



TAMI RITTER, CHAIR
Supervisor, District #3

ANGEL CALDERON, VICE CHAIR
Councilmember, Gridley

BILL CONNELLY
Supervisor, District #1

PETER DURFEE
Supervisor, District #2

TOD KIMMELSHUE
Supervisor, District #4

DOUG TEETER
Supervisor, District #5

CHUCK NUCHOLS
Vice Mayor, Biggs

ADDISON WINSLOW
Councilmember, Chico

ERIC SMITH
Vice Mayor, Oroville

ROSE TRYON
Vice Mayor, Paradise

STEPHEN ERTLE
Air Pollution Control Officer

PATRICK LUCEY
Assistant Air Pollution Control Officer

Draft Minutes of the Butte County Air Quality Management District Governing Board of Directors Meeting of September 28, 2023

Members Present:

Bill Connelly	Supervisor, District 1
Tami Ritter	Supervisor, District 3
Tod Kimmelshue	Supervisor, District 4
Doug Teeter	Supervisor, District 5
Peter Durfee	Supervisor, District 2
Addison Winslow	Councilmember, Chico
Angel Calderon	Councilmember, Gridley
Rose Tryon	Vice Mayor, Town of Paradise
Chuck Nuchols	Vice Mayor, Biggs
David Pittman	Mayor, Oroville (Alternate)

Members Absent:

Eric Smith	Vice Mayor, Oroville
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Staff Present:

Stephen Ertle	Air Pollution Control Officer (APCO)
Kelly Towne	Clerk of the Board
Aleah Ing	Administrative Services Officer (ASO)
Patrick Lucey	Assistant Air Pollution Control Officer

Remote Staff:

Jason Mandly	Senior Air Quality Planner
Samuel Nassie	Air Quality Compliance Specialist
David Campbell	Air Quality Compliance Specialist II

Due to the COVID-19 pandemic, members of the public are encouraged to attend the meeting using Zoom. Public comments were accepted before and during the meeting by emailing ktowne@bcaqmd.org.

1. Call to Order and Roll Call.

Chair Ritter called the meeting to order at 10:08 a.m. at the BCAG Board Room, 326 Huss Drive, Suite 100, Chico, California.

2. Additions and Deletions to the Consent or Regular Agenda.

No additions or deletions.

3. Consent Agenda.

- 3.1 Minutes of the August 24, 2023 Meeting of the Board of Directors.
- 3.2 Activity Report on Butte County Air Quality Management District Activities.
- 3.3 Financial Status Report for Fiscal Year 2023-2024.
- 3.4 Status Report on Calendar of Events.
- 3.5 Status Report on Communications.
- 3.6 GASB 75 Disclosure & PERS CERPT Trust Summary
- 3.7 One America Addition of ROTH IRA Provision to Plan
- 3.8 FARMER Grant application Approval

ACTION REQUESTED: Approve Consent Agenda Items.

Board comments: None
Public comments: None

A motion was made by Supervisor Durfee and seconded by Supervisor Kimmelshue to approve the Consent Agenda Items.

Motion carries by the following vote:

AYES: Supervisor Ritter, Supervisor Durfee (Motion), Supervisor Connelly, Supervisor Kimmelshue (Second), Supervisor Teeter, Vice Mayor Nuchols, Councilmember Calderon, Councilmember Winslow, Vice Mayor Tryon, Mayor Pittman(Alternate)
NOES: None.
ABSTAIN: None.
ABSENT: Vice Mayor Smith

ITEMS FOR ACTION

4. Items removed from the Consent Agenda for Board consideration and actions.

No items removed from the Consent Agenda.

5. Administrative Assistant Position Description and Office Counter Hours

ACTION REQUESTED:

Approve attached proposed changes to the Administrative Assistant position description.

Approve permanent District counter hours Tuesday through Friday from 07:30am to 12:00pm.

Air Pollution Control Officer, Stephen Ertle, presented that the District will be recruiting for an Administrative Assistant which necessitates an update to the position description and it includes a request to make permanent the current temporary front counter office hours and make the position part-time. The current front counter hours are 7:30am - 12:00pm Tuesday through Friday. These hours have been working well for the District and would like to move to make them permanent. Staff continues to work 7:30 to 4:30pm Monday through Friday (closed from 12:00pm to 1:00pm for lunch) and is available by phone or appointment during those hours.

