

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD MEETING
TUESDAY, NOVEMBER 21, 2023
ANTELOPE VALLEY TRANSIT AUTHORITY DISTRICT OFFICE
LANCASTER, CA**

Minutes

Board Members Present:

Marvin Crist, *Chair*, City of Lancaster
Andrea Alarcón, City of Palmdale
Ken Mann, City of Lancaster
Howard Harris, Los Angeles County

Board Members Absent:

Ron Hawkins, Los Angeles County
Newton Chelette, Public Member
Austin Bishop, *Vice Chair*, City of Palmdale

CALL TO ORDER

Chair **CRIST** called the meeting to order at 10:01 a.m. Chair **CRIST** asked Board Member **ALARCÓN** 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**.

CLOSED SESSION

Agenda Item #1- CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION Antelope Valley Air Quality Management District v. United States Environmental Protection Agency, et al. 9th Cir. Case No. 23-1614.

The Governing board entered the Closed session at 10:03 am and concluded at 10:31 am with no report.

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

Agenda Item #2 – Approve Minutes from Regular Governing Board Meeting of September 19, 2023. Find that the California Environmental Quality Act does not apply to this item.

Approved Minutes from Regular Governing Board Meeting September 19, 2023.

Agenda Item #3 – Approve Minutes from Regular Governing Board Meeting of October 17, 2023. Find that the California Environmental Quality Act does not apply to this item.

Approved Minutes from Regular Governing Board Meeting October 17, 2023.

Agenda Item #4 – Monthly Grant Funding Summary. Receive and file.

Presenter: Barbara Lods, Executive Director/APCO.

Received and Filed Monthly Grant Funding Summary.

Agenda Item #5 – Monthly Activity Report. Receive and file.

Presenter: Barbara Lods, Executive Director/APCO.

Received and Filed Monthly Activity Report.

Agenda Item #6– 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, 2023.

Presenter: Barbara Lods, 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, 2023.

Agenda Item #7 - 1) Approve the FY 23-24 Application for Carl Moyer Program Year 26 Funds and authorize its submission to the California Air Resources Board (CARB); 2) Allocate a maximum of 15 percent of Mobile Source Emissions Reduction (MSER) Program funds to serve as the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Moyer Program); and 3) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form; and 4) Find that the California Environmental Quality Act (CEQA) does not apply to this item.

Presenter: Julie McKeehan, Grants Analyst.

1) **Approved** the FY 23-24 Application for Carl Moyer Program Year 26 Funds and authorize its submission to the California Air Resources Board (CARB); 2) **Allocated** a maximum of 15 percent of Mobile Source Emissions Reduction (MSER) Program funds to serve as the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Moyer Program); and 3) **Authorized** the Executive Director/APCO and staff to execute the agreement, approved as to legal form; and 4) Find that the California Environmental Quality Act (CEQA) does not apply to this item.

ITEMS FOR DISCUSSION

DEFERRED ITEMS

None.

NEW BUSINESS

Agenda Item #8– 1) Award an amount not to exceed \$24,000 of Mobile Source Emission Reductions Program (AB 2766) funds to Antelope Valley Fair Association (AV Fair) for the replacement of older diesel vehicles and equipment for new, clean engine technologies; 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 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 **MANN**, seconded by Board Member **ALARCON**, and carried by the following roll call vote, with four **AYES** votes by Board Members, **MARVIN CRIST, ANDREA ALARCON, HOWARD HARRIS, and KEN MANN, with Board Members AUSTIN BISHOP, NEWTON CHELETTE and RON HAWKINS** absent, the Board, 1) **Awarded** an amount not to exceed \$24,000 of Mobile Source Emission Reductions Program (AB 2766) funds to Antelope Valley Fair Association (AV Fair) for the replacement of older diesel vehicles and equipment for new, clean engine technologies; 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 the California Environmental Quality Act (CEQA) does not apply to this item.

Agenda Item #9– 1) Award an amount not to exceed \$39,532 in Carl Moyer Program funds to Jeovany Herrera Farms to replace an older diesel-powered farm tractor with 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 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; 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, 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 **ALARCÓN**, seconded by Board Member **HARRIS**, and carried by the following roll call vote, with four **AYES** votes by Board Members, **MARVIN CRIST, ANDREA ALARCON, HOWARD HARRIS, and KEN MANN, with Board Members AUSTIN BISHOP, NEWTON CHELETTE and RON HAWKINS** absent, the Board, 1) **Awarded** an amount not to exceed \$39,532 in Carl Moyer Program funds to Jeovany Herrera Farms to replace an older diesel-powered farm tractor with cleaner technology; 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/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; and 4) Find that this item is not a project pursuant to the California Environmental Quality Act.

Agenda Item #10– Conduct a continued public hearing to consider the amendment of Rule 315 - Federal Clean Air Act Section 185 Penalty (1979 Standard) and approve California Environmental Quality Act (CEQA) documentation.: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

Presenter: Barbara Lods, Executive Director/APCO.

Chair **CRIST** opened the public hearing. Barbara Lods, Executive Director/APCO, 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 **MANN** seconded by Board Member **HARRIS**, and carried by the following roll call vote, with four **AYES** votes by Board Members, **MARVIN CRIST, ANDREA ALARCON, HOWARD HARRIS, and KEN MANN, with Board Members AUSTIN BISHOP, NEWTON CHELETTE and RON**

HAWKINS absent, the Board, **Conducted** a continued public hearing to consider the amendment of Rule 315 - Federal Clean Air Act Section 185 Penalty (1979 Standard) and approve California Environmental Quality Act (CEQA) documentation.: a. **Opened** public hearing; b. **Received** staff report; c. **Received** public testimony; d. **Closed** public hearing; e. **Made** a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. **Waived** reading of Resolution; g. **Adopted** Resolution making appropriate findings, certifying the Notice of Exemption, amending the Rule and directing staff actions.

Agenda Item #11– Reports.

Governing Board Counsel –

- No report.

Executive Director/APCO –

- The finance Audit was postponed to mid December.
- AVAQMD was granted more funds for Carl Moyer.

Staff –

- No report.

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

- The Board wished everyone a Happy Thanksgiving.

Agenda Item #13– Adjourn to Regular Governing Board Meeting of Tuesday, December 19, 2023.

Being no further business, the meeting adjourned at 10:42 a.m. to the next regularly scheduled Governing Board Meeting of Tuesday, December 19, 2023.

**ACTION OF THE GOVERNING BOARD
APPROVED**

Upon motion by **ANDREA ALARCÓN**, seconded by **AUSTIN BISHOP**, as

Approved by the following vote:

Ayes: 7 CRIST, BISHOP, ALARCÓN, CHELETTE, HARRIS, HAWKINS, MANN

Noes:

Absent:

Abstain:

ADRIANNA CASTANEDA, EXECUTIVE ASSISTANT

BY *Adrianna Castañeda*

Dated: December 19, 2023