COMMITTEE MEMBERS

VICKI VEEKNER – CHAIR
MARGARET ABE-KOGA
NOELIA CORZO
JUAN GONZÁLEZ
KATIE RICE

SERGIO LOPEZ – VICE-CHAIR
KEN CARLSON
JOELLE GALLAGHER
ERIN HANNIGAN

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

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

Napa County Administration Building
1195 Third St., Suite 310
Crystal Conference Room
Napa, CA 94559

Office of Contra Costa County
Supervisor Ken Carlson
2255 Contra Costa Blvd., Suite 202
Pleasant Hill, CA 94523

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

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

The public may observe this meeting through the webcast by clicking the link available on the air district’s agenda webpage at www.baaqmd.gov/bodagendas.

Members of the public may participate remotely via Zoom at https://bayareametro.zoom.us/j/83721790943, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 837 2179 0943

Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on a matter on the agenda will have two minutes each to address the Committee on that agenda item, unless a different time limit is established by the Chair. No speaker who has already spoken on an item will be entitled to speak to that item again.
The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.
POLICY, GRANTS, AND TECHNOLOGY COMMITTEE MEETING AGENDA

WEDNESDAY, FEBRUARY 21, 2024
1:00 PM

1. Call to Order - Roll Call

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

2. Pledge of Allegiance

CONSENT CALENDAR (Items 3-5)

3. Approval of the Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022

   The Committee will consider approving the Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022.

4. Approval of the Draft Minutes of the Mobile Source and Climate Impacts Committee Meetings of October 11, 2023 and November 8, 2023

   The Committee will consider approving the Draft Minutes of the Mobile Source and Climate Impacts Committee Meetings of October 11, 2023 and November 8, 2023.

5. Approval of the Draft Minutes of the Legislative Committee Meeting of November 29, 2023

   The Committee will consider approving the Draft Minutes of the Legislative Committee Meeting of November 29, 2023.

ACTION ITEM(S)

6. Report on Transportation Fund for Clean Air (TFCA) Projects Expenditures and Effectiveness for Fiscal Year Ending 2023

   The Committee will consider recommending to the Board of Directors that the Board adopt a determination that the TFCA 60% Fund expenditures were effective in improving air quality in Fiscal Year Ending 2023. This item will be presented by Minda Berbeco, PhD., Manager in the Strategic Incentives Division.
7. Approval of the Legislative Platform for 2024

The Committee will consider approving the attached Legislative Platform for 2024. A draft of the Legislative Platform for 2024 was presented to the Air District’s former Legislative Committee at their November 29, 2023 meeting. This item will be presented by Alan Abbs, Legislative Officer.

8. Air District Sponsored/Co-Sponsored Bills

The Committee will be provided with a summary and status of Air District sponsored and co-sponsored bills and will consider recommending that the Board of Directors take the following position on current legislation. This item will be presented by Alan Abbs, Legislative Officer.

In addition to offering to sponsor/co-sponsor the following legislation, staff recommends the following position on current legislation:

- Support Senate Bill (SB) 382 (Becker) - Single-family residential property: disclosures.

9. State Legislative Bill Review

The Committee will consider recommending that the Board of Directors take positions on high-priority bills where appropriate. This item will be presented by Alan Abbs, Legislative Officer.

Staff recommends the following positions on current legislation:

- Support SB 1158 (Archuleta) - Carl Moyer Memorial Air Quality Standards Attainment Program.
- Support SB 1193 (Menjivar) - Airports: leaded aviation gasoline.
- Oppose Assembly Bill (AB) 1894 (Ta) - Nonvehicular air pollution: civil penalties.

INFORMATIONAL ITEM(S)

10. State Legislative Budget Update

The Committee will be provided with an update of the activities related to the state budget. This item will be presented by Alan Abbs, Legislative Officer.
11. Federal Legislative Update

The Committee will be provided with an update on recent events of significance on the federal level as well as provide a recap of the Air District's 2023 Federal Legislative Advocacy Trip to Washington, D.C. This item will be presented by Alan Abbs, Legislative Officer.

12. Status of Actions to Address Lead from General Aviation Fuel

The Committee will be provided with an update on the status of recent actions toward eliminating lead from general aviation fuel for small piston-engine aircraft. This item will be presented by Dr. Judith Cutino, Health Officer.

OTHER BUSINESS

13. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda will be given an opportunity to address the Committee. Members of the public will have two minutes each to address the Committee, unless a different time limit is established by the Chair. The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

14. Committee Member Comments

Any member of the Committee, 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)

15. Time and Place of Next Meeting

Wednesday, March 20, 2024, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Policy, Grants, and Technology Committee members and members of the public will be able to either join in-person or via webcast.
16. **Adjournment**

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

**Accessibility and Non-Discrimination Policy**

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

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

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

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

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at speesapati@baaqmd.gov.
### FEBRUARY 2024

<table>
<thead>
<tr>
<th>TYPE OF MEETING</th>
<th>DAY</th>
<th>DATE</th>
<th>TIME</th>
<th>ROOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Directors Finance and Administration Committee</td>
<td>Wednesday</td>
<td>21</td>
<td>10:00 a.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Policy, Grants and Technology Committee</td>
<td>Wednesday</td>
<td>21</td>
<td>1:00 p.m.</td>
<td>1st Floor Board Room</td>
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</tbody>
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### MARCH 2024

<table>
<thead>
<tr>
<th>TYPE OF MEETING</th>
<th>DAY</th>
<th>DATE</th>
<th>TIME</th>
<th>ROOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Council</td>
<td>Friday</td>
<td>1</td>
<td>9:30 a.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Meeting</td>
<td>Wednesday</td>
<td>6</td>
<td>10:00 a.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Stationary Source Committee</td>
<td>Wednesday</td>
<td>13</td>
<td>10:00 a.m.</td>
<td>1st Floor, Yerba Buena Room</td>
</tr>
<tr>
<td>Board of Directors Community Equity, Health and Justice Committee</td>
<td>Wednesday</td>
<td>13</td>
<td>1:00 p.m.</td>
<td>1st Floor, Yerba Buena Room</td>
</tr>
<tr>
<td>Board of Directors Finance and Administration Committee</td>
<td>Wednesday</td>
<td>20</td>
<td>10:00 a.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Policy, Grants and Technology Committee</td>
<td>Wednesday</td>
<td>20</td>
<td>1:00 p.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Community Advisory Council</td>
<td>Thursday</td>
<td>21</td>
<td>6:00 p.m.</td>
<td>1st Floor, Yerba Buena Room</td>
</tr>
<tr>
<td>TYPE OF MEETING</td>
<td>DAY</td>
<td>DATE</td>
<td>TIME</td>
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<tr>
<td>Board of Directors Meeting</td>
<td>Wednesday</td>
<td>3</td>
<td>10:00 a.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Stationary Source Committee</td>
<td>Wednesday</td>
<td>10</td>
<td>10:00 a.m.</td>
<td>1st Floor, Yerba Buena Room</td>
</tr>
<tr>
<td>Board of Directors Community Equity, Health and Justice Committee</td>
<td>Wednesday</td>
<td>10</td>
<td>1:00 p.m.</td>
<td>1st Floor, Yerba Buena Room</td>
</tr>
<tr>
<td>Board of Directors Finance and Administration Committee</td>
<td>Wednesday</td>
<td>17</td>
<td>10:00 a.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Policy, Grants and Technology Committee</td>
<td>Wednesday</td>
<td>17</td>
<td>1:00 p.m.</td>
<td>1st Floor Board Room</td>
</tr>
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MV 2/14/2024 – 11:42 a.m.     G/Board/Executive Office/Moncal
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Approval of the Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022

RECOMMENDED ACTION

Approve the Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson
ATTACHMENTS:

1. Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022
This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

1. PUBLIC MEETING PROCEDURE (OUT OF ORDER, ITEM 3)

2. CALL TO ORDER – ROLL CALL (ITEM 1)

Technology Implementation Office Steering Committee (Committee) Member, (Board Member) Lynda Hopkins, called the meeting to order at 1:06 p.m.

Roll Call:

Present: Committee Members Bud Beebe, (Board Member) Lynda Hopkins, Michael Montgomery, and (Board Member) Rob Rennie.

Absent: Committee Member, Professor Ahmad Ganji.

3. PLEDGE OF ALLEGIANCE (ITEM 2)

4. UPDATE ON CLIMATE TECH FINANCE STATEWIDE EXPANSION (ITEM 5)

Derrick Tang, Technology Implementation Office Manager, gave the staff presentation Update on Climate Tech Finance Statewide Expansion, including outcome; outline; overview; program impact; pipeline activity before statewide launch; statewide expansion; key changes in statewide program; statewide launch, climate tech focus; and feedback requested.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident.
Committee Comments

The Council and staff discussed the total Air District encumbrance of the ten loans that have been successfully funded; whether the Climate Tech Finance Program (program) utilizes internal protocols to sequester funds; whether the California Infrastructure and Economic Development Bank (IBank) requires that a percentage of outstanding encumbrance be placed in their account; how the Air District allocates funds received from the program to its annual budget; whether potential program participants must be physically located within the State of California and or spend the funds within the State of California, and whether that is federally enforced; whether other government agencies and air districts are doing this kind of work; the types of potential participants that have expressed interest in the program; whether there could be entrepreneurial opportunities in the water sector and/or non-profit organizations; whether lowering the loan guarantee amount may impact the value of a product; how the Air District is addressing equity through the program; and the request for a report of the benefits resulting from the program, including economic development, employment, and upgrading wages.

Committee Action

None; receive and file.

5. APPROVAL OF THE MINUTES OF MAY 13, 2022 (ITEM 4)

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Board member Hopkins made a motion, seconded by Board member Rennie, to approve the Minutes of May 13, 2022; and the motion carried by the following vote of the Committee:

AYES: Beebe, Hopkins, Montgomery, Rennie.
NOES: None.
ABSTAIN: None.
ABSENT: Ganji.

6. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

7. COMMITTEE MEMBER COMMENTS

None.
8. TIME AND PLACE OF NEXT MEETING

The next meeting of the Technology Implementation Office Steering Committee was to be scheduled at the Call of the Chair. As of January 1, 2024, the Legislative Committee, Mobile Source and Climate Impacts Committee, and Technology Implementation Office Steering Committee were combined to form the new Policy, Grants, and Technology Committee. These minutes will be considered for approval at the first meeting of the Policy, Grants, and Technology Committee, on Wednesday, February 21, 2024, at 1:00 PM, at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.

9. ADJOURNMENT

The meeting was adjourned at 1:43 p.m.

Marcy Hiratzka
Clerk of the Boards
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Approval of the Draft Minutes of the Mobile Source and Climate Impacts Committee Meetings of October 11, 2023 and November 8, 2023

RECOMMENDED ACTION

Approve the Draft Minutes of the Mobile Source and Climate Impacts Committee Meetings of October 11, 2023 and November 8, 2023.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are two Draft Minutes of the Mobile Source and Climate Impacts Committee Meeting of October 11, 2023 and November 8, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson
ATTACHMENTS:

1. Draft Minutes of the Mobile Source and Climate Impacts Committee Meeting of October 11, 2023
2. Draft Minutes of the Mobile Source and Climate Impacts Committee Meeting of November 8, 2023
CALL TO ORDER

1. Opening Comments: Mobile Source & Climate Impacts Committee (Committee) Chairperson, Myrna Melgar, called the meeting to order at 1:01 p.m.

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Chairperson Myrna Melgar; Vice Chairperson Sergio Lopez; and Directors Juan Gonzalez, Lynda Hopkins, and Ray Mueller.


Present, In-Person Satellite Location (Office of Santa Clara County Supervisor Otto Lee, 70 W Hedding Street, East Wing, 10th Floor, San Jose, California 95110): Director Otto Lee.

Absent: Board Chairperson John J. Bauters; and Directors David Hudson, Shamann Walton, and Steve Young.

2. PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

3. APPROVAL OF THE DRAFT MINUTES OF THE MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF JUNE 14, 2023

Public Comments

No requests received.
Committee Comments

Director Gonzalez noted that Item 5, Projects And Contracts With Proposed Grant Awards Over $500,000, stated, “Carl Moyer Program/Mobile Source…” but should be changed to “Carl Moyer Program/Mobile Source…” The Clerk stated that that correction would be made.

Committee Action

Director Gonzalez made a motion, seconded by Director Hopkins, to approve the amended Minutes of the Mobile Source and Climate Impacts Committee meeting of June 14, 2023; and the motion carried by the following vote of the Committee:

- **AYES:** Gioia, Gonzalez, Hopkins, Lee, Lopez, Melgar, Mueller.
- **NOES:** None.
- **ABSTAIN:** None.
- **ABSENT:** Bauters, Hudson, Walton, Young.

**ACTION ITEMS**

4. **PROJECTS AND CONTRACTS WITH PROPOSED GRANT AWARDS OVER $500,000**

Clair Keleher, Senior Staff Specialist, gave the staff presentation *Projects and Contracts with Proposed Awards Over $500,000*, including; outcome; outline; Carl Moyer Program/Mobile Source Incentive Fund (CMP/MSIF), Community Air Protection Program (CAPP), and Funding Agricultural Replacement Measures for Emission Reductions (FARMER); Transportation Fund for Clean Air (TFCA); Reformulated Gas Settlement Funds (RFG) Zero-Emission Grant Program; proposed projects; incentive funds awarded and remaining since July 2023 by project category and county; benefits to priority areas since July 2023; and actions requested.

Public Comments

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Committee Comments

The Committee and staff discussed the desire to see funding allocations more geographically balanced in the future; the manner in which low-income areas are prioritized into the application evaluation process; whether applicants have access to matching funds for their projects; and whether the motor vehicle registration surcharge fee with 40% of funds distributed to the nine Bay Area congestion management agencies includes electric vehicles (EV) or solely combustion vehicles.

Committee Action

Director Gonzalez made a motion, seconded by Director Hopkins, to recommend the Board approve recommended projects with proposed grant awards over $500,000; and authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into all necessary agreements with applicants for the recommended projects; and the motion carried by the following vote of the Committee:
NOES: None.  
ABSTAIN: None.  
ABSENT: Bauters, Hudson, Walton, Young.

5. PARTICIPATION IN 2023-2024 FUNDING AGRICULTURAL REDUCTION MEASURES FOR EMISSIONS REDUCTIONS (FARMER) INCENTIVE PROGRAM

Adriana Kolev, Senior Staff Specialist, gave the staff presentation Participation in FARMER Incentive Program Year 23-24, including; action items; outline; FARMER Program; FARMER Year 23-24; and funding; requested actions.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the FARMER program is the only funding program that requires an Air District resolution authorizing the Air District’s participation (accepting State funds), or whether that is required for all funding programs.

Committee Action

Director Mueller made a motion, seconded by Director Hopkins, to recommend the Board authorize the Air District to accept, obligate, and expend up to $3.4 million in the new Fiscal Year 2023-2024 State funds from the California Air Resources Board (CARB) for the FARMER program; adopt a resolution to authorize the Air District’s participation in the FARMER program; and authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding, and to execute grant agreements and amendments for projects with individual grant award amounts up to $500,000; and the motion carried by the following vote of the Committee:

NOES: None.  
ABSTAIN: None.  
ABSENT: Bauters, Hudson, Walton, Young.

6. UPDATES TO THE TRANSPORTATION FUND FOR CLEAN AIR 40% FUND POLICIES FOR FISCAL YEAR ENDING (FYE) 2025 AND A REQUEST FROM ALAMEDA COUNTY TRANSPORTATION COMMISSION FOR APPROVAL OF A COST-EFFECTIVENESS LIMIT FOR A FYE 2024 PROJECT

Dr. Minda Berbeco, Manager in the Strategic Incentives Division, gave the staff presentation Proposed Updates to the Transportation Fund for Clean Air 40% Fund Policies for Fiscal Year Ending 2025, including; action item; outline; background; timeline for update to FYE 2025 policies; equity; summary of proposed updates for FYE 2025; next steps for future cycles; request for consideration of a cost-effectiveness limit (Policy #3); and recommendation.
Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the advantages and disadvantages of providing subgrantees (including projects that are directly sponsored by the administering agencies) with an extended 24 months to commence their projects (policy #6); regarding Alameda County Transportation Commission & City of Hayward’s Request for Consideration of a Cost Effectiveness Limit of $250,000/ton (Policy #3), whether other programs have other values for cost effectiveness measures and how the value of $250,000 was determined); reasons for removing and then adding back the consideration for cost-effectiveness; emissions reduction that are anticipated from arterial management/signal synchronization projects; concern about whether the aforementioned project in Hayward conflicts with the Air District’s objectives; Policy #3 (Eligible Projects and Case-by-Case Approval) and whether Bay Area counties may bring forth requested project exemptions; and the desire for a metric for long-term health and wellness benefits for bike and pedestrian transit (provide additional valuations beyond cost effectiveness).

Committee Action

Director Gonzalez made a motion, seconded by Vice Chair Lopez, to recommend the Board approve proposed updates to the Transportation Fund for Clean Air 40% Fund Policies for Fiscal Year Ending (FYE) 2025; and approve the proposed cost-effectiveness limit to enable Alameda County Transportation Commission (Alameda CTC) to award FYE 2024 TFCA 40% funds to an arterial management project; and the motion carried by the following vote of the Committee:

AYES: Gioia, Gonzalez, Hopkins, Lopez, Melgar, Mueller.
NOES: None.
ABSTAIN: None.
ABSENT: Bauters, Hudson, Lee, Walton, Young.

OTHER BUSINESS

7. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

8. COMMITTEE MEMBER COMMENTS

None.

9. TIME AND PLACE OF NEXT MEETING

Wednesday, November 8, 2023, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.
10. **ADJOURNMENT**

The meeting was adjourned at 1:58 p.m.

Marcy Hiratzka  
Clerk of the Boards
CALL TO ORDER

1. Opening Comments: Mobile Source & Climate Impacts Committee (Committee) Vice Chairperson, Sergio Lopez, called the meeting to order at 1:05 p.m.

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Vice Chairperson Sergio Lopez; and Director Lynda Hopkins.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, California 94530): Director Steve Young.

Present, In-Person Satellite Location (Office of Santa Clara County Supervisor Otto Lee, 70 W Hedding Street, East Wing, 10th Floor, San Jose, California 95110): Director Otto Lee.

Absent: Chairperson Myrna Melgar; Board Chairperson John J. Bauters; and Directors John Gioia, Juan Gonzalez, David Hudson, Ray Mueller, Shamann Walton.

2. PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

3. APPROVAL OF THE DRAFT MINUTES OF THE MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF OCTOBER 11, 2023

Public Comments

No requests received.
Committee Comments

None.

Committee Action

Due to a lack of quorum, no action was taken. This item will be continued to the next meeting (December 13, 2023.)

**ACTION ITEM**

4. **PROJECTS AND CONTRACTS WITH PROPOSED GRANT AWARDS OVER $500,000 AND ACCEPTANCE OF NEW STATE MONIES**

Due to a lack of quorum, no presentation was given. This item will be presented at the Board of Directors meeting on November 15, 2023.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Due to a lack of quorum, no action was taken. This item will be considered at the Board of Directors meeting on November 15, 2023.

**INFORMATIONAL ITEMS**

5. **TRANSPORTATION FUND FOR CLEAN AIR 60% FUND GRANT PROGRAM GUIDANCE**

Dr. Minda Berbeco, Manager in the Strategic Incentives Division, gave the staff presentation *Transportation Fund for Clean Air Grant Program Guidance*, including: informational item; outline; TFCA background; funding available for projects and programs in FY Ending (FYE) 2024; TFCA Board awards by project type FYE 2019-2023; Board awards by project category FYE 2019-2023; emissions reduced by replacing 50 cars with One Shuttle Bus (in tons); comparison of project categories; guiding principles for Committee discussion; and next steps.

Public Comments

Public comments were given by “Paul”.

2
Committee Comments

The Committee and staff discussed whether “priority communities” are income-based; shuttle project cost effectiveness trends; the typical scope of an eligible school bus project, and whether school districts that currently do not have buses are eligible to apply for such projects; to what extent prioritized funding for projects that would benefit priority communities is consciously being made part of TCFA criteria; the desire to see the Vehicle Buy Back program expanded and increased in grant amount, as it has historically been popular and ranks favorably, regarding cost effectiveness; whether increasing the grant amount of the Vehicle Buy Back program would decrease its cost-effectiveness; whether the Air District administers the Vehicle Buy Back program (versus another entity); and whether the vehicles newer than 1998 may be retired into the Vehicle Buy Back program.

Committee Action

None; receive and file.

6. TRANSPORTATION FUND FOR CLEAN AIR PROGRAM AUDIT #24 RESULTS

Clair Keleher, Senior Staff Specialist, gave the staff presentation TFCA Audit #24, including: outcome; outline; TFCA background; TFCA Audit #24 scope; TFCA Audit #24 results; next steps; and actions requested.

Public Comments

No requests received.

Committee Comments

The Committee congratulated staff for a clean audit.

Committee Action

None; receive and file.

7. CLEAN CARS FOR ALL PROGRAM UPDATE

Deanna Yee, Staff Specialist, gave the staff presentation Clean Cars for All Program Update, including: outcome; outline; background on Bay area Zero-Emission Vehicle (ZEV) goals; Bay Area ZEVs and projected increase to meet 2050 goal; ZEV adoption in the Bay Area; program overview: outreach and education; funds awarded; participant data: replacement vehicles; demographics: income, gender & age, and race & ethnicity; 2023-2024 program changes; incentive amounts; and action requested.

