



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS SPECIAL MEETING OCTOBER 20, 2021

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES IN ACCORDANCE
WITH GOVERNMENT CODE SECTION 54593**

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

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

<https://bayareametro.zoom.us/j/83365340797>

(408) 638-0968 or (669) 900-6833

WEBINAR ID: 833 6534 0797

- **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**

BOARD OF DIRECTORS SPECIAL MEETING AGENDA

WEDNESDAY
OCTOBER 20, 2021
9:00 A.M.

Chairperson, Cindy Chavez

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

PLEDGE OF ALLEGIANCE

PUBLIC MEETING PROCEDURE

The Board Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Board members.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

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 Board. No speaker who has already spoken on that item will be entitled to speak to that item again.*

CONSENT CALENDAR (ITEMS 2-8)

2. Minutes of the Board of Directors Regular Meeting of October 6, 2021

Clerk of the Boards/5073

The Board of Directors will consider approving the draft minutes of the Board of Directors Regular Meeting of October 6, 2021.

3. Board Communications Received from October 6, 2021, through October 19, 2021

J. Broadbent/5052

jbroadbent@baaqmd.gov

A copy of communications directed to the Board of Directors received by the Air District from October 6, 2021, through October 19, 2021, if any, will be distributed to the Board Members by way of email.

4. Air District Personnel on Out-of-State Business Travel

J. Broadbent/5052

jbroadbent@baaqmd.gov

In accordance with Section (b) of the Air District Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business in the preceding months.

5. Authorization to Enter into Master Services Agreement for Language Translation Services
J. Broadbent/5052
jbroadbent@baaqmd.gov

Recommend the Board of Directors authorize the Executive Officer/APCO to enter a Master Services Agreement not to exceed \$500,000 with AvantPage to provide the Air District language translation services.

6. Stationary Source and Climate Impacts Committee Meeting
CO-CHAIRS: J. Bauters and K. Mitchoff
J. Broadbent/5052
jbroadbent@baaqmd.gov

- 6.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of September 27, 2021

For the full Committee agenda packet and materials, click on the link below:
www.baaqmd.gov/bodagendas

- 6.2 Report of the Stationary Source and Climate Impacts Committee Meeting of September 27, 2021

7. Legislative Committee Meeting
CO-CHAIRS: M. Abe-Koga and P. Cutter
J. Broadbent/5052
jbroadbent@baaqmd.gov

- 7.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of October 6, 2021

For the full Committee agenda packet and materials, click on the link below:
www.baaqmd.gov/bodagendas

- 7.2 Report of the Legislative Committee Meeting of October 6, 2021

8. Community Equity, Health and Justice Committee Meeting
CO-CHAIRS: Davina Hurt and Tyrone Jue
J. Broadbent/5052
jbroadbent@baaqmd.gov

- 8.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of October 7, 2021

For the full Committee agenda packet and materials, click on the link below:
www.baaqmd.gov/bodagendas

- 8.2 Report of the Community Equity, Health and Justice Committee Meeting of October 7, 2021

END OF CONSENT CALENDAR

PRESENTATION

9. Environmental Justice Training Module: Structural Racism and Environmental Injustice
V. Eady/4646
veady@baaqmd.gov

The Board of Directors will participate in the first Environmental Justice Training session focused on the historical connection between racial segregation and structural racism and current day environmental injustices in the Bay Area, and across our nation. Deldi Reyes, the Director of the Community Air Protection Program at the California Air Resources Board (CARB) will deliver a presentation that has been adapted from a full day staff-wide training being implemented at CARB.

END OF PRESENTATION

PUBLIC COMMENT ON NON-AGENDA MATTERS

10. **Public Comment on Non-Agenda Items, 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 Board.

BOARD MEMBERS' COMMENTS

11. *Any member of the Board, or its staff, 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. (Gov't Code § 54954.2)*

OTHER BUSINESS

12. Report of the Executive Officer/APCO
13. Chairperson's Report
14. Time and Place of Next Meeting:

Wednesday, November 3, 2021, at 9:30 a.m., via webcast, pursuant to procedures in accordance with Government Code Section 54593.

15. Adjournment

The Board meeting shall be adjourned by the Board Chair.

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, Terri Levels, at (415) 749-4667 or by email at tlevels@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

OCTOBER 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source and Climate Impacts Committee	Monday	18	9:00 a.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Special Meeting	Wednesday	20	9:00 a.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Administration Committee	Wednesday	20	11:00 a.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Legislative Committee – CANCELLED	Wednesday	20	1:00 p.m.	Webcast only pursuant to Government Code Section 54593
Advisory Council Meeting	Monday	25	8:30 a.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	28	9:30 a.m.	Webcast only pursuant to Government Code Section 54593

NOVEMBER 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	3	9:30 a.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Community Equity, Health and Justice Committee	Thursday	4	9:30 a.m.	Webcast only pursuant to Government Code Section 54593
Advisory Council Meeting	Monday	8	8:30 a.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Stationary Source and Climate Impacts Committee	Monday	15	9:00 a.m.	Webcast only pursuant to Government Code Section 54593

NOVEMBER 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Nominating Committee	Wednesday	17	8:30 a.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Special Meeting	Wednesday	17	9:00 a.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Administration Committee	Wednesday	17	11:00 a.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Legislative Committee - CANCELLED	Wednesday	17	1:00 p.m.	Webcast only pursuant to Government Code Section 54593
Board of Directors Mobile Source and Climate Impacts Committee – CANCELLED AND RESCHEDULED TO MONDAY, DECEMBER 6, 2021, AT 1:00PM	Thursday	25	9:30 a.m.	Webcast only pursuant to Government Code Section 54593

MV – 10/7/2021 – 5:24 P.M.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2021

Re: Minutes of the Board of Directors Regular Meeting of October 6, 2021

RECOMMENDED ACTION

Approve the attached draft minutes of Board of Directors Regular Meeting of October 6, 2021.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of October 6, 2021.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

Attachment 2A: Draft Minutes of the Board of Directors Regular Meeting of October 6, 2021

AGENDA: 2A – ATTACHMENT

Draft Minutes - Board of Directors Regular Meeting of October 6, 2021

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

Board of Directors Regular Meeting
Wednesday, October 6, 2021

DRAFT MINUTES

*Note: Audio recordings of the meeting are available on the website of the
Bay Area Air Quality Management District at
www.baaqmd.gov/bodagendas*

This meeting was conducted under procedures in accordance with Government Code Section 54593. Members of the Board of Directors participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Cindy Chavez, called the meeting to order at 9:30 a.m.

Roll Call:

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Margaret Abe-Koga, Teresa Barrett, Rich Constantine, John Gioia, Carole Groom, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Nate Miley, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, and Lori Wilson.

Absent: Directors David Canepa, Pauline Russo Cutter, and Myrna Melgar.

RESOLUTION

2. **Assembly Bill (AB) 361 (Rivas) and Air District Remote Teleconferencing Update**

Chair Chavez and Air District staff discussed how the recent expiration of Governor Newsom's Executive Order N-29-20, which authorized local legislative or state bodies to hold public meetings via teleconferencing, and to make public meetings accessible telephonically or otherwise electronically to all members of the public, affects the Air District's ability to continue using teleconferencing during public (Board and committee) meetings. Assembly Bill (AB) 361 (Rivas), which was signed into law on September 16, 2021, allows local legislative bodies to continue teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act, during a declared state of emergency. Until January 1, 2024, or whenever the Governor ceases to declare a state of emergency (whichever occurs first), the Board will be required to make findings and adopt a resolution every thirty

days, regarding whether the state of emergency continues to directly impact the ability of the members to meet safely in person, to continue conducting Board and committee meetings remotely.

Public Comments

No requests submitted.

Board Comments

Director Hudson suggested having a standing item on the consent calendar at every Board Meeting in lieu of having to adopt a resolution each month to address this issue.

Board Action

Director Gioia made a motion, seconded by Director Haubert, to **approve** Board Resolution No. 2021-14, proclaiming a Local Emergency, ratifying the Proclamation of a State of Emergency by Governor Newsom on March 20, 2020, and authorizing Remote Teleconference Meetings of the Legislative Bodies of the Bay Area Air Quality Management District for the Period October 6, 2021, to November 5, 2021, Pursuant to Brown Act Provisions; and the motion **carried** by the following vote of the Board:

AYES:	Abe-Koga, Bauters, Barrett, Chavez, Constantine, Gioia, Groom, Hannigan, Haubert, Hopkins, Hudson, Hurt, Jue, Miley, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Walton, Wilson.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Canepa, Cutter, Melgar.

CONSENT CALENDAR (ITEMS 3 – 16)

3. Minutes of the Board of Directors Regular Meeting of September 15, 2021
4. Board Communications Received from September 15, 2021, through October 5, 2021
5. Air District Personnel on Out-of-State Business Travel
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of August 20
7. Authorization to Execute Contract Amendment for Environmental Audit, Inc.
8. Authorization to Execute Contract with Kadesh & Associates, LLC
9. Authorization to Attend United Nations Climate Change Conference (COP26)
10. Authorization for Selection and Award to Bidders for Heavy-Duty Air Filtration Units/Air Scrubbers and Replacement Filters
11. Set a Public Hearing for November 3, 2021, to Consider Adoption of Proposed Amendments to Refinery Rules Definitions
12. Advisory Council Meeting
- 12.1 Receive Committee Chair Summary Report of September 13, 2021
- 12.2 Report of the Advisory Council Meeting of September 13, 2021
13. Administration Committee Meeting
- 13.1 Receive Committee Chair Summary Report of September 15, 2021
- 13.2 Report of the Administration Committee Meeting of September 15, 2021
14. Technology Implementation Office Steering Committee Meeting
- 14.1 Receive Committee Chair Summary Report of September 17, 2021

- 14.2 Report of the Technology Implementation Office Steering Committee Meeting of September 17, 2021
- 15. Richmond Area Community Emissions Reduction Plan Steering Committee Meeting
 - 15.1 Receive Committee Chair Summary Reports of September 20, 2021
 - 15.2 Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of September 20, 2021
- 16. Mobile Source and Climate Impacts Committee Meeting
 - 16.1 Receive Committee Chair Summary Report of September 23, 2021
 - 16.2 Report of the Mobile Source and Climate Impacts Committee Meeting of September 23, 2021

Public Comments

No requests submitted.

Board Comments

The Board and staff discussed Board members' attendance of the upcoming United Nations Climate Change Conference (COP26); and the request that Air District staff proposes a travel policy to the Board, regarding Board members' attendance of such conferences.

Board Action

Chair Chavez asked the maker and seconder of the motion approving the proposed Consent Calendar to add to the recommendation of Item 9 that "Air District staff will propose a Board member travel policy to the Board," and the maker and seconder of the motion agreed.

Director Groom made a motion, seconded by Director Wagenknecht, to **approve** Consent Calendar Items 3 through 16, inclusive, as amended; and the motion **carried** by the following vote of the Board:

AYES:	Abe-Koga, Bauters, Barrett, Chavez, Constantine, Gioia, Groom, Hannigan, Haubert, Hopkins, Hudson, Hurt, Jue, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Walton, Wilson.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Canepa, Cutter, Melgar, Miley.

PRESENTATIONS

17. **Measures to Address Lead from General Aviation Fuel**

Greg Nudd, Deputy Air Pollution Control Officer (APCO) of Policy, gave the staff presentation *Measures to Address Lead from General Aviation Fuel*, including: outcome; outline; general aviation lead emissions; health impacts of lead exposure; blood lead level studies; unleaded aviation fuel use; United States Environmental Protection Agency (U.S. EPA) and Federal Aviation Administration (FAA) need to act; and proposed next steps.

At this time, Sylvia Gallegos, Deputy County Executive of Santa Clara County, presented several slides regarding similar health risks at the Reid Hillview airport in San Jose.

Public Comments

Public comments were given by Richard Gray, 350 Bay Area; Dr. Stephen Rosenblum, Palo Alto resident; and Jill Ratner, New Voices Are Rising.

Board Comments

The Board and staff discussed concerns that the FAA may oppose unleaded fuel until it is proven that it will not compromise the operations and performance of the aircraft; the legal definition of a “general airport”; acrolein emissions from aircrafts; health impacts of lead in general aviation fuel on children; the desire for additional context regarding risk exposure in the Reid-Hillview Airborne Lead Study conducted by Santa Clara County; concerns of economic impacts to the entire Bay Area if unleaded aviation fuel requirements are implemented, as well as concerns of leakage (an increase of emissions in one place resulting from a strict reduction of emissions in another); whether commercial or general Bay Area airports are considering unleaded aviation fuel in efforts to reduce greenhouse gas (GHG) emissions; whether the Air District should reach out to airports and/or airlines about this issue, and the suggestion of creating clean certification incentives for airports or airlines; the anticipated process of engaging the public and local governments in a transparent manner; whether East Oakland becoming an official “AB 617” community would accelerate these efforts at the Oakland International Airport; whether this issue needs to be presented to the Board’s Legislative, Stationary Sources, or Mobile Sources Committee; and whether emissions from vessel or watercraft fuel cause similar health risks.

Board Action

Director Hurt made a motion, seconded by Director Barrett, to take the following actions:

- a) Petition the United States Environmental Protection Agency (U.S. EPA) to make an endangerment finding under section 231 of the Clean Air Act that leaded aviation gasoline (“avgas”) contributes to air pollution that harms public health and welfare;
- b) Urge the U.S. EPA and Federal Aviation Administration (FAA) to take immediate, feasible measures to reduce lead emissions from avgas;
- c) Urge California Senators and Bay Area Members of Congress to urge U.S. EPA and FAA to take action on this issue;
- d) Urge sister agencies such as the California Air Resources Board, California Air Pollution Control Officers Association, and the National Association of Clean Air Agencies to take similar actions;
- e) Petition the California Department of Public Health to study blood levels at other airports especially those with high expected emissions near residences to provide specific information for local decision makers;
- f) Educate local governments on the issue;
- g) Legislative Committee will consider a staff proposal on how to educate local governments of this issue (added by Chair Chavez);

- h) Consider a staff proposal on outreach to airports and airlines (added by Chair Chavez); and
- i) Review the 2008 study on lead emissions near the San Carlos Airport that was conducted by the U.S. EPA (added by Chair Chavez).

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

AYES: Abe-Koga, Bauters, Barrett, Chavez, Constantine, Gioia, Groom, Hannigan, Haubert, Hopkins, Hurt, Jue, Miley, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Wilson.

NOES: Hudson.

ABSTAIN: None.

ABSENT: Canepa, Cutter, Melgar, Walton.

