

BOARD MEETING DATE: January 9, 2015

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the December 5, 2014 meeting.

RECOMMENDED ACTION:

Approve Minutes of the December 5, 2014 Board Meeting.

Sandra McDaniel,
Clerk of the Boards

SM:dg

FRIDAY, DECEMBER 5, 2014

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 9:20 a.m.)
County of Los Angeles

Mayor Pro Tem Ben Benoit
Cities of Riverside County

Supervisor John J. Benoit
County of Riverside

Councilmember Joe Buscaino
City of Los Angeles

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

Dr. Joseph K. Lyou
Governor's Appointee

Mayor Judith Mitchell
Cities of Los Angeles County – Western Region

Supervisor Shawn Nelson (arrived at 9:15 a.m.)
County of Orange

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

Mayor Miguel A. Pulido (arrived at 9:05 a.m.)
Cities of Orange County

Member absent:

Supervisor Josie Gonzales
County of San Bernardino

CALL TO ORDER: Chairman Burke called the meeting to order at 9:00 a.m.

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

Dr. Lyou. Introduced local student, Antonio Valdes Jorgensen, whom he met through the non-profit organization, Grades of Green, that works with students to take a proactive role in addressing environmental issues.

Antonio explained that he is involved in the Green Team at Hughes Middle School in Long Beach, and since joining Grades of Green he has taken on the personal service project of ensuring the areas surrounding his school and other local schools are no idle zones. He has networked with local and state representatives to look into possible regulations or legislation regarding his anti-idling campaign for all passenger vehicles. He also has recognized the importance of educating students and parents about the effects of idling through his No Idling Awareness Campaign which, includes passing out flyers and school announcements and monitoring idling vehicles around the school after school is out.

Councilman Cacciotti. Asked staff to follow-up on the progress of the anti-idling legislation; explained an article that he read about the small town of Reno, Texas that has been experiencing multiple earthquakes, which some attribute to the hydraulic fracturing process occurring there; and he shared that the Burbank Police Department has acquired two zero-emission motorcycles, and that it will be interesting to see how that product develops among the enforcement and municipal fleets.

Dr. Parker. Announced that he attended the Fuel Cell Seminar in Los Angeles on November 11, 2014 and explained that he has been involved in discussions regarding training first responders for fuel cell accidents as the use of hydrogen-fueled vehicles continues to grow.

Mayor Mitchell. Explained that she looks forward to the opportunity to test drive Toyota's fuel cell vehicle at an upcoming Air Resources Board meeting. She added that the City of Inglewood has converted their law enforcement fleet to hybrid vehicles, and may be a prime candidate for an experimental program with a zero emission vehicle. She expressed her support for investigating the idling laws with respect to the jurisdictional limitations that Antonio reported encountering.

(Mayor Pulido arrived at 9:05 a.m., during opening comments)

- 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: Libby Ayers; Cindy Barbosa; Barbara Baird; Rene Bermudez; Bryan Bradford; Rizaldy Calungcagin; Laura Cantu; Brian Choe; Hui Sung Choe; David Coel; Gwen Cole; Sean Cullins; Neera Dang; Kevin Durkee; John Eckert; Nancy Feldman; Laura Garrett; Mike Garibay; Annie Genato; Maryann Gomez; Robert Gottschalk; Cynthia Green; Greta Grier; Mel Guemo; Mitch Haimov; Erin Hicks; Henry Hogo; Derek Hollinshead; Todd Iwata; Peter Ko; Dayantha Kurukulasuriya; Arun Kumar; Ken Laird; Ron Lem; Rene Loof; Lourdes Cordova Martinez; Randy Matsuyama; Edward O'Neal; Adewale Oshinuga; Richard Palomino; Henry Pourzand; Pablo Pua; Rezvan Ramezani; Harold Rank; Gaurang Rawal; Vanessa Rodriguez; Deborah Rutledge; Denny Shaw; Solomon Teffera; Eugen Teszler; Ngoc Tran; Thai Tran; Susan Tsai; Joe Vail; Debbie Van Den Hende; Gilbert Vita; Grace Vu; Pearla Wallace; Barry Wallerstein; Richard Watson; Denise Whitcher; Jill Whynot; Kurt Wiese; Carey Willoughby; David Yeh; Robert Yi; Jackson Yoong

Thirty Years: Art Arreola; Amir Dejbakhsh; Nabil Gobrial; Elizabeth Gonzalez; Andrew Lee; Danny Luong; Sandra McDaniel; Lori Moore; Frank Motavassel; Ed Muehlbacher; Patti Oleson; Roy Olivares; Sylvia Oroz; Van Phan; Dixie Richards; Jeanette Short; William Thompson; Charles Tupac; Gary Turner; Tran Vo; Xuan Vu; John Yee

