

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: KEITH GORKA, CITY MANAGER FELLOW
SUBJECT: COUNCIL DIRECTION TO VOTING DELEGATE FOR LEAGUE
OF CALIFORNIA CITIES 2019 ANNUAL CONFERENCE
REGARDING COUNCIL POSITION ON THE RESOLUTIONS
COMING BEFORE THE LEAGUE GENERAL ASSEMBLY

AGENDA ACTION: MOTION

RECOMMENDATION

It is recommended by the City Manager's Office that the Council, by motion, consider taking a position on the resolutions to provide direction to its Voting Delegate for the meeting of the League General Assembly.

EXECUTIVE SUMMARY

Policy development is a vital and ongoing process within the League of California Cities for determining legislative and program strategies for important issues facing cities throughout California. Policies are submitted for consideration by the General Assembly at the Annual Conference to be voted on by delegates from the cities. Each member city has one Voting Delegate at the General Assembly, which will be held in Long Beach on October 16 - 18, 2019.

BACKGROUND

There are two separate issues that have been submitted by resolution to be heard in the policy committees to which they have been assigned:

Environmental Quality Policy Committee

- (1) Amendment to Rule 20A
- (2) International Transboundary Pollution Flows

Transportation, Communication & Public Works Policy Committee

- (1) Amendment to Rule 20A

PRIOR CITY COUNCIL REVIEW

N/A

ANALYSIS

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Across the state, some wildfires were sparked by electrical power equipment. The November 2018 Camp Fire in Butte County was the deadliest and most devastating wildfire in California's history. The California Department of Forestry and Fire Protection (CAL FIRE) and Public Utilities Commission are investigating the cause of the Camp Fire. Although the cause of the Camp Fire is still under investigation, initial reports suggest that equipment owned by PG&E led to the fire. When it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967.

Currently, under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones (VHFHSZ) squarely on property owners who are proactive, willing and able to foot the bill.

Santa Rosa has utilized Rule 20A credits for projects that include the current and ongoing work at Fulton Road, Stony Point Rd. (2002-2019), & the abandoned West College project.

PG&E have been criticized for their implementation of the Rule 20A program due to the:

- Limited amount of the funding in years 2011-2019 where the average allocation is about \$465,000
 - prior to 2011 the allocations reached \$985,000
- Total project length - average 5 years
- Complete & absolute control exerted over every aspect of the project

- Pace of undergrounding utilities - occurring at one (1) mile every 5 Years
- Total cost of the projects – \$4 to \$5 million per mile for urban construction

These factors nearly render the current Rule 20A approach impractical for the City and many other agencies to implement. Presently, there is over \$3 million in credits allocated for the City of Santa Rosa.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. On February 24, 2009, the Santa Rosa City Council approved an amendment to Chapter 47 Section 18-44.4702.1 of the 2007 California Fire Code (CFC), defining a Wildland Urban Interface Fire Area. Defining the WUI allows the City to maintain codes and risk reduction measures in areas that otherwise would have been exempted from these protection measure under the newly revised and reduced Very High Fire Hazard Severity Zones of 2008.

It is recommended that the proposed amendment to Rule 20A broaden its scope to include areas designated as the Wildland Urban Interface (WUI) to the list of eligible criteria. The inclusion of the WUI will facilitate more options for undergrounding projects in high-risk zones in the City of Santa Rosa and other communities.

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach in San Diego County for more than 800 days over the last 5 years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea located in Riverside & Imperial Counties. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working binationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trashladen transboundary flows originating from Mexico, that result in significant health, environmental, and safety

concerns in communities along California's southern border impacting the state.

When BWIP was implemented in 1996 the initial funding level was \$100 million per year, but, over the last 20 years it has been reduced to the level of \$10 million per year. This funding is allocated for sustaining projects along the entire border with Mexico, not just along the California portion.

The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations. Officials from the EPA have identified necessary and eligible projects in excess of \$300 million along this border.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California. Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis.

The Federal Administration has proposed to eliminate the BWIP program for its 2020 yr. budget, which is in contrast to the values of California Voters who approved Proposition 1, in 2014, which authorized \$7.5 billion in general obligation bonds to fund water quality projects.

It is recommended that the Council support and approve Resolution 2 which will call upon the State and Federal Governments of the United States and Mexico to address the impacts and to develop solutions for devastating International Transboundary Pollution Flows. The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that water quality is essential to the health and welfare of California and all of its citizens.

FISCAL IMPACT

Approval or direction for either of these resolutions will not have a fiscal impact on the City's General Fund.

(1) Amend Rule 20A – State Costs will be related to staff and programmatic costs to CPUC to take the measures to consider and adopt change to the criteria for eligibility to include Very High Fire Hazard Severity Zones on the list. The Resolution calls for an unspecified increase in funding for Rule 20A projects with the increased costs expected to be supported by utility rate payers.

(2) Transboundary Pollution - A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the region and affect coastal communities throughout California.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

N/A

NOTIFICATION

N/A

ATTACHMENTS

- Attachment – Annual Conference Resolutions Packet - 2019 Annual Conference Resolutions
- Attachment – Presentation

CONTACT

Keith Gorka, kgorka@srcity.org, 707-543-3034