

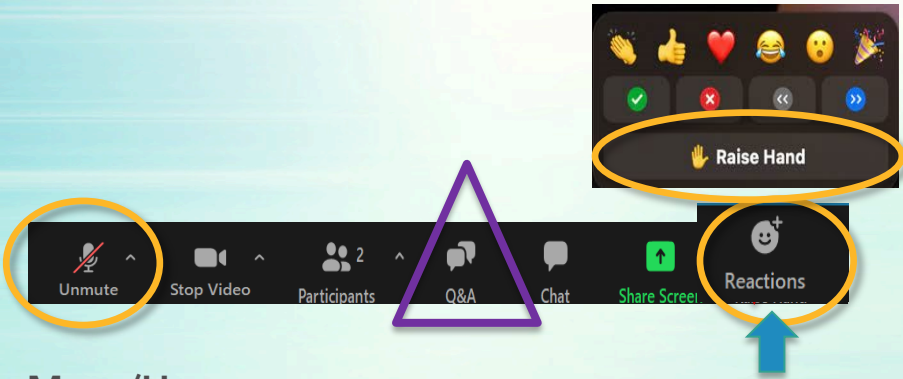


Assembly Bill 617
Consultation Group Meeting
March 8, 2023

Participating Virtually

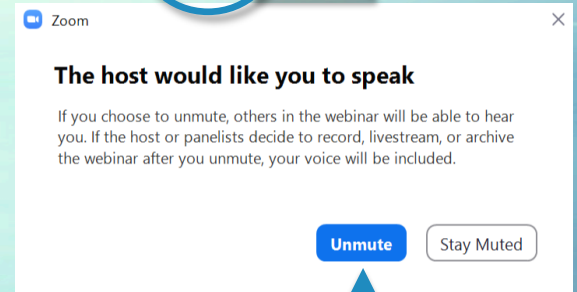
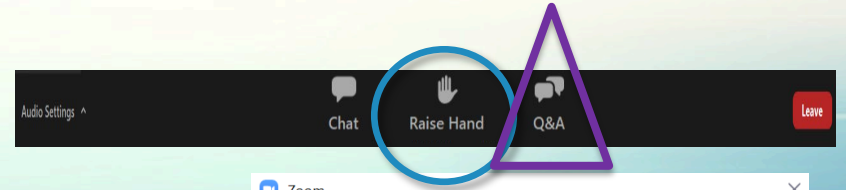
Panelist View (CG members)

Attendees View (Public)



Mute/Unmute

Click on Reactions and Raise hand and we will call on you.



On the phone: Dial #2 to raise hand and *6 unmute to speak.

Tech Support



Contact Liliana at: Liliana.Nunez@arb.ca.gov

Please reach out for help if you have any technical challenges.

Meeting Objectives and Agenda

Objective: *to learn more about CARB Advisory Committee Transparency Requirements, CARB's Civil Rights efforts and Community Air Protection Program Updates.*

1. Meeting Agreements and Roll Call
2. Overview of CARB Advisory Committee Transparency Requirements Memorandum (Transparency Memo)
3. *Public Comment*
4. CARB's Civil Rights efforts
5. Overview of CARB's Civil Rights Policy and Discrimination Complaint Process
6. *Public Comment*
7. Community Air Protection Program general updates
8. *Public Comment*

Meeting Agreements

- Keep comments short and focused on agenda topics
- All perspectives are welcome
- Support a respectful environment
 - We can respect others even when we disagree
 - Please refrain from accusations, innuendo, personal attacks, or maligning others'
- Be comfortable
 - Take personal breaks as needed
 - Use video as desired
 - Please stay muted until ready to speak



Consultation Group Member Roll Call

Name	Alternate	Organization	Name	Alternate	Organization
CO-CHAIRS, CARB GOVERNING BOARD			ENVIRONMENTAL ORGANIZATION		
John Balmes, MD		CARB Governing Board; University of California, San Francisco, and Berkeley	Will Barrett		American Lung Association
Davina Hurt		CARB Governing Board; Bay Area Air Quality Management District Board Member; Vice Mayor City of Belmont	LOCAL GOVERNMENT		
TRIBAL REPRESENTATIVE			Erica Manuel		Institute for Local Government
Jana Ganion		Blue Lake Rancheria Tribe	AIR DISTRICTS		
Nayamin Martinez		Central California Environmental Justice Network	Veronica Eady	Suma Peesapati	Bay Area Air Quality Management District
Paula Torrado	Martha Dina Argüello	Physicians for Social Responsibility - Los Angeles	Wayne Nastri	Kathryn Higgins	South Coast Air Quality Management District
Ms. Margaret Gordon		West Oakland Environmental Indicators Project	Samir Sheikh	Ryan Hayashi	San Joaquin Valley Air Pollution Control District
Kevin Hamilton		Central California Asthma Collaborative	Tung Le		California Air Pollution Control Officers Association
Jesse Marquez		Coalition for a Safe Environment; Los Angeles Community Environmental Enforcement Network	INDUSTRY		
Luis Olmedo		CCV - Comité Cívico del Valle	Roger Isom		California Cotton Ginners and Growers Association
HEALTH AGENCY			Cathy Reheis-Boyd	Christine Zimmerman	Western States Petroleum Association
Dave Edwards, PhD		Office of Environmental Health Hazard Assessment	Christine Wolfe		California Council for Environmental and Economic Balance
Paul English, PhD, MPH		Tracking California at Public Health Institute; California Department of Public Health	ACADEMIA		
			Michael Jerrett, PhD		University of California, Los Angeles
			Michael Kleinman, PhD		Scientific Review Panel; University of California, Irvine

