



Better World
Group



CALIFORNIA
**OCEAN
PROTECTION
COUNCIL**

Environmental Justice Advisory Board for California's Coast and Ocean

Charter

Last updated: November 14, 2024

Background

In 2004, the [California Ocean Protection Act](#) established the California Ocean Protection Council (OPC). As a Cabinet-level state body nested within the California Natural Resources Agency (CNRA), OPC advances the Governor's priorities for coastal and ocean policy and works broadly to ensure healthy coastal and ocean ecosystems by advancing innovative, science-based policy and management, making strategic investments, and catalyzing action through partnerships and collaboration. To be successful, the State's efforts must be equitably informed by California communities and provide meaningful benefits to them. Through implementation of OPC's [2020-2025 Strategic Plan to Protect California's Coast and Ocean](#), specifically Goal 2, OPC prioritizes advancing equity across ocean and coastal policies and actions, through intentional and inclusive efforts that reflect the diversity of perspectives and needs of California communities.

In October 2022, OPC adopted its first [Equity Plan](#) to further strengthen and sustain OPC's commitment to advancing equity across ocean and coastal conservation in California. The Equity Plan was developed collaboratively with OPC staff and leadership, partners at [Better World Group](#) (BWG), OPC's [Environmental Justice Advisory Group](#), and extensive feedback from agency partners and the public. It reflects collective action and contains four overarching goals focused on core areas of OPC's work: Engagement, Inclusive Workplace, Policy, and Science. The Equity Plan includes objectives, strategies, and actions for each goal that advance equity and justice within both the State and the Council; since adoption, OPC has been working closely with CNRA and other partners to implement its ambitious goals.

In 2023, OPC continued its partnership with BWG to advance implementation of key Equity Plan priorities, including creating pathways for direct engagement with public members representing environmental justice and tribal communities and establishing partnerships to identify regional priorities.

The Environmental Justice Advisory Board (“Advisory Board,” “Board”) is not a creation of or delegated by OPC. As a result of the ongoing partnership between BWG and OPC to implement the OPC Equity Plan, BWG has developed and convened the Board to support in advising the State in its efforts to better address the ocean and coastal needs of California communities, including California Native American tribes. These efforts will support the priorities of both OPC’s Equity Plan and Strategic Plan to advance equity in ocean and coastal policies.

Advisory Board Purpose and Priorities

OPC’s Equity Plan calls for active engagement with public members representing environmental justice (EJ) and tribal communities. To achieve this, BWG will establish an Advisory Board to advise on the needs and perspectives of environmental justice communities, California Native American tribes, and tribal communities regarding state policies, programs, and actions that impact the coast and ocean.

The Advisory Board’s overarching purpose is to **provide equity and environmental justice expertise** to inform the State of California’s work to advance equitable outcomes and partnerships with agency and community partners. This includes the following:

1. **Elevate ocean and coastal needs and priorities of tribal and environmental justice communities** to help ensure state coastal and ocean actions, including those that build resilience to climate change, are responsive and culturally-relevant, and lead to equitable and resilient outcomes for California communities.
2. **Support evaluation and reporting** efforts by sharing perspectives regarding equity indicators and metrics to measure progress toward OPC’s and the State’s broader goals and environmental justice outcomes related to the coast and ocean.
3. **Advise on equitable grantmaking processes** to help improve access to funding opportunities and provide meaningful community benefits.
4. **Strengthen networks and partnerships** with community members, environmental justice leaders, advocates, community-based organizations, California Native American tribes, and tribal communities to support inclusive outreach, participation, and meaningful engagement.

The Advisory Board’s primary role is to provide advice and share perspectives to advance equity across OPC and state programs that impact the coast and ocean. **All feedback and recommendations by the Advisory Board are advisory.** They will not supersede, replace, or otherwise alter existing law and opportunities for public engagement, nor will Advisory Board members make or participate in making contractual or grant decisions.

Advisory Board members are selected based on their demonstrated experience and qualifications in alignment with the Advisory Board's purpose stated above, with a priority focus on lived or professional experience in environmental justice communities, tribally-led entities/organizations, and tribal governments in the following regions: North Coast, San Francisco Bay Area, Central Coast, Los Angeles, San Diego, or those with statewide perspectives.

