

# California Wildfire Mitigation Program

## Business Plan

### 1. Program Overview

The Governor's Office of Emergency Services (Cal OES) and the Department of Forestry and Fire Protection (CAL FIRE) are authorized to oversee and implement mitigation actions to reduce risk to life and property from wildfires. Cal OES and CAL FIRE entered into a joint exercise of powers agreement (JPA) to carry out a joint mitigation program. The California Wildfire Mitigation Financial Assistance Program as identified in Article 16.5 of Chapter 7 of Division 1 of Title 2 of the Government Code will be herein referred to as the California Wildfire Mitigation Program (CWMP).

The purpose of the CWMP is to facilitate the implementation of wildfire home hardening activities on high-risk residences throughout the state. The CWMP will accept and disburse funds when available to provide grants and other types of assistance and incentives to homeowners and communities to implement home hardening programs to protect against fire damage.

The program focuses on facilitating wildfire retrofits to residences of socially vulnerable homeowners and in high-hazard and socially vulnerable neighborhoods. The program will encourage:

- A community hardening approach to achieve wildfire resilience
- Low-cost retrofits to bring homes up to the standard of the California Building Code Chapter 7A
- Defensible space around residence

### 2. CA Building Code

The retrofit work funded by the CWMP will conform with California law and may also conform to other design guidance and expertise, as determined appropriate. This includes the California Building Code Chapter 7A and the defensible space codes, or local agency ordinances.

### 3. Management team

The CWMP is a legally separate entity from its members. It has a governing board consisting of two members appointed by Cal OES and two members appointed by CAL FIRE.

Overall responsibility for operations has been delegated by the governing board to the Executive Director. The Executive Director will take all necessary and appropriate actions to implement the business plan adopted by the governing board as updated from time to time, with the following limitations:

- obtain prior approval of the governing board for contracts that either (a) involve a cost or obligation to CWMP greater than \$100,000 annually (or if the contract is not for a set amount, where the obligation is likely to exceed \$100,000 annually); or (b) have a duration or likely duration greater than 12 months;
- obtain prior approval of the governing board before commencing litigation or arbitration proceedings; and
- obtain prior approval of the governing board for the annual budget of CWMP.

The Executive Director is authorized to operate CWMP within the framework established by law and the joint exercise of powers agreement that formed CWMP and in accordance with rules and policies adopted by the governing board. The Executive Director is expected to:

- endeavor continually to identify emerging legal, economic, political, social, technological, and marketplace trends that are likely to affect CWMP's fulfillment of its mission, its operations, solvency, and management and bring to the attention of the governing board all matters that are sensitive in nature or that have a significant policy impact;
- advise the governing board on all matters pertaining to CWMP;
- cooperate with and act as liaison between and among the governing board, the CWMP staff, the members of CWMP and their staffs, departments and agencies of the State of California, the Legislature, the Governor, the State Treasurer, the Insurance Commissioner, and other state officers;
- present to the governing board (with recommendations for) policies, rules, and proposed actions to carry out the provisions of laws that apply to CWMP programs;

- submit to the governing board reports, resolutions, and procedures, and make recommendations for legislative action on changes in CWMP's programs and efforts in connection with the laws that govern the administration of CWMP;
- maintain membership in and participate in the proceedings of state, national and other organizations in the field of wildfire loss mitigation for the purpose of keeping abreast of developments in that field and any and all related fields or endeavors—membership and participation includes traveling to and attending meetings of those organizations, as appropriate, and the Executive Director may designate any staff members (or, as appropriate, a contracted CWMP vendor or consultant) to carry out these delegated duties;
- in consultation with the governing board as needed, act as the primary spokesperson for CWMP to the public and appear before and offer testimony to Legislative committees and address other groups to inform them of the operations, programs, and policies of CWMP as well as positions taken by the governing board (if any) on proposed laws and other issues;
- prepare proposed updates to the CWMP business plan no less frequently than annually and submit the updates to the governing board for consideration and approval;
- oversee, direct, and monitor the performance of services from all CWMP contractors, vendors, consultants, and advisors;
- accept service of summons and any other legal service of process for and on behalf of the governing board and CWMP;
- execute all documents and authorize the issuance of instructions to accomplish the Executive Director's authorized responsibilities and duties;
- report to the governing board on the grants applied for and received;
- annually select and report to the governing board on the neighborhoods that will participate in the program
- annually notify the governing board of marketing plans for the CWMP program.

- provide an annual report to the board on the previous year's CWMP accomplishments.

#### **4. Governing Board**

Under its overall authority and responsibility to administer the CWMP, the governing board will retain the following powers:

- deliberate on and adopt basic policy and policy initiatives of CWMP;
- review and adopt the annual budget of CWMP and CWMP's cash-flow plan and approve significant budget and cash-flow plan changes;
- review and adopt the CWMP business plan, approve significant deviations from or actions not in the plan, and review and update the business plan no less frequently than annually;
- evaluate CWMP program results from time to time and make changes in the program that the governing board decides are appropriate;
- approve contracts that fall outside the scope of authority delegated to the Executive Director;
- conduct, or delegate responsibility for, annual performance reviews of key staff; and
- review and approve litigation and arbitration proceedings.

CWMP may employ or contract for staff and consultants as required to administer the program and may contract with private-sector and other organizations to provide goods and services. Management oversight of the program will be provided by the governing board of CWMP through the Executive Director.

Under California law, the debts, liabilities, and obligations of CWMP will not be debts, liabilities, or obligations of either of its members. CWMP will purchase insurance, including tort-liability insurance and errors and omissions insurance for CWMP, its members, its officers and employees, and the officers and employees of the Cal OES and CAL FIRE who provide services to CWMP, and cyber insurance. Cal OES and CAL FIRE will be

named in the tort liability insurance policy as additional insureds. The terms and cost of such insurance must be acceptable to Cal OES and CAL FIRE.

## **5. Program Funding**

Funding for CWMP will be provided by voluntary advances, contributions, grants, and state funding, when applicable. Funds from each funding source will be identified and tracked in a manner that permits CWMP to separately account for funds from each funding source. CWMP's program rules will be modified as necessary to reflect restrictions and requirements relating to new funding sources.

### **A. CAL OES and CAL FIRE contributions**

Cal OES and CAL FIRE have contributed to CWMP the use of personnel, equipment, and property. The amount and timing of these contributions is within the sole discretion of each agency. Resources provided by both agencies may be used for CWMP administrative and operating expenses in addition to direct program expenses.

### **B. Hazard Mitigation Plan and FEMA Grants**

Cal OES will maintain the State Hazard Mitigation Plan, which is required by federal law for the state to receive federal funding for mitigation. Cal OES will consider applications from the CWMP or local entities to align FEMA funding to support program implementation.

### **C. Other third-party funding**

Funds for the CWMP program will be sought from state and other sources and will be accepted if the funding source and any accompanying restrictions and requirements are approved by the governing board of CWMP with the prior written consent of Cal OES and CAL FIRE.

### **D. Support for local entities**

The CWMP will support local entities in acquiring funds to implement locally led home hardening programs, including through federal grants.

## **6. Other Programs**

The CWMP will not preclude Cal OES or CAL FIRE from establishing and operating other mitigation projects or programs.

(CWMP Board Adopted 7.19.2022)