from FY 2015-16. The Owens Lake Scientific Advisory Panel \$750,000 carried over from FY 2015-16 fiscal year budget will be carried over to FY 2017-18. Paid and accrued expenses totaled \$4,160,653.95. The Board approved \$200,000 of unexpended funds from FY2016-17 to pay off SB 270 portion of CalPERS Pre-2013 UAL. The remaining unexpended and unappropriated funds from the 2016-17 fiscal year will be added to the SB 270 general fund reserves. Expenses that were appropriated from the 2016-17 budget and carried over to the 2017-18 fiscal year budget are:

Desert Research Institute (DRI) ERE	\$52,033
Desert Research Institute (DRI) Science & History of OL	\$ 2,596
TEAM Engineering (Environmental Consulting)	\$58,644

Additionally, \$18,366.84 and \$10,955.19 that were appropriated for network and monitoring upgrades from the 2016-17 budget are being carry over to 2017-18 fiscal year.

District Budget expenses totaled \$669,508.47. The District Budget had no carry-over expenses. Unexpended funds from the 2016-17 fiscal year will be added to District general fund reserves.

Fiscal Impact: None

Board Action: None. Information only.

Attachments:

1. FY 2016-17 4th Quarter Financial Reports (April 1 – June 30)

Great Basin Unified Air Pollution Control District
District Budget FY 2016-2017
For the 4th Quarter (Ending June 30, 2017)

EXPENSES	4th Quarter	Budget	% of Budget
I Employee Costs			
A Employee Wages	314,076.83	330,000.00	95.17%
B Retirement	56,999.55	60,000.00	95.00%
C Insurance Benefits	59,759.95	62,000.00	96.39%
D Taxes	54,692.62	60,000.00	91.15%
E Retiree Medical Insurance Unfunded Liability	-	-	-
F Worker's Compensation Insurance	2,983.12	3,000.00	99.44%
G Retirement: GASB68 Trust-Prefunding of Unfunded Liability	55,674.00	55,700.00	99.95%
Employee Costs	544,186.07	570,700.00	95.35%
II Operating & Compliance Costs			
A Advertising - Legal Notices & Ads	1,927.40	4,000.00	48.19%
B Dues, Subscriptions Education, Use Tax, Fees, AB2588	6,161.72	10,000.00	61.62%
C Equipment: Computer, Furniture, General, Office, Safety, Scientific, Software (<\$5,000 ea.)	6,386.88	9,500.00	67.23%
D Fuel and Gasoline	2,345.15	4,300.00	54.54%
E Health & Safety	24.85	1,000.00	2.49%
F Insurance - Liability, Fire & Casualty	7,116.53	10,000.00	71.17%
G Leases & Rents: Equipment, Office, Site, Storage	21,443.14	25,400.00	84.42%
H Maintenance & Repairs of Equipment - Labor	5,344.16	9,500.00	56.25%
I Maintenance & Repairs of Equipment - Materials	2,607.39	8,000.00	32.59%
J Postage and Shipping	296.85	1,000.00	29.69%
K Professional & Special Services	6,144.30	13,000.00	47.26%
L Supplies & Tools (In-Field, Office, General Use)	2,965.58	6,000.00	49.43%
M Transportation & Travel	3,224.59	5,500.00	58.63%
N Utilities	6,509.82	8,500.00	76.59%
O Public Assistance/Grant Programs	64.65	6,000.00	1.08%
Operating & Compliance Costs	72,563.01	121,700.00	59.62%
III Materials & Equipment			
A Equipment: Computer, Furniture, General, Office, Scientific, Software (>\$5,000 ea.)	18,889.70	-	0.00%
B Capital Expenditure Fund: Vehicles & Equipment	3,978.19	12,000.00	33.15%
Materials and Equipment Costs	22,867.89	12,000.00	190.57%
TOTAL EXPENSES (Parts I, II, III)	639,616.97	704,400.00	90.80%
IV Grant Expenses			
A EPA PM 2.5 Grant Funds	14,614.44	23,245.00	62.87%
B EPA 105 Grant Funds	15,277.06	71,746.00	21.29%
C EPA NCORE Funds	-	-	-
Grants	29,891.50	94,991.00	31.47%
Total Expenses	\$ 669,508.47	\$ 799,391.00	83.75%

Great Basin Unified Air Pollution Control District
District Budget FY 2016-2017
For the 4th Quarter (Ending June 30, 2017)

REVENUE		4th Quarter	Budget	% of Budget
I	Fees, Permits & Penalties			
A	AB 2588 - Toxic Hot Spots	9,975.00	1,500.00	665.00%
B	Conservation Mgmt. Plan/Prescribed Burn Plan	7,538.00	7,000.00	107.69%
C	Geothermal	318,410.00	309,000.00	103.05%
D	Hearing Board	173.00	500.00	34.60%
E	Initial Permit Fees (FF, ATC, Mods)	77,571.00	30,000.00	258.57%
D	Penalties & Late Fees	9,060.50	60,000.00	15.10%
G	Sources (Asbestos, Diesel, Fuel, Electric, PERP)	127,566.87	110,000.00	115.97%
H	Service Station Vapor Recovery	15,814.00	15,000.00	105.43%
	Fees, Permits & Penalties	566,108.37	533,000.00	106.21%
II	Other Revenue			
A	Air Monitoring Audits	-	-	-
B	Interest	6,701.26	2,000.00	335.06%
C	Per Capita Fee	-	-	-
D	Sales, Services, Fees, Rebates & Refunds	17,360.88	4,000.00	434.02%
E	State Subvention (3 counties)	138,992.65	138,000.00	100.72%
F	Town of Mammoth Lakes (Air Monitoring)	25,000.00	15,000.00	166.67%
	Other Revenue	188,054.79	159,000.00	118.27%
	Total Permits, Fees & Other Revenue	754,163.16	692,000.00	108.98%
III	Grant Funds (Restricted)			
A	EPA PM2.5 Grant	8,630.56	23,245.00	37.13%
B	EPA 105 Grant	71,889.00	71,746.00	100.20%
C	EPA Ncore Grant	-	-	-
	Total Grants	80,519.56	94,991.00	84.77%
	TOTAL REVENUE (w/ Grants)	\$ 834,682.72	\$ 786,991.00	106.06%

Reconcile to Inyo County Treasury as of 6/30/2017

District General Fund Reserves	\$ 832,274.18
Capital Asset Accrual Reserves	\$ 97,365.64
Spendable/Available Cash	\$ 213,214.97
CEQA Lead Agency Litigation Funds ⁽¹⁾	\$ 30,214.42
Accrued Payables	\$ 21,186.76
103 Grant Funds (PM2.5)	\$ 27,885.45
105 Grant Funds	\$ 69,872.91
	\$ 1,292,014.33

Balance: IC Auditor's Report as of 6/30/2017 **\$ 1,292,014.33**

Checking account balance as of 6/30/2017=\$318.52

¹ ORMAT Litigation Funds

Interest transferred to PARS Retiree Health: \$9,610.47

Great Basin Unified Air Pollution Control District
SB 270 Budget FY 2016-2017
For the 4th Quarter (Ending June 30, 2017)

EXPENSES		4th Quarter	Budget	Adjusted Budget	% of Budget
I	Employee Costs				
A	Employee Wages	1,555,756.21	1,678,000.00	1,678,000.00	92.71%
B	Retirement	377,144.69	378,000.00	378,000.00	99.77%
C	Insurance Benefits	413,433.62	394,000.00	394,000.00	104.93%
D	Taxes	270,383.44	287,000.00	287,000.00	94.21%
E	Retiree Medical Insurance Unfunded Liability	-	-	-	-
F	Worker's Compensation Insurance	16,904.33	17,000.00	17,000.00	99.44%
	Employee Costs	2,633,622.29	2,754,000.00	2,754,000.00	95.63%
II	Operating & Compliance				
A	Advertising - Legal Notices & Ads	6,409.74	5,000.00	5,000.00	128.19%
B	Dues, Subscriptions, Education, Use Tax & Fees	32,469.79	26,000.00	26,000.00	124.88%
C	Equipment: Computer, Furniture, General, Office, Safety, Scientific, Software (<\$5,000 ea.)	81,361.39	95,500.00	95,500.00	85.20%
D	Fuel and Gasoline	23,923.48	31,000.00	31,000.00	77.17%
E	Health & Safety	392.15	4,000.00	4,000.00	9.80%
F	Insurance - Liability, Fire & Casualty	42,034.80	46,000.00	46,000.00	91.38%
G	Leases & Rents: Equipment, Office, Site, Storage	108,518.52	111,000.00	111,000.00	97.76%
H	Maintenance & Repairs of Equipment - Labor	34,221.43	35,000.00	35,000.00	97.78%
I	Maintenance & Repairs of Equipment - Materials	137,183.12	135,000.00	135,000.00	101.62%
J	Postage and Shipping	2,198.40	4,000.00	4,000.00	54.96%
K	Professional & Special Services	550,328.04	700,500.00	700,500.00	78.56%
L	Supplies and Tools (In-field, Office, General Use)	24,963.56	30,000.00	30,000.00	83.21%
M	Transportation & Travel	27,212.32	18,000.00	18,000.00	151.18%
N	Utilities	57,230.06	61,000.00	61,000.00	93.82%
O	Project Demonstration: Control Measure Testing	140,958.94	100,000.00	314,000.00	44.89%
	Operating & Compliance Costs	1,269,405.74	1,402,000.00	1,616,000.00	78.55%
III	Materials & Equipment				
A	Equipment: Computer, Furniture, General, Office, Scientific, Software (>\$5,000 ea.)	131,733.04	115,000.00	115,000.00	114.55%
B	Vehicles & ATVs	35,117.39	35,000.00	35,000.00	100.34%
	Materials & Equipment Costs	166,850.43	150,000.00	150,000.00	111.23%
	Expenses Total (Parts I, II, III)	\$ 4,069,878.46	\$ 4,306,000.00	\$ 4,520,000.00	90.04%
IV	A Special Legal Fee	\$ 90,775.49	\$ 400,000.00	\$ 400,000.00	22.69%
V	A Owens Lake Scientific Advisory Panel	\$ -	\$ -	\$ 750,000.00	0.00%
		\$ 90,775.49	\$ 400,000.00	\$ 1,150,000.00	7.89%
	Expenses Total (Parts I - V)	\$ 4,160,653.95	\$ 4,706,000.00	\$ 5,670,000.00	73.38%

Great Basin Unified Air Pollution Control District
SB 270 Budget FY 2016-2017
For the 4th Quarter (Ending June 30, 2017)

REVENUE		4th Quarter	Budget	Adjusted Budget	% of Budget
I	Fees, Permits & Penalties	\$ 4,306,000.00	\$ 4,306,000.00	\$ 4,306,000.00	100.00%
	Legal Fee Assessment	\$ 400,000.00	\$ 400,000.00	\$ 400,000.00	100.00%
	Fees, Permits & Penalties	\$ 4,706,000.00	\$ 4,706,000.00	\$ 4,706,000.00	100.00%
II	Other Revenue				
	FY15-16 Carry-overs	214,000.00	-	214,000.00	100.00%
	Carry-over: Owens Lake Scientific Advisory Panel	750,000.00	-	750,000.00	100.00%
	From Asset Reserve: BO#160516-05e/2Data Loggers	41,990.00	-	-	-
	Interest	32,904.36	-	-	-
	PM2.5 from District (Reimburse staff time)	14,614.44	-	-	-
	Sale of Assets	12,045.01	-	-	-
	Sales, Services, Rebates, Refunds	10,611.92	-	-	-
		1,076,165.73	-	964,000.00	111.64%
	TOTAL REVENUE	\$ 5,782,165.73	\$ 4,706,000.00	\$ 5,670,000.00	101.98%

Reconcile to Inyo County Treasury as of 6/30/2017

SB 270 General Fund Reserves	\$ 1,171,481.51
Capital Asset Accrual Reserves	\$ 202,537.82
Spendable/Available Cash	\$ 570,899.87
Funds to pay Pre-2013 UAL (in FY17-18)	\$ 200,000.00
Move OLSAP Funds to FY 2017-2018	\$ 750,000.00
Accrued Payables	\$ 251,487.90
Carry overs	\$ 113,273.00
Deferred FY 2017-2018 Fee Assessment	\$ 4,859,118.00
	\$ 8,118,798.10

Balance: IC Auditor's Report as of 6/30/2017 **\$ 8,118,798.10**

Checking account balance as of 6/30/2017=\$38,265.49
Interest transferred to PARS Retiree Health: \$41,533.41

Great Basin Unified Air Pollution Control District
Owens Lake Trust Fund FY 2016-2017
For the 4th Quarter (Ending June 30, 2017)

Beginning Cash Balance 7/1/2016	1,048,959.12
June 30, 2016 Interest-earned Inyo County	2,093.24
FY 2016-2017 Interest-earned Inyo County	6,446.57
	<u>1,057,498.93</u>

Expenses

Professional Services -

<i>Cash in checking</i>	<u>3.90</u>
	3.90

Reconcile to Inyo County Treasury as of 6/30/2017	<u><u>\$ 1,057,498.93</u></u>
---	-------------------------------

Balance: IC Auditor's Report as of 6/30/2017	<u><u>\$ 1,057,498.93</u></u>
--	-------------------------------

Great Basin Unified Air Pollution Control District
Clean Air Projects Program FY 2016-2017
For the 4th Quarter (Ending June 30, 2017)

Beginning Cash Balance 7/1/2016	763,812.90
June 30, 2016 Interest-earned Inyo County	1,524.22
FY 2016-2017 Interest-earned Inyo County	<u>5,878.51</u>
	771,215.63

Expenses

Projects	-
----------	---

<i>Cash in Checking</i>	<u>30.31</u>
	30.31

Reconcile to Inyo County Treasury as of 6/30/2017	<u><u>\$ 771,215.63</u></u>
---	-----------------------------

Balance: IC Auditor's Report as of 6/30/2017	<u><u>\$ 771,215.63</u></u>
--	-----------------------------

Great Basin Unified Air Pollution Control District
Keeler Dunes Dust Control Projects FY 2016-2017
For the 4th Quarter (Ending June 30, 2017)

Beginning Cash Balance 7/1/2016	2,524,038.99
June 30, 2016 Interest-earned Inyo County	5,381.58
FY 2016-2017 Interest-earned Inyo County	15,464.86
1st Installment payment - Jimmy Myers	10,000.00
NOV461 funds from Dist/CAPP, BO#161110-05	1,199,707.00
Checking account balance at year-end	<u>12,286.41</u>
	3,766,878.84

Expenses

Paid year-end invoices (FY15-16 accruals)	92,232.51
Employee Costs	54,853.65
General Expenses	14,576.50
Projects	1,106,997.22
Administration	<u>118,566.79</u>
	1,387,226.67

<i>Cash in Checking</i>	<u>(4,053.35)</u>
	1,383,173.32

	2,383,705.52
<i>Accrued Payables</i>	<u>57,033.26</u>
Reconcile to Inyo County Treasury as of 6/30/2017	<u><u>\$ 2,440,738.78</u></u>

Balance: IC Auditor's Report as of 6/30/2017	<u><u>\$ 2,440,738.78</u></u>
---	--------------------------------------



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537
Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2016

To: Governing Board

From: Susan Cash, Administrative Projects Manager

Subject: Updated Conflict of Interest Code effective August 17, 2017

Summary:

It is essential and legally required that an agency's conflict of interest code reflects the current structure of the agency and properly identifies all officials and employees who should be filing a Form 700. To ensure the codes remain current and accurate, each agency is required to review its conflict of interest code at least every other year - state agencies in odd-numbered years and local agencies in even-numbered years. As part of the 2016 review, the District notified the Fair Political Practices Commission (FPPC) that our code needed to be updated to reflect current positions and levels of conflict reportability. Staff has been working with FPPC staff since then to update the code.

The District followed the FPPC-required process for updating the code, and the FPPC approved the District's code at their meeting on July 18, 2017. The updated code became effective on August 17, 2017. The code is attached as approved.

Board Action:

None. Information only.

Attachment:

1. Conflict of Interest Code, effective August 17, 2017

CONFLICT OF INTEREST CODE FOR THE GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) which contains the terms of a standard conflict of interest code that can be incorporated by reference in an agency's code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of California Code of Regulations, title 2, section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure categories shall constitute the conflict of interest code of the **Great Basin Unified Air Pollution Control District (District)**.

Board Members, Alternate Board Members, and the Air Pollution Control Officer must file their statements of economic interests electronically with the **Fair Political Practices Commission**. *All* other individuals holding designated positions must file their statements with the District. All statements must be made available for public inspection and reproduction under Government Code Section 81008.

**CONFLICT OF INTEREST CODE FOR THE
GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT**

APPENDIX A – DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Air Pollution Control Board Members and Alternates	All
Air Pollution Control Officer	All
Air Quality Specialist I or II	2, 4
Air Pollution Control Hearing Board Members	All
Deputy Air Pollution Control Officer	All
Director of Technical Services	All
Air Monitoring Specialist	2, 4
District Counsel	All
Administrative Projects Manager	1, 5
Senior Research and Systems Analyst	1, 5
Senior Scientist	1
Consultants/New Positions	*

*Consultants/new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Air Pollution Control Officer may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Air Pollution Control Officer’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (Gov. Code Sec. 81008).

**CONFLICT OF INTEREST CODE FOR THE
GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT**

Appendix B - DISCLOSURE CATEGORIES

Individuals holding designated positions must report:

- | | |
|-------------------|--|
| Category 1 | Investments and business positions in business entities, and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source provides services (including preparation of environmental impact statements or reports), supplies, materials, machinery, vehicles or equipment of the type used, purchased or leased by the District. |
| Category 2 | Investments and business positions in business entities, and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source is of the type that is subject to permits, rules or regulations promulgated and enforced by the District. |
| Category 3 | Investments and business positions in business entities, and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source has filed a claim against the District during the previous two years, or has a claim pending against the District. |
| Category 4 | Interests in real property located within the boundaries of the District, or within two miles of the boundaries of the District, or within two miles of any land owned or used by the District. |
| Category 5 | Investments and business positions in business entities, and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source is of the type that receives financial or technical assistance from the District. |

This is the last page of the conflict of interest code for **Great Basin Unified Air Pollution Control District**.



CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict of interest code for **Great Basin Unified Air Pollution Control District** was approved on 7/18/ 2017. This code will become effective on 8/17 2017.

A blue ink signature of Brian G. Lau, written over a horizontal line.

Brian G. Lau

Senior Commission Counsel

Fair Political Practices Commission



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street, Bishop, California 93514-3537

Tel: 760-872-8211 Fax: 760-872-6109

BOARD REPORT

Mtg. Date: September 14, 2017

To: District Governing Board

From: Phillip L. Kiddoo, Air Pollution Control Officer

Subject: Air Pollution Control Officer Report

A verbal report will be given at the meeting.

2017

JANUARY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

MAY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JUNE

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

JULY

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

AUGUST

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

OCTOBER

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOVEMBER

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						