



**Air Pollution Control District Governing Board**

Anne Marie Birkbeck-Garcia    Enrique Medina  
Marcus Bush    Esther Sanchez  
Sean Elo-Rivera    Jack Shu  
Nathan Fletcher    Nora Vargas  
Georgette Gomez    Stephen Whitburn  
Consuelo Martinez

**STATEMENT OF PROCEEDINGS  
AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD  
FRIDAY, APRIL 16, 2021, AT 1:30 P.M.**

**A. REGULAR MEETING** was called to order at 1:30 p.m.

Present: Board Members Nora Vargas, Chair; Esther Sanchez, Vice-Chair; Anne Marie Birkbeck-Garcia; Marcus Bush; Sean Elo-Rivera; Nathan Fletcher; Georgette Gomez; Consuelo Martinez; Enrique Medina; Jack Shu; Stephen Whitburn; also, Robert Reider, Interim Air Pollution Control Officer; Marvice Mazzyck, Clerk of the Air Pollution Control District Governing Board, and Paula Forbis, Senior Deputy County Counsel.

**B. PUBLIC COMMUNICATION**

Ray Traynor provided comments to the Board on air pollution control collaboration efforts with SANDAG.

**C. Approval of the Statement of Proceedings/Minutes for the San Diego County Air Pollution Control District Governing Board April 2, 2021 meeting.**

**ACTION**

ON MOTION of Member Martinez, seconded by Member Sanchez, the Air Pollution Control District Governing Board approved the Statement of Proceedings for the meeting of April 2, 2021.

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

ABSENT: Fletcher and Bush

**D. AGENDA ITEMS**

**1. AMENDMENT TO THE SERVICES AGREEMENT BETWEEN THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT AND THE COUNTY OF SAN DIEGO RELATED TO FLEET SERVICES**

*Prior to March 1, 2021, the San Diego County Air Pollution Control District (APCD) was governed by the County of San Diego Board of Supervisors, sitting as the Air Pollution Control Board. As a result, the County and the APCD did not have a need to formalize the fiscal and operational relationship between the two entities. However, the passage of AB 423 (Gloria, 2019) resulted in the formal separation of the APCD from the County. This formal separation required the APCD to enter into a formal agreement with the County related to the provision of services and payment of costs between the two entities, as allowed by California Health and Safety Code section 40101(b), to ensure the APCD has the support it needs to carry out its mission. The agreement addresses the current legal relationship between the two agencies, as well as the specific changes that occurred to that relationship with the change in governance structure. For*

*example, the agreement addresses the services currently provided to the APCD by County departments including the Auditor and Controller, Human Resources, General Services, County Counsel, and Purchasing and Contracting, and specifies the payment mechanisms for those services. The agreement was approved for execution by the Air Pollution Control Board on August 5, 2020.*

*Among the services provided by the County under the agreement are fleet management services including vehicle procurement, maintenance, fueling, and parking at County facilities. According to the agreement, these services are limited to vehicles for which the County is named on the title. The APCD owns 54 vehicles, but has previously included the County on the vehicle titles in order to obtain fleet management services. The APCD and County staff have now determined that it is in the best interests of both parties to transfer title of those vehicles to the APCD. Accordingly, today's proposed action would authorize the Air Pollution Control Officer to amend the services agreement between the APCD and the County to remove the requirement that the County remain on the vehicle title for the vehicles to be eligible for fleet management services and to make corresponding amendments to other provisions of the agreement, including insurance and indemnity.*

*Recommended by: Interim Air Pollution Control Officer*

#### **ACTION**

ON MOTION of Member Sanchez, seconded by Member Medina, the Air Pollution Control District Governing Board took action as recommended authorizing the Interim Air Pollution Control Officer to execute an amendment to the services agreement between the San Diego County Air Pollution Control District and the County of San Diego to remove the requirement that the County of San Diego remain on the vehicle title for the vehicle to be eligible for fleet management services and to revise other provisions related to insurance and indemnity.

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

ABSENT: Fletcher

#### **2. OVERVIEW OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

*An overview of the Air Pollution Control District (APCD) and its core programs and services will be presented to the Board by Interim Air Pollution Control Officer and Air Pollution Control District Executive Staff.*

#### **ACTION**

The Board received the Overview of the San Diego County Air Pollution Control District presentation.

#### **3. CLOSED SESSION**

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**

There are no reportable closed session matters.

The Board adjourned the April 16, 2021 meeting at 3:53 p.m.

NOTE: This Statement of Proceedings sets forth all actions taken by the San Diego County Air Pollution Control District Governing Board on the matters stated.