



County of El Dorado

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Legislation Details (With Text)

File #: 09-1340 **Version:** 2
Type: Agenda Item **Status:** Approved
File created: 10/19/2009 **In control:** Board Of Supervisors
On agenda: 1/26/2010 **Final action:** 1/26/2010
Title: Air Quality Management District (AQMD) recommending the Board reappoint the following members and alternates to serve on the AQMD Hearing Board: Jean Klotz, Bruce Nixon, Thomas Fashinell, David Sederquist, and Nadia Burleson (alternate); and appoint Mark Copple, Don Nicodemus, Jr. (alternate) and Robert Hollis (alternate). (Cont'd 12/10/09, Item 13)

Sponsors:

Indexes:

Code sections:

Attachments: 1. (A) AQMD Hearing Board_Proposed Appointments 2009, 2. (B) AQMD Hearing Board_Applications 2009

Date	Ver.	Action By	Action	Result
1/26/2010	2	Board Of Supervisors	Approved	Pass
12/10/2009	1	Board Of Supervisors	Continued	Pass

Air Quality Management District (AQMD) recommending the Board reappoint the following members and alternates to serve on the AQMD Hearing Board: Jean Klotz, Bruce Nixon, Thomas Fashinell, David Sederquist, and Nadia Burleson (alternate); and appoint Mark Copple, Don Nicodemus, Jr. (alternate) and Robert Hollis (alternate). (Cont'd 12/10/09, Item 13)

BUDGET SUMMARY:		
Total Estimated Cost		\$ 0
Funding		
Budgeted	\$ 0	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$ 0	
Change To Net County Cost		\$ 0

Fiscal Impact/Change to Net County Cost:

There is no fiscal impact.

Background:

The H&S Code (HSC) Section 40800 defines the continuous existence, in each air district, of one or more hearing boards, consisting of five (5) members each and appointed by the district boards. Specific qualifications of the five (5) members of the hearing board are defined in HSC Section 40801 and are as follows:

- (a) One member admitted to the practice of law
- (b) One member who is a professional engineer registered as such to the Professional Engineers Act
- (c) One member from the medical profession whose specialized skills, training, or interests are in the field of environmental medicine
- (d) Two public members

The AQMD Board may also appoint one alternate for each member. The alternate shall have the same qualifications as the member for whom such person is an alternate. The alternate may serve only in the absence of the member, and for the same term as the member. The AQMD hearing board meets very infrequently (last meeting was held in 2003), to hear and decide upon petitions for variances from EDCAQMD rules, regulations and permit requirements. Each member is compensated \$50 per hearing.

The AQMD hearing board currently consists of five (5) members and three (3) alternates. All their terms expired on June 20, 2009. The HSC Section 40804 sets the term for the members to three years. In the case of the initial members, which this situation qualifies for due to expired terms, two shall serve for a term of one year, two for a term of two years, and one for a term of three years.

In August 2009 the AQMD posted announcements seeking applications from qualified candidates to fill the hearing board vacancies. A total of ten (10) qualified applications were received by the AQMD; five (5) of those were applications from the current members seeking reappointment.

Reason for Recommendation:

In this action, the AQMD requests the Board to appoint five (5) members and three (3) alternate members to the AQMD Hearing Board. The AQMD recommends the Board reappoint for the term of three years Dr. Thomas Fashinell (member from the medical profession), reappoint for the term of two years Jean Klotz (member admitted to the practice of law), Bruce Nixon, PE (member who is a registered Professional Engineer) and Nadia Burleson, PE (alternate member who is a registered Professional Engineer). For public members the AQMD recommends that the Board reappoint for the term of one year David Sederquist and appoint Mark Copple. The AQMD further recommends that Don Nicodemus and Robert William Hollis be appointed as alternate public members.

The proposed membership of the El Dorado County AQMD Hearing Board and the initial term for each position are detailed in the attached chart (Attachment 1). The chart also provides names of all qualified candidates who submitted their applications. Copies of all applications are provided in Attachment 2.

Action to be taken following Board approval:

1. Board Clerk to provide one (1) Minute Order to the AQMD.
2. The Board to instruct AQMD staff to notify the five (5) member and three (3) alternate member applicants of their appointment and initial terms to the AQMD Hearing Board.

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Concurrences:

