



DEPARTMENT OF  
FINANCE

FINANCE ADMINISTRATION

March 4, 2005

CITY OF SACRAMENTO  
CALIFORNIA

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Law & Legislation Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT: Assembly Bill 1221 relating to State Air Resources Board**

**LOCATION AND COUNCIL DISTRICT** Citywide

**RECOMMENDATION**

Staff recommends that the Law and Legislation Committee support Assembly Bill 1221, relating to the State Air Resources Board.

**CONTACT PERSONS** Tina Lee-Vogt, Legislative Affairs Analyst - 808-2679

**FOR THE COUNCIL MEETING OF** March 15, 2005

**SUMMARY**

This report provides information on AB 1221 authored by Assembly Members Dave Jones and Tim Leslie which would increase the membership of the California Air Resources Board to include a board member from the Sacramento region. Staff recommends that the Law and Legislation support this measure.

**BACKGROUND**

Existing law requires that the Board consist of eleven specified members. These members are appointed by the Governor, with the consent of the Senate, and serve "at the pleasure" of the Governor. The Board members serve part-time, except the Chairperson, who serves full-time. The Governor appoints a full-time Chairperson to the Board from among its members. Members must meet qualifications specified in the law. Five members must be chosen from the boards of local air quality management districts:



- One each from the
  - San Diego Air Pollution Control District
  - San Francisco Bay Area Air Quality Management District
  - San Joaquin Valley Unified Air Pollution Control District
  - South Coast Air Quality Management District (greater Los Angeles region)
  - And one from any other district.
- Three other members fill specific categories:
  - One must have expertise in automotive engineering or a closely related field.
  - One must have expertise in science, agriculture, or law.
  - One must be a physician and surgeon, or health effects expert.
- One of the three remaining members must have expertise in air pollution control, or must meet the qualifications of one of the three categories mentioned above.
- The remaining two members are public members.

Currently, the Sacramento region is the only "severe" or worse federal ozone non-attainment area that has no representative on the Board. The "Any Other District" member has typically been a board member from a "small" air district. Currently, no member on the Board (including public members) lives or works in the Sacramento region.

AB 1221 would increase the membership of the Board to 12 members. The additional member would be required to be a board member from one of the following districts:

- Sacramento Metropolitan Air Quality Management District
- Placer County Air Pollution Control District
- Yolo-Solano Air Quality Management District
- Feather River Air Quality Management District
- El Dorado County Air Quality District

One of the priorities of the City's 2005 State and Federal Legislative Platform was to support legislation that would provide the Sacramento region with a permanent seat on the Board.

## **FINANCIAL CONSIDERATIONS**

There are no financial impacts related to this report.

## **ENVIRONMENTAL CONSIDERATIONS**

The requirement of the permanent appointment of a representative from the Sacramento region on the Board will help to ensure that issues and policies impacting the region will be reviewed and considered by the Board.


## **POLICY CONSIDERATIONS**

Staff recommendation to support AB 1221 is consistent with the City's 2005 State and Legislative Platform supporting legislation requiring the permanent appointment of a member from the Sacramento region to the Board.

## **ESBD EFFORTS**

Not applicable.

Respectfully submitted,

  
Tina Lee-Vogt  
Legislative Affairs Analyst

## **RECOMMENDATION APPROVED**

  
KEN NISHIMOTO  
Assistant City Manager

Attachments:  
Letters of Support, page 4  
Assembly Bill 1221 - Bill Text, page 6

March 15, 2005

Honorable Dave Jones  
California State Assembly  
State Capitol  
Sacramento, CA 95814

**Support: Assembly Bill 1221 Relating to State Air Resources Board**

Dear Assembly Member Jones:

On behalf of the City of Sacramento, I am pleased to express the City's support of Assembly Bill 1221 relating to the California Air Resources Board. As you know, the Sacramento region is the only "severe" or worse federal ozone non-attainment area that does not have a representative. AB 1221 will help to ensure that our region is represented and able to participate on this important board.

Thank you for introducing this important environmental legislation.

Sincerely,

LAUREN HAMMOND, Chair  
Law and Legislation Committee

CC: Mayor Fargo and Members of the City Council  
Senator David Cox  
Senator Deborah Ortiz  
Assembly Member Alan Nakanishi  
Assembly Member Roger Neillo

March 15, 2005

Honorable Tim Leslie  
California State Assembly  
State Capitol  
Sacramento, CA 95814

**Support: Assembly Bill 1221 Relating to State Air Resources Board**

Dear Assembly Member Leslie:

On behalf of the City of Sacramento, I am pleased to express the City's support of Assembly Bill 1221 relating to the California Air Resources Board. As you know, the Sacramento region is the only "severe" or worse federal ozone non-attainment area that does not have a representative. AB 1221 will help to ensure that our region is represented and able to participate on this important board.

Thank you for introducing this important environmental legislation.

Sincerely,

LAUREN HAMMOND, Chair  
Law and Legislation Committee

CC: Mayor Fargo and Members of the City Council  
Senator David Cox  
Senator Deborah Ortiz  
Assembly Member Alan Nakanishi  
Assembly Member Roger Neillo

**ASSEMBLY BILL**

**No. 1221**

**Introduced by Assembly Members Jones and Leslie  
(Coauthor: Assembly Member Niello)**

February 22, 2005

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An act to amend Section 39510 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1221, as introduced, Jones. Air pollution: State Air Resources Board.

Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law states that the state board is in the California Environmental Protection Agency, and requires the state board to consist of 11 specified members.

This bill would increase the membership of the state board to modify that provision to require the state board to 12 members. The additional member would be required to be a board member from either the Sacramento Metropolitan Air Quality Management District, the Placer County Air Pollution Control District, the Yolo-Solano Air Quality Management District, the Feather River Air Quality Management District, or the El Dorado County Air Pollution Control District.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 39510 of the Health and Safety Code is  
2 amended to read:  
3 39510. (a) The State Air Resources Board is continued in  
4 existence in the California Environmental Protection Agency.  
5 The state board shall consist of ~~11~~ 12 members.  
6 (b) The members shall be appointed by the Governor, with the  
7 consent of the Senate, on the basis of their demonstrated interest  
8 and proven ability in the field of air pollution control and their  
9 understanding of the needs of the general public in connection  
10 with air pollution problems. Six members shall have the  
11 following qualifications:  
12 (1) One member shall have training and experience in  
13 automotive engineering or closely related fields.  
14 (2) One member shall have training and experience in  
15 chemistry, meteorology, or related scientific fields, including  
16 agriculture or law.  
17 (3) One member shall be a physician and surgeon or an  
18 authority on health effects of air pollution.  
19 (4) Two members shall be public members.  
20 (5) One member shall have the qualifications specified in  
21 paragraph (1), (2), or (3) or shall have experience in the field of  
22 air pollution control.  
23 (c) ~~Five~~ Six members shall be board members from districts  
24 who shall reflect the qualitative requirements of subdivision (b)  
25 to the extent practicable. Of these ~~five~~ six members, one shall be  
26 a board member from the south coast district, one shall be a  
27 board member from the bay district, one shall be a board member  
28 from the San Joaquin Valley Unified Air Pollution Control  
29 District or, if the unified district is abolished, from the San  
30 Joaquin Valley Air Quality Management District if created  
31 pursuant to Section 5 of Chapter 915 of the Statutes of 1994, *one*  
32 *shall be a board member from either the Sacramento*  
33 *Metropolitan Air Quality Management District, the Placer*  
34 *County Air Pollution Control District, the Yolo-Solano Air*  
35 *Quality Management District, the Feather River Air Quality*  
36 *Management District, or the El Dorado County Air Pollution*  
37 *Control District*, one shall be a board member from the San



1 Diego County Air Pollution Control District, and one shall be a  
2 board member of any other district.  
3 (d) Any vacancy shall be filled by the Governor within 30  
4 days of the date on which it occurs. If the Governor fails to make  
5 an appointment for any vacancy within the 30-day period, the  
6 Senate Committee on Rules may make the appointment to fill the  
7 vacancy in accordance with this section.  
8 (e) While serving on the state board, all members shall  
9 exercise their independent judgment as officers of the state on  
10 behalf of the interests of the entire state in furthering the  
11 purposes of this division. No member of the state board shall be  
12 precluded from voting or otherwise acting upon any matter solely  
13 because that member has voted or acted upon the matter in his or  
14 her capacity as a member of a district board, except that no  
15 member of the state board who is also a member of a district  
16 board shall participate in any action regarding his or her district  
17 taken by the state board pursuant to Sections 41503 to 41505,  
18 inclusive.  
19 (f) Notwithstanding subdivision (e) of Section 1 of Chapter  
20 1201 of the Statutes of 1991, this section shall become operative  
21 on January 1, 1994.

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