

Antelope Valley Air Quality Management District

2551 W Avenue H
Lancaster, CA 93536
www.avaqmd.ca.gov

Governing Board Regular Meeting

Agenda

MEETING LOCATION

Antelope Valley Transit Authority
District Office
42210 6th Street West
Lancaster, CA 93534
661.723.8070

TUESDAY, SEPTEMBER 20, 2022
10:00 A.M.

BOARD MEMBERS

Marvin Crist, Chair, City of Lancaster
Austin Bishop, Vice Chair, City of Palmdale
Ron Hawkins, Los Angeles County
Howard Harris, Los Angeles County
Ken Mann, City of Lancaster
Steven Hofbauer, City of Palmdale
Newton Chelette, Public Member

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE LISTED PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE GOVERNING BOARD AT, OR PRIOR TO, THE PUBLIC HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, PUBLIC COMMENTS ARE LIMITED TO FIVE MINUTES PER SPEAKER. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

ALL SCHEDULED ITEMS WILL BE HEARD AT THE ANTELOPE VALLEY TRANSIT AUTHORITY (AVTA) DISTRICT OFFICE, 42210 6TH STREET WEST, LANCASTER, CA 93534 AND THE TELECONFERENCE LOCATION(S), IF APPLICABLE. PLEASE NOTE THAT THE BOARD MAY ADDRESS ITEMS IN THE AGENDA IN A DIFFERENT ORDER THAN THE ORDER IN WHICH THE ITEM HAS BEEN POSTED.

PUBLIC COMMENTS ON ANY AGENDA ITEM WILL BE HEARD AT THE TIME OF DISCUSSION OF THE AGENDA ITEM. PUBLIC COMMENTS NOT PERTAINING TO AGENDA ITEMS WILL BE HEARD DURING THE PUBLIC COMMENT PERIOD BELOW. PUBLIC COMMENTS ON AGENDIZED ITEMS MAY BE SUBMITTED VIA EMAIL TO

PUBLICCOMMENT@AVAQMD.CA.GOV AT LEAST TWO HOURS PRIOR TO THE START OF THE MEETING.

CALL TO ORDER 10:00 A.M.

Pledge of Allegiance.

Roll Call

Special Announcements/Presentation:

A. Presentation of the 2021/2022 William J. "Pete" Knight AIRE Award, Presenter: Bret Banks, Executive Director/APCO.

PUBLIC COMMENT

CONSENT CALENDAR

The following consent items are expected to be routine and non-controversial and will be acted upon by the Board at one time without discussion unless a Board Member requests an item be held for discussion under DEFERRED ITEMS.

1. [Approve Minutes from Regular Governing Board Meeting of August 16, 2022.](#)
2. [Monthly Grant Funding Summary. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)
3. [Monthly Activity Report. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)
4. [Approve payments to MDAQMD in the amount of \\$144,970.68 for July 2022 expenditures. Presenter: Bret Banks, Executive Director/APCO.](#)
5. [Receive and file the Financial Report. This Preliminary Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at September 30, 2022. Presenter: Bret Banks, Executive Director/APCO.](#)

ITEMS FOR DISCUSSION

DEFERRED ITEMS

NEW BUSINESS

6. 1) Award an amount not to exceed \$41,200 in Carl Moyer Program funds to AV Farming for the replacement of (2) older diesel utility vehicles; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman. Presenter: Julie McKeehan, Grants Analyst.
7. 1) Award an amount not to exceed \$51,304 in Carl Moyer Program funds to Copeland's Cherry Ranch for the replacement of an older diesel tractor with new, cleaner technology; and 2) Authorize the Deputy Director and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Julie McKeehan, Grants Analyst.
8. 1) Award an amount not to exceed \$64,682 in Carl Moyer Program funds to Gary Little Construction for the replacement of (1) older diesel equipment; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman. Presenter: Julie McKeehan, Grants Analyst.
9. 1) Award an amount not to exceed \$79,433 to Gene Wheeler Farms for the replacement of older diesel farm equipment with newer, cleaner technology; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman. Presenter: Julie McKeehan, Grants Analyst.
10. Letter to Brad Poiriez Regarding Termination of Agreement Between the Antelope Valley Air Quality Management District (AVAQMD) and Mojave Desert Air Quality Management District (MDAQMD). Presenter: Bret Banks, Executive Director/APCO.
11. Consider the Employment Agreement with Bret Banks, the Executive Director/Air Pollution Control Officer; authorize the Chairman of the Governing Board to sign the agreement; and direct staff actions. Presenter: Allison Burns, Legal Counsel.

In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in the Board Meeting, please contact the Executive Director during regular business hours at 661.723.8070 x22. Notification received 48 hours prior to the meeting will enable the District to make reasonable accommodations. All accommodation requests will be processed swiftly and resolving any doubt in favor of accessibility.

I hereby certify, under penalty of perjury, that this agenda has been posted 72 hours prior to the stated meeting in a place accessible to the public. Copies of this agenda and any or all additional materials relating thereto are available at www.avaqmd.ca.gov or by contacting Adrianna Castaneda at 661.723.8070 ext. 21 or by email at acastaneda@avaqmd.ca.gov.

Mailed & Posted on: Friday, September 16, 2022

Adrianna Castaneda

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of August 16, 2022.](#)
Please scroll down to view the backup material.

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD MEETING
TUESDAY, AUGUST 16, 2022
ANTELOPE VALLEY TRANSIT AUTHORITY DISTRICT OFFICE
LANCASTER, CA**

Draft Minutes

Board Members Present:

Marvin Crist, *Chair*, City of Lancaster
Austin Bishop, *Vice Chair*, City of Palmdale
Newton Chelette, Public Member
Howard Harris, Los Angeles County
Ron Hawkins, Los Angeles County
Raj Mahli, City of Lancaster
Steven Hofbauer, City of Palmdale

CALL TO ORDER

Chair **CRIST** called the meeting to order at 10:06 a.m. Chair **CRIST** called for roll call, roll call was taken. Chair **CRIST** asked Board Member **HOFBAUER** to lead the Pledge of Allegiance.

PUBLIC COMMENT

❖ Chair **CRIST** called for **PUBLIC COMMENT**. At this time, no public comment was made in person, or electronically, moved onto **CONSENT CALENDAR**.

CONSENT CALENDAR

CONSENT CALENDAR – The following consent items were acted upon by the Board at one time without discussion. Upon motion by Board Member **BISHOP**, seconded by Board Member **HOFBAUER**, and carried by the following roll call vote, with seven **AYES** votes by Board Members, **AUSTIN BISHOP**, **NEWTON CHELETTE**, **MARVIN CRIST**, **HOWARD HARRIS**, **RON HAWKINS**, **STEVEN HOFBAUER** and **RAJ MAHLI**, on the Consent Calendar, as follows:

Agenda Item #1 – Approve Minutes from Regular Governing Board Meeting of July, 2022.

Approved Minutes from Regular Governing Board Meeting of July 19, 2022.

Agenda Item #2 – Monthly Grant Funding Summary. Receive and file.

Presenter: Bret Banks, Executive Director/APCO.

Received and Filed Monthly Grand Funding Summary.

Agenda Item #3 – Monthly Activity Report. Receive and file.

Presenter: Bret Banks, Executive Director/APCO.

Received and Filed Monthly Activity Report.

Agenda Item #4 – Approve payment to MDAQMD in the amount of \$217,071.49 for June 2022 expenditures.

Presenter: Bret Banks, Executive Director/APCO.

Approved payment to MDAQMD in the amount of \$217,071.49 for June 2022 expenditures.

Agenda Item #5 – Receive and file the Financial Report. This Preliminary Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at June 30, 2022. The Financial Reports for June 2022 provide financial and budgetary performance information for the District for the period referenced.

Presenter: Bret Banks, Executive Director/APCO.

Received and filed the Financial Report. This Preliminary Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at June 30, 2022. The Financial Reports for June 2022 provide financial and budgetary performance information for the District for the period referenced.

Agenda Item #6 – 1) Authorize the acceptance of Community Air Protection (CAP) Funds; 2) Accept the terms and conditions for the funds; and 3) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and to negotiate and execute agreements for eligible projects.

Presenter: Julie McKeehan, Grants Analyst.

1) **Authorized** the acceptance of Community Air Protection (CAP) Funds; 2) **Accepted** the terms and conditions for the funds; and 3) **Authorized** the Executive Director/APCO and staff to execute the agreement, approved as to legal form, and to negotiate and execute agreements for eligible projects.

ITEMS FOR DISCUSSION

DEFERRED ITEMS

None.

NEW BUSINESS

Agenda Item #7 – 1) Allocate an amount not to exceed \$99,000 in AB 134 (Community Air Protection Program) funds to Desert Haven Enterprises to replace gasoline lawn and garden equipment with zero-emissions battery-electric; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel .

Presenter: Julie McKeehan, Grants Analyst.

Chair **CRIST** opened the public hearing. Julie McKeehan, Grants Analyst, presented and answered questions from the Board. Chair **CRIST** called for public comment, no public comment was made in person, or electronically, being none, Chair **CRIST** closed the public hearing. A combined motion for Item #7 and Item #8 by Board Member **HOFBAUER**, seconded by Board Member **HAWKINS**, and carried by the following roll call vote, with seven **AYES** votes by Board Members **AUSTIN BISHOP, NEWTON CHELETTE, MARVIN CRIST, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER and RAJ MAHLI**, the Board, 1) **Allocated** an amount not to exceed \$99,000 in AB 134 (Community Air Protection Program) funds to Desert Haven Enterprises to replace gasoline lawn and garden equipment with zero-emissions battery-electric; 2) **Authorized** the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) **Authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel.

Agenda Item #8 – 1) Allocate an amount not to exceed \$2,000 in Mobile Source Emission Reductions Program (AB 923) funds to Desert Haven Enterprises to construct charging infrastructure to support charging of zero-emissions battery-electric lawn and garden equipment; 2) Authorize the Executive

Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel.

Presenter: Julie McKeehan, Grants Analyst.

Chair CRIST **opened the public hearing.** Julie McKeehan, Grants Analyst, questions from the Board. Chair CRIST called for public comment, **no public comment was made in person, or electronically, being none,** Chair CRIST closed the public hearing. **A combined motion for Item #7 and Item #8** by Board Member **HOFBAUER**, seconded by Board Member **HAWKINS**, and carried by the following roll call vote, with **seven** AYES votes by Board Members **AUSTIN BISHOP, NEWTON CHELETTE, MARVIN CRIST, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER and RAJ MAHLI**, the Board, 1) **Allocated** an amount not to exceed \$2,000 in Mobile Source Emission Reductions Program (AB 923) funds to Desert Haven Enterprises to construct charging infrastructure to support charging of zero-emissions battery-electric lawn and garden equipment; 2) **Authorized** the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) **Authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel.

Agenda Item #9 – Approve an Agreement between the Antelope Valley Air Quality Management District (AVAQMD) and the City of Lancaster to provide administrative and operations services; Authorize the Chairman to finalize terms and conditions of the proposed Agreement; and Authorize the Chairman to execute the final Agreement.

Presenter: Bret Banks, Executive Director/APCO

Chair CRIST opened the public hearing. Bret Banks, Executive Director/APCO, presented the agreement between AVAQMD and City of Lancaster and answered questions from the Board. Chair CRIST called for public comment, no public comment was made in person, or electronically, being none, Chair CRIST closed the public hearing. **UPON REVISED MOTION OF: Approve an Agreement between the Antelope Valley Air Quality Management District (AVAQMD) and the City of Lancaster to provide administrative and operations services; Authorize the Chairman and the Mayor of Palmdale (Board Member Hofbauer) to finalize terms and conditions of the proposed Agreement; and Authorize the Chairman and the Mayor of Palmdale (Board Member Hofbauer) to execute the final Agreement.** Upon motion by Board Member **HOFBAUER**, seconded by Board Member **MAHLI**, and carried by the following roll call vote, with six **AYES** votes by Board Members **NEWTON CHELETTE, MARVIN CRIST, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER, and RAJ MAHLI**, with member **AUSTIN BISHOP**, Recused the Board, Approved an Agreement between the Antelope Valley Air Quality Management District (AVAQMD) and the City of Lancaster to provide administrative and operations services; Authorize the Chairman to finalize terms and conditions of the proposed Agreement; and Authorize the Chairman to execute the final Agreement.

Agenda Item #10 – Appoints and/or reappointments for the Antelope Valley Air Quality Management District (AVAQMD) effective October 1, 2022. Presenter: Allison Burns, Special Counsel.

Presenter: Allison Burns

Chair CRIST **opened the public hearing.** Allison Burns, presented the reappointment of APCO, Legal counsel, auditor controller of the County of Los Angeles and, the County of Los Angeles treasurer and **answered** questions from the Board. Chair CRIST called for public comment, **no public comment was made in person, or electronically, being none,** Chair CRIST closed the public hearing. Upon motion by Board Member **HARRIS**, seconded by Board Member **HAWKINS**, and carried by the following roll call vote, with seven **AYES** votes by Board Members **AUSTIN BISHOP, NEWTON CHELETTE, MARVIN CRIST, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER and RAJ MAHLI**, the Board, Appointed and/or reappointed for the Antelope Valley Air Quality Management District (AVAQMD) effective October 1, 2022. Presenter: Allison Burns, Special Counsel

Agenda Item #11-Adopt a resolution authorizing the duly reappointed Treasurer and/or Controller for the Antelope Valley Air Quality Management District (AVAQMD) to issue warrants effective October 1, 2022

Presenter: Allison Burns

Chair **CRIST** opened the public hearing. Allison Burns, presented the reappointment of APCO, Legal counsel, auditor controller of the County of Los Angeles and, the County of Los Angeles treasurer and answered questions from the Board. Chair **CRIST** called for public comment, no public comment was made in person, or electronically, being none, Chair **CRIST** closed the public hearing. Upon motion by Board Member **HOFBAUER**, seconded by Board Member **BISHOP**, and carried by the following roll call vote, with seven **AYES** votes by Board Members **AUSTIN BISHOP, NEWTON CHELETTE, MARVIN CRIST, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER and RAJ MAHLI**, the Board, Adopted a resolution authorizing the duly reappointed Treasurer and/or Controller for the Antelope Valley Air Quality Management District (AVAQMD) to issue warrants effective October 1, 2022.

Agenda Item #12– Reports.

Governing Board Counsel –

- Presented a draft AVAQMD/MDAQMD contract termination letter to the board, that memorializes the terms for continued for future actuarial costs, administration fees and for Other Post Employment Benefits for the retirees of the Antelope Valley Air Quality Management District that were covered by the Mojave Desert Air Quality Management District contract for services.

Executive Director/APCO –

- Notified Board Members that nominations are open for the Achievement In Reducing Emissions (AIRE) Award next month
- California Air Resources Board Chair appointed Dr. Steven Cliff as CARB’s new Executive Officer.
- Informed the Board of an upcoming site tour of the BYD facility and the AVTA facility by a variety of Sacramento special district agencies.

Staff –

- No report.

Agenda Item #13– Board Member Reports and Suggestions for Future Agenda Items.

- Chairman **CRIST** nominated Desert Haven for the upcoming Achievement In Reducing Emissions (AIRE) Award.

Agenda Item #14– Adjourn to Regular Governing Board Meeting of Tuesday, August 16, 2022.

Being no further business, the meeting adjourned at 10:28 a.m. to the next regularly scheduled Governing Board Meeting of Tuesday, September 20, 2022.

The following page(s) contain the backup material for Agenda Item: [Monthly Grant Funding Summary. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)
Please scroll down to view the backup material.

Item #2 – Grant Funds Project Summary

August 2022

AB 2766 (\$4 DMV Fee)

\$655,000 Annually by Monthly Distribution

These fees fund the District’s Mobile Source Emission Reductions (MSER) Grant Program. The funds must be used “to reduce air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of the California Clean Air Act of 1988”.

Funding Limits: No surplus emission reductions or cost-effectiveness limit requirements.

Current Balance: \$303,298.00

AB 923 (\$2 DMV Fee)

\$614,000 Annually by Monthly Distribution

These fees fund the District’s Mobile Source Emission Reductions (MSER) Grant Program. The funds must be used to remediate air pollution harms created by motor vehicles.

Funding Limits: Carl Moyer eligible projects; unregulated agriculture vehicles and equipment; school bus projects; light-duty vehicle retirement program; and alternative fuel and electric infrastructure projects.

Surplus emission reductions required. Subject to cost-effectiveness limit.

Current Balance: \$331,378.00

Carl Moyer Program

\$1,730,061.00 FY 21/22 Allocation

Carl Moyer Program (CMP) funds provide incentives to gain early or extra emission reductions by retrofitting, repowering, or replacing older more polluting engines with newer, cleaner engines including zero and near zero emission technologies. CMP funding categories include on-road heavy-duty vehicles, off-road equipment, locomotives, marine vessels, light-duty passenger vehicles, lawn mower replacement and alternative fuel infrastructure projects. Surplus emission reductions required. Subject to cost-effectiveness limit.

Current Balance: \$1,363,447.00

AB 134 Community Air Protection (CAP) Projects

\$855,673 FY 19/20 Allocation

The purpose of AB 134 funds is to implement projects under the Carl Moyer Program specifically for projects that meet the goals of AB 617. These funds are focused on replacing older polluting engines operating in disadvantaged and low-income communities with newer, cleaner engines prioritizing zero-emission projects. CMP funding categories include on-road heavy-duty vehicles, off-road equipment, locomotives, marine vessels, light-duty passenger vehicles, lawn mower replacement and alternative fuel infrastructure projects. Surplus emission reductions required. Subject to cost-effectiveness limit.

Current Balance: \$357,000.00

The following page(s) contain the backup material for Agenda Item: [Monthly Activity Report. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)
Please scroll down to view the backup material.



Agenda Item #3

Date: September 7, 2022

Subject: August Operations Activity Report

Permit Inspections - 71

Notices of Violation (NOV) Issued – 0

Vapor Recovery Tests Witnessed – 7

Complaints – 2

Complaint Investigations – 2

Asbestos Notifications – 16

Asbestos Project Inspections - 3

Active Companies - 278

Active Facilities - 534

Active Permits - 1132

Certificate of Occupancy/Building Permit Reviews - 2

CEQA Project Comment Letters - 10

State or Local Air Monitoring Stations (SLAMS) Network Air Monitoring Site:

Lancaster Site (full meteorology, CO, NO_x, O₃, PM₁₀, PM_{2.5})

Full meteorology (exterior temperature, wind speed, wind direction, exterior pressure and relative humidity)

Community Sensors:

13 **PurpleAir** particulate sensors (Del Sur School, Leona Valley Elementary, Anaverde Hills, Esperanza Elementary School, Joe Walker Middle School, Desert Willow Middle School, Amargosa Creek, Eastside High School, Littlerock High School, Knight High School, Westside School District Offices, (2) Wilsona School District.

AVAQMD CEQA PROJECTS						
BOARD MEETING						
9/20/2022						
Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
8/8/2022	Lancaster	TTM 61600	Development of 33 single-family residential lots located at the northwest corner of 57th Street West and Avenue K-14 (APNs: 3204-006-084, 3204-006-090 and 3204-006-091) on approximately 6.87 acres.	Rule 302-Construction Excavation DCP Rule 219-Permitting CARB Equipment	11/19/2022	8/16/2022
8/8/2022	Palmdale	Children's Bureau Commercial Building	Pre-Application 22-032 requesting to subdivide 6.49 acres into two lots located at 525 West Avenue P-4 (APN: 3003-001-049).	Rule 302-Construction Excavation DCP Rule 219-Permitting CARB Equipment	08/10/2022	8/17/2022
8/8/2022	Palmdale	Legacy Lane	Site Plan Review 22-015 to develop a 4.6-acre parcel with one building totaling 99,855 square feet for an industrial use located south of Avenue O, west of Legacy Lane (APNs: 3005-045-018 and -019).	Dust Control Signage Rule 219-Permitting CARB Equipment	8/10/2022	8/17/2022
8/8/2022	Palmdale	Warehouse- 10th Street Building	Site Plan Review 22-014 (Previously reviewed as Pre-Application 21-039) requesting to develop a 4.32-acre parcel with one building totaling 53,233 square feet for a warehouse/office use located at the northwest corner of 10th Street West and Avenue M-8 (APNs: 3111-012-083 and -084).	DCP Rule 219 Permitting CARB Equipment	8/10/2022	8/17/2022
8/8/2022	Palmdale	Palmdale Logistic Park	Tentative Parcel Map 83915/Site Plan Review 22-013 to subdivide 78 acres into two lots to construct two industrial buildings totaling approximately 1,429,700 square feet located at southwest corner of Avenue M and Division Street (APN: 3128-015-089).	Rule 302-Construction Excavation DCP Rule 219-Permitting CARB Equipment	8/10/2022	8/17/2022
8/22/2022	Palmdale	Tow Company	Site Plan Review 22-016 (Previously reviewed as Pre-Application 20-034) Determination of Application Completeness/Condition Setting, requesting to develop an approximately one-acre vacant parcel with one building to be utilized for a commercial use (tow company) located at the northwest corner of Avenue R-8 and Sierra Highway (APN:3010-026-005).	No Comment	8/24/2022	9/6/2022
8/22/2022	Palmdale	Residential Development	Pre-Application 22-033 Conceptual Review requesting to subdivide 20 acres into 84 single-family residential lots located at the southwest corner of Date Palm Drive and Burmese Place (APN: 3004-011-017).	Rule 302-Construction Excavation DCP Rule 219-Permitting CARB Equipment	8/24/2022	9/6/2022

AVAQMD CEQA PROJECTS						
BOARD MEETING						
9/20/2022						
Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
8/22/2022	Lancaster	TTM No. 71210	Tentative Tract Map No. 71210/Zone Change No. 22-01. The proposed project consists of the subdivision of approximately 40.4 gross acres for the construction and occupancy of 169 single-family residential lots in the R-700 (single family residential, minimum lot size 7,000 square feet) zone (TTM No. 71210) with open space amenities. The project site is located between Avenue K and Avenue K-8 on the east side of 55th Street West in the City of Lancaster (APNs: 3204-010-054, 3204-010-055, 3204-010-062, 3204-010-063, 3204-011-033, 3204-011-034, 3204-011-059).	Rule 302-Construction Excavation DCP Rule 219-Permitting CARB Equipment	8/16/2022	9/6/2022
8/22/2022	Lancaster	TTM No. 61600	TTM No. 61600/VAR No. 22-02. The proposed project consists of the subdivision of approximately 6.87 gross acres for the construction and occupancy of 31 single-family residential lots in the R-700 (single family residential, minimum lot size 7,000 square feet) zone (TTM No. 61600) with a variance to reduce the lot depths of some of the lots (VAR No. 22-02). The project site is located at the northeast corner of 59th Street West and Avenue K-14 in the City of Lancaster (APNs: 3204-006-084, 3204-006-090, 3204-006-091).	Rule 302-Construction Excavation DCP Rule 219-Permitting CARB Equipment	8/16/2022	9/6/2022
8/26/2022	Palmdale	Quick Serve Restaurants	Site Plan Review 22-017 (Previously reviewed as Pre-Application 22-013) requesting to construct two buildings for drive-thru restaurants totaling 5,600 square feet located on the south side of Rancho Vista Boulevard where Town Center Drive intersects (APN: 3001-141-006).	Dust Control Signage Rule 219-Permitting CARB Equipment	9/14/2022	9/6/2022

The following page(s) contain the backup material for Agenda Item: [Approve payments to MDAQMD in the amount of \\$144,970.68 for July 2022 expenditures. Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #4

DATE: September 30, 2022

RECOMMENDATION: Approve payments to MDAQMD in the amount of \$144,970.68 for July 2022 expenditures.

SUMMARY: The District contracts for services with MDAQMD; an invoice for services is presented for payment.

BACKGROUND: Key Expenses: Staffing expenses of \$127,130.53.

The AVAQMD contracts with the MDAQMD for essential executive, administrative, fiscal, engineering, and air monitoring services. The month of June has an irregular three pay periods so expenses are thirty-three percent higher than usual.

REASON FOR RECOMMENDATION: The AVAQMD Governing Board must authorize all payments to the MDAQMD.

REVIEW BY OTHERS: This item was reviewed by Allison Burns, Special Counsel as to legal form; and by Bret Banks, Executive Director/APCO, on or before September 6, 2022.

FINANCIAL DATA: The contract and direct expenditure amounts are part of the approved District budget for FY23. No change in appropriations is anticipated as a result of the approval of this item.

PRESENTER: Bret Banks, Executive Director/APCO



Mojave Desert AQMD
 14306 Park Avenue
 Victorville, CA 92392
 760.245.1661

Due Date **DUE UPON RECEIPT**
 Invoice Date **7/31/2022**
 Invoice Number **43506**

INVOICE

Bill To :
ANTELOPE VALLEY AQMD 43301 DIVISION ST. SUITE 206 LANCASTER, CA 93535
Company ID 10193

FY22 - July 2022		Amount
Program Staff	Program Staff	127,130.53
OVERHEAD	OVERHEAD	17,803.42
Professional Services	Professional Services	26.27
Office Expenses	Office Expenses	10.46
<p>TO INSURE PROPER CREDIT - PLEASE INCLUDE A COPY OF THE INVOICE WITH YOUR PAYMENT</p> <p>FOR CREDIT CARD PAYMENTS PLEASE VISIT www.mdaqmd.ca.gov</p>		
		Invoice Total 144,970.68
MAKE CHECKS PAYABLE TO MOJAVE DESERT AQMD		Amount Paid 0.00
PLEASE INCLUDE THE INVOICE NUMBER ON THE CHECK		Balance Due 144,970.68

The following page(s) contain the backup material for Agenda Item: [Receive and file the Financial Report. This Preliminary Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at September 30, 2022.](#)

[Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #5

DATE: September 20, 2022

RECOMMENDATION: Receive and file.

SUMMARY: This Preliminary Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at September 30, 2022.

BACKGROUND: The Financial Reports for [September 2022](#) provide pre-audit financial and budgetary performance information for the District for the period referenced.

BALANCE SHEET. The balance sheet summarizes the District's pre-audit financial position on [July 31, 2022](#).

STATEMENT OF REVENUES & EXPENDITURES. A summary of all District revenue and related expenditures incurred in the day to day administration of District Operations.

STATEMENT OF ACTIVITY. The target variance for July is 9%.

The *District Wide* report details revenue and expenses for the District's operating account and grant funds. *Contracted Services* reports the expenses made by the (MDAQMD) and passed through to the District including salaries. *Report Recap* consolidates both reports.

BANK REGISTERS. This report details the Districts bank activity.

REASON FOR RECOMMENDATION: Receive and file.

REVIEW BY OTHERS: This item was reviewed by Allison Burns, Special Counsel as to legal form and by Bret Banks, Executive Director/APCO (AVAQMD) on or about September 6, 2022.

PRESENTER: Bret Banks, Executive Director/APCO.

Antelope Valley AQMD
Balance Sheet - Governmental Funds
As of July 31, 2022

Financial Report

	<u>General Fund</u>	<u>AB2766 Mobile Emissions</u>	<u>AB923 Mobile Emissions</u>	<u>Carl Moyer</u>	<u>Total</u>
Assets					
Current Assets					
Cash	3,692,997.55	866,582.41	1,681,034.62	2,354,948.43	8,595,563.01
Cash Held For Other Fund	(150,349.07)	95,189.99	55,151.90	7.18	0.00
Receivables	208,520.93	0.00	0.00	0.00	208,520.93
Pre-Paid	20,370.50	0.00	0.00	0.00	20,370.50
Total Current Assets	3,771,539.91	961,772.40	1,736,186.52	2,354,955.61	8,824,454.44
Total Assets	3,771,539.91	961,772.40	1,736,186.52	2,354,955.61	8,824,454.44
Liabilities and Net Position					
Current Liabilities					
Payables	446,957.36	12,645.00	32,622.00	41,790.15	534,014.51
Due to Others	35.00	0.00	0.00	0.00	35.00
Unearned Revenue	950,227.21	0.00	0.00	2,284,917.64	3,235,144.85
Total Current Liabilities	1,397,219.57	12,645.00	32,622.00	2,326,707.79	3,769,194.36
Restricted Fund Balance	0.00	966,842.40	1,706,909.52	28,247.82	2,701,999.74
Cash Reserves	1,000,000.00	0.00	0.00	0.00	1,000,000.00
Unassigned Fund Balance	1,490,276.54	0.00	0.00	0.00	1,490,276.54
Pre-Paid	1,378.50	0.00	0.00	0.00	1,378.50
Change in Net Position	(117,334.70)	(17,715.00)	(3,345.00)	0.00	(138,394.70)
Total Liabilities & Net Position	3,771,539.91	961,772.40	1,736,186.52	2,354,955.61	8,824,454.44

Antelope Valley AQMD
Statement of Revenues & Expenditures
For the Period Ending July 31, 2022

Financial Report

	<u>General Fund</u>	<u>AB2766 Mobile Emissions Program</u>	<u>AB923 Mobile Emissions Program</u>	<u>Carl Moyer Program</u>	<u>Total Governmental Funds</u>
Revenues					
Application and Permit Fees	84,226.25	0.00	0.00	0.00	84,226.25
AB 2766 and Other Program Revenues	35.00	0.00	0.00	0.00	35.00
Fines	8,396.22	0.00	0.00	0.00	8,396.22
Investment Earnings	0.00	0.00	0.00	0.00	0.00
Federal and State	0.00	0.00	0.00	0.00	0.00
Miscellaneous Income	0.00	0.00	0.00	0.00	0.00
Total Revenues	92,657.47	0.00	0.00	0.00	92,657.47
Expenditures					
Program Staff	127,130.53	0.00	0.00	0.00	127,130.53
Services and Supplies	64,017.84	17,715.00	3,345.00	0.00	85,077.84
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	18,843.80	0.00	0.00	0.00	18,843.80
Total Expenditures	209,992.17	17,715.00	3,345.00	0.00	231,052.17
Excess Revenue Over (Under) Expenditures	(117,334.70)	(17,715.00)	(3,345.00)	0.00	(138,394.70)

Antelope Valley AQMD
Statement of Activity - MTD, MTM and YTD
For 7/31/2022

00 District Wide

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
Revenues				
Permitting	82,756.25	82,756.25	1,199,200.00	(0.07)
Programs	35.00	35.00	3,755,106.00	0.00
Application Fees	1,835.00	1,835.00	32,500.00	(0.06)
State Revenue	0.00	0.00	1,446,315.00	0.00
Federal Revenue	0.00	0.00	63,982.00	0.00
Fines & Penalties	8,031.22	8,031.22	10,000.00	(0.80)
Interest Earned	0.00	0.00	44,602.00	0.00
Total Revenues	92,657.47	92,657.47	6,551,705.00	(0.01)
Expenses				
Office Expenses	18,634.04	18,634.04	131,561.00	0.14
Communications	2,495.20	2,495.20	35,870.00	0.07
Vehicles	853.28	853.28	15,930.00	0.05
Program Costs	41,636.20	41,636.20	4,119,978.00	0.01
Travel	839.97	839.97	16,650.00	0.05
Professional Services				
Payroll Contract	0.00	0.00	1,000.00	0.00
Research Studies	0.00	0.00	6,000.00	0.00
Consulting Fees	0.00	0.00	25,000.00	0.00
Stipends	500.00	500.00	8,400.00	0.06
Maintenance & Repairs	0.00	0.00	7,000.00	0.00
Non-Depreciable Inventory	0.00	0.00	10,500.00	0.00
Dues & Subscriptions	0.00	0.00	21,100.00	0.00
Legal	2,279.00	2,279.00	79,000.00	0.03
Miscellaneous Expense	0.00	0.00	2,900.00	0.00
Capital Expenditures	18,843.80	18,843.80	50,000.00	0.38
Total Expenses	86,081.49	86,081.49	4,530,889.00	0.02
Program Staff				
Excess Revenue Over (Under) Expenditures	6,575.98	6,575.98	2,020,816.00	0.00

Antelope Valley AQMD
Statement of Activity - MTD, MTM and YTD
For 7/31/2022

10 Contracted Services

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
<u>Revenues</u>				
<u>Expenses</u>				
Office Expenses	10.46	10.46	1,200.00	0.01
Professional Services				
Payroll Contract	26.27	26.27	250.00	0.11
Financial Audit & Actuarial Svcs	17,803.42	17,803.42	264,500.00	0.07
Total Expenses	17,840.15	17,840.15	265,950.00	0.07
<u>Program Staff</u>				
Program Staff	127,130.53	127,130.53	1,800,000.00	0.07
Total Program Staff	127,130.53	127,130.53	1,800,000.00	0.07
Excess Revenue Over (Under) Expenditures	(144,970.68)	(144,970.68)	(2,065,950.00)	(0.07)

Antelope Valley AQMD
Statement of Activity - MTD, MTM and YTD
For 7/31/2022

Report Recap

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
Revenues				
Permitting	82,756.25	82,756.25	1,199,200.00	(0.07)
Programs	35.00	35.00	3,755,106.00	0.00
Application Fees	1,835.00	1,835.00	32,500.00	(0.06)
State Revenue	0.00	0.00	1,446,315.00	0.00
Federal Revenue	0.00	0.00	63,982.00	0.00
Fines & Penalties	8,031.22	8,031.22	10,000.00	(0.80)
Interest Earned	0.00	0.00	44,602.00	0.00
Total Revenues	92,657.47	92,657.47	6,551,705.00	(0.01)
Expenses				
Office Expenses	18,644.50	18,644.50	132,761.00	0.14
Communications	2,495.20	2,495.20	35,870.00	0.07
Vehicles	853.28	853.28	15,930.00	0.05
Program Costs	41,636.20	41,636.20	4,119,978.00	0.01
Travel	839.97	839.97	16,650.00	0.05
Professional Services				
Payroll Contract	26.27	26.27	1,250.00	0.02
Financial Audit & Actuarial Svcs	17,803.42	17,803.42	264,500.00	0.07
Research Studies	0.00	0.00	6,000.00	0.00
Consulting Fees	0.00	0.00	25,000.00	0.00
Stipends	500.00	500.00	8,400.00	0.06
Maintenance & Repairs	0.00	0.00	7,000.00	0.00
Non-Depreciable Inventory	0.00	0.00	10,500.00	0.00
Dues & Subscriptions	0.00	0.00	21,100.00	0.00
Legal	2,279.00	2,279.00	79,000.00	0.03
Miscellaneous Expense	0.00	0.00	2,900.00	0.00
Capital Expenditures	18,843.80	18,843.80	50,000.00	0.38
Total Expenses	103,921.64	103,921.64	4,796,839.00	0.02
Program Staff				
Program Staff	127,130.53	127,130.53	1,800,000.00	0.07
Total Program Staff	127,130.53	127,130.53	1,800,000.00	0.07
Excess Revenue Over (Under) Expenditures	(138,394.70)	(138,394.70)	(45,134.00)	(3.07)

Antelope Valley AQMD

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Page: 1

Bank Register from 7/01/2022 to 7/31/2022

Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0004905	7/01/2022	[10040] SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY-Inv 71945 - FY 2022-23 Property/Liability Insurance	20,718.55	0.00	765,298.18
0004906	7/01/2022	[10050] WOELFL FAMILY TRUST-Lease Payment - July 2022	4,968.38	0.00	760,329.80
R23-01	7/01/2022	Operating Fund Replenishment #01	0.00	25,686.93	786,016.73
0000419	7/01/2022	CREDIT CARD TRANSACTION SL&C PALMDALE LEVEL 3	0.00	2,445.84	788,462.57
0000420	7/05/2022	CREDIT CARD TRANSACTION NORTH AMERICAN RECYCLING	0.00	5,048.62	793,511.19
0000421	7/06/2022	CREDIT CARD TRANSACTION BURNS ENVIRONMENTAL SERVICES	0.00	1,242.00	794,753.19
0000417	7/13/2022	Credit Card Transaction SCG- PETER TORREY	0.00	661.00	795,414.19
0000418	7/14/2022	CREDIT CARD TRANSACTION BURNS ENVIRONMENTAL	0.00	660.00	796,074.19
0000422	7/15/2022	Duplicate Payment	0.00	490.46	796,564.65
0004907	7/18/2022	[10001] AGILIARE LLC-SOFTWARE SUPPORT THROUGH 7/01/2023	1,052.00	0.00	795,512.65
0004908	7/18/2022	[01148] ANTELOPE VALLEY PRESS-PUBLIC NOTICE AV RULE 301/302	359.72	0.00	795,152.93
0004909	7/18/2022	[11488] ADRIANNA CASTANEDA-Stater Bros Sympathy Floral Arrangement	29.76	0.00	795,123.17
0004910	7/18/2022	[10071] QUADIENT LEASING-POSTAGE METER LEASE 7/02/22-8/01/22	78.17	0.00	795,045.00
0004911	7/18/2022	[00069] SOUTHERN CALIFORNIA EDISON-ELECTRIC SERVICE 5/13/2022-6/13/2022	793.97	0.00	794,251.03
0004912	7/18/2022	[10592] SPECTRUM BUSINESS-FIBER 7/1/2022-7/31/2022	214.98	0.00	794,036.05
0004913	7/18/2022	[10455] STRADLING YOCCA CARLSON & RAUTH-Invoices 387930-0000, 387958-0001	1,303.00	0.00	792,733.05
0004914	7/18/2022	[10483] STREAMLINE-WEB HOSTING 7/01/2022-8/01/2022	200.00	0.00	792,533.05
0004915	7/18/2022	[10046] VERIZON CALIFORNIA - NJ-LONG DISTANCE 6/28/22-7/27/22	33.27	0.00	792,499.78
0000001	7/18/2022	CREDIT CARD TRANSACTION BURNS ENVIRONMENTAL SERVICES 45581 FOXTON AVE J0025282 MOD	0.00	660.00	793,159.78
0000001	7/20/2022	CREDIT CARD TRANSACTION BURNS ENVIRONMENTAL 2730 EAST AVE R-7 J0025576	0.00	1,242.00	794,401.78
0004916	7/21/2022	[10006] BANK OF THE WEST-CREDIT CARD 1465 06/05/2022-07/04/2022	44.29	0.00	794,357.49
0004917	7/21/2022	[10006] BANK OF THE WEST-CREDIT CARD 1628 6/05/22-7/04/22	551.43	0.00	793,806.06
0004918	7/21/2022	[10009] CALIFORNIA AIR RESOURCES BOARD-2022 HOT SPOTS ASSESSMENT	1,216.00	0.00	792,590.06
0004919	7/21/2022	[10405] CANON FINANCIAL SERVICES-COPIER LEASE 7/01/2022-7/31/2022	337.13	0.00	792,252.93
0004920	7/21/2022	[10026] MOJAVE DESERT AQMD-FY22 - May 2022	160,453.87	0.00	631,799.06
0004921	7/21/2022	[10034] QUESTYS SOLUTIONS-Inv QSICT0000049 - Content Manager Server License - Concurrent License - Database Migration	13,900.00	0.00	617,899.06
0004922	7/21/2022	[10592] SPECTRUM BUSINESS-FIBER 07/08/2022-08/07/2022	770.00	0.00	617,129.06

Antelope Valley AQMD
Bank Register from 7/01/2022 to 7/31/2022
Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0004923	7/21/2022	[10455] STRADLING YOCCA CARLSON & RAUTH-Invoices , 388131-0001	2,204.00	0.00	614,925.06
0004924	7/21/2022	[10045] VERIZON BUSINESS-VOIP-07/01/2022-07/31/2022	390.08	0.00	614,534.98
0004925	7/21/2022	[10050] WOELFL FAMILY TRUST-Lease Payment - August 2022	4,968.38	0.00	609,566.60
0000001	7/25/2022	CREDIT CARD TRANSACTION AMERICAN INTEGRATED SERVICES LOCKHEED MARTIN	0.00	585.00	610,151.60
0000001	7/25/2022	CREDIT CARD TRANSACTION BURNS ENVIRONMENTAL 45581 FOXTON AVE J0025282 MOD 2 TESLA INC	0.00	2,643.00	612,794.60
R23-02	7/26/2022	Operating Fund Replenishment #2	0.00	188,900.05	801,694.65
0004926	7/27/2022	[11405] IT SOLUTIONS INTEGRATED-MONTHLY IT SERVICES FOR THE MONTH OF JULY	885.00	0.00	800,809.65
0004927	7/27/2022	[00069] SOUTHERN CALIFORNIA EDISON-ELECTRICAL SERVICE 6/14/22- 7/13/22	370.95	0.00	800,438.70
0000001	7/28/2022	Credit Card Transaction American Integrated Services	0.00	585.00	801,023.70
0000001	7/29/2022	Credit Card Transaction Universal Electronic Alarm	0.00	531.21	801,554.91
Total for Report:			215,842.93	231,381.11	

Antelope Valley AQMD
Bank Register from 7/01/2022 to 7/31/2022
General Fund P6A LA County

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000396	7/01/2022	Daily Deposit	0.00	197,827.20	2,032,357.89
R23-01	7/01/2022	Operating Fund Replenishment #01	25,686.93	0.00	2,006,670.96
0000397	7/07/2022	Daily Deposit	0.00	31,584.48	2,038,255.44
0000398	7/14/2022	DAILY DEPOSIT	0.00	30,975.14	2,069,230.58
0000399	7/25/2022	Daily Deposit	0.00	33,829.18	2,103,059.76
R23-02	7/26/2022	Operating Fund Replenishment #2	188,900.05	0.00	1,914,159.71
0000400	7/29/2022	DAILY DEPOSITS	0.00	77,786.61	1,991,946.32
Total for Report:			214,586.98	372,002.61	

Antelope Valley AQMD
Bank Register from 7/01/2022 to 7/31/2022
WF AB2766

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0022601	7/27/2022	[11499] OMAR ALI-AB 2766 GRANT	1,000.00	0.00	872,582.41
0022602	7/27/2022	[11495] SYLVIN CHARLES BUCKLEY-AB 2766 GRANT	500.00	0.00	872,082.41
0022603	7/27/2022	[11493] NADYNE NHAN DO-AB2766 GRANT	500.00	0.00	871,582.41
0022604	7/27/2022	[11491] THOMAS FIRSICK-AB 2766 GRANT	500.00	0.00	871,082.41
0022605	7/27/2022	[11492] ALEX C FLORES PEREZ-AB 2766 GRANT	500.00	0.00	870,582.41
0022606	7/27/2022	[11500] ROGER ALEXANDER GONZALEZ AGUILAR-AB 2766 GRANT	1,000.00	0.00	869,582.41
0022607	7/27/2022	[11494] DANIEL HERNANDEZ JR-AB 2766 GRANT	1,000.00	0.00	868,582.41
0022608	7/27/2022	[11498] JOSE LUIS OCHOA-AB 2766 GRANT	500.00	0.00	868,082.41
0022609	7/27/2022	[11497] BRYANT PAPP-AB 2766 GRANT	1,000.00	0.00	867,082.41
0022610	7/27/2022	[11496] DEBRA A SIMMONS-AB 2766 GRANT	500.00	0.00	866,582.41
Total for Report:			7,000.00	0.00	

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$41,200 in Carl Moyer Program funds to AV Farming for the replacement of (2) older diesel utility vehicles; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman.
Presenter: Julie McKeehan, Grants Analyst.

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #6

DATE: September 20, 2022

RECOMMENDATION: 1) Award an amount not to exceed \$41,200 in Carl Moyer Program funds to AV Farming for the replacement of (2) older diesel utility vehicles; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman.

SUMMARY: This item awards an amount not to exceed \$41,200 of Carl Moyer Program funds to AV Farming for the replacement of (2) diesel utility vehicles for (2) new zero emissions utility vehicles.

BACKGROUND: AVAQMD received an application from AV Farming requesting grant funding towards retirement and replacement of (2) diesel utility vehicles for (2) new zero emissions utility vehicles. AV Farming voluntarily participates in the District's emission reductions programs for zero emissions technologies in support of early emission reductions from fleet turnover. Staff has evaluated the proposed project and finds it eligible for 80 percent of the replacement costs for a 3-year project life. Early fleet turnover with zero emissions technologies provides emission reductions that help the Valley towards attainment of the national ambient air quality standards.

REASON FOR RECOMMENDATION: Governing Board approval is needed to fund Carl Moyer projects. Additionally, Governing Board authorization is needed for the Executive Director/APCO and staff to negotiate and execute an agreement with the grant recipient.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns, Special Counsel to the Governing Board, as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before August 30, 2022.

FINANCIAL DATA: Sufficient funds are available in the District's Carl Moyer Program funds.

PRESENTER: Julie McKeehan, Grants Analyst

cc: Laquita Cole
Michelle Powell
Julie McKeehan

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$51,304 in Carl Moyer Program funds to Copeland's Cherry Ranch for the replacement of an older diesel tractor with new, cleaner technology; and 2) Authorize the Deputy Director and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Presenter: Julie McKeehan, Grants Analyst.

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #7

DATE: September 20, 2022

RECOMMENDATION: 1) Award an amount not to exceed \$51,304 in Carl Moyer Program funds to Copeland's Cherry Ranch for the replacement of an older diesel tractor with new, cleaner technology; and 2) Authorize the Deputy Director and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

SUMMARY: This item awards an amount not to exceed \$51,304 of Carl Moyer Program funds to Copeland's Cherry Ranch for the replacement of a 1999 diesel tractor with new, cleaner technology certified to the Final Tier 4/current emission standards.

BACKGROUND: AVAQMD received an application from Copeland's Cherry Ranch for grant funding to replace an older diesel tractor. Copeland's Cherry Ranch proposes voluntary participation in the off-road equipment replacement program to reduce emissions by early retirement of an older, higher polluting diesel tractor and replacing it with new, cleaner technology that meets the current emission standards. Staff has evaluated the project for eligibility pursuant to the guidelines and finds the proposed project eligible for 80 percent of project funds toward the replacement equipment. Retirement of the proposed project produces an estimated 0.30 tons/yr. early emission reductions with a 6-year project life. Early fleet turnover provides emission reductions that help the Valley towards attainment of the national ambient air quality standards.

REASON FOR RECOMMENDATION: Governing Board approval is needed to fund Carl Moyer projects. Additionally, Governing Board authorization is needed for the Executive Director/APCO and staff to negotiate and execute an agreement with the grant recipient.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns, Special Counsel to the Governing Board, as to legal form and by Bret Banks, Executive Director/APCO on or before August 30, 2022.

FINANCIAL DATA: Funding is granted from the District's Carl Moyer Program funds.

PRESENTER: Julie McKeehan, Grants Analyst

cc: Laquita Cole
Michelle Powell
Julie McKeehan

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$64,682 in Carl Moyer Program funds to Gary Little Construction for the replacement of (1) older diesel equipment; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman.
Presenter: Julie McKeehan, Grants Analyst.

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #8

DATE: September 20, 2022

RECOMMENDATION: 1) Award an amount not to exceed \$64,682 in Carl Moyer Program funds to Gary Little Construction for the replacement of (1) older diesel equipment; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman.

SUMMARY: This item awards an amount not to exceed \$64,682 of Carl Moyer Program funds to Gary Little Construction for the replacement of (1) diesel tractor for a new diesel tractor Tier 4 that meets the current emission standards.

