

AMENDED IN ASSEMBLY APRIL 19, 2021

AMENDED IN ASSEMBLY APRIL 7, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 897

**Introduced by Assembly Members Mullin, Bennett, ~~Quirk~~ Quirk,
and Ward
(Coauthor: Assembly Member Eduardo Garcia)**

February 17, 2021

An act to add Sections 71133, 71134, 71135, and 71136 to, and to add and repeal Section 71137 of, the Public Resources Code, relating to climate change.

LEGISLATIVE COUNSEL'S DIGEST

AB 897, as amended, Mullin. Office of Planning and Research: regional climate networks: climate adaptation action plans.

Existing law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Existing law establishes the Office of Planning and Research in state government in the Governor's office. Existing law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed.

This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks. The bill would

authorize a regional climate network to engage in activities to address climate change, as specified.

This bill would ~~authorize~~ *require* a regional climate network to develop a regional climate adaptation action ~~plan~~, *plan and to submit the plan to the office for review, comments, and approval*, as described. The bill would require, on or before July 1, 2022, the office to establish geographic boundaries for regional climate networks, and to develop and publish on its internet website guidelines on how eligible entities may establish regional climate networks and how governance boards may be established within regional climate networks. The bill would also require, on or before January 1, 2023, the office to develop and publish on its internet website guidelines, as prescribed, ~~establishing how a regional climate network may develop a~~ *standards and required content for a regional climate adaptation action plan*, including certain information, analyses, and contents to be included in a plan and certain considerations and procedures for a regional climate network when preparing a plan.

This bill would require the office to provide technical assistance to regions seeking to establish a regional climate network and to regional climate networks in developing regional climate adaptation action plans. The bill would require, on or before January 1, 2023, the office to make recommendations to certain policy and budget committees of the Legislature *related to regional adaptation* on ~~developing~~ *expanding* state support for the work of regional climate networks, as prescribed, and the potential sources of financial assistance and options for distributing state funds to support the creation and implementation of regional climate adaptation action plans.

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

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

- 1 SECTION 1. It is the intent of the Legislature to do all of the
- 2 following:
- 3 (a) Foster regional-scale climate adaptation by encouraging
- 4 collaboration among local, regional, and state entities on adaptation
- 5 solutions in a way that promotes coordination within each region
- 6 of the state, as well as coordination among neighboring regions.
- 7 (b) Support the development of regional climate adaptation
- 8 plans that build upon and enhance local climate adaptation actions

1 to reduce climate risk and help achieve multiple benefits, including
2 benefits to public health, to the protection of infrastructure and
3 natural resources, and to California’s economy.

4 (c) Support the implementation of regional climate adaptation
5 efforts by developing guidance for potential state, federal, or private
6 investment in funding regional priority climate adaptation projects
7 in California.

8 (d) Build upon the work of the Integrated Climate Adaptation
9 and Resiliency Program under the Office of Planning and Research.

10 (e) Reduce the risk of climate change impacts across the state,
11 including, but not limited to, sea level rise, wildfire, drought,
12 flooding, extreme heat, negative effects to agriculture, and invasive
13 species spread.

14 SEC. 2. Section 71133 is added to the Public Resources Code,
15 to read:

16 71133. For purposes of this section and Sections 71134 to
17 71137, inclusive, the following definitions apply:

18 (a) “Eligible entity” means a local, regional, or state
19 organization, including, but not limited to, a city, county, special
20 district, council of government, metropolitan planning organization,
21 joint powers authority, climate collaborative, as defined in
22 subdivision (b) of Section 71130, regional member of the Alliance
23 of Regional Collaboratives for Climate Adaptation, nonprofit
24 organization, community-based organization, tribal government,
25 school district, and higher education institution.

26 (b) “Plan” means a regional climate adaptation action plan as
27 described in Section 71135.

28 (c) “Regional climate network” means a group of eligible entities
29 whose jurisdictions are located in the same region, and whose
30 combined jurisdiction enhances their effectiveness in responding
31 to climate risks.

