



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
COMMUNITY ADVISORY COUNCIL

COMMITTEE MEMBERS

DR. JUAN AGUILERA
FERNANDO CAMPOS
WILLIAM GOODWIN
MS. MARGARET GORDON
ARIEANN HARRISON
JOHN JEFFERSON
JOY MASSEY
CECILIA MEJIA

HANA MENDOZA
RIO MOLINA
MAYRA PELAGIO
CHARLES REED
DR. JEFF RITTERMAN
KEVIN RUANO HERNANDEZ
FAGAMALAMA VIOLET SAENA
KEN SZUTU
LATASHA WASHINGTON

THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY ASSEMBLY BILL 361 (RIVAS 2021) ALLOWING REMOTE MEETINGS. THIS MEETING WILL BE ACCESSIBLE VIA WEBCAST, TELECONFERENCE, AND ZOOM. A ZOOM PANELIST LINK WILL BE SENT SEPARATELY TO COMMITTEE OR BOARD MEMBERS

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

www.baaqmd.gov/about-the-air-district/community-advisory-council/agendasreports

- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE FOLLOWING LINK OR BY PHONE**

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(669) 444 9171

WEBINAR ID: 853 6802 3920

- **THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A COMMENT CAN USE THE "RAISE HAND" FEATURE BY DIALING "*9". IN ORDER TO RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE SURE YOUR APPLICATION IS UP TO DATE**

COMMUNITY ADVISORY COUNCIL MEETING AGENDA

**THURSDAY, JANUARY 19, 2023
6:00 PM**

Land Acknowledgement Statement

We begin by acknowledging that this land is unceded Indigenous land. The territories, or counties we represent, are of the Indigenous people. To acknowledge this history of our country - that this nation was built on genocide, the exclusion and erasure of Indigenous people - grounds our work in truth. We also acknowledge that our modern global economy was founded on the free and forced labor of enslaved Black people. And that exploited labor continuously perpetuates itself in disadvantaged communities of color, as we see in the treatment of farm workers, immigrant workers, prison labor, and domestic workers. This practice of land acknowledgement calls on us to recognize our violent history that is the foundation of white supremacy, and to recognize the longstanding and ongoing resistance of People of Color to dehumanization, repression, and homicide. And that the brilliance and leadership of People of Color in resistance, vision, wisdom, and love be honored and recognized as we work to dismantle ongoing legacies of settler colonialism and anti-blackness.

1. Call to Order - Roll Call

The Facilitator, on behalf of the Council Co-Chairs, shall call the meeting to order and the Clerk of the Boards shall take roll of the Council Members.

2. Public Meeting Procedure

***Public Comment on Agenda Items:** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have three minutes each to address the Council. Members of the public who wish to speak on matters on the agenda for the meeting, and who are speaking through an interpreter, will have six minutes each to address the Council. No speaker who has already spoken on that item will be entitled to speak to that item again.*

CONSENT CALENDAR (Item 3)

3. Approval of the Minutes of November 17, 2022

The Council will consider approving the attached draft minutes of November 17, 2022.

ACTION ITEM(S)

4. Vote on Compensation Policy and Procedures

This is an action item for the Community Advisory Council to recommend to the Board of Directors for approval a Compensation Policy and Procedures that formalizes practices to compensate members for their participation in the Community Advisory Council. After the CAC votes on the Compensation Policy and Procedures, it will be routed to the Air District Board of Directors for approval. Miriam Torres, Senior Advanced Projects Advisor, will present the draft Compensation Policy and Procedures.

5. Selection of a Community Benefit Fund Ad Hoc Committee and Introduction to Participatory Budgeting

This is an action item for the Council to create an Ad Hoc Committee that will develop a plan for Board consideration on the programming of the Community Benefit Fund. Senior Deputy Executive Officer, Veronica Eady, will present the Community Benefit Fund portion and Public Information Officer, Azibuike Akaba, will introduce Participatory Budgeting.

INFORMATIONAL ITEM(S)

6. Discuss the Draft Community Advisory Council Charter

This is an informational item only for the Council to discuss the draft Charter for the Community Advisory Council. Council Member Goodwin will present the draft Charter developed by the Governance Ad Hoc Committee.

7. Work Plan Ad Hoc Committee Update

This is an informational item only. The Council and the public will receive an update from the Work Plan Ad Hoc Committee.

8. Environmental Justice Policy Ad Hoc Committee Update

This is an informational item only. The Council and the public will receive an update from the Environmental Justice Policy Ad Hoc Committee.

OTHER BUSINESS

9. Report of the Executive Officer/APCO

10. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3

Members of the public who wish to speak on matters not on the agenda for the meeting, will have three minutes each to address the Council.

11. Council Member Comments / Other Business

Any member of the Council, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda.

12. Time and Place of Next Meeting

The next meeting is tentatively scheduled for Thursday, March 16, 2023, at 6:00 p.m. at a location to be determined.

13. Adjournment

The Council meeting shall be adjourned by the facilitator.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at speesapati@baaqmd.gov.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE: MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

JANUARY 2023

| <u>TYPE OF MEETING</u> | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u> |
|-------------------------------------------------------------------------------|------------|-------------|-------------|--------------------------------------------|
| Board of Directors Meeting - CANCELLED | Wednesday | 18 | 9:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Community Equity, Health and Justice Committee - CANCELLED | Wednesday | 18 | 1:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Community Advisory Council Meeting | Thursday | 19 | 6:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Special Meeting | Wednesday | 25 | 9:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Advisory Council Meeting | Monday | 30 | 8:30 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Path to Clean Air Community Emissions Reduction Plan Steering Committee | Monday | 30 | 5:30 p.m. | Webcast only pursuant to Assembly Bill 361 |

FEBRUARY 2023

| <u>TYPE OF MEETING</u> | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u> |
|-------------------------------------------------------------------------|------------|-------------|-------------|--------------------------------------------|
| Board of Directors Meeting | Wednesday | 1 | 9:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Administration Committee | Wednesday | 1 | 12:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Budget and Finance Committee | Wednesday | 1 | 1:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Stationary Source and Climate Impacts Committee | Wednesday | 8 | 9:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Mobile Source and Climate Impacts Committee | Wednesday | 8 | 1:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Meeting | Wednesday | 15 | 9:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Community Equity, Health and Justice Committee | Wednesday | 15 | 1:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Path to Clean Air Community Emissions Reduction Plan Steering Committee | Monday | 27 | 5:30 p.m. | Webcast only pursuant to Assembly Bill 361 |

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: January 19, 2023

Re: Approval of the Minutes of November 17, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of November 17, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of November 17, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Community Advisory Council Meeting of November 17, 2022

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, California 94105
(415) 749-5073

DRAFT MINUTES

Community Advisory Council
Thursday November 17, 2022

This meeting was conducted pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021). Members of the Council participated by teleconference.

1. CALL TO ORDER - ROLL CALL

Randolph Belle of Randolph Belle, Artist (RBA) Creative, called the meeting to order at 6:02 p.m.

Present: Council Co-Chairpersons Ms. Margaret Gordon, Kevin John Jefferson, and Latasha Washington; and Council Members Fernando Campos, William Goodwin, Arieann Harrison, Joy Massey, Cecilia Mejia, Hana Mendoza, Rio Molina, Mayra Pelagio, Charles Reed, Dr. Jeff Ritterman, Kevin G. Ruano Hernandez, Violet Saena, and Ken Szutu.

Absent: Council Member Dr. Juan Aguilera.

2. PUBLIC MEETING PROCEDURE

The Public Meeting Procedure video was played.

CONSENT CALENDAR

3. APPROVAL OF THE MINUTES OF SEPTEMBER 8, 2022

None of the Council Members requested edits to the Meeting Minutes of September 8, 2022.

Public Comments

No requests received.

Council Comments

None.

Council Action

Co-Chair Washington made a motion, seconded by Co-Chair Jefferson to **approve** the Meeting Minutes of September 8, 2022, and the motion **carried** by the following vote of the Council:

AYES: Campos, Jefferson, Massey, Mejia, Mendoza, Molina, Pelagio, Reed, Ritterman, Saena, Szutu, Washington.
NOES: None.
ABSTAIN: Goodwin.
ABSENT: Aguilera, Gordon, Harrison, Ruano Hernandez.

Motion Approved

PRESENTATION

4. COMMUNITY-FOCUSED AIR MONITORING AND DATA ASSESSMENTS: ACLIMA, LONG-TERM MONITORING, MOBILE MONITORING, AND SENSOR NETWORKS

Dr. Kate Hoag, Assistant Manager of the Air District’s Meteorology and Measurement Division, gave the staff presentation *Community-Focused Air Monitoring and Data Assessments: Aclima, Long-Term Monitoring, Mobile Monitoring, and Sensor Networks*, including: outcomes; outline; presentation for information only; recap – air pollution; why do ambient air monitoring?; examples of air monitoring methods; tailoring a monitoring plan for community conditions; Monitoring Example #1 – Aclima mobile monitoring; Aclima annual air pollution maps; Monitoring Example #2 – community air quality sensor networks; Monitoring Example #3 – source oriented mobile monitoring; other monitoring approaches; tailored local-scale monitoring plans developed with community members; using existing monitoring data; and questions.

