

M E M O R A N D U M

To: East Contra Costa Fire Protection District
From: Townsend Public Affairs
Date: September 6, 2018
Subject: Monthly Report for the East Contra Costa Fire Protection District— August 2018

Fire Foundation Grant

On July 5, 2018, the District received notice that the California Fire Foundation approved a grant in the amount of \$13,864.31 to the District. This grant will support the purchase of specialized battery powered firefighting equipment. The application was submitted on June 15th, 2018.

Federal Emergency Management Agency (FEMA)

TPA received an update that FEMA will announce awards for its Fire Prevention and Safety (FP&S) Grant Program in mid-August. As a reminder the district applied for an FP&S grant to fund a community risk assessment. TPA has secured letters of support from Senator Kamala Harris and Congressman Jerry McNerney and they have been submitted to FEMA. FEMA has been announcing grantees in waves and we are hoping to hear soon about the status of our application.

State Political Update

The Legislature adjourned on August 31, 2018. Governor Brown now has till the end of the month to sign or veto legislation.

Below is a list of upcoming dates in the Legislature:

- **September 30 – Last day for Governor to sign or veto bills**
- **November 6 – General Election Day**
- **December 3 – Swearing-In Day**

Last Month of Session

Much of the month of August was spent working on the Conference Committee for Emergency Preparedness and Wildfire Safety.

The Joint Legislative Conference Committee adopted the Conference Report on SB 901 (Dodd) by a 7-to-1 vote. SB 901 was approved with a provision that includes language expanding the Budget Act appropriation to OES for local governments in support of the Mutual Aid System to allow for the pre-positioning of firefighters and equipment to interdict fires expeditiously. SB 901 was taken up on both floors of the Legislature after 9:00 p.m. on Friday, the last night of the legislative session, and passed both houses. It is currently on the Governor's desk awaiting his

signature. While much of the legislative debate was surrounding how much liability utility companies would have, the bill does a number of things including:

- 1) Provides that conservation easements that involve at least some forest lands that are purchased with state funds must include a landowner agreement to maintain and improve forest health through promotion of a more natural tree density, species composition and long-term carbon sequestration, among other provisions.
- 2) Requires the ARB to develop a standard approach to quantifying the direct carbon emissions from fuel reduction activities and a historic baseline of GHG emissions from California's natural fire regime before modern fire suppression.
- 3) Creates in CalFire the Wildfire Resilience Program to assist nonindustrial timber owners with wildfire resilience and assistance on permitting at CalFire. This information may involve other entities including University of California Cooperative Extension, resource conservation districts, and others.
- 4) Requires CalFire to prioritize local assistance to local agencies based on those who are on the "Fire Risk Reduction Community" list.
- 5) Provides that the now-suspended State Responsibility Areas (SRA) fire fee shall not be included in the calculations to appropriate funds pursuant to Section 39719 of the Health and Safety Code which relates to the funding from the Greenhouse Gas Reduction Fund (GGRF).
- 6) Expands the Board's fire safety standards regulations to lands classified as very high fire hazard severity zones.
- 7) Requires the Board to periodically update regulations for fuel breaks and greenbelts near community to provide greater fire safety in both state responsibility areas on very high hazard severity zones, including a requirement to preserve undeveloped ridgelines, the definition for which will be developed by regulation. This provision also allows the Board to enter into contracts with technical experts.
- 8) Requires the Board to develop criteria and maintain a "Fire Risk Adapted Community" list of local agencies that meet best practices for local fire planning. The Board shall consider the communities' participation in Firewise USA or the "Fire Adapted Communities" programs, the adoption of the Board's recommended safety element improvements, and any recently update community wildfire protection plans.
- 9) Creates an exception to the prohibition on selling logs without an authorization pursuant to the Timber Practices Act by allowing logs from the construction of a fuel break that is conducted by a public agency or a nonprofit that has received a grant from the department for vegetation management or fuel reduction to sell those logs.
- 10) Requires the Forest Management Task Force to report to the Legislature on or before July 1, 2020, on opportunities to streamline the Forest Practices Act and associated rules.
- 11) Creates a new exemption in the Forest Practices Act called the Small Timberland Owner Exemption.

