

UNIFICATION AGREEMENT

Monterey Bay Unified Air Pollution Control District

This Unification Agreement is made and entered into this 1st day of July, 1974 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 Unification Agreement), 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 Unification Agreement 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 Unification Agreement 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 Unification Agreement to fairly and appropriately carry out the provisions of AB 75; and

WHEREAS, the provisions set forth in this Unification Agreement meet the guidelines of AB 75 which require governing boards to reflect, to the extent feasible and practicable, the geographic diversity of the districts and the variations of population between the cities in the districts; and

WHEREAS, the governing bodies of a majority of the Counties within the District, and the governing bodies of a majority of the Cities which contain a majority of the population in the incorporated area of the District, have approved this Unification Agreement 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)

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 commence on August 15, 1994 and shall end on the first District Board meeting in the 1996 calendar year. Subsequent terms shall be for two years commencing on the first District Board meeting occurring in the 1996 calendar year.

Terms of the city representatives from Salinas, the Monterey County peninsula and San Benito/Santa Cruz Counties (rotating seat) shall be twenty nine months for the initial term commencing on August 1, 1994 and two years for all subsequent terms commencing on the first District Board Meeting in the 1997 calendar year. City board members may be reappointed for an indefinite number of subsequent terms.

Terms of the County members of the District Board shall be a period of one year. The term shall begin upon the first Board meeting of the calendar year. County Board members may be reappointed for an indefinite number of subsequent terms.

Any member of the Board of Directors may be removed from office prior to the termination of his or her term by a majority vote of the appointing authority. The term of the member shall also end should that member no longer continue to serve as a member of their respective appointing authority. The term of any replacement shall be the remaining term of the seat.

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, Carmel, Pacific Grove, Seaside, Marina, Del Rey Oaks and Sand City.

c. **South Monterey County City Seat.** The representative to serve on the south Monterey County seat shall be appointed by a majority vote of the members of the Mayors' City Selection Committee from the cities of Soledad, Gonzales, 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 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 his or her entire term on the District board for any reason, including that said representative is no longer a mayor or council member, a new representative from the same region must be appointed within 30 days using the same selection processes described above. The newly appointed representative will serve out the remaining term of the seat to which he or she is appointed.

5. Method of Selecting County Representatives. The County representatives shall be selected by a majority vote of the County Board of Supervisors of which they are members and of the county which they will represent.

6. Alternates.

(a) The Board of Supervisors of San Benito County shall designate a member of the Board of Supervisors of San Benito County who shall serve as an alternate to the District Board in the event the member from San Benito County who was selected according to Section 5 of this Unification Agreement is absent or unable to attend a meeting.

(b) The California League of Cities, Monterey Bay Region shall appoint one alternate. This alternate shall be a mayor or city council member from a city located within the District. The alternate shall serve in the event that any city representative is absent or unable to attend a meeting.

(c) The Monterey County Board of Supervisors shall appoint a member of the Board of Supervisors who shall serve as an alternate to the District Board in the event a member from Monterey County who was selected according to Section 5 of this Unification Agreement is absent or unable to attend a meeting.

(d) The Santa Cruz County Board of Supervisors shall appoint a member of the Board of Supervisors who shall serve as an alternate to the District Board in the event a member from Santa Cruz County who was selected according to Section 5 of this Unification Agreement is absent or unable to attend a meeting.

Should any alternate be unable to serve out their entire term, a new alternate from the same region must be appointed within 30 days.

7. Voting. The voting procedure of the District Board shall be as follows:

(a) Each member shall have one vote.

(b) Quorum. A quorum of said District Board shall consist of six members, provided, however, no action affecting only a particular zone may be taken without a representative of that zone being present and voting on the action, and provided that no action affecting only the San Benito County zone shall be taken unless all Benito County representatives are present and voting. For the purposes of this subsection only, a representative of a zone includes only those members of the District Board who are members of the governing body of a jurisdiction within the particular zone.

(c) Except when another policy or rule requires a greater majority, all acts of the Air Pollution Control Board shall require the affirmative vote of not less than six members with at least one affirmative vote from each of two zones.

(d) For the purposes of this section, the District shall be divided into three zones, each zone being defined as the geographical territory of each county making up the District.

8. Hearing Board. The District Board created by this Unification Agreement shall appoint a Hearing Board as provided by law. The current members of the Hearing Board shall serve out the terms to which they have been appointed.

9. Advisory Committee. An Advisory Committee shall be appointed by the District Board. The number of members of the Advisory Committee shall be set by the District Board. Each District Board member shall appoint at least one advisory committee member whose term shall be concurrent with the term of the District Board member making the appointment.

10. Treasurer. The Treasurer for the County of Monterey shall continue to serve as treasurer for the District.

11. Current Rules, Regulations and Policies. Pending the adoption of further rules, regulations or policies by the District Board, the rules, regulations and policies currently in effect shall continue in full force and effect.

12. Current Obligations. The funds, property and liabilities, Memorandum of Understanding, personnel policies and other contractual obligations of the District shall be unaffected by this Unification Agreement.

13. Payment of Per Capita Fees. 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.

The per capita assessment shall be twenty three cents (\$.23) for the fiscal year beginning July 1, 1994. The per capita assessment for subsequent years shall be determined by a majority vote of the District Board.

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

BOARDS OF SUPERVISORS:

Board of Supervisors of Monterey County

by _____
Supervisor Barbara Shipnuck, Chair

Board of Supervisors of Santa Cruz County

by _____
Supervisor Gary Patton, Chair

Board of Supervisors of San Benito County

by _____
Supervisor Mike Graves, Chair

CITIES

City of Monterey

by _____
Mayor Dan Albert

City of Carmel

by _____
Mayor Ken White

Sand City

by _____
Mayor David K. Pendergrass

Marina

by _____
Mayor Zaruk Takali

City of Gonzales

by _____
Mayor Harold Wolgamott

City of King

by _____
Mayor John Myers

City of Santa Cruz

by _____
Mayor Scott Kennedy

City of Pacific Grove

by _____
Mayor Jeanne C. Byrne

City of Seaside

by _____
Mayor Lance McClair

City of Del Rey Oaks

by _____
Mayor Jack Barlich

City of Salinas

by _____
Mayor Alan Styles

City of Greenfield

by _____
Mayor Roy Morris

City of Soledad

by _____

City of Watsonville

by _____
Mayor Lowell E. Hurst

City of Scotts Valley

Mayor Peggie Lopez

City of Hollister

by _____
Mayor Joseph Felice

City of Capitola

by _____
Mayor Ronald Graves

City of San Juan Bautista

by _____
Mayor Priscilla Hill

I HEREBY CERTIFY THIS IS A TRUE
AND CORRECT BOARD ORDER AS DULY
APPROVED BY THE AIR POLLUTION
CONTROL BOARD

on May 15, 1996

By Linda Munday
Linda Munday, Clerk of the Boards

Doug Quetin
Doug Quetin, Executive Officer/APCO