

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

**Thursday, June 16, 2005
9:00 a.m.**

<p>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).</p>

1. **CALL TO ORDER** – The Chair, Supervisor Thomas W. Mayfield, called the meeting to order at 9:08 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, Vice Chair (*)	City of Bakersfield
Thomas W. Mayfield, Chair (**)	Stanislaus County

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

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

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(14-26)**. (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).

14. Approve Action Summary Minutes from the Governing Board Meeting of Thursday, May 19, 2005, and the Special Public Hearing: Review of 2005-06 Recommended Budget of Thursday May, 19, 2005.

15. Receive and file List of Scheduled Meetings for 2005.

16. Receive and file Operations Statistics Summary for May 2005.

17. Receive and file Budget Status Report as of May 31, 2005.
18. Approve Amendment No. 2 to the agreement with Kiernan Business Center Partners which provides for a two-month extension of the building lease for the District's Modesto office.
19. Approve an agreement with the Center for Environmental Research and Technology to develop emission factors and emissions inventory for leaf blowers in the amount of \$67,906.
20. Approve contract with R&W Software for programming support for the Permit Administration System for an amount not to exceed \$122,720.
21. Reappoint Primary and Alternate Medical Members to Regional Hearing Boards.
22. Approve and authorize Chair to execute agreement with Brown Armstrong Accountancy Corporation to provide annual audit services for the fiscal years ending June 30, 2005, 2006, and 2007.
23. Approve contract with Atmospheric Analysis and Consulting, Inc. to provide laboratory analysis of carbonyl samples for \$56,000.
24. Approve contract with Atmospheric Analysis and Consulting, Inc. to provide laboratory analysis of non-methane organic compounds for \$143,000.
25. Approve contract with Atmospheric Analysis and Consulting, Inc. to provide level 4 documentation for \$37,515.
26. Approve MOU Side Letter for General and Supervisory Unit which includes changes to the District's cafeteria health contribution.

No public comments received.

APPROVED AS RECOMMENDED – On motion of Board Member Prince, seconded by Board Member Worthley and unanimously carried 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 the Consent Calendar Items 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 as submitted.

4. **FORMAL RECOGNITION OF THE CITY OF FRESNO FOR RECEIVING THE CLEAN CITIES NATIONAL PARTNER AWARD** – The U.S. Department of Energy's Clean Cities National Partner Awards recognize companies, organizations, cities, and states for their outstanding contribution to the growth of the alternative fuel vehicle (AFV) market.

David L. Crow, Executive Director/APCO, introduced the following City of Fresno representatives: Kenneth Nerland, Director of General Services, Joseph Oldham, Acquisition Supervisor, James Samuel, Fresno Aera Express Maintenance Manager, John Hunt, Fleet Manager.

Mr. Crow announced the City of Fresno was selected by the U.S. Department of Energy (DOE) as the recipient of the 2005 Clean Cities National Partner Award for "Clean Air" City Fleet of the Year.

Mr. Crow, on behalf of the Governing Board, presented a Certificate of Recognition to the representatives of the City of Fresno. Mr. Crow stated the certificate is presented to the City of Fresno for their outstanding efforts to promote clean air in the San Joaquin Valley. Furthermore, the Air District congratulates the City of Fresno on receiving the Clean Cities National Partner Award for City Fleet of the year through the U.S. Department of Energy.

Kenneth Nerland, Director of General Services, City of Fresno, thanked the Board for their recognition. Mr. Nerland stated the reality is we wouldn't be here today and we wouldn't have been able to achieve what we did without the partnership with the Air District.

Susan Good, on behalf of Senator Dean Florez, presented a Certificate of Recognition to the City of Fresno. Ms. Good stated the certificate is being presented to the City of Fresno in honor of receiving the Clean Cities National Partner Award from the U.S. Department of Energy for their outstanding contribution to the growth of the alternative vehicle fuel market as recognized by the San Joaquin Valley Air Pollution Control District on June 16, 2005.

5. **PUBLIC COMMENT** – Gary Brown, resident of Shaver Lake, commented on an unresolved issue regarding a permitted burn in the Shaver Lake area over the Memorial Day Weekend.

The Chair directed staff meet with Mr. Brown to discuss the issue in detail.

Carolyn Rose, District's Director of Personnel, announced a Juan Torres Memorial Fund has been setup at the Education Employees' Credit Union. Ms. Rose noted if anyone is interested she would leave the fund information with the Clerk to the Board and a handout was available on the reception table outside the Board Room.

6. **REPORT FROM THE CITIZENS ADVISORY COMMITTEE (CAC)** – Dennis Tristao, City Primary Member, Kings County, presented the Citizens Advisory Committee Report to the Board for the June 7, 2005 CAC Meeting. Mr. Tristao noted the Citizens Advisory Committee received an excellent report from Seyed Sadredin, Deputy APCO, regarding the Board's actions during the May 19, 2005 Board meeting. Mr. Tristao noted that most importantly members of the Citizens Advisory Committee were excited to see the *Fact Sheet* document that is now available extolling the accomplishments of the Valley Air District over the past years.

Mr. Tristao announced that during the August 2, 2005 Meeting, the Citizens Advisory Committee will revisit the issue of biogenic emissions in the Urban Forest.

Mr. Tristao noted every county in the District has been represented at Citizens Advisory Committee Meetings and we've had excellent participation from all interest groups during Citizens Advisory Committee Meetings.

7. **PUBLIC HEARING TO ADOPT THE DISTRICT'S 2005-06 RECOMMENDED BUDGET** – Staff presentation made by David L. Crow, Executive Director/APCO, Roger McCoy, Director of Administrative Services, and Fred Bates, Controller.

Mr. McCoy informed the Board of two items of significance that happened since staff presented the Budget to the Board on May 19, 2005.

Mr. McCoy reported the District received notification the District's Workers Compensation rates would be reduced by an additional amount up to twenty percent which could amount to an additional \$100,000 reduction in the Budget.

Mr. McCoy also reported the District was notified by the Kern County Retirement System there is a potential for a significant increase in the District's retirement contribution rate because of a potential change to Kern County Retirement System's assumption rates. Mr. McCoy stated he wanted to brief the Board about the situation so the Board knows there is a potential for some changes in the future.

McCoy indicated staff is not recommending any changes at this time for the 2005-06 Budget. Mr. McCoy stated staff recommends the Board adopt the 2005-06 Recommend Budget as presented to the Board on May 19, 2005. Staff will return to the Board once the Retirement issue is settled with recommended adjustments to the 2005-06 Budget.

No public comments received.

ADOPTED AS RECOMMENDED WITH CAVEAT – On motion of Board Member Sieglock, seconded by Board Member Nelson and unanimously carried with the following roll call vote:

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

Absent: None.

Action: The Board adopted the recommended budget and authorized the Chair to sign the resolution establishing the District's 2005-06 Budget with a caveat: the Executive Director/APCO shall return to the Board within three months with a revised plan relative to an increase in the District's retirement contribution rate to the 2005-06 Budget.

8. **PUBLIC HEARING TO ADOPT PROPOSED SB 656 PARTICULATE MATTER CONTROL MEASURE IMPLEMENTATION SCHEDULE** – Staff presentation provided by David L. Crow, Executive Director/APCO and Don Hunsaker, Planning Development Supervisor.

No public comments received.

ADOPTED AS RECOMMENDED – On motion of Board Member Patrick, seconded by Board Member Maggard and unanimously carried with the following roll call vote:

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

Absent: None.

Action: The Board:

- 1.) Adopted SB 656 Particulate Matter (PM) Control Measure Implementation Schedule.
- 2.) Authorized Chair to sign Resolution.

9. **PUBLIC HEARING TO ADOPT REVISED PROPOSED AMENDMENTS TO RULE 4702 (INTERNAL COMBUSTION ENGINES – PHASE 2)** – Staff presentation David L. Crow, Executive Director/APCO, Seyed Sadredin, Deputy APCO, and George Heinen, Supervising Air Quality Engineer.

Staff provided the Board with a Revised Resolution for Rule 4702. A copy was also placed on the reception table outside the Governing Board Room. Mr. Heinen noted the revised resolution pertains to minor clarifications to Rule 2250 (Stationary Equipment Registration).

The following persons provided public comments:

Roger Isom, California Cotton Ginners and Growers Association, noted Rule 4702 will have a significant impact on the agriculture industry. Mr. Isom noted he understands the Board has a commitment to adopt this rule as proposed. Mr. Isom indicated staff has worked with the agriculture industry in the past and he believes they will work with the agriculture industry in the future to revisit Rule 4702 if necessary.

Manuel Cunha, Nisei Farmers League, echoed Mr. Isom's comments. Mr. Cunha stated he was in support of the Board adopting Rule 4702 with the revised resolution.

Sean Edgar, Executive Director, Clean Fleets Coalition, noted his constituents are not eligible to receive funds from the Carl Moyer Program, but the Coalition will spend the rest of this year attempting to revise the Carl Moyer Program Guidelines.

Colby Morrow, Southern California Gas Company, stated the compliance date of January 1, 2008 for natural gas engines is a very short time frame. Ms. Morrow indicated this short time frame makes it even more important we get incentives in place and get ARB on board to make natural gas continue to be a viable option.

Ryan Bertao, Executive Director, Kings County Farm Bureau, provided the Board with a new Kings County Farm Bureau brochure titled *Protecting California Family Farms*. Mr. Bertao urged the Board to adopt Rule 4702.

Joe Suchecki, Engine Manufacturers Association, stated his Association was not aware of Rule 4702 until early last week and he has concerns with Rule 4702 as proposed.

Carolina Simunovic, Fresno Metro Ministry, commended staff for creating a truly unique rule for the San Joaquin Valley. Ms. Simunovic spoke in support of the Board adopting proposed Rule 4702.

Shirley Batchman, representing the citrus industry in California, made a point of clarification by stating there has been some comments made during today's hearing about the use of Carl Moyer money for agriculture engines. Ms. Batchman stated the previous speakers indicated the agriculture industry is very interested in receiving funding from the Carl Moyer Program for their engines and they recognize and understand there are other needs for the Moyer funds out there. However, Ms. Batchman noted the agriculture industry is actively working with the Air Resources Board (ARB) and the U.S. Department of Agriculture (USDA) in an attempt to secure additional funding through the EQUIP Program for agriculture engines and they will be meeting with ARB and USDA at the end of this month.

There being no further public comments on this item, the public hearing was closed.

ADOPTED AS RECOMMENDED WITH REVISED RESOLUTION – *On motion of Board Member Barba, seconded by Board Member Worthley and unanimously carried with the following roll call vote:*

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

Absent: None.

Action: The Board:

- 1.) ***Adopted revised proposed amendments to Rule 4702 (Internal Combustion Engines – Phase 2)***
- 2.) ***Authorized the Chair to sign the revised resolution.***

10. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Ravi Ramalingam announced the San Joaquin Valley APCD was recognized for their continued ability to exceed the ARB's ambient air monitoring requirements for precision, accuracy and data completeness.

David L. Crow, Executive Director/APCO, congratulated the air monitoring staff and presented the ARB Certificate of Recognition to Warren LeLeaux, John Gallup, Carl Camp, Dick Nelson, Gary Stanford, Mike Smith, Jamie Contreras and Kashmir Pandher.

The Board applauded staff and thanked them for their efforts.

11. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, introduced Rick McVaigh to the Board. Mr. Crow noted Mr. McVaigh was recently appointed Director of Compliance for the District. Mr. Crow congratulated and thanked Mr. McVaigh for accepting the appointment.

Mr. Crow announced that the District released New Draft Rule 9510 (Decreasing Emissions' Significant Impact from Growth and New Development) (DESIGN) which was previously know as the District's ISR rule and New Draft Rule 3180 (Air Impact Assessment Application Fee). Mr. Crow noted Rules 9510 and 3180 will be workshopped on June 30, 2005.

Mr. Crow announced the first workshop for Rule 4694 (Wine Fermentation & Storage Tanks) is scheduled on June 28, 2005.

Mr. Crow noted the Dairy Advisory Group met and advised himself and Mr. Sadredin in regard to the dairy emission factor information. Mr. Crow noted under the terms of a settlement agreement the District will be promulgating the

Dairy Emission Factor by August 1, 2005 and there will be a workshop preceding that. Mr. Crow announced the workshop date has not been set at this time.

Mr. Crow announced the Air Resources Board (ARB) will be meeting in the District's Governing Board Room on Thursday, June 23, 2005 at 9:00 a.m. Mr. Crow noted the Dairy Permitting Criteria as well as Forklift requirements will be on ARB's agenda.

Mr. Crow reported SB 999 is slated for hearing on Wednesday, June 22, 2005 in the Assembly's Local Government Policy Committee in Sacramento. Mr. Crow noted if any Board Members are available to participate and offer testimony at the hearing it would be appreciated.

12. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Worthley indicated he planned on attending the Committee hearing next Wednesday representing Tulare County and this Board in opposition to SB 999.

OTHER BUSINESS – No Other Business.

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

Philip M. Jay, District Counsel, announced the following Closed Session items:

- Conference with Legal Counsel – Existing litigation: Association of Irrigated Residents et al. v. United States Environmental Protection Agency, et al., Court of Appeals for the Ninth Circuit Case Nos. 04-72650 and 04-72736 (consolidated) pursuant to Government Code Section 54956.9 (a)
- Conference with Legal Counsel – Existing litigation: Valley Advocates et al. v. City of Atwater, et al., Merced County Superior Court Case No. 148505 pursuant to Government Code Section 54956.9 (a)

The Board recessed to Closed Session at 11:08 a.m.

Following Closed Session, District Counsel Philip M. Jay, returned to the Governing Board Room and announced that the Board voted unanimously (11-0) to allow Counsel to appear and defend on the Valley Advocates v. City of Atwater case.

ADJOURNMENT - Mr. Jay announced the Board adjourned from Closed Session at 11:44 a.m.