

**MINUTES OF THE REGULAR MEETING OF THE
PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE
TUESDAY, NOVEMBER 18, 2008, 5:30-8:00 P.M.
BANNING'S LANDING
100 E. WATER STREET
WILMINGTON, CA 90744**

ATTENDEES

Jayne Wilson, PCAC Co-Chair
Peter Warren, Voting Member, Coastal S.P. Neighborhood Council
Pat Nave, Voting Member, Northwest San Pedro Neighborhood Council
Tom Dahlgren, Voting Member, Wilmington Neighborhood Council
Donna Ethington, Voting Member, Wilmington Neighborhood Council
June Burlingame Smith, Voting Member, Point Fermin Resident's Association
Kathleen Woodfield, Alternate for John Miller, S.P. & Peninsula Homeowners Coalition
Lucy Mejia, Voting Member, Wilmington Citizen's Committee
Jody James, Alternate for Chuck Hart, At-Large San Pedro
Frank Herrera, Voting Member, Wilmington Community Advisory Committee
Gary Kern, Voting Member, Wilmington Community Advisory Committee
William Lyte, Voting Member, Harbor Association Industry & Commerce
Anthony Missetich, Voting Member, Harbor Association of Industry and Commerce
James Cross, Voting Member, San Pedro Peninsula Chamber of Commerce
Michelle Grubbs, Voting Member, Pacific Merchant Shipping Association
Patrick Wilson, Voting Member, Wilmington Chamber of Commerce
Kenneth Melendez, Voting Member, Wilmington Commercial District
John Schafer, Voting Member, Non-ILWU
Linda Spink, Voting Member, Education At-Large
Olivia Cueva Fernandez, Voting Member, Education At Large
Lanny Nelms, Voting Member, At Large (BHC)

ABSENTEES

Joe Gatlin, Voting Member, Central San Pedro Neighborhood Council
Joanne Valle, Voting Member, Harbor City Neighborhood Council
Richard Pavlick, Voting Member, Crescent Area Resident's Association
Noel Park, Voting Member, S.P. & Peninsula Homeowners Coalition
Andrew Mardesich, Voting Member, S.P. & Peninsula Homeowners Coalition
Dr. John Miller, Voting Member, S.P. & Peninsula Homeowners Coalition
Chuck Hart, Voting Member, At-Large (S.P.)
Eleanor R. Montano, Voting Member, Wilmington Community Advisory Committee
Mark Waronek, Voting Member, Harbor City/Gateway Chamber
Frank O'Brien, Voting Member, L.A. Harbor/Watts EDC
David Beeman, Voting Member, ILWU Local #13
Andrew Fox, Voting Member, At-Large

EXCUSED

Cathy Beauregard, Voting Member, At-Large, S.P.

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PORT STAFF IN ATTENDANCE

Kathryn McDermott, Deputy Executive Director, Business Development
Dr. Ralph Appy

- A. **CALL TO ORDER: 5:40 PM**
Jayme Wilson, the PCAC Co-Chair, called the meeting to order.
- B. **OPENING STATEMENT - AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE (PCAC)**
- AS PROVIDED BY THE BROWN ACT, PERSONS IN THE AUDIENCE MAY ADDRESS THE COMMITTEE IN CONNECTION WITH ANY AGENDA ITEM OR DURING THE PUBLIC COMMENT PERIODS. THE COMMITTEE, UNDER ITS RULES, SHALL NOT ADJOURN THE MEETING UNTIL ALL MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE COMMITTEE HAVE HAD THE OPPORTUNITY TO DO SO. ANYONE DESIRING TO SPEAK MUST COMPLETE A SPEAKER CARD AND SUBMIT IT TO THE PCAC SECRETARY.
- C. **DETERMINATION OF A QUORUM BY ROLL CALL OF VOTING MEMBERS**
Roll call was taken. There was a quorum of 18 members at roll call.
- D. **APPROVAL OF THE MINUTES FOR THE OCTOBER 21, 2008 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING**
ON MOTION OF GARY KERN, AND SECOND BY JAMES CROSS, IT WAS RESOLVED THAT THE MINUTES OF THE OCTOBER 21, 2008 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING BE APPROVED. MINUTES WERE APPROVED 13 AYES, 0 NAYS, AND 5 ABSTENTIONS.
- E. **GENERAL PUBLIC COMMENTS (3 minutes per speaker)**
Jayme Wilson, PCAC Co-Chair, opened the floor for public comments. There were no comments at this time.

