

**Action Summary Minutes
for the
San Joaquin Valley Unified Air Pollution Control District
GOVERNING BOARD MEETING
Thursday, February 15, 2001 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 Judith G. Case, called the meeting to order at 9:09 a.m.

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

Supervisor Barbara Patrick	Kern County
Councilmember Mike Maggard	City of Bakersfield
Supervisor William Sanders	Tulare County
Supervisor Tony Barba	Kings County
Supervisor Ronn Dominici	Madera County
Supervisor Jerry O'Banion	Merced County
Supervisor Nick W. Blom	Stanislaus County
Councilmember Tom Applegate	City of Newman
Supervisor Jack A. Sieglock	San Joaquin County
*Mayor Sam Armentrout, Vice Chair	City of Madera
Supervisor Judith G. Case, Chair	Fresno County

***Arrived during item # 18**

The Chair introduced and welcomed the following new Governing Board Members: Supervisor Jack A. Sieglock, San Joaquin County and Councilmember Tom Applegate, City of Newman.

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(13-21)**. (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 for the San Joaquin Valley Unified Air Pollution Control District Governing Board Meeting of Thursday, January 18, 2001.
 14. Receive and file List of Scheduled Meetings for 2001.
 15. Receive and file Operations Statistics Summary for January 31, 2001.

16. Receive and file Budget Status Report as of January 31, 2001.
17. Receive and file Quarterly Budget Status Report as of December 31, 2000.
18. Approve contract with @doc for electronic document management system consulting services for an amount not to exceed \$57,960.
19. Authorize Executive Director/APCO to seek legislation to amend Government Code Section 60204 to give the District Governing Board Authority to destroy records.
20. Receive and file Proposed California Clean Air Act Triennial Progress Report and Plan Revision (1997-1999). Set March 15, 2001 for the Public Hearing to consider approval of the proposed plan revision.
21. Reappoint Hearing Board Primary and Alternate Public, Attorney and Engineer Members to serve a term of three years.

The Chair requested that Item # 18 be pulled from the Consent Calendar for additional discussion.

APPROVED AS RECOMMENDED – A motion was made by Board Member Sanders to approve the remaining Consent Calendar minus Item # 18. The motion was seconded by Board Member Dominici and carried with the following Roll Call Vote:

Ayes: Sanders, O'Banion, Dominici, Applegate, Maggard, Barba, Patrick, Blom and Case.

Noes: None.

Abstain: Sieglock.

Absent: Armentrout.

Therefore, the Board approved Consent Calendar items: 13, 14, 15, 16, 17, 19, 20 and 21 as submitted.

18. **Approve contract with @doc for electronic document management system consulting services for an amount not to exceed \$57,960.**
Presentation made by David L. Crow, Executive Director/APCO, Roger McCoy, Director of Administrative Services and Kenneth Pretzer, Information Services Manager.

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

Manuel Cunha, Nisei Farmers League, voiced concerns that this contract might have the potential to increase fees.

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

Ayes: Blom, Sieglock, Dominici, Applegate, Maggard, Barba, Patrick, Sanders, O'Banion, Armentrout and Case.

Noes: None.

Absent: None.

Therefore, the Board took the following action: approved Item # 18 as submitted.

4. **PUBLIC COMMENT** – **John Dean, Factory Manager, Spreckels Sugar, Mendota**, spoke on behalf of Spreckels regarding their ability to burn fuel oil at the Spreckels Mendota facility (instead of natural gas) which is a permit restriction for that facility. Mr. Dean referenced Rule 4351. *Mr. Dean read into the record correspondence directed to the Governing Board from John A. Richmond, Managing Director, Imperial Sugar Company and Ben Goodwin, Executive Director, California Beet Growers Association dated: February 14, 2001.*

The Board had a lengthy discussion regarding California's energy crisis. The Chair directed staff to write a letter to both state and federal legislative delegations informing them of the emergency situation regarding the supply of both electricity and natural gas. This crisis is severely impacting the economic viability of businesses in the Valley.

Manuel Cunha, Nisei Farmers League, stated "we need a resolution that the members of this Board could take back to their respective Board of Supervisors and City Councils to get this Valley declared as an economic emergency". Mr. Cunha stated that this is a very serious issue.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE** – Councilmember Tom Stearns (City of Clovis), City, Primary Member, Fresno County and Chair of the CAC, reported on the CAC meeting held on Tuesday, February 6, 2001. Councilmember Stearns indicated that the CAC also held a very lengthy discussion in respect to the energy crisis that centered more on the use of emergency generators.

6. **APPROVE LIGHT-DUTY AND MEDIUM-DUTY VEHICLE INCENTIVE PROGRAM IN THE AMOUNT OF \$250,000** – Presentation made by David L. Crow, Executive Director/APCO and Dave Mitchell, Supervising Air Quality Planner.

The Board discussed at some length the benefits of utilizing electric bicycles. Therefore, Mr. Crow suggested removing the following bullet from the Staff Report: The vehicle must be legal to operate on a highway. Electric bicycles, golf carts, scooters, etc. are excluded from participating in this program.

Mr. Crow stated that he would come back to the Board next month with more attention focused on vehicles under 1000 lbs.

No public comments were made on this item.

APPROVED WITH MODIFICATION – A motion was made by Board Member O'Banion to approve the program with one modification. The motion was seconded by Board Member Blom and carried unanimously with the following **Roll Call Vote:**

Ayes: Applegate, Maggard, Dominici, Blom, Sieglock, Barba, Patrick, Sanders, O'Banion, Armentrout and Case.

Noes: None.

Absent: None.

Therefore, the Board took the following action: approved the program as follows:

1. **Approve the District Light-Duty and Medium-Duty Vehicle Incentive Program.**
2. **Approve Budget Transfer # 8 in the amount of \$250,000 which provides funding for the Light-Duty and Medium-Duty Vehicle Incentive Program by moving appropriations from Account # 9843-DMV Surcharge Fees - REMOVE to Account # 9869 – Light and Medium Duty Program.**

With the following modification to the Staff Report: page 3. remove the following bullet: ~~The vehicle must be legal to operate on a highway. Electric bicycles, golf carts, scooters, etc. are excluded from participating in this program.~~

Staff will come back to the Board next month with more attention to the under 1000 lbs. category.

7. **PUBLIC HEARING: ADOPT RULE 3160 (PRESCRIBED BURNING FEE)** – This

new rule would provide funding for the state and federally mandated prescribed burning program. Presentation made by David L. Crow, Executive Director and Dave Jones, Planning Manager.

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

Richard Bagley, Hwy 168 Fire Safe Council, spoke in opposition to the adoption of Rule 3160.

W. Tom Wheeler, President, Coarsegold Resource Conservation District and Private Land Owner, spoke in opposition to the adoption of Rule 3160.

Craig Tolmie, California Department of Forestry, Fresno/Kings, spoke in opposition to the adoption of Rule 3160.

Julie Dittman, Fresno County Farm Bureau, spoke in support of the adoption of Rule 3160.

Carolyn Ballard, USDA Forest Service, supports the fee rule in general but, would like for the Board to review the fee schedule.

Larry Ballew, Cattle Rancher, spoke in opposition to the adoption of Rule 3160.

John R. Mount, Southern California Edison, has concerns with the adoption of Rule 3160.

Doug Bowman, Department of Fish and Game, Fresno, stated that it might not be a good idea to adopt Rule 3160.

Peter Peisch, California Department of Forestry, Fresno, stated that he has concerns with the \$5 per acre fee.

Don Dukleth, Society of American Forests, spoke in opposition to the adoption to Rule 3160.

Manuel Cunha, Nisei Farmers League, spoke in support of the adoption of Rule 3160.

MOTION TO ADOPT AS RECOMMENDED – A motion was made by Board Member Blom to adopt Rule 3160 as recommended. The motion was seconded by Board Member O’Banion.

AMENDED MOTION – The motion was amended with the following three caveats: (1) the Board directed staff to develop a letter to be sent to state and federal officials requesting their assistance in providing funds to cover the cost of prescribed burning for private property owners and (2) the Board requested staff provide them with an annual report in terms of fee tracking, (3) amended motion to include correction to the resolution, page two line 15:

“....4. The Governing Board incorporates by reference the staff report and agenda materials and finds that, because the adoption of said rule will have no possible significant adverse effect on the environment, and is necessary to recover costs of the program, the proposed action is exempt from the provisions of the California Environmental Quality Act of 1970 (CEQA) under the provision of Public Resource Code Section 21080 (b) (8) and Section 15061 of the State CEQA guidelines....”

The amended motion was approved with the following Roll Call Vote:

Ayes: Barba, Dominici, Blom, Sieglock, Applegate, Patrick and O’Banion.

Noes: Maggard, Sanders, Armentrout and Case.