Public Comments

No requests received.
Committee Comments

The Committee and staff discussed which entity determines the income limit for this program; why Asians may be participating at higher rates than other groups; the suggestion of advertising the program on Spanish radio stations; how the grant amount for the new program was determined; changes between the current and new program; and the request for a list of program grants broken down by zip code and to observe where inequities may exist.

Committee Action

None; receive and file.

OTHER BUSINESS

8. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by “Paul.”

9. COMMITTEE MEMBER COMMENTS

None.

10. TIME AND PLACE OF NEXT MEETING

The next meeting of the Mobile Source and Climate Impacts Committee was originally scheduled for December 13, 2023, but that meeting was later cancelled. As of January 1, 2024, the Legislative Committee, Mobile Source and Climate Impacts Committee, and Technology Implementation Office Steering Committee were combined to form the new Policy, Grants, and Technology Committee. These minutes will be considered for approval at the first meeting of the Policy, Grants, and Technology Committee, on Wednesday, February 21, 2024, at 1:00 PM, at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.

11. ADJOURNMENT

The meeting was adjourned at 2:17 p.m.

Marcy Hiratzka
Clerk of the Boards
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members
   of the Policy, Grants, and Technology Committee

From: Philip M. Fine
       Executive Officer/APCO

Date: February 21, 2024

Re: Approval of the Draft Minutes of the Legislative Committee Meeting of November 29, 2023

RECOMMENDED ACTION

Approve the Draft Minutes of the Legislative Committee Meeting of November 29, 2023.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Legislative Committee Meeting of November 29, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of November 29, 2023
CALL TO ORDER

1. Opening Comments: Per Legislative Committee (Committee) Chairperson Margaret Abe-Koga’s request, Committee Vice Chair Tyrone Jue was asked to facilitate the meeting, even though she was present. Vice Chair Jue called the meeting to order at 10:10 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Vice Chairperson Tyrone Jue; and Directors Ken Carlson and Juan Gonzalez.


Present, In-Person Satellite Location (San Ramon City Hall, 7000 Bollinger Canyon Road, Community Conference Room, 2nd Floor, San Ramon, California, 94583): Director David Hudson.

Present, In-Person Satellite Location (Mountain View City Hall, Council Chambers, 500 Castro Street, Mountain View, California, 94041); Chairperson Margaret Abe-Koga; and Directors Noelia Corzo and Ray Mueller.

Absent: Board Chairperson John J. Bauters; and Director Brian Barnacle.

2. PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

3. APPROVAL OF THE DRAFT MINUTES OF THE LEGISLATIVE COMMITTEE MEETING OF OCTOBER 4, 2023
Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Gonzalez made a motion, seconded by Director Carlson, to approve the Draft Minutes of the Legislative Committee meeting of October 4, 2023; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Hannigan, Hudson, Jue.
NOES: None.
ABSTAIN: None.
ABSENT: Barnacle, Bauters, Mueller.

ACTION ITEM

4. POTENTIAL LEGISLATIVE ACTIVITIES FOR 2024

Alan Abbs, Legislative Officer, gave the staff presentation Potential Legislative Activities for 2024, including: outcome; outline; requested action; 2024 Legislative Session; Green and Healthy Buildings; refinery/stationary sources penalties; fluorinated gases (F-Gas) recovery; brake wear particulate; and feedback requested.

NOTED PRESENT: Director Mueller was noted present at 10:26 a.m.

Public Comments

Public comments were given by Arieann Harrison, Marie Harrison Community Foundation.

Committee Comments

The Committee and staff discussed regenerative brakes and brake pad systems; the comparison of historical and current F-gas emission levels and their impacts, and comparison of current F-gas levels with those of methane; the suggestion of asking Assembly Member Ash Kalra to champion a bill to reduce F-gases; the suggestion of working with transit/transportation agencies to collect regenerative braking data; whether there are refrigerant options other than F-gases, and whether F-gases with high global warming potential will be phased out; the desire to see the Air District focus on indoor air quality and improved building filtration systems; the suggestion of educating the public on the total impact of a given source, versus listing emission levels without context; the desire for legislation that drives grid reliability and distributed generation (using renewable energy sources instead of centralized generation sources from power plants); concerns regarding home electrification cost burdens for the consumer, and the suggestion of setting aside a State Budget allocation for that, as gas appliance mandates take
effect; and the suggestion that the staff monitors bills related to sustainable cooling practices in the built environment.

Committee Action

Director Gonzalez made a motion, seconded by Director Carlson, to recommend the Board approve the following proposed legislative activities for 2024:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Proposed Activity</th>
<th>Staff Recommendation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support for Green and Healthy Buildings (Disclosure Requirements for</td>
<td>Proposal would: 1) require disclosure of applicable state or local requirements that could potentially limit a future owner’s ability to purchase appliances that do not meet zero-NOx standards; 2) limit the ability of HOAs to deny a homeowner the ability to replace an older appliance with a new appliance if the new appliance may result in an alteration to the exterior of the property; and 3) amend various existing statutes that may limit the ability of HCD to allow certain zero-NOx appliances to be installed in mobile and manufactured homes.</td>
<td>Continue discussions with legislative offices and Sponsor/Co-Sponsor/Support any legislative efforts to address these concerns.</td>
</tr>
<tr>
<td>Sale of Property, Homeowner Association (HOA) limitations, State</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing and Community Development (HCD) restrictions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refinery/Stationary Source Penalties</td>
<td>Assembly Bill (AB) 1465, introduced in 2023 by Assemblymember Wicks, was originally introduced to triple penalties at refineries for discharges of one or more toxic air contaminants and was later amended to increase penalties for all Title V stationary sources if the discharge includes one or more air contaminants.</td>
<td>Continue working with Assemblymember Wicks on potential amendments to AB 1465.</td>
</tr>
<tr>
<td>F-Gas Recovery from Discarded Refrigerators, Freezers, and Air</td>
<td>Proposal could: 1) create a product stewardship model where manufacturers are required to create a program to properly recover refrigerants or develop an up-front fee on purchase of new appliances that fund an end-of-life program for discarded appliances; 2) require additional handling requirements for the network of solid waste handlers involved in various aspects of appliance recovery.</td>
<td>Continue research, and if feasible, Sponsor/Co-Sponsor/Support any legislative efforts to address these concerns.</td>
</tr>
<tr>
<td>Conditioners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brake Wear Particulate</td>
<td>Proposal would look at the potential to reduce brake wear dust from light-duty vehicles by limiting the purchase of metallic brake pads upon replacement, with replacement options limited to semi-metallic, organic, or ceramic.</td>
<td>Continue research, and if feasible Sponsor/Co-Sponsor/Support any legislative efforts to address these concerns.</td>
</tr>
</tbody>
</table>
The motion **carried** by the following vote of the Committee:

- **AYES:** Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Hannigan, Hudson, Jue.
- **NOES:** None.
- **ABSTAIN:** None.
- **ABSENT:** Barnacle, Bauters, Mueller.

**INFORMATIONAL ITEMS**

5. **DRAFT 2024 LEGISLATIVE PLATFORM**

Mr. Abbs gave the staff presentation *Draft 2024 Legislative Platform*, including: presentation for information only; outline; State Budget; State Legislation; and Federal Legislation and regulatory activity.

**Public Comments**

Public comments were given by Arieann Harrison, Marie Harrison Community Foundation.

**Committee Comments**

The Committee and staff discussed outreach methods of the Air District’s Community Engagement staff (regarding legislative activities), and the desire to give the public as much advanced notice as possible; the history of AB 398 (E. Garcia, 2017), which prohibits air districts from adopting or implementing an emission reduction regulation for carbon dioxide from any covered entity under Cap and Trade; the repeated desire for legislation that drives grid reliability; the desire to ban leaded aviation gas in flight paths over overburdened communities; whether the Air District may enforce the banning of wood burning in particularly dense urban areas within the Bay Area; the desire for larger State funding allocations for motor vehicle programs, more extensive project eligibility within those programs, and how to make changes to those programs.

**Committee Action**

None; receive and file.

6. **STATE LEGISLATIVE BUDGET PRIORITIES**

Mr. Abbs gave the staff presentation *State Legislative Budget Priorities*, including: presentation for information only; outline; State Budget process; and State Budget priorities.

**Public Comments**

No requests received.

**Committee Comments**

None.
Committee Action

None; receive and file.

7. **FEDERAL LEGISLATIVE UPDATE**

Mr. Abbs spoke about an upcoming trip to Washington D.C. that members of Executive Management will take to discuss the Air District’s federal priorities. Those attending include the Air District’s Executive Officer/Air Pollution Control Officer, Deputy Executive Officer of Public Affairs, Legislative Officer, and several Board members. The Air District representatives plan to meet with multiple federal agencies and congressional members to discuss issues such as: environmental justice, the Green & Healthy Homes Initiative, wildfire smoke and particulate matter, leaded aviation gas, and Inflation Reduction Act of 2022 funds for clean transportation and energy efficiency programs.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District representatives will be meeting with the Federal Energy Regulatory Commission or the Department of Energy to discuss electrification and grid reliability issues; and the request that the Air District representatives discuss clean tech financing opportunities with the Department of Energy.

Committee Action

None; receive and file.

**OTHER BUSINESS**

8. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

Public comments were given by Arieann Harrison, Marie Harrison Community Foundation.

9. **COMMITTEE MEMBER COMMENTS**

None.

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

The next meeting of the Legislative Committee was to be scheduled at the Call of the Chair. As of January 1, 2024, the Legislative Committee will be combined with the Mobile Source and Climate Impacts Committee and Technology Implementation Office Steering Committee, to form the new Policy, Grants, and Technology Committee. The first meeting of the Policy, Grants, and Technology Committee will be held on Wednesday, February 21, 2024, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.
11. **ADJOURNMENT**

The meeting was adjourned at 11:51 a.m.

Marcy Hiratzka  
Clerk of the Boards
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Report on Transportation Fund for Clean Air (TFCA) Projects Expenditures and Effectiveness for Fiscal Year Ending 2023

RECOMMENDED ACTION

Recommend to the Board of Directors (Board) that the Board adopt a determination that the Fiscal Year Ending 2023 TFCA 60% Fund expenditures were effective in improving air quality, based on staff’s report and presentation.

BACKGROUND

In 1991, the California State Legislature authorized the Bay Area Air Quality Management District (Air District) to impose a $4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions. Since 1992, the Air District has allocated these funds to its TFCA Program to fund eligible projects and programs. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code (HSC) Sections 44241 and 44242.

Sixty percent of TFCA funds are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air and Commuter Benefits Program) and through a grant program known as the Regional Fund. The remaining 40% of TFCA funds are forwarded to a designated agency within each Bay Area county.

HSC Section 44241 requires that the Board hold a public hearing each year to review the Air District’s expenditure of TFCA funds to determine their effectiveness in improving air quality. Additionally, the designated agencies are required to hold a public hearing each year to review their expenditure of TFCA funds.

DISCUSSION

The Fiscal Year Ending (FYE) 2023 Report on Expenditures and Effectiveness of Transportation Fund for Clean Air Regional Fund Projects and Air District-Sponsored Programs, found in Attachment 1, evaluated 16 TFCA Regional Fund projects and four Air District-sponsored programs that were completed prior to June 30, 2023. The following are key findings of the FYE
2023 report which demonstrate that TFCA 60% Fund monies spent were effective in improving air quality:

- TFCA funds were allocated to eligible projects and programs, consistent with the legislation that authorizes the TFCA program.
- The TFCA expenditures for projects and programs totaled $11.78 million, which includes $8.93 million in Regional Fund projects, $1.91 million in Air District-sponsored programs, and $0.95 million in administrative and indirect costs.
- 62% of funds spent went to projects that provided emissions reductions in Priority Communities (i.e., AB 617, SB 535 disadvantaged, and AB 1550 low-income communities).
- During their operational period, the projects and programs reduced criteria pollutant emissions by an estimated 45.59 tons, including 11.80 tons of reactive organic gases (ROG), 9.21 tons of nitrogen oxides (NOx), and 24.58 tons of particulate matter (PM10) – and reduced emissions of carbon dioxide (CO2) by over 29,000 tons.
- These projects and programs achieved a combined weighted average cost-effectiveness of $148,173 per ton of criteria emissions reduced.

A discussion of the expenditures, emission reductions, and cost-effectiveness of these TFCA Regional Fund projects and Air District-sponsored programs will be presented at the Policy, Grants, and Technology Committee meeting.

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None. The Air District distributes TFCA monies as “pass-through” funds to public and nonpublic entities. Administrative costs for project staff are provided by the Air District’s TFCA funding.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Hannah Cha
Reviewed by: Minda Berbeco and Linda Hui

**ATTACHMENTS:**

1. Fiscal Year Ending 2023 Report on Expenditures and Effectiveness of the TFCA 60% Fund
FISCAL YEAR ENDING (FYE) 2023
REPORT ON EXPENDITURES AND EFFECTIVENESS OF THE
TRANSPORTATION FUND FOR CLEAN AIR (TFCA)
60% FUND

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SUITE 600, SAN FRANCISCO, CA 94105
WWW.BAAQMD.GOV

FEBRUARY 2024
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THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

The California State Legislature created the Bay Area Air Quality Management District (Air District) in 1955 as the first regional air pollution control agency in the country, recognizing that air pollution transcends political boundaries. The San Francisco Bay Area forms a regional air basin, sharing common geographical features and weather patterns, and therefore similar air pollution burdens, which cannot be addressed by counties acting on their own.

The Air District is the public agency entrusted with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties.

BACKGROUND

On-road motor vehicles, including cars, trucks, and buses, constitute the most significant source of air pollution in the San Francisco Bay Area. Vehicle emissions contribute to unhealthful levels of ozone (summertime "smog"), particulate matter, and greenhouse gases. Because of this, emission reductions from the on-road transportation sector are essential to helping the region attain State and Federal ambient air quality standards and meet greenhouse gas reduction commitments.

To protect public health, the California State Legislature enacted the California Clean Air Act in 1988. As part of the requirements, the Air District prepared and adopted the 2017 Clean Air Plan, which includes transportation control measures, defined as any strategy “to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for reducing motor vehicle emissions,” and mobile source measures, which encourage the introduction of newer, cleaner motor vehicle technologies and the retirement of older, more polluting vehicles.

THE TRANSPORTATION FUND FOR CLEAN AIR

In 1991, the California State Legislature authorized the Department of Motor Vehicles (DMV) to impose a $4 surcharge on motor vehicles registered within the San Francisco Bay Area to fund projects that reduce on-road motor vehicle emissions. The Air District has allocated these funds to its Transportation Fund for Clean Air (TFCA) to fund eligible projects. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code (HSC) Sections 44241 and 44242.

Sixty percent of TFCA funds (60% Fund) are awarded by the Air District’s Board of Directors (Board) to eligible projects and programs implemented directly by the Air District (e.g., Commuter Benefits, Vehicle Buy-Back, and Spare the Air) and through a grant program known as the Regional Fund. The remaining forty percent of TFCA funds are pass-through funds to a designated agency within each Bay Area county. Each year, the Board adopts cost-effectiveness and other criteria for the evaluation and ranking of project applications for the TFCA Program.

In addition to reducing air pollution, including toxic diesel particulate matter, TFCA-funded projects have other benefits including the following:

- Conserving energy and helping to reduce emissions of carbon dioxide (CO₂);
- Reducing traffic congestion; and
• Improving physical fitness and public safety by facilitating active modes of transportation such as walking and biking.

State legislation restricts TFCA funding to the following 11 categories of projects:

1. Implementation of ridesharing programs
2. Clean fuel school and transit bus purchases or leases
3. Last-mile commuter connection to rail/ferry stations and airports
4. Arterial traffic management
5. Rail-bus integration and regional transit information systems
6. Demonstration of congestion pricing of highways, bridges, and public transit
7. Low-emission vehicle projects
8. A smoking-vehicle program
9. A vehicle buy-back scrappage program
10. Bicycle facility improvement projects
11. Physical improvements that support “smart growth” projects

California HSC Section 44241.5 requires the Board to hold a public hearing annually to review the expenditure of revenues received by the Air District pursuant to Section 44241 to determine their effectiveness in improving air quality. This report serves this purpose.

FYE 2023 SUMMARY

This report summarizes the expenditures and effectiveness of the 16 Regional Fund projects and 4 Air District-sponsored programs that were completed1 as of the end of fiscal year ending (FYE) 2023 – which was June 30, 2023 – and that were not included in previous reports. Appendix A lists each of the Regional Fund projects and Air District-sponsored programs that were summarized as part of this report.

1 For the purpose of this report, staff considers a project to be “completed” when the Air District accepts and approves the project sponsor’s final invoice, which documents the project sponsor’s expenditure of all eligible project funds and the completion of transportation services or all initial project milestones (e.g., having procured, installed and/or placed all project-related vehicles, equipment, and infrastructure into service). Projects that involve the procurement of equipment/vehicles and construction of infrastructure typically also require continued operation of the funded equipment, vehicles, or infrastructure. These projects may continue to operate for several years after the final invoice is accepted and approved – until the operational and usage requirements are met.
EXPERIENCE
The expenditure of these projects and programs totals approximately $11.78 million. This total includes $8.93 million in Regional Fund projects, $1.91 million in Air District-sponsored programs, and $0.95 million in administrative and indirect costs.

About 62% of funds spent provided mobile source emissions reductions in Priority Communities.

During their operational periods, the projects and programs reduced criteria pollutant emissions by an estimated 45.59 tons, including 11.80 tons of reactive organic gases (ROG), 9.21 tons of nitrogen oxides (NOx), and 24.58 tons of particulate matter (PM10) – and reduced emissions of carbon dioxide (CO2), by over 29,000 tons.

These projects and programs achieved a combined weighted average cost-effectiveness of $148,173 per ton of criteria pollutant emissions reduced.

A summary of the expenditures for these TFCA Regional Fund projects and Air District-sponsored programs is shown in Figure 1.
**EFFECTIVENESS**

The cost-effectiveness of a project or program is calculated by dividing the amount of TFCA funds assigned to the project (awarded or expended) by the sum of criteria pollutant emissions (ROG, NO\textsubscript{x}, and weighted PM\textsubscript{10}) reduced by the project during its operational period. Therefore, projects with a lower value in cost-effectiveness require fewer TFCA funds to reduce one ton of criteria emissions. In other words, a lower numeric value means that the project is more cost-effective. Typically, cost-effective projects are highly utilized, involve the operation of zero-emission vehicles, are located in densely populated areas or near activity centers or mass transit hubs, and/or are supported with high percentages of matching funds.

Projects and programs included in this report will reduce criteria pollutant emissions over their operational periods by an estimated total of 45.59 tons. This total is the sum of ozone precursors (11.80 tons of ROG and 9.21 tons of NO\textsubscript{x}) and particulate matter (24.58 tons of PM\textsubscript{10}). These projects and programs will also reduce CO\textsubscript{2} emissions over their operational periods by an estimated 29,000 tons.\(^3\)

The combined weighted-average cost-effectiveness of the projects and programs reported for FYE 2023 is $148,173 per ton of criteria pollutant emissions reduced. The Board-adopted cost-effectiveness limits for these projects and programs range from $150,000 per ton of criteria pollutant emissions reduced to $500,000 depending on the project category and the year it was funded. Thus, the resulting combined weighted-average cost effectiveness indicates that these projects and programs are more cost-effective than the average

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\(^3\) Emission reductions reported for criteria pollutants and CO\textsubscript{2} do not include emissions from the Vehicle Buy-Back and Enhanced Mobile Source Inspection.
approved limit. These estimated emissions reductions are also conservative in that many projects continue to operate and reduce emissions even after their operational periods ended; these projects have the potential to be more cost-effective (i.e. lower cost per ton of emissions reduced) in reducing emissions than what is presented in this report.

A summary of expenditures, emission reductions, and cost-effectiveness values by program category is provided in Table 1.

Table 1: Emission Reductions and Cost-Effectiveness by Program Category for Projects and Programs Completed by the End of FYE 2023

<table>
<thead>
<tr>
<th>Category</th>
<th># of Projects</th>
<th>TFCA $ Expended</th>
<th>% of TFCA Expended</th>
<th>Emissions Reduced (tons)ᵃ</th>
<th>% of Emissions Reduced</th>
<th>Weighted Cost-Effectiveness ($/ton)ᵇ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bicycle Facility</td>
<td>4</td>
<td>$729,043</td>
<td>6.73%</td>
<td>4.59</td>
<td>10.07%</td>
<td>$24,983</td>
</tr>
<tr>
<td>Pilot Trip Reduction</td>
<td>1</td>
<td>$510,783</td>
<td>4.71%</td>
<td>0.00</td>
<td>0%</td>
<td>-34,003</td>
</tr>
<tr>
<td>Alternative Fuel Vehicle &amp; Infrastructure</td>
<td>4</td>
<td>$2,145,476</td>
<td>19.80%</td>
<td>2.96</td>
<td>6.50%</td>
<td>$1,163,462</td>
</tr>
<tr>
<td>Commuter Benefits &amp; Enhanced Mobile Source Inspections</td>
<td>2</td>
<td>$11,306</td>
<td>0.10%</td>
<td>0.80</td>
<td>1.75%</td>
<td>$14,185</td>
</tr>
<tr>
<td>Spare the Air</td>
<td>8</td>
<td>$7,185,638</td>
<td>66.31%</td>
<td>37.24</td>
<td>81.69%</td>
<td>$188,509</td>
</tr>
<tr>
<td>Vehicle Buy-Back (Ad-Mail Only)</td>
<td>1</td>
<td>$254,000</td>
<td>2.34%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total for Projects and Programsᵃ</td>
<td>20</td>
<td>$10,836,246</td>
<td>100%</td>
<td>45.59</td>
<td>100%</td>
<td>$148,173</td>
</tr>
<tr>
<td>Administration</td>
<td></td>
<td>$946,535</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(a) Combined emission reductions of ROG, NOₓ, and PM₁₀ over project operational period.
(b) Consistent with the current California Air Resources Board methodology to calculate cost-effectiveness for the Carl Moyer Program (CMP), PM emissions were weighted by a factor of 20 to account for their harmful impacts on human health.
(c) Spare the Air emission reduction includes last-mile commuter connections.
(d) Totals may vary due to rounding.

