MEMORANDUM

To: East Contra Costa Fire Protection District
From: Townsend Public Affairs, Inc.
Date: August 8, 2019
Subject: Monthly Report—July 2019

SUMMARY

This memorandum is an overview of activities undertaken by Townsend Public Affairs (TPA) over the last month, working on behalf of the East Contra Costa Fire Protection District, including the following subjects:

- **Legislative Activity and Updates**
  - *State Update*
    - Legislative Activity
    - Wildfire Package
    - ECCFPD Priority Legislation
    - Legislative Position Letter Work
  - *Federal Update*
    - Disaster-Resilient Infrastructure Legislation
LEGISLATIVE ACTIVITY AND UPDATES

State Update

Legislative Activity

With the State Budget passed and signed into law, the Legislature focused its attention on meeting its July policy committee deadlines before adjourning for Summer Recess. July 10 was the last day for policy committees to report fiscal bills to fiscal committees, and July 12 was the last day for policy committees to report non-fiscal bills to the floor.

The Legislature adjourned for its Summer Recess and returned to their respective districts on July 12. The Legislature now stands in recess until August 12. When the Legislature returns from break, they will consider the approximately 1,600 remaining bills that are active in both houses.

There are approximately 870 total bills that will be considered by fiscal committees by the end of August. The Senate Appropriations Committee has about 140 bills on its Suspense File, as well as another 400 to consider. The Assembly Appropriations Committee has about 40 bills already on its Suspense File, plus it will consider about 290 bills in August.

The Legislature will have five weeks to complete their agendas before the end of the first year of the 2-year 2019-2020 Legislative Session on September 13.

Below is a list of key upcoming deadlines in the Legislature:

- **August 12** – Legislature reconvenes from Summer Recess
- **August 30** – Last day for fiscal committees to report bills to the Floor
- **September 3-13** – Floor Session only
- **September 13** – Last day for each house to pass bills. Legislature recesses.

Wildfire Package

On July 12, Governor Newsom approved a wildfire package comprised of three bills that enact new statewide wildfire policies and funding. The package is in response to a months-long utility crisis that included Pacific Gas & Electric (PG&E) filing for bankruptcy and CalFire's announcement that PG&E's transmission lines contributed to the Camp Fire.

The Governor stated that this package was a step forward in providing a safer, more affordable, and more reliable energy future. The package of bills aims to strike a balance of providing protections for wildfire victims and investor owned utilities. Below is more information about the three bills in the wildfire package:

*Assembly Bill 110 – Junior Budget Trailer Bill*
AB 110 is the Junior Budget Trailer bill that provides $2 million to the California Department of Finance to address and implement the expenses related to catastrophic wildfires included in the State Budget.

Assembly Bill 111 – Wildfire Agencies: Public Utilities, Safety and Insurance

AB 111 establishes the framework for a new state council: the California Catastrophe Response Council (CCRC). The CCRC will oversee the California Earthquake Authority (CEA) and the Wildfire Fund. The Council will include:

- The Governor
- The Treasurer
- The Insurance Commissioner
- The Secretary of the Natural Resources Agency
- Three members of the public appointed by the Governor
- A member appointed by the Senate Committee on Rules
- A member appointed by the Speaker of the Assembly

Additionally, the bill:

- Requires the CCRC to appoint a Wildfire Fund Administrator and oversee the Administrator’s operation, management and administration of the Wildfire Fund.
- Establishes the Office of Energy Infrastructure Safety (OEIS) within the Natural Resources Agency.
- Requires the California Public Utilities Commission (CPUC) to establish the Wildfire Safety Division (WSD) within the CPUC and requires the WSD to be transferred to the OEIS beginning on July 1, 2021. The WSD will:
  - Oversee and enforce electrical corporations’ compliance with wildfire safety.
  - Develop and recommend performance metrics to the CPUC in order to achieve maximum risk reduction.
    - This information will be used to develop a wildfire mitigation plan and evaluate an electrical corporation’s compliance with that plan.
  - Develop an audit program for wildfire mitigation plan compliance by each electrical corporation.
  - Support efforts to assess and analyze fire weather data and other atmospheric conditions that could lead to wildfires and to reduce the likelihood and severity of wildfires.
- Review safety requirements for electrical transmission and distribution infrastructure and provide recommendations to the CPUC to address and mitigate risks associated with climate change and wildfire.

Assembly Bill 1054 (Holden) – Public Utilities: Wildfires

AB 1054 creates a $21 billion wildfire fund to allow electric utility companies to pay out claims for future wildfires. Below is a summary of the bill’s highlights:

This bill would create the California Wildfire Safety Advisory Board consisting of seven members appointed by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules. The Board will be required to advise and make recommendations related to wildfire safety to the State Wildfire Safety Division and the Office on Energy Infrastructure Safety.

This bill would establish the Wildfire Fund to pay wildfire liability claims against electrical corporations for wildfires caused by utility infrastructure. The Fund would receive initial contributions from electric corporations that are estimated to total $10.5 billion in non-ratepayer funding.

AB 1054 also includes:

- $2 billion loan from the Surplus Money Investment Fund (SMIF).
- The authority for up to $8.5 billion in additional SMIF loans if there is no ratepayer charge.
- Ongoing funding of $300 million per year from large utilities.
- Up to $120 million per year from regional utilities that choose to participate.
- Ongoing funding from an extension of an existing half cent per kilowatt hour surcharge paid by ratepayers.
- Bonding authority for up to $10.5 billion in revenue bonds.

This bill also appropriates $9 million to cover the Department of Water Resources (DWR) initial costs associated with these bonds.

ECCFPD Priority Legislation

Assembly Bill 1116 (Grayson) – Firefighters: peer support

AB 1116 would, until January 1, 2025, create the Firefighter Peer Support and Crisis Referral Services Pilot Program. Below is a continued summary of the bill’s highlights: The bill would, for purposes of the act, define a “peer support team” as a team composed of emergency service personnel, as defined, hospital staff, clergy, and educators who have been appointed to the team by a Peer Support Labor-Management Committee, and who have completed a peer support
training course developed and delivered by the California Firefighter Joint Apprenticeship Committee.

AB 1116 provides that communications between emergency services personnel and a peer support team member, or a crisis hotline or crisis referral service, are confidential, except under limited circumstances, including, among others, when disclosure is reasonably believed to be necessary to prevent death, substantial bodily harm, or commission of a crime.

AB 1116 will be heard in the Senate Appropriations Committee on 8/12/2019.

**Senate Bill 438 (Hertzberg) - Emergency medical services: dispatch**

SB 438 would prohibit a public agency from delegating, assigning, or contracting for “911” emergency call processing services for the dispatch of emergency response resources unless the delegation or assignment is to, or the contract or agreement is with, another public agency. Below is a continued summary of the bill’s highlights:

The bill would exempt from that prohibition a public agency that is a joint powers authority that delegated, assigned, or contracted for “911” call processing services on or before January 1, 2019, under certain conditions.

Requires a Public safety agency (PSA) that provides dispatch of prehospital emergency response resources to make a connection available from the PSA dispatch center to an EMS provider’s dispatch center for the timely transmission of emergency response information.

SB 438 is currently active and up for discussion/amendments on the Assembly Floor.

**Senate Bill 13 (Wieckowski) – Accessory dwelling units**

SB 13 would authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use.

This bill would revise the requirements for an accessory dwelling unit by providing that the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or other structure, and that it does not exceed a specified amount of total floor area. Prohibits a local agency from requiring owner occupancy for either the primary unit or the ADU and further more prohibits a local agency from requiring owner occupancy as a condition for issuing a building permit for an ADU.

Streamlining and incentivizing ADU policy is being considered as part of the solution to the State’s housing crisis. The addition of ADU’s is concerning because it will put an added strain to the District’s capabilities of providing fire protection to residents.
SB 13 has been referred to the Assembly Appropriations Committee. No hearing date has been scheduled at this time.

**Legislative Position Letter Work**

Townsend Public Affairs (TPA) has taken full advantage of the legislature’s summer recess by communicating with Senate and Assembly staff, analyzing current versions of active bills, drafting, and updating legislative position letters on behalf of the East Contra Costa Fire Protection District.

We plan on delivering updated position letters to the respective authors on, or shortly after August 12, 2019, when the legislature reconvenes for session. We will first collaborate with ECCFPD by sharing drafted position letters and making any revisions as needed.

Below is a list of the position letters we have written and they are also attached:

- Senate Bill 438 (Hertzberg) – Emergency Medical Services
- Senate Bill 13 (Wieckowski) – Accessory Dwelling Units
- Assembly Bill 1116 (Grayson) – Peer Support and Crisis Referral Services Pilot Program
- Assembly Bill 1486 (Ting) – Surplus land

**Federal Update**

**Disaster-Resilient Infrastructure Legislation**

On July 18, Congresswoman Anna Eshoo (D-CA) introduced the Wireless Infrastructure Resiliency during Emergencies and Disasters (WIRED) Act, which allows states to require wireless companies to deploy resilient infrastructure in order for cellphone networks to better withstand disasters.

Currently, states do not have the explicit authority to require companies to deploy wireless infrastructure that are resilient to natural disasters.

The new bill clarifies that states have this authority when setting “terms and conditions” for companies operating in any state in order to best prepare for geographically specific disasters. This legislation is designed to address shortcomings in wireless service during recent California fires.

According to the California Office of Emergency Services, 341 cell sites were offline during the October 2017 wildfires and 489 cell sites were offline during the Camp and Woolsey fires.

This prevented wireless users in those areas from calling 911, receiving emergency alerts, or using their cell phones to find the safest evacuation route.
The “WIRED Act” is cosponsored by 15 other members, all California Democrats, including Representatives Jerry McNerney, Julia Brownley, Gil Cisneros, TJ Cox, Susan Davis, Katie Hill, Ro Khanna, Barbara Lee, Jimmy Panetta, Harley Rouda, Lucille Roybal-Allard, Raul Ruiz, Jackie Speier, and Mike Thompson.
May 30, 2019

The Honorable Bob Wieckowski
California State Senate
State Capitol, Room 4085
Sacramento, CA 95814

RE: Senate Bill 13 (Wieckowski) – Oppose

Dear Senator Wieckowski:

The East Contra Costa Fire Protection District is respectfully opposed to Senate Bill 13 regarding Accessory Dwelling Units. SB 13 makes a number of changes to the law governing Accessory Dwelling Units (ADU).

The biggest concern is that SB 13 would prohibit local jurisdictions from imposing any impact fees on ADUs less than 750 square feet and limit the charge on ADUs over 750 square feet to 25 percent of the fees otherwise charged for a new single-family dwelling on the same lot. This completely disregards the Mitigation Fee Act (MFA), which strictly regulates how local agencies impose impact fees. Under the MFA, impact fees must be limited to the particular service and can only cover the cost of providing that service. Arbitrarily capping these fees would result in an inability to provide the public improvements and public services necessary to meet the needs of the residents living in the newly constructed ADU.

The East Contra Costa Fire Protection District serves about 115,000 residents in the cities of Brentwood and Oakley and the townships of Discovery Bay, Bethel Island, Knightsen, Byron, Marsh Creek, and Morgan Territory. The ECCFPD service area covers 249 square miles, including rural, suburban, and urban development.

Based on the nation standards, fifteen (15) firefighters are required to adequately and safely fight a structure fire, which is more staffing than the District has at any one time. Consequently, the District is underperforming when compared with National Standards. In recent years California has been overwhelmed with devastating wildfires that quickly take on a life of their own. Although the District partners with neighboring Fire Protection Districts and CalFire, the District does not have the capabilities to provide adequate fire service within their boundaries let alone handle a fire event of great magnitude.

We understand that the State is making the production of affordable housing a priority. Respectfully, if the District is to be responsible for additional fire service, it is critical for a District such as ours to have the flexibility to charge impact fees. Our opposition is not a challenge to the need for affordable housing, but a validation of the need for local flexibility when it comes to provide critical public safety.

For these reasons, the East Contra Costa Fire Protection District respectfully opposes SB 13 unless it is amended to address the concerns listed above.

Sincerely,

Brian Helmick
Fire Chief
Brian Helmick
Fire Chief

CC:  Assemblymember Jim Frazier
     Senator Steve Glazer
     Rylan Gervase, Legislative Representative, California Special Districts Association
     Russell Noack, Public Policy Advocates, California Fire Chiefs Association and Fire Districts of California
May 31, 2019

The Honorable Rob Bonta
California State Assembly
State Capitol, Room 2146
Sacramento, CA 95814

RE: Assembly Bill 1705 (Bonta) – Support

Dear Assembly Member Bonta:

The East Contra Costa Fire Protection District is pleased to support Assembly Bill 1705, which removes public Medi-Cal ambulance providers from the Quality Assurance Fee (QAF) and to create a Medi-Cal Inter-government Transfer Program for public medical emergency medical transports.

AB 1705 creates a new Intergovernmental Transfer program (IGT) to allow public emergency medical transportation providers to leverage greater federal funds for providing emergency medical transportation services. This bill is intended to correct an unforeseen consequence of SB 523 (Hernandez) from 2017. At the time SB 523 was approved, public providers of emergency medical services (EMS) believed that the QAF would result in a net revenue gain. However, once Department of Health Care Services began modeling the actual impact of the QAF, it soon became apparent that a number of public agencies, primarily fire districts, would suffer actual net losses of revenue. This bill would exempt public EMS providers from the QAF and establishes a new IGT that will allow public EMS providers to also gain a supplemental reimbursement program. This bill will eliminate any losers on the public side and provide all participants with additional funds. This bill will make whole the public providers without harm to the private sector.

