

MINUTES OF A SPECIAL MEETING OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH, HELD IN THE BOARD ROOM OF THE HARBOR DEPARTMENT ADMINISTRATION BUILDING AT 925 HARBOR PLAZA, LONG BEACH, CALIFORNIA, ON MONDAY, NOVEMBER 5, 2007, AT 2 P.M.

Present:	Commissioners:	Sramek, Hankla, Topsy-Elvord, Walter, Cordero
Absent:	"	None

Also present:

R. D. Steinke	Executive Director
S. B. Rubin	Managing Director
D. A. Thiessen	Managing Director
R. G. Kanter	Managing Director
D. T. Holzhaus	Principal Deputy City Attorney
D. K. Jacobus	Acting Executive Officer to the Board
S. Ashley	Director of Government Affairs
K. J. Adamowicz	Acting Director of Real Estate
D. L. Albrecht	Director of Information Management
R. S. Baratta	Director of Risk Management
R. D. Cameron	Director of Environmental Planning
G. J. Cardamone	Director of Construction Management
L. Cottrill	Director of Master Planning
S. Joumblat	Chief Financial Officer
L. Marin	Director of Human Resources
A. J. Moro	Chief Harbor Engineer
H. C. Morris	Director of Communications
C. Perrone	Director of Security
R. Rich	Director of Maintenance
J. R. Santa Ana	Director of Engineering Design
D. Sereno	Director of Program Management
D. B. Snyder	Director of Trade Relations

PRESIDENT CORDERO PRESIDED AS CHAIRPERSON.

APPROVAL OF MINUTES.

Upon motion by Commissioner Hankla, seconded by Commissioner Sramek and unanimously carried, the amended minutes of the regular meeting of October 29, 2007, were declared read and approved as read.

INTRODUCTION.

President Cordero: I'd like to take the opportunity to introduce and we have the honor to have here the president of the Port of Los Angeles Board of Harbor

Commissioners at this time. Thank you for taking the time to be here. If you would like to make any opening comments, be my guest, and the floor is yours.

President Freeman: I feel very comfortable representing the Port of Los Angeles here at this meeting of my comrades in arms here on this floor. We are working together and come here to simply display unity. We were happy to have two members of your commission at our last meeting -- Commissioner Walter and Board President Cordero. I'm here with great honor, and I really don't have a whole lot more than that to say at this time. The relationship is one that I treasure for the two ports are setting an example of what the whole group movement needs to do. It needs to work together and move the goods and clean the air and be sure that we have adequate security in the work force. We're working towards that goal diligently and, I think, in great harmony, and I appreciate the chance of being here and being welcomed as I am. Thank you very much.

#### PUBLIC COMMENTS ON AGENDA ITEMS.

Mr. McConnell: Good afternoon, President Cordero, members of the Long Beach Port. First of all, I want to thank you. Over the period of the last six months, I've had the opportunity to speak to you on numerous occasions. I know this has been a trying time for all of us. You spent an inordinate amount of time that belonged to you personally to try and get a handle and come up with a valid recommendation, and I want you to know that even though we are still now at -- really at odds, that we as our community, the trucking community, appreciate the intense labor that you spent of your own time to work on this problem. That's just from me. In the last couple of weeks it looked like we were finally getting moving on a clean air plan that would actually clean up the air. The statement was made that we were going to take the kiss approach, keep it simple, and then we were going to focus on what was most important with this whole program which was to clean up the air. I believe in the last couple of weeks, we have discussed that we as a trucking community and maybe yourselves came up with a schedule of retrofit and replacement of trucks that gave enough latitude to the industry to allow the market to react and for us to reasonably replace the trucks, even without the port's help, without the port's money and what monies were available. We suggested there was numerous opportunities using a multiplier theory and a number of different ways either using the money as a guarantee on loans, but theoretically we did not need -- or did not theoretically, but we did not need the dirty truck fee. Apparently now that seems to be all gone out the window as political expedience has entered in, and the powers that be have decided that they don't really care too much about the Clean Air Plan. Even though everybody was agreed to clean up the trucks, they thought of this as an opportunity to implement -- even if it meant an injunction to put this whole thing on hold -- they were willing to delay it for I don't know how long to make sure that the employee portion gets put in. I think that's a disservice to the people of Long Beach to worry about the constituencies in another city, for example, and I think it's a shame on us that we didn't have the chance right now to clean up the trucks. Instead what we're opting for is a political expedience that is going to delay the

implementation of a Clean Air Plan for how long, I don't know. Thank you very much, and thank you again for your patience, obviously. I require a lot. Thank you very much.

Mr. Ota: Good afternoon, President Cordero and President Freeman from the Port of Los Angeles and all the Commissioners here. My name's James Ota, Ota Trucking, and with the Harbor Truckers for Sustainable Air. Everybody agrees with the Clean Air Act that's going on, and we agree with the work factors on the change on the plans on the retrofit -- the replacement from January to October. And I think that with AQMD, as was suggested, I think that those other people like CTA -- that they also work with you in implementing a lot of the portions for the clean air. The portion that I'm still against is down in the concession part where it comes in with the employees becoming -- the independents becoming employee drivers. I believe that with the organized trucking companies, trucking drivers that want to have become employees, they should form a company that they can compete with the rest of us 1400 independent trucking companies and also the 16,000 owner/operators to be out there and show that they can do what they're saying that they want to do. As far as the truck companies provide the new trucks and they have the benefits from the -- as an employee, as owner/operators everybody has a choice. If we can't afford to be able to stay independent, then our options are to find another job, but the majority of us would look to stay and work and make this port and the Port of Los Angeles grow to be the largest container base port in the nation. And still everybody is for the clean air, but I still am opposed to the concession because that means union, and I'm against that. Thank you.

President Cordero: Mr. Ota, just for the record, you're addressing Item 8, the tariff that was proposed with a timeline for the trucks. I just want to make clear, Are you opposed to Item Number 8, or do you favor it, or do you take no position?

Mr. Ota: I'm not sure everything about Item Number 8, but if it happens to involve with the concession part where you're adopting the employees drivers out of it for right now and still staying with the concession, I believe that it can be an amendment brought back in the future that would still be there, and I oppose that altogether.

Mr. Thornburg: Good afternoon. Thank you very much. I represent Pacific Coast Recycling in the Port of Long Beach, and for the record PCR, Pacific Coast Recycling, is committed to the port's plan to improve the air quality of the ports of Southern California. We ask that you take into consideration the impact this plan may have on trucks that come into the port on an occasional basis. The impact would be substantial to Pacific Coast Recycling where we may have the need for off-site storage, additional trucking into the port, which would be additional cost, and more importantly, it would be additional pollution that would bring into the port to double and triple the material that we have coming into our facility. Thank you very much.

Mr. Mayorga: Good afternoon, Commissioners present and everybody here in this room. My name is Jorge Mayorga, and I've been working the ports for the last 20 years. And I'm a driver that has been misclassified as an independent contractor. This is the first time I'm here talking to you guys, but I believe I hold the sentiment from

16,000 drivers out there. And like everybody else out there in the community, we all want the clean air for everybody. I have said in the past that drivers do not have the capacity to buy the new trucks that are to be implemented in the next three years. I have heard from some companies that they make up to 20 percent, 4 percent, 3 percent, but in reality I don't even know how much they make because they don't even show us how much they're making. I know that you guys don't have to say any more, but don't forget about us because we're the ones who've been pushed over and out of the market. We have been -- for over a year been talking to you guys, coming over here to the meeting, and you know, I want you to know that we want to become employees. Make us employees. I would like to know what's going to happen to all those drivers by October 2008. They're going to be put out of service with the trucks. Where are they going to become? Where are they going to be at? Are they going to be unemployed? I think that, you know, we want to become employees. We want you to know that we don't have the money; we won't be able to buy any trucks or do anything with new trucks, and that the trucking companies should be the ones responsible to buy the trucks and make us employees. That's what we want. And I see that there's no way that we're going to be able to help you clean the air if you don't make us employees, and we're going to end up like in 1996. Thanks for your time, for listening to me.