18. **Climate Protection Update**

Mr. Nudd introduced Henry Hilken, Director of Planning and Climate Protection, and Abby Young, Climate Protection Manager, who gave the staff presentation *Update on Air District Climate Protection Program*, including: outcome; outline; requested action; growing urgency (impacts and equity); Bay Area greenhouse gas (GHG) emissions (carbon dioxide, methane, and fluorinated GHG); Climate Protection Program; where do we go from here (local government support, rule development, transportation, innovative financing for innovative technologies, climate and equity); and moving forward.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; Dr. Stephen Rosenblum, Palo Alto resident; Jan Warren, Interfaith Climate Action Network of Contra Costa County; and Richard Gray, 350 Bay Area.

Board Comments

The Board and staff discussed the suggestion of using new power storage technology for backup generators as a mitigation strategy; challenges of promoting used electric vehicles as family vehicles due to a lack of charging infrastructure at multi-family dwellings; the need to educate elected officials who are not exposed to sustainable initiatives that focus on climate change and pollution reduction; the need for a city or county to accept and endure the potential hardship that may be associated with imposing a carbon GHG tax on stationary sources; concerns that the production of hydrogen fuel still requires fossil fuels, and whether that practice ought to be discouraged; the suggestion of creating a chart that identifies which agencies are leading which environmental or sustainable initiatives; the need to look at wildfire risk reduction and resiliency and carbon sequestration; whether the Air District is tracking opportunities to receive federal infrastructure funding for various projects; the need to leverage partnerships with academic institutions, local authorities and governments; the manner in which the Air District measures the effectiveness of its climate programs; the request for additional context to indicate progress in emission reduction levels; the status of state actions regarding carbon dioxide reduction from stationary sources and how the adoption of AB 398 (E. Garcia) in 2017 prohibits air districts from

adopting or implementing emission reduction rules for carbon dioxide from stationary sources that are also subject to a specified market-based compliance mechanism; and methane emissions at landfills.

Board Action

None; receive and file.

CLOSED SESSION (11:46 a.m.)

19. CONFERENCE WITH LEGAL COUNSEL

A. EXISTING LITIGATION (Government Code Section 54956.9 (a))

Pursuant to Government Code Section 54945.9(a), a need exists to meet in closed session with legal counsel to consider the following cases:

Chevron U.S.A. Inc. v. Bay Area Air Quality Management District, Contra Costa Superior Court, Case No. MSN21-1739; and

Martinez Refining Co. LLC v. Bay Area Air Quality Management District, Contra Costa Superior Court, Case No. MSN21-1568.

REPORTABLE ACTION: Adan Schwartz, Acting District Counsel, had nothing to report.

OPEN SESSION (12:03 p.m.)

PUBLIC COMMENT ON NON-AGENDA MATTERS

20. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

Public comments were given by Tony Fisher, Coalition for Clean Air.

BOARD MEMBERS' COMMENTS

21. Board Members' Comments

None.

OTHER BUSINESS

22. Report of the Executive Officer/APCO

Jack P. Broadbent, Executive Officer/APCO, discussed ozone exceedances in the Bay Area, due to weather conditions and wildfire smoke from other parts of California. He then asked Veronica Eady, Senior Deputy Executive Officer of Policy & Equity, to introduce the Air District's first ever Environmental Justice & Community Engagement Officer, Suma Peesapati.

23. Chairperson's Report

Vice Chair Mitchoff read Chair Chavez' report, which included the following:

- On November 17, 2021, the Board's Nominating Committee will meet to recommend the Board Officers for the calendar year 2022. Board members who are interested in nominating themselves for the positions of Board Chairperson, Vice Chairperson, or Secretary may do so directly with Chair Chavez until October 29, 2021.
- Board member David Haubert has been appointed as the Board Liaison and Ex-Officio member of the Air District's Advisory Council.

24. Time and Place of Next Meeting

Wednesday, October 20, 2021, at 9:00 a.m., via webcast, pursuant to procedures in accordance with Government Code Section 54593.

25. Adjournment

The meeting adjourned at 12:14 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2021

Re: Board Communications Received from October 6, 2021, through October 19, 2021

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from October 6, 2021, through October 19, 2021, if any, will be distributed to the Board Members by way of email.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Justine Buenaflor
Reviewed by: Vanessa Johnson

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2021

Re: Air District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified of Air District personnel who have traveled on out-of-state business.

The report covers the out-of-state business travel for the month of September 2021. The monthly out-of-state business travel report is presented in the months following travel completion.

DISCUSSION

There were no out-of-state business travel activities that occurred in the month of September 2021.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2021

Re: Authorization to Enter into a Master Services Agreement for Language Translation
Services

RECOMMENDED ACTION

Authorize the Executive Officer/APCO to enter a Master Services Agreement not to exceed \$500,000 with AvantPage to provide the Air District language translation services.

BACKGROUND

In December 2014, the Air District released an Request For Proposal (RFP) seeking translation services. The Air District received six (6) proposals for website and document translation services and performed a thorough evaluation of vendor submittals based on the following criteria:

Table 1- RFP Evaluation Criteria

Organization	Organization background, financial size and stability.	5%
Expertise	Organization and its proposed resources have proven success in translating content for: websites of similar size and scope and agencies/businesses similar to the Air District.	20%
Approach	Proposal addresses project requirements, reflects a clear understanding of meeting the project and agency objectives	30%
Sample Translations	Translation submittals demonstrate vendors understanding and skill in creating the new content required by the Air District.	30%
Cost	Cost Proposal optimizes personnel cost effectiveness, expertise and allocation.	10%
Firm's Specialty Focus Area	Minority-owned, veteran-owned, women-owned, Certified Green, or local business designations. Experience working with government agencies.	5%
	Total	100%

Through this evaluation process, AvantPage was selected. The table below shows the evaluation results:

Table 2- RFP Evaluation Results

Evaluation Criteria	Points	Indus Translation Services	Metlang	CTS language link	Interpreters Unlimited	Lionsbridge	AvantPage
Organization	5	2	4	4	4	5	4
Expertise	20	8	14	15	13	15	17
Approach	30	12	18	18	21	23	25
Sample Translations	30	7	5	3	3	7	9
Cost	10	2	3	2	3	2	5
Firm's Speciality Focus Area	5	23	12	26	24	23	25
Total Points	100	54	55	67	68	74	85

The Air District has continued to work with AvantPage over the years to streamline and improve language translation services. Utilizing one vendor has allowed the Air District to develop a more comprehensive glossary of air-specific terms thereby creating greater consistency and quality in language translation and to more cost-effectively integrate translation services into our web content management system.

DISCUSSION

The Air District must meet regulatory and mandated requirements for providing translated content to speakers with Limited English Proficiency (LEP). Following a language assessment done as part of the Public Participation Plan in 2013, and to improve equitable access to air quality information in the San Francisco Bay Area, the Air District currently provides translations in Spanish, Chinese, Vietnamese and Tagalog and additional languages on an as-needed basis.

In recent years, the Air District's language translation needs have grown exponentially as the Air District provides more in-language content to meet community needs as well as comply with State and Federal requirements. As a result, the Air District is seeking to enter a Master Services Agreement with AvantPage not to exceed \$500,000 to meet these ongoing needs.

Recognizing that the Air District is a steward of public monies, the Air District is working to issue a Request For Qualifications (RFQ) in the coming year for language translation services to evaluate other vendors against the Air District's needs.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for this contract is included in the Fiscal Year Ending (FYE) 2022 approved budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Anja Page and Sonam Shah-Paul
Reviewed by: Jeff McKay

**COMMITTEE CHAIR SUMMARY REPORT OF THE STATIONARY SOURCE
AND CLIMATE IMPACTS COMMITTEE**

(Co-Chairs: John Bauters and Karen Mitchoff)

The Stationary Source and Climate Impacts Committee met on Monday, September 27, 2021, and approved the minutes of July 19, 2021. This meeting was conducted under procedures in accordance with Government Code Section 54593. Members of the Committee participated by teleconference.

The Committee then reviewed and discussed the staff presentation *Draft Amendments to Rules 2-1 and 2-5*.

Finally, the Committee reviewed and discussed the staff presentation *Revised Draft Regulation 13: Climate Pollutants, Rule 5: Petroleum Refinery Hydrogen Plants*.

The next meeting of this committee will be held on Monday, October 18, 2021 at 9:00 a.m., via webcast, pursuant to procedures in accordance with Government Code Section 54593. This concludes the report of the Stationary Source and Climate Impacts Committee.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2021

Re: Report of the Stationary Source and Climate Impacts Committee Meeting of September
27, 2021

RECOMMENDED ACTIONS

The Stationary Source and Climate Impacts Committee (Committee) received only informational items and have no recommendations of approval by the Board of Directors (Board).

BACKGROUND

The Committee met on Monday, September 27, 2021, and received the following reports:

- A) Draft Amendments to Regulation 2: Permits, Rule 1: General Requirements, and Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants; and
- B) Revised Draft Regulation 13: Climate Pollutants, Rule 5: Petroleum Refinery Hydrogen Plants (Rule 13-5).

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None; and
- B) None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Justine Buenaflor
Reviewed by: Vanessa Johnson

Attachment 6.2A: 09/27/2021 – Stationary Source and Climate Impacts Committee Meeting
Agenda #3

Attachment 6.2B: 09/27/2021 – Stationary Source and Climate Impacts Committee Meeting
Agenda #4

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons John Bauters and Karen Mitchoff,
Members of the Stationary Source and Climate Impacts Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 16, 2021

Re: Draft Amendments to Regulation 2: Permits, Rule 1: General Requirements, and
Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In 2018, the Air District committed to evaluating changes to its permitting process in response to concerns from community advocates about permits issued in areas overburdened by air pollution and other environmental and public health stressors. Since that time, staff met internally and with community stakeholders who expressed concern over the Agency's permitting process to develop potential concepts to amend the Air District's permitting regulation, Regulation 2: Permits.

Air District staff held a virtual public workshop on the evening of August 24, 2021, to present and receive public feedback on draft changes to two rules within the Air District's Permitting Regulation—Regulation 2, Rule 1, which states the general permitting requirements (Rule 2-1) and Regulation 2, Rule 5, which states the requirements for New Source Review of Toxic Air Contaminants (Rule 2-5). The August public workshop followed a prior virtual public workshop on May 12, 2021, in which staff presented and received feedback from the public on proposed concepts to amend the Air District's permitting process. The draft rule amendments presented during the August workshop reflect staff's efforts to incorporate public feedback received during and after the May concepts workshop.

DISCUSSION

During the presentation to the Stationary Source and Climate Impacts Committee, staff will update Committee members on the amendments to Rules 2-1 and 2-5 that staff plans to propose for the Board of Directors' consideration for adoption. The proposed amendments to Rules 2-1 and 2-5 include the draft amendments that staff presented during the August 24, 2021, virtual public workshop, in addition to a few new changes, as discussed further below. Staff will also discuss feedback received during the workshop and in subsequent written comments.

Information presented during the August 24th Virtual Public Workshop

1. Rule 2-1—Definition of Overburdened Community: Utilize CalEnviroScreen Version 4.0 to identify areas with relatively high levels of cumulative impacts. Census tracts that score at or above the 70th percentile in CalEnviroScreen Version 4.0 or are located within 1,000 feet of any such census tracts would be categorized as Overburdened Communities.
2. Rule 2-1—Extension on Permit Application Review Timeline: Extend the permit application review period after a permit application is complete from 35 working days to 45 working days to account for the anticipated increased staff time necessary to process more complex applications, notify the public, and review and respond to public comments.
3. Rule 2-1—Enhanced Notification Requirement for Projects Located within Overburdened Communities: Require notification of addresses located within 1,000 feet of a proposed project for which a Health Risk Assessment must be prepared if the proposed project is located in an Overburdened Community.
4. Rule 2-5—New and Revised Exemption Sections for Boiler, Engine, and Turbine Projects:
 - a. Require consideration of emergency operating hours when assessing health risk from emergency standby engines.
 - b. Require a health risk assessment for a project if the combined capacity of engines at a facility exceeds 50 brake horsepower.
 - c. Exempt small gas-fired boilers and similar construction equipment from the requirement to undergo a health risk assessment to verify that they will continue to meet permit exemption criteria.

5. Rule 2-5—New and Revised Definition Sections:

- a. Expand the definition of a project to include new or modified sources of toxic air contaminants at a facility that have been permitted within the five-year period immediately preceding the date a complete application is received and any project at a facility that is under Authority to Construct.
 - b. Add the term “Essential Public Service” to exempt projects at the following types of facilities:
 - i. A police or fire fighting facility,
 - ii. A hospital or other medical emergency facility, or
 - iii. A building designated as an emergency shelter location.
 - c. Add the term “Acute Receptor” to clarify the applicability of the acute hazard index limit.
6. Rule 2-5—More Stringent Cancer Risk Limit in Overburdened Communities: Make the cancer risk 6 in one million in Overburdened Communities. Retain the existing limit of 10 in one million outside of Overburdened Communities.
7. Rule 2-5—Updates to Risk Assessment Procedures and Health Effects Values: Update the Health Effects Values table in Rule 2-5 with new toxic air contaminants and new health effects values identified by the California Office of Environmental Health Hazard Assessment. Revise the procedures that are used to determine acute trigger levels to be consistent with the significant source thresholds in Air District Rule 11-18, which regulates toxic air contaminant emissions from existing facilities. Update the Air District’s Health Risk Assessment Guidelines to incorporate the most recent health risk assessment procedures when assessing health risk from gas station projects.

Staff also provided information on potentially affected projects based on an analysis of permitting data, including health screening analyses and information on project types.

Additional amendments proposed subsequent to the August 24, 2021 Virtual Public Workshop

1. Rule 2-1—Extension on Permit Application Review Timelines: The proposed amendments make changes to several sections in Rule 2-1 based on staff’s evaluation of permit application review timelines at other California air districts. Staff proposes to extend the timelines for determination of a complete application (Section 2-1-432) by nine days (from 21 days to 30 days) for most applications and by 30 days (from 30 days to 60 days) for applications involving new major facilities, major modifications, and other very large projects. Similarly, staff proposes to extend the time period between when an application is deemed complete and the date the Air District issues a final decision to the permit applicant on whether the permit application will be approved, approved with conditions, or denied (Section 2-1-408). New review time periods would be consistent with review time periods for other air districts: 90 days (up from 49 days, at present), which will apply to most routine permit applications, and 180 days for more complex or non-routine permit

applications, such as projects at Title V or Synthetic Minor Operating Permits. Clarifications and additional time periods in Section 2-1-408 would remove the need for Section 2-1-412.2, which states a time period for the Air District to submit a notice for a permit application that is subject to the public notification for schools requirement (Waters Bill Notification).

