

Amador Air District Board of Directors Meeting

Summary Minutes

Meeting was recorded in the Amador County Board of Supervisors Chambers
810 Court Street, Jackson, California
11:00 a.m. Tuesday, April 16, 2013

Determination of a Quorum

Present on Roll Call:

John Plasse	Amador County District 1, Supervisor
Richard Forster	Amador County District 2, Supervisor (Chairman)
Ted Novelli	Amador County District 3, Supervisor (Vice-Chairman)
Louis Boitano	Amador County District 4, Supervisor
Brian Oneto	Amador County District 5, Supervisor
Lloyd Oneto	City of Ione, Councilman
Pat Crew	City of Jackson, Councilman
Robin Peters	City of Sutter Creek, Councilman

Absent on Roll Call:

John Swift	City of Amador City, Councilman
Jon Colburn	City of Plymouth, Councilman

Staff:

Michael Boitano, Air Pollution Control Officer
Kris Pierce, Clerk of the Board

NOTE: These minutes remain in *Draft* form until approved by Minute Order at the next regular meeting of the Board of Directors. Any packets prepared by Staff are hereby incorporated into these minutes by reference as though set forth in full. Any staff report, recommended findings, mitigation measures, conditions, or recommendations which are referred to by Board members in their decisions which are contained in the staff reports are part of these minutes by reference only. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes by reference.

At 11:29 a.m., Chairman Forster called the meeting to order. It was determined that there was a quorum for business.

Approval of Agenda: Approval of the agenda for this date; any and all off-agenda items must be approved by the Board (pursuant to §54954.2 of the Government Code).

Motion:	It was moved by <u>Director Plasse</u> , seconded by <u>Director Novelli</u> , and unanimously carried to approve the agenda for this date as submitted with an administrative correction that item 3 should reference AB 350. See Housekeeping below item #4.
	Absent: Directors: Colburn and Swift

Public Matters Not on the Agenda: Discussion items only; no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador Air District Board of Directors; however, any matter that requires action may be referred to staff and/or a committee for a report and recommendation for possible action at a subsequent Board meeting. **Please note - there is a five (5) minute limit per topic.**

1.	Minutes: Review and approval of the January 15, 2013 Board Minutes: Action
	There were no corrections.
Motion:	It was moved by <u>Director Boitano</u> , seconded by <u>Director Crew</u> and unanimously carried to approve the minutes of the January 15, 2013 meeting as presented.
	Absent: Directors: Colburn and Swift
2.	Resolution for Transfer of Funds from Lassen County Air Pollution Control District: Action
	APCO Boitano explained that this is in conjunction with the Lower Emission School Bus Program. Lassen APCD has funds that they are unable to expend and wish to transfer the funds to Amador so they can be utilized. Amador still has one bus that these funds can be used for.
Motion:	It was moved by <u>Director Boitano</u> , seconded by <u>Director Plasse</u> , and unanimously carried to approve Resolution 13-01.
	Absent: Directors: Colburn and Swift
3.	Letter of Support for the Forest Fire Prevention Act AB350: Action
	APCO Boitano related that if passed the Bill will allow larger circumference trees on private lands to be thinned.
	Director B. Oneto said that he would like to see a longer cleanup period and would like to see that reflected in the letter.
	Chairman Forster said that the Board of Supervisors (BOS) has written a letter in support also, and that it contains language advocating a longer cleanup period. A copy of the letter is available from the BOS Board Clerk, Jennifer Burns. The letter should be sent to both Assemblymen

	Wieckowski and Bigelow.
<p>Motion:</p> <p>Discussion:</p> <p>Motion:</p>	<p>It was moved by <u>Director Boitano</u>, seconded by <u>Director Plasse</u>, to approve the letter to both legislators for signature with the addition of the specified language.</p> <p>Because the letter must go out today and time constraints of the Chairman and APCO, it was agreed that the language change would be made and the letter brought to the Chairman for signature before end of day. A typo was noted on the first page, last paragraph, first sentence – should read “fire-prone.”</p> <p>It was moved by <u>Director Boitano</u>, seconded by <u>Director Plasse</u>, and unanimously carried to approve the letter to both legislators for signature with the addition of the specified language and correction.</p> <p>Absent: Directors: Colburn and Swift</p>
4.	District Rules Update: Action
	<p>APCO Boitano introduced this item saying that many of the rules have not been reviewed since they were put into place originally and that many are out of date and as a result, the District is leaving itself open to additional lawsuits. He has added money into the draft budget for this project. APCO Boitano introduced Ray Kapahi, Air Permitting Specialist, who will be handling the Rules update. Director Swift took his seat at 11:37 and was present for the duration of the meeting.</p> <p>The following points were made:</p> <ul style="list-style-type: none"> • Rules should not be changed unless it is to comply with law. We should do what is necessary as opposed to doing what most districts do. • Rules should give the parameters of emissions and the allowable ranges. • We are looking at what State and Federal law require. <p>Mr. Kapahi and APCO Boitano addressed the question of cost and timeline for the project. The cost estimate at this time is between \$17,250 and \$21,000 and expected to take up to a year. This is a difficult project to estimate due to the public hearings and CEQA review that are part of the requirements in addition to the review of changes that will be given to the Board. No time limit has been placed on the project by either State or Federal at this time.</p> <p>Mr. Kapahi explained that he has arranged for two people from San Joaquin Air District who are well versed in the rules-making process to work on this project for us. They will go through the District’s rules and redline the necessary changes to bring the rules consistent with today’s laws. The goal is to bring the rules into compliance with both State and Federal law. The other concern is that our air quality has changed over time. The dirtier the air the more stringent the rules must be. It is the air quality in Amador that dictates how stringent the rules must be and how they are written.</p> <p>This is the best estimate for time frame and cost. This can change based on push back from other agencies and public comment. The rule changes will also need to go through a CEQA review. The waiting periods required by law for comment periods have been taken into consideration in the time estimate. Depending on what push back is received additional work may be required.</p>

	<p>Questions to APCO Boitano:</p> <p><i>Do you consider the \$21K to be the full cost of the project or will there be additional cost involved for your time and for example, the CEQA process?</i> The \$21K only reflects the estimated cost that will be billed by Ray Kapahi. The line item for the project is 52300 and I have put additional funds in that line for my management services and other professional costs that may be involved as a contingency.</p> <p><i>Can the District tap into the rules of other Mountain Counties and defray some of the project cost that way?</i> APCO Boitano explained that he has looked at that and once he has approval for the rules updates he will approach the other counties to see if they want to join the project with the intent of defraying costs.</p> <p>Chairman Forster called for a motion to accept District rules update with a price range of \$17,250 to \$21,000 unless we can get other partners at a later date to help defray the cost.</p> <p>It was moved by <u>Director Peters</u>, seconded by <u>Director B. Oneto</u>, to accept the District rules update with a price range of \$17,250 to \$21,000 unless we can get other partners at a later date to help defray the cost.</p> <p>Discussion: Is the reason for the Rules update a requirement to avoid potential litigation? What if we don't update the rules? Mr. Kapahi – The rules need to be updated so that the District can meet the air quality rules and regulations, both state and federal. We, the District, cannot do our job if the rules are out of date or do not reflect the current regulations that are out there. Example, we cannot enforce greenhouse gas regulations if greenhouse gas regulations do not exist in the District rules. We cannot enforce PM2.5 regulations as they did not exist when our rules were written. As a result, the county becomes vulnerable to new projects coming in because the rules are inadequate and leaves us open to litigation.</p> <p>Chairman Forster called for a vote for the motion on the floor.</p>
Motion:	<p>It was moved by <u>Director Peters</u>, seconded by <u>Director B. Oneto</u>, to accept the District rules update with a price range of \$17,250 to \$21,000 unless we can get other partners at a later date to help defray the cost.</p> <p>The motion carried with a vote of 7-2 in favor.</p> <p>Ayes: Directors Boitano, Novelli, B. Oneto, Peters, L. Oneto, Swift, and Forster Nays: Directors Plasse and Crew Absent: Director Colburn</p>
Housekeeping point:	<p>Chairman Forster: Going back to the Approval of the Agenda. There is a typo on Agenda item 3, it references Assembly Bill 305. Within the item it correctly states that it is Assembly Bill 350. Director Plasse made the motion and Director Novelli the second, could you show that correction in your motion please. Both Directors Plasse and Novelli agreed, a re-vote was taken and the restated motion carried unanimously.</p>

5.	<p>FY 2013-2014 Budget Workshop: Action</p> <p>APCO Boitano introduced his draft budget. He brought attention to the Woodstove Change-Out program that the District wants to do. It would be funded with the BVBP Grant funds that we anticipate receiving during the fiscal year. The District would match funds with that grant for this program. Basically it would be a \$400 rebate for each qualifying wood stove. We would also like to fully fund two change outs. The worksheet attached with the program description shows the breakout of the funds.</p> <p>These lines on the budget were commented on and need correction: Line 50400 - FY 12-13 shows as 34,755; it should be 16,021. Line 52300 - break this down to show the components and dollars for each. Line 52600 - Rent figure appears incorrect.</p> <p>There are discrepancies between the summary sheet and the breakdown. APCO Boitano stated that he will have to go back and make these corrections prior to final budget.</p> <p>Motion: It was moved by <u>Director Boitano</u>, seconded by <u>Director Novelli</u>, and unanimously carried to approve this preliminary Budget as corrected and amended.</p> <p>Absent: Director Colburn</p>
6.	<p>Manager's Report: Informational, no action to be taken</p> <ul style="list-style-type: none"> • Great Basin Agreement letter Kirkwood Meadows Public Utilities District is required, as a Permit to Operate condition with Great Basin AQMD, to install a meteorological monitoring station in the Kirkwood Meadows area. The best location of the station is on the Amador County side. Great Basin AQMD contacted the District to confirm that the location is acceptable and that Great Basin will be the recipient of the collected data. Data from this monitoring station will be made available on the Great Basin AQMD web site. Director Novelli shared that he and other staff members have toured the site and agrees that this is the best location for the monitoring station. • Financial Reports - no questions <p><i>The following discussion points were brought by the Board members</i></p> <ul style="list-style-type: none"> • Chairman Forster asked for an update on BVBP saying that there are still truck complaints. He also said that he is happy with the response from BVBP when they are made aware of truck issues. APCO Boitano reported that BVBP is still working to resolve the detached plume issue and believes that they are very close to resolution. The District did receive one complaint reporting that a truck was taking garbage to the plant to be burned. Investigation revealed that during the storm the truck scale, at BVBP, was knocked out of commission. Trucks were routed to the landfill to be weighed then returned to BVBP to dump their loads. • Director Peters questioned not seeing anything about rotating auditing firms or the possible move to a two year audit on the agenda for this meeting. APCO Boitano related that he had been unable to discuss the issue with County Counsel, which he wants to do before bringing this back to the Board. He will be sure to have this on the next agenda.