Mr. Lopez: Good afternoon, Commissioners. My name is Jose Lopez. I've been a driver for the last 12 years in the ports. I'm misclassified as an independent contractor also. We the drivers -- we support the clean truck program, and we're conscious of all the health problems out there in the ports and cities close to the ports. But we think that -- I think that this plan is not in accord with the 16,000 truck drivers out there. And we feel that we're being excluded when we have provided so much for this cities and this place. The ten questions I ask myself, what's going to happen to the drivers when their trucks are put out of service out of the ports? We don't have the capacity to buy those new vehicles -- those new trucks, so we can't contribute to cleaning the air. I think that responsibility should be for the trucking companies because I feel that they're the ones that have made money out of this whole system. We like to support you, but take into consideration that we're a force, and we would like to use all the measures to be listened to. Thank you.

Mr. Estrada: Good afternoon, Commissioners. My name is Rene Estrada. I work at the port as an owner/operator for three years. Even though I've been misclassified like an owner/operator, the truth is that I'm an employee of that company that I work for. We all want clean air. The truckers want clean air. And I think you do also. For my spouse, now she has cancer. She once told me that this air is bad for me. Through another coworker that I know of that now has pulmonary problems. You commissioners, you should assure that the system of air should be cleaned up for our community and for all our truckers, too, that we deserve to have good health. And I think it's time for you, the Commission, to take a stance and make a decision because we're getting frustrated by the mixed signals from you guys. And a group of frustrated workers -- we don't know what could happen. I understand that we've been at it for almost a year, but you just barely decided about the old trucks, but where is the

decision to make us employees, I ask? Put the responsibility on the trucking companies of the new trucks so we can clean the air because we're the drivers. The owners -- we don't have any money to buy any new trucks. Thank you.

Mr. Cando: Good afternoon, Commissioners. My name is Edwin Cando, and I've been driving in the port for the last five years. I don't know. I ask myself why does it take us too long to make the final decision? Because I live in Wilmington and I feel personally the combination of the bad air from the ports and the trucks, and I hope that you think about my family too. I don't want it to be another extra number. And I hope that today it would be beneficial for the 16,000 truckers out there. That's all I have to say. Thank you very much.

Mr. Pineda: Good afternoon, Commissioners, President, everybody here, ladies and gentlemen. If you can see my shirt, it means that I support the plans to clean the air. I support anything that will be beneficial for the community and the 16,000 truck drivers, and to continue to support you, I -- you guys have the people; you have the power -- the power to change to establish the clean air. I've been driving for many years. I've been misclassified for the last six years. And believe me, I think that you guys are very intelligent. You have the power to do a lot of change -- a lot of good in the ports -- a lot of the stuff that's going on right now. And that's why I ask you to take measures, preventive measures. I know that you -- you listen to everything that everybody says and everything that gets put on your desk. But in reality, you don't even know what our pockets are saying and the risks and the sacrifices that it takes for us to barely make it with an old truck. We sacrifice our families because we have to work over 16 hours. We sacrifice the freedom that we feel this is a country where freedom is. But today, it's in your hands, Mr. Commissioners, to change this because there's no way that we can buy or maintain a new truck. If we sacrifice our families and the hours after hours with an old truck, do you want to make us slaves to work seven days a week? I don't think so. If that's the way you want to put it, I think you might have the new trucks, but you're not going to have the drivers. This is my voice. It's not the trucking company's voice. It's my voice with the same 16,000 drivers out there. In your hands it is, and we support clean air. We support a safe port. We support everything that you're doing, Thank you.

Mr. Aguilar: Good afternoon, Commissioners, public up here. My name is Mario Aguilar -- like a driver, a truck driver misclassified as an independent contractor. We're supporting the Clean Air Action Plan. We are also ready to drive the new trucks like you're saying because it is for everybody there to clean air. How can we do it? Let the trucking companies be responsible for the equipment and make us employees. My question is -- my question is, what's going to happen to the old trucks that are going to be put out in the first place? Who's going to buy all those old trucks, and how much we going to get paid for it? How we going to end up -- what is going to be our status? How we going to end up? Please, I ask you to start thinking about us, the drivers because you know how much the inflation has gone with the fuel, and if this doesn't happen -- we're going to be recognized as employees -- we don't want to happen what happened in 1996 because we all need to work. Please, it's time for a change, and the change is

to the trucking companies to be responsible for the trucks, the new trucks, and recognize us as employees. Thank you.

Mr. Montoya: Good afternoon. My name is Luis Montoya, twenty years working in the ports, misclassified as an owner/operator, independent contractor. I agree a hundred percent to make the air cleaner, but I'm not agreeing with the -- I think you're talking to yourself a whole lot on the trucks, on the machines, but we're leaving outside the labor force. We don't have any security. How we going to end up when we turn in our old trucks? The trucking companies abuse us. They don't force us, but we have to work over hours because we have to do it that way to support ourselves. But they hide everything within the books, and they make us put in 18 hours of work only. That's why I ask you to consider because the real truckers, the real drivers so that the new trucks -- they're bought by the companies, they're maintained by the companies, and they give us the respect that we deserve as drivers, making us employees. Thank you.

Mr. Hernandez: Good afternoon, Commissioners, and public persons. My name is Mario Hernandez. I've been driving for 12 years, independent contractor misclassified. I and all my coworkers -- we support the clean truck program. And I go around and around in my head, and the completion I come about is for them to -- for us to become employees. We don't have any money. I make the news for the trucking companies, but I don't know who they're making deals with -- the steamship line, or the customer, whoever. The shipper pays to the steamship line, the steamship lines pays to the brokers, the brokers pay the trucking companies, and at the very end, we get the crumbs, just to give you an idea how the money is being moved. So that way we cannot help you clean the air, buy new trucks. I own my truck already. I already pay for it, and I barely make it right now, and I don't have a payment. And I assure you that 16,000 drivers out there are ready to stand with you, help you, but you have to make the companies responsible for the new trucks and recognize us as employees, and we'll be there. I would like to work the rest of my life in the ports, but I would like to work as an employee, and it is in your hands to do so. Thank you, Commissioners. I hope God blesses you, and you do the right thing.

Mr. Roldan: Good afternoon, Commissioners and public persons here. I'm here again in representation of the 16,000 truckers out there. They don't come here. It's not that they don't want to come, but they're afraid of their employers, trucking companies. And they don't come here because the minute that they come here, there's retribution from the companies, and that's exactly what happened to me. Because I was talking to the coworkers, coming here to these meetings, I was fired. I was let go. We are here a hundred percent with you because our communities need clean air. We all need clean air. Please, I ask you, take us into account, make the companies responsible for the trucks so that we can be recognized as employees. And like myself, I was misclassified. I was working as an employee, but they used to pay me by percentage. And I tell you, I'm here a hundred percent with you guys. Take us into account, and we support you. Thank you.

