

**CITY COUNCIL MEETING  
TUESDAY, MAY 21, 2019**

**DOCUMENTS RECEIVED  
AFTER PUBLISHED AGENDA**

**ITEM #3 – CONS 19-339**

**APPROVAL OF PLANS AND SPECIFICATIONS  
AND CALL FOR BIDS FOR TRASH CAPTURE  
DEVICE INSTALLATION ON ARF AVENUE**

**MEMO FROM CITY MANAGER KELLY MCADOO**



**DATE:** May 21, 2019  
**TO:** Mayor and City Council  
**FROM:** City Manager  
**SUBJECT** Amendment to CONS 19-339

**RECOMMENDATION**

That Council accept the attached amendment to agenda item #3, CONS 19-339 (Revised Project Schedule).

**SUMMARY**

Attached please find an update to the project schedule which appears in both Attachment I, page 1 and page 4 (Staff Report) and Attachment II, page 1 (Resolution). The schedule has been revised to show a Receive Bids date of July 2, 2019.

*Prepared by:* Erik Pearson, Environmental Services Manager

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE ARF  
AVENUE TRASH CAPTURE DEVICE INSTALLATION PROJECT, PROJECT NO.  
07675, AND CALL FOR BIDS

WHEREAS, in December 2015, the San Francisco Regional Water Quality Control Board (Water Board) mandated that the City of Hayward, as its permittee, achieve 100% reduction in trash from its stormwater system by 2022; and

WHEREAS, continuous deflective separator (CDS) trash capture devices have been identified by City staff as the most effective way to prevent trash from entering the City of Hayward stormwater system; and

WHEREAS, two CDS trash capture devices have already been installed in the City of Hayward's stormwater system; and

WHEREAS, the installation to two additional CDS trash capture devices in the storm drain box culvert on Arf Avenue near Pueblo Spring will bring the City of Hayward closer to achieving the Water Board's mandate; and

WHEREAS, plans and specifications for this Arf Avenue Trash Capture Device Installation Project, Project No. 07675, are currently on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that those certain plans and specifications for the Arf Avenue Trash Capture Device Installation Project, Project No. 07675, on file in the Office of the City Clerk, are hereby adopted as the plans and specifications for the Project; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and

BE IT FURTHER RESOLVED, that sealed bids will therefore be received by the City Clerk's office at City Hall, 777 B Street, Hayward, California 94541, up to the hour of 2:00 p.m. on Tuesday, July 2, 2019, and immediately thereafter publicly opened and declared by the City Clerk in Conference Room 4D, City Hall, Hayward, California.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

# **AGENDA QUESTIONS & ANSWERS**

**Items 2, 9, 10**

## AGENDA QUESTIONS & ANSWERS

MEETING DATE: May 21, 2019

Item # 2: [CONS 19-295](#) Hayward Boulevard Safety Improvements Feasibility Study - Authorization for the City Manager to Execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. and Appropriation of \$150,000 from the Measure BB, Fund 212

\$150,000 just to study improvements to a 2 mile stretch of Hayward blvd! For comparison, I seem to recall that the citywide bike and ped master plan cost \$250-500k. Studying a single road for \$150k seems excessive.

1. Why can't this review be performed by our on-staff traffic experts?

2. Why does it cost so much just to study one road? This is the same cost as our entire annual budget for traffic calming measures.

Perhaps staff could present an abbreviated version of the options to CIC for feedback and a narrowing of the options that could reduce the cost of the study before we proceed with this contract.

The proposed Hayward Boulevard Feasibility Study is the evaluation and development of phased multi-modal safety and connectivity improvements along Hayward Boulevard from Campus Drive to Fairview Avenue. The final product will include a phased multi-modal conceptual design, traffic operations analyses and preliminary cost estimates. The relatively long length of the corridor presents several planning and design challenges. A uniform complete street treatment along the entire 2 mile segment may not be appropriate as the character and function of the corridor changes relative to neighborhood context. Our approach in developing alternatives is to break down the corridor in several segments and address each area to the uses and character of each segment.

The Hayward Boulevard Feasibility Study addresses long standing public concerns that include but are not limited to speeding, safety, connectivity, vertical and horizontal curves, and steep grades at various locations along Hayward Boulevard. This Study will include conceptual design alternatives that address these concerns.

