

Antelope Valley Air Quality Management District Governing Board Regular Meeting

Agenda

LOCATION

Antelope Valley AQMD
District Office
43301 Division Street, Suite 206
Lancaster, CA 93535
661.723.8070

**TUESDAY, DECEMBER 21, 2021
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

THIS MEETING IS BEING HELD IN ACCORDANCE WITH RESOLUTION 21-06 OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT (“DISTRICT”) PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD OF NOVEMBER 16, 2021 THROUGH DECEMBER 16, 2021 PURSUANT TO BROWN ACT PROVISIONS.

JOIN BY PHONE, DIAL US: +1.701.802.5348; ENTER ACCESS CODE: 5765772

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 PROVIDE PUBLIC COMMENTS, PUBLIC COMMENTS ARE LIMITED TO FIVE MINUTES PER COMMENT.

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

Election of Chair and Vice Chair for 2022.

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 November 16, 2021.](#)
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 \\$120,402.02 for October 2021 expenditures. Presenter: Bret Banks, Executive Director/APCO.](#)
5. [Receive and file the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at October 31, 2021. The Financial Reports for July provide financial and budget performance information for the District for the period referenced. Presenter: Bret Banks, Executive Director/APCO.](#)
6. [Ratification of Board Chairman’s determination pursuant to Government Code section 54953\(e\)\(3\) finding state or local officials continue to impose or recommend measures to promote social distancing. Adopt a resolution reaffirming the local Declaration of Emergency as adopted on April 27, 2020; ratifying the proclamation of a State of Emergency by the Governor on March 4, 2020; and authorizing remote teleconference meetings of the Governing Board of the Antelope Valley Air Quality Management District \(AVAQMD\) for the period of December 21, 2021 through January 21, 2022 pursuant to provisions of the Brown Act. Presenter: Bret Banks, Executive Director/APCO.](#)

ITEMS FOR DISCUSSION

DEFERRED ITEMS

NEW BUSINESS

7. [1\) Award an amount not to exceed \\$134,000 to AV Farming to replace older diesel-fueled farm equipment with zero emissions 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.

8. 1) Award an amount not to exceed \$285,000 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.
9. Reports: Governing Board Counsel, Executive Director/APCO, Staff.
10. Board Member Reports and Suggestions for Future Agenda Items.
11. Adjourn to Regular Governing Board Meeting of Tuesday, January 18, 2022.

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 Deanna Hernandez at 760.245.1661 x6244 or by email at dhernandez@mdaqmd.ca.gov .

Mailed & Posted on: Tuesday, December 14, 2021.

Deanna Hernandez

Deanna Hernandez

The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of November 16, 2021.](#)
Please scroll down to view the backup material.

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD MEETING
TUESDAY, NOVEMBER 16, 2021
ANTELOPE VALLEY 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
Steven Hofbauer, City of Palmdale
Ken Mann, City of Lancaster

Board Members Absent:

CALL TO ORDER

Chair **CRIST** called the meeting to order at 10:02 a.m. Chair **CRIST** asked Board Member **HOWARD HARRIS** to lead the Pledge of Allegiance. Roll call was taken.

PUBLIC COMMENT

❖ Chair **CRIST** called for **PUBLIC COMMENT**. At this time, no public comment was made in person, telephonically 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 **HAWKINS**, seconded by Board Member **HARRIS**, 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 KEN MANN**, on the Consent Calendar, as follows

Agenda Item #1 – Approve Minutes from Regular Governing Board Meeting of October 19, 2021.
Approved Minutes from Regular Governing Board Meeting of October 19, 2021.

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 \$196,434.63 for September 2021 expenditures.

Presenter: Bret Banks, Executive Director/APCO.

Approved payment to MDAQMD in the amount of \$196,434.63 for September 2021 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 September 30, 2021.

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 September 30, 2021.

Agenda Item #6 – Ratification of Board Chairman’s determination pursuant to Government Code section 54953(e)(3) finding state or local officials continue to impose or recommend measures to promote social distancing. Adopt a resolution reaffirming the local Declaration of Emergency as adopted on April 27, 2020; ratifying the proclamation of a State of Emergency by the Governor on March 4, 2020; and authorizing remote teleconference meetings of the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) for the period of November 16, 2021 through December 16, 2021 pursuant to provisions of the Brown Act.

Presenter: Bret Banks, Executive Director/ APCO.

Adopted Resolution 21-06 “A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT(“DISTRICT”) PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS.”

ITEMS FOR DISCUSSION

DEFERRED ITEMS

None.

NEW BUSINESS

Agenda Item #7 – 1) Award an amount not to exceed \$179,000 of Mobile Source Emissions Reduction Program (AB 923) funds to AV Farming to replace older diesel farm equipment with zero emissions 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.

Agenda item pulled by staff to be presented at the next regularly scheduled Governing Board meeting.

Agenda Item #8 – 1) Award an amount not to exceed \$70,000 in Carl Moyer Program funds to Critical Car Care for the replacement of (2) older forklifts; 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.

Julie McKeehan, Grants Analyst, presented the staff report and answered questions from the Board. After discussion, upon motion by Board Member **HOFBAUER**, seconded by Board Member **HARRIS**, with seven **AYES** votes by Board Members **BISHOP, CHELETTE, CRIST, HARRIS, HAWKINS, HOFBAUER and MANN**, the board, 1) **Awarded** an amount not to exceed \$70,000 in Carl Moyer Program funds to Critical Car Care for the replacement of (2) older forklifts; 2) **Authorized** 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.

