

Senate Bill No. 886

CHAPTER 664

An act to amend Sections 40420, 40425, 40981, and 41221 of the Health and Safety Code, relating to air pollution.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 886, Negrete McLeod. Management districts: district board.

(1) 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 local agency with the responsibility for comprehensive air pollution control within the basin. The act requires the election of a chairperson of the south coast district board every 2 years, and requires that no member serve more than 2 consecutive terms as chairperson.

Existing law establishes the Sacramento Metropolitan Air Quality Management District within the County of Sacramento, and requires the election of a chairperson of the Sacramento district board every 2 years, and requires that no member serve more than 2 consecutive terms as chairperson.

Existing law establishes the Mojave Desert Air Quality Management District within certain areas of San Bernardino and Riverside Counties, and requires the election of a chairperson of the Mojave Desert district board every year, and requires that no member serve more than 2 consecutive terms as chairperson.

This bill would delete all of the above-referenced prohibitions on a member serving more than 2 consecutive terms as chairperson.

(2) The Lewis-Presley Air Quality Management Act 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. The specified cities in each region are required to organize a city selection committee and hold a public meeting to determine the appointment from the 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 among the members of the Los Angeles City Council. The bill would add certain cities to, and exclude Los Angeles from, the list of cities included in the western region of the County of Los Angeles. The bill would exclude the Cities of Lancaster, Los Angeles, and Palmdale from the cities included in the eastern region.

The bill would require the member serving on the board as of June 1, 2007, appointed by the western region of Los Angeles County to be deemed to be the member appointed by the Mayor of the City of Los Angeles until the end of that member's term, and would require the member serving on the district board as of June 1, 2007, appointed to represent the eastern region of Los Angeles County to be deemed to be the member appointed to represent the western region. The city selection committee of the eastern region of Los Angeles County would be required to convene promptly to make an appointment.

Because the bill would impose additional duties on cities within the south coast district, this bill would establish a state-mandated local program.

(3) 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.

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

SECTION 1. Section 40420 of the Health and Safety Code is amended to read:

40420. (a) The south coast district shall be governed by a district board consisting of 13 members appointed as follows:

(1) One member appointed by the Governor, with the advice and consent of the Senate.

(2) One member appointed by the Senate Committee on Rules.

(3) One member appointed by the Speaker of the Assembly.

(4) Four members appointed by the boards of supervisors of the counties in the south coast district. Each board of supervisors shall appoint one of these members, who shall be one of the following:

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

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

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

(6) A member appointed by the cities of the western region of Los Angeles County, consisting of the Cities of Agoura Hills, Artesia, Avalon, Bell, Bellflower, Bell Gardens, Beverly Hills, Calabasas, Carson, Cerritos, Commerce, Compton, Cudahy, Culver City, Downey, El Segundo, Gardena, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Inglewood, La Habra Heights, La Mirada, Lakewood, Lawndale, Lomita, Long Beach, Lynwood, Malibu, Manhattan Beach, Maywood, Montebello, Norwalk, Palos Verdes Estates, Paramount, Pico Rivera, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Santa Fe Springs, Santa Monica, Signal Hill, South Gate, Torrance, Vernon, West Hollywood, Westlake Village, and Whittier. These cities shall organize as a city selection committee for the purposes of subdivision (f), and shall be known as the city selection committee of the western region of Los Angeles County. The member appointed shall be either a mayor or a member of the city council of a city in the western region.

(7) A member appointed by the cities of the eastern region of Los Angeles County, consisting of the cities in Los Angeles County that are not listed in paragraph (6) or (8), and excluding the Cities of Lancaster, Los Angeles, and Palmdale. These cities shall organize as a city selection committee for the purposes of subdivision (f), and shall be known as the city selection committee of the eastern region of Los Angeles County. The member appointed shall be either a mayor or a member of the city council of a city in the eastern region.

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

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

(c) The member appointed by the Governor shall be either a physician who has training and experience in the health effects of air pollution, an environmental engineer, a chemist, a meteorologist, or a specialist in air pollution control.

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

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

(f) The appointments by cities in the south coast district shall be considered and acted on at a duly noticed meeting of the city selection committee, which shall meet in a government building and provide an

opportunity for testimony on the qualifications of the candidates for appointment. Each appointment shall be made by not less than a majority of all the cities in the portion of the county included in the south coast district having not less than a majority of the population of all the cities in the portion of the county included in the south coast district. Population shall be determined on the basis of the most recent verifiable census data developed by the Department of Finance. Persons residing in unincorporated areas or areas of a county outside the south coast district shall not be considered for the purposes of this subdivision.

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

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

(i) (1) The member who was serving on the district board as of June 1, 2007, who had been appointed to represent the eastern region of Los Angeles County shall be deemed on January 1, 2008, to be the member appointed to represent the western region of Los Angeles County pursuant to paragraph (6) of subdivision (a) and shall serve from January 1, 2008, until the end of the term of office for the member who had been appointed to represent the western region of Los Angeles County. At the end of that term, the city selection committee of the western region of Los Angeles County shall make an appointment pursuant to paragraph (6) of subdivision (a).

(2) The member who was serving on the district board as of June 1, 2007, who had been appointed to represent the western region of Los Angeles County shall be deemed on January 1, 2008, to be the member appointed pursuant to paragraph (8) of subdivision (a) until the end of that member's term. At the end of that term, the Mayor of the City of Los Angeles shall make an appointment pursuant to paragraph (8) of subdivision (a).

(3) On or after January 1, 2008, the city selection committee of the eastern region of Los Angeles County shall convene promptly to make an appointment pursuant to paragraph (7) of subdivision (a).

SEC. 2. Section 40425 of the Health and Safety Code is amended to read:

40425. The south coast district board shall elect a chairperson every two years from its membership.

SEC. 3. Section 40981 of the Health and Safety Code is amended to read:

40981. The Sacramento district board shall elect a chairperson every two years from its membership.

SEC. 4. Section 41221 of the Health and Safety Code is amended to read:

41221. The Mojave Desert district board shall elect a chairperson every year from its membership.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments

sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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