

Senate Bill No. 246

Passed the Senate September 10, 2015

Secretary of the Senate

Passed the Assembly September 8, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 75123 of, and to add Part 4.5 (commencing with Section 71350) to Division 34 of, the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

SB 246, Wieckowski. Climate change adaptation.

(1) The Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act requires all state agencies to consider and implement strategies to reduce their greenhouse gas emissions. An executive order establishes a climate action team consisting of specified ex officio members and requires the team to make a specified biannual report to the Legislature and Governor.

This bill would establish the Integrated Climate Adaptation and Resiliency Program to be administered by the Office of Planning and Research to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as specified. The bill also would require, within one year of an update to the Safeguarding California Plan, the Office of Emergency Services, in coordination with the Natural Resources Agency, the Office of Planning and Research, and relevant public and private entities, to review and update, as necessary, the Adaptation Planning Guide, as specified. The bill would establish an advisory council, as specified, to support the goals of the Office of Planning and Research as identified by the bill. The bill would require the Office of Planning and Research to establish a clearinghouse for climate adaptation information, as specified.

(2) The Bagley-Keene Open Meeting Act, with specified exceptions, requires that meetings of a state body be open and public and that all persons be permitted to attend.

Existing law establishes the Strategic Growth Council and requires the council, among other things, to identify and review the activities and funding programs of member state agencies that may be coordinated to improve air and water quality. Existing law also requires the council's meetings be open to the public and subject to the Bagley-Keene Open Meeting Act.

This bill would specify certain council meetings that are not subject to the Bagley-Keene Open Meeting Act.

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

SECTION 1. Part 4.5 (commencing with Section 71350) is added to Division 34 of the Public Resources Code, to read:

PART 4.5. INTEGRATED CLIMATE ADAPTATION AND
RESILIENCY PROGRAM

71350. For purposes of this part, "office" means the Office of Planning and Research.

71352. The Legislature finds and declares:

(a) The state has been a leader in climate mitigation efforts to reduce greenhouse gas emissions. Now, and in the coming years, it is critical for California and the global community to continue and intensify those efforts in order to avoid the most severe impacts from a changing climate. However, because the global climate system changes slowly, impacts are ongoing and will inevitably worsen. In order to address the challenges posed by a changing climate, the state must invest in building resiliency and strengthening adaptation efforts at the state, regional, and local levels using the best-available science.

(b) A principle of the state's adaptation strategy document, Safeguarding California, is to prioritize actions that not only reduce greenhouse gas emissions, but also help the state prepare for climate change impacts. Improved coordination, implementation, and integration of adaptation planning efforts and funding in the state's climate policies can directly protect the state's infrastructure, communities, environmental quality, public health, safety and security, natural resources, and economy from the unavoidable impacts of climate change for decades to come.

(c) In order to have a cohesive and comprehensive response to climate change impacts, the state must have integrated planning with coordinated strategies across state, regional, and local governments and agencies.

(d) The office is established as the comprehensive state planning agency that shall engage in the formulation, evaluation, and updating of long-range goals for factors that shape statewide development patterns and significantly influence the quality of the state's environment, in addition to assisting state, regional, and local agencies in a variety of research and planning efforts, pursuant to Section 65040 of the Government Code. Therefore, the office is well-positioned to work with regional and local entities across the state, coordinating with state climate adaptation strategies.

(e) It is the intent of the Legislature, therefore, that adaptation strategies to build resiliency to the risks and impacts from climate change be integrated in state policies, projects, and permitting processes, and that the office serve as a coordinating body for adaptation projects and goals across California.

71354. The Integrated Climate Adaptation and Resiliency Program is hereby established to be administered by the office. No later than January 1, 2017, the Director of State Planning and Research shall establish the program to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change with, to the extent feasible, an emphasis on climate equity considerations across sectors and regions and strategies that benefit both greenhouse gas emissions reductions and adaptation efforts, in order to facilitate the development of holistic, complimentary strategies for adapting to climate change impacts. In order to achieve these goals, the program shall include, but not be limited to, all of the following:

(a) Working with and coordinating local and regional efforts for climate adaptation and resilience, including, but not limited to, the following:

(1) Developing tools and guidance.

(2) Promoting and coordinating state agency support for local and regional efforts.

(3) Informing state-led programs, including state planning processes, grant programs, and guideline development, to better reflect the goals, efforts, and challenges faced by local and regional entities pursuing adaptation, preparedness, and resilience. This

should occur through regular coordination between the office, the Climate Action Team, which was established by Executive Order S-3-05, the Strategic Growth Council, and other state agencies, including, but not limited to, the Office of Emergency Services, the California Environmental Protection Agency, the Natural Resources Agency, the Transportation Agency, the State Department of Public Health, and the Department of Food and Agriculture.

(b) Assisting the Office of Emergency Services and other relevant state agencies with coordinating regular reviews and updates, as needed, to the Adaptation Planning Guide, pursuant to Section 71356, and maintaining a copy of the guide, or an electronic link to a copy of the guide posted, at a minimum, on the state's Climate Change Portal and the office's Internet Web site.

(c) Coordinating and maintaining the state's clearinghouse for climate adaptation information, pursuant to Section 71360.

(d) Conducting regular meetings with the advisory council established pursuant to Section 71358 in order to have technical support, as well as expertise and advice from regional and local experts working in climate adaptation throughout the research and planning processes, as described in this section.

71356. (a) Within one year of an update to the Safeguarding California Plan, the Office of Emergency Services, in coordination with the Natural Resources Agency, the office, and relevant public and private entities, shall review and update, as necessary, the Adaptation Planning Guide to provide tools and guidance to regional and local governments and agencies in creating and implementing climate adaptation and community resiliency plans and projects. An Adaptation Planning Guide update shall be informed by the climate adaptation clearinghouse established pursuant to Section 71360 and the scientific assessments and recommendations in the most recent update of the Safeguarding California Plan. An Adaptation Planning Guide update shall consider the nexus between climate adaptation, community resiliency, public safety, and security, provide information and planning support for assessing climate vulnerabilities across impact sectors and regions and developing adaptation strategies that can be tailored to meet local needs, and include, at a minimum, all of the following:

(1) Guidance for coordinating adaptation planning activities among state and local governments and regional collaboratives.

(2) Adaptation planning guidance and strategies for natural hazards exacerbated by climate change.

(3) Guidance for conducting vulnerability assessments and identifying risk reduction strategies for communities.

(4) Identification of climate impact regions and descriptions of climate impacts to be considered for each region.

(5) Assistance with the interpretation of climate science as it relates to local and regional impacts.

(b) As part of updating the Adaptation Planning Guide, the Office of Emergency Services, in consultation with the office and, as needed, with the advisory council created pursuant to Section 71358, shall hold public meetings in the northern, southern, and central regions of the state to obtain input from the public and leaders in local and regional climate preparedness.

71358. (a) An advisory council to the office is hereby established. The advisory council shall be comprised of members from a range of disciplines, in order to provide scientific and technical support, and from regional and local governments and entities. The advisory council shall support the office's goals, as identified in this part, to facilitate coordination among state, regional, and local agency efforts to adapt to the impacts of climate change.

(b) Members of the advisory council shall have expertise in the intersection of climate change and areas that include, but need not be limited to, any of the following:

- (1) Public health.
- (2) Environmental quality.
- (3) Environmental justice.
- (4) Agriculture.
- (5) Transportation and housing.
- (6) Energy.
- (7) Natural resources and water.
- (8) Planning.
- (9) Recycling and waste management.
- (10) Local or regional government.
- (11) Tribal issues.
- (12) Emergency services and public safety.

(c) The advisory council shall meet with the office as needed, but not less than three times a year.

71360. (a) (1) The office shall coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities.

(2) The clearinghouse shall be a centralized source of information that provides available climate data to guide decisionmakers at state, regional, and local levels when planning for and implementing climate adaptation projects to promote resiliency to climate change. The clearinghouse may include, but is not limited to, any of the following:

(A) A collection of the best-available resources that may include projections and models, vulnerability assessments, and downscaled data for climate change impacts throughout the state, when available, at statewide, regional, and local levels for both near-term and longer term timescales, including year 2050 and year 2100 projections. Climate change impacts may include, but are not limited to, impacts to public health, natural resources, environmental quality, and infrastructure.

(B) Tools that allow for the visualization or identification of regional and local impacts across the state and that integrate best-available data on vulnerable populations and infrastructure.

(C) A library of relevant white papers, case studies, research articles, and climate adaptation best practices that are searchable by relevance to region, locality, and sector.

(D) Information concerning funding opportunities for adaptation research, planning, and projects.

(E) Regionally prioritized best-practice adaptation projects that, as appropriate, integrate efforts to reduce greenhouse gas emissions across the state.

(b) The clearinghouse shall be regularly updated.

SEC. 2. The Legislature finds that because the Strategic Growth Council consists primarily of the Governor's cabinet members and because the council is designed to facilitate communication, coordinate policy outcomes, and improve efficiencies among member agencies and departments, informal discussion and interaction between and among agency secretaries and their staff should be encouraged and is a normal function of government.

SEC. 3. Section 75123 of the Public Resources Code is amended to read:

75123. (a) A meeting of the council, including a meeting related to the development of grant guidelines and policies and the approval of grants, shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), except that, for purposes of this section, “meeting” shall not include a meeting at which:

(1) Council members are meeting as members of the Governor’s cabinet.

(2) Council staff and member agency staff are meeting to discuss, but not take final action on, any of the following:

(A) State agency coordination to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, revitalize urban and community centers in a sustainable manner, and other priorities specified in subdivision (a) of Section 75125.

(B) Preliminary policy recommendations and investment strategies to the Governor, the Legislature, and appropriate state agencies to encourage the development of sustainable communities, as set forth in subdivision (b) of Section 75125.

(C) Developing grant guidelines, such as those specified in Section 75125, that are otherwise subject to public participation process requirements.

(b) The council may sponsor conferences, symposia, and other public forums, to seek a broad range of public advice regarding local, regional, and natural resource planning, sustainable development, and strategies to reduce and mitigate climate change.

Approved _____, 2015

Governor