NOTED PRESENT: Council Member Ruano Hernandez was noted present at 6:02 p.m.

The Air District requested guidance from the Council on the Air District’s Draft Plan to conduct local-scale monitoring data analyses for overburdened communities, using the following prompts:

- A. How do you want to use air monitoring data for your work?
- B. How can the Air District help make existing monitoring data easier to understand and use?
- C. How should we engage with the CAC and each community on monitoring data analyses or draft reports?

Public Comments

Public comments were given by Floy Andrews, Richmond resident.

NOTED PRESENT: Co-Chair Ms. Margaret Gordon was noted present at 7:16 p.m.

Council Comments

The Council and staff discussed the request for the Notices of Violation that have been issued; Air District mobile testing (van) capabilities, whether the vans that are conducting the mobile testing compare the air quality of overburdened communities with that of non-overburdened communities, and whether Aclima is monitoring the same pollutants and/or showing different readings than the Air District; a Council Member’s perception that the Air District is hesitant to disseminate the data collected by Aclima; the public’s desire for real-time air quality data; the suggestion of making available to the public a sensor application for smartphones that monitors indoor and yard air quality; whether the residents of overburdened communities that are monitored have access to/are being trained to process the data, and whether this can be incentivized with stipends; the suggestion that the Air District makes regular appearances on local news stations to tell the public about air monitoring efforts; whether the Air District is partnering with existing workforce programs to engage youth in their communities; whether the Air District has jurisdiction over radiological pollution/radioactive contamination; a request for the status of a specific gasoline dispensing facility in Richmond that was supposed to be removed; whether the Air District would consider utilizing autonomous drones for air monitoring; whether communities that are identified by the Air District as “overburdened” can receive funding to reverse the health impacts there; the desire of the Council to take action on this item, versus receive an update on monitoring efforts; a request for an ambient air monitoring reference guide tailored to San Francisco; the development of the Air District’s Clean Air Center Program; and the suggestion that the Air District builds partnerships with other sectors, especially non-profit organizations and junior/community colleges.

Council Action

None; receive and file.

THE COUNCIL RECESSED AT 7:23 P.M., AND RESUMED AT 7:27 P.M.

ACTION ITEM

5. IDEAS FOR COMMUNITY ENGAGED INCIDENT RESPONSE AND ENFORCEMENT

Council Member Ken Szutu had requested Air District staff to proactively involve community residents to collaborate and enhance enforcement activities in impacted communities in a concept he calls “Community Engaged Enforcement (CEE).” This presentation featured ideas on how to engage the community in enhancing monitoring and enforcement work.

Council Member Ken Szutu, Dr. Hoag, and Compliance & Enforcement Manager Tracy Lee, gave the joint presentation *Ideas for Community Engaged Incident Response and Enforcement*, including: framing by Council Member Szutu; Part 1: Discuss Suggestions from Council Member Szutu – outcomes; outline; Part 2: Begin Council Discussions Regarding Incident Monitoring – outline; definition of “incident”; Air District’s role during incidents; discussion with Board of Directors (proposed goals and phases); which types of incidents are you most concerned about; what questions and goals do you have related to incidents; Part 3: Begin Council discussions on the idea of “Community Engaged Enforcement” to utilize community help to enhance enforcement in specific

areas and sources of concern - outline; requested action; bi-monthly community meetings; and “Community Engaged Enforcement.”

Public Comments

No requests received.

Council Comments

The Council and staff discussed the desire to see residents of overburdened communities educated, empowered, and employed; whether workforce or certification program components exist for members of the public who wish to engage in reporting incidents/sources of concern in their neighborhoods; the suggestion that the Air District reaches out to high school environmental classes, and the need to brainstorm additional ways to bring young people’s voices into CEE meetings; whether qualitative or quantitative data would be collected; the suggestion that the Air District obtains baseline data regarding which communities have been making complaints and the results of any subsequent investigations before attempting to implement CEE; concerns about Air District Compliance & Enforcement staff’s community engagement skills; the request that the bi-monthly community meetings not be held during business hours; the public’s desire to know what are the levels of the toxins in their community, and what levels are unhealthy; who would be participating in the CEE meetings, and whether the Council Members’ presence would be required; the importance of respecting the community and providing time for people to digest the shared information and prepare their feedback; reasons why people do not report incidents; and the suggestion of prioritizing communities in which the most complaints occur (for CEE meetings).

Council Action

Council Member Ruano Hernandez made a motion, seconded by Council Member Goodwin, to **endorse** the following motion:

- **Endorse** the Air District’s Compliance and Enforcement Division’s scheduling of bi-monthly community meetings;
- **Request** baseline complaint data from 2018 to present day, noting who is making those calls and which communities are most frequently identified;
- **Request** that a system be implemented to publicly report outcomes and resolutions of complaints; and
- **Request** that Compliance and Enforcement staff be trained to engage the public and build capacity in a given community.

The motion **carried** by the following vote of the Council:

AYES: Campos, Goodwin, Gordon, Harrison, Jefferson, Massey, Mejia, Mendoza, Molina, Pelagio, Reed, Ritterman, Ruano Hernandez, Szutu, Washington.
NOES: None.
ABSTAIN: None.
ABSENT: Aguilera, Saena.

Motion Approved

REGULAR AGENDA

6. WORK PLAN AD HOC COMMITTEE UPDATE

Council Member Szutu, Chair of the Council’s Work Plan Ad Hoc Committee, gave an update on the Work Plan Ad Hoc Committee’s activities since it first met on August 19, 2022:

- This ad hoc committee’s leadership structure consists of a Vice Chair (Council Member Goodwin) and a Chair (Council Member Szutu). Meetings are held bi-weekly.
- The focus of this ad hoc committee is to select and prioritize Community Advisory Council agenda items that are requested/submitted by Council Members and members of the public.
- Members of this ad hoc committee recall their experiences as members of the public providing public comment at Air District Board and committee meetings, and hope to address concerns regarding: the way in which agendas are created, the development of memos and reports pertaining to agenda items, the publishing schedules of agenda packets, the amount of time that the public are allowed to speak, and regular status reports from Air District staff regarding presented programs and projects that take years to implement.
- Council Members and members of the public are encouraged to submit their requests/suggestions (regarding the Community Advisory Council agenda-setting process or actual agenda items) to Air District Community Engagement staff by November 30, 2022.

Public Comments

No requests received.

Council Comments

None.

Council Action

None; receive and file.

7. GOVERNANCE AD HOC COMMITTEE UPDATE

Council Member Goodwin, Chair of the Council’s Governance Ad Hoc Committee, gave an update on the Governance Ad Hoc Committee’s recent activities since it first met on August 31, 2022:

- This ad hoc committee’s leadership structure consists of two co-leads (Council Member Reed and Co-Chair Ms. Margaret Gordon.) Meetings are held bi-weekly.
- The Community Advisory Council’s charter has been drafted by this ad hoc committee and edits are to be completed by early 2023.

Public Comments

No requests received.

Council Comments

None.

Council Action

None; receive and file.

OTHER BUSINESS

8. REPORT OF THE EXECUTIVE OFFICER / AIR POLLUTION CONTROL OFFICER (APCO)

Interim Executive Officer/APCO, Sharon L. Landers, gave the following updates:

- The Air District partnered with Communities for a Better Environment to create a community-based Steering Committee to develop the East Oakland Assembly Bill (AB) 617 Community Emissions Reduction Plan (CERP). The Committee’s first meeting was held on September 15, 2022, and the next will be held on December 8, 2022. This body is not subject to the Ralph M. Brown Act.
- On November 2, 2022, the Board ratified the selection of the community of Bayview Hunters Point for the development of a CERP, pursuant to AB 617. The California Air Resources Board will vote on the Air District’s Board’s recommendation on February 22, 2023. This would be the 4th CERP in the Bay Area.
- New members elected to California Legislature will be sworn in on Dec 5, 2022, and Air District staff is preparing for the upcoming Legislative Session, beginning Jan 2023.
- No Spare the Air alerts have been issued between September 8 and November 17, 2022.
- Regarding recruitment for the new Executive Officer/APCO, the Council’s participation in the interview process (on November 9) was appreciated. Air District staff anticipates that the Board will make an offer for the position by December 21, 2022.

Public Comments

No requests received.

Council Comments

The Council and staff discussed the Council’s appreciation for being involved in the Executive Officer/APCO recruitment process; whether the Air District has jurisdiction over radiological pollution/radioactive contamination; and appreciation for community participation in the development of the Community Advisory Council agendas.

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

No requests received.

10. COUNCIL MEMBER COMMENTS / OTHER BUSINESS

Co-Chair Jefferson announced that the Co-Chairs are planning to hold a training for Council Members, regarding grant and funding opportunities, specific to CAC matters.

