



# ORANGE COUNTY FIRE AUTHORITY

## LEGISLATIVE & PUBLIC AFFAIRS COMMITTEE

### Regular Meeting

### Agenda

**Wednesday, July 17, 2024**

**12 noon**

**Orange County Fire Authority  
Regional Fire Operations & Training Center  
Classroom 1**

**One Fire Authority Road  
Irvine, CA 92602**

#### **Committee Members**

**Katrina Foley, Chair • Connor Traut, Vice Chair  
Ross Chun • Joe Kalmick • Anne Mallari • Donald Wagner • Chris Duncan**

#### **NOTICE REGARDING PUBLIC ACCESS AND PARTICIPATION**

This meeting is open to the public. Committee members will participate in person. There are several alternative ways to make comments including:

**In Person Comments at Meeting:** Resolution No. 97-024 established rules of decorum for public meetings held by the Orange County Fire Authority. Resolution No. 97-024 is available from the Clerk of the Authority.

Any member of the public may address the Committee on items within their subject matter jurisdiction, but which are not listed on this agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. We request comments made on the agenda be made at the time the item is considered and that comments be limited to three minutes per person. Please address your comments to the Committee and do not engage in dialogue with individual Board Members, Authority staff, or members of the audience.

If you wish to speak, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority prior to the item being considered. Speaker Forms are available at the entryway of the meeting location.

**E-Comments:** Alternatively, you may email your written comments to [coa@ocfa.org](mailto:coa@ocfa.org). E-comments will be provided to the Committee members upon receipt and will be part of the meeting record as long as they are received during or before the Committee takes action on an item. Emails related to an item that are received after the item has been acted upon by the Committee will not be considered.

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, all supporting documents, including staff reports, and any writings or documents provided to a majority of the Committee members after the posting of this agenda are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact the Clerk of the Authority at (714) 573-6040 Monday through Thursday, and every other Friday from 8 a.m. to 5 p.m. and available online at <http://www.ocfa.org> under Board & Committee Agendas/Minutes.



In compliance with the Americans with Disabilities Act and [Board of Directors policy](#), if you need reasonable accommodations to participate in this meeting, please complete the [ADA Reasonable Accommodation Form](#) available on the Agency's website and email to [COA@ocfa.org](mailto:COA@ocfa.org), or you may contact the Clerk of the Authority at (714) 573-6040 during regular business hours to submit your request orally. Please notify us at least 48 hours prior to the meeting to enable the Authority to make reasonable arrangements to assure accessibility to the meeting.

**CALL TO ORDER** by Chair Foley

**PLEDGE OF ALLEGIANCE** by Vice Chair Traut

**ROLL CALL** by Clerk of the Authority

**PUBLIC COMMENTS**

**Please refer to instructions on how to submit a public comment on Page 1 of this Agenda.**

**1. PRESENTATION**

No items.

**2. CONSENT CALENDAR**

*All matters on the consent calendar are considered routine and are to be approved with one motion unless a director or a member of the public requests separate action on a specific item.*

**A. Minutes for the Legislative & Public Affairs Committee Meeting**

Submitted by: Maria Huizar, Clerk of the Authority

The record will reflect that any Director not in attendance at the meeting of the Minutes will be registered as an abstention, unless otherwise indicated.

Recommended Action:

Approve the Minutes for the March 20, 2024, Regular Meeting as submitted.

**B. Minutes for the Legislative & Public Affairs Committee Meeting**

Submitted by: Maria Huizar, Clerk of the Authority

The record will reflect that any Director not in attendance at the meeting of the Minutes will be registered as an abstention, unless otherwise indicated.

Recommended Action:

Approve the Minutes for the May 15, 2024, Special Meeting as submitted.

**3. DISCUSSION CALENDAR**

**A. Legislative Report**

Submitted by: Robert C. Cortez, Assistant Chief/Business Services Department and Olina Wibroe-Benson, Legislative Affairs Manager

Recommended Action:

Review the proposed Legislative Report and direct staff to place the item on the agenda for the Executive Committee meeting of July 25, 2024, with the Legislative and Public Affairs

Committee recommendation to receive and file the Legislative Report and adopt the recommended bill positions in alignment with the Board-adopted Legislative Platform.

**B. Quarterly Public Affairs Update**

Submitted by: Matt Olson, Director of Communications

Recommended Action:

Receive and file.

**REPORT**

None.

**COMMITTEE MEMBER COMMENTS**

**ADJOURNMENT** – The next regular meeting of the Legislative and Public Affairs Committee is scheduled for Wednesday, October 16, 2024, at 12:00 p.m.

**AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury and as required by the State of California, Government Code § 54954.2(a), that the foregoing Agenda was posted in the lobby and front gate public display case of the Orange County Fire Authority, Regional Training and Operations Center, 1 Fire Authority Road, Irvine, CA, not less than 72 hours prior to the meeting.

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Maria D. Huizar, CMC  
Clerk of the Authority

**FUTURE AGENDA ITEMS – THREE-MONTH OUTLOOK:**

- Legislative Quarterly Update
- Public Affairs Quarterly Update

**UPCOMING MEETINGS:**

Executive Committee  
Board of Directors  
Human Resources Committee  
Operations Committee

Thursday, July 25, 2024, 5:30 p.m.  
Thursday, July 25, 2024, 6:00 p.m.  
Tuesday, August 6, 2024, 12 noon  
Tuesday, August 13, 2024, 12 noon

# MINUTES ORANGE COUNTY FIRE AUTHORITY

**Legislative and Public Affairs Committee  
Regular Meeting  
Wednesday, March 20, 2024  
12:00 Noon**

**Regional Fire Operations and Training Center  
Classroom One  
1 Fire Authority Road  
Irvine, CA 92602**

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## **CALL TO ORDER**

A regular meeting of the Legislative and Public Affairs Committee was called to order on Wednesday, March 20, 2024, at 12:06 p.m. by Vice Chair Traut.

## **PLEDGE OF ALLEGIANCE**

Director Kalmick led the assembly in the Pledge of Allegiance.

## **ROLL CALL**

**Present:** Katrina Foley, County of Orange, Chair (12:10 p.m.)  
Connor Traut, Buena Park, Vice Chair  
Ross Chun, Aliso Viejo  
Joe Kalmick, Seal Beach  
Donald P. Wagner, County of Orange

**Absent:** Chris Duncan, San Clemente

Anne Mallari, Cypress

## **Also present were:**

Fire Chief Brian Fennessy  
Assistant Chief Robert Cortez  
Assistant Chief Rob Capobianco  
Clerk of the Authority Maria D. Huizar

Deputy Chief Lori Zeller  
Assistant Chief Lori Smith  
Director of Communications Matt Olson  
Assistant General Counsel Michael Daudt

## **1. PRESENTATION**

No items.

## **2. CONSENT CALENDAR**

On motion of Director Wagner and second by Director Chun, approved 4-0 Agenda Items No. 2A-2B (Directors Duncan, Foley, and Mallari absent).

### **A. Minutes for the Legislative & Public Affairs Committee Meeting (FILE 12.02E2)**

The record will reflect that any Director not in attendance at the meeting of the Minutes will be registered as an abstention, unless otherwise indicated.

Action: Approve the Minutes for the January 17, 2024, Regular Meeting as submitted.

### **B. Quarterly Public Affairs Update (FILE 12.02E5)**

Action: Receive and file.

Director Foley arrived at 12:10 a.m.

## **3. DISCUSSION CALENDAR**

### **A. Legislative Report (FILE 12.02E5)**

Assistant Chief Cortez presented the item, and introduced John Moffatt, Partner of Nielsen Merksamer, and Lisa Barkovic, Senior Policy Advisor of Holland & Knight, who provided Legislative Updates from State of California and U.S. Congressional Affairs, respectively.

On motion of Director Kalmick and second by Director Foley, approved 4-1 (Director Wagner opposed; Directors Duncan and Mallari absent).

### **B. Election of Committee Chair and Vice Chair (FILE 12,02E1)**

Chair Foley introduced the election process for Committee Chair and Vice Chair; for 2024. She opened the nominations for Chair of the Committee.

Director Traut nominated Director Foley for the position of Chair, Director Chun seconded the motion. Director Foley accepted the nomination.

There were no additional nominations.

On motion of Director Traut, by a unanimous vote, declared passed 5-0 (Directors Duncan and Mallari absent) Director Foley as Chair of the Legislative and Public Affairs Committee for the ensuing year.

Director Kalmick nominated Director Traut for the position of Vice Chair for the ensuing year, Director Foley seconded the motion. Director Traut accepted the nomination.

There were no additional nominations.

By a unanimous vote declared passed 5-0 (Directors Duncan and Mallari absent) Director Traut as Vice Chair of the Legislative and Public Affairs Committee for the ensuing year.

## **REPORT**

None.

## **COMMITTEE MEMBER COMMENTS**

None.

**ADJOURNMENT** – Chair Foley adjourned the meeting at 12:46 p.m. The next regular meeting of the Legislative and Public Affairs Committee is scheduled for Wednesday, July 17, 2024, at 12:00 p.m.

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Maria D. Huizar, CMC  
Clerk of the Authority

# MINUTES ORANGE COUNTY FIRE AUTHORITY

## Legislative and Public Affairs Committee

### Special Meeting

Wednesday, May 15, 2024

12:30 p.m.

## Regional Fire Operations and Training Center

### Classroom One

1 Fire Authority Road

Irvine, CA 92602

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### CALL TO ORDER

A special meeting of the Legislative and Public Affairs Committee was called to order on Wednesday, May 15, 2024, at 12:35 p.m. by Vice Chair Traut.

### PLEDGE OF ALLEGIANCE

Director Duncan led the assembly in the Pledge of Allegiance.

### ROLL CALL

**Present:** Katrina Foley, County of Orange, Chair (12:40 p.m.)  
Connor Traut, Buena Park, Vice Chair  
Ross Chun, Aliso Viejo  
Chris Duncan, San Clemente  
Donald P. Wagner, County of Orange (12:42 p.m.)

**Absent:** Joe Kalmick, Seal Beach                      Anne Mallari, Cypress

### Also present were:

Fire Chief Brian Fennessy  
Deputy Chief TJ McGovern  
Assistant Chief Lori Smith  
Assistant Chief Stephanie Holloman  
Assistant Chief Tim Perkins  
Assistant Clerk Martha Halvorson

Deputy Chief Lori Zeller  
Assistant Chief Robert Cortez  
Assistant Chief Rob Capobianco  
Director of Communications Matt Olson  
Assistant General Counsel Michael Daudt

## **PUBLIC COMMENTS**

None.

### **1. PRESENTATION**

No items.

### **2. CONSENT CALENDAR**

No Items.

Director Foley arrived at 12:40 p.m.

Director Wagner arrived at 12:42 p.m.

### **3. DISCUSSION CALENDAR**

#### **A. Legislative Report (FILE 12.02E5)**

Assistant Chief Cortez introduced Legislative Affairs Program Manager Wibroe-Benson who provided the report, followed by John Moffatt of Nielsen Merksamer and Lisa Barkovic of Holland & Knight, who provided legislative updates from the State of California Legislature, and U.S. Congressional Affairs, respectively.

On motion of Director Traut and second by Director Duncan, approved 5-0 (Director Wagner opposed to SB 1325 only, Directors Kalmick and Mallari absent).

## **COMMITTEE MEMBER COMMENTS**

None.

**ADJOURNMENT** – Chair Foley adjourned the meeting at 1:37 p.m. The next regular meeting of the Legislative and Public Affairs Committee is scheduled for Wednesday, July 17, 2024, at 12:00 p.m.