Both tribal governments and tribally-led entities/organizations are encouraged to apply to the Advisory Board; however, input received through their membership does not replace formal government-to-government consultation with tribes on any applicable state policy or action.

Advisory Board Membership

The Advisory Board consists of seven to ten (7-10) members who will meet quarterly beginning Spring 2024. Advisory Board members are selected through a solicitation process to represent the broad range of interests and perspectives of environmental justice communities, California Native American tribes, and tribal communities across the state. Interested candidates will submit applications to apply for Advisory Board membership. BWG will review and score all applications and prioritize representation to reflect California's diverse regions and communities.

Advisory Board members shall commit to serve for a minimum term of twelve (12) months and can renew to continue their service after that time. A member's term of service begins once they have accepted the invitation to join the Advisory Board.

Qualifications: Previous Advisory Board experience is not required to serve on the Advisory Board. Members will have demonstrated expertise in the following fields: equity, environmental justice, tribal perspectives, tribal ecological knowledge, community engagement and outreach, philanthropy, community benefits, economic development, policy and/or resource management, marine and/or coastal conservation science and research, community science and education, coastal access, recreation, and more. Demonstrated expertise will be based on lived and/or professional experience and by working directly with environmental justice communities, California Native American tribes, and tribal communities.

Duties: The Advisory Board's [Purpose and Priorities](#) outline the primary ways members will contribute. It is anticipated that participation as a member of the Advisory Board will consist of 15-20 hours per quarter. BWG expects members to be active and engaged participants and fulfill member duties. Duties include the following:

- Members are expected to attend all quarterly meetings. The facilitation team aims to schedule meetings in a manner that supports full participation of Advisory Board members. BWG recognizes that last-minute changes in availability may

occur, and requests that members provide written notice* if they cannot attend a meeting.

- Attend additional meetings outside of the quarterly cadence, as needed. This could include one-on-one meetings with the facilitation team, smaller working group meetings, or OPC Council meetings to provide Advisory Board updates or analysis as requested by OPC staff.
- Review meeting notes, agendas, and other materials, including assigned work, to effectively prepare in advance of quarterly meetings.

*Note: In the event of an unavoidable absence, the Board member shall communicate with the facilitation team in advance via email. The facilitation team may ask that the member review meeting materials and provide written or verbal feedback in advance of the missed meeting.

Stipend: All members will receive a bi-annual stipend for their service on the Advisory Board to compensate members for their time and support travel to in-person meetings (optional, but highly encouraged). The stipend amount may be reviewed and adjusted periodically to reflect changing needs and circumstances. Members and BWG are responsible for declaring this income as appropriate on taxes and with the Fair Political Practices Commission (FPPC).

Removal: The facilitation team may remove an Advisory Board member under the following circumstances.

1. Absence: Two or more absences in twelve (12) months without *any* communication with the facilitation team will serve as a resignation from the Advisory Board.
2. Failure to fulfill Advisory Board duties: The facilitation team may remove an Advisory Board member if they do not fulfill their Board duties. This includes: repeated absences from Advisory Board meetings, repeated failure to prepare for meetings or complete follow-up tasks, and conduct that conflicts with the shared principles or meeting agreements (to be co-developed by the facilitation team and Advisory Board members).

If any of the above occurs, the facilitation team will reach out to the Board member via email and may follow-up with a virtual meeting. If the issue persists, the facilitation team may ask the Board member to resign and seek a replacement Board member. If applicable, the facilitation team may consult Advisory Board members about the removal.

Resignation: If an Advisory Board member cannot complete their term of service, they must submit their resignation in writing at least thirty (30) days before an Advisory Board meeting. Advisory Board members serve on the Board as individuals. As a result, members cannot offer a meeting alternate or ask someone to serve on their behalf.

Vacancies: In the case of a resignation or the need for additional expertise, BWG will seek to fill any vacancies among high-scoring applicants from the first application period or by conducting a new search through a public solicitation and application process.