32 SEC. 3. Section 71134 is added to the Public Resources Code,
33 to read:

34 71134. On or before July 1, 2022, the Office of Planning and
35 Research shall establish geographic boundaries for regional climate
36 networks. In establishing the boundaries, the Office of Planning
37 and Research shall do all of the following:

38 (a) Use regions identified in California’s Fourth Climate Change
39 Assessment, or subsequent updates, as a basis for establishing the
40 boundaries. The Office of Planning and Research may also consider

1 the geographic boundaries of a metropolitan planning organization
2 responsible for the development of a sustainable communities
3 strategy pursuant to paragraph (2) of subdivision (b) of Section
4 65080 of the Government Code.

5 (b) Solicit public input before determining the final geographic
6 boundaries.

7 (c) (1) Develop and publish on its internet website guidelines
8 on both of the following subjects:

9 (A) How eligible entities may establish regional climate
10 networks. The guidelines shall account for differences in regional
11 needs and priorities, ensure applicability and relevance to all
12 regions throughout California, including underresourced
13 communities, and provide guidance to eligible entities for
14 determining the structure of the regional climate networks in their
15 regions.

16 (B) How governance boards may be established within regional
17 climate networks, including how to ensure equity in representation
18 of eligible entities.

19 (2) Publish on its internet website the draft guidelines for public
20 review and comment at least 60 days before its adoption of the
21 guidelines.

22 (3) Consult with other relevant state agencies in developing the
23 guidelines pursuant to this subdivision.

24 SEC. 4. Section 71135 is added to the Public Resources Code,
25 to read:

26 71135. (a) Eligible entities may establish and participate in a
27 regional climate network. Eligible entities shall notify the Office
28 of Planning and Research in writing before the establishment,
29 expansion, or consolidation of a regional climate network. As part
30 of this written notice, the proposed or established regional climate
31 network shall inform the Office of Planning and Research of each
32 eligible entity's role within the network.

33 (b) A regional climate network may be expanded or consolidated
34 at any time consistent with this section.

35 (c) The Office of Planning and Research shall provide technical
36 assistance to regions seeking to establish a regional climate
37 network, facilitate coordination between regions, and encourage
38 regions to incorporate as many eligible entities into one network
39 as feasible, taking into consideration each region's unique
40 vulnerabilities and land use challenges. The Office of Planning

1 and Research shall also encourage the inclusion of eligible entities
2 with land use planning authority into regional climate networks.

3 (d) A regional climate network ~~may~~ shall develop a regional
4 climate adaptation action ~~plan~~. *plan and submit the plan to the*
5 *Office of Planning and Research for review, comments, and*
6 *approval.*

7 (e) On or before January 1, 2023, the Office of Planning and
8 Research shall develop ~~and publish on its internet website~~
9 guidelines that establish ~~how a regional climate network may~~
10 ~~develop a regional climate adaptation action plan.~~ The guidelines
11 shall establish standards and required content for a regional climate
12 adaptation action plan, including, but not limited to, all of the
13 following:

14 (1) A description of the climate vulnerabilities the plan seeks
15 to address, and planning assumptions as they relate to the climate
16 vulnerabilities identified in the plan.

17 (2) An identification of key challenges and barriers to building
18 resilience to climate adaptation facing the region.

19 (3) A prioritization of projects or actions that are necessary to
20 respond to the climate vulnerabilities facing the region.

21 (4) Clear identification of the adaptation goals the priority
22 projects or actions are designed to achieve, and the anticipated
23 benefits, including, when feasible, metrics to reflect these benefits.
24 When prioritizing projects or actions in a plan, a regional climate
25 network shall consider all of the following:

26 (A) How much of the region's geography will be affected by
27 the project or action.

28 (B) The expected nature and anticipated timing of the climate
29 vulnerability that the project or action seeks to address and the
30 ability of the project or action to minimize climate change impacts.

