

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

**Thursday, December 16, 2004
9:00 a.m.**

The Meeting was held in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.

1. **CALL TO ORDER** – The Chair, Supervisor Barbara Patrick, called the meeting to order at 9:10 a.m.

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

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

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

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

3. **APPROVAL OF CONSENT CALENDAR – (Item Numbers 12-17).** (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).

12. Approve Action Summary Minutes from the Special Governing Board Meeting of Thursday, November 4, 2004.

13. Receive and file List of Scheduled Meetings for 2004-05.

14. Receive and file Operation Statistic Summaries for September, October and November 2004.

15. Receive and file Budget Status Report as of November 30, 2004.

16. Receive and file proposed new rules and rule amendments for Fugitive VOC Emissions from oil, gas, and chemical facilities, and set January 20, 2005 for the Public Hearing to consider the proposed new and amended rules.
17. Approve resolution for Kern County regarding the District's approval of enhanced retirement benefits.

APPROVED AS RECOMMENDED – Board Member Dominici made the motion to approve the Consent Calendar as submitted. Seconded by Board Member Anderson and carried unanimously with the following Roll Call Vote:

Ayes: Sieglock, Nelson, Dominici, Worthley, Armentrout, Anderson, Barba, Maggard, Prince, Mayfield and Patrick.
Absent: None.

Action: The Board approved the Consent Calendar Items 12, 13, 14, 15, 16 and 17 as submitted.

4. **ELECTION OF OFFICERS** – Recommend electing the Chair and Vice Chair of the Governing Board for 2005.

MOTION TO ELECT – Board Member Barba made the motion to elect as Chair the representative from Stanislaus County, Supervisor Mayfield, and nominated Councilmember Maggard, city representative as Vice Chair for 2005. Seconded by Board Member Worthley and carried unanimously with the following Roll Call Vote:

Ayes: Anderson, Dominici, Barba, Prince, Nelson, Armentrout, Sieglock, Maggard, Worthley, Mayfield and Patrick.
Absent: None.

Action: the Board elected Supervisor Thomas W. Mayfield, Stanislaus County, Chair, and Councilmember Mike Maggard, City of Bakersfield, Vice Chair of the Governing Board for 2005.

5. **PUBLIC COMMENT** – No Public Comment.
6. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Kevin Hamilton, Environmental Primary Member, Fresno County made the CAC Report to the Board for the December 7, 2004 CAC Meeting.

Mr. Hamilton announced that the CAC voted unanimously to recommend to the Governing Board that they authorize the additional \$2 DMV Surcharge Fee for

Motor Vehicle Emission Reduction Projects.

7. **RECONSIDER AUTHORIZATION OF AN ADDITIONAL \$2 DMV SURCHARGE FEE FOR MOTOR VEHICLE EMISSION REDUCTION PROJECTS**

Presentation made by David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer, Jeff Findley, Supervising Air Quality Planner, Roger McCoy, Director of Administrative Services, and Philip M. Jay, District Counsel.

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

Linda Urata, San Joaquin Valley Clean Cities Coalition, spoke in support of the Board authorizing the additional \$2 DMV Surcharge Fee.

Les Clark, Citizens Advisory Group of Industries, spoke in support of the Board authorizing the additional \$2 DMV Surcharge Fee.

Jerry Frost, Kern Oil and Refining Company, spoke in support of the Board authorizing the additional \$2 DMV Surcharge Fee.

Bill Descary, member of the public, urged the Board to authorize the additional \$2 DMV Surcharge Fee.

Dr. David Pepper, U. C. San Francisco, urged the Board to authorize the additional \$2 DMV Surcharge Fee.

Tim Curley, Madera County resident, spoke in support of the Board authorizing the additional \$2 DMV Surcharge Fee.

Patrick Smith, Harris Ranch, urged the Board to authorize the additional \$2 DMV Surcharge Fee.

Sean Edgar, Clean Fleets Coalition, stated the guidelines for the use of the additional \$2 DMV Surcharge Fees have a strong disconnect in respect to refuse trucks.

Christine Foster, Tulare County Asthma Coalition, and CAC Environmental, Primary Member representing Tulare County, spoke in support of the Board authorizing the additional \$2 Surcharge Fee. Ms. Foster urged the Board and staff to use their discretion in prioritizing heavy duty vehicle engines, school buses, and also the vehicle retirement program for these additional funds.

Roger Isom, California Cotton Ginners Association, spoke in support of the Board authorizing the additional \$2 DMV Surcharge Fee. Mr. Isom stated that the Carl

Moyer and Heavy-Duty Programs are very cost effective and successful programs for the Valley Air District.

Josette Merced Bello, American Lung Association of Central California, spoke in support of the Board authorizing the additional \$2 DMV Surcharge Fee.

Manuel Cunha, Nisei Farmers League, stated that Operation Clean Air supports the Board authorizing the additional \$2 DMV Surcharge Fee. Mr. Cunha stated that the ag industry also supports the Board authorizing the additional \$2 DMV Surcharge Fee.

Rey Leon, Latino Issues Forum, Latino Environmental Health Network and Central Valley Air Quality Coalition, spoke in support of the Board authorizing the additional \$2 DMV Surcharge Fee.

Socorro Gaeta, Fresno Metro Ministry, spoke in support of the Board authorizing the \$2 DMV Surcharge Fee.

John Beckman, Building Association (BIA) of the Delta, and local BIA's in the San Joaquin Valley, spoke in support of the Board authorizing the \$2 DMV Surcharge Fee, although they do have some concerns on how that \$2 fee will be spent.

Caroline Simunovic, Fresno Metro Ministry, urged the Board to authorize the \$2 DMV Surcharge Fee.

