



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
COMMUNITY ADVISORY COUNCIL

COMMITTEE MEMBERS

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

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

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

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# COMMUNITY ADVISORY COUNCIL MEETING AGENDA

**THURSDAY, NOVEMBER 17, 2022**

**6:00 PM**

## ***Land Acknowledgement Statement***

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

1. **Call to Order - Roll Call**
2. **Public Meeting Procedure**

*The Council Co-Chairs shall call the meeting to order and the Clerk of the Boards shall take roll of the Council members.*

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

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

3. Approval of the Minutes of September 8, 2022

*The Council will consider approving the attached draft minutes of September 8, 2022.*

**PRESENTATION(S)**

- 4. Community-Focused Air Monitoring and Data Assessments: Aclima, Long-Term Monitoring, Mobile Monitoring, and Sensor Networks

*Air District staff will present on how to access different types of publicly available air quality monitoring datasets and how this data can be used to help inform air quality improvement efforts. In addition, Air District staff will request guidance from the Council on the Air District’s draft plan to conduct local-scale monitoring data analyses for overburdened communities. This is an informational item only and will be presented by Assistant Manager, Kate Hoag.*

**ACTION ITEM(S)**

- 5. Ideas for Community Engaged Incident Response and Enforcement

*This is an action item for the Council to consider endorsing Compliance and Enforcement’s bi-monthly community meetings as well as provide direction for the Community Engaged Enforcement proposal. This item will be presented by Council Member Ken Szutu, Meteorology & Measurement Assistant Manager Kate Hoag, and Compliance & Enforcement Manager Tracy Lee.*

**REGULAR AGENDA (Items 6-7)**

- 6. Work Plan Ad Hoc Update

*The Council and the public will receive an update from the Work Plan Ad Hoc Committee.*

- 7. Governance Ad Hoc Update

*The Council and the public will receive updates from the Governance Ad Hoc Committee.*

**OTHER BUSINESS**

- 8. Report of the Executive Officer/APCO

9. Public Comment on Non-Agenda Matters

*Pursuant to Government Code Section 54954.3*

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

10. Council Member Comments / Other Business

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

11. Time and Place of Next Meeting

*At the Call of the Co-Chairs.*

12. Adjournment

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

**CONTACT:**

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

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

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

**Accessibility and Non-Discrimination Policy**

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

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

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

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

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

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

## EXECUTIVE OFFICE:

## MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

### NOVEMBER 2022

| <u>TYPE OF MEETING</u>  | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u>                                |
|---|------------|-------------|-------------|--|
| Advisory Council Meeting – CANCELLED AND RESCHEDULED TO DECEMBER 15, 2022 AT 8:30 A.M.                                      | Monday     | 14          | 8:30 a.m.   | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Legislative Committee  | Monday     | 14          | 1:00 p.m.   | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Meeting - CANCELLED  | Wednesday  | 16          | 9:00 a.m.   | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Administration Committee - CANCELLED   | Wednesday  | 16          | 11:00 a.m.  | Webcast only pursuant to Assembly Bill 361 |
| Community Advisory Council Meeting  | Thursday   | 17          | 6:00 p.m.   | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Stationary Source and Climate Impacts Committee  | Monday     | 21          | 9:00 a.m.   | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Budget and Finance Committee   | Wednesday  | 23          | 9:30 a.m.   | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Mobile Source and Climate Impacts Committee– CANCELLED AND RESCHEDULED TO NOVEMBER 28, 2022 AT 9:30 A.M. | Thursday   | 24          | 9:30 a.m.   | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Mobile Source and Climate Impacts Committee  | Monday     | 28          | 9:30 a.m.   | Webcast only pursuant to Assembly Bill 361 |
| Path to Clean Air Community Emissions Reduction Plan Steering Committee   | Monday     | 28          | 5:30 p.m.   | Webcast only pursuant to Assembly Bill 361 |

### DECEMBER 2022

| <u>TYPE OF MEETING</u>   | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u>                                |
|--|------------|-------------|-------------|--|
| Board of Directors Community Equity, Health and Justice Committee                              | Thursday   | 1           | 9:30 a.m.   | Webcast only pursuant to Assembly Bill 361 |
| Advisory Council Meeting – CANCELLED & RESCHEDULED TO THURSDAY, DECEMBER 15, 2022 AT 8:30 A.M. | Monday     | 5           | 8:30 a.m.   | Webcast only pursuant to Assembly Bill 361 |

