

RESOLUTION NO. AQM _____

Rule 310 – PERMIT FEES – AGRICULTURAL SOURCE

**THE BOARD OF DIRECTORS
OF THE SACRAMENTO METROPOLITAN AIR QUALITY
MANAGEMENT DISTRICT**

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District is authorized to adopt, amend or repeal rules and regulations by Sections 40001, 40702, and 41010 of the California Health and Safety Code (Health and Safety Code Section 40727(b)(2)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District is specifically authorized to adopt this fee schedule by Sections 41080(a) and 42311 of the California Health and Safety Code (Health and Safety Code Section 40727(b)(2)), and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that a need exists for the adoption of Rule 310 – PERMIT FEES – AGRICULTURAL SOURCE in order to recover operating costs associated with the agricultural permitting program (Health and Safety Code Section 40727(b)(1); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the meaning of the rule can be easily understood by the persons affected by it (Health and Safety Code Section 40727(b)(3)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the rule is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has determined that the rule does not duplicate any existing state or federal rule or regulation (Health and Safety Code Section 40727(b)(5)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District recognizes that Rule 310 – PERMIT FEES – AGRICULTURAL SOURCE implements, interprets, or makes specific Health and Safety Code Section 41080 and 42311 (Health and Safety Code Section 40727(b)(6)); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District has maintained records of the rulemaking proceedings (Health and Safety Code Section 40728); and

WHEREAS, the Board of Directors of the Sacramento Metropolitan Air Quality Management District held a duly noticed public hearing on August 24, 2006 and September 28, 2006 and considered public comments on the proposed amendments to the rule (Health and Safety Code Sections 40725, 40726, and 42311(e)); and

WHEREAS, the California Environmental Quality ACT (CEQA) Guidelines, Section 15273, and the Public Resources Code Section 21080(b)(8), exempts the adoption of fee rules that are for

the purpose of meeting operating expenses.

NOW, THEREFORE, BE IT RESOLVED THAT this fee rule is for the purpose of meeting operating expenses and, therefore, is exempt from the provisions of the California Environmental Quality Act (CEQA); and

BE IT FURTHER RESOLVED THAT the Board of Directors of the Sacramento Metropolitan Air Quality Management District approves and adopts the proposed Rule 310 – PERMIT FEES – AGRICULTURAL SOURCE; and

BE IT ORDERED that Rule 310 – PERMIT FEES – AGRICULTURAL SOURCE be effective as of September 28, 2006.

ON A MOTION by Director _____, seconded by Director _____, the foregoing resolution was passed and adopted by the Board of Directors of the Sacramento Metropolitan Air Quality Management District, State of California, this 28th day of September 2006, by the following vote, to wit:

AYES: Directors

NOES: Directors

ABSENT: Directors

Chair of the Board
Sacramento Metropolitan Air
Quality Management District

(SEAL)

ATTEST: _____

Clerk of the Board
Sacramento Metropolitan Air Quality Management District