

AMENDED IN SENATE MARCH 25, 2008

SENATE BILL

No. 1548

Introduced by Senator Florez

February 22, 2008

~~An act to amend Section 40704.5 of the Health and Safety Code, relating to air quality management districts. An act to amend Section 40600 of the Health and Safety Code, relating to air pollution.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1548, as amended, Florez. ~~Air quality management districts: membership.~~ *San Joaquin Valley Unified Air Pollution Control District: city selection committee.*

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 15 voting members. Of those members, existing law requires 5 members to be appointed by cities within the territory of the district, based on region and population.

This bill would require the cities within the territory of the unified district to organize as a city selection committee to appoint these members, thereby imposing a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law declares that local and regional authorities have primary responsibility for the control of air pollution from all sources, other than emissions from motor vehicles. Existing law requires that the number of members and the composition of the governing boards of the local air quality management districts be approved by a majority of the counties, and by a majority of the cities which contain a majority of the population in the incorporated area of the district, with certain exceptions. Existing law also regulates how members of the governing board of the air quality management districts are to be selected.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

~~Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-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 that
- 9 is within the San Joaquin Valley Air Basin, is a single integrated
- 10 agency with all staff under one centralized management structure
- 11 that is able to implement programs on a basinwide basis, and has
- 12 all of the following:
- 13 (1) An individual air pollution control officer who is responsible
- 14 for the issuance of all permits by the unified district.
- 15 (2) A single budget for the unified district with resources
- 16 allocated based on the program needs of the San Joaquin Valley
- 17 Air Basin.
- 18 (3) A uniform fee structure.

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

7 (5) A citizen’s advisory committee.

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

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

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

25 (2) (A) Five city council members appointed by the cities within
26 the territory of the unified district. *The cities within the territory*
27 *of the unified district shall organize as a city selection committee*
28 *for the purposes of this paragraph. The city selection committee*
29 *shall appoint, by majority vote at a public hearing, the members*
30 *required by this paragraph. The district may provide logistical*
31 *support to the city selection committee for the purposes of this*
32 *paragraph.* There shall not be more than one city council member
33 selected from one county. Of the five city council members
34 appointed pursuant to this paragraph, three shall be from a city
35 having a population of less than 100,000, with one member selected
36 from the northern region, one from the central region, and one
37 from the southern region of the district. The other two city council
38 members appointed pursuant to this paragraph shall be from a city
39 having a population of 100,000 or more, with each member selected
40 from different regions of the district.

1 (B) *The city selection committee shall appoint a new member*
2 *to fill any vacancy for the remainder of the term where any member*
3 *appointed pursuant to this paragraph leaves before the end of the*
4 *term.*

5 (3) The terms of office for members appointed pursuant to
6 *subparagraph (A) of paragraph (2) after April 1, 2007, shall be*
7 *three years.*

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

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

13 (B) One public member who has medical or scientific expertise
14 in the health effects of air pollution.

15 (5) The terms of office for the members initially appointed
16 pursuant to subparagraphs (A) and (B) of paragraph (4) shall be
17 as follows:

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

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

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

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

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

37 (f) All members shall be residents of the district.

38 *SEC. 2. If the Commission on State Mandates determines that*
39 *this act contains costs mandated by the state, reimbursement to*
40 *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*
2 *4 of Title 2 of the Government Code.*

3 ~~SECTION 1. Section 40704.5 of the Health and Safety Code~~
4 ~~is amended to read:~~

5 ~~40704.5. (a) Notwithstanding any other provision of law, on~~
6 ~~and after July 1, 1994, the membership of the governing board of~~
7 ~~an air quality management district, including any district formed~~
8 ~~on or after that date, shall include (1) one or more members who~~
9 ~~are mayors, city council members, or both, and (2) one or more~~
10 ~~members who are county supervisors.~~

11 ~~(b) The number of those members and their composition shall~~
12 ~~be determined jointly by the counties and cities within the district,~~
13 ~~and shall be approved by a majority of the counties, and by a~~
14 ~~majority of the cities which contain a majority of the population~~
15 ~~in the incorporated area of the district.~~

16 ~~(c) The governing board shall reflect, to the extent feasible and~~
17 ~~practicable, the geographic diversity of the district and the variation~~
18 ~~of population between the cities in the district.~~

19 ~~(d) The members of the governing board who are mayors or~~
20 ~~city council members shall be selected by the city selection~~
21 ~~committee if the district only contains one county, or a majority~~
22 ~~of the cities within the district if the district contains more than~~
23 ~~one county.~~

24 ~~(e) The members of the governing board who are county~~
25 ~~supervisors shall be selected by the county if the district only~~
26 ~~contains one county or a majority of counties within the district if~~
27 ~~the district contains more than one county.~~

28 ~~(f) If a district fails to comply with subdivisions (a) and (b), the~~
29 ~~composition of the governing board shall be determined as follows:~~

30 ~~(1) In districts in which the population in the incorporated areas~~
31 ~~represents 35 percent or less of the total county population,~~
32 ~~one-fourth of the members of the governing board shall be mayors~~
33 ~~or city council members, and three-fourths shall be county~~
34 ~~supervisors.~~

35 ~~(2) In districts in which the population in the incorporated areas~~
36 ~~represents between 36 and 50 percent of the total county~~
37 ~~population, one-third of the members of the governing board shall~~
38 ~~be mayors or city council members, and two-thirds shall be county~~
39 ~~supervisors.~~

1 ~~(3) In districts in which the population in the incorporated areas~~
2 ~~represents more than 50 percent of the total county population,~~
3 ~~one-half of the members of the governing board shall be mayors~~
4 ~~or city council members and one-half shall be county supervisors.~~
5 ~~(4) The number of those members shall be determined as~~
6 ~~provided in subdivision (b) and the members shall be selected~~
7 ~~pursuant to subdivisions (d) and (e).~~
8 ~~(5) For purposes of paragraphs (1) to (3), inclusive, if any~~
9 ~~number which is not a whole number results from the application~~
10 ~~of the term “one-fourth,” “one-third,” “one-half,” “two-thirds,” or~~
11 ~~“three-fourths,” the number of county supervisors shall be increased~~
12 ~~to the nearest integer, and the number of mayors or city council~~
13 ~~members decreased to the nearest integer.~~
14 ~~(g) This section does not apply to a district if the membership~~
15 ~~of the governing board of the district includes both county~~
16 ~~supervisors and mayors or city council members on June 30, 1994.~~