



CITY OF SAN MATEO

City Hall
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Agenda Report

Agenda Number: 22

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: City Clerk's Office
MEETING DATE: July 15, 2019

SUBJECT:
Wildfire Liability for Public Drinking Water Suppliers - Legislative Committee Recommendation

RECOMMENDATION:

Approve the Legislative Committee's recommendation to authorize the Mayor to sign, on behalf of the City Council, the letter from CalWater to oppose drinking water suppliers from being held liable for damages from wildfires that they did not start.

BACKGROUND:

On June 21, 2019, the City Council's Legislative Committee met and heard a presentation from CalWater with regard to the impacts on drinking water suppliers being held financially liable for damages from wildfires which they were not complicit in starting due to the current application of the legal theory of inverse condemnation.

Highlighted in the presentation was a recent lawsuit against the Yorba Linda Water District (Water District) in relation to the Freeway Complex Fire, which was started by a broken-down vehicle. The Water District was held financially responsible for some of the fire damage – almost \$70 million – not because it started the fire but because the fire damaged some of the Water District's facilities, preventing it from pumping water to one neighborhood.

CalWater is seeking the City's support, via adding our name to a letter being sent to the Governor and California Legislature, seeking legislation to implement reforms in the law so water suppliers are not held responsible for damage from fires that they and their facilities did not start.

BUDGET IMPACT:

There is no budget impact for this action.

ENVIRONMENTAL DETERMINATION:

This decision for the Mayor to sign a letter on behalf of the city is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 - Proposed Letter

STAFF CONTACT

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