

AB 617 Community Air Protection Program Consultation Group

Draft Charter

[Date of Adoption] 2026



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A. Purpose

The AB 617 Community Air Protection Program Consultation Group (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 the development and implementation of the statewide strategy, known as the Blueprint, and any other pertinent matters in the implementation of AB 617) 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 affected 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's implementation of the Blueprint is rooted in equity 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 (e)(1)) ²

B. Background

B.1 Origins of Modern Environmental Justice

The modern Environmental Justice (EJ) movement emerged in the 1980s in response to decades of hazardous facilities being disproportionately sited in communities of color. Drawing on the civil rights, labor, indigenous rights, and environmental movements, EJ advocates documented a troubling pattern: communities of color, low-income communities, and indigenous communities bear a disproportionate share of environmental hazards, have less access to health-promoting resources, and face significant barriers to political participation. Decades of research and community experiences have documented that disparities are not accidental – they reflect deeper inequities in how economic and political power has been distributed across lines of race, ethnicity, and class.

The EJ movement's core vision is that all people should be able to live in healthy, sustainable, and prosperous communities. Governments at every level have increasingly

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

² Environmental Justice is defined in Gov. Code § 65040.12 (e)(1) and is available at: leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65040.12

responded to the movement's pressure through concrete policy action. Landmark examples include President Clinton's *Federal Executive Order 12898 (1994)*,³ which directed federal agencies to address environmental justice in their programs, California *Senate Bill 115, Chapter 690 (Solis, Statutes of 1999)*⁴ that encoded EJ into California state law, and more recently, California *Assembly Bill (AB) 617* (C. Garcia, Statutes of 2017).⁵ These policies reflect a growing consensus that environmental protection and social equity are not competing goals – they are both complementary and necessary. EJ principles underlay the Consultation Group's work.

B.2 The Community Air Protection Program

In response to AB 617 (2017), 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 additional 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, interested stakeholders, as well as academia, public health organizations, and local and California Native American Tribes. The CARB Board approved the *first Blueprint*⁶ in September 2018, which guided Program implementation until October 2023.

Over time, the Consultation Group's work evolved to reflect the importance of equity and environmental justice. 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*,⁷ which highlights equity, environmental justice, co-leadership model benefits, and recommendations to strengthen transparency and accountability for the Program. Throughout 2022, CARB staff engaged with the full Consultation Group about the People's

³ Archived version of Executive Order 12898 (1994) available at: www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf.

⁴ California SB 115, Solis. Environmental Justice, is available at: leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=199920000SB115

⁵ AB 617 is available at: leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB617

⁶ 2018 Blueprint is available at: ww2.arb.ca.gov/capp-blueprint

⁷ The People's Blueprint is available at: ww2.arb.ca.gov/our-work/programs/community-air-protection-program/community-air-protection-blueprint/peoples

Blueprint. This engagement significantly informed the *Community Air Protection Program Blueprint 2.0*⁸ (Blueprint 2.0) (Board Comment log⁹), approved by the Board in October 2023. These foundational efforts have shaped the current structure and priorities of the Program and inform this Charter.

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*¹⁰. Blueprint 2.0 calls for the reinvigoration of the Consultation Group by, in part, expanding the membership to include representation of consistently nominated communities.

The initial Consultation Group provided valuable insights into the importance of inclusive, transparent, and community-centered engagement in implementing the Community Air Protection Program. Key lessons included the need for clearer alignment between statutory requirements and evolving equity-focused strategies, the importance of balancing diverse stakeholder perspectives, and the value of structured processes for agenda setting, member participation, and public input. To receive substantive comments that can lead to positive changes and improve air quality and health outcomes for our communities, the CG engagement process must enhance understanding of the Program, the community conditions and experiences, and build the capacity of the public, residents, agencies, industry, and all involved to meaningfully participate. These experiences informed the development of the People’s Blueprint and helped shape Blueprint 2.0, reinforcing the need for stronger facilitation, clearer expectations, and more consistent communication to support meaningful collaboration and accountability.

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

⁸ Blueprint 2.0 is available at: ww2.arb.ca.gov/capp/resources/final-community-air-protection-blueprint-20-2023

⁹ CARB staff hosted focus groups and workshops during development. The Board Meeting Comment Log shows comments received at the hearing. Accessible here: www.arb.ca.gov/lispub/comm/iframe_bccommlog.php?listname=ab617blueprint2.0

¹⁰ Consistently Nominated Communities are available at: ww2.arb.ca.gov/ConsistentlyNominatedAB617CommunitiesList

be construed to prevent the Consultation Group from taking timely action to fulfill its obligations, including those described in Section G: Roles and Responsibilities.

The Consultation Group work informs the implementation and development of future Program Blueprints and within that framework, it welcomes input and experiences from affected people, but is not a forum for deliberation of local issues that are the purview of individual AB 617 Community Steering Committees.

D. Conflicts of Interest

Once appointed and throughout membership, Consultation Group Members must comply with conflict of interest *requirements that apply to advisory committee members*.¹¹ Under Government Code section *87104*¹², 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 decision on that contract or grant. This applies to all communications, which means that advisory committee members 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 CARB and all CARB and CalEPA contracts or grants, including CARB's Community Air Grants and CalEPA Environmental Justice Grants. If any member suspects they have a *potential conflict of interest*¹³, they should report it to CARB staff as soon as possible, and CARB may disclose it with the membership if deemed appropriate.

E. Goals

E.1 Consultation Group Goals

The Consultation Group (CG) goals center on providing strategic guidance and informed recommendations, and ensuring that CARB decisions for the Community Air Protection Program (CAPP) are well-informed by all representatives, reflect community priorities, and

¹¹ 2022 CARB Advisory Committee Transparency Requirements is accessible here: ww2.arb.ca.gov/sites/default/files/2022-11/Final%20-%20CARB%20Advisory%20Committee%20Transparency%20Requirements%20-%202010.19.2022.pdf

¹² Gov Code 87104 on advisory bodies and conflicts of interest is accessible here: leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=87104.

¹³ Frequently Asked Questions about Advisory Bodies and Conflicts of Interest is available at: calepa.ca.gov/wp-content/uploads/2024/01/FAQ-Gov-Code-87104.final-Dec-2023.pdf

meet statutory requirements. The Consultation Group will strive to achieve the following goals.

CG Goal 1 – Provide Strategic Guidance to CARB

1. Offer informed advice and recommendations to CARB on the development, implementation, and evaluation of the Community Air Protection Program (CAPP or Program) and the Blueprint.
2. Ensure timely recommendations are aligned with Program objectives and statutory requirements through periodic and ongoing evaluations.
3. Embrace visionary thinking with balanced agendas that include discussion of programmatic refinements to improve existing efforts, and strategic forward-looking discussions to explore new possibilities.
4. Promote flexibility to explore solutions for emerging issues.

CG Goal 2 – Ensure Community-Centered and Equitable Input

1. Advise CARB on ways the CAPP can serve California’s disadvantaged and low-income communities overburdened with air pollution.
2. Elevate the voices, experiences, and needs of historically marginalized and disproportionately affected communities—including California Native peoples—so that program design, funding priorities, and policy actions advance environmental justice.
3. Identify opportunities to enhance meaningful community engagement in air quality monitoring, data interpretation, funding recommendations, and participation in air quality decision-making processes.

CG Goal 3 – Support Continuous Improvement of CAPP

1. Provide comments on CARB’s CAPP implementation activities, identify gaps and barriers, and propose solutions that strengthen program effectiveness, reduce emissions and exposure, and improve outcomes for disadvantaged communities.
2. Normalize evaluation, encouraging questions and recommendations for the Program.

CG Goal 4 – Approachable Forum for Meaningful Engagement

1. Advise CARB and Air Districts on strategies to expand meaningful participation.
2. Ensure diverse perspectives are acknowledged and reflected in Consultation Group recommendations.
3. Help create inclusive meetings where all members and agency representatives are encouraged to ask questions, learn from each other, and equitably share diverse

perspectives, and respectfully navigate differing viewpoints to inform recommendations.

CG Goal 5 – Foster Cross-Learning and Knowledge Sharing

1. Encourage CARB to create opportunities for learning between Consultation Group members, Community Steering Committees (CSCs), and other interested organizations, and share promising practices that inform future Blueprint iterations.

CG Goal 6 – Strengthen Capacity

1. Advise CARB on tools, resources, and training needed to build capacity among communities and stakeholders to participate effectively in air quality planning efforts, including improving accessibility of CARB’s materials and processes.
2. Participate in ongoing learning to build capacity within the Consultation Group and affected communities at large.

CG Goal 7 – Align Efforts Across Agencies and Related Initiatives

1. Provide recommendations to CARB and air districts using expertise from across communities, agencies, and related initiatives to maximize the Consultation Group’s and CAPP Communities’ influence and promote the model in other CalEPA and CARB programs.
2. Recommendations will align local and regional interest with statewide Program goals and use expertise from Consultation Group members, including community and Tribal representatives, directly involved and related agencies (transportation, climate, public health), industry, business.

CG Goal 8 – Ensure Transparency and Accountability

1. Ensure Consultation Group accountability by establishing clear objectives, effective meetings, tracking progress, and evaluating outcomes, at least annually, to ensure transparency and accountability in the Consultation Group process.

E.2 CARB’s Responsibilities to Support the Consultation Group

CARB will transparently and collaboratively support the Consultation Group as it strives to meet its goals.

In addition to the responsibilities outlined in Charter section G.5, the Consultation Group Goals in E.1, and following the meeting agreements in H.3, CARB will support the Consultation Group in meeting its goals through the responsibilities outlined below.

CARB Responsibility 1 - Consider Consultation Group Recommendations

1. Ensure Consultation Group advice informs CARB's work to meet CAPP statutory requirements, to achieve the goals and strategies contained in the Blueprint, and to inform future iterations of the Blueprint.

CARB Responsibility 2 - Transparently Inform and Communicate with CG.

1. Ensure public information on the Program is accessible to Consultation Group Members to guide their work.
2. Elevate emerging issues related to Community Air Protection to the Consultation Group with sufficient time for their review.
3. Develop and implement a communication plan for sharing regular CARB updates with the Consultation Group to streamline communications.
4. Work with the Consultation Group to establish a workplan to include clear objectives, effective meetings, report progress at least annually, and evaluate outcomes and processes, to ensure transparency and accountability in the Consultation Group process.
5. Timely, transparent, and iterative communication of limitations based on legality, feasibility and resource availability.
6. Transparently communicate responses to Consultation Group questions and recommendations, in a timely manner, and create action items to follow up when required.
7. Distribute materials in a timely manner in advance of Consultation Group meetings to enable meaningful Consultation Group discussions that allow for meaningful participation and input to inform CARB decision-making, including sharing of reports, agendas, and presentations.
8. To the extent resources allow, provide technical support and resources to enable the Consultation Group to develop informed recommendations to CARB.

CARB Responsibility 3 - Strategically Align Agencies to Implement CAPP

1. Facilitate engagement of CARB divisions that are implementing the Community Air Protection Program with the Consultation Group to regularly inform the Consultation Group about program activities.
2. Facilitate engagement to align with local and regional interests, including community and Tribal representatives, local governments, related agencies (such as transportation, climate, and public health), industries, and businesses relevant to Program implementation goals identified in applicable iterations of the Blueprint.

3. Align Consultation Group and CARB goals within the limitations of statute.

CARB Responsibility 4 - Build Capacity and Equity

1. Help create inclusive meetings where all members and agency representatives are encouraged to ask questions, learn from each other, and equitably share diverse perspectives.
2. Normalize evaluation, encouraging questions and recommendations for the Program and the Consultation Group process.
3. Provide knowledge and resources to help all interested parties meaningfully participate.

CARB Responsibility 5 - Support Community Engagement

1. CARB will support and encourage the Consultation Group to engage with their community, including broader engagement on program implementation.
2. CARB will periodically provide opportunities for communities of practice that will encourage sharing experiences in the Program, and will provide guidance to members regarding the requirements of the *Bagley-Keene Open Meeting Act*,¹⁴ including to remove barriers for inclusive participation, to ensure transparency to the public, timely notice of meetings and agendas, and opportunity for public comment.
3. Provide educational opportunities to learn more.

F. Membership

F.1 Number of Members

The Consultation Group will be composed of no more than 28 members¹⁵ appointed, including up to two (2) CARB Board Members who will serve as Co-Chairs of the Consultation Group.

There may be up to 26 Alternate members appointed, 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

¹⁴California Government Code section 11120, known as the Bagley-Keene Open Meeting Act is accessible here: leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=11120

¹⁵ A list of current and previous Consultation Group members is available at: ww2.arb.ca.gov/capp/mdc/abcg/community-air-protection-program-consultation-group

Member notifies CARB staff their Alternate will participate in their place at least three (3) business days before the meeting date.

F.2 Qualifications of Members

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

1. CARB’s Scientific Review Panel on Toxic Air Contaminants*
2. Air Districts*
3. OEHHA*
4. Environmental Justice Organizations*
5. Business and Industry*
6. Academia and Scientific Research
7. Community Science
8. California Native American Tribes ¹⁶
9. Tribal Organizations
10. Indigenous Peoples
11. AB 617 Community Steering Committee
12. Consistently Nominated Communities
13. Local government (or associations of local government)

*These categories of representation are specifically named in the AB 617 statute, *Health and Safety Code Section 44391.2, subdivision (b)*¹⁷, “The state board shall prepare, in consultation with the Scientific Review Panel on Toxic Air Contaminants, the districts, the Office of Environmental Health Hazard Assessment, environmental justice organizations, affected industry, and other interested stakeholders, a statewide strategy to reduce

¹⁶ CalEPA policy on Consultation with California Native American Tribes, CIT-15-01 (2015): “California Native American Tribe means either a federally-recognized California tribal government listed on the most recent notice of the Federal Register or a non-federally recognized California tribal government, including those listed on the California Tribal Consultation List maintained by the California Native American Heritage Commission (NAHC).” Full CalEPA Policy is available at: calepa.ca.gov/wp-content/uploads/2016/10/Tribal-Policy-2015Policy.pdf

¹⁷ Health and Safety Code Section 44391.2, subdivision (b) on consultation is available at: leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=44391.2.&lawCode=HSC

emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. The state board shall update the strategy at least once every five years.”

CARB will strive to maintain a balance of representation from the categories within the membership, but maintains the discretion to make final decisions about the needed expertise of new members.

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 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, CARB staff will prioritize representation that reflects the diversity of California, including California’s regions and Tribes, 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. CARB will provide a structured onboarding process for new Consultation Group members to ensure they understand the group’s purpose, roles, and norms. This process will foster inclusion and continuity, enabling new members to contribute meaningfully from the start.

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. The four-year term length was established to ensure the term went beyond the Blueprint 3.0 deadline. Once a member has fulfilled their term, they are eligible to reapply for a subsequent four-year term.

F.6 Resignation

Consultation Group Members may resign before their term ends. Members must submit their resignation in writing to the Co-Chairs and the CARB Staff Correspondence Lead. The resignation will take effect 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.

If a member no longer has an affiliation that qualifies for the Consultation Group, the Primary member and their Alternate may be removed.

F.7 Attendance and Absences

Consultation Group Members must attend all Consultation Group meetings, unless they have obtained an excused absence from CARB. As described in section F.1, a member's affiliated Alternate may participate in their place.

Consultation Group Members must notify CARB staff of a planned absence from a meeting at least 3 business days before a Consultation Group meeting and identify whether their Alternate will participate in the meeting in their place.

A Consultation Group Member who notifies CARB staff less than 3 business days before a Consultation Group meeting that both they and their Alternate cannot attend a Consultation Group meeting must request an excused absence. An excused absence may be provided for the primary member and their Alternate with good cause, which includes events such as illness, disability, caring for a disabled family member, family illness, emergency, or the death of a loved one.

If a Consultation Group member or their Alternate attends a Consultation Group meeting, after previously reporting that they would not, that member (or their Alternate) may be counted as present once their attendance is publicly announced.

Consultation Group Members who acquire two unexcused absences in 12 months may be removed under section F.8.

F.8 Removal

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

The Board or the EO may consider the removal of a Consultation Group Member for any reason authorized by law ¹⁸ or 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 their 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.3.¹⁹

Consultation Group Members who acquire two (2) unexcused absences within 12 months (unexcused absences are described in section F.7) may be recommended for removal. The Alternate member affiliated with that Primary member may also be simultaneously removed.

A Member will be notified of an unexcused absence following that absence, when CARB staff sends a written notice to the Primary member and their affiliated Alternate. If the member acquires two unexcused absences within 12 months, CARB staff will send a written notice that a recommendation for member removal will be presented to the EO or Board, citing too many unexcused absences as the reason.

Upon determination that removal of a member may be necessary, CARB shall provide the member with written notice stating the grounds for the proposed removal and the date by which the member may submit a written response. CARB staff shall bring a Consultation Group proposed removal for consideration to the Board or the EO.

CARB shall notify the member of the final removal decision in writing within five business days of that determination. Notice of the removal shall also be provided to the full membership and made available to the public at the next duly noticed meeting of the Consultation Group.

F.9 Alternates

1. Alternates can be established at any time by recommendation of a primary member to the CARB Staff Correspondence Lead, then following the current application processes. For qualified applicants, CARB staff will provide a timely response with an anticipated timeframe for Board or EO appointment consideration.

¹⁸ Such as a violation of the Bagley-Keene Act or Conflict of Interest, Government Code section 87104. (Comment F8.2)

¹⁹ Such as losing eligibility due to an employment change or no longer serving on a CSC.

2. Alternates will be appointed by the Board, or by the Executive Officer where consistent with a Board delegation, in the same manner as a Consultation Group Member
3. Members will brief Alternates as reasonably possible so that Alternates can participate effectively in meetings when necessary.
4. Alternates must comply with all provisions of this Charter in the same manner as the Primary member.
5. An Alternate may resign independently of their Primary Consultation Group Member. To resign, the Alternate must submit a written resignation notice to the Primary Member, the Co-Chairs, and CARB Staff Correspondence Lead. The resignation will take effect on the date specified in the resignation letter, or no later than ten business days after submission, if no date is specified. The resignation of an Alternate does not affect the appointment or term of the Primary Member.
6. A Primary Member may also recommend that their Alternate be removed by submitting a written request to CARB Staff Correspondence Lead. CARB staff will review the request and determine whether to recommend a replacement Alternate to the Board or Executive Officer, consistent with Section F.4.
7. Alternate Members may be removed for any reason authorized by law, as discussed under F.8., above.

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 the development of relevant agendas. This includes seeking to resolve conflicts that arise during Consultation Group meetings, ensuring adherence to meeting agreements in these meetings, and ensuring agenda development based on the interests expressed by Members. CARB will keep the Co-Chairs informed of meeting details, action items, and any relevant updates to ensure continuity in facilitation and leadership. 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

Consultation Group Members may volunteer to be selected to serve as Lead Members who work with the Co-Chairs and CARB staff on an ad hoc basis for activities such as preparing meeting agendas, strategizing on the general direction, calendaring, or work planning for the full Consultation Group in between each meeting. Each Lead Member group, including Co-Chairs, must total less than a quorum.

Lead members will be identified on an ad hoc basis at each meeting by using the following process.

1. Staff will work collaboratively with the Consultation Group to explain the activity that requires work from Lead Members.
2. Members who are present may volunteer during the meeting.
3. CARB staff will select volunteers in each meeting, and will prioritize selection of members who haven't been selected before, to allow for inclusive member participation over time by everyone who is interested and available.

A Consultation Group Member may be a Lead member to help prepare for the next meeting for only one (1) meeting per year, unless there are no other Consultation Group members available as a lead.

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 EO, or recommendation to the Board or EO for removal by a two-thirds (2/3) Consultation Group vote, pursuant to section F.8. Membership requirements include:

1. Provide true and accurate information in applications regarding qualifications for membership and failure to do so can result in the removal from consideration for or membership on the Consultation Group.
2. Take the ethics training provided by CARB staff, promptly after being onboarded as a new member, before attending their first meeting.
3. Comply with all applicable laws.
4. 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,

which will be shared with new members as a part of an onboarding materials package.²⁰

5. Comply with *Government Code section 87104*.²¹ 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.
6. Attend and participate as appropriate to support the Consultation Group to function effectively, attending Consultation Group meetings as described in section F.7.

G.4 Member Expectations

All Consultation Group Members are expected to comply with the following during their work as an advisory committee member. Failure to follow Member Expectations may result in removal.

1. 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.
2. 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.
3. 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, such as Public Records Act requests, or other inquiries from members of the public. 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 the Community Air Protection Program, 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.

²⁰ CARB's Notice of non-Discrimination and Discrimination Complaint Information can be accessed here: ww2.arb.ca.gov/california-air-resources-board-and-civil-rights

²¹ Government Code 87104 on Conflicts of Interest is available at: leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&title=9.&chapter=7.&article=1.

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

CARB staff will make reasonable efforts to schedule meeting dates that will accommodate as many consultation group members as possible.

The CARB team will be responsible for the following:

1. Hosting Consultation Group meetings compliant with the Bagley-Keene Open Meeting Act, including posting finalized agendas.
2. 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.
3. Preparation and posting on CARB's website all documents and materials staff determine relevant to the Consultation Group.
4. Maintenance of a current roster of members on CARB's website, verified at least annually.
5. Coordination of language access services for meetings.
6. Tracking and maintenance of Member meeting attendance records.
7. Coordination of Member travel arrangements for meetings, and administration of per diems and reimbursement of travel expenses for Consultation Group Members.
8. Work with Co-Chairs and Consultation Group Members to address any issues or conflicts.

H. Meetings

H.1 Quorum

The Consultation Group is classified as a state body, specifically an advisory body, under the *Bagley-Keene Open Meeting Act*.²² Consistent with the Bagley-Keene Open Meeting Act, Consultation Group meetings will occur when a quorum of members are present, either in person or by teleconference, and at least one CARB staff member is present at the location specified in the notice of the meeting. A quorum is a majority of members (e.g., half of the number of total Consultation Group Members plus one) and is the minimum number of

²² Gov. Code, § 11120, et seq., 11121, subd. (a), (c), and (d). See also Bagley-Keene Open Meeting Act Guide, 2024 is available at: oag.ca.gov/system/files/media/bk-open-meeting-act-guide-2024.pdf

Consultation Group Members required to hold a meeting and a vote on an action item on the agenda.

H.2 Open Meetings

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 calendar 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.

The Consultation Group may vote to create an advisory subcommittee, as defined under the Bagley-Keene Open Meeting Act, subject to approval of those appointments by the Board. A group of members working on an ad hoc basis must include at least one Co-chair; this group must be less than a quorum of the membership, and this process is described in G.2.

H.3 Meeting Agreements

Meeting agreements are expectations that the Consultation Group members, co-chairs, CARB staff, and guests have of each other, the co-chairs and CARB staff. These are incorporated into the final charter for approval by the Board.

Challenges to both accomplishing meeting agreements and the overall goals of the charter and suggested approaches can be noted as Considerations and also as a preface to the charter as reminders to the members, as suggestions for process development, programming and as guidance to all for priority development and work going forward.

1. Communications
 - a. Ensure that all members, both primary and Alternates, are informed on ongoing processes and developments to ensure meaningful and effective participation.
 - b. Come to the meeting prepared to provide feedback during the meeting by reviewing the agenda and supporting materials prior to the meeting.
 - c. Staff ensure that meeting materials are provided in an accessible manner to all members.
 - d. Staff co-chairs, and/or members who indicate availability are encouraged to be available to meet with members requesting assistance and/or additional time for meeting preparation.
2. Active and Equitable Participation During Meetings

- a. Be an engaged and active participant in discussions.
 - b. Practice active listening.
 - c. Commit to consistent engagement by attending meetings.
 - d. Be open to learning new things in new ways.
 - e. Listen to comments seeking to understand perspectives.
 - f. Be mindful of sharing time with other members; speak up to share thoughts and feedback, and step back to allow others to also participate.
 - g. Use tools to improve accessibility, participation, and ensure evaluation.
3. Agenda Development and Meeting Preparation
- a. Ensure member engagement in agenda planning and solicit feedback on topics and presentations that may require additional background information.
 - b. Enable process and clarification questions prior to substantive discussion.
 - c. Incorporate meeting debrief and evaluation in each agenda.
4. Meeting Facilitation
- a. Facilitate to stay on topic and on time.
 - b. Everyone is responsible for following the meeting agreements.
 - c. Facilitate to ensure equitable and active participation and be open to suggestions.
 - d. Capture topics that need more discussion than time allotted and determine priority and method for addressing.
 - e. Identify and state purpose and relationship of each agenda topic to achieving environmental justice and accomplishing AB 617 goals.
5. Community First
- a. Ensure time and space on agenda for all members to speak.
 - b. Prioritize participation by representatives of community organizations in adversely affected communities.
6. Compassion
- a. Foster compassion, patience, and collaboration.
 - b. Be empathetic; try to understand other people's feelings.

- c. Recognize that discussions may have strong emotional impact and/or be triggering.
- d. Look for good intentions first.
- e. Readily recognize if what was said could be viewed as attacking and engage in efforts to clarify meaning.
- f. Allow space for people to express discomfort or question intent without being invalidated by the assumption of good intent.

7. Language & Respect

- a. Be aware of others' comfort zones.
- b. Value everyone's voice and unique contribution.
- c. No attacks, personal or professional.
- d. Practice broaching difficult conversations with a standard preamble script or other tools.
- e. Be open to discussions that challenge the status quo.
- f. Encourage respectful dialogue and disagreement.
- g. Encourage constructive critique and constructive recommendations.

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 Meeting Act. Requirements for virtual or in-person attendance of members 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

Up to three (3) Consultation Group Members may be selected as Lead Members by the process described in section G.2, to work with the Co-Chairs and CARB staff on agenda setting.

Agenda items must be relevant to the goals and scope of the Community Air Protection Program. Time will be set aside at each meeting to develop a draft agenda in advance of the next meeting. Informal polls will be used to assess the level of interest in potential topics. Agendas will be finalized by the selected 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. Agendas should ensure adequate time is reserved for meaningful Consultation Group discussion.

CARB will post agendas 10 calendar days in advance of meetings, in accordance with the *Bagley-Keene Open Meeting Act* ²³, and will strive to send related meeting materials no later than 7 calendar days before the meeting.

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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 CARB staff. Meetings are where Members will discuss and develop the Consultation Group's formal advice to the Board and its staff. The Consultation Group will consider public comments received during meetings when forming its input and recommendations. 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 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.

²³ CA Attorney General information on Open Meeting is available at: oag.ca.gov/open-meetings

Eligible voting members must vote as an individual, either by voice or official voting mechanism used for action (e.g. 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, consistent with the Bagley-Keene Open Meeting Act. 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, as described in section H.6.

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.
 - b. CARB will provide written public comments and a summary of public comments received during the meeting.

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.)²⁴

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 adversely affected 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 and 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.1.

²⁴ Government Code 7920.000 on Public Records Act is available at: leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=7920.000

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 primary 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.

Amendments to this Charter may be proposed by either the Consultation Group or 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

The Consultation Group and CARB acknowledge and appreciate the foundational work and contributions of past Consultation Group members,²⁵ whose insights and dedication have significantly shaped the Community Air Protection Program. Their efforts, including input into the original Community Air Protection Blueprint (2018), the People’s Blueprint (2021), and the development of Blueprint 2.0 (2023), have directly informed the structure, values, and content of this Charter.

²⁵ Previous Consultation Group member lists are available at: ww2.arb.ca.gov/capp/mdc/abcg/docs-consultation-group-archive