The combined weighted-average cost-effectiveness of the projects and programs reported in FYE 2023 is an 10% increase from FYE 2022, meaning that the projects closed out in FYE 2023 were more cost-effective than the previous year. The variation of combined weighted-average cost-effectiveness from year to year is also due to that fact that different types of projects that have different cost-effectiveness limits were completed and included in the cost-effectiveness evaluation each year.

One of the Regional Fund projects listed in Appendix A did not meet the cost-effectiveness threshold of its respective program at the conclusion of its operational period. Below is a discussion on the performance of this project, which resulted in a higher-than-expected cost-effectiveness value.
<table>
<thead>
<tr>
<th>Project Sponsor: Union City Transit</th>
<th>Project #: 19R22</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Description:</strong> Union City Transit Microtransit Pilot to Union City Central Business District</td>
<td><strong>Final Weighted Cost-Effectiveness:</strong> -$34,003,622</td>
</tr>
</tbody>
</table>

**Discussion:** The project was evaluated in 2020 and Board approved for a higher cost-effectiveness of $500,000. The project was estimated to have a weighted cost-effectiveness of $500,000. The project operational period began in calendar year 2021 when transit ridership still had not recovered due to the pandemic. The service continued to operate for about a year and a half. Due to sustained low participation rate the resulting project did not reduce any emissions.
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## APPENDIX A: TFCA REGIONAL FUND PROJECTS AND AIR DISTRICT-Sponsored Programs

<table>
<thead>
<tr>
<th>Project #</th>
<th>Project Sponsor</th>
<th>Project Description</th>
<th>Weighted Cost-Effectiveness (per ton)</th>
<th>TFCA Funds Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td>16EV003</td>
<td>Powertree Services Inc.</td>
<td>Install 39 single-port level 2 charging stations (with solar) in San Francisco</td>
<td>$499,736</td>
<td>$234,000</td>
</tr>
<tr>
<td>16EV039</td>
<td>City of Lafayette</td>
<td>Install 2 single-port and 1 dual-port Level 2 charging stations in Lafayette</td>
<td>$250,000</td>
<td>$12,000</td>
</tr>
<tr>
<td>17R28</td>
<td>City of San Jose</td>
<td>Install 26 electronic bicycle lockers containing 104 bicycle parking spaces in San Jose</td>
<td>$242,901</td>
<td>$208,000</td>
</tr>
<tr>
<td>17EV018</td>
<td>Los Altos School District</td>
<td>Install and operate 182 single port level 2 (high) and 8 DC Fast charging stations with solar at 9 workplace facilities in Los Altos, Mountain View, and Los Altos Hills</td>
<td>$413,726</td>
<td>$1,166,924</td>
</tr>
<tr>
<td>18R15</td>
<td>City of San Rafael</td>
<td>Install 0.87 miles of Class I bikeway in San Rafael</td>
<td>$6,050.72</td>
<td>$162,374</td>
</tr>
<tr>
<td>18R17</td>
<td>East Bay Regional Park District</td>
<td>Install 0.45 miles of Class I bikeway in Rodeo</td>
<td>$250,000</td>
<td>$138,669</td>
</tr>
<tr>
<td>19R17</td>
<td>Metropolitan Transportation Commission</td>
<td>511 Vanpool Program/511 Carpool Program</td>
<td>N/A*</td>
<td>$2,997,645</td>
</tr>
<tr>
<td>19R22</td>
<td>Union City Transit</td>
<td>Union City Transit Microtransit Pilot to Union City Central Business District</td>
<td>-$34,003,622*</td>
<td>$510,783</td>
</tr>
<tr>
<td>20R06</td>
<td>Presidio Trust</td>
<td>PresidiGO Downtown Shuttle</td>
<td>N/A*</td>
<td>$120,000</td>
</tr>
<tr>
<td>20R15</td>
<td>City of San Leandro</td>
<td>Install 0.26-mile Class IV Bike Lanes on Fairmont Drive in San Leandro</td>
<td>$500,000</td>
<td>$220,000</td>
</tr>
<tr>
<td>20R18</td>
<td>Associated Students, San Jose State University</td>
<td>SJSU Trip Reduction</td>
<td>N/A*</td>
<td>$98,100</td>
</tr>
<tr>
<td>Project #</td>
<td>Project Sponsor</td>
<td>Project Description</td>
<td>Weighted Cost-Effectiveness (per ton)</td>
<td>TFCA Funds Expended</td>
</tr>
<tr>
<td>-----------</td>
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<td>-------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>21R09</td>
<td>Associated Students, San Jose State University</td>
<td>SJSU Ridesharing &amp; Trip Reduction</td>
<td>N/A*</td>
<td>$186,666</td>
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<tr>
<td>21R10</td>
<td>Presidio Trust</td>
<td>PresidiGO Downtown Shuttle</td>
<td>N/A*</td>
<td>$240,000</td>
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<tr>
<td>21R11</td>
<td>Santa Clara Valley Transportation Authority</td>
<td>Altamont Commuter Express (ACE) Shuttle Bus Program</td>
<td>N/A*</td>
<td>$1,818,660</td>
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<tr>
<td>21R12</td>
<td>San Joaquin Regional Rail Commission</td>
<td>Pleasanton Connector Shuttles</td>
<td>N/A*</td>
<td>$80,000</td>
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<tr>
<td>21SBP211</td>
<td>Menlo Park City School District</td>
<td>Menlo Park City School District school bus and infrastructure (TFCA match funding for the replacement of 2 diesel school buses with electric)</td>
<td>N/A</td>
<td>$732,552</td>
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**16 Regional Fund Projects**  
Subtotal of Regional Fund Projects: **$8,926,374**

<table>
<thead>
<tr>
<th>Project #</th>
<th>Project Sponsor</th>
<th>Project Description</th>
<th>Weighted Cost-Effectiveness (per ton)</th>
<th>TFCA Funds Expended</th>
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<tbody>
<tr>
<td>23R01a</td>
<td>BAAQMD</td>
<td>FYE 2023 Commuter Benefits Enforcement</td>
<td>N/A</td>
<td>$0</td>
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<tr>
<td>23R01b</td>
<td>BAAQMD</td>
<td>FYE 2023 Enhanced Mobile Source Inspection</td>
<td>not determinedb</td>
<td>$11,306</td>
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<td>23R02</td>
<td>BAAQMD</td>
<td>FYE 2023 Admail for Vehicle Buy-Backc (TFCA portion)</td>
<td>N/A</td>
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<tr>
<td>23R03</td>
<td>BAAQMD</td>
<td>FYE 2023 Spare the Air</td>
<td>$188,509d</td>
<td>$1,644,567</td>
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<td>4 Air District-Sponsored Programs</td>
<td>Subtotal of Air District-Sponsored Programs:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>----------------------------------</td>
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<td></td>
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<tr>
<td>23R00 BAAQMD FYE 2023 Administration*</td>
<td>$1,909,872</td>
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<tr>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$946,535</td>
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</table>

<table>
<thead>
<tr>
<th>Subtotal of Administration Expenditures for Regional Fund Projects and Air District-Sponsored Programs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$946,535</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant Total:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$11,782,781</td>
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</tbody>
</table>

* Last-mile Commuter Connections were evaluated as part of Spare the Air.

(a) Project or program did not meet the cost-effectiveness limit that was adopted by the Board for the year that the project was approved.

(b) Cost-effectiveness cannot be determined due to no survey responses during the pandemic.

(c) Total FYE 2023 program cost (which includes funds from CMP, MSIF, and TFCA) is $2,849,338.63

(d) Spare the Air emission reduction includes last-mile commuter connections.

(e) Sixty percent of the total administrative and audit costs expended in FYE 2023.
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Approval of the Legislative Platform for 2024

RECOMMENDED ACTION

The Policy, Grants, and Technology Committee (Committee) will consider approving the attached Legislative Platform for 2024.

BACKGROUND

The Legislative Platform is an attempt to provide overall advocacy principles to the Committee and Board of Directors, as well as provide guidance to Air District staff for this legislative year.

A draft of the Legislative Platform for 2024 was presented to the Air District’s former Legislative Committee at their November 29, 2023 meeting. Funding information related to the Governor’s proposed budget for fiscal year 2024-25 has been included in the attachment.

DISCUSSION

The platform is divided into three sections – state budget, state legislation, and federal legislation and regulatory activity. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO
ATTACHMENTS:

1. Legislative Platform for 2024
State Budget

1. **State Funding for Clean Air Projects:** Advocate for new and continued funding for investment in projects that reduce air pollution and exposure in the Bay Area. The Air District will pursue funding to support programs in the Bay Area Region from all available sources, including Carl Moyer, the Greenhouse Gas Revenue Fund, and the Air Pollution Control Fund.

2. **AB 617 Community Air Protection Program Implementation and Incentive Funding:** Advocate for adequate and continuous funding to support the Air District’s AB 617 Community Air Protection Program. The state should provide necessary resources to fund the emissions inventory, regulatory, administrative, air monitoring, and community outreach activities necessary to effectively implement AB 617 requirements. The Governor’s proposed 2024-25 budget includes statewide funding in the amount of $50 million (M) for implementation, $195M for incentives, and $5M for community grants, which are decreases from the approved 2023-24 budget of $60M, $234M, and $6M respectively.

3. **Wildfire Smoke Public Health Response:** The Air District sponsored AB 836 Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program by Assemblymember Wicks in 2019, which received funding in the state budget for 2020-21 for $5M. Subsequent budgets have absorbed clean air center funding into a concept called “resilience centers.” The Air District will strongly advocate for continued funding of resilience centers and clean air centers.

4. **Support for Air District Activities Related to Wildfire Mitigation:** The passage of Senate Bill (SB) 1260 in 2018 has provided funding for air districts to support prescribed fire and other forest health activities by land managers, which has been continuously funded since then. The Air District will continue to advocate for this funding.

5. **Clean Tech Financing:** Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District’s Climate Tech Finance Program.

6. **Low-Carbon Transportation Incentives:** Support proposals for mobile source incentive programs that accelerate the turnover of older and more polluting diesel engines with cleaner alternatives, including zero-emission alternatives, that reduce emissions of greenhouse gases, criteria pollutants and precursors, and toxic air contaminants.

7. **Commercial Harbor Craft Funding:** The 2022-23 budget included $60M to reduce emissions from commercial harbor craft subject to regulation by the California Air Resources Board (CARB), however the 2023-24 budget and the Governor’s proposed 2024-25 budget did/does not include any additional funding. The Air District will continue to strongly advocate for additional funding for this program.
State Legislation

1. **Vehicle Emissions and Reducing Vehicle Miles Traveled**: Support legislative proposals that encourage active transportation, reduce vehicle miles traveled, and reduce emissions in the transportation sector. Oppose legislative proposals that roll back existing smog check and vehicle maintenance requirements.

2. **Climate Change**: Support legislative proposals that align with the Air District’s 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, supporting Community Choice Aggregation programs.

3. **Green and Healthy Buildings**: Support legislative proposals that accelerate low carbon buildings, support implementation of Air District Rule 9-4 and Rule 9-6 and promote energy efficiency in both new and existing buildings.

4. **AB 617 Community Air Protection Program**: Support legislative proposals that seek to reduce emissions and exposure in overburdened communities consistent with the framework of the Federal Clean Air Act and California Clean Air Act.

5. **Wildfire Smoke Public Health Response**: Support legislative proposals that would improve indoor air quality in public and non-public spaces through improved filtration or weatherization, especially in vulnerable and disadvantaged communities.

6. **Emergency Backup Generation**: Support legislative proposals that seek to reduce diesel particulate emissions in backup generation through use of cleaner generation. Oppose legislative proposals that restrict air district regulatory authority of diesel backup generators.

7. **Toxic Air Emissions**: Support legislative proposals to reduce emissions and exposure of air toxics. Oppose legislation that would potentially result in increases of exposure to air toxic emissions in the Bay Area Region.

8. **Wildfire Smoke Mitigation/Prescribed Fire**: Support legislative proposals to proactively reduce smoke from catastrophic wildfires through responsible fuel management policies, including the use of prescribed fire.

9. **Stationary Source Greenhouse Gas Authority**: Support legislative proposals to allow local air district the authority to establish stationary source greenhouse gas limits.

10. **Land Use**: Monitor legislative proposals that have the potential to directly affect local and regional air quality goals.
Federal Legislation and Regulatory Activity

1. Federal Funding for Air District Clean Air Programs: Advocate for continuous and increased funding for Air District programs that reduce emissions and exposure, or that support monitoring and planning efforts in the Bay Area Region, including federal 103 and 105 grants, Diesel Emission Reduction Act grants, and Targeted Airshed Grants.

2. Wildfire Smoke Public Health Response: Support federal level efforts, including legislative efforts, to improve wildfire smoke public health response and indoor air quality in the Bay Area Region.

3. Clean Transportation Programs: Support efforts to secure funding for clean transportation infrastructure in the Bay Area in federal transportation bills, the Bipartisan Infrastructure Law, and the Inflation Reduction Act.

4. Clean Energy Programs: Support efforts to promote clean energy technology through incentive funding or tax credits, especially in disadvantaged communities in the Bay Area. Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District’s Climate Tech Finance Program.

5. Particulate Matter Standards: Support EPA’s proposal to set a more health-protective particulate matter standard consistent with the scientific evidence.


7. Climate Change: Support federal level efforts, including legislative efforts, that align with the Air District’s 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, supporting Community Choice Aggregation programs.

8. Green and Healthy Buildings: Support federal level efforts, including legislative efforts, that accelerate low carbon buildings, support implementation of Air District Rule 9-4 and 9-6 and promote energy efficiency in both new and existing buildings.

9. Leaded Aviation Gas: Support efforts to cause EPA to adopt additional regulatory and incentive programs to promote use of lower lead and no-lead alternatives at general aviation airports.
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members
   of the Policy, Grants, and Technology Committee

From: Philip M. Fine
       Executive Officer/APCO

Date: February 21, 2024

Re: Air District Sponsored/Co-Sponsored Bills

RECOMMENDED ACTION

Approve staff’s recommendation of SUPPORT for the following bill:

- Senate Bill (SB) 382 (Becker) - Single-family residential property: disclosures.

BACKGROUND

Air District Sponsored Bills:

- Assembly Bill (AB) 1465 (Wicks) – Nonvehicular air pollution: civil penalties.

Air District Co-Sponsored Bills:

- AB 2298 (Hart, et al.) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

DISCUSSION

SB 382 (Becker) Single family residential property: disclosures.
CapitolTrack Summary: Current law requires that specified disclosures be made upon any transfer by sale, exchange, real property sales contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential property. This bill would, on or after January 1, 2026, require a seller of a single-family residential property to deliver a specified disclosure statement to the prospective buyer regarding the electrical systems of the property. (Based on 01/04/2024 text)

Staff Recommendation: Support and offer to sponsor/co-sponsor, if necessary.
Staff Notes: SB 382 is a 2-year bill that was originally introduced as a workforce development bill in 2023. The Air District had been working with the Senator’s staff on several ideas related to supporting our zero-NOX appliance rules, as well as future statewide rules, and identified realtor disclosures as a potential bill concept (i.e. making sure that potential home buyers were aware of future zero NOX or electrification requirements). As a result of those discussions, the Senator amended SB 382 with an electric panel disclosure requirement that subsequently passed the Senate and is now in the Assembly, meeting its house of origin requirement as a 2-year bill. It is likely that the bill will now wait in the Assembly for Senate bills introduced in 2024 to catch up before restarting committee hearings. During this time, we plan to work with the Senator on a similar disclosure to add to the bill that would note impending deadlines for purchasing zero-NOX appliances for replacement purposes.

The Senator may not need a sponsor or additional co-sponsor for SB 382 as a result of any further amendments.

AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.
CapitolTrack Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Current law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Current law provides that civil penalties for specified violations are to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs. This bill would triple specified civil penalties if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, and the discharge contains or includes one or more air contaminants, as specified. The bill would define “source” for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, and other circumstances related to the violation be considered, as specified. (Based on 07/13/2023 text)

Status: AB 1465 passed the Assembly favorably. The bill was double-referred to the Senate Judiciary Committee and the Senate Environmental Quality Committee and passed each committee favorably. The bill was referred to the Senate Floor and was subsequently placed on the inactive file where it can be taken up at a later date.

Position: Sponsor

CapitolTrack Summary: The Manufactured Housing Act of 1980 (the “act”) requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling
mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure. This bill would specify that the definitions of “manufactured home” and “mobilehome” also include the plumbing, heating, air-conditioning, and electrical systems contained outside the structure.

Staff Notes: This bill will update the Civil Code and Health and Safety Code to address language ambiguity related to electric appliances.

Current Status: Sponsor

**AB 2298 (Hart, et al.) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.**

CapitolTrack Summary: Current law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Current law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood. This bill would require the council, on or before January 1, 2027, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts.

Staff Notes: This bill is a reintroduction of last year’s Air District-sponsored bill, **AB 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program**, which passed the Assembly, receiving zero “no” votes. The bill was referred to the Senate Committee on Natural Resources and Water, again, receiving zero "no" votes. The bill was referred to the Senate Appropriations Committee where it was placed on the Suspense File, and subsequently held under submission on September 1, 2023. The new version of the bill will address and hopefully reduce some of the fiscal constraints that were added late in the process which ultimately led to AB 953 being held in Senate Appropriations.

Current Status: Co-Sponsor

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO
ATTACHMENTS:

1. SB 382 (Becker) – Bill Text – As Amended on January 4, 2024
2. AB 1465 (Wicks) – Bill Text – As Amended on July 13, 2023
3. AB 2298 (Hart, et al.) – Bill Text – As Introduced on February 12, 2024
4. SB 1095 (Becker) – Bill Text – As Introduced on February 12, 2024
5. SB 1095 (Becker) – Fact Sheet
SENATE BILL  No. 382

Introduced by Senator Becker

February 9, 2023

An act to add Section 1102.6i to the Civil Code, relating to real property.

LEGISLATIVE COUNSEL’S DIGEST


Existing law requires that specified disclosures be made upon any transfer by sale, exchange, real property sales contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential property.

This bill would, on or after January 1, 2026, require a seller of a single-family residential property to obtain a safety inspection of the building’s electrical systems, as specified, and provide a specified disclosure notice statement to the prospective buyer of any issues identified in the inspection that may impact the safety of the building or require the prospective buyer to upgrade or replace regarding the electrical systems to comply with building codes or health and safety codes of the property.

SECTION 1. Section 1102.6i is added to the Civil Code, to read:

1102.6i. (a) On or after January 1, 2026, in addition to any other disclosure required pursuant to this article, the seller of any real property subject to this article, or the seller’s agent, shall do both of the following: deliver to the prospective buyer a disclosure statement that provides as follows: “In a purchase of real property, it may be advisable to obtain an inspection of the electrical system(s) of any buildings, including, but not limited to, the main service panel, the subpanel(s), and wiring. Substandard, recalled, or faulty wiring may cause a fire risk and may make it difficult to obtain property insurance. Limited electrical capacity may make it difficult to support future electrical additions to the building(s), such as solar generation, electric space heating, electric water heating, or electric vehicle charging equipment.”

(1) Obtain a safety inspection of the building’s electrical systems, including, but not limited to, all of the following:

(A) The main service panel.
(B) Subpanels.
(C) Wiring.

(2) Provide a disclosure notice to the prospective buyer of any issues identified in the safety inspection that may do either of the following:

(A) Impact the safety of the building.
(B) Require the buyer to upgrade or replace the electrical systems to comply with building codes or health and safety codes.

(b) The safety inspection shall consider, at minimum, all of the following:

(1) An electrical service panel or subpanel model that has been subject to a recall.
(2) An electrical service panel or subpanel model that is considered to be unsafe according to standard industry practice.
(3) An electrical service panel or subpanel that employs fuses instead of circuit breakers.
(4) An electrical service panel that lacks a single main disconnect breaker.
(5) An electrical service panel or subpanel with significant signs of faulty wiring, wear, corrosion, infiltration of moisture, or other
issues that indicate the electrical panel has an elevated risk of malfunction.
An act to amend Section 42403 of, and to add Section 42402.6 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1465, as amended, Wicks. Nonvehicular air pollution: civil penalties.

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Existing law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Existing law provides that civil penalties for specified violations are to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.

This bill would triple specified civil penalties if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, and the discharge
contains or includes one or more air contaminants, as specified. The bill would define “source” for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, and other circumstances related to the violation be considered, as specified. The bill would also require that civil penalties for a violation be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.


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

SECTION 1. Section 42402.6 is added to the Health and Safety Code, to read:

42402.6. (a) Penalties prescribed pursuant to Sections 42402, 42402.1, 42402.2, 42402.3, 42402.4, and 42402.5 for violations shall be tripled if both of the following occur:

(1) The discharge is from a Title V source.

(2) The discharge contains or includes one or more air contaminants, as identified by the state board pursuant to Section 39567, 39657, and as defined in Section 39013, or as listed in the Table of Standards pursuant to Section 70200 of Title 17 of the California Code of Regulations.

(b) For purposes of this section, “source” means an establishment that is located on one or more contiguous or adjacent properties.

(c) In assessing penalties, health impacts, community disruptions, and other circumstances related to the violation shall be considered, pursuant to Section 42403.

SEC. 2. Section 42403 of the Health and Safety Code is amended to read:

42403. (a) The civil penalties prescribed in Sections 39674, 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.6 shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs in any court of competent jurisdiction.
(b) In determining the amount assessed, the court, or in reaching any settlement, the district, shall take into consideration all relevant circumstances, including, but not limited to, the following:

1. The extent of harm caused by the violation.
2. The nature and persistence of the violation.
3. The length of time over which the violation occurs.
4. The frequency of past violations.
5. The record of maintenance.
6. The unproven or innovative nature of the control equipment.
7. Any action taken by the defendant, including the nature, extent, and time of response of the cleanup and construction undertaken, to mitigate the violation.
8. The financial burden to the defendant.
An act to add Section 35618 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL’S DIGEST

AB 2298, as introduced, Hart. Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

Existing law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood.

This bill would require the council, on or before January 1, 2027, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to expand a certain existing program and would authorize
the program to include specified components, including incentives to
program participants based on a percentage of distance traveled by a
participating vessel at a reduced speed, as provided. The bill would
limit application of the program to vessels that are 300 gross tons or
greater. The bill would require the council, on or before December 31,
2027, to submit a report to the Legislature regarding the implementation
of the program.

State-mandated local program: no.

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

SECTION 1. The Legislature finds and declares all of the
following:
(a) California’s seaports are North America’s primary intermodal
gateway to Asia and Transpacific trade. Maritime industry activities
at California’s public seaports are responsible for employing more
than 500,000 people in the state. Nationwide, more than 2,000,000
jobs are linked to maritime industry business conducted at
California’s public seaports, contributing to California having the
largest state economy in the United States.
(b) Every year, the world’s largest container ships and auto
carriers make thousands of transits along the California coast, with
an estimated 120 tons per day of nitrogen dioxides, an ozone
precursor, being emitted within 100 nautical miles of the coast.
These emissions negatively affect the public health of coastal
communities and cause some areas of the coast to be in
nonattainment with the national ambient air quality standards for
ozone and particulate matter.
(c) Since 2014, the Santa Barbara County Air Pollution Control
District, the Ventura County Air Pollution Control District, and
the Bay Area Air Quality Management District, with the federal
Office of National Marine Sanctuaries, marine sanctuary
foundations, and environmental groups, have administered and
promoted the Blue Whales and Blue Skies Program, a voluntary
vessel speed reduction program off the Santa Barbara, Ventura,
and Bay Area coasts to encourage transit speeds of 10 knots or
less to reduce air pollution, the risk of harmful whale strikes, and
the level of ocean noise.
(d) Since its inception, through 2021, the Protecting Blue Whales and Blue Skies Program has provided small incentives and publicity to program participants and has achieved 526,211 slow speed miles, a reduction of more than 2,300 tons of nitrogen oxides, a reduction of over 76,000 metric tons of regional greenhouse gas emissions, and an estimated 50 percent decreased risk of whale strikes during prime migration season in the affected coastal areas.

(e) This highly cost-effective voluntary pollution reduction program benefits public health, protects the marine ecosystem, and showcases the beneficial partnership between shipping companies, public health agencies, marine sanctuaries, and environmental organizations.

(f) Creation of a statewide vessel speed reduction program and expansion to other areas of the California coast, including the San Diego and Monterey coasts and the North Coast, would yield additional public health and ecosystem benefits.

SEC. 2. Section 35618 is added to the Public Resources Code, to read:

35618. (a) On or before January 1, 2027, the council shall, in coordination with air pollution control districts and air quality management districts along the coast and in consultation with the federal Office of National Marine Sanctuaries, the federal Environmental Protection Agency, the United States Navy, the United States Coast Guard, the State Air Resources Board, and maritime industry, implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts.

(b) The program shall expand the existing Protecting Blue Whales and Blue Skies Program and may include all of the following components developed in a manner that is consistent with how the program components were developed for the Protecting Blue Whales and Blue Skies Program:

(1) A marketing program to engage cargo owners and other commercial interests to promote voluntary vessel speed reduction and sustainable shipping, and an acknowledgment of the program’s participants.

(2) Data collection on ship speeds along the California coast in order to analyze the program for future refinement, expansion, or both.
(3) Data collection on underwater acoustic impacts or fatal vessel strikes on whales, to the extent data is available.

(4) Data collection on the regional air quality impacts on the coast and impacts to air quality in coastal disadvantaged communities from oceangoing vessel traffic, as collected and provided by the regional air pollution control districts and air quality management districts.

(5) Incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, including speed zones at 10 knots or less, to the extent that local or federal funding is available.

(6) Development of vessel speed reduction zones along the coast that take into account navigational safety, protected marine mammal migration and breeding seasons, federal marine sanctuaries and state marine protected areas, shipping lanes, and any other relevant variables.

(7) Seasonality of the program.

(8) Description of covered vessels.

(c) The program shall exclude any ocean territories that are covered by any vessel speed reduction program other than the Protecting Blue Whales and Blue Skies Program or a memorandum of understanding entered into before January 1, 2025.

(d) The program shall only apply to vessels that are 300 gross tons or greater.

(e) The council may impose additional qualifying criteria on program participants in order to receive incentives under the program, including, but not limited to, individual transit speeds, such as maximum speed in transit or maximum transit average speed.

(f) (1) On or before December 31, 2027, the council shall submit a report to the Legislature regarding the implementation of the program.

(2) The report required in paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(3) Pursuant to Section 10231.5 of the Government Code, the requirement for submitting a report imposed by paragraph (1) is inoperative on December 31, 2031.

(g) The program, each component of the program, and actions taken by the council to implement the program are based upon voluntary actions initiated by entities pursuant to this section and
are not regulations as defined in Section 11342.600 of the
Government Code, and shall not be implemented in a way that
conflicts with federal law and regulations.
An act to add Section 4737 to the Civil Code, and to amend Sections 17958.8, 18007, 18008, 18031.7, and 18031.8 of, to add Section 18031.9 to, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST


(1) Existing law, the Manufactured Housing Act of 1980 (the “act”), requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure.

This bill would specify that the definitions of “manufactured home” and “mobilehome” also include the plumbing, heating, air-conditioning, and electrical systems contained outside the structure.

The act specifies that it does not prohibit the replacement of water heaters or appliances for comfort heating in manufactured homes or mobilehomes with fuel-gas-burning water heaters or fuel-gas appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome, as specified.
This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome.

This bill would provide that the act, including any regulation, rule, or bulletin adopted pursuant thereto, does not prohibit the installation of plumbing, heating, or air-conditioning systems for manufactured homes, mobilehomes, or multifamily manufactured homes from being located outside of the home if necessary to replace an existing fuel-gas-burning water heater.

(2) The act requires replacement fuel-gas-burning water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

This bill would also require replacement electric water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

The act requires fuel-gas-burning water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

This bill would also require electric water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

The act required the Department of Housing and Community Development, on or before July 1, 2009, to promulgate rules and regulations that include standards for water heater seismic bracing, anchoring, or strapping.

This bill would require the department, on or before August 15, 2025, to promulgate rules and regulations that include standards for electric water heater seismic bracing, anchoring, or strapping, as specified.

This bill would also require the department, if necessary, by December 31, 2025, to update rules and regulations that facilitate the use of electricity-powered space and water heating technologies for manufactured homes, mobilehomes, and multifamily manufactured homes when necessary to replace fuel-burning appliances with electric appliances.

The act provides that any person who knowingly violates any provision of the act or any rule or regulation issued pursuant to the act is guilty of a misdemeanor.

By establishing new standards applicable to the installation and replacement of electric water heaters, the bill would expand the above-mentioned crime and thus impose a state-mandated local program.
The act provides that it does not prohibit the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with fuel-gas-burning ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

This bill would authorize the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with electric ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

The act requires replacement gas-fuel-burning ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

This bill would require replacement electric ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

(4) Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation. The State Housing Law requires local ordinances or regulations that govern the alteration and repair of existing buildings to permit the replacement, retention, and extension of original materials and the use of original methods of construction, provided that the portion of the building and structure complies with applicable building code provisions and the building does not become or continue to be a substandard building, as specified.

This bill would provide that the above provision regarding the use of original materials and methods of construction does not prevail over any state or local law that prohibits the use or installation of fuel-gas-burning appliances or that requires the use or installation of electric appliances.

(5) The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. Existing law makes void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified.

This bill would make void and unenforceable any provision of the governing documents or architectural guidelines or policies to the extent
that the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

(6) This bill would state that specified provisions of the bill are declaratory of existing law.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.


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

SECTION 1. This act shall be known, and may be cited, as the Cozy Homes Cleanup Act.

SEC. 2. Section 4737 is added to the Civil Code, to read:

4737. Notwithstanding any other law, any provision of the governing documents or architectural guidelines or policies shall be void and unenforceable to the extent that the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

SEC. 3. Section 17958.8 of the Health and Safety Code is amended to read:

17958.8. (a) Local ordinances or regulations governing alterations and repair of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction for any building or accessory structure subject to this part, including a hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, as long as the portion of the building and structure subject to the replacement, retention, or extension of original materials and the use of original methods of construction complies with the building code provisions governing that portion of the building or accessory structure at the time of construction, and the other rules and regulations of the department or alternative local standards governing that portion at the time of its construction and adopted pursuant to Section 13143.2 and the building or accessory structure does not become or continue to be a substandard building.
(b) This section shall not prevail over any other state or local law that prohibits the use or installation of fuel-gas-burning appliances or that requires the use or installation of electric appliances.

SEC. 4. Section 18007 of the Health and Safety Code is amended to read:

18007. (a) “Manufactured home,” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. within or outside the structure. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

(b) Notwithstanding any other provision of law, if a codified provision of state law uses the term “manufactured home,” and it clearly appears from the context that the term “manufactured home” should apply only to manufactured homes, as defined under subdivision (a), the codified provision shall apply only to those manufactured homes. If any codified provision of state law, by its context, requires that the term applies to manufactured homes or mobilehomes without regard to the date of construction, the codified provision shall apply to both manufactured homes, as defined under subdivision (a), and mobilehomes as defined under Section 18008.

SEC. 5. Section 18008 of the Health and Safety Code is amended to read:

18008. (a) “Mobilehome,” for the purposes of this part, means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family
dwelling with or without a foundation system when connected to
the required utilities, and includes the plumbing, heating, air
conditioning, and electrical systems contained therein. within or
outside the structure. “Mobilehome” includes any structure that
meets all the requirements of this paragraph and complies with the
state standards for mobilehomes in effect at the time of
construction. “Mobilehome” does not include a commercial
modular, as defined in Section 18001.8, factory-built housing, as
defined in Section 19971, a manufactured home, as defined in
Section 18007, a multifamily manufactured home, as defined in
Section 18008.7, or a recreational vehicle, as defined in Section
18010.

(b) Notwithstanding any other provision of law, if a codified
provision of state law uses the term “mobilehome,” and it clearly
appears from the context that the term “mobilehome” should apply
only to mobilehomes, as defined under subdivision (a), the codified
provision shall apply only to those mobilehomes. If any codified
provision of state law, by its context, requires that the term applies
to mobilehomes or manufactured homes without regard to the date
of construction, the codified provision shall apply to both
mobilehomes, as defined under subdivision (a), and manufactured
homes, as defined under Section 18007.

SEC. 6. Section 18031.7 of the Health and Safety Code is
amended to read:

18031.7. (a) (1) Nothing in this part shall prohibit the
replacement of water heaters in manufactured homes or
mobilehomes with electric or fuel-gas-burning water heaters not
specifically listed for use in a manufactured home or mobilehome
or from having hot water supplied from an approved source within
the manufactured home or mobilehome, or in the garage, in
accordance with this part or Part 2.1 (commencing with Section
18200).

(b) (2) Nothing in this part shall prohibit the replacement of
appliances for comfort heating in manufactured homes,
mobilehomes, or multifamily manufactured homes with electric
or fuel-gas appliances for comfort heating not specifically listed
for use in a manufactured home or mobilehome within the
manufactured home, mobilehome, or multifamily manufactured
home in accordance with this part, Part 2.1 (commencing with
Section 18200), or Part 2.3 (commencing with Section 18860).

(b) Nothing in this part, nor any regulation, rule, or bulletin
adopted pursuant to this part, shall prohibit the installation of
plumbing, heating, or air-conditioning systems for manufactured
homes, mobilehomes, or multifamily manufactured homes from
being located outside of the home if necessary to replace an
existing fuel-gas-burning water heater.

(c) Replacement electric or fuel-gas-burning water heaters shall
be listed for residential use and installed within the specifications
of that listing to include tiedown or bracing to prevent overturning.

(d) Replacement electric or fuel-gas-burning water heaters
installed in accordance with subdivision (c) shall bear a label
permanently affixed in a visible location adjacent to the fuel gas
inlet or electrical power source which reads, as applicable:

<table>
<thead>
<tr>
<th>WARNING</th>
</tr>
</thead>
<tbody>
<tr>
<td>This appliance is approved only for use with natural gas (NG).</td>
</tr>
</tbody>
</table>

OR

<table>
<thead>
<tr>
<th>WARNING</th>
</tr>
</thead>
<tbody>
<tr>
<td>This appliance is approved only for use with liquified petroleum gas (LPG).</td>
</tr>
</tbody>
</table>

OR

<table>
<thead>
<tr>
<th>WARNING</th>
</tr>
</thead>
<tbody>
<tr>
<td>This appliance is approved only for electrical use.</td>
</tr>
</tbody>
</table>

Lettering on the label shall be black on a red background and
not less than \( \frac{1}{4} \) inch in height except for the word “WARNING”
which shall be not less than \( \frac{1}{2} \) inch in height.

(e) (1) All electric or fuel-gas-burning water heater appliances
in new manufactured homes or new multifamily manufactured
homes installed in the state shall be seismically braced, anchored,
or strapped pursuant to paragraph (3) or (4) and shall be completed before or at the time of installation of the homes.

(2) Any replacement electric or fuel-gas-burning water heater appliances installed in existing mobilehomes, existing manufactured homes, or existing multifamily manufactured homes that are offered for sale, rent, or lease shall be seismically braced, anchored, or strapped pursuant to paragraph (3) or (4).

(3) On or before July 1, 2009, the department shall promulgate rules and regulations that include standards for water heater seismic bracing, anchoring, or strapping. These standards shall be substantially in accordance with either the guidelines developed pursuant to Section 19215 or the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), and shall be applicable statewide.

(4) On or before August 15, 2025, the department shall promulgate rules and regulations that include standards for electric water heater seismic bracing, anchoring, or strapping. These standards shall be substantially in accordance with either the guidelines developed pursuant to Section 19215 or the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), and shall be applicable statewide.

(5) The dealer, or manufacturer acting as a dealer, responsible, as part of the purchase contract, for both the sale and installation of any home subject to this subdivision shall ensure all water heaters are seismically braced, anchored, or strapped in compliance with this subdivision prior to completion of installation.

(6) In the event of a sale of a home, pursuant to either paragraph (1) of subdivision (e) of Section 18035 or Section 18035.26, the homeowner or contractor responsible for the installation of the home shall ensure all electric or fuel-gas-burning water heater appliances are seismically braced, anchored, or strapped consistent with the requirements of paragraph (3). This requirement shall be satisfied when the homeowner or responsible contractor signs a declaration stating each electric or fuel-gas-burning water heater is secured as required by this section on the date the declaration is signed.

(f) All used mobilehomes, used manufactured homes, and used multifamily manufactured homes that are sold shall, on or before
the date of transfer of title, have the *electric* or *fuel-gas-burning*
water heater appliance or appliances seismically braced, anchored,
or strapped consistent with the requirements of paragraph (3) or
(4) of subdivision (e). This requirement shall be satisfied if, within
45 days prior to the transfer of title, the transferor signs a
declaration stating that each water heater appliance in the used
mobilehome, used manufactured home, or used multifamily
manufactured home is secured pursuant to paragraph (3) or (4) of
subdivision (e) on the date the declaration is signed.

(g) For sales of manufactured homes or mobilehomes installed
on real property pursuant to subdivision (a) of Section 18551, as
to real estate agents licensed pursuant to Division 4 (commencing
with Section 10000) of the Business and Professions Code, the
real estate licensee duty provisions of Section 8897.5 of the
Government Code shall apply to this section.

SEC. 7. Section 18031.8 of the Health and Safety Code is
amended to read:

18031.8. (a) Nothing in this part or the regulations promulgated
thereunder shall prohibit the replacement in manufactured homes
or mobilehomes of ovens, ranges, or clothes dryers with *electric
or fuel-gas-burning* ovens, ranges, or clothes dryers not specifically
listed for use in a manufactured home or mobilehome.

(b) Replacement *electric* or *fuel-gas-burning* ovens, ranges, or
clothes dryers shall be listed for residential use and installed in
accordance with the specifications of that listing to include tiedown
and bracing to prevent displacement.

(c) Replacement *electric* or *fuel-gas-burning* ovens, ranges, or
clothes dryers installed in accordance with subdivision (b) shall
bear a label in compliance with subdivision (c) of Section 18031.7.

SEC. 8. Section 18031.9 is added to the Health and Safety
Code, to read:

18031.9. The department shall, if necessary, by December 31,
2025, update existing rules and regulations that facilitate the use
of electricity-powered space and water heating technologies for
manufactured homes, mobilehomes, and multifamily manufactured
homes when necessary to replace fuel-burning appliances with
electric appliances.

SEC. 9. The amendments to Sections 17958.8, 18007, and
18008 of the Health and Safety Code made by this act do not
constitute a change in, but are declaratory of, existing law.
SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
SB 1095 updates code ambiguities to ensure individuals can switch from gas to electric appliances, allowing Californians to opt for cozier and healthier zero-emission homes.

BACKGROUND

Residential buildings compose 8% of greenhouse gas emissions (GHG) in California.\(^1\) To achieve the AB 1279 (Muratsuchi, 2022) goal of 85% GHG reductions through 2045, California is incentivizing and enabling the uptake of electric appliances in homes.

California’s Scoping Plan, budget, and regulations are all aiming to transition both the new and existing residential housing stock to be fully electric. The Scoping Plan calls for all electric appliances installed in new residential buildings by 2026. For existing buildings, the Scoping Plan establishes goals for the sales of new appliances to be 80% electric for residential buildings by 2030 and 100% by 2035, targeting the conversions of appliances at their end of life. In tandem with the scoping plan, Governor Newsom has established a target of 6 million heat pumps deployed in buildings by 2030.\(^2\) The 2023-24 budget cycle committed $423 million toward the direct installation of electric appliances, particularly targeted at low-income homes.\(^3\)

Beyond increasing and improving the comfort of homes, building electrification will prevent asthma symptoms for over 300,000 Californians and prevent more than 1,000 deaths through 2045.\(^4\)

THE PROBLEM

Despite California’s ambitious targets and incentives, local agencies and non-profit organizations at the forefront of electric appliance installations have raised concerns about outdated health and safety codes that could prevent or discourage individuals from making the switch from gas to electric appliances.

Issues such as legal ambiguities or delays in approval of installation from a homeowner association can potentially add time or costs to the process of allowing residents to make the switch. This is particularly burdensome in cases of changes of appliances at the ‘end of life,’ where a family cannot and will not wait 3-6 months for their HOA to approve replacement water heater installation.

These outdated regulations could preemptively increase building electrification barriers and costs, particularly for edge cases installations of heat pumps on the exteriors of homes, or for replacements in mobile and multi-family homes.

SOLUTION

SB 1095 cleans up outdated building and safety codes language inhibiting or delaying building and home electrification. Specifically, this bill:

- Prevent HOAs from implementing provisions which prevent the switch from gas to electric appliances
- Clarifies the authority of individuals to replace gas with electric appliances in mobile and manufactured homes
- Clarifies that provisions regarding the right to the original construction materials of a building does not supersede local jurisdictional policies requiring gas to electric appliances switches
- Provides the Department of Housing and Community Development authority to update its regulations should further legal uncertainty inhibits appliance replacement

This legal language clean up will preemptively remove potential barriers that could frustrate Californians trying or required to make the switch to electric appliances.

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\(^1\) CARB, 2021. GHG Emissions by Main Economic Sector
\(^2\) Gov. Newsom, 2022. Letter to CARB.
\(^3\) SB 102 (Budget Act of 2023).
\(^4\) CARB, 2022. Scoping Plan, Table 3-7.
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members
of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: State Legislative Bill Review

RECOMMENDED ACTION

Approve staff’s recommendation of SUPPORT for the following bills:

- Senate Bill (SB) 1158 (Archuleta) - Carl Moyer Memorial Air Quality Standards Attainment Program.
- SB 1193 (Menjivar) - Airports: leaded aviation gasoline.

Approve staff’s recommendation of OPPOSE for the following bill:

- Assembly Bill (AB) 1894 (Ta) - Nonvehicular air pollution: civil penalties.

BACKGROUND

This is the second year of the two-year 2023-2024 Legislative Session. February 16, 2024, was the last day for bills to be introduced. Bills can be heard in committee 31 days after being introduced, with most bills being heard in committee beginning in mid-March.

Attached is a matrix of bills that the Air District is currently tracking and has been arranged by category.

As defined by the Legislative Counsel, a “spot bill” is a bill that proposes nonsubstantive amendments to a code section in a particular subject; introduced to assure that a bill will be available, subsequent to the deadline to introduce bills, for revision by amendments that are germane to the subject of the bill.

An “intent bill” is essentially a placeholder for a bill that will be amended in the subject area of the bill’s stated intent language.

Please note – as of this writing, all bills for the 2024 Legislative Session have not yet been introduced – staff will provide a verbal update, as noted below in the Discussion section.
Bills with a Board of Directors (Board) approved position that are still able to move in the 2024 Legislative Session:

**AB 817 (Pacheco) – Open meetings: teleconferencing: subsidiary body.**

CapitolTrack Summary: The Ralph M. Brown Act requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met (nonemergency provisions). This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter. (Based on 01/17/2024 text)

Status: Passed the Assembly on January 25, 2024, ordered to the Senate. AB 817 is currently pending committee referral.

Position: Support

**SB 537 (Becker) – Open meetings: multijurisdictional, cross-county agencies: teleconferences.**

CapitolTrack Summary: Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows “just cause,” including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of “just
cause” to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction. (Based on 09/05/2023 text)

Status: The last location for SB 537 was the Assembly Floor. Ordered to the Inactive File on September 14, 2023.

Position: Support

SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

CapitolTrack Summary: Current law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Current law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Current law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, maintain records of that data, and, to the extent feasible, provide to the public the data in a publicly accessible format. This bill would expand the definition of a refinery for these purposes to include related facilities located on contiguous or adjacent properties and to include refineries engaging in other types of refining processes, including those using noncrude oil feedstock. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2028, after a 30-day public comment period, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. (Based on 09/01/2023 text)

Status: The last location for SB 674 was the Assembly Floor. Ordered to the Inactive File on September 14, 2023.

Position: Support
DISCUSSION

Staff will provide the Policy, Grants, and Technology Committee (Committee) with a brief summary and status of bills listed on the attached bill matrix and will recommend bills to support, oppose, and work with the author during the session. Staff will review other bills that may be of interest to the Committee.

Specifically, staff will plan to discuss the following bills:

**SB 1158 (Archuleta) - Carl Moyer Memorial Air Quality Standards Attainment Program.**
CapitolTrack Summary: Current law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Current law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Current law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation. This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes. This bill contains other related provisions and other existing laws. (Based on 02/14/2024 text)

Status: This bill has not yet been referred to a committee for a hearing. The earliest it may be heard is March 16, 2024.

Staff Recommendation: Support

**SB 1193 (Menjivar) - Airports: leaded aviation gasoline.**
CapitolTrack Summary: Current law, the State Aeronautics Act, governs various matters relative to aviation in the state, and authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act. Under existing law, a violation of the State Aeronautics Act is a crime. This bill would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers, consistent with a specified timeline, as provided. (Based on 02/14/2024 text)

Status: This bill has not yet been referred to a committee for a hearing. The earliest it may be heard is March 16, 2024.

Staff Recommendation: Support
AB 1894 (Ta) – Nonvehicular air pollution: civil penalties.
CapitolTrack Summary: Current law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties. This bill would require a district to provide a person with a period of not less than 30 days to rectify a violation before the person may be subject to those civil penalties. (Based on 01/23/2024 text)

Status: This bill has not yet been referred to a committee for a hearing. The earliest it may be heard is February 23, 2024.

Staff Recommendation: Oppose

As this Committee’s meeting materials will be posted on or before the February 16, 2024, deadline for bill introduction, staff will provide the Committee with a verbal update on any additional bills of interest and discuss any proposed recommended positions for those bills not included on the agenda. If the Committee determines that there are bills that they would like the Board to consider taking a position on of those bills that are not included on this meeting’s agenda, staff will include the Committee’s recommendations for those additional bills as an action item at the next Board meeting on March 6, 2024.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran
ATTACHMENTS:

1. Bills of Interest Matrix - As of February 16, 2024
2. SB 1158 (Archuleta) - Bill Text - As Introduced on February 14, 2024
3. SB 1193 (Menjivar) - Bill Text - As Introduced on February 14, 2024
4. AB 1894 (Ta) - Bill Text - As Introduced on January 23, 2024
5. AB 817 (Pacheco) - Bill Text - As Amended on January 17, 2024
6. SB 537 (Becker) - Bill Text - As Amended on September 5, 2023
7. SB 674 (Gonzalez) - Bill Text - As Amended on September 1, 2023
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<tr>
<td>AB 897</td>
<td>Haney</td>
<td>Carbon emission reduction strategy; building sector.</td>
<td>7/13/2023</td>
<td>09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11)</td>
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<td>AB 1903</td>
<td>Reemer</td>
<td>Coastal resources: coastal development permits; blue carbon demonstration projects.</td>
<td>02/12/2024 - Referred to Com. on NAT. RES.</td>
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<td>AB 2335</td>
<td>Gabriel</td>
<td>Voluntary carbon market disclosures.</td>
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<td>AB 2743</td>
<td>Arambula</td>
<td>California Carbon Sequestration and Climate Resiliency Project Registry.</td>
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<td>AB 2372</td>
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<td>Carbon Capture, Removal, Utilization, and Storage Program.</td>
<td>02/15/2024 - From printer. May be heard in committee March 16.</td>
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<td>Carbon dioxide transport.</td>
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<td>AB 2792</td>
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<td>Carbon Dioxide Removal Market Development Act.</td>
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<td>California Environmental Quality Act: expedited environmental review; climate change regulations.</td>
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<td>California Global Warming Solutions Act of 2006: report.</td>
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<td>AB 1001</td>
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<td>7/6/2023</td>
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<td>Law General-Air District</td>
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<td>01/01/2024 - From printer. May be heard in committee March 8</td>
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<td>Becker</td>
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<td>09/14/2023 - Ordered to inactive file on request of Assembly Member Bryan.</td>
<td>09/14/2023 - Assembly. INACTIVE FILE</td>
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<td>01/10/2024 - Introduced. Read first time. Referred to Com. on B. &amp; F.R. To print.</td>
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<td>SB 1165</td>
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<td>Organic wasteimulation: program environmental impact report: composting facilities.</td>
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<tr>
<td>SB 1026</td>
<td>Dadele</td>
<td>Air quality standards: idled biomass facilities: emissions technology.</td>
<td>09/09/2024 - From printer. May be acted upon on or after March 10.</td>
<td>02/08/2024 - Senate. RLS.</td>
<td>Intent Bill</td>
<td>Other</td>
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<tr>
<td>SB 1007</td>
<td>Tippens</td>
<td>Oil imports: air quality emissions data.</td>
<td>02/13/2024 - From printer. May be acted upon on or after March 16.</td>
<td>02/14/2024 - Senate. RLS.</td>
<td>Intent Bill</td>
<td>Other</td>
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<tr>
<td>SB 1193</td>
<td>Menjivar</td>
<td>Airports: leaded aviation gasoline.</td>
<td>02/15/2024 - From printer. May be acted upon on or after March 16.</td>
<td>02/14/2024 - Senate. RLS.</td>
<td>Spot Bill</td>
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<tr>
<td>SB 1204</td>
<td>Sauceda</td>
<td>Planning and Zoning Law: electric vehicle charging stations.</td>
<td>02/15/2024 - Introduced. Read first time. To Com. on RLS. for assignment. To print.</td>
<td>02/15/2024 - Senate. RLS.</td>
<td>Law</td>
<td>Other</td>
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<td>SB 1232</td>
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<td>Organic waste reduction regulations: exemptions.</td>
<td>02/15/2024 - Introduced. Read first time. To Com. on RLS. for assignment. To print.</td>
<td>02/15/2024 - Senate. RLS.</td>
<td>Law</td>
<td>Other</td>
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<td>SB 1308</td>
<td>Contolar</td>
<td>Ozone: indoor air cleaning devices.</td>
<td>02/14/2024 - Introduced. Read first time. To Com. on RLS. for assignment. To print.</td>
<td>02/14/2024 - Senate. RLS.</td>
<td>Law</td>
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<tr>
<td>AB 5</td>
<td>Friedman</td>
<td>Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.</td>
<td>3/16/2024 - 07/14/2023 - Senate 2 FEAR</td>
<td>07/14/2023 - Senate 2 FEAR</td>
<td>Law</td>
<td>Transportation</td>
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<td>Bill #</td>
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<td>Subject</td>
<td>Last Amended</td>
<td>Last Status - As of 2/16/2024</td>
<td>Location</td>
<td>Notes</td>
<td>Position</td>
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<td>AB 99</td>
<td>Connolly</td>
<td>Department of Transportation: state roads and highways: integrated pest management.</td>
<td>7/15/2023</td>
<td>09/01/2023 - Faxed Deadline pursuant to Rule 9(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) (May be voted upon Jan 2024)</td>
<td>09/01/2023 - Senate 2 YEAR</td>
<td>Law Transportation</td>
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<tr>
<td>AB 1774</td>
<td>Dixon</td>
<td>Vehicles: electric bicycles.</td>
<td>01/16/2024</td>
<td>01/16/2024 - Referred to Com. on TRANS.</td>
<td>01/16/2024 - Assembly TRANS.</td>
<td>Law Transportation</td>
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<td>AB 1778</td>
<td>Connolly</td>
<td>Vehicles: electric bicycles.</td>
<td>01/16/2024</td>
<td>01/16/2024 - Referred to Com. on TRANS.</td>
<td>01/16/2024 - Assembly TRANS.</td>
<td>Law Transportation</td>
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<td>AB 1837</td>
<td>Nippon</td>
<td>San Francisco Bay area: public transportation.</td>
<td>01/17/2024</td>
<td>01/17/2024 - From printer. May be heard in committee February 16.</td>
<td>01/16/2024 - Assembly, PRINT</td>
<td>Intent Bill</td>
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<td>AB 1951</td>
<td>Villapuana</td>
<td>Vehicles: weight limits.</td>
<td>02/12/2024</td>
<td>02/12/2024 - Referred to Com. on TRANS.</td>
<td>02/12/2024 - Assembly TRANS.</td>
<td>Law Transportation</td>
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<tr>
<td>AB 2025</td>
<td>Jackson</td>
<td>Electric vehicle charging stations: public access.</td>
<td>02/12/2024</td>
<td>02/12/2024 - Referred to Com. on TRANS. and U. &amp; E.</td>
<td>02/12/2024 - Assembly TRANS.</td>
<td>Law Transportation</td>
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<td>AB 2147</td>
<td>Mathis</td>
<td>Coast Transportation Program: hydrogen-fueling stations: report: job creation and workforce development.</td>
<td>02/07/2024</td>
<td>02/07/2024 - From printer. May be heard in committee March 8.</td>
<td>02/06/2024 - Assembly, PRINT</td>
<td>Law Transportation</td>
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<td>AB 2233</td>
<td>Boerner</td>
<td>Vehicles: electric bicycles.</td>
<td>02/09/2024</td>
<td>02/09/2024 - From printer. May be heard in committee March 10.</td>
<td>02/08/2024 - Assembly, PRINT</td>
<td>Law Transportation</td>
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<tr>
<td>AB 2296</td>
<td>Friedman</td>
<td>Transportation: Class III bicyclists: Bicycle facilities: Bikeway Quick-Build Transit Pilot Program</td>
<td>02/13/2024</td>
<td>02/13/2024 - From printer. May be heard in committee March 14.</td>
<td>02/12/2024 - Assembly, PRINT</td>
<td>Law Transportation</td>
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<tr>
<td>AB 2323</td>
<td>Ito</td>
<td>San Francisco Bay Area Rapid Transit District: officers: designation and appointment.</td>
<td>02/13/2024</td>
<td>02/13/2024 - From printer. May be heard in committee March 14.</td>
<td>02/12/2024 - Assembly, PRINT</td>
<td>Law Transportation</td>
<td>Low</td>
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<tr>
<td>AB 2472</td>
<td>McCarty</td>
<td>Electric vehicle charging stations; permitting: curbside charging.</td>
<td>02/14/2024</td>
<td>02/14/2024 - From printer. May be heard in committee March 14.</td>
<td>02/13/2024 - Assembly, PRINT</td>
<td>Law Transportation</td>
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<tr>
<td>AB 2485</td>
<td>Jackson</td>
<td>Electric Vehicle Economic Opportunity Zone: County of Riverside.</td>
<td>02/14/2024</td>
<td>02/14/2024 - From printer. May be heard in committee March 14.</td>
<td>02/13/2024 - Assembly, PRINT</td>
<td>Law Transportation</td>
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<td>AB 2493</td>
<td>Gabriel</td>
<td>San Francisco Bay Area Water Emergency Transportation Authority.</td>
<td>02/14/2024</td>
<td>02/14/2024 - From printer. May be heard in committee March 14.</td>
<td>02/13/2024 - Assembly, PRINT</td>
<td>Spot Bill</td>
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<td>AB 2533</td>
<td>Bonta</td>
<td>Trade Corridor Enhancement Program.</td>
<td>02/15/2024</td>
<td>02/15/2024 - From printer. May be heard in committee March 16.</td>
<td>02/15/2024 - Assembly, PRINT</td>
<td>Law Transportation</td>
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<td>AB 2678</td>
<td>Wallis</td>
<td>Vehicles: high-occupancy vehicle lanes.</td>
<td>02/15/2024</td>
<td>02/15/2024 - From printer. May be heard in committee March 16.</td>
<td>02/15/2024 - Assembly, PRINT</td>
<td>Law Transportation</td>
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<td>AB 2697</td>
<td>Ford</td>
<td>Vehicles: electric vehicle charging.</td>
<td>02/15/2024</td>
<td>02/15/2024 - From printer. May be heard in committee March 16.</td>
<td>02/15/2024 - Assembly, PRINT</td>
<td>Law Transportation</td>
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<tr>
<td>SB 132</td>
<td>Weiner</td>
<td>San Francisco Bay area tolled bridges: toll: transit operating expenses.</td>
<td>6/29/2023</td>
<td>06/29/2023 - August 24 set for first hearing canceled at the request of author.</td>
<td>06/29/2023 - Assembly, APPR.</td>
<td>Intent Bill</td>
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<td>SB 768</td>
<td>Cavallero</td>
<td>California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study.</td>
<td>1/11/2024</td>
<td>01/10/2024 - Read third time. Passed (Apex 34, Nov 4.) Ordered to the Assembly. In Assembly, Read first time. Held at Desk.</td>
<td>01/29/2024 - Assembly, DESK</td>
<td>Work with Author</td>
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<td>AB 925</td>
<td>Weiner</td>
<td>San Francisco Bay area: local revenue measure: transportation improvements.</td>
<td>02/14/2024</td>
<td>02/14/2024 - Referred to Com. on RLS.</td>
<td>01/11/2024 - Senate RLS.</td>
<td>Intent Bill</td>
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<td>AB 974</td>
<td>Rahib</td>
<td>San Francisco Bay area: public transportation.</td>
<td>02/14/2024</td>
<td>02/14/2024 - Referred to Com. on TRANS.</td>
<td>01/17/2024 - Senate TRANS.</td>
<td>Law Transportation</td>
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<td>AB 1493</td>
<td>Fong, Vinnie</td>
<td>California Environmental Quality Act: exemption: roadside wildfire prevention projects.</td>
<td>02/12/2024</td>
<td>02/12/2024 - Referred to Com. on NAT. RLS.</td>
<td>02/12/2024 - Assembly, NAT. RLS.</td>
<td>Law Wildfire/Smoke/PSPS</td>
<td>Medium</td>
<td>Low</td>
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<td>AB 2336</td>
<td>Felden</td>
<td>Endangered species: authorized take: routine fuel management activities.</td>
<td>02/13/2024</td>
<td>02/13/2024 - From printer. May be heard in committee March 16.</td>
<td>02/12/2024 - Assembly, PRINT</td>
<td>Law Wildfire/Smoke/PSPS</td>
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<td>AB 310</td>
<td>Yeld</td>
<td>Prescribed fire: civil liability: cultural burns.</td>
<td>6/28/2023</td>
<td>06/28/2023 - Faxed Deadline pursuant to Rule 9(a)(11). (Last location was APPR. SUSPENSE FILE on 5/23/2023) (May be voted upon Jan 2024)</td>
<td>06/21/2023 - Assembly 3 YEAR</td>
<td>Law Wildfire/Smoke/PSPS</td>
<td>Medium</td>
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<td>SB 945</td>
<td>Alvarez-Gil</td>
<td>The Wildfire Smoke and Health Outcomes Data Act.</td>
<td>02/14/2024</td>
<td>02/14/2024 - Referred to Com. on HEALTH and E.Q.</td>
<td>02/14/2024 - Senate, HEALTH</td>
<td>Law Wildfire/Smoke/PSPS</td>
<td>Low</td>
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<td>SB 946</td>
<td>McGuire</td>
<td>Wildfires: community hardening.</td>
<td>02/14/2024</td>
<td>02/14/2024 - Referred to Com. on RLS.</td>
<td>01/18/2024 - Senate RLS.</td>
<td>Intent Bill</td>
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<td>SB 1372</td>
<td>Nettie</td>
<td>Wildfires: wildfirework: toxics heavy metals.</td>
<td>02/15/2024</td>
<td>02/15/2024 - From printer. May be acted upon or other March 16.</td>
<td>02/14/2024 - Senate RLS.</td>
<td>Law Wildfire/Smoke/PSPS</td>
<td>Medium</td>
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</table>

Total Active Bills: 131
An act to amend Sections 44287, 44299.1, and 44299.2 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

SB 1158, as introduced, Archuleta. Carl Moyer Memorial Air Quality Standards Attainment Program.

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Existing law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Existing law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation.

This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes.
Under the Carl Moyer Program, existing law limits the amount of moneys that a local air district may use from its allocation for indirect costs of implementation of the program. Under existing law, that limit is 6.25% of the allocated moneys for a district with a population of 1,000,000 or more and 12.5% of the allocated moneys for a district with a population of less than 1,000,000.

This bill would instead set that limit at 12.5% for all local air districts regardless of population.


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

SECTION 1. Section 44287 of the Health and Safety Code, as amended by Section 121 of Chapter 131 of the Statutes of 2023, is amended to read:

44287. (a) The state board shall establish grant criteria and guidelines consistent with this chapter for covered vehicle projects as soon as practicable, but not later than January 1, 2000. The adoption of guidelines is exempt from the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The state board shall solicit input and comment from the districts during the development of the criteria and guidelines and shall make every effort to develop criteria and guidelines that are compatible with existing district programs that are also consistent with this chapter. Guidelines shall include protocols to calculate project cost-effectiveness. The grant criteria and guidelines shall include safeguards to ensure that the project generates surplus emissions reductions. Guidelines shall enable and encourage districts to cofund projects that provide emissions reductions in more than one district. The state board shall make draft criteria and guidelines available to the public 45 days before final adoption, and shall hold at least one public meeting to consider public comments before final adoption.

(b) The state board, in consultation with the participating districts, may propose revisions to the criteria and guidelines established pursuant to subdivision (a) as necessary to improve the ability of the program to achieve its goals. A proposed revision shall be made available to the public 45 days before final adoption.
of the revision and the state board shall hold at least one public meeting to consider public comments before final adoption of the revision.

(c) The state board shall reserve funds for, and disburse funds to, districts from the fund for administration pursuant to this section and Section 44299.1.

(d) The state board shall develop guidelines for a district to follow in applying for the reservation of funds, in accordance with this chapter. It is the intent of the Legislature that district administration of any reserved funds be in accordance with the project selection criteria specified in Sections 44281, 44282, and 44283 and all other provisions of this chapter. The guidelines shall be established and published by the state board as soon as practicable, but not later than January 1, 2000.

(e) Funds shall be reserved by the state board for administration by a district that adopts an eligible program pursuant to this chapter and offers matching funds at a ratio of one dollar ($1) of matching funds committed by the district or the Mobile Source Air Pollution Reduction Review Committee for every two dollars ($2) committed from the fund. Funds available to the Mobile Source Air Pollution Reduction Review Committee may be counted as matching funds for projects in the South Coast Air Basin only if the committee approves the use of these funds for matching purposes. Matching funds may be any funds under the district’s budget authority that are committed to be expended in accordance with the program. Funds committed by a port authority or a local government, in cooperation with a district, to be expended in accordance with the program may also be counted as district matching funds. Matching funds provided by a port authority or a local government may not exceed 30 percent of the total required matching funds in any district that applies for more than three hundred thousand dollars ($300,000) of the state board funds. Only a district, or a port authority or a local government teamed with a district, may provide matching funds.

