Members Present:
Bill Connelly  Supervisor, District 1
Tod Kimmelshue  Supervisor, District 4
Doug Teeter  Supervisor, District 5

Remote:
Tami Ritter  Supervisor, District 3
John Busch  Vice Mayor, Biggs
Alex Brown  Councilmember, Chico
Angel Calderon  Councilmember, Gridley
Rose Tryon  Councilmember, Town of Paradise

Members Absent:
Debra Lucero  Supervisor, District 2
Chuck Reynolds  Mayor, City of Oroville

Staff Present:
Stephen Ertle  Air Pollution Control Officer
Cora Collins  Clerk of the Board

Remote:
Aleah Ing  Administrative Services Officer
Jason Mandly  Senior Air Quality Planner
Patrick Lucey  Air Quality Engineer
Ursula Parker  Senior Air Quality Compliance Specialist

Due to the COVID-19 pandemic, the meeting was closed to public attendance. Public comments were accepted before and during the meeting by emailing ccollins@bcqmd.org.

1. Call to Order.
Chair Ritter called the meeting to order at 10:00 a.m. at the BCAG Conference Room, 326 Huss Drive, Suite 150, Chico, California.

Roll Call.
PRESENT: Connelly, Kimmelshue, Teeter.
REMOTE: Ritter, Busch, Brown, Tryon.
ABSENT: Lucero, Calderon, Reynolds.

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

No additions or deletions.

3. Consent Agenda.

3.1 Minutes of the March 25, 2021 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 2020-2021.
3.4 Status Report on Calendar of Events.
3.5 Status Report on Communications.
3.6 Additional AB617 Proceeds.
3.7 CalPERS CCR 570.5 Compensation Schedule Update Effective October 1, 2020.

ACTION REQUESTED: Approve Consent Agenda Items.

Board comments: None.
Public comments: None.

A motion was made by Councilmember Brown and seconded by Supervisor Teeter to approve the Consent Agenda.

Motion carries by the following vote:
AYES: Supervisor Connelly, Supervisor Kimmelshue, Supervisor Teeter (seconded), Supervisor Ritter, Vice Mayor Busch, Councilmember Brown (motion), Councilmember Tryon.
NOES: None.
ABSTAIN: None.
ABSENT: Supervisor Lucero, Councilmember Calderon, Mayor Reynolds.

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

No items removed.


ACTION REQUESTED: Accept and file the PERS annual Valuation reports for CLASSIC & PEPRA. Accept and file GASB 75 Valuation report from California School Boards Association.

Aleah Ing, Administrative Services Officer, reported: The PERS Annual Valuation report for June 30, 2019 shows an unfunded accrued Liability of $1,547,345 for CLASSIC employees and $3,677 for PEPRA employees resulting in a
total unfunded liability of $1,551,022. PERS Pension Liability expense line includes the required contribution amount for FY 2021-22 in the amount of $110,693 for CLASSIC and $920 for PEPR. The Unfunded Accrued Liability (UAL) for PEPR is expected to be funded by FY 25-26. The UAL for CLASSIC at the current amortization schedule will be funded by FY 44-45.

The 2019 GASB 75 report lists the OPEB Liability at $410,827 with $20,757 in a trust account, resulting in a net liability balance of $390,070 as of July 1, 2019. $10,000 payment was made to the OPEB trust in June 2020, and another $100,000 scheduled to be made before June 2021 bringing the estimated liability closer to $280,070.

Board comment: None

Public comment: None

A motion was made by Supervisor Kimmelshue and seconded by Supervisor Connelly to accept and file the PERS annual Valuation reports for CLASSIC & PEPR. Accept and file GASB 75 Valuation report from California School Boards Association.

Motion carries by the following vote:
AYES: Supervisor Connelly (seconded), Supervisor Kimmelshue (motion), Supervisor Teeter, Supervisor Ritter, Vice Mayor Busch, Councilmember Brown, Councilmember Tryon.
NOES: None.
ABSTAIN: None.
ABSENT: Supervisor Lucero, Councilmember Calderon, Mayor Reynolds.

6. **Public Hearing: Rule 432 Amendments (NSR SIP Certification).** Consider approving an amendment to Rule 432 to remove the Interpollutant Offsets and gain full State Implementation Plan (SIP) certification.

ACTION REQUESTED: After holding a public hearing and considering any comments received, adopt the proposed amendment to Rule 432—Federal New Source Review (FNSR) and direct staff to prepare the adopted rule for submittal to CARB & US EPA for inclusion in the SIP.

Patrick Lucey, Air Quality Engineer, reported: The District was designated nonattainment for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) on June 4, 2018. US EPA is requiring the District to certify that Rule 432 meets federal Clean Air Act requirements (40 CFR 51.1314), by August 3, 2021. The current Rule 432 already includes all the elements required by US EPA and the District could submit for approval as-is, but there are court decisions that will require States and Air Districts to remove Interpollutant Offsets from Federal New Source Review Rules in the near future. The District decided to remove Interpollutant Offsets now in anticipation of this change.

Public hearing opened: 10:07 a.m. Public hearing closed: 10:10 a.m.

Board comments: None.

Public comments: None.
A motion was made by Councilmember Brown and seconded by Supervisor Kimmelshue to adopt the proposed amendment to Rule 432—Federal New Source Review (FNSR) and direct staff to prepare the adopted rule for submittal to CARB & US EPA for inclusion in the SIP.

Motion carries by the following vote:
AYES: Supervisor Connelly, Supervisor Kimmelshue (seconded), Supervisor Teeter, Supervisor Ritter, Vice Mayor Busch, Councilmember Brown (motion), Councilmember Tryon.
NOES: None.
ABSTAIN: None.
ABSENT: Supervisor Lucero, Councilmember Calderon, Mayor Reynolds.


Jason Mandly, Senior Air Quality Planner, reported: District staff have identified projects eligible for funding using FY 2019-20 Community Air Protection (CAP) Incentive Funds. Participation in Year 3 of the CAP Incentives Program (FY 2019-20) was approved by the Board through Resolution 2020-06. The District was awarded $855,672.86 in project funds and $122,238.98 in implementation funds, to fund projects meeting the goals of AB 617 and the State CAP Incentives 2019 Guidelines.

Board comments: Councilmember Tryon asked if there were any ineligible projects? Jason replied, “all projects were eligible”.

Public comments: None

Councilmember Calderon joined the meeting at 10:12 a.m.

A motion was made by Councilmember Tryon and seconded by Councilmember Brown to approve FY 2019-20 Community Air Protection (CAP) Incentive Projects.

Motion carries by the following vote:
AYES: Supervisor Connelly, Supervisor Kimmelshue, Supervisor Teeter, Supervisor Ritter, Vice Mayor Busch, Councilmember Brown (seconded), Councilmember Calderon, Councilmember Tryon (motion).
NOES: None.
ABSTAIN: None.
ABSENT: Supervisor Lucero, Mayor Reynolds.

Board comments: None

Public comments: None

8. Supplemental Paid Sick Leave (SPSL) Extended Benefits. State legislation AB 84 (Ting) and SB 95 (Skinner) extended benefits of the Families First Coronavirus Response Act to employers with greater than 25 employees.
ACTION REQUESTED: Approve extended leave provisions benefits as adopted by Butte County to meet the requirements of AB 84 and SB 95.

Stephen Ertle, APCO, reported: Supplemental Paid Sick Leave (SPSL) and extended family and medical leave (E-FML) benefits were part of the First Families Coronavirus Response Act. These benefits were not extended in the Consolidated Appropriations Act, 2021 or in the American Rescue Plan Act, 2021, resulting in these benefits becoming voluntary for employers after December 31, 2020.

State legislation AB 84 (Ting) and SB 95 (Skinner) has been signed into law and requires 80 hours of employer-paid COVID-19 sick leave retroactive to January 1, 2021 through September 30, 2021. The law is limited to employers with greater than 25 employees.

Butte County is subject to this benefit and has extended the benefit to Butte County Employees.

The District’s MOU provides general guidance that, employee benefits, salaries, personnel rules and regulations, shall be guided by those provided to the Butte County employees, resulting in benefits are to be congruent with the County’s.

Board comments: Chair Ritter restated; Air Quality employees receive same benefits as Butte County. Stephen Ertle replied: Yes, as a general guidance.

Public comments: None.

A motion was made by Supervisor Kimmelshue and seconded by Vice Mayor Busch to approve extended leave provisions benefits as adopted by Butte County to meet the requirements of AB 84 and SB 95.

Motion carries by the following vote:
AYES: Supervisor Connelly, Supervisor Kimmelshue (motion), Supervisor Teeter, Supervisor Ritter, Vice Mayor Busch (seconded), Councilmember Brown, Councilmember Calderon, Councilmember Tryon.
NOES: None.
ABSTAIN: None.
ABSENT: Supervisor Lucero, Mayor Reynolds.

9. Burn Program Overview. District staff to provide an overview of the District’s Burn Program.

ACTION REQUESTED: None. This item is provided for information and discussion.

Ursula Parker, Senior Air Quality Compliance Specialist, reported: The District oversees all open burning in Butte County. Open burning is regulated by the California Health and Safety Code and the California Code of Regulations as well as District Rule 300, “Open Burning Requirements, Prohibitions and Exemptions”. Rule 300 divides open burning into three (3) main categories: Agricultural Burning, Nonagricultural Burning and Residential Burning.

Agricultural burning is defined as burning of crop waste or vegetation related to the raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or for disease or pest prevention or the operation or maintenance of a system for the delivery of water. It also includes prescribed burning which is generally wildland vegetative management burning or forest management burning, including silviculture and timber operations.
Nonagricultural burning is burning done by a public officer or public entity, land clearing for commercial or residential property development, and fire hazard reduction burning. Except for fire hazard reduction burning, District permits are required for these types of burning and special fees and requirements apply to prescribed burning operations. Special fees and requirements also apply for burning of rice stubble.

Residential burning is defined as burning for the disposal of natural vegetation from a single- or two-family dwelling on lots less than one (1) acre. Like fire hazard reduction burning, the District does not issue permits for this type of burning.

All open burning activities are subject to burning only on permissive burn days, burning during burn hours and compliance with drying times as well as prohibitions against the use of burn barrels or burning of any non-vegetative waste or burning waste transported from an off-property location. Additional requirements for residential burning based on CAL FIRE permit requirements also apply and the District has a geographical restriction on burning in the Magalia/Upper Ridge to allow for some relief from smoke during the months of January through June. Some local jurisdictions have special requirements which the District advises the public of; for example, the City of Chico does not allow open burning within City limits.

District Staff update burn information on the District’s website, email, and voice recordings daily. Burn day status for residential (including fire hazard reduction) burning is typically forecast also for the following day to allow for flexibility, especially when CAL FIRE permits are required; without the forecast, burn status would not be available until well after burn hours begin during that time. More information about District burn requirements are available on the District website and on fact sheets (attached) which have also been translated into Spanish.

Enforcement of open burning regulations is typically complaint driven. During the years 2018 – 2020, half of all complaints received by the District were related to burning activities. Non-permitted open burning (residential and non-agricultural burning), accounted for the highest category of complaints at nearly 34%. Agricultural burning accounted for 16% of the complaints received over the period.

Board comments: Supervisor Ritter asked if there were any conversations between Cal Fire and CARB regarding adjusting the burn hours. She also asked if the District would consider issuing residential burn permits.

Supervisor Teeter mentioned that the District’s website is not clear regarding outdoor burning. He suggested adding a link to the jurisdiction authority, to clarify who is authorizing or not authorizing the burning.

Stephen Ertle, APCO, offered to work with Supervisor Teeter to resolve the issue. Supervisor Ritter suggested a flow chart showing how forecasting is done.

Public comments: None


ACTION REQUESTED: Receive report and approve reopening plan and schedule change proposal.

Stephen Ertle, APCO, reported: Beginning March 19, 2020, the District office closed to the public in response to the Governor’s stay at home order for all non-essential services. The District implemented “Guidelines for Office Occupancy,” which limited in-office Staff to no more than four (4) at a time.
The District implemented an offsite work agreement with all staff allowing the in-office staffing limits to be met without interruption or loss of service to the Public:

- Installed instruction signage and an outdoor kiosk at the office to provide touchless permit issuance and other time sensitive functions,
- Remote desktop accounts deployed for all staff,
- Existing LaserFiche (LF) digital document workflows and new document management policies provided a platform to manage and coordinate major District programs with offsite work including the burn program, grant administration, inspection, enforcement, permitting and all business and HR activities,
- Installed a Voice Over Internet Phone (VOIP) system which allows direct dialing by the public to onsite and offsite staff and provided seamless staff communications.

Over the last year in this hybrid office environment staff encountered challenges and had to learn new ways of doing things to assure continued public service. An unexpected benefit of the office closure has been operational efficiencies for public facing staff. The ability to dedicate time blocks to more complex tasks and coordinate activities without interruption has improved productivity in those areas. Keeping the office closed to the public one day per week would allow staff to continue to apply these benefits with no loss of service to the public.

The Governor has announced plans to fully reopen the State on June 15th if current trends continue.

Proposed phase in reopening of the District office to the public starting the week after the State lifts all restrictions as follows:

- First two weeks:
  - Open to the public Tuesdays and Thursdays with pre-Covid business hours.
- Beginning week three:
  - Open to the public Tuesday through Friday with pre-Covid business hours.
  - Maintain Monday office closure permanently to allow for staffing efficiencies realized during the COVID shutdown to continue. Note: Staff will still be working Mondays.

Board comments: Councilmember Tryon asked if phone calls would be answered on Mondays? Stephen Ertle replied, “Yes, staff will be working but the office will be closed to the public”.

Public comments: None

Councilmember Calderon left at 10:52.

A motion was made by Supervisor Kimmelshue and seconded by Supervisor Connelly to approve reopening plan and schedule change proposal.

Motion carries by the following vote:

AYES: Supervisor Connelly (seconded), Supervisor Kimmelshue (motion), Supervisor Teeter, Supervisor Ritter, Vice Mayor Busch, Councilmember Brown, Councilmember Tryon.

NOES: None.

ABSTAIN: None.

ABSENT: Supervisor Lucero, Councilmember Calderon, Mayor Reynolds.

ACTION REQUESTED:
1. Open a Public Hearing and accept comments.
2. Take no action on the Proposed Fiscal Year 2021-2022 Budget at this time.

Stephen Ertle, APCO, reported: Today’s Public Hearing is for the purpose of reviewing and receiving comments on the District’s Proposed Fiscal Year 2021-2022 Budget. Staff is proposing a base budget of $2,127,614 and an operating budget of $1,875,064.

The second hearing, where the District Governing Board formally considers adopting the annual budget is scheduled for the June 24th Board meeting. If any public comments should be received, those comments will be forwarded to your Board at the June 24th, 2021 Public Hearing.

Councilmember Calderon returned at 10:54.

A motion was made by Supervisor Kimmelshue and seconded by Councilmember Brown to open the Public Hearing and accept comments.

Motion carries by the following vote:
AYES: Supervisor Connelly, Supervisor Kimmelshue (motion), Supervisor Teeter, Supervisor Ritter, Vice Mayor Busch, Councilmember Brown (seconded), Councilmember Calderon, Councilmember Tryon.
NOES: None.
ABSTAIN: None.
ABSENT: Supervisor Lucero, Mayor Reynolds.

Public hearing opened: 10:55 a.m. The Public hearing will remain open until June 24th, 2021.

Board comments: None.

Public comments: Stephen Ertle stated that a comment was received by email, with concerns about fee increases. Staff replied to the email, assuring that no fees are proposed, and no response was received.

12. APCO Report. Report from the Air Pollution Control Officer on current areas of potential interest to your Board, including air quality-related activities at the local, state, and federal scenes.

Stephen Ertle, APCO, reported on Air Quality Awareness Week, May 3 through 7, which focuses on what the public can do to improve air quality. Events for the week include free bus rides on May 6 and 7 and a publication, featured in the Chico News & Review, introducing the District, various air quality topics and success stories. He provided updates on the small engine restrictions, AB 1001, CARB Asbestos Delegation and requested cancellation of the August board meeting.

ACTION REQUESTED: None. This item is provided for information and discussion.

Board comments: None
Public comments: None

10. **Other Business.**

No other business.

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.

Public comment: None

12. The meeting adjourned at 11:06 a.m. The next Board of Directors Meeting is scheduled for May 27, 2021 at 10:00 a.m. at the Butte County Association of Governments Board Room, 326 Huss Drive, Suite 100, Chico, California.

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 April 22, 2021.

ATTEST: [Signature]
Cora Collins, Clerk of the Governing Board