



TAMI RITTER, CHAIR  
*Supervisor, District #3*

ANGEL CALDERON, VICE CHAIR  
*Councilmember, Gridley*

BILL CONNELLY  
*Supervisor, District #1*

PETER DURFEE  
*Supervisor, District #2*

TOD KIMMELSHUE  
*Supervisor, District #4*

DOUG TEETER  
*Supervisor, District #5*

CHUCK NUCHOLS  
*Vice Mayor, Biggs*

ADDISON WINSLOW  
*Councilmember, Chico*

ERIC SMITH  
*Vice Mayor, Oroville*

ROSE TRYON  
*Vice Mayor, Paradise*

STEPHEN ERTL  
*Air Pollution Control Officer*

PATRICK LUCEY  
*Assistant Air Pollution Control Officer*

## Draft Minutes of the Butte County Air Quality Management District Governing Board of Directors Meeting on August 24, 2023

### Members Present:

Bill Connelly	Supervisor, District 1
Tami Ritter	Supervisor, District 3
Doug Teeter	Supervisor, District 5
Eric Smith	Vice Mayor, Oroville
Chuck Nuchols	Councilmember, Biggs
Tod Kimmelshue	Supervisor, District 4 Councilmember, Town of Paradise,
Ron Lassonde	Alternate

### Staff Present:

Stephen Ertle	Air Pollution Control Officer
Aleah Ing	Administrative Services Officer
Kelly Towne	Board Clerk
Patrick Lucey	Assistant Air Pollution Control Officer

### Staff Remote:

Jason Mandly	Senior Planner
David Campbell	Air Quality Compliance Specialist II

### Members Absent:

Angel Calderon	Councilmember, Gridley
Addison Winslow	Councilmember, Chico
Rose Tryon	Vice Mayor, Town of Paradise
Peter Durfee	Supervisor, District 2

Members of the public are encouraged to attend the meeting using Zoom. Public comments were accepted before and during the meeting by emailing [ktowne@bcaqmd.org](mailto:ktowne@bcaqmd.org).

### 1. **Call to Order and Roll Call.**

Chair Ritter called the meeting to order at 10:00 a.m. at the BCAG Board Room, 326 Huss Drive, Suite 100, Chico, California.

# Agenda Item 3.1

**2. Additions and Deletions to the Consent or Regular Agenda.**

No additions or deletions.

**3. Consent Agenda.**

- 3.1 Minutes of the June 22, 2023, Meeting of the Board of Directors.
- 3.2 Activity Report on Butte County Air Quality Management District Activities.
- 3.3 Financial Status Report for Fiscal Year 2023-2024.
- 3.4 Status Report on Calendar of Events.
- 3.5 Status Report on Communications.
- 3.6 Health Disclosure Statement

**ACTION REQUESTED: Approve Consent Agenda Items.**

Board comments: None

Public comments: None

**A motion was made by Supervisor Connelly and seconded by Vice Mayor Smith to approve the Consent Agenda Items.**

AYES: Supervisor Connelly (Motion), Supervisor Kimmelshue, Supervisor Teeter, Supervisor Ritter, Vice Mayor Nuchols, Vice Mayor Smith (Seconded), Councilmember Lassonde.

NOES: None.

ABSTAIN: None.

ABSENT: Supervisor Durfee, Councilmember Winslow, Councilmember Calderon, Vice Mayor Tryon

**ITEMS FOR ACTION**

**4. Items removed from the Consent Agenda for Board consideration and actions.**

No items removed from the Consent Agenda.

**5. Report on CalPERS Retired Annuitant Fee**

**ACTION REQUESTED: Accept report and provide direction.**

Stephen Ertle, Air Pollution Control Officer discussed that the District used an outside agency to hire a staff member to cover a vacancy created by a retirement. The staff member is a retired Annuitant of the PERS system and there are multiple requirements when hiring a retired annuitant. The District failed to meet one requirement required by the system which was a 6-month separation from the PERS system before they can return to work within the system and along with that the reporting of hours to the system. Therefore, the District incurred a penalty fee of \$1,600. The employee has now passed the 6-month separation and eligible to work with the District and the hours are being reported to PERS. Some other Districts do not hire Retired Annuitants, and some have checks and balances in place to prevent issues with the Retirement system from arising. The District is requesting Direction from the Board and how they would like the District to proceed.

Board discussion: Supervisor Connelly mentioned that the County does allow Annuitants to work with the County and he did not want the District to lose out on that option. Supervisor Ritter concurred with Supervisor Connelly statement. Both Supervisors felt that a system of Checks Balances put in place for hiring a retired Annuitant would be sufficient and there wasn't a need to prohibit hiring retired Annuitants.

Public discussion: None.

#### **6. Memorandum of Understanding Cost of Living Adjustment**

**ACTION REQUESTED:** Adopt Resolution 2023-13 approving the updated Appendix C, Bi-Weekly Schedule, of the MOU effective October 1, 2023

Stephen Ertle, APCO discussed that the Board in closed session at the previous meeting had offered a 4.2% increase to District Staff for the last year of their contract beginning October 1, 2023. The offer was presented to the Employee Association and the offer was accepted. Today's request is to approve the new updated bi-weekly Salary Schedule that reflects the 4.2% cost of living increase for the last year of the contract.

Board Discussion: None.

Public Comments: None.

**A motion was made by Supervisor Kimmelshue and was seconded by Supervisor Connelly.**

**AYES:** Supervisor Ritter, Supervisor Connelly (Second), Supervisor Kimmelshue (Motion), Supervisor Teeter, Vice Mayor Nuchols, Vice Mayor Smith and Councilmember Lassonde.

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Supervisor Durfee, Councilmember Winslow, Councilmember Calderon, Vice Mayor Tryon

#### **7. Woodsmoke Reduction Program Workplan Update**

**ACTION REQUESTED:** Approve proposed updates to the Woodsmoke Reduction Program Workplan through Resolution 2023-12.

Jason Mandly, Senior Air Quality Planner discussed the Woodsmoke Reduction Program that was brought to the Board for approval at the June 22, 2023, meeting. This was just the approval to participate, and the District has been working with neighboring Districts to work on the forms. The draft version of these forms was included in the June approval. One of the changes that the District wanted to bring to the board is the increase in the voucher amounts due to new guidelines. The low-income voucher continues at \$5,000 but the standard voucher amount for anyone in the county has increased to \$2,500. There have also been updates to the Retailer agreement to align it with the Merchant agreement for the Lawn and Garden program, and due to updated guidelines, the District is proposing that grantees that utilize the heat pump option be allowed to keep their woodstove and utilize it only in case of Power Safety Shutdowns or other power outages and the District has created a new form for the grantee to self-certify on that provision. The District hopes to start the program in September.

Board discussion: Supervisor Ritter asked if open fireplaces were previously not allowed in the program. Jason responded that in the first year of the program the District could not fund the woodstove if participants had an open fireplace but that it was changed in year 2 to allow it and continues to allow it this year. Stephen Ertle wanted to recognize Jason Mandly at this time for all his hard work and his work assisting surrounding Districts that do not have as much experience with the program.

Public comments: None.

**A motion was made by Supervisor Kimmelshue and was seconded by Supervisor Teeter.**

AYES: Supervisor Connelly, Supervisor Kimmelshue(Motion), Supervisor Teeter (Second), Supervisor Ritter, Vice Mayor Nuchols, Councilmember Lassonde, Vice Mayor Smith

NOES: None.

ABSTAIN: None.

ABSENT: Supervisor Durfee, Councilmember Winslow, Councilmember Calderon, Vice Mayor Tryon

**8. Update on CalPERS Unfunded Accrued Liability Refinancing**

**ACTION REQUESTED:** Receive report on the status of implementation of the UAL Policy and Refinancing activities.

Provide direction to District staff for the development of a strategic financial plan to better understand the implications of future grant program changes to optimize positive impact on District finances and develop a program cost recovery plan to efficiently increase revenues for general operating expenses.

Stephen Ertle, APCO discussed that the District has been working with CalMuni Advisors to develop a fiscal policy that set forth a framework working towards several initiatives to reduce expenses for the District and improve cost recovery for our programs. One of the initiatives would be to refinance our unfunded accrued liability for the Districts pensions which is in the \$3.5 million dollar range which adjusts depending on the stock market. The Consultants performed an in-depth analysis of District finances and completed the necessary proforma analysis to determine the viability of pension refinancing. The analysis looked good except when the Grant revenue for implementing the grant programs was dropped out of the analysis. The result was that the consultants did not think that the District would be a good candidate for refinancing at this time since the District relies heavily on Grant funding that cannot be guaranteed from one year to the next. The consultants recommended that the District focus on the development and implementation of a longer-term strategic plan and develop a cost recovery plan that reduces reliability on revenues from Grant implementation for operations.

Board discussion: Supervisor Ritter questioned if the District wasn't already moving towards cost recovery and APCO Ertle concurred that the District has a policy to attain cost recovery but stated that the District has only just begun the process. The long-term strategic plan would define the steps and start working on it. APCO Ertle stated that the District has a clear understanding of which programs are not meeting cost recovery. The District has acknowledged that it may need assistance in creating the foundation for specific initiatives to develop revenue adjustments. CAPCOA has created a subcommittee to help rural Districts with cost recovery strategies. Supervisor Connelly suggested that the District make sure that all costs associated with grant implementation be covered in the admin revenues allocated

by the grants and to look over shared and common issues with other Districts and come back to the Board with 2 or 3 weighted solutions for the Board to look at and make considerations and give guidance.

Public comment: None

**9. APCO Report**

**ACTION REQUESTED: None, this item is provided for information and discussion.**

Stephen Ertle, Air Pollution Control Officer presented his report to the Board on the Federal, State, and local scene. Federal Level: EPA has begun reviewing Ozone National Ambient Air Quality Standard and there is the possibility of lowering the PM 2.5 standard to the 9-11 microgram range in a 24-hour average. EPA is also proposing some Air toxics changes.

State Level: FARMER Year 6 program has been approved and the administrative portion will be lower. CARB has released new Carl Moyer program general terms and conditions that add requirements to the program and make it more difficult for the Grantee. CAPCOA has sent it to legal review for guidance.

Local Level: The Districts Lawn & Garden Commercial voucher program has begun. Yosemite Clean, a company exploring installing a Cogen Plant in Oroville, is still 5-10 years out. The District is in process of reviewing and updating the Districts CEQA Handbook. Jason Mandly has met with local municipalities agencies and received valuable feedback. The District is coordinating with CARB on the Districts wildfire mitigation plan. The District did previously receive a Clean Air Shelter Grant for Wildfire events. The District received 4 units and each unit can handle 2,500 square feet and be dispersed in a Wildfire Event.

Board discussion: None.

Public comments: None.

**10. Other Business.** None.

**11. Public Comment Period.** Any person may address the Board of Directors on any matter within the jurisdiction of the Board that is not on the agenda for this meeting. Any person may address the Board on an agendized item when that time is called. The Chair requests that each person addressing the Board limits their presentation to five (5) minutes.

**12. Adjourn to Closed Session.**

Public employment pursuant to Government Code Section 54957.6

Position: Air Pollution Control Officer


**13. Report From Closed Session.** No report from closed session

**14. The meeting adjourned at 10:57 a.m. The next Board of Directors Meeting is scheduled for September 28, 2023, at 10:00 a.m. at the Butte County Association of Governments Board Room, 326 Huss Drive, Suite 100, Chico, California.**



Stephen Ertle, Air Pollution Control Officer  
Butte County Air Quality Management District

I hereby attest that this is a true and correct copy of the action taken by the Butte County Air Quality Management District Board of Directors on August 24, 2023.

ATTEST:   
Kelly Towne, Clerk of the Governing Board