

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, January 15, 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 9:13 a.m. Chairman Vierra welcomed Dr. Henry J. Forman to the Governing Board. Dr. Forman stated he was happy for the opportunity to participate on the Governing Board. Chairman Vierra presented a plaque to Supervisor Leroy Ornellas, to thank him for serving as Board Chair this past year. Supervisor Ornellas stated he is looking forward to continuing to serve on the Governing Board.

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

*Present*

Tony Barba, Supervisor, **Vice Chair**  
Judy Case, Supervisor  
Ronn Dominici, Supervisor  
Henry J. Forman, Ph.D.  
Michael G. Nelson, Supervisor  
William O'Brien, Supervisor  
Leroy Ornellas, Supervisor  
John G. Telles, M.D.  
Chris Vierra, Councilmember, **Chair**  
Raymond Watson, Supervisor  
J. Steven Worthley, Supervisor

Kings County  
Fresno County  
Madera County  
Appointed by Governor  
Merced County  
Stanislaus County  
San Joaquin County  
Appointed by Governor  
City of Ceres  
Kern County  
Tulare County

3. APPROVAL OF CONSENT CALENDAR – Items numbers 16 – 25 *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.*

18. RECEIVE AND FILE OPERATION STATISTICS SUMMARIES FOR DECEMBER 2008

19. RECEIVE AND FILE BUDGET STATUS REPORT AS OF DECEMBER 31, 2008

20. APPROVE AMENDMENT NO. 1 TO CONTRACT 08-10-08 WITH SONOMA TECHNOLOGY, INC.

24. APPROVE CHANGES TO THE DISTRICT'S CLASSIFICATION PLAN AND COMPENSATION PLAN

Consent Calendar Item #21 was removed for Amendment by Seyed Sadredin, Executive Director/APCO. Mr. Sadredin requested to insert a minor revision to Article 11 of the Employee MOU. He stated verbiage entitling Registered Domestic Partners to Bereavement Leave under the proper circumstances should have been added to the MOU.

Consent Calendar Item #21 was removed for Closed Session discussion by Supervisor Case.

Consent Calendar Item #17 was removed for a separate discussion and vote by Supervisor O'Brien.

Consent Calendar Items #22, 23 and 25 were removed for a separate vote by Supervisor O'Brien.

Consent Calendar Item #16 was removed for discussion by Dr. Telles.

Public Comment – None

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

**Motion unanimously carried to approve Consent Calendar Items #18, 19, 20 and 24.**

16. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, DECEMBER 18, 2008. – Dr. Telles commented on Item #12 (Adopt the District's Legislative Platform) in the December 18, 2008 Governing Board Minutes. He stated there was discussion during the meeting concerning District support of a motion to pursue a statewide tax on diesel fuel that is not reflected in the Minutes. Mr. Sadredin replied the motion for Item #12 summarized the discussion in the sentence which reads "The Board also supports, in concept, an additional statewide fuels tax as an alternative funding source". Dr. Telles clarified that discussion was more specific to a diesel fuel tax. Supervisor Worthley stated that the language in the motion relating to potential support for the fuel tax was more appropriate. Dr. Telles expressed satisfaction with the language presented and did not ask for any changes.

Supervisor Case stated that Item #14 (Continued Study and Assessment of Residential Wood Burning Issues) does not address the discussion in sufficient detail concerning wood burning issues above 3,000 ft., and she would like it to be included in the Minutes. Mr. Sadredin suggested more information regarding that discussion can be added to the Minutes and brought back before the Board at the next meeting.

**The Board directed staff to include highlights of the discussion on wood burning concerns above 3,000 ft. in the discussion on Item#14, and return the Minutes to the Board for approval at the next meeting.**

17. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2009 –

Supervisor O'Brien asked the Board to consider adding a meeting date in November 2009. He asked that a November meeting date be scheduled and if it is determined that one is not necessary, it can be cancelled at a later date. Mr. Sadredin stated staff can poll the Board Members to find a tentative meeting date for November 2009.

