

IMPLEMENTATION OF AB2766 SUBVENTION FUND PROJECTS

**A RESOURCE GUIDE FOR LOCAL GOVERNMENT
RECIPIENTS OF
MOTOR VEHICLE REGISTRATION FEE REVENUES**



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**SOUTH COAST AIR QUALITY
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INTRODUCTION

Since 1991, local governments have received AB2766 funds to implement programs that reduce air pollution from motor vehicles. A Motor Vehicle Registration fee surcharge of \$6 per vehicle is collected by the Department of Motor Vehicles and subvended to the South Coast Air Quality Management District (AQMD) for disbursement. Four dollars of the registration fee is divided as follows: 40 percent of the funds go to local governments (subvention portion); 30 percent goes to the Mobile Source Air Pollution Reduction Review Committee (MSRC) (discretionary portion); 30 percent is allocated to the AQMD for its vehicle emission reduction programs. The remaining \$2 of the registration fee funds projects eligible for grants under the Carl Moyer Memorial Air Quality Standards Attainment Program.

The AB2766 Subvention Program provides a funding source for cities and counties to meet requirements of federal and state Clean Air Acts, and for implementation of motor vehicle measures in the AQMD Air Quality Management Plan (AQMP). The legislation creating this revenue source provides for oversight of the use of these monies by local governments. Air districts that receive AB2766 monies report annually to the California Air Resources Board (CARB) on the use and results of the programs funded by the fees. Cities and counties under AQMD's jurisdiction provide annual program and financial information to the AQMD. This information is compiled by the AQMD and forwarded as an annual report to CARB. In addition, the AQMD works with an independent firm to conduct audits of AB2766 fee recipients, which are performed at least once every two years.

Primary emphasis is directed towards those projects that provide cost-effective emission reductions. Reductions of NO_x are especially beneficial to the region. CARB has defined cost-effectiveness as project funding divided by the total emissions reduced. Projects are considered cost-effective if emission reduction costs are less than \$20,000/ton or \$10/pound of emissions reduced. Most studies, plan development, or research projects are demonstrative by nature and may be an exception to this threshold. ***However, funding of all research and development projects shall not exceed 10% of the jurisdiction's total Subvention Funds received during the fiscal year reporting cycle.***

This Resource Guide is designed to help local governments determine the type of projects that are eligible for funding. The program descriptions and examples outlined in this Resource Guide are in keeping with the criteria, guidelines and philosophies of AQMD and CARB for the use of Motor Vehicle Registration Fees. Not every strategy will be applicable for each jurisdiction or region. Use of AB2766 Subvention Funds must include strategies that specifically reduce motor vehicle emissions and vehicle miles traveled and not general air quality strategies. Local governments should make choices based on their individual needs and requirements. Numerous projects can be executed with modest budgets. Partnering and fund leveraging are encouraged to extend the funds used by each local government, increase the overall project success and regional benefits.

The Project Implementation Section gives examples of various projects that local governments may implement. The Financial Administration Section describes the financial and program reporting guidelines that each agency receiving motor vehicle registration fee revenue must adhere to.

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PROJECT IMPLEMENTATION

1. ALTERNATIVE FUELS/ELECTRIC VEHICLES

Alternative fuel projects promote the use of alternative fuels such as electric, natural gas, propane, full hybrid (non-diesel), fuel cell and hydrogen vehicles. This project category also helps facilitate the implementation of AQMD Fleet Rules and may include the replacement of older and dirtier heavy-duty diesel or gasoline engines with engines powered with cleaner alternative fuels such as compressed natural gas, liquefied natural gas or hydrogen. Alternative fuel vehicles can be new purchases, leases, retrofits and re-powerings.

When a local jurisdiction is considering purchasing alternative fuel vehicles, it should take into consideration planned uses for the vehicles, available technologies, and infrastructure requirements. The purchase of zero-emission electric vehicles supports California's transition to zero and near zero motor vehicle technologies and related infrastructure. Cities and counties may want to consider strategies that allow a few alternative fuel vehicles to be purchased initially followed by only alternative fuel fleet purchases in the future. The most cost-effective use of Subvention Funds would be to fund the cost differential between alternative fueled versus conventional fueled vehicles. However, funding more than the differential cost is acceptable for jurisdictions that commit to convert a large portion of their fleet to alternative fuel vehicles.

Local jurisdictions should consider partnering with other jurisdictions and private entities to develop or improve the necessary infrastructure. Maximum benefits will be achieved when a fueling facility is accessible to local jurisdictions and the public. In this way, groups of local governments and commercial entities could all benefit from the economies of scale achieved from centrally located infrastructure.

Project Subcategories:

(1-a) Alternative Fuel Vehicle Purchases/Leases

Replacing more polluting vehicles such as those used for local government code or parking enforcement, citizen patrol, public safety programs, public works, refuse collection, park maintenance, and guaranteed ride-home programs. Purchasing an alternative fuel vacuum street sweeper would assist local jurisdictions in complying with AQMD Rule 1186.1 – Alternative-Fuel Sweepers.

(1-b) Alternative Fuel Vehicle Conversions

Converting or re-powering conventionally fueled vehicles with alternative fuel engines.

(1-c) Alternative Fuel Infrastructure

Installation of compressed natural gas, liquefied natural gas or hydrogen refueling stations near fleets to minimize local government vehicle(s) travel distance to refueling destinations. It is also acceptable to fund the full cost of alternative fuels for up to three years after vehicle purchase, but only the differential cost thereafter.

Project Subcategories (cont'd):

(1-d) Electric Vehicle Purchases/Leases

Purchasing or leasing electric vehicles such as neighborhood electric buses, etc.

(1-e) Electric Vehicle Conversions

Converting conventionally fueled vehicles to electric vehicles.

(1-f) Electric Vehicle Infrastructure

Installation of electric recharging stations in close proximity of fleets to minimize city or county vehicles travel distance to recharging destinations. Potential locations include malls, libraries, public parking structures, existing conventional fuel service stations, etc.

(1-g) Mechanic Training, Vehicle Operation and Maintenance

Education and training of personnel on the operation, mechanics, safety, and maintenance of alternative fuel vehicles, equipment structures, refueling stations (i.e., pumps, compressors). Also provides for the education and training of personnel on the tools, materials and other specialized mechanical instruments and utensils involved in the implementation of emission reducing projects. Acquisition/purchasing of tools necessary to maintain alternative fuel vehicles is an allowable expenditure for this project category; however, maintenance of alternative fuel vehicles is not an allowable use of funds.

(1-h) Alternative Vehicles Research and Development

The study and investigation of developing alternative fuel vehicles. *Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.*

2. VEHICLE EMISSIONS ABATEMENT

Subvention Funds may be used to reduce emissions from specified conventionally fueled vehicles. Funds can be used to replace dirty off-road diesel engines with newer, cleaner diesel engines when alternative fuel engines that meet the needs of the application are not yet available or practical. Differential cost for these projects is the difference between re-powering with a new, cleaner diesel engine and rebuilding the older engine. Installing CARB-approved add-on control equipment is an eligible expenditure for both on-road and off-road diesel engines. Ensuring that vehicles are properly tuned and maintained is essential to achieve the lowest possible emissions.

Project Subcategories:

(2-a) Off-Road Cleaner Diesel Vehicle Purchases, Re-powering or CARB Approved Add-on Control Equipment

Off-road construction and agriculture-related motor vehicles such as backhoes, forklifts, rollers/compactors, concrete pavers, loaders, dozers, dumpers, excavators, graders, cranes and tractors, etc. CARB-verified diesel emission control systems (VDECS) and particulate trap retrofits for off-road diesel engines that meet CARB emission standards are also eligible expenditures. Funding the differential cost is preferable.

(2-b) On-Road CARB-Verified Diesel Emission Control Systems (VDECS) and Particulate Trap Retrofits

Installation of On-road CARB-verified diesel emission control systems (VDECS) and particulate trap retrofits for medium and heavy duty vehicles that meet CARB emission standards.

(2-c) Old Vehicle Scrapping

Vehicle Scrapping Programs such as participation in the AQMD Rule 1610 – Old Vehicle Scrapping or Rule 2202 – On-Road Motor Vehicle Mitigation Options.

(2-d) Vehicle Emission Abatement Research, Development and Improved Maintenance

The study and investigation of developing strategies that reduce mobile source emissions. *Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.*

Periodic inspections of vehicles and their respective engines, exhaust systems, and other components at intervals more frequent than required by law to pass SMOG check, such as a Smoking Vehicle Enforcement Program which includes abatement requirements. Funds can be used to pay the documented hourly labor costs of a smog mechanic for work directly related to vehicle emissions control, as outlined in Section 17 - Direct Program Costs, page 24 of this document.

3. LAND USE

Projects utilizing land use strategies can make it easier for people to walk, bicycle or use public transit, thus reducing automobile trips and their related emissions. Designing, developing, implementing and working with policy makers on projects that will encourage significant areas of appropriate mixed-use developments.

Project Subcategories:

(3-a) General Plan Elements

Development of air quality elements, AQMP measures *specifically related* to mobile source reduction strategies. Specific projects may include traffic mitigation measures, on-site improvements to encourage the use of alternate modes of transportation, and updating codes and regulations to support land use-based actions to improve air quality. Planning activities for development or redevelopment strategies in which significant emphasis is given to reducing vehicle travel. Performance targets, tracking and monitoring measures should be part of any such project.

Funding can also be given to groups or organizations preparing applications and plans for projects that will reduce vehicle trips or vehicle miles traveled. Such projects include mixed-use housing and commercial developments, co-housing projects near major activity centers or transit oriented developments (TODs).

(3-b) Development Guidelines

Guidelines developed by cities can facilitate the implementation of land use strategies conducive to reducing the reliance on the automobile. For example, developing guidelines that increase residential densities around transit stations or bus transit corridors, or increasing the density of mixed residential and commercial uses around existing or planned transit stations. Another example is to require office parks, business centers or other employment centers to provide shuttles to and from transit facilities.

(3-c) Facilities (Pedestrian, Mixed Use, etc.)

Planning, designing and development of facilities that decrease the use of the automobile. Pedestrian, public transit and mixed-use developments are facilities that reduce dependence upon the automobile.

(3-d) Land Use Research

The study and investigation of developing various land uses that lead to reduction of vehicle trips and miles traveled. This may include the study of land use densification or mixed land uses. *Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.*

4. PUBLIC TRANSPORTATION

Public transportation projects are those that reduce single occupancy vehicle trips. If a public transportation project simply replaces existing public transit service, no additional emission reductions will be achieved and is therefore *not* considered an eligible project.

Operational costs for new projects may be funded for up to three years. Funds may be used as an incentive to launch new transportation services and demonstration projects, but should *not* be considered an ongoing source of revenue for projects.

Often, new transportation projects are funded without long-term financing in place. When the interim project funding is exhausted, on-going funding is very difficult to achieve if the cost per passenger is high and/or emission reductions are not significant. This is an important consideration when local jurisdictions decide to fund new service or add to existing service.

Project Subcategories:

(4-a) Public Transportation Facilities

Public transportation facilities may include rail feeder connections at Metrolink stations, shelters at bus stops or Metrolink locations, public transit infrastructure, bus pullouts, bus pads and other strategies designed to increase the use of mass transportation.

(4-b) Information Access Equipment

Marketing via kiosks, bus stop displays and other structures that contain mass transit schedules, routes and other information necessary to facilitate the convenience of traveling on mass transit.

(4-c) Transit Operations

Local jurisdictions may rent, purchase or lease vans/buses to provide shuttle service/rail feeder operations for residents commuting within their jurisdiction, or to other local cities. Projects that use alternative fuel vehicles are preferred because they increase the emission reductions of a project, thereby making the project more cost-effective. They may also provide for lunchtime or all-day shuttle service that transports to nearby activity centers.

(4-d) Passenger Fare Subsidies

Fare subsidies for local and regional public transit, Metrolink, and commuter rail should be directed towards incentivizing new ridership.

(4-e) Public Transportation Research and Development

The study and investigation of mass transit planning to make transit routes more efficient, attracting new riders and reducing vehicle trips and vehicle miles traveled. *Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.*

5. TRAFFIC MANAGEMENT and SIGNAL COORDINATION

Measures that reduce idling or moderate vehicle speeds are benefits to air quality. Posted, constant and moderate speeds can be beneficial to all modes of travel. On-going monitoring, before and after project implementation, will be necessary to identify the changes in traffic patterns and growth. Periodic adjustments must be made in order to prevent traffic congestion from returning to pre-project levels.

Project Subcategories:

(5-a) Traffic Calming

Projects that calm traffic and reduce vehicle speeds include installation of roundabouts, construction of pedestrian islands, etc.

(5-b) Traffic Flow or Signalization

Projects that optimize traffic conditions and reduce vehicle speeds and idling, i.e., traffic incident management actions such as changeable message signs. Project parameters shall not be limited to one traffic signal or intersection, but should encompass an entire road segment or network. Implementation of Freeway Emergency Towing Services is also an acceptable project.

(5-c) Alternative Mode Signalization

Installation of transit bus signal pre-emption equipment, bicycle signals and pedestrian traffic control devices, etc.

(5-d) Traffic Management Research and Development

Research and evaluation of trends in traffic management with respect to its effect on air quality. Provide information to local decision-makers required to support advance traffic management technologies. *Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.*

6. TRANSPORTATION DEMAND MANAGEMENT

The goal of a successful rideshare program is to reduce or eliminate single occupancy vehicle trips to the worksite by use of public transit, encouraging carpooling, vanpooling, biking, walking, implementation of telecommuting programs and policies and/or implementing compressed workweek schedules. Employers may join together in order to develop cohesive approaches to ridesharing and to enable leveraging of funds.

Project Subcategories:

(6-a) Employer Based Work-Related Trip Reduction

An employer based work-related trip reduction plan is developed with strategies designed to reduce or eliminate “drive alone trips” to the worksite. Local jurisdictions may develop a plan for their own employees as well as provide incentives for employers located within their jurisdictions. As part of this program, a survey would be conducted to determine the number of drive alone trips eliminated so that emissions can be quantified.

(6-b) Other Trip Reduction Incentive Programs

Development of a program that focuses on reducing trips to other types of facilities (other than the work place) such as shopping facilities, special event centers, or other attractions within a local jurisdiction.

(6-c) Vanpool Programs

Local jurisdictions rent, lease and/or purchase vans for resident work commutes, resulting in fewer vehicle trips and miles traveled.

(6-d) Park and Ride Lots

Costs for design, construction, maintenance, security and facility enhancements at park and ride lots are acceptable.

(6-e) Telecommunication

Telecommuting allows employees to work from home. Expenditures may include telecommuting equipment, materials and other additional resources necessary to perform work related functions at home.

Satellite work centers are where commuters can work locally instead of driving long distances to their normal work place so commuters can walk or ride bikes to the center. Costs for the purchase, lease and/or rental of satellite work centers and also includes maintenance of telecommuting equipment.

(6-f) Transportation Management Association (TMA)/Transportation Management Organization (TMO)

Joining and maintaining membership in an organization of employers that work together and collectively establish policies, programs, and services to eliminate or reduce mobile sources of emissions is an appropriate expenditure for this project category. Those member cities that provide AB2766 funding should coordinate with their TMAs/TMOs to receive project information that will be included in the individual city’s AB2766 Annual Program Report.

