

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD MEETING
TUESDAY, SEPTEMBER 19, 2023
ANTELOPE VALLEY TRANSIT AUTHORITY DISTRICT OFFICE
LANCASTER, CA**

Minutes

Board Members Present:

Marvin Crist, *Chair*, City of Lancaster
Austin Bishop, *Vice Chair*, City of Palmdale
Andrea Alarcón, City of Palmdale
Newton Chelette, Public Member
Ken Mann, City of Lancaster
Ron Hawkins, Los Angeles County

Board Members Absent:

Howard Harris, Los Angeles County

CALL TO ORDER

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

Special Announcements/Presentation:

- ❖ Presentation of the 2022/2023 William J. "Pete" Knight Memorial AIRE Award (no backup materials).
Presenter: Barbara Lods, Executive Director/APCO.
 - Barbara Lods, Executive Director/APCO provided background information on the AIRE Award (Achievement in Reducing Emissions) and presented the 2022/2023 William J. "Pete" Knight Memorial AIRE award to Mr. Bret Banks, for his lifelong commitment to improving air quality while promoting economic growth and development in our community.
- ❖ Dianne Knippel, Executive Director AVC Foundation, presented an Antelope Valley College scholarship in honor of Mr. Bret Banks for his 23-year career focused on controlling air pollution in the Antelope Valley.

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 10:11 am and concluded at 10:38 am with no report.

CONSENT CALENDAR – The following consent items were acted upon by the Board at one time without discussion. The board voted to move Agenda Item #7 from Consent Calendar to New Business. Upon motion by Board Member **CHELETTE**, seconded by Board Member **ALARCON**, and carried by the following roll

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call vote, with six AYES votes by Board Members, MARVIN CRIST, ANDREA ALARCON, AUSTIN BISHOP, NEWTON CHELETTE, RON HAWKINS, and KEN MANN, with Board Member HOWARD HARRIS absent, on the Consent Calendar, as follows:

Agenda Item #2 – Approve Minutes from Regular Governing Board Meeting of August 15, 2023. Find that the California Environmental Quality Act does not apply to this item.

Approved Minutes from Regular Governing Board Meeting August 15, 2023.

Agenda Item #3 – Monthly Grant Funding Summary. Receive and file.

Presenter: Barbara Lods, Executive Director/APCO.

Received and Filed Monthly Grant Funding Summary.

Agenda Item #4 – 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 July 31, 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 July 31, 2023.

CONSENT CALENDAR – The following consent items were acted upon by the Board at one time without discussion. Board Member AUSTIN BISHOP recused himself from this item due to conflicts of interest and left the room prior to the vote. Upon motion by Board Member MANN, seconded by Board Member CHELETTE, and carried by the following roll call vote, with five AYES votes by Board Members, MARVIN CRIST, ANDREA ALARCON, NEWTON CHELETTE, RON HAWKINS, and KEN MANN, with Board Member HOWARD HARRIS absent and Board Member AUSTIN BISHOP recused, on the Consent Calendar, as follows:

Agenda Item #5 - Approve payments to City of Lancaster in the amount of \$287,374.21 for FY23 Quarter 4 expenditures. Find that the California Environmental Quality Act does not apply to this item.

Presenter: Barbara Lods, Executive Director/APCO.

Approved payments to City of Lancaster in the amount of \$287,374.21 for FY23 Quarter 4 expenditures. Find that the California Environmental Quality Act does not apply to this item.

ITEMS FOR DISCUSSION

DEFERRED ITEMS

None.

NEW BUSINESS

Agenda Item #7– Conduct public hearing to consider the amendment of District Rule 1700 — Prevention of Significant Deterioration (PSD): 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 Rule 1700 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 ALARCON, seconded by Board Member MANN, and carried by the following roll call vote, with six AYES votes by Board Members, MARVIN CRIST, AUSTIN BISHOP, ANDREA ALARCON, NEWTON CHELETTE, RON HAWKINS and KEN MANN, with board member HOWARD HARRIS absent, the Board, **Conducted** public hearing to consider the amendment of District Rule 1700 — Prevention of Significant Deterioration (PSD): a. **Opened** public hearing; b. **Received** staff report; c. **Received** public testimony; d. **Closed** public hearing; e. Make 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 Rule 1700 and directing staff actions.

Agenda Item #8– 1) Award an amount not to exceed \$323,424 in Carl Moyer Program funds to A-G Sod Farms for the replacement of older diesel tractors 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 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 BISHOP, seconded by Board Member MANN, and carried by the following roll call vote, with six AYES votes by Board Members, MARVIN CRIST, AUSTIN BISHOP, ANDREA ALARCON, RON HAWKINS and KEN MANN, with board member HOWARD HARRIS absent, the Board, 1) **Awarded** an amount not to exceed \$323,424 in Carl Moyer Program funds to A-G Sod Farms for the replacement of older diesel tractors with new, 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 #9– 1) Award an amount not to exceed \$78,255 in Carl Moyer Program funds to Bookman Ranch 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 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 **ALARCON** seconded by Board Member **HAWKINS**, and carried by the following roll call vote, with six AYES votes by Board Members, **MARVIN CRIST, AUSTIN BISHOP, ANDREA ALARCON, RON HAWKINS and KEN MANN**, with board member **HOWARD HARRIS** absent, the Board, 1) **Awarded** an amount not to exceed \$78,255 in Carl Moyer Program funds to Bookman Ranch for the replacement of an older diesel tractor with new, 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– 1) Award an amount not to exceed \$85,721 of Carl Moyer Program funds to Gene Wheeler Farms for the replacement of an older diesel forklift 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 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 **CHELETTE**, seconded by Board Member **ALARCON**, and carried by the following roll call vote, with six AYES votes by Board Members, **MARVIN CRIST, AUSTIN BISHOP, ANDREA ALARCON, RON HAWKINS and KEN MANN**, with board member **HOWARD HARRIS** absent, the Board, 1) **Awarded** an amount not to exceed \$85,721 of Carl Moyer Program funds to Gene Wheeler Farms for the replacement of an older diesel forklift with newer, cleaner technology; 2) **Authorized** the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) **Authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, and 4) Find that this item is not a project pursuant to the California Environmental Quality Act.

Agenda Item #11– 1) Award an amount not to exceed \$110,768 in Carl Moyer Program funds to Hemme Hay and Feed for the replacement of an older diesel forklift 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, 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. Board Member **KEN MANN** recused himself from this item due to conflicts of interest and left the room prior to the vote. Upon motion by Board Member **ALARCON**, seconded by Board Member **BISHOP**, and carried by the following roll call vote, with five AYES votes by Board Members, **MARVIN CRIST, AUSTIN BISHOP, ANDREA ALARCON,**

NEWTON CHELETTE, RON HAWKINS, with board member **HOWARD HARRIS** absent and Board Member **KEN MANN** recused, the Board, 1) **Awarded** an amount not to exceed \$110,768 in Carl Moyer Program funds to Hemme Hay and Feed for the replacement of an older diesel forklift with newer, cleaner technology; 2) **Authorized** the Executive Director/APCO the option to change the funding source if warranted or if other applicable sources become available; and 3) **Authorized** the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute agreements, approved as to legal form by the Office of District Counsel, 4) Find that this item is not a project pursuant to the California Environmental Quality Act.

Agenda Item #12– Reports.

Governing Board Counsel –

- No report.

Executive Director/APCO –

- Finance Audit begins in October with records due by Monday September 25, 2023 with CJ Brown.
- Working on NSR with General Counsel, Lockheed and Northrop Grumman.
- Rule 315 Federal Clean Air Act Section 185 Penalty (1979 Ozone Standard) amendment coming forth in October.

Staff –

- No report.

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

- Board Members Congratulated Mr. Bret Banks on achieving the AIRE award.

Agenda Item #14– Adjourn to Regular Governing Board Meeting of Tuesday, October 17, 2023.

Being no further business, the meeting adjourned at 10:48 a.m. to the next regularly scheduled Governing Board Meeting of Tuesday, October 17, 2023.

**ACTION OF THE GOVERNING BOARD
APPROVED**

Upon motion by **HOWARD HARRIS**, seconded by **ANDREA ALARCÓN**, as

Approved by the following vote:

Ayes: 4 CRIST, ALARCÓN, HARRIS, MANN

Noes:

Absent: 3 BISHOP, CHELETTE, HAWKINS

Abstain:

ADRIANNA CASTANEDA, EXECUTIVE ASSISTANT

BY *Adrianna Castañeda*

Dated: November 21, 2023