ORANGE COUNTY BOARD OF SUPERVISORS

Agenda Revisions and Supplementals

Note: This supplemental agenda is updated daily showing items that have been added, continued, deleted or modified. No new supplemental items will be added to the agenda following close of business on Friday.

December 8, 2020

CONSENT

5. Continued to 1/12/21, 9:30 a.m.

DISCUSSION

21. Revised Title to read:
Sheriff-Coroner - Ratify amendment 2 to agreement with County of San Diego and participating public entities for FY 2018 Operation Stonegarden Grant, effective 8/13/20; ratify acceptance of 2018 grant award funds from California Office of Emergency Services ($75,284) ($91,000); and authorize Sheriff-Coroner to execute amendment - All Districts

22. Continued to 12/15/20, 9:30 a.m.

23. Continued to 12/15/20, 9:30 a.m.

24. Continued to 5/25/21, 9:30 a.m.

26. Continued to 4/13/21, 9:30 a.m.

28. Revised Title to read:
County Executive Office - Approve grant applications/awards submitted by Health Care Agency, John Wayne Airport and District Attorney and retroactive grant applications/awards submitted by Sheriff-Coroner in 12/8/20 grant report and other actions as recommended; adopt resolution authorizing HCA Director or designee to execute grant agreement and subsequent non-monetary amendments with State Water Resources Control Board for Local Oversight Program, 7/1/21 - 6/30/23 ($1,029,893 per year); adopt resolution authorizing HCA Director or designee to submit and execute applications, related documents and amendments to State Department of Resources Recycling and Recovery for Waste Tire Enforcement Grant 28th Cycle; adopt resolutions authorizing District Attorney or designee to execute grant award agreements and amendments with California Department of Insurance for Disability and Healthcare Insurance Fraud Program ($1,138,526) and Workers’ Compensation Insurance Fraud Program ($6,200,827), 7/1/20 - 6/30/21; and making California Environmental Quality Act and other findings - All Districts

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

Items: 21 and 28
S32A. Supervisor Wagner - Orange County Waste Management Commission - Appoint Isabell Kerins, Silverado, for term ending 1/1/23

S32B. Supervisor Chaffee - Orange County Airport Commission - Appoint Brendan O’Reilly, Whittier, for term concurrent with 4th District Supervisor’s term of office

S32C. Supervisor Bartlett - Orange County Veterans Advisory Council - Appoint Alexis Paschedag Federico, Dana Point, for term ending 1/4/22

S32D. Supervisor Chaffee - Approve subrecipient agreements with Anaheim Union High School District and Buena Park Elementary School District for Coronavirus Aid, Relief and Economic Security (CARES) Act assistance and transfer certain assets to bring internet connectivity to low broadband neighborhoods to support distance learning due to COVID-19 public health emergency; authorize County Executive Officer or designee to execute related documents; and make findings pursuant to Government Code Section 26227

S32E. Supervisor Wagner and Supervisor Bartlett - Adopt Healthy Communities Resolution approving County of Orange commitment to principles that County is best served to respond locally to COVID-19; that County is geographically diverse and ill-suited to region-wide restrictions; that school districts able to safely open, provide in-person instruction to the greatest extent possible without further delay; and that County requests extension beyond December 31, 2020 to encumber and spend Federal CARES Act funding

S34A. County Counsel - Pursuant to Government Codes Section 7283.1 conduct public hearing regarding Transparent Review of Unjust Transfers and Holds (TRUTH) Act and receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement’s access to individuals in 2019 - All Districts

S34B. 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 Riverside and San Bernardino Counties; 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; 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 membership)

SCS3. County Counsel - CONFERENCE 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: November 25, 2020
To: Clerk of the Board of Supervisors
From: Frank Davies, Auditor-Controller
Re: ASR Control #: 20-000939, Meeting Date 12/08/20  Agenda Item No. # 5
Subject: Upgrade Equipment for CAPS+ Storage Area Network System

☑ Request to continue Agenda Item No. # 5 to the 01/12/2021 Board Meeting.

Comments:

☐ Request deletion of Agenda Item No. # ______

Comments:
Revision to ASR and/or Attachments

Date: December 1, 2020
To: Clerk of the Board of Supervisors
CC: County Executive Office
From: Assistant Sheriff Jeff Hallock, Sheriff-Coroner Department
Re: ASR Control #: 20-000933, Meeting Date 12/8/20, Item No. # 21
Subject: Ratify Amendment No. 2 to FY 2018 Operation Stonegarden Grant Agreement

Explanation: We were notified by the awarding agency that OCSD will receive a larger grant amount of $91,000 rather than the current amount listed on the ASR for $75,284.

☐ Revised Recommended Action(s)

1. Ratify Sheriff-Coroner's acceptance of the supplemental amount of $75,284 in FY 2018 Operation Stonegarden grant funds, Catalog of Federal Domestic Assistance #97.067, as a sub-recipient of the grant award to the County of San Diego by the U.S. Department of Homeland Security through the Governor's Office of Emergency Services and agree that the grant funds shall not be used to supplant expenditures controlled by the Board of Supervisors.

2. Ratify Sheriff-Coroner's acceptance of the supplemental amount of $91,000 in FY 2018 Operation Stonegarden grant funds, Catalog of Federal Domestic Assistance #97.067, as a sub-recipient of the grant award to the County of San Diego by the U.S. Department of Homeland Security through the Governor's Office of Emergency Services and agree that the grant funds shall not be used to supplant expenditures controlled by the Board of Supervisors.

☐ Make modifications to the:

Fiscal Year Revenue: Current Fiscal Year Revenue: $75,284-$91,000

☐ Subject ☒ Background Information ☐ Summary ☐ Financial Impact

The grant provides funding toward overtime costs in the Harbor Patrol, boat fuel and maintenance costs and mileage. The County of San Diego and other parties entered into Amendment Number One and the County of Orange was not a party to Amendment Number One. Amendment No. 2 to the FY 2018 Operation Stonegarden Grant Agreement was received from the County of San Diego on October 29, 2020, with an effective date of August 13, 2020. Therefore, it is requested that the Board ratify...
Amendment No. 2 and accept $75,284 in additional OPSG funding, as noted in the Recommended Actions.

The grant provides funding toward overtime costs in the Harbor Patrol, boat fuel and maintenance costs and mileage. The County of San Diego and other parties entered into Amendment Number One and the County of Orange was not a party to Amendment Number One. Amendment No. 2 to the FY 2018 Operation Stonegarden Grant Agreement was received from the County of San Diego on October 29, 2020, with an effective date of August 13, 2020. Therefore, it is requested that the Board ratify Amendment No. 2 and accept $91,000 in additional OPSG funding, as noted in the Recommended Actions.

☐ Revised Attachments (attach revised attachment(s) and redlined copy(s))
Continuation or Deletion Request

Date: 11/30/2020
To: Clerk of the Board of Supervisors
From: Clayton Chau, Agency Director, Health Care Agency
Re: ASR Control #: 20-00941, Meeting Date 12/8/20, Agenda Item No. # 22
Subject: Amendments to Ambulance Ordinance

☐ Request to continue Agenda Item No. # 22 to the 12/15/2020 Board Meeting.

Comments: HCA would like to continue above mentioned item to BOS 12/15 to have additional time to provide more details for the Board.

☐ Request deletion of Agenda Item No. # _____

Comments:
Continuation or Deletion Request

Date: 11/30/20
To: Clerk of the Board of Supervisors
From: Barry A. Rondinella, Airport Director, John Wayne Airport
Re: ASR Control #: 20-000917, Meeting Date 12/8/20, Agenda Item No. # 23
Subject: Approve Procurement of Network Equipment Refresh

☑ Request to continue Agenda Item No. # 23 to the 12/15/20 Board Meeting.

Comments:

☐ Request deletion of Agenda Item No. # ______

Comments:
Date: November 24, 2020
To: Clerk of the Board of Supervisors
From: James Treadaway, Director of OC Public Works
Re: ASR Control #: 19-000542, Meeting Date 12/8/20, Agenda Item No. # 24
Subject: Approve Local Agency Management Program and Ordinance for Wastewater Treatment

☐ Request to continue Agenda Item No. # 24 to the May 25, 2021 Board Meeting.

Comments: The Regional Water Board needs to review the Local Agency Management Program and Ordinance for Wastewater Treatment prior to the second reading of ASR 19-000542. The Regional Water Board has postponed its consideration of the Local Agency Management Program until May 2021, therefore, OC Public Works is requesting that the 2nd reading of the ASR be postponed until May 25, 2021.

☐ Request deletion of Agenda Item No. # ______

Comments:
Continuation or Deletion Request

Date: December 7, 2020
To: Clerk of the Board of Supervisors
From: Debra Baetz, Social Services Agency
Re: ASR Control #: 20-000814, Meeting Date 12/8/20, Agenda Item No. # 26
Subject: First Amendment to Agreement for Case Management Services

☑ Request to continue Agenda Item No. # 26 to the 4/13/21 Board Meeting.

Comments:

☐ Request deletion of Agenda Item No. # ______

Comments:
AGENDA STAFF REPORT

AGENDA ITEM 28

ASR Control 20-000841

MEETING DATE: 12/08/20

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</td>
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<td></td>
<td></td>
<td>3 Votes Board Majority</td>
</tr>
</tbody>
</table>

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

Staffing Impact: No  # of Positions:  Sole Source: N/A

Current Fiscal Year Revenue: N/A
Funding 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 Grant Award – Health Care Agency – Integrated HIV Programs for Health Departments to Support Ending the HIV Epidemic in the United States – $6,316,195.

2. Approve Grant Award and Adopt Resolution – Health Care Agency – Local Oversight Program – $1,029,893.


4. Approve Grant Application – John Wayne Airport – Airport Improvements Program (AIP) – Airfield Lighting and Signage Improvements Project – $926,212.82.

5. Approve Grant Award and Adopt Resolution – District Attorney’s Office – Disability and Healthcare Insurance Fraud Program – $28,702.


