

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, September 18, 2014
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, Supervisor Walsh called the meeting to order at 9:02 a.m.
2. ROLL CALL was taken and a quorum was present.

Present:

Oliver L. Baines III, Councilmember	City of Fresno
Tony Barba, Supervisor	Kings County
Skip Barwick, Councilmember	City of Tulare
Sally Bompreszi, Councilmember***	City of Madera
John Capitman, Ph.D.	Appointed by Governor
Judy Case McNairy, Supervisor**	Fresno County
David Couch, Supervisor**	Kern County
Bob Elliott, Supervisor*	San Joaquin County
William O'Brien, Supervisor*	Stanislaus County
Dr. Alexander Sherriffs	Appointed by Governor
Hub Walsh, Supervisor, Chair	Merced County
Tom Wheeler, Supervisor, Vice Chair	Madera County
J. Steven Worthley, Supervisor	Tulare County

* Attended meeting in Northern Region Office

**Attended meeting in the Southern Region Office

***Arrived at 9:08 a.m.

Absent:

Dennis Brazil, Mayor	City of Gustine
Harold Hanson, Councilmember	City of Bakersfield

3. APPROVAL OF CONSENT CALENDAR – (Item Numbers 13 – 17) *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.*
13. APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, AUGUST 21, 2014
14. RECEIVE AND FILE LIST OF SCHEDULED MEETINGS FOR 2014
15. RECEIVE AND FILE OPERATION STATISTICS SUMMARY FOR AUGUST 2014
16. RECEIVE AND FILE BUDGET STATUS REPORT AS OF AUGUST 31, 2014
17. RECEIVE AND FILE SUMMARY AND ACTION ITEMS FROM THE 2014 GOVERNING BOARD STUDY SESSION

For Item #13, APPROVE ACTION SUMMARY MINUTES FOR THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD MEETING OF THURSDAY, AUGUST 21, 2014 - Supervisor Case McNairy noted Board member attendance in the Modesto office was not accurately reflected in the Minutes and asked that it be corrected to show that she and Supervisors Elliott and O'Brien attended the meeting in Modesto.

Public Comment: *The following persons commented on this item:*

- Tom Frantz, Association of Irrigated Residents (AIR)

Moved: Wheeler

Seconded: Worthley

Ayes: Baines, Barba, Barwick, Capitman, Case McNairy, Couch, Elliott, O'Brien, Sherriffs, Wheeler, Worthley, Walsh

Nays: None

Motion unanimously carried to approve Consent Calendar Items 13 – 17

4. PUBLIC COMMENT: *The following persons provided public comment during this item:*
- Tom Frantz, AIR
 - Howard Scruggs

In response to comments made by Mr. Scruggs regarding aircraft emissions related to contrails, Annette Ballatore-Williamson, District Counsel, reported that at this time the District has no regulatory jurisdiction over this area. She stated the U.S. Environmental Protection Agency (EPA), Air Resources Board (ARB) and Federal Aviation Administration (FAA) all have jurisdiction over this area.

5. REPORT ON DISTRICT CITIZENS ADVISORY COMMITTEE ACTIVITIES – Manuel Cunha, CAC Industry/Ag Interest Group member, gave the presentation on this item which provided highlights from the CAC meeting held on September 2, 2014. He reported CAC members received an update from District staff on proposed amendments to Rule 4901 and the associated Check Before You Burn and Burn Cleaner incentive programs. He reported the CAC provided unanimous consensus support for the proposed amendments, highlighting the importance of further reducing emissions from residential wood burning with respect to attainment of federal PM2.5 standards and additional health benefits. He also reported CAC members received a report on Governing Board discussions regarding potential opportunities to assist businesses wishing to site or expand in the Valley. He stated CAC members had several good suggestions for additional contacts, including Chambers of Commerce and County Farm Bureaus. He also noted several CAC members volunteered to serve on a subcommittee to assist in this effort, which will be led by Dave Warner, Deputy APCO. Mr. Cunha also reported CAC members received a presentation on actions to be considered by the Board in response to air quality impacts resulting from the extreme drought conditions experienced in the Valley. He stated CAC members approved support of the District's proposed actions. Lastly, he reported members received an overview of the successful first iteration of the District's Air Alert program.

