

BOARD MEETING DATE: January 10, 2014

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the December 6, 2013 meeting and the Minutes of the December 16, 2013 special meeting.

**RECOMMENDED ACTION:**

Approve Minutes of the December 6, 2013 Board Meeting and Minutes of the December 16, 2013 Special Board Meeting.

Sandra McDaniel,  
Clerk of the Boards

SM:dg

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**FRIDAY, DECEMBER 6, 2013**

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

Supervisor Michael D. Antonovich  
County of Los Angeles

Councilmember Ben Benoit  
Cities of Riverside County

Supervisor John J. Benoit  
County of Riverside

Councilmember Joe Buscaino (left at 11:55 a.m.)  
City of Los Angeles

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

Supervisor Josie Gonzales  
County of San Bernardino

Dr. Joseph K. Lyou  
Governor's Appointee

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

Supervisor Shawn Nelson  
County of Orange

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

Mayor Miguel A. Pulido (left at 10:30 a.m.)  
Cities of Orange County

**CALL TO ORDER:** Chairman Burke called the meeting to order at 9:15 a.m.

- Pledge of Allegiance: Led by Dr. Parker.
- Opening Comments

Mayor Pro Tem Mitchell. Announced that CARB plans to begin working on the freight plan within the confines of the AB 32 Scoping Plan.

Councilman Buscaino. Commended staff for their efforts in regards to community member complaints against Allenco Oil Company. He is encouraged to see that the company is now working towards a resolution.

Councilman Cacciotti. Presented information about the VIA line of electric vehicles that was displayed at the recent Los Angeles Auto Show. The models currently available include an extended-range electric pickup truck, an extended-range electric SUV, and an extended-range cargo or 12-passenger van. He highlighted the great potential for use by local municipalities and utility companies that utilize medium-duty vehicles.

- Presentation of Retirement Award to Christopher Nelson

Chairman Burke presented a retirement award to Christopher Nelson, Sr. Staff Specialist in Planning and Rules, in recognition of 26 years of dedicated District service.

- Recognize Employees with Twenty-Five, Thirty and Thirty-Five Years of Service

Bill Johnson, Assistant DEO of Administrative and Human Resources, read the names of the employees as follows:

Twenty-Five Years: Alfonso Baez; Sidney Baker; Tereso Banuelos; Wayne Barcikowski; Carmelita Benitez; Roger Bond; Jeffrey Brown; Roberto Castro; Penny Shaw Cedillo; Devorlyn Celestine; Jayanta Chakrabarti; Mitali Datta; Alicia Diaz; Rosalinda Diaz; Raul Dominguez; Kennard Ellis; Javier Enriquez; Sandra Essner; Hiram Fong; Sally Gin; Rick Gluck; Tracy Goss; David Hauck; Richard Hawrylew; Mark Henninger; Donald Hopps; Gale Jones; Saad Karam; Richard Lee; Thomas Liebel; Ernest Lopez; Veronica Manligas; Ora McEwan; Lisa Mirisola; Thomas Moore; Tuyet-Le Pham; Genette Prudhomme; Manuel Quizon; Kyu-Kyu Remillard; Cesar Rosas; Ken Sanchez; Gopinath Shah; Cherie Snyder; Zbigniew Szymanski; Antonio Thomas; Laki Tisopulos; April Trinn; Eduardo Tung; Consuelo Ventura; Lawrence Watkins; William Wong; Vasken Yardemian; Connie Yee; and Allen Yoo.

Thirty Years: Ravinder Bhatia; Leticia DeLaO; Ferdinand Del Rosario; Douglas Gordon; Christopher Marlia; Rodney Millican; and Robert Pease.

Thirty-Five Years: Mohsen Nazemi; and Susan Snyder.

Chairman Burke thanked the employees, on behalf of the Board, for their many years of dedicated service to the SCAQMD.

- Swearing In of Reappointed Board Member Dr. William A. Burke

Supervisor Antonovich administered the oath of office to Dr. Burke, who was reappointed to the Board by the Speaker of the Assembly, for a term ending January 15, 2016.

- Election of Chair and Vice Chair for Terms January 2014 – January 2016

The floor was opened for nominations.