Project Subcategories (cont'd):

(6-g) Transportation Control Measure Effectiveness Research and Development

To fund the research and evaluation of trends resulting from the implementation of TDM strategies and transportation control measures. The ultimate goal of funding such projects is to reduce mobile source emissions as a result of fewer vehicle trips and miles traveled. *Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.*

7. MARKET BASED STRATEGIES

Market based strategies primarily involve the use of incentives and disincentives such as user fees or congestion charges for consumers that will encourage behavioral changes that result in emission reductions. Local jurisdictions must ensure that these strategies are designed to consider all levels of income to mitigate potential hardships.

Project Subcategories:

(7-a) Parking Management

Developing and implementing parking cash-out programs, parking fees programs, toll charges, emission fees and/or elimination of free parking, etc.

(7-b) Market Based Measures Research and Development

The study and investigation of market based strategies that will provide fair, equitable efficient local and/or regional pricing strategies that encourage the development of advanced transportation technologies and associated economic development. Studies can also include research on financial and air quality impacts as a result of adopting policies that support the use of less-congesting or less-polluting forms of transportation. *Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.*

8. BICYCLES

Subvention Funds can be used for a variety of bicycle-related projects that reduce mobile source emissions. The more effective bike expenditures are those that are linked to other bike-friendly policies.

When local jurisdictions contemplate using funds for this category, special attention should be given to whether the expenditures truly reduce single occupancy vehicle trips. A bike path should only be funded with Subvention Funds when it decreases single commuter vehicle trips and miles traveled while improving safety and accessibility. When a bike path is strictly used for recreational activities, it will not qualify as an eligible project because there are no vehicular commuter trips reduced or eliminated.

Project Subcategories:

(8-a) Bicycle Lanes, Trails and Bridges

Designing, developing and implementation of bicycle routes, bikeways and bike trail improvements.

(8-b) Other Bicycle Facilities

Bicycle facilities are most effective when they link residential areas with major activity centers. These facilities would include bicycle racks, lockers, signals and bus racks. An example would be to install bike storage facilities at the end of bicycle trails.

(8-c) Bicycle Usage

A bicycle loan or purchase program (electric and standard) for police officers, community service personnel and community residents are considered eligible projects.

(8-d) Bicycle Research and Development

The study and investigation of establishing appropriate bikeways for commuter travel and that reduce commuter vehicle trips; conducting research on other types of bicycle facilities and programs that have the potential to reduce mobile source emissions. *Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.*

9. PM REDUCTION STRATEGIES

Particulate Matter (PM) emissions are minute particles of dust generated by driving on paved and unpaved roads. PM is linked to respiratory disease, in addition to hindering visibility. Potential sources of PM include, but are not limited to mud and dirt carryout, dust fall, litter and pavement wear. Some paved PM emissions are a result of vehicles re-suspending PM sized or smaller materials previously deposited onto the paved surface or vehicles crushing larger sized particles into PM sized materials or smaller.

Projects that reduce and/or eliminate the amount of materials deposited onto paved or unpaved roadways can be either preventive or mitigative measures. Preventive measures attempt to prevent deposits of materials from build-up on roadway surfaces; mitigative measures seek to remove material which has been previously deposited onto driving lanes.

Project Subcategories:

(9-a) Road Dust Control

Paving of roads, shoulders and other areas that generate/contribute to dust; purchasing alternative-fuel PM efficient street sweepers. *If the sweeper purchased is an alternative fuel vehicle, you will report the project under the AB2766 Project Category 1 - Alternative Fuels/Electric Vehicles.* Implementing AQMD's Rule 1186 – PM₁₀ Emissions from Paved and Unpaved Roads and Livestock Operations, requires local jurisdictions to purchase street sweepers that are capable of removing minute particles of dust generated by driving on unpaved roads.

(9-b) PM Research and Development

The study and investigation of developing strategies that eliminate or reduce PM emissions. ***Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.***

10. PUBLIC EDUCATION

Educating the public about options that reduce single occupancy vehicle trips is vital to the success of any emission reduction strategy. Public education campaigns are especially critical when launching new programs and demonstration projects.

The more effective public outreach campaigns inform the public about current air quality improvement programs and options as well as the details and descriptions of the incentives designed to entice the public to try those options. Public outreach should be ongoing, highlighting special annual events; dissemination of printed materials, updated at least annually. Signage should be changed periodically to get the public's attention.

Students are an important focus of any public outreach campaign because it is easier to get young people to consider developing an air quality friendly lifestyle, rather than getting them to change their behavior in later years.

Project Subcategories:

(10-a) Short Term Public Education

Develop, coordinate, promote and sponsor/co-sponsor transit and/or rideshare conferences.

Coordinate semi-annual transportation promotional events to educate the public about transportation alternatives and air quality issues. Develop and conduct presentations, public outreach materials for students, various civic groups and specific targeted organizations.

(10-b) Long Term Public Education

Development of curriculum, videos, brochures, or programs for schools that inform and educate the public on the relationship between mobile sources and air pollution. *Funding of all research and development projects shall not exceed 10% of the jurisdiction's total subvention funds received during the fiscal year reporting cycle.*

11. MISCELLANEOUS PROJECTS

(11-a) Miscellaneous

The “Miscellaneous Projects” category allows local jurisdictions to identify projects that reduce mobile source emissions, but are not identified in this Resource Guide.

Councils of Governments (COGs) either on a regular basis or periodically, receive AB2766 Funds from local governments to finance inter-jurisdictional projects. Those member cities that provide AB2766 funding should coordinate with their COGs to receive project descriptions and emission reduction data that will be included in the individual city’s AB2766 Annual Program Report.

Horse-mounted patrols, payment of COG membership dues by local jurisdictions, participation in and/or contributions to COG sponsored projects and adoption and implementation of other regional emission reduction air quality programs.

AQMD Technical Assistance Staff is available to help identify appropriate projects and guidance on quantifying emissions from a proposed project. ***Funding of all research and development projects shall not exceed 10% of the jurisdiction’s total subvention funds received during the fiscal year reporting cycle.***

FINANCIAL ADMINISTRATION

12. AUDIT OF AB2766 FEE REVENUES

Health and Safety Code Section 44244.1 stipulates that each recipient of AB2766 funds be subject to an audit at least once every two years by an independent auditor selected by the AQMD. The audit cost is to be deducted from disbursements of AB2766 fee revenues made to local governments.

To assist local governments in complying with the requirements of the Health and Safety Code Sections 44220 *et seq.*, the AQMD has developed audit guidelines for local governments with input from the Technical Advisory Committee Audit Subcommittee of the Inter-Agency AQMP Implementation Committee (IAIC), representatives of the Finance Committee of the League of Cities and Certified Public Accounting (CPA) firms whose clients include local governments. These guidelines were adopted by AQMD Governing Board on December 4, 1992 and further revisions were subsequently approved by the Board on January 13, 1995 and August 1, 2003.

The Audit Guidelines describe the financial and program reporting requirements for local governments. The AB2766 program legislation requires that each agency receiving motor vehicle registration fee revenues must submit:

- an annual program progress report
- an annual audited financial statement of AB2766 funds

These reports must be received by the AQMD no later than the **first Friday in February** of each year.

Audit requirements are based on the amount of annual receipts:

Large Recipients (annual AB2766 receipts of more than \$100,000) may elect to meet the audit requirement in one of the following ways:

- a) Separately disclose the air quality improvement trust fund financial results and balance sheet in their combining financial statements of the Comprehensive Annual Financial Report (CAFR). General purpose financial statements, which present results on a combined basis, are not deemed adequate disclosure.

An unqualified opinion issued on the general purpose financial statements, report on internal controls over AB2766 funds, and report on compliance with laws and regulations required by AB2766 will be sufficient for the local government to comply with the AB2766 audit requirement.

- b) Issue an audited Grant Receipts and Expenditures statement with a compliance report. Issue opinions and reports below:

1. Independent Auditor's Report on the Grant Receipts and Expenditures Statement;
2. Independent Auditors' Compliance Report;
3. Independent Auditors' Report on the Internal Control Structure.

In accordance with Statement on Auditing Standards Number 63, Compliance Auditing Applicable to Governmental Entities and Other Recipients of Governmental Financial

Assistance (SAS-63), the independent auditors report must make specific reference to tests for compliance with provisions of Assembly Bill 2766 Chapter 1705 [44220 through 44247].

- c) Submit to an independent audit by an auditor selected by the AQMD. Large recipients that select this option are required to notify the AQMD Finance contact person, in writing, by the first Friday in February.

Small recipients (annual AB2766 receipts of less than \$100,000) may submit their Comprehensive Annual Financial Report (CAFR) or an audit report specific to the trust fund. All small recipients that comply with the reporting requirements will be placed in a pool of cities, from which a sample of 10 percent of participants will be selected for an audit. The cost of such audit will be deducted from the total amount distributed to the cities in the pool.

Large or small recipients who do not submit either one or both annual reports (financial and progress) will be subject to an audit. Large recipients that request an audit and all (large and small) recipients who do not comply with the reporting requirements will bear the cost of their own audit.

Cities that are members of consortiums or joint powers authorities equally share the cost of the audit of the joint powers authorities or consortium.

The AQMD shall review the audit report and determine if the monies received by the agency were expended on programs which reduce pollution from motor vehicles. If it is determined that the expenditure will not result in the reduction of pollution from motor vehicles then the AQMD shall do all of the following:

- Notify the affected agency of its determination;
- Within 45 days of this notification hold a public hearing at which the agency may present information related to the expenditure of the revenue from the fees;
- After the public hearing, if the AQMD determines that the expenditure was contrary to the intent of Health and Safety Code sections 44240 et seq., the AQMD may withhold these revenues from the agency in the amount that was inappropriately expended.

The audit reports are available to the affected agency and the public upon request.

13. POOLING OF AB2766 FUNDS IN CONSORTIUMS

What are consortiums and why are they created?

Local governments are encouraged to pool their resources for implementing the requirements for the use of AB2766 fee revenues through a joint powers agreement. The entity created through the joint powers agreement is generally referred to as a consortium or joint powers authority (JPA) and is wholly or partially funded by member local governments from their AB2766 fee revenues. The JPA or consortiums are created to undertake programs to reduce pollution from motor vehicles on behalf of its members.

What are the responsibilities of the consortiums?

The consortiums are subject to the same spending, reporting and audit requirements as the member cities, such as, separate accounting of AB2766 fee revenues and expenditures, allocate interest income on unused AB2766 cash balances, and submit annual progress reports and audited financial statements to the AQMD. Consortiums receiving AB2766 fee revenues must spend the money on the reduction of emissions from motor vehicles. Consortiums are audited once every two years.

What if the consortium was not created specifically for implementing motor vehicle emission reduction projects? Are they subject to the same requirements?

If the member cities/counties of a consortium created for another purpose agree to implement a motor vehicle emission reduction project and contribute monies from their individual AB2766 annual fee revenues, then the consortium is subject to all AB2766 tracking, reporting, and audit requirements.

Can AB2766 monies received from member cities of a consortium be combined with other monies contributed by member cities?

No. AB2766 fee revenues must be accounted for and tracked separately within the accounting records of the consortium.

What are the duties and obligations of member cities/counties with respect to the consortium?

Member cities/counties must report their AB2766 fee revenue contributions to the consortium in the annual progress reports provided to the AQMD. Additionally, as the primary recipient cities/counties are responsible for ensuring the work conducted under the pooling arrangement complies with the legal mandate, e.g. for the purpose of reduction of air pollution by motor vehicles. Sub-recipients (entities that receive funds from primary recipients through joint powers agreements, memorandum of agreement, or contract) shall be subject to the same audit requirements as the primary recipients. The legal document binding the cities/counties to the consortium with respect to the use of AB2766 fee revenues must specify the statutory requirements governing the use of the money, state that the consortium shall be audited at least once every two years as stipulated in the Health And Safety Code section 44244.1, and provide for expenditure documentation and tracking requirements similar to those applicable to the member cities/counties.

The primary recipient of AB2766 funds is the party subject to audit and thus responsible for providing AQMD with audited financial statements annually. Any legal documents between the primary and sub-recipient should state that the sub-recipient acknowledges that it is subject to audit by accepting AB2766 funds.

Who pays the cost of auditing the consortium?

Member cities share equally in the cost of auditing the consortium.

How does the AQMD resolve monetary audit findings cited in an audit of a consortium (e.g., disallowed expenditures, excessive administrative costs, etc.)?

Member cities are notified of the finding by the AQMD. The JPA/consortium must also submit a copy of the audit to member cities/counties which addresses the findings. Cities/counties have the option of reimbursing the AQMD their prorated share of the total amount of the funding or having the said amount deducted by the AQMD from future remittances to the member cities.

14. ACCOUNTING OF AB2766 FEE REVENUES

How should a city/county account for AB2766 revenues?

Health and Safety code Section 44243(b)(1)(C) (AB2766) requires local governments to establish a separate air quality improvement trust fund for the receipts and expenditures of these funds. Cities/counties may vary in their naming of this fund, therefore, for purposes of this document all references to this fund shall be “Special Revenue Fund.”

What is the AQMD’s fiscal year for accounting of AB2766 revenues?

The AQMD’s fiscal year for AB2766 revenues is July 1 of a given year through June 30 of the following year.

At what times during the year will the city/county receive AB2766 revenues?

Quarterly disbursements are generally made to each city/county as follows:

- 1st Quarter – mid December – for July, August, September revenues
- 2nd Quarter – mid March – for October, November, December revenues
- 3rd Quarter – mid June – for January, February, March revenues
- 4th Quarter – mid August – for April, May, June revenues

The total amount disbursed for those four quarters should equal the annual AB2766 revenues for the city/county.

If the fourth quarter revenues are not received until August of any given year, how can the city/county account for all four quarters in the accounting records at the close of the fiscal year on June 30?

The third quarter disbursement mailed to cities/counties in June of any year includes an estimate for the fourth quarter disbursement to be mailed in August of the same year. An accrual entry to record the revenue and a receivable account for the amount of the estimate must be made prior to the close of the fiscal year ending June 30.

How can a city/county project the amount of AB2766 fee revenues to be received by the city/county in a year?

The amount received in the prior year can be used as a guide to estimate the annual revenues and calculate the cap on administrative expenses. Motor Vehicle Registration revenues do not fluctuate significantly from year to year.

Can revenues from other fee sources be combined with AB2766 revenues in the Special Revenue Fund?

No. AB2766 revenues may not be combined with revenues from other fee revenues. However, AB2766 monies from the MSRC (discretionary portion) and co-funding for projects being funded by AB2766 monies may be accounted for in the same fund. MSRC funds are provided to agencies on a reimbursement basis as the projects are completed and invoices are submitted to the AQMD for payment out of the discretionary portion of the AB2766 Fund.

What about co-funding received from other agencies (public or private) to implement emission reduction programs? Can such funding be combined and accounted for in the Special Revenue Fund with AB2766 funds?

Yes, however it is the responsibility of the city/county to provide accurate and adequate documentation to maintain segregated balances and revenue and expenditure allocations for reporting and audit purposes.

What about contract awards of discretionary funds received from the MSRC? Can those funds be deposited in the AB2766 Special Revenue Fund?

Yes. Awards received from the MSRC (discretionary funds) may be combined with the AB2766 subvention monies received by cities/counties. However, it is the responsibility of the city/county to provide accurate and adequate documentation to support revenue and expenditure allocations as well as segregated balances for reporting and audit purposes.

If the AB2766 Special Revenue Fund has available funds, can it advance monies to other city/county funds?

No. AB2766 fee revenues are legislatively mandated to be spent for projects to achieve motor vehicle emission reductions only. If these fee revenues are not immediately spent and are accumulated to fund higher cost or larger projects, the accumulating balance earns interest which is then credited back to the fund for use on projects with the same objective. In the event a project is approved and implemented and an advance is a necessary and material factor in the implementation of the project, then such an advance may be made against a contractual agreement to implement the project.

Is the city required to identify assets purchased from AB2766 monies as belonging to the AQMD?

Assets purchased by the city/county from AB2766 monies must be identified as AB2766 assets. However ownership of these assets rests with the city/county. These assets do not belong to the AQMD but proceeds on the disposition of the asset must be returned to the special revenue fund.

Does the asset revert to the AQMD if the project is canceled or the asset is not being used for motor vehicle emission reduction projects?

The asset does not revert back to the AQMD if the project for which it was purchased is canceled. In this case the money expended on the purchase of the asset must be reimbursed to the special revenue fund.

What happens to revenues generated from the implementation of a motor vehicle emission reduction project (e.g., revenues generated from operating a shuttle or parking cash out program)?

There is no statutory requirement governing the use of revenues generated from implementing projects for mobile source emission reduction. It would be in keeping with the intent of the legislation to recycle such revenues into the special revenue fund to cover the cost of an existing project or to fund other projects to achieve mobile source emission reductions.

15. ALLOCATION OF INTEREST INCOME

How should interest on AB2766 Special Revenue Fund be treated?

Since AB2766 requires a segregation of motor vehicle registration fee revenues to ensure separation of these monies from other fee revenues and expenditures of local governments, interest earned on unused cash balances of this money must be deposited in the same fund. Additionally, the AB2766 Special Revenue Fund is legally restricted to expenditures for the designated purpose of reduction of emissions from motor vehicles. Interest earned on cash balances held in this fund must therefore be put to the same use.

Why is interest income significant?

Often local governments accumulate funds over an extended period for costly projects. Depending on the amount of annual AB2766 receipts and the timeliness of project expenditures, cities/counties may have large cash balances in the AB2766 Special Revenue Fund. Interest earned on these cash balances could amount to a significant sum of money.

How is interest income calculated?

If AB2766 fees are invested with cash balances from other general fund revenues, an equitable proration of interest earned on the total funds invested must be made to the AB2766 Special Revenue Fund. Several methods are available to determine an equitable distribution of interest earned. Interest can be calculated on a monthly, quarterly or annual basis. The method for calculating interest will be analyzed in the course of the biennial audit to determine reasonableness and confirm distribution of interest allocation.

How is interest calculated on monies transferred from the AB2766 Special Revenue Fund to other city/county funds through the budget process for use on AB2766 authorized projects?

Since it is not possible to segregate earned interest on funds transferred to other city/county funds for authorized AB2766 projects, these transfers should be performed on a monthly or quarterly frequency on an expense reimbursement basis.

Does the interest distribution methodology allow for negative distributions?

No. Negative interest constitutes an interest charge and a related loan to the fund. Loans to the fund are not permitted. General fund monies advanced to the AB2766 Special Revenue Fund are to be reimbursed as AB2766 funds become available. However, investment losses are allocable based on an equitable distribution of losses among all funds.

16. ADMINISTRATIVE COSTS

What are Administrative Costs?

A reasonable definition of administrative costs would be those direct and indirect costs necessary and attributable to accounting, administering, providing legal assistance and managing the entire fund as opposed to those costs directly attributable to individual project implementation. Staff hours relating to administrative costs must be readily identifiable and preferably documented separately from project costs. Documentation of the hourly charges may be provided either in the form of time sheets or any other generally accepted mechanism to allocate and document staff time.

Provide examples of administrative costs.

Determination of whether a cost qualifies as an administrative cost depends on the nature of activity for which the expenditures are incurred. Expenditures for overall administrative time and materials for reporting, legal advice, and financial accounting of AB2766 monies would constitute administrative costs. Examples would include preparing reports on overall AB2766 activities to City Councils and other levels of management, accounting and monitoring of AB2766 fees, legal advice on AB2766 projects or programs, coordinating financial and compliance audits, review and payment of contractor invoices, etc., as opposed to reports on specific projects and time spent preparing specific project reports.

Are there any limitations on Administrative Costs?

Yes. AB2766 legislation limits expenditures on administrative costs to 5 percent of the fee subvended. It is calculated on the amount recognized as revenue by the city/county for a fiscal year beginning July 1 of a given year and ending June 30 of the following year. The intent of the legislation was to limit expenditures on administrative costs in order to maximize the amount available to be spent on motor vehicle emission reduction programs.

Can a city/county include interest earnings in the total annual receipts to calculate the 5 percent cap on administrative expenses?

AB2766 legislation does not address this issue. Past practice by local governments, MSRC and AQMD has been to exclude interest earnings from the base used to calculate the limitation.

Are unused amounts of administrative costs carried forward into following years?

No. The limitation on administrative costs is not intended to be a set aside amount. The statute sets the cap as the maximum amount to be spent on administrative costs. Keeping administrative costs below the 5 percent cap does not qualify the unused amount to carry over into the following fiscal year.

17. DIRECT PROGRAM COSTS

How would you describe program costs?

Direct program costs are those associated specifically with planning, monitoring and implementing a motor vehicle emission reduction project. Typical program costs are: a) compensation for employees for the time identified specifically for a project; b) cost of materials acquired, consumed, or expended specifically on the project; c) equipment and other approved capital expenditures for the project; d) travel expenses incurred specifically to carry out the project; e) outreach conducted to directly implement the project, etc.

What is included in the compensation for employees working directly on a specific program objective? Is it limited to salary only? What about the cost of benefits for these employees? What about other indirect costs applicable to direct staff time?

Direct and indirect (fully burdened) costs of staff working on motor vehicle emission reduction programs are allowable program costs. Similarly, direct and indirect costs for staff activities that are classified as administrative must be charged as administrative cost.

Define direct costs as used in the above answer.

For administrative costs, direct costs are the sum of documented hourly labor costs for providing staff time and materials for coordinating, reporting, legal advice, and financial accounting of AB2766 monies. For project costs, direct costs are the sum of documented hourly labor charges, purchases, contracts or other direct costs directly and solely related to implementing and overseeing a project.

Define indirect costs as used in the above answer.

Indirect costs are the reasonable overhead costs incurred in providing a place of work and general support services and oversight. Examples include rent, utilities, office supplies, computer, payroll, reproduction, mailroom support staff, and management oversight.

Our city has only one staff member working on administering and implementing the city's motor vehicle emission reduction programs. Do we categorize that staff person's fully burdened salary and benefits as direct program costs or administrative costs?

As described earlier, the activity determines the nature of the costs charged to the program. If an individual spends time on both administrative and program activities, fully burdened salary and benefits for that individual can be prorated between the two costs based on a percentage allocation. The staff person must keep detailed records of time spent on different activities to calculate administrative and program percentage allocations.

Our city just purchased a computer and office furniture for the staff person implementing our motor vehicle emission reduction programs funded with AB2766 revenues. Is the purchase a qualified direct expense?

If the staff person's sole responsibility is the implementation of mobile source emission reduction programs, and the computer is the tool by which the person will track, monitor, and complete their responsibilities, then expenditures are direct expenditures. However, if AB2766 program activities are only one of the many activities performed by the staff person and the other criterion described above are applicable, then only a prorated portion of the expenditure is an acceptable direct expenditure.

What documentation is required to support expenditures on direct costs?

- Expenditures on equipment, materials, and subcontractor services must be supported by a warrant and other source document clearly showing that the payment was for an expenditure charged against the fund and included in the annual program report to the AQMD. It is also important that the source document (invoice, requisition, equipment rental charge, and other pertinent data) clearly identify the project to establish a readily discernible audit trail.
- Direct labor must be documented on time sheets. If time sheets do not permit the level of detail required to document direct labor hours to be charged to AB2766 projects specifically, then a detailed log of time spent on projects, the activities performed and the outcome or product generated must be maintained. Direct labor costs must identify the project to establish a clear audit trail. Allocating a fixed or budgeted amount of staff time and associated salary expense each pay period will not meet the requirements for the audit.
- Benefits associated with the salary for direct labor are permissible direct expenditures. In the event staff time is divided between direct labor, administrative costs and/or other functions not related to AB2766 projects, the associated cost of the benefits must be similarly split between the different categories of labor costs. It is important that there is documentation to support calculations for benefits allocation.
- Payment of rideshare incentives must be supported with verification of each participant's eligibility, justification for the payment amount, and a reporting system that demonstrates evidence of program participation. There are several ways to monitor ridesharing for which incentives are paid. Periodic self-certification, issuance of special parking privileges, and limiting and designating parking spots are the popular methods that verify ridesharing by employees.

18. COMMON AUDIT FINDINGS

- Submittal of Audited Financial Statements by the first Friday of February.
 - If audited financial statements have not been completed by the first Friday of February, local governments can request an extension until April 1st by submitting an interim statement of program receipts and expenditures certified by the local government's finance director.
 - Local governments that do not comply with the financial reporting requirements will be subject to an audit conducted by an independent auditor selected by the AQMD. The cost of the audit will be deducted from the amount distributed to the non-compliant local governments.

The following findings will result in the affected local government having to replace the amount of the finding by either agreeing to have future AB2766 disbursements withheld or providing supporting documentation that the funds have been replaced.

- Direct Labor charged is not supported by time cards or time studies.
- Administrative expenses exceed the 5% cap.
- Unsupported documentation on direct program costs.
- Interest earned on AB2766 cash balances are not deposited into the AB2766 Special Revenue Fund.
- Expenditures charged against the AB2766 Fund do not meet the program requirements of reducing air pollution from motor vehicles.

19. OTHER AUDIT FINDINGS

- Failure to maintain a separate Air Quality Improvement Fund for AB2766 receipts and expenditures.
 - To resolve the finding, the local government will be required to set up a separate AB2766 fund.

- Local government does not keep a copy of their adopted ordinance accepting AB2766 funds on file.
 - To resolve the finding the local government will have to provide the AQMD with a copy of the ordinance.

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FISCAL YEAR
2007/2008**

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