AGENDA: FISCAL YEAR 2021 BAY AREA AIR QUALITY MANAGEMENT DISTRICT PRESENTATION OF AUDIT RESULTS TO THE BUDGET AND FINANCE COMMITTEE

5



March 23, 2022



Simpson & Simpson, LLP





2

AGENDA

- Auditor's Required Communication (SAS 114)
- Audit Results and Highlights of the Basic Financial Statements
- Audit Results and Highlights of the Single Audit
- Questions





Auditor's Required Communications

- 1. Our Responsibility under Generally Accepted Auditing Standards (GAAS)
 - Consider internal control to the extent necessary to design an effective and efficient audit approach, not for the purpose of providing assurance on internal control
 - Design and implement audit procedures based on our understanding of the District to gain reasonable, not absolute, assurance as to the absence of material misstatements in the financial statements
 - Perform tests of compliance with certain provisions of laws, regulations, and contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts
 - Opine on financial statements based on our audit





Auditor's Required Communications SAS 114 (continued)

2. Significant Accounting Policies

- The District's significant accounting policies are described in Note 1 to the financial statements and are in accordance with generally accepted accounting principles and consistent with industry practices and standards.
- The application of existing policies was not changed during the year.
- All significant transactions have been recognized in the financial statements in the proper period.





Auditor's Required Communications SAS 114 (continued)

3. Management Judgments and Accounting Estimates

- Accounting estimates are an integral part of the financial statements prepared by management and are based upon management's current judgments. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ from management's current judgments.
- □ The most sensitive estimates affecting the financial statements were:
 - Useful life of capital assets used for depreciation.
 - Liabilities for legal claims





6

Auditor's Required Communications SAS 114 (continued)

- 3. Management Judgments and Accounting Estimates (continued)
 - Deferred outflows/inflows of resources, net pension liability, net OPEB liability, pension expense, and OPEB expense is based on estimates that are prepared by the CalPERS actuary based on information provided by participating employers, and MacLeod Watts, Inc. based on information provided by management.
 - ❑ We evaluated the key factors and assumptions used to develop these estimates in determining that it is reasonable in relation to the financial statements taken as a whole.



Auditor's Required Communications SAS 114 (continued)

4. Corrected Misstatements

None.

5. Uncorrected Misstatements

None.



CERTIFIED PUBLIC ACCOUNTANTS





Auditor's Required Communications SAS 114 (continued)

6. No Disagreements or Difficulties with Management

There were no disagreements with management on financial accounting and reporting matters that, if not satisfactorily resolved, would have caused a modification of our report on the District's financial statements, nor were there significant difficulties in dealing with management in performing our audit.

7. No Consultations with Other Accountants

To the best of our knowledge, management has not consulted with or obtained opinions, written or oral, from other independent accountants during the past year that were subject to the requirements of AU 625, Reports on the Application of Accounting Principles.



Auditor's Required Communications SAS 114 (continued)

8. Management Representations

□ We have requested certain representations from management that are included in the management representation letter dated March 16, 2022.



CERTIFIED PUBLIC ACCOUNTANTS



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CERTIFIED PUBLIC ACCOUNTANTS

Audit Results and Highlights of the Basic Financial Statements

- 1. Unmodified Opinion
 - Unmodified opinion with respect to the governmental activities and each major fund.

2. Financial Highlights

- □ Government-Wide Financial Statements
- Governmental Fund Financial Statements





Audit Results and Highlights of the Basic Financial Statements (Continued)

- 2. Financial Highlights (continued)
 - A. Government-Wide Financial Statements
 - Net position as of June 30, 2021, was \$222 million (excess of total assets plus deferred outflows over total liabilities plus deferred inflows), an increase of \$14.1 million due to decreases in liabilities related to unearned revenue being recognized in the Community Health Protection program, offset by increases in current obligations for Pension and Other Post-Employment Benefits.





Audit Results and Highlights of the Basic Financial Statements (Continued)

2. Financial Highlights (continued)

B. Government Funds Financial Statements

- Governmental combined fund balances as of June 30, 2021, increased from last year by \$17 million to \$261.5 million. The increase in fund balance is due primarily to an increase in the District's Restricted and Assigned Fund Balance for Air Quality Grants and Projects.
- The General Fund accounts for all the District's financial resources except those required to be accounted for in the Special Revenue Fund. The ending fund balance of \$95.5 million is carried over to the next fiscal year. Of this amount \$6.4 million was restricted, \$1.4 million was nonspendable, \$33.5 million was assigned and the remaining \$54.2 million was unassigned.





