

AB 617 Community Steering Committee - Meeting Number 2
January 16, 2019 – 6 p.m. - 8 p.m.
Roosevelt High School Cafeteria,
Fresno, CA

1. Doors Open/Meet and Greet/Refreshments

2. Welcome

Dave Warner, Deputy Air Pollution Control Officer

Jessica Luternauer, Facilitator

Jessica Luternauer welcomed the steering committee members and audience before reviewing some logistical details and introducing the Deputy San Joaquin Valley Air Pollution Control Officer, Dave Warner. Warner provided an overview of the purpose of AB 617 and explained that South Central Fresno is one of two communities in the San Joaquin Valley currently undergoing the process of reviewing local emissions sources to develop a monitoring plan and emission reduction program.

He provided an overview of the agenda for the meeting. He then mentioned that the steering committee and members of the public received an alternate steering committee charter that was passed out at the meeting, which he indicated would be included in the charter discussion as well.

3. Community Boundary Discussion

Dave Warner, Deputy Air Pollution Control Officer

A committee member expressed a preference to discuss the steering committee charter prior to discussing community boundaries, which was seconded. A steering committee member asked if the community boundary discussion was informational only. Warner indicated the boundary discussion does involve community input. The member then indicated his preference to continue with the boundary discussion before proceeding with the charter discussion.

Another community member spoke in support of moving the order of agenda items and indicated the charter could have broader implications for the community boundaries per the CARB Blueprint.

4. Steering Committee Charter

Dave Warner, Deputy Air Pollution Control Officer

[Copies of this presentation can be found online [in English/en Español](#).]

Warner provided an overview of the AB 617 Blueprint prepared by the California Air Resources Board (CARB) and indicated the draft charter presented as a handout is reflective of the Blueprint. Warner provided more detail of the committee's objectives, which included identifying areas of concern for air pollution sources (both within and outside the community boundaries); reviewing information on air quality; giving information to and soliciting information from local stakeholders each committee member represents; and assisting the Air

District in an advisory role with the development of an air monitoring plan and a Community Emission Reduction Program (CERP).

Warner then provided an overview of the draft proposed charter's committee roles and responsibilities. He also mentioned that government officials serve in an advisory capacity only on the committee and are not a part of the voting or consensus-building process. He mentioned the process for alternates and revoking membership for non-attendance.

Warner expressed the intention for the steering committee to build consensus via the deliberation process, as opposed to a majority rule process. He indicated committees in other parts of the state had expressed concerns about interest groups "stacking the committee with people that thought and voted in a bloc." He expressed the Air District's desire to gain multiple perspectives from the local communities on these issues rather than a single perspective, which he asserted would be achieved through an inclusive, open and honest discussion via a consensus-building process.

The draft proposed charter was presented at the December 2018 meeting for review and feedback. Two comments were received on the charter between the December and January meetings, as indicated below:

- The charter should state clearly that sources of emissions that exist outside the community's boundary, but may impact the community, can be treated as if they were within the community boundaries. (It is noted in Warner's presentation that this is done, as it is allowed per CARB's Blueprint for Air Districts).
- The advisory role of committee members who are representatives of government agencies should be moved from Attachment A, "AB 617 Community Steering Committee Selection Criteria" to the charter itself. (Warner notes in the presentation that this is done).

He noted that no comments were received on whether a code of conduct or participation agreement were needed, although a participation agreement is included as it was included unless the steering committee objected significantly.

Warner then invited a representative from the group who brought an alternate charter to speak and discuss its differences from the proposed draft charter. The committee member spoke to its differences. Indicating the changes on the first page of the document were non-substantive and did not warrant further discussion. Instead, the major differences between the draft proposed charter and the alternate charter were regarding the decision-making process and board composition.

The committee member indicated that the alternate charter would make government officials on the steering committee ex-officio members of the committee. The alternate charter also puts the decision making process to a vote where consensus cannot be achieved among members, which would preclude ex-officio members of the committee from voting.

Luternauer then opened up the discussion to other committee members who wished to provide feedback on the issue. Several committee members expressed their support for the voting process.

A member of the steering committee asked for clarification about the distinction between non-voting government officials and other steering committee members under the draft proposed charter if consensus-building occurs and voting does not. Indicating there does not appear to be a clear distinction between those two under the draft proposed charter. One of the members stated that pursuant to AB 617, the steering committee serves in an advisory role only.

Warner reiterated his concern about voting inhibiting some parties from being heard and indicated he felt the consensus-building process would encourage discussion among all groups.

One of the members motioned to adopt the alternate charter. A member seconded that motion. Warner stated he could not support the group voting on something that may not be consistent with AB 617 until it has been vetted legally, and all participants have a full opportunity to review completely.

Other members indicated that this is supposed to be a group effort, and there are other changes in the charter that were not discussed during the presentation that have ramifications for the steering committee, such as the decision-making process.

At this time, Luternauer indicated the discussion would open up to public comment.

Public Comment

Jessica Luternauer indicated that members of the public who would like to provide comment should come forward or raise their hand for a team member to pass the microphone to them.

A member of the public spoke and expressed concern that it seemed like, when consensus could not be reached, they were being kicked to the Air District to make a final decision. The second point was about people feeling like they have not been heard, indicating the Oakland steering committee charter allowed for the minority opinion to include their opinion in the document that could then be a part of the record.

Warner indicated that the proposed draft charter is written so that the Air District is committed to presenting all perspectives of the committee if consensus is not able to be reached. He reiterated that this committee is serving in an advisory role to the Air District in their final document, CERP. Warner proposed shelving this until the February meeting so that everyone has a chance to read the alternate charter first.

Board Member Comment

At this time, a board member expressed that Robert's Rules of Order should be followed for the steering committee. Stating a motion was made, seconded and then someone with no standing on the committee denied the vote. A different member then mentioned the purpose of the steering committee is to serve in an advisory role, and indicated they would not vote on the alternate charter without it being vetted through a lawyer beforehand.

Another motion was made to approve the alternate charter that was distributed at the meeting. There was then a discussion citing legal issues with the document and it does not just pertain to

voting. Warner expressed a willingness to work with the groups who came up with the charter to work through any legal issues prior to its potential adoption.

Warner reiterated he would like everyone to review the document before voting on it. The presenter of the alternate charter proposed a new motion to adopt a new sentence “in the absence of consensus, a majority vote of all committee members will be taken, excluding ex-officio members” into the proposed draft charter then asked for a show of hands for all who were in favor.

Public Comment

A member of the public asked if the Air District believed Robert’s Rules of Order applied to these meetings and noted, as an outside observer, that it appeared the Air District believes it gets to decide who makes decisions for the committee. Warner asserted he objected to voting on the document before everyone has had a chance to read it. Thompson asked what the Air District’s opinion was on who gets to make decisions under AB 617. He indicated he hoped the committee would approve making decisions by consensus but ultimately, the committee is going to make decisions for itself.

After some discussion about the various motions on the table, several of them were withdrawn and the only motion on the table would be the presenter of the alternate charter. Warner then read the language from the alternate charter to be added to the proposed charter, which states, “In the absence of consensus, a majority vote (50%+1) of all community steering committee members will be taken (excluding ex-officio members).” This was approved by 18 of the 29 steering committee members in attendance. He then requested all future meeting materials be shared in advance.

5. Community Emission Sources

Brian Clements, Manager of Technical Services, Air District

This item was tabled.

6. Topics for Next Meeting

Jessica Luternauer, Facilitator

This item was tabled.

7. Public Comment

General public comment was tabled because of public comment opportunities during the discussion above.

Dave Warner adjourned the meeting at 8:03 p.m.

Refer to the meeting audio and video to review the full details and comments from the meeting.