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Martha Halvorson, CMC  
Assistant Clerk of the Authority





**Orange County Fire Authority**  
**AGENDA STAFF REPORT**

**Legislative and Public Affairs Committee Meeting**  
**July 17, 2024**

**Agenda Item No. 3A**  
**Discussion Calendar**

**Legislative Report**

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**Contact(s) for Further Information**

Robert Cortez, Assistant Chief                      [robertcortez@ocfa.org](mailto:robertcortez@ocfa.org)                      714.573.6012  
Business Services Department

Olina Wibroe-Benson, Legislative Affairs                      [olinabenson@ocfa.org](mailto:olinabenson@ocfa.org)                      714.573.6048  
Manager

**Summary**

This item is submitted to provide an update on legislative activities and to inform the Committee of additional legislation with recommended positions consistent with the Board adopted Legislative Platform.

**Prior Board/Committee Action**

Not Applicable.

**RECOMMENDED ACTION(S)**

Review the proposed Legislative Report and direct staff to place the item on the agenda for the Executive Committee meeting of July 25, 2024, with the Legislative and Public Affairs Committee recommendation to receive and file the Legislative Report and adopt the recommended bill positions in alignment with the Board-adopted Legislative Platform.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not Applicable.

**Background**

The attached Legislative Report provides an update on legislation and bill positions previously approved by the L&PA Committee and Executive Committee. The report also includes additional legislation with recommended positions. SB 571 (Allen) and SB 610 (Wiener) have been added for monitoring, AB 2557 (Ortega) has been added with a recommended oppose position, and H.R. 8752 has been added with a recommended support position. These bills are addressed in the attached report.

Staff will provide an oral update on these bills and others in the attached report. OCFA's lobbyists will be available to address any questions regarding legislation or budget actions affecting OCFA.

**Attachment(s)**

1. Legislative Report
2. State Lobbyist Report
3. Federal Lobbyist Report
4. State and Federal Legislation Bill Analysis



## Orange County Fire Authority

**Legislative Report**

July 17, 2024

Just in time for summer recess, the Legislature, Governor Newsom, and party leaders finalized the 2024-25 budget agreement. The Governor signed AB 107, SB 108, and SB 109, which contain budget language outlining the fiscal and policy priorities for the State of California. Additional budget trailer bills may pass when the Legislature returns from summer recess in August.

The 2024-25 budget addresses the two-year budget deficit of approximately \$75 billion through the 2025-26 budget. This was achieved through a series of measures, including the use of one-time rainy-day funds and a 7.95% reduction of state operations to almost all departments. While most departments will be impacted by budget cuts proposed in the budget, it's important to note that CAL FIRE will not be affected. The budget allocates a General Fund appropriation of \$699.9 million and an authorization for about 12,500 positions. Furthermore, there is an increase of \$198.8 million and 338 positions beginning in 2024-25 to reflect the implementation of the Bargaining Unit 8 66-hour workweek MOU.

A handful of fire-related bills are being considered by the legislature, whose language has changed dramatically because of amendments. These bills propose potential changes to fire hazard severity zone requirements, the introduction of a wildfire mitigation area, and state reporting, which will provide recommendations related to the state's ingress, egress, and evacuation route requirements for developers.

Our Congressional representatives have been unwavering in their support for the OCFA, advancing our FY 25 Community Project Funding requests in the FY 25 Transportation-HUD Appropriations bill. Their efforts have been instrumental in advocating for a US&R funding increase, a request championed by Chief Fennessy as the western representative for 9 US&R Task Forces in the region and Task Force 5. While the original increase request was not included in the Homeland Security appropriations bill base text, Representatives Kim, Mullin, and Tokuda submitted an amendment to carry this request forward. On June 26th, that amendment passed and is moving on to the Senate in H.R. 8752- Department of Homeland Security Appropriations Act, 2025.

The following are bills identified previously for impact to OCFA with corresponding positions as approved by the L&PAC and the Executive Committee.

Emergency Medical Services[AB 1792 \(Rodriguez\) Emergency Medical Services: Protective Equipment](#)

**Position:** Monitor

**Summary:** Requires the Emergency Medical Services Authority to develop standards on or before January 1, 2027, for personal protective equipment for ambulance personnel and to update the standards on or before January 1, 2032, and every 5 years thereafter.

**Status:** AB 1792 was referred to the suspense file on 6/17.

[AB 2225 \(Rodriguez\) Discovery: Emergency Medical Services Review Committees](#)

**Position:** Support

**Summary:** Would extend an exemption that is currently available to 14 professions to exempt records from EMS' peer review committees from the discovery process during litigation.

**Status:** AB 2225 passed out of the Senate Judiciary Committee on 6/11.

[AB 2348 \(Rodriguez\) Emergency Medical Services](#)

**Position:** Support

**Summary:** Requires the Emergency Medical Services Authority to develop planning and implementation guidelines for response times. Requires the authority to develop a statewide standard methodology for calculation and reporting by a local EMS agency (LEMSA) of response time. Requires the authority to ensure the guidelines include a list of specified standardized terminology for a LEMSA to use when granting exemptions or modifying original response time data.

**Status:** AB 2348 passed out of Sen. Appropriations on 6/24.

Operations and Community Safety

[AB 2344 \(Petrie-Norris\) Fire Prevention: Grant Programs: Reporting](#)

**Position:** Support

**Summary:** Requires the Wildfire and Forest Resilience Task Force, on or before July 1, 2025, and annually thereafter, to compile and post on its Internet website specified information regarding identified state and federal grant programs relating to fire prevention and resilience.

**Status:** AB 2344 did not pass out of the Assembly and was held under submission on 5/16.

[AB 2408 \(Haney\) Firefighter personal protective equipment: PFAS](#)

**Position:** Support

**Summary:** Bans PFAS from being used in California firefighting gear starting July 1, 2026. The bill also directs the Occupational Safety and Health Standards Board to revise regulations to meet the latest testing standards within one year after being updated.

**Status:** AB 2408 passed Sen. Committee on Labor, Public Employment and Retirement on 6/26.

[AB 2727 \(Emerg. Mgmt Cmte\) Office of Emergency Services: Maritime Firefighting](#)

**Position:** Support

**Summary:** Establishes the Maritime Firefighting Mutual Aid Program within OES for the purpose of enhancing maritime firefighting capabilities of local fire departments. Requires, upon appropriation by the Legislature, OES to conduct an all-risk maritime response capabilities assessment, as specified, and acquire and provide fire boats to local fire departments, as specified, and require the local fire departments to utilize the fire boats to enhance local, regional, and mutual aid response capabilities.

**Status:** AB 2727 did not pass out of the Assembly and was held under submission on 5/16.

#### [AB 3062 \(Bauer- Kahan\) Fire Protection Districts: Electrical Corporations](#)

**Position:** Support

**Summary:** Authorizes a fire protection district to require an electrical corporation or local publicly owned electric utility to notify the district at least 24 hours before performing scheduled, nonemergency hot work, deploying a safety and infrastructure protection team, or performing a prescribed or controlled burn within the district's jurisdiction, except as provided. Subjects an electrical corporation that fails to provide that notice to a civil penalty of \$500.

**Status:** AB 3062 passed Sen. Committee on Energy, Utilities and Communications on 6/18.

#### [AB 3065 \(Garcia\) Fireworks: Retail Sales](#)

**Position:** Oppose

**Summary:** Authorizes the retail sale of certified safe and sane fireworks from 9 a.m. on a specified date to midnight of a specified date of the following year pursuant to a license issued by the State Fire Marshal, if authorized by a charter city, city, county, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks.

**Status:** AB 3065 did not pass out of the Assembly and was held under submission on 5/16.

#### [AB 3150 \(Quirk-Silva\) Fire safety: Fire Hazard Severity Zones](#)

**Position:** Monitor

**Summary:** Requires the State Fire Marshal to provide an opportunity for the public to review and comment on the fire hazard severity zone maps before the State Fire Marshal submits them to the local agency. Requires the State Fire Marshal to develop a process to allow for the petition for a review and potential redesignation of large areas that have undergone a significant change in conditions that would likely result in a decrease in fire hazard based on substantial evidence. SB 610 (Weiner) may make this bill redundant. The administration-backed bill will make AB 3150 null and void by removing fire hazard severity zones altogether and replacing them with a state mitigation zone (undefined).

**Status:** AB 3150 passed Sen Committee on Governmental Organization on 6/25.

#### [AB 2330 \(Holden\) Endangered Species: Wildfire Prep Activities](#)

**Position:** Support

**Summary:** Requires the Department of Fish and Wildlife to, within 90 days of receiving an application, authorize the take of endangered, threatened, or candidate species to any routine fuel management activities conducted by local agencies on lands that are within moderate, high, or very high fire hazard severity zones and adjacent to wildland-urban interface fire areas.

**Status:** AB 2330 passed Sen. Committee on Natural Resources and Water on 6/25.

#### [SB 1066 \(Blakespear\) Hazardous waste: marine flares: producer responsibility](#)

**Position:** Support

**Summary:** Creates a producer responsibility program for marine flares. Defines covered product to mean a pyrotechnic device that produces a brilliant light of a plume of colorful smoke as a visual distress signal on marine vessels to attract attention and pinpoint a boater's location in an emergency.

**Status:** SB 1066 passed Asm. Committee on Environmental Safety and Toxic Materials on 6/25.

## Administration

### [SB 1325 \(Durazo\) Public contracts: Best Value Procurement](#)

**Position:** Support

**Summary:** Authorizes a state or local agency to award contracts through a "best value" procurement method.

**Status:** SB 1325 passed Asm. Local Government Committee 6/26.

### [AB 2421 \(Low\) Employer-Employee Relations: Confidential Communication](#)

**Position:** Monitor

**Summary:** Prohibits a local public agency employer, a state employer, a public-school employer, a higher education employer, or the district from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation relating to any matter within the scope of the recognized employee organization's representation.

**Status:** AB 2421 passed Sen. Committee on Labor, Public Employment and Retirement 6/26.

### [AB 2660 \(Emerg. Mgmt Cmte\) Office of Emergency Services: Federal Grant Funding](#)

**Position:** Support

**Summary:** Requires the Office of Emergency Services (OES), to the extent permitted by federal law, to provide to local operational areas and urban areas the maximum local share of federal grant funding administered by the office from specified federal grant programs relating to emergency management and homeland security.

**Status:** AB 2660 passed Sen. Committee on Governmental Organization on 6/25.

### [AB 2715 \(Boerner\) Ralph M. Brown Act: Closed Session](#)

**Position:** Support

**Summary:** Authorizes a closed session of a legislative body of a local agency to consider or evaluate matters related to cybersecurity, as specified, provided that any action taken on those matters is done in open session.

**Status:** AB 2715 passed Sen. Judiciary Committee on 6/25.

### [SB 1346 \(Durazo\) Workers Compensation: Aggregate Disability Payment](#)

**Position:** Monitor

**Summary:** Authorizes temporary disability benefits if a denial of treatment requested by a treating physician is subsequently overturned by independent medical review. Prohibits the temporary disability from exceeding the time from the date of the treatment denial through the date of the independent medical review determination overturning the treatment denial.

**Status:** SB 1346 was held in committee and under submission on 5/16.

## **Newly Identified Bills**

### **[SB 571 \(Allen\) Development Projects Emergency Preparedness](#)**

**Recommended Position:** Monitor

**Summary:** SB 571 (Allen) was significantly amended on 6/24 and would now require the Office of Planning and Research to conduct a study that would provide recommendations on potential improvements to state standards for ingress and egress and evacuation routes for development in the event of a wildfire. Fire Chiefs are listed as a required representative for the working group that the Office of Planning and Research must consult with.

