

**Action Summary Minutes
San Joaquin Valley Unified Air Pollution Control District
Governing Board Meeting, Governing Board Room
1990 E. Gettysburg Avenue, Fresno, CA.**

**Thursday, January 19, 2006
9:00 a.m.**

Meeting held via video teleconference (VTC) system with the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).

1. **CALL TO ORDER** – The Chair, Councilmember Mike Maggard, called the meeting to order at 9:13 a.m.
2. **ROLL CALL** was taken and a quorum was present.

Susan B. Anderson, Supervisor	Fresno County
Barbara Patrick, Supervisor (*)	Kern County
Tony Barba, Supervisor	Kings County
Ronn Dominici, Supervisor	Madera County
Sam Armentrout, Councilmember	City of Madera
Michael G. Nelson, Supervisor (**)	Merced County
Dan Prince, Councilmember (**)	City of Ripon
Thomas W. Mayfield, Supervisor (**)	Stanislaus County
Jack A. Sieglock, Supervisor (**)	San Joaquin County
J. Steven Worthley, Supervisor, Vice Chair	Tulare County
Mike Maggard, Councilmember, Chair	City of Bakersfield

(*) Attended Meeting in Southern Region Office (Bakersfield)

(**) Attending Meeting in Northern Region Office (Modesto)

The Chair (Councilmember Mike Maggard) presented a plaque from the San Joaquin Valley Unified Air Pollution Control District Governing Board to Supervisor Thomas W. Mayfield, Stanislaus County, with great appreciation for his service as Chair for the year 2005.

3. **STATE OF DISTRICT** – Councilmember Mike Maggard, Chair Governing Board, made comments in respect to the State of District noting the achievements for 2005 and the District's goals for 2006.
4. **APPROVAL OF CONSENT CALENDAR – Item Numbers (14-24)**. (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any consent item).

14. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, December 15, 2005.
15. Receive and file List of Scheduled Meetings for 2006.
16. Receive and file Operations Statistics Summary for December 2005.
17. Receive and file Budget Status Report as of December 31, 2005.
18. Receive and file 2006 PM10 Plan and set February 16, 2005 for the public hearing.
19. Receive and file Proposed Natural Events Action Plan and set February 16, 2006 for the public hearing.
20. Accept San Joaquin Valley Emergency Clean Air Attainment Program (VECAP) funds in the amount of \$2,999,752 from the California Department of Transportation (CALTRANS) to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.
21. Signature authorization for Deputy APCO during Executive Director/APCO vacancy.
22. Adopt Budget Resolution increasing the 2005-06 District Budget \$800,000 to reflect a mid-year analysis of operational appropriations and revenue estimates.
23. Approve change to the District's Position Control List effective January 19, 2006.
24. Approve voluntary Air Quality Mitigation Agreement with Lennar Communities Bakersfield Land Division to receive \$16,800 for the purpose of mitigating air quality impacts of development project.

The Clerk noted a correction to:

Item #14, Action Summary Minutes of Thursday, December 15, 2005, page 11, last line: THE BOARD RECONVENED FROM BREAK AT 3:37 ~~A.M.~~P.M., and; Item #18. Receive and file 2006 PM10 Plan and set February 16, 20056.

Board Member Armentrout requested Items #17 and #20 be removed from the Consent Calendar for discussion.

Board Member Dominici requested Item #22 be removed from the Consent Calendar for discussion.

APPROVED AS RECOMMENDED – On motion by Board Member Worthley to approved Consent Calendar Item Numbers 14, 15, 16, 18, 19, 21, 23 and 24 as submitted, minus Item Numbers 17, 20, and 22. Seconded by Board Member Barba and unanimously carried with the following roll call vote:

Ayes: Sieglock, Nelson, Dominici, Mayfield, Armentrout, Anderson, Barba, Patrick, Prince, Worthley and Maggard.

Absent: None.

The Governing Board:

Approved Consent Calendar Item Numbers 14, 15, 16, 18, 19, 21, 23 and 24 as submitted. Consent Calendar Item Numbers 17, 20 and 22 were removed from the Consent Calendar for discussion.

Consent Calendar Item #17 – Board Member Armentrout requested clarification regarding Account items listed under Services and Supplies pertaining to Expenditures of 63% for the year.

Roger McCoy, Director of Administrative Services, explained that the District has over \$1 million dollars in encumbrances for the year which includes rent, insurance, etc.

Board Member Armentrout stated he had no further questions regarding Item #17.

Consent Calendar Item #20 – Board Member Armentrout asked how the District would be expending this allocation in terms of grants, etc., and who will be targeted for the funding.

Roger McCoy, Director of Administrative Services, stated that basically this money will be utilized in the District's Heavy-Duty Engine Emission Reduction Incentive Program. Mr. McCoy stated this money provides grants for the incremental cost of reduced emission engines for heavy-duty on-road vehicles, off-road vehicles, agricultural irrigation pumps and alternative fuels Infrastructure.

Board Member Armentrout asked if this money would also be utilized for replacement, as well as retrofits?

Mr. McCoy stated this money will be available for replacements, as well as retrofits.

Board Member Armentrout stated he had no further questions regarding Item #20.

Consent Calendar Item #22 – Board Member Dominici asked Seyed Sadredin, Deputy Air Pollution Control Officer, to brief the Governing Board Members and members of the public regarding Item #22.

Seyed Sadredin, Deputy Air Pollution Control Officer, gave a brief explanation of why staff was recommending a mid-year budget amendment and gave some background on the increased Retirement Contribution rates.

A few Board Members expressed concern with the increase to the District's retirement contribution rates. The Board stated that it raises some significant policy issues that the Board needs to look at in the near term regarding our retirement benefits package especially if you look at expanding our staff because of new responsibilities. There was also a comment made that it would be appropriate for the Board to look at a different system and that should be part of the Board's discussion before we pass the budget.

David L. Crow, Executive Director/APCO, noted that as part of upcoming discussions with the employee groups as well as the budget, staff could survey what options may be available to the Governing Board. Realizing at the outset that we are somewhat limited in terms of the types of programs that are available to a governmental agency. Mr. Crow did state however, that taking a look at it makes sense.

Roger McCoy, Director of Administrative Services, stated the main reason for the increase in this year's contribution rates had to do with an actuarial review and a difference in opinion from a prior actuarial review on the assumption rate for people that withdraw from the system. Mr. McCoy stated that he echo's Mr. Crow's comments and he believes the Board will see these rates begin to decrease over the next several years.

The Chair stated that a number of us share that concern regarding the future of the retirement system and he looks forward to having a good broad discussion about that for everyone.

APPROVED REMAINING CONSENT CALENDARS ITEM NUMBERS 17, 20 AND 22 AS RECOMMENDED - *On motion by Board Member Dominici to approve the remaining Consent Calendar Item Numbers 17, 20 and 22 as recommended. Seconded by Board Member Armentrout and unanimously carried with the following roll call votes:*

Ayes: *Anderson, Dominici, Barba, Patrick, Nelson, Armentrout, Sieglock, Prince Mayfield, Worthley and Maggard.*

Absent: *None.*

The Governing Board: After discussion approved Consent Calendar Item Numbers 17, 20 and 22 as submitted.

5. **PUBLIC COMMENT** – No Public Comment.
6. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Kevin Hamilton, Environmental Primary Member, Fresno County, briefed the Governing Board regarding the January 3, 2006 CAC Meeting.

Mr. Hamilton stated the CAC Technical Rule Review Subcommittee is currently reevaluating and restructuring itself. Mr. Hamilton noted that Mr. Tristao, CAC Chair, has proposed a new set of constructs to make the rules subcommittee more effective and to allow the CAC to work more effectively with staff and with the Governing Board.

The Chair asked staff if they would be able to accommodate the CAC Technical Rule Review Subcommittee in reevaluating and restructuring itself during the February 2006 CAC Meeting.

Seyed Sadredin stated that staff would be able to accommodate that discussion at the February meeting.

Mr. Hamilton reported to the Governing Board that the CAC Chair, wants District staff and the Governing Board to closely follow the hydrogen fuel issues and the so called Hydrogen Highway, and how that effort might impact the Valley and our air quality issues.

The Chair, on behalf of the Governing Board, thanked the CAC for their efforts.

7. **AMENDMENT OF THE DISTRICT'S 2005-2006 LEGISLATIVE PLATFORM**
Presentation made by: David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer, Tom Jordan, Special Projects Administrator, Paul Yoder and Tom Renfree, Lobbyists representing the Strategic Local Government Services, Inc.

Staff provided the Governing Board with an updated version to the 2005-2006 Legislative Platform presented in today's Governing Board Meeting Packet.

The following person provided comments during the public comment portion of this item:

Manuel Cunha, Nisei Farmers League, spoke in support of the District's Legislative Platform and requested the Board consider adding several items pertaining to:

- Goods Movement money coming into the San Joaquin Valley
- The importance of our transportation system and repairing our roads
- Include the Port of Oakland and the Port of Stockton for Goods Movement
- The West Coast Diesel Collaboration
- Incorporate an Agriculture Component

APPROVED AS RECOMMENDED – On motion by Board Member Worthley to approve as amended the 2005-2006 Legislative Platform. Seconded by Board Member Anderson and carried with the following roll call vote:

Ayes: Mayfield, Prince, Nelson, Sieglock, Dominici, Armentrout, Anderson, Barba, Worthley and Maggard.

Abstain: Patrick.

Absent: None.

Governing Board Action:

Approved the amendment to the District's 2005-2006 Legislative Platform.

8. **INFORMATIONAL REPORT ON FINDINGS FROM THE 2005 PUBLIC OPINION SURVEY AND MARKET RESEARCH PROJECT, PRESENTED BY TRUE NORTH RESEARCH** – Presentation by David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer, Jaime Holt, Public Education Administrator and Timothy McLarney, PhD, President, True North Research.

The Board suggested staff investigate the possibility of utilizing radio talk shows to provide additional outreach in respect to increasing the public's awareness of the Valley Air District and its various programs.

Board Member Barba stated he would appreciate receiving information quantifying the percentage of pollution removed from the air because of the Board's approval of the following programs: Flag, Lawn Mower, and Wood Burning. Board Member Barba stated we need to provide more follow up on each of these programs and he would also like to have a list of locations that have implemented the Flag Program in Kings County.

Board Member Anderson suggested that instead of using the message "Spare the Air Day" we utilize the message of "See the Mountains Day". Board Member Anderson stated that this comment is made by a lot of Valley residents and it might be a good idea to capitalize on it. This way we give Valley residents credit for what they have been doing by focusing on the positive side of clearing the air and not the negative side.

The Chair directed staff to provide each Board Member with a location list of where the Flag Programs have been implemented throughout the Valley.

The Chair spoke in support of staff investigating the possibility of utilizing local radio talk shows, as well as community voices in the newspapers, and he thinks we could have a higher presence there. The Chair directed staff to report back to the Board with some ideas about our ability to have more of a presence on those media outlets.

The following persons provided comments during the public comment portion of this item:

Carolina Simunovic, Fresno Metro Ministry, commented regarding the District's various avenues of outreach and noted that she really likes the message Board Member Anderson suggested using in place of a "Spare the Air Day" to "See the Mountains Day". Ms. Simunovic stated that everyone talks about seeing the mountains on a clear day and she thinks that message would be a good marketing tool.

Mary-Michal Rawling, Merced/Mariposa County Asthma Coalition, agrees that there needs to be more public awareness of the District. Ms. Rawling thinks using radio talk shows to get the District's message out is a great idea and she suggested including information regarding the Flag Program in that medium.

BREAK AT 11:04 A.M.

RECONVENED FROM BREAK AT 11:11 A.M.

9. **PRESENTATION ON THE DISTRICT'S CONSERVATION MANAGEMENT PRACTICES PROGRAM REPORT FOR 2005** – Presentation made by Seyed Sadredin, Deputy Air Pollution Control Officer. Mr. Sadredin announced that the District's CMP Program is an award winning program having received the "2005 Environmental Award for Outstanding Achievement", US EPA Region IX, and the "2005 Clean Air Award", American Lung Association of Central California.

