




air pollution control district
SANTA BARBARA COUNTY

Agenda Item: F-4
Agenda Date: June 16, 2022
Agenda Placement: Admin
Estimated Time: N/A
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Aeron Arlin Genet, Air Pollution Control Officer 

CONTACT: Lorena Saldana, Executive Assistant/Board Clerk, (805) 979-8282

SUBJECT: Revised By-Laws of the South Central Coast Basinwide Control Council

RECOMMENDATION:

Consider the adoption of a resolution and proposed revisions to the By-Laws of the South Central Coast Basinwide Control Council.

DISCUSSION:

The Health and Safety Code (Section 40900) requires that each air basin, which is comprised of two or more air pollution control districts, establish a Basinwide Air Pollution Control Council. This council is intended to promote coordination of air pollution control efforts throughout the air basin. The council receives reports on rule development and planning efforts, the anticipated effect of state and federal actions, and other issues of interest.

The South Central Coast Basinwide Control Council (BCC) typically meets quarterly and consists of one Board Member, appointed by the Air Pollution Control Board, from each of the following Districts: San Luis Obispo County, Santa Barbara County and Ventura County. As you may recall, Director Paula Perotte was appointed by your Board to represent Santa Barbara County on this Council in 2020 and reappointed through 2022. Director Holly Sierra was appointed as the alternate member of the BCC through 2022.

Since its establishment, the BCC By-Laws have been updated only a few times, with the last update completed as of January 29, 1997. Some of the notable updates in the attached proposed by-laws include:

1. Restructure and reorganization of the document for improved clarity;
2. Included the purpose of the Council;
3. Added more detailed information on officer duties and responsibilities;

Aeron Arlin Genet, Air Pollution Control Officer

4. Changed how meeting minutes are to be recorded from “a true record” to “action minutes”
5. Established a more specific regular meeting date and time to better comply with the Ralph M. Brown Act; and
6. Removed the Technical Advisory Committee.

Included as Attachment B is the tracked changes BCC By-Laws. At their March 24, 2022 meeting, the clean version of the BCC By-Laws were unanimously approved by the BCC (Attachment A).

ATTACHMENT:

- A. Basinwide Control Council By-Laws clean version.
- B. Basinwide Control Council By-Laws in tracked changes.
- C. Basinwide Control Council By-Laws Resolution.

ATTACHMENT A

Basinwide Control Council By-Laws Clean Version

June 16, 2022

Santa Barbara County Air Pollution Control District
Board of Directors

260 San Antonio Road, Suite A
Santa Barbara, California 93110

BY-LAWS
of the
SOUTH CENTRAL COAST BASINWIDE
AIR POLLUTION CONTROL COUNCIL

I. NAME

This Council shall be known as the South Central Coast Basinwide Air Pollution Control Council (BCC) as authorized pursuant to California Health and Safety Code §40900.

II. GENERAL

All meetings and proceeding of the BCC shall be in accordance with applicable statues governing public entitles, including but not limited to, the Ralph M. Brown Act, and the Public Records Act.

III. PURPOSE

General coordination activities of the BCC. The BCC shall work to assist Districts in the South Central Coast Air Basin in coordinating all air pollution control activities to ensure that the entire South Central Coast Air Basin is, or will be, in compliance with the requirements of State and Federal Law, by carrying out the following activities:

- A. Promote unity and efficiency among Districts and act as a forum for sharing knowledge and information.
- B. Share Clean Air Plans of each District at each update.
- C. Compare and promote uniformity in implementation of air pollution laws. .
- D. Benefit the citizens of the South Central Coast Air Basin by disseminating information to the public concerning health effects of air pollution.
- E. Develop and maintain close communications and a publicly responsible cooperative relationship with CARB and the Environmental Protection Agency for the purpose of advising them on the impact of proposed regulations and programs on the citizens of the South Central Coast Air Basin and on the District.
- F. Participate in the development and promotion of legislation beneficial to the South Central Coast Air Basin, and oppose legislation that is not beneficial, by direct contact with the State Legislature, Congress, and legislative staffs.
- G. Perform other BCC activities as needed.

IV. MEMBERSHIP

- A. Pursuant to the provisions of Health and Safety Code §40900 the membership shall consist of one Board Member, appointed by the Air Pollution Control Board from each of the following Air Pollution Control Districts:
 - San Luis Obispo County
 - Santa Barbara County
 - Ventura County
- B. The membership of the BCC shall serve at the pleasure of their respective Air Pollution Control District Boards.
- C. An alternate, who is also a District Board Member, shall be appointed by each Air Pollution Control District. The alternate shall have the same rights and privileges as the primary member, but shall only act in the absence of said member.
- D. Each Air Pollution Control District is entitled to one vote. No District shall be entitled to more than one vote on any question.

V. OFFICERS AND DUTIES

All officers shall be elected by the membership to serve for a term of one year and assume their offices at the first meeting of each calendar year.

A. CHAIR

1. The Chair shall preside at all BCC meetings.
2. The Chair shall appoint the membership to committee assignments as needed.
3. The Chair shall have the power to call for special meetings with due regard to reasonable notice to BCC members and full compliance with the Brown Act.

B. VICE-CHAIR

1. The Vice-Chair shall serve as the Chair in the event the Chair is not able to preside at a BCC Meeting.

C. RECORDING SECRETARY

1. The Recording Secretary shall be appointed from one of the assistants of one of Air Pollution Control Districts. Terms of office and rotation occur between the Districts on a yearly basis at the first meeting of each calendar year.

2. The Recording Secretary shall keep action minutes of all the proceedings of the all meetings of the BCC.

VI. MEETINGS

A. Regular Meetings

1. At least one meeting shall be held during each calendar quarter, on the fourth Thursday of the month. The meetings shall start at 10:00 A.M. At the first meeting of each calendar year the BCC will establish the month of each meeting for quarter 2, quarter 3, quarter 4 of the current year, and the next quarter 1 of the following year.
2. Two members constitute a quorum, and a quorum is needed for an official meeting. If a quorum is not present by 10:15 A.M., the meeting will be adjourned.
3. Two votes must be cast in favor of or against a matter for a BCC action to pass. When a member is participating remotely, all votes must be done by roll-call.
4. Minutes shall be kept of all meetings.
5. Copies of the minutes shall be distributed to each BCC member, the respective Air Pollution Control Boards and other persons, as requested, one week prior to the meeting date.

B. Special Meetings

1. To be held at the discretion of the Chair.
2. Special meetings shall be held to fulfill direction of the BCC .

VII. FINANCES

- A. Cost of operation of the BCC shall be born equally by the individual districts.
- B. If unusual costs are anticipated the individual Districts shall be requested to appropriate funds to accommodate such costs.
- C. All expenditures by the BCC that require individual District appropriation shall be made only upon approval by the BCC and appropriation by the Districts.

VIII. COMMITTEES

A. Arbitration Committee

1. When disputes cannot be resolved between the Air Pollution Control Districts, the Chair shall request the Air Pollution Control Boards of each District to appoint two members as a temporary arbitration committee to meet together to hear, resolve or recommend corrective action.
2. In the event the dispute cannot be resolved by the arbitration committee, the BCC shall act to resolve the dispute.

AIR POLLUTION CONTROL COUNCIL
SOUTH CENTRAL COAST BASINWIDE AIR POLLUTION CONTROL COUNCIL
STATE OF CALIFORNIA

In the Matter of the
By-Laws of the South Central Coast
Basinwide Air Pollution Control Council

Resolution No: _____

WHEREAS, the South Central Coast Basinwide Air Pollution Control Council of the South Central Coast Air Basin has been duly formed and constituted pursuant to the provision of Section 40900 of the California Health and Safety Code, and

WHEREAS, the South Central Coast Basinwide Air Pollution Control Council meets periodically for the conduct of regular Air Basin business, and

WHEREAS, the Air Pollution Control Districts of San Luis Obispo, Santa Barbara, and Ventura Counties have entered into a joint understanding providing for a Coordinated Basinwide Air Pollution Control Program, and

WHEREAS, revised By-Laws have been developed by the staffs of County Air Pollution Control Districts within said South Central Coast Air Basin,

NOW, THEREFORE, BE IT RESOLVED by the South Central Coast Basinwide Air Pollution Control Council of the South Central Coast Air Basin, that the By-Laws are hereby adopted as attached hereto.

Passed and adopted by the South Central Coast Basinwide Air Pollution Control Council of the South Central Coast Air Basin on the 24 day of March, 2022, by the following roll call vote:

AYES: Lynn Edmonds, Paula Perotte, Jimmy Paulding.

NOES: None.

ABSENT: None.

Jimmy Paulding

Jimmy Paulding (May 24, 2022 15:46 PDT)

San Luis Obispo County APCD

Paula Perotte

Paula Perotte (May 23, 2022 10:00 PDT)

Santa Barbara County APCD

Lynn R. Edmonds

Lynn R. Edmonds (May 23, 2022 09:22 PDT)

Ventura County APCD

ATTACHMENT B

Basinwide Control Council By-Laws in Tracked Changes

June 16, 2022

Santa Barbara County Air Pollution Control District
Board of Directors

260 San Antonio Road, Suite A
Santa Barbara, California 93110

BY-LAWS
of the
SOUTH CENTRAL COAST BASINWIDE
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- A. Promote unity and efficiency among Districts and act as a forum for sharing knowledge and information.
- B. Share Clean Air Plans of each District at each update.
- C. Compare and promote uniformity in implementation of air pollution laws.
- D. Benefit the citizens of the South Central Coast Air Basin by disseminating information to the public concerning health effects of air pollution.
- E. Develop and maintain close communications and a publicly responsible cooperative relationship with CARB and the Environmental Protection Agency for the purpose of advising them on the impact of proposed regulations and programs on the citizens of the South Central Coast Air Basin and on the District.
- F. Participate in the development and promotion of legislation beneficial to the South Central Coast Air Basin, and oppose legislation that is not beneficial, by direct contact with the State Legislature, Congress, and legislative staffs.
- G. Perform other BCC activities as needed.

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IV. MEMBERSHIP

A. Pursuant to the provisions of Health and Safety Code §40900 the membership shall consist of one Board Member, appointed by the Air Pollution Control Board from each of the following Air Pollution Control Districts:

- San Luis Obispo County
- Santa Barbara County
- Ventura County

B. The membership of the BCC shall serve at the pleasure of their respective Air Pollution Control District Boards.

C. An alternate, who is also a District Board Member, shall be appointed by each Air Pollution Control District. The alternate shall have the same rights and privileges as the primary member, but shall only act in the absence of said member.

D. Each Air Pollution Control District is entitled to one vote. No District shall be entitled to more than one vote on any question.

V. OFFICERS AND DUTIES

All officers shall be elected by the membership to serve for a term of one year and assume their offices at the first meeting of each calendar year.

A. CHAIR

1. The Chair shall preside at all BCC meetings.
2. The Chair shall appoint the membership to committee assignments as needed.
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B. VICE-CHAIR

1. The Vice-Chair shall serve as the Chair in the event the Chair is not able to preside at a BCC Meeting.

C. RECORDING SECRETARY

1. The Recording Secretary shall be appointed from one of the assistants of one of Air Pollution Control Districts. Terms of office and rotation occur between the Districts on a yearly basis at the first meeting of each calendar year.

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All officers shall be elected by the membership to serve for a term of one year and assume their offices at the first meeting of each calendar year.¶
MEMBERSHIP¶

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San Luis Obispo County¶
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Ventura County¶
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VI. MEETINGS

A. Regular Meetings

- At least one meeting shall be held during each calendar quarter, on the fourth Thursday of the month. The meetings shall start at 10:00 A.M.. At the first meeting of each calendar year the BCC will establish the month of each meeting for every quarter of that calendar year.
- Two members constitute a quorum, and a quorum is needed for an official meeting. If a quorum is not present by 10:15 A.M., the meeting will be adjourned.
- Two votes must be cast in favor of or against a matter for a BCC action to pass. When a member is participating remotely, all votes must be done by roll-call.
- Minutes shall be kept of all meetings.
- Copies of the minutes shall be distributed to each BCC member, the respective Air Pollution Control Boards and other persons, as requested, one week prior to the meeting date.

B. Special Meetings

- To be held at the discretion of the Chair.
- Special meetings shall be held to fulfill direction of the BCC.

VII. FINANCES

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General Membership¶

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The membership of the Control Council shall serve at the pleasure of their respective Air Pollution Control District Boards.¶
Officers¶

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All officers shall be elected by the membership to serve for a term of one year and assume their offices at the first meeting of each calendar year.¶

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VIII. COMMITTEES

A. Arbitration Committee

1. When disputes cannot be resolved between the Air Pollution Control Districts, the Chair shall request the Air Pollution Control Boards of each District to appoint two members as a temporary arbitration committee to meet together the hear, resolve or recommend corrective action.
2. In the event the dispute cannot be resolved by the arbitration committee, the BCC shall act to resolve the dispute.

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Commented [LS6]: **Technical Advisory Committee (TAC)** has been removed. After discussion with counsel, I removed the committee for the following reasons:

1. The committee has not been active nor have meetings been scheduled
2. This committee would be subject to the Brown act. Easiest fix to allow the APCOs to meet without complying with Brown Act requirements, would be to remove the committee from the By-Laws

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¶ Activation¶

¶ The Technical Advisory Committee will be appointed and shall meet as needed to provide staff support to the Control Council.¶

¶ Membership¶

¶ The membership shall be the Air Pollution Control Officer from each District or designated representative.

¶ Other designated representatives from agencies approved

¶

¶

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In no event shall there be more than eight members at any given time. ¶

¶

Officers and Duties¶

¶

Chair: The Chair of the Technical Advisory Committee will be appointed by the Chair of the Control Council. The TAC Chair shall preside at all TAC meetings and appoint members to subcommittees as needed.¶

¶

Recorder: The Recorder will be appointed by the TAC Chair. The Recorder shall keep a record of the proceedings and shall act in the place of the Chair at meetings should the Chair be absent. ¶

¶

Term in Office¶

¶

The membership of the TAC Officers shall be at the pleasure of their respective Boards. ¶

¶

All TAC Officers shall be appointed for a period of one year. The incoming officers shall assume office at the first meeting of each calendar year. ¶

¶

Meetings¶

¶

Regular meetings shall be held not more often than once each quarter. ¶

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AIR POLLUTION CONTROL COUNCIL
SOUTH CENTRAL COAST BASINWIDE AIR POLLUTION CONTROL COUNCIL
STATE OF CALIFORNIA

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In the Matter of the
By-Laws of the South Central Coast
Basinwide Air Pollution Control Council

Resolution No: _____

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WHEREAS, the South Central Coast Basinwide Air Pollution Control Council of the South Central Coast Air Basin has been duly formed and constituted pursuant to the provision of Section 40900 of the California Health and Safety Code, and

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WHEREAS, the South Central Coast Basinwide Air Pollution Control Council meets periodically for the conduct of regular Air Basin business, and

WHEREAS, the Air Pollution Control Districts of San Luis Obispo, Santa Barbara, and Ventura Counties have entered into a joint understandment providing for a Coordinated Basinwide Air Pollution Control Program, and

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WHEREAS, revised By-Laws have been developed by the staffs of County Air Pollution Control Districts within said South Central Coast Air Basin,

NOW, THEREFORE, BE IT RESOLVED by the South Central Coast Basinwide Air Pollution Control Council of the South Central Coast Air Basin, that the By-Laws are hereby adopted as attached hereto.

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Passed and adopted by the South Central Coast Basinwide Air Pollution Control Council of the South Central Coast Air Basin on the _____ day of _____, 2022, by the following roll call vote:

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AYES:

NOES:

ABSENT:

San Luis Obispo County APCD

Santa Barbara County APCD

Ventura County APCD

ATTACHMENT C

Basinwide Control Council By-Laws Resolution

June 16, 2022

Santa Barbara County Air Pollution Control District
Board of Directors

260 San Antonio Road, Suite A
Santa Barbara, California 93110

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

IN THE MATTER OF THE
BY-LAWS OF THE SOUTH CENTRAL
COAST BASINWIDE CONTROL
COUNCIL

APCD RESOLUTION NO. _____

RECITALS

WHEREAS, the South Central Coast Basinwide Control Council (BCC) of the South Central Coast Air Basin has been duly formed and constituted pursuant to the provisions of Section 40900 of the California Health and Safety Code; and

WHEREAS, the BCC meets periodically for the conduct of regular Air Basin business; and

WHEREAS, the Air Pollution Control Districts of San Luis Obispo, Santa Barbara, and Ventura Counties have entered into a joint agreement providing for a coordinated Basinwide Air Pollution Control Program; and

WHEREAS, revised By-Laws have been developed by the staffs of County Air Pollution Control Districts within said South Central Coast Air Basin,

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

1. This Board has held a hearing and accepted public comments on this matter.
2. This Board has determined that good cause exists to amend the BCC By-Laws.
3. The Board approves the revision to the BCC By-Laws.

IN THE MATTER OF AMENDING THE BY-LAWS OF THE
SOUTH CENTRAL COAST BASINWIDE CONTROL COUNCIL

PASSED, APPROVED AND ADOPTED by the Air Pollution Control District Board of
the Santa Barbara County, State of California, this ____ day of _____, _____, by the
following vote:

Ayes:

Noes:

Abstain:

Absent:

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT

ATTEST:

AERON ARLIN GENET
Clerk of the Board


By _____
Chair

Date _____

By _____
Deputy

APPROVED AS TO FORM:

RACHEL VAN MULLEM
Santa Barbara County Counsel

By  _____
Jennifer Richardson (Jun 7, 2022 12:11 PDT)
District Counsel