

BOARD MEETING DATE: September 9, 2011

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the July 8, 2011 meeting.

RECOMMENDED ACTION:

Approve Minutes of the July 8, 2011 Board Meeting.

Sandra McDaniel,
Clerk of the Boards

dp

FRIDAY, JULY 8, 2011

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:

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

Mayor Dennis R. Yates, Vice Chairman
Cities of San Bernardino County

Mayor Michael D. Antonovich (arrived at 9:15 a.m.)
County of Los Angeles

Supervisor John J. Benoit
County of Riverside

Mayor Pro Tem Michael A. Cacciotti
Cities of Los Angeles County – Eastern Region

Ms. Jane W. Carney
Senate Rules Committee Appointee

Supervisor Josie Gonzales
County of San Bernardino

Dr. Joseph K. Lyou
Governor's Appointee

Councilmember Judith Mitchell
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson
County of Orange

Mayor Miguel A. Pulido
Cities of Orange County

Members Absent:

Mayor Ronald O. Loveridge
Cities of Riverside County

Councilmember Jan Perry
City of Los Angeles

CALL TO ORDER: Chairman Burke called the meeting to order at 9:10 a.m.

- Pledge of Allegiance: Led by Supervisor Nelson
- Opening Comments

Dr. Lyou. Reported that he attended a Joint Meeting of the Ports of Los Angeles and Long Beach Harbor Commissions on July 7, 2011, that focused on zero-emission container movement systems. They discussed the possibility of establishing a task force that may include District staff or Board Members along with their staff and Board Members and other agency representatives to move towards these emission reducing systems. He noted that District staff could provide valuable insight in the areas of economic analysis and emission inventory issues, and assist with the technological aspects.

Supervisor Gonzales. Announced that she, along with Councilmember Mitchell, attended the grand opening of the Shell hydrogen fuel station in Torrance on June 15, 2011. She noted the importance this first-of-its-kind pipeline-direct fueling station has in the effort to promote cleaner air by engaging the public and encouraging them to embrace alternative transportation methods.

(Supervisor Antonovich arrived at 9:15 a.m.)

Councilwoman Mitchell. Acknowledged the exciting role that Southern California plays in the rollout of hydrogen vehicles.

Councilman Cacciotti. Announced that he visited the Board-sponsored Lawn Mower Exchange event in the City of Pasadena on June 11, 2011 and expressed his appreciation to staff for their hard work at the event. He also was impressed with the Go Green! Lawn and Garden Expo held in conjunction that showcased eco-friendly lawn care equipment and related products.

- Presentation of Awards Honoring Winners of AQMD's Chinese Outreach "A World We Can Change" Ad Contest for High School Students

Chairman Burke explained that as part of the AQMD's commitment to increasing awareness about air quality challenges among the region's diverse communities, the District launched a 26-week advertising and community outreach campaign targeting Chinese American communities. He added that Supervisor Antonovich championed the effort, and invited him to announce the student award winners in the A World We Can Change ad contest.

Supervisor Antonovich explained that the contest encouraged high school students to create a radio script, newspaper advertisement or video targeting Chinese-American communities that would change or inspire others to change the world to improve local air quality. He announced the winners of the contest, and presented awards to those who were present, as follows: Derek Yang, Kathy Sung, Adele Chen, Kenny Lin, Consuelo Contreras, Brenda Ibarra, Adilene Rodriguez, Nelly Liu Peng, Tiffany Shu and Han John Tse. He added that the District plans to expand the outreach in the future.

Supervisor Gonzales commended the students for their efforts and emphasized the very important role they play for the future of clean air.

Dr. Wallerstein. Recognized the students participating in the summer internship program and noted that they will gain valuable experience throughout their time at the AQMD. He also noted that an errata sheet containing an addition to Item No. 4 was distributed to Board members and copies made available to the public.