2. Rule 2-5—Limited Exemption, Emergency Standby Engines: Staff does not intend to propose a change to Section 2-5-111, which exempts from regulation under Rule 2-5 toxic air contaminant emissions occurring from emergency use of emergency standby engines, initial start-up testing, or emission testing of emergency standby engines required by the Air District. Staff needs additional time to evaluate how to consider toxic air contaminant emissions from emergency use of emergency standby engines. During the August 24th virtual public workshop, staff reiterated a request for members of the public to submit comments on how to consider these emissions and received multiple comments from stakeholders concerning the unpredictable nature of emergency operations.

Proposed rulemaking timeline

Air District staff intends to bring to the Board of Directors for their consideration proposed amendments to Rules 2-1 and 2-5 by the end of the year. Draft amendments that staff identify as longer-term rule making efforts based on public feedback will be developed and proposed for Board consideration at a later date.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jacob Finkle
Reviewed by: Victor Douglas and Elizabeth Yura

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons John Bauters and Karen Mitchoff, and Members
of the Stationary Source and Climate Impacts Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 23, 2021

Re: Revised Draft Regulation 13: Climate Pollutants, Rule 5: Petroleum Refinery
Hydrogen Plants (Rule 13-5)

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Air District staff is currently developing draft Regulation 13: Climate Pollutants, Rule 5, Petroleum Refinery Hydrogen Plants which would limit vented emissions of “total organic compounds” (methane and volatile organic compounds) from hydrogen production, hydrogen carrying systems, and hydrogen end users such as process units at petroleum refineries. The Air District has a policy goal of reducing Bay Area greenhouse gas emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. Methane is a potent and short-lived climate pollutant with a global warming potential 86 times greater than that of carbon dioxide, when compared on a 20-year time horizon. The intent of draft Rule 13-5 is to minimize both methane and other organic compound emissions, normally vented from atmospheric vents at petroleum refinery hydrogen plants during normal operating conditions, startups, shutdowns, malfunctions, upsets, and emergencies.

DISCUSSION

The Air District initially published a preliminary Staff Report in December of 2019 to explain draft Rule 13-5 to members of the public, affected industry, and other interested parties. Draft regulatory language for Rule 13-5 was developed and was made available for review as well. The Air District held a public workshop at its headquarters in San Francisco in January 2020 to present and discuss draft rule language along with a workshop report. In response to comments received at the workshop, in writing, and during subsequent meetings between Air District staff and hydrogen plant operators, draft Rule 13-5 was revised to address voiced concerns and renamed *Petroleum Refinery Hydrogen Plants*.

The Air District sought further comment on the revised version of draft Rule 13-5 and the associated Preliminary Staff Report, published in September 2020. The Air District received comments on the September 2020 draft addressing potential exemptions, definitions, concerns related to the standards, testing, and monitoring requirements, and overall concerns related to the timeline, scope, and procedural elements of the rule development process. The Air District revised draft Rule 13-5 to accommodate reasonable concerns related to definitions (atmospheric vents, control device vents, effective date, existing facilities relative to new ones), testing methods, monitoring, reporting and compliance timelines.

Latest Draft Rule and CEQA Notice of Preparation and Initial Study: Staff published a revised draft Rule 13-5 along with a CEQA Notice of Preparation and Initial Study on June 30, 2021, and hosted a CEQA Scoping Meeting on July 27, 2021, to discuss the Initial Study. Staff received eight comment letters on the revised draft rule and Initial Study from the potentially impacted hydrogen plant operators and refineries, an industry association, community advocates and two State Agencies.

Since the close of the comment period on July 30, 2021, staff met with several industrial stakeholders to discuss their comments and proposals for compliance with the draft Rule. A preliminary analysis conducted in preparation of the draft environmental impact analysis indicated that the use of flares as a means of compliance with the draft rule may result emissions of oxide of nitrogen in exceedance of the Air District's California Environmental Quality Act project threshold level. Further, community representative and advocates and industry representative have express concern over the use of flares due to the potential for emissions of criteria, toxic, and climate pollutants. In light of these potential environmental impacts, staff is engaging the affected industry to evaluate proposed alternative means of compliance that could avoid the installation of flares and may achieve equivalent climate pollutant emission reductions. Based on the estimated time to needed to complete the analysis of alternative means of compliance, staff anticipates bringing this effort to the Board of Directors for their consideration in February 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Victor Douglas
Reviewed by: Elizabeth Yura

COMMITTEE CHAIR SUMMARY REPORT OF THE LEGISLATIVE COMMITTEE

(Co-Chairs: Margaret Abe-Koga and Pauline Russo Cutter)

The Legislative Committee met on Wednesday, October 6, 2021, and approved the minutes of May 19, 2021. This meeting was conducted under procedures in accordance with Government Code Section 54593. Members of the Committee participated by teleconference.

The Committee then received and discussed the staff presentation *State Legislative Budget Update*. Alan Abbs, Legislative Officer, gave an overview of the statewide funding amounts for the 2021-2022 State Budget versus allocations from previous years, highlighting programs that received funding that will benefit the Air District. Mr. Abbs also gave an overview of the State's 2021-2022 Zero Emission Vehicles package.

The Committee then received an update from Mr. Abbs on the status of an Air District-sponsored bill, (previously named) Assembly Bill 762 (Lee and C. Garcia) - Hazardous Emissions and Substances: School Sites: Private and Charter Schools. This bill would have required private schools and charter schools to meet the same siting requirements as public schools. Ms. Abbs reported that this bill is now considered dead for the rest of this bill cycle, due to the fact that it did not make it through the Senate Appropriations Committee.

The Committee then received an update from Mr. Abbs on three bills that the Air District is monitoring:

[OVER]

- **Assembly Bill 361** (Rivas) – Open meetings: state and local agencies: teleconferences;
- **Assembly Bill 1346** (Berman) – Air pollution: small off-road engines; and
- **Senate Bill 596** (Becker) – Greenhouse gases: cement sector: net-zero emissions strategy.

The Committee then received an update from Mr. Abbs on 2022 legislative priorities for the Air District, possibilities including: a relaunching of the school sites bill that failed this year, indirect source authority, wildfire smoke mitigation; reduction of lead emissions from aviation fuel, and the extension/continuation of the Carl Moyer Program.

Finally, the Committee received and discussed the staff presentation *Federal Legislative Update*. Mr. Abbs gave an overview on H.R. (House of Representatives) 3684 (DeFazio – OR) – Infrastructure Investment and Jobs Act, and the House's itemized spending proposals within the Reconciliation Bill of the Fiscal Year 2022 Federal Budget.

The next meeting of this Committee will be held on Wednesday, December 15, 2021, at 1:00 p.m. via webcast, pursuant to procedures in accordance with Government Code Section 54593. This concludes the Chair's Report of the Legislative Committee.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2021

Re: Report of the Legislative Committee Meeting of October 6, 2021

RECOMMENDED ACTIONS

The Legislative Committee (Committee) received only informational items and have no recommendations of approval by the Board of Directors (Board).

BACKGROUND

The Committee met on Wednesday, October 6, 2021, and received the following reports:

- A) State Legislative Budget Update;
- B) Air District-Sponsored Bill;
- C) State Legislative Update;
- D) Discussion of 2022 Legislative Priorities; and
- E) Federal Legislative Update.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None;
- B) None;
- C) None;
- D) None; and
- E) None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Justine Buenaflor
Reviewed by: Vanessa Johnson

Attachment 7.2A: 10/06/2021 – Legislative Committee Meeting Agenda #3
Attachment 7.2B: 10/06/2021 – Legislative Committee Meeting Agenda #4
Attachment 7.2C: 10/06/2021 – Legislative Committee Meeting Agenda #5
Attachment 7.2D: 10/06/2021 – Legislative Committee Meeting Agenda #6
Attachment 7.2E: 10/06/2021 – Legislative Committee Meeting Agenda #7

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 29, 2021

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On the evening of Friday, June 25, 2021, the Legislature amended and printed Senate Bill (SB) 129 (Skinner) – Budget Act of 2021, the "budget bill junior" that amended AB 128 (Ting) – Budget Act of 2021, the original budget bill passed by the Legislature to meet their June 15th deadline. SB 129, plus a handful of others addressing COVID relief and other priorities, reflect budget and related policy agreements between the Governor, the Assembly, and the Senate. Leading up to the introduction of the budget bill juniors, the Air District was active in advocacy for air quality-related programs at Senate and Assembly Budget hearings, as well as with legislative staff. The Senate and Assembly passed these budget bills on Monday, June 28, 2021, and they were sent to the Governor for signature prior to July 1, 2021. The Governor signed SB 129 on July 12, 2021. For our issues, the funding in SB 129 was mostly General Fund but there is a partial Greenhouse Gas Reduction Fund (GGRF) package of \$565 million (more detail below).

The Legislature returned from their recess in mid-August and negotiated the remainder of the budget, including the GGRF through another budget bill junior, SB 170 (Skinner) – Budget Act of 2021. SB 170 was signed by the Governor on September 23, 2021, and amends AB 128 and SB 129 and includes additional items of importance to the Air District.

Below are the main air-related items in either SB 129 or SB 170 (budget bill juniors) or AB 128 (original budget bill).

General Fund/Air Pollution Control Fund

- \$247 million for the Carl Moyer Air Quality Attainment Standards Program (Carl Moyer Program). This funding represents the historical level of funding (\$94 million), plus funding that had been collected but withheld over several years due to artificial budget caps. Going forward, the annual allocation should be around \$140 million. This will likely more than double the Air District's annual Carl Moyer Program funding.

- \$425 million for the Clean Vehicle Rebate Program (CVRP). Budget includes future income eligibility and state reporting requirements.
- \$98 million for clean trucks, buses, and off-road freight equipment including Heavy-Duty Voucher Incentive Program (HVIP), advanced technology freight demonstration and pilot commercial deployment projects.
- \$75 million for zero-emission drayage trucks to be administered through HVIP.
- \$40 million for zero-emission drayage trucks to fund additional applications received through the joint California Air Resources Board (CARB)-California Energy Commission (CEC) Zero-Emission Drayage Truck and Infrastructure Pilot Project solicitation held between November 2020 and February 2021.
- \$70 million for zero-emission transit buses to be administered through HVIP.
- \$130 million for zero-emission school buses to be administered through the HVIP.
- \$86 million for clean trucks, buses, and off-road equipment including HVIP and advanced technology demonstration and pilot commercial deployment projects.
- \$10.111 million for State Subvention. This is annual funding provided to air districts to recoup costs associated with air quality work in the Health and Safety Code that has been unfunded. This funding has remained unchanged for the last 20 years.
- \$45 million for local air districts in severe or extreme nonattainment through Carl Moyer for the purchase of non-diesel medium and heavy-duty vehicles emitting no more than 0.02g/bhp-hr NOx or lower that replace diesel vehicles. Eligible air districts likely will be limited to South Coast, San Joaquin Valley, Sacramento Metropolitan, and Imperial County.
- \$180 million to San Joaquin Valley Air Pollution Control District for phasing out agricultural burning.

Cap-and-Trade/Greenhouse Gas Reduction Fund

- \$50 million for AB 617 Implementation
- \$265 million for AB 617 Incentives
- \$30 million for a new commercial lawn and garden equipment replacement program
- \$100 million for the CVRP (this is in addition to the \$425 million above from the General Fund).

- \$315 million for clean trucks, buses, and off-road freight equipment including HVIP and advanced technology freight demonstration and pilot commercial deployment projects, with at least \$25 million for the Clean Off-Road Equipment Voucher Incentive Project (CORE).
- \$150 million for "a suite of equity transportation programs established under the Charge Ahead California Initiative, including but not limited to the Clean Cars 4 All Program. A minimum of \$75 million annually shall be provided to the Clean Cars 4 All Program."
- \$213 million for the agricultural equipment replacement program (FARMER), with \$170 million from GGRF and the remainder from the Air Pollution Control Fund.
- \$5 million Woodstove Replacement Program

Climate Investment Package

The Legislature proposed a climate investment package with details to be determined in a later agreement among the Senate, Assembly, and Governor. The amounts below are total spending levels for specific areas:

- Wildfire Prevention & Resilience: \$258 million General Fund, plus additional special funds in 2021-2022, plus \$500 million General Fund in 2022-2023.
- \$200 million for an Agriculture Budget Plan
- \$65 million for Circular Economy projects
- \$730 million for Water and Drought Resilience
- \$3.7 billion for Climate Resilience over three years

Carl Moyer Program/AB 118 Reauthorization

The Carl Moyer Program/AB 118 reauthorization will not be addressed this legislative year. The Legislature held firm on their position not to address the extension this year and the Governor decided to let it go until next year. Our understanding is that the primary concern from the Legislature was moving a fee extension while there is a large budget surplus. These programs do not sunset until January 1, 2024, so we have two more years to extend the programs either through a budget bill or standard policy bill.

Zero-Emission Vehicle Infrastructure Funding

The CEC has significant funding allocated for zero-emission vehicle (ZEV) infrastructure including the following:

- \$494 million for electric charging and hydrogen refueling infrastructure for zero-emission light-, medium-, and heavy-duty vehicles

- \$84.7 million for electric charging and hydrogen refueling to support zero-emission drayage trucks
- \$29.7 million for electric charging and hydrogen refueling to support zero-emission transit buses
- \$19.8 million for electric charging and hydrogen refueling to support zero-emission school buses
- \$25 million for electric charging and hydrogen refueling to support the drayage truck pilot project
- \$124 million for grants to increase in-state manufacturing of zero-emission vehicles, components, charging, or refueling equipment

DISCUSSION

Staff will provide highlights of the budget session and answer questions as necessary.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

Attachment 3A: Statewide Funding – Current vs. Previous Years
Attachment 3B 2021-22 Zero-Emission Vehicles Package

**2021-22 State Budget vs. Previous Years
Statewide Funding Amounts**

Program	FY 19/20 Budget	FY 20/21 Budget	FY 21/22 Proposed Budget Early Action	FY 21/22 Proposed Budget (January)	FY 21/22 Approved Budget (AB 128) Budget Bill Jr. (SB 129)	FY 21/22 Budget Bill Jr. (SB 170) Resources Trailer Bill (SB 155)
AB 617 – Implementation	\$50M	\$50M	\$0	\$50M	\$0	\$50M
AB 617 – Incentives	\$245M	\$0	\$125M	\$140M	\$0	\$260M
AB 617 – Community Grants	\$10M	\$0	\$0	\$10M	\$0	\$10M
Clean Vehicle Rebate	\$238M	\$0	\$0	\$0	\$525M	\$0
Clean Truck & Bus	\$182M	\$0	\$165M	\$150M	\$315M	\$0
Ag Diesel Engine Replacement	\$65M	\$0	\$90M	\$80M	\$0	\$213M
Clean Cars For All/ School Bus/Equity	\$65M	\$0	\$74M	\$76M	\$150	\$0
AB 836 – Clean Air Centers	\$0	\$5M	\$0	\$0	\$0	\$25M*
Prescribed Fire	\$2M	\$0	\$0	\$2M	\$0	\$2
Carl Moyer Program	\$93.6M	\$93.6M	\$0	\$247M	\$247M	\$0
Zero-Emission Lawn and Garden	\$0	\$0	\$0	\$0	\$0	\$30M
Woodstove Replacement	\$3M	\$0	\$0	\$0	\$0	\$5M

* Overall Budget for
"Resilience Centers"

2021-22 Zero-Emission Vehicles Package

		Final ZEV Package (In millions)						
		2021-22		2022-23		2023-24		
Program	Department	GF	Special Funds	GF	Special Funds	GF	Special Funds	Total Funding
ZEV Market Development Strategy	GO BIZ	\$5						\$5
ZEV Manufacturing Grants	CEC	\$125		\$125				\$250
ZEV Fueling Infrastructure Grants	CEC	\$500						\$500
Drayage Trucks & Infrastructure	CARB	\$75		\$75		\$70		\$220
	CEC	\$85		\$85		\$80		\$250
Drayage Trucks & Infrastructure Pilot Project	CARB	\$40						\$40
	CEC	\$25						\$25
Transit Buses & Infrastructure	CARB	\$70		\$70		\$60		\$200
	CEC	\$30		\$30		\$30		\$90
School Buses & Infrastructure	CARB	\$130		\$135		\$135		\$400
	CEC	\$20		\$15		\$15		\$50
Clean Trucks, Buses & Off-Road Equipment	CARB	\$98	\$402					\$500
Clean Vehicle Rebate Project	CARB	\$425	\$100	\$0		\$0		\$525
Clean Cars 4 All & Other Equity Projects	CARB	\$0	\$150	\$125		\$125		\$400
Transportation Package ZEV	CalSTA	\$100	\$307					\$407
Near Zero Heavy Duty Trucks	CARB	\$45						\$45
Total		\$1,773	\$959	\$660	\$0	\$515	\$0	\$3,907

*Table information obtained from the Floor Report of the 2021-22 Budget (Dated September 7, 2021)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 29, 2021

Re: Air District-Sponsored Bill

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Air District sponsored Assembly Bill (AB) 762 (Lee and C. Garcia) – Hazardous emissions and substances: schoolsites: private and charter schools.

Prior to constructing a new public school, a school district must go through a California Environmental Quality Act (CEQA) process that requires (in the Education Code and Public Resources Code) dialog with their local air district, identification of sources of air pollution nearby, and a thoughtful determination that the nearby sources of pollution do not pose a threat to the future students or employees. While private schools perform CEQA, they are not required to make a similar declaration prior to construction of a school. As we see more infill development in California, including development of old industrial sites, it will be important to ensure that our children have an opportunity to attend schools with a healthy learning environment.

AB 762 was introduced by Assembly Members Alex Lee and Cristina Garcia on February 16, 2021, and completed its way through the Assembly process favorably. Unfortunately, to get out of the Assembly Education Committee, the bill was amended to include additional siting requirements for charter and private schools related to Field Act, which regards earthquake building safety standards. Until this amendment, charter school associations had a neutral position and some private school associations had a support position, both of which were flipped to oppose. Assembly Education then allowed for a further amendment addressing private school concerns that removed their opposition but did not allow any amendments to address concerns by charter schools. With the first house completed, AB 762 was ordered to the Senate and referred to Senate committees on Environmental Quality and Senate Education to which it passed out of both committees favorably. AB 762 was heard in Senate Appropriations and was subsequently referred to the suspense file. The bill was “held under submission” in Senate Appropriations. Unfortunately, this means it is not an eligible 2-year bill for 2021 and would have to be introduced by a new author were it to be moved in 2022.

DISCUSSION

Staff will provide an update of AB 762 and answer any questions the Committee may have.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

LEGISLATIVE COMMITTEE
MEETING OF 10/06/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 29, 2021

Re: State Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

This is the first year of the two-year 2021-2022 Legislative Session. The last day for each house to pass bills was September 10, 2021. The attached bill matrix includes the current status of all bills of interest and has been arranged by category.

DISCUSSION

Staff will provide the Legislative Committee (Committee) a brief summary and status of bills on the attached list. Specifically, staff will plan to discuss Assembly Bill (AB) 361 (R. Rivas), AB 1346 (Berman), and Senate Bill (SB) 596 (Becker). Text summaries below were obtained from CapitolTrack.

AB 361 (R. Rivas) – Open meetings: state and local agencies: teleconferences.

Would, until January 1, 2024, authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

AB 361 was signed into law by Governor Newsom on September 16, 2021. Because it contained an urgency clause, it went into effect immediately.

AB 1346 (Berman) – Air pollution: small off-road engines.

Would require the State Air Resources Board, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. The bill would require the state board to identify and, to the extent feasible, make available funding for commercial rebate or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

As of this writing, AB 1346 is enrolled and pending the Governor's signature.

SB 596 (Becker) – Greenhouse gases: cement sector: net-zero emissions strategy.

Would require the State Air Resources Board, by July 1, 2023, to develop a comprehensive strategy for the state's cement sector to achieve net-zero emissions of greenhouse gases associated with cement used within the state as soon as possible, but no later than December 31, 2045. The bill would require the state board, in developing this comprehensive strategy, to define a metric for greenhouse gas intensity and evaluate data, as provided, to establish a baseline from which to measure greenhouse gas intensity reductions, coordinate and consult with other state agencies, prioritize actions that leverage state and federal incentives, and evaluate measures to support market demand and financial incentives to encourage the production and use of cement with low greenhouse gas intensity, among other actions.

SB 596 was signed into law by Governor Newsom on September 23, 2021.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

Attachment 5A: Current Bills of Interest Matrix
Attachment 5B: AB 361 (R. Rivas) – Chaptered Bill Text
Attachment 5C: AB 1346 (Berman) – Enrolled Bill Text
Attachment 5D: SB 596 (Becker) – Chaptered Bill Text

