

BOARD MEETING DATE: May 4, 2018

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the April 6, 2018 meeting.

**RECOMMENDED ACTION:**

Approve Minutes of the April 6, 2018 Board Meeting.

Denise Garzaro  
Clerk of the Boards

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**FRIDAY, APRIL 6, 2018**

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was held at District Headquarters, 21865 Copley Drive, Diamond Bar, California. Members present:

Dr. Clark E. Parker, Sr., Vice Chairman  
Senate Rules Committee Appointee

Supervisor Marion Ashley (Left at 11:10 a.m.)  
County of Riverside

Council Member Joe Buscaino  
City of Los Angeles

Council Member Michael A. Cacciotti  
Cities of Los Angeles County – Eastern Region

Dr. Joseph K. Lyou  
Governor's Appointee

Mayor Larry McCallon  
Cities of San Bernardino County

Mayor Pro Tem Judith Mitchell  
Cities of Los Angeles County – Western Region

Council Member Dwight Robinson  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

Supervisor Hilda L. Solis  
County of Los Angeles

Members absent:

William A. Burke, Ed.D., Chairman  
Speaker of the Assembly Appointee

Mayor Ben Benoit,  
Cities of Riverside County

Supervisor Shawn Nelson  
County of Orange

**CALL TO ORDER:** Vice Chairman Parker called the meeting to order at 9:00 a.m.

- Pledge of Allegiance: Led by Mayor Pro Tem Mitchell.
- Opening Comments

Dr. Parker noted that Chairman Burke was not in attendance as he was ill.

Mayor McCallon explained that due to the absence of several Board members, he thought it would be appropriate to delay consideration of Items 18 and 23 to the May 4, 2018 Board meeting and moved that the items be continued. The motion was seconded by Supervisor Ashley.

Dr. Parker noted that a speaker from the firm that performed the public survey was scheduled to provide a presentation on the survey results and asked staff if the speaker could return at a future meeting for additional discussion.

Mr. Nastri noted that Chairman Burke, Mayor Benoit and Supervisor Nelson have been briefed about the findings and potential outcomes of the survey and the item before the Board is for discussion only. He noted that the speaker has indicated that he is available to present at a future meeting, if needed.

Mayor Pro Tem Mitchell recommended that the presentation on Item No. 18 proceed as planned in order to allow for Board member discussion. She asked if Mayor McCallon would consider separating the motion to consider Items 18 and 23 individually and clarified that the motion to continue Item 18 is related to the first item only (18A) concerning the Results of the Public Survey and Proposed Sales Tax Increase.

Mayor McCallon agreed to amend his motion to consider the continuance of Items 18 and 23 separately.

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**Staff Presentation/Board Discussion**

23. Potential Strategies for Facility Based Mobile Source Measures Adopted in Final 2016 AQMP (*Continued from March 2, 2018 Board Meeting for Board Deliberation and Action only*)

MAYOR MCCALLON MOVED TO CONTINUE AGENDA ITEM NO. 23 TO THE MAY 4, 2018 BOARD MEETING. THE MOTION WAS SECONDED BY SUPERVISOR ASHLEY AND CARRIED BY THE FOLLOWING VOTE:

AYES: Ashley, Buscaino, Cacciotti, Lyou, McCallon, Mitchell, Parker, Robinson, Rutherford and Solis

NOES: None

ABSENT: Benoit, Burke and Nelson

18. Legislative Committee

**Agenda Item**

**Recommendation**

Results of Public Survey Regarding Proposed Sales Tax Increase Proposal and Recommendation Regarding Potential Bill

To Full Board for Consideration

Mayor McCallon explained that his motion to continue is related to the first action item only.