Board Comments: Supervisor Ritter inquired about what happens when a customer just shows up during the closed hours and Stephen Ertle explained that the District has a kiosk with available District paperwork, the District has a doorbell available and customers can call the office during this time. The District is responsive if needed outside of the reduced counter hours. The District has also upgraded the District phone system and call routing rules for customers get to the correct person more efficiently. The District has not received any complaints about the temporary reduced front counter hours.

Public comments: None

A motion was made by Supervisor Durfee and seconded by Councilmember Calderon to approve the proposed changes to the Administrative Assistant position description and Approve permanent District counter hours Tuesday through Friday from 07:30am to 12:00pm.

Motion carries by the following vote:

AYES: Supervisor Ritter, Councilmember Calderon (Seconded), Supervisor Connelly, Supervisor Durfee (Motion), Supervisor Kimmelshue, Supervisor Teeter, Vice Mayor Nuchols, Councilmember Winslow, Mayor Pittman(Alternate), Vice Mayor Tryon

NOES: None.

ABSTAIN: None.

ABSENT: Vice Mayor Smith

6. Annual Administrative Code Updates

ACTION REQUESTED: Review the proposed changes and approve.

Stephen Ertle, APCO, presented the request for approval of updates to the District Administrative Code. The District is not requesting any changes to Part A of the Administrative Code this year. The review of Part B, however, did trigger some necessary changes to Part B, Section 2.2.10 Retention Schedule and Procedures. This change will allow the

destruction of hard copy records that have been digitized and indexed in the District's LaserFiche Records program. Additionally, a number of retention periods for specific records are proposed to be updated.

Board discussion: Vice Mayor Tryon inquired if documents with wet signature need to be kept physically and APCO Ertle explained on indication from council once these types of documents have been adopted, they can be input into LaserFiche and are considered an official record. The changes to retention have been reviewed by legal and there is redundant onsite and offsite backup in case of issues.

Public comments: None

A motion was made by Vice Mayor Tryon and seconded by Supervisor Connelly to approve the proposed changes to Administrative Code Part B, Section 2, Retention.

Motion carries by the following vote:

AYES: Supervisor Ritter, Councilmember Calderon, Supervisor Connelly (Seconded), Supervisor Kimmelshue, Supervisor Durfee, Supervisor Teeter, Vice Mayor Nuchols, Councilmember Winslow, Vice Mayor Tryon (Motion), Mayor Pittman(Alternate)

NOES: None.

ABSTAIN: None.

ABSENT: Vice Mayor Smith

7. Fiscal Policy Implementation Directive

ACTION REQUESTED: After a thorough analysis of the three options, it is recommended that the Board direct staff to research consultants that perform cost and fee analysis of Special Districts and hire them for this type of analysis. The results of the analysis can then be used to inform any cost saving and fee adjustment initiatives that should be pursued.

Stephen Ertle, APCO, presented the 3 strategies to the Board to evaluate program costs and cost recovery, including their benefits and drawbacks. The 3 options presented were:

1. Contract with a consultant to perform a District cost and fee analysis
2. Pursue program fee adjustments
3. One-time fee assessment on member municipalities and County.

Board discussion: Board discussion included what is the cost to the District? The District currently has \$10,000 budget for a consultant and the cost would depend on what is needed. The District has about 15 programs that need to be evaluated. The analysis would focus on the shortfalls of the District, the programs that are not meeting cost recovery and recommendations. Assessments in option 3 are a per capita one-time assessment. Other Air Districts are facing the same issues and are problem solving as well. Addressing the unfunded liabilities is part of the long-term planning of the District. The PEPRAs reforms are working so far and more than half of the District's current staff are PEPRAs members.

Public comments: None

A motion was made by Vice Mayor Tryon and seconded by Mayor Pittman to approve Option 1, contract with a consultant to perform a District cost and fee analysis.

