November 17, 2020

CONSENT

1. Deleted

DISCUSSION

26. Revised Title to read:
   County Executive Office - Approve grant applications/awards submitted by Health Care Agency, Sheriff-Coroner and Social Services Agency and retroactive grant applications/awards submitted by Health Care Agency in 11/17/20 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to accept grant, execute, amendments and all related documents from California Department of Fish and Wildlife, Office of Spill Prevention and Response for oil spill response equipment ($35,000) - All Districts

PUBLIC HEARING

32. Revised Title to read:
   County Executive Office - Acting as the Orange County Flood Control District - Public Hearing to consider adopting Resolution of Necessity acquiring by eminent domain real property for Santa Ana River Mainstem/Prado Dam Project located in San Bernardino County; authorizing County Counsel and/or outside eminent domain counsel to take steps to initiate and facilitate the condemnation action; directing and authorizing Auditor-Controller to make related payments ($5,090,000 $5,701,495 $5,701,495 and $628,000); and considering application of Final Environmental Impact Report No. 583 and Final Supplemental Environmental Impact Statement/Environmental Impact Report 583 and other findings - All Districts (2/3 vote of the membership)

THE FOLLOWING AGENDA ITEMS HAVE HAD CHANGES TO THEIR RECOMMENDED ACTIONS SINCE RELEASE OF THE AGENDA TO THE PUBLIC:

Items: 26 & 32

Supplemental Item(s)

S28A. Continued to 12/8/20, 9:30 A.M.
   Chairwoman Steel and Supervisor Wagner - Adopt resolution recognizing Republic of Artsakh and condemning Turkish and Azerbaijani aggression against the Armenian People

S28B. Registrar of Voters - Appoint Paul Liles as Director of Rossmoor/Los Alamitos Area Sewer District in lieu of election on 11/3/20 for a two-year term – All Districts
S28C. **Registrar of Voters** - Appoint District Officers in lieu of election on 11/3/20 for various districts where the number of persons filing a declaration of candidacy equals the number of positions to be filled – All Districts

S28D. **John Wayne Airport** - Ratify amendment 3 to lease with Host International, Inc. for adjustment to minimum annual guarantee for operation of primary food and beverage concession, effective 9/1/20 - District 2

S28E. **OC Community Resources** - Authorize Director or designee to utilize previously approved $1,085,000 in Mental Health Services Act funds and/or Fund 117 Housing Authority Operating Reserve funds for loan financing to JHC-Katella LLC for costs associated with development of Stanton Inn and Suites at 7161 Katella Avenue, Stanton; authorize Director or designee to execute subordination agreements and related documents under certain conditions for implementation of Homekey Program at Stanton Inn and Suites and Tahiti Motel; authorize Director or designee to receive and accept Homekey Program funds and utilize County funds as grant, loan or direct funds into escrow account(s) as approved by Director or designee; authorize Auditor-Controller to make distribution, fund loans and/or escrow accounts, revise appropriations and make related budget adjustments under certain conditions; *Acting as the Orange County Housing Authority, acting as Housing Successor Agency* - Authorize Director or designee to utilize Orange County Housing Successor Agency funds for loan financing to JHC-Beach2 LLC for costs associated with development of Tahiti Motel, 11850 Beach Boulevard, Stanton; approve loan commitment not to exceed $2,400,000 as local match requirement under Homekey Program for Tahiti Motel; authorize Director or designee to increase amount of Housing Successor, HOME Investment Partnership Act funds under certain conditions; and approve subordination of loan to JHC-Beach2 LLC for development, acquisition and/or rehabilitation of Tahiti Motel at permanent financing to additional senior debt under certain conditions - District 2 (RA 5 4/5 vote of the members present)

S28F. **Vice Chairman Do and Supervisor Chaffee** - Adopt resolution requesting Treasurer-Tax Collector to delay placing liens related to unpaid taxes on unsecured property for which payment was due after initial declarations of Local Health Emergency and Local Emergency on 2/26/20

S28G. **Vice Chairman Do and Supervisor Chaffee** – Approve distribution of additional CARES Act funds ($5,000,000) for economic support to Orange County child care providers due to COVID-19

S33A. **County Executive Office - Acting as the Orange County Flood Control District** - Public Hearing to consider adopting Resolutions of Necessity acquiring by eminent domain real property for Santa Ana River Mainstem/Prado Dam Project located in San Bernardino County; authorizing County Counsel and/or outside eminent domain counsel to take steps to initiate and facilitate the condemnation action; directing and authorizing Auditor-Controller to make related payments ($6,935 and $44,575); and considering application of Final Environmental Impact Report No. 583 and Final Supplemental Environmental Impact Statement/Environmental Impact Report 583 and other findings - All Districts (2/3 vote of the membership)
SCS1. **County Executive Office** - CONFERENCES WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:

Property Location: Terminal Property or Fixed Base Operator Leaseholds at John Wayne Airport

County Negotiator: Thomas A. Miller, Chief Real Estate Officer

Negotiating Party: ACI Jet

Clay Lacy Aviation

Delux Public Charter, LLC dba JSX

Under Negotiation: Terms of and Value of Possible Future Lease

SCS2. **County Executive Office** - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b):

Title: Clerk of the Board

SCS3. **County Counsel** - CONFERENCES WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):

Number of Cases: Four Cases

SCS4. **County Counsel** - CONFERENCES WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(d)(4):

Number of Cases: One Case
Continuation or Deletion Request

Date: 11/10/2020
To: Clerk of the Board of Supervisors
From: Vice Chairman Andrew Do
Re: ASR Control #: _____, Meeting Date 11/17/20  Agenda Item No. # 1
Subject: Delete Re-Appointment of Scott Weimer, Garden Grove, for term ending 9/3/23 (continued from 10/20/20)

☐ Request to continue Agenda Item No. # _____ to the _____ Board Meeting.

Comments:

☒ Request deletion of Agenda Item No. # 1

Comments:
AGENDA STAFF REPORT

MEETING DATE: 11/17/20
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Executive Office (Approved)
DEPARTMENT CONTACT PERSON(S): Peter DeMarco (714) 834-5777
Cynthia Shintaku (714) 834-7086

SUBJECT: Grant Applications/Awards Report

<table>
<thead>
<tr>
<th>CEO CONCUR</th>
<th>COUNTY COUNSEL REVIEW</th>
<th>CLERK OF THE BOARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concur</td>
<td>Approved Resolution to Form</td>
<td>Discussion 3 Votes Board Majority</td>
</tr>
</tbody>
</table>

Budgeted: N/A  
Current Year Cost: N/A  
Annual Cost: N/A  

Staffing Impact: No  
Current Fiscal Year Revenue: N/A  
# of Positions:  
Funding Source: N/A  
Sole Source: N/A  
County Audit in last 3 years: No  

Prior Board Action: N/A

RECOMMENDED ACTION(S):

Approve grant applications/awards as proposed and other actions as recommended.

1. Approve Retroactive Grant Application – Health Care Agency – CARES Act Provider Relief Fund: Phase 3 General Relief Fund – $9,000,000.

2. Approve Grant Award – Health Care Agency – Comprehensive Opioid, Stimulant, and Substance Abuse Site-Based Program (COSSAP) – $1,200,000.

3. Approve Grant Award – Health Care Agency – Homeless Housing, Assistance and Prevention (HHAP) Program – $7,486,575.73.

4. Approve Grant Award – Homeless Housing, Assistance and Prevention (HHAP) Program - Continuum of Care – $8,081,115.98.

5. Approve Grant Award and Adopt Resolution – Sheriff-Coroner’s Department – Oil Spill Prevention and Response Grant Program – $35,000.

7. Approve Grant Award – Social Services Agency – Housing and Disability Advocacy Program (HDAP) – $1,270,023.


SUMMARY:
See the attached Grants Report.

BACKGROUND INFORMATION:
See the attached Grants Report.

FINANCIAL IMPACT:
N/A

STAFFING IMPACT:
N/A

ATTACHMENT(S):
Attachment A - Grants Report
Attachment B - OCSD Oil Spill Resolution
County of Orange Report on Grant Applications/Awards

The Grants Report is a condensed list of grant requests by County Agencies/Departments that allows the Board of Supervisors to discuss and approve grant submittals in one motion at a Board meeting. County policy dictates that the Board of Supervisors must approve all grant applications prior to submittal to the grantor. This applies to grants of all amounts, as well as to new grants and those that have been received by the County for many years as part of an ongoing grant. Receipt of grants $50,000 or less is delegated to the County Executive Officer. Grant awards greater than $50,000 must be presented to the Board of Supervisors for receipt of funds. This report allows for better tracking of county grant requests, the success rate of our grants, and monitoring of County’s grants activities. It also serves to inform Orange County’s Sacramento and Washington, D.C. advocates of County grant activities involving the State or Federal Governments.

On November 17, 2020 the Board of Supervisors will consider the following actions:

RECOMMENDED ACTIONS

Approve grant applications/awards as proposed and other actions as recommended.

ACTION ITEMS:

1. Approve Retroactive Grant Application – Health Care Agency – CARES Act Provider Relief Fund: Phase 3 General Relief Fund – $9,000,000.
2. Approve Grant Award – Health Care Agency – Comprehensive Opioid, Stimulant, and Substance Abuse Site-Based Program (COSSAP) – $1,200,000.
3. Approve Grant Award – Health Care Agency – Homeless Housing, Assistance and Prevention (HHAP) Program – $7,486,575.73.
4. Approve Grant Award – Homeless Housing, Assistance and Prevention (HHAP) Program - Continuum of Care – $8,081,115.98.
5. Approve Grant Award and Adopt Resolution – Sheriff-Coroner’s Department – Oil Spill Prevention and Response Grant Program – $35,000.
7. Approve Grant Award – Social Services Agency – Housing and Disability Advocacy Program (HDAP) – $1,270,023.

If you or your staff have any questions or require additional information on any of the items in this report, please contact Cynthia Shintaku at 714-834-7086.
The Provider Relief Fund Phase 3 General Distribution Program supports healthcare providers in the battle against the COVID-19 pandemic. As a qualified provider of health care, services, and support, Orange County Health Care Agency (HCA) Behavioral Health Services (BHS) is eligible to receive Provider Relief Fund payments for healthcare-related expenses or lost revenue due to COVID-19. Such expenses include but are not limited to: staffing to expand or preserve the delivery of care, supplies, equipment, workforce training, reporting COVID-19 test results to federal, state, or local governments, building or constructing temporary structures for COVID-19 patient care or non-COVID-19 patients in a separate area, and acquiring additional resources. The distribution of funds do not need to be repaid to the US government.

Per grant guidelines, OC HCA BHS is requesting 2% of gross Medi-Cal revenue of patient care which is approximately $9 million for Fiscal Year 2019/20. OC HCA BHS plans to expend most, if not all, funds directly on OC HCA BHS staffing expenses, as a result of loss revenue related to COVID-19, to preserve the

<table>
<thead>
<tr>
<th>GRANT APPLICATION / ☒ GRANT AWARD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Today’s Date:</strong></td>
</tr>
<tr>
<td><strong>Requesting Agency/Department:</strong></td>
</tr>
<tr>
<td><strong>Grant Name and Project Title:</strong></td>
</tr>
<tr>
<td><strong>Sponsoring Organization/Grant Source:</strong></td>
</tr>
<tr>
<td><strong>Application Amount Requested:</strong></td>
</tr>
<tr>
<td><strong>Application Due Date:</strong></td>
</tr>
<tr>
<td><strong>Board Date when Board Approved this Application:</strong></td>
</tr>
<tr>
<td><strong>Awarded Funding Amount:</strong></td>
</tr>
<tr>
<td><strong>Notification Date of Funding Award:</strong></td>
</tr>
<tr>
<td><strong>Is this an Authorized Retroactive Grant Application/Award?</strong></td>
</tr>
<tr>
<td><strong>Recurrence of Grant</strong></td>
</tr>
<tr>
<td><strong>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</strong></td>
</tr>
<tr>
<td><strong>Does this grant require CEQA findings?</strong></td>
</tr>
<tr>
<td><strong>What Type of Grant is this?</strong></td>
</tr>
<tr>
<td><strong>County Match?</strong></td>
</tr>
<tr>
<td><strong>How will the County Match be Fulfilled?</strong></td>
</tr>
<tr>
<td><strong>Will the grant/program create new part or full-time positions?</strong></td>
</tr>
<tr>
<td><strong>Purpose of Grant Funds:</strong></td>
</tr>
</tbody>
</table>
delivery of behavioral health care. OC HCA BHS anticipates spending these funds by 12/31/2020, submitting a final report in February 2021, and completing and closing this grant in FY 20-21.

<table>
<thead>
<tr>
<th>Board Resolution Required?</th>
<th>Yes ☐</th>
<th>No ☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy County Counsel Name:</td>
<td>(Please list the Deputy County Counsel that approved the Resolution)</td>
<td></td>
</tr>
<tr>
<td>Recommended Action/Special Instructions</td>
<td>(Please specify below)</td>
<td></td>
</tr>
<tr>
<td>Department Contact:</td>
<td>List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.</td>
<td></td>
</tr>
<tr>
<td>Jeff Nagel, BHS Director</td>
<td>714-834-7024 / <a href="mailto:JNagel@ochca.com">JNagel@ochca.com</a></td>
<td></td>
</tr>
<tr>
<td>Name of the individual attending the Board Meeting:</td>
<td>List the name of the individual who will be attending the Board Meeting for this Grant Item:</td>
<td></td>
</tr>
<tr>
<td>Jeff Nagel, BHS Director</td>
<td>714-834-7024 / <a href="mailto:JNagel@ochca.com">JNagel@ochca.com</a></td>
<td></td>
</tr>
</tbody>
</table>
### GRANT APPLICATION / GRANT AWARD

<table>
<thead>
<tr>
<th><strong>Today’s Date:</strong></th>
<th>10/22/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Requesting Agency/Department:</strong></td>
<td>Health Care Agency / Behavioral Health Services</td>
</tr>
<tr>
<td><strong>Grant Name and Project Title:</strong></td>
<td>Comprehensive Opioid, Stimulant, and Substance Abuse Site-Based Program (COSSAP)</td>
</tr>
<tr>
<td><strong>Sponsoring Organization/Grant Source:</strong></td>
<td>Department of Justice (DOJ)</td>
</tr>
<tr>
<td><strong>Application Amount Requested:</strong></td>
<td>$1,200,000</td>
</tr>
<tr>
<td><strong>Application Due Date:</strong></td>
<td>5/21/20</td>
</tr>
<tr>
<td><strong>Board Date when Board Approved this Application:</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Awarded Funding Amount:</strong></td>
<td>$1,200,000</td>
</tr>
<tr>
<td><strong>Notification Date of Funding Award:</strong></td>
<td>10/16/2020</td>
</tr>
<tr>
<td><strong>Is this an Authorized Retroactive Grant Application/Award?</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Recurrence of Grant</strong></td>
<td>New ☑ Recurrent ☐ Other ☐ Explain:</td>
</tr>
<tr>
<td><strong>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</strong></td>
<td>n/a</td>
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<tr>
<td><strong>Does this grant require CEQA findings?</strong></td>
<td>Yes ☐ No ☑</td>
</tr>
<tr>
<td><strong>What Type of Grant is this?</strong></td>
<td>Competitive ☑ Other Type ☐ Explain:</td>
</tr>
<tr>
<td><strong>County Match?</strong></td>
<td>Yes ☑ Amount_____ or _____ % No ☐ Explain:</td>
</tr>
<tr>
<td><strong>How will the County Match be Fulfilled?</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Will the grant/program create new part or full-time positions?</strong></td>
<td>No.</td>
</tr>
<tr>
<td><strong>Purpose of Grant Funds:</strong></td>
<td>Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.</td>
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This grant would allow the expansion of the County’s efforts to identify, treat, and support Orange County residents impacted by illicit opioids, stimulants, and other substances. This grant aims to reduce the impact of opioids, stimulants, and other substances on individuals and communities in Orange County, including the reduction in the number of overdose fatalities. In addition, this grant would support collaborative initiatives to support crime victims. Currently, there are no Medication Assisted Treatment (MAT) services offered at the County outpatient clinics, making it more difficult for clients leaving jail to access these services. If accepted, Orange County Health Care Agency intends to make MAT services available in county operated Substance Use Disorder (SUD) outpatient clinics to help increase successful linkages to ongoing SUD recovery support. The grant would also fund one full time Psychiatrist to facilitate the writing of needed prescriptions for MAT. Correctional Health Services social workers will collaborate with outpatient SUD clinics to link discharging inmates to appropriate SUD and MAT services. In addition, transportation services along with peer recovery support will be provided for post-release clients leaving the jail and getting linked to outpatient MAT services.
<table>
<thead>
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<th>Yes ☐ No ☒</th>
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<td>(Please list the Deputy County Counsel that approved the Resolution)</td>
</tr>
<tr>
<td>Recommended Action/Special Instructions</td>
<td>(Please specify below)</td>
</tr>
<tr>
<td>1. Authorize HCA Director, or designee, to accept the Comprehensive Opioid, Stimulant, and Substance Abuse Site-Based Program Grant in the amount of $1,200,000.</td>
<td></td>
</tr>
<tr>
<td>2. Authorize HCA Director, or designee, to sign and execute the Grant Agreement with the Department of Justice, and any amendments thereof, related to the California Community Reinvestment Grant.</td>
<td></td>
</tr>
<tr>
<td>Department Contact:</td>
<td>List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.</td>
</tr>
<tr>
<td>Jeff Nagel, BHS Director</td>
<td>714-834-7024 / <a href="mailto:JNagel@ochca.com">JNagel@ochca.com</a></td>
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<td>Jeff Nagel, BHS Director</td>
<td>714-834-7024 / <a href="mailto:JNagel@ochca.com">JNagel@ochca.com</a></td>
</tr>
</tbody>
</table>
Today's Date: November 2, 2020

Requesting Agency/Department: Health Care Agency
Office of Care Coordination

Grant Name and Project Title: Homeless Housing, Assistance and Prevention (HHAP) Program

Sponsoring Organization/Grant Source:
State of California
Business, Consumer Services and Housing Agency
Homeless Coordinating and Financing Council

Application Amount Requested: $7,486,575.73

Application Due Date: February 15, 2020

Board Date when Board Approved this Application: January 28, 2020

Awarded Funding Amount: $7,486,575.73

Notification Date of Funding Award: April 14, 2020

Is this an Authorized Retroactive Grant Application/Award?
(If yes, attach memo to CEO)

Recurrence of Grant

If this is a recurring grant, please list the funding amount applied for and awarded in the past:
N/A

Does this grant require CEQA findings?
Yes ☐
No ☒

What Type of Grant is this?
Competitive ☐
Other Type ☒ Explain: One-time block grant program.

County Match?
Yes ☐ Amount:
No ☒

How will the County Match be Fulfilled?
(Include specific budget)
N/A

Will the grant/program create new part or full-time positions?
No.

Purpose of Grant Funds:
Provide a summary and brief background of why Board of Supervisors should accept this grant application/award, and how the grant will be implemented.

The Homeless Housing, Assistance and Prevention (HHAP) Program provides one-time block grant funds to support regional coordination and expand or develop local capacity to address immediate homelessness challenges. The HHAP is authorized by Assembly Bill 101 (Committee on Budget, Chapter 159, Statutes of 2019), which was signed into law by Governor Gavin Newsom on July 31, 2019. HHAP funding is allocated to three jurisdiction types for distribution: Continuums of Care, large cities and counties. The HHAP Program is to fund evidence-based solutions that address and prevent homelessness among eligible populations, including but not limited to rental assistance and rapid rehousing, operating subsidies, landlord incentives, outreach and coordination, prevention and shelter diversion into permanent housing and capital improvements for the development of new navigation centers and emergency shelters.

The HHAP Program has been identified as a potential funding source by the County of Orange for the construction and operations of the Yale Navigation Center, as approved by the Board of Supervisors during the November 19, 2019 meeting. The construction and operations of the Yale Navigation Center is critical to the ongoing development of the Orange County's System of Care as it will transition the Courtyard Transitional Center.
operations to a more suitable location where the needs of individuals experiencing homelessness can be better addressed.

This submitted Grant Authorization eForm is specific to the County of Orange allocation of HHAP program funding in the amount of $7,486,575.73.

The Agreement includes an indemnification provision that differs from the County’s standard indemnification provision. Risk Management has reviewed and approved the variant indemnification provision.

<table>
<thead>
<tr>
<th>Board Resolution Required?</th>
<th>Yes ☐ No ☑</th>
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</thead>
<tbody>
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<td>Deputy County Counsel Name:</td>
<td>(Please list the Deputy County Counsel that approved the Resolution)</td>
</tr>
<tr>
<td>Recommended Action/Special Instructions</td>
<td>(Please specify below)</td>
</tr>
<tr>
<td>1. Accept the grant award from the State of California Homeless and Coordinating and Financing Council for the County of Orange allocation of Homeless Housing, Assistance and Prevention (HHAP) Program funds in the amount of $7,486,575.73.</td>
<td></td>
</tr>
<tr>
<td>2. Approve, and authorize the Health Care Agency Director or designee to execute, the Standard Agreement Number 20-HHAP-00037 with the California Business, Consumer Services, and Housing Agency.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department Contact:</th>
<th>List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jason Austin</td>
<td>Director, Office of Care Coordination</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:JAustin@ochca.com">JAustin@ochca.com</a></td>
</tr>
<tr>
<td></td>
<td>(714) 834-5000</td>
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<td>Jason Austin</td>
<td>Director, Office of Care Coordination</td>
</tr>
<tr>
<td><a href="mailto:JAustin@ochca.com">JAustin@ochca.com</a></td>
<td>(714) 834-5000</td>
</tr>
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</table>
Today’s Date: November 2, 2020

Requesting Agency/Department: Health Care Agency
Office of Care Coordination

Grant Name and Project Title: Homeless Housing, Assistance and Prevention (HHAP) Program

Sponsoring Organization/Grant Source:
State of California
Business, Consumer Services and Housing Agency
Homeless Coordinating and Financing Council

Application Amount Requested: $8,081,115.98

Application Due Date: February 15, 2020

Board Date when Board Approved this Application: January 28, 2020

Awarded Funding Amount: $8,081,115.98

Notification Date of Funding Award: April 14, 2020

Is this an Authorized Retroactive Grant Application/Award?
(If yes, attach memo to CEO)

Recurrence of Grant
New ☑ Recurrent ☐ Other ☐ Explain:

If this is a recurring grant, please list the funding amount applied for and awarded in the past:
N/A

Does this grant require CEQA findings?
Yes ☐ No ☑

What Type of Grant is this?
Competitive ☐ Other Type ☑ Explain: One-time block grant program

County Match?
Yes ☐ Amount: No ☑

How will the County Match be Fulfilled?
(Please include the specific budget)
N/A

Will the grant/program create new part or full-time positions?
No.

Purpose of Grant Funds:
Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.

The Homeless Housing, Assistance and Prevention (HHAP) Program provides one-time block grant funds to support regional coordination and expand or develop local capacity to address immediate homelessness challenges. HHAP is authorized by Assembly Bill 101 (Committee on Budget, Chapter 159, Statutes of 2019), which was signed into law by Governor Gavin Newsom on July 31, 2019. HHAP funding is allocated to three jurisdiction types for distribution: Continuums of Care, large cities and counties. The HHAP Program is to fund evidence-based solutions that address and prevent homelessness among eligible populations, including but not limited to rental assistance and rapid rehousing, operating subsidies, landlord incentives, outreach and coordination, prevention and shelter diversion into permanent housing and capital improvements for the development of new navigation centers and emergency shelters.

The Orange County Continuum of Care (CoC) Board designated the County of Orange as the Administrative Entity on August 22, 2018, for all future federal and state funding that designates the CoC as an eligible applicant. This submitted Grant Award eForm is specific to the Orange County CoC allocation of HHAP Program funding in the amount of $8,081,115.98.
The Orange County Continuum of Care Board intends to utilize the HHAP funding to fill the service and program gaps within the CoC. The funding will be awarded through a competitive solicitation process and will be include projects for capital improvements and expansion, rental assistance and rapid re-housing services, landlord incentive programs, prevention and shelter diversion to permanent housing, support for navigation centers and emergency shelters, innovative solutions and strategic homelessness planning. The OC Health Care Agency, Office of Care Coordination will submit contracts with selected providers of the HHAP Program funding to the Board of Supervisors for approval at a later date.

The Agreement includes an indemnification provision that differs from the County's standard indemnification provision. Risk Management has reviewed and approved the variant indemnification provision.

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</tr>
<tr>
<td>Recommended Action/Special Instructions</td>
<td>(Please specify below)</td>
</tr>
<tr>
<td>1.</td>
<td>Accept the grant award from the State of California Homeless and Coordinating and Financing Council for the Orange County Continuum of Care allocation of Homeless Housing, Assistance and Prevention (HHAP) Program funds in the amount of $8,081,115.98.</td>
</tr>
<tr>
<td>2.</td>
<td>Approve, and authorize the Health Care Agency Director or designee to execute, the Standard Agreement Number 20-HHAP-00043 with California Business, Consumer Services, and Housing Agency.</td>
</tr>
<tr>
<td>Department Contact :</td>
<td>List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.</td>
</tr>
<tr>
<td>Jason Austin</td>
<td>Director</td>
</tr>
<tr>
<td>Office of Care Coordination</td>
<td><a href="mailto:JAustin@ochca.com">JAustin@ochca.com</a></td>
</tr>
<tr>
<td>(714) 834-5000</td>
<td></td>
</tr>
<tr>
<td>Name of the individual attending the Board Meeting:</td>
<td>List the name of the individual who will be attending the Board Meeting for this Grant Item:</td>
</tr>
<tr>
<td>Jason Austin</td>
<td>Director</td>
</tr>
<tr>
<td>Office of Care Coordination</td>
<td><a href="mailto:JAustin@ochca.com">JAustin@ochca.com</a></td>
</tr>
<tr>
<td>(714) 834-5000</td>
<td></td>
</tr>
</tbody>
</table>
Today’s Date: October 20, 2020

Requesting Agency/Department: Sheriff-Coroner Department

Grant Name and Project Title: Oil Spill Prevention and Response Grant Program

Sponsoring Organization/Grant Source: California Department of Fish and Wildlife (CDFW)

Application Amount Requested: $35,000

Application Due Date: N/A

Board Date when Board Approved this Application: N/A

Awarded Funding Amount: $35,000

Notification Date of Funding Award: 8/19/20

Is this an Authorized Retroactive Grant Application/Award? No

Recurrence of Grant

If this is a recurring grant, please list the funding amount applied for and awarded in the past:

- $35,000 in July, 2018;
- $35,000 in October, 2018.