AGENDA 5A - ATTACHMENT

Bill #	Author	Subject	Last Amended	Last Status - As of 9/28/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 39	Chau	California-China Climate Institute.	9/1/2021	9/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 227, Statutes of 2021.	9/23/2021-A. CHAPTERED			Low	Climate Change
SB 27	Skinner	Carbon sequestration: state goals: natural and working lands: registry of projects.	8/30/2021	9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 237, Statutes of 2021.	9/23/2021-S. CHAPTERED			Low	Climate Change
SB 68	Becker	Building electrification and electric vehicle charging.	9/7/2021	9/17/2021-Enrolled and presented to the Governor at 1:30 p.m.	9/17/2021-S. ENROLLED		Support	Low	Climate Change
SB 456	Laird	Fire prevention: wildfire and forest resilience: action plan: reports.	8/30/2021	9/9/2021-Enrolled and presented to the Governor at 1 p.m.	9/9/2021-S. ENROLLED			Low	Climate Change
SB 596	Becker	Greenhouse gases: cement sector: net-zero emissions strategy.	9/3/2021	9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 246, Statutes of 2021.	9/23/2021-S. CHAPTERED			Medium	Climate Change
AB 794	Carrillo	Air pollution: purchase of new drayage and short-haul trucks: incentive programs: eligibility: labor standards.	9/1/2021	9/20/2021-Enrolled and presented to the Governor at 3 p.m.	9/20/2021-A. ENROLLED			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 992	Cooley	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	3/25/2021	9/7/2021-Enrolled and presented to the Governor at 4 p.m.	9/7/2021-A. ENROLLED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1147	Friedman	Regional transportation plan: Active Transportation Program.	8/16/2021	9/10/2021-Enrolled and presented to the Governor at 4 p.m.	9/10/2021-A. ENROLLED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1346	Berman	Air pollution: small off-road engines.	8/26/2021	9/20/2021-Enrolled and presented to the Governor at 3 p.m.	9/20/2021-A. ENROLLED		Support	Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 339	Wiener	Vehicles: road usage charge pilot program.	8/30/2021	9/24/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 308, Statutes of 2021.	9/24/2021-S. CHAPTERED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 372	Leyva	Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.	7/12/2021	9/9/2021-Enrolled and presented to the Governor at 1 p.m.	9/9/2021-S. ENROLLED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 500	Min	Autonomous vehicles: zero emissions.	6/23/2021	9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 277, Statutes of 2021.	9/23/2021-S. CHAPTERED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 589	Hueso	Air pollution: alternative vehicles and vehicle infrastructure.	9/3/2021	9/17/2021-Enrolled and presented to the Governor at 1:30 p.m.	9/17/2021-S. ENROLLED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 643	Archuleta	Fuel cell electric vehicle fueling infrastructure and fuel production: statewide assessment.	9/3/2021	9/17/2021-Enrolled and presented to the Governor at 1:30 p.m.	9/17/2021-S. ENROLLED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 671	Gonzalez	Transportation: Clean Freight Corridor Efficiency Assessment.	6/15/2021	9/9/2021-Enrolled and presented to the Governor at 1 p.m.	9/9/2021-S. ENROLLED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 9	Wood	Fire safety and prevention: wildfires: fire adapted communities: Office of the State Fire Marshal: community wildfire preparedness and mitigation.	9/3/2021	9/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 225, Statutes of 2021.	9/23/2021-A. CHAPTERED			Low	Wildfire/Smoke/PSPS
AB 73	Rivas, Robert	Health emergencies: employment safety: agricultural workers: wildfire smoke.	9/3/2021	9/27/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 322, Statutes of 2021.	9/27/2021-A. CHAPTERED			Low	Wildfire/Smoke/PSPS
AB 619	Calderon	Air quality.	9/3/2021	9/17/2021-Enrolled and presented to the Governor at 3 p.m.	9/17/2021-A. ENROLLED			Low	Wildfire/Smoke/PSPS
AB 642	Friedman	Wildfires.	9/3/2021	9/17/2021-Enrolled and presented to the Governor at 3 p.m.	9/17/2021-A. ENROLLED			Low	Wildfire/Smoke/PSPS
SB 52	Dodd	State of emergency: local emergency: planned power outage.	8/26/2021	9/9/2021-Enrolled and presented to the Governor at 1 p.m.	9/9/2021-S. ENROLLED			Low	Wildfire/Smoke/PSPS
SB 63	Stern	Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones.	9/7/2021	9/17/2021-Enrolled and presented to the Governor at 1:30 p.m.	9/17/2021-S. ENROLLED			Low	Wildfire/Smoke/PSPS
SB 332	Dodd	Civil liability: prescribed burning operations: gross negligence.	6/23/2021	9/9/2021-Enrolled and presented to the Governor at 1 p.m.	9/9/2021-S. ENROLLED			Low	Wildfire/Smoke/PSPS
AB 128	Ting	Budget Act of 2021.	6/10/2021	6/28/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 21, Statutes of 2021.	6/28/2021-A. CHAPTERED			High	Other
AB 339	Lee	Local government: open and public meetings.	9/3/2021	9/17/2021-Enrolled and presented to the Governor at 3 p.m.	9/17/2021-A. ENROLLED			Low	Other
AB 361	Rivas, Robert	Open meetings: state and local agencies: teleconferences.	9/3/2021	9/16/2021-Chaptered by Secretary of State - Chapter 165, Statutes of 2021.	9/16/2021-A. CHAPTERED			Low	Other
AB 362	Quirk-Silva	Homeless shelters: safety regulations.	8/26/2021	9/22/2021-Enrolled and presented to the Governor at 2 p.m.	9/22/2021-A. ENROLLED			Low	Other
AB 844	Grayson	Green Empowerment Zone for the Northern Waterfront area of the County of Contra Costa.	9/1/2021	9/15/2021-Enrolled and presented to the Governor at 5 p.m.	9/15/2021-A. ENROLLED			Low	Other
SB 7	Atkins	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.	2/18/2021	5/20/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 19, Statutes of 2021.	5/20/2021-S. CHAPTERED			Low	Other
SB 129	Skinner	Budget Act of 2021	6/25/2021	7/12/2021-Approved by the Governor with item veto. Chaptered by Secretary of State. Chapter 69, Statutes of 2021. In Senate. Consideration of Governor's item veto pending.	6/28/2021-S. CHAPTERED			High	Other
SB 155	Committee on Budget and Fiscal Review	Public resources trailer bill.	9/7/2021	9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 258, Statutes of 2021.	9/23/2021-S. CHAPTERED			High	Other
SB 170	Skinner	Budget Act of 2021.	9/7/2021	9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 240, Statutes of 2021.	9/23/2021-S. CHAPTERED			High	Other
AB 680	Burke	Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021.	9/3/2021	9/22/2021-Enrolled and presented to the Governor at 2 p.m.	9/22/2021-A. ENROLLED			Medium	Environmental Justice
AB 33	Ting	Energy Conservation Assistance Act of 1979: energy storage systems and electric vehicle charging infrastructure: Native American tribes.	7/15/2021	9/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 226, Statutes of 2021.	9/23/2021-A. CHAPTERED			Low	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 9/28/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1261	Burke	State Air Resources Board: greenhouse gas emissions: incentive programs.	8/26/2021	9/20/2021-Enrolled and presented to the Governor at 3 p.m.	9/20/2021-A. ENROLLED			Low	Energy
AB 11	Ward	Climate change: regional climate change authorities.	1/21/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Climate Change
AB 51	Quirk	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Climate Change
AB 284	Rivas, Robert	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	7/14/2021	9/2/2021-Ordered to inactive file at the request of Senator Skinner.	9/2/2021-S. INACTIVE FILE	Inactive		Low	Climate Change
AB 897	Mullin	Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans.	7/14/2021	8/26/2021-In committee: Held under submission.	8/16/2021-S. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	Climate Change
AB 943	Garcia, Eduardo	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan.	3/11/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Climate Change
AB 1086	Aguiar-Curry	Organic waste: implementation strategy: report.	7/7/2021	8/26/2021-In committee: Held under submission.	8/16/2021-S. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	Climate Change
AB 1395	Muratsuchi	The California Climate Crisis Act.	9/3/2021	9/7/2021-Read second time. Ordered to third reading.	9/7/2021-S. THIRD READING			Low	Climate Change
AB 1463	O'Donnell	California Global Warming Solutions Act of 2006: Low Carbon Fuel Standard regulations.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Climate Change
AB 1523	Gallagher	Greenhouse gases.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Climate Change
SB 30	Cortese	Building decarbonization.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was G.O. on 1/28/2021)(May be acted upon Jan 2022)	4/30/2021-S. 2 YEAR	2-Year Bill	Support	Medium	Climate Change
SB 31	Cortese	Building decarbonization.	4/27/2021	5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2021)(May be acted upon Jan 2022)	5/25/2021-S. 2 YEAR	2-Year Bill	Support	Medium	Climate Change
SB 260	Wiener	Climate Corporate Accountability Act.	4/19/2021	5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2021)(May be acted upon Jan 2022)	5/25/2021-S. 2 YEAR	2-Year Bill		Medium	Climate Change
SB 449	Stern	Climate-related financial risk.	4/22/2021	5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2021)(May be acted upon Jan 2022)	5/25/2021-S. 2 YEAR	2-Year Bill		Low	Climate Change
SB 582	Stern	Climate Emergency Mitigation, Safe Restoration, and Just Resilience Act of 2021.	5/20/2021	6/3/2021-Ordered to inactive file on request of Senator Stern.	6/3/2021-S. INACTIVE FILE	Inactive		Low	Climate Change
SB 759	Hueso	Short-lived climate pollutants: methane: organic waste: landfills.		3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	2-Year Bill		Low	Climate Change
AB 5	Fong	Greenhouse Gas Reduction Fund: High-Speed Rail Authority: K-12 education: transfer.	3/17/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 1/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 96	O'Donnell	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	3/22/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 1/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 111	Boerner Horvath	Transportation: zero-emission vehicles.	3/22/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 1/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 113	Boerner Horvath	Income taxes: credits: electric vehicles.	4/7/2021	4/8/2021-Re-referred to Com. on H. & C.D.	3/25/2021-A. H. & C.D.	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 117	Boerner Horvath	Air Quality Improvement Program: electric bicycles.	7/16/2021	8/26/2021-In committee: Held under submission.	8/16/2021-S. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 363	Medina	Carl Moyer Memorial Air Quality Standards Attainment Program.	7/5/2021	7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was TRANS. on 6/28/2021)(May be acted upon Jan 2022)	7/14/2021-S. 2 YEAR	2-Year Bill		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 365	O'Donnell	Sales and use taxes: exclusion: zero-emission and near-zero-emission drayage trucks.		2/12/2021-Referred to Com. on REV. & TAX.	2/12/2021-A. REV. & TAX	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 648	Fong	Greenhouse Gas Reduction Fund: healthy forest and fire prevention: appropriation.		2/25/2021-Referred to Com. on NAT. RES.	2/25/2021-A. NAT. RES.	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 649	Bennett	California Greenhouse Gas Reduction Revolving Loan Program. Department of Resources Recycling and Recovery: Office of Environmental Justice and Tribal Relations.	3/11/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	No Longer Tracking: Amended/Removed		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 713	Garcia, Cristina	State Air Resources Board: greenhouse gas emissions scoping plan: comprehensive health analysis.	5/24/2021	8/26/2021-In committee: Held under submission.	7/15/2021-S. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 745	Gipson	Air pollution: Clean Cars 4 All Program.	4/21/2021	5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/12/2021)(May be acted upon Jan 2022)	5/25/2021-A. 2 YEAR	Clean Cars for All 2-Year Bill		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 776	Mathis	Methane: dairy digesters.		5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/16/2021)(May be acted upon Jan 2021)	5/7/2021-A. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 9/28/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 823	Gray	High-Speed Rail Authority: trains powered by fossil fuel combustion engines.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/25/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 833	Quirk-Silva	State government: grants: administrative costs.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was A. & A.R. on 2/25/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 906	Carrillo	Zero-emission trucks: tax and fee exemptions.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was REV. & TAX on 2/25/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 965	Levine	Building standards: electric vehicle charging infrastructure.	6/29/2021	9/10/2021-Ordered to inactive file at the request of Senator Hertzberg.	9/10/2021-S. INACTIVE FILE			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1312	Rodriguez	Vehicular fuels: renewable and clean hydrogen: income tax: credit.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/4/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1389	Reyes	Alternative and Renewable Fuel and Vehicle Technology Program.	9/3/2021	9/7/2021-Read second time. Ordered to third reading. Ordered to inactive file at the request of Senator Gonzalez.	9/7/2021-S. INACTIVE FILE	Inactive		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1500	Garcia, Eduardo	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	5/11/2021	5/20/2021-Joint Rule 62(a), file notice suspended. From committee: Do pass and re-refer to Com. on RLS. (Ayes 12. Noes 3.) (May 20). Re-referred to Com. on RLS.	5/20/2021-A. RLS.	2-Year Bill		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1519	Gallagher	Forestry: fuels transportation program: biomass energy facility: grant program.	3/11/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1524	O'Donnell	State Air Resources Board: zero-emission drayage trucks: Project 800 initiative.	7/5/2021	8/26/2021-In committee: Held under submission.	8/23/2021-S. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 45	Portantino	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.	4/8/2021	6/1/2021-Ordered to inactive file on request of Senator Portantino.	6/1/2021-S. INACTIVE FILE	Inactive		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 66	Allen	California Council on the Future of Transportation: advisory committee: autonomous vehicle technology.	4/28/2021	8/26/2021-August 26 hearing: Held in committee and under submission.	8/19/2021-A. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 227	Jones	Off-highway vehicles.	6/23/2021	8/26/2021-August 26 hearing: Held in committee and under submission.	8/19/2021-A. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 261	Allen	Regional transportation plans: sustainable communities strategies.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021)(May be acted upon Jan 2022)	4/30/2021-S. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 495	Dahle	California Global Warming Solutions Act of 2006: scoping plan.	4/20/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 2/17/2021)(May be acted upon Jan 2022)	4/30/2021-S. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 506	Jones	California Environmental Quality Act: Greenhouse Gas Reduction Fund monies: greenhouse gas emissions: vegetation management projects.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 2/25/2021)(May be acted upon Jan 2022)	4/30/2021-S. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 527	Melendez	Greenhouse Gas Reduction Fund: high-speed rail: Salton Sea restoration.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 2/25/2021)(May be acted upon Jan 2022)	4/30/2021-S. 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 542	Limón	Sales and use taxes: exemption: medium- or heavy-duty zero-emission trucks.	5/25/2021	6/1/2021-Ordered to inactive file on request of Senator Limón.	6/1/2021-S. INACTIVE FILE	Inactive		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 551	Stern	California Zero-Emission Vehicle Authority.	7/8/2021	8/26/2021-August 26 hearing: Held in committee and under submission.	8/19/2021-A. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 726	Gonzalez	Alternative fuel and vehicle technologies: sustainable transportation.	8/30/2021	9/7/2021-Ordered to inactive file on request of Assembly Member Reyes.	9/7/2021-A. INACTIVE FILE	Inactive		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 771	Becker	Sales and Use Tax Law: zero emissions vehicle exemption.	5/11/2021	5/26/2021-Read third time. Passed. (Ayes 34. Noes 4.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	5/26/2021-A. DESK	2-Year Bill	Propose Support	Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 798	Wieckowski	Trade Corridor Enhancement Account.		3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 220	Voepel	Smog check: exemption.	4/13/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 1/28/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill	Oppose	Medium	General-Air District
AB 426	Bauer-Kahan	Toxic air contaminants.	3/17/2021	5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was NAT. RES. on 2/12/2021)(May be acted upon Jan 2021)	5/7/2021-A. 2 YEAR	2-Year Bill	Air District-Sponsored	High	General-Air District
AB 467	Grayson	Smog check: exemption: historic vehicles.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/18/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill	Oppose	Medium	General-Air District
AB 762	Lee	Hazardous emissions and substances: schoolsites: private and charter schools.	6/29/2021	8/26/2021-In committee: Held under submission.	8/16/2021-S. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.	Air District-Sponsored	High	General-Air District
AB 766	Gabriel	Climate change: corporate disclosures.	3/18/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/18/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Medium	General-Air District
AB 905	Quirk	Mobile fueling on-demand tank vehicles: performance standards.	4/5/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/25/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill	Oppose	Medium	General-Air District

Bill #	Author	Subject	Last Amended	Last Status - As of 9/28/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1296	Kamlager	South Coast Air Quality Management District: district board: membership.		5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was NAT. RES. on 3/4/2021)(May be acted upon Jan 2021)	5/7/2021-A. 2 YEAR	2-Year Bill		Low	General-Air District
AB 1547	Reyes	Air pollution: warehouse facilities.	3/25/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/25/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Medium	General-Air District
AB 52	Frazier	California Global Warming Solutions Act of 2006: scoping plan updates: wildfires.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Wildfire/Smoke/PSPS
AB 297	Gallagher	Fire prevention.	4/21/2021	4/22/2021-Re-referred to Com. on NAT. RES.	2/12/2021-A. NAT. RES.	2-Year Bill		Low	Wildfire/Smoke/PSPS
AB 575	Fong	Civil liability: prescribed burning activities: gross negligence.		5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was JUD. on 2/18/2021)(May be acted upon Jan 2021)	5/7/2021-A. 2 YEAR	2-Year Bill		Low	Wildfire/Smoke/PSPS
AB 792	Flora	Forestry: prescribed burning agreements.		5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/12/2021)(May be acted upon Jan 2022)	5/25/2021-A. 2 YEAR	2-Year Bill		Low	Wildfire/Smoke/PSPS
AB 800	Gabriel	Wildfires: local general plans: safety elements: fire hazard severity zones.	3/18/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/18/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Wildfire/Smoke/PSPS
AB 1100	Aguiar-Curry	Communications service: disasters: reports.	7/5/2021	8/26/2021-In committee: Held under submission.	8/16/2021-S. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	Wildfire/Smoke/PSPS
AB 1512	Bauer-Kahan	Forest practices: burning of brush-covered lands. Off-highway vehicular recreation: Carnegie State Vehicular Recreation Area: Alameda-Tesla Expansion Area.	3/25/2021	4/27/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 4.) (April 26). Re-referred to Com. on APPR.	4/27/2021-A. APPR.	No Longer Tracking: Amended/Removed		Low	Wildfire/Smoke/PSPS
AB 155	Committee on Budge	Public resources trailer bill.	9/6/2021	9/7/2021-From committee: Do pass. (Ayes 12. Noes 4.) (September 7).	3/11/2021-S. BUDGET & F.R.			High	Other
AB 170	Ting	Budget Act of 2021.	9/6/2021	9/7/2021-From committee: Do pass. (Ayes 12. Noes 2.) (September 7).	3/11/2021-S. BUDGET & F.R.			High	Other
AB 983	Garcia, Eduardo	Public contracts: construction projects: community workforce agreements: battery manufacturing and lithium-based technology.	6/15/2021	7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was GOV. & F. on 6/22/2021)(May be acted upon Jan 2022)	7/14/2021-S. 2 YEAR	2-Year Bill		Low	Other
AB 1005	Muratsuchi	Scientific Review Panel on Toxic Air Contaminants.		5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/18/2021)(May be acted upon Jan 2021)	5/7/2021-A. 2 YEAR	2-Year Bill		Low	Other
AB 1205	Frazier	State Air Resources Board: elections.	3/18/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/18/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Other
AB 1240	Ting	Indoor air pollution.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/4/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Medium	Other
AB 1270	Rivas, Luz	Natural gas plants: methane monitoring systems and reporting.	3/18/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/18/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Other
AB 1365	Bonta	Public contracts: clean concrete.	3/25/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 4/14/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Other
AB 1397	Garcia, Eduardo	Public contracts: California Lithium Economy Act.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was A. & A.R. on 3/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Other
SB 128	Skinner	Budget Act of 2021.	6/10/2021	6/10/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on BUDGET.	1/8/2021-A. BUDGET			High	Other
SB 467	Wiener	Oil and gas: hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding, or cyclic steaming: prohibition: job	3/22/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 2/25/2021)(May be acted upon Jan 2022)	4/30/2021-S. 2 YEAR	2-Year Bill		Low	Other
SB 475	Cortese	Transportation planning: sustainable communities strategies.	3/10/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/26/2021)(May be acted upon Jan 2022)	4/30/2021-S. 2 YEAR	2-Year Bill		Low	Other
SB 560	Rubio	Climate Pollution Reduction in Homes Initiative: grants.	5/20/2021	6/1/2021-Ordered to inactive file on request of Senator Rubio.	6/1/2021-S. INACTIVE FILE	Inactive		Medium	Other
AB 585	Rivas, Luz	Climate change: Extreme Heat and Community Resilience Program.	7/13/2021	8/26/2021-In committee: Held under submission.	8/16/2021-S. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	Environmental Justice
AB 976	Rivas, Luz	Resilient Economies and Community Health Pilot Program.		5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/14/2021)(May be acted upon Jan 2022)	5/25/2021-A. 2 YEAR	2-Year Bill		Low	Environmental Justice
AB 1001	Garcia, Cristina	Environment: air pollution and mitigation measures for air and water quality impacts.	4/20/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/4/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Medium	Environmental Justice
AB 1069	Lackey	Zero-emission passenger vehicles: underrepresented communities.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/4/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Environmental Justice
AB 1087	Chiu	Environmental Justice Community Resilience Hubs Program.	4/21/2021	5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/12/2021)(May be acted upon Jan 2022)	5/25/2021-A. 2 YEAR	2-Year Bill		Low	Environmental Justice

Bill #	Author	Subject	Last Amended	Last Status - As of 9/28/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1099	Rivas, Robert	Environmental equity: principles: bond and fund expenditures.	3/25/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/25/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Environmental Justice
AB 1218	McCarty	Motor vehicle greenhouse gas emissions standards: civil penalty: Equitable Access to Zero-Emissions Vehicles Fund.	4/12/2021	5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/19/2021)(May be acted upon Jan 2022)	5/25/2021-A. 2 YEAR	2-Year Bill		Low	Environmental Justice
AB 1453	Muratsuchi	Environmental justice: Just Transition Advisory Commission: Just Transition Plan.		5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/12/2021)(May be acted upon Jan 2022)	5/25/2021-A. 2 YEAR	2-Year Bill		Low	Environmental Justice
SB 342	Gonzalez	South Coast Air Quality Management District: board membership.	5/26/2021	6/3/2021-Ordered to inactive file on request of Senator Gonzalez.	6/3/2021-S. INACTIVE FILE	Inactive		Low	Environmental Justice
SB 499	Leyva	General plan: land use element: uses adversely impacting health outcomes.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/25/2021)(May be acted upon Jan 2022)	4/30/2021-S. 2 YEAR	2-Year Bill		Low	Environmental Justice
SB 751	Gonzalez	Environmental justice.		3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	2-Year Bill		Low	Environmental Justice
AB 28	Chau	Service stations: definition: alternative fuels: Hate crimes.	4/29/2021	5/3/2021-Re-referred to Com. on APPR.	4/28/2021-A. APPR.	No Longer Tracking: Amended/Removed		Low	Energy
AB 64	Quirk	Electricity: long-term backup electricity supply strategy.	3/23/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & E. on 1/11/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Energy
AB 1161	Garcia, Eduardo	Electricity: eligible renewable energy and zero-carbon resources: state agencies: procurement.	4/13/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & E. on 3/4/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Energy
AB 1317	Berman	Clean energy.		5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2021)(May be acted upon Jan 2022)	5/7/2021-A. 2 YEAR	2-Year Bill		Low	Energy
AB 1325	Burke	Microgrids: Clean Community Microgrid Incentive Program.		4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & E. on 3/4/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	2-Year Bill		Low	Energy
AB 1469	Santiago	Energy: energy efficiency programs: Solid waste: plastic products: labeling: compostability and	3/18/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/18/2021)(May be acted upon Jan 2022)	4/30/2021-A. 2 YEAR	No Longer Tracking: Amended/Removed		Low	Energy
AB 1559	O'Donnell	Energy: Innovative Renewable Energy for Buildings Act of 2021.	3/18/2021	3/22/2021-Re-referred to Com. on NAT. RES.	3/18/2021-A. NAT. RES.	2-Year Bill		Low	Energy
SB 18	Skinner	Hydrogen: green hydrogen: emissions of greenhouse gases.	6/30/2021	8/26/2021-August 26 hearing: Held in committee and under submission.	8/19/2021-A. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	Energy
SB 32	Cortese	Energy: general plan: building decarbonization requirements.	4/8/2021	5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2021)(May be acted upon Jan 2022)	5/25/2021-S. 2 YEAR	2-Year Bill	Support	Medium	Energy
SB 36	Skinner	Energy efficiency.		1/28/2021-Referred to Com. on RLS.	12/7/2020-S. RLS.	2-Year Bill		Low	Energy
SB 67	Becker	Clean energy: California 24/7 Clean Energy Standard Program.	4/19/2021	4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E. U., & C. on 3/11/2021)(May be acted upon Jan 2022)	4/30/2021-S. 2 YEAR	2-Year Bill		Low	Energy
SB 99	Dodd	Community Energy Resilience Act of 2021.	7/5/2021	8/26/2021-August 26 hearing: Held in committee and under submission.	8/19/2021-A. APPR. SUSPENSE FILE	8/26/2021 Held in Committee.		Low	Energy
SB 345	Becker	Energy programs and projects: nonenergy benefits.	3/23/2021	5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2021)(May be acted upon Jan 2022)	5/25/2021-S. 2 YEAR	2-Year Bill		Low	Energy
SB 513	Hertzberg	Eligible fuel cell electrical generating facilities.		2/25/2021-Referred to Com. on RLS.	2/17/2021-S. RLS.	2-Year Bill		Low	Energy
SB 662	Archuleta	Energy: transportation sector: hydrogen.	5/3/2021	5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2021)(May be acted upon Jan 2022)	5/25/2021-S. 2 YEAR	2-Year Bill		Low	Energy
Total Active Bills	34							Low: Medium: High:	26 4 4

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

Assembly Bill No. 1346

Passed the Assembly September 9, 2021

Chief Clerk of the Assembly

Passed the Senate September 8, 2021

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 43018.11 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1346, Berman. Air pollution: small off-road engines.

Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law assigns the responsibility for controlling vehicular sources of air pollution to the State Air Resources Board.

This bill would require the state board, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. The bill would require the state board to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Small off-road engines (SORE), which are used primarily in lawn and garden equipment, emit high levels of air pollutants, including oxides of nitrogen (NO_x), reactive organic gases (ROG), and particulate matter (PM). NO_x and ROG together contribute to formation of ozone, a criteria pollutant with a national ambient air quality standard set by the United States Environmental Protection Agency (U.S. EPA) and a California ambient air quality standard and that has adverse impacts on health. Currently, California exceeds U.S. EPA and state standards for ozone in many areas, including the South Coast Air Basin, the San Francisco Bay

area, and the County of Sacramento. NO_x also contributes to formation of PM, which, along with directly emitted PM, has direct negative health impacts. PM also has an air quality standard set by the U.S. EPA and the state. Many areas in California also currently fail to meet PM standards, including the South Coast Air Basin and the San Joaquin Valley Air Basin.

(2) In 2020, California daily NO_x and ROG emissions from SORE were higher than emissions from light-duty passenger cars. SORE emitted an average of 16.8 tons per day of NO_x and 125 tons per day of ROG. Without further regulatory action, those emission levels are expected to increase with increasing numbers of SORE in California. Regulations of emissions from SORE have not been as stringent as regulations of other engines, and one hour of operation of a commercial leaf blower can emit as much ROG plus NO_x as driving 1,100 miles in a new passenger vehicle.

(3) Currently, there are zero-emission equivalents to all SORE equipment regulated by the State Air Resources Board. The battery technology required for commercial-grade zero-emission equipment is available and many users, both commercial and residential, have already begun to transition to zero-emission equipment.

(4) The Governor's Executive Order No. N-79-20 of September 23, 2020, directs the state board to implement strategies to achieve 100 percent zero emissions from off-road equipment in California by 2035, where feasible and cost-effective. The state will not achieve that goal without further regulation of SORE, including a mandate to transition all sales of new equipment to zero-emission equipment.

(b) It is the intent of the Legislature to encourage the state board to act expeditiously to protect public health from the harmful effects of emissions of small off-road engines.

SEC. 2. Section 43018.11 is added to the Health and Safety Code, to read:

43018.11. (a) (1) By July 1, 2022, the state board shall, consistent with federal law, adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. Those regulations shall apply to engines produced on or after January 1, 2024, or as soon as the state board determines is feasible, whichever is later.

(2) In determining technological feasibility pursuant to paragraph (1), the state board shall consider all of the following:

(A) Emissions from small off-road engines in the state.

(B) Expected timelines for zero-emission small off-road equipment development.

(C) Increased demand for electricity from added charging requirements for more zero-emission small off-road equipment.

(D) Use cases of both commercial and residential lawn and garden users.

(E) Expected availability of zero-emission generators and emergency response equipment.

(b) Consistent with the regulations adopted pursuant to this section and relevant state law, the state board shall identify, and, to the extent feasible, make available, funding for commercial rebates or similar incentive funding as part of any updates to existing, applicable funding program guidelines for districts to implement to support the transition to zero-emission small off-road equipment operations.

Approved _____, 2021

Governor

Senate Bill No. 596

CHAPTER 246

An act to add Section 38561.2 to the Health and Safety Code, relating to greenhouse gases.

[Approved by Governor September 23, 2021. Filed with
Secretary of State September 23, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 596, Becker. Greenhouse gases: cement sector: net-zero emissions strategy.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act requires the state board to prepare and approve, and update at least once every 5 years, a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from sources or categories of sources of greenhouse gases by 2020 under the act, as provided.

This bill would require the state board, by July 1, 2023, to develop a comprehensive strategy for the state's cement sector to achieve net-zero emissions of greenhouse gases associated with cement used within the state as soon as possible, but no later than December 31, 2045. The bill would require the state board, in developing this comprehensive strategy, to define a metric for greenhouse gas intensity and evaluate data, as provided, to establish a baseline from which to measure greenhouse gas intensity reductions, coordinate and consult with other state agencies, prioritize actions that leverage state and federal incentives, and evaluate measures to support market demand and financial incentives to encourage the production and use of cement with low greenhouse gas intensity, among other actions. The bill would require the state board to establish interim targets for reductions in the greenhouse gas intensity of cement used within the state relative to the average greenhouse gas intensity of cement used within the state during the 2019 calendar year, with the goal of reducing the greenhouse gas intensity of cement used within the state to 40% below the 2019 average levels by December 31, 2035. The bill would require the state board, by July 1, 2028, to evaluate the feasibility of these interim targets and authorize the state board to adjust the targets upwards or downwards, as provided, to achieve these goals. The bill would require the state board to implement the comprehensive strategy, upon appropriation by the Legislature.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Climate change is an urgent threat to the health and well-being of California's residents and economy.

(2) California is a global leader on climate action and has committed to achieve carbon neutrality as soon as possible, and no later than 2045, in line with the latest climate science.

(3) Achieving this objective will require advance planning, coordination, outreach, and development of a robust set of policies tailored to the needs and opportunities of every major emitting sector, including cement and concrete.

(4) California's cement and concrete industry is well positioned to lead and accelerate the commitments to achieve carbon neutrality made by leading trade associations representing cement producers in California, the United States, and globally.

(5) A wide range of commercially available technologies and practices exist to reduce and remove emissions of greenhouse gases throughout the life cycle of cement and concrete production and use, but these technologies and practices face a series of market and regulatory barriers hindering their deployment.

(6) Implementing complementary strategies to both reduce the greenhouse gas intensity of cement production and grow the demand for low-carbon concrete will also reduce air pollution and improve public health in California communities.

(7) Positioning California's cement and concrete sector to thrive in a low-carbon economy will enhance the sector's long-term competitiveness, support high-quality jobs, and enable resilient infrastructure development.

(b) It is the intent of the Legislature that attaining net-zero or net-negative emissions of greenhouse gases from the cement and concrete sector in a manner that enhances California's competitiveness, supports high-paying jobs, improves public health, and aligns with local community priorities becomes a pillar of the state's strategy for achieving carbon neutrality.

SEC. 2. Section 38561.2 is added to the Health and Safety Code, to read:

38561.2. (a) (1) By July 1, 2023, the state board shall develop a comprehensive strategy for the state's cement sector to achieve net-zero emissions of greenhouse gases associated with cement used within the state as soon as possible, but no later than December 31, 2045.

(2) To ensure adequate progress is made toward achieving the goal established in paragraph (1), the state board shall establish interim targets for reductions in the greenhouse gas intensity of cement used within the state relative to the average greenhouse gas intensity of cement used within the state during the 2019 calendar year, with the goal of reducing the greenhouse gas intensity of cement used within the state to 40 percent below the 2019 average levels by December 31, 2035.

(3) When determining the greenhouse gas intensity of cement, the state board shall not include greenhouse gas emissions reductions attributable to

activities or offsets that are unrelated to the raw materials, fuels or other energy sources, processes, or transportation involved in making or using cement or its inputs.

(4) (A) By July 1, 2028, the state board shall evaluate the feasibility of achieving the interim targets established under paragraph (2) and may adjust the interim targets upward or downward to reflect technological advancements and progress in addressing barriers to the deployment of greenhouse gas emissions reduction technologies and processes, including those barriers for which measures have been identified pursuant to paragraph (7) of subdivision (b).

(B) If the state board makes a downward adjustment to any interim target established under paragraph (2), the state board shall document the feasibility constraints the state board has identified and recommend measures and actions, including proposed statutory changes, necessary to overcome those constraints to enable the cement sector to achieve net-zero emissions of greenhouse gases as soon as possible, but no later than December 31, 2045.

(b) In developing the comprehensive strategy pursuant to subdivision (a), the state board shall do all of the following:

(1) Define a metric for greenhouse gas intensity and evaluate the data submitted by cement manufacturing plants to the state board for the 2019 calendar year and other relevant data about emissions of greenhouse gases for cement that was imported into the state to establish a baseline from which to measure greenhouse gas intensity reductions.

(2) Assess the effectiveness of existing measures, identify any modifications to existing measures, and evaluate new measures to overcome the market, statutory, and regulatory barriers inhibiting achievement of the objectives described in this section.

(3) Identify actions that reduce adverse air quality impacts and support economic and workforce development in communities neighboring cement plants.

(4) Include provisions to minimize and mitigate potential leakage and account for embedded emissions of greenhouse gases in imported cement in a similar manner to emissions of greenhouse gases for cement produced in the state, such as through a border carbon adjustment mechanism.

(5) Coordinate and consult with other state agencies, districts, and experts in academia, industry, and public health, and with local communities.

(6) Prioritize actions that leverage state and federal incentives, where applicable, to reduce costs of implementing greenhouse gas emissions reduction technologies and processes and to increase economic value for the state.

(7) Evaluate measures to support market demand and financial incentives to encourage the production and use of cement with low greenhouse gas intensity, including, but not limited to, consideration of all of the following measures:

(A) Measures to expedite the adoption for use in projects undertaken by state agencies, including the Department of Transportation, of Portland limestone cement and other blended cements.

(B) Measures to provide financial support and incentives for research, development, and demonstration of technologies to mitigate emissions of greenhouse gases from the production of cement with the objective of accelerating industry deployment of those technologies.

(C) Measures to facilitate fuel switching.

(D) Measures to create incentives and remove obstacles for energy efficiency improvements and waste heat recovery at cement manufacturing facilities.

(c) The state board shall implement the strategy developed pursuant to this section, upon appropriation by the Legislature.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 29, 2021

Re: Discussion of 2022 Legislative Priorities

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

This Legislature will return on January 3, 2022, for the second year of the 2021-2022 Legislative Session. In the second year of a two-year legislative cycle, bills that are marked as “two-year” bills are still eligible to move forward in 2022. All bills introduced in the odd-numbered year will have to be out of their first house policy committee by the end of January. New bills will need to be introduced by mid-February, official date pending.

DISCUSSION

The Legislative Committee (Committee) will receive a presentation from staff and discuss potential legislative activities in 2022, providing direction as necessary. Based on discussion, staff will present the 2022 Legislative Priorities at the December Committee meeting.

In addition to the usual work on the state budget, below is a list of potential legislative activities for 2022, including ideas for Air District-sponsored bills as well as other potential bill activity of interest.

Previous Air District-Sponsored Bills

Expansion of Indirect Source or Magnet Source Authority – In 2021, the Air District-sponsored Assembly Bill (AB) 426, authored by Assemblymember Bauer-Kahan, to expand indirect source authority to include air toxics in addition to pollutants in excess of state ambient air quality standards. This bill was an early casualty of the reduction in bills due to COVID-19 in March as it had been double-referred. It is currently a 2-year bill that must get out of both policy committees by the end of January 2022.

Private/Charter School Requirements for Air Quality Review Under the California Environmental Quality Act (CEQA) – In 2021, the Air District sponsored AB 762, authored by Assemblymember Lee, to require new private and charter schools to work with their local air district to identify nearby sources of air emissions that could have public health impacts to school students and employees. The bill easily passed the Assembly but was “held under submission” in Senate Appropriations. Unfortunately, this means it is not an eligible 2-year bill for 2021 and would have to be introduced by a new author were it to be moved in 2022.

Potential Other Bills

Carl Moyer Program/AB 923 (Firebaugh; Chapter 707, Statutes of 2004) Reauthorization or Other Program Changes – Authorization for the majority of Carl Moyer Program and AB 923 Mobile Source Incentive Fund (MSIF) funding expires at the end of 2023. The Newsom Administration attempted to extend the Carl Moyer Program with the California Energy Commission’s (CEC) AB 118 Program as a budget trailer bill in 2021, which was unsuccessful. At this time, we do not know whether the Administration will attempt to try a budget trailer bill again or go with a normal policy bill. We also don’t know whether the Administration will want to take the lead on the effort or have agencies such as the air districts lead the effort.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: September 29, 2021

Re: Federal Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Legislative Committee (Committee) will receive an update on recent events of significance on the federal level.

DISCUSSION

Earlier this Summer, the House passed and sent to the Senate H.R. 3684 (DeFazio – OR), the *Infrastructure Investment and Jobs Act (Infrastructure Bill)*, a roughly \$1 trillion bill extending funding for surface transportation programs, with an additional \$550 billion (part of the \$1 trillion total) for new infrastructure programs. In addition, the House sent a budget resolution for a “Reconciliation” package of roughly \$3.5 trillion of additional programs in a variety of issue areas. Both House votes were party line. With a split Senate, it remains to be seen if there are enough votes to pass the Infrastructure Bill, or the Infrastructure Bill plus the additional Reconciliation package. Votes in the Senate likely will not occur until later in September.

As it stands now, the Infrastructure Bill contains several areas of interest to the Air District, including areas we have been engaged in advocacy, as follows:

Climate Smart Ports – Provisions are similar to a bill the Air District supported by Congresswoman Barragan, that would fund infrastructure upgrades at ports to allow for greater zero-emission equipment use. Funding is at \$50 million per year for 5 years.

Clean Corridors Act – Provisions are similar to Congressman DeSaulnier’s bill to fund electric and hydrogen fueling infrastructure along major highway and freight corridors. Funding starts at \$300 million in year 1, and rises by \$100 million per year through year 5, for a total of \$2.5 billion.

School Bus Replacement – Provisions are similar to Senator Padilla’s *Clean Commute for Kids Act*, and provides \$1 billion per year for 5 years.

Low-Emission Ferry Program – \$50 million per year for 5 years.

Reconnecting Communities Act – This program is funded at approximately \$500 million total over 5 years, with planning and capital grants to assist communities in addressing impacts associated with past transportation land use decisions.

In early September, the House released the itemized spending proposals within the Reconciliation Bill. There is significant funding for air quality and climate programs as follows:

- \$5 billion for zero-emission heavy-duty vehicles and related infrastructure, with at least 40% going to nonattainment areas
- \$3.5 billion for zero-emission port equipment and clean air planning, with a preference to nonattainment areas
- \$27.5 billion for a Greenhouse Gas Reduction Fund (GGRF), including \$7.5 billion for grants to deploy zero-emission tech in disadvantaged communities, and \$20 billion for a financing assistance program
- \$150 million for 103 grants to reduce wildfire smoke exposure
- \$315 million for 103 grants related to air quality monitoring
- \$170 million for the Diesel Emission Reduction Act (DERA) grant program
- \$10 million for indoor air quality grants to schools in disadvantaged communities
- \$3.5 billion for the Department of Energy (DOE) Weatherization Assistance Program for low-income households
- \$3.2 billion for DOE to provide funding for resiliency, energy efficiency, renewable energy, and grid integration improvements
- \$300 million to states for updating building codes and implementation of zero-energy and equivalent stretch codes
- \$2 billion to DOE for rebates for electric vehicle infrastructure in publicly accessible places
- \$9 billion to institute rebates for single-family and multi-family home energy efficiency retrofits

Staff will provide any updates as necessary.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

Attachment 7A: Air District Letter to California Congressional Delegation – Dated 9/1/2021



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

September 1, 2021

California Congressional Delegation
United States Capitol
Washington, D.C. 20515

Re: Improving California Air Quality and Public Health in Budget
Reconciliation Bill

Dear Delegation Members,

On behalf of the Bay Area Air Quality Management District (Bay Area AQMD), we are writing to urge Congress to include funding in upcoming reconciliation legislation for forward-thinking programs that will provide immediate stimulus for the nation's economy, while supporting public health efforts to reduce air pollution and exposure, and begin to address the climate crisis.

As air quality professionals serving the Bay Area Region's nearly 8 million residents, we strive to reduce ozone-forming pollutants, particulate matter, climate pollutants, and toxic air contaminants, while still supporting California's economic growth. Adding funding to several current and proposed federal programs to support clean transportation, energy generation and storage, energy sector wildfire resiliency, and building retrofits would provide a vital boost to California's economy and workforce while continuing our collective goal to provide cleaner air and enhance public health for all. In support of these goals, we provide recommendations for several programs to accomplish this.

Mitigating Harmful Effects of Wildfire Smoke

As fires rage across the West, wildfire smoke has become a significant public health risk for communities. This toxic air, which often contains elevated levels of contaminants from burned structures, vehicles, and consumer products, can travel the length of the state, causing negative health impacts to vulnerable populations including children, the elderly, people with existing health problems, and disadvantaged communities. As the past several fire seasons have shown, poor air quality is a persistent concern and in response, Senator Merkley and Congresswoman Eshoo have introduced bills (S. 2421 and H.R. 4641, respectively) that contain proposals to provide funding to retrofit public buildings with improved HVAC systems to better protect individuals that are most vulnerable to the effects of wildfire smoke. We strongly support the intent of these bills and request that funding be included in reconciliation.

In addition, the Bay Area AQMD has also recently launched a program to provide in-home single room air filtration units to our most vulnerable residents, including those in environmental justice and front line communities.

ALAMEDA COUNTY
John J. Bauters
(Secretary)
Pauline Russo Cutter
David Haubert
Nate Miley

CONTRA COSTA COUNTY
John Gioia
David Hudson
Karen Mitchoff
(Vice Chair)
Mark Ross

MARIN COUNTY
Katie Rice

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
Tyrone Jue
(SF Mayor's Appointee)
Myrna Melgar
Shamann Walton

SAN MATEO COUNTY
David J. Canepa
Carole Groom
Davina Hurt

SANTA CLARA COUNTY
Margaret Abe-Koga
Cindy Chavez
(Chair)
Rich Constantine
Rob Rennie

SOLANO COUNTY
Erin Hannigan
Lori Wilson

SONOMA COUNTY
Teresa Barrett
Lynda Hopkins

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



This program, using only local funding, will support 5,000 families with a wait list that vastly exceeds the level of available funding. Funding to expand this program in the Bay Area, or throughout California, would improve public health outcomes to our residents that are most in need.

Infrastructure Improvements to Support Climate Resilience

Infrastructure

Public utility related wildfire risk (e.g., Public Safety Power Shutoffs) could be lessened with a benefit to public health through promoting deployment of new cleaner backup energy alternatives such as fuel-cell and solar-powered microgrids to replace diesel backup generation and to provide distributed power to reduce the scope of power shutoffs. One way to do this is through “green banks” as envisioned in H.R. 806 from Congresswoman Dingell, that would provide financing support for clean energy technologies in communities most likely to be impacted by the effects of climate change. The Bay Area AQMD launched its “Climate Tech Finance Program” with local funds in 2019 to accomplish this same purpose, in coordination with our state’s I-Bank. The Bay Area Region would be well-positioned to rapidly expand Climate Tech Finance with a similar federally funded program that connected experts in technology, finance, and climate with entrepreneurs and businesses.

Building Decarbonization Tax Credits

In addition to the green bank concept, a more traditional program of tax credits or other incentives could be used to promote building decarbonization at a smaller industrial, commercial, or residential level. This type of program could bridge up front cost differences and promote equipment and appliance changeouts that limit or eliminate fossil fuel usage through electrification, fuel cells, and energy storage.

Reduction of Truck Emissions at Port Facilities

The Infrastructure Investment and Jobs Act (H.R. 3684) contains funding at the level of \$50 million per year for 5 years to reduce truck emissions at port facilities throughout the country. In the Bay Area, the Port of Oakland collectively is one of the largest sources of emissions in the region with thousands of trucks entering and leaving the facility daily, many of them driven by single owner-operators with limited financial ability to purchase a new truck. While we appreciate the initial investment in H.R. 3684, reducing emissions at ports across the country will require substantially more investment, both in purchasing assistance and in charging and fueling infrastructure.

Local Air Quality Monitoring Grant Program

Federal funding for air quality monitoring programs, such as the 103 PM_{2.5} grant program, traditionally has supported equipment used in support of attainment standards for criteria pollutants. In the last decade however, we have come to understand that local air quality and exposure to pollutants can vary widely over small geographic areas, which is not reflected in regional

monitoring programs. A grant program for state and local air agencies and their community partners that measured localized emissions and exposure could help inform specific actions to better public health, such as needed regulatory activity, changes in land use, public outreach, or incentive programs, as examples. In developing this type of grant program, we strongly urge that funding not be limited to a single monitoring strategy, but rather that the strategy be determined at the local level by those most affected by poor air quality.

Thank you for your strong support for California air quality and public health programs and your leadership in this time of crisis. We hope you will consider programs that provide much needed workforce and economic support while advancing clean energy, clean transportation, and improved public health. Should you have any questions, please feel free to contact our Legislative Officer, Mr. Alan Abbs at (916) 769-7769.

Sincerely,



Jack P. Broadbent
Executive Officer/APCO

JPB:AA

COMMITTEE CHAIR SUMMARY REPORT OF THE COMMUNITY EQUITY, HEALTH & JUSTICE COMMITTEE

(Co-Chairs: Davina Hurt and Tyrone Jue)

The Community Equity, Health & Justice Committee met on Thursday, October 7, 2021, and approved the minutes of September 2, 2021. This meeting was conducted under procedures in accordance with Government Code Section 54593. Members of the Committee participated by teleconference.

The Committee then received a presentation from Mykela Patton, an East Oakland youth organizer for Communities for a Better Environment. Ms. Patton discussed her work with Communities for a Better Environment supporting Assembly Bill 617 goals, and described her family history and personal experiences and observations as an African American woman living in Oakland.

The Committee then reviewed and discussed the staff presentation *Transparent and Equitable Funding Project*.

Finally, the Committee then reviewed and discussed the staff presentation *Discussion on Process of Filling Vacant Seats for the Path to Clean Air Community Steering Committee*, providing Air District staff with suggestions on how to fill vacancies on the aforementioned body.

The next meeting of the Community Equity, Health & Justice Committee will be held on Thursday, November 4, 2021, at 9:30 a.m. via webcast, pursuant to procedures in accordance with Government Code Section 54593. This concludes the Chair Report of the Community Equity, Health & Justice Committee.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2021

Re: Report of the Community Equity, Health and Justice Committee Meeting of October
7, 2021

RECOMMENDED ACTIONS

The Community Equity, Health and Justice Committee (Committee) received only informational items and have no recommendations of approval by the Board of Directors (Board).

BACKGROUND

The Committee met on Thursday, October 7, 2021, and received the following reports:

- A) Community Perspectives;
- B) Transparent and Equitable Funding Project; and
- C) Discussion on Process for Filling Vacant Seats for the Path to Clean Air Community Steering Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None;
- B) None; and
- C) None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Justine Buenaflor
Reviewed by: Vanessa Johnson

Attachment 8.2A: 10/07/2021 – Community Equity, Health and Committee Meeting Agenda #3
Attachment 8.2B: 10/07/2021 – Community Equity, Health and Committee Meeting Agenda #4
Attachment 8.2C: 10/07/2021 – Community Equity, Health and Committee Meeting Agenda #5

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Davina Hurt and Tyrone Jue and Members
of the Community Equity, Health and Justice Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 4, 2021

Re: Community Perspectives

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Community Equity, Health and Justice Committee provides local and regional community environmental justice advocates and local leaders a platform to present and share their expertise and/or lived experiences. Specific subjects/topics will vary based upon each community perspective member's unique experience.

Founded in 1978, Communities for a Better Environment (CBE) is one of the preeminent environmental justice organizations in the nation. The mission of CBE is to build people's power in California's communities of color and low-income communities to achieve environmental health and justice by preventing and reducing pollution and building green, healthy and sustainable communities and environments. CBE provides residents in heavily polluted urban communities in California with organizing skills, leadership training and legal, scientific and technical assistance, so that they can successfully confront threats to their health and well-being.

DISCUSSION

Mykela Patton, an East Oakland Youth Organizer for Communities for a Better Environment (CBE) will discuss her work with CBE and supporting Assembly Bill (AB) 617 goals city by city, and neighborhood by neighborhood. In addition, Ms. Patton will share information regarding CBE's efforts gathering community input to be factored in the new Community Emissions Reduction Plan.

Mykela is a lifelong East Oakland resident, a Skyline High School graduate, and third year student at Colby College in Waterville, Maine where her academic prowess helped her become a Questbridge Scholar. While attending Skyline High School, she joined the Green Energy Academy and was introduced to environmental science and the environmental movement, which led to an internship with the local Oakland nonprofit, the Rose Foundation for Communities and the Environment.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: J. Howard, Azibuike Akaba
Reviewed by: Veronica Eady

COMMUNITY EQUITY, HEALTH
AND JUSTICE COMMITTEE
MEETING OF 10/07/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Davina Hurt and Tyrone Jue and Members
of the Community Equity, Health and Justice Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 4, 2021

Re: Transparent and Equitable Funding Project

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

While the Air District provides two public hearings on the annual budget and posts the approved budget to the Air District's website, as well as prepares annual reports to the California Air Resources Board (CARB) regarding Assembly Bill (AB) 617 expenditures, community members have requested more accessible and detailed information on the Air District's overall expenditures, including AB 617 implementation and community monitoring.

Specifically, community members requested additional information on funding opportunities provided by the Air District and information on total funding currently provided to:

- Community Air Risk Evaluation (CARE) and disadvantaged communities
- African American/Black communities
- African American/Black community-based organizations, businesses, and other consultants

As it relates to AB 617, community members requested information on:

- The total funding provided to the Richmond-North Richmond-San Pablo Community Air Monitoring Plan
- How the Air District plans to spend the \$9 million AB 617 CARB grant monies anticipated to be allocated to the Air District

DISCUSSION

This memo addresses the community requests regarding funding to various communities and communication of funding opportunities. Funding related to the AB 617 Program has and will continue to be provided to the Community, Equity, Health and Justice Committee in separate reports.

Data Constraints

To assess Air District expenditures into various communities, staff analyzed a recently completed and audited budget cycle for fiscal year ending (FYE) 2020. The analysis confirmed that to respond to the community's request, improved data is necessary.

While the Air District currently maintains comprehensive records and contracts, the Air District does not currently gather equity-related information for all vendors, contractors and/or grant recipients. Information regarding who directly benefits from expenditures is also not uniformly collected or tracked. For example, the Air District does not gather information on whether vendors are locally owned, small business, or minority, woman or veteran owned. While this information may be collected in requests for proposals or requests for qualifications bid process, it is not standardized or retained with contract records. Additionally, the Air District does not require that vendors or contractors gather or report data on who and/or which communities benefitted at the conclusion of a contract.

There are a few programs at the Air District where staff does collect some equity and/or demographic data, however such data is not available across all Air District expenditures. Most expenditure data is limited to where a check is mailed. The data presented below is therefore highly constrained and should be reviewed and considered within the context of these caveats.

Review of Expenditure Data

In Fiscal Year Ending (FYE) 2020, Air District expenditures totaled over \$172 million, including both general and special revenue funds. Personnel costs make up nearly 40 percent of expenditures, incentive program distributions account for 34 percent, while services and supplies make up 22 percent. Capital expenditures account for 3 percent of expenditures.

The Services & Supplies category includes small grant programs, such as the James Cary Smith Community Grant Program, the AB 617 Community Health Protection building capacity grants, and Climate Protection grants. The category also includes all consultant services. Capital expenditures include lab equipment, air monitoring, software, and other capital. Incentive Program Distributions are largely mobile source program incentives, i.e., Carl Moyer, Transportation Funds for Clean Air, Mobile Source Incentive Funds, Goods Movement Bond Program, etc.

Table 1. FYE 2020 Expenditures by Category and Revenue Source

Expenditure Category	General Fund	Special Fund	Total Funds	Percent
Personnel & Benefits	\$63,388,071	\$4,874,811	\$68,262,882	39%
Services & Supplies	\$30,583,078	\$7,119,535	\$37,702,613	22%
Capital Expenditures	\$5,744,975		\$5,744,975	3%
Incentives Program Distribution	\$1,117,406	\$57,042,100	\$58,159,506	34%
Other*	\$841,643	\$1,665,844	\$1,959,049	1%
Total	\$101,675,173	70,702,290	172,377,463	100%

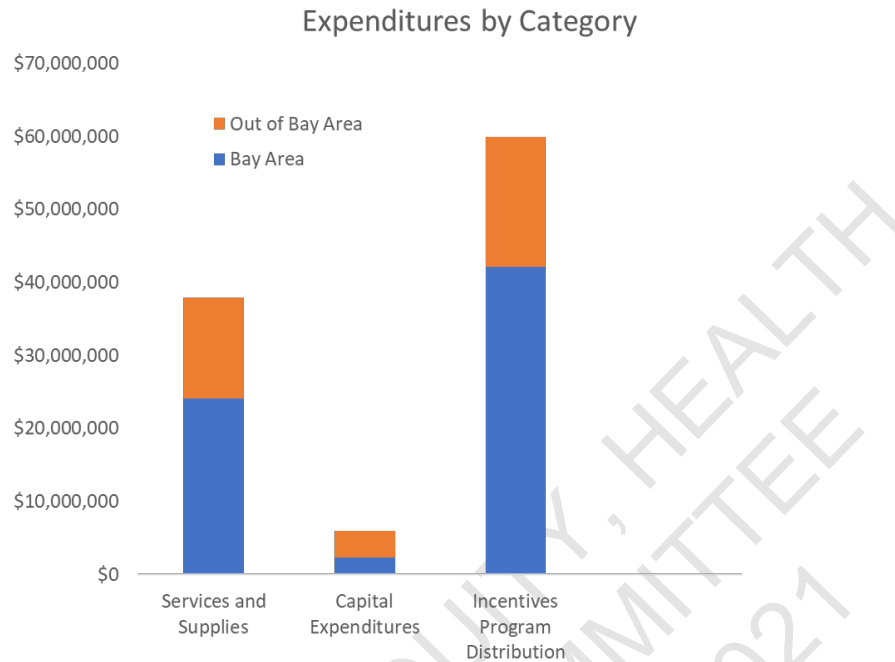
*Other Financial Use and Transfer Out

Geographic Distribution

For the geographic analysis, staff did not include salary expenditures. The geographic distribution analysis only includes services and supplies, including small grant programs, capital costs and incentive program distributions.

The geographic distribution of the expenditure data highlights the challenges in using expenditure data to respond to the community's request. Of the total expenditures in FYE 2020, over \$68 million, or 66 percent of funds, were distributed to organizations with offices located within the Bay Area. Remaining expenditures were distributed to organizations with offices outside of the Bay Area, within California or elsewhere in the country or world, as a small number of organizations have international offices.

Exhibit 1. FYE 2020 Expenditures by Region, Less Personnel



Two incentive programs account for 41 percent of all expenditures paid to companies outside of the Bay Area, Goods Movement Bond Grants and the Carl Moyer Program. These programs are competitive and open to all entities across California and even outside the state, if they own/operate equipment used in the Bay Area. Therefore, national trucking, shipping or railroad companies may, and often do, successfully apply for incentive funding. The vast majority of the “out of region” incentives are used on equipment that operates in the Bay Area; however, the expenditure data does not reveal that information.

In the services and supplies category, technology services, equipment, software, and other expenditures are often paid to national organizations with headquarters out of state. Expenditures may also go to local businesses with headquarters in another part of the state or country. An example is the Vehicle Buy Back Program, which funds the retirement of older vehicles. When older vehicles are retired, the Air District funds dismantling of these vehicles, at an estimated cost of \$1.7 million in FYE20. The dismantler’s headquarters are in Multnomah County, Oregon, although the firm owns and operates a local company, Pick-n-Pull, in the Bay Area.

Payments made to organizations with offices located out of the Bay Area underscore why current expenditure data is inadequate for use in understanding who receives Air District funds and/or who benefits. To understand who benefits or where the work is occurring, systems will have to be put into place to collect beneficiary data across all expenditure types.

For expenditures made to organizations within the Bay Area, nearly half went to individuals and/or entities in either Alameda or San Francisco County. Of the total distributed in Alameda County, nearly 60 percent went to Oakland companies or community-based organizations. San Mateo County individuals and/or entities received 16 percent of Bay Area expenditures, while organizations located in Contra Costa and Santa Clara County received between 10 and 12 percent of total Bay Area expenditures. The remaining counties, Marin, Sonoma, Napa and, Solano, received less than 10 percent of the Bay Area total expenditures.

As with the out of Bay Area data, where the check is mailed, even if within the Bay Area, is not always an indication of where the work is done or which community benefits. Work may occur within one area of the region, but checks may be mailed to a different part of the region if a company has multiple offices.

Improving Transparency & Equity Across Air District Programs

Air District staff recognizes an overarching need to improve transparency and equity in Air District programs, budgets, and expenditures. Specifically, there needs to be a process for defining program-related equity goals, improved data collection and communication about funding opportunities, and a need to implement best practices for more equitable budgeting and spending.

Define Equity Goals

Equity can and will look different across the Air District's varied policy and operational programs and functions. Staff will work with the newly seated Community Advisory Council to define equity goals within Air District programs and functions and to consider how such goals may impact budgeting. Once these equity goals are defined, Air District staff will work together with the Community Advisory Council to explore and consider more transparent and inclusive methods of developing the Air District's budget.

Improve Data Collection

There are a few programs at the Air District where staff have collected some equity-related data. The Transportation Funds for Clean Air, Clean Cars for All and the AB 617 Program are examples of where data has been collected to better track funding distribution and/or demographic data. Demographic data is reported to CARB and is shared with Air District Board committees regularly, e.g., the Mobile and Climate Impacts Committee.

Developing protocols for more broadly collecting beneficiary information, demographic data, and assessing equity across all Air District programs will be a long-term endeavor for the Air District. Data collection protocols best suited for a variety of expenditure types and systems for maintaining and reporting will have to be considered and put into place. As a preliminary effort, staff will pilot a process for improving data collection via the James Cary Smith Community Grant Program.

Through the grant award and contracting process, staff will collect data on who benefits from each grant and where beneficiaries are located. Once the grant cycle has completed, staff will evaluate the distribution of funds, breadth of beneficiaries, and evaluate opportunities for improvement. Lessons learned during this pilot will be carried forward and replicated in other Air District programs.

Communicating Funding Opportunities

The Air District utilizes a variety of methods to notify community and interested stakeholders about new funding opportunities. Staff generally provides information through e-blasts, website announcements, social media posts, personal emails, and phone calls. Community members can also sign up for various notification lists on the Air District's website. More recently, the Air District's Community Engagement Office has expanded outreach efforts for the James Cary Smith Community Grant. They are holding instructional webinars as well as "tips and tricks" sessions run by third-party contractors to assist applicants with the application process and to answer questions.

While the Air District's communication methods are robust, there remains room for improvement. Staff are identifying ways to create greater transparency in how individuals sign up to receive information on funding opportunities. In the interim, staff will continue using a multitude of outreach channels and one-on-one communications to ensure community members are aware of funding opportunities.

Best Practices

Equity in local government work comes in multiple forms and approaches. Equity practices may focus on one aspect of an agency's work, such as hiring, or they can examine an entire agency's mission, priorities, and budget and expenditures to ensure equitable outcomes.

In terms of budgeting, various best practices for advancing equity are available. Budgeting for Equitable Outcomes is a best practice for how local governments can change budgeting processes to evaluate the racial impacts of its expenditures, i.e., services and investments. Participatory budgeting is a bit narrower in scope, where residents directly participate in budget-related decision-making; community members decide how to spend a defined portion of a government agency's budget. The Community Benefits Fund will be an opportunity to pilot participatory budgeting and other equitable budgeting practices at the Air District. Before a budgeting pilot can begin, however, the groundwork needs to be laid. To lay this groundwork, appropriate training will be provided to Air District staff, the Community Advisory Council and Air District board members. Training will cover the principles, approaches and methods used to advance equity in budgeting.

Next Steps

In the coming months, staff will develop an interdivisional working group to unify the work described above. Staff will return to Community Equity, Health and Justice Committee with updates on:

- Communication strategy for notification of Air District grant and other funding opportunities
- Input from the Community Advisory Council on defining equity in Air District programs and potential steps toward more equitable spending
- Information on the distribution and beneficiaries of the James Cary Smith grant program
- Updates and potential next steps in introducing equity best practices into Air District programs and functions, e.g., participatory budgeting and other equity practices

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Christy Riviere, Sonam Shah-Paul, Tim Williams

Reviewed by: Greg Nudd

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Davina Hurt and Tyrone Jue and Members
of the Community Equity, Health and Justice Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 4, 2021

Re: Discussion on Process for Filling Vacant Seats for the Path to Clean Air Community
Steering Committee

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On February 4, 2021, the Community Equity, Health, and Justice Committee (Committee) recommended to the Board of Directors (Board) that a Community Steering Committee (CSC) be established for the Community Emission Reduction Plan (CERP) for the Richmond, North Richmond, and San Pablo study area, which has been branded as the Path to Clean Air study area.

The Board resolution that established the Path to Clean Air CSC stipulated, “the CSC shall be compromised of an odd number of members between 27 and 31, with a minimum of 70% of members residing within the initial study area, and with two non-voting members representing local businesses and industrial companies (not business associations).” On February 19, 2021, the Committee recommended a slate of 31 members be seated as the Path to Clean Air CSC, which the Air District Board approved on March 3, 2021.

DISCUSSION

Currently there are four vacancies on the Path to Clean Air CSC, which puts the membership at the minimum number as stipulated by the Board resolution. The Committee will receive a presentation on staff’s proposed process for replacing vacant seats and appointing a small number of reserve candidates who can fill future vacancies as they arise.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kevin Olp
Reviewed by: Veronica Eady

COMMUNITY EQUITY, HEALTH
AND JUSTICE COMMITTEE
MEETING OF 10/07/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 14, 2021

Re: Environmental Justice Training Module: Structural Racism and Environmental
Injustice

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

During the September 2, 2021, Community Equity, Health, and Justice Committee meeting, Air District staff committed to begin training initiatives for all Board of Directors and staff in the fall of 2021 to increase cultural competence and humility, better understand structural racism and social inequities, and help Board members and staff further build community relationships.

These training sessions will help provide the learning and training to further formulate and implement Air District policies that are inclusive and address disparities in air pollution across the Bay Area region. These trainings will be laid out in three upcoming meetings covering the following topics:

- Structural Racism and Environmental Injustice
- Partnerships and Power Sharing
- Navigating Conflict through Collaborative Problem Solving

DISCUSSION

The first module in this training series is focused on the historical connection between racial segregation and structural racism and current day environmental injustices in the Bay Area, and across our nation. It will introduce a model of change to become an anti-racist organization developed by the Government Alliance on Race and Equity. Deldi Reyes, the Director of the Community Air Protection Program at the California Air Resources Board (CARB), will deliver a presentation that has been adapted from a full day staff-wide training being implemented at CARB.

This first training will explore the origins of racism in the United States and explain how historical decisions to intertwine land use planning with racial segregation led to current day environmental injustices. It will then outline the different levels of racism, explore ways to better understand how structural racism affects the work we do, and then highlight different strategies and models to advance racial equity.

To prepare for the October 20, 2021, training, the following pre-work assignments were provided to the Board of Directors:

1. Please watch the 17-minute film, [Segregated by Design](#), an animated film by Mark Lopez and narrated by Richard Rothstein, author of [The Color of Law: A Forgotten History of How Our Government Segregated America](#)
2. Please read pages 13 – 49 of [Advancing Racial Equity: A Resource Guide to Put Ideas Into Action](#)
3. Please read this short article: ['False Beliefs' of Med Students May Lead to Racial Bias in Pain Management, Study Says](#)

The first module will conclude with a discussion among Board members regarding what progress towards racial equity goals will look like, and how to translate ideas into action.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kevin Olp
Reviewed by: Veronica Eady