



**TECHNICAL ADVISORY COMMITTEE OF THE MSRC
ADMINISTRATIVE SUBCOMMITTEE AGENDA
Wednesday, May 25, 2022 at 2:00 p.m.**

Pursuant to Assembly Bill 361, the Administrative Subcommittee meeting will only be conducted via video conferencing and by telephone. Please follow the instructions below to join the meeting remotely.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION AT BOTTOM OF AGENDA

Join Zoom Webinar Meeting - from PC or Laptop

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Audience will be allowed to provide public comment through telephone or Zoom connection during public comment periods

PUBLIC COMMENT WILL STILL BE TAKEN

Subcommittee Members

Jenny Chan, Subcommittee Chair, representing Riverside County Transportation Commission

Kelly Lynn, representing San Bernardino County Transportation Authority

Steven Lee, representing Los Angeles Metropolitan Transportation Authority

Jason Farin, representing Riverside County Board of Supervisors

Derek Winters, representing California Air Resources Board

*Members of the public may address this body concerning any agenda item before or during consideration of that item (Gov't Code Section 548543(a)). If you wish to comment on an agenda item or during the public comment period, please "raise your hand" on Zoom or dial *9 on your phone. All agendas for regular meetings are posted at District Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the regular meeting. Speakers may be limited to three (3) minutes each.*

CALL TO ORDER

- Roll Call

CONSENT CALENDAR

Receive and Approve

1. **Comply with AB 361 Requirements to Allow MSRC-TAC Administrative Subcommittee to Continue to Meet Remotely** **Hsu**
 This action is to adopt the attached resolution finding that the MSRC-TAC Administrative Subcommittee: 1) has reconsidered the circumstances of the state of emergency; and 2) state or local officials continue to impose or recommend measures to promote social distancing. See Cal. Gov't Code section 54953(e)(3). **p. 4**

ACTION CALENDAR

2. **Consider FY 2022-23 Administrative Budget** **Pathak**
 An administrative budget is prepared each year as part of the annual MSRC budget. **p. 9**

OTHER BUSINESS

3. **Any member of the Subcommittee, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, may make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter, or may take action to direct staff to place a matter of business on a future agenda. (Gov't Code Section 54954.2)* **Ravenstein**

PUBLIC COMMENT PERIOD - (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3)

At the end of the regular meeting agenda, an opportunity is provided for the public to speak on any subject within the Subcommittee's authority that is not on the agenda. Speakers may be limited to three (3) minutes each.

ADJOURNMENT

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the Administrative Subcommittee Meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to the District. Please contact Ms. Alejandra Vega at (909) 396-2264 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to avega@aqmd.gov.

Pursuant to SB 343

All documents (i) constituting non-exempt public records, (ii) relating to an item on an agenda for a regular meeting, and (iii) having been distributed to at least a majority of the Committee after the Agenda is posted, are available by contacting Alejandra Vega at (909) 396-2264 or send the request to avega@aqmd.gov.

Contacts: Cynthia Ravenstein, MSRC Contracts Administrator – (909) 396-3269

*** Visit Our Website At: www.cleantransportationfunding.org ***

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

Please note: During the meeting, all participants will be placed on mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chair will announce public comment.

A countdown timer may be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.

Directions for Video ZOOM on a DESKTOP/LAPTOP:

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of the screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for Video Zoom on a SMARTPHONE:

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of your screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for TELEPHONE line only:

- If you would like to make public comment, please **dial *9** on your keypad to signal that you would like to comment.



MSRC-TAC Administrative Subcommittee Agenda Item No. 1

DATE:	May 25, 2022 Meeting
FROM:	Daphne Hsu, Principal Deputy District Counsel
SUBJECT:	Comply with AB 361 Requirements to Allow MSRC-TAC Administrative Committee to Continue to Meet Remotely
SYNOPSIS:	This action is to adopt the attached Resolution finding that the MSRC-TAC Administrative Subcommittee: 1) has reconsidered the circumstances of the state of emergency; and 2) state or local officials continue to impose or recommend measures to promote social distancing. See Cal. Gov't Code section 54953(e)(3).
RECOMMENDATION:	Adopt the attached Resolution finding that the MSRC-TAC Administrative Subcommittee: 1) has reconsidered the circumstances of the state of emergency; and 2) state or local officials continue to impose or recommend measures to promote social distancing.
FINANCIAL IMPACTS:	None

Background: Governor Newsom previously issued Executive Orders (EOs) N-29-20 and N-35-2 in March 2020, as a response to the public health crisis brought about by the COVID-19 pandemic. These EOs authorized local legislative bodies subject to the Ralph M. Brown Act to conduct meetings entirely via telephonic or other electronic means in lieu of requiring the physical presence of legislative members or members of the public. On June 11, 2021 the Governor issued EO N-08-21, which continued suspension of the Brown Act's teleconferencing requirements, without requiring that members of the public be given the right to access all teleconference locations, through September 30, 2021, in anticipation of the State's proposed re-opening.

Assembly Bill 361, signed into law by Governor Newsom on September 16, 2021, amends the Brown Act and will stay in effect from October 1, 2021 until January 1, 2024. In part, AB 361 amends subparagraph (e) of section 54953 of the California Government Code to state that local agencies may continue to use teleconferencing without complying with the teleconferencing requirements of the Brown Act in any of the following circumstances:

- A. When the legislative body holds a meeting during a proclaimed state of emergency and state or local officials have imposed or recommended measures to propose social distancing;
- B. When the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- C. When the legislative body holds a meeting during a proclaimed state of emergency and has already determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

In the event of an ongoing proclaimed state of emergency, or where state or local officials have imposed or recommended measures to promote social distancing, in order to continue to utilize the teleconferencing measures set forth above, a legislative body must, no later than 30 days after teleconferencing for the first time pursuant to Government Code section 54953(e)(1), and every 30 days thereafter, make the following findings by majority vote:

- A. The legislative body has reconsidered the circumstances of the state of emergency.
- B. Any of the following circumstances exist:
 - i. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
 - ii. State or local officials continue to impose or recommend measures to promote social distancing.

See Cal. Gov't Code section 54953(e)(1). Governor Newsom first declared a statewide emergency resulting from the COVID-19 pandemic on March 4, 2020. Furthermore, although the State no longer requires physical distancing, the MSRC, MSRC-TAC and their subcommittee meetings are generally held at the South Coast AQMD headquarters located in Diamond Bar, California, which is a city in Los Angeles County and both South Coast AQMD and the Los Angeles County Department of Public Health have recommended social distancing measures. The MSRC had previously considered the state of emergency for its legislative bodies.

Recommendations: This action is to address the requirements of AB 361 to allow the MSRC-TAC Administrative Subcommittee to meet remotely. The recommended action is to adopt the attached Resolution finding that the MSRC-TAC Administrative Subcommittee: 1) has reconsidered the circumstances of the state of emergency; and 2) state or local officials continue to impose or recommend measures to promote social distancing. See Cal. Gov't Code section 54953(e)(3).

RESOLUTION _____

1 **A RESOLUTION OF THE ADMINISTRATIVE SUBCOMMITTEE OF THE TECHNICAL**
2 **ADVISORY COMMITTEE TO THE MOBILE SOURCE AIR POLLUTION REDUCTION**
3 **REVIEW COMMITTEE RECOGNIZING THE PROCLAMATION OF A STATE OF**
4 **EMERGENCY BY GOVERNER NEWSOM ON MARCH 4, 2020 AND THAT THE COUNTY OF**
5 **LOS ANGELES CONTINUES TO RECOMMEND MEASURES TO PROMOTE SOCIAL**
6 **DISTANCING; AND AUTHORIZING FULLY OR PARTIALLY REMOTE TELECONFERENCE**
7 **MEETINGS OF THE ADMINISTRATIVE SUBCOMMITTEE OF THE TECHNICAL**
8 **ADVISORY COMMITTEE TO THE MOBILE SOURCE AIR POLLUTION REDUCTION**
9 **REVIEW COMMITTEE, FOR THE PERIOD OF MAY 25, 2022 THROUGH JUNE 24, 2022**
10 **PURSUANT TO PROVISIONS OF THE BROWN ACT.**

11 **WHEREAS**, the Administrative Subcommittee of the Technical Advisory Committee to the Mobile
12 Source Air Pollution Reduction Review Committee (MSRC-TAC Administrative Subcommittee) is
13 committed to preserving and nurturing public access and participation in all meetings subject to the
14 provisions of the Ralph M. Brown Act (Cal. Gov't Code §§ 54950 – 54963, hereafter Brown Act); and

15 **WHEREAS**, pursuant to the provisions of the Brown Act, all meetings of the MSRC-TAC
16 Administrative Subcommittee are required to be open and public so that any member of the public may
17 attend, participate, and watch the MSRC-TAC Administrative Subcommittee conduct their business; and

18 **WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote
19 teleconferencing participation in meetings by members of a legislative body, without compliance with the
20 requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

21 **WHEREAS**, a required condition is that a state of emergency has been declared by the Governor
22 pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of
23 extreme peril to the safety of persons and property within the state caused by conditions as described in
24 Government Code section 8558; and

25 **WHEREAS**, on March 4, 2020 the Governor proclaimed a State of Emergency to exist in California
26 as a result of the threat of the novel coronavirus (COVID-19); and

27 **WHEREAS**, pursuant to Health & Safety Code section 44244, the MSRC and its MSRC-TAC are
28 to adopt or assist in the development of a work program that is to be submitted to the south coast district
board. The South Coast Air Quality Management District includes all of the County of Orange and portions
of the Counties of Los Angeles, Riverside, and San Bernardino as set forth in Health & Safety Code section
40410 and South Coast AQMD Rule 103; and

RESOLUTION _____

1 **WHEREAS**, the MSRC-TAC Administrative Subcommittee usually meets at the South Coast
2 AQMD headquarters, which is located in the County of Los Angeles; and

3 **WHEREAS**, it is further required that state or local officials have imposed or recommended
4 measures to promote social distancing, or, the legislative body meeting would present imminent risks to the
5 health and safety of attendees; and

6 **WHEREAS**, local and California public authorities still recommend measures promoting social
7 distancing and/or mask wearing indoors and in public gatherings as well as recommending compliance with
8 the latest advice issued by the Center for Disease Control (CDC) regarding same; and

9 **WHEREAS**, on March 14, 2022, the County of Los Angeles Department of Public Health issued
10 further guidance promoting such measures; and

11 **WHEREAS**, on June 23 and August 10, 2021, the South Coast AQMD issued further guidance
12 promoting such measures; and

13 **WHEREAS**, the spread of COVID-19 poses a continued risk to the health and safety of members
14 of the MSRC-TAC Administrative Subcommittee, support staff, as well as to any members of the general
15 public who attend such meetings in that unvaccinated or partially vaccinated persons are at high risk of
16 contracting this variant and even fully vaccinated persons can contract and potentially unknowingly spread
17 COVID-19; and

18 **WHEREAS**, the MSRC-TAC Administrative Subcommittee does hereby find that they shall
19 conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code
20 section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall
21 comply with the requirements to provide the public with access to the meetings as prescribed in paragraph
22 (2) of subdivision (e) of section 54953; and

23 **WHEREAS**, the MSRC-TAC Administrative Subcommittee will continue to ensure access to their
24 meetings by making them available telephonically and via virtual access for both members of the legislative
25 bodies and the general public; and

26 **WHEREAS**, notice of meetings along with information regarding all methods which may be used
27 for public participation in such meetings will continue to be posted at the South Coast AQMD's
28 headquarters, posted at any teleconference locations which are officially noticed on the agenda, posted on

RESOLUTION _____

1 both the MSRC and South Coast AQMD websites, provided to anyone who requests such information, and
2 clearly printed on any agendas produced for such meetings.

3 **NOW, THEREFORE, BE IT RESOLVED**, that the MSRC-TAC Administrative Subcommittee
4 hereby finds that the highly contagious nature of the Omicron and Delta Variants of COVID-19 poses an
5 imminent risk to large numbers of persons meeting indoors in a single location; and

6 **BE IT FURTHER RESOLVED**, that the MSRC-TAC Administrative Subcommittee hereby finds
7 that the Governor of California issued a Proclamation of Emergency on March 4, 2020; and

8 **BE IT FURTHER RESOLVED**, that the MSRC-TAC Administrative Subcommittee hereby finds
9 that local officials continue to impose or recommend measures to promote social distancing in the South
10 Coast AQMD’s jurisdiction and where the South Coast AQMD’s headquarters is located; and

11 **BE IT FURTHER RESOLVED**, that the MSRC-TAC Administrative Subcommittee authorizes
12 and directs staff to take all actions necessary to carry out the intent and purpose of this Resolution including,
13 conducting open and public meetings in accordance with Government Code section 54953(e) and other
14 applicable provisions of the Brown Act; and

15 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption
16 and remain in effect until June 24, 2022 or until such time as the MSRC, the MSRC-TAC or the MSRC-
17 TAC Administrative Subcommittee adopts a subsequent resolution in accordance with Government Code
18 section 54953(e)(3) to extend the time during which the MSRC-TAC Administrative Subcommittee may
19 continue to teleconference without strict compliance with paragraph 3 of Government Code section
20 54953(b).

21
22 DATE: _____

23 _____, Member, MSRC-TAC Administrative Subcommittee
24 [Print Name]
25
26
27
28



MSRC-TAC Agenda Item No. ??

DATE: June 2, 2022

FROM: Aaron Katzenstein

SUBJECT: FY 2022-23 Administrative Budget

SYNOPSIS: As part of the annual MSRC budget, administrative costs are limited to not more than 6.25 percent of the annual MSRC portion of the AB 2766 revenues. Each year, an administrative budget is prepared. For FY 2022-23, the projected administrative costs are \$832,103 against a cap of \$1,018,750.

RECOMMENDATION(S): Review and approve the attached FY 2022-23 Administrative Budget, and forward it to the MSRC for review and approval.

WORK PROGRAM IMPACT: Seventy-five (75) percent of the technical advisor's contract, or an estimated amount of \$289,275, is chargeable to the FY 2021-24 Work Program. There are no other work program impacts.

BACKGROUND:

California Health & Safety Code, Section 44233, limits the administrative expenses for the MSRC to not more than 6.25 percent of its annual AB 2766 revenues. Each year, an administrative budget is prepared for review and approval by the MSRC.

DISCUSSION:

The proposed FY 2022-23 Administrative Budget is \$832,103 as shown in the attachment. The projected 6.25 percent administrative cap is \$1,018,750, leaving a margin of \$186,647. The following elements apply to these projections:

(1) Staff Salaries:

Costs are projected for three full-time staff positions (one Program Supervisor and two Contracts Assistants), and a part time position (Senior Administrative Assistant).

(2) Staff Administrative Support

South Coast AQMD charges MSRC for certain support functions provided to the MSRC. This includes legal, financial, and contractual support.

(3) Burdened Rates:

South Coast AQMD charges MSRC burdened rates for its staff positions and other administrative support personnel. The fully burdened hourly rate reflects the FY 2022-23 proposed overhead rates and the existing South Coast AQMD labor agreement resulting in an increase of \$2,559 in staffing costs.

(4) Miscellaneous Direct Costs:

These costs include: (1) 25 percent of the technical advisor's contract costs, in an estimated amount of \$48,213; (2) annual travel costs of \$2,500; (3) \$5,000 for conference related expenses and (4) miscellaneous expenses, such as printing, mailing, refreshments, etc., in the amount of \$48,500.

(5) Revenues:

Based on receipts for the AB 2766 program, the revenue projection has been revised to reflect the current trend in revenue collections.

In summary, the projected FY 2022-23 Administrative Budget reflects the best and most reasonable cost estimates that are currently available.

ATTACHMENT:

Spreadsheet outlining Proposed FY 2022-23 Administrative Budget

Mobile Source Air Pollution Reduction Review Committee

Fiscal Year 2022-23 Proposed Administrative Budget

Staff	FY 2021/22 Adopted Budget			FY 2022/23 Proposed Budget				
	Hours	Fully Burdened Rate	Budget	Hours	Fully Burdened Rate	Budget	Recognize in AQMD Budget	
							Work Program	Account #
Staff Administrative Support								
Principal Deputy District Counsel	260	\$ 153.24	\$ 39,842	260	153.74	\$ 39,973		
Financial Analyst	90	112.90	\$ 10,161	90	113.57	\$ 10,222		
Procurement Manager	300	144.60	\$ 43,379	300	145.13	\$ 43,540		
Administrative Assistant I	40	75.04	\$ 3,002	40	75.88	\$ 3,035		
Staff Specialist	220	113.02	\$ 24,864	220	111.40	\$ 24,507		
Contracts Assistant	220	75.04	\$ 16,509	220	75.88	\$ 16,693		
Fiscal Assistants (2)	20	70.91	\$ 1,418	20	71.76	\$ 1,435		
Accounting Technician	20	79.60	\$ 1,592	20	80.41	\$ 1,608		
Senior Accountant	10	103.13	\$ 1,031	10	103.84	\$ 1,038		
Total Staff Administrative Support	1,180		\$ 141,798	1,180		\$ 142,052		
Contract Administration & Program Support	(a)			(a)				
Program Supervisor	1,900	\$ 129.61		1,900	\$ 127.44			
Sr Administrative Assistant	600	91.54		600	92.30			
Contracts Assistant	1,900	75.04		1,900	75.88			
Contracts Assistant	1,900	75.04		1,900	75.88			
Total Contract Administration & Program Support	6,300		\$ 586,333	6,300		\$ 585,838		
SUBTOTAL STAFFING COSTS			\$ 728,131			\$ 727,890		
Miscellaneous Direct Costs								
Professional & Special Services			\$ 9,000			\$ 9,000	44003	67450
Public Notice			8,000			8,000	44003	67500
Communications			5,000			5,000	44003	67900
Postage			7,500			7,500	44003	68060
Office Expense/Supplies			12,000			12,000	44003	68100
Miscellaneous Expense			7,000			7,000	44003	69700
Conference- Related Expense			5,000			5,000	44003	69700
Technical Advisor (25%) (b)			45,413			48,213		
Travel Costs			2,500			2,500	44003	67800
Fixed Assets			-			-		
Total Miscellaneous Direct Costs			\$ 101,413			\$ 104,213		
Total MSRC Admin Costs	7,480		\$ 829,544	7,480		\$ 832,103		
Estimated 6.25% Admin Cap			\$ 1,018,750			\$ 1,018,750		
Amount (Over)/Under MSRC 6.25% Admin Cap			\$ 189,206			\$ 186,647		

(a) The Staff Specialist and Contracts Assistants (2) are budgeted for 100 overtime hours each.

(b) The projection for Technical Advisor expense projection is based on the current contract.

Fully Burdened Rate includes:

58.57% Benefits

13.6% Overhead

28.4% General & Administrative