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F. REPORTS OF CO-CHAIRPERSON AND PORT OF LOS ANGELES STAFF

► Kathryn McDermott, Deputy Executive Director of Business Development, gave a brief overview of the Foreign Trade Zone (FTZ) Program which was created by the Federal Government in 1934, to facilitate international trade and increase the global competitiveness of U.S. companies. It is an economic development program administered through the U.S. Department of Commerce.

A FTZ is an area that is inside the U.S. near a Customs Port of Entry, but is considered outside U.S. Customs territory. With this designation, U.S. companies can bring in foreign goods to a FTZ site without paying customs taxes or duties until the merchandise leaves the zone. This benefit allows U.S. companies to compete more effectively against foreign companies by reducing, deferring, or eliminating duties.

Foreign Trade Zone #202 was established in 1994, at which time the Port applied for the Grant. It was believed that it would encourage U.S. companies to bring cargo through the Port of LA. With shipping alliances and slot charter agreements, companies may be using the Port of LA FTZ but bringing their goods to the Port of Long Beach FTZ and vice versa. We feel that as a Customs Port of Entry we can provide a benefit to companies who purchase foreign goods.

Our role in this program is to transfer this grant or economic benefit from the Federal Government to users and operators. The FTZ Board has advised the grantees to integrate the zone into the state or the local area's economic development strategy. San Pedro is part of an Enterprise Zone. Wilmington and San Pedro have Revitalization Zones which are meant to be used as overall strategy for economic development.

The interest or entitlement that the Port of LA has in FTZ facilities is that as the grantee we play a different role. We don't have any legal interest in the property, we are not the land lord, and we are not the regulator or the permitting agency as we are under the Coastal Act/CEQA. The permitting or regulatory authority comes from the local jurisdictions where the warehouses are located.

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The action that the Board takes when approving a FTZ Agreement allows the user to take advantage of the benefits and to ensure that they operate a particular facility in a manner compliant to Customs rules and the U.S. FTZ Regulations.

We currently have twenty three General Purpose sites within a five county area and five subzones. The FTZ designation itself encompasses over 5,600 acres of land. However, there are probably only a few hundred acres or less that are activated or that benefit from the grant. There are three types of agreements.

- 1.) A Developer Agreement permits the developer to develop their property to make it more attractive to users / basically a marketing tool. There are no activities occurring.
- 2.) General Purpose Zones usually consist of a large industrial park with different users and one designation that serves the entire Industrial Park.
- 3.) Subzones are usually individual buildings with a designation for each proprietary use.

There are also both activated zones and inactive zones. Some zones never activate the grant because they don't need the designation.

The FTZ Regulations require FTZ sites to be located either 60 miles from the Customs Point of Entry/Port of Los Angeles or within a 90 minute driving time from the same. Our responsibility is to work with businesses and developers who want to use this zone, to submit applications to the FTZ or to enter into agreements and to provide annual reports to the FTZ Board on the activities.

Presently, we include in our FTZ agreements language that encourages the use of the Pier Pass Program, which was designed to reduce day time truck operations. This is however, not strictly consistent with the FTZ Act or the responsibilities of the Grantee.

Ms. McDermott offered names and addresses of the FTZ operators under contract with the Port, as well as the language that is used in the agreements regarding Pier Pass.

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The Committee raised question on the following:

- The action that the Board takes to approve a FTZ Agreement is a discretionary action
- Enforcement of an activated FTZ agreement
- Limit on how much property can be granted a FTZ designation
- Security issues with respect to Customs
- Foreign Trade Zone vs. a Bonded Warehouse
- Local jurisdiction for enforcement of greening and cleaning up a FTZ

► Dr. Ralph Appy reported, in David Mathewson's absence, that there were no PCAC Motion staff reports moving forward to the BHC for this next meeting.

► The San Pedro Waterfront Draft EIR deadline for public comment is December 8, 2008.

► There is a Knoll Hill Planning meeting scheduled for Wednesday, November 19, 2008, from 6:00 PM to 9:00 PM, at the Crowne Plaza/LA Harbor Hotel, 601 S. Palos Verdes Street, San Pedro.

COMMITTEE COMMENTS AND QUESTIONS:

Ms. Ethington asked for an ETA on the staff responses for the two Wilmington motions regarding the Wilmington Marinas (Anchorage Road Soil Storage Site and the infrastructure improvements). Ms. McDermott stated that she should have a better idea in December as to the time frame for those two motions.

Ms. Woodfield asked if the Board report that supports the use of overriding considerations / that gives the information by which the commissioners would determine whether they're going to do a statement of overriding considerations is available. Dr. Appy stated that it should be posted now with the other board letters and that it would have that information in it. He also stated that any time we have significant effects they have to do overriding considerations if they are going to approve the project.

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Ms. Burlingame Smith asked Dr. Appy if the determination had been made as to whether the Port would post the Sustainable Waterfront Plan on the website. Dr. Appy did not have an answer.

► The Pacific LA Marine Terminal, Pier 400, Plains All American Pipeline SEIR is on the BHC agenda for November 20, 2008 for Board action.

PRESENTATION: Pacific LA Marine Terminal, Pier 400, Plains All American Pipeline Draft SEIR

Dr. Appy gave a summary presentation on the SEIR. He reviewed the project and the contents of the draft.

- Ms. Burlingame Smith asked for the footprint of the effects of an explosion from this tanker/terminal
- Ms. Woodfield raised a concern with regard to the assumptions made between the Project and the NO Project Alternative, specifically with regard to amping and fuel switching. Dr. Appy will look into the analysis to verify where different vessels fall into the amp and low sulfur regulations, and how it was incorporated into the study.
- Mr. Warren requested the differential per vessel trip for the use of .5% LSF verses .2% LSF. He also asked for the cost savings for the companies that would not have to amp. He is looking for the dollars saved and feels that those dollars should be applied to the communities to subsidize and create a solar rooftop industry on residential houses affected by the negative impacts. This industry would not only provide "green" environmental benefits, but jobs too.

PUBLIC COMMENT:

Sharon Rubalcava, with Alston Bird, representing Plains All American Pipeline, commented on Ms. Woodfield's concern about the assumptions used in the analysis between the Project and the No Project Alternative. She clarified that it was her belief that the crude oil carriers were not included in the amp rule, but that they were required to switch fuels through the Low Sulfur Fuel Rule.

She further explained that the Port did an analysis of the amount of crude oil that could be imported through the other facilities and found that there

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was not enough capacity to equal what could be imported through Pier 400. The comparison is a bit like comparing apples and oranges in that they looked at the emission for all of the crude oil that could be imported through Pier 400 and then they compared that to the emission associated with a lesser amount coming through the other terminals. If it were equal, the discrepancy would be even greater.

G. EDUCATIONAL PRESENTATION:

Terminal Efficiency

Jim Flanagan, from the APM Terminals, gave a presentation on what was happening at APM terminals. APM is owned by A.P. Moller-Maersk, a Danish Company, with about \$50 Billion Dollars in revenue, making them a Fortune 200 Company. They represent approximately 28% of the Port of Los Angeles' volume right now. They have the largest on dock rail facility in the world, which means that trucks do not have to go into the terminal to move cargo out. They have the ability to move 4 full stacked trains during the day.

Long shore payroll at the facility is about \$200 Million a year. Six to eight thousand people conduct business at Pier 400 on a daily basis. With the present economy, the volume this year for Pier 400, if they had not captured cargo from Long Beach, would be down 20% this year and they expect it to be down an additional 20% next year.

Some of the Challenges that they face:

- Competition with the Port of Prince Rupert, in Canada. Prince Rupert is capturing cargo that has traditionally moved through this Port.
- Mexico is positioning themselves
- The Panama Canal in 2014 will accept APMs largest ship
- Discretionary cargo may be able to by pass this area
- Challenges from their own terminals throughout the U.S., when cargo can go through Savannah, Georgia

Environmental History,

- The fuel switch that Maersk initiated
On March 1, 2006, Maersk began switching fuel in all vessels coming into California, in both the auxiliary engine and the main engine. We

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switch to a distillate (1.1% sulfur) instead of heavy fuel. We think that this is reducing SO_x by 96%, PM by 87%, and NO_x by 13%. To date 925 vessels have made the switch, and 19,000 tons have been removed from the atmosphere.

- **Replace- Don't Retrofit Policy that they have with all the equipment at the facility**

Maersk does not retrofit their equipment. They elect to purchase new equipment so that they are always benefiting from the most recent technology at the facility.

- **The cooperation that they have demonstrated over the years**
APM cooperates with several institutions to monitor and conduct environmental assessments (i.e., the University of California Riverside, Cal. Poly Tech, California Air Resources Board, the Smithsonian, and the State Lands Commission).

APM does not exchange ballast water in the Port, this is done at least 1,200 miles off shore and at a depth of 2,000 feet.

- **Environmental Future**
APM is the only carrier that has joined the California Climate Action Registry to monitor/control greenhouse gases. APM is working to come up with an on-board solution to amping; a solution that will provide the same benefit to every port they call on, without having to connect to electricity.

APM is working with the E.P.A. on Hydraulic Hybrid utility vehicles (UTRs). The first one has been developed with the E.P.A. and will be tested at the APM facility in Elizabeth, New Jersey. It is expected that this utility vehicle will reduce the consumption of fuel by 60 to 80%, thereby reducing the greenhouse gases and criteria pollutants.

APM is discussing and looking at the feasibility of making Pier 400 a solar generator. However, they will most likely have to offer amping for third party customers.

H. ACTION ITEMS: NONE

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I. INFORMATIONAL ITEMS:

1. The EIR/Aesthetic Mitigation Subcommittee adopted the following recommendation on September 25, 2008. The Recommendation was moved by Pat Nave, Second by Skip Baldwin, and carried with 7 Ayes, 0 Nays, and 1 Abstention.

RESOLUTION:

Whereas, Port related businesses conduct their operations throughout the local area, especially in transporting goods to and from the Port; and

Whereas, the Port often assists these businesses, sometimes through terminal agreements and also through agreements such as Foreign Trade Zone agreements; and

Whereas, these businesses must operate in ways that impact local neighborhoods, sometimes by truck and train operations, employee transit, local on-site operations, and otherwise; and

Whereas, there may be ways that the impacts on local neighborhoods may be lessened through activities and improvements such as planting trees, improving streets, building local parks, or other improvements;

Now therefore, be it resolved that the Port should examine and consider the impacts of Port related business operations on local neighborhoods, and provide ways in its decisions for those businesses to contribute to local area improvements.

Mr. Baldwin, representing the Wilmington Citizens Committee, introduced the resolution and emphasized that it was a modest request to consider the impacts of port related operations on the local neighborhoods.

Mr. Schafer asked for clarification on the definition of "port related business operations". Mr. Nave stated that there wasn't a strict definition, but that the purpose of the resolution was to ask the Port

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to be more sensitive to the impacts on the local communities and to take the opportunity to work with businesses to develop programs that benefit and give back to the local communities where these impacts are. Mr. Schafer stated that he felt that the term was too vague and needed to be better defined in order to enforce.

Mr. Patrick Wilson shared Mr. Shafer's opinion on the lack of specificity in the resolution and stated that the resolution was unclear as to what businesses would be affected (i.e. all business, FTZ, or general port related businesses). Many of these issues should be addressed through City zoning. It needs more detail.

Ms. Woodfield clarified that the businesses affected by this resolution were those related to the transportation of goods to and from the Port. She also commented on the fact that City zoning was not handling these issues, and that there were homes in Wilmington being affected by containers that were stacked twice as high as the homes. If the PCAC directs attention to this issue, they are helping the communities that they represent.

2. The Air Quality Subcommittee adopted the following recommendation on November 5, 2008. The recommendation was moved by Kathleen Woodfield, Second by Dr. John Miller, and adopted with 4 Ayes, 0 Nays, and 0 Abstentions.

RESOLUTION

Whereas, the Port of Los Angeles is completing its draft Health Risk Assessment to become the San Pedro Bay Standard, and;

Whereas, the Draft HRA excludes consideration of Construction Emissions and prior and continued requests by the PCAC Air Quality Subcommittee to include Construction Emissions in the HRA have not garnered a positive response, and;

Whereas, major projects are planned for construction at the Port, and their cumulative construction phases will exceed five years which will result in a significant increase to localized air pollution in

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addition to on-going emissions from Port operations.

Therefore, be it resolved, the Air Quality Subcommittee requests the PCAC to advise the Board of Harbor Commissioners to require that the Bay Wide HRA be revised to include consideration of and recalculation for the harmful and significant contribution to pollution and health risk resulting from Construction Emissions.

Kathleen Woodfield introduced the resolution and explained that the Air Quality Subcommittee had been informed that the emissions inventory had not included construction emissions, and at the same time the emissions inventory was used as the basis for the statistics for the Health Risk Assessment. There is a missing component of health risk that is not being considered. Often times, it is the construction phase that causes the EIR to exceed the levels of significance for air quality. The AQ Subcommittee is asking that the construction emissions be included in the calculations for the Health Risk Assessment.

Mr. Shafer explained that the issue was the ability to estimate accurately the cumulative effects of project that may or may not come to fruition. The construction industry is a very speculative industry with a number of issues that can keep a project from being built, as well as the fact that each project is approved on an individual basis.

For the record, Mr. Jayme Wilson recused himself from the following agenda item and left the room. Ms. Burlingame Smith stepped in to chair the meeting in his absence.

3. The Light Aesthetics and Noise (LAN) Subcommittee adopted the following recommendation, November 10, 2008. Recommendation was moved by Carrie Scoville, Second by Chuck Hart, and carried with 2 Ayes, 0 Nays, and 0 Abstentions.

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RECOMMENDATION:

Whereas, the Port plan for a Cruise Ship Terminal at Kaiser Point will introduce new and increased levels of traffic, noise and intrusive lighting to south San Pedro, and;

Whereas, industrial uses such as the cruise business should be kept contiguous, and;

Whereas, existing and future San Pedro business and job development will benefit by improving and expanding the cruise ship berths near downtown and modernizing the cruise terminal there, and;

Whereas, Port O' Call should also be expanded and modernized but not on a scale that would threaten existing downtown business and future development near and in downtown,

Whereas, the outer harbor berthing will proliferate noise, light, traffic and air quality impacts more than a single downtown alternative, and;

Whereas, the outer berthing options add up to 600 bus trips, and hundreds of car and truck trips a day through San Pedro to Kaiser Point with attendant noise, light, air pollution and traffic, and;

Whereas, the area south of 22nd Street should be a limited noise and light impact zone and should be developed for lower impact uses, and;

Whereas, this area should be dedicated to science, education, research, recreation, habitat preservation, people-friendly and compatible business uses.

Therefore, be it resolved that the Port Community Advisory Committee supports the Sustainable Waterfront Plan and strongly opposes any permanent berthing of cruise ships in the outer harbor.

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Peter Warren spoke on this resolution and reiterated the fact that there were no alternatives included among those in the DEIR that reflected the communities desire to not have a cruise ship terminal two or three miles from downtown and to have a reasonably sized Ports O' Call with shared parking with Downtown. The Sustainable Waterfront Plan includes these issues. The San Pedro Chamber of Commerce is expected to endorse the Sustainable Waterfront Plan this week.

There were no additional comments. Mr. Wilson was asked to return to the room to chair the remainder of the meeting.

J. SUBCOMMITTEE REPORTS

1. Air Quality

Kathleen Woodfield reported that the motion I.2. was the most significant item that they addressed. The committee is discussing and reviewing the locations and the results of the air monitoring program, along with the progress the Port is making in the fuel subsidy program.

The participation level is not as high as we would like to see it at this point in time.

2. San Pedro Coordinated Plan

June Burlingame Smith reported that there was a written report that was distributed that reflects the resolution that was passed by the Subcommittee. The resolution will not come to the PCAC for action as the issue was time sensitive and needed to be addressed immediately. The resolution has been submitted to Dr. Geraldine Knatz and to Commission President David Freeman for administrative action. It has also been submitted with the Subcommittee comments on the Environmental Document. We have asked that the Port disseminate the Sustainable Waterfront Plan through the email and through their mail lists, as well as posting it on the Port website. We asked further that the Port of Los Angeles complete a coequal analysis of the Sustainable Waterfront Plan as part of the final EIR/EIS.

3. EIRs/Aesthetic Mitigation

Kathleen Woodfield reported that the Subcommittee had been working on the San Pedro Aesthetic Mitigation projects for which they had 35

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applicants. The EIR working group is still working on formulating a list of approximately ten projects to recommend for submittal to the State Lands Commission.

4. Light, Aesthetics and Noise

Peter Warren reported that the major work of the LAN Subcommittee was the resolution regarding the Sustainable Waterfront Plan. He further commented on the lack of participation in the low sulfur fuel program when the Port was subsidizing the differential between the diesel and the low sulfur fuel.

5. Port Master Plan/Quality of Life

Donna Ethington reported that the subcommittee reviewed Planning Area 6, referencing the Cal Hamilton Report from 1987 and the Cal Poly Tech Study on restoring wetlands. They are working on a recommendation to ask the Port to consider feasible land uses there.

6. Traffic

Patrick Wilson reported that the Subcommittee had a presentation on the Southern California International Gateway Rail Facility and the Clean Trucks Program. The next meeting is Wednesday morning, November 19, 2008 at 8:00AM at Banning's Museum. We will have a presentation on the traffic components of the San Pedro Waterfront Project, an update on the Henry Ford Rail Junction, and an update on the Port Wide Transportation Study.

7. Water Quality

Donna Ethington reported that the Subcommittee was working with the Water Resource Action Plan (WRAP) Committee, and that they had identified the pollution sources. They were now beginning to brainstorm on ways to handle the contamination. The next WRAP meeting will be at 1:00 PM at the Wilmington Senior Citizens Center.

8. Wilmington Waterfront Development – No Report Given

Dr. Knatz will be giving a presentation on the Wilmington Waterfront DEIR at the November 20th BHC meeting, at 6:00PM at Banning's Landing. The draft document is expected to be released sometime around December 4, 2008. The comment period may be about 60 days. There will be a public scoping meeting in January after the holidays. The comment period deadline may be sometime around January 21, 2009.

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K. GENERAL PUBLIC COMMENT (3 MINUTES PER SPEAKER)

Jayne Wilson, PCAC Co-Chair, opened the floor for public comments.
There were no speakers.

L. AGENDA ITEMS FOR THE TUESDAY, DECEMBER 16, 2008, PCAC MEETING

M. ADJOURNMENT:

**THERE BEING NO FURTHER BUSINESS, AT APPROXIMATELY 8:05 PM
THE TUESDAY, NOVEMBER 18, 2008 MEETING OF THE PORT OF LOS
ANGELES COMMUNITY ADVISORY COMMITTEE WAS ADJOURNED.**

**Jayne Wilson, Co-Chair
Port of Los Angeles Community Advisory Committee**

Debra Babcock-Doherty, PCAC Executive Assistant