Agenda Item #9 – 1) Award an amount not to exceed \$30,000 of Community Air Protection Program (AB 134) funds to Lancaster School District toward the purchase of a zero-emissions electric riding mower; and 2) Authorize the Executive Director/APCO 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.

Julie McKeehan, Grants Analyst, presented the staff report and answered questions from the Board. After discussion, upon motion by Board Member **CRIST**, seconded by Board Member **MANN**, with seven **AYES** votes by Board Members **BISHOP, CHELETTE, CRIST, HARRIS, HAWKINS, HOFBAUER and MANN**, the board, 1) **Awarded** an amount not to exceed \$30,000 of Community Air Protection Program (AB 134) funds to Lancaster School District toward the purchase of a zero-emissions electric riding mower; and 2) **Authorized** the Executive Director/APCO 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.

Agenda Item #10 – Receive and file presentation regarding the 2021 Air Quality Update.

Presenter: Bret Banks, Executive Director/APCO.

Bret Banks, Executive Director/APCO, presented the 2021 Air Quality Update. No action required of the Governing Board as this item is informational. At this time, Barbara Lods, Operations Manager, updated the Board on the Lawn & Garden Program. As of October 26, 2021, a total of 310 items have been processed; 130 lawn mowers and 180 hand tools.

Agenda Item #11– Reports.

Governing Board Counsel –

- Happy Thanksgiving.

Executive Director/APCO –

- Happy Thanksgiving.
- Brad Poiriez, Executive Director/APCO Mojave Desert AQMD, commented on the many grant funding streams, PM Ozone Standard changing and on the Small Off-Road Engines (SORE) signed into law by California Governor Newsom.

Staff –

- No report.

Agenda Item #12 – Board Member Reports and Suggestions for Future Agenda Items.

- No report.

Agenda Item #13 – Adjourn to Regular Governing Board Meeting of Tuesday, December 21, 2021.

Being no further business, the meeting adjourned at 10:32 a.m. to the next regularly scheduled Governing Board Meeting of Tuesday, December 21, 2021.

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

November 2021

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: \$355,208.00

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: \$387,814.00

Carl Moyer Program

\$658,553.00 FY 20/21 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: \$255,269.00

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: \$245,487.00

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: December 7, 2021

Subject: November Operations Activity Report

Permit Inspections - 209

Notices of Violation (NOV) Issued – 1

Vapor Recovery Tests Witnessed – 2

Complaints - 1

Complaint Investigations – 1

Asbestos Notifications – 14

Asbestos Project Inspections - 0

Active Companies - 280

Active Facilities - 532

Active Permits - 1126

Certificate of Occupancy/Building Permit Reviews - 1

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						
12/21/2021						
Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
10/25/2021	Lancaster	Residential Subdivision	Initial Study/Mitigated Negative Declaration for the project identified as TTM 61678/CUP 20-05. The proposed project consists of a 123-lot residential subdivision for the construction and occupancy of single-family residences in the R-7000 (single-family residential, minimum lot size 7,000 square feet) zone (TTM No. 61678). Additionally, the proposed project includes a conditional use permit (CUP No. 20-05) to allow for smaller lots with the provision of open space throughout the development. All roadways within the subdivision would be private. The project site is located at the southeast corner of 57th Street West and Avenue K (APNs: 3204-009-044, -045, -002, -007) on approximately 25 gross acres.	DCP CARB Equipment	10/13/2021	11/3/2021
10/26/2021	Palmdale	Kids N Colors Daycare	Conditional Use Permit 21-009 Determination of Application Completeness/Condition Setting requesting to establish a commercial daycare within an existing building that was previously utilized as a church located at 1850 East Avenue R (APN: 3012-021-028 and -035).	Rule 403-Dust Rule 1403-Asbestos Rule 219-Permitting CARB Equipment	11/2/2021	11/2/2021
10/29/2021	Lancaster	Tentative Tract Map	TTM No. 61920 / ZC 21-04 for a tentative tract map and zone change on 38 acres at the corner of 55 th Street West and Avenue K (APNs: 3203-016—035, -036, and -037. The applicant is proposing to change the zoning from R-10,000 and R-15,000 to R-7,000 and subdivide the property into 169 residential lots.	DCP CARB Equipment	11/19/2021	11/4/2021
11/1/2021	Palmdale	Subdivision of APN 3051-016-011	Pre-Application 21-050 requesting to subdivide 13.88 acres into 50 single-family residential lots located at 47 th Street East and East Avenue S-8 (APN: 3051-016-011).	DCP CARB Equipment	11/17/2021	11/9/2021

