

**Action Summary Minutes
for the
San Joaquin Valley Unified Air Pollution Control District
GOVERNING BOARD MEETING
Thursday, January 20, 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 9:05 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	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, Vice Chair (**)	Fresno County
Jerry O’Banion, Supervisor, Chair	Merced County

(*) Arrived during Item # 3

(**) Arrived during Item # 8

The Chair, Supervisor Jerry O’Banion presented a plaque to outgoing San Joaquin Valley Unified Air Pollution Control District Chair, Councilmember Kenni Friedman.

The outgoing Chair, Councilmember Kenni Friedman presented a plaque to outgoing Chair of the San Joaquin Valleywide Air Pollution Study Agency, Supervisor Jerry O’Banion.

3. **OUTGOING CHAIR COMMENTS** – Councilmember Kenni Friedman, thanked the Board, staff and industry for their help during her tenure as the 1999 Governing Board Chair. Councilmember Friedman commented on the many accomplishments of the District during 1999.

4. **STATE OF DISTRICT** – Supervisor Jerry O’Banion, Chair, Governing Board presented his State of District comments. Supervisor O’Banion commented on

the many accomplishments that the District has achieved. Supervisor O'Banion mentioned some of the new goals that the District will endeavor to accomplish.

5. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(17-28)**. (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.)
17. Approve Action Summary Minutes for the Governing Board Meeting of Thursday, December 9, 1999.
 18. Receive and file List of Scheduled Meeting for 2000.
 19. Receive and file Operations Statistics Summaries for November and December 1999.
 20. Receive and file Budget Status Report as of December 31, 1999.
 21. Receive and file Quarterly Budget Status Report as of December 31, 1999.
 22. Receive and file General Purpose Financial Statements and Single Audit Reports for the fiscal year ended June 30, 1999.
 23. Authorize Board Chair to approve Memoranda of Understanding (MOU) for General and Supervisory Unit, including changes to the District's Compensation Plan and Personnel Rules.
 24. Approve redesignation of the \$750,000 appropriation in the 1999-2000 District Budget for the San Joaquin Valleywide Air Pollution Study Agency from Particulate Study to Ozone Study.
 25. Approve and authorize the Chair to execute a contract with Environmental Monitoring Company, Inc. (EMC) for implementation of an air quality data management system for an amount not to exceed \$60,000.
 26. Appoint two (2) members and three (3) alternate members to the REMOVE Program Evaluation Committee.
 27. Approve changes to Heavy-Duty Engine Emission Reduction Incentive Program.
 28. Receive and file Quarterly update to the Best Available Control Technology (BACT) Clearinghouse.

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

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

The Board took the following action: approved Consent Calendar Items: 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28.

6. **PUBLIC COMMENT** – No Public Comments.

PROCLAMATION TO HANK PALMER – David L. Crow, Executive Director/APCO, Mark Boese, Deputy APCO and the Chair made comments in respect to Mr. Palmer's history with the Valley Air District. The Chair presented a proclamation to Mr. Palmer who recently retired from the District.

7. **REPORT FROM CITIZENS ADVISORY COMMITTEE** – Dennis Tristao, Industry/Ag, Primary Member, Kings County, reported on the CAC Meeting held on Tuesday, January 4, 2000.

The Chair presented a plaque to Les Clark, for serving as the Chair for the Citizens Advisory Committee for 1998 and 1999.

8. **CITIZENS ADVISORY COMMITTEE RECOMMENDED LETTER TO USDA SECRETARY, DAN GLICKMAN AND U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATOR, CAROL BROWNER REGARDING: AG AIR QUALITY TASK FORCE RECOMMENDATION** – Dennis Tristao presented the item to the Board.

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

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

The Board approved sending a letter to USDA Secretary, Dan Glickman and U.S. Environmental Protection Agency Administrator, Carol Browner urging USDA and EPA to give consideration to a voluntary, incentive based, air quality compliance program for agricultural producers as recommended by the Citizens Advisory Committee.

9. **VERBAL PRESENTATION FROM THE DISTRICT'S LEGISLATIVE ADVOCATE – WAGERMAN ASSOCIATES, INC.** – Mr. Dale Wagerman presented the verbal report to the Governing Board.

Report received.

10. **APPROVE RESOLUTION INCREASING BUDGET TO ALLOW PASS THROUGH OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS FOR HEAVY-DUTY MOTOR VEHICLE EMISSIONS REDUCTION PROGRAM AND APPROVE BUDGET TRANSFER OF REMOVE FUNDS FOR REQUIRED DISTRICT MATCHING FUNDS** – David L. Crow, Executive Director/APCO, presented this item to the Board.

APPROVED AS RECOMMENDED WITH CAVEAT – *A motion was made by Board Member Cabral to approve item with a caveat in respect to equity issues. The motion was seconded by Board Member Friedman. The motion carried unanimously with the following Roll Call Vote:*

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

Noes: None.

Abstain: None.

Absent: None.

The Board approved the following:

- 1. Approved the Resolution increasing the 1999/2000 District Budget by \$1,393,912 to allow for the pass through of CMAQ grant funds for the CMAQ Heavy-Duty Motor Vehicle Emission Incentive Program.***
- 2. Approved Budget Transfer # 6 in the amount of \$167,269 which provides the required District match for the CMAQ grants by moving appropriations from Account # 9843 – DMV Surcharge Fees-REMOVE to Account # 9848 – Heavy-Duty Program – CMAQ.***

CAVEAT ISSUE: - *District staff will return to the Board with a possible solution to the following equity issues.*

A number of counties that provided funding for the District's CMAQ request expressed concern over equity issues due to the failure of two of

the TPAs to provide any funding for local emission reductions on the District's Heavy-Duty Program. The concern is that in counties that provide funding for the program, the CMAQ funds will be utilized first to fund public sector projects in their counties. If counties that did not provide funding for the District CMAQ proposal submit application for heavy-duty engine projects, they will be funded out of the District's Heavy-Duty Low-Emission Engine Incentive Program. These counties will realize the benefits of the District's program without providing any funding. One way to remedy this inequity would be to limit funding in counties that did not provide CMAQ funding to private sector projects only. In counties that did not provide funding, public agencies would then have to apply to their local TPA for funding of their projects.

Board Member Case requested an evaluation of how each of the respective counties have allocated their CMAQ dollars.

Staff indicated they would be happy to bring that back as part of the recommendation.

11. **VERBAL PRESENTATION MULTIPLE AIR TOXICS EXPOSURE STUDY (MATES) SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT** – Mr. Mel Zeldin, Assistant Deputy Executive Officer, South Coast Air Quality Management District, presented the report to the Board.

Report received

12. **VERBAL PRESENTATION BY MIKE KENNY, EXECUTIVE OFFICER, CALIFORNIA AIR RESOURCES BOARD (ARB) REGARDING: THE DISTRICT'S CALIFORNIA CLEAN AIR ACT TRIENNIAL PROGRESS REPORT AND PLAN REVISION (1997 TRIENNIAL UPDATE)** – Mr. Mike Kenny, Executive Officer, California Air Resources Board (ARB), presented the report to the Board.

Report received.

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

Tina Suarez-Murias, ARB representative and District Liaison, presented the report to the Board

Report received

14. **EXECUTIVE DIRECTOR/APCO COMMENTS** – David L. Crow, Executive Director/APCO, stated that on behalf of Board Member Hanhart McIntyre who

had to leave a few moments ago she asked Mr. Crow to share with the Board an effort that they have underway in Madera County. This effort is to undertake a visioning process and to look at how to create a more livable community in certain areas within the county. Mr. Crow noted that Board Member Hanhart McIntyre reported in a recent letter that they have had two very successful get together of residents in Madera County. Board Member Hanhart McIntyre indicated in her letter that she is planning a March 16 effort and would like the District's support to assist in bringing in experts from Local Government Commissions and elsewhere to work with community leaders in Madera County. Mr. Crow indicated that Board Member Hanhart McIntyre asked that he share that information with the Board so that the Board knows what we might be doing if we provide some fiscal assistance in that effort.

15. **GOVERNING BOARD MEMBER COMMENTS** - Board Member Patrick commented that was interesting that Madera County is doing a visioning project. Because we are also doing that in the Bakersfield as well in the Greater Bakersfield area both in incorporated and unincorporated areas.

Board Member Patrick stated that these meeting happened in early November and of the four meetings that she attended the number one negative about the Bakersfield was air quality. When you look at the seven community meetings some of which were not held in her district air quality concerns were either number one or number two of the citizens who came to these meetings.

Mr. Crow noted that what Board Member Patrick's report is increasingly the case. The District's own public information survey work done through our consultant Panagraph as well as the Great Valley Center studies that they did of attitudes and issues within the San Joaquin Valley. It was that five years ago jobs, crime, education and then when they got to environmental issues air quality may be in there in the number one or two slot. Now typically across the board in surveys the number one or number two is air quality within the San Joaquin Valley. We are finding it not only through our own feedback to public information programs the Great Valley Center and other demographic work that is done confirms that is an increasing awareness of attention.

Board Member Washington stated that she has had some concerns expressed to her by a group of people who install or monitor gasoline tanks at filling stations about the problems that they are having with the assessed fines if they are found to be out of compliance. Board Member Washington stated that these individuals are concerned that they are not given the opportunity to come into compliance before the fines are levied on them.

District staff stated that they would contact the Board Members to see who has been contacted. District staff will also make an effort to see who the group is and

initiate a contact with the group to sit down and talk about why they are being fined if they are in violation of District rules.

OTHER BUSINESS – No Other Business.

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

- ◆ Conference with labor negotiator – Carolyn Rose; Employee Organization: SEIU, Local 700.

The Board adjourned to Closed Session in the San Joaquin Room at 11:55 a.m.

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