Council Member Ruano Hernandez, who also serves as a member of the Air District’s Richmond Area Community Emissions Reduction Plan Steering Committee, reported that one of his fellow Steering Committee members had circulated several letters of concern, and requested that those letters be shared with the Council, Air District Community Engagement staff, and added to the public record. Suma Peesapati, Air District Environmental Justice and Community Engagement Officer, responded that Air District management has spoken to the writer of the letters.

Council Member Reed requested that engagement of youth in Air District programs be agendized at future Council meetings.

Co-Chair Ms. Margaret Gordon requested a presentation explaining ways in which the Air District already engages with youth, to avoid duplicative efforts.

11. TIME AND PLACE OF NEXT MEETING

At the end of the meeting, the next Council was to be scheduled at the Call of the Co-Chairs. After the meeting adjourned, the next meeting was scheduled for Thursday, January 19, 2023, at 6:00 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021.)

12. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: January 19, 2023

Re: Vote on Compensation Policy and Procedures

RECOMMENDED ACTION

Vote to Recommend the Community Advisory Council's Compensation Policy and Procedures to the Air District Board of Directors for Approval.

BACKGROUND

This is an action item for the Community Advisory Council to recommend to the Board of Directors for approval a Compensation Policy and Procedures that formalizes practices to compensate members for their participation in the Community Advisory Council.

DISCUSSION

The Community Advisory Council (CAC) will have the opportunity to discuss and suggest changes to the proposed Compensation Policy and Procedures. The CAC will vote on the proposed Compensation Policy and Procedures. After the CAC votes on the Compensation Policy and Procedures, it will be routed to the Air District Board of Directors for approval. Once approved, the Compensation Policy and Procedures would be effective retroactively to July 1, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Compensation Policy and Procedures has implications on the Air District's budget annually. Desired funding levels for the Council will be determined each fiscal year. Funding for the work of the Community Advisory Council is included in the fiscal year ending 2022 and fiscal year ending 2023 budgets. The FYE23 Budget for the Community Advisory Council is \$269,000.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Miriam Torres
Reviewed by: Veronica Eady

ATTACHMENTS:

1. CAC Compensation Policy

Community Advisory Council

Compensation Policy and Procedures

About the Community Advisory Council

On November 17, 2021, the Board of Directors approved the formation of the Bay Area Air Quality Management District's (Air District) first Community Advisory Council (CAC). The CAC was created to advise the Air District on community related matters, to advance an equity forward policy agenda, and to provide input on key Air District policies and programs. The CAC consists of 17 members that reflect the diversity of the Bay Area and lived experiences of communities heavily impacted by air pollution. The members of the CAC include environmental justice leaders, physicians, non-profit professionals, students, and individuals with diverse skill sets.

Overview

The Air District recognizes the importance of supporting community involvement in Air District initiatives and providing financial support to increase equitable representation in agency programs and activities. This compensation policy describes how members of the CAC will get compensated by the Air District for their time related to meetings, and activities of the CAC or the Air District.

Budget

The Board of Directors wants to empower the CAC as a body of the Board to be impactful and designates funding for the CAC in the Air District's annual budget. The budgeted amount varies from year-to-year based on the availability of funds. The CAC Co-Chairs will work with the Air District Project Lead to request a desired funding level at the end of each year. The Air District's fiscal year is from July 1st to June 30th every year. The CAC's budget is intended to cover costs related to the operations of the CAC, including but not limited to: stipends, reimbursements, contractors (i.e., language services, facilitation), meeting venues, and other related costs. The Board will review the CAC's funding request and approve an optimal level of funding as part of the annual agency budgeting process. Once the Board approves a budget amount, the CAC Co-Chairs work with the Air District Project Lead to determine budget allocations for the operations of the CAC.

Compensation Policy

1. Stipends

Stipends are determined based on participation in meetings of the full CAC, Ad Hoc Committee meetings, Co-Chairs meetings, other required meetings, and other pre-approved activities.

1.1 CAC Meetings

CAC members can receive stipends for participation in meetings of the full CAC, currently occurring every other month (bi-monthly). The Air District will provide a stipend of five hundred dollars (\$500)¹ to travel to and from the meeting, prepare for, participate in, and everything else related to the Bi-monthly CAC meetings. The five-hundred-dollar (\$500) stipend for each CAC meeting is intended to cover time spent during the meeting and to fully prepare and participate in CAC meetings. This shall include any Air District trainings, and educational events hosted by the Air District in advance of a full CAC meeting. Trainings and educational activities made available to CAC members in preparation for CAC meetings are not compensated separately from the CAC stipend. The time preparing for and participating in the meeting is not to exceed 10 hours.

1.2 Co-Chairs Meetings, Committee Meetings, and Other Required Meetings

In compliance with the Brown Act, Co-Chairs Meetings and Ad Hoc Committee meetings are held virtually, standing Committee meetings must have quorum in-person, other required meetings (consisting of less than a quorum) may be in-person or virtually. Co-Chairs are compensated at \$75 per hour² to attend Co-Chairs meetings. The maximum number of hours per month to attend Co-Chair meetings is 4 hours. The Co-Chairs may attend meetings related to the work of the CAC, beyond the designated 4 hours for Co-Chairs meetings, as requested by the Board or Air District Staff. CAC members of an Ad Hoc Committee or standing Committee will be compensated at \$75 per hour to attend committee meetings and other required meetings related to the work of the CAC. The maximum number of hours per month for participation in each Ad Hoc Committee and Other Required Meetings shall not to exceed 6 hours per member each month. CAC Members will only receive a stipend for time spent in meetings. Members will not receive a stipend for travel time or meeting preparation time.

To receive a stipend for participation members must be present in the meeting as set forth above. Stipends will be pro-rated based on time spent in the meeting. For example, if a member attends only 30 minutes of a one-hour meeting, they will receive only 50% of the hourly rate, or \$37.5.

1.3 Other Activities

Every fiscal year, each CAC member can apply for up to \$1,000 in funding to support their participation in events, activities, or services the CAC Co-Chairs and Air District Project Lead agree fulfils the mission of the Air District and purpose of the CAC. For example, the CAC may provide funding to send a CAC Member to a regional conference and the stipend would cover their time to attend conference sessions. Another example may be to pay a member of the CAC for research or work related to the Committees, above and beyond meeting attendance. The stipend is intended to cover pre-approved costs related to the work of the CAC up to \$1,000 and shall be calculated at \$75 per hour for time spent on the proposed activity. It the responsibility of the CAC member to make a request for funding at an appropriate level of funding. Requests should be submitted to the Air District Project Lead thirty (30) days in advance of the proposed activity. When a Co-Chair makes a request, they shall recuse themselves from the approval process and the decision to approve the funding request will be made by the other Co-Chairs. When the

¹ Stipend is in alignment with the stipend the California Air Resources Board (CARB) provides to the Environmental Justice Advisory Committee.

² The Air District uses as a guide the living wage² in San Francisco, California for a household of three² (\$75/hour at the time of this publication) to determine an equitable community stipend amount.

CAC only has one Chair, and they make a request for funding, it must be approved by the full body of the CAC. Neither the CAC nor the Air District will be responsible for covering costs beyond the member's estimated expenses and up to a maximum of \$1,000. CAC Members must file a reimbursement for the approved \$1,000 stipend within the applicable fiscal year and are not eligible for additional funding from the "other activities" category until the next fiscal year. Unused funding will not rollover to the next fiscal year. This funding is only available to the CAC during the first 9 months of the fiscal year or until the amount budgeted in the CAC's Board-approved budget is exhausted, whichever comes first. The CAC Co-Chairs reserve the right to reallocate unused funding from this budget item after 9 months for any purpose related to the operations of the CAC.

2. Expense Reimbursement

Members of the CAC shall be reimbursed for actual and necessary expenses incurred by them in attending meetings of the CAC, Committee meetings and other pre-approved activities. Transportation, meals, and other incidental expenses will be allowed at the same rate as is allowed to Members of the Board of Directors as described in sections 2.1-2.3 below.