3. Government Auditing Standards Opinion

- Internal Control Over Financial Reporting
 - No material weaknesses
 - No significant deficiencies
 - Compliance No instances of noncompliance noted

4. OMB Uniform Guidance Audit Opinion-Unmodified

Compliance

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- No instances of noncompliance noted
- Internal Control Over Compliance
 No material weaknesses or significant deficiencies noted.







Audit Results and Highlights of the Single Audit (Continued)

- 5. Follow-up on Prior Year Findings
 - > None.

6. Areas Brought to Management's Attention

- The management letter is to provide observations during the audit in areas where the internal control procedures can be strengthened.
- The comments were discussed with the individual departments who have agreed to our recommendations and provided management responses for improvements.











Amendments to Regulation 3, Fees

Budget & Finance Committee Meeting March 23, 2022

> Fred Tanaka Manager, Engineering Division ftanaka@baaqmd.gov



BAY AREA Air Quality

MANAGEMENT

DISTRICT

Presentation Outcome



Update Budget & Finance Committee on Proposed Regulation 3 (Fees) Amendments

Presentation Outline



- Cost Recovery Background
- Proposed Fee Amendments
- Rule Development Schedule
- Questions



Presentation Requested Action

None - Informational Only.

Cost Recovery Background



- Air District has authority to assess fees to recover the reasonable costs from fee-based programs.
- Board of Directors set goals to improve cost recovery levels.
- The overall cost recovery trends are:
 - Fiscal Year Ending (FYE)2011: 65.0%
 - FYE2019: 86.0%
 - FYE2020: 84.5%
 - FYE2021: 83.7%
- Cost recovery is not a static target.

Cost Recovery Background Cont'd



Cost Recovery Impacts - Revenue

- New fees and fee changes
- Facilities, sources, emissions and operational changes
- Number of notifications and applications

Cost Recovery Impacts – Expenses

- New and enhanced programs/rules
- Efficient use of resources
- Shifts in priorities
- Staffing levels

Budget & Finance Committee Meeting March 23, 2022

Proposed Changes to Fee Schedules – Option 1



Traditionally, cost recovery:

- Analyzes revenue and cost by fee schedule.
- Looks back based on a 3-year average.
- Does not account for work backlog.
- Does not factor in future needs.

Based on the recovery rate and using recommendations from the 2018 Cost Recovery & Containment Study.

- Estimated budget is increased by \$2.5 million compared to projected FYE2022 revenues
- Blended fee schedule increase of 6.74 percent.





Why consider another option?

- The FYE 2023 budget includes several new positions working primarily in fee-based programs.
- If approved, recovering costs for those positions would take several years under typical cost recovery.

Proposed Changes to Fee Schedules – Option 2 continued



New Option:

- Increase any fee schedule recovering less than the fully recovered rate and administrative fees by 15%.
 - Considers impacts looking forward.
 - Schedules are considered fully recovered at a 3-year average cost recovery rate of at least 110%
- Estimated budget increased by \$6.5 million compared to projected FYE2022 revenues
- Blended fee schedule increase of 10.86 percent

Draft Fee Amendments: Proposed Changes to Fee Schedules



Revenue from Fee Schedule	Percent Change in Fees	Option 1: Schedule Increases from 2018 Cost Recovery Study**	Option 2: Maximum Increase Allowed
95 – 110% of costs	4.1% increase (CPI-W*)	M <i>,</i> P	
85 – 94% of costs	7% increase	В, Е	
75 – 84% of costs	8% increase	Т	
50 - 74% of costs	9% increase	F, G1, G2, G3, G4, H	
Less than 50% of costs	15% increase	A, K, N, S, V, W	A, B, E, F, G1, G2, G3, G4, H, K, M, N, P, S, T, V, W

* The annual Consumer Price Index for Bay Area Urban Wage Earners and Clerical Workers (CPI-W) increase.