**Status:** SB 571 passed Asm. Committee on Natural Resources 7/01.

### **[SB 610 \(Wiener\) Fire Hazard Severity Zones](#)**

**Recommended Position:** Monitor

**Summary:** This bill is a gut and amend that is intended to eliminate the state's fire hazard severity mapping for the state responsibility area (SRA) and local responsibility area (LRA) and require the State Fire Marshal to designate a Wildfire Mitigation Area (WMA) through regulations for fire mitigation across the state.

This bill will eliminate the distinction between various fire hazard severity zones and standardize requirements across LRA and SRA. Additionally, this bill will remove the local agency adoption requirement and replace it with a public comment period.

At the July 1, 2024, Assembly Natural Resources Committee hearing, Chair Bryan voiced serious concerns about this bill because it was a rushed gut and amend. Sen. Wiener accepted the committee's amendments and agreed with the Committee to work with stakeholders, Governor Newsom, and CAL FIRE over Summer Recess to modify the bill and reinsert new and clarifying language.

**Status:** SB 610 passed Asm. Committee on Natural Resources on 7/01.

### **[AB 2557 \(Ortega\) Local agencies: contracts for special services and temporary help: performance reports](#)**

**Recommended Position:** Oppose

**Summary:** Expands the definition of fire prevention activities to include prescribed grazing, defined as the lawful application of a specific kind of livestock at a determined season, duration, and intensity to accomplish defined vegetation or conservation goals, including reducing the risk of wildfire by reducing fuel loads, controlling undesirable or invasive plants, and promoting biodiversity and habitat for special status species. The bill requires the Range Management Advisory Committee to consult with various state entities to develop a guidance for local or regional "prescribed grazing plans."

With the removal of the government-to-government contract exemption in Section 5 of AB 2557, OCFA is concerned that automatic aid and mutual aid agreements could be considered "contracts" for services. Removing the exemption seems to make the bill applicable to all government-to-government contracts for services where any of the job functions included in the contract are or have been performed by the contracting agency's represented employees in the last five years. This

may include automatic/mutual aid agreements, including those with CAL FIRE, since those are arguably contracts.

Recent committee amendments add the following to the various sections:

*(f) This section shall not apply to any contracts that meet **both** of the following criteria:*

*(1) A contract for an amount less than \$100,000.*

*(2) A contract to provide services for work not usually performed by public employees.*

*(g)...(4) “Work not usually performed by public employees” means a function or activity for which the employer has not had a classification within the last 5 years prior to the initiation of the contract whose duties include the function or activity.*

**Status:** AB 2557 passed the Senate Local Government Committee on 6/11.

#### [Amendment to H.R. 8752 \(Mullin\) #37 Public Safety Communication Standards](#)

**Recommended Position:** Support

**Summary:** U.S. Representatives Young Kim, Kevin Mullin, and Jill Tokuda introduced this bill to decrease \$18,168,000 from the Management Directorate operations and support and increase \$18,168,000 for FEMA operations and support for the National Urban Search & Rescue Response System. This will bring the House funding for Urban Search & Rescue to \$56 million for FY 2025. Rep. Mullin stated on the floor that each of the 28 task forces should receive \$2 million apiece – defining how the extra funds should be used.

**Status:** The Mullin-Kim-Tokuda Amendment passed by voice vote on the House floor on June 26<sup>th</sup> and moved to the Senate.



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**TO:** Olina Wibroe-Benson  
Orange County Fire Authority (OCFA) **VIA PDF E-MAIL**

**FROM:** John Moffatt  
Geoff Neill

**DATE:** July 3, 2024

**RE:** 2024 Legislative Report

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**State Budget Agreement**

On June 26 and 27, the Legislature passed 18 bills as part of this year's budget package, and Governor Newsom (and Acting Governor Kounalakis) signed the three budget-related bills the Legislature passed two weeks previously.

In total, the budget includes \$211.5 billion of General Fund, \$153 billion of federal funds, and \$86.4 billion of various special funds. The agreement avoids many of the deep proposed cuts to health and safety net programs, includes a compromise on prison spending, delays the initial wage requirement for health facility workers, and imposes a 7.95% reduction across the board for state operations and a sweep of many vacant positions. The budget includes provisions to balance the 2025-26 budget, but projects a deficit of \$14 billion in 2026-27.

The bills in this year's budget package are as follows:

- AB 107: 2024 Budget Act
- SB 154: Proposition 98 Suspension
- SB 167: Taxation
- SB 108: Amendments to 2024 Budget Act ("Budget Bill Jr.")
- SB 109: Amendments to 2023 Budget Act ("Budget Bill Jr.")



- SB 153: K-12 Education
- SB 155: Higher Education
- SB 156: Resources
- SB 159: Health
- AB 160: MCO Taxes
- AB 161: Human Services
- AB 162: Developmental Services
- SB 163: Child Care
- SB 164: General Government
- AB 166: Housing
- AB 168: Public Safety
- AB 169: Juvenile Justice
- AB 170: Courts
- AB 171: Labor
- AB 173: Transportation
- SB174: CEQA Exemptions: State Capitol Annex and Native Fish/Wildlife
- SB 175: Revenue and Taxation

**Proposition 4 - The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024**

The \$10 billion climate and resources bond expected to appear on the November ballot includes \$1.5 billion for wildfire and forest resilience, as follows:

- \$135 million to CalOES for a wildfire mitigation grant program for projects that do things like reduce wildfire risks, harden community infrastructure, provide zero-emission backup power, harden homes, and create defensible space.
- \$1.205 billion to improve local fire prevention capacity, improve forest health and resilience, and reduce the risk of wildfire spreading into populated areas from wildlands. This includes:
- \$185 million for the Department of Conservation's Regional Forest and Fire Capacity Program.

- \$170 million to implement region projects such as landscape-scale projects developed by forest collaborative and projects that implement strategies of state conservancies.
- \$175 million for long-term forest health projects, including prescribed fire, grazing, and reforestation.
- \$185 million for local fire prevention grants and for grants to conduct workforce development for fire prevention and wildfire resilience work.
- \$25 million to Cal FIRE for the creation or expansion of a fire training center.
- \$200 million for forest health and watershed improvement projects in very high, high, and moderate fire hazard areas.
- \$50 million for fuel reduction, structure hardening, defensible space, reforestation, and targeted acquisitions to improve forest health and fire resilience.
- Between \$25 million and \$33.5 million to various regional conservancies for watershed improvement, wildfire resilience, chaparral and forest restoration, and workforce development.
- \$15 million to the Wildfire Conservancy to improve firefighter health and safety, advance fire attack effectiveness, and promote community resilience and awareness.
- \$15 million to the California Fire Foundation to support vegetation mitigation and fuels reduction projects, public education, PPE, specialized firefighting equipment, and firefighter health and safety.
- \$50 million for projects that provide long-term capital infrastructure to use forest and other vegetative waste removed for wildfire mitigation for noncombustible uses that maximize reductions in greenhouse gas emissions, provide local air quality benefits, and increase local community resilience against climate change impacts.
- \$25 million for technologies that improve detection and assessment of new fire ignitions.
- \$35 million to reduce wildfire risk related to electricity transmission.
- \$50 million to the California Conservation Corps or similar organizations for projects such as climate resilience and responding to natural disasters.

O. Wibroe-Benson  
July 3, 2024  
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# Holland & Knight

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## Orange County Fire Authority July 2024 Report

### Congress

#### OCFA Community Project Funding Requests Advance Forward

During the month of June, we learned several of OCFA's Community Project Funding/Congressionally Directed Spending requests, informally known as earmarks were advanced forward through the annual appropriations process. On the House side, the Transportation-HUD Appropriations Subcommittee released the list of projects recommended for funding during its June 27<sup>th</sup> markup. Included in the House THUD bill are two projects for the OCFA recommended for funding.

- \$1 million for Mission Viejo Fire Station #9, Rep. Young Kim
- \$1 million for Los Alamitos Fire Station, Rep. Michelle Steel

The House THUD bill will be marked up in full Committee on Wednesday, July 10, and then will move to the House floor for consideration the week of July 29.

On the Senate side, we learned earlier this month that both California Senators Padilla & Butler advanced OCFA's Congressionally Directed Spending request for \$2.5 million to support EV charging infrastructure at OCFA's headquarters. The Senate is much further behind the House in scheduling its mark-ups. While the Senate will begin some mark-ups the week of July 8, it is not expected that we will learn whether OCFA's projects was recommended for funding until the end of July.

#### House Passes FY25 Homeland Security Appropriations Bill With Increased Funding

On June 28, the House passed the FY25 Homeland Security Appropriations bill along strict party lines. While it provides increases for critical FEMA grant programs, other aspects of the bill, such as provisions addressing immigration, led to nearly all Democrats voting against it.

During floor consideration of the bill, we had a bipartisan amendment offered by Reps. Young Kim (R-CA), Kevin Mullin (D-CA), and Jill Tokuda (D-HI) to increase funding for the Urban Search & Rescue program by \$18 million. The bipartisan amendment was agreed to by voice vote bringing the proposed FY25 funding level for US&R to a total of \$56 million. This increase will provide each of the 28 sponsoring task forces, including OCFA, \$2 million in funding for its activities to support the system. This is an increase of approximately \$800,000 in funding for each task force. Rep. Kim spoke on the House floor regarding the importance of the funding, and highlighted the work of OCFA & Chief Fennessy.

The bill recommends \$28.1 billion for FEMA, an increase of \$2.8 billion above the fiscal year 2024 enacted level and \$547.5 million above the fiscal year 2025 request, including \$22.7 billion for

disaster relief. In particular, The House recommended to restore funding for all the FEMA preparedness grant programs that were cut in FY24. This funding includes:

- \$520 million for the State Homeland Security Grant Program, an increase of \$58 million
- \$615 million for Urban Area Security Initiative, an increase of \$62 million
- \$274.5 million for the Nonprofit Security Grant Program, an increase of \$30.5 million
- \$720 million for the Assistance to Firefighters Grant (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) Grants, an increase of \$72 million.

Finally, the bill report includes language regarding geospatial urban search and rescue training, planning, and response efforts:

- *Innovative Technologies in Coordinated Disaster Response.—The Committee is aware that FEMA employs innovative technologies, including geographic information system (GIS) tools in collaboration with nonprofit entities, to improve disaster response capabilities, such as urban search and rescue software platforms. The recommendation includes \$3,000,000 for the Office of Response and Recovery, in close coordination with the U.S. Fire Administration, to expand upon geospatial urban search and rescue training, planning, and response efforts with search and rescue geospatial support technology solutions in preparation for emergency events and disaster responses. FEMA shall consider appropriate data exchange between these efforts and the National Emergency Response Information System (NERIS). Not later than 60 days after the date of enactment of this Act, FEMA shall brief the Committee on a spend plan for the funds and information on how FEMA plans to integrate the solution, where appropriate, with NERIS.*

#### Senate Passes AFG/SAFER Reauthorization Bill, Sends to President for Signature

On June 18, the Senate passed once again the Fire Grants and Safety Act of 2023 ([S. 870](#)) by a vote of 88-2. This bill reauthorizes the United States Fire Administration through 2028, specifically authorizing Congress to fund the administration \$95,000,000 per FY 2024 and 2028.

The Senate needed to vote on the legislation a second-time because the House hitched a bill to accelerate the deployment of nuclear energy capacity prior to the House passing it in May.

The bill also reauthorized FEMA's Assistance to Firefighters Grants (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs from FY 2024 to 2028. The bill now heads to President Biden's desk for his signature.

#### House Homeland Security Committee Holds Hearing on Proposed Fire Brigades Rule

On June 4, the House Homeland Security Subcommittee on Emergency Management and Technology held a hearing entitled: [“Stakeholder Perspectives on OSHA’s Proposed Rule to Update the Fire Brigades Standard”](#). This proposed rule would require fire brigades under Occupational Safety and Health Administration (OSHA) enforcement to develop new written emergency response plans, hazard vulnerability assessments, training, personal equipment, medical screenings, and behavioral health services.



While there was significant discussion about the benefits of this proposed (i.e. increased attention to workplace safety and behavioral health resources), one primary cause for concern with this proposed rule is that it does not take into account the lack of resources fire brigades in smaller municipalities have to implement these changes.

### Senator Introduces Legislation to Empower First Responders with Resources Needed to Tackle Electric Vehicle Crashes

On Thursday, June 21<sup>st</sup>, Senator Ron. Wyden (D-OR) introduced a [bill](#) regarding first responders' response time to electric vehicle emergencies, titled "Supporting America's Firefighters and Emergency Responders to Electric Vehicles Act of 2024" (SAFER EVs Act). Supported by the IAFC, this bill aims to enhance first responders' ability to respond to electric vehicle emergencies promptly through a variety of ways.

First, the bill mandates the Secretary of Energy to align its work with the Secretaries of Transportation and the Federal Emergency Management Agency to employ research and plan the future deployment of EV training. The Energy Department would also need to consult with the National Fire Protection Association to update EV training standards and safety information and make them accessible.

The SAFER EVs Act would:

- Authorize an additional \$10 million annually for State Fire Training Grants to support widespread EV-specific training delivery.
- Require the coordinating agencies to revisit the technical report and update it every three years to keep up with technological and research advancements.
- Require the National Highway Transportation Safety Administration to consider emergency response guides provided by the vehicle manufacturer when assessing a vehicle's New Car Assessment Program score.
- Require the publication and distribution of EV emergency response guides to all first and second responders, such as tow truck operators and salvage yard owners.

## **Administration**

### FCC Adopts Rule Requiring Location-Based Routing for 9-1-1 Calls

On January 26, the Federal Communications Commission (FCC) adopted rules increasing the "precision of routing wireless 9-1-1 calls to Public Safety Answering Points (PSAPs)." Historically, 9-1-1 calls were sent to PSAPs based on the location of the cell tower that accepted the call, but this could delay response times by referring emergencies to improper locations. Now, wireless providers must use tech that allows for location-based routing to provide a more accurate location and, thus, the correct PSAP.

The cost of the change will be up to \$215 million but is outweighed by the \$172 billion benefit of "eliminating the call transfer time between PSAPs and reducing deaths due to such delay." Wireless providers must implement the changes for wireless calls by November 13, 2024, and for real-time texts by May 13, 2026.

## Supreme Court Eliminates Chevron Deference

The Supreme Court issued a host of decisions last week, including one that strikes down Chevron deference: a legal framework established in 1984 where courts defer the authority of interpreting an ambiguous federal statute to federal agencies. The ruling came in *Loper Bright Enterprises v. Raimondo*, a case involving two fishermen who challenged a Department of Commerce regulation.

The 6-3 ruling reduces federal agency power to approve regulations and has potential widespread implications on federal checks and balances.

Writing for the majority opinion, Chief Justice John Roberts argued for removal of the administrative law, claiming that “Courts must exercise their independent judgement in deciding whether an agency has acted within its statutory authority.” In their dissent, Justices Elena Kagan, Sonia Sotomayor, and Ketanji Brown Jackson upheld Chevron and contended that overhauling it reduces the power of agencies to execute their duties and removes their power to make informed regulatory decisions.

Holland and Knight has prepared new resources that provide insight on the impact of this decision and the reversal of Chevron deference, included [here](#).

Date of Hearing: July 1, 2024

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Isaac G. Bryan, Chair

SB 571 (Allen) – As Amended June 24, 2024

**SENATE VOTE:** 31-0

**SUBJECT:** Fire safety regulations: development projects: ingress and egress route standards.

**SUMMARY:** Requires the Office of Planning and Research (OPR) to conduct a study and prepare a report evaluating potential improvements to state standards for ingress and egress and evacuation routes for development in the event of a wildfire.

**EXISTING LAW:**

- 1) Establishes OPR in the Governor’s office and requires OPR, by July 1, 2020, in consultation with the Housing and Community Development (HCD), the Department of Forestry and Fire Protection (CAL FIRE), the Office of Emergency Services (CalOES), and other fire and safety experts, to update the guidance document entitled “Fire Hazard Planning, General Plan Technical Advice Series.” Requires the guidance document to include specific land use strategies to reduce fire risk to buildings, infrastructure, and communities. (Government Code (GC) 65037 and 65040.21)
- 2) Establishes the State Board of Forestry and Fire Protection (Board) to determine, establish, and maintain an adequate forest policy for the state, and protect all wildland forest resources in California that are not under federal jurisdiction. (Public Resources Code (PRC) 740)
- 3) Requires the Board to adopt minimum fire safety standards related to defensible space that are applicable to state responsibility area (SRA) lands under the authority of CAL FIRE, and to lands classified and designated as very high fire hazard severity zones (FHSZs). Requires the regulations to include road standards for fire equipment access, standards for signs identifying streets, roads, and buildings, minimum private water supply reserves for emergency fire use, and fuel breaks and greenbelts. (PRC 4290)
- 4) Requires the State Fire Marshal (SFM), in consultation with the Director of CAL FIRE and the Director of HCD, to propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in FHSZs, including very high fire hazard severity zones (VHFHSZs) designated by the SFM. (Health and Safety Code 13108.5)
- 5) Requires safety elements to include information about wildfire hazards, as well as goals, policies, and objectives and feasible implementation measures for the protection of the community from the unreasonable risk of wildfire. (GC 65302, 65302.5.)

**THIS BILL:**

- 1) Defines “development” as all new residential, commercial, and industrial development, unless the context otherwise requires.



- 2) Requires the OPR to conduct a study and prepare a report, including recommendations, that evaluates potential improvements to state standards for ingress and egress and evacuation routes for development in the event of a wildfire. Requires the report and recommendations to consider, at minimum, all of the following:
  - a) The potential effect that a change to state standards, described in this subdivision, could have on all of the following:
    - i) The cost and affordability of housing, including any potential impact on the ability of cities and counties to meet their statutory obligations;
    - ii) Interactions with state climate goals; and,
    - iii) The ability for individuals and communities to rebuild after a disaster.
  - b) Existing evacuation planning guidance, best practices, and fire safety standards.
  - c) The role of wildfire behavior, fire modeling, and potential wildfire impacts affecting evacuation routes and temporary refuge area locations.
  - d) Recommended feasible timeframes after notification of a fire to accommodate travel by the development's population to a point of safety, such as to a temporary refuge area, when appropriate, using designated evacuation routes.
  - e) Scaling and tiering of feasible standards based on the development's size, population density, motor vehicle volume, and other appropriate factors, including strategies and performance criteria to address safety needs.
  - f) The needs of vulnerable populations.
  - g) Travel capacity needs for designated evacuation routes and needs for concurrent emergency vehicle access, including considerations of current use of existing routes by local populations and potential reductions of travel capacity posed by new development.
  - h) Feasible mitigation for a development's traffic impacts that address any unmet local travel and infrastructure capacity needs of identified evacuation routes.
- 3) Requires OPR, to assist with and inform the development of the report and recommendations, to convene and consult with a working group that includes, but is not limited to, voluntary representatives from all of the following entities:
  - a) The Office of the SFM;
  - b) The Board;
  - c) HCD;
  - d) The Office of Emergency Services;

- e) The Transportation Agency;
  - f) The State Air Resources Board;
  - g) Local fire chiefs and local law enforcement or statewide associations representing those entities;
  - h) The building industry;
  - i) Organizations representing urban, suburban, and rural local governments; and,
  - j) Environmental, housing, and other nongovernmental stakeholder organizations.
- 4) Requires OPC, when developing the report, to include public outreach and engagement by providing regular opportunities for input from and dialogue with the public.
  - 5) Requires, on or before January 1, 2027, OPR to submit the report required to the appropriate fiscal and policy committees of the Legislature, consistent with GC 9795, and to the Governor.
  - 6) Sunsets the bill on January 1, 2031.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Emergency evacuation routes.** Having narrow and overgrown roads leading into and out of communities that lie in the wildland urban interface (WUI) setting jeopardize the safety and lives of not only firefighters but the residents who live in these communities. These narrow roads do not allow for the simultaneous use of evacuating citizens and responding fire department equipment.

According to the Board, the 2006 Esperanza Fire claimed the lives of five firefighters, and roads were considered a contributing factor that lead to their deaths. In 2015, poor road networks led to deaths in the Valley Fire. In November 2018, the Camp Fire struck Butte County and first responders and residents fleeing the fire blizzard were both stuck in a bottleneck as the one main road both into and out of town was not cleared enough to efficiently evacuate. Many fleeing residents were caught and overtaken by the intense flames, and many lost their lives.

- 2) **Fire safe standards.** The Board maintains the Minimum Fire Safe Standards (Title 14, California Code of Regulations 1270.00-1265.05) to set certain minimum standards for structures, subdivisions, and developments in the SRA and VHFHSZ in the local responsibility area (LRA). The regulations include: (1) road standards for fire equipment access; (2) standards for signs identifying streets, roads, and buildings; (3) minimum private water supply reserves for emergency fire use; and, (4) fuel breaks and greenbelts.

SB 901 (Dodd), Chapter 626, Statutes of 2018, expanded the scope of the minimum fire safe standards regulations to the VHFHSZs in the LRA; requires the Board to promulgate

regulations for fuel breaks and greenbelts near communities; and, establishes measures for preserving undeveloped ridgelines to reduce fire risk and improve fire protection.

In 2021, the Board updated the regulations to, among many other things, make improvements to the ingress and egress requirements. That includes allowing flexibility to local jurisdictions to implement road networks that allow for alternative transportation modes that provide for concurrent ingress and egress; safeguarding that bridges and elevated structures meet road width and height requirements in order to avoid situations where a bridge width is narrower than a road and limits safe ingress or egress under emergency situations; and, adds a minimum ‘clear width’ requirement for bidirectional roads with a center median and one-way roads of 20 feet. This ensures that in instances where a road may only provide one traffic lane, sufficient clear width is provided to ensure concurrent ingress and egress during a wildfire as is provided for on bidirectional roads with two lanes.

The Board’s effort to update the regulations was highly controversial and it took time to develop an appropriate balance to ensure public safety while not unduly burdening or restricting new development to address the state’s housing supply crisis. The Board approved changes to the regulations to comply with SB 901 at their August 2022 meeting and they went into effect April 1, 2023.

According to the author, the Board’s regulations do not address specific requirements about the amount of distinct and separate ingress/egress routes needed for safe wildfire responses.

- 3) **Local evacuation planning.** The safety element of the general plan establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards. Counties that contain a SRA and any city or county containing a VHFHSZ must submit its safety element for review and comment by the Board and any local agencies that provide fire protection to the city or county. Local agencies are also required, as a precondition for federal hazard mitigation grants, to prepare a local hazard mitigation plan every five years.

Further, several recent bills have augmented local evacuation planning requirements. SB 99 (Nielsen), Chapter 202, Statutes of 2019, requires cities and counties to identify residential developments with less than two evacuation routes. AB 747 (Levine), Chapter 681, Statutes of 2019, requires each city or county to review and update its safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. AB 1409 (Levine), Chapter 481, Statutes of 2021, updated AB 747 to include evacuation locations.

- 4) **New development.** California’s population is nearly 40 million and growing, and, commensurately, so is the demand for housing and associated development. Cities and counties are frequently challenged to accommodate both current and future residents in need of safe and affordable housing. According to HCD, California must plan for more than 2.5 million new homes. That would require production of more than 300,000 units a year. By contrast, housing production in the past decade has been fewer than 100,000 units per year. Over the past few decades, communities across the state have approved many new housing units within or adjacent to the WUI; today, approximately one third of all homes in California are located in the WUI. This trend is of particular concern because WUI conditions are associated with an increased risk of loss of human life, property, natural

resources, and economic assets. Ensuring new development is built according to the state's minimum fire safe standards is critical to protecting those homes and residents.

- 5) **This bill.** SB 571 requires OPR to conduct a study and prepare a report evaluating potential improvements to state standards for ingress and egress and evacuation routes for development in the event of a wildfire.
- 6) **Committee amendments.** Safe evacuation routes that permit concurrent ingress and egress are not limited to wildfire emergencies. Therefore, *the Committee may wish to consider* expanding the reporting requirements in the bill to consider evacuation routes for the natural disasters (seismic, geologic, flood, and wildfire hazards) for which a local government's safety element of the general plan covers.

## REGISTERED SUPPORT / OPPOSITION:

### Support

Planning and Conservation League

### Opposition

Building Industry Association of San Diego County  
 California Apartment Association  
 California Builders Alliance  
 California Building Industry Association  
 California Business Properties Association  
 California Chamber of Commerce  
 California Farm Bureau Federation  
 California Manufacturers & Technology Association  
 Central City Association of Los Angeles  
 El Dorado County Chamber of Commerce  
 El Dorado Hills Chamber of Commerce  
 Elk Grove Chamber of Commerce  
 Folsom Chamber of Commerce  
 Greater Coachella Valley Chamber of Commerce  
 Home Builders Association of The Central Coast

Lincoln Area Chamber of Commerce  
 Murrieta Wildomar Chamber of Commerce  
 North State Building Industry Association  
 Rancho Cordova Area Chamber of Commerce  
 Rancho Southeast Realtors  
 Rocklin Area Chamber of Commerce  
 Roseville Area Chamber of Commerce  
 Sacramento Regional Builders Exchange  
 Shingle Springs/Cameron Park Chamber of Commerce  
 Southern California Leadership Council  
 Southwest California Legislative Council  
 Tri County Chamber Alliance  
 United Chamber Advocacy Network UCAN  
 Valley Industry and Commerce Association  
 Yuba Sutter Chamber of Commerce

**Analysis Prepared by:** Paige Brokaw / NAT. RES. /

Date of Hearing: July 1, 2024

**ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

Isaac G. Bryan, Chair

SB 610 (Wiener) – As Amended June 11, 2024

**SENATE VOTE:** 36-0

**SUBJECT:** Fire prevention: wildfire mitigation area: defensible space: State Fire Marshal: real property disclosures: fire protection building standards

**SUMMARY:** Eliminates the state's fire hazard severity mapping for the state responsibility area (SRA) and local responsibility area (LRA) and requires the State Fire Marshal to designate Wildfire Mitigation Area (WMA), through regulations, for fire mitigation across the state.

**EXISTING LAW:**

- 1) Establishes the State Fire Marshal (SFM) as an entity within the Department of Forestry and Fire Protection (CAL FIRE) to foster, promote, and develop ways and means of protecting life and property against fire and panic. (Health & Safety Code 13100 – 13100.1)
- 2) Requires the SFM, by regulation, to designate FHSZs and assign to each zone a rating reflecting the degree of severity of fire hazard that is expected to prevail in the zone. Provides that no designation of a zone and assignment of a rating shall be adopted by the SFM until the proposed regulation has been transmitted to the board of supervisors of the county in which the zone is located at least 45 days before the adoption of the proposed regulation and a public hearing has been held in that county during that 45-day period. (Public Resources Code (PRC) 4203)
- 3) Requires the SFM to periodically review zones and, as necessary, revise FHSZs or their ratings or repeal the designation of FHSZs. (PRC 4204)
- 4) Establishes the Board of Forestry and Fire Protection (Board) to determine, establish, and maintain an adequate forest policy for the state, and protect all wildland forest resources in California that are not under federal jurisdiction. (PRC 740)
- 5) Defines the SRA as areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the Board to be primarily the responsibility of the state. (PRC 4102)
- 6) Requires the Board to establish standards, based upon its determination of conditions that create an unreasonable hazard to life or property from fire, for what constitutes a hazardous condition in those instances not covered by state law. Requires standards to be established for each of CAL FIRE's administrative districts after a public hearing for which ample publicity is given. (PRC 4173)
- 7) Authorizes the Board, upon the written petition of the owners or authorized agents of more than 50% of the land, including public land, within the exterior boundaries of any area of not less than 10,000 acres in size, upon which a fire hazard exists due to the presence of

flammable material or cover, to designate such area as a hazardous fire area, and requires the Board to declare the period of time during which the area shall be so designated. (PRC 4251)

- 8) Requires the Board to adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to SRA lands under the authority of CAL FIRE, and to lands classified and designated as very high fire hazard severity zones (VHFHSZs). (PRC 4290)
- 9) Requires the Board to develop and maintain a “Fire Risk Reduction Community” list of agencies, communities, and neighborhoods located in the SRA or a VHFHSZ that meet best practices for fire hazard planning. (PRC 4290.1)
- 10) Requires the Board to develop and update guidance for fuels management for defensible space compliance. Requires the SFM to make recommendations to the Board on vegetation management, and make reasonable efforts to provide notice to affected residents. (PRC 4291)
- 11) Requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, to at all times maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as provided. (PRC 4291.5)
- 12) Requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a VHFHSZ designated by the local agency to, at all times, maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as provided. Requires the Board to adopt regulations for an ember-resistant zone for the elimination of materials that would likely be ignited by embers. (Government Code (GC) 51182)
- 13) Requires the SFM to identify areas in the state as moderate, high, and very high fire hazard severity zones (FHSZs) based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Requires FHSZs to be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the Office of the SFM as a major cause of wildfire spread. (GC 51178)

**THIS BILL:**

- 1) Provides that lands designated as VHFHSZs shall retain that identification until the SFM adopts the WMA.
- 2) Repeals the requirement for the SFM to identify areas in the state as moderate, high, and very high FHSZs upon adoption of the WMA regulations.
- 3) Repeals requirement for a local agency to designate, by ordinance, moderate, high, and very high FHSZs and the authority for a local agency to include areas as VHFHSZ that were not identified by the SFM upon adoption of the WMA regulations.

- 4) Repeals the requirement for the SFM to periodically review VHFHSZs and make recommendations.
- 5) Recasts defensible space requirements to apply to the WMA and shifts responsibility for updating defensible space requirements from the Board to the SFM.
- 6) Requires the SFM to adopt regulations to implement the defensible space requirements.
- 7) Requires the SFM to establish wildfire mitigation measures in the WMA. Requires wildfire mitigation measures to include, but not be limited to, all of the following:
  - a) Wildland Urban Interface (WUI) building standards;
  - b) Statewide minimum fire safety regulations, pursuant to PRC 4290 and 4290.1;
  - c) State defensible space requirements, pursuant PRC 4291;
  - d) Real estate hazard disclosure requirements;
  - e) Defensible space real estate compliance requirements, pursuant to Civil Code 1102.19;
  - f) Subdivision review requirements; and,
  - g) Safety element review requirements, pursuant to GC 65302.5.
- 8) Requires the SFM, in consultation with the Director of Housing and Community Development (HCD), to propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in the WMA.
- 9) Requires the SFM and HCD to propose, and the California Building Standards Commission to adopt, the building standards for the WMA during the next triennially occurring code adoption cycle.
- 10) Changes the intent for classifying lands based on severity of fire for the purposes of measures to slow the rate of spread of fire to classifying the WMA based on wildfire hazard in order to prepare communities.
- 11) Requires the SFM to designate, by regulation, a WMA within the state, excluding federal lands. Requires the WMA to be based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the director of CAL FIRE as a major cause of wildfire spread. Requires the SFM, within two business days of the adoption of the regulations, to provide notice on its internet website that the regulations have been adopted.
- 12) Repeals the requirement for the SFM, by regulation, to designate and rate FHSZs.

- 13) Requires, when the SFM publishes the notice of proposed action concerning the WMA in the California Notice Register, the SFM to also transmit a copy to the board of supervisors of the county and the city council of each city in which the WMA is located.
- 14) Requires the SFM to conduct at least three public hearings during the rulemaking process.
- 15) Requires the SFM to periodically review, and, if necessary, update the WMA. Authorizes any update to the WMA to be petitioned pursuant to Sections 11340.6 and 11340.7 of the Government Code.
- 16) Requires the SFM to annually account for modifications to the SRA and make any necessary adjustments to the WMA. Provides that any revisions to the WMA from the annual review are not subject to the adoption requirements of the Administrative Procedure Act.
- 17) Repeals requirements for the Board to adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to SRA and lands designated as VHFHSZs.
- 18) Shifts responsibility from the Board to the SFM to adopt regulations implementing minimum fire safety standards related to lands in the WMA.
- 19) Eliminates the regulatory requirement to preserve undeveloped ridgelines to reduce fire risk and improve fire protection.
- 20) Eliminates the ember resistant zone and replaces with an undefined zone with five feet of a structure.
- 21) Requires the SFM, in consultation with the Board, to adopt regulations implementing defensible space standards related to lands within the WMA.
- 22) Shifts responsibility from the Board to the SFM to develop and periodically update a guidance document on fuels management.
- 23) Amends the following statutes to replace reference of a FHSZ with the WMA:
  - a) Civil Code 1102.6f requiring a seller of any real property located in a high or VHFHSZ to provide a disclosure notice to the buyer, if the home was constructed before January 1, 2010.
  - b) Civil Code 1102.19 requiring a seller of a real property subject to this article that is located in high or VHFHSZ to provide to the buyer documentation stating that the property is in compliance with PRC 4291.
  - c) Civil Code 1103 requiring a seller of real property that is located within a high or VHFHSZ to disclose to any prospective buyer the fact that the property is located within a VHFHSZ and is subject to the requirements of GC 51182 if certain conditions are met.
- 24) Provides that no reimbursement is required by this bill pursuant to the California Constitution.



- 25) Provides that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Wildfires.** In recent years, California has experienced a growing number of highly destructive wildfires. Of the 20 most destructive wildfires in California's recorded history, 13 have occurred since 2017. Together, these 13 fires caused tremendous damage, destroying nearly 40,000 structures, taking 148 lives, and charring millions of acres. As of June 19, there are multiple active wildfires across the state in Sonoma, Los Angeles, Colusa, Calaveras, and San Bernardino, and it's been reported that experts are warning Californians to brace for a "very active" wildfire season due to back-to-back wet winters and forecasts for a warmer than normal summer.

It is estimated that as many as 15 million acres of California forests need some form of treatment to maintain or restore forest health and prevent risk of wildfires. The state and United States Forest Service (USFS) have a collective goal to treat one million acres of land annually to reduce fire risk by 2025. CAL FIRE completed about 105,000 acres of fuel treatment, including 36,000 acres of prescribed burns during the 2023 fiscal year, according to state data. The USFS conducted about 312,000 acres of combined treatment and burns.

- 2) **Who's in charge?** The Board is a government-appointed body within CAL FIRE and is responsible for developing the general forest policy of the state, determining the guidance policies of CAL FIRE, and representing the state's interest in federal forestland in California.

The Board is required to adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to SRA lands under the authority of CAL FIRE, and to lands classified and designated as VHFHSZs in the LRA. The Board also maintains a "Fire Risk Reduction Community" list of agencies, communities, and neighborhoods located in the SRA or a VHFHSZ that meet best practices for fire hazard planning.

The Office of the SFM was established by the Legislature in 1923 as an independent state entity; it was consolidated within CAL FIRE in 1995. Today, the SFM supports the mission of CAL FIRE by focusing on fire prevention through a variety of fire safety responsibilities, including: regulating buildings in which people live, work, and congregate; providing statewide direction for fire prevention within wildland areas; developing and reviewing regulations and building standards; and, providing training and education in fire protection methods and responsibilities.

The SFM classifies lands within the SRA into FHSZs. Each zone is based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by CAL FIRE as a major cause of wildfire spread.

In 2009, the Legislature enacted AB 9 (Wood), Chapter 225, Statutes of 2021, establishing the Deputy Director of Community Wildfire Preparedness and Mitigation in the Office of the

SFM to be responsible for overseeing defensible space requirements, establishment of FHSZs, and implementation of the minimum fire safety standards, among other responsibilities. SB 9 also augmented the SFM's responsibilities by transferring and delegating certain duties related to fire safety and wildfire prevention from CAL FIRE to the SFM, including CAL FIRE's local assistance grant program for fire prevention and home hardening education activities.

SB 610 shifts fire mitigation responsibilities, including defensible space regulatory authority and minimum fire safe standards, from the Board to the SFM. Environmental organizations express concern that the bill places these authorities and responsibilities on the SFM before knowing what parts of the state will be subject to the new requirements for the proposed WMA.

- 3) **Wildfire Mitigation Area.** SB 610 revises the area subject to fire mitigation requirements (presently the SRA and LRA VHFHZ) into a single designated WMA that encapsulates fire hazard, building standards, and defensible space. Under the bill, the SFM is required to designate, by regulation, a WMA within the state based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the director of CAL FIRE as a major cause of wildfire spread.

According to Governor Newsom's Administration, the intent is to create consistent, statewide minimum fire standard for mitigation across what is currently the SRA and LRA with one adoption process.

- 4) **Fire hazard mapping.** As of 2010, about one-third of California's housing units were located in the WUI. Residential developments in the WUI and other wildfire prone areas can significantly increase the risks of wildfires and the risk to public safety.

FHSZs fall into the following classifications: moderate, high, and very high based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. FHSZ maps evaluate "hazard" based on the physical conditions that create a likelihood and expected fire behavior over a 30 to 50-year period without considering mitigation measures such as home hardening, defensible space, vegetation management, or fuel reduction efforts.

Regulations were approved on January 31, 2024, for revised SRA FHSZs, which became effective April 1, 2024. This current revision only updates areas in the SRA, which are unincorporated, rural areas where wildfires tend to be frequent.

Before the updated FHSZ regulations were approved, the FHSZ maps were last updated in 2007 when CAL FIRE updated the FHSZs for the entire SRA. Lands are removed from the SRA when they become incorporated by a city, change in ownership to the federal government, become more densely populated, or are converted to intensive agriculture that minimizes the risk of wildfire. While some lands are removed from SRA automatically, the Board typically reviews changes every five years.

Between 2008 and 2011, CAL FIRE worked with local governments to make recommendations of the VHFSZ within the LRA, which includes incorporated cities, urban regions, agriculture lands, and portions of the desert where the local government is

responsible for wildfire protection. This is typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract.

SB 63 (Stern), Chapter 382, Statutes of 2021, requires CAL FIRE to adopt of all FHSZs in the LRA. Previously, only VHFHSZs were required for adoption in the LRA.

CAL FIRE uses the same modeling data that are used to map the SRA to develop the FHSZs in the LRA. CAL FIRE works with local jurisdictions for validation of the mapping. The maps, along with a model ordinance, are then sent to the governing body for adoption. Then, a local agency is required to make the identified FHSZs available for public review and comment within 30 days of being notified by the SFM of the FHSZs.

FHSZ maps for the LRA, as required by SB 63, have not yet been developed. They are going to be contentious as they will require new home construction to meet Chapter 7A building standards for new construction (including ignition-resistant roofs, under eaves, siding, windows, and decking) and defensible space requirements. These standards will make new construction significantly more costly. However, home hardening standards, which are periodically updated, have been shown to work. An analysis by the Sacramento Bee showed that approximately 51% of the 350 single-family homes built after 2008 in the path of the Camp Fire were undamaged. By contrast, only 18% of the 12,100 homes built prior to 2008 escaped damage. Factors that can cause post-2008 homes to combust include not having adequate defensible space and proximity to neighboring non-fire hardened homes.

SB 610 eliminates the FHSZs, which means there will be no distinction in the mitigations or restrictions required in an area with a Moderate level of fire hazards versus High or Very High fire hazard. Therefore, it is unknown where defensible space, building standards, and home hardening will be required until that is determined by the SFM in the rulemaking process. Further, it is unclear how the vast range of hazard conditions in California will be addressed with a single WMA designation for all hazard levels.

- 5) **Defensible space.** Defensible space is the buffer created between a building on a property and the grass, trees, shrubs, or any wildland area that surrounds it. This space is needed to slow or stop the spread of wildfire, and it helps protect structures from catching fire. A 2019 analysis done by CAL FIRE of the relationship between defensible space compliance and destruction of structures during the seven largest fires that occurred in California in 2017 and 2018 concluded that the odds of a structure being destroyed by wildfire were roughly five times higher for noncompliant structures compared to compliant ones.

The defensible space for all structures within the SRA and VHFHSZ is 100 feet. CAL FIRE additionally requires the removal of all dead plants, grass, and weeds, and the removal of dry leaves and pine needles within 30 feet of a structure. In addition, tree branches must be 10 feet away from a chimney and other trees within that same 30 feet surrounding a structure. AB 3074 (Friedman), Chapter 259, Statutes of 2020, established an ember-resistant zone within 5 feet of a structure as part of revised defensible space requirements for structures located in FHSZs. The Board has not yet promulgated regulations effectuating that defensible space requirement (known as Zone 0).

SB 610 repeals the current statutes for defensible space upon the adoption of regulations by the SFM, putting the onus on the SFM to complete the ember-resistant standards.

6) **Ripple effects across state law.** Changing how the state identifies the geographic boundaries of where (and how) to manage fire risk mitigation will have impacts across other state laws that are tethered to the state's FHSZs. There are 51 unique statutory code sections referencing FHSZs (including those amended by this bill.) Forty-six include "high fire hazard severity zones," and 43 include "very high fire hazard severity zones. Those statutes include, but are not limited to:

- Insurance Code, i.e., Basic Property Insurance Inspection and Placement Plan (IC 10094.2)
- Government Code, including:
  - Planning and Land use (GC 66474.02)
  - Housing development approvals (GC 65912.120 - 65912.124)
  - Department of General Services installation of emergency sleeping cabins (GC 14669.23)
  - California Wildfire Mitigation Financial Assistance Program (GC 8654.2 - 8654.10)
- Streets and Highways Code, Contractual Assessment Program (S&HC 5899.4)
- Health & Safety Code, Building and Development Standards, and Safety Improvements (HSC 13108.5, 13132.7)

Cross-referencing the WMA is not a one-size-fits-all to replace references to the FHSZs throughout California's laws. Different laws reference the varying fire hazards (Moderate, High, Very High) and the WMA cannot supplant all three designations, because it doesn't have the fire hazard severity determination, and different regulatory requirements (building standards, defensible space, home hardening) apply in different FHSZs.

7) **Author's statement:**

The SFM is currently required to classify and map the severity of fire hazard within both the State and Local Responsibility Areas as Moderate, High, or Very High. These maps evaluate hazard, not risk; hazard is based on the physical conditions that create a likelihood and expected fire behavior without considering mitigation measures, whereas risk is the potential damage a fire can do to the area under existing conditions. Unfortunately, the FHSZ maps are often misinterpreted as identifying risk, but the maps were never intended to be used as a deterrent or a moratorium on fire safe housing or as a method to determine insurance rates. SB 610 would remedy the issues with the existing FHSZ process by empowering the SFM to use its science-based hazard model to develop the Wildfire Mitigation Area to replace the tiered FHSZ model, and collaboratively develop appropriate and consistent statewide minimum mitigation requirements for the WMA through a public process. SB 610 is a partnership between Senator Wiener and the Office of Governor Gavin Newsom.

8) **Committee amendments.** The *Committee may wish to consider* amending the bill to address all of the aforementioned concerns.

**9) Related legislation:**

AB 3150 (Quirk-Silva) transfers authorities related to designation of fire hazards from the Board to the SFM. This bill is referred to the Senate Natural Resources & Water Committee.

SB 504 (Dodd) updates defensible space requirements and implementation timeframes. This bill is referred to the Assembly Appropriations Committee.

SB 63 (Stern) Chapter 382, Statutes of 2021, enhanced fire prevention efforts by CAL FIRE, including adding the designation of moderate and high fire hazard severity zones in the LRA.

AB 3074 (Friedman) Chapter 259, Statutes of 2020, establishes, upon appropriation, an ember-resistant zone within five feet of a structure as part of the defensible space requirements for structures located in specified high fire hazard areas. Requires removal of material from the ember-resistant zone based on the probability that vegetation and fuel will lead to ignition of the structure by ember.

SB 901 (Dodd) Chapter 626, Statutes of 2018, addresses numerous issues concerning wildfire prevention, response and recovery, and requires the board to extend the state's minimum fire safety standards to VHFHSZs in the LRA and include ridgelines, among other things.

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Building Industry Association  
Housing Action Coalition  
Yimby Action

**Opposition**

Brentwood Alliance of Canyons & Hillsides	Endangered Habitats League
California Cattlemen's Association	League of California Cities
California Farm Bureau	Pacific Forest Trust
California Farm Bureau Federation	Planning and Conservation League
California Forestry Association	Rural County Representatives of California
California Native Plant Society	Sierra Forest Legacy
California State Association of Counties	State Alliance for Firesafe Road Regulations
California Wilderness Coalition	
Canyon Back Alliance	
Center for Biological Diversity	
Clean Water Action	
Defenders of Wildlife	

**Analysis Prepared by:** Paige Brokaw / NAT. RES. /

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**SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT**  
**Senator Lola Smallwood-Cuevas, Chair**  
**2023 - 2024 Regular**

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<b>Bill No:</b>	AB 2557	<b>Hearing Date:</b>	July 3, 2024
<b>Author:</b>	Ortega		
<b>Version:</b>	June 17, 2024		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Glenn Miles		

**SUBJECT:** Local agencies: contracts for special services and temporary help: performance reports

**KEY ISSUE**

This bill places requirements on local governmental agencies related to contracting out services, as specified.

**ANALYSIS**

**Existing law:**

- 1) Authorizes a county board of supervisors (CBOS) to contract for special services on behalf of the following public entities: the county, any county officer or department, or any district or court in the county. Special services or special skills contracts shall be with persons specially trained, experienced, expert and competent to perform the special services. (Government Code (GC) § 31000)
- 2) Authorizes CBOS to contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, provided the board determines that it is in the economic interest of the county to provide such temporary help by contract, rather than employing persons for such purpose. Use of temporary help under this section shall be limited to a period of not to exceed 90 days for any single peak load, temporary absence, or emergency situation. (GC § 31000.4)
- 3) Authorizes a city's legislative body (COUNCIL) to contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters. (GC § 37103)
- 4) Authorizes the legislative body of any public or municipal corporation or district (DISTRICT BOARDS) to contract with and employ any persons for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained, experienced, and competent to perform the special services required. (GC § 53060)

**This bill:**

- 1) Makes the following legislative findings and declarations:
  - a. Local governments are increasingly relying on private contractors to provide public services customarily performed by the civil service workforce.

- b. The delivery of quality public services and goods requires a capable and efficient workforce who receives fair compensation.
- c. Transparent contracting processes allow thorough public scrutiny to ensure that quality services and goods are delivered to California communities.
- d. There is a statewide interest in ensuring that public funds are used effectively and ethically and that the replacement of bargaining unit work with private contractors does not undermine public employee relations.

#### Special Services / Temporary Help Contracts

- 2) Beginning July 1, 2025, requires CBOS, COUNCILS, or DISTRICT BOARDS that solicit for and enter into a special services or temporary help contracts, as specified, for functions that are currently, or were in the prior five years, performed by unionized employees of the respective contractee, to post the contract and any related documents, including any required performance reports, that are subject to the California Public Records Act (CPRA) on its internet website.
- 3) Requires, beginning July 1, 2026, each contract, as specified, for functions that are currently, or were in the prior five years, performed by unionized employees of the respective contractee to include all of the following:
  - a. The objectives, deliverables, and goals of the contract.
  - b. A list of all financial expenditures associated with the delivery of contracted services, including, but not limited to, personnel costs, direct expenses, and indirect expenses, and their corresponding deliverables.
  - c. The number of each contractor's and subcontractor's employees associated with the delivery of the contracted services, organized by job category, and the number of each contractor's and subcontractor's independent contractors associated with delivery of the contracted services organized by job category.
  - d. The names of any subcontractors providing services under the contract; and the hourly rates, total compensation, and pay scales of employees and independent contractors providing services under the contract, organized by job classification.
- 4) Requires the CBOS, COUNCIL, or DISTRICT BOARD to give reasonable written notice, as specified, to the affected workforce's union, that explains the proposed contract, the justification for the contract, the expected length of the contract, and the effect on represented classifications. However, this provision shall not apply in the event of an emergency.
- 5) Requires the CBOS, COUNCILS, or DISTRICT BOARDS to notify the affected workforce's union, in writing, of its intent to modify or renew the contract at least 30 days before the contract's modification or renewal.
- 6) Requires the contract to provide that all records provided to CBOS, COUNCILS, or DISTRICT BOARDS, respectively, by the contractor shall be subject to the CPRA and requires contractors and any subcontractors to maintain records related to performance of the contract that ordinarily would be maintained by the contractee in performing the same functions.
- 7) Defines the following terms for purposes of this provision:

- a. “Deliverables” means the agreed upon services set forth in the contract, the expected rate of delivery, and the success of those services.
  - b. “Emergency” means a situation where immediate acquisition is necessary for the protection of the public health, welfare, or safety.
  - c. “Total compensation” means the complete payment provided to a contracted employee throughout the duration of the contract, including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement.
- 8) Declares the severability of the respective provision and provides that if any provision of or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
  - 9) Makes legislative findings and declarations that ensuring that the replacement of bargaining unit work with contracted employees does not undermine public employee relations is a matter of statewide concern for purposes of Section 4 of Article XI of the California Constitution, and therefore, applies the provision to all counties, including charter counties.
  - 10) Applies the respective provision to CBOS, COUNCILS, or DISTRICT BOARDS, respectively on and after January 1, 2025, and declares that these amendments shall apply prospectively only and shall not be construed, applied, or otherwise interpreted to have any effect on or application to any contract entered into before January 1, 2025.
  - 11) Declares that if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

## COMMENTS

### 1. Need for this bill?

According to the author:

“Civil servants (i.e., public sector workers) are rightly subject to a litany of transparency laws that include open meeting requirements and the California Public Records Act; however, existing law does not require the same transparency measures for contracted workers of local governments. This frequently leads contracted work to result in reduced service quality and opens the door for opportunities for private firms and organizations to misuse of taxpayer resources. [... ]”

“With limited oversight, this practice has disproportionate implications on vulnerable communities who rely on local governments for critical services, including foster care, homeless programs, and public safety.”

### 2. Proponent Arguments

According to SEIU California:

“Current law allows local governments to contract with private firms and employers to provide services that could be provided by direct employees. Contractors may offer short-term savings by hiring less qualified staff, paying lower wages, and lowering standards for



working conditions. However, research on the privatization of public services over the past few decades found little to no cost savings and poorer outcomes for the public. [...]”

“The practice of contracting out also reduces the number of union jobs that are available to the surrounding community. Government anti-discrimination policies enacted in the 1960s and 1970s diversified public sector workplaces, and women and people of color enjoy higher employment rates in the public sector. The unionization rate of the public sector is five times higher than the private sector, leading to better wages, working conditions, benefits, and retirement security. For example, in Los Angeles County, Black workers in the public sector earn 46% more on average than those in the private sector. Black public sector workers are also overwhelmingly more likely to own their homes and have health insurance than Black private sector workers.”

According to the California Labor Federation:

“Public sector jobs were once considered the backbone of the middle class, but decades of low funding and government austerity measures have led to the decline of the stable union jobs that once sustained communities. In efforts to cut costs, governments contract out public work to the lowest bidder and an array of unaccountable service providers. Public services, including substance abuse treatment, foster youth care, and health services, are increasingly contracted out to private entities that do not have to meet the same workforce and performance standards that public agencies do.”

“The widespread practice of contracting out public services has led to the elimination of middle-class career opportunities for residents, especially for women and BIPOC individuals. This has an impact on entire communities as lower quality private contractor jobs replace good union public sector ones. For example, a recent report found that in Los Angeles County, Black workers in the public sector earn 46% more on average than Black workers in the private sector. Black public sector workers are overwhelmingly more likely to own their homes and have health insurance compared to Black private sector workers.”

### **3. Opponent Arguments:**

According to a coalition including the California State Association of Counties and the California Chamber of Commerce:

“California’s more than 4,800 local agencies depend on partnerships with trusted local businesses and community partners to deliver core services, especially to our most vulnerable populations. Services such as emergency response, mental health care, homeless services, forest management, foster care, animal services, 9-1-1 dispatching and much more are often provided through these partnerships. Local service providers possess unique capabilities to reach and build trust with individuals that government entities are not able to reach as effectively.”

“Local service providers and community-based organizations often deliver services more efficiently and cost-effectively than government agencies can alone. Limiting these partnerships will result in increased costs, service reductions, and the potential elimination of essential programs, leaving those who rely on these services without support.”

According to a coalition of approximately 170 nonprofit organizations, including the United Way:

“Nonprofits have historically filled service gaps because we are uniquely qualified to meet specific community needs. We are troubled by any characterization that such partnership negatively impacts service provision and do not think that reflects reality. What’s more, there are major shortages in various professions that are making it very hard for employers of all types to hire qualified people needed to provide critical services.”

“AB 2557 has the potential to dramatically impede nonprofits' ability to pursue or renew partnered efforts and to reduce the flow of public dollars to already under-resourced communities.”

#### 4. Committee Concerns and Recommended Amendments:

The committee recognizes the proponents' legitimate efforts in trying to ensure that public work be performed by appropriately compensated, skilled and trained public employees. The committee also acknowledges the proponents' important insistence that the disclosure of public contracts and evaluation of contractors' performance are necessary guardrails to protect against the waste and abuse of public dollars. Nevertheless, the committee has concerns regarding this bill's scope and potential to impede otherwise effective methods local governments use to provide services, particularly to hard-to-reach or historically discriminated communities. Therefore, the committee recommends the following amendments to exclude from the bill's provisions: contracts that are: 1) for amounts under \$100,000; and 2) for services not usually performed by a public employee, as defined:

Amend Government Code §§ 31000.01, 310004.5, 37103.1, 53060.1, respectively with the following language:

**(f) This section shall not apply to any contracts that meet both of the following criteria:**

**(1) A contract for an amount less than \$100,000.**

**(2) A contract to provide services for work not usually performed by public employees.**

**(g)...(4) “Work not usually performed by public employees” means a function or activity for which the employer has not had a classification within the last 5 years prior to the initiation of the contract whose duties include the function or activity.**

#### 5. Double Referral:

The Senate Rules Committee referred this bill to the Senate Local Government Committee and the Senate Labor, Public Employment and Retirement Committee.

#### 6. Prior Legislation:

AB 2561 (McKinnor, 2024) would require each local public agency that has bargaining unit vacancy rates for more than 180 days to: 1) promptly meet and confer within 21 days at the recognized union's request, about substantive strategies to fill vacancies; and 2) hold a public hearing within 90 days, as specified. The bill also entitles the union to make a presentation at the hearing and limits the request to meet and confer on this matter to once per calendar year per bargaining unit. *This bill is currently in the Senate Labor, Public Employment and Retirement Committee.*

AB 2489 (Ward, 2024) would require a local government that wants to contract for special services or temporary help already performed by union employees to notify, in writing, the exclusive representative of the workforce, at least 10 months before beginning a procurement process to contract for special services that are currently, or were in the previous 10 years, performed by employees of the county, any county officer or department, or any district court in the county represented by an employee organization, of its determination to begin that process. *The Assembly Appropriations Committee is currently holding the bill on suspense.*

AB 1250 (Jones-Sawyer, 2017) would prohibit a county from contracting for personal services currently or customarily performed by that county's employees unless it makes specified findings. *The Senate Rules Committee held this bill in committee.*

### **SUPPORT**

American Federation of State, County and Municipal Employees (Co-sponsor)  
California Labor Federation (Co-sponsor)  
Service Employees International Union, California (Co-sponsor)  
California Professional Firefighters  
California School Employees Association  
California Teachers Association  
Coalition of California Welfare Rights Organizations  
County Employees Management Association  
Los Angeles County Probation Officers Union  
Orange County Employees Association  
Smart - Transportation Division

### **OPPOSITION**

60 Accelerator Education Partners  
5 Stones Open Door  
805 Undocufund  
A Greater Hope  
A.I. Clinton Charitable and Operating Foundations  
Abrazar, INC.  
Active Cultures  
Alano Club of Redding INC.  
Aldea, INC.  
Alliance for Community Empowerment  
Alliance for Young Women and Girls  
Alpha Academy Youth Training Facility  
American Council of Engineering Companies of California  
American Institute of Architects California

American Medical Response  
American Public Works Association Region Viii  
American Society of Civil Engineers, Region 9  
American Staffing Association  
Anderson Valley Winegrowers Association  
Aresis Ensemble (City Garage)  
Arts for LA  
Asociacion De Emprendedor@s  
Association of California Community and Energy Services  
Association of California Healthcare Districts  
Association of California School Administrators  
Association of California Water Agencies  
Association of Community Human Service Agencies  
Bay Area Bioscience Education Community  
Birthmom Buddies  
Board of Supervisors County of Madera  
Boys & Girls Club of Laguna Beach - Also Serving Saddleback Valley  
Boys & Girls Club of The Foothills  
Bread & Roses Presents  
Building a Generation  
Butte Environmental Council  
Cal Poly Humboldt Centerarts  
California & Nevada Civil Engineers and Land Surveyors Association, INC.  
California Alliance of Child and Family Services  
California Animal Welfare Association  
California Asian Pacific Chamber of Commerce  
California Association for Local Economic Development  
California Association of Alcohol and Drug Program Executives, INC.  
California Association of County Veteran Services Officers  
California Association of Joint Powers Authorities  
California Association of Nonprofits  
California Association of Public Hospitals and Health Systems  
California Association of Recreation and Park Districts  
California Association of Sanitation Agencies  
California Building Officials  
California Chamber of Commerce  
California Coalition for Adequate School Housing  
California Coalition for Rural Housing  
California Contract Cities Association  
California Council of Community Behavioral Health Agencies  
California County Superintendents  
California Disability Services Association  
California Family Life Center  
California Family Resource Association  
California Fire Chief's Association  
California Geotechnical Engineers Association  
California Geothermal Heat Pump Coalition  
California Municipal Utilities Association  
California Parks and Recreation Society  
California Releaf