MAYOR MCCALLON MOVED TO CONTINUE AGENDA ITEM NO. 18 RELATIVE TO THE RESULTS OF PUBLIC SURVEY REGARDING PROPOSED SALES TAX INCREASE PROPOSAL AND RECOMMENDATION REGARDING POTENTIAL BILL ONLY TO THE MAY 4, 2018 BOARD MEETING. THE MOTION WAS SECONDED BY SUPERVISOR ASHLEY AND FAILED BY THE FOLLOWING VOTE:

AYES: Ashley, McCallon, Robinson and Rutherford

NOES: Buscaino, Cacciotti, Lyou, Mitchell, Parker and Solis

ABSENT: Benoit, Burke and Nelson

- Opening Comments (Continued)

Council Member Cacciotti announced that he attended the San Gabriel Valley Council of Governments meeting on March 15, 2018 where a Ford Police hybrid vehicle was unveiled. He displayed photographs from the event, and also noted that he attended an event at Cal State Los Angeles highlighting the GM EcoCAR3 project, funded in part by SCAQMD where college students apply their

engineering and design skills to develop an alternative fueled police pursuit vehicle using a Chevrolet Camaro. He explained that the Mayor of Duarte, John Fasana, was present at the meeting and expressed concerns to him about the high levels of particulate matter present after fireworks displays on the 4<sup>th</sup> of July. He suggested addressing pollutants from fireworks and increasing public awareness of this issue.

- Presentation of Retirement Award to Phillip Hubbard III

Dr. Parker presented a retirement award to Phillip Hubbard III, in recognition of over 35 years of dedicated District service.

### **CONSENT CALENDAR**

1. Approve Minutes of March 2, 2018 Board Meeting
2. Set Public Hearing May 4, 2018 to Consider Adoption of and/or Amendments to SCAQMD Rules and Regulations:
  - A. 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
  - B. Determine that Proposed Amendments to Rule 408 – Circumvention Are Exempt from CEQA and Amend Rule 408

#### **Budget/Fiscal Impact**

3. Recognize and Transfer Funds, Execute and Amend Agreements for Installation and Maintenance of Air Filtration Systems, and Reimburse General Fund for Administrative Costs
4. Recognize Revenue to Replace School and Shuttle Buses and Execute Contract for Battery Electric Shuttle Bus Replacement Project and Reimburse General Fund for Administrative Costs
5. 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
6. Appropriate Funds and Execute Contract for Strategic Consulting Services

7. Remove Various Fixed Assets from SCAQMD Inventory
8. Approve Contract Awards and Amendments and Issue Solicitation Approved by MSRC

**Action Item/No Fiscal Impact**

9. Appoint Members to Deferred Compensation Plan Committee

**Items 10 through 15 – Information Only/Receive and File**

10. Legislative, Public Affairs and Media Report
11. Hearing Board Report
12. Civil Filings and Civil Penalties Report
13. Lead Agency Projects and Environmental Documents Received by SCAQMD
14. Rule and Control Measure Forecast
15. Status Report on Major Ongoing and Upcoming Projects for Information Management

Dr. Lyou announced his abstention on Item No. 3 because IQAir North America is a potential source of income to him.

Mayor Pro Tem Mitchell noted that she is a Board Member of the CARB which is involved with Item Nos. 3 and 5.

Mayor Benoit and Supervisor Ashley noted that they are members of the Riverside County Transportation Commission which is involved with Item No. 8.

Due to a number of requests to speak received on Consent Calendar items 2A, 4, 5, 6, 13, and 14, the vote on the Consent Calendar was deferred until after those comments were made.

16. Items Deferred from Consent Calendar

2. Set Public Hearing May 4, 2018 to Consider Adoption of and/or Amendments to SCAQMD Rules and Regulations:

- A. 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

Harvey Eder, Public Solar Power Coalition, noted that the priority goals and objectives should be developed to include solar technologies because of the cost savings and emission reduction benefits.

4. Recognize Revenue to Replace School and Shuttle Buses and Execute Contract for Battery Electric Shuttle Bus Replacement Project and Reimburse General Fund for Administrative Costs

Mr. Eder expressed support for contracts that include solar-electric buses.

5. 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

Mr. Eder expressed support for solar-powered electric lawn and garden equipment.

Council Member Cacciotti noted that the District recently received three million dollars in grant funding from U.S. EPA and asked staff to provide information on outreach efforts.

Dr. Matt Miyasato, DEO/Science and Technology Advancement, responded that the outreach has included contact with the local COGs and city governments including targeted email messages to parks and recreation centers. Staff is also exploring the possibility of public service announcements on local cable channels and radio advertisements in multiple languages, as well as requesting that the equipment vendors assist with outreach.

6. Appropriate Funds and Execute Contract for Strategic Consulting Services

Mr. Eder stressed the importance of contracts with consultants that support solar energy alternatives.

13. Lead Agency Projects and Environmental Documents Received by SCAQMD
14. Rule and Control Measure Forecast

For Item Nos. 13 and 14, Mr. Eder spoke in support of policies that support complete solar conversion.

MOVED BY BUSCAINO, SECONDED BY CACCIOTTI, AGENDA ITEMS 1 THROUGH 15 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Ashley, Buscaino, Cacciotti, Lyou (*except Item #3*), McCallon, Mitchell, Parker, Robinson, Rutherford and Solis

NOES: None

ABSTAIN: Lyou (*Item #3 only*)

ABSENT: Benoit, Burke and Nelson

### **BOARD CALENDAR**

17. Administrative Committee
18. Legislative Committee
19. Stationary Source Committee
20. Technology Committee
21. Mobile Source Air Pollution Reduction Review Committee
22. California Air Resources Board Monthly Report

Agenda Item No. 18 was withheld for comment and discussion.



18. Legislative Committee

Mr. Eder expressed support for legislative bills that support solar electric technologies and noted that SB 100 supports solar conversion and encouraged the Board to support the bill.

18. Legislative Committee

<b>Agenda Item</b>	<b>Recommendation</b>
Results of Public Survey Regarding Proposed Sales Tax Increase Proposal and Recommendation Regarding Potential Bill	To Full Board for Consideration

Denny Zane, Move LA, highlighted the success of the Carl Moyer Program in achieving emission reductions in the District and noted the importance of increased funding opportunities to support clean air efforts. He encouraged support for incentive programs for heavy-duty truck conversion and programs that address goods movement and alternative transportation options in the region. He urged the use of other revenue options to assist in achieving clean air goals and stated that the results of the public survey show an opportunity for greater clean air efforts.

Eli Lipman, Move LA, expressed concerns about the health effects of air pollution and noted that he resides near two of the busiest freeways in Los Angeles. He encouraged support for zero-and near zero-emission vehicles and alternative transit options within the region. He noted the importance of addressing regional issues related to air pollution such as goods movement, Metrolink and the Ports. He encouraged the use of a public process to allow input by all stakeholders.

Rick Sklarz, FM3 Research, presented a summary of key findings of the recent survey done for SCAQMD.

Mayor Pro Tem Mitchell expressed interest in the results showing that a majority of respondents did not know about the SCAQMD but they noted strong interest in funding air quality initiatives. She noted the importance of public outreach to allow for greater visibility and knowledge of the SCAQMD and asked staff to provide information about how other air districts conduct public outreach.

Mr. Nastri noted that the Bay Area AQMD spends roughly two million dollars annually on public outreach through media and advertising campaigns such as the "Spare the Air" program that educates residents about air pollution and encourages actions to improve air quality in the Bay Area, including increased use of public transportation during high pollution days. Advertising is focused within the Metro, BART and municipal transportation system to promote the agency and cleaner forms of transportation.

Mayor Pro Tem Mitchell expressed support for increased public outreach efforts and increased collaboration with regional transit agencies.

Dr. Lyou acknowledged the importance of surveying registered and non-registered voters and inquired if only registered voters were surveyed in the recent survey by FM3.

Mr. Sklarz responded that only registered voters in the District were surveyed and that generally, registered voters are more engaged with public and civic affairs and more likely to know about the SCAQMD.

Dr. Lyou noted the importance of knowing the opinions of registered voters before initiating a sales tax proposal and stressed the importance of increasing public awareness of air quality issues.

Mr. Nastri explained that staff has begun the process to release an RFP for a public relations and marketing firm with expertise in public awareness campaigns to assist in these efforts. He added that public input on how to best communicate with the public is brought up at many community meetings and one of the common suggestions is to work with schools and utilize social media.

Supervisor Solis noted that the survey showed that minority groups knew very little about the SCAQMD but had the highest concerns for air quality issues. She added that it is important to know what is important to the likely voters in the different demographic categories and inquired about the over sampling of African-Americans in the survey.

Mr. Sklarz responded that in order to provide a representative sample of registered voters, the African-American population was over sampled. The demographic make-up of registered voters for other represented ethnicities in the District was sufficient to provide statistically useful data.

Supervisor Solis commented on the need to increase public awareness and the importance of branding and promoting SCAQMD projects. It is also useful to seek information from other entities that have passed sales tax measures. She added that cultural competency is needed in order to better target outreach. She suggested partnering with public health agencies to provide greater awareness of health impacts associated with air pollution. She inquired about the communications budget for the District.

Mr. Nastri responded the budget for communications and outreach is included in individual programs rather than one overall account, so that can be hard to quantify.

Mayor McCallon inquired about how the survey was administered.

Mr. Sklarz responded that 574 interviews were conducted by phone and 916 interviews were completed online and that both methods were used in order to balance the sample population and provide proportional and representative information. There were approximately 65 questions on the survey but not all questions were asked of each individual respondent because of split sampling methods. In order to be included in the sample, the entire questionnaire needed to be completed.

Council Member Cacciotti commented on the former "Rideshare Thursday" campaign promoted by Metrolink and the lack of public support and knowledge about the campaign. He recommended outreach to ethnic and faith-based communities to raise public awareness of clean air issues.

Council Member Robinson noted that it is his understanding that a sales tax increase would likely need a two-thirds vote in order to be enacted. He commented that each individual bears responsibility for doing their part to clean the air because collectively we can make a difference. He agreed that there is a lack of awareness about the SCAQMD but noted that the focus should be on cleaning the air and not branding of the District. He noted that he does not support increased sales tax and explained that housing, homelessness and transportation improvements have a greater importance to voters.

Dr. Parker commented that the population growth in California since the 1950's has resulted in increased challenges in air pollution control, transportation and housing. He noted that progress has been made in cleaning the air but more needs to be done and more funding will be necessary in order to make further progress. He expressed the importance of allowing voters to decide whether they wish to increase the sales tax to fund programs to clean the air and concurred with fellow Board Members that reducing pollution is more important than branding the SCAQMD.

Mayor Pro Tem Mitchell suggested that the Legislative Committee work on these issues and have another Board discussion in a few months.

Dr. Lyou concurred with fellow Board Members about placing more attention on the product of clean air rather than branding the SCAQMD and expressed support for the item returning to Legislative Committee for further discussion. He acknowledged the challenges associated with raising revenue through sales tax, adding that a sales tax increase may be the only way to raise the funds necessary to reach clean air attainment goals.

Dr. Parker explained that the Legislative Committee report item relative to the Results of Public Survey Regarding Proposed Sales Tax Increase Proposal and Recommendation Regarding Potential Bill was received and filed.

MOVED BY MITCHELL, SECONDED BY ASHLEY, AGENDA ITEMS 17 THROUGH 22, APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, AND MSRC REPORTS, AND APPROVING THE FOLLOWING POSITIONS ON LEGISLATION, BY THE FOLLOWING VOTE:

AYES: Ashley, Buscaino, Cacciotti, Lyou, McCallon, Mitchell, Parker, Robinson, Rutherford and Solis

NOES: None

ABSENT: Benoit, Burke and Nelson

<b>Agenda Item</b>	<b>Recommendation</b>
AB 2548 (Friedman) Commute benefit policies: Los Angeles County Metropolitan Transportation Authority: South Coast Air Quality Management District	Oppose Unless Amended
AB 2008 (Salas) Income taxes: exclusion: Carl Moyer Memorial Air Quality Standards Attainment Programs grants	Support With Amendments
AB 2506 (Burke) State vehicle fleet: near-zero-emission vehicles	Support With Amendments

## **PUBLIC HEARING**

24. 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

Supervisor Ashley announced his abstention on Item No. 24 because of a financial interest in Chevron and left the room during the discussion of the item.

David DeBoer, Planning and Rules Manager, gave the staff presentation on Item No. 24.

The public hearing was opened, and there being no requests to speak, the public hearing was closed.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEM NO. 24 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 18-8 DETERMINING THAT THE PROPOSED AMENDMENTS TO RULE 1178 AND RULE 219 ARE EXEMPT FROM THE REQUIREMENTS OF CEQA AND 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, BY THE FOLLOWING VOTE:

AYES: Buscaino, Cacciotti, Lyou, McCallon, Mitchell, Parker, Robinson, Rutherford and Solis

NOES: None

ABSENT: Ashley, Benoit, Burke and Nelson

**OTHER BUSINESS**

- 25. Approve Amendment to Executive Management Agreement with General Counsel

John Olvera, Assistant DEO/Administrative and Human Resources, summarized the proposed amendment to the Executive Management Agreement with the General Counsel, which includes an increase to the base salary and noting that the amendment is comparable to the Executive Officer’s contract with regard to the payment for compensatory time off.

MOVED BY CACCIOTTI, SECONDED BY MCCALLON, AGENDA ITEM NO. 25 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Buscaino, Cacciotti, Lyou, McCallon, Mitchell, Parker, Robinson, Rutherford and Solis

NOES: None

ABSENT: Ashley, Benoit, Burke and Nelson

26. Approve Three-Year Labor Agreement with SCAQMD Professional Employees Association

Mr. Olvera summarized the proposed three-year labor agreement with the SCAQMD Professional Employees association.

MOVED BY SOLIS, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 26 APPROVED, AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Buscaino, Cacciotti, Lyou, McCallon, Mitchell, Parker, Robinson, Rutherford and Solis

NOES: None

ABSENT: Ashley, Benoit, Burke and Nelson

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

Mr. Eder expressed concerns about his litigation against the District and CARB.

Barbara Baird, Chief Deputy Counsel, responded that the District has filed along with the California State Attorney General's office, a demurrer challenging the sufficiency of the complaint because this Clean Air Act case can only be heard in Federal Court.

Dr. Parker recommended that Mr. Eder direct his concerns regarding litigation to the District Counsel.

**CLOSED SESSION**

The Board recessed to closed session at 11:25 a.m., pursuant to Government Code sections:

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

- 54956.9(a) and 54956.9(d)(1) to confer with its counsel regarding pending litigation which has been initiated formally and to which the SCAQMD is a party. The action is:

SCAQMD v. EPA, U.S. Court of Appeals, D.C. Circuit, Case No. 15-1115 (consolidated with 15-1123, Sierra Club, et al. v. EPA) (Out-of-Area RFP Ozone).

CONFERENCE WITH LEGAL COUNSEL – INITIATING LITIGATION

- 54956.9(a) and 54956.9(d)(4) to consider initiation of litigation (two cases).

Following closed session, Mr. Gilchrist announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board's office and made available to the public upon request.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Mr. Gilchrist at 11:40 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on April 6, 2018.

Respectfully Submitted,

Denise Garzaro  
Clerk of the Boards

Date Minutes Approved: \_\_\_\_\_

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Dr. William A. Burke, Chairman

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**ACRONYMS**

CARB = California Air Resources Board  
CEQA = California Environmental Quality Act  
COG = Council of Governments  
FY = Fiscal Year  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
PM = Particulate Matter  
RFP = Request for Proposals  
U.S. EPA = United States Environmental Protection Agency  
VOC = Volatile Organic Compound