## DECEMBER 2022

| <u>TYPE OF MEETING</u>  | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u>   |
|---|------------|-------------|-------------|---|
| Board of Directors Meeting  | Wednesday  | 7           | 9:00 a.m.   | 1 <sup>st</sup> Floor, Board Room<br>(In person option available)<br><b>and REMOTE</b><br>pursuant to Assembly Bill 361 |
| Board of Directors Legislative Committee                                      | Monday     | 12          | 1:00 p.m.   | Webcast only pursuant to<br>Assembly Bill 361   |
| Path to Clean Air Community Emissions<br>Reduction Plan Steering Committee    | Monday     | 12          | 5:30 p.m.   | Webcast only pursuant to<br>Assembly Bill 361   |
| Advisory Council Meeting  | Thursday   | 15          | 8:30 a.m.   | Webcast only pursuant to<br>Assembly Bill 361   |
| Board of Directors Stationary Source and<br>Climate Impacts Committee         | Monday     | 19          | 9:00 a.m.   | Webcast only pursuant to<br>Assembly Bill 361   |
| Board of Directors Meeting  | Wednesday  | 21          | 9:00 a.m.   | 1 <sup>st</sup> Floor, Board Room<br>(In person option available)<br><b>and REMOTE</b><br>pursuant to Assembly Bill 361 |
| Board of Directors Administration<br>Committee                                | Wednesday  | 21          | 11:00 a.m.  | 1 <sup>st</sup> Floor, Board Room<br>(In person option available)<br><b>and REMOTE</b><br>pursuant to Assembly Bill 361 |
| Board of Directors Mobile Source and<br>Climate Impacts Committee - CANCELLED | Thursday   | 22          | 9:30 a.m.   | Webcast only pursuant to<br>Assembly Bill 361   |
| Board of Directors Budget and Finance<br>Committee                            | Wednesday  | 28          | 9:30 a.m.   | Webcast only pursuant to<br>Assembly Bill 361   |

HL 11/7/22 – 12:50 p.m.

G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: November 17, 2022

Re: Approval of the Minutes of September 8, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of September 8, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of September 8, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. CAC\_Meeting Minutes 9.08.22\_AP\_BB\_MT\_MH

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

**DRAFT MINUTES**

Community Advisory Council  
Thursday, September 8, 2022

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

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

Randolph Belle of Randolph Belle, Artist (RBA) Creative, called the meeting to order at 6:03 pm. Mr. Belle introduced one of the Community Advisory Council's (Council) three Co-Chairs, Latasha Washington.

Present: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, William Goodwin, Arieann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Mayra Pelagio, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu.

Absent: Cecilia Mejia, Dr. Jeff Ritterman.

**2. PUBLIC MEETING PROCEDURE**

The Public Meeting Procedure video was played.

**3. APPROVAL OF THE MINUTES OF JUNE 30, 2022**

The Council members requested no edits to the Meeting Minutes of June 30, 2022.

The Clerk of the Boards, Marcy Hiratzka, acknowledged the presence of the Chair of the Board of Directors, John J. Bauters.

Public Comments

No requests received.

Council Comments

None.

### Council Action

Co-Chair Ms. Margaret Gordon made a motion, seconded by Council member Ruano Hernandez, to approve the Meeting Minutes of June 30th, 2022;, and the motion carried by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Joy Massey, Hana Mendoza, Rio Molina, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu.

NOES: None.

ABSTAIN: None.

ABSENT: William Goodwin, Arieann Harrison, Cecilia Mejia, Mayra Pelagio, Dr. Jeff Ritterman.

Motion Approved.

### **8. APPROVAL OF PANELISTS TO INTERVIEW THE AIR DISTRICT'S AIR POLLUTION CONTROL OFFICER (APCO) CANDIDATES**

Mr. Belle gave the presentation *Approval of Panelists to Interview the Air District's Air Pollution Control Officer Candidates*, including Requested Action; Background; Timeline; Self-Nominated Interviewers; and Requested Action.

Mr. Belle introduced Board Chair Bauters, who provided a brief update on the status of the APCO search process. Chair Bauters informed the Council that an Air District consultant used the input from the Council to create an 11-page brochure for the public hearing that took place one day before the Council meeting. Chair Bauters shared that the job listing for the APCO was released on September 7th, and the job posting closes on October 19th. The Board sub-committee interviews are on November 9th, and the Board of Directors will interview the final candidates on December 7th. Chair Bauters requested that the Council approve a group of 5-7 interviewers. After the interview panel is approved, the Council Co-Chairs will set up an appropriate time to meet and discuss the interview process with the consultant. Chair Bauters noted that there would be a large number of candidates being interviewed and requested that the Council only selects members who will clear their calendar for November 9th. He also suggested the Council select two alternates, in case of emergency.

### Public Comments

No requests received.

### Council Comments

Co-Chair Washington questioned why the Council was given the final packet only 30 minutes before the public hearing, which was not enough time to review the brochure.

Chair Bauters explained that the brochure had been publicly accessible for a week prior, and the Council not having access to the brochure must have been a staff oversight. He stated that the consultant had completed the brochure by August 22nd, and by August 29th, the Board Advisory Committee had approved the draft. He suggested that if the Council wanted materials to be sent, they should publicly make that expectation clear to staff.

Council member Mendoza echoed Co-Chair Washington's concerns and said it would have been preferable to have enough time to review the brochure.

Chair Bauters stated that the Board Ad Hoc Committee recommended they include language from the Council in the brochure and in the interview materials because they feel Council and staff input is important and that applicants will be made aware in the brochure that staff and Council input are involved in the interview process. He explained that there was an aggressive recruitment plan to solicit between 600-800 initial candidates for the position, with specific outreach to People of Color and People of Color professional associations. He also invited Council members and staff to encourage people to apply if qualified. Chair Bauters explained that Council members would be made knowledgeable about the screening and interview process.

