

Community Advisory Council Charter

1. Purpose

The Bay Area Air Quality Management District (Air District) Board of Directors approved the formation of the Community Advisory Council (CAC) on Nov. 17, 2021. The Community Equity, Health, and Justice Committee (CEHJ) of the Air District selected the slate of candidates and recommended establishing the CAC on Nov. 4, 2021, **to the Board of Directors**. The purpose of the CAC is to use environmental justice principles to provide guidance to the Board of Directors on programs and policies that impact overburdened communities within the Air District's jurisdiction to ensure the fair treatment of all **people** living in those communities. The CAC will use environmental justice principles to identify and inform planning and decision making with the goal of mitigating and remediating projected disproportionate impacts of air pollution exposures and reducing health risks and inequities associated with poor air quality for people who live, work, and play in already vulnerable and historically marginalized, **overburdened communities**. The CAC will aim to meaningfully engage impacted communities to represent and address stakeholders' interests. The CAC advises Air District leadership on community-related matters to advance an equity-forward policy agenda. **The CAC shall function as an independent advisory body to the Board of Directors, with authority to identify community priorities, develop recommendations, request information necessary to inform its advice, and communicate recommendations, concerns, and community-identified needs to the Board of Directors consistent with the Brown Act and this Charter.**

Definitions:

- Environmental justice: The State of California defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (California Government Code §65040.12(e).) According to the U.S. Environmental Protection Agency “fair treatment” means “no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.” (Guidance on Considering Environmental Justice During the Development of a Regulatory Action).
- Overburdened community: an area located within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0, as having an overall CalEnviroScreen score at or above the 70th percentile, or within 1,000 feet of any such census tract.¹
- Meaningfully engage: Meaningfully involving impacted communities is essential to addressing environmental justice. According to the U.S. Environmental Protection Agency, *meaningful involvement* means “(1) people have an

¹ Bay Area Air Quality Management District Regulation 2, Rule 1 Section 2-1-243
https://www.baaqmd.gov/~/_media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20211215_rg0201-pdf.pdf?rev=103ccc60e706947d3ad1e4f5a090483c1&sc_lang=en

opportunity to participate in decisions about activities that may affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) community concerns will be considered in the decision-making process; and (4) decision makers will seek out and facilitate the involvement of those potentially affected.” (Guidance on Considering Environmental Justice During the Development of a Regulatory Action).

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

2. Mission Statement

The CAC believes in protecting the fundamental right to clean air for all communities. We aim to provide access to meaningful community engagement and bring community priorities into focus at the Air District. We are committed to democratic decision making and achieving equitable solutions to the impacts of air pollution and the polluting economy. We prioritize solutions that can be applied to more than one community. We are dedicated to eliminating pollution threats both upstream and downstream, standing in solidarity, sharing power and resources, and listening to and amplifying voices from communities that are the most impacted and overburdened.

2.1 Goals

The goals of the CAC are as follows:

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

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

- Laying a solid foundation for successful, future CAC members and ensuring long- term sustainability of the CAC's commitment to environmental justice.
- Elevating voices and advocating for communities who are not currently being represented or heard.
- Building a deep, authentic, and mutually accountable relationship among CAC members.
- Helping CAC members value, actualize, and institutionalize environmental justice principles throughout all CAC practices.
- Being recognized as partners in the fight to define how we mitigate the impacts of climate change and air pollution exposure to reduce health risks and inequities associated with poor air quality.
- Using influence, expertise, and privilege to protect our communities.

- Identifying gaps in underrepresented, community-led² decision making, and avenues for well-compensated opportunities for people in the Black, Indigenous, and People of Color (BIPOC) communities.
- Striving to include cultural competence.
- Acknowledging that one methodology does not apply to all communities and seeking to address the conditions in each community as needed. Utilizing and applying resources and tools based on those differences.
- Maintaining impartiality, fairness, and respect for all CAC members and the communities we represent.
- Following the CAC Charter and providing suggestions for updates, as needed.
- Following the [CAC Environmental Justice priorities](#) and any existing CAC action plans.

To fulfill its advisory role, the CAC may request timely access to non-confidential data, reports, presentations, staff updates, and other information reasonably necessary to evaluate Air District programs, policies, enforcement, permitting, community engagement, and equity impacts.

2.3 Civility

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

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

Any violations of this provision will be handled as stated in the Conflict Resolution section [below](#) of the CAC Procedural Guide.

2.4 Conflict Resolution

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

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

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

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

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

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

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

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

3 Leadership CAC Co-Chairs

~~In 2022, the CAC approved a three Co-Chair model. The leadership model may be amended based on needs expressed by the CAC and approved by the Board, but shall be no more than three Co-Chairs at a time.~~ The CAC shall elect at least two but no more than three of its members to serve as Co-Chairs.

3.1 Duties of Co-Chairs

- The Co-Chairs shall preside over bi-monthly meetings of the CAC in rotation.
 - Presiding over a meeting requires a Co-Chair to open, manage, and adjourn meetings, and to adjust the set order of speakers in collaboration with the facilitator and Air District staff.
 - In the event the Co-Chair scheduled to preside over the meeting is absent or unable to perform their duties, the Co-Chair scheduled to preside next shall preside over the meeting and perform all chair duties.
- The Co-Chairs shall oversee the preparation and distribution of the agenda and materials for the CAC meetings.
- The Co-Chairs shall work with Air District staff and the CAC meeting facilitator to plan, structure, and coordinate CAC meetings.
- The Co-Chairs shall attend and provide updates to the Air District Board of Directors as needed and/or requested and interact with the Air District Board of Directors in representation of overburdened communities within the nine Bay Area counties, and on behalf of the CAC members.

- The Co-Chairs or another Council Member shall regularly communicate CAC recommendations, proposals, requests, concerns, and community-identified priorities to the Air District Board of Directors or one of its Committees, including updates to the Community Equity, Health, and Justice Committee as needed. These communications shall represent overburdened communities within the nine Bay Area counties and the adopted positions or priorities of the CAC
- The Co-Chairs shall oversee activities of the CAC Ad Hoc Committees, standing committees, staff-led workgroups, and other related efforts.
- The Co-Chairs shall perform all other necessary and incidental duties as prescribed by the CAC Charter.
- The Co-Chairs shall communicate with each other, divide work, and share information and updates in a timely manner.
- The Co-Chairs shall address conflict within the CAC membership and leadership.
- The Co-Chairs shall ensure that CAC decisions are made in a democratic, equitable, and timely manner.
- The Co-Chairs shall represent the CAC at the Budget Committee and provide feedback on the Air District's budget.
- The Co-Chairs shall work with Air District staff to define and oversee the CAC's annual budget.
- The Co-Chairs shall understand and adhere to the Brown Act and ~~Robert's~~ **Rosenberg's** Rules of Order.

3.2 Terms of Leadership (Co-Chairs)

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

3.3 Election of Leadership (Co-Chairs)

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

If a ~~Co-Chair leadership~~ position becomes vacant, ~~the CAC may vote to fill~~ that position ~~must be filled within no later than~~ two CAC meetings after the vacancy occurs. The ~~Co-Chair leadership~~ position shall be filled through a nomination, selection, and voting process. The process will be as follows:

- Members seeking a vacant leadership position shall submit an essay, which provides a summary of their background and outlines the reasons they seek the position. The full CAC shall be presented with the essays 72 hours in advance of the meeting in which the CAC will vote on each prospective candidate. The candidate receiving the ~~most majority of the~~ votes will be selected to fill the vacant leadership position.

4. CAC Members

4.1 Composition of the CAC

The ~~initial~~ membership of the CAC, including Co-Chairs, shall be composed of seventeen (17) members who live or work in overburdened communities in California, as follows:

- Four (4), Alameda County
- Four (4), Contra Costa County
- One (1), San Francisco County
- One (1), San Mateo County
- Two (2), Santa Clara County
- One (1), Solano County
- **One (1), Marin, Napa, or Sonoma County**
- **One ~~Two~~ (1 ~~2~~), at-large**
- Two (2), youth

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

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

Air District staff cannot serve as members of the CAC.