Motion carries by the following vote:

AYES: Supervisor Ritter, Councilmember Calderon, Supervisor Connelly, Supervisor Durfee, Supervisor Kimmelshue, Supervisor Teeter, Vice Mayor Nuchols, Councilmember Winslow, Vice Mayor Tryon (Motion), Mayor Pittman(Alternate)(Seconded).

NOES: None.

ABSTAIN: None.

ABSENT: Vice Mayor Smith

8. State of the District Report and Goals and Performance Metrics for FY23-24

ACTION REQUESTED: Accept Report and Approve Goals

One of the District goals is to prepare and present to your Board a State of the District Report. The report is organized around reporting activities for the completed FY 2022-2023 and looking forward to the current fiscal year. APCO Ertle listed off many of the programs that the District runs and highlighted some of the Grants that the District awards. The District's programs are running well and the District is meeting State requirements. The District is working on it's Fiscal Policy and towards cost recovery.

Board discussion: Vice Mayor Tryon asked for a distinction between the CARL Moyer Program and the FARMER Program which was provided by APCO Ertle and Senior Planner Jason Mandly. The Programs have different funding and program requirements. Supervisor Ritter inquired if all the programs that the District runs are State required and APCO Ertle confirmed that historically the Governing Board has not chosen to add additional requirements within the County outside of the State requirements.

Public comments: None

A motion was made by Supervisor Kimmelshue and seconded by Councilmember Winslow to Accept the State of the District Report and Approve the District Goals for FY 2023-2024.

Motion carries by the following vote:

AYES: Supervisor Ritter, Councilmember Calderon, Supervisor Connelly, Supervisor Durfee, Supervisor Kimmelshue (Motion), Supervisor Teeter, Vice Mayor Nuchols, Councilmember Winslow (Seconded), Vice Mayor Tryon, Mayor Pittman(Alternate).

NOES: None.

ABSTAIN: None.

ABSENT: Vice Mayor Smith

ITEMS FOR INFORMATION

9. PERS CLASSIC & PEPRA Valuation Reports, PERS CEPPT Trust Summary

ACTION REQUESTED: Accept and file the CalPERS Annual Valuation reports for CLASSIC and PEPRA ending 6/30/2022 and the CalPERS CEPPT Account Summary Report as of 6/30/2023

Aleah Ing, ASO presented the PERS (Classic) Annual Valuation Report for June 30, 2022, shows the District being 74% funded (11.9% decrease from 2021) with an unfunded accrued liability (UAL) of \$2,073,250 for CLASSIC employees. The PEPRA retirement is 89.1% funded (18.6% decrease) with a balance of \$20,610. This results in a total unfunded pension retirement liability of \$2,093,860 (more than doubled the unfunded accrued liability for June 2021).

As part of the Pension Policy adopted by the Board the District has established a California Employer's Retiree Pension Trust (CERPT) with Resolution 2023-06 on April 27, 2023 with PERS to generate returns and reduce the unfunded liability. Funds are budgeted to be allocated to the trust during FY 23-24. The report was accepted.

Board Discussion: None.

Public comments: None.

10. Hearing Board Recruitment

ACTION REQUESTED: None at this time informational only.

Kelly Towne, Clerk of the Hearing Board presented the Hearing Board recruitment status to the Board and Per the Governing Board's direction from the May 26, 2022 Board meeting, the District held a recruitment for the following positions; one Hearing Board Public member and the Alternate Medical Professional member. The District ran a notice in the Chico Enterprise Record from Sunday, September 10th through Sunday, September 17th to publicize the open positions and asking interested parties to contact the District office. The announcement was also posted on the District Website and through social media on the site formerly known as Twitter. Two interested parties came forward, the current Public Member, Joshua Sheppard and former District Assistant Air Pollution Control Officer, Bob McLaughlin. The District did not receive any interest in the Alternate Medical Professional Position.

Board Discussion: During discussion, the Governing Board requested that the Alternate Medical Professional position continue to be held by someone within the Medical field and suggested a more specialized search. The Board also chose to continue with Joshua Sheppard who has served at least 4 terms on the Hearing Board. Supervisor Kimmelshue suggested to continue with Joshua Sheppard due to his agricultural background and the remaining members agreed. The issue will be brought to the Board at the next meeting with a Resolution.

Public Comments: None

11. APCO Report.

ACTION REQUESTED: None. This item is provided for information and discussion.

Stephen Ertle, APCO provided a report on:

Federal Level:

- Possible Government shutdown and the only program that could be affected is the 2.5 Standard
- NACCA is putting together a letter for consistency with State Requirements
- Asbestos Delegation was received and the program is slated to begin Jan 1, 2024. The District has been working with the building agencies within the county to get the program up and running and the District will be the regulating agency at that time.

State Level:

- The District was notified by CARB planning that they are recommending the District to be designated for Non-attainment transition for State Ozone. This is the first time since 2004 that the District has attained that. What it means is that in the near and long term, the District will not have any additional controls for Ozone.
- The District has completed the draft Wildfire Mitigation Plan and have submitted it to CARB for comments. The District did just receive comments back. The plan was required so the District could continue to get exceptional event designation when those events occur.
- CAPCOA is working with the State to divide up AB617 incentives.

Local Level:

- The District is sponsoring Clean Air Day on October 4th, 2023 and is sponsoring free B-Line rider day.
- The Board Packet this month was sent via email with a link to the packet instead of attaching the packet to the email itself.
- Woodstove Voucher program has commenced and the program is already fully subscribed.

CAPCOA:

- Patrick Lucey, Assistant Air Pollution Control Officer, provided a report on the Enforcement Managers Symposium scheduled for October 11th and 12th in Sacramento . Patrick Lucey is currently the Vice Chair and will serve as Chair next year. The theme for this year is Community Focused Enforcement and consists of seven modules that take attendees through a hypothetical odor event. Two of the District inspectors are attending the event along with Patrick Lucey.
- APCO Ertle attended the CAPCOA Legislative Retreat and there was a lot of discussion on the inflation reduction act and climate emission reduction grants.
- The District pays an assessment to be part of CAPCOA and they are proposing an additional assessment of \$500 to rural districts to cover the cost of maintaining a software program that was gifted to CAPCOA.
- Agricultural Biomass Summit in Winters October 5th. Site visit on October 6th and a BCC meeting afterwards.

Board Discussion: None

Public comments: None

12. Other Business.

None.

13. Public Comment Period. Any person may address the Board of Directors on any matter within the jurisdiction of the Board that is not on the agenda for this meeting. Any person may address the Board on an agenda item when that time is called. The Chair requests that each person addressing the Board limits their presentation to five (5) minutes. No public comments.

14. Adjourn to Closed Session.
Public employment pursuant to Government Code Section 54957.6
Position: Air Pollution Control Officer

15. Report from Closed Session.
Air Pollution Control Officer Stephen Ertle's contract will be renewed for a period of 3 years. Included is a 10% increase in year 1 to attain a 10% lag between the Assistant APCO and APCO position (the current APCO compensation is equal to the Assistant APCO Step 5) and a minimum 3% increase in years 2 & 3. Those minimums are pending the upcoming negotiations with the District Employee Association and their Memorandum of Understanding. The goal is to keep the APCO salary at least 10% above the Assistant APCO salary.

A motion was made by Supervisor Connelly, and seconded by Councilmember Winslow to approve the terms and conditions for the Air Pollution Control Officer's contract and to renew for a term of 3 years

Motion carries by the following vote:


Supervisor Ritter, Councilmember Calderon, Supervisor Connelly (Motion), Supervisor Durfee,
AYES: Supervisor Kimmelshue, Supervisor Teeter, Vice Mayor Nuchols, Councilmember Winslow
(Seconded), Vice Mayor Tryon and Mayor Pittman(Alternate)
NOES: None
ABSTAIN: None
ABSENT: Vice Mayor Smith

16. The meeting adjourned at 11:36 a.m. The next Board of Directors Meeting is scheduled for October 26 , 2023 at 10:00 a.m. at the Butte County Association of Governments Board Room, 326 Huss Drive, Suite 100, Chico, California.



Stephen Ertle, Air Pollution Control Officer
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on September 28, 2023.

ATTEST: 
Kelly Towne, Clerk of the Governing Board