



DRAFT
STATEMENT OF PROCEEDINGS
AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD
WEDNESDAY, JANUARY 19, 2022, AT 9:00 A.M.

A. REGULAR MEETING was called to order at 9:04 a.m.

Present: Board Members Nora Vargas, Chair; Esther Sanchez, Vice Chair; Anne Marie Birkbeck-Garcia; Marcus Bush; Georgette Gomez; Joe LaCava; Terra Lawson-Remer; Consuelo Martinez; Enrique Medina; Jack Shu; also, Paula Forbis, Air Pollution Control Officer; Marvice Mazyck, Clerk of the Air Pollution Control District Governing Board; and Gregory Lusitana, Senior Deputy County Counsel.

Absent: Member Sean Elo-Rivera

B. **Adoption of Resolution Relating to the Holding of Teleconference Meetings**

1. **ADOPTION OF RESOLUTION RELATING TO THE HOLDING OF TELECONFERENCE MEETINGS**

Item Type: Action

Recommended By: Paula Forbis, Interim Air Pollution Control Officer

Overview: *The San Diego County Air Pollution Control District (“District”) is committed to preserving public access and participation in meetings of the Governing Board while promoting and protecting the health and safety of District officials, officers, employees, and members of the public. Under the Ralph M. Brown Act (Gov. Code §54953(b)) (“Brown Act”), all meetings of the District’s legislative bodies, which include the Governing Board and the Hearing Board, are open and public. Under ordinary operation of the Brown Act, a legislative body may use teleconferencing only if: 1) Agendas are posted at all teleconference locations; 2) All teleconferenced locations are listed in the notice and agenda of the meeting; 3) At least a quorum of members are located within the jurisdiction of the legislative body; and 4) Members of the public are allowed to speak at each teleconferenced location.*

Effective October 1, 2021, AB 361 amended the Brown Act to allow suspension of the general teleconferencing requirements if there is a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing. Revised teleconferencing requirements must still be met, including providing notice of the meeting as otherwise required by the Brown Act, and providing an opportunity for all persons to attend and to address the legislative body directly via a call-in option or an internet-based service option. On November 4, 2021, the Governing Board adopted a Resolution entitled, “A Resolution of the Governing Board of the San Diego County Air Pollution Control District Relating to the Holding of Teleconference Meetings Pursuant to Government Code section 54953(e).” The December 9, 2021, meeting was held in person, but at this time the elements to meet under the revised teleconferencing requirements still continue to be met. There is currently a State of Emergency

and Dr. Wilma Wooten, the County's Public Health Officer, on September 23, 2021 released a health recommendation which stated that utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease.

In order to continue with meetings under revised teleconferencing procedures, the Governing Board must again adopt a resolution with required findings (Attachment A), and adopt a resolution to renew those findings at least every 30 calendar days. Since the Governing Board's next meeting may not occur within 30 calendar days, the proposed resolution directs the Chair to review the status of the state of emergency and whether state or local officials continue to impose or recommend measures to promote social distancing. If both conditions exist, the Chair is directed to memorialize such determination in writing and such writing will be presented for ratification at the next meeting of the Governing Board.

Requested Action:

Adopt the Resolution entitled, "A RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT RELATING TO THE HOLDING OF TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(E)."

ACTION B.1:

ON MOTION of Member Sanchez, seconded by Member Gomez, the Air Pollution Control District Governing Board took action as recommended, on Consent, adopting Resolution No. 22-001 entitled: A RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT RELATING TO THE HOLDING OF TELECONFERENCE MEETINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(E)

AYES: Birkbeck-Garcia, Bush, Gomez, Martinez, Medina, Sanchez, Shu, Vargas
ABSENT: Elo-Rivera

C. Public Communication

There was no public testimony provided for this item.

D. Approval of the Statement of Proceedings/Minutes for the San Diego County Air Pollution Control District Governing Board December 9, 2021, meeting.

ACTION D.1

ON MOTION of Member Sanchez, seconded by Member Medina, the San Diego County Air Pollution Control District Governing Board approved the Statement of Proceedings for the meeting of December 19, 2022.

