

SUMMARY OF PROCEEDINGS

BOARD OF DIRECTORS KERN COUNTY AIR POLLUTION CONTROL DISTRICT

Location: Ridgecrest City Hall,
100 W California Ave, Ridgecrest, CA

Regular Meeting

Thursday, March 11, 2010
1:00 P.M.

DISTRICT RECONVENED

DIRECTORS: Grimes (Chairman) Maben (Vice-Chairman), McQuiston, Holloway and Adams

ROLL CALL: All present

SALUTE TO FLAG: Led by Chip Holloway

Air Pollution Control Officer: David L. Jones
Clerk of the Board: Debra Mullins
County Counsel: Kirk Perkins

BOARD ACTION SHOWN AFTER EACH ITEM IN CAPS. NOTE: The vote is placed in **bold** below each item. For example, **Maben - Holloway** denotes Director Maben made the motion and Director Holloway seconded the motion.

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: all items listed with a (-CA) are consent items and considered routine and noncontroversial by district staff and were approved by one motion - ITEMS: 7, 8, 9, 10, 11, 12 AND 13 WERE VOTED AS CONSENT ITEMS.

Maben - McQuiston: 5 Ayes

PUBLIC PRESENTATIONS

- 1) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask questions for clarification; make referrals to staff for information or request staff to report to the Board at a later meeting. In addition, the Board may take action to direct staff to place a matter of business on a future agenda - NO ONE HEARD.

BOARD MEMBER PRESENTATIONS OR ANNOUNCEMENTS

- 2) On their own initiative, Board members may make brief announcements or brief reports on their own activities. They may ask questions for clarification make referrals to staff or take action to have staff place a matter of business on a future agenda [Gov. Code Sec. 54954.2(a)] - DIRECTOR MCQUISTON SUGGESTED THE BOARD GIVE AN ANNUAL PERFORMANCE REVIEW OF THE AIR POLLUTION CONTROL OFFICER; CHAIRMAN GRIMES AGREED AND DIRECTED STAFF TO ARRANGE TO DO THIS YEAR'S EVALUATION AT THE MAY GOVERNING BOARD MEETING; AND DIRECTOR MABEN SUGGESTED A CLOSED SESSION TO CONDUCT THE EVALUATION BE PLACED AT THE END OF THE MAY REGULAR GOVERNING BOARD MEETING.

HEARINGS

- 3) Hearing to consider adoption of amendments to Rule 102 (Definitions) and proposed Rule 410.1A (Architectural Coatings Controls); and rescission of Rule 410.1 (Architectural Coatings) - OPENED HEARING; RECEIVED PUBLIC COMMENT, None; CLOSED HEARING; ADOPTED AMENDED RULE 102 (DEFINITIONS) AND ADOPTED RESOLUTION NO. 2010-001-03. ADOPTED PROPOSED RULE 410.1A (ARCHITECTURAL COATINGS CONTROLS) EFFECTIVE JANUARY 1, 2011; RESCINDED RULE 410.1 (ARCHITECTURAL COATINGS) EFFECTIVE JANUARY 1, 2011; AND ADOPTED RESOLUTION NO. 2010-002-03.
McQuiston - Maben: 5 ayes

DISTRICT REQUESTS

- 4) Lower-Emission School Bus Program Grant Award & Authorization Form Amendment 1 and Amendment No. 2 to the Lower-Emission School Bus Program MOU with San Joaquin Valley Unified Air Pollution Control District - DIRECTOR MCQUISTON, CHAIRMAN GRIMES AND DIRECTOR ADAMS WERE HEARD IN OPPOSITION TO NEW REQUIRMENTS INCREASING THE KCAPCD'S LIABILITY CONTAINED IN THE PROPOSED AMENDMENT NO. 1 TO THE LOWER-EMIISON SCHOOL BUS PROGRAM; BOARD DIRECTED STAFF TO WORK WITH OTHER AIR DISTRICTS, SCHOOLS SUPERINDENTENTS AND DIRECTOR OF THE SAN JOAQUIN VALLEY AIR DISTRICT TO LOOK INTO POSSIBLE AGREEMENT CHANGES; AND BOARD DIRECTED STAFF TO KEEP THE BOARD INFORMED OF DISCUSSIONS SO THEY MAY BE FULLY INFORMED PRIOR TO THE NEXT GOVERNING BOARD MEETING. CONTINUED THE ITEM INCLUDING BOTH AMENDMENTS UNTIL THE NEXT GOVERNING BOARD MEETING; EITHER A SPECIAL MEETING IN APRIL IF REQUIRED, OR THE REGULAR MEETING IN MAY.
- 5) Carl Moyer Program Year 12 - ADOPTED RESOLUTION 2010-004-03; AUTHORIZED AIR POLLUTION CONTROL OFFICER TO SIGN AWARD LETTER; AND DO ALL OTHER ACTS NECESSARY TO RECEIVE CARL MOYER PROGRAM YEAR 12 FUNDS. DIRECTED AIR POLLUTION CONTROL OFFICER

TO NOT SUBMIT ANY GRANT AWARD AUTHORIZATION REQUEST FOR FUNDS TO THE AIR RESOURCES BOARD IF NEW REQUIREMENTS SIMILAR TO THOSE INCLUDED IN THE LOWER-EMISSION SCHOOL BUS PROGRAM ARE ADDED TO THE NEXT REQUEST FOR FUNDS PACKAGE RECEIVED FROM THE AIR RESOURCES BOARD.

McQuiston - Maben: 5 ayes

- 6) Request to Consider Name Change for the Kern County Air Pollution Control District - DIRECTED STAFF TO REPORT BACK AT NEXT MEETING CHANGING NAME OF DISTRICT TO EAST KERN COUNTY AIR POLLUTION CONTROL DISTRICT OR EASTERN KERN AIR POLLUTION CONTROL DISTRICT.

McQuiston – Holloway: 5 ayes

- 7-CA) Air Toxics “Hot Spots” Information and Assessment Act Program (AB-2588) Cost for Fiscal Year 2009-2010 - AUTHORIZED STAFF TO COLLECT FROM THE AFFECTED SOURCES AIR TOXICS “HOT SPOTS” INFORMATION AND ASSESSMENT ACT PROGRAM COSTS FOR FY 2009 – 2010.

Maben - McQuiston: 5 Ayes

- 8-CA) Amendment No. 1 to Agreement No. 01-002-2010 with Blake’s Wholesale Stone - APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN AGREEMENT NO. 03-004-2010A WITH BLAKE’S WHOLESALE STONE.

Maben - McQuiston: 5 Ayes

- 9-CA) Amendment No. 1 to Agreement No. 07-027-2009 with Benz Sanitation Inc. - APPROVED AND AUTHORIZED THE CHAIRMAN TO SIGN AGREEMENT NO. 03-005-2010A WITH BENZ SANITATION INC.

Maben - McQuiston: 5 Ayes

- 10-CA) Air Pollution Control Officer Conditions of Employment - APPROVED ADJUSTMENT OF THE VACATION ACCRUAL RATE FOR DAVID L. JONES TO 6.76923 HOURS BIWEEKLY WITH A MAXIMUM VACATION BALANCE OF 552 HOURS, EFFECTIVE FEBRUARY 27, 2010; AND AUTHORIZED STAFF TO INFORM KERN COUNTY PERSONNEL AND AUDITOR DEPARTMENTS OF THE CHANGES TO THE CONDITIONS OF EMPLOYMENT.

Maben - McQuiston: 5 Ayes

MATTERS FOR EXECUTIVE APPROVAL

- 11-CA) Schedule of KCAPCD Governing Board Meetings additions/changes of rotating locations - APPROVED AND FILED.

Maben - McQuiston: 5 Ayes

- 12-CA) Summary of Proceedings for Meeting of January 14, 2010 - APPROVED AND FILED.

Maben - McQuiston: 5 Ayes

DOCUMENTS FOR FILING

- 13-CA) District's Notice of Violation update - RECEIVED AND FILED.
Maben - McQuiston: 5 Ayes

DISTRICT UPDATE

- 14) APCO Report (Verbal)
- 1) Report on the Solar Millennium Project.
 - 2) Report on the Motor Vehicle Emissions Reduction Program Committee Meeting on March 4, 2010.
 - 3) Video taping of Board meetings discussed.
 - 4) New website discussed.
 - 5) Effects of recession on KCAPCD permit fees discussed.
 - 6) Cost accounting of Kern County costs charged to KCAPCD discussed; and Director McQuiston with Director Maben concurrence suggested Air Pollution Control Officer discuss prorating one time costs charged to KCAPCD since our time in the building is limited.

ADJOURN TO THURSDAY, MAY 13, 2010, 1:00 P.M. REGULAR BOARD SESSION AT KERN RIVER VETERANS/SENIOR BUILDING, 6405 LAKE ISABELLA BLVD, LAKE ISABELLA, CA.

Adams - Grimes

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(District Seal)

Debra Mullins, Clerk of the Board

Ed Grimes, Chairman