31 (C) Equity considerations, including the impacts the project or
32 action has on economically disadvantaged communities,
33 climate-vulnerable communities, as defined by the Integrated
34 Climate Adaptation and Resiliency Program's advisory council
35 established pursuant to Section 71358, and other communities at
36 risk of being disproportionately impacted by climate change.

37 (D) The benefits of the project or action on public health,
38 infrastructure, and natural resources.

39 ~~(E) Multibenefits generated by the project or action.~~

40 (E) *Whether the project or action creates multiple benefits.*

- 1 (5) An assessment of the regional climate adaptation action
2 plan's ability to create regional benefits in response to climate
3 vulnerabilities.
- 4 (6) A schedule for phasing implementation of projects and
5 actions across a region.
- 6 (7) Required monitoring to assess the ongoing effectiveness of
7 projects and actions and to determine appropriate course corrections
8 that may be needed to minimize the impacts of climate change
9 within a region.
- 10 (8) An assessment of the cost of, and the associated financing
11 strategy for, implementing the plan's priority projects and actions,
12 including the costs of ongoing monitoring and any necessary
13 postimplementation evaluations.
- 14 (9) The use of natural infrastructure to respond to climate
15 vulnerabilities where feasible.
- 16 (10) A timeline for the regional climate network to revisit the
17 plan to reassess and make necessary updates to the plan. ~~The~~
18 ~~regional climate network shall be encouraged to update the plan~~
19 ~~at least once every five years.~~
- 20 (11) Use of the best available science as research, observations,
21 and understanding of the impact ~~and levels of emissions of~~
22 ~~greenhouse gases advance: of varying levels of greenhouse gas~~
23 ~~emissions.~~
- 24 (12) Planning information from existing and relevant local or
25 regional planning documents, to the extent appropriate, including,
26 but not limited to, all of the following:
- 27 (A) Climate adaptation action plans and vulnerability
28 assessments.
- 29 (B) Climate action plans.
- 30 (C) Safety elements of general plans.
- 31 (D) Local hazard mitigation plans.
- 32 (E) Sustainable communities strategies.
- 33 (F) Certified local coastal programs that have been updated to
34 address sea level rise.
- 35 (G) Groundwater sustainability plans.
- 36 (H) Urban water management plans.
- 37 (I) Integrated regional water management plans.
- 38 (J) Regional transportation plans.
- 39 (K) Long-range county transportation plans.
- 40 (L) Coastal management programs and plans.

1 (f) In developing the guidelines pursuant to this section, the
2 Office of Planning and Research shall engage in a public process
3 that encourages participation from all impacted communities,
4 including, but not limited to, local governments and other proposed
5 eligible entities, community-based organizations, nongovernmental
6 organizations, private sector groups, and relevant state agencies.

7 (g) The Office of Planning and Research shall provide technical
8 assistance to regional climate networks in developing plans,
9 including guidance on how to submit the plan for review,
10 comments, and approval.

11 (h) The Office of Planning and Research shall publish on its
12 internet website ~~the draft guidelines~~ *all of the following*:

13 (1) *Draft guidelines* for public review and comment at least 60
14 days before its adoption of the guidelines, ~~and shall publish on its~~
15 ~~internet website submitted plans developed pursuant to this section.~~
16 *guidelines.*

17 (2) *Final guidelines developed pursuant to this section.*

18 (3) *Any approved plans submitted by regional climate networks*
19 *pursuant to this section.*

20 SEC. 5. Section 71136 is added to the Public Resources Code,
21 to read:

22 71136. (a) A regional climate network may engage in activities
23 to address climate change that include, but are not limited to, any
24 of the following:

25 (1) Supporting the development of and updates to regional
26 *climate* adaptation plans, strategies, and programs, including
27 performing qualitative and quantitative research, compiling and
28 hosting relevant data and resources, developing tools, and providing
29 technical assistance.

30 (2) Supporting the implementation of regional *climate* adaptation
31 plans, mitigation strategies, and programs, including evaluating
32 funding and financing mechanisms, monitoring and evaluating
33 progress, and providing technical assistance.