Absent: None.

Therefore, the Board took the following action: adopted Rule 3160 (Prescribed Burning Fee) and authorized the Chair to sign the revised resolution, directed staff to develop a letter to be sent to state and federal officials requesting their assistance in providing funds to cover the cost of prescribed burning for private property owners and the Board requested staff provide them with an annual report in terms of fee tracking for Rule 3160.

Correspondence received:

To: Governing Board Members, from: Roy Ashburn, Assemblyman, Thirty-Second District, dated: January 30, 2001. Assemblyman Ashburn expressed serious concerns regarding the adoption of Rule 3160.

To: David Crow, CEO, from: W. Tom Wheeler, President, Coarsegold Resource Conservation District, dated: February 14, 2001. Refer: Permits, Fees, and Changes in Rules on Open and Hazard Reduction Burning.

Signed Petitions from the Members of the Highway 168 Fire Safe Council (23 pages)

Item 12. Closed Session moved up on the Agenda.

Philip M. Jay, District Counsel, stated that the District was served with a law suit on February 14, 2001, which was after the posting of the Agenda. Mr. Jay stated that he needed a vote from the Board to add this item to the Closed Session Agenda.

APPROVED AS REQUESTED – A motion was made by Board Member Patrick to add the law suit item to the Closed Session Agenda. The motion was seconded by Board Member Applegate and carried unanimously with the following Roll Call Vote:

Ayes: Patrick, O'Banion, Maggard, Blom, Sieglock, Applegate, Barba, Sanders, Dominici, Armentrout and Case.

Noes: None.

Absent: None.

Therefore, the Board took the following action: added the law suit item to the Closed Session Agenda.

Mr. Jay announced the Closed Session Agenda: Conference with legal counsel – anticipated litigation: Initiation of litigation pursuant to Government Code Section 54956.9: one potential case and Genesis Environmental Services, Inc. versus the District, Kern County Superior Court Number 242881 SPC.

***The Board broke for lunch and Closed Session at 1:02 p.m.
The Board reconvened at 1:38 p.m.***

Announcement from Closed Session: Mr. Jay announced that the Board voted unanimously to authorize District Counsel to appear and defend in the Genesis Environmental Services, Inc. and also authorized District Counsel to pursue an action for property damage in connection with a vehicle accident that occurred.

- 8. EXPANSION OF THE ENHANCED INSPECTION AND MAINTENANCE (I&M) PROGRAM TO INCLUDE AREAS SURROUNDING URBANIZED AREAS WITH POPULATIONS GREATER THAN 50,000 – Presentation made by David L. Crow, Executive Director/APCO and Tom Jordan, Senior Air Quality Planner. Mr. Gary Hunter and Dr. Steve Gould, Bureau of Automotive Repair (BAR), presented their report from the Northern Region Office, Modesto.**

The Chair requested a map that would identify stations that are currently providing smog checks and a report on the number of stations with a breakout on how many stations are stand alone stations.

The BAR will provide the Board with the number of smog tests for each zip code and where the people for each zip code went for their smog checks for the last two years. This information will be broken out in percentages.

No action was required by the Board on this item.

9. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report regarding ARB Board Meeting. Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District, reported on the most recent ARB Board Meeting.
10. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, announced the following meetings: Wednesday, February 21, 2001, Notice to Comply (NTC) workshop, Fresno VTC Room, 1:30 p.m. Live in the Central Region Office (Fresno) with the Southern Region Office (Bakersfield) and the Northern Region Office (Modesto) included via VTC, Thursday, February 22, 2001, USDA Air Ag Task Force, Governing Board Room, 6:00 p.m. to 9:00 p.m.
11. **GOVERNING BOARD MEMBER COMMENTS** – Board Member Patrick requested staff keep the Board posted in respect to vacancies on the three Regional Hearing Boards.

Board Member O'Banion made reference to a document he received in respect to: a Legislative Analyst Office (LAO) report titled *Improving State Oversight and Direction of Local Air Districts*. Supervisor O'Banion stated that a letter from the Chair on behalf of this Board that local control in very important to us would be beneficial.

The Chair stated that sometimes it's worthwhile to get all the Board Members signatures on correspondence that we have requested staff to prepare. The Chair noted we all represent counties with county supervisors and city councils and correspondence from us with all of our signatures would let them know that local control is very important to us.

OTHER BUSINESS – No Other Business.

The Chair adjourned the meeting at 2:19 p.m.