

# MEMORANDUM

**November 4, 2020**

**TO:** Bay Area Air Quality Management District

**FR:** MIG, Inc.

**RE:** Summary of October 27, 2020 Path to Clean Air in Richmond-San Pablo Community Design Team Meeting

The Bay Area Air Quality Management District (Air District) is partnering with the Richmond-San Pablo Area to develop a Community Emissions Reduction Plan (CERP) through the state of California's [Community Air Protection Program](#), also known as Assembly Bill 617 (AB 617). Community engagement is critical to the development of the CERP to ensure a community-driven plan that reflects the community's values, needs and preferences.

In February 2020, the Air District formed a CERP Community Design Team (CDT) to develop an organizational and decision-making framework for the CERP Steering Committee. The CDT is made up of representatives from local community-based organizations, community groups and people who live in the community. There are no government or industry representatives on this team. The CDT will: develop draft criteria for CERP Steering Committee membership and possibly the CERP Co-Lead Team; provide specific nominations for the Steering Committee; draft a charter, partnership agreement, and conflict of interest and financial disclosure as needed; and help convene the Steering Committee.

On Tuesday, October 27, 2020, the CDT met for the seventh time. Following guidance from the Contra Costa health department regarding public gatherings and Covid-19, the CDT held its seventh meeting virtually using online video conferencing. The meeting agenda, presentation materials and transcript are available in the Appendix. Joan Chaplick of MIG provided meeting facilitation and ensured that key agreements and discussion topics were documented. The following sections provide a high-level overview of the key discussion points and action items based on the meeting agenda.

**Table 1: CERP Community Design Team Roll Call on 10/27/2020**

<b>CERP Design Team Member Name</b>	<b>Organization</b>	<b>CERP Design Team Members in Attendance on 10/27/20</b>
Oscar Garcia	Iron Triangle Neighborhood Council	Present
Janis Hashe	Lives in Richmond	Present
Matt Holmes	Groundwork Richmond	Present
Linda Jackson-Whitmore	Santa Fe Neighborhood Council	Present
Janet Johnson	Sunflower Alliance	Present
Randy Joseph	Lives in Richmond	Present
Dr. Naama Raz-Yaseef	Lives in Richmond	Present
Willie Robinson	NAACP: Richmond Branch	Present
Andres Soto	Communities for a Better Environment	Present
Julie Walsh	No Coal in Richmond	Present

## **I. Welcome and Introduction**

Joan Chaplick of MIG welcomed meeting participants and introduced Veronica Eady of the Air District. Ms. Eady provided opening remarks and led the Air District’s responses throughout the meeting.

## **II. Role of the “EJ Caucus” in the CERP CDT Process**

The Air District identified that the item was put on the agenda at the request of a CDT member and invited CDT members to ask questions and make comments. CDT members asked about how the “EJ Caucus” formed, how often the Caucus meets and how members were selected. Members of the “EJ Caucus” responded directly. CDT comments, questions and responses are available in the transcription.

## **III. Finalize Conflict of Interest and Financial Disclosure Form**

The CDT discussed the revised Conflict of Interest and Financial Disclosure form and voted on whether to approve or disapprove the current draft. As requested by six CDT members via email, each CDT member was allotted three minutes speaking time before voting. The CDT took a verbal, roll call vote in which six members voted yes, two voted no and two abstained. The vote finalized the CERP Conflict of Interest and Financial Disclosure Form. The Air District informed the group that should the CDT recommend the Steering Committee be subject to the Brown Act, it could result in use of a different

Conflict of Interest and Financial Disclosure Form. CDT comments are transcribed in the Appendix.

#### **IV. Discuss the Brown Act**

Following the discussion of the Conflict of Interest and Financial Disclosure form, the Air District presented information on the Brown Act, including potential considerations for adopting a Brown Act Steering Committee. The CDT discussed these implications and voted to postpone making a decision until they could receive and review more information. The transcript of this discussion is available in the Appendix.

#### **V. Public Comments**

Members of the public were provided the opportunity to make comments for up to three minutes, following the protocol established at the Air District Board of Directors meetings. Members of the public declined to speak at this time.

#### **VI. Next Steps**

The eighth CDT meeting will take place virtually via video conferencing on November 17<sup>th</sup>, 2020 from 6:00 to 8:00 pm.

# Richmond - San Pablo Community Emissions Reduction Plan

## Community Design Team

Meeting #7: October 27, 2020

List of Appendices:

- Meeting Agenda
- PowerPoint Presentation
- Video Recording Transcript

**Richmond-San Pablo Community Emissions Reduction Plan (CERP)**

**Community Design Team (CDT) Meeting #7**

*October 27, 2020 ~ 6:00 pm - 8:00 pm*

---

**A G E N D A**

---

- |                |             |   |
|----------------|-------------|---|
| <i>6:00 pm</i> | <b>I.</b>   | <b>Welcome and Introductions</b> <ul style="list-style-type: none"><li>▪ Agenda review</li><li>▪ Virtual participation tools and principles</li></ul> |
| <i>6:10</i>    | <b>II.</b>  | <b>Role of the “EJ Caucus” in the CERP CDT Process</b>  |
| <i>6:25</i>    | <b>III.</b> | <b>Finalize Conflict of Interest and Financial Disclosure Form</b>  |
| <i>7:10</i>    | <b>IV.</b>  | <b>Discuss the Brown Act</b>  |
| <i>7:40</i>    | <b>V.</b>   | <b>Public Comment</b>   |
| <i>7:50</i>    | <b>VI.</b>  | <b>Summary and Next Steps</b>   |
| <i>8:00 pm</i> |             | <i>Close...</i>   |

RICHMOND - SAN PABLO  
COMMUNITY

PATH TO

CLEAN AIR

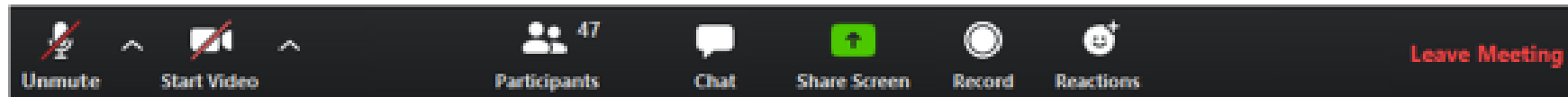
**Community Emission Reduction Plan (CERP)**

**Community Design Team (CDT) Meeting #7**

October 26, 2020

# How to Use Video Conferencing

## Black menu bar at top or bottom of screen:



### Audio

Please mute yourself when not speaking

### Video

### Participants

- See Others
- Rename Yourself (Name & Group/Agency Affiliation if applicable)
- Raise Hand (remember to lower after)

### View

Gallery/Speaker View of videos and screen share can be changed in top right corner

# Virtual Participation Principles

- **One** person speaks at a time.
- Be **respectful** of one another's opinions.
- Please **mute** yourself when you're not speaking.
- **Share video** so we can stay visually connected.
- Technology happens – please be **flexible and patient**.
- Remember this is just one meeting in a longer **process**.



# CDT Operating Principles

- Transparency
- Equal Participation
- Inclusivity
- Respectful Engagement
- Facilitated Meetings
- Decision Making



# Role of the “EJ Caucus” in the CERP CDT Process



# Discussion Format

The CDT will **discuss** the role of the “EJ Caucus” in the CERP CDT Process.

- Up to **three minutes** per person to speak

# Finalize Conflict of Interest and Financial Disclosure Form



# Discussion Format

The CDT will **discuss and vote** on the Conflict of Interest and Financial Disclosure Form.

- Up to **three minutes** per person to speak
- **Verbal roll call** vote

# Roll Call Vote: Conflict of Interest and Financial Disclosure Form

Do you approve the revised Conflict of Interest and Financial Disclosure Form?

- A. Yes
- B. No
- C. I abstain

# Discuss the Brown Act



# Brown Act Overview

- For the Brown Act to be **legally binding** it only applies to committees **appointed by the BAAQMD Board**
- Requirements from the Brown Act can be incorporated into the Charter **without full adoption** of a legally-binding Brown Act



# Process: Legally-Binding Brown Act

- District staff would work with the CDT on a **recommendation that would go to the appropriate BAAQMD Committee(s) and Board for consideration:**
  - Size of the committee
  - Conflicts of interest
  - Level of industry/business participation
  - Recusal procedures
  - How the Chair will be determined
  - Steering Committee appointments

# Discussion Format

The CDT will **discuss and vote** on recommending the CERP Steering Committee as a Brown Act Committee. The CDT will first vote on whether they would like to vote on recommending the Brown Act today.

- Up to **three minutes** per person to speak
- **Verbal roll call** vote

# Roll Call Vote: Brown Act Vote

Are you **ready to vote** on whether to recommend the CERP Steering Committee be a Brown Act Committee?

- A. Yes
- B. No
- C. I abstain



# Roll Call Vote: Brown Act Vote

**Do you recommend to BAAQMD that the CERP Steering Committee be a Brown Act Committee?**

- A. Yes
- B. No
- C. I abstain



# Public Comment



# Summary and Next Steps

RICHMOND - SAN PABLO  
COMMUNITY **PATH TO**  
**CLEAN AIR**

RICHMOND - SAN PABLO  
COMMUNITY

PATH TO

CLEAN AIR

**Community Emission Reduction Plan (CERP)**

**Community Design Team (CDT) Meeting #7**

October 27, 2020

# CERP Design Team Meeting #7: Video Recording Transcript

October 27, 2020

- Good evening everyone. And welcome to tonight's Community Design Team meeting. We're waiting for just one or two more CDT team members to join us and we will be starting in just a moment.

- Joan I'm hearing from people that they unable to turn their videos on. I don't know if that's a control that Jessie or Anna can help with.

- [Joan] Yeah.

- I don't know why he would turn mine on.

- Yeah, Jessie, if you could turn the CDT videos on so that we can see each other and connect during the meeting.

- [Jessie] All right, I'm double checking settings now.

- Okay. And you can do that while we're waiting for I think we have four more members that we were hoping will be able to join on.

- [Jessie] Should be able to turn their meetings on and then the other participants are not able to do that.

- So CDT members, if you could turn your videos on, we'd if circumstances allow we'd love to be able to see each other and connect. And I think we're waiting for two more members.

- Kelly is sharing with me that she still can't turn her video on. I see Veronica is not in mine is on.



- [Jessie] I see I will.

- [ Kristen] Okay.

- [Jessie] Thanks.

- Yeah, and there are a few hands raised and I'm guessing let's see Janis and Andres have their hands raised, and I'm curious if they're having the same issue. So let's take a moment, technology happens and we'll get the settings right so that you're able to unmute your video. And Jessie's gonna be taking care of that and then that will also give a little more time for let's see I think we may be still missing one, one CDT team member and then we'll be starting shortly. And let's see I have a okay, Andres, your video is on great, okay. Can I lower your hand, was that why your hand was raised? No, okay. Well, I'll wait till we're gonna get everybody on and then we'll get going into the meeting.

- A number of people couldn't fall under the link to the meeting was with which is probably causing the delay.

- Oh, thank you for that. And maybe we'll just.

- They're usually looking at Kristen's email but it was in a separate email so people had to hunt.

- Let's see. So Jessie is getting the settings right. And then we'll give another minute or so for folks to find the Zoom link and link and come on and then we'll get started with our agenda. We have a couple of several topics that we wanna make sure that we cover today. Let's see, are there any CDT team members whose videos are not able to share their video? And I'm just gonna hold off on some questions it seems like we're just giving that extra moment for people to get into the room and then I'll turn it over to Veronica to get us started this evening. I think with that we are as close to ready as we can be. My name is Joan Chaplick, I'm part of the MIG team and I'm filling in for Jamila Jordan, who is unfortunately unable to be with us tonight. After that brief introduction, I'm gonna turn it over to Veronica Eady to get us started.

- Thank you, Joan. It's great to meet you, welcome. And it's really good to see everybody here. I wanna just welcome the Community Design Team on behalf of the Air District. I just wanna

extend my thanks for you hanging with us here through meeting number seven, we are making progress so I'm really hopeful and encouraged that we're gonna continue on that and be able to start putting together the community steering committee for the community emission reduction plan fairly soon. We have a good meeting planned and I appreciate you all weighing in on the agenda beforehand and I will when I hand it back to Joan, give it to her to go through what we have on the agenda. But we are taking on some big issues including the Conflict of Interest form and the Brown Act. I'm really excited about that. We do have a couple of slides on the Brown Act which I'm gonna present to you further on down in the agenda just to give you some things to sort of chew on as you all consider whether or not this is a Brown Act steering committee or not. I'm gonna be with you throughout the course of the meeting, and I'm really looking forward to participating in it and presenting some information to you. With that, I will hand it back to Joan to take us to the next step.

- Thank you, Veronica. Just to review, many of you are experts at Zoom but just some reminders, the unmute button. So there will be points during the meeting where people will come off of mute members of the CDT. And then also during the public comment, the video we've addressed getting the video started for CDT team members. And on the participant list, if you can rename yourself so that we can see who all the participants are, and if you're with an organization, it would be great if you could add that. And that also helps during public comment when we call on people, we'll be able to address you properly. Just a quick review of Zoom. And then our virtual participation principles which are our ground rules for every meet every time we meet. One person speaking at a time, respecting each other's opinions. We ask that people keep stay on mute when they're not speaking. We have the video situation resolved so that we can stay visually connected. And remember technology it just requires patience and flexibility. I have both Anna Podia and Jesse Hernandez behind the scenes doing our best to make sure the technology supports what we're trying to do. And just a reminder, this is one meeting in a longer process. And then our operating principles, we strive to be transparent, to have equal participation, to be inclusive, to have our engagement be respectful, we have facilitation during our meetings and we desire to make the decisions that we agree to make during the meeting. Following this a quick review of the agenda, and I think I did I miss that slide. Well, let's see. Our agenda we have I think our agenda slide is missing. From the printed agenda we will be have an informational item regarding the role of the EJ Caucus in the CDT process. Then that will be followed by discussion and finalization of the Conflict of Interest form. Then the discussion of the Brown Act as described by Veronica. And that will be followed by public comment and then the summary and the next steps. With this, I would like to turn this over to Kristen, to briefly introduce this item and how it came to the agenda.

- Yeah, I'm happy to do that. Hi everyone, it's really good to see you. I'm glad we were able to get the cameras turned on so I can see all of you. This was actually brought forward at the last meeting and we didn't have time to discuss it there so we put it on today's agenda. This was brought forward by Randy, who is curious about what the role of the EJ Caucus is in the CERP Community Design Team process. We have 15 minutes allotted to this and what we thought we

would do is allow folks to we wanted to balance the question and answers this isn't an Air District group that's been meeting. So we don't anticipate needing to be the responders to questions. But MIG facilitation team will help us call on people as the controllers of the Zoom. For folks who have questions first, we'll start with questions. I see a bunch of hands already going up, but we'll start with folks who have questions. Maybe we'll go one question at a time and then allow opportunity for response in until the 15 minutes are up.

- Let's see. I'll start with that. I have the hands, I have Matt Holmes, and he's gonna be followed by Oscar Garcia. And I'm gonna request that people keep their comments compact so that we can get as much covered as possible during the 15 minutes. Matt, if you'd like to comment or ask a question or comment first.

- Am I unmuted I muted no! I just wanted to comment 'cause I think I'm a part of the EJ Caucus and it sounds very formal. But this was just an effort to deliberate the topics that were brought up in these meetings. We were given binary choices at best and often a single choice in some of the early meetings of the design team. And so it didn't meet my criteria for community leadership or community design and we weren't even allowed to read through the text. And so that's not what leadership looks like to me and that's not what deliberation looked like to me. I felt like I had to meet with people and I talked to everybody on the design team, and I talked to some people more on the design team. But there was no blood in blood out of the fealty, nobody joined any club. Those of us that met more often just were not comfortable with what was being passed off as community leadership. I just not... That's all.

- Thank you, Matt. Oscar, you're up next and you'll be followed by Randy.

- I think I actually saw Randy's hand up before mine since he brought this up. I'd like for him to go first if that's possible.

- Sure Randy, if you'd like to speak next, please you can jump ahead of Oscar.

- Oscar, your hand was actually up first. I will start if you're still okay with me going, I'll go.

- Good, go for it Randy.

- I have a couple questions. I wanna know when did the EJ Caucus start? Two, how long have y'all been meeting? And three, what was the process of having the members who are part of the EJ Caucus? If somebody in that can answer those three questions for me.

- Can we have someone from the Caucus take a minute or two to respond?

- I can, I can do that.

- Okay, thank you Andres.

- Just as Matt described when we first started getting together, there were a number of issues that were uncomfortable to a number of people. And so folks started just reaching out to other people based upon statements they had made about discomfort. And so we started reaching out to each other and decided to collectively have a call to discuss these issues and strategize. And I believe that was like somewhere around maybe April or May or perhaps right around the time the pandemic quarantine started happening. We felt we needed to meet on our own to discuss these issues and try to devise strategies to respond to what we felt was heavy handed role of the Air District and MIG in our meetings and the process in general. And so we got together we would meet sporadically, sort of very ad hoc, no regular meeting times just whenever anybody could meet and we needed to talk about something. And because of the response by the District to our language proposals, which was always refusing to take our suggestions, we would meet in order to try to figure out what would be a compromise position, compromise language that they might be able to buy. And this went on until finally in the June meeting when Elizabeth pulled the plug on the meeting over issue about voting. That's really the history of it and it's just like any other thing. Now if this was a Brown Act committee, we know that we could not be able to continue to meet as a majority of the committee members. But since this is not a Brown Act committee yet, we can do that-

- [Joan] Okay.

- Without any consequences. So that's the background of who we are and what we've done.

- Thank you, Andres. Let's see. Oscar, you had swapped places with Randy. If you have a question or comment.

