

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

**Thursday, November 4, 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 9:00 a.m.

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

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

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

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(10-17)**. (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).
 10. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Friday, October 8, 2004.
 11. Receive and file List of Scheduled Meetings for 2004-05.
 12. Approve Amendment No. 1 to the agreement with Kiernan Business Center Partners which provides for a seven-month extension of the building lease for the District's Modesto Office.

13. Approve resolution increasing the 2004-05 District Budget in the amount of \$34,100 to recognize unanticipated revenue related to the 2004 Air Symposium.
14. Approve Amendment No. 4 to Agreement PM10-002 with Melvin D. Zeldin to extend the term of agreement to June 30, 2005.
15. Approve enhanced retirement benefits for all District employees; approve MOU amendments for General and Supervisory Units.
16. Contract for Executive Director/APCO.
17. Contract for District Counsel.

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

Vote:

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

Absent: Mayfield.

Action: The Board approved the Consent Calendar Items 10, 11, 12, 13, 14, 15, 16 and 17, as submitted.

4. **PUBLIC COMMENT** – No Public Comment.
5. **AUTHORIZE 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 and Jeff Findley, Supervising Air Quality Planner.

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

Jerry Frost, Kern Oil & Refining Company, spoke in support of the Board approving the additional \$2 DMV surcharge fee increase. Mr. Frost cautioned the Board that the money needs to be properly managed and that all of the projects that are granted funding need to follow certain criteria. Mr. Frost noted that the emissions should be actual, quantifiable, verifiable, and costeffective. Mr. Frost stated that the applicants that receive program dollars need to go through the same rigors that a facility must go through when a facility chooses to bank an emission reduction credit.

Linda Urata, San Joaquin Valley Clean Cities Coalition, spoke in support of the Board approving the additional \$2 DMV surcharge fee increase. Ms. Urata stated she appreciates the effort to bring two more of her tax dollars back to the Valley, and specifically for that money to go to work on improving air quality.

Dennis Tristao, spoke on behalf of various ag groups and committees, and urged the Board to approve the additional \$2 DMV surcharge fee increase. Mr. Tristao thanked District staff and the Board for their foresight in developing incentive programs that industries utilize.

Mr. Tristao noted that future rules that are being mandated, and that are being developed will cost the industries in the Valley, including agriculture and other stationary sources, literally hundreds of millions of dollars. Mr. Tristao stated that it is these types of incentives that keep our industries competitive as opposed to having to fund the full cost of mandated controls, which other regions of the state and nation are not required to fulfill.

Mr. Tristao stated he wanted to thank the staff of the District for their assistance in the projects that we've had in the past. Mr. Tristao noted that the District has always been one of the most well organized agencies with the best knowledgeable assistance that he has ever come across. And, Mr. Tristao stated that he has done business with many agencies both locally, and at the state level. Mr. Tristao stated he thinks that we have great reason to be proud of the quality of staff that the District has.

**MOTION TO APPROVE AS RECOMMENDED – Board Member Anderson made the motion to approve the additional \$2 DMV surcharge fee increase. Seconded by Board Member Armentrout. Roll Call Vote:
Ayes: Anderson, Dominici, Armentrout, Worthley and Patrick.
Noes: Barba, Prince, Nelson, Sieglock and Maggard.
Absent: Mayfield.**

Action: Motion failed, the SJVUAPCD Formation Agreement requires “.... the affirmative vote of at least six (6) members shall be required for the approval of any action taken by the SJVUAPCD Board....”

**MOTION TO RETURN ITEM FOR FURTHER CONSIDERATION – Board Member Prince made the motion to return the item for further consideration at the December 16, 2004 Governing Board Meeting. Seconded by Board Member Dominici and carried unanimously with the following Roll Call Vote:
Ayes: Worthley, Prince, Nelson, Sieglock, Anderson, Dominici, Armentrout, Maggard, Barba and Patrick.
Absent: Mayfield.**

Action: The Board requested staff return the item for further consideration at the December 16, 2004 Board Meeting. The Board requested additional information regarding what types of projects the additional \$2 would fund.

The Chair requested staff provide additional information on historical expenditures and effectiveness of the incentive funds and further details on future projects that may benefit from the proposed incentive funds and (2) information pertaining to what other air districts are doing regarding the additional \$2 DMV surcharge fee increase.

Board Member Anderson left the dais for the remainder of the meeting.

6. **APPROVE AND AUTHORIZE THE CHAIR TO EXECUTE A CONTRACT WITH CPS HUMAN RESOURCE SERVICES FOR A COMPREHENSIVE MANAGEMENT AUDIT OF DISTRICT ACTIVITIES FOR AN AMOUNT NOT TO EXCEED \$63,800** – Presentation made by David L. Crow, Executive Director.

APPROVED AS RECOMMENDED – Board Member Sieglock made the motion to approve the item as recommended. Seconded by Board Member Nelson and carried unanimously with the following Roll Call Vote:

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

Absent: Anderson and Mayfield.

Action: (1) The Board approved and authorized the Chair to execute a contract with CPS Human Resource Services for a comprehensive management audit of District activities for an amount not to exceed \$63,800. (2) Approved Budget Transfer No. 11 which transfers appropriations in the amount of \$63,800 from the Appropriations for Contingencies Account to the Professional & Specialized Services Account to provide funding for the CPS Human Resource Services Contract.

The Chair complimented staff on bringing this item forward. The Chair stated that it is always important that we're interested in evaluating how well we're doing, and she thinks that to have an independent firm come in and measure us is an excellent idea.

7. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District, stated this would be his final report to the Board because he will be taking on new responsibilities. Mr. Ramalingam spoke about how much he appreciated the opportunity to participate at the Board meeting and work with the Board and staff.

Mr. Ramalingam introduced Doug Ito as the new Valley Liaison. Mr. Ramalingam stated that he was very confident in leaving the position of Valley Liaison with Mr. Ito. Mr. Ramalingam stated that Mr. Ito is one of the bright new stars at ARB and he actually worked in the Valley before for the San Joaquin County Council of Governments.

The Board expressed their appreciation to Mr. Ramalingam for his very valuable assistance during the past four years.

David L. Crow, Executive Director/APCO, returned the compliment to Mr. Ramalingam and stated that our interaction with ARB is vital, it's ongoing, and it's continuous. Mr. Crow stated that we've really enjoyed working with Mr. Ramalingam and we look forward to working with Mr. Ito, as well.

Doug Ito stated that he was looking forward to working with the Board and staff. Mr. Ito stated that he also has family in the Valley so the Valley is not unfamiliar territory to him.

Mr. Ramalingam announced that the ARB Board on October 28, 2004 approved the District's Extreme Ozone Attainment Demonstration Plan. Mr. Ramalingam announced that ARB will be sending the Ozone Plan off to EPA before the November 15, 2004 deadline, and Mr. Ito will actually handle that.

8. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, stated the District has been very much involved in working with the utilities, specifically Pacific Gas & Electric, Southern California Edison and the Public Utilities Commission (PUC) staff to address the ability for growers to switch ag irrigation pumps from diesel engines to electric models at a discounted electricity rate. Mr. Crow stated that we've achieved some significant success, and on November 9, 2004 there will be a press conference in Sacramento, and we will have some events related to it in San Joaquin Valley. Mr. Crow noted that the utilities are on the verge of making a filing with the PUC to do a couple of things that are significant: (1) to remove the so called standby charge for line availability to agricultural interests that choose to use electric pumps and (2) to agree to a long term rate for electrical power for purposes of pumping.

Mr. Crow explained that both of these measures along with a lot of collateral strategies are going to be extremely important in helping us address this significant source of emissions in the Valley, and we see this as a first step.

The Chair stated that we've been hearing about this for years and this would be a tremendous move forward for our agricultural community.

9. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Worthley stated that the information about removing the standby charge will be absolutely tremendous in terms of getting back to electric pumps.

David L. Crow, Executive Director/APCO, stated that diesel pumps on farms count in their permitting requirements under SB 700 and identify if they meet the criteria of a major source or not. We're hopeful this all comes together as anticipated as it could provide agriculture and the District relief from extensive interaction.

OTHER BUSINESS – No Other Business.

NO CLOSED SESSION

The Chair adjourned the meeting at 10:35 a.m.