

Introduced by Senators Machado and FlorezFebruary 23, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

SB 719, as introduced, Machado. San Joaquin Valley 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 15 members. In addition to the existing 8 county members, the bill would require the appointment of 2 city council members by the cities within the territory of the district, based solely on population. The bill would require 3 other city council members to be appointed to the district board by a majority vote of the City Councils of Fresno, Bakersfield, and Stockton, one member to be appointed by each city council. The

bill would require 2 public members to be appointed to the district board by the Governor, with the advice and consent of the Senate, 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 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) ~~of Part 3 of Division~~
 7 ~~26 of the Health and Safety Code~~, and consisting of the Counties
 8 of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and
 9 Tulare, and that portion of the County of Kern that is within the
 10 San Joaquin Valley Air Basin, is a single integrated agency with
 11 all staff under one centralized management structure that is able
 12 to implement programs on a basinwide basis, and has all of the
 13 following:

14 (1) An individual air pollution control officer who is responsible
 15 for the issuance of all permits by the unified district.

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

19 (3) A uniform fee structure.

20 (4) Three hearing boards established pursuant to Section 40800
 21 ~~of the Health and Safety Code~~. One hearing board shall serve the

1 northern region, one shall serve the central region, and one shall
2 serve the southern region, as defined by the unified district board.
3 Identical policies governing the operation of each hearing board
4 shall be established by the unified district board and shall be
5 binding upon each hearing board.

6 (5) A citizen's advisory committee.

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

15 (c) Notwithstanding any other provision of law, the San Joaquin
16 Valley Unified Air Pollution Control District shall be governed
17 by a district board composed of ~~11~~ 15 voting members, appointed
18 as follows:

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

24 (2) ~~Three~~ *Two* city *council* members appointed by the cities
25 within the territory of the unified district. There shall not be more
26 than one city *council* member selected from one county. ~~One city~~
27 ~~member shall be selected from the northern region, one from the~~
28 ~~central region, and one from the southern region of the district. Of~~
29 ~~the three two city council members appointed pursuant to this~~
30 ~~paragraph, one shall be from a city having a population of less~~
31 ~~than 20,000 40,000, one shall be from a city having a population~~
32 ~~of not less than 20,000 and not more than 50,000, and one shall~~
33 ~~be from a city having a population of more than 50,000 40,000 or~~
34 ~~more that is not specifically authorized to appoint a member to~~
35 ~~the board under this section.~~

36 (3) *The following cities shall each appoint, by majority vote of*
37 *the city council, one of its city council members to serve as a*
38 *member of the district governing board:*

39 (A) *The City of Fresno.*

40 (B) *The City of Bakersfield.*

1 (C) *The City of Stockton.*

2 (4) *Two public members appointed by the Governor, with the*
3 *advice and consent of the Senate, as follows:*

4 (A) *One public member who is a physician, actively practicing*
5 *within the district, whose daily practice or research specialty lies*
6 *in the health effects of air pollution on vulnerable populations.*

7 (B) *One public member who has expertise in environmental*
8 *engineering, chemistry, or meteorology, and who is a specialist*
9 *in the public health impacts of air pollution.*

10 (5) *For the appointment of members appointed pursuant to*
11 *paragraph (4), the Governor shall solicit recommendations for*
12 *potential candidates from the physician public health officers of*
13 *the eight counties in the district. Prior to appointing a member*
14 *under paragraph (4), the Governor shall submit the names of all*
15 *potential candidates to each public health officer for their review*
16 *and advice. A majority of the public health officers shall provide*
17 *a recommendation to the Governor.*

18 (6) *The terms of office for the members initially appointed*
19 *pursuant to subparagraphs (A) and (B) of paragraph (4) shall be*
20 *as follows:*

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

23 (B) *For the member appointed pursuant to subparagraph (B)*
24 *of paragraph (4), the term shall be two years.*

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

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

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

1 (f) *Each appointment by a board of supervisors or city council*
2 *shall be considered and acted on at a duly noticed, regularly*
3 *scheduled hearing of the board of supervisors or city council,*
4 *which shall provide an opportunity for testimony on the*
5 *qualifications of the candidates for appointment.*

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

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 a local agency or school district has the authority to levy service
10 charges, fees, or assessments sufficient to pay for the program or
11 level of service mandated by this act, within the meaning of Section
12 17556 of the Government Code.

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