Co-Chair Jefferson asked that staff provide necessary information one week in advance to Council members or as soon as it became available.

Council member Massey requested that Chair Bauters let the Council know the best format for selecting final candidates.

Chair Bauters responded that he wanted to give the Council the authority to decide how they wanted to select final candidates.

Council member Mendoza asked if the date to interview would be November 9th, and if the Board would have final say on who is hired. She also expressed the desire to know the demographics of the Board.

Chair Bauters affirmed that the date was November 9th and suggested that Council staff send members the webpage on the Air District website that shows all 24 board members.

Co-Chair Ms. Margaret Gordon asked to clarify the date for the interviews and asked when the interviews would end.

Chair Bauters explained that the interviews would happen on the day of the 9th, with interviewees being brought in person to interview. Interview groups would write up their thoughts and give their recommendations to the Board. Because the APCO answers to the Board, the Board is legally obligated to officially hire them. He explained that the consultant would provide a packet to the

Board from the Council’s interviews and that 2-3 finalists would be interviewed for the final selection.

Co-Chair Ms. Margaret Gordon asked when the Council would confirm with the Board on their interviews.

Chair Bauters explained that legally, the Board has the responsibility to hire the APCO since the APCO is beholden to the Board. Staff, Council, and peers were encouraged to offer input on the interview process, and Chair Bauters highlighted that most other air quality agencies do not do that. He stressed that the Air District is attempting to pioneer inclusiveness in the hiring process.

Co-Chair Ms. Margaret Gordon expressed the desire for the Council to have a direct conversation with the Board and that she felt that there was a gap in communication between the two groups. She continued to say that she understood if it was a legal issue but questioned why they weren’t conferring with each other directly.

Chair Bauters expressed that the interview process was a Human Resources process and was in writing and stated that as such, discussion of it should not happen in a public meeting. He explained the interview process in detail and that the Air District wanted the interview process to be as fair and equitable as possible. He also expressed the desire to be communicative with the Council.

Council member Reed clarified that the Council wanted to build a relationship with the community and ensure that the community had the chance to offer its opinion on the APCO selection. He stressed the desire for equity and transparency in the process.

Chair Bauters said he would let the Board know of the Council’s feedback.

Co-Chair Jefferson asked if anyone wanted to be an alternate. Council member Massey stated that she wanted to be an alternate. Council member Molina also expressed interest in being an alternate.

The Clerk asked if the panelists were pre-selected. Co-Chair Washington explained that at the previous Council meeting, members were asked to self-nominate by submitting an essay to staff and that tonight the Council is approving the panelists and also choosing two alternates.

### Council Action

The panelist selected are as follows:

1. Co-Chair Latasha Washington
2. Co-Chair Kevin Jefferson
3. Co-Chair Ms. Margaret Gordon
4. Council member Arieann Harrison
5. Council member Hana Mendoza
6. Council member Charles Reed
7. Council member Kevin G. Ruano Hernandez
8. Council member Joy Massey (alternate)
9. Council member Rio Molina (alternate)

Co-Chair Washington made a motion, seconded by Council member Reed, to approve the panelists and alternates to interview the Air District’s Air Pollution Control Officer Candidates as listed above, and the motion carried by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Joy Massey, Hana Mendoza, Rio Molina, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu.

NOES: None.

ABSTAIN: None.

ABSENT: William Goodwin, Arieann Harrison, Cecilia Mejia, Mayra Pelagio, Dr. Jeff Ritterman.

Motion Approved.

**11. REPORT OF THE INTERIM EXECUTIVE OFFICER/AIR POLLUTION CONTROL OFFICER (APCO)**

NOTED PRESENT: Council member Goodwin was noted present at 6:14pm.

Mr. Belle introduced Interim Executive Officer/APCO Sharon L. Landers, who reported that there were six Spare the Air days issued between September 3 and 8. There will also be an air quality advisory issued, starting Friday, September 9th, for wildfire smoke impacts. There have been and will be extensive social media coverage for both the advisory and the Spare the Air alerts.

APCO Landers reported that Air District staff are partnering with Communities for a Better Environment (CBE) to create a 27-member East Oakland Community Emissions Reduction Plan Steering Committee, under Assembly Bill (AB) 617 (Community Health Protection Program), which will have a kickoff meeting on September 15th from 6 to 8 pm. The agenda and the link for the meeting will be on the BAAQMD and AB 617 websites, and a press release will be sent out next week to announce the kickoff. APCO Landers thanked Board Director Nate Miley of Alameda County, who will provide welcome remarks at the kickoff meeting.

APCO Landers also noted that the California Legislature adjourned on August 31st and that Governor Newsom has until September 30th to sign or veto the bills passed by the California Assembly and Senate. APCO Landers noted several state bills that would impact the Air District, including AB 2449, which would tighten remote meeting participation, and AB 1749, which would allow for AB 617 steering committees and Air Districts to request up to a year to develop their Equipment Replacement Programs (ERPs). There is also a bill that expands the life of power plants in California and places new targets on renewable energy.

Public Comments

No requests received.

Council Comments

Co-Chair Washington asked if APCO Landers meets with the Board of Directors (Board).

Co-Chair Washington expressed concern that APCO Landers had not formally introduced herself to the Council and asked her to do so, noting the importance of establishing a relationship between the APCO and the Council, especially Council leadership. APCO Landers stated that she would introduce herself to the Council and shared that she recently returned to work from an unexpected medical leave and is interested in building a relationship with the Council.

Air District Assistant Counsel, Marcia Raymond, noted that for APCO Landers to join a Council meeting, it would need to be during a publicized meeting, or else it would be a Brown Act violation, and suggested adding an agenda item for APCO Landers to introduce herself.

Council member Mendoza noted she supports Co-Chair Washington’s comments and wants to build a relationship with APCO Landers, and she extended wishes for a full recovery to APCO Landers.

Council Action

None; Receive and file.

**4. SELECTION OF AN ENVIRONMENTAL JUSTICE (EJ) POLICY AD HOC COMMITTEE**

NOTED PRESENT: Council member Harrison was noted present at 7:20pm. Council member Reed was noted present at 8:00pm.

Mr. Belle introduced Environmental Justice and Community Engagement Officer, Suma Peesapati, and Executive Vice President for Environmental Justice and Social Justice Metropolitan Group, Vernice Miller-Travis, who gave the presentation *Selection of an Environmental Justice Policy Ad Hoc Committee*, including Requested Action; Vernice Miller-Travis; Background on Metropolitan Group; Background; Bay Area Air Quality Management District (BAAQMD) EJ Policy Framework; Environmental Justice Policy; and Ad Hoc Committee Selection.

Public Comments

No requests received.

### Council Comments

Co-Chair Ms. Margaret Gordon stated that she was concerned that no Board members would be members of this new ad hoc committee, perpetuating the lack of collaboration between the Board and Council, and resulting in a process that is not equitable and instead is separatory.

Ms. Peesapati explained that the Council had the exact expertise and lived experiences that the Air District needed to develop a robust EJ policy and stressed that she wanted to ensure more engagement between the Board and the Council.

Co-Chair Ms. Margaret Gordon expressed that she felt it was incorrect not to sit together and talk directly with the Board.

Council member Reed echoed Co-Chair Ms. Margaret Gordon's sentiments and expressed a desire for more direct and equitable communication with the Board.

Ms. Peesapati responded that staff would be happy to take the Council's proposal to the Board but that the Council's participation on the EJ Policy Ad Hoc Committee is key.

Council member Ruano Hernandez noted that the Council was still in its early stages of development and was still determining its purpose and priorities .

Council member Mendoza said that she was excited to learn more about environmental justice as part of the EJ Policy Ad Hoc Committee.

Ms. Miller-Travis explained that the EJ Policy Ad Hoc Committee would be a collaborative effort to build policy that reflected community needs and priorities and gave examples of collaborative environmental justice work from the Environmental Protection Agency (EPA).

Co-Chair Jefferson asked that Board members regularly attend the EJ Policy Ad Hoc Committee meetings.

Council member Szutu asked how various members on the EJ Policy Ad Hoc Committee would work together.

Ms. Peesapati stated that she understands the Council's wishes to have the Board participate in the development of the EJ Policy with the EJ Policy Ad Hoc Committee rather than after the EJ Policy Ad Hoc Committee develops the policy.

Council member Saena expressed concern that these processes still felt like a separation between the Council and the Board and asked if the Board was fully committed to supporting what would come out of the policy. She also wanted to have more discussions and learn more through the committee. Co-Chair Ms. Margaret Gordon echoed these sentiments.

Ms. Peesapati stressed that the purpose of an EJ Policy Ad Hoc Committee is to determine what conversations need to occur between the Board and the Council and establish a communication policy.

Council member Harrison echoed the sentiments expressed by previous Council members and stressed that she wants more community involvement in Air District processes. She also expressed the desire for more resources to enforce existing environmental laws, as well as an interest in generally understanding the process of enforcement and environmental justice.

Ms. Peesapati stated that she feels this is a question of reprioritizing existing resources, and not one of finding more resources for enforcement.

Mr. Belle asked those interested in participating in the EJ Policy Ad Hoc Committee to identify themselves and the county they in which they reside.

Council member Massey asked what the definition of “diversity” was, in this context. Mr. Belle clarified that this meant geographic diversity.

Co-Chair Ms. Margaret Gordon and Co-chair Jefferson wanted clarification on which counties were not represented. It was noted that San Mateo, Marin, Sonoma, and Napa counties did not have explicit representation on the EJ Policy Ad Hoc.

Senior Deputy Executive Officer of Policy & Equity, Veronica Eady, explained that those counties fell under “at large,” so the “at large” Council Members, such as Council member Molina, did not have a specific county designation.

Co-Chair Washington noted that Dr. Aguilera was from San Mateo and was welcome to take the eighth position available on the Committee. Mr. Belle clarified that they would not be voting on whether Dr. Aguilera would be part of the EJ Policy Ad Hoc Committee.

Co-Chair Washington expressed interest in Council member Ruano Hernandez being part of the Committee in order to have youth representation. Council member Ruano Hernandez expressed interest in being part of the Committee.

Co-Chair Washington noted that Co-Chair Jefferson was already part of the Governance Ad Hoc Committee and instead suggested Council member Molina to serve on the Committee in the “at large” capacity.

Co-Chair Ms. Margaret Gordon asked for clarification on whether the EJ Policy Ad Hoc Committee would have open public meetings, and expressed the desire that the community be able to participate in the meetings.

Ms. Peesapati clarified that the EJ Policy Ad Hoc Committee did not fall under the Brown Act and therefore did not need to publicize every meeting. Co-Chair Jefferson added that the EJ Policy Ad Hoc Committee could report on its progress during the public Council meetings.

Ms. Raymond affirmed that because the EJ Policy Ad Hoc Committee would be kept at eight members, not every meeting needed to be given public notice.

Council member Szutu expressed the desire to continue what Co-Chair Ms. Margaret Gordon was saying, and asked if Council members could invite the public into the meetings. He expressed that the community could provide input to the Ad Hoc Committee.

Ms. Peesapati noted that it was possible for the public to participate but asked for counsel from Legal. Ms. Raymond stated that because the EJ Policy Ad Hoc Committee was not constrained by the Brown Act, they were free to invite the public into those meetings.

### Council Action

The interested Council members are as follows:

1. Co-Chair Kevin Jefferson (at large)
2. Co-Chair Latasha Washington (Contra Costa County)
3. Council member Violet Saena (Santa Clara County)
4. Council member Hana Mendoza (Alameda County)
5. Council member Rio Molina (at large; North Bay counties, excluding Solano)
6. Council member Kevin Szutu (Solano County)
7. Council member Arieann Harrison (San Francisco County, Bayview Hunters Point)
8. Council member Kevin G. Ruano Hernandez (at large, youth)
9. Council member Charles Reed (Alameda County) — possible alternate
10. Council member Joy Massey (Alameda County) — possible alternate

Co-Chair Washington made a motion, seconded by Council member Massey to approve the committee members for the EJ Policy Ad Hoc Committee, and the motion carried by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Arieann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Mayra Pelagio, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu

NOES: None.

ABSTAIN: None.

ABSENT: William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman.

Motion Approved.

The Council recessed at 8:10 a.m. and resumed at 8:17 p.m.

## **5. REVISED COMMUNITY ADVISORY COUNCIL MEETING LAND ACKNOWLEDGEMENT OR ALTERNATIVE STATEMENT IN LIEU OF PLEDGE OF ALLEGIANCE**

Mr. Belle introduced Council member Ruano Hernandez; who gave the presentation *Community Advisory Council Meeting Land Acknowledgement In Lieu of Pledge of Allegiance*, including Requested Action; What is a Land Acknowledgment?; Why is it important?; Option 1: Revised Land Acknowledgement; Proposed Map; Land Acknowledgment Resources; Option 2: Alternative Mission and Equity Statement; and Option 2: Alternative Statement.

At a previous Council meeting, the Council had been asked to consider accepting a land acknowledgement statement that would replace the Pledge of Allegiance, however, additional time was requested to continue finalizing the language. At the September 8<sup>th</sup> meeting, two options were brought before the Council: 1) a Land Acknowledgement (Option 1) would recognize and pay respect to the Indigenous People as traditional stewards of this land and the enduring relationship that exists between Indigenous Peoples and their traditional territories, also recognizing the challenges that People of Color and other disadvantaged communities have endured in this country as a result of white supremacy; and an Alternative Mission and Equity statement (Option 2) that focuses on Council's commitments and objectives, which could serve to guide the Council's discussion and work.

### Public Comments

No requests received.

### Council Comments

Co-Chair Jefferson asked for clarity on what the Council was voting for because he had been under the impression that the recommendation was to accept the land acknowledgment as part of the Council's meeting protocol. He expressed that Council member Szutu's mission statement was excellent and should be included in the charter.

Council member Massey expressed agreement with Co-Chair Jefferson and expressed the desire for equity to be a collaborative and ongoing process.

Council member Harrison asked to clarify if the land acknowledgment would be read during every meeting or be posted on the website. Co-Chair Jefferson clarified that the Council was voting to have the land acknowledgment be part of every meeting and that Council member Szutu's mission statement be included on the website. Council member Szutu clarified that the proposals would be in lieu of the pledge of allegiance.

Co-Chair Washington asked for clarification on whether the Council was tasked with simply accepting the language of both, which Mr. Belle affirmed.

Co-Chair Washington stated that she wanted to include both the mission statement and the land acknowledgment as part of the Council's website, instead of reading it at every meeting.

Council member Molina expressed a desire to distinguish between the land acknowledgment and the equity statement. He noted that there was a lot of reluctance to acknowledge or recite the land acknowledgment but also noted that indigenous and other disadvantaged groups are heavily impacted by air pollution exposure. He expressed a desire to speak truth to power and that reciting the land acknowledgment was a way to do that.

Council member Ruano Hernandez asked to clarify if the motion was to have the mission statement and acknowledgment as part of the agenda but not read; Co-Chair Jefferson confirmed affirmatively.

Council member Pelagio suggested sending the mission statement to the Governance Ad Hoc Committee so they can workshop it and represent community desires more accurately.

Council member Szutu asked if the motion was to put the land acknowledgment and mission statement on the website and not on the agenda, which was echoed by Council member Massey.

Council member Mendoza shared the desire to read the mission statement together as a group.

Co-Chair Washington asserted that neither the land acknowledgment nor the mission statement needed to be read at every meeting but agreed with the sentiment of both. She also expressed a desire to continue working on the mission statement together.

Council member Reed expressed that he wanted to make the time during the meetings as productive as possible, and Council member Harrison agreed that she wanted meetings to be more strategic and productive.

Council member Harrison stated that she agreed with the mission statement and the land acknowledgment, but wants the Council meetings to be strategic and productive.

Council member Pelagio expressed the concern that the emphasis on productivity was tied to white supremacy and desired that the Council critically consider how white supremacy impacts their work.

The Clerk clarified that the Council's motion did not reflect Co-Chair Ms. Margaret Gordon's suggested changes.

### Council Action

A motion made by Co-Chair Jefferson, seconded by Council member Mendoza, to accept the revised land acknowledgement and have it read at the beginning of each Council meeting, **failed**.

AYES: Co-Chair Kevin Jefferson, Fernando Campos, Hana Mendoza, Rio Molina, Kevin G. Ruano Hernandez.

NOES: Co-Chair Ms. Margaret Gordon, Co-Chair Latasha Washington, Dr. Juan Aguilera, Arieann Harrison, Joy Massey, Mayra Pelagio, Charles Reed, Violet Saena, Ken Szutu.

ABSTAIN: None.

ABSENT: William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman.

Motion did not carry.

Co-Chair Ms. Margaret Gordon made a motion, seconded by Co-Chair Jefferson to: 1) **Approve** the revised land acknowledgment and reference it within the Council’s bylaws, on Council agendas, and on the Council’s webpage; and 2) **Consider the approval** of the proposed Mission & Equity statement after it has been revised by the Council’s Governance Ad Hoc Committee (to be later referenced within the Council’s bylaws, on Council agendas, and on the Council’s webpage.) The motion **carried** by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin John Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Arieann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu.

NOES: Mayra Pelagio.

ABSTAIN: None.

ABSENT: William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman.

Motion approved.

**6. AIR DISTRICT’S SERVICES TO ADDRESS COMMUNITY-IDENTIFIED AIR QUALITY CONCERNS – OVERVIEW OF THE AIR QUALITY COMPLAINT PROGRAM AND INVESTIGATION PROCESS**

Mr. Belle introduced Senior Deputy Executive Officer of Operations, Damien Breen, who gave the presentation *Air District’s Services to Address Community-Identified Air Quality Concerns*; including Outcome; Outline; Requested Action; Air Quality Complaint Program Goals and Objectives; Steps in the Complaint Process; How to Report an Air Quality Complaint; and Documentation of Investigation Findings and Enforcement Actions.

## Public Comments

Tony Fisher from the Coalition for Clean Air recommended that the Air District work with real-time air monitoring networks, such as PurpleAir, to determine if the air quality data found justified additional activity and monitoring. He explained that the Air District may not get complaints from areas that are heavily impacted by air pollution, but that the real-time data showed that air quality was poor in those areas.

## Council Comments

Co-Chair Ms. Margaret Gordon appreciated the information that Mr. Breen, gave but did not feel that it was real-time information. She expressed concern that the Air District did not release a statement when there was a fire at California Waste Solutions in Bayview Hunters Point, and she expressed the desire for a phone-based alert system for fires or air quality concerns, as well as a third party audit of the air quality concerns in Bayview Hunters Point. She also felt that the number of marijuana growers and diesel generators in Bayview Hunters Point were unacceptable.

Mr. Breen explained that the Air District was trying to improve their ability to respond to air quality concerns, and that although the Air District did not respond to the incidents Co-Chair Ms. Margaret Gordon mentioned, their response did include updating the community on the results of the Air District's investigations. With regards to the marijuana growers, Mr. Breen stated that the Air District was working with various governing bodies to hold growers accountable, issue compliance advisories, and pursue legal ramifications for those violations.

Co-Chair Ms. Margaret Gordon asked if the Council was going to be able to discuss the agenda item concerning the Alice Griffith Housing Development. Mr. Breen stated that he was uncertain but willing to stay longer at the meeting.

Mr. Belle suggested moving forward in the agenda, to which Co-Chair Ms. Margaret Gordon said she was not satisfied until there was an audit on performance, operation, and administration of the Air District. Mr. Breen explained that the Air District was already audited by the California Air Resources Board and the U.S. Environmental Protection Agency. Co-Chair Ms. Margaret Gordon requested that the Council know more about the Air District's audit process and have access to the audit reports.

