

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, August 20, 2009
9:00 a.m.

*Meeting held via teleconferencing 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, Chris Vierra called the meeting to order at 9:10 a.m.
2. ROLL CALL was taken and a quorum was present.

Present:

Tony Barba, Supervisor, Vice Chair	Kings County
Judy Case, Supervisor	Fresno County
Henry J. Forman, Ph.D.	Appointed by Governor
Michael G. Nelson, Supervisor	Merced County
William O'Brien, Supervisor*	Stanislaus County
Leroy Ornellas, Supervisor*	San Joaquin County
Chris Vierra, Councilmember, Chair	City of Ceres
Raymond Watson, Supervisor	Kern County
J. Steven Worthley, Supervisor	Tulare County

*Attended meeting in Northern Region Office

Absent:

Ronn Dominici, Supervisor	Madera County
John G. Telles, M.D.	Appointed by Governor

3. APPROVAL OF CONSENT CALENDAR – Item numbers 19 – 27 *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.*
 19. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, JUNE 18, 2009
 21. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR JUNE AND JULY 2009
 22. RECEIVE AND FILE BUDGET STATUS REPORT AS OF JULY 31, 2009 AND CASH BALANCE REPORT AS OF JUNE 30, 2009

24. RECEIVE AND FILE PROPOSED AMENDMENTS TO RULE 4602 (MOTOR VEHICLE ASSEMBLY COATINGS), RULE 4603 (SURFACE COATING OF METAL PARTS AND PRODUCTS), RULE 4653 (ADHESIVES) AND RULE 4684 (POLYESTER RESIN OPERATIONS)
25. RECEIVE AND FILE PROPOSED RULE 4695 (BRANDY AGING AND WINE AGING)
26. ADOPT RESOLUTION SELECTING A CANDIDATE TO SERVE AS DIRECTOR ON THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS
27. AMEND CONFLICT OF INTEREST CODE

Consent Item #20 was pulled by Seyed Sadredin, Executive Director APCO and Consent Item #23 was pulled by Supervisor Case for further discussion and separate votes.

Public Comment – None

Moved: Watson
Seconded: Worthley
Ayes: Nelson, Watson, Worthley, Case, Forman
Barba, Ornellas, O'Brien, Vierra
Nays: None

Motion carried unanimously to approve Consent Calendar Items 19, 22 and 24-27.

20. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2009-
Chairman Vierra noted there may be a conflict with the October Governing Board meeting date and a San Joaquin Valley Supervisors Association meeting. Supervisor Worthley suggested holding a combined meeting for October and November on November 5, 2009.

Public Comment – None

Moved: Worthley
Seconded: Watson
Ayes: Barba, Forman, Worthley, Ornellas
O'Brien, Nelson, Watson, Case, Vierra
Nays: None

Motion unanimously carried to hold a combined October and November Governing Board meeting on November 5, 2009.

23. RECEIVE AND FILE LIST OF REFUNDS FOR FISCAL YEAR 2008/09 - Supervisor Case stated the reason she pulled this item is the list of refunds is large and seems to be growing due to incorrect and duplicate payments. She asked if there was a way to be clearer with people who are sending in checks. She noted these incorrect payments cost both the sender and the District time and resources. Mr. Sadredin stated staff will look into any changes that can be made to billing systems. However, he also noted that often some of these refunds are due to a change in plans as companies decide not to go ahead with certain projects. He noted in these tough economic times, this seems to have been a factor.

Public Comment – None

Moved: Case
Seconded: Barba
Ayes: Forman, Nelson, Ornellas, O'Brien, Watson
Worthley, Barba, Case, Vierra
Nays: None

Motion carried unanimously to receive and file list of refunds for fiscal year 2008/09.

4. PUBLIC COMMENT – *The following persons provided testimony during the Public Comment portion of the meeting:*

- Laura Fultz-Stout, Coalition for Clean Air
- Terry Conboy, New Dimensions Landscaping and Maintenance
- Jerry Frost

Chairman Vierra asked staff to look at the possibility of providing security at future controversial meetings in light of the situation at the May 21, 2009 Board Meeting. Mr. Sadredin noted the basic spirit of these Board Meetings encourage public participation. However, he suggested using off-duty police officers on an as needed basis. Supervisor Worthley suggested calling the appropriate law enforcement agency when the situation warrants. Supervisor Case stated the District has a duty to make Board Meetings safe and accessible to all. She noted that people are entitled to have their voice. However they shouldn't be allowed to preclude others from participating. Mr. Sadredin suggested staff could call the police department if there is an unexpected issue and hire off-duty police officers for meetings that are expected to be controversial.

