

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

**Thursday, February 17, 2005  
9:00 a.m.**

**The Meeting was held via video teleconference (VTC) in the Central Region Office (Fresno), the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield).**

1. **CALL TO ORDER** – The Chair, Supervisor Thomas W. Mayfield, called the meeting to order at 9:14 a.m.
  
2. **ROLL CALL was taken and a quorum was present.**

Susan B. Anderson, Supervisor	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
Jack A. Sieglock, Supervisor (**)	San Joaquin County
J. Steven Worthley, Supervisor	Tulare County
Mike Maggard, Councilmember, <b>Vice Chair (*)</b>	City of Bakersfield
Thomas W. Mayfield, Supervisor, <b>Chair (**)</b>	Stanislaus County

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

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

***The Chair (Supervisor Thomas W. Mayfield) presented a plaque from the San Joaquin Valley Unified Air Pollution Control District Governing Board to Supervisor Barbara Patrick, Kern County, with great appreciation for her service as Chair for the year 2004.***

3. **OUTGOING CHAIR COMMENTS** – The outgoing Chair, Supervisor Barbara Patrick, made comments in respect to the Board's activities for the year 2004.
  
  4. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(13-19)**. (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).
13. Approve Action Summary Minutes from the Governing Board Meeting of

Thursday, January 20, 2005.

14. Receive and file List of Scheduled Meetings for 2005.
15. Receive and file Operation Statistic Summaries for January 2005.
16. Receive and file Budget Status Report as of January 31, 2005.
17. Receive and file proposed amendments to Rule 4306 (Boilers, Steam Generators, and Process Heaters – Phase 3), and set March 17, 2005 for a Public Hearing to consider the proposed amendments.
18. Amend Budget to accept insurance reimbursement for stolen equipment and approve contract for Tracy air monitoring site construction.
19. Approve contract with V-SPAN, Inc. for relocation of the District's Video Teleconferencing (VTC) System to the new Modesto Office Facility in the amount of \$94,395.23.

The following Consent Calendar items were pulled for additional comments, 14, 15, 16, and 19.

***APPROVED AS RECOMMENDED – Board Member Sieglock made the motion to approve the remaining Consent Calendar Items 13, 17, and 18 as submitted. Seconded by Board Member Prince and carried unanimously with the following Roll Call Vote:***

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

***Absent: None.***

***Action: The Board approved Consent Calendar Items 13, 17, and 18 as submitted.***

Consent Calendar Item 14 was pulled by David L. Crow, Executive Director/APCO. Mr. Crow announced that the April 21, 2005 Governing Board Meeting conflicts with the San Joaquin Valley Regional Association of Counties Spring Conference, therefore the April Board Meeting has been rescheduled to Wednesday, April 20, 2005.

Consent Calendar Item 15 was pulled by Board Member Prince. Board Member Prince asked about the status of Permit Service End-of-Month Application Backlog.

Seyed Sadredin, Deputy Air Pollution Control Officer, responded by stating that the 2005 Operations Statistics Summary for January 2005 indicated a count of 1132. Mr. Sadredin noted that since this report the backlog has actually gone down to 900, and the District in consultation with the stakeholders is working on additional permit streamlining measures.

Consent Calendar Item 16 was pulled by Board Member Maggard. Board Member Maggard asked that future reports also include a balance sheet. Board Member Maggard stated he would be happy with a balance sheet on a quarterly bases.

David L. Crow, Executive Director/APCO, suggested that staff will confer with Board Member Maggard. Mr. Crow indicated that staff could come to the Board at the next meeting to talk about what would be involved in terms of resources and what the utility would be from providing a quarterly balance sheet.

Consent Calendar Item 19 was pulled by Board Member Nelson. Board Members Nelson, Armentrout, and Worthley asked questions pertaining to additional speakers in the new northern region building, and clarification pertaining to the costs of moving the VTC system to the new building.

Kenneth Pretzer, Information Services Officer, responded to the Board questions and comments.

Board Member Armentrout noted that several years ago he asked about the possibility of installing some type of equipment that would get the Chair's attention when one of the Board Members wanted to comment during the meeting. Board Member Armentrout stated that staff provided him with the cost of installing that type of equipment, and because it was such a large amount he did not pursue it any further. Board Member Armentrout stated that he would like for staff and the Board to revisit that issue at this time. Board Member Armentrout indicated that the Board Members are now attending, on a regular bases, in all three regional office and it is becoming more difficult to get the attention of the Chair when a Board Member wishes to comment.

Mr. Pretzer stated that staff will review the request and report back to the Board with the options.

**APPROVED AS RECOMMENDED** – ***Board Member Sieglock made the motion to approve Consent Calendar Items 14, 15, 16 and 19 as submitted. Seconded by Board Member Prince and carried unanimously with the following Roll Call Vote:***

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

**Absent:**          ***None.***

**Action: The Board approved Consent Calendar Items 14, 15, 16 and 19 as submitted.**

5. **PUBLIC COMMENT** – Manuel Cunha, Nisei Farmers League, requested an item be added to the May Governing Board Agenda regarding a presentation to the Board about the successes, and the accomplishments of the Conservation Management Practices that the Board, staff and industry have worked on for several months. Mr. Cunha noted that the presentation will take approximately ten to fifteen minutes.

David L. Crow, Executive Director/APCO, indicated that timeframe may work out, but he did not want to commit to May at this time. Mr. Crow pointed out that we do have a Dairy Permitting Advisory Group (DPAG) that is convening right now, and their task is to advise the District with insight into how we move forward with dairy permitting. Mr. Crow stated that it might be appropriate in that timeframe to give the Board and the public a general overview. Mr. Crow noted that it would be an informational item only, if we are able to do it, and if the DPAG stays on schedule.

6. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** - Dana Karcher, Environmental Primary Member, Kern County, made the CAC Report to the Board for the February 1, 2005 CAC Meeting. Ms. Karcher provided the Board with the following documents: *Air Quality and Urban Forestry by Dana Karcher, and the CAC Technical Rules Subcommittee Status Sheet.*

7. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4101 (VISIBLE EMISSIONS)** – Presentation made by George Heinen, Supervising Air Quality Engineer.

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

Dan K. Van Konynewberg, Modesto, asked if there were any changes to Rule 4101 that was presented at the workshops.

George Heinen stated that there were no changes to the Rule 4101 as presented at the workshops.

**ADOPTED AS RECOMMENDED** – Board Member Barba made the motion to adopt proposed amendments to Rule 4101 as submitted. Seconded by Board Member Dominici and carried unanimously with the following **Roll Call Vote**:

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

**Absent:** None.

**Action:** The Board took the following action:

- 1) Adopted proposed amendments to Rule 4101 (Visible Emissions).
- 2) Authorized the Chair to sign the resolution.

8. **PUBLIC HEARING: ADOPT PROPOSED RULE 4204 (COTTON GINS)** – Presentation made by David L. Crow, Executive Director/APCO, Alvin Valeriano, Air Quality Specialist and George Heinen, Supervising Air Quality Engineer.

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

Roger Isom, California Cotton Ginners and Growers Association, spoke in support of Rule 4204.

Manuel Cunha, Nisei Farmers League, stated that as the District goes forward with rules that have more requirements there will be a need to find low interest loan programs to assist businesses with those requirements.

**ADOPTED AS RECOMMENDED** – After discussion Board Member Sieglock made the motion to adopt proposed Rule 4204 as recommended. Seconded by Board Member Patrick and carried unanimously with the following **Roll Call Vote**;

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

**Absent:** None.

**Action:** The Board took the following action:

- 1) Adopted proposed Rule 4204 (Cotton Gins).
- 2) Authorized the Chair to sign the resolution.

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, announced that Robert J. Kard, Director of Compliance, will be leaving the District on March, 2, 2005. Mr. Crow thanked Mr. Kard for his service to the District. Mr. Crow noted that Mr. Kard will be the new APCO in Maricopa County, (aka) Phoenix, AZ.

Mr. Kard stated that overall he wanted to say thanks to the Governing Board for supporting the Compliance Division. Mr. Kard stated that with the Board's, support and with Dave Crow, Seyed Sadredin and formerly Mark Boese, and everyone else here at the District we really have what is considered probably one of the best programs in the State, for the District as a whole, as well as the Compliance Division. Mr. Kard stated that he thinks that we are unique, and cutting edge and he is happy to represent this District going into Arizona.

The Board thanked Mr. Kard for his service to the District.

Mr. Crow announced that the April 21, 2005 (Thursday) Board Meeting date has been changed to April 20, 2005 (Wednesday)

Mr. Crow requested the Board put together an Ad Hoc Subcommittee for the purposes of helping staff in the development of the forthcoming Budget. Mr. Crow stated that in the past the Board has traditionally appointed the Chair, Vice Chair and past Chair, plus a couple of other Board Members that would volunteer, as long as we stay under six total members.

Board Members: Maggard, Mayfield, Patrick and Worthley will serve on the Budget Ad Hoc Subcommittee.

11. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Prince stated that every year the League of California Cities has an annual conference, and he thinks this would an excellent opportunity to get District staff or ARB to do a presentation at that conference about air quality and what we're facing. Board Member Prince requested the assistance of Board Member Patrick in respect to ARB participating. Board Member Prince indicated the annual conference would be held during the month of July.

Board Member Patrick indicated she would be happy to assist Board Member Prince by contacting ARB regarding an air quality presentation at the League of California Cities annual conference.

Board Member Patrick stated she wanted to congratulate Bob Kard.

Board Member Patrick noted that since she was not in attendance last month she wanted to say how terrific she thinks it is that Dave Jones has come to the Kern County Air Pollution Control District.

Board Member Patrick asked staff what they proposed to do about the information that Dana Karcher brought to the Board today in terms of biogenics and Urban Forestry.

Mr. Crow stated that Ms. Karcher made the same presentation at the CAC Meeting on February 1, 2005 and his suggestion is that staff modify and incorporate the concepts of the urban forestry in a variety of planning documents that we utilize. Everything from the District's air quality guidelines to general plans to our Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) documents. Mr. Crow stated that he told the CAC that staff would continue to work with their group, and help with the outreach, particularly through the CAC.

Board Member Maggard stated he also thinks we have an opportunity at the League of California Cities annual conference to do air quality outreach.

Board Member Maggard stated that the City of Bakersfield has adopted a Tree Ordinance that calls for a 40% shade canopy to be developed over the next ten years. Board Member Maggard stated this encompasses what happens in every privately owned parking lot as a new development occurs. Board Member Maggard stated that they have also encountered really significant problems in Bakersfield with the way the trees are pruned. Board Member Maggard stated that he does not know if that might be specific to Bakersfield, but they are butchered pretty regularly here, and it would be interesting if we could have some role in developing more mature trees and increasing shade canopies. Board Member Maggard suggested that might be accomplished at the League of California Cities annual conference in a break out session. Board Member Maggard stated that he is not an arborist but it his understanding that there are some trees that actually degrade air quality, and of course many others that help, and it would also be useful if we made that part of our public information as we disseminate that information.

Board Member Nelson congratulated Bob Kard. Board Member Nelson stated that Mr. Kard has done a good job here and he wished him the best of luck.

Board Member Nelson stated that he will not be in attendance next month, but his alternate will attend.

Board Member Nelson stated that he spoke to Mr. Crow about meeting the Valley Congressional Delegation to express our concerns here in the Valley, as far as what Washington does for us, and doesn't do for us. And, they suggested that in the future maybe we could put a delegation together to go back to Washington to talk to them about it. Board Member Nelson stated that he would ask the Board that when they meet with their Congressmen that you mention that.

Board Member Worthley expressed his congratulations to Bob Kard.

Board Member Armentrout echoed Board Member Prince's comments in respect to the League of California Cities regarding an air quality presentation.

Board Member Armentrout noted that on ARB's web site there is a list of vehicles that are low emission vehicles. That list includes hybrids and also includes ultra low emission vehicles that are not hybrids but they are actually low emission vehicles.

**OTHER BUSINESS** – No Other Business.

Mr. Jay made the following announcement.

12. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54956.9 (b)** of the Government Code (Ralph M. Brown Act) as follows:

- Conference with Legal Counsel – Anticipated litigation: significant exposure to litigation pursuant to Government Code Section 54956.9 (b): One potential case.

**The Board adjourned to Closed Session at 10:50 a.m.**

Mr. Jay returned to the Governing Board Room and made the following announcement:

The Governing Board voted by unanimous vote to authorize District Counsel to appear and defend in one matter, and when that matter is filed any member of the public who is interested in the title of the case, and the particulars may contact our office.

**The Board adjourned from Closed Session at 11:40 a.m.**