** 2018 Matrix Consulting Group Cost Recovery & Containment Study recommendations.

Budget & Finance Committee Meeting March 23, 2022

Bay Area Air Quality Management District

Other Proposed Amendments -Regulation 2-1 and 2-5 Implementation



Regulation 2 (Permits), Rules 1 (General Requirements) Regulation 2, Rule 5 (New Source Review for Toxic Air Contaminants)

The key changes that impact workload in an overburdened community:

- Public notice requirements for applications that require a Health Risk Assessment (HRA)
- Additional work to ensure compliance with amended New Source Review (NSR) for Toxic Air Contaminants (TACs) requirements including HRAs, source test review and compliance verification
- Programming system changes and tools (e.g., OBC map)

- Other Proposed Amendments - Regulation 2-1 and 2-5 Implementation Cont'd



Proposals

- Remove the reference to "Schools" in existing Section 3-318: Public Notice Fees. Applicants are charged based on actual costs.
- Charge an additional application fee of \$1,000 if a Health Risk Assessment is required in an OBC.
- Charge a 15% OBC renewal fee for each permitted facility located in an OBC capped at \$250,000.
 - Estimated to increase the budget by \$2.4 million.

Other Proposed Amendments -Naturally Occurring Asbestos



Schedule S: Naturally Occurring Asbestos – Geologic evaluation

Before an Asbestos Dust Mitigation Plan (ADMP) is submitted, an applicant may need a geologic evaluation to determine if the project is exempt.

- Currently this work has never been charged a fee.
- The Air District is proposing a fee to recover costs for this work.

Description	Hours of work	Proposed fee
Evaluation	16	\$3,200
Field inspection (if needed)	≈4	Per hour fee already in Schedule S

Impact on Large Facilities: Power Plants



	Annual Permit Fee Increase/Decrease (Fiscal Year Ending)							
	202 % fee cl actual/pr	hange,	2021 renewal fee	% tee change		2023, <u>Projected</u> % fee change, Option 1/Option 2		
Crockett Cogen*	-3.6	5.7	\$257,000	11.2	9.1	\$289,000	7.0	15.0
Delta Energy	16.7	5.7	\$530,000	12.6	9.2	\$608,800	22.5	31.7
Gateway Station	10.0	5.7	\$390,000	NA	9.3	Not yet invoiced in FYE2022	33.9**	43.9**
Los Medanos	14.2	5.7	\$460,000	NA	9.4	Not yet invoiced in FYE2022	33.8**	43.9**

*Not in an OBC

**Projected comparing to 2021 permit renewal fees

Impact on Large Facilities: Petroleum Refineries



Annual Permit Fee Increase/Decrease (Fiscal Year Ending)

	% fee	021 change, predicted	2021 renewal fee change, actual/predicted		change,	2022 renewal fee	char	<i>Projected</i> % fee <i>change</i> tion 1/Option 2	
Chevron	8.7	5.2	\$4.0 million	-5.9	6.1	\$3.8 million	11.7	17.7	
Martinez Refining Co.	10.4	6.2	\$3.9 million	3.4	6.9	\$4.0 million	11.8	17.8	
Phillips 66	6.0	6.6	\$2.1 million	18.7	8.1	\$2.4 million	16.0	22.5	
Tesoro	1.3	5.9	\$2.9 million	-11.7	6.2	\$2.6 million	14.9	21.2	
Valero*	7.9	6.5	\$2.5 million	7.5	6.9	\$2.7 million	6.1	12.9	

*Not in an OBC

Impact on Small Businesses – Renewal Fees & Impact



Facility Type	Current	Option 1:	Option 1:	Option 2:	Option 2:
	fee	non-OBC	OBC	non-OBC	OBC
Backup Engine*	\$382	\$405	\$464	\$439	\$502
(Sch. B)		6%	21%	15%	31%
Gas Station**	\$2,707	\$2,717	\$3,108	\$2,729	\$3,121
(Sch. Da)		0.4%	15%	1%	15%
Auto Body Shop	\$815	\$870	\$995	\$938	\$1,072
(Sch. E)		7%	22%	13%	32%
Coffee Roaster	\$643	\$695	\$795	\$739	\$845
(Sch. F)		8%	22%	13%	31%

*Minimum fee – Permit fees are greater for larger engines.

**Assuming a common station configuration with 6 islands with 3 triple product nozzles

Rule Development Schedule



Budget Advisory Group (BAG) meeting #1	January 24, 2022
Public workshop	February 17, 2022
Budget Advisory Group meeting #2	March 14, 2022
Written workshop comments due	March 18, 2022
Budget & Finance Committee briefing	March 23, 2022
Board of Directors first public hearing to receive testimony	April 6, 2022
Written Public Hearing comments due	April 27, 2022
Described Directory and and line becaring the second description	L
Board of Directors second public hearing to consider adoption	June 1, 2022
Proposed fee amendments effective	July 1, 2022



Feedback Requested/Prompt

Questions?

