

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2023 – 14

A Resolution of the Board of Directors of the Bay Area Air Quality Management District Establishing a Governance Structure for the Community Advisory Council

WHEREAS, on November 17, 2021, the Board of Directors of the Bay Area Air Quality Management District (Air District) established the Community Advisory Council (CAC).

WHEREAS, the Air District solicited applications for the initial slate of CAC members and received 148 applications. Applicants included students, public servants, health practitioners, essential workers on the frontlines of COVID-19 response, educators, retirees, former councilmembers, environmental justice advocates, and others;

WHEREAS, the CAC slate was selected based on criteria developed by the Air District Community Equity, Health, and Justice Committee with input from community during a convening held on June 23, 2021.

WHEREAS, in selecting candidates to recommend to the Air District Board of Directors for appointments to the CAC, the Community Equity, Health, and Justice Committee considered, among other things, the following criteria: the diverse demographics of the Bay Area; including youth and foreign language speakers; generational history and experience living in communities heavily impacted by air pollution; diversity of relevant experience – including environmental justice, technical expertise, health, and Air District functions or knowledge of the Air District; and having access to other people who have a range of relevant knowledge and technical experience that could help inform the CAC.

WHEREAS, priority was given to applicants with lived experience in environmental justice communities in the Bay Area and/or a history of partnering with environmental justice communities.

WHEREAS, the Community Equity, Health, and Justice Committee selected the slate of 17 CAC members and recommended establishing the CAC to the Air District Board of Directors on November 4, 2021. The Community Equity, Health, and Justice Committee selected CAC members to represent the following seats: Alameda County, 4; Contra Costa County, 4, San Francisco County, 1; San Mateo County, 1; Santa Clara County, 2; Solano County, 1; At-Large, 2; Youth, 2.

WHEREAS, as a body appointed by the Air District Board of Directors, the CAC is subject to the California Brown Act (California Government Code sections 54950, *et seq.*);

WHEREAS, the CAC held its first meeting virtually on January 13, 2022 and meets bimonthly.

WHEREAS, the CAC and the Community Equity, Health, and Justice Committee *considered and voted to recommend* to the Air District Board of Directors for approval, the CAC Charter and Compensation Policy and Procedures.

WHEREAS, the Community Equity, Health, and Justice Committee considered and *voted to recommend* the Board Resolution establishing a governing structure for the CAC to the Board of Directors for approval.

NOW, THEREFORE, BE IT RESOLVED that, the Air District Board of Directors hereby establishes the CAC's Governing Structure attached to this Resolution as Exhibit A; adopts the CAC Compensation Policy and Procedures attached to this Resolution as Exhibit B; and approves the CAC Charter attached to this Resolution as Exhibit C.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of VICE CHAIR HURT, seconded by CHAIR BAUTERS, on the 5TH day of JULY 2023, by the following vote of the Board:

AYES: BRIAN BARNACLE, JOHN J. BAUTERS, KEN CARLSON, NOELIA CORZO, JOELLE GALLAGHER, JOHN GIOIA, JUAN GONZALEZ, DAVID HAUBERT, LYNDAL HOPKINS, DAVID HUDSON, DAVINA HURT, TYRONE JUE, SERGIO LOPEZ, MYRNA MELGAR, NATE MILEY, RAY MUELLER, KATIE RICE, VICKI VEENKER, SHAMANN WALTON, STEVE YOUNG.

NOES: NONE.

ABSTAIN: NONE.

ABSENT: MARGARET ABE-KOGA, ERIN HANNIGAN, OTTO LEE, MARK ROSS.

DocuSigned by:

John Bauters

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John J. Bauters

Chairperson of the Board of Directors

ATTEST:

DocuSigned by:

Lynda Hopkins

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Lynda Hopkins

Secretary of the Board of Directors

Community Advisory Council Governing Structure

This Governance Structure is established by the Bay Area Air Quality Management District (Air District) Board of Directors in Resolution 2023-XX.

Community Advisory Council (CAC) Purpose

The purpose of the CAC is to provide guidance to the Board of Directors on programs and policies that impact all communities, including overburdened communities¹ within the Air District's jurisdiction. The CAC can make recommendations to the Air District on equity and environmental justice matters to improve air quality in all communities, prioritizing the most impacted communities. The CAC should aim to meaningfully engage impacted communities to represent and address stakeholders' interests. The CAC advises Air District leadership on community-related matters to advance an equity-forward policy agenda.

Community Advisory Council Membership Composition

The CAC membership shall represent all overburdened communities in the Bay Area. The membership of the CAC shall be composed of seventeen (17) members who live or work in California, as follows:

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

Youth are considered to be individuals between the ages of 14 and 24 at the beginning of their term.

*At-large member seats – priority should be given to individuals living or working in Marin, Napa, or Sonoma counties or individuals with special expertise, such as wildfire management.

A minimum of 70% (seventy percent) of members shall be residents living in the County represented, and no more than (6) six can represent a County where they work for the benefit of overburdened communities. People representing businesses holding an Air District permit, and industrial companies subject to regulation, shall be non-voting members, if selected.

¹ An overburdened community is an area located within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0, as having an overall CalEnviroScreen score at or above the 70th percentile, or within 1,000 feet of any such census tract

Community Advisory Council Appointments

The Board of Directors shall appoint CAC members based on the following criteria:

1. Reflect the diverse demographics of the Bay Area
2. Include generational history and experience living in communities heavily impacted by air pollution
3. Demonstrate diversity of relevant experience – including environmental justice, technical expertise, health, and Air District functions or knowledge of the Air District
4. Have access to other people who have a range of relevant knowledge and technical experience that could help inform the Community Advisory Council

Diversity, equity, and inclusion are highly valued on the CAC and priority shall be given to applicants with lived experience in environmental justice communities in the Bay Area and/or a the history of partnering with environmental justice communities.

The Community Equity, Health, and Justice Committee (CEHJ) shall provide further guidance on selection criteria and on prospective CAC members. The CAC shall create a CAC Selection Ad Hoc Committee, which may include at least one CEHJ Committee member or other Board member chosen by the Board Chair, to recommend a candidate or slate of candidates to CEHJ, according to the guidance provided by the CEHJ. The CEHJ Committee will recommend the selected candidates to the Board of Directors for final approval.

Community Advisory Council Terms of Membership and Removal

The Board of Directors will appoint members to two-year or four-year terms. Appointments to two or four years will be based on the CAC member's preference as indicated on their application. CAC Members are limited to serving a total of eight years.

A member's term can end as follows, upon the earliest of (i) the expiration of their term; (ii) any of the other disqualifying events, such as continued absenteeism as defined by the CAC Charter, or for ceasing to live or work in the County they were chosen to represent; or (iii) removal by vote of the majority of the Board of Directors.

CAC Members that cease to have primary residency or work in the County they were selected to represent will vacate their seat. Work is defined as receiving monetary compensation for, or volunteer a minimum of, 20 hours to benefit the overburdened community.

Community Advisory Council Responsibilities

CAC members shall perform all duties as defined in the CAC Charter.

CAC members shall understand and adhere to the Brown Act and Robert's Rules of Order.

Community Advisory Council Meetings and Staff Support

The Air District Executive Officer, or their designee, shall assign a senior Air District staff and support staff for the operations of the CAC. Air District staff at large shall cooperate with CAC staff to deliver presentations and information requested by the CAC.

Air District Staff supporting the CAC shall maintain a calendar of meetings and attendance records.

Staff will provide an orientation about CAC membership requirements.

Staff shall support the CAC in reporting to and communicating with the Community Equity, Health, and Justice Committee (CEHJ) and the Board of Directors.

Community Advisory Council Budget and Compensation

The Board of Directors will designate funding for the CAC in the Air District's annual budget, based upon a recommendation from the CAC Co-Chairs, and review by the Finance and Administration Committee.

The CAC's budget is intended to cover costs related to the operations of the CAC, including but not limited to: stipends, reimbursements, contractors, meeting venues, and other related costs. Compensation for CAC Members is subject to attendance and in accordance with the CAC's Compensation Policy and Procedures. The Compensation Policy shall be revisited annually and include a revision based on cost-of-living increase.

CAC Charter

The CAC is authorized to adopt a Charter to govern how it conducts its business, subject to approval by the Board of Directors upon recommendation by the CEHJ Committee. Prior to adopting or amending the Charter, the CAC shall publish the proposed Charter or amendments and provide thirty (30) days for public review and comment, which the CAC shall consider in connection with its approval of the proposed Charter or amendments. The CAC shall review the Charter in January of every odd-numbered year and shall consider whether any revisions are necessary and appropriate, and if so, shall adopt such changes and submit them to the CEHJ Committee for recommendation to the Board of Directors following the process outlined in this Paragraph.

Code of Conduct

CAC Members identifying their affiliation in public settings are representing the agency and are expected to conduct themselves as defined in the CAC Charter, including but not limited to the Civility section (1.2.3 on page 3). CAC members can note their affiliation as CAC members in public settings, with a few exceptions: CAC members should not make any statements or recommendations on behalf of the CAC when those statements have not been voted on and approved by the body. CAC members should not identify as a CAC member when making statements that may be construed as a lobbying activity or a conflict of interest.