

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

**Thursday, May 15, 2003  
9:00 a.m.**

<b>Meeting held via video teleconferencing (VTC) in the Central Region Office (Fresno) with the Northern Region Office (Modesto) and the Southern Region Office (Bakersfield) participating via VTC.</b>
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1. **CALL TO ORDER** – The Chair, Supervisor Ronn Dominici, called the meeting to order at 10:25 a.m.
2. **ROLL CALL** was taken and a quorum was present.

Mike Maggard, Councilmember (*)	City of Bakersfield
J. Steven Worthley, Supervisor	Tulare County
Tony Barba, Supervisor	Kings County
Judith G. Case, Supervisor	Fresno County
Sam Armentrout, Councilmember	City of Madera
Michael G. Nelson, Supervisor	Merced County
Thomas W. Mayfield, Supervisor (**)	Stanislaus County
Jack A. Sieglock, Supervisor (**)	San Joaquin County
Barbara Patrick, Supervisor, <b>Vice Chair</b> (*)	Kern County
Ronn Dominici, Supervisor, <b>Chair</b>	Madera County

(\*) Attended meeting in Southern Region Office (Bakersfield)

(\*\*) Attended meeting in Northern Region Office (Modesto)

3. **APPROVAL OF CONSENT CALENDAR** – Item Numbers **(12-17)**. (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 from the Governing Board Meeting of Thursday, April 17, 2003.
  13. Receive and file List of Scheduled Meetings for 2003.
  14. Receive and file Operations Statistics Summary for April 2003.
  15. Receive and file Budget Status Report as of April 30, 2003.

16. Receive and file the 2003 PM10 Plan and set June 19, 2003 for the Public Hearing.
17. Approve and authorize application for Carl Moyer Memorial Air Quality Standards Attainment Program Funds.

**Kevin Hall, member of the Sierra Club** requested Consent Calendar Item #16 be pulled for discussion.

**APPROVED AS RECOMMENDED MINUS ITEM # 16 – Board Member Barba made the motion to approve the Consent Calendar minus Item # 16. Seconded by Board Member Case and carried unanimously with the following Roll Call Vote:**

**Ayes:** *Maggard, Barba, Nelson, Mayfield, Worthley, Armentrout, Case, Sieglock, Patrick and Dominici.*

**Absent:** *None.*

**Action: Approved Consent Calendar Items 12, 13, 14, 15, and 17 as submitted (minus Item #16)**

**Consent Calendar Item # 16, Kevin Hall, member of the Sierra Club** asked the Board to delay this action of receive and file and postpone it by approximately one month at least. Mr. Hall noted he would like the Air District to conduct a workshop on transportation control measures contained in the plan.

**Manuel Cunha, Nisei Farmers League** supports the Board moving forward with this item.

**Suzanne Noble, Western States Petroleum Association (WSPA)** stated that WSPA does not support the Board pulling this item from the Consent Calendar. Ms. Noble noted that WSPA would like to see the receive and file move forward and not delayed.

**Les Clark, Independent Oil Producers Agency (IOPA)** stated the Board needs to move forward with the receive and file and to set June 19, 2003 for final testimony.

**Kevin Hall, member of the Sierra Club** suggested the Board receive and file the 2003 PM 10 Plan and create a workshop for us sometime within the next thirty days.

Mr. Hall asked the Board to direct staff to meet with them and allow the public a chance to have a workshop on transportation control measures.

**RECEIVED AND FILED WITH DIRECTION TO STAFF – Board Member Case made the motion to receive and file the PM10 Plan and set for public hearing and direct staff to continue to meet with the interested public as well as the local transportation planning agencies to discuss transportation measures. Seconded by Board Member Worthley and carried unanimously with the following Roll Call Vote:**

**Ayes: Mayfield, Sieglock, Barba, Worthley, Nelson, Armentrout, Maggard, Case, Patrick and Dominici.**

**Absent: None.**

**Action: Received and filed the 2003 PM10 Plan and set June 19, 2003 for the public hearing. The Board directed staff to continue to meet with the interested public as well as the local transportation planning agencies to discuss transportation measures.**

**The Chair announced he will not be available for the June 19, 2003 Governing Board meeting. The Chair also noted that the Vice Chair, Supervisor Patrick will not be available for the June 19, 2003 Governing Board meeting. The Chair appointed Supervisor Tony Barba to chair the meeting on June 19, 2003.**

4. **PUBLIC COMMENT – Kevin Hall, member of the Sierra Club** suggested the Board have a discussion or presentation on Operation Clean Air. Mr. Hall noted that a group of community, medical and environmental organizations are extremely dissatisfied with the process. Mr. Hall noted he thinks a very important first step in that direction would be a simple discussion or presentation from Operation Clean Air. Mr. Hall stated he would specifically appreciate it if you focus on the financial management.

