



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
COMMUNITY ADVISORY COUNCIL

COUNCIL 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

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY  
COUNCIL MEMBERS AND MEMBERS OF THE PUBLIC**

**Bay Area Metro Center  
1st Floor Board Room  
375 Beale Street, San Francisco, CA 94105**

**THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED**

**These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Community Advisory Council reserves the right to conduct the meeting without remote webcast and/or Zoom access.**

**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](http://www.baaqmd.gov/about-the-air-district/community-advisory-council/agendasreports)**

**Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/88168446749> , or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 881 6844 6749**

**For Toll-Free Spanish dial (888) 688-2099. Please note this is a listen-only line and there is no moderator.**

# COMMUNITY ADVISORY COUNCIL MEETING AGENDA

**THURSDAY, MARCH 16, 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 a matter on the agenda will have two minutes each to address the Council on that agenda item, unless a different time limit is established by the Co-Chairs. 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 an item will be entitled to speak to that item again.*

### **CONSENT CALENDAR (Item 3)**

3. Approval of the Minutes of the Community Advisory Council Meeting of January 19, 2023

*The Council will consider approving the attached draft minutes of the Community Advisory Council meeting of January 19, 2023.*

### **ACTION ITEM(S)**

4. Vote on the Community Advisory Council (CAC) Charter

*This is an action item for the Council to vote to recommend the CAC Charter to the Community Equity, Health and Justice (CEHJ) Committee and the Board of Directors for approval. The Governance Ad Hoc Committee of the CAC worked over the course of six months to develop the CAC Charter. This item will be presented by Community Advisory Council member, William Goodwin.*

### **INFORMATIONAL ITEM(S)**

5. Discuss the Community Advisory Council (CAC) 2023-2024 Work Plan

*This is an informational item for the Council to review and discuss the Community Advisory Council 2023-2024 Work Plan developed by the Work Plan Ad Hoc Committee. This item will be presented by Community Advisory Council member, Ken Szutu.*

6. Environmental Justice Policy Ad Hoc Committee Update

*The Council and the public will receive an update from the Environmental Justice Policy Ad Hoc Committee.*

### **OTHER BUSINESS**

7. Report of the Executive Officer/APCO
8. 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 will be given an opportunity to address the Council. Members of the public will have two minutes each to address the Council, unless a different time limit is established by the Chair.*

9. 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.*

10. Time and Place of Next Meeting

*Thursday, May 18, 2023, at 6:00 p.m. at a location to be determined. The meeting will also be webcast for members of the public.*

11. Adjournment

*The Council meeting shall be adjourned by the facilitator.*

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[vjohnson@baaqmd.gov](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://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](http://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 [spesapati@baaqmd.gov](mailto:spesapati@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

#### MARCH 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	15	9:00 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Community Equity, Health and Justice Committee – CANCELLED & RESCHEDULED TO WEDNESDAY, MARCH 29, 2023 AT 9:00 A.M.	Wednesday	15	1:00 p.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Legislative Committee - CANCELLED	Wednesday	15	3:30 p.m.	1 <sup>st</sup> Floor Board Room
Community Advisory Council Meeting	Thursday	16	6:00 p.m.	1 <sup>st</sup> Floor Board Room
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	20	5:30 p.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	29	9:00 a.m.	1 <sup>st</sup> Floor Board Room
MB 3/9/2023 – 12:21 p.m.				G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairpersons Margaret Gordon, John Kevin Jefferson, and Latasha Washington  
and Members of the Community Advisory Council

From: Philip M. Fine  
Executive Officer/APCO

Date: March 16, 2023

Re: Approval of the Minutes of the Community Advisory Council Meeting of January  
19, 2023

RECOMMENDED ACTION

Approve the attached draft minutes of the Community Advisory Council (Council) meeting of January 19, 2023.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Community Advisory Council meeting of January 19, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Community Advisory Council Meeting of January 19, 2023



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

**DRAFT MINUTES**

Community Advisory Council  
Thursday, January 19, 2023

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

**1. CALL TO ORDER - ROLL CALL**

Randolph Belle of Randolph Belle, Artist (RBA) Creative, called the meeting to order at 6:00 p.m.

Present: Council Co-Chairpersons Ms. Margaret Gordon, Kevin John Jefferson, and Latasha Washington; and Council Members Dr. Juan Aguilera, 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, and Ken Szutu.

Absent: Council Member Violet Saena.

**2. PUBLIC MEETING PROCEDURE**

The Public Meeting Procedure video was played.

**CONSENT CALENDAR**

**3. APPROVAL OF THE MINUTES OF NOVEMBER 17, 2022**

None of the Council Members requested edits to the Meeting Minutes of November 17, 2022.

Public Comments

No requests received.

Council Comments

None.

### Council Action

Co-Chair Washington made a motion, seconded by Dr. Ritterman, to **approve** the Meeting Minutes of November 17, 2022, and the motion **carried** by the following vote of the Council:

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

Motion Approved

### ACTION ITEMS

#### **4. VOTE ON COMPENSATION POLICY AND PROCEDURES**

Miriam Torres, Senior Advanced Projects Advisor, gave the staff presentation *Vote on Compensation Policy and Procedures*, including: requested action; overview; Compensation Policy; Council meetings; Co-chairs, committee, and other required meetings; other activities; reimbursements; and compensation procedures.

#### Public Comments

No requests received.

#### Council Comments

The Council and staff discussed the origin of the proposed \$75/hour compensation rate (for Council Co-Chair or ad hoc committee meetings); why the proposed funding for “other activities” (up to \$1,000 per fiscal year) is only available to the Council members during the first *nine* months of the fiscal year, or until the amount budgeted in the Council’s Budget-approved budget is exhausted; whether the proposed maximum number of hours (6) per month for participation in each Council ad hoc committee and other required meetings can be negotiated; whether the proposed “other activities” funding can be used to fund Council members’ participation in and/or production of events and activities that fulfill the mission of the Air District and purpose of the Council; concerns that some Council members’ time spent preparing for and participating in Council and Council-related meetings may exceed the proposed 10 hours/month maximum; whether the Council will be provided a meal at Council meetings, once the Council begins to meet in person (after the Governor’s State of Emergency ends); the actual average number of hours that Council members currently spend per month to attend Council ad hoc meetings, and whether that data justifies the proposed maximum number of hours (6) per month for participation in each ad hoc committee and other required meetings; documentation that must be filled out by Council members for them to receive the proposed funding for “other activities”; and whether compensation would be offered retroactively to applicable Council members, if the Board approves proposed Compensation Policy, and if so, how far back in time.

Public Comments

No requests received.

Council Action

Co-Chair Washington made a motion, seconded by Council member Reed, to recommend that the Board of Directors’ Community Equity, Health and Justice Committee **approve** the proposed Compensation Policy and Procedures, which formalizes practices to compensate members for their participation in the Community Advisory Council. The Community Equity, Health and Justice Committee will receive the Council’s presentation on this item on February 15, 2023 to consider recommending approval of the Compensation Policy and Procedures to the full Board of Directors.

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

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

Motion Approved

**THE COUNCIL RECESSED AT 6:43 P.M., AND RESUMED AT 6:50 P.M.**

**5. SELECTION OF A COMMUNITY BENEFIT FUND (CBF) AD HOC COMMITTEE AND INTRODUCTION TO PARTICIPATORY BUDGETING**

Veronica Eady, Senior Deputy Executive Officer of Policy & Equity, and Azibuke Akaba, Public Information Officer, gave the staff presentation *Selection of a Community Benefit Fund Ad Hoc Committee and Introduction to Participatory Budgeting*, including: requested action; outline; Community Benefit Fund overview; Community Benefit Fund Ad Hoc Committee; introduction to participatory budgeting and how it works; and participatory budgeting in North America.

NOTED PRESENT: Co-Chair Ms. Margaret Gordon was noted present at 7:46 p.m.

Public Comments

No requests received.

### Council Comments

The Council and staff discussed when the CBF would be established and implemented; whether the Council could develop a workforce development program (regarding air pollution emission reduction) for community members; whether the CBF is intended to offer annual funding cycles; at what point penalty fees would be directed to the CBF, and the origin of the proposed \$500,000 amount of penalty fees; whether other sources of funding could be identified and directed to the CBF; whether CBF monies will be allocated to community projects and the training of Council members; whether the CBF Ad Hoc Committee would meet with stakeholders or foundations with similar programs and existing models to share ideas and lessons learned; whether the CBF Ad Hoc Committee would assist with designing grant guidelines, requirements, and deliverables, as well as selecting grantees; the request that a Board liaison to be assigned to the Council, and the desire that the Board be made aware of the Council’s anticipation of continual CBF funding; whether a Council Co-Chair may sit on the CBF Ad Hoc Committee without being paid for that meeting time; whether the Council will be expected to meet for in-person meetings after March 2023; and the request that the Council be trained on budget fundamentals.

### Council Action

Council member Reed made a motion, seconded by Co-Chair Washington, to **create** a Community Benefit Fund Ad Hoc Committee that will develop a plan for Board consideration on the programming of the Community Benefit Fund (created by the Board in 2021), consisting of the following Council members: Joy Massey, Cecilia Mejia, Hana Mendoza, Mayra Pelagio, and Dr. Jeff Ritterman. Council members Fernando Campos, William Goodwin, Ariann Harrison, Kevin Jefferson, and Charles Reed were selected to be considered by the Council Co-Chairs as alternate members of the CBF Ad Hoc Committee (maximum of three selected, for a total of 8 Ad Hoc Committee members.)

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

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

Motion Approved

**THE COUNCIL RECESSED AT 8:28 P.M., AND RESUMED AT 8:34 P.M.**

## **INFORMATIONAL ITEMS**

### **6. DISCUSS THE DRAFT COMMUNITY ADVISORY COUNCIL CHARTER**

The presentation, *Discuss the Draft Community Advisory Council Charter*, was given by Council Member William Goodwin, the lead writer of the draft charter. The presentation included: information only; Governance Ad Hoc Committee; Council Charter; Council members and appointments; meetings; compensation; and next steps.

Council Members have until February 10<sup>th</sup> to provide suggestions to the Governance Ad Hoc Committee to Air District staff. An updated version of the Council’s draft charter will be scheduled for a vote during the Council’s March meeting. The Council then will consider recommending the final version of the proposed Charter to the Board of Directors for approval.

#### Public Comments

No requests received.

#### Council Comments

The Council and staff discussed appreciation for Council member Goodwin’s work drafting the charter; and whether the Air District will allow proxy votes at Council meetings.

#### Council Action

None; receive and file.

### **7. WORK PLAN AD HOC COMMITTEE UPDATE**

Council member Szutu gave an update of the Council’s Work Plan Ad Hoc Committee, including;

- The Work Plan Ad Hoc Committee has drafted potential future Council meeting agenda items, beginning from May 2023 to March 2024.
- The proposed Work Plan primarily addresses the issues of compliance, enforcement, and funding. These topics were suggested by Air District staff, Council members, and Council Co-Chairs. A matrix of the proposed topics was created to prioritize them. Topics include: Air District authority and enforcement ability, standing updates from the Compliance & Enforcement Division, funding overviews from the Strategic Incentives Division, and an overview of permit process from the Engineering Division.
- The Ad Hoc Committee hopes to present the final proposed Work Plan at the Council’s March meeting.

#### Public Comments

No requests received.

Council Comments

The Council and staff discussed whether the Work Plan Ad Hoc Committee has proposed solutions regarding concerns about enforcement; the desire to see the Air District provide resources to the Bay Area’s disproportionate communities that will improve the health of those communities; and the importance of addressing concerns about fossil fuel health impacts, wildfire smoke, and climate change.

Council Action

None; receive and file.

**8. ENVIRONMENTAL JUSTICE POLICY AD HOC COMMITTEE UPDATE**

Council member Ruano Hernandez gave an update on the Council’s Environmental Justice Policy Ad Hoc Committee, including:

- The current focus of the Environmental Justice Policy Ad Hoc Committee is the Council’s Environmental Justice Policy Action Plan. The Ad Hoc Committee has met with both Air District staff and selected consultant, Metropolitan Group, to develop the Council’s Environmental Justice Policy Action Plan. Requested topics and questions from Council members are welcomed and will be considered as the AD Hoc Committee continues to develop the Council’s Environmental Justice Policy Action Plan.

Public Comments

No requests received.

Council Comments

The Council and staff discussed the request for both public and internal meetings with Incoming Executive Officer/Air Pollution Control Officer (APCO), Dr. Philip Fine, during which the Council may explain its core values, desires, and progress.

Council Action

None; receive and file.

## **OTHER BUSINESS**

### **9. REPORT OF THE EXECUTIVE OFFICER / APCO**

Interim Executive Officer/APCO, Sharon L. Landers, gave remarks on the following items:

- On December 21, 2022, the Board confirmed the appointment of Dr. Philip Fine, an internationally recognized expert in air quality science and policy, as the new Executive Officer/APCO, effective February 21.
- Damian Breen retired from the Air District, effective January 13, 2023. Veronica Eady will continue to oversee the activities of Operations/Enforcement.
- Updates about Community Emissions Reduction Plans in the AB 617 communities of Richmond and East Oakland; the Community Action Plan in West Oakland; and the proposed plan for Bayview Hunters Point (anticipated to be approved by the California Air Resources Board in February 2023.)
- Air District staff has released proposed amendments for Rules 9-4 and 9-6, which will reduce emissions of nitrogen oxides from residential and commercial furnaces and water heaters in buildings in the Bay Area. The Air District Board of Directors will conduct a public hearing to consider adoption of the proposed amendments and certification of the Environmental Impact Report on March 15, 2023, at 9:00 a.m.
- On February 28, 2023, the Governor’s State of Emergency will expire, which will prompt the return to in-person public meetings at the Air District. Under AB 2449 (Rubio), the Air District is preparing new procedures for in-person meetings that will enable limited remote attendance at publicly accessible locations.
- The Governor’s 2023-24 Budget was released on January 10, 2023. A budget deficit of \$22.5 billion is anticipated. Program cuts are anticipated to affect programs of interest to the Air District. Budget hearings will be held, leading up to the 2022-23 *May Revision* to the Governor’s *Budget*.

### **10. PUBLIC COMMENT ON NON-AGENDA ITEMS**

No requests received.

### **11. COUNCIL MEMBER COMMENTS / OTHER BUSINESS**

Co-Chair Ms. Margaret Gordon gave remarks about how the work of the Council is helping to correct unfair situations, regarding health impacts within particular Bay Area communities. She encouraged everyone to remember Rev. Dr. Martin Luther King Jr.’s call for equality and the overturning of injustice. Several Council members acknowledged the longevity of Co-Chair Ms. Margaret Gordon’s environmental justice advocacy work.

Council member Szutu expressed concerns about the fact that the bi-monthly community meetings, hosted by the Air District’s Compliance & Enforcement Division, and endorsed by the Council in November 2022, have not yet occurred. Council member Szutu volunteered to work with Air District staff to officially begin this process.

Council member Ruano Hernandez expressed his desire to discuss with Air District staff how to engage more youth, regarding Air District related programs and initiatives.

Co-Chair Ms. Margaret Gordon suggested that she and Council member Ruano Hernandez assist Air District staff in planning the next Youth for the Environment and Sustainability (YES) Conference, which is a program of Spare the Air Youth, and partnership of the Bay Area Air Quality Management District and the Metropolitan Transportation Commission. She also requested to lead a workshop at the next YES Conference about the Council’s efforts and the AB 617 (Community Health Protection Program), and suggested that the Air District hold countywide youth engagement opportunities.

Council member Reed encouraged Air District staff to reach out to youth organizations suggested by Council members.

**12. TIME AND PLACE OF NEXT MEETING**

Thursday, March 16, 2023, at 6:00 p.m. at a location to be determined.

**13. ADJOURNMENT**

The meeting was adjourned at 9:52 p.m.

Marcy Hiratzka  
Clerk of the Boards



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairpersons Margaret Gordon, John Kevin Jefferson, and Latasha Washington  
and Members of the Community Advisory Council

From: Philip M. Fine  
Executive Officer/APCO

Date: March 16, 2023

Re: Vote on the Community Advisory Council (CAC) Charter

RECOMMENDED ACTION

The Council will vote to recommend the Community Advisory Council (CAC) Charter to the Community, Equity, Health, and Justice (CEHJ) Committee and to the Board of Directors for approval.

BACKGROUND

This is an action item for the Council to vote to recommend the CAC Charter to the CEHJ Committee and the Board for approval. The Governance Ad Hoc Committee of the CAC worked over the course of six months to develop the CAC Charter.

DISCUSSION

The Draft Charter was presented to the CAC during the January 19, 2023, CAC Meeting and CAC members had the opportunity to submit edits to the Draft Charter by February 10, 2023. The Governance Committee updated the Charter with additions provided by CAC members before the deadline.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine  
Executive Officer/APCO

Prepared by: Lisa Flores  
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Proposed Draft CAC Charter

# Community Advisory Council Charter

## 1.1 Purpose

The Bay Area Air Quality Management District (Air District) Board of Directors approved the formation of the Community Advisory Council (CAC) on Nov. 17, 2021. The Community Equity, Health, and Justice Committee (CEHJ) of the Air District selected the slate of candidates and recommended establishing the CAC on Nov. 4, 2021. 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 planning and decision making with the goal of mitigating and remedying projected disproportionate impacts of air pollution exposures and reducing 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:

- 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).) 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.” (Guidance on Considering Environmental Justice During the Development of a Regulatory Action).
- 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 70<sup>th</sup> percentile, or within 1,000 feet of any such census tract.<sup>1</sup>

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<sup>1</sup> Bay Area Air Quality Management District, *Regulation 2, Permits, Rule 1, Section 2-1-243*.  
[https://www.baaqmd.gov/~media/dotgov/files/rules/reg-2-permits/2021-](https://www.baaqmd.gov/~/media/dotgov/files/rules/reg-2-permits/2021-)

- Meaningfully engage: Meaningfully involving impacted communities is essential to addressing environmental justice. According to the U.S. Environmental Protection Agency, *meaningful involvement* means “(1) people have an opportunity to participate in decisions about activities that may affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) community concerns will be considered in the decision-making process; and (4) decision makers will seek out and facilitate the involvement of those potentially affected.” (Guidance on Considering Environmental Justice During the Development of a Regulatory Action).

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

## 1.2 Mission Statement

The CAC 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 pollution 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.

### 1.2.1 Goals

The goals of the CAC are as follows:

- To provide representation on behalf of overburdened communities to the Air District Board of Directors.
- To serve as a liaison between the community and the Air District Board of Directors and staff to influence decisions, policies, procedures, and processes to ensure equity, inclusion, civil rights, and environmental justice.

### 1.2.2 Guiding Principles

CAC members will provide independent and objective advice and be committed to the following principles:

- a. Laying a solid foundation for successful, future CAC members and ensuring long-term sustainability of the CAC's commitment to environmental justice.

- b. Elevating voices and advocating for communities who are not currently being represented or heard.
- c. Building a deep, authentic, and mutually accountable relationship among CAC members.
- d. Helping CAC members value, actualize, and institutionalize environmental justice principles throughout all CAC practices.
- e. 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.
- f. Using influence, expertise, and privilege to protect our communities.
- g. Identifying gaps in underrepresented, community-led<sup>2</sup> decision making, and avenues for well-compensated opportunities for people in the Black, Indigenous, and People of Color (BIPOC) communities.
- h. Striving to include cultural competence.
- i. Acknowledging that one methodology does not apply to all communities and seeking to address the conditions in each community as needed. Utilizing and applying resources and tools based on those differences.
- j. Maintaining impartiality, fairness, and respect for all CAC members and the communities we represent.

### 1.2.3 Civility

The members of the CAC promote authentic respect for others and strive to see common ground in order to produce our best work for the CAC and the communities that we represent. We are committed to a conscious demonstration of mutual respect — for people, their roles, and their knowledge and expertise. We seek to create a safe environment where diverse viewpoints will be heard and considered. To that end, members of the CAC will act with respect and civility when interacting with each other, the Air District Board of Directors, staff, and members of the public.

Behavior which violates the CAC’s commitment to respect and civility includes, but is not limited to, yelling, cursing, interrupting, humiliating, threatening, and all forms of harassment.

Any violations of this provision will be handled as stated in the Conflict Resolution section below.

### 1.2.4 Conflict Resolution

In the event that a conflict or behavior arises that violates the CAC’s commitment to respect and civility between CAC members and/or between CAC members and Air District staff, regarding CAC matters:

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<sup>2</sup> Underrepresented community-led: *Underrepresented community* is used to describe those who have been historically and are still systematically excluded from political and policy-making processes, which includes many disadvantaged and vulnerable communities.

Step 1: CAC members agree to work in a collaborative fashion and strive for consensus on the issues before they are brought to the CAC.

Step 2: In the event of an impasse or conflict that continues or becomes an official complaint (sent via email to the Co-Chairs and CAC team staff serving as the in-house mediators), the Co-Chairs and CAC Team Staff shall work with the members in conflict first as in-house mediators.

Step 3: If there continues to be an impasse between CAC Members and/or between CAC Members and Air District staff, those concerned will work with the APCO to reach an agreement.

Step 4: If agreement or resolution cannot be reached with staff or the APCO, a mutually agreed upon third-party mediator will be utilized to resolve the conflict and provide a recommended action to the Board.

In the event of a conflict on agenda items, CAC members can agree to postpone the action or agenda item for discussion until the next meeting, from the date the issue arises, to allow for the Co-Chairs and CAC team staff to help resolve the issue. If during the meeting the facilitator cannot help the CAC reach an agreement, then the action or agenda item in question will not proceed.

Individual members cannot be compelled to participate in any action to which they do not agree. Individual members may abstain from participation in a decision when they believe it would be inappropriate for them to participate in that action or decision.

## 1.3 Leadership

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

### 1.3.1 Duties of Leadership

- a. The Co-Chairs shall preside over bi-monthly meetings of the CAC in rotation.
  - I. 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.
  - II. In the event the Co-Chair scheduled to preside over the meeting is absent or unable to perform their duties, the Co-Chair scheduled to preside next shall preside over the meeting and perform all chair duties.

- b. The Co-Chairs shall oversee the preparation and distribution of the agenda and materials for the CAC meetings.
- c. The Co-Chairs shall work with Air District staff and the CAC meeting facilitator to plan, structure, and coordinate CAC meetings.
- d. The Co-Chairs 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 nine Bay Area counties, and on behalf of the CAC members.
- e. The Co-Chairs shall oversee activities of the ad hoc committees.
- f. The Co-Chairs shall perform all other necessary and incidental duties as prescribed by the CAC Charter.
- g. The Co-Chairs shall communicate with each other, divide work, and share information and updates in a timely manner.
- h. The Co-Chairs shall address conflict within the CAC membership and leadership.
- i. The Co-Chairs shall ensure that CAC decisions are made in a democratic, equitable, and timely manner.
- j. The Co-Chairs shall represent the CAC at the Budget Committee and provide feedback on the Air District's budget.
- k. The Co-Chairs shall work with Air District staff to define and oversee the CAC's annual budget.
- l. The Co-Chairs shall understand and adhere to the Brown Act and Robert's Rules of Order.

### 1.3.2 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.

### 1.3.3 Terms of Leadership

In the event that the CAC selects three (3) Co-Chairs, two (2) Co-Chairs shall be appointed for two (2) years, and one (1) Co-Chair shall be appointed for one year. The names will be randomly chosen by Air District Staff to determine which position shall be in the term of two (2) years and which position is appointed for one (1) year.

Leadership is appointed for a two (2) year or one (1) year term and no member may serve for more than two, 2-year terms consecutively.

### 1.3.4 Election of Leadership (Co-Chairs)

The inaugural leadership of three (3) Co-Chairs was elected at the second meeting of the CAC.

If a 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 of 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.

## 1.4 CAC Members

### 1.4.1 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 County
- 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

### 1.4.2 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.

All Members, except CAC leadership, are expected to join at least one ad hoc committee every year to ensure a balance of work for what the CAC has to accomplish, if their schedule allows. Council Members will vote during the first meeting on a time



and day for a meeting that works best for the majority. Staff will provide an orientation of the expectations related to the CAC membership requirements.

#### 1.4.2.1 Mandatory Annual Trainings

CAC members and leadership shall attend and participate in four (4) mandatory annual trainings as follows:

- Brown Act Training: The Brown Act is a California law that guarantees the public's right to attend and participate in meetings of local legislative bodies.
- Robert's Rules of Order Training: Robert's Rules, 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.
- Team building and conflict resolution training.

Additionally, CAC members shall complete an ethics training course within the first year of their term and are required to take follow-up training biannually.

#### 1.4.2.2 Virtual, Hybrid, and In-Person Meetings

In 2022, the CAC attended meetings virtually. As of March 2023, the CAC will meet in person at a location within the nine-county Bay Area with a required quorum of 9 out of 17 members. CAC members may attend remotely under specific circumstances outlined in the Brown Act and AB 2449 and in the Attendance section of this document.

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

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

#### 1.4.3 Members Terms of Office

CAC Members apply or reapply for either a two-year term or a four-year term. CAC Members are limited to serving a total of eight (8) years. This will ensure that others have the opportunity to participate in the CAC and that there is continuity of County or

institutional knowledge. The inaugural CAC will serve for four (4) years with the ability to reapply.

#### 1.4.3.1 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 Community Equity, Health and Justice Committee (CEHJ). The CEHJ shall appoint a liaison to provide Board recommendations on selection criteria and on prospective CAC members. The candidates approved by the CEHJ Committee will be routed to the Board of Directors for final approval.

The CAC Selection Ad Hoc will be tasked with developing criteria for the selection of candidates. Priority should be given to individuals from Bay Area communities overburdened by air pollution, environmental justice communities, and/or those with a history of partnering with environmental justice communities.

## 1.5 Standing Committee and Ad Hoc Committee

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

### 1.5.1 Standing Committee

A standing committee is considered a legislative body and is subject to Brown Act requirements of staffing support, if budget allows. A committee is considered “standing,” irrespective of its composition, if it has a continuing subject-matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.

### 1.5.2 Ad Hoc Committee

An ad hoc committee is an advisory committee composed of less than a quorum of members, which will serve for a limited term or single purpose. After the duties of the ad hoc committee are accomplished, and presented to and approved by the CAC, the ad hoc committee will be dissolved. The ad hoc committees will aim to complete their task(s) within six months of assignment.

Furthermore, ad hoc and standing committees shall follow the following guidelines:

1. Limitations: A CAC member cannot simultaneously participate on more than two ad hoc committees, although they can be placed as an alternate on a third committee. This will ensure that all CAC members have an equal opportunity to make their voices heard and exercise their skills and expertise.
2. Commitment: Once selected, CAC members must serve their full term on an ad hoc and/or standing committee. A CAC member cannot abandon their commitment to an ad hoc or standing committee to join another committee.
3. Accountability: Council Members with a track record that matches the attendance requirement set forth above for Ad Hocs or Standing Committees, will be placed as alternates if they wish to participate in another committee.
4. Priority: CAC members not participating on an ad hoc or standing committee will be given priority to serve on newly formed committees (i.e., ad hoc or standing). After which, CAC members currently participating in one (1) committee will be given preference. Lastly, CAC members serving on two (2) committees will be placed as alternates until one of their current ad hoc committees completes its assigned task and is dissolved.
5. Exceptions: The CAC may create an Ad Hoc Committee if an emergent topic or situation demands it, which may require exceptions that supersedes the limitations and commitments outlined above. The emergency Ad Hoc Committee will remain active until the mission or task is accomplished.

#### 1.5.2.1 Work Plan Ad Hoc Committee

The CAC will form a CAC Work Plan Ad Hoc Committee annually to set the CAC's work plan and schedule each year. The CAC Work Plan Ad Hoc Committee will identify several priority areas to adhere to and will establish appropriate criteria measures. CAC Members, Community Members, Air District Staff, and the Air District Board will have 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 in an emergency or emergent situation, as defined in the *Setting Agendas* section on page 13.

#### 1.5.2.2 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 CAC membership. Once the mission is accomplished, presented to and adopted by a quorum of the CAC, 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 CAC members to review, revise, and/or propose amendments. Any revisions to the

existing charter shall be presented and discussed by the CAC and recommended for approval by the Air District Board of Directors.

## 1.6 Community Engagement

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

- Bi-annual newsletter, which includes items that have been addressed, future meeting dates and agendas, success stories, and ways to engage with the CAC
- CAC web page
- CAC meetings
- Outreach events or workshops hosted by CAC members or the Air District
- Bi-monthly community meetings led by the Compliance and Enforcement Division of the Air District

## 1.7 Meetings

### 1.7.1 Facilitation of Meetings

An external professional meeting facilitator will be hired to assist the CAC with bimonthly CAC meetings, if budget allows. For 2022-2023, a facilitator was hired through a competitive process with participation of 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 keep the meetings on track with guidance from the Co-Chairs and will enforce the following meeting expectations and ground rules for CAC members:

- *The first expectation is **preparation**: Come prepared for meetings and review all documents that the CAC will discuss.*
- *Second, is **communication and language**: Communicate with respect and be mindful of individual speaking time so that everyone has the opportunity to speak in meetings. Personal attacks will not be tolerated. Zoom meetings are publicly accessible, so CAC members are expected to conduct themselves accordingly.*
- *Third, is **distractions**: Avoid distractions and stay present. Active listening is imperative to ensure that members understand other people's viewpoints.*
- *Fourth, is **timing**: Respect time agreements and stay on topic.*
- *Finally, **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 after the clerk takes roll call, facilitate the flow of meetings in accordance with the Brown Act and Robert's Rules of Order, maintain order, and defer to the Air District legal representative or staff if needed.

Air District staff will facilitate ad hoc committee meetings, Co-Chair meetings, and other meetings as needed. CAC members, staff, or the Co-Chairs may identify the need for facilitator or contractor support for any CAC meeting, if budget allows.

### 1.7.2 Regular Meetings

Regular meetings of the CAC are held on the third Thursday of every other month at 6:00 p.m PT. All meetings will be held in accordance with the Brown Act. Meeting schedule is subject to change, if necessary.

### 1.7.3 Special Meetings

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

### 1.7.4 Notice of Meetings

Meeting agendas and notices must be posted at the meeting site and on the Air District 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 submits a written request to the Air District for such notice.

### 1.7.5 Adjournment or Cancellation of Meetings

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

### 1.7.6 Meetings of CAC Members with the Air District

CAC members that meet with Air District staff or Board on behalf of the CAC should report to CAC Leadership meetings. Staff should be notified 48 hours prior to the meeting to request a meeting with the Co-Chairs.

### 1.7.7 Meetings of the Ad Hocs

Chairs are expected to do a monthly verbal report-out on the progress of the Ad Hocs with CAC leadership. Report-outs should be 5 minutes, no details of the meeting should be provided. Staff should be notified 48 hours prior to the meeting to request a meeting

with the Co-Chairs. It is up to the discretion of the Co-Chairs to accept the verbal report-out during the requested meeting.

### 1.7.8 Quorum Requirements

Effective March 1, 2023, 50% plus one of CAC members (or 9 out of 17 members in 2022-2023) must be present in person to constitute a quorum and for voting to be conducted.

#### 1.7.8.1 Action at a Meeting; Quorum and Required Vote

A quorum is required to take any official action beyond roll call and adjournment. The affirmative vote of a majority of the members of the CAC shall be required for the approval of all substantive matters. Agenda items that require no action may still be presented and discussed without a quorum.

#### 1.7.8.2 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 are based on Brown Act requirements and current legislation. Staff will provide an updated summary of any changes as required by law.

#### 1.7.8.3 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.

(c) 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. If the meeting is disrupted by *any* member of the public, we hold the right to remove the individual from the meeting with the assistance of security or by muting and turning off the camera of that individual.

(d) The chat feature will be unavailable for the full duration of Zoom meetings due to accessibility limitations.

## 1.8 Agenda Items

### 1.8.1 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 will have three minutes each to address the CAC. Members of the public who wish to speak on non-agenda items, will have three minutes to address the CAC. Members of the public who are speaking through an interpreter will have six minutes to address the CAC. All meetings will have a rebuttal period that allows an additional one (1) minute to any member of the public who would like to provide a rebuttal.

### 1.8.2 Setting Agendas

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

#### 1.8.2.1 Current Agenda Setting Process:

1. A CAC member may propose agenda item(s) during a CAC meeting or via email to staff.
2. Staff will track proposed agenda items and bring them to the Co-Chairs.
3. Co-Chairs will approve the items for the upcoming agenda.
4. Staff will identify presenters and draft presentation and memo (materials).
5. Staff will work with the CAC member(s) who requested the agenda item(s) to create materials as needed.
6. Staff will finalize materials.
7. Staff will send materials to Co-Chairs and the CAC member(s) who requested the agenda item for final approval.
8. Staff will update materials with final edits.
9. Executive staff will review materials.
10. Executive staff will provide edits, if needed.
11. Executive staff will route the materials for public distribution.

The Co-Chairs will work from the work plan developed by the Work Plan Ad Hoc once adopted by the CAC membership. The Co-Chairs, Staff, 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](mailto:communityadvisorycouncil@baaqmd.gov). New additions to the work plan must be approved by majority vote of the CAC.

The Co-Chairs can amend the work plan, as needed when an emergency or emergent issue requires it. An emergency is defined as an event that impacts the health and safety of the community (i.e., flaring). An emergent issue is considered emergent if it is new and immediate action from the CAC is required (i.e., funding opportunity, legislative issue). The current work plan must be included in the materials of every CAC meeting. Changes must be noted when made.

## 1.9 Conflict of Interest Policy

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

## 1.10 Meeting Minutes

Minutes shall be taken at all regular and special CAC meetings 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 CAC members in accordance with applicable statutes.

## 1.11 Land Acknowledgement

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

*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 website](#) will be updated in preparation for each CAC meeting with materials for discussion and, after each meeting, with meeting summaries, presentations, background materials, requested information, and meeting recordings.



## 1.12 Dissemination of Materials

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

## 1.13 Public Meetings

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

## 1.14 Attendance

The CAC requires the active participation and attendance by members of at least 75% of all meetings during every year served. This applies to Co-Chair meetings, committee meetings, and attendance at meetings of the full CAC. CAC members will inform staff and CAC leadership of any potential absences. As of March 1, 2023, per AB 2449 teleconferencing requirements, members remotely joining 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.

### 1.14.1 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 absent member of the attendance requirements of the CAC and warning them that they are at risk of losing their seat. Staff will be responsible for informing the Co-Chairs of absent members. Staff will inform a member that they have lost their seat on the CAC after three meetings are missed. Vacant seats on the CAC will be filled as described in the Appointment section on page 8 of this document.

### 1.14.2 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 absent Co-Chair of the attendance requirements of the Co-Chairs and warning them that they are at risk of losing their seat. Staff will be responsible for informing the Co-Chairs and the CAC of absent Co-Chairs. Staff will inform a Co-Chair that they 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 the holidays.

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

### 1.14.3 Absenteeism: Ad Hoc Meetings

Ad hoc meetings will generally occur every other week (biweekly).

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 absent ad hoc member of the attendance requirements of ad hoc members and warning them that they are at risk of losing their seat. Staff will be responsible for informing CAC members of absent members. Staff will inform CAC members that they 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 appointment of an Ad-Hoc Committee shall be filled within two (2) meetings after the vacancy occurs through a nomination, selection, and voting process.

## 1.15 Amendment of CAC Charter

The CAC and the Board shall revisit the Charter to make requests for amendments in January of every odd-numbered year following the Board approval of the Charter. The CAC shall provide thirty (30) days' notice for public comment before adopting any amendments to the CAC Charter.

The Community, Equity, Health and Justice Committee and the Board of Directors must approve the Charter before any changes can take effect.

## 1.16 Compensation

Compensation for CAC Members will be subject to attendance and in accordance with the CAC's Compensation Policy and Procedures. The CAC and the Board shall revisit the Compensation Policy and Procedures to make requests for amendments during the first month of the year of every other year. Updates to the Policy shall include a revision based on cost-of-living increase.

## Appendix A

*Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington, D.C., 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 Principles<sup>3</sup>:

- 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.

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<sup>3</sup> Principles of Environmental Justice, <https://www.ejnet.org/ej/principles.html>. Accessed December 19, 2022.

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.

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 Principles<sup>4</sup>:

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

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<sup>4</sup> 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

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

Bay Area Air Quality Management District. *Regulation 2, Permits, Rule 1, Section 2-1-243*. <https://www.baaqmd.gov/~media/dotgov/files/rules/reg-2-permits/2021->

California Air Resources Board. *Partnering Agreement-West Oakland Toxic Reduction Collaborative*. (2018, February 14). [https://ww2.arb.ca.gov/sites/default/files/2020-04/collaborative\\_partnering\\_agreement\\_west\\_oakland\\_acc.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-04/collaborative_partnering_agreement_west_oakland_acc.pdf). Accessed January 3, 2023.

City and County of San Francisco: *Power Plan Task Force By Laws*. [https://sfgov.org/sfc/pppcatf/index\\_162\\_2134.html?page=162](https://sfgov.org/sfc/pppcatf/index_162_2134.html?page=162). Accessed January 3, 2023

Metropolitan Transportation Commission. *Metropolitan Transportation Commission Resolution No. 3931*. (2009, November 18). [https://mtc.ca.gov/sites/default/files/documents/2022-01/RES-3931\\_approved.pdf](https://mtc.ca.gov/sites/default/files/documents/2022-01/RES-3931_approved.pdf). Accessed January 3, 2023.

*Partnering Agreement-West Oakland Toxic Reduction Collaborative “Collaboration on Call.”*

San Francisco Bay Conservation and Development Commission. *Environmental Justice Advisors Charter*. <https://bcdc.ca.gov/ejwg/environmental-justice-advisors-charter.html>. Accessed January 3, 2023

San Francisco Bay Conservation and Development Commission. *San Francisco Bay Plan*. [https://www.bcdc.ca.gov/plans/sfbay\\_plan.html](https://www.bcdc.ca.gov/plans/sfbay_plan.html). Accessed January 3, 2023

The Bay Area Air Quality Management District. *The Path to Clean Air in the Richmond-North Richmond-San Pablo Area Community Steering Committee Charter and Participation Agreement*. <https://www.baaqmd.gov/~media/files/ab617-community-health/richmond/ptca-charter-agreement-pdf.pdf?la=en>. Accessed January 3, 2023.

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.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairpersons Margaret Gordon, John Kevin Jefferson, and Latasha Washington  
and Members of the Community Advisory Council

From: Philip M. Fine  
Executive Officer/APCO

Date: March 16, 2023

Re: Discuss the Community Advisory Council (CAC) 2023-2024 Work Plan

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

This is an informational item for the Council to review and discuss the Community Advisory Council 2023-2024 Work Plan developed by the Work Plan Ad Hoc Committee.

DISCUSSION

The Community Advisory Council (CAC) created a Work Plan Ad Hoc Committee to develop a Work Plan to guide the CAC. The Work Plan Ad Hoc Committee began meeting on August 19, 2022, and has worked closely with staff to develop a priority rating matrix and the 2023-2024 Work Plan. The Work Plan Ad Hoc Committee developed the prioritization matrix to assist the CAC in rating agenda items using a fair process across all items.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine  
Executive Officer/APCO

Prepared by: Lisa Flores  
Reviewed by: Veronica Eady

ATTACHMENTS:

1. CAC 2023-2024 Work Plan
2. CAC Work Plan Items Priority Rating Matrix



## **2023-2024 CAC Work Plan**

CAC Work Plans may be amended as defined in the Charter. Staff will track new agenda items requested during meetings or via email.

### **May 2023**

1. Funding Overview from Strategic Incentives Division on the Transportation Fund for Clean Air Program
2. Presentation on Process for Prioritizing the Development of New Regulations

### **July 2023**

1. Compliance & Enforcement Update
2. Incident Monitoring and Modeling

### **September 2023**

1. Community's Right to Monitoring Data
2. Presentation on Indirect Source Rule for Warehouses

### **November 2023**

1. Compliance & Enforcement Update
2. Presentation of the Air District's Work in Overburdened Communities, including Indigenous Communities, with a focus on Health Risk Assessments.

### **January 2024**

1. Update on the School & Home Air Filtration Program
2. Discuss How the CAC Can Support Biomonitoring Work in More Communities, With More People, and to Promote Policy Changes.

### **March 2024**

1. Discussion of the Chevron Strike with a Focus on Impacts to Public Safety.
2. Presentation on the Eagle Rock Aggregate Stone Company & the Tracking of Its Particulate Matter Emissions in the West Oakland Area.

### **May 2024**

1. Compliance & Enforcement Update
2. A Presentation on the Air Quality Disparities Created by Highway 580

### **June 2024**

1. Bay Air Center / Technical Support for Overburdened communities
2. Presentation on the Progress of Amendments to Rules 9-4 and 9-6 that would Reduce Emissions of Nitrogen Oxides from Residential and Commercial Furnaces and Water Heaters in Buildings in the Bay Area.

Council members, fewer than quorum (8 members or less), are encouraged to schedule community listening sessions in between meetings to guide future agenda items and/or work plans.

Optional trainings listed below will be offered in between CAC meetings in preparation for agenda topics. Optional meetings listed below may be offered for members that may be interested in these topics.

**Optional & Required Trainings - to be offered in between meetings.**

1. AB617 Overview, including a CAC member in a designated community.
2. Compliance & Enforcement programs overview on the Air District's authority and enforcement tools
3. Air District Budgeting Overview
4. Brown Act Training (required by the Charter)
5. Robert's Rules of Order (required by the Charter)
6. Civility Training (required by the Charter)
7. Participatory Budgeting (required for members of the Community Benefit Fund Committee)
  
8. Team-Building

**Optional Meetings**

- CAC Meets the Advisory Committee (meet & greet)
- Inviting experts to present educational materials on Indigenous history

## CAC Work Plan Ad Hoc Committee: Agenda Item Prioritization Criteria

**Agenda Item Summary:** For each Agenda Item, rate each sub-area on a scale of 1-5 points.

<b>Community Advisory Council's (CAC) Mission, Vision, and Goals</b>	<b>/20</b>
Consistent with the CAC Mission, Vision, and Goals	
Consistent with current priorities (as stated in the Charter and/or Work Plan)	
Ability to create a positive community impact (i.e., Financial Impact, Policy Impact, Geographic Impact)	
Addresses/informs community concerns or issues	
<b>Community Impact</b>	<b>/20</b>
Increases opportunities and resources to overburdened communities and communities of color	
Leads to transformational changes in environmental justice	
Alters structures of power (Ex. Does it shift the balance of power from Air Polluters to the Community?)	
Spotlights the voice of those impacted (Who brought the item to the CAC?)	
<b>Representation</b>	<b>/25</b>
Creates ability to impact more than one County	
Creates opportunities for the CAC members to engage Community Members (particularly with those who have not been represented in the past)	
Creates collaboration with <u>Cross-County members</u> in ensuring equitable solutions	
Creates coalition/collaborative relationships with <u>Community Based Organizations</u> doing Environmental Justice work	
Builds and/or deepens relationships with <u>Legislators, Community Based Organizations doing EJ work, CAC, CAC Staff or BAAQMD Board?</u>	
<b>Timing</b>	<b>/15</b>
Aligns with present goals and/or agency (BAAQMD) programs/efforts (consider: political climate, momentum of subject matter, etc.)	
Feasibility	
Action item (5 pts), Informational item (0 pts)	
<b>TOTAL:</b>	<b>/80</b>

Rating System (1-5 point scale)	Scoring Results
1- Not Relevant to Prioritization Criterion	1-50 points: Item is placed on a query list
2- Somewhat Relevant to Prioritization Criterion	51-60 points: Item is relevant but is not urgent or time sensitive
3- Relevant to Prioritization Criterion	61-70 points: Item needs further discussion and clarity
4- Meets Prioritization Criterion	71-80 points: Item will be prioritized and placed on the agenda
5- Exceeds at meeting Prioritization Criterion	