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# SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Senator Bill Dodd

Chair

2019 - 2020 Regular

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<b>Bill No:</b>	AB 2730	<b>Hearing Date:</b>	8/14/2020
<b>Author:</b>	Cervantes		
<b>Version:</b>	7/9/2020 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Brian Duke		

Due to the COVID-19 Pandemic and the unprecedented nature of the 2020 Legislative Session, all Senate Policy Committees are working under a compressed timeline. This timeline does not allow this bill to be referred and heard by more than one committee, as a typical timeline would allow. In order to fully vet the contents of this measure for the benefit of Senators and the public, this analysis includes information from the Senate Transportation Committee.

**SUBJECT:** Access and functional needs: local government: agreement for emergency management and transportation

**DIGEST:** This bill requires a county to enter into an agreement with an adjacent county, upon the request of the adjacent county, for purposes of permitting the adjacent county to borrow, for compensation, the county's emergency management and transportation services in the event of an emergency, as specified.

## **ANALYSIS:**

Existing law:

- 1) Establishes the California Office of Emergency Services (OES), within the office of the Governor, which is responsible for preventing, responding to, recovering from, and mitigating the impacts of both natural and intentional disasters.
- 2) Authorizes cities and counties to create disaster councils to develop plans for meeting any condition constituting a local emergency or state of emergency, as specified.
- 3) Requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan by addressing, at a

minimum, how the access and functional needs population is served by emergency communications, emergency evacuation, and emergency sheltering.

- 4) Requires counties to include representatives from the access and functional needs population when making an update to the emergency plan.
- 5) Defines “access and functional needs population” as individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.

This bill:

- 1) Requires counties to enter into an agreement with an adjacent county, upon the request of the adjacent county, for purposes of permitting the adjacent county to borrow, for compensation, the county’s emergency management and transportation services in the event of an emergency that requires the evacuation and relocation of the access and functional needs population in the adjacent county.
- 2) Requires counties to integrate an agreement entered into pursuant to this bill into its emergency plan within 90 days of entering into the agreement.
- 3) Defines “adjacent county” to mean a county within the same standard metropolitan statistical area, as established by the United States Office of Management and Budget.
- 4) Specifies that if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made, as specified.

## **Background**

*Purpose of the bill.* According to the author’s office, “during natural disasters or public health emergencies, our most vulnerable populations are often unable to evacuate or seek shelter. This includes, but is not limited to, the elderly, foster youth, and people with physical or developmental disabilities. This bill will facilitate local partnerships to allow counties and cities to share logistical resources (including paratransit vehicles, drivers, and medical equipment) to evacuate these

vulnerable populations when natural disasters or public health emergencies strike our state. We must ensure that when these emergencies occur in California, no one gets left behind.”

*California State Auditor report.* In December 2019, the California State Auditor (Auditor) issued Report No. 2019-134 “California Is Not Adequately Prepared to Protect Its Most Vulnerable Residents From Natural Disasters.” The report highlighted deficiencies in state and local emergency preparations for addressing the needs of people with access and functional needs. In light of these findings, the report made a number of recommendations to the Legislature including: requiring OES to review counties’ emergency plans to ensure they align with best practices; involve organizations that represent individuals with access and functional needs in developing state emergency plans and guidance for local jurisdictions; and, annually distribute lessons learned from natural disasters. There are a number of bills currently moving through the Legislature to implement these recommendations.

The audit also underscored the need for counties to fully assess and prearrange to obtain the resources it would need in a disaster, such as entering into an agreement with an adjacent county to secure the transportation and other resources required to carry out the proper evacuation of our access and functional needs population. The author’s staff notes, “given the access and functional needs population often lacks the ability to provide for their own transportation and may also have difficulty accessing conventional public transportation, evacuating these transportation-disadvantaged populations during emergencies has become an important challenge to address.”

*Office of Access and Functional Needs.* In January 2008, OES established the Office of Access and Functional Needs (OAFN). The purpose of OAFN is to identify the needs of people with disabilities and others with access and functional needs before, during, and after a disaster and to integrate disability needs and resources into emergency management systems. OAFN offers guidance to emergency managers and planners, disability and older adult service systems for planning and responding during disasters and recovery.

Existing law defines “access and functional needs population” as individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.

*State Emergency Plan.* The State Emergency Plan (SEP) addresses the state's response to extraordinary emergency situations associated with natural disasters or human-caused emergencies. In accordance with the California Emergency Services Act, the plan describes the methods for carrying out emergency operations, the process for rendering mutual aid, the emergency services of governmental agencies, how resources are mobilized, how the public will be informed, and the process to ensure continuity of government during an emergency or disaster.

The SEP is a management document intended to be read and understood before an emergency occurs. It is designed to outline the activities of all California jurisdictions within a statewide emergency management system and embraces the capabilities and resources in the broader emergency management community that includes individuals, businesses, non-governmental organizations, tribal governments, other states, the federal government, and international assistance.

