

February 19, 2007

Honorable Mayor and Members of  
the Hermosa Beach City Council

Regular Meeting of  
February 27, 2007

**RESOLUTION SUPPORTING AB391 (LIEU) WHICH ENHANCES MUNICIPAL  
REPRESENTATION ON THE SOUTHERN CALIFORNIA AIR QUALITY  
MANAGEMENT DISTRICT BOARD OF DIRECTORS.**

**Recommendation:**

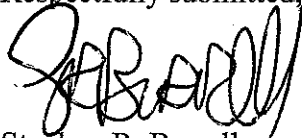
The City Council adopt the attached resolution supporting the expansion of the Governing Board membership and AB391 by Assemblyman Ted Lieu.

**Background:**

The present make up of the Board of the Southern California Air Quality Management District does not allow a member representing the cities in the western part of Los Angeles County. The proposal by Assemblyman Lieu would increase the membership from 12 to 13. This would result in a member chosen from this area. This is the same bill that the City Council supported last year which did not make it all the way through the legislative process. Hopefully, the bill will do better this session.

I have attached some information regarding the bill from the South Bay Cities Council of Governments, the text of the bill and a resolution in support of the legislation for your consideration.

Respectfully submitted,



Stephen R. Burrell  
City Manager

### *Why we care*

Based on California Air Resources data, businesses in the Western Los Angeles County cities' are shouldering significant financial and health impacts. Between July 2004 and June 2006, businesses in Western Los Angeles County cities were penalized nearly \$10 million (without the BP Arco Penalty), 10x's that of any other region in the District's jurisdiction. The majority of the businesses identified as the top 100 polluters, VOC, NOx and PM10, are in the Western Los Angeles County cities (excluding the City of Los Angeles). The pollution generated impacts the health of our constituents and the health of others throughout the region. The financial impact on businesses is profound. We are impacted but do not have a voice at the table.

### *Isn't this just a South Bay Cities proposal?*

No, legislation was proposed 6 years ago by the City of Los Angeles but it was unsuccessful. Following up on that, a broad-based coalition headed up by the South Bay Cities Council of Governments has been coordinating a district-wide effort to develop consensus on a plan for the most equitable and workable representation for all.

### *Won't this make the AQMD too big and cumbersome?*

Not really. A task force that gathered input from across the 4 counties looked at more than 15 different alternatives to possible Board composition. After several months of deliberation in 2005-06, they came to consensus on a plan to add 4 new seats. Now, the consensus has moved toward adding one new board member from Los Angeles County.

It's worth noting that the San Francisco Bay Area AQMD Board has 22 members representing 7 million people in 9 counties. Our Board serves 16.5 million people in 4 counties with 12 members. One additional member is still a workable size.

### *If it "ain't" broke, why fix it?*

The Board membership has been altered six times since its creation and this proposal addresses current needs in the region. **AB 391 DOES NOT TARGET** the SCAQMD, its board members, or its work. In fact, the AQMD is to be credited for the contributions it has made to the improvement in air quality that we experience today in the South Coast Air Basin. But ...

- for the 1.5 million residents of the 24 western sector cities in LA County, who under current law will never have direct representation on the Board, it IS broke!
- and for the 3-5 million new residents who have moved to the District since the last time the Board membership was adjusted, it IS broke!
- and for those jurisdictions that are experiencing the most problems with poor air quality due to explosive growth in population and traffic -- with even more projected! -- it IS broke!

**Please contact your legislators as soon as possible to let them know that you support AB 391!**

For additional information – [jacki@southbaycities.org](mailto:jacki@southbaycities.org)

## **AB 391 Enhancing Municipal Representation on the SCAQMD Board of Directors**

### **What is AB 391?**

AB 391, authored by Assemblyman Ted Lieu, builds on AB 2015 from the 2006 Legislative Session, and will modify the composition of the South Coast Air Quality Management District Board. It will clean up legislation last visited almost 20 years ago by:

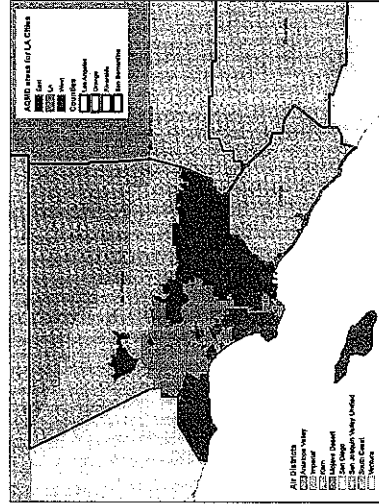
- adding one city government representative from Los Angeles County
- giving 1.5 million people in the 24 smaller cities in LA County's western sector the opportunity to be directly represented on the Board
- moving the cities of Calabasas and Malibu into the western sector
- giving the City of Los Angeles its own seat on the Board

### **What is the SCAQMD?**

The SCAQMD is one of the most important and influential boards in our 4-county area. It serves the most populated areas of Los Angeles, Orange, Riverside and San Bernardino counties.

