

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, JUNE 20, 2023
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
Andrea Alarcón, 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 TELEPHONICALLY OR OTHERWISE ELECTRONICALLY 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

Items with potential Conflict of Interests — If you believe you have a conflict of interest, please recuse yourself at the appropriate time. If you have a question regarding a potential conflict of interest, please contact District Counsel.

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 May 16, 2023. Find that the California Environmental Quality Act does not apply to this item.](#)
2. [Monthly Grant Funding Summary. Receive and file. Find that the California Environmental Quality Act does not apply to this item.](#)
3. [Monthly Activity Report. Receive and file. Find that the California Environmental Quality Act does not apply to this item.](#)
4. [Approve payments to City of Lancaster in the amount of \\$249,058.16 for FY23 Quarter 3 expenditures. Find that the California Environmental Quality Act does not apply to this item.](#)
5. [This Preliminary Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at April 30, 2023.](#)
6. [Consider the Consulting Agreement with Bret Banks; authorize the Chairman of the Governing Board to sign the agreement; Find that the California Environmental Quality Act \(CEQA\) does not apply to this item and direct staff actions.](#)
7. [Approve the First Amendment to the Agreement between the Antelope Valley Air Quality Management District \(AVAQMD\) and the City of Lancaster amending Section 13 in its entirety, to include Operational Oversight, naming Barbara Lods as the Executive Director pursuant to this Amendment, whose initial classification and compensation shall be Director 2000, Step 1 on the City of Lancaster's compensation and classification schedule and shall be considered as an at-will employee; Find that the California Environmental Quality Act \(CEQA\) does not apply to this item; Authorize the Chairman to finalize terms and conditions of the proposed Agreement; and Authorize the Chairman to execute the final Agreement.](#)

ITEMS FOR DISCUSSION

DEFERRED ITEMS

NEW BUSINESS

8. 1) Award an amount not to exceed \$33,237 in Mobile Source Emission Reductions Program (AB 923) funds to Jeff Pantana for the replacement of an older diesel tractor with new, cleaner technology; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable funding sources become available; 3) 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; and 4)) Find that the California Environmental Quality Act (CEQA) does not apply to this item.
9. 1) Award an amount not to exceed \$82,000 in Mobile Source Emission Reductions Program funds to the City of Lancaster for a hydrogen mobile fueler; 2) Authorize the Executive Director the option to change the funding source if warranted or if other applicable funding sources become available; 3) Authorize the Executive 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; and 4)) Find that the California Environmental Quality Act (CEQA) does not apply to this item.
10. Conduct Continued Public Hearing to consider the proposed AVAQMD Budget for FY 2023-24: a. Re-Open the continued public hearing; b. Receive supplemental staff report and/or staff update; c. Receive public testimony; d. Close public hearing; e. Find that the California Environmental Quality Act (CEQA) does not apply to this item; f. Adopt a resolution approving and adopting the budget for FY 2023-2024.
11. Reports: Governing Board Counsel, Executive Director/APCO, Staff.
12. Board Member Reports and Suggestions for Future Agenda Items.
13. Adjourn to Regular Governing Board Meeting of Tuesday, July 18, 2023.

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: Thursday, June 15, 2023

Adrianna Castañeda
Adrianna Castaneda

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of May 16, 2023. Find that the California Environmental Quality Act does not apply to this item.](#)

Please scroll down to view the backup material.

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD MEETING
TUESDAY, MAY 16, 2023
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
Ron Hawkins, Los Angeles County
Ken Mann, City of Lancaster
Andrea Alarcón, City of Palmdale
Howard Harris, Los Angeles County
Newton Chelette, Public Member

Board Members Absent:

CALL TO ORDER

Chair **CRIST** called the meeting to order at 10:01 a.m. Chair **CRIST** asked Board Member **CHELETTE** to lead the Pledge of Allegiance. Chair **CRIST** called for roll call, roll call was taken.

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

Agenda Item #1 – Approve Minutes from Regular Governing Board Meeting of April 18, 2023. Find that the California Environmental Quality Act does not apply to this item.

Approved Minutes from Regular Governing Board Meeting April 18, 2023.

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

Presenter: Bret Banks, Executive Director/APCO.
Received and Filed Monthly Grant 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 – 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 March 31, 2023.

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 March 31, 2023.

Agenda Item #5 - 1) Authorize the District to participate in the FARMER Program’s Shared Allocation Pool (SAP); and 2) Authorize the Executive Director/APCO and staff to negotiate, sign, and amend as needed, agreements and contracts related to administration and implementation of the FAMER SAP Master Agreement, approved as to legal form by the Office of District Counsel .

Presenter: Julie McKeehan, Grants Analyst.

1) **Authorized** the District to participate in the FARMER Program’s Shared Allocation Pool (SAP); and 2) **Authorized** the Executive Director/APCO and staff to negotiate, sign, and amend as needed, agreements and contracts related to administration and implementation of the FAMER SAP Master Agreement, approved as to legal form by the Office of District Counsel.

Agenda Item #6 - 1) Approve \$70,000 in Mobile Source Emissions Reduction Program (AB 923) funds toward continued implementation of the District’s Voluntary Accelerated Vehicle Retirement Program (VAVR); 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable funding sources become available; 3) Authorize the Executive 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 and 4) Find that this item is not a project pursuant to the California Environmental Quality Act.

Presenter: Julie McKeehan, Grants Analyst.

1) **Approved** \$70,000 in Mobile Source Emissions Reduction Program (AB 923) funds toward continued implementation of the District’s Voluntary Accelerated Vehicle Retirement Program (VAVR); 2) **Authorized** the Executive Director/APCO the option to change the funding source if warranted or if other applicable funding sources become available; 3) **Authorized** the Executive 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 and 4) **Find** that this item is not a project pursuant to the California Environmental Quality Act.

ITEMS FOR DISCUSSION

DEFERRED ITEMS

None.

NEW BUSINESS

Agenda Item #7– 1) Award an amount not to exceed \$50,000 in Mobile Emission Reductions Program (AB 2766) funds to the Alternative Fuel Vehicle Program; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable funding sources become available; 3) Authorize the Executive Director and staff to update the Alternative Fuel Vehicle Program to include Fuel Cell Electric Vehicles (FCEV); and 4) Find that this item is not a project pursuant to the California Environmental Quality Act .

Presenter: Julie McKeehan, Grants Analyst.

Chair CRIST opened the public hearing. Julie McKeehan, Grants Analyst, presented background information 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. The Governing Board and District Staff is pulling this item and this item will be presented in a future Governing Board Meeting.

Agenda Item #8 - 1) Award an amount not to exceed \$31,103 in Mobile Source Emission Reductions Program (AB 2766) funds to Westside Union School District for the purchase of a Zero Emissions Mean Green Riding Mower; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; 3) Authorize the Executive 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; and 4) Find that the California Environmental Quality Act (CEQA) does not apply to this item .

Presenter: Julie McKeehan, Grants Analyst.

Chair CRIST opened the public hearing. Julie McKeehan, Grants Analyst, presented background information 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 **ALARCON**, seconded by Board Member **HAWKINS**, and carried by the following roll call vote, with seven AYES votes by Board Members, **ANDREA ALARCON, AUSTIN BISHOP, MARVIN CRIST, NEWTON CHELETTE, RON HAWKINS, HOWARD HARRIS, and KENN MANN**, the Board, 1) **Awarded** an amount not to exceed \$31,103 in Mobile Source Emission Reductions Program (AB 2766) funds to Westside Union School District for the purchase of a Zero Emissions Mean Green Riding Mower; 2) **Authorized** the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; 3) **Authorized** the Executive 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; and 4) Find that the California Environmental Quality Act (CEQA) does not apply to this item.

Agenda Item #9-Conduct Public Hearing to consider the proposed AVAQMD Budget for FY 2023-24: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Find that the California Environmental Quality Act (CEQA) does not apply to this item.; f. Continue to the meeting of June 20, 2023 for adoption

Presenter: Barbara Lods, Operations Manager

Chair Crist opened the public hearing. Barbara Lods, Operations Manager, presented the proposed AVAQMD budget and answered questions from the Board. Chair Crist called for public comment, being none, Chair Crist closed the public hearing and continued item to the meeting of June 20, 2021 for adoption.

Agenda Item #10– Informational Discussion.

- Bret Banks, Executive Director presented a video of the 2023 Lancaster Poppy Festival CORE Event.

Agenda Item #11 – Informational Discussion.

- Bret Banks, Executive Director presented a PowerPoint presentation on the Lancaster Earth Day Event

Agenda Item #12– Reports.

Governing Board Counsel –

- No report.

Executive Director/APCO –

- Introduced the Governing Board to Taylor Morais, AVAQMD’s new Air Quality Engineer. AVAQMD is working with the City of Palmdale staff on a new incentive program for electric charging stations for residents. The district is working with City of Lancaster for the production of temporary hydrogen

fueling stations.

Staff –

- No report.

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

- Board Member Austin Bishop shared the production of new sodium ion batteries.

Agenda Item #14– Adjourn to Regular Governing Board Meeting of Tuesday, June 20, 2023.

Being no further business, the meeting adjourned at 10:49 a.m. to the next regularly scheduled Governing Board Meeting of Tuesday, June 20, 2023.

The following page(s) contain the backup material for Agenda Item: [Monthly Grant Funding Summary. Receive and file. Find that the California Environmental Quality Act does not apply to this item.](#)

Please scroll down to view the backup material.

Item #2 – Grant Funds Project Summary

May 2023

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: \$737,993.00

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: \$139,913.00

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: \$837,470.00

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: \$879,529.00

The following page(s) contain the backup material for Agenda Item: [Monthly Activity Report. Receive and file. Find that the California Environmental Quality Act does not apply to this item.](#)

Please scroll down to view the backup material.



Agenda Item #3

Date: June 14, 2023

Subject: May Operations Activity Report

Permit Inspections - 118

Notices of Violation (NOV) Issued – 4

Vapor Recovery Tests Witnessed – 4

Complaints – 3

Complaint Investigations – 3

Asbestos Notifications – 13

Asbestos Project Inspections - 0

Active Companies - 299

Active Facilities - 543

Active Permits - 1138

Certificate of Occupancy/Building Permit Reviews - 2

CEQA Project Comment Letters - 12

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						
6/20/2023						
Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
4/27/2023	Palmdale	4-Story, 114-Unit Hotel	Site Plan Review 23-004 for the request to construct a 114-unit, four-story hotel on 1.64 acres. This project site is located south of Palmdale Blvd and east of 5th Street West in the city of Palmdale, CA (APN: 3004-002-900).	Dust Control Signage Rule 219-Permitting CARB Equipment EV Charging Grant	5/17/2023	5/10/2023
4/27/2023	Palmdale	Copart Industrial Car Yard	Pre-Application 23-025 requesting to develop approximately 39 vacant acres for short-term storage and sale of operable and inoperable used vehicles and equipment. This project site is located on the southwest corner of Avenue L and 40th Street East in the city of Palmdale, CA (APN: 3170-015-006).	Existing DCP in Place Rule 219-Permitting CARB Equipment	5/31/2023	5/11/2023
5/2/2023	Lancaster	Courtyard by Marriot (4-Story, 126-room Hotel)	Conditional Use Permit 23-006 for the request to develop a proposed 4-story, 126-room hotel (Courtyard by Marriot). This project site is located at the cross streets: of 20th Street West and Avenue J-12 in the city of Lancaster, CA (APN: 3129-017-033).	Dust Control Signage Rule 219-Permitting CARB Equipment EV Charging Grant	5/2/2023	5/11/2023
4/27/2023	Palmdale	2 Industrial Buildings	Site Plan Review 20-011 requesting to construct two buildings for industrial uses totaling 100,000 square feet. This project site is located on the southeast corner of Lockheed Drive and Blackbird Drive in the city of Palmdale, CA (APN: 3022-026-003).	Rule 302-Construction Excavation DCP-TTM Rule 219-Permitting CARB Equipment EV Charging Grant	5/15/2023	5/11/2023
5/1/2023	Lancaster	East Side Overlay Zone	Notice of Availability of a Draft Environmental Impact Report (EIR) for the Eastside Overlay Zone requesting to establish an East Side Overlay Zone in the eastern portion of Lancaster. An overlay zone is a zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. This project site encompasses an approximately 5,841-acre area identified as the East Side Overlay Zone. The proposed overlay zone is generally bounded by Avenue J to the north, 110 Street East to the east, Avenue L to the south, and 40th Street East to the west.	No Comment	6/12/2023	5/11/2023

AVAQMD CEQA PROJECTS						
BOARD MEETING						
6/20/2023						
Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
5/8/2023	Palmdale	Industrial Warehouse with 54 Truck Docking Doors	Draft Environmental Impact Report (DEIR; State Clearinghouse No. 2022080663) for Site Plan Review 22-012 (SPR 22-012) requesting to construct and operate one 380,410 square foot (s.f.) light industrial warehouse building on an approximately 18.05-acre vacant property in the City of Palmdale, CA. A total of 54 truck docking doors are proposed on the north side of the building. This project site is located along the west side of 8th Street East, immediately south of an inactive UPRR rail spur, approximately 0.14-mile south of East Rancho Vista Boulevard/Avenue P, and immediately east of active Union Pacific Railroad (UPRR) mainline tracks and Sierra Highway (APN: 3022-001-027).	Rule 302-Construction Excavation DCP Rule 219-Permitting CARB Equipment	6/19/2023	5/17/2023
5/10/2023	Lancaster	Warehouse Building	Director's Review 23-064 planning documents for the proposed construction of a new single-story warehouse and site paving at an existing school site. This project site is located at 44327 Fig Avenue, Lancaster, CA 933534 (APN: 3131-005-900).	Dust Control Signage & Project Signage Information Form Rule 219-Permitting CARB Equipment	5/31/2023	5/17/2023
5/22/2023	Palmdale	5 Commercial Buildings & 173 Three-Story Townhomes	Pre-Application 23-024 requesting to develop 16.5 vacant acres with five commercial buildings totaling 58,979 square feet and 173 three-story townhomes. This project site is located north of Avenue S between 40th Streets East in the city of Palmdale, CA (APNs: 3023-007-012, -043, -044, and -045).	Rule 302-Construction Excavation DCP Rule 219-Permitting CARB Equipment EV Charging Grant	6/20/2023	5/30/2023
5/22/2023	Palmdale	6,500 sq. ft. Outdoor Shade Cover with Enclosed Lobby Area	Pre-Application 23-028 planning documents for the proposed construction of a new 6,500 square-foot outdoor shade cover with an enclosed lobby area and accessible men's and women's restrooms. This project site is located at 39100 10th Street West, Lancaster, CA 93551 (APN: 3003-079-001).	Project Signage Information Form Rule 219-Permitting CARB Equipment	6/20/2023	5/30/2023

AVAQMD CEQA PROJECTS						
BOARD MEETING						
6/20/2023						
Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
5/22/2023	Lancaster	Battery Energy Storage Facility	Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration for Conditional Use Permit (CUP) No. 23-001 requesting to construct and operate a battery energy storage facility capable of delivering up to 400 megawatts (MW) of energy storage capacity and associated ancillary services into the California electrical grid. This project site is located on approximately 20 acres at the northwest corner of 90th Street West and Avenue J in the city of Lancaster, CA (APN:3105-001-042).	Rule 302-Construction Excavation DCP Rule 219-Permitting CARB Equipment	6/9/2023	5/30/2023
5/25/2023	Palmdale	Office Building with Underground Garage	Pre-Application 23-029 requesting to develop 1.21 acres of vacant land with one building totaling 24,600 square feet. This project site is located on the SWC of 11th Street West and Avenue M-14 in the city of Palmdale, CA (APNs: 3111-022-054 and -055).	Dust Control Signage & Project Signage Information Form Rule 219-Permitting CARB Equipment EV Charging	6/21/2023	6/5/2023
5/25/2023	Palmdale	20 Lots for Future 40 Single-family Residential Lots	Pre-Application 23-030 requesting to subdivide 4.52 acres into 20 lots to develop 40 single-family residential lots. This project site is located south of Avenue S, and east of 40th Street East in the city of Palmdale, CA (APN: 3052-009-032).	Dust Control Signage & Project Signage Information Form Rule 1403-Asbestos Rule 219-Permitting CARB Equipment	6/21/2023	6/5/2023

The following page(s) contain the backup material for Agenda Item: [Approve payments to City of Lancaster in the amount of \\$249,058.16 for FY23 Quarter 3 expenditures. Find that the California Environmental Quality Act does not apply to this item.](#)

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: June 20, 2023

RECOMMENDATION: Approve payments to City of Lancaster in the amount of \$249,058.16 for FY23 Quarter 3 expenditures. Find that the California Environmental Quality Act does not apply to this item.

SUMMARY: The District contracts for services with City of Lancaster; an invoice for services is presented for payment.

BACKGROUND: Key Expenses: Staffing expenses of \$226,416.51.

The AVAQMD contracts with the City of Lancaster for essential executive, administrative, and fiscal services.

REASON FOR RECOMMENDATION: The AVAQMD Governing Board must authorize all payments to the City of Lancaster.

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 June 13, 2023.

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



CITY OF LANCASTER
CITY OF LANCASTER SUCCESSOR AGENCY
LANCASTER POWER AUTHORITY
CALIFORNIA CHOICE ENERGY AUTHORITY
44933 N. FERN AVE.
LANCASTER, CA 93534-2461
(661) 723-6033
accountsreceivable@cityoflanasterca.org

INVOICE

A V AIR QUALITY MNGMNT DISTRCT
2551 WEST AVENUE H
LANCASTER CA 93536

Invoice No:
I230002245

Date:
06/01/2023

Customer No:
00014464

Invoice Description	Amount Due
FY23 QUARTER 3 PROGRAM STAFF OVERHEAD	226416.51 22641.65
Total Due	249058.16
Please Pay This Amount	249058.16

CITY OF LANCASTER
44933 N. FERN AVE.
LANCASTER, CA 93534-2461
(661) 723-6033

To pay your invoice online, please visit www.cityoflanasterca.org. To pay a specific invoice only, please select "AR Invoice" and enter your customer number and invoice number. To pay all outstanding invoices on your account, please select "AR Customer" and enter your customer number and any valid invoice number.

The following page(s) contain the backup material for Agenda Item: [This Preliminary Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at April 30, 2023.](#)

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: June 20, 2023

RECOMMENDATION: Receive and file. Find that the California Environmental Quality Act does not apply to this item.

SUMMARY: This Preliminary Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at April 30, 2023.

BACKGROUND: The Financial Reports for April 2023 provide financial and budgetary performance information for the District for the period referenced.

BALANCE SHEET. The balance sheet summarizes the District's financial position on April 30, 2023.

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 April is 84%.

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 June 13, 2023.

PRESENTER: Bret Banks, Executive Director/APCO.

Antelope Valley AQMD
Balance Sheet - Governmental Funds
As of April 30, 2023

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	4,333,355.01	960,161.36	1,988,801.10	2,516,310.46	9,798,627.93
Cash Held For Other Fund	(33,812.26)	35,053.72	(1,241.46)	0.00	0.00
Receivables	176,292.46	0.00	0.00	0.00	176,292.46
Pre-Paids	8,558.10	0.00	0.00	0.00	8,558.10
Total Current Assets	4,484,393.31	995,215.08	1,987,559.64	2,516,310.46	9,983,478.49
Total Assets	4,484,393.31	995,215.08	1,987,559.64	2,516,310.46	9,983,478.49
Liabilities and Net Position					
Current Liabilities					
Payables	200,493.30	1,000.00	0.00	0.00	201,493.30
Due to Others	(201.00)	0.00	0.00	0.00	(201.00)
Unearned Revenue	950,227.21	0.00	0.00	2,494,352.13	3,444,579.34
Total Current Liabilities	1,150,519.51	1,000.00	0.00	2,494,352.13	3,645,871.64
Restricted Fund Balance	0.00	1,020,598.85	1,757,311.23	65,830.33	2,843,740.41
Cash Reserves	1,000,000.00	0.00	0.00	0.00	1,000,000.00
Unassigned Fund Balance	1,549,632.96	0.00	0.00	0.00	1,549,632.96
Pre-Paid	1,378.50	0.00	0.00	0.00	1,378.50
Change in Net Position	782,862.34	(26,383.77)	230,248.41	(43,872.00)	942,854.98
Total Liabilities & Net Position	4,484,393.31	995,215.08	1,987,559.64	2,516,310.46	9,983,478.49

Antelope Valley AQMD
Statement of Revenues & Expenditures
For the Period Ending April 30, 2023

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>
<u>Revenues</u>					
Application and Permit Fees	65,265.74	0.00	0.00	0.00	65,265.74
AB 2766 and Other Program Revenues	53,257.57	49,983.31	46,864.04	0.00	150,104.92
Fines	1,216.49	0.00	0.00	0.00	1,216.49
Investment Earnings	5,141.21	0.00	0.00	0.00	5,141.21
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	124,881.01	49,983.31	46,864.04	0.00	221,728.36
<u>Expenditures</u>					
Program Staff	23,466.66	0.00	0.00	0.00	23,466.66
Services and Supplies	22,308.97	36,000.32	93,416.70	0.00	151,725.99
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	22,893.64	0.00	0.00	0.00	22,893.64
Total Expenditures	68,669.27	36,000.32	93,416.70	0.00	198,086.29
Excess Revenue Over (Under) Expenditures	56,211.74	13,982.99	(46,552.66)	0.00	23,642.07