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 - HCA - Local Oversight Program Resolution
Attachment B - HCA - Waste Tire Enforcement
Attachment B - District Attorney’s Office – Disability and Healthcare Insurance Fraud Program
Attachment B - District Attorney’s Office – Workers’ Compensation Insurance Fraud Program
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 December 8, 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 Grant Award – Health Care Agency – Integrated HIV Programs for Health Departments to Support Ending the HIV Epidemic in the United States – $6,316,195.

2. Approve Grant Award and Adopt Resolution – Health Care Agency – Local Oversight Program – $1,029,893.


4. Approve Grant Application – John Wayne Airport – Airport Improvements Program (AIP) – Airfield Lighting and Signage Improvements Project – $926,212.82.

5. Approve Grant Award and Adopt Resolution – District Attorney’s Office – Disability and Healthcare Insurance Fraud Program – $28,702.


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.
### GRANT APPLICATION / GRANT AWARD

| Today’s Date: | November 23, 2020 |
| Requesting Agency/Department: | Health Care Agency |
| Grant Name and Project Title: | Integrated HIV Programs for Health Departments to Support Ending the HIV Epidemic in the United States PS20-2010 – Component A – Grant Agreement 20-10748 |
| Sponsoring Organization/Grant Source: | Centers for Disease Control and Prevention (CDC) through California Department of Public Health (CDPH), Office of AIDS (OA) as a pass-through entity. |
| Application Amount Requested: | $5,959,500 ($1,191,900 x 5 years) |
| Application Due Date: | March 25, 2020 |
| Board Date when Board Approved this Application: | March 24, 2020 |
| Awarded Funding Amount: | $6,316,195 ($1,263,239 x 5 years) |
| Notification Date of Funding Award: | November 16, 2020 |
| 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: | N/A |

#### Does this grant require CEQA findings?

| Yes ☐ | No ☒ |

#### What Type of Grant is this?

| Competitive ☐ | Other Type ☒ Explain: Formula |

#### County Match?

| Yes ☐ Amount____ or _____% | No ☒ |

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

| N/A |

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

| No |

#### Purpose of Grant Funds:

The purpose of this grant funding is to implement comprehensive HIV programs, which complement programs, such as the Ryan White program, designed to support ending the HIV epidemic in America by leveraging powerful data, tools and resources to reduce new HIV infections by 75% in 5 years.

**Component A: Ending the HIV Epidemic Initiative (EHE) – Required Core Component** – The funding is intended to build on the on-going activities funded through PS18-1802: Integrated HIV Surveillance and Prevention Programs for Health Departments to strategically advance (i.e., initiate new or expand existing) HIV prevention efforts. The funding will be used to address the four pillars of the EHE, including: 1) Diagnose all people living with HIV as early as possible; 2) Treat people living with HIV rapidly and effectively to reach and sustain viral suppression; 3) Prevent new HIV Transmissions by using proven interventions; and 4) Respond quickly to potential HIV outbreaks to get needed prevention and treatment services to people who need them.
<table>
<thead>
<tr>
<th>Board Resolution Required?</th>
<th>Yes ☐ See attached</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>The Health Care Agency requests that the Board of Supervisors approve the Recommended Action authorizing the Agency to accept this this Grant Agreement for the term of August 1, 2020 through July 31, 2025 and delegate authority to the HCA Director, or designee, to execute the Acceptance of Award, the CCC-4/2017 Certification Form, California Civil Rights Laws Certification Form, and Darfur Contracting Act Form. The Agreement contains an indemnification provision that requires the County to indemnify and hold harmless the CDPH against claims that result from County’s performance of the Agreement activities. This provision differs from the County’s practice of requiring contractors to indemnify the County. CEO/Risk Management has reviewed and approved this provision. Authorize the Health Care Agency Director, or designee, to execute such future amendments to the Agreement referenced above that do not change the Agreement amount by more than 10% of the original amount and/or make immaterial changes to the scope of work.</td>
<td></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>Marc Meulman, (714) 834-2980, <a href="mailto:mmeulman@ochca.com">mmeulman@ochca.com</a></td>
<td></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>Margaret Bredehoft</td>
<td></td>
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</tbody>
</table>
**CEO-Legislative Affairs Office**
**Grant Authorization eForm**

- **GRANT APPLICATION / ☒ GRANT AWARD**

<table>
<thead>
<tr>
<th><strong>Today’s Date:</strong></th>
<th>November 19, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Requesting Agency/Department:</strong></td>
<td>Health Care Agency / Environmental Health</td>
</tr>
<tr>
<td><strong>Grant Name and Project Title:</strong></td>
<td>Local Oversight Program</td>
</tr>
<tr>
<td><strong>Sponsoring Organization/Grant Source:</strong></td>
<td>State Water Resources Control Board (SWRCB)</td>
</tr>
<tr>
<td><strong>Application Amount Requested:</strong></td>
<td>No application required</td>
</tr>
<tr>
<td><strong>Application Due Date:</strong></td>
<td>n/a</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>$1,029,893</td>
</tr>
<tr>
<td><strong>Notification Date of Funding Award:</strong></td>
<td>November 18, 2020</td>
</tr>
</tbody>
</table>

**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:

| **Awarded:** | |
| FY 2015-16 | $1,056,955 |
| FY 2016-17 | $1,056,955 |
| FY 2017-18 | $1,004,107 |
| FY 2018-19 | $1,004,107 |
| FY 2019-20 | $1,006,817 |

| **Does this grant require CEQA findings?** | Yes ☐ | No ☒ |

| **What Type of Grant is this?** | Competitive ☐ | Other Type ☒ Explain: Recurring |

| **County Match?** | Yes ☐ Amount _____ or _____ % | No ☒ |

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

Since 1988, the SWRCB has contracted with HCA in order for HCA/Environmental Health’s Hazardous Materials Specialists to conduct regulatory oversight for cleanup of leaking underground storage tanks (USTs) in Orange County (except for the cities of Anaheim, Fullerton and Santa Ana). Funds from this contract provide personnel services, operating costs and travel expenses necessary to conduct oversight of corrective actions and perform regulatory and administrative activities related to unauthorized releases from USTs. Approving this contract will continue the local oversight of cleanup projects at properties that have been contaminated by leaking underground petroleum tanks that impact both local groundwater supplies and public health.

| **Board Resolution Required?** | Yes ☒ | No ☐ |

| **Deputy County Counsel Name:** | Massoud Shamel |

| **Recommended Action/Special Instructions** | Please specify below |

The SWRCB recommends the Board authorize a three (3) year resolution.
Adopt by resolution:

1. Approve the agreement from the State Water Resources Control Board in the amount of $1,029,893 for the period of July 1, 2020 through June 30, 2021.

2. Authorize the Health Care Agency Director or Deputy Agency Director to execute the agreement and any non-monetary amendments thereto.

3. Authorize the Health Care Agency Director or designee to execute a Local Oversight Program grant agreement with the State Water Resources Control Board in an amount not to exceed $1,029,893 for each of the periods July 1, 2021 through June 30, 2022 and July 1, 2022 through June 30, 2023 and any subsequent non-monetary amendments thereto, provided the grant agreement contains identical terms as the grant agreement for the period July 1, 2020 through June 30, 2021 (except for insubstantial changes, e.g. term, caption, etc.) and is approved to form by County Counsel.

4. Authorize the Health Care Agency Director, or designee, to execute such future amendments to the Agreement referenced above that do not change the Agreement amount by more than 10% of the original amount and/or make immaterial changes to the scope of work.

<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>
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<tbody>
<tr>
<td>Marc Meulman (714) 834-8025 <a href="mailto:mmeulman@ochca.com">mmeulman@ochca.com</a></td>
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<td>Margaret Bredehoft (714) 834-3882</td>
<td></td>
</tr>
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RESOLUTION OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

December 08, 2020

BE IT RESOLVED that the Orange County Board of Supervisors hereby:

1. Approves the agreement from the State Water Resources Control Board in the amount of $1,029,893 for the period of July 1, 2020 through June 30, 2021.

2. Authorizes the Health Care Agency Director or Deputy Agency Director to execute the agreement and any non-monetary amendments thereto.

3. Authorizes the Health Care Agency Director or designee to execute a Local Oversight Program grant agreement with the State Water Resources Control Board in the amount not to exceed $1,029,893 for each of the periods July 1, 2021 through June 30, 2022 and July 1, 2022 through June 30, 2023 and any subsequent non-monetary amendments thereto, provided the grant agreement contains identical terms as the grant agreement for the period July 1, 2020 through June 30, 2021 (except for insubstantial changes, e.g. term, caption, etc.) and is approved to form by County Counsel.
CEO-Legislative Affairs Office  
Grant Authorization eForm

☑️ GRANT APPLICATION / ☐ GRANT AWARD

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<tr>
<th><strong>Today's Date:</strong></th>
<th>November 25, 2020</th>
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<tbody>
<tr>
<td><strong>Requesting Agency/Department:</strong></td>
<td>Health Care Agency / Environmental Health</td>
</tr>
<tr>
<td><strong>Grant Name and Project Title:</strong></td>
<td>Waste Tire Enforcement - TEA28</td>
</tr>
<tr>
<td><strong>Sponsoring Organization/Grant Source:</strong></td>
<td>California Department of Resources Recycling and Recovery (CalRecycle)</td>
</tr>
<tr>
<td>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</td>
<td></td>
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<tr>
<td><strong>Application Amount Requested:</strong></td>
<td>$430,500</td>
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<tr>
<td><strong>Application Due Date:</strong></td>
<td>January 14, 2021</td>
</tr>
<tr>
<td><strong>Board Date when Board Approved this Application:</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Awarded Funding Amount:</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Notification Date of Funding Award:</strong></td>
<td>N/A</td>
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<th>No</th>
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<th><strong>Recurrence of Grant</strong></th>
<th>New ☐ Recurrent ☒ Other ☐ Explain:</th>
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<tbody>
<tr>
<td>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</td>
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<tr>
<td>Applied for annually:</td>
<td>Awarded:</td>
</tr>
<tr>
<td>TEA23 $418,032</td>
<td>$382,581</td>
</tr>
<tr>
<td>TEA24 $560,798</td>
<td>$560,798</td>
</tr>
<tr>
<td>TEA25 $414,427</td>
<td>$414,427</td>
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<tr>
<td>TEA26 $414,428</td>
<td>$485,986</td>
</tr>
<tr>
<td>TEA27 $430,561</td>
<td>$430,562</td>
</tr>
</tbody>
</table>