The proposed alternatives included in the Study will be developed using a three-phase approach with phases mostly determined by cost. Phase 1 will be non-intrusive, less costly remedies such as signing, striping and flexible safe-hit posts which are easily implemented in the short-term. Phase 2 of the study will be somewhat intrusive and more costly than the Phase 1 improvements and will build upon those improvements. These are feasible for implementation in the mid-term range (three to five years) and may include but are not limited to bollards, minor signal equipment modifications, curb ramps, street lighting, and minor civil work. Phase 3, the most costly of all three phases, may include but are not limited to curb extensions, roundabouts, and curb or grade-separated bicycle facilities. All proposed improvements will be feasible with the hillside terrain, remain within the existing right-of-way, and will not cause significant traffic impact. Each design will include a conceptual rendering, preliminary traffic impact analyses, cost estimate and estimated schedule.

Most cities utilize consultants for major studies like this. Very rarely are they done in house, because of the additional resources and specialized expertise needed. Hayward Transportation staff would have to put other important projects on hold for 8 months in order to complete this type of analysis. In addition, the cost for the study fell within the price point that staff had anticipated prior to developing the project's Request for Proposal. This is how much major corridor studies cost. The project has extensive data collection, multi-modal

	<p>analysis, phased alternative development, preliminary design and cost estimates that will then allow us to seek funding for implementation. It's a very detailed multi-faceted endeavor.</p> <p>The City's traffic calming undertakings have historically been significantly underfunded which explains why these two budgets are comparable. However, this may not be a favorable comparison. For instance, the Downtown Specific Plan analysis cost near \$1 million dollars. The Bike and Ped Update cost \$340k, but it does not include phased development alternatives, preliminary design or cost estimates.</p> <p>This item is scheduled for discussion at the CIC on 5/29. The Council could consider delaying this item until the 6/4 Council meeting, which would give the CIC an opportunity to discuss in more depth before a vote on the consultant agreement.</p>
Item # 9: <a href="#">PH 19-046</a> Gann Appropriations Limit for FY 2020 (Report from Finance Director Claussen)	
In the Gann Appropriations item, what is the meaning of the paragraph at the top of page 2 regarding excess funds? Does it apply to us?	<p>This is referring to any taxes that the City would collect that were over the adopted Gann Appropriations Limit. If the City were to collect taxes of more than \$329,169,966 in FY 2020 they would be in excess of the City's Gann Appropriations Limit.</p> <p>The City projects to collect \$133,271,670 in revenues (also known as appropriations for this purpose) which are subject to the limit and does not expect to be in jeopardy appropriating proceeds in excess of the limit.</p>
Item # 10: <a href="#">PH 19-049</a> Public Hearing for the Proposed FY 2020 Operating Budgets for the City of Hayward, Hayward Redevelopment Successor Agency, and Hayward Housing Authority; and FY 2020 Capital Improvement Program Budget; and Approval of the FY 2020 Operating Budgets and Appropriations for FY 2020; Approval of the FY 2020 Capital Improvement Program Budget and Appropriations for FY 2020; Approval of the Hayward Redevelopment Successor Agency Budget; and Approval of the Hayward Housing Authority Budget	
What is the \$73,410 adjustment for UAL that moved an expense from the GF to other funds?	<p>There was an adjustment made to the percentage that was originally used to calculate the UAL in the Fire Plan. This adjustment resulted in a reduction in the expense in the General Fund of \$73,410.</p> <p>Note 6 under the "All Other Funds Expense" on page 3 of 10 of the staff report is incorrect. It should read "Transfer-Out correction – increase of \$71,000" This is a transfer out of the Hayward Executive Airport Enterprise Fund to the Airport Capital Fund.</p>





<ol style="list-style-type: none"> <li>1. On the budget items, what caused the UAL and MSD payroll corrections?</li> <li>2. Did we discuss increasing RPPT threshold for general fund purposes to \$10.5 Million?</li> <li>3. Finally, a minor change but needs to be done: In the financial policy chart on p,. 5 regarding capital replacement funds, the word should be "discrete" not "discreet"</li> </ol>	<ol style="list-style-type: none"> <li>1. There was an adjustment made to the percentage that was originally used to calculate the UAL in the Fire Plan. In the proposed budget there were a number of positions that were not allocated correctly in the original amounts received from the Maintenance Services Department. Between the time Council received the Proposed FY 2020 Operating Budget and now staff worked to correct these allocations.</li> <li>2. This was not discussed prior to tonight's meeting with Council. The City's previous RPTT rate was \$4.50/\$1,000 of assessed value and Council established a policy threshold that stated RPTT revenue in excess of \$5.5 million annually would be treated as one time revenues. The amount proposed by staff to establish as a new threshold is \$10.5 million annually. This amount was calculated by rounding the calculation of taking the incremental change from the old rate to the new rate (<math>8.5/4.5=1.9</math>) and taking that factor and multiplying it by the previously established annual threshold (<math>1.9 \times \\$5,500,000=10,450,000</math>) up to \$10,500,000.</li> <li>3. Noted. Staff will make the change.</li> </ol>

**PUBLIC COMMENT**

**AMANDA GROZIAK**

SAMPLE RESOLUTIONS:  
100% Renewable Energy

Option 1: Brief

Option 2: Detailed

## Resolution Sample 1: Brief

WHEREAS, [Related policies, commitments, plans and/or actions city has taken on climate and energy to-date]

WHEREAS, clean energy sources such as wind are now more affordable than fossil fuel sources; and energy efficiency measures that drive down energy demand are the most cost effective means to reduce fossil fuel consumption; and

WHEREAS, renewable energy represents an enormous economic opportunity for [CITY] to create jobs in an emerging industry, increase economic security and expand prosperity for local residents, reduce air pollution and associated public health risks, reduce the strain on water resources, and save consumers money

WHEREAS, people of color, immigrants, refugees, economically disadvantaged residents, older people and children, people who are homeless, and people with existing mental and physical health conditions experience the impacts of climate change disproportionately; and

WHEREAS, clean energy is one of the fastest growing employment sectors and creates opportunities for good local jobs within the city; and

WHEREAS, cities across the nation have made commitments to transition to 100 percent clean energy and [CITY] strives to remain a leader among its peer cities.

NOW THEREFORE IT BE RESOLVED by the [GOVERNING BODY] of [CITY] calls for the City to commit to transition to 100 percent clean, renewable energy in the form of wind and solar and energy efficiency measures within the electricity sector by 2035 and all energy-use sectors including heating and transportation by 2050. [GOVERNING BODY] requests that the City develops a plan by [DATE] to meet the clean energy goal through a transparent and inclusive stakeholder process which includes community members as well as representatives from organizations representing labor, faith, social justice, environmental justice, frontline communities and those most impacted by our current energy systems, public health and the environment, economic development, utility sector, clean energy sector, universities and academic institutions, business, housing, employment services, low income advocates, government, and any other relevant groups. Introduced on [DATE] by: Adopted on [DATE]

## Resolution Sample 2: Detailed

WHEREAS, renewable energy represents an enormous economic opportunity for [CITY] to create jobs in an emerging industry, increase economic security and expand prosperity for local residents, reduce air pollution and associated public health risks, reduce the strain on water resources, and save consumers money

WHEREAS, the cost of utility scale wind and solar energy is rapidly falling which augments the benefits of affordability programs that can ease the energy burden on low-income households, fostering equality as a percent of household incomes and preventing disconnections, and thus mitigate the impacts of price spikes and the cost of implementing renewable programs; and

WHEREAS, there is scientific consensus regarding the reality of climate change and the connection between the combustion of fossil fuels and the degradation and loss of forests that create greenhouse gases and the warming of the planet,

WHEREAS, scientific literature demonstrates that energy derived from renewable sources, generate fewer greenhouse gas emissions than energy derived from non-renewable sources such as fossil fuels, and

WHEREAS, the combustion of fossil fuels, through direct emissions and through secondary climate change impacts poses a threat to human and environmental health globally through increased air and water pollution, sea level rise, climate-driven drought and extreme weather events, and accelerated loss of species and habitats, and

WHEREAS, according to the UN Panel on Climate Change, society must reduce total CO<sub>2</sub> emissions 45 percent by 2030 and must secure carbon neutrality by 2050 to limit global temperature rise to 1.5 degrees celsius, thereby decreasing the likelihood of catastrophic change undermining economic, natural, and social systems; and,

WHEREAS, "renewable energy" includes energy derived from wind, solar, geothermal, and wave technology sources. These sources of energy have significant public health co-benefits associated that can help address pressing environmental justice challenges in sensitive communities in [CITY] and around the country; and

WHEREAS, low-impact, small hydro and some forms of small-scale biomass may be considered "renewable energy" after being evaluated for public health, sustainability and environmental justice implications.

WHEREAS, "renewable energy" specifically excludes energy derived from fossil fuels, nuclear, incineration of municipal and medical waste, and large-scale future hydroelectric development; and

WHEREAS, rooftop solar, low-income community solar, energy efficiency, and demand control technologies offer the opportunity to equitably distribute resources, address poverty, stimulate new economic activity in [CITY], and lift up those most impacted by high energy costs; and

WHEREAS, access to the financial and environmental benefits of renewable energy must be shared equitably across all economic classes, and this can be achieved through such mechanisms as community-based development of renewable energy infrastructure, equitable pricing structures, community solar programs with low-income communities, and non-profit organization leadership; and

WHEREAS, distributed solar energy paired with energy storage is an important strategy to build disaster resilience into our communities, and will assist with disaster recovery. Ensuring equitable distribution of these resources is imperative to adequately prepare for disasters, particularly those exacerbated by climate change; and

WHEREAS, [Related policies, commitments, plans and/or actions city has taken on climate and energy to-date]

WHEREAS, [Description of relationship with current energy provider[s] and current energy goals of the energy provider]

NOW, THEREFORE, THE [GOVERNING BODY] OF [CITY],

[NAME OF CITY] establishes the following renewable energy goals for both municipal facilities and for the City at large:

- i. One Hundred Percent (100%) renewable energy for municipal electricity use by [YEAR], including at least 50% renewable energy by [YEAR]; and
- ii. One Hundred Percent (100%) renewable energy for [CITY] community-wide electricity supply by [YEAR]; and
- iii. One Hundred Percent (100%) renewable energy in all energy-use sectors including transportation.

BE IT FURTHER RESOLVED, the City opposes the rollback of climate policy at the federal level and affirms its ongoing commitment to the goals of the Paris Climate Agreement and the City's responsibility to meet its proportionate greenhouse gas reductions for the United States under the Paris Climate Agreement; and

BE IT FURTHER RESOLVED, a renewable energy transition is an opportunity to redress historical inequities in our community and must be just. This means, in part, prioritizing the resources to train and hire people from within communities of color and women that have traditionally been underrepresented in renewable energy, energy efficiency, and the workforce needed to implement a successful renewable energy transition; and

BE IT FURTHER RESOLVED, that priority will be given to the lowest cost measures to meet energy needs including efficiency, weatherization, cogeneration, district heating and cooling, decentralized electricity generation and smart grids/microgrids, the use of industrial waste heat, building controls, automated lighting, solar-powered hot water heaters, electric heat pumps, and programs that create an energy-saving culture in [CITY].

BE IT FURTHER RESOLVED, the City shall prioritize direct investments of renewable resources over the purchase of unbundled Renewable Energy Credits (RECs), and any RECs purchased must be from projects built during or after [year resolution is adopted], and the City with the intention of reducing the reliance on RECs during the transition to 100 percent renewable resources over time;

BE IT FURTHER RESOLVED, [CITY] will create structured mechanisms to include low-income citizens in the benefits to be derived, including creating quality careers adhering to local source hiring, a just transition for workers displaced by fossil fuel reduction, equitable access through ownership and benefits to new opportunities for historically marginalized communities, and affordable clean energy options.

BE IT FURTHER RESOLVED, the City will seek to partner with energy utilities and community-based organizations to measure energy cost-burden, adopt policies that reduce the cost-burden for low-income customers, and make incentives available to foster equality in energy burdens as a percent of household incomes; and

BE IT FURTHER RESOLVED, the City will participate in related regulatory proceedings and State legislation to advocate for rules and policies that support [CITY]'s energy goals; and

BE IT FURTHER RESOLVED, the City will work with the [ENERGY PROVIDER(S)] to accelerate the transition to renewable energy and minimize dependence on fossil fuels, including but not limited to, participating in regulatory proceedings to express City preferences for clean energy goals and opposition to any new fossil fuel, woody biomass, or nuclear power project; and

BE IT FURTHER RESOLVED, the City seeks to collaborate with surrounding communities to share best practices on planning and implementation and seek partnerships on implementation pathways where beneficial for both parties; and

BE IT FURTHER RESOLVED, by [Date] the [Name of City Department or Committee] will develop a plan for [CITY] to achieve these goals that will include interim milestones, budget estimates, equity metrics, estimated financial impacts, financing mechanisms, and the percentage of clean energy that shall be generated locally; and

BE IT FURTHER RESOLVED, the public will have opportunities and be encouraged to participate in the process for planning and implementation; and

BE IT FURTHER RESOLVED, the City will implement a robust outreach and engagement effort for both planning and implementation that will include, but is not limited to, urban Native American communities, communities of color, low-income residents, youth representatives, environmental advocates, City staff representatives, utility providers, and neighborhood associations, as conduits of outreach to help the City achieve these renewable electricity goals with special attention on addressing environmental, social, and economic inequities; and

BE IT FURTHER RESOLVED, up to \$[XX] in funds from [XX] budget shall be available for third-party expertise required to develop a plan for city to achieve goals of 100% renewable energy; and,

BE IT FINALLY RESOLVED, that this resolution is binding and effective immediately upon approval.

## Examples of Adopted Resolutions

1. Atlanta, GA
2. Orlando, FL
3. Portland, OR
4. Pueblo, CO
5. St Louis, MO
6. Amherst, MA - Wording for a community in a state with deregulated energy markets.



**PUBLIC COMMENT**

**CHARLIE PETERS**

## **Federal court grants oil refiners a victory in ethanol waiver battle**

***By John Siciliano / Washington Examiner / May 17, 2019***

A federal appeals court granted oil refiners a victory Friday by denying a renewable fuel group's attempt to block the Environmental Protection Agency from exempting oil companies from blending ethanol in gasoline.

The U.S. Court of Appeals for the District of Columbia Circuit denied the Advanced Biofuels Association's request for a temporary injunction to stop the EPA from exempting oil companies from the Renewable Fuel Standard. The standard requires refiners to blend billions of gallons of ethanol and other biofuels into the nation's fuel supply each year.

"Petitioner has not satisfied the stringent requirements for an injunction pending court review," the court said in a brief one-page order issued Friday.

The court lacked any explanation on why it chose to deny the request for injunction.

The court offered "no explanation for its decision to allow EPA to continue making small refinery exemption decisions behind closed doors, without any transparency at all, and without any opportunity for public review," said Paul Winters, spokesman for the National Biodiesel Board, who has been tracking the injunction over the last year.

Mike McAdams, the head of the group that filed the motion, said he was disappointed with the decision.

The Advanced Biofuels Association had argued that then-EPA Administrator Scott Pruitt had granted exemptions to refiners in an

"arbitrary and capricious" manner without disclosing who the companies were.

The ethanol industry, which is engaged in a separate court fight over the waivers, has blamed the EPA waivers for destroying demand for its corn-based fuel. Oral arguments in the ethanol industry's case are set to be heard in the appeals court next month.

The refinery industry praised the court's decision as vindication of the EPA's refinery exemption program and that the renewable fuel industry has been wrong to oppose it.

"Under standards applied by the Court, it seems as though the biofuels lobby couldn't prove they were significantly harmed or that they were likely to succeed on the merits or both," the refinery industry's Fueling American Jobs Coalition said in a statement.

The refinery industry group said it now looks forward to the EPA reaching timely decisions on a number of pending refinery exemption applications.

Republican Sens. Chuck Grassley and Joni Ernst of Iowa have called on the EPA to stop granting the exemptions. They fear that the continuation of the waivers will harm the ethanol industry at a time when farmers are struggling from a trade war with China and low commodity prices.

<https://www.washingtonexaminer.com/policy/energy/federal-court-grants-oil-refiners-a-victory-in-ethanol-waiver-battle>

***Fuel Ethanol Waiver for \$2 Fuel, Clean Air and Clean Water***

***Google : 510-537-1796 arb ... for more opinions***

***CAPP contact: Charlie Peters / (510) 537-1796 / cappcharlie@earthlink.net***

**PUBLIC COMMENT**

**WYNN GRINCH**



# OSHONEWS

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## Mill Valley, California, blocks 5G cell tower implementation

From the Web: Nature, Science & Tech — 14 November 2018

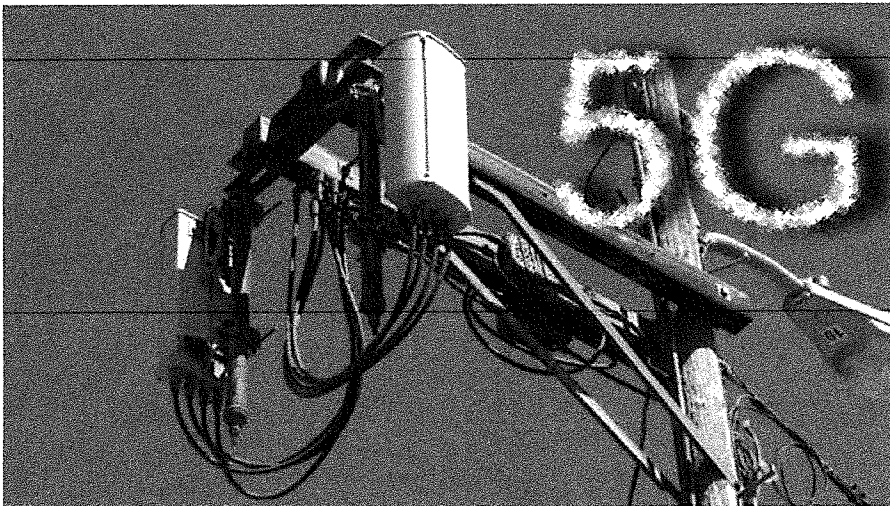
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*Citing concerns of cancer and other health risks, the city has moved to block the installation of 5G cell phone technology, writes Matt Agorist. Published in New Thought Project on November 12, 2018.*

The city voted unanimously to effectively halt the installation of new small cell towers which carry the 5G technology by enacting an “urgency ordinance” after it received over a hundred letters from concerned citizens expressing their worries over the new 5G towers.

Mill Valley residents cited multiple studies which claim that experts have found evidence that cell phone radiation can cause cancer.



The town of 14,000 now joins several other towns who have blocked the installation of 5G over health concerns. Before Mill Valley blocked 5G, other municipalities in California, such as Marin County and San Anselmo, passed similar ordinances.

Similar movements to block 5G have taken place across the country as well.

“The cell towers are called small cell towers, but they are not so small when they are in your front yard,” said Donna Baron, a resident of Montgomery County, Maryland who is actively protesting the installation of 5G in her town. “This will cause cancer,” she said.

Concerns over cell phone radiation are nothing new. It is a fact that cell phones emit radiation. It is also a fact that this radiation can be absorbed by the human body from

### OSHO QUOTE

Your only responsibility is towards yourself.

*Tao: The Three Treasures, Vol 4, Ch 2, Q 4*

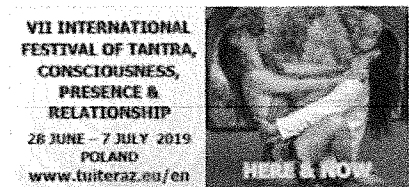
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◀ 8 Foods You Never Knew Could Contribute Directly to the Formation of Cancer (<https://althealthworks.com/6105/8-foods-you-never-knew-could-contribute-directly-to-the-formation-of-cancer/>)

An Interview with Robert Schooler, the Student Who Took on Gates Foundation GMO Propaganda at Cornell (<https://althealthworks.com/16544/id-love-a-meeting-with-bill-gates-an-interview-with-robert-schooler-the-student-who-took-on-gmo-propaganda-at-cornell-university/>) ▶

## Harvard Researchers Begin Work on Bill Gates-Funded Project to Block Out the Sun with Geoengineering

by Nick Meyer (<https://althealthworks.com/author/nick-meyer/>) | December 18, 2018  
(<https://althealthworks.com/date/2018/12/>)

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*Youtube: Geoengineering: Waging  
weather warfare on world population*

*www.GeoengineeringWatch.org*

As the world continues to grapple with the consequences of an ever-changing planet, scientists have continued to work on projects aimed at managing the risks of climate change.

The most controversial  
geoengineering, a

1st of  
3.