AVAQMD CEQA PROJECTS						
BOARD MEETING						
12/21/2021						
Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
11/1/2021	Palmdale	Mining and Manufacturing Site	Conditional Use Permit 21-010 / Site Plan Review 21-011 / Reclamation Plan 21-002 Determination of Application Completeness/Condition Setting for the development of a mining and manufacturing site, including two buildings totaling 440 square feet, located east of 75 th Street East and north of Avenue S (APNs: 3024-016-003 and -004).	DCP CARB Equipment Rule 219-Permitting Active Operation DCP	11/15/2021	11/9/2021
11/5/2021	Palmdale	Woodsprings Suites	Pre-Application 21-051 Conceptual Review requesting to develop a 2.2-acre parcel with one commercial building totaling 51,000 square feet located at the southeast corner of Avenue O-8 and 11 th Street West (APNs: 3005-050-002, -007, and -009).	No Comment	11/29/2021	11/22/2021
11/15/2021	Palmdale	Change Land Use Designation	Request to review a change to the Land Use Designation from SFR-3 (Single-Family Residential, 3.1-6 dwelling units per acre) to R-2 (Medium Residential, 6.1-10 dwelling units per acre), a request to change the zone from R-1-7,000 (Single-Family Residential, minimum lot size of 7,000 square feet) to R-2 (Medium Residential), and a proposal to subdivide approximately 10 acres into 65 single-family lots and one detention basin lot located at the northwest corner of 42 nd Street East and Avenue S-4 (APNs: 3052-009-012 and 3052-009-026).	No Comment	11/29/2021	11/22/2021
11/15/2021	Palmdale	TTM 54328	Tentative Tract Map 54328 / Tentative Parcel Map 62220 – <i>Resubmittal</i> for the request to subdivide approximately 166 acres located on the north side of Avenue S between the California aqueduct and the easterly boundary of the City Ranch Specific Plan (Falcon Glen).	No Comment	11/29/2021	11/22/2021

AVAQMD CEQA PROJECTS						
BOARD MEETING						
12/21/2021						
Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
11/29/2021	Palmdale	Change Land Use Designation	Specific Plan Amendment 21-003 / Site Plan Review 21-012 (previously Pre-Application 21-026) requesting to change the Land Use Designation from T-5 to C-3 and to develop a .99 acre parcel with one commercial building totaling 3,600 sf to be utilized as an express carwash located at the southeast corner of Palmdale Boulevard and 5 th Street East (APNs: 3009-006-013, -014, 015 and -021).	No Comment	12/15/2021	12/2/2021
11/30/2021	Lancaster	RV Storage Facility	SPR 21-14 requesting to develop an RV storage facility with an office building along Challenger Way between East Avenue L & East Avenue L-4 on approximately 1.08 acres (APNs: 3126-014-013).	No Comment	12/17/2021	12/6/2021
12/5/2021	Palmdale	Ingram Affordable Housing Project	Pre-Application 21-052 Conceptual Review requesting to develop a 1.2-acre parcel with four buildings totaling 20,496 square feet to be utilized as affordable housing apartments located at the southeast corner of Avenue Q-13 and 13 th Street East (APNs: 3014-009-018 and -034).	No Comment	12/15/2021	12/7/2021
12/6/2021	Palmdale	California Auto Wrecking	Pre-Application 21-054 Conceptual Review to develop a 1.17-acre parcel with two buildings totaling 12,978 square feet to be utilized as an auto repair/car rental/storage/lot located at 26th Street East and Palmdale Boulevard (APN: 3018-025-008).	No Comment	12/23/2021	12/7/2021

The following page(s) contain the backup material for Agenda Item: [Approve payments to MDAQMD in the amount of \\$120,402.02 for October 2021 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: December 21, 2021

RECOMMENDATION: Approve payments to MDAQMD in the amount of \$120,402.02 for October 2021 expenditures.

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

BACKGROUND: Key Expenses: Staffing expenses of \$102,173.40.

The AVAQMD contracts with the MDAQMD for essential executive, administrative, fiscal, engineering, and air monitoring services.

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 December 6, 2021.

FINANCIAL DATA: The contract and direct expenditure amounts are part of the approved District budget for FY22. 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
www.mdaqmd.ca.gov

Invoice Date 10/31/2021
Invoice Number 43188
Due Date DUE UPON RECEIPT

INVOICE

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

Facility Address :
Facility ID

Invoice Description	FY22 - October 2021	Amount
Program Staff		102,173.40
OVERHEAD		14,786.21
Professional Services		3,407.41
Recruitment		35.00
<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>		
<p>MAKE CHECKS PAYABLE TO MOJAVE DESERT AQMD PLEASE INCLUDE THE INVOICE NUMBER ON THE CHECK</p>		<p>Invoice Total 120,402.02 Amount Paid 0.00 Balance Due 120,402.02</p>

The following page(s) contain the backup material for Agenda Item: [Receive and file the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at October 31, 2021. The Financial Reports for July provide financial and budget performance information for the District for the period referenced. Presenter: Bret Banks, Executive Director/APCO.](#)
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**MINUTES OF THE GOVERNING BOARD
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
LANCASTER, CALIFORNIA**

AGENDA ITEM #5

DATE: December 21, 2021

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 October 31, 2021.

BACKGROUND: The Financial Reports for October 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 October 31, 2021.

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 October is 34%.

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.

DISTRICT CARDS. This report details purchases made using the District's credit cards.

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 December 6, 2021.

PRESENTER: Bret Banks, Executive Director/APCO.