5. REPORT FROM THE CITIZEN'S ADVISORY COMMITTEE (CAC) – Mary-Michal Rawling, Chair of the CAC gave a report on the meeting held on August 4, 2009. She noted they received several updates from Mr. Sadredin. She noted the CAC learned about updates regarding funding from Prop 1B, the PASS program, and stimulus money. Additionally, she stated the CAC discussed the Environmental Justice Advisory Group that will be evaluated over the next few months, and she

indicated the CAC will be providing input to the APCO about that process. She also noted the EJAG Bylaws will come before the CAC at their next meeting.

6. S.T.A.R. RECOGNITION (SERVICE, TEAMWORK, ATTITUDE, RESPECT) – Carolyn Rose, Personnel Director gave the presentation and recognized nine individuals who reached service milestones during the preceding quarter.

Five Years of Service

Joe Avila, Air Quality Inspector II
Jaime Holt, Chief Communications Officer
Glenn Reed, Senior Air Quality Specialist
Lucinda Roth, Supervising Air Quality Specialist
Brenda Turner, Air Quality Education Representative II

Ten Years of Service

Renald Harris, Air Quality Engineer II
Kamaljit Sran, Senior Air Quality Engineer
Michelle Banuelos, Senior Office Assistant

Fifteen Years of Service

Connie Goddard, Accounting Assistant II

7. INTERIM REPORT ON 2009 SUMMER SEASON HEALTHY AIR LIVING ACTIVITIES: CENTRAL VALLEY CHEVY DEALERS' NEW CAR GIVEAWAY AND OTHER PUBLIC EDUCATION AND OUTREACH EFFORTS – Mr. Sadredin stated that early this year the Board changed the Healthy Air Living initiative program to a year-round program, where individuals throughout the Valley were encouraged to take responsibility and participate in the District's work to clean the air. Mr. Sadredin gave an interim report about the summer/fall campaign, and will give a full report at the end of the season, with some measurable criteria in terms of calculating its success, as well as assessing the amount of reductions in emissions. Mr. Sadredin then introduced Jaime Holt, Chief Communications Officer, who provided a brief report about this program.

Ms. Holt spoke briefly about some activities that have been going on this summer, starting with the Chevy Malibu Hybrid car giveaway. She noted the District negotiated with Chevrolet to give away this hybrid vehicle. Ms. Holt also noted the District held four business summits this year, in Bakersfield, Fresno, Modesto, and Stockton; which were very well received, with over 250 people attending. Also, she stated the District organized 15 community chats up and down the Valley in which District employees from all departments participated. For the fall, she noted the focus will be to have District staff go to events people have already committed to, such as the Rotary Club meeting held in Merced recently; an opportunity made available by Supervisor Nelson.

Ms. Holt noted that the District is currently running a variety of advertising. Also, she noted we now have a Spanish-only pledge card. Additionally, the District is about to

launch a Spanish version of the Healthy Air Living website, making us the only district in the state of California that has a website totally set up for Spanish speaking individuals. She also explained a new business partner program, where the District is actively recruiting Valley businesses to become Healthy Air Living Partners. Several hundred invitation packets were mailed in July and staff is receiving completed applications and resolutions from interested businesses. Business partner logos are being posted on the Healthy Air Living website, and the District will allow the businesses to use the Healthy Air Living logo on their marketing materials.

Mr. Sadredin interjected that in recruiting Healthy Air Living partners, we are also reaching out to the city and counties similarly to last year, when all the counties and approximately 40 cities adopted Healthy Air Living proclamations and made pledges to do certain things to promote Healthy Air Living. Mr. Sadredin asked for the Board's assistance in moving the process forward.

Ms. Holt also reported that the District partnered with the Fresno Regional Foundation and recently did a soft launch of our Community Clean Air Fund. The fund allowed people to give a tax deductible donation to the Fresno Regional Foundation, which then can be used to target certain air quality projects. She advised that Twitter is being utilized as a source to provide daily air quality updates. She then played a radio ad and TV commercials in which Board members participated in and also played a TV commercial in Spanish.

