

BOARD MEETING DATE: June 5, 2026

AGENDA NO. 11

PROPOSAL: Amend Administrative Code to Revise Board Member Assistant and Board Member Consultant Policy and Executive Officer Settlement Authority

SYNOPSIS: This item is to amend South Coast AQMD's Administrative Code Section 112 – Board Member Assistant and Board Member Consultant Policy to remove obsolete language and to clarify the compensation provisions. This item also proposes to amend Section 160.7 - Authority for Settlement of Claims and Lawsuits to increase the Executive Officer's settlement authority from \$50,000 to \$100,000, and to authorize funding from the General Fund Undesignated (Unreserved) Fund Balance.

COMMITTEE: Administrative, May 8, 2026; Recommended for Approval

RECOMMENDED ACTION:

Amend South Coast AQMD's Administrative Code Section 112 – Board Assistant and Board Member Consultant Policy, and Section 160.7 - Authority for Settlement of Claims and Lawsuits, as set forth in Attachment A.

Wayne Nastri
Executive Officer

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Background

The Board's administrative code of rules and procedures sets forth various processes, responsibilities, requirements, and reimbursements for South Coast AQMD Board Members, employees, and Board Assistants/Consultants. This proposal recommends amending two sections of the South Coast AQMD Administrative Code.

Administrative Code Section 112 - Board Assistant and Board Member Consultant Policy (Administrative Code Section 112)

Board Member Assistants and Consultants provide technical and administrative support to Board Members. Administrative Code Section 112 provides, in part, the methodology and calculations for the compensation for Board Assistants and Consultants. In January 2026, the Board amended Section 112 to change the allocation and methodology used to determine the funding to Board Members for these purposes. The revised calculation methodology is based on each Board Member's appointment to Committees, Advisory Groups, and other Board Member assignments.

Administrative Code Section 160.7 - Authority for Settlement of Claims and Lawsuits (Administrative Code Section 160.7)

Administrative Code Section 160.7 authorizes the Executive Officer, on the recommendation of the General Counsel, to approve settlements of claims and lawsuits brought against South Coast AQMD, in an amount up to \$50,000. Proposed settlements exceeding this amount are required to be presented to the Governing Board for approval.

Proposal

This proposal is to amend Administrative Code Section 112 to remove obsolete language and to clarify the compensation provisions of the Board Member Assistant and Board Member Consultant Policy. Specifically, there is language that references allocations from prior years, and there are calculations described that are inconsistent with the January 2026 amendments. In addition, because Board Assistants and Consultants compensation is based on an annual allocation of funds and monthly payments, the reference to the hourly rate is obsolete and will be deleted. To avoid confusion, it is proposed to delete these provisions, as set forth in Attachment A.

This item also proposes to amend Administrative Code section 160.7, to increase Executive Officer authority to settle claims and lawsuits. Specifically, the amendments change the approval authority from a \$50,000 limit to a \$100,000 limit. The proposed new threshold is consistent with Executive Officer authority to enter into contracts, as set forth in the Board's Procurement Policy and Procedure. In addition, the item amends Section 160.7 to authorize funding of settlements, subject to this provision, from the General Fund Undesignated (Unreserved) Fund Balance.

The proposal would provide efficiency to the litigation and case settlement process. There are occasions when court procedures or potential settlements require timely decisions, which are more difficult to achieve if the issue and the funding must be presented to the Board.

Resource Impacts

There are no specific budget resource impacts for this item. However, it is noted that this item authorizes the appropriation of General Fund Undesignated (Unreserved) Fund Balance funds to cover the costs for future settlements. It is anticipated that sufficient funding will be available in future General Fund Undesignated (Unreserved) Fund Balances to accommodate the recommended changes to Section 160.7.

Attachments

Attachment A: Proposed amendments to Administrative Code Sections 112 and 160.7

ATTACHMENT A

Section 112 – Board Member Assistant and Board Member Consultant Policy

1. That an employee classification of Board Member Assistant be established, with the following scope of duties, minimum requirements, and compensation rates:

Scope of Duties: performs for Board Member a variety of tasks ranging from liaison with constituent public entities, other Board Members, the public, and ~~SCAQMD~~South Coast AQMD staff related to clerical functions. Typical functions may include preparing narrative and statistical reports, preparing correspondence, filing and maintaining records, arranging meetings and other group functions; monitoring various programs and projects; responding to inquiries from constituent public entities, South Coast AQMD Board Members, the public, and ~~SCAQMD~~South Coast AQMD staff.

Minimum requirements: evidence of the required training and experience shall be demonstrated by coursework in business administration or a related field, and/or sufficient experience performing data analysis and adjunct clerical functions for which familiarity with personal computers is desirable.