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<tr>
<th>Does this grant require CEQA findings?</th>
<th>Yes ☐ No ☒</th>
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<tr>
<th><strong>What Type of Grant is this?</strong></th>
<th>Competitive ☐</th>
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<tbody>
<tr>
<td>Other Type ☒ Explain: Non-competitive State grant to local agencies. Funding from new tire consumer fee.</td>
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<thead>
<tr>
<th><strong>County Match?</strong></th>
<th>Yes ☐ Amount _____ or _____ %</th>
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<tr>
<td>No ☒</td>
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</table>

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<thead>
<tr>
<th><strong>How will the County Match be Fulfilled?</strong></th>
<th>N/A</th>
</tr>
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<tbody>
<tr>
<td>(Please include the specific budget)</td>
<td></td>
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<th><strong>Will the grant/program create new part or full-time positions?</strong></th>
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<td>No ☐</td>
</tr>
</tbody>
</table>

CalRecycle offers Tire Enforcement grants to city and county agencies throughout California to investigate illegal tire disposal activities and perform waste tire inspections to ensure compliance with all applicable laws and regulations. By implementing this program at the local level, HCA is providing onsite assistance and guidance to Orange County businesses to comply with State law.
### Deputy County Counsel Name:
(Please list the Deputy County Counsel that approved the Resolution)

| Massoud Shamel |

### Recommended Action/Special Instructions
(Please specify below)

CalRecycle recommends that grant applicants consider authorizing resolutions for up to five years.

**Adopt by resolution:**

1. Authorize the Health Care Agency Director or designee, on behalf of the County of Orange, to submit an application to CalRecycle for the Waste Tire Enforcement Grant 28th Cycle
2. Authorize the Health Care Agency Director or designee to execute in the name of the County of Orange, all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project
3. Authorize the Health Care Agency Director, or designee, to execute such future amendments to the Agreement referenced above that do not change the Agreement amount by more than 10% of the original amount and/or immaterial changes to the scope of work
4. Authorize the resolution to be effective for three (3) consecutive cycles from the date of adoption of this resolution

### Department Contact:
List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.

| Marc Meulman (714) 834-8025 mmeulman@ochca.com |
| Christine Lane (714) 433-6473 clane@ochca.com |

### Name of the individual attending the Board Meeting:
List the name of the individual who will be attending the Board Meeting for this Grant Item.

| Margaret Bredehoft (714) 834-3882 or Marc Meulman (714) 834-8025 |
RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
December 08, 2020

WHEREAS, Public Resources Code sections 48000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various Grant Programs (grants) in furtherance of the State of California’s (state) efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant’s governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors authorizes the Health Care Agency Director or designee, on behalf of the County of Orange, to submit an application to CalRecycle for the Waste Tire Enforcement Grant 28th Cycle; and is hereby authorized and empowered to execute in the name of the County of Orange, all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for three (3) consecutive annual cycles from the date of adoption of this resolution.
### GRANT APPLICATION / ☐ GRANT AWARD

<table>
<thead>
<tr>
<th>Today’s Date:</th>
<th>November 19, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requesting Agency/Department:</td>
<td>John Wayne Airport (JWA)</td>
</tr>
<tr>
<td>Grant Name and Project Title:</td>
<td>Airport Improvements Program (AIP) – Airfield Lighting and Signage Improvements Project [Taxiway Pavement Portion] (Project)</td>
</tr>
<tr>
<td>Sponsoring Organization/Grant Source:</td>
<td>Federal Aviation Administration (FAA)</td>
</tr>
<tr>
<td>Application Amount Requested:</td>
<td>$926,212.82</td>
</tr>
<tr>
<td>Application Due Date:</td>
<td>December 31, 2020</td>
</tr>
<tr>
<td>Board Date when Board Approved this Application:</td>
<td>*</td>
</tr>
<tr>
<td>Awarded Funding Amount:</td>
<td>*</td>
</tr>
<tr>
<td>Notification Date of Funding Award:</td>
<td>*</td>
</tr>
</tbody>
</table>

#### Is this an Authorized Retroactive Grant Application/Award? This is not a retroactive grant award. (If yes, attach memo to CEO)

#### Recurrence of Grant
- New ☒  
- Recurrent ☐  
- Other ☐  

#### 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 ☒  

- Other Type ☒  
- Explain: FAA AIP  

#### County Match?
- Yes ☒  
- Amount $223,077.18 or 19.41%  
- No ☐  

#### How will the County Match be Fulfilled?
- Fiscal Years 2020-21 and 2021-22 - Airport Construction Fund 281.

#### Will the grant/program create new part or full-time positions?
- The grant will not create new positions

#### 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 grant will reimburse eligible costs for the Project. The Project scope includes pavement rehabilitation along five taxiways (Taxiway “G”, “H”, “J”, “K”, “L”), including portions of the shoulders of the taxiways and main runway [2L – 20R] in order to extend the useful life of the taxiways and runway (including shoulders) as well as to prevent foreign object debris development within the airfield. The Project includes cold milling and re-paving, joint and crack sealing, crack sealing and rapid cure seal coating, and restriping at the impacted areas of the taxiways and runways (including shoulders). This portion of work is an extension of the current Airfield Lighting and Signage Improvements Project and is eligible for reimbursement. The AIP Grant would fund approximately $926,212.82 (80.59%) of the total eligible costs and JWA would provide a match of $223,077.18 (19.41%), which is budgeted in FY 2020-21 and 2021-22 – Airport Construction Fund 281.
<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>N/A</td>
<td></td>
</tr>
<tr>
<td>(Please list the Deputy County Counsel that approved the Resolution)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommended Action/Special Instructions</td>
<td>Authorize the Airport Director or designee to apply for the AIP Grant with the FAA and execute any forms required in the application process.</td>
<td></td>
</tr>
<tr>
<td>Department Contact:</td>
<td>Barry A. Rondinella, Airport Director (949) 252-5183, <a href="mailto:BRondinella@ocair.com">BRondinella@ocair.com</a></td>
<td></td>
</tr>
<tr>
<td>Name of the individual attending the Board Meeting:</td>
<td>Barry A. Rondinella, Airport Director (949) 252-5183, <a href="mailto:BRondinella@ocair.com">BRondinella@ocair.com</a></td>
<td></td>
</tr>
<tr>
<td><strong>Today’s Date:</strong></td>
<td>November 19, 2020</td>
<td></td>
</tr>
<tr>
<td><strong>Requesting Agency/Department:</strong></td>
<td>District Attorney</td>
<td></td>
</tr>
<tr>
<td><strong>Grant Name and Project Title:</strong></td>
<td>Disability and Healthcare Insurance Fraud Program</td>
<td></td>
</tr>
<tr>
<td><strong>Sponsoring Organization/Grant Source:</strong></td>
<td>California Department of Insurance (CDI)</td>
<td></td>
</tr>
<tr>
<td><strong>Application Amount Requested:</strong></td>
<td>$2,683,246</td>
<td></td>
</tr>
<tr>
<td><strong>Application Due Date:</strong></td>
<td>June 5, 2020</td>
<td></td>
</tr>
<tr>
<td><strong>Board Date when Board Approved this Application:</strong></td>
<td>March 10, 2020</td>
<td></td>
</tr>
<tr>
<td><strong>Awarded Funding Amount:</strong></td>
<td>Additional $28,702</td>
<td></td>
</tr>
<tr>
<td><strong>Notification Date of Funding Award:</strong></td>
<td>November 12, 2020</td>
<td></td>
</tr>
<tr>
<td><strong>Is this an Authorized Retroactive Grant Application/Award?</strong></td>
<td>No</td>
<td></td>
</tr>
<tr>
<td><strong>Recurrence of Grant</strong></td>
<td>New ☐ Recurrent ☒ Other ☐ Explain:</td>
<td></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>$2,683,246 was applied, $1,132,473 was awarded for FY 19-20</td>
<td></td>
</tr>
<tr>
<td><strong>Does this grant require CEQA findings?</strong></td>
<td>Yes ☐ No ☒</td>
<td></td>
</tr>
<tr>
<td><strong>What Type of Grant is this?</strong></td>
<td>Competitive ☒ Other Type ☐ Explain:</td>
<td></td>
</tr>
<tr>
<td><strong>County Match?</strong></td>
<td>Yes ☐ Amount _____ or ______ % No ☒</td>
<td></td>
</tr>
<tr>
<td><strong>How will the County Match be Fulfilled?</strong></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Will the grant/program create new part or full-time positions?</strong></td>
<td>No new position is required.</td>
<td></td>
</tr>
<tr>
<td><strong>Purpose of Grant Funds:</strong></td>
<td>Provide a summary and brief background of why Board of Supervisors should accept this grant application/award, and how the grant will be implemented.</td>
<td></td>
</tr>
<tr>
<td><strong>Board Resolution Required?</strong></td>
<td>Yes ☒ No ☐</td>
<td></td>
</tr>
<tr>
<td><strong>Deputy County Counsel Name:</strong></td>
<td>James Harman, Deputy County Counsel</td>
<td></td>
</tr>
<tr>
<td><strong>Recommended Action/Special Instructions</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. Authorize the District Attorney or his designee, to sign and execute, on behalf of the County of Orange, the Grant Agreement with the CDI accepting the grant award of $1,138,526 to continue the Disability and Healthcare Insurance Fraud Program for fiscal year 2020/21.

2. Authorize the District Attorney, or his designee, to execute, on behalf of the County of Orange, any extensions or amendments that reflect the actual grant award but do not materially alter the terms of the grant award.

3. Adopt the Resolution to receive funds for the Disability and Healthcare Insurance Fraud Program.

The District Attorney has received funding to participate in the State Disability and Healthcare Insurance Fraud Program for the past fifteen years. Fiscal year 2020-21 will mark as the District Attorney Office's sixteenth year of participation in the Program.

CDI requires the District Attorney to submit a Board Resolution. County Counsel has reviewed and approved the attached sample Board Resolution.

<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>Glenn Robison</td>
<td>(714) 347-8778  <a href="mailto:glenn.robison@da.ocgov.com">glenn.robison@da.ocgov.com</a></td>
</tr>
</tbody>
</table>

<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>Glenn Robison</td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

December 8, 2020

WHEREAS, the County of Orange desires to undertake its project designated “The Disability and Healthcare Insurance Fraud Program” to be funded in part from funds made available through the California Insurance Code Section 1872.85 and administered by the California Department of Insurance (hereafter referred to as CDI).

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Find that the proposed project is exempt from CEQA pursuant to 14 C.C.R. 15061(b)(3) because it does not impose a significant effect on the environment.

2. Find that pursuant to Section 711.4 of the California Fish and Game Code, the proposed project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources will result from the project.

3. Authorize the District Attorney, or his designee, to sign and execute, on behalf of the County of Orange, a Grant Award Agreement with CDI for the Disability and Healthcare Insurance Fraud Program, effective from July 1, 2020 through June 30, 2021, in the amount not to exceed $1,138,526.

4. Authorize the District Attorney, or his designee, to execute, on behalf of the County of Orange, any extensions or amendments that reflect the actual grant award amount but do not materially alter the terms of the grant award.

5. Assure that the County of Orange assumes any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages. The State of California and the California Department of Insurance disclaim responsibility for any such liability.

6. Assure that the County of Orange will not use grant funds to supplant expenditures controlled by the Board of Supervisors.
<table>
<thead>
<tr>
<th><strong>Grant Application / Grant Award</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Today's Date:</strong> November 19, 2020</td>
</tr>
<tr>
<td><strong>Requesting Agency/Department:</strong> District Attorney</td>
</tr>
<tr>
<td><strong>Grant Name and Project Title:</strong> Workers' Compensation Insurance Fraud Program</td>
</tr>
<tr>
<td><strong>Sponsoring Organization/Grant Source:</strong> California Department of Insurance (CDI)</td>
</tr>
<tr>
<td><strong>Application Amount Requested:</strong> $6,531,253</td>
</tr>
<tr>
<td><strong>Application Due Date:</strong> April 24, 2020</td>
</tr>
<tr>
<td><strong>Board Date when Board Approved this Application:</strong> March 10, 2020</td>
</tr>
<tr>
<td><strong>Awarded Funding Amount:</strong> Additional $65,961</td>
</tr>
<tr>
<td><strong>Notification Date of Funding Award:</strong> November 12, 2020</td>
</tr>
<tr>
<td><strong>Is this an Authorized Retroactive Grant Application/Award?</strong> Yes, please see attached memo. (If yes, attach memo to CEO)</td>
</tr>
<tr>
<td><strong>Recurrence of Grant</strong></td>
</tr>
</tbody>
</table>

If this is a recurring grant, please list the funding amount applied for and awarded in the past: $6,531,253 was applied for, $5,553,240 was awarded for FY 2019-20.

| **Does this grant require CEQA findings?** | Yes ☐ | No ☒ |

| **What Type of Grant is this?** | Competitive ☒ | Other Type ☐ Explain: |

| **County Match?** | Yes ☐ | Amount _____ or _____ % | No ☒ |

| **How will the County Match be Fulfilled?** | N/A |

| **Will the grant/program create new part or full-time positions?** | Not at this time. If needed, we will go through the Quarterly Budget Adjustment Request process. |

| **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 grant award is made pursuant to the provisions of California Insurance Code Section 1872.83, and shall be used solely for the purposes of enhanced investigation and prosecution of workers’ compensation insurance fraud cases. The California Department of Insurance has a Fiscal Year 2019-20 Year-End Balance in the Workers’ Compensation Insurance Fraud Program and is awarding an additional $65,961 to the District Attorney for an amended grant award of $6,200,827. This grant will provide continued funding for the vertical prosecution unit consisting of prosecutorial, investigative, and support staff to investigate and prosecute workers’ compensation insurance fraud cases.

| **Board Resolution Required?** | Yes ☒ | No ☐ |

| **Deputy County Counsel Name:** | James Harman, Deputy County Counsel |

| **Recommended Action/Special Instructions** (Please specify below) | |

---

**Grant Authorization e-Form**

**Page 15 of 20**
1. Authorize the District Attorney or his designee, to sign and execute, on behalf of the County of Orange, the Grant Agreement with the CDI accepting the grant award of $6,200,827 for the Workers Compensation Insurance Fraud Program for fiscal year 2020-21.

2. Authorize the District Attorney, or his designee, to execute, on behalf of the County of Orange, any extensions or amendments that reflect the actual grant award but do not materially alter the terms of the grant award.

3. Adopt the Resolution to receive funds for the Workers Compensation Insurance Fraud Program.

By Resolution No. 19-085, dated August 27, 2019, the Board Authorized the District Attorney to sign and execute the Award to accept State funding to administer the Workers Compensation Insurance Fraud Program. The District Attorney has received funding to participate in the State Workers’ Compensation Insurance Fraud Program for the past thirty years. Fiscal year 2020-21 will mark as the District Attorney Office's thirty-first year of participation in the Program.

CDI requires the District Attorney to submit a Board Resolution. County Counsel has reviewed and approved the attached sample Board Resolution.

<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>Glenn Robison (714) 347-8778 <a href="mailto:glenn.robison@da.ocgov.com">glenn.robison@da.ocgov.com</a></td>
<td></td>
</tr>
</tbody>
</table>

<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>Glenn Robison</td>
<td></td>
</tr>
</tbody>
</table>
RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

December 8, 2020

WHEREAS, the County of Orange desires to undertake its project designated “The Workers’ Compensation Insurance Fraud Program” to be funded in part from funds made available through California Insurance Code Section 1872.83 and administered by the California Department of Insurance (hereafter referred to as CDI).

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Find that the proposed project is exempt from CEQA pursuant to 14 C.C.R. 15061(b)(3) because it does not impose a significant effect on the environment.

2. Find that pursuant to Section 711.4 of the California Fish and Game Code, the proposed project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources will result from the project.

3. Authorize the District Attorney, or his designee, to sign and execute, on behalf of the County of Orange, a Grant Award Agreement with CDI for the Workers’ Compensation Insurance Fraud Program, effective from July 1, 2020 through June 30, 2021, in the amount not to exceed $6,200,827.

4. Authorize the District Attorney, or his designee, to execute, on behalf of the County of Orange, any extensions or amendments that reflect the actual grant award amount but do not materially alter the terms of the grant award.

5. Assure that the County of Orange assumes any liability arising out of the County’s performance of this Grant Award Agreement, including civil court actions for damages. The State of California and the California Department of Insurance disclaim responsibility for any such liability.

6. Assure that the County of Orange will not use grant funds to supplant expenditures controlled by the Board of Supervisors.
To: Frank Kim, CEO
From: Don Barnes, Sheriff-Coroner
Date: November 17, 2020
RE: Request to Execute Retroactive DNA Backlog Reduction Program Grant

The Sheriff-Coroner Department will submit this grant application on December 8, 2020.

Grant Name: FY 2020 DNA Capacity Enhancement for Backlog Reduction (CEBR) Program (Formula)

Amount Requested: $405,643

Purpose of Grant Funds: Increases the capacity of publicly funded forensic DNA and DNA database laboratories to process more DNA samples in order to reduce backlog. The grant provides both formula and discretionary allocations aimed at reducing evidence backlogs and improves the quality and timeliness of forensic science and medical examiner services.

Reason for Retroactive Grant Application Authorization: This grant award acceptance will be presented to the Board of Supervisors retroactively because the deadline to execute awarding documents for this grant is on November 27, 2020, and the next Board meeting will not take place until December 8, 2020. Thus, the execution of awarding documents must take place prior to the November 27, 2020, deadline.

C: Bruce Houlihan, Director of Orange County Crime Lab, Sheriff-Coroner, Department
Heather Pevney, Assistant Director of Orange County Crime Lab, Sheriff-Coroner Department
Christian Abueg, Administrative Manager Financial/Administrative Services, Sheriff-Coroner Department
CEO-Legislative Affairs Office
Grant Authorization eForm

☐ GRANT APPLICATION / ☒ GRANT AWARD

<table>
<thead>
<tr>
<th>Today’s Date:</th>
<th>December 8, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requesting Agency/Department:</td>
<td>Sheriff-Coroner Department</td>
</tr>
<tr>
<td>Grant Name and Project Title:</td>
<td>FY 2020 DNA Capacity Enhancement for Backlog Reduction (CEBR) Program (Formula)</td>
</tr>
<tr>
<td>Sponsoring Organization/Grant Source: (If the grant source is not a government entity, please provide a brief description of the organization/foundation)</td>
<td>U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance</td>
</tr>
<tr>
<td>Application Amount Requested:</td>
<td>$405,643</td>
</tr>
<tr>
<td>Application Due Date:</td>
<td>August 7, 2020</td>
</tr>
<tr>
<td>Board Date when Board Approved this Application:</td>
<td>July 28, 2020</td>
</tr>
<tr>
<td>Awarded Funding Amount:</td>
<td>$405,643</td>
</tr>
<tr>
<td>Notification Date of Funding Award:</td>
<td>10/13/2020</td>
</tr>
<tr>
<td>Is this an Authorized Retroactive Grant Application/Award?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Recurrence of Grant

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>$391,936</td>
</tr>
<tr>
<td>2018</td>
<td>$531,869</td>
</tr>
<tr>
<td>2017</td>
<td>$293,808</td>
</tr>
<tr>
<td>2016</td>
<td>$282,734</td>
</tr>
<tr>
<td>2015</td>
<td>$358,919</td>
</tr>
</tbody>
</table>

Does this grant require CEQA findings? | Yes ☐ No ☒ |

What Type of Grant is this? | Competitive ☐ Other Type ☒ Explain: Program Grant |

County Match? | Yes ☐ 0 % 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? | 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.

BJA’s FY 2020 DNA Capacity Enhancement for Backlog Reduction (CEBR) Program provides funding to States and units of local government with existing crime laboratories to increase the capacity of publicly funded forensic DNA and DNA database laboratories. To process more DNA samples. This program reduces the backlog of forensic and database DNA samples. The Sheriff-Coroner has applied for this competitive program since 2004. In 2020, this CEBR grant was transferred to the Bureau of Justice Assistance from the National Institute of Justice Program catalog.

This grant provides both formula and discretionary allocations aimed at reducing evidence backlogs and improve the quality and timeliness of forensic science and medical examiner services. Awarded agencies may utilize funds to hire additional full-time or part-time laboratory employees to directly perform capacity enhancement-specific activities, such as validating new DNA analysis technologies for
the forensic DNA laboratory and/or the laboratory responsible for analysis of DNA database samples. Matching funds are not required.

The Sheriff-Coroner Department plans to fund overtime to process backlogged DNA casework at the Orange County Crime Laboratory, and to purchase new computer servers, DNA analysis software; and new laboratory instruments.

<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></td>
<td></td>
</tr>
<tr>
<td>(Please list the Deputy County Counsel that approved the Resolution)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommended Action/Special Instructions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Please specify below)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authorize the Sheriff-Coroner to sign all necessary documents to accept the FY 2020 DNA Capacity Enhancement for Backlog Reduction (CEBR) Program grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nicole Sims, Supervising Deputy County Counsel, has reviewed and approved the grant award documents.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department Contact:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director Bruce Houlihan, Orange County Crime Lab (714) 834-6380 <a href="mailto:bth@occl.ocgov.com">bth@occl.ocgov.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name of the individual attending the Board Meeting:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director Bruce Houlihan or designee</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
MEMORANDUM

To: Clerk of the Board

From: Donald P. Wagner

Date: Tuesday December 1, 2020

RE: Supplemental Item for December 8, 2020

I would like to add a supplemental item to the December 8, 2020 Board of Supervisors meeting. I would like to appoint Isabell Kerins to the Waste Management Commission serving a term from January 19, 2021 through January 18, 2023.
APPLICATION FOR COUNTY OF ORANGE
BOARD, COMMISSION OR COMMITTEE

Return to:
Clerk of the Board of Supervisors
333 West Santa Ana Blvd., Suite 465
Santa Ana, California 92701
Website: www.ocgov.com/gov/cob/

Instructions: Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor's Office at (714) 834-2206. Please print in ink or type.

NAME OF BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR MEMBERSHIP
(SEE LIST AT HTTP://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT):

Waste Management Commission

SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE: □ First □ Second □ Third □ Fourth □ Fifth

APPLICANT NAME AND RESIDENCE ADDRESS:

Isabelle Mayer Kerins
First Name Middle Name Last Name

CURRENT EMPLOYER:

OCCUPATION/JOB TITLE:

BUSINESS ADDRESS:

BUSINESS PHONE NUMBER:

EMPLOYMENT HISTORY: Please attach a resume to this application and provide any information that would be helpful in evaluating your application.

ARE YOU A CITIZEN OF THE UNITED STATES: □ YES □ NO

IF NO, NAME OF COUNTRY OF CITIZENSHIP:

ARE YOU A REGISTERED VOTER? □ YES □ NO

IF YES, NAME COUNTY YOU ARE REGISTERED IN: Orange

Revised Date 02/07/19 1 of 2
LIST ALL CURRENT PROFESSIONAL OR COMMUNITY ORGANIZATIONS AND SOCIETIES OF WHICH
YOU ARE A MEMBER.

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<tr>
<th>ORGANIZATION/SOCIETY</th>
<th>FROM (MO/YR.)</th>
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WITHIN THE LAST FIVE YEARS, HAVE YOU BEEN AFFILIATED WITH ANY BUSINESS OR NONPROFIT
AGENCY(IES)? □YES □NO

DO YOU OWN REAL OR PERSONAL PROPERTY OR HAVE FINANCIAL HOLDING WHICH MIGHT
PRESENT A POTENTIAL CONFLICT OF INTEREST? □YES □NO

HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR CRIME SINCE YOUR 18TH
BIRTHDAY? YOU ARE NOT REQUIRED TO DISCLOSE ANY OF THE FOLLOWING: ARRESTS OR
detentions that did not result in a conviction; convictions that have been judicially
dismissed, expunged or ordered sealed; information concerning referral to and
participation in any pretrial or posttrial diversion program; and certain drug
related convictions that are older than two years, as listed in California Labor
Code § 432.8 (including violations of California Health and Safety Code Sections
11357(B) and (C), 11360(C), 11364, 11365 and 11550 – as they relate to marijuana)?

□YES □NO

IF YES, PLEASE EXPLAIN AND ATTACH ADDITIONAL SHEETS, IF NECESSARY.


PLEASE BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THIS BOARD, COMMITTEE, OR
COMMISSION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

Interested in supporting Board of Supervisors in fulfilling
oversight of matters relating to municipal solid waste and
refuse disposal landscape management as well as operation and maintenance

DATE: [11/07/2020] APPLICANTS SIGNATURE: [Signature]

CLERK OF THE BOARD OF SUPERVISORS USE ONLY – DO NOT WRITE BELOW THIS LINE

Date Received: ___________________________ Received by: ___________________________
Deputy Clerk of the Board of Supervisors

Date referred: ___________________________

To: □ BOS District 1 □ BOS District 2 □ BOS District 3 □ BOS District 4 □ BOS District 5
□ All BOS □ BCC Contact Person Name

Revised Date 02/07/19

2 of 2
ISABEL MAYER KERINS

PROFILE
Results proven leader in visualizing and launching new home communities for infill and master plans consisting of thousands of homes at all price points for wide variety of consumer groups. Tenure in nationally recognized start-up and established homebuilding, real estate development, and research companies. Nationally recognized leader in identifying unique opportunities and product throughout the country at all price points.

- Consumer-centric marketing and customer communication program expert.
- Impressive career in strategic and product planning, community research, project management, and marketing operations.
- Proven fiscal manager and team leader with ability to successfully analyze business opportunities and requirements
- Track record of exceeding business objectives and targets utilizing a strong work ethic and motivational, results driven management style.
- Ability to develop high quality products that surpass corporate and customer expectations in numerous ethnic, economic, and demographic markets within stringent budget constraints.
- Focus on exceptional customer service, increased revenues, high quality, cost effectiveness, and timely deliveries, while being centered on dedication, inspiration, ethics, teamwork, and disciplined professionalism.

SPECIALITIES
- Competitive analysis, pricing, customer segmentation, and demographic studies
- Profit and Loss Management
- Tactical planning, business development
- Strategic and operational Marketing and Communication plans
- Preparation and implementation of concise budgets and expense control
- Master-planned community amenities and programming specialist
- Pricing analysis, contract negotiations
- Development and execution of multimedia advertising, public relations, collateral, and promotional events
- Creative Development Team leader
- Branding of companies and projects
- Feasibility studies on potential sites
- Identify, design, produce, price, sell consumer appropriate product in variety of markets
- Hiring, screening, and managing multicultural sales, escrow, marketing, and support staff
- Staff training and team building
- Interdepartmental liaison
- Focus Group facilitator
- Demographic/Psychographic Expert
- Extensive knowledge in Feng Shui, Vastu, Universal Design, and Age in Place Product Design
- Broad-based project management expertise
- Excellent communication skills

EDUCATION AND CREDENTIALS
California State University, Northridge – Bachelor of Science: Business Administration, Marketing Emphasis
University of Southern California - Andros School of Gerontology, Home Modifications Certificate
NAHB – MIRM (Master in Residential Marketing)
NAHB – CAPS (Certified Age In Place Specialist)
ULI – Leadership in Master Planned Communities and Urban Infill, Certificate

PUBLIC SERVICE
City of Costa Mesa – Planning Commissioner
Silverado Modjeska Recreation and Parks District – Elected State Official – Special District
ISABELL MAYER KERINS

EXPERIENCE

Kerins Marketing Design, Inc. - President  
Costa Mesa, CA  1999 – Present

John Burns Real Estate Consulting, Director, Product and Business Development  
Irvine, CA  2014 – 2016
Successful developer of business model, website design, implementation, launch, and operations of DesignLens, a new business endeavor for John Burns Real Estate Consulting, a nationally recognized firm. Product provides insight and solutions for wide variety of community development opportunities with focus on design excellence in the home building industry. Responsible for identifying, analyzing, and writing about affordable, creative, age-qualified, age-targeted, in-fill, and masterplan projects from markets throughout the country.

Age In Place Design Construction Services, Inc. - President  
Costa Mesa, CA  2004 – Present
Launched for-profit firm specializing in research, design, marketing, and implementation of age in place, multigenerational, and universally designed new and remodeled homes addressing needs of seniors and their caretakers. Focus on enhancing existing home allowing for comfort, safety, and well-being of residents. Creating new communities and home environments that exceeded the expectations of our changing psychographic and demographic niches.

Chevron Land Management – Ambassador / Consultant  
Brea, CA  2011 - 2013
Corporate and community liaison for La Floresta, a new multigenerational, master-planned community in Brea, CA. Launched onsite Welcome Center and operations. Invaluable insight into consumer motivations and product requirements with direct interaction to thousands of consumers. One-on-one communication with every generation expanding knowledge on what drives consumers to purchase a new home in today’s market. Consulted on design, programming, implementation, analysis, and marketing of multigenerational, age-targeted, age-qualified, and CCRC product lines.

The Olson Company - Vice President, Sales & Marketing  
Seal Beach, CA  1996 – 1999
Senior executive responsible for all sales and marketing activities for a quickly growing, innovative, in-fill, residential building company utilizing public/private partnerships with cities and redevelopment agencies throughout Southern California. Company focused on providing affordable homes in existing neighborhoods with a diverse range of economic and ethnic residents. Spearheaded start-up company’s branding, hiring, and managing of multi-ethnic sales force and product development, quickly growing firm to nationally recognized leader in this market segment. Recognized as Builder of the Year by National Association of Home Builders in 1999.

Lennar (Greystone Homes) – Marketing/Advertising Director  
Newport Beach, CA  1994 – 1996
Director of product development, marketing, sales, merchandising, advertising, and aesthetic development for homebuilder in Los Angeles and Orange County areas. Specifications included interior and exterior product development and specifications, use and design of common areas, public relations and media direction, model complex design and production, and budgets. Supervised multi-cultural sales force, developed, maintained, implemented multi-million dollar budgets, established feasibility studies and business forecasts, goals, and objectives. Developed and executed strategic marketing plans that exceeded annual profits, market share, and sales targets. Managed during transition from private to public company. Proven leadership exhibited during extended leave of absence of Sr. Vice President of Sales where successfully fulfilled responsibilities of two positions. Completed feasibility studies on new communities throughout region and presented findings to Lennar’s executive team.

Irvine Company and affiliates - Finance, Operations, Marketing Director  
Santa Monica and Newport Beach CA  1989 – 1994
Career rise within Donald Bren’s family of businesses by consistently mastering new jobs quickly and exceeding expectations.Originally hired as corporate financial assistant for commercial properties, promoted throughout the years as proven accomplishments and reliability exhibited. During recessionary, downsizing periods, only employee retained to assimilate prior corporations into new entities.
  * Bren Investment, Finance: Payroll for salaried and hourly employees. Executive Assistant to CFO and CEO.
  * The Irvine Company, Finance: Multi-million dollar land lease receipts, reports, and deposits.
  * Bren-Osgood (Baycrest), Operations: Purchasing, contract oversight, negotiations, and customer service. During acculturation of companies, responsibilities included coordination and responsibility of combining office with The Bren Company (California Pacific Homes) all the while maintaining operations and customer service for previous entity.
  * California Pacific Homes, Sales & Marketing: Coordination and management of product merchandising and marketing endeavors for leader in high-end, new home building throughout California during recessionary/recovery Era.
To: Clerk of the Board of Supervisors
From: Doug Chaffee, Fourth District Supervisor
Date: November 23, 2020

RE: Agenda Item for the December 8, 2020 Board of Supervisors Meeting
Subject: APPOINTMENT TO THE AIRPORT COMMISSION

Supervisor Doug Chaffee respectfully requests the Clerk of the Board place an agenda item to be considered during the December 8, 2020 Board of Supervisors meeting. The item is to consider appointing Brendan O’Reilly to the Fourth District seat on the Orange County Airport Commission for term concurrent with Supervisor’s term.
APPLICATION FOR COUNTY OF ORANGE
BOARD, COMMISSION OR COMMITTEE

Return to:
Clerk of the Board of Supervisors
333 West Santa Ana Blvd., Suite 465
Santa Ana, California 92701
Website: www.ocgov.com/gov/cob/

Instructions: Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor’s Office at (714) 634-2206. Please print in ink or type.

NAME OF BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR MEMBERSHIP (SEE LIST AT HTTP://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT):

OC Airport Commission

SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE: □ First □ Second □ Third □ Fourth □ Fifth

APPLICANT NAME AND RESIDENCE ADDRESS:

Brendan Joseph O’Reilly

First Name Middle Name Last Name

CA

Street Address City State Zip Code

Home Phone Number Cell Phone Number

Email Address

CURRENT EMPLOYER:

OCCUPATION/JOB TITLE:

BUSINESS ADDRESS:

BUSINESS PHONE NUMBER

EMPLOYMENT HISTORY: Please attach a resume to this application and provide any information that would be helpful in evaluating your application.

ARE YOU A CITIZEN OF THE UNITED STATES: ■ YES □ NO

IF NO, NAME OF COUNTRY OF CITIZENSHIP:

ARE YOU A REGISTERED VOTER? ■ YES □ NO

IF YES, NAME COUNTY YOU ARE REGISTERED IN: Los Angeles
LIST ALL CURRENT PROFESSIONAL OR COMMUNITY ORGANIZATIONS AND SOCIETIES OF WHICH YOU ARE A MEMBER.

ORGANIZATION/SOCIETY FROM (MO./YR.) TO (MO./YR.)
Commissioner OC ALUC - Alternate 1/1/2018 present
Association of CA Airports - Past President 9/15/2018 present

WITHIN THE LAST FIVE YEARS, HAVE YOU BEEN AFFILIATED WITH ANY BUSINESS OR NONPROFIT AGENCY(IES)? □ YES ■ NO

DO YOU OWN REAL OR PERSONAL PROPERTY OR HAVE FINANCIAL HOLDING WHICH MIGHT PRESENT A POTENTIAL CONFLICT OF INTEREST? □ YES ■ NO

HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR CRIME SINCE YOUR 18TH BIRTHDAY? YOU ARE NOT REQUIRED TO DISCLOSE ANY OF THE FOLLOWING: ARRESTS OR DETentions THAT DID NOT RESULT IN A CONVICTION; CONVICTIONS THAT HAVE BEEN JUDICiALLY DISMISSED, EXPUNGED OR ORDERED SEALED; INFORMATION CONCERNING REFERRAL TO AND PARTICIPATION IN ANY PRETRIAL OR POSTTRIAL DIVERSION PROGRAM; AND CERTAIN DRUG RELATED CONVICTIONS THAT ARE OLDER THAN TWO YEARS, AS LISTED IN CALIFORNIA LABOR CODE § 432.8 (INCLUDING VIOLATIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11357(B) AND (C), 11360(C) 11364, 11365 AND 11550 – AS THEY RELATE TO MARIJUANA)? □ YES ■ NO

IF YES, PLEASE EXPLAIN AND ATTACH ADDITIONAL SHEETS, IF NECESSARY.

PLEASE BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THIS BOARD, COMMITTEE, OR COMMISSION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

I am interested in the operation of all 3 OC airports.

DATE: 11/23/2020 APPLICANTS SIGNATURE: [Signature]

CLERK OF THE BOARD OF SUPERVISORS USE ONLY – DO NOT WRITE BELOW THIS LINE

Date Received: ___________________________ Received by: ____________________________________
Date referred: ___________________________
To:  □ BOS District 1 □ BOS District 2 □ BOS District 3 □ BOS District 4 □ BOS District 5
□ All BOS □ BCC Contact Person Name
BRENDAN J. O'REILLY, C.A.E.,

Over twelve years of airport operations and security, administrative, and project management experience with a record of accomplishment. Expert knowledge of FAA grant procedures, local, State, and Federal regulations governing airports. Knowledge of industry best practices for airport land use, commercial leases, contracts, and rental agreements. Experience working with multiple law enforcement agencies to ensure highest levels of airport security. FAA Private Pilot and Aircraft Mechanic. Master’s Degree. 2016 Airport Executive of the Year - Southwest Chapter of the American Association of Airport Executives. Past President and current Los Angeles Area Board Director – Association of California Airports. Los Angeles County native.

PROFESSIONAL EXPERIENCE

Fullerton Municipal Airport; City of Fullerton, CA May 2013-Present

Airport Manager

Responsible for safe and efficient operation of the Airport in accordance with local, State, and Federal regulations. Direct the operation, maintenance, and security of the airport property. Prepare and administer annual operating budget and Capital Improvement Program budget. Act as liaison to other City Departments in matters related to airport security, emergency response, and facility maintenance. Oversee staff of five. Report to the Director of Public Works.

- Created and implemented the Airports first online driver training program and revised the gate card access policy, resulting in significantly reduced vehicle access to the AMA.
- Worked closely with Fullerton Police Department to provide airport familiarization, access procedures, and emergency response training.
- Worked closely with Fullerton Fire Department to develop and administer airport emergency response procedures and aircraft familiarization training.
- Conduct stakeholder meetings with based tenants including California Highway Patrol, Anaheim Police Department, and Orange County Fire Authority.
- Created an FAA Approved Non-Aeronautical lease template to help fill vacant storage hangars, increasing airport revenues by nearly 10%.

Hayward Executive Airport; City of Hayward, CA April 2010-May 2013

Airport Operations Manager

Responsible for the daily airside and landside operation of a busy, general aviation reliever airport in the San Francisco Bay Area with 450 based aircraft, over 87,000 annual operations, and 33 aviation related businesses. Oversaw airport security, maintenance, pilot compliance with noise abatement procedures, and tenant compliance with airport regulations and minimum standards. Prepared all FAA grant correspondence, monitored all construction activity, tenant improvements, and airport commercial leases. Supervised a staff of eight maintenance and security personnel and one noise abatement analyst. Report to airport manager.
- Administered annual safety inspections of 207 City-owned hangars and office buildings.
- Drafted the first comprehensive Airport Emergency Plan.
- Implemented a new maintenance personnel schedule that reduced overtime by 50%.
- Prepared RFP and RFQ documents and served on selection committees for vendors.
- Acted as liaison to City of Hayward Police Department and Alameda County Sheriff Department for all matters related to airport security.
- Served as acting airport manager.

County of Los Angeles Department of Public Works; Alhambra, CA May 2006-April 2010

Airport Project Coordinator

Managed the Airport Capital Improvement Program for five County-owned airports. Assisted the Aviation Division Chief with airport planning and economic development. Prepared applications, monthly grant activity and close out reports for Federal and State grants. Prepared and oversaw the Aviation Capital Projects budget. Assisted contract airport management personnel with operational emergencies and public affairs.

- Managed seven federally funded capital improvement projects from inception to final close out totaling $12.2 million.
- Instrumental in obtaining the largest grant awarded to a general aviation airport in California ($8.2M) under the American Reinvestment and Recovery Act.
- Managed a comprehensive airport master plan update project for Whiteman Airport.