(f) The state board may adjust the ratio of matching funds described in subdivision (e), if it determines that an adjustment is necessary in order to maximize the use of, or the air quality benefits provided by, the program, based on a consideration of the financial resources of the district.
(g) Notwithstanding subdivision (e), a district need not provide matching funds for state board funds allocated to the district for program outreach activities pursuant to paragraph (2) of subdivision (a) of Section 44299.1.

(h) A district may include within its matching funds a reasonable estimate of direct or in-kind costs for assistance in providing program outreach and application evaluation. In-kind and direct matching funds shall not exceed 15 percent of the total matching funds offered by a district. A district may also include within its matching funds any money spent on or after February 25, 1999, that would have qualified as matching funds but were not previously claimed as matching funds.

(i) A district desiring a reservation of funds shall apply to the state board following the application guidelines established pursuant to this section. The state board shall approve or disapprove a district application not later than 60 days after receipt. Upon approval of any district application, the state board shall simultaneously approve a reservation of funding for that district to administer. Reserved funds shall be disbursed to the district so that funding of a district-approved project is not impeded.

(j) Notwithstanding any other provision of this chapter, districts and the Mobile Source Air Pollution Reduction Review Committee shall not use funds collected pursuant to Section 41081 or Chapter 7 (commencing with Section 44220), or pursuant to Section 9250.11 of the Vehicle Code, as matching funds to fund a project with stationary or portable engines, locomotives, or marine vessels.

(k) Any funds reserved for a district pursuant to this section are available to the district for a period of not more than two years from the time of reservation. Funds not expended by June 30 of the second sixth calendar year following the date of the reservation disbursement shall revert back to the state board as of that June 30, and shall be deposited in the fund for use by the program. The funds may then be redirected based on applications to the fund. Regardless of any reversion of funds back to the state board, the district may continue to request other reservations of funds for local administration. Each reservation of funds shall be accounted for separately, and unused funds from each application shall revert back to the state board as specified in this subdivision.

(l) The state board shall specify a date each year when district applications are due. If the eligible applications received in any
year oversubscribe the available funds, the state board shall reserve funds on an allocation basis, pursuant to subdivision (b) of Section 44299.1. The state board may accept a district application after the due date for a period of months specified by the state board. Funds may be reserved in response to those applications, in accordance with this chapter, out of funds remaining after the original reservation of funds for the year.

(m) Guidelines for a district application shall require information from an applicant district to the extent necessary to meet the requirements of this chapter, but shall otherwise minimize the information required of a district.

(n) A district application shall be reviewed by the state board immediately upon receipt. If the state board determines that an application is incomplete, the applicant shall be notified within 10 working days with an explanation of what is missing from the application. A completed application fulfilling the criteria shall be approved as soon as practicable, but not later than 60 working days after receipt.

(o) The state board, in consultation with the districts, shall establish project approval criteria and guidelines for infrastructure projects consistent with Section 44284 as soon as practicable, but not later than February 15, 2000. The commission shall make draft criteria and guidelines available to the public 45 days before final adoption, and shall hold at least one public meeting to consider public comments before final adoption.

(p) The state board, in consultation with the participating districts, may propose revisions to the criteria and guidelines established pursuant to subdivision (o) as necessary to improve the ability of the program to achieve its goals. A revision may be proposed at any time, or may be proposed in response to a finding made in the annual report on the program published by the state board pursuant to Section 44295. A proposed revision shall be made available to the public 45 days before final adoption of the revision and the commission shall hold at least one public meeting to consider public comments before final adoption of the revision.

(q) This section shall become operative on January 1, 2034.

SEC. 2. Section 44287 of the Health and Safety Code, as amended by Section 122 of Chapter 131 of the Statutes of 2023, is amended to read:
44287. (a) The state board shall establish or update grant
criteria and guidelines consistent with this chapter for covered
vehicle and infrastructure projects as soon as practicable, but not
later than July 1, 2017. The adoption of guidelines is exempt from
the rulemaking provisions of the Administrative Procedure Act
(Chapter 3.5 (commencing with Section 11340) of Part 1 of
Division 3 of Title 2 of the Government Code). The state board
shall solicit input and comment from the districts during the
development of the criteria and guidelines and shall make every
effort to develop criteria and guidelines that are compatible with
existing district programs that are also consistent with this chapter.
Guidelines shall include protocols to calculate project
cost-effectiveness. The grant criteria and guidelines shall include
safeguards to ensure that the project generates surplus emissions
reductions. Guidelines shall enable and encourage districts to
cofund projects that provide emissions reductions in more than
one district. The state board shall make draft criteria and guidelines
available to the public 45 days before final adoption, and shall
hold at least one public meeting to consider public comments
before final adoption. The state board may develop separate
guidelines and criteria for the different types of eligible projects
described in subdivision (a) of Section 44281.

(b) The state board, in consultation with the participating
districts, may propose revisions to the criteria and guidelines
established pursuant to subdivision (a) as necessary to improve
the ability of the program to achieve its goals. A proposed revision
shall be made available to the public 45 days before final adoption
of the revision and the state board shall hold at least one public
meeting to consider public comments before final adoption of the
revision.

(c) The state board shall reserve funds for, and disburse funds
to, districts from the fund for administration pursuant to this section
and Section 44299.1.

(d) The state board shall develop guidelines for a district to
follow in applying for the reservation of funds, in accordance with
this chapter. It is the intent of the Legislature that district
administration of any reserved funds be in accordance with the
project selection criteria specified in Sections 44281, 44282, and
44283 and all other provisions of this chapter. The guidelines shall
be established and published by the state board as soon as practicable, but not later than January 1, 2006.

(e) Funds shall be reserved by the state board for administration by a district that adopts an eligible program pursuant to this chapter and offers matching funds at a ratio of one dollar ($1) of matching funds committed by the district or the Mobile Source Air Pollution Reduction Review Committee for every two dollars ($2) committed from the fund. Funds available to the Mobile Source Air Pollution Reduction Review Committee may be counted as matching funds for projects in the South Coast Air Basin only if the committee approves the use of these funds for matching purposes. Matching funds may be any funds under the district’s budget authority that are committed to be expended in accordance with the program. Funds committed by a port authority or a local government, in cooperation with a district, to be expended in accordance with the program may also be counted as district matching funds. Matching funds provided by a port authority or a local government shall not exceed 30 percent of the total required matching funds in any district that applies for more than three hundred thousand dollars ($300,000) of the state board funds. Only a district, or a port authority or a local government teamed with a district, may provide matching funds.

(f) The state board may adjust the ratio of matching funds described in subdivision (e), if it determines that an adjustment is necessary in order to maximize the use of, or the air quality benefits provided by, the program, based on a consideration of the financial resources of the district.

(g) Notwithstanding subdivision (e), a district need not provide matching funds for state board funds allocated to the district for program outreach activities pursuant to paragraph (2) of subdivision (a) of Section 44299.1.

(h) A district may include within its matching funds a reasonable estimate of direct or in-kind costs for assistance in providing program outreach and application evaluation. In-kind and direct matching funds shall not exceed 15 percent of the total matching funds offered by a district. A district may also include within its matching funds any money spent on or after February 25, 1999, that would have qualified as matching funds but were not previously claimed as matching funds.
(i) A district desiring a reservation of funds shall apply to the state board following the application guidelines established pursuant to this section. The state board shall approve or disapprove a district application not later than 60 days after receipt. Upon approval of any district application, the state board shall simultaneously approve a reservation of funding for that district to administer. Reserved funds shall be disbursed to the district so that funding of a district-approved project is not impeded.

(j) Any funds reserved for a district by the state board pursuant to this section are available for disbursement to the district for a period of not more than two years from the time of reservation. Funds not liquidated by a district by June 30 of the fourth sixth calendar year following the date of reservation disbursement shall be returned to the state board within 90 days for future allocation pursuant to this chapter. Each reservation of funds shall be accounted for separately, and unused funds from each application shall revert back to the state board for use pursuant to this chapter as specified in this subdivision.

(k) The state board shall specify a date each year when district applications are due. If the eligible applications received in any year oversubscribe the available funds, the state board shall reserve funds on an allocation basis, pursuant to Section 44299.2. The state board may accept a district application after the due date for a period of months specified by the state board. Funds may be reserved in response to those applications, in accordance with this chapter, out of funds remaining after the original reservation of funds for the year.

(l) Guidelines for a district application shall require information from an applicant district to the extent necessary to meet the requirements of this chapter, but shall otherwise minimize the information required of a district.

(m) A district application shall be reviewed by the state board immediately upon receipt. If the state board determines that an application is incomplete, the applicant shall be notified within 10 working days with an explanation of what is missing from the application. A completed application fulfilling the criteria shall be approved as soon as practicable, but not later than 60 working days after receipt.

(n) The commission, in consultation with the districts, shall establish project approval criteria and guidelines for infrastructure
projects consistent with Section 44284 as soon as practicable, but
not later than February 15, 2000. The commission shall make draft
criteria and guidelines available to the public 45 days before final
adoption, and shall hold at least one public meeting to consider
public comments before final adoption.
   (o) The commission, in consultation with the participating
districts, may propose revisions to the criteria and guidelines
established pursuant to subdivision (n) as necessary to improve
the ability of the program to achieve its goals. A revision may be
proposed at any time, or may be proposed in response to a finding
made in the annual report on the program published by the state
board pursuant to Section 44295. A proposed revision shall be
made available to the public 45 days before final adoption of the
revision and the commission shall hold at least one public meeting
to consider public comments before final adoption of the revision.
   (p) Unclaimed funds will be allocated by the state board in
accordance with Section 44299.2.
   (q) This section shall remain in effect only until January 1, 2034,
and as of that date is repealed, unless a later enacted statute, that
is enacted before January 1, 2034, deletes or extends that date.
SEC. 3. Section 44299.1 of the Health and Safety Code is
amended to read:
44299.1. (a) To ensure that emission reductions are obtained
as needed from pollution sources, any moneys deposited in the
fund for use by the program or appropriated to the program shall
be segregated and administered as follows:
(1) Not more than 2.5 percent of the moneys in the fund for use
by the program shall be allocated to program support and outreach
costs incurred by the state board and the commission directly
associated with implementing the program pursuant to this chapter.
These funds shall be allocated to the state board and the
commission in proportion to total program funds administered by
the state board and the commission.
(2) Not more than 2.5 percent of the moneys in the fund for use
by the program shall be allocated to direct program outreach
activities. The state board may use these funds for program
outreach contracts or may allocate outreach funds to participating
districts in proportion to each district’s allocation from the program
moneys in the fund. The state board shall report on the use of
outreach funds in their reports to the Legislature pursuant to Section 44295.

(3) The balance shall be deposited in the fund to be expended to offset added costs of new very low or zero-emission vehicle technologies, and emission reducing repowers, retrofits, and add-on equipment for covered vehicles and engines, and other projects specified in Section 44281.

(b) Moneys in the fund shall be allocated to a district that submits an eligible application to the state board pursuant to Section 44287. The state board shall determine the maximum amount of annual funding from the fund for use by the program that each district may receive. This determination shall be based on the population in each district as well as the relative importance of obtaining covered emission reductions in each district, specifically through the program.

(c) Not more than 6.25 percent of the moneys allocated pursuant to this chapter to a district with a population of one million or more may be used by the district for indirect costs of implementation of the program, including outreach costs that are subject to the limitation in paragraph (2) of subdivision (a).

(d) Not more than 12.5 percent of the moneys allocated pursuant to this chapter to a district with a population of less than one million may be used by the district for indirect costs of implementation of the program, including outreach costs that are subject to the limitation in paragraph (2) of subdivision (a).

SEC. 4. Section 44299.2 of the Health and Safety Code is amended to read:

44299.2. Funds shall be allocated to districts, and shall be subject to administrative terms and conditions as follows:

(a) Available funds shall be distributed to districts taking into consideration the population of the area, the severity of the air quality problems experienced by the population, and the historical allocation of the program funds, except that the south coast district shall be allocated a percentage of the total funds available to districts that is proportional to the percentage of the total state population residing within the jurisdictional boundaries of that district. For the purposes of this subdivision, population shall be determined by the state board based on the most recent data provided by the Department of Finance. The allocation to the south
coast district shall be subtracted from the total funds available to
districts. Each district, except the south coast district, shall be
awarded a minimum allocation of two hundred thousand dollars
($200,000), and the remainder, which shall be known as the
“allocation amount,” shall be allocated to all districts as follows:
(1) The state board shall distribute 35 percent of the allocation
amount to the districts in proportion to the percentage of the total
residual state population that resides within each district’s
boundaries. For purposes of this paragraph, “total residual state
population” means the total state population, less the total
population that resides within the south coast district.
(2) The state board shall distribute 35 percent of the allocation
amount to the districts in proportion to the severity of the air quality
problems to which each district’s population is exposed. The
severity of the exposure shall be calculated as follows:
(A) Each district shall be awarded severity points based on the
district’s attainment designation and classification, as most recently
promulgated by the federal Environmental Protection Agency for
the National Ambient Air Quality Standard for ozone averaged
over eight hours, as follows:
(i) A district that is designated attainment for the federal
eight-hour ozone standard shall be awarded one point.
(ii) A district that is designated nonattainment for the federal
eight-hour ozone standard shall be awarded severity points based
on classification. Two points shall be awarded for transitional,
basic, or marginal classifications, three points for moderate
classification, four points for serious classification, five points for
severe classification, six points for severe-17 classification, and
seven points for extreme classification.
(B) Each district shall be awarded severity points based on the
annual diesel particulate emissions in the air basin, as determined
by the state board. One point shall be awarded to the district, in
increments, for each 1,000 tons of diesel particulate emissions. In
making this determination, 0 to 999 tons shall be awarded no
points, 1,000 to 1,999 tons shall be awarded one point, 2,000 to
2,999 tons shall be awarded two points, and so forth. If a district
encompasses more than one air basin, the air basin with the greatest
diesel particulate emissions shall be used to determine the points
awarded to the district. The San Diego County Air Pollution
Control District and the Imperial County Air Pollution Control
District shall be awarded one additional point each to account for annual diesel particulate emissions transported from Mexico.

(C) The points awarded under subparagraphs (A) and (B), shall be added together for each district, and the total shall be multiplied by the population residing within the district boundaries, to yield the local air quality exposure index.

(D) The local air quality exposure index for each district shall be summed together to yield a total state exposure index. Funds shall be allocated under this paragraph to each district in proportion to its local air quality exposure index divided by the total state exposure index.

(3) The state board shall distribute 30 percent of the allocation amount to the districts in proportion to the allocation of funds from the program moneys in the fund, as follows:

(A) Because each district is awarded a minimum allocation pursuant to subdivision (a), there shall be no additional minimum allocation from the program historical allocation funds. The total amount allocated in this way shall be subtracted from total funding previously awarded to the district under the program, and the remainder, which shall be known as directed funds, shall be allocated pursuant to subparagraph (B).

(B) Each district with a population that is greater than or equal to 1 percent of the state’s population shall receive an additional allocation based on the population of the district and the district’s relative share of emission reduction commitments in the state implementation plan to attain the National Ambient Air Quality Standard for ozone averaged over one hour. This additional allocation shall be calculated as a percentage share of the directed funds for each district, derived using a ratio of each district’s share amount to the base amount, which shall be calculated as follows:

(i) The base amount shall be the total program funds allocated by the state board to the districts in the 2002–03 fiscal year, less the total of the funds allocated through the minimum allocation to each district in the 2002–03 fiscal year.

(ii) The share amount shall be the allocation that each district received in the 2002–03 fiscal year, not including the minimum allocation. There shall be one share amount for each district.

(iii) The percentage share shall be calculated for each district by dividing the district’s share amount by the base amount, and
multiplying the result by the total directed funds available under this subparagraph.

(b) Funds shall be distributed as expeditiously as reasonably practicable, and a report of the distribution shall be made available to the public.

(c) All funds allocated pursuant to this section shall be liquidated as provided for in the guidelines adopted pursuant to Section 44287 by June 30 of the fourth year following the year of allocation. Funds not liquidated within the four years shall be returned to the state board within 90 days for future allocation pursuant to this chapter. 44287.
An act to add Chapter 8 (commencing with Section 21710) to Part 1 of Division 9 of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL’S DIGEST

SB 1193, as introduced, Menjivar. Airports: leaded aviation gasoline. Existing law, the State Aeronautics Act, governs various matters relative to aviation in the state, and authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act. Under existing law, a violation of the State Aeronautics Act is a crime.

This bill would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers, consistent with a specified timeline, as provided.

This bill would require the department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, to identify best management practices for reducing public health and environmental exposures to lead associated with airport operations. The bill would require the department, on or before July 1, 2025, to publish on its internet website initial guidance for airport operators regarding best airport operating practices to minimize environmental and public health impacts of lead exposure. The bill would require the department to publish updated guidance on or before July 1, 2026, as specified.

This bill would require each airport operator, on or before November 1, 2025, to submit to the department, and begin implementing, a plan
to implement the best practices identified by the department to minimize environmental impacts and public health risks associated with leaded aviation gasoline use at airports. The bill would require each airport operator, by December 1, 2026, and each December 1 thereafter, to provide a status report to the department regarding its implementation of the plan, including the status of planning and investments to facilitate the supply of unleaded aviation gasoline at the airport, except as specified. The bill would require the department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, to offer technical assistance to each airport operator that has not submitted a plan, or that does not implement the plan submitted to the department in the manner described in the plan.

This bill would provide that a person in violation of the prohibition on selling, distributing, or otherwise making available leaded aviation gasoline to consumers is subject to a civil penalty of up to $1,000 per day that leaded aviation gasoline was sold, distributed, or supplied. The bill would provide that a person who remains in violation of the requirements to submit a plan or status report to the department 30 days after the offer of technical assistance by the department is subject to a civil penalty of up to $1,000 per day of continued noncompliance. The bill would also make its provisions severable.

Because the above provisions would be a part of the State Aeronautics Act, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.


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

SECTION 1. Chapter 8 (commencing with Section 21710) is added to Part 1 of Division 9 of the Public Utilities Code, to read:

Chapter 8. Leaded Aviation Gasoline

21710. (a) An airport operator or aviation retail establishment shall not sell, distribute, or otherwise make available leaded
aviation gasoline to consumers consistent with the following timeline:

(1) Beginning January 1, 2026, for airports and aviation retail establishments located in or adjacent to either of the following:
   (A) A disadvantaged community, as identified pursuant to Section 39711 of the Health and Safety Code.
   (B) A city with a population of at least 700,000 as of January 1, 2024, as determined using the latest official estimate published by the Department of Finance.

(2) Beginning January 1, 2028, for airports and aviation retail establishments located in or immediately adjacent to an urban growth boundary.

(3) Beginning January 1, 2030, for all other airports and aviation retail establishments.

(b) For purposes of this section, “aviation retail establishment” means any public or private entity that sells aviation gasoline, or offers or otherwise makes available aviation gasoline to a customer, including other businesses or government entities, for use in this state.

21711. (a) The department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, and using all available information, shall identify best management practices for reducing public health and environmental exposures to lead associated with airport operations.

(b) On or before July 1, 2025, the department shall publish on its internet website initial guidance for airport operators regarding best airport operating practices to minimize environmental and public health impacts of lead exposure. The department shall publish updated guidance on or before July 1, 2026, and may periodically review and update its guidance thereafter.

(c) In developing the guidance pursuant to subdivision (b), the department shall consider including measures to address all of the following:

(1) Managing runup practices, including by increasing the distance between runup areas and public areas on or off the airport, or increasing the size of runup areas.

(2) Eliminating the castoff of leaded aviation gasoline, and minimizing and mitigating other spills and releases of unexpended leaded aviation gasoline.

(3) Minimizing airport employee exposures.
(4) Minimizing releases of leaded aviation gasoline caused by refueling and maintenance activities at the airport, including processes used to store and dispense aviation gasoline at the airport.

(5) Minimizing idle time and engine runup time.

(6) Educating and financially incentivizing consumers that have the option to purchase and use unleaded aviation gasoline at the airport to do so.

(d) The department may adopt rules and regulations to implement, administer, and enforce the requirements of this chapter.

21712. (a) On or before November 1, 2025, each airport operator shall submit to the department, and begin implementing, a plan to implement the best practices identified by the department pursuant to Section 21711 designed to minimize environmental impacts and public health risks associated with leaded aviation gasoline use at airports.

(b) Each airport operator shall update its plan by the November 1 following an updated publication of the guidance issued by the department pursuant to subdivision (b) of Section 21711.

(c) At minimum, each airport operator shall include in its plan both of the following:

(1) A description of how the airport operator plans to implement the operational and logistical recommendations contained in the guidance issued pursuant to subdivision (b) of Section 21711.

(2) A plan and budget for the financing of any needed fueling infrastructure improvements at the airport to enable the airport to begin supplying unleaded aviation gasoline by the timelines established in Section 21710.

(d) By December 1, 2026, and each December 1 thereafter, each airport operator shall provide a status report to the department regarding its implementation of the plan submitted pursuant to subdivision (a), including the status of planning and investments to facilitate the supply of unleaded aviation gasoline at the airport.

