

PROPOSED AMENDMENTS

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SUBSTANTIVE**

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 291

AMENDED IN ASSEMBLY MARCH 25, 2019

CALIFORNIA LEGISLATURE—2019—20 REGULAR SESSION

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Chu

January 28, 2019



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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

Page 2

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

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

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

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

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

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

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

+ 8669.1. *For purposes of this article, the following definitions
+ apply:*

+ (a) *“Director” means the Director of Emergency Services.*

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- + (b) "Fund" means the Local Emergency Preparedness and Hazard Mitigation Fund established pursuant to Section 8669.2.
- + (c) "Committee" means the Local Emergency Preparedness and Hazard Mitigation Fund Committee established pursuant to Section 8669.3.
- + (d) "Board" means the Standardized Emergency Management System Advisory Board.
- + (e) "Eligible local government" means a local government with responsibilities to respond or assist in response to disasters, consistent with local emergency plans.
- + (f) "Lead agency" means the lead agency of an operational area.
- + (g) "Local government" means a city, county, city and county, or special district.
- + (h) "Operational area" has the same meaning as set forth in Section 8559.
- + (i) "Hazard mitigation" means an action taken to reduce or eliminate the long-term risk to human life and property from natural hazards and improve community emergency preparedness and resilience.

Page 2

8 ~~8669. (a)~~
 + 8669.2. The Local Emergency Preparedness and Hazard
 9 Mitigation Fund is hereby created within the State Treasury.
 10 Moneys in the Local Emergency Preparedness and Hazard
 11 Mitigation Fund shall be available for purposes of distributing
 12 funds pursuant to ~~subdivision (e)~~ this article to support, staffing,
 13 planning, and other emergency mitigation priorities to help local
 14 governments meet emergency management, preparedness,
 15 readiness, and resilience goals. Upon appropriation by the
 + Legislature, the Controller shall transfer five hundred million
 + dollars (\$500,000,000) annually to the fund.

Amendment 2

16 ~~(b) (1) The Office of Emergency Services shall establish a
 17 standardized emergency management system committee. The
 18 committee shall establish criteria for the use of the funds distributed
 19 pursuant to subdivision (e), by establishing a baseline of the
 1 standards for emergency management, preparedness, and resilience
 2 based on local governance and hazards.~~

Amendment 3

3 ~~(2) (A) The committee shall include the following
 4 representatives:~~

Amendment 4

5 ~~(i) Four representatives of the largest four cities within the state.~~

Amendment 5

Page 3

Page 3 6 ~~(ii) Three representatives from cities within the state that are~~
7 ~~not also persons serving on the commission pursuant to clause (i).~~
8 ~~(iii) Three representatives from counties within the state.~~
9 ~~(iv) Three representatives of special districts, selected from each~~
10 ~~of the mutual aid regions within the state.~~
11 ~~(v) The Director of the Office of Emergency Services.~~
12 ~~(B) The representatives selected pursuant clauses (i) through~~
13 ~~(iv) of subparagraph (A) shall each serve a term of two years.~~
14 ~~(3) On or before July 1, 2020, the committee shall do both of~~
15 ~~the following:~~
16 ~~(A) Adopt guidelines to identify the basic benchmark activities~~
17 ~~for the mitigation, prevention, preparedness, response, and recovery~~
18 ~~phases of emergency management.~~
19 ~~(B) Determine the items and topics that must be included in the~~
20 ~~work plan required pursuant to subparagraph (B) of paragraph (1)~~
21 ~~of subdivision (c).~~
22 ~~(c) (1) The county, all cities within the county, and the special~~
23 ~~districts within the county that are identified in a local emergency~~
24 ~~plan shall identify, by agreement, the lead agency within an~~
25 ~~operational area.~~
26 ~~(2) Upon appropriation, the Office of Emergency Services shall~~
27 ~~distribute funds, on an annual basis, to the lead agency within an~~
28 ~~operational area, subject to subdivision (c), as follows:~~
29 ~~(A) (i) A base allocation of \$ _____ to each lead agency for~~
30 ~~distribution pursuant to this subparagraph.~~
31 ~~(ii) The lead agency shall distribute funds pursuant to this~~
32 ~~subparagraph, subject to subdivision (c), as follows:~~
33 ~~(I) Seventy percent to the county and all the cities within the~~
34 ~~county within the operational area on a per capita basis.~~
35 ~~(II) Ten percent via a competitive grant process established by~~
36 ~~the lead agency to special districts within the operational area that~~
37 ~~are designated in the operational area emergency operations plan~~
38 ~~as having a role in response to an emergency.~~
39 ~~(III) Twenty percent to an Operational Area Trust Fund~~
40 ~~established for projects of common benefit to all local governments~~
Page 4 1 ~~within the operational area for purposes of this section. All of the~~
2 ~~local governments within the operational area shall mutually agree~~
3 ~~upon projects of common benefit that qualify under this subclause.~~
4 ~~(B) The remaining amounts in the fund after making the~~
5 ~~distributions required by subparagraph (A) to each local~~

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Page 4 6 ~~government on a per capita basis. Any local government that~~
7 ~~receives funds pursuant to this subparagraph shall meet the~~
8 ~~requirements of subdivision (e).~~
9 ~~(d) (1) The lead agency of the operational area shall agree to~~
10 ~~manage and control funds received pursuant to this section, in~~
11 ~~compliance with the provisions of this section.~~
12 ~~(2) The receipt of other funds from the state to any local agency~~
13 ~~within an operational area shall not be reduced by any other local~~
14 ~~agency within the operational area due to any allocation from the~~
15 ~~Local Emergency Preparedness and Hazard Mitigation Fund or~~
16 ~~the Operational Area Trust Fund.~~
17 ~~(e) (1) To be eligible to receive funds pursuant to subdivision~~
18 ~~(e), a local government shall do both of the following:~~
19 ~~(A) Commit to continuing to contribute local funds equal to the~~
20 ~~average of that amount that was committed over the last five years~~
21 ~~to emergency management staffing, preparedness, readiness, and~~
22 ~~resilience.~~
23 ~~(B) (i) Create and update, on an annual basis, a five-year work~~
24 ~~plan that identifies how funds received pursuant to this section~~
25 ~~will be spent on emergency mitigation, prevention, preparedness,~~
26 ~~response, and recovery. The work plan shall contain measurable~~
27 ~~emergency management, preparedness, readiness, resilience, and~~
28 ~~hazard mitigation goals and objectives.~~
29 ~~(ii) The work plan shall be reviewed by the lead agency, and~~
30 ~~submitted to the Office of Emergency Services.~~
31 ~~(iii) Each local government that has received funds pursuant to~~
32 ~~this section shall submit an annual report to the lead agency~~
33 ~~outlining expenditures and progress toward work plan goals.~~
34 ~~(2) A local government that receives funds pursuant to this~~
35 ~~section shall not use those funds to supplant current emergency~~
36 ~~management funding.~~
37 ~~(f) The Director of Emergency Services shall not use funds~~
38 ~~received by a local government pursuant to this section to calculate~~
39 ~~the allocation amounts for that local government pursuant to Article~~
40 ~~4 (commencing with Section 8685) of Chapter 7.5.~~
Page 5 1 ~~(g) For purposes of this section, the following terms have the~~
2 ~~following meanings:~~
3 ~~(1) "Committee" means the Standardized Emergency~~
4 ~~Management System Committee.~~

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Page 5 5 ~~(2) “Lead agency” means the agency selected pursuant to~~
6 ~~paragraph (1) of subdivision (c).~~
7 (3) “Local government” means a city, county, city and county,
8 or special district identified in a local emergency plan.
9 (4) “Operational area” has the same meaning as set forth in
10 subdivision (b) of Section 8559.
+ 8669.3. (a) *The Office of Emergency Services shall establish*
+ *the Local Emergency Preparedness and Hazard Mitigation Fund*
+ *Committee under the supervision of the Standardized Emergency*
+ *Management System Advisory Board.*
+ (b) *The committee shall include the following representatives:*
+ (1) *The director or the director’s appointee.*
+ (2) *A representative from the California Emergency Services*
+ *Association.*
+ (3) *A representative from the California State Association of*
+ *Counties.*
+ (4) *A representative from the League of California Cities.*
+ (5) *From each of the three Office of Emergency Services Mutual*
+ *Aid Administrative Regions:*
+ (A) *One representative from a city with a population of 300,000*
+ *or more.*
+ (B) *One representative from a city with a population of less*
+ *than 300,000.*
+ (C) *One representative from a city within the region that is not*
+ *also a person serving on the commission pursuant to subparagraph*
+ *(A).*
+ (D) *One representative of a special district.*
+ (E) *One representative from a county with 700,000 or more in*
+ *population.*
+ (F) *One representative from a county with less than 700,000 in*
+ *population.*
+ (c) *The committee members selected pursuant to subdivision*
+ *(b) shall each serve a term of two years.*
+ 8669.4. (a) *The committee shall report to the board. The board*
+ *shall meet every six months to hear committee reports.*
+ (b) *On or before July 1, 2020, the committee shall adopt*
+ *guidelines identifying eligible uses of the funds by establishing an*
+ *outline of standard activities for the mitigation, prevention,*
+ *preparedness, response, and recovery phases of emergency*

+ management that supports the development of a resilient
+ community.

+ 8669.5. (a) To receive funds pursuant to this article, an eligible
+ local government shall maintain their local hazard mitigation plan
+ and updated annually, in accordance with regulations adopted by
+ the Office of Emergency Services. The update to the local hazard
+ mitigation plan shall form the work plan for the local government.
+ The local government work plans, together, shall become part of
+ an operational area work plan and shall guide the use of all funds
+ allocated from the Local Emergency Preparedness and Hazard
+ Mitigation Fund to jurisdictions within an operational area. The
+ work plan shall contain measurable disaster preparedness and
+ hazard mitigation goals and objectives.

+ (b) (1) The lead agency for an operational area, as identified
+ by the agreement that establishes the operational area, shall
+ forward annually a copy of the updated work plan and shall submit
+ a biennial report on work plan projects to the Office of Emergency
+ Services.

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

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

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

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

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

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

+ (3) Upgrading or establishing emergency facilities from which
+ the agency can manage personnel and resource response to an
+ emergency or disaster. For purposes of this paragraph,
+ “emergency facilities” includes, but is not limited to, emergency

+ operations centers and communications systems used for
+ coordination within a jurisdiction or between jurisdictions.

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

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

+ 8669.7. (a) (1) A local government that receives funds shall
+ submit reports to their respective operational area, and the
+ operational area shall forward the reports to the Office of
+ Emergency Services.

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

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

+ (1) Sixty percent of the funds to the operational area lead agency
+ and all eligible cities within the operational area on a per capita
+ basis, based on a formula to be developed by the committee that
+ factors a community's high hazard risk factors based on maps
+ produced by the Office of Emergency Services in the State Hazard
+ Mitigation Plan that identify areas of the state with the most

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- + *vulnerable populations with earthquake, flood, and fire hazards.*
- + *Funding distributed pursuant to this paragraph may be carried*
- + *over to subsequent fiscal years as long as projects are ongoing.*
- + *(2) Fifteen percent via a competitive grant process established*
- + *by the lead agency to eligible special districts within the*
- + *operational area.*
- + *(3) Twenty-five percent to an operational area trust fund*
- + *established for projects of common benefit to two or more eligible*
- + *local governments within the operational area for purposes of this*
- + *article. All local governments within the operational area shall*
- + *mutually agree upon projects of common benefit that qualify under*
- + *this paragraph.*
- + *(c) (1) The operational area and local governments within the*
- + *operational area shall determine mitigation and preparedness*
- + *stakeholders, and shall facilitate the coordination and input from*
- + *government departments on cross-departmental and*
- + *cross-jurisdictional projects identified in the respective local*
- + *hazard mitigation plan.*
- + *(2) The amount of state funds received by a local agency within*
- + *an operational area shall not be reduced by any other local agency*
- + *within the operational area due to an allocation from the fund or*
- + *an operational area trust fund.*
- + *(d) (1) To be eligible to receive funds pursuant to this article,*
- + *a local government shall do the following:*
- + *(A) Commit to continuing to contribute local funds equal to the*
- + *average of that amount that was committed over the last five years*
- + *to emergency management staffing, preparedness, readiness, and*
- + *resilience.*
- + *(B) Create and update, on an annual basis, a local hazard*
- + *mitigation plan that identifies how funds received pursuant to this*
- + *section shall be spent on emergency mitigation, prevention,*
- + *preparedness, response, and recovery. The work plan shall contain*
- + *measurable emergency management, preparedness, readiness,*
- + *resilience, and hazard mitigation goals and objectives. The work*
- + *plan shall be reviewed by the lead agency, and submitted to the*
- + *Office of Emergency Services.*
- + *(C) Submit an annual report to the lead agency outlining*
- + *expenditures and progress toward the local hazard mitigation plan*
- + *goals.*

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- + (2) *A local government that receives funds pursuant to this*
- + *section shall not use those funds to supplant current emergency*
- + *management funding.*
- + (e) *The director shall not use funds received by a local*
- + *government pursuant to this section to calculate the allocation*
- + *amounts for the local government pursuant to Article 4*
- + *(commencing with Section 8685) of Chapter 7.5.*

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Substantive

AMENDMENTS TO ASSEMBLY BILL NO. 291
AS AMENDED IN ASSEMBLY MARCH 25, 2019

Amendment 1

On page 2, between lines 7 and 8, insert:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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Amendment 2

On page 2, in line 8, strike out "8669. (a)" and insert:

8669.2.

Amendment 3

On page 2, in line 12, strike out "subdivision (c)" and insert:

this article to

Amendment 4

On page 2, in line 15, after the period insert:

Upon appropriation by the Legislature, the Controller shall transfer five hundred million dollars (\$500,000,000) annually to the fund.

Amendment 5

On page 2, strike out lines 16 to 19, inclusive, strike out pages 3 to 5, inclusive, and insert:

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

(b) The committee shall include the following representatives:

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

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

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

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

(5) From each of the three Office of Emergency Services Mutual Aid

Administrative Regions:

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

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

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

(D) One representative of a special district.

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

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

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

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

(b) On or before July 1, 2020, the committee shall adopt guidelines identifying eligible uses of the funds by establishing an outline of standard activities for the

mitigation, prevention, preparedness, response, and recovery phases of emergency management that supports the development of a resilient community.

8669.5. (a) To receive funds pursuant to this article, an eligible local government shall maintain their local hazard mitigation plan and updated annually, in accordance with regulations adopted by the Office of Emergency Services. The update to the local hazard mitigation plan shall form the work plan for the local government. The local government work plans, together, shall become part of an operational area work plan and shall guide the use of all funds allocated from the Local Emergency Preparedness and Hazard Mitigation Fund to jurisdictions within an operational area. The work plan shall contain measurable disaster preparedness and hazard mitigation goals and objectives.

(b) (1) The lead agency for an operational area, as identified by the agreement that establishes the operational area, shall forward annually a copy of the updated work plan and shall submit a biennial report on work plan projects to the Office of Emergency Services.

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

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

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

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

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

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

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

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

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

8669.7. (a) (1) A local government that receives funds shall submit reports to their respective operational area, and the operational area shall forward the reports to the Office of Emergency Services.

(2) The Office of Emergency Services shall present reports forwarded to it pursuant to paragraph (1) to the committee. The committee may make recommendations

for improvement and may withhold future project allocations if it determines program funds are not being appropriately spent.

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

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

(2) Fifteen percent via a competitive grant process established by the lead agency to eligible special districts within the operational area.

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

(c) (1) The operational area and local governments within the operational area shall determine mitigation and preparedness stakeholders, and shall facilitate the coordination and input from government departments on cross-departmental and cross-jurisdictional projects identified in the respective local hazard mitigation plan.

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

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

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

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

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

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

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Substantive

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

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