Council member Mendoza asked if families could request an audit of air pollution in their vicinity if they were experiencing physical effects. Mr. Breen explained that families could use the audit process and have an inspector come out and check for potential sources and try to address the issue.

Co-Chair Jefferson asked what corrective action the Air District has taken in the past several months, and mentioned that the Council had been promised a report of the Air District's actions but had not received it. He also requested a member of Mr. Breen's staff be available to the Council's EJ Policy Ad Hoc Committee. Mr. Breen stated that the Air District issues a monthly report to the Board on violations, but had not been aware that the Council had wanted that same report, and that it could be provided.

Co-Chair Jefferson requested a few examples of the violations the Air District had reported. Mr. Breen gave several examples, including issuing Notices of Violations to multiple marijuana growers in East and West Oakland for having unpermitted generators, as well as the companies that rented out the generators. He also explained the process by which the Air District’s 40 inspectors answer complaints, inspecting businesses for their air quality compliance and testing, and issue violations.

Co-Chair Jefferson stated that he was concerned with the Air District allowing the facilities to remain operational and asked if the Air District had stopped any facilities in the last year from operating, due to violations. Mr. Breen explained that they had not shut down any facilities that year, but instead they fine facilities so they do not violate the rules again. He continued to explain that different facilities and different types of permits have different regulations, and that there are very few regulations that have zero tolerance for air pollution.

Co-Chair Jefferson asked why there were different permit limits in different area codes, and why pollution allowances were still being given. Mr. Breen responded that in December 2021, the Air District reduced the pollution limits in overburdened communities. Co-Chair Jefferson responded by asking how the rules for existing facilities differ from new facilities. Mr. Breen explained that through the AB 617 program, the Air District was trying to improve the facilities in those regions and tighten rules over time.

Council member Szutu asked if there would be meetings where community members would be able to talk directly with staff. Mr. Breen said that he would talk more about that in the next presentation, but that staff were committed to traveling into communities to meet community members and educate them on how the enforcement process works. Council member Szutu also requested that the Air District share more enforcement “success stories” with the Council in the future. Mr. Breen mentioned that the Air District is working on a way to make sure that pollution violation and permit information is transparent and available on their website.

#### Council Action

None; receive and file.

### **7. UPDATE ON COMMUNITY AIR QUALITY CONCERNS AT THE ALICE GRIFFITH HOUSING DEVELOPMENT IN BAYVIEW HUNTERS POINT, SAN FRANCISCO**

Mr. Belle introduced Mr. Breen, who gave the presentation *Update on Air Quality Concerns at the Alice Griffith Housing Development in Bayview Hunters Point*, including Outcome; Outline; Requested Action; Background; Enforcement Process; Alice Griffith Apts. – Pre-March 2022; Regulated Facilities: Bauman Concrete; Regulated Facilities: Precision Engineering & M Squared (M2); Addressing Community Air Quality Concerns; Current Status; Ongoing Issues; Inspector Daily Surveillance Patrol; and Other Activities in Bayview Hunters Point.

### Public Comments

No requests received.

### Council Comments

Council member Harrison asked how many inspectors there were in District 10 of the City of San Francisco, and said that because District 10 was the largest area in San Francisco, it should have more than one inspector. Mr. Breen asserted that the Air District was committed to hiring more staff for enforcement.

Council member Harrison expressed concern at the number of large-scale businesses that were being set up in Bayview Hunters Point and asked how the Air District was going to address unpermitted businesses. She also asserted that many community members were knowledgeable about the health impacts in Bayview Hunters Point and wanted to see leadership from the Air District take a harder stance on enforcement. Mr. Breen admitted that the Air District could do better letting communities know about the tools at their disposal, but also asserted that the Air District was changing to take more direct and swift action in regards to compliance and enforcement measures. He also requested that the Council work together with him to educate the community on the resources available to them.

Council member Harrison requested that Mr. Breen consider creating a pilot program to ensure that community members receive certification in surveying their communities for pollution violations, and described the health impacts that Bayview Hunters Point residents experience due to the pollution in the area. Mr. Breen stated that the enforcement staff was looking into such an idea. Council member Harrison also requested that Air District staff and leadership personally meet with residents of Bayview Hunters Point to understand the pollution concerns and health impacts in the community.

Co-Chair Ms. Margaret Gordon asked for more clarity on the Air District's enforcement and compliance policies. Mr. Breen suggested that in the next meeting they have a clear discussion on the Air District's authority over unpermitted sources of pollution. Co-Chair Ms. Margaret Gordon suggested that the laws and regulations be updated with a more environmental justice and public health focus, which Mr. Breen agreed with. He also explained that federal laws prevented the Air District from taking certain measures against polluters, and instead their duty was to bring unpermitted facilities under regulation.

Co-Chair Jefferson spoke about his personal health experiences in Bayview Hunters Point and requested that the Air District improve their monitoring and enforcement systems in Bayview Hunters Point, especially with long-term polluters. Mr. Breen asked if his colleagues could attend a meeting and discuss what the Air District was doing to research the health disparities as a result of a truck weight restriction along an 8.7-mile segment of Interstate 580 through the City of Oakland. Co-Chair Jefferson questioned why the study was needed and asked for more information on the purposes of the study. Mr. Breen explained that the Air District needed hard data to back up what community members were experiencing, and asserted that the Air District was beginning

to change their regulatory processes to better reflect community needs. He also suggested that the Council come up with a list of all of the requests they had for the next meeting.

Co-Chair Jefferson asked for a list of the laws that the Air District wanted to change and the complaints the Air District has gotten over the last twenty years, a sentiment echoed by Co-Chair Margaret Gordon, who also asked for the information to be placed in a spreadsheet. Co-Chair Ms. Margaret Gordon suggested that the Air District have stronger enforcement abilities and hold education sessions for communities impacted by air quality. Co-Chair Jefferson thanked Mr. Breen for attending the meeting and for listening to the Council.

Council Actions:

None; receive and file.

**9. WORK PLAN AD HOC UPDATE**

This item is to be continued until the next meeting.

Council member Massey made a motion, seconded by Co-Chair Jefferson, to continue Item 9 to the next Council meeting; the motion was carried by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin John Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Arieann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Mayra Pelagio, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena.

NOES: None.

ABSTAIN: None.

ABSENT: William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman, Ken Szutu.

Motion approved.

**10. GOVERNANCE AD HOC UPDATE**

This item is to be continued until the next meeting.

Council member Massey made a motion, seconded by Co-Chair Jefferson, to continue Item 10 to the next Council meeting; the motion was carried by the following vote of the Council:

**AYES:** Co-Chair Ms. Margaret Gordon, Co-Chair Kevin John Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Ariann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Mayra Pelagio, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena.

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman, Ken Szutu.

Motion approved.

## **12. PUBLIC COMMENT ON NON-AGENDA MATTERS**

### Public Comments

No requests received.

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

None.

## **14. TIME AND PLACE OF NEXT MEETING**

At the time of this item, the next meeting was to be scheduled at the call of the Co-Chairs. After the meeting adjourned, the next meeting was set for November 17, 2022, at 6:00 pm.

## **15. ADJOURNMENT**

The meeting was adjourned at 10:46 pm.

*/s/ Ayla Peters Paz*  
Prepared by: Ayla Peters Paz  
InterEthnica  
Reviewed by: Marcy Hiratzka

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: November 17, 2022

Re: Community-Focused Air Monitoring and Data Assessments: Aclima, Long-Term Monitoring, Mobile Monitoring, and Sensor Networks

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Aclima measured air pollution on every street in the Bay Area and came up with an estimate of annual average exposure. This data is interesting and an important step in understanding how air pollution varies within communities.

There are other sources of air quality information in addition to Aclima that also provide useful insights that can support action. The Air District will share how to access different types of publicly available air quality monitoring datasets and how this data can be used to help inform air quality improvement efforts.

DISCUSSION

The Air District is developing monitoring data summaries for impacted communities by compiling and analyzing existing monitoring data, and requests guidance from the Council members on the approach to best meet community needs.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Kate Hoag  
Reviewed by: Veronica Eady

ATTACHMENTS:

None

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: November 17, 2022

Re: Ideas for Community Engaged Incident Response and Enforcement

RECOMMENDED ACTION

Discuss and consider endorsing Compliance and Enforcement Division staff's plan to schedule bi-monthly community meetings.

BACKGROUND

This is an action item for the CAC to endorse Compliance and Enforcement's bi-monthly community meetings. Council Member Szutu requested Air District staff to proactively involve community residents to collaborate and enhance enforcement activities in impacted communities in a concept he calls "Community Engaged Enforcement." Air District staff will utilize this agenda item to present ideas on how to engage the community in enhancing monitoring and enforcement work.

DISCUSSION

Meteorology & Measurement Assistant Manager Kate Hoag will speak on monitoring during incidents, including goals and challenges and how those could be ameliorated by a more comprehensive incident monitoring program (a program that arose from a proposed discussion with the Air District Board of Directors). This presentation will also include examples from other organizations, resources needed, and how to balance different monitoring goals and requirements. Air District staff will request direction on a proposed discussion with the Board of Directors regarding options for a more comprehensive incident monitoring program at the Air District, and to help craft the community-based enforcement program.

Compliance & Enforcement Manager Tracy Lee will highlight a proposed effort to host bi-monthly meetings led by Compliance & Enforcement (C&E) in impacted communities, which seeks to address air quality concerns by improving communications and transparency with communities. The proposed bi-monthly meetings will provide an opportunity for community members to engage with staff and learn about C&E core programs and enforcement activities, as well as create an open dialogue for the community to express their concerns. Staff will provide details on the proposed framework and agenda and requests the CAC's endorsement to begin the

effort. Staff also seeks guidance from the CAC as to what the community-based enforcement program may entail. The presentation will cover next steps such as research and evaluation of program feasibility, and logistics. Finally, staff will request to return at a future date to provide an update on the proposed programs and ideas.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Tracy Lee  
Reviewed by: Veronica Eady

ATTACHMENTS:

None