For these reasons, the East Contra Costa Fire Protection District is pleased to support Assembly Bill 1705.

Sincerely,

Brian Helmick
Fire Chief

CC: Assemblymember Jim Frazier
Senator Steve Glazer
Dillon Gibbons, Legislative Representative, California Special Districts Association
Russell Noack, Public Policy Advocate, California Fire Chiefs Association, Fire Districts of California
April 19, 2019

The Honorable Cecilia Aguiar-Curry
Assemblymember, California State Assembly
State Capitol, Room 5144
Sacramento, California 95814

Subject: ACA 1 (Aguiar-Curry) Local government financing - SUPPORT

Dear Assemblymember Aguiar-Curry:

On behalf of the East Contra Costa Fire Protection District, I write in strong support of ACA 1, which will lower the necessary voter threshold from a two-thirds supermajority to 55% to approve local general obligation (G.O.) bonds and special taxes for affordable housing and public infrastructure projects. ACA 1 is targeted to the urgent needs of local communities. This measure gives local governments a more realistic financing option to fund public safety challenges cities, counties, and special districts are facing.

The California Constitution currently requires a two-thirds vote at the local level for both G.O. bonds and special taxes, regardless of what the city, county, or special district proposes to use the funds for. However, local school districts can seek approval for bonded indebtedness with only a 55% vote threshold for the construction, reconstruction, rehabilitation, or replacement of schools.

ACA 1 will level the playing field and create parity with school districts so that cities, counties, and special districts have a viable financing tool to help address important community needs for affordable housing and public infrastructure. Local voters would still need to overwhelmingly support a bond or special tax (with 55%) in order for it to be approved, thus protecting voters’ control over how their tax dollars are spent. The bill also provides specific requirements for voter protection, public notice, and financial accountability.

Cities, counties, and special districts face numerous challenges in funding important public infrastructure and housing projects for their communities. Based on the nation standards, fifteen (15) firefighters are required to adequately and safely fight a structure fire, which is more staffing than the District has at any one time. Consequently, the District is underperforming when compared with National Standards. In recent years California has been overwhelmed with devastating wildfires that quickly take on a life of their own. Although the District partners with neighboring Fire Protection Districts and CalFire, the District does not have the capabilities to provide adequate fire service within their boundaries let alone handle a fire event of great magnitude. The Cities of Brentwood and Oakley has grown exponentially over the last 5 years which have placed additional strains on our underfunded District with limited options. Local officials must have a greater role in proposing and funding local needs that often do not rise to the top of regional, state, or federal funding lists.

If approved by the Legislature, the proposal would then have to achieve voter approval during a statewide election. This would further solidify the fact that voters support this change. Californians
want to have an impact on their communities, because they know best what their families and neighbors need.

Thank you for your consideration of our SUPPORT position on ACA 1.

Sincerely,

[Signature]

Brian Helmick
Fire Chief
April 19, 2019

The Honorable Tim Grayson
State Capitol Building
Sacramento, CA 95814

RE: AB 1116 (Grayson) – Peer Support and Crisis Referral Services Pilot Program. (SUPPORT)

Dear Assemblymember Grayson:

The East Contra Costa Fire Protection District (ECCFPD) is pleased to support your AB 1116, which establishes statewide standards for a Firefighter Peer Support Program with accompanying provisions to protect the confidentiality of the peer supporter and participants in the program.

ECCFPD is a rural funded fire district that protect approximately 249 square miles and over 114,000 residents. The district provides firefighting personnel and emergency medical services to the residents and businesses of the Cities of Brentwood and Oakley and to the Township of Discovery Bay, Bethel Island, Knightsen, Byron, Marsh Creek, and Morgan Territory.

Due to ongoing budgetary constraints, the District's current revenues allow it to operate just three fire stations—down from eight stations in 2010—and fund operation of the CalFire Sunshine station during non-fire season. The reduced level of fire protection service is a growing concern in the District’s service area as the population continues to grow. In response to the reduced level of services, the District is currently able to provide, several community leaders and residents have considered proposals to detach from or dissolve the District. These limited resources are an added stressor for our firefighters.

Firefighters regularly respond to fires, stabbings, gun battles and shootings, domestic violence incidents, terrorist acts, automobile accidents, airplane crashes and earthquakes, just to name a few. Firefighters witness young children dying and grieving families. At the same time, they are regularly exposed to communicable diseases and known carcinogens in the course of their work. And, it is not uncommon for a firefighter to be threatened by the individual they are attempting to help during an emergency.