2.1 TRAVEL EXPENSES.

CAC Members are entitled to receive reimbursement for actual and necessary expenditures incurred in connection with the performance of their official duties for the Air District. The guiding principle of this policy is that travel and expenditures incurred on behalf of the Air District must be in the public interest. This document establishes guidelines for expenditures authorized as business expenditures and business travel expenditures incurred by Air District CAC Members.

a) General Procedures and Responsibilities

All travel for the Air District CAC Members must be justified business travel (Section j) and must be preapproved in accordance with the CAC's Compensation Policy to be eligible for reimbursement. For all in-state travel, the designated CAC Co-Chair, in agreement with the Air District's Project Lead, may authorize CAC Member travel on behalf of the Air District. For all out-of-state travel, including international travel, the Committee on Equity, Health, and Justice must authorize CAC Member travel on behalf of the Air District prior to travel. In the case of an unexpected or urgent need to travel on Air District business, a CAC Member must obtain in writing the approval of the designated CAC Co-Chair, and agreement from the Air District's Project Lead before any travel related expenditures are incurred. Such approval must be reported to and ratified by the Committee on Equity, Health, and Justice at the committee's next meeting. CAC Members will be reimbursed for all reasonable and necessary expenditures while traveling on authorized agency business. Expenditures should be paid with a personal credit card or cash. Advances are not allowed. A list of non-reimbursable expenditures is included in Section j. Actual receipts are required except where otherwise stated in this Policy. When a CAC Member combines business and personal travel on a business trip, the CAC Member will be responsible for the additional charges related to the personal travel. Only the CAC Member's direct travel expenditures are eligible for reimbursement. The Air District will not provide reimbursement for travel expenditures incurred by a spouse or any other individual traveling with the CAC Member. Requests for reimbursement of expenditures must be submitted on the authorized Air District Expense Reimbursement Form within 30 calendar days

after the conclusion of the trip. Receipts must be provided for all expenditures (other than incidentals that typically do not result in a receipt such as tips). Any reimbursement or payment issued by the Air District which is subsequently refunded to the traveler by a third party must be repaid to the Air District within 30 calendar days of receipt. Only the Executive Director can override and approve specific cost items that would otherwise be ineligible for reimbursement under this Travel and Expenditure Policy, and only when it is in the best interests of the Air District to do so. Any CAC Member reimbursement that requires the waiver of this policy by the Executive Director for approval will be brought back to the Committee on Equity, Health, and Justice for informational purposes. Expenditure reimbursement documents will be audited from time to time and are considered public records subject to disclosure under the California Public Records Act. Any CAC Member authorized to travel on behalf of the Air District pursuant to this section shall provide a brief, written report on their travel on the CAC Member Travel Report Back Form. Any Co-Chair may also request that CAC Members who represent the Air District at meetings, conferences, or other events provide an oral report on their participation and experience to the full CAC at the bi-monthly meeting following the CAC Members' return.

b) CAC Member Selection for Attendance

The CAC Chair/Co-Chairs shall nominate for approval by the Committee on Equity, Health, and Justice, CAC Members for out-of-state and international travel to attend conferences, conventions, legislative advocacy trips and other forms of reimbursable travel covered by this policy. In making such nominations, the CAC Chair/Co-Chairs shall solicit the interest of CAC Members and consult with the Executive Director and any other relevant Air District staff to ensure compliance with this policy.

The CAC Chair or Co-Chairs shall have priority to represent the Air District at any event where attendance is limited or capped due to cost or capacity. In considering which other CAC Members may be selected for travel, or who shall represent the Air District, the CAC Chair/Co-Chairs shall consider, at a minimum, all the following:

- The history of attendance and participation by the CAC Member at regular CAC, Co-Chair meetings, and Ad Hoc Committee Meetings (if the CAC Member is a member of an Ad Hoc Committee)
- The length of service on the CAC by a CAC Member
- The prior opportunities to travel and represent the Air District by the CAC Member
- The relevance or appropriateness of the CAC Member's committee assignments to the nature and purpose for the travel
- Opportunities for the professional growth or development of new CAC Members
- The relevance and purpose of a meeting or agenda to the home jurisdiction of the CAC Member
- Equitable considerations that would elevate or include the voices of marginalized members of the Bay Area.

Additionally, the CAC Chair/Co-Chairs shall have the authority to recommend non-CAC Members for inclusion in Air District-related travel. Non-CAC Members must live in an overburdened community within the 9-County Bay Area. The recommended non-CAC member cannot be a family member of any CAC member. In making such a recommendation, the Chair/Co-Chairs

shall demonstrate how and why the recommendation fulfills the mission of the Air District and is consistent with the purpose of the CAC and agency.

c) Conferences/Conventions

Registration fees for conferences and conventions are reimbursable for CAC Members if the conference or convention is directly related to the mission of the Air District, and consistent with the purpose of the CAC, the CAC Member is attending as a representative of the Air District and the CAC Member received preapproval from the CAC Chair/Co-Chairs and agreement from relevant Air District staff.

d) Air Travel

CAC Members flying on business should make reservations as early as possible to minimize costs. For domestic air travel with a flight duration of four hours or less, airfare should be purchased for coach/economy seats only, at the lowest cost possible which provides a practical flight itinerary and meets the requirements of the trip. First and business class airfare is not a reimbursable expenditure, nor are upgrades from the lowest coach/economy fare to “economy plus” seats (or equivalent), or to first or business class. If a CAC Member purchases a first or business class ticket, he/she will be reimbursed for the lowest available coach/economy fare only. For domestic air travel with a flight duration of more than four hours, as well as for international travel, airfare may be purchased at the “economy plus” fare/seats. First and business class airfare is not a reimbursable expenditure, nor are upgrades to first or business class. If a CAC Member purchases a first or business class ticket, he/she will be reimbursed for the lowest available “economy plus” fare only. CAC Members will be reimbursed for regular baggage fees charged pursuant to applicable airline policy. Excess baggage charges will be reimbursed only when the CAC Member is traveling with heavy or bulky materials or equipment necessary for Air District business.

e) Hotel Accommodations

Reimbursement for hotel accommodation while traveling on Air District business is limited to those circumstances where the meeting or activity is expected to last longer than one business day or if there is an emergency that causes the CAC Member stay overnight. When making hotel reservations, CAC Members must use the approved Per Diem Rates for lodging located on the General Services Administration (GSA) website, www.gsa.gov for the location of the stay plus 25%, to determine the maximum hotel accommodation expenditure that the Air District will reimburse per night, plus any applicable taxes.

CAC Members should use hotels where government rates are available.

Hotels that subscribe to a “green” standard must be utilized where available.

If the hotel stay is in connection with a conference or training activity, the cost should not exceed the maximum group rate published by the conference or activity sponsor. Inquiries should always be made about any special rates or discounts available to the Air District by the hotel, such as governmental rates, to get the best rate possible.

If accommodations are shared with individuals who are not traveling on Air District business, the CAC Member is responsible for the payment of any rate difference between the single occupancy room rate and actual rate incurred.

Resort or facility use fees imposed by the hotel, such as fitness center fees and internet connection fees and business center charges incurred for performing the Air District work, are allowable as reimbursable business-related expenditures.

Hotel self-parking fees are also allowable as reimbursable business-related expenditures, however, the cost of parking at the hotel should be considered when deciding whether to rent a vehicle or use public transportation (see Transportation discussion below). Valet parking fees will not be reimbursed.

f) Rental Vehicles

Reimbursement for rental of cars or other vehicles while traveling on Air District business is limited to those circumstances where the need for a vehicle for business purposes is expected to be extensive, or the use of taxi services or public transportation would not be economical or practical. CAC Members who operate vehicles on Air District business must have a valid driver's license and proof of insurance in their possession and must also have a good driving record. In the event a rental vehicle is required, the Air District will reimburse for a "Standard Class" size vehicle or alternative fuel vehicle, except when there are justifiable circumstances, such as group requirements, which make a larger vehicle necessary. The use of alternative fuel vehicles, when available, should be used, even if the cost triggers a surcharge or exceeds the cost of a non-alternative fuel vehicle.

The Air District holds liability insurance to cover third parties in case a CAC Member injures someone or causes property damage to another vehicle while renting a car or driving his/her own personal vehicle while engaging in Air District business. Accordingly, rental car insurance is not an allowable reimbursable expenditure. Rental cars should be returned with a full tank of gas to avoid refueling fees. The cost of gas for rental cars is an allowable expenditure under this policy.

g) Meals While Traveling

One-Day Travel – meals are NOT an allowable reimbursable expenditure for one-day travel unless such travel is more than 25 miles one way from either the Bay Area Metro Center, the CAC meeting location, or the CAC Member's personal residence. Multiple-Day Travel – meals will be reimbursed at the lesser of:

- i) Actual reasonable cost (including applicable taxes and reasonable tip), or
- ii) The Per Diem Rates for meals located on the GSA website, www.gsa.gov for the location of the stay plus 25%. Note that separate rates are provided for Breakfast, Lunch and Dinner. For travel days where a CAC Member has traveled more than 12 hours but less than 24 hours, the Per Diem Rate shall be 75% of the GSA rate for the destination. If the actual cost method is used, an original itemized receipt must be submitted with the expense report form. If meals are provided by an event or conference the cost for which is paid by the Air District, then no separate reimbursement is allowed for that meal. A CAC Member who pays the bill for a meal attended by more than one CAC Member or Air District employee may submit the expenditure with receipt for the combined meal cost, but all attendees' names must be included on the expense report form. Only costs related to CAC Members and Air District employees' meals are eligible for reimbursement. Costs incurred for any other person at such a meal (including applicable taxes and appropriate allocation of any tip) must be deducted from the amount of the requested reimbursement.

CAC Members who claim the allowable Per Diem Rate from the GSA website should print the page for the location of the meeting or conference from the website to attach to their expense report form. In addition, they should retain their actual receipts to

substantiate out-of-pocket expenses in the event of an audit by the State or IRS. Alcoholic beverages are not a reimbursable expenditure. Alcoholic beverages may appear on the itemized receipt for a meal, but the charge (including applicable taxes and appropriate allocation of any tip) must be deducted from the amount of the requested reimbursement.

Entertainment expenditures are not considered reimbursable expenditures. This includes, but is not limited to, meals unrelated to Air District business, movies, shows, etc...

h) Other Meals

Expenditures for business meals other than meals during travel, such as meals with other elected officials where Air District business is discussed, must be preapproved by the Executive Director. To obtain reimbursement for such expenditures, the following documentation is required and must be recorded on the expense report form or backup documentation: i. Names of individuals present along with their titles and affiliation, ii. Name and location of where the meal took place, iii. Exact amount and date of the expenditure, and iv. Specific Air District-related topics discussed.

i) Miscellaneous Travel Expenditures

Ordinary, reasonable, and necessary miscellaneous expenditures are reimbursable at actual cost when accompanied by itemized receipts and justification for the expenditures including WiFi, phone, fax, and similar expenses.

In-flight phones and WiFi services should be used only in emergency situations.

Tipping – reasonable and customary tipping rates are reimbursable. In the US 15-20% gratuity on meals, up to a \$3 baggage handling gratuity and up to \$5 per day housekeeping gratuity are considered reasonable and are allowable. (Receipts for baggage and housekeeping gratuities are not required for reimbursement.)

Transportation – Fares and expenditures for taxis, shuttles, buses, BART, or other public transportation (including Uber, Lyft or similar services) are reimbursable when incurred for Air District business. Receipts should be obtained whenever possible, but expenditures are still eligible for reimbursement when a receipt is unavailable. If a receipt is not available, a printout from the transportation agency showing the fare must be submitted for reimbursement. For example: a printout from the BART website showing the total fare for the trip taken. CAC Members should apply prudent business judgment in determining the means of transportation to use.

Personal/Private Vehicle Usage – CAC Member's use of a personal/private vehicle is reimbursable at the mileage rate established by the IRS which can be found at www.irs.gov. Details on the date of travel, starting and ending destinations, purpose of travel, miles driven, tolls and parking costs (receipt required when possible) incurred must be provided on the expense report form. A printout from a map website such as Google Maps should be used to determine the total miles driven and must be submitted with the expense report form. CAC Members who operate vehicles on Air District business must have a valid driver's license and proof of insurance in their possession, and a good driving record.

j) Justified Air District Travel

Justified Air District travel trips include but are not limited to:

- Attending meetings with local representatives in Sacramento or Washington DC or Sacramento with Air District Staff for legislative advocacy purposes.
- Attending the AWMA Conference as an Air District representative
- Attending other air quality-related conferences as an Air District representative

NOTE: Justified travel is not limited to the list provided above. This list is provided for reference purposes only and includes the most common examples of justified travel. All trips must be preapproved, regardless of whether they are included on this list.

k) Non-Reimbursable Expenditures

Non-reimbursable expenditures include but are not limited to:

Airfare upgrades or rental car upgrades

Air phone charges (except in emergencies)

Alcoholic beverages

Business class airfare

Entertainment expenditures

Expenditures incurred by/for spouses or other travel companions

Expenditures related to personal days while on business trip

First class airfare Interest incurred on credit cards

Loss due to theft of cash or personal property

Lost baggage or briefcase Meeting room rentals (when not for Air District business) “No show”

charges for hotel or car service

Optional travel or baggage insurance

Parking or traffic tickets or fines

Personal items

Reading material such as magazines, books and newspapers

Rental car insurance

Valet parking fees

NOTE: Non-reimbursable expenditures are not limited to the list provided above. This list is provided for reference purposes only.

l) Forms

The Travel and Expense Reimbursement Forms and Member Travel Report Back Form are kept by the Clerk of the Board.

2.2 CAC MEMBER PER DIEM MEAL EXPENSES. The CAC is authorized to include meals in their expenses, when such expenses occur as a result of attendance at CAC, committee or other authorized functions and provided that receipts are presented as required.

2.3 INCIDENTAL EXPENSES OF CAC MEMBERS. Actual and necessary incidental expenses in attendance at other meetings or on direction of the CAC Chair/Co-Chairs, or Chairperson of the Board, the Committee on Equity, Health, and Justice, or in conference on Air District business with qualified persons, shall be allowed to the member of the CAC.

Compensation Procedures

Payments

Stipend payments are processed based on meeting attendance. Air District staff track attendance during CAC meetings, Ad Hoc meetings and all other required meetings or events of the CAC. Air District staff will email each CAC Member an "Expense Report" documenting their attendance and corresponding stipend. CAC Members must return their signed expense forms with receipts **before** the 25th of each month. If the signed expense reports are submitted timely, payments will normally be processed within 2-3 weeks. If the signed expense form is received **after** the 25th, payment will be delayed by 6-9 weeks. Council Members may receive checks or sign-up for Direct Deposit.

Requirements

CAC Members are eligible to receive stipends and travel reimbursements with the appropriate documentation. To be eligible, a CAC Member must submit a completed W-9 form (with a Social Security number or IRS Individual Taxpayer Identification Number) to Air District staff. In addition, the CAC members must submit a *Community Advisory Council Compensation Agreement* to acknowledge receipt and understanding of the CAC's Compensation Policy and Procedures.

Disclaimers

Community Advisory Council Members are not employees of the Air District. Stipends are typically considered taxable income. As stipends are not considered wages, taxes will not be deducted. CAC members who meet certain income thresholds will have to calculate and pay taxes as required by law. In addition, an increase in taxable income could impact social program eligibility. Grievances applicable to any portion of the CAC Compensation Policy and Procedures shall be resolved in accordance with the Air District Administrative Code.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: January 19, 2023

Re: Selection of a Community Benefit Fund Ad Hoc Committee and Introduction to Participatory Budgeting

RECOMMENDED ACTION

Select Council members for an ad hoc committee to develop a plan for the Community Benefit Fund for consideration by the Air District Board of Directors.

BACKGROUND

In early 2021, the Air District Board of Directors created the Community Benefit Fund (CBF) to provide monetary resources for projects in impacted communities to reduce exposure to air pollution and address public health impacts. A total of \$3 million was approved to be community-directed and provide community benefits. The funding source for the initial \$3 million in the Community Benefits Fund is generally unrestricted; however, funds should be used to advance the agency's mission and benefit overburdened communities. All funded projects should reduce exposure to air pollution and/or address public health impacts, especially in impacted communities. The Board of Directors intended for the Community Advisory Council to develop a plan for consideration regarding the disbursement of the Community Benefits Fund.

Participatory budgeting (PB) is a democratic process that allows community members to directly participate in budget-related decision making. The Participatory Budgeting process can assist the Council in developing a plan for the Community Benefit Fund. However, PB is one option the Community Advisory Council (CAC) can use to disburse the Community Benefit Fund. Specifics regarding eligible projects, project criteria and selection, and funding distribution decisions would need to be defined by the Community Benefit Fund Ad Hoc Committee.

DISCUSSION

The Council will have the opportunity to vote to establish an ad hoc committee to develop a plan for the Community Benefit Fund for consideration by the Board of Directors. The Council will develop a plan for the Community Benefit Fund which would provide monetary resources for projects in impacted communities to reduce exposure to air pollution. The plan should include the criteria and process for the proposed disbursement of the funds. The Community Benefit Fund Ad Hoc Committee is anticipated to convene from April 2023 to October 2023. In

compliance with the Brown Act, the Council will be able to select up to 8 Council members to serve on a CBF ad hoc committee. Further, to assist the Council in developing their CBF plan, staff will introduce the concept of Participatory Budgeting (PB). The standard PB process follows a community decision-making model and empowers the community to make all program-design related decisions. Senior Deputy Executive Officer, Veronica Eady, will present the Community Benefit Fund portion and Public Information Officer, Azibuike Akaba, will introduce Participatory Budgeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Stipends for the work of the Community Advisory Council members selected to participate in the ad-hoc committee are included in the fiscal year ending 2022 and fiscal year ending 2023 budgets.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Miriam Torres
Reviewed by: Veronica Eady

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: January 19, 2023

Re: Discuss the Draft Community Advisory Council Charter

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

This is an informational item for the Council to discuss the draft Community Advisory Council Charter developed by the Governance Ad Hoc Committee.

DISCUSSION

The Community Advisory Council (CAC) created a Governance Ad Hoc Committee to develop a governance document to guide the Council. The Governance Ad Hoc Committee started meeting on August 31, 2022, and has worked closely with staff to develop the draft Charter over the last four months.