Does this grant require CEQA findings? Yes ☐ No ☑

What Type of Grant is this? Competitive ☑ Other Type ☐ Explain:

County Match?

Yes ☐ No ☑

How will the County Match be Fulfilled? N/A

Will the grant/program create new part or full-time positions? N/A

Purpose of Grant Funds:

Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.

The purpose of the grant project is to provide local governments with oil spill response equipment that can be pre-positioned (pre-staged) throughout the state. The equipment will be deployed by the grantee to contain a spill or to protect local resources. The grant will be used for training specific to oil spill response and logistics, and provides equipment specific to eligible decontamination activities. The term of this award is October 1, 2020, and ending on September 30, 2022.

Board Resolution Required? Yes ☑ No ☐ (Please attach document to eForm)

Deputy County Counsel Name: Wendy Phillips, Senior Deputy County Counsel, approved the resolution.

Recommended Action/Special Instructions

1. Authorize the Sheriff-Coroner to accept the Oil Spill Prevention and Response Grant
2. Authorize the Sheriff-Coroner, or designee, to sign all necessary documents required to receive the grant award and supporting documentation to the California Department of Fish and Wildlife.

<table>
<thead>
<tr>
<th>Department Contact</th>
<th>List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.</th>
</tr>
</thead>
</table>
| Michael Dittenhofer, Administrative Manager II | mdittenhofer@ocsd.org  
| Sheriff’s Research and Development | 714-935-8432 |

<table>
<thead>
<tr>
<th>Name of the individual attending the Board Meeting:</th>
<th>List the name of the individual who will be attending the Board Meeting for this Grant Item:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brigitte Ludwig</td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

November 17, 2020

A RESOLUTION TO ACCEPT GRANT FUNDS FROM THE
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE,
OFFICE OF SPILL PREVENTION AND RESPONSE FOR OIL
SPILL RESPONSE EQUIPMENT

WHEREAS, the County of Orange, Sheriff-Coroner, applied to
the California Department of Fish and Wildlife, Office of Spill
Prevention and Response for oil spill response equipment for Sheriff-
Coroner of the County of Orange; and

WHEREAS, the California Department of Fish and Wildlife,
Office of Spill Prevention and Response has approved Sheriff-Coroner
of the County of Orange to receive $35,000 in oil spill response
equipment grand funds and now requires a resolution accepting these
grant funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of
Supervisors of the County of Orange, as follows:

Sheriff-Coroner Don Barnes is hereby authorized to accept a
California Department of Fish and Wildlife, Office of Spill Prevention
and Response grant in the amount of $35,000 for oil spill response
equipment on behalf of the Sheriff-Coroner of the County of Orange,
a public entity established under the laws of the State of California.

BE IT FURTHER RESOLVED, the following positions are
authorized to execute, on behalf of the County of Orange, all documents
necessary to accept the grant:

• Sheriff-Coroner
• Undersheriff
• Assistant Sheriff
• Executive Director
• Captain
• Administrative Manager

BE IT FURTHER RESOLVED, to Authorize the positions mentioned above to execute, on behalf of the County of Orange, any future documents with the California Department of Fish and Wildlife, if those actions do not materially change the terms or amounts of the County’s commitment as it is reflected in the above-referenced grant application and assurances.

BE IT FURTHER RESOLVED that this Board will not provide matching grant funds.
Today's Date: November 4, 2020

Requesting Agency/Department: Sheriff-Coroner Department

Grant Name and Project Title: 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program

Sponsoring Organization/Grant Source: U.S. Department of Justice, Office of Justice Programs

Application Amount Requested: $365,643

Application Due Date: August 19, 2020

Board Date when Board Approved this Application: August 11, 2020

Awarded Funding Amount: $365,643

Notification Date of Funding Award: September 19, 2020

Is this an Authorized Retroactive Grant Application/Award? No

Recurrence of Grant

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$465,007</td>
</tr>
<tr>
<td>2013</td>
<td>$420,826</td>
</tr>
<tr>
<td>2014</td>
<td>$434,569</td>
</tr>
<tr>
<td>2015</td>
<td>$365,772</td>
</tr>
<tr>
<td>2016</td>
<td>$377,708</td>
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<tr>
<td>2017</td>
<td>$376,349</td>
</tr>
<tr>
<td>2018</td>
<td>$410,195</td>
</tr>
<tr>
<td>2019</td>
<td>$401,800</td>
</tr>
</tbody>
</table>

Does this grant require CEQA findings? Yes

What Type of Grant is this? Competitive

County Match? Yes Amount _____ or _____ %

How will the County Match be Fulfilled? N/A

Will the grant/program create new part or full-time positions? N/A

Purpose of Grant Funds:

The JAG program is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas. Each eligible agency will utilize the funds to support projects in furtherance of law enforcement initiatives, including technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice. JAG funds will be utilized to support a broad range of activities to prevent and control crime throughout eligible cities within the county.

2020 JAG priority areas include but are not limited to:

1. **Addressing Violent Crime** – Recognizing that violent crime and the drivers of that crime, including felonious possession and use of a firearm and/or gang violence, illegal drug sales and distribution, human trafficking, and other related crimes, vary from community to community, BJA encourages local jurisdictions to invest JAG funds to tailor programs and responses to state and local crime issues through the use of data and analytics.

2. **Enforcing Firearms Laws** – BJA encourages local jurisdictions to reduce crime involving the illegal use of firearms through the strengthening and enforcement of state and local firearms possession laws.

3. **Officer Safety and Wellness** – The law enforcement safety and wellness issue is an important priority for BJA and DOJ.

4. **Safe Policing for Safe Communities** - BJA encourages state and local jurisdictions to support projects which...
incorporate elements of the President’s Executive Order on Safe Policing for Safe Communities (EOSPSC).

5. **Fentanyl Detection** – Fentanyl continues to be a major public health concern, and exposure in the field poses significant concerns to first responders.

Units of local government may use award funds for broadband deployment and adoption activities as they relate to criminal justice priorities. The Sheriff-Coroner Department (Sheriff) will serve as the County fiscal agent and will submit a single application representing the interests of all eligible units of government receiving formula allocations. The Sheriff’s grant management personnel will provide oversight for the grant; grantees and liaise submission of the application and affiliated documents; and quarterly financial and programmatic reports and annual progress reports required for the life of this grant; and annual compliance monitoring reviews.

As the fiscal agent, Sheriff submitted a single application representing the interests of the units of local government that are eligible to receive formula funding allocations. Included in this application are: County of Orange (Sheriff), Anaheim, Buena Park, Costa Mesa, Fullerton, Garden Grove, Huntington Beach, Orange, Santa Ana, and Westminster.

### 2020 Justice Assistance Grant (JAG) Local Allocations

<table>
<thead>
<tr>
<th>City and County</th>
<th>Allocation</th>
<th>Admin Fee</th>
<th>NIBRS</th>
<th>Retained by City</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA ORANGE COUNTY</td>
<td>$17,384.00</td>
<td>$1,738.40</td>
<td>$469.37</td>
<td>$15,176.23</td>
</tr>
<tr>
<td>CA ANAHEIM CITY</td>
<td>$78,421.00</td>
<td>$7,842.10</td>
<td>$2,117.37</td>
<td>$68,461.53</td>
</tr>
<tr>
<td>CA BUENA PARK CITY</td>
<td>$17,126.00</td>
<td>$1,712.60</td>
<td>$462.40</td>
<td>$14,951.00</td>
</tr>
<tr>
<td>CA COSTA MESA CITY</td>
<td>$23,973.00</td>
<td>$2,397.30</td>
<td>$647.27</td>
<td>$20,951.00</td>
</tr>
<tr>
<td>CA FULLERTON CITY</td>
<td>$20,732.00</td>
<td>$2,073.20</td>
<td>$559.76</td>
<td>$18,199.04</td>
</tr>
<tr>
<td>CA GARDEN GROVE CITY</td>
<td>$35,498.00</td>
<td>$3,549.80</td>
<td>$958.45</td>
<td>$30,989.75</td>
</tr>
<tr>
<td>CA HUNTINGTON BEACH CITY</td>
<td>$26,870.00</td>
<td>$2,687.00</td>
<td>$725.49</td>
<td>$23,457.51</td>
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<tr>
<td>CA IRVINE CITY</td>
<td>$10,323.00</td>
<td>$1,032.30</td>
<td>$278.72</td>
<td>$9,011.98</td>
</tr>
<tr>
<td>CA ORANGE CITY</td>
<td>$13,606.00</td>
<td>$1,360.60</td>
<td>$351.16</td>
<td>$11,254.24</td>
</tr>
<tr>
<td>CA SANTA ANA CITY</td>
<td>$103,510.00</td>
<td>$10,351.00</td>
<td>$2,794.77</td>
<td>$90,264.23</td>
</tr>
<tr>
<td>CA WESTMINSTER CITY</td>
<td>$18,800.00</td>
<td>$1,880.00</td>
<td>$507.60</td>
<td>$16,412.40</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$365,643.00</td>
<td>$36,564.30</td>
<td>$9,872.36</td>
<td>$3,192,063.34</td>
</tr>
</tbody>
</table>

**Board Resolution Required?**

(Yes □ No □)  
Nicole Sims, Supervising Deputy County Counsel, reviewed the application packet attachments (allocations, special conditions, etc.).

**Deputy County Counsel Name:**  
Nicole Sims, Supervising Deputy County Counsel

**Recommended Action/Special Instructions**  
Authorize the Sheriff-Coroner or designee to accept on behalf of the County of Orange, the 2020 Edward Byrne Memorial Justice Assistant Grant (JAG) Program award from the Bureau of Justice Assistance Programs, Department of Justice.

**Department Contact:**  
Michael Dittenhofer, Administrative Manager II  
Sheriff’s Research and Development  
mdittenhofer@ocsd.org  
714-935-8432

**Name of the individual attending the Board Meeting:**  
Brigitte Ludwig
**GRANT APPLICATION / X GRANT AWARD**

<table>
<thead>
<tr>
<th>Today's Date:</th>
<th>November 3, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requesting Agency/Department:</td>
<td>Social Services Agency / Assistance Programs</td>
</tr>
<tr>
<td>Grant Name and Project Title:</td>
<td>Housing and Disability Advocacy Program (HDAP)</td>
</tr>
<tr>
<td>Sponsoring Organization/Grant Source:</td>
<td>California Department of Social Services (CDSS)</td>
</tr>
<tr>
<td>Application Amount Requested:</td>
<td>$1,270,023</td>
</tr>
<tr>
<td>Application Due Date:</td>
<td>September 10, 2020</td>
</tr>
<tr>
<td>Board Date when Board Approved this Application:</td>
<td>September 15, 2020</td>
</tr>
<tr>
<td>Awarded Funding Amount:</td>
<td>$1,270,023</td>
</tr>
<tr>
<td>Notification Date of Funding Award:</td>
<td>October 21, 2020</td>
</tr>
</tbody>
</table>

**Is this an Authorized Retroactive Grant Application/Award?** No

**Recurrence of Grant**

<table>
<thead>
<tr>
<th>New</th>
<th>Recurrent</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☒</td>
<td></td>
</tr>
</tbody>
</table>

**If this is a recurring grant, please list the funding amount applied for and awarded in the past:**
- 2018 Applied: $2,147,651; 2018 Awarded: $2,147,651
- 2019-20 Applied: $1,091,855; 2019-20 Awarded: $1,091,855
- 2020 Applied: $102,634; 2020 Awarded: $102,634

**Does this grant require CEQA findings?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**What Type of Grant is this?**

<table>
<thead>
<tr>
<th>Competitive</th>
<th>Other Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Explain:** Allocated funds defined by CDSS.

**County Match?**

| Yes | Amount ____ or __100__ % | No |
| ☒   | ☐                      | ☐ |

**How will the County Match be Fulfilled?**

(Please include the specific budget)

Counties receiving HDAP funds shall match on a dollar-for-dollar basis over the award period. The County of Orange will be matching funds through existing program expenditures, including general funds to the Courtyard Transitional Center and Bridges at Kraemer Place.

**Will the grant/program create new part or full-time positions?**

No.

**Purpose of Grant Funds:**

Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.

Assembly Bill (AB) 1603, Chapter 25, Statutes of 2016 established the Housing and Disability Advocacy Program (HDAP), which is a county-administered program that provides housing and disability benefits application assistance to people with a disability. HDAP requires outreach, case management, disability benefits advocacy, and housing assistance and prioritizes individuals experiencing chronic homelessness or individuals experiencing homelessness who rely most heavily on government-funded services. The HDAP pilot program application was approved by the Board of Supervisors (Board) on October 17, 2017, and submitted to the state thereafter. The California Department of Social Services (CDSS) announced the award on January 8, 2018, and the grant award was brought to the Board for approval on February 6, 2018. The HDAP provides funding to the County’s System of Care to better serve the homeless population in Orange County and increases care coordination between the Social Services Agency (SSA), OC Community Resources (OCCR), and the Health Care Agency (HCA).
On February 20, 2019, a Memorandum of Understanding (MOU) between SSA and OCCR was signed to establish the collaborative effort in meeting objectives and to comply with State obligations for HDAP. The MOU describes the HDAP services and activities that would be provided through subcontracted service providers. The selected providers were approved by the Board on April 3, 2019, and are currently administering HDAP services to eligible participants through sole source contracts in each Service Planning Area - North, Central, and South.

On January 22, 2020 the MOU was amended to reflect the Office of Care Coordination agency reorganization to HCA. The reorganization authorized the HCA director or designee to execute or amend changes to the Office of Care Coordination service contracts, including the HDAP contracts.

On January 13, 2020, CDSS issued an All County Welfare Director Letter (ACWDL) announcing the 2019-20 application for HDAP funds, including the County of Orange allocation in the amount of $1,091,855. SSA brought the grant application form to the Board for authorization on February 25, 2020 and submitted the application to CDSS on March 9, 2020. The award announcement was released through County Fiscal Letter (CFL) 19-20-77 on April 21, 2020, and the Board approved the SSA grant award authorization form on May 19, 2020. On June 1, 2020, CDSS issued CFL 19-20-92 announcing a funding augmentation to the 2019-20 allocation in the amount of $102,634. The Board approved the SSA grant award authorization form for the augmentation award on June 23, 2020.

On August 10, 2020, CDSS announced the 2020-21 application for HDAP funds for a County allocation amount of $1,270,023 with an application deadline date of September 10, 2020. Due to the time constraints of the application process and the unavailability of earlier Board hearings in September, the request could not be submitted until after the grant application deadline. The Board approved the grant application authorization form and retroactive memo on September 15, 2020. On October 21, 2020, CDSS issued CFL 20/21-36 to announce the approved 2020-21 allocation for which SSA is now bringing to the Board for approval through a grant award authorization form.

On June 30, 2020 the MOU between SSA and HCA was updated to extend the service provision date to July 1, 2021, and amended the budget to include the 2019-20 grant award. The MOU will be updated and amended for an additional budget increase upon approval of the 2020-21 award.

Approval of this award for funds will allow for continuity and development of HDAP services and provide a needed resource to the System of Care as the County continues to address homelessness in our community.

| Board Resolution Required? (Please attach document to eForm) | Yes ☐ No ☒ |
| Deputy County Counsel Name: (Please list the Deputy County Counsel that approved the Resolution) | |
| Recommended Action/Special Instructions (Please specify below) | Authorize the Social Services Agency Director or designee to receive grant funds for the Housing and Disability Advocacy Program allocation in the amount of $1,270,023, and execute an agreement with the State of California Department of Social Services to administer HDAP funds. |
| Department Contact: List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information. | Debra Baetz, Director 714-541-7773 Debra.Baetz@ssa.ocgov.com |
| Name of the individual attending the Board Meeting for this Grant Item: | |

Grant Authorization e-Form
<table>
<thead>
<tr>
<th>Meeting:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Debra Baetz</td>
<td></td>
</tr>
</tbody>
</table>
Today's Date: November 6, 2020

Requesting Agency/Department: Social Services Agency Assistance Programs

Grant Name and Project Title: Housing and Disability Advocacy Program (HDAP) Augmentation

Sponsoring Organization/Grant Source: California Department of Social Services (CDSS)

Application Amount Requested: $127,002

Application Due Date: November 20, 2020

Board Date when Board Approved this Application:

Awarded Funding Amount:

Is this an Authorized Retroactive Grant Application/Award? No

Recurrence of Grant

<table>
<thead>
<tr>
<th>Year</th>
<th>Applied Amount</th>
<th>Awarded Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$2,147,651</td>
<td>$2,147,651</td>
</tr>
<tr>
<td>2019-20</td>
<td>$1,091,855</td>
<td>$1,091,855</td>
</tr>
<tr>
<td>2020</td>
<td>$102,634</td>
<td>$102,634</td>
</tr>
<tr>
<td>2020-21</td>
<td>$1,270,023</td>
<td>$1,270,023</td>
</tr>
</tbody>
</table>

Does this grant require CEQA findings? Yes

What Type of Grant is this? Competitive

County Match? Yes Amount: 100 %

How will the County Match be Fulfilled? Counties receiving HDAP funds shall match on a dollar-for-dollar basis over the award period. The County of Orange will be matching funds through existing program expenditures, including general funds to the Courtyard Transitional Center, Bridges at Kraemer Place and the Yale Transitional Center once it opens in 2021.

Will the grant/program create new part or full-time positions? No.

Purpose of Grant Funds: Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.

Assembly Bill (AB) 1603, Chapter 25, Statutes of 2016 established the Housing and Disability Advocacy Program (HDAP), which is a county-administered program that provides housing and disability benefits application assistance to people with a disability. HDAP service components require outreach, case management, disability benefits advocacy, and housing assistance and prioritizes individuals experiencing chronic homelessness or individuals experiencing homelessness who rely most heavily on government-funded services. The HDAP pilot program application was approved by the Board of Supervisors (Board) on October 17, 2017, and submitted to the state thereafter. The California Department of Social Services (CDSS) announced the award on January 8, 2018, and the grant award was brought to the Board for approval on February 6, 2018. The HDAP provides funding to the County’s System of Care to better serve the homeless population in Orange County and increases care...
coordination between the Social Services Agency (SSA), OC Community Resources (OCCR), and the Health Care Agency (HCA)

On February 20, 2019, a Memorandum of Understanding (MOU) between SSA and OCCR was signed to establish the collaborative effort in meeting objectives and to comply with State obligations for HDAP. The MOU describes the HDAP services and activities that would be provided through subcontracted service providers. The selected providers were approved by the Board on April 3, 2019, and are currently administering HDAP services to eligible participants through sole source contracts in each Service Planning Area - North, Central, and South.

On January 22, 2020 the MOU was amended to reflect the Office of Care Coordination agency reorganization to HCA. The reorganization authorized the HCA director or designee to execute or amend changes to the Office of Care Coordination service contracts, including the HDAP contracts.

On January 13, 2020, CDSS issued an All County Welfare Director Letter (ACWDL) announcing the 2019-20 application for HDAP funds, including the County of Orange allocation in the amount of $1,091,855. SSA brought the grant application form to the Board for authorization on February 25, 2020 and submitted the application to CDSS on March 9, 2020. The award announcement was released through County Fiscal Letter (CFL) 19-20-77 on April 21, 2020, and the Board approved the SSA grant award authorization form on May 19, 2020. On June 1, 2020, CDSS issued CFL 19-20-92 announcing a funding augmentation to the 2019-20 allocation in the amount of $102,634. The Board approved the SSA grant award authorization form for the augmentation award on June 23, 2020.

On August 10, 2020, CDSS announced the 2020-21 application for HDAP funds with an allocation to the County of Orange in the amount of $1,270,023 and an application deadline date of September 10, 2020. Due to the time constraints of the application process and the unavailability of earlier Board hearings in September, the request could not be submitted until after the grant application deadline. The Board approved the grant application authorization form and retroactive memo on September 15, 2020. On October 21, 2020, CDSS issued CFL 20/21-36 to announce the approved 2020-21 allocation for which SSA is bringing to the Board for approval through a grant award authorization form on November 17, 2020. On October 27, 2020, CDSS issued an ACWDL announcing an additional funding opportunity to the 2020-21 allocation. SSA and HCA are requesting $127,002 in HDAP funding to leverage COVID-19 response efforts and support those experiencing homelessness who have been impacted by COVID-19.

On June 30, 2020, the MOU between SSA and HCA was updated to extend the service provision date to July 1, 2021, and amended the budget to include the 2019-20 grant award. The MOU will be updated and amended for an additional budget increase upon approval of the 2020-21 award.

Approval of this award for funds will allow for continuity and development of HDAP services and provide a needed resource to the System of Care as the County continues to address homelessness in our community.

<table>
<thead>
<tr>
<th>Board Resolution Required?</th>
<th>Yes ☐ No ☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy County Counsel Name:</td>
<td>(Please list the Deputy County Counsel that approved the Resolution)</td>
</tr>
<tr>
<td>Recommended Action/Special Instructions</td>
<td>(Please specify below)</td>
</tr>
</tbody>
</table>

Authorize the Social Services Agency Director or designee to apply for grant funds for the Housing and Disability Advocacy Program (HDAP) allocation in the amount of $127,002, and execute an agreement with the State of California Department of Social Services to administer HDAP funds.
<table>
<thead>
<tr>
<th><strong>Department Contact:</strong></th>
<th>List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debra Baetz, Director 714-541-7773 <a href="mailto:Debra.Baetz@ssa.ocgov.com">Debra.Baetz@ssa.ocgov.com</a></td>
<td></td>
</tr>
<tr>
<td><strong>Name of the individual attending the Board Meeting:</strong></td>
<td>List the name of the individual who will be attending the Board Meeting for this Grant Item:</td>
</tr>
<tr>
<td>Debra Baetz</td>
<td></td>
</tr>
</tbody>
</table>
Revised Recommended Action(s)

3. At the conclusion of the hearing, adopt the Resolutions of Necessity attached as Attachments A and B to this Agenda Staff Report, which include the above-described CEQA findings and also the findings required by the California Eminent Domain Law for adoption of a Resolution of Necessity, and which direct and authorize County Counsel and/or outside eminent domain counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with the Orange County Flood Control District, to initiate condemnation proceedings to condemn the following interests in real property:
   a. Fee simple title to real property referred to by the Orange County Flood Control District as Project Parcel No. E01PD-46-996, which covers San Bernardino County Assessor’s Parcel Nos. 1056-271-01 & 1056-271-02, and to make one or more deposits of estimated compensation with the state Treasurer’s Condemnation Deposits Fund in a total amount up to $5,090,000 - $5,701,495.
   b. Permanent flowage easement interest in real property referred to by the Orange County Flood Control District as Project Parcel No. E01PD-46-023, which covers portions of San Bernardino County Assessor’s Parcel Nos. 1057-031-01 and 1057-031-03, and to make one or more deposits of estimated compensation with the state Treasurer’s Condemnation Deposits Fund in a total amount up to $628,000.

4. At the conclusion of the hearing, direct and authorize the Auditor-Controller, upon request by County Counsel, to encumber funds and issue one or more checks
payable to the State Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount up to:

$5,090,000, $5,701,495, Job No ESP2107; to be paid from Fund 404-080-404-LS16-4100
$628,000, Job No ESP2111; to be paid from Fund 404-080-404-LS20-4100

To be made as one or more deposits of estimated compensation in the condemnation proceedings; and to encumber such additional funds, and issue such additional checks, as may be requested by County Counsel, as and if necessary to satisfy any court orders for higher deposits or payment of greater compensation, or as necessary to pay for title insurance and other fees and costs in connection with the acquisition of the Subject Property Interests (as defined below) by the Orange County Flood Control District.

☐ Make modifications to the:

☐ Subject    ☑ Background Information  ☐ Summary  ☑ Financial Impact

Current Year Cost: $5,718,900 See Financial Impact Section

BACKGROUND INFORMATION
Please update fourth paragraph as indicated:

Accordingly, County Counsel and OC Public Works/Flood Division request your Board, acting in its capacity as the governing Board of the District, to adopt the proposed Resolutions to authorize and direct County Counsel and/or outside eminent domain counsel, the law firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with the District, to file and pursue proceedings to condemn and acquire the Subject Property Interests, which are more particularly described in the proposed Resolutions of Necessity and as follows:

FINANCIAL IMPACT
Appropriations are included in the Flood Fund 404 FY 2020-21 Budget for issuance of a one-time cost of $5,718,900 $6,329,495 via the following account codes:

- 404-080-404-LS1416-4100- ESP2107 in the amount of $5,090,000-$5,701,495
- 404-080-404-LS1620-4100- ESP2111 in the amount of $  628,000

☐ Revised Attachments (attach revised attachment(s) and redlined copy(s))
Attachment A - Resolution of Necessity (Project Parcel No. E01PD-46-996 Pine Sterling LLC-Lizarraga/Braden)

Attachment C - OC Public Works Memorandums
RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY

November 17, 2020

WHEREAS, this Resolution of Necessity ("Resolution") seeks to acquire property interests in the real property currently listed on the latest San Bernardino County equalized tax assessment roll as owned by Pine Sterling LLC but shows on the Orange County Flood Control District’s approved Title Report as owned by Frank Jude Lizarraga, Jr., an unmarried man as to undivided 50% interest and Charles Thomas Braden, a Widower as to undivided 50% interest as tenant in common (collectively “Owner”) and located at 7310 Pine Avenue in the City of Chino, County of San Bernardino, California, and whereas the property interests to be acquired ("Subject Property Interests") consist of:

Fee simple title to real property that is legally described and depicted by Exhibits A and B, which are attached hereto and incorporated herein by reference, which fee simple area is referred to by the Orange County Flood Control District ("District") as Project Parcel No. E01PD-46-996 and which covers San Bernardino County Assessor’s Parcel Nos. 1056-271-01 & 1056-271-02 ("Subject Property Interests").

