

## Action Summary Minutes

### **SAN JOAQUIN VALLEY SPECIAL CITY SELECTION COMMITTEE**

Central Region Office, Governing Board Room

1990 E. Gettysburg Avenue, Fresno, CA

**Thursday, January 29, 2009**

**6:00 p.m.**

*Meeting held via video teleconferencing at the Offices of the San Joaquin Valley Air Pollution Control District: Central Region Office (Fresno), Northern Region Office (Modesto), and Southern Region Office (Bakersfield).*

1. CALL MEETING TO ORDER:

Seyed Sadredin, Secretary to the Special City Selection Committee, called the meeting to order at 6:01 p.m.

2. ROLL CALL

*Present*

Ed Alves	City of Escalon
Jerry Antonetti	City of Dos Palos
Jim Avalos	City of Selma
David G. Ayers	City of Hanford
Leonel Benavides	City of Farmersville
Anita Betancourt	City of Reedley
Sally J. Bomprezzi	City of Madera
Amy Bublak	City of Turlock
John Carlisle	City of Merced
Nelson Crabbe	City of Atwater
Thom Crowder	City of Hughson
Rick Darling	City of Fowler
Tom Dunlop	City of Oakdale
Tom Faria	City of Los Banos
Dominic Farinha	City of Patterson
Rich Ford	City of Gustine
Jesus Gamboa	City of Visalia
Tony Garcia	City of Coalinga
Raul Gonzales	City of Woodlake
Julia Hernandez	City of San Joaquin
Glenda Hill	City of Orange Cove
Carl Joe Hively	City of Wasco
Bob Johnson	City of Lodi

Janice Keating	City of Modesto
Ted Kelly	City of Newman
Pamela Kimball	City of Lindsay
Michael Maciel	City of Tracy (Alternate)
Dennis Martin	City of McFarland
Pedro Martinez	City of Porterville
Terry McKittrick	City of Dinuba
Debbie Moorhead	City of Manteca
Elden "Red" Nutt	City of Ripon
Dagoberto Ovalle	City of Avenal
Hilda R. Plasencia	City of Huron
John Plourde	City of Lemoore
Trinidad Rodriguez	City of Kerman
Victor Ruiz	City of Sanger
Marcia Sablan	City of Firebaugh
Zack Scrivner	City of Bakersfield
Robert Silva	City of Mendota
Cynthia Sterling	City of Fresno
Tim Tarver	City of Arvin
Grace Vallejo	City of Delano
Mike VanWinkle	City of Waterford
Craig Vejvoda	City of Tulare
Chris Vierra	City of Ceres
Jim Wadsworth	City of Corcoran
Jeffrey Westenberger*	City of Maricopa
Bob Whalen*	City of Clovis
Dave White	City of Riverbank
Justin White	City of Chowchilla

Gregg Collins, representing the City of Exeter, was excused from participating as a member of the Committee because he was not an elected official from the City of Exeter. For cities located within the boundaries of the San Joaquin Valley Air Pollution Control District, the State law restricts membership on this Committee to elected members of the council from each city.

## Election of the Chair and the Vice-Chair

The first order of business prior to considering the remaining items on the agenda was the election of the Chair and the Vice-Chair.

*Moved: Vejvoda*

*Seconded: White*

*Ayes: Crabbe, Antonetti, Alves, Ford, Crowder, Johnson, Faria, Moorhead, Keating, Kelly, Dunlop, Farinha, Nutt, White, Maciel, Bublak, VanWinkle, Ovale, Vierra, White, Whalen, Garcia, Wadsworth, McKittrick, Benavides, Darling, Sterling, Ayers, Plasencia, Plourde, Kimball, Bomprezzi, Carlisle, Hill, Betancourt, Ruiz, Hernandez, Avalos, Vejvoda, Gamboa, Gonzalez, Tarver, Scrivner, Vallejo, Westenberger, Martin, Hively, Martinez*

*Nays: None*

***Motion passed unanimously to appoint Chris Vierra, City of Ceres, as the Chair of the San Joaquin Valley Special City Selection Committee.***

Mr. Vierra thanked all the representatives for attending the Special City Selection Committee meeting. He stated it is impressive to see the number of cities that are demonstrating interest.

The Chair opened the nominations for Vice-Chair.

*Moved: Vallejo*

*Seconded: Scrivner*

*Ayes: Crabbe, Antonetti, Alves, Ford, Crowder, Johnson, Faria, Moorhead, Keating, Kelly, Farinha, Nutt, White, Maciel, Bublak, VanWinkle, Ovale, Vierra, White, Whalen, Garcia, Wadsworth, McKittrick, Benavides, Darling, Sterling, Ayers, Plasencia, Plourde, Kimball, Bomprezzi, Carlisle, Hill, Betancourt, Ruiz, Hernandez, Avalos, Vejvoda, Gamboa, Gonzalez, Tarver, Scrivner, Vallejo, Westenberger, Martin, Hively, Martinez*

*Nays: Dunlop*

***Motion passed 47-1 to appoint Tim Tarver, City of Arvin, as the Vice-Chair of the San Joaquin Valley Special City Selection Committee.***

Mr. Whalen, City of Clovis, arrived at 6.25 p.m.

3. OVERVIEW OF SB 1548 AND PURPOSE OF THE SPECIAL CITY SELECTION COMMITTEE - Seyed Sadredin presented an overview of the state law governing city representation on the District's Governing Board and the duties assigned to the San Joaquin Valley Special City Selection Committee in relation to appointments to the District Board.

Following the presentation by Mr. Sadredin, the Chair solicited comments from the members of the Committee.

Member Comments:

Northern Region Office (Modesto) – No comment.

Central Region Office (Fresno) - Mr. Vejvoda, City of Tulare, referred to the work he and a few representatives on the San Joaquin League of Cities have performed in the past concerning city representation on the District Board. He also commented on the complex rules in the state law relating to city representation. He expressed a desire for a process that is fair, transparent, and local. Lots of hours have gone into developing a process. He introduced a city rotation proposal designated as "City Rotation Sample #4".

The Chair directed that comments and questions be limited to the presentation made on the related legislation and stated that rotation schedules will be discussed and considered under the next agenda item.

Ms. Sterling, City of Fresno, articulated her reasoning for having the City of Fresno serve on the District Board on a permanent basis.

Mr. Carlisle, City of Merced, asked why it was proposed to set new rotation schedule every 8 years. Mr. Sadredin pointed out that issues related to appointment process will be addressed under the next agenda item. Mr. Sadredin stated that since the terms are 3 years, every ninth year the committee will have to make appointments. Setting a new rotation schedule in the 8<sup>th</sup> year would set the stage for appointments in the following year.

Mr. Ruiz, City of Sanger, articulated his reasoning for small cities within Fresno County serving on the Board and the impact that appointing the City of Fresno to the District Board would have in relation to small city representation in Fresno County.

Southern Region Office (Bakersfield) – No comment.

Public Comments – *The following person provided testimony during this time.*  
Sarah Sharpe, Fresno Metro Ministry

4. ADOPT PROCEDURES AND ROTATION FOR CITY APPOINTMENTS TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD - Seyed Sadredin gave a presentation recommending a set of procedures to be used by the Committee for nominating and appointing members to the District Board, including a rotation schedule for adoption by the Committee. Mr. Sadredin explained the guiding principles and the reasoning for the recommendations offered.

Chairman Vierra summarized the issues that were before the Committee and asked for comments from the members of the Committee.

Member comments:

Northern Region Office (Modesto): Mr. Dunlop, City of Oakdale, expressed support for staff recommendation. He stated that the proposal was fair to all counties in the regions. It gives opportunity to cities that have not had the opportunity to have members on the District Board before. He added that the staff's recommendations on procedures are very well thought through.

Mr. Gamboa, City of Visalia, stated that Mr. Sadredin did a good job in reiterating the guiding principles on the rotation schedules. He supported the rotation schedule starting with the City of Visalia which has not previously served on the Board.

Mr. Whalen, City of Clovis, stated the committee needs to act now and expressed support for the rotation schedule proposed by Mr. Vejvoda. He stated the rotation schedule proposed by Mr. Vejvoda was not perfect but it did address the issue of every city having the opportunity to serve. He added that modifications could be made so that San Joaquin County and Kern County have representation.

Janice Keating left the meeting at 7:25 p.m.

Mr. Avalos, City of Selma, supports the rotation with a few modifications to allow every city to serve on the District Board.

Mr. Vejvoda, City of Tulare, stated that his proposal would make it possible for every city to participate over the next 8 years.

Mr. Ayres, City of Hanford – supports rotation process versus the “free for all” approach. It seems a fair and equitable way for all cities to be represented. He had concerns on the nomination process.

Mr. Carlisle, City of Merced – supports rotation process versus the “free for all” approach.

Mr. White, City of Chowchilla, supported a rotation schedule. He articulated that the committee needs to adopt a rotation schedule at this meeting and that It is important to have a voice on the District Board.

Ms. Sterling, City of Fresno, expressed support for the rotation schedule proposed by Mr. Vejvoda, providing the City of Fresno with two consecutive terms on the District Board until 2017.

Mr. Ruiz, City of Sanger, supports rotation process versus the “free for all” approach, but not the rotation schedules presented. He articulated his concerns that small cities in Fresno do not get an opportunity to serve. He added that he would like to see a small city in Fresno County start in the rotation adopted by the Committee.

Mr. Scrivner, City of Bakersfield – supports rotation schedule entitled “City Selection Option 2” that would allow the city of Bakersfield the opportunity to serve earlier. Rotation schedule City Selection Option 2 was put on the screen for clarification.

Debbie Moorhead left the meeting at 7:45 p.m.

Ms. Vallejo, City of Delano, asked to be given more time to look at a number of rotation schedules, study them, and decide.

Mr. Hively, City of Wasco, concurs with City of Delano. He articulated that he supports the “free for all” approach without voting for nominees at the local level by each city council.

Mr. Johnson, City of Lodi, expressed concern with the appearance that all members did not have all the information being discussed and made a motion to adjourn the meeting until all the committee members are sent all the information that is presented.

Mr. Crabbe, City of Atwater, seconded the motion.

Mr. Justin White, City of Chowchilla, expressed opposition to the motion and urged action at this meeting.

Ms. Julia Hernandez, City of San Joaquin, expressed support for establishing a rotation schedule but urged for more time for reviewing potential rotation schedules. She also expressed concern that a number of small cities in Fresno County were not able to attend this meeting due to a conflict with another meeting.

Public Comments – The following persons provided testimony on this item

- Mary-Michal Rawling, Asthma Coalition for County of Merced
- Laura Fultz-Stout, Coalition for Clean Air
- David Elias, City of Fowler
- Sarah Sharpe – Fresno Metro Ministry
- Albert Carlson – Service Employees International Union Local 521
- Manual Cunha – President of NISEI Farmers League
- Hillary Baird – League of California Cities

Mr. Sadredin answered questions raised by the members of the public

Mr. Vierra asked for clarification on the motion. Mr. Johnson stated that his motion is to adjourn to a future date until all information is reviewed by the committee members before making a decision.

Mr. Phil Jay, District Council, stated the item can be postponed, but cannot adjourn the whole meeting.

Mr. Jim Avalos, City of Selma, asked if the maker of the motion would consider an amendment to allow for a vote on the concept of rotation schedule versus a free for all approach. The maker of the motion, Mr. Johnson, declined.

*Moved: Johnson*

*Seconded: Crabbe*

*Ayes: Crabbe, Antonetti, Alves, Ford, Crowder, Johnson, Faria, Kelly, Dunlop, Farinha, Nutt, White, Maciel, Bublak, VanWinkle, Vierra, Whalen, Darling, Sterling, Plasencia, Hill, Betancourt, Hernandez, Gamboa, Tarver, Scrivner, Vallejo, Westenberger, Hively,*

*Nays: Ovalle, White, Garcia, Wadsworth, McKittrick, Benavides, Ayers, Plourde, Kimball, Bomprezzi, Carlisle, Ruiz, Avalos, Vejvoda, Gonzalez, Martin, Martinez*

***Motion defeated 29-17 to dismiss the meeting and reconvene at a later date.***

Mr. Vejvoda moved to approve the proposed nomination and election process, item 1 through 18 as contained in the staff report from the Secretary, without establishing a specific rotation schedule at this time.

Mr. White seconded to motion.

Mr. Vierra opened for discussion on the proposed nomination and election process as proposed by the Secretary.

Tom Crowder left the meeting at the 8:30 PM.

Mr. Ruiz, City of Sanger, requested to change the proposed procedures to allow for one re-vote in the event of a tie and random drawing only if there is a subsequent tie.

Ms. Vallejo, City of Delano proposed to change the nomination process to allow the entire Special City Selection Committee to vote for nominations in lieu the voting on nominations to be limited to cities within the county for which there is vacancy on the District Board. Ms. Vallejo also proposed that a provision be added to allow meeting of the Special City Selection Committee as needed in addition to the annual meeting as provided.

The maker of the motion, Mr. Vejvoda, accepted Ms. Vallejo's recommendation to provide for the Committee meeting as needed. Mr. Vejvoda did not agree with the other recommendation by Ms. Vallejo. Mr. Vejvoda agreed with the amendment requested by Mr. Ruiz to allow for re-vote in the event of a tie and random drawing in the event of a subsequent tie. The maker of the second on the motion, Mr. Ruiz, concurred with the amendment.

Public Comments – The following persons provided testimony on this item:

- Mary-Michal Rawling – Asthma Coalition, County of Merced
- Sarah Sharpe – Fresno Metro Ministry

Mr. Farinha left the meeting at 8:45 p.m.

Moved: Vejvoda

Seconded: Ruiz

Ayes: Crabbe, Antonetti, Alves, Ford, Johnson, Faria, Kelly, Dunlop, Nutt, White, Maciel, Bublak, VanWinkle, Vierra, Whalen, Darling, Sterling, Plasencia, Hill, Betancourt, Hernandez, Gamboa, Tarver, Scrivner, Westenberger, Ovalle, White, Garcia, Wadsworth, McKittrick, Benavides, Ayers, Plourde, Kimball, Bomprezzi, Carlisle, Ruiz, Avalos, Vejvoda, Gonzalez, Martin, Martinez

Nays: Vallejo, Hively

***Motion passed 42-2 to approve the City Appointment Process as presented by the Secretary, with changes to item #15 to include "The Special City Selection Committee will meet annually at a predetermined time or as needed."; also, to change item #13 to read "In the case of a tie, there shall be one re-vote by the cities within the county for which there is a vacancy on District Governing Board followed by a random drawing at a public meeting of the Special City Selection Committee in the event of a subsequent tie." – [See Attached - City Appointment Process](#)***



Chairman Vierra asked for the direction from the committee on the rotation schedule.

Mr. Vejvoda, City of Tulare, motioned to adopt “City Rotation Sample #4” as the rotation schedule. Mr. Whalen, City of Clovis, seconded the motion.

Member Comments:

Mr. Johnson, City of Lodi, asked if it is legal to consider the rotation schedule proposed by Mr. Vejvoda since it had not been presented to the public prior to the meeting. Mr. Jay stated the agenda indicates that a rotation will be adopted by the committee, and the committee can consider and vote on a variety of rotation schedules. He added that the Brown Act only requires a general description of the items to be considered and the agenda does include a fair description of the rotation options proposed.

Mr. Ruiz, City of Sanger, expressed opposition stating that small cities in the County of Fresno are not adequately represented.

Ms. Vallejo, City of Delano, expressed concern that everyone should have all the information to review before voting. She urged the committee not to vote for this item.

Public Comments: The following persons provided testimony on this item:

- Sarah Sharpe – Fresno Metro Ministry

*Motion:* Vejvoda

*Seconded:* Whalen

*Ayes:* Ford, White, Maciel, Vierra, Whalen, Sterling, Plasencia, Hill, Betancourt, Gamboa, Ovalle, White, Wadsworth, McKittrick, Benavides, Ayers, Plourde, Kimball, Bomprezzi, Avalos, Vejvoda, Gonzalez,

*Nays:* Crabbe, Antonetti, Alves, Johnson, Faria, Kelly, Dunlop, Nutt, Bublak, VanWinkle, Garcia, Darling, Carlisle, Ruiz, Hernandez, Tarver, Scrivner, Vallejo, Westenberger, Martin, Hively, Martinez

***Motion was defeated 22-22 to adopt “City Rotation Sample #4” as the rotation schedule***

Ms. Vallejo, City of Delano, motioned to have the Secretary submit 9 rotation schedules for review and consideration by the full committee at the next meeting. Mr. Tarver, City of Arvin, seconded the motion.

Mr. Vejvoda, City of Tulare, requested an amendment to the motion to add “City Rotation Sample #4” previously rejected by the Committee for a total of 10 rotation schedules to be considered by the Committee at the next meeting. Ms. Vallejo accepted the amendment. The maker of the second on the motion, Mr. Tarver, concurred with the amendment.

Member Comments:

Mr. Johnson, City of Lodi, asked if the amendment to include the just rejected “City Rotation Sample #4” was permissible. Mr. Jay opined that since this committee has not adopted Roberts Rules of Order, which would have required a member in opposition to request reconsideration, the proposed amendment if allowed by the Chair would be permissible. Chairman Vierra allowed the amendment.

Mr. Ruiz, City of Sanger, urged that rotation schedules presented to the Committee include options that would start the rotation with small cities in Fresno.

Public Comments: Laura Fultz-Stout, Coalition for Clean Air

*Motion: Vallejo*  
*Second: Tarver*  
*Ayes: Crabbe, Antonetti, Alves, Ford, Johnson, Faria, Kelly, Dunlop, Nutt, White, Maciel, Bublak, VanWinkle, Vierra, Whalen, Darling, Sterling, Plasencia, Hill, Betancourt, Hernandez, Gamboa, Tarver, Scrivner, Westenberger, Ovalle, White, Garcia, Wadsworth, McKittrick, Benavides, Ayers, Plourde, Kimball, Bomprezzi, Carlisle, Ruiz, Avalos, Vejvoda, Gonzalez, Martin, Martinez, Vallejo, Hively*  
*Nays: None*

***Motion passed unanimously to direct the Secretary to forward 10 rotation schedules including “City Rotation Sample #4” in advance of the next committee for consideration by the Committee.***

5. SET NEXT MEETING DATE – Mr. White, City of Chowchilla, suggested to have staff work with the Chairman in setting a meeting date. Mr. Vierra stated he will move forward with setting a date and making sure everyone is given adequate time to schedule.
6. PUBLIC COMMENT – The following persons provided testimony:
  - *Hillary Baird, League of California Cities*

Meeting adjourned 9:21 p.m.