6. REVIEW AND APPROVE SIP ACTIONS IN RELATION TO THE 2006 PM2.5 STANDARD TO ADDRESS AIR QUALITY IMPACTS RESULTING FROM THE EXCEPTIONAL WEATHER CONDITIONS CAUSED BY THE RECENT DROUGHT – Jessi Fierro, Assistant District Counsel and Jon Klassen, Strategies and Incentives Program Manager, gave the presentation on this item which proposed the Board direct the Executive Director/APCO to do the following: submit a Supplemental Document to US EPA demonstrating that the 2012 PM2.5 Plan meets applicable requirements under Clean Air Act (CAA) subpart 4; submit a formal request to US EPA to reclassify the San Joaquin Valley as a Serious nonattainment area for the federal 2006 PM2.5 standard; explore the feasibility and potential means for integrating planning mandates for the three pending particulate matter standards (1997, 2006, and 2012 PM2.5 standards); and work to garner ARB's and EPA's support for a streamlined approach that avoids unnecessary duplication.

Supervisor Case McNairy commented she sees how hard staff works on the numerous plans required. She asked if there was an administrative opportunity for developing a plan for the more stringent PM2.5 standard first, while integrating the plans for less stringent standards that would have been due earlier. Seyed Sadredin, Executive Director/APCO, responded that while the

District is pursuing legislative remedies under the Board's direction, given the environment in Washington D.C., staff is proceeding with an abundance of caution as time is of the essence with these plans. He is hoping the District can come to an agreement with ARB and EPA that when a new plan is created it subsumes the previous plans, as opposed to having 5 different plans at any given moment, with different regulations and deadlines creating confusion for the public and businesses that must comply. He said he is hearing positive comments from both ARB and EPA regarding this potential approach.

Councilmember Barwick stated he believed it was the District's positive relationship with ARB and EPA that would ultimately help the District accomplish its goals. He asked what the repercussions would be if the Valley fails to meet attainment. Mr. Sadredin responded the Federal Clean Air Act imposes sanctions for failure to meet certain deadlines or commitments in the plan. He said there is an administrative process before the sanctions kick in that could take up to 18 months. He said key sanctions could be loss of over \$2 billion in federal highway funding for the Valley, a de facto ban on new businesses being able to locate in the Valley and existing businesses being able to expand because the cost would be prohibitive. He said ultimately, EPA would take over and the Valley would lose local control, even though the District has left no stone unturned with regard to current rules and regulations. Mr. Sadredin noted the current framework in the Clean Air Act sets the District up for failure, as there is nothing the Board can do at this point to achieve certain standards, even if money were no object. For example, the technology does not currently exist to attain a 70 ppb ozone standard. Mr. Sadredin stated moving forward requires a commonsense approach, and not penalizing Valley businesses and residents who have already done everything possible.

Dr. Capitman complimented staff on their impressive work and applauded the seriousness, complexity and detail of their approach. He acknowledged the frustration involved in working in the context of changing and inconsistent federal rules. He noted this delay also represents a huge public health crisis and the consequences of not being able to meet these standards in terms of number of lives that will be affected. He stated he was wondering if additional regulatory contingencies were needed in case current drought conditions continue. Mr. Sadredin responded staff and the Board have never questioned the health based justification for EPA using the latest science to set the most stringent public health protective standards. He said although the science could be debated, at the end of the day if good science is used and it shows that "x" parts per billion is detrimental to public health, that would not be questioned. He commented the EPA should hold the District accountable to take the best possible actions to improve public health based on what is feasible in this region and once that is done, don't penalize the Valley because they have set some arbitrary and unachievable timeline. He stated contingencies are the biggest source of frustration for the District and South Coast because the concept is rooted in a logic that doesn't apply in areas with extreme nonattainment classification. He said the Valley and South Coast have already incorporated all available measures in their plans but still have a "black box" because attainment cannot be

reached with available technologies. Since all measures are being deployed now and nothing is being held back, the contingency concept in areas such as ours is difficult to satisfy.