Mr. Esqueda: Good afternoon, Commissioners, ladies and gentlemen. My name is Vicente Esqueda. For the last 17 years, I have worked in the ports, and the last few years I worked at a yard moving containers from the ports of L.A., San Pedro, and Long Beach. Many of those containers were overweight, and that's the reason why I'm here with back problems now. And I'm basically supporting the cost for clean air because clean air is good, and I have been repeating it before. I don't live around here, but I live in Highland Park, about 25 minutes from here, but even from here, I get all the pollution because I'm asthmatic; I have asthma. And I'm supporting all my partners out there, 16,000 drivers that work out of this port, and I'm supporting clean air, new trucks, but also to have some sort of a pension or something for the drivers to be considered as employees. And like a truck driver with a Class A license, we should have some sort of respect, and I never had it. I never had the respect. And you know, everywhere we go we are disrespected just because we're drivers; nobody support us; nobody help us. And you know, right now you have to hold heavy containers and everything else. In my case, you know, I hurt myself, and I never had the support of my supervisor or my employer. And that's why, you know, I'm in this fight for the drivers because nobody has medical benefits. Nobody has anything to fall back on, because the minute we get hurt or something happens to us, we going to end up on the streets. I feel so bad because I don't want what's happening to me right now to happen to anybody because it's very bad. And that's why I'm in this spot right now, and I'm standing right here in front of you because the truck companies need to be responsible for the new trucks and to recognize us as employees. And you know, they should come to an accord to give us something because we're the ones who are sacrificing our lives, and you know, we need something. And thanks for your tolerance.

Bishop Ervin: Good afternoon. Commission, I'm here as a representative of the community. I'm a pastor here in Long Beach and also just as a concerned person about the tariff which is a heavy consideration, and I really hope that we see the need to pass the truck tariff to clean our environment for our children, and those that come behind us have a better chance and have a clean environment, a good place to grow up. Number two, I would like to address the fact that our truckers have been put in a position where their wages almost put them in the impoverished situation. We're at a point now where I believe the burden of cleaning up the port needs to be taken off the back of the truckers at this point. I also believe that, because I am the son of a trucker and also an ex-trucker myself, my father had a unique situation in the '70s leading into the '80s where his trucking company switched from employee truckers to owner/operators but still allowed them to have organized status with that. Therefore, I and my five brothers were raised, in this environment in the harbor area, graduated Banning High School, where my father, making prevailing wages, had medical benefits and had other different type of advantages that helped us to become functional adults. I'm the youngest of five boys; none of us are in jail; none of us have a criminal record; we're all professionals in our own right. And I believe when a family is given every advantage to live in a society, to be productive citizens, and get everything they need to be productive, it makes for a better people and a better environment. And I have come to understand that, as clergy as well as a concerned citizen and a product of the harbor area, to say that I really believe that, number one, the tariff should be passed; number two, that these drivers

deserve employee status; they deserve decent wages to raise their children, their families, and to also have a decent place to live. Thank you very much.

Mr. Hogo: Good afternoon, Mr. President, members of the board. I'm Henry Hogo with the South Coast Air Quality Management District. I'm here to give the AQMD staff support of your staff's proposal, and we urge your board adoption today. I just want to say we look forward to working with your staff and the Port of Los Angeles staff as you move forward the funding mechanism because we believe this is an important component to making sure that the clean trucks do come into service. So we do look forward to working with you on that, and we urge your adoption today. Thank you.

President Cordero: I just have one quick question, and thank you for being here on behalf of AQMD. And the question is with reference to the 4.7 or \$5.9 billion raised of the cost in relation to the health issue. This -- as I understand it, these figures came from your agency with regard to studies that were done to this effect?

Mr. Hogo: Yes, that's correct.

President Cordero: I just wanted to make sure. This came from AQMD, and it wasn't just thought of from the group, so to speak.

Mr. Hogo: No, this is a process we used to denote air quality management planning cost and benefit analysis. If anything, they are underestimated because we cannot quantify every potential benefit of health improvements. So when we look at the economic calculations, we do find that they generally are underestimated. Thank you.

Ms. Patel: Good afternoon. My name is Rupal Patel. I represent Communities for Clean Ports. I'm here to support the adoption of a progressive ban on dirty port trucks. In fact, we have been saying since the adoption of the CAAP, that you plan to ban dirty diesel trucks, so we're glad the Port of Long Beach is taking this first step and establishing a hard back strap for this process. However, without a strong replacement component, you'll be forcing industry on its own dime to deploy marginally less old diesel trucks, and that will result in more dirty diesel trucks and will be a complete failure for the Clean Air Action Plan. A complete clean trucks program should include the cleanest available trucks and an employee-based port trucking system to make the industry responsible for the true cost of goods movement. So our question to you is, Will the clean trucks program use best available control technology to establish its clean trucks standards as the South Coast AQMD and a coalition of truck drivers community and environmental public health groups have almost unanimously demanded? -- because it's the only way to achieve the emission reductions promised in the CAAP, especially if port business is projected to triple or quadruple. And when will we see a comprehensive clean trucks plan that can truly bring about the immediate and sustainable emissions reductions we desperately need in the South Coast Air Basin? The one-year anniversary is upon us, and dirty air is still killing people and making kids sick, so we urge you to get a strong comprehensive clean trucks plan developed as soon as possible. Thank you.



Mr. Lightman: Good afternoon, President Cordero, Harbor Commission, President Freeman. I also want to thank all of you and all of your staff that we have both here in Long Beach. They're the ones that put out a tremendous effort. You all have extended yourself to me and to everybody that's come before you week after week, month after month, and it's appreciated once again that we live in this fine country we have where we all can express our views. I'm awfully sorry that we have given up. We were almost there. We all want clean air, but we want a whole program that includes the financing portion. We cannot turn over 16,000 trucks in four years with no plan, just your decree. We cannot live with employee restriction and concession. I believe you put the whole plan at risk by keeping the other issues in the wings. You are inviting the federal government, large retailers, and trucking associations to intervene. When will we get clean air? Three to four years? Four to five years? Five to six years? Please join CARB in your program. Thank you very much.

Mr. Martinez: Mr. Cordero and members of the Board, my name is Adrian Martinez, and I'm here on behalf of the Natural Resources Defense Council. Appreciate the opportunity to provide testimony today. I think the community has laid out a lot of the health impacts from port trucking, so I will not go into that. I just have a couple brief comments, and I'm here today to support, with some suggestions, this tariff. At the outset I really want to applaud moving the date up to 2012 for replacing the pre-2007 trucks. I think that's a great improvement in this tariff. The second issue and whether it gets drafted in subsequent parts of the plan is this: I think it's best when the Ports of L.A. and Long Beach are funding retrofit devices, they utilize the highest verified retrofit device. And moving forward, I think that should be the language used instead of setting the floor because I want to know that the trucks that are 2004 to 2006 currently under the tariff will not be required to have retrofit. While it's my understanding that there is retrofits in place now, there might be one in the future. And while this segment of the truck fleet is very small -- it's approximately 2 percent now -- moving into the future, it could grow much larger. So those are issues that I think should be addressed. And the third issue is, I think there should be a rapid acceleration of replacing all pre-1994 trucks. The deadline was moved back a little bit, and I think through other parts of the program, that can be accelerated. And with that, I just want to once again provide RDC support, although at the Port of L.A. we gave the Port of L.A. an incomplete because we think there are other parts of their program that need to be improved. Commissioner Freeman also gave me an incomplete because I didn't reference the need for alternative fuel trucks and also utilizing the cleanest available technology. So I just wanted to add those in at the end so I don't get an incomplete again. Thank you.

President Cordero: Mr. Martinez, I will tell you you're not going to get an incomplete this evening here.

Mr. Martinez: And I have a letter following up on questions from the last commission meeting that addresses some of the answers.