DR. PARKER NOMINATED DR. WILLIAM BURKE AND DENNIS YATES, PRESENT CHAIR AND VICE CHAIR, RESPECTIVELY, MAYOR PULIDO SECONDED THE NOMINATION. THERE BEING NO FURTHER NOMINATIONS AND NO OBJECTIONS, THE NOMINATIONS WERE CLOSED, AND THE BOARD CAST A UNANIMOUS VOTE, RE-ELECTING DR. WILLIAM BURKE AS CHAIR AND MAYOR DENNIS YATES AS VICE CHAIR FOR THE TERMS JANUARY 2014 THROUGH JANUARY 2016.

Chairman Burke noted his plans for the coming year including creating committees for both the business and environmentalist communities to voice their concerns and ideas to him for passing on to the other Board Members. He added that he would like to hold Board meetings in the community in the coming year as well, similar to past mobile meetings in Riverside and Long Beach.

## **CONSENT CALENDAR**

1. Approve Minutes of November 1, 2013 Board Meeting

### **Budget/Fiscal Impact**

2. Execute Contract for Battery Electric Truck Replacements and Buy-Down Incentives for EV Chargers 

3. Execute Contracts to Conduct 2014 Lawn Mower Exchange Program **E**
  4. Execute Contracts to Implement DC Fast Charging Network Project and Amend Contract for Charger Installations **E**
  5. Execute Contract for Alternative Fuel Conference Organizer and Amend Contract for Creation of CNG/LNG Best Practices Guidelines **E**
  6. Execute Contract for Expansion of Hydrogen Fueling Infrastructure and Amend Contracts for Hydrogen Fueling Stations **E**
  7. Execute Contracts for Demonstration of Low-Emission Public Beach-Type Fire Rings
  8. Issue RFP for Technical Assistance for Advanced, Low- and Zero-Emissions Mobile and Stationary Source Technologies and Implementation of Incentive Programs, Transfer Funds, and Amend Contract
  9. Renew SCAQMD's Membership in CaFCP for Calendar Year 2014, Provide Office Space for CaFCP, and Receive and File California Fuel Cell Partnership Executive Board Meeting Notes and Quarterly Update
  10. Recognize Revenue and Appropriate Funds for Federal Enhanced Particulate Monitoring Program
  11. Appropriate Funds and Issue Purchase Order for Deployment of PM2.5 Monitor to Assess Potential Impacts from CPV Sentinel Energy Project
  12. Execute Contract for Document and Case Management System for SCAQMD's Legal Department
  13. Approve Amendments to Labor Contracts with Teamsters Local 911 and SCPEA and Approve Comparable Terms for Non-Represented Employees (***Continued from November 1, 2013 Board Meeting***)
  14. Approve Contract Awards Approved by MSRC
- Action Item/No Fiscal Impact**
15. Establish Board Meeting Date for October 2014

**Items 16 through 21 - Information Only/Receive and File**

16. Legislative & Public Affairs Report
17. Hearing Board Report
18. Civil Filings and Civil Penalties Report
19. Lead Agency Projects and Environmental Documents Received by SCAQMD
20. Annual Audited Financial Statements for FY Ended June 30, 2013
21. Status Report on Major Projects for Information Management Scheduled to Start During First Six Months of FY 2013-14

Supervisor Benoit announced his abstention on Item No. 4 because of campaign contributions from NRG Energy, Inc. Dr. Lyou announced his abstentions on Item No. 4 because NRG Energy, Inc. and Nissan North America are potential sources of income to him; Item No. 5 because Gladstein, Neandross & Associates, LLC is a potential source of income to him; and Item No. 14 because Waste Management Collection and Recycling and USA Waste of California are potential sources of income to him.

Agenda Item Nos. 4, 11, and 13 were withheld for discussion.

MOVED BY CACCIOTTI, SECONDED BY MITCHELL, AGENDA ITEMS 1 THROUGH 3, 5 THROUGH 10, 12 AND 14 THROUGH 21 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou (*except Items #5 and #14*), Mitchell, Nelson, Parker, Pulido and Yates.

NOES: None.

ABSTAIN: Lyou (*Items #5 and #14 only*).

ABSENT: None.

22. Items Deferred from Consent Calendar

11. Appropriate Funds and Issue Purchase Order for Deployment of PM2.5 Monitor to Assess Potential Impacts from CPV Sentinel Energy Project

The following individuals addressed the Board on Agenda Item No. 11.