California School Boards Association  
California Special Districts Association  
California State Association of Counties  
California State Park Rangers Association  
California State Sheriffs' Association  
Calle 24 Latino Cultural District  
Calnonprofits  
Carlsbad Chamber of Commerce  
Carpinteria Children's Project  
Center for Family Strengthening  
Center for Human Services  
Center for Nonprofit Leadership of The Sierra  
Center for Nonprofit Management  
Central California Family Crisis Center, INC.  
Ceres Community Project  
Child Abuse Prevention Center  
Child Action, INC.  
Chino Hills; City of  
Chino Valley Chamber of Commerce  
Chrysalis  
Citizens Review Panel-critical Incidents  
City of Bakersfield  
City of Bellflower  
City of Carlsbad  
City of Colton  
City of Corona  
City of Cypress  
City of Elk Grove  
City of Fairfield  
City of Foster City  
City of Grass Valley  
City of Kerman, CA  
City of Lakewood CA  
City of Lomita  
City of Los Alamitos  
City of Merced  
City of Norwalk  
City of Pico Rivera  
City of Redlands  
City of Rolling Hills Estates  
City of San Jose  
City of Santa Fe Springs  
City of St. Helena  
City of Thousand Oaks  
City of Whittier  
Coalition of Adequate School Housing  
Coastal Nonprofit Consulting  
Cocokids  
Colin Bailey Legal and Consulting Services  
Collective Resilience

Community Build, INC.  
Community Education Partnerships  
Community Partners  
Community Resource Project, INC.  
Community Solutions  
Compassion Institute  
Conflict Resolution Center of Santa Cruz County  
Contra Costa Chorale  
Contra Costa County  
Corona Chamber of Commerce  
Corporation for Supportive Housing  
County Behavioral Health Directors Association of California  
County Health Executives Association of California  
County of Alpine  
County of Butte  
County of Fresno  
County of Humboldt  
County of Inyo  
County of Kern  
County of Kings  
County of Los Angeles  
County of Merced  
County of Monterey  
County of Placer  
County of Riverside  
County of San Joaquin  
County of Santa Clara  
County of Sierra  
County of Stanislaus  
County Recorders Association of California  
County Welfare Directors Association of California  
Creative Alternatives  
Crenshaw Health Partners  
Cressgemconsultllc  
Crittenton Services for Youth and Families  
Cultiva LA Salud  
Cupertino Chamber of Commerce  
Danville Area Chamber of Commerce  
Didi Hirsch Mental Health Services  
Dorothy Glaspie Foundation INC  
Downey; City of  
Duc Learning Center  
East Bay Sanctuary Covenant  
Eastern Municipal Water District  
ERISAT-ERITREAN Satellite Television  
Esquires Music Foundation  
Exclusively First Responders  
Exposure Skate  
Fairfield; City of  
Families in Transition of Santa Cruz County, INC.

Family Bridges, INC  
Feed My Flock INC.  
Fierce Advocates  
First Place for Youth  
Five Keys  
Fontana Chamber of Commerce  
Food Exploration and Discovery  
Food for People  
Foster City Village, INC.  
Fostering Dreams Project  
Free the Need  
Freedom Through Education  
Fresh Lifelines for Youth (FLY)  
Fresno County Board of Supervisors  
Fullerton; City of  
Galt Teen Center  
Garden Grove Chamber of Commerce  
Gold Country Bats  
Greater High Desert Chamber of Commerce  
Greater Irvine Chamber of Commerce  
Greater San Fernando Valley Chamber of Commerce  
Green 4 Kids  
Groundwork San Diego Chollas Creek  
Helpline Youth Counseling, INC.  
Hijas Del Campo  
Hillsides  
Hmi  
Housing California  
Human Services Alliance of Contra Costa  
Humanistic Alternative to Addiction Research and Treatment, INC.  
Independent Transportation Network Monterey County  
Ink People Center for Arts and Culture  
Inland Empire Community Collaborative  
Interim, INC.  
Iron Sharpens Iron Nonprofit Organization  
Ives Torres Foundation  
Josephine S. Gumbiner Foundation  
Kalaya's Destiny  
Kamali'i Foster Family Agency, INC.  
Kern Bridges Youth Homes  
Kidstream Children's Museum  
Koreatown Youth + Community Center  
LA Cañada Flintridge Chamber of Commerce and Community Association  
Laguna Food Pantry  
Laguna Hills Chamber of Commerce  
Laguna Niguel Chamber of Commerce  
Lake Elsinore Valley Chamber of Commerce  
Lakewood; City of  
Las Virgenes-malibu Council of Governments  
League of California Cities

Lets Stand Together  
Lions Club of Benicia  
Loch Lomond Glen Foundation  
Los Angeles Area Chamber of Commerce  
Low Income Investment Fund  
Making Hope Happen Foundation  
Manos Que Sobreviven  
Maternal and Child Health Access  
Meals on Wheels California  
Mend-Meet Each Need With Dignity  
Mesa Water District  
Michelle's Place Cancer Resource Center  
Mirror to Imagine Women Achieve  
Mosquito and Vector Control Association of California  
Mountain Homeless Coalition  
Move Santa Barbara County  
Napa Chamber of Commerce  
National Action Network - Sacramento Chapter  
National Alliance on Mental Illness  
National Alliance to End Homelessness  
National Society of Professional Engineers – California  
NCRT, INC.  
New Perspectives Center for Counseling  
Nonprofit Kinect  
Northern Santa Barbara County United Way  
Oceanside Chamber of Commerce  
Office of Samoan Affairs  
Open Heart Kitchen  
Orange County Business Council  
Orange; City of  
Oxnard Performing Arts Center Corporation (OPACC)  
P2P Community Development Center  
Pajaro Valley Prevention and Student Assistance, INC.  
Palos Verdes Peninsula Chamber of Commerce  
Partnership for OVC-Ethiopia  
Pasadena Meals on Wheels, INC  
Path  
Pence Gallery  
Peninsula Family Service  
Peninsula Youth Theatre  
Placentia; City of  
Pleasantview Industries, INC.  
Preetirang Sanctuary  
Project Return Peer Support Network  
Prunedale Senior Center INC.  
Public Counsel  
Public Risk Innovation, Solutions, and Management (PRISM)  
Raices Y Carino  
Rebuilding Together Peninsula  
Redondo Beach Chamber of Commerce



Richmond Community Foundation  
Richmond Museum Association  
Richmond Museum of History and Culture  
Ridgecrest Chamber of Commerce  
Rising Communities  
Rose Bowl Aquatics Center  
Rural County Representatives of California  
Sacra/profana  
Sacramento Area Creeks Council  
Sacramento Ballet  
Sacramento; County of  
San Bernardino County  
San Bernardino; County of  
San Diego Humane Society  
San Francisco Study Center  
San Joaquin County Board of Supervisors  
San Marcos Chamber of Commerce  
San Pedro Meals on Wheels  
Santa Barbara Community Housing Corporation  
Santa Barbara County Immigrant Legal Defense Center  
Santa Clarita Valley Chamber of Commerce  
Santa Maria Valley Chamber of Commerce  
Santa Ynez Valley Historical Museum  
Save Elephant Hill  
Sdv&cc  
Seneca Family of Agencies  
Seniors Council of Santa Cruz & San Benito Counties  
Shasta Cascade Health Centers  
Shasta; County of  
Side by Side  
Sierra - Sacramento Valley EMS Agency  
Sierra County Department of Public Works and Transportation  
Siskiyou Domestic Violence & Crisis Center  
Social Science Services, Inc., Dba Cedar House Life Change Center  
South Bay Association of Chambers of Commerce  
South San Joaquin Irrigation District  
Southern California Contractors Association  
Southside Unlimited  
Spectrum Community Services, INC.  
Sst Nonprofit Services  
Stanford Sierra Youth and Families  
Stockton East Water District  
Stories From the Frontline  
Students for Eco-education and Ag  
Studio 395 Foundation  
Tahoe Water for Fire Suppression Partnership  
Tent City Barbers  
Testimonial Community Love Center  
The 418 Project  
The Adam Leventhal Memorial School & Museum

The Alpine Mountaineer  
The Can Man  
The Child Abuse Prevention Center  
The Diversity Center of Santa Cruz County  
The Gold Miners Girl  
The Mom & Dad Project  
The Nonprofit Partnership  
The Plus Me Project  
The Source Lgbt+ Center  
The Village Family Services  
Town of Hillsborough  
Transitions-mental Health Association (TMHA)  
Transportation California  
Tri County Chamber Alliance  
Truckee; Town of  
Turning Point Community Programs  
Tustin Area Woman's Club  
Ultimate Restoration Unlimited, Uru INC.  
United Way of California  
Urban Counties of California  
Urban Social Services and Advocacy  
Valley Fund Corporation  
Valley Industry and Commerce Association  
Valley Teen Ranch  
Victims Empowerment Support Team  
Village Community Resource Center  
Visalia; City of  
Volunteer Center of Santa Cruz County  
Watershed Research & Training Center  
Waymakers  
West Ventura County Business Alliance

**-- END --**

H.Amdt.1012 to H.R.8752

118th Congress (2023-2024)

**Amends Bill:** [H.R.8752](#) — Department of Homeland Security Appropriations Act, 2025  
**Sponsor:** [Rep. Mullin, Kevin \[D-CA-15\]](#) (Offered 06/26/2024)  
**Latest Action:** 06/26/2024 On agreeing to the Mullin amendment (A015) Agreed to by voice vote.

**Description**    [Text \(0\)](#)    [Actions \(2\)](#)

An amendment numbered 37 printed in Part C of [House Report 118-559](#) to decrease \$18,168,000 from the Management Directorate operations and support and to increase \$18,168,000 for FEMA operations and support for the National Urban Search and Rescue Response System.

**House Amendment Code:**

(A015)

House Tally Clerks use this code to manage amendment information.    |



Orange County Fire Authority  
**AGENDA STAFF REPORT**

Legislative and Public Affairs Committee Meeting  
July 17, 2024

Agenda Item No. 3B  
Discussion Calendar

**Quarterly Public Affairs Update**

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**Contact(s) for Further Information**

Matt Olson  
Director of Communications

[MattOlson@ocfa.org](mailto:MattOlson@ocfa.org)

714.573.6028

**Summary**

This item is submitted to provide a preliminary update of current OCFA public affairs programs and analytics that will be presented to the committee.

**Prior Board/Committee Action**

Not applicable.

**RECOMMENDED ACTION(S)**

Receive and file the report.

**Impact to Cities/County**

Not Applicable.

**Fiscal Impact**

Not applicable.

**Background**

Since its last formal presentation to the LPAC in January of 2024, OCFA's Corporate Communications section has continued its record-setting work to engage, educate, and inform the communities we serve. This includes innovative new endeavors that resulted in thousands of news articles, radio spots, social media campaigns, and TV clips that collectively garnered millions of impressions, views, and engagements. These and other Public Affairs points of pride will be shared via a presentation by Corporate Communications Director Matt Olson.

**Attachment(s)**

None.