CONSENT CALENDAR

1. Approve Minutes of June 3, 2011 Board Meeting

2. Set Public Hearing September 9, 2011 to Consider Amendments and/or Adoption to AQMD Rules and Regulations

Amend Rule 1470 - Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines

Budget/Fiscal Impact

3. Designate Funds and Issue Program Announcement and Application for Natural Gas Hearth Product Incentive Program

4. Approve Membership of AQMP Advisory Group

An errata sheet containing an addition to the AQMP Advisory Group membership roster was provided to the Board Members and copies made available to the public.

5. Approve School Bus Retrofit Awards, Amend Contracts and Issue Program Announcement for School Bus Replacements

6. Adopt Resolutions, Recognize Funds, and Execute Contracts under CARB AB 118 Air Quality Improvement Program
7. Recognize Revenue and Appropriate Funds for PM2.5, NATTS and Enhanced Particulate Monitoring Programs, Recognize Revenue and Reallocate Unspent Funds for PAMS and U.S. EPA Community-Scale Air Toxics Monitoring Programs, and Issue Purchase Orders and RFQ
8. Allocate Clean Fuels Funds for Natural Gas Taxicab Buy-Down Incentive Program
9. Execute Contracts to Identify Cellulosic Biofuel Feedstocks and to Conduct Biodiesel and Ethanol Health Effects Studies
10. Execute Contracts to Conduct Clean Vehicle Outreach and Expand Clean Air Choices Program
11. Execute Contracts under Carl Moyer Program and SOON Provision
12. Issue RFP for Technical Assistance for Advanced, Low- and Zero-Emissions Mobile and Stationary Source Technologies and Implementation of Incentive Programs
13. Establish Voucher Incentive Program Fund, Transfer Existing Funds to New Fund Designated for Voucher Incentive Program, and Adopt Resolution Accepting Terms and Conditions for 2011 Multidistrict Award under "Year 13" On-Road Heavy-Duty Vehicle Voucher Incentive Program
14. Transfer Funds from Clean Fuels Program Fund, Carl Moyer Program AB 923 Fund, and Proposition 1B Program Fund for Administrative Support and Related Activities
15. Recognize and Appropriate Funds for Understanding Greenhouse Gas Reporting Requirements
16. Authorize Purchase of PeopleSoft and Oracle Software Support
17. Authorize Purchase of Onbase Software Support

18. Submit Claims for Mandated Brown Act Cost Reimbursement to State of California Controller's Office
19. Approve 18-Month Terms of Employment for Non-Represented Employees
20. Establish Lists of Prequalified Counsel to Represent and Advise AQMD on Legal Matters Related to Environmental Law and Represent and Advise AQMD Hearing Board

Items 21 through 28 - Information Only/Receive and File

21. Legislative & Public Affairs Report
22. Hearing Board Report
23. Hearing Board Procedure for Selection of Alternate to Serve in Concurrent Absence of Hearing Board Public Member and Public Member Alternate
24. Civil Filings and Civil Penalties Report
25. Lead Agency Projects and Environmental Documents Received by AQMD
26. Rule and Control Measure Forecast
27. Report on Major Projects for Information Management Scheduled to Start During First Six Months of FY 2011-12
28. Zero and Near-Zero Emission Technologies and Energy: Quarterly Report of Activities Related to Powering Future Vision

Supervisors Antonovich and Gonzales announced their abstentions on Item No. 11 because of campaign contributions from Robertson's Ready Mix. Supervisor Benoit announced his abstention on Item No. 20 because of campaign contributions from Best, Best & Krieger. Dr. Lyou also announced his abstention on Item No. 20.

Agenda Item Nos. 4, 19 and 28 were withheld for comment and discussion.

MOVED BY YATES, SECONDED BY CACCIOTTI, THE BOARD APPROVED AGENDA ITEMS 1 THROUGH 3, 5 THROUGH 18 AND 20 THROUGH 27, AS RECOMMENDED BY STAFF, ADOPTING RESOLUTION NO. 11-17 RECOGNIZING FUNDS AND ACCEPTING THE TERMS AND CONDITIONS OF CARB'S AB 118 AQIP MARINE VESSEL ADVANCED TECHNOLOGY DEMONSTRATION PROJECT REQUIREMENTS; ADOPTING RESOLUTION NO. 11-18 RECOGNIZING FUNDS AND ACCEPTING THE TERMS AND CONDITIONS OF CARB'S AB 118 AQIP COMMERCIAL ZERO-EMISSION LAWN AND GARDEN EQUIPMENT DEMONSTRATION PROJECT REQUIREMENTS; AND ADOPTING RESOLUTION NO. 11-19 RECOGNIZING AND ACCEPTING THE TERMS AND CONDITIONS OF THE 2011 MULTIDISTRICT GRANT AWARD, BY THE FOLLOWING VOTE:

AYES: Antonovich (*except Item #11*), Benoit (*except Item #20*), Burke, Carney, Cacciotti, Gonzales (*except Item #11*), Lyou (*except Item #20*), Mitchell, Nelson, Pulido and Yates.

NOES: None.

ABSTAIN: Antonovich (*Item #11 only*), Benoit (*Item #20 only*), Gonzales (*Item #11 only*) and Lyou (*Item #20 only*).

ABSENT: Loveridge and Perry.

29. Items Deferred from Consent Calendar

4. Approve Membership of AQMP Advisory Group

Dr. Lyou noted a disparity among the representatives with environmentalist groups being outnumbered more than two-to-one. He acknowledged that some of the environmental groups do not have the resources

to participate in the group and expressed concern that a representative from the Natural Resources Defense Council who previously served on the panel had been removed. He stressed the importance of having comprehensive representation to receive a more balanced perspective and ensure a broader range of opinions are taken into account.

DR. LYOU MOVED APPROVAL OF STAFF'S RECOMMENDATION, INCLUDING THE ADDITIONAL MEMBER NOTED ON THE ERRATA SHEET, WITH THE ADDITIONAL DIRECTION TO REINSTATE THE NRDC MEMBER TO THE AQMP ADVISORY GROUP. THE MOTION WAS SECONDED BY SUPERVISOR BENOIT.

Dr. Wallerstein explained that the AQMP Advisory Group membership was set at approximately 40 pursuant to Board-developed guidelines. He added that in order to facilitate the exchange of fresh ideas and new perspectives, there is rotation among the membership. Since the AQMP covers such a broad spectrum of issues, it is important to have a variety of representatives from the business community, as well as the various local municipalities. He noted that while the environmental representatives were selected in order to speak to the wide variety of issues addressed in the AQMP, these groups usually express common themes and they frequently submit joint letters during the rule development or amendment process.

Chairman Burke raised a concern regarding how the membership is determined, to which Dr. Wallerstein responded that a list of proposed members is presented to the Board for final approval.

Mayor Pulido and Supervisor Gonzales noted the difficulties that arise from having too many people present in these discussions and the negative effect that might have on a productive outcome.

Ms. Carney commented that based on their past testimony and their ability to perform relevant analysis, the NRDC provides a different perspective than some of the other environmental groups.

Dr. Wallerstein noted that additional members could be added at any time at the Board's discretion, and staff would bring the group guidelines before the Administrative Committee at an upcoming meeting so the committee members could discuss revisions to the guidelines, which would then be brought to the full Board for approval.

CHAIRMAN BURKE MADE A SUBSTITUTE MOTION TO APPROVE ITEM NO. 4 AS RECOMMENDED BY STAFF, INCLUDING THE ADDITIONAL MEMBER AS NOTED ON THE ERRATA SHEET AND SET FORTH BELOW. THE MOTION WAS SECONDED BY MAYOR PULIDO.

Add the following member to the membership roster for the AQMP Advisory Group:

Type of Organization	Proposed Member	Organization
Environmental/Community	Mr. Gideon Kracov	Law Office of Gideon Kracov

Supervisor Gonzales proposed the idea of creating subcommittees, where similar representatives could meet and then appoint one individual to report the consensus of the subcommittee members during the group meetings.

