



# South Coast Air Quality Management District

South Coast  
AQMD

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

## ADMINISTRATIVE COMMITTEE MEETING

### Committee Members

Dr. William A. Burke, Chair  
Mayor Ben Benoit, Vice Chair  
Mayor Pro Tem Judith Mitchell  
Dr. Clark E. Parker, Sr.

**March 9, 2018 ♦ 10:00 a.m. ♦ Conference Room CC-8  
21865 Copley Drive, Diamond Bar, CA 91765**

### Teleconference Location

11461 West Sunset Boulevard  
Brentwood Room 1  
Los Angeles, CA 90049

(The public may attend at any location listed above.)

*Call-in for listening purposes only is available by dialing:*

*Toll Free: 866-244-8528*

*Listen Only Passcode: 5821432*

*In addition, a webcast is available for viewing and listening at:*

<http://www.aqmd.gov/home/library/webcasts>

## AGENDA

### CALL TO ORDER

### DISCUSSION ITEMS – Items 1 through 6:

- |    |  |   |       |
|----|--|---|-------|
| 1. | Board Members' Concerns ( <b><i>No Motion Required</i></b> )<br><i>Any member of the Governing Board, on his or her own initiative may raise a concern to the Administrative Committee regarding any SCAQMD items or activities.</i> | Dr. William A. Burke<br>Committee Chair |       |
| 2. | Chairman's Report of Approved Travel ( <b><i>No Motion Required</i></b> )  | Dr. Burke                               | pg. 1 |
| 3. | Report of Approved Out-of-Country Travel ( <b><i>No Motion Required</i></b> )  | Wayne Nastri<br>Executive Officer       |       |

4. Review April 6, 2018 Governing Board Agenda Wayne Nastri pgs. 2-11
5. Approval of Compensation for Board Member Assistant(s)/ Consultant(s) (Any material, if submitted, will be distributed at the meeting.) (**Motion Requested if Motion Made**) Dr. Burke
6. Status Report on Major Ongoing and Upcoming Projects for Information Management (**No Motion Required**)  
*Information Management is responsible for data systems management services in support of all SCAQMD operations. This action is to provide the monthly status report on major automation contracts and planned projects.* Ron Moskowitz pgs. 12-16  
ADEO, Information Management

**ACTION ITEMS - Items 7 through 10:**

**APRIL AGENDA ITEMS**

7. Appoint Members to Deferred Compensation Plan Committee (**Motion Requested**)  
*SCAQMD sponsors an IRS-approved 457 deferred compensation program for its employees. The Deferred Compensation Plan Committee oversees the implementation of the program. Pursuant to the Committee Charter, the Board appoints new members to the Committee whenever vacancies occur. One member retired in February 2018 and another member recently resigned. This action is to appoint General Counsel Bayron Gilchrist and Assistant Deputy Executive Officer Sujata Jain as successors to these members.* John Olvera pgs. 17-18  
ADEO, Administrative & Human Resources
8. Remove Various Fixed Assets from SCAQMD Inventory (**Motion Requested**)  
*SCAQMD Administrative Policies and Procedures No. 20 requires each organizational unit to review fixed assets for obsolescence and disposal every six months. This action is to approve removal of surplus equipment determined to be obsolete, non-operational and not worth repairing.* Sujata Jain pgs. 19-21  
ADEO, Finance
9. Request to Modify the California Air Resources Board Agency Membership to Home Rule Advisory Group (No Written Material) (**Motion Requested**)  
*The California Air Resources Board has requested that Johnnie Raymond replace Chris Gallenstein as their alternate to serve on the Home Rule Advisory Group.* Philip Fine  
DEO, Planning, Rule Development & Area Sources
10. Appropriate Funds and Execute Contract for Strategic Consulting Services (**Motion Requested**)  
*Staff requires professional consulting services related to the implementation of the 2016 AQMP and related issues. This action is to appropriate funds from the General Fund Undesignated (Unassigned) Fund Balance and execute a contract with Double Nickel Advisors, LLC, for strategic advice regarding communication and messaging to stakeholders, the Legislature and the Governor's Administration in support of the 2016 AQMP, its required elements, and related issues.* Derrick J. Alatorre pgs. 22-24  
DEO, Legislative, Public Affairs & Media

**WRITTEN REPORT:**

11. Local Government & Small Business Assistance Advisory Group Minutes for the December 8, 2017 Meeting (***No Motion Required***) Derrick J. Alatorre pgs. 25-27  
*Attached for information only are the Local Government & Small Business Assistance Advisory Group minutes for the December 8, 2017 meeting.*

**OPEN SESSION**

12. Approve Amendment to the Executive Management Agreement with the General Counsel (***Motion Requested***) John Olvera pgs. 28-31  
*This action is to present an amendment of the Executive Management Agreement with the General Counsel. Upon review of comparable terms for the Executive Officer, it is recommended that the provision relating to the application of the compensatory time policy for managers be removed, and that the General Counsel's salary be increased by an equivalent amount.*

**CLOSED SESSION**

13. Conference with Negotiators regarding Compensation John Olvera  
*It is also necessary to recess to closed session pursuant to Government Code Section 54957.6:*  
*Agency Designated Representatives: Wayne Nastri and A. John Olvera*  
*Unrepresented Employee: General Counsel*

**OTHER MATTERS:**

14. Other Business Dr. Burke  
*Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, may make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter, or may take action to direct staff to place a matter of business on a future agenda. (Govt Code Section 54954.2)*
15. Public Comment  
*Members of the public may address the Committee concerning any agenda item before or during consideration of that item (Govt. Code Section 54954.3). All agendas for regular meetings are posted at District Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of a regular meeting. At the end of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's authority. Speakers may be limited to three (3) minutes each.*
16. **Next Meeting Date:** April 13, 2018 at 10:00 a.m.

**ADJOURNMENT**

## Document Availability

*All documents (i) constituting non-exempt public records, (ii) relating to an item on an agenda for a regular meeting, and (iii) having been distributed to at least a majority of the Committee after the agenda is posted, are available prior to the meeting for public review at the South Coast Air Quality Management District, Public Information Center, 21865 Copley Drive, Diamond Bar, CA 91765.*

## Americans with Disabilities Act

*The agenda and documents in the agenda packet will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Govt. Code Section 54954.2(a)). Disability-related accommodations will also be made available to allow participation in the Administrative Committee meeting. Any accommodations must be requested as soon as practicable. Requests will be accommodated to the extent feasible. Please contact Nancy Velasquez at 909-396-2557 from 7 a.m. to 5:30 p.m. Tuesday through Friday, or send the request to [nvelasquez@aqmd.gov](mailto:nvelasquez@aqmd.gov).*



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
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Item 2

BOARD MEETING DATE: April 6, 2018

REPORT: Administrative Committee

SYNOPSIS: The Administrative Committee met March 9, 2018 and reviewed the proposed agenda for the April 6, 2018 Board meeting. The Committee also discussed various issues detailed in the Committee report. The next Administrative Committee meeting is April 13, 2018, at 10:00 a.m., in CC-8.

RECOMMENDED ACTION:  
Approve this report.

Dr. William A. Burke, Chair  
Administrative Committee

NV

**Attendance:**

[Will be inserted subsequent to the March 9, 2018 Administrative Committee meeting.]

**Administrative Committee Discussion Items:**

[Will be inserted subsequent to the March 9, 2018 Administrative Committee meeting.]

**Report on Board Member Travel Authorized by the Chairman at the March 9, 2018 Administrative Committee meeting:**

DATE	TRAVELER	DESTINATION	PURPOSE
April 25-27, 2018	Mayor Pro Tem Judith Mitchell	Sacramento, CA	Mayor Pro Tem Mitchell will attend the monthly CARB Board Meeting as the SCAQMD Board Representative.

3/2/2018 4:31 PM

Item 4

## **DRAFT**

### **MEETING, APRIL 6, 2018**

A meeting of the South Coast Air Quality Management District Board will be held at 9:00 a.m., in the Auditorium at SCAQMD Headquarters, 21865 Copley Drive, Diamond Bar, California.

The agenda and documents in the agenda packet will be made available upon request in appropriate alternative formats to assist persons with a disability. Disability-related accommodations will also be made available to allow participation in the Board meeting. Any accommodations must be requested as soon as practicable. Requests will be accommodated to the extent feasible. Please telephone the Clerk of the Boards Office at (909) 396-2500 from 7:00 a.m. to 5:30 p.m. Tuesday through Friday.

All documents (i) constituting non-exempt public records, (ii) relating to an item on the agenda, and (iii) having been distributed to at least a majority of the Governing Board after the agenda is posted, are available prior to the meeting for public review at the South Coast Air Quality Management District Clerk of the Boards Office, 21865 Copley Drive, Diamond Bar, CA 91765.

Please note: This is a draft agenda and is subject to change.

## **CALL TO ORDER**

- Pledge of Allegiance
- Opening Comments: William A. Burke, Ed.D., Chair  
Other Board Members  
Wayne Nastri, Executive Officer
- Presentation of Retirement Award to Phillip Hubbard III **Burke**

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Staff/Phone (909) 396-

## **CONSENT CALENDAR (Items 1 through XX)**

Note: Consent Calendar items held for discussion will be moved to Item No. XX

- 10111. Approve Minutes of March 2, 2018 Board Meeting **Garzaro/2500**
- 10113. Set Public Hearings May 4, 2018 to: **Nastri/3131**
- 10121. Set Public Hearing May 4, 2018 to Adopt Executive Officer's FY 2018-19 Proposed Goals and Priority Objectives, and Draft Budget; and Determine that Proposed Amendments to Regulation III – Fees Are Exempt from CEQA and Amend Regulation III **Nastri/3131**

The Executive Officer's Budget, Goals and Priority Objectives for FY 2018-19 have been developed. The Draft Budget includes implementation of the phased fee increase adopted by the Board on June 2, 2017 to continue cost recovery efforts and fund the SCAQMD FY 2018-19 Budget. In addition, staff is proposing amendments to Regulation III – Fees. The amendments include: 1) pursuant to Rule 320, an increase of most fees by 3.4% consistent with the Consumer Price Index; 2) new fees which are necessary to meet the requirements of recently adopted rules and state mandates; and 3) new or increased fees which are necessary to provide more specific cost recovery for other regulatory actions taken by the agency. Staff also recommends other proposed changes to Regulation III, which have no fee impact, but include clarifications, deletions, or corrections to existing rule language. The fee increases have been presented at a Budget Study Session, Budget Advisory Committee meeting and at two public consultation meetings in March and April with recommendations and comments provided to the Board. This action is to: 1) Adopt the Executive Officer's Budget, Goals and Priority Objectives for FY 2018-19; 2) Determine that the proposed amendments to Regulation III - Fees are exempt from the California Environmental Quality Act; and 3) Amend Regulation III. (Reviewed: Special Governing Board Meeting/Budget Study Session, April xx, 2018)

10048. **Set Public Hearing May 4, 2018 to Determine that Proposed Amendments to Rule 408 – Circumvention Is Exempt from CEQA and Amend Rule 408** **Nakamura/3105**

Proposed Amended Rule 408 would allow the use of equipment or techniques to mitigate nuisance odors that do not conceal emissions. The proposed amendment would also prohibit temporary alterations to normal business operations or equipment to dilute, suppress, or conceal detection during monitoring or testing. This action is to adopt the Resolution: 1) Determining that the proposed amendment of Rule 408 – Circumvention is exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 408 – Circumvention (Reviewed: Stationary Source Committee, March 16, 2018)

10099. **Set Public Hearing May 4, 2018 to Certify Final Environmental Assessment and Amend Rules 1146, 1146.1, 1146.2 and Adopt Rule 1100** **Fine/2239**

The adoption Resolution of the Final 2016 AQMP directed staff to achieve additional NOx emission reductions and to transition the RECLAIM program to a command-and-control regulatory structure as soon as practicable. Rules 1146, 1146.1 and 1146.2 represent the first set of landing rules that establish Best Available Retrofit Control Technology (BARCT) requirements that RECLAIM facilities with equipment applicable to these rules will be required to meet. The proposed amendments will facilitate the transition of the NOx RECLAIM program to a command-and-control regulatory structure. Proposed Rule 1100 - Implementation Schedule for NOx Facilities establishes the compliance schedule for facilities exiting the RECLAIM program. This action is to adopt the Resolution: 1) Certifying the Final Environmental Assessment for Proposed Amended Rules 1146 - Emissions of Oxides of Nitrogen from Industrial, Institutional and Commercial Boilers, Steam Generators, and Process Heaters; 1146.1 - Emissions of Oxides of Nitrogen from Small Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters; 1146.2 - Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters; and Proposed Rule 1100 - Implementation Schedule for NOx Facilities; 2) Amending Rules 1146, 1146.1, 1146.2; and 3) Adopting Rule 1100. (Reviewed: Stationary Source Committee, March 16, 2018)



9976. Set Public Hearing May 4, 2018 to Certify Final Environmental Assessment and Amend Rule 1469 – Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations

**Nakamura/3105**

Rule 1469 currently establishes requirements to control hexavalent chromium from electroplating and chromic acid anodizing operations. Proposed Amended Rule 1469 (PAR 1469) proposes new requirements for hexavalent chromium-containing tanks that are currently not regulated, building enclosures, housekeeping and best management practices, periodic source testing, and parameter monitoring of pollution control equipment. PAR 1469 includes provisions for a revised chemical fume suppressant certification process that further considers toxicity and exposure, and provisions to encourage the elimination of hexavalent chromium in Rule 1469 processes. Additional proposed amendments are incorporated to align Rule 1469 with the U.S. EPA National Emission Standards for Hazardous Air Pollutants for Chromium Electroplating. This action is to adopt the Resolution: 1) Certifying the Final Environmental Assessment for Proposed Amended Rule 1469 – Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations; and 2) Amending Rule 1469 – Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations. (Reviewed: Stationary Source Committee, November 17, 2017 and February 16, 2018)

**Budget/Fiscal Impact**

10119. Recognize and Transfer Funds, Execute and Amend Agreements for Installation and Maintenance of Air Filtration Systems, and Reimburse General Fund for Administrative Costs

**Miyasato/3249**

CARB is executing Supplemental Environmental Project (SEP) agreements with Western Power Sports, Inc., C.J.J. Farming, JEGS Foundation and Tesoro Companies, Inc., to install and maintain air filtration systems in the South Coast region, with SCAQMD acting as the SEP Implementer. These actions are to recognize up to \$551,875 into the Air Filtration Fund (75), transfer up to \$462,625 as a temporary loan from Clean Fuels Fund (31) to the Air Filtration Fund (75) for the SEP revenue not yet received and execute agreements with the four entities. These actions are to also execute one or more contracts with IQAir North America for installation of air filtration systems in an amount cumulatively not to exceed \$524,282, reimburse the General Fund for administrative costs up to \$27,593 and amend contract(s) with IQAir to provide funding from unspent administrative fees for the purchase of replacement filters. Finally, this action is to authorize the Executive Officer to execute or amend agreements with local school districts, providing access to schools for the purpose of implementing SEP agreements. (Reviewed: Technology Committee, March 16, 2018; Recommended for Approval)

10122. **Recognize Revenue and Execute Contract for Battery Electric Shuttle Bus Replacement Project and Reimburse General Fund for Administrative Costs** **Miyasato/3249**

In January 2018, U.S. EPA notified SCAQMD that two awards had been approved under a FY 2017 Targeted Air Shed Grant solicitation in the amount of \$3,184,875 each to replace diesel school buses with near-zero emission CNG buses and to replace diesel and gasoline airport shuttle buses with zero emission battery electric buses. Additionally, Phoenix Motorcars, an electric vehicle manufacturer, is committed to providing significant cost-share and securing additional funds from CARB's Hybrid and Zero Emission Truck and Bus Voucher Incentive Project to cofund the shuttle bus replacement project. This action is to recognize revenue up to \$6,369,750 from U.S. EPA into the Clean Fuels Program Fund (31). These actions are to also execute a contract with Phoenix Motorcars for battery electric shuttle bus replacements in an amount not to exceed \$3,122,426 and reimburse the General Fund for administrative costs up to \$62,449 to implement the shuttle bus replacement project. School bus replacement awards under the school bus replacement project will be considered by the Board separately. (Reviewed: Technology Committee, March 16, 2018; Recommended for Approval)

10110. **Execute Contracts to Conduct Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program in Environmental Justice Areas and Reimburse General Fund for Administrative Costs** **Minassian/2641**

At its October 6, 2017 meeting, the Board recognized \$2,477,250 from U.S. EPA's 2016 Targeted Air Shed Grant Program and issued a Program Announcement to solicit competitive bids from manufacturers and/or suppliers of commercial-grade, battery-electric lawn and garden equipment. This action is to execute contracts with qualified manufacturers and suppliers of commercial grade, electric lawn and garden equipment for participation in SCAQMD's electric lawn and garden incentive and exchange program in environmental justice areas in an amount not to exceed \$2,955,327, comprised of \$2,327,250 from the U.S. EPA Targeted Air Shed Grant in the Advanced Technology, Outreach and Education Fund (17) and \$628,077 from the Rule 2202 AQIP Special Revenue Fund (27). This action is to also authorize the Executive Officer to amend amounts awarded to each contractor based on the demand for the equipment that will be offered through this program. Finally, this action is to reimburse the General Fund for administrative costs up to \$150,000 for implementation of a commercial lawn and garden equipment program. (Reviewed: Technology Committee, March 16, 2018; Recommended for Approval)

10096. **Appropriate Funds and Execute Contract for Strategic Consulting Services** **Alatorre/3122**

Staff requires professional consulting services related to the implementation of the 2016 AQMP and related issues. This action is to appropriate funds from the General Fund Undesignated (Unassigned) Fund Balance and execute a contract with Double Nickel Advisors, LLC, for strategic advice regarding communication and messaging to stakeholders, the Legislature and the Governor's Administration in support of the 2016 AQMP, its required elements, and related issues. (Reviewed: Administrative Committee, February 9 and March 9, 2018; Recommended for Approval)

10106. Remove Various Fixed Assets from SCAQMD Inventory **Jain/2804**

SCAQMD Administrative Policies and Procedures No. 20 requires each organizational unit to review fixed assets for obsolescence and disposal every six months. This action is to approve removal of surplus equipment determined to be obsolete, non-operational and not worth repairing. (Reviewed: Administrative Committee, March 9, 2018; Recommended for Approval)

10035. Approve Contract Awards and Modification as Approved by MSRC **Pettis**

**Action Item/No Fiscal Impact**

10105. Appoint Members to Deferred Compensation Plan Committee **Olvera/2309**

SCAQMD sponsors an IRS-approved 457 deferred compensation program for its employees. The Deferred Compensation Plan Committee oversees the implementation of the program. Pursuant to the Committee Charter, the Board appoints new members to the Committee whenever vacancies occur. One member retired in February 2018; another member recently resigned. This action is to appoint General Counsel Bayron Gilchrist and Assistant Deputy Executive Officer Sujata Jain as successors to these members. (Reviewed: Administrative Committee, March 9, 2018; Recommended for Approval)

**Items XX through XX - Information Only/Receive and File**

10089. Legislative, Public Affairs, and Media Report **Alatorre/3122**

This report highlights the February 2018 outreach activities of the Legislative, Public Affairs and Media Office, which include: Environmental Justice Update, Community Events/Public Meeting, Business Assistance, Media Relations, and Outreach to Business, Federal, State and Local Government. (No Committee Review)

10114. Hearing Board Report **Prussack/2500**

This reports the actions taken by the Hearing Board during the period of February 1 through February 28, 2018. (No Committee Review)

10129. **Civil Filings and Civil Penalties Report** **Gilchrist/3459**
- This reports the monthly penalties from February 1 through February 28, 2018, and legal actions filed by the General Counsel's Office from February 1 through February 28, 2018. An Index of District Rules is attached with the penalty report. (Reviewed: Stationary Source Committee, March 16, 2018)
10115. **Lead Agency Projects and Environmental Documents Received by SCAQMD** **Nakamura/3105**
- This report provides, for the Board's consideration, a listing of CEQA documents received by the SCAQMD between February 1, 2018 and February 28, 2018, and those projects for which the SCAQMD is acting as lead agency pursuant to CEQA. (Reviewed: Mobile Source Committee, March 16, 2018)
10019. **Rule and Control Measure Forecast** **Fine/2239**
- This report highlights SCAQMD rulemaking activities and public workshops potentially scheduled for 2018. (No Committee Review)
10109. **Status Report on Major Ongoing and Upcoming Projects for Information Management** **Moskowitz/3329**
- Information Management is responsible for data systems management services in support of all SCAQMD operations. This action is to provide the monthly status report on major automation contracts and planned projects. (Reviewed: Administrative Committee, March 9, 2018)

XX. Items Deferred from Consent Calendar

**BOARD CALENDAR**

10053. **Administrative Committee (Receive & File)** **Chair: Burke** **Nastri/3131**
10087. **Legislative Committee** **Chair: Mitchell** **Alatorre/3122**
10069. **Mobile Source Committee (Receive & File)** **Chair: Parker** **Fine/2239**
10133. **Stationary Source Committee (Receive & File)** **Chair: Benoit** **Tisopoulos/3123**
9985. **Technology Committee (Receive & File)** **Chair: Buscaino** **Miyasato/3249**
10044. **Mobile Source Air Pollution Reduction Review Committee (Receive & File)** **Board Liaison: Benoit** **Minassian/2641**

10112. California Air Resources Board Monthly Report (Receive & File) Board Rep: Mitchell Garzaro/2500

**Staff Presentation/Board Discussion**

10095. Potential Strategies for Facility-Based Mobile Source Measures Adopted in Final 2016 AQMP (Continued from March 2, 2018 Board Meeting) Fine/2239

Following the commitment made in the 2016 AQMP, staff has conducted significant public outreach over the past year to identify potential voluntary and, if needed, regulatory emission reduction strategies for sources covered by Facility-Based Mobile Source Measures. After reviewing the feedback received during this process, staff has developed a recommended approach tailored to each of the five facility sectors including airports, marine ports, new and redevelopment projects, rail yards, and warehouses. This recommendation includes a spectrum of potential voluntary and regulatory approaches that show the most promise for achieving emission reductions. Any potential rule or agreements included in this approach would be subject to a full public process, including further public outreach, environmental and economic analysis, and subsequent Board consideration. This action is to seek Board direction for next steps in the development of Facility-Based Mobile Source Measures. (Reviewed: Mobile Source Committee, February 16, 2018)

**PUBLIC HEARINGS**

10118. Determine that Proposed Amendments to Rule 1178 – Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities and Rule 219 - Equipment Not Requiring a Written Permit Pursuant to Regulation II Are Exempt from CEQA; and Amend Rules 1178 and 219 Nakamura/3105

The proposed rule amendments to Rule 1178 will incorporate provisions that allow the use of a flexible enclosure for slotted guidepoles for petroleum storage tanks under certain conditions. Additionally, Rule 219 will be amended to exempt from permitting, slotted guidepoles that meet specific emission control configurations that are specified in PAR 1178. This action is to adopt the Resolution: 1) Determining that the proposed amendments to Rule 1178 – Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities and Rule 219 - Equipment Not Requiring a Written Permit Pursuant to Regulation II are exempt from the requirements of the California Environmental Quality Act; and 2) Amending Rule 1178 - Further Reductions of VOC Emissions from Storage Tanks at Petroleum Facilities and Rule 219 - Equipment Not Requiring a Written Permit Pursuant to Regulation II. (Reviewed: Stationary Source Committee, February 16, 2018)

**OTHER BUSINESS**

- 10131. Approve Amendment to Executive Management Agreement with General Counsel Olvera/2309

This action is to present an amendment of the executive management agreement with the General Counsel. Upon review of comparable terms for the Executive Officer, it is recommended that the provision relating to the application of the compensatory time policy for managers be removed, and that the General Counsel's salary be increased by an equivalent amount. (Reviewed: Administrative Committee, March 9, 2018; Recommended for Approval)

**PUBLIC COMMENT PERIOD** – (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3)

**BOARD MEMBER TRAVEL – (No Written Material)**

Board member travel reports have been filed with the Clerk of the Boards, and copies are available upon request.

**CLOSED SESSION - (No Written Material)**

Wiese/3460

**ADJOURNMENT**

**\*\*\*PUBLIC COMMENTS\*\*\***

Members of the public are afforded an opportunity to speak on any agenda item before consideration of that item. Please notify the Clerk of the Board, (909) 396-2500, if you wish to do so. All agendas are posted at SCAQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the meeting. At the end of the agenda, an opportunity is also provided for the public to speak on any subject within the SCAQMD's authority. Speakers will be limited to a total of three (3) minutes for the Consent Calendar and Board Calendar and three (3) minutes or less for other agenda items.

Note that on items listed on the Consent Calendar and the balance of the agenda any motion, including action, can be taken (consideration is not limited to listed recommended actions). Additional matters can be added and action taken by two-thirds vote, or in the case of an emergency, by a majority vote. Matters raised under the Public Comment Period may not be acted upon at that meeting other than as provided above.

Written comments will be accepted by the Board and made part of the record, provided 25 copies are presented to the Clerk of the Board. Electronic submittals to [cob@aqmd.gov](mailto:cob@aqmd.gov) of 10 pages or less including attachment, in MS WORD, PDF, plain or HTML format will also be accepted by the Board and made part of the record if received no later than 5:00 p.m., on the Tuesday prior to the Board meeting.

## ACRONYMS

AQ-SPEC = Air Quality Sensor Performance Evaluation Center	NESHAPS = National Emission Standards for Hazardous Air Pollutants
AQIP = Air Quality Investment Program	NGV = Natural Gas Vehicle
AQMP = Air Quality Management Plan	NOx = Oxides of Nitrogen
AVR = Average Vehicle Ridership	NSPS = New Source Performance Standards
BACT = Best Available Control Technology	NSR = New Source Review
Cal/EPA = California Environmental Protection Agency	OEHHA = Office of Environmental Health Hazard Assessment
CARB = California Air Resources Board	PAMS = Photochemical Assessment Monitoring Stations
CEMS = Continuous Emissions Monitoring Systems	PAR = Proposed Amended Rule
CEC = California Energy Commission	PEV = Plug-In Electric Vehicle
CEQA = California Environmental Quality Act	PHEV = Plug-In Hybrid Electric Vehicle
CE-CERT =College of Engineering-Center for Environmental Research and Technology	PM10 = Particulate Matter $\leq$ 10 microns
CNG = Compressed Natural Gas	PM2.5 = Particulate Matter $\leq$ 2.5 microns
CO = Carbon Monoxide	PR = Proposed Rule
CTG = Control Techniques Guideline	RECLAIM=Regional Clean Air Incentives Market
DOE = Department of Energy	RFP = Request for Proposals
EV = Electric Vehicle	RFQ = Request for Quotations
FY = Fiscal Year	SCAG = Southern California Association of Governments
GHG = Greenhouse Gas	SIP = State Implementation Plan
HRA = Health Risk Assessment	SOx = Oxides of Sulfur
LEV = Low Emission Vehicle	SOON = Surplus Off-Road Opt-In for NOx
LNG = Liquefied Natural Gas	SULEV = Super Ultra Low Emission Vehicle
MATES = Multiple Air Toxics Exposure Study	TCM = Transportation Control Measure
MOU = Memorandum of Understanding	ULEV = Ultra Low Emission Vehicle
MSERCs = Mobile Source Emission Reduction Credits	U.S. EPA = United States Environmental Protection Agency
MSRC = Mobile Source (Air Pollution Reduction) Review Committee	VOC = Volatile Organic Compound
NATTS =National Air Toxics Trends Station	ZEV = Zero Emission Vehicle

DRAFT

BOARD MEETING DATE: April 6, 2018

AGENDA NO.

REPORT: Status Report on Major Ongoing and Upcoming Projects for Information Management

SYNOPSIS: Information Management is responsible for data systems management services in support of all SCAQMD operations. This action is to provide the monthly status report on major automation contracts and planned projects.

COMMITTEE: Administrative, March 9, 2018; Reviewed

RECOMMENDED ACTION:  
Receive and file.

Wayne Nastri  
Executive Officer

RMM:MAH:OSM:agg

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**Background**

Information Management (IM) provides a wide range of information systems and services in support of all SCAQMD operations. IM's primary goal is to provide automated tools and systems to implement Board-approved rules and regulations, and to improve internal efficiencies. The annual Budget specifies projects planned during the fiscal year to develop, acquire, enhance, or maintain mission-critical information systems.

**Summary of Report**

The attached report identifies each of the major projects/contracts or purchases that are ongoing or expected to be initiated within the next six months. Information provided for each project includes a brief project description and the schedule associated with known major milestones (issue RFP/RFQ, execute contract, etc.).

**Attachment**

Information Management Status Report on Major Ongoing and Upcoming Projects During the Next Six Months



**ATTACHMENT**  
**April 6, 2018 Board Meeting**  
**Information Management Status Report on Major Ongoing and**  
**Upcoming Projects During the Next Six Months**

<b>Project</b>	<b>Brief Description</b>	<b>Budget</b>	<b>Completed Actions</b>	<b>Upcoming Milestones</b>
Website Evaluation & Improvements	Conduct a detailed review of the SCAQMD website to identify improvements/enhancements that can further site usability and implement items approved by Administrative Committee; improvements include new custom Calendar and changes to navigation and content organization	\$121,895	<ul style="list-style-type: none"> <li>• Deployed new website</li> <li>• Completed three months of site maintenance</li> </ul>	
Implementation of Enterprise Geographic Information System (EGIS)	Support accomplishment of the agency's mission through the effective and cost-efficient implementation of EGIS and related technologies	\$173,255	<ul style="list-style-type: none"> <li>• Board approved purchase of recommended hardware and software</li> <li>• Formed SCAQMD EGIS Governance/Working Group</li> <li>• Created EGIS Governance/Working Group Charter</li> <li>• Created agency-wide catalog of GIS software and staff resources</li> <li>• Developed prioritized project list and schedule</li> </ul>	<ul style="list-style-type: none"> <li>• Continue implementation of the nine prioritized EGIS projects</li> </ul>

<b>Project</b>	<b>Brief Description</b>	<b>Budget</b>	<b>Completed Actions</b>	<b>Upcoming Milestones</b>
Implementation of Enterprise Geographic Information System (EGIS) <i>(continued)</i>			<ul style="list-style-type: none"> <li>• Completed four of the nine prioritized EGIS projects: <ul style="list-style-type: none"> <li>○ EGIS Program Management</li> <li>○ System Installation, Configuration and Phasing Plan</li> <li>○ ESRI Software Installation, Configuration, Testing and Training</li> <li>○ Enterprise Geodatabase Implementation</li> </ul> </li> </ul>	
Permitting System Automation Phase 1	New Web application to automate the filing of all permit applications with immediate processing and issuance of permits for specific application types: Dry Cleaners (DC), Gas Stations (GS) and Automotive Spray Booths (ASB)	Phase 1 \$450,000  Phase 1.1 \$200,000	<ul style="list-style-type: none"> <li>• Phase 1 400A Form Filing and DC permit processing application complete and deployed to production</li> <li>• End of limited live assisted filing and full deployment of initial module</li> <li>• Phase 1.1 GS and ASB permit processing modules enhanced to support R1401 rule changes adopted in September 2017</li> </ul>	<ul style="list-style-type: none"> <li>• Full deployment of GS and ASB modules scheduled for April 2018</li> </ul>
Permitting System Automation Phase 2	Enhanced Web application to automate permit application process for Registration Equipment, IC Engines, and Vapor Recovery systems; and implement electronic permit folder and workflow for internal SCAQMD users	\$610,000	<ul style="list-style-type: none"> <li>• Phase 2 task order issued and awarded</li> <li>• Board letter for contract amendment and project approved at December 2017 Board Meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Start of Phase 2 development work scheduled for May 2018</li> </ul>

<b>Project</b>	<b>Brief Description</b>	<b>Budget</b>	<b>Completed Actions</b>	<b>Upcoming Milestones</b>
Information Technology Review	Secure independent firm to perform technology review to help determine opportunities for hardware, system, and software modernization	\$75,000	<ul style="list-style-type: none"> <li>• Work initiated September 2017</li> <li>• Presentation of Findings and Recommendations to Senior Management and Administrative Committee</li> <li>• Draft Findings report delivered</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation Planning</li> </ul>
Permit Application Status and Dashboard Statistics	New Web application to allow engineers to update intermediate status of applications; create dashboard display of status summary with link to FIND for external user review	\$100,000	<ul style="list-style-type: none"> <li>• Task order issued and awarded</li> <li>• Board letter for contract amendment and project approved at December Board Meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Start of detailed project planning</li> </ul>
Agenda Tracking System Replacement	Replace aging custom agenda tracking system with state-of-the-art, cost-effective Enterprise Content Management (ECM) system, which is fully integrated with OnBase, SCAQMD's agency-wide ECM system	\$86,600	<ul style="list-style-type: none"> <li>• Released RFP December 4, 2015</li> <li>• Awarded contract April 1, 2016</li> <li>• Continued parallel testing</li> <li>• Conducted survey of stakeholder satisfaction</li> </ul>	<ul style="list-style-type: none"> <li>• Revise project scope to include custom user interface</li> <li>• Develop plan and schedule for revised scope</li> </ul>
Air Quality Index Rewrite and Migration	Develop new Web Service and/or Web Application Program Interface to migrate Air Quality Index function from FORTRAN computer to STA's data management system	\$65,000	<ul style="list-style-type: none"> <li>• AQI Calculation Web Service and Hourly Update development work completed, staged and ready for deployment</li> <li>• Proposal for expanded scope for AQ-Spec</li> </ul>	<ul style="list-style-type: none"> <li>• Deployment pending final user buyoff</li> <li>• Task order approval and initiation of enhancement work</li> </ul>
Replace Your Ride	New Web application to allow residents to apply for incentives to purchase newer, less polluting vehicles	\$211,820	<ul style="list-style-type: none"> <li>• Phase 1 Applicant Filing and Case Manager processing module complete and deployed to production</li> <li>• User Acceptance Testing completed</li> </ul>	<ul style="list-style-type: none"> <li>• Phase 2 Finance and System Administration module deployment</li> </ul>

<b>Project</b>	<b>Brief Description</b>	<b>Budget</b>	<b>Completed Actions</b>	<b>Upcoming Milestones</b>
Fiber Cable Network Infrastructure Upgrade	Replace the existing fiber network cable infrastructure to support core computer networking (interconnect) in the agency; the Fiber Network Cable System will support higher bandwidth (min. 10 Gbps) from current (1 Gbps) to support increasing computing demands	\$311,202	<ul style="list-style-type: none"> <li>Released RFP November 3, 2017</li> <li>Awarded contract to Digital Networks Group, Inc.</li> </ul>	<ul style="list-style-type: none"> <li>Install fiber cable April 30, 2018</li> </ul>
Prequalify Vendor List for PCs, Network Hardware, etc.	Establish list of prequalified vendors to provide customer, network, and printer hardware and software, and to purchase desktop computer hardware upgrades	\$195,000	<ul style="list-style-type: none"> <li>Released RFQQ November 3, 2017</li> <li>Approved vendor list on February 2, 2018</li> </ul>	
Renewal of HP Server Maintenance & Support	Purchase of maintenance and support services for servers and storage devices	\$120,000	<ul style="list-style-type: none"> <li>HP server maintenance and support approved February 2, 2018</li> </ul>	<ul style="list-style-type: none"> <li>Execute contract April 6, 2018</li> </ul>
Legal Division New System Development	Develop new web-based case management system for Legal Division to replace existing JWorks System	\$500,000	<ul style="list-style-type: none"> <li>New system development for Legal Division approved March 2, 2018</li> </ul>	<ul style="list-style-type: none"> <li>Task order issuance, evaluation and award</li> </ul>

DRAFT

Item 7

BOARD MEETING DATE: April 6, 2018

AGENDA NO.

PROPOSAL: Appoint Members to Deferred Compensation Plan Committee

SYNOPSIS: SCAQMD sponsors an IRS-approved 457 deferred compensation program for its employees. The Deferred Compensation Plan Committee oversees the implementation of the program. Pursuant to the Committee Charter, the Board appoints new members to the Committee whenever vacancies occur. One member retired in February 2018 and another member recently resigned. This action is to appoint General Counsel Bayron Gilchrist and ADEO Sujata Jain as successors to these members.

COMMITTEE Administrative, March 9, 2018; Recommended for Approval

**RECOMMENDED ACTION:**

Appoint General Counsel, Bayron Gilchrist, and Assistant Deputy Executive Officer/Finance, Sujata Jain, to the Deferred Compensation Plan Committee effective April 6, 2018.

Wayne Nastri  
Executive Officer

AJO:mm

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**Background**

SCAQMD sponsors and administers a 457 deferred compensation program for its employees. State law governs the fiduciary requirement for the operation and investment of 457 plans sponsored by governmental entities. SCAQMD's Governing Board serves a fiduciary role subject to the duties and obligations under Article XVI, Section 17 of the California Constitution. To meet its fiduciary responsibilities, the Board, at the time it established SCAQMD's 457 Plan, also established a Deferred Compensation Plan Committee to oversee the administration of the Plan. On May 2, 2008, the Board approved the Deferred Compensation Plan Committee Charter, formalizing the fiduciary duties and responsibilities of the Committee.

The plan is administered by Massachusetts Mutual Life Insurance Company, a retirement services, asset management and insurance firm. In addition to the retirement plan administrator, SCAQMD utilizes an independent, third-party consulting firm, Benefit Financial Services Group (BFSG), to provide services to the Plan as a fiduciary under a Registered Investment Advisor agreement.

The four members of the Deferred Compensation Plan Committee were the Chief Administrative Officer, the Assistant Deputy Executive Officer/Administrative and Human Resources, the Human Resources Manager over employee benefits, and the General Counsel. Article 8.1 of the Committee Charter provides that whenever there is a vacancy on the Committee, the Board appoints successors. The former General Counsel, Kurt Wiese, retired from SCAQMD in February 2018, and Chief Administrative Officer Michael O'Kelly recently resigned his position.

**Proposal**

Appoint the new General Counsel, Bayron Gilchrist, and Assistant Deputy Executive Officer/Finance, Sujata Jain, to the Deferred Compensation Committee effective April 6, 2018 to replace the outgoing members of the Committee.

## Item 8

### DRAFT

BOARD MEETING DATE: April 6, 2018

AGENDA NO.

PROPOSAL: Remove Various Fixed Assets from SCAQMD Inventory

SYNOPSIS: SCAQMD Administrative Policies and Procedures No. 20 requires each organizational unit to review fixed assets for obsolescence and disposal every six months. This action is to approve removal of surplus equipment determined to be obsolete, non-operational and not worth repairing.

COMMITTEE: Administrative, March 9, 2018; Recommended for Approval

#### RECOMMENDED ACTION:

Declare the items on Attachment A as surplus and authorize removal of these items from the fixed assets inventory through donation, auction process, salvage, or dismantlement for parts.

Wayne Natri  
Executive Officer

SJ:SL:av

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#### **Background**

SCAQMD Administrative Policies and Procedures No. 20 established procedures for the approval, purchasing, tagging, physical inventory, and disposal of fixed assets. This policy requires the review of the fixed assets and controlled items for obsolescence and disposal every six months. The list of equipment appearing on Attachment A represents old, obsolete and non-operational equipment that could not be repaired. Equipment purchased with federal funds are being disposed of in accordance with applicable federal regulations.

#### **Proposal**

Staff is recommending that the assets on Attachment A, as in the past, be surplused through the surplus process and properly disposed. Equipment will be auctioned, donated or dismantled for parts.

**Resource Impacts**

The proposed action will have no significant impact on the General Fund, other than miscellaneous revenue from auction sales. The total original cost of the fixed assets in Attachment A was \$239,280.91 and was accounted for, fully depreciated, and reported in the annual audited financial statements.

**Attachment**

A. Obsolete or Non-repairable Equipment





Item 10

DRAFT

BOARD MEETING DATE: April 6, 2018

AGENDA NO.

PROPOSAL: Appropriate Funds and Execute Contract for Strategic Consulting Services

SYNOPSIS: Staff requires professional consulting services related to the implementation of the 2016 AQMP and related issues. This action is to appropriate funds from the General Fund Undesignated (Unassigned) Fund Balance and execute a contract with Double Nickel Advisors, LLC, for strategic advice regarding communication and messaging to stakeholders, the Legislature and the Governor's Administration in support of the 2016 AQMP, its required elements, and related issues.

COMMITTEE: Administrative, February 9 and March 9, 2018; Recommended for Approval

RECOMMENDED ACTIONS:

1. Appropriate \$120,000 from the General Fund Undesignated (Unassigned) Fund Balance to the Legislative, Public Affairs and Media Office's FY 2017-18 Budget, Services and Supplies Major Object, Professional and Special Services account; and
2. Authorize the Executive Officer to execute a contract with Double Nickel Advisors, LLC, in an amount not to exceed \$120,000 from the Legislative, Public Affairs and Media Office's FY 2017-18 Budget, Services and Supplies Major Object, Professional and Special Services account for strategic advice regarding communication and messaging to stakeholders, the Legislature and the Governor's Administration in support of the 2016 AQMP and its required elements.

Wayne Nastri  
Executive Officer

## **Background**

On March 3, 2017, the SCAQMD Board approved the 2016 AQMP (or Plan), which is a regional blueprint for achieving air quality standards and healthful air. The 2016 AQMP represents a new approach, focusing on feasible and cost effective regulations, while continuing to acknowledge the critical role of incentives to accelerate the pace of clean equipment deployment. The most effective way to reduce air pollution impacts on the health of our more than 16 million residents, including those in disproportionately impacted and environmental justice communities that are concentrated along our transportation corridors and goods movement facilities, is to reduce emissions from mobile sources, the principal contributor to our air quality challenges. For that reason, the SCAQMD has been and will continue to be closely engaged with CARB and U.S. EPA who have primary responsibility for these sources. The Plan recognizes the critical importance of working with other agencies to develop funding and other incentives that encourage the accelerated transition of vehicles and other polluting equipment to cleaner technologies in a manner that benefits more than air quality. The 2016 AQMP puts a priority on maximizing emission reductions utilizing zero emission technologies, wherever cost effective and feasible, and near-zero emission technologies in all other applications. Incentives are still critically important to achieve near-term attainment goals, and serve to accelerate the transition to zero and near-zero technologies.

State and federal agencies have primary authority over mobile sources, which contribute over 80 percent of the emissions in the South Coast basin. Regulations alone, however, even if imposed at all levels of government, will not allow this area to meet health-based air quality standards. Incentives totaling an estimated \$11 billion to \$14 billion, or about \$1 billion per year over the next 15 years, are still needed in order to achieve clean air goals. Potential sources of funding include but are not limited to: seeking potential new sources of funding through federal authorization and appropriations; prioritizing existing funding programs to maximize co-benefits of criteria pollutants and greenhouse gas emission reductions; enhancing existing funding sources, such as the federal Diesel Emission Reduction Act (DERA) program and the state's Carl Moyer program and other fees.

The incentive funding needs are significant, but represent approximately 0.1 percent of the region's annual GDP. Should the region fail to meet federally mandated clean air goals, U.S. EPA could impose sanctions far more onerous and costly to the Basin's residents and businesses than the proposed plan.

**Proposal**

In order to communicate, promote, and advance the state and regional actions necessary to achieve clean air goals, staff proposes to execute a contract with Double Nickel Advisors, LLC, in an amount not to exceed \$120,000 for strategic advice regarding communication and messaging to the stakeholders, the Legislature and the Governor's Administration in support of the 2016 AQMP and its required elements.

**Sole Source Justification**

Section VIII.B.2 of the Procurement Policy and Procedure identifies provisions by which the sole source award may be justified. This request for a sole source award is made under provision B.2.d: Other circumstances exist which in the determination of the Executive Officer requires such waiver in the best interest of the SCAQMD. Due to the firm's Principal being a former Speaker of the California Assembly, it has special and unique capabilities that will ensure the agencies communications and messaging to the California Legislature are the most effective to garner support for our funding needs for the AQMP.

**Resource Impacts**

Sufficient funding will exist for this contract upon the transfer of \$120,000 from the General Fund Undesignated (Unassigned) Fund Balance to the Legislative, Public Affairs and Media Office's FY 2017-18 Budget.



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

## LOCAL GOVERNMENT & SMALL BUSINESS ASSISTANCE ADVISORY GROUP FRIDAY, DECEMBER 8, 2017 MEETING MINUTES

### MEMBERS PRESENT:

Ben Benoit, Mayor Pro Tem, City of Wildomar and LGSBA Chairman  
Felipe Aguirre  
Rachelle Arizmendi, Mayor Pro Tempore, City of Sierra Madre  
Paul Avila, P.B.A. & Associates  
Geoffrey Blake, Metal Finishers of Southern California  
LaVaughn Daniel, DancoEN  
John DeWitt, JE DeWitt, Inc.  
Bill LaMarr, California Small Business Alliance  
Rita Loof, RadTech International  
Eddie Marquez, Paramount Petroleum  
David Rothbart, Los Angeles County Sanitation District

### MEMBERS ABSENT:

Janice Rutherford, Supervisor, Second District, San Bernardino County  
Todd Campbell, Clean Energy  
Maria Elena Kennedy, Kennedy Communications  
Cynthia Moran, Council Member, City of Chino Hills

### OTHERS PRESENT:

Ruthanne Taylor-Berger, Board Member Consultant (*Benoit*)  
David Czmanske, Board Member Consultant (*Cacciotti*)

### SCAQMD STAFF:

Derrick Alatorre, Deputy Executive Officer  
Fabian Wesson, Asst. Deputy Executive Officer/Public Advisor  
Nancy Feldman, Principal Deputy District Counsel  
Elaine-Joy Hills, AQ Inspector II  
Lori Langrell, Secretary  
De Groeneveld, Sr. Information Technology Specialist

### Agenda Item #1 - Call to Order/Opening Remarks

Chair Ben Benoit called the meeting to order at 12:03 p.m.

Mr. Paul Avila indicated he attended the December 2, 2017 Environmental Justice Conference, and asked about the overall outcome. Mr. Derrick Alatorre indicated the event was a success, although there were less attendees, and possibly the change of day/date may have been the cause of the lower

attendance. On a positive note, more school-aged children were able to attend as the event was not on a school day.

**Agenda Item #2 – Approval of November 9, 2017 Meeting Minutes/Review of Follow-Up/Action Items**

Chair Benoit called for approval of the November 9, 2017 meeting minutes. The minutes were approved unanimously.

**Agenda Item #3 – Follow Up/Action Items**

Mr. Alatorre indicated the request for a presentation on the AQMP facility modernization white paper would be presented to the group after the matter goes to the Board in 2018.

**Agenda Item #4 – Local Government & Small Business Assistance Advisory Group 2017 Accomplishments/2018 Goals & Objectives**

Mr. Alatorre presented the 2017 Accomplishments/2018 Goals & Objectives to the group for input and comments.

Mr. John DeWitt inquired about measuring actual results against real cost. Mr. David Rothbart further asked if the group could pick a rule, and look over what the predicted versus actual result was, for example, for Rule 1110.2. Mr. Bill LaMarr also indicated that he would like to be able to look back at a rule to see if the rule accomplished what it was set out to do. Ms. Nancy Feldman replied that it is difficult to determine and separate out the actual cost by the company. In most instances, a company will do multiple upgrades at once to save overall costs, and, therefore, makes it challenging to pinpoint the actual cost of the emission reduction equipment or new control technology. Mr. LaMarr suggested having some sort of focus group.

Ms. Rita Loof commented that after attending the Rule 1469 workshop, in the move away from toxic emissions, we should look at what we want to convert. The focus is on toxic emissions, and alternatives should be explored, such as financial assistance and incentives. We should look outside of just mobile sources, partner with the business community, and keep the economy in the basin. Ms. Loof suggested that perhaps we can focus on an approach, and outreach to the business community as well as the environmental justice community.

Mr. John DeWitt commented that we should place an emphasis on item 15, Assembly Bill 617, in the Goals and Objectives. Mr. Alatorre replied that this is the law, we must implement it, but at the same time, it is costly and we will be able to monitor two communities at a time, at the most. Mr. Rothbart further asked if there has been any feedback from CARB. Mr. Alatorre responded that staff conducts monthly calls with CARB so there is participation by them.

Mr. Paul Avila requested for a presentation on climate credits, a Cap & Trade 101.

Mr. Bill LaMarr asked that updates on Mates V be presented when appropriate.

**Agenda Item #5 –Monthly Report on Small Business Assistance Activities**

No comments.

**Agenda Item #6 - Other Business**

No other business.

**Agenda Item #7 - Public Comment**

No comments.

**Agenda Item #8 – Next Meeting Date**

The next regular Local Government & Small Business Assistance Advisory Group meeting is scheduled for Friday, January 12, 2018 at 11:30 a.m.

**Adjournment**

The meeting adjourned at 12:45 p.m.

Item 12

DRAFT

BOARD MEETING DATE: April 6, 2018

AGENDA NO.

PROPOSAL: Approve an Amendment to Executive Management Agreement with General Counsel

SYNOPSIS: This action is to present an amendment of the Executive Management Agreement with the General Counsel. Upon review of comparable terms for the Executive Officer, it is recommended that the provision relating to the application of the compensatory time policy for managers be removed, and that the General Counsel's salary be increased by an equivalent amount.

COMMITTEE: Administrative Committee, March 9, 2018; Recommended for Approval

RECOMMENDED ACTION:

Approve amendments to the Executive Management Agreement with the General Counsel to amend salary and benefit provisions, removing the application of compensatory time accrual and sell back provisions and adjusting the salary accordingly. Proposed amendments are shown in Attachment A.

Dr. William A. Burke  
Chairman

AJO:mm

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**Background**

On February 2, 2018, the Board appointed Bayron Gilchrist as General Counsel, and approved an Executive Management Agreement with Mr. Gilchrist, which sets forth the terms and conditions of his employment. The Agreement includes a provision allowing the General Counsel to earn compensatory time in the same manner and under the same conditions as SCAQMD management employees. In addition, the Agreement provides that the General Counsel may sell back up to 60 hours of compensatory time earned each year, and will be paid for the balance of any compensatory leave hours at the time of his termination. These provisions were in the Executive Management Agreement of the previous General Counsel, Kurt Wiese. At the February Board meeting, the issue was raised as to whether these provisions are consistent with other executive management



agreements and whether this compensatory time should instead be reflected as salary. In comparison, the Executive Officer's Executive Management Agreement includes a provision that specifically excludes him from the SCAQMD policy for compensatory time for overtime for management employees.

### **Proposal**

It is recommended that the provisions in the General Counsel's Executive Management Agreement, in relation to compensatory time, be made consistent with the same provisions for the Executive Officer. This proposal is to amend the Agreement with the General Counsel to exclude him from the SCAQMD policy for compensatory time for overtime for management employees. To offset this reduction in benefits, the salary is proposed to be increased by an amount equivalent to the sell back of 60 hours of compensatory time. Specifically, the General Counsel's base salary would be increased from \$202,684 to \$208,531. Proposed changes to the Executive Management Agreement with the General Counsel are reflected in Attachment A.

### **Resource Impacts**

The amendments are an offset of compensation provisions in the General Counsel's employment contract; there are minimal financial impacts.

### **Attachment**

Attachment A – Proposed Revisions to Executive Management Agreement with General Counsel

**ATTACHMENT A**  
**AMENDMENTS TO EXECUTIVE MANAGEMENT AGREEMENT**  
**GENERAL COUNSEL**

**EXECUTIVE MANAGEMENT AGREEMENT**  
**between**  
**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**  
**and**  
**GENERAL COUNSEL**

**I. TERMS OF AGREEMENT**

B. General Counsel shall initially receive a base salary of \$202,684. The term "base salary" shall not include any benefits that the General Counsel shall receive under the terms of this Agreement. The District Board may consider increases to the General Counsel's base salary based on his annual performance evaluation and as part of the District's annual budget process. Said annual salary shall be less federal and state taxes which are also applicable to other employees of the District and shall be payable every two weeks commencing on the first applicable payday following Board approval of this Agreement.

Effective April 6, 2018, General Counsel shall receive a base salary of \$208,531.  
Effective July 1, 2018, General Counsel shall receive a base salary increase of 2.75% (~~\$208,258~~\$214,265). Effective July 1, 2019, General Counsel shall receive a base salary increase of 2.75% (~~\$213,985~~\$220,158). Effective July 1, 2020, General Counsel shall receive a base salary increase of 2.75% (~~\$219,870~~\$226,212). The District Board will determine subsequent increases to the General Counsel's base salary, at the time and in the manner it deems appropriate.

D. The receipt of benefits customarily given to regular employees does not create a property interest for General Counsel in his job. General Counsel shall be entitled to receive the following additional fringe benefits during this Agreement based upon the conditions as set forth below. In no event shall the District's liability exceed the actual cost to the District of the benefits described herein.

11. Other.

f. Personal Time. Customarily, overtime is inherent in an executive manager's position. General Counsel will be accorded reasonable flexibility in absenting himself from the office for brief intervals, not to exceed one-half the General Counsel's assigned work day per occasion, if personal reasons so require. General Counsel will be granted compensatory, but not paid time, on an hour for hour basis, for five or more hours of overtime worked in a single day. Annual sell back of and termination pay for accrued compensatory time will be in accordance with the then current District policy for management employees, except that General Counsel may sell back up to 60 hours of accrued unused compensatory time per year. The District's policy as to compensatory time for overtime for management employees will not apply to the General Counsel.