

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

**Thursday, March 16, 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 9:14 a.m.

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

Judith G. Case, Supervisor (Alternate)	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 (absent)	San Joaquin County
J. Steven Worthley, Supervisor, Vice Chair	Tulare County
Mike Maggard, Councilmember, Chair	City of Bakersfield

3. **APPROVAL OF CONSENT CALENDAR – Items Numbers (14-19)**. (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, February 16, 2006.

15. Receive and file List of Scheduled Meetings for 2006.

16. Receive and file Operations Statistics Summary for February 2006.

17. Receive and file Budget Status Report as of February 28, 2006.

18. Receive and file proposed amendments to Rule 4702 (Internal Combustion Engines – Phase 2) and Rule 4307 (Small Boilers, Steam Generators, and Process Heaters – 2.0 MMBtu/hr to 5.0 MMBtu/hr).
19. Approve voluntary Air Quality Mitigation Agreement with JC Williams Company to receive funds for the purpose of mitigating air quality impacts of development project.

APPROVED AS RECOMMENDED – On motion by Board Member Barba to approve the Consent Calendar as submitted. Seconded by Board Member Patrick and unanimously carried with the following roll call vote:

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

Absent: Sieglock

***The Governing Board:
Approved Consent Calendar Item Numbers 14, 15, 16, 17, 18 and 19 as submitted.***

4. **CONSIDER ADOPTING A POLICY REGARDING PUBLIC COMMENT AT GOVERNING BOARD MEETINGS** – Presentation by Seyed Sadredin, Deputy APCO and Philip M. Jay, District Counsel.

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

Sarah Sharpe, Coalition for Clean Air, suggested the Governing Board add a section to the policy that has to do with interpretations for people who do not speak English, and requested the Governing Board adhere to the policy in respect to all speakers.

The Governing Board directed staff to include the following suggestions in developing a policy in respect to public comment during Governing Board Meetings:

- Impose time limit of three minutes per item
- The Chair will have the authority to waive imposed three minute time limit
- A notice of the three minute time limit shall be noted on Governing Board agendas and the speaker's podium
- Include a time factor in respect to interpreters
- Each speaker is allowed a one time opportunity per item to speak
- When a speaker's three minutes has expired the Chair will advise a speaker to draw their comments to a close

The Chair directed staff to bring back a proposed speaker policy at the next Governing Board meeting for approval.

5. **PUBLIC COMMENT** – Carolina Simunovic, Fresno Metro Ministry, spoke about the Governor's Goods Movement Action Plan, and how some Valley residents have concerns about how the Goods Movement Action Plan will impact the Valley, and that perhaps, widening State Highway 99 without adequate mitigation measures will worsen the Valley's air pollution problems. Ms. Simunovic urged the Governing Board to ask for more funds for mitigation measures for the Valley, and noted we will need all the funds we can get to make our air cleaner.

Ms. Simunovic stated she wanted to send good thoughts to the Governing Board for the interview sessions later this afternoon in respect to their selection of the new air pollution control officer. Ms. Simunovic stated that the Governing Board has a very important task before them today in choosing the next leader of this air district, who with everyone's support behind him, or her can lead us to clean air.

6. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – The Citizens Advisory Committee Report was not presented today.
7. **ACCEPT LOWER EMISSION SCHOOL BUS PROGRAM FUNDS IN THE AMOUNT OF \$5,563,000 FROM THE CALIFORNIA AIR RESOURCES BOARD TO BE PLACED IN THE DISTRICT'S HEAVY-DUTY ENGINE PROGRAM FOR SCHOOL BUS REPLACEMENT AND RETROFITS** – Presentation by Seyed Sadredin, Deputy APCO and Jeff Findley, Program Manager.

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

Jerry Frost, Kern Oil and Refining, stated the size of a bus and the bus route should be considered when purchasing a new bus, and he suggested that some of the School Bus Program funds be used for marketing and education for school districts to help promote children to ride school buses.

Governing Board Members expressed the following concerns and questions:

- Is there a provision that a school district cannot request replacement for a bus that is mothballed and not utilized?
- If a bus is replaced is there a provision that the replaced bus must be destroyed?

- Are school districts able to choose what model they want, such as a bus that runs on diesel or CNG?
- Do a better job of making sure that money is spent in getting old school buses off of the roads.
- It would be a great idea to get some of the school districts to contribute some money towards replacing old school buses.
- Work more closely with school districts in respect to replacement of old buses.
- If possible, add a provision that gives preference for buses that use compressed natural gas vs. diesel.

Staff responded that there are specific guidelines school districts must adhere to when replacing school buses that prohibits the replacement of mothballed buses, requires the disposal of a replaced school buses, and addresses many of the concerns and questions posed by the Governing Board.

APPROVED AS RECOMMENDED – Board Member Worthley made the motion to accept the Lower Emission School Bus Program Funds. Seconded by Board Member Dominici and unanimously carried with the following roll call vote:

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

Absent: Sieglock.

The Governing Board:

- 1. Accepted the Lower Emission School Bus Replacement Program funds in the amount of \$4,340,000 from California Air Resources Board (ARB) to be placed in the School Bus Replacement Component of the Heavy-Duty Engine Program, and authorized the Deputy APCO to enter into an agreement with the ARB.**
- 2. Accepted the Lower Emission School Bus Retrofit Program funds in the amount of \$1,223,000 from ARB to be placed in the School Bus Retrofit Component of the Heavy-Duty Engine Program, and authorized the Deputy APCO to enter into an agreement with the ARB.**
- 3. Approved the Budget Resolution increasing the 2005-06 District Budget by \$5,563,000, for the Heavy-Duty Engine Program for school bus replacement and retrofits.**

8. **INFORMATIONAL ITEM: DISTRICT RESPONSE AND ACTION PLAN FOR THE 2003 CALIFORNIA AIR RESOURCES BOARD EVALUATION OF THE DISTRICT'S AIR QUALITY PROGRAMS** – Presentation by Seyed Sadredin, Deputy APCO and Rick McVaigh, Director of Compliance.

Governing Board Member Nelson indicated he appreciated District staff's response to ARB's Evaluation of the District's Air Quality Programs in respect to acknowledging deficiencies in specific District programs, as well as not agreeing with some areas of deficiencies that were noted in ARB's evaluation.

Governing Board Member Worthley commented in respect to ARB's comment about cost effective thresholds. Governing Board Member Worthley indicated he appreciated the District's approach to cost effectiveness when it came to the wine industry where the District looked outside the box to improve air quality standards.

Seyed Sadredin, Deputy APCO, responded regarding the cost effectiveness threshold issue by indicating that District staff have been talking with stakeholders, and community groups the District has worked with in the past. The District wants to assemble a workgroup with experts in air pollution control technology, cost of such technologies, and the economic factors. The District will evaluate the current cost effectiveness thresholds and if they are found to be inadequate, a methodology will be developed to raise those thresholds to an appropriate level.

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

Carolina Simunovic, Fresno Metro Ministry, stated that she believes there was an issue in ARB's evaluation where they talked about the District's hearing boards, and recommended some changes, and requested District staff speak to the issue on how the District will be addressing it.

Philip M. Jay, District Counsel, stated the main issue of the ARB's evaluation in respect to the District's three hearing boards is a claim that some of the District's hearing boards are not making the required findings in connection with variances. Mr. Jay indicated the District's hearing boards have developed a process where they adopt the required findings by reference, rather than discuss each individual finding. Mr. Jay noted District hearing boards will discuss each individual finding if it is a controversial hearing.

9. **VERBAL REPORT: COMPLETION OF THE 2005-06 RESIDENTIAL WOOD BURNING SEASON** – Presentation by Seyed Sadredin, Deputy APCO and Kelly Morphy, Senior Air Quality Ed Rep.

Governing Board Member Prince thanked staff for their work.

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

Rey Leon, Latino Issues Forum, applauded the District for using a multi-cultural and, multi-lingual approach to educate the citizens of the Valley regarding how to clean the air.

10. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Presented by Jeff Lindberg, ARB District Liaison.

Governing Board Member Worthley requested Mr. Lindberg provide him with a copy of the Goods Movement Emission Reduction Plan when it's available.