Antelope Valley AQMD

Statement of Activity - MTD, MTM and YTD

For 4/30/2023

00 District Wide

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
Revenues				
Permitting	63,469.41	1,149,349.39	1,199,200.00	(0.96)
Programs	150,104.92	1,580,912.61	3,755,106.00	(0.42)
Application Fees	1,796.33	16,719.33	32,500.00	(0.51)
State Revenue	0.00	772,515.62	1,446,315.00	(0.53)
Federal Revenue	0.00	63,982.00	63,982.00	(1.00)
Fines & Penalties	1,216.49	36,111.01	10,000.00	(3.61)
Interest Earned	5,141.21	33,595.55	44,602.00	(0.75)
Adjustments to Revenue	0.00	(14,765.18)	0.00	0.00
Total Revenues	221,728.36	3,638,420.33	6,551,705.00	(0.56)
Expenses				
Office Expenses	5,549.80	108,959.39	131,561.00	0.83
Communications	1,874.56	24,478.92	35,870.00	0.68
Vehicles	516.58	8,785.25	15,930.00	0.55
Program Costs	37,325.00	1,253,573.20	4,119,978.00	0.30
Travel	0.00	2,679.36	16,650.00	0.16
Professional Services				
Payroll Contract	0.00	0.00	1,000.00	0.00
Financial Audit & Actuarial Svcs	550.00	15,760.00	0.00	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	700.00	5,800.00	8,400.00	0.69
Maintenance & Repairs	0.00	970.20	7,000.00	0.14
Non-Depreciable Inventory	40.03	12,913.78	10,500.00	1.23
Dues & Subscriptions	10,000.00	21,034.00	21,100.00	1.00
Legal	2,524.38	24,194.36	79,000.00	0.31
Miscellaneous Expense	92,092.02	378.86	2,900.00	0.13
Capital Expenditures	22,893.64	182,483.84	50,000.00	3.65
Total Expenses	174,066.01	1,662,011.16	4,530,889.00	0.37
Program Staff				
Excess Revenue Over (Under) Expenditures	47,662.35	1,976,409.17	2,020,816.00	(0.98)

Antelope Valley AQMD

Statement of Activity - MTD, MTM and YTD

For 4/30/2023

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	0.00	10.46	1,200.00	0.01
Professional Services				
Payroll Contract	0.00	68.31	250.00	0.27
Financial Audit & Actuarial Svcs	553.62	107,306.10	264,500.00	0.41
Consulting Fees	0.00	41,055.00	0.00	0.00
Total Expenses	553.62	148,439.87	265,950.00	0.56
<u>Program Staff</u>				
Program Staff	23,466.66	885,114.32	1,800,000.00	0.49
Total Program Staff	23,466.66	885,114.32	1,800,000.00	0.49
Excess Revenue Over (Under) Expenditures	(24,020.28)	(1,033,554.19)	(2,065,950.00)	(0.50)

Antelope Valley AQMD

Statement of Activity - MTD, MTM and YTD

For 4/30/2023

Report Recap

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
Revenues				
Permitting	63,469.41	1,149,349.39	1,199,200.00	(0.96)
Programs	150,104.92	1,580,912.61	3,755,106.00	(0.42)
Application Fees	1,796.33	16,719.33	32,500.00	(0.51)
State Revenue	0.00	772,515.62	1,446,315.00	(0.53)
Federal Revenue	0.00	63,982.00	63,982.00	(1.00)
Fines & Penalties	1,216.49	36,111.01	10,000.00	(3.61)
Interest Earned	5,141.21	33,595.55	44,602.00	(0.75)
Adjustments to Revenue	0.00	(14,765.18)	0.00	0.00
Total Revenues	221,728.36	3,638,420.33	6,551,705.00	(0.56)
Expenses				
Office Expenses	5,549.80	108,969.85	132,761.00	0.82
Communications	1,874.56	24,478.92	35,870.00	0.68
Vehicles	516.58	8,785.25	15,930.00	0.55
Program Costs	37,325.00	1,253,573.20	4,119,978.00	0.30
Travel	0.00	2,679.36	16,650.00	0.16
Professional Services				
Payroll Contract	0.00	68.31	1,250.00	0.05
Financial Audit & Actuarial Svcs	1,103.62	123,066.10	264,500.00	0.47
Research Studies	0.00	0.00	6,000.00	0.00
Consulting Fees	0.00	41,055.00	25,000.00	1.64
Stipends	700.00	5,800.00	8,400.00	0.69
Maintenance & Repairs	0.00	970.20	7,000.00	0.14
Non-Depreciable Inventory	40.03	12,913.78	10,500.00	1.23
Dues & Subscriptions	10,000.00	21,034.00	21,100.00	1.00
Legal	2,524.38	24,194.36	79,000.00	0.31
Miscellaneous Expense	92,092.02	378.86	2,900.00	0.13
Capital Expenditures	22,893.64	182,483.84	50,000.00	3.65
Total Expenses	174,619.63	1,810,451.03	4,796,839.00	0.38
Program Staff				
Program Staff	23,466.66	885,114.32	1,800,000.00	0.49
Total Program Staff	23,466.66	885,114.32	1,800,000.00	0.49
Excess Revenue Over (Under) Expenditures	23,642.07	942,854.98	(45,134.00)	20.89

Antelope Valley AQMD
Bank Register from 4/01/2023 to 4/30/2023
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>
	4/01/2023	Interest Earned	0.00	5,141.21	2,028,119.05
0000476	4/07/2023	DAILY DEPOSIT	0.00	158,477.61	2,186,596.66
0000477	4/07/2023	DAILY RECEIPT	0.00	584.33	2,187,180.99
0000478	4/13/2023	DAILY DEPOSIT	0.00	9,796.64	2,196,977.63
0000479	4/19/2023	DAILY DEPOSIT	0.00	6,041.21	2,203,018.84
R23-39	4/19/2023	AB2766 Transfer - January 2023	52,404.38	0.00	2,150,614.46
R23-40	4/19/2023	AB923 Transfer - January 2023	49,134.02	0.00	2,101,480.44
Total for Report:			101,538.40	180,041.00	

