

**Action Summary Minutes
for the
San Joaquin Valley Unified Air Pollution Control District
GOVERNING BOARD MEETING
Thursday, December 14, 2000 at 9:00 a.m.
1990 E. Gettysburg Avenue, Fresno, CA.**

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, Supervisor Jerry O'Banion called the meeting to order at 9:39 a.m.

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

Supervisor Barbara Patrick	Kern County
Councilmember Nettie Washington (absent)	City of Tulare
Supervisor William Sanders	Tulare County
Supervisor Tony Barba	Kings County
Councilmember Dennis Lujan	City of Selma
Supervisor Gail Hanhart McIntyre	Madera County
Councilmember Kenni Friedman	City of Modesto
Supervisor Nick W. Blom	Stanislaus County
Supervisor Steve Gutierrez (absent)	San Joaquin County
Supervisor Judith G. Case, Vice Chair	Fresno County
Supervisor Jerry O'Banion, Chair	Merced County

The Chair (Supervisor Jerry O'Banion) presented plaques to outgoing Governing Board Members with deep gratitude for their dedication to air quality:

Councilmember Dennis Lujan for six years of service from 1995 - 2000

Councilmember Kenni Friedman for six years of service from 1995 – 2000

Supervisor Gail Hanhart McIntyre for six years of service from 1995 – 2000

The Board Members expressed their gratitude to Councilmember Lujan, Councilmember Friedman and Supervisor Hanhart McIntyre for their efforts on the San Joaquin Valley Unified Air Pollution Control District Governing Board.

The Chair noted that Councilmember Nettie Washington was not in attendance but we will have a presentation for her also.

Supervisor Hanhart McIntyre thanked District staff and noted that they always go "one step beyond". Supervisor Hanhart McIntyre stated that the working relation with industry the Board and District staff has been a real pleasure.

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(15-27)**. (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.)
15. Approve Action Summary Minutes for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, October 12, 2000.
 16. Receive and file List of Scheduled Meetings for 2000 and 2001.
 17. Receive and file Operations Statistics Summary for October and November 2000.
 18. Receive and file Budget Status Report as of November 30, 2000.
 19. Receive and file Quarterly Budget Status Report as of September 30, 2000.
 20. Approve renewal of contract with California Air Resources Board to maintain District owned monitoring equipment, provide laboratory analysis and operate Kern County air monitoring stations for \$99,708.03.
 21. Informational Item: Correspondence received **FROM:** United States Environmental Protection Agency (EPA), John Seitz, Director, Office of Air Quality Planning and Standards, Research Triangle Park, NC, **DATED:** November 8, 2000, **TO:** Supervisor Jerry O'Banion, Chair, San Joaquin Valley Unified Air Pollution Control District Governing Board. **RE:** Supervisor Jerry O'Banion, Chair, request for informal public hearing in the San Joaquin Valley Air Basin to receive comments on US Department of Agriculture's Agricultural Air Quality Task Force's recommendations.
 22. Deny application to present late claim for personal injuries: Michael B. Talley.
 23. Approve selection of recommended vendors for public relations and advertising agency representation for a comprehensive, multi-lingual public outreach campaign totaling \$175,000.
 24. Receive and file proposed Rule 3160 (Prescribed Burning Fee) and set January 18, 2001 for the Public Hearing to consider the proposed rule.

25. Approve and authorize application for Carl Moyer Memorial Air Quality Standards Attainment Program Funds.
26. Approve amendment to REMOVE Program grant award contract as follows:
 - ◆ Approve and authorize the Chair to execute Amendment No. 2 to the REMOVE Program Contract # 97-062 with the City of Delano to extend the term of the contract to December 31, 2000.
27. Amend Conflict of Interest Code.

The Chair announced that items # 19 and # 21 have been pulled for discussion.

The Board discussed items # 19 and # 21.

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

Ayes: *Blom, Patrick, Sanders, Lujan, Hanhart McIntyre, Friedman, Barba, Case and O'Banion.*

Noes: *None.*

Absent: *Gutierrez and Washington.*

Therefore, the Board approved Consent Calendar items 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 as submitted.

4. **PUBLIC COMMENT** – **Dwight Ensor, the Southern California Gas Company,** announced that as of tomorrow he is retiring from the Southern California Gas Company. Mr. Ensor stated that he thinks the Board is doing “a great job” and “it has been nice working with you folks”.

The Board expressed their best wishes to Mr. Ensor in his future endeavors.

Manuel Cunha, Nisei Farmers League – thanked all of the Board especially the City representatives and Supervisor Hanhart McIntyre and stated that it has been a real honor to work with all of you.

Kevin Hall, Sierra Club, made comments on transportation and land use. Mr. Hall's comments were in respect to the Fresno County's General Plan amendments. The amendment deleted the phase that stated we will direct growth away from the city. The amendment also deletes the phase that stated

we will protect viable agriculture land . Mr. Hall stated that in the context of this Board's decision making he hopes the Board considers stationary source impact fees on this sort of development.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE** – David L. Crow, Executive Director/APCO, reported on the CAC Meeting held on Tuesday, December 5, 2000.
6. **GOVERNING BOARD AD HOC FINANCE SUBCOMMITTEE REPORT** – Staff presentation made by David L. Crow, Executive Director/APCO, Supervisor Case and Supervisor Patrick.

The Governing Board Ad Hoc Finance Subcommittee consisted of the following: Supervisor Jerry O'Banion, Supervisor Judith G. Case, Councilmember Kenni Friedman, Supervisor William Sanders and Supervisor Barbara Patrick.

No Public Comments

APPROVED AS RECOMMENDED – *A motion was made by Board Member Case to approve as recommended. The motion was seconded by Board Member Sanders. The motion carried unanimously with the following Roll Call Vote:*

Ayes: *Barba, Friedman, Lujan, Sanders, Patrick, Hanhart McIntyre, Blom, Case and O'Banion.*

Noes: *None.*

Absent: *Gutierrez and Washington.*

Therefore, the Board took the following action:

1. ***Revise language in the District's Air Quality Guidelines for General Plans by proposing a stronger recommendation to cities and counties for requiring gas only fireplaces in all new residential construction projects.***
2. ***Develop the concepts for a fireplace gas-insert incentive program to provide real reductions in particulate matter emissions during the season with the Valley historically will experience exceedances of the daily PM10 standard. Also the program should identify methods for increasing public awareness about the detrimental contribution that the wood burning fireplace makes to our air quality problems.***
3. ***Evaluate the potential air quality benefits of re-establishing a light and medium duty component of the District's mobile source incentive programs that does not have the REMOVE program constraints.***

4. ***Develop the concepts of a lawn mower trade-in program with two purposes in mind. One, to provide a monetary incentive to individuals who are willing to voluntarily exchange their gas-powered lawn mower for a rechargeable electric mower. Two, increase public awareness about the contribution of gas lawn mowers to air pollution. (Note: This program will be presented as a subsequent agenda item.)***

7. **APPROVE THE CONCEPT OF CREATING A LAWN MOWER TRADE-IN PROGRAM AND APPROPRIATE \$200,000 FOR FUNDING INCENTIVES FOR EXCHANGE OF 1,200 GASOLINE LAWN MOWERS** – Staff presentation made by Robert Dowell, Director of Planning and David L. Crow, Executive Director/APCO.

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

Kevin Hall, Sierra Club, stated that there are a wide variety of publications that would carry this issue free of charge and give the trade-in program lots of publicity. Mr. Hall also stated that he hopes the District goes after the companies that maintain lawns because they are running mowers all day long everyday of the week.

Supervisor Case stated that any help that Mr. Hall could give us in getting some articles published to move this forward would be really appreciated.

APPROVED AS RECOMMENDED – A motion was made by Board Member Case. The motion was seconded by Board Member Friedman. The motion carried unanimously with the following **Roll Call Vote**:

Ayes: Lujan, Patrick, Barba, Friedman, Blom, Sanders,
Hanhart McIntyre, Case and O'Banion.

Noes: None.

Absent: Gutierrez and Washington.

Therefore, the Board took the following action:

1. ***Create the "Clean Green Yard Machines" program with a two-fold purpose: to increase public awareness of the significant contribution to the Valley's air quality problems caused by lawn and garden equipment. Also to provide a monetary incentive to individuals who are willing to exchange their gas-powered lawn mower for a rechargeable electric mower.***

2. **Adopt resolution increasing the 2000-2001 District Budget by \$200,000 by appropriating funds for monetary incentives for the "Clean Green Yard Machine" program.**

8. **PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO RULE 4653 (ADHESIVES)** – Recommend adopting proposed amendments to Rule 4653. The proposed amendments would address industry's request to increase the current Volatile Organic Compound (VOC) content limits for rubber adhesives that are used in manufacturing hand-formed rubber products and rubber sheet applied process.

Staff presentation made by Scott Nester, Supervising Air Quality Engineer.

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

Robert C. Maindelle, Wilsonart International, spoke in support of the Board adopting the proposed amendments to Rule 4653. Mr. Maindelle thanked District staff for working with Wilsonart.

APPROVED AS RECOMMENDED – A motion was made by Board Member Patrick to adopt amendments to Rule 4653. The motion was seconded by Board Member Blom. The motion carried unanimously with the following Roll Call Vote:

Ayes: Sanders, Hanhart McIntyre, Patrick, Blom, Friedman, Barba, Lujan, Case and O'Banion.

Noes: None.

Absent: Gutierrez and Washington.

Therefore, the Board took the following action: adopted proposed amendments to Rule 4653 (Adhesives) as recommended.

9. **APPROVE RESOLUTION INCREASING THE 2000-2001 DISTRICT BUDGET IN THE AMOUNT OF \$12,827,700 FOR IMPLEMENTATION OF THE GOVERNOR'S TRAFFIC CONGESTION RELIEF PROGRAM AND ENHANCEMENT OF THE DISTRICT'S PUBLIC EDUCATION PROGRAM**

Staff presentation made by David L. Crow, Executive Director/APCO, Mark Boese, Deputy Air Pollution Control Officer and Roger McCoy, Director of Administrative Services.

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

Manuel Cunha, Nisei Farmers League, indicated that there is an agriculture group being formed with fourteen people across the state to discuss diesel retrofit issues. Mr. Cunha asked if we could bring some of those folks together to work with the Air District. Mr. Cunha stated that agriculture wants to be a part of this program.

Mr. Crow announced that the District has invited ARB staff to attend the January 18, 2001 Governing Board Meeting to talk about things that are happening with the diesel retrofit committee that Mr. Cunha mentioned. Mr. Crow noted that as we embark on this program we are very cognizant that there are lots of opportunities out there. It is a very dynamic situation with the evolution of engines, factory technologies and what's happening on the fuel side.

Linda Urata, Project Clean Air (PCA) and San Joaquin Valley Clean Cities Coalition, stated that she hopes the new staff positions that are created and the Budgets that are allocated go toward enhancing the efforts in strengthening the public/private partnership.

APPROVED AS RECOMMENDED – *A motion was made by Board Member Blom to approve staff's recommendations as submitted. The motion was seconded by Board Member Patrick. The motion carried unanimously with the following Roll Call Vote:*

Ayes: Sanders, Blom, Hanhart McIntyre, Friedman, Barba, Patrick, Case and O'Banion.

Noes: None.

Absent: Lujan, Gutierrez and Washington.

Therefore the Board took the following action:

- 1.) ***Adopted resolution increasing 2000-2001 District Budget by \$12,827,700 for implementation of the Governor's Traffic Congestion Relief Program and enhancement of the District's Public Education Program.***
- 2.) ***Amended the District's Position Control List by adding the following four (4) positions:***

<u>Classification</u>	<u>No. of Positions</u>	<u>Monthly Salary Range # - Salary</u>
<i>Air Quality Education Rep I/II</i>	<i>2</i>	<i>41 / \$2,760 – 3,356 47 / \$3,196 – 3,887</i>
<i>Air Quality Specialist I/II</i>	<i>1</i>	<i>41 / \$2,760 – 3,356 47 / \$3,196 – 3,887</i>
<i>Air Quality Technician I/II</i>	<i>1</i>	<i>37 / \$2,502 – 3,043 43 / \$2,898 – 3,524</i>

10. **APPROVE RESOLUTION AMENDING THE 2000-2001 DISTRICT BUDGET IN THE AMOUNT OF \$630,000 FOR ADDITIONAL STATE SUBVENTION GRANT REVENUE AND APPROPRIATIONS FOR RECOMMENDED STAFFING AND EQUIPMENT NECESSARY TO MEET MANDATED REQUIREMENTS OF THE GRANT** – Staff presentation made by David L. Crow, Executive Director/APCO and Mark Boese, Deputy Air Pollution Control Officer.

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

Manuel Cunha, Nisei Farmers League, stated that for several years agriculture and industry lobbied the legislature for an increase in the State Subvention. Mr. Cunha noted that he was pleased that the State Subvention was increased. But, Mr. Cunha stated that the language that limits the expenditure of the subvention increase to be utilized only for compliance and enforcement activities was not acceptable to agriculture and industry. Although, agriculture and industry is supporting staff's recommendations in respect to adding two new engineers. Mr. Cunha requested that the Board send a letter to ARB concerning agriculture's and industry's opposition to the added language limiting the expenditures to compliance and enforcement activities. Mr. Cunha noted that this was not the direction in which all of us worked on.

Les Clark, Independent Oil Producers Agency, echoed Mr. Cunha's comments.

Chris Reardon, Manufacturers Council of the Central Valley, concurred with Mr. Cunha's comments.

The Chair directed staff to draft a letter to ARB in respect to agriculture's and industry's concerns with the legislature's added language in respect to the limits of the expenditures of the subvention increase to be utilized only for compliance and enforcement activities.

APPROVED AS RECOMMENDED – A motion was made by Board Member Patrick to approve staff's recommendations. The motion was seconded by Board Member Hanhart McIntyre. The motion carried unanimously with the following **Roll Call Vote:**

Ayes: Friedman, Barba, Hanhart McIntyre, Patrick, Sanders, Blom, Case and O'Banion.

Noes: None.

Absent: Gutierrez, Lujan and Washington.

Therefore, the Board took the following action:

- 1.) **Adopted resolution increasing the 2000-2001 District Budget by \$630,000 for additional state subvention grant revenue and to provide appropriations for the recommended staffing and equipment**

necessary to fulfill the mandated requirements of the increased grant.

2.) Amended the District's Position Control List by:

A.) Adding the following eight (8) positions:

<u>Classification</u>	<u>No. of Positions</u>	<u>Monthly Salary Range # - Salary</u>
Supervising AQ Inspector	1	56 / \$3,982 – 4,844
Air Quality Inspector I/II	3	41 / \$2,760 – 3,356 47 / \$3,196 – 3,887
Air Quality Specialist I/II	1	41 / \$2,760 – 3,356 47 / \$3,196 – 3,887
Air Quality Assistant	1	27 / \$1,959 – 2,328
Air Quality Engineer I/II	2	46 / \$3,118 – 3,792 54 / \$3,792 – 4,613

B.) Reallocating one (1) Air Quality Planner I/II to one (1) Air Quality Specialist I/II. Both positions have the same monthly salary range (I Level – 41/\$2,760 – 3,356; II – 47/\$3,196 – 3,887)

- 11. VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report regarding ARB Board Meeting. *Mr. Ravi Ramalingam advised the Board that he is replacing Ms. Peggy Taricco as ARB Liaison for the San Joaquin Valley.*

Mr. Ramalingam reported on the most recent ARB Board Meeting.

- 12. EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO stated that he had no comments.

- 13. GOVERNING BOARD MEMBER COMMENTS** – Board Member Case stated that she recently had the opportunity to look at a new model of law enforcement bicycles for Fresno County which are electric powered. Board Member Case encouraged the other Board Members to look at the new law enforcement bicycles for their respective counties. Board Member Case also reported that the Fresno COG approved CMAQ funds for a new CNG fueling station at Elkhorn and 41 which will be available for use by both the public and public agencies as well.

Board Member Sanders stated that because of the demonstration put on by the combined alternative fuel vehicle funds are in Tulare County's Budget to order twelve of those vehicles. Board Member Sanders indicated that he would be driving one of those vehicles.

OTHER BUSINESS – No Other Business.

14. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section 54957 of the Government Code (Ralph M. Brown Act) as follows:

- ◆ Public Employee Performance Evaluations for Executive Director/APCO and District Counsel.

The Board adjourned to Closed Session at 12:00 p.m.

The Board adjourned from Closed Session at 12:30 p.m.

Sissy Smith, Clerk to the Boards
Governing Board
San Joaquin Valley Unified APCD