

Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District
Governing Board

Central Region Office, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA

Thursday, March 20, 2008
9:00 a.m.

*Meeting held via teleconferencing (VTC) with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).
This meeting was webcast.*

1. CALL MEETING TO ORDER
The Chair, Supervisor Ornellas, called the meeting to order at 9:04 a.m.

2. ROLL CALL was taken and a quorum was present.

Present

Judy Case, Supervisor	Fresno County
Tony Barba, Supervisor	Kings County
Raymond Watson, Supervisor *	Kern County
Michael G. Nelson, Supervisor	Merced County
William O'Brien, Supervisor **	Stanislaus County
Henry T. Perea, Councilmember	City of Fresno
J. Steven Worthley, Supervisor	Tulare County
Chris Vierra, Councilmember, Vice Chair**	City of Ceres
Leroy Ornellas, Supervisor, Chair	San Joaquin County

Absent

Raji Brar, Councilmember	City of Arvin
Ronn Dominici, Supervisor	Madera County

* Attended meeting in Southern Region Office (Bakersfield)

** Attended meeting in Northern Region Office (Modesto)

3. APPROVAL OF CONSENT CALENDAR – *Item numbers 16-22. These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public is given the opportunity to comment on any consent item.*
 16. *Approve Action Summary Minutes for the Governing Board Meeting of Thursday, February 21, 2008*

 17. *Receive and File List of Scheduled Meetings for 2008*

18. *Receive and File Operations Statistics Summary for February 2008*
19. *Receive and File Budget Status Report as of February 29, 2008*
20. *Approve and Authorize Chair to Execute Amendment No. 1 to Agreement with Brown Armstrong Certified Public Accountants to Extend the Contract for Annual Audit Services for One Additional Year*
21. *Receive and File Proposed 2008 PM2.5 Plan*
22. *Approve and Authorize Application for Proposition 1B Funds*

Public Comment—None

Moved: Worthley

Seconded: Case

Ayes: Case, Watson, Worthley, Nelson, Barba,
O'Brien, Perea, Vierra, Ornellas

Nays: None

Motion unanimously carried to approve Items 16-22 as recommended.

4. PUBLIC COMMENT— Jerry Frost, Kern Oil and Refining, stated he plans to meet with Governing Board members to express his views on Rule 4320.
5. REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)—Mary-Michal Rawling, Chair of the CAC, presented the report. She noted the Environmental Justice Advisory Group (EJAG) was still accepting applications, and the CAC suggested offering applicants mileage reimbursement to encourage applications. She stated the CAC had received a report on the progress of the Proposed PM2.5 Plan.
6. SPECIAL S.T.A.R. RECOGNITION OF THE FOLLOWING RETIRING DISTRICT EMPLOYEES: Thomas E. Goff, P.E., Permit Services Manager, 34 Years of Service; Sissy Smith, Former Clerk to the Board, 16 Years Of Service—Sayed Sadredin, Executive Director/APCO, presented a plaque to Mr. Goff to thank him for his years of service towards cleaning the Valley air both with the District and before District formation. Mr. Goff thanked the Board for their hard work and dedication to cleaning the air. Mr. Sadredin presented a plaque to Ms. Smith, one of the District's first employees and the Board's first Clerk, and thanked her for her years of service.

7. INFORMATIONAL ITEM: PUBLIC INVITATION FOR THE SAN JOAQUIN VALLEY TO THE MARCH 2008 HEALTHY AIR LIVING SUMMITS, A PART OF THE DISTRICT'S FAST TRACK TO ATTAINMENT STRATEGY—Seyed Sadredin, Executive Director/APCO, gave an informational report on the District's new initiative, Healthy Air Living. This initiative, the most comprehensive in the District's history, involves every division of District staff. The ultimate goal is to create a culture where air quality is a priority in the day to day decisions made by businesses, municipalities, and individuals. Over 100 informational presentations have been made to stakeholders by management and staff in the past few months, throughout the entire District. This diverse group of stakeholders, including groups fairly new to District activities such as faith-based organizations and auto dealerships, are being asked to commit to activities such as reducing VMT or shifting high emitting operations during Healthy Air Living week scheduled for July 7 - 13th, 2008.