EDUCATION

- Master of Arts
  Industrial and Technical Studies
  California State University Los Angeles

- Bachelor of Science
  Aviation Administration
  California State University Los Angeles

- Associate of Science
  Aircraft Maintenance Technology
  Mt. San Antonio College

PROFESSIONAL AFFILIATIONS

- American Association of Airport Executives – Southwest Chapter
  Certified Airport Executive (C.A.E.), Airport Security Coordinator Certification (A.S.C.),
  Director, Southern California, 2017

- Association of California Airports (ACA) – Board of Directors Los Angeles District 7,
  2013-2016, ACA President 2017, currently serving as Past President

PUBLICATIONS

- Thesis Study—Runway Safety—A Case Study of Brackett Field Airport; September 2009
To: Clerk of the Board

From: Supervisor Lisa Bartlett, 5th District

Subject: Appointment to Orange County Veterans Advisory Council

December 1, 2020

Please add the following item to the supplemental calendar for the December 8, 2020 Board meeting agenda. The title of the item should read:

**Supervisor Bartlett:**
Orange County Veterans Advisory Council – Appoint Alexis Paschedag Federico, Dana Point, as Regular Member for Term of Office ending 1/4/22.

Supervisor Lisa Bartlett
APPLICATION FOR COUNTY OF ORANGE BOARD, COMMISSION OR COMMITTEE

Return to:
Clerk of the Board of Supervisors
333 West Santa Ana Blvd., Suite 465
Santa Ana, California 92701
Website: www.ocgov.com/gov/cob/

Instructiøns: Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor's Office at (714) 834-2206. Please print in ink or type.

BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR MEMBERSHIP:
Orange County Veterans Advisory Council

SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE: □ First □ Second □ Third □ Fourth □ Fifth

APPLICANT NAME AND RESIDENCE ADDRESS:

Alexis Paschedag Federico
First Name Middle Name Last Name

Street Address City State Zip Code
N/A Home Phone Number Cell Phone Number

CURRENT EMPLOYER: Irell & Manella LLP

OCCUPATION/JOB TITLE: Attorney

BUSINESS ADDRESS:

BUSINESS PHONE NUMBER:

ARE YOU A CITIZEN OF THE UNITED STATES: ☒ YES ☐ NO

IF NO, NAME OF COUNTRY OF CITIZENSHIP:

ARE YOU A REGISTERED VOTER? ☒ YES ☐ NO

IF YES, NAME COUNTY YOU ARE REGISTERED IN: Orange County

EMPLOYMENT HISTORY: Please attach a resume to this application and provide any information that would be helpful in evaluating your application.

Page 1 of 2
LIST ALL CURRENT PROFESSIONAL OR COMMUNITY ORGANIZATIONS AND SOCIETIES OF WHICH YOU ARE A MEMBER.

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<td>Project Youth - Orange County Bar Foundation</td>
<td>12/17</td>
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<tr>
<td>Orange County Bar Association</td>
<td>12/16</td>
<td>Present</td>
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WITHIN THE LAST FIVE YEARS, HAVE YOU BEEN AFFILIATED WITH ANY BUSINESS OR NONPROFIT AGENCY(IES)?  xYES □ NO

DO YOU OWN REAL OR PERSONAL PROPERTY OR HAVE FINANCIAL HOLDING WHICH MIGHT PRESENT A POTENTIAL CONFLICT OF INTEREST?  □YES  x NO

HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR CRIME SINCE YOUR 18TH BIRTHDAY? YOU ARE NOT REQUIRED TO DISCLOSE ANY OF THE FOLLOWING: ARRESTS OR DETENTIONS THAT DID NOT RESULT IN A CONVICTION; CONVICTIONS THAT HAVE BEEN JUDICIA LLY DISMISSED, EXPUNGED OR ORDERED SEALED; INFORMATION CONCERNING REFERRAL TO AND PARTICIPATION IN ANY PRETRIAL OR POSTTRIAL DIVERSION PROGRAM; AND CERTAIN DRUG RELATED CONVICTIONS THAT ARE OLDER THAN TWO YEARS, AS LISTED IN CALIFORNIA LABOR CODE § 432.8 (INCLUDING VIOLATIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11357(B) AND (C), 11360(C) 11364, 11365 AND 11550 – AS THEY RELATE TO MARIJUANA)?  □YES  x NO

IF YES, PLEASE EXPLAIN AND ATTACH ADDITIONAL SHEETS, IF NECESSARY.

PLEASE BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THIS BOARD, COMMITTEE, OR COMMISSION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

I believe I would bring a unique perspective to help better advise the Board of Supervisors on diverse veteran issues. Not only am I a Marine combat vet, but I was also a Marine spouse. I also believe that having a female veteran on the council will provide insight into issues women face in the veteran community and in society as a whole. I would be honored to have the opportunity to continue serving my fellow veterans.

DATE: 02/28/2019
APPLICANTS SIGNATURE:

[Signature]

[Deputy Clerk of the Board of Supervisors]

Date Received: ___________________________  Received by: ___________________________
Date referred: ___________________________  Deputy Clerk of the Board of Supervisors
To: □ BOS District 1  □ BOS District 2  □ BOS District 3  □ BOS District 4  □ BOS District 5
□ All BOS  □ BCC Contact Person Name
Alexis Paschedag Federico

Education
University of California, Irvine School of Law, Irvine CA
Juris Doctor, summa cum laude, May 2016
Activities: UC Irvine Law Review; Staff Editor; Research Fellow; Professor Grace Tonner; Veterans Clinic Founder; Global Justice Summit, Fact Pattern Co-Chair
Pro Bono: International Refugee Assistance Project, Co-Director; Mississippi Center for Justice, Volunteer

Texas A&M University, College Station, TX
Bachelor of Arts in English, Bachelor of Arts in Russian, May 2003
Activities: Texas A&M Corps of Cadets, Texas A&M Recon Company
Study Abroad: Moscow Technical University Communications and Informatics, Moscow, Russia

United States Marine Corps, Various
Training: Expeditionary Warfare School, Weapons and Tactics Instructor Course, Flight School

Bar Admissions
California State Bar, December 2016

Legal Experience
Irell & Manella, LLP, Newport Beach, CA
October 2016 – Present
Associate. Represents clients in a diversity of practice areas, including environmental law, false advertising claims, patent litigation, insurance litigation, and white collar litigation and investigations.

Irell & Manella, LLP, Newport Beach, CA
Summer Associate. Conducted legal research and writing on a variety of general litigation matters.

California Court of Appeal, Fourth District, Division Three, Santa Ana, CA
May 2014 – August 2014
Judicial Extern to the Honorable Eileen Moore. Conducted legal research, prepared judicial memoranda and draft judicial opinions on criminal cases. Observed oral arguments and assisted court attorneys with legal tasks.

Military Experience
United States Marine Corps, Marine Corps Air Station Yuma, AZ
July 2010 – July 2013
Marine Aviation Weapons and Tactics Squadron (MAWTS-1) Instructor. Helicopter pilot instructor at Marine Corps' premier aviation weapons and tactics school. First female instructor pilot in squadron history. As Standardization Officer, standardized and improved tactics, techniques and procedures within Marine Aviation.


MAWTS-1 Major Evolution Coordinator. Conducted detailed planning and coordination with civilian and military agencies. Integrated over 45 aircraft, 156 Canadian soldiers and 200 Marines training future Marine Corps leaders. Provided formal graduate level academic instruction to over 1,200 Weapons and Tactics Instructor Students.

Marine Light Attack Helicopter Squadron 367, Camp Pendleton, CA
April 2006 – July 2010
UH-1Y Pilot Training Officer, Flight Officer, Standardization Officer. Planned, scheduled and managed daily combat flight operations during multiple deployments to Afghanistan and Iraq. Developed tactics, techniques and procedures ensuring a successful first combat employment of the new UH-1Y helicopter.

UH-1Y Combat Helicopter Pilot. Planned and executed multiple named combat operations, including Operation Moshtarak. Flew direct air support mission, totaling over 600 combat hours during three deployments.

Assistant Flightline Officer In Charge. Supervised daily maintenance practices of Flightline maintenance division.

Military Awards
Marine Aircraft Group Forty’s Aviator of the Year (2009), Order of the Daedalians United States Marine Corps’ Exceptional Pilot Award (2009)
SUPPLEMENTAL AGENDA STAFF REPORT

MEETING DATE: 12/08/20
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): 4th District
SUBMITTING AGENCY/DEPARTMENT: Supervisor Doug Chaffee
DEPARTMENT HEAD REVIEW: Department Head Signature
DEPARTMENT CONTACT PERSON(S): Al Jabbar 714-834-3998

SUBJECT: COVID-19 CARES ACT ECONOMIC SUPPORT

<table>
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<th>CEO CONCUR</th>
<th>COUNTY COUNSEL REVIEW</th>
<th>CLERK OF THE BOARD</th>
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<td>Pending</td>
<td>Pending Approval Action</td>
<td>Discussion 3 Votes Board Majority</td>
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Budgeted: Yes  
Current Year Cost: $275,000.00  
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: 5/19/2020, #S68A; 5/26/20, #2; 10/6/20, #S16C

RECOMMENDED ACTION(S)

1. Approve Subrecipient Agreements with the Anaheim Union High School District and Buena Park Elementary School District providing Coronavirus Aid, Relief, and Economic Security Act assistance through the transfer of certain assets to bring internet connectivity to low broadband neighborhoods to support distance learning due to the COVID-19 public health emergency.

2. Authorize the County Executive Officer, or designee, to execute any necessary documents to transfer to Anaheim Union High School District and Buena Park Elementary School District the equipment and assets listed in the Subrecipient Agreements.

3. Find pursuant to Government Code Section 26227 that the transfer of County equipment and assets to the Anaheim Union High School District and Buena Park Elementary School Districts pursuant to the Subrecipient Agreements will serve a public purpose of the County of Orange and will meet the social needs of the population of the County, including but not limited to, the areas of health, law enforcement, public safety, rehabilitation, welfare, education, and legal services, and the needs of physically, mentally and financially handicapped persons and aged persons.

Page 1
SUMMARY:
Approval of the Subrecipient Agreements with the Anaheim Union High School District and Buena Park Elementary School District will support COVID-19 pandemic response by providing internet connectivity to low broadband neighborhoods to support distance learning.

