

BYLAWS

SACRAMENTO VALLEY BASINWIDE AIR POLLUTION CONTROL COUNCIL

ADOPTED JANUARY 26, 1979

(Amended June 25, 1999; March 1, 2002; August 6, 2004; June 3, 2005; Amended June 3, 2011, Amended June 7, 2013, Amended December 11, 2015, December 7, 2018)

ARTICLE I. NAME

This Council shall be known as the Sacramento Valley Basinwide Air Pollution Control Council (BCC) as authorized pursuant to California Health and Safety Code (CH&SC) Section 40900.

ARTICLE II. GENERAL

All meetings and proceedings of the Council shall be in accordance with applicable statutes governing public entities, including but not limited to, the Ralph M. Brown Act, and the Public Records Act.

ARTICLE III. PURPOSE

A. Activities mandated by State law.

The purpose of the BCC is to carry out the following activities pursuant to State law and the California Code of Regulations (CCR):

1. Smoke Management Program (SMP)

- (i) Pursuant to Title 17 of the CCR the BCC must adopt and implement a comprehensive, regional SMP, which applies to all types of agricultural burning, including prescribed burning, and applies to all elevations within the Sacramento Valley Air Basin.
- (ii) The BCC will work with CARB and agencies with jurisdiction over air quality within the Sacramento Valley Air Basin to include provisions in the SMP to improve responses to citizen complaints, improve smoke control measures, and encourage CARB to respond more quickly to requests for burnable acreage allocation updates when meteorological conditions are best suited for smoke dispersion (See CH&SC Section 41865(u)).
- (iii) The BCC shall initiate a review process for the SMP each January to determine to what extent amendments are necessary. This review shall include those program elements covered under the Rice Straw Burning Reduction Act and the supporting Conditional Rice Straw Burning Permit Program (Conditional Permit Program) as discussed below. The BCC may combine these provisions with the SMP document or may reference these provisions as a separate document. The BCC shall ensure that the revised SMP is available for public comment and reviewed during at least one workshop and one hearing annually prior to adoption. Pursuant to CCR Section 80140 (k) SMP amendments shall be submitted to CARB for approval within 30 days of adoption and shall not be effective until approved.

2. Rice Straw Burning Reduction Act of 1991.

Pursuant to CH&SC Section 41865, the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991, the BCC shall provide consultation to CARB on the adoption of regulations addressing conditional rice straw burning permits.

As specified in this Section, in 2001, and thereafter (unless the statute is amended), the BCC shall annually determine which is less, 125,000 acres or the total of 25% of each individual conditional rice straw burning permit applicant's planted acres. The BCC shall determine the maximum percentage applicable to all growers subject to the conditions for conditional rice straw burning permits set forth in this Section.

The BCC shall provide one member to serve on the advisory committee established by CARB and the California Department of Food and Agriculture to assist with the identification and implementation of alternatives to rice straw burning.

3. Conditional Rice Straw Burning Permit Program for the Sacramento Valley Air Basin

(i) The BCC shall implement and ensure compliance with the following program elements:

- (a) Granting of Conditional Permits.
- (b) Proper use of qualified rice disease inspectors by Agricultural Commissioners.
- (c) Proper use of disease significance thresholds until May 30, 2003.
- (d) Use of proper program forms.
- (e) Matters relative to false reporting.

(ii) The BCC shall develop procedures for each rice inspection method. Until May 30, 2003, those procedures shall conform to the procedures included in the regulation.

(iii) The BCC shall be responsible for the existence of a program for the certification and training of rice disease inspectors pursuant to CCR Section 80157.

(iv) Implementation Reports

The BCC shall submit a program implementation report to CARB and CDFA by July 15, 2002, and annually thereafter. The report shall include the statistical information specified in CCR 80158.

(v) Program Amendments

The BCC may amend the Conditional Rice Straw Burning Permit Program. Amendments must be submitted to CARB for approval pursuant to CCR Section 80159.

B. General Coordination Activities of the BCC

The BCC shall work to assist Districts in the Sacramento Valley Air Basin in coordinating all air pollution control activities to ensure that the entire Sacramento Valley Air Basin is, or will be, in compliance with the requirements of State and Federal law, by carrying out the following activities:

1. Promote unity and efficiency among Districts and act as a forum for sharing knowledge and information.

2. Promote uniformity in methods of practice and enforcement of air pollution laws and regulations and encourage the establishment of applicable operational standards and regulations.
3. Serve as a clearinghouse and forum for the endorsement of proposed air pollution rules relating to attainment plans for Districts in the Sacramento Valley Air Basin. Since the Sacramento Valley Air Basin comprises districts that may or may not be in the same attainment area for various air quality standards, the Technical Advisory Committee (TAC) to the BCC will identify the rules and plans most suitable for presentation to the BCC. The BCC may separately request to hear presentations on any rules or plans affecting any portion of the Sacramento Valley Air Basin.
4. Benefit the citizens of the Sacramento Valley Air Basin by disseminating information to the public concerning health effects of air pollution.
5. 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 Sacramento Valley Air Basin and on Districts. To this end any proposed requirements or mandates presented to any District by these agencies should be evaluated and considered by the TAC for presentation to the BCC.
6. Participate in the development and promotion of legislation beneficial to the Sacramento Valley Air Basin, and oppose legislation that is not beneficial, by direct contact with the State Legislature, Congress, and legislative staffs.
7. Promote statewide communication between Air Basin Control Councils and district boards in the interest of better coordination and cooperation and in support of mutual concerns.

ARTICLE IV. MEMBERSHIP

A. Active Members

The District Board of each District that is included, in whole or in part, with the Sacramento Valley Air Basin shall designate one of its elected members to serve as an active member of the BCC.

B. Alternate Members

A district's Board of Directors may designate one of its elected members to serve as an alternate member. Alternate members have the same rights as an active member unless otherwise noted in these bylaws. Alternate members may only act as alternates if the active member for their district is absent.

C. Voting Rights

Each active member or, in their absence the alternate member, shall have one vote. No District shall be entitled to more than one vote on any question. See further information under "Quorum."

ARTICLE V. ELECTED OFFICERS

A. Officers

The elected officers of the BCC shall be a Chair and Vice Chair. The TAC member in the Chair's District shall carry out other duties as requested by the Chair.

B. Election of Officers

The Chair shall accept nominations from the floor for each office. In the event of a contest the election shall be by written ballot. The Secretary shall tabulate the ballots. The nominee receiving the highest number of votes shall be elected. All officers shall be nominated and elected from the active membership at the first meeting of each calendar year and shall serve one year or until their successors have been elected. All officers shall take office at the end of the meeting at which they are elected. Alternate members are not eligible office holders.

1. If the Chair and Vice Chair are both absent another BCC member in such case shall call the meeting to order, and a chair pro tem shall be elected who would hold office during that session, unless such office is terminated by the entrance of the Chair or Vice Chair.

C. Succession of Officers

The Vice Chair shall be qualified to succeed to the Chair.

D. Vacancy in Office

Should a vacancy occur in the Office of Chair the Vice Chair shall immediately succeed to the Chair to serve the remainder of the current term.

Should a vacancy occur in the Office of Vice Chair, the BCC by a majority vote of the membership shall elect a new Vice Chair.

E. Appointed Functions

The BCC shall designate a Secretary, Treasurer, and Custodian of Records.

ARTICLE VI. DUTIES

A. Chair

1. The Chair shall preside at all BCC meetings.
2. The Chair may appoint Committees as deemed appropriate.
3. The Chair may designate assignments to the TAC when deemed appropriate.
4. The Chair shall have the power to call for special meetings with due regard to reasonable notice to BCC members and in full compliance with the Brown Act.
5. The Chair shall:
 - (i) Direct each TAC member to post the BCC agenda at its district office at least 72 hours prior to each meeting.
 - (ii) Ensure that the TAC publishes a legal notice for hearing for any proposed revision to the SMP in newspapers of general circulation in the basin and that each TAC member also posts this notice at each district office.
 - (iii) Ensure that legal notices are published for any other matters that the Chair finds require a public hearing and ensuring that each TAC member posts the notice for such hearings at the district office.

B. Vice Chair

1. In the absence of the Chair the Vice Chair shall perform the duties of Chair.
2. The Vice Chair shall perform the duties as prescribed by the bylaws of the BCC and shall make himself available for any special assignments as desired by the Chair.

ARTICLE VII. MEETINGS

A. Frequency

1. Meetings shall be held the first Friday of every other month of each year unless cancelled by the BCC Chair.
2. Other meetings may be called at timely intervals by the Chair.

B. Quorum

1. A quorum of all meetings shall be a majority of members.
2. TAC members shall notify the BCC Secretary of their respective BCC member's attendance at the BCC meeting two weeks in advance of the scheduled BCC meeting or as soon thereafter as possible.
3. Where lack of a quorum occurs at a scheduled meeting, the BCC members may continue the meeting as a Committee of The Whole. Any actions taken at the meeting shall be ratified at the next BCC meeting.

C. Votes

1. All actions require a majority vote by the voting members of the BCC. When a member is at a tele-conferencing location, all votes must be by roll-call.

D. Conduct

1. Robert's Rules of Order shall be followed unless inconsistent with these bylaws.

E. Agendas

1. All reports, communications, resolutions, contracts or other matters to be submitted to the BCC shall be delivered to the Secretary to the BCC at least ten (10) working days prior to the BCC meeting. The Secretary shall then prepare an agenda and supporting documentation of such matters, and shall furnish each BCC member with a copy of the agenda five (5) days prior to the BCC meeting. All supporting documents provided to members before OR AT the meeting must be made public.
2. Every agenda shall provide an opportunity for members of the public to directly address the BCC as to items of interest to the public that are within the subject matter jurisdiction of the BCC and that are not otherwise listed on the agenda.

F. BCC Correspondence

All reports, communications, resolutions, contracts or other matters to be submitted to the BCC shall be delivered to the Secretary to the BCC two weeks prior to the BCC meeting. The Secretary shall then distribute a copy to each BCC member or to each TAC member for distribution to the respective TAC member's BCC representative.

G. Budget Process

The BCC shall adopt its annual budget in accordance with the following procedure:

1. The Chair shall facilitate the preparation of the annual BCC budget beginning at the first BCC meeting of each calendar year for the following fiscal year (July 1 to June 30).
2. The BCC shall prepare, and make available to the public at least thirty (30) days prior to public hearing, a summary of its budget.

3. The BCC shall adopt a balanced budget, identifying revenue, anticipated expenditures, and any reserves.
4. The BCC budget shall be in a line item format.
5. The Treasurer to the BCC shall maintain records of all BCC invoices, revenues, and expenditures. The Treasurer shall submit itemized, bimonthly reports to the BCC.
6. The BCC may adopt a separate budget policy concerning expenditures, claims, reserves, and budget preparation so long as it does not conflict with these bylaws.

H. Audits

At the express direction of the BCC, the BCC Treasurer shall arrange for a bi-annual audit of the accounts and records of the BCC. The BCC may contract with either a certified public accountant or a county auditor to conduct the audit or may appoint an audit committee of BCC members. The minimum requirements of the audit shall conform to generally accepted auditing standards. An audit report shall be filed with the BCC and a copy shall be filed with the BCC Custodian of Records within twelve (12) months of the end of the fiscal year under examination.

I. Claims

All claims for money or damages against the BCC are governed by PART 3 (commencing with Section 900) and PART 4 (commencing with Section 940) of Title 1 of the Government Code.

J. Records

The BCC secretary and treasurer shall forward records to the Custodian of Records for retention on an annual basis.

ARTICLE VIII. TECHNICAL ADVISORY COMMITTEE

A. Purpose

The TAC shall carry out the duties assigned by the BCC concerning technical, enforcement and planning processes, and take other actions necessary to advise the BCC on all aspects of air pollution control efforts in the Sacramento Valley Air Basin.

B. Membership

1. Any APCO duly appointed in the Sacramento Valley Air Basin shall be considered a member of the TAC.
2. Each APCO shall have one vote on any matter before the TAC. No APCO shall be entitled to more than one vote on any question. See further information under "Quorum".
3. An APCO may appoint an assistant in the respective District to serve as their representative to the TAC. The APCO must give written notice of the appointment to the TAC Chair. A representative appointed in this manner may vote in place of the APCO. Use of an appointed representative does not preclude the APCO from sending additional nonvoting representatives to any TAC meeting.

C. Meetings

1. Frequency. The TAC shall meet monthly, unless cancelled by the TAC Chair. The BCC or the TAC Chair may schedule additional meetings as necessary to perform the TAC functions.
2. Quorum
 - (i) A quorum of all meetings shall be a majority of members.

(ii) Where lack of a quorum occurs at a scheduled meeting, the TAC members may continue the meeting as a Committee of The Whole. Any actions taken at the meeting shall be ratified at the next TAC meeting.

3. Votes

(i) All actions require a majority vote by the voting members of the TAC. When a member is at a tele-conferencing location, all votes must be by roll-call.

D. Agendas

1. All reports, communications, resolutions, contracts or other matters to be submitted to the TAC shall be delivered to the Secretary to the BCC at least ten (10) working days prior to the TAC meeting. The Secretary shall then prepare an agenda and supporting documentation of such matters and shall furnish each TAC member with a copy of the agenda a minimum of five (5) days prior to the TAC meeting. All supporting documents provided to members before OR AT the meeting must be made public.
2. Every agenda shall provide an opportunity for members of the public to directly address the BCC as to items of interest to the public that are within the subject matter jurisdiction of the BCC and that are not otherwise listed on the agenda.

E. Noticing Requirements

TAC members shall furnish agenda items and backup documentation to the BCC Secretary 7 days in advance of the scheduled TAC meeting. The BCC Secretary shall distribute Agendas and backup documentation at least 96 hours in advance of the scheduled TAC meeting. TAC members shall post a notice of each TAC meeting at District offices at least 72 hours prior to each meeting.

F. Statewide Coordination

TAC members are encouraged to participate in the California Air Pollution Control Officers Association to enhance their knowledge in the broad field of air pollution and to coordinate Sacramento Valley Air Basin programs with the Association's objectives and programs.

G. Supplemental Policies and Protocols

The TAC shall develop and approve supplemental policies and protocols as needed to ensure efficient coordination and operations pursuant to these bylaws. BCC approval may be necessary as determined by the TAC on a case-by-case basis. The BCC Secretary shall maintain a current index of the policies and protocols known as the Administrative Code.

ARTICLE IX. REVISIONS TO THESE BYLAWS

A. Frequency

1. The BCC shall review these bylaws at the first meeting of each fiscal year to determine whether or not a revision to the bylaws is necessary.
2. Notwithstanding Section A.1. above, any BCC member may request that the Chair initiate a review of these bylaws by the BCC at any time. The member shall specify the reason for the review to the Chair. The Chair will grant the request if it determines that there is good cause to review.

B. Process

1. The BCC shall review any proposed revisions to these bylaws during at least one public meeting of the BCC. The Chair shall determine if additional meetings are necessary.
2. The Chair shall ensure that known interested parties are given reasonable notice of any intent to revise these bylaws and are given an opportunity to provide input.
3. Revisions to these bylaws shall be reviewed by at least one legal counsel to be selected by the Chair.
4. The BCC may act to approve revisions to these bylaws only after A, B, and C above have been completed.

ARTICLE X. COMPLIANCE WITH THE CALIFORNIA POLITICAL REFORM ACT

A. Conflict of Interest Code

The BBC supports compliance with the Political Reform Act of California (Act) as amended January 1, 2001, including all subsequent amendments.