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

**Motion carried 10-2 to schedule a tentative Governing Board meeting date for November 2009.**

22. CONTRACT FOR EXECUTIVE DIRECTOR/APCO

23. CONTRACT FOR DISTRICT COUNSEL

25. APPROVE CHANGES TO THE DISTRICT'S COMPENSATION PACKAGE FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES

Supervisor O'Brien stated he requested these items be pulled so there could be a separate vote.

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

**Motion carried 10-1 to approve Consent Calendar Items #22, 23 and 25.**

4. PUBLIC COMMENT – None

5. REPORT FROM THE CITIZEN'S ADVISORY COMMITTEE (CAC) - Mary-Michal Rawling, Chair of the Citizen's Advisory Committee gave an update on the CAC meeting held on January 6, 2009. She reported the CAC selected Amarpreet Dhaliwal as their Primary City Interest Group Representative on the Environmental Justice Advisory Group. Mr. Rico Aguayo was selected as the Alternate City Interest Group Representative. She also reported on the Environmental Justice Advisory Group's recent activities, which included setting up their 2009 meeting schedule and developing their Bylaws. The EJAG meets on the third Monday of every month, alternating morning and evening meeting times. She stated the EJAG is reviewing the District's Environmental Justice Strategy, and they currently have three vacancies – one Tulare County At Large Representative and two Ethnic Small Business Owners. In addition, Ms. Rawling reported the CAC received updates on grant funding in light of the state budget crisis and the FAST program at their January meeting. She also stated that David Harrald, Tulare County's Primary Member from the Industry/Ag Group has retired from the CAC. Gary Rohman, the Alternate from Tulare County Industry/Ag Group will assume the Primary position.
  
6. S.T.A.R. RECOGNITION (SERVICE, TEAMWORK, ATTITUDE, RESPECT) - Carolyn Rose, Personnel Director gave the presentation. She recognized the following employees:
  - Jo DeMers, 5 years of service
  - Dillon Collins, 5 years of service
  - Bob Goon, 5 years of service
  - Tanya Good, 10 years of service
  - Chay Thao, 10 years of service
  - Richard Edgehill, 10 years of service
  - Ken Pretzer, 15 years of service
  
7. APPROVE AMENDMENT TO TRANSPORTATION CONGESTION RELIEF PROGRAM (TCRP) AGREEMENT ALLOWING THE DISTRICT TO UTILIZE INTEREST FROM ADVANCED TCRP FUNDS TO IMPLEMENT SB 23 (COGDILL) – Seyed Sadredin, Executive Director/APCO gave the presentation. The District received a \$25 million grant from Caltrans to implement the Valley Emergency Clean Air Project (VECAP). The program, which is nearing completion, has funded projects to clean up agricultural engines, locomotives, on- and off- road equipment, school buses and the installation of truck-stop idle reduction equipment. SB23 requires the District to administer a voluntary program to replace high polluter vehicles with lower, donated emission vehicles. Until now, the District was required to return interest earned on these funds to the state. Mr. Sadredin reported that the District supported legislation which passed last year and has negotiated changes to the contract which would allow the District to retain the interest earned for expenditure in support of SB 23 Vehicle Scrappage Program.

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

***Motion unanimously carried to approve Amendment to Transportation Congestion Relief Program (TCRP) Agreement allowing the District to utilize interest from advanced TCRP funds to implement SB 23 (Cogdill)***

8. HEALTH UPDATE: ASSESSMENT OF THE HALL ET AL. REPORT: "THE BENEFITS OF MEETING FEDERAL CLEAN AIR STANDARDS IN THE SOUTH COAST AND SAN JOAQUIN VALLEY AIR BASINS." CALIFORNIA STATE UNIVERSITY, FULLERTON AND SONOMA TECHNOLOGIES, INC., NOVEMBER 2008 – David Lighthall, PhD, District Health Science Advisor gave the presentation. He assessed recent studies on the costs of air pollution and the benefits of reaching attainment. He discussed the studies' methodology and clarified the meaning of the term "value of a statistical life".

There was significant discussion amongst the Board regarding the value placed on life and how a premature death is measured. Items discussed included the possibility of tracking the effect of pollution-related illness by emergency room visits and health-related costs saved by improvements made to the Valley's air quality.

