

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Headquarters

200 Litton Drive, Ste. 320

Grass Valley, CA 95945

(530) 274-9360/ FAX: (530) 274-7546

Gretchen G. Bennett, APCO

Northern Field Office

257 E. Sierra Street, Suite E

Portola, CA 96122

(530)832-0102 FAX:(530) 832-0101

NORTHERN SIERRA

AIR QUALITY MANAGEMENT DISTRICT

BOARD OF DIRECTORS

REGULAR BOARD MEETING

MONDAY

August 24, 2020

1:00 p.m.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
BOARD OF DIRECTORS REGULAR MEETING

August 24, 2020

1:00 P.M.

This meeting will be held by Telephone Conference

425 436-6345

Passcode: 899668#

THE PUBLIC IS WELCOME TO PARTICIPATE BY CALLING THE ABOVE NUMBER AND PASSCODE AT THE AGENDIZED DATE/TIME. IF REASONABLE ACCOMMODATIONS ARE NEEDED BY THE PUBLIC TO ATTEND, PLEASE CONTACT THE AIR DISTRICT OFFICE AT OFFICE@MYAIRDISTRICT.COM OR 530 274-9360 BY May 15 AT 1:00 P.M.

All items on the agenda may be acted upon by the Board of Directors. No action will be taken nor discussion held at the meeting on business not appearing on the posted agenda.

- I. **Standing Orders:**
 - Call to Order.
 - Roll call and determination of quorum.
- II. **Public Comment:** For items **NOT** appearing on the agenda and within the jurisdiction of the Board. The public may comment on Agenda items as they are discussed.
- III. **Consent Calendar** These Items Are Expected to Be Routine and Noncontroversial. They Will Be Acted on By the Board at One Time Without Discussion. Any Board Member, Staff Member, or Interested Party May Request That an Item Be Removed From the Consent Calendar for Discussion.
 - A. Approval of regular meeting minutes – June 22, 2020
 - B. Approval of special meeting minutes – July 24, 2020
 - C. Payment Details by Vendor Board Report – July 2020
- IV. **Administrative Report**
 - A. Proposed Adoption of District's FY 20-21 Capital and Operating Budget
 - B. Proposed Adoption of Air District E-Signature Policy # 1060
 - C. Request to grant authority to the Northern Sierra Air Quality Management District to accept funds for implementing FARMER shared pool from Placer Air Pollution Control District for FY 2019 - 2020
 - D. Public Hearing for Community Air Protection AB617 Incentive Grant Proposal
- V. **Director's Report**
 - A. Status on Portola PM2.5 Nonattainment Area

- B. Status update on CARL MOYER Program
- C. Status Update on Woodstove Replacement Program

VII. Concerns of Board - The Board may at this time bring up matters it wishes to discuss at the next Board Meeting, as long as no discussions are conducted and no actions are taken, in compliance with the Brown Act.

VIII. Schedule next Meeting – September 28, 2020

IX. Adjournment

PERSONS DESIRING TO ADDRESS THE BOARD

Meetings of the Board of Directors shall be conducted by the Chairperson in a manner consistent with the policies of the District. The latest edition of Robert's Rules of Order, Revised shall also be used as a general guideline for meeting protocol. District policies shall prevail whenever they are in conflict with Robert's Rules of Order, Revised.

All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

PUBLIC COMMENT:

Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:

Three (3) minutes may be allotted to each speaker and a maximum of fifteen (15) minutes to each subject matter;

No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference which tends to identify. All charges or complaints against employees shall be submitted to the Board of Directors under provisions contained in District Policy 1030.

Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the Chairperson finds that there is in fact willful disruption of any meeting of the Board, he/she may order the room cleared and subsequently conduct the Board's business without the audience present. In such an event, only matters appearing on the agenda may be considered in such a session.

After clearing the room, the Chairperson may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room.

Duly accredited representatives of the news media, whom the Chairperson finds not to have participated in the disruption, shall be admitted to the remainder of the meeting.

Members of the public are given the opportunity to address the Board of Directors directly at each teleconference location.

POSTING AGENDA:

This agenda was posted at least 72 hours prior to the regular meeting at the following locations: Eric Rood Government Center in Nevada City, The Plumas County Courthouse in Quincy, the Litton Building in Grass Valley, the Plumas County Board of Supervisors Chambers in Quincy, Sierra County Courthouse Square in Downieville. **The agenda and board packet are available on-line prior to the Board Meeting at www.myairdistrict.com**

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: August 24, 2020

Agenda Item: III.A

Agenda Description: Approval of regular meeting minutes – June 22, 2020

Requested Action: The minutes are attached for Board comment/approval.

ROLL CALL VOTE REQUESTED

Attachments:

1. Draft June 22, 2020

DISTRICT HEADQUARTERS

200 Litton Drive, Suite 320

Mailing Address:

Grass Valley, CA 95945

(530) 274-9360 / FAX: (530) 274-7546

email: office@myairdistrict.com or www.myairdistrict.com

NORTHERN FIELD OFFICE

257 E. Sierra, Unit E

Mailing Address: P.O. Box 2227

Portola, CA 96122

(530) 832-0102 / FAX: (530) 832-0101

email: Julie@myairdistrict.com or www.myairdistrict.com

MINUTES

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
BOARD OF DIRECTORS REGULAR MEETING**

June 22, 2020

1:00 p.m.

This meeting was held by Telephone Conference

425 436-6345

Passcode: 899668#

Members Present:

Supervisor Huebner, Chair
Supervisor Adams, Alternate Vice Chair
Supervisor Scofield
Supervisor Anderson
Supervisor Simpson
Supervisor Thrall

Members Absent:

Supervisor Roen

I. Standing Orders:

Call to Order. Roll Call and Determination of Quorum.

Chair Huebner called the meeting to order at 1:02 P.M. A quorum was confirmed. Gretchen Bennitt, APCO; Julie Ruiz, APCSII, Melissa Klundby, APCSI, Dawn Lunsford, Clerk of the Board.

II. Public Comment: For Items NOT Appearing on the Agenda and Within the Jurisdiction of the Board. The Public May Comment on Agenda Items As They Are Discussed. Both Teleconference Sites are Allowed an Opportunity for Public Comment.

Chair Huebner called for public comment. There was no public present on the conference line.

III. Consent Calendar

- A. Approval of regular meeting minutes – May 16, 2020
- B. Payment Details by Vendor Board Report – June 2020

There was a motion by Supervisor Simpson to approve the consent calendar. Supervisor Scofield seconded the motion. The motion was approved unanimously by a roll call vote.

IV. Administrative Report

A. Public Hearing for FY 2020-2021 Operating and Restricted Budget

The Board opened a public hearing to receive comments on the District's Preliminary FY 2020-2021 Budget. There were no public comments. The Board closed the public hearing. The Board provided direction to staff on some items in the budget.

B. Amendment to FARMER Contract between Placer Air District and Northern Sierra Air District.

Ms. Bennitt discussed the need for the amendment. Supervisor Scofield made a motion to approve and authorize the APCO to sign the amendment and to authorize the Chair to sign Resolution # 2020-05. Supervisor Anderson seconded the motion. The motion was approved unanimously by a roll call vote.

C. Ratify Amendment #1 for Prescribed Burn Reporting and Monitoring Support Program Agreement.

Supervisor Thrall made a motion to ratify the signed amendment to the agreement between CARB and the Air District for administering a prescribed fire program. Supervisor Scofield seconded the motion. The motion was unanimously approved with a roll call vote.

D. Service Agreement between NSAQMD and Integrity Heating

Supervisor Simpson made a motion to authorize the APCO and Chair to sign the agreement with Integrity Heating. Supervisor Adams seconded the motion. The motion was approved with a roll call vote.

Director Reports

A. Status on Portola Federal PM2.5 (Smoke) Nonattainment Area

Ms. Ruiz reported on the status of the woodstove changeout program. She reported that installation ceased during the COVID-19 pandemic due to installers inability to enter homes.

VI. Concerns of the Board – no concerns of the Board

VII. Schedule next Meeting – Next meeting was scheduled for August 24, 2020.

VIII. Adjournment

The meeting was adjourned at 1:35 P.M.

TO: Northern Sierra Air Quality Management Board of Directors

FROM: Gretchen Bennitt, Executive Director

DATE: August 24, 2020

Agenda Item: III.B

Agenda Description: Approval of special meeting minutes – July 23, 2020

Requested Action: The minutes are attached for Board comment/approval.

ROLL CALL VOTE REQUESTED

Attachments:

1. Draft July 23, 2020

DISTRICT HEADQUARTERS
200 Litton Drive, Suite 320
Mailing Address:
Grass Valley, CA 95945
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email: Julie@myairdistrict.com or www.myairdistrict.com

MINUTES

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
BOARD OF DIRECTORS SPECIAL MEETING**

July 23, 2020

10:00 a.m.

This meeting was held by Telephone Conference

425 436-6345

Passcode: 899668#

Members Present:

**Supervisor Huebner, Chair
Supervisor Adams, Alternate Vice Chair
Supervisor Scofield
Supervisor Simpson
Supervisor Thrall**

Members Absent:

**Supervisor Roen
Supervisor Anderson**

I. Standing Orders:

Call to Order. Roll Call and Determination of Quorum.

Chair Huebner called the meeting to order at 10:02 A.M. A quorum was confirmed. Also present - Gretchen Bennitt, APCO; Julie Ruiz, APCSII, Melissa Klundby, APCSI, Dawn Lunsford, Clerk of the Board.

II. Public Comment: For Items NOT Appearing on the Agenda and Within the Jurisdiction of the Board. The Public May Comment on Agenda Items As They Are Discussed. Both Teleconference Sites are Allowed an Opportunity for Public Comment.

Chair Huebner called for public comment. There was no public present on the conference line.

III. Administrative Report

A. Approval of FARMER projects (Year 2, Round 1)

Ms Bennitt presented the five proposed FARMER contracts to the Board for discussion. Supervisor Scofield requested that Ms. Bennitt state for the record the 5 contracts, names and amounts for each project. Ms. Bennitt stated all 5 contracts, names, amounts for the record.

Supervisor Adams made a motion to approve and authorize the Executive Director and Chair to sign individual agreements between Northern Sierra Air District and Erik Roen, Robinson Enterprises and Sierra Pacific Industries. Supervisor Thrall Seconded the motion. The motion was approved unanimously with a roll call vote.

VI. Concerns of the Board – Supervisor Thrall asked whether the Chester air quality monitor was able to record air quality values during the recent loss of telephone communication in Chester. Julie Ruiz answered that the monitor was still able to collect data.

VII. Schedule next Meeting – Next meeting was scheduled for August 24, 2020.

VIII. Adjournment

The meeting was adjourned at 1:35 P.M.

TO: Northern Sierra Air Quality Management Board of Directors

FROM: Gretchen Bennitt, Executive Director

DATE: August 24, 2020

Agenda Item: III.C

Agenda Description: Payment Details by Vendor Board Report – July 2020

Issues:

Requested Action:

None, informational only

Attachments:

1. Payment Details by Vendor Report for July 2020

Northern Sierra Air Quality Management District
Payment details by Vendor Board Report
July 2020

Type	Date	Num	Memo	Account	Amount
A-1 Stoves Inc.					
Bill Pmt -Check	07/30/2020	224412	WRP-181029-1 Monahan	20-1000 · Cash, Restricted Fund	-5,000.00
Total A-1 Stoves Inc.					-5,000.00
Adecco					
Bill Pmt -Check	07/06/2020	223629	Mejia, PPE 6/28/20	10-1000 · Cash, Operating Ge...	-73.53
Bill Pmt -Check	07/13/2020	223828	Mejia, PPE 6/8/20	10-1000 · Cash, Operating Ge...	-110.30
Bill Pmt -Check	07/27/2020	224217	Portola Office	10-1000 · Cash, Operating Ge...	-49.02
Total Adecco					-232.85
ADP Fees					
Bill Pmt -Check	07/03/2020	EFT	PPE 6/26/20 processing charges	10-1003 · Cash, Bank Payroll ...	-38.72
Bill Pmt -Check	07/10/2020	EFT	PPE 6/26/2020	10-1003 · Cash, Bank Payroll ...	-46.06
Bill Pmt -Check	07/24/2020	EFT	PPE 7/10/20 Processing charges	10-1003 · Cash, Bank Payroll ...	-46.06
Bill Pmt -Check	07/31/2020	5310257	Processing charges 7/24/20	10-1003 · Cash, Bank Payroll ...	-38.72
Total ADP Fees					-169.56
All Star Chimney, Eli Marchus					
Bill Pmt -Check	07/06/2020	V966071	EPA 2019-377 Warmington	20-1000 · Cash, Restricted Fund	-119.00
Bill Pmt -Check	07/30/2020	V967115	EPA 2016-004 and EPA 2017-233	20-1000 · Cash, Restricted Fund	-258.00
Total All Star Chimney, Eli Marchus					-377.00
Asquith Business Service					
Bill Pmt -Check	07/06/2020	V966066	PPE 6/26/20	10-1000 · Cash, Operating Ge...	-337.50
Bill Pmt -Check	07/16/2020	V966752	PPE 7/10/20	10-1000 · Cash, Operating Ge...	-462.50
Bill Pmt -Check	07/30/2020	V967093	PPE 7/24/20	10-1000 · Cash, Operating Ge...	-425.00
Total Asquith Business Service					-1,225.00
AT&T CALNET 3					
Bill Pmt -Check	07/13/2020	223856		10-1000 · Cash, Operating Ge...	-21.13
Bill Pmt -Check	07/16/2020	224009		10-1000 · Cash, Operating Ge...	-79.07
Bill Pmt -Check	07/27/2020	224264		10-1000 · Cash, Operating Ge...	-20.88
Total AT&T CALNET 3					-121.08
B of A					
Bill Pmt -Check	07/06/2020	V966044	Paydate 7/2/20	10-1000 · Cash, Operating Ge...	-17,331.86
Bill Pmt -Check	07/16/2020	V966655	PPE 7/10/20	10-1000 · Cash, Operating Ge...	-17,331.88
Bill Pmt -Check	07/30/2020	V967016	Paydate 7/30/20	10-1000 · Cash, Operating Ge...	-17,331.88
Total B of A					-51,995.62
CALPERS (Health)					
Bill Pmt -Check	07/02/2020	909202	July 2020	10-1000 · Cash, Operating Ge...	-5,917.22
Bill Pmt -Check	07/29/2020	909301	August 2020	10-1000 · Cash, Operating Ge...	-5,915.44
Total CALPERS (Health)					-11,832.66
CALPERS (Retirement)					
Bill Pmt -Check	07/02/2020	909205	paydate 7/2/20	10-1000 · Cash, Operating Ge...	-1,182.01
Bill Pmt -Check	07/02/2020	909203	paydate 7/2/20	10-1000 · Cash, Operating Ge...	-2,015.14
Bill Pmt -Check	07/16/2020	909246	July 2020	10-1000 · Cash, Operating Ge...	-76.88
Bill Pmt -Check	07/16/2020	909242	July 2020	10-1000 · Cash, Operating Ge...	-7,909.95
Bill Pmt -Check	07/16/2020	909245	PPE 7/10/10 Paydate 7/16/20	10-1000 · Cash, Operating Ge...	-1,248.00
Bill Pmt -Check	07/16/2020	909243	PPE 7/10/10 Paydate 7/16/20	10-1000 · Cash, Operating Ge...	-2,112.30
Bill Pmt -Check	07/29/2020	909302	PPE 7/24/10 Paydate 7/30/20	10-1000 · Cash, Operating Ge...	-2,112.30
Bill Pmt -Check	07/29/2020	909304	PPE 7/24/10 Paydate 7/30/20	10-1000 · Cash, Operating Ge...	-1,248.00
Total CALPERS (Retirement)					-17,904.58
CALPERS 457 PLAN					
Bill Pmt -Check	07/02/2020	909204	Paydate 7/2/20	10-1000 · Cash, Operating Ge...	-1,400.00
Bill Pmt -Check	07/16/2020	909244	PPE 7/10/20	10-1000 · Cash, Operating Ge...	-1,400.00
Bill Pmt -Check	07/29/2020	909303	PPE 7/24/10 Paydate 7/30/20	10-1000 · Cash, Operating Ge...	-1,400.00
Total CALPERS 457 PLAN					-4,200.00
City of Portola Vendor					
Bill Pmt -Check	07/06/2020	223666	Destruction of 21 woodstoves	20-1000 · Cash, Restricted Fund	-924.00
Total City of Portola Vendor					-924.00
David Nicholas					
Bill Pmt -Check	07/16/2020	V966776	Truckee fire Stint travel 6/29/20	10-1000 · Cash, Operating Ge...	-66.25
Total David Nicholas					-66.25
English Mountain Ranch					
Bill Pmt -Check	07/16/2020	V966678	Aug rent and July Util	10-1000 · Cash, Operating Ge...	-3,981.58

