



ENVIRONMENTAL QUALITY POLICY COMMITTEE

PART 2

Thursday, April 15, 2021

1:30 pm – 3:30 pm

Register for this meeting:

https://zoom.us/join/zoom/register/tJwteOirpz4jHtDBur6MhNmNDMG_sbZxTGc-

Immediately after registering, you will receive a link and confirmation email to join the meeting.

AGENDA

I. Welcome and Introductions

Speakers: Chair, Chris Rogers, Mayor, Santa Rosa
Vice Chair, David Pollock, Councilmember, Moorpark

II. Public Comment

III. General Briefing (Handout)

Informational

IV. Legislative Update

Informational

Speaker: Derek Dolfie, Environmental Quality Legislative Representative, League of California Cities

A list of the Cal Cities EQ interest bills can be found [here](#) and a complete list of all the Cal Cities EQ bills can be found [here](#).

V. Legislative Agenda (Attachment A)

Action

1. [SB 412 \(Ochoa Bogh\)](#) California Environmental Quality Act. Emergency Definition.

VI. Funding Climate Measures In Your Community Discussion

Informational

Open forum and discussion opportunity for committee members to share ideas and strategies on how cities can fund local climate and environmental measures, especially those issues related to our Environmental Quality policy committee.

VII. The Role of CCAs in Power Shutoff Events

Informational

Speaker: Representative from [Sonoma Clean Power](#) (Invited)

Presentation about the role Community Choice Aggregators (CCAs) play in utility-initiated power shutoffs.

VIII. Adjourn

Next Virtual Meeting: Thursday, June 3, 2021, 1:30 pm – 4:30 pm

Please visit our Cal Cities Environmental Quality Policy Committee [webpage](#) for more information about the committee and resources on EQ topics.

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

1. *Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
2. *A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at Cal Cities meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

Environmental Quality Policy Committee Legislative Agenda
April 15, 2021

Staff: Derek Dolfie, Legislative Representative, 916-658-8218
Caroline Cirrincione, Legislative Policy Analyst, 916-658-8250

1. **[SB 412 \(Ochoa Bogh\)](#) California Environmental Quality Act: Emergency Definition.** *(As Amended 03/09/21)*

Bill Overview:

This measure would expand the definition of an emergency under the California Environmental Quality Act (CEQA) to include efforts to prevent, mitigate, and minimize disasters.

Bill Calendar:

SB 412 has been referred to the Senate Environmental Quality committee, but has not been set for a hearing yet.

Bill Descriptions:

Specifically, SB 412 would:

- Expand the definition of “emergency” under CEQA to include proactive efforts by a state or local agency to prevent, minimize, or mitigate the loss of, or damage to, life, health, property, natural resources, or essential public services resulting from fire, flood, or earthquake or other soil or geologic movements;
- Allow for exemptions for emergencies in areas of the state where a lead agency determines, based on substantial evidence, are at a heightened risk of the occurrence of fire, flood, or earthquake or other soil or geologic movement; and
- Specify that “emergency” includes, but is not limited to, man-made or natural occurrences.

Background:

Cities and counties weigh a variety of factors when deciding whether to approve a proposed land use or other project. One such factor is what kind of effect a project would have on the environment. CEQA guides the process of gathering such information. Adopted in 1970, CEQA applies to all state and local government agencies requiring them to inform decision makers and the public about the potential environmental impacts of proposed projects and to reduce those environmental impacts to the extent feasible.

According to the [Office of Planning and Research](#), there are existing CEQA exemptions for disaster recovery efforts, but not for projects that seek to prevent, mitigate, and minimize disasters. Under CEQA, the current definition of “emergency” includes projects recognized as being urgently needed to reduce threat to property and save lives. SB 412 seeks to address this issue by creating a CEQA exemption for efforts to mitigate

further emergencies that have been identified as likely to occur as the result of the initial emergency.

Fiscal Impact:

While the fiscal impacts of this measure are unknown, there could be potential savings in preventing, minimizing, or mitigating losses from a disaster or emergency in a community.

Existing Cal Cities Policy:

Definition of a Project

Effect on the Environment. The League supports narrowing the definition of “project” to prevent CEQA lawsuits on nonenvironmental matters.

School Operations Exemption. The League supports exempting any school closure or student transfers from CEQA. California Environmental Protection Act (CEQA)

Categorical Exemption for Nonindustrial Infill Projects. The League supports expanding categorical exemptions to include development projects in urbanized areas that are consistent with general plans, zoning and cumulative impact projections analyzed in a Master EIR. Such projects should be limited infill and nonindustrial.

The League supports legislation that exempts public works projects, within the existing right of way, from CEQA if approved by the city in which the project takes place.”

Fire Services

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities’ authority and discretion to provide all emergency services to their communities.”

Additional Revenue

The League supports disaster recovery legislation that includes mitigation for losses experienced by local governments.”

Cal Cities 2021 Strategic Priorities:

“Improve state-local coordination and planning to strengthen community disaster preparedness, resiliency, and recovery. Pursue additional resources and support to mitigate the effects of climate change, sea level rise, catastrophic wildfires, and flooding in our communities. Promote community disaster preparedness, resiliency, and recovery in collaboration with the state and federal governments. Increase availability and access to the National Flood Insurance Program to include other natural disasters.”

Staff Comments:

With the recent surge in catastrophic wildfires, windstorms, and several high profile mudslides and flash floods, California has been hit hard with natural disasters. SB 412

is seeking to include proactive measures taken by local governments to prevent or mitigate damage to property or essential city services.

SB 412 is sponsored by the San Bernardino County Fire Chief Dan Munsey and was brought to the attention of our Fire Chiefs Department. The Fire Chiefs Department did not take a formal position on the measure, but several city fire chiefs have expressed their support for the legislation as a tool to help with disaster preparedness.

SB 412 is worded fairly broadly and the Policy Committee may wish to discuss ideas and language to further refine the measure to make sure it does not have unintended environmental consequences. CEQA exemption bills are plentiful in the Legislature, however those that are overly broad have not fared well in the recent past.

Support *(As of 4.1.21):*

- San Bernardino County (Sponsor)

Opposition *(As of 4.1.21):*

- Unknown

Staff Recommendation:

Cal Cities staff recommends the committee support SB 412 (Ochoa Bogh).

Committee Recommendation:

Board Action: