


**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 24, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No:
Assignment No: 19-06-0599

SUBJECT: Emergency Management Department Recommendation to include Support for AB 291 (Chiu) in the 2019-2020 State Legislative Program

CLA RECOMMENDATION: Adopt the attached Resolution to include in the City's 2019 - 2020 State Legislative Program SUPPORT for AB 291 (Chiu).

SUMMARY

On June 6, 2019, the Emergency Management Department (EMD) forwarded a bill response report to the Chief Legislative Analyst's Office seeking a City position on AB 291. This bill would establish a Local Emergency Preparedness and Hazard Mitigation Fund and related oversight committee to support staffing, planning, and other emergency mitigation efforts to help local governments become better prepared for disasters.

Upon review, this Office has prepared the attached Resolution in support of this legislation. The Resolution seeks an official position of the City of Los Angeles to support AB 291 (Chiu).

BACKGROUND

AB 291 would establish a new funding source for local governments to prepare for emergencies and reduce hazard-related risks. This bill would supplement federal funding currently available for certain hazard mitigation and disaster relief programs. AB 291 would set aside \$500 million annually in the Local Emergency Preparedness and Hazard Mitigation Fund, which would be used to support staffing, planning, and other mitigation projects at the local level. In addition, this bill would establish a Local Hazard Emergency Preparedness and Hazard Mitigation Fund Committee, with representatives from a number of state and local agencies with emergency planning responsibilities.

Proponents of this legislation state that current funding streams for emergency preparedness at the local level are insufficient, rely on federal budget approvals, and require significant administrative management. Proponents note that a number of local governments do not have the resources to sustain emergency preparedness programs, and that this legislation would enable local governments to begin to plan for emergencies such as earthquakes, fires, chemical spills, and other natural and manmade disasters.

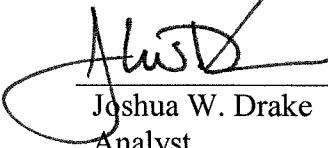
EMD states that it supports this legislation, as the bill would enable the City to apply for and obtain funding for EMD projects, and would make funds available to the City for emergency planning and hazard mitigation projects involving critical infrastructure and City services.

DEPARTMENTS NOTIFIED

Emergency Management Department

BILL STATUS

01/28/2019	Bill introduced
03/25/2019	Referred to the Assembly Committee on Government Organizations
03/25/2019	From committee chair, with author's amendments: Amend, and re-refer to the Committee on Government Organization. Read second time and amended
04/22/2019	From committee chair, with author's amendments: Amend, and re-refer to the Committee on Government Organization. Read second time and amended
04/29/2019	From committee: Amend, and do pass as amended and re-refer to the Committee on Appropriations. (15-1)
05/08/2019	In committee: Set, first hearing. Referred to Appropriations suspense file
05/16/2019	In Committee: Hearing postponed by committee


Joshua W. Drake
Analyst

SMT:jwd

Attachments: (1) Resolution
(2) AB 291 (Chiu)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the State of California has suffered a number of significant natural disasters over recent years; and

WHEREAS, these disasters stretch the ability of local governments to respond, and many local jurisdictions do not have sufficient resources to plan for local disasters; and

WHEREAS, since 2003, there has been a reduction in the number of emergency managers statewide and many emergency management programs have been transferred within local governments, or assigned to someone as an extra duty; and

WHEREAS, as disasters such as wildfires become large and more common-place, the state should ensure that resources are available for adequate emergency planning and disaster response; and

WHEREAS, AB 291 (Chiu) would establish the Local Emergency Preparedness and Hazard Mitigation Fund to support staffing, planning and other mitigation priorities at the local level; and

WHEREAS, AB 291 would augment a number of existing federal grants, and ensure that local governments have the resources necessary to plan for major events and mitigate potential hazards;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019 - 2020 State Legislative Program SUPPORT for AB 291 (Chiu) which would establish a \$500 million annual Local Emergency Preparedness and Hazard Mitigation Fund to support staffing, planning and other mitigation projects to help local governments become better prepared for disasters.

AMENDED IN ASSEMBLY APRIL 30, 2019
AMENDED IN ASSEMBLY APRIL 22, 2019
AMENDED IN ASSEMBLY MARCH 25, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Chu

January 28, 2019

An act to add Article 21 (commencing with Section 8669) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as amended, Chu. Local Emergency Preparedness and Hazard Mitigation Fund.

