

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

**Thursday, January 17, 2002
9:00 a.m.**

Meeting held via video teleconferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) included via VTC.

1. **CALL TO ORDER** – The Chair, Councilmember Sam Armentrout, called the meeting to order at 9:09 a.m.

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

Barbara Patrick, Supervisor (*)	Kern County
Mike Maggard, Councilmember (**)	City of Bakersfield
William Sanders, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Judith G. Case, Supervisor	Fresno County
Jerry O'Banion, Supervisor	Merced County
Nick W. Blom, Supervisor	Stanislaus County
Tom Applegate, Councilmember (absent)	City of Newman
Jack A. Sieglock, Supervisor (*)	San Joaquin County
Ronn Dominici, Supervisor, Vice Chair	Madera County
Sam Armentrout, Councilmember, Chair	City of Madera

(*) Attended meeting in Northern Region Office (Modesto)

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

3. **OUTGOING CHAIR COMMENTS** – Supervisor Judith G. Case, outgoing Chair for the year 2001 thanked the Governing Board Members for their support during her tenure as Board Chair. Board Member Case made comments in respect to the heightened interests in air quality issues this year.

The Chair (Councilmember Sam Armentrout) presented a plaque from the San Joaquin Valley Unified Air Pollution Control District Governing Board to Supervisor Judith G. Case, Fresno County, with great appreciation for her service as Chair for the year 2001.

4. **STATE OF DISTRICT** - The Chair (Councilmember Sam Armentrout) expressed appreciation to outgoing Chair, Supervisor Judith G. Case. The Chair

commended Supervisor Case for her leadership and commitment to attaining cleaner air while maintaining a healthy economy for the Valley.

The Chair stated that during 2002, the Board will face numerous challenges and opportunities as we continue to address clean air goals for the Valley. The decisions of this Board will determine the success of our efforts to meet state and federal health based standards for ozone and particulate matter.

The Chair concluded his comments by stating: "...I would ask Governing Board Members, District staff, stakeholders and Valley residents to become or reaffirm their commitment to be an active member of our clean air partnership for 2002"

5. **VERBAL REPORT: LEGISLATIVE UPDATE** – the Governing Board received a Legislative Update report from Dale Wagerman, Wagerman Associates, Inc.
6. **APPROVAL OF CONSENT CALENDAR** - Item Numbers **(14-20)**. (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 Governing Board Meeting of Thursday, December 20, 2001.
 15. Receive and file List of Scheduled Meetings for 2002.
 16. Receive and file Operations Statistics Summary for December 2001.
 17. Receive and file Budget Status Report as of December 31, 2001.
 18. Receive and file General Purpose Financial Statements and Single Audit Reports for the fiscal year ended June 30, 2001.
 19. Receive and file proposed amendments to Rule 4354 (Glass Melting Furnaces). Set February 21, 2002 for the Public Hearing.
 20. Accept Carl Moyer Program funds in the amount of \$2,757,263 from ARB to be placed in the District's Heavy-Duty Engine Emission Reduction Incentive Program.

Staff requested Item # 19 be removed, Board Member Case requested Items # 17 and # 18 be removed and the Chair requested Item # 16 be removed for additional discussion.

APPROVED AS RECOMMENDED – A motion was made by Board Member Case to approve the remaining Consent Calendar Items. The motion was seconded by Board Member Blom and carried unanimously with the following **Roll Call Vote**:

Ayes: O'Banion, Maggard, Blom, Barba, Sanders, Case, Patrick, Sieglock, Dominici and Armentrout.

Noes: None.

Absent: Applegate.

The Board approved Consent Calendar Items 14, 15 and 20 as submitted.

The following items were discussed:

16. Receive and file Operations Statistics Summary for December 2001.
17. Receive and file Budget Status Report as of December 31, 2001.
18. Receive and file General Purpose Financial Statements and Single Audit Reports for the fiscal year ended June 30, 2001.
19. Receive and file proposed amendments to Rule 4354 (Glass Melting Furnaces). Set February 21, 2002 for the Public Hearing. (Scott Nester provided the Board and public with an Addendum to Rule 4354).

APPROVED AS RECOMMENDED – A motion was made by Board Member O'Banion to approve the items removed from the Consent Calendar. The motion was seconded by Board Member Case and carried unanimously with the following **Roll Call Vote**:

Ayes: Maggard, Case, Sieglock, Barba, Sanders, O'Banion, Patrick, Blom, Dominici and Armentrout.

Noes: None.

Absent: Applegate.

The Board approved Consent Calendar Items 16, 17, 18 and 19 as submitted with a correction noted to Item # 16, Smoking Vehicles report.

7. **PUBLIC COMMENT** – No Public Comment.
8. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Les Clark, Industry/Ag, Primary Member, reported on the CAC Meeting held on Tuesday, January 8, 2002. Mr. Clark suggested that it would be a good idea if Wade Broughton received a plaque for serving as 2000/2001 Vice Chair and Chair during the last six months of 2001.

Board Member Case indicated that she had received a phone call from an individual that serves as a CAC Alternate Member with concerns about not having the opportunity to participate in CAC Meetings because the Primary Member is always in attendance.

Board Member Dominici noted that he had received a similar call.

Board Member Case requested that this issue be looked at to see if the Primary and Alternate positions could be switched for a portion of their terms.

David L. Crow, Executive Director/APCO, suggested that an item regarding this issue appear on the CAC Agenda so that the CAC can talk about it and see if they have any suggestions.

9. **VERBAL REPORT: REPORT ON PUBLIC COMMENTS RECEIVED IN WORKSHOPS ON THE 2002 AMENDMENT TO THE SAN JOAQUIN VALLEY OZONE PLAN AND THE SEVERE VERSUS EXTREME NONATTAINMENT CLASSIFICATION THAT WERE HELD ON JANUARY 8, 9 AND 16, 2002** – Staff presentation made by David L. Jones, Planning Manager.

Board Member Case stated that she would like to see the District pursue the issue of fireplaces. Board Member Case indicated that she had talked with a number of builders to see what their level of acceptance would be. Board Member Case stated that she knows that the Board has gone down this road before and members of the Board at that time got beaten on pretty hard.

Board Member Blom noted that he agrees with Board Member Case.

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

Les Clark, Independent Oil Producers Agency, stated that industry is opposed to the bump-up to the extreme designation.

10. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report regarding the ARB Board Meeting made by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District.

Mr. Ramalingam noted that a draft of the California Clean Air Plan will be released in February with a workshop planned for March. The Plan will be presented to the ARB Board in April. Mr. Ramalingam stated that the ARB would appreciate the District Board Members comments, input and support of the Plan.

11. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, stated that he did not have anything to report.
12. **GOVERNING BOARD MEMBER COMMENTS** – Board Member O'Banion stated that there has been rumors of the Northern portion of the Valley seceding from the Valley Air District. Board Member O'Banion stated that he attended, as Chairman of the Merced County COG, a regional conference where some brief comments were made saying that they wanted to discuss the issue.

Board Member Blom stated that he had been contacted regarding the same issue and at that time he stated that he would be willing to listen. Board Member Blom stated that when he said that he would be willing to listen it was translated that he was in favor of it. Board Member Blom stated that he does want to listen to what they have to say.

David L. Crow, Executive Director/APCO, stated that the District has not been contacted regarding this issue but if we are contacted would the Board like for us to engage in the discussion? Mr. Crow noted that he will confine his input to simply factual matters with respect as to how does the District operate.

The Chair stated that he had no problems with that.

Board Member Case noted that if the District staff is contacted the Board would appreciate a report on that.

Board Member Dominici stated that he would like to thank District staff for participating in a meeting at Ahwahnee on January 9, 2002 regarding open burning. Board Member Dominici stated that it was a very good meeting with approximately 75 people in attendance. Board Member Dominici stated that there were some very good exchanges regarding not only open burning issues but fireplace issues as well. Board Member Dominici noted that he will be attending another meeting in the future with a representative from that group along with District staff.

OTHER BUSINESS – No Other Business.

13. **CLOSED SESSION** – The Governing Board held 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 (b) (1) One potential case

Philip M. Jay, District Counsel, announced the following: the Board will hold a Closed Session as listed on the agenda: anticipated litigation (1) one case. Mr. Jay stated that if there are any announcements to be made they will be made in the Governing Board Room. Mr. Jay stated that the Board will adjourn the meeting from Closed Session.

The Board exited the Governing Board Room for Closed Session at 11:30 a.m., to the Fresno VTC Room.

The Board adjourned the meeting from Closed Session at 11:55 a.m.