AGENDA: 7

BAY AREA Air Quality

MANAGEMENT

DISTRICT

Discussion of Proposed Budget for Fiscal Year 2022-2023

Budget and Finance Committee Meeting March 23, 2022

> Jeff McKay Chief Financial Officer jmckay@baaqmd.gov

Presentation Outcome



The Committee will receive a summary of the Fiscal Year (FY) 2022-2023 Proposed Budget for consideration and direction

Presentation Outline



- Financial History/Trends
- Status of Current Fiscal Year 2021-2022
- Proposed Budget for Fiscal Year 2022-2023
- Next Steps

Requested Action



- No action is being requested at this time.
- The Committee may make recommendations for further discussion to be held at the April 27, 2022 Budget and Finance Committee meeting.
- Staff will present additional information if needed on the Proposed Budget at the Committee April 27, 2022 meeting and the Committee will consider a recommendation to refer the FY 2022-2023 Proposed Budget to the full Board.



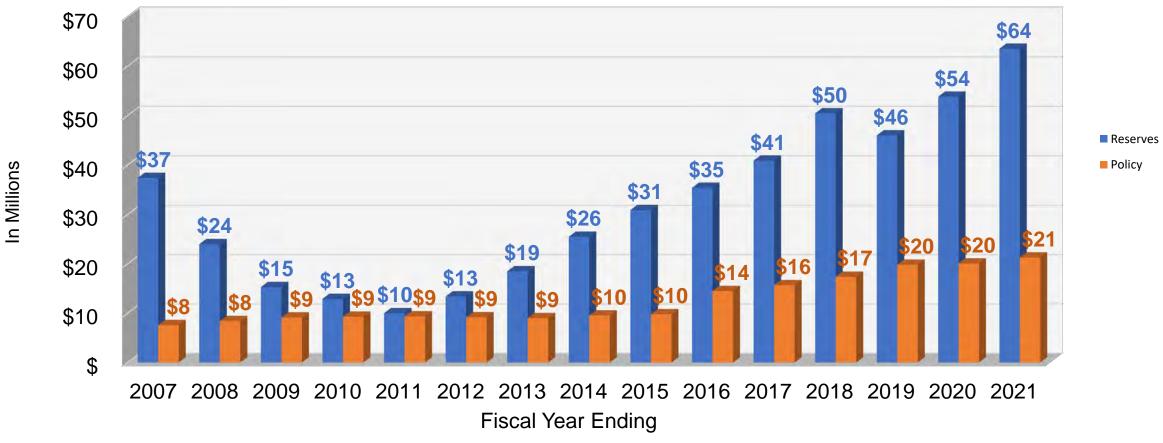


Actions Taken During the Economic Downturn:

- Reserves Used for General Fund Expenditures
- Vacancies Unfilled (Staff Reduction Through Attrition)
- Postponed Expenditures
- Deferred Capital Investment
- Initiated Cost Recovery Policy
- Continued Funding of Retirement Liabilities

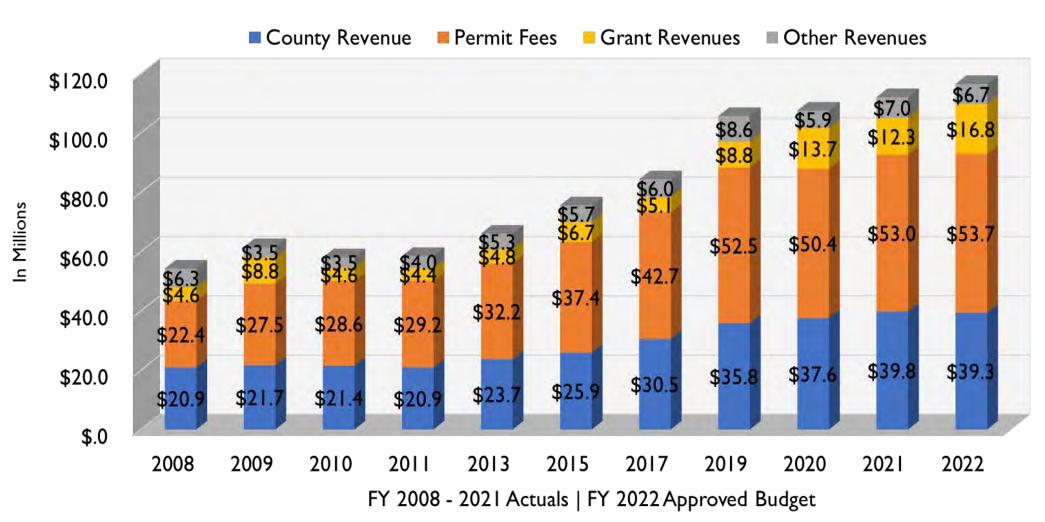
Financial History (cont.) Actual Reserves and Policy Trends

