



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 ERTL
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 April 27, 2023

Members Present:

Tami Ritter	Supervisor, District 3
Tod Kimmelshue	Supervisor, District 4
Doug Teeter	Supervisor, District 5
Angel Calderon	Councilmember, Gridley
Chuck Nuchols	Councilmember, Biggs
Addison Winslow	Councilmember, Chico
Eric Smith	Vice Mayor, Oroville
Rose Tryon	Vice Mayor, Town of Paradise

Members Absent:

Bill Connelly	Supervisor, District 1
Peter Durfee	Supervisor, District 2

Staff Present:

Stephen Ertle	Air Pollution Control Officer
Patrick Lucey	Assistant Air Pollution Control Officer
Aleah Ing	Administrative Services Officer
Cora Collins	Clerk of the Board
Kelly Towne	Accounting Technician

Staff Remote:

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

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 ccollins@bcaqmd.org.

1. **Call to Order and Roll Call.**

Chair Ritter called the meeting to order at 10:38 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.**

Agenda Item 3.1

- 3.1 Minutes of the March 23, 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 2022-2023.
- 3.4 Status Report on Calendar of Events.
- 3.5 Status Report on Communications.
- 3.6 Approve Participation in Pilot Grant Program for Fiscal Year 23.
- 3.7 Approve AB 617 Community Air Protection Implementation Grant Program for Fiscal Year 2022-2023. Resolution 2023-04.

ACTION REQUESTED: Approve Consent Agenda Items.

Board comments: None.

Public comments: None.

A motion was made by Supervisor Teeter and seconded by Supervisor Kimmelshue to approve the Consent Agenda items.

AYES: Supervisor Ritter, Supervisor Kimmelshue (seconded), Supervisor Teeter (motion), Councilmember Calderon, Councilmember Nuchols, Councilmember Winslow, Vice Mayor Smith, Vice Mayor Tryon.

NOES: None.

ABSTAIN: None.

ABSENT: Supervisor Connelly, Supervisor Durfee.

ITEMS FOR ACTION

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

No items removed from the Consent Agenda.

5. Consider approval of a Lawn and Garden Equipment Program addition and amendments to the District's Carl Moyer Program Policies & Procedures Manual.

ACTION REQUESTED: Adopt proposed Resolution 2023-05 approving additions and amendments to the District's Carl Moyer Program Policies and Procedures Manual.

Jason Mandly, Senior Air Quality planner, requested approval of Resolution 2023-05 additions to the Carl Moyer Policies and Procedures. The District was awarded Carl Moyer State Reserve funding of \$263,000. It is a special allocation where they identify a specific category that they want to fund, and this allocation was set for Commercial Grade Lawn and Garden Equipment. To move forward the State had to update their categories. Commercial grade can be landscapers, public sector agencies, schools, non-profits, and forest management/wildfire prevention. This will be a voucher program working with local merchants. Existing equipment that is being replaced will need to be destroyed like the Woodsmoke voucher program.

Board discussion:

Will there be a residential program? This program is specifically for commercial grade business at this time, however it is set up to fund residential programs in the future if the board were to approve it through CAP funds or other grants in the future.

Will this program allow farmers to participate or is only for landscaping? Yes, farmers can apply to replace existing equipment such as chainsaws used during business.

Public Comment: None

A motion was made by Supervisor Kimmelshue and seconded by Vice Mayor Tryon to adopt Resolution 2023-05 approving additions and amendments to the District's Carl Moyer Program Policies and Procedures Manual.

AYES: Supervisor Ritter, Councilmember Calderon, Supervisor Kimmelshue (motion), Supervisor Teeter, Vice Mayor Nuchols, Councilmember Winslow, Vice Mayor Smith, and Vice Mayor Tryon (seconded).

NOES: None.

ABSTAIN: None.

ABSENT: Supervisor Connelly, Supervisor Durfee.

6. Establish a CalPERS California Employer' Pension Refunding Trust (CEPPT) 115 Trust account for use In reducing the Pension *Unfunded Accrued Liability* (UAL) and to help stabilize annual payments as Recommended by the Pension Policy previously adopted by the Board.

ACTION REQUESTED: Approval of Resolution 2023-06, CalPERS CEPPT agreement and the Delegation of Authority to Request Disbursements.

Aleah Ing, Administrative Services Officer, discussed that per the UAL Pension Management Policy adopted in January by the Governing Board, the District was to implement the CEPPT 115 Trust (California Employers' Pension Prefunding Trust). The District is now ready to implement the CEPPT 115 Trust and seeks Board approval.