Conflicts of Interest: Membership on the Advisory Board brings the responsibility to conduct oneself ethically, fairly, and responsibly, including by avoiding conflicts of interest. A conflict of interest exists when an organization or individual would receive or would appear to receive an unfair advantage. Advisory Board members will be subject to state conflict of interest laws and will be asked to file Form 700 disclosure forms, among other tasks including the completion of state ethics training. Applicable statutes include, but are not limited to, California Government Code sections 1090, 1099, Public Contract Code sections 10365.5, 10410, and 10411, and Political Reform Act sections 82048 and 87104.

Advisory Board members will be deemed “officials” for purposes of the advice they are offering under Government Code section 87104.

Examples of conflicts of interest include:

- You are currently employed by any applicant or subcontractor to an applicant submitting a grant proposal to OPC for which program you are also asked to provide advice;
- Your spouse or registered domestic partner works for an OPC applicant or subcontractor on a program or policy for which your advice has been sought;
- You have received gifts (as that term is understood in the California Political Reform Act) from an OPC applicant on a program or policy for which your advice has been sought;
- You sit on a Board or Commission that will be asked to permit or approve all or a part of any OPC grant application received.

Prohibited Appearance or Communication: Pursuant section 87104 of the Political Reform Act, Advisory Board members may not appear before or communicate with OPC on behalf of their company or organization in order to influence grants or contracts related to OPC programs. This prohibition refers to any written communication by an Advisory Board member which is made for the purpose of influencing a decision on a contract, grant, loan, license, permit, or other entitlement for use. This includes, for instance, submitting a bid or grant application to OPC that personally identifies an Advisory Board member. Such a communication would constitute a prohibited appearance or communication under section 87104 of the Political Reform Act.

While an Advisory Board member cannot personally influence OPC grants or contracts that benefit their or a spouse’s company, the company or organization may have other employees communicate with OPC about a grant or contract. In such cases, Board members should recuse themselves from advice or activity that could be directly or indirectly related to the grant or contract in question.

If you believe you have a potential conflict of interest, or any concerns at all, you are urged to immediately discuss these concerns with BWG, who may direct you to the FPPC to ensure all potential conflicts are properly resolved. In certain instances, an Advisory Board member may be disqualified or be required to recuse themselves from specific topics brought before the Advisory Board.

Shared Principles

The Advisory Board is committed to the following principles, which will guide how the Board conducts its work, processes, and interactions with one another and the public.

1. **Equity:** Uphold the right of all individuals and communities, regardless of race, socioeconomic status, or background, to live in a safe and healthy environment.
2. **Transparency:** Within the setting of the Advisory Board, conduct all proceedings, make decisions, and communicate in a transparent manner. This includes Advisory Board decisions related to the governance and operations (e.g., approval of the Charter) of the Advisory Board itself and the Board's collective recommendations. Facilitators will clearly describe how and why decisions are made. Advisory Board members will share perspectives including dissenting opinions, and recuse themselves from conversations in which their biases and perspectives will prevent the Advisory Board from moving forward towards its goals, or otherwise recuse themselves from items that give rise to conflicts of interests.
3. **Accountability:** Be accountable to all Californians by making a concerted effort to understand and elevate regional coastal and climate issues, and aligning Advisory Board priorities with the needs of the communities members that the Advisory Board represents.*
4. **Interdisciplinary Collaboration:** Embrace and employ diverse perspectives and expertise to develop comprehensive and effective solutions.
5. **Commitment to Long-Term Vision:** Take short-term actions in alignment with long-term strategies to achieve sustained and transformative environmental justice outcomes.

* These communities include environmental justice communities and California Native American tribes, as defined in the OPC Equity Plan, in the following regions: North Coast, San Francisco Bay Area, Central Coast, Los Angeles, San Diego, or those with statewide perspectives.

Operational Procedures and Structure

Frequency and Duration: The Advisory Board will convene for quarterly meetings, that will range between four to eight (4-8) hours per meeting. At this time, BWG intends to host two Advisory Board meetings virtually and two meetings in-person (with hybrid capabilities) each year. The in-person meetings are meant to support knowledge exchange and deeper connection between Advisory Board members, facilitators, and

OPC staff. In-person meetings will be held in different regions across California. **Attending in-person is optional, but highly encouraged.** Members have the option of using their stipend to support travel to in-person meetings. There will be up to twelve (12) quarterly Board meetings for the three-year term.

Quorum: A quorum based on two-thirds of total Board members serving must be present, either virtually or in-person, to hold a quarterly Advisory Board meeting. For example, a seven (7) member Advisory Board would require a quorum of five (5) members, and a ten (10) member Advisory Board would require seven (7) members.

Meeting Materials: Meeting agendas and additional materials will be shared with the Advisory Board at least two weeks in advance of a meeting. The facilitation team will share meeting notes two weeks following a meeting, with an opportunity for members to provide edits.

Media and Image Agreement: OPC will provide Advisory Board members with a one-time 'Photo, Media and/or Video Agreement Form' to obtain permission for the use of members' image, voice, and/or likeness in various public-facing media formats for the duration of a member's tenure.

Working Agreements: The Advisory Board will adhere to the following working agreements:

- Be present. Please put away phones and other distractions, to the extent possible, and practice active listening.
- Take care of your needs. Stretch, eat, drink, and use the restroom as needed to increase your ability to actively participate.
- There are no right or wrong answers. Everyone's experiences and opinions are important. Speak from the "I" whether you agree or disagree. We want to hear a wide range of opinions.
- Be uninhibited. Your response is valued, and we expect and appreciate absolute candor.
- Make space, take space. Contribute, but also recognize that there may be others who haven't spoken. Step back to allow a multitude of voices to contribute to the conversation.
- Lean into discomfort. Allow for conversations to have constructive conflict. Accept non-closure.
- Focus on interests, not positions. Move away from arguing about solutions and identify the needs that must be met to solve a problem. This can help reduce conflict and increase the ability to develop solutions that everyone is committed to. Bring good intentions and seek to understand others.

Facilitation: BWG will provide meeting facilitation support, including the development of meeting agendas and other materials, with support from Advisory Board members. OPC staff will provide context, feedback and overall direction related to topics for discussion,

meeting priorities, and alignment with state initiatives. Facilitation of Advisory Board activities by BWG are currently scheduled through the year 2026.

Agendas for Board meetings will prioritize topics related to Advisory Board and state priorities (described above) and will reserve time for topics raised by Advisory Board members. BWG will provide agendas to Advisory Board members for review and an opportunity for clarification or to request discrete agenda topics before Board meetings.

OPC Council Meetings and Engagement: BWG and OPC will jointly assess the level of engagement between the Advisory Board and OPC staff, the Council, and/or other partners. The level of engagement will be contingent upon the specific nature of the item or request.

The Advisory Board may be invited to provide public informational updates at select OPC quarterly Council Meetings through co-presentations with OPC staff. All Council Meetings are open to the public under the Bagley-Keene Open Meeting Act. BWG will work with the Advisory Board and OPC to determine the format of future Council engagement on an annual/reoccurring basis.

Posting of Advisory Board Materials: Outcomes and materials derived specifically from the Advisory Board, such as but not limited to this Charter, may be made available to the public if approved by the Board prior to public posting and/or dissemination. Any public-facing materials will be accessible online through OPC's website.

Subcommittees: BWG and the Advisory Board may establish subcommittees or working groups (e.g., evaluation, grants) to support the Board's collaboration and progress towards priorities and outcomes. These will be established as needed with support from Board members. Advisory Board members will use the consensus-based decision-making process outlined in the Charter to create subcommittees and appoint members.

Subcommittees shall present their work and any recommendations to the full Board prior to quarterly Advisory Board meetings. The full Advisory Board will approve all final decisions or recommendations.

Public Health: Advisory Board meetings will be conducted in a manner that is supportive of participants' health. In accordance with guidelines from the [California Department of Public Health](#), members with COVID-19 symptoms are requested to test and self-isolate. Board members who have tested positive for COVID-19 must test negative before returning to in-person meetings. In the case of rising COVID-19 cases or local public health guidance, participants may be asked to test the day-of a meeting and wear a mask.

Advisory Board Meeting Decision-making Procedures

The Advisory Board's primary role is to provide advice and share perspectives to advance equity across OPC and state programs that impact the coast and ocean. The Advisory Board aims to provide input and environmental justice expertise to the state and OPC through a combination of **sharing independent insight, collective input, and engaging in consensus-based processes** related to Advisory Board recommendations. This process strives to provide a framework for Board conversations and drive meeting outcomes in a way that encourages full participation, works through conflict collaboratively, and incorporates divergent views.

Consensus Decision Making: All feedback and recommendations by the Advisory Board are advisory, however, the Advisory Board may make decisions related to the governance and operations (e.g., approval of the Charter) of the Advisory Board itself, and the Board's collective recommendations.

Consensus is defined as general agreement by all members at the meeting when a decision or final recommendation is made. To gauge the level of support for a recommendation or decision, the facilitation team will employ a tool called the Gradients of Agreement. This tool is a mechanism for testing the level of agreement on a proposed action or recommendation that expands on the traditional "yes" or "no" voting. The Gradients of Agreement are typically described as follows:

1. Strong opposition: No amending of the proposed action or recommendation will be acceptable to the member.
2. Oppose unless amended: Member will oppose unless the proposed action or recommendation is amended, member clarifies what needs to be amended.
3. Stand aside or Neutral: **Member notes disagreement or dissenting opinion**, but will stand aside to allow the group to reach consensus without them. Or, the proposed action or recommendation doesn't affect the member or their interest.
4. Live with it/workable: Member doesn't love the proposed action or recommendation but can live with it.
5. Strong support.

Steps to the decision-making process related to Advisory Board actions or recommendations are:

- Discussion of a topic, and possible solutions or interventions.
- Proposal of an action or recommendation.
- Gauge consensus around the proposed action or recommendation using the "Gradients of Agreement."
 - The Advisory Board must meet consensus to develop a collective action or recommendation. Using the gradients of agreement, consensus is met

when all Advisory Board members indicate a neutral vote (3) or higher position on an issue.

- As described above, strongly opposed (1) and opposed unless amended (2) responses serve as blockers to advancing a decision to a majority vote to prevent potential adverse impacts to communities.
- If consensus is not met on a first round of consensus checks due to a vote of 1 or 2 (strongly opposed or opposed unless amended), the Advisory Board will identify, discuss, and consider amendments to the proposed action or recommendation. The Board will adjust the proposed action or recommendation to address concerns or proposed changes and achieve broad consensus.
 - Advisory Board members must share concerns and suggest actions needed to remedy the concerns, or an alternative course of action wherever possible. This could include a resolution not to move forward on an issue, with clear reasoning and rationale.
- The gradients of agreement may be used a second time to determine whether the Advisory Board has achieved consensus and can move forward with a proposed action. If consensus is not met on a second round of consensus checks, facilitators will work with the Advisory Board and OPC to determine if and how the Advisory Board should proceed on the topic at hand. This could include opting to record and share differing opinions instead of a collective recommendation or returning to a topic at a later date.
- Reflect on decision-making process, recommendations, and impact in later meetings. Facilitators will record the rationale and discussion related to votes, including differing or dissenting opinions, in meeting notes for the Advisory Board's records.

Absent Advisory Board members who strongly oppose (1) Advisory Board decisions may provide timely feedback to voice their concerns within a two-week timeframe after the release of the meeting notes.

Conflict Resolution: Conflict is inevitable and can be healthy. The Advisory Board and facilitation team aims to address conflict directly and in a respectful way. If a conflict is evident or made aware, the facilitation team may intervene and/or consult with Board member(s) to address such conflict. Additionally, BWG encourages conflicts between members to be addressed individually first; if conflict further escalates or is unresolved, Board members are to involve a member of the facilitation team (BWG or OPC) to support mediation.

Reviewing and Updating the Charter

This Advisory Board will review the Charter approximately every 18 months, as needed, to ensure its relevance and effectiveness in guiding the Advisory Board's activities. Adjustments and updates may be proposed based on updates to OPC's Equity Plan, and evolving needs of the state and California communities to effectively respond to climate change impacts and safeguard coastal and ocean resources.

Definitions

The EJ Advisory Board Charter uses the following key terms as defined in the [OPC Equity Plan](#):

Equity: The OPC Equity Plan uses the term “equity” as defined in the context of social and racial equity, where “equity” refers to the fairness of achieving outcomes for all groups and no one factor, such as race, can be used to predict outcomes. The OPC Equity Plan intends to advance equity by increasing access to power, redistributing and providing additional resources, and eliminating barriers to opportunity for environmental justice communities and California Native American tribes.¹

Environmental Justice: The fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.² The United States has a history of racial discrimination that has persisted in multiple forms. During the 20th century, the civil rights movement sought to secure legal rights that were held but not fully realized by African Americans and other marginalized populations. The concept of environmental justice emerged out of this movement to describe the application of civil rights and social justice to environmental contexts. For example, the cumulative effect of siting a disproportionate number of toxic waste and other hazardous facilities in disadvantaged, urban communities of color has led to disproportionate impacts from pollution and lack of environmental services, such as clean drinking water, clean air, and access to parks and open space.

Racial Justice: The proactive process of reinforcing and establishing a set of policies, practices, attitudes, and actions that produce equitable power, access, opportunities, treatment, impacts, and outcomes for all individuals and groups impacted by racism. The goal, however, is not only the eradication of racism, but also the presence of deliberate social systems and structures that sustain racial equity through proactive and preventative measures.³

Environmental Justice Communities: Communities that are environmentally- and economically-stressed that experience environmental health inequities which contribute

¹ The Greenlining Institute. 2022. “Moving Our Country Forward.”

² CA Assembly Bill No. 1826, Environmental justice. 2019-2020.

³ Center for Study of Social Policy. 2019. Key Equity Terms & Concepts: A Glossary for Shared Understanding.

to persistent environmental health disparities. *(Based on conversations with the OPC Environmental Justice Advisory Group.)*

California Native American tribes: California Native American tribe means a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission. ⁴

Climate Resilience: Climate resilience is the ability to anticipate, prepare for, and respond to hazardous events, trends, or disturbances related to climate. Climate resilience is often associated with acute events – like heat waves, heavy downpours, hurricanes, or wildfires – that will become more frequent or intense as the climate changes. However, good resilience planning also accounts for chronic events, like rising sea levels, worsening air quality, and population migration. ⁵

Community Engagement: In the context of the OPC Equity Plan, community engagement entails conducting outreach to, collaborating with, and co-creating with communities to achieve long-term and sustainable outcomes, relationships, and decision-making processes. It also includes the process of working collaboratively with groups of people who are affiliated by geographic proximity, special interests, or similar situations with respect to issues affecting their well-being. ⁶

Cultural Humility: The practice of self-reflection on how one’s own background and expectations impact a situation, of openness to others’ determining the relevance of their own identities to any given situation, and of committing to redress the effects of power imbalances. ⁷

Disadvantaged, Marginalized, Underserved: SB 1000 (Leyva) (Ch. 587, Stats. 2016) added Government Code Section 65302(h)(4)(A), expanding the definition of “disadvantaged communities” for the purpose of general plans to mean “an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is

⁴ CA Assembly Bill No. 2225 Resource conservation: traditional ecological knowledge: land management plans. 2021-2022.

⁵ Center for Climate and Energy Solutions. 2019. What is Climate Resilience, and Why Does it Matter? Center for Climate and Energy Solutions.

⁶ National Institutes of Health. 2011. Principles of Community Engagement: Second Edition. Centers for Disease Control and Prevention.

⁷ American Library Association

disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.”

The OPC Equity Plan uses the terms “disadvantaged”, “marginalized” and “underserved” interchangeably; it intends to encompass not only the definitions contemplated by SB 1000, but also to include other low-income and minority populations that are disproportionately burdened by or less able to prevent, respond, and recover from adverse environmental impacts.