WHEREAS, on or before November 2, 2020, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board ("Clerk") mailed notice to the Owner at, inter alia, the address shown by the last equalized San Bernardino County assessment roll, of the intention of the Orange County Board of Supervisors ("Board"), acting in its capacity as the governing board of the District, to adopt this Resolution to acquire the Subject Property Interests for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project Resolution No.____, Item No.____
ATTACHMENT A - Redline
Project Parcel No. E01PD-46-996 Pine Sterling LLC–Lizarraga/Braden

("Project"), through eminent domain proceedings, and of the date set for a hearing thereon of November 17, 2020;

WHEREAS, said notice by the Clerk notified the Owner of its right to appear and to be heard at a November 17, 2020 hearing before the Board on the following matters: (a) whether the public interest and necessity require the Project; (b) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (d) whether the offer required by section 7267.2 of the Government Code has been made to the owner(s) of record;

WHEREAS, on November 17, 2020, the Board conducted a public hearing and heard and considered public comments, if any, and evidence presented, regarding the Project and regarding the proposed eminent domain acquisition of the Subject Property Interests; and,

WHEREAS, at the close of the public hearing and after the opportunity for open and public discussion among the Board, the Board voted, by more than the statutorily required two-thirds’ majority of the Board membership, to adopt this Resolution to acquire the Subject Property Interests necessary for the Project through eminent domain proceedings.

NOW, THEREFORE, after consideration of the information contained above as well as in the November 17, 2020 Agenda Staff Report having ASR Control 20-000934,

IT IS HEREBY RESOLVED that this Board finds and determines as follows:

1. Under the California Environmental Quality Act ("CEQA"): a. Final Environmental Impact Report No. 583 (Final EIR No. 583) was previously certified on November 28, 1989 and reflects the independent judgment of the Orange County Flood Control District (District) as Lead Agency. Final Supplemental Resolution No._____, Item No._____
Santa Ana River Mainstem/Prado Dam Project
Acquisition by Eminent Domain of Real Property for Flood Control Purposes
Environmental Impact Statement/Environmental Impact Report No. 583 (Final Supplemental EIS/EIR No. 583) was previously certified on December 19, 2001 by the Orange County Planning Commission and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed and fully analyzed project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. Both the Final EIR No. 583 and the Final Supplemental EIR/EIS No. 583 are complete and adequately satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Project.

b. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the Final EIR No. 583 and Final Supplemental EIR/EIS No. 583 were certified has become known in relation to these proposed condemnation actions. Thus, no further CEQA review is required.

c. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation actions.

d. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

2. The public interest and necessity require the Project for the purposes specified by California uncodified Water Code, Act 5682, section 2, also referred to as Water Code App. Sections 36-1 et seq. (the “Orange County Flood Control Act”), including but not limited to the control of flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a 190-year flood/storm event.
3. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses set forth herein under the California Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5, and the Orange County Flood Control Act. The Subject Property Interests are located in San Bernardino County and the District is exercising its power of eminent domain extraterritorially pursuant to, inter alia, Sections 2 and 16 of the Orange County Flood Control Act.

4. The Project, which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

5. The Subject Property Interests are necessary for the Project. It is necessary that the District acquire the Subject Property Interests to carry out the Project’s essential flood control purposes. If the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury, and/or loss of life suffered by those downstream in Orange County.

6. The Subject Property Interests will be used for the Project, which constitutes a valid public use. Therefore, the Subject Property Interests will in fact be a public use.

7. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal was prepared covering the Subject Property Interests. An offer based on said appraisal was made to the Owner of the

Resolution No._____, Item No._____
Santa Ana River Mainstem/Prado Dam Project
Acquisition by Eminent Domain of Real Property for Flood Control Purposes

Page 4 of 8
Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to the Owner.

8. The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235;

9. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District’s Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

**IT IS FURTHER RESOLVED** that the Subject Property Interests be acquired by the District, and that the County Counsel of the County of Orange and/or outside counsel, Burke, Williams & Sorensen, LLP, pursuant to its existing contract with the District as previously authorized by this Board for purposes of representing the District in condemnation matters (collectively, “District’s Counsel”), are hereby directed and authorized to institute eminent domain proceedings for the foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests, and to seek and obtain an order for
prejudgment possession of some or all of the Subject Property Interests at such time as District’s Counsel deems it to be necessary and appropriate.

**IT IS FURTHER RESOLVED** that the Orange County Auditor-Controller is directed and authorized to encumber required funds (from Fund 404-080-404-LS16-4100, Job No. ESP2107) and to issue checks, as necessary and requested by County Counsel, in the total amount of up to $5,701,495 the total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal, which was the basis of the purchase offer made to the Owner; and to encumber such additional funds, and issue such additional checks as may be requested by County Counsel as and if necessary to satisfy any court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees following transfer of ownership of the Subject Property Interests to the District. Using those encumbered funds and the check or checks issued by the Auditor-Controller, District’s Counsel are hereby directed and authorized to make deposits of estimated compensation with the State Treasury’s Condemnation Deposits Fund in an amount up to $5,701,495.

**IT IS FURTHER RESOLVED** that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.
EXHIBIT A

LEGAL DESCRIPTION

Prado Basin Pine Sterling Parcels
Facility No.: E01PD
Parcel No.: 46-996

Those portions of Lots 19 and 36, in Section 31, Township 2 South, Range 7 West, of the Rancho Santa Ana del Chino, in the City of Chino, County of San Bernardino, State of California, per map filed in Book 6, Page 15 of Maps, in the Office of the County Recorder of said county, described in the Grant Deed recorded August 29, 2002 as Document No. 2002-0453406 in said County Recorder’s Office.

Containing 9.719 Acres, more or less.

See EXHIBIT B attached and by reference made a part.

APPROVED
Kevin Hills, County Surveyor, L.S. 6617

By: Jon C. Hornecker, Deputy, L.S. 7212

Date: 5-12-2016

Resolution No.____, Item No.____
Santa Ana River Mainstem/Prado Dam Project
Acquisition by Eminent Domain of Real Property for Flood Control Purposes
Resolution No._____, Item No._____
Santa Ana River Mainstem/Prado Dam Project
Acquisition by Eminent Domain of Real Property for Flood Control Purposes
Attachment C

To: Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

From: James Treadaway, Director

Date: October 22, 2020

Subject: Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interests for the Prado Dam Project; All Districts (Board of Supervisors’ Meeting Date: November 17, 2020)

Synopsis:

On November 17, 2020, County Executive Office, on behalf of the Orange County Flood Control District ("District"), will present an agenda item requesting that the Orange County Board of Supervisors ("Board"), acting in its capacity as the governing Board of the District, consider for adoption a proposed Resolution of Necessity ("Resolution"), after the duly noticed public hearing and full consideration, authorizing the filing of a condemnation action to acquire real property interests described with particularity below (the "Subject Property Interests") for the Prado Dam Project ("Project"). The Project is necessary to protect the safety, health, and welfare of residents and properties in Orange County from the devastating effects of major storms, including a 190-year storm event. Acquisition of the Subject Property Interests is required for the Project to carry out the Project’s flood control purposes.

A. Specific Real Property Interests to be Considered and Acquired:

County Counsel, the OC Public Works Department, and the County Executive Office request your Board to consider for adoption the proposed Resolution (provided as an attachment to the ASR) to authorize and direct County Counsel and/or special litigation counsel, Burke, Williams & Sorensen, LLP (previously approved by your Board for purposes of representing the District on the Project), to file and pursue proceedings to condemn and acquire the Subject Property Interests, which pertain to and affect real property that is owned as a matter of record title by Frank Jude Lizarraga, Jr., an unmarried man as to undivided 50% interest and Charles Thomas Braden, a Widower as to undivided 50% interest as tenant in common, (collectively “Owner”), which real property is located at 7310 Pine Avenue in the City of Chino in San Bernardino County and which Subject Property Interests are described as follows:
Fee simple title to real property that is legally described and depicted by Exhibits A and B attached to the proposed Resolution, which fee simple area is referred to by the District as Project Parcel No. E01PD-46-996, and which covers San Bernardino County Assessor’s Parcel No[s]. 1056-271-01 & 1056-271-02 (the “Subject Property Interests”).

B. Mailing of Notice of Hearing and Intention to Owners of Record of the Subject Property Interests:

As shown by the Declaration of Mailing that will be on file with the Clerk of the Board prior to the public hearing on this matter, in compliance with Code of Civil Procedure section 1245.235, the Clerk of the Board mailed to Owner a Notice of Intention notifying them of the hearing and of the Board’s intention to consider the adoption of the Resolution, and of Owner’s right to appear and be heard on the issues described therein.

C. Required Findings and Analysis of Facts Supporting Such Findings:

As a prerequisite to the Board’s adoption of the Resolution, at the close of the public hearing, the California eminent domain law (Code of Civil Procedure sections 1245.220 and 1245.230, et seq.) requires the Board to make the findings described below. District staff of the OC Public Works Department has analyzed the Project and its objectives, as well as the acquisitions proposed, with those required findings and legal requirements in mind. Staff hereby recommends to the Board that it make each and all the findings, and staff provides the following analysis and support for these findings:

1. The public interest and necessity require the Project.

The existing Prado Dam (“Dam”) was built in 1941 for flood protection purposes and is located near the confluence of State Routes 71 and 91. The Dam is operated by the U.S. Army Corps of Engineers (“Corps”). Because of increased urbanization both upstream and downstream of the Dam, accumulation of sedimentation, and environmental factors, the flood control protection of the Dam has significantly diminished over the past 75 years. The Corps considers this situation along the Santa Ana River to constitute “the worst flood threat west of the Mississippi River,” with probable devastating impacts to residents and property, resulting in a risk of significant loss of life and personal and economic injury, should a significant flood event occur.

Given these conditions, the Corps developed the Santa Ana River Mainstem (“SAR”) Project, as generally described in the Corps’ 1988 Phase II General Design Memorandum (“GDM”) and Final Supplemental Environmental Impact Statement, which includes construction of Reach 9 (the area of the Project located between Weir Canyon Road in the County of Orange and the Riverside County-Orange County boundary), the raising of the Dam’s spillway and embankment and constructing new higher capacity outlet works. Additionally, the Corps developed the Limited Reevaluation Report (“LRR”) in 2001 for the purpose of introducing SAR Project modifications following the 1988 GDM, which specifically included three components, the Norco Bluffs (Component A), Prado Basin (Component B), and Reach 9 (Component C). The LRR also served as a basis for the development of the Project Cooperation Agreement (“PCA”) between the Corps and the District.
In order to cooperate with the Corps and to carry out the Project, in 1989 your Board approved the SAR Project Local Cooperation Agreement (“LCA”) between the Corps, the District, and the flood control districts of Riverside and San Bernardino counties, as well as the PCA in 2003. Both the LCA and PCA require the District to acquire real property rights for inundation and construction of flood protection structures (E.G., dikes, bank protection, and floodwalls), if the Project is to be completed. Unless all property rights (including the Subject Property Interests) are acquired by the District in the areas subject to inundation, the Project may not be completed or may not be entirely effective. If the Project is not completed, the risks and perils identified by the Corps, as described above, may impact Orange County residents and properties. Thus, the Project is necessary to protect the health, safety, and welfare of the residents of the County of Orange.

2. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

Given the location of the Santa Ana River, and given the fact that the Dam embankment, spillway, and reservoir already exist, there is no cost-effective alternative to the Project in order to provide the desired level of flood protection and to achieve the public benefits and protection described above. Prior to 1989, the Corps conducted significant analysis over several years to determine Project requirements and potential impacts to address the serious flood threat discussed above, while mitigating environmental and other impacts and minimizing private injury, as feasible. Based on these studies, the District has determined that it is necessary to acquire the Subject Property Interests. There is no feasible or cost-effective alternative to the Project that would reduce impacts on those private properties affected by the Project.

3. The Subject Property Interests are necessary for the Project.

If the Subject Property Interests are not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County. Per the Corps’ Optimal Schedule, the Corps plans to award the contract for construction of the Project’s spillway in 2021. It is necessary to acquire the Subject Property Interests so that the Corps can proceed with construction of the Project. If that schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. It is necessary to obtain the Subject Property Interests to prevent and mitigate such risks. In addition, the Subject Property Interests themselves will be exposed to greater risk or frequency of inundation because of the Prado Dam’s increased reservoir capacity once the spillway is increased in height. The Project will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level.

4. The offer required by California Government Code section 7267.2 was made to the owner of record of the Subject Property Interests.
In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal has been prepared covering the Subject Property Interests. An offer based on said appraisal has been made to Owner, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of the value has been delivered to Owner.

Negotiations with the owner initially commenced on January 28, 2020 and continue. Real Estate staff has followed up and has remained in constant communications on multiply occasions with the Owner. Negotiations will continue, however, in order to proceed with timely acquisition of this Parcel in accordance with the Project, it is necessary to request the Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.

5. Compliance with CEQA

Final Environmental Impact Report No. 583 ("Final EIR No. 583") was previously certified on November 28, 1989 and reflects the independent judgment of the District as Lead Agency. Final Supplemental Environmental Impact Statement/Report No. 583 ("Final Supplemental EIS/EIR No. 583") was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583, which were prepared and satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, respectively, adequately addressed and fully analyzed the condemnation action proposed herein, which is a necessarily included element contemplated as part of the whole Project.

a. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were adopted, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed condemnation action. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to this proposed condemnation action. Thus, no further CEQA review is required.

b. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation action.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design, or included in the procedures of the Project implementation.
Because the requested action would merely accomplish a property acquisition through condemnation proceedings, in accordance with the CEQA Guidelines and the previously certified CEQA documents for the project, which reflect the independent judgment of the Lead Agency, the proposed Project is recommended for approval.

6. General Plan (Government Code Section 65402)

A conformity statement for the Project was requested from the City of Chino (“City”) as required by the Code. The City responded on April 14, 2016 that the Project is inconsistent with the City’s General Plan.

D. Other Considerations:

1. Compliance with County’s Hazardous Materials Assessment (HMA) Policy

A request to update an existing Hazardous Materials Assessment was requested but has not been completed due to the property owner’s unwillingness to grant access. An updated HMA will be prepared when access is obtained either through legal proceedings or upon execution of the contract by the property owner.

2. Funds

Your Board is asked to authorize counsel to obtain an Order of Possession for the Parcel. Your Board is also requested to authorize counsel to make a deposit of estimated just compensation in the amount of $5,701,495 which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LSI6-4100, Job No. ESP2107.

3. Relocation Assistance

The District anticipates that the acquisition of this Parcel will displace Lizze Custom Processing, Inc and potentially one residential tenant. The District has not yet assigned a Relocation Consultant to interview the tenant and determine their eligibility for benefits, because no offer has been accepted. When a Relocation Company is assigned, the relocation consultant will explain the Relocation Assistance Program to the Owner and any tenants or occupants remaining onsite (“Claimants”) within 60 days after the offer to purchase is accepted as required by law. The District will coordinate with the relocation consultant firm to ensure that relocation benefits, if any, are provided to eligible Claimants upon obtaining an Order of Possession or at acquisition by settlement and/or by court order.

**Recommended Actions:**

Accordingly, we respectfully recommend that your Board, acting in the capacity as the governing Board of the District, at the conclusion of the public hearing noticed by the Clerk of the Board, adopt, by at least a two-thirds vote of the Board, the proposed Resolution of Necessity and take the following actions:

1. Make the required Findings described above and stated therein;
2. Direct County Counsel and/or previously approved special litigation counsel, Burke, Williams & Sorensen, LLP, to institute eminent domain proceedings to condemn and acquire the Subject Property Interests; and

3. Authorize the Auditor-Controller to encumber and disburse funds as described in the proposed Resolution.

Should you have further questions, please contact me at (714) 667-3213.
To: Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

From: James Treadaway, Director

Date: October 22, 2020

Subject: Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interests for the Prado Dam Project; All Districts (Board of Supervisors’ Meeting Date: November 17, 2020)

Synopsis:

On November 17, 2020, County Executive Office, on behalf of the Orange County Flood Control District ("District"), will present an agenda item requesting that the Orange County Board of Supervisors ("Board"), acting in its capacity as the governing Board of the District, consider for adoption a proposed Resolution of Necessity ("Resolution"), after the duly noticed public hearing and full consideration, authorizing the filing of a condemnation action to acquire real property interests described with particularity below (the “Subject Property Interests”) for the Prado Dam Project ("Project"). The Project is necessary to protect the safety, health, and welfare of residents and properties in Orange County from the devastating effects of major storms, including a 190-year storm event. Acquisition of the Subject Property Interests is required for the Project to carry out the Project’s flood control purposes.

A. Specific Real Property Interests to be Considered and Acquired:

County Counsel, the OC Public Works Department, and the County Executive Office request your Board to consider for adoption the proposed Resolution (provided as an attachment to the ASR) to authorize and direct County Counsel and/or special litigation counsel, Burke, Williams & Sorensen, LLP (previously approved by your Board for purposes of representing the District on the Project), to file and pursue proceedings to condemn and acquire the Subject Property Interests, which pertain to and affect real property that is owned as a matter of record title by 7360 Pine Avenue, LLC (“Owner”), which real property is located at 7360 Pine Avenue in the City of Chino in San Bernardino County and which Subject Property Interests are described as follows: Permanent flowage easement in real property that is legally described and depicted by Exhibits A and B attached to the proposed Resolution, which easement area of approximately 4.54 acres is
referred to by the District as Project Parcel No. E01PD-46-023, and which covers San Bernardino County Assessor’s Parcel Nos. 1057-031-01 and 1057-031-03 (the “Subject Property Interests”).

B. Mailing of Notice of Hearing and Intention to Owners of Record of the Subject Property Interests:

As shown by the Declaration of Mailing that will be on file with the Clerk of the Board prior to the public hearing on this matter, in compliance with Code of Civil Procedure section 1245.235, the Clerk of the Board mailed to Owner a Notice of Intention notifying them of the hearing and of your Board’s intention to consider the adoption of the Resolution, and of Owner’s right to appear and be heard on the issues described therein.

C. Required Findings and Analysis of Facts Supporting Such Findings:

As a prerequisite to your Board’s adoption of the Resolution, at the close of the public hearing, the California eminent domain law (Code of Civil Procedure sections 1245.220 and 1245.230, et seq.) requires your Board to make the findings described below. District staff of the OC Public Works Department has analyzed the Project and its objectives, as well as the acquisitions proposed, with those required findings and legal requirements in mind. Staff hereby recommends to your Board that it make each and all the findings, and staff provides the following analysis and support for these findings:

1. The public interest and necessity require the Project.

The existing Prado Dam (“Dam”) was built in 1941 for flood protection purposes, and is located near the confluence of State Routes 71 and 91. The Dam is operated by the U.S. Army Corps of Engineers (“Corps”). Because of increased urbanization both upstream and downstream of the Dam, accumulation of sedimentation, and environmental factors, the flood control protection of the Dam has significantly diminished over the past 75 years. The Corps considers this situation along the Santa Ana River to constitute “the worst flood threat west of the Mississippi River,” with probable devastating impacts to residents and property, resulting in a risk of significant loss of life and personal and economic injury, should a significant flood event occur.

Given these conditions, the Corps developed the Santa Ana River Mainstem (“SAR”) Project, as generally described in the Corps’ 1988 Phase II General Design Memorandum (“GDM”) and Final Supplemental Environmental Impact Statement, which includes construction of Reach 9 (the area of the Project located between Weir Canyon Road in the County of Orange and the Riverside County-Orange County boundary), the raising of the Dam’s spillway and embankment and constructing new higher capacity outlet works. Additionally, the Corps developed the Limited Reevaluation Report (“LRR”) in 2001 for the purpose of introducing SAR Project modifications following the 1988 GDM, which specifically included three components, the Norco Bluffs (Component A), Prado Basin (Component B), and Reach 9 (Component C). The LRR also served as a basis for the development of the Project Cooperation Agreement (“PCA”) between the Corps and the District.
In order to cooperate with the Corps and to carry out the Project, in 1989 your Board approved the SAR Project Local Cooperation Agreement (“LCA”) between the Corps, the District, and the flood control districts of Riverside and San Bernardino counties, as well as the PCA in 2003. Both the LCA and PCA require the District to acquire real property rights for inundation and construction of flood protection structures (E.G., dikes, bank protection, and floodwalls), if the Project is to be completed. Unless all property rights (including the Subject Property Interests) are acquired by the District in the areas subject to inundation, the Project may not be completed or may not be entirely effective. If the Project is not completed, the risks and perils identified by the Corps, as described above, may impact Orange County residents and properties. Thus, the Project is necessary to protect the health, safety, and welfare of the residents of the County of Orange.

2. **The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

Given the location of the Santa Ana River, and given the fact that the Dam embankment, spillway, and reservoir already exist, there is no cost-effective alternative to the Project in order to provide the desired level of flood protection and to achieve the public benefits and protection described above. Prior to 1989, the Corps conducted significant analysis over several years to determine Project requirements and potential impacts to address the serious flood threat discussed above, while mitigating environmental and other impacts and minimizing private injury, as feasible. Based on these studies, the District has determined that it is necessary to acquire the Subject Property Interests. There is no feasible or cost-effective alternative to the Project that would reduce impacts on those private properties affected by the Project.

3. **The Subject Property Interests are necessary for the Project.**

If the Subject Property Interests are not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County. Per the Corps’ Optimal Schedule, the Corps plans to award the contract for construction of the Project’s spillway in 2021. It is necessary to acquire the Subject Property Interests so that the Corps can proceed with construction of the Project. If that schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. It is necessary to obtain the Subject Property Interests to prevent and mitigate such risks.

In addition, the Subject Property Interests themselves will be exposed to greater risk or frequency of inundation because of the Prado Dam’s increased reservoir capacity once the spillway is increased in height. The Project will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level.
4. The offer required by California Government Code section 7267.2 was made to the owner of record of the Subject Property Interests.

In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal has been prepared covering the Subject Property Interests. An offer based on said appraisal has been made to Owner, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of the value has been delivered to Owner. Negotiations with the owner initially commenced on January 28, 2020 and continue however, in order to proceed with timely acquisition of this Parcel in accordance with the Project, it is necessary to request your Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.

5. Compliance with CEQA

Final Environmental Impact Report No. 583 (“Final EIR No. 583”) was previously certified on November 28, 1989 and reflects the independent judgment of the District as Lead Agency. Final Supplemental Environmental Impact Statement/Report No. 583 (“Final Supplemental EIS/EIR No. 583”) was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583, which were prepared and satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, respectively, adequately addressed and fully analyzed the condemnation action proposed herein, which is a necessarily included element contemplated as part of the whole Project.

a. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were adopted, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed condemnation action. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to this proposed condemnation action. Thus, no further CEQA review is required.

b. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation action.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design, or included in the procedures of the Project implementation.
Because the requested action would merely accomplish a property acquisition through condemnation proceedings, in accordance with the CEQA Guidelines and the previously certified CEQA documents for the project, which reflect the independent judgment of the Lead Agency, the proposed Project is recommended for approval.

6. **General Plan (Government Code Section 65402)**

A conformity statement for the Project was requested from the City of Chino (“City”) as required by the Code. The City responded on April 14, 2016 that the Project is consistent with the City’s General Plan.

D. **Other Considerations:**

1. **Compliance with County’s Hazardous Materials Assessment (HMA) Policy**

A Hazardous Materials Assessment was requested but has not been completed due to the property owner’s unwillingness to grant access. An HMA will be prepared when access is obtained either through legal proceedings or upon execution of the contract by the property owner.

2. **Funds**

Your Board is asked to authorize counsel to obtain an Order of Possession for the Parcel. Your Board is also requested to authorize counsel to make a deposit of estimated just compensation in the amount of $628,000 which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS20-4100-0000 Job No. ESP2111.

3. **Relocation Assistance**

The District does not anticipate that the acquisition of this Parcel will displace the owner or tenants from the Parcel. The District has not yet assigned a Relocation Consultant to interview the tenant and determine their eligibility for benefits, because no offer has been accepted. When a Relocation Company is assigned, the relocation consultant will explain the Relocation Assistance Program to the owner and any tenants or occupants remaining onsite (“Claimants”) within 60 days after the offer to purchase is accepted as required by law. The District will coordinate with the relocation consultant firm to ensure that relocation benefits, if any, are provided to eligible Claimants upon obtaining an Order of Possession or at acquisition by settlement and/or by court order.

**Recommended Actions:**

Accordingly, we respectfully recommend that your Board, acting in the capacity as the governing Board of the District, at the conclusion of the public hearing noticed by the Clerk of the Board, adopt, by at least a two-thirds vote of the Board, the proposed Resolution of Necessity and take the following actions:

1. Make the required Findings described above and stated therein;
2. Direct County Counsel and/or previously approved special litigation counsel, Burke, Williams & Sorensen, LLP, to institute eminent domain proceedings to condemn and acquire the Subject Property Interests; and
3. Authorize the Auditor-Controller to encumber and disburse funds as described in the proposed Resolution.

Should you have further questions, please contact me at (714) 667-3213.
MEMORANDUM

To: Robin Stieler, Clerk of the Board

From: Donald P. Wagner, Third District Supervisor

Date: November 16, 2020

RE: Continue Item S28A to December 8, 2020

Please continue item S28A: Adopt resolution recognizing Republic of Artsakh and condemning Turkish and Azerbaijani aggression against the Armenian People to the December 8, 2020 Board of Supervisors meeting.
MEMORANDUM

November 5, 2020

TO: Robin Stieler, Clerk of the Board

FROM: Chairwoman Michelle Steel, Supervisor Second District
       Supervisor Donald P. Wagner, Supervisor Third District

SUBJECT: Resolution Recognizing the Republic of Artsakh and Condemning Turkish and Azerbaijani Aggression Against the Armenian People

Please add the following item of business to the supplemental calendar for the November 17, 2020 Board meeting agenda. The title of the item should read:

Chairwoman Michelle Steel and Supervisor Donald P. Wagner—Resolution Recognizing the Republic of Artsakh and Condemning Turkish and Azerbaijani Aggression Against the Armenian People

Attachment A – Resolution
Attachment B – House Resolution 1203 introduced on October 23, 2020
RESOLUTION OF THE BOARD OF SUPERVISORS
OF ORANGE COUNTY, CALIFORNIA

November 17th, 2020

WHEREAS, the County of Orange has declared April 24th a day of remembrance for the 1.5 million Armenians killed in a Genocide committed by the Ottoman Turks;

WHEREAS, the County of Orange opposes all forms of hate, crimes against humanity, and any attempt to continue the Genocide of the Armenian people;

WHEREAS, on September 27, 2020, Azerbaijan and Turkey launched a large-scale military, premeditated offensive against Armenia and the Republic of Artsakh with the indiscriminate bombing of civilians and civilian infrastructure that has resulted in the loss of innocent life and the displacement of thousands more;

WHEREAS, the Republic of Artsakh, a historic Armenian province, was liberated from Azerbaijan by Armenians in 1994 and has since maintained all the characteristics of a free country;

WHEREAS, the Republic of Artsakh has developed democratic institutions, fostered a pluralist political system, and, over the past quarter century, held parliamentary and Presidential elections that have been rated as free and fair by international observers, despite the constant threat of military incursion by Azerbaijani forces;

WHEREAS, international recognition of a country’s right to self-determination is the only way to ensure its people will be able to voice their legitimate concerns and support peaceful settlement of conflicts on the world stage;

NOW THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors does hereby
(1) Condemn the September 27, 2020, military offensive launched by Azerbaijan and Turkey on Armenia and the Republic of Artsakh;
(2) Calls upon all parties to halt attacks on civilian populations, and allow unfettered access for humanitarian and emergency aid to civilians in need of such assistance; and
(3) Recognizes the Republic of Artsakh’s inalienable right to self-determination, as a free and sovereign nation.
116TH CONGRESS
2d Session

H. RES.

Expressing the sense of the House of Representatives supporting the Republic of Artsakh at all levels of civil society and government and recognizing the people of Artsakh's inalienable right to self-determination.

IN THE HOUSE OF REPRESENTATIVES

Mr. PALLONE submitted the following resolution; which was referred to the Committee on

RESOLUTION

Expressing the sense of the House of Representatives supporting the Republic of Artsakh at all levels of civil society and government and recognizing the people of Artsakh’s inalienable right to self-determination.

Whereas peace, stability, and democracy in the Caucasus region are in the political, security, and economic interests of the United States and are matters of international concern;

Whereas the United States considers any effort to determine the future of the Republic of Artsakh, formerly the Republic of Nagorno-Karabakh, by other than peaceful
means, including acts of aggression, blockades, or threats against civil aviation, a threat to peace;

Whereas the United States remains committed to the negotiations under the auspices of the Co-Chairs of the Organization for Security and Cooperation in Europe’s (OSCE) Minsk Group negotiations toward a durable and democratic resolution of outstanding status and security issues related to the Artsakh Republic;

Whereas the Artsakh Republic was one of three parties to the 1994 cease-fire that ended major military hostilities between Artsakh and Azerbaijan, and remains committed to a negotiated, non-violent resolution;

Whereas the Artsakh Republic took part in OSCE negotiations until 1998, when Azerbaijan blocked its democratically elected representatives from full and direct participation in negotiations regarding its future status and security;

Whereas, in response to Azerbaijan aggression against the Armenian people during the 1990s, the United States Congress adopted section 907 of the Freedom Support Act, which states: “United States assistance under this or any other Act (other than assistance under title V of this Act) may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh”;

Whereas Azerbaijan, aided by Turkish forces and military supplies, launched a large-scale military offensive against the Line-of-Contact separating Artsakh and Azerbaijan
on September 27, 2020, that was in clear violation of the 1994 cease-fire;

Whereas Turkish-supported mercenaries were recruited specifically for the purposes of fighting on behalf Azerbaijan in the September 27, 2020, outbreak of violence, and Turkish F-16 fighter jets are suspected of aiding the indiscriminate bombing of large civilian population centers like Stepanakert and Shoushi that have endangered the lives of thousands of innocent civilians and displaced thousands more;

Whereas the September 27, 2020, military offensive by Azerbaijan represents its third large-scale attack on Artsakh since the signing of the 1994 cease-fire, and the bombastic rhetoric from Turkish President Erdogan and Azerbaijani President Aliyev has clearly shown they do not desire a peaceful outcome of the conflict that results in ethnic Armenians remaining in the Karabakh region;

Whereas the Artsakh Republic has developed democratic institutions, fostered a pluralist political system, and, over the past quarter century, held parliamentary and Presidential elections that have been rated as free and fair by international observers, despite the constant threat of military incursion by Azerbaijani forces;

Whereas international recognition of a country’s right to self-determination is the only way to ensure its people will be able to voice their legitimate concerns and lobby for the peaceful settlement of conflicts on the world stage;

Whereas the Artsakh Republic, along with the United States, Armenia, and the OSCE, support cease-fire monitoring proposals to strengthen the 1994 cease-fire, including—
(1) an agreement from all sides to not deploy snipers, heavy arms, or new weaponry along the line of contact;

(2) the placement of OSCE-monitored, advanced gunfire-locator systems and sound-ranging equipment to determine the source of attacks along the line of contact; and

(3) the deployment of additional OSCE observers along the line of contact to better monitor the cease-fire;

Whereas current Department of State policies and practices place self-imposed restrictions on travel and communications between the United States and Artsakh, limiting oversight of United States taxpayer-funded assistance programs and discouraging the open dialogue and discourse that can contribute to a peaceful resolution of Artsakh-related status and security issues; and

Whereas open dialogue and communications contribute to greater international understanding and facilitate more effective conflict resolution: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the September 27, 2020, military offensive launched by Azerbaijani and Turkish-backed forces on Artsakh;

(2) calls upon all parties involved in the conflict to withdraw to the initial positions as of September 27, 2020, to honor any negotiated cease-fire, to halt any attacks on civilian populations, and allow unfettered access for humanitarian and emergency aid to civilians in need of such assistance;
(3) urges the President of the United States to follow the congressional intent of section 907 of the Freedom Support Act and withhold any further assistance to Azerbaijan until they end military operations against Artsakh;

(4) affirms that the only peaceful, long-lasting resolution to this conflict will come from international recognition of the Republic of Artsakh;

(5) upholds its commitment to supporting actions that encourage visits and communication between officials from the United States and Artsakh at all levels, including cabinet-level national security officials, general officers, and other executive branch officials, to travel to Artsakh and openly and directly communicate with their Artsakh counterparts;

(6) encourages open communication, meetings, and other direct contacts between officials of Artsakh and the executive and legislative branches of the United States Government, representatives of State and local governments, and representatives of American civil society; and

(7) calls for the full and direct participation of the democratically elected Government of the Republic of Artsakh in all OSCE and other negotiations regarding its future.
November 12, 2020

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Subject: Exception to Rule 21

The County Executive Office is requesting a Supplemental Agenda Staff Report for the November 17, 2020, Board Hearing.

Agency: Registrar of Voters

Subject: Appointment in Lieu of Election for Rossmoor/Los Alamitos Area Sewer District, Short Term

Districts: All Districts

**Reason for supplemental:** In accordance with Elections Code Section 10515, the appointments shall be made prior to the Monday before the first Friday in December 2020. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur: Michelle Steel, Chairwoman of the Board of Supervisors

cc: Board of Supervisors
    County Executive Office
    County Counsel
SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT

MEETING DATE: 11/17/20
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Registrar of Voters
DEPARTMENT HEAD REVIEW:

DEPARTMENT CONTACT PERSON(S):
Neal Kelley (714) 567-5139
Kim Hostler (714) 567-5107

SUBJECT: Appointment in Lieu of Election for Rossmoor/Los Alamitos Area Sewer District, Short Term

CEO CONCUR
Michelle Aguirre

COUNTY COUNSEL REVIEW
No Legal Objection

CLERK OF THE BOARD
Consent
3 Votes Board Majority

Budgeted: N/A
Current Year Cost: N/A
Annual Cost: N/A

Staffing Impact: N/A
# of Positions: N/A

Current Fiscal Year Revenue: N/A
Funding Source: N/A
County Audit in last 3 years N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S)
Appoint in lieu of election Paul Liles or other person, who was qualified on the date of the November 3, 2020, Presidential General Election, to a two-year term as Director of the Rossmoor/Los Alamitos Area Sewer District, with the appointee to take office at noon on December 4, 2020.

SUMMARY:
Appointment in lieu of election of a person who was qualified on the date of the November 3, 2020, Presidential General Election to an elective office for which no person filed a Declaration of Candidacy will support compliance with Elections Code Section 10515.

BACKGROUND INFORMATION:
Pursuant to Elections Code section 10515, if no one person has filed a declaration of candidacy for any election to be filled at that election, the Registrar of Voters must submit a certified statement to that effect. At this time, the Registrar of Voters certifies that no person filed a Declaration of Candidacy for one short-
term elective office of Director of the Rossmoor/Los Alamitos Area Sewer District. The Registrar of Voters further certifies that petitions have not been filed, pursuant to California Elections Code Section 10515, on the 83rd day prior to the date set for the election, requesting that an election be held on November 3, 2020. As mandated under the same law, the Registrar of Voters requests that the Board of Supervisors appoint in lieu of election a qualified person to that elective office.

State law requires appointments be made prior to the Monday before the first Friday in December in which the election is held and will take office and serve exactly as if elected at a general election for that office.

A letter and resume for the recommended appointee from the Rossmoor/Los Alamitos Area Sewer District requesting appointment of the above-mentioned individual to the position is attached.

FINANCIAL IMPACT:
N/A

STAFFING IMPACT:
N/A

ATTACHMENT(S):
Attachment A - District Letter and Resume
Attachment B - Elections Code Section 10515
September 16, 2020

Marcia Nielsen, Candidate & Voter Services Manager
Orange County Registrar of Voters
1300 S. Grand Avenue, Bldg. C
Santa Ana, California 92705

RE: Recommendation for Board Member – Paul Liles

Dear Marcia:

The Board of Directors of the Rossmoor/Los Alamitos Area Sewer District would like to recommend Paul Liles for the Short-Term position as Director of the Board. The Board appointed Mr. Liles on July 13, 2020, when the position was immediately opened when our Director Rattner passed away.

Mr. Liles is a California native born and raised in West Los Angeles. He attended Los Angeles City College and went on to University of Southern California obtaining a degree in History and Mathematics. During his senior year, he joined North American Aviation and worked on the Apollo Program using his math skills in the guidance and navigation arena. The career was interesting, and he retired from the same company 40 years later as an Engineering executive with Boeing. During that career he went on to earn a master's degree in Engineering and served on the Space Shuttle Program as well as many Satellite Systems including GPS. Paul moved to Rossmoor in 1986 with his wife Sue of thirty-five years. After the loss of his dear wife, Paul wanted to give a little back to his beautiful community and joined the Rossmoor/Los Alamitos Area Sewer District. Paul has four daughters and a son, nine grandchildren, and five great-grandchildren. Paul enjoys ballroom dancing, developing webpages for his dance clubs, vegetable gardening, and is currently learning how to cook.

If you have any other questions, please feel free to contact our office.

Sincerely,

Susan Bell
General Manager
ELECTIONS CODE - ELEC
DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS
[10000 - 10735]
(Division 10 enacted by Stats. 1994, Ch. 920, Sec. 2.)

PART 4. UNIFORM DISTRICT ELECTION LAW [10500 - 10556]
(Part 4 enacted by Stats. 1994, Ch. 920, Sec. 2.)

10515.
(a) If, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments.

(b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office.

(c) Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make the appointment.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)
November 12, 2020

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Subject: Exception to Rule 21

The County Executive Office is requesting a Supplemental Agenda Staff Report for the November 17, 2020, Board Hearing.

Agency: Registrar of Voters
Subject: Appointment of District Officers in Lieu of Election (Various Districts)
Districts: All Districts

Reason for supplemental: In accordance with Elections Code Section 10515, the appointments shall be made prior to the Monday before the first Friday in December 2020. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur:

Michelle Steel, Chairwoman of the Board of Supervisors

cc: Board of Supervisors
    County Executive Office
    County Counsel
SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT

MEETING DATE: 11/17/20
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Registrar of Voters
DEPARTMENT HEAD REVIEW:
DEPARTMENT CONTACT PERSON(S):
Neal Kelley (714) 567-5139
Kim Hostler (714) 567-5107

SUBJECT: Appointment of District Officers in Lieu of Election (Various Districts)

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<th>COUNTY COUNSEL REVIEW</th>
<th>CLERK OF THE BOARD</th>
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<tr>
<td>Michelle Aguirre</td>
<td>No Legal Objection Action</td>
<td>Consent 3 Votes Board Majority</td>
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</table>

CEO Signature: 
County Counsel Signature: 

Budgeted: N/A
Current Year Cost: N/A
Annual Cost: N/A

Staffing Impact: N/A
# of Positions: N/A
Sole Source: N/A

Current Fiscal Year Revenue: N/A
Funding Source: N/A
County Audit in last 3 years N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S)
Appoint in lieu of election the persons on the attached list to offices for which they filed a Declaration of Candidacy. Appointees will take office as stated on the attached list.

SUMMARY:
Appointment of persons in lieu of election to the respective elective offices in each district ensures compliance with Elections Code Section 10515.

BACKGROUND INFORMATION:
Pursuant to Elections Code section 10515, if only one person has filed a declaration of candidacy for any election to be filled at that election the Registrar of Voters must submit a certified statement to that effect. At this time, the Registrar of Voters certifies that the number of persons filing a Declaration of Candidacy for the elective offices in the districts on the attached list is equal to the number of positions to be filled in each district for the November 3, 2020, Presidential General Election. As mandated under state election law, the Registrar of Voters further requests the Board of Supervisors (Board) to appoint in lieu of election
the nominees, under their jurisdiction, to the respective elective offices in each district. Appointees will take office as stated on the attached list. For the November 3, 2020, Presidential General Election, the offices under the Board’s jurisdiction for which nominees may be appointed in lieu of election are Special District Director and/or Trustee positions.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A - List of Nominees to be Appointed In Lieu of Election
Attachment B - Elections Code Section 10515
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<td>Phil De Carion*</td>
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<td>John L. Marconi*</td>
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<td>Division 3 Greg Mills*</td>
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ORANGE COUNTY WATER DISTRICT, DIVISION 3
Roger C. Yoh*

TRABUCO CANYON WATER DISTRICT
Stephen Dopudja*
Don Chadd*

YORBA LINDA WATER DISTRICT
John Wayne Miller*
Trudi Kew Desroches

MUNICIPAL WATER DISTRICT, DIVISION 6
Jeffery M. Thomas*

PLACENTIA LIBRARY DISTRICT
Gayle Carline*
Hilaire Shioura
Sharon “Sherri” Dahl

SANTIAGO GEO HAZARD ABATEMENT DISTRICT, SHORT TERM
Hillard Seth Kaplan**

*Incumbent
**Appointed Incumbent
ELECTIONS CODE - ELEC
DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS
[10000 - 10735]
( Division 10 enacted by Stats. 1994, Ch. 920, Sec. 2. )

PART 4. UNIFORM DISTRICT ELECTION LAW [10500 - 10556]
( Part 4 enacted by Stats. 1994, Ch. 920, Sec. 2. )

10515.
(a) If, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments.

(b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office.

(c) Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make the appointment.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)
November 12, 2020

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Subject: Exception to Rule 21

The County Executive Office is requesting a Supplemental Agenda Staff Report for the November 17, 2020, Board Hearing.

Agency: John Wayne Airport
Subject: Approve Amendment Number Three to Primary Food and Beverage Lease
Districts: 2

Reason for supplemental: This Supplemental ASR needs to be heard at the November 17, 2020, Board meeting so that approval John Wayne Airport can repurpose Host International, Inc locations for future concession development as soon as possible. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur:

[Signature]
Michelle Steel, Chairwoman of the Board of Supervisors

cc: Board of Supervisors
County Executive Office
County Counsel
SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT

MEETING DATE: 11/17/20
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): 2
SUBMITTING AGENCY/DEPARTMENT: John Wayne Airport
DEPARTMENT HEAD REVIEW: John Wayne Airport
DEPARTMENT CONTACT PERSON(S): Barry A. Rondinella (949) 252-5183
Dave Pfeiffer (949) 252-5291

SUBJECT: Retroactive Approval of Amendment Number Three to Primary Food and Beverage Lease

<table>
<thead>
<tr>
<th>CEO CONCUR</th>
<th>COUNTY COUNSEL REVIEW</th>
<th>CLERK OF THE BOARD</th>
</tr>
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<tbody>
<tr>
<td>Michelle Aguirre</td>
<td>Approved as to Form</td>
<td>Discussion</td>
</tr>
<tr>
<td>CEO Signature</td>
<td>County Counsel Signature</td>
<td>3 Votes Board Majority</td>
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</tbody>
</table>

| Budgeted: Yes | Current Year Cost: N/A | Annual Cost: N/A |
| Staffing Impact: N/A | # of Positions: | Sole Source: N/A |
| Current Fiscal Year Revenue: See Financial Impact Section | Funding Source: N/A | County Audit in last 3 years: No |

Prior Board Action: 01/11/2011 #24

RECOMMENDED ACTION(S): Retroactively approve and execute Amendment Number Three to the Primary Food and Beverage Lease with Host International Inc., with the Minimum Annual Guarantee adjustment being effective as of September 1, 2020.

SUMMARY:

Approval of the lease amendment will allow Host International, Inc. to relinquish specific locations and reduce its Minimum Annual Guarantee obligations, allowing John Wayne Airport to repurpose those locations for future concession development.

BACKGROUND INFORMATION:

On January 11, 2011, the Board of Supervisors (Board) approved a lease agreement with Host International Inc. (Host) and on February 23, 2011, John Wayne Airport (JWA) entered into a 10-year Primary Food and Beverage Lease Agreement with Host International Inc. (Host). Host International Inc. (Host) operated the food and beverage concessions at John Wayne Airport (JWA) for 10 years. The lease agreement was subject to amendments that included modifications to the financial terms, including a minimum annual guarantee. The amendments were necessary to address changes in the marketplace and to ensure the financial viability of the concessions. The amendments were approved by the Board of Supervisors, allowing Host International Inc. (Host) to continue operating the concessions under favorable financial terms.
Beverage Lease with Host. The lease will expire on September 30, 2021. Host operates 17 food and beverage locations that amount to about 80 percent of all the food and beverage locations at JWA. Under its lease, Host is required to pay a minimum annual guarantee (MAG) or percentage of gross receipts, whichever is greater. Host’s current MAG is $4,823,000. The MAG is established on a programmatic level based on gross sales productivity of all the locations. In 2019, Host paid $5,569,297 in rent to JWA. Historically, Host has paid a percentage of gross receipts because its sales volumes have exceeded the MAG threshold.

On March 4, 2020, the Governor of the State of California declared a State of Emergency to exist as a result of the threat of COVID-19. The ongoing COVID-19 crisis has had a significant impact on operations, passenger travel, airport operating revenue and JWA’s tenants. In an effort to assist, JWA has worked with its tenants to provide relief measures such as rent deferrals and revised hours of operation. Host entered into lease amendments for deferral of rent from March 1, 2020, through June 30, 2020, and from July 1, 2020, through September 30, 2020. The repayment period for the deferred rent commenced on October 1, 2020, and ends on June 30, 2021. Currently, approximately 60 percent of Host’s concession locations are closed due to a decline in passenger traffic, and the MAG continues to greatly exceed total sales, which is not sustainable for Host’s business operations.

Proposed Lease Amendment Terms:

On or around July 1, 2020, Host began discussions with JWA and indicated its desire for additional relief. After extensive negotiations, Host and JWA were able to come to mutually agreeable terms for a lease amendment.

Leased Premises & MAG Adjustment

Host will relinquish its leasehold interests in nine locations in exchange for a pro-rata reduction in MAG. These locations are: Starbucks (Terminal A, Terminal B Baggage Claim and Terminal C), Zov’s (Terminal A and Terminal C), La Tapenade, Blaze Pizza, Javi’s and Pei Wei Express. Since Host’s MAG is established in its current agreement based on gross sales productivity of all locations, the MAG adjustment has been calculated based on a pro-rata share of 2019 Gross Sales as shown in Table 1 below. Additionally, Host will relinquish its leasehold interests in certain storage square footage based on a pro-rata share of revenue-producing square footage that it will continue to operate.

Table 1:

<table>
<thead>
<tr>
<th>Concept Name</th>
<th>Baggage</th>
<th>A</th>
<th>A</th>
<th>B</th>
<th>B</th>
<th>C</th>
<th>C</th>
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<th>C</th>
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<tr>
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<td>Zov’s A</td>
<td>Starbucks</td>
<td>La Tapenade</td>
<td>Starbucks</td>
<td>Starbucks</td>
<td>Blaze Pizza</td>
<td>Javi’s</td>
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<td>B</td>
<td>B</td>
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<tr>
<td>--------------------</td>
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Note: Pursuant to the lease amendment, Host will operate the Starbucks in Terminal B but it will not be subject to MAG and will not be included in the MAG adjustment, as this location will pay 14 percent rent only.

Host will operate Starbucks Terminal C through January 5, 2021, close as of January 6, 2021, and relinquish this location no later than February 4, 2021. Starbucks Terminal A, Starbucks Terminal B Baggage Claim, Zov’s Terminal A, Zov’s Terminal C, La Tapenade, Blaze Pizza, Javi’s and Pei Wei Express are currently closed and will remain closed. Host will relinquish these locations by the earlier of: (i) 45 days after the date Amendment Number Three is fully executed or (ii) January 15, 2021.

Host will retain and operate the following eight locations in the Leased Premises: California Pizza Kitchen, Hobie’s Sand Bar, Farmer’s Market, Ruby’s Diner, Stella Artois Bar, Ciao, Starbucks Terminal B and Anaheim Ducks Grill, which represent 53.9 percent of 2019 Gross Sales for Host’s entire program.

Host’s MAG will be reduced to $2,598,000 from the current MAG of $4,823,000. Host will be required to pay the County either MAG or percentage rent, whichever is greater. MAG payments are made monthly. Since the Third Amendment is retroactive to September 1, 2020, during the deferral period of September 1, 2020, through September 30, 2020, the MAG will be $216,500. Host paid percentage rent for September 2020, totaling $98,937.50; therefore, the balance due for the deferral period of September 1, 2020, through September 30, 2020, is $117,562.50. MAG for the entire deferral period must be paid by June 30, 2021.

Approval of the Amendment will allow JWA to actively market the returned locations to new operators once passenger numbers increase.

**Term**

Host will have the option to extend the term of the Lease for six months by providing written notice to JWA of its exercise of the option no later than January 31, 2021.

**Effective Date**

The MAG adjustment contained in the lease amendment is intended to be retroactive to September 1, 2020, while the remaining terms will become effective upon Board approval.

**Re-Opening of Locations**

Currently, JWA is seeing an average of approximately 38,000 enplaned passengers per week. Host will be required to re-open specific locations that are currently closed only if passenger levels exceed a certain threshold as outlined below:

**Ruby’s Diner**

Ruby’s Diner will open once passenger enplanement volume reaches a threshold of 45,000 passengers per week. Ruby’s Diner will offer a full bar with a limited food menu. Ruby’s Diner will offer express service, operating on a “to go” basis consisting of a food runner with Quick Response (QR) codes that allow passengers to download menu items onto their cell phones and/or with orders being picked up by customers.
to go. Initial active dining area size will be approximately 50 percent and will be adjusted as passenger enplanement volume builds and as permitted by state and local health and safety ordinances, guidelines or orders. Ruby’s Diner will be staffed with three to four hourly employees. If Host opens Ruby’s Diner, JWA will approve the temporary closure of Hobie’s Sand Bar until passenger enplanement volume recovers to the extent that activation of additional space in the Terminal B corridor is necessary. Such passenger volume will be determined by the Airport Director.

Anaheim Ducks Grill

Host agreed to reopen Anaheim Ducks Grill on November 16, 2020, in conjunction with Spirit Airlines’ operational commencement at JWA. The Anaheim Ducks Grill offers a full bar with a limited food menu. Anaheim Ducks Grill offers express service, operating on a “to go” basis consisting of a food runner with QR codes that allows passengers to download menu items onto their personal cell phones and/or with orders being picked up by customers to go.

Starbucks

Host will continue to operate the Starbucks location in Terminal B until the end of the term of the lease. There will be no MAG requirement for Starbucks. Instead, for Starbucks only, Host will be required to pay rent in the form of percentage rent at a rate of 14 percent of gross receipts, similar to other interim agreements we will offer to new coffee vendors.

Brand Licensing Agreements

Host agrees to relinquish its third-party rights under the applicable agreements and/or exclusive licenses as they relate to Javi’s, Zov’s, Pei Wei and Blaze Pizza.

Existing Employee Pool

Host will provide JWA the contact information for the union representative of Host’s employees and the representative may connect the employee(s) with potential new operators at JWA.

Compliance with CEQA: This project is a necessarily included element of the project considered in Final EIR No. 617, certified by the Board of Supervisors on September 30, 2014, for the JWA Settlement Agreement Amendment, which adequately addressed the effects of the project. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken, and no new information of substantial importance to the project, which was not known, or could not have been known, when the Final EIR No. 617 was certified, has become known; therefore, no further environmental review is required.

FINANCIAL IMPACT:

Revenues related to the lease have been included in the FY 2020-21 Budget for Airport Operating Fund 280 and will be included in the budgeting process for future years. The financial impact is a loss of $1,853,961 which is acceptable to JWA when weighed against the complete closure of all Host locations.

STAFFING IMPACT:

N/A
ATTACHMENT(S):

Attachment A – Amendment Number Three to Primary Food and Beverage Lease (PM 1121-345-004)
AMENDMENT NUMBER THREE TO PRIMARY FOOD AND BEVERAGE LEASE

THIS THIRD AMENDMENT TO PRIMARY FOOD AND BEVERAGE LEASE (“Third Amendment”) is made and entered into as of ________________, 2020, by and between the COUNTY OF ORANGE, a political subdivision of the State of California (“County”) and HOST INTERNATIONAL, INC. (“Tenant” or “Lessee”). County and Tenant may sometimes hereinafter individually be referred to as a “Party” or jointly as the “Parties.”

RECITALS

WHEREAS, County and Tenant entered into that certain Primary Food and Beverage Lease dated February 23, 2011 (“Existing Lease” or “Lease”) (unless otherwise specified, all references to Sections shall refer to the Existing Lease, as amended); and

WHEREAS, County, through its Board of Supervisors, is the owner and proprietor of John Wayne Airport (“JWA” or “Airport”), located in the County of Orange, State of California, and operates and maintains the Airport as a governmental function for the primary purpose of providing air transportation to the public; and

WHEREAS, County and Tenant entered into a First Amendment, dated May 7, 2020, for deferment of rent from March 1, 2020 through June 30, 2020 (“First Amendment”); and

WHEREAS, County and Tenant entered into a Second Amendment, dated August 6, 2020, for extended deferment of rent from July 1, 2020 through September 30, 2020 (“Second Amendment”); and

WHEREAS, County and Tenant mutually desire to further amend the Existing Lease to provide for an adjustment to the Minimum Annual Guarantee (“MAG”) on a proportional basis based on Tenant relinquishing locations upon the terms and conditions contained herein and certain other amendments as more fully set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to amend as follows:

AGREEMENTS

1. **Option to Extend Term.** Section 2.02 is hereby amended to add the following paragraph:

Tenant may extend the term of this Existing Lease for six (6) months by providing written notice to JWA of Tenant’s exercise of such option no later than January 31, 2021. If Tenant exercises such option, County will grant Tenant a six (6) month lease extension. Such extension shall be subject to the terms and conditions of the Existing Lease as amended.
2. **Leased Premises.** Section 3.01 is hereby amended to add the following paragraphs:

Tenant shall relinquish its leasehold interests in nine (9) locations in the Leased Premises in exchange for a pro-rata reduction in MAG based on the percentage of sales volume relinquished as a result of releasing the identified locations as set forth herein and as shown in Table 1 of Exhibit H, attached hereto and by reference made a part hereof.

Tenant has identified the following nine (9) locations in the Leased Premises it will relinquish to JWA: Starbucks (Terminal A, Terminal B Baggage Claim, and Terminal C), Zov’s (Terminal A, Terminal C), La Tapenade, Blaze Pizza, Javi’s, and Pei Wei Express.

Tenant will operate Starbucks Terminal C through January 5, 2021, close as of January 6, 2021, and relinquish this location by no later than February 4, 2021. Starbucks Terminal A, Starbucks Terminal B Baggage Claim, Zov’s Terminal A, Zov’s Terminal C, La Tapenade, Blaze Pizza, Javi’s and Pei Wei Express are currently closed and will remain closed. Tenant will relinquish these locations by the earlier of (i) forty-five (45) days after the date the Third Amendment is fully executed, or (ii) January 15, 2021. Notwithstanding the foregoing, Tenant will have no less than thirty (30) days after the full execution of the Third Amendment to remove its FF&E, as defined in Section 9.03, from each of the nine (9) locations being relinquished. If the Third Amendment is not fully executed by a date, which allows such thirty (30) days, Tenant may extend the relinquishment dates of the locations accordingly.

Tenant will retain and operate the following eight (8) locations in the Leased Premises: California Pizza Kitchen, Hobie’s Sand Bar, Farmer’s Market, Ruby’s Diner, Stella Artois Bar, Ciao, Starbucks Terminal B, and Anaheim Ducks Grill, which represent 53.9% of 2019 Gross Sales for Tenant’s entire program.

Additionally, Tenant shall relinquish its leasehold interests in certain storage square footage in the Leased Premises currently occupied by Tenant based on a pro-rata share of revenue-producing square footage that Tenant will continue to operate pursuant to the Premises and MAG Adjustment calculations as shown in Table 2 of Exhibit H. Tenant will continue to operate 59.2% of the 2019 revenue-producing square footage in its leasehold interest. The benchmark goal for the adjusted storage space square footage will be calculated as a pro rata share of Tenant’s current storage space (approximately 6,358 square feet), of which 59.2% is approximately 3,763 square feet. Tenant will return to JWA approximately 2,595 square feet of storage space. Notwithstanding the benchmark goal calculations, the Airport understands that based on the needs of the Airport and Tenant, as well as several field-specific realities of the storage space as it is currently constituted (including installed coolers and other equipment, including telecommunications, layout, functionality, operational efficiency, etc.), the ultimate assignment of storage space to Tenant will not mathematically align with the pro-rata shares detailed in Table 2 of Exhibit H. The Airport will work with Tenant to get as close to the benchmark goals as possible while ensuring that both the needs of the Airport are met and that the consistency and efficiency of Tenant’s operations are ensured.

As determined in a joint walkthrough and assessment of Tenant’s storage space locations, the Airport will reclaim approximately 2,595 square feet of storage space as follows:
i) All of Tenant’s storage/back-of-house space adjacent to the food court units.

ii) All Storage Room A square footage.

iii) Approximately 30% of Storage Room A/B square footage.

iv) Approximately 60% of Storage Room C square footage.

Tenant will retain its coolers and liquor storage areas and JWA will reconfigure the storage spaces to accomplish the changes identified above. JWA will be responsible for performing the work to reconfigure the storage spaces at JWA’s sole expense.

Exhibit A and Exhibit B are hereby amended to reflect the foregoing changes to the Leased Premises and are replaced with Exhibit A and Exhibit B attached hereto.

3. **Annual Rent.** Section 4.01 (B) is hereby amended to add the following paragraphs:

Commencing on September 1, 2020, and continuing until the end of the term of the Existing Lease, as may be extended, Tenant shall pay to County for each annual period either MAG or the Percentage Rent, whichever is greater. The current MAG of $4,823,000.00 will be reduced to $2,598,000.00 as shown in Table 1 of Exhibit H for the retained Leased Premises excluding Starbucks Terminal B, which is not included in MAG. Percentage Rent for Starbucks Terminal B will be at a rate of fourteen percent (14%) of gross receipts.

Commencing on September 1, 2020, and continuing until the relinquishment date of Starbucks Terminal C, Starbucks Terminal C is not included in MAG. Percentage Rent for Starbucks Terminal C will be at a rate of fourteen percent (14%) of gross receipts.

Commencing on September 1, 2020, and continuing until the relinquishment date(s) of Starbucks Terminal A, Starbucks Terminal B Baggage Claim, Zov’s Terminal A, Zov’s Terminal C, La Tapenade, Blaze Pizza, Javi’s and Pei Wei Express, Tenant will pay no MAG for such locations.

4. **Security Deposit.** Section 4.08 is hereby amended to add the following paragraph:

Tenant’s required security deposit shall not decrease and shall remain at the current amount of $1,345,000 until Tenant is current on all rent and Tenant’s deferred MAG has been paid in full.

5. **Control of Hours and Procedures.** Section 12.06 is hereby amended to add the following paragraphs:

Some of Tenant’s locations are currently closed due to decreased passenger levels resulting from the COVID-19 pandemic. The reopening of specific locations will be based on the following:

**Ruby’s Diner** - For safe and efficient operations, Tenant shall open Ruby’s Diner once passenger enplanement volume reaches a threshold of 45,000 passengers per week. Initial active dining area size shall be approximately 50% and shall be adjusted as passenger enplanement volume builds and as permitted by state and local health and safety ordinances, guidelines, or orders. Ruby’s Diner shall offer a full bar with limited food menu. Ruby’s Diner shall offer express service,
operating as a “to go” service consisting of a food runner with QR codes and/or with orders being picked up by customers to go. Ruby’s Diner will be staffed with three (3) to four (4) hourly employees.

Upon Tenant opening Ruby’s Diner as outlined above, the Airport will approve the temporary closure of Hobie’s Sand Bar until passenger enplanement volume recovers to the extent that activation of additional space in the Terminal B corridor is necessary, which minimum passenger enplanement volume will be 75,000 passengers per week. In the event passenger enplanement volume drops below 45,000 passengers per week, the Parties may agree upon an alternative arrangement for food and beverage service that is within the scope of the Airport Director’s authority to execute unless such passenger enplanement volume does not support the operation of an additional food and beverage service in conjunction with the requirement to reopen Anaheim Duck’s Grill.

**Anaheim Duck’s Grill** – Tenant agrees to reopen Anaheim Duck’s Grill in conjunction with Spirit Airlines’ operational commencement at the Airport, which is estimated to be November 16, 2020. Anaheim Duck’s Grill shall offer a full bar with limited food menu. Anaheim Duck’s Grill shall offer express service, operating as a “to go” service consisting of a food runner with QR codes and/or with orders being picked up by customers to go. Anaheim Duck’s Grill active dining area size will be adjusted as permitted by state and local health and safety ordinances, guidelines or orders.

In the event that passenger enplanement volume is below 60,000 enplaned passengers per week after Anaheim Duck’s Grill is required to be operational, Tenant will be permitted to close Ruby’s Diner and reopen Hobie’s Sand Bar.

**Starbucks Terminal B** – Tenant will continue to operate the Starbucks in Terminal B until the end of the term of the Existing Lease, as may be extended. There shall be no MAG requirement. Percentage Rent for Starbucks Terminal B will be at a rate of fourteen percent (14%) of gross receipts.

**6. Brand Licensing Agreements.**

As a condition of the Premises, MAG and Storage Space Adjustment described in this Third Amendment, Tenant shall relinquish its third-party rights under the applicable agreements and/or exclusive licenses as they relate to the following brands or organizations at the Airport:

- Javi’s
- Zov’s
- Pei Wei
- Blaze Pizza

Tenant represents that it has the authority to relinquish its rights as stated herein in relation to the above-listed brands and that JWA is free to negotiate with their owners in order to continue their operation at the Airport.
7. **Liquor Licenses.**

Tenant will not transfer or assign to any third party any liquor license it holds and/or operates under at the Airport.

8. **Existing Employee Pool.**

Tenant will provide JWA the contact information for the union representative of Tenant’s employees and the representative may connect the employee(s) with potential new operators at the Airport.

9. **Existing Conditions of Locations and Storage Space Returned to or Reclaimed by JWA.** Section 9.03 is hereby amended to add the following paragraph:

Notwithstanding anything to the contrary in the Existing Lease as amended, all Leased Premises relinquished by Tenant pursuant to the Third Amendment (whether returned by Tenant or reclaimed by JWA) will be delivered to JWA in as-is condition. However, Tenant will be permitted to remove all proprietary and brand property, signage, and equipment (collectively, “Brand Property”) from all Leased Premises, including Brand Property specific to the brands hereunder or otherwise, and all non-affixed improvements including furniture, fixtures, equipment (“FF&E”). Brand Property includes but is not limited to all Point of Sale (“POS”) systems and equipment, small wares, Starbucks Mastrena expresso machines and coffee brewers. JWA will be responsible for providing any barricades at its sole cost for any of the relinquished Leased Premises.

10. **COVID-19 Relief.**

Tenant will remain eligible for, and will be permitted to receive, any past, present or future financial and other COVID-19 related relief that may be granted to Tenant, or for which Tenant may be eligible, by or from JWA or any other source.

11. **Non-Discrimination.** Section 11.10 is hereby amended to add the following paragraph:

The U.S. Department of Transportation’s regulations, 49 Code of Federal Regulations (C.F.R.) Part 23 as written into the Existing Lease remain unchanged. That said, the Airport Concessions Disadvantaged Business Enterprise (ACDBE) has already indicated an inability to fund losses accrued this year and going forward. As such, even though the ACDBE has made its capital investment and is actively participating in the venture, JWA may not be permitted to claim any ACDBE credit under 49 C.F.R. Part 23 until such time as the ACDBE is able to fund its proportionate share of the losses.

12. **No Other Amendments; This Third Amendment Governs and Controls.**

Except as expressly modified by this Third Amendment, the Existing Lease, as amended by the First Amendment and Second Amendment, shall remain unmodified and in full force and effect and is hereby reinstated, ratified and affirmed. To the extent any of the provisions of this Third Amendment are inconsistent with any of the provisions set forth in the Existing Lease, First
Amendment, and Second Amendment, the provisions of this Third Amendment shall govern and control. Any reference to the “Agreement,” “Lease,” “hereunder,” “hereof,” “herein,” or words of like import in the Existing Lease, First Amendment, Second Amendment and this Third Amendment shall mean and be a reference to the Existing Lease as hereby amended, and the Existing Lease, First Amendment, Second Amendment, and Third Amendment shall be read and interpreted as if it was one agreement.

13. Authority.

Each Party represents to the other Party or Parties that the individual executing this Third Amendment on behalf of such Party has the capacity and authority to execute and deliver this Third Amendment on behalf of such Party and that this Third Amendment, once executed and delivered, is the legal, valid and binding obligation of such Party.


This Third Amendment and the Existing Lease as previously amended shall be governed by and construed in accordance with the laws of the State of California.

15. Counterparts and Execution.

This Third Amendment may be executed and delivered in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same document. The delivery of an executed counterpart of this Third Amendment by facsimile or as a Portable Document Format (“PDF”) or similar attachment to an e-mail shall constitute effective delivery of such counterpart for all purposes with the same force and effect as the delivery of an original, executed counterpart.


If any provision of this Third Amendment is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Third Amendment shall nonetheless remain in full force and effect.

[Signatures appear on following pages]
IN WITNESS WHEREOF, County and Tenant have executed this Third Amendment as of the day and year first above written.

TENANT: Host International Inc.

By: [Signature] JEFFREY L. POERSCH
Its: ASSISTANT SECRETARY
Name: [Signature]

APPROVED AS TO FORM:
County Counsel
By: [Signature] Carolyn Khourzam

APPROVED AS TO AUDIT AND ACCOUNTING:
Auditor-Controller
By: [Signature]

RECOMMENDED FOR APPROVAL:
John Wayne Airport
By: [Signature] Barry Rondinella
Airport Director

Signed and certified that a copy of this document has been delivered to the Chair of the Board per G.C. Sec. 25103, Reso 79-1535
Attest:

Robin Stieler
Clerk of the Board of Supervisors

COUNTY
COUNTY OF ORANGE
By: Chairwoman, Board of Supervisors
EXHIBIT A

LEASED PREMISES DESCRIPTION

Parcel Number: PM 1121-345-0004

Project Name: John Wayne Airport

The Leased Premises referred to in this Lease shall mean all premises shown on floor plans marked “Exhibit B” attached hereto and made a part hereof.

Exhibit A, being that certain area designated as concession parcels as set forth below in the Concession Summary Table located on the arrival and departure levels, and is situated within the John Wayne Airport, Thomas F. Riley Terminal Building at 18601 Airport Way, in the City of Santa Ana, County of Orange, State of California, and located on Lots 132 and 135 of Block 7 of the Irvine Subdivision, per map recorded in Book A, Page 88 of Miscellaneous Maps in the Office of the County Recorder of Orange County, together with the right of ingress and egress thereto.

Concession Summary Table:

<table>
<thead>
<tr>
<th>Project Store Facility Concept</th>
<th>LOCATION : Departure Level, Post Security</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duck’s Bar and Grill</td>
<td>Terminal C, Gate 18, Col. 19-17</td>
</tr>
<tr>
<td>CIAO Wall</td>
<td>Terminal C Gate 16, Col. 7-6</td>
</tr>
<tr>
<td>Stella Bar</td>
<td>Terminal C Gate 15, Col. 7-6</td>
</tr>
<tr>
<td>Hobie’s Sand Bar</td>
<td>Terminal B Gate 12, Col. 17-18</td>
</tr>
<tr>
<td>Starbucks Terminal B</td>
<td>Terminal B Gate 11-12, Col 22-22</td>
</tr>
<tr>
<td>Ruby’s Diner</td>
<td>Rotated Square, Gates 8-9, Col. 32-38</td>
</tr>
<tr>
<td>Farmers Market</td>
<td>Rotated Square, Gates 8-9 Col. 32-38</td>
</tr>
<tr>
<td>California Pizza Kitchen</td>
<td>Terminal A, Gates 5 Col. 52-53</td>
</tr>
</tbody>
</table>
EXHIBIT H

Table 1 – MAG Adjustment Calculation

<table>
<thead>
<tr>
<th>Sales</th>
<th>MAG Total</th>
<th>Return % Total</th>
<th>Operate % Total</th>
<th>Adjusted MAG</th>
</tr>
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<tbody>
<tr>
<td>$4,823</td>
<td>$30,103</td>
<td>$13,885</td>
<td>$16,218</td>
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</table>

<table>
<thead>
<tr>
<th>Concept Name</th>
<th>Baggage</th>
<th>A</th>
<th>A/B</th>
<th>B</th>
<th>B</th>
<th>C</th>
<th>C</th>
<th>C</th>
<th>C</th>
<th>C</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019 Sales [$/k]</td>
<td>$981</td>
<td>$18</td>
<td>$2,304</td>
<td>$36</td>
<td>$2,381</td>
<td>$2,464</td>
<td>$402</td>
<td>$4,153</td>
<td>$818</td>
<td>$329</td>
<td>$13,885</td>
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</table>

Note: Host will operate the Starbucks in Terminal B but it will not be subject to MAG and will not be included in the MAG adjustment, as this location will pay percentage rent only.

Table 2 – Storage Space Benchmark Goal Calculation (based on Premises & MAG Adjustment)

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Total Storage SF</th>
<th>Total Revenue SF</th>
<th>Return</th>
<th>Operate</th>
<th>Operate % of Total</th>
<th>Adjusted Storage SF</th>
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</thead>
<tbody>
<tr>
<td>Sq Ft</td>
<td>6,358</td>
<td>30,883</td>
<td>12,604</td>
<td>18,279</td>
<td>59.2%</td>
<td>3,763</td>
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<tr>
<td>a</td>
<td>b = c + d</td>
<td>c</td>
<td>d</td>
<td>e = d / b</td>
<td>f = a x e</td>
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<table>
<thead>
<tr>
<th>Concept Name</th>
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<th>C</th>
<th>C</th>
<th>C</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>2019 Sq Ft</td>
<td>369</td>
<td>446</td>
<td>672</td>
<td>450</td>
<td>667</td>
<td>1,500</td>
<td>6,000</td>
<td>1,250</td>
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<table>
<thead>
<tr>
<th>Concept Name</th>
<th>A</th>
<th>A/B</th>
<th>A/B</th>
<th>B</th>
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<th>C</th>
<th>C</th>
<th>C</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019 Sq Ft</td>
<td>1,906</td>
<td>1,100</td>
<td>9,303</td>
<td>721</td>
<td>1,430</td>
<td>2,308</td>
<td>1,171</td>
<td>340</td>
<td>18,279</td>
</tr>
</tbody>
</table>
November 13, 2020

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Subject: Exception to Rule 21

The County Executive Office is requesting a Supplemental Agenda Staff Report for the November 17, 2020, Board Hearing.

Agency: OC Community Resources
Subject: Approval of Funding for Development of Homekey Projects
Districts: 2

Reason for supplemental: The County Executive Office is requesting this Supplemental Item be placed on the November 17, 2020, Board Agenda to comply with state requirement for completing all matching funds and local activities, in order for a State Standard Agreement to be issued and provide funding to the County for the Homekey projects scheduled to close by November 30, 2020. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur: Michelle Steel, Chairwoman of the Board of Supervisors

cc: Board of Supervisors
    County Executive Office
    County Counsel
SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT

MEETING DATE: 11/17/20
LEGAL ENTITY TAKING ACTION: Board of Supervisors and Orange County Housing Authority
BOARD OF SUPERVISORS DISTRICT(S): 2
SUBMITTING AGENCY/DEPARTMENT: OC Community Resources
DEPARTMENT HEAD REVIEW: Dylan Wright
DEPARTMENT CONTACT PERSON(S): Dylan Wright (714) 480-2788
Julia Bidwell (714) 480-2991

SUBJECT: Approval of Funding for Development of Homekey Projects

CEO Concur
Michelle Aguirre

County Counsel Review
Approved As To Form
Jacqueline Gurney

Clerk of the Board
Discussion
4/5 Vote

Budgeted: No
Current Year Cost: See Financial Impact Section
Annual Cost: See Financial Impact Section

Staffing Impact: No
# of Positions: Sole Source: No
Current Fiscal Year Revenue: See Financial Impact Section
Funding Source: See Financial Impact Section
County Audit in last 3 years N/A

Prior Board Action: 11/03/2020 #S33F, 10/20/2020 #S16G, 09/15/2020 #17, 08/25/2020 #14

RECOMMENDED ACTION(S)

1. Authorize the OC Community Resources Director or designee to utilize previously approved $1,085,000 in Mental Health Services Act funds and/or Fund 117 Housing Authority Operating Reserve funds for loan financing to JHIC-Katella LLC for partial development costs, including acquisition and/or rehabilitation of the property, associated with the Stanton Inn and Suites, located at 7161 Katella Avenue, Stanton.

2. Authorize the OC Community Resources Director or designee to execute subordination agreements; standard set of loan documents and restrictive covenants; escrow instructions; and such additional agreements, contracts, instructions, amendments and instruments necessary or appropriate for the implementation of the Homekey Program at both Stanton Inn and Suites and the Tahiti Motel, in a form approved by County Counsel.
3. Authorize OC Community Resources Director or designee to receive and accept Homekey Program funds and utilize County funds as grant, loan or direct funds into escrow account(s) or funds controlled by the County, if necessary. All distributions from escrow account(s) or the County funds shall be approved by the OC Community Resources Director or designee, pursuant to State Standard Agreements or County loan or agreements.

4. Authorize Auditor-Controller, upon notification from the OC Community Resources Director or designee, to make distributions and/or fund loans and/or escrow accounts in accordance with this Agenda Staff Report.

5. Direct the Auditor-Controller to revise appropriations, revenues, transfers in and out and fund balance-assigned for OC Community Resources - Housing & Community Development (Fund 15G) and County Executive Office (Fund 15B CEO Single Family Housing and Fund 135 Real Estate Development Program) in accordance with Government Code Sections 29130, 29125 and 25252, as follows (Requires four-fifths vote):

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>15B</td>
<td>017</td>
<td>15B</td>
<td>5300</td>
<td>4801</td>
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<tr>
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<td>15B</td>
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<td>3100</td>
<td></td>
<td></td>
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<tr>
<td>15G</td>
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<td>15G</td>
<td>2300</td>
<td>2400</td>
<td></td>
<td></td>
<td>$500,000</td>
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<tr>
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<td>012</td>
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<td>7811</td>
<td>T15B</td>
<td></td>
<td>$500,000</td>
<td></td>
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<tr>
<td>135</td>
<td>017</td>
<td>135</td>
<td>6100</td>
<td>4801</td>
<td>T15G</td>
<td></td>
<td>$940,000</td>
<td></td>
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<td>017</td>
<td>135</td>
<td>6100</td>
<td>9720</td>
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<td></td>
<td>($940,000)</td>
<td></td>
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<tr>
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<td>15G</td>
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<td>2400</td>
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<td></td>
<td>$940,000</td>
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<tr>
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<td>2300</td>
<td>7811</td>
<td>T135</td>
<td></td>
<td>$940,000</td>
<td></td>
</tr>
</tbody>
</table>

Acting as the Board of Supervisors as the Board of Commissioners to the Orange County Housing Authority, acting in its capacity as Housing Successor Agency:

6. Authorize the OC Community Resources Director or designee to utilize Orange County Housing Successor Agency funds for loan financing to JHC-Beach2 LLC for costs associated with development activities including acquisition and/or rehabilitation of the Tahiti Motel, located at 11850 Beach Boulevard, Stanton.

7. Approve the loan commitment in an amount not to exceed $2,400,000 to JHC-Beach2 LLC to fulfill the state’s local match requirement under the Homekey Program for the Tahiti Motel, subject to contingencies outlined in this Agenda Status Report.

8. Authorize the OC Community Resources Director or designee to: increase the amount of Housing Successor, HOME Investment Partnership Act, Fund 15B and Fund 135 funds in the 2020 Supportive Housing Notice of Funding Availability by up to $3.5 million; decrease the amount of Housing Successor Agency funds in the 2020 Supportive Housing Notice of Funding Availability by $2.4 million to include the Tahiti Motel, located at 11850 Beach Boulevard, Stanton; and, shift funds to
accommodate projects that have pending applications for funding under the 2020 Supportive Housing Notice of Funding Availability.

9. Approve subordination of loan to JHC-Beach2 LLC for the development, acquisition and/or rehabilitation of the Tahiti Motel at permanent financing to additional senior debt up to 100 percent of the cumulative loan-to-value based on the as-built appraised market value, if necessary, based on any future changes in project financing.

SUMMARY:

Authorization to use funding and approval of the loan commitment will allow the County to fulfill a required local match requirement to utilize state Homekey Program funds to develop and rehabilitate Stanton Inn and Suites and the Tahiti Motel for immediate use as interim housing and subsequent conversion into permanent supportive housing under 60-year regulatory agreements.

BACKGROUND INFORMATION:

In response to COVID-19, Project Roomkey was established in March of 2020 to provide Temporary Shelter for Vulnerable Populations and Temporary Isolation Shelter for sick/symptomatic persons experiencing homelessness in all three Service Planning Areas in Orange County. On June 30, 2020, Governor Gavin Newsom announced the Homekey Program as the successor to Project Roomkey. Homekey sites will assist those persons experiencing homelessness or at-risk of homelessness and who are impacted by the COVID-19 pandemic to be developed immediately into interim housing and ultimately into permanent supportive housing units. On July 28, 2020, and September 15, 2020, your Honorable Board of Supervisors (Board) passed resolutions to apply and submit applications for Homekey Program with Jamboree Housing Corporation (Jamboree) listed as co-applicant.

On August 13, 2020, the County submitted three applications for funding. Two of the properties, Stanton Inn and Suites and Tahiti Motel, were designated as Tier 1 opportunities and have received contingent awards of funding. The third property is still in negotiation and is a Tier 2 opportunity (if funding remains available and the negotiations are completed). On August 25, 2020, the Board approved the purchase and sale agreement for Homekey Program properties and authorized execution of agreement and related documents and made related payments. On October 20, 2020, your Board authorized OC Orange County Community Resources (OCCR) to accept Homekey Program grant funds totaling $23,088,000 and execute standard agreements related to the purchase and acquisition of the identified sites. Part of that agreement included the County providing immediate interim housing operations at the Homekey sites within 90 days. On November 3, 2020, your Board approved a Master Agreement with Jamboree for Homekey Program operating services for interim housing sites to support those persons experiencing homelessness or at-risk of homelessness and who are impacted by COVID-19 until conversion to permanent supportive housing.

On November 2, 2020, the state notified the County and Jamboree, as co-applicants, that the identified matching funds the County intended to contribute for the operation of Tahiti Motel were not eligible for match and an additional $2.4 million in capital funds are needed to meet the matching requirements. This item requests Board approval for an additional $2.4 million in Housing Successor Agency funds to fill the gap and allow the Tahiti Motel project to proceed. Additionally, utilizing Housing Successor Agency funds will also assist the County in drawing down Housing Successor Agency funds in FY 2020-21 to comply with state excess surplus expenditure deadlines. OCCR is also requesting Board authorization to increase the 2020 Notice of Funding Availability (2020 NOFA) up to $3.5 million and decrease the 2020 NOFA by
the Tahiti Motel loan amount of $2.4 million. These actions will provide funding for pending applications in the 2020 NOFA pipeline as well as make the $2.4 million available in Housing Successor Agency funds to use as match funds under the Homekey Program.

Additionally, this item also authorizes OCCR to utilize Mental Health Services Act (MHSA) funds and/or Fund 117 OC Housing Authority Operating Reserve funds for partial development costs, including rehabilitation of Stanton Inn and Suites. Prior Board action on October 20, 2020 for approval of MHSA funds listed only purchase and acquisition and the additional authorization will allow use of MHSA funds to partially fund the rehabilitation and other development associated costs.

**Compliance with CEQA:**
The proposed project was previously determined to be exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 21080.50 to provide permanent supportive housing and affordable housing dwellings, and for activities funded by Homekey Program funds pursuant to Health & Safety Code Section 50675.1.2, on October 20, 2020 when it was originally approved. The conversion of the Stanton Inn and Suites and the Tahiti Motel into supportive and/or transitional housing is exempt under Public Resources Code section 21080.50.

**FINANCIAL IMPACT:**
The $1,085,000 loan to JHC-Katella LLC will be funded 100 percent from the previously transferred Mental Health Services Act funds from Health Care Agency Fund 100 to Fund 15G and/or from Fund 117 OC Housing Authority Operating Reserve funds. The $2.4 million loan to JHC-Beach2 LLC will be funded 100 percent from Housing Asset Fund 170. To accommodate the shift in funding sources and to cover projects with pending funding requests, $500,000 from Fund 15B CEO Single Family Housing and $940,000 from Fund 135 Real Estate Development Program will be added to the 2020 NOFA. An additional balance of Housing Successor Agency funds and/or HOME funds from Fund 15G and Housing Asset Fund 170 will be added to the 2020 NOFA for a combined up to $3.5 million increase.

The Homekey Program is a state grant program that requires matching from local participants such as the City of Stanton and the County of Orange. Financial Impacts are as follows:

**Stanton Inn and Suites**

<table>
<thead>
<tr>
<th>Development Sources:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>California Department of Housing and Community Development (HCD) Homekey Program Capital Request</td>
<td>7,920,000</td>
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<table>
<thead>
<tr>
<th>Local Match Capital Request County of Orange (MHSA Funds and/or Fund 117)</th>
<th>1,085,000</th>
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<tbody>
<tr>
<td>Total Sources of Capital to acquire and place in service</td>
<td>9,005,000</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Development Uses:</th>
<th></th>
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<tbody>
<tr>
<td>Acquisition Costs</td>
<td>7,300,000</td>
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<tr>
<td>Rehabilitation Costs</td>
<td>826,550</td>
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<tr>
<td>Other Cost</td>
<td>878,450</td>
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<tr>
<td>Total Uses of capital to acquire and place in service</td>
<td>9,005,000</td>
</tr>
</tbody>
</table>
An additional $1,728,000 in state Homekey General Funds was awarded for operations.

**Tahiti Motel**

<table>
<thead>
<tr>
<th>Development Sources</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCD Homekey Program Capital Request</td>
<td>9,600,000</td>
</tr>
<tr>
<td>Local Match Capital Request City of Stanton</td>
<td>1,961,438</td>
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<tr>
<td><strong>Local Match Capital Request County of Orange (Housing Successor Agency Funds)</strong></td>
<td>2,400,000</td>
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<tr>
<td><strong>Total Sources of Capital to acquire and place in service</strong></td>
<td>13,961,438</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Development Uses</th>
<th>Amount</th>
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<tr>
<td>Rehabilitation Costs</td>
<td>1,240,550</td>
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<tr>
<td>Other Cost (including relocation expenses)</td>
<td>3,220,888</td>
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<tr>
<td><strong>Total Uses of capital to acquire and place in service</strong></td>
<td>13,961,438</td>
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</table>

An additional $1,440,000 in state Homekey General Funds was awarded for operations.

**STAFFING IMPACT:**

N/A

**REVIEWING AGENCIES:**

OC Health Care Agency

**ATTACHMENT(S):**

Attachment A - Health & Safety Code Section 50675.1.2 and Public Resources Code Section 21080.50
Attachment B - Government Code Sections 29130, 29125 and 25252
(a) Notwithstanding any other law, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to any project, including a phased project, funded pursuant to Section 50675.1.1 if all of the following requirements, if applicable, are satisfied:

1. No units were acquired by eminent domain.
2. The units will be in decent, safe, and sanitary condition at the time of their occupancy.
3. The project proponent shall require all contractors and subcontractors performing work on the project to pay prevailing wages for any rehabilitation, construction, or alterations in accordance with Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.
4. The project proponent obtains an enforceable commitment that all contractors and subcontractors performing work on the project will use a skilled and trained workforce for any rehabilitation, construction, or alterations in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
5. The project proponent submits to the lead agency a letter of support from a county, city, or other local public entity for any rehabilitation, construction, or alteration work.
6. Any acquisition is paid for exclusively by public funds.
7. The project provides housing units for individuals and families who are experiencing homelessness or who are at risk of homelessness.
8. Long-term covenants and restrictions require the units to be restricted to persons experiencing homelessness or who are at risk of homelessness, which may include lower income, and very low income households, as defined by Section 50079.5, for no fewer than 55 years.
9. The project does not increase the original footprint of the project structure or structures by more than 10 percent. Any increase to the footprint of the original project structure or structures shall be exclusively to support the conversion to housing for the designated population, including, but not limited to, both of the following:
   (A) Achieving compliance with local, state, and federal requirements.
   (B) Providing sufficient space for the provision of services and amenities.

(b) If the lead agency determines that a project is not subject to the California Environmental Quality Act pursuant to this section, and the lead agency determines to approve or to carry out that project, the lead agency shall file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the project is located in the manner specified in subdivisions (b) and (c) of Section 21152 of the Public Resources Code.

(c) This section shall only apply to a project for which the initial application to the city, county, or city and county where the project is located was submitted on or before April 30, 2021.

(d) This section shall be repealed on July 1, 2021.

(Added by Stats. 2020, Ch. 15, Sec. 22. (AB 83) Effective June 29, 2020. Repealed as of July 1, 2021, by its own provisions.)

§ 21080.50. Interim motel housing projects; definitions; exemption

Effective: January 1, 2020

Currentness

<For Executive Order N-65-20 (2019 CA EO 65-20), which alters certain deadlines and requirements for grants, funding, and reimbursement claims, due to the COVID-19 pandemic, see Historical and Statutory Notes under Government Code § 1774.>

(a) For purposes of this section, the following definitions apply:

(1) “Interim motel housing project” or “project” means the conversion of a structure with a certificate of occupancy as a motel, hotel, residential hotel, or hostel to supportive or transitional housing, and the conversion meets one or both of the following conditions:

(A) It does not result in the expansion of more than 10 percent of the floor area of any individual living unit in the structure.

(B) It does not result in any significant effects relating to traffic, noise, air quality, or water quality.
(2) “Residential hotel” has the same meaning as defined in Section 50519 of the Health and Safety Code.

(3) “Supportive housing” means housing linked to onsite or offsite supportive services and with no limit on length of stay for persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

(4) “Supportive services” means services that are provided on a voluntary basis to residents of supportive or transitional housing, including, but not limited to, a combination of subsidized and permanent housing services, intensive case management, medical and mental health care, substance abuse treatment, employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

(5) “Transitional housing” means temporary housing linked to supportive services that is offered, usually for a period of up to 24 months, to facilitate movement to permanent housing for persons with low incomes who may have one or more disabilities, and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

(b) This division does not apply to an interim motel housing project.

(c) A lead agency that determines an interim motel housing project is exempt pursuant to this section shall file a notice of exemption in accordance with subdivision (b) of Section 21152 with the Office of Planning and Research.
(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

Credits

(Added by Stats.2019, c. 344 (S.B.450), § 2, eff. Jan. 1, 2020.)

Editors’ Notes

REPEAL

<For repeal of this section, see its terms.>

Current with urgency legislation through Ch. 372 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.
California Government Codes

California Government Code § 29130
At any regular or special meeting, the board by a four-fifths vote may make available for appropriation any of the following fund balances for which the board has authority:

(a) Restricted, committed, assigned, and unassigned fund balances, excluding the general reserves and nonspendable fund balance.

(b) Amounts that are either in excess of anticipated amounts or not specifically set forth in the budget derived from any actual or anticipated increases in financing sources.

California Government Code § 29125
(a) Transfers and revisions to the adopted appropriations may be made by an action formally adopted by the board at a regular or special meeting as follows:

(1) If between funds, by a four-fifths vote.

(2) If transfers from appropriation for contingencies, by a four-fifths vote.

(3) If between budget units within a fund if overall appropriations are not increased, by a majority vote.

(b) The board may designate the administrative officer or auditor to approve transfers and revisions of appropriations within a budget unit if the overall appropriations of the budget unit are not increased.

California Government Code § 25252
The board of supervisors shall establish or abolish, those funds as are necessary for the proper transaction of the business of the county, and may transfer money from one fund to another, as the public interest requires. The board may by resolution authorize the county auditor to perform one or more of these functions. The board of supervisors may, by resolution, authorize the auditor to transfer money from one fund to another if the board of supervisors has authority over each fund. Wherever reference is made elsewhere in the law to a county salary fund such reference may, upon order of the board of supervisors, after July 1, 1947, be deemed to refer to the county general fund.
The County Executive Office is requesting a Supplemental Agenda Staff Report for the November 17, 2020, Board Hearing.

Agency: OC Community Resources
Subject: Approval of Funding for Development of Homekey Projects
Districts: 2

Reason for supplemental: The County Executive Office is requesting this Supplemental Item be placed on the November 17, 2020, Board Agenda to comply with state requirement for completing all matching funds and local activities, in order for a State Standard Agreement to be issued and provide funding to the County for the Homekey projects scheduled to close by November 30, 2020. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur: Michelle Steel, Chairwoman of the Board of Supervisors

cc: Board of Supervisors
    County Executive Office
    County Counsel
MEMORANDUM

To: Robin Stieler, Clerk of the Board

From: Vice Chairman Andrew Do, Supervisor, 1st District
Doug Chaffee, Supervisor, 4th District

Subject: Unsecured Property Tax-Related Liens – November 17, 2020 Board Meeting

Date: November 13, 2020

Please add this memorandum and the attached resolution as a supplemental item to the November 17, 2020 Board of Supervisors Meeting.

The actions that we propose are as follows:

1. Adopt the Resolution

2. Provide other direction as needed

Attachment: Resolution
RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

WHEREAS, the Novel Coronavirus (COVID-19) pandemic has created sustained and repeated disruptions to Orange County’s economy; and

WHEREAS, COVID-19 and related protective health measures have resulted in a significant loss of jobs, and prohibited or inhibited many businesses from operating at full capacity; and

WHEREAS, on February 26, 2020, the County of Orange Health Officer declared a Local Health Emergency based on an imminent and proximate threat to public health from the introduction of a novel coronavirus disease (COVID-19) in Orange County; and

WHEREAS, on February 26, 2020, Chair Michelle Steel of the Orange County Board of Supervisors, acting as Chair of the Emergency Management Council, proclaimed a Local Emergency in that the imminent and proximate threat to public health from the introduction of COVID-19 created conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County; and

WHEREAS, on March 2, 2020, the Orange County Board of Supervisors adopted Resolutions No. 20-011 and No. 20-012 ratifying the declarations of Local Health Emergency and Local Emergency, which the Board has consistently renewed; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, local, state, and federal health officials agree that the continued prevalence and spread of COVID-19 pose a danger to public health and safety; and

WHEREAS, the State of California has issued guidance under its “Blueprint for a Safer Economy” that continues to restrict activity across most business sectors, causing continued losses of income for businesses; and

WHEREAS, Governor Gavin Newsom issued an Executive Order, which provided for Cancellation of penalties on certain property tax bills for the period of March, 2020 to April, 2021.
WHEREAS, this Executive Order has been interpreted by many, including Orange County Treasurer/Tax Collector, Shari Friedenrich, to be inapposite to taxes on unsecured properties; and

WHEREAS, many property owners face the same challenges paying taxes on unsecured property, as they do on secured properties; yet, they have no relief, with the threat of having liens imposed in January 2021; and

WHEREAS, many businesses have loans or lines of credit, many of which have covenants prohibiting those businesses from having liens, of any sort, issued against them, lest those loans or lines of credit be immediately called or terminated; and

WHEREAS, many of these businesses will be forced out of business if liens are recorded in January, as indicated by Treasurer/Tax Collector Friedenrich; and

WHEREAS, California Revenue and Taxation Code Section 2191.3, and direction from the California State Controller, indicate that while advisable under normal circumstances, Tax Collectors are not required to place a lien on a property owner for lack of prompt payment of property taxes for unsecured property; and

WHEREAS, Orange County’s tax collection on unsecured properties for the current year is only 3% behind last year’s pre-COVID collection, indicating a lack of widespread impact on county tax collections; and

WHEREAS, the Orange County Board of Supervisors has repeatedly shown its commitment to protect not only the health and safety of all who live, work, and visit in Orange County, but also the recovery of Orange County’s economy, including businesses that rely on valuable equipment and financing to function.

NOW THEREFORE BE IT RESOLVED that:

1. Recognizing Treasurer/Tax Collector Shari Friedenrich’s power, as an independently elected officer, to exercise her control over the duties of her office, the Orange County Board of Supervisors, nevertheless, finds that good cause exists under California Revenue and Taxation Code Section 2191.3 and, thereby, requests that the Orange County Treasurer-Tax Collector exercise her discretion to delay placing liens related to unpaid taxes on unsecured property, for which payment was due after the initial declarations of a Local Health Emergency and Local Emergency on February 26, 2020.

2. Businesses know and the Board of Supervisors expects that eventually these property taxes will be paid in full, and desires that the Treasurer-Tax Collector provides maximum possible relief from any penalties or fees over which she has control.
3. The Board of Supervisors requests that any authorities or funding allocations needed to support the above policy direction are requested of the Board as soon as practical, whether by the Treasurer-Tax Collector, County Executive Officer, or County Counsel.
## SUPPLEMENTAL AGENDA STAFF REPORT

**MEETING DATE:** 11/17/20  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** All Districts  
**SUBMITTING AGENCY/DEPARTMENT:** Supervisor Chaffee Vice Chair Do  
**DEPARTMENT CONTACT PERSON(S):** Al Jabbar 714-834-3440

## SUBJECT: COVID-19 CARES ACT ECONOMIC SUPPORT FOR CHILD CARE FACILITIES

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<th>CEO CONCUR</th>
<th>COUNTY COUNSEL REVIEW</th>
<th>CLERK OF THE BOARD</th>
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<tr>
<td>Pending</td>
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<td>Discussion</td>
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<td>3 Votes Board Majority</td>
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**Budgeted:** Yes  
**Current Year Cost:** $10,000,000.00  
**Annual Cost:** N/A  
**Staffing Impact:** N/A  
**# of Positions:** N/A  
**Sole Source:** N/A  
**Current Fiscal Year Revenue:** N/A  
**Funding Source:** Federal: 100% (CARES Act)  
**County Audit in last 3 years:** N/A  
**Prior Board Action:** 10/20/20, #S16B 5/19/2020, #S68A

## RECOMMENDED ACTION(S)

1. Distribute, on not to exceed basis an additional $5 million in CARES ACT funding for economic support to Orange County child care providers due to the Coronavirus Disease 2019 (COVID-19).
SUMMARY:
Allocating an additional $5 million in federal CARES Act funding for economic support to licensed family child care homes, licensed centers, and group care school age programs providers in Orange County will provide much needed resources for response and recovery efforts related to the COVID-19 emergency. Based on recent findings, an additional $5 million in Federal CARES Act funding is needed to meet the demand.

BACKGROUND INFORMATION:
On May 19, 2020, the Orange County Board of Supervisors appropriated $554,000,000 to the miscellaneous fund to be expended in accordance with CARES Act requirements and Department of Treasury Guidance. On October 20, 2020, the Board authorized the distribution of $5,000,000 of those funds for economic support for Orange County child care providers. Based on the number of qualified applicants the current $5 million will fund 325 childcare centers out of the 796 who are qualified for funding. An additional $5 million is needed to fund the qualified 471 that are oversubscribed.

FINANCIAL IMPACT: On May 19, 2020, the Board of Supervisors appropriated $554,000,000 to the miscellaneous fund to be expended in accordance with CARES Act requirements and Department of Treasury Guidance. The additional $5,000,000 requested for economic support allocation would be part of the $554,000,000 appropriation.

STAFFING IMPACT: N/A
November 12, 2020

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Subject: Exception to Rule 21

The County Executive Office is requesting a Supplemental Agenda Staff Report for the November 17, 2020 Board Hearing.

Agency: County Executive Office
Subject: Condemnation Actions, San Bernardino County, Prado Dam Project
Districts: All Districts

Reason for supplemental: In late August 2020, the United States Army Corps of Engineers (Corps) informed the Orange County Flood Control District (OCFCD) that in order to meet an April 30, 2021, Corps deadline to award the construction contract for the Santa Ana River Mainstem/Prado Dam Project spillway, OCFCD in conjunction with CEO-Real Estate must acquire flowage easements or other property interests in more than 45 properties expeditiously. In order to obtain possession within the timeframe set by the Corps, properties for which offers have been made in accordance with the required notice, need to be considered by the Board as soon as they are ready. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur: Chairwoman Michelle Steel, Supervisor, Second District

cc: Board of Supervisors
County Executive Office
County Counsel
**SUPPLEMENTAL AGENDA ITEM**
**AGENDA STAFF REPORT**

**MEETING DATE:** 11/17/20  
**LEGAL ENTITY TAKING ACTION:** Orange County Flood Control District  
**BOARD OF SUPERVISORS DISTRICT(S):** All Districts  
**SUBMITTING AGENCY/DEPARTMENT:** County Executive Office  
**DEPARTMENT HEAD REVIEW:**  
**DEPARTMENT CONTACT PERSON(S):**  
Thomas A. Miller (714) 834-6019  
James Treadaway (714) 667-9700

**SUBJECT:** Condemnation Actions, San Bernardino County, Prado Dam Project

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<th>CEO CONCUR</th>
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<td>Public Hearing 2/3 Vote</td>
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<tr>
<th>Budgeted: Yes</th>
<th>Current Year Cost: $51,510</th>
<th>Annual Cost: N/A</th>
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<tr>
<td>Staffing Impact: No</td>
<td># of Positions:</td>
<td>Sole Source: N/A</td>
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<tr>
<td>Current Fiscal Year Revenue: N/A</td>
<td>Funding Source: Fund 404: 100%</td>
<td>County Audit in last 3 years: No</td>
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**Prior Board Action:** 10/06/2020 #4, 01/28/2003 #40, 12/07/1999 #49

**RECOMMENDED ACTION(S):**  
1. Conduct public hearing.  
2. At the conclusion of the hearing, make the following findings:
a) Final Environmental Impact Report No. 583 was previously certified by the Board of Supervisors on November 28, 1989, and reflects the independent judgment of the Orange County Flood Control District as Lead Agency. Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 was previously certified by the Orange County Planning Commission on December 19, 2001, and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final Environmental Impact Report No. 583 and Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 adequately addressed and fully analyzed project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. Both the Final Environmental Impact Report No. 583 and Final Supplemental Environmental Impact Statement/Environmental Impact Report are complete and adequately satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Project.

b) The circumstances of the Project are substantially the same as when Final Environmental Impact Report No. 583 and Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 were certified, and Final Environmental Impact Report No. 583 and Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 adequately addressed the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the Final Environmental Impact Report No. 583 and Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 were certified has become known in relation to these proposed condemnation actions. Thus, no further CEQA review is required.

c) Final Environmental Impact Report No. 583 and Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation actions.

d) All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

3. At the conclusion of the hearing, adopt the Resolutions of Necessity attached as Attachments E through F to this Agenda Staff Report, which include the above-described CEQA findings and also the findings required by the California Eminent Domain Law for adoption of each Resolution of Necessity, and which direct and authorize County Counsel and/or outside eminent domain counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with the Orange County Flood Control District, to initiate condemnation proceedings to condemn the following interests in real property as described in the respective Resolution of Necessity:

a) Tenant’s holdover interest in the possession of real property referred to by the Orange County Flood Control District as Project Parcel No.E01PD 32-999, which covers portions of San Bernardino County Assessor’s Parcel Nos. 1057-212-12, 1057-212-13, 1057-212-14, and is commonly known as 8755 Chino Corona Road, Chino, CA, and ownership of certain improvements pertaining to the realty upon or affixed thereto, and to make one or more deposits of estimated compensation with the State of California Treasurer’s Condemnation Deposits Fund in a total amount up to $6,935.
b) Tenants' holdover interest in the possession of real property referred to by the Orange County Flood Control District as Project Parcel No. E01PD 38-022, 38-023 and 38-025, which covers portions of San Bernardino County Assessor's Parcel Nos. 1056-392-08, 1056-392-09, 1056-392-10 and 1056-392-11, and is commonly known as 16532 Johnson Avenue, Chino, CA, and ownership of certain improvements pertaining to the realty upon or affixed thereto, and to make one or more deposits of estimated compensation with the State of California Treasurer's Condemnation Deposits Fund in a total amount up to $44,575.

4. At the conclusion of the hearing, direct and authorize the Auditor-Controller, upon request by County Counsel, to encumber and transfer funds to the State of California Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount as described in each Resolution of Necessity; and to be made as one or more deposits of estimated compensation in the condemnation proceedings; and to encumber such additional funds, and issue such additional funds, as may be requested by County Counsel, as and if necessary to satisfy any court orders for higher deposits or payment of greater compensation, or as necessary to pay for title insurance and other fees and costs in connection with the acquisition of the property interests pursuant to each Resolution of Necessity.

SUMMARY:

Conducting a public hearing and considering adoption of Resolutions of Necessity that allow the Orange County Flood Control District to acquire property for the Santa Ana River Mainstem/Prado Dam Project will provide protection to the public from flood and storm waters from the potential effects of a 190-year flood/storm event.

BACKGROUND INFORMATION:

On December 7, 1999, the Board of Supervisors (Board) for the Orange County Flood Control District (District) authorized the initiation of the Prado Dam Project Real Property Acquisition Program. On January 28, 2003, your Board authorized the execution of the Project Cooperation Agreement and Second Modification to the Local Cooperation Agreement for the Santa Ana River Mainstem Project. On October 6, 2020, your Board authorized execution of Amendment No. 1 to the Project Cooperation Agreement. These agreements require the local sponsors of the Santa Ana River Mainstem Project, including the District, to acquire real property interests and perform relocation/protection of utilities, streets and highways as necessary for construction and related revised flood control operations.

The recommended action, adoption of the proposed Resolutions of Necessity (Resolutions), would find and declare it to be necessary to institute eminent domain proceedings to acquire the real property interests described below, which are located in the County of San Bernardino, for the District's Santa Ana River Mainstem/Prado Dam Project (Project), which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, and find and declare that the public interest and necessity require the Project for the purpose of controlling flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a 190-year flood/storm event. In particular, the recommended action would find and declare that it is necessary for the District to acquire the real property leasehold interests and improvements in Project Parcel Nos. ESP2038 and ESP2059 (Subject Property Interests), in order to meet the deadline of the United States Army Corps of Engineers (Corps) to award the contract for construction of the Project's spillway in 2021.
Although the District owns the fee interest in both properties, the tenants remain as holdovers after the term of their leases on the property expired. Condemnation, rather than unlawful detainer, is sought due to the delays involved in unlawful detainer actions as a result of Executive Orders issued due to the COVID-19 Emergency. If the Corps’ schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. The Subject Property Interests are necessary for the Project, in order to provide sufficient protection from storm events and flooding to those downstream from the Prado Dam and because the area of the Subject Property Interests will be exposed to greater risk or frequency of inundation as a result of the Prado Dam’s increased reservoir capacity once the spillway is increased in height.

A more detailed description of the intended public use of, and necessity for, these acquisitions is contained in the accompanying OC Public Works Memoranda (Memoranda), attached hereto as Attachment B, which is incorporated herein by this reference and that provides substantial information supporting the requested findings contained in the proposed Resolutions. The information presented in this Agenda Staff Report and in that Memoranda are legally sufficient to show that the public interest and necessity require the Project for the purposes specified by the Orange County Flood Control Act (California uncodified Water Code, Act 5682, section 2, also referred to as Water Code App. sections 36-1 et seq.) (Act), including, but not limited to, the control of flood and storm waters. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses described herein and in the accompanying the Memoranda under the California Constitution and the California Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5 and the Act.

Accordingly, County Counsel and OC Public Works/Flood Division request your Board, acting in its capacity as the governing Board of the District, to adopt the proposed Resolutions to authorize and direct County Counsel and/or outside eminent domain counsel, the law firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with the District, to file and pursue proceedings to condemn and acquire the Subject Property Interests, which are more particularly described in the proposed Resolutions of Necessity attached as Attachment E through F. Although the Subject Property Interests are located in the County of San Bernardino, they are within the reach of the District’s extraterritorial power of eminent domain pursuant to Sections 2 and 10 of the Act.

To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District’s Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the District’s Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

COMPLIANCE WITH CEQA: The acquisition of property is a necessarily included element of the project considered in Final Environmental Impact Report (EIR) No. 583, certified by the Board of Supervisors on November 28, 1989, and Final Supplemental Environmental Impact Statement (EIS)/EIR No. 583, certified by the Orange County Planning Commission on December 19, 2001, which adequately addressed the effects of the proposed project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the project is being undertaken and no new information of substantial importance to the project that was not known or could not have been known when the Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known; therefore, no further environmental review is required.
FINANCIAL IMPACT:
Appropriations are included in the Flood Fund 404 FY 2020-21 Budget for issuance of a one-time cost of $51,510 via the following account codes:

- 404-080-404-L358-4100-ESP2038 (Martin Feed) in the amount of $6,935
- 404-080-404-LS01-4100-ESP2059 (Moreno) in the amount of $44,575

to be made upon Board approval of the proposed recommended actions. Additional presently unknown costs may also include payments for title fees and other costs upon recordation, as well as the potential for other required payments that a court may order be deposited and/or paid in the condemnation actions. Any unknown costs will be absorbed within the existing appropriation of Flood Fund 404.

STAFFING IMPACT:
N/A

REVIEWING AGENCIES:
OC Public Works

ATTACHMENT(S):
Attachment B - OC Public Works Memorandum
Attachment C - Real Estate Acquisition Questionnaire
Attachment D - Final Supplemental Environmental Impact Statement and Report No. 583
Attachment E - Resolution of Necessity (Project Parcel No. 32-099 Martin Feed)
Attachment F - Resolution of Necessity (Project Parcel No. 38-022 Moreno)
Attachment G - Notice of Intent to Consider Adoption of a Resolution of Necessity (Martin Feed)
Attachment H - Notice of Intent to Consider Adoption of a Resolution of Necessity (Moreno)
O.C. Flood Control Act provisions

WATER -- UNCODIFIED ACTS
Orange County Flood Control Act (1927 ch 723)

§ 2. Purposes of Act; Powers of district

(a) The purposes of this act are to provide for the control of the flood and storm waters of the district, and the flood and storm waters of streams that have their source outside of the district, but which flow into the district, and to conserve those waters for beneficial and useful purposes by spreading, storing, retaining, and causing them to percolate into the soil within the district, or outside the district, or to save or conserve in any manner all or any of those waters and protect from damage from those flood or storm waters, the harbors, waterways, public highways, and property in the district.

(b) The Orange County Flood Control District is hereby declared to be a body corporate and politic and has all of the following powers:

(1) To have perpetual succession.

(2) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(3) To adopt a seal and alter it at pleasure.

(4) To take by grant, purchase, gift, devise, or lease, and to hold, use, enjoy, and to sell, lease, exchange, or dispose of real or personal property of every kind, within or outside the district, necessary to the full exercise of its powers.

(5) To acquire, or contract to acquire, lands, rights-of-way, easements, privileges and property of every kind, and to construct, maintain, and operate any and all works or improvements within or outside the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as authorized in this act.

(6) To exercise the right of eminent domain, either within or outside the district, to take any property necessary to carry out any of the objects or purposes of this act.

(7) To incur indebtedness, and to issue bonds in the manner provided in this act.

(8) To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district in the manner provided in this act.

(9) To make contracts, and to employ labor, and to do all acts necessary for the full exercise of the powers of the district, or any of the officers thereof, by this act.

(10) To grant or otherwise convey to counties, cities and counties, cities, or towns,
easements for street and highway purposes, over, along, in, through, across, or under any real property owned by the district.

(11) To remove, carry away, and dispose of any rubbish, trash, debris, or other inconvenient matter that may be dislodged, transported, conveyed, or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of the district or elsewhere.

(12) To sell or dispose of any property, or any interest therein, or lease or rent any property, or any interest therein, whenever, in the judgment of the board of supervisors, the property, or any interest therein or part thereof, is not required for the purposes of the district, or property may be leased, or included in community leases embracing adjoining lands, for any purpose, including leases for mining or extracting oil, gas, hydrocarbon substances, or other minerals, without interfering with the use of the property for the purposes of the district. If it appears that wells drilled upon private lands are draining or may drain oil, gas, or other hydrocarbon substances from lands owned by the district and operations for the production of oil, gas, or other hydrocarbons on land owned by the district might interfere with the use of that land for the purposes of the district, the district may enter into agreements with the owners or operators of the wells for the payment of compensation to the district for drainage in lieu of drilling offset wells upon the land owned by the district, and to pay any compensation received into the general fund of the district and use the compensation for the purposes of this act. However, nothing in this section authorizes the board of supervisors, or other governing body of the district, or any officer thereof, to sell, lease, or otherwise dispose of any water, water right, reservoir space, or storage capacity, or any interest or space therein, except as provided by Section 17. The district may also grant to the United States of America, or any agency thereof authorized to accept and pay for land which lies within any channel, dam, or reservoir site, improved or constructed, in whole or in part, with federal funds, upon the payment to the district of the actual cost thereof as determined by the board of supervisors of the district. The district, by and through its board of supervisors, may warrant and guarantee the title of all lands so transferred to the United States under this section.

(13) Pursuant to paragraph (12), to lease or rent any property, or any interest therein or part thereof, if the board adopts a resolution that meets all of the following requirements, as applicable:

(A) Includes all of the following findings, based on evidence set forth in the minutes of the meeting:

(i) The property, or any interest therein or part thereof, is no longer or not yet needed for district uses and purposes, including, but not limited to, flood protection and water conservation, and the lease or rental use will not conflict with the uses and purposes of the district.

(ii) The lease or rental is consistent with the city or county general plan, specific plan, or other plans or policies adopted for the area within which the property is located, including any plans and regulations adopted pursuant to Chapter 4 (commencing with Section 8400) of Part 2 of Division 5 of the Water Code.

(iii) The lease or rental is consistent with city or county zoning ordinances, regulations, and policies adopted for the area within which the property is located.
(iv) The lease or rental is consistent with the city or county building regulations and policies adopted for the area within which the property is located.

(B) In the case of a rental, specifies the rental period and the approximate date on which the property will be needed for the uses and purposes of the district.

(C) For any property acquired by the district through eminent domain, declares that the property was acquired through eminent domain in accordance with Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure.

(14) To monitor, test, or inspect drainage, flood, storm, or other waters within the district for the purpose of recording, determining, and reporting the quality of the waters to appropriate regional water quality control boards.

(15) To assist the County of Orange and any city within the county in emergency operations to control or mitigate the effect of titles, waves, and ocean currents on the Orange County shoreline.

(16) To carry on technical and other investigations, examinations, or tests of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, control of floods, use of water, water quality, nuisance, pollution, waste, and contamination of water, both within and outside the district.

(17) To regulate, prohibit, or control the discharge of pollutants, waste, or any other material into the district's facilities by requiring dischargers to obtain a permit from the district prior to any discharge and by prohibiting the discharge of pollutants or other material which does or may cause a nuisance into the district's facilities without first obtaining a permit from the district, but, if a federal permit has been issued for the discharge, a permit may be issued by the district at no fee to the discharger; except as provided in this act, to require a fee to be collected prior to the issuance of a discharge permit, if the amount of the fee does not exceed the cost of issuing the permit; to require all permitholders to indemnify the district from any and all damages, penalties, or other expenses imposed on or required of the district by state or federal agencies due to any discharge by the permitholders into the district facilities.

(18) To establish compliance with any federal, state, or local law, order, regulation, or rule relating to water pollution or the discharge of pollutants, waste, or any other material into the district's facilities. For this purpose, any authorized representative of the district, upon presentation of his or her credentials or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, has the right of entry to any premises on which a water pollution, waste, or contamination source is located for the purpose of inspecting the source, including securing samples of discharges therefrom, or any records required to be maintained in connection therewith by federal, state, or local law, order, regulation, or rule.
Code of Civil Procedure provisions

Code of Civil Procedure § 1230.010. Short title

This title shall be known and may be cited as the Eminent Domain Law.

Code of Civil Procedure § 1240.010. Exercise of power for public use

The power of eminent domain may be exercised to acquire property only for a public use. Where the Legislature provides by statute that a use, purpose, object, or function is one for which the power of eminent domain may be exercised, such action is deemed to be a declaration by the Legislature that such use, purpose, object, or function is a public use.

Code of Civil Procedure § 1240.110. Acquisition of certain interests in property; enumeration; restriction

(a) Except to the extent limited by statute, any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire any interest in property necessary for that use including, but not limited to, submerged lands, rights of any nature in water, subsurface rights, airspace rights, flowage or flooding easements, aircraft noise or operation easements, right of temporary occupancy, public utility facilities and franchises, and franchises to collect tolls on a bridge or highway.

(b) Where a statute authorizes the acquisition by eminent domain only of specified interests in or types of property, this section does not expand the scope of the authority so granted.

Code of Civil Procedure § 1240.510. Authority; reference in complaint and resolution

Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use property appropriated to public use if the proposed use will not unreasonably interfere with or impair the continuance of the public use as it then exists or may reasonably be expected to exist in the future. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.
**Code of Civil Procedure § 1240.610.** Authority; reference in complaint and resolution

Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use property appropriated to public use if the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.

**Code of Civil Procedure § 1245.235.** Notice and hearing; contents; conduct

(a) The governing body of the public entity may adopt a resolution of necessity only after the governing body has given each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear and be heard on the matters referred to in Section 1240.030.

(b) The notice required by subdivision (a) shall be sent by first-class mail to each person described in subdivision (a) and shall state all of the following:

   (1) The intent of the governing body to adopt the resolution.
   (2) The right of such person to appear and be heard on the matters referred to in Section 1240.030.
   (3) Failure to file a written request to appear and be heard within 15 days after the notice was mailed will result in waiver of the right to appear and be heard.

(c) The governing body, or a committee of not less than 11 members thereof designated by the governing body if the governing body has more than 40 members, shall hold a hearing at which all persons described in subdivision (a) who filed a written request within the time specified in the notice may appear and be heard on the matters referred to in Section 1240.030. Such a committee shall be reasonably representative of the various geographical areas within the public entity's jurisdiction. The governing body need not give an opportunity to appear and be heard to any person who fails to so file a written request within the time specified in the notice. If a committee is designated by the governing body pursuant to this subdivision to hold the hearing, the committee, subsequent to the hearing, shall provide the governing body and any person described in subdivision (a) who has appeared before the committee with a written summary of the hearing and a written recommendation.
as to whether to adopt the resolution of necessity. Any person described in subdivision (a) who has appeared before the committee shall also be given an opportunity to appear and be heard before the governing body on the matters referred to in Section 1240.030.

(d) Notwithstanding subdivision (b), the governing body may satisfy the requirements of this section through any other procedure that has given each person described in subdivision (a) reasonable written personal notice and a reasonable opportunity to appear and be heard on the matters referred to in Section 1240.030.

**Code of Civil Procedure § 1245.240.** Vote required for adoption

Unless a greater vote is required by statute, charter, or ordinance, the resolution shall be adopted by a vote of two-thirds of all the members of the governing body of the public entity.
Government Code provisions

**Government Code § 25350.5.** Power of eminent domain

The board of supervisors of any county may acquire by eminent domain any property necessary to carry out any of the powers or functions of the county.

**Government Code § 7267.1.** Acquisition by negotiation; appraisal

(a) The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Real property shall be appraised before the initiation of negotiations, and the owner, or the owner's designated representative, shall be given an opportunity to accompany the appraiser during his or her inspection of the property. However, the public entity may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value.

**Government Code § 7267.2.** Just compensation; property offered for sale by owner

(a)(1) Prior to adopting a resolution of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body's ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. The amount shall not be less than the public entity's approved appraisal of the fair market value of the property. A decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the property.
(2) At the time of making the offer described in paragraph (1), the public entity shall provide the property owner with an informational pamphlet detailing the process of eminent domain and the property owner's rights under the Eminent Domain Law.

(b) The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. The written statement and summary shall contain detail sufficient to indicate clearly the basis for the offer, including, but not limited to, all of the following information:

(1) The date of valuation, highest and best use, and applicable zoning of property.
(2) The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.
(3) If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.

(c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based.

(d) Notwithstanding subdivision (a), a public entity may make an offer to the owner or owners of record to acquire real property for less than an amount that it believes to be just compensation therefor if (1) the real property is offered for sale by the owner at a specified price less than the amount the public entity believes to be just compensation therefor, (2) the public entity offers a price that is equal to the specified price for which the property is being offered by the landowner, and (3) no federal funds are involved in the acquisition, construction, or project development.

(e) As used in subdivision (d), “offered for sale” means any of the following:

(1) Directly offered by the landowner to the public entity for a specified price in advance of negotiations by the public entity.
(2) Offered for sale to the general public at an advertised or published specified price, set no more than six months prior to, and still available at, the time the public entity initiates contact with the landowner regarding the public entity's possible acquisition of the property.
Government Code § 65402. Acquisition or disposition of property; construction of buildings; requirements before action

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for
street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency. Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.
Date: November 4, 2020

To: Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

From: James Treadaway, Director

Subject: Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interests for the Prado Dam Project; All Districts (Board of Supervisors’ Meeting Date: November 17, 2020)
Parcel Nos. E01PD 32-999, 38-022, 38-023, and 38-025

Synopsis:

On November 17, 2020, CEO Real Estate, on behalf of the Orange County Flood Control District (“District”), will present an agenda item requesting that the Orange County Board of Supervisors (“Board”), acting in its capacity as the governing Board of the District, consider for adoption two proposed Resolutions of Necessity (collectively “Resolutions”), after the duly noticed public hearing and full consideration, authorizing the filing of condemnation actions to acquire real property interests described with particularity below (the “Subject Property Interests”) for the Prado Dam Project (“Project”). The Project is necessary to protect the safety, health, and welfare of residents and properties in Orange County from the devastating effects of major storms, including a 190-year storm event. Acquisition of the Subject Property Interests is required for the Project to carry out the Project’s flood control purposes.

A. Specific Real Property Interests to be Considered and Acquired:

County Counsel, the OC Public Works Department, and the County Executive Office request your Board consider for adoption the proposed Resolutions (provided as an attachment to the ASR) to authorize and direct County Counsel and/or special litigation counsel, Murphy and Evertz, (previously approved by your Board for purposes of representing the District on the Project), to file and pursue proceedings to condemn and acquire the respective Subject Property Interests, each of which pertain to and affect real property owned as a matter of record title by Orange County Flood Control District (“Owner”), that is located in the City of Chino in San Bernardino County described as follows:
ATTACHMENT B

Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interests for the Prado Dam
Project: All Districts
November 5, 2020
Page 2 of 7

a. A holdover interest in the possession of real property held by Michelle Martin dba Martin Feed ("Martin Tenant") referred to by the District as Project Parcel No.Eo1PD 32-999, which covers portions of San Bernardino County Assessor's Parcel Nos. 1057-212-12, 1057-212-13, 1057-212-14, and is commonly known as 8755 Chino Corona Road, Chino, CA ("Martin Feed Property"), and ownership of certain improvements pertaining to the realty upon or affixed to the Martin Feed Property.

b. A holdover interest in the possession of real property held by William Morcno and Michelle Strayer (the "Moreno Tenants") referred to by the District as Project Parcel No. Eo1PD 38-022, 38-023, and 38-025 which covers portions of San Bernardino County Assessor's Parcel Nos. 1056-392-08, 1056-392-09, 1056-392-10, & 1056-392-11 and is commonly known as 16532 Johnson Avenue, Chino, CA ("Moreno Property"), and ownership of certain improvements pertaining to the realty upon or affixed to the Moreno Property.

B. Mailing of Notice of Hearing and Intention to Owners of Record of the Subject Property Interests:

As shown by the Declaration of Mailing that will be on file with the Clerk of the Board prior to the public hearing on this matter, in compliance with Code of Civil Procedure section 1245.235, the Clerk of the Board mailed to Owner a Notice of Intention notifying them of the hearing and of the Board's intention to consider the adoption of the proposed Resolutions, and of their respective right to appear and be heard on the issues described therein.

C. Required Findings and Analysis of Facts Supporting Such Findings:

As a prerequisite to the Board's adoption of the Resolution, at the close of the public hearing, the California eminent domain law (Code of Civil Procedure sections 1245.220 and 1245.230, et seq.) requires the Board to make the findings described below for each Resolution. Staff of the OC Public Works Department has analyzed the Project and its objectives, as well as the acquisitions proposed, with those required findings and legal requirements in mind. Staff hereby recommends to the Board that it make each and all the findings, and staff provides the following analysis and support for these findings:

1. The public interest and necessity require the Project.

The existing Prado Dam ("Dam") was built in 1941 for flood protection purposes and is located near the confluence of State Routes 71 and 91. The Dam is operated by the U.S. Army Corps of Engineers ("Corps"). Because of increased urbanization both upstream and downstream of the Dam, accumulation of sedimentation, and environmental factors, the flood control protection of the Dam has significantly diminished over the past 75 years. The Corps considers this situation along the Santa Ana River to constitute "the worst flood threat west of the Mississippi River," with probable devastating impacts to residents and property, resulting in a risk of significant loss of life and personal and economic injury, should a significant flood event occur.
Given these conditions, the Corps developed the Santa Ana River Mainstem ("SAR") Project, as generally described in the Corps' 1988 Phase II General Design Memorandum ("GDM") and Final Supplemental Environmental Impact Statement, which includes construction of Reach 9 (the area of the Project located between Weir Canyon Road in the County of Orange and the Riverside County-Orange County boundary), the raising of the Dam's spillway and embankment and constructing new higher capacity outlet works. Additionally, the Corps developed the Limited Reevaluation Report ("LRR") in 2001 for the purpose of introducing SAR Project modifications following the 1988 GDM, which specifically included three components, the Norco Bluffs (Component A), Prado Basin (Component B), and Reach 9 (Component C). The LRR also served as a basis for the development of the Project Cooperation Agreement ("PCA") between the Corps and the District.

In order to cooperate with the Corps and to carry out the Project, in 1989 your Board approved the SAR Project Local Cooperation Agreement ("LCA") between the Corps, the District, and the flood control districts of Riverside and San Bernardino counties, as well as the PCA in 2003. Both the LCA and PCA require the District to acquire real property rights for inundation and construction of flood protection structures (e.g., dikes, bank protection, and floodwalls), if the Project is to be completed. Unless all property rights (including the Subject Property Interests) are acquired by the District in the areas subject to inundation, the Project may not be completed or may not be entirely effective. If the Project is not completed, the risks and perils identified by the Corps, as described above, may impact Orange County residents and properties. Thus, the Project is necessary to protect the health, safety, and welfare of the residents of the County of Orange.

2. **The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

Given the location of the Santa Ana River, and given the fact that the Dam embankment, spillway, and reservoir already exist, there is no cost-effective alternative to the Project in order to provide the desired level of flood protection and to achieve the public benefits and protection described above. Prior to 1989, the Corps conducted significant analysis over several years to determine Project requirements and potential impacts to address the serious flood threat discussed above, while mitigating environmental and other impacts and minimizing private injury, as feasible. Based on these studies, the District has determined that it is necessary to acquire the Subject Property Interests. There is no feasible or cost effective alternative to the Project that would reduce impacts on those private properties affected by the Project.
3. The Subject Property Interests are necessary for the Project.

If the Subject Property Interests are not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County. Per the Corps’ Optimal Schedule, the Corps plans to award the contract for construction of the Project’s spillway in 2021. It is necessary to acquire the Subject Property Interests so that the Corps can proceed with construction of the Project. If that schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. It is necessary to obtain the Subject Property Interests to prevent and mitigate such risks.

In addition, the Subject Property Interests themselves will be exposed to greater risk or frequency of inundation because of the Prado Dam’s increased reservoir capacity once the spillway is increased in height. The Project will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level.

4. The offer required by California Government Code section 7267.2 was made to the owner of record of the Subject Property Interests.

In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal has been prepared covering the Subject Property Interests. An offer based on said appraisal has been made to each respective owner, along with delivery of a written statement showing the appraised value of their respective Subject Property Interests that summarizes the basis of the value has been delivered to owner.

a. Negotiations with Martin Feed to obtain possession of the site initially commenced in 2010 but were delayed as the Martin Tenant could not locate a viable relocation opportunity at that time. Martin Feed remains in possession of the Martin Feed Property as a holdover tenant. The Corps declared April 2021 to be the deadline to obtain possession of all property interests in the Prado Dam basin needed for the Project. Therefore, it is critical to relocate Martin Feed and terminate the holdover tenancy possession of the site. Staff has provided relocation assistance, a 90-day and a 30-day notice to vacate as required by law. Additionally, staff had an appraisal prepared and an offer presented on October 27, 2020, for purchase of certain Martin Tenant-owned improvements pertaining to the realty located on the Martin Feed Property. Negotiations are ongoing and will continue. However, in order to proceed with timely acquisition of the Martin Feed Property in accordance with the Project, it is necessary to request the Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.
b. Negotiations with William Moreno and Michelle Strayer, the Moreno Tenants, to obtain possession of the Moreno Property initially commenced in 2019. The Moreno Tenants were allowed to extend their lease and remain on site until September 30, 2020 but did not vacate the premises thereafter and remain in possession of the Moreno Property as holdover tenants. As the Corps declared April 2021 to be the deadline to obtain possession of all property interests in the Prado Dam basin for the Project, it is critical to relocate the Moreno Tenants and terminate their holdover tenancy possession of the site. Staff has provided relocation assistance, a 90-day and a 30-day notice to vacate as required by law. Additionally, staff had an appraisal prepared and an offer presented on October 30, 2020 for purchase of certain improvements pertaining to the realty located on the Moreno Property that are owned by the Moreno Tenants. Negotiations are ongoing and will continue. However, in order to proceed with timely acquisition of the Moreno Property in accordance with the Project, it is necessary to request the Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.

5. Compliance with CEQA

a. Final Environmental Impact Report No. 583 ("Final EIR No. 583") was previously certified on November 28, 1989 and reflects the independent judgment of the District as Lead Agency. Final Supplemental Environmental Impact Statement/Report No. 583 ("Final Supplemental EIS/EIR No. 583") was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583, which were prepared and satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, respectively, adequately addressed and fully analyzed the condemnation action proposed herein, which is a necessarily included element contemplated as part of the whole Project.

b. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were adopted, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed condemnation action. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to this proposed condemnation action. Thus, no further CEQA review is required.

c. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation action.
d. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design, or included in the procedures of the Project implementation.

Because the requested action would merely accomplish a property acquisition through condemnation proceedings, in accordance with the CEQA Guidelines and the previously certified CEQA documents for the project, which reflect the independent judgment of the Lead Agency, the proposed Project is recommended for approval.

6. General Plan (Government Code Section 65402)

A conformity statement for the Project was requested from the City of Chino ("City") as required by the Code. The City responded on April 14, 2016 that the Project is inconsistent with the City’s General Plan.

D. Other Considerations:

1. Compliance with County’s Hazardous Materials Assessment (HMA) Policy

A request to update an existing Hazardous Materials Assessment was requested but has not been completed due to the property owner’s unwillingness to grant access. An updated HMA will be prepared when access is obtained either through legal proceedings or upon execution of the contract by the property owner.

2. Funds

Your Board is asked to authorize counsel to obtain an Order of Possession for the Parcel. Your Board is also requested to authorize counsel to make a deposit of estimated just compensation in the total amount of $51,510 via the following account codes:
- 404-080-404-1358-4100-ESP2038 (Martin Feed) in the amount of $6,935
- 404-080-404-LS01-4100-ESP2059 (Moreno) in the amount of $44,575

3. Relocation Assistance

It is anticipated that the proposed Subject Property Interest acquisitions will displace one business and one residence. Staff assigned relocation consultants to interview both the Martin Tenant and Moreno Tenants to determine their respective eligibility for benefits several months ago and will continue to coordinate with the relocation consultants to ensure relocation benefits are provided to the Martin Tenant and Moreno Tenants.
according to their respective claim eligibility throughout the process of obtaining possession by an Order of Possession, settlement, and/or court order.

**Recommended Actions:**

Accordingly, we respectfully recommend that your Board, acting in the capacity as the governing Board of the District, at the conclusion of the public hearing noticed by the Clerk of the Board, adopt, by at least a two-thirds vote of the Board, the proposed Resolutions of Necessity and take the following actions:

1. Make the required Findings described above and stated therein;
2. Direct County Counsel and/or previously approved special litigation counsel, Murphy and Evertz, to institute eminent domain proceedings to condemn and acquire the Subject Property Interests; and
3. Authorize the Auditor-Controller to encumber and disburse funds as described in each of the proposed Resolutions.

Should you have any questions, please contact me at (714) 667-9700.
Real Property Acquisition Questionnaire* for ASR
(*Applies to property purchase, or acquisition lease, license or easement)

Instructions:
- This questionnaire was developed with input from Auditor Controller, Internal Auditor and CEO Real Estate to assure that County leadership is fully informed.
- Insert the complete answer after each question below.
- When completed, save and include as an Attachment to your ASR.
- In the body of the ASR focus on the considerations relevant to the decision.
- If you need assistance, please contact CEO Real Estate.

1. What property interest is being considered for acquisition (fee, lease, license, easement)?
   a) Why is this property being considered for acquisition? It is required for the Prado Dam Project
   b) How and who identified this property for a potential acquisition? Army Corps of Engineers requires acquisition of all property below the 566-inundation line.
   c) What factors are key in recommending this property for acquisition? This property is below the 566-inundation line.
   d) How does the proposed acquisition fit into the County’s/District’s strategic or general plan? It is part of the Prado Dam Project
   e) What are the short and long term anticipated uses of the property? Open space for flowage of flood waters.
   f) Are there any limitations on the use of the property for its intended purposes? No.

2. What analysis has been performed as to whether to acquire the proposed real property interest?
   a) Have there been any internally or externally prepared reports regarding this property acquisition? Yes.
   b) Who performed the analysis? Army Corps of Engineers and Flood Engineers.
   c) Provide details about the analysis and cost/benefit comparison. The Project and required acquisition are necessary to avoid loss of property and/or life in the event of a major storm/flood event.

3. How was the acquisition price, or lease/license rent, determined? By an appraisal.
   a) Who performed the appraisal or market study and what certifications do they possess? A third-party independent F&E appraiser. A internal review of the appraisal was performed.
   b) How does the price/rent compare with comparable properties? It is comparable.
   c) Does the setting of the price/rent follow industry standards and best practices? Yes.
   d) What are the specific maintenance requirements and other costs within the agreement and who is responsible? The County already owns these properties and is responsible for maintenance of these properties, primary consisting of weed control and fencing. Provide an estimate of the costs to the County/District if applicable. Unknown.

4. What additional post-acquisition remodeling or upgrade costs will be needed for the property to meet its intended use? Some demolition may be required.
   a) Will any of the upgrades be required to meet County, ADA, or other standards and requirements? N/A.
   b) Include estimates of the costs. Unknown.
   c) What department will be responsible for the costs? Flood.

5. Can the County terminate the purchase/easement, lease/license? Yes prior to conclusion of the lawsuit.
   a) What would be necessary to terminate the agreement, and when can it be terminated? A dismissal through the court.
   b) Are there penalties to terminate the purchase/easement, or lease/license? We may have to pay the owners legal fees if we decide not to proceed.
6. What department will be responsible for the acquisition payments? Flood.
   a) Are the acquisition costs budgeted in the department’s budget? Yes.
   b) What fund number will the funds for the acquisition ultimately be drawn from? Fund 404.
   c) Will any restricted funds be used for the acquisition? (Check with the Auditor Controller’s General
       Accounting Unit and Counsel if you have questions about whether restricted funds are involved.)
       N/A.
   d) If restricted funds will be used, has County Counsel advised that this is an allowable use of the
       proposed restricted funds? N/A.

7. Does the proposed purchase/lease/license/easement agreement comply with the CEO Real Estate
   standard language? Yes.
   a) List any modified clauses and reasons for modification.
8. If this is a lease, is it a straight lease, an operating agreement, a lease with an option to purchase, or a capital lease (see details below)? N/A

Capital Lease Determination: At the inception of any potential capital lease, it is important to contact the Auditor-Controller’s Capital Asset Unit for further guidance to ensure that proper classification and accounting for the lease occurs. There are specialized accounting rules and required forms for capital leases. See further details in the County’s Accounting Manual, Policy No. FA-1: Accounting for Lease Purchases (Capital Leases), located on the intranet. For accounting purposes only, a capital lease exists if ANY one (1) of the following four (4) criteria is met:

i) Lease transfers ownership to the County by the end of the term.

ii) Lease contains an option to purchase the property by the end of the term for a price lower than the expected fair market value of the property? (For example $1 or $1,000, and based on this option price, for accounting purposes only, the ultimate purchase of the property is deemed reasonably assured at the inception of the lease.)

iii) Lease term is equal to 75% or more of the remaining estimated useful life of the leased property.*

iv) Present value of the minimum lease payments is equal to 90% or more of the fair value of the property at the inception of the lease.*

*Criteria iii) and iv) don’t apply if the lease term begins in the last 25% of a property’s estimated useful life.

To validate whether a lease is a capital lease for accounting purposes, please contact the Auditor-Controller’s Capital Asset Unit at capitalassets@ac.ocgov.com.
Final Supplemental Environmental Impact Statement and Report No. 583

https://ocgov.box.com/s/f9a51iy16c9y25msu4b03ngxq13p4kng
RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF IMPROVEMENTS PERTAINING TO REALTY

November 17, 2020

WHEREAS, this Resolution of Necessity (“Resolution”) seeks to acquire certain property interests held by Michelle Martin dba Martin Feed (“Tenant”) who operates a business as a holdover tenant on property previously acquired and currently owned by the Orange County Flood Control District, in the City of Chino, County of San Bernardino, California, and whereas the property interests to be acquired from Tenant (“Subject Property Interests”) consist of the following:

Tenant’s holdover interest in the possession of real property referred to by the District as Project Parcel No. E01PD 32-999, which covers portions of San Bernardino County Assessor’s Parcel No. Nos. 1057-212-12, 1057-212-13, 1057-212-14, and is commonly known as 8755 Chino Corona Road, Chino, CA (“Property”), and ownership of certain improvements pertaining to the realty upon or affixed to the Property;

WHEREAS, on or before November 2, 2020, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board (“Clerk”) mailed notice to the Tenant at Tenant’s home address, of the intention of the Orange County Board of Supervisors (“Board”), acting in its capacity as the governing board of the District, to adopt this Resolution to acquire the Subject Property Interests for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of November 17, 2020;
WHEREAS, said notice by the Clerk notified the Tenant of her right to appear and to be heard at a November 17, 2020 hearing before the Board on the following matters: (a) whether the public interest and necessity require the Project; (b) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (d) whether the offer required by section 7267.2 of the Government Code has been made to the owner(s) of record;

WHEREAS, on November 17, 2020, the Board conducted a public hearing and heard and considered public comments, if any, and evidence presented, regarding the Project and regarding the proposed eminent domain acquisition of the Subject Property Interests; and,

WHEREAS, at the close of the public hearing and after the opportunity for open and public discussion among the Board, the Board voted, by more than the statutorily required two-thirds’ majority of the Board membership, to adopt this Resolution to acquire the Subject Property Interests necessary for the Project through eminent domain proceedings.

NOW, THEREFORE, after consideration of the information contained above as well as in the November 17, 2020 Agenda Staff Report.

IT IS HEREBY RESOLVED that this Board finds and determines as follows:

1. Under the California Environmental Quality Act (“CEQA”):

    a. Final Environmental Impact Report No. 583 (Final EIR No. 583) was previously certified on November 28, 1989 and reflects the independent judgment of the Orange County Flood Control District (District) as Lead Agency. Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 (Final Supplemental EIS/EIR No. 583) was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed and fully analyzed project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. Both the Final EIR No.
583 and the Final Supplemental EIR/EIS No. 583 are complete and adequately satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Project.

b. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed Project. For purposes of CEQA, no substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to these proposed condemnation actions. Thus, no further CEQA review is required.

c. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation actions.

d. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

2. Direct and authorize County Counsel and/or outside eminent domain counsel, the firm of Murphy and Evertz, pursuant to their existing contract with the District, to initiate condemnation proceedings to condemn the following interests in real property: Tenant’s real property leasehold interest in and possession of the Property and Tenant’s ownership interest in and to certain Improvements Pertaining to the Realty upon or affixed to the Property as shown on Exhibit A attached hereto.

3. Direct and authorize the Auditor-Controller, upon request by County Counsel, to encumber funds and transfer estimated compensation to the State Treasurer’s Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount up to $6,935.00, Job No ESP2038; to be paid from Fund 404-080-404-L358-4100-ESP2038.

4. The public interest and necessity require the Project for the purposes specified by California uncodified Water Code, Act 5682, section 2, also referred to as Water Code App.
Sections 36-1 et seq. (the “Orange County Flood Control Act”), including but not limited to the control of flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a 190-year flood/storm event.

5. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses set forth herein under the California Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5, and the Orange County Flood Control Act. The Subject Property Interests are located in the County of San Bernardino and the District is exercising its power of eminent domain extraterritorially pursuant to, inter alia, Sections 2 and 16 of the Orange County Flood Control Act.

6. The Project, which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

7. The Subject Property Interests are necessary for the Project. It is necessary that the District acquire the Subject Property Interests to carry out the Project’s essential flood control purposes. If the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury, and/or loss of life suffered by those downstream in Orange County.

8. The Subject Property Interests will be used for the Project, which constitutes a valid public use. Therefore, the Subject Property Interests will in fact be a public use.
9. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal was prepared covering the Subject Property Interests. An offer based on said appraisal was made to the owner of the Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to said owner.

10. The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235;

11. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District’s Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

**IT IS FURTHER RESOLVED** that the Subject Property Interests be acquired by the District, and that the County Counsel of the County of Orange and/or outside counsel, Murphy and Evertz, pursuant to its existing contract with the District as previously authorized by this Board for purposes of representing the District in condemnation matters (collectively, “District’s Counsel”), are hereby directed and authorized to institute eminent domain proceedings for the foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests.
Property Interests, and to seek and obtain an order for prejudgment possession of some or all of the Subject Property Interests at such time as District’s Counsel deems it to be necessary and appropriate.

**IT IS FURTHER RESOLVED** that the Orange County Auditor-Controller is directed and authorized to encumber required funds (from Fund 404-080-404-L358-4100-ESP2038, Job No. ESP2038) and to issue checks, as necessary and requested by County Counsel, in the total amount of up to $6,935.00 he total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal, which was the basis of the purchase offer made to the owner; and to encumber such additional funds, and issue such additional checks as may be requested by County Counsel as and if necessary to satisfy any court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees following transfer of ownership of the Subject Property Interests to the District. Using those encumbered funds and the check or checks issued by the Auditor-Controller, District’s Counsel are hereby directed and authorized to make deposits of estimated compensation with the State Treasury’s Condemnation Deposits Fund in an amount up to $6,935.00.

**IT IS FURTHER RESOLVED** that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.
# EXHIBIT A

**MARTIN FEED, LLC**  
**IMPROVEMENTS PERTAINING TO THE REALTY**  
**EFFECTIVE DATE OF VALUE - SEPTEMBER 29, 2020**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Qty.</th>
<th>Description</th>
<th>Replacement Cost New</th>
<th>Fair Market Value in Place</th>
<th>Forced Liquidation Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>Alarm system, ADT, consisting of control panel, code pad, 2 door contacts and 2 motion sensors</td>
<td>$600</td>
<td>$420</td>
<td>$0</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>Yard floodlights, dual, fluorescent, modular office mounted, electrical</td>
<td>800</td>
<td>520</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>Yard canopy, 6' x 7' x 6', wood framing, plywood walls and roof</td>
<td>300</td>
<td>195</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>28</td>
<td>Linear feet of chain link fence, 8' high, metal posts</td>
<td>925</td>
<td>650</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>Electrical service connection to modular office, from power pole at street, including sub panel and conduit</td>
<td>5,000</td>
<td>3,750</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>Security cameras thru-out, mounted on modular office and</td>
<td>2,000</td>
<td>1,400</td>
<td>60</td>
</tr>
</tbody>
</table>

**TOTAL IMPROVEMENTS PERTAINING TO THE REALTY**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$9,625</td>
<td>$6,935</td>
</tr>
</tbody>
</table>
RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF IMPROVEMENTS PERTAINING TO REALTY

November 17, 2020

WHEREAS, this Resolution of Necessity (“Resolution”) seeks to acquire certain property interests held by William Moreno and Michelle Strayer (“Tenants”) who reside as holdover tenants on property previously acquired and currently owned by the Orange County Flood Control District, in the City of Chino, County of San Bernardino, California, and whereas the property interests to be acquired from Tenants (“Subject Property Interests”) consist of the following:

Tenants’ holdover interest in the possession of real property referred to by the District as Project Parcel No. E01PD 38-022, 38-023 and 30-025 which covers portions of San Bernardino County Assessor’s Parcel No. Nos. 1056-392-08, 1056-392-09, 1056-392-10, & 1056-392-11 and is commonly known as 16532 Johnson Avenue, Chino, CA (“Property”), and ownership of certain improvements pertaining to the realty upon or affixed to the Property;

WHEREAS, on or before November 2, 2020, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board (“Clerk”) mailed notice to the Tenants at the Property address, of the intention of the Orange County Board of Supervisors (“Board”), acting in its capacity as the governing board of the District, to adopt this Resolution to acquire the Subject Property Interests for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of November 17, 2020;

WHEREAS, said notice by the Clerk notified the Tenants of their right to appear and to be heard at a November 17, 2020 hearing before the Board on the following matters: (a) whether Resolution No. 20-    Item No.    
Santa Ana River Mainstem/Prado Dam
Acquisition by Eminent Domain of Improvements Pertaining to Realty for Flood Control Purposes
the public interest and necessity require the Project; (b) whether the Project is planned or located
in the manner that will be most compatible with the greatest public good and the least private
injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the
Project; and (d) whether the offer required by section 7267.2 of the Government Code has been
made to the owner(s) of record;

WHEREAS, on November 17, 2020, the Board conducted a public hearing and heard
and considered public comments, if any, and evidence presented, regarding the Project and
regarding the proposed eminent domain acquisition of the Subject Property Interests; and,

WHEREAS, at the close of the public hearing and after the opportunity for open and
public discussion among the Board, the Board voted, by more than the statutorily required two-
thirds’ majority of the Board membership, to adopt this Resolution to acquire the Subject
Property Interests necessary for the Project through eminent domain proceedings.

NOW, THEREFORE, after consideration of the information contained above as well as
in the November 17, 2020 Agenda Staff Report.

IT IS HEREBY RESOLVED that this Board finds and determines as follows:

1. Under the California Environmental Quality Act (“CEQA”):

   a. Final Environmental Impact Report No. 583 (Final EIR No. 583) was
      previously certified on November 28, 1989 and reflects the independent judgment of the
      Orange County Flood Control District (District) as Lead Agency. Final Supplemental
      Environmental Impact Statement/Environmental Impact Report No. 583 (Final
      Supplemental EIS/EIR No. 583) was previously certified on December 19, 2001 and
      reflects the independent judgment of the Orange County Planning Commission as Lead
      Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately
      addressed and fully analyzed project environmental impacts for the Santa Ana River
      Mainstem Project, as well as the Prado Dam Project, which is a necessary and
      contemplated element of the Santa Ana River Mainstem Project. Both the Final EIR No.
      583 and the Final Supplemental EIR/EIS No. 583 are complete and adequately satisfy the
      requirements of CEQA for the Santa Ana River Mainstem Project, which includes the
      Prado Dam Project.
b. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed Project. For purposes of CEQA, no substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to these proposed condemnation actions. Thus, no further CEQA review is required.

c. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation actions.

d. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

2. Direct and authorize County Counsel and/or outside eminent domain counsel, the firm of Murphy and Evertz, pursuant to their existing contract with the District, to initiate condemnation proceedings to condemn the following interests in real property: Tenants’ holdover interest in the possession of the real property and possession of the Property and Tenants’ ownership interest in and to certain Improvements Pertaining to the Realty upon or affixed to the Property as shown on Exhibit A attached hereto.

3. Direct and authorize the Auditor-Controller, upon request by County Counsel, to encumber funds and transfer estimated compensation to the State Treasurer’s Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount up to $44,575.00, Job No ESP2059; to be paid from Fund 404-080-404-LS01-4100-ESP2059.

4. The public interest and necessity require the Project for the purposes specified by California uncodified Water Code, Act 5682, section 2, also referred to as Water Code App. Sections 36-1 et seq. (the “Orange County Flood Control Act”), including but not limited to the...
control of flood and storm waters in order to protect the safety, health and welfare of residents
and properties within the County of Orange from the potentially devastating effects of a 190-year
flood/storm event.

5. The District is authorized to acquire the Subject Property Interests and to exercise
the power of eminent domain for the public uses set forth herein under the California
Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010 et
seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code
Section 25350.5, and the Orange County Flood Control Act. The Subject Property Interests are
located in the County of San Bernardino and the District is exercising its power of eminent
domain extraterritorially pursuant to, inter alia, Sections 2 and 16 of the Orange County Flood
Control Act.

6. The Project, which will raise the Prado Dam flood basin and expand the potential
inundation area up to 566 feet above sea level, is planned and located in the manner that will be
the most compatible with the greatest public good and least private injury.

7. The Subject Property Interests are necessary for the Project. It is necessary that
the District acquire the Subject Property Interests to carry out the Project’s essential flood control
purposes. If the Subject Property Interests were not acquired, the Project could not proceed as
planned, which in turn would result in inadequate flood protection downstream of the Prado
Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property
damage, personal injury, and/or loss of life suffered by those downstream in Orange County.

8. The Subject Property Interests will be used for the Project, which constitutes a
valid public use. Therefore, the Subject Property Interests will in fact be a public use.
9. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal was prepared covering the Subject Property Interests. An offer based on said appraisal was made to the owner of the Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to the said owner.

10. The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235;

11. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District’s Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

IT IS FURTHER RESOLVED that the Subject Property Interests be acquired by the District, and that the County Counsel of the County of Orange and/or outside counsel, Murphy and Evertz, pursuant to its existing contract with the District as previously authorized by this Board for purposes of representing the District in condemnation matters (collectively, “District’s Counsel”), are hereby directed and authorized to institute eminent domain proceedings for the foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary.
for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests, and to seek and obtain an order for prejudgment possession of some or all of the Subject Property Interests at such time as District’s Counsel deems it to be necessary and appropriate.

**IT IS FURTHER RESOLVED** that the Orange County Auditor-Controller is directed and authorized to encumber required funds (from Fund 404-080-404-LS01-4100-0000, Job No. ESP2059) and to issue checks, as necessary and requested by County Counsel, in the total amount of up to $44,575.00 he total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal, which was the basis of the purchase offer made to the Owner; and to encumber such additional funds, and issue such additional checks as may be requested by County Counsel as and if necessary to satisfy any court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees following transfer of ownership of the Subject Property Interests to the District. Using those encumbered funds and the check or checks issued by the Auditor-Controller, District’s Counsel are hereby directed and authorized to make deposits of estimated compensation with the State Treasury’s Condemnation Deposits Fund in an amount up to $44,575.00.

**IT IS FURTHER RESOLVED** that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.
NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE
GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL
DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING
THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL
PROPERTY

YOU ARE HEREBY NOTIFIED, pursuant to Code of Civil Procedure section
1245.235, that the Board of Supervisors of the County of Orange (the “Board”), acting as
the governing board of the Orange County Flood Control District (the “District”), intends
to consider for adoption a resolution of necessity (the “Resolution”), a copy of which as
proposed is attached to this Notice, determining the necessity to acquire, through eminent
domain proceedings, certain real property interests more specifically described below
(the “Subject Property Interests”) – for purposes of the District’s Santa Ana River
Mainstem/Prado Dam project (the “Project”). The Subject Property Interests consist of
the following:

Tenants’ holdover interest in the possession of real property referred to by the
District as Project Parcel No. EO1PD 32-999, which covers portions of San Bernardino
County Assessor’s Parcel Nos. 1057-212-12, 1057-212-13, 1057-212-14, and is
commonly known as 8755 Chino Corona Road, Chino, CA (“Property”), and ownership
of certain improvements pertaining to realty, upon or affixed to the Property as shown on
Exhibit A to the Resolution of Necessity;

The Subject Property Interests are being considered for acquisition through
eminent domain proceedings because District staff believes they are required for the
essential flood control purposes of the District with respect to the District’s Project; that
if the Subject Property Interests were not acquired, the Project could not proceed as
planned, which in turn would result in inadequate flood protection downstream of the
Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury and/or loss of life suffered by those downstream in Orange County; and that it is also necessary that the District acquire the Subject Property Interests because that area will itself be exposed to a greater risk of inundation as a result of the increased capacity of the Project reservoir.

YOU ARE HEREBY NOTIFIED that the public hearing by the Board to consider adoption of the Resolution is set for 9:30 a.m. (or as soon thereafter as the Board meeting reaches the agenda item relating to this public hearing) on November 17, 2020, at the Board of Supervisors’ Hearing Room, First Floor, County Hall of Administration, 333 W. Santa Ana Blvd., Santa Ana, California.

YOU ARE HEREBY FURTHER NOTIFIED that you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice by filing or delivering a written request to the address below if you desire to appear and be heard on: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (3) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (4) whether the offer required by section 7267.2 of the Government Code has been made to the owner of record.

Clerk of the Board of Supervisors
Post Office Box 687
Hall of Administration, Fourth Floor
333 W. Santa Ana Blvd.
Santa Ana, California 92702
You may use the following page of this Notice for this purpose to notify the Board of Supervisors of your intent and desire to be heard. Your failure to file a written request to appear and be heard within fifteen (15) days after this Notice was mailed may result by law in a waiver of your right to be heard. For further information, please contact Christine Long, CEO/Real Estate Services Department at (714) 834-7467.
REQUEST TO BE HEARD ON RESOLUTION DETERMINING THE NECESSITY TO ACQUIRE AND CONDEMN, THROUGH EMINENT DOMAIN, REAL PROPERTY FOR THE SANTA ANA RIVER MAINSTEM/PRADO DAM PROJECT

Name___________________________________________________
Address_________________________________________________

Telephone Number________________________________________
Dated: ______________

_________________________________________
(Signature)
DECLARATION OF MAILING

____________________________________,___________________________________,
(Name)                                 (Title)
on behalf of the County of Orange, CEO Real Estate Department, hereby declares as follows:

That on ______________, I mailed, postage prepaid, a copy of the attached
NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE
ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR
ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION
BY EMINENT DOMAIN OF REAL PROPERTY to the record owner of the real
property which may be acquired and whose names and addresses appear on the last
equalized assessment rolls. The names and addresses of all persons the attached Notice
was mailed to are as follows:

<table>
<thead>
<tr>
<th>Notice Recipients – Names and Addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michelle Martin 5757 Bowler Street, Riverside, CA 92505</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct to the best of my knowledge.

EXECUTED at Santa Ana, California, this ___ day of ____________, 2020.

___________________________________
(Signature)
NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY

YOU ARE HEREBY NOTIFIED, pursuant to Code of Civil Procedure section 1245.235, that the Board of Supervisors of the County of Orange (the “Board”), acting as the governing board of the Orange County Flood Control District (the “District”), intends to consider for adoption a resolution of necessity (the “Resolution”), a copy of which as proposed is attached to this Notice, determining the necessity to acquire, through eminent domain proceedings, certain real property interests more specifically described below (the “Subject Property Interests”) – for purposes of the District’s Santa Ana River Mainstem/Prado Dam project (the “Project”). The Subject Property Interests consist of the following:

Tenants’ holdover interest in the possession of real property referred to by the District as Project Parcel No. E01PD 38-022, E01PD 38-023, and E01PD 38-025, which covers portions of San Bernardino County Assessor’s Parcel No. Nos. 1056-392-08, 1056-392-09, 1056-392-10, & 1056-392-11 and is commonly known as 16532 Johnson Avenue, Chino, CA (“Property”), and ownership of certain improvements pertaining to realty, upon or affixed to the Property as shown on Exhibit A to the Resolution of Necessity;

The Subject Property Interests are being considered for acquisition through eminent domain proceedings because District staff believes they are required for the essential flood control purposes of the District with respect to the District’s Project; that if the Subject Property Interests were not acquired, the Project could not proceed as
planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury and/or loss of life suffered by those downstream in Orange County; and that it is also necessary that the District acquire the Subject Property Interests because that area will itself be exposed to a greater risk of inundation as a result of the increased capacity of the Project reservoir.

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YOU ARE HEREBY FURTHER NOTIFIED that you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice by filing or delivering a written request to the address below if you desire to appear and be heard on: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (3) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (4) whether the offer required by section 7267.2 of the Government Code has been made to the owner of record.

Clerk of the Board of Supervisors
Post Office Box 687
Hall of Administration, Fourth Floor
333 W. Santa Ana Blvd.
Santa Ana, California 92702
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REQUEST TO BE HEARD ON RESOLUTION DETERMINING THE NECESSITY TO ACQUIRE AND CONDEMN, THROUGH EMINENT DOMAIN, REAL PROPERTY FOR THE SANTA ANA RIVER MAINSTEM/ PRADO DAM PROJECT

Name___________________________________________________
Address_________________________________________________
                                                          
Telephone Number_________________________________________
Dated: ______________

_________________________________________
(Signature)
DECLARATION OF MAILING

____________________________________, __________________________________, (Name) (Title)
on behalf of the County of Orange, CEO Real Estate Department, hereby declares as follows:

That on ______________, I mailed, postage prepaid, a copy of the attached NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY to the record owner of the real property which may be acquired and whose names and addresses appear on the last equalized assessment rolls. The names and addresses of all persons the attached Notice was mailed to are as follows:

<table>
<thead>
<tr>
<th>Notice Recipients – Names and Addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Moreno and Michelle Strayer 16532 Johnson Avenue Chino, CA 91710</td>
</tr>
</tbody>
</table>

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED at Santa Ana, California, this ___ day of _____________, 2020.

___________________________________
(Signature)
Memorandum

November 3, 2020

To: Robin Stieler, Clerk of the Board

From: Frank Kim, County Executive Officer

Subject: Request for Closed Session on November 17, 2020

Accordingly, please prepare the Agenda item to read:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR – County Executive Office requests a Closed Session pursuant to Government Code Section 54956.8, to confer with its real property negotiator.

Property Location: Terminal Property or Fixed Base Operator Leasehold at John Wayne Airport.

County Negotiator: Thomas A. Miller, Chief Real Estate Officer

Negotiating Party: ACI Jet
Clay Lacy Aviation
Delux Public Charter, LLC dba JSX

Under Negotiation: Terms and Value of Possible Future Lease

Recommended Action: Conduct Closed Session

cc: Members, Board of Supervisors
Chief Executives
Leon Page, County Counsel
Barry Rondinella, Director, John Wayne Airport
November 9, 2020

To: Clerk of the Board of Supervisors

From: Tom Hatch, Chief Human Resources Officer

Concur: Frank Kim, County Executive Officer

Subject: Request for a Supplemental Closed Session for November 17, 2020

The Human Resource Services department requests a Supplemental Closed Session item on November 17, 2020, Board of Supervisors Meeting pursuant to Government Code Section 54957 regarding Public Employee Performance Evaluation:

Accordingly, please prepare the Agenda item to read:

    Human Resource Services - “PUBLIC EMPLOYEE PERFORMANCE EVALUATION” – Pursuant to Government Code Section 54957(b).

Title: Clerk of the Board

Recommended Action: Conduct Closed Session.

Thank you.

cc: Members, Board of Supervisors
    Frank Kim, Chief Executive Officer
    Leon J Page, County Counsel
MEMORANDUM

TO: Robin Stieler, Clerk of the Board of Supervisors
FROM: Leon J. Page, County Counsel
SUBJECT: Request for Closed Session; Significant Exposure to Litigation

I am requesting a supplemental closed session to be held on Tuesday, November 17, 2020, for the Board to consider anticipated litigation pursuant to Government Code section 54956.9(d)(2). Specifically, the Board will be considering the settlement of property damage claims resulting from the County’s implementation of Project Roomkey and the temporary placement of unhoused individuals at risk of, or suffering from, COVID-19 in four local motels.

Accordingly, please prepare the Agenda Item to read:

“CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Pursuant to Government Code Section 54956.9(d)(2).
Number of Cases: Four Cases.

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

LJP:JS

cc: Members of the Board of Supervisors
Frank Kim, CEO
MEMORANDUM

November 10, 2020

TO: Robin Stieler, Clerk of the Board of Supervisors

FROM: Leon J. Page, County Counsel

SUBJECT: Request for Closed Session – Anticipated Litigation; Initiation of Litigation

I am requesting a supplemental closed session to be held on Tuesday, November 17, 2020, for the Board to consider the initiation of litigation, pursuant to Government Code section 54956.9(d)(4).

Accordingly, please prepare the Agenda Item to read:

“CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – INITIATION OF LITIGATION pursuant to Government Code section 54956.9(d)(4).
Number of Cases: One Case.

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

Leon Page

LJP:MS

cc: Members of the Board of Supervisors
    Frank Kim, CEO