Antelope Valley AQMD
Balance Sheet - Governmental Funds
As of October 31, 2021

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	4,663,440.11	638,926.01	1,540,148.14	1,145,923.36	7,988,437.62
Cash Held For Other Fund	(115,947.36)	41,994.24	73,953.12	0.00	0.00
Receivables	54,331.63	0.00	0.00	0.00	54,331.63
Pre-Paids	18,473.76	0.00	0.00	0.00	18,473.76
Total Current Assets	4,620,298.14	680,920.25	1,614,101.26	1,145,923.36	8,061,243.01
Total Assets	4,620,298.14	680,920.25	1,614,101.26	1,145,923.36	8,061,243.01
Liabilities and Net Position					
Current Liabilities					
Payables	321,119.38	3,000.00	40,000.00	0.00	364,119.38
Due to Others	2,505.00	0.00	0.00	0.00	2,505.00
Unearned Revenue	2,017,902.69	0.00	0.00	1,156,827.41	3,174,730.10
Total Current Liabilities	2,341,527.07	3,000.00	40,000.00	1,156,827.41	3,541,354.48
Restricted Fund Balance	2,017,902.69	649,150.86	1,650,543.42	(10,907.13)	4,306,689.84
Cash Reserves	577,718.00	0.00	0.00	0.00	577,718.00
Unassigned Fund Balance	(159,604.85)	0.00	0.00	0.00	(159,604.85)
Pre-Paid	914.05	0.00	0.00	0.00	914.05
Change in Net Position	(158,158.82)	28,769.39	(76,442.16)	3.08	(205,828.51)
Total Liabilities & Net Position	4,620,298.14	680,920.25	1,614,101.26	1,145,923.36	8,061,243.01

Antelope Valley AQMD
Statement of Revenues & Expenditures
For the Period Ending October 31, 2021

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	44,757.04	0.00	0.00	0.00	44,757.04
AB 2766 and Other Program Revenues	57,115.91	56,923.83	56,923.82	0.00	170,963.56
Fines	500.00	0.00	0.00	0.00	500.00
Investment Earnings	771.87	0.24	0.62	0.31	773.04
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	103,144.82	56,924.07	56,924.44	0.31	216,993.64
Expenditures					
Program Staff	102,173.40	0.00	0.00	0.00	102,173.40
Services and Supplies	31,320.92	15,000.00	54,641.60	0.00	100,962.52
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	0.00	0.00	0.00	0.00	0.00
Total Expenditures	133,494.32	15,000.00	54,641.60	0.00	203,135.92
Excess Revenue Over (Under) Expenditures	(30,349.50)	41,924.07	2,282.84	0.31	13,857.72

Antelope Valley AQMD
Statement of Activity - MTD, MTM and YTD
For 10/31/2021

00 District Wide

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
Revenues				
Permitting	45,247.25	373,858.35	1,047,500.00	(0.36)
Programs	170,963.56	335,217.86	2,833,400.00	(0.12)
Application Fees	1,322.00	8,093.42	30,500.00	(0.27)
State Revenue	0.00	41,640.02	1,096,000.00	(0.04)
Fines & Penalties	500.00	15,850.30	10,000.00	(1.59)
Interest Earned	773.04	3,372.74	17,500.00	(0.19)
Adjustments to Revenue	(1,812.21)	(8,916.52)	0.00	0.00
Total Revenues	216,993.64	769,116.17	5,034,900.00	(0.15)
Expenses				
Office Expenses	6,427.02	34,135.97	108,625.00	0.31
Communications	2,292.25	6,763.78	21,050.00	0.32
Vehicles	457.49	1,109.11	7,900.00	0.14
Program Costs	69,641.60	325,785.52	3,104,500.00	0.10
Travel	11.20	44.80	12,650.00	0.00
Professional Services				
Payroll Contract	35.00	911.42	0.00	0.00
Research Studies	0.00	0.00	6,000.00	0.00
Consulting Fees	0.00	0.00	3,000.00	0.00
Stipends	600.00	2,500.00	8,400.00	0.30
Maintenance & Repairs	225.00	2,424.63	6,500.00	0.37
Non-Depreciable Inventory	45.14	4,765.12	2,300.00	2.07
Dues & Subscriptions	1,556.00	6,906.00	46,400.00	0.15
Legal	1,250.00	5,075.00	44,000.00	0.12
Miscellaneous Expense	0.00	125.79	2,900.00	0.04
Suspense	0.00	372.87	0.00	0.00
Capital Expenditures	0.00	15,116.89	50,000.00	0.30
Total Expenses	82,540.70	406,036.90	3,424,225.00	0.12
Program Staff				
Excess Revenue Over (Under) Expenditures	134,452.94	363,079.27	1,610,675.00	(0.23)

Antelope Valley AQMD
Statement of Activity - MTD, MTM and YTD
For 10/31/2021

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	228.20	447.04	1,500.00	0.30
Vehicles	0.00	547.39	0.00	0.00
Travel	0.00	0.00	2,500.00	0.00
Professional Services				
Payroll Contract	7.41	22.23	125.00	0.18
Financial Audit & Actuarial Svcs	18,186.21	75,858.88	212,625.00	0.36
Dues & Subscriptions	0.00	0.00	250.00	0.00
Total Expenses	18,421.82	76,875.54	217,000.00	0.35
<u>Program Staff</u>				
Program Staff	102,173.40	492,032.24	1,389,000.00	0.35
Total Program Staff	102,173.40	492,032.24	1,389,000.00	0.35
Excess Revenue Over (Under) Expenditures	(120,595.22)	(568,907.78)	(1,606,000.00)	(0.35)

