

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88326 C.M.S.

INTRODUCED BY COUNCIL PRESIDENT KAPLAN

RESOLUTION SEEKING APPOINTMENT OF A CITY OF OAKLAND COUNCILMEMBER TO REPRESENT THE CITY OF OAKLAND, A COMMUNITY HEAVILY IMPACTED BY AIR POLLUTION, ON THE BOARD OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD)

WHEREAS, the City of Oakland is the largest and most socio-economically diverse city in the entire Alameda County, with an approximate population of 430,000 people; and

WHEREAS, the people of Oakland suffer from disproportionate exposure to pollution and toxins, including the heavy concentration of air pollution, causing asthma, cancer, and other devastating harms; and

WHEREAS, environmental racism is a major problem for Oakland and our region, with air pollution and the harms it causes focused primarily on our African American community and other communities of color; and

WHEREAS, the Bay Area Air Quality Management District (BAAQMD) is a public agency that regulates numerous sources of air pollution in the nine counties of California's Bay Area and distributes many millions of dollars every year for programs and projects to improve air quality; and

WHEREAS, the BAAQMD is governed by a 24-member Board of Directors composed of elected officials from each of the nine Bay Area counties, and the board has the duty of adopting air pollution regulations for the district and distributing funds for clean air programs; and

WHEREAS, the Bay Area Air Quality Management District requires the City Selection Committee to select two members from the Mayor's Office or City Council pursuant to the Health and Resources Code. Each member serves for a two-year term or until successor is appointed, and the City Selection Committee in Alameda County appoints two members to the Bay Area Air Quality Management District pursuant Government Code 50270; and

WHEREAS, in the Spring of 2016, when a seat on the BAAQMD Board became vacant, an Oakland City Councilmember applied for, and was successfully selected for, one of the Alameda County Conference of Mayors seats on the BAAQMD Board; and

WHEREAS, when the Councilmember was selected for the BAAQMD Board, it represented the first time Oakland had a presence on the Board in a generation; the only prior representation of Oakland had been former Oakland at-large Councilmember Frank Ogawa; and

WHEREAS, as a member of the BAAQMD Board, the Oakland Representative advocated for and won changes to laws and funding to improve air quality and public health for hard-hit communities, including having Oakland named as priority community for funding and implementation of AB 617 environmental justice remediation; and

WHEREAS, as a member of the BAAQMD Board, the Oakland Representative, within one term, was selected by the regional leaders on the BAAQMD Board for a leadership post, becoming Vice Chair of Public Engagement, and obtained funding for Oakland to provide clean-air trucks, trains, and cranes, free transit shuttle, and to pass a groundbreaking new law, Rule 11-18, to clean up pre-existing over-concentration of cancer-causing toxins in hard-hit communities like Oakland; and

WHEREAS, in the fall of 2017, the Alameda County Conference of Mayors changed the rules for selecting nominees to the BAAQMD Board, to restrict the ability of anyone who is not a Mayor from serving, rather than allowing Mayors and councilmembers to apply; and

WHEREAS, under such new Rules, the City of Oakland lost representation on the BAAQMD Board by councilmembers; and

WHEREAS, it is harmful to the people of Oakland and the needs of our community for important and needed expediting of cleanup of toxic pollution, for Oakland to lack representation by its Council in leadership at BAAQMD; and

WHEREAS, it is in the best interest of the county, the city and its constituents, for the City of Oakland to have a councilmember appointed to a seat on the BAAQMD Board of Directors, due to the large and diverse community that Oakland presents; and an Oakland Council representative would reflect good governance because of the Council's ability to address to the variety of equity and justice issues that air quality presents in the Bay Area since it plays such a significant role in the City of Oakland; now, therefore, be it

RESOLVED: That the City Council directs that it be the policy of the City of Oakland to seek a seat on the board of directors of the Bay Area Air Quality Management District (BAAQMD) for a City of Oakland councilmember, and be it

FURTHER RESOLVED: That the City of Oakland's representative to the Conference of Mayors shall advocate for the removal of rules that limit the ability of Oakland to have a councilmember representative on this board; and, be it

FURTHER RESOLVED: That it shall be the City of Oakland's policy to seek changes in State legislation to provide for the appointment of a City of Oakland Councilmember to a seat on the Board of BAAQMD.

IN COUNCIL, OAKLAND, CALIFORNIA,

OCT 20 2020

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,
THAO AND PRESIDENT KAPLAN — 8

NOES — 0

ABSENT — 0

ABSTENTION — 0

ATTEST:

Candice Parks Tregg For
ASHA REED

Acting City Clerk and Clerk of the Council of
the City of Oakland, California

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