Dr. Capitman suggested if approved today, articulating to ARB and EPA that the changes to the District's Wood Burning Rule will still not be enough to reach attainment and more severe regulations might be necessary moving forward. Supervisor Elliott advocated for efforts toward the commonsense legislative exceptional events reform, as well as Mr. Sadredin's suggestion to have the new plan subsume previous plans. He asked how other air districts are doing in terms of meeting plan requirements. Mr. Sadredin responded both South Coast and the District are ground zero in terms of air pollution impact. He noted the Valley is ahead of South Coast with no 1-Hour Ozone Standard violations last year and on track for the same this year, while South Coast has several violations. He said South Coast has the worst ozone problem and the Valley has the worst PM2.5 problem. Supervisor Elliott asked about those in other parts of the country. Mr. Sadredin responded it was estimated that another 500 plus counties will be in non-attainment under the new standards. Supervisor Elliott voiced concern about the current system under which multiple standards are set, so that staff is never sure which plan they are working on at any given time. He advocated for a more reasoned approach to setting standards.

Dr. Sherriffs thanked staff for their persistence and said the price of failure would not only be sanctions but negative health effects. He said the Clean Air Act has been hugely successful in this country, although painful. He noted in many ways one cannot put a price tag on health; however, he acknowledged there a lot of things to balance. Supervisor Worthley articulated it was wise to keep things in context and not lose sight of how far the District has come over the last 20 years, including an estimated 80% improvement in air quality. He noted that reflects a huge positive health impact. He said the Valley is on the right track, as the District has made tremendous progress and perhaps will find ways to achieve the new standards in the future utilizing technology that does not yet exist. He noted that the District has gone above and beyond plan commitments by partnering with stakeholders through the District's incentive programs to reduce emissions by upgrading truck engines and replacing diesel pump engines with electric ones. He acknowledged the Board and staff are doing a great job and voiced appreciation for all of their hard work at keeping the lights on while cleaning up the air. Councilmember Baines thanked his colleagues for their thoughtful and insightful comments on this item and echoed them. He noted as a policy maker it was important to take public health in the proper context, adding it includes more than clean air but also economic, residential and educational aspects. He applauded the Board for doing a great job of taking all of these factors into account when making decisions. Citing the rise in asthma and allergy rates amongst Valley residents, Councilmember Barwick said the District may be fighting a battle they cannot win. Mr. Sadredin added asthma rates are also increasing along coastal areas, which historically enjoy much better air quality. He also noted recent studies that show that asthma rates are increasing even as air quality improves. Dr. Sherriffs commented there are many factors that affect

asthma rates, including air quality. Supervisor Walsh asked about next steps if this item were approved today. Mr. Sadredin responded the attainment target would initially be 2019 and staff would present an attainment demonstration plan to the Board in the next few months. Supervisor Walsh asked if the 5-year extension would be automatic. Mr. Sadredin responded staff would have to make a case for the earliest date that attainment could be reached. Supervisor Wheeler thanked staff for a very detailed and important presentation.

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

- Tom Frantz, AIR
- Cesar Campos, Central CA Environmental Justice Network
- Gunnar Jensen

Moved: Case McNairy

Seconded: Barba

Ayes: Baines, Barba, Barwick, Bomprezzi, Capitman, Case McNairy, Couch, Elliott, O'Brien, Sherriffs, Wheeler, Worthley, Walsh

Nays: None

Motion unanimously carried to approve SIP actions in relation to the 2006 PM2.5 Standard to address air quality impacts resulting from the exceptional weather conditions caused by the recent drought.

7. ADOPT PROPOSED AMENDMENTS TO THE DISTRICT'S RESIDENTIAL WOOD BURNING PROGRAM – Mr. Sadredin emphasized the importance of the proposed amendments to Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters), which is the most cost-effective and health-protective rule the District has ever adopted. He explained the tremendous air quality challenges faced by the Valley, in terms of geography, topography, climate conditions, as well as having 2 major economic and transportation arteries running through the Valley. He said the Valley faces challenges in meeting air quality standards that are unmatched by any other region in the nation. For example, he noted the Los Angeles area has 10 times more air pollution per square mile than the Valley but their air quality is only marginally worse than ours. In addition, the Bay Area has 6 times more air pollution than the Valley, but they essentially enjoy clean air because of their ocean breezes and dispersion. Based on these facts, Mr. Sadredin said a small amount of air pollution in the Valley does a lot more damage to public health and to progress made towards meeting air quality standards than in other areas. Mr. Sadredin noted every 5 years the Clean Air Act requires EPA to look at new science and if need be, to establish new tougher standards making it even harder for the Valley to meet them.

Noting Valley businesses are already subjected to the toughest air regulations in the nation, at an estimated cost of \$40 billion, Mr. Sadredin said the proposed amendments are a necessary step to continue the work to improve the Valley's air quality. He said it has been proven that residential wood burning is the

greatest source of negative public health impacts during the winter, happening during the worst time of day in residential areas when most residents are home. He noted the Board opted to promulgate these amendments sooner, due to the District's Health Risk Reduction Strategy. He said there is no way the Valley can reach attainment of the current air quality standards without the proposed amendments.

Providing a history of the District's wood burning curtailment strategy, Mr. Sadredin noted the District has led the state in efforts to control residential wood burning. He also shared the guiding principles set by the Board in crafting the proposed wood burning strategy, most importantly that significant reductions could be achieved by curtailing use of open hearth fireplaces which make up over 95% of emissions in the Valley. He stated the proposal before the Board not only reduces emissions on curtailment days, but also encourages residents to upgrade to clean burning units, achieving reductions on burn days as well. He said the clean burning units are 20-50 times cleaner than open hearth or dirtier burning units. He noted that the Board really cares about the fact that many residents enjoy wood burning and they did not see an entire ban on wood burning as a realistic approach. As proposed, these rule amendments increase the ability to burn for those who have invested in clean burning units. He encouraged residents to utilize the incentive program to upgrade to these units. He noted that if every single clean unit were to register and burn, on a daily basis it would add, on average, only 0.06 tons per day of emissions – not enough to move the needle on the air monitors by 1 microgram. In turn, he said it would achieve 2 to 3 tons of added reductions. He stressed this is why the package before the Board included a very strong incentive proposal to help defray costs and encourage residents to upgrade to cleaner units.

Mr. Sadredin introduced Anna Myers, Senior Air Quality Specialist, and thanked her for being the lead staff member on a very complex rule development project, noting it was not an easy task to craft a package that would be well received and beneficial under the District's Health Risk Reduction Strategy. Ms. Myers explained why the rule is so important as studies show that prolonged inhalation of wood smoke contribute to chronic interstitial lung disease, pulmonary arterial hypertension, and pulmonary heart disease – which can eventually lead to heart failure. She said it is also linked to detrimental mutagenic and systemic impacts such as oxidative stress and blood coagulation, which can result in cell damage and possibly lead to cancer. She said children with the highest exposure to wood smoke show a significant decrease in lung function and noted windows and doors cannot prevent ultrafine particulate matter in wood smoke from entering a residence.

The presenters on this item, Ms. Myers, Ms. Jaime Holt, Chief Communications Officer and Mr. Errol Villegas, Strategies and Incentives Program Manager, explained the proposed amendments to Rule 4901 would lower the curtailment threshold from 30 to 20 $\mu\text{g}/\text{m}^3$; however, the rule would also provide more burn days for Valley residents who have invested in clean wood burning devices. The reduction in the curtailment threshold would significantly increase the number of

No Burn days for high-polluting units that are responsible for 95 percent of the pollution generated from residential wood burning. In addition, they explained proposed amendments to the District's Burn Cleaner Program would offer \$2.1 million in additional financial incentives to Valley residents for the purchase of cleaner devices.

Supervisor Case McNairy asked for a discussion of open hearth fireplaces in relation to the production of useful heat. She also asked if there has been any analysis between EPA-certified and non-certified units as to heating efficiency. Mr. Sadredin responded that with an open hearth fireplace 80-90% of the heat escapes through the chimney, along with the pollution generated. He said there is no efficient way to capture most of that heat. He noted wood stoves are designed to heat homes and are more efficient heat sources. Supervisor Case McNairy asked for follow up data on the heating efficiency of the EPA-certified units, and she stated she believes the District needs to continue moving in the currently proposed direction. She asked for a further explanation of the financing piece. Mr. Sadredin stated the Board approved a \$2 million allocation for the Burn Cleaner Program in the District's current year spending plan. He noted the additional \$100,000 was allocated by the Board to the Burn Cleaner Program at their August meeting. Supervisor Case McNairy asked how many households could be reached with these incentive funds. Mr. Sadredin responded it would be a thousand or more units. She voiced concern about running out of money. Mr. Sadredin responded that at the Board's direction, additional monies could be allocated to this program if necessary.

Supervisor O'Brien stated this was an outstanding and well thought-out proposal and thanked staff for all of their hard work. He said the Valley will never have a chance to reach attainment without substantial reductions from residential wood burning. He said more and more homes are being built without wood burning fireplaces, and the proposed amendments would reduce residential wood burning while still allowing it to occur for those making the investment in clean burning units. He applauded the "carrot and stick" approach which allows residents to burn but incentivizes them to burn cleanly. He commented that he always likes to keep fees as low as possible and stated he would support the proposed \$12.50 registration fee for clean burning devices provided it covers the cost of administering this program. He asked if there would need to be a periodic check on these devices to ensure they are working properly. Mr. Sadredin voiced appreciation for Supervisor O'Brien's question on cost recovery because he said he pushed staff very hard to streamline the process and come up with the lowest possible fee. With regard to fees, Mr. Sadredin noted that at the Board's direction staff will revisit the current fee schedule at some future point to assure they are covering all costs. He said this program would be essentially similar to a smog check in that every three years, residents will need to have a certified chimney professional inspect and sign off that their unit is clean and properly maintained. Supervisor O'Brien asked how soon the Burn Cleaner incentives would be available to residents if approved today. Mr. Sadredin responded they would be available tomorrow. Supervisor O'Brien said this is probably the most health protective rule before the Board that still allows

residents to do what they want to do. He said this approach is absolutely brilliant.

Councilmember Barwick complimented Mr. Sadredin and staff for all of their efforts, including the extensive outreach they conducted. He commented this package is a very strong compromise and voiced support for the proposal. Supervisor Wheeler asked if the rule applied to those living in higher elevations. Mr. Sadredin responded that residents without access to natural gas are not subject to the rule but they are eligible for the Burn Cleaner incentives. Supervisor Wheeler asked about plans for outreach in foothill communities. Ms. Holt responded there is a specific plan for foothill community outreach.

Supervisor Couch remarked that while the projected impacts on air quality from this proposal are obviously positive, he had a few concerns with the package. He asked about the approximate cost for the inspection to qualify for a 3-year registration. Mr. Sadredin estimated the cost at approximately \$100 dollars. Supervisor Couch asked if there was any thought given to eliminating the extra incentive dollars for low income residents in the Burn Cleaner Program. He stated support for all residents regardless of income to receive the higher incentive amount. Mr. Sadredin said the low income aspect is in response to comments from the public and the Board's desire to do something more for low income residents to encourage wider participation. Supervisor Couch voiced concern that a real estate magnate with low income rentals could still qualify for the low income incentives. Mr. Sadredin responded that was a concern expressed by low income advocates, and noted it was up for the Board's consideration. Supervisor Couch thanked Mr. Sadredin and stated the landlord issue would go away if everyone were treated the same.

Regarding enforcement of the rule, Dr. Sherriffs suggested that it would make sense to utilize visible smoke as a means to detect non-compliance. He suggested educating and encouraging public participation in monitoring visible smoke. He stated it was important to measure public participation and voiced support for the low-income guidelines for this program. He said that ideally everyone would convert to gas as the healthiest and cleanest alternative to wood burning. He suggested increasing the incentive for those who convert to gas. He suggested banning the installation of wood burning in all new residential developments regardless of size.

Mr. Sadredin responded the certified clean burning units will have short spans of visible emissions during start up or when fuel is added, making a registration program a necessary component to ensure effective enforcement of the rule. He said the registration process will play a big role in measuring public participation in this program. As for Dr. Sherriffs' suggestion of adding an additional natural gas incentive, Mr. Sadredin stated that while a case could be made to take this approach, the reason staff did not include such a proposal was that prior experience has demonstrated that those converting to natural gas often have the wherewithal to do so without the incentive and many were already planning the conversion regardless of the incentive. However, he said this could be an area

to track with retailers and make recommendations as necessary. In regards to available resources to continue providing incentives, Mr. Sadredin noted there were a number of funding sources available; however, he said if EPA acts to declare the Valley in attainment, the District would no longer be mandated to collect DMV fees, which may necessitate shifting dollars from this program to fund other areas. He also noted in the future, the Board could re-examine the threshold for allowing wood burning devices in new residential developments.

Councilmember Baines clarified that the cost for a registration inspection would only be incurred by residents every three years. Councilmember Baines asked if new devices can be registered at purchase. Mr. Sadredin responded the device must be installed to being registered and said it could be coordinated as vendors would most likely qualify as certified inspectors. Councilmember Baines commended staff for this great program and ingenuity and voiced appreciation for the low income incentive, noting he would support making that incentive available for all. Councilmember Bompreszi asked if the District will maintain a list of companies who are qualified to certify units to be registered. Mr. Sadredin responded affirmatively.

Dr. Capitman echoed the appreciation voiced by his colleagues for all of the hard work by District staff, noting the long process and the forward thinking proposal presented today. He said he agreed with focusing on getting the dirty units out of the way and incentivizing the adoption of new EPA-certified technology. He said he would also support prohibiting the installation of wood burning units in new residential developments. He noted approximately 43,000 homes could possibly convert to clean burning devices as a result of this program, noting the biggest power of this program is the educational component and the power of persuasiveness. He echoed Dr. Sherriffs' comments on the importance of monitoring those who are making the behavior change and how they understand the incentives. He said he would like to see the outreach and education programs focused on the communities with high prevalence of wood burning. Noting this is an emotional topic, he said one of the most consistent comments he received was the need to be clear in communications to residents. He suggested focus on the new lower standard should become center to communication to the public as to motivate them to change their wood burning behavior.

Supervisor Elliott added his appreciation for staff's work noting it is a thorough and well thought-out process to develop a good solution. He asked if this was purely focused on voluntary compliance. Mr. Sadredin responded that the registration portion of the rule is voluntary, noting some may decide not to register. However, he noted that compliance with the provisions of the rule is not voluntary and is subject to enforcement action by the District. Supervisor Elliott suggested a better incentive for a resident to register a clean burning device could be to allow unrestricted burning of those devices. Mr. Sadredin responded the District received comments to that effect, but noted by going that route, it could create problems demonstrating to EPA that this rule met stringency requirements under federal law. Supervisor Walsh asked if chimney based

outdoor barbecues were subject to this rule amendment. Mr. Sadredin responded chimineas and outside burning devices are subject to this rule; however, he noted cooking fires are not. Supervisor Walsh asked if modifications to the proposed amendments were approved today, would that impact the effective date of this process or add any additional steps. Mr. Sadredin responded the Board has discretion to make changes to the incentive portion of this package but any significant change to the rule could not be adopted today and must wait until the next regularly scheduled Board meeting under state law. Supervisor Walsh commented on a recent report that shows the low-income population in the Valley is at approximately 35% and voiced support for additional incentives for low-income residents.

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

- Neal Snow
- Crystal Wohle, Duraflame
- Steve Goldstein, Stanislaus Resident
- Kurt Couch, Lodi Resident
- Mark Anaforian
- Robert Gurdiola, Hearth Expert
- Louise Johnson
- Tom Frantz, AIR
- Colby Morrow, So Cal Gas
- Dolores Weller, CVAQ
- Gunnar Jensen
- Steve Combs, Energy House

Supervisor Wheeler asked if retailers can advertise the Burn Cleaner program and Mr. Sadredin responded affirmatively. Regarding agricultural open burning, Mr. Sadredin emphasized that if a no burn day is declared for residential wood burning, then no agricultural burning is allowed in the area either. Dr. Sherriffs asked staff to address the issue of wood burning devices in new residential developments in the future.