Mary-Michal Rawling, Merced-Mariposa Asthma Coalition, Central Valley Air Quality Coalition and a member of the District's Citizens Advisory Committee, echoed Ms. Simunovic's comments. Ms. Rawling recommended the Board adopt the surcharge fee and prioritize school buses to receive this money.

Board Member Dominici stated he would like, through the Chair, to direct staff to bring back future agenda items which provides specific information about how these monies will be used, and any additional staffing resources that may be necessary.

After discussion the Board took the following action:

AUTHORIZED AN ADDITIONAL \$2 DMV SURCHARGE FEE FOR MOTOR VEHICLE EMISSION REDUCTION PROJECTS – Board Member Dominici made the motion to approve the resolution authorizing an additional two dollars (\$2) surcharge fee. Seconded by Board Member Armentrout.

Board Member Sieglock stated that he would like language added to the motion to tell us time specifically when we're going to receive some information pertaining to the accountability issues raised by the Board and some public speakers.

MOTION AMENDED - Board Member Dominici amended his motion to direct staff to bring back next month the date staff will present all the facts pertaining to the accountability issues to the Board. Board Member Armentrout amended his second to the motion. The motion carried with the following Roll Call Vote:

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

Noes: Maggard.

Absent: None.

Action: The Board approved the resolution authorizing an additional two dollars (\$2) surcharge on the registration fees applicable to all motor vehicles registered in the District, as authorized in AB 923 (Firebaugh, 2004), and request that DMV begin collecting the fee on April 1, 2005.

The Board directed staff to provide at the January 20, 2005 Board Meeting the date staff will present all the facts pertaining to the accountability issues requested by the Board during the meeting.

Board break at 11:25 a.m.

Reconvened from break at 11:40 a.m.

8. **RECEIVE AND FILE DISTRICT'S ANNUAL OFFSET EQUIVALENCY REPORT TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY** – Presentation made by David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer and David Warner, Director of Permit Services.

No Public Comments received on this item.

RECEIVED AND FILED – Board Member Worthley made the motion to receive and file the Offset Equivalency Report. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:

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

Absent: Sieglock, Armentrout and Nelson.

Action: The Board received and filed the District's annual offset equivalency report submitted to the federal Environmental Protection Agency (EPA) for the 12-month period from August 20, 2003 through August 19, 2004.

9. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report made by Douglas Ito, ARB representative and Liaison for the Valley Air District.
10. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, stated the District is in the process of considering changes to the Board's Legislative Platform. Mr. Crow stated he intends to bring changes to the Board during their January 20, 2005 meeting. Mr. Crow stated he would like to request the Board appoint a small subcommittee of Board Members to give some guidance and assistance to that process. Counsel advised the Board that this item was not on today's agenda therefore, a subcommittee cannot be appointed. It was determined that Mr. Crow will advise the Board with the date and time staff will be meeting with the lobbyist to deliberate on the platform so they can attend. Mr. Crow noted that the meeting will be on the District's video teleconference (VTC) system.
- Mr. Crow noted the Board has five copies before them of the much heralded District 2005 Clean Air Kids Calendar. Mr. Crow reported that there are fourteen Valley student artists that are represented by their work in the calendar. Mr. Crow stated that the District received more than 700 entries this year from throughout the Valley. Mr. Crow announced that 20,000 of these calendars will be distributed. Mr. Crow remarked that the art work is some of the best you will ever see, they've done some really remarkable things in expressing themselves.
11. **GOVERNING BOARD MEMBER COMMENTS** – The Chair stated that we have been having some controversial discussions in Bakersfield about the fireplace rule. The Chair stated that perhaps next month staff could give a report to the Board about how District staff goes about enforcing the no burn rule. The Chair stated that it would be helpful for the Board to have a little bit more information collectively about that.

Mr. Crow noted that staff will prepare a report for the Board in January which will be the middle of the burn season.

The Board asked several questions about the process the District utilizes and requested additional information pertaining to the device the District utilizes to measure heat.

The Chair indicated she recently had a meeting with Catherine Phillips, Environmental Defense, Caroline Simunovic, Fresno Metro Ministry and Rey Leon, Latino Issues Forum. The Chair noted that they visited her in Bakersfield and they had a good discussion. The Chair stated that they certainly are interested in getting more engaged with the various Board Members. The Chair explained that she urged them to make appointments with Board Members to just sit down and have an informal conversation with them. The Chair stated that we all learned a lot and she wanted the Board to be aware of that meeting and the fact that they will be contacted for appointments.

The Chair indicated she is not sure she will be in attendance for the January 20, 2005 Governing Board Meeting because it conflicts with the ARB Board Meeting. The Chair remarked that the ARB Board will be talking about transport and she thinks that it would be important for her to be there. The Chair noted that she will do her best to send her alternate to the January 20, 2005 Governing Board Meeting.

The Chair stated that this is her last meeting as chair of the Governing Board. The Chair indicated she just wanted to say what a pleasure it has been to represent this Board and everybody on the staff and all the people in the Valley. The Chair stated it has been a wonderful experience and she enjoyed it very much.

The Board commended Supervisor Patrick for doing an excellent job and thanked her for her leadership throughout 2004.

Board Member Worthley reported this morning was the grand opening of the City of Dinuba's new LNG station.

Board Member Maggard stated that the fireplace issue and the use of the District's camera is a very "hot topic" in Bakersfield. Board Member Maggard stated he wants staff to come back at the January 20, 2005 Board Meeting and tell the Board specifically, how this camera will and will not be used in the future.

OTHER BUSINESS – No Other Business.

NO CLOSED SESSION

The Chair adjourned the meeting at 12:12 p.m.