Mr. Lindberg sent District staff a link to ARB's website that contains the Goods Movement Emission Reduction Plan:

<http://www.arb.ca.gov/planning/gmerp/gmerp.htm> . Mr. Lindberg requested staff forward the ARB website to members of the Governing Board and the Citizens Advisory Committee on March 22, 2006.

Governing Board Member Case stated Mr. Lindberg's comments regarding transportation are well taken.

Governing Board Member Patrick thanked Mr. Lindberg for his report, and indicated she will not attend the District's April 20, 2006 Governing Board Meeting because she will be in Long Beach for an ARB Board Meeting regarding the Goods Movement Emission Reduction Plan.

11. **DEPUTY AIR POLLUTION CONTROL OFFICER (APCO) COMMENTS** – Seyed Sadredin, Deputy APCO, reported the District has been working with a number of community groups in an effort to draft a District Environmental Justice Policy. Mr. Sadredin announced that a draft of the Environmental Justice Policy will go to the Citizens Advisory Committee for their review on April 4, 2006, and ultimately a public workshop will be held for all to see before we bring a draft of the Environmental Justice Policy to the Governing Board for adoption in the next few months.

Mr. Sadredin announced the District has scheduled a public consultation meeting on Wednesday, March 22, 2006 at 1:30 p.m., to solicit comments and suggestions regarding potential enhancements and improvements to existing District incentive programs, as well as new emission reduction projects that could be considered for future funding. Mr. Sadredin stated the meeting will be held in the Fresno Governing Board Room and video teleconferenced to the Bakersfield and Modesto Offices.

Mr. Sadredin noted it would be especially helpful to hear from stakeholders who have participated in the process and received grants, as well as from stakeholders who participated in the process and did not receive grants. Mr. Sadredin stated that hopefully, as a result of this type of meeting we can improve the process and make it more efficient and streamlined.

Mr. Sadredin announced that on May 17, 2006 an all day meeting called *How Science is Charting a Path to Cleaner Air* will be held in Fresno. Mr. Sadredin stated approximately 50 million dollars has been spent in the last fifteen years doing scientific research, and we want to share the results of the studies with the public. The meeting will explain the state of air quality in the Valley, and more importantly how science will dictate future steps that must be taken in cleaning our air and meeting the new mandates. The District is currently developing new air quality plans and we will rely heavily on the findings from these scientific studies.

12. **GOVERNING BOARD MEMBER COMMENTS** - Governing Board Member Nelson commented he attended Dave Crow's retirement party, and he indicated it was a good party.

Governing Board Member Nelson requested future Board Briefing Reports be provided to him via email, because he forwards that information on to various sources in his respective area.

Governing Board Member Worthley announced that unfortunately, he has prior commitments and therefore, can not fulfill his obligations in respect to the Governing Board Budget Subcommittee. Governing Board Member Worthley indicated Governing Board Member Prince has volunteered to serve on the Budget Subcommittee in his place.

Governing Board Member Case stated she appreciates the Governing Board's continued good work, and indicated she will be joining the Governing Board as the Primary Member representing Fresno County in July 2006.

OTHER BUSINESS – No Other Business.

Philip M. Jay, District Counsel, announced the first item on Closed Session has been removed. Mr. Jay announced the remaining Closed Session item.

13. **CLOSED SESSION** - The Governing Board will hold a Closed Session pursuant to Sections **54957.6 and 54957 (b)(1)** of the Government Code (Ralph M. Brown Act) as follows:

- Conference with labor negotiator – Agency negotiator: Carolyn Rose;
Employee Organization: SEIU, Local 700; pursuant to Government Code

Section 54957.6.

- Public Employee Appointment:
Title: Executive Director/APCO; pursuant to Government Code Section 54957 (b)(1).

The Governing Board adjourned to Closed Session at 10:41 a.m.

Mr. Jay returned to the Governing Board Room after Closed Session and announced that the District's Governing Board appointed Seyed Sadredin, Executive Director/Air Pollution Control Officer (APCO), and the vote was unanimous with nine members voting. Mr. Jay indicated that an item will appear on the April 20, 2006 Governing Board Agenda to approve the details of Mr. Sadredin's employment contract with the District.

Mr. Jay announced that the Governing Board adjourned from Closed Session at 12:30 p.m.