

BOARD MEETING DATE: May 6, 2022

AGENDA NO. 11

PROPOSAL: Appoint Members to South Coast AQMD Hearing Board

SYNOPSIS: The terms of office for the two Hearing Board Public Members and the Medical Member, as well as their alternates, expire on June 30, 2022. In November 2021, a recruitment was opened to seek candidates for the new terms, July 1, 2022 through June 30, 2025. As required by state law, an Advisory Committee (Hearing Board Advisory Committee) appointed by five members of the Governing Board reviewed and ranked the applicants. On March 16, 2022, the Hearing Board Advisory Committee recommended the five top-scoring Public Member candidates and the two Medical Member candidates for interviews. The Administrative Committee interviewed the candidates at its meeting on April 8, 2022 and made final recommendations.

COMMITTEE: Administrative, April 8, 2022; Recommended for Approval

**RECOMMENDED ACTION:**

1. Reappoint Dr. Allan Bernstein as Medical Member and appoint Dr. Wayne Chen as the Alternate Medical Member to the South Coast AQMD Hearing Board for the term beginning July 1, 2022 and ending June 30, 2025; and
2. Reappoint Cynthia Verdugo-Peralta and appoint Micah Ali as Public Members; and reappoint Robert Copeland and appoint Steven Samaniego as Alternate Public Members to the South Coast AQMD Hearing Board for the term beginning July 1, 2022 and ending June 30, 2025:

Wayne Natri  
Executive Officer

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**Background**

The Hearing Board is a quasi-judicial body that is appointed by, but acts independently of, the Governing Board to provide relief from South Coast AQMD rules and regulations if specific findings are demonstrated. Pursuant to California Health and Safety Code Section 40501.1, the Governing Board appoints five members to the

Hearing Board: one attorney member, one engineer member, one medical doctor and two public members. Hearing Board members serve terms of three years each and the terms are staggered to provide continuity.

The current terms for the two public members and the medical member expire on June 30, 2022. A recruitment was opened from November 16, 2021 to January 14, 2022 to seek candidates for the new term effective July 1, 2022 through June 30, 2025.

At the closing of the filing deadline, there were nine applications received for the Public Member positions and only one candidate for the medical member position. The filing deadline for the Medical Member position was extended to March 11, 2022 to seek additional candidates; only one additional application was received by the deadline.

The positions were promoted on several job boards, social media platforms, and employment websites, including various health associations and local public health departments. Additionally, dear colleague letters were sent to various medical and health associations to promote the medical member position.

Section 40501.1(b) states that in the recruitment of Hearing Board members, an advisory committee appointed by five members of the Governing Board shall be responsible to review and make recommendations to the appropriate Governing Board committee<sup>1</sup>, which in turn will forward its recommendations to the full Governing Board. The Hearing Board Advisory Committee (Advisory Committee) is composed of one representative appointed by each of the Governing Board members representing the Counties of Los Angeles, Orange, Riverside, and San Bernardino, and the City of Los Angeles; members are appointed for one-year terms. The Advisory Committee members for this recruitment are listed below.

Member	Representing
Lucy Dunn President & CEO, Orange County Business Council	County of Orange
Rodolfo Gutierrez RG2 Staffing	County of Riverside
Loraine Lundquist South Coast AQMD Governing Board Consultant	County of Los Angeles
Ray Regalado Los Angeles County Commission on Human Relations (Retired January 2022)	City of Los Angeles
Dr. William Sterling President & CEO, BCM Group	County of San Bernardino

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<sup>1</sup> The Governing Board's Administrative Committee is charged with this responsibility.

The Advisory Committee reviewed and scored applicants, based on a set of criteria they reviewed and approved. At the request of the Advisory Committee, a three-member panel of South Coast AQMD executive management staff also evaluated and scored the candidates, which the Advisory Committee used to cross reference against their individual scores. Of the three South Coast AQMD staff panelists, one is African American and two are Hispanic. The South Coast AQMD staff panelists included one female and two males.

On March 16, 2022, the Hearing Board Advisory Committee met to discuss the overall scores and rankings of the candidates. There were nine qualified candidates for the Public Member positions. The Advisory Committee agreed to recommend that the five top-scoring candidates move forward to the Administrative Committee for interviews. Since there were only two applicants for the Medical Member position, the Advisory Committee did not score/rank the two candidates and deemed both qualified for interviews with the Administrative Committee. The candidates are listed below in alphabetical order.

<b>Public Member Candidates</b>	<b>Medical Member Candidates</b>
*Micah Ali	*Allan Bernstein
*Robert Copeland	Wayne Chen
Steven Samaniego	
Catherine Showalter	
*Cynthia Verdugo-Peralta	
*Current Hearing Board Member or Alternate Member. The current Alternate Medical Member did not seek reappointment and one of the public members resigned effective December 31, 2021, therefore that position has been vacant.	

### **Proposal**

After interviewing the five public member candidates and two medical member candidates on April 8, 2022, the Administrative Committee recommends the following appointments/reappointments to the South Coast AQMD Hearing Board for the term commencing July 1, 2022, ending June 30, 2025:

Dr. Allan Bernstein, Medical Member	Dr. Wayne Chen, Alternate Medical Member
Cynthia Verdugo-Peralta, Public Member	Robert Copeland, Alternate Public Member
Micah Ali, Public Member	Steven Samaniego, Alternate Public Member

Subsequent to the Administrative Committee's recommendation, the recommended appointees were contacted, and each confirmed their willingness to serve. Summaries of the recommended appointees qualifications are as follows.

### **Medical Member**

**Allan Bernstein, DPM, MBA** is a physician specializing in reconstructive foot and ankle surgery. Dr. Bernstein has been in private practice in Orange County since 1984. Dr. Bernstein holds a BA from Boston University, MBA from the Healthcare Executive Program at the University of California, Irvine and received his DPM from the New York College of Podiatric Medicine. He also works as a Consultant in Healthcare and Government/ Public Affairs. He previously served on the City Council of Tustin and served two terms as Mayor. During his tenure he served on a number of committees with an environmental focus, including the Orange County Local Agency Formation Committee, Southern California Water Coalition, Orange County Sanitation, President of the Orange County Mosquito and Vector Control Board, and Chair of the Environmental Quality Committee for the League of California Cities. He is an award-winning author and lecturer.

### **Alternate Medical Member**

**Dr. Wayne Chen** is a first-generation Chinese American immigrant from Taiwan who has lived in Southern California for over 40 years and received his undergraduate and medical school educations from Caltech and the University of Southern California, respectively. He is a Family Practice, Internal Medicine and Geriatrician physician by training and has served as faculty educating the next generation of healthcare professionals at two local prestigious universities for over 10 years, while managing a physician homecare program for homebound seniors throughout Southern California. Over the past 10 plus years, Dr. Chen has served as a physician executive for a global healthcare organization with an annual revenue of \$1 billion in 40 countries, was an advisor to the Centers of Medicaid and Medicare Services (MEDCAC), serves on the board of a behavioral health organization for children, in addition to managing population health and quality at three California-based health plans with a combined membership of five million. Dr. Chen has also been a speaker for the Alzheimer's Association to increase community awareness about the identification and treatment of dementia. He has dedicated his career to the treatment of those living with chronic conditions of all ages.

### **Public Members**

**Cynthia Verdugo-Peralta** has over 25 years of experience in air quality/air pollution control, rulemaking, Environmental Justice and Small Business issues, specifically with the South Coast AQMD. She served on several South Coast AQMD technical committees and advisory groups before being appointed to the Governing Board, becoming the first Hispanic as the Governor's Appointee. She served two terms, representing both Governors Davis and Schwarzenegger. During her tenure, she Chaired and was Vice-Chair for several South Coast AQMD Advisory Groups. She also

worked on South Coast AQMD's historic "Fleet Rules," concentrating on the School Bus Rule. She represented the South Coast AQMD on several Fuel Cell and Hydrogen Advisory Groups, including the Governor's Hydrogen Highway. Ms. Verdugo-Peralta returned to the South Coast AQMD in 2016, as a Hearing Board alternate. In 2019, she was appointed as the Public Member and was elected Chair in 2021. With this appointment, Ms. Verdugo-Peralta becomes the first person to serve on both the South Coast AQMD's Governing Board and Hearing Board. Ms. Verdugo-Peralta is the recipient of the South Coast AQMD's prestigious Clean Air Award for Citizen Promotion of Good Environmental Stewardship, as well as other clean transportation awards. Ms. Verdugo-Peralta has served on several boards and commissions, including as President of the Asthma and Allergy Foundation of America. Ms. Verdugo-Peralta also possesses over 30 years of utility industry experience. Her educational background includes attending Cal State University, Long Beach, majoring in English and the University of La Verne, majoring in Public Administration and Organizational Management. Ms. Verdugo-Peralta is a native Californian and has lived and worked in each of South Coast AQMD's four counties. She continues to strive for a balance between air pollution control, the need for a robust economy, and an advocate for new, clean and more efficient technologies. She and her husband, Art Peralta, a retired Forester for Southern California Edison, have two adult children and six grandchildren. They live in the beautiful wine country of Temecula.

**Micah Ali** is a public advocate and community leader who has championed students, working families, and urban communities since 2007 on the Compton Unified School District Board of Trustees. His record of public service and community engagement includes serving as the national Chair of the Council of Urban Boards of Education, national Chair-elect of the National Black Council of School Board Members, Founder of the California Association of Black School Educators, and Senate appointee to California's Racial and Identity Profiling Advisory Board. His environmental justice work includes serving as President of the Compton Creek Mosquito Abatement District, a Member of the South Coast Air Quality Management District's Environmental Justice Working Group, and a member of the Friends of Ballona Wetlands Board of Directors. Mr. Ali is the longest-serving President in the history of the Compton Unified School District and a proud graduate of Loyola Marymount University.

### **Alternate Public Members**

**Robert Copeland** was appointed to the Hearing Board as an Alternate Public Member in June 2012, to fill an unexpired term, and reappointed in 2013, 2016, and 2019. He has been an environmental engineer with The Boeing Company since 1998, including eight years as a Senior Manager in the Environment, Health and Safety organization. Currently, he is leading the company's global strategy for chemical transportation compliance. Outside of work, Mr. Copeland has taken an active role in promoting

environmental stewardship in his community, and was appointed by the Signal Hill City Council to serve as the chairperson of the City's Sustainability Committee in 2008. He first served as an elected official as City Clerk from 2014 to 2017. In 2017, he was elected to the Signal Hill City Council, was appointed to serve as the Mayor in March of 2020, and was re-elected to city council in December 2020. Mr. Copeland holds a B.S. in Chemistry from the University of California, Los Angeles, an MBA from Pepperdine University, Malibu, California, and a Juris Doctorate from Southwestern University School of Law, Los Angeles, California.

**Steven Samaniego** has many years of experience in the environmental regulatory field working for the Riverside County Environmental Health Department and the City of West Covina Environmental programs dealing and coordinating with various Federal, state and local environmental agencies. He is a Registered Environmental Health Specialist, specializing in the field of solid waste management. Mr. Samaniego currently serves as a Commissioner to the Los Angeles County Board of Supervisors as a Local Enforcement Agency Hearing Officer for the Los Angeles County Environmental Health Waste Management program. Mr. Samaniego also serves as a Commissioner to the Los Angeles City Council as a Local Enforcement Agency Hearing Officer for the Sunshine Canyon landfill.

### **Fiscal Impacts**

Sufficient funds are budgeted each year to compensate those who serve on the Hearing Board.