



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 2, 2021, AT 1:30 P.M.**

A. REGULAR MEETING was called to order at 1:33 p.m.

Present: Board Members Nora Vargas, Chair; Esther Sanchez, Vice-Chair Esther Sanchez; 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; and Marvice Mazyck, Clerk of the Air Pollution Control District Governing Board.

B. PUBLIC COMMUNICATION

There were no requests to speak under public communication.

C. Approval of the Statement of Proceedings/Minutes for the San Diego County Air Pollution Control District Governing Board March 19, 2021 meeting.

ACTION

ON MOTION of Member Sanchez, seconded by Member Bush, the Air Pollution Control District Governing Board approved the Statement of Proceedings for the meeting of March 19, 2021.

AYES: Bush, Elo-Rivera, Martinez, Sanchez, Shu, Vargas, Whitburn

ABSENT: Fletcher

D. INTERIM AIR POLLUTION CONTROL OFFICER REPORT

A report was provided to the Board by the Interim Air Pollution Control Officer

E. AGENDA ITEMS

1. APPOINTMENT OF PUBLIC MEMBERS TO THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

In accordance with AB 423 (2019, Gloria, codified at California Health and Safety Code Section 40100.6(a)(4)), the Air Pollution Control District Governing Board (Board) is required to appoint three Public Members to the Board – one physician or public health professional, one individual representing environmental justice interests, and one individual with a scientific or technical background in air pollution. These Public Members are to be appointed based upon their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with the air pollution problems of the San Diego

Air Basin. On March 19, 2021, the Board adopted Attachment A of the Interim Bylaws, the procedures for the Board's appointment of its Public Members, consistent with the requirements of AB 423. The Public Member application form was publicly noticed by the District via its public website at www.sdapcd.org, email listserv with approximately 4,500 recipients, social media platforms, and other communications with a wide range of stakeholders. As of the approved deadline of March 23, 2021, 17 applications had been received by the Clerk of the Board.

In accordance with the procedures, each applicant has been requested to attend the Board meeting and be prepared to make an introductory statement and answer questions from the Board. Applicants will be interviewed by the Board individually in the following order: (1) applicants for the physician or public health professional member; (2) applicants for the environmental justice member; and then (3) applicants for the scientific or technical member. The Board will then consider the appointment of each of the three Public Members in the specified order.

*Additionally, this is a request to approve as a job class of the Air Pollution Control District, "Governing Board Public Member." This will allow the County of San Diego to facilitate payment of statutory compensation and incurred expenses to Public Members of the Board according to California Health and Safety Code section 40100.6(e) and the Agreement for Provision of Services and Payment of Costs between the County and District.
Recommended by: Interim Air Pollution Control Officer*

ACTION 1.1

The following applicants were interviewed for the San Diego County Air Pollution Control District Governing Board Physician/Public Health Professional Member: Anne Marie Birkbeck-Garcia, Zohir Chowdhury, and Eyal Oren.

ON MOTION of Member Sanchez, seconded by Member Shu, the Air Pollution Control District Governing Board appointed Anne Marie Birkbeck-Garcia as the Physician/Public Health Professional Member of the San Diego County Air Pollution Control District Governing Board.

AYES: Bush, Elo-Rivera, Fletcher, Martinez, Sanchez, Shu, Vargas, Whitburn

ACTION 1.2

The following applicants were interviewed for the San Diego County Air Pollution Control District Governing Board Environmental Justice Interest Member: Georgette Gomez, Sarina Vega, and Anna Webb.

ON MOTION of Member Fletcher, seconded by Member Bush, the Air Pollution Control District Governing Board appointed Georgette Gomez as the Environmental Justice Interest Member of the San Diego County Air Pollution Control District Governing Board.

AYES: Bush, Elo-Rivera, Fletcher, Martinez, Sanchez, Shu, Vargas, Whitburn

ACTION 1.3

The following applicants were interviewed for the San Diego County Air Pollution Control District Governing Board Science/Technology Member: Craig Anderson, Zohir Chowdhury, Enrique Medina, Andrew Olds, Penelope Quintana, Thomas Rappolt, Ruth Vilmarie Rodriguez-Figueroa, and John Semerau.

ON MOTION of Member Bush, seconded by Member Elo-Rivera, the Air Pollution Control District Governing Board appointed Enrique Medina as the Science/Technology Member of the San Diego County Air Pollution Control District Governing Board.

AYES: Bush, Elo-Rivera, Fletcher, Martinez, Sanchez, Shu, Vargas, Whitburn

ACTION 1.4

ON MOTION of Member Sanchez, seconded by Member Shu, the Air Pollution Control District Governing Board took action to approve the job classification description and stipend for the Air Pollution Control District Governing Board Public Members.

AYES: Bush, Elo-Rivera, Fletcher, Martinez, Sanchez, Shu, Vargas, Whitburn

OATH OF OFFICE

The Oath of Office was administered by the Clerk of the San Diego County Air Pollution Control District Governing Board to the following newly appointed Board Members: Anne Marie Birkbeck-Garcia, Georgette Gomez, and Enrique Medina.

2. SELECTION OF OFFICERS (CHAIR AND VICE CHAIR) OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

The Air Pollution Control District Governing Board (Board) is requested to elect a Chair and Vice Chair for the remaining meetings in the calendar year. The Chair will preside over the meetings of the Board; the Vice Chair will preside over such meetings in the absence of the Chair.

Recommended by: Interim Air Pollution Control Officer

ACTION 2.1

ON MOTION of Member Whitburn, seconded by Member Shu, the Air Pollution Control District Governing Board took action to select Member Nora Vargas as of the San Diego County Air Pollution Control District Governing Board.

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

ACTION 2.2

ON MOTION of Member Whitburn, seconded by Member Shu, the Air Pollution Control District Governing Board took action to select Member Esther Sanchez as Vice Chair of the San Diego County Air Pollution Control District Governing Board.

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

3. DESIGNATION OF A SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD LIAISON TO THE UNITED STATES NAVY, UNITED STATES MARINE CORPS, AND UNITED STATES COAST GUARD

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

Recommended by: Interim Air Pollution Control Officer

ACTION

ON MOTION of Member Vargas, seconded by Member Sanchez, the Air Pollution Control District Governing Board took action to designate Member Nathan Fletcher as the San Diego County Air Pollution Control District Governing Board Liaison to the United States Navy, United States Marine Corps, and United States Coast Guard.

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

4. RESOLUTION DESIGNATING DATES AND TIMES FOR REGULAR MEETINGS OF THE AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD FOR 2021

It is recommended that the Board adopt the resolution setting the 2021 Air Pollution Control District Governing Board regular meeting schedule. 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.

Recommended by: Interim Air Pollution Control Officer

ACTION

ON MOTION of Member Sanchez, seconded by Member Martinez, the Air Pollution Control District Governing Board adopted Resolution No. 21-001 entitled RESOLUTION SETTING THE DATES AND TIMES FOR REGULAR MEETINGS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD IN CALENDAR YEAR 2021

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

5. ADOPTION OF PROCEDURES FOR THE APPOINTMENT OF MEMBERS TO THE AIR POLLUTION CONTROL DISTRICT HEARING BOARD

The California Health and Safety Code Section 40800 provides for the appointment of members to the Air Pollution Control District Hearing Board. The duties of the Hearing Board include consideration of variance requests from permitted entities, permit appeals from permittees or members of the public, and requests for abatement orders. The Hearing Board is made up of five members, which include one member admitted to practice law in California, one registered professional engineer, one member from the medical profession with specialized skills, training or interests in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine, and two public members. Alternates may also be appointed for each member.

Hearing Board members were previously appointed by the County Board of Supervisors, sitting as the Air Pollution Control Board. The prior procedures for appointment of the Hearing Board members were specific to the Board of Supervisors, and do not carry over to the new APCD Governing Board structure.

Hearing Board members and their associated alternates are appointed to terms of office for three years. District staff requests the Board's adoption of these procedures, in anticipation of the appointment of two Hearing Board members and two alternates (one public member and one medical professional, and alternates) at the Governing Board meeting on May 7, 2021.

Recommended by: Interim Air Pollution Control Officer

ACTION

ON MOTION of Member Sanchez, seconded by Member Martinez, the Air Pollution Control District Governing Board adopted Attachment B to the Interim Bylaws, entitled: "Procedures for Appointment of Governing Board Public Members"

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

The Board adjourned the April 2, 2021 meeting at 4:00 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.