AYES: Birkbeck-Garcia, Bush, Gomez, Martinez, Medina, Sanchez, Shu, Vargas
ABSENT: Elo-Rivera

E. **Election of Officers (Chair and Vice Chair) of the San Diego County Air Pollution Control District Governing Board**

1. **ELECTION OF OFFICERS (CHAIR AND VICE CHAIR) OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD**

Item Type: Action

Recommended By: Paula Forbis, Interim Air Pollution Control Officer

Overview: The Air Pollution Control District Governing Board (Board) is requested to elect a Chair and Vice Chair for the 2022 calendar year. The Chair shall be the presiding officer at all Board meetings and perform other duties as have been assigned or as may be imposed by the Board. The Vice Chair shall preside in the absence of the Chair and perform other duties of the Chair in their absence.

Requested Action:

Elect a Chair, and Vice Chair for the 2022 calendar year.

ACTION E.1:

ON MOTION of Member Gomez, seconded by Member Bush, the San Diego County Air Pollution Control District Governing Board took action to select Member Nora Vargas as Chair of the San Diego County Air Pollution Control District Governing Board and Member Esther Sanchez as Vice Chair of the San Diego County Air Pollution Control District Governing Board.

AYES: Birkbeck-Garcia, Bush, Gomez, Martinez, Medina, Sanchez, Shu, Vargas

ABSENT: Elo-Rivera

F. **Consent Calendar**

1. **APPROVAL OF THE PROPOSED SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT INCIDENT RESPONSE PLAN**

Item Type: Consent

Recommended By: Domingo Vigil, APCD Deputy Director

Overview: The San Diego County Air Pollution Control District's (APCD) primary role in response to major releases of air contaminants that may cause adverse health consequences to the public is to monitor the region's air quality, determine if the air quality is meeting Federal and State Standards, identify locales of greatest risk to the public, and share information with relevant agencies and the public. APCD staff have developed a proposed Incident Response Plan (IRP) which outlines APCD's potential responses to those incidents requiring a multi-agency response. The proposed IRP identifies that APCD is not a first responder agency or emergency response coordination body but will work within the Federal Emergency Management Agency's Incident Command System (ICS) to minimize public exposure to air contaminants using APCD's areas of expertise. This expertise includes ambient air sample collection, ambient air monitoring, laboratory analysis, odor inspection, investigation, enforcement, and public outreach/information. The proposed IRP also outlines the general framework of the ICS, the various agencies involved in responding to incidents and their roles, as well as how APCD fits into the Unified Command with the various responding agencies' resources and the actions APCD can take. This proposed IRP also generalizes the levels of response, depending on the severity of the incident's impact on the surrounding community. Lastly, the plan discusses communication pathways to and from APCD as well as steps the public can take for better incident preparation and information.

When adopted by the Board, the District IRP will support the implementation of Action A1 of the Portside Community Emissions Reduction Plan, the goal of which is to have APCD contribute in an advisory or support capacity to emergency response agencies utilizing the APCD's resources and expertise for air sample collection, air monitoring, laboratory analysis, inspection, investigation, enforcement, identifying air emissions, health effects, media coordination and general public messaging during an incident impacting air quality.

The proposed IRP was developed with input from the public, agencies including the County's Office of Emergency Services, the California Air Resources Board (CARB), and the Environmental Protection Agency - Region 9, and this Governing Board. The proposed IRP also incorporates recommendations from CARB as outlined in its draft After-Action Review of San Diego County's Air Monitoring Response to the July 2020 USS Bonhomme Richard Fire. Additionally, the development of this proposed IRP was informed by best practices from other air districts in the State as well as by the ICS, which is used nationwide to manage incidents regardless of size or type.

Requested Action:

- 1. Approval of the proposed San Diego County Air Pollution Control District Incident Response Plan*
- 2. Authorize the Air Pollution Control Officer or their designee to update/revise the Incident Response Plan, as necessary*

ACTION F.1:

ON MOTION of Member Bush, seconded by Member Gomez, the San Diego County Air Pollution Control District Governing Board took action as recommended, on Consent.