(e) The department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, shall offer technical assistance to each airport operator that has not submitted a plan pursuant to subdivision (a), or that does not implement the plan submitted to the department in the manner described in the plan.
(f) This section does not apply to the operator of an airport at which leaded aviation gasoline is not sold, distributed, or otherwise made available. When an airport ceases to sell, distribute, or otherwise make available leaded aviation gasoline, the airport operator shall notify the department within 30 days of the cessation of the use of leaded aviation gasoline at the airport.

21713. (a) A person in violation of the requirements of Section 21710 is subject to a civil penalty of up to one thousand dollars ($1,000) per day that leaded aviation gasoline was sold, distributed, or supplied.

(b) A person who remains in violation of the requirements of Section 21712 30 days after the offer of technical assistance under subdivision (e) of Section 21712 is subject to a civil penalty of up to one thousand dollars ($1,000) per day of continued noncompliance.

21714. (a) If the provisions of this section are in conflict with federal grant assurances in effect on or before January 1, 2025, those provisions of this section shall apply to an airport operator upon the expiration of those grant assurances.

(b) The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
An act to add Section 42407.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 1894, as introduced, Ta. Nonvehicular air pollution: civil penalties.

Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties.

This bill would require a district to provide a person with a period of not less than 30 days to rectify a violation before the person may be subject to those civil penalties. By increasing the duties of air pollution control districts and air quality management districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,
reimbursement for those costs shall be made pursuant to the statutory provisions noted above.


_The people of the State of California do enact as follows:_

1. SECTION 1. Section 42407.5 is added to the Health and Safety Code, to read:

   42407.5. Before a person may be subject to civil penalties for a violation described in this article, the district shall provide the person an opportunity to rectify the violation. The period for rectifying a violation shall be not less than 30 days and not more than 60 days, except that a district, in its discretion, may provide more than 60 days.

2. SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
An act to add and repeal Section 54953.05 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL’S DIGEST

AB 817, as amended, Pacheco. Open meetings: teleconferencing: subsidiary body.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.
Existing law, until January 1, 2024, law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met (nonemergency provisions). Existing law imposes different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to specific means by which the public may remotely hear and visually observe the meeting.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency, and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

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.
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.

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

SECTION 1. Section 54953.05 is added to the Government Code, to read:

54953.05. (a) (1) The definitions in Section 54953, as that section may be amended from time to time, apply for purposes of this section.
(2) For purposes of this section, “subsidiary body” means a legislative body that meets all of the following:
(A) Is described in subdivision (b) of Section 54952.
(B) Serves exclusively in an advisory capacity.
(C) Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements.
(b) A subsidiary body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953, if the subsidiary body complies with all of the following:
(1) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the subsidiary body.
(2) Each member of the subsidiary body shall participate through both audio and visual technology.
(3) The subsidiary body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the subsidiary body:
(A) A two-way audiovisual platform.
(B) A two-way telephonic service and a live webcasting of the meeting.
(4) The subsidiary body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(5) 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 subsidiary body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

(6) The agenda shall identify and include an opportunity for all persons to attend and address the subsidiary body directly pursuant to Section 54954.3 via a call-in option or via an internet-based service option.

(7) In the event of a disruption that prevents the subsidiary body 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 subsidiary body’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the subsidiary 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 that prevents the subsidiary body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(8) 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 subsidiary 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.

(9) The subsidiary 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 subsidiary body and offer comment in real time.

(A) A subsidiary 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 paragraph (8), to provide public comment until that timed public comment period has elapsed.

(B) A subsidiary 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 paragraph (8), or otherwise be recognized for the purpose of providing public comment.

(C) A subsidiary 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 paragraph (8), until the timed general public comment period has elapsed.

(c) In order to use teleconferencing pursuant to this section, the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action shall make the following findings by majority vote before the subsidiary body uses teleconferencing pursuant to this section for the first time, and every 12 months thereafter:

1. The legislative body has considered the circumstances of the subsidiary body.
2. Teleconference meetings of the subsidiary body would enhance public access to meetings of the subsidiary body.
3. Teleconference meetings of the subsidiary body would promote the attraction, retention, and diversity of subsidiary body members.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 54953.05 to of the Government Code, imposes a limitation on 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:

By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, 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. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 54953.05 to the Government Code, furthers, 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 provide opportunities for public participation in meetings of specified public agencies and to promote the attraction and retention of members of those agencies.
An act to amend Section 54953 of, and to add and repeal Section 54953.4 of, the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

SB 537, as amended, Becker. Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.
Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows “just cause,” including for a childcare or caregiving need of a relative that requires the member to participate remotely.

This bill would expand the circumstances of “just cause” to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 7–10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would require a member who receives compensation for their service, as specified, on the legislative body to participate from a physical location that is open to the public. The bill would require the legislative body to identify in the agenda each member who plans to participate remotely and to include the address of the publicly accessible building from which each member will participate via teleconference. The bill would prohibit a member from participating remotely pursuant to these provisions unless the
remote location is the member’s office or another location in a publicly accessible building and is more than 40 miles from the in-person location of the meeting. The bill would repeal these alternative teleconferencing provisions on January 1, 2026.

This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 557 to be operative only if this bill and AB 557 are enacted and this bill is enacted last.

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.

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.

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 54953 of the Government Code, as amended by Section 1 of Chapter 285 of the Statutes of 2022, 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. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted 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.

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

(D) 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.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. 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).

(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 (Division
10 (commencing with Section 7920.000) 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) The legislative body of 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) 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.

(B) In the event of a disruption that prevents the legislative body 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 that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative 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 that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) 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.

(D) 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.

(E) (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) This subdivision shall not be construed to require the
legislative body to provide a physical location from which the
public may attend or comment.

(f) (1) The legislative body of a local agency may use
teleconferencing without complying with paragraph (3) of
subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) 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.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body 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 that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative 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 that prevents the legislative body 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.
(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.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.
(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.

(2) “Just cause” means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that
requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) “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).

(6) “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.

(7) “Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(8) “Two-way telephonic service” means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.
“Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

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

SEC. 1.5. Section 54953 of the Government Code, as amended by Section 1 of Chapter 285 of the Statutes of 2022, 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. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted 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.

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

(D) 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.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. 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).

(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 (Division
10 (commencing with Section 7920.000) 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) The legislative body of 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), (A), 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) 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.
(B) In the event of a disruption that prevents the legislative body 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 that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative 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 that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(C) 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.

(D) 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.

(E) (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), (D), 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 to 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), (D), 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), (D), 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 or 45 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) (A) or (B) of paragraph (1), and every 30 or 45 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) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) (1) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) 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.
(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body 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 that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative 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 that prevents the legislative body 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.

(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.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The
legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.

(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(g) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is
otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(h) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(i) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(j) For the purposes of this section, the following definitions shall apply:

(1) “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.

(2) “Just cause” means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (g).

(D) Travel while on official business of the legislative body or another state or local agency.

(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (f), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting.
location designated in the notice of the meeting. Watching or
listening to a meeting via webcasting or another similar electronic
medium that does not permit members to interactively hear,
discuss, or deliberate on matters, does not constitute remote
participation.

(5) “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).

(6) “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.

(7) “Two-way audiovisual platform” means an online platform
that provides participants with the ability to participate in a meeting
via both an interactive video conference and a two-way telephonic
function.

(8) “Two-way telephonic service” means a telephone service
that does not require internet access, is not provided as part of a
two-way audiovisual platform, and allows participants to dial a
telephone number to listen and verbally participate.

(9) “Webcasting” means a streaming video broadcast online or
on television, using streaming media technology to distribute a
single content source to many simultaneous listeners and viewers.

(k) This section shall remain in effect only until January 1, 2024;
2026, and as of that date is repealed.

SEC. 2. Section 54953 of the Government Code, as amended
by Section 2 of Chapter 285 of the Statutes of 2022, 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. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted 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.

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

(D) 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.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. 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).

(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 (Division 10 (commencing with Section 7920.000) 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) The legislative body of a local agency may use teleconferencing without complying with paragraph (3) of subdivision (b) if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency
exercises jurisdiction and the legislative body complies with all of the following:

(A) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the meeting.

(B) 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.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body 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 that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative 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 that prevents the legislative body 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.

(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.
(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause shall not be used by any member of the legislative body for more than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to participate in the meeting remotely due to emergency circumstances and the legislative body takes action to approve the request. The legislative body shall request a general description of the circumstances relating to their need to appear remotely at the given meeting. A general description of an item generally need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a meeting pursuant to this clause as soon as possible. The member shall make a separate request for each meeting in which they seek to participate remotely.

(II) The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with paragraph (4) of subdivision (b) of Section 54954.2.

(B) The member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.
(C) The member shall participate through both audio and visual technology.

(3) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.

(2) “Just cause” means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. “Child,” “parent,” “grandparent,” “grandchild,” and “sibling” have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.
(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(E) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.

(5) “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.

(6) “Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) “Two-way telephonic service” means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2.5. Section 54953 of the Government Code, as amended by Section 2 of Chapter 285 of the Statutes of 2022, 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. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted 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.

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

(D) 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.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. 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). subdivisions (d) and (e).
(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 (Division 10 (commencing with Section 7920.000) 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
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) The legislative body of a local agency may use
teleconferencing without complying with the requirements of
paragraph (3) of subdivision (b) if, during the teleconference
meeting, at least a quorum of the members of the legislative body
participates in person from a singular physical location clearly
identified on the agenda, which location shall be open to the public
and situated within the boundaries of the territory over which the
local agency exercises jurisdiction and the legislative body
complies with all of the following: if the legislative body complies
with the requirements of paragraph (2) of this subdivision in either
of the following circumstances:

(A) The legislative body shall provide at least one of the
following as a means by which the public may remotely hear and
visually observe the meeting, and remotely address 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.

(i) A two-way audiovisual platform.

(ii) A two-way telephonic service and a live webcasting of the
meeting.

(B) The legislative body holds a meeting during a proclaimed
state of emergency and has determined, by majority vote, pursuant
to subparagraph (A), 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:

(B) 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.

(C) The agenda shall identify and include an opportunity for all persons to attend and address the legislative body directly pursuant to Section 54954.3 via a call-in option, via an internet-based service option, and at the in-person location of the meeting.

(D) In the event of a disruption that prevents the legislative body 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 that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative 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 that prevents the legislative body 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.

(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.

(2) A member of the legislative body shall only participate in the meeting remotely pursuant to this subdivision, if all of the following requirements are met:

(A) One of the following circumstances applies:

(i) The member notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting. The provisions of this clause...
shall not be used by any member of the legislative body for more
than two meetings per calendar year.

(ii) The member requests the legislative body to allow them to
participate in the meeting remotely due to emergency circumstances
and the legislative body takes action to approve the request. The
legislative body shall request a general description of the
circumstances relating to their need to appear remotely at the given
meeting. A general description of an item generally need not exceed
20 words and shall not require the member to disclose any medical
diagnosis or disability, or any personal medical information that
is already exempt under existing law, such as the Confidentiality
of Medical Information Act (Chapter 1 (commencing with Section
56) of Part 2.6 of Division 1 of the Civil Code). For the purposes
of this clause, the following requirements apply:

(I) A member shall make a request to participate remotely at a
meeting pursuant to this clause as soon as possible. The member
shall make a separate request for each meeting in which they seek
to participate remotely.

(II) The legislative body may take action on a request to
participate remotely at the earliest opportunity. If the request does
not allow sufficient time to place proposed action on such a request
on the posted agenda for the meeting for which the request is made,
the legislative body may take action at the beginning of the meeting
in accordance with paragraph (4) of subdivision (b) of Section
54954.2.

(B) The member shall publicly disclose at the meeting before
any action is taken whether any other individuals 18 years of age
or older are present in the room at the remote location with the
member, and the general nature of the member’s relationship with
any such individuals.

(C) The member shall participate through both audio and visual
technology.

(3) The provisions of this subdivision shall not serve as a means
for any member of a legislative body to participate in meetings of
the legislative body solely by teleconference from a remote location
for a period of more than three consecutive months or 20 percent
of the regular meetings for the local agency within a calendar year,
or more than two meetings if the legislative body regularly meets
fewer than 10 times per calendar year.
(E) (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 (D), 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 (D), 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 (D), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 45 days after teleconferencing for the first time pursuant to subparagraph (A) or (B) of paragraph (1), and every 45 days thereafter, make the following findings by majority vote:

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

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

(4) This subdivision shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(f) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.
(g) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(h) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing members of the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(i) For the purposes of this section, the following definitions shall apply:

(1) “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.

(2) “Just cause” means any of the following:

(A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(B) A contagious illness that prevents a member from attending in person.

(C) A need related to a physical or mental disability as defined in Sections 12926 and 12926.1 not otherwise accommodated by subdivision (f).

(D) Travel while on official business of the legislative body or another state or local agency.

(3) “Remote location” means a location from which a member of a legislative body participates in a meeting pursuant to subdivision (e), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(4) “Remote participation” means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting. Watching or listening to a meeting via webcasting or another similar electronic medium that does not permit members to interactively hear, discuss, or deliberate on matters, does not constitute remote participation.
(1) “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).

(2) “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.

(6) “Two-way audiovisual platform” means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function.

(7) “Two-way telephonic service” means a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate.

(8) “Webcasting” means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(j) This section shall become operative January 1, 2024, shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 3. Section 54953.4 is added to the Government Code, to read:

54953.4. (a) For purposes of this section, the following definitions apply:

(1) “Eligible legislative body” means a board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to this chapter.

(2) “Multijurisdictional” means a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.

(b) An eligible legislative body may use teleconferencing without complying with paragraph (3) of subdivision (b) of Section 54953 if the legislative body complies with this section.
(c) An eligible legislative body shall not use teleconferencing pursuant to this section unless the eligible legislative body has adopted a resolution that authorizes the eligible legislative body to use teleconferencing at a regular meeting in open session.

(d) An eligible legislative body that holds a meeting pursuant to this section shall comply with all of the following:

1. In each notice and posting of the time or agenda of the teleconferenced meeting, the eligible legislative body shall include 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.

2. In the event of a disruption that prevents the eligible legislative body 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 eligible legislative body’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the eligible legislative 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 that prevents the eligible legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

3. The eligible legislative body shall not require public comments to be submitted in advance of the meeting and shall provide an opportunity for the public to address the legislative body and offer comment in real time.

4. (A) If an eligible legislative body provides a timed public comment period for each agenda item, the eligible legislative body shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subdivision (f), to provide public comment until that timed public comment period has elapsed.

(B) If an eligible legislative body does not provide a timed public comment period, but takes public comment separately on each agenda item, the eligible legislative body 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 subdivision (f).

(C) If an eligible legislative body provides a timed general public comment period that does not correspond to a specific agenda item, the eligible legislative body shall not close the public comment period or the opportunity to register, pursuant to subdivision (f), until the timed general public comment period has elapsed.

(5) Except as provided in Section 54953.3, an eligible legislative body, within seven days of holding a teleconference meeting, shall provide both of the following on its internet website:

(A) A record of attendance of both community members and the members of the eligible legislative body.

(B) (i) The number of community members in attendance in the teleconference meeting.

(ii) The number of community members in attendance at the physical location of the public meeting may be provided in addition to the requirement specified in clause (i).

(C) The number of public comments in the meeting.

(6) (A) At least a quorum of the members of the eligible legislative body shall participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

(B) Any member of the eligible legislative body who receives compensation for their service on the eligible legislative body shall participate from a physical location that is open to the public. For purposes of this subparagraph, “compensation” does not include reimbursement for traveling or other actual and necessary expenses incurred in connection with participating in person.

(C) The eligible legislative body shall identify each member of the eligible legislative body who plans to participate remotely in the agenda and shall include the address of the publicly accessible building from where they will participate via teleconference. The specific room or location within the publicly accessible building from which a member participates via teleconference is not required to be publicly accessible.

(7) The eligible legislative body shall provide a physical location from which the public may attend or comment.
(8) The eligible legislative body shall comply with all requirements of Section 54953 except paragraph (3) of subdivision (b) of that section.

(e) A member of the eligible legislative body shall not participate in a meeting remotely pursuant to this section unless they meet both of the following requirements:

1. The location from which the member participates is more than 40 miles from the in-person location of the meeting.
2. The member participates from their office or another location in a publicly accessible building.

(f) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of a third-party internet website or other online platform during a meeting held pursuant to this section may be required to register to log in to the teleconference if both of the following conditions are met:

1. The internet website or online platform requires that registration.
2. The decision to require registration is not under the control of the legislative body.

(g) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 4. The Legislature finds and declares that Sections 1, 2, and 3 of this act, which amend Section 54953 of, and add Section 54953.4 to, the Government Code, impose a limitation on 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:

Permitting remote participation for just cause due to a member’s immunocompromised family member, as well as extending the operation of teleconferencing for legislative bodies of multijurisdictional, cross-county agencies with appointed membership, will further increase public participation, increase the pool of people who are able to serve on these bodies, including those that would otherwise have to travel long distances to attend meetings in person, and protect the health and safety of the public.

SEC. 5. Sections 1.5 and 2.5 of this bill incorporate amendments to Section 54953 of the Government Code proposed
by both this bill and Assembly Bill 557. Those sections of this bill
shall only become operative if (1) both bills are enacted and
become effective on or before January 1, 2024, 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
557, in which case Section 54953 of the Government Code, as
amended by Sections 1 and 2 of this bill, shall remain operative
only until the operative date of Assembly Bill 557, at which time
Sections 1.5 and 2.5 of this bill shall become operative.

SEC. 5.
SEC. 6. The Legislature finds and declares that Sections 1, 2,
and 3 of this act, which amend Section 54953 of, and add Section
54953.4 to, 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:
Permitting remote participation for just cause due to a member’s
immunocompromised family member, as well as extending the
operation of teleconferencing for legislative bodies of
multijurisdictional, cross-county agencies with appointed
membership, will further increase public participation, increase
the pool of people who are able to serve on these bodies, including
those that would otherwise have to travel long distances to attend
meetings in person, and protect the health and safety of the public.

SEC. 6.
SEC. 7. 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:
Virtual meetings have allowed much easier access to appointed
bodies of local agencies with far more members of the public
participating in each meeting. This has created greater equity in
the process and fostered the health of our democracy. In-person
meetings may jeopardize the health and safety of vulnerable citizens due to ongoing risks of illnesses.
An act to amend Section 42705.6 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST


Existing law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Existing law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Existing law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, to maintain records of that data, and, to the extent feasible, provide to the public those data in a publicly accessible format.
This bill would extend the above requirements to expand the definition of a refinery for these purposes to include related facilities located on contiguous or adjacent properties and to include refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities: feedstock. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2026, 2028, after a 30-day public comment period, and would require the refinery-related community air monitoring system to be updated, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of refineries to notify the air district and the public, as provided, as quickly as possible of any exceedances of the lowest available one-hour average reference exposure levels set by the office or the United States Environmental Protection Agency: specified pollutant thresholds. The bill would require the owners or operators of refineries, within 24 hours of a fence-line monitoring system detecting an exceedance of a historical one-hour average concentration of any measured pollutant, those thresholds, to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of refineries to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.

Under existing law, a violation of requirements for stationary sources, sources or any rule, regulation, permit, or order of the state board or of an air district is a crime.

Because this bill would impose the monitoring systems requirement on owners or operators of refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities: feedstock, the lowest available one-hour average reference exposure levels set by the office or the United States Environmental Protection Agency: specified pollutant thresholds, to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of refineries to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.
processes, as defined, processes and would impose additional requirements on owners and operators of refineries, a violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for specified reasons.


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

SECTION 1. This act shall be known, and may be cited, as the Refinery Air Pollution Transparency and Reduction Act.

SEC. 2. Section 42705.6 of the Health and Safety Code is amended to read:

42705.6. (a) For purposes of this section, the following definitions apply:

(1) “Auxiliary facilities” means any site necessary to support refining processes at a refinery, including storage tanks, hydrogen plants, sulfuric acid plants, port terminals, and electrical generation plants that receive or provide more than 50 percent of their input from, or production output to, the refinery. “Auxiliary facilities” does not include gas stations.

(2) “Biofuel” means biodiesel, renewable diesel, and renewable aviation fuel, and other liquid products derived from noncrude oil feedstock. alternative feedstock, if the alternative feedstock is refined through coprocessing or at a refinery that was converted from petroleum to alternative feedstock.

(3) “Fence-line monitoring system” means equipment that measures and records ambient air pollutant concentrations at or adjacent to a refinery and that detects and estimates the quantity of fugitive emissions, gas leaks, and other air emissions from the refinery and that may be useful for estimating associated pollutant exposures and health risks and in determining trends in air pollutant levels over time.

(4)
(3) “Refinery” means an establishment that is and related facilities, including storage tanks, sulfur recovery plants, port terminals, electrical generation plants, and hydrogen plants, that are located on one or more contiguous or adjacent properties that is primarily involved in refining processes and related auxiliary facilities, and that produce gasoline, diesel fuel, aviation fuel, biofuel, lubricating oil, asphalt, petrochemical feedstock, or other similar products through the processing of crude oil or alternative feedstock, redistillation of unfinished petroleum derivates, cracking, or other processes.

(5) “Refinery-related community air monitoring system” means equipment that measures and records air pollutant concentrations in the ambient air at or near sensitive receptor locations near a refinery and that may be useful for estimating associated pollutant exposures and health risks and in determining trends in air pollutant levels over time.