Thirty-Five Years: Elaine Hara; Richard Tambara; Mariano Vargas

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

(Supervisor Nelson and Supervisor Antonovich arrived at 9:15 a.m. and 9:20 a.m., respectively, during employee recognition)

CONSENT CALENDAR

1. Approve Minutes of November 7, 2014 Board Meeting
2. Establish Pilot Program with Commercial Electric Lawnmowers for Government and Non-Profits within San Bernardino Clean Communities Plan Pilot Study Area

3. Recognize and Transfer Revenue and Execute Contracts to Develop and Demonstrate Fuel Cell and Plug-In Hybrid Heavy-Duty Trucks 
4. Renew SCAQMD's Membership in CaFCP for Calendar Year 2015, Provide Office Space for CaFCP, and Receive and File California Fuel Cell Partnership Executive Board Meeting Agenda and Quarterly Updates 
5. Recognize, Transfer and Appropriate Funds, and Execute Contracts to Implement Enhanced Fleet Modernization Program
6. Issue RFP to Upgrade, Operate and Maintain Fast-Fill CNG Fueling Station at SCAQMD Headquarters, Amend Contract and Transfer and Appropriate Funds 
7. Recognize Revenue and Appropriate Funds for U.S. EPA PAMS Program, Amend and Award Contracts for Technical Support for U.S. EPA PAMS and Near-Roadway Programs, Issue Purchase Orders for Air Monitoring Equipment and Issue RFQ for Pure Air Generators
8. Execute Contract for Operation of Diamond Bar Headquarters Cafeteria
9. Execute Contract for Carpet Installation at Diamond Bar Headquarters
10. Reclassify Director Position to Assistant Deputy Executive Officer Position in Science and Technology Advancement
11. Issue Purchase Order for Ingres Relational Database Management System Software Support
12. Execute Contract for Biennial Audit of Motor Vehicle Registration Revenues for FYs 2011-12 and 2012-13
13. Approve Transfer of Monies from General Fund to Health Effects Research Fund
14. Execute Contract for Marketing and Outreach Initiative for 2015 Lawn Mower Exchange Program
15. Execute Contracts for Legislative Representation in Sacramento, California

16. Approve Contract Awards and Modifications Approved by MSRC

Action Item/No Fiscal Impact

17. Establish Board Meeting Schedule for Calendar Year 2015

Items 18 through 27 - Information Only/Receive and File

18. Legislative & Public Affairs Report
19. Hearing Board Report
20. Civil Filing and Civil Penalty Report
21. Lead Agency Projects and Environmental Documents Received by SCAQMD
22. Rule and Control Measure Forecast
23. Use of Executive Officer Enforcement Discretion to Provide One-time 90-day Extension of Submittal Deadline for 2015 Annual Emission Report
24. Report of RFPs Scheduled for Release in December
25. Annual Audited Financial Statements for FY Ended June 30, 2014
26. Annual Report on 457 Deferred Compensation Plan
27. Status Report on Major Projects for Information Management Scheduled to Start During First Six Months of FY 2014-15

Mayor Mitchell and Councilman Buscaino announced that they serve on the Board of Directors for the Los Angeles County Sanitation District which is involved with the program under Item No. 16. Supervisor Antonovich announced that he serves on the Board of Directors for the Los Angeles County Sanitation District and the Southern California Regional Rail Authority which is involved with the program under Item No. 16. Supervisor Nelson announced that he serves on the Board of The Southern California Regional Rail Authority, which is involved with the program under Item No. 16.

Mayor Pro Tem Benoit announced his abstention on Item No. 16 because of a campaign contribution from CR&R Inc. Dr. Lyou announced his abstention on Item No. 3 because Transportation Power Incorporated, L.A. DWP, Ports Technology Advancement Program (Port of Long Beach), and the Southern California Gas Company are potential sources of income to him, on Item No. 4 because Bevilacqua-Knight Incorporated is a potential source of income to him, and on Item No. 5 because Gladstein, Neandross & Associates LLC is a potential source of income to him.

Agenda Item Nos. 13, 14, and 22 were withheld for discussion.

