



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 4

Overview of the Ralph M. Brown Act

Community Advisory Council Meeting
January 13, 2022

Adan Schwartz
Acting District Counsel
aschwartz@baaqmd.gov

Brown Act Fundamentals



- The Ralph M. Brown Act is codified in California Government Code sections 54950, et seq.
- Purposes of the Brown Act include transparency in decision making and public participation in local government
- All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, unless an exception applies (Govt. Code § 54953)
- Brown Act purpose is broad; exceptions are narrow

Relationship to Parliamentary Procedure



- The Brown Act contains legal requirements for open meetings and public access, including some applicable procedural requirements
- Parliamentary procedure (or “law”) is intended to ensure efficient and fair meeting conduct
- Some elements of parliamentary procedure can be found in the Air District’s Administrative Code (e.g., quorum for committees is 5 members) and other elements in publications like Robert’s Rules of Order
- If there is a conflict, the legal (Brown Act) requirements govern
- Example: Voting - Under Robert’s Rules elections of officers are typically by secret ballot; the Brown Act, however, prohibits any vote by secret ballot

Legislative Bodies Under the Brown Act



- The following are considered “legislative bodies” under the Brown Act, among others (Govt. Code § 54952(a) and (b)):
 - The “Governing body of a local agency” or any other local body created by state or federal statute
 - Standing committees of a legislative body
 - Bodies created and/or appointed by formal action of a legislative body
- Newly elected members of the governing body even before they assume office must comply with the Brown Act (Govt. Code § 54952.1)

Brown Act Meetings



- A “meeting” is any gathering of a majority of the members of a legislative body at the same time and location to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body (Govt. Code, § 54952.2)
- Includes meetings by teleconference, or communications by other electronic means (Govt. Code, §§ 54952.2, 54953)
- Be careful not to engage in “serial meetings” and “meetings” which may occur through use of email, communications devices (e.g., texting), and social media

Virtual Meetings Under the Brown Act



- In ordinary times, the Brown Act provides that meetings may be conducted by teleconferencing (any electronic audio or video connection) under the following conditions:
- Agendas must be posted at teleconference locations at least 72 hours before the meeting specifying all teleconference locations
- There must be public access to each teleconference location
- Public opportunity to speak must be provided at each teleconference location
- All votes during teleconference meetings must be taken by roll call
- (Govt. Code, § 54953 (b))

Voting



- Legislative bodies must publicly report (1) any action taken and (2) the vote or abstention on that action of each member present for the action (Govt. Code, § 54953(c)(2))
- Action by secret ballot is prohibited (Govt. Code § 54953(c)(1))
- If votes are not taken by roll call, the clerk or chair should read aloud the name of each member with his/her vote or abstention in open session

Public Comment



- “The legislative body of a local agency may adopt reasonable regulations on public comment, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.” (Govt. Code § 54954.3(b)(1))
- “The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.” However, the Brown Act does not “confer any privilege or protection for expression beyond that otherwise provided by law.” (Govt. Code, § 54954.3(c))



Questions?



BAY AREA
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AGENDA: 5

Introduction to the Air District

**Community Advisory Council Meeting
January 13, 2022**

**Veronica Eady
Senior Deputy Executive Officer
veady@baaqmd.gov**

Mission Statement

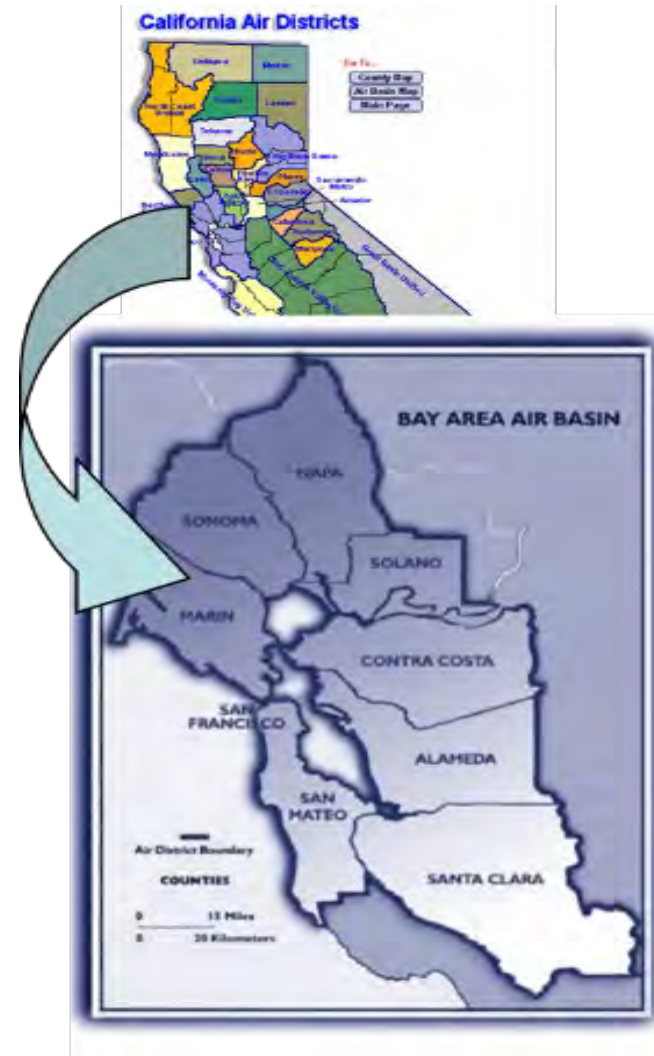


The Air District aims to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and the global climate.

Air District Background



- Responsible for air quality in the San Francisco Bay Area
 - Over 100 cities
 - Nearly eight (8) million residents
 - Five (5) million vehicles
- Anticipated growth by 2040
 - Nine (9) million people
 - 20% increase in driving



Air District Overview



- **Board of Directors:**
 - Oversees policies and adopts regulations for the control of air pollution within the district.
 - Appoints the Air District's Executive Officer/Air Pollution Control Officer, who implements these policies and gives direction to staff, as well as the District Counsel, who manages the legal affairs of the agency.
- **Advisory Council:**
 - Provides input to the Board and the Executive Officer on air quality matters.

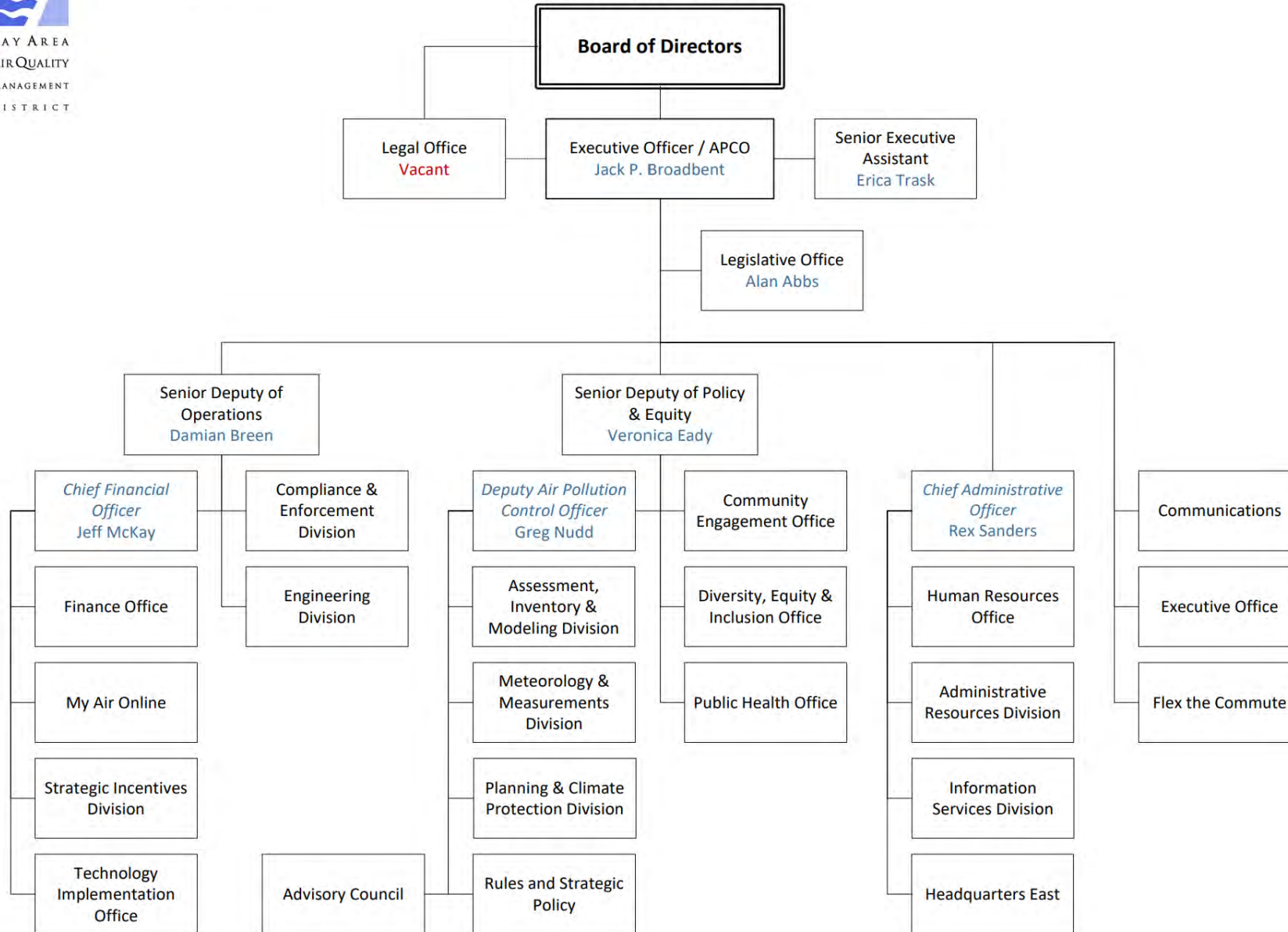
Air District Overview (cont.)



- **Hearing Board:**
 - Independent, five-member body that serves to adjudicate regulatory compliance issues that may arise between the Air District and local industries and hears appeals of permitting decisions made by the APCO/Executive Officer.
- **Community Advisory Council (CAC)**
 - The CAC was created in response to community input and in furtherance of an equity-forward policy agenda. The CAC will choose its own areas of focus and provide input on key Air District policies and programs. The Council reflects the diversity of the Bay Area and the lived experiences in communities heavily impacted by air pollution.



Bay Area Air Quality Management District Organizational Chart



Executive Officers



Jack P. Broadbent

Executive Officer/Air Pollution Control Officer

Veronica Eady

Senior Deputy Executive Officer of Policy & Equity

Damian Breen

Senior Deputy Executive Officer of Operations

Deputy Air Pollution Control Officers (DAPCOs)



Jeff McKay
Chief Financial Officer

Rex Sanders
Chief Administrative Officer

Greg Nudd
DAPCO of Policy

Accessing Community Advisory Council Materials



- Community Advisory Council materials emailed prior to each meeting with instructions
- Recommend installing Adobe Reader and downloading Agenda PDFs
- Presentations and Agendas available from BAAQMD website

Accessing Community Advisory Council Materials (cont.)




Air Pollution Complaints


Permitting


Asbestos Job Requests


Grant Applications


Public Data Center


News / Events / Calendar

UPCOMING ARCHIVED

NEW James Cary Smith Grant Program Informational Webinar
STREAMING LIVE ON 8/31 AT 10:00 AM
[Meeting Details](#)
[Submit a comment](#)

UPDATED Community Equity, Health & Justice Committee
STREAMING LIVE ON 9/02 AT 9:30 AM
[Agenda](#) (274 Kb PDF, 24 pgs)
[Presentation](#) (1 Mb PDF, 37 pgs)

Accessing Community Advisory Council Materials (cont.)




The screenshot displays the 'AIR DISTRICT WEB STREAMING' interface. On the left, a yellow banner contains a Wi-Fi icon and a megaphone icon, with text stating: 'Due to the continued COVID pandemic, until further notice, all Air District meetings will be either cancelled or held remotely via webcast.' Below this is a 'MORE INFORMATION >' button. The main content area is divided into 'UPCOMING' and 'ARCHIVED' sections. The 'UPCOMING' section features two event cards. The first card, titled 'NEW James Cary Smith Grant Program Informational Webinar', is scheduled for 'STREAMING LIVE ON 8/31 AT 10:00 AM'. It includes links for 'Meeting Details' and 'Submit a comment', a calendar icon for August 31, 2021, and a 'JOIN' button. The second card, titled 'UPDATED Community Equity, Health & Justice Committee', is scheduled for 'STREAMING LIVE ON 9/02 AT 9:30 AM'. It includes links for 'Meeting Details' and 'Submit a comment', a calendar icon for September 02, 2021, and buttons for 'WATCH (ONLY)' and 'JOIN'. A red circle highlights the 'Agenda (274 Kb PDF, 24 pgs)' link in the second card. A 'STREAMING HELP >' link is located in the top right corner.

Accessing Community Advisory Council Materials (cont.)



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COMMUNITY EQUITY, HEALTH AND JUSTICE COMMITTEE

COMMITTEE MEMBERS

DAVINA HURT – CO-CHAIR	TYRONE JUE – CO-CHAIR
NATE MILEY – VICE CHAIR	JOHN BAUTERS
RICH CONSTANTINE	JOHN GIOIA
CAROLE GROOM	BRAD WAGENKNECHT
LORI WILSON	SHAMANN WALTON

THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM

- **THE PUBLIC MAY OBSERVE THIS MEETING BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S AGENDA WEBPAGE AVAILABLE AT**

www.baaqmd.gov/bodagendas

Accessing Community Advisory Council Materials (cont.)



The screenshot shows a PDF viewer interface. On the left, a table of contents is visible with a red circle around the first item, 'Agenda_0_110920'. The main content area displays the title page of the 'ADVISORY COUNCIL MEETING' document, which includes the BAAQMD logo and details about the meeting format.

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Agenda_3_Deliberation of PM Strategy

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

ADVISORY COUNCIL MEETING

THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM

- MEMBERS OF THE ADVISORY COUNCIL MAY PARTICIPATE BY TELECONFERENCE
- THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S AGENDA WEBPAGE AVAILABLE AT <https://www.baaqmd.gov/about-the-air-district/advisory-council/agendasreports>
- THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE FOLLOWING LINK OR BY PHONE

Next Meeting



- Aiming for next meeting to be held in March 2022
- Staff will soon begin coordinating schedules with the Council



Questions?