

**RESOLUTION NO. AQM \_\_\_\_\_**

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

**Rule 311 – REGISTRATION FEES FOR AGRICULTURAL COMPRESSION IGNITION  
ENGINES**

**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 40702 and 41080 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 39659, 41512.5, and 42311(g) of the California Health and Safety Code and Title 17 of the California Code of Regulations, Section 93115.8(d) (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 311 – REGISTRATION FEES FOR AGRICULTURAL COMPRESSION IGNITION ENGINES in order to recover operating costs associated with the District's duty to implement and enforce Title 17 of the California Code of Regulations, Section 93115.8 (Health and Safety Code Section 40727(b)(1)); and

**WHEREAS**, during the hearings on Rule 311, the Board of Directors of the Sacramento Metropolitan Air Quality Management District considered three separate alternative fee provisions for inclusion in the rule: the original proposal, Option 1 and 2; 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 311 – REGISTRATION FEES FOR AGRICULTURAL COMPRESSION IGNITION ENGINES implements, interprets, or makes specific Title 17 of the California Code of Regulations, Section 93115.8(d) (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 duly noticed public hearings on April 24, 2008 and July 24, 2008 and considered public comments on the proposed new rule (Health and Safety Code Sections 40725, 40726, and 42311(e)); and

**WHEREAS**, the Board of Directors of the Sacramento Metropolitan Air Quality Management has determined that rule language changes made since the June 24, 2008 public hearing notice are not substantial as to significantly affect the meaning of the rule (Health and Safety Code Section 40726)

**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 311 – REGISTRATION FEES FOR AGRICULTURAL COMPRESSION IGNITION ENGINES, including Option \_\_\_\_; and

**BE IT ORDERED** that Rule 311 – REGISTRATION FEES FOR AGRICULTURAL COMPRESSION IGNITION ENGINES be effective as of July 24, 2008.

**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 24<sup>th</sup> day of July 2008, 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