BACKGROUND INFORMATION:
On May 19, 2020, the Orange County Board of Supervisors voted to allocate $75 million in federal CARES Act funding for economic support for Orange County businesses that must be expended by December 30, 2020 and directed the County Executive Office to return with a definition for “small business” and options for use of the funding related to small business recovery for consideration by the Board of Supervisors.

On May 26, 2020, the Orange County Board of Supervisors voted to allocate $75 million in federal CARES Act funding equally between the five supervisorial districts for economic support initiatives in response to COVID-19. Each member of the Board was given the authority to allocate $15,000,000 of the funding in accordance with the CARES Act and economic needs in each district.

On October 6, 2020, the Orange County Board of Supervisors voted to allow the five supervisorial districts to spend any residual amounts from their initial allocation of CARES Act funds on any eligible CARES Act expenditures as set forth in the guidance provided by the United States Department of Treasury.

The Department of Treasury has released updated Frequently Asked Questions regarding CARES Act expenditures approving the usage of CARES Act funds to cover costs associated with providing distance learning to students. The Department of Treasury presumes that expenses of up to $500 per elementary and secondary school student are eligible expenditures and allows additional aid to schools to expand broadband capacity.

The COVID-19 pandemic has driven many essential and social activities online. According to a recent Pew Research Center Study, 53% of Americans say the Internet has been essential to them during the pandemic. Concerns over limited internet access are especially prevalent among parents with lower incomes. According to the same study, 43% of lower-income parents with children whose schools closed, reported their children having to do schoolwork on their cellphones.

The County of Orange is committed to bridging the digital divide and providing technology access to residents in need. Internet access is more important now than ever during this time of pandemic and school closures. The Fourth Supervisorial District is committed to supporting access to distance learning for students and distance learning projects for School Districts within the Fourth District.

The Fourth District has allocated residual CARES act funds to Anaheim Elementary, Brea Olinda, Centralia, Fullerton Elementary, La Habra, Magnolia and Placentia Yorba Linda School Districts to enable them to acquire distance learning technology based on their respective needs. The Anaheim Union High School District and Buena Park Elementary District requested and will be receiving these mobile Wi-Fi units to bring internet connectivity to low broadband neighborhoods in their respective School Districts, which will provide broadband for up to 150 users within a 300-yard radius.
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. On May 26, 2020, the Board of Supervisors allocated $75,000,000 of the $554,000,000 appropriation to provide economic support within the County. On October 6, 2020, the Board of Supervisors’ members approved expanding the usage of the residual amounts of their share of the previously allocated $75,000,000 to any other eligible CARES Act expenditure. This ASR would allow the transfer of property purchased using previously allocated CARES Act funds to the Anaheim Union High School District and Buena Park Elementary School District.

STAFFING IMPACT: N/A

ATTACHMENT(S):

Attachment A: Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments
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Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
Updated September 2, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The CARES Act established the Coronavirus Relief Fund (the "Fund") and appropriated $150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);

2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and

3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.\(^2\)

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

** Necessary expenditures incurred due to the public health emergency**

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

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\(^1\) On June 30, 2020, the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020” was updated. On September 2, 2020, the “Supplemental Guidance on Use of Funds to Cover Payroll and Benefits of Public Employees” and “Supplemental Guidance on Use of Funds to Cover Administrative Costs” sections were added.

\(^2\) See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.
Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, e.g., the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020,
will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient's control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
   - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
   - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
   - Costs of providing COVID-19 testing, including serological testing.
   - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.

2. Public health expenses such as:
   - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
   - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
   - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
   - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
   - Expenses for quarantining individuals.

3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
   - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
   - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
   - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
   - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
   - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
   - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
   - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
   - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
   - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

*Nonexclusive examples of ineligible expenditures*

The following is a list of examples of costs that would not be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.

2. Damages covered by insurance.

3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

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2 In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

3 See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.

5. Reimbursement to donors for donated items or services.

6. Workforce bonuses other than hazard pay or overtime.

7. Severance pay.

8. Legal settlements.

**Supplemental Guidance on Use of Funds to Cover Payroll and Benefits of Public Employees**

As discussed in the Guidance above, the CARES Act provides that payments from the Fund must be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As reflected in the Guidance and FAQs, Treasury has not interpreted this provision to limit eligible costs to those that are incremental increases above amounts previously budgeted. Rather, Treasury has interpreted this provision to exclude items that were already covered for their original use (or a substantially similar use). This guidance reflects the intent behind the Fund, which was not to provide general fiscal assistance to state governments but rather to assist them with COVID-19-related necessary expenditures. With respect to personnel expenses, though the Fund was not intended to be used to cover government payroll expenses generally, the Fund was intended to provide assistance to address increased expenses, such as the expense of hiring new personnel as needed to assist with the government’s response to the public health emergency and to allow recipients facing budget pressures not to have to lay off or furlough employees who would be needed to assist with that purpose.

**Substantially different use**

As stated in the Guidance above, Treasury considers the requirement that payments from the Fund be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020, to be met if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

Treasury has provided examples as to what would constitute a substantially different use. Treasury provided (in FAQ A.3) that costs incurred for a substantially different use would include, for example, the costs of redeploying educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

**Substantially dedicated**

Within this category of substantially different uses, as stated in the Guidance above, Treasury has included payroll and benefits expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. The full amount of payroll and benefits expenses of substantially dedicated employees may be covered using payments from the Fund. Treasury has not developed a precise definition of what “substantially dedicated” means given that there is not a precise way to define this term.
across different employment types. The relevant unit of government should maintain documentation of the “substantially dedicated” conclusion with respect to its employees.

If an employee is not substantially dedicated to mitigating or responding to the COVID-19 public health emergency, his or her payroll and benefits expenses may not be covered in full with payments from the Fund. A portion of such expenses may be able to be covered, however, as discussed below.

Public health and public safety

In recognition of the particular importance of public health and public safety workers to State, local, and tribal government responses to the public health emergency, Treasury has provided, as an administrative accommodation, that a State, local, or tribal government may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the Fund for services provided during the period that begins on March 1, 2020, and ends on December 30, 2020.

In response to questions regarding which employees are within the scope of this accommodation, Treasury is supplementing this guidance to clarify that public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (e.g., laboratory technicians) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel.

Not substantially dedicated

As provided in FAQ A.47, a State, local, or tribal government may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department. This means, for example, that a government could cover payroll expenses allocated on an hourly basis to employees’ time dedicated to mitigating or responding to the COVID-19 public health emergency. This result provides equitable treatment to governments that, for example, instead of having a few employees who are substantially dedicated to the public health emergency, have many employees who have a minority of their time dedicated to the public health emergency.

Covered benefits

Payroll and benefits of a substantially dedicated employee may be covered using payments from the Fund to the extent incurred between March 1 and December 30, 2020.

Payroll includes certain hazard pay and overtime, but not workforce bonuses. As discussed in FAQ A.29, hazard pay may be covered using payments from the Fund if it is provided for performing hazardous duty or work involving physical hardship that in each case is related to COVID-19. This means that, whereas payroll and benefits of an employee who is substantially dedicated to mitigating or responding to the COVID-19 public health emergency may generally be covered in full using payments from the Fund, hazard pay specifically may only be covered to the extent it is related to COVID-19. For example, a recipient may use payments from the Fund to cover hazard pay for a police officer coming in close
contact with members of the public to enforce public health or public safety orders, but across-the-board hazard pay for all members of a police department regardless of their duties would not be able to be covered with payments from the Fund. This position reflects the statutory intent discussed above: the Fund was intended to be used to help governments address the public health emergency both by providing funds for incremental expenses (such as hazard pay related to COVID-19) and to allow governments not to have to furlough or lay off employees needed to address the public health emergency but was not intended to provide across-the-board budget support (as would be the case if hazard pay regardless of its relation to COVID-19 or workforce bonuses were permitted to be covered using payments from the Fund).

Relatively, both hazard pay and overtime pay for employees that are not substantially dedicated may only be covered using the Fund if the hazard pay and overtime pay is for COVID-19-related duties. As discussed above, governments may allocate payroll and benefits of such employees with respect to time worked on COVID-19-related matters.

Covered benefits include, but are not limited to, the costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (federal and state), workers compensation insurance, and Federal Insurance Contributions Act (FICA) taxes (which includes Social Security and Medicare taxes).

**Supplemental Guidance on Use of Funds to Cover Administrative Costs**

**General**

Payments from the Fund are not administered as part of a traditional grant program and the provisions of the Uniform Guidance, 2 C.F.R. Part 200, that are applicable to indirect costs do not apply. Recipients may not apply their indirect costs rates to payments received from the Fund.

Recipients may, if they meet the conditions specified in the guidance for tracking time consistently across a department, use payments from the Fund to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency. (In other words, such costs would be eligible direct costs of the recipient). This includes, but is not limited to, costs related to disbursing payments from the Fund and managing new grant programs established using payments from the Fund.

As with any other costs to be covered using payments from the Fund, any such administrative costs must be incurred by December 30, 2020, with an exception for certain compliance costs as discussed below. Furthermore, as discussed in the Guidance above, as with any other cost, an administrative cost that has been or will be reimbursed under any federal program may not be covered with the Fund. For example, if an administrative cost is already being covered as a direct or indirect cost pursuant to another federal grant, the Fund may not be used to cover that cost.

**Compliance costs related to the Fund**

As previously stated in FAQ B.11, recipients are permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act, subject to the limitations set forth in 2 C.F.R. § 200.425. Pursuant to that provision of the Uniform Guidance, recipients and subrecipients subject to the Single Audit Act may use payments from the Fund to cover a reasonably proportionate share of the costs of audits attributable to the Fund.
To the extent a cost is incurred by December 30, 2020, for an eligible use consistent with section 601 of the Social Security Act and Treasury’s guidance, a necessary administrative compliance expense that relates to such underlying cost may be incurred after December 30, 2020. Such an expense would include, for example, expenses incurred to comply with the Single Audit Act and reporting and recordkeeