

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
GOVERNING BOARD MINUTES
May 2, 2019

(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 2, 2019 in the Mono County Board of Supervisors Chamber, Mono County Courthouse, Main street (U.S. Highway 395), Bridgeport, California 93517.

Governing Board members present:

Fred Stump, Board Vice Chair, Mono County
Dan Totheroh, Inyo County
John Wentworth, Town of Mammoth Lakes
Ron Hames, Alpine County
Katherine Rakow, Alternate, Alpine County

Governing Board members absent:

Matt Kingsley, Board Chair, Inyo County
John Peters, Mono County
David Griffith, Alpine County

A quorum was present.

GBUAPCD staff present:

Phill Kiddoo, Air Pollution Control Officer
Ann Logan, Deputy Air Pollution Control Officer
Tori DeHaven, Clerk of the Board
Susan Cash, Administrative Projects Manager
Alex Clayton, Air Monitoring Tech Specialist
Sondra Grimm, Technical Services Specialist
Jan Sudomier, Air Quality Specialist II

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

Liz Calderon, City of Los Angeles, Department of Water & Power

Agenda Item #1
Call to Order
Pledge of
Allegiance

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

Board Member Hames then led the Pledge of Allegiance.

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

Board Vice Chair Stump asked for public comment on items not on the agenda at 10:02 am.

No comment was offered.

Agenda Item #4
Consent Items
(Action)

The Board decided to address Item No. 4 as the public hearing for Item No. 3 was not scheduled to start until 10:05 am.

Motion (Hames/Totheroh) approving consent items a through j as follows:

- a. Approval of the March 7, 2019 Regular Governing Board Meeting Minutes
- b. Approve Consulting and Service Contracts for Fiscal Year 2019-2020
- c. Approve Leases and Rental Agreements for Fiscal Years 2019-2024
- d. Waiver of Consumer Price Index Increase of District Fees for Fiscal Year 2019-2020
- e. Approve Amendment to California State Association of Counties Excess Insurance Authority Dental Program Memorandum of Understanding
- f. Appropriation Changes, Year End Transfer Authority, and Carryovers
- g. Approval of Annual Sole Source Determinations
- h. Acceptance of the Assemble Bill 617 Community Air Protection Program Grant from the California Air Resources Board in the Amount of \$36,994
- i. Approve Purchase of Five (5) TEOM Continuous PM10 Monitors from Thermo Fisher Scientific, A Sole-Source Provider, for \$125,000
- j. Approve Purchase of One (1) Filter-Based Particulate Matter Monitor (Partisol 2025i-AV) from Thermo Scientific, A Sole-Source Provider, for \$22,000

Ayes: Board Members – Totheroh, Stump, Hames, Rakow

Noes: 0

Abstain: 0

Absent: Board Members – Kingsley, Griffith, Peters, Wentworth

Motion carried 4/0 and so ordered.

B/O #190502-04

Agenda Item #3
PUBLIC
HEARING –

Board Member Wentworth arrived at 10:04 am.

a) Adoption of Orders to the City of Los Angeles to Pay 2019-2020 Fiscal Year Fees as Provided by section 42316 of the California Health and Safety Code (SB270)

Board Vice Chair Stump opened the public hearing at 10:05 am.

Ms. Susan Cash, Administrative Projects Manager, gave a brief staff report on item 3a. She noted that this is the second of two required public hearings; the first hearing took place on March 7, 2019. Only non-substantive changes have been made to the separately bound budget which includes typographical errors, formatting etc. Following the release of the document for public inspection (including email to the City of Los Angeles, Department of Water and Power) 30-days ago on April 2, 2019, no comments were received. If the Board adopts to the Orders today, payment of the Fiscal Year 2019-2020 Fees will be due in 45-days which is June 16, 2019. Ms. Cash

b) Fiscal Year 2019-2020 Total District Budget – Approval of the General fund and SB 270 Sub-budgets (Second of Two Required Budget Hearings) (Action)

then gave a staff report on item 3b. She noted that this is also the second of two required public hearings regarding the total District budget approval of the General Fund and the SB 270 sub-budgets. She then referenced the memo given to the Board today that provided correction to an error in the Board report. The memo will be added to the official record. The budgets presented today are essentially the same as the March 7, 2019 budget with some corrections. No comments have been received.

Board Vice Chair Stump asked for public comment at 10:09 am. No comment was offered.

Board Vice Chair Stump closed the public hearing at 10:10 am.

Motion (Totheroh/Wentworth) approving items a and b as submitted: Agenda Item No. 3a as follows:

1. The Board conducted the scheduled public hearing for input regarding the proposed fiscal year 2019-2020 SB 270 Fee Assessment Order.
2. The Board adopted the submitted “Fiscal Year 2019-2020 SB 270 Fee Assessment Order to Pay” for the base SB 270 costs in the amount of \$6,065,781.

Agenda Item No. 3b as follows:

1. The Board conducted the second of two public hearings on the total budget, considered all comments and testimony, and made whatever changes found appropriate to District or SB 270 budgets.
2. The Board adopted the total Great Basin Unified Air Pollution Control District budget which includes: a) the proposed final 2019-20 General Fund budget; and b) the proposed final 2019-2020 SB 270 budget.
3. The Board waived the automatic Consumer Price Index increase for District permit fees based on the adopted FY 2019-20 District budget (less special funds) for the 2019-2020 fiscal year and the amount of current District (non-SB 270) reserve funds.

Ayes: Board Members – Totheroh, Wentworth, Stump, Hames, Rakow

Noes: Ø

Abstain: Ø

Absent: Board Members – Kingsley, Griffith, Peters

Motion carried 5/0 and so ordered.

B/O #190502-01

Agenda Item #8
Adoption of 2019 Air Quality Monitoring Network Plan (Action)

Mr. Alex Clayton, Air Monitoring Tech Specialist, gave a slide show presentation regarding the 2019 Air Quality Monitoring Network Plan (*the presentation is available upon request to the Clerk of the Board*).

Motion (Hames/Wentworth) approving and adopt the District’s 2019 Annual Air Quality Monitoring Network Plan for submission to the US EPA Region IX administrator for approval.

Ayes: Board Members – Totheroh, Stump, Hames, Rakow, Wentworth
Noes: Ø
Abstain: Ø
Absent: Board Members – Kingsley, Griffith, Peters
Motion carried 5/0 and so ordered.

B/O #190502-08

Agenda Item #5
PUBLIC
HEARING –
Rescission of
District Rule
1101 –
Purchasing,
Bidding and
Contracting
Policy (Action)

Board Vice Chair Stump opened the public hearing at 10:34 am.

Ms. Cash presented on item 5. No other air districts that Ms. Cash spoke to have purchasing, bidding and contracting procedures as a rule. In order to move Rule 1101 to a policy, a rescission must be done. In order to accomplish this, a public notice has been completed as well as notification to the California Air Resources Board. Ms. Cash then reported on item 6. Writing the new policy has been a lot of work by staff. The new policy gives more flexibility, more streamlined purchase procedures and fills in some gaps.

Board Vice Chair Stump asked for public comment at 10:30 am. No comment was offered.

Ms. Cash proceeded to present on item 7. Adoption of the Uniform Public Construction Accounting Procedures which will allow the District to dispense with formal bidding procedures and smaller public projects.

Board Vice Chair asked for public comment at 10:42 am. No comment was offered.

Board member Wentworth brought to the attention of staff about new legislation AB 1768 regarding prevailing wage contracts.

Board Vice Chair Stump closed the public hearing at 10:46 am.

Motion (Rakow/Totheroh) approving Agenda Item No. 5 as follows:

1. Rescind Rule 1101
2. Adopt attached Resolution 2019-02

Ayes: Board Members – Totheroh, Stump, Hames, Rakow, Wentworth
Noes: Ø
Abstain: Ø
Absent: Board Members – Kingsley, Griffith, Peters
Motion carried 5/0 and so ordered.

B/O #190502-05

Agenda Item #6
Approval of
Purchasing
Policies and

Motion (Hames/Wentworth) approving Agenda Item No. 6 as follows:

Procedures
(Action)

The Governing Board adopted the submitted Purchasing Policies and Procedures, which include the District’s informal bidding processes.

Ayes: Board Members – Totheroh, Stump, Hames, Rakow, Wentworth
Noes: Ø
Abstain: Ø
Absent: Board Members – Kingsley, Griffith, Peters
Motion carried 5/0 and so ordered.

B/O #190502-06

Agenda Item #7
Adoption of the
Uniform Public
Construction
Cost Accounting
Procedures
(Action)

Motion (Totheroh/Rakow) approving Agenda Item No. 7 as follows:

The Governing Board adopted Resolution 2019-03, as submitted.

Ayes: Board Members – Totheroh, Stump, Hames, Rakow, Wentworth
Noes: Ø
Abstain: Ø
Absent: Board Members – Kingsley, Griffith, Peters

Motion carried 5/0 and so ordered.

B/O #190502-07

Agenda Item #9
Authorization to
Accept Funds for
Implementation
of the District’s
Smoke
Management
Program and
Activities
Related to
Prescribed
Burning (Action)

APCO Kiddoo presented on item 9. He reviewed the actions in front of the Board. He noted that at this time there is not a final contract or agreement which is being worked through the California Air Pollution Control Office’s Association as well as the California Air Resources Board. It may be out this week. The current District smoke management program has been in operation since 2001. Thus far the District has not received additional grant funding for this program and has been operating under Title 17. A summary of the legislation history as well as funding information has been included in the staff report.

Deputy APCO Logan explained that with the adoption of the agricultural burning legislation by California in 2001 and to comply with Title 17, the District adopted a Memorandum of Understanding (MOU) with all the land management agencies that fall within the District. That MOU was set to expire five years after it was signed, however, it has not been renewed since 2001 but the District and land managers continue to operate underneath it.

Board member Wentworth noted that it may be appropriate going forward to re-configure those MOU’s to make sure the appropriate parties are involved.

Deputy APCO Logan added that staff plans to work with the land management agencies as well as the Board in order to revisit the content with plans in the future to bring an updated MOU back to the Board.

Board Vice Chair Stump asked if staff will be able to contact the forests on the west side.

Deputy APCO Logan replied that staff will need to take some time to determine if the MOU is the appropriate venue with which to contact those land managers as the MOU is specific to the District's jurisdiction.

Discussion continued between the Board and staff regarding various bodies of government and their dealings with this topic.

Board Vice Chair asked for public comment at 11:06 am. No comment was offered.

Motion (Wentworth/Hames) approving Agenda Item No. 9 as follows:

- 1) The Board adopted Resolution No. 2019-04, as submitted, authorizing the acceptance of funds from the California Air Resources Board and/or the California Air Pollution Control Officers Association for implementation of the District's Smoke Management Program;
- 2) The Board authorized the Air Pollution Control Officer to negotiate, sign, and amend, as needed, future agreements and contracts, including in future fiscal years, related to these activities, and to accept funds and to implement associated projects.

Ayes: Board Members – Totheroh, Stump, Hames, Rakow, Wentworth

Noes: ∅

Abstain: ∅

Absent: Board Members – Kingsley, Griffith, Peters

Motion carried 5/0 and so ordered.

B/O #190502-09

Agenda Item #10 Board Vice Chair Stump asked for public comment at 11:09 am. No comment was offered.
Informational Items
(No Action)

Agenda Item #11 Board member Totheroh: Nothing to report.
Board Member Reports
(No Action)
Board member Wentworth:
1) The Town of Mammoth Lakes wants to include smoke and smoke issues into their budget.
2) Mr. North, Sierra Nevada Conservancy, is now a resident of Mammoth Lakes. May be a good resource for staff.
3) Asked if the Wheeler Crest issue falls within the jurisdiction of the District.

APCO Kiddoo replied that most likely a project like that would fall under the District's permit authority.

Board member Hames:

- 1) Meeting in Sacramento last week had a lot of talk about wildfires. District needs to be aware of these discussions and plans.

Board alternate Rakow:

- 1) Alpine County, as a whole, is taking a more proactive role to prepare for wildfires.

Board Vice Chair Stump:

- 1) The Mono County Joint Mammoth Lakes Hazard Mitigation Plan has been approved by the Federal Emergency Management Agency (FEMA) and will be coming to the Mono County Board on May 14, 2019.

Agenda Item #12
 Air Pollution Control Officer's Report
 (No Action)

APCO Kiddoo reported on the following items:

- 1) Escrow closed on the Bishop Office building at 157 Short Street, Bishop, California 93514; the District now owns it.
- 2) Owens Lake Scientific Advisory Panel (OLSAP) – The panel was formed back in November and the District has been working with OLSAP as well as LADWP. Following the Board meeting, staff will be traveling to Los Angeles for the first informational gathering meeting. An update will be brought back to the Board.

Agenda Item #13
 Cancellation of the Next Regular Meeting of the Governing Board and Scheduling a Special Meeting
 (Action)

Motion (Rakow/Totheroh) canceling the July 4, 2019 regular meeting and scheduled a special meeting for Thursday July 18, 2019 at 10:00am in Markleeville, CA.

Ayes: Board Members – Totheroh, Stump, Hames, Rakow, Wentworth

Noes: Ø

Abstain: Ø

Absent: Board Members – Kingsley, Griffith, Peters

Motion carried 5/0 and so ordered.

B/O #190502-13

Agenda Item #14
CLOSED SESSION

The Board convened into closed session at 11:32 am.

The Board reconvened into open session at 12:49 pm.

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

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.

Report: Nothing to report.

Agenda Item #15
CLOSED SESSION

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

City of Los Angeles vs. Great Basin Unified Air Pollution Control District, et al., Superior Court of California, County of Sacramento, Case No. 34-2013-80001451-CU-WM-GDS, pursuant to California Government Code Section 54956.9(d)(1).

Report: Nothing to report.

Agenda Item
#16
CLOSED
SESSION

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS

Conference with labor negotiators – Section 54957.6 of the California Government Code: Changes regarding the salaries, salary schedules or compensation paid in the form of fringe benefits. Employee group: Non-Management Employees.

Report: Nothing to report.

Agenda Item
#17
CLOSED
SESSION

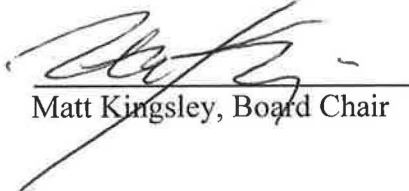
CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS

Conference with labor negotiators – Section 54957.6 of the California Government Code: Changes regarding the salaries, salary schedules or compensation paid in the form of fringe benefits. Employee group: Management Employees.


Report: Nothing to report.

Adjournment

The meeting was adjourned by Board Vice Chair Stump at 12:50 pm. The Board will reconvene in open session at 10:00 am, on Thursday, July 18, 2019 in Markleeville, California.


Matt Kingsley, Board Chair

Attest:


Tori DeHaven, Board Clerk