



# **AB 32 Environmental Justice Advisory Committee Meetings**

October 24 – 25, 2022

# Overview

- 2022 Scoping Plan Development Schedule update
- CARB Advisory Committee Transparency Requirements
- EJAC Permanence
- Recirculated Draft Environmental Analysis (EA)

# 2022 Scoping Plan Development Schedule

- Draft 2022 Scoping Plan Update Recirculated Draft Environmental Analysis – comments due on October 24, 2022
- 2022 Scoping Plan Update Modeling Workshop – Friday, October 28, 2022 at 10am
- Final Scoping Plan released mid-November 2022
  - Clarify 30 day comment period

# 2022 Scoping Plan Development Schedule

- Future EJAC Meetings (hybrid)
  - November 29 – 30 in Hoopa
  - Sub-quorum EJAC call to plan for December Board meeting – Early December (date TBD)
- Board meeting to adopt Scoping Plan – December 15-16, 2022

# CARB Advisory Committee Transparency Requirements

# CARB Advisory Committee Transparency Requirements

- Bagley-Keene Open Meeting Act
  - 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

# CARB Advisory Committee Transparency Requirements

- Conflicts of interest
  - Gov. 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.

# CARB Advisory Committee Transparency Requirements

- Conflicts of interest
  - A prohibited communication could include applications, letters, emails, phone calls, meetings, or any other form of oral or written communication within or outside of a public committee meeting with CARB, or CARB staff, for the purpose of influencing a CARB decision on an application for funding submitted to CARB.



# CARB Advisory Committee Transparency Requirements

- Conflicts of interest
  - For this reason, 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.

# CARB Advisory Committee Transparency Requirements

- Conflicts of interest
  - Note that an advisory committee member's organization may continue to be eligible for a grant or contract. However, the grant or contract must not follow any communications for purposes of influence by the advisory committee member on CARB's decision on that particular agreement.

# CARB Advisory Committee Transparency Requirements

- Conflicts of interest
  - Additionally, that organization would need to identify a different member of the organization to sign or be the administrator for any applications and awarded grants or contracts.

# CARB Advisory Committee Transparency Requirements

- Conflicts of interest
  - Please also note this prohibition does not extend to general advocacy by advisory committee members to CARB for general policies, programs, or funding allocations related to the interest group or community that they may be appointed to represent.

# CARB Advisory Committee Transparency Requirements

- Conflicts of interest
  - The prohibition is limited to appearances or communications relevant to a specific contract, grant, loan, license, permit, or other entitlement for use being offered by CARB.

# CARB Advisory Committee Transparency Requirements

- Public Records Act (Gov. Code sections 6250 et seq.)
  - Personal email, texts, or messaging applications to discuss committee business either within or outside of the public meeting setting may be required to be gathered and produced to the public if responsive to a Public Records Act request.

# EJAC Permanence

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- In July 2022, CARB proposed an Ad Hoc EJAC Permanence Workgroup to discuss EJAC's role in AB 32 implementation post Scoping Plan adoption.
- Proposed workgroup topics could include:
  - EJAC Charter including purpose, roles and responsibilities, and governance.
- In September 2022, CARB heard EJAC's thoughts and suggestions on this proposal.



# EJAC Permanence Workgroup Proposal

- Next Steps
  - CARB continues to refine its EJAC permanence proposal, specifically regarding internal coordination and resources necessary to sustain an ongoing EJAC.
  - In November 2022, CARB may share EJAC permanence proposal and may solicit a sub quorum of EJAC members to provide ongoing input on the proposal and/or EJAC Charter.

# Recirculated Draft Environmental Analysis