Charter of the Santa Barbara County Air Pollution Control District
Community Advisory Council

Purpose

The purpose of the Santa Barbara County Air Pollution Control District Community Advisory Council (CAC) is to provide advice to the Air Pollution Control Officer (APCO) and the Air Pollution Control Board of Directors (Board) in matters related to attainment and maintenance planning, development and promulgation of air pollution control rules and other related policy issues. The CAC will consider and render advice on subjects submitted to them by the APCO, the Board, CAC members and the public. The CAC is chartered to consider issues related to air pollution planning and rulemaking for which the APCD has jurisdiction and to render advice on such issues solely to the APCD Board and/or the APCO. The CAC may not set APCD policy nor is the CAC chartered to officially communicate APCD policy to other government agencies, businesses or the public.

The CAC's deliberations and recommendations are to consider to the extent feasible and reasonable the effects of APCD planning and rulemaking actions on the public health, the economy of Santa Barbara County, the costs to industry and the public, and conformance with the mandates of all applicable local, state and federal laws.

The CAC may deliberate and make recommendations on issues not included in this charter, except for the APCD budget, if such issues are referred to the CAC by a majority of the APCD Board of Directors.

The recommendations of the CAC are advisory in nature and neither the APCO nor the Board is bound by CAC recommendations.

Membership Appointment and Terms

The CAC shall consist of twice the number of members on the Board. Each Board member shall appoint two members to the CAC. The appointment shall become effective when the appointment is filed with the clerk of the APCD Board. In order to provide both a broad representation of the community and knowledgeable expertise on the CAC, the Board shall attempt to appoint CAC members such that the CAC will contain the following areas of community interest, professional background, and technical experience:

- Land Use Planning
- Agriculture Business
- Petroleum Production and Processing
- Medical Practice
- Small Business (5 employees or less)
- Medium Sized Business (between 5 and 50 employees)
- Environmental Conservation
- Public Health
- Professional Engineering (Registered Professional Engineer)
- Public Transportation
- Advanced Degree (Masters or Ph.D.) in one of the following scientific disciplines: Chemistry, Physics, Biology, Meteorology, Toxicology, or Epidemiology
- Representation from the general public

CAC members shall serve at the pleasure of the appointing Board members. A CAC member's term shall expire when the appointing Board member leaves the Board. If a CAC member is absent from four consecutive meetings of the CAC, that member will be automatically placed on inactive status. A CAC member on inactive status may attend CAC meetings but is ineligible to vote. A CAC member

on inactive status will remain on inactive status until correspondence is received from the appointing Board member reactivating the CAC member's appointment is received by the Clerk of the Board and the APCO. For the purpose of achieving a quorum, an inactive CAC position shall be treated as vacant. There shall be no limit as to the number of terms a member may sit on the CAC. Vacancies on the CAC will in no way prevent the CAC from carrying out this charter.

Vacancies shall be filled by the same method as for the original appointment.

By-Laws of the Santa Barbara County Air Pollution Control District Community Advisory Council

Article I

Time, Location and Frequency of Meetings

Section 1. Regular Meetings

The CAC meets on the fourth Wednesday of each month at a location decided by a majority vote of the CAC. The meetings shall start at 4:00 P.M. If a quorum is not present by 4:15 P.M., the meeting will be adjourned.

The CAC meets on an as-needed basis when it has issues before it that have been submitted by the APCO and/or the Board. To maintain continuity with the CAC and public during periods where there may not be many planning or rulemaking matters to discuss, staff will commit to providing quarterly written updates.

The CAC may hold meetings at other times and other locations, within Santa Barbara County, as decided by a majority vote of the CAC members present and which are properly noticed.

Section 2. Adjourned Meetings

Meetings at which business is not completed may be adjourned to a later time and location as designated by the Chair and approved by the CAC at the meeting. An adjourned meeting is the continuation of the original meeting, and in other matters operates the same as the regular meeting.

Section 3. Special Meetings

Special meetings may be called by the Chair or a majority of the CAC provided that they are noticed according to the provisions of the Ralph M. Brown Act and Government Code §54956 et seq. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at these meetings.

Section 4. Quorum

A quorum shall be a majority of the appointed members minus one. Vacant positions shall not count toward a quorum. The Chair shall keep the Board informed of attendance and make requests for prompt replacements of departing members.

Article II

Agendas, Notification, and Minutes of Meetings

Section 1. Agenda

The meeting agendas and member meeting packets shall be distributed to all members at least one week prior to each meeting electronically, unless specifically requested by individual CAC member.

Section 2. Brown Act Notification

The CAC is subject to the notification and public participation provisions of the Ralph M. Brown Act, specifically Government Codes §54950 et seq. All meetings will be duly noticed and provide an opportunity for members of the public to offer testimony and comment on any and all issues before the CAC. Items not appearing on the posted agenda will not be taken up for consideration by the CAC unless as specifically allowed under §54954.2 of the Government Code.

Section 3. Alternative Teleconferencing

As an "eligible multijurisdictional body," the CAC may conduct teleconferencing under a number of Brown Act sections, including pursuant to Government Code Section 54953.8 ("alternative" teleconferencing). Teleconferencing conducted pursuant to Section 54953.8 and 54953.8.7 shall comply with all requirements set out in the Brown Act.

A CAC member intending to participate in a meeting pursuant to Government Code Section 54953.8 shall notify APCD staff more than 72 hours before the meeting so that the member may be identified on the posted agenda.

Section 4. Minutes and Recording Meetings

The Chair of the CAC shall be responsible for recording the minutes of each CAC meeting. The minutes of the proceedings of each CAC meeting shall consist of motions and votes only, except in the case where a member of the CAC specifically requests that his or her explanation of a vote be recorded in the minutes. In the case where a CAC member requests his or her explanation of a vote be recorded in the minutes, it is that member's responsibility to provide the Chair with an accurate written transcription of the explanation. The Chair shall have the minutes transcribed and provided to all CAC members in the agenda packet.

Article III

Consensus, Voting, and Minority Recommendations

Section 1. Consensus

In order to discourage divisive discourse and to promote cooperation characterized by interest-based negotiation, the CAC shall make every attempt to develop all recommendations by consensus. One CAC meeting each calendar year may consist of training in "Consensus Decision Making" conducted by a qualified, professional trainer.

Section 2. Voting

Voting shall follow Roberts Rules of Order, except the Chair shall not be able to make motions or to vote on any issue at any time. No item shall be forwarded as the recommendation of the CAC unless it has received a majority vote of those members present. Any member may request that any specific vote be called and recorded by name. The members may also request that statements qualifying or clarifying their votes be placed in the record, but they are individually responsible to provide, and correct as needed, those written statements for the Chair. All voting records are in the minutes and are provided to the Board. Each member has only one vote. There are no proxy votes.

Section 3. Minority Recommendations

If a recommendation receives at least one (1) vote but less than a majority, it may be forwarded to the APCO and/or Board as a "minority recommendation."

Section 4. APCO Authority

Section 40752 of the California Health and Safety Code establishes the authority and responsibility of the Air Pollution Control Officer to enforce and observe applicable sections of the Health and Safety Code; all orders, regulations, and rules prescribed by the Board; and all variances and standards which the APCD Hearing Board has prescribed.

Section 5. Failure to Achieve Consensus

The consensus process is intended to facilitate decision-making, not create delay. However, it is recognized that in rare circumstances it may be difficult for the CAC to achieve consensus or obtain a majority vote on some issues. Pursuant to the authority cited in Section 4. above, the APCO shall have the authority to make recommendations to the Board which do not reflect a consensus of the CAC or which are not consistent with CAC majority recommendations.

Article IV

CAC Officers: Duties and Election

Section 1. Officers

The officers of the CAC shall include a Chair and a Vice-Chair. The APCO or APCD staff designated by the APCO shall be the ex officio Chair of the CAC. The Vice-Chair shall be a member of the CAC and shall be elected by majority vote of the CAC membership. The Chair may not participate in the vote for the Vice-Chair.

Section 2. Duties of the Chair

The Chair shall be the APCO or any APCD staff member designated by the APCO. The Chair shall conduct the CAC meetings, prepare the agendas and

arrange for the meeting room and facilities, distribute the agendas and meeting packets, make the Brown Act notifications, keep the file documentation of the CAC, preside over CAC deliberations and voting, give the directors report at each meeting and moderate the staff and public presentations and discussion. The Chair will ensure that the minutes of each meeting are prepared, reviewed, corrected, if need be, and approved. The Chair will assure that a quorum, as defined in Article I, is present to start official meetings, that role is taken, and the minutes taken, and poll the public audience for items they may want to present that are not on the agenda. The Chair shall neither make any motion regarding nor vote on any issue before the CAC. The Chair shall conduct the meetings pursuant to these By-laws and Roberts Rules of Order, in that order, in a manner that provides the most clarity about what is being done, what the questions and discussions mean, and what the recommendations mean. Questions of order and procedure are decided by the Chair subject to appeal to the CAC where a vote of a majority of the members present will decide the issue. The Chair may designate any APCD staff member to sit as Chair at any meeting of the CAC and shall so designate if for any reason the APCO will not be able to attend a CAC meeting.

Section 3. Term of Office of the Vice-Chair

Any member elected to the office of Vice-Chair shall serve a term concurrent with his or her term on the CAC, unless changed by a majority vote of the members present. If the Vice-Chair is reappointed at the end of his or her term or is replaced by a new appointment to the CAC, an election will be held for Vice-Chair.