- Thank you. I gathered that Randy wasn't aware of the formation of this Caucus. I know I wasn't or invited to be part of it. There's only 10 of us in the design team and it's designed to be community driven. And my question is, what can we do to bridge that gap? Or the 10 of us to be able to work as one unit? It feels very divisive for there to be a Caucus. This is not sort of a legislature, this is a community driven process. And I think we all want a lot of the same things and I just feel very uncomfortable that is, I'm just gonna be very honest that the folks who represent the black and brown communities are not in the EJ Caucus. I find that very troubling, very disappointing, and I just can't beat around the bush around that.

- Thank you, Oscar. Willy your hand was next and you're followed by Linda.

- Yes, the expression from Oscar and Randy I guess, let me just agree with that to the point of reflecting just briefly on a community driven process this team, and I'm using the model we used under the monitoring plan came together to set the platform for putting together the steering committee. And if we start dividing ourselves into special caucuses and not agreeing, you don't know what I disagreed with the Air District or not. I've just resigned myself to hammer out my comments and my expression at the time all 10 of us are meeting. And I would hope that everyone sees it that way because at the end of the day, whatever this team come up with, has to be ratified by the steering committee once it comes in place unless we are using a different process. The whole concept of having some kind of a caucus at this point is I think it's way beyond the top and is to suggest some things that we really don't wanna get into. Thank you.

- Thank you, Willie. Linda, you're our next person to comment or ask a question.

- Right, and I have a few comments. I'm gonna start off with Matt said that everyone on this committee were invited. I wasn't invited to this EJ Caucus. Well, spoke to but I wasn't. I didn't even know anything about the EJ Caucus until a couple of weeks ago our last meeting when I found out about this Caucus. I don't understand how this can be a community-driven process if groups come to the meeting with decisions already being made how they are gonna vote as a group! There's no decision making then, there's no debating, there's no discussion, you've already know made your minds up before you come to the meeting how you're gonna vote that's how it looks to me. I hear Andrea's always say we decided, we want, and the we is not all of us, it's just a few who are in the EJ Caucus and so if we're at a disadvantage. If they're gonna have a Caucus that should be maybe one vote, not a Caucus voting for six people, who've already made their minds up. And then it's very disappointing to find out that the Air Quality was meeting with the EJ Caucus prior to us even knowing about it. This wasn't what I... This is not what I think of a community process. When you have Veronica, you one of the meeting with the EJ Caucus, John Joya meeting with EJ Caucus and other people from Air Quality. We knew nothing about it, I knew nothing about it. That's not what I think of as when I think of a community process that we talk it out together, we make decisions together, we work, we

decide to pros and cons and we talk about it. And then we make a decision. This is not what we're doing. Right now we're coming in and the four of us who are not part of the EJ Caucus are outnumbered. No matter what we decide, what we talk about, and we have never met. The four of us who are the minority of the majority, for the majority are minorities of our communities that we're not even involved with. And we were never asked to be part of it. Well, I did get a invitation two weeks ago and I said no, I'm not gonna be a hypocrite. We're probably working on this as a community. I don't understand the process and where we're going on that route. And I'm really disappointed and I think that you've overstepped when the Air Quality is talking to the EJ Caucus and they never come to talk to us and we haven't met the four of us we're not part of it, we've never had a meeting. We come on our own to discuss what's going on, we make our own minds up what's happening. That was what I thought the process was all about. I'll stop there.

- Something's happening to your mic Joan.

- Oh, Naama. Yes, you can go next and just a time gauge we have 15 minutes for this item, so there's just two minutes left.

- I'll be very quick. First of all I wanna say that it's painful, that representatives of the minorities are outside. This was not the intention. This isn't something that we acknowledge it's very clear, but we didn't make any motions to do that. The discussion was very fluid. And the only thing I wanna add to this conversation with before we close it is to acknowledge, that in addition to that we need to be appreciated because we spent hours and hours and hours discussing topics to the bone. And these were democratic discussions where everyone said their opinion. And it seems as if we came with the decision, but this was our after hours of very deep conversation trying to really figure out how to make things that are favorable and can help the community and the Air Quality Management.

- Thank you Naama for your comment. We have limited time to... Oh, we don't have time to go through the group again. I'd like to end it there, just so that everyone has just gotten one round of comments. And with that, I would like to take us to the next agenda item, which is to finalize the Conflict of Interest and Financial Disclosure form. Kristen's going to present that. And also we're going to lower the hands in the box so that we could move to our next agenda item. Kristen.

- I think this one's actually a Veronica item. Is that right?

- Great, I think so. I think so, Kristen. I wanna start by saying I know we went off of we're moved on from the EJ Caucus, but I wanted to respond to Linda in particular. I'm a public servant and so I meet with everybody. I meet with industry, I meet with residents, and I don't know if my assistant reached out to you but I actually did wanna meet with the other four just to make sure that everybody had equal access to me. I don't go to every EJ Caucus meeting, but I did wanna make sure that the four of you also have access to me and others. I just wanted to say that and no, I didn't mean to offend anybody but I just do meet with everybody. And Linda, I'd be happy to meet with you at any time. I'd love to get to know some of you that I don't know as well a little better. Last week we circulated a Conflict of Interest and Financial Disclosure Form. Kristen, do I have or is there only just this one slide and I'm just talking? Okay, good. No, that's fine. I think that you all have seen it. We've taken some amendments to it that have that were requested by some of you, we appreciate your input. I did wanna just make clear though, the next item that we're going to be discussing which I'm gonna lead you through as well is a discussion of the Brown Act. And so there were some people on the Community Design Team who are interested in this being a Brown Act Committee. If you all decide to go with the Brown Act, or if you recommend a Brown Act Committee, there are different financial disclosure and conflict of interest requirements. I think those of us who work at the Air District are very familiar with it Form 700 that has to be filed. I just wanted you all to know that we are having the Brown Act discussion next. And so we can move forward and take a vote on this, and Joan will lead us through that. But just keep in mind that how this form is used may change depending on whether or not you decide to have a Brown Act committee. So Joan, do you wanna take us through the voting?

- Yes, we wanted to allow comment before we voted, so we have some time for this agenda. If you would like to comment on the Conflict of Interest format, you can raise your hand and we're gonna ask you to keep your comments to three minutes, and Jessie will have the timer for that. Let me and how about if for our comments I have Willie who will be followed by Andres. And Willie you're on mute. If you could take yourself off mute.

- I'm off now.

- [Kristen] There you go. Thank you.

- Okay.

- I'm great you mentioned the Form 700. I have assumed others have served on community committees to other public bodies. Form 700 is pretty standard, it's pretty straightforward. I've done them many a times and I'm sure others have too. That to me seems to be a reasonable process to follow when it comes to conflict of interest. It does not nitpick one apart. It basically,

well, if you feel that I should know you're expressing any conflict or your family may have with a particular matter that you're dealing with. And I believe it also allows you the opportunity to recuse yourself if you find yourself in one of those awkward situation, that's all done very transparently and openly, and everyone move on. You don't get bogged down into developing a conflict of interest if you're simply serving on one of these bodies as I understand it. Thank you.

- Thank you, Willie. Andres you're up next and you'll be followed by Oscar.

- Thank you. This language that I believe we're gonna be voting on which is a mandated language derived from really the experience of many of us who have worked and lived in Richmond for a long time. We know how the polluters have been able to insinuate themselves in the community. And we've seen like for example in 2014, when Chevron was trying to get their modernization project through, what they wanted would actually increase toxic pollution in the community. But people who got money from them or got help from them, got services from them, got volunteers from them, lined up to support something that was gonna increase the harm to the community. And that's just one example of how that insidious co-optation works. The language that was designed and submitted is designed to go beyond of something like a Form 700 which was about personal benefits from it to look deeper at institutional co-optation. And many of us have served on numerous boards and committees, started nonprofits, and hustle grant money, and all those kinds of things to establish our organizations. And in the course of doing that, people have to make choices where they take their money from and how they're gonna behave. This language is designed to provide an even higher threshold of transparency, not exclusion of potential and perceived conflicts of interest. And this is designed to ensure that we don't have a repeat of what happened with the monitoring committee, where two thirds of the people always vote in industry's favor because of some kind of connection either visible or invisible with the polluters and especially so that's the intention behind the language. And I'm hoping that because this language is not exclusionary, just transparency driven is that we can all come together and understand the value of that and make sure that this committee is not like that past committee. And this one can actually have real community voices by people who are not co-opted by the polluters. And so I would urge that we vote yes on this proposed I guess modified language. Thank you.

- Thank you, Andres. Oscar, you're our next speaker. And you'll be followed by Linda and then Matt.

- Thank you. I took a look at the language and I believe I recall someone saying that the language that was proposed before the Air District was sort of more encompassing and what's being proposed now is sort of more narrow and not as strong. And after reading it, I would agree that the focus is more limited to just folks who work or somehow tied to an emitter, whereas before it could it caught any perceived conflict of interest. And so I'm confused or I would



suggest leaving or using the old text because it's more encompassing. Because currently, the text that is being proposed or the changes that are being proposed, it doesn't capture a situation where someone's benefiting or I shouldn't say benefiting, but someone is having some sort of financial gain through this process. And yet someone who is volunteering with a nonprofit who gets a thousand dollars would have to disclose. And so there's a pretty big disconnect there especially folks who are getting grants from various AB 617 processes. They're in the hundreds of thousands of dollars and they potentially don't have to disclose. But if someone volunteers and that nonprofit happens to get that thousand dollars, they potentially have to disclose. It just seems not equal and I think both cases need to be disclosed to truly make it a transparent, equitable process. I would like to make a recommendation for the text to say at the end there regulated and or funded by BA Kim D or car where that funded I think is an important element given the amount of money that's being put out there by AB 617. Thank you.

- Thank you, Oscar. Linda, you're our next commenter.

- Thank you. A couple things. I think once again this kind of proves what I was saying about the Caucus. A lot of people who live in the communities that you want to try to not be on the monetary and emission reduction plan, these people live in these communities where they are affected. They're the ones that you're trying to say cannot be part of it because they're part of a community they either work for. Some of our finery or work for a business that is a possible polluter and they live in the community. So you're saying now that these people who live in this community, who work for these companies, I mean, they all want clean air. They have to have a living and they live in a community where the job they go, where the jobs are. So you're eliminating people who would be maybe possible members of this committee. And then second, I really would like not to be put into a category saying, because you feel because the votes didn't go whatever way you want it to go, with the two thirds voted to not to be hard on the possible polluters. I didn't see that happening in the monitoring committee. Maybe you saw it, I didn't see it. You assuming that people who live in these communities can vote their own mind about their own conscious and I take offense to that. But I think that some of the language here is gonna just you said it yourself, Andrea said that to eliminate some of these people. How can you determine what people are thinking? These are community people who are volunteering their time to be part of a project and they should be given the respect and allowed too if they have to excuse themselves to do that. But to use a conflict of interest to eliminate people which you're trying to do right now I think is wrong. Perceived, perceived conflict. I think a lot of EJ people have perceived conflict. Could you come in on this committee with your ideas already set. You're gonna be on the admission committee already of certain committee with perceived ideas of what's right and what's wrong and who's the polluters are. I thought our job was to really open our minds and to listen and to find out and to make decisions and not come. So I think if yeah, if we do perceive conflict, I think we should do not just the people who were working, but also if you belong to EJ group that should be listed also 'cause you also have perceived conflict. Thank you.

- Thank you Linda. Matt, you're our next speaker and you'll be followed by Janet.

- Okay, cool. Nobody's eliminated by accurately filling out a Conflict of Interest form. So that's kind of a stretch maybe Andres wants to eliminate people. I just want people to disclose it and for it to be a transparent disclosure so that when somebody votes on something that they do have an interest in that we're not pretending like it's not happening, like absolutely happened on the Community Air Monitoring Plan Steering committee. Let's not put words in other people's mouths. I certainly don't agree that somebody should be precluded from serving because they've touched the company or they've worked with one of the other emitters in the Bay Area. I certainly have and I actually worry that I have numerous students, they'd had no idea where our funding came from. I never talked to them about this process because when I work with youth, I don't gin them up to like have my beliefs. There are youth that have been involved with me that have been on the steering committee and at numerous committees. And we've never had a single solitary conversation about this process because I don't get them to think my way. It just doesn't work, it's bad practice. I would worry that a student says they're on the groundwork Richmond Green Team, and they don't know that groundwork took money from Chevron as I've told you how many times we did. I would worry that that would hinder their participation in the community. And so I liked the rigorous disclosure form that we have here. I really appreciate that we're actually talking through it. I'm glad that Oscar got to read a couple of clauses and we got to hear the words and talk about it. That's what we were to do back in March. And so to the point about this wicked EJ Caucus, more of you should have been more uncomfortable with a pat on the head process that they tried to push us through back in March, April, May, June and July, that wasn't a process. So my beef isn't with the teeth of the content, my beef is with a binary or even a singular choice of one, that we were provided with multiple meetings. And so that doesn't meet my standard for participatory development or community leadership and more y'all should have felt the same way quite frankly. That said, I like the new language, I don't wanna keep anybody off of the committee that's from the neighborhood. Oscar I want you on the committee, no doubt. Like you're you got your own community bonafides, I would never suggest that you can't be on the committee. I just wanna know who's on there. And then of course you should never be able to vote on your employer. Nobody ever votes to hit themselves in the pocket. That's what a Conflict of Interest is. It's all about transparency, it's all about understanding where people come from. I don't hate the refinery, I love caressing. We use caressing to defeat our enemies and travel around the world and that refinery makes caressing that's good stuff. You got me all wrong. And I would have never met with EJ Caucus Linda, if the process we were involved in hadn't been a pat on the head.

- Thank you, Matt. Janet is our next speaker and she'll be followed by Willie.

- Thank you, Joan. I just had a couple of things to say first Linda. The way that the conflict of interests works is nobody's excluded from participating or being on the CERP committee. It's a matter of voting on issues that directly relate to that person's vested interest or financial interest or the interest of their community organization or whatever. I hope that we can clear up that, that misconception. Secondly about taking money from in the AB 617 process, AB 617 has an EJ basis. These are not polluters. That's the goal. The goal of the legislation is to mitigate pollution, so it's not a conflict of interest. And thirdly, the idea that someone who is that people who are spending their time in this process, and most of it we get that little stipend. I'm grateful for my few hundred bucks here and there, but the amount of time that we put in is not it's inconceivable that this should disqualify us from being part of the process. I'm not a polluter, I drive a hybrid and it pollutes I get only 32 miles a gallon. That's the amount of polluting I do. And so I think that there's some misconceptions floating around here that I hope can be cleared up. And I support the conflict of interest the way that it is being presented to us and I hope others will as well. Thank you.

- Thank you, Janet. Willie, you're our next speaker.

- I'm starting to become pretty uncomfortable with the name calling the pointing out of individual based on their comments. I try not to mention the name, but the particular subject matter that is being addressed and the comfort level would be every time someone called my name, I would want to have some equal time to explain to them what they are saying particularly when it's not true. I have a right to have my voice. You don't have a right to tell me what I'm thinking. And Matt, please stop. And I'm calling your name, stop talking about patting on one's head because that conjure up some crazy kinds of thoughts in my mind, kind of with my background, that does not come over too well with me. I'm gonna try to make sure I keep my emotions down and I won't call anyone else's name, and let me address the Conflict of Interest statement. I think the way it was initially crafted have found the last time we finished a meeting. I thought we were there with the exception of maybe one comment in it. I also believe that that Form 700 would be more than sufficient to get us through this process in terms of community involvement, none of us are in here to talk about people putting in time in their community, in this community. I would challenge anyone of you as to how much time that to compare your time with the amount of time I put in to this community as a volunteer, willing worker because I'm concerned about the greater community and not just one aspect of it. I would hope that we can stop calling names, pointing people out. And yes, I may make a statement that you disagree with, but comment on the statement. Thank you.

- Thank you, Willie. Is there anyone who hasn't spoken yet who would like to make a comment? Let's see and we still have some time left on this agenda. We can take additional comments. Linda, I see your hand up if you would like to speak again and we'll keep it to the same three minute time suggestion.

- I just wonder if we're going to vote on this Conflict of Interest. I would like for us to leave in the information about vested interests. For those who are not sure what you mean by vested interests the bottom is crossed out. But a person has vested interest in a business organization if they have personal stake. That's important to understand when you're signing this Conflict of Interest and not just say it and not explain what it's all about. If we're going to, if this is gonna be our Conflict of Interest that we're gonna use, I would like to leave that in. It's not changing the wording that was proposed, but it's just clarifying what the vested interest is and for the person about their community benefit and minor information about that. I would suggest we leave that in so that it's a little more clarity as to what best interest means, and if this is what we're gonna use as our Conflict of Interest.

- Thank you Linda. Andres has a hand you're our next speaker and you'll be followed by Matt.

- I just wanna reiterate once again that the Conflict of Interest-

- [Bot] There are ways to make the most of your skincare

- Oh sorry. Hold on alright. That the language that I hope we're gonna be voting on tonight, once again does not exclude anyone. It just increases the transparency of their relationship to polluters. AB 617 and its charge is through these CERP committees is to directly regulate polluters. And for those who would suggest that EJ advocates or people who are part of that effort, somehow have some other conflict that is equal to that of taking money from polluters, simply doesn't understand what conflict of interests are. This CERP committee is not gonna be recommending any regulations on environmental justice groups or on regulators, only on polluters. That's why money from polluters is the only thing that matters under the law in a CERP steering committee. And I think once we understand that, then that's how we can move forward. And as I said before, the 700 is the baseline that is not sufficient for the type of co-optation that has gone on for decades in Richmond. We need a higher standard. We have the right and authority to establish that standard. And in fact we have a responsibility to establish a higher standard as a model, not just for our community, but also for other CERP communities all around the state because we are not alone with these kinds of issues. This is happening in CERPs, in AB 617 communities all around the State. And so in Richmond we have a long history of environmental justice and I think that we have to show the way, we have to lead the way, and show that there's other standards that can be developed by the community. And you know what? I'm a Chicano, our organization is multi-racial. And I resent those who would suggest that the EJ Caucus efforts have been racist or anything exclusionary on race, it's not. It's about integrity and I'll leave it there.

- Thank you Andres. Matt is our next speaker and then you'll be followed by Oscar.

- Well said Andres. We need different legislation if we're worried about reigning and environmental justice groups, this isn't the legislation to do that. I was gonna say something similar. I'll also push back on the insinuation that only white folks are asking for this stuff on this call. I'm the only white dude in my organization. I've been doing nothing but hiring and training and working with communities of color for 12 years. And maybe they let me do this so they'd get me out of the office, I can't explain that. But my main reason for commenting was I just wanted to either second or move Linda's suggestion to include more descriptive tax in the Conflict of Interest form made a lot of sense to me. It felt brief with the new edits and I hope we've evolved to a place where emotions and seconds and votes are a part of this culture.

- Thank you, Matt. And Oscar, you're our next speaker.

- I have a procedural question since we're taking a vote, is it by simple majority that it's going to pass? Is that still the case? We've heard that the EJ Caucus has already pre-met. And so if it's going to be a simple majority I'm kind of concerned about the fairness of that and whether it's accounting for folks of the Iron Triangle, folks of the NAACP, of Santa Fe, of Rise, and whether that's a fair community driven process. I just wanted to understand how the voting is going to work.

- My direction is we have a straight yes, no abstain vote on the most recent Conflict of Interest. And then beyond that, I would ask Kristen or Veronica for some additional direction and explanation to the group.

- I think Veronica may have just stepped away. I don't know Joan if you can pull up the or Jessie whoever's managing the PowerPoint slides. If you could pull up the slide with the vote that might be helpful for folks to see. We had sent the Conflict of Interest form with the proposed edits and provided a bit of time. What's the slide before this? I don't have the memorizing.

- It's just-

- The one that Veronica had. There was quite a bit of time to offer edits and suggestions to the draft that was sent out in that date had passed, and then we sent the final documents out. And so the vote today is on the Conflict of Interest form that was sent out with the edits that were currently in that form. A yes vote is a vote to move forward with that Conflict of Interest form and

no votes is that you do not wanna move forward with that Conflict of Interest form and an extension as an extension.

- Thank you Kristen for clarifying that. Are there any other comments? Anyone in the group want to make a comment? Let's see Matt, your hand is up again, is that correct? And then Linda. We still have a little bit of time for this agenda item and I wanna make sure that we save just a couple of minutes to vote because it is a roll call vote. So Matt, Linda, and then Willie.

- I'll be brief. I just we heard some of Linda's suggestions and we heard some of Oscar's suggestions and I think maybe if the texts were in front of us, we could have contextualized those suggestions and voted to include them. And I certainly wouldn't begrudge them having those observations in this meeting and not having had them before a deadline. And so I don't know if there were edits that were submitted by them prior to a deadline, but I think this really drives at heart of my objection to the past few months which is there seems to be a lot of discomfort about this group discussing this content together and encouraging each other to come to a mutual understanding. I think we could if we were just allowed to read the stuff and talk about it together. I would, I understand there's a deadline and I hear that, but I'd been on the other side of that. And so I would ask that we contextualize Oscar's edits and Linda's edits and vote on that. That's all.

- Thank you Matt. Linda, you're our next speaker.

- The information that I was talking about is already part of the Conflict of Interest. It was just crossed out. I thought we would have a chance tonight to talk about it like Matt was saying. It's right there for one to look at, we should all have a copy of it. And I just would like for us to keep that in the Conflict of Interest and not delete it, it's already there for those you can look at it and I just think we should leave it in. It's all does explain what best interest means. It doesn't change anything, it just explains it. Thank you.

- Thank you, Linda. Willie, you're our next speaker followed by Andres.

- Yes, I guess this process of unmuting yourself comes gets to be a little challenging for me. But anyway procedurally, we officially have a motion on the floor and are we allowed to use Robert's rules of order to either amend or substitute that motion? Is that where we are?

- My direction is that we will have the vote on the Conflict of Interest form that was sent out. And if Kristen or Veronica wants to provide additional clarification, if you could please.

- No, I'm not looking for additional clarification.

- [Joan] Okay.

- It was more procedurally, but I think I'll follow it now because what is out there is for us to take an action on the language as modified from the last time we met.

- Correct, the recent version that was sent out with those modifications. And that's what we'll be voting on when we finish. We just have another hand that's raised.

- The first roll call vote would be to accepted as modified from the last meeting?

- Correct.

- And then with that being said then I'm good. Go ahead.

- Thank you. Andres, you're next commenter.

- Thank you. I concur with Matt that once again this is like not allowing a full amendable discussion. And so the reason I recommended that that language be exed out is because it was essentially watered down compromised language that we had tried to come to an agreement and still couldn't get buy-in from the District. And it was really dealing with the minimal amount of conflict of interests such as personal or financial gain. And so what I would recommend, and I wanna call the question on this is we vote on this and if we want to amend it, let's do it at next month's meeting or the next month the next meeting where we have the language in front of us on the shared screen unlike today where it's like driving blind. I know the language, I helped write the language, I looked up the language, but that's what I recommend for tonight. And then if we want to re insert some of that language around the vested interest, that's fine. But that's a much more diluted level than what we're recommending here with this amended language.

- Thank you, Andres. Willie, you're our next commenter.

- We've had this sent to us and we've been over a number of different time. And I would argue that every time we go over it, you might see some things that you're gonna introduce. If we're gonna move this process along, we need to take this vote tonight and whatever the outcome is we move forward with it. I am not for delaying this any longer and I still say that the Form 700 fits, but since no one else is gonna go along with that, I wouldn't try to force that on anyone. But what we have before us with that, with leaving that language as Linda had mentioned it in place, because it's just defining more acutely what the contract of interest or whatever her comments were. I'm for us moving forward with this tonight.

- Thank you Willie. Are there any other comments? If not, we can move forward with the specific vote on the Conflict of Interest form. I'm not seeing any additional hands come up. Here is the vote and it is your vote is to do you approve the revised Conflict of Interest and Financial Disclosure Form? A yes vote means you approve it. A no vote means you don't approve it. And C means you abstain from your vote. I'm going to do a roll call and Jessie is also going to track the responses. Andrea's, and you're on mute, if you could please come off.

- Yes.

- [Joan] Thank you. Oscar?

- I abstain.

- [Joan] Matt?

- Yes.

- Yes, okay. Janis?

- Yes.

- Yes from Janis. Julia? Is Julia here?



- [Julia] I'm on mute.

- Oh, there she is, your vote please?

- [Julia] Yes, my vote is for...

- Okay. Willie?

- No.

- Okay. Janet?

- [Janet] Yes.

- Naama?

- Yes.

- Linda?

- No.

- And Randy.

- [Randy] I Abstain.

- Let's just take a minute here to tally up the votes. We'll give Jessie a section a second and we will see how the vote has turned out. We'll just take a minute here to tally up and confirm the

votes. Jessie keeps the record for the group. And let's see, Jessie confirms we have six yes votes, two no votes, and two abstentions. Based on majority rules, the Conflict of Interest and Financial Form has been approved. Thanks everyone for your participation in that item. Next we will be moving on to discuss the Brown Act. And I believe Veronica, you're gonna start us off and we have a few slides for you as well.

- Great, thank you. We're gonna have a discussion about the Brown Act now as I think most of you know the Brown Act is a public sunshine law that sheds light on government processes. The Brown Act applies to local government and so committees, organizations that the Air District creates under the Brown Act means that it has to follow the rules of the Brown Act. As you see here in this slide it's legally binding and should you want to create the steering committee as a Brown Act committee, the members of that steering committee have to be appointed by the Bay Area Air Quality Management District Board. What normally happens with other Brown Act committees that we have for example our advisory council, there are recommendations to the board, but there also is an interview process. For example for our hearing board and for the advisory council, names are put forward and the interviews happen with the personnel committee. In this case, it may be either the personnel committee or the ad hoc committee on equity, access and inclusion. Here you see the requirements of the Brown Act as an alternative could be incorporated into the charter without the full adoption of the Brown Act. For example, if you want to include Form 700 or in terms of notice having 72 hours notice documents be made public, those things can be adopted into the charter. There are a host of other things that the Brown Act entails including one of the more problematic areas of the Brown Act or limiting areas of the Brown Act is serial meetings. And so that means that a quorum of the committee cannot meet without observing the Brown Act. And in terms of serial meetings what that means is that you can't have intentionally small meetings where you're discussing the business of the steering committee. Next slide? Here is in terms of process what the Air District staff are proposing. The staff would work with the Community Design Team on recommendations about the steering committee including the membership that would go to the Bay Area board for consideration. This includes the size of the committee conflicts of interest, how many members from industry can participate on the steering committee. We all know that carbs blueprint requires a majority of residents to be on the steering committee, so we would observe that. But it also takes into consideration recusal procedures who determines the chair of the steering committee and which would be the board and then the steering committee appointments. These are the things that you need to weigh. As I said in practice I think that if the design team makes recommendations of steering committee members or any of these bulleted items it would go to the board. I'm sure that the board would give fair consideration to the recommendations of the Community Design Team. But these are things to consider. Joan I don't know how much time we put aside for discussion of this item.

- We have almost 30 minutes and then that would leave a few minutes at the end for the group. The group will have the opportunity to vote on if they have enough information to move ahead.

And if the group agrees then we would take a vote on if we are recommending the Brown Act for the steering committee.

- Well, I will hand it to you but I will stand by here for any questions that might arise that you need us to weigh in on.

- Thank you Veronica. Now we'd like to open it up for comment and also Veronica may be able to answer your questions as well. And if you could also keep to the three minute time limit, just so that everyone gets a chance to speak. Andres, your hand was up first and you'll be followed by Willie.

- Yeah, thank you. Yeah I mean, I'm inclined to go for the Brown Act committee because I think it creates a certain degree of formality and it also changes the operational procedure of the committee and eliminates the need for third-party facilitation. And, but I would rather make a decision after I've seen a presentation about what elements of a Brown Act can be adopted if we're not a full Brown Act committee and the implications of that around many of these procedural points. Because I understand it that if we move forward with the Brown Act committee, it would be pretty much just like any other commission or a board of the City of Richmond, Linda, myself and Randy are all on the re-imagining police task force and that is a Brown Act committee staffed by the City. Just like we would envision this CERP steering committee to be staffed by Air District people. I think it also provides an opportunity for the committee to have a broader budget that will allow us to exercise more informational resources and capacity for the committee itself. The structure that was used before was completely passive and district and consultant driven. And I think we need to move more into the robust kind of the procedural and community discussion. The City of Richmond uses Rosenberg's Rules of Orders. I think that would be appropriate also for us to operate that and with the chair and a vice chair and work directly with staff on crafting this together. That's what I'm looking forward to. I am not at all worried about the personnel committee and I would look forward to meeting with the equity and inclusion ad hoc committee to discuss our goals and our plans for the City of Richmond. I'll leave it there.

- Okay, thank you. Willie, you are our next commenter and you'll be followed by Janis and then Matt. Willie, you're mute you're you're still muted.

- Yeah, it just popped up for me to unmute myself. Yeah, this is taking the path down the Brown's Act for this committee which I'm still kind of hung up on it being a community led process. I'm not that concerned about the interventions from the contributors to the negative in the area. I'm more concerned about the community having a voice and the participation. Let me raise the question going through what I think I understand about putting the committee in place

via the Brown Act all the approval process you go through, how does that impact the timing of this legislation with this process of putting in place the CERP plan? Does that really impact the time? How would that impact the timing of you all if you have an idea as to how what kind of impact that will have on the timing of getting this work done? That's the question.

- Veronica, are you able to weigh in on that response to that question?

- Sure, that's an excellent question Willie. As you know, we've taken a little longer in this process than we had hoped to. If you decide that this is going to be a Brown Act committee, my guess is that we would try to get you before the personnel and equity access and inclusion committees as soon as possible so that the board could act on it in December so that when the clock starts in January for the CERP that we are really working on the CERP. It's really ambitious, it could be done and it may require some special meetings. Or for example the equity access and inclusion committee is meeting next week. I doubt that we could get it on that agenda, so we might add another meeting in there to make sure that we can get it through committee before the board meeting in December.

- How much more work will this Design Team have to do in order to prepare to have a document ready to go before the committee? Because we haven't even started, do we drop what we're doing now to now go for a committee appointment through the process?

- I wouldn't say that you would drop what you're doing now. And I think that the documents that you, that the Community Design Team has generated could be used to recruit people whose names that you would want to submit. The application and the Conflict of Interest Form could be used to recruit people to get that slate of names that we would take. But as we discussed before and you are familiar with it Willie, that would be we would then go into the Form 700 and the Brown Act process.

- Well, without taking that in and further, it's clear to me that this process becomes more political if you're moving that direction from my perspective or what I understand about it. And it gets scratched out and then I don't know how much of the community voice will be retained from the grassroots point standpoint. There are a lot of us say we are from the community but we'll not grassroots as I defined it. And grassroots mean impact in the lives of those people who actually live here, spend all their time here and have been here for the long haul in terms of impacts of the negative Air Quality in this community. I'm not sure that I could support going into a Brown Act kind of a compilation for developing the steering committee. Thank you.

- Thank you Willie. Janis you're next followed by Matt.

- I am a little confused about the initial slide, which indicated that certain parts of the Brown Act could be incorporated. But it was my reading of that section that they would not be legally binding. And if they're not legally binding, then there is no point in including them, that doesn't make any sense to me. I would like additional information about what that actually means and feedback on why we would even want to do that if there's no legal consequences for incorporating that language or that structure into the committee.

- Let's see, Veronica are you able to respond?

- Yeah-

- [Joan] You clarify.

- Janis, could you just repeat your question for me? I'm not sure if I got the whole thing.

- It has to do with the initial slide which was describing the Brown Act if we were to go to a Brown Act committee. Then there was a second point saying that certain aspects of the Brown Act could be incorporated. But my reading of that section was that they would not be legally binding. And perhaps I'm reading that incorrectly, I would like some clarification about that.

- I understand. You're right, if it is not established as a Brown Act committee, it is not legally binding. However, it has been done in some other steering committees where they've lifted pieces of the Brown Act into the charter and the Air Districts involved have had committed to adhering to those that part of the Brown Act. And so certainly if it's in the charter, then it is binding on that committee but it's just not the same force of law that the Brown Act has itself has.

- Janis, did you have any... You still have a little time left and if you have another comment. And you're still on mute, Janis.

- I'm muting and unmuting myself back and forth there. Could we have a little bit of clarification about specifically what we are talking about here? Could we have an example of what could be inserted that would be then part of the charter as an example?

- An example would be it could be anything like the steering committee will not meet with Less than a quorum with a quorum without meeting the notification requirements for example of the Brown Act. 72 hours notice whatever the statutory period is for noticing meetings which I think is 10 days if it's the same as Bagley-Keene. What has been popular or what has been done in other districts are some of the key things, are the notification requirements making the meetings, public meetings, making the votes public. There are a whole host of things that could be included.

- Thank you Veronica. Our next commenter is Matt and he will be followed by Oscar.

- I'm kind of torn on this 'cause I share Willie's concern that adding anything to draw out the process is gonna continue to expose people to unhealthy air. And I think I heard that the board of directors picks the chair, do they also pick the vice chair? Are we advocating the leadership? Now I see some heads shaking. Veronica, can you answer that?

- Yeah, and actually I don't want to take up all your time Matt, but as you know we and maybe we could stop the clock or something so that we're not taking up Matt's time. As you know we sent out a table to the steering committee that had a lot of the things that the Brown Act requires. I think it might be helpful to share screen and just kind of go over that so that for one Janis can get a better idea of what some of the things are that are required that could be adopted. but also to answer your question.

- Let's pause for a moment. I think Jessie will be pulling up that document. We'll just take a moment and we will use part of our remaining time here to walk through those materials and hopefully answer some of the questions that are asked or that you may be waiting in the queue to comment on. Jessie's finding that document.

- Can I ask one quick question though that doesn't relate to or make one quick comment that doesn't relate to exploring the table? Which is as torn as I am about losing time with a new bureaucratic process. We all just watched six or seven months of that break, 'cause there wasn't teeth to a process. I'm really keen to explore a Brown Act process, but I also know that not everybody else needs one to get what they want out of their committee and get compliance. And I'm a little reluctant to vote tonight because even though we're gonna go through this table right now, I don't think you know this, I don't think the description that we're gonna get tonight would be as complete as if we went through a process where we explored it and we actually discussed the inclusions that Janis was asking about. 'Cause I don't want a board of directors

picking people and if they don't, great. But I also... We've got a government agency picking, agreeing to an authorizing the so-called community group.

- Thank you Matt. I just wanna clarify the vote that is coming up is, do you have enough information? Are you comfortable voting? We'll take that question first and then we're still trying to pull up the-

- I have it up on my.. I can share it with Joan if that's easier I hope that equals up.

- If you could do that, let's see here. Here it is. And so Veronica, if you could maybe walk us through this and that can answer a lot of questions.

- I would like to and I'm going to try. Joan, I have an eye infection and so my vision isn't really good. I might ask...

- Veronica, we can't hear you're on mute. You went on mute in the middle of your go ahead. You were going to ask someone to assist you because of your eye condition.

- Yeah, I don't know if Kristen or you or Wendy could help? I have problems seeing small print because of my eye infection.

- Kristen, will you do the honors or do you have another Air District colleague that you'd like to step in?

- I don't wanna throw Kelly on the spot, but she birthed this table so she's well versed in it. I think I can help fill in as needed. Kelly, do you wanna jump in and kind of walk folks through the table?

- Okay, so...

- [Kristen] You may need to unmute her.

- Yeah, she gets unmuted and promoted to a panelist so that she can be an active participant and have her video. And Kelly, your Zoom screen is gonna do something weird and then it'll come back on. So you should be able to join us momentarily.

- Looks like it's, I think I'm all good. Thank you so much Joan. And thank you everyone, and thank you Kristen. And so everybody should be able to see the table here on the screen. And this table was sent out alongside the agenda prior to the meeting for review. And what this table is, is an outline of each of the chapters that are in the Brown Act, and then a staff interpretation at the Air District of what that would mean. And we consulted with Legal and did a lot of work on this in the background. The goal of this document is just to present a transparent outline of the various Brown Act pieces and what it might mean for Community Design Team or steering committee. This is sort of similar to what Coachella presented their steering committee, the Coachella steering committee. But they kind of picked, cherry picked pieces of the Brown Act to present to the steering committee. We didn't want to do that. We wanted to give you the full gamut of what's available and show you the different pieces that could be adopted in a charter outside of a full Brown Act adoption. So chapter one kind of just describes the public process. Chapter two defines a legislative body. If you keep scrolling down, chapter three gets into the meaty part. Chapter three is all about meetings. This looks to be one of the main sections that imperial steering committee adopted based on their charter. And so this section is all about having a quorum, about posting an agenda 72 hours in advance. It talks about all of the public meeting rules, such as not having a committee meet regularly outside of a steering committee. And then if you scroll down a little bit more, we get to more meaty sections of the outline. And so chapter four is another big bread and butter section in addition to chapter three, that talks about agendas, notices and public participation. And so this is the piece that says, hey you need to post an agenda. You need to have public participation at the meeting if we have virtual meetings. There's different rules for that. They've amended rules because of COVID, so that's good. But in a non COVID scenario, when people are meeting publicly for all meetings separately, you'd have to notice the agenda at your location and include the address. And so that's all in this section. And so some folks might wanna adapt the public participation and the agendas at sections out of here, but not the notices. They're in chapter three, but not in chapter four. So then if you scroll down chapter five, sorta gets more into specifics and details. I think chapter three and four are like the meat. This one talks about when you can have a closed session, a lot of times that's when discussing legal matters. Chapter six talks about violations of the Brown Act and what happens if violations occur. And then if you keep scrolling down, it gets even more into kind of the weeds and more and more details. And Coachella did not include this in their outline, but we wanted to again, just show you all the pieces so you can see what's really underneath there and what all the different pieces of the Brown Act are. It talks about chapter seven talks about when you're not able to have a closed session, chapter eight talks about a couple additional provisions and talking about like which agencies this applies to. And then if you keep scrolling down chapter nine refers to violation of the Brown Act again. If you keep scrolling down again talking about violations of the Brown Act and what happens. There is a detail in one of these chapters that talks about public meetings being ADA accessible. That's kind of the one piece that I saw outside of chapter three and four that I thought was might be of



interest. It keeps going down a little bit to chapter 11. Here's that chapter about ADA accessibility, which is inaccessible the disabled persons or where members of the public may not be present. I thought that was interesting that the Brown Act didn't include that piece in chapter three meetings and they put it all the way down here, but that was sort of the only detail that I saw that folks might be interested and based on discussions I've heard today other than chapters three and four. And then it keeps going down just round out chapter 12, it talks about guidelines for closed sessions and exceptions and so there's lots of details in there, there's like exceptions for hospitals. And then if you keep scrolling going down, we'll just keep going until we're at the end. And that it just says a person may not disclose confidential information that has been acquired by being present in a closed session. So if you're in a closed session you can't share confidential information. And so our interpretations are on the left just saying we interpret that these provisions of this chapter would apply to the steering committee if the full ground-up was adopted. This was just supposed to be sort of a transparent cheat sheet to look at the different sections and what might be available.

- Thank you Kelly. Oscar, you were next in line to comment, and then if others have additional questions, we have a few more minutes on this topic and then we will have the vote on whether or not you're ready to vote on considering the Brown Act. Oscar, if you'd like to go ahead.

- Thank you. I had a couple of or I've made a couple of observations. So it sounded like a couple of folks wanted to have the ability, to have their voice heard, and have control over the process. You lose a lot of that with the Brown Act if you're not following the process setting the agenda and all of that. Things are pretty set in stone if you don't follow that process. And it sounds to me that there's a lot of side meetings happening among the Design Team Members and all of those would not be allowed. I think who probably will be most impacted by all of this is probably who's probably supportive of it is kind of what I'm seeing or who's supportive of the Brown Act being enacted is probably who's gonna be most impacted by it. That has me confused but at the same time, the Brown Act could be a good thing to ensure that this is a community driven process and that we all have an equal voice in the process. Just wanted to throw out some observations.

- Thank you Oscar. Julia, you're our next speaker. Julia, you're the next speaker, please go ahead. Thank you Oscar.

- Yes, it always takes a bit of a few seconds because you have to direct me to unmute and allow me to unmute and then I can unmute. So it's yes, I apologize that I've taken a few seconds to do that. I have two minds about this becoming a Brown Act committee. Again I am concerned and about these issues of delaying this process and identifying a committee members for the CERP process as rapidly as possible. And I just have the feeling that if we become a full Brown Act committee, it's just going to delay the process of actually moving forward on the Emission

Reduction Program. I do like some of the provisions as Kelly had mentioned, some of the fact that you have to have the agenda out in 72 hours that there is that more in the way of notifications about meetings and but that those that seems to me could be included. But it's I'm of two minds about this. And primarily I'm concerned about further delays.

- Thank you Julia. Janet, you're our next speaker.

- Thank you. I too would like a little bit more reassurance about the timing. I feel that we lost about six months in this thrash over the Conflict of Interest and that this was not the fault of any one individual or any groups of individuals. But I think people really need to on this committee need to suck it up and start doing some work so we really can get in a place where we can be where we can be ready to start in 2021. This is a process it's about transparency and justice. And if the Brown Act is going to be is going to further that process, I would definitely be in favor. I think it's unfortunate that there's an impression that there's a group that has been having a lot of side meetings because frankly there have been side meetings, but certainly not a whole lot of them. And so I think that the business about the timing is something that I would like a little bit more, more clarification of on, but I am generally in favor of anything that brings us more transparency and more justice. Thank you.

- Thank you Janet. Janis, you're our next speaker.

- My concern interestingly enough with the document that was just presented, is not the areas that Kelly was calling out but the first couple of sections in that document, because I am very concerned about the idea that back med would be appointing the members of this committee. I am very, very concerned about giving them control over that. And I do not feel that I have enough information, I don't feel that has been clarified to my satisfaction, and what that process would actually be, and how much input we would have in terms of presenting candidates for the committee. I need a lot more clarification about that before I feel comfortable.

- Thank you Janis. Are there any other comments? Our next action is to take the vote. The question of the vote is, are you ready to vote? Oh I'm sorry, there's two more hands. Let's see, let's see. I have Andres and then Willie, my apologies.

- Yeah, I'm glad people are asking these questions and the Brown Act would provide for actual regulated public participation where they could comment on things like this that we're talking about before the steering committee actually makes a vote. And of course under the Brown Act, all members of the steering committee have an equal opportunity to comment in the course of any of the meetings and to make agenda items. And Janet talked about it that it was really the

obstinacy of the District that caused the delay and I would rather get it right. And I think we need at least a month to recruit folks to apply for this committee. Because I've been telling people for six months, it's coming, it's coming, it's coming, and yet it hasn't come. And so, there's gonna be some time where we're gonna have to reach out and get people to sign up for this committee. And so I'm not so concerned about a month or two delay. And when it comes to the issue of the committee itself, the only person that I would have any concerns about would be the chair of the personnel committee of the Air District. Jim's Sparing, he's a supervisor for Solano County. And, but I would if we put forth a list of community people, I don't think it's appropriate for the Air District to sign who's the chair and the vice chair. I think that should be the work of the steering committee once they are empaneled, and I think we should insist on that. And so I think that those kind of concerns should be allayed and if Jim Sparing thinks he's gonna hand pick people to be on a Richmond steering committee, I don't think he's gonna have the support of his fellow committee members either there in the personnel committee or on the board as a whole and I would look forward to that challenge.

- Thank you Andres. And Willie, I'm not seeing any other hands, so Willie you will be the last to comment and then we will have the vote to consider your readiness to vote. Willie, please go ahead.

- I don't wanna be repetitive, but it's pretty clear to me going down this path with how things will probably wind up going, will create a high level of bureaucracy and highly politicized this process. And I'm still stuck with us developing our own charter, putting in the kinds of things we believe that will help us better get the work done so we can get people from the community to participate. And the whole idea of appointments by persons who are either elected or acquainted themselves to these boards and then them making those followup appointments and even naming a chair as a path, I really would not wanna go down. And I think we can monitor ourselves or manage ourselves well enough to go through a process that will allow us to keep this a community process with the boundaries that we need to have in order for us to be as fair and transparent as we need to be. And the other part that concerns me is that once you move to that level trying to chair meeting, and then the disruption that comes from other people who's not gonna respect the chair and all those other things that go feeds into community people trying to muscle through where they wanna go. I firmly believe in a facilitated process, a consultant coming in, recognizing their boundaries and staying with it will help us move this process much faster and more effectively. Thank you.

- Thank you Willie. That's our final comment and we will be now we're going to vote. And so here is the vote, and is my screen visible?

- [Jessie] Not yet Joan.

- Okay, thank you. Just need a small adjustment here. Here's the question. Are you ready to vote on whether to recommend a CERP steering committee to be a Brown Act committee? Basic readiness to vote. Yes means you're ready and you would be willing to proceed to the next slide would be a vote on that. No means you're not ready there've been requests for other information, and C means that you abstain. Those are the three choices and I have my roll call list and I'll just randomize the order a bit with the votes. Let's see. How about if we start with Randy?

- [Randy] I abstain.

- Okay. Linda?

- My vote is no.

- [Joan] No, okay.

- But I'd like to say our agenda said discuss the Brown Act, didn't say vote on it. So I'm saying no.

- Right, no we're not voting on recommending, your no vote means I'm not ready to vote or make a decision today.

- That's what I just said.

- [Joan] Okay.

- No, I'm not ready to make a decision today.

- Okay, I just wanted to clarify that. Thank you very much. Naama?

- I'm ready.

- And what is yes, you are ready to vote? Yes, okay. Willie?

- Yes.

- Janet?

- [Janet] No.

- Andres?

- Yes.

- Oscar?

- No.

- Julia?

- No.

- Janis?

- No.

- And Matt? Matt, are you able to respond?

- [Matt] Sorry, I'm muted. Can you hear me?

- We can hear you now. Yes, we can hear you now.

- Okay, yeah it wouldn't let me unmute. Yeah, I'm ready to vote.

- And we'll just take a moment to tally up the votes. And we'll give Jessie a moment to tally the votes for the record. We have in terms of, are you ready to vote? We have four yes votes, five no votes, and one abstain. With the majority rule, we will not continue to the next action of voting to recommend a CERP steering committee be a Brown Act committee. That agenda item is concluded. I wanna thank everyone for their discussion and next we will be moving to public comment. So for we appreciate the interest of the members of the public that have joined tonight's meeting. And we wanna give you an opportunity to make public comment. We'll be asking you to keep your comments to three minutes and you can signal that you want to make public comment by using the raise hand feature. And I'll give people a moment to raise their hands and see if there's any public comment. We'll just give it a little bit more, we don't have any, any hands raised just yet. We'll give you a minute to find the setting. I think we haven't received any raised hands. I'll conclude that there's no public comment, and we have completed that agenda item. But thank you all for being in attendance. And then with that, we will move to the summary and next steps. And Kristen, if you could give us some general information about what will happen next.

- The next steps were gonna be dependent on that vote. We definitely want to schedule a meeting with the Design Team and we already have a doodle prepared, so it will go out immediately. And we ask that folks respond to it pretty quickly so we can get that meeting scheduled and we'll make sure that we'll resend the Brown Act materials. So we'll give folks some time to do additional research, reach out to us if you have questions. And so at the next meeting, which will hopefully be early or mid November, so we don't wanna take too much time trying to get this thing scheduled. Let's get back together pretty soon to determine whether or not we move forward as a Brown Act. And then ultimately the timeline and budget and things like that will be discussed when we know the decision made around the Brown Act. We hope to have additional agenda items like usual we'll send out an agenda, a proposed agenda. We will request additional agenda items, any edits suggestions, things like that. Please be on the lookout for that and we're hoping to get a quick turnaround. We hear you loud and clear that we want it, we wanna get this thing moving quickly. And I see a bunch of hands popping up. So I'll stop there for a second.

- Just give me a second. We have hands raised. We have Andres followed by Linda. You have a question for Kristen on the next steps?

- Yeah, it's about the questions that were raised regarding the Brown Act particularly around the assigning of the chair and vice chair. When can we expect answers to those questions? Because I think those are some of the key points needed for folks to make those decisions 'cause people ask a lot of questions and until those questions are answered, I don't think people are gonna feel comfortable moving forward. So I just wanted to reiterate that.

- That's a really great question and good points Andres. We've all been taking notes diligently over here as well as MIG. And so what we'll do is try to compile all the questions that folks had, questions and concerns, that people had. Feel free to also reach out to us with an email just to make sure that we've captured it and we will do our best to compile responses to those questions and get them out with the rest of the materials and more recent that the table as well and maybe flesh that out a little bit more with some of the questions y'all had.

- And then one final question is it will be the task of this Design Team to go through the applications for the steering committee and recommend folks to be on the steering committee, correct?

- [Kristen] Yeah.

- All right, thank you.

- Okay. A question from Linda followed by Willie.

- I'm unmuted. A question about meetings times and scheduling. We're moving things around, I thought we had set maybe I'm wrong, if we can set a date each month or meeting so that we can work on other meetings around these dates. When we keep changing our dates it throws a problem and other committee things that myself maybe other people have. I don't know why we keep moving the meeting date, is there a reason for that?

- Yeah, when we had it scheduled we had it recurring on Mondays and Mondays no longer worked. And so they've been it seems like Tuesdays are a pretty good day. Those are the dates that we included on the doodle. Maybe we'll also send out another poll to see if we keep meeting in a recurring fashion, maybe we could figure out, is it the first Tuesday, second Tuesday?

- And I know I'm not only one person but it helps a lot to know when we're gonna meet what Tuesday, what time I can work around those dates, and times we keep changing them then it throws up. It's a problem sometimes. Thank you. I'd appreciate if we could do that.

- I think that would be helpful for a lot, a lot of people not just doing that.

- Great, thank you Linda. Willie, did you have a question for Kristen?

- Yeah, the question is... You hear me? The question is is that, how do we lock in what we've accomplished so that we don't go back and start redoing stuff all over again? It was clearly my understanding that the application process for persons who want to fill it out and voluntarily be a part of the steering committee. But if we're moving into a Brown Act scenario, does that mean that that process now no longer works? 'Cause I heard, I thought I heard a comment that we still, this committee is still get to review those persons who are filling out the application with an interest to become a part of the steering committee. Am I confusing that or is that clear? Can someone clarify that for me?

- I'm not sure I fully followed you.

- Right now we presumably have completed the application process where we were gonna solicit person who would have an interest in joining the steering committee. If they do that, what part of that part of the Brown Act that says that the committee members would be appointed by the board members to initiate the Brown Act as a part of what we go by?

- Yeah, I think that the Design Team can make recommendations and I think the application doesn't get thrown out. I still think it could be useful to send out to solicit applicants to join the steering committee. I don't think all the work we've done is gonna go away. I think it can still be utilized and in a Brown Act fashion.

- If you get a pool of persons who have completed the process, completed expressing an interest in joining the steering committee, that pool of applicants will then be reviewed by the board who would then how? That's the point we're looking. Maybe that goes into the next meeting in this discussion. But if you kinda see where my mind is going and maybe I'm confused and a little more time will help me clearly think through it, but I don't quite understand that.



- Thank you Willie. I think we'll add that to the questions that need to be clarified. Hopefully more information can be sent in advance so that people are more prepared for the discussion. Janet, did you have a question for Kristen?

- Yes, thank you. I just wanted to piggyback on Willie's concerns and recognize that this is a community driven process and that just I don't think the Brown Act is intended to supplant what is in place to bring together the community into this process and that it is just a Hansman.

- Thank you Janet. If there are additional questions beyond those that were raised tonight, or if you want to resend them as a follow-up to Kristen to make sure that we have a full understanding of the additional information that you would like to have and be able to consider in advance of the next meeting, please go ahead and do that and then Kristen will have a doodle poll to set and confirm the next meeting date. Kristen, are there any other actions or you wanna remind the group?

- I just wanted to make sure that you review the materials and please ask questions. Kelly, myself or someone else from the team are pretty responsive and accessible and wanna make sure that we're all coming to these meetings as prepared as possible. Please don't hesitate to reach out and ask us any questions for clarification.

- Are there any other final questions on the next steps? I'm not seeing any hands. With that, we are going to, I'm going to bring tonight's meeting to a close. We really appreciate and wanna thank you for all the time and energy that you put into preparing for these meetings. And attending tonight we were able to achieve our objectives in terms of coming to a decision related to the financial Conflict of Interest form. And we've also made some advanced conversation on the Brown Act. And we have clear information about the type of information that will be most fruitful and helpful at our next meeting. With that I wanna thank everyone for their time tonight, and we're officially adjourned. Have a good evening, and we appreciate you coming. And we wanna thank the members of the public who have joined us as well. So take care and good night.