Dr. Lyou suggested that the Administrative Committee look at who has served in the past and what the turnover has been. He stressed the importance of gaining many different perspectives during the complicated development process. Stating that he would support the substitute motion,

DR. LYOU WITHDREW HIS MOTION, AND THE SUBSTITUTE MOTION BY CHAIRMAN BURKE CARRIED BY THE FOLLOWING VOTE:

AYES: Antonovich, Benoit, Burke, Cacciotti, Carney, Gonzales, Lyou, Mitchell, Nelson, Pulido and Yates.

NOES: None.

ABSENT: Loveridge and Perry.

19. Approve 18-Month Terms of Employment for Non-Represented Employees

Supervisor Nelson raised a concern regarding the employee contribution language in Section 116.1 and asked staff to clarify the percentage assigned to employees.

Bill Johnson, Assistant DEO of Administrative Services & Human Resources, responded that under the SBCERA structure, it ranges between nine and eleven percent, based on an employee's age and their age at entry.

Kurt Wiese, General Counsel confirmed that the language in question could use some revision because it is outdated. He clarified that language intends to convey that the AQMD will pick up 11.34 percentage points.

Supervisor Nelson suggested that the language be rewritten to more clearly state that the AQMD will pick up, on the employee's behalf, all of that portion assigned to them under the employee share in SBCERA, that rate is presently 11.34 percent.

In reply to Supervisor Nelson's question regarding referring employees to their MOU in Section 117 – Deferred Compensation, Mr. Johnson clarified that there is not an MOU for the unrepresented employees, but the equivalent information is contained in the Administrative Code or the Salary Resolution. In regards to the match rates, he noted that it is a 50 percent dollar-for-dollar match for management and confidential employees. He added that the portion of that section that the Supervisor is questioning refers to the represented employees, who do have an MOU; and that this section was simply included in this revision to delete the language regarding designated deputies having an employment contract, which they no longer do.

Mayor Yates commented that the City of Chino recently made several cuts to retirement contributions that will take effect over the next two-year contract period for sworn officers, non-sworn clerical staff, department heads and city council members in an effort to save millions of dollars. As such, he feels it necessary to also take steps toward pension reform at the AQMD.

Dr. Wallerstein commented that as a result of the Board's desire to make pension reform a priority, a change in the retirement formula for new hires is necessary. He continued that legislation is required to make the changes that are being proposed including altering the current retirement formula of two percent at 55 to two percent at 61 for new hires. The changes would also include eliminating the agency contribution of the employee's share and requiring the new hires to pick up their full employee contribution.

Supervisor Nelson pointed out that if the legislation is passed, the current proposal is only limited pension reform, as it does not address employees currently employed at the agency. He urged his fellow Board Members to realize that approving this item allows these current, non-represented employees to continue to receive the full benefits they are accustomed to, rather than make changes to the contributions they receive, as officials at other governmental agencies have done during the current economic climate.

At the suggestion of Dr. Wallerstein, the Board continued the discussion on this matter until it recessed to closed session.

28. Zero and Near-Zero Emission Technologies and Energy: Quarterly Report of Activities Related to Powering Future Vision

In response to Ms. Carney's suggestion to have the energy policy be heard at the same time as this report, Dr. Wallerstein noted that staff could incorporate another update of the report, which will be a quarterly report going forward, at the September 9, 2011 Board meeting when the energy policy is scheduled to be heard.

MOVED BY CARNEY, SECONDED BY YATES,
AGENDA ITEM 28 APPROVED AS
RECOMMENDED BY STAFF, BY THE FOLLOWING
VOTE:

AYES: Antonovich, Benoit, Burke, Cacciotti,
Carney, Gonzales, Lyou, Mitchell,
Nelson and Yates.

NOES: None.

ABSENT: Loveridge Perry, and Pulido.

BOARD CALENDAR

30. Administrative Committee

31. Legislative Committee

32. Mobile Source Committee

33. Stationary Source Committee

34. Technology Committee

35. California Air Resources Board Monthly Report

Agenda Item No. 32 was withheld for discussion.

MOVED BY LYOU, SECONDED BY CACCIOTTI, AGENDA ITEMS 30, 31 AND 33 THROUGH 35 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE BOARD COMMITTEES AND CARB REPORTS; AND ADOPTING THE POSITIONS ON LEGISLATION AS SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: Antonovich, Benoit, Burke, Cacciotti, Carney, Gonzales, Lyou, Mitchell, Nelson and Yates.

NOES: None.

ABSENT: Loveridge Perry, and Pulido.

Bill/Title	Recommended Action
S. 972 (Carper) Clean Construction Act of 2011	Support With Amendments
AB 864 (Huffman) Electricity: Self-Generation Incentive Program	Support
AB 1302 (Williams) Distributed Generation	Support
AB 1095 (Berryhill) Air Pollution: Hearing Board: State Air Resources Board	Support If Amended
SB 467 (Pavley) Department of General Services: Contracts for Energy Efficiency Products or Service	Support
SB 724 (Dutton) State Air Resources Board: Mobile Source Certification	Watch

32. Mobile Source Committee

Councilman Cacciotti commented on item 3 of the committee report, stressing that the AQMD play an active role in providing input for the 2012 Regional Transportation Plan (RTP). He noted the need for the AQMD to promote a comprehensive approach to future transportation infrastructure in order to address air quality concerns.

Dr. Wallerstein responded that SB 375 specifies roles for the air districts to consult in the process and provide technical input through the incorporation of a sub-regional sustainable communities strategy (SCS) into the RTP, which then,

under a different provision of state law, is incorporated into the AQMP. He assured the Board that the District is fully involved and will continue to be involved in various stages of the development and review process. He added that CAPCOA has also provided guidance which will be considered when staff reviews the SCS and, ultimately, the SCAG draft regional plan. He noted that staff will continue to make reports to the Mobile Source Committee and subsequently to the full Board for a more comprehensive update on the SB 375 process, if that is the Board's desire.

MOVED BY CACCIOTTI AND DULY SECONDED,
AGENDA ITEM 32 APPROVED AS
RECOMMENDED, RECEIVING AND FILING THE
MOBILE SOURCE COMMITTEE REPORT, BY THE
FOLLOWING VOTE:

AYES: Antonovich, Benoit, Burke, Cacciotti,
Carney, Gonzales, Lyou, Mitchell,
Nelson, Pulido and Yates.

NOES: None.

ABSENT: Loveridge and Perry.

Staff Presentation/Board Discussion

36. Approve AQMD Energy Policy

Staff recommended that the public hearing on this item be continued to the September 9, 2011 Board Meeting in order to address the stakeholder concerns that were raised at the Stationary Source Committee meeting.

In response to Mayor Yates' concerns about the negativity surrounding the plan, Dr. Wallerstein commented that in the past few weeks staff has met with many local groups, including chambers of commerce, to address their concerns. Additionally, staff has been reviewing the policies of various other agencies and has found that the AQMD proposal parallels those policies. He added that the stationary source component of the AQMD policy is what may be troublesome to some because it is a fairly unique situation that the agency must address.

Supervisor Gonzales commented that it appears that the fear about the policy is born from misunderstanding. She emphasized the importance of providing a clear and correlated message about what the Energy Policy entails in order to alleviate these concerns.

PUBLIC HEARINGS

37. Amend Rule 1133.1 - Chipping and Grinding Activities, and Adopt Proposed Rule 1133.3 - Emission Reductions from Greenwaste Composting Operations

Staff waived the oral presentation on Agenda Item No. 37. Dr. Wallerstein alerted the Board to an errata sheet containing amendments to the Resolution that was provided to the Board Members and made available to the public.

The public hearing was opened, and the following individuals addressed the Board on Agenda Item 37.

DAN NOBLE, Association of Compost Producers

Expressed his appreciation for the ability of staff and industry professionals to come together to develop a rule that is acceptable to all stakeholders and will improve local air quality. He added that he looks forward to continuing to work in a cooperative manner with staff on matters pertaining to future developments in the industry, including assistance on permitting issues, understanding enforcement and developing additional technologies.

PAUL RYAN, P.F. Ryan & Associates

Thanked staff for their efforts in this rule development. He added that he looks forward to continuing to work with staff in the development of the next AQMP as a result of being reappointed by the Board to the Advisory Group.

There being no other requests to speak, the public hearing was closed.

MOVED BY YATES, SECONDED BY NELSON, AND UNANIMOUSLY CARRIED (Absent: Antonovich, Loveridge and Perry), AGENDA ITEM 37 APPROVED, ADOPTING RESOLUTION NO. 11-20 CERTIFYING THE FINAL ENVIRONMENTAL ASSESSMENT, AMENDING RULE 1133.1 AND ADOPTING RULE 1133.3, AS RECOMMENDED BY STAFF, WITH AMENDMENTS TO THE RESOLUTION AS SET FORTH IN THE ERRATA SHEET AND NOTED BELOW.

Modifications to page 2 of the Resolution:

Second paragraph:

WHEREAS, the Draft EA was circulated for a 30-day public review and comment period, ~~no one~~ comments letter and verbal comments were received from stakeholders, responses to written and verbal comments have been prepared and included in Appendix E of the Draft EA were received (subject to change), and the Draft EA will be revised to include responses to comments received such that it ~~will~~ is now a Final EA; and

and, fifth paragraph:

WHEREAS, the AQMD Governing Board voting on Proposed Amended Rule 1133.1 and Proposed Rule 1133.3, has reviewed and considered the Final EA, including responses to comments, and hereby certifies the Final EA; and

Please add the following as the fourth paragraph to page 5 of the Resolution in Attachment E to the Board letter, as follows:

BE IT FURTHER RESOLVED, that the AQMD Governing Board does hereby direct staff to work with stakeholders and other interested parties to explore the feasibility of utilizing a moisture meter as an alternative to the squeeze ball test included in Proposed Rule 1133.3 for the purpose of determining the moisture content of the compostable material before pile turning; and

Please also amend Proposed Rule 1133.3, subparagraph (d)(2)(B), as follows:

(B) For the first fifteen days after initial pile formation for the active phase period of composting, within ~~three~~^{six} hours before turning, apply water as necessary to the surface area of each active phase pile such that the top one half of the pile is wet ~~to~~^{at} a depth of at least three inches. Alternatively, the operator may apply water during turning using a windrow turner which is equipped with water spraying technology during the entire windrow turning process.

(i) For the purpose of this subparagraph, “wet” shall be determined by means of a squeeze ball test or an alternative approved by the Executive Officer, California Air Resources Board, and the United States Environmental Protection Agency. The ball test shall be conducted by taking a sample of the compostable material from the top half of the pile, at least three inches below the outer surface. The material should be squeezed into a ball using hand pressure and wearing a protective glove. There should be at least enough water to form a ball when compressed, but the ball may break when tapped. If the ball crumbles upon release of the hand pressure, apply additional water to the windrow prior to turning until the material passes the ball test.

38. Amend Rule 1147 – NOx Reductions from Miscellaneous Sources

THE PUBLIC HEARING ON RULE 1147 WAS CONTINUED BY UNANIMOUS CONSENT OF THE BOARD TO THE SEPTEMBER 9, 2011 BOARD MEETING.

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

There was no public comment on non-agenda items.

CLOSED SESSION

The Board recessed to closed session at 10:20 a.m., pursuant to:

- (1) Government Code section 54956.9(a) to confer with its counsel regarding pending litigation which has been initiated formally and to which the District is a party, as follows:
 - NRDC, et al. v. SCAQMD, et al., Los Angeles Superior Court Case No. BS110792; U.S. District Court Case No. CV08-05403 GW (PLAx); and U.S. Court of Appeals, Ninth Circuit, Case No. 09-57064;
 - CCAT, et al. v. State of California; SCAQMD, et al., Los Angeles Superior Court Case No. BS124264 and California Court of Appeal, Second District, Case No. B226692;
 - Southern California Gas Company v. SCAQMD, Los Angeles Superior Court Case No. BS122004;
 - W. M. Barr & Company, Inc. v. SCAQMD, Los Angeles Superior Court Case No. BS127359;
 - Natural Resources Defense Council, et al. v. EPA, United States Court of Appeals, 9th Circuit, Case No. 08-72288; and
 - Natural Resources Defense Council, et al. v. EPA, United States Court of Appeals, D.C. Circuit, Case No. 10-1056.
- (2) Government Code section 54956.9(c) to consider initiation of litigation (one case).

(3) Government Code section 54957.6 to confer regarding upcoming labor negotiations with:

- designated representatives regarding represented employee salaries and benefits or other mandatory subjects within the scope of representation [Negotiator: William Johnson; Represented Employees: Teamsters Local 911 & SCAQMD Professional Employees Association]

and to confer with:

- labor negotiators regarding unrepresented employees [Agency Designated Representative: William Johnson; Unrepresented Employees: Designated Deputies and Management and Confidential employees].

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Following closed session, the Board reconvened in open session at 11:10 a.m. and took action on Item No. 19 as noted below.

CONSENT CALENDAR (CONT.)

19. Approve 18-Month Terms of Employment for Non-Represented Employees

Supervisor Benoit spoke to his motion noting that future proposals should address the concerns that Board Members shared in regards to making employees responsible for the entire employee portion of their retirement contribution.

MOVED BY BENOIT, SECONDED BY PULIDO,
AGENDA ITEM 19 APPROVED AS
RECOMMENDED BY STAFF:

- 1) ADOPTING RESOLUTION NO. 11-21 AMENDING AQMD'S *ADMINISTRATIVE CODE* AND *SALARY RESOLUTION* TO APPROVE, FOR ALL NON-REPRESENTED EMPLOYEES, NEW PROVISIONS FOR A SECOND-TIER RETIREMENT FORMULA FOR EMPLOYEES HIRED AFTER THE EFFECTIVE DATE OF ADOPTION OF ENABLING LEGISLATION, CONTRIBUTIONS TOWARDS HEALTH BENEFITS PREMIUM INCREASES, AND CHANGES TO THE VACATION LEAVE SELL BACK PROVISIONS;

- 2) ADOPTING THE PROPOSED COST INCREASE PROVISIONS WITH THE DIRECTION TO THE EXECUTIVE OFFICER THAT THE ADOPTION OF ENABLING LEGISLATION FOR A SECOND-TIER RETIREMENT FORMULA BE A PREREQUISITE TO IMPLEMENTATION OF THESE PROVISIONS; AND
- 3) APPROPRIATING \$162,000 FROM THE UNDESIGNATED FUND BALANCE TO THE FY 2011-12 BUDGET.

AYES: Antonovich, Benoit, Burke, Cacciotti, Carney, Lyou, Mitchell, Pulido and Yates.

NOES: Gonzales and Nelson.

ABSENT: Loveridge and Perry.

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General Counsel Kurt Wiese announced that a report of any reportable actions taken in closed session will be filed with the Clerk of the Board and made available upon request.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Burke at 11:15 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on July 8, 2011.

Respectfully Submitted,

Denise Pupo
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

AQIP = Air Quality Investment Program

AQMP = Air Quality Management Plan

CAPCOA = California Air Pollution Control Officers Association

CARB = California Air Resources Board

CEQA = California Environmental Quality Act

FY = Fiscal Year

NATTS = National Air Toxics Trends Station

NOx = Oxides of Nitrogen

PAMS = Photochemical Assessment Monitoring Station

PM_{2.5} = Particulate Matter ≤ 2.5 microns

RFP = Request for Proposals

RFQ = Request for Quotations

SBCERA = San Bernardino County Employees' Retirement Association

SCAG = Southern California Association of Governments

U.S. EPA = United States Environmental Protection Agency