

To : Merced City Council, Merced City Manager, Merced City Attorney

From : Michael Belluomini

Date : July 28, 2015

Reference : SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT CITY
SELECTION COMMITTEE ACTIONS

As the city designated representative to the San Joaquin Valley Air Pollution Control District (SJVAPCD) City Selection Committee , I attended the meetings of Sept 30, 2014 and April 30, 2015. This memo reports on decisions made at those meetings regarding representation on the SJVAPCD Board by small cities, such as Merced.

CURRENT BOARD MAKE UP

The SJVAPCD Board consists of 15 members. Of these 13 are elected, and two are appointed by the Governor. Of the elected members eight are members of the Board of Supervisors one from each of the eight counties in the district. These board members typically serve eight years or more on the board. The five city members of the SJVAPCD are appointed based on selection criteria in state law and voting by the local City Selection Committee. City members are elected to terms of three years under state law. Such members can be reappointed for a second three year term under the law.

City membership must include representatives of two cities each with over 100,000 people. Currently these are Bakersfield, Fresno, Modesto, Stockton, Visalia, and Clovis. It was noted at the meeting that Merced and Tracy are projected to join the large city category sometime in the near future. No county can have more than one city representative. So no county can have both a large and small city representative at the same time. State law approved in the last few years eliminated the historic practice of making a random scattered distribution and assignment of city representatives.

THE PROBLEM AND NEED FOR CHANGE

The current city representatives on the SJVAPCD Board expressed concern that the cities were not well represented on the Board due to the selection process and length of their terms. The concern is that the current three year term does not allow a meaningful term due to the complexity of the air pollution issues, laws, science, and history. A thorough understanding of the complexity of the issues is required to participate in a meaningful way in board discussions and decisions. Now just as city representatives are achieving a good understanding of the issues their three year term comes to an end and five city representative "rookies" join the board. The expressed need for change is to give city representatives more time on the board and give cities more control over who participates.

THE PROPOSAL THAT WAS APPROVED

Staff recommended and with an affirmative vote of over 30 members of the 59 member city selection committee the following procedure was approved.

- 1) City representatives will be reappointed to a second term giving them six years on the board. This depends on that city representative being reelected to office in his city.
- 2) Establish a new process to select city representatives to the board. The regions of the district will be used to recommend city representatives to the board. The SJVAPCD is divided into three regions by county NORTHERN: San Joaquin, Stanislaus, and Merced; CENTRAL: Kings, Madera, Fresno; SOUTHERN: Tulare, Kern .

Three members shall be from a city having a population of less than 100,000 with one from the North Region, one from Central Region, and one from Southern Region.

The city representatives to the League of California Cities North Region and South Region will meet and recommend a person(s) or a city(s) to be a representative to the SJVAPCD Board. The city selection committee will vote to approve these appointments and their reappointments after the first three year term has ended.

BOARD MEMBER COMMENTS

Several city selection committee members spoke on the proposal. Some who were already on the board concurred that air pollution regulation was a complex issue and they needed more time to learn and be effective representatives. Others pointed out the long wait that this change will require of cities to get on the board. The Kern County representatives pointed out that because Bakersfield is one of the current large city representatives reappointment will mean that no small city in Kern County can be on the board until after 2018. The selection committee had over 30 positive votes and only three NO votes all from small cities in Kern County .

MERCED COUNTY PARTICIPATION IN SJVAPCD

The Mayor of Gustine Mr. Brasil is the small city representative from Merced County. He was appointed in 2012 . I phoned him and he indicates that he intends to seek reelection as mayor and to seek reappointment on the SJVAPCD Board. This selection process may come up at the League of California Cities Conference on October 1 and 2 , 2015.

If you want more information I have the staff report from Sept 30 2014 which shows what was considered by the city selection committee before it voted.