~~Maximum compensation rate: up to \$31.05 per hour effective January 1, 2015; \$31.51 per hour effective January 1, 2016; and \$31.99 per hour effective January 1, 2017, and as revised by the Governing Board.~~

2. That an employee classification of Board Member Consultant be established, with the following scope of duties, minimum requirements, and compensation rates:

Scope of Duties: performs for Board Member a variety of professional-level assignments in the development and formulation of policy, data analysis, reports, plans, assessments, and strategies for ~~SCAQMD~~ programs; provides advice and recommendations to the Board Member regarding matters subject to the Board Member's decision-making authority; may provide liaison with the public on behalf of the Board Member. Typical functions may include planning, organizing, and developing a wide variety of programs on the Board Member's behalf and evaluating the effectiveness of various approaches.

Minimum requirements: evidence of the required training and experience shall be demonstrated by graduation from an accredited college or university preferably with a major in an academic discipline related to the assignment and/or sufficient experience involving technical or analytical work at a professional level which would demonstrate the required knowledge, skills, and abilities related to the assignment.

~~Maximum compensation rate: up to \$55.90 per hour effective January 1, 2015; \$56.73 per hour effective January 1, 2016; and \$57.59 per hour effective January 1, 2017, and as revised by the Governing Board, except for the Board Chair's Assistant/Consultant.~~

3. That class specifications of Board Member Assistant and Board Member Consultant be added to ~~SCAQMD~~South Coast AQMD's Classification Plan at that maximum compensation rate ~~and~~ with the scope of duties and minimum requirements specified above.

4. That Board Member Consultants and Board Member Assistants may only be employed as South Coast AQMD contract employees. Board Consultants and Assistants who are employees of an entity with which the District contracts must follow the Administrative Code provisions applicable to employee Consultants.
5. Contracts for Board Consultants and Assistants shall be subject to Section 40 of ~~SCAQMD~~South Coast AQMD's Administrative Code—Code of Ethics, except that they shall adhere to the work rules and performance standards established by the Board Member to whom they report.
6. That a Board Member wishing to engage the services of a person to provide assistance shall submit to the Administrative Committee a Proposal identifying the person and setting forth his or her qualifications, scope of duties, and proposed compensation. The proposal shall include a listing of other employment and/or clients sufficient to determine whether the person has existing work that conflicts directly or indirectly with his or her duties and responsibilities for South Coast AQMD. The Administrative Committee shall review the Proposal ~~and determine if the proposed compensation rate is consistent with the required qualifications described above~~ and shall, with advice of General Counsel, make a case-by-case determination of whether a person proposed to provide assistance complies with the conflict-of-interest requirements of this Policy and is a Board Member Assistant or a Board Member Consultant. All Board Member Assistants and Consultants shall be contract employees. Board Member Assistants, and Board Member Consultants are exempt from ~~SCAQMD~~South Coast AQMD's Salary Resolution, Personnel Rules, and Administrative Code, except as specifically referenced in the said documents, this policy, or in his/her contract with ~~SCAQMD~~South Coast AQMD.
7. That the position of Board Member Consultant and Board Member Assistant be noticed for designation in ~~SCAQMD~~South Coast AQMD's Conflict of Interest Code listing classifications subject to the Code and the incumbent must disclose economic interests and comply with the Conflict of Interest provisions of the Political Reform Act.
8. That Board Member Assistants and Board Member Consultants serve at the pleasure of the Board Member to whom support services are provided and pursuant to the provisions of the contract executed between the Board Member Assistant or Board Member Consultant and ~~SCAQMD~~South Coast AQMD. ~~The Board Member served may determine whether his/her Board Member Consultant is to be paid on an hourly or a monthly basis. Board Member Assistants must be paid on an hourly basis. Board Member Assistants and Board Member Consultants who are contract SCAQMD employees and who are paid on an hourly basis shall receive overtime pay at the rate of 1.5 times the hourly rate specified in his or her contract for hours worked in excess of ten per day or forty per week provided the Board Member approves in advance in writing the working of any overtime by the Board Member Assistant or Board Member Consultant. Board Member Consultants paid on a monthly basis will be paid a pro rata share of their annual contract amount each month, provided the Board Member approves in writing, which will also cover all expense reimbursements authorized under the contract.~~
9. That the maximum support service-related expenditure ~~SCAQMD~~South Coast AQMD may make for the Chair and Vice-Chair is \$118,872 for FY 2016–17 and \$120,000 beginning FY

2026-27, and as revised by the Governing Board, not including business-related expenses. That the maximum support service-related expenditure SCAQMD South Coast AQMD may make for all other Board Members, not including business-related expenses shall be calculated prior to the beginning of each fiscal year based upon the Committee/Advisory/Other Group Assignment Points Methodology and Calculation, as described in Exhibit I. That the minimum support service-related expenditure SCAQMD South Coast AQMD may make for all other Board Members, is ~~\$39,624 for FY 2017-18 and~~ \$50,000 beginning FY 2026-27, and as revised by the Governing Board, not including business-related expenses. Expenses approved in advance that are associated with Board Member-approved attendance at mobile Board meetings and Board retreats will be reimbursed by SCAQMD South Coast AQMD upon presentation of expense receipts. Expenses approved in advance that are associated with Board Chair-approved attendance at mobile Board meetings and Board retreats will be reimbursed by SCAQMD South Coast AQMD upon presentation of expense receipts.

- i. Board Member Assistants and Board Member Consultants will be provided vehicle mileage reimbursement, at the rate set forth in Administrative Code section 110.4, for travel within the geographical boundaries of SCAQMD South Coast AQMD for travel directly related to their duties as a Board Member Assistant or Board Member Consultant.
 - ii. A Board Member Assistant or Board Member Consultant to the Board Member(s) serving as SCAQMD South Coast AQMD's CARB representative or as SCAQMD South Coast AQMD's representative to the California Fuel Cell Partnership (CaFCP) will be provided reimbursement for necessary expenses related to attending CARB or CaFCP workshops, hearings, meetings, or related events, subject to advance approval by the Board Chair.
 - iii. Board Member Assistant and Board Member Consultant meal and travel expenses shall follow the reimbursement procedures described in Section 120 of the Administrative Code.
 - iv. The Board Chair may also approve other Board Member Assistant/Consultant travel for SCAQMD South Coast AQMD-related activities provided such travel is requested by their associated Board Member and is reported to the Administrative Committee.
10. That Board Member Assistants and Board Member Consultants who work on average a minimum of 13 hours per week may elect, from among SCAQMD South Coast AQMD-sponsored health, dental, and vision insurance plans available to SCAQMD South Coast AQMD employees, SCAQMD South Coast AQMD-paid single-party coverage up to the dollar amount of the benefits cap approved by the Board for professional employees.
 11. That Board Member Assistants and Board Member Consultants may elect to participate in the deferred compensation plan SCAQMD South Coast AQMD sponsors for employees, as covered under section 457 of the Federal Internal Revenue Code.
 12. The total compensation provided under a contract between the Board Member Assistant or Board Member Consultant and SCAQMD South Coast AQMD for any Board Member shall not exceed the amounts specified in paragraph 9 above. At such time as the compensation for services reaches said amounts, the contract for services shall be terminated and the employment relationship between the Board Member Assistant or Board Member Consultant

| and ~~SCAQMD~~South Coast AQMD shall be terminated.

13. That all present and future assistants to a Board Member (whether Board Member Assistant or Board Member Consultant and whether or not an independent contractor) shall be subject to this policy.

EXHIBIT I

Committee/Advisory/Other Group Assignment Methodology and Calculation

- 1.) Utilizes the Board Committee/Advisory Group/Other Group Assignment spreadsheet as maintained by the Executive Officer or his designee.
- 2.) Calculation is as follows and will apply beginning FY 2026-27:

Meeting Type	Role	Annual Amount	Notes
Governing Board	Member	\$36,000	
Committee or Advisory Group	Member	\$14,000	Board Member is assigned to 2 or Less Committees or Advisory Groups
Committee or Advisory Group	Member	\$26,000	Board Member is assigned to 3 or more Committees or Advisory Groups
Committee or Advisory Group	Chair of Committee	\$18,000	In addition to Committee or Advisory Group Member amount
Committee or Advisory Group	Vice Chair of Committee	\$8,000	In addition to Committee or Advisory Group Member amount
MSRC	Member	\$10,000	South Coast AQMD representative
CARB	Member	\$40,000	South Coast AQMD representative
Partnership	Member	\$8,000	Natural Gas or Fuel Cell Partnership

Note: Section 3 will be removed after FY 2025-26.

- 3.) The following calculation methodology will be used through the end of FY 2025-26:
 - a. Assumes various levels of effort per assignment, based on agenda size and routine/non-routine nature of agenda items (Board Meetings/CARB/CACFP - 3 points, Admin/Leg/etc. - 2 points, LGSBA/IOC/BLTAP - 1 point)
 - b. Assumes the following points based on assignment/role:
 - i. Governing Board Meetings (12 mtgs/Yr): 4 points per meeting for Chair, 2 points for Vice-Chair, 1 point per meeting for all other Governing Board Members
 - ii. Committee/Advisory Group/Other Group Meetings (1-12 mtgs/Yr, depending on Comm/Advisory/Other): 2 points per meeting for Chair, 1.5 points per meeting for Vice Chair, 1 point for all other Governing Board Members
 - iii. CARB Meetings (12 mtgs/Yr): 2 points per meeting for CARB representative
 - iv. CA Fuel Cell partnership (2 mtgs/Yr): 2 points per meeting for CAFCP representative

- v. For Committee/Advisory Group/Other Group assignments that may not have any actual meetings scheduled, it is assumed they will meet one time per year to reflect the possibility of a meeting (Refinery, Marine Port Committees, etc.)

Section 160.7 - Authority for Settlement of Claims and Lawsuits

The Executive Officer, on the recommendation of the General Counsel, may authorize settlements of ~~\$50,000~~\$100,000 or less. The Executive Officer shall present proposed settlements exceeding ~~\$50,000~~\$100,000 to the Governing Board for approval. Upon the written order of persons with authority to settle a claim, the Controller is authorized to cause a warrant or check to be issued upon ~~SCAQMD~~South Coast AQMD treasury in the amount of the settlement. The funds will be appropriated from the General Fund Undesignated (Unreserved) Fund Balance.