

**Air Pollution Control District Governing Board**  
San Diego County Air Pollution Control District  
**AGENDA ITEM # 01**

**DATE:** April 16, 2021

**TO:** Air Pollution Control District Governing Board

**SUBJECT:**

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

**REQUESTED ACTION:**

Authorize the Interim Air Pollution Control Officer to execute an amendment to the services agreement between the San Diego County Air Pollution Control District and the County of San Diego to remove the requirement that the County of San Diego remain on the vehicle title for the vehicle to be eligible for fleet management services and to revise other provisions related to insurance and indemnity.

**OVERVIEW:**

Prior to March 1, 2021, the San Diego County Air Pollution Control District (APCD) was governed by the County of San Diego Board of Supervisors, sitting as the Air Pollution Control Board. As a result, the County and the APCD did not have a need to formalize the fiscal and operational relationship between the two entities. However, the passage of AB 423 (Gloria, 2019) resulted in the formal separation of the APCD from the County. This formal separation required the APCD to enter into a formal agreement with the County related to the provision of services and payment of costs between the two entities, as allowed by California Health and Safety Code section 40101(b), to ensure the APCD has the support it needs to carry out its mission. The agreement addresses the current legal relationship between the two agencies, as well as the specific changes that occurred to that relationship with the change in governance structure. For example, the agreement addresses the services currently provided to the APCD by County departments including the Auditor and Controller, Human Resources, General Services, County Counsel, and Purchasing and Contracting, and specifies the payment mechanisms for those services. The agreement was approved for execution by the Air Pollution Control Board on August 5, 2020.

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

**FISCAL IMPACT:**

The proposed amendments to the services agreement will not result in any additional costs to the APCD.

**ENVIRONMENTAL STATEMENT:**

The amendment of the services agreement is not a project subject to the requirements of the California Environmental Quality Act (CEQA). CEQA Guidelines section 15378(b) provides that the definition of project does not include continuing administrative or maintenance activities, or the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project. Therefore, CEQA does not apply to this action.

**PREVIOUS RELEVANT BOARD ACTIONS:**

August 5, 2020, Air Pollution Control Board Agenda Item 1: Services and Costs Agreement Between the San Diego County Air Pollution Control District and the County of San Diego

**ADVISORY GROUP ACTIONS:**

N/A

**ATTACHMENT(S):**

- A. Amended Agreement Between the San Diego County Air Pollution Control District and the County of San Diego Regarding the Provision of Services and Payment of Costs

**SUBMITTED BY:**

Robert Reider, Interim Air Pollution Control Officer

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