The California Emergency Services Act creates within the office of the Governor the Office of Emergency Services, which is responsible for the state's emergency and disaster response services, as specified. Existing federal law requires a state mitigation plan as a condition for disaster assistance and authorizes the Federal Emergency Management Agency to condition mitigation grant assistance upon state, local, and Indian tribal governments undertaking coordinated disaster mitigation planning and implementation measures.

Existing law requires the Office of Emergency Services, in coordination with all interested state agencies with designated response roles in the state emergency plan and interested local emergency management agencies, to jointly establish by regulation a standardized emergency management system for use by all emergency response agencies.

This bill would establish a Local Emergency Preparedness and Hazard Mitigation Fund to support staffing, planning, and other emergency mitigation priorities to help local governments meet emergency management, preparedness, readiness, and resilience goals. The bill would, upon appropriation by the Legislature, require the Controller to transfer \$500,000,000 to the fund. The bill would require the Office of Emergency Services to establish the Local Emergency Preparedness and Hazard Mitigation Fund Committee under the Standardized Emergency Management System Advisory Board. The bill, on or before July 1, 2020, would require the committee to adopt guidelines identifying eligible uses of the funds by establishing an outline of standard activities for the mitigation, prevention, preparedness, response, and recovery phases of emergency management that supports the development of a resilient community. The bill would require, upon appropriation by the Legislature, the Office of Emergency Services to receive \$1,000,000 annually and each county to receive \$500,000 annually for specified purposes. The bill would require the Office of Emergency Services to distribute funds to lead agencies, subject to certain requirements and restrictions, as specified. The bill would require lead agencies to further distribute those funds to local governments pursuant to a specified schedule for specified purposes, and impose various requirements on local governments that receive funds pursuant to these provisions. The bill would include related legislative findings.

The California Disaster Assistance Act limits the state share for any eligible project to no more than 75% of total state eligible costs, except that the state share shall be up to 100% of total state eligible costs connected with certain events. That act requires the director to administer its provisions.

This bill would prohibit the director from using funds received by a local government pursuant to the provisions of this bill to calculate the allocation amounts for the local government pursuant to the California Disaster Assistance Act.

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

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

- 1 ~~SECTION 1. The heading of Article 21 (commencing with~~
- 2 ~~Section 8669) is added to Chapter 7 of Division 1 of Title 2 of the~~
- 3 ~~Government Code, to read:~~

1 SECTION 1. Article 21 (commencing with Section 8669) is
2 added to Chapter 7 of Division 1 of Title 2 of the Government
3 Code, to read:

4
5 Article 21. Local Emergency Preparedness and Hazard
6 Mitigation Fund
7

8 8669. The Legislature finds and declares all of the following:

9 (a) To protect public health and safety and the environment, it
10 is necessary to establish a high level of preparedness in counties,
11 cities, and special districts to respond to disasters. The
12 establishment of a high level of preparedness at the local
13 government level is of statewide concern because of the possibility
14 of catastrophic disasters striking the citizens of the state especially
15 as the state faces the impacts of climate change.

16 (b) The establishment of a local disaster preparedness fund is
17 the basis for achieving the stable funding necessary to maintain a
18 high level of local preparedness and readiness, including the
19 ongoing evaluation and hazard mitigation of existing risks before
20 a disaster strikes, that the citizens of the state deserve and need.

21 (c) The funds generated pursuant to this article should be
22 available to eligible local governments in order to provide
23 flexibility to manage hazard mitigation programs, develop needed
24 emergency operations plans and response procedures, establish
25 emergency management facilities, and provide necessary training
26 as the local hazards and state of preparedness may dictate.

27 (d) The funds generated pursuant to this article should be
28 administered to benefit the overall state of preparedness of all
29 eligible local government agencies, to enhance regional planning
30 and response and hazard mitigation, and to ensure a high degree
31 of accountability to the public and its elected representatives.

32 8669.1. For purposes of this article, the following definitions
33 apply:

34 (a) "Director" means the Director of Emergency Services.

35 (b) "Fund" means the Local Emergency Preparedness and
36 Hazard Mitigation Fund established pursuant to Section 8669.2.

37 (c) "Committee" means the Local Emergency Preparedness and
38 Hazard Mitigation Fund Committee established pursuant to Section
39 8669.3.

1 (d) "Board" means the Standardized Emergency Management
2 System Advisory Board.

3 (e) "Eligible local government" means a local government with
4 responsibilities to respond or assist in response to disasters,
5 consistent with local emergency plans.

6 (f) "Lead agency" means the lead agency of an operational area.

7 (g) "Local government" means a city, county, city and county,
8 or special district.