Section 4. Duties of the Vice-Chair

The Vice-Chair shall write letters and recommendations to the APCO and/or the Board as directed by the CAC on behalf of the CAC and make personal appearances and presentations before the Board on behalf of the CAC as is appropriate, except as otherwise designated by majority vote of the members present.

Article V

Order of Business

Section 1. Meetings

The organization and order of the agenda includes the following: roll call, public comment period, approval of minutes of the previous meeting, organization of the agenda, directors report, new business, and adjournment. The agenda shall be structured to begin the meeting at 4:00 P.M. The meeting shall be called to order by the Chair. After the meeting has been called to order, and roll call has been taken and determined the presence of a quorum, the Chair will open the meeting up for public comment, will seek motions to review, amend and/or approve the minutes of the previous meeting, seek for review the organization of the agenda, deliver director's report, continue to the District staff presentation and CAC deliberation of new business, and conclude the meeting with the adjournment.

Section 2. Public Comment

Any person shall be given a reasonable amount of time to address the CAC on any item on the agenda or any presentation given to the CAC; however, the CAC may adopt specific time limits for public comments if it so desires. The CAC will consider any and all comments related to the mission of the APCD and/or the Charter of the CAC.

Section 3. APCD Staff Presentations

APCD staff presentations shall be taken up as either old business or new business on the CAC agenda.

Section 4. Deliberations

After the Chair has closed public comment on an agenda item, the CAC shall deliberate among themselves with the purpose of attaining a thorough understanding of the subject at hand and achieving a consensus recommendation to the APCO and/or the Board. CAC members may ask clarifying questions of APCD staff or the public during the deliberation period.

Section 5. Ex Agenda Items

Ex agenda items shall be discussed only in terms of scheduling them for a future agenda when they may be considered after proper notification which complies with the Ralph M. Brown Act.

Article VI

Subcommittees

Section 1. Subcommittees

The CAC may, at their discretion, create standing or ad hoc subcommittees to conduct focused study of issues related to air quality planning and rule development which have been referred to the CAC by the APCO and/or the Board. The subcommittees would be technical specialty groups, which interact with APCD technical staff and other technical experts on a regular basis and report back findings and recommendations to the full CAC.

Article VII

Procedural Guidelines: Protocol and Policies

Section 1. Recommendations, Resolutions, Appearances and Letters to the APCO and/or the Board

At the CAC direction, the Vice-Chair or the Vice-Chair's designee will prepare and present or send letters that delineate the recommendations of the CAC to the APCO and/or Board. The CAC may, by a vote of the majority of the members present, choose to rotate the recommendation presentation duties. Also, the CAC may, by majority vote of the members present, designate the Chair to communicate CAC recommendations to the Board.

Section 2. Requests for APCD Staff Support

Any CAC member may request APCD staff support for information gathering and/or data analysis. The Chair shall pass such requests on to the appropriate APCD Division Manager. Such requests shall be specific in regard to data and type of analysis requested and date by which the data and/or analysis is required.

Section 3. Remuneration

CAC membership shall be voluntary in all respects and without any remuneration of any kind. CAC members shall not be considered employees of the APCD, nor shall CAC members be authorized to bind the APCD, its officers, agents, or employees in any way.

CAC members may be reimbursed for mileage at the County rate and for incidental expenses as approved by the Chair of the CAC and as approved in the APCD Budget by the Board.

Article VIII

Conflict of Interest

Section 1. Conflict of Interest

As Government Code §§81000 through 91015 apply only to members of public boards or commissions which have decision-making authority and the recommendations of the CAC are purely advisory in nature and the neither the APCO nor the Board are bound by any recommendation of the CAC, the Conflict of Interest provisions of the Political Reform Act do not apply to the CAC. However, in order for all members of the CAC and interested public to understand the full context of the deliberations and voting of the CAC, CAC members shall declare financial interests which may be affected by CAC recommendations. Declaration of financial interest will be sought prior to any new business regardless of whether or not an official recommendation is requested from the CAC.

Section 2. Written Declaration of Interest

Each member of the CAC shall provide the Chair at the start of appointment on the CAC and in February of each calendar year with a written declaration that fully declares any financial interest that may be affected by recommendations of the CAC.

Section 3. Deliberation and Voting

Prior to participating in the deliberation of or vote on any recommendation which could result in financial gain or loss of any amount for a member of the CAC or that member's immediate family member or employer, that CAC member shall declare such an interest during an open, regularly scheduled meeting of the CAC. Such a declaration shall not prevent the member from deliberating or voting on any issue before the CAC. The disclosure shall be recorded on the voting summary of the CAC's recommendation that is submitted to the Board of Directors, as stipulated in the CAC Procedure for Disclosure on the Voting Summary.

Article IX

Amendments to the By-Laws

Section 1. Changes and Amendments

Changes to the CAC Charter and CAC By-Laws shall be made only by the Board of Directors.