The draft Charter will be discussed during the January 19, 2023 meeting. Council Members will have until February 10, 2023 to provide edits to Air District staff. An updated version of the CAC Charter will be scheduled for a vote during the March CAC Meeting. The CAC Members will consider recommending the final CAC Charter to the Air District Board of Directors for approval.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Lisa Flores
Reviewed by: Veronica Eady

ATTACHMENTS:

1. CAC Draft Charter

Community Advisory Council Charter

DRAFT

January 17, 2023

Purpose

The Bay Area Air Quality Management District (Air District) Community Advisory Council (CAC) was established on November 4, 2021 by the Community Equity and Health Justice Committee (CEHJ) of the Air District Board of Directors. On November 17, 2021 the Air District Board of Directors approved the formation of the CAC. The purpose of the CAC is to use Environmental Justice principles to provide guidance to the Board of Directors on programs and policies that impact overburdened communities within the Air District's jurisdiction to ensure the fair treatment of all persons living in those communities. The CAC will use Environmental Justice Principles to identify and inform with the goal to mitigate and/or remedy projected disproportionate impacts of air pollution exposures and to reduce health risks and inequities associated with poor air quality for people who live, work, and play in already vulnerable and historically marginalized [overburdened communities](#). The CAC will aim to meaningfully engage impacted communities to represent and address stakeholders' interests. The CAC advises Air District leadership on community related matters to advance an equity forward policy agenda.

Definitions:

1. Environmental Justice: The State of California defines ***environmental justice*** as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” California Government Code §65040.12(e).
2. Fair treatment: According to the U.S. Environmental Protection Agency, *fair treatment* means “no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.”ⁱ
3. Overburdened community: an area located within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0, as having an overall CalEnviroScreen score at or above the 70th percentile, or within 1,000 feet of any such census tract.ⁱⁱ
4. Underrepresented community: Underrepresented community describes communities historically and systematically excluded from political and policy-making processes.

5. Meaningfully engage: Meaningfully involving impacted communities is essential to addressing environmental justice. According to the U.S. Environmental Protection Agency, *meaningful involvement* means “(1) potentially affected populations have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health ; (2) the public's contribution can influence the regulatory Agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the rule-writers and decision-makers will seek out and facilitate the involvement of those potentially affected.”ⁱⁱⁱ

The CAC will utilize the 17 Principles of Environmental Justice and Jemez Principles for Democratic Organization, which are both available on the Air District website and hereinafter incorporated by reference in Appendix A.

Mission Statement



The Community Advisory Council believes in protecting the fundamental right to clean air for all communities. We aim to provide access to meaningful community engagement and bring community priorities into focus at the Air District. We are committed to democratic decision-making and achieving equitable solutions to the impacts of air pollution and the polluting economy. We prioritize solutions that can be applied to more than one community. We are dedicated to eliminating these threats both upstream and downstream, standing in solidarity, sharing power and resources, and listening to and amplifying voices from communities that are the most impacted and overburdened communities.

Goals

The goals of the CAC are as follows:

- Provide representation on behalf of overburdened communities to the Air District Board of Directors.
- CAC serves as a liaison between the community and the Air District Board of Directors and Air District Staff in influencing Air District Board of Directors' decisions, policies, and procedures, as well as processes to ensure equity, inclusion, civil rights, and environmental justice.

Guiding Principles

CAC Members will provide independent and objective advice and commit to the following principles:

1. Laying a solid foundation for successful, future CAC Members and ensuring long-term sustainability of the CAC's commitment to Environmental Justice (EJ).
2. Elevating voices and advocating for communities who are not currently being represented or heard.
3. Building a deep, authentic, and mutually accountable relationship within CAC Members.
4. Helping CAC Members value, actualize, and institutionalize EJ principles throughout all CAC practices.
5. Being recognized as partners in the fight to define how we mitigate the impacts of climate change and air pollution exposure to reduce health risks and inequities associated with poor air quality.
6. Using influence, expertise, and privilege to protect our communities.
7. Identifying missing gaps with underrepresented, community-led decision-making, and avenues for well-compensated opportunities for Black, Indigenous, People of Color (BIPOC).
8. Striving to include cultural competence.
9. Acknowledging that one methodology does not address all communities and seeking to address the conditions in each community as needed. Utilizing and applying resources and tools based on those differences.
10. Maintaining impartiality, fairness, and respect for all CAC members and the communities we represent.

[INSERT CIVILITY LANGUAGE HERE]

CAC Leadership

In 2022, the CAC approved a three Co-Chair model. The leadership model may be amended based on the need expressed by the CAC.

Duties of Leadership

- The CAC Co-Chairs shall preside over Bi-monthly meetings of the CAC in rotation.

- In the event the Co-Chair scheduled to preside over the meeting is absent or unable to perform their duties, the next Co-Chair scheduled to preside next shall preside over the meeting and perform all Chair duties.
- Presiding over a meeting requires a Co-Chair to open, manage, and adjourn meetings, and to adjust the set order of speakers in collaboration with the Facilitator and Air District Staff.
- CAC Leadership shall oversee the preparation and distribution of the agenda and materials for the CAC meetings.
- CAC Leadership shall work with Air District Staff and the CAC meeting Facilitator to plan, structure, and coordinate CAC meetings.
- CAC Leadership shall attend and provide updates to the Air District Board of Directors (as needed and/or requested) and interact with the Air District Board of Directors in representation of overburdened communities within the 9 Bay Area Counties, and on behalf of the CAC Members.
- CAC Leadership shall oversee activities of the Ad Hoc Committees.
- CAC Leadership shall perform all other necessary or incidental duties as prescribed by the CAC Charter.
- The Co-Chairs shall communicate with each other, divide work, and share information/updates in a timely manner.
- CAC Leadership shall address conflict within the CAC membership and leadership.
- CAC Leadership shall ensure CAC decisions are made in a democratic, equitable, and timely manner.
- CAC Leadership shall represent the CAC at the Budget Committee and provide feedback on the Air District's budget.
- CAC Leadership shall work with Air District Staff to define and oversee the CAC's budget annually.
- CAC Leadership shall understand and adhere to the Brown Act and Robert's Rules of Order.

Leadership (Co-Chairs) Terms of Office

Leadership shall hold office for two (2) years. When more than two (2) Co-Chairs are selected, the terms of office shall be staggered as set forth below.

Terms of Leadership

Two (2) Co-Chairs are appointed for two (2) years in the inaugural term, and one (1) Co-Chair is appointed for one year. In the event that we have three (3) Co-Chairs, names will be randomly chosen to determine which position is in the inaugural term of

two (2) years and which will to last one (1) year. The names will be randomly chosen by Air District Staff.

Leadership is appointed for a two (2)-year term and no member may serve for more than two, 2-year terms consecutively.

Election of Leadership (Co-Chairs)

The inaugural leadership was elected at the 2nd meeting of the CAC. Future leadership will be elected based on the staggered terms described above.

If any Leadership position becomes vacant, that position must be filled within two meetings after the vacancy occurs. The Leadership position shall be filled through a nomination, selection, and voting process. The process will be as follows:

- Members seeking a vacant leadership position shall submit an essay which provides a summary of their background and outlines the reasons they seek the position. The full CAC shall be presented with the essays 72 hours in advance to review them prior to the meeting in which the CAC will vote on each prospective candidate. The candidate receiving the majority of the votes will be selected to fill the vacant Leadership position.

CAC Members

Composition of the CAC

The Membership of the CAC (including Co-Chairs) shall be composed of seventeen (17) members from overburdened communities, as follows:

- Four (4) Alameda County
- Four (4) Contra Costa
- One (1) San Francisco County
- One (1) San Mateo County
- Two (2) Santa Clara County
- One (1) Solano County
- Two (2) At-Large
- Two (2) Youth

Duties of Members

CAC members shall fully participate in bi-monthly meetings and be fully engaged during discussion. The CAC members shall also review materials prior to meetings and come prepared for engaged discussion, active listening, and respectful dialogue. Meeting

preparation includes attending required trainings defined below and other trainings as planned by the Co-Chairs or suggested by the CAC. Further, CAC members shall perform all other duties as prescribed by this Charter.

Mandatory Annual Trainings

CAC Members and Leadership shall attend and participate in three (3) mandatory trainings annually as follows:

- **Brown Act Training:** The Brown Act is California's open meetings law for local public agencies and their subordinate bodies. It guarantees the public a right to attend, participate and discuss in meetings of local legislative bodies.
- **Robert's Rules of Order Training:** Robert's Rules, which is also widely known as parliamentary procedure, was developed to ensure that meetings are fair, efficient, democratic, and orderly.
- **Civility Training:** Civility is an essential aspect of every work environment to create and maintain a fair and professional culture. This Civility training is designed to teach CAC Members the norms of acceptable conduct and how to identify, prevent, and respond professionally to situations of incivility.

Additionally, all members of the CAC shall complete an Ethics Training course within the first year of their term on the CAC and are required to have follow-up training bi-annually.

Virtual, Hybrid, and In-Person Meetings

During 2022, the CAC attended meetings virtually. As of March 2023, the CAC meetings will need a physical location within the Bay Area with an in-person quorum (9 out of 17 members). CAC members may attend remotely under specific circumstances outlined in the Brown Act and AB2449.

CAC Members and members of the public with disabilities that need accommodations consistent with Section 504 of the Rehabilitation Act to have equal opportunities to participate in the CAC's meetings should contact Air District staff.

Reimbursements for travel are outlined in the CAC's Compensation Policy and Procedures.

Members Terms of Office

CAC Members shall hold office for up to four (4) years. At the two-year mark, nine (9) Members shall be allowed to opt-out of the CAC. This will ensure others have the opportunity to participate in the CAC and continuity of County or institutional knowledge. When less than nine CAC Members opt-out at the two-year mark, CAC members will ask Staff to report on CAC Member attendance in CAC and Committee Meetings. The nine CAC members with the worst track record of attendance will vacate their seats.

Appointment of Members

The CAC Members are appointed by the Board of Directors. Vacancies are to be filled by the Board of Directors as described in the following process. The CAC shall create a CAC Selection Ad Hoc Committee to recommend a candidate or slate of candidates to the Committee on Equity, Health, and Justice (CEHJ). The candidate approved by the CEHJ Committee would be routed to the Board of Directors for final approval. The CAC Selection Ad Hoc Committee would be tasked with developing criteria for the selection of the candidate. Priority should be given to individuals from communities overburdened by air pollution, environmental justice communities in the Bay Area, and/or those with a history partnering with environmental justice communities.

Standing Committee and Ad Hoc Committee

Upon approval by a majority of the members of the CAC, the CAC may form committees to advise the CAC on its on-going functions. The committees shall be composed of members of the CAC. Committee members shall vote on its leadership during the first meeting.

Standing Committee

A standing committee is considered a legislative body and subject to the Brown Act requirements and requires staffing support, funding permitting. A committee is considered "standing" if, irrespective of its composition, it has a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution or formal action of a legislative body.

Ad Hoc Committee

An Ad Hoc committee is an advisory committee which is composed of less than a quorum of the legislative body, will serve a limited or single purpose, and will be dissolved once the task is completed. Once the mission is accomplished and presented

to and approved by a quorum of the CAC membership, the Ad Hoc Committee will be dissolved. The Ad Hoc Committees will aim to complete their task(s) within 6 months.

Work Plan Ad Hoc Committee

The CAC will form a CAC Work Plan Ad Hoc Committee to set the CAC's work plan and schedule for the year or several years. The CAC Work Plan Ad Hoc Committee will identify several priority areas in which it desires adherence and establish appropriate criteria. CAC Members, Community Members, Air District Staff and the Air District Board will be given the opportunity to recommend agenda items of potential relevance to the CAC for inclusion in the work plan. Once dissolved, CAC Co-Chairs are responsible for implementing the work plan and reserve the right to amend the Work Plan as needed. The Co-Chairs will report to the CAC if the Work Plan needs to be drastically adjusted.

Governance Ad Hoc Committee

In 2022, the CAC formed a CAC Governance Ad Hoc Committee to develop the CAC's Governance agreement. The CAC hereby presents the CAC's Charter which sets forth the Mission, Goals, scope, rules and actions applicable to the CAC and the CAC Membership. Once the mission is accomplished and presented to and adopted by a quorum of the CAC membership, and approved by the Board of Directors, the Governance Ad Hoc Committee will be dissolved.

The CAC Governance Ad Hoc Committee may be reestablished with a new slate of Council Members to review, revise, and/or propose amendments. Any revisions to the existing Charter shall be presented and adopted by the CAC and approved by the Air District Board of Directors.

Community Engagement

The CAC will aim to engage the community in the following ways:

- Bi-annual newsletter which should include items that have been addressed, future meeting dates and agendas, success stories, and ways to engage with the CAC (ex. attend C&E meetings, CAC meetings, website).
- CAC Web Page.
- Meetings of the CAC.
- Periodic outreach events hosted by CAC members or the Air District.
- Bi-monthly community-engaged enforcement meetings and other workshops.

Meetings

Facilitation of Meetings

An external professional meeting Facilitator will be hired to assist the CAC with bi-monthly CAC meetings, unless the budget does not allow for this expense. For 2022-2023, the Facilitator was hired through a competitive process with participation from CAC members. The external Facilitator works directly with the CAC Leadership to plan and execute the meeting plan in consultation with Air District Staff. The Facilitator will facilitate meetings to keep the meetings on track with guidance from the CAC Leadership and will enforce the following meeting expectations and ground rules:

- **Preparation:** *Please come prepared to meetings and review all documents that the CAC will discuss.*
- **Communication and Language:** *Communicate with respect, personal attacks will not be tolerated. Be mindful of how much space you're taking and of those who haven't spoken. Remember zoom meetings are part of the public record.*
- **Distractions:** *Avoid distractions and stay present. Active listening is imperative to ensure that we understand other people's viewpoints.*
- **Timing:** *Respect time agreements and stay on topic.*
- **Facilitation:** *The facilitator will intervene to keep the conversation on track and on time and will remind members of these ground rules as necessary.*

The Facilitator will have limited authority to: Open the meetings, convey the agenda item(s), confirm the meeting has quorum of Members present after the Clerk takes roll call, facilitate the flow of the meeting in accordance with the Brown Act rules and Robert's Rules of Order, maintain order, and defer to the Air District Legal Representative or Staff (if needed).

Air District Staff facilitate Ad Hoc committee meetings, Co-Chair meetings, and other meetings as needed. The CAC, Staff, or the Co-Chairs may identify the need for facilitator or contractor support for any CAC meeting, as the budget allows.

Regular Meetings

In 2022, regular meetings of the CAC are held on the 3rd Thursday of every other month at 6:00 p.m. All meetings will be held in accordance with the Brown Act. Meeting schedule is subject to change, as necessary.

Special Meetings

A majority of the Co-Chairs or a majority of the Members of the CAC may call special meetings following the noticing guidelines set forth in the Brown Act.

Notice of Meetings

The agendas and notices must be posted at the meeting site and the website in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et. seq.).

Agendas and notices shall be emailed to each CAC Member and any person who files a written request for such notice with the Air District.

Adjournment or Cancellation of Meetings

The presiding Co-Chair or Air District staff may adjourn or cancel a meeting if she or he is aware that a quorum of the body will not be present or if the meeting date conflicts with a holiday. Notices of adjournment or cancellation shall be emailed to the CAC and posted on the meeting site and [website](#).

Quorum Requirements

Effective March 1, 2023, at least 50% plus one of the CAC's appointed Membership must be present in-person to constitute a quorum and vote on issues. The CAC can hold discussions in the absence of a quorum, but cannot vote.

Action at a Meeting; Quorum and Required Vote

The presence of a majority of the members (nine members in 2022-2023) of the CAC shall constitute a quorum for all purposes. The affirmative vote of a majority of the members of the CAC shall be required for the approval of all substantive matters. Procedural motions require an affirmative vote of a majority of the members present (five out of nine votes in 2022-2023). If a quorum is not present, no official action may be taken, except roll call and adjournment. Agenda items that require no acting can still occur without quorum.

Voting and Abstention

CAC meetings will be conducted in compliance with the Brown Act (Government Code Section 54950 et. seq.), Robert's Rules of Order, CAC Charter, and state and local laws. Participation and voting is based on Brown Act requirements and current legislation. Staff will provide an updated summary of changes as required by law.

Conduct of Meetings

(a) All meetings shall be governed by the Ralph M. Brown Act (Government Code Section 54950 et. seq.), the CAC Charter, and Robert's Rules of Order for decorum and parliamentary procedure.

(b) Cell phones shall be turned off during all CAC meetings. The Co-Chairs may issue a warning to any member of the public who is disruptive during CAC meetings. In the event of repeated disruption of any kind, the Co-Chairs shall direct the offending member of the public to leave the meeting.

(c) The Chat feature will be unavailable for the full duration of every meeting due to accessibility limitations.

Agenda Items



Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have three minutes each to address the CAC. Members of the public who wish to speak on matters not on the agenda for the meeting, will have three minutes each to address the CAC. Members of the public who are speaking through an interpreter, will have six minutes each to address the CAC. No speaker who has already spoken on an item will be entitled to speak to that item again.

Setting Agendas

Air District staff, at the direction of the CAC Leadership, will prepare and distribute the agenda and materials for CAC meetings.

Current Agenda Setting Process

Council Member proposes agenda item during a CAC meeting or via an email to Staff.

1. Staff keep track of all the proposed agenda items requests and brings the requests to the Co-Chairs.
2. Co-Chairs approve the items for the upcoming agenda.
3. Staff identify presenters and draft presentation and memo (materials).
4. Staff work with the Council Member(s) who requested the agenda item to create materials.
5. Staff finalizes materials.
6. Staff sends materials to Co-Chairs and Council Member(s) that requested the agenda item for final approval.
7. Staff update materials with final edits.

8. Executive Staff reviews materials.
9. Executive Staff provides edits, if needed. Staff update materials as necessary.
10. Executive Staff routes the materials for public distribution.

The Co-Chairs and Staff will work from the Work Plan developed by the Work Plan Ad Hoc once adopted by the CAC membership. New topics not included in the Work Plan may be added by the Co-Chairs. CAC Members or the public can make requests for new topics not included in the Work Plan. The Public can make requests for agenda items at CAC meetings during the Public Comment on Non-Agenda Items or by emailing staff at communityadvisorycouncil@baaqmd.gov.

Conflict of Interest Policy

Conflict-of-interest laws prohibit CAC members or immediate family from benefiting financially from their relationship to the Air District by way of the CAC. Any member or immediate family members of Council Members who could benefit financially from a contract must recuse themselves and not be present during a vote related to such contract to avoid influencing other CAC members.

Conflict Resolution

In the event a disagreement between CAC Members or between CAC Members and Air District staff regarding CAC matters arises, CAC Members agree to work in a collaborative fashion and to strive for consensus on the issues before the CAC. If consensus cannot be reached between CAC Members, Members agree to use staff for mediation, clarification of information, and the Air District Legal Representative to attempt to reach an expeditious and constructive resolution of disagreements. If agreement cannot be reached with staff or CAC Members, a mutually agreed upon third party mediator should be utilized to resolve the conflict.

Further, the CAC Members agree to postpone the Action or Agenda item of discussion until the next meeting, or within three-months from the date the issue arises to allow for a mediator to help resolve the issue. In the event of an impasse, the Co-Chairs shall work with the members in conflict and the mediator to prepare for the meeting. If during the meeting the mediator cannot help the CAC reach an agreement, then the Action or Agenda item in question will not proceed. In any event, individual Members cannot be compelled to participate in any action to which they do not agree. Individual Members may also abstain from participation in a decision when they believe it would be inappropriate for them to participate in that action or decision.

Meeting Minutes

Minutes shall be taken at every regular and special CAC meeting and shall comply with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et. seq.) and the CAC Charter. Minutes shall be approved by the majority vote of the CAC Members in coordination with applicable statutes.

Land Acknowledgement

The CAC recognizes that California Native American and other communities have faced many environmental injustices and social inequities. These issues are hereby acknowledged as part of the CAC Charter. The CAC Land Acknowledgement will be included in all CAC meeting agendas and is available on the [CAC Webpage](#).

We begin by acknowledging that this land is unceded Indigenous land. The territories, or counties we represent, are of the Indigenous people. To acknowledge this history of our country - that this nation was built on genocide, the exclusion and erasure of Indigenous people - grounds our work in truth. We also acknowledge that our modern global economy was founded on the free and forced labor of enslaved Black people. And that exploited labor continuously perpetuates itself in disadvantaged communities of color, as we see in the treatment of farm workers, immigrant workers, prison labor, and domestic workers. This practice of land acknowledgment calls on us to recognize our violent history that is the foundation of white supremacy, and to recognize the longstanding and ongoing resistance of People of Color to dehumanization, repression, and homicide. And that the brilliance and leadership of People of Color in resistance, vision, wisdom, and love be honored and recognized as we work to dismantle ongoing legacies of settler colonialism and anti-blackness.

The Air District webpage for the CAC will be updated in preparation for each CAC Committee meeting with uploaded material for discussion and after each CAC Committee meeting, to include meeting summaries, presentations, background materials, requested information, and meeting recordings.

Dissemination of Materials

All documents, materials, and correspondence produced by or submitted to the CAC, CAC staff, or Facilitator, is considered public records and subject to the California Public Records Act regulations and procedures for disclosure and transparency. Information related to the operations of the CAC are made available to the public as requested.

Public Meetings

All CAC meetings will be noticed and open to the public in accordance with the Brown Act.

Attendance

The CAC requires active participation and attendance of at least 75% of all meetings during every year served. This applies to Co-Chair Meetings, Committee Meetings and overall CAC meeting attendance. CAC members will need to inform staff and CAC Leadership of any potential absences. As of March 1, 2023, per AB 2449 teleconferencing requirements, members joining remotely at CAC meetings that require a quorum must have a “just cause” or an emergency excuse approved by a majority of the CAC in order to participate and vote. CAC members joining CAC meetings remotely without a just cause or approved emergency excuse will not be able to vote and therefore will not be counted present in the meeting.

Absenteeism: CAC Meetings

CAC members are allowed to miss three (3) meetings in one calendar year. Continued absenteeism from CAC Meetings constitutes voluntary abandonment. After two (2) CAC meetings have been missed, staff will send a courtesy letter reminding the absentee member of the attendance requirements of the CAC and reminding them they are at risk of losing their seat. Staff will be responsible for informing the Co-Chairs of absentee members. Staff will inform a member that has lost their seat on the CAC after three meetings are missed. The CAC shall vote to confirm removal of an absentee member. Vacant seats of the CAC membership will be filled as described in the Appointment section above.

Absenteeism: Co-Chair Meetings

Co-Chair meetings occur every week up to four hours per month.

Co-Chairs are allowed to miss three (3) meetings every two (2) consecutive months. Continued absenteeism from Co-Chair Meetings constitutes voluntary abandonment. After two (2) Co-Chair meetings have been missed, staff will send a courtesy letter reminding the absentee Co-Chair of the attendance requirements of the Co-Chairs and reminding them they are at risk of losing their seat. Staff will be responsible for informing the Co-Chairs and the CAC of absentee Co-Chairs. Staff will inform a Co-Chair that has lost their seat on the CAC after three (3) meetings are missed within a

two (2) month period. The Co-Chairs reserve the right to jointly adjust the meeting schedule around holidays.

Any vacant Co-Chair Appointment shall be filled within two (2) meetings of the CAC after the vacancy occurs through a nomination, selection process, and selection by a voting process.

Absenteeism: Ad Hoc Committee Meetings

Ad Hoc Committee meetings generally occur every other week (bi-weekly). Each Committee sets its own schedule.

Ad Hoc Committee Members are allowed to miss three (3) meetings every two (2) consecutive months. Continued absenteeism from Ad Hoc Meetings constitutes voluntary abandonment. After two (2) Ad Hoc meetings have been missed, staff will send a courtesy letter reminding the absentee Ad Hoc Member of the attendance requirements of the Ad Hoc Members and reminding them they are at risk of losing their seat. Staff will be responsible for informing the Council Members and the CAC of absentee Members. Staff will inform Council Members that have lost their seat on the CAC after three (3) meetings are missed. The Co-Chairs reserve the right to jointly adjust the schedule around holidays.

Any vacant seats shall be filled within two (2) meetings after the vacancy occurs through a nomination, selection process, and selection by a voting process.

Amendment of CAC Governance Document

Amendment of the CAC Charter may be initiated by a vote of a majority of the members of the CAC after presentation of the reasoning to amend the Charter. The CAC shall provide thirty (30) days notice for public comment before adopting any amendments to the CAC Charter.

Compensation

Compensation for CAC Members will be subject to attendance and in accordance with the CAC's Compensation Policy and Procedures.

Appendix A

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington DC, drafted and adopted these 17 principles of Environmental Justice. Since then, the Principles have served as a defining document for the growing grassroots movement for environmental justice. Environmental Justice Principles¹:

- 1) **Environmental Justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
- 2) **Environmental Justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
- 3) **Environmental Justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
- 4) **Environmental Justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
- 5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
- 6) **Environmental Justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
- 7) **Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.
- 8) **Environmental Justice** affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.
- 9) **Environmental Justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
- 10) **Environmental Justice** considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.
- 11) **Environmental Justice** must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
- 12) **Environmental Justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.

¹ Principles of Environmental Justice, <https://www.ejnet.org/ej/principles.html>. Accessed December 19, 2022.

13) **Environmental Justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.

14) **Environmental Justice** opposes the destructive operations of multinational corporations.

15) **Environmental Justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.

16) **Environmental Justice** calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.

17) **Environmental Justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

Jemez Principles²:

1. Be Inclusive
2. Emphasis on Bottom-Up Organizing
3. Let People Speak for Themselves
4. Work Together In Solidarity and Mutuality
5. Build Just Relationships Among Ourselves
6. Commitment to Self-Transformation

² Sierra Club. *Jemez Principles*. <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/grand-canyon-chapter/misc-pdf/Jemez%20Principles%20Poster.pdf>. Accessed December 19, 2022.

Appendix B

References

^{i i} United States Environmental Protection Agency. *Guidance on Considering Environmental Justice During the Development of Regulatory Actions*.

<https://19january2021snapshot.epa.gov/sites/static/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>. Accessed January 3, 2023.

ⁱⁱ Bay Area Air Quality Management District, *Regulation 2, Permits Rule 1, Section 2-1-243*.

ⁱⁱⁱ United States Environmental Protection Agency. *Guidance on Considering Environmental Justice During the Development of Regulatory Actions*.

<https://19january2021snapshot.epa.gov/sites/static/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>. Accessed January 3, 2023.

The CAC Charter was developed using information from various sources, including:

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