GENERAL FUND RESERVES COMPARED WITH POLICY



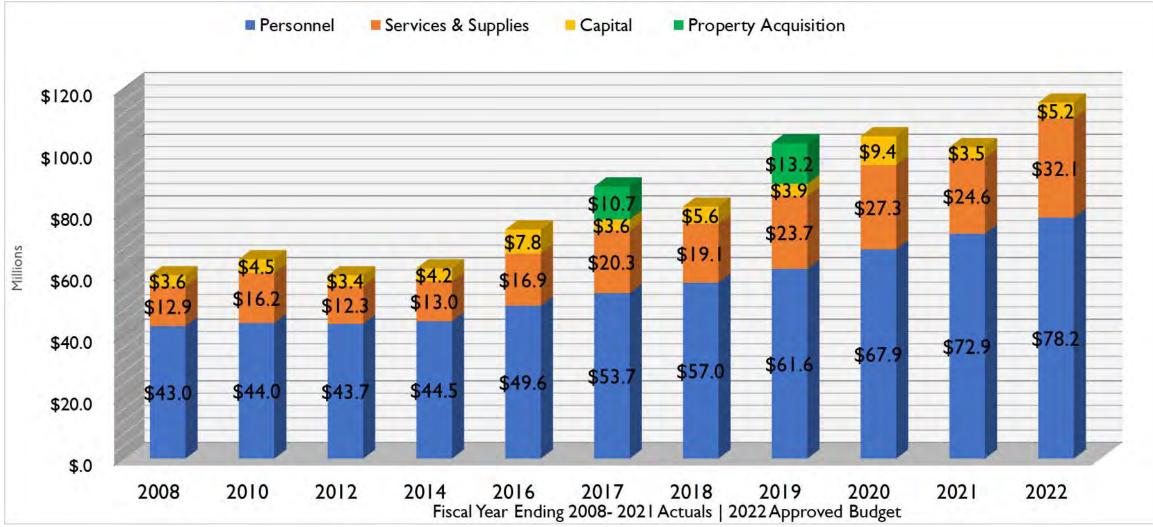
Financial History (cont.) General Fund Revenue Trends