- 12) Exempts from CEQA certain fuel reduction activities on national forest lands that have been analyzed pursuant to the National Environmental Policy Act. This provision sunset in 2023, and could sunset earlier if the National Environmental Policy Act is not substantially similar to its current form. The Secretary for Natural Resources will determine if the federal lands were substantially amended.
- 13) Authorizes advance payments for certain grants that shall not exceed 25 percent of the total amount of the grant.
- 14) Establishes within OPR the Commission on Catastrophic Wildfire Cost and Recovery and requires the new commission to consist of five appointed members with specified expertise to hold at least four public meetings throughout the state for purposes of accepting public and expert testimony on, and for evaluating and making recommendations on, specified matters relating to the costs of damage associated with catastrophic wildfires, as provided. Requires the new commission, on or before July 1, 2019, and in consultation with the CPUC and the Insurance Commissioner, to prepare a report containing its assessment of the issues surrounding catastrophic wildfire costs and the reduction of damage, and making recommendations for changes to law that would ensure equitable distribution of costs among affected parties, including socialize wildfire costs and options to establish a fund to help pay for wildfire-related costs.
- 15) Increases the maximum penalty to \$100,000, from \$50,000, for any violation of the Public Utilities Act, or that fails to comply with CPUC order, decision, decree, rule, direction, demand, or requirement of the CPUC. Prohibits an electrical corporation from recovering a fine or penalty through a rate approved by the CPUC.
- 16) Requires the CPUC, for wildfires that occurred in 2017, in an application to recover costs and expenses by an electrical corporation, to determine if those costs and expenses are just and reasonable, as well as the maximum amount the corporation can pay without harming ratepayers and maintaining adequate and safe service, and to allow recovery of costs and expenses arising from a catastrophic wildfire.
- 17) Authorizes the CPUC, for wildfires occurring on or after January 1, 2019, in an application by an electrical corporation to recover costs and expenses arising from a catastrophic wildfire, to allow cost recovery if the costs and expenses are just and reasonable, based on the CPUC's consideration of the conduct of the electrical corporation and relevant information submitted into the CPUC's record, including, but not limited to, information regarding specified factors to determine whether the utility actions were reasonable.
- 18) Requires each wildfire mitigation plan developed by an electrical utility to include additional elements, including plans for vegetation management, protocols, for disabling reclosers and deenergizing portions of the electrical distribution system, inspections of electrical infrastructure, and actions the corporation will take to ensure that its system will achieve the highest level of safety, reliability, and resilience, including modernizing and hardening its infrastructure.
- 19) Requires the CPUC and CalFire to enter into a memorandum of understanding to cooperatively develop consistent approaches and share data related to fire prevention, safety, vegetation management, and energy distribution systems and to share results from various fire prevention activities, including relevant inspections and fire ignition data.

- 20) Authorizes, under specific circumstances, the CPUC, upon application by an electrical corporation, to issue financing orders to support the issuance of recovery bonds to finance costs, in excess of insurance proceeds, incurred, or that are expected to be incurred, by an electrical corporation, excluding fines and penalties, related to wildfires, as provided.
- 21) Requires, in the context of a change of control of an electrical corporation or gas corporation, a successor employer to retain all covered employees, as defined, for at least 180 days immediately following the effective date of a change of control. Prohibits the successor employer from reducing the total compensation of a covered employee during that period. Prohibits, for two years after the 180-day period, a successor employer from reducing the total number of employees who would have been covered employees for succession purposes below the total number of those employees who were protected during that 180-day period, unless approved by the CPUC. Prohibits the CPUC from authorizing a successor employer to reduce the number of those employees unless the successor employer makes a specified showing.
- 22) Expands the fuels and feedstocks that are eligible to meet the wildfire risk reduction fuel and feedstock requirements of the existing 125 megawatts of bioenergy procurement. Requires that the state's three largest electrical corporations allow bioenergy facilities under contract to report fuel or feedstock used to meet those contracts on a monthly or annual basis and to allow a bioenergy facility to opt out of the mandated fuel or feedstock usage levels in any particular month upon providing written notice in the month of operation to the electrical corporation, as specified.
- 23) Requires an electrical corporation, local electric POU, or community choice aggregator with a contract to procure electricity generated from biomass that is operative at any time in 2018, and expires or expired on or before December 31, 2023, to seek to amend the contract to include, or seek approval for a new contract that includes, an expiration date five years later than the expiration date in the contract that was operative in 2018, so long as the contract extension follows the feedstock requirement. This requirement would be limited to facilities sourcing fuel material in California and would not apply to facilities located in certain air basins.
- 24) Revises the Budget Act of 2018 to provide that the \$25,000,000 described above shall be applied to support activities directly related to regional response and readiness. This bill provides that these activities include predeployment of California Office of Emergency Services fire and rescue and local government resources that are part of the California Fire and Rescue Mutual Aid System or additional resources upon the authority and approval of the California Office of Emergency Services to meet the requirements for state resources called up for predisaster and disaster response.
- 25) States that two separate appropriations, one for \$165,000,000 and one for \$35,000,000, shall be made in each Budget Act through the 2023–24 fiscal year from the GGRF to CalFire, each for separately identified purposes relating to forest health, fire prevention, and fuel reduction.