Moved: Worthley
Seconded: Wheeler
Ayes: Baines, Barba, Barwick, Bomprezzi, Capitman,
Case McNairy, Elliott, O'Brien, Sherriffs, Wheeler,
Worthley, Walsh
Nays: Couch

Motion carried 12-1 to adopt proposed amendments to the District's Residential Wood Burning Program.

8. VERBAL REPORT ON AIR RESOURCES BOARD ACTIVITIES – Dr. Sherriffs reported there was not an ARB Board meeting in August. He gave an update on upcoming matters to be considered by the Board at their September 18th

meeting, including: Cap and Trade Regulation, AB 32 Cost of Implementation Fee Regulation, and Mandatory Reporting of GHG Emissions Regulation.

Supervisor Couch left at 12:50p.m.

9. ACCEPT RELEASE OF ALL RIGHTS TO THE HUMAN RESOURCE MANAGEMENT SYSTEM SOFTWARE AND ASSOCIATED INTELLECTUAL PROPERTY RIGHTS FROM SEYED SADREDIN, VALUED AT APPROXIMATELY \$260,000 TO \$310,000, AT NO COST TO THE DISTRICT – Adriana Myovich, Personnel Director, gave the presentation on this item which proposed the Board accept a release of all rights for the Human Resource Management System (HRMS) software and all associated intellectual property rights from Seyed Sadredin, at an estimated value of \$260,000 to \$310,000, at no cost to the District. She stated the utilization of this software avoids a significant expense in the initial purchase or development cost of other suitable software, as well as ongoing annual costs for license/maintenance fees. In addition, she reported the automated features contained in the program will significantly reduce the number of hours currently spent by District staff, particularly in the administration of the District's personnel-related functions.

Ms. Myovich recognized and thanked Mr. Sadredin for all of his time spent on nights and weekends to develop the HRMS software application.

Public Comment: None

Councilmember Baines acknowledged Mr. Sadredin for his hard work on this project and said he was very impressed. Councilmember Barwick thanked Mrs. Sadredin for her understanding of the time spent by Mr. Sadredin on this project after hours. Supervisors Wheeler echoed his thanks. Supervisor Walsh also thanked Mr. Sadredin for not only his regular work on behalf of the District but also for developing this software on his own time.

Moved: Bompreszi
Seconded: Wheeler
Ayes: Baines, Barba, Barwick, Bompreszi, Capitman,
Case McNairy, Elliott, O'Brien, Sherriffs, Wheeler,
Worthley, Walsh
Nays: None

Motion unanimously carried to accept release of all rights to the Human Resource Management System

10. EXECUTIVE DIRECTOR/APCO COMMENTS – Mr. Sadredin asked for the Board's direction on the potential for consolidating the Board meetings scheduled on October 16 and November 13, 2014, citing a potential conflict for many of the Board members with the October meeting date. He said at the Board's direction, the October 16, 2014 meeting would be cancelled and the November 13, 2014 meeting would still take place. The Chair reported that general consensus was

to cancel the October 16th meeting and the next scheduled Board meeting would be on November 13, 2014.

11. GOVERNING BOARD MEMBER COMMENTS – Supervisor Walsh suggested to hold the Performance Evaluation for the Executive Director/APCO and District Counsel at Closed Session on the November 13, 2014 meeting date to allow for further discussion in December if needed with the current Board in place. Supervisor Wheeler thanked staff for their assistance with a constituent issue.
12. CLOSED SESSION – Jessi Fierro, Assistant District Counsel, reported during Closed Session the Board authorized staff to file an Amicus brief in a CEQA case pending before the California Supreme Court, followed by adjournment.

ADJOURN

Meeting adjourned at 1:09 p.m.

The next scheduled meeting of the Governing Board is: Thursday, November 13, 2014. The meeting starts at 9:00 a.m., in the 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.