BACKGROUND: AVAQMD received an application from Gary Little Construction requesting grant funding towards retirement and replacement of (1) uncontrolled diesel tractor for (1) new tier 4 tractor that exceeds the current emission standards. Applicant is subject to upcoming compliance regulations which require a phase out of uncontrolled equipment from the fleet. Applicant is currently in compliance and is not required to take action until January 1, 2025. Applicant's participation is voluntary in the Carl Moyer Equipment Replacement Program offering early emission reductions. Staff has evaluated the proposed project and finds it eligible for approx. 42 percent of the replacement cost. Retirement of the proposed equipment produces 1 ton/yr. emission reductions to be claimed over a 2-year project life. Early fleet turnover provides emission reductions that help the Valley towards attainment of the national ambient air quality standards.

REASON FOR RECOMMENDATION: Governing Board approval is needed to fund Carl Moyer projects. Additionally, Governing Board authorization is needed for the Executive Director/APCO and staff to negotiate and execute an agreement with the grant recipient.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns, Special Counsel to the Governing Board, as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before August 30, 2022.

FINANCIAL DATA: Sufficient funds are available in the District's Carl Moyer Program funds.

PRESENTER: Julie McKeehan, Grants Analyst

cc: Laquita Cole
Michelle Powell
Julie McKeehan

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$79,433 to Gene Wheeler Farms for the replacement of older diesel farm equipment with newer, cleaner technology; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman.
Presenter: Julie McKeehan, Grants Analyst.

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #9

DATE: September 20, 2022

RECOMMENDATION: 1) Award an amount not to exceed \$79,433 to Gene Wheeler Farms for the replacement of older diesel farm equipment with newer, cleaner technology; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and pending review by the Governing Board Chairman.

SUMMARY: This item awards an amount not to exceed \$79,433 of Carl Moyer Program to Gene Wheeler Farms for the replacement of older diesel farm equipment with Final Tier 4/current emission standards.

BACKGROUND: AVAQMD received an application from Gene Wheeler Farms requesting grant funding to assist in the replacement of a diesel tractor with forklift attachment for one (1) new forklift Tier 4 final. Gene Wheeler Farms proposes voluntary participation in the Carl Moyer Program to reduce emissions by early retirement of older diesel farm equipment for new, cleaner diesel that meets the current emission standards. Staff has evaluated the project and finds the proposed project eligibility for the maximum grant award not to exceed \$79,433. Retirement of the proposed equipment produces an estimated .5 tons/yr. early emission reductions for 5 years. Early fleet turnover provides emission reductions that help the Valley towards attainment of the national ambient air quality standards.

REASON FOR RECOMMENDATION: Governing Board approval is needed to fund Carl Moyer projects. Additionally, Governing Board authorization is needed for the Executive Director/APCO and staff to negotiate and execute an agreement with the grant recipient.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns, Special Counsel to the Governing Board, as to legal form and by Bret Banks, Executive Director/APCO on or before August 30, 2022.

FINANCIAL DATA: Funding is granted from the District's Carl Moyer Program funds.

PRESENTER: Julie McKeehan, Grants Analyst

cc: Laquita Cole
Michelle Powell
Julie McKeehan

The following page(s) contain the backup material for Agenda Item: [Letter to Brad Poiriez Regarding Termination of Agreement Between the Antelope Valley Air Quality Management District \(AVAQMD\) and Mojave Desert Air Quality Management District \(MDAQMD\). Presenter: Bret Banks, Executive Director/APCO.](#)
Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #10

DATE: September 20, 2022

RECOMMENDATION: Receive and file.

SUMMARY: Letter to Brad Poiriez Regarding Termination of Agreement Between the Antelope Valley Air Quality Management District (AVAQMD) and Mojave Desert Air Quality Management District (MDAQMD)

BACKGROUND: Accordingly, the AVAQMD and MDAQMD have been discussing the orderly transfer of staffing and related services from MDAQMD to AVAQMD's member agency, the City of Lancaster. As part of that transition, the parties seek to memorialize their agreement regarding the orderly wind-down of their relationship consistent with the terms of the Agreement. The referenced letter provides additional detail on how specific staff obligations will be handled.

REASON FOR RECOMMENDATION: This item is provided to the Governing Board as informational only.

REVIEW BY OTHERS: This item was reviewed by Allison Burns, District Counsel, as to legal form, and by Bret Banks, Executive Director/APCO, on or about August 3, 2022.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Bret Banks, Executive Director/APCO.



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August 23, 2022

BY EMAIL AND REGULAR MAIL
bradp@mdaqmd.ca.gov

Brad Poiriez
Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392

Re: Re: Termination Of Agreement Between the Antelope Valley Air Quality Management District (“AVAQMD”) and the Mojave Desert Air Quality Management District (“MDAQMD”) dated April 19, 2016, as amended (“Agreement”)

Dear Mr. Poiriez:

As you are aware, this office serves as counsel to AVAQMD. As you are further aware, the above-captioned Agreement is set to terminate on September 30, 2022. Accordingly, the AVAQMD and MDAQMD (the “Parties”) have been discussing the orderly transfer of staffing and related services from MDAQMD to AVAQMD’s member agency, the City of Lancaster (“City”). As part of that transition, the parties seek to memorialize their agreement regarding the orderly wind-down of their relationship consistent with the terms of the Agreement.

Accordingly, the Parties agree as follows:

1. The MDAQMD will invoice the AVAQMD on an annual basis for actuarial costs and associated administrative fees associated with the San Bernardino County Employees Retirement Association (“SBCERA”), with regard to Dedicated Staff (as defined in Section 11 of the Agreement). Costs are calculated pro-rata based on employee population.
2. With regard to Other Post Employment Benefits (“OPEB”) attributable to (i) Crystal Goree, and (ii) Vickie Rausch, (collectively, the “AVAQMD Retirees”), AVAQMD shall reimburse MDAQMD for the AVAQMD Retirees’ share of OPEB, and associated administrative fees (calculated pro-rata based on employee population) on a monthly basis.
3. With regard to the unfunded actuarial accrued liability (“UAAL”) attributable to

Brad Poiriez
Mojave Desert Air Quality Management District
August 23, 2022
Page 2

Dedicated Staff and/or AVAQMD Retirees, AVAQMD shall reimburse MDAQMD on annual basis for the portion of annual obligation calculated pursuant to the annual actuarial study prepared by SBCERA utilizing all of the same assumptions utilized in such annual actuarial study as applied to MDAQMD (including, but not limited to, the discount rate, mortality rate, or other assumptions that could impact the amount of the UAL), and associated administrative fees calculated pursuant to the actuarial study prepared by SBCERA.

4. If and to the extent AVAQMD requests training, transition, wrap-up or other services from MDAQMD after the September 30, 2022 termination date of the Agreement, MDAQMD shall invoice AVAQMD for the actual hours spent by MDAQMD staff providing such services at MDAQMD's actual cost plus an 18% administrative fee (the administrative fee of 18% is valid through the end of 2022, and will be reevaluated for 2023).

Please sign to affirm below that the foregoing represents the parties' agreement.

Very truly yours,



Allison E. Burns,
Shareholder
STRADLING YOCCA CARLSON & RAUTH, P.C.

Face
AGREED AND ACCEPTED:

MDAQMD



Brad Poiriez, Executive Director/APCO

8/23/2022
DATE.

AVAQMD



Bret Banks, Executive Director/APCO

8/23/2022
DATE:

The following page(s) contain the backup material for Agenda Item: [Consider the Employment Agreement with Bret Banks, the Executive Director/Air Pollution Control Officer; authorize the Chairman of the Governing Board to sign the agreement; and direct staff actions. Presenter: Allison Burns, Legal Counsel.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #11

DATE: September 20, 2022

RECOMMENDATION: Consider the Employment Agreement with Bret Banks, the Executive Director/Air Pollution Control Officer; authorize the Chairman of the Governing Board to sign the agreement; and direct staff actions.

SUMMARY: This item allows the Governing Board to consider the Employment Agreement with the Executive Director/APCO, and direct actions to develop and execute an amended agreement.

BACKGROUND: The Antelope Valley Air Quality Management District terminated a long-time contract with the Mojave Desert Air Quality Management District for staffing and services. This item allows the Governing Board to consider an Employment Agreement with Bret Banks to remain as the Executive Director/APCO.

The contract recommendations involve potential compensation issues and therefore are required to be discussed and action taken in open session. By this action the Governing Board accept the Employment Agreement as presented and authorize the Governing Board Chair to execute the amended agreement.

REASON FOR RECOMMENDATION: Governing Board action is required to approve the Employment Agreement with Mr. Banks.

PRESENTER: Allison Burns, Legal Counsel.

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
AIR POLLUTION CONTROL OFFICER CONSULTING AGREEMENT**

This AIR POLLUTION CONTROL OFFICER CONSULTING AGREEMENT (“Agreement”) is dated for reference purposes only as of October 1, 2022 (“Effective Date”) and entered into by and between the ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT (“DISTRICT”) and BRET BANKS (“BANKS”) (collectively referred to herein as the “Parties”).

RECITALS

WHEREAS, on or about December 15, 2015, BANKS commenced his employment as Air Pollution Control Officer of the DISTRICT (“APCO”) pursuant to minute order of the Board of Directors of the DISTRICT and that certain contract between the DISTRICT and Mojave Desert Air Quality Management DISTRICT (“MDAQMD”) dated April 19, 2016.

WHEREAS, the contract between the DISTRICT and MDAQMD will terminate on September 30, 2022.

WHEREAS, BANKS has elected to retire from his full-time role as an employee of MDAQMD effective September 30, 2022, but has agreed to consult back to the DISTRICT as APCO on an independent contractor basis and in a transitional capacity in accordance with this Agreement.

WHEREAS, the DISTRICT’s Board of Directors (“BOARD”) and BANKS desire to set forth their agreement for the DISTRICT’s consulting agreement with BANKS on the terms and subject to the conditions set forth herein.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. DUTIES AND RESPONSIBILITIES

1.01 DUTIES.

(a) During the Term hereof BANKS shall serve as the APCO of the DISTRICT, subject to the Antelope Valley Air Quality Management District Law (Health & Saf. Code §41300 et seq.) (the “AVAQMD Law”), and policies set by the BOARD, and all other applicable Federal, State and local laws.

(i) Duties/Responsibilities. As APCO, BANKS will report to the BOARD and will be responsible for managing and conducting the day-to-day business of the DISTRICT. The duties of the APCO are primarily to lead and coordinate the technical and administrative office of the DISTRICT, and to be responsible to the BOARD for proper administration of all affairs of the DISTRICT, subject to the AVAQMD Law, directives and policies set by the BOARD, and all other applicable Federal, State and local laws.

(ii) Independent Contractor. DISTRICT and BANKS agree that BANKS will be performing services under this Agreement as an Independent Contractor, not as an employee. While the DISTRICT will set the policies for implementation of the Services, BANKS will determine the means, methods and details of daily performing the Services subject to the

requirements of this Agreement. DISTRICT only has the right to direct BANKS as to the desired end results with respect to any Services to be provided hereunder. BANKS shall not be eligible for any employee benefits provided by DISTRICT in connection with the performance of services under this Agreement. Except for fees and costs paid to BANKS as provided in this Agreement, DISTRICT shall not pay salaries, wages, expenses, benefits, payroll costs, costs related to withholding, Federal State and Social Security taxes, Federal and State Unemployment Taxes, statutory benefits, workers' compensation insurance, and/or any other compensation to BANKS for performing services hereunder.

(iii) **Substitution of Key Personnel.** BANKS has represented to DISTRICT that he will personally perform and coordinate the duties and responsibilities of APCO under this Agreement. Should BANKS become unavailable, this Agreement will terminate.

2. TERM

2.01 **Base Term.** This Agreement shall commence on the Effective Date and shall expire on October 1, 2023, unless extended pursuant to subsection 2.02 below or terminated pursuant to Section 6 below.

2.02 This Agreement may be extended by mutual written agreement of the Parties.

2.03 **Termination.** Either Party may terminate this Agreement with sixty (60) days written notice to the other Party. In the event of termination for any reason, DISTRICT will be obligated to pay BANKS any earned and unpaid fees and approved expenses for services rendered prior to termination, and such fees and expenses shall become immediately due and payable upon receipt of the final invoice.

3. PAYMENT

3.01 **Base Payment.** As payment for BANKS' services as APCO, the DISTRICT shall pay BANKS \$105.00 per hour. BANKS shall receive an IRS Form 1099 from DISTRICT and BANKS shall be responsible for all taxes associated with all payments hereunder.

4. REIMBURSEMENT OF BUSINESS EXPENSES

4.01 **Business Expenses.** BANKS shall be reimbursed for all necessary and reasonable, out-of-pocket business expenses incurred on behalf of the DISTRICT in the performance of this Agreement.

4.02 **Expense Reports.** To obtain reimbursement, BANKS shall promptly submit expense reports to the DISTRICT with appropriate supporting documentation in accordance with the DISTRICT's policies for the reimbursement of out-of-pocket expenses.

5. CONFLICTS OF INTEREST

5.01 **Prohibition.** BANKS shall not engage in any work, paid or unpaid, that creates an actual or potential conflict of interest with the DISTRICT. If the BOARD reasonably believes that such a conflict exists, the BOARD may direct BANKS to discontinue the other work. BANKS' failure to promptly comply with such direction shall constitute a material breach of this Agreement.

6. GENERAL PROVISIONS

6.01 Successors and Assigns. The rights and obligations of the DISTRICT under this Agreement shall inure to the benefit of and shall be binding upon the successors and assigns of the DISTRICT. BANKS shall not be entitled to assign any of his rights or obligations under this Agreement nor to subcontract or delegate to any employee or other third party BANKS's duties hereunder.

6.02 Waiver. Either party's failure to enforce any provision of the Agreement shall not in any way be construed as a waiver of any such provision or prevent the party thereafter from enforcing each and every other provision of this Agreement.

6.03 Attorney's Fees. Each side will bear its own attorney's fees in any dispute arising out of, or in any way related to, the Agreement, except as may be required by law.

6.04 Severability. In the event any portion of the Agreement is found to be unenforceable by an arbitrator or court of competent jurisdiction, such provision shall be deemed modified to the extent necessary to allow enforceability of the provision as so limited, it being intended that the parties shall receive the benefit contemplated herein to the fullest extent permitted by law. If a deemed modification is not satisfactory in the judgment of such arbitrator or court, the unenforceable provision shall be deemed deleted, and the validity and enforceability of the remaining provisions shall not be affected thereby.

6.05 Interpretation. The headings set forth in this Agreement are for convenience only and shall not be used in interpreting the Agreement. This Agreement has been drafted by and both parties have participated in the negotiation of the terms of this Agreement. Furthermore, by signing this Agreement, BANKS acknowledges he has had an opportunity to review and revise this Agreement and have it reviewed by legal counsel, if desired, and therefore, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party, shall not be employed in the interpretation of this Agreement. This Agreement amends and supersedes in every respect the Original Agreement and the First Amendment.

6.06 Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of California.

6.07 Notices. Any notice required or permitted by this Agreement shall be in writing and shall be delivered as follows with notice deemed given as indicated: (i) by personal delivery upon receipt; (ii) by overnight courier upon written verification of receipt; (iii) by telecopy or facsimile transmission upon acknowledgment of receipt of electronic transmission; or (iv) by certified or registered mail, return receipt requested upon verification of receipt.

THE PARTIES HAVE READ THE FOREGOING AND FULLY UNDERSTAND EACH AND EVERY PROVISION CONTAINED HEREIN.

WHEREFORE, THE PARTIES HAVE EXECUTED THIS AGREEMENT ON THE DATES SHOWN BELOW.

Dated: _____, 2022

Marvin Crist
Chairman

Dated: _____, 2022

BRET BANKS
AIR POLLUTION CONTROL OFFICER