

**Action Summary Minutes**  
for the  
**San Joaquin Valley Unified Air Pollution Control District**  
**GOVERNING BOARD MEETING**  
Thursday, February 17, 2000 at 9:00 a.m.  
Governing Board Room  
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 9:18 a.m.

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

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

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 Governing Board Meeting of Thursday, January 20, 2000.

13. Receive and file List of Scheduled Meetings for 2000.

14. Receive and file Operations Statistics Summaries for January 2000.

15. Receive and file Budget Status Report as of January 31, 2000.

16. Approve changes to the District’s Position Control List.

17. Approve changes to the District's Compensation Plan for Confidential and Non-Represented Employees.
18. Approve and authorize the Chair to execute Amendment No. 1 to the Agreement with Arcadis Geraghty & Miller, Inc. (Heavy-Duty Program Technical Support) to assign the Agreement to Arthur D. Little, Inc.
19. Approve and authorize the Chair to execute Amendment No. 2 to the Agreement with Arcadis Geraghty & Miller, Inc. (Heavy-Duty Program Technical Support) to assign the Agreement to Arthur D. Little, Inc.
20. Approve Budget Transfer # 7 in the amount of \$75,300 for temporary employee and contractual costs related to critical unfilled positions.

***The Board discussed Consent Calendar Item #13. Board Member Patrick noted that the March 16, 2000 Governing Board Meeting date is the same date as the California State Association of Counties (CSAC) Meeting. The Board directed staff to reschedule the March 16<sup>th</sup> Governing Board Meeting to different day in March.***

***Subsequent to the Governing Board Meeting it was determined that the Governing Board would not meet during the month of March 2000.***

***APPROVAL AS SUBMITTED WITH DIRECTION TO STAFF – A motion was made by Board Member Patrick to approve the Consent Calendar items as submitted with direction to staff. The motion was seconded by Board Member Washington. The motion carried unanimously with the following Roll Call Vote:***

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

***Noes: None.***

***Abstain: None.***

***Absent: Hanhart McIntyre.***

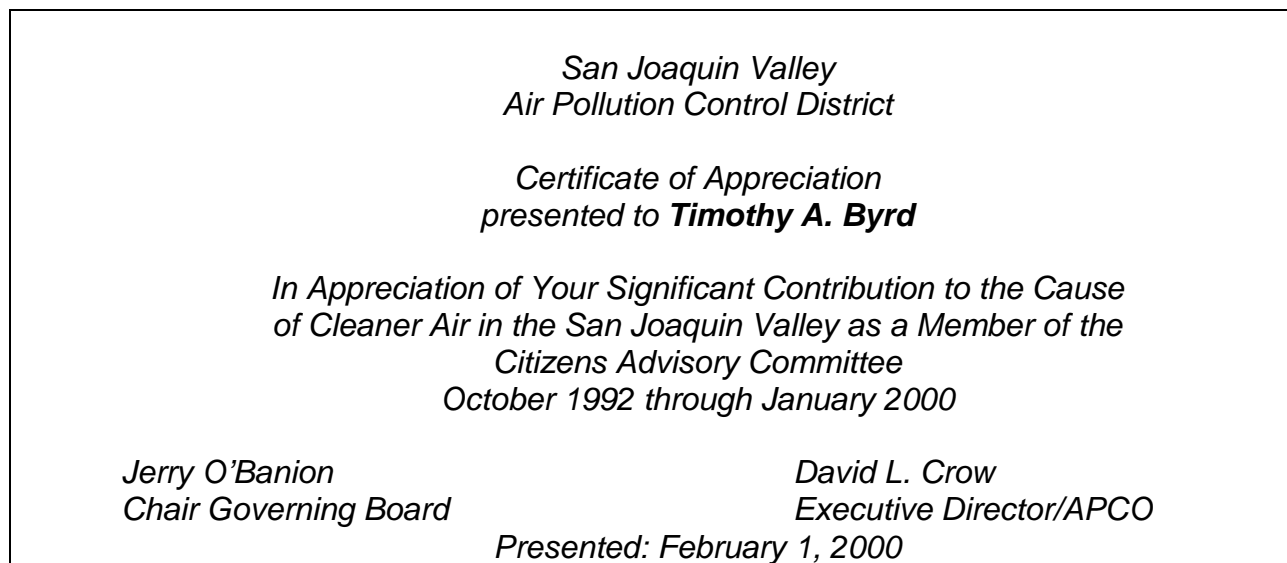
***Therefore, the Board took the following action: approved Consent Calendar Items: 12, (13 with direction to staff to reschedule the March 16<sup>th</sup> Governing Board Meeting to a different day in March), 14, 15, 16, 17, 18, 19 and 20.***

4. ***PUBLIC COMMENT – Manuel Cunha, Nisei Farmers League***, stated that he would like to see the District continue on with the *Stakeholder's Meeting* sometime this year if possible.

The Chair indicated that continuing the *Stakeholder's Meetings* was also the desire of the entire Board.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE** – The Chair of the Citizens Advisory Committee (CAC), Tom Stearns, City, Primary Member, Fresno County, reported on the CAC Meeting held on Tuesday, February 1, 2000.

Mr. Crow noted that at the January 2000 CAC meeting Timothy A. Byrd announced his retirement from the CAC. Mr. Crow presented the following *Certificate of Appreciation* to Mr. Byrd who was in the Northern Region Office (Modesto):



Mr. Byrd thanked the Board for allowing him to serve Stanislaus County. Mr. Byrd also thanked Mr. Crow and wished the District the "...best of luck..."

*The Board thanked Mr. Byrd for his service to Air Quality in the San Joaquin Valley.*

6. **MORATORIUM FOR FUNDING MUNICIPAL HEAVY-DUTY LOW-EMISSION ENGINE PROJECTS IN COUNTIES NOT PROVIDING CMAQ FUNDING SUPPORT FOR THE PROGRAM**

Mr. Crow presented the Staff Report.

**The following individuals provided comment during the Public Comment portion of this item:**

**Barbara Goodwin, Executive Director, Council of Fresno County**

**Governments (COG)** – stated that the Council of Fresno County Governments has concerns with staff’s recommendation on a remedy to the inequity issue. Ms. Goodwin requested this issue be sent to the District’s CAC for review.

**Colby Morrow, Staff, Council of Fresno County Governments (COG)** explained how the COG scored their test analysis for projects.

**Bruce Rudd, Transit General Manager, City of Fresno** – spoke in opposition to staff’s recommendations. Mr. Rudd requested this issue be sent to the District’s CAC for review.

**John D. Clements, Director of Transportation, Kings Canyon Unified School District** – stated that Kings Canyon applied to the COG for CMAQ funds for the first phase of their funding cycle. And while we scored very high we were denied because we fell below their threshold line. We were looking to replace seven pre 1977 school buses which are considered gross polluters and also add additional infrastructure. We did that based on a CARB resolution 98-49. (Mr. Clements provided the Board with a copy of that resolution). In which the CARB stated that school buses could be replaced with 88% of the CMAQ funds. That’s the only reason we came forward and asked for replacement funds from them. We also went to the District’s REMOVE funds and were actually granted the 11% match which we still sit on that piece of paper today waiting for the other 88% to arrive. We will be reapplying to the next funding cycle. We were of course disheartened by the fact that CMAQ funds were used for city transit vehicles in Fresno and yet our project wasn’t funded.

**Manuel Cunha, Nisei Farmers League** – spoke in support of staff’s recommendations. Mr. Cunha stated that industry is moving very fast in Washington, D.C. with the chairman of the committee to redefine the criteria for T21 funds.

**Shonna Holteman, City of Clovis** – spoke in opposition to staff’s recommendations.

**Correspondence received:**

February 16, 2000, to: Mr. Jerry O’Banion, Chairman, San Joaquin Valley Unified Air Pollution Control District, from: Council of Fresno County Governments, RE: Air District Staff Reports (January 20, 2000 and February 17, 2000) Regarding Congestion Mitigation Air Quality Funds for Heavy-Duty Motor Vehicle Emissions Reduction Program

**APPROVED AS RECOMMENDED** – A motion was made by Board Member Blom to approve staff's recommendation. The motion was seconded by Board Member Sanders.

**Staff's Recommendation:**

**Impose a one year moratorium on the availability of San Joaquin Valley Air Pollution Control District (District) Heavy-Duty Program funds to city and county fleets in Fresno County. Other governmental fleet operators, school districts, and private fleets will continue to be eligible for the District's Heavy-Duty Program. Municipalities in Fresno County would have to apply to their Transportation Planning Agency (TPA) for Congestion Mitigation Air Quality (CMAQ) funding for their projects.**

**After additional discussion a vote was taken to amend the motion. The following Roll Call Vote approved amending the motion:**

**Ayes: Patrick, Washington, Sanders, Barba, Friedman, Blom, Cabral and O'Banion.**  
**Noes: Lujan and Case.**  
**Abstain: None.**  
**Absent: Hanhart McIntyre.**

**The Board approved amending the original motion.**

**APPROVED WITH AMENDMENTS TO STAFF'S RECOMMENDATIONS** – The motion was amended to approve Staff Recommendations with the following amendments (1) delete the word moratorium (2) fund the following seven counties Kern, Kings, Madera, Merced, Stanislaus, San Joaquin and Tulare (3) exclude funds to city and county fleets in Fresno County until the Council of Fresno County Governments (COG) returns to the District's Governing Board in May 2000 with a list of projects that the COG has determined they will fund utilizing their new CMAQ scoring criteria (4) the District's Governing Board will revisit the exclusion of funding the city and county fleets in Fresno County at that time. The following Roll Call Vote approved the amended motion:

**Ayes: Patrick, Washington, Sanders, Barba, Friedman, Blom, Cabral and O'Banion.**  
**Noes: Lujan and Case.**  
**Abstain: None.**  
**Absent: Hanhart McIntyre.**

**The Board approved the amended motion.**

Break at 10:46 a.m.  
Reconvened from Break at 10:53 a.m.

7. **REPORT ON CALIFORNIA AIR RESOURCES BOARD (CARB) TRANSIT BUS RULE** – Board Member Barbara Patrick presented the report to the Board.

David L. Crow, Executive Director(APCO), Philip M. Jay, District Counsel and Tom Jordan, Senior Air Quality Planner, provided comments in respect to a timeline for the District to develop a District Fleet Rule as well as comments in respect to CARB's proposed Transit Bus Rule.

**The following individuals provided comment during the Public Comment portion of this item:**

**Joshua Shaw, California Transit Association** – commented about California Transit Association's concerns with the proposed ARB Transit Fleet Rule. Mr. Shaw requested that the Board write a letter to ARB explicitly supporting the proposed Transit Bus Rule.

**Manuel Cunha, Nisei Farmers League,** indicated that the Board had before them a letter from Mr. Les Clark, Citizens Advisory Group of Industries (CAGI). Mr. Cunha noted that the letter states that CAGI supports the Municipal Fleet Resolution that the Board adopted on December 9, 1999.

Mr. Cunha stated that the agricultural industry has worked with engine manufacturers for the past twelve years and the agricultural industry has serious concerns with the engine manufacturers credibility.

**Bruce Rudd, Transit General Manager, City of Fresno,** stated that he echoed Mr. Joshua Shaw comments. Mr. Rudd urged the Board to write a letter to ARB supporting the proposed ARB Transit Fleet Rule.

**Chris Reardon, Manufacturers Council of the Central Valley (MCCV)** – stated that MCCV is supportive of ARB's dual pathway of pursuing alternative fuels in new diesel technology as it relates to their proposed Transit Bus Fleet Rule MCCV believes it provides the necessary flexibility.

**Suzanne Noble, Western States Petroleum Association (WSPA)** – explained that the correspondence from COPS is from the Coalition of Petroleum Services. These are the service companies that service the oil and gas industry.

Having said that Ms. Noble provided a letter from WSPA dated February 16, 2000 to Mr. Jerry O'Banion, Chairman, San Joaquin Valley Air Pollution Control Board. WSPA's letter urges the Board to support ARB's pending Urban Transit Bus Fleet Rule without amendments that would undermine its purpose.

**Bob Nicksin, Sempra Energy** – stated that Sempra Energy supported District staff comments at the ARB Board Meeting on January 27, 2000. Mr. Nicksin

noted that the “carve out” assures that you can choose a path that is best for the citizenry of the San Joaquin Valley.

**Sam Marra, San Joaquin Regional Transit District**, requested to get on record to support both Joshua Shaw and Bruce Rudd in their comments made earlier.

**Correspondence Received:**

February 15, 2000, # 1, to: Mr. Jerry O’Banion, Chairman, SJVUAPCD, RE: Proposed ARB Transit Fleet Rule, from: California Transit Association

February 15, 2000, # 2, to: Mr. Jerry O’Banion, Chairman, SJVUAPCD, RE: Proposed ARB Transit Fleet Rule (with attachments from the Engine Manufacturers Association, dated: Wednesday, February 16, 2000) from: California Transit Association

February 16, 2000, to: Mr. Jerry O’Banion, Governing Board Chairman, SJVAPCD, from: COPS (Coalition of Petroleum Services)/WSPA Associates San Joaquin Valley Chapter

February 15, 2000, to: Mr. Jerry O’Banion, Governing Board Chairman, San Joaquin Valley Air Pollution Control Board, from: Les Clark, Citizens Advisory Group of Industries

February 16, 2000, to: Mr. Jerry O’Banion, Governing Board Chairman, San Joaquin Valley Air Pollution Control Board, from: Western States Petroleum Association

February 17, 2000, to: Ms. Barbara Patrick, Supervisor, District Three, County of Kern, from: Sempra Energy

Received subsequent to the meeting on: February 18, 2000, to: Board of Directors, SJVUAPCD, from: Van De Pol Enterprises, Inc.

**The Chair stated that the Board did not desire to send a letter to CARB regarding this issue.**

**Board Member Patrick stated that she wanted a copy of the taped portion of this item. Board Member Patrick indicated that she would like a chance to respond at the next Governing Board Meeting.**

8. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report regarding ARB Board Meeting.

**Board Member Barbara Patrick** presented the report to the Board.

Board Member Patrick stated that there was quite a lengthy discussion about a vulnerable population research project that is happening right here in Fresno to study childhood asthma. It is the first of the vulnerable population research programs. Board Member Patrick stated that she is hoping that perhaps staff could put this on one of our agendas and ask Helene Margolis (ARB Staff) to come and talk about what's going on.

9. **EXECUTIVE DIRECTOR/APCO COMMENTS** – No comments.
10. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Blom requested that when the Clerk calls the roll for a vote a random roll call vote be utilized.

**OTHER BUSINESS** – No Other Business.

11. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section 54956.9 (b) (1) (A) 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) (1) (A): one potential case.

**The Board adjourned to Closed Session in the San Joaquin Room at 12:37 p.m.**

**The Board adjourned from Closed Session at 1:01 p.m.**