Additionally, three free daylong summits – one in each region -- are being planned for late March, which will include presenters from public, private and nonprofit sectors. Based on registrations taken so far, the District expects hundreds of attendees from business and industry, government and the general public for these events.

8. APPROVE AND AUTHORIZE THE CHAIR TO SIGN AGREEMENT BETWEEN THE DISTRICT AND NEUTON TO CONDUCT A LAWN MOWER TRADE-IN PROGRAM AND APPROVE BUDGET RESOLUTION APPROPRIATING \$55,000 IN UNANTICIPATED REVENUE FOR A LAWN MOWER PROGRAM—Jaime Holt, Chief Communications Officer, presented the report. She stated the Clean Green Yard Machine (CGYM) program is one of the District's most popular programs. She stated the District has worked with other electric lawn mower manufacturers in the past, and selected Neuton as the company to work with again based on their excellent customer service and the feedback the District has received from past program participants on the quality of the product and the responsiveness of the company. She noted the District's CGYM program is a model for other districts who want to copy the program.

Supervisor Barba asked if the District requires the lawn mower to be functional. Mr. Sadredin stated that the District believes that any lawn mower that is brought in, operational or not, removes one gasoline powered lawn mower from the Valley because a non-operational lawn mower has to be replaced, and the program ensures it's replaced with an electric lawn mower.

Supervisor Nelson stated he owns an electric lawn mower and that it works great. Supervisor Worthley stated he would encourage other counties to participate. Supervisor Case suggested asking cities to participate in the program as well. Councilmember Vierra asked if Neuton can honor the

discounted price to the public when the vouchers run out. Ms. Holt stated she would discuss that with Neuton.

Public Comment—*The following persons provided testimony on this item:*

- Jerry Frost, Kern Oil and Refining

Moved: Case

Seconded: Vierra

Ayes: Watson, Case, Nelson, Perea, Barba,
O'Brien, Worthley, Vierra, Ornellas

Nays: None

Motion unanimously carried to approve and authorize the Chair to sign agreement between the District and Neuton to conduct a lawn mower trade-in program and approve budget resolution appropriating \$55,000 in unanticipated revenue for a lawn mower program.

9. APPROVE COMMUNITY CLEAN AIR FUND FOR THE SAN JOAQUIN VALLEY—Todd DeYoung, Supervising Air Quality Specialist, presented the PowerPoint. He stated the Community Clean Air Fund is part of the Fast Track to Attainment. Mr. DeYoung stated the District has anticipated a need of \$180 million per year to expedite attainment of the Ozone standard, and while a significant increase in funding has been secured, the District is actively pursuing additional funding sources. The concept behind the Community Clean Air Fund is that businesses and individuals can donate money, and those funds would be used to augment the District's highly successful incentive programs. Mr. DeYoung stated the District would partner with already existing 501(c)(3) non profit entities to administer the funds. The first partner the District has identified is Fresno Regional Foundation (FRF), which manages more than 125 funds. Mr. DeYoung stated the potential project types include agricultural equipment, gross polluting vehicle replacement, school bus replacements or retrofits as well as other projects.

Dan De Santis, Fresno Regional Foundation, stated he's excited to work with the District on this new fund. Councilmember Perea stated he would like a report to see what donations are coming in. He would like to see the City of Fresno donate, and encouraged other municipalities to do the same. Councilmember Vierra suggested an endowment program that could fund the Clean Green Yard Machine indefinitely. Supervisor O'Brien asked if the operating costs could be incorporated into the District's operating costs. Mr. Sadredin stated staff had considered that, but at this time, the District wants to ensure fees paid to the District support District programs. Supervisor Watson suggested staff work with Kern Community Foundation in the South Valley.

The Chair asked if the Board would receive an annual report. Mr. Sadredin affirmed and stated the District would maintain transparency. The Chair

asked what happens with donated property, and Mr. De Santis stated Fresno Regional Foundation's policy is to sell property immediately.

Public Comment—*The following persons provided testimony on this item:*

- Manuel Cunha, Nisei Farmers League
- Liza Balanos, Central Valley Air Quality Coalition

Moved: Worthley

Seconded: Barba

Ayes: O'Brien, Perea, Nelson, Case, Worthley,
Barba, Watson, Vierra, Ornellas

Nays: None

Motion unanimously carried to approve the Community Clean Air Fund for the San Joaquin Valley.

10. ADVISORY RECOMMENDATION TO THE CITIES CONCERNING CITY REPRESENTATIVE APPOINTMENTS TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

— Seyed Sadredin, Executive Director/APCO, presented the PowerPoint. He noted the District has historically taken a hands-off approach to the City appointments. He stated that while the League of California Cities (League) has traditionally made the City appointments to the Governing Board, the League is seeking a diminished role and has asked for district advice on this matter.

Mr. Sadredin noted SB719 outlines a complicated and interdependent formula for appointing the City members. He stated that the complicated formula outlined in SB 719 would make it virtually impossible for Board Members to be selected by multiple entities, such as chapters of the League or city councils without extensive coordination. Therefore, the staff recommendation was for the cities to establish a rotation schedule specifying the county from which a city representative would be selected in any given year. The cities in that county would then select the city representative from their county. The rotation schedules and member selections could be made by the vote of existing city selection committees or the city councils. The District has looked at all the possible scenarios and created four sample rotation options that the cities can consider. Mr. Sadredin emphasized that the proposed recommendation is only advisory, would not bound the cities, and is only being offered at the request of the League.

Supervisor Worthley recommended that the cities in the County should agendaize the item to have a public and transparent discussion. Councilmember Perea stated his initial reaction is for the District to stay out of the process and not open itself up to charges of bias. Supervisor Barba agreed that the District should not get involved. Supervisor Worthley stated he agreed the District should not get involved with the selection, but stated

this is only the District's ideas on how the cities can rotate. Supervisor Case stated that while she would prefer the District not get involved, she knew someone had to do the work to figure out where the appointments can come from. She noted the District is not naming specific people that can fill those positions.

Councilmember Vierra stated that SB719 is very complicated. He stated the rotation provides clarity and equality and removes the politics from the decision, and the District should not be involved with who fits into those schedules. He noted the District is not presenting anything the League couldn't come up with on their own. Supervisor Watson noted the League asked for help, and that this is an objective approach. Supervisor O'Brien stated the rotation schedule is non-political, and suggested to only authorize staff to submit the suggested rotation schedule. Mr. Sadredin stated he would emphasize the Board's desire not to choose the member of the Board.

Public Comment: None

Moved: Worthley

Seconded: Case

Ayes: Watson, Barba, Case, Worthley, Nelson,
O'Brien, Perea, Vierra, Ornellas

Nays: None

Motion unanimously carried to authorize staff to forward to the League of California cities their findings as information only with the suggestion that all City Councils in the County be involved in the appointment process for their respective counties.

11. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB)—Jeff Lindberg, ARB Representative, stated the EPA ozone standard was recently revised. He also stated the PM2.5 standard was strengthened, and ARB recommended the San Joaquin Valley be designated non-attainment for this new standard.

Supervisor Case asked how the PM2.5 Plan will address the new standard. Mr. Sadredin stated some of the measures in the Proposed PM2.5 Plan anticipate this new standard.

12. APPOINT AD HOC BUDGET SUBCOMMITTEE—The Chair appointed the following members to the Ad Hoc Budget Subcommittee: Supervisor Ornellas, Councilmember Vierra, Supervisor Barba, Supervisor Dominici, and Supervisor Worthley

13. EXECUTIVE DIRECTOR/APCO COMMENTS—Seyed Sadredin, Executive Director/APCO, stated he and Supervisor Worthley were heading up a coalition from the Valley including business and environmental interests to Washington DC in April to advocate for additional funding and support legislation.

14. GOVERNING BOARD MEMBER COMMENTS—There were no comments.

The Chair adjourned the meeting to Closed Session at 11:06 a.m.

15. CLOSED SESSION—*Conference with Legal Counsel—Anticipated Litigation: Initiation of litigation pursuant to Government Code §54956.9—One potential case.*—Philip M. Jay, District Counsel, returned to the Governing Board Room and made the following announcement: The Governing Board, by unanimous decision, authorized Mr. Jay to intervene in the EPA lawsuit regarding the PM10 Attainment. Mr. Jay stated anyone interested in finding out the particulars can contact his office for information.

ADJOURN

The meeting adjourned after Closed Session at 11:26 a.m.