The Governor is required to coordinate with local entities for the preparation of plans and programs designed to mitigate the effects of an emergency. Such plans and programs are integrated and coordinated with the SEP. In 2016, AB 2311 (Brown, Chapter 520, Statutes of 2016) required each county to integrate access and functional needs, as defined, during the next update to its emergency plan.

*Paratransit providers and emergency management.* Paratransits have the capacity to work with emergency management to ensure that people being returned to their residencies have the necessary resources and support required to safely return home following emergencies and resume living independently. Paratransit providers can assist emergency management in identifying and locating people with access and functional needs that may require evacuation assistance. While emergency managers may know the locations of resident care centers, they may have limited knowledge about the travel patterns and personal residencies of people living independently in the community who may need evacuation assistance.

This bill requires a county, including a city and county, to enter into an agreement with an adjacent county, upon the request of the adjacent county, for purposes of permitting the adjacent county to borrow, for compensation, the county's emergency management and transportation services in the event of an emergency that requires the evacuation and relocation of the access and functional needs population in the adjacent county.

This bill defines an “adjacent county” to mean a county within the same standard metropolitan statistical area, as established by the United States Office of Management and Budget.

**Prior/Related Legislation**

AB 1107 (Chu, 2020) requires all all proclamations, materials, and announcements made by the Governor or issued by a state agency related to a state of emergency to be made available in all languages spoken by limited-English-proficient (LEP) speakers that meet the Medi-Cal threshold languages as determined by the State Department of Health Care Services (DHCS), as specified. (Pending in the Senate Governmental Organization Committee)

AB 2047 (Aguiar-Curry, 2020) requires a county, as part of its update to its emergency plan, to address the Alzheimer’s disease and dementia population, as specified. (Pending in the Senate Governmental Organization Committee)

AB 2064 (Patterson, 2020) would have required OES to develop, in coordination with organizations representing the access and functional needs population, a guidance document for local governments. This bill also requires OES to review the emergency plans of all local governments to determine if they are consistent with this guidance document and, upon request, to provide necessary technical assistance. (Held on the Assembly Appropriations Committee Suspense File)

AB 2213 (Limon, 2020) would require OES to develop model guidelines for local governments, operational areas, and private sector organizations active in disasters to identify, type, and track community resources that could assist in responding to or recovering from disasters, as specified. Additionally, this bill expands existing authority granted to counties by authorizing cities and postsecondary institutions to access the contact information of residents, students, and employees for the sole purpose of enrollment in a public emergency warning system and provides for notification of enrollment and a process for opting out, as specified. (Pending in the Senate Governmental Organization Committee)

AB 2386 (Bigelow, 2020) requires OES to annually review ten local emergency plans to determine if they conform or exceed best practices identified by the Federal Emergency Management Agency, as specified. (Pending in the Senate Governmental Organization Committee)

AB 2968 (Rodriguez, 2020) requires, by January 1, 2022, OES) to develop best practices for counties developing and updating a county emergency plan and requires OES to establish a process for a county to request an OES review of its

plan and technical assistance. (Pending in the Senate Governmental Organization Committee)

AB 3267 (Smith, 2020) requires OES to coordinate with representatives from the access and functional needs population when updating the SEP; and, provides OES with additional time to complete an after-action report following each declared disaster, as specified. (Pending in the Senate Governmental Organization Committee)

SB 160 (Jackson, Chapter 402, Statutes of 2019) required a county to integrate cultural competency into its emergency plan, upon the next update to its emergency plan, and required counties to provide a forum for community engagement in geographically diverse locations in order to engage with culturally diverse communities, as specified.

AB 289 (Gray, Chapter 289, Statutes of 2017) required OES to update the SEP on or before January 1, 2019, and every five years thereafter.

AB 2311 (Brown, Chapter 520, Statutes of 2016) required each county to integrate access and functional needs into its emergency plan upon the next update.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

**SUPPORT:**

California Supported Living Network  
Disability Rights California  
National Multiple Sclerosis Society  
State Council on Developmental Disabilities  
The Arc  
United Cerebral Palsy California Collaboration

**OPPOSITION:**

None received

**ARGUMENTS IN SUPPORT:** Disability Rights California writes in support of the bill stating that, “[a]s the most recent California wildfires have demonstrated, there is a critical need for effective evacuation plans that must include all members of the communities, including persons with disabilities and the elderly. It is critical to leverage the availability of transportation that can effectively and efficiently provide services to the functional needs population. AB 2730 requires agreements to ensure that a disaster-impacted county can call upon other local transportation

authorities to assist in an evacuation. This bill will improve the capacity of vehicles to assist the functional needs population in evacuating in a disaster.”