Chuck Parker, People Over Pollution, requested that a total of three monitors be placed in the Coachella Valley to gain a better understanding of any pollutants being released by the CPV Sentinel Plant, and how they spread throughout the region.

Robert Terry, People Over Pollution, expressed appreciation for the AQMD's commitment to provide a continuous feed PM<sub>2.5</sub> monitor in Desert Hot Springs; but insisted that the results be made available to the public on the District's website with hourly updates and a monitoring history. He asked to be apprised of the location of the proposed monitor; and suggested additional monitors be utilized to also monitor any impact from the degradation of the Salton Sea.

In response to Mayor Yates' inquiry regarding whether one monitor will be sufficient, Dr. Wallerstein noted that staff believes that the proposed monitor will be adequate to help gather data in the community; noted that there are multiple other monitors in the Coachella Valley for particulates and other pollutants; and added that staff is working with the Imperial Valley Air Pollution Control District regarding the potential air quality effects associated with the degradation of the Salton Sea.

Supervisor Benoit acknowledged staff's willingness to provide additional monitoring to the community as a result of requests from community groups; which when combined with the existing monitors, will provide sufficient data.

MOVED BY B. BENOIT, SECONDED BY  
J. BENOIT, AGENDA ITEM 11 APPROVED  
AS RECOMMENDED, BY THE FOLLOWING  
VOTE:

AYES: Antonovich, B. Benoit, J. Benoit,  
Burke, Buscaino, Cacciotti,  
Gonzales, Lyou, Mitchell, Nelson,  
Parker, Pulido and Yates.

NOES: None.

ABSENT: None.

13. Approve Amendments to Labor Contracts with Teamsters Local 911 and SCPEA and Approve Comparable Terms for Non-Represented Employees *(Continued from November 1, 2013 Board Meeting)*

The following SCAQMD employees and Teamsters 911 Representative Ray Whitmer addressed the Board on Agenda Item No. 13.

Mr. Whitmer detailed an inequity that exists with offering a certain group of employees additional funds in exchange for a seemingly minute clause in their MOU, but not allowing the Office Clerical and Maintenance and Technical and Enforcement Bargaining Units the opportunity to make the same agreement. He explained handouts that were provided to the Board that further detail the inequity.

Gina Lombardo, Keith Brown, Jeff Brown, Norma Martinez (on behalf of SCAQMD Teamsters member Rodolfo Chacon), Phill Hubbard, Norma Martinez, Patti Oleson, Elizabeth Ayres, Elsa Gutierrez, and Jacob Allen, noted their disappointment with the proposal to give the professional group and unrepresented employees a one-time payment, while not offering the same proposal to the other forty percent of staff; and expressed concerns with the ability to trust management during future negotiation efforts.

(Mayor Pulido left at 10:30 a.m.)

Robert Pease, South Coast Public Employees Association (SCPEA), requested that the Board bifurcate the issues to avoid further delay in approval of the agreement that has been reached with the SCPEA members.

Mayor Yates suggested the Board vote on the current proposal and discuss the request by the Teamsters during Closed Session.

Chairman Burke noted that he is still unsure if all the bargaining units are being treated equally and would like to further discuss this item in Closed Session.

## **CLOSED SESSION**

The Board recessed to closed session at 10:45 a.m., pursuant to Government Code sections:

- 54956.9(a) and 54956.9(d)(1) to confer with its counsel regarding pending litigation which has been initiated formally and to which the District is a party, as follows:
  - Abayan, et al. v. SCAQMD, Los Angeles Superior Court Case No. BC499729;
  - Flashberg, et al. v. Dublin, et al., Los Angeles Superior Court Case No. BC463159; and
  - Friends of the Fire Rings v. SCAQMD, Orange County Superior Court (Nov. 26, 2013).
- 54956.9(b) regarding significant exposure to litigation (one case).
- 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].

Following Closed Session, the Board reconvened in open session at 11:40 a.m. 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.

(Mayor Yates left during/following closed session)

The Board took action on Item No. 13 as noted below.

Dr. Wallerstein explained a chart that was displayed showing that the current proposal would bring the Professional Employees Association members to parity with the Teamsters members' recent salary increases on a percentage basis; and follows the Board's past direction to treat all employees fairly and with consistency.