Federal Legislative Update

The House stayed in recess throughout the month of August while the Senate conducted limited business and observed a shortened recess of two weeks. In an attempt to rectify the behind-schedule consideration of Fiscal Year 2019 appropriations bills, the Senate passed a minibus

appropriations package containing four of the twelve appropriations bills. The House, having passed fewer bills than the Senate has a longer process ahead of it this fall.

The Senate will encounter additional legislative scheduling delays in September, since Judge Kavanaugh's Supreme Court confirmation hearings are scheduled to begin in the first week of the month. Leading up to the hearings, Democrats have requested extensive documentation from Judge Kavanaugh's time working in the second Bush Administration, and many have called for postponement of the hearings entirely due to recent developments in court cases against Paul Manafort and Michael Cohen. Both efforts could further delay legislative progress in September and force a full or partial continuing resolution.

Budget and Appropriations

In August, the Senate continued to work to advance appropriations legislation to fund the federal government in Fiscal Year 2019 while the House was in recess. So far, none of the 12 traditional spending bills have been signed into law by President Trump. Congressional leaders have begun to package these spending bills together to avoid a government shutdown on October 1, 2018.

The Senate passed a \$875 billion minibus appropriations bill that covers funding for the Departments of Defense, Health and Human Services, Labor, and Education (approximately 70 percent of total discretionary spending). Most of this funding must also be approved by the House, which has currently proposed significantly different funding levels for the Departments of Labor and Health and Human Services.

Now, all eyes turn to the House as members return from summer recess this month and resume tackling spending bills. Lawmakers are planning an appropriations sprint through September, working to iron out differences between nine House and Senate spending bills before the end of the fiscal year. If appropriators want to stick to that ambitious schedule, they'll have to reach agreements on funding for the Yucca Mountain waste repository, a Veterans Affairs health-care law, family planning groups such as Planned Parenthood, and a series of policy riders on immigration.

Wildfires and Forest Management

California's wildfire season has brought forest management to the forefront of policy discussions in Congress. Wildfire suppression funds at the Department of Interior and the U.S. Forest Service (USFS) would receive a much-needed boost under the various proposals for the proposed 2019 appropriations levels, but the agencies currently have \$66.8 million and \$114 million remaining in their suppression funds.

The U.S. Department of Agriculture (USDA) announced it will implement a new strategy to collaborate more closely with partners at state and local levels. The USDA and USFS will empower states to play a larger role in setting wildfire suppression objectives to better leverage the federal government's resources.

The Trump Administration is pushing for more forest management policies to increase forest resiliency. Interior Secretary Ryan Zinke called for more active forest management in a visit to California earlier this month. In addition, Agriculture Secretary Sonny Perdue also said the USFS would devote more funds to logging and controlled burns on federal forest land to reduce available fuel for wildfires.

Senate Appropriations Chairman Richard Shelby (R-AL) says he has not received any requests for emergency funding for wildfire suppression costs, but that additional funds could be tacked on to one of Congress's spending measures. In the meantime, House Republicans are urging their colleagues to pass pieces of H.R. 2936, Representative Bruce Westerman's (R-AK) proposal to increase active forest management practices to reduce wildfires.

Looking Forward

As we prepare for the 2019/2020 Legislative session, TPA will work with the district to update the legislative platform and begin discussions for potential legislation for the year ahead.

Bills of Interest

Assembly Bill 1912 (Rodriguez) is designed to eliminate the ability to reduce liability for members of JPAs by contractually altering their obligations regarding debts, liabilities and other obligations with other parties to the JPA. **This bill has been amended to remove the opposition of California Special District's Association and is currently on the Governor's desk awaiting action.**

Assembly Bill 2065 (Ting) would require special districts to offer their land for development before leasing their property. AB 2065 requires special districts and other local agencies to offer the right of first refusal to affordable housing developers, schools, and parks before selling, leasing, or otherwise conveying their land. The new requirements in the bill would be very problematic for many public agencies that have valid reasons to lease or otherwise protect land they own. **District has taken an oppose position and this bill was held in the Senate Appropriations Committee.**

Assembly Bill 2118 (Cooley) establish an Inter-Governmental Transfer (IGT) program for public emergency Medi-Cal transportation providers. **This bill was held in the Senate Appropriations Committee.**

Assembly Bill 2293 (Reyes) would remove requirements, which prevent convicted felons from meeting EMT requirements. **This bill is currently on the Governor's desk awaiting action.**

Assembly Bill 2333 (Wood) would establish a behavioral health director at OES to ensure individuals have access to behavioral health support following a natural disaster. **This bill was held in Senate Appropriations.**

Assembly Bill 2380 (Aguiar-Curry) would require OES to develop regulations for privately contracted private fire prevention companies operating in California. **This bill is currently on the Governor's desk awaiting action.**

Assembly Bill 2551 (Wood) would require CAL FIRE to establish a Forest and Wildland Health Improvement and Fire Prevention Program. The bill would require the department to take specified actions to implement and administer programs that are intended to promote forest and wildland health, restoration, and resilience, and improve fire outcomes, prevention, and preparedness throughout the state. The bill would also require the department, to the extent feasible, to collaborate with the Department of Corrections and Rehabilitation to utilize correctional officers and conservation crews for vegetation management and fire prevention activities. **This bill is currently on the Governor's desk awaiting action.**

Assembly Bill 2961 (O'Donnell) would establish an ambulance patient offload time report and provide recommendations to reduce wall time. **This bill is currently on the Governor's desk awaiting action**

Senate Bill 833 (McGuire) would establish a red alert system to coordinate alerts following an evacuation order. This bill is in **currently on the Governor's desk awaiting action**

Senate Bill 901 (Dodd) would require utility company wildfire mitigation plans to include policies to deenergize lines and protocols to notify customers of such action. This bill was moved to the Joint Legislative Conference Committee on Emergency Preparedness and Wildfire Management. After several hearings and feedback from several stakeholders the conference

report passed both houses. Senate Bill 901 was approved on votes of 29 to 4 in the Senate and 45 to 10 in the Assembly. **It is now on the Governor's desk awaiting action.**

Senate Bill 929 (McGuire) which would require that all special districts maintain a website. This bill will grant the public with greater access to their services, and greater transparency and accountability of the governing bodies who oversee them. **The District has taken a support position. This bill is currently on the Governor's desk awaiting action.**

Senate Bill 1088 (Dodd) would require OES to adopt standards and policies applicable to utility companies to reduce the risk of fire during major events. **This bill was held in the Assembly Rule Committee.**

Senate Bill 1226 (Bates) This bill requires the Department of Housing and Community Development (HCD) to propose a building standard that permits local building officials to issue a retroactive building permit for an existing residential unit for which a permit does not exist and apply the building standards that were in place when the unit was constructed. **This bill is on the Governor's Desk awaiting action.**

Senate Bill 1415 (McGuire) is the Ghost Ship Building Fire Task Force bill to require inspections of factory buildings which are now occupied by residents and authorizes a fee to recover costs of the inspection or for related fire and safety activities. **This bill is on Governor Brown's desk awaiting action.**