

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 21, 2010
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, Tony Barba called the meeting to order at 9:10 a.m.
2. ROLL CALL was taken and a quorum was present.

Present:

David G. Ayers, Councilmember	City of Hanford
Tony Barba, Supervisor, Chair	Kings County
Judy Case, Supervisor	Fresno County
Ronn Dominici, Supervisor	Madera County
Ann Johnston, Mayor*	City of Stockton
Randy Miller, Councilmember**	City of Taft
Michael G. Nelson, Supervisor	Merced County
William O'Brien, Supervisor*	Stanislaus County
Leroy Ornellas, Supervisor*	San Joaquin County
John G. Telles, M.D.	Appointed by Governor
Chris Vierra, Councilmember*	City of Ceres
Raymond Watson, Supervisor**	Kern County
J. Steven Worthley, Supervisor, Vice Chair	Tulare County

*Attended meeting in Northern Region Office

**Attended meeting in Southern Region Office

Absent:

Henry J. Forman, Ph.D.	Appointed by Governor
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3. APPROVAL OF CONSENT CALENDAR – Item numbers 15 – 24 *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.*
 15. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, DECEMBER 17, 2009
 16. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2010

17. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR DECEMBER 2009
18. RECEIVE AND FILE BUDGET STATUS REPORT AS OF DECEMBER 31, 2009
19. ADOPT REVISED GOVERNING BOARD CHAIRPERSON AND VICE-CHAIRPERSON ROTATION SCHEDULE
20. APPROVE CONTRACT WITH LR HINES CONSULTING, INC., FOR DOCUMENT CONVERSION SERVICES FOR EMISSION REDUCTION INCENTIVE PROGRAM DOCUMENTS FOR AN AMOUNT NOT TO EXCEED \$79,700
21. APPROVE VOLUNTARY EMISSION REDUCTION AGREEMENT WITH GILL RANCH STORAGE LLC, REGARDING PAYMENT OF FUNDS TO THE DISTRICT IN THE AMOUNT OF \$252,824 FOR THE PURPOSE OF MITIGATING AIR QUALITY IMPACTS OF THE PROPOSED "GILL RANCH STORAGE" PROJECT
22. APPROVE CHANGES TO THE DISTRICT'S CLASSIFICATION PLAN AND COMPENSATION PACKAGE FOR MANAGEMENT EMPLOYEES
23. CONTRACT FOR EXECUTIVE DIRECTOR/APCO
24. CONTRACT FOR DISTRICT COUNSEL

Item number 17 was pulled by Dr. Telles and item number 18 was pulled by Supervisor Case for further discussion and a separate vote.

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

Motion unanimously carried to approve Consent Calendar Items 15-16 and 19 – 24.

RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR DECEMBER 2009 – Dr. Telles requested the report be reformatted to give the Board a better idea of what the trends are. He stated it would be helpful to have numbers to be able to compare to previous years. Seyed Sadredin, Executive Director/APCO, stated he would take Dr. Telles' comments and find the best way to get comparable information.

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

Motion unanimously carried to approve Consent Calendar Item 17.

18. RECEIVE AND FILE BUDGET STATUS REPORT AS OF DECEMBER 31, 2009 – Supervisor Case asked about non-operating revenues as reported in the Budget Status Report as of December 31, 2009. Mr. Sadredin explained that due to the state budget crisis, the District just received \$35 million dollars of the \$45 million dollars expected, so that money had been received but had not yet been expended.

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

Motion unanimously carried to approve Consent Calendar Item 18.

4. PUBLIC COMMENT - None
5. REPORT FROM THE CITIZEN'S ADVISORY COMMITTEE (CAC) – Manuel Cunha, new Chair of the CAC gave a report on the meeting held in January. Mr. Cunha stated, in the future, highlights from the CAC meetings will be added to the Governing Board Agenda packet. He also thanked Mary-Michal Rawling for doing an outstanding job serving the past two years as CAC Chairperson. Mr. Cunha reported that Mr. Sadredin gave a report on the Governing Board meeting held in December and also on Rule 9410 (Employer Based Trip Reduction).
6. S.T.A.R. RECOGNITION (SERVICE, TEAMWORK, ATTITUDE, RESPECT) – Carolyn Rose, Personnel Director gave the presentation which formally recognized employees who reached a service milestone during the fourth quarter of 2009.

Five Years of Service

Trevor Joy, Air Quality Specialist II
John Roach, Senior Air Quality Inspector
Betty Laudig, Air Quality Specialist II
Angela Franz, Air Quality Inspector II
Sheri Bohigian, Air Quality Education Representative II
Wendy Olsen, Air Quality Assistant

Ten Years of Service

Rob Vinson, Senior Air Quality Inspector

Todd DeYoung, ERIP Program Manager
Lisa Middleton, Air Quality Inspector II

Fifteen Years of Service

Dwayne England, Air Quality Inspector II
Carlos Garcia, Senior Air Quality Engineer
Rich Burt, Communications Systems Analyst II

7. **APPROVAL OF THE DISTRICT'S REGIONAL ENERGY EFFICIENCY STRATEGY**
– Mr. Sadredin gave the introduction and background information for the District's Regional Energy Efficiency Strategy (REES), which implements a District Fast-Track Strategy measure. He then introduced Lisa Van De Water, Air Quality Specialist and Scott Nester, Planning Director who gave the presentation. Ms. Van De Water and Mr. Nester explained that the REES is a long-range strategy to encourage and offer incentives for energy efficiency and conservation in residential, commercial, municipal and industrial sectors throughout the Valley. They noted through education and outreach, program development and increased grant opportunities; the REES will help the Valley reduce emissions through reduced energy consumption. To date, the District has assisted Valley jurisdictions in applying for ARRA energy-efficiency grants to ensure that the Valley gets its fair share of these much-needed funds.

There was significant discussion amongst Board Members on the many ways that the REES can benefit the Valley. They also commended staff for doing an outstanding job researching and presenting this strategy.

Public Comment: *The following persons gave testimony on this item:*

- Sarah Sharpe, Fresno Metro Ministry
- Joe Oldham, City of Fresno
- Laura Fultz-Stout, Coalition for Clean Air
- Colby Morrow, Southern California Gas Company

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

Motion unanimously carried to approve the District's Regional Energy Efficiency Strategy.

8. **ADOPT THE DISTRICT'S 2010 LEGISLATIVE PLATFORM** – Mr. Sadredin stated in the past four years, the District has had great success in bringing additional funding resources to the Valley and advancing the District's legislative priorities. He then introduced Tom Jordan, the District's Senior Policy Advisor, who presented the District's 2010 Legislative Platform and Paul Yoder, the District's representative in

Sacramento, who gave an overview of current legislative activities. Mr. Jordan outlined seven priority areas in the District's 2010 Legislative platform:

- Seek legislation to promote cost-effective alternatives to ag burning.
- Support measures to provide reliable water supplies for the Valley.
- Support policies and initiatives that encourage energy efficiency and renewable energy.
- Pursue funding for incentives to expedite attainment of national air quality standards for particulate matter and ozone.
- Seek the establishment of an air-quality empowerment zone at the state level.
- Curb wildfires and associated adverse health impacts.
- Support re-authorization of the Federal Transportation Bill.

Mr. Sadredin pointed out the addendum to this item is in response to recent actions by the Environmental Protection Agency (EPA) disapproving an exemption proposed by the District's Rule 3170 (Federally Mandated Non-attainment Fee) for "clean units" that had complied with the most stringent control requirements. He stated staff recommends amending the District Legislative Platform to advocate for the repeal of Section 185 of the Clean Air Act (CAA) or eliminating the inequities in the fee by providing an exemption from the fee for "clean unit" sources that have installed Best Available Control Technology. He stated he will give a detailed presentation on this item at the next Governing Board meeting.

Mr. Yoder reported the Governor recently announced a \$19.9 billion deficit in the state's budget. He stated the Governor cited decreased revenues, court decisions, erosion in some of the savings adopted in 2009 and additional costs associated with population-driven entitlement programs as reasons for the deficit. He noted a big part of how the Governor proposes to resolve the deficit in the current budget is by obtaining more funds from the federal government. He also gave a brief overview of current state legislative activities.

Mayor Johnston left at 11:10 a.m.

Several Board members expressed concern about the water issues affecting the Valley and the related impact on air emissions.

Public Comment – None

<i>Moved:</i>	Worthley
<i>Seconded:</i>	Case
<i>Ayes:</i>	Miller, Watson, Ornellas, Vierra, Ayers, Dominici, Case, Nelson, Telles, O'Brien, Worthley, Barba
<i>Nays:</i>	None

Motion unanimously carried to adopt the District's 2010 Legislative Platform.

9. APPOINT AD HOC BUDGET SUBCOMMITTEE – The following Board Members volunteered to serve on the District’s Ad Hoc Budget Subcommittee: Supervisor Case, Supervisor Worthley, Councilmember Ayers, Councilmember Miller, Supervisor Barba and Dr. Forman.
10. APPOINT AD HOC SUBCOMMITTEE TO CONSIDER NEW DMV FEES UNDER AB2522 (ARAMBULA) – The following Board Members volunteered to serve on the Ad Hoc Subcommittee to consider new DMV fees under AB2522 (Arambula): Supervisor Nelson, Mayor Johnston, Supervisor O’Brien, Supervisor Watson, Councilmember Vierra, Supervisor Dominici and Supervisor Ornellas.
11. VERBAL REPORT BY JOHN G. TELLES, M.D. ON AIR RESOURCES BOARD (ARB) ACTIVITIES – There was no verbal report by Dr. Telles on ARB activities this month.
12. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin reported staff is planning a trip to Washington D.C. for various meetings scheduled to begin on March 24th and asked for Board Members who are available to attend. He stated last year’s air quality during fireplace burning season was one of the cleanest years on record and so far this year is even better in terms of exceedances and number of good air quality days. He stated staff will present a full report at the end of the fireplace burning season. He also reported the EPA has come up with a new proposal for the 8-hour ozone standard and they are proposing a range of 60-70 ppb. He stated the proposed new standard will place 40 California counties in non-attainment status.

He also reported that ARB is holding a Truck Rule Workshop at the Central Region office on January 26th at 1:00pm. Phil Jay, District Council reported the District prevailed at both the Trial Court and Court of Appeal level in the Building Industry Association (BIA) case involving the Indirect Source Review Rule. He stated the BIA petitioned the California Supreme Court for a hearing to appeal the ruling and was recently denied after the District filed an opposition to the hearing. Mr. Jay recognized Catherine Redmond, Assistant District Council for her hard work on the case.

Mr. Sadredin also reported the Burn Cleaner program began on January 16th and seems to be going well. He noted there are some concerns from low income households regarding the change to reimburse consumers directly instead of retailers. He stated the low-income households are having difficulty coming up with the up front costs. He stated staff is looking into ways to address these concerns. He also reported the District is sponsoring a PM conference on June 8th and 9th and encouraged Board members to attend. (The dates for the conference were subsequently changed to June 9th and 10th at the suggestion of Supervisor Case)

13. GOVERNING BOARD MEMBER COMMENTS – Supervisor Case noted Boards of Supervisors meet on Tuesdays throughout the state and suggested future conferences be scheduled on weekdays other than Tuesday. Supervisor Watson

congratulated Mr. Jay and Ms. Redmond on the ISR appeals.

14. **CLOSED SESSION** – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (a))

- *San Joaquin Valley Air Pollution Control District v. Pimentel et al.*, Fresno County Superior Court Case No. 09 CECL 09597

ADJOURN

Meeting adjourned at 11:49 a.m.

*Next scheduled meeting of the Governing Board: Thursday, February 18, 2010.
Meeting starts at 9:00 a.m., Central Region Office, Governing Board Room, and 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.*