Board Discussion: None.

Public Comment: None

A motion was made by Councilmember Calderon and seconded by Councilmember Winslow to adopt Resolution 2023-06, CalPERS CEPPT agreement and the Delegation of Authority to Request Disbursements.

AYES: Supervisor Ritter, Councilmember Calderon (motion), Supervisor Kimmelshue, Supervisor Teeter, Vice Mayor Nuchols, Councilmember Winslow (seconded), Vice Mayor Smith and Vice Mayor Tryon.

NOES: None.

ABSTAIN: None.

ABSENT: Supervisor Connelly, Supervisor Durfee

7. 3rd Quarter Fiscal Year 2022-23 budget Amendments.

ACTION REQUESTED: Approve budget transfer and amendments to the Fiscal Year 2022-23 Budget.

Aleah Ing, Administrative Services Officer, presented amendments to the Fiscal Year 2022-23 budget mainly related to the various grants including reduction in implementation recognition due to less time needed than projected to administer the grants. The District is aware that these amendments will create a budget deficit. The cost recovery shortfall is highlighted in the documents provided to the Board.

Board discussion:

Did the District go back and look at factors for cost recovery for the grants? The District did go back and look and was able to achieve some additional cost recovery but is limited by the grants themselves and the allowed amounts for direct and indirect costs.

Did the cost of software approved at the last Board meeting get utilized in the cost recovery. Yes, the cost of the workflows were direct costs and utilized implementation funding.

Public comment: None.

A motion was made by Vice Mayor Tryon and seconded by Vice Mayor Nuchols to Approve budget transfer and amendments to the Fiscal Year 2022-23 Budget.

AYES: Supervisor Ritter, Councilmember Calderon, Supervisor Kimmelshue, Supervisor Teeter, Vice Mayor Nuchols (seconded), Councilmember Winslow, Vice Mayor Smith, and Vice Mayor Tryon (motion).

NOES: None

ABSTAIN: None

ABSENT: Supervisor Connelly, Supervisor Durfee

8. Authorization for Temporary Reduction of Office Front Counter Hours.

ACTION REQUESTED: Approve reduction to front counter hours until a permanent replacement is recruited and hired.

Stephen Ertle, Air Pollution Control Officer, presented to the Board the staff shortage created by the retirement of the Administrative Assistant, Cora Collins. The District has brought in temporary; part time help to assist with front office duties until the budget will allow the hiring of a permanent position. To avoid impact on other staff during the shortage the District is requesting the Board approve an adjustment to the front office hours during that time. The District is requesting the office be closed to walk ins after lunch, from 1:00pm – 4:30pm Tuesday – Friday. The office is currently closed to walk ins on Monday. Staff will still be available by phone or email and will be working in office at this time. This current walk-in hours are an underutilized service as the District sees very little walk-in traffic and the District expects minimal impact to service.

Board Discussion:

Does the District office have much walk-in traffic currently? No, the consensus is that there is very little walk-in traffic except during the grant period.

Can someone make an appointment? Yes, customers can call and make an appointment, paperwork is also provided outside the office with a drop slot for customer use. Email and online are also available.

Can grant paperwork be accessed where the burn permit forms are, and can a direct extension be provided for grant information? Yes, the packets can be placed in the outside box and can be returned in a variety of methods and the packets have Jason Mandly's (Senior Air Quality Planner) direct number on them.

Public Comment: None

A motion was made by Supervisor Teeter and seconded by Vice Mayor Smith to approve the reduction of front counter hours until a permanent replacement can be recruited and hired.

AYES: Supervisor Ritter, Councilmember Calderon, Supervisor Kimmelshue, Supervisor Teeter (motion), Vice Mayor Nuchols, Councilmember Winslow, Vice Mayor Smith (seconded) and Vice Mayor Tryon.

NOES: None.

ABSTAIN: None.

ABSENT: None

9. Public Hearing: Rule 500 Stationary Source Permit Fees Proposed Amendments

ACTION REQUESTED: Following a Public Hearing, accept comments and approve Resolution 2023-02, adopting the proposed amended rule.

Stephen Ertle, Air Pollution Control Officer, started the presentation to the Board for the Proposed amendment to Rule 500 Stationary Source Permit Fees to add a throughput fee for GDF facilities that dispense more than 30,000 gallons per year. Stephen Ertle provided the background legislation and regulations that require Air Districts. Aleah Ing, Administrative Officer, presented on the Financial impact and cost recovery and Patrick Lucey, Assistant Air Pollution Control Officer, presented on affected sources and proposed changes. See attached PDF of the presentation for detailed information.

