

BOARD MEETING DATE: September 3, 2021

AGENDA NO. 26

REPORT: Legislative Committee

SYNOPSIS: The Legislative Committee held a meeting remotely on Friday, August 13, 2021. The following is a summary of the meeting.

<b>Agenda Item</b>	<b>Recommendation/Action</b>
AB 339 (Lee) – Local government: open and public meetings	Support if Amended
AB 361 (Rivas) – Open meetings: local agencies: teleconferences	Support

**RECOMMENDED ACTION:**

Receive and file this report, and approve agenda items as specified in this letter.

Michael A. Cacciotti, Chair  
Legislative Committee

DJA:LTO:PFC:DPG:sd

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**Committee Members**

Present: Mayor Pro Tem Michael A. Cacciotti, Chair  
Board Member Veronica Padilla-Campos  
Supervisor Janice Rutherford

Absent: Council Member Joe Buscaino  
Senator Vanessa Delgado (Ret.), Vice Chair  
Supervisor V. Manuel Perez

**Call to Order**

Chair Cacciotti called the meeting to order at 9:00 a.m.

**ACTION ITEMS:**

**1. Recommend Position on State Bills:**

**AB 339 (Lee) Local government: open and public meetings**

Philip Crabbe, Public Affairs Manager/Legislative, Public Affairs & Media, presented AB 339 (Lee). This bill would require, until December 31, 2023, that city councils and boards of supervisors that govern jurisdictions with 250,000 or more residents provide both in-person and teleconference/internet-based options for the public to attend and provide comment at their open and public meetings.

Staff proposed amendments to facilitate increased access to public meetings through the authorization of a new hybrid virtual/in-person meeting framework. Proposed amendments:

- 1) Authorize remote participation in public meetings by some Board Members without requiring disclosure of their remote locations or requiring those locations to be publicly accessible, provided that a quorum is established at that meeting under current Brown Act requirements; and
- 2) Require agencies to allow remote public access for any meeting in which some Board members are participating remotely from undisclosed locations.

Board Member Padilla-Campos asked about the distinction between disclosing and not disclosing remote locations.

Barbara Baird, Chief Deputy Counsel, responded that under current Brown Act requirements the public can attend and participate in public meetings from remote locations disclosed by Board members.

There was no public comment.

**Staff recommended a “SUPPORT IF AMENDED” position on this bill.**

Moved by Padilla-Campos; seconded by Rutherford; unanimously approved

Ayes: Cacciotti, Padilla-Campos, Rutherford

Noes: None

Abstain: None

Absent: Buscaino, Delgado, Perez

**AB 361 (Rivas) Open meetings: local agencies: teleconferences**

Denise Peralta Gailey, Public Affairs Manager/Legislative, Public Affairs & Media, presented AB 361 (Rivas). The bill would allow, until January 1, 2024, local agencies to use teleconferencing without complying with specified Brown Act

restrictions during state emergencies; provided that notice and accessibility requirements are met.

**Staff recommended a “SUPPORT” position on this bill.**

Moved by Rutherford; seconded by Padilla-Campos; unanimously approved

Ayes: Cacciotti, Padilla-Campos, Rutherford

Noes: None

Abstain: None

Absent: Buscaino, Delgado, Perez

There was no public comment.

**DISCUSSION ITEMS:**

**2. Update on Federal Legislative Issues**

South Coast AQMD’s federal legislative consultants (Cassidy & Associates, Kadesh & Associates, and Carmen Group) provided written reports on key Washington, D.C. issues.

Amelia Jenkins of Cassidy & Associates reported that the Senate passed a \$1 trillion Bipartisan Infrastructure bill. The bill includes:

- \$7.5 billion for charging and fueling stations and \$7.5 billion for zero and low-emission buses and ferries;
- \$455 million per year for five years for port infrastructure development;
- \$80 million per year for five years for a Department of Transportation (DOT) program to lower truck emissions at ports;
- \$200 million for a Department of Energy (DOE) demonstration program for repurposing second life batteries and grid storage; and
- Funding for clean hydrogen programs and an expansion of the DOE loan program for light and heavy-duty vehicles.

Additionally, the bill includes \$73 billion for energy infrastructure programs. The House will vote on the bill in the next two weeks followed by the budget resolution.

Chair Cacciotti highlighted the DOE program to repurpose batteries as a program of interest for South Coast AQMD and the region. Wayne Nastri, Executive Officer, stated that our consultants are working in support of this program and other federal funding opportunities. Board Member Padilla-Campos inquired about a DOT roundtable meeting. Gary Hoitsma will provide more details on that meeting.

Harvey Eder, Public Solar Power Coalition, provided comments regarding federal funding and requested information on the Senate Bipartisan Infrastructure bill.

Mark Kadesh of Kadesh & Associates reported that the Administration announced that they will be revising the NOx standard for heavy-duty trucks. EPA has committed to issuing a revised NOx regulation by December 2022. The Congressional calendar will be busy in September, as the House will vote on the \$1 trillion transportation infrastructure bill, 12 appropriations bills, raising the federal debt ceiling and a \$3.5 trillion budget reconciliation bill.

Gary of Carmen Group reported that the \$3.5 trillion budget reconciliation bill includes tax increases, eliminating the prior Administration's tax cuts and various environmental and energy programs. He added that the Senate passed the budget resolution and the House expected to pass a similar resolution on August 23.

Mr. Eder provided comments related to federal legislation and air toxics from use of natural gas.

### **3. Update on State Legislative Issues**

South Coast AQMD's state legislative consultants (California Advisors LLC, Joe A. Gonsalves & Son, and Resolute) provided written reports on key issues in Sacramento.

Ross Buckley of California Advisors, LLC reported that the state legislature will reconvene from summer recess on August 16. In the final month of session, the Legislature will focus on finalizing numerous budget items including cap-and-trade spending, AB 617 and related issues.

Paul Gonsalves of Joe A. Gonsalves & Son informed the committee that COVID-19 safety guidelines continue to restrict in-person meetings and overall interactions in the state Capitol.

David Quintana of Resolute reported that the legislative session concludes on September 10 and the Governor has until October 10 to sign or veto bills.

Mr. Eder commented regarding about business assistance grants funded by the state budget. He also expressed concerns about COVID-19 and ammonia emissions.

### **OTHER MATTERS:**

#### **4. Other Business**

Mr. Nastri stated that the legislative team will continue to focus on advancing the Board's state and federal priorities.

#### **5. Public Comment Period**

There were no public comments to report.

**6. Next Meeting Date**

The next regular Legislative Committee meeting is scheduled for Friday, September 10, 2021 at 9:00 a.m.

**Adjournment**

The meeting adjourned at 9:44 a.m.

**Attachments**

1. Attendance Record
2. Recommend Position on State Bills
3. Update on Federal Legislative Issues – Written Reports
4. Update on State Legislative Issues – Written Reports

# ATTACHMENT 1

## **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT LEGISLATIVE COMMITTEE MEETING (VIA ZOOM) ATTENDANCE RECORD – August 13, 2021**

Board Member Veronica Padilla-Campos..... South Coast AQMD Board Member  
Mayor Pro Tem Michael Cacciotti..... South Coast AQMD Board Member  
Supervisor Janice Rutherford..... South Coast AQMD Board Member

Jacob Haik..... Board Consultant (Buscaino)  
Debra Mendelsohn..... Board Consultant (Rutherford)  
Mark Taylor..... Board Consultant (Rutherford)  
Ross Zelen..... Board Consultant (Kracov)

Ross Buckley..... California Advisors, LLC  
Jarrell Cook..... Resolute  
Paul Gonsalves..... Joe A. Gonsalves & Son  
Gary Hoitsma..... Carmen Group, Inc.  
Amelia Jenkins..... Cassidy & Associates  
Mark Kadesh..... Kadesh & Associates  
David Quintana..... Resolute

Mark Abramowitz  
Katsuki Bakugou  
Erin Berger  
Ramine Cromartie  
Chris Drechsel  
William Kelly  
Elliott Popel  
Henry Pourzand  
Max Reyes  
David Rothbart  
Patty Senecal  
Janet Whittick  
Peter Whittingham

Derrick Alatorre..... South Coast AQMD Staff  
Debry Ashby..... South Coast AQMD Staff  
Jason Aspell..... South Coast AQMD Staff  
Barbara Baird..... South Coast AQMD Staff  
Cindy Bustillos..... South Coast AQMD Staff  
Philip Crabbe..... South Coast AQMD Staff  
Stacy Day..... South Coast AQMD Staff  
Denise Gailey..... South Coast AQMD Staff  
Anissa Cessa Heard-Johnson..... South Coast AQMD Staff  
Mark Henninger..... South Coast AQMD Staff  
Sujata Jain..... South Coast AQMD Staff

Aaron Katzenstein ..... South Coast AQMD Staff  
Alicia Lizarraga..... South Coast AQMD Staff  
Jason Low ..... South Coast AQMD Staff  
Ian MacMillan ..... South Coast AQMD Staff  
Matt Miyasato ..... South Coast AQMD Staff  
Ron Moskowitz ..... South Coast AQMD Staff  
Wayne Nastri..... South Coast AQMD Staff  
Sarah Rees ..... South Coast AQMD Staff  
Ricardo Rivera..... South Coast AQMD Staff  
Sindy Ruiz..... South Coast AQMD Staff  
Danielle Soto..... South Coast AQMD Staff  
Lisa Tanaka O'Malley..... South Coast AQMD Staff  
Anthony Tang..... South Coast AQMD Staff  
Maria Vides ..... South Coast AQMD Staff  
Jill Whynot ..... South Coast AQMD Staff  
Paul Wright ..... South Coast AQMD Staff  
Victor Yip ..... South Coast AQMD Staff

# ATTACHMENT 2A

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 339 (Lee)  
Version: Amended – 7/5/21  
Analyst: PC

## **AB 339 (Lee)**

Local government: open and public meetings.

**Summary:** This bill would require, until December 31, 2023, that city councils and boards of supervisors that govern jurisdictions with at least 250,000 residents provide both in-person and teleconference/internet-based options for the public to attend and provide public comment at their open and public meetings.

**Background:** The Ralph M. Brown Act (the Brown Act) protects public access to meetings of the legislative bodies of local agencies. The Brown Act currently permits legislative bodies to provide a teleconference option for attending public meetings, subject to certain requirements for establishing a quorum, providing notice, posting agendas, and permitting members of the public to attend at any teleconferencing location. During the COVID-19 crisis, the need for social distancing made the usual practices for public meetings—in particular, having people group together in indoor spaces—impossible to continue. Governor Gavin Newsom, as part of a slew of emergency orders issued in response to the pandemic, suspended many of the Brown Act’s requirements for teleconferenced meetings and allowed local legislative bodies to conduct meetings via remote means, either telephonic or with streaming video. Now that some pandemic regulations have begun to loosen, this bill seeks to take steps to require public access to city and county meetings via in-person and teleconference options.

**Status:** 7/14/21 - Re-referred to Senate Appropriations Committee.

**Specific Provisions:** Specifically, this bill would:

- 1) Require that a city council or county board of supervisors that governs a jurisdiction of at least 250,000 people provide an opportunity for members of the public to attend their open and public meetings via a two-way telephonic option or two-way internet service-based option;
- 2) Provide that the public must be provided with an option to comment as follows:
  - a. All open and public meetings shall include an in-person public comment opportunity, wherein members of the public can report to a designated site to give public comment in person;
  - b. All open and public meetings shall provide an opportunity to publicly comment on proposed legislation via a two-way telephonic or internet-based service option, and ensure the opportunity for the members of the public participating via a two-way telephonic or internet-based option to comment on agenda items with the same time allotment as a person attending a meeting in person; and
- 3) Provide that the above provisions will remain in effect only until December 31, 2023.



**Impacts on South Coast AQMD’s Mission, Operations or Initiatives:** This bill as amended on 7/5/21 does not impact public meetings held by the South Coast AQMD. However, fully virtual public meetings held throughout the COVID-19 pandemic demonstrated greater access by both the public and boardmembers through the use of virtual meeting technology. The Governor’s Executive Order that allows virtual meetings will last until Sept. 30, 2021, and after that time, regular Brown Act rules apply. Amendments to existing law could facilitate increased access to public meetings by boardmembers and the public through the authorization of a new hybrid virtual/in-person meeting framework. The below amendments would help facilitate such a change.

**Proposed South Coast AQMD Amendments:**

1. Authorize public entities to allow some of their boardmembers to participate in a public meeting remotely, without disclosing their locations or requiring those locations to be publicly accessible, if at that meeting:
  - a. A quorum is established under regular Brown Act requirements. In accordance with existing law, the quorum of members of the legislative body would be required to participate, whether in person or virtually, from disclosed and publicly accessible locations within the boundaries of the territory over which the local agency exercises jurisdiction;
2. In general, and in accordance with existing law, a public entity may choose to allow members of the public to remotely attend and comment at any public meeting, from undisclosed locations,
  - a. However, at any meeting in which there are boardmembers participating remotely from undisclosed locations, then public remote access from undisclosed locations must be allowed.

**Recommended Position: SUPPORT IF AMENDED**

# ATTACHMENT 2B

AMENDED IN SENATE JULY 5, 2021

AMENDED IN SENATE JUNE 25, 2021

AMENDED IN ASSEMBLY MAY 4, 2021

AMENDED IN ASSEMBLY APRIL 15, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 339**

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**Introduced by Assembly Members Lee and Cristina Garcia**  
**(Coauthors: Assembly Members Arambula, Cooley, Kiley, and**  
**Robert Rivas)**  
**(Coauthor: Senator Stern)**

January 28, 2021

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An act to amend Section 54953 of, and to add and repeal Section 54953.9 of, the Government Code, relating to public meetings.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 339, as amended, Lee. Local government: open and public meetings.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime.

This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

This bill would, until December 31, 2023, require all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing least 250,000 people to include an opportunity for members of the public to attend via a two-way telephonic option or a two-way internet-based service option, as specified, and would require a city council or county board of supervisors that has, as of June 15, 2021, provided video streaming, as defined, of *at least one of* its meetings to continue to provide that video streaming. The bill would require all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option, as provided.

By imposing new duties on local governments and expanding the application of a crime with respect to meetings, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities and counties, including charter cities and counties.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 54953 of the Government Code is  
2 amended to read:

3 54953. (a) All meetings of the legislative body of a local  
4 agency shall be open and public, and all persons shall be permitted  
5 to attend any meeting of the legislative body of a local agency in  
6 person, except as otherwise provided in this chapter. Local agencies  
7 shall conduct meetings subject to this chapter consistent with  
8 applicable state and federal civil rights laws, including, but not  
9 limited to, the language access and other nondiscrimination  
10 obligations of Section 11135 and Subchapter V (commencing with  
11 Section 2000d) of Chapter 21 of Title 42 of the United States Code.

12 (b) (1) Notwithstanding any other provision of law, the  
13 legislative body of a local agency may use teleconferencing for  
14 the benefit of the public and the legislative body of a local agency  
15 in connection with any meeting or proceeding authorized by law.  
16 The teleconferenced meeting or proceeding shall comply with all  
17 requirements of this chapter and all otherwise applicable provisions  
18 of law relating to a specific type of meeting or proceeding.

19 (2) Teleconferencing, as authorized by this section, may be used  
20 for all purposes in connection with any meeting within the subject  
21 matter jurisdiction of the legislative body. All votes taken during  
22 a teleconferenced meeting shall be by rollcall.

23 (3) If the legislative body of a local agency elects to use  
24 teleconferencing, it shall post agendas at all teleconference  
25 locations and conduct teleconference meetings in a manner that  
26 protects the statutory and constitutional rights of the parties or the  
27 public appearing before the legislative body of a local agency.  
28 Each teleconference location shall be identified in the notice and  
29 agenda of the meeting or proceeding, and each teleconference  
30 location shall be accessible to the public. During the teleconference,  
31 at least a quorum of the members of the legislative body shall  
32 participate from locations within the boundaries of the territory  
33 over which the local agency exercises jurisdiction, except as  
34 provided in subdivision (d). The agenda shall provide an  
35 opportunity for members of the public to address the legislative  
36 body directly pursuant to Section 54954.3 at each teleconference  
37 location.

1 (4) For the purposes of this section, “teleconference” means a  
2 meeting of a legislative body, the members of which are in different  
3 locations, connected by electronic means, through either audio or  
4 video, or both. Nothing in this section shall prohibit a local agency  
5 from providing the public with additional teleconference locations.

6 (c) (1) No legislative body shall take action by secret ballot,  
7 whether preliminary or final.

8 (2) The legislative body of a local agency shall publicly report  
9 any action taken and the vote or abstention on that action of each  
10 member present for the action.

11 (3) Prior to taking final action, the legislative body shall orally  
12 report a summary of a recommendation for a final action on the  
13 salaries, salary schedules, or compensation paid in the form of  
14 fringe benefits of a local agency executive, as defined in  
15 subdivision (d) of Section 3511.1, during the open meeting in  
16 which the final action is to be taken. This paragraph shall not affect  
17 the public’s right under the California Public Records Act (Chapter  
18 3.5 (commencing with Section 6250) of Division 7 of Title 1) to  
19 inspect or copy records created or received in the process of  
20 developing the recommendation.

21 (d) (1) Notwithstanding the provisions relating to a quorum in  
22 paragraph (3) of subdivision (b), if a health authority conducts a  
23 teleconference meeting, members who are outside the jurisdiction  
24 of the authority may be counted toward the establishment of a  
25 quorum when participating in the teleconference if at least 50  
26 percent of the number of members that would establish a quorum  
27 are present within the boundaries of the territory over which the  
28 authority exercises jurisdiction, and the health authority provides  
29 a teleconference number, and associated access codes, if any, that  
30 allows any person to call in to participate in the meeting and the  
31 number and access codes are identified in the notice and agenda  
32 of the meeting.

33 (2) Nothing in this subdivision shall be construed as  
34 discouraging health authority members from regularly meeting at  
35 a common physical site within the jurisdiction of the authority or  
36 from using teleconference locations within or near the jurisdiction  
37 of the authority. A teleconference meeting for which a quorum is  
38 established pursuant to this subdivision shall be subject to all other  
39 requirements of this section.

1 (3) For purposes of this subdivision, a health authority means  
2 any entity created pursuant to Sections 14018.7, 14087.31,  
3 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
4 and Institutions Code, any joint powers authority created pursuant  
5 to Article 1 (commencing with Section 6500) of Chapter 5 of  
6 Division 7 for the purpose of contracting pursuant to Section  
7 14087.3 of the Welfare and Institutions Code, and any advisory  
8 committee to a county-sponsored health plan licensed pursuant to  
9 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
10 Health and Safety Code if the advisory committee has 12 or more  
11 members.

12 SEC. 2. Section 54953.9 is added to the Government Code, to  
13 read:

14 54953.9. (a) A city council or a county board of supervisors  
15 that governs a jurisdiction containing at least 250,000 people shall  
16 comply with the following requirements:

17 (1) (A) All open and public meetings shall include an  
18 opportunity for members of the public to attend via a two-way  
19 telephonic option or a two-way internet-based service option.

20 (B) If a city council or a county board of supervisors elects to  
21 provide a two-way internet-based service option, the local agency  
22 shall publicly post and provide a call-in option, and activate any  
23 automatic captioning function during the meeting if an automatic  
24 captioning function is included with the system.

25 (2) (A) If a city council or county board of supervisors has, as  
26 of June 15, 2021, provided video streaming of ~~all~~ *at least one* open  
27 and public ~~meetings, meeting~~, the city council or county board of  
28 supervisors shall continue to provide that video streaming.

29 (B) “Video streaming” means media in which the data from a  
30 live filming or a video file is continuously delivered via the internet  
31 to a remote user, allowing a video to be viewed online by the public  
32 without being downloaded on a host computer or device.

33 (3) (A) Unless there are any laws that prohibit in-person  
34 government meetings in the case of a declared state of emergency,  
35 including a public health emergency, all open and public meetings  
36 shall include an in-person public comment opportunity, wherein  
37 members of the public can report to a designated site to give public  
38 comment in person. The location of the designated site and any  
39 relevant instructions on in-person commenting shall be included  
40 with the public posting of the agenda.

1 (B) All open and public meetings shall provide the public with  
2 an opportunity to comment on proposed legislation via a two-way  
3 telephonic or internet-based service option, and ensure the  
4 opportunity for the members of the public participating via a  
5 two-way telephonic or internet-based option to comment on agenda  
6 items with the same time allotment as a person attending a meeting  
7 in person.

8 (b) This section shall remain in effect only until December 31,  
9 2023, and as of that date is repealed.

10 SEC. 3. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district under this act would result either from a legislative mandate  
14 that is within the scope of paragraph (7) of subdivision (b) of  
15 Section 3 of Article I of the California Constitution, or because  
16 this act creates a new crime or infraction, eliminates a crime or  
17 infraction, or changes the penalty for a crime or infraction, within  
18 the meaning of Section 17556 of the Government Code, or changes  
19 the definition of a crime within the meaning of Section 6 of Article  
20 XIII B of the California Constitution.

21 SEC. 4. The Legislature finds and declares that Sections 1 and  
22 2 of this act, which amends Section 54953 of, and adds Section  
23 54953.9 to, the Government Code, furthers, within the meaning  
24 of paragraph (7) of subdivision (b) of Section 3 of Article I of the  
25 California Constitution, the purposes of that constitutional section  
26 as it relates to the right of public access to the meetings of local  
27 public bodies or the writings of local public officials and local  
28 agencies. Pursuant to paragraph (7) of subdivision (b) of Section  
29 3 of Article I of the California Constitution, the Legislature makes  
30 the following findings:

31 The provisions of the act allow for greater public access through  
32 requiring specified entities to provide a telephonic or internet-based  
33 service option and instructions on how to access these options to  
34 the public for specified meetings.

35 SEC. 5. The Legislature finds and declares that improving  
36 accessibility to open and public meetings of local legislative bodies  
37 is a matter of statewide concern and is not a municipal affair as  
38 that term is used in Section 5 of Article XI of the California  
39 Constitution. Therefore, Section 2 of this act adding Section

- 1 54953.9 to the Government Code applies to all cities and counties,
- 2 including charter cities and counties.

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# ATTACHMENT 2C

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 361 (Rivas)  
Version: Amended – 7/6/2021  
Analyst: SD/PC

## **AB 361 (Rivas)**

Open meetings: local agencies: teleconferences.

**Summary:** This bill creates, until January 1, 2024, an exemption to the Ralph M. Brown Act’s (Brown Act) teleconferenced public meeting requirements for local legislative bodies during a state or local emergency.

**Background:** The Brown Act protects public access to meetings of the legislative bodies of local public entities. The Brown Act currently permits legislative bodies to provide a teleconference option for attending and providing public comment at public meetings, subject to certain requirements for establishing a quorum, providing notice, posting agendas, and permitting members of the public to attend at any teleconferencing location.

During the COVID-19 crisis, the need for social distancing made the usual practices for public meetings—in particular, having people group together in indoor spaces—impossible to continue. Governor Gavin Newsom, as part of a slew of emergency orders issued in response to the pandemic, issued an executive order (EO) that suspended many of the Brown Act’s requirements for teleconferenced meetings. Once the EO expires at the end of September 2021, these flexibilities for teleconferenced meetings will no longer apply even when there are future emergencies that make in-person public meetings dangerous.

**Status:** 7/15/2021 Read second time. Ordered to third reading.

**Specific Provisions:** Specifically, this bill would:

- A) Create, until January 1, 2024, an exemption to the Brown Act teleconferenced public meeting requirements for local legislative bodies during a state or local emergency;
- B) Authorize a local entity to use teleconferencing for a public meeting without complying with the Brown Act’s teleconferencing requirements (e.g. providing a teleconference location accessible to the public; and having at least a quorum of members participating within the local entity’s jurisdiction) when the legislative body holds a meeting:
  - 1. During a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing;
  - 2. During a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees; or
  - 3. During a proclaimed state of emergency and has determined by majority vote pursuant to b. above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- C) If a state of emergency remains active or state or local officials have imposed or recommended social distancing measures, a local entity must make the following

findings by majority vote at least every 30 days to continue using this bill's exemption to teleconference rules:

1. The legislative body has reconsidered the circumstances of the emergency; and
2. Either:
  - a) The state of emergency continues to directly impact the ability of members to meet safely in person; or
  - b) State or local officials continue to impose or recommend social distancing measures.

**Impacts on South Coast AQMD's Mission, Operations or Initiatives:** During the pandemic, local entities were able to take advantage of the flexibility Brown Act exempted teleconferenced public meetings provided and thus were able to expand access to public meetings. This flexibility facilitated boardmembers' ability to attend meetings, especially those who might have long distances to travel to a meeting or have an extra busy schedule. It also benefitted members of the public who previously might have encountered challenges attending public meetings due to distance, scheduling conflicts or financial limitations. These members of the public were then able to call or teleconference into public meetings to attend and provide comments, bringing new voices into meetings, including those held by South Coast AQMD.

This bill is intended to create a statutory regime for when, and how, local legislative bodies may suspend certain Brown Act teleconferencing requirements during proclaimed states of emergency, so that local legislative bodies can act quickly in emergencies. This bill will guarantee that legislative bodies of local entities do not have to rely on an executive order from the Governor to be able to serve their communities remotely during future emergencies that make it dangerous to meet in person. It will provide the opportunity, under these circumstances, for all boardmembers and members of the public to participate in public meetings safely via telephone or video conference.

**Recommended Position: SUPPORT**

# ATTACHMENT 2D

AMENDED IN SENATE JULY 6, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 6, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 361**

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**Introduced by Assembly Member Robert Rivas**

February 1, 2021

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An act to ~~amend~~ *amend, repeal, and add* Section 54953 of the Government Code, relating to local government.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, Robert Rivas. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location,

that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances, and authorizes a specified legislative body or an official designated to proclaim a local emergency. Existing law allows a local health officer to declare a local public health emergency, which, after 7 days, must be ratified by the county board of supervisors, or city council, as applicable, in order to remain in place. *circumstances.*

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

~~This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, emergency, as those terms are that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local proclaimed state of emergency provided the legislative body determines, held for the purpose of determining, by majority vote, that whether meeting in person would present imminent risks to the health or safety of attendees. The attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.~~

*This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give*

notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from ~~submitting~~ *offering* public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified. ~~The~~

*This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified.* When there is a continuing state of emergency, ~~local emergency~~, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

*Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.*

*This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.*

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 54953 of the Government Code is  
2 amended to read:

3 54953. (a) All meetings of the legislative body of a local  
4 agency shall be open and public, and all persons shall be permitted  
5 to attend any meeting of the legislative body of a local agency,  
6 except as otherwise provided in this chapter.

7 (b) (1) Notwithstanding any other provision of law, the  
8 legislative body of a local agency may use teleconferencing for  
9 the benefit of the public and the legislative body of a local agency  
10 in connection with any meeting or proceeding authorized by law.  
11 The teleconferenced meeting or proceeding shall comply with all  
12 otherwise applicable requirements of this chapter and all otherwise  
13 applicable provisions of law relating to a specific type of meeting  
14 or proceeding.

15 (2) Teleconferencing, as authorized by this section, may be used  
16 for all purposes in connection with any meeting within the subject  
17 matter jurisdiction of the legislative body. All votes taken during  
18 a teleconferenced meeting shall be by rollcall.

19 (3) If the legislative body of a local agency elects to use  
20 teleconferencing, it shall post agendas at all teleconference  
21 locations and conduct teleconference meetings in a manner that  
22 protects the statutory and constitutional rights of the parties or the  
23 public appearing before the legislative body of a local agency.  
24 Each teleconference location shall be identified in the notice and  
25 agenda of the meeting or proceeding, and each teleconference  
26 location shall be accessible to the public. During the teleconference,  
27 at least a quorum of the members of the legislative body shall  
28 participate from locations within the boundaries of the territory

1 over which the local agency exercises jurisdiction, except as  
2 provided in subdivisions (d) and (e). The agenda shall provide an  
3 opportunity for members of the public to address the legislative  
4 body directly pursuant to Section 54954.3 at each teleconference  
5 location.

6 (4) For the purposes of this section, “teleconference” means a  
7 meeting of a legislative body, the members of which are in different  
8 locations, connected by electronic means, through either audio or  
9 video, or both. Nothing in this section shall prohibit a local agency  
10 from providing the public with additional teleconference locations.

11 (c) (1) No legislative body shall take action by secret ballot,  
12 whether preliminary or final.

13 (2) The legislative body of a local agency shall publicly report  
14 any action taken and the vote or abstention on that action of each  
15 member present for the action.

16 (3) Prior to taking final action, the legislative body shall orally  
17 report a summary of a recommendation for a final action on the  
18 salaries, salary schedules, or compensation paid in the form of  
19 fringe benefits of a local agency executive, as defined in  
20 subdivision (d) of Section 3511.1, during the open meeting in  
21 which the final action is to be taken. This paragraph shall not affect  
22 the public’s right under the California Public Records Act (Chapter  
23 3.5 (commencing with Section 6250) of Division 7 of Title 1) to  
24 inspect or copy records created or received in the process of  
25 developing the recommendation.

26 (d) (1) Notwithstanding the provisions relating to a quorum in  
27 paragraph (3) of subdivision (b), if a health authority conducts a  
28 teleconference meeting, members who are outside the jurisdiction  
29 of the authority may be counted toward the establishment of a  
30 quorum when participating in the teleconference if at least 50  
31 percent of the number of members that would establish a quorum  
32 are present within the boundaries of the territory over which the  
33 authority exercises jurisdiction, and the health authority provides  
34 a teleconference number, and associated access codes, if any, that  
35 allows any person to call in to participate in the meeting and the  
36 number and access codes are identified in the notice and agenda  
37 of the meeting.

38 (2) Nothing in this subdivision shall be construed as  
39 discouraging health authority members from regularly meeting at  
40 a common physical site within the jurisdiction of the authority or

1 from using teleconference locations within or near the jurisdiction  
 2 of the authority. A teleconference meeting for which a quorum is  
 3 established pursuant to this subdivision shall be subject to all other  
 4 requirements of this section.

5 (3) For purposes of this subdivision, a health authority means  
 6 any entity created pursuant to Sections 14018.7, 14087.31,  
 7 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
 8 and Institutions Code, any joint powers authority created pursuant  
 9 to Article 1 (commencing with Section 6500) of Chapter 5 of  
 10 Division 7 for the purpose of contracting pursuant to Section  
 11 14087.3 of the Welfare and Institutions Code, and any advisory  
 12 committee to a ~~county-sponsored~~ *county-sponsored* health plan  
 13 licensed pursuant to Chapter 2.2 (commencing with Section 1340)  
 14 of Division 2 of the Health and Safety Code if the advisory  
 15 committee has 12 or more members.

16 (e) (1) A local agency may use teleconferencing without  
 17 complying with the requirements of paragraph (3) of subdivision  
 18 (b) if the legislative body complies with the requirements of  
 19 paragraph (2) of this subdivision in any of the following  
 20 circumstances:

21 ~~(A) The legislative body holds a meeting for the purpose of~~  
 22 ~~proclaiming or ratifying a local emergency.~~

23 ~~(B)~~

24 (A) The legislative body holds a meeting during a proclaimed  
 25 state of emergency or declared local emergency, *emergency*, and  
 26 state or local officials have imposed or recommended measures  
 27 to promote social distancing.

28 ~~(C)~~

29 (B) The legislative body holds a meeting during a ~~declared local~~  
 30 *proclaimed state of emergency* and the legislative body determines  
 31 ~~by majority vote that, for the purpose of determining, by majority~~  
 32 *vote, whether* as a result of the emergency, meeting in person would  
 33 present imminent risks to the health or safety of attendees.

34 (C) *The legislative body holds a meeting during a proclaimed*  
 35 *state of emergency and has determined, by majority vote, pursuant*  
 36 *to subparagraph (B) that, as a result of the emergency, meeting*  
 37 *in person would present imminent risks to the health or safety of*  
 38 *attendees.*

39 (2) A legislative body that holds a meeting pursuant to this  
 40 subdivision shall do all of the following:



1 (A) The legislative body shall give notice of the meeting and  
2 post agendas as otherwise required by this chapter.

3 (B) The legislative body shall allow members of the public to  
4 access the meeting and the agenda shall provide an opportunity  
5 for members of the public to address the legislative body directly  
6 pursuant to Section 54954.3. In each instance in which notice of  
7 the time of the teleconferenced meeting is otherwise given or the  
8 agenda for the meeting is otherwise posted, the legislative body  
9 shall also give notice of the means by which members of the public  
10 may access the meeting and offer public comment. The agenda  
11 shall identify and include an opportunity for all persons to attend  
12 via a call-in option or an internet-based service option. This  
13 subparagraph shall not be construed to require the legislative body  
14 to provide a physical location from which the public may attend  
15 or comment.

16 (C) The legislative body shall conduct teleconference meetings  
17 in a manner that protects the statutory and constitutional rights of  
18 the parties and the public appearing before the legislative body of  
19 a local agency.

20 (D) In the event of a disruption which prevents the public agency  
21 from broadcasting the meeting to members of the public using the  
22 call-in option or internet-based service option, or in the event of  
23 a disruption within the local agency's control which prevents  
24 members of the public from ~~submitting~~ offering public comments  
25 using the call-in option or internet-based service option, the body  
26 shall take no further action on items appearing on the meeting  
27 agenda until public access to the meeting via the call-in option or  
28 internet-based service option is restored. Actions taken on agenda  
29 items during a disruption which prevents the public agency from  
30 broadcasting the meeting may be challenged pursuant to Section  
31 54960.1.

32 (E) The legislative body shall not require public comments to  
33 be submitted in advance of the meeting and must provide an  
34 opportunity for the public to address the legislative body and offer  
35 comment in real time. This subparagraph shall not be construed  
36 to require the legislative body to provide a physical location from  
37 which the public may attend or comment.

38 (F) *Notwithstanding Section 54953.3, an individual desiring to*  
39 *provide public comment through the use of an internet website, or*  
40 *other online platform, not under the control of the local legislative*

1 *body, that requires registration to log in to a teleconference may*  
 2 *be required to register as required by the third-party internet*  
 3 *website or online platform to participate.*

4 (G) (i) *A legislative body that provides a timed public comment*  
 5 *period for each agenda item shall not close the public comment*  
 6 *period for the agenda item, or the opportunity to register, pursuant*  
 7 *to subparagraph (F), to provide public comment until that timed*  
 8 *public comment period has elapsed.*

9 (ii) *A legislative body that does not provide a timed public*  
 10 *comment period, but takes public comment separately on each*  
 11 *agenda item, shall allow a reasonable amount of time per agenda*  
 12 *item to allow public members the opportunity to provide public*  
 13 *comment, including time for members of the public to register*  
 14 *pursuant to subparagraph (F), or otherwise be recognized for the*  
 15 *purpose of providing public comment.*

16 (iii) *A legislative body that provides a timed general public*  
 17 *comment period that does not correspond to a specific agenda*  
 18 *item shall not close the public comment period or the opportunity*  
 19 *to register, pursuant to subparagraph (F), until the timed general*  
 20 *public comment period has elapsed.*

21 (3) ~~If a state of emergency or local emergency remains active,~~  
 22 ~~or state or local officials have imposed or recommended measures~~  
 23 ~~to promote social distancing, in order to continue to teleconference~~  
 24 ~~without compliance with paragraph (3) of subdivision (b), the~~  
 25 ~~legislative body shall, not later than 30 days after teleconferencing~~  
 26 ~~for the first time pursuant to subparagraph (A), (B), or (C) of~~  
 27 ~~paragraph (1), and every 30 days thereafter, make the following~~  
 28 ~~findings by majority vote:~~

29 (A) ~~The legislative body has reconsidered the circumstances of~~  
 30 ~~the state of emergency or local emergency.~~ *emergency.*

31 (B) Any of the following circumstances exist:

32 (i) The state of emergency continues to directly impact the  
 33 ability of the members to meet safely in person.

34 ~~(ii) The local emergency continues to present risks to the health~~  
 35 ~~or safety of members or the public if one or more members of the~~  
 36 ~~legislative body were to attend the meeting in person.~~

37 ~~(iii)~~

38 (ii) State or local officials continue to impose or recommend  
 39 measures to promote social distancing.

1 (4) For the purposes of this subdivision, ~~the following definitions~~  
2 ~~shall apply:~~

3 (A) ~~“State”~~ “state of emergency” means a state of emergency  
4 proclaimed pursuant to Section 8625 of the California Emergency  
5 Services Act (Article 1 (commencing with Section 8550) of  
6 Chapter 7 of Division 1 of Title 2).

7 (B) ~~“Local emergency”~~ means an emergency proclaimed by the  
8 governing body of a county or city and county, or by an official  
9 designated by ordinance adopted by that governing body pursuant  
10 to Section 8630 of the California Emergency Services Act (Article  
11 14 (commencing with Section 8550) of Chapter 7 of Division 1  
12 of Title 2) as a result of conditions existing in all or a portion of  
13 the jurisdiction of the local agency. Local emergency refers only  
14 to local emergencies in the jurisdiction in which the legislative  
15 body is located.

16 (f) *This section shall remain in effect only until January 1, 2024,*  
17 *and as of that date is repealed.*

18 SEC. 2. *Section 54953 is added to the Government Code, to*  
19 *read:*

20 54953. (a) *All meetings of the legislative body of a local*  
21 *agency shall be open and public, and all persons shall be permitted*  
22 *to attend any meeting of the legislative body of a local agency,*  
23 *except as otherwise provided in this chapter.*

24 (b) (1) *Notwithstanding any other provision of law, the*  
25 *legislative body of a local agency may use teleconferencing for*  
26 *the benefit of the public and the legislative body of a local agency*  
27 *in connection with any meeting or proceeding authorized by law.*  
28 *The teleconferenced meeting or proceeding shall comply with all*  
29 *requirements of this chapter and all otherwise applicable*  
30 *provisions of law relating to a specific type of meeting or*  
31 *proceeding.*

32 (2) *Teleconferencing, as authorized by this section, may be used*  
33 *for all purposes in connection with any meeting within the subject*  
34 *matter jurisdiction of the legislative body. All votes taken during*  
35 *a teleconferenced meeting shall be by rollcall.*

36 (3) *If the legislative body of a local agency elects to use*  
37 *teleconferencing, it shall post agendas at all teleconference*  
38 *locations and conduct teleconference meetings in a manner that*  
39 *protects the statutory and constitutional rights of the parties or*  
40 *the public appearing before the legislative body of a local agency.*

1 *Each teleconference location shall be identified in the notice and*  
2 *agenda of the meeting or proceeding, and each teleconference*  
3 *location shall be accessible to the public. During the*  
4 *teleconference, at least a quorum of the members of the legislative*  
5 *body shall participate from locations within the boundaries of the*  
6 *territory over which the local agency exercises jurisdiction, except*  
7 *as provided in subdivision (d). The agenda shall provide an*  
8 *opportunity for members of the public to address the legislative*  
9 *body directly pursuant to Section 54954.3 at each teleconference*  
10 *location.*

11 *(4) For the purposes of this section, “teleconference” means a*  
12 *meeting of a legislative body, the members of which are in different*  
13 *locations, connected by electronic means, through either audio or*  
14 *video, or both. Nothing in this section shall prohibit a local agency*  
15 *from providing the public with additional teleconference locations*

16 *(c) (1) No legislative body shall take action by secret ballot,*  
17 *whether preliminary or final.*

18 *(2) The legislative body of a local agency shall publicly report*  
19 *any action taken and the vote or abstention on that action of each*  
20 *member present for the action.*

21 *(3) Prior to taking final action, the legislative body shall orally*  
22 *report a summary of a recommendation for a final action on the*  
23 *salaries, salary schedules, or compensation paid in the form of*  
24 *fringe benefits of a local agency executive, as defined in subdivision*  
25 *(d) of Section 3511.1, during the open meeting in which the final*  
26 *action is to be taken. This paragraph shall not affect the public’s*  
27 *right under the California Public Records Act (Chapter 3.5*  
28 *(commencing with Section 6250) of Division 7 of Title 1) to inspect*  
29 *or copy records created or received in the process of developing*  
30 *the recommendation.*

31 *(d) (1) Notwithstanding the provisions relating to a quorum in*  
32 *paragraph (3) of subdivision (b), if a health authority conducts a*  
33 *teleconference meeting, members who are outside the jurisdiction*  
34 *of the authority may be counted toward the establishment of a*  
35 *quorum when participating in the teleconference if at least 50*  
36 *percent of the number of members that would establish a quorum*  
37 *are present within the boundaries of the territory over which the*  
38 *authority exercises jurisdiction, and the health authority provides*  
39 *a teleconference number, and associated access codes, if any, that*  
40 *allows any person to call in to participate in the meeting and the*

1 *number and access codes are identified in the notice and agenda*  
2 *of the meeting.*

3 *(2) Nothing in this subdivision shall be construed as*  
4 *discouraging health authority members from regularly meeting at*  
5 *a common physical site within the jurisdiction of the authority or*  
6 *from using teleconference locations within or near the jurisdiction*  
7 *of the authority. A teleconference meeting for which a quorum is*  
8 *established pursuant to this subdivision shall be subject to all other*  
9 *requirements of this section.*

10 *(3) For purposes of this subdivision, a health authority means*  
11 *any entity created pursuant to Sections 14018.7, 14087.31,*  
12 *14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare*  
13 *and Institutions Code, any joint powers authority created pursuant*  
14 *to Article 1 (commencing with Section 6500) of Chapter 5 of*  
15 *Division 7 for the purpose of contracting pursuant to Section*  
16 *14087.3 of the Welfare and Institutions Code, and any advisory*  
17 *committee to a county-sponsored health plan licensed pursuant to*  
18 *Chapter 2.2 (commencing with Section 1340) of Division 2 of the*  
19 *Health and Safety Code if the advisory committee has 12 or more*  
20 *members.*

21 *(e) This section shall become operative January 1, 2024.*

22 ~~SEC. 2.~~

23 *SEC. 3.* It is the intent of the Legislature in enacting this act to  
24 improve and enhance public access to local agency meetings during  
25 the COVID-19 pandemic and future applicable emergencies, by  
26 allowing broader access through teleconferencing options  
27 consistent with the Governor’s Executive Order No. N-29-20 dated  
28 March 17, 2020, permitting expanded use of teleconferencing  
29 during the COVID-19 pandemic.

30 ~~SEC. 3.~~

31 *SEC. 4.* The Legislature finds and declares that Section 1 of  
32 this act, which amends Section 54953 of the Government Code,  
33 furthers, within the meaning of paragraph (7) of subdivision (b)  
34 of Section 3 of Article I of the California Constitution, the purposes  
35 of that constitutional section as it relates to the right of public  
36 access to the meetings of local public bodies or the writings of  
37 local public officials and local agencies. Pursuant to paragraph (7)  
38 of subdivision (b) of Section 3 of Article I of the California  
39 Constitution, the Legislature makes the following findings:

1 This act is necessary to ensure minimum standards for public  
2 participation and notice requirements allowing for greater public  
3 participation in teleconference meetings during applicable  
4 emergencies.

O

# ATTACHMENT 3A



To: South Coast Air Quality Management District  
From: Cassidy & Associates  
Date: July 29, 2021  
Re: June/July Report

## HOUSE/SENATE

### *House:*

The House has begun consideration of H.R. 4502 (117) this week, a seven-bill minibus spending package that includes the House's FY2022 Labor-HHS-Education, Agriculture-FDA, Energy-Water Development, Financial Services, Interior-Environment, Military Construction and Transportation-Housing-Urban Development spending bills. Votes on the 229 submitted amendments will be spread out over the week.

On Tuesday, the House Rules Committee considered three FY2022 appropriations bills: H.R. 4346 (117), the Legislative Branch fiscal spending bill, H.R. 4373 (117), the State-Foreign Operations spending bill and H.R. 4505 (117), the Commerce-Justice-Science spending bill. The Legislative Branch bill includes funding for Capitol security, which is a hot button issue as the hearings kick off this week in the House select committee on the Capitol insurrection. The State-Foreign Operations and Commerce-Justice-Science bills also changed long-standing abortion related policy riders (Hyde amendment), creating further tension between Republicans and Democrats during their House Appropriations subcommittee and full committee markups.

The FY2022 Homeland Security and Defense spending bills are unlikely to be brought to the House floor anytime soon, and the Senate has yet to unveil any of their bills as infrastructure and reconciliation consume the majority of the chamber's focus.

### *Senate:*

A bipartisan group of Senators and the White House reached a deal on the Bipartisan Infrastructure Framework. The first procedural vote in the Senate cleared with a strong 67-32 vote on Wednesday the 28th.

We expect the Senate to pass the bill early next week. The internal topline summary distributed among Hill offices is below:

### Topline Summary

- Historic investment in the nation's core infrastructure priorities— including roads and bridges, rail, transit, ports, airports, water systems, and broadband.
- No tax hikes on everyday Americans.
- Includes bipartisan Senate-passed *Drinking Water and Wastewater Infrastructure Act* and bipartisan committee-passed surface transportation reauthorization bills from the Commerce Committee and the Environment and Public Works Committee along with the *Energy Infrastructure Act* approved by the Energy and Natural Resources Committee
- Improves permitting by including enhancements to FAST-41, which has substantially reduced the permitting timeline for larger infrastructure projects.
- Includes rural infrastructure development and dedicated new funds for major projects.
- Long-term spending for capital assets that will improve economic efficiency, productivity, GDP and revenue, and will not increase inflation.
- New spending paid for with CBO/JCT scores, CBO estimates & OMB estimates.

### \$550 Billion In New Spending Over 5 Years

**Roads, Bridges, & Major Projects: \$110B above baseline** - Includes Commerce and EPW-passed surface transportation reauthorization bills. Funds new, dedicated grant program to replace and repair bridges and increases funding for the major project competitive grant programs. At the same time, the package preserves the tradition of significant federal highway aid to states.

**Passenger and Freight Rail: \$66B** - Provides funding for the Amtrak National Network, expands intercity passenger rail and dedicates funding to the Northeast Corridor, which has incurred a severe repair backlog after Hurricane Sandy. Increases funding for freight rail and safety at rail-highway grade crossings.

**Safety: \$11B** - Funds highway & pedestrian safety programs, including a significant investment in Safe Streets program that prevent death and serious injury on roads and streets.

**Public Transit: \$39.2B** - Funds nation's transit system repair backlog, which DOT estimates is more than 24,000 buses, 5,000 rail cars, 200 stations, and thousands of miles of track, signals, and power systems.

**Broadband: \$65B** - Grants to states for broadband deployment, supports broadband affordability expands eligible private activity bond projects to include broadband infrastructure, and supports middle-mile deployment efforts.



**Ports and Waterways: \$17.3B** - Funding for waterway and coastal infrastructure, inland waterway improvements, port infrastructure, and land ports of entry through the Army Corps,

**Airports: \$25B** - Increases funds for Airport Improvement grant program for runways, gates, & taxiways as well as a new Airport Terminal Improvement program for terminals, concessions, and multimodal connections. Improves Air Traffic Control infrastructure.

**Water Infrastructure: \$55B** - Includes \$23.4B for the bipartisan Drinking Water and Wastewater Infrastructure Act. Provides additional funding to address PFAS and for lead remediation. Supports water infrastructure in Tribal communities by providing \$1.8 billion for the Indian Health Service Sanitation Facilities Construction program, in addition to funding to complete all currently-authorized Indian Water Rights Settlements.

**Power and Grid: \$73B** - Includes the bipartisan Energy Infrastructure Act, which includes funds for grid reliability and resiliency; critical minerals and supply chains for clean energy technology; critical energy technologies like carbon capture, hydrogen, direct air capture, and energy efficiency; and energy demonstration projects from the bipartisan Energy Act of 2020. It also includes the 48C Advanced Manufacturing Tax Credit.

**Resiliency: \$46B** - Funding for cybersecurity to address critical infrastructure needs, waste management, flood mitigation, wildfire, drought, and coastal resiliency, ecosystem restoration, and weatherization.

**Low-Carbon and Zero-Emission School Buses & Ferries: \$7.5B** - Increases funding for the EPW's Electric Vehicle Charging and Fueling grant program, designed to strategically deploy EV, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure. Includes a state formula program for EV charging infrastructure deployment.

**EV and Low-Carbon School Buses & Ferries: \$7.5B** - Funds the production and procurement of electric vehicle and low carbon school buses and ferries, to include hydrogen fuel cells, liquefied natural gas, and other alternative fuel technologies.

*EPA:*

On August 23 and 24, EPA will hold a virtual public workshop to hear perspectives on innovative technologies that could be used to detect methane emissions from the oil and natural gas industry. The August virtual workshop will focus on methane-sensing technologies that are not currently approved for use in EPA's New Source Performance Standards for the oil and natural gas industry, and how those applications could be applied in the oil and gas sector. You may register to attend the workshop until August 18. You can register [here](#).

On July 7, EPA announced that it will make \$50 million in American Rescue Plan (ARP) funding available to improve air quality monitoring. The latest set of funding is on top of the recent announcement of \$50 million for environmental justice projects under the ARP, bringing the

total to \$100 million in EPA funding designated by Congress to address health outcome disparities from pollution and the COVID-19 pandemic.

Cassidy and Associates support in July:

- Arranged and prepared for meeting with EPA officials.
- Tracked and advocated for key provisions in bipartisan infrastructure negotiations and reconciliation.
- Tracked and advocated for key provisions in Senate Interior & Environment appropriations, including prioritizing TAG funding to top five regions.
- Provided feedback to Rep. Blunt-Rochester staff on the to-be-introduced version of the Public Health Air Quality Act.
- Participated in weekly strategy sessions and kept SCAQMD apprised of relevant legislative and administrative developments.

## *IMPORTANT LEGISLATIVE DATES*

### **August**

Senate Majority Leader Chuck Schumer will attempt to bring Democrats' major elections and ethics bill to the floor by August.

### **September 6, 2021**

Pandemic-related unemployment benefits, and extra \$300 per week in federal jobless benefits will expire.

### **September 30, 2021**

Current government funding expires.

## **PANDEMIC RESPONSE PROGRAMS AND AUTHORITIES**

On July 22, 2021, FDA issued an Emergency Use Authorization (EUA) to Becton, Dickinson and Company (BD) for its BD Vacutainer Plus Citrate Plasma Tubes (UK Manufacturing Site), which are sodium citrate blood specimen collection tubes used to collect, transport, and store blood samples for coagulation testing. The device authorized under this EUA is for use in coagulation testing, performed by authorized laboratories, to aid in the identification and treatment of coagulopathy in patients, including patients with known or suspected COVID-19.

On July 9, 2021, The FDA issued an Emergency Use Authorization (EUA) to Ortho-Clinical Diagnostics, Inc., for the VITROS Immunodiagnostic Products Anti-SARS-CoV-2 IgG Quantitative Test. Quantitative serology tests that are traceable to a certified reference material may be helpful for ongoing medical research to study the immune response to SARS-CoV-2. The VITROS Immunodiagnostic Products Anti-SARS-CoV-2 IgG Quantitative Test measures IgG antibodies to SARS-CoV-2, the virus that causes COVID-19, from an individual's blood sample (serum and plasma) to aid in identifying people with an adaptive immune response to SARS-CoV-2, indicating recent or previous SARS-CoV-2.

Reminders:

- FDA holds weekly Virtual Town Halls on COVID Diagnostics, every Wednesday – from 12:15 to 1:15 pm ET. For more information, click [here](#).
- FDA hosts regular webinars to share information and answer your questions about respirators and other personal protective equipment (PPE). The next webinar will be held on February 23 at 12:00 pm ET. For more information, click [here](#).
- [FDA's Coronavirus Disease 2019 \(COVID-19\)](#) webpage provides the latest news and information.
- FDA's COVID-19 Vaccines webpage at [www.fda.gov/covid19vaccines](http://www.fda.gov/covid19vaccines) highlights new information as it becomes available.
- For a Vaccine Development 101 click [here](#)
- Emergency Use Authorization for Vaccines Explained can be found [here](#)
- FDA Vaccine Facts - [The Path for a COVID-19 Vaccine from Research to Emergency Use Authorization](#)
- FDA's webpage - [A Closer Look at COVID-19 Diagnostic Testing](#) - provides health care providers and other public health professionals, including those who might purchase COVID-19 tests, with more technical information and resources.

**End Date/Program**

***September 6, 2021***

Pandemic-related unemployment benefits, as an extra \$300 per week in federal jobless benefits will expire

***March 27, 2025***

Special inspector General for Pandemic Recovery

***Sept. 30, 2025***

Pandemic Response Accountability Committee, Congressional Oversight Commission

## AGENCY RESOURCES

USA.gov is cataloging all U.S. government activities related to coronavirus. From actions on health and safety to travel, immigration, and transportation to education, find pertinent actions [here](#). Each Federal Agency has also established a dedicated coronavirus website, where you can find important information and guidance. They include: Health and Human Services ([HHS](#)), Centers of Medicare and Medicaid ([CMS](#)), Food and Drug Administration ([FDA](#)), Department of Education ([DoED](#)), Department of Agriculture ([USDA](#)), Small Business Administration ([SBA](#)), Department of Labor ([DOL](#)), Department of Homeland Security ([DHS](#)), Department of State ([DOS](#)), Department of Veterans Affairs ([VA](#)), Environmental Protection Agency ([EPA](#)), Department of the Interior ([DOI](#)), Department of Energy ([DOE](#)), Department of Commerce ([DOC](#)), Department of Justice ([DOJ](#)), Department of Housing and Urban Development ([HUD](#)), Department of the Treasury ([USDT](#)), Office of the Director of National Intelligence ([ODNI](#)), and U.S. Election Assistance Commission ([EAC](#)).

### Helpful Agency Contact Information:

U.S. Department of Health and Human Services – Darcie Johnston (Office – 202-853-0582 / Cell – 202-690-1058 / Email – [darcie.johnston@hhs.gov](mailto:darcie.johnston@hhs.gov))

U.S. Department of Homeland Security – Cherie Short (Office – 202-441-3103 / Cell – 202-893-2941 / Email – [Cherie.short@hq.dhs.gov](mailto:Cherie.short@hq.dhs.gov))

U.S. Department of State – Bill Killion (Office – 202-647-7595 / Cell – 202-294-2605 / Email – [killionw@state.gov](mailto:killionw@state.gov))

U.S. Department of Transportation – Sean Poole (Office – 202-597-5109 / Cell – 202-366-3132 / Email – [sean.poole@dot.gov](mailto:sean.poole@dot.gov))

# ATTACHMENT 3B

## KADESH & ASSOCIATES

South Coast AQMD Report for the August 2021  
Legislative Meeting covering June-July 2021  
Kadesh & Associates

The President's complete budget proposal was submitted to Congress on May 28 and included meaningful increases in each of the major programs of importance to South Coast AQMD. Included in the budget request: \$150M for Diesel Emission Reduction Act (DERA), \$59M for Targeted Airshed Grants (TAG), and \$321.5M for Environmental Protection Agency (EPA) 103/105 grants. We were able to work with Representative Lowenthal and several other members of the California delegation to send a letter to the administration advocating for the TAG program and were pleased to see that TAG was included in the budget request for the first time. We also worked with Rep. Cárdenas, California's Senators, and other members of the state's congressional delegation in urging the Biden administration to take prompt action to revise the nitrogen oxide (NOx) emission standards for heavy-duty trucks.

The House and Senate Appropriations Committees quickly moved to begin hearings with agency heads to review the budget proposal and to consider and approve appropriations bills. The House Interior appropriations bill, released the week of June 28, reflects the same improvement in important EPA accounts that we saw in the President's budget request, including: DERA - \$150M (up from \$90M enacted in FY21, \$87M in FY20), 103/105 grants - \$320M (an increase of \$90.5M above the enacted level), TAG - \$70M (up from \$59M enacted in FY21, \$56M in FY20). Report language from the committee urged EPA to use 103/105 funds to accelerate the deployment of air monitoring equipment, especially in overburdened communities, among other priorities. The bill was approved by the House in late July. The Senate appropriations process is moving more slowly, with only a few funding bills expected to be considered in August. The status of Congressionally Directed Spending requests remains unresolved in the Senate, although we know that Senators Feinstein and Padilla requested funding for a South Coast AQMD Salton Sea air monitoring and community notification project. Senator Padilla also requested funding for another South Coast AQMD project which would replace a Tier 1 line-haul locomotive engine with an 8 megawatt-hour battery-power propulsion system.

The House Transportation & Infrastructure Committee introduced and quickly considered its surface transportation reauthorization bill, the INVEST in America Act. That legislation was approved by the committee in early June by a vote of 38-26. The bill includes a version of Representative DeSaulnier's Clean Corridors program at \$1B per year, which represents a major funding increase over last year's authorizing bill as well as over the version approved by the Senate Environment and Public Works committee this year. Numerous amendments affecting this charging infrastructure program were offered but the provision survived intact. The House approved the INVEST Act on July 1, moving the ball forward on House-Senate negotiations on surface transportation, which have overlapped with negotiations over the Bipartisan Infrastructure Framework.

## KADESH & ASSOCIATES

In June there was a breakthrough in those Senate negotiations with the White House on a Bipartisan Infrastructure Framework, which appears to include some of the funding priorities important to South Coast AQMD, including fueling and charging infrastructure, school buses, and clean port infrastructure. Those Senate negotiations, however, continued through the month of July, missing several self-imposed deadlines. An announcement was made on July 28 that a deal has been reached, but the details of the final deal remain uncertain. This delay has also pushed back the commencement of the budget reconciliation process that will yield additional investments, although Speaker Pelosi has continued to state that the infrastructure bill will not be considered in the House until the Senate has also approved the reconciliation bill.

### Kadesh & Associates Activity Summary-

- Organized a briefing for South Coast delegation staff on attainment issues.
- Scheduled follow-up meetings with key Members of the delegation
- Work with California delegation staff on a letter successfully advocating to include TAG in the President's budget request.
- Work with California delegation staff on a letter advocating to the Biden Administration for an Ultra-Low NOx truck rule.
- Adding cosponsors to key priorities like the Clean Corridors Act and the Climate Smart Ports Act.
- Discussions with South Coast AQMD delegation staff and with House and Senate Committee staff on issues of concern to South Coast AQMD such as incentives for medium- and heavy-duty trucks, permitting, air monitoring, the Targeted Airshed Grants program, and other issues.
- Work with House and Senate staff to prioritize South Coast AQMD priorities in legislation under active consideration, including the CLEAN Future Act and the INVEST Act.

### Contacts:

Contacts included staff and House Members throughout the California delegation, especially the authors of priority legislation, members of the South Coast AQMD House delegation, and members of key committees. We have also been in touch with administration staff.

###

# ATTACHMENT 3C



**Carmen Group**  
I N C O R P O R A T E D

**To:** South Coast AQMD Legislative Committee

**From:** Carmen Group

**Date:** July 29, 2021

**Re:** Federal Update -- Executive Branch (June and July)

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**Bipartisan Infrastructure Deal:** During the last week of July, 17 Republican Senators joined with all Democrats in a key procedural vote to move forward with the so-called Bipartisan Infrastructure Framework, the result of a difficult month-long negotiation between the White House and several key Republican and Democratic Senators. With a price tag of well over \$1 trillion over eight years, the prospective bill – at the time, still unwritten in all of its detail -- was set to incorporate the Senate Environment and Public Works and Commerce Committees’ bipartisan surface transportation reauthorization bills and a bipartisan Senate Energy and Natural Resources Committee energy bill, thus including a number of provisions aligned with South Coast AQMD federal agenda items, including major funding for charging and fueling infrastructure, electric vehicles, clean buses and clean trucks, port infrastructure and research and development for EV batteries and clean hydrogen technology, among others. While the exact path to final passage seemed unclear, there were strong indications that the political momentum behind the bill was growing as Congress approached its annual August recess.

**Business Group Coalition:** During June and July, Carmen Group brokered several weeks of discussions and negotiations with members of South Coast AQMD’s business group coalition to develop and send letter to the EPA on the need for timely action on the pending rulemaking to address NOx emissions from heavy-duty trucks, which is critical for meeting compliance with national air quality standards in the years ahead. In the end, while not every coalition member was able to sign on, a solid consensus group letter did emerge and was sent to the EPA as part of South Coast AQMD’s full court press of multiple group letters and communications urging action within a timeframe that gets to the release of a final rule by the end of 2022.

**Federal Agency Roundup:** Following are selected items of key federal agency activity of special interest to South Coast AQMD:

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## **Environmental Protection Agency**

### **Notable Appointment**

**David Uhlmann**, *Asst. Admin. for Enforcement and Compliance Assurance*  
Univ. of Michigan Law Prof; Environmental Prosecutor; US Dept. of Justice

**Federal Unified Regulatory Agenda:** On June 11, the Administration released its current Spring Unified Agenda of Regulatory Actions. Of special note for South Coast AQMD, the EPA's pending proposed rule on NO<sub>x</sub> emissions from heavy duty trucks was not listed on its most immediate agenda for the current year, raising concerns about possible unnecessary delays in concluding a final rule by the end of 2022 as is critical to meeting future deadlines for compliance with NAAQS air quality standards.

**EPA Sets Process to Revise NAAQS PM Standard:** In June, the EPA announced that it will reconsider the Trump Administration's 2020 decision to retain the existing national ambient air quality standard for particulate matter (PM) last set in 2012. EPA says it expects to issue a proposed rulemaking in Summer 2022 and a final rule in Spring 2023 following normal public review and comment, noting that the agency will be considering environmental justice during the rulemaking process.

**EPA Selects New CASAC Members and Seeks Nominations for PM Panel:** In June, EPA Administrator Michael Regan announced his selections for members of the Clean Air Scientific Advisory Committee (CASAC), picking five qualified women and two men from diverse backgrounds. At the same time, EPA published a Federal Register Notice soliciting nominations for experts for the CASAC Particulate Matter Panel which will support CASAC in providing advice on the agency's reconsideration of the particulate matter air quality standard.

**EPA Reverses Trump Era Rule on Environmental Appeals Board:** In June, the EPA rescinded a 2020 rule on the EPA appeals process, restoring the organization and function of the Environmental Appeals Board (EAB), an independent impartial review board that makes final Agency decisions in administrative appeals.

**EPA Funds Environmental Justice and Air Monitoring Initiatives:** During June and July, the EPA directed a total of \$100 million in COVID Relief funds under the American Rescue Plan to two environmental initiatives -- \$50 million targeting environmental justice programs in underserved communities and another \$50 million for enhanced air quality monitoring.

**EPA Enhances Air Toxics Data and Risk Information:** In June, the EPA announced it will provide more frequent updates to national air toxics data and risk estimates. The agency's new approach will provide an annual, more systematic update for all air toxics information, including emissions, ambient concentrations, national screening risk estimates, and monitoring data. The information will be incorporated into the agency's Environmental Justice screening tool, EJSCREEN, to help communities screen for potential risks.



**EPA Seeks Applicants for Children’s Healthy Learning Grants:** In July, the EPA announced the availability of funding for ten grants of \$200,000 each under the Children’s Healthy Learning Environments in Low-Income and /or Minority Communities Grant program administered by the Office of Children’s Health Protection. EPA will host an informational webinar about the program on August 12. Applications are due September 10, 2021.

**EPA Creates Research Centers for Early Childhood Development Health:** In July, the EPA announced \$3.8 million in funding to create two EPA STAR (Science to Achieve Results) Centers for Early Lifestage Vulnerabilities to Environmental Stressors. The new centers – both in North Carolina – will focus on early life stage exposures to chemicals and non-chemical environmental stressors and how these exposures may impact early childhood developmental health.

**EPA to Hold Workshop on Methane Detection Technology:** In July, the EPA announced it will hold a virtual workshop August 23 and 24, 2021 to hear perspectives on innovative technologies that could be used to detect methane emissions from the oil and gas industry. Registration to attend is open on the EPA website until August 18. <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-methane-detection-technology-workshop>

## **Department of Transportation**

**DOT INFRA Grants:** In June, the Department of Transportation announced the award of over \$905 million to 24 projects across the country under the INFRA Grant Program for projects of regional and national economic significance. These included three awards in California: The Yolo County Transportation District received \$85.9 million for a highway project on the west side of the Sacramento-Yolo metro area; The Los Angeles County Metropolitan Transportation Authority received \$30.0 million to improve traffic flow in the area between the SR-57 and SR-60 freeways in Los Angeles County; and The Los Angeles Department of Transportation was awarded \$18 million for a Safe Streets Infrastructure project that includes 26 new traffic signals and leading pedestrian interval (LPI) signal enhancements at approximately 90 intersections.

**FTA Low-No Grants:** In June, the Federal Transit Administration announced the award of \$182 million to 49 projects across the country under the Low-or-No Emission Bus Grant Program supporting low and zero emission bus equipment and facilities. These included three awards in California: Anaheim received \$2.01 million for the purchase of battery electric buses to replace diesel buses; Fresno received \$2.05 million for the purchase of hydrogen fuel cell powered buses; and the Golden Empire Transit District (Bakersfield) received \$3.05 million for a permanent hydrogen fueling station for its bus fleet supporting its goal of a full zero-emission fleet by 2040.

**FTA Seeks Applicants for Transit Grants in Poverty Areas:** In July, the FTA announced the availability of \$16.3 million in competitive grant funding under its Areas of Persistent Poverty Program. Eligible projects would help lift communities out of

poverty by supporting transit service improvements in underserved communities. Applications are due August 30, 2021.

**FHWA Seeks Applicants for Advanced Transportation Technology Grants:** In July, the Federal Highway Administration announced the availability of \$60 million in grants under the Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) Program to help fund new technologies that improve transportation systems. Notably among other things, the program can support electric vehicle charging and other technologies that help reduce emissions. Applications are due August 23, 2021.

**DOT Announces \$225 Million TIFIA Loan for I-10 Project in San Bernardino:** In July, the U.S. Department of Transportation announced its approval of a Transportation Infrastructure Finance and Innovation Act (TIFIA) loan of \$225 million to the San Bernardino County Transportation Authority (SBCTA) for the I-10 Corridor Express Lanes Project. DOT says the new loan will replace a previous loan for the project made in 2019 and will save SBCTA \$53 million in nominal dollars and over \$30 million in present value terms over the life of the loan.

**DOT Hosts Roundtable on Congestion at Ports of Los Angeles and Long Beach:** On July 15, U.S. Secretary of Transportation Pete Buttigieg hosted a virtual roundtable on congestion at the Ports of Los Angeles and Long Beach with a wide array of federal, state, and local officials. They discussed the many consequences of increased congestion exacerbated by the pandemic, and examined opportunities to ease the movement of cargo and improve information sharing at the ports.

**Legal Settlement Reinstates Federal HSR Funds for California Project:** In June, USDOT and the State of California concluded settlement talks to reinstate \$929 million in federal grant funds to support California's High-Speed Rail Project. The funds had previously been withdrawn in 2019 by the Federal Railroad Administration under the Trump Administration.

## **Department of Energy**

**DOE Grants Will Support Clean Energy Innovation and Commercialization:** In June, the Department of Energy awarded \$9.5 million to ten "incubators and accelerators" across different regions of the country that it said will develop pipelines for new energy technology to reach the market and stimulate the formation of new businesses to help reach the goal of a net-zero carbon economy by 2050. Among these, one of the recipients was located in California: The Los Angeles Cleantech Incubator (LACI) received a \$1 million grant to scale the impact of its incubation program to accelerate early stage companies to deploy their emerging clean energy technologies with input from stakeholders within the Los Angeles County/greater Southern California region.

**DOE Grants Will Advance Clean Hydrogen Technologies:** In July, the Department of Energy announced \$52.5 million to fund 31 projects to advance next generation clean hydrogen technologies under its Hydrogen Energy Earthshot initiative to reduce cost and

accelerate breakthroughs in the clean hydrogen sector. The “Earthshot” initiative, announced by DOE earlier in June, seeks to reduce the cost of clean hydrogen by 80 percent to \$1 per kilogram in one decade. As with numerous other recent DOE project and program announcements, it is being framed within the Administration’s goals to “tackle the climate crisis” and reach “net-zero carbon emissions by 2050.”

**DOE Announces New Goal to Achieve Long Duration Energy Storage:** In July, Energy Secretary Jennifer Granholm announced the Department’s new goal to reduce the cost of grid-scale long duration energy storage by 90 percent with the decade. Setting the goal seeks to accelerate breakthroughs that store clean electricity to make it available anytime, anywhere and support more abundant, affordable, and reliable clean energy solutions necessary to reach President Biden’s goal of 100 percent clean electricity by 2035.

**DOE Actions to Bolster Domestic Supply Chain for Advanced Batteries:** In June, following completion of the Administration’s 100-day review of battery supply chains, the Department of Energy announced immediate policy actions to scale up a domestic manufacturing supply chain for advanced battery materials and technologies. The actions include: Strengthening U.S. manufacturing requirements in federally funded grants; Releasing a domestic battery supply chain blueprint; Providing financing through the Department’s Advanced Technology Vehicles Manufacturing (ATVM) loan program for manufacturers of advanced vehicle battery cells; and procuring stationary battery storage. The agency also called on Congress to: Provide funding for new and existing federal grant programs to electrify the nation’s school bus transit bus fleets; Provide consumer rebates and tax incentives to spur adoption of EVs; Invest in high-capacity batteries and products that use such batteries; Replace outdated mining laws; and Strengthen environmental review processes for the extraction of critical minerals.

**DOE Announces Projects to Accelerate Advancements in Zero-Emission Vehicles:** In July, the Department of Energy announced \$60 million for 24 research and development projects aimed at reducing carbon dioxide emissions from passenger cars and light and heavy-duty trucks. The projects will help advance the infrastructure needed to support the growing adoption of zero-emission vehicles.

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**Outreach:** Contacts included all members of the SCAQMD business coalition on truck issues, infrastructure and the EPA’s low NOx rulemaking; the offices of Senators James Inhofe, Joe Manchin and Mike Braun on transportation and infrastructure issues; and Treasury Department officials on the American Rescue Act State and Local Fiscal Recovery Fund program.

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## CALIFORNIA ADVISORS, LLC

South Coast AQMD Report  
California Advisors, LLC  
August 13, 2021 Legislative Committee Meeting

### General Update

On July 16, legislators departed from Sacramento to begin their four-week summer break. The Legislature will reconvene on Monday, August 16. Upon their return to the capitol, lawmakers will have about a month to wrap up this year's legislative session. The Appropriations committees will meet and hold their respective "suspense file" hearings. The last day for fiscal committees to report bills to the floor is August 27. The focus will then shift to the final two weeks of floor sessions only. The end-of-session deadline for each house to pass bills is Friday, September 10.

Prior to summer recess, the Legislature completed most of the policy committee hearings and also passed several budget bills. Specifically, as it relates to the budget, lawmakers passed AB 128 by Assemblymember Phil Ting which was the Legislature's version of the state fiscal plan. This action was taken to satisfy the constitutional requirement of passing a balanced budget by June 15. Governor Gavin Newsom signed AB 128 on June 28 as a placeholder while the additional details of the deal continued to be negotiated.

Two weeks later, SB 129 by Senator Nancy Skinner, a "Budget Bill Junior" that reflects the majority of the 2021-22 state budget agreement was passed by the Legislature. The measure amended AB 128 and reflected total spending of \$262.6 billion, of which \$196.4 is from the General Fund, and total General Fund reserves equaling a record \$25.2 billion. Governor Newsom subsequently signed the bill on July 12. Even with this final agreement on a state spending plan, additional "budget bill juniors" and related budget-implementing legislation known as trailer bills are anticipated in the coming months.

Some priorities have been resolved which have included raising the statutory budget caps within the Carl Moyer Program to ensure air districts are receiving the correct amount of money that is being collected for them and the first-ever funding allocation for low NOx trucks. However, several key outstanding issues are pending such as the final cap-and-trade expenditure plan and the AB 617 program funding.

### Political Update

The primary special election to fill the open 18<sup>th</sup> Assembly District seat was held on June 29. The position was previously held by Attorney General (AG) Rob Bonta. The district encompasses the communities of Oakland, San Leandro, and Alameda. Results from the Secretary of State's website show Democratic candidate and the AG's wife, Mia Bonta winning with 38.2 percent of

the vote, followed by fellow Democrat Janani Ramachandran with 23.7 percent. The runoff election is being held on Tuesday, August 31.

Additionally, on July 1, Lt. Gov. Eleni Kounalakis issued a proclamation declaring a special gubernatorial recall election on September 14 to determine whether Governor Gavin Newsom shall be recalled. Specifically, the recall ballot will have two parts. In the first part, voters will have the option to vote “yes” or “no” to the question of whether to remove the Governor from office. In the second part, the voter would have an opportunity to select a replacement candidate.

On July 27, Secretary of State (SOS) Shirley Weber published the certified list containing the name, ballot designation, and political party affiliation of the 46 candidates running. The candidates will appear on the ballot according to the results of a randomized alphabet drawing conducted by the SOS’s office on July 19. Names of replacement candidates for Governor rotate by Assembly District, to ensure no candidate is “top of the ticket” throughout the entire state. The challengers are politicians, media celebrities, self-funders, activists, and others.

### **Appointments**

On July 15, it was announced that South Coast AQMD Vice-Chair Vanessa Delgado was reappointed to the Governing Board by Senate President Pro Tempore Toni Atkins.

# ATTACHMENT 4B



## **Joe A. Gonsalves & Son**

**Anthony D. Gonsalves**

**Jason A. Gonsalves**

**Paul A. Gonsalves**

PROFESSIONAL LEGISLATIVE REPRESENTATION

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Email: gonsalves@gonsalvi.com

**TO:** South Coast Air Quality Management District

**FROM:** Anthony, Jason & Paul Gonsalves

**SUBJECT:** Legislative Update – June 2021

**DATE:** Thursday, July 1, 2021

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June 15 marked the reopening of the State, lifting the stay-at-home order and ending restrictions such as physical distancing, capacity limits and the county tier system. The Capitol reopened to a limited capacity and Committee hearings allowed for in-person testimony; however, a majority of those participating in the hearings continued to provide testimony via telephone.

Additionally, the Legislature and Governor were focused on the State Budget. As previously reported, Governor Newsom released his May Revise to the budget last month. However, the Legislature did not agree with the Governor's proposal. On June 14, 2021, the Legislature passed and sent to the Governor their own budget (AB 128), primarily for the purpose of meeting the June 15 Constitutional budget deadline. Governor Newsom did not sign the main budget bill and continued to work closely with legislative leadership to reach an agreement. On June 28, 2021, the Legislature passed AB 129, which represents the agreement between the Governor and Legislative Leadership.

There are still many budget trailer bills left to be negotiated and we will continue to keep you apprised as the Legislature and Governor take additional steps to adopt the State budget.

The following are updates of interest to the District:

### **STATE BUDGET**

On Monday, June 14, 2021, the Legislature approved AB 128, a \$264-billion state budget to meet the state constitutional deadline for lawmakers to adopt a budget by

June 15 or forfeit their salaries. However, this was not the final budget for the fiscal year that begins on July 1. Governor Newsom still had concerns over many portions of AB 128 and he and legislative leadership spent the next 2 weeks negotiating the final budget package.

On June 28, 2021, Governor Newsom and legislative leaders reached a final agreement on a \$262.6 billion state budget, passing AB 129, which divvies up a towering windfall of tax revenue for public schools, COVID-19 pandemic relief, health care and a sweeping effort to address homelessness.

The compromise was reached less than a week before the beginning of the state's new fiscal year of July 1. However, the passage of AB 129 was not a final budget, as a few issues remain outstanding.

Here is a look at what's in the budget:

### BUSINESSES AND TAXPAYERS

The budget includes \$8.1 billion in rebates for most taxpayers. The amount depends on citizenship, income, children and how taxes were filed. Immigrants who are not citizens get more money because they were excluded from federal pandemic relief checks. Governor Newsom's advisers said the payments were the result of the state breaching a 1979 voter-imposed spending limit, triggering both the tax rebate and an \$8 billion payment to schools. Lawmakers, however, opted to count the rebate as a simple tax cut and not provide additional education dollars, insisting that the state avoid going over the spending cap by excluding billions of dollars in annual public safety payments to counties. That would, in theory, allow ample growth for state spending in the years to come.

The budget also includes \$1.5 billion in grants for small businesses harmed by the pandemic, money that does not require reimbursement.

### UNIVERSAL 4-YEAR-OLD KINDERGARTEN

The budget provides ongoing funding to expand the state's 2-year kindergarten program to include all 4-year-olds for free. The program would phase in the expansion to everyone by the 2025-26 school year at a cost of \$2.7 billion per year. Currently, approximately 91,000 4-year-olds are enrolled in "transitional kindergarten." This proposal would boost that to about 250,000 children.

### MORE MONEY FOR HOMELESS SERVICES

The spending plan commits \$12 billion for homelessness programs over the next two years. That includes \$1 billion for local governments — a rare multi-year commitment from the state to pay for local homelessness programs.

### ELIMINATING PANDEMIC CUTS

Last year, lawmakers passed a number of spending cuts due to an anticipated \$54.3 billion budget shortfall. That shortfall never did not occur thus, the budget restored those

cuts. Most state workers will get their salaries restored, plus raises. The court system, public schools, and public colleges and universities all get their funding restored.

### EXPANDING MEDICAID

The budget would pay the health care costs for low-income immigrants who are 50 and older and living in the country illegally by making them eligible for Medicaid. It would eventually cost \$1.3 billion per year when fully implemented. The budget also eliminates a rule that makes more people 65 and older eligible for Medicaid.

### MONEY FOR MORE COLLEGE STUDENTS

The budget includes \$155 million to make more people eligible for Cal Grants — money to help students pay for college that they do not have to pay back. This money will help students who are older and have been out of high school longer qualify for these grants.

### MORE IN-STATE STUDENTS AT CALIFORNIA COLLEGES

The budget requires three of the state's most notable public universities to admit more in-state students. Under the plan, UCLA, UC Berkeley and UC San Diego would replace 900 out-of-state students with California students each year. Out-of-state students pay more tuition, so the state would pay those schools \$184 million over the next three years.

### FREE SCHOOL LUNCH

The budget includes \$54 million this year and \$650 million in future years to pay for free breakfast and lunch for all public-school students.

### OUTSTANDING ISSUES

There remains a number of outstanding issues, such as cap-and-trade and drought resilience, that will be addressed over the next few weeks in budget trailer bills. We will continue to keep you apprised as the budget progresses.

## **GOVERNOR'S APPOINTMENTS**

On June 29, 2021, Amie Callahan was appointed Chief of Staff and Policy Advisor to the Chair for the California Air Resources Board. Callahan has served as Deputy Cabinet Secretary in the Office of Governor Gavin Newsom since 2019. She served as Chief Executive Officer of the 2018 Global Climate Action Summit. Callahan was Director of External and International Affairs for the Office of Governor Edmund G. Brown Jr. from 2015 to 2019, where she served in various roles from 2011 to 2015. Callahan earned a Master of Public Policy degree from the George Mason University School of Policy and Government. This position does not require Senate confirmation.

Additionally, Governor Newsom appointed Daniela Simunovic as Senior Advisor on Environmental Equity for the California Air Resources Board. Simunovic has been Senior Policy Director for Better World Group since 2019. She was Senior Program Analyst for the California Strategic Growth Council from 2016 to 2019, Deputy Director



of Environmental Health and Justice for the Liberty Hill Foundation from 2013 to 2016 and Research Analyst for Estolano Advisors from 2012 to 2013. Simunovic was Campaign Director and Community Organizer for the Center on Race, Poverty and the Environment from 2006 to 2010. She is a member of the American Planning Association. Simunovic earned a Master of Urban and Regional Planning degree from the University of California, Los Angeles. This position does not require Senate confirmation.

## **HVIP**

On June 9, 2021, the California Air Resources Board (CARB) and CALSTART announced the reopening of the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) to new voucher requests.

The 2021 reopening will make \$165 million available to California-based businesses that want to transform their fleets to new zero-emission and near-zero-emission clean vehicles. With an HVIP voucher, vehicles can be as affordable as their fossil-fueled counterparts, enabling purchasers of all sizes to deploy advanced technologies that help fleets achieve reductions in emissions and air pollution.

This year, HVIP will be implemented in waves, allowing for more fleet participation, especially smaller fleets. Half of the funds will be released when the project begins. The remaining funds will be made available two months later, on Tuesday, August 10, 2021. Class 8 trucks performing drayage operations, as well as vehicles purchased by public agencies, will be exempt from this pause.

This exemption is particularly important to CARB's Project 800 initiative. Project 800 aims to support the deployment of zero-emission trucks serving California ports by setting a goal of 800 zero-emission drayage truck orders in 2021. These 800 trucks represent a pathway toward jump-starting the sector and paving the way for more zero-emission trucks.

With greater vehicle options from Class 2B through Class 8, HVIP will help businesses and public fleets make the switch to clean vehicles and help grow the market for these technologies. The transportation sector is by far the state's largest source of air pollution and climate-changing gases and the primary source of air pollution in communities adjacent to ports, rail yards, distribution centers, and goods movement corridors that suffer from high levels of diesel pollution.

Since its launch, the project has:

- Provided more than \$400 million through 2020, supporting 1,400+ participating fleet purchasers
- Helped deploy more than 7,000 clean vehicles
- Successfully leveraged more than \$2 billion in additional dollars of other public and private spending toward these purchases — over \$4 for every \$1 of HVIP investment.

## **LEGISLATIVE DEADLINES**

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September 3: Last day to amend bills on the floor.

September 10: End of session.



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**TO:** South Coast Air Quality Management District

**FROM:** Anthony, Jason & Paul Gonsalves

**SUBJECT:** Legislative Update – July 2021

**DATE:** Tuesday, July 27, 2021

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As previously reported, the Legislature and Governor reached a budget agreement on June 28, 2021, passing a \$264 billion state budget. However, due to outstanding issues the Governor and Legislative leadership worked through the first half of July to address those issues through budget trailer bills.

During a statewide tour to promote the Governor's \$100 Billion Comeback Plan, Governor Newsom signed into law a series of budget trailer bills that provide the key funding and implementation details associated with investments included in the state's 2021-22 Budget Act.

Additionally, the Legislature was also focused on the July 14 deadline to pass bills out of policy committees prior to their July 16 summer recess. The Legislature is scheduled to return on August 16 and will have 4 weeks to wrap up their legislative agendas prior to the September 10 final adjournment.

The following will provide you with updates of interest to the District:

### **STATE BUDGET**

During the first two weeks of July, the Legislature adopted and sent to Governor Newsom over 20 budget trailer bills that provide the details of the \$264 billion state spending plan. The following will provide you with highlights of the budget trailer bills:

#### **Homelessness**

Governor Newsom signed AB 140 into law which comprises the largest housing and homelessness investment in the state's history. The package includes \$10.3 billion for

affordable housing development and \$12 billion over two years to address homelessness throughout the state. Included in the homelessness funding is \$5.8 billion to support 42,000 housing units, as well as \$2 billion in aid to local governments through the state's Homeless Housing, Assistance, and Prevention grant program (HHAP).

### Broadband

Governor Newsom signed SB 156 into law, which provides a multi-year \$6 billion investment in expanding access to broadband internet service. The significant investment includes \$3.25 billion to build, operate, and maintain an open access, state-owned middle mile network, \$2 billion to establish last-mile broadband connections, and \$750 million for a loan loss reserve fund to secure financing for broadband infrastructure among local governments.

### Natural Resources

Governor Newsom signed the state's budget trailer bill on natural resources, AB 148, into law. The measure expedites the response to severe drought conditions statewide, details guidelines for the state's program to pay for past-due utility bills, increases oversight of the state's critical infrastructure, and protects the environment from further climate threats.

The Legislature and Governor are still negotiating on the Climate Resilience Package, which will come in a future budget trailer bill, but here is what we know so far:

### ZERO-EMISSION VEHICLE ACCELERATION

The Budget accelerates the state toward meeting its climate and transportation goals around the four pillars of the ZEV market: Vehicles, Infrastructure, End Users, and Workforce.

\$2.7 billion in 2021-22, and \$3.9 billion over three years to make progress in each market pillar. Significant investments include:

Heavy-Duty Zero-Emission Vehicles and Supporting Infrastructure: \$2 billion one-time General Fund and special funds over three years for heavy-duty zero-emission vehicles. This includes \$1.3 billion over three years to deploy over 1,000 zero-emission drayage trucks, 1,000 zero-emission transit buses, and 1,000 zero-emission school buses in underserved rural school districts.

- \$500 million for zero emission clean truck, buses, and off-road equipment.
- \$200 million investment in medium-and heavy-duty ZEV fueling and charging infrastructure.
- \$45 million for local air districts in severe and extreme nonattainment areas to deploy non-diesel, low nitrogen oxide heavy-duty vehicles.

Light-Duty Zero-Emission Vehicle Adoption and Transportation Equity: \$1.2 billion one-time General Fund and special funds over three years to invest in consumer ZEVs and in clean mobility for disadvantaged and low-income communities. This includes:

- \$400 million over three years for the statewide expansion of Clean Cars 4 All and for a suite of clean transportation equity projects.
- \$525 million for the Clean Vehicles Rebate Project, with \$10 million for electric bike incentives. These vehicle incentives are complemented by an approximately \$300 million General Fund investment.

Zero-Emission Rail and Transit Equipment Purchases and Infrastructure: \$407 million one-time General Fund and special funds to demonstrate and purchase or lease state-of-the-art, clean bus and rail equipment and infrastructure that eliminate fossil fuel emissions and increase intercity rail and intercity bus frequencies.

Zero-Emission Vehicle and Infrastructure Manufacturing: \$250 million General Fund one-time over two years for manufacturing and supply chain grants to expand California's nation leading ZEV manufacturing footprint, administered through the Clean Transportation Program.

ZEV Market Development Strategy Implementation: \$5 million one-time General Fund to accelerate implementation of the ZEV Market Development Strategy's focus on increasing awareness and access to ZEVs in the hardest to reach communities and expanding tools that help convert this awareness into decisions to drive or ride in ZEVs.

Zero-Emission Rail and Transit Equipment Purchases and Infrastructure: \$407 million (\$100 million General Fund, \$280 million Public Transportation Account, and \$27 million federal funds) to demonstrate and purchase or lease state-of-the-art, clean bus and rail equipment and infrastructure that eliminate fossil fuel emissions and increase intercity rail and intercity bus frequencies.

Zero-Emission Buses and Trucks: \$1.4 billion (\$1.3 billion General Fund, \$87 million Air Pollution Control Fund) to demonstrate and purchase or lease green buses and trucks.

We will continue to keep you apprised as further details of the Climate package trailer bills emerge.

## **GOVERNOR'S APPOINTMENTS**

On July 19, 2021, Lauren Sanchez was appointed Senior Advisor for Climate in the Office of the Governor. Sanchez has served as Senior Advisor for the Special Presidential Envoy for Climate in the Biden-Harris Administration since 2021. She was Deputy Secretary for Climate Policy and Intergovernmental Relations at the California Environmental Protection Agency from 2019 to 2021 and International Policy Director at the California Air Resources Board from 2018 to 2019. Sanchez was a Climate Negotiator at the U.S. Department of State from 2015 to 2017, serving on the Paris Agreement negotiation team. Sanchez is a Fulbright Scholar and earned a Master of Science degree from Yale University. This position does not require Senate confirmation

Additionally, Governor Newsom appointed Daniela Simunovic as Senior Advisor on Environmental Equity for the California Air Resources Board. Simunovic has been Senior Policy Director for Better World Group since 2019. She was Senior Program Analyst for the California Strategic Growth Council from 2016 to 2019, Deputy Director of Environmental Health and Justice for the Liberty Hill Foundation from 2013 to 2016 and Research Analyst for Estolano Advisors from 2012 to 2013. Simunovic was Campaign Director and Community Organizer for the Center on Race, Poverty and the Environment from 2006 to 2010. She is a member of the American Planning Association. Simunovic earned a Master of Urban and Regional Planning degree from the University of California, Los Angeles. This position does not require Senate confirmation.

### **FEDERAL FUNDS FOR CLEAN PORTS**

On July 15, 2021, transportation and clean air leaders of multiple states (including California, Colorado, Delaware, Hawaii, Louisiana, New Jersey, New York, Oregon, Vermont, Washington, and the District of Colombia), urged support of federal funding for clean ports in a letter to Senate Majority Leader Chuck Schumer and House Speaker Nancy Pelosi.

The signatories express support for President Joe Biden's *American Jobs Plan* proposal to invest an additional \$17 billion in coastal ports, inland waterways, land ports of entry, and ferries. The states also outlined the need to invest in zero-emission infrastructure and equipment at our nation's seaports in order to build a cleaner, better future and transform the system that moves the nation's freight, especially as the economy recovers from the COVID-19 pandemic.

The letter notes that many states, including California, are making major investments in zero-emission freight equipment and infrastructure, and that sustained federal funding will increase the number of states committed to zero-emission transportation. Governor Newsom's California Comeback Plan supports California's efforts to tackle climate change head-on with a \$3.9 billion package to accelerate zero-emission vehicle (ZEV) goals. This includes more than \$1 billion to put 1,000 zero-emission drayage trucks, 1,000 zero-emission school buses and 1,000 transit buses, as well as the necessary infrastructure, on California roads. An additional \$925 million will help drive consumer adoption of ZEVs, including funding to expand the Clean Cars 4 All incentive program for lower-income Californians.

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## South Coast Air Quality Management District Legislative and Regulatory Update – June/July 2021

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### ❖ Important Dates

- Aug. 16 – Floor session only.
- Aug. 27 – Last day for each house to pass bills introduced in that house.
- Aug. 30 – Committee meetings resume.
- Sep. 3 – Budget bill must be passed by midnight.
- Sep. 10 – Last day for policy committees to meet and reports bills.
- Oct. 10 – Summer Recess begins upon adjournment, provided the Budget has passed.

### ❖ RESOLUTE Actions on Behalf of South Coast AQMD. RESOLUTE partners David Quintana and Jarrell Cook continued their representation of South Coast AQMD before the State’s Legislative and the Executive branch. Selected highlights of our recent advocacy include:

- Conducted significant outreach on behalf of South Coast AQMD to enable the District to secure a portion of state funding from the Federal American Rescue Plan intended to provide financial support for local governments and independent special districts impacted by COVID-19.
  - Persuaded Assemblymember Eduardo Garcia to seek to add South Coast AQMD’s amendments to a budget trailer bill to enable the District to receive and utilize Federal COVID relief funds. David Quintana facilitated ongoing communication with the Assemblymember and briefed him with additional educational material provided by South Coast AQMD.
- Continued advocacy and outreach with lawmakers regarding the \$45 million state budget funds for near zero emissions vehicles incentives.

**Governor Newsom and the Legislature Reach Deal on the State Budget.** After prolonged negotiations, Governor Gavin Newsom and the Legislature reached an agreement to enact a \$262.6 billion state budget. State lawmakers had previously enacted placeholder budget to meet their constitutionally imposed deadline. Governor Newsom touted the signed budget as a [“transformative investment”](#) that includes his proposed \$100 billion ‘California Comeback Plan.’

Highlights of spending included in the passage of [SB 129](#) are:

- \$333.4 million to local air pollution control districts for implementation of the Carl Moyer Air Quality Standards Attainment Program
- \$45 million allocated for local air districts in severe or extreme nonattainment to support the deployment of near zero emission heavy duty vehicles
- \$100 million one-time funding for fiscal relief to independent special districts that experienced unanticipated costs or loss of revenues due to the COVID-19.

However, lawmakers emphasized that the budget agreement did not end negotiations on key issues— including wildfire and drought management, infrastructure, remote learning for K-12 education, and childcare funding, in addition to many smaller policy fights. Notably, how to allocate approximately \$1.2 billion in cap-and-trade auction proceeds has yet to be determined. Additional budget trailer bills to finalize the details on these issues are expected to move once the Legislature returns from its Summer Recess.



- ❖ **The Campaign to Recall Governor Newsom Continues to Develop.** The race to recall Governor Gavin Newsom has taken shape as the state has entered the summer months. Newsom’s chances have been bolstered by Democrats maintaining a unified front, with several potential high-profile candidates refusing to run against the sitting Governor. Newsom has publicly stated that he believed that he would be successful by running on his record.

Top Republican contenders include media personality Larry Elder, former San Diego Mayor Kevin Faulconer, Newsom’s 2018 opponent John Cox, former House Representative Doug Ose, sitting Assemblymember Kevin Kiley, and Olympian and reality-TV star Caitlyn Jenner. Elder currently leads the polling among Republican candidates.

A [recent poll](#) from the Berkeley Institute of Governmental Studies indicates that Governor Newsom would defeat the recall by a 3-point margin, with 50% of likely voters saying they would retain Newsom and 47% indicating they would recall the Governor. However, the report emphasized, Republican enthusiasm could translate into a high turnout compared to likely Democrat voters, which could tip the scale against Newsom. The poll finds that “Newsom’s job ratings while positive among the overall electorate, are slightly underwater among those most likely to vote in the recall election.”

	<b>Yes, to recall</b>	<b>No, to retain</b>	<b>Undecided</b>
	<b>%</b>	<b>%</b>	<b>%</b>
<u>Most likely to vote in recall election*</u>			
<b>July 2021</b>	<b>47</b>	<b>50</b>	<b>3</b>
<u>Total registered voters</u>			
<b>July 2021</b>	<b>36</b>	<b>51</b>	<b>13</b>
Late April	36	49	15
Late January	36	45	19

\* *NOTE: On a weighted basis, the sample of voters most likely to participate in the recall election accounted for slightly less than half of all of the registered voters surveyed in the latest poll.*

The recall election is scheduled to occur on September 14; voters will begin receiving mail-in ballots on August 16.

- ❖ **Legislature Releases New COVID-19 Rules; Sacramento County Issues New Order Requiring Masks Indoors.** Both the Senate and Assembly Rules Committees released memos in late June establishing new guidelines for members, staff, and visitors to the Capitol. According to the new guidelines, all persons entering the Capitol must keep their masks on in public spaces. However, fully vaccinated individuals may drop their masks in private spaces if they have submitted proof that they are fully vaccinated.

These new rules follow the June 15 revision to state requirements that lifted many restrictions and mandates for fully vaccinated individuals—like wearing masks indoors—following the latest guidance from the U.S. Centers for Disease Control. However, on July 27, the Sacramento County Public Health Officer has issued a health order requiring masking indoors regardless of vaccination status, citing the continued day-over-day case rate increases of COVID-19 from the highly infectious Delta variant.

The majority of California’s population lives in areas designated by the CDC as having [substantial or high transmission](#) due, in part, to the spread of the Delta variant, especially among the unvaccinated.

- ❖ **Lauren Sanchez to be Appointed as Governor’s Senior Climate Adviser.** On July 19, Governor Gavin Newsom [appointed Lauren Sanchez](#) to the position of Senior Advisor for Climate in the Office of the Governor. Immediately prior to this appointment, Sanchez served as the Senior Advisor for the Special Presidential Envoy for Climate in the Biden-Harris Administration since 2021. Sanchez has significant environmental and climate policy experience at both the state and Federal level. For example, she was previously international policy director at the California Air Resources Board and served as a climate negotiator at the State Department during the negotiation and implementation of the Paris climate agreement.
- ❖ **Governor Directs CARB to Develop a Plan to Achieve Carbon Neutrality by 2035.** On July 9 call with leading climate change scientists, Governor Gavin Newsom announced that he [sent a letter](#) to CARB directing the agency to “evaluate how to achieve carbon neutrality no later than 2035 as part of its 2022 Climate Change Scoping Plan.”



The Governor also [sent a letter](#) to the California Public Utilities Commission requesting the body to “establish a more ambitious greenhouse gas emissions target for electricity procurement by 2030” than its current goal of reducing emissions by 46 million metric tons through a revision to its Integrated Resources Planning process.

- ❖ **CARB Sees New Appointees to its Board and Advisory Committees.** Senator Connie Leyva (D-Chino) has been named by the Senate Rules Committee to replace termed out Senator Bill Monning (D-Carmel) as a non-voting member of the California Air Resources Board. Leyva is a former president of the California Labor Federation, and her appointment comes on the heels of increasing disagreements between labor groups and environmental justice advocates on the direction of CARB’s emission reduction policies.

CARB also appoint 10 new members to its Environmental Justice Advisory Committee in late July, nearly doubling the size of the group. These new appointments include two labor union representatives from United Steelworkers and the International Brotherhood of Electrical Workers, as well as environmental justice groups like Californians for Pesticide Reform and the Asian Pacific Environmental Network. CARB created the Advisory Committee in May.

- ❖ **San Francisco Board of Supervisors Adopts New Climate Change Goals.** In a unanimous vote, the San Francisco Board of Supervisors approved new goals to reduce greenhouse gas emission reductions in the city by at least 61% below 1990 levels by 2030, and to achieve net zero greenhouse gas emissions produced in the city by 2040.