9. ECONOMIC FEASIBILITY ANALYSIS AND RELATED CONSIDERATIONS FOR NEW REGULATIONS – Scott Nester, Planning Director gave the presentation. He reported on the methodologies used to assess the economic feasibility and socioeconomic impact of new regulations. He noted that the District performs detailed cost and socioeconomic analyses as part of the rule development process. He explained how the District works to find the most cost effective approaches to reducing emissions and to minimize any significant economic impacts. Supervisor O'Brien asked if the District verifies the real costs to businesses after the implementation of a rule. Mr. Sadredin stated the District often finds the actual cost to businesses is lower than projected by the economic analysis, because the business can often find a cost-effective way to comply with the rule. Supervisor Watson also expressed interest in continued review and analysis to enhance our economic feasibility analysis. Mr. Sadredin offered to work with the Citizens Advisory Group of Industries (CAGI) for ideas to pursue.

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

- Jerry Frost, Kern Oil and Refining
- Chad Tuttle, Big West of CA

Moved: Watson  
Seconded: Case  
Ayes: Nelson, Watson, Worthley, Barba, Forman, Telles

Dominici, Ornellas, O'Brien, Case, Vierra  
Nays: None

***Motion unanimously carried to receive and file the report with direction to staff to consider how to refine and improve this process. In addition, staff was directed to identify 2 or 3 source categories to study how actual implementation costs compared to District estimates.***

10. ADOPT PROPOSED AMENDMENTS TO RULE 1020 (DEFINITIONS) – George Heinen, Supervising Air Quality Engineer gave the presentation on proposed amendments to Rule 1020 (Definitions). The amendments eliminate some restrictions on the use of compounds, methyl formate and tertiary-butyl acetate which do not contribute to smog. Under the amended Rule, a facility operator may apply to the District to modify their permits to allow the use of these compounds. To ensure that the use of these materials does not pose a significant risk to Valley residents, the District will perform a health risk assessment prior to modifying a facility's permits to allow the use of these compounds. In addition, there was clarification needed of the District's southern boundary definition.

Dr. Telles asked for clarification on page 4 of the Final Draft Staff Report, which states that methanol has no reported health concerns. He stated methanol does have reported health concerns. Mr. Sadredin stated that additional clarification to that statement is needed and verbiage will be added to correct that statement.

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

- Dan Pourreau, Lyondell

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

***Motion unanimously carried to adopt proposed changes to Rule 1020 (Definitions).***

11. AUTHORIZE ACTIONS TO EXPAND DISTRICT'S AIR MONITORING NETWORK – Scott Nester, Planning Manager gave the presentation. He stated staff is asking the Board to take ownership of two donated air monitoring stations, one in Lebec (Tejon Ranch) and one in Tranquility (western Fresno County). In addition, the Board was asked to approve the construction plans for the Madera air monitoring station, and to add an additional Air Quality Instrument Technician position.

Supervisor Case asked about locating air monitoring stations in the mountain area. Mr. Sadredin replied that currently monitors are located according to federal and state law and currently there are no permanent air monitors in the mountain area.

Supervisor Case restated her concerns about the increasing population of mountain communities and the impact of residential smoke on those areas.

Dr. Telles asked if the air monitor located in Lebec would be used to monitor air quality near the school located on Interstate 5 in Kern County. Mr. Nester responded the monitor is already located about a quarter mile from Interstate 5 on the east side. Dr. Telles asked if an air monitor has ever been located near the school. Mr. Nester replied ARB had placed a monitor near the school for about a year, near the entrance to Frazier Park and Interstate 5. Mr. Sadredin stated that information showed the PM2.5 readings at that location were 2 to 3 times lower than the greater Bakersfield area. Dr. Telles stated it may be a good idea to locate a monitor near the school in the future. Supervisor Watson stated it is possible that because the source of the pollution is mobile, it could become an ARB issue. Mr. Sadredin replied that unfortunately ARB has reduced the amount of resources for monitoring. Supervisor Watson asked about the possibility of using the Lebec monitor for that location. Mr. Sadredin said the monitor will eventually be used to monitor other locations after one year at its current location.

Supervisor Case asked Dr. Lighthall to put together a presentation to the Board on the risk of living or spending intense periods time near a freeway. In addition, she asked staff to present a proposal to the Board to locate the District's currently owned portable monitor in Shaver Lake to look at PM concentrations in the area.

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

- Sarah Sharpe, Fresno Metro Ministry

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

***Motion unanimously carried to accept the recommended action and direct staff to bring back a proposal to place a mobile source for monitoring PM in an Shaver Lake. In addition, Dr. Lighthall was directed to report to the Board on the health effects of the school's location next to a freeway.***

12. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) – Ravi Ramalingam, ARB Liaison gave an update at the items that will be discussed at the January 22<sup>nd</sup> ARB Board Meeting including proposed amendments to the In Use Off-Road Diesel Fueled Fleet Regulations.

13. EXECUTIVE DIRECTOR/APCO COMMENTS – Seyed Sadredin, Executive Director gave an update on Proposition 1B funding in light of the state’s budget crisis. He reported the state is unable to sell bonds at this time which has caused additional Proposition 1B funding due to the District to be placed on hold until the budget crisis is resolved. He stated the District has already received approximately \$13 million in incentive funds and has executed contracts to disburse this money. Although ARB had requested the District hold off on disbursement, the District is working with ARB to honor the executed contracts and disburse monies already received. He reported there will be a delay in School Bus Program expenditures.

Supervisor Dominici asked Dr. Telles if he could stress how important the School Bus Program is to the Valley at the next ARB Board Meeting. Dr. Telles replied he would and asked about the number of pending diesel truck applications at the District. Mr. Sadredin replied overall the District received \$135 million in truck applications for \$40 million dollars in available incentives. He reported the District is still processing these contracts and waiting for a resolution.

Supervisor Case asked for a Budget Briefing for the District.

Mr. Sadredin stated that staff and 3 Board Members will be meeting with South Coast AQMD staff and Board Members on January 28<sup>th</sup> in an attempt to work together on several joint projects and policy issues. He also reported on a presentation he gave to the Madera County Board of Supervisors and stated he is available to give presentations to other agencies if requested. He also reported as of noon today, the District’s Bakersfield office is moving to their new location at 34946 Flyover Court, Bakersfield, CA 93308.

Supervisor Watson asked Mr. Sadredin about available dates for the District’s VTC facilities for workshops. Mr. Sadredin replied the District is working to make the VTC Rooms available and now posts all public meetings to the Events Calendar on the District Website.

14. GOVERNING BOARD MEMBER COMMENTS - None

*The Governing Board adjourned to Closed Session at 11:45 a.m.*

The Governing Board reconvened at 12:05 p.m.



15. CLOSED SESSION –

21. APPROVE MOU FOR THE GENERAL BARGAINING UNIT; APPROVE MOU FOR THE SUPERVISORY BARGAINING UNIT; APPROVE CHANGES TO THE DISTRICT'S COMPENSATION PLAN FOR THE GENERAL AND SUPERVISORY EMPLOYEES; APPROVE RELATED CHANGES TO THE PERSONNEL RULES SECTION OF THE DISTRICT'S ADMINISTRATIVE CODE – Roll Call was taken by the Clerk to the Board and all Governing Board Members were present.

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

- Kevin Smith, SEIU #521

Supervisor Case stated while she supports the proposed District employee salary increase, she cannot support the approval of this MOU due to the provision providing for political contribution to union causes through the payroll deduction plan. She stated her belief that government should not be a conduit for political contributions.

*Moved:* Worthley

*Seconded:* Nelson

*Ayes:* Barba, Forman, Dominici, Nelson, Worthley,

*Nays:* Case, Watson, Telles, O'Brien, Ornellas, Vierra

***Motion defeated 6-5 to approve Consent Calendar Item #21.***

Supervisor Case directed staff to work at negotiating on the section of the MOU regarding political contributions, as she does support the staff pay increases and would like to see this issue resolved as soon as possible.

**ADJOURN**

Meeting adjourned at 12:10 p.m.

*Next scheduled meeting of the Governing Board: Thursday, February 19, 2008. 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.*