Board Discussion:

Supervisor Kimmelshue inquired about the two highest tiered sources and their comments. Due to confidentiality issues on throughput numbers, the sources could not be named but the APCO directly contacted them, and they were not going to comment and understood the need for cost recovery.

Vice Mayor Tryon asked about the Paradise source that contacted the District and what were their concerns? The AAPCO explained that they were curious about the changes to the rule, and they were offered the opportunity to provide a written comment and attend the hearing. They did neither.

Vice Mayor Tryon stated that she was adamant prior that no fees be raised; however, now that she has sat on the Budget and Finance Committee, she realizes that certain funds go to certain places and that the District is mandated to run certain programs often without adequate funding. She acknowledges that cost recovery is an

issue and commends the District on their budget process. She encouraged fellow Board members to vote yes on this proposal.

Councilmember Winslow also commended the budget process and the thoroughness of District staff to work on the structural shortfalls and that approving this resolution is the only thing that seems to make sense.

Supervisor Kimmelshue stated that the District did a very admiral job of contacting the affected sources and there didn't seem to be any issues and he would be voting yes.

Public Comment: None.

A motion was made by Supervisor Kimmelshue and seconded by Councilmember Winslow to accept comments and approve Resolution 2023-02, adopting amended Rule 500.

AYES: Supervisor Ritter, Councilmember Calderon, Supervisor Kimmelshue (motion), Supervisor Teeter, Vice Mayor Nuchols, Councilmember Winslow (seconded), Vice Mayor, and Vice Mayor Tryon.

NOES: None.

ABSTAIN: None.

ABSENT: Supervisor Connelly, Supervisor Durfee

10. Resolution 2023-03 of Appreciation Recognizing of Service with the District of Cora Collins at her Retirement.

ACTION REQUESTED: Adopt attached Resolution 2023-03 in recognition of Cora Collins, Administrative Assistant.

Stephen Ertle, Air Pollution Control Officer, presented the resolution to the Board highlighting the contributions of Cora Collins, Administrative Assistant and Clerk of the Board, to the District.

Board Discussion:

The Board shared their feelings of gratitude for Cora's commitment to District.

Public Comment: None.

A motion was made by Supervisor Kimmelshue and seconded by Vice Mayor Tryon to adopt Resolution 2023-03 in recognition of Cora Collins, Administrative Assistant.

AYES: Supervisor Ritter, Councilmember Calderon, Supervisor Kimmelshue (motion), Supervisor Teeter, Vice Mayor Nuchols, Councilmember Winslow, Vice Mayor Smith, and Vice Mayor Tryon (seconded).

NOES: None.

ABSTAIN: None.

ABSENT: Supervisor Connelly, Supervisor Durfee

11. APCO Report

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

Federal:

- April 6th, 2023, EPA proposed revisions to six national emission standards for NESHAPs and 4 New source performance standards for VOCs in an effort to reduce emissions.
- Continuing to track the EPA's proposal for changes and reduction to the PM 2.5 standard in conjunction with CAPCOA and other air districts, a letter was submitted.
- May 1st – 5th, 2023 is Air Quality Awareness Week and the District has themes for each day of the week.
- The Asbestos Delegation was submitted and the District is still waiting on a response.

State:

- May revisions of the state budget are on both floors right now and the FARMER program is reported to be back on the budget. The District is watching this closely.
- CARB is planning an Air District Permitting Program Review; no details have been provided except they assured that it is not an audit.
- CAL Fire launched their online burn permit application statewide. The District is working with constituents on burn hours and fire agency burn hours and exemptions for fire hazard reduction.

Locally:

- The District's insurance provider offers discounts on the insurance premiums for certain Governance training for governing board or elected officials. The District will reach out later by email with more specifics.

CAPCOA:

- CAPCOA is currently planning for a Spring membership meeting at the end of May, continuing to fund clean air shelters, the District received one such grant and can assist during exceptional events with clean air locations for the public, and are tracking legislation at the state level.

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.

14. **Adjourn to Closed Session.**

15. **Report from Closed Session.**

The Board voted to extend the contract with no changes of the Air Pollution Control Officer through September 30th, 2023, the contract was previously set to expire May 31st, 2023.

16. **The meeting was adjourned at 11:34 a.m. The next meeting of the Board of Directors is scheduled for May 25, 2023, at 10:00 a.m. at the Butte County Association of Governments Board Room, 36 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 March 23, 2023.

ATTEST:  
Cora Collins, Clerk of the Governing Board