

**City of Yuba City
Staff Report**

Date: February 6, 2007
To: Honorable Mayor and Members of the City Council
From: Administration
Presentation by: Steven R. Jepsen, City Manager

Summary

Subject: Approval of Board Member Appointments to Feather River Air Quality Management District (FRAQMD)

Recommendation: Approve Councilman Mike Selvidge, selected by the City of Marysville; Councilman Al Fortino, selected by the City of Live Oak; and Councilman Charles Epp, selected as alternate for the City of Live Oak, to the FRAQMD Board of Directors.

Fiscal Impact: None.

Background: All the jurisdictions in the Yuba-Sutter area signed an "Amended and Restated Agreement Regarding the Composition of the Board of Directors of the Feather River Air Quality Management District" (Agreement) in 2004. Whenever a jurisdiction changes a member of the FRAQMD Board, the remaining jurisdictions must approve the new appointees.

Analysis: An approval of the recommended members to the Board of Directors has been received from FRAQMD for Marysville and Live Oak representation. It has been deemed to be compliant with the Agreement signed by all the jurisdictions in 2004.

Fiscal Impact: None.

Alternatives: Do not approve.

Recommendation: Approve Councilman Mike Selvidge, selected by the City of Marysville; Councilman Al Fortino, selected by the City of Live Oak; and Councilman Charles Epp, selected as alternate for the City of Live Oak, to the FRAQMD Board of Directors.

Prepared By:

Connie Williams

Connie Williams
Executive Assistant
to the City Manager

Submitted By:



Steven R. Jepsen
City Manager


Agenda Item _____



Serving Sutter and Yuba Counties

938 14th Street
Marysville, CA 95901
(530) 634-7659
FAX (530) 634-7660
www.fraqmd.org

David A. Valler, Jr.
Air Pollution Control Officer

To: City of Yuba City Council Members
From: David A. Valler Jr., Air Pollution Control Officer 
Subject: Approval of appointments to the Board of Directors of the Feather River AQMD
Date: January 17, 2007

Recommendation:

Approve the appointments to the Feather River Air Quality Management District Board of Directors for 2007.

Background and Discussion

In accordance with the agreement for composition of the Feather River AQMD Board of Directors, the following appointments listed below have been made. This action requires the approval of the Yuba City Council Members.

Board Members:

Councilman Mike Selvidge (City of Marysville)
Councilman Al Fortino – (City of Live Oak)

Alternate Board Member:

Councilman Charles Epp (City of Live Oak)

Fiscal Impact

None

Committee Action

None required.

**AMENDED AND RESTATED AGREEMENT REGARDING
COMPOSITION OF THE BOARD OF DIRECTORS OF THE
FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT**

This Amended and Restated Agreement Regarding Composition of the Board of Directors of the Feather River Air Quality Management District is between the County of Sutter, a political subdivision of the State of California; the County of Yuba, a political subdivision of the State of California; the City of Live Oak, a municipal corporation; the City of Marysville, a charter city; the City of Wheatland, a general law city; and the City of Yuba City, a municipal corporation. All parties are hereinafter referred to individually as "Party" and collectively as "Parties."

RECITALS

A. Pursuant to Health and Safety Code section 40152, the Parties entered into the "Agreement Regarding Composition of the Board of Directors of the Feather River Air Quality Management District" ("Agreement"), effective June 30, 1994, which designated the number and composition of and voting procedure for the Feather River Air Quality Management District ("District") Board of Directors.

B. The Agreement was subsequently amended by the "Modification of Agreement Regarding Composition of the Board of Directors of the Feather River Air Quality Management District May 2000," effective December 19, 2000, and the "Modification of Agreement Regarding Voting Procedure of the Board of Directors of the Feather River Air Quality Management District October 2002," effective January 21, 2003.

C. The Parties wish to further amend the Agreement and consolidate such amendment with the original Agreement and two modifications into one document.

The Parties therefore agree that the Agreement is amended and restated, effective when signed by both Sutter County and Yuba County and a majority of the cities that contain a majority of the population in the incorporated area of the District, to read in full as follows:

1. Board Composition.

The District Board of Directors shall be composed of nine members. Five members shall be county supervisors, and four members shall be mayors or city council members. Selection of the members shall be as follows:

- (a) In even years, three members shall be Sutter County Supervisors, and two members shall be Yuba County Supervisors, each to be selected jointly by the Boards of Supervisors of Sutter and Yuba Counties.
- (b) In odd years, two members shall be Sutter County Supervisors, and three members shall be Yuba County Supervisors, each to be selected jointly by the Boards of Supervisors of Sutter and Yuba Counties

- (c) One member shall be either the mayor or a city council member of the City of Yuba City, to be selected jointly by a majority of the cities in the District.
- (d) One member shall be either the mayor or a city council member of the City of Marysville, to be selected jointly by a majority of the cities in the District.
- (e) One member shall be either the mayor or a city council member of the City of Live Oak, to be selected jointly by a majority of the cities in the District.
- (f) One member shall be either the mayor or a city council member of the City of Wheatland, to be selected jointly by a majority of the cities in the District.
- (g) The District Board shall elect from its members a chairman and vice-chairman at the first regular meeting of each year.
 - (1) In even years, the chairman shall be a member of the District Board who is a Sutter County Supervisor or is the mayor or a council member of a city in Sutter County, and the vice-chairman shall be a member of the District Board who is a Yuba County Supervisor or is the mayor or a council member of a city in Yuba County.
 - (2) In odd years, the chairman shall be a member of the District Board who is a Yuba County Supervisor or is the mayor or a council member of a city in Yuba County, and the vice-chairman shall be a member of the District Board who is a Sutter County Supervisor or is the mayor or council member of a city in Sutter County.
 - (3) The chairman and vice-chairman so elected shall serve until their successors are elected and assume office.
 - (4) The vice-chairman shall perform the chairman's duties whenever the chairman is not present at a meeting of the District Board or is, for any reason, unable or unavailable to perform those duties. If the chairman resigns or is no longer a member of the District Board, then the District Board, at its next regular or special meeting, shall elect a new chairman in accordance with subparagraphs 1(g)(1) and 1(g)(2). If the vice-chairman resigns or is no longer a member of the District Board, then the District Board, at its next regular or special meeting, shall elect a new vice-chairman in accordance with sub-paragraphs 1(g)(1) and 1(g)(2).

- (5) If neither the chairman nor the vice-chairman is present at the meeting, then the members present may elect a chairman pro tempore to preside over that meeting. An alternate member who is designated in accordance with paragraph 1(h) or 1(g) may take the place of a member who serves as chairman or vice-chairman but shall not perform the duties of the chairman or vice-chairman.
- (h) The Boards of Supervisors of Sutter and Yuba Counties may designate two alternates to the members selected under paragraphs 1(a) and 1(b). One alternate shall be a Sutter County Supervisor, and he or she may take the place of any member who is a Sutter County Supervisor when that member is, for any reason, unable or unavailable to attend a meeting of the District Board. The other alternate shall be a Yuba County Supervisor, and he or she may take the place of any member who is a Yuba County Supervisor when that member is, for any reason, unable or unavailable to attend a meeting of the District Board.
- (i) A majority of the cities in the District may designate four alternates to the members selected under paragraphs 1(c) through 1(f). The alternates shall each be the mayor or a city council member from a city within the District, with each city having one alternate. Each alternate may take the place of the mayor or city council member so selected for that alternate's city when that person is, for any reason, unable or unavailable to attend a meeting of the District Board.

Selection of members in this way will reflect, to the extent feasible and practicable, the geographic diversity of the District and the variation of population between the cities in the District.

2. Voting Procedure

The voting procedure of the District Board shall be as follows:

- (a) Each member of the District Board shall have one vote.
- (b) A quorum of the District Board shall exist when a majority consisting of any five of the members is present and voting.
- (c) All acts of the District Board shall require the affirmative votes of at least five members to be valid.

3. Additional Provisions

- (a) This Agreement may be executed in counterparts with the same effect as if the Parties had all signed the same document. All counterparts shall be construed together and shall constitute one agreement.

(b) This Agreement may be amended only by a writing signed by both Sutter County and Yuba County and by a majority of the cities that contain a majority of the population in the incorporated area of the District.

COUNTY OF SUTTER

DATED: _____

By _____
Chairman, Board of Supervisors

ATTEST:

APPROVED FOR LEGAL FORM
SUTTER COUNTY COUNSEL

BOARD CLERK

By _____
Deputy

By _____

COUNTY OF YUBA

DATED _____

By _____
Chairman, Board of Supervisors

ATTEST:

APPROVED FOR LEGAL FORM
YUBA COUNTY COUNSEL

BOARD CLERK

By _____

By _____

CITY OF LIVE OAK

DATED _____

By _____

ATTEST:

APPROVED FOR LEGAL FORM
LIVE OAK CITY ATTORNEY

CITY CLERK

By _____

By _____

CITY OF MARYSVILLE

DATED _____

By _____

ATTEST:

CITY CLERK

By _____

DATED _____

ATTEST:

CITY CLERK

By _____

DATED February 11, 2004

ATTEST:

CITY CLERK

By *Harrison Pears*

APPROVED FOR LEGAL FORM
MARYSVILLE CITY ATTORNEY

By _____

CITY OF WHEATLAND

By _____

APPROVED FOR LEGAL FORM
WHEATLAND CITY ATTORNEY

By _____

CITY OF YUBA CITY

By *Sandra M. Willard*

APPROVED FOR LEGAL FORM
YUBA CITY CITY ATTORNEY

By *Tim P Hayes*