Further, during the firestorms of this past decade, firefighters also have endured a growing stress while worrying about whether their own homes would burn down while on the fire lines protecting others -- often while the safety of their own family was threatened. Additionally, many firefighters are pained when driving through firestorm wreckage, seeing their homes and the homes of friends and neighbors burned to ash without being able to stop and assist or provide comfort. Despite these cruel realities, the call to respond is simple for many California firefighters: it's their job.

For these reasons, we urge your support on this important bill.

[Signature]

150 City Park Way, Brentwood, CA 94513
PH (925) 834-3400 FAX: (925) 240-2130 WEB: www.ECCFPD.org
April 19, 2019

The Honorable Rober Hertzberg  
State Capitol Building, Room 313  
Sacramento, CA 95814

RE:  **SB 438 (Hertzberg) – Emergency Medical Services (SUPPORT)**

Dear Senator Hertzberg:

The East Contra Costa Fire Protection District (ECCFPD) is pleased to support your SB 438, which prohibits a public agency from delegating, assigning, or contracting for 911 call processing or emergency notification duties regarding the dispatch of emergency response resources unless the delegation or assignment is to, or the contract is with, another public agency or made pursuant to a joint powers agreement or cooperative agreement.

ECCFPD is a rural funded fire district that protect approximately 249 square miles and over 114,000 residents. The district provides firefighting personnel and emergency medical services to the residents and businesses of the Cities of Brentwood and Oakley and to the Township of Discovery Bay, Bethel Island, Knightsen, Byron, Marsh Creek, and Morgan Territory.

Currently a call to 911 first goes to the primary Public Safety Answering Point (PSAP), which is always a law enforcement agency. When the primary PSAP receives a call, the dispatcher determines whether the call is related to law enforcement, fire, or medical needs and are routed appropriately to a secondary PSAP. Depending on the location of the emergency, the medical needs of the patient, and the capabilities of the public and private agencies, one call may be routed to the private ambulance service that contracts with local EMS agency, while another call may be routed to a fire district to send an engine.

This bill will ensure that local governments can determine the appropriate level of emergency response with its community and explicitly protects a government’s right and obligation to receive and process emergency calls to ensure effective, efficient and rapid deployment of emergency response apparatus. When dealing with emergency care and other vital services, like firefighting, privatization results in an inherent pressure: the demand to turn a profit while caring for people in their most vulnerable moments.

For these reasons, we urge your support on this important bill.

Sincerely,

Brian Helmick
Fire Chief

150 City Park Way, Brentwood, CA 94513
PH (925) 634-3400  FAX: (925) 240-2130  WEB: www.ECCFPD.org
April 19, 2019

The Honorable Phil Ting
California State Assembly
State Capitol
Sacramento, CA 95814

RE: Assembly Bill 1486 (Ting) – Oppose Unless Amended

Dear Assembly Member Ting:

The East Contra Costa Fire Protection District is respectfully opposed to Assembly Bill 1486 unless it is amended to address our concerns. AB 1486 requires public agencies to offer their land for development before leasing their property.

AB 1486 requires special districts and other local agencies to offer the right of first refusal to affordable housing developers, schools, and parks before selling, leasing, or otherwise conveying their land. The new mandate in Assembly Bill 1486 would prevent prudent efforts to lease or otherwise protect land for important community purposes, such as buffer land surrounding a water or wastewater treatment facility, energy generation plant, or airport, as well as the long-term lease of district property that will be needed for future infrastructure, such as hospitals, parks, harbors, and cemeteries.

Under AB 1486, attempting to lease land in support of an agency’s governmental function would trigger the requirements for the disposal of surplus land. As written, AB 1486 would require agencies to offer up property which may be incompatible for use for housing, schools, or parks. AB 1486 would also make it more difficult to protect an agency’s land for a future governmental use.

We respectfully request A3 1486 be amended to limit the scope of the bill to the sale of surplus land and not include property for lease. Our opposition is not a challenge to the need for affordable housing, but a validation of the need for local flexibility when it comes to proper governmental land use management.

For these reasons, the East Contra Costa Fire Protection District respectfully opposes AB 1486 unless it is amended.

Sincerely,

Brian Helmick
Fire Chief

CC: Tara Gamboa-Eastman, Office of Assembly Member Phil Ting
Assemblymember Jim Frazier
Senator Steve Glazer
Rylan Gervase, Legislative Representative, California Special Districts Association