



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive Summary Report on Assembly Bill 291 and Senate Bill 378 and Consider Authorizing Letters of Support
Category:	Leadership and Support Services
Meeting Date:	2/4/2020
Staff Contact:	Christopher J. Diaz, City Attorney, 408-586-3040
Recommendation:	Receive summary report on Assembly Bill 291 and Senate Bill 378 and consider authorizing letters of support.

Background:

City Council has expressed a desire to receive reports on legislative efforts that may be of interest to and/or affect the City of Milpitas. Assembly Bill 291 and Senate Bill 378 are two such legislative bills being brought to City Council's attention for consideration of letters of support.

Analysis:

Assembly Bill 291 – Introduced by Assembly Member Kansen Chu

AB 291 would establish a new state fund and a framework for funding for emergency preparedness planning for cities.

The California Office of Emergency Services ("Cal OES") is responsible for the state's emergency and disaster response services. AB 291 would establish a new state fund, the "Local Emergency Preparedness and Hazard Mitigation Fund" to support staffing, planning, and other emergency mitigation priorities to help local governments meet emergency management, preparedness, readiness, and resilience goals. The bill would require Cal OES to establish a committee to adopt guidelines identifying eligible uses of the funds for the mitigation, prevention, preparedness, response, and recovery phases of emergency management. Cal OES would distribute the funds to lead agencies, which then impose various requirements on and further distribute those funds to local governments. Local governments must maintain their local hazard mitigation, multiyear training and exercise, and threat and hazard identification and risk assessment plans to be eligible to receive the state funding. AB 291 has passed in the Assembly and is currently in the Senate.

According to Assemblymember Chu, the following entities have expressed support for the bill: League of California Cities, California Fire Chiefs Association, Fire Districts Association in California, California Emergency Services Association, City of San Jose, County of Santa Clara, and the California Tribal Business Alliance.

Senate Bill 378 – Introduced by Senator Scott Wiener

SB 378 proposes to hold PG&E and other utilities financially accountable for Public Safety Power Shutoffs. The bill provides that utilities may not bill customers for certain costs resulting from a power shutoff, cannot profit from a power shutoff, and that any loss from a blackout must be borne by a utility's shareholders rather than ratepayers. Additionally, utilities must notify cities and counties as early as possible of pending power shutoffs. The bill tasks the California Public Utilities Commission ("CPUC") with establishing a procedure that enables businesses, individuals, and local governments affected by a power shutoff to recover their costs accrued during a shutoff from utilities in a timely manner.

The bill further requires utilities to regularly report to the CPUC on the condition and maintenance of, and the safety risk posed by, its equipment, which include transmission and distribution lines. Lastly, if the CPUC determines that a utility failed to act reasonably and prudently in implementing a power shut off, the utility may be fined a penalty of \$250,000 or more per 50,000 customers affected for every hour that a power shutoff is in place. The utility's shareholders would be exclusively responsible for paying this penalty. The bill passed in the Senate and is currently in the Assembly.

According to Senator Wiener, the following entities and individual have expressed support for the bill: City of San Jose; California Association of Food Banks; City of Berkeley; City of Dublin; City of Livermore; City of Oakland; City of Pleasanton; City of San Ramon; County of Alameda; Food Bank of Contra Costa and Solano Counties; Mayor London Breed, City and County of San Francisco; San Francisco Public Utilities Commission; and the Town of Danville.

Fiscal Impact: None identified at this time.

California Environmental Quality Act: N/A

Recommendation: Receive summary report on Assembly Bill 291 and Senate Bill 378 and consider authorizing letters of support.

Attachments:

Copy of AB 291, as amended 1/23/2020
Copy of SB 378, as amended 1/21/2020