AYES: Birkbeck-Garcia, Bush, Gomez, Martinez, Medina, Sanchez, Shu, Vargas

ABSENT: Elo-Rivera

G. Agenda Items

1. RESOLUTION DESIGNATING DATES AND TIMES FOR REGULAR MEETINGS OF THE AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD IN 2022

Item Type: Action

Recommended By: Paula Forbis, Interim Air Pollution Control Officer

Overview: *It is recommended that the Board adopt the Resolution setting the Air Pollution Control District Governing Board regular meeting schedule for calendar year 2022.*

Governing Board meetings will be held via teleconference consistent with the Brown Act until in-person meetings resume, at which time, meetings will be held at the County Administration Center, 1600 Pacific Highway, Room 302, San Diego, CA 92101.

Requested Action:

Adopt the Resolution: RESOLUTION SETTING THE DATES AND TIMES FOR REGULAR MEETINGS OF THE AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD IN CALENDAR YEAR 2022

ACTION G.1:

ON MOTION of Member Shu, seconded by Member Martinez, the Air Pollution Control District Governing Board adopted Resolution No. 22-002 entitled RESOLUTION SETTING THE DATES AND TIMES FOR REGULAR MEETINGS OF THE AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD IN CALENDAR YEAR 2022 and, set future Regular Board meetings to begin at 2:00 p.m.

AYES: Birkbeck-Garcia, Bush, Gomez, Martinez, Medina, Sanchez, Shu, Vargas

ABSENT: Elo-Rivera

2. SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MILITARY LIAISON TO THE UNITED STATES NAVY, UNITED STATES MARINE CORPS, AND UNITED STATES COAST GUARD

Item Type: Action

Recommended By: Paula Forbis, Interim Air Pollution Control Officer

Overview: California Health and Safety Code section 40100.6(g) (AB 423, Gloria, 2019), requires that the San Diego County Air Pollution Control District Governing Board (Board) designate one of the two Board Members representing the San Diego County Board of Supervisors to serve as a liaison to and consult with the United States Navy, the United States Marine Corps, and the United States Coast Guard (California Health and Safety Code Section 40100.6(g)(2)). The Military Liaison is required to report to the Board as necessary to inform the Board of any issues with air quality permitting, rules, regulations, and planning that have the potential to impact the mission of those military entities, and of any potential resolution to those issues.

This is a request to adopt the attached amendment to the Interim Bylaws to better define the duties and role of the Military Liaison. The proposed policy would require that the Military Liaison consult with the specified branches of the military to determine the appropriate points of contact; direct District staff to meet with those contacts at least quarterly and report to the Military Liaison any concerns raised that cannot be fully addressed by staff; offer to meet with the appropriate contacts to discuss concerns; and provide, as needed, a "Military Liaison Report" to the Board on any issues that have the potential to impact the mission of the military.

This also a request to elect the Military Liaison for the 2022 calendar year from among the two Board Members representing the San Diego County Board of Supervisors as specified by California Health and Safety Code Section 40100.6(g)(2).

To provide context to the requested actions, representatives from the United States Navy will provide a presentation to the Board regarding local military operations and efforts to reduce air pollutant emissions from those operations.

Requested Action:

- 1. Adopt the proposed amendment to the Interim Bylaws of the Air Pollution Control District Governing Board related to the duties of the Military Liaison;*
- 2. Designate a Military Liaison for the 2022 calendar year from among the two Governing Board Members representing the San Diego County Board of Supervisors;*
and

3. *Receive a presentation from United States Navy representatives regarding local military operations and efforts to reduce air pollutant emissions from those operations.*

ACTION G.2.1:

ON MOTION of Member Vargas, seconded by Member Shu, the San Diego County Air Pollution Control District Governing Board adopted the proposed amendment to the Interim Bylaws of the Air Pollution Control District Governing Board related to duties of the Military Liaison and received a presentation from the United States Navy. No action was taken by the Board regarding the selection of a Military Liaison.

AYES: Birkbeck-Garcia, Bush, Gomez, Martinez, Medina, Sanchez, Shu, Vargas

ABSENT: Elo-Rivera

3. **UPDATE ON THE DEVELOPMENT OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT PUBLIC PARTICIPATION PLAN AND PROPOSED GOALS**

Item Type: Action

Recommended By: Domingo Vigil, APCD Deputy Director

Overview: *In 2019, the California State Auditor (CSA) conducted an audit on the San Diego County Air Pollution Control District's (APCD) operations. The CSA's July 2020 Audit Report included proposed recommendations for APCD to create and implement a Public Participation Plan (PPP) to become more responsive to the public and encourage public participation. In February 2021, APCD added a full-time staff position to serve as outreach coordinator to enhance its outreach and communications activities and to start developing the PPP. In July of 2021, APCD entered into a contract with professional consulting firms MIG Communications and Pueblo Planning to assist with the development of the PPP.*

APCD partnered with Community-Based Organizations (CBOs) including the Environmental Health Coalition, Casa Familiar, Bayside Community Center, El Cajon Collaborative, Vista Community Clinic and community members County-wide to help develop the practices and principles that will inform and help shape the APCD's PPP. CBO partners were selected with input from the APCD Ad Hoc Governance Committee, based on their relationships with communities that are most impacted by air quality issues (environmental justice communities, low-wealth households, immigrants, people of color, etc.) and their geographical representation throughout the County.

The key priorities identified for the PPP from community listening sessions and CBO interviews and workshops are detailed in Attachment A. These priorities are the foundation for the following list of proposed overarching goals for the PPP. With your Board's additional input, these would become the goals that will inform and shape the PPP:

Proposed Overarching Goals for PPP

- *Build relationships and trust with the community, particularly those which have experienced disproportionate air quality impacts*
- *Provide the community meaningful tools, resources, and information so that the community is empowered to be an engaged partner in APCD decision making*
- *Connect with community members in places they trust and provide consistent engagement opportunities*
- *Conduct community engagement that is inclusive, accessible, trauma-informed, and transparent*

- *Invest in an organizational culture and structure that supports proactive community engagement*
- *Establish partnerships with community-based organizations, government departments, and agencies to ensure community outreach is coordinated and demonstrates collaborative results*

Also, based on the initial engagement with CBOs and the public, proposed principles were identified to guide participation and engagement activities for APCD. The proposed principles are also informed by concepts of popular education, which is a teaching methodology that fosters a high degree of community participation and social awareness to effect social change. By applying the proposed principles, both APCD and the community are teachers that learn from one another and partners in effecting change. These principles will guide the creation of strategies to accomplish the goals of the PPP:

Proposed Principles for Implementation of the PPP

- *The current distribution of resources is unjust, and change is possible if we invest in our most impacted communities*
 - *Community participation and engagement should directly result in building trust and creating change: reducing harm and increasing health and benefit to the most impacted communities*
 - *Community engagement should be prioritized for every topic addressed by APCD*
 - *Lived experiences and cultural expectations among those who are most impacted by poor air quality are important to informing our current and future needs and solutions.*
 - *Engagement should be intentional, inclusive, trauma-informed, and transparent in respecting lived experiences*
 - *Community members' time and contributions are valuable and should be respected in how engagement and participation are organized, conducted, and documented*
 - *Participation and collaboration should occur in languages of engaged communities and in spaces and places that are frequented and trusted by community members who are most impacted by poor air quality*
 - *We learn with our heads, our hearts, and our bodies. Participation and engagement should include providing the community with meaningful and accessible educational tools, resources, and information that are place-based and public health-focused to directly inform APCD's decisions and air quality improvements*
 - *New ideas from the community should be prioritized, studied, documented, tracked, and accessible as knowledge that is part of APCD's decision-making.*
 - *APCD's decision-making process should include regular and ongoing communication and feedback with communities that are most impacted by poor air quality*

Finally, a project website was launched in English (www.participatesdapcd.org) and Spanish (www.participatesdapcd.org/es) to promote and facilitate continuous engagement from members of the public. The project website provides up to date information on the development process of the PPP as well as a questionnaire that serves as an additional tool the public can use to provide input on the PPP.

The information and input provided by the CBOs and the public, as well as by the Board in today's meeting will be incorporated into a draft PPP that will then be released for public comment this winter. Today's recommendation is for the Board to receive an update on the development of the PPP, provide input on the proposed goals and principles for the PPP, and

direct staff to return to the Board in three months with a proposed PPP addressing the Board's and the public's input.

Requested Action:

1. Receive an update on the development of the San Diego County Air Pollution Control District's Public Participation Plan
2. Consider the proposed priorities for the Public Participation Plan and provide input
3. Direct staff to return to the Board in three months with a proposed Public Participation Plan addressing the Board's and the Public's input

ACTION G.3:

ON MOTION of Member Martinez, seconded by Member Bush, the Air Pollution Control District Governing Board took action as recommended.

AYES: Birkbeck-Garcia, Bush, Gomez, Martinez, Medina, Sanchez, Shu, Vargas

ABSENT: Elo-Rivera

H. Closed Session

1. **ROBERTSON'S READY MIX V. SAN DIEGO AIR POLLUTION CONTROL DISTRICT**
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Robertson's Ready Mix v. San Diego Air Pollution Control District Superior Court for the State of California, County of San Diego Case No. 37-2021-00001630-CU-MC-CTL

ACTION H.1:

There were no reportable actions for this item.

2. **PUBLIC EMPLOYEE APPOINTMENT**
PUBLIC EMPLOYEE APPOINTMENT
(Government Code section 54957)
Title: Air Pollution Control Officer

ACTION H.2:

ON MOTION of Member Sanchez, seconded by Member Martinez, the Air Pollution Control District Governing Board voted unanimously to appoint Paula Forbis as the Air Pollution Control Officer effective January 19, 2022.

AYES: Birkbeck-Garcia, Bush, Gomez, Martinez, Medina, Sanchez, Shu, Vargas

ABSENT: Elo-Rivera

I. Interim Air Pollution Control Officer Report

The Board received a report from the Air Pollution Control Officer.

J. Board Member Updates

There were no reportable updates from Board Members.

K. Governing Ad Hoc Committee Report

There was no report provided by the Governing Ad Hoc Committee

L. **Adjournment**

The APCD Governing Board adjourned the January 19, 2022, meeting at 11:53 a.m.

Supporting Documents: Attachments and supporting documentation for items listed on this agenda can be viewed online on the [APCD Governing Board webpage](#) or at the San Diego County Air Pollution Control District, 10124 Old Grove Road, San Diego, CA 92131.

Meeting Access: Members of the public who wish to attend the virtual meeting may visit the [Air Pollution Control District Governing Board](#) online for meeting information and participation instructions or, send an email to APCDPublicComment@sdapcd.org

Assistance for Persons with Disabilities: Agendas and records are available in alternative formats upon request. Contact the Clerk of the APCD Governing Board at (858) 586-2600 with questions or to request a disability-related accommodation including sign language interpretation. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 72 hours in advance of the meeting so that the arrangements may be made.

Public Comments: Persons who wish to address the Governing Board on an item to be considered at this meeting, or on non-agenda items, may submit a Request to Speak form, email comments to APCDPublicComment@sdapcd.org, or use the "Raise Hand" function on Zoom via computer or smart phone or by pressing *9 if participating by phone. When emailing your comments, please include the meeting date, agenda item, your name, and your organization. All comments received prior to the close of the meeting will be made part of the meeting record. If you wish to submit written materials to be placed into the record or have an attachment to your comment, you may email it to APCDPublicComment@sdapcd.org or submit via U.S Mail will need to be received the business day prior in order for it to be distributed to the Board.

Comments received 24 hours prior to the start of the meeting will be distributed to the Board and posted Online with the meeting materials. Comments received after the start of the meeting but before the item is called will be submitted into the written record for the corresponding agenda item.

Language Interpreter Assistance: Language interpreter services for public speakers are available upon request to the San Diego County Air Pollution Control District at least 72 hours prior to the meeting. Please contact the Clerk of the APCD Governing Board at (858) 586-5600 or via e-mail at APCDPublicComment@sdapcd.org if interpreter services are needed.

The statements contained in this draft document are subject to change until they are approved in their final form by the Air Pollution Control District Governing Board at a subsequent public meeting.