

AMENDED IN SENATE APRIL 25, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 999

Introduced by Senator Machado

February 22, 2005

An act to amend Section 40600 of the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 999, as amended, Machado. San Joaquin Unified Air Pollution Control District: district board membership.

(1) Existing law establishes the San Joaquin Valley Unified Air Pollution Control District formed by the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and consisting of the Counties of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and that portion of the County of Kern that is within the San Joaquin Valley Air Basin, as a single integrated agency with all staff under one centralized management structure that is able to implement programs on a basinwide basis. Existing law requires the district to be governed by a district board composed of a total of 11 voting members. Of those members, existing law requires 8 members to be appointed by each of the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The remaining 3 members are appointed by cities within the territory of the district, based on region and population.

This bill would increase the membership of the district board to 17 members. In addition to the existing 8 county members, the bill would require the appointment of 2 city members by the cities within the territory of the district, based solely on population. The bill would

require 3 other city members to be appointed to the district board by the City Councils of Fresno, Bakersfield, and Stockton, one member ~~apiece~~ *to be appointed by each city council*. The bill would require 4 public members to be appointed to the district board, as prescribed. The bill would require each member to be appointed in accordance with certain requirements, and would prohibit a member from designating an alternate for any purpose or otherwise being represented by another person in his or her capacity as a member of the district board. The bill would require each appointment by a board of supervisors or city council to be considered and acted on at a duly noticed, regularly scheduled hearing of the board of supervisors or city council. The bill would require all members to be residents of the district. Because of the additional duties this bill would require of the district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40600 of the Health and Safety Code is
2 amended to read:
3 40600. (a) The San Joaquin Valley Unified Air Pollution
4 Control District formed by the Counties of Fresno, Kern, Kings,
5 Madera, Merced, San Joaquin, Stanislaus, and Tulare pursuant to
6 Chapter 3 (commencing with Section 40150), and consisting of
7 the Counties of Fresno, Kings, Madera, Merced, San Joaquin,
8 Stanislaus, and Tulare, and that portion of the County of Kern
9 that is within the San Joaquin Valley Air Basin, is a single
10 integrated agency with all staff under one centralized
11 management structure that is able to implement programs on a
12 basinwide basis, and has all of the following:
13 (1) An individual air pollution control officer who is
14 responsible for the issuance of all permits by the unified district.

1 (2) A single budget for the unified district with resources
2 allocated based on the program needs of the San Joaquin Valley
3 Air Basin.

4 (3) A uniform fee structure.

5 (4) Three hearing boards established pursuant to Section
6 40800. One hearing board shall serve the northern region, one
7 shall serve the central region, and one shall serve the southern
8 region, as defined by the unified district board. Identical policies
9 governing the operation of each hearing board shall be
10 established by the unified district board and shall be binding
11 upon each hearing board.

12 (5) A citizen's advisory committee.

13 (b) Rules and regulations adopted by the San Joaquin Valley
14 Unified Air Pollution Control District are binding on all counties
15 within the unified district. The unified district shall enforce all
16 permits issued by the unified district and all permits issued by the
17 individual county districts prior to formation of the unified
18 district. The unified district shall review, revise, adopt, and
19 implement any air pollution control plans required within the San
20 Joaquin Valley Air Basin by state and federal law.

21 (c) Notwithstanding any other provision of law, the San
22 Joaquin Valley Unified Air Pollution Control District shall be
23 governed by a district board composed of 17 voting members,
24 appointed as follows:

25 (1) Eight members, one of whom shall be appointed by each
26 of the Counties of Fresno, Kern, Kings, Madera, Merced, San
27 Joaquin, Stanislaus, and Tulare. The board of supervisors of each
28 of those counties shall, by majority vote, appoint one of its
29 members to serve as a member of the district governing board.

30 (2) Two city members appointed by the cities within the
31 territory of the unified district. There shall not be more than one
32 city member selected from one county. Of the two city members
33 appointed pursuant to this paragraph, one shall be from a city
34 having a population of less than 40,000, and one shall be from a
35 city having a population of 40,000 or more that is not specifically
36 authorized to appoint a member to the board under this section.

37 (3) Three city members appointed as follows:

38 (A) One appointed by the City Council of Fresno.

39 (B) One appointed by the City Council of Bakersfield.

40 (C) One appointed by the City Council of Stockton.

1 (4) Four public members appointed as follows:

2 (A) One public member—~~selected~~ *appointed* by the Governor,
3 with the advice and consent of the Senate, who has expertise in
4 transportation or urban planning.

5 (B) One public member—~~selected~~ *appointed* by the Governor,
6 with the advice and consent of the Senate, who has expertise in
7 the environmental effects of air pollution.

8 (C) One public member—~~selected~~ *appointed* by the Speaker of
9 the Assembly to represent the environmental justice community.

10 (D) One public member—~~selected~~ *appointed* by the Senate
11 Committee on Rules who is a physician with expertise regarding
12 the health effects of air pollution.

13 (5) The terms of office for the members initially appointed
14 pursuant to subparagraphs (A), (B), (C), and (D) of paragraph (4)
15 shall be as follows:

16 (A) For the member appointed pursuant to subparagraph (A)
17 of paragraph (4), the term shall be two years.

18 (B) For the member appointed pursuant to subparagraph (B) of
19 paragraph (4), the term shall be four years.

20 (C) For the member appointed pursuant to subparagraph (C) of
21 paragraph (4), the term shall be two years.

22 (D) For the member appointed pursuant to subparagraph (D)
23 of paragraph (4), the term shall be four years.

24 (6) After the initial term of appointment, the terms of office
25 for the members appointed pursuant to subparagraphs (A), (B),
26 (C), and (D) of paragraph (4) shall be four years.

27 (d) Each member shall be appointed on the basis of his or her
28 demonstrated interest and proven ability in the field of air
29 pollution control and their understanding of the needs of the
30 general public in connection with air pollution problems of the
31 San Joaquin Valley Air Basin.

32 (e) Each member shall be appointed on the basis of his or her
33 ability to attend substantially all meetings of the district board, to
34 discharge all duties and responsibilities of a member of the
35 district board on a regular basis, and to participate actively in the
36 affairs of the district. A member shall not designate an alternate
37 for any purpose or otherwise be represented by another person in
38 his or her capacity as a member of the district board.

39 (f) Each appointment by a board of supervisors or city council
40 shall be considered and acted on at a duly noticed, regularly

1 scheduled hearing of the board of supervisors or city council,
2 which shall provide an opportunity for testimony on the
3 qualifications of the candidates for appointment.

4 (g) All members shall be residents of the district.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of
10 Section 17556 of the Government Code.

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