Antelope Valley AQMD
Statement of Activity - MTD, MTM and YTD
For 10/31/2021

Report Recap

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
Revenues				
Permitting	45,247.25	373,858.35	1,047,500.00	(0.36)
Programs	170,963.56	335,217.86	2,833,400.00	(0.12)
Application Fees	1,322.00	8,093.42	30,500.00	(0.27)
State Revenue	0.00	41,640.02	1,096,000.00	(0.04)
Fines & Penalties	500.00	15,850.30	10,000.00	(1.59)
Interest Earned	773.04	3,372.74	17,500.00	(0.19)
Adjustments to Revenue	(1,812.21)	(8,916.52)	0.00	0.00
Total Revenues	216,993.64	769,116.17	5,034,900.00	(0.15)
Expenses				
Office Expenses	6,655.22	34,583.01	110,125.00	0.31
Communications	2,292.25	6,763.78	21,050.00	0.32
Vehicles	457.49	1,656.50	7,900.00	0.21
Program Costs	69,641.60	325,785.52	3,104,500.00	0.10
Travel	11.20	44.80	15,150.00	0.00
Professional Services				
Payroll Contract	42.41	933.65	125.00	7.47
Financial Audit & Actuarial Svcs	18,186.21	75,858.88	212,625.00	0.36
Research Studies	0.00	0.00	6,000.00	0.00
Consulting Fees	0.00	0.00	3,000.00	0.00
Stipends	600.00	2,500.00	8,400.00	0.30
Maintenance & Repairs	225.00	2,424.63	6,500.00	0.37
Non-Depreciable Inventory	45.14	4,765.12	2,300.00	2.07
Dues & Subscriptions	1,556.00	6,906.00	46,650.00	0.15
Legal	1,250.00	5,075.00	44,000.00	0.12
Miscellaneous Expense	0.00	125.79	2,900.00	0.04
Suspense	0.00	372.87	0.00	0.00
Capital Expenditures	0.00	15,116.89	50,000.00	0.30
Total Expenses	100,962.52	482,912.44	3,641,225.00	0.13
Program Staff				
Program Staff	102,173.40	492,032.24	1,389,000.00	0.35
Total Program Staff	102,173.40	492,032.24	1,389,000.00	0.35
Excess Revenue Over (Under) Expenditures	13,857.72	(205,828.51)	4,675.00	44.03

Antelope Valley AQMD
Bank Register from 10/01/2021 to 10/31/2021
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>
0000001	10/05/2021	Credit Card Transaction - Lancaster Homeless Group	0.00	507.00	476,740.25
0004632	10/07/2021	[10006] BANK OF THE WEST-Credit Card Purchases 08/20/2021-09/19/2021	81.93	0.00	476,658.32
0004633	10/07/2021	[10013] CDW - G-Inv L67145 - USB-C to Displayport	55.35	0.00	476,602.97
0004634	10/07/2021	[10483] STREAMLINE-Inv F7C1BDDC-0011 - Web Hosting	200.00	0.00	476,402.97
0004635	10/07/2021	[10046] VERIZON CALIFORNIA - NJ-Long Distance 09/28/2021-10/27/2021	34.89	0.00	476,368.08
0004636	10/07/2021	[11259] WEX BANK-Fuel Purchases 09/2021	236.86	0.00	476,131.22
R22-17	10/07/2021	Operating Fund Replenishment #07	0.00	147,585.97	623,717.19
0004637	10/14/2021	[10996] ANTELOPE VALLEY EDGE-Inv 541 - Director's Fee	300.00	0.00	623,417.19
0004638	10/14/2021	[10006] BANK OF THE WEST-CREDIT CARD -1628 09/05/2021-10/04/2021	2,397.77	0.00	621,019.42
0004639	10/14/2021	[10006] BANK OF THE WEST-CREDIT CARD -1465 09/05/2021-10/04/2021	78.01	0.00	620,941.41
0004640	10/14/2021	[10260] QCS BUILDING SERVICES-JANITORIAL SERVICE 10/2021	225.00	0.00	620,716.41
0004641	10/14/2021	[10071] QUADIENT LEASING-Copier Lease 10/02/2021-11/01/2021	78.17	0.00	620,638.24
0004642	10/14/2021	[10039] SPARKLETTS-Water 09/30/2021	48.87	0.00	620,589.37
0004643	10/14/2021	[10455] STRADLING YOCCA CARLSON & RAUTH-Legal Service ending 08/31/2021	1,250.00	0.00	619,339.37
0004644	10/14/2021	[10045] VERIZON BUSINESS-VOIP 10/01/2021-10/31/2021	427.94	0.00	618,911.43
0000001	10/15/2021	Wells Fargo ACH - Lockheed	0.00	84,487.05	703,398.48
0000001	10/19/2021	Wells Fargo ACH - Northrop	0.00	6,070.92	709,469.40
0004645	10/21/2021	[10405] CANON FINANCIAL SERVICES-COPIER LEASE 10/01/2021-10/31/2021	387.72	0.00	709,081.68
0004646	10/21/2021	[10013] CDW - G-Inv M085791 - Dell Monitor	860.01	0.00	708,221.67
0004647	10/21/2021	[10026] MOJAVE DESERT AQMD-FY22 - August 2021	122,972.13	0.00	585,249.54
0004648	10/21/2021	[00069] SOUTHERN CALIFORNIA EDISON-Electricity Usage - 09/13/21 - 10/12/21	618.37	0.00	584,631.17
0004649	10/21/2021	[10592] SPECTRUM BUSINESS-Fiber 10/08/2021-11/07/2021	770.00	0.00	583,861.17
0004650	10/21/2021	[10050] WOELFL FAMILY TRUST-Lease Payment - November 2021	4,823.67	0.00	579,037.50
0000001	10/21/2021	Credit Card Transaction - North American Recycling & Crushing LLC - Toneman Development Corporation	0.00	776.25	579,813.75
R22-18	10/21/2021	Operating Fund Replenishment #08	0.00	135,237.66	715,051.41
0000001	10/22/2021	Credit Card Transaction - Digital Custom Auto Body - Rosendin Electric Inc	0.00	1,005.91	716,057.32
0000001	10/27/2021	Credit Card Transaction - Palmdale Terrace Apartments	0.00	661.00	716,718.32
0000001	10/27/2021	Credit Card Transaction - Solar Star California XLIV LLC	0.00	505.91	717,224.23
0000001	10/27/2021	Credit Card Transaction - Interior Demolition Inc. (2)	0.00	1,411.00	718,635.23
0000001	10/27/2021	Credit Card Transaction - Caliber Collision	0.00	1,651.00	720,286.23
R22-14	10/28/2021	Operating Fund Replenishment #06	0.00	17,263.16	737,549.39
0004651	10/28/2021	[10006] BANK OF THE WEST-Credit Card -1481 09/20/21-10/19/21	45.14	0.00	737,504.25
0004652	10/28/2021	[10007] BOHN'S PRINTING-Printing Service	227.12	0.00	737,277.13

Antelope Valley AQMD
Bank Register from 10/01/2021 to 10/31/2021
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>
0004653	10/28/2021	[10011] CALIFORNIA SPECIAL DISTRICTS ASSOCIATION-2022 Membership Renewal	1,556.00	0.00	735,721.13
0004654	10/28/2021	[10012] CAPCOA-Inv 1434 - Fall 2021 Meeting	65.00	0.00	735,656.13
0004655	10/28/2021	[11259] WEX BANK-Fuel Purchases 10/2021	342.66	0.00	735,313.47
0000001	10/28/2021	Credit Card Transaction - AV Aauto Paint & Supply	0.00	1,011.82	736,325.29
Total for Report:			138,082.61	398,174.65	

Antelope Valley AQMD
Bank Register from 10/01/2021 to 10/31/2021
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>
	10/01/2021	Interest Earned	0.00	771.87	2,171,696.17
0000001	10/04/2021	Daily Deposit	0.00	175,337.62	2,347,033.79
R22-15	10/06/2021		51,220.10	0.00	2,295,813.69
R22-16	10/06/2021		54,629.30	0.00	2,241,184.39
R22-17	10/07/2021		147,585.97	0.00	2,093,598.42
0000001	10/12/2021	DAily Deposit	0.00	79,179.57	2,172,777.99
0000001	10/20/2021	Daily Deposit	0.00	192,675.19	2,365,453.18
R22-18	10/21/2021		135,237.66	0.00	2,230,215.52
R22-14	10/28/2021		17,263.16	0.00	2,212,952.36
0000001	10/28/2021	Daily Deposit	0.00	15,971.17	2,228,923.53
Total for Report:			405,936.19	463,935.42	

Antelope Valley AQMD

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Bank Register from 10/01/2021 to 10/31/2021

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>
R22-16	10/06/2021	Transfer AB2766 - July 2021	0.00	54,629.30	650,920.72
0022399	10/07/2021	[11282] FERNANDO DE LUNA-AB2766 Grant	500.00	0.00	650,420.72
0022400	10/07/2021	[11281] ALFREDO EUDAVE-AB2766 Grant	500.00	0.00	649,920.72
0022401	10/07/2021	[11284] MARICRIS S ROSETE-AB2766 Grant	500.00	0.00	649,420.72
0022402	10/07/2021	[11280] HEDILBERTO SILVA VALDOVINOS-AB2766 Grant	1,000.00	0.00	648,420.72
0022403	10/14/2021	[11289] ALLAN B GARCIA-AB2766 GRANT	500.00	0.00	647,920.72
0022404	10/14/2021	[11285] JOOHYUNG LEE-AB2766 GRANT	500.00	0.00	647,420.72
0022405	10/14/2021	[11287] SAMUEL C LEE-AB2766 GRANT	500.00	0.00	646,920.72
0022406	10/14/2021	[11290] CODIE T PONSCHKE-AB2766 GRANT	1,000.00	0.00	645,920.72
0022407	10/14/2021	[11288] ERIC D RATHJEN-AB2766 GRANT	1,000.00	0.00	644,920.72
0022408	10/14/2021	[11286] BHUPINDERJIT SINGH-AB2766 GRANT	500.00	0.00	644,420.72
0022409	10/21/2021	[11293] TRENACE BARTLETT-AB2766 GRANT	500.00	0.00	643,920.72
0022410	10/21/2021	[11283] RANJIV CHOUDHARY-AB2766 GRANT	500.00	0.00	643,420.72
0022411	10/21/2021	[11281] ALFREDO EUDAVE-AB2766 GRANT	500.00	0.00	642,920.72
0022412	10/21/2021	[11292] JACOB FRANCESMITH-AB2766 GRANT	500.00	0.00	642,420.72
0022413	10/21/2021	[11295] ALAN PEREZ-AB2766 GRANT	500.00	0.00	641,920.72
0022414	10/21/2021	[11294] REX E ROSETE-AB2766 GRANT	500.00	0.00	641,420.72
0022415	10/21/2021	[11291] STANLEY SONG-AB2766 GRANT	500.00	0.00	640,920.72
0022416	10/28/2021	[11300] FABRICIO P APUY NOVELLA-AB2766 GRANT	500.00	0.00	640,420.72
0022417	10/28/2021	[11299] MARTHA PINON-AB2766 GRANT	1,000.00	0.00	639,420.72
0022418	10/28/2021	[11298] STEVEN WOOD-AB2766 GRANT	500.00	0.00	638,920.72
Total for Report:			12,000.00	54,629.30	

Antelope Valley AQMD
Bank Register from 10/01/2021 to 10/31/2021
LA County AB2766 U5R

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	10/01/2021	Interest Earned	0.00	0.24	5.29
Total for Report:			0.00	0.24	

Antelope Valley AQMD
Bank Register from 10/01/2021 to 10/31/2021
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>
R22-15	10/06/2021	Transfer AB923 - July 2021	0.00	51,220.10	1,554,776.15
0001047	10/07/2021	[10884] COAST AUTO SALVAGE-AB923 Grant September 2021	1,200.00	0.00	1,553,576.15
0001048	10/21/2021	[02306] FRABER PROPERTIES II LLC-AB923 GRANT	13,441.60	0.00	1,540,134.55
Total for Report:			14,641.60	51,220.10	

Antelope Valley AQMD
Bank Register from 10/01/2021 to 10/31/2021
LA County AB923

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	10/01/2021	Interest Earned	0.00	0.62	13.59
Total for Report:			0.00	0.62	

Antelope Valley AQMD
Bank Register from 10/01/2021 to 10/31/2021
LA County Carl Moyer U5S

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	10/01/2021	Interest Earned	0.00	0.31	6.60
Total for Report:			0.00	0.31	

The following page(s) contain the backup material for Agenda Item: [Ratification of Board Chairman's determination pursuant to Government Code section 54953\(e\)\(3\) finding state or local officials continue to impose or recommend measures to promote social distancing. Adopt a resolution reaffirming the local Declaration of Emergency as adopted on April 27, 2020; ratifying the proclamation of a State of Emergency by the Governor on March 4, 2020; and authorizing remote teleconference meetings of the Governing Board of the Antelope Valley Air Quality Management District \(AVAQMD\) for the period of December 21, 2021 through January 21, 2022 pursuant to provisions of the Brown Act. 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 #6

DATE: December 21, 2021

RECOMMENDATION: Ratification of Board Chairman's determination pursuant to Government Code section 54953(e)(3) finding state or local officials continue to impose or recommend measures to promote social distancing. Adopt a resolution reaffirming the local Declaration of Emergency as adopted on April 27, 2020; ratifying the proclamation of a State of Emergency by the Governor on March 4, 2020; and authorizing remote teleconference meetings of the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) for the period of December 21, 2021 through January 21, 2022 pursuant to provisions of the Brown Act.

SUMMARY: This action will allow members of the AVAQMD Governing Board to continue to meet via teleconference for the December 21, 2021 Governing Board Meeting in the same manner and using the same means of compliance with the Brown Act as has been done since early 2020.

BACKGROUND: On March 4, 2020 the Governor declared a State of Emergency in California due to the impacts of the novel corona virus (COVID-19). As part of the State of Emergency the Governor issued a variety of Executive Orders, specifically N-25-20, N-29-20, and N-35-20, allowing local and state agencies to hold public meetings using remote means without complying with certain specified provisions of the Ralph M. Brown Act, Government Code §§54950-54963. The waived provisions involved the ability to conduct remote meetings without: identification of all remote locations, agenda posting at all locations used, and public access to all the remote sites. Also waived was the requirement that a quorum of teleconferencing members be physically located within the jurisdiction.

On June 11, 2021 the Governor issued Executive Order N-08-21 which set forth a timetable for the resumption of applicability of those previously waived provisions. Specifically, the normal provisions of the Brown Act were to resume on September 30, 2021 and any meetings subject to the Brown Act after that date would be required to comply with all applicable provisions of the Act as it existed prior to the original State of Emergency proclamation.

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

AGENDA ITEM #6

PAGE 2

The California Legislature responded by passing AB361 of 2021 which allowed the continued waiver of certain provisions of the Brown Act under certain specified conditions of emergency. The Governor signed AB361 on September 16, 2021 and thereafter issued Executive Order N-15-21 to allow meetings prior to October 1, 2021 to continue to be conducted under prior executive orders but that any meeting occurring on or after October 1, 2021 must be conducted pursuant to the provisions of the Brown Act as it existed prior to the original Executive Order waiver OR the local agency must comply with the provisions of AB361 to continue the waiver of certain provisions in 30 day increments.

The adoption of the attached resolution complies with the provisions of AB361 and will allow the Governing Board to conduct its December 21, 2021 meeting in the same manner as it has been conducting meetings throughout the pandemic emergency. Regularly scheduled Governing Board meeting agendas for November and December 2021 will include an action item allowing AVAQMD to comply with the provisions of AB361 to continue the waiver of certain provisions in 30-day increments. Thus, the AVAQMD expects its meetings commencing January 2022 to revert to being conducted under the full Brown Act requirements.

REASON FOR RECOMMENDATION: AB361 of 2021 requires a Governing Board resolution making findings and declaring (or ratifying) a local emergency to allow waiver of specific Brown Act meeting provisions.

REVIEW BY OTHERS: This item was reviewed by Allison Burns on or about December 6, 2021.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Bret Banks, Executive Director/APCO

RESOLUTION NO. 21-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT (“DISTRICT”) PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, Antelope Valley Air Quality Management District is committed to preserving and ensuring public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Antelope Valley Air Quality Management District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District, specifically, the Governor of California issued a series of Executive Orders aimed at containing the novel coronavirus; and

WHEREAS, the State of California and County of Los Angeles recommend social distancing due to the coronavirus; and

WHEREAS, the Board of Directors does hereby find that the threat of the coronavirus has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board of Directors does hereby find that the Board of Directors of Antelope Valley Air Quality Management District shall

conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board of Directors shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District will post an agenda (72 hours in advance of a regular Board meeting and 24 hours in advance of a Special Board meeting) on the District’s website at avaqmd.ca.gov which will contain information on how the public can participate in the meeting and provide Public Comments.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the District’s jurisdiction, and social distancing is recommended by the State of California and County of Los Angeles.

Section 3. Ratification of Governor’s Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of this Resolution’s issuance date of December 21, 2021.

Section 4. Remote Teleconference Meetings. The Executive Director/CEO and the Board of Directors of Antelope Valley Air Quality Management District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 16, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of Antelope Valley Air Quality Management District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Antelope Valley Air Quality Management District this ____ day of _____, 2021.

Chairman

ATTEST:

Secretary



Antelope Valley Air Quality Management District

43301 Division Street, Suite 206

Lancaster, CA 93535

661-723-8070

www.AVAQMD.ca.gov

DATE: December 21, 2021

TO: BOARD OF DIRECTORS

SUBJECT: RESOLUTION 21-07 PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY EXECUTIVE ORDERS N-25-20, N-29-20 AND N-35-20, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR A THIRTY (30) DAY PERIOD PURSUANT TO BROWN ACT PROVISIONS

RECOMMENDATION

That the Board of Directors approve Resolution 21-07, proclaiming a local emergency, ratifying the proclamation of a state of emergency by Executive Orders N-25-20, N-29-20 and N-35-20, and authorizing remote teleconference meetings for a thirty (30) day period pursuant to Brown Act provisions

FISCAL IMPACT

None.

BACKGROUND

On September 16, 2021, Governor Newsom signed Assembly Bill ("AB") 361 into law. AB 361 is urgency legislation amending the Brown Act to allow legislative bodies of local agencies to meet remotely with relaxed teleconferencing requirements during declared emergencies under certain conditions.

AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

- **Public Comment Opportunities in Real Time:** A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.

- **No Action During Disruptions:** In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.
- **Periodic Findings:** To continue meeting remotely pursuant to AB 361, a legislative body must make periodic findings concerning the declared emergency and its effects. AB 361 will sunset on January 1, 2024.

The proposed resolution would make the findings required by AB 361 in order to allow Antelope Valley Air Quality Management District to continue to make remote attendance available to its board members and the public if and to the extent needed.

Prepared and Submitted by:

Allison E. Burns

General Counsel, Antelope Valley Air Quality Management District

The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$134,000 to AV Farming to replace older diesel-fueled farm equipment with zero emissions 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 #7

DATE: December 21, 2021

RECOMMENDATION: 1) Award an amount not to exceed \$134,000 to AV Farming to replace older diesel-fueled farm equipment with zero emissions 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 \$134,000 of Mobile Source Emissions Reduction Program (AB 923) funds to AV Farming for the replacement of two (2) older diesel balers.

BACKGROUND: AVAQMD received a grant application from AV Farming seeking grant assistance to replace older diesel-fueled farm equipment. Agriculture equipment is unregulated and therefore there are no requirements to turn over older heavy-polluting equipment. Participation in the grant program provides incentive for turning over older fleets with new cleaner technology that meets or exceeds the current emission standards. Staff has evaluated the proposed projects and find the total weighted emission reductions to be significant at 2.10 tons/yr. for a 5-year project life and therefore recommends the maximum eligible grant award per project as pursuant to the Mobile Source Emissions Reduction Guidelines. Older heavy-duty off-road equipment are considerable sources of GHG, diesel particulate matter (PM), and oxides of nitrogen (NOx) emissions. 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 grant 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 December 8, 2021.

FINANCIAL DATA: Sufficient funds are available from the District's Mobile Source Emissions Reduction Program (AB 923) 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 \$285,000 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 #8

DATE: December 21, 2021

RECOMMENDATION: 1) Award an amount not to exceed \$285,000 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 \$285,000 of Carl Moyer Program and Mobile Source Emission Reduction Program funds 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 two (2) older diesel farm equipment for one (1) new diesel replacement. 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 \$285,000. Retirement of the proposed equipment produces an estimated 3.1 tons/yr. early emission reductions for 6 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 December 8, 2021.

FINANCIAL DATA: Funding is granted from the District's Carl Moyer Program and Mobile Source Emission Reductions Program funds.

PRESENTER: Julie McKeehan, Grants Analyst

cc: Laquita Cole
Michelle Powell
Julie McKeehan