

**RESOLUTION NO 2355**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN  
THE COUNTIES AND CITIES LOCATED WITHIN THE  
MONTEREY BAY UNIFIED AIR POLLUTION  
CONTROL DISTRICT IMPLEMENTING  
1993 ASSEMBLY BILL 75**

**WHEREAS**, representatives of certain cities and counties lying within the jurisdiction of the Monterey Bay Unified Air Pollution Control District (herein "MBUAPCD") have established and agreed upon the terms of a Memorandum of Understanding (MOU) implementing the provisions of 1993 Assembly Bill 75, codified as Health & Safety Code Sections 40100, 40152, 40322.5, 40701.5, 40704.5 and 40980, by setting forth the number and proportion of city and county members on the MBUAPCD board, the methods by which said members shall be selected and the way in which per capita fees shall be assessed; and,

**WHEREAS**, said Memorandum of Understanding is determined to be in the best interests of the City in that it represents the geographic diversity of the MBUAPCD district and the variations of population between the cities in the district.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SOLEDAD** that the Memorandum of Understanding, Monterey Bay Unified Air Pollution Control District, between the cities and counties of the Monterey Bay Unified Air Pollution Control District is hereby approved. The Mayor is hereby authorized and directed to execute said MOU, and that document may be executed in counterpart.

**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SOLEDAD** this 27th day of June, 1994, by the following vote:

AYES, and in favor thereof, Councilmembers: John Holguin, Ben Jimenez, Jr., Richard Ortiz, Mayor Fred Ledesma

NAYES, Councilmembers: None

ABSENT, Councilmember. Mayor Pro Tem Fabian Barrera

M E M O R A N D U M   O F   U N D E R S T A N D I N G

Monterey Bay  
Unified Air Pollution Control District

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THIS MEMORANDUM OF UNDERSTANDING is made and entered into this 30th day of June, 1994, by and between the cities of Monterey County, Santa Cruz County, and San Benito County, hereinafter referred to as "Cities" (which are individually named on the signature pages of this Memorandum), and the counties of Monterey, Santa Cruz and San Benito, hereinafter referred to as "Counties", all said parties of which are located within the jurisdiction of the Monterey Bay Unified Air Pollution Control District, hereinafter referred to as the "District". The purpose of this Memorandum is to carry out the provisions of California Health and Safety Code sections 40100, 40152, 40322.5, 40701.5, 40704.5 and 40980. Said code sections require the addition of city representatives to the governing boards of air districts that do not already include city members and discuss payment of per capita fees. This Memorandum sets forth the number and proportion of City and County members on the District board, the methods by which said City members shall be selected and the payment of per capita fees by said Cities and Counties.

W I T N E S S E T H:

WHEREAS, the Cities and Counties have a mutual interest in the approval of this Memorandum of Understanding to fairly and appropriately carry out the provisions of AB 75; and

WHEREAS, the provisions set forth in this Memorandum meet the guidelines of AB 75 which require governing boards to reflect, to the extent feasible and practicable, the geographic

incorporated area of the District, have approved this Memorandum of Understanding as evidenced by their signatures hereon.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

1. Number and Composition of Board. The number of District board members is hereby established at eleven (11), consisting of six (6) County members and five (5) City members. The composition of the District board shall be as follows:

<u>COUNTIES</u>	<u>Number of Seats</u>
MONTEREY COUNTY:	3
SANTA CRUZ COUNTY:	2
SAN BENITO COUNTY:	<u>1</u>
Total County seats:	6

CITIES

MONTEREY COUNTY:	
- Monterey Peninsula Cities (Monterey, Pacific Grove, Carmel-by-the-Sea, Seaside, Marina, Del Rey Oaks and Sand City)	1
- South Monterey County Cities (Gonzales, Greenfield, King City and Soledad)	1
- Salinas (dedicated seat)	1
SANTA CRUZ COUNTY:	
- Santa Cruz, Watsonville, Capitola and Scotts Valley	1
SANTA CRUZ/SAN BENITO COUNTIES (rotating seat):	
- Santa Cruz, Watsonville, Capitola and Scotts Valley/	

County on a rotating county basis, with the seat alternating between one of the four Santa Cruz County cities and one of the two San Benito County cities every two years. A representative from one of the San Benito County cities shall be the first to serve on the District board in this rotation.

3. Terms. Terms of the City representatives serving on the District board shall be staggered. The initial term of the City representatives from south Monterey County and Santa Cruz County shall be one year, and two years for all subsequent terms; terms of the representatives from Salinas, the Monterey County peninsula and San Benito/Santa Cruz Counties (rotating seat) shall be two years for the initial term and two years for all subsequent terms. City board members may be reappointed for an indefinite number of subsequent terms.

4. Method of Selection of City Representatives. All City directors of the District shall either be mayors or city council members serving a current term of office in a city within the region which they represent on the District board.

The five City board members shall be selected as follows:

a. **Salinas Seat.** The representative to serve on the permanently dedicated Salinas City seat shall be nominated by the Mayor of the City of Salinas (or his/her designee) and appointed by a vote of the Salinas City Council.

b. **Monterey County Peninsula City Seat.** The representative to serve on the Monterey County peninsula seat shall be appointed by a majority vote of the members of the Mayors' City Selection Committee from the cities of Monterey,

King City and Greenfield.

d. **Santa Cruz County City Seat.** The representative to serve on the Santa Cruz County seat shall be appointed by a majority vote of the members of the Mayors' City Selection Committee from the cities of Santa Cruz, Watsonville, Capitola and Scotts Valley.

e. **Santa Cruz/San Benito County Seat (Rotating Seat).** For the Santa Cruz County rotation term, the representative shall be appointed by a majority vote of the members of the Mayors' City Selection Committee from the cities of Santa Cruz, Watsonville, Capitola and Scotts Valley. For the San Benito County rotation, the representative shall be appointed by a unanimous vote of the members of the Mayors' City Selection Committee from the cities of San Juan Bautista and Hollister.

Should any City representative be unable to serve out their entire term on the District board for any reason, including that said representative is no longer a mayor or councilmember, a new representative from the same region must be appointed within 30 days using the same selection processes described above.

5. **Alternates.** One alternate for each of the five City seats shall be selected utilizing the same appointment processes described in section 4 above. Each alternate shall serve for a two-year term which shall run concurrently with the term of their primary board member, except for alternates for members serving one year terms, whose term shall also be one year. Should any alternate be unable to serve out their entire term, a new alternate from the same region must be appointed within 30 days.

6. Payment of Per Capita Fees. If District funding received from grants, subventions, permit fees, penalties or motor vehicle surcharges is insufficient to cover the expenditures of the District, an annual per capita assessment shall be imposed on and paid by all Cities within the District and by all the Counties within the District on an equitable per capita basis. Fees imposed on each City shall be based on that city's incorporated population and fees imposed on each County shall be based on that county's unincorporated population, both as determined by the most recent findings prepared by the California State Department of Finance.

IN WITNESS WHEREOF, this Agreement is executed on the day and year first above written in California.

CITIES

**Monterey County Peninsula Cities:**

City of Monterey

City of Pacific Grove

by \_\_\_\_\_  
Mayor Dan Albert

by \_\_\_\_\_  
Mayor Jeanne C. Byrne

City of Carmel-by-the-Sea

City of Seaside

by \_\_\_\_\_  
Mayor Ken White

by \_\_\_\_\_  
Mayor Lance McClair

Sand City

City of Del Rey Oaks

by

by

South Monterey County Cities:

City of Gonzales

by \_\_\_\_\_  
Mayor Harold Wolgamott

City of Soledad

by   
Mayor Fred Ledesma

Salinas:

City of Salinas

by \_\_\_\_\_  
Mayor Alan D. Styles

Santa Cruz County Cities:

City of Santa Cruz

by \_\_\_\_\_  
Mayor Scott Kennedy

City of Capitola

by \_\_\_\_\_  
Mayor Margaret Fabrizio

San Benito County Cities:

City of Hollister

by

City of Greenfield

by \_\_\_\_\_  
Mayor Roy Morris

King City

by \_\_\_\_\_  
Mayor John Myers

City of Watsonville

by \_\_\_\_\_  
Mayor Lowell E. Hurst

City of Scotts Valley

by \_\_\_\_\_  
Mayor Peggie Lopez

City of San Juan Bautista

by

COUNTIES

Monterey County

by \_\_\_\_\_  
Chair Barbara Shipnuck

San Benito County

by \_\_\_\_\_  
Chair Mike Graves

Santa Cruz County

by \_\_\_\_\_  
Chair Gary Patton

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