(6) “Refining processes” means the production, separation, conversion, treating, handling, or blending of gasoline, diesel fuel, aviation fuel, biofuel, petroleum distillates, lubricating oils, petroleum coke, asphalt, or petrochemicals, among other products derived from petroleum and alternative feedstock, if the alternative feedstock is refined through coprocessing or at a refinery that was converted from petroleum to alternative feedstock.

(7) “Sensitive receptor” has the same meaning as set forth in Section 42705.5.

(b) Notwithstanding Section 42708, and on or before January 1, 2026, 2028, a refinery-related community air monitoring system shall, after a 30-day public comment period, be updated or installed near each refinery that is consistent with the requirements and guidance applicable to the siting of air quality monitors as established by the United States Environmental Protection Agency, and be updated, as deemed necessary by the state board, within 120 days of amendments to the guidance by the United States Environmental Protection Agency, that meets both of the following requirements:

(1) A district shall update an existing refinery-related community air monitoring system to implement this section or design, develop, install, operate, and maintain the a new refinery-related community
air monitoring system, which shall be operated and maintained in accordance with guidance from the appropriate district. A district may contract with a third party to implement this paragraph.

(2) The refinery-related community air monitoring system shall include equipment capable of measuring compounds emitted to the atmosphere from refinery processes, meteorological parameters, and digital components capable of enabling real-time access to air pollution and meteorological measurements via an internet website and application programming interface, as determined by the appropriate district.

(c) On or before January 1, 2026, 2028, the owner or operator of a refinery shall, after a 30-day public comment period and approval by the appropriate district, update an existing fence-line monitoring system to implement this section or develop, install, operate, and maintain a new fence-line monitoring system in accordance with guidance developed by the appropriate district. The fence-line monitoring system shall cover the entire perimeter of the refinery, unless it is infeasible based on substantial evidence.

The fence-line monitoring system shall cover all facilities at the refinery, including related facilities as described in paragraph (3) of subdivision (a). The fence-line monitoring system shall include equipment capable of measuring compounds emitted to the atmosphere from refinery processes, meteorological parameters, and digital components capable of enabling real-time access to air pollution and meteorological measurements via an internet website and application programming interface.

(d) (1) The appropriate district shall establish pollutants for monitoring at refinery-related community air monitoring systems and refinery fence-line monitoring systems and shall include pollutants identified by the Office of Environmental Health Hazard Assessment, including, but not limited to, the following pollutants identified in the office’s March 2019 Analysis of Refinery Chemical Emissions and Health Effects as candidates for air monitoring at a refinery:

(A) Acetaldehyde.
(B) Ammonia.
(C) Benzene.
(D) 1,3-butadiene.
(E) Cadmium.
(F) Diethanolamine.
(G) Formaldehyde.
(H) Hydrogen fluoride.
(I) Hydrogen sulfide.
(J) Manganese.
(K) Naphthalene.
(L) Nickel.
(M) Oxides of nitrogen.
(N) Polycyclic aromatic hydrocarbons.
(O) Particulate matter.
(P) Sulfur dioxide.
(Q) Sulfuric acid.
(R) Toluene.

2 A district may exclude a pollutant for monitoring at a
refinery-related community air monitoring system and refinery
fence-line monitoring system if substantial evidence supports that
real-time monitoring of the pollutant is technologically infeasible
or the pollutant would not be released by refining processes during
routine and nonroutine operations at the refinery.

3 A district shall, on a five-year basis, review the list of
pollutants being measured and may revise the list of pollutants
after considering advances in monitoring technology, reported
refinery emissions, ambient air data collected by the refinery
fence-line and refinery-related community monitoring systems,
and any other relevant emissions information.

(e) (1) The district and the owner or operator of a refinery shall
collect real-time data from the refinery-related community air
monitoring system and the fence-line monitoring system and shall
maintain records of that data for at least five years. The owner or
operator of a refinery shall post online quarterly reports that
summarize pollutant levels, variations, and trends over a
three-month period timeframe and notify the public of the
availability of the reports.

2 The data generated by these systems shall be provided to
the public within 24 hours in a publicly accessible and
machine-readable format. The data shall be archived and made
available to the public online for download through an application
programming interface or other widely recognized standard and
backend components shall be optimized to minimize delays in
accessing data. The data shall include all historical and
meteorological data, and pollution measurements and metadata,
including latitude and longitude, detection limits, signal strength, calibration, and quality control checks.

(f) The owner or operator of a refinery shall conduct third-party audits, using an auditor approved by the district, of its fence-line monitoring system to ensure the system is providing accurate data, including conducting quality control checks, system calibration, and evaluation of quality control and assurance plans. The audit reports shall be submitted to the district and made available to the public online by the refinery. The third-party audits shall be conducted in accordance with the following schedule:

1. An initial audit shall be conducted as follows:
   (A) For a fence-line monitoring system installed on or after January 1, 2024, within three six months after the installation and operation of the system.
   (B) For a fence-line monitoring system installed before January 1, 2024, by July 1, 2024.
2. Subsequent audits shall occur every two years and review at least one year of monitoring data.
3. If an audit makes recommendations or identifies deficiencies in a fence-line monitoring system, the owner or operator of the refinery shall develop a corrective action plan within one month of the audit report to describe actions that will be taken to address all recommendations and deficiencies within a timeline of no more than six months. A followup performance audit shall be conducted within one month of completion of the corrective action plan to document the resolution of the recommendations and deficiencies identified in the audit. The owner or operator of a refinery shall implement all recommendations of the auditor for correcting deficiencies, except those that would cause a safety concern. The corrective action plan shall be submitted to the district and made available to the public online by the refinery.

(g) The owner or operator of a refinery shall notify the district and public as quickly as possible of any exceedances of the lowest available one-hour average reference exposure or concentration levels set by the Office of Environmental Health Hazard Assessment or the United States Environmental Protection Agency notification threshold that are detected by the fence-line monitoring system. The notification threshold shall be established as the lowest available one-hour average of the National Ambient Air Quality Standards, California Ambient Air Quality Standards, and the
acute reference exposure levels as assessed by the Office of Environmental Health Hazard Assessment, or, if not established, the historical concentration of any measured pollutant, if historical data is available. At a minimum, the notification to the public shall include email and text message notifications to members of the public requesting notification by email or text message notification, as appropriate.

(h) (1) Within 24 hours of a fence-line monitoring system detecting an exceedance of a historical one-hour average concentration the notification threshold of any measured pollutant, the owner or operator of a refinery shall initiate a root cause analysis to locate the cause of the exceedance and to determine appropriate corrective action. The owner or operator of the refinery shall prepare and submit a report to the district and post online within five 14 days of the exceedance explaining the root cause analysis findings and corrective action performed by the refinery. The root cause analysis shall include a visual inspection to determine the cause of the exceedance and any of the following:

(A) Optical gas imaging.

(B) Leak inspection using Method 21 under Appendix A-7 of Part 60 (commencing with Section 60.1) of Title 40 of the Code of Federal Regulations.

(C) Other test or monitoring method approved by the district, the State Air Resources Board, state board, or the United States Environmental Protection Agency.

(2) If the root cause analysis requires corrective action, the refinery shall conduct a reinspection of the source within 14 days of the corrective action and submit a report to the district and post online.

(3) The refinery shall be assessed a civil penalty pursuant to Article 3 (commencing with Section 42400) of Chapter 4 by the district for failing to conduct a root cause analysis and take corrective action within five 14 days.

(4) (A) A fence-line monitoring system approved by the district shall presumptively yield credible evidence that may be used to establish whether a refinery has violated or is in violation of any plan, order, permit, rule, regulation, or law.

(B) A refinery may rebut the presumption established in subparagraph (A) by providing evidence that the refinery was not
the source of pollution that triggered the fence-line monitoring
system.
(i) (1) Guidance developed by a district pursuant to this section
shall require the preparation of a quality control and assurance
plan to ensure data quality and take into account technological
capabilities and incorporate input from affected parties and, to the
extent feasible, shall be informed by refinery-related guidance in
the monitoring plan prepared pursuant to subdivision (b) of Section
42705.5 and the United States Environmental Protection Agency
guidance on quality assurance and management plans.
(2) Guidance and rules or regulations developed by a district
pursuant to this section shall be reviewed and updated every five
years through a public process.
(j) (1) Except as provided in paragraph (2), the owner or
operator of a refinery shall be responsible for the costs associated
with implementing this section.
(2) To the extent a refinery-related community air monitoring
system is intentionally used by a district to monitor emissions from
sources under its jurisdiction other than a refinery, the district shall
ensure the costs of the system are shared in a reasonably equitable
manner.
(k) No later than July 1, 2027, the appropriate district shall
provide notice to the appropriate policy committees of the
Legislature regarding its progress toward meeting the January 1,
2028, implementation deadline pursuant to subdivisions (b) and
(c).
(l) All fence-line monitoring systems and refinery-related
community air monitoring systems installed before January 1,
2024, shall continue in operation during the implementation of
any additional requirements pursuant to this section.
(m) This section does not limit the authority or jurisdiction of
the Environmental Protection Agency, the State Air Resources
Board, state board, or the districts, and does not prohibit a city,
county, or city and county from imposing more stringent
regulations, limits, or prohibitions on a refinery.
SEC. 3. No reimbursement is required by this act pursuant to
Section 6 of Article XIIIB of the California Constitution because
a local agency or school district has the authority to levy service
charges, fees, or assessments sufficient to pay for the program or
level of service mandated by this act or because costs that may be
incurred by a local agency or school district will be incurred
because this act creates a new crime or infraction, eliminates a
crime or infraction, or changes the penalty for a crime or infraction,
within the meaning of Section 17556 of the Government Code, or
changes the definition of a crime within the meaning of Section 6
of Article XIII B of the California Constitution.
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members
   of the Policy, Grants, and Technology Committee

From: Philip M. Fine
   Executive Officer/APCO

Date: February 21, 2024

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On January 10, 2024, Governor Newsom released his initial proposal for the fiscal year (FY) 2024-25 Budget. Assembly Bill (AB) 1812 (Gabriel) and Senate Bill (SB) 917 (Skinner) are identical bills reflecting the Governor’s proposed budget.

The text below was obtained from the Assembly’s “Highlights of Governor’s Proposed 2024-25 Budget” released on January 10, 2024:

**Late Tax Data Necessitates More Budget Balancing.** Following an unprecedented decision by the federal government to allow high-income taxpayers to delay 2022 tax payments to November 2023, recent tax receipts show that the 2022 California budget surplus effectively was much less than estimated. In June 2023, the Legislature and the Governor addressed a more than $30 billion shortfall to correct part of this overestimate. The November tax data show that additional budget balancing will be required in 2024 and over the next few fiscal years.

The Governor’s new proposal estimates that $37.9 billion of budget-balancing actions will be required to balance the 2024-25 state budget as required by the Constitution. (The Legislative Analyst’s Office estimated a $68 billion gap in a report last month but made different assumptions about revenues, Proposition 98 school funding, and baseline state spending.) Both the administration and the LAO note, as always, that the California tax system is unpredictable, and revenue estimates may change by many billions of dollars between now and this summer when the 2024 budget is finalized.

The Governor’s budget summary notes that state revenues remain well above prepandemic levels. The administration notes that the stock market run-up through the end of 2021 led to a tax revenue surge that ended in 2022. In addition to general stock market declines,
revenue sources attributable to high-income households and businesses in California’s important technology sector—sources related to initial public offerings and venture capital funding—weakened during 2022 and much of 2023. The Governor’s summary notes the recent recovery of the stock market and growth in California’s overall economy.

DISCUSSION

Staff will provide an update to the Policy, Grants, and Technology Committee on activities related to the budget.

The Senate and Assembly have started budget hearings that will continue for several months. Air District staff will participate and comment as appropriate. In May, the Governor will release a budget revision (the “May Revise”), and the remainder of May and most of June will be spent reconciling priorities and funding of the Administration, Senate, and Assembly. The budget must be signed by the Governor by July 1, 2024.

Attached is a table of programs significant to the Air District, along with budget data from the previous year. These items may be subject to change based on future budget adjustments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. 2024-25 Proposed State Budget vs. Previous Year
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<tr>
<th>Program</th>
<th>FY 23/24 Approved Budget, Budget Bill Jr.</th>
<th>FY 24/25 Proposed Budget (January) AB 1812 (Gabriel) and SB 917 (Skinner)</th>
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<td>AB 617 – Implementation</td>
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<td>AB 617 – Incentives</td>
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<td>AB 617 – Community Grants</td>
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<td>Residential Decarbonization</td>
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<td>Commercial Harbor Craft</td>
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</table>

*Reversions also noted in proposed budget for some previously allocated funding from previous budget years.
AGENDA: 11.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Federal Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

To avert multiple government shutdowns, Congress has passed three short-term spending bills, the most recently in mid-January, which extends government spending into the month of March. However, Congress will still need to reach an agreement on a full-year spending package for fiscal year (FY) 2024, which began last October.

In December 2023, the Air District organized a federal legislative advocacy trip attended by current Chair (then Vice Chair) Hurt, Director Veenker, Air District Executive Officer/APCO, Dr. Fine, Deputy Executive Officer of Public Affairs, Viet Tran, and Legislative Officer, Alan Abbs, and facilitated by the Air District’s contracted federal advocacy firm, Kadesh & Associates.

The trip included meetings with members of the Bay Area House delegation, both Senate offices, two Department of Energy offices, Department of Transportation, White House Council on Environmental Quality, and two Non-Governmental Organizations (NGOs), the American Lung Association, and the U.S. Climate Alliance.

Office of Senator Butler (Staff)
  - Discussion items: Assembly Bill (AB) 617 work, building appliance rules, Bipartisan Infrastructure Law (BIL)/Inflation Reduction Act (IRA) funding efforts.

Office of Senator Padilla (Member and staff)
  - Discussion items: Refinery incidents, AB 617 community work, wildfire smoke and PM$_{2.5}$, appliance rules, Infrastructure Investment and Jobs Act (IIJA) and IRA funding.

Office of Representative DeSaulnier (Member and staff)
  - Discussion items: Refinery incidents, appliance rules, IIJA and IRA funding. Contra Costa County Just Transition project.
Office of Representative Eshoo (Staff)
- Discussion items: Building appliance rules and implementation, wildfire smoke, BIL/IRA funding efforts.

Office of Representative Garamendi (Member and staff)
- Discussion items: Refinery incidents, appliance rules, IIJA and IRA funding.

Office of Representative Huffman (Member and staff)
- Discussion items: AB 617 community work, appliance rules, IIJA and IRA funding.

Office of Representative Mullin (Member and staff)
- Discussion items: AB 617 community work, wildfire smoke, appliance rules, IIJA and IRA funding.

Department of Energy (DOE) – Office of Energy Efficiency and Renewable Energy (EERE) – Building Technologies Office
- Discussion items: Appliance rules, including technical needs and implementation pathway. Expressed interest in seeing how DOE programs overlay with Air District needs on research and development, adoption, and workforce.

Department of Energy – Office of State and Community Energy Partners
- Discussion items: Federal funding options for clean appliances and other clean technologies. Very familiar with the state funding pathways and the dozens of new federal programs that might be applicable to some of the work that the Air District and partners are doing.

Department of Transportation (DOT)
- Discussion items: AB 617 work. DOT is interested in how those plans inform Transportation Improvement Plan (TIP)/State Transportation Improvement Program (STIP) transportation planning and could feed into DOT’s new greenhouse gas (GHG) planning.

White House Council on Environmental Quality (CEQ)
- Discussion items: AB 617 programs, specific communities and partners, IRA programs with Justice40 overlay. White House campaign for environmental justice.

American Lung Association
- Discussion items: Building appliance rules, wildfire, PM$_{2.5}$, other U.S. Environmental Protection Agency (EPA) rules and Administration efforts aimed at air quality & public health.

U.S. Climate Alliance
- Discussion items: Appliance rules and helping identify best policy/implementation practices across states/localities.

DISCUSSION

The Policy, Grants, and Technology Committee will receive an update on recent events of significance on the federal level, as well as a recap on our federal advocacy trip in December 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.
Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by:  Alan Abbs
Reviewed by:  Viet Tran

ATTACHMENTS:

None
AGENDA:  12.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members
   of the Policy, Grants, and Technology Committee

From: Philip M. Fine
      Executive Officer/APCO

Date: February 21, 2024

Re: Status of Actions to Address Lead from General Aviation Fuel

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Leaded gasoline used in general aviation for piston-engine powered small aircraft (avgas) remains the largest nationwide source of lead emissions into the air. Elevated levels of lead in air near airports cause higher exposure levels for the public. Communities near general aviation airports tend to be lower income and higher minority areas.

Several studies, including one completed over two years ago at Reid Hillview airport in Santa Clara County, have shown elevated blood lead levels in children living near these airports. Lead is a toxic substance and can persist in human tissue, the brain, and the skeletal system for many decades after exposure. Even low levels of lead in blood are linked to adverse cognitive and behavioral performance in children. Children of low socioeconomic status are at greater risk of being disproportionately impacted by lead emissions.

The United States Environmental Protection Agency (U.S. EPA) was first petitioned on the issue of lead emissions from general aviation aircraft in 2006 and has intermittently evaluated impacts from lead in aviation fuel since that time.

Below is a status update on measures to reduce and eliminate lead from avgas.

DISCUSSION

In October 2021, the Board of Directors directed staff to take actions toward eliminating lead emissions from general aviation fuel. Since then, technological advances in developing formulations of unleaded avgas have occurred. Below is a general status update on efforts to reduce and eliminate lead from general aviation fuel.
1. U.S. EPA finalizes an endangerment finding for leaded aviation gasoline

On October 18, 2023, the U.S. EPA issued a final determination that lead emissions from piston-engine aircraft cause or contribute to air pollution which may reasonably be anticipated to endanger public health and welfare under the Clean Air Act.

Finalization of the endangerment finding now requires U.S. EPA to propose and promulgate regulatory standards for lead emissions from aircraft engines, after which the Federal Aviation Administration (FAA) is required to finalize regulations to enforce U.S. EPA’s engine emissions standards. The endangerment finding also requires the FAA to establish standards for the composition of aviation gasoline to control or eliminate aircraft lead emissions.

The Air District and other agencies sent a letter of support for the 2021 petition to EPA to make an endangerment finding, signed March 21, 2022. Also, a letter of support for the proposed endangerment finding led by Santa Clara County was sent in January 2023.

2. Technological advances in development of unleaded avgas:

Swift Fuels UL94 unleaded avgas has been available for the past six (6) years. This formulation was certified by the FAA in 2015 for use in about 70% of piston-engine aircraft in the existing general aviation fleet. Twenty-five (25) airports in northern California and twenty-two (22) in Southern California will now have this fuel available.

Two companies, Swift Fuels and General Aviation Modifications Inc. (GAMI), have developed high octane, unleaded fuels for piston-engine aircraft. The Swift Fuels formulation for 100 octane, unleaded avgas, 100R, is designed to fully replace leaded avgas across the entire piston engine fleet once it receives the proper approvals. This Swift 100R is currently under review for FAA testing, American Society for Testing Materials (ASTM) certification and eventual production and distribution. Swift Fuels hopes to have this fleetwide fuel available across North America by the end of 2025.

On September 1, 2022, the FAA approved GAMI’s 100-octane unleaded fuel (G100UL) to be used in all piston aircraft. The signed supplemental type certificates allow GAMI’s fuel to be used in every general aviation spark-ignition engine and every airframe powered by those engines. General transition and commercialization, including manufacture and distribution of this fuel, are the next steps in making this unleaded fuel widely available.

3. Federal Grant for Pollution Prevention to Advance Environmental Justice

The California Department of Public Health (CDPH) received a grant of over $776,600 from US EPA for pollution prevention in underserved communities. The CDPH proposal will provide voluntary outreach for technical assistance to general aviation airports in California located in disadvantaged communities to support the reduction or elimination of leaded aviation gasoline. Technical assistance will include voluntary business roundtable discussions, training, and developing educational materials and case studies. The proposed project aims to improve human health and the environment in disadvantaged communities by reducing harmful lead emissions in
communities from pollution sources identified through CalEnviroScreen. The Air District will assist CDPH with outreach to Bay Area general aviation airports.

4. Letter of Support to City of Livermore to phaseout leaded avgas:

At the request of the Air District’s James Cary Smith Community Grantee, Tri-Valley Air Quality Climate Alliance, on September 8, 2023, the Air District wrote a letter to the City of Livermore in support of the Livermore City Council’s efforts encouraging the use of unleaded avgas at general aviation airports in Alameda County. In December 2023, Livermore City Council approved a resolution to require an unleaded fuel option at the Livermore Municipal Airport.

5. Pending Federal Legislation

Two bills regarding the 2023 FAA Reauthorization potentially complicate the current status of eliminating leaded avgas: One bill passed by the House of Representatives requires leaded avgas to remain available at general aviation airports. A corresponding bill in the Senate is pending.

Next Steps:

The Air District will continue to urge U.S. EPA and the FAA to protect public health and welfare by phasing out leaded aviation fuels.

- Assist CDPH with outreach and education program to Bay Area general aviation airports.
- Support communities, cities, and counties in the transition to unleaded general aviation fuel.
- Advocate for production, distribution, and wide availability of unleaded fuel for piston-engine aircraft at general aviation airports.
- Track the status of U.S. EPA and FAA rulemaking.

The Air District can serve as a resource to local governments and communities in the transition to unleaded fuel for general aviation airports.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

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ATTACHMENTS:

None