

Agenda Date: May 17, 2012
Agenda Placement: Admin
Estimated Time: N/A
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Dave Van Mullem, Air Pollution Control Officer

SUBJECT: Revision of Resolution 09-04 – Agenda Policies and Conduct of Meetings

RECOMMENDATION:

Approve changes as follows:

- a) Adopt a resolution making minor revisions to the Board *Agenda Policies and Conduct of Meetings* Resolution and change starting time of the regular meetings from 1:30 p.m. to 1:00 p.m.; and
- b) Adopt revision to the schedule of dates, locations, and time for the remainder of the year 2012 APCD Board meetings in order to change starting time of regular meetings from 1:30 p.m. to 1:00 p.m.

DISCUSSION:

At the March 15, 2012 Board meeting, a request was made to discuss changing the start time of the APCD Board meetings from 1:30 p.m. to 1:00 p.m. To reflect this change, Resolution 09-04 – *Agenda Policies and Conduct of Meetings* as well as the previously adopted 2012 meeting calendar, need to be revised.

The attached resolution includes the change in regular meeting start time. In addition, recent legislation AB 1344 requires that notice of each meeting, including special meetings, be made available on a local agency's Internet Web site, if the local agency has one. Item 6 of this revised resolution has been updated to reflect the posting of meetings on our Web site.

Attachments (2)

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

IN THE MATTER OF)
AIR POLLUTION CONTROL DISTRICT BOARD) RESOLUTION NO. 12-____
AGENDA POLICIES AND CONDUCT OF MEETINGS)

WHEREAS, the Air Pollution Control District Board is committed to encouraging participation in its actions by providing adequate notice of items it is to consider and allowing the public an opportunity to address the Board; and

WHEREAS, the principal purpose of a prepared agenda is to assist the Air Pollution Control District Board in expeditious conduct of its business and to inform the public, news media, and other interested parties of matters scheduled for consideration by the Board at a particular meeting; and

WHEREAS, the Air Pollution Control District Board is committed to complying with the provisions of the California Open Meetings Statute, (Government Code Section 54950 et seq.);

NOW, THEREFORE IT IS RESOLVED THAT the Air Pollution Control District Board hereby adopts the following policy:

1. ***Regular Meetings.*** The Air Pollution Control District Board (“Board”) meets on the third Thursday of January, March, May, June, August, October, and December. The Board will convene at 1:00 p.m. If a Closed Session is necessary, it will begin at 1:00 p.m. with the Regular Meeting following. Meeting locations will be determined in October for the subsequent calendar year. The dates and locations of meetings may be modified to accommodate notice and quorum requirements.
2. ***Special Meetings.*** Special meetings may be called by the Chair of the Board or by a majority of the Board members. Special meetings will be noticed according to the provisions of the Brown Act (Government Code Section 54956, et seq.) which requires, in summary, that notice be personally delivered, faxed, or mailed, at least 24 hours before the time set for such meeting, to each member of the Board, and to each local newspaper of general circulation and radio or television station that requests such notice in writing. Notice will also be provided to the Air Pollution Control Officer. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business may be considered.

3. **Quorum.** A quorum shall be seven Board members, at least one of whom shall be a representative of the County Board of Supervisors. Board members will notify the Clerk of the Board (“Clerk”) at the earliest possible opportunity if they will be unable to attend any scheduled meeting. A motion shall be carried by a simple majority of the quorum present, unless otherwise provided herein or by state law.

4. **Agenda Preparation.** Each item of business to be considered at a regular meeting must appear on the Agenda for that meeting, except as provided in paragraph 10 of this Resolution. The Agenda shall include a brief general description of each item of business to be transacted or discussed. The description should be calculated to reasonably inform the public as to the nature of the item. Written material pertaining to an item on the Agenda of the Board should be delivered to the Clerk, in the Santa Barbara County Air Pollution Control District office at 260 North San Antonio Road, Suite A, Santa Barbara, CA 93110-1315 no later than 3:30 p.m. on the Thursday, fourteen days prior to the Board meeting date. All materials submitted to the Clerk must include a physical copy with original signatures (if required) as well as an electronic copy.

5. **Agenda Publication.** The Agenda for each regular meeting shall be available seven days prior to that Board meeting. Physical copies shall be available to the news media and public in the Air Pollution Control District Board Clerk's office, 260 North San Antonio Road, Suite A, Santa Barbara, CA 93110-1315. Any person wishing to receive an electronic copy of the agenda shall submit a written request to the Clerk of the Board, 260 North San Antonio Road, Suite A, Santa Barbara, CA 93110-1315, or via email at APCDPublicRecordsActRequest@sbcapcd.org. Persons may receive hardcopies of the Agenda if he or she makes a hardcopy written request to the Clerk and the necessary fees are paid in advance.

6. **Agenda Posting.** The Agenda for each regular meeting shall be posted at least 72 hours in advance on a posting board at or near the public entrance to the County Administration Building, 105 East Anapamu Street, Santa Barbara; the Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria; on a posting board at or near the public entrance to the Air Pollution Control District offices, 260 North San Antonio Road, Suite A, Santa Barbara and 301 East Cook Street, Suite L, Santa Maria; and on the District website, www.sbcapcd.org/apcd/agenda.htm. The Clerk shall keep on file a signed declaration of the time and place of posting of the Agenda for each meeting. Such declaration shall remain on file for one (1) year following the date of the meeting.

7. **Order of Business.** Board business at a regular meeting shall be conducted in the following order except as otherwise directed by the Board or the Chair:

- Closed Session (when necessary)
- Roll Call
- Approval of Minutes of prior meeting(s)
- Administrative Agenda
- Public Comment
- Consideration of Ex-Agenda Items (Chair's discretion)
- Regular Agenda
- Adjournment

8. **Public Comment.** At each regular Board meeting after the Administrative Agenda, the Board shall allow any member of the public to address the Board on a matter within the jurisdiction of the Board. The total amount of time for public testimony shall be no more than 15 minutes. The Chair, with consensus of the Board, may establish reasonable limits including, but not limited to, limiting the amount of time allocated for public testimony on particular issues and for each speaker. Any person wishing to address the Board must complete and deliver to the Clerk a "Request to Speak" form; the form shall include a description of the subject the speaker wishes to address. A speaker should not be heard during the "Public Comment" portion of the meeting on a matter listed on the Agenda. Comments on agenda items are appropriate when the item is being discussed by the Board. Once the public comment period has closed, members of the public may address the Board only if requested by the Board. The Board shall not take action on any item not appearing on the agenda unless the action is authorized through Ex-Agenda procedures outlined in Section 10 of this resolution. However, the Board hereby gives the Chair the authorization to refer matters raised during the "Public Comment" period to the appropriate staff.

9. **Administrative Agenda.** The Administrative Agenda shall be comprised of items which will not normally require discussion. An Administrative Agenda item shall be open for discussion on the request of a member of the Board or member of the public. Items on the Administrative Agenda are approved by one roll call vote of the Board members present.

10. **Ex-Agenda Items.** Except as provided in the Brown Act, no action shall be taken at a regular meeting on any item which does not appear on the posted Agenda. An item may be added to the Agenda after the Agenda has been posted upon a determination by a two-thirds vote of the Board, or if less than two-thirds members are present, then by a unanimous vote of those members present. The vote shall be accompanied by distribution of a written statement on a form provided by the Clerk of the Board office, to be included in the record, stating that there is a need to take immediate action and the need to take action arose after the Agenda was posted. In addition, action may be taken on an item not on the posted Agenda under the circumstances stated in Government Code Section 54954.2(b)(1) [emergency] and Section 54954.2(b)(3) [continued regular meetings].

11. **Time Limits.** The Chair, with consensus of the Board, may adopt reasonable requirements including, but not limited to, limiting the amount of time allocated for testimony on particular issues and for each individual speaker.

12. **Public Hearings and Requests to Speak on Agenda Items.** Any person who wishes to address the Board shall complete a "Request to Speak" form and deliver it to the Clerk at the hearing. The Chair may adopt reasonable regulations, as noted in Section 11. No person shall substantially repeat the testimony given by a previous speaker but may indicate concurrence with the views expressed earlier. Once the public comment period has closed, members of the public may address the Board only if requested by the Board.

13. **Continuances.** Public hearings on any matter shall be commenced and completed on the date for which they have been noticed unless the Board agrees to a continuance. Continuances may be requested as follows:

a. The Board may grant a continuance for good cause upon request by a Board member or other interested person. Requests for continuance should be made in advance of the meeting. The Clerk may note on the agenda that a request for a continuance will be made, if known to the Clerk's office at the time the agenda is prepared. If the Board grants a continuance a new date will be fixed and publicly announced.

b. Requests to continue an open public hearing may be made by any person orally prior to the close of the public hearing. The request should include the reasons why a continuance is necessary. Those present and interested in the particular matter shall be given an opportunity to comment on the requested continuance.

PASSED AND ADOPTED by the Air Pollution Control District Board of Directors, County of Santa Barbara, State of California, this 17th day of May 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Santa Barbara County
Air Pollution Control District Board

ATTEST:

LOUIS D. VAN MULLEM, JR.
Clerk of the Board

APPROVED AS TO FORM:

DENNIS A. MARSHALL
Santa Barbara County Counsel

By _____
Deputy

By _____
Deputy

ATTACHMENT B



2012 APCD Board Meeting Schedule

Meetings start at 1:30 p.m.

Meeting Date	Location
January 19	Board of Supervisors' Hearing Room 511 East Lakeside Parkway Santa Maria, California 93455
March 15	Board of Supervisors' Hearing Room 511 East Lakeside Parkway Santa Maria, California 93455
May 17	Board of Supervisors' Hearing Room 511 East Lakeside Parkway Santa Maria, California 93455

Meetings start at 1:00 p.m.

June 21	Board of Supervisors' Hearing Room 105 East Anapamu Street Santa Barbara, California 93101
August 16	Board of Supervisors' Hearing Room 105 East Anapamu Street Santa Barbara, California 93101
October 18	Board of Supervisors' Hearing Room 105 East Anapamu Street Santa Barbara, California 93101
December 20	Board of Supervisors' Hearing Room 105 East Anapamu Street Santa Barbara, California 93101