~~Also,~~ Diversity, equity, and inclusion on the CAC are highly valued **and should be reflected in the composition and decision-making process of the CAC.**

4.2 Duties of Members

CAC members shall fully participate in bi-monthly meetings and be fully engaged during discussion. The CAC members shall also review materials prior to meetings and come prepared for engaged discussion, active listening, and respectful dialogue. Meeting preparation includes attending required trainings defined below and other trainings as planned by the Co-Chairs, ~~or~~ suggested by the CAC, **or required by law**. Further, CAC members shall perform all other duties as prescribed by this Charter.

All Members, except CAC leadership, are expected to join at least one **initiative, ad-hoc Committee, or workgroup annually, every year** to ensure a balance of work for what the CAC has to accomplish, if their schedule allows. **The number of hours dedicated to these efforts will align with the compensation allotted for CAC membership.**

~~Council Members will vote during the first meeting on~~ **The CAC will establish** a time and day for a **regularly scheduled CAC** meeting that works best for the majority. Staff will provide an orientation of the expectations related to the CAC membership requirements.

4.2.1 Mandatory Trainings

CAC members and leadership shall attend and participate in ~~four (4)~~ the following mandatory trainings:

- Brown Act Training: The Brown Act is a California law that guarantees the public's right to attend and participate in meetings of local legislative bodies.
- ~~Rosenberg's Robert's~~ Rules of Order Training: ~~Rosenberg's Robert's~~ Rules, widely known as parliamentary procedure, was developed to ensure that meetings are fair, efficient, democratic, and orderly.
- Civility Training: Civility is an essential aspect of every work environment to create and maintain a fair and professional culture. This civility training is designed to teach CAC members the norms of acceptable conduct and how to identify, prevent, and respond professionally to situations of incivility.
- Team building and conflict resolution training.
- **Ethics (AB1234) and Harassment Prevention (SB1343/AB1825) Training: This training reinforces the council's commitment to integrity, accountability, and unethical behavior while ensuring compliance with state requirements to foster a respectful and inclusive environment for all.**

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

4.2.2 Virtual, Hybrid, and In-Person Meetings

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

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

Reimbursements for travel are outlined in the CAC's ~~Compensation Policy and Procedures~~ **Meeting Compensation and Expense Reimbursement Policy.**

4.3 Members Terms of Office

~~CAC Members apply or reapply for either a two-year term or a four-year term. CAC Members are limited to serving a total of eight (8) years. This will ensure that others have the opportunity to participate in the CAC and that there is continuity of County or institutional knowledge. The inaugural CAC will serve for four (4) years with the ability to reapply.~~

CAC members shall serve one four-year term and may be reappointed for a subsequent two-year term. Terms should be staggered to support continuity, institutional knowledge, and meaningful community representation. An initial four-year term recognizes that recruitment, selection, appointment, onboarding, and training can take several months, and that shorter terms can limit members' ability to develop recommendations and carry them through to Board consideration.

Members are limited to serving a cumulative total of six (6) years.

If a CAC member leaves their seat before completing their term, their replacement will be appointed to serve the remainder of their term; they will not start a new 2- or 4-year term limit.

These provisions for the number and length of members' terms will ensure that others have the opportunity to participate in the CAC and that there is continuity of County or institutional knowledge.

4.3.1 Appointment of Members

~~The CAC members are appointed by the Board of Directors. Vacancies are to be filled by the Board of Directors as described in the following process. The CEHJ shall provide guidance on selection criteria and on prospective CAC members. The CAC shall create a CAC Selection Ad Hoc Committee, which may include at least one CEHJ member or other Board member chosen by the Board Chair, to recommend a candidate or slate of candidates to the Community Equity, Health, and Justice Committee, according to the guidance provided by the CEHJ. The candidates approved by the CEHJ Committee will be recommended to the Board of Directors for final approval.~~

The CAC members are appointed by the Board of Directors. When a vacancy arises, or when a member's term is coming to an end such that a vacancy will soon arise, the CAC shall recommend a candidate or candidates to the Board of Directors to fill any such vacancies. The CAC shall select candidates to recommend for appointment based on guidance and selection criteria provided by the Community Equity, Health, and Justice (CEHJ) Committee, as augmented by any additional criteria and considerations the CAC determines is appropriate. The CAC may create an Ad Hoc or standing committee to assist with the process of identifying candidates to consider for recommendation to the Board of Directors. Additional details for the recruitment and selection process are in the CAC Procedural Guide.

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

5. Standing Committees, ~~and~~ Ad Hoc Committees, ~~and~~ Workgroups

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

A CAC member's total time commitment across all committees or workgroups must not

exceed the maximum hours per month for compensation for attending meetings outlined in Section 1.2.2 of the Meeting Compensation and Expense Reimbursement Policy. This ensures that all CAC members have an equal opportunity to make their voices, skills, and expertise heard while maintaining a balanced workload.

5.1 Standing Committees

A standing committee is considered a legislative body and is subject to Brown Act requirements of **holding public meetings with** staffing support, if budget allows. **A standing committee should only be created when the CAC identifies a continuing need, and the Air District confirms the staffing, noticing, agenda preparation, public access, and administrative support needed for Brown Act compliance.** A committee is considered “standing,” irrespective of its composition, if it has a continuing subject-matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.

5.2 Ad Hoc Committees

An Ad Hoc committee is an advisory committee composed of less than a quorum of members, which will serve for a limited term or single purpose. After the duties of the Ad Hoc Committee are accomplished, and presented to and approved by the CAC, the Ad Hoc Committee will be dissolved. ~~The ad hoc committees will aim to complete their task(s) within six months of assignment.~~ **Ad Hoc Committees can meet under quorum outside of a public meeting. Ad Hoc Committees provide bimonthly, brief, verbal updates to the CAC at the Council’s regularly scheduled meetings.**

5.3 Workgroups

A workgroup is a small, temporary group composed of less than a quorum of CAC members along with staff subject-matter experts. Air District staff-led workgroups convene for a specific purpose, serve a limited term, and operate flexibly to support the Air District’s internal needs.

Furthermore Ad Hoc committees, ~~and~~ standing committees, **and workgroups**, shall follow the following guidelines:

~~Limitations: A CAC member cannot simultaneously participate on more than two ad hoc committees, although they can be placed as an alternate on a third committee. This will ensure that all CAC members have an equal opportunity to make their voices heard and exercise their skills and expertise.~~

- Commitment: Once ~~selected~~ **appointed**, CAC members ~~must serve their full term on an ad hoc and/or standing committee~~ **must serve on an Ad Hoc committee or workgroup until the Ad Hoc Committee or workgroup has accomplished its purpose and/or is disbanded.** A CAC member cannot abandon their commitment to an Ad Hoc Committee or standing committee to join another committee.
- Accountability: **If there is a vacancy in Ad Hocs, Standing Committees, and/or workgroups, interested** Council Members with a track record that matches the attendance requirement set forth above for Ad Hocs, ~~or~~ Standing Committees,

and workgroups will be placed as alternates if they wish to participate in another committee.

- Priority: CAC members not participating on an Ad Hoc committee, or-standing committee, or workgroup will be given priority to serve on newly formed committees (e.g., ad hoc, workgroup or standing). After which, CAC members currently participating in one (1) committee or workgroup will be given preference. Lastly, CAC members serving on two (2) committees or workgroups will be placed as alternates until one of their current ad hoc committees or workgroups completes its assigned task and is dissolved.
- Exceptions: The CAC may create an Ad Hoc Committee if an emergent topic or situation demands it, which may require exceptions that supersedes the limitations and commitments outlined above. The emergency Ad Hoc Committee will remain active until the mission or task is accomplished.

1.5.2.1 Work Plan Ad Hoc Committee

~~The CAC will form a CAC Work Plan Ad Hoc Committee annually to set the CAC's work plan and schedule each year. The CAC Work Plan Ad Hoc Committee will identify several priority areas to adhere to and will establish appropriate criteria measures. CAC Members, Community Members, and Air District Staff will have the opportunity to recommend agenda items of potential relevance to the CAC for inclusion in the work plan. The Air District Board can provide agenda items for inclusion in the CAC work plan. Once dissolved, CAC Co-Chairs are responsible for implementing the work plan and reserve the right to amend the work plan in an emergency or emergent situation, as defined in the Setting Agendas section on page 13.~~

1.5.2.2 Governance Ad Hoc Committee

~~In 2022, the CAC formed a CAC Governance Ad Hoc Committee to develop the CAC's governance agreement. The CAC hereby presents the CAC's Charter, which sets forth the mission, goals, scope, rules, and actions applicable to the CAC and CAC membership. Once the mission is accomplished, presented to and adopted by a quorum of the CAC, and approved by the Board of Directors, the Governance Ad Hoc Committee will be dissolved.~~

~~The CAC Governance Ad Hoc Committee may be reestablished with a new slate of CAC members to review, revise, and/or propose amendments. Any revisions to the existing charter shall be presented and discussed by the CAC and recommended for approval by the Air District Board of Directors.~~

6. Community Engagement

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

- ~~Bi-annual newsletter~~ Outreach to community networks, which includes items that have been addressed, future meeting dates and agendas, success stories, and ways to engage with the CAC
- CAC web page

- CAC meetings
- Outreach events or workshops hosted by CAC members or the Air District
- Bi-monthly community meetings led by the Compliance and Enforcement Division of the Air District

7. Meetings

7.1 Facilitation of Meetings

An external professional meeting facilitator will ~~be hired to~~ assist the CAC with bimonthly CAC meetings, if budget allows. ~~For 2022-2023, a facilitator was hired through a competitive process with participation of CAC members.~~ The external facilitator works directly with the CAC leadership to plan and execute the meeting plan in consultation with Air District staff. The facilitator will keep the meetings on track with guidance from the Co-Chairs and will enforce the following meeting expectations and ground rules for CAC members:

- The first expectation is **preparation**: Come prepared for meetings and review all documents that the CAC will discuss.
- Second, is **communication and language**: Communicate with respect and be mindful of individual speaking time so that everyone has the opportunity to speak in meetings. Zoom meetings are publicly accessible, so CAC members are expected to conduct themselves accordingly.
- Third, is **distractions**: Avoid distractions and stay present. Active listening is imperative to ensure that members understand other people's viewpoints.
- Fourth, is **timing**: Respect time agreements and stay on topic.
- Finally, **facilitation**: The facilitator will intervene to keep the conversation on track and on time and will remind members of these ground rules as necessary.

The facilitator will have limited authority to open the meetings, convey the agenda item(s), confirm the meeting has quorum after the clerk takes roll call, facilitate the flow of meetings in accordance with the Brown Act and ~~Rosenberg's~~ ~~Robert's~~ Rules of Order, maintain order, and defer to the Air District legal representative or staff if needed.

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

7.2 Regular Meetings

The CAC shall hold at least six regular meetings per calendar year, unless otherwise approved by the CAC and Air District leadership. The meeting schedule, date, time, and location may be adjusted as necessary to support member participation, public access, and CAC priorities.

~~Regular meetings of the CAC are held on the third Thursday of every other month at 6:00~~

~~p.m. PT.~~ All meetings will be held in accordance with the Brown Act. ~~Meeting schedule is subject to change, if necessary.~~

7.3 Special Meetings

A majority of Co-Chairs or a majority of the CAC members may call special meetings, following the noticing guidelines set forth in the Brown Act. **An annual retreat will be held and considered as a special meeting.**

7.4 Notice of Meetings

Meeting agendas and notices must be posted at the meeting site and on the Air District website in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act. (Government Code Section 54950 et seq.)

Agendas and notices shall be emailed to each CAC member and any person who submits a written request to the Air District for such notice.

7.5 Adjournment or Cancellation of Meetings

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

7.6 Meetings of CAC Members with the Air District

CAC members that meet with Air District staff or Board of Directors, on behalf of the CAC, should inform the CAC Co-Chairs of the discussion within 72 hours of the date the meeting is held.

Action items directed to CAC leadership from the ~~CEHJ Committee or Board leadership, the CEHJ Committee, or the~~ Board of Directors should be communicated to CAC leadership within 72 hours via memo.

The CAC shall have at least two structured opportunities each year to engage directly with the Board of Directors or Board leadership, which may include retreats, study sessions, workshops, or other noticed meetings consistent with applicable law.

In addition, the CAC may designate one CAC member to participate as a non-voting CAC member in regular monthly Board meetings, when feasible, to monitor Board matters relevant to CAC priorities, identify opportunities for timely CAC input, communicate relevant CAC priorities and community concerns when appropriate, and report relevant updates back to CAC leadership or the full CAC.

7.7 Meetings of the Ad Hoc

Ad Hoc Committee Chairs are expected to provide a ~~monthly~~ **bimonthly** verbal report-out

on the progress of the Ad Hoc Committees to the CAC ~~leadership~~. Report-outs should be a brief summary.

7.8 Quorum Requirements

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

7.8.1 Action at a Meeting; Quorum and Required Vote

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

7.8.2 Voting and Abstention

CAC meetings will be conducted in compliance with the Brown Act (Government Code Section 54950 et seq.), ~~Rosenberg's~~ Robert's Rules of Order, CAC Charter, and state and local laws. Participation and voting are based on Brown Act requirements and current legislation. Staff will provide an updated summary of any changes as required by law.

7.8.3 Conduct of Meetings

All meetings shall be governed by the Ralph M. Brown Act (Government Code Section 54950 et seq.), the CAC Charter, and ~~Rosenberg's~~ Robert's Rules of Order for decorum and parliamentary procedure.

Cell phones shall be turned off during all CAC meetings.

The Co-Chairs may issue a warning to any member of the public who is disruptive during CAC meetings. In the event of repeated disruption of any kind, the Co-Chairs shall direct the offending member of the public to leave the meeting. If the meeting is disrupted by *any* member of the public, we hold the right to remove the individual from the meeting with the assistance of security or by muting and turning off the camera of that individual.

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

8. Agenda Items

8.1 Public Comment on Agenda Items

The public may comment on each item on the agenda as the item is taken up. Members of

the public who wish to speak on matters on the agenda will have three minutes each to address the CAC **per agenda item**. Members of the public who wish to speak on non-agenda items will have three minutes to address the CAC **under the item "Public Comment on Non-Agenda Items"**. Members of the public who are speaking through an interpreter will have six minutes to address the CAC. All meetings will have a rebuttal period that allows an additional one (1) minute to any member of the public who would like to provide a rebuttal.

1.8.2. Setting Agendas

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

~~1.8.2.1 Current Agenda Setting Process:~~

- ~~1. A CAC member and/or member of the public may propose agenda item(s) during a CAC meeting or via email to staff.~~
- ~~2. Staff will track proposed agenda items and bring them to the Work Plan Ad Hoc Committee (when constituted) and the Co-Chairs.~~
- ~~3. The Co-Chairs will work from the work plan developed by the Work Plan Ad Hoc Committee once adopted by the CAC membership for the upcoming agenda.~~
- ~~4. Staff will identify presenters and draft presentation and memo (materials).~~
- ~~5. Staff will work with the CAC member(s) who requested the agenda item(s) to create materials as needed.~~
- ~~6. Staff will finalize materials.~~
- ~~7. Staff will send materials to Co-Chairs and the CAC member(s) who requested the agenda item for final approval.~~
- ~~8. Staff will update materials with final edits.~~
- ~~9. Executive staff will review materials.~~
- ~~10. Executive staff will provide edits, if needed.~~
- ~~11. Executive staff will route the materials for public distribution.~~

~~The Co-Chairs will work from the work plan developed by the Work Plan Ad Hoc once adopted by the CAC membership. The Co-Chairs, Staff, CAC Members or the public can make requests for new topics not included in the work plan. The Public can make requests for agenda items at CAC meetings during the Public Comment on Non-Agenda Items or by emailing staff at communityadvisorycouncil@baaqmd.gov. New additions to the work plan must be approved by majority vote of the CAC.~~

8.2 Agenda Preparation and Setting Process

Air District staff, in coordination with and in support of the Co-Chairs, will prepare, notice, and distribute the agenda and materials for CAC meetings consistent with the Brown Act, applicable Air District procedures, the CAC's adopted priorities and workplan, and priorities identified by CAC members.

Proposed agenda items may be submitted by CAC members, Co-Chairs, committees, Air

District staff, or the Board of Directors.

Staff shall maintain a running list of requested agenda items, including the source of each request and whether the item is pending, scheduled, deferred, or completed, and share that list with the Co-Chairs on a regular basis.

The Co-Chairs shall lead the agenda-setting process in consultation with CAC members, Air District staff, and the meeting facilitator, as needed. The Co-Chairs shall structure meeting agendas in a manner that supports timely CAC deliberation, meaningful community input, and progress on CAC priorities.

When a CAC member or committee requests an agenda item, staff shall work with the requesting member or committee to prepare materials, identify presenters, and ensure the item is framed accurately. Final agenda materials shall be shared with the Co-Chairs and the requesting CAC member or committee for review before public distribution, to the extent feasible.

The CAC's agenda-setting and prioritization shall be guided by the [CAC Environmental Justice priorities](#) and any existing CAC action plans, but these guiding documents shall not limit the CAC's ability to respond to timely community concerns, enforcement matters, legislation, Board requests, budget or implementation issues, or other emerging priorities.

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

Also, the ~~CEHJ~~ or Board may require advice or recommendations of the CAC on a particular matter or issue (refer to the process outlined in 1.7.6).

9. Conflict of Interest Policy

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

10. Meeting Minutes

Minutes shall be taken at all regular and special CAC meetings and shall comply with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et seq.) and the CAC Charter. Minutes shall be approved by the majority vote of CAC members in accordance with applicable statutes.

11. Land Acknowledgement

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

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

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

12. Dissemination of Materials

All documents, materials, and correspondence produced by or submitted to the CAC, CAC staff, or facilitator are considered public information and subject to the California Public Records Act regulations and procedures for disclosure and transparency.

Information related to the operations of the CAC will be made available to the public as requested.

13. Public Meetings

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

14. Attendance

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

~~quorum must have a “just cause” or an emergency excuse approved by a majority of the CAC in order to participate and vote. CAC members joining CAC meetings remotely without a just cause or approved emergency excuse will not be able to vote and therefore will not be counted present in the meeting.~~

14.1 Absenteeism: CAC Meetings

CAC members are allowed to miss ~~two (2)~~ ~~CAC three (3)~~ meetings in one calendar year. Continued absenteeism from CAC Meetings constitutes voluntary abandonment ~~after three (3) meetings are missed~~. After two (2) CAC meetings have been missed, staff will send a courtesy letter reminding the absent member of the attendance requirements of the CAC and warning them that they are at risk of losing their seat. Staff will be responsible for informing the Co-Chairs of absent members. Staff will inform a member that they have lost their seat on the CAC after three meetings are missed. Vacant seats on the CAC will be filled as described in the Appointment section ~~on page 8~~ of this document. ~~The CAC maintains the right to approve excused absences for fellow council members and can waive the counting of an absence due to emergency situations that are not covered under AB 2302 upon request by the absent CAC member.~~

14.2 Absenteeism: Co-Chair Meetings

Co-Chair meetings occur ~~regularly every week~~ up to four hours per month.

Co-Chairs are allowed to miss ~~two (2)~~ ~~three (3)~~ meetings every two (2) consecutive months. Continued absenteeism from Co-Chair meetings constitutes voluntary abandonment. After two (2) Co-Chair meetings have been missed, staff will send a courtesy letter reminding the absent Co-Chair of the attendance requirements of the Co-Chairs and warning them that they are at risk of losing their seat. Staff will be responsible for informing the Co-Chairs and the CAC of absent Co-Chairs. Staff will inform a Co-Chair that they have lost their seat on the CAC after three (3) meetings are missed. The Co-Chairs reserve the right to jointly adjust the schedule. ~~around the holidays.~~

Any vacant Co-Chair appointment shall be filled ~~within two (2) meetings after the vacancy occurs through a nomination, selection, and voting process.~~ ~~following Section 3.3 (Election of Leadership (Co-Chairs)).~~

14.3 Absenteeism: Ad Hoc Meetings

Ad Hoc ~~Committee~~ meetings will generally occur every other week (biweekly). Ad Hoc ~~Committee~~ members are allowed to miss ~~two (2)~~ ~~three (3)~~ meetings every two (2) consecutive months. Continued absenteeism from Ad Hoc meetings constitutes voluntary abandonment. After two (2) Ad Hoc meetings have been missed, staff will send a courtesy letter reminding the absent Ad Hoc member of the attendance requirements of Ad Hoc members and warning them that they are at risk of losing their seat. Staff will be responsible for informing CAC members of absent members. Staff will inform CAC members that they have lost their seat on the ~~Ad Hoc CAC~~ after three (3) meetings are

missed. The **Ad Hoc** Co-Chairs reserve the right to jointly adjust the schedule ~~around the holidays~~.

Any vacant appointment of an Ad Hoc Committee shall be filled within two (2) meetings after the vacancy occurs through **using an alternate, or through** a nomination, selection, and voting process.

15. Amendment of CAC Charter

The Board of Directors may amend this Charter to ensure its relevance and effectiveness in guiding the CAC's activities. The CAC shall periodically review the Charter and consider recommending amendments for consideration by the Board of Directors. ~~The CAC and the Board shall revisit the Charter to make requests for amendments in January of every odd-numbered year following the Board approval of the Charter.~~ The CAC shall provide thirty (30) days' notice for public comment before adopting any amendments to the CAC Charter. ~~The Community Equity, Health, and Justice Committee must approve a recommendation for changes to the Charter and the Board of Directors must approve the recommendation from the CEHJ Committee on the Charter before any changes can take effect.~~ **Recommended changes to this charter will not take effect until adopted by the Board of Directors.**

16. Compensation

Compensation for CAC Members will be subject to attendance and in accordance with the CAC's ~~Compensation Policy and Procedures~~ **Meeting Compensation and Expense Reimbursement Policy** and the above 1.4 Attendance section of the Charter.

Every fiscal year, CAC members may apply for funding in support of activities that align with the Air District's and CAC's mission. For additional compensation details, refer to the **Meeting Compensation and Expense Reimbursement Policy**.

The CAC will periodically revisit the **Meeting Compensation and Expense Reimbursement Policy**, including cost-of-living adjustments, and make recommendations to the Board of Directors and Air District leadership.

~~The CAC and the Board shall revisit the Compensation Policy and Procedures to make requests for amendments during the first month of the year of every other year. Updates to the Policy shall include a revision based on cost-of-living increase.~~

Appendix A

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington, D.C., drafted and adopted these 17 principles of Environmental Justice. Since then, the principles have served as a defining document for the growing grassroots movement for environmental justice.

Environmental Justice Principles³:

1) **Environmental Justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.

2) **Environmental Justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.

3) **Environmental Justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.

4) **Environmental Justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.

5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.

6) **Environmental Justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.

7) **Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.

8) **Environmental Justice** affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.

9) **Environmental Justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.

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

10) **Environmental Justice** considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.

11) **Environmental Justice** must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.

12) **Environmental Justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.

13) **Environmental Justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.

14) **Environmental Justice** opposes the destructive operations of multinational corporations.

15) **Environmental Justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.

16) **Environmental Justice** calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.

17) **Environmental Justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

Jemez Principles⁴:

1. Be Inclusive
2. Emphasis on Bottom-Up Organizing
3. Let People Speak for Themselves
4. Work Together In Solidarity and Mutuality
5. Build Just Relationships Among Ourselves
6. Commitment to Self-Transformation

4. Sierra Club. *Jemez Principles*. <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/grand-canyon-chapter/misc-pdf/Jemez%20Principles%20Poster.pdf>. Accessed December 19, 2022.

Appendix B

Bay Area Air District Accessibility and Non-Discrimination Policy

The Bay Area Air 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 the 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 the Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

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

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

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Kimberly Leefatt, Civil Rights Officer at (415) 749-4610 or by email at non-discriminationcoordinator@baaqmd.gov.

Appendix C

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

Bay Area Air Quality Management District. *Regulation 2, Permits, Rule 1, Section 2-1-243.*

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

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

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

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

San Francisco Bay Conservation and Development Commission. *Environmental Justice Advisors Charter.* Accessed January 3, 2023

San Francisco Bay Conservation and Development Commission. *San Francisco Bay Plan.* Accessed January 3, 2023

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

United States Environmental Protection Agency. *Guidance on Considering Environmental Justice During the Development of Regulatory Actions.* <https://19january2021snapshot.epa.gov/sites/static/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>. Accessed January 3, 2023.