MOVED BY NELSON, SECONDED BY CACCIOTTI, AGENDA ITEMS 1 THROUGH 12, 15 THROUGH 21 AND 23 THROUGH 27 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 14-20 AMENDING SCAQMD'S SALARY RESOLUTION, AND ADDING AND DELETING POSITIONS WITHIN THE DESIGNATED DEPUTY CLASSIFICATIONS, AND ADOPTING RESOLUTION NO. 14-21 SETTING THE TIME AND PLACE OF REGULAR BOARD MEETINGS FOR 2015, BY THE FOLLOWING VOTE:

AYES: Antonovich, B. Benoit (*except Item #16*), J. Benoit, Burke, Buscaino, Cacciotti, Lyou (*except Items #3, #4 and #5*), Mitchell, Nelson, Parker, Pulido and Yates.

NOES: None.

ABSTAIN: B. Benoit (*Item #16 only*) and Lyou (*Items #3, #4 and #5 only*).

ABSENT: Gonzales.

28. Items Deferred from Consent Calendar -

13. Approve Transfer of Monies from General Fund to Health Effects Research Fund

Councilman Cacciotti noted his support for the proposal, and requested that a presentation be made detailing the various research facilities and institutions that will be the recipients of these funds.

Dr. Wallerstein confirmed that the Board would receive an update regarding how research money is allocated through this particular research fund.

MOVED BY CACCIOTTI, SECONDED BY ANTONOVICH, AGENDA ITEM 13 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Gonzales.

14. Execute Contract for Marketing and Outreach Initiative for 2015 Lawn Mower Exchange Program

Councilman Cacciotti raised a concern about the efficiency of continued electric lawnmower exchanges based on a reduction in the amount of mowers being exchanged in recent years. He suggested partnering with the San Gabriel Valley Council of Governments and other local COGs to increase outreach efforts and possibly target alternative communities.

Fred Minassian, Director of Technology Implementation, stated that a drop in exchanges has occurred in recent years, and explained that staff has found those reduced numbers to be directly related to the outreach efforts, and as a result staff has increased the proposed amount to be allocated for outreach.

Chairman Burke concurred that the outreach efforts should be strengthened and diversified, in order to reach additional residents within the Basin.

Dr. Parker noted that the Mobile Source Committee also concluded that additional outreach is necessary for the continued success of the program.

Supervisor Nelson raised the concern of homeowners facing punitive increases to their electric bill as a result of adding an additional electrical appliance.

Mayor Mitchell suggested partnering with the South Bay Cities Council of Governments on the outreach efforts to utilize the network that they have in place.

MOVED BY CACCIOTTI, SECONDED BY LYOU, AGENDA ITEM 14 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Gonzales.

22. Rule and Control Measure Forecast

Dr. Lyou requested that Rule 1148.2 be included in the "To-Be Determined" section of the Rule Forecast, as it is expected to be heard in 2015.

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM 22 APPROVED AS RECOMMENDED, WITH THE ADDITION OF RULE 1148.2 TO PAGE 5 OF THE 2015 TO-BE DETERMINED SECTION OF THE 2015 MASTER CALENDAR, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Gonzales.

BOARD CALENDAR

- 29. Administrative Committee
- 30. Investment Oversight Committee
- 31. Legislative Committee
- 32. Mobile Source Committee
- 33. Stationary Source Committee
- 34. Technology Committee
- 35. Mobile Source Air Pollution Reduction Review Committee
- 36. California Air Resources Board Monthly Report

MOVED BY YATES, SECONDED BY BUSCAINO, AGENDA ITEMS 29 THROUGH 36 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE COMMITTEE, MSRC AND CARB REPORTS, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Gonzales.

CLOSED SESSION

The Board recessed to closed session at 9:45 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:

People of the State of California, ex rel SCAQMD v. Exide Technologies, Inc., Los Angeles Superior Court Case No. BC533528;

In re: Exide Technologies, Inc., U.S. Bankruptcy Court for the District of Delaware Case No. 13-11482 (KJC) (Bankruptcy case); and

Fast Lane Transportation, Inc. et al. v. City of Los Angeles, et al., Contra Costa County Superior Court Case No. MSN14-0300 (formerly South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS 143381) (SCIG).

- 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:

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 10:10 a.m. General Counsel Kurt Wiese announced that there were no reportable actions taken in closed session.

BOARD CALENDAR (Continued)

37. Clean Fuels Program Draft 2015 Plan Update

Dr. Wallerstein explained that there has been only minor changes since the last update made to the Board.

MOVED BY PULIDO, SECONDED BY BUSCAINO, AGENDA ITEM 37 APPROVED AS RECOMMENDED, RECEIVING AND FILING THE CLEAN FUELS PROGRAM DRAFT 2015 PLAN UPDATE, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Gonzales.

PUBLIC HEARING

38. Amend Rule 1325 - Federal PM2.5 New Source Review Program

Staff waived the oral presentation on Agenda Item 38.

The public hearing was opened, and there being no requests to speak, the public hearing was closed.

MOVED BY J. BENOIT, SECONDED BY PULIDO, AGENDA ITEM NO. 38 APPROVED AS RECOMMENDED BY STAFF, ADOPTING RESOLUTION NO. 14-22, DETERMINING THAT THE PROPOSED AMENDMENTS TO RULE 1325 ARE EXEMPT FROM THE REQUIREMENTS OF CEQA, AND AMENDING RULE 1325, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Gonzales.

OTHER BUSINESS

39. Approve Three-Year Labor Agreement with Teamsters Local 911 and Approve Comparable Terms for Non-Represented Employees

Mayor Mitchell made a motion to approve staff's recommendation, including annual salary increases for the Teamsters and unrepresented employees as follows: 2 percent, 1.5 percent, and 1.5 percent over a three-year period effective the start of the pay period encompassing January 1st of each year, beginning in January 2015; employee payment of the employee share of the retirement contribution with offsetting increases to salary; and a reopener of the MOU in October 2015 and 2016 to discuss possible increases in health insurance premiums. The annual salary increases of 2 percent, 1.5 percent, and 1.5 percent are distinct from the amounts paid to offset increases in employee pension contributions.

Robert Pease and Phil Barroca, SCAQMD Professional Employees Association, requested that the Board consider an alternative approach to compensation that does not discriminate against employees based on their tenure, and eliminates the employer buy-down of the pension contribution. They claimed that the supporting documents were not made available for the required 72 hours prior to the meeting, and that the documents were lacking the actual fiscal impact of the proposed agreement.

In response to Supervisor Benoit's inquiry regarding the timeliness of providing the Board documents for review, Mr. Wiese confirmed that all procedural requirements of the Brown Act and other requirements of the Board were complied with in this instance.

Mayor Yates noted that Mr. Pease and Mr. Barroca do not represent any employees covered by the labor agreement before the Board.

MOVED BY MITCHELL, SECONDED BY NELSON,
AGENDA ITEM NO. 39 APPROVED AS
RECOMMENDED BY STAFF, WITH THE ADDITION
OF ANNUAL SALARY INCREASES OF 2 PERCENT
EFFECTIVE JANUARY 1, 2015, 1.5 PERCENT
EFFECTIVE JANUARY 1, 2016, AND 1.5 PERCENT
EFFECTIVE JANUARY 1, 2017, FOR TEAMSTERS
LOCAL 911 AND NON-REPRESENTED
EMPLOYEES:

- 1) AUTHORIZING THE EXECUTIVE OFFICER TO SIGN THE RATIFIED THREE-YEAR AGREEMENT FOR A SUCCESSOR 2015-2017 TEAMSTERS MOU, REPRESENTING THE TECHNICAL & ENFORCEMENT AND OFFICE CLERICAL & MAINTENANCE BARGAINING UNITS;

- 2) APPROVE THE AMENDMENTS TO THE *SALARY RESOLUTION AND ADMINISTRATIVE CODE* TO EFFECT COMPARABLE TERMS FOR NON-REPRESENTED EMPLOYEES; AND

- 3) ADOPTING RESOLUTION NO. 14-23, AMENDING SCAQMD'S SALARY RESOLUTION AND ADMINISTRATIVE CODE TO APPROVE, FOR MANAGEMENT, CONFIDENTIAL, ATTORNEY CLASS AND DESIGNATED DEPUTIES, ANNUAL INCREASES TO BASE SALARIES; AND AS APPLICABLE, ADDITIONAL SALARY INCREASES IN EXCHANGE FOR EMPLOYEES PAYING THE ENTIRE PORTION OF THE EMPLOYEE'S SHARE OF THEIR RETIREMENT CONTRIBUTION, BY THE FOLLOWING VOTE:

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

NOES: None.

ABSENT: Gonzales.

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 10:25 a.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on December 5, 2014.

Respectfully Submitted,

Denise Garzaro
Senior Deputy Clerk

Date Minutes Approved: _____

Dr. William A. Burke, Chairman

ACRONYMS

CaFCP= California Fuel Cell Partnership
CARB = California Air Resources Board
CEQA = California Environmental Quality Act
CNG = Compressed Natural Gas
FY = Fiscal Year
MSRC = Mobile Source (Air Pollution Reduction) Review Committee
PAMS = Photochemical Assessment Monitoring Stations
PM_{2.5} = Particulate Matter ≤ 2.5 microns
RFP = Request for Proposals
RFQ = Request for Quotations
U.S. EPA = United States Environmental Protection Agency