34 (3) Facilitating the exchange of adaptation and mitigation best
35 practices, policies, projects, and strategies among participating
36 local agencies and stakeholders, and between regions.

37 (4) Conducting activities to support ongoing coordination and
38 capacity building among participating local agencies and eligible
39 entities, including convening working groups, organizing training
40 opportunities, and creating mechanisms for collaboration.

1 (5) Conducting educational activities for local agencies,
 2 decisionmakers, key stakeholders, eligible entities, and the general
 3 public, to increase their understanding of climate change risks and
 4 adaptation solutions.

5 (6) Administering grants to local agencies and eligible entities.

6 (b) Regional climate networks shall have, and may exercise, all
 7 powers, expressed or implied, that are necessary to carry out the
 8 intent and purposes of this part, including, but not limited to, the
 9 power to do all of the following:

10 (1) Apply for and receive grants from federal and state agencies.
 11 (2) Enter into and perform all necessary contracts.
 12 (3) Enter into joint power agreements pursuant to the Joint
 13 Exercise of Powers Act (Chapter 5 (commencing with Section
 14 6500) of Division 7 of Title 1 of the Government Code).
 15 (4) Hire staff, define their qualifications and duties, and provide
 16 a schedule of compensation for the performance of their duties.

17 (c) A regional climate network may establish distinct governance
 18 procedures and policies that acknowledge regional conditions and
 19 accommodate regional needs to administer activities pursuant to
 20 this section. Governance procedures and policies shall include
 21 processes for eligible entities to participate and be consistent with
 22 guidelines described in subdivision (c) of Section 71134.

23 (d) A regional climate network shall comply with requirements
 24 of the Ralph M. Brown Act (Chapter 9 (commencing with Section
 25 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

26 (e) The Office of Planning and Research may request that
 27 established regional climate networks submit a biennial report to
 28 the Office of Planning and Research that includes, but need not
 29 be limited to, all of the following:

30 (1) The participating eligible entities of the regional climate
 31 network.
 32 (2) An outline of all activities and the outcome of each activity.
 33 (3) Actions taken by the regional climate network.
 34 (4) An accounting of the administration of, and expenditures
 35 made by, the regional climate networks.

36 SEC. 6. Section 71137 is added to the Public Resources Code,
 37 to read:

38 71137. (a) ~~As part of developing the guidelines pursuant to~~
 39 ~~Sections 71134 and 71135, On or before January 1, 2023, the~~
 40 Office of Planning and Research shall make recommendations

1 *related to regional adaptation* to relevant policy and budget
2 committees of the Legislature ~~on or before January 1, 2023, on~~
3 ~~both of the following:~~ Legislature. *The recommendations shall*
4 *include both of the following:*

5 (1) ~~Developing~~ *Expanding* state support for the work of regional
6 climate networks, including all of the following:

7 (A) Exploring ways the state can best partner with ~~regions~~
8 *eligible entities* to provide technical assistance to regional climate
9 networks.

10 (B) How to offer climate services to assist local and regional
11 adaptation practitioners in identifying, developing, and translating
12 the most appropriate and actionable science for adaptation efforts.
13 Practitioners include, but are not limited to, staff at eligible entities,
14 community-based organizations, and nonprofit organizations, who
15 plan and implement, or are impacted by, adaptation projects or
16 actions.

17 (2) Potential sources of financial assistance and options for
18 distributing state funds to support the creation and implementation
19 of regional climate adaptation action plans pursuant to Section
20 71135. As part of this recommendation, the Office of Planning
21 and Research may consider providing higher levels of funding to
22 plans with more robust network ~~membership.~~ *membership with a*
23 *greater number and diversity of eligible entities.*

24 (b) (1) A report submitted pursuant to subdivision (a) shall be
25 submitted in compliance with Section 9795 of the Government
26 Code.

27 (2) Pursuant to Section 10231.5 of the Government Code, this
28 section shall become inoperative on July 1, 2025, and, as of January
29 1, 2026, is repealed.