Mr. Sadredin stated he wanted to thank the following participants who helped the District with the implementation of this program: Manuel Cunha, Nisei Farmers League, Roger Isom, California Cotton Ginners and Growers Association, Karla Kay Fullerton, Fresno County Farm Bureau, Shirley Batchman, California Citrus Mutual, Kerry Drake, EPA, Region IX, John Byers, USDA, California Resource Conservation Districts, County Farm Bureaus, California Grape and Tree Fruit League, and Dairy CARES.

Staff provided a handout for Replacement of Page # 7.

The Board thanked and congratulated the District and the stakeholders for a

good job.

The following persons provided comments during the public comment portion of this item:

Manuel Cunha, Nisei Farmers League, thanked the Governing Board and District staff for working with the various stakeholders that were involved in developing the CMP Program. Mr. Cunha announced that the National Resource Conservation Services (NRCS) has taken the District's CMP Program and is making it a part of NRCS's Field Guide Document for the rest of the country to follow for the implementation of PM10 programs on farms.

Roger Isom, California Cotton Ginners and Growers Association, stated he wanted to echo Mr. Cunha's comments. Mr. Isom stated that working with District staff was exceptional and several staff people did go to the farm bureaus and met with our growers on numerous occasions, even one on one. Mr. Isom, noted that EPA even traveled to the Valley to attend and listen to the comments made during the numerous workshops that were held up and down the San Joaquin Valley.

Mr. Isom stated that the District's CMP Plan is the toughest program regulating agriculture air quality in the country. Mr. Isom expressed a word of caution and noted that we disagree with the District's approach to the assumptions to emissions quantifications, but we don't have the research and we need more research.

10. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Jeff Lindberg, ARB District Liaison, briefed the Governing Board on the most recent ARB activities.
11. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, reported District staff met with the building industry last week regarding Rule 9510 which was recently adopted. We heard some productive suggestions from the builders that attended in terms of things that we need to look at by way of policies that would make implementation as effective as the rule intends. Mr. Crow announced staff will also have more follow up meetings with focus groups that we've already created with cities and counties.

Mr. Crow stated the District has begun a very careful analysis in review of EPA's proposed standard changes on PM, and we will be providing the Governing Board with a fact sheet in a Board Briefing Report. Mr. Crow indicated that the comment period extends into mid April for EPA to receive comments on those standards and he assured the Governing Board that staff is going through the necessary analysis to participate in that process.

Mr. Crow announced that one of the things that the California Air Resources Board will be dealing with shortly is emissions from railroads. Mr. Crow noted

that ARB's Executive Officer and the ARB Board have been engaged in developing a Memorandum of Understanding (MOU) with the railroad that would call upon them to bring about reductions in a mutually agreeable fashion. The District is in the process of analyzing that MOU, keeping in mind that the Governing Board has legislative priorities of bringing about reductions from these types of sources. Mr. Crow stated he believes, based on the Governing Board's Legislative Platform that it is appropriate to support ARB and the Executive Officer in their effort to bring about reductions through the cooperative approach in the MOU. Mr. Crow indicated that he mentioned this issue today because at this juncture it's our intent to support that MOU on behalf of the Governing Board.

12. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Armentrout announced that starting today the Madera Unified School District has taken delivery of six new compressed natural gas school buses. Board Member Armentrout noted this was made possible by a grant from the Congestive Mitigated Air Quality (CMAQ) funds and matching funds from the Valley Air District.

Board Member Dominici stated he thinks the Governing Board should compliment Board Member Armentrout, who heads the Transportation Department for the Madera Unified School District, for diligently working to accomplish this effort.

The Governing Board complimented Board Member Armentrout for his efforts.

The Chair announced the following Closed Session item and noted that Philip M. Jay, District Counsel, will return to the Governing Board Room in the event of any announcements pursuant to the Governing Board's directions.

13. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54956.9** of the Government Code (Ralph M. Brown Act) as follows:

- Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation pursuant to Government Code Section 54956.9: One potential case.

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

Philip M. Jay, District Counsel, returned to the Governing Board Room and made the following announcement: the Governing Board in Closed Session voted 8 to 0 to authorize the District to intervene in the Medical Advocates v. EPA case. Mr. Jay noted that the case number was available at the District Counsel's office and that was followed by adjournment.

The Governing Board adjourned the meeting at 12:15 p.m.