Antelope Valley AQMD
Bank Register from 4/01/2023 to 4/30/2023
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>
0000476	4/03/2023	CREDIT CARD TRANSACTION SL&C PALMDALE	0.00	531.21	1,401,061.95
0000476	4/05/2023	Credit Card Transaction Burns Environmental	0.00	1,242.00	1,402,303.95
0000477	4/07/2023	CREDIT CARD TRANSACTION BURNS ENVIRONMENTAL CITY OF PALMDALE	0.00	5,581.45	1,407,885.40
0000477	4/10/2023	CREDIT CARD TRANSACTION USFS	0.00	916.34	1,408,801.74
0000478	4/13/2023	CREDIT CARD TRANSACTION ADLC	0.00	244.00	1,409,045.74
0005208	4/17/2023	[10006] BANK OF THE WEST-CREDIT CARD 1628	4,706.96	0.00	1,404,338.78
0005209	4/17/2023	[10006] BANK OF THE WEST-CREDIT CARD 1465	146.86	0.00	1,404,191.92
0005210	4/17/2023	[10006] BANK OF THE WEST-CREDIT CARD 4950	1,192.05	0.00	1,402,999.87
0005211	4/17/2023	[11556] C.J. BROWN & COMPANY, CPAS-ACCOUNTING SERVICE MARCH 2023 - OUT OF POCKET EXPENSES	163.00	0.00	1,402,836.87
0005212	4/17/2023	[10014] CITY OF LANCASTER-FY23 QUARTER 2	196,029.15	0.00	1,206,807.72
0005213	4/17/2023	[11511] JOEL S CRAIG-AIR MONITORING SERVICES 03/02/2023-03/23/2023	950.00	0.00	1,205,857.72
0005214	4/17/2023	[11540] LINDE GAS & EQUIPMENT INC.-CYLINDER RENTAL 02/20/2023- 03/20/2023	23.52	0.00	1,205,834.20
0005215	4/17/2023	[10031] NOVACOAST INC-CAPS TRANSITIONS 03/02/2023-03/30/2023	4,060.00	0.00	1,201,774.20
0005216	4/17/2023	[10071] QUADIENT LEASING-POSTAGE METER 04/02/2023-05/01/2023	78.17	0.00	1,201,696.03
0005217	4/17/2023	[11512] SAMUEL OKTAY-ENGINEERING SERVICES MARCH 2023	4,411.00	0.00	1,197,285.03
0005218	4/17/2023	[11402] TIME WARNER CABLE-SPECTRUM ENTERPRISE INTERNET 04/01/2023-04/30/2023	214.98	0.00	1,197,070.05
0005219	4/17/2023	[10045] VERIZON BUSINESS-VOIP 04/01/2023-04/30/2023	360.81	0.00	1,196,709.24
0005220	4/17/2023	[10046] VERIZON CALIFORNIA - NJ-LONG DISTANCE 03/28/2023-04/27/2023	35.17	0.00	1,196,674.07
0005221	4/17/2023	[10050] WOELFL FAMILY TRUST-Lease Payment - May 2023	4,968.38	0.00	1,191,705.69
0005222	4/17/2023	[10072] USPS/POC-Prepaid Postage	1,000.00	0.00	1,190,705.69
0000479	4/17/2023	CREDIT CARD TRANSACTION CORE ENVIRONMENTAL	0.00	1,167.00	1,191,872.69
0000001	4/20/2023	CREDIT CARD TRANSACTION DILLARDS	0.00	796.82	1,192,669.51
0000480	4/20/2023	CREDIT CARD TRANSACTION QUARTZ HILL 76 T-MOBILE LLC	0.00	1,190.33	1,193,859.84
0000001	4/24/2023	CREDIT CARD TRANSACTION 7-ELEVEN #15968	0.00	1,139.46	1,194,999.30
0000001	4/27/2023	CREDIT CARD TRANSACTION RICHMOND AMERICA - SEASONS	0.00	661.00	1,195,660.30

Total for Report: 218,340.05 13,469.61

Antelope Valley AQMD
Bank Register from 4/01/2023 to 4/30/2023
WF AB923

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0001074	4/17/2023	[10884] COAST AUTO SALVAGE-AB 923	1,365.00	0.00	2,031,718.78
		ANNUAL LAWN MOWER EXCHANGE PROGRAM 2022			
R23-40	4/19/2023	AB923 Transfer - January 2023	0.00	49,134.02	2,080,852.80
	4/19/2023	Service Charge	92,051.70	0.00	1,988,801.10
Total for Report:			93,416.70	49,134.02	

Antelope Valley AQMD
Bank Register from 4/01/2023 to 4/30/2023
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>
0022684	4/05/2023	[11585] MICHELLE ROYAL-AB2766 GRANT ELECTRIC TRACTOR REPLACEMENT	31,500.00	0.00	911,257.30
0022685	4/17/2023	[10884] COAST AUTO SALVAGE-AB2766 GRANT ANNUAL LAWN MOWER EXCHANGE PROGRAM 2022	1,460.00	0.00	909,797.30
0022686	4/17/2023	[11589] ANGELICA COOK-AB 2766 GRANT	500.00	0.00	909,297.30
0022687	4/17/2023	[11588] TYLYNN DAVIS ANDERSON-AB 2766 GRANT	500.00	0.00	908,797.30
0022688	4/17/2023	[11587] PAUL K MCCOY-AB 2766 GRANT	500.00	0.00	908,297.30
0022689	4/17/2023	[11590] BROOKE DANIELLE VALIENTE-AB 2766 GRANT	500.00	0.00	907,797.30
R23-39	4/19/2023	AB2766 Transfer - January 2023	0.00	52,404.38	960,201.68
	4/25/2023	Service Charge	40.32	0.00	960,161.36
Total for Report:			35,000.32	52,404.38	

The following page(s) contain the backup material for Agenda Item: [Consider the Consulting Agreement with Bret Banks; authorize the Chairman of the Governing Board to sign the agreement; Find that the California Environmental Quality Act \(CEQA\) does not apply to this item and direct staff actions.](#)

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: June 20, 2023

RECOMMENDATION: Consider the Consulting Agreement with Bret Banks; authorize the Chairman of the Governing Board to sign the agreement; Find that the California Environmental Quality Act (CEQA) does not apply to this item and direct staff actions.

SUMMARY: This item allows the Governing Board to consider the Consulting Agreement with Bret Banks, to commence on the Effective Date and shall expire six (6) months thereafter, on January 1, 2024, unless extended pursuant to subsection 2.02 or terminated as per section 20.3 of the contract and direct actions to develop and execute an amended agreement.

BACKGROUND: This item allows the Governing Board to consider a Consulting Agreement with Bret Banks.

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

PRESENTER: Allison Burns, Legal Counsel.

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
CONSULTING AGREEMENT**

This CONSULTING AGREEMENT (“Agreement”) is dated for reference purposes only as of July 1, 2023 (“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 terminated on September 30, 2022.

WHEREAS, BANKS and DISTRICT entered into that certain Air Pollution Control Officer Consulting Agreement dated October 1, 2022.

WHEREAS, BANKS has elected to retire as APCO, but has agreed to consult back to the DISTRICT 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 consult with the District and its staff if and to the extent needed in accordance with 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) 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.

(ii) Substitution of Key Personnel. BANKS has represented to DISTRICT that he will personally provide the Services 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 six (6) months thereafter, on January 1, 2024, 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 hereunder, the DISTRICT shall pay BANKS \$2,500.00 per month. 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: _____, 2023

Marvin Crist
Chairman

Dated: _____, 2023

BRET BANKS

The following page(s) contain the backup material for Agenda Item: [Approve the First Amendment to the Agreement between the Antelope Valley Air Quality Management District \(AVAQMD\) and the City of Lancaster amending Section 13 in its entirety, to include Operational Oversight, naming Barbara Lods as the Executive Director pursuant to this Amendment, whose initial classification and compensation shall be Director 2000, Step 1 on the City of Lancaster's compensation and classification schedule and shall be considered as an at-will employee; Find that the California Environmental Quality Act \(CEQA\) does not apply to this item; Authorize the Chairman to finalize terms and conditions of the proposed Agreement; and Authorize the Chairman to execute the final Agreement.](#)

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: June 20, 2023

RECOMMENDATION: Approve the First Amendment to the Agreement between the Antelope Valley Air Quality Management District (AVAQMD) and the City of Lancaster amending Section 13 in its entirety, to include Operational Oversight, naming Barbara Lods as the Executive Director pursuant to this Amendment, whose initial classification and compensation shall be Director 2000, Step 1 on the City of Lancaster’s compensation and classification schedule and shall be considered as an at-will employee; Find that the California Environmental Quality Act (CEQA) does not apply to this item; Authorize the Chairman to finalize terms and conditions of the proposed Agreement; and Authorize the Chairman to execute the final Agreement.

