

AB 617 Community Air Protection Consultation Group

Draft Charter
November 2024

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Community Air Protection Program Consultation Group Draft Charter

A. Purpose

The Consultation Group is an advisory body of the California Air Resources Board (CARB or Board) appointed by the Board pursuant to state law. This body's purpose is to advise CARB on development and implementation of the statewide strategy *Blueprint 2.0*¹ for the Community Air Protection Program (CAPP or Program). The Program's mission is to reduce disparities in air quality in the most overburdened communities and enable equity and environmental justice by centering and prioritizing the most disproportionately impacted communities' needs.

CARB staff's role is to administer the Consultation Group and consider and incorporate where feasible Consultation Group advice and all other public engagement in program implementation.

The Community Air Protection Program roots the implementation of Blueprint 2.0 in an equity-centered approach and environmental justice. Under California state law, environmental justice means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (Gov. Code § 65040.12, subd. (e).)

B. Background

In response to Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017),²³ CARB established the Program in 2017 to reduce criteria air pollutants and toxic air contaminant emissions in communities affected by a high cumulative exposure burden. The law requires CARB to develop a statewide strategy, known as the Blueprint, to achieve this goal and to do so in consultation with environmental justice organizations, air districts, affected industry, the Office of Environmental Health Hazard Assessment (OEHHA), the Scientific Review Panel on Toxic Air Contaminants, and other interested stakeholders.

In January 2018, CARB first convened the 17-member Consultation Group to conduct this engagement. The Consultation Group was chaired first by Board Member John Balmes and later by Board Members John Balmes and Davina Hurt and included representatives required by law, the Scientific Review Panel on Toxic Air Contaminants, air districts, OEHHA, environmental justice organizations, affected industry, and other interested stakeholders, as

¹Blueprint 2.0 is the second iteration of the Program Blueprint is available at: <https://ww2.arb.ca.gov/blueprint-20>.

²Modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and §44391.2. Available at: [leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB617](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB617)

well as academia, public health organizations, and local and tribal governments. The CARB Board approved the *first Blueprint* in September 2018, which guided Program implementation from then until October 2023.

In the Fall of 2021, a subgroup of environmental justice leaders on the Consultation Group, with facilitation and writing support of CARB, wrote the *People's Blueprint* that highlights equity, environmental justice, benefits of the co-leadership model, and recommendations to strengthen transparency and accountability for the Program. Throughout 2022, CARB staff engaged with the full Consultation Group about the People's Blueprint. This engagement significantly informed the *Community Air Protection Program Blueprint 2.0* (Blueprint 2.0), approved by the Board in October 2023. Blueprint 2.0 is CARB's updated Statewide Strategy and implementation guidance for CARB and air districts to meet Program commitments to the communities currently in the Program while also bringing benefits to *consistently nominated communities*. Blueprint 2.0 calls for the reinvigoration of the Consultation Group by, in part, expanding the membership to include representation of consistently nominated communities.

C. Disclaimers

This Charter does not alter or modify the terms of any law and does not constitute legal advice. This Charter is not intended, and should not be construed to define the legal relationship between CARB and anyone else. This Charter is not a regulation, and it does not create, expand, limit, waive, or interpret any legal rights or obligations. It does not affect or diminish any rights or protections afforded to any person or entity under any law. Nothing in this document will be construed to prevent CARB from taking timely action to fulfill legal obligations to protect the public health and safety, or the environment; or to carry out federally mandated duties under delegated federal programs. Nothing in this document will be construed to prevent the Consultation Group from taking timely action to fulfill its obligations. The Consultation Group is not a forum for deliberation of issues that are the purview of individual AB 617 Community Steering Committees.

D. Conflicts of Interest

Once appointed by the Board and throughout membership, Consultation Group Members must comply with conflict of interest *requirements that apply to advisory committee members*. Under Government Code section 87104, advisory committee members are specifically prohibited 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. This means that members of the Consultation Group, cannot talk to CARB about a specific CARB or California Environmental Protection Agency (CalEPA) contract or grant with the purpose to influence a certain CARB action. This applies to all communications, which means that advisory committee members also may not be a signatory, administrator, principal investigator, or co-principal investigator on a grant application or contract bid, or on any resulting contract or grant agreement, or sign a letter of support. This only applies to talking to CARB about all CARB and CalEPA contracts or grants, including CARB's Community Air Grants and CalEPA Environmental Justice Grants.

E. Goals

E.1 Consultation Group Goals

[TBD: Consultation Group will develop this section.]

E.2 CARB Goals

- Ensure Consultation Group advice informs CARB’s work to achieve the goals and strategies contained in Blueprint 2.0, including broader engagement on program implementation.
- Facilitate engagement of CARB divisions that are implementing the Community Air Protection Program with the Consultation Group to inform the Consultation Group about program activities.
- Ensure public information on the Program is accessible to Consultation Group Members to guide their work.
- Elevate emerging issues related to Community Air Protection to the Consultation Group.

F. Membership

F.1 Number of Members

The Consultation Group will be composed of no more than 27 members appointed by the Board, including up to two (2) CARB Board Members who will serve as Co-Chairs of the Consultation Group. There may be up to 25 Alternate members appointed by the Board, each of whom are affiliated with a primary Consultation Group Member, and who may only participate in Consultation Group meetings as a Consultation Group Member if the primary Consultation Group Member notifies CARB staff their Alternate will participate in their place at least 14 days before.

F.2 Qualifications of Members

Consultation Group Members will be qualified based on being a representative from the following categories:

- Academia
- Air Districts
- Business and Industry
- California Native American Tribal Governments
- CARB’s Scientific Review Panel on Toxic Air Contaminants
- Community Air Protection Program Community Steering Committees
- Consistently Nominated Communities
- Environmental Justice Organizations
- Local government (or associations of local government)
- OEHHA

F.3 Solicitations and Recommendations for Appointment

CARB staff (Office of Community Air Protection) will issue solicitations for qualified Consultation Group Members to apply for appointment as needed. At the time of application, individuals may submit application materials for themselves and an Alternate member to be appointed along with the Primary member. Applying with an identified Alternate is not required. Members who have previously served on the Consultation Group may reapply.

CARB staff will review the completed applications, and recommend to the Board, Members and/or Alternates to consider for appointment to the Consultation Group who meet the qualifications and priorities described in [Section F.2](#). In its recommendations to the Board, CARB staff will prioritize representation that reflects the diversity of California, including California's regions, tribal governments, and will prioritize representation from communities with the most significant exposure to air pollution.

F.4 Appointment

The Board will have final authority to appoint each member for the specified term. The Board may delegate authority to the Executive Officer to appoint a replacement member to serve out the remainder of a term for any Board-appointed member or their Alternate who has resigned or been removed.

F.5 Term of Appointment

Members' appointment to the Consultation Group will be for a term of four (4) years that begins on the date the Board adopts the Resolution to appoint the Member to the Consultation Group, or the Executive Officer issues an Executive Order to appoint the Member based on any Board delegation of appointment authority.

F.6 Resignation

Consultation Group Members may resign before their term ends. Members must submit their resignation in writing to the Co-Chairs and CARB Staff Lead. The resignation will take place on the date of the letter or no later than 10 business days after the letter is submitted to the Co-Chairs and CARB Staff Lead. An Alternate for a Primary member who has resigned may choose to resign along with the Primary member or choose to serve out the remainder of the Primary member's term.

F.7 Absences

Consultation Group Members must notify CARB staff of a planned absence from a meeting at least 14 days before a meeting and identify whether their Alternate will participate in the meeting in their place. A Consultation Group Member who notifies CARB staff less than 14 days before a meeting that they and their Alternate cannot attend a meeting must request an excused absence. An excused absence may include events such as illness, family illness, emergency, and/or the death of a loved one. Consultation Group Members who miss two consecutive meetings without excused absences will be automatically removed under [section F.8](#).

F.8 Removal

A member of the Consultation Group may be removed under one of the following circumstances:

- **Removal by the Board:** The Board may consider for approval removing a Consultation Group Member for any reason authorized by law and based on reasonable cause for not meeting Consultation Group Membership requirements described in *section G.3*. Reasonable cause may not include any policy position taken by the member in his or her capacity as a member of the Consultation Group. During a Consultation Group meeting, two-thirds (2/3) of the members present may vote to recommend to the Board the removal of a member based upon facts showing reasonable cause for removal for not meeting Consultation Group membership requirements in *section G.3*. CARB staff shall bring a Consultation Group proposed removal for consideration to the Board.
- **Automatic Removal:** A Consultation Group Member who misses two (2) consecutive Consultation Group meetings in a calendar year without an excused absence or communication with CARB will be automatically removed as of the date of the second meeting that the Consultation Group Member does not attend. The Alternate member associated with that Primary member will also be automatically removed. CARB staff will send written notice to the Primary member following one (1) missed meeting without an excused absence that a second unexcused absence from the next meeting will result in automatic removal.

F.9 Alternates

- Alternates will be appointed by the Board, or by the Executive Officer where consistent with a Board Resolution delegation, in the same manner as Consultation Group Members.
- Members will brief Alternates as reasonably possible so that Alternates can participate effectively in meetings when necessary.
- Alternates must comply with all provisions of this Charter in the same manner as the Primary member.

G.Roles and Responsibilities

G.1 Co-Chairs

The Consultation Group is co-chaired by at least one (1) and up to two (2) CARB Board members. The Board shall appoint Co-Chairs to the Consultation Group to terms no longer than the Co-Chair's term for appointment to the Board.

The Co-Chairs' principal roles are to manage and facilitate constructive dialogue in Consultation Group meetings and development of relevant agendas. This includes seeking to resolve conflicts that arise during Consultation Group meetings, ensure adherence to meeting agreements in these meetings, and ensure agenda development based on the interests expressed by Members. If neither Co-Chair is available to facilitate a meeting, the

Board Chair may designate an Alternate Co-Chair from among the CARB Board, or CARB staff or their contractor, may facilitate the meeting.

G.2 Lead Members

Up to three (3) Consultation Group Members may work with the Co-Chairs, CARB staff, and a facilitation team if resources allow, to prepare meeting agendas, and strategize on the general direction, calendar, and work planning for the full Consultation Group in between each meeting.

Lead members will be identified on an ad hoc basis at each meeting based on members who volunteer to staff during the meeting. If more than three (3) members volunteer, CARB staff will select three (3) members from those volunteers to be a Lead member with the goal to maximize different stakeholder perspectives, if feasible. A Consultation Group Member may be a Lead member to help prepare for the next meeting for only one (1) meeting per year.

G.3. Member Requirements

All Consultation Group Members must comply with the following requirements when acting in their Consultation Group Member role. Failures to comply may result in the member being subject to removal by the Board, or recommendation to the Board for removal by a two-thirds (2/3) Consultation Group vote, pursuant to [section F.8](#). Membership requirements include to:

- Provide true and accurate information in applications regarding qualifications for membership.
- Take the ethics training provided by CARB staff.
- Comply with all criminal laws.
- Not engage in any behavior that is violent, discriminatory, or harassing as defined under CARB's Workplace Violence Prevention Program and its Civil Rights Policy.
- Comply with Government Code section 87104. Where CARB staff have reasonable cause to believe a member engaged in multiple instances of non-compliance with this statute there is reasonable cause for removal.
- Attend and participate as appropriate to support the Consultation Group to function effectively. A Consultation Group Member who misses two consecutive meetings without an excused absence will be automatically removed from the Consultation Group along with their Alternate.

G.4 Member Expectations

All Consultation Group Members are expected to comply with the following during their work as an advisory committee member:

- a. Consultation Group Members should strive to act in accordance with agreed upon meeting agreements in [section H.3](#) to support effective discussions for developing advice.

- b. Consultation Group Members are expected to regularly communicate information about Consultation Group matters to their respective constituencies, and actively seek perspectives to share in Consultation Group discussions.
- c. Members cannot speak on behalf of CARB the agency to external parties.

G.5 CARB Staff

The CARB team, as described in this Charter, serves as the point of contact for Consultation Group Members and public inquiries about the Consultation Group. The CARB team, subject to available resources and state law, will also support the administrative needs of the Co-Chairs and Consultation Group. The CARB team is responsible for providing reasonable assistance to the Consultation Group as it advises CARB on pertinent matters within its jurisdiction as described in this Charter and consistent with available resources and state law.

Neutral third-party facilitation and language access services for Consultation Group meetings may be provided, consistent with the law and available resources.

CARB will make every effort to provide reasonable accommodations and accessibility to those who request it, consistent with the law and available resources.

The CARB team will be responsible for the following:

- Hosting Consultation Group meetings compliant with the Bagley-Keene Open Meeting Act, including posting finalized agendas.
- Preparation for each Consultation Group meeting including preparation and posting of meeting records on CARB's website and gathering relevant information, if feasible and available, for members for their meetings.
- Preparation and posting on CARB's website all documents and materials staff determine relevant to the Consultation Group.
- Maintenance of a current roster of members on CARB's website, verified at least annually.
- Coordination of language access services for meetings.
- Tracking and maintenance of Member meeting attendance records.
- Coordination of Member travel arrangements for meetings, and administration of per diems and reimbursement of travel expenses for Consultation Group Members.
- Work with Co-Chairs and Consultation Group Members to address any issues or conflicts.

H. Meetings

H.1 Quorum

Consultation Group meetings will occur with a quorum of members present, consistent with the Bagley-Keene Open Meetings Act. A quorum is half of the number of total Consultation Group Members, plus one and is the minimum number of Consultation Group Members required to hold a meeting and a vote on an action item on the agenda.

H.2 Open Meetings

The Consultation Group is a "state body" defined under the Bagley-Keene Open Meeting Act (Gov. Code, § 11120, et seq., 11121, subd. (a) and (c).) A quorum of Consultation Group Members must meet in public meetings that are compliant with the Bagley-Keene Open Meeting Act, including the requirements for an agenda publicly noticed at least ten days in advance and allow the public to watch or hear the meeting and make public comments on each discussion item.

Members may not meet as a quorum outside of a public meeting and discuss matters within their jurisdiction, as described in [Section 1](#).

The Consultation Group may vote to create a subcommittee state body, as defined under the Bagley-Keene Open Meeting Act, subject to approval of those appointments by the Board.

H.3 Meeting Agreements

[This section to be developed by the Consultation Group.]

H.4 Meeting Frequency and Dates

The Consultation Group will meet as a quorum no more than three (3) times per year. When scheduling Consultation Group meetings, CARB staff shall consider rulemaking comment periods, statutory and legislative deadlines, and dates of other CAPP events.

H.5 Meeting Locations and Format

In-person Consultation Group meetings will be held either at the CalEPA Headquarters building in Sacramento or the CARB Headquarters Building in Riverside. Meeting formats may be in-person, or hybrid, where allowed by law. Under current law all Consultation Group members may appear virtually subject to the requirements of the Bagley-Keene Open Meetings Act. Requirements for virtual or in-person attendance are subject to change based on applicable law. CARB will make every effort to notify Consultation Group members of any changes in the law regarding meeting participation.

H.6 Agenda Setting

Time will be set aside at each meeting to develop a draft agenda for the next meeting. Informal polls will be used to assess the level of interest in potential topics. Agendas will be finalized by the Lead Members and Co-Chairs, with the assistance of CARB staff. Staff may adjust the agenda based on the availability of requested information or speakers.

H.7 Decision-Making

The Consultation Group is a state body with only advisory authority.

Meetings serve as an opportunity for constructive dialogue among Consultation Group Members and with CARB staff. Meetings are the location where Members will discuss and develop the Consultation Group's formal advice to the Board and its staff. The Consultation Group is not required to develop formal advice through individual member votes. The

Consultation Group may develop informal consensus that will not be considered formal advice of the whole Consultation Group - by identifying areas of agreement and disagreement as documented by staff in meeting minutes.

The Consultation Group must approve its formal advice, including recommendations to remove a member, to the Board by listing the topic as an action item on in its meeting agenda notice, discussing the item at the meeting, hearing public comment, and approving or rejecting the advice by a majority vote consistent with the Bagley-Keene Open Meeting Act. Prior to votes, informal polling or other means to quickly understand the range of support for a given proposed recommendation may be taken. When the Consultation Group takes a vote to decide an action, each member in attendance shall have one vote. Eligible, voting members must vote as an individual, either by voice or official voting mechanism used for action (i.e. poll, survey, etc.). A "majority" means half of the total Consultation Group Members present at a meeting, plus one. For actions to recommend removal of a member, the action shall be approved by a two-thirds (2/3) vote. No action can take place at any Consultation Group meeting unless a quorum (majority of members) is present. No action by the Consultation Group can occur on matters not listed on the final meeting agenda.

A majority of the members present at a meeting, whether or not a quorum is present, may adjourn the meeting to another time and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.

While performing these duties and responsibilities, the Consultation Group shall act in an advisory capacity to the CARB Board. CARB staff will consider all perspectives shared by Consultation Group Members, as well as comments provided during the public comment portion of Consultation Group meetings, as appropriate.

The CARB Board shall maintain all policy, legal, and program decision-making authority of CARB.

H.8 Records

CARB staff shall work with Co-Chairs and Lead Members to develop agendas for Consultation Group meetings.

Following each Consultation Group meeting, CARB staff will provide a meeting summary of each meeting that will include the following:

1. Meeting date, time, and location.
2. Consultation Group Members in attendance.
3. CARB and other agency staff in attendance.
4. A summary of Consultation Group items discussed, actions taken, and actions needed for follow-up.
 - a. A draft meeting summary will be provided to Consultation Group Members prior to the next regularly scheduled meeting to review prior to adoption at the next meeting. Draft and final meeting summaries of the Consultation Group will be made available on the CARB Consultation Group webpage.

Consultation Group records are public documents under the California Public Records Act, and will be released upon request where consistent with state law. (Gov. Code, § 7920.000 et seq.)

I. Per Diem and Travel Cost Reimbursements

I.1 Eligibility for Per Diems and Travel Cost Reimbursement

All members, except for state and local agency representatives, are eligible for per diems and travel costs for attendance at Consultation Group meetings, paid as reimbursements. Eligible members include but are not limited to impacted residents not affiliated with any organization, representatives of environmental justice organizations, community-based organizations, and California Native American Tribes. Eligible members may waive being paid per diems and travel costs for meeting attendance.

I.2 Per Diem Compensation

Eligible members or their Alternates who attend a meeting in their place will be eligible for per diem compensation at the rate of \$100 per meeting. This rate is the maximum allowable compensation for advisory body members under state law. (Health & Saf. Code, § 39603, subd. (a)(2); Gov. Code, § 11564.5.)

I.3 Travel Cost Reimbursement

Travel expenses will require prior CARB approval and will be based on current state government *travel reimbursement rates* and consistent with CARB procedures, state law, and availability of state resources.

CARB will provide a per diem and reasonable travel cost reimbursements to Consultation Group Members for attendance at Consultation Group meetings (i.e., maximum 3 times per year) and if CARB requests they attend a Board meeting. Consultation Group Members will not receive per diem or travel reimbursements for non-quorum meetings that they organize and attend themselves. Consultation Group Members must complete any travel reimbursement forms provided by CARB staff or its contractor within two (2) weeks of each respective public Consultation Group meeting. The Consultation Group Member may be responsible for any out-of-pocket costs related to travel cancellations made by the Consultation Group Member not covered by stipulations in *Section I*.

I.4 Compensation and Reimbursement for Alternates

Alternates for compensation-eligible members will only receive compensation and travel reimbursement for Consultation Group meeting(s) if the Alternate attends a meeting on behalf of the Board approved Consultation Group Member who is unable to attend. Alternates will not receive compensation or travel reimbursements for Consultation Group meetings that they attend in addition to the primary Consultation Group Member. Neither Primary members nor Alternates will receive compensation or travel reimbursements for Consultation Group meetings that they do not attend.

J. Effective Date, Amendments, Termination

The Consultation Group and the Board shall consider for approval this Charter.

The effective date of this Charter or any amendments is the date it is approved by the Board through a Resolution, after the Consultation Group has already approved.

Any amendments may be proposed by the Consultation Group and CARB staff. The Board may review for approval proposed amendments at its discretion.

Once effective, this Charter shall terminate solely based on an action to approve termination by the Board.

K. Acknowledgment and Approval of Charter