

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: ROBERT PERRAULT, CITY MANAGER .

SUBJECT: APPOINTMENT OF AN ALTERNATE REPRESENTATIVE TO THE AIR POLLUTION CONTROL DISTRICT

BACKGROUND

Each year, the Council reviews the list of committee assignments in order to determine interest in serving as the City's representative to various boards and commissions throughout the County. On January 3, 2011, the Council, along with the Improvement Agency, determined assignments for the calendar year. Subsequent to that action, the City was notified of an amendment to state law that now authorizes cities to appoint an alternate to the Air Pollution Control District.

DISCUSSION

On January 26, 2011, the City was notified that state law was amended to give the discretion to each individual city to appoint an alternate to the Air Pollution Control District (APCD). The City Council's past practice has been to determine committee assignments (representatives and alternates) through a process of discussion and consensus. On January 3, 2011, the Council determined committee assignments for the calendar year and adopted Resolution No. 11-05. Among the appointments, Council Member Karen Bright was appointed as the City's representative to the Air Pollution Control District. No alternate was appointed. If the Council desires to now appoint an alternate, a draft Resolution has been provided. (Please see Attachment 1.)

ALTERNATIVES

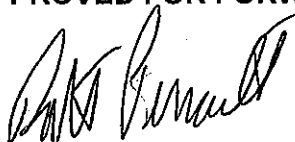
The City Council has the following alternatives to consider:

1. Appoint an alternate representative to the Air Pollution Control District and adopt the Resolution amending Committee assignments for the remainder of 2011.
2. Take no action and carry this item over for discussion to a future meeting.
3. Provide alternative direction to staff.

RECOMMENDED ACTION

Appoint an alternate representative to the Air Pollution Control District and adopt the Resolution amending Committee assignments for the remainder of 2011.

APPROVED FOR FORWARDING



**ROBERT PERRAULT
CITY MANAGER**

Please Review for the Possibility of a Potential Conflict of Interest:

- None Identified by Staff Bright
 Shoals Molnar
 Nicolls Peterson

Meeting Date: February 14, 2011

Agenda Item No. 8

FISCAL IMPACT

There is no fiscal impact from any of the alternatives.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.

Attachments

1. Resolution appointing an alternate to the APCD and amending Resolution No.11-05.
2. Resolution No. 11-05 regarding City Council committee assignments.
3. Correspondence from the APCD, dated January 15, 2011

RESOLUTION NO.11-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, AMENDING RESOLUTION NO. 11-05 REGARDING CITY COUNCIL COMMITTEE ASSIGNMENTS AND APPOINTING AN ALTERNATE REPRESENTATIVE TO THE AIR POLLUTION CONTROL DISTRICT

WHEREAS, the City Council is involved in various committees, boards, and organizations that serve the City and provide for representation of the City's interests; and

WHEREAS, the City Council considers committee assignments on an annual basis and discussed assignments to these committees, boards, and organizations at a regular meeting on January 3, 2011; and

WHEREAS, the City was notified that the Legislature amended Health and Safety Code Section 40100.5 to include express authorization for alternates to be appointed to the Air Pollution Control District (APCD) by individual cities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover Beach does hereby amend Resolution No. 11-05 regarding Council committee assignments to appoint:

_____ = as Alternate Representative to the APCD

On motion by Council Member _____, seconded by Council Member _____, and on the following roll-call vote, to wit:

- AYES: Council Members -
- NOES: Council Members -
- ABSENT: Council Members -
- ABSTAIN: Council Members -

the foregoing Resolution was **PASSED, APPROVED, and ADOPTED** at a regular meeting by the City Council of the City of Grover Beach, California this 22nd day of February, 2011.

DRAFT

JOHN P. SHOALS, MAYOR

Attest:

DONNA L. McMAHON, CITY CLERK

RESOLUTION NO.11-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, CONFIRMING CITY COUNCIL COMMITTEE ASSIGNMENTS FOR CALENDAR YEAR 2011.

WHEREAS, the City Council is involved in various committees, boards, and organizations that serve the City and provide for representation of the City's interests; and

WHEREAS, the City Council discussed assignments to these committees, boards, and organizations at the regular meeting of January 3, 2011; and

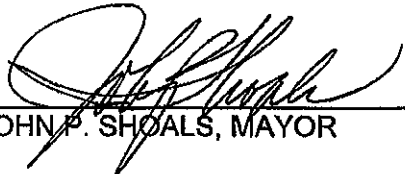
WHEREAS, the City Council considers committee assignments on an annual basis.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover Beach does hereby rescind all previous Resolutions regarding Council committee assignments to be replaced with representatives as designated in the attached *Exhibit A*, in accordance with the description of the assignments found in *Exhibit B*.

On motion by Council Member Peterson, seconded by Council Member Molnar, and on the following roll-call vote, to wit:

AYES: Council Members Bright, Molnar, Peterson, Mayor Pro Tem Nicolls,
and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

the foregoing Resolution was **PASSED, APPROVED, and ADOPTED** at a Joint City Council/Improvement Agency Meeting by the City Council of the City of Grover Beach, California this 3rd day of January, 2011.



JOHN P. SHOALS, MAYOR

Attest:



DONNA L. McMAHON, CITY CLERK

Resolution No. 11-05: Exhibit A

COUNCIL APPOINTMENTS FOR 2011

ASSIGNMENT	2011 REPRESENTATIVE	ALTERNATE
Advisory Body Screening Committee ¹	<i>See below</i>	--
Air Pollution Control District	Karen Bright	N/A
Audit Committee	Karen Bright	Debbie Peterson
Economic Vitality Corporation - San Luis Obispo County	<i>designated by separate Agency Resolution</i>	
Five Cities Fire Joint Powers Authority	John P. Shoals	Bill Nicolls
Housing Trust Fund	<i>designated by separate Agency Resolution</i>	
Integrated Waste Management Authority	Phyllis A. Molnar	Bill Nicolls
Parks, Recreation & Beautification Commission ²	<i>See below</i>	--
SLO County Visitors & Conference Bureau	<i>designated by separate Agency Resolution</i>	
SLO County Water Resources Advisory Board (WRAC)	Bill Nicolls	Phyllis A. Molnar
SLO Council of Governments / SLO Regional Transit Authority (SLOCOG / SLORTA)	<i>designated by separate City Council Resolution</i>	
South County Area Transit (SCAT)	<i>designated by separate City Council Resolution</i>	
South SLO County Sanitation District	<i>designated by separate City Council Resolution</i>	
South County Youth Coalition	<i>designated to Parks & Recreation Department</i>	
Zone Three Advisory Committee	Bill Nicolls	Phyllis A. Molnar

¹Per action of the City Council on October 16, 2000, Council committee representation will be by random selection.

²Per action of the City Council on December 3, 2007, no Council representative assigned.

EXHIBIT B

CITY OF GROVER BEACH COUNCIL COMMITTEES

Annually, the City Council makes appointments of City Council members to the various committees and commissions to ensure adequate representation of elected officials throughout the County. The assignment and representative requirements are as follows:

1. **Advisory Body Screening Committee**

Requirement: Mayor and 1 Council Member (who is selected by random drawing pursuant to Council direction on October 16, 2000.)

This committee serves as an interview board for interviewing prospective candidates for one of the City's three Advisory Bodies. The committee is comprised of the Mayor, one Council Member, and the Chairperson of the respective Advisory Body. *Meetings held only when there is a vacancy on an Advisory Body.*

2. **Air Pollution Control District (APCD)**

Requirement: 1 Council Member; Alternate: Not Authorized

This is the County-wide legislative authority which deals with clean air maintenance and attainments. Starting in 1994, cities are allowed representation. *Meetings are usually held on the 4th Wednesday of every odd-numbered month (with some exceptions) at 9 a.m. in the County Board of Supervisors Chambers.*

3. **Audit Committee**

Requirement: City staff and 1 Council Member
(As determined at the 04/21/08 City Council meeting).

In order to comply with Statement of Auditing Standards (SAS) No. 114, the City of Grover Beach has established an Audit Committee. The committee which will attend both a pre-audit meeting in June and a post-audit meeting in October or November. The committee would then report back to the City Council during "Council Committee Reports".

4. **Economic Vitality Corporation - San Luis Obispo County**

Requirement: 1 Council Member

The City has an agreement with the Economic Vitality Corporation to participate and support the establishment of a regional economic development effort to diversify and expand its economic base for industrial, retail, commercial, recreational, and general business services. A City Council Member is appointed to serve on the Board of Directors. *Meetings are held on the fourth Wednesday of each month from 4:00 - 5:30 p.m. (with some exceptions). Location: Offices of Cannon Corporation, 1050 Southwood Drive, San Luis Obispo, CA.*

Exhibit B - Committee Descriptions

5. **Fire Cities Fire Joint Powers Authority**
(Cities of Grover Beach and Arroyo Grande and the Oceano Community Services District)

Requirement: 1 City Council Member

Review of fire protection services provided through a joint powers agreement with the Cities of Grover Beach and Arroyo Grande and the Oceano Community Services District. The JPA consists of a Council Member from both Cities and a Board Member from the Community Service District. The Fire Chief serves as the Executive Officer of the Authority. *Meetings are scheduled every month, on the third Friday at 3:00 p.m. Location: Grover Beach City Hall Council Chambers.*

6. **Housing Trust Fund** (Improvement Agency assignment)

Requirement: 1 Agency Board Member, staff member or other individual.

Responsibility includes serving on the loan committee, making recommendations for loan policies and procedures to the Housing Trust Fund Board of Directors. *Meetings are held on the 2nd Thursday of each month. Location: 71 Zaca Lane, Suite 130, San Luis Obispo, CA 93401.*

7. **Integrated Waste Management Authority**

Requirement: 1 City Council Member

Responsibility includes preparing an integrated waste management plan implementing the state-mandated legislation AB 939. The plan will include elements for recycling, composting, education, and various other areas. The role of the authority member is to guide the reduction of the County's waste stream. (Note: final approval by the Board of Supervisors is required for our assigned representative.) *The delegates meet at 1:30 p.m. on the second Wednesday of each odd numbered month (e.g., January, March, May, etc). Location: San Luis Obispo County Board of Supervisors Chambers, 1055 Monterey Street, San Luis Obispo.*

8. **Parks, Recreation & Beautification Commission**

Requirement: None. (Pursuant to Council direction on December 3, 2007, no Council Member is assigned to attend this meeting)

The Parks, Recreation & Beautification Commission is a formal advisory body to the City Council. A City Council liaison is appointed to attend meetings *Meetings are held the third Thursday of each month beginning at 6:30 p.m. in the Council Chambers.*

Exhibit B - Committee Descriptions

9. **San Luis Obispo County Visitors & Conference Bureau (SLOCVCB)**
(Improvement Agency Assignment)

Requirement: 1 Agency Board Member or City Representative

The SLOCVCB promotes countywide tourism opportunities and complements the efforts of local communities and organizations. It is a private, non-profit organization with membership comprised of local businesses, chambers of commerce, the County government, and most incorporated cities in the County. *The meetings are generally held at a member hotel on the 3rd Wednesday of the month at 8:30 a.m.*

10. **San Luis Obispo County Water Resources Advisory Committee (WRAC)**

Requirement: 1 Council Member

This organization is involved with water supplies and availability of water on a county-wide basis. The purpose is to advise the County Board of Supervisors concerning all policy decisions relating to water resources of the SLO County Flood Control & Water Conservation District, to recommend specific water resource programs, and to recommend methods of financing water resource programs. (Note: Council appointed representative requires confirmation by the Board of Supervisors.) *It meets generally once a month at the City/County Library, 995 Palm Street, San Luis Obispo. Meetings are on the first Wednesday of each month, except July and August, from 1:30 - 3:30 p.m.*

11. **San Luis Obispo Council of Governments/San Luis Obispo Regional Transit Authority (SLOCOG/SLORTA)**

Requirement: 1 Council Member

SLOCOG was formerly known as the Area Coordinating Council. It is a regional governing body organized through a joint powers agreement that has responsibility for regional transportation planning primarily. The meetings are very lengthy and often last four to five hours. *The meetings are once a month on a Wednesday (more frequently as needed) and start at 8:30 a.m. Location: County Board of Supervisors Chambers in San Luis Obispo.*

SLORTA is operated through a joint powers agreement with SLOCOG to oversee the County-wide rapid transit system. The representative **is usually the same representative** as the SLOCOG representative because SLORTA meetings start either before or after SLOCOG and has the same Board. *The meetings are held once a month on a Wednesday either before or after the SLOCOG meeting. Location: County Board of Supervisors Chambers in San Luis Obispo.*

12. **South County Area Transit (SCAT)**

Requirement: 1 Council Member

This Joint Powers Authority is responsible for providing a regional rapid transit system for the Five Cities Area and a connector for the county-wide rapid transit system. *The meetings are held quarterly on the 3rd Wednesday of the month at 3:30 p.m. Location: Arroyo Grande City Hall.*

Exhibit B - Committee Descriptions

13. **South San Luis Obispo County Sanitation District**

Requirement: 1 Council Member

The City contracts with the Sanitation District for waste water collection and treatment. The District is governed by a Board of Directors composed of representatives from the Cities of Grover Beach and Arroyo Grande and the Oceano Community Services District. *The meetings are held the first and third Wednesdays of each month at 6:00 p.m. at the Sanitation District Office, 1655 Front Street, Oceano.*

14. **South County Youth Coalition**

Requirement: One City representative either from the Council or staff.

This organization partners with the community to advocate for, support, and empower youth and families by promoting opportunities that build developmental assets. *Meetings are held at 3:30 p.m. on the 4th Thursday of each month at 1086 East Grand Avenue, Room #106, Arroyo Grande.*

15. **Zone Three Advisory Committee**

Requirement: 1 Council Member

This is a County organized committee to handle the operation of Lopez Lake for both recreation and water facilities. *Meetings are held at 6:30 p.m. on the third Thursday of every odd numbered month (Jan, Mar, May, etc). Meeting location is in the Council or Board Chambers of local agencies on a rotating basis.*

Exhibit B - Committee Descriptions

Other appointments that involve our City Council are listed below.

These appointments are not made by the Grover Beach City Council as the appointing authority is another source.

1. **Airport Land Use Commission.** This is a county-appointed Commission that decides how to develop land around the airports throughout the County. Appointment is made by the Mayors Selection Committee. *Meetings are held the third Wednesday of the month at City Hall in San Luis Obispo at 1:30 p.m.*
2. **Channel Counties Division of the League of California Cities.** The Channel Counties Division is comprised of cities within the San Luis Obispo, Santa Barbara, and Ventura Counties. Council Members frequently serve as representatives to a variety of statewide committees sponsored by the League of California Cities.

Should anyone desire to be appointed to one of the statewide committees, they should express that interest. Policy committee appointments are made by: a) the League President, b) each League division, and c) each department of the League of California Cities.

Channel Counties Division meetings are held quarterly, usually in the evening. Location rotates between each County, with one meeting held at the Annual League of California Cities Conference.

League of California Cities Policy Committee meetings are held quarterly, usually during the day. Location rotates between northern and southern California, with one meeting held at the Annual League of California Cities Conference..


3. **Local Agency Formation Commission (LAFCO).** This is a seven-member body made up of two members of the Board of Supervisors with an alternate, two members from City Councils throughout the County with an alternate, two members from Special Districts, and a public member designated by the other LAFCO Commission Members. The City Council representatives are appointed by the Council of Mayors' City Selection Committee.

The organization concerns itself with annexations, de-annexations, and spheres of influences relating to governmental agency boundaries. *The organization meets in San Luis Obispo during the daytime as agenda items require.*



CITY OF GROVER BEACH

TO: City Managers

FROM:  Larry Allen, Air Pollution Control Officer

DATE: January 15, 2011

SUBJECT: Appointment of Alternates to the APCD Board

JAN 26 2011

RECEIVED

The current configuration of the Air Pollution Control District Board of Directors was the result of a reorganization of the APCD Board in 1995 by agreement between the County and cities pursuant to AB 75 (Hauser). At that time, the Health and Safety Code provisions pertaining to the District's reorganization were silent on the legality of designating alternate board members, and there was no consensus among air districts on the issue. In our county, the County/cities committee for the Hauser reorganization recommended against alternates. Ultimately, the newly reorganized Board determined not to have alternates.

Effective January 1, 2010, the Legislature amended Health and Safety Code section 40100.5 to include express authorization for alternates to be appointed to the APCD Board by the individual cities. Section 40100.5(d)(2) now provides as follows:

"In districts where the county and the cities have agreed that each city shall be represented on the governing board, each city shall select its own representative to the governing board. When selecting a member of the governing board, each city may also select its mayor or another city council member as an alternate to serve and vote in place of the member who is absent or is disqualified from participating."

This amendment to the State statute has now clarified the issue and gives the discretion to each individual city to appoint an alternate to the APCD Board. Thus, we ask that your City Council consider and decide whether or not to appoint an alternate to the APCD Board. Should your Council decide to appoint an alternate, please notify the APCD and the County Clerk of that decision.

If you have any questions or need additional information, please contact me at 781-5912, or email me at lallen_apcd@co.slo.ca.us.

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