



South Coast Air Quality Management District

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

SPECIAL MEETING OF THE ADMINISTRATIVE COMMITTEE

Committee Members

Dr. William A. Burke, Chair
Council Member Ben Benoit, Vice Chair
Mayor Judith Mitchell
Council Member Michael Cacciotti

**September 26, 2019 ♦ 10:00 a.m. ♦ Conference Room CC-8
21865 Copley Drive, Diamond Bar, CA 91765**

1970 Mandeville Canyon Road
Los Angeles, CA 90049

Rolling Hills Estates City Hall
4045 Palos Verdes Dr. North
Rolling Hills Estates, CA 90274

33492 Hillcrest Ct.
Wildomar, CA 92595

(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

Members of the public may address this body concerning any agenda item before or during consideration of that item (Gov't. Code Section 54854.3(a)). Please provide a Request to Address the Committee card to the Committee Secretary if you wish to address the Committee on an agenda item. If no cards are available, please notify South Coast AQMD staff or a Board Member of your desire to speak. All agendas for special meetings are posted at District Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 24 hours in advance of the special meeting. Speakers may be limited to three (3) minutes each.

CALL TO ORDER

ACTION ITEM

1. Appropriate Funds and Amend or Execute Contracts with Outside Counsel and Specialized Legal Counsel and Services
(Motion Requested)
This action is to appropriate \$450,000 from the General Fund Undesignated (Unassigned) Fund Balance to Legal's FY 2019-20 and/or FY 2020-21 Budgets and amend or execute contracts for legal counsel for specialized, environmental, and other litigation.

Bayron Gilchrist pgs. 1-2
General Counsel

OTHER MATTERS:

2. Public Comment

At a special meeting, no other business may be considered (Gov't Code Section 54956). Each speaker will be afforded three minutes to address the Committee on items on this agenda. (Gov't Code Section 54954.3).

3. **Next Meeting Date:** October 11, 2019 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 special 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 AQMD, 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 Special 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.

DRAFT

BOARD MEETING DATE: October 4, 2019

AGENDA NO. x

PROPOSAL: Appropriate Funds and Amend or Execute Contracts with Outside Counsel and Specialized Legal Counsel and Services

SYNOPSIS: This action is to appropriate \$450,000 from the General Fund Undesignated (Unassigned) Fund Balance to Legal's FY 2019-20 and/or FY 2020-21 Budgets and amend or execute contracts for legal counsel for specialized, environmental, and other litigation.

COMMITTEE: Special Administrative, September 26, 2019; Recommended for Approval

RECOMMENDED ACTIONS:

1. Appropriate \$450,000 from the General Fund Undesignated (Unassigned) Fund Balance to Legal's FY 2019-20 and/or FY 2020-21 Budgets, Services and Supplies Major Object, Professional and Special Services Account.
2. Authorize the Chairman or the Executive Officer, depending on whether the amount exceeds \$75,000, to amend or execute contracts with legal counsel handling existing matters, as well as prequalified counsel approved by the Board, and specialized legal counsel and services, as the need arises.

Wayne Natri
Executive Officer

BTG:lal

Background

The FY 2019-20 Adopted Budget includes \$246,001 for litigation expenses in environmental law and other cases and specialized legal counsel and services. The total amount currently allocated will not cover current and anticipated costs of legal counsel and specialized counsel and services.

South Coast AQMD will require an additional amount of up to \$450,000 for these services. Monies will be expended on lawsuits and legal proceedings, including an appeal in the Exide matter; drafting legislation and advising staff regarding the proposed ballot initiative to authorize a sales tax; the Anaplex case resulting from toxics monitoring in the Paramount area; defending on Appeal the challenge to South Coast AQMD's environmental analysis of the Tesoro Los Angeles Refinery Integration and

Compliance project; and potential litigation regarding EPA's recent actions. In the Tesoro case, Tesoro will reimburse the South Coast AQMD for attorney's fees and other costs once the case is completed. Accordingly, staff is requesting an appropriation of funds in the amount of \$450,000, for a total expected expenditure of \$696,001 this fiscal year.

Proposal

In order to defend ongoing litigation, and continue other legal work, it is necessary to appropriate additional funds for expenditures by outside counsel. It is expected that ongoing lawsuits and other legal work will require an additional \$450,000 for attorneys handling existing matters, prequalified counsel approved by the Board, and with specialized legal counsel and services, as the need arises.

Resource Impacts

Sufficient funds will be available in Legal's FY 2019-20 Budget upon approval of this Board letter. This action will bring the total amount of outside counsel costs approved by the Board in FY 2019-20 to \$696,001.