SUMMARY: This item presents a proposed First Amendment to Agreement for the City of Lancaster to provide administrative and operational services and oversight for the AVAQMD; authorizes the Chairman to finalize terms and conditions of the proposed agreement; and authorizes the Chairman to execute the final Agreement.

BACKGROUND: The Agreement for services between the AVAQMD and the City of Lancaster is for a period of five (5) years commencing on October 1, 2022 and ending on June 30, 2027, with an option to continue for two (2) more years under the same terms and conditions, unless earlier terminated, extended, or modified.

This first Amendment to the Agreement provides Operational Oversight by providing the services of a Director to act in the capacity of Air Pollution Control Officer (APCO)/Executive Director, serving as an at-will employee of the City of Lancaster.

REASON FOR RECOMMENDATION: Governing Board approval is required to enter into contracts and agreements.

REVIEW BY OTHERS: This item was reviewed by Allison E. Burns, Special Counsel as to legal form on or about June 14, 2023.

FINANCIAL DATA: No increase in appropriation is anticipated action will not require any additional appropriation.

PRESENTER: Bret Banks, Executive Director/APCO

**FIRST AMENDMENT TO AGREEMENT BETWEEN THE
ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
AND THE CITY OF LANCASTER**

This amendment (Amendment) is made between the ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT (AVAQMD) AND THE CITY OF LANCASTER (CITY).

RECITALS

WHEREAS, AVAQMD is the local agency with the Primary responsibility for the control of air pollution from all sources other than vehicular sources within the local jurisdiction (Health & Safety Code §39002, 40000); and

WHEREAS, AVAQMD has a jurisdiction as described in Health & Safety Code §41300(b) and more particularly described in AVAQMD Rule 103; and

WHEREAS, the CITY OF LANCASTER is within the jurisdiction as described in Health & Safety Code §41300(b);

WHEREAS, the AVAQMD and the CITY have by that certain agreement dated August 24, 2022 (Agreement) agreed that AVAQMD will contract from the CITY certain services necessary to provide air pollution control services including human resources, staffing and fiscal administration adequate to meet the regulatory and legislated responsibilities of an air quality management district within the AVAQMD jurisdiction; and

WHEREAS, the CITY agreed to provide such services consistent with all applicable laws and regulations pursuant to the provisions of this Agreement; and

WHEREAS, certain changes in personnel have occurred, requiring amendment of the Agreement; and

WHEREAS, the AVAQMD and the CITY together agree to amend the Agreement pursuant to the provisions of Title 1, Division 7, Chapter 5, Article 1 of the California Government Code (commencing with §6500).

In consideration of the mutual covenants and conditions the AVAQMD and the CITY agree as follows:

TERMS AND CONDITIONS

1. **AMENDMENT TO SECTION 13.** Section 13 of the Agreement is hereby deleted in its entirety and replaced with the following:

13. OPERATIONAL OVERSIGHT

A. The CITY OF LANCASTER will provide the services of a Director to act in the capacity of the Air Pollution Control Officer (APCO)/Executive Director of AVAQMD. It is acknowledged and understood that the position of Executive Director is unique and that the person serving in this position must have the full confidence of the Governing Board of the AVAQMD. Accordingly, the Governing Board of the AVAQMD with a 75% majority will have the right, at any time, to request the removal of the Air Pollution Control Officer (APCO)/Executive Director or any replacement thereof from the position of Executive Director. The replacement for the position of Executive Director will be subject to the review and approval of AVAQMD Governing Board and AVAQMD will be responsible for and shall defend and indemnify the CITY OF LANCASTER from and against any and all costs, expenses, liabilities and/or claims (i) with regard to the removal of the Air Pollution Control Officer (APCO)/Executive Director pursuant to this Paragraph 13.A., and (ii) to locate and hire any replacement Air Pollution Control Officer (APCO)/Executive Director.

B. The initial Executive Director of AVAQMD pursuant to this Amendment will be Barbara Lods, whose initial classification and compensation shall be as a “Director 2000, Step 1” on the CITY OF LANCASTER’s compensation and classification schedule, with a starting salary as of the execution hereof of \$86.36 per hour (\$14,969.18 per month). Any removal of Barbara Lods from this position pursuant to the provisions of paragraph 13.A., above, will result in her removal from employment with the CITY OF LANCASTER.

C. The Governing Board of the AVAQMD reserves the right to contract separately for operation oversight of the AVAQMD office. The CITY OF LANCASTER will provide reasonable access to its records and personnel for such oversight. Such third party hired for oversight may direct day to day operations under this Agreement as well as oversee actions of staff to provide services under this Agreement, however such third party shall not have the right to change the scope or nature of Services under this Agreement nor exercise any personnel related authority under the CITY OF LANCASTER’s policies and procedures including, but not limited to, performance reviews and discipline of CITY OF LANCASTER personnel. Nothing in this

provision shall prevent either the AVAQMD Governing Board or any person contracted to provide operation oversight from providing input, advice and consultation regarding AVAQMD issues.

2. AMENDMENT TO EXHIBIT A. Exhibit A to the Agreement is hereby deleted in its entirety and replaced with Exhibit A hereto.

3. EFFECTIVE DATE

This Amendment shall be effective July 1, 2023, for the term specified in Section 2 of the Agreement.

4. NO OTHER CHANGES

Except as amended by this Amendment, all provisions of the Agreement shall remain in full force and effect and shall govern the actions of the Parties.

This Agreement is executed in the City of Lancaster, County of Los Angeles.

ANTELOPE VALLEY AIR QUALITY
MANAGEMENT DISTRICT

CITY OF LANCASTER

BY: _____
Bret Banks, APCO

BY: _____
Jason Caudle, City Manager

DATED: _____

DATED: _____

Approved as to Legal Form

**ACKNOWLEDGMENT AND CONSENT
TO FIRST AMENDMENT TO AGREEMENT BETWEEN THE
ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
AND THE CITY OF LANCASTER**

The undersigned hereby expressly acknowledges and consents to the terms of that certain First Amendment to Agreement Between the Antelope Valley Air Quality Management District (“AVAQMD”) and the City of Lancaster (“City”) dated _____, 2023 (the “Amendment”), including, but not limited to:

1. That the person serving in the position of Air Pollution Control Officer (“APCO/Executive Director”) must have the full confidence of the Governing Board of the AVAQMD.
2. That the Governing Board of the AVAQMD with a 75% majority will have the right, at any time, to request the removal of the undersigned as APCO/Executive Director.
3. That as APCO/Executive Director, the undersigned is an at-will employee not entitled to due process rights pursuant to *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194.

This Agreement is executed in the City of Lancaster, County of Los Angeles on this ____ day of _____, 2023.

Barbara Lods

EXHIBIT A

SCOPE OF MATERIALS AND SERVICES

The CITY OF LANCASTER agrees to provide services to the AVAQMD as specified in the Agreement, namely: provide administration and operations, adequate to meet the regulatory and legislated responsibilities of an air quality management district within the AV AQMD jurisdiction specified in Division 26 of the California Health & Safety Code (commencing with §39000). The scope of services that the CITY OF LANCASTER may provide as directed by the fiscal year budget are described below.

In the event the AVAQMD Governing Board redirects or appoints a third party to perform any of the services or functions listed herein to another party, contractor, consultant or vendor, the CITY OF LANCASTER will be relieved from any and all liabilities arising out of or connection with the performance of such services by any or all third parties from the effective date of such assignment. The AVAQMD shall indemnify and hold harmless the CITY OF LANCASTER, its agents and employees, against all liabilities arising out of or connected with the transfer of such assignment.

The CITY OF LANCASTER agrees to hire and provide staffing for the following positions to serve in the existing capacity on behalf of the AVAQMD operations:

City of Lancaster Title	City of Lancaster Employee Group	AVAQMD Working Title	Starting Annual Salary Range Steps 1-6. (City of Lancaster: Effective July 1, 2022)					
Director	2000	Executive Director (APCO)	\$179,630.16	\$188,611.68	\$198,042.24	\$207,944.28	\$218,341.56	\$239,506.92
Manager	3000	Operations Manager	\$116,759.66	\$122,597.65	\$128,727.53	\$135,163.91	\$141,922.10	\$155,679.43
Coordinator II	4000	Grants Analyst	\$80,833.66	\$84,875.35	\$89,119.11	\$93,575.07	\$98,253.82	\$107,778.13
Inspector	4000	Air Quality Specialist III	\$80,833.66	\$84,875.35	\$89,119.11	\$93,575.07	\$98,253.82	\$107,778.13
Specialist II	4000	Air Quality Specialist I	\$71,852.00	\$75,444.60	\$79,216.83	\$83,177.68	\$87,336.56	\$95,802.84
Senior Administrative Assistant	4000	Office Assistant	\$71,852.00	\$78,032.01	\$82,138.96	\$86,462.06	\$91,012.70	\$95,802.84

The referenced salaries will be used as the initial salary basis for the employees involved in the initial transition. Annually, THE CITY OF LANCASTER and the AVAQMD will amend or confirm the titles and organizational structure in concurrence with the annual budget process. The CITY OF LANCASTER will provide all benefits for the above listed personnel as it does for all other CITY OF LANCASTER employees. As such all listed positions will be subject to amendments and changes approved by the CITY OF LANCASTER city council.

Grant Account/Management: all activities including, but not limited to, making application for available funds, soliciting projects that meet the objectives of each grant program, developing and administering contracts to ensure the grant program objectives are met; disbursing funds and performing reviews on contract performance. A portion of the CITY OF LANCASTER finance department staff will supervise and account for the grant's activity and the AVAQMD will be billed on a time and material basis for such support.

Administrative Services: all activities including, but not limited to, operations for a staffed office located in the AVAQMD jurisdiction with regular business operating hours, revenue collection and expenditure tracking, budget preparation and administration, development, implementation and maintenance of an automated system for tracking permits and permit activities, procurement and maintenance of facilities, operations and fixed assets as set forth in the annual budget, and miscellaneous expenses as identified in the annual budget. Financial and accounting services include, but are not limited to, appropriate accounting procedures to maintain bank accounts, receive and expend funds and report accordingly, and computer information systems.

Executive Services: all activities including, but not limited to services of the Air Pollution Control Officer/Executive Officer, direction and oversight of all operations of the AV QMD, support for boards, commissions and committees, including the Governing Board and the Hearing Board.

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$33,237 in Mobile Source Emission Reductions Program (AB 923) funds to Jeff Pantana for the replacement of an older diesel tractor with new, cleaner technology; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable funding sources become available; 3) 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; and 4)) Find that the California Environmental Quality Act (CEQA) does not apply to this item.
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: June 20, 2023

RECOMMENDATION: 1) Award an amount not to exceed \$33,237 in Mobile Source Emission Reductions Program (AB 923) funds to Jeff Pantana for the replacement of an older diesel tractor with new, cleaner technology; 2) Authorize the Executive Director/APCO the option to change the funding source if warranted or if other applicable funding sources become available; 3) 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; and 4)) Find that the California Environmental Quality Act (CEQA) does not apply to this item.

SUMMARY: This item awards an amount not to exceed \$33,237 of Mobile Source Emission Reductions Program (AB 923) funds to Robert Dedmore for the replacement of a 1987 diesel tractor with new, cleaner technology certified to the Final Tier 4/current emission standards.

BACKGROUND: AVAQMD received an application from Jeff Pantana for grant funding to replace an older diesel tractor. The proposed tractor currently operates approximately 550 hours a year for maintenance and upkeep of approximately 10-acres of property including unpaved dirt road (West Ave. E-8). Applicant is not subject to any regulation and 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 toward the replacement equipment. Retirement of the proposed project produces an estimated 0.51 tons/yr. early emission reductions with a 3-year project life. Early fleet turnover provides emission reductions that help the Valley towards attainment of the national ambient air quality standards.

cc: Bret Banks
Barbara Lods
Julie McKeehan

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

AGENDA ITEM # 8

PAGE 2

REASON FOR RECOMMENDATION: Governing Board approval is needed for the use of District funds. 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 June 6, 2023.

FINANCIAL DATA: Funding is available from the District’s Mobile Source Emission Reductions Program (AB 923) funds.

INTERESTED PARTIES: Jeff Pantana

PRESENTER: Julie McKeehan, Grants Analyst

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$82,000 in Mobile Source Emission Reductions Program funds to the City of Lancaster for a hydrogen mobile fueler; 2) Authorize the Executive Director the option to change the funding source if warranted or if other applicable funding sources become available; 3) Authorize the Executive 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; and 4) Find that the California Environmental Quality Act (CEQA) does not apply to this item.

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: June 20, 2023

RECOMMENDATION: 1) Award an amount not to exceed \$82,000 in Mobile Source Emission Reductions Program funds to the City of Lancaster for a hydrogen mobile fueler; 2) Authorize the Executive Director the option to change the funding source if warranted or if other applicable funding sources become available; 3) Authorize the Executive 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; and 4) Find that the California Environmental Quality Act (CEQA) does not apply to this item.

SUMMARY: This item awards an amount not to exceed \$82,000 of Mobile Source Emission Reductions Program funds to the City of Lancaster toward the purchase of a temporary hydrogen mobile fueler to support the City's growing fleet of hydrogen fuel cell electric vehicles (FCEV). Proposed funding consists of \$41,000 of AB 923 and \$41,000 of AB 2766 pursuant to the requirements of the grant guidelines.

BACKGROUND: AVAQMD received an application from the City of Lancaster for grant funding to establish a temporary hydrogen mobile fueler. The City of Lancaster is recognized as the first city in the US to embrace hydrogen power and is advancing their vision by establishing temporary hydrogen fueling for their growing fleet of hydrogen fuel cell electric vehicles (FCEV) with future plans to establish public options for hydrogen fueling. The mobile fueler (system) will be based at the City Maintenance Yard located at the corner of BYD Blvd and Avenue H. The system will be used exclusively to fuel City fleet vehicles and will only be accessible by trained staff members of the fleet team. FCEV running on hydrogen fuel offers zero emissions benefiting local air quality. It is highly efficient as a clean fuel and offers fast fueling times for zero emission vehicles. Staff has evaluated the project pursuant to grant guidelines for the use of Mobile Source Emission Reductions Program funds and proposes to support the project 100 percent consisting of \$41,000 of AB 923 and \$41,000 of AB 2766. The adoption of clean fuels helps to reduce greenhouse gas emissions, improves air quality, and advances the market for clean fuels and transportation offered to consumers.

cc: Bret Banks
Barbara Lods
Julie McKeehan

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

AGENDA ITEM # 9

PAGE 2

REASON FOR RECOMMENDATION: Governing Board approval is needed for the use of District funds. 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 June 8, 2023.

FINANCIAL DATA: Funding is available from the District’s Mobile Source Emission Reductions Program funds (AB 2766 and AB 923).

INTERESTED PARTIES: City of Lancaster

PRESENTER: Julie McKeehan, Grants Analyst

The following page(s) contain the backup material for Agenda Item: [Conduct Continued Public Hearing to consider the proposed AVAQMD Budget for FY 2023-24: a. Re-Open the continued public hearing; b. Receive supplemental staff report and/or staff update; c. Receive public testimony; d. Close public hearing; e. Find that the California Environmental Quality Act \(CEQA\) does not apply to this item; f. Adopt a resolution approving and adopting the budget for FY 2023-2024.](#)

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: June 20, 2023

RECOMMENDATION: Conduct Continued Public Hearing to consider the proposed AVAQMD Budget for FY 2023-24: a. Re-Open the continued public hearing; b. Receive supplemental staff report and/or staff update; c. Receive public testimony; d. Close public hearing; e. Find that the California Environmental Quality Act (CEQA) does not apply to this item; f. Adopt a resolution approving and adopting the budget for FY 2023-2024.

SUMMARY: The AVAQMD Budget for Fiscal Year 2023-2024 is presented to the Governing Board for adoption and implementation beginning July 1, 2023.

BACKGROUND: A proposed budget summary and supporting documentation was prepared and made available in accordance with the 30-day Public Notice Requirement of Health and Safety Code §40131(a)(1). All persons within the Antelope Valley Air Quality Management District jurisdiction who were subject to fees during the prior fiscal year were properly notified of the availability of the information (pursuant to H&S §40131(a)(2)). A Public Hearing for the purpose of reviewing the budget and taking public comment, as required by H&S § 40131(a)(3), was held May 16, 2023 and continued to this meeting.

The budget includes anticipated revenue to be derived from a proposed 8.0% fee increase. The fee increase is well within the provisions of Health & Safety Code §42311(a) and falls within the exemption found in Article XIII C §1(e)(3) of the California Constitution.

REASON FOR RECOMMENDATION: Health and Safety Code §40131 requires that Districts adopt an annual budget. Adoption of the budget will enable the AVAQMD Governing Board to make adequate financial plans and will ensure that the District can administer their respective functions in accordance with such plans.

REVIEW BY OTHERS: This agenda item was approved as to legal form by Allison Burns, Special Counsel on or before June 6, 2023.

FINANCIAL DATA: There is no additional financial impact resulting from this presentation and public hearing.

PRESENTER: Barbara Lods, Operations Manager.

RESOLUTION NO. 23-02

A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT APPROVING AND ADOPTING THE PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2023-24.

On June 20, 2023, on motion by Member _____, seconded by Member _____, and carried, the following resolution is adopted:

WHEREAS, the Air Pollution Control Officer has submitted to the Governing Board an annual budget for the Antelope Valley Air Quality Management District (AVAQMD) for the fiscal year 2023-24; and

WHEREAS, a proposed budget summary and supporting documentation were prepared and made available in accordance with the 30 day Public Notice requirement (Health and Safety Code §40131(a)(1)); and

WHEREAS, all persons within the District area who were subject to fees during the prior fiscal year were properly notified of the availability of the information (Health and Safety Code §40131(a)(2)); and

WHEREAS, a separate Public Hearing for the exclusive purpose of reviewing the budget and taking public comment, as required by Health and Safety Code §40131(a)(3), was held on May 16, 2023 and continued to June 20, 2023; and

WHEREAS, the annual budget contains estimates of the services, activities and programs comprising the budget, and contains expenditure requirements and their resources available to the AVAQMD; and

WHEREAS, the expenses budgeted for all funds for fiscal year 2023-24 are \$6,411,409 (Six Million, Four Hundred Eleven Thousand, Four Hundred Nine); and

WHEREAS, the revenue budgeted from all funds for fiscal year 2023-24 is \$6,492,647 (Six Million, Four Hundred Ninety-Two Thousand, Six Hundred Forty-Seven); and

WHEREAS, the annual budget will enable the AVAQMD Governing Board to make adequate financial plans and will ensure that the AVAQMD officers can administer their respective functions in accordance with such plans,

NOW, THEREFORE, BE IT RESOLVED, by the AVAQMD Governing Board, the

RESOLUTION NO. 23-02

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following:

The Air Pollution Control Officer, or designee, is authorized and hereby directed to execute the initial and final applications for potential State subvention funds and CAP funds for Fiscal Year 2023-24.

The annual budget for the AVAQMD for the fiscal year 2023-24 is hereby approved and adopted, and the amounts of proposed expenditures, as specified, are appropriate for the account classifications as herein specified.

A. The 2023-24 Budget for expenses is hereby adopted, establishing the following:

<u>ACCOUNT CLASSIFICATION</u>	<u>2023-24 ADOPTED BUDGET</u>
Personnel Expenses	\$1,828,647
Operating Expenses	528,800
Program Expenses	3,948,962
Capital Expenses	<u>105,000</u>
TOTAL EXPENSE BUDGET	\$6,411,409

B. The 2023-24 Budget for revenue is hereby adopted, establishing a revenue base for the expenditures noted above:

<u>ACCOUNT CLASSIFICATION</u>	<u>2022-23 ADOPTED BUDGET</u>
Permit Fees	\$1,353,600
Application Fees	32,325
Fines & Penalties	10,000
Interest Income	10,000
Revenue from (Grant) Programs	3,418,217
Federal and State Revenue	<u>1,668,415</u>
TOTAL REVENUE BUDGET	\$6,492,647
Cash to/from Reserve	\$81,238
Committed Fund Balance for Cash Reserves	\$1M

RESOLUTION NO. 23-02

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Pursuant to Section 53901 of the California Government Code, the Finance Manager shall file a copy of this resolution with the Auditor of the County of Los Angeles, as required.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the Governing Board of the Antelope Valley Air Quality Management District by the following vote:

AYES: MEMBER:
NOES: MEMBER:
ABSENT: MEMBER:
ABSTAIN: MEMBER:

STATE OF CALIFORNIA)
)
) ss:
COUNTY OF LOS ANGELES)

I, Adrianna Castaneda, Administrative Assistant of the Governing Board of the Antelope Valley Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of June 20, 2023.

_____,
Adrianna Castaneda
Administrative Secretary,
Antelope Valley Air Quality Management District.