

August 5, 2020

STATEMENT OF PROCEEDINGS

The Minutes of the

***AIR POLLUTION CONTROL BOARD
REGULAR MEETING***

**COUNTY OF SAN DIEGO
AIR POLLUTION CONTROL DISTRICT**

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO AIR POLLUTION CONTROL BOARD
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, AUGUST 5, 2020, 9:00 AM
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY
SAN DIEGO, CA 92101

A. **REGULAR SESSION:** Meeting was called to order at 9:00 a.m.

PRESENT: Members Greg Cox, Chairman; Jim Desmond, Vice-Chairman; Dianne Jacob, Kristin Gaspar; Nathan Fletcher; also, Andrew Potter, Clerk of the Board of Supervisors.

(Please note, California Governor Gavin Newsom issued Executive Order N-29-20 on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Pursuant to the Executive Order, and to maintain the orderly conduct of the meeting, all members of the Air Pollution Control Board attended the meeting via teleconference and participated in the meeting to the same extent as if they were present.)

B. **Public Communication:** No Speakers

C. **Approval of the Statement of Proceedings/Minutes for the meeting of July 8, 2020.**

ACTION:

ON MOTION of Member Jacob, seconded by Member Gaspar, the Air Pollution Control Board of the San Diego County Air Pollution Control District approved the Statement of Proceedings/Minutes for the meeting of July 8, 2020, on Consent.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Agenda Items

Agenda #	Subject
1.	SERVICES AND COSTS AGREEMENT BETWEEN THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT AND THE COUNTY OF SAN DIEGO [FUNDING SOURCE: AIR POLLUTION CONTROL DISTRICT FUND AVAILABLE PRIOR YEAR FUND BALANCE]

1. SUBJECT: SERVICES AND COSTS AGREEMENT BETWEEN THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT AND THE COUNTY OF SAN DIEGO (DISTRICTS: ALL)

OVERVIEW

County air pollution control districts were recognized and established in state law in 1975. Since that time, the San Diego County Air Pollution Control District (APCD) has been governed by the County of San Diego Board of Supervisors, even though it has technically been a separate legal entity from the County, and has received services from County officers and employees. As a result, the County and the APCD did not have a need to formalize the fiscal and operational relationship between the two entities. In 2019, the California legislature adopted AB 423, which provides that as of March 1, 2021, the governing board of the APCD shall be made up of two members representing the Board of Supervisors, six members representing local cities, and three public members. This formal separation of the governance of the APCD from the County now necessitates that the County and the APCD enter into a formal agreement related to the provision of services and payment of costs between the two entities.

This is a request to authorize the Interim Air Pollution Control Officer to enter into the attached agreement entitled, "Agreement Between the Air Pollution Control District of San Diego County and the County of San Diego Regarding the Provision of Services and Payment of Costs." The Agreement addresses the current legal relationship between the two agencies, as well as the specific changes that will occur to that relationship with the change in governance structure on March 1, 2021.

RECOMMENDATION(S)

AIR POLLUTION CONTROL OFFICER

Authorize the Interim Air Pollution Control Officer to approve and execute the Agreement Between the Air Pollution Control District of San Diego County and the County of San Diego Regarding the Provision of Services and Payment of Costs, and any future amendments to the Agreement that may be needed prior to March 1, 2021, provided the terms and conditions are not materially impacted or altered.

FISCAL IMPACT

Funds and staffing for this request will be included in the Fiscal Year 2020-21 CAO Recommended Operational Plan for the Air Pollution Control District. If approved, this request will result in costs of \$1,223,681 in Fiscal Year 2020-21. The costs are related to services provided by County Counsel, Auditor & Controller, Department of Human Resources, County Technology Office and other County departments to the APCD and allocated through the A-87 Cost Allocation Plan. The funding source is Air Pollution Control District Fund available prior year fund balance. There will be no change in net General Fund cost. Implementation of AB 423 also will require an estimated 5.0 additional staff years in the APCD beginning in Fiscal Year 2020-21 and will be included in future Operational Plans.

BUSINESS IMPACT STATEMENT

The proposed action will have a minimal impact on the regulated community. The Agreement is a restatement of the current fiscal and operational relationship between the County and the APCD and is intended to result in the most efficient provision of ongoing services once the governing structure changes pursuant to AB 423.

ACTION:

ON MOTION of Member Cox, seconded by Member Desmond, the Air Pollution Control Board of the San Diego County Air Pollution Control District took action as recommended.

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

There being no further business, the Air Pollution Control Board of the San Diego County Air Pollution Control District adjourned at 12:50 p.m.

**ANDREW POTTER
Air Pollution Control Board
San Diego County Air Pollution Control District**

Notes: Santiago

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Air Pollution Control Board on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Members of the Board, on Wednesday, September 30, 2020.



GREG COX
Chairman

Attest:



ANDREW POTTER
Clerk of the Board

08/05/2020 AIR POLLUTION CONTROL BOARD