Its decisions, policies, and regulations have enormous impact on each of our local governments, all businesses -- small to large, and every individual living in the South Coast Air Basin.

In other words, its decisions will directly affect our health and safety, our economy, and our quality of life for decades to come.



**Please contact your legislators as soon as possible to let them know that you support AB 391!**

For additional information – [jacki@southbaycities.org](mailto:jacki@southbaycities.org)

**Who serves on the SCAQMD Board?**

The AQMD Board membership is determined by state statute as follows --

3 State Appointees	1 appointed by the Governor 1 appointed by the Senate Rules Committee 1 appointed by the Assembly Speaker
4 County Government Members	1 - Orange County 1 - Riverside County 1 - San Bernardino 1 - Los Angeles County
5 City Government Members	1 - Orange County 1 - Riverside County 1 - San Bernardino County 1 - Los Angeles County Eastern Sector (representing 61 cities, including Calabasas & Malibu) 1 - Los Angeles County Western Sector (representing City of Los Angeles and 24 smaller cities)
12 Members	Current Total
Adds 1 City Government Members	1 - Los Angeles County
13 Members	Total after passage

**Why are changes needed?**

SCAQMD Board membership is based on legislation which was passed almost 20 years ago (the sixth change in membership since the agency creation), and reflects population, cities & urban development, and major sources of air quality concern at that time. Representation needs to be increased to respond to the following --

In LA County --

- 24 smaller cities in the Western Sector (approximately same population as San Bernardino or Riverside County) are always represented by LA City representative due to selection rules weighted toward cities with greater population.
- 2 western-most cities (Calabasas & Malibu) are in the Eastern Sector because they incorporated after the current SCAQMD Board legislation was enacted
- no realignment of representation to match 28% growth in population

Across the entire District --

- almost 30% population growth in the District with the same growth again projected by 2025
- corresponding upsurge in traffic, industry, and other sources of air pollution
- extraordinary increase in rail, truck, air traffic and industry associated with projected growth of 200-300% in Goods Movement

**So why AB 391?**

WIN-WIN legislation --

- a WIN for all cities of LA County -- 24 smaller cities in LA Western Sector gain the opportunity for direct representation on the Board, LA City receives its own seat. a
- a WIN for the SCAQMD --
  - o allows it to better connect with the communities it serves -- improving communication and increasing buy-in
  - o retains the expertise of existing Board members
  - o aligns the Board with explosive population growth and changes in urban development across the region

AB 391 allows the SCAQMD to build upon its successes and ensure that this is a better place for all of us to live, to work, and to govern. Please support this proposal!

**What about the cost?**

*Won't the increase in Board size cost too much?*

Each AQMD Board Director is budgeted \$46,000 to cover stipends, staff support and other expenses, although according to their financial reports they do not all use their entire allotment. One new member will cost approximately \$46,000 out of a total AQMD budget of \$105.1 million. This is a small price to pay for more representative government.

**Please contact your legislators as soon as possible to let them know that you support AB 391!** For additional information -- [jacki@southbavcities.org](mailto:jacki@southbavcities.org)

**ASSEMBLY BILL**

**No. 391**

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**Introduced by Assembly Member Lieu**  
(Principal coauthor: Senator Oropeza)

February 15, 2007

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An act to amend Section 40420 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 391, as introduced, Lieu. Air quality: South Coast Air Quality Management District: board membership.

(1) Existing law, the Lewis-Presley Air Quality Management Act, establishes the South Coast Air Quality Management District, in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the South Coast Air Basin, as the sole and exclusive local agency with the responsibility for comprehensive air pollution control within that basin. Existing law requires the south coast district to be governed by a district board consisting of 12 members, including 3 members appointed, one each, by the city selection committees of Orange, Riverside, and San Bernardino Counties, one member appointed by cities in the western region of the County of Los Angeles, and one member appointed by the cities in the eastern region of the County of Los Angeles. Under existing law, the specified cities in the western and eastern regions of Los Angeles County are required to organize a city selection committee, one per region, and hold a public meeting to determine the appointment from each region. Existing law prescribes the cities, including Los Angeles, that comprise the western region of the County of Los Angeles, and provides that those cities not

included in the western region are deemed to constitute the eastern region for the purpose of appointing members to the district board.

This bill would increase the number of members on the south coast district board from 12 to 13 by adding one new member appointed by the Mayor of the City of Los Angeles from the members of the city council of the City of Los Angeles. The bill would add the Cities of Calabasas and Malibu to, and exclude Los Angeles from, the list of cities included in the western region of the County of Los Angeles. Because the bill would impose additional duties on cities within the south coast district, this bill would establish a state-mandated local program.

The bill would require, under specified circumstances, the board member appointed by the city selection committee of the western region of Los Angeles County to instead be deemed to be the member appointed to the board by the Mayor of the City of Los Angeles, and that after January 1, 2008, a new member be appointed from the western region, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 40420 of the Health and Safety Code, as  
2 added by Section 2 of Chapter 686 of the Statutes of 2003, is  
3 amended to read:  
4 40420. (a) The south coast district shall be governed by a  
5 district board consisting of ~~12~~ 13 members appointed as follows:  
6 (1) One member appointed by the Governor, with the advice  
7 and consent of the Senate.  
8 (2) One member appointed by the Senate Committee on Rules.  
9 (3) One member appointed by the Speaker of the Assembly.  
10 (4) Four members appointed by the boards of supervisors of the  
11 counties in the south coast district. Each board of supervisors shall  
12 appoint one of these members, who shall be one of the following:

1 (A) A member of the board of supervisors of the county making  
2 the appointment.

3 (B) A mayor or member of a city council from a city in the  
4 portion of the county making the appointment that is included in  
5 the south coast district.

6 (5) Three members appointed by cities in the south coast district.  
7 The city selection committees of Orange, Riverside, and San  
8 Bernardino Counties shall each appoint one of these members,  
9 who shall be either a mayor or a member of the city council of a  
10 city in the portion of the county included in the south coast district.

11 (6) A member appointed by the cities of the western region of  
12 Los Angeles County, consisting of the Cities of Agoura Hills,  
13 Avalon, Beverly Hills, *Calabasas*, Carson, Compton, Culver City,  
14 El Segundo, Gardena, Hawthorne, Hermosa Beach, Hidden Hills,  
15 Inglewood, Lawndale, Lomita, ~~Los Angeles~~, *Malibu*, Manhattan  
16 Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo  
17 Beach, Rolling Hills, Rolling Hills Estates, Santa Monica,  
18 Torrance, West Hollywood, and Westlake Village. These cities  
19 shall organize as a city selection committee for the purposes of  
20 subdivision (f), *and shall be known as the city selection committee*  
21 *of the western region of Los Angeles County*. The member  
22 appointed shall be either a mayor or a member of the city council  
23 of a city in the western region.

24 (7) A member appointed by the cities of the eastern region of  
25 Los Angeles County, consisting of the cities in Los Angeles County  
26 that are not listed in paragraph (6) or (8). These cities shall organize  
27 as a city selection committee for the purposes of subdivision (f),  
28 *and shall be known as the city selection committee of the eastern*  
29 *region of Los Angeles County*. The member appointed shall be  
30 either a mayor or a member of the city council of a city in the  
31 eastern region.

32 (8) *A member appointed by the Mayor of the City of Los Angeles*  
33 *from among the members of the Los Angeles City Council.*

34 (b) All members shall be appointed on the basis of their  
35 demonstrated interest and proven ability in the field of air pollution  
36 control and their understanding of the needs of the general public  
37 in connection with air pollution problems of the South Coast Air  
38 Basin.

39 (c) The member appointed by the Governor shall be either a  
40 physician who has training and experience in the health effects of

1 air pollution, an environmental engineer, a chemist, a  
2 meteorologist, or a specialist in air pollution control.

3 (d) Each member shall be appointed on the basis of his or her  
4 ability to attend substantially all meetings of the south coast district  
5 board, to discharge all duties and responsibilities of a member of  
6 the south coast district board on a regular basis, and to participate  
7 actively in the affairs of the south coast district. No member may  
8 designate an alternate for any purpose or otherwise be represented  
9 by another in his or her capacity as a member of the south coast  
10 district board.

11 (e) Each appointment by a board of supervisors shall be  
12 considered and acted on at a duly noticed, regularly scheduled  
13 hearing of the board of supervisors, which shall provide an  
14 opportunity for testimony on the qualifications of the candidates  
15 for appointment.

16 (f) The appointments by cities in the south coast district shall  
17 be considered and acted on at a duly noticed meeting of the  
18 applicable city selection committee, which shall meet in a  
19 government building and provide an opportunity for testimony on  
20 the qualifications of the candidates for appointment. Each  
21 appointment shall be made by not less than a majority of all the  
22 cities in the portion of the county included in the south coast district  
23 having not less than a majority of the population of all the cities  
24 in the portion of the county included in the south coast district.  
25 Population shall be determined on the basis of the most recent  
26 verifiable census data developed by the Department of Finance.  
27 Persons residing in unincorporated areas or areas of a county  
28 outside the south coast district shall not be considered for the  
29 purposes of this subdivision.

30 (g) The members appointed by the Senate Committee on Rules  
31 and the Speaker of the Assembly shall have one or more of the  
32 qualifications specified in subdivision (c) or shall be a public  
33 member. None of those appointed members may be a locally  
34 elected official.

35 (h) All members shall be residents of the district.

36 ~~(i) This section shall become operative on January 1, 2006.~~

37 SEC. 2. (a) Notwithstanding any other provision of law, the  
38 person who is the member of the board of the South Coast Air  
39 Quality Management District who was last appointed to the board  
40 by the city selection committee of the western region of Los

1 Angeles County pursuant to paragraph (6) of subdivision (a) of  
2 Section 40420 of the Health and Safety Code prior to June 30,  
3 2006, shall instead be deemed to be the member appointed to the  
4 board pursuant to paragraph (8) of subdivision (a) of Section 40420  
5 of the Health and Safety Code for a term that expires on January  
6 1, 2012. If that person ceases to be a member of the Los Angeles  
7 City Council, that person also shall cease to be a member of the  
8 board and the Mayor of the City of Los Angeles shall appoint a  
9 new member pursuant to paragraph (8) of subdivision (a) of Section  
10 40420 of the Health and Safety Code.

11 (b) Notwithstanding any other provision of law, the city selection  
12 committee of the western region of Los Angeles County shall  
13 convene promptly after January 1, 2008, to appoint a member to  
14 the board of the South Coast Air Quality Management District  
15 pursuant to paragraph (6) of subdivision (a) of Section 40420 of  
16 the Health and Safety Code, for a term that expires on January 1,  
17 2011.

18 SEC. 3. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 a local agency or school district has the authority to levy service  
21 charges, fees, or assessments sufficient to pay for the program or  
22 level of service mandated by this act, within the meaning of Section  
23 17556 of the Government Code.



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**RESOLUTION NO. 07-**

**A RESOLUTION OF THE CITY OF HERMOSA BEACH, CALIFORNIA,  
SUPPORTING AB 391 (LIEU) WHICH ENHANCES MUNICIPAL  
REPRESENTATION ON THE SCAQMD BOARD OF DIRECTORS**

**WHEREAS**, it is in the interest of all municipal governments that cities be equitably represented on policy-making regional boards; and,

**WHEREAS**, the current number of municipal representatives on the South Coast Air Quality Management District (SCAQMD) does not fully recognize cities in the South Bay and Westside Sectors of Los Angeles County and places the cities of Calabasas and Malibu in what is identified by statute as the Eastern Sector of the SCAQMD jurisdiction, and,

**WHEREAS**, providing separate seats for a city within the Western Sector and the City of Los Angeles will ensure that the population of the City of Los Angeles and the populations of smaller cities in the Western and Eastern Sectors are represented on the SCAQMD Board commensurate with their populations; and,

**WHEREAS**, the majority of the businesses identified as the top 100 polluters, VOC, NOx and PM10, are in the Western Los Angeles County cities (excluding the City of Los Angeles).

**WHEREAS**, based on California Air Resources data, businesses in the Western Los Angeles County cities' are shouldering a significant financial impact. Between July 2004 and June 2006, businesses in Western Los Angeles County cities were penalized nearly \$10 million (without the BP Arco Penalty), 10 times that of any other region in the District's jurisdiction.

**WHEREAS**, the current proposal would retain the expertise of the Sacramento appointees; and,

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**WHEREAS**, the current proposal has received the support of city organizations including: the South Bay Cities Council of Governments, the Las Virgenes-Malibu Council of Governments, the Gateway Cities Council of Governments, Westside Cities Council of Governments, the League of California Cities, Los Angeles County Division, and the Independent Cities Association;

**THEREFORE, BE IT RESOLVED**, that the City of Hermosa Beach supports AB 391 by Assemblymember Ted Lieu. which requires a change in membership of the SCAQMD Board to add 1 additional municipal member for the Western Sector of the County of Los Angeles.

PASSED, APPROVED, and ADOPTED this 27<sup>th</sup> day of February, 2007.

\_\_\_\_\_  
PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY