

**ASSEMBLY BILL**

**No. 391**

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**Introduced by Assembly Member Lieu**  
(Principal coauthor: Senator Oropeza)

February 15, 2007

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An act to amend Section 40420 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 391, as introduced, Lieu. Air quality: South Coast Air Quality Management District: board membership.

(1) Existing law, the Lewis-Presley Air Quality Management Act, establishes the South Coast Air Quality Management District, in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the South Coast Air Basin, as the sole and exclusive local agency with the responsibility for comprehensive air pollution control within that basin. Existing law requires the south coast district to be governed by a district board consisting of 12 members, including 3 members appointed, one each, by the city selection committees of Orange, Riverside, and San Bernardino Counties, one member appointed by cities in the western region of the County of Los Angeles, and one member appointed by the cities in the eastern region of the County of Los Angeles. Under existing law, the specified cities in the western and eastern regions of Los Angeles County are required to organize a city selection committee, one per region, and hold a public meeting to determine the appointment from each region. Existing law prescribes the cities, including Los Angeles, that comprise the western region of the County of Los Angeles, and provides that those cities not

included in the western region are deemed to constitute the eastern region for the purpose of appointing members to the district board.

This bill would increase the number of members on the south coast district board from 12 to 13 by adding one new member appointed by the Mayor of the City of Los Angeles from the members of the city council of the City of Los Angeles. The bill would add the Cities of Calabasas and Malibu to, and exclude Los Angeles from, the list of cities included in the western region of the County of Los Angeles. Because the bill would impose additional duties on cities within the south coast district, this bill would establish a state-mandated local program.

The bill would require, under specified circumstances, the board member appointed by the city selection committee of the western region of Los Angeles County to instead be deemed to be the member appointed to the board by the Mayor of the City of Los Angeles, and that after January 1, 2008, a new member be appointed from the western region, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 40420 of the Health and Safety Code, as  
2 added by Section 2 of Chapter 686 of the Statutes of 2003, is  
3 amended to read:  
4 40420. (a) The south coast district shall be governed by a  
5 district board consisting of ~~12~~ 13 members appointed as follows:  
6 (1) One member appointed by the Governor, with the advice  
7 and consent of the Senate.  
8 (2) One member appointed by the Senate Committee on Rules.  
9 (3) One member appointed by the Speaker of the Assembly.  
10 (4) Four members appointed by the boards of supervisors of the  
11 counties in the south coast district. Each board of supervisors shall  
12 appoint one of these members, who shall be one of the following:

1 (A) A member of the board of supervisors of the county making  
2 the appointment.

3 (B) A mayor or member of a city council from a city in the  
4 portion of the county making the appointment that is included in  
5 the south coast district.

6 (5) Three members appointed by cities in the south coast district.  
7 The city selection committees of Orange, Riverside, and San  
8 Bernardino Counties shall each appoint one of these members,  
9 who shall be either a mayor or a member of the city council of a  
10 city in the portion of the county included in the south coast district.

11 (6) A member appointed by the cities of the western region of  
12 Los Angeles County, consisting of the Cities of Agoura Hills,  
13 Avalon, Beverly Hills, *Calabasas*, Carson, Compton, Culver City,  
14 El Segundo, Gardena, Hawthorne, Hermosa Beach, Hidden Hills,  
15 Inglewood, Lawndale, Lomita, ~~Los Angeles~~, *Malibu*, Manhattan  
16 Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo  
17 Beach, Rolling Hills, Rolling Hills Estates, Santa Monica,  
18 Torrance, West Hollywood, and Westlake Village. These cities  
19 shall organize as a city selection committee for the purposes of  
20 subdivision (f), *and shall be known as the city selection committee*  
21 *of the western region of Los Angeles County*. The member  
22 appointed shall be either a mayor or a member of the city council  
23 of a city in the western region.

24 (7) A member appointed by the cities of the eastern region of  
25 Los Angeles County, consisting of the cities in Los Angeles County  
26 that are not listed in paragraph (6) *or* (8). These cities shall organize  
27 as a city selection committee for the purposes of subdivision (f),  
28 *and shall be known as the city selection committee of the eastern*  
29 *region of Los Angeles County*. The member appointed shall be  
30 either a mayor or a member of the city council of a city in the  
31 eastern region.

32 (8) *A member appointed by the Mayor of the City of Los Angeles*  
33 *from among the members of the Los Angeles City Council.*

34 (b) All members shall be appointed on the basis of their  
35 demonstrated interest and proven ability in the field of air pollution  
36 control and their understanding of the needs of the general public  
37 in connection with air pollution problems of the South Coast Air  
38 Basin.

39 (c) The member appointed by the Governor shall be either a  
40 physician who has training and experience in the health effects of

1 air pollution, an environmental engineer, a chemist, a  
2 meteorologist, or a specialist in air pollution control.

3 (d) Each member shall be appointed on the basis of his or her  
4 ability to attend substantially all meetings of the south coast district  
5 board, to discharge all duties and responsibilities of a member of  
6 the south coast district board on a regular basis, and to participate  
7 actively in the affairs of the south coast district. No member may  
8 designate an alternate for any purpose or otherwise be represented  
9 by another in his or her capacity as a member of the south coast  
10 district board.

11 (e) Each appointment by a board of supervisors shall be  
12 considered and acted on at a duly noticed, regularly scheduled  
13 hearing of the board of supervisors, which shall provide an  
14 opportunity for testimony on the qualifications of the candidates  
15 for appointment.

16 (f) The appointments by cities in the south coast district shall  
17 be considered and acted on at a duly noticed meeting of the  
18 applicable city selection committee, which shall meet in a  
19 government building and provide an opportunity for testimony on  
20 the qualifications of the candidates for appointment. Each  
21 appointment shall be made by not less than a majority of all the  
22 cities in the portion of the county included in the south coast district  
23 having not less than a majority of the population of all the cities  
24 in the portion of the county included in the south coast district.  
25 Population shall be determined on the basis of the most recent  
26 verifiable census data developed by the Department of Finance.  
27 Persons residing in unincorporated areas or areas of a county  
28 outside the south coast district shall not be considered for the  
29 purposes of this subdivision.

30 (g) The members appointed by the Senate Committee on Rules  
31 and the Speaker of the Assembly shall have one or more of the  
32 qualifications specified in subdivision (c) or shall be a public  
33 member. None of those appointed members may be a locally  
34 elected official.

35 (h) All members shall be residents of the district.

36 ~~(i) This section shall become operative on January 1, 2006.~~

37 SEC. 2. (a) Notwithstanding any other provision of law, the  
38 person who is the member of the board of the South Coast Air  
39 Quality Management District who was last appointed to the board  
40 by the city selection committee of the western region of Los

1 Angeles County pursuant to paragraph (6) of subdivision (a) of  
2 Section 40420 of the Health and Safety Code prior to June 30,  
3 2006, shall instead be deemed to be the member appointed to the  
4 board pursuant to paragraph (8) of subdivision (a) of Section 40420  
5 of the Health and Safety Code for a term that expires on January  
6 1, 2012. If that person ceases to be a member of the Los Angeles  
7 City Council, that person also shall cease to be a member of the  
8 board and the Mayor of the City of Los Angeles shall appoint a  
9 new member pursuant to paragraph (8) of subdivision (a) of Section  
10 40420 of the Health and Safety Code.

11 (b) Notwithstanding any other provision of law, the city selection  
12 committee of the western region of Los Angeles County shall  
13 convene promptly after January 1, 2008, to appoint a member to  
14 the board of the South Coast Air Quality Management District  
15 pursuant to paragraph (6) of subdivision (a) of Section 40420 of  
16 the Health and Safety Code, for a term that expires on January 1,  
17 2011.

18 SEC. 3. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 a local agency or school district has the authority to levy service  
21 charges, fees, or assessments sufficient to pay for the program or  
22 level of service mandated by this act, within the meaning of Section  
23 17556 of the Government Code.

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