MOVED BY J. BENOIT, SECONDED BY CACCIOTTI, AGENDA ITEM 13 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 13-23 AMENDING AQMD'S ADMINISTRATIVE CODE AND SALARY RESOLUTION TO ADOPT, FOR MANAGEMENT, CONFIDENTIAL, ATTORNEY CLASS AND DESIGNATED DEPUTIES: A \$100.00 PER MONTH INCREASED CONTRIBUTION TOWARDS HEALTH INSURANCE PREMIUMS EFFECTIVE JANUARY 1, 2014, AND A ONE-TIME PAYMENT EQUAL TO 0.5% OF EACH EMPLOYEE'S ANNUAL BASE SALARY, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti, Gonzales, Lyou, Nelson, Parker.

NOES: None.

ABSENT: Mitchell, Pulido and Yates.

4. Execute Contracts to Implement DC Fast Charging Network Project and Amend Contract for Charger Installations 

In response to Councilman Cacciotti's request for clarification, Dr. Matt Miyasato, DEO/Science & Technology Advancement, explained that this action seeks to allow the Executive Officer to add entities to receive remaining funds, made available as a result of any original projects that are not able to be implemented, from the original award by the CEC in the amount of \$798,000.

MOVED BY CACCIOTTI, SECONDED BY B. BENOIT, AGENDA ITEM 4 APPROVED, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, Burke, Buscaino, Cacciotti Gonzales, Nelson and Parker.

NOES: None.

ABSTAIN: J. Benoit and Lyou.

ABSENT: Pulido, Mitchell and Yates.

**BOARD CALENDAR**

- 23. Administrative Committee
- 24. Investment Oversight Committee
- 25. Mobile Source Committee
- 26. Stationary Source Committee
- 27. Technology Committee
- 28. Mobile Source Air Pollution Reduction Review Committee
- 29. California Air Resources Board Monthly Report
- 30. Status Report on AB 1318 Emission Mitigation Projects

MOVED BY CACCIOTTI, SECONDED BY GONZALES, AGENDA ITEMS 23 THROUGH 30 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE BOARD COMMITTEES, MSRC, AND CARB REPORTS, WITH THE MODIFICATION TO ITEM NO. 30 AS STATED ON THE ERRATA SHEET AND NOTED BELOW, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Buscaino, Cacciotti Gonzales, Nelson and Parker.

NOES: None.

ABSENT: Pulido, Lyou, Mitchell and Yates.

**Amend Item No. 30 as follows:**

As of ~~October 31~~, December 5, 2013, ~~21~~ 22 contracts have been executed totaling \$~~47.4~~ \$47.7 million with ~~three~~ one contracts awaiting approval of the awardees' governing ~~bodies~~ body and ~~one~~ two in final contract review (Attachment 1).

(Attachment 1)

Project #	Project Proponent	Status
41b	Coachella Valley USD	<del>Scheduled for Board of Education Approval on 11/21/13</del> Contract Executed
45	City of Desert Hot Springs	<del>Passed</del> <u>Approved</u> by City Council on 11/19/13

**PUBLIC HEARINGS**

- 31A. Present Feasibility Studies of Lowering Lead Point Source Emissions Limit in Rule 1420.1 - Emissions Standard for Lead from Large Lead-Acid Battery Recycling Facilities

THIS ITEM WAS REMOVED FROM THE AGENDA, AT STAFF'S RECOMMENDATION AND WITH THE CHAIRMAN'S CONCURRENCE, AND WILL BE PLACED ON THE JANUARY 10, 2014 MEETING AGENDA.

- 31B. Amend Rule 1420.1 - Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities

THIS ITEM WAS REMOVED FROM THE AGENDA, AT STAFF'S RECOMMENDATION AND WITH THE CHAIRMAN'S CONCURRENCE, AND WILL BE PLACED ON THE JANUARY 10, 2014 MEETING AGENDA.

(Councilman Buscaino left at 11:55 a.m.)

32. Rule and Control Measure Forecast

Dr. Elaine Chang, DEO/Planning, Rule Development and Area Sources, gave an overview of the rule forecast report for 2014, highlighting the key rules related to the AQMP and Air Toxics.

RECEIVED AND FILED; NO ACTION NECESSARY.

**OTHER BUSINESS**

33. Approve Expenditure of Funds for Replacement of Worn Carpeting at Diamond Bar Headquarters Building

Councilman Cacciotti requested that staff investigate the possibility of recycling the removed carpet.

MOVED BY CACCIOTTI, SECONDED BY GONZALES, AGENDA ITEM 33 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit, J. Benoit, Burke, Cacciotti Gonzales, Lyou, Mitchell, Nelson and Parker.

NOES: None.

ABSENT: Buscaino, Pulido and Yates.

**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.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Chairman Burke at 12:00 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on December 6, 2013.

Respectfully Submitted,

Denise Garzaro  
Senior Deputy Clerk

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

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Dr. William A. Burke, Chairman

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**ACRONYMS**

CaFCP = California Fuel Cell Partnership  
CARB = California Air Resources Board  
CEC = California Energy Commission  
CEQA = California Environmental Quality Act  
CNG = Compressed Natural Gas  
EIR = Environmental Impact Report  
EV = Electric Vehicle  
FY = Fiscal Year  
LNG = Liquefied Natural Gas  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
MOU = Memorandum of Understanding  
PM<sub>2.5</sub> = Particulate Matter ≤ 2.5 microns  
RFP = Request for Proposals

## **MONDAY, DECEMBER 16, 2013**

Notice having been duly given, the special meeting of the South Coast Air Quality Management District Board was held at District Headquarters, 21865 Copley Drive, Diamond Bar, California. The following members participated by telephone from the teleconference locations listed in the meeting notice, unless noted otherwise:

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

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

Supervisor Michael D. Antonovich<sup>1</sup>  
County of Los Angeles

Councilmember Ben Benoit  
Cities of Riverside County

Supervisor John J. Benoit  
County of Riverside

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

Supervisor Shawn Nelson  
County of Orange

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

Mayor Miguel A. Pulido  
Cities of Orange County

### Members Absent:

Councilmember Joe Buscaino  
City of Los Angeles

Supervisor Josie Gonzales  
County of San Bernardino

Dr. Joseph K. Lyou  
Governor's Appointee

Mayor Judith Mitchell  
Cities of Los Angeles County – Western Region

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<sup>1</sup> Listened in on the meeting, but did not participate, as the teleconference location was not listed in the meeting notice.

The meeting was called to order by Chairman Burke at 11:35 a.m.

1. Transfer Funds for Voucher Incentive Program

Executive Officer Barry Wallerstein reported briefly on the item, which involved transfer of \$2 million from the Carl Moyer Program AB 923 Fund to the Voucher Incentive Program (VIP) Fund to assist small truck fleet operators with truck replacement projects. A copy of the Board letter related to this item can be found on SCAQMD's website ([www.aqmd.gov](http://www.aqmd.gov)) under Board agenda.

MOVED BY PULIDO, SECONDED BY PARKER, AGENDA ITEM NO. 1 WAS APPROVED AS RECOMMENDED BY STAFF, APPROVING THE TRANSFER OF \$2 MILLION FROM THE CARL MOYER PROGRAM AB 923 FUND (80) TO THE VIP FUND (59) TO FUND TRUCK REPLACEMENT PROJECTS ON A FIRST-COME, FIRST-SERVED BASIS UNDER THE CARL MOYER VOUCHER INCENTIVE PROGRAM, BY ROLL CALL VOTE OF THE BOARD, AS FOLLOWS:

AYES: Burke, Cacciotti, B. Benoit, J. Benoit, Nelson, Parker, Pulido, and Yates.

NOES: None.

ABSENT: Buscaino, Gonzales, Lyou, Mitchell, and Pulido.

2. Public Comment

There was no public comment, and no members of the public present at SCAQMD nor any of the teleconference locations.

**ADJOURNMENT**

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

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on December 16, 2013.

Respectfully Submitted,

SAUNDRA McDANIEL  
Clerk of the Boards

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

\_\_\_\_\_  
Dr. William A. Burke, Chairman

## ERRATA

Agenda Item No. 1

January 10, 2014

### Approve Minutes of December 6, 2013 Board Meeting and Minutes of December 16, 2013 Special Board Meeting

Revised to add the following language (in bold, underlined text) to the first paragraph under Opening Comments on page 2 of the Minutes of the December 6, 2013 Board Meeting.

- Opening Comments

Mayor Pro Tem Mitchell. Announced that CARB plans to begin working on the freight plan within the confines of the AB 32 Scoping Plan **and moving forward with Caltrans on the freight plan. She noted that the MOU that was previously under discussion will not be signed, as CARB moves forward with this alternative approach for freight and the railroads.**