Financial History (cont.) General Fund Expenditure Trends



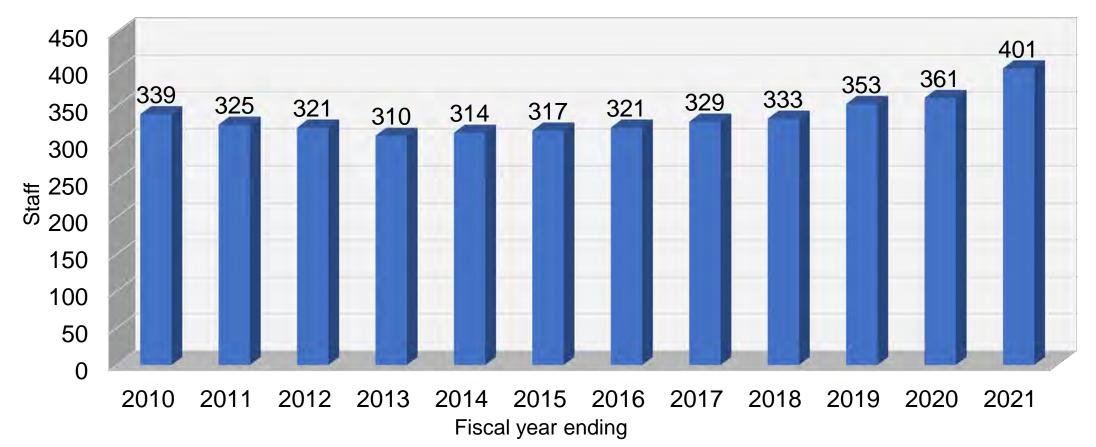


Budget and Finance Committee Meeting March 23, 2022

Bay Area Air Quality Management District

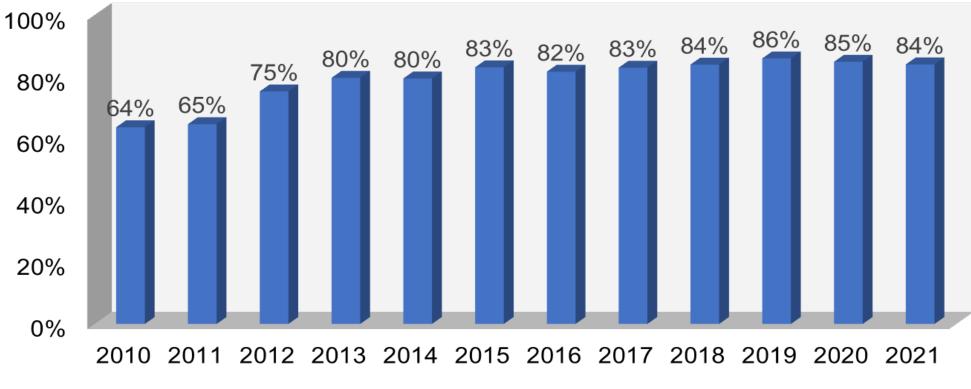


AVERAGE FILLED SEATS BY FISCAL YEAR





COST RECOVERY TREND USING 3 YEAR AVERAGE



Fiscal Year Ending

Financial History (cont.) Fees and Cost Recovery Overview



Cost Recovery Policy Established in FYE 2012:

- 85% minimum cost recovery target
- Regulated community gains predictable fees
- Budget Advisory Group (2nd meeting held on March 14, 2022)
- Cost Recovery Review is underway

Current Fiscal Year Budget Overview



Actions taken in the FY 2021-2022 Approved Budget:

- \$117 Million (M) General Fund Budget
- Includes Use of Reserves of \$ 0.5 M
- Reinstated Amendment to Existing Fee Schedules
- New Fee to recover costs of California Air Resources Board's Criteria Pollutant and Toxics Emissions Reporting Regulation
- 445 Full-Time Equivalent (FTE); includes 4 FTE added in December 2021
- Addresses Retirement Liabilities
- Includes 1.5% Cost of Living Adjustment (COLA)

Current Fiscal Year Budget Overview (cont.)

Overall budget projections are on target

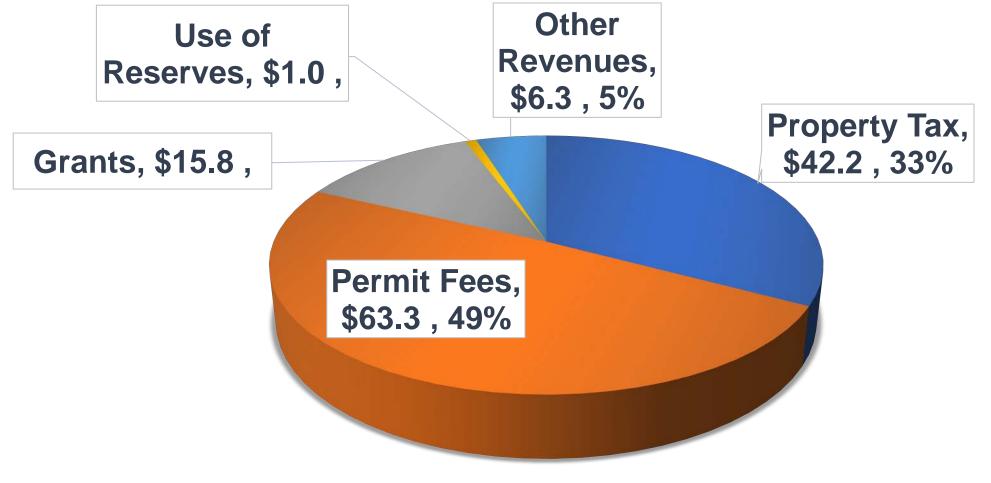
- Permit Fee revenue projections are on target
- Property Tax revenues are holding steady
- Personnel savings due to vacancy

Fiscal Year 2022-2023 Proposed Budget Overview



- \$243 M Consolidated Budget
- \$129 M General Fund Budget
- Includes Use of Reserves \$1.0 M
- Continuation of Cost Recovery Policy (up to 15% where applicable)
- Proposed new fee for overburdened communities
- Staffing Level Increase: 445 to 465 Full Time Equivalent (FTE)
- Addresses Retirement Liabilities

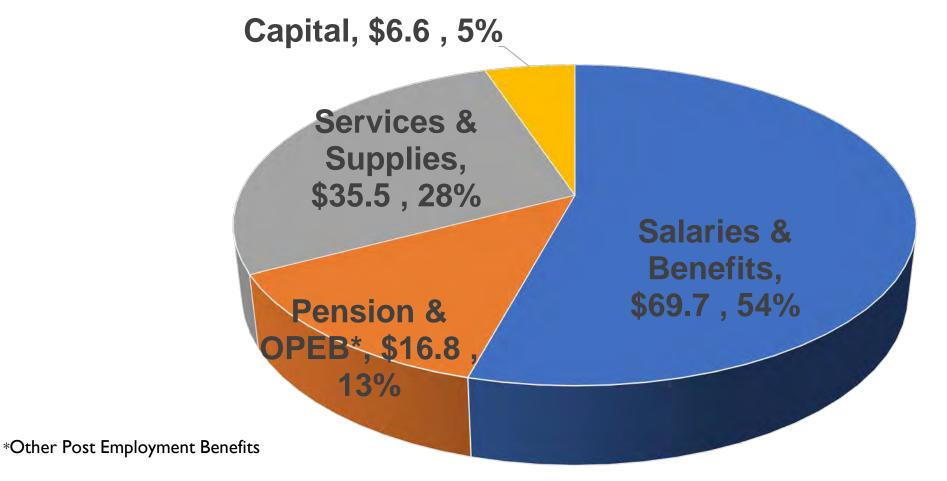
Breakdown of FY 2023 General Fund Revenues



In Millions

Expenditures **Breakdown of FY 2023 General Fund**





In Millions

Budget and Finance Committee Meeting March 23, 2022

Bay Area Air Quality Management District

Breakdown of \$11.5 M Budget Increase



BUDGETED SOURCES:	\$ (Million)
Increase to Property Taxes	2.8
Increase to Existing Permit Fees	7.1
Proposed new fee for overburdened communities	2.5
Reduction in other revenue	(0.6)
Total Ongoing Sources	11.8
Grant reduction	(0.8)
Increase in Use of Reserves	0.5
Total One-time Sources	(0.3)
TOTAL BUDGETED SOURCES	11.5

Breakdown of \$11.5 M Budget Increase (cont.)



BUDGETED COSTS:	\$ (Million)
Estimated 20 additional General Fund positions with	
benefits	3.3
Increase personnel costs for existing authorized positions	5.1
Increase in CalPers Required Pension Payment	0.8
Net increase in Various District Programs (61)	2.4
Total Ongoing Costs	11.6
Vacancy Rate adjustment from 5% to 6%	(1.0)
Reduction in Grant Expenditures	(0.5)
Increase in Capital Expenditures	1.4
Total One-time Costs	(0.1)
TOTAL BUDGETED COSTS	11.5

Proposed 20 New Staff



- 445 authorized budget position, 26 positions are placed on hold pending the results of the management audit
- The Finance Division cannot currently adequately perform some basic functions because of lack of staff
- Proposed 20 additional positions bringing authorized FTE from 445 to 465.
- Needed to support the growth in our mission
- Identifying and filling these new positions will be informed by the management audit and presented to the Committee in FYE 2023
- New positions are supported by increased proposed fees and increased property tax revenues
 Budget and Finance Committee Meeting

Budget and Finance Committee Meeting March 23, 2022





- The proposed budget includes a 10.9% blended rate increase for permit fees.
- If the Committee does not wish to support the higher fee increase proposed in the budget and prefers to support the 6.5% blended rate for increase in permit fees:
 - Permit Fee revenue would reduce by approx. \$3.3M; and
 - Removal of the 20 new positions will reduce Personnel Costs by \$3.3M

Possible Proposed Budget Options



- 1. Adopt the Proposed Draft Budget
- Adopt the Alternative Budget this will likely require a discussion of agency priorities and cutting back on certain initiatives
- 3. Adopt the Alternative Budget and wait for the results of the management audit. Then amend the budget to increase fees to fund any additional staffing recommended.

Budget Options: 6.5% vs. 10.9% blended rate Breakdown of Budget Increases



	OPTION I:	OPTION 2:
	10.9% Blended Rate	6.5% Blended Rate
BUDGETED SOURCES:	\$ (Million)	\$ (Million)
Increase to Property Taxes	2.8	2.8
Increase to Existing Permit Fees	7.1	3.8
Proposed new fee for overburdened communities	2.5	2.5
Reduction in other revenue	(0.6)	(0.6)
Total Ongoing Sources	11.8	8.5
Grant reduction	(0.8)	(0.8)
Increase in Use of Reserves	0.5	0.5
Total One-time Sources	(0.3)	(0.3)
TOTAL BUDGETED SOURCES	11.5	8.2

Budget and Finance Committee Meeting March 23, 2022

Budget Options: 6.5% vs. 10.9% blended rate Breakdown of Budget Increases (cont.)



	OPTION I:	OPTION 2:
	10.9% Blended Rate	6.5% Blended Rate
BUDGETED COSTS:	\$ (Million)	\$ (Million)
Estimated 20 additional General Fund positions with benefits	3.3	-
Increase personnel costs for existing authorized positions	5.1	5.1
Increase in CalPers Required Pension Payment	0.8	0.8
Net increase in Various District Programs (61)	2.4	2.4
Total Ongoing Costs	11.6	8.3
Vacancy Rate adjustment from 5% to 6%	(1.0)	(1.0)
Reduction in Grant Expenditures	(0.5)	(0.5)
Increase in Capital Expenditures	1.4	1.4
Total One-time Costs	(0.1)	(0.1)
TOTAL BUDGETED COSTS	11.5	8.2

Capital Budget Detail



Description	PGM	<u>Amount</u>
One (1) Air Quality Analyzer	802	655,000
One (1) Air Quality Analyzers - PM2.5 equipment	802	129,517
One (1) Air Quality Analyzers - Schedule X equipment	802	450,000
Three (3) Source Test Analyzers	804	60,000
One (1) Multi Test Program Field Testing Van	804	60,000
One (1) PM Van Custom Equipment and Build Out	804	40,000
One (1) Lab & Monitoring Equipment (Picarro G2401)	807	90,000
One (1) Volatile Organic Compounds Monitor	810	20,000
One (1) Instrumentation for Particulate Matter Speciation (Metals)	810	185,000
One (1) Instrumentation for Particulate Matter Speciation (EC/OC)	810	75,000
One (1) Optical Gas Imaging Camera	403	100,000
Phase 2 HQE build out for Meterology & Measurement staff	707	500,000
Leasing of Additional Vehicles	710	50,000
Design & POC for IT Infrastructure Datacenter Refresh	726	400,000
Replacement of End-of-Life Network Components	726	500,000
Communication Equipment	726	200,000
Public Permitting & Compliance Systems	125	3,047,660
Total Capital Expenditures		6,562,177

Funding of Retirement Liabilities



- Medical Retirement (OPEB):
 - Obligation: \$72 M
 - Funded: \$54 M (75%)
 - Unfunded: \$18 M (25%)
- Funding Policy: 90% Funded Level
 - 90% Target Date (FYE 2023)*
 - \$4 M Annual Discretionary Funding
 - Redirect \$4 M Discretionary Funding to CalPERS Pension after reaching target funding level

- CalPERS Retirement (Pension):
 - Obligation: \$358 M
 - Funded: \$258 M (72%)
 - Unfunded: \$100 M (28%)
- Funding Policy: 90% Funded Level
 - 90% Target Date (FYE 2029)*
 - \$1 M Annual Discretionary Funding
 - \$4 M Redirect Discretionary Funding from OPEB assumed

Reserves Designations



General Fund Reserves (In Millions)		
Reserves Balance at June 30, 2021	• • •	64.0
Less Designations:*		
AB617 Staffing Contingency		-7.6
Community Benefits		-3.0
Economic Contingency (20% of Budget)		-25.5
Litigation		-3.0
Pandemic Contingency		-4.0
Pension Liability		-4.0
Richmond Improvements (HQE)		-5.0
Technology Implementation Office		-3.4
WildFire Mitigation		-2.0
	Total Designations	-57.5
Less Use of Reserves:		
Use to Balance FY 2022 Budget		-0.5
Use to Balance FY 2023 Budget		-1.0
	Total Use of Reserves	-1.5
AVAILABLE GENERAL FUND RESERVES		5.0
*Designations subject to change at Board's D	Direction	

Fiscal Year 2022-2023 Proposed Budget Summary



- \$129 M General Fund Budget
- Includes Use of Reserves \$1.0
- Amend Fee Schedule based on Proposed Fee increase
- New Fee for overburdened communities
- Budgeted Position Increase to 465 FTE
- \$4 M Annual Contribution to OPEB
- \$1 M Annual Contribution to Pension

Feedback Requested/Prompt



- No action required at this time.
- NEXT STEPS:
 - April 6, 2022 1st Public Hearing on Proposed Fees
 - April 27, 2022- Committee refers proposed budget to the Board of Directors
 - May 4, 2022- 1st Public Hearing on Proposed Budget
 - June 1, 2022 2nd Public Hearing and Adoption of the Proposed Fees and Budget