CARB Advisory Committee Transparency Requirements Memorandum (Transparency Memo)



Gravin Newsom, Governor
Yana Garcia, CalEPA Secretary
Liane M. Randolph, Chair

CARB Advisory Committee Transparency Requirements (October 2022)

This document provides a summary and reminder of key components of transparency-related legal requirements for advisory committees of the California Air Resources Board (CARB). These advisory groups include the Assembly Bill 617 Consultation Group, Environmental Justice Advisory Committee, Research Screening Committee, and the Scientific Review Panel on Toxic Air Contaminants.

This summary is not comprehensive, and the legal requirements are subject to change. Please also note that this summary does not represent legal advice and does not itself impose any binding requirements. Advisory group members may seek their own legal advice. CARB is providing this summary as a high-level overview and general reference. For specific questions, please contact your CARB staff liaison.

Bagley-Keene Open Meeting Act

As state bodies, the advisory committees listed above must comply with the Bagley-Keene Open Meeting Act. ("Bagley-Keene Act;" Gov. Code, §§ 1120-11133.) CARB staff liaisons to the advisory committees work to ensure committee meetings are compliant with the Bagley-Keene Act and provide the required elements for transparency to the public. These requirements include proper ten-day notice of the agendas for committee meetings, public access to the meetings, and the opportunity for public comment, among other related requirements. (Gov. Code, §§ 11124, 11124.1, 11125, and 11125.7.) All committee business must be carried out during a public meeting, including voting and making decisions within the committee's area of jurisdiction, which must be made with a quorum present and a majority of the committee in support of the action.

Effective June 30, 2022, until July 1, 2023, the Legislature reinstated the Bagley-Keene Act exemptions that had previously been implemented as part of the public-health-related Executive Orders issued during the COVID-19 pandemic. (Gov. Code, § 11133.) Government Code Section 11133 applies to all state bodies and allows, but does not require, state bodies to meet entirely by teleconference, by suspending all physical presence requirements. Section 11133 prevails over any other conflicting Bagley-Keene Act sections that would otherwise apply (e.g., sections requiring physical presence or notice and publicly accessible teleconference locations). Thus, until July 1, 2023, state bodies are not required to list committee members' remote locations in the notice or make the location accessible to the public, and without needing to have a quorum in a single physical location. State bodies should continue to make sound and reasonable efforts to adhere to all other Bagley-Keene provisions to ensure public transparency.

Other parts of Bagley-Keene remain in place. In particular, the law prohibits situations typically referred to as "serial meetings" among a quorum of members. (Gov. Code, § 11122.5 Subd. (b)(1).) This prohibition applies to direct or indirect communications with

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Advisory Committee Transparency Requirements

- Three important transparency requirements:
 - Conflict of Interest (Gov. Code § 87104)
 - Bagley-Keene Open Meeting Act (Gov. Code § § 11120 et seq.)
 - Public Records Act (Gov. Code § § 7920.000 et seq.)
- CARB released a document explaining transparency requirements in October 2022

CONFLICT OF INTEREST LAW

Gov. Code § 87104

Conflict of Interest Law

- Government Code section 87104 prohibits:
 - Advisory committee members;
 - from making a formal or informal appearance before, or oral or written communication;
 - to CARB for the purpose of influencing a decision by CARB;
 - on a contract, grant, loan, license, permit, or other entitlement for use.

Prohibited Communications or Appearances

- A prohibited communication could include the following:
 - Applications or agreements
 - Letters
 - Emails
 - Phone calls
 - Meetings
 - Any other form of oral or written communication

What Does this Mean?

- Advisory committee members may not be a signatory, administrator, or Principal Investigator or co-Principal Investigator on a grant application or contract bid, or on any resulting contract or grant agreement.
- Advisory committee members should not be listed on the grant application or contract bid except as necessary to show their role in the organization.

Consequences of Noncompliance

Potential consequences for knowing or willful violations of Government Code section 87104 include:

- An advisory committee member may be found guilty of a misdemeanor and fined up to the greater of \$10,000 or three times the amount of the amount unlawfully received.
- The contract or grant may be voided and money may need to be returned.
- Other consequences imposed by courts, district attorneys, the Attorney General, and Fair Political Practices Commission.

What is Allowed?

- An advisory committee member's organization may continue to be eligible for a grant or contract.
- The advisory committee member may still engage in general advocacy for general policies, programs, or funding allocations related to the interest group or community that they may be appointed to represent.

BAGLEY-KEENE OPEN MEETING ACT

Gov. Code § § 11120 et seq.

Bagley Keene Applies to State Bodies

- An advisory committee is a state body if:
 - Created by formal action of the state body or of any member of the state body, and
 - If the advisory body so created consists of three or more persons.

Bagley-Keene Requirements

- The Bagley-Keene Open Meeting Act requires:
 - 10-day notice of agendas for committee meetings
 - Public access to meetings and opportunity for public comment
- Effective June 30, 2022, until July 1, 2023, Gov. Code section 11133 allows state bodies to meet entirely by teleconference.

CALIFORNIA PUBLIC RECORDS ACT (CPRA)

Gov. Code § § 7920.000 et seq.

CPRA Requirements

- Documents and records related to advisory committee business may be subject to public disclosure under the CPRA, including the use of personal email, texts, or messaging applications to discuss committee business either within or outside of the public meeting setting.
- If a CPRA request is received by CARB and an advisory committee member has records that are responsive to this request, CARB staff would work with the member to gather and produce such responsive records.



Update on CARB's Civil Rights Efforts



A Timeline of AB 617 Milestones

Nov 2022 – Dec 2023

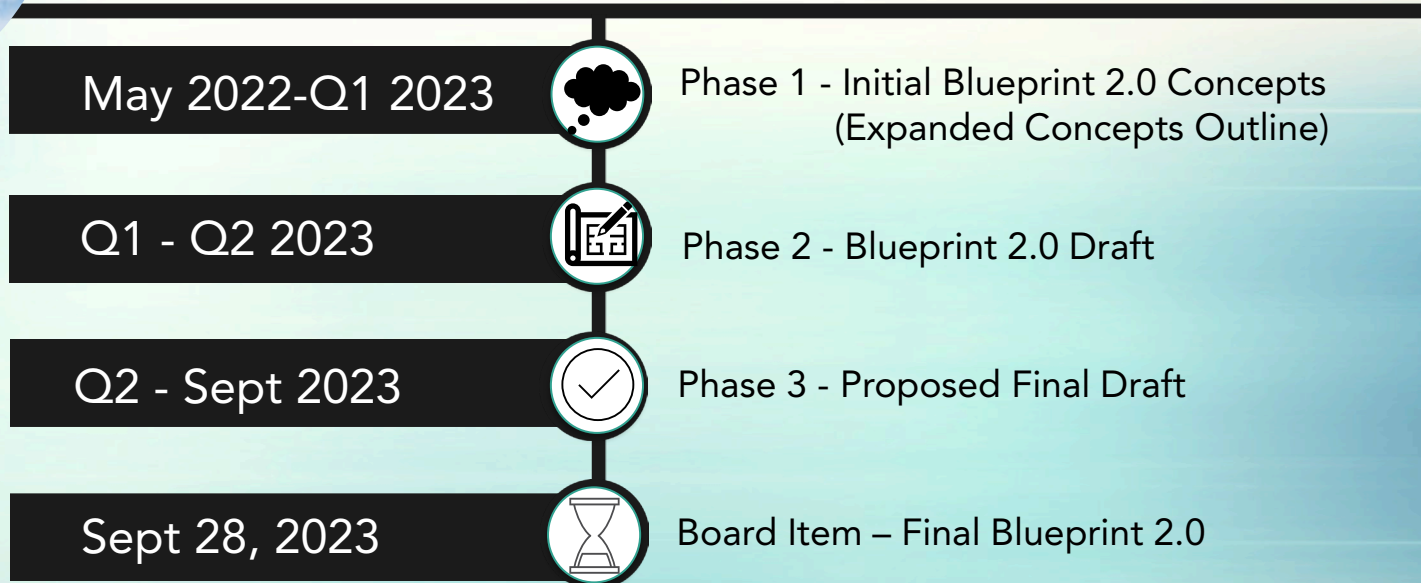




Community Air Protection
BLUEPRINT

Blueprint 2.0 Timeline

Summer 2022 through September 2023



FY 23-24 AB 617 Proposed Budget

AB 617 Budget	2022	Proposed 2023
CAP-incentives	\$240 M	\$200 M
CAP-district ops (Implementation)	\$50 M	\$50 M
CAP-technical assistance (Community Air Grant Program)	\$10 M	\$0 M
Add'l CAP \$ in Sect 19.58(c)(1) of AB 179 budget bill – for new CERPs	\$10 M	\$0 M
TOTAL	\$310 M	\$250 M

Community Air Protection Program General Updates

Upcoming Meetings:

- April 19th, 1- 4pm
- **IN PERSON QUORUM REQUIRED:** July 26th, 1-4 pm



Liliana Nunez
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Meeting Adjourned

Thank you for participating in today's discussion!