

AMENDED IN ASSEMBLY JUNE 7, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 3, 2012

AMENDED IN SENATE APRIL 24, 2012

AMENDED IN SENATE APRIL 10, 2012

SENATE BILL

No. 1241

Introduced by Senator Kehoe

February 23, 2012

An act to amend Sections 65302 and 65302.5 of, and to add Sections ~~65040.14~~ 65040.20 and 66474.02 to, the Government Code, and to add Section 21083.01 to, the Public Resources Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 1241, as amended, Kehoe. Land use: general plan: safety element: fire hazard impacts.

(1) The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a safety element for the protection of the community from unreasonable risks associated with, among other things, wildland and urban fires. The safety element includes requirements for state responsibility areas, as defined, and very high fire hazard severity zones, as defined.

This bill would revise the safety element requirements for state responsibility areas and very high fire hazard severity zones, as specified, and require the safety element, upon the next revision of the housing element on or after January 1, 2013, to be reviewed and updated as necessary to address the risk of fire in state responsibility areas and

very high fire hazard severity zones, taking into account specified considerations, including, among others, the most recent version of the Office of Planning and Research’s “Fire Hazard Planning” document. The bill would also require the office to, at the next update of its general plan guidelines, include these provisions, or a reference to these provisions and any other materials related to fire hazards or fire safety it deems appropriate. By imposing new duties on a city or county with regard to reviewing and updating its general plan, the bill would impose a state-mandated local program.

(2) The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, unless it makes certain findings.

This bill would require the legislative body of a county to make 3 specified findings before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, as defined. The bill would provide that this provision does not supersede the requirements of local ordinances and specified regulations that provide equivalent or more stringent minimum requirements.

(3) The California Environmental Quality Act (CEQA) requires a lead agency to prepare and certify the completion of an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA requires the Office of Planning and Research to prepare and develop guidelines for the implementation of CEQA by public agencies.

This bill would require the office, on or after January 1, 2013, at the time of the next update of the guidelines for implementing CEQA, in cooperation with the Department of Forestry and Fire Protection, to prepare, develop, and transmit to the Secretary of the Natural Resources Agency recommended proposed changes or amendments to the initial study checklist for the inclusion of questions related to fire hazard impacts for projects in state responsibility areas and very high fire hazard severity zones. The bill would also require the Secretary of the Natural Resources Agency to certify and adopt these recommended proposed changes or amendments.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 ~~SECTION 1. Section 65040.14 is added to the Government~~
2 ~~Code, to read:~~

3 ~~65040.14. The Office of Planning and Research, when it adopts~~
4 ~~its next edition of the general plan guidelines pursuant to Section~~
5 ~~65040.2, shall include the provisions of, or a reference to,~~
6 ~~paragraph (3) of subdivision (g) of Section 65302, and any other~~
7 ~~materials related to fire hazards or fire safety it deems appropriate.~~

8 ~~SECTION 1. Section 65040.20 is added to the Government~~
9 ~~Code, to read:~~

10 ~~65040.20. The Office of Planning and Research, when it adopts~~
11 ~~its next edition of the general plan guidelines pursuant to Section~~
12 ~~65040.2, shall include the provisions of, or a reference to,~~
13 ~~paragraph (3) of subdivision (g) of Section 65302, and any other~~
14 ~~materials related to fire hazards or fire safety it deems appropriate.~~

15 ~~SEC. 2. Section 65302 of the Government Code is amended~~
16 ~~to read:~~

17 ~~65302. The general plan shall consist of a statement of~~
18 ~~development policies and shall include a diagram or diagrams and~~
19 ~~text setting forth objectives, principles, standards, and plan~~
20 ~~proposals. The plan shall include the following elements:~~

21 ~~(a) A land use element that designates the proposed general~~
22 ~~distribution and general location and extent of the uses of the land~~
23 ~~for housing, business, industry, open space, including agriculture,~~
24 ~~natural resources, recreation, and enjoyment of scenic beauty,~~
25 ~~education, public buildings and grounds, solid and liquid waste~~
26 ~~disposal facilities, and other categories of public and private uses~~
27 ~~of land. The location and designation of the extent of the uses of~~
28 ~~the land for public and private uses shall consider the identification~~
29 ~~of land and natural resources pursuant to paragraph (3) of~~
30 ~~subdivision (d). The land use element shall include a statement of~~
31 ~~the standards of population density and building intensity~~
32 ~~recommended for the various districts and other territory covered~~
33 ~~by the plan. The land use element shall identify and annually~~