**Suzanne Noble, Western States Petroleum Association (WSPA)** stated that there were two bills aimed at increasing the membership of the Governing Board one being from Senator Florez and the other from Senator Machado. Ms. Noble noted that the good news is that Senator Florez has withdrawn his bill and the bad news is that Senator Machado has not yet done so.

Ms. Noble explained that WSPA opposes SB 999 but noted they are willing to look at other alternatives.

Ms. Noble asked the Board to support their constituents by writing a letter on behalf of the Board in opposition of Senate Bill 999.

**Les Clark, Independent Oil Producers Agency (IOPA)** asked the Board for a report or direction from the Board regarding the formation of an ad hoc subcommittee in respect to the streamlining the permitting process.

**Roger Christy, Chevron/Texaco** spoke in support of the formation of an ad hoc subcommittee regarding the permitting backlog and volunteered to serve on the ad hoc group established by the Board.

**Board Member Maggard** stated he was interested in making some comments to the public that have speaking to the Board today. Board Member Maggard explained that when speakers come to the microphone and stand before the Board the microphone is provided for an opportunity for them to speak to “us” the Board and not to one another. Board Member Maggard stated he thinks there is an increasing rhetoric and a change in the tone of some in the audience certainly not all but some in the audience use the microphone for purposes other than speaking to the Board. Board Member Maggard noted he thinks it is worthwhile to point out to the public that when they come they have a right to be there and he certainly is interested in hearing all that they have to say. But, if they don’t comport with the rules that we have and the means with which they have to offer their comments and if they go outside of that and begin to add rhetoric and tone and comments that are denigrating to one another and it only hurts their cause. Board Member Maggard stated the vast majority of those who stand at that microphone do a good job of that and he hopes that those that deviate from that recognize they are not serving their purpose.

5. **REPORT FROM CITIZENS ADVISORY COMMITTEE (CAC)** – Lee Smith, Environmental Primary Member and Chair of the CAC, made the report to the Board. Mr. Smith reported the CAC has a whole series of new members and part of our June 3, 2003 meeting will be an orientation meeting starting immediately after the regular CAC Meeting.

Mr. Smith reported that the CAC also discussed Sustainable Incentives which is on the Board’s agenda today.

6. **AUTHORIZE THE CHAIR TO APPOINT GOVERNING BOARD AD HOC SUBCOMMITTEE TO MEET WITH CITIZENS ADVISORY COMMITTEE (CAC) SUBCOMMITTEE** – Lee Smith, Environmental Primary Member and Chair of the CAC presented the item. Mr. Smith explained that this item was generated with a conversation he had with Supervisor Patrick about the activities of the CAC and what we have been doing this past year and with the feeling that we could probably be more effective. Mr. Smith explained that the thought was that a subcommittee where some of the individual members of the CAC could meet with some individual members of the Board and discuss some of the issues that we talk about at our meetings would be helpful. Mr. Smith noted that is kind of where this idea generated.

**Board Member Maggard** noted that one idea he has heard proffered about that might modify Mr. Machado's bill regarding adding four new members to the Governing Board is to increase the profile of and the input and the effect of the Citizens Advisory Committee (CAC). Board Member Maggard pointed out that it will be interesting to see if that develops and keep an open mind as to how we might be able to increase the profile of this group.

**The Chair** appointed a Governing Board Ad Hoc Subcommittee consisting of three (3) members from each region to meeting with Citizens Advisory Committee (CAC) Subcommittee:

**Northern Region**: consisting of San Joaquin, Stanislaus and Merced Counties, Supervisor Thomas W. Mayfield

**Central Region**: consisting of Madera, Fresno and Kings counties, Supervisor Judith G. Case

**Southern Region**: consisting of Tulare and Kern counties, Supervisor Barbara Patrick

7. **CITIZENS ADVISORY COMMITTEE (CAC) RECOMMENDATION RE: SUSTAINABLE INCENTIVES** – Presentation made by Lee Smith, Environmental Primary Member and Chair of the CAC. Mr. Smith provided the Board with a document titled *Sustainable Incentives*. Mr. Smith explained that this issue has been discussed at the CAC several times. Mr. Smith stated basically that the idea of *Sustainable Incentives* is another type of control strategy that's capable of generating effective reductions. Mr. Smith explained that as we enter into non-attainment designation for extreme, municipalities, local governments and regulated industries are faced with a regulatory dilemma. One program concept would promote the implementation of pollution reducing practices is to enable sources including exempt sources, to promote implementation of these *sustainable incentives*. They would be financial measures programs and/or prohibitory rule alternative compliance plans which provide an economic mechanism to fund pollution reduction measures. Mr. Smith stated that *Sustainable Incentives* may be in the form of private industry and/or foundation programs, federal and/or state government grants, tax credits, *Discrete Emissions Reductions or Emission Reduction Credits* ((ERCs) programs and prohibitory rule incentives. Mr. Smith explained that what the CAC's suggestion is that the Board directs staff to review the possibilities of *Sustainable Incentives* for each rule that's approved.

**Manuel Cunha, Nisei Farmers League** supports the CAC request regarding the Sustainable Incentives concept.

**STAFF DIRECTION** – Board Member Case made the motion to direct staff to develop a policy statement to include the sustainable incentives concept in rules under development and to bring that policy back to the Board. Seconded by Board Member Armentrout and carried unanimously with the following **Roll Call Vote**:

**Ayes:** Armentrout, Sieglock, Maggard, Nelson, Worthley, Barba, Mayfield, Case, Patrick and Dominici.

**Absent:** None.

8. **VERBAL REPORT: CALIFORNIA AIR RESOURCES BOARD (ARB) BOARD MEETING** – Report by Ravi Ramalingam, ARB representative and ARB Liaison for the Valley Air District. Mr. Ramalingam’s report focused on the Zero Emission Vehicle Program Amendments item heard by the ARB at its April 24, 2003 meeting. Mr. Ramalingam noted this item was a carryover item from the Board’s March meeting. Mr. Ramalingam noted that ARB staff proposed a provision that for every fuel cell vehicle the auto makers don’t produce, they would have to produce 20 Type-1 (“City” like the Think!) battery-powered vehicles, or, alternatively, 10 Type-2 (“fully functional,” like the electric Toyota RAV4) battery-powered vehicles. Mr. Ramalingam reported that the Board approved this proposal, which should provide some incentive for manufacturers to continue to produce battery-powered vehicles. Mr. Ramalingam noted auto makers can substitute up to 50 percent of their fuel cell requirement in this manner.
9. **EXECUTIVE DIRECTOR/APCO COMMENTS** – No Executive Director/APCO Comments.
10. **GOVERNING BOARD MEMBER COMMENTS** – **Board Member Mike Maggard** directed the Board’s attention to a letter from the City of Bakersfield to the Pacific Gas and Electric Company and a copy of a resolution from the City of Bakersfield. Board Member Maggard explained that he wanted to make the Air District aware of the fact that there is a obsolete and very old power plant that used to be very rural Bakersfield but as Bakersfield has grown it is now in the middle of much development and virtually across the street from one million square feet of commercial and retail property. Board Member Maggard noted that the City of Bakersfield is adamant that it does not want this sale to take place that would cause a wood burning power plant to be placed in the middle of Bakersfield. Board Member Maggard indicated he has been asked by his Council to come to the Governing Board today to explain that we think there are significant air quality implications here at the very bottom of the Valley to place a facility of that type in the middle of an urban area. Board Member Maggard noted that he is giving this to the Board for their information and when the appropriate time comes if the Air District can comment accordingly we would appreciate that from the City of Bakersfield.  
(Letter and resolution are part of the District’s Official Record)

**Board Member Patrick** stated that she has yet to see a replacement for Mr. Applegate when is that scheduled to happen?

**Mr. Crow** reported the city appointments to this Board are made by the League of California Cities and they have two divisions that are engaged in that. Mr. Crow indicated he could not answer Board Member Patrick's question specifically.

**The Chair** requested Councilmember Armentrout to look into this issue with the League of California Cities.

**Board Member Patrick** asked the Board and staff for their response to Senate Bill 999.

**The Chair** indicated he has been dealing with the APCO over this issue and we are in constant contact with the Senator's office on this and we may be hearing something shortly.

**Board Member Armentrout** indicated that he personally does not think this Board as a whole should take a position.

**OTHER BUSINESS** – No Other Business.

**Philip M. Jay, District Counsel**, announced the following:

11. **CLOSED SESSION** – The Governing Board will hold a Closed Session pursuant to Section **54957.6 and 54956.9(b)** of the Government Code (Ralph M. Brown Act) as follows:

- Conference with District representative (David L. Crow) regarding compensation for management.
- Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section **54956.9(b)**: one potential case.

**Mr. Jay noted if there are any announcements he will return to the Governing Board Room.**

**The Board adjourned to Closed Session at 11:40 a.m.**

**The Board adjourned from Closed Session at 12:20 p.m.**