9 (h) "Operational area" has the same meaning as set forth in
10 Section 8559.

11 (i) "Hazard mitigation" means an action taken to reduce or
12 eliminate the long-term risk to human life and property from natural
13 hazards and improve community emergency preparedness and
14 resilience.

15 8669.2. The Local Emergency Preparedness and Hazard
16 Mitigation Fund is hereby created within the State Treasury.
17 Moneys in the Local Emergency Preparedness and Hazard
18 Mitigation Fund shall be available for purposes of distributing
19 funds pursuant to this article to support, staffing, planning, and
20 other emergency mitigation priorities to help local governments
21 meet emergency management, preparedness, readiness, and
22 resilience goals. Upon appropriation by the Legislature, the
23 Controller shall transfer five hundred million dollars
24 (\$500,000,000) annually to the fund.

25 8669.3. (a) The Office of Emergency Services shall establish
26 the Local Emergency Preparedness and Hazard Mitigation Fund
27 Committee under the supervision of the Standardized Emergency
28 Management System Advisory Board.

29 (b) The committee shall include the following representatives:

30 (1) The director or the director's appointee.

31 (2) A representative from the California Emergency Services
32 Association.

33 (3) A representative from the California State Association of
34 Counties.

35 (4) A representative from the League of California Cities.

36 (5) From each of the three Office of Emergency Services Mutual
37 Aid Administrative Regions:

38 (A) One representative from a city with a population of 300,000
39 or more.

1 (B) One representative from a city with a population of less
2 than 300,000.

3 (C) One representative from a city within the region that is not
4 also a person serving on the commission pursuant to subparagraph
5 (A).

6 (D) One representative of a special district.

7 (E) One representative from a county with 700,000 or more in
8 population.

9 (F) One representative from a county with less than 700,000 in
10 population.

11 (G) *One representative from a tribal government.*

12 (6) *The Director of CAL FIRE or the director's designee.*

13 (7) *The Executive Director of the Seismic Safety Commission*
14 *or that person's designee.*

15 (8) *The Chief Executive Officer of the California Earthquake*
16 *Authority or that person's designee.*

17 (c) The committee members selected pursuant to subdivision
18 (b) shall each serve a term of two years.

19 8669.4. (a) The committee shall report to the board. The board
20 shall meet every six months to hear committee reports.

21 (b) On or before July 1, 2020, the committee shall adopt
22 guidelines identifying eligible uses of the funds by establishing an
23 outline of standard activities for the mitigation, prevention,
24 preparedness, response, and recovery phases of emergency
25 management that supports the development of a resilient
26 community.

27 8669.5. (a) To receive funds pursuant to this article, an eligible
28 local government shall maintain their local hazard mitigation plan
29 and updated annually, in accordance with regulations adopted by
30 the Office of Emergency Services. The update to the local hazard
31 mitigation plan shall form the work plan for the local government.

32 The local government work plans, together, shall become part of
33 an operational area work plan and shall guide the use of all funds
34 allocated from the Local Emergency Preparedness and Hazard
35 Mitigation Fund to jurisdictions within an operational area. The
36 work plan shall contain measurable disaster preparedness and
37 hazard mitigation goals and objectives.

38 (b) (1) The lead agency for an operational area, as identified
39 by the agreement that establishes the operational area, shall forward
40 annually a copy of the updated work plan and shall submit a

1 biennial report on work plan projects to the Office of Emergency
2 Services.

3 (2) Within 160 days following a proclaimed emergency, the
4 Governor and the Legislature may request an operational area to
5 report on how funds allocated pursuant to this article contributed
6 to the area's response.

7 8669.6. (a) A local government that receives funds pursuant
8 to this article shall identify in the work plan how the funds are to
9 be used, in the following categories:

10 (1) Funding hazard mitigation projects, including, but not limited
11 to, the following:

12 (A) Physical projects that will reduce risk or loss from
13 earthquakes, floods, fire, or other disaster agents.

14 (B) Local share requirements for state or federal hazard
15 mitigation grants.

16 (2) Development of emergency operations plans, protocols,
17 procedures, field operation guidance, or similar planning and
18 response tools, including establishment and maintenance of
19 emergency supply stockpiles.

20 (3) Upgrading or establishing emergency facilities from which
21 the agency can manage personnel and resource response to an
22 emergency or disaster. For purposes of this paragraph, "emergency
23 facilities" includes, but is not limited to, emergency operations
24 centers and communications systems used for coordination within
25 a jurisdiction or between jurisdictions.

26 (4) Training in emergency management and disaster response,
27 including, but not limited to, ensuring that staff can address
28 emergency preparedness and response needs for the most
29 vulnerable community members to ensure cultural and linguistic
30 competency in disaster preparedness. For purposes of this
31 paragraph, "vulnerable community members" includes seniors,
32 children, and individuals with language barriers.

33 (b) At the end of each fiscal year, an eligible local government
34 shall confirm that funds were used for programs in the categories
35 described in subdivision (a), and shall submit appropriate
36 documentation to the lead agency with an annual update to the
37 eligible local government's element of the work plan.

38 8669.7. (a) (1) A local government that receives funds shall
39 submit reports to their respective operational area, and the

1 operational area shall forward the reports to the Office of
2 Emergency Services.

3 (2) The Office of Emergency Services shall present reports
4 forwarded to it pursuant to paragraph (1) to the committee. The
5 committee may make recommendations for improvement and may
6 withhold future project allocations if it determines program funds
7 are not being appropriately spent.

8 (b) The Office of Emergency Services shall, upon appropriation
9 by the Legislature pursuant to Section 8669.2, receive one million
10 dollars (\$1,000,000) annually and each county shall receive five
11 hundred thousand dollars (\$500,000) annually for administrative
12 costs and other purposes to implement this article. Subject to
13 paragraph (2) of subdivision (a), the Office of Emergency Services
14 shall distribute the remaining funds, on an annual basis, to the lead
15 agency of an operational area. The lead agency of the operational
16 area shall agree to manage and control funds received pursuant to
17 this article, in compliance with this article. The lead agency shall
18 distribute the funds as follows:

19 (1) Sixty percent of the funds to the operational area lead agency
20 and all eligible cities within the operational area on a per capita
21 basis, based on a formula to be developed by the committee that
22 factors a community's high hazard risk factors based on maps
23 produced by the Office of Emergency Services in the State Hazard
24 Mitigation Plan that identify areas of the state with the most
25 vulnerable populations with earthquake, flood, and fire hazards.
26 Funding distributed pursuant to this paragraph may be carried over
27 to subsequent fiscal years as long as projects are ongoing.

28 (2) Fifteen percent via a competitive grant process established
29 by the lead agency to eligible special ~~districts~~ *districts, local or*
30 *tribal governments, and nonprofit, faith-based, and other voluntary*
31 *organizations active in disaster preparedness* within the operational
32 area.

33 (3) Twenty-five percent to an operational area trust fund
34 established for projects of common benefit to two or more eligible
35 local governments within the operational area for purposes of this
36 article. All local governments within the operational area shall
37 mutually agree upon projects of common benefit that qualify under
38 this paragraph.

39 (c) (1) The operational area and local governments within the
40 operational area shall determine mitigation and preparedness

1 stakeholders, and shall facilitate the coordination and input from
2 government departments on cross-departmental and
3 cross-jurisdictional projects identified in the respective local hazard
4 mitigation plan.

5 (2) The amount of state funds received by a local agency within
6 an operational area shall not be reduced by any other local agency
7 within the operational area due to an allocation from the fund or
8 an operational area trust fund.

9 (d) (1) To be eligible to receive funds pursuant to this article,
10 a local government shall do the following:

11 (A) Commit to continuing to contribute local funds equal to the
12 average of that amount that was committed over the last five years
13 to emergency management staffing, preparedness, readiness, and
14 resilience.

15 (B) Create and update, on an annual basis, a local hazard
16 mitigation plan that identifies how funds received pursuant to this
17 section shall be spent on emergency mitigation, prevention,
18 preparedness, response, and recovery. The work plan shall contain
19 measurable emergency management, preparedness, readiness,
20 resilience, and hazard mitigation goals and objectives. The work
21 plan shall be reviewed by the lead agency, and submitted to the
22 Office of Emergency Services.

23 (C) Submit an annual report to the lead agency outlining
24 expenditures and progress toward the local hazard mitigation plan
25 goals.

26 (2) A local government that receives funds pursuant to this
27 section shall not use those funds to supplant current emergency
28 management funding.

29 *(e) An operational area or other recipient of funds pursuant to
30 this article may use a percentage of funds received, consistent with
31 federal emergency preparedness grants, for the purposes of
32 management and administration costs.*

33 ~~(e)~~

34 *(f) The director shall not use funds received by a local
35 government pursuant to this section to calculate the allocation
36 amounts for the local government pursuant to Article 4
37 (commencing with Section 8685) of Chapter 7.5.*