1 review those areas covered by the plan that are subject to flooding
2 identified by flood plain mapping prepared by the Federal
3 Emergency Management Agency (FEMA) or the Department of
4 Water Resources. The land use element shall also do both of the
5 following:

6 (1) Designate in a land use category that provides for timber
7 production those parcels of real property zoned for timberland
8 production pursuant to the California Timberland Productivity Act
9 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
10 of Division 1 of Title 5).

11 (2) Consider the impact of new growth on military readiness
12 activities carried out on military bases, installations, and operating
13 and training areas, when proposing zoning ordinances or
14 designating land uses covered by the general plan for land, or other
15 territory adjacent to military facilities, or underlying designated
16 military aviation routes and airspace.

17 (A) In determining the impact of new growth on military
18 readiness activities, information provided by military facilities
19 shall be considered. Cities and counties shall address military
20 impacts based on information from the military and other sources.

21 (B) The following definitions govern this paragraph:

22 (i) "Military readiness activities" mean all of the following:

23 (I) Training, support, and operations that prepare the men and
24 women of the military for combat.

25 (II) Operation, maintenance, and security of any military
26 installation.

27 (III) Testing of military equipment, vehicles, weapons, and
28 sensors for proper operation or suitability for combat use.

29 (ii) "Military installation" means a base, camp, post, station,
30 yard, center, homeport facility for any ship, or other activity under
31 the jurisdiction of the United States Department of Defense as
32 defined in paragraph (1) of subsection (e) of Section 2687 of Title
33 10 of the United States Code.

34 (b) (1) A circulation element consisting of the general location
35 and extent of existing and proposed major thoroughfares,
36 transportation routes, terminals, any military airports and ports,
37 and other local public utilities and facilities, all correlated with the
38 land use element of the plan.

39 (2) (A) Commencing January 1, 2011, upon any substantive
40 revision of the circulation element, the legislative body shall

1 modify the circulation element to plan for a balanced, multimodal
2 transportation network that meets the needs of all users of streets,
3 roads, and highways for safe and convenient travel in a manner
4 that is suitable to the rural, suburban, or urban context of the
5 general plan.

6 (B) For purposes of this paragraph, “users of streets, roads, and
7 highways” mean bicyclists, children, persons with disabilities,
8 motorists, movers of commercial goods, pedestrians, users of public
9 transportation, and seniors.

10 (c) A housing element as provided in Article 10.6 (commencing
11 with Section 65580).

12 (d) (1) A conservation element for the conservation,
13 development, and utilization of natural resources including water
14 and its hydraulic force, forests, soils, rivers and other waters,
15 harbors, fisheries, wildlife, minerals, and other natural resources.
16 The conservation element shall consider the effect of development
17 within the jurisdiction, as described in the land use element, on
18 natural resources located on public lands, including military
19 installations. That portion of the conservation element including
20 waters shall be developed in coordination with any countywide
21 water agency and with all district and city agencies, including
22 flood management, water conservation, or groundwater agencies
23 that have developed, served, controlled, managed, or conserved
24 water of any type for any purpose in the county or city for which
25 the plan is prepared. Coordination shall include the discussion and
26 evaluation of any water supply and demand information described
27 in Section 65352.5, if that information has been submitted by the
28 water agency to the city or county.

29 (2) The conservation element may also cover all of the
30 following:

31 (A) The reclamation of land and waters.

32 (B) Prevention and control of the pollution of streams and other
33 waters.

34 (C) Regulation of the use of land in stream channels and other
35 areas required for the accomplishment of the conservation plan.

36 (D) Prevention, control, and correction of the erosion of soils,
37 beaches, and shores.

38 (E) Protection of watersheds.

39 (F) The location, quantity and quality of the rock, sand, and
40 gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight online railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, “flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the California Emergency Management Agency.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

1 (viii) Areas subject to inundation in the event of the failure of
2 project or nonproject levees or floodwalls.

3 (ix) Historical data on flooding, including locally prepared maps
4 of areas that are subject to flooding, areas that are vulnerable to
5 flooding after wildfires, and sites that have been repeatedly
6 damaged by flooding.

7 (x) Existing and planned development in flood hazard zones,
8 including structures, roads, utilities, and essential public facilities.

9 (xi) Local, state, and federal agencies with responsibility for
10 flood protection, including special districts and local offices of
11 emergency services.

12 (B) Establish a set of comprehensive goals, policies, and
13 objectives based on the information identified pursuant to
14 subparagraph (A), for the protection of the community from the
15 unreasonable risks of flooding, including, but not limited to:

16 (i) Avoiding or minimizing the risks of flooding to new
17 development.

18 (ii) Evaluating whether new development should be located in
19 flood hazard zones, and identifying construction methods or other
20 methods to minimize damage if new development is located in
21 flood hazard zones.

22 (iii) Maintaining the structural and operational integrity of
23 essential public facilities during flooding.

24 (iv) Locating, when feasible, new essential public facilities
25 outside of flood hazard zones, including hospitals and health care
26 facilities, emergency shelters, fire stations, emergency command
27 centers, and emergency communications facilities or identifying
28 construction methods or other methods to minimize damage if
29 these facilities are located in flood hazard zones.

30 (v) Establishing cooperative working relationships among public
31 agencies with responsibility for flood protection.

32 (C) Establish a set of feasible implementation measures designed
33 to carry out the goals, policies, and objectives established pursuant
34 to subparagraph (B).

35 (3) Upon the next revision of the housing element on or after
36 January 1, 2013, the safety element shall be reviewed and updated
37 as necessary to address the risk of fire for land classified as state
38 responsibility areas, as defined in Section 4102 of the Public
39 Resources Code, and land classified as very high fire hazard
40 severity zones, as defined in Section 51177. This review shall

1 consider the advice included in the Office of Planning and
2 Research's most recent publication of "Fire Hazard Planning,
3 General Technical Advice Series" and shall also include all of the
4 following:

5 (A) Information regarding fire hazards, including, but not limited
6 to, all of the following:

7 (i) Fire hazard severity zone maps available from the Department
8 of Forestry and Fire Protection.

9 (ii) Any historical data on wildfires available from local
10 agencies or a reference to where the data can be found.

11 (iii) Information about wildfire hazard areas that may be
12 available from the United States Geological Survey.

13 (iv) General location and distribution of existing and planned
14 uses of land in very high fire hazard severity zones and in state
15 responsibility areas, including structures, roads, utilities, and
16 essential public facilities. The location and distribution of planned
17 uses of land shall not require defensible space compliance measures
18 required by state law or local ordinance to occur on publicly owned
19 lands or open space designations of homeowner associations.

20 (v) Local, state, and federal agencies with responsibility for fire
21 protection, including special districts and local offices of
22 emergency services.

23 (B) A set of goals, policies, and objectives based on the
24 information identified pursuant to subparagraph (A) for the
25 protection of the community from the unreasonable risk of wildfire.

26 (C) A set of feasible implementation measures designed to carry
27 out the goals, policies, and objectives based on the information
28 identified pursuant to subparagraph (B) including, but not limited
29 to, all of the following:

30 (i) Avoiding or minimizing the wildfire hazards associated with
31 new uses of land.

32 (ii) Locating, when feasible, new essential public facilities
33 outside of high fire risk areas, including, but not limited to,
34 hospitals and health care facilities, emergency shelters, emergency
35 command centers, and emergency communications facilities, or
36 identifying construction methods or other methods to minimize
37 damage if these facilities are located in a state responsibility area
38 or very high fire hazard severity zone.

39 (iii) Designing adequate infrastructure if a new development is
40 located in a state responsibility area or in a very high fire hazard

1 severity zone, including safe access for emergency response
2 vehicles, visible street signs, and water supplies for structural fire
3 suppression.

4 (iv) Working cooperatively with public agencies with
5 responsibility for fire protection.

6 (D) If a city or county has adopted a fire safety plan or document
7 separate from the general plan, an attachment of, or reference to,
8 a city or county's adopted fire safety plan or document that fulfills
9 commensurate goals and objectives and contains information
10 required pursuant to this paragraph.

11 (4) After the initial revision of the safety element pursuant to
12 paragraphs (2) and (3), upon each revision of the housing element,
13 the planning agency shall review and, if necessary, revise the safety
14 element to identify new information that was not available during
15 the previous revision of the safety element.

16 (5) Cities and counties that have flood plain management
17 ordinances that have been approved by FEMA that substantially
18 comply with this section, or have substantially equivalent
19 provisions to this subdivision in their general plans, may use that
20 information in the safety element to comply with this subdivision,
21 and shall summarize and incorporate by reference into the safety
22 element the other general plan provisions or the flood plain
23 ordinance, specifically showing how each requirement of this
24 subdivision has been met.

25 (6) Prior to the periodic review of its general plan and prior to
26 preparing or revising its safety element, each city and county shall
27 consult the California Geological Survey of the Department of
28 Conservation, the Central Valley Flood Protection Board, if the
29 city or county is located within the boundaries of the Sacramento
30 and San Joaquin Drainage District, as set forth in Section 8501 of
31 the Water Code, and the California Emergency Management
32 Agency for the purpose of including information known by and
33 available to the department, the agency, and the board required by
34 this subdivision.

35 (7) To the extent that a county's safety element is sufficiently
36 detailed and contains appropriate policies and programs for
37 adoption by a city, a city may adopt that portion of the county's
38 safety element that pertains to the city's planning area in
39 satisfaction of the requirement imposed by this subdivision.

1 SEC. 3. Section 65302.5 of the Government Code is amended
2 to read:

3 65302.5. (a) At least 45 days prior to adoption or amendment
4 of the safety element, each county and city shall submit to the
5 California Geological Survey of the Department of Conservation
6 one copy of a draft of the safety element or amendment and any
7 technical studies used for developing the safety element. The
8 division may review drafts submitted to it to determine whether
9 they incorporate known seismic and other geologic hazard
10 information, and report its findings to the planning agency within
11 30 days of receipt of the draft of the safety element or amendment
12 pursuant to this subdivision. The legislative body shall consider
13 the division's findings prior to final adoption of the safety element
14 or amendment unless the division's findings are not available
15 within the above prescribed time limits or unless the division has
16 indicated to the city or county that the division will not review the
17 safety element. If the division's findings are not available within
18 those prescribed time limits, the legislative body may take the
19 division's findings into consideration at the time it considers future
20 amendments to the safety element. Each county and city shall
21 provide the division with a copy of its adopted safety element or
22 amendments. The division may review adopted safety elements
23 or amendments and report its findings. All findings made by the
24 division shall be advisory to the planning agency and legislative
25 body.

26 (b) (1) The draft element of or draft amendment to the safety
27 element of a county or a city's general plan shall be submitted to
28 the State Board of Forestry and Fire Protection and to every local
29 agency that provides fire protection to territory in the city or county
30 at least 90 days prior to either of the following:

31 (A) The adoption or amendment to the safety element of its
32 general plan for each county that contains state responsibility areas.

33 (B) The adoption or amendment to the safety element of its
34 general plan for each city or county that contains a very high fire
35 hazard severity zone as defined pursuant to subdivision (b) of
36 Section 51177.

37 (2) A county that contains state responsibility areas and a city
38 or county that contains a very high fire hazard severity zone as
39 defined pursuant to subdivision (b) of Section 51177 shall submit
40 for review the safety element of its general plan to the State Board

1 of Forestry and Fire Protection and every local agency that provides
2 fire protection to territory in the city or county in accordance with
3 the following dates, as specified, unless the local government
4 submitted the element within five years prior to that date:

5 (A) Local governments within the regional jurisdiction of the
6 San Diego Association of Governments: December 31, 2010.

7 (B) Local governments within the regional jurisdiction of the
8 Southern California Association of Governments: December 31,
9 2011.

10 (C) Local governments within the regional jurisdiction of the
11 Association of Bay Area Governments: December 31, 2012.

12 (D) Local governments within the regional jurisdiction of the
13 Council of Fresno County Governments, the Kern County Council
14 of Governments, and the Sacramento Area Council of
15 Governments: June 30, 2013.

16 (E) Local governments within the regional jurisdiction of the
17 Association of Monterey Bay Area Governments: December 31,
18 2014.

19 (F) All other local governments: December 31, 2015.

20 (3) The State Board of Forestry and Fire Protection shall, and
21 a local agency may, review the draft or an existing safety element
22 and recommend changes to the planning agency within 60 days
23 of its receipt regarding both of the following:

24 (A) Uses of land and policies in state responsibility areas and
25 very high fire hazard severity zones that will protect life, property,
26 and natural resources from unreasonable risks associated with
27 wildland fires.

28 (B) Methods and strategies for wildland fire risk reduction and
29 prevention within state responsibility areas and very high fire
30 hazard severity zones.

31 (4) Prior to the adoption of its draft element or draft amendment,
32 the board of supervisors of the county or the city council of a city
33 shall consider the recommendations, if any, made by the State
34 Board of Forestry and Fire Protection and any local agency that
35 provides fire protection to territory in the city or county. If the
36 board of supervisors or city council determines not to accept all
37 or some of the recommendations, if any, made by the State Board
38 of Forestry and Fire Protection or local agency, the board of
39 supervisors or city council shall communicate in writing to the

1 State Board of Forestry and Fire Protection or the local agency,
2 its reasons for not accepting the recommendations.

3 (5) If the State Board of Forestry and Fire Protection's or local
4 agency's recommendations are not available within the time limits
5 required by this section, the board of supervisors or city council
6 may act without those recommendations. The board of supervisors
7 or city council shall take the recommendations into consideration
8 the next time it considers amendments to the safety element.

9 SEC. 4. Section 66474.02 is added to the Government Code,
10 to read:

11 66474.02. (a) Before approving a tentative map, or a parcel
12 map for which a tentative map was not required, for an area located
13 in a state responsibility area or a very high fire hazard severity
14 zone, as both are defined in Section 51177, a legislative body of
15 a county shall make the following three findings:

16 (1) A finding supported by substantial evidence in the record
17 that the design and location of each lot in the subdivision, and the
18 subdivision as a whole, are consistent with any applicable
19 regulations adopted by the State Board of Forestry and Fire
20 Protection pursuant to Sections 4290 and 4291 of the Public
21 Resources Code.

22 (2) A finding supported by substantial evidence in the record
23 that structural fire protection and suppression services will be
24 available for the subdivision through any of the following entities:

25 (A) A county, city, special district, political subdivision of the
26 state, or another entity organized solely to provide fire protection
27 services that is monitored and funded by a county or other public
28 entity.

29 (B) The Department of Forestry and Fire Protection by contract
30 entered into pursuant to Section 4133, 4142, or 4144 of the Public
31 Resources Code.

32 (3) A finding that to the extent practicable, ingress and egress
33 for the subdivision meets the regulations regarding road standards
34 for fire equipment access adopted pursuant to Section 4290 of the
35 Public Resources Code and any applicable local ordinance.

36 (b) This section shall not supersede regulations established by
37 the State Board of Forestry and Fire Protection or local ordinances
38 that provide equivalent or more stringent minimum requirements
39 than those contained within this section.

1 SEC. 5. Section 21083.01 is added to the Public Resources
2 Code, to read:

3 21083.01. (a) On or after January 1, 2013, at the time of the
4 next review of the guidelines prepared and developed to implement
5 this division pursuant to subdivision (f) of Section 21083, the
6 Office of Planning and Research, in cooperation with the
7 Department of Forestry and Fire Protection, shall prepare, develop,
8 and transmit to the Secretary of the Natural Resources Agency
9 recommended proposed changes or amendments to the initial study
10 checklist of the guidelines implementing this division for the
11 inclusion of questions related to fire hazard impacts for projects
12 located on lands classified as state responsibility areas, as defined
13 in Section 4102, and on lands classified as very high fire hazard
14 severity zones, as defined in subdivision (i) of Section 51177 of
15 the Government Code.

16 (b) Upon receipt and review, the Secretary of the Natural
17 Resources Agency shall certify and adopt the recommended
18 proposed changes or amendments prepared and developed by the
19 Office of Planning and Research pursuant to subdivision (a).

20 SEC. 6. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of Section
25 17556 of the Government Code.