

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

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

<p>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.</p>
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1. **CALL TO ORDER** – The Chair, Supervisor Barbara Patrick, called the meeting to order at 9:05 a.m.

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

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 (**)	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 **(12-20)**. (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).

12. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District of Thursday, August 19, 2004.

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

14. Receive and file Operations Statistics Summary for August 2004.

15. Receive and file Budget Status Report as of August 31, 2004.

16. Amend Conflict of Interest Code
17. Approve and authorize the Chair to execute Amendment No. 2 to the Fangs Communication Hmong Outreach Campaign Agreement which augments the maximum compensation by \$53,475 and extends the term of the agreement to June 30, 2005.
18. Approve and authorize Chair to sign agreement with the American Lung Association for a School Flag Program in the amount of \$30,595.
19. Approve the agreement for the implementation of the District's socioeconomic impact analysis program in the amount of \$249,875.
20. Receive and file proposed Extreme Ozone Attainment Demonstration Plan and set October 8, 2004 for the public hearing to consider adoption of the proposed plan.

Item #18 removed from the Consent Calendar for discussion by Manuel Cunha.

Item #20 removed from the Consent Calendar for discussion by David L. Crow, Executive Director/APCO.

APPROVED AS RECOMMENDED – Board Member Barba made the motion to approve the Consent Calendar as submitted minus items #18 and #20. Seconded by Board Member Dominici and carried unanimously with the following Roll Call Vote:

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

Absent: None.

Board Action: Approved Consent Calendar Items #12, 13, 14, 15, 16, 17, and 19 as submitted. Items #18 and #20 removed from Consent Calendar for discussion.

18. Approve and authorize Chair to sign agreement with the American Lung Association for a School Flag Program in the amount of \$30,595.

Manuel Cunha, Nisei Farmers League, requested clarification on Item #18. Mr. Cunha expressed several concerns regarding the program and noted that industry was not involved in the development of the program and therefore had several questions in respect to what the program entails and who administers the program.

Presentations made by Jaime Holt, Public Education Administrator and Josette Merced Bello, Executive Director of the Central California American Lung Association. The presentations outlined that the program will include a substantial educational component utilizing existing Air District materials, and that the educational component will focus on how students, parents and school staff can personally contribute to cleaner air quality.

Mary-Michal Rawling, Merced/Mariposa County Asthma Coalition representative, stated Merced County Office of Education kicked the School Flag Program off in Merced on February, 2004, and the program is currently in about 75% of Merced County Schools. Ms. Rawling indicated the program has been very successful. Ms. Rawling noted she has been invited to speak at several functions regarding the School Flag Program.

The Board commented that the School Flag Program sounds like a very good program. There were comments regarding additional funding, and a note of caution was mentioned to maintain the program as very apolitical.

The Chair directed staff to discuss the possibility of expansion of funding for the School Flag Program with the District's Budget Subcommittee next spring.

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

Manuel Cunha, Nisei Farmers League, requested information regarding the School Flag Program be sent to industry for their review and comment.

Carolina Simunovic, Fresno Metro Ministry, spoke in support of the program.

Dennis Tristao, Chairman Planning Commission, City of Corcoran. Mr. Tristao noted he was not speaking on behalf of the Planning Commission or the City of Corcoran. Mr. Tristao noted that the Corcoran Unified School District has a monitoring station and he stated that he was lobbying for the school to be added to the Flag Program.

Kevin Hamilton, Director of Community Medical Center's Asthma Program, encouraged the Board to approve and expand the program.

Arthur Unger, member of the Sierra Club, stated this program sounds like one more step in the right direction.

The Chair stated it was nice to get kudos from people for a good and positive program.

APPROVED AS RECOMMENDED – Board Member Worthley made the motion to approve Item #18 as recommended. Seconded by Board Member Barba and carried unanimously with the following Roll Call Vote:

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

Absent: None.

Board Action: Approved and authorized the Chair to sign the agreement with the American Lung Association of Central California for a School AQI Flag Program in the amount of \$30,595 to inform area students, parents and teachers about daily air quality status.

20. Receive and file proposed Extreme Ozone Attainment Demonstration Plan, and set October 8, 2004 for the public hearing to consider adoption of the proposed plan.

David L. Crow, Executive Director/APCO, announced the plan in today's Governing Board packet has been revised as indicated:

Plan Revision to Chapter 5.6, pages 5-10 to 5-12

The specific changes are in Figure 5-5, Table 5-1, and text changes on page 5-12 related to the changes in Figure 5-5 and Table 5-1. Minor changes to other chapters to ensure consistency with the revisions in Chapter 5.6 will be made available prior to the October 8, 2004 Governing Board meeting.

RECEIVED AND FILED – Board Member Dominici made the motion to Receive and file Item #20 as recommended. Seconded by Board Member Nelson and carried unanimously with the following Roll Call Vote:

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

Absent: None.

Board Action: (1) Received and filed the Proposed Extreme Ozone Attainment Demonstration Plan, and (2) Set public hearing date for October 8, 2004

4. **PUBLIC COMMENT** – Sean Edgar, Executive Director, Clean Fleets Coalition, commented that the California Performance Review (CPR), public hearing would be held on September 17, 2004 starting at 10:00 a.m., Fresno State University. They will be conducting the public hearing on the Environmental Protection and Resources side of the CPR's recommendations. Mr. Edgar urged everyone with an interest in this topic to attend and participate in tomorrow's hearing.

Mary Michal Rawling, Merced/Mariposa County Asthma Coalition, expressed her appreciation to Public Education staff for their assistance with the School Flag Program in Merced County.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Kevin Hamilton, Environmental Primary Member, Fresno County, made the CAC Report.

Mr. Hamilton reported that Jaime Holt reported on the following outreach Kid's Programs:

- The "Clean Air Kid's Club"
- Elementary School Curriculum
- Kid's Calendar and Color Contest
- Middle School Curriculum
- School Flags Program
- Website
- Outreach is available for presentations at schools

Mr. Hamilton noted the Industry/Agriculture Interest Group elected Chris Savage, Chair of their Interest Group.

Mr. Hamilton reported on the recent activities of the CAC Technical Rule Subcommittee, and noted that the School Bus Rule and the Indirect Source Review Rule have become the main focus of the subcommittee. Mr. Hamilton shared with the Board a copy of the CAC Technical Rule Subcommittee Status Sheet, and complimented Chris Savage for developing and maintaining the Status Sheet.

Mr. Hamilton commended the Tracy power plant for mitigating the retrofit of the entire school bus fleet at the Tracy School District.

Mr. Hamilton noted the CAC at their September 7, 2004 meeting requested a Status Report from ARB at the next CAC meeting, October 5, 2004, regarding ARB's workshop on the Review of the California Ambient Air Quality Standards for Ozone.

Board Member Armentrout stated he appreciates the subcommittee's Status Sheet and requested that the CAC consider adding more room for comments under the column titled Comments to be Considered.

Board Member Barba requested that along with the Rule Liaison's name the CAC consider adding the liaison's phone numbers and email addresses.

Mr. Hamilton stated he will mention these requests to the CAC to see if they are amiable to adding the Board's suggestions.

The Chair complimented the CAC for their efforts in becoming a more effective body.

6. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4103 (OPEN BURNING)** – Presentation made by David L. Crow, Executive Director/APCO and George Heinen, Supervising Air Quality Engineer.

Mr. Heinen recognized the following staff Scarlett Noguera, Project Coordinator along with her Project Development Team, Maria Stobbe, Gary Arcemont, Carlos Garcia, Ted Strauss and Jose Martinez, as well as regulated stakeholders, the agricultural community and agricultural commissioners.

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

Manuel Cunha, Nisei Farmers League, complimented staff for their work on Rule 4103. Mr. Cunha spoke in support of the Board adopting the proposed amendments to Rule 4103.

APPROVED AS RECOMMENDED – *Board Member Nelson made the motion to adopt the proposed amendments as recommended. Seconded by Board Member Anderson and carried unanimously with the following Roll Call Vote:*

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

Absent: *None.*

Board Action: *(1.) Adopted proposed amendments to Rule 4103 (Open Burning), and (2.) Authorized the Chair to sign the resolution.*

7. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 8071 (UNPAVED VEHICLE/EQUIPMENT TRAFFIC AREAS) AND RULE 8081 (AGRICULTURAL SOURCES)** – Presentation made by David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy Air Pollution Control Officer, and Dave Mitchell, Planning Manager.

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

Manuel Cunha, Nisei Farmers League, spoke in support of the Board adopting the proposed amendments to Rules 8071 and 8081.

APPROVED AS RECOMMENDED – Board Member Anderson made the motion to adopt the proposed amendments as recommended. Seconded by Board Member Dominici and carried unanimously with the following **Roll Call Vote**:

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

Absent: None.

Board Action: (1.) Adopted proposed amendments to Rule 8071 (Unpaved Vehicle/Equipment Traffic Areas) and Rule 8081 (Agricultural Sources), and (2.) Authorized the Chair to sign the resolution.

8. **VERBAL REPORT** – Report by Ravi Ramalingam, ARB representative, and ARB Liaison for the Valley Air District.

The Chair invited Ravi Ramalingam to attend the District's Air Quality Symposium, September 29, and 30, 2004 in Bakersfield.

9. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, announced the District will hold an Air Quality Symposium on September 29 and 30, 2004 in Bakersfield.

Mr. Crow reported that the Northern California Air Quality Coordinating Group is scheduled to meet on October 14, 2004, 11:00 a.m. to 1:00 p.m., Metropolitan Transportation Commission Offices, Oakland, CA.

Mr. Crow announced the annual coloring/calendar contest from Valley students is due by September 30, 2004

The Chair noted we will have a Governing Board Meeting on October 8, 2004 and she reminded the Board to mark that date on their calendars.

10. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Barba requested a packet of information regarding the symposium be sent to the Board.

Board Member Nelson stated he sits on the Operation Clean Air (OCA) Steering Committee and the OCA in conjunction with the Maddy Institute will be holding four community forums called Air Fairs in the following locations: Fresno, Sacramento, Stanislaus and Bakersfield. Board Member Nelson stated the Air Fairs are about Air Quality in the San Joaquin Valley – how it impacts you – and what you can do to help. Board Member Nelson indicated he would provide a copy of the meeting locations and dates to the Board.

Board Member Maggard reported on an editorial in the Bakersfield California last week that was rather strong in its comments about the Governing Board. Board Member Maggard read the last paragraph into the Record. "... The Air District Officials should spend less time huffing and puffing about their rules and more time working together with other agencies such as National Parks, etc...." Board Member Maggard asked staff if they were invited to attend the Editorial Board meeting before they put together this editorial?

David L. Crow, Executive Director/APCO, stated that the answer is an emphatic no, we were not contacted. Mr. Crow explained that the District does not normally comment on Notices of Violation while they're pending adjudication to the mutual settlement process. Mr. Crow noted that a response to this particular editorial might be appropriate to a.) encourage in the future that there might be some direct contact with the principals involved, and b.) to set the record straight as it relates to some of the facts that were imparted in the editorial.

Board Member Maggard encouraged staff to respond to the Bakersfield Californian's editorial.

The Board requested a copy of the Bakersfield Californian editorial.

OTHER BUSINESS – No Other Business.

11. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54957.6** of the Government Code (Ralph M. Brown Act) as follows:

- Conference with labor negotiator – Carolyn Rose;
Employee Organization SEIU, Local 700

The Board adjourned to Closed Session at 10:30 a.m.

The Board adjourned from Closed Session at 10:45 a.m.