

ACTION SUMMARY
(Unofficial)

Board of Directors

Meeting
December 20, 2018

1:00 P.M.

Santa Barbara County
Board of Supervisors
Das Williams, First District
Janet Wolf, Second District
Joan Hartmann, Third District
Peter Adam, Fourth District
Steve Lavagnino, Fifth District, *Chair*

BOARD OF SUPERVISORS HEARING ROOM
COUNTY ADMINISTRATION BUILDING
105 EAST ANAPAMU STREET
SANTA BARBARA, CA

City of Buellton
Mayor Holly Sierra
Alternate, Councilmember Ed Andrisek

I. CALL TO ORDER – ROLL CALL

Chair Lavagnino called the meeting to order at 1:04 p.m.

City of Carpinteria
Councilmember Al Clark
Alternate, Vice Mayor Wade Nomura

Present: 10 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin (arrived approx. 1:06 p.m.), Mosby, Murillo, Patino, Toussaint (arrived approx. 1:18 p.m.).

City of Goleta
Mayor Paula Perotte
Alternate, Councilmember Stuart Kasdin

Absent: 3 - Adam, Clark, Julian.

City of Guadalupe
T.B.D.
Alternate, Mayor Ariston Julian

Board member Patino participated remotely from Santa Maria. Roll call votes were taken for each item.

City of Lompoc
Councilmember James Mosby
Alternate, Mayor Jenelle Osborne

II. PLEDGE OF ALLEGIANCE

City of Santa Barbara
Mayor Cathy Murillo
Alternate, Councilmember Jason Dominguez

III. APPROVAL OF MINUTES

Approve minutes of the October 18, 2018 meeting.

City of Santa Maria
Mayor Alice Patino
Alternate, Councilmember Etta Waterfield

A motion was made by Board member Murillo, seconded by Board member Hartmann that the minutes be approved. The motion carried by the following vote:

City of Solvang
Mayor Ryan Toussaint
Alternate, Councilmember Karen Waite

Ayes: 8 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Mosby, Murillo, Patino.

Noes: 0 - None.

Abstain: 0 - None.

Absent: 5 - Adam, Clark, Kasdin, Julian, Toussaint.

Clerk of the APCD Board:
Aeron Arlin Genet

IV. ADMINISTRATIVE ITEMS

Approved by vote on one motion. These items read only on request of Board members.

Pursuant to District Counsel William M. Dillon's request, Administrative Item A-6 was pulled for discussion due to a lack of 4/5 Board members present to take action. The item was voted on separately.

Board member Kasdin arrived at this time.

A-1) Notice of Violation Report

Receive and file the summary of notices of violation issued and penalty revenue received during the months of October and November 2018.

A motion was made by Board member Hartmann, seconded by Board member Murillo that this matter be received and filed. The motion carried by the following vote:

Ayes: 9 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 4 - Adam, Clark, Julian, Toussaint.

A-2) District Grant Program Activity

Receive and file the following grant program related activity:

- a) **An update on the Old Car Buy Back Program for vehicles retired during the period of August 1, 2018 through September 30, 2018;**
- b) **An update on the Woodsmoke Reduction Program for fireplace and stove replacement projects during the period of October 25, 2018 through December 1, 2018; and**
- c) **Summary of the emission-reduction grant agreements approved by the Air Pollution Control Officer for the period of October 4, 2018 through December 5, 2018 in accordance with Board Resolution Number 09-14, including:**
 - i. **Santa Barbara City College – EV Charging Station Infrastructure Program (Termination).**

A motion was made by Board member Hartmann, seconded by Board member Murillo that this matter be received and filed. The motion carried by the following vote:

Ayes: 9 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 4 - Adam, Clark, Julian, Toussaint.

A-3) Minutes of the January 2018 APCD Community Advisory Council Meeting

Receive and file the minutes from the January 11, 2018 meeting of the APCD Community Advisory Council.

A motion was made by Board member Hartmann, seconded by Board member Murillo that this matter be received and filed. The motion carried by the following vote:

Ayes: 9 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 4 - Adam, Clark, Julian, Toussaint.

A-4) Resolution for authorizing the District to accept credit cards, debit cards, or electronic funds transfers and to impose certain fees for the use of a credit or debit card or electronic funds transfer not to exceed the costs incurred by the District

Adopt a resolution authorizing the District to:

- a) Accept credit cards, debit cards, or electronic funds transfers for the payment of services rendered by the District and the payment of fees and charges due to the District; and**
- b) Impose certain fees on the holder of the credit card, debit card, or electronic funds transfer not to exceed the costs incurred by the District from the credit or debit card issuer or the processor of the electronic funds transfer in providing for payment by credit card, debit card, or electronic funds transfer.**

A motion was made by Board member Hartmann, seconded by Board member Murillo that this matter be approved. Adopted APCD Resolution No. 18-19. The motion carried by the following vote:

Ayes: 9 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 4 - Adam, Clark, Julian, Toussaint.

A-5) New Rule 3.5 of California’s Rules of Professional Conduct for Lawyers

Consider recommendations as follows:

- a) **Adopt a Resolution that will govern communications with members of the Board pursuant to new Rule 3.5 of California’s Rules of Professional Conduct for lawyers which became effective on November 1, 2018, that:**
 - i. **The Board’s Legal Counsel, as the advisor to the Board, may continue to provide confidential attorney-client legal advice on the merits of adjudicative matters to members of the Board;**
 - ii. **All lawyers may continue to communicate with members of the Board on the merits of adjudicative matters and those communications will be subject to *ex parte* disclosure by the member when *ex parte* disclosures are required;**
 - iii. **Any gifts from lawyers to members of the Board and/or to District employees, shall be regulated by the Political Reform Act, Government Code § 81000 *et seq*; and**
- b) **Find that the proposed actions are not a “project” under California Environmental Quality Act Guidelines § 15378(b)(5) in that they are organizational or administrative activities of the government that will not result in direct or indirect physical changes to the environment.**

A motion was made by Board member Hartmann, seconded by Board member Murillo that this matter be approved. Adopted APCD Resolution No. 18-20. The motion carried by the following vote:

Ayes: 9 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 4 - Adam, Clark, Julian, Toussaint.

A-6) Fiscal Year 2018-19 Budget Amendment - ITEM PULLED FROM AGENDA (Requires 4/5 Approval Vote, i.e. 11 Affirmative Votes)

Consider recommendations as follows:

- a) **Transfer appropriations of \$40,000 from Services & Supplies Account #7460 (Professional and Special Services) to Capital Assets #8300 (Equipment); and**
- b) **Increase appropriations of Capital Assets Account #8300 (Equipment) by an additional \$50,000, for a total budget amount of \$227,000.**

A motion was made by Board member Hartmann, seconded by Board member Murillo that this matter be pulled from the agenda due to a lack of 4/5 Board members present to take action. The motion carried by the following vote:

Ayes: 9 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 4 - Adam, Clark, Julian, Toussaint.

A-7) Waiver of Competition for the Purchase of a MicroPHAZIR AS analyzer for the Compliance Division

Authorize the Santa Barbara County Air Pollution Control District (District) to purchase a MicroPHAZIR AS analyzer for the Compliance Division from Thermo Scientific Portable Analytical Instruments Inc. as sole source procurement without being required to conduct a formal bid process, for a total cost of \$29,092.50, including taxes.

A motion was made by Board member Hartmann, seconded by Board member Murillo that this matter be approved. The motion carried by the following vote:

Ayes: 9 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 4 - Adam, Clark, Julian, Toussaint.

V. PUBLIC COMMENT PERIOD

Persons desiring to address the APCD Board on any subject within the jurisdiction of the Board that is not included as part of the agenda must complete and deliver to the Clerk the "Request to Speak" form which is available at the Hearing Room entrance prior to the commencement of this comment period. Comments shall be limited to fifteen minutes, divided among those desiring to speak, but no person shall speak longer than three minutes.

Received Public Comment.

Board member Toussaint arrived at this time.

VI. DIRECTOR'S REPORT

Receive brief oral report by the Air Pollution Control Officer on any community events and/or matters of interest to the Board. There will be no Board discussion except to ask questions or refer matters to staff; and no action will be taken unless listed on a subsequent agenda.

Received Director's Report.

VII. DISCUSSION ITEMS

1) Recognition of Departing Board Members

Recognize Board members Janet Wolf, Michael Bennett, John Lizalde and Jim Richardson for their years of service on the APCD Board of Directors.

Recognized Board members.

2) **Consideration of Salary Merit Increase for Control Officer Arlin Genet**

Consider a salary merit increase for Control Officer Aeron Arlin Genet. For purposes of discussion, the Board letter proposes a three percent (3%) salary merit increase.

Prior to the motion, District Counsel William M. Dillon made a verbal announcement pursuant to Gov. Code § 54953(c)(3) that this item includes discussion of a compensation increase for the Control Officer. A motion was made by Board member Murillo, seconded by Board member Hartmann that Control Officer Aeron Arlin Genet receive a three percent (3%) salary merit increase. The motion carried by the following vote:

Ayes: 9 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino.
Noes: 0 - None.
Abstain: 1 - Toussaint.
Absent: 3 - Adam, Clark, Julian.

3) **Low-Cost Air Sensors for Community Partners**

Consider recommendations as follows:

- a) **Approve a “Low-Cost Air Quality Sensor Agreement” to loan low-cost air sensors (e.g., PurpleAir sensors) to community partners;**
- b) **Delegate authority to the Control Officer to enter into said agreements; and**
- c) **Authorize the Control Officer to update the Board-approved agreement from time to time to implement requirements and policies identified by District Counsel, Risk Management, and the Auditor that do not require Board approval.**

A motion was made by Board member Wolf, seconded by Board member Kasdin that this matter be approved. The motion carried by the following vote:

Ayes: 10 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino, Toussaint.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Adam, Clark, Julian.

4) **Air Monitoring Network Update**

Receive an update on the current and future ambient air monitoring network in Santa Barbara County.

Item Received.

5) **Adopting the Assembly Bill 617 Best Available Retrofit Control Technology Rule Development Schedule**

Hearing: Consider recommendations as follows:

- a) **Hold a public hearing to receive testimony on the adoption of the Assembly Bill 617 Best Available Retrofit Control Technology Rule Development Schedule;**
- b) **Adopt a resolution formally adopting the rule development schedule contained in Attachment B to the resolution; and**
- c) **Find that the adoption of the Best Available Retrofit Control Technology Rule Development Schedule is not a project under CEQA, and is therefore exempt from CEQA review.**

Hearing held. A motion was made by Board member Murillo, seconded by Board member Kasdin that this matter be approved. Adopted APCD Resolution No. 18-21. The motion carried by the following vote:

Ayes: 10 - Williams, Wolf, Hartmann, Lavagnino, Sierra, Kasdin, Mosby, Murillo, Patino, Toussaint.
Noes: 0 - None.
Abstain: 0 - None.
Absent: 3 - Adam, Clark, Julian.

VIII. ANNOUNCEMENTS

This meeting of December 20, 2018 will be rebroadcast on Sunday, December 23, 2018, at 5:00 p.m. on County of Santa Barbara TV Channel 20.

IX. ADJOURN

The meeting was adjourned at 2:54 p.m. to January 17, 2019 at 1:00 p.m. in the Board of Supervisors Hearing Room, County Administration Building, 105 East Anapamu Street, Santa Barbara, CA.