Supervisor Watson asked if there is a way to measure whether behaviors are actually changing, and if we are reporting to the public the successes being achieved by people learning what they can do for Healthy Air Living. Mr. Sadredin stated extensive analysis was completed for the winter campaign for Healthy Air Living that dealt with the Fireplace Rule. The success in that campaign was evident by the number of people who knew of the regulations and implemented the plan, thereby resulting in a reduction in concentrations of emissions. He indicated something similar would be utilized for the winter/fall campaign. He also noted the Board has approved the budget for a scientific survey to ascertain if the public is hearing these messages, and possibly later in the fall this information can be presented to the Board. Mr. Sadredin cautioned that because this involves a cultural-changing type of approach, it may take time to see results.

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

- Melissa Kelly-Ortega, Merced/Mariposa Asthma Coalition.
- Laura Fultz-Stout, Coalition for Clean Air

8. REVIEW AND ASSESSMENT OF THE DISTRICT'S BUDGET AND SPENDING, FUNDED BY WILLIAM AND FLORA HEWLETT FOUNDATION – Mr. Sadredin introduced, Mr. Bill Sylte, principal with Sierra Nevada Air Quality Group. Mr. Sylte presented a PowerPoint presentation on "Five-year Review and Assessment of San Joaquin Valley Air Pollution Control District Budgets and Spending," dated August

20, 2009.

The William and Flora Hewlett Foundation funded the study in which the Valley Air District compared favorably with other large California air districts. The findings showed the District has low overhead, efficient air quality control programs and a very cost-effective grant management program. It also received more per capita incentive funding and spent less than other districts while accomplishing comparative results. One recommendation from the study was to increase the availability of online permit applications, and the effort is underway.

After Mr. Sylte's presentation, Mr. Sadredin indicated that the District is doing as well or better than some of the other districts. Supervisor Ornellas inquired as to what prompted this study. Mr. Sylte responded that the people most interested in the study were critics of the District. He commented that some members of the community were surprised at the findings in the draft report and challenged them, although they were later verified. Mr. Sylte noted this report is a product of the Sierra Nevada Air Quality Group and not a result of critics who demanded this study.

Supervisor Ornellas asked Mr. Sylte the cost of the study. Mr. Sylte replied the cost of the study was \$50,000. Supervisor O'Brien expressed frustration regarding the time and resources spent on defending the District's actions. He noted although we did not pay for the study, it was \$50,000 that could have been spent on cleaning the air. He stated that every member on the Board will do what they can to make this the best Air District we possibly can, and that it seems we spend a lot of time and resources defending our actions. He noted our air pollution has come a long way, but we have a long way to go.

Supervisor Watson expressed that it was nice to see how well we came out on an independent report and expressed how everyone involved should be congratulated. Supervisor Worthley stated the report is great news, as it identifies how well this operation runs. He stated this report is what makes us believable and gives us creditability. He would like an abbreviated report, highlighting certain sections, to be sent to elected officials; especially, the portion indicating we are not receiving our fair share of funds. Supervisor Worthley also commended the District, and the Board, for doing a very good job. He indicated that in the last few years, primarily under Mr. Sadredin's leadership, and with the Board going to Sacramento and Washington D.C., money has been raised by going after funds from the State and Federal government. He ended by stating we need to continue our efforts and expressed that he is very excited about the report.

Chairman Vierra stated that he had a chance to meet with some of the representatives to go over the report, and his first comment when he initially saw it was to question why we were being singled out, and question why the other groups did not have their own individual reports. However, we are all involved together for better air quality, and if there are some positive benefits from the report, that is what is important. He stated he was pleased with the report findings, and during his time on the Board a lot has been accomplished.

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

- Colby Morrow, Southern California Gas Company
- Camile Custen, Environmental Defense Fund
- Manual Cunha, Nisei Farmers League

The Governing Board took a short recess at 11:15 a.m.

The Governing Board reconvened at 11:25 p.m.

9. CONTINUATION OF THE PUBLIC HEARING FOR AMENDMENTS TO RULE 4692 (COMMERCIAL CHARBROILING) – Mr. Sadredin stated that, although participation in rule workshops had been very limited, during the June Board Meeting a number of restaurant owners raised good questions, and pointed to other areas the District needs to look in terms of cost and reliability and availability of the controls. He stated that staff, since the June meeting, had conducted several meetings with the control vendors, the people who manufacture the control technology, and held a meeting with all parties present – the owners, the vendors, and also the maintenance personnel. Based on those meetings, staff conducted an analysis on the economical feasibility of this Rule. He noted staff also took a closer look at the health effects, which was part of the direction by the Board and attempted to collect data from existing facilities. Mr. Sadredin then introduced Scott Nester, Planning Director who gave the presentation.

Mr. Nester noted since June, better information on the control costs has been obtained from vendors, and now the cost effectiveness, the cost to control PM 2.5 emissions, is estimated to be \$58,000 per ton. That is significantly higher than the previous estimate and what we considered before for controls on this scale of an operation. He stated staff found the capital cost for the equipment and installation costs from about \$37,000 to over \$100,000, and that is a one time cost; the annual operating and maintenance cost is about \$26,000 per year. Looking at the profitability of the restaurants that would be affected by this, it could be as much as 20 to 30 percent of their net profits, which is significant. He noted the District uses a bench mark of about 10 percent of net profit to indicate a significant impact and then does more analysis to see how to mitigate those kinds of impacts.

Mr. Nester also noted that most existing controls for under-fire charbroilers appear to be in response to special circumstances or are high end operations, like the Disney Concert Hall in downtown Los Angeles, which does have controls on their charbroiler operations, and also Aspen, Colorado, an upscale community, has an ordinance that requires restaurants be equipped with the controls. He noted staff was not able to find field data on the actual installations; it appears the restaurant owners are unwilling to share operational data with the District, and some installations are relatively new. He noted staff also needs to double check the information the vendors gave to the District as cost information, as well as the practicality and the durability of the equipment.

Mr. Nester stated staff concluded from this latest round of data gathering that control technology is promising, but more information is needed before recommending mandatory controls on under-fire charbroilers on a large scale. He noted staff recommends using incentive grant funding to help develop and implement control technology. The funding could come from ISR mitigation fees, and he stated staff is recommending about \$500,000 in funding, which would cover about 10 units for a pilot program for incentives.

Mr. Sadredin stated that these recommendations present a significant change to the Rule as it was presented in the June meeting. If the Board is willing to consider these changes, the Board cannot act on them today; as State law requires that when significant changes are made to a version of a rule, action must be delayed until the next scheduled hearing, in September. Mr. Sadredin recommended to the Board to consider dropping previously proposed particulate controls and the associated administrative requirements for under-fired charbroilers. He suggested directing staff to assess the feasibility and scope of an incentive grant program to advance technology and availability of particulate controls for under-fired charbroilers. He also suggested directing staff to further investigate economic feasibility and availability of particulate controls for under-fired charbroilers and present an assessment to the governing Board during the first quarter of 2011, including a recommendation on the need for further rulemaking for under-fired charbroilers. In addition, Mr. Sadredin recommended setting September 17, 2009 for the Public Hearing to consider adoption of revised proposed amendments to Rule 4692 (Commercial Charbroiling) and the incentive grant program for under-fired charbroilers.

Dr. Forman reiterated there are two important issues. One, as he suspected, this is not only a high percentage of PM 2.5, but it has some of the worst compounds in it – the PAHs; and two, that this would be very expensive to do. Supervisor Watson stated that he agreed with the recommendation as well. He stated he thinks a lot of the people who will be impacted by this are definitely small business people. He also stated that there is a very high turn-over rate and a high failure rate in the restaurant industry; therefore, the idea to pursue incentives and some kind of pilot projects, in order to determine what will work, is a good idea.

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

- Laura Fultz-Stout, Coalition for Clean Air
- Amalia Chamorro, California Restaurant Association
- Terry Maxwell

Moved: Worthley
Seconded: Barba
Ayes: Case, Worthley, Barba, Forman
Ornellas, Nelson, Watson, Vierra
Nays: None
Abstain: O'Brien

Motion carried 8-0 with one abstention to continue the Public Hearing for Amendments to Rule 4692 (Commercial Charbroiling).

10. VOLUNTARY AIR QUALITY ADVISORY PROGRAM FOR SAN JOAQUIN VALLEY SCHOOL DISTRICTS – Mr. Sadredin explained the purpose of this item is to get the Board's permission to begin a process of working with school districts and other stakeholders to develop a more flexible and effective system of dealing with student activities in relation to air quality. To insure protection of student health and to build on the existing Air Quality Flag Program, the District is developing new, voluntary activity guidelines that will offer Valley school districts added tools and flexibility in protecting student health. A key element in this program will be easy and quick access to real-time air-quality data from monitors near schools. This will provide school personnel with the short-term ability to avoid periods of high ozone or PM 2.5, or to make longer-term changes in event scheduling. The ability to access real-time air quality data will also be helpful in verifying the accuracy of the District's air quality forecast in the face of unanticipated weather patterns or exceptional events such as wildfires.

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

- Mary-Michal Rawling, Merced-Mariposa Asthma Coalition
- Melissa Kelly-Ortega, Merced-Mariposa Asthma Coalition

Moved: Watson
Seconded: Case
Ayes: Forman, Case, O'Brien, Ornellas, Worthley
Barba, Watson, Nelson, Vierra
Nays: None

Motion passes unanimously to approve a voluntary air quality advisory program for San Joaquin Valley School Districts.

11. APPROVE AGREEMENT WITH SAN JOAQUIN VALLEY CLEAN ENERGY ORGANIZATION IN THE AMOUNT OF \$19,100 TO DEVELOP REGIONAL SMALL JURISDICTION ENERGY EFFICIENCY PROGRAM – Mr. Sadredin presented this item regarding a \$19,100 agreement with the San Joaquin Valley Clean Energy Organization to develop a program, in partnership with the District, to help small, local jurisdictions apply for block grants that are available through the 2009 American Recovery and Reinvestment Act. The California Energy Commission is disbursing grant funds for the cost effective energy efficiency projects and programs.

Mr. Sadredin recommended approval of the contract with the San Joaquin Valley Clean Energy Organization. He also explained that this falls in line with the fast track measures as a non-traditional way to get more reductions in emissions.

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

- Colby Morrow, Southern California Gas Company

Moved: Worthley
Seconded: Watson
Ayes: Worthley, Forman, Case, Barba, O'Brien
Ornellas, Nelson, Watson, Vierra
Nays: None

Motion unanimously carried to approve agreement with San Joaquin Valley Clean Energy Organization in the amount of \$19,100 to develop regional small jurisdiction energy efficiency program.

12. APPROPRIATE \$1,346,000 IN UNANTICIPATED REVENUE FROM THE CARL MOYER MEMORIAL AIR QUALITY STANDARDS ATTAINMENT PROGRAM MULTI-DISTRICT SOLICITATION – Mr. Sadredin suggested this item and item 13 be reviewed and discussed together because they are similar in nature. This was approved by the Chair. Mr. Sadredin explained that these are two relatively small grants in terms of projects that the Air District has applied for and received.

The Carl Moyer Voucher Incentive Program (VIP) is a pilot program that offers owners of heavy-duty fleets of three or fewer trucks up to \$35,000 towards the purchase of a new truck. The voucher concept is a streamlined approach that the California Air Resources Board hopes to introduce in other regions. The Valley Air District is the first and currently only air district in the State operating the VIP.

Public Comment – None

Moved: Worthley
Seconded: Barba
Ayes: O'Brien, Ornellas, Nelson, Watson, Case
Worthley, Barba, Forman, Vierra
Nays: None

Motion unanimously carried to appropriate \$1,346,000 in unanticipated revenue from the Carl Moyer Memorial Air Quality Standards Attainment Program Multi-District Solicitation

13. APPROPRIATE \$300,000 IN UNANTICIPATED GRANT FUNDS FROM THE US EPA TO FUND HYBRID HYDRAULIC DEMONSTRATION PROJECT – Mr. Sadredin explained that this is a federal government grant, from EPA, funding a hybrid hydraulic demonstration project. The District plans to purchase two hybrid

hydraulic delivery vehicles that will be operated in the San Joaquin Valley as a technology demonstration project. This technology improves fuel efficiency and decreases emissions by replacing a conventional transmission with a hydraulic drive train.

Public Comment – None

Moved: Worthley
Seconded: Barba
Ayes: O'Brien, Ornellas, Nelson, Watson, Worthley
Case, Barba, Forman, Vierra
Nays:

Motion unanimously carried to appropriate \$300,000 in unanticipated grant funds from EPA to fund Hybrid Hydraulic Demonstration Project.

14. APPROVE AGREEMENT WITH WOODHAMS CONSTRUCTION, INC. IN THE AMOUNT OF \$350,495 AND APPROVE AMENDMENT TO AGREEMENT WITH MARKS BLOXOM ARCHITECTS, INC. IN THE AMOUNT OF \$4,000 FOR THE WAREHOUSE CONVERSION PROJECT IN THE CENTRAL REGION OFFICE – Roger McCoy, Director of Administrative Services, gave the presentation on this item which asks the Board to approve and authorize the Chair to sign an agreement with Woodhams Construction, Inc. in the amount of \$350,495 for the conversion of warehouse space into office space in the Central Region Office. The agreement has a provision allowing the Executive Director/APCO to increase compensation by approximately 10% to a maximum of \$386,000, to allow for contingencies encountered during the course of the project. In addition, this item asks the Board to approve and authorize the Chair to sign an agreement with Marks Bloxom Architects, Inc. which increases the maximum compensation by \$4,000 to allow for modification of the drawings to reflect the reduced scope of the project.

Public Comment – None

Moved: Watson
Seconded: Barba
Ayes: Case, Ornellas, O'Brien, Forman, Nelson
Watson, Barba, Worthley, Vierra
Nays: None

Motion unanimously carried to approve agreement with Woodhams Construction, Inc. in the amount of \$350,495 and approve amendment to agreement with Marks Bloxom Architects, Inc. in the amount of \$4,000 for the Warehouse Conversion Project in the Central Region Office.

15. ADVOCATE FOR THE INCLUSION OF FOREST MATERIALS REMOVED FROM NATIONAL MONUMENTS UNDER THE DEFINITION OF RENEWABLE BIOMASS IN HR 2454: AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009 - Mr. Sadredin stated that the issue of wildfires has been brought before the Board a number of times, and the Board has acknowledge that wild fires, if not the top public health deterrent from an air quality standpoint, it is one of the top concerns in this area. He stated that we have been working with the Federal and State land managers and fire agencies to see what we can do to minimize wildfires or handle them in a more public health protective fashion. He noted the Governing Board, using our legislative platform, adopted a multifaceted approach, aimed at decreasing the build up of fuel (biomass) in the forests. Mr. Sadredin recommended to the Board that a letter be sent to ask that biomass removed from national monuments be identified as meeting the definition of renewable biomass in HR 2454 (Waxman-Markey) so that environmentally sound measures for preventing wildfires are not discouraged.

Supervisor Worthley expressed that he would strongly support this idea. Supervisor Case stated she absolutely concurs, it puts people at risk for air pollution and puts the forests at risk because of the damage of the huge fires.

Public Comment – None

Moved: Worthley
Seconded: Barba
Ayes: Forman, Case, O'Brien, Ornellas, Worthley
Barba, Watson, Nelson, Vierra
Nays: None

Motion unanimously carried to advocate for the inclusion of forest materials removed from National Monuments under the definition of renewable biomass in HR 2454: American Clean Energy and Security Act of 2009.

16. EXECUTIVE DIRECTOR/APCO COMMENTS - Mr. Sadredin noted we are having one of the cleanest summers, air quality-wise in the Valley both for ozone and particulate matter. He noted the District's Annual Report to the Community, which will be brought before the Board in September, will capture both the air quality trend and the progress being made by the District. He also stated the Arvin monitoring station, which is owned and operated by the Air Resources Board, is being evicted from its current location by the Arvin Edison Water District. He asked for assistance from Supervisor Watson in getting more time to move the monitoring station. Mr. Sadredin also noted that Supervisor O'Brien has asked for District Staff to meet with Stanislaus County staff on Rule 9410, Employer-Based Trip Reduction Rule. He asked for all other city or county staff to contact the District to arrange for similar meetings.

17. GOVERNING BOARD MEMBER COMMENTS - Supervisor Nelson commented on the earlier discussion regarding security, mentioning that during the hearing in June, one person, who was here from Merced County because of the restaurant Rule, felt he could not fully participate due to the number of signs held by protesters. For the future, it should be discussed if signs should be left outside of the Governing Board room.
18. CLOSED SESSION –
- Conference with Legal Counsel – Existing Litigation (Government Code 54956.9), Name of Case: Association of Irrigated Residents v. District, Fresno Superior Court Number 06CECG02302
 - Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation Pursuant to Government Code 54956.9, Two Potential Cases

Mr. Phil Jay, District Legal Counsel announced following Closed Session that on the Association of Irrigated Residents Case, the Board voted unanimously not to pursue an appeal in the Attorney's Fee Motion; and, on the other two prospective litigation matters, when those matters are filed, District Counsel will disclose the names and information on those cases to anyone who inquires.

ADJOURN

Meeting adjourned at 1:25 p.m.

*Next scheduled meeting of the Governing Board: Thursday, September 17, 2009.
Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, 1990 E. Gettysburg Avenue, Fresno. The meeting will be held via video teleconference (VTC) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.*