**Northern Sierra Air Quality Management District
Payment details by Vendor Board Report
July 2020**

Type	Date	Num	Memo	Account	Amount
Total English Mountain Ranch					-3,981.58
Fish, Joe					
Bill Pmt -Check	07/30/2020	V967015	dental	10-1000 · Cash, Operating Ge...	-313.00
Total Fish, Joe					-313.00
Hahn, J. aka Wolf Creek Wood Stoves					
Bill Pmt -Check	07/30/2020	V967078	EPA 2017-237 Stonecpher replace...	20-1000 · Cash, Restricted Fund	-3,196.43
Total Hahn, J. aka Wolf Creek Wood Stoves					-3,196.43
Inc. Senior Citizens of Sierra County					
Bill Pmt -Check	07/27/2020	224255	AB2020-01 Apr-June 2020	20-1000 · Cash, Restricted Fund	-1,430.25
Total Inc. Senior Citizens of Sierra County					-1,430.25
Intermountain Disposal, Inc. Vendor					
Bill Pmt -Check	07/27/2020	224260	Portola	10-1000 · Cash, Operating Ge...	-14.56
Total Intermountain Disposal, Inc. Vendor					-14.56
Kleinhans, Ursula M.					
Bill Pmt -Check	07/16/2020	224003	Aug 2020 Rent	10-1000 · Cash, Operating Ge...	-533.53
Total Kleinhans, Ursula M.					-533.53
Nevada County Auditor Controller					
Bill Pmt -Check	07/28/2020	JE19-13NC	Fin Plus Admin Services	10-1000 · Cash, Operating Ge...	-2,157.98
Total Nevada County Auditor Controller					-2,157.98
Quincy Hot Spot					
Bill Pmt -Check	07/27/2020	224241	EPA 2019-415 Deed	20-1000 · Cash, Restricted Fund	-3,500.00
Total Quincy Hot Spot					-3,500.00
Ruiz, Julie					
Bill Pmt -Check	07/13/2020	V966614	Portola to Quincy monitoring	10-1000 · Cash, Operating Ge...	-40.83
Bill Pmt -Check	07/30/2020	V967073	gas for district vehicle - cash purchase	10-1000 · Cash, Operating Ge...	-45.18
Total Ruiz, Julie					-86.01
Supervisor Adams					
Bill Pmt -Check	07/30/2020	224376	7/23 Special Board Mtg	10-1000 · Cash, Operating Ge...	-100.00
Total Supervisor Adams					-100.00
Supervisor Huebner					
Bill Pmt -Check	07/30/2020	224369	7/23 Special Board Mtg and mileage	10-1000 · Cash, Operating Ge...	-168.43
Total Supervisor Huebner					-168.43
Supervisor Scofield					
Bill Pmt -Check	07/30/2020	224404	7/23 Special Board Mtg	10-1000 · Cash, Operating Ge...	-100.00
Total Supervisor Scofield					-100.00
Supervisor Simpson					
Bill Pmt -Check	07/30/2020	224372	7/23 Special Board Mtg	10-1000 · Cash, Operating Ge...	-100.00
Total Supervisor Simpson					-100.00
Supervisor Thrall					
Bill Pmt -Check	07/30/2020	224367	7/23 Special Board Mtg	10-1000 · Cash, Operating Ge...	-100.00
Total Supervisor Thrall					-100.00
Tyrus Chimney Sweep					
Bill Pmt -Check	07/30/2020	224420	EPA 2017-210 Redd Chimney Sweep	20-1000 · Cash, Restricted Fund	-200.00
Total Tyrus Chimney Sweep					-200.00
US Bank					
Bill Pmt -Check	07/14/2020	223931	6/22/20 stmt, Operating only: Accru...	10-1000 · Cash, Operating Ge...	-7,306.92
Bill Pmt -Check	07/14/2020	223931	6/22/20 stmt, Operating only: Accru...	20-1000 · Cash, Restricted Fund	-106.97
Total US Bank					-7,413.89
TOTAL					-117,444.26

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To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: August 24, 2020

Agenda Item: IV.A

Agenda Description: Proposed Adoption of District's FY 2020-2021 Capital and Operating Budget

Issues:

At a regularly scheduled Air District Board meeting on June 22, 2020, a public hearing that was properly noticed was held to receive comments on the FY 2020-2021 Capital and Operating Budget. During the meeting, the Board reviewed and provided direction and comment on the preliminary FY 2020-2021 Capital and Operating Budget.

Requested Action:

1. Adopt FY 2020-2021 Capital and Operating Budget and authorize the Chair to sign Resolution #2020-07.

ROLL CALL VOTE REQUESTED

Attachment:

1. District's Fiscal Year 2020/2021 Preliminary Capital and Operating Budget
2. Resolution # 2020-07

DISTRICT HEADQUARTERS

200 Litton Drive, Suite 320
Grass Valley, CA 95945
(530) 274-9360 / FAX (530) 274-7546
Email: office@myairdistrict.com or www.myairdistrict.com

NORTHERN FIELD OFFICE

257 E. Sierra, Unit E
Mailing Address: P.O. Box 2227
Portola, CA 96122
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email: Julie@myairdistrict.com

**FISCAL YEAR 2020/2021
CAPITAL BUDGET
Final**

August 24, 2020

EXECUTIVE SUMMARY

Due to unprecedented economic and health impacts from COVID-19, the District is presenting this preliminary budget with the full intention of amending it in Fall 2020, once the state and federal budgets have been adopted. At this time, the District is compiling its revenues on the California Governors' revised budget numbers from May 2020. The District understands that revenues are not only dependent upon the legislature adopting the Governor's revised budget, but revenues will be dependent upon a multitude of economic factors which could be highly unpredictable this fiscal year.

The District's Capital Budget is comprised of two major components - 1) the Restricted Grants Budget and the 2) Operating Budget. Each budget has two separate fund accounts to facilitate the tracking of funds in both budgets and to allow the public better comprehension of the District's overall capital budget. A line-item spreadsheet of both the Restricted and Operating Budgets follows.

RESTRICTED GRANTS BUDGET

The Restricted Grants Budget is solely for pass-through grants from the State of California or the Federal Government (U.S. Environmental Protection Agency) to reduce air pollution emissions in areas where public health is most impacted. The District will be administering this budget through a variety of grant programs, incentives, rebates and public education in cooperation with other local agencies and businesses. For a detailed breakdown of all line items for the Restricted Grant Budget, please refer to the restricted budget spreadsheet.

AB2766 Grant Programs

The District administers the State's AB2766 DMV surcharge grant money to worthwhile projects throughout all three counties of the District. This funding comes from a DMV surcharge fee for each registered vehicle in each county. Nevada and Plumas County charge a fee of \$4/vehicle. Sierra County charges a fee of \$2/vehicle.

Project proponents go through a sometimes competitive process to request full or partial sponsorship for projects which reduce vehicle emissions. The only county that will be participating in the competitive AB2766 process during FY 20/21 is Sierra County. In April 2020, the Board approved that Nevada County's AB2766 amount of \$182,153 be encumbered for a green waste removal project through the Nevada County OES. Additionally, in January 2020, the Board approved that Plumas County's AB2766 amount of \$34,934 be encumbered for and EPA Target Grant Match for the Portola PM Nonattainment area.

The final grant approvals for Sierra County will be made in September or October 2020. After the Board allocates funds for individual AB projects in Sierra County, any funds which are not allocated to a project go into each county's AB 2766 total allocation account as carryover. These amounts will be added back in to each county's AB allocation in time for the following year's Board approval of projects.

In addition to the FY 2020/21 AB projects, there is \$453,178 expected to be expended for various encumbered projects. These funds are earmarked in the Restricted Grants Fund Balance.

AB923 DMV Surcharge Fees and Programs

AB923 is only implemented in Plumas County. This funding comes from a DMV surcharge fee of \$2 per each vehicle registered in the county. The District receives 6.25% as an administrative fee. This year, the District expects to receive approximately \$50,000, \$3,125 is utilized for administrative funding. This funding is to be utilized for replacing old diesel school buses per the state's Lower Emission School Bus program or for reducing heavy duty diesel emissions, similar to the Carl Moyer program. Recently the state has approved that this funding can also be utilized for infrastructure for alternatively fueled, low emission school busses. The current fund balance of AB923 funding is \$270,279 providing a total of \$320,279 available for expenditure during FY 2020/2021.

Carl Moyer Heavy Duty Diesel Emission Reduction Program

The District administers the State's Carl Moyer Heavy Duty Diesel Program throughout all three counties in the District. This program is intended to provide incentives to owners of heavy duty diesel engines to retrofit these engines to lower emitting models. This is easily one of the most cost-effective and pollution reducing programs that the State sponsors and the District administers.

For fiscal year 2020/2021, the District expects to receive revenue of Carl Moyer funding of \$200,000. The District receives 12.5% administrative fee, leaving \$175,000 for the grant program and \$25,000 administrative fee which is revenue for the internal operating budget. The current fund balance amount of Carl Moyer funding is \$203,173. An estimate of \$7,000 is expected to be earned on the interest, which goes back into the program. This provides a total \$378,173 available for expenditure during FY 2020/2021.

EPA's Targeted Air Shed Grant

The Air District was approved for a \$2.48 million grant from the U.S. Environmental Protection Agency (U.S. EPA) to reduce air pollution from residential woodstoves. The grant is part of the U.S. EPA's 2015 Targeted Air Shed Grant Program intended to improve air quality in areas of the U.S. with the highest levels of pollution.

In January 2015, the U.S. EPA designated the City of Portola and surrounding parts of Plumas County as a federal nonattainment area for the annual PM2.5 health-based standard. PM2.5 is the fine particle pollution found in smoke. Studies indicate that the main source of smoke in Portola is from residential woodstoves and fireplaces.

U.S. EPA grant funds are administered by the Air District and the California Air Resources Board for a five-year voluntary residential wood stove replacement program to encourage owners to replace older wood stoves with cleaner burning devices and significantly improve air quality and public health in the Portola area.

This will be a five year program (2016-2021) based upon a reimbursement basis from EPA. Estimates were based upon how much would be spent and reimbursed for each of the five years. The amount of \$1,992,000 for woodstove replacements in the nonattainment area is not to be exceeded over five years. The district estimates that approximately \$398,400 per year will be expended to replace stoves in the nonattainment area. The District estimates approximately \$75,000 per year will be reimbursed for administrative uses annually.

Recently, EPA approved an amendment to this grant, extending the grant an additional two years and adding a new administrative position – the Burnwise Coordinator, which will provide \$49,698 to the administrative, or operating budget.

H&S Woodstove Mitigation Fund

EPA had a settlement with H&S which required H&S to pay a local air district \$400,000 to be used for a woodstove changeout program in a federal nonattainment area. EPA referred H&S to Northern Sierra Air District. An agreement was approved and ratified by the Air District Board during a March 2016 Board meeting. The District had a one-time revenue of \$360,000 deposited into the District's restricted account. Additionally, the District received a one-time revenue of \$40,000 to be deposited into the District's operating budget during FY 2015/2016. Currently there is 21,600 remaining in this account, or enough to supplement the change out of approximately 24 stoves.

Voluntary Nox Reduction Measure (VNRM)

The State California Air Resources Board has awarded various air districts a grant which shall be used to "voluntarily remediate potential past emissions through remedial measures supporting air district-level NOx mitigation projects targeting engines, such as the replacement of existing diesel engines with lox Nox engines." The VNRM program is modeled on the criteria and requirements in the Moyer Guidelines. The District has earmarked \$70,212 of funds to be utilized for local projects.

FARMER Shared Pool

California's state legislature allocated \$35 million to the California Air Resources Board

(CARB) from Fiscal Year 2017-2018 through Assembly Bill 134 and 109. CARB staff developed the Funding Agricultural Reduction Measure for Emission Reductions (FARMER) Program to meet the Legislature's objectives and help meet the State's criteria, toxic and greenhouse gas emission reduction goals. CARB created a Shared Allocation Pool of funding (\$5 million) that was specifically designated for 18 air districts with less than one percent of statewide agricultural equipment emission inventory to ensure farmers in those districts have the opportunity to access FARMER funding. The Shared Allocation Pool is managed by the Placer County Air Pollution Control District (Placer APCD) and the California Air Pollution Control Officers Association (CAPCOA) in accordance with the grant provisions outlined in the agreement between CARB and Placer APCD and provisions outlined in the subsequent agreement between CAPCOA and Placer APCD. Placer APCD will enter into independent contracts with Northern Sierra Air District. The District has \$119,340 in the FARMER fund balance. The District has recently been awarded an additional \$931,179 for projects. The District anticipates that \$1,050,519 will be expended on FARMER projects during FY 2020-2021.

AB617

Assembly Bill 109 provides funding for the Community Air Protection Program. Assembly Bill 109 approved the Cap-and-Trade Expenditure Plan which appropriated approximately \$1.6 billion in discretionary funds. The Northern Sierra Air Quality Management District has been approved by the California Air Resources Board (CARB) for a grant under the Community Air Protection Program. The grant award is for expenses necessary for implementation of Assembly Bill 617. The District receives two separate AB617 grants; AB 617 Incentive Grants and AB 617 Implementation Grants. The AB 617 Incentive Grants require projects to be approved by the Board so as to receive public comments on the use of the funds. Funds can only be used in AB1550 areas. Recently, the Board received public comments on Year 2 of AB 617 Incentive funds. The Board approved that the funds should be used for Carl Moyer projects. The District will receive \$120,920 in project funds for FY 2020-21. The District will also receive \$17,274 administrative funds for FY 2020-21.

The District expects a revenue of \$16,015 of funds under the AB 617 Implementation Grant for Fiscal Year 2020-21. Since the District had received funds the prior two years, there is now a total of \$58,857 available for expenditure during FY 2020-21. There are no administrative funds provided to the District for this grant. The California Air Resources Board has given the approval to the District to utilize these funds for green waste removal within AB 1550 areas, specifically for the Portola PM nonattainment area.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Final Restricted Budget
Fiscal Year 2020 - 2021

Restricted Budget, Fund Balance			
Account #	Description	FY 2019-2020	FY 2020-2021
20-3901	Restricted Funds, AB2766 Encumbered	248,382	453,178
20-3902	Planned Expenditures, AB2766 Total Allocation - Nevada County	185,332	-
20-3903	Planned Expenditures, AB2766 Total Allocation - Plumas County	70,683	-
20-3904	Planned Expenditures, AB2766 Total Allocation - Sierra County	5,721	5,765
20-3906	Planned Expenditures, Carl Moyer	67,478	203,173
20-3908	Planned Expenditures, AB923	214,914	270,279
	Planned Expenditures, FARMER		119,340
20-3910	Planned Expenditures, H&S Mitigation	109,291	21,600
Restricted Budget, Fund Balance Accounts Totals:		\$901,801	\$1,073,335

Restricted Budget, Revenue			
Account #	Description	FY 2019-2020	FY 2020-2021
20-4500	Govt. Funding, AB 2766 DMV Fees (60% for District Admin)	240,000	240,000
20-4505	Govt. Funding, AB923 (6.25% for district admin)	50,000	50,000
20-4518	Govt. Funding, Carl Moyer HD Diesel (12.5% for district admin)	175,000	175,000
20-4535	Govt. Funding, WRP (~10% for district admin)	0	0
20-4536	WRP interest	1,000	0
20-4541	Nox Reduction Measure (NRM)	70,212	0
20-4542	FARMER Pooled Share	100,000	931,179
20-4543	Rural Assistance Program (RAP)	80,000	0
20-4538	AB 617 Implementation (20,183, 22,659, 16,015)	22,000	16,015
20-4539	AB 617 interest	100	850
20-4544	AB617 Incentives		120,920
20-4529	Govt. Funding, EPA Target Grant for Portola 2015	398,400	398,400
20-4540	Govt. Funding, EPA Target Grant for Portola 2018		tbd
20-4600	Other Income, Interest, Restricted (Carl Moyer)	5,000	7,000
Restricted Budget, Revenue Total:		\$1,141,712	\$1,939,364

Restricted Budget, Expenditures			
Account #	Description	FY 2019-2020	FY 2020-2021
20-5440	Portola PM Mitigation(AB2015-08, 33,211 plus 5499 transferred from 588-200-39)	28,054	20,466
20-5442	Portola MOU (AB2016-08)	27,505	18,032
20-5402	Town of Truckee (AB 2018-04, \$39,542)	39,542	39,542
20-5402	Foster and Sons (AB 2018-05, \$26,457)	26,457	26,457
20-5402	Nevada County OES (AB 2021 - 10, \$182,153)		182,153
20-5402	EPA Target Grant 2018 Match (AB2021-11, 34,834)		34,834
20-5402	Hansen Bros. Enterprises)AB 2020-04, \$26,000)		26,000
20-5402	Sierra Commons (AB 2020-05, \$24,000)		22,063
20-5402	Sierra Commons (AB2020-06,\$26,000)		22,918
20-5402	Sierra Senior Services (AB 2020-07, \$37,800)		37,800
20-5402	Bear Yuba Land Trust (AB2020-09, \$15,000)		15,000
20-5404	Inc. Senior Citizens of Sierra County (AB 2020-01, \$5,721)		4,291
20-5403	Plumas County Public Works (AB 2020-03, \$3622)		3,622
20-5401	AB2766 Planned Expenditures for 2020	219,134	5,765
20-5406	Carl Moyer	176,223	378,173
20-5416	Farmer		1,050,519
20-5409	AB 923	220,800	320,279
20-5410	EPA Target Grant 2015	398,400	398,400
20-5414	WRP	292,500	
20-5417	Nox Reduction Measure (NRM)	-	70,212
20-5415	AB 617 Implementation (\$20,183, \$22,659, \$16,015)	20,183	58,857
20-5486	AB617 Incentive		120,920
20-5413	H&S Mitigation Fund	180,000	21,600
Restricted Budget, Expenditures Totals:		\$1,628,798	\$2,877,903

OPERATING BUDGET

The second major portion of the District's overall capital budget is the internal Operating Budget which is outlined in detail in the Operating Budget spreadsheet.

Operating Revenue

Overall, Revenues exceed Expenditures by \$223,267. There is an increase of \$153,063 of predicted revenue from last year's budget. The most significant increase is the administrative funding for the FARMER program (\$104,037) and to the Prescribed Fire grant (\$131,752) to run the District's prescribed fire program. There was a notable decrease of \$15,000 to the Title V Fees line item, due to one Title V source shutting down.

AB 2766 revenue is 29% of total operating revenue. Last year, AB revenue was 33% of total revenue. This revenue is used internally for activities that are related to clean air planning and technical studies necessary to implement the California Clean Air Act, and these technical activities should be funded by AB 2766 funds proportionate to the relative contribution of mobile source emissions.

General Administration, the Planning Program, and the Air Monitoring Program don't have adequate fees to cover costs, and so are supported with State Subvention, county contributions, and miscellaneous revenue line items.

Operating Expenditures

There is an estimated increase of total expenditures from the previous fiscal year of \$120,894. The increase is primarily due to an increase of \$51,184 in the Salaries and Benefits object level. This increase demonstrates the first fiscal year where the District has 7 full time employees. Last fiscal year, two new air pollution specialists were added, but they were hired approximately half way through the year. Other increases are related to the increase in staffing – an increase of \$4,000 in office supplies and non-capitalized office equipment, a \$2,700 increase in liability insurances, and a \$1,500 increase in private car mileage. Two key pieces of equipment have reached the end of their shelf life and need to be replaced – the Xerox Copy/Scanner machine and the Ford Escape. The District estimates a new copier will be around \$10,000 and a new vehicle will be around \$30,000. Last, the rent for the Grass Valley office went up substantially; an increase of \$4,560 for the main office and a new rent was required for the outside roof space of \$7,000. It should be noted that this was the first rent increase in over 15 years.

The District provides certain postretirement healthcare benefits, as established by Board Policy, to eligible employees through a single-employer plan governed by the

Public Employees' Medical & Hospital Care Act (PEMHCA) and administered by the District. Employees who retire from the District shall be eligible to be enrolled in a PERS-provided health insurance plan. If the retiree is enrolled in a PERS-provided health insurance plan, the District shall pay 100% of the first \$9,600 of the retiree's annual premium. Employees hired after July 1, 2014 shall still be eligible to be enrolled in a PERS-provided health insurance plan upon retirement, but the District shall pay 0% of the retiree's annual premium, upon retirement.

The District has two separate accounts to express health insurance expenditures. Account #10-5017 is for retired employees, and Account #10-5016 is for current employees. However, two current employees have elected not to utilize the PERS-provided health benefits plan. According to District Policy, in recognition of the subsequent cost savings to the District, the District will pay the employees 40% of the premium costs saved by the District, or \$3,840, whichever is less. Since there are three employees electing not to utilize the PERS provided plan, this total amount is \$11,520. This \$11,520 expenditure is not included in the Health Insurance expenditure, instead it is included in Account #10-5021 TaxMed.

Fund Balance Accounts (Reserves)

Prudent fiscal management requires careful budgeting and stringent budget control to avoid over-expending. Successfully staying under budget for all budget line items means that fund balances (in the form of reserves) will occur at year-end. Such fund balances are saved in reserves for various uses, such as equipment replacements, litigation, contingencies, leave liability, etc. It is prudent that the reserves are placed in earmarked and encumbered fund balances. The Board approves the fund balances with the adoption of the budget. Program needs justify budgeting expenditures that sometimes exceed expected revenue on a short-term basis. Spending down reserves is then prudent, rather than increasing fees sporadically, as long as short-term short-falls don't place the District in a precarious fiscal position. Timely program cuts or revenue adjustments would eventually be needed to prevent over-erosion of reserves. The rule of thumb is to keep at least 6 months worth of expenses in reserves.

- ✓ Total monthly expense is estimated to be \$87,000/month, based upon average monthly expenditures. Three months equals \$522,000. For this fiscal year, it is projected that Revenue will exceed Expenditures by \$156,956. This amount is projected to increase the Reserves (fund balance amounts) by \$156,956.

The District has committed to adding \$50,000 annually to the District's Other Post-Employment Benefits (OPEB) account. This account will increase by \$50,000 annually as required by GASB45. GASB 45 determines the annual OPEB financial obligations based upon the current number of eligible employees and retirees. The net OPEB obligation at the end of the year 2019 was determined to be \$867,094. The District's financial auditor recommended and the Board of Directors agreed that the District expend at least \$50,000/annually and add it to the Fund Balance specific to account

until the obligation is fulfilled. During the May 20, 2019 Board meeting, the Board directed the District to expend more than the recommended \$50,000, if budget allowed. Staff has recommended increasing the OPEB amount by \$100,000 during FY 20/21, bringing the total OPEB amount to \$400,000. This expense of \$50,000 will be repeated annually until the District's annually determined OPEB obligation is met.

1. Equipment Replacements

\$16,000 will be expended to purchase office equipment such as two new computers. The District keeps a list of equipment and their respective depreciation rates. The District's Xerox copier is over 6 years old and has had many breakdowns which significantly impacts office productivity.

\$30,000 will be expended to replace the District vehicle, the Ford Escape. This vehicle has had many issues during the last year, and vehicles are a key piece of equipment for District staff to respond to complaints, perform inspections, conduct air quality monitoring, and attend meetings and classes.

2. Air Monitoring Program

The Air District receives \$59,500 from the Environmental Protection Agency for the continued operation of the District's Federal Reference Method (FRM) Network for particulate matter. The District will also continue to pay rent for its monitoring laboratory and purchase miscellaneous equipment to continue to run its existing air quality monitoring network.

3. Public Education

The District will utilize \$5,000 to fund its public education program for FY 2020-2021. This includes purchasing ads for emission reductions, incentive and grant programs.

Summary

Expected operating revenue exceeds expected operating expenditures by \$223,267. The funds received in previous years are encumbered in the District's fund balance accounts, and will be utilized to demonstrate a balanced budget in the final summary, if needed. Although the preliminary budget demonstrates an overall increase to the District's Fund Balance by revenues exceeding operating expenditures, this is crucial to the continuance of the Air District's services. This predicted increase in the fund balance will assist the District to continue its services in case of any unexpected decreases in revenue in the future.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
Final Operating Budget
Fiscal Year 2020 - 2021

Resource Report	
Cash available	06/30/20 \$ 942,792

Fund Balance Accounts		<i>(Used to track earmarked or encumbered funds)</i>	
Account #	Description	FY 2019-2020	FY 2020-2021
10-3901	General Fund, Undesignated	-	792
10-3903	Other Post-Employment Benefits	300,000	400,000
10-3904	Equipment Replacements / Depreciation	154,000	150,000
10-3905	Leave Liability	55,000	75,000
10-3906	Air Monitoring Program	100,000	57,000
10-3907	Public Education Program	5,000	10,000
10-3908	Contingency, Leashold Improvements	120,888	80,000
10-3909	Contingency, Emergency Funds	223,942	90,000
10-3910	Contingency, Litigation	190,000	80,000
Fund Balance Accounts Totals		1,148,830	942,792

Revenue			
Account #	Description	FY 2019-2020	FY 2020-2021
10-4002	Fees, Permit to Operate	30,000	30,000
10-4004	Fees, Vapor Recovery	20,000	20,000
10-4005	Fees, Variance Application	500	3,000
10-4006	Fees, Source Test	2,000	9,000
10-4007	Fees, Prescribed Burning	25,000	25,000
10-4008	Fees, Woodstove Inspections	2,000	1,500
10-4010	Fees, Title V, Fed Op Permit	65,000	50,000
10-4013	Fees, Fire Dept Response	1,500	1,500
10-4100	Penalties, Permitted Source	10,000	10,000
10-4101	Penalties, Open Burning	2,500	2,500
10-4201	Gov't Funding, State Subvention	137,600	137,600
10-4202	Gov't Funding, Subvention Supplemental	3,500	3,500
10-4203	Gov't Funding, County Contribution	62,669	62,669
10-4204	Gov't Funding, EPA Monitoring	59,500	59,500
10-4205	Gov't Funding, EPA Monitoring Supplemental	-	-
10-4206	Gov't Funding, AB 2766 DMV Fees	360,000	360,000
10-4207	Gov't Funding, PERP Pass thru	18,000	23,000
10-4208	Gov't Funding, AB 923 Operating	3,125	3,125
10-4209	Gov't Funding, EPA Target 2015	75,000	75,000
10-4214	Gov't Funding, EPA Target 2015 Burnwise Coordinator	49,698	49,698
10-4211	Gov't Funding, AB 197	8,583	8,583
10-4224	AB 617 Incentive (administrative)		17,274
10-4213	Rx Fire Funding, Staff	79,000	131,752
10-4212	Rx Fire Funding, Monitoring	20,000	20,000
10-4215	Carl Moyer, Admin Fee	25,000	25,000
10-4222	Farmer Pooled Share	15,000	104,037
10-4223	RAP, Carl Moyer Rural Assistance admin	7,000	7,000
10-4303	Other Income, Rules, Copies, Subscr.	100	100
10-4310	Other Income, Interest Earned	20,000	15,000
Revenue Total:		\$ 1,102,275	1,255,338

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
Final Operating Budget
Fiscal Year 2020 - 2021

Expenditures		Salaries and Benefits (Object Level)	
Account #	Description	FY 2019-2020	FY 2020-2021
10-5002	Permanent Salaries	486,054	511,789
10-5021	TaxMed (elect not to utilize the District-provided health insur	7,680	11,520
10-5003	Overtime	1,000	1,000
10-5011	Medicare/FICA	7,159	7,588
10-5013	CA State Unemployment	784	784
10-5015	Workers' Comp Insurance	6,567	6,806
10-5016	PERS Health Insurance Active Employees	48,000	38,400
10-5017	PERS Health Insurance Retired Employees	18,951	18,469
10-5019	Dental/Vision Care	8,750	8,750
10-5020/5023	PERS Retirement (ER & EE Paid)	63,297	72,023
10-5022/5024	PERS Unfunded Accrued Liability	73,545	95,842
Salaries and Benefits Total:		\$ 721,787	772,971

Expenditures		Services and Supplies (Object Level)	
Account #	Description	FY 2019-2020	FY 2020-2021
10-5201	PM Monitoring Expenses (supplies)	15,000	17,000
10-5202	Office Supplies	4,000	8,000
10-5203	References, Subscriptions	1,500	500
10-5204	Postage, Shipping	1,000	1,000
10-5205	Memberships	3,000	3,000
10-5207	Office Equipment - non capitalized		3,300
10-5206	Ozone Monitoring Expenses	5,000	1,000
10-5251	Communications	15,000	15,000
10-5253	Rent, Structures, Grass Valley, including PM2.5	26,640	31,200
10-5254	Rent, Structures - Portola	6,228	6,500
10-5255	Utilities, Grass Valley	2,700	2,700
10-5256	Utilities, Portola	1,200	2,500
10-5257	Rent, PM2.5	7,272	15,100
10-5258	Liability Insurance	8,000	10,700
10-5259	Legal Notices, Public	500	1,000
10-5301	Information Technology	7,000	7,000
10-5303	Maintenance: Office Equipment	500	500
10-5305	Maintenance: Vehicles	3,000	3,000
10-5311	Profession Services: Legal	6,000	6,000
10-5312	Profession Services: Office Assistance	1,200	1,200
10-5313	Profession Services: Accounting (Nevada County, Accountant, and AOP)	33,000	33,000
10-5314	Profession Services: Financial Auditor	12,000	12,750
10-5315	Profession Services: Board - Directors and Variance	5,000	5,000
10-5351	Training, Tuition	1,500	1,500
10-5352	Travel	3,000	3,000
10-5353	Gasoline	5,000	5,000
10-5354	Private Car Mileage	500	2,000
10-5390	Miscellaneous	1,000	1,000
Services and Supplies Total:		\$ 175,740	\$ 199,450

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**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
Final Operating Budget
Fiscal Year 2020 - 2021**

Expenditure Pass-thru Funds / Internal Programs / Contributions to Other Agencies (Object Level)			
Account #	Description	FY 2019-2020	FY 2020-2021
10-5402	Alternate Commute Program	750	750
10-5404	ARB: AB 2588 Fees	1,400	1,400
10-5405	Public Education Program	5,000	5,000
10-5406	Fire Dept Response Reimbursement	1,500	1,500
Contribution to Other Agencies / Internal Grants Total:		\$ 8,650	\$ 8,650.00

Expenditures Fixed Asset Purchases (Object Level)			
Account #	Description	FY 2019-2020	FY 2020-2021
10-5601	Office Equipment	4,000	16,000
10-5602	Field Equipment (fixed assets over \$5,000)	1,000	5,000
	Vehicle	0	30,000
10-5605	EPA Supplemental Monitoring	0	-
Fixed Asset Purchases Total:		\$ 5,000	51,000

Budget Summary Available Funding & Expenditures			
	FY 2019-2020	FY 2020-2021	
Available Funding			
Fund Balance Total (<i>encumbered & earmarked reserves</i>)	1,148,830	942,792	
Petty Cash	75	75	
Revenue	1,102,275	1,255,338	
Available Funding Total:	2,251,180	2,198,205	
Expenditures			
Salaries and Benefits (Object Level)	721,787	772,971	
Services and Supplies (Object Level)	175,740	199,450	
Pass-thru Funds / Internal Programs / Contributions to Other Agencies (Object Level)	8,650	8,650	
Fixed Asset Purchases (Object Level)	5,000	51,000	
Expenditure Total:	\$ 911,177	1,032,071	

To: Northern Sierra Air Quality Management District Board of Directors
From: Gretchen Bennitt, Air Pollution Control Officer
Date: August 24, 2020

Agenda Item: IV.B

Agenda Description: Proposed Adoption of Air District E-Signature Policy # 1060

Issues: Staff has been working with District Counsel to develop an Esignature Policy.

The proposed policy is closely aligned with the Nevada County Esignature Policy. Per proposed policy # 1060.70 staff is working with its regularly contracted IT agency to be a provider consistent with state legal requirements and industry best practices to ensure the security and integrity of the data and the signature.

Requested Action:

1. Adopt Proposed Policy # 1060 Electronic Signature with a roll call vote

ROLL CALL VOTE REQUESTED

Attachment:

1. Proposed Policy # 1060 Electronic Signature

DISTRICT HEADQUARTERS
200 Litton Drive, Suite 320
Mailing Address: 200 Litton Drive, STE 320
Grass Valley, CA 95945
(530) 274-9360 / FAX: (530) 274-7546
email: office@myairdistrict.com or www.myairdistrict.com

NORTHERN FIELD OFFICE
257 E. Sierra, Unit E
Mailing Address: P.O. Box 2227
Portola, CA 96122
(530) 823-0102 / FAX: (530) 932-0101
email: office@myairdistrict.com or www.myairdistrict.com

POLICY TITLE: Electronic Signature
POLICY NUMBER: 1060

1060.10 Purpose The purpose of the Electronic or eSignature Policy shall be used by the Northern Sierra Air Quality Management District employees and Board Members to increase productivity and ensure convenient, timely and appropriate access to Air District information by using electronic signature technology to collect and preserve signatures on documents quickly, securely, and efficiently. In addition to increasing productivity and efficiency, this Policy reduces the consumption and storage of paper documents and the maintenance and supply of printers.

This Policy establishes when electronic signature technology may replace a hand-written signature, with the goal of encouraging the use of paperless, electronic documents whenever appropriate and allowed by law. This Policy applies to all signatures used in processing various Air District documents as allowed by law and excluding those documents listed in Attachment A and assumes the Air District signer has been given the authority to sign as determined by Air District Policy and business process.

While the use of electronic signatures is suggested and encouraged, this Policy does not require any Air District staff or Board Member to use electronic signatures, nor can the Air District mandate that any third party signing a document use electronic signature.

1060.20 Background/Discussion

Electronic Signature is the broad umbrella category under which all electronic signatures fall.

The legality and use of Electronic Signatures are governed by federal and state law. (*See* 15 United States Code §§ 7001, *et seq.* [U.S. Federal Electronic Signatures in Global and National Commerce Act]; California Government Code §16.5; California Civil Code §§ 1633.1, *et seq.*)

This Policy applies to documents requiring a signature of any person where the signature is intended to show authorship, approval, authorization, or certification, as allowed by law. The Air District encourages the use of electronic signatures in all internal and external activities, documents, and transactions where it is operationally feasible to do so, where existing technology permits, where it is otherwise appropriate based on the Air District staff's or Board Member preferences, and where allowed by law. In such situations, affixing an electronic signature to the document in a manner consistent with this Policy shall satisfy the Air District's requirements for signing a document.

1060.30 Common types of Documents: This Policy is intended to broadly permit the use of electronic signatures. Examples of common types of documents are listed in the following table, with notes on each type of document. When necessary, District staff should work with the District Counsel to determine whether applicable laws permit an electronic signature to be used.

DISTRICT HEADQUARTERS
 200 Litton Drive, Suite 320
 Mailing Address: 200 Litton Drive, STE 320
 Grass Valley, CA 95945
 (530) 274-9360 / FAX: (530) 274-7546
 email: office@myairdistrict.com or www.myairdistrict.com

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 email: office@myairdistrict.com or www.myairdistrict.com

Document Type Examples	Is Use of an Electronic Signature Acceptable?	Notes
Memos, Forms, Board Letters, and Other Correspondence	Yes	Electronic Signature is recommended.
Contracts, Memorandum of Understanding (MOU)	Yes	Electronic Signature is recommended.
Certificates, Permits	Yes, if allowed by law	Air District should work with Counsel to determine where applicable laws permit an electronic signature to be used.
Documents Requiring Notarization	No	
Other Documents Requiring the Board Chair's Signature	No – unless during an emergency	

1060.30.1 Use of Facsimile Signature: The use of a facsimile signature of the Chairperson of the Board, Vice-Chairperson of the Board and Executive Director is authorized for use on all copies of resolutions, orders, ordinances, letters, contracts, minutes, and records of this Board, upon which the chairperson has been authorized, empowered or instructed to sign by order or resolution of the Board, or by ordinance or statute; however, the Chairperson can only delegate the affixing of his/her facsimile signature or digital signature on resolutions, ordinances and minutes during an emergency.

1060.1.30.2 Digital or Electronic Signatures Definition:

- a. **Electronic signature** means an electronic sound, symbol, or process attached to, or logically associated with, an electronic record and executed or adopted by a person with the intent to sign the electronic record. The Uniform Electronic Transaction Act (UETA) authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. (Cal. Civ. Code §1633.1-1633.17)
- b. **Digital signature** means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (i) of §§1633.2 of the California Civil Code.
- c. **Proxy Signatures** are when Person-A authorizes Person-B to sign Person-A's signature on his/her behalf.

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1060.1.30.2.1 Electronic Signature

The Uniform Electronic Transaction Act (UETA) authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency, when both parties agree to its use. (Cal. Civ. Code §§1633.1 – 1633.17). The electronic signature must be supported by evidence that the signature is the act of the intended person. An agreement executed with an electronic signature has the same legal enforceability as a wet signature, excluding documents that are exempt.

106.1.30.2.2 Digital Signatures

A digital signature is a type of electronic signature with strict security requirements that may be used to execute certain written communications and agreements with the County if it satisfies the requirements found in Cal. Gov. Code §16.5, et. seq. and Title 2, division 7 Chapter 10 of the California Code of Regulations. (2 CCR §§22000- 22005)

The signatures must be:

1. Unique to the person using it;
2. Capable of verification;
3. Under the sole control of the person using it; and must be linked to the data in such a way that if the data is changed the signature will be invalidated.
 - a. Email notifications requesting electronic signatures must not be forwarded.
 - b. These requirements prohibit the use of proxy signatures.

1060.40 Procedures for Use of Electronic or Digital Signatures: The Air District is responsible to prepare, maintain, and amend the electronic signature to implement the electronic signature policy.

1060.40.1 System Approval The system used for the creation of the electronic signature must be approved by the Executive Officer of the Air District in accordance with state law.

1060.40.2 Express Agreement When the parties to an agreement desire to use electronic signatures for executing the agreement, a term shall be included in the agreement to memorialize the use of electronic signatures for the agreement. Absent such terms in an agreement, the agreement must have a wet signature.

1060.40.3 Submission for Approval and Execution Once the electronic agreement is complete and has been digitally signed by the duly authorized representative of the other parties, it may be submitted for execution by the Board of Directors or the individual who has the delegated authority to bind the District for that contract type. When a document is electronically signed by all parties, the District will provide a copy of the electronically-signed document to the other parties in an electronic format that is capable of being retained and printed by the other parties.

1060.40.4 Retention The executed electronic agreement must be maintained pursuant to the District's Records Retention Policy. The secure method of retention of the final agreement must lock the document, preventing any changes to the final executed agreement. Such as un-editable PDF.

1060.50 Change or Error in Electronic Record: If a change is needed or an error is being corrected within the electronic record of the fully executed agreement, those actions will comply with the requirements of Cal. Civ. Code § 1633.10 or will be addressed through a contract amendment.

DISTRICT HEADQUARTERS

200 Litton Drive, Suite 320
Mailing Address: 200 Litton Drive, STE 320
Grass Valley, CA 95945
(530) 274-9360 / FAX: (530) 274-7546
email: office@myairdistrict.com or www.myairdistrict.com

NORTHERN FIELD OFFICE

257 E. Sierra, Unit E
Mailing Address: P.O. Box 2227
Portola, CA 96122
(530) 823-0102 / FAX: (530) 932-0101
email: office@myairdistrict.com or www.myairdistrict.com

1060.60 Exemptions: Electronic signatures may not be used in all situations. Documents that may not be completed using electronic signature include, but are not limited to:

- a. Laws governing the creation and execution of wills, codicils, or testamentary trusts;
- b. Certain transactions governed by the Uniform Commercial Code; laws requiring specifically that identifiable text or disclosures in a record or portion of a record be separately signed, including initialed, from the record; and
- c. Certain transactions governed by the Business and Professions Code. (Cal. Civ. Code § 1633.3)

An example of some documents that may not be signed with an electronic or digital signature pursuant to statute is incorporated herein as Attachment A.

1060.70 eSIGNATURE SOLUTION PROVIDERS Air District staff will be responsible for determining acceptable technologies and eSignature providers consistent with current state legal requirements and industry best practices to ensure the security and integrity of the data and the signature.

Adopted: August 24, 2020

To: Northern Sierra Air Quality Management District Board of Directors
From: Gretchen Bennitt, Air Pollution Control Officer
Date: August 24, 2020

Agenda Item: IV.C

Agenda Description: Request to grant authority to the Northern Sierra Air Quality Management District to accept funds for implementing FARMER shared pool from Placer Air Pollution Control District for FY 2019-2020

Issues:

California's state legislature allocated \$65 million to the California Air Resources Board (CARB) from Fiscal Year 2019-2020 and CARB staff developed the Funding Agricultural Reduction Measure for Emission Reductions (FARMER) Program to meet the Legislatures objectives and help meet the State's criteria, toxic and greenhouse gas emission reduction goals. The Shared Allocation Pool is specifically designated for 18 Air Districts with less than one percent of the statewide agricultural equipment emissions inventory, to ensure farmers in those Districts have the opportunity to access FARMER funding and to streamline the implementation of the FARMER program. The Shared Allocation Pool will be managed by the Placer County Air Pollution Control District (Placer APCD).

Placer Air District has requested that a Board Resolution be adopted that grants the authority to the Northern Sierra Air District to accept funds for FY 2019-2020. The attached resolution fulfills this requirement.

Requested Action:

1. Authorize the Chair to sign Resolution # 2020-06.

ROLL CALL VOTE REQUESTED

Attachments:

1. Resolution # 2020-06

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
RESOLUTION #2020-06**

In the Matter of Granting Authority to the Northern Sierra Air District to Accept Funds for Implementing FARMER Shared Pool from Placer Air Pollution Control District

Whereas, California's state legislature allocated \$65 million to the California Air Resources Board (CARB) from Fiscal Year 2019-2020 and CARB staff developed the Funding Agricultural Reduction Measure for Emission Reductions (FARMER) Program to meet the Legislatures objectives and help meet the State's criteria, toxic and greenhouse gas emission reduction goals; and

Whereas, the Shared Allocation Pool is specifically designated for 18 Air Districts with less than one percent of the statewide agricultural equipment emissions inventory, to ensure farmers in those Districts have the opportunity to access FARMER funding and to streamline the implementation of the FARMER program; and

Whereas, the Shared Allocation Pool will be managed by the Placer County Air Pollution Control District (Placer APCD) in accordance with the grant provisions outlined in the agreement between CARB and Placer APCD; and

Whereas, Placer APCD will enter into independent contracts with participating Districts; and

Whereas, the Northern Sierra Air Quality Management District would like to participate within the FARMER program.

NOW, THEREFORE, BE IT RESOLVED that the Northern Sierra Air Quality Management District Board of Directors does hereby approve the District's participation in the FARMER program, and the acceptance of funds allocated and awarded to the District for eligible projects and program administration, in accordance with the terms and conditions of the memorandum of understanding between the Placer County Air Pollution Control District and the Northern Sierra Air Quality Management District FARMER program for Fiscal Year 2019-2020 appropriation.

BE IT FURTHER RESOLVED that the Northern Sierra Air Quality Management District will comply with the FARMER Shared Allocation Pool Policies and Procedures.

BE IT FURTHER RESOLVED that the Executive Officer is authorized to execute on behalf of the District to accept funds from Placer Air Pollution Control District for use within the FARMER program and all other necessary documents to implement and carry out the purposes of this resolution.

On a motion by Supervisor _____ and seconded by Supervisor _____, the foregoing resolution was approved and adopted by the Board of Directors of the Northern Sierra Air Quality Management District at a regular meeting held on August 24, 2020, by the following roll call vote:

- Ayes:
- Noes:
- Absent:
- Abstaining:

Approve: _____
Chair of Board

Attest: _____
Clerk of the Board/APCO

To: Northern Sierra Air Quality Management District Board of Directors
From: Gretchen Bennitt, Air Pollution Control Officer
Date: August 24, 2020

Agenda Item: IV.D

Agenda Description: Public Hearing for Community Air Protection AB617 Incentive Grant Proposal FY 2019-2020

Issues:

Incentive grants help owners of older high-polluting vehicles and equipment to replace them with newer models that have much lower emissions -- or zero emissions. The California Air Resources Board (CARB) has awarded the Northern Sierra Air Quality Management District (NSAQMD) \$66,126.11 from the AB 617 Community Air Protection Incentives Program, Year 2 (FY 19/20). The Air Resources Board has specified that the use of the AB617 Incentive Funds can be used to fund Carl Moyer projects **OR** for clean truck projects under the Proposition 1B guidelines. CARB has approved that these funds should be used in AB1550 communities. Since the Air District does not qualify for clean truck projects under the Proposition 1B guidelines, Air District staff recommends utilizing the AB617 Incentive funds for the District's Carl Moyer program. Additionally, these funds will be used following the NSAQMD Board approved Carl Moyer Policy and Guidelines. Last, the Air District will only utilize these funds in designated AB1550 Communities – link to map

<https://ww3.arb.ca.gov/cc/capandtrade/auctionproceeds/lowincomemapfull.htm>.

CARB also requires that the proposed use of the funds be placed on the District's website and available for public comment during a board meeting. The District placed a notice on the District's website soliciting public comment on the use of the funds.

Chair Huebner authorized that the Executive Director sign the agreement by the June 19, 2020 deadline. The District is recommending that the final contract be ratified. This gives the Board the opportunity to see the final wording of the document and give approval. By approving Resolution 2020-08, the Board can ratify the agreement through a roll call vote.

Requested Action:

1. Receive Comments from the public pertaining to the use of the funds for the District's Carl Moyer Program under the District's Carl Moyer Policy and Guidelines.
2. Approve that the funds can be used for the District's Carl Moyer Program by authorizing the Chair to sign Resolution # 2020-08.

ROLL CALL VOTE REQUESTED

Attachments:

1. Resolution # 2020-08
2. June 12, 2020 Grant Agreement Cover Sheet for Community Air Protection Incentives.

**NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
RESOLUTION #2020-08**

WHEREAS, the California Air Resources Board (CARB) is providing Greenhouse Gas Reduction Funds through the Community Air Protection Funds Program to support early actions that reduce emissions and improve public health in communities with high burdens of cumulative pollutant exposure, consistent with the goals of AB 617 (Chapter 136, Statutes of 2017); and

WHEREAS, CARB has awarded the Northern Sierra Air Quality Management District (NSAQMD) \$66,126.11 from the AB 617 Community Air Protection Incentives Program, Year 3 (FY 19/20); and

WHEREAS, CARB has required that these funds be utilized in AB1550 communities; and

WHEREAS, the Northern Sierra Air Quality Management District (NSAQMD) contains several communities designated as low-income communities in accordance with AB 1550 (Gomez, 2016); and

WHEREAS, CARB has required that the use of the AB617 Incentive Funds can be used to fund Carl Moyer projects; and

WHEREAS, the NSAQMD proposed the use of these funds for the District Carl Moyer Program; and

WHEREAS, CARB has required that the NSAQMD solicit public comment on the use of these funds; and

WHEREAS, NSAQMD has solicited public comment during the August 24, 2020 regularly scheduled Air District Board meeting; and

WHEREAS, CARB requires a Board resolution authorizing the Air Pollution Control Officer (APCO) to sign the Grant Agreement and accept funding; and

NOW, THEREFORE, BE IT RESOLVED, by the Northern Sierra Air Quality Management District Board as follows:

1. The Governing Board of the NSAQMD authorizes utilizing these AB617 CAP Year 3 funds for use in the District's Carl Moyer Program in AB1550 communities.
2. The Board authorizes the APCO to sign the agreement with CARB and to execute all other necessary documents to implement and carry out the purposes of this resolution.
3. The Board does hereby approve the acceptance of the \$66,126.11 under AB617 Incentive Funds in accordance with the terms and conditions of the Grant Agreement.

On a motion by Supervisor _____, and seconded by Supervisor _____, the foregoing resolution was approved and adopted by the Board of Directors of the Northern Sierra Air Quality Management District at a regular meeting held on August 24, 2020, by the following roll call vote:

Ayes:
Noes:
Absent:
Abstaining:

Approve: _____
Chair of Board

Attest: _____
Dawn Lunsford, Clerk of the Board

GRANT AGREEMENT COVER SHEET

GRANT NUMBER
G19-MCAP-26

NAME OF GRANT PROGRAM AB 617 Community Air Protection Incentives - CAP Year 3 (Fiscal Year 19/20)	
GRANTEE NAME Northern Sierra Air Quality Management District	
TAXPAYER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER 68-0124279	TOTAL GRANT AMOUNT NOT TO EXCEED \$66,126.11
FISCAL GRANT TERM FROM: 6/15/2020	TO: 6/30/2021
PROJECT PERFORMANCE PERIOD OF GRANT AGREEMENT FROM: 6/15/2020	TO: 6/30/2025

This legally binding Grant Agreement, including this cover sheet and Exhibits, attached hereto and incorporated by reference herein, is made and executed between the State of California, Air Resources Board (CARB) and Northern Sierra Air Quality Management District (the "Grantee").

PROJECT FUNDS – \$57,860.35
IMPLEMENTATION FUNDS – \$8,265.76
TOTAL GRANT AWARD – \$66,126.11
SB 535 FUNDING TARGET – \$0
AB 1550 FUNDING TARGET – \$57,860.35

Exhibit A - General Terms and Conditions

Assembly Bill 74 (Ting, Chapter 23, Statue of 2019) Sec. 15.14, requires CARB to not encumber or allocate more than 75 percent of any appropriation prior to the fourth auction of the GGRF funds in the 2019-20 Fiscal Year. This Grant Agreement will be amended with additional funding depending on the result of the GGRF auction. Note: a change in the total grant amount will require an equivalent change in the SB 535 and AB 1550 targets for the Grantee. Grant is contingent on CARB receipt of a Board Resolution or Minute Order to accept these funds and administer them consistent with Guidelines and the General Terms and Conditions.

This Agreement is of no force or effect until signed by both parties. Grantee shall not commence performance until it receives written approval from CARB. The undersigned certify under penalty of perjury that they are duly authorized to bind the parties to this Grant Agreement.

STATE AGENCY NAME California Air Resources Board		GRANTEE'S NAME (PRINT OR TYPE) Gretchen Bennett	
SIGNATURE OF ARB'S AUTHORIZED SIGNATORY:		SIGNATURE OF GRANTEE (AS AUTHORIZED IN RESOLUTION, LETTER OF COMMITMENT, OR LETTER OF DESIGNATION) <i>Gretchen Bennett</i>	
TITLE Contracts, Procurement, and Grants Branch Chief, ASD	DATE	TITLE APCO	DATE 6-16-2020
STATE AGENCY ADDRESS 1001 I Street, Sacramento, CA 95814		GRANTEE'S ADDRESS (INCLUDE STREET, CITY, STATE AND ZIP CODE) 200 Litton Drive, Suite 320, Grass Valley, California 95945	

CERTIFICATION OF FUNDING					
AMOUNT ENCUMBERED BY THIS AGREEMENT \$66,126.11	PROGRAM 3530000L39	PROJECT 3900-CAP	ACTIVITY 3228CAP19		
PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT	FUND TITLE Greenhouse Gas Reduction Fund				FUND NO. 3228
TOTAL AMOUNT ENCUMBERED TO DATE \$66,126.11	(OPTIONAL USE)	FISCAL SUPPLIER ID	CHAPTER 23	STATUTE 2019	
APPR REF 101	ACCOUNT/ALT ACCOUNT 5432000	REPORTING STRUCTURE 39006100	SERVICE LOCATION 88501	FISCAL YEAR (ENY) 2019	

I hereby certify that the California Air Resources Board Budget Office acknowledges that budgeted funds are available for the period and purpose of the expenditure stated above.

SIGNATURE OF CALIFORNIA AIR RESOURCES BOARD BUDGET OFFICE: 	DATE 6/9/20
--	-----------------------

I hereby certify that the California Air Resources Board Legal Office has reviewed this Grant Agreement.

SIGNATURE OF CALIFORNIA AIR RESOURCES BOARD LEGAL OFFICE:	DATE
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Gavin Newsom, Governor
Jared Blumenfeld, CalEPA Secretary
Mary D. Nichols, Chair

June 12, 2020

Gretchen Bennitt
Air Pollution Control Officer
Northern Sierra Air Quality Management District
200 Litton Drive, Suite 320
Grass Valley, California 95945

Dear Ms. Bennitt:

As you know, Northern Sierra Air Quality Management District is designated to receive Community Air Protection Incentives. The legislation envisions that these Fiscal Year 2019-2020 Community Air Protection Incentives be used to reduce emissions in communities most heavily burdened by air pollution, in support of AB 617. These incentive funds are to be implemented through the proposed 2019 Community Air Protection Incentives Guidelines, Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program), and the District may allocate funds for clean truck projects under Proposition 1B Guidelines.

I am pleased to enclose for your consideration the Community Air Protection Incentives Grant Agreement for Year 3 (Fiscal Year 2019-2020), including:

- One copy of the Grant Agreement cover sheet, which indicates the grant amount for project and implementation funds.
- One copy of Exhibit A, General Terms and Conditions, which reflect the purpose of Community Air Protection Incentives grant and the need to observe requirements related to Greenhouse Gas Reduction Funds, as well as the Moyer Program and Proposition 1B Program as applicable.

Ms. Gretchen Bennitt

June 12, 2020

Page 2

To accept your grant award, please check your Federal Employer Identification Number, and add the District's authorized signature along with date to the cover sheet. Please return the signed *cover sheet with electronic signature in blue ink by June 19, 2020 via email to: MSCDgrants@arb.ca.gov.* The following are accepted electronic signatures:

- A typed name
- Digitized image of a handwritten signature (e.g. PDF copy of Word document)
- Electronic Digital signature

Thank you for participating in the Community Air Protection Incentives and for your commitment to clean air. If you have any questions, please contact your CARB Carl Moyer Program liaison or, Grants Administration Section at: MSCDgrants@arb.ca.gov

Sincerely,

Scott Rowland

Scott Rowland
Branch Chief
Mobile Source Control Division

Enclosures

cc: Deborah Paselk
Air Pollution Specialist
Mobile Source Control Division

EXHIBIT A

California Air Resources Board
Fiscal Year 2019-20 – AB 617 Community Air Protection (CAP) Incentives
GRANT AGREEMENT

General Terms and Conditions:

1. **Grant Objectives:** The California Air Resources Board (CARB) is providing money from the Greenhouse Gas Reduction Fund to support incentive projects that reduce emissions and improve public health in communities with high burdens of cumulative pollutant exposure, consistent with the goals of Assembly Bill (AB) 617 (Chapter 254, Statutes of 2017).
 - a. The air district (GRANTEE) will select projects eligible under the *Carl Moyer Program 2017 Guidelines* and *Community Air Protection Funds Guidelines Supplement* (including truck projects under the *Proposition 1B 2015 Guidelines* relative to funding amounts and truck evaluations), or projects eligible under the *Community Air Protection Incentives 2019 Guidelines* approved by CARB, or other incentive projects and programs included in an approved Community Emissions Reduction Program (H&SC § 44391.2) for funding under this grant agreement. The GRANTEE will allocate funds to projects that will provide emissions reductions in excess of those otherwise required by law or regulation, and will prioritize zero-emission projects whenever feasible, including charging/fueling infrastructure (e.g., EVSE) for medium-and heavy-duty vehicles.
 - b. The GRANTEE will target funds to prioritize emissions reductions in communities most impacted by cumulative pollution burden, focusing in particular on vehicles, equipment and infrastructure that operate in any AB 617 communities selected by CARB or under consideration for future selection. The statewide targets for benefits to priority populations are: no less than 80 percent of funds will go to projects that are located in and

EXHIBIT A

provide direct, meaningful, and assured benefits to residents of AB 1550 communities (Chapter 369, Statutes of 2016); however, the GRANTEE will meet its own individual target for AB 1550 communities as listed in the Grant Coversheet.

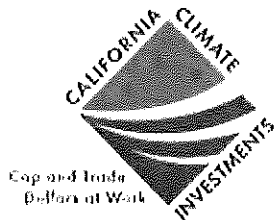
- c. The GRANTEE will allocate funds to projects that are consistent with priorities identified by affected communities through a transparent, meaningful public process. The GRANTEE will provide public access to information, including project selection criteria and web posting of project funding proposals and a summary of final selected projects consistent with Section IV of the CARB Funding Guidelines for Agencies that Administer California Climate Investments (CCI) Funding Guidelines (<https://ww2.arb.ca.gov/resources/documents/cci-funding-guidelines-administering-agencies>). For each project selected the GRANTEE will post at a minimum the following items: name of applicant, brief description of the proposed project, including location (e.g. zip code), amount of funding requested and whether the project is expected to provide direct, meaningful, and assured benefits to residents of AB 1550 communities.
- d. Where applicable, the GRANTEE agrees to acknowledge the CCI program and CARB as a funding source, and adhere to the CCI Funding Guidelines as outlined in the California Climate Investments Messaging and Communications Guide (<http://www.caclimateinvestments.ca.gov/logo-graphics-request/>). Below are specific requirements for acknowledgement.
- e. The GRANTEE agrees to include the CCI funding boilerplate and logo (see Figure 1) on all outreach and public facing materials whenever projects funded, in whole or in part by this Agreement, are publicized in any news media, websites, brochures, publications, audiovisuals, or other types of promotional material. The acknowledgement must read as follows: '[PROGRAM/PROJECT NAME] is part of California Climate Investments, a statewide initiative that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment

EXHIBIT A

— particularly in disadvantaged communities.’ And whenever applicable, the Spanish translation acknowledgement: ‘[NOMBRE DEL PROGRAMA/PROYECTO] forma parte de las Inversiones del Clima de California, un iniciativa estatal que destina miles de millones de dólares de Cap-and-Trade para la reducción de gases de efecto invernadero, fortalecimiento de la economía y mejoramiento de la salud pública y el medio ambiente – especialmente en comunidades en desventaja.’

The CCI logo and name serves to bring under a single brand the many investments whose funding comes from the Greenhouse Gas Reduction Fund (GGRF). The logo represents a consolidated and coordinated initiative by the State to address climate change by reducing greenhouse gases, while also investing in disadvantaged communities and achieving many other co-benefits.

Figure 1: CCI logo



- f. The GRANTEE will allocate funds to projects that are consistent with priorities identified by affected communities through a transparent, meaningful public process. The GRANTEE will provide public access to information, including project selection criteria and web posting of project funding proposals and a summary of final selected projects consistent with Section IV of the CARB Funding Guidelines for Agencies that Administer California Climate Investments (CCI Funding Guidelines) (<https://ww2.arb.ca.gov/resources/documents/cci-funding-guidelines-administering-agencies>). For each project selected the GRANTEE will post at a minimum the following items: name of applicant, brief

EXHIBIT A

description of the proposed project, including location (e.g. zip code), amount of funding requested and whether the project is expected to provide direct, meaningful, and assured benefits to residents of AB 1550 communities.

- g. When submitting project lists with disbursement requests, the GRANTEE will indicate how each project satisfies evaluation criteria for benefits to priority populations, using the *CCI Funding Guidelines Criteria for Clean Transportation and Equipment* except where otherwise directed by CARB (www.arb.ca.gov/cci-resources).
 - h. With CARB's assistance and direction, the GRANTEE will implement reporting procedures for funded projects as specified in the *CCI Funding Guidelines* and the *Community Air Protection Incentives 2019 Guidelines* approved by CARB, including project location information to document benefits to priority populations, vehicle and equipment data to support the calculation of reductions in criteria and toxic pollutants and greenhouse gases, and additional information related to jobs, public outreach and earned interest.
 - i. The GRANTEE will continue to monitor the ongoing implementation of the requirements of AB 617, and will work with CARB to address any new priorities, as they are developed to support the community air quality protection goals of AB 617.
 - j. The GRANTEE and CARB will work together to determine the feasibility of addressing any new community priorities.
2. **Implementation Funding:** In accordance with Section E of Chapter 3: Program Administration, of the Community Air Protection Incentives 2019 Guidelines, the GRANTEE may use up to 12.5 percent of their CAP Incentives for program administration and implementation activities as required by the Grant Agreement. Implementation funding (12.5 percent of the total CAP Incentive grant funds) can be a combination of the direct and indirect project costs; however, the total indirect project costs cannot exceed 4 percent of the total CAP Incentives.
 3. **Amendment:** No amendment or variation of the terms of this Grant Agreement

EXHIBIT A

shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or agreement not incorporated in the Grant Agreement is binding on any of the parties.

4. **Assignment:** This Grant Agreement is not assignable by the GRANTEE, either in whole or in part, without the consent of CARB.
5. **Availability of Funds:** CARB's obligations under this Grant Agreement are contingent upon the availability of funds. In the event funds are not available, the State shall have no liability to pay any funds whatsoever to the GRANTEE or to furnish any other considerations under this Grant Agreement. Additional grant funds may be added through amendment to this agreement if a portion has been withheld pending the fourth cap and trade auction in the 2018–19 fiscal year.
6. **Compliance with Law, Regulations, etc.:** The GRANTEE agrees that it will, at all times, comply with and require its contractors and subcontractors to comply with all applicable federal and State laws, rules, guidelines, regulations, and requirements.
7. **Computer Software:** The GRANTEE certifies that it has appropriate systems and controls in place to ensure that State funds will not be used in the performance of this Grant Agreement for the acquisition, operation or maintenance of computer software in violation of copyright laws.
8. **Conflict of Interest:** The GRANTEE certifies that it is in compliance with applicable State and/or federal conflict of interest laws.
9. **Disputes:** The GRANTEE shall continue with the responsibilities under this Grant Agreement during any dispute. GRANTEE staff or management may work in good faith with CARB staff or management to resolve any disagreements or conflicts arising from implementation of this Grant Agreement. However, any disagreements that cannot be resolved at the management level within 30 days of when the issue is first raised with CARB staff shall be subject to resolution by the CARB Executive Officer, or his

EXHIBIT A

designated representative. Nothing contained in this paragraph is intended to limit any of the rights or remedies that the parties may have under law.

10. **Environmental Justice**: In the performance of this Grant Agreement, the GRANTEE shall conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations of the State.
11. **Fiscal Management Systems and Accounting Standards**: The GRANTEE agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit tracing of grant funds to a level of expenditure adequate to establish that such funds have not been used in violation of State law or this Grant Agreement.
12. **Force Majeure**: Neither CARB nor the GRANTEE shall be liable for or deemed to be in default for any delay or failure in performance under this Grant Agreement or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, lockouts, labor disputes, fire or other casualty, etc.
13. **Governing Law and Venue**: This grant is governed by and shall be interpreted in accordance with the laws of the State of California. CARB and the GRANTEE hereby agree that any action arising out of this Grant Agreement shall be filed and maintained in the Superior Court in and for the County of Sacramento, California, or in the United States District Court in and for the Eastern District of California. The GRANTEE hereby waives any existing sovereign immunity for the purposes of this Grant Agreement.
14. **GRANTEE's Responsibility for Work**: The GRANTEE shall be responsible for work and for persons or entities engaged in work, including, but not limited to, contractors, subcontractors, suppliers, and providers of services. The GRANTEE shall be responsible for any and all disputes arising out of its contracts for work funded by this Grant Agreement, including but not limited to payment disputes with contractors, subcontractors, and providers of services. The State will not

EXHIBIT A

mediate disputes between the GRANTEE and any other entity concerning responsibility for performance of work.

15. **Indemnification:** The GRANTEE agrees to indemnify, defend and hold harmless the State and the Board and its officers, employees, agents, representatives, and successors-in-interest against any and all liability, loss, and expense, including reasonable attorneys' fees, from any and all claims for injury or damages arising out of the performance by the GRANTEE, and out of the operation of equipment that is purchased with funds from this Grant Award.
16. **Independent Contractor:** The GRANTEE, and its agents and employees, if any, in the performance of this Grant Agreement, shall act in an independent capacity and not as officers, employees or agents of CARB.
17. **Interest:** The GRANTEE shall maintain accounting records of interest earned on funds from the CAP Incentives separate from other incentive funds. The calculation of interest earned must be based on a daily balance or some reasonable and demonstrable method of allocating the proceeds from the interest-generating account back into the program, and must be consistent with how it is calculated for the GRANTEE's other fiscal programs. Interest earned shall only be used for eligible grant-related expenses as outlined in the guidelines specified in this agreement. Earned interest must be fully expended or returned to CARB if it is not used by the end of the grant performance period. The GRANTEE will report in the Yearly Report interest earned on all CAP incentives during the previous fiscal year. Documentation of the interest earned must be retained for a minimum of three years following its generation and liquidation. Interest earned by the GRANTEE during each previous fiscal year shall be reported to CARB annually.
18. **Nondiscrimination:** During the performance of this Grant Agreement, the GRANTEE and its contractors shall not unlawfully discriminate against, harass, or allow harassment against any employee or applicant for employment because of sex, race, religious creed, color, national origin, ancestry, physical disability

EXHIBIT A

(including HIV and AIDS), mental disability, sexual orientation, medical condition, marital status, age (over 40) or allow denial of family-care leave, medical-care leave, or pregnancy-disability leave. The GRANTEE and its contractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination and harassment. The GRANTEE and its contractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code section 12990 (a)-(f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, title 2, section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a)-(f), set forth in Chapter 5 of Division 4 of title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. The GRANTEE and its contractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

19. **No Third Party Rights:** The parties to this Grant Agreement do not create rights in, or grant remedies to, any third party as a beneficiary of this Grant Agreement, or of any duty, covenant, obligation or undertaking established herein.
20. **Prevailing Wages and Labor Compliance:** If applicable, the grantee agrees to comply with all of the applicable provisions of the California Labor Code pertaining to Public Works projects (Labor Code Sections 1720-1861) including those provisions requiring the payment of not less than the specified prevailing rate of wages as determined by the Director of the Department of Industrial Relations to workers employed in the performance of this grant. If applicable, the GRANTEE shall monitor all agreements subject to reimbursement from this Grant Agreement to ensure that the provisions of Labor Code Sections 1720-1861 are being met.
21. **Professionals:** For projects involving installation or construction services, the GRANTEE agrees that only licensed professionals will be used to perform services

EXHIBIT A

under this Grant Agreement where such services are called for and licensed professionals are required for those services under State law.

22. **Severability**: If a court of competent jurisdiction holds any provision of this Grant Agreement to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of those provisions, will not be affected.
23. **Term**: This Grant Award shall be effective upon full execution of this Grant Agreement and shall continue in full force and effect until all conditions of the Grant Agreement have been met. This award is conditional based on CARB receipt and approval of a fully executed Grant Agreement accepting these CAP Incentives by June 19, 2020.
24. **Termination**: CARB may terminate this Grant Agreement by written notice at any time prior to completion of projects funded by this Grant Award, upon violation by the GRANTEE of any material provision after such violation has been called to the attention of the GRANTEE and after failure of the GRANTEE to bring itself into compliance with the provisions of this Grant Agreement.
25. **Timeliness**: Time is of the essence in this Grant Agreement. The GRANTEE shall proceed with and complete projects funded by this Grant Award in accordance with the need to quickly reduce emissions in disadvantaged and low-income communities, with full consideration of the guidelines and liquidation deadlines specified in this agreement.
26. **Waiver of Rights**: Any waiver of rights with respect to a default or other matter arising under the Grant Agreement at any time by either party shall not be considered a waiver of rights with respect to any other default or matter. Any rights and remedies of the State provided for in this Grant Agreement are in addition to any other rights and remedies provided by law.

EXHIBIT A

27. **Incorporated Documents:** The GRANTEE is authorized to administer a local program according to the requirements described in the following documents, which are incorporated as part of this Grant Agreement:
- a. District's Policies and Procedures Manual (Refer to requirements in *Carl Moyer Program 2017 Guidelines* and for the *Community Air Protection Incentives 2019 Guidelines* approved by CARB).
 - b. As applicable, *Carl Moyer Program 2017 Guidelines*, the *Community Air Protection Funds Supplement to the Carl Moyer Program Guidelines*, the *Community Air Protection Incentives 2019 Guidelines*, *Proposition 1B Goods Movement Emission Reduction Program 2015 Guidelines*, and related Program Advisories, Mail-outs, and Executive Orders currently issued or updated during the grant performance period.
 - c. *Funding Guidelines for Agencies that Administer California Climate Investments* (August 2018 and succeeding revisions).
 - d. Community Air Protection Incentives Grant Disbursement Request Form.
28. **Disbursement Deadline:** The Fiscal Year 2019-20 CAP Incentives specified in this Grant Agreement must be disbursed by June 30, 2021. Grant disbursement requests can be submitted by the GRANTEE to CARB any time after the Grant Agreement is fully executed. The Grantee must submit a completed Community Air Protection Incentives Grant Disbursement Request Form no later than May 1, 2021 to ensure adequate time for processing prior to the end of the fiscal year.
29. **Liquidation and Return of Funds:** CAP Incentives not liquidated by June 30, 2025 must be returned to CARB by September 28, 2025. Expenditure of project funds granted may not be reduced due to any loss incurred in an uninsured bank or investment account.
30. **Program Audit:** The GRANTEE agrees that CARB, the Department of General Services, Department of Finance, State Controller's Office, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance

EXHIBIT A

of this Grant and all State funds received. The GRANTEE agrees to maintain such records for possible audit for a minimum of three (3) years after the term of this Grant is completed, unless a longer period of records retention is stipulated. The GRANTEE agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, the GRANTEE agrees to include similar right of the State to audit records and interview staff in any grant related to performance of this agreement.

TO: Northern Sierra Air Quality Management Board of Directors

FROM: Gretchen Bennitt, Executive Director

DATE: August 24, 2020

Agenda Item: V.A

Agenda Description: Status on Portola PM2.5 Nonattainment Area

Issues: Staff will provide an update.

Requested Action: No action. Informational only

Attachments:

1. Draft Portola City Ordinance No. 359

ATTACHMENT 2

ORDINANCE NO. 359

AN ORDINANCE OF THE CITY OF PORTOLA, COUNTY OF PLUMAS
AMENDING CHAPTER 15.10 OF THE CITY OF PORTOLA MUNICIPAL CODE
PROVIDING FOR REGULATION OF WOOD STOVES AND FIREPLACES AND THE
PROHIBITION OF THE OPEN BURNING OF YARD WASTE

The Council of the City of Portola, California, does ordain as follows:

Section 1. Chapter 15.10 of the Portola Municipal Code is hereby amended to read as follows:

Title 15- BUILDINGS AND CONSTRUCTION

Chapter 15.10- WOOD STOVE AND FIREPLACE ORDINANCE AND THE PROHIBITION OF
THE OPEN BURNING OF YARD WASTE

Sections:

- 15.10.010 Purpose.**
- 15.10.020 Definitions.**
- 15.10.025 Prohibition of the Open Burning of Yard Waste.**
- 15.10.026 Exceptions for Prohibition of Open Burning**
- 15.10.030 Requirements for New Wood Burning Devices.**
- 15.10.040 Requirements for Existing Wood Burning Devices.**
- 15.10.050 Permitted Fuels in Wood Burning Devices, Wood Burning Fireplaces, Wood-Fired Cookstoves, Wood-Fired Fire Pits.**
- 15.10.060 Mandatory Curtailment of Wood Burning Heaters, Wood Burning Fireplaces, Wood-Fired Fire Pits and Wood-Fired Cookstoves During Stagnant Conditions.**
- 15.10.070 Outdoor Wood-Fired Boiler Installation Prohibited.**
- 15.10.080 Wood Stove Retailers/Contractors Required to Provide Educational Materials.**
- 15.10.090 Violations.**
- 15.10.100 Continuing Violations- Each day being a separate violation.**

15.10.010 Purpose.

- A. This chapter shall be cited as the “Wood Burning Device and Open Burning Ordinance”
- B. This chapter is enacted for the purpose of improving the air quality within the City limits and protecting the general welfare of the citizens and residents of Portola. The EPA officially designated the Greater Portola area as federal nonattainment for the federal annual standard for PM 2.5 (Particulate Matter with an aerodynamic diameter of 2.5 microns or less), on April 15, 2015. High PM2.5 levels are mostly due to impacts from residential wood burning. The City Council finds there is a need to regulate and reduce harmful emissions of exhaust gases from wood-burning heaters and fireplaces, and that an appropriate method of regulation is a wood burning device ordinance.

15.10.020 Definitions.

As used in this chapter:

1. "Air District" means the Northern Sierra Air Quality Management District.
2. "Building" means any residence, mobile home, commercial property or other structure.
3. "Certificate of Compliance" means a document issued by the Control Officer certifying that a building has no more than two wood burning heaters which are EPA-certified and no uncertified wood burning heaters.
4. "City" means the City of Portola.
5. "Control officer" means the official designated by the City Manager.
6. "Debris" means wastes resulting from land clearing operations. Debris include but are not limited to stumps, wood, brush, leaves, soil and road spoils.
7. "EPA" shall mean the United States Environmental Protection Agency.
8. "EPA - Certified" means any wood burning heater with a Phase II certification or a more stringent certification as currently enforced in the NSPS.
9. "EPA-Qualified Fireplace" means any fireplace model or retrofit device that has been qualified by EPA under EPA's Voluntary Fireplace Program as emitting no more than 5.1. g/kg.
10. "Fireplace" means any permanently installed indoor or outdoor masonry or factory-built device used for aesthetic or space-heating purposed and designed to operate with an air to fuel ratio greater than or equal to 35 to 1.
11. "New Construction" means any single or multi-family housing unit, for which construction began on or after the effective date of this ordinance. Construction is deemed to occur when the foundation for the structure is installed.
12. "Notice of Exemption" means a document issued by the Control Officer certifying that a building has no wood burning heaters.
13. "NSPS" means New Source Performance Standard. For purposes of this rule the NSPS is the Code of Federal Regulations, Title 40, Part 60, Subpart AAA.
14. "Open Burning" The burning of combustible material of any types outdoors in the open, not in any enclosure, where the products of combustion are not directed through the flue.
15. "Outdoor Wood-fired Boiler" or "Hydronic Heater" means a fuel burning device designed: (1) to burn primarily wood or wood pellet fuel; (2) not to be located inside structures ordinarily occupied by humans; and (3) to heat spaces or water by the distribution through pipes of a fluid, typically water or water and antifreeze mixture, heated in the device.
16. "Pellet Fueled Wood Heater" means a pellet-fueled heater, comprising a forced draft heater with an automatic feed which supplies appropriately sized feed material or compressed pellets of wood, corn, or other biomass material to the firebox.
17. "Permanently Inoperable" means modified in such a way that the wood burning heater can no longer function as a wood burning heater or easily be remodified to function as a wood burning heater. Conversion to other fuels, such as propane, is permitted.
18. "Recreational Fire" means an outdoor fire burning dry, seasoned wood, manufactured logs, or charcoal briquettes where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. These fires must be at least 25 feet from any structure or other combustible fuel source. Burning of yard waste (branches, shrubbery, or wet wood) is not allowed .
19. "Wood Burning Device" means any wood burning heater or fireplace. Wood burning devices do not include wood-fired residential or commercial barbecue devices, wood-fired fire pits, or wood-fired cookstoves.

20. "Uncertified Wood Burning Device" means any wood burning device that does not meet the performance and emissions standards of a Phase II certification or a more stringent certification as currently enforced in the NSPS. Uncertified wood burning devices do not include wood-fired residential or commercial barbecue devices, wood-fired fire pits, or wood-fired cookstoves.
21. "Wood-Fired Cookstove" means a wood-fired appliance that is designed primarily for cooking food and that has the following characteristics:
 - a. An oven, with a volume of 0.028 cubic meters (1 cubic foot) or greater,
 - b. A device for measuring temperatures,
 - c. A flame path that is routed around the oven,
 - d. A shaker grate,
 - e. An ash pan,
 - f. An ash clean-out door below the oven, and
 - g. The absence of a fan or heat channels to dissipate heat from the appliance.
22. "Wood Burning Heater" means an enclosed wood-burning device capable of and intended for space heating such as a wood stove, pellet-fueled wood heater, or wood-burning fireplace insert.
23. "Yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

15.10.025 Prohibition of the Open Burning of Yard Waste.

A. All open burning of yard waste and debris, except as otherwise authorized in Section 15.10.026 shall be banned within the city limits of the City of Portola.

15.10.026 Exceptions for Prohibition of Open Burning

- A. Nothing in this rule shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption or for recreational fires.
- B. Training Burns: Fire Department training burns may be permitted with the prior written approval of the Fire Chief and the Northern Sierra Air Quality Management District.
- C. Special Permits: The Fire Chief and the Northern Sierra Air Quality Management District may issue special burn permits to authorize the burning of combustibles for the health and safety of the public.

15.10.030 Requirements for New Wood Burning Devices.

A. Installation of Wood Burning Devices.

1. Wood Burning Heaters: No person shall advertise, sell, offer for sale, supply, transfer or install in any residence or other structure any wood burning heater within the City limits unless it is an EPA certified wood burning heater at the time of sale or transfer.
 - a. No local government authority within the City limits may issue a building permit to any person to install an uncertified wood burning heater; and
 - b. Certified devices shall have a label permanently affixed to them from the United States Environmental Protection Agency (USEPA) which states that the stove is certified to comply with the NSPS standards.
2. Wood Burning Fireplaces: No local government authority within the City limits may issue a building permit to any person to install a wood burning fireplace unless it is an EPA-qualified fireplace or EPA-certified fireplace.

- B. Limitation on Number of Wood Burning Devices in New Construction and Remodels.
1. The number of EPA certified wood burning heaters installed on any residential or non-residential property for which a building permit is required shall not exceed one per individual dwelling unit; and
 2. The number of EPA-qualified fireplaces installed on any residential or non-residential property for a which a building permit is required shall not exceed one per individual dwelling unit; and
 3. No local government authority within the City limits may issue a building permit to any person to install a wood burning device in new construction or remodel, unless it is an EPA-qualified fireplace or EPA certified fireplace or wood heater certified to the level of the current NSPS; and
 4. Wood burning devices shall not be considered the sole source of heat in any new construction within the City limits; and
 5. The above limitations do not apply to devices that are defined as low emitting:
 - a. EPA-certified pellet fueled wood heater;
 - b. Devices that are exclusively gaseous- or liquid-fueled; and
 - c. EPA-certified wood burning devices that meet a certified emission rate of 1 gram/hour or less of particulate matter.

15.10.040 Requirements for Existing Wood Burning Devices.

- A. Existing Wood Burning Heaters and Change of Ownership.
1. In order to complete any escrow transaction, on any residential or commercial property, the current property within the City limits owner must obtain either a 1) Certificate of Compliance or a 2) Notice of Exemption.
 2. It is prohibited for any person to complete, or allow the completion of any Escrow transaction upon any residence or mobile home, or other parcel containing a building within the City limits unless each building on the parcel has been issued a Certificate of Compliance by the Control Officer as having no more than two wood burning heaters which are EPA-Certified and no uncertified wood burning heaters.
 3. A Certificates of Compliance or Notice of Exemption shall be issued by the Control Officer only upon physical inspection or documentary evidence that reliably establishes compliance with this section.
 4. A Certificate of Compliance shall identify all of the following:
 - a. Owner's name.
 - b. Model number and manufacturer for each wood burning heater in the building.
 - c. The street address, Assessor's parcel number, or legal description of the parcel of real property where the building is located.
 - d. The location of the building and the specific location in the building where the wood burning heater is located.
 5. A Notice of Exemption shall identify all of the following:
 - a. Owner's name.
 - b. The street address, Assessor's Parcel number, or legal description of the parcel of real property where the building is located.
 - c. The location of the building and whether a space heat source is exclusively utilized, and if so, what heat source is exclusively utilized.
 6. The buyer and seller of any real property within the City limits shall observe this section and any disclosure statements supplied by the real estate agents relating to the

requirement under this regulation for the inspection of any wood burning heater installed in a building on the property.

7. If the disclosure report indicates that a wood burning heater on the property within the City limits is uncertified, the wood burning heater must be removed from the property and destroyed/recycled at an approved facility or agency. Re-inspection and a copy of documentation from the destroying/recycling facility or agency is required by the Control Officer prior to issuance of a Certificate of Compliance.
 8. The Control Officer may issue a Certificate of Compliance for a residence within the City limits without conducting a physical inspection if a person provides evidence that the EPA-certified wood burning heater has been installed in compliance with all applicable building, fire and other codes. This documentation shall include a receipt or invoice from the installation or purchase that includes the manufacturer and model name of the wood burning device.
 9. A Certificate of Compliance issued pursuant to this section:
 - a. Remains valid until the residential or commercial property is transferred or conveyed to a new owner or for nine months, whichever comes sooner.
 - b. Does not constitute a warranty or guarantee by the Control Officer that the wood burning heater within the residence or commercial property meets any other standards of operation, efficiency or safety, except the certification standards contained in these regulations.
 10. If a residential or commercial property within the City limits is to be sold and does not contain any wood burning heaters, a form approved by the Control Officer, containing the signatures of both the buyer and seller, attesting to that fact, may be accepted in lieu of an inspection, and the Control Officer may issue a Notice of Exemption. The completed form shall be submitted to the Control Officer within ten days of close of escrow. If the residential or commercial property contains an uncertified wood burning heater which must be removed, the form must not be executed by either the buyer or seller until the removal has been completed. On any subsequent sale, a new Notice of Exemption is required.
 11. Upon a change of ownership, no more than two EPA Certified wood burning heaters per building may remain in any property within the City limits, except for the low emitting devices outlined in 15.10.030(B)(5).
 12. Upon a change of ownership, no uncertified wood-burning heater may remain in any property within the City limits.
 13. The Control Officer may conduct audits after properties have closed escrow and have been recorded under the new owner's name in order to determine compliance with this ordinance. If the Control Officer finds that there is an uncertified wood burning heater in the building, the Control Officer shall require that the uncertified wood burning heater be destroyed/recycled at an approved scrappage/recycling facility or agency within 30 days of notifying the current property owner. A financial penalty may be assessed if noncompliance has been identified or if the current property owner fails to destroy/recycle the heater within the time prescribed in the notice.
- B. Existing individual dwelling units with two or more existing EPA Certified Wood Burning Heaters.
Existing individual dwelling units with two or more existing EPA Certified Wood Burning Heaters may not install additional Wood Burning Heaters (certified or uncertified). The above

limitation does not apply to heaters that are defined as low emitting, including without limitation the following:

1. EPA certified pellet fueled wood heaters;
2. Devices that are exclusively gaseous- or liquid fueled; and
3. EPA certified wood burning heaters that meet a certified emission rate of 1 gram/hour or less of particulate matter.

15.10.050 Permitted Fuels in Wood Burning Devices, Wood Burning Fireplaces, Wood-Fired Cookstoves, Wood-Fired Fire Pits.

Burning of any fuels or materials in a Wood Burning Device other than the following fuels within City limits shall be in violation of this ordinance:

- A. Seasoned wood (less than 20% moisture content).
- B. Uncolored paper.
- C. Manufactured logs, pellets, and similar manufactured products (i.e., processed fire starters).

15.10.060 Mandatory Curtailment of Wood Burning Heaters, Wood Burning Fireplaces, Wood-Fired Fire Pits and Wood-Fired Cookstoves During Stagnant Conditions.

A. Episodic Wood Burning Curtailment Requirements.

1. Effective January 1, 2021, the requirements of this section shall be in effect during the months of January, February, November, and December. The Air District shall determine when a mandatory curtailment of solid fuel combustion in the City is necessary, notify the community that mandatory curtailment is required, and make such other determinations as are necessary to carry out the objectives of this chapter.
2. No person shall operate a wood burning heater, wood burning fireplace, wood-fired fire pit or wood-fired cookstove within the City limits when a mandatory curtailment is in effect unless the device is an approved and currently registered EPA-Certified Wood Burning Heater.
3. The approved and currently registered EPA-Certified Wood Burning Heater will be maintained and operated according to manufacturer instructions.
4. The Air District will declare a mandatory curtailment whenever it determines that the 24-hour average PM2.5 concentration may exceed 30 ug/m3 AND when adverse meteorological conditions are expected to persist.
5. The criteria for issuing a mandatory curtailment is as follows:
 - a. The Air District will analyze the available air monitoring data and determine whether a trend is continuing; and
 - b. The Air District will contact the National Weather Service located in either Reno or Sacramento to request a specific meteorological forecast specific for the Portola area; and
 - c. If the National Weather Service forecasts adverse meteorological conditions to persist and the Air District ascertains that there is a marked trend of continuing high concentrations of PM2.5 possible, then the Air District will declare a mandatory curtailment.
6. Upon determination that mandatory curtailment is required, the Air District shall notify the public through one or more of the following methods:
 - a. A recorded telephone message.
 - b. Messages posted on the Air District website.
 - c. Electronic mail messages to persons or entities that have requested such notice.

- d. Notifying broadcast, print or social media operating within the boundaries of the City of Portola.
- e. Any additional method that the Air District determines is appropriate.

Registration of EPA-Certified Devices.

- 1. Eligibility Requirements – Any EPA-Certified Wood Burning Heater is eligible to be registered with the Air District.
 - 2. Registration Process – Effective July 1, 2020, persons applying to register a Wood Burning Heater shall submit a completed application and supplemental documentation demonstrating compliance with the eligibility requirements to the District. Supplemental documentation shall include the following:
 - a. Receipt or invoice from the installation or purchase that includes the manufacturer and model name of the Wood Burning Heater, or
 - b. A certification from the Air District verifying that the Wood Burning Heater meets the eligibility requirements.
 - 3. Administrative Requirements – The person who registers the Wood Burning Heater shall retain a copy of the Air District issued registration and make it available upon request.
- B. Penalties – Any person that violates the provisions of 15.10.060 is subject to the following
- 1. First time violators: a Notice to Comply or Warning will be issued. The Notice to Comply will require that any EPA-Certified Wood Burning Heater be registered within 30 days.
 - 2. Second time violators: Completion of a wood smoke awareness course that has been approved by the Air District, or payment of a penalty of \$50, or submission of proof of replacement of non-certified device with an EPA-Certified Wood Burning Heater or exclusively gaseous- or liquid-fueled heater.
 - 3. Third time violators: payment of a penalty of \$150 or submission of proof of replacement of non-certified device with an EPA-Certified Wood Burning Heater or exclusively gaseous- or liquid-fueled heater.
 - 4. Fourth time violators: payment of a penalty of \$500 or submission of proof of replacement of non-certified device with an EPA-Certified Wood Burning Heater or exclusively gaseous- or liquid-fueled heater.

15.10.070 ~~Within 60 days of the effective date of U.S. EPA publishing a finding that Plumas County PM2.5 Nonattainment Area (Nonattainment Area) has failed to attain the 12 ug/m3 annual PM2.5 standard by the attainment date a finding by the U.S. Environmental Protection Agency (U.S. EPA) that (1) the Plumas County PM2.5 Nonattainment Area (as defined in 80 Fed. Reg. 2206, January 15, 2015) has failed to attain the 2012 annual National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM2.5) of 12 micrograms per cubic meter (ug/m3), 78 Fed. Reg. 3086, January 15, 2013 (the 2012 PM2.5 annual NAAQS) by the attainment date, (2) the area has failed to meet any reasonable further progress (RFP) requirement or quantitative milestone requirement in the Portola Fine Particulate Matter (PM2.5) Attainment Plan (as approved at 84 Fed. Reg. 11208, March 25, 2019), or (3) California has failed to submit a quantitative milestone report required under the federal Clean Air Act for the 2012 PM2.5 annual NAAQS, all provisions of section 15.10.060 will continue to be in effect, except for the duration of curtailment season (Section 15.10.60 A.1) and curtailment level (Section 15.10.60 A.4), which are revised as follows:~~

List of curtailment months in Section 15.10.60 A.1 expands to include months of January, February, March, April, September, October, November, and December.

- A. Curtailment level described in Section 15.10.60 A.4 is lowered from 30 ug/m3 to 20 ug/m3.

- B. During the months of January, February, March, April, September, October, November, and December, the Air District will declare a mandatory curtailment whenever it determines that the 24-hour average PM2.5 concentration may exceed 20 ug/m3 AND when adverse meteorological conditions are expected to persist.
- C. Section 15.10.070 will remain in effect until the Air District submits a new SIP to U.S. EPA either approves an attainment plan for the area that satisfies the Serious area requirements for the 2012 PM2.5 annual NAAQS addressing the 12 ug/m3 annual PM2.5 standard or determines in writing that the RFP and/or quantitative milestone failure that triggered the implementation of this section has been corrected.

15.10.080 Outdoor Wood-Fired Boiler Installation Prohibited.

All outdoor wood-fired boilers are prohibited from installation within the City of Portola.

15.10.090 Wood Stove Retailers/Contractors Required to Provide Educational Materials.

Retailers or Contractors selling or offering for sale new Wood Burning Devices within the City limits shall supply public awareness information with each sale of a Wood Burning Device in the form of pamphlets, brochures, or fact sheets on the following topics:

- A. Proper installation, operation, and maintenance of the Wood Burning Device.
- B. Proper fuel selection and use.
- C. Health effects from wood smoke
- D. Weatherization methods for the home,
- E. Proper sizing of Wood Burning Devices.
- F. Episodic Wood Burning Curtailment levels as defined in Section 15.10.060.

15.10.100 Violations.

Any person who violates any of the requirements of this chapter, or who falsely attests as to information as part of compliance with this chapter, is subject to penalties and punishments as set forth in Chapter 1.10 of this Municipal Code, may be subjected to the applicable penalties and punishments prescribed by law for perjury, and may have any license or permit issued by the City be revoked, including but not limited to a building permit or certificate of occupancy.

15.10.110 - Continuing violations—Each day being a separate violation.

After any person who is responsible for a violation of any provision in this chapter has been given notice of the violation, and such person does not comply or otherwise correct the violation within the time prescribed in the notice, then from that day forward, the continuing violation shall be deemed to be a separate offense on each and every day that the violation persists. A person who knowingly commits or suffers the continuing violation shall be guilty of a separate offense each and every day that the violation persists.

Section 2. Approval. The City of Portola Wood Stove and Fireplace Ordinance concerns revisions to wood stove regulations and the Prohibition of Open Burning of Yard Waste. The text changes reflecting the Amendment are incorporated by reference as if fully set forth herein into Title 15 of the Portola Municipal Code, and are hereby approved.

Section 3. CEQA. The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the

CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively, the City Council finds the approval of this ordinance is not a project under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

Section 4. Enactment. The City of Portola Wood Stove and Fireplace Ordinance Amendment and the Prohibition of Open Burning of Yard Waste shall be effective 30 days from the date of its approval by the City Council.

Section 5. Summary Publication and Posting. Within thirty (30) days after final adoption of this Ordinance, the City Clerk shall have a summary of this ordinance prepared by the City Attorney and published as required by the California Government Code. Within fifteen (15) days after final adoption of this ordinance, the City Clerk shall have it posted in three (3) public places.

This ordinance was introduced, read and the second reading was waived at a Regular Meeting of the City Council of the City of Portola duly held on August 12, 2020. The ordinance was finally passed and adopted at the Regular Meeting of the City Council of the City of Portola duly held on September 9, 2020, by the following vote:

AYES:

NOES: None
ABSTAIN: None
ABSENT: None

MAYOR, Phil Oels

ATTEST:

DEPUTY CITY CLERK, Tara Kindall

I, City Clerk of the City of Portola, do hereby certify that the foregoing Ordinance was duly and regularly passed by the City Council of the City of Portola at a Regular Meeting held on September 9, 2020.

DEPUTY CITY CLERK, Tara Kindall

To: Northern Sierra Air Quality Management District Board of Directors

From: Gretchen Bennitt, Air Pollution Control Officer

Date: August 24, 2020

Agenda Item: V.B

Agenda Description: Status update on CARL MOYER Program

Issues: Quarterly Update on Carl Moyer Projects is provided.

Requested Action: None, informational only

Attachments:

1. Northern Sierra Air Quality Management District Carl Moyer Waiting List August 24, 2020

Northern Sierra Air Quality Management District
CARL MOYER WAITING LIST **August 24, 2020**

Applicant Name	Applicant City	County of Operation	New Equip Type	Date placed on Carl Moyer Waiting List
1 Hansen Brothers Enterprises	Grass Valley	Nevada	Wheel Loader	02/06/18
2 Sierra County Public Works	Downieville	Sierra	Grader	02/22/18
3 Bertagnolli Paving	Sierraville	Sierra	Skip Loader	02/23/18
4 Dan West	Graeagle	Plumas	chipper	02/24/18
5 Chris Meyers	Greenville	Plumas	Tractor	05/16/18
6 Genasci Ranch	Loyalton	Sierra	Bale Wagon	05/17/18
7 Traci Holt	Chester	Plumas	feller buncher	06/14/18
8 Collins Pine Company	Chester	Plumas	Forklift	08/30/18
9 Robert Macey	Loyalton	Sierra	Tractor	09/12/18
10 Dan Greenwood	Beckwourth	Plumas	Tractor	09/21/18
11 Griffin Livestock	Sierraville	Sierra	Back Hoe	09/28/18
12 David Bartow	Grass Valley	Nevada	Skid Steer	09/28/18
13 McGarr Excavation	Portola	Plumas	Back Hoe	01/09/19
14 Brian Williams	Vinton	Plumas	Tractor	01/17/19
15 Snow Removal Solutions	Truckee	Nevada	Wheel Loader	03/21/19
16 Benty's Landscaping	Truckee	Nevada	mini-excavator	04/12/19
17 Gateway Fence Company	Grass Valley	Nevada	Skid Steer	06/04/19
18 Melody Oaks Mutual Irrigation Company, Inc.	Penn Valley	Nevada	Solar panels	07/29/19
19 Goicoechea Sierra Valley Ranch	Loyalton	Sierra	Back Hoe	08/05/19
20 Roberti Ranch	Loyalton	Sierra	Tractor	09/17/19
21 Bresciani Ranch	Quincy	Plumas	Tractor	09/26/19
22 Collins Pine Company	Chester	Plumas	Log Loader	12/11/19
23 Jonathan Kusel	Taylorsville	Plumas	Tractor	01/02/20
24 Robinson Enterprises, Inc.	Nevada City	Nevada	feller buncher	01/09/20
25 Hall's Excavating	Truckee	Nevada	Wheel Loader	01/22/20
26 Sierra Pacific Industries	Quincy	Plumas	Forklift	02/25/20

To: Northern Sierra Air Quality Management District Board of Directors
From: Gretchen Bennitt, Air Pollution Control Officer
Date: August 24, 2020

Agenda Item: V.C

Agenda Description: Status Update on Woodstove Replacement Program

Issues:

Sam Longmire continues to do an excellent job on the District-wide Woodstove Replacement Program. He has provided a status report for the Board's information.

Woodsmoke Reduction Program Round 2 Progress Report

August 4, 2020

Initial Funding: \$162,773.11
Initial Change-out Funding: \$147,478.99
Admin: \$15,294.12
Interest Earned: \$1,325.08

Vouchers Issued: 29
 Plumas County: 10 (1.2 per 1000 households)
 Sierra County: 5 (3.9 per 1000 households)
 Nevada County: 14 (0.3 per 1000 households)
Change-out Completed and Dealer Reimbursed: 7

Dropped out: 15 (most already bought stoves)
Never responded to letter, email and phone message: 17 (some are probably vacation homes)
Active Wait List: 12
Biggest Challenge: COVID crisis. People are reluctant to have retailers, installers and inspectors in their homes. All vouchers have been extended to October 31.

Requested Action: None, informational only

Attachments:

1. Woodstove Replacement Program List August 2020

CONFIDENTIAL -- FOR INTERNAL USE ONLY -- Per the Information Practices Act of 1977 (California Civil Code sections 1798, et seq), personally identifiable information may only be released under specific circumstances

2020 Woodsmoke Reduction Program -- 8/4/20 (complete applications only)

	Voucher ID	Voucher Issued	Disposition	County
1	WRP-180831-1		Dropped out	Plumas
2	WRP-180804-1	Yes	Pending	Plumas
3	WRP-180905-1	Yes	Completed	Nevada
4	WRP-180907-1	Yes	Pending	Sierra
5	WRP-180907-2	Yes	Pending	Plumas
6	WRP-180910-1	Yes	Pending	Nevada
7	WRP-180913-1	Yes	Pending	Sierra
8	WRP-180913-2		Dropped out	Sierra
9	WRP-180918-1		No response	Nevada
10	WRP-180918-2		Not using	Nevada
11	WRP-180918-3	Yes	Pending	Plumas
12	WRP-180919-1		No response	Nevada
13	WRP-180921-1		Dropped out	Nevada
14	WRP-180925-1	Yes	Pending	Plumas
15	WRP-181003-1	Yes	Pending	Nevada
16	WRP-181004-1		No response	Nevada
17	WRP-181005-1		Dropped out	Plumas
18	WRP-181008-1		Dropped out	Nevada
19	WRP-181011-1	Yes	Pending	Nevada
20	WRP-181015-1	Yes	Completed	Nevada
21	WRP-181015-2		No response	Nevada
22	WRP-181015-3		Dropped out	Nevada
23	WRP-181016-1		Dropped out	Plumas
24	WRP-181016-2		No response	Plumas
25	WRP-181022-1	Yes	Completed	Plumas
26	WRP-181022-2		No response	Nevada
27	WRP-181024-1	Yes	Pending	Plumas
28	WRP-181024-2		Dropped out	Nevada
29	WRP-181029-1	Yes	Completed	Nevada
30	WRP-181031-1	Yes	Pending	Nevada
31	WRP-181029-3	Yes	Pending	Sierra
32	WRP-181102-1	Yes	Pending	Plumas
33	WRP-181105-1		No response	Nevada
34	WRP-181105-1		Dropped out	Nevada
35	WRP-181106-1	Yes	Completed	Plumas
36	WRP-181107-1		Dropped out	Nevada
37	WRP-181108-1		Dropped out	Nevada
38	WRP-181130-1	Yes	Pending	Nevada
39	WRP-181207-1	Yes	Completed	Nevada
40	WRP-181208-1		No response	Nevada
41	WRP-181213-1	Yes	Pending	Plumas
42	WRP-181218-1		No response	Plumas

43	WRP-190109-1	Yes	Pending	Nevada
44	WRP-190117-1		No Response	Nevada
45	WRP-190122-1		No Response	Nevada
46	WRP-190122-2	Yes	Pending	Plumas
47	WRP-190128-1	Yes	Pending	Sierra
48	WRP-190128-2	Yes	Pending	Nevada
49	WRP-190129-1	Yes	Pending	Nevada
50	WRP-190211-1		Dropped out	Nevada
51	WRP-190214-1	Yes	Pending	Sierra
52	WRP-190219-1	Yes	Completed	Nevada
53	WRP-190225-1	Yes	Pending	Nevada
54	WRP-190313-1		Wait List	Nevada
55	WRP-190329-1		No response	Nevada
56	WRP-190402-1		Wait List	Nevada
57	WRP-190405-1		Wait List	Nevada
58	WRP-190408-1		Wait List	Plumas
59	WRP-190415-1		Dropped out	Nevada
60	WRP-190419-1		No response	Nevada
61	WRP-190429-1		Wait List	Plumas
62	WRP-190502-1		Wait List	Nevada
63	WRP-190510-1		Wait List	Plumas
64	WRP-190522-1		Wait List	Sierra
65	WRP-190528-1		Wait List	Plumas
66	WRP-190620-1		No response	Plumas
67	WRP-190705-1		No response	Plumas
68	WRP-190711-1		Wait List	Nevada
69	WRP-190823-1		Dropped out	Plumas
70	WRP-191120-1		No response	Nevada
71	WRP-191209-1		Wait List	Plumas
72	WRP-200128-1		No response	Plumas
73	WRP-200131-1		Wait List	Nevada

Notes

There are a few incomplete applications that are not included on this list.

This list includes 2 additional applications that were in the mail when wait list was frozen at the end of Januar

This information changes frequently. Current on 7/23/20 at 12:06 PM.

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