President Cordero: Thank you again.

Ms. Kim: Good afternoon. Thank you for the chance to comment today. My name is Candice Kim. I'm here on behalf of the Coalition for Clean Air. I wanted to come here today in support of the tariff -- the environmental standards that have been proposed and also in support of the 2012 phase-out schedule as opposed to 2014. Thank you for making that change. Passage of these standards are a great first step, but it's just the first step. It's not the complete plan, so I urge you expediency in completing the plan to clean up port trucks, protect the public health, and in support of a plan that includes the employee provision proposed by the Coalition for Clean and Safe Ports. Additionally, I just wanted to send a special thank you to President Cordero for reminding us in that last meeting of the importance of public health and keeping it in the forefront of this discussion because it really is what motivates us and moves us forward, so thank you so much for providing that leadership.

Ms. Sauls: Good afternoon. Thank you again for the opportunity to be before all of you and speak to the truck tariff that is now on the agenda. As I spoke last Thursday at the Harbor Commissioners' meeting in the Port of L.A., we can't really say this plan -- as I said before, whether it's a good or bad plan because it is incomplete. And what I would really ask of all of you today is that you include us in the discussions from this point forward as you determine the operational side of how you plan to implement this truck tariff. That is our request that we make today. We support aggressive criteria to clean up the ports and reduce the emissions in and around the ports, and we would just request that you put us at the table with you as you move forward on the next phase of this plan.

Ms. Callahan: Colleen Callahan with the American Lung Association of California. Thank you very much. Appreciate the opportunity to testify this afternoon. I want to thank Commissioners and port staff for taking an important step to take the dangerous trucks out at this port and the worst emissions out of our lungs. The American Lung Association supports the proposed truck tariff. We also specifically support moving the ban date up to 2012. So with that said and our strong support as stated, each of you emphasize that this proposed tariff is one important step. There are other steps that must be taken to ensure that there's a strong Clean Air Action -- excuse me -- a strong clean trucks program that will meet Clean Air Action Plan goals and milestones. So we look forward to providing any support that we can or help in any way that we can as a port to work together collaboratively to put forth a complete plan. In order to reduce pollution and continue to keep pollution levels down, a comprehensive clean trucks program must include the following three provisions -- I state them as a complete package that should be taken together, not separate -- so a commitment to purchase the best available control technology on the cleanest trucks. Two, a specific goal to show that 50 percent of the trucks replace with cleaner nondiesel trucks as proposed in the Clean Air Action Plan, and third, a quick transition to employee status for a truck driver so that trucking companies are responsible for the safety, upgrade, and maintenance of the trucks in order for these trucks to meet clean air standards for long-term sustainability to attain the current truck system which advertise long-term sustainability of this critical clean trucks program. So in conclusion, the American Lung

Association requests that you take the bold action needed to quickly move clean trucks. Thank you.

CONSENT AGENDA – ITEMS NOS. 1 - 5.

1. SPECIFICATION NO. HD-S2322 - APPROVED AND NOTICE INVITING BIDS AUTHORIZED – PROVIDING AND INSTALLING FENCING MATERIALS.

Communication from G. J. Cardamone, Director of Construction Management, dated October 31, 2007, submitting Specification No. HD-S2322 for providing and installing fencing materials and requesting authority to advertise for bids for said work, was presented to the Board. The request was approved by the Executive Director.

2. DRILLING PERMIT APPLICATIONS – APPROVED.

Communication from Richard D. Cameron, Director of Environmental Planning, dated October 30, 2007, requesting that the following drilling permit applications be approved:

HDP #07-111X	Pacific Energy Resources – Drill Well PERL 8
HDP #07-112X	Pacific Energy Resources – Drill Well PERL 52
HDP #07-113X	Pacific Energy Resources – Drill Well PERL 39
HDP #07-114X	Pacific Energy Resources – Drill Well PERL 33
HDP #07-115X	Pacific Energy Resources – Drill Well PERL 34

was presented to the Board. The request was approved by the Executive Director.

3. LEVEL I HARBOR DEVELOPMENT PERMITS – RECEIVED AND FILED.

Communication from Richard D. Cameron, Director of Environmental Planning, dated October 30, 2007, requesting that the following Level I Harbor Development Permits be received and filed:

HDP #07-096	THUMS Long Beach Company – Excavation and Pipeline Repairs
HDP #07-100	Equilon/Shell – Pipeline Repair

was presented to the Board. The request was approved by the Executive Director.

4. CITY OF LONG BEACH – CITY OF LOS ANGELES – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE COST SHARING AGREEMENT TO CO-FUND THE LIQUEFIED NATURAL GAS HEAVY-DUTY TRUCK PROGRAM – DOCUMENT NO. HD-7247.

Communication from Richard D. Cameron, Director of Environmental Planning, dated October 31, 2007, requesting approval of a Cost Sharing Agreement with the City of Los Angeles to co-fund the Liquefied Natural Gas (LNG) Heavy-Duty Truck Program in the amount of \$8,000,000, was presented to the Board. The request was approved by the Executive Director.

5. HARBOR REVENUE FUND – APPROVAL OF FUND TRANSFER JOURNALS AND AUTHORIZATION OF TRANSFER OF FUNDS.

Communication from Sam Joumbat, Chief Financial Officer, dated October 31, 2007, submitting the following Fund Transfer Journals received from the Department of Financial Management:

<u>AMOUNT</u>	<u>DESCRIPTION</u>
\$1,097,176.04	Employee Benefits and Insurance Funds – Transfer of the September 2007 cost of employees’ fringe benefits (three pay periods)
97,538.58	Insurance Fund – Worker’s Compensation for October 2007
149,176.58	Employee Benefits Fund – Pension obligation bonds for October 2007
187,993.42	General Fund – Transfer of the October 2007 estimated City general administration costs
12,478.08	General Fund – Adjustment for additional cost of indirect overhead for prior year – F/Y2006
858,788.58	Fire Dept. – Fire stations and boats for October 2007
9,184.42	Fire Dept. – Vessel patrol for October 2007
206,339.77	Police Dept. – Police services for September 2007
828.21	Reprographics - October 2007
5,796.99	Planning and Building Permits - September 2007
10,000.28	Utility user’s tax billed – September 2007

620.80	Civil Service Recruitment Division – Advertisement costs for Environmental Specialist Associate and Port Financial Analyst - F/Y 2007
1,350.00	Public Works Dept. – Charges for vacation fee: Right-of-Way to be vacated
5,700.00	Police Dept. – Charges for Police Pistol Range for 38 Officers – F/Y 2007

was presented to the Board. The request was approved by the Executive Director.

Commissioner Sramek moved, seconded by Commissioner Topsy-Elvord that the communications be received and filed and that Items Nos. 1 – 5 be approved as recommended. Carried by the following vote:

AYES:	Comms:	Sramek,Hankla,Topsy-Elvord,Walter,Cordero
NOES:	“	None
ABSENT:	“	None

REGULAR AGENDA.

6. PETRO-DIAMOND TERMINAL COMPANY - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIRST AMENDMENT TO LEASE FOR OPERATION OF A LIQUID BULK TERMINAL ON PIER B – FIRST READING OF ORDINANCE.

Communication from Karl Adamowicz, Acting Director of Real Estate, dated October 31, 2007, recommending approval of the First Amendment to Lease with Petro-Diamond Terminal Company for the operation of a liquid bulk terminal on Pier B, was presented to the Board together with the authorizing ordinance therefore. The recommendation was approved by the Executive Director.

Commissioner Hankla moved, seconded by Commissioner Topsy-Elvord that the communication be received and filed and that the ordinance entitled, “AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FIRST AMENDMENT TO LEASE BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, AND PETRO-DIAMOND TERMINAL COMPANY FOR THE USE OF CERTAIN PREMISES IN THE HARBOR DISTRICT, AND MAKING A DETERMINATION RELATING THERETO,” be declared read for the first time and laid over for its second and final reading. Carried by the following vote:

AYES:	Comms:	Sramek,Hankla,Topsy-Elvord,Walter,Cordero
NOES:	“	None
ABSENT:	“	None

7. ESTABLISHING RATES AND CHARGES FOR WATER AND SEWER SERVICES – ORDINANCE NO. HD-1995 - ADOPTED.

Ordinance entitled "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH, ESTABLISHING RATES AND CHARGES FOR WATER SERVICE TO CERTAIN CONSUMERS WITHIN THE HARBOR DISTRICT OF THE CITY OF LONG BEACH, AMENDING ORDINANCE NO. HD-1633, AS AMENDED AND MAKING A DETERMINATION RELATING THERETO," was presented to the Board for its second and final reading.

Commissioner Topsy-Elvord moved, seconded by Commissioner Sramek that the ordinance be declared read for the second time and adopted as read. Carried by the following vote:

AYES:	Commrs:	Sramek,Hankla,Topsy-Elvord,Walter,Cordero
NOES:	"	None
ABSENT:	"	None

8. PORT OF LONG BEACH TARIFF NO. 4, ADDING SECTION 10 – AMENDMENT RELATING TO CLEAN AIR ACTION PLAN DRAYAGE TRUCK MEASURES – FIRST READING OF ORDINANCE.

Communication from Dr. Robert Kanter, Managing Director, dated October 30, 2007, recommending approval of the amendment of Port of Long Beach Tariff No. 4, by adding Section 10, relating to Clean Air Action Plan Drayage Truck Measures, was presented to the Board together with the ordinance therefore. The recommendation was approved by the Executive Director.

Commissioner Sramek moved, seconded by Commissioner Hankla that the communication be received and filed and that the ordinance entitled "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. HD-1357, DESIGNATED TARIFF NO. 4, BY ADDING SECTION 10 RELATING TO CLEAN AIR ACTION PLAN DRAYAGE TRUCK MEASURES," be declared read for the first time and laid over for its second and final reading.

Dr. Kanter: President, commissioners, today we're going to make some recommendations for the clean truck program, give a brief presentation related to that. As you know, since the Board adopted the Clean Air Action Plan back in November of 2006, staff has been working very hard on the clean trucks program, also known as HDV1, heavy-duty vehicle 1 portion of the CAAP. As you know, trucks are a major pollution source in the region's poor air quality. They are responsible for everything from emergency room visits to sick days or children in school, loss of work, long-term illness as well as premature death. Since the original staff proposal that was released by the port back in April of 2007, significant input on the proposal has been received. We have talked to licensed motor carriers, truckers, industry organizations,

environmental organizations, labor groups, community groups. We've held public workshops and presentations related to the program. We've received numerous e-mails, letters, and phone calls, and we've also had opportunities to do some analysis on the program. Specifically, we ironed out there two things that were looked at in the economic impacts of the proposed program as well as some of the issues related to CARB that were in question. At the joint board meeting of October 12th, the two boards directed staff to come back with a proposal with the emphasis on achieving Clean Air Action goals of the program. In order to implement the proposed staff program, we are recommending a tariff. That tariff will result in the ban of older trucks from operating in the ports and other major components, components including that progressive ban, a drayage truck registry, and in compliance monitoring through the use of radio frequency identification devices. With regard to the tariff and specifically about the truck ban, beginning October 1st, 2008, the ports will reduce harmful emissions at port terminals by denying access to older trucks according to a progressive ban by model engine, and this will be scheduled over a five-year period. That schedule would begin with a ban of pre-1989 trucks from service in the port by October 1st, 2008. We would follow that by a ban of model year 1989 to 1993 trucks by January 1st, 2010. Also at the same period of time, we will ban un-retrofitted trucks that are in the model years 1994 through 2003. And finally by 2012 -- January 1, 2012, we will ban pre-2007 trucks. The tariff would not apply to just dedicated-use vehicles. That's defined in the tariff as special vehicles like cement vehicles and other vehicles like that that come into this port. With regard to using radio frequency identification devices, this is an important part of our monitoring and compliance program. By August 1st, 2008, all terminal operators or port facilities shall have installed these radio frequency identification device readers, RFID readers, and that would permit the terminal operators to manage access to their terminals by determining certain information about the trucks bearing those RFID tags. Beginning October 1st, 2008, terminal operators shall restrict access to their port terminals on drayage trucks that meet the deadlines of the progressive ban. We need also to have a drayage truck registry, -- on June 30th, 2008, all drayage truck owners must register their trucks calling at the port terminals in San Pedro Bay. The DTR, drayage truck registry, will be a database that will contain basic information about the trucks and the owners and the businesses that are doing business on port property. At a minimum, the DTR will include the truck owner's name, the engine make and model and serial number of the truck, the vehicle identification number, also the license plate, and in effect, trucks subject to retrofit, it will also state the fact of that retrofit status, and finally it will also give the information about where that truck fits in our progressive ban. Staff has done an analysis of respective benefits of this program and, as you know, the nitrogen oxides and diesel particulate matter that's specifically in our CAAP, and when fully phased in in 2012, the program will reduce 802 tons of diesel particulate matter and 14,321 tons of NOx. In addition to that, the AQMD has estimated that in the implementation of the clean truck program the monetary benefits will be between 4.7 and \$5.9 billion. That's quite a bit of benefit associated with this tariff. The extent of local is useful to give you a comparison of where this tariff is in regard to the original CAAP. Again, the Clean Air Action Plan was a plan where estimates were made about the benefits of the program, and of course, we have now worked through those benefits, and so we have a little comparison of that. The proposed tariff is generally consistent with our CAAP; however,

it actually exceeds the goal to the CAAP in the end, and this is due to a number of reasons. First, in the development of the CAAP, staff relied on retrofit technology that would be available to it. That, in fact, did not materialize. So the result was they had to go back and basically reconstruct the program to move from dependent on retrofit into a replacement strategy. This produces more emission benefits than the CAAP committed to, and that's a good thing. In addition, the clean truck program as envisioned in the CAAP would not have been consistent with CARB's proposal which is now out there and scheduled for adoption in early December. That would have meant problematic implementation of this program. So now again, to reiterate, the revised program is now consistent with CARB's proposal and will achieve slightly better benefits in the long run. With regard to the recommendation, our planning division requests that the Board of Harbor Commissioners take the following action: To approve the first reading of an ordinance entitled "An Ordinance of the Board of Harbor Commissioners of the City of Long Beach Amending Ordinance Number HD-1357, designated Tariff Number 4, by adding Section 10 relating to the Clean Air Action Plan Drayage Truck Measures", which will, among other things, reduce the pollution from port trucks through a progressive ban of older models on annual schedule. It will register all drayage trucks accessing the port terminals to provide information to the port and terminal operators regarding this truck, require RIFD tags on drayage trucks accessing the port terminals to identify the trucks for access purposes, and require installation of RIFD readers at all port terminals to provide the port and terminal operators with the ability to manage truck access to those terminals. Mr. President, that concludes my presentation. However, you should know how hard staff has worked on this. This has been a year-long labor of love by the staff here and at the Port of Los Angeles, and I want to make sure to acknowledge that hard work. Our city attorney has been immensely helpful in helping us every step of the way, and I want to thank Dominic for that. Also the Port of Los Angeles staff where we have worked literally on a task force. I think where we had estimated they did 50, 60 percent, I'd say a hundred and ten percent of our time was spent together working on this. So again, I would express a lot of gratitude to the harbor and staff. We think this is a major step forward in cleaning up the air pollution from heavy-duty trucks calling at the port, and as I mentioned before, it's in close alignment with CARB's proposal which makes it fully implementable. Thank you very much.

President Cordero: Dr. Kanter, thank you for your presentation, and I do not take reference to the hard work of the respective staff of both ports. I think it was said very clearly because I think that staff has worked a long time on this plan regarding dotting the I's, crossing the T's. So more importantly, again, I know we're convinced that the public should know that the staff has been working on this quite a while. If they see the issue we're going to get there it's going to be through the hard work of the respective staff. So thank you, Dr. Kanter.

Commissioner Sramek: I'd like to make some comments here first. First question is, why are we here? For the past 30 years and maybe more, the port and the port-related activities have basically gone unchecked in our standing from a small local port to the second largest port in the nation. Combined with the Port of Los Angeles,



we're the fifth largest port complex in the world. Pollution from port activities needs to be cleaned up, not just for the future and future growth, but because of unchecked expansion in the past. The ports have undertaken many activities to clean up pollution from the ships to the yard equipment to trains within the ports. Trucks are now just another piece in that puzzle to clean up pollution. I keep hearing a lot about money brought up and how much it's going to cost. Let's look at it from a different standpoint. Pollution from the trucks is affecting health of our residents. Pollution is not only affecting thousands but, five, tens of thousands of people. Goods movement is also blamed for a couple thousand deaths a year. We have children with very high rates of asthma and other respiratory problems that is a direct effect of the diesel pollution from trucks. This affects their health, their growth. This data is numerous. There is solid data from AQMD, from CARB, very reputable universities, and other associations like the asthma and lung coalition. Every time a new study comes out, it seems the data is worse than the last data, probably because the monitors are better and there's better ways of analyzing data. So what is the cost of cleaning up pollution from trucks? The cost is people's health and lives. If we can make the life of one child better, where that child doesn't get asthma or some other problem associated with truck pollution, I think the cost is worth it. By instituting this regulation on pollution it will help improve the health of thousands of residents, not just children but residents across the board. You can't put a dollar amount on these lives. I say whatever it costs, it's worth it. We need and will find a way to pay for it. Now, what are we trying to do today? Today we're going to pass a regulation on the pollution from the trucks that enter the port. Over the next four or five years we can clean up the pollution from these trucks by 80 or 90 percent. That's all we're trying to do today. This is just the first step of what will be a comprehensive plan. I think people need to understand that. We'll discuss -- later on discuss implementation, costs, funding, all the other parts of a comprehensive program, but not today. Today is just a regulation of trucks that will be allowed onto the port. We will have further discussion and negotiation on the other issues. But that isn't today. I keep hearing people blaming others, pointing at others, not wanting to take responsibility. We all need to take some responsibility. We've all been part of the problem, and we all need to share in the solution. That's why we're all here, to help the lives of current generations and future generations while growing the ports and the economy. We can do it all if we want to. Instead of pointing at others, let's all join in and be part of the solution. Let's make this beginning the future for Southern California. Let's all make this a better place for everyone while growing the ports and the economy. We can do it if we want to. We want to make sure there is responsible growth. Now I'd like to make a motion, and I'd like to ask our city attorney, do I make the motion for the first reading of this ordinance?

Mr. Holzhaus: The motion will be for the first reading of the ordinance and will incorporate the findings and the action to adopt the tariff on first reading.

Commissioner Sramek: Okay. I'd like to make that motion, but before I relinquish the microphone, I'd like to thank staff of both ports. I'd like to thank the Los Angeles Harbor Commission; I'd really like to thank President Freeman for coming down here. I really appreciate the support. I'd also like to thank my fellow commissioners. I

mean, this has been a long road, okay? It's been a long time coming, and this is just the start. This is just the first piece of this part of the puzzle; okay? I would also like to thank everybody for coming down here to these meetings, participating in this progress. You may not all like the solution, you may not all like what's going on, but I think we all need to be part of this. And this is just the first -- very first piece. We'll negotiate every piece that comes along and hope you all keep working with the port to help make parts of this program better. Thank you.

Commissioner Hankla: Second.

President Cordero: Second by Commissioner Hankla.

Commissioner Hankla: First of all, Mr. President, I also would like to add my voice to those who are thanking staff for their hard and diligent work that they have put in to bring this to this position. I also thank the folks in the audience who have taken their time to share their point of view with. Obviously, we cannot come down and agree with every one of them, but hopefully, in our course of action we will come to a proper deliberation, and the process will result in cleaner air. I want to thank our colleagues at the Port of Los Angeles who have been extraordinarily diligent in their cooperation, and I think we have established new levels of mutual support in the effort to clean up the air. How are we going to pay for this? You know what? I don't know, but I'll know by the end of the year, and we will find a way. And there is going to be a way to pay for this. If you look at this port out here and what it's worth and you combine the two ports and what they're worth and you combine the intellectual ability and capacity of both ports plus the finance investment industry, the powers will figure out a way to pay for this. Not to say it's going to be free, and it's not to say it's going to be cheap, but it is worth it, as Commissioner Sramek said. And the other issue that I think often goes unnoticed is the fact that if we are not able to go green, we will forego a million new jobs in this region over the course of time. And that is incredible if you take a look at the needs of -- throughout the state of California, we're going to have as the population in this state grows. It's going to grow substantially. We are going to have jobs for those people, and this will help provide it, but it will provide it in a way that's sustainable and green. And I believe that in the future these two ports will not only be the greenest ports in the world, but they will be acknowledged to be the greenest ports in the world, and they will be a model for all other ports in the world to follow. And I predict that those in the United States at least will follow shortly. So I think we set in motion a measurable way that will not be turned back with this historic vote today.

Commissioner Walter: Yes, I would second everything that you just said, Commissioner Hankla, and I'd just like to say that I have every confidence in the staffs of the Ports of Los Angeles and Long Beach. And I do know that the staff has worked many, many, many hours and many months, and we have received many reports many status reports. And I have every confidence in the staff that even though this is a very challenging effort and maybe should have been done 30 years ago or something, we are doing it. We are moving ahead, and that's the right thing. I just have every confidence that we'll get it, and we'll get it as quickly as anyone could do it. And our

efforts will be among the very best to be found anywhere. Second, I would like to thank everyone who has spoken today and previous meetings. What you say is very important, and what you say we all listen carefully, and we will consider it. And as we go forward, there's still items to be done. We will eventually converge to the right position which, I think, will be acceptable to all. That is my expectation, I hope, anyway. But I do want to thank all of you for coming and speaking.

President Cordero: With that, let me make some final comments. I think you heard from this Commission we're all in unison in terms of what needs to be done and what Commissioner Hankla mentioned. We're all going to move forward quickly here. And let me just say two points with regard to what's real and realistic here that we should all keep in mind. As you heard here, Commissioner Sramek began by discussing the public health issue. That's paramount. You've also heard the question about money. Who's going to pay for it? Think about that latter question is that's where the debate really focuses on. Let me suggest to you this. I recently had a discussion with someone, a representative of a major retailer, and I asked that person, How often do you change your fleet? They have a considerable fleet. And the answer to that question was, at the latest every seven years. Think about that answer. And I said to that person, well, you know, if you would help us do this at the port -- truck drivers, that would mean that if we applied your business model to this port, we wouldn't have a truck older on these roads -- older than the year 2000. And what's really interesting, when we come here and we have various views, the bottom line is what we're trying to do is actually implement a model that's already out there. The only question is, Who's going to pay the cost? I began my presidency on the first day by referencing issues that happened in the '60s and surfaced in the '60s. And again, this is another example about the need then. We talked about what needs to be done. So ultimately, when it comes down to the end of the day, the bottom line, it is our responsibility as Commissioners, both in the Port of Los Angeles and Port of Long Beach, to challenge -- to take on this challenge and take on the challenge in doing the right thing. And I think that Commissioner Sramek has introduced the discussion -- was very much on point. We have a paramount health crisis, and we need to address an issue that's not just here at the Port of Long Beach. This past weekend there was, I understand, a major conference in Seattle, the conference of mayors, that addressed the question of their environmental plan in terms of global warming. Suffice to say that all across America, if not the world, these issues are being discussed. So in conclusion I think to get over this on this question, ultimately these two boards who are public servants, who are acting under the mandate, not only who are elected officials but members in both the communities, and we're going to have to make some tough choices. In the end, one of the things I think is very, very clear, we need to share in the cost. This is not just about government paying. This is not just about the port paying. When it comes down to it, it is exactly what our mayor has said -- Bob Foster -- the ultimate beneficiary has to help in this deal here and pay the cost. That's the bottom line. The question is going to be, We need to make that decision, and I think Mr. Hugo and the state that everybody's referencing and talked about the cost of economics. He also said that sometimes that plan is very fearful because someone in the end is going to be a victim of a change. That's why we need to get before us. So with that, let me again appreciate the time that

President David Freeman has taken here with us, representing the Board of the Port of Los Angeles, and as I indicated last week and it's clear today, we, the Ports of Los Angeles and Long Beach, are going to move today to accomplish implementing this Clean Air Action Plan. Thank you very much. With that, unless there's any further discussion and questions, we have a motion; we have a second. I call for the vote, and we'll have a roll call vote, if I may, Ms. Jacobus.

Commissioner Hankla:	Aye.
Commissioner Walter:	Aye.
President Cordero:	Aye.
Commissioner Topsy-Elvord:	Aye.
Commissioner Sramek:	Aye.

President Cordero: The motion passes unanimously.

Commissioner Topsy-Elvord: I would like to add the following addendum: That staff will come back with a program to fund the early implementation of the program adopted today, as well as provide information on the associated grant plan.

President Cordero: With that language, I just want to make sure, it was my understanding, President Freeman, that's exactly what your staff is on the verge of doing?

Mr. Freeman: Hopefully, the staffs will come back jointly with all of the rest of the unfinished package, whatever they may decide it should be. Speaking personally here, there's more than just the funding. There's the licensing part of this and conditions of the license, and that's something else that may or may not happen. But I would hope that you, like we've asked our staff to get into this job and get it done to their satisfaction. So I would hope that the motion would say, you know, let's get it done because we can create a fair amount of uncertainty out there.

President Cordero: I think with that, Commissioner Hankla said we need to get it done by the end of the year, and I think -- I just want to make sure that Commissioner Topsy-Elvord's motion also includes the same language that essentially you have with regard to this issue. Again, we have representatives. We're going to meet together at the ports, and I want to make sure for the record that this language is it.

Commissioner Walter: Second.

President Cordero: We have a second by Commissioner Walter. Any question or discussion on that added language?

Commissioner Topsy-Elvord: Roll call, please.

Commissioner Hankla:	Aye.
Commissioner Walter:	Aye.

President Cordero: Aye.  
Commissioner Topsy-Elvord: Aye.  
Commissioner Sramek: Aye.

President Cordero: With that, motion passes. Thank you.

**NEW BUSINESS.**

There was no new business to present to the Board.

**PUBLIC COMMENTS ON NON-AGENDA ITEMS.**

There was no one present to address the Board on non-agenda items.

**CLOSED SESSION.**

At 3:55 p.m., President Cordero recessed the Board meeting to hold a closed session:

**PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT**

Closed session pursuant to Section 54957 of the Government Code to interview candidates and consider appointment of Executive Officer.

At 4:25 p.m., the meeting was again called to order by President Cordero.

**ADJOURNED.**

At 4:27 p.m., Commissioner Topsy-Elvord moved, seconded by Commissioner Walter that the meeting be adjourned sine die. Carried by the following vote:

AYES:	Comms:	Sramek,Hankla,Topsy-Elvord,Walter,Cordero
NOES:	"	None
ABSENT:	"	None

MINUTES  
 REGULAR MEETING OF THE BOARD OF WATER COMMISSIONERS  
 LONG BEACH, CALIFORNIA  
 OCTOBER 18, 2007

The Board of Water Commissioners of the City of Long Beach met in the Assembly Room of the Treatment Plant, 2950 Redondo Avenue, Long Beach, California, on October 18, 2007.

The meeting was called to order at 9:15 a.m. by President Townsend.

PRESENT:	William B. Townsend	Commissioner
	John Allen	Commissioner
	Paul Blanco	Commissioner
	Frank Clarke	Commissioner
	Charles Parkin	Principal Deputy City Attorney
	Kevin L. Wattier	General Manager
	Sandra L. Fox	Secretary to the Board of Water Commissioners
	Robert C. Cheng	Deputy General Manager – Operations
	B. Anatole Falagan	Deputy General Manager – Business
	Ryan J. Alsop	Director, Government & Public Affairs
	Matthew P. Lyons	Director, Planning & Conservation
	Eric Leung	Director of Water Resources
	Paul Fujita	Director of Finance
	David Honey	Administrative Officer
	Monya Hawkins	Manager Information Technology
	Robert V. Swain	Engineering Manager
	Melissa L. Keyes	Administrative Analyst II/Special Projects Coordinator
	Dynna Long	Office Administrator
	Barry M. Meyers	Deputy City Attorney
ABSENT:	Stephen T. Conley	Commissioner
	Isaac C. Pai	Director of Engineering

**1. PLEDGE OF ALLEGIANCE**

Dynna Long led the Board and audience in the Pledge of Allegiance.

**2. APPROVAL OF MINUTES**

September 27, 2007 & October 4, 2007

Upon motion by Commissioner Blanco, seconded by Commissioner Clarke and unanimously carried, the minutes of the Regular Meetings of September 27, 2007, and October 4, 2007 were approved.

**3. PUBLIC COMMENT**

President Townsend opened the public comment period. As there were no requests to address the Board, the public comment period was closed.

**4. CLOSED SESSION PURSUANT TO SECTION 54956.9(a) OF THE CALIFORNIA GOVERNMENT CODE REGARDING EXISTING LITIGATION – PEOPLES VS. CITY OF LONG BEACH, LASC CASE NO. BC344553**

The Board adjourned to the closed session at 9:17 a.m.

President Townsend reconvened the meeting at 9:30 a.m., and noted that the Board had given the City Attorney's office direction on this agenda item, and they would report back at a future meeting.

**5. PRESIDENT'S REPORT**

- **William B. Townsend, President, Board of Water Commissioners**

President Townsend reported that he had continued his individual meetings with his fellow commissioners to discuss the Board's goals and objectives for FY 2007-2008. He reported he was looking forward to an exciting and productive year.

**6. REVIEW BOARD MEETING SCHEDULE FOR NOVEMBER 2007**

- **William B. Townsend, President, Board of Water Commissioners**

President Townsend proposed the Board meeting schedule be revised for future meetings to be reduced to two board meetings for the month – one to be held the first Thursday of the month at 9:15 A.M. and one to be held the third Thursday of the month at 7:00 P.M. The Board agreed to the following meeting schedule for November 2007:

November 1, 2007	Regular Meeting Cancelled
November 8, 2007	Regular Meeting – 9:15 A.M.
November 15, 2007	Regular Meeting Cancelled
November 29, 2007,	Regular Meeting – 7:00 P.M.

Commissioner Blanco advised he might be absent from the November 29, 2007 meeting as he would just be returning from Washington, DC.

Commissioner Allen directed staff to request that the City Attorney prepare a resolution to set the new meeting schedule for the Board of Water Commissioners, and that this item be agendaized for the November 8, 2007 board meeting.

**7. GENERAL MANAGER'S REPORT**  
**Kevin L. Wattier, General Manager**

LEO VANDER LANS PLANT UPDATE

Mr. Wattier reported that the corrections to the UV equipment had been made at the Leo Vander Lans plant, and that the plant is currently running at 70% of capacity.

SEGMENT TAPED WITH CBS EVENING NEWS

Mr. Wattier reported he had taped a segment with CBS Evening News regarding the California water crisis. He advised this segment would run nationally sometime within the next week. He advised the Board he would keep them informed of the date the segment would air.

SEWER OVERFLOW INTO MARINE STADIUM

Dr. Robert Cheng provided an update regarding the sewer spill that occurred on Wednesday, October 17, 2007 near 349 Lakeview that overflowed into Marine Stadium. He reported approximately 5,000 gallons (nine minutes of flow) occurred while LBWD staff was televising the main line due to root intrusion from the parkway trees. During the clearing of the 15" line the flow came up through the main. The control room was immediately notified and shut down the nearby pump station.

The Health Department was advised and they issued beach closures for Marine Stadium and the nearby Mother's Beach as a precaution. He reported staff is working with engineering on how to clear the tree roots causing this situation.

ASSOCIATION OF METROPOLITAN WATER AGENCIES FALL CONFERENCE

Mr. Wattier reported that he would be attending the upcoming AMWA fall conference in Seattle, WA on Sunday, October 21 through Wednesday, October 24, 2007. He advised during his absence Dr. Cheng and Mr. Falagan would be available for assistance.

**8. LEGAL COUNSEL REPORT**  
• **Charles Parkin, Principal Deputy City Attorney**

None.



**8. CONSENT CALENDAR**

Consent calendar items 8b. and 8c. were pulled for separate discussion.

It was moved by Commissioner Allen, seconded by Commissioner Blanco and unanimously approved that the Board approve Consent Calendar item 8a.

**8a. Approval of Transfer of Funds by Journal Entry Dated October 18, 2007**

A communication was presented to the Board from Paul Fujita, which is on file at the Long Beach Water Department.

Mr. Leung, Director of Water Resources provided background information on the overall Under Ocean Floor Intake/Discharge Demonstration project and explained how this was connected to the desal research program as outlined in Consent Calendar items 8b. and 8c. He gave a summary of the construction bids received for this project, and provided an overview of the construction management proposal received from MWH.

It was moved by Commissioner Blanco, seconded by Commissioner Allen and unanimously approved that the Board approve Consent Calendar items 8b. and 8c.

**8b. Adopt Specifications WD-12-07 for the Under Ocean Floor Seawater Intake and Discharge Demonstration Project and Authorize the General Manager to Sign a Construction**

A communication was presented to the Board from Eric Leung, which is on file at the Long Beach Water Department.

**8c. Authorize the General Manager to execute an agreement with MWH Americas, Inc., to provide Engineering Services during Construction for the Under Ocean Floor Seawater intake and Discharge Demonstration Project (EO-3011) in an amount not-to-exceed \$291,290**

A communication was presented to the Board from Eric Leung, which is on file at the Long Beach Water Department.

**9. AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH TIME WARNER TELECOMM FOR ENHANCED INTERNET BANDWIDTH SERVICE (T-1) TO HOST THE LONG BEACH WATER DEPARTMENT INTERNET SITE**

- **Monya Hawkins, Manager of Information Technology**

Mr. Hawkins provided an overview of the high-speed communications line Time Warner would be providing to LBWD to help host the Long Beach Water Department internet site. Mr. Hawkins previewed the Board webpage that would be available through this enhanced site.

It was moved by Commissioner Blanco, seconded by Commissioner Clarke and unanimously approved that the Board authorize the General Manager to execute an agreement with Time Warner Telecomm for enhanced internet bandwidth service (t-1) to host the Long Beach Water Department internet site.

**10. APPROVE BOARD POLICY STATEMENT 2007-35, DELEGATING AUTHORITY FROM THE BOARD OF WATER COMMISSIONERS TO THE GENERAL MANAGER TO EXECUTE ANY AND ALL CONTRACTS NECESSARY FOR WATER DEPARTMENT OPERATIONS IN THE AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000) OR LESS**

- **B. Anatole Falagan, Deputy General Manager – Business**

Mr. Falagan provided background on this request made by the Board of Water Commissioners, and reported this change is authorized per City Charter Section 1403 (15) that authorizes the Commission to delegate to the General Manager such powers and duties as the Commission deems appropriate. He reported this change would be added to the Board Policy manual with the new Policy Statement 2007-35.

There was general discussion that these approved contracts would be periodically submitted to the Board via a report in their cubbies.

It was moved by Commissioner Clarke, seconded by Commissioner Allen and unanimously approved that the Board approve Board Policy Statement 2007-35 delegating authority from the Board of Water Commissioners to the General Manager to execute any and all contracts necessary for Water Department operations in the amount of Twenty Five Thousand Dollars (\$25,000) or less.

**11. LEGISLATIVE ISSUES/ACTIONS/BILLS**

- **Ryan J. Alsop, Director, Government & Public Affairs**

Mr. Alsop provided a summary regarding legislative activity regarding the competing water bonds.

Mr. Alsop summarized the activities that took place at the Metropolitan Water District media event on Wednesday, October 17, 2007. He advised the intent of the event was to ramp up the water conservation message. He advised that LADWP was expected to enact in the coming week 1) prohibitions similar to the ones currently in place in Long Beach; 2) a public education effort, more than enforcement; and 3) reintroduce a "drought busters" group (education in service area).

Commissioner Clarke inquired about the recent KCET segment with Kevin Wattier, and requested that this segment be uploaded to the LBWD website. He also expressed an interest in the upcoming CBS Evening news segment being posted to the website also.

President Townsend commented on the Under Ocean Floor demonstration project, and the opportunity to publicize the project.

## **12. NEW BUSINESS**

President Townsend reminded the Board members about the State of the County luncheon scheduled for Thursday, November 1<sup>st</sup>, 2007 at 11:30 A.M.

Commissioner Allen inquired of the report on televising future Board meetings would be agendized for the November 8<sup>th</sup> board meeting. Mr. Wattier confirmed this item was scheduled for that date.


## **13. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO SECTION 54954.5 OF THE GOVERNMENT CODE TITLE: GENERAL MANAGER**

The Board adjourned to the closed session at 10:13 a.m.

The Board reconvened at 10:47 a.m. President Townsend advised the Board had completed the performance evaluation for the General Manager, Kevin L. Wattier, and had agreed to set his annual salary at \$210,000 effective October 27, 2007.

**14. ADJOURNMENT**

There being no further business to come before the Board, President Townsend adjourned the meeting at 10:48 a.m. to the next regular meeting of the Water Commission to be held November 8, 2007, in the Assembly Room of the Treatment Plant, 2950 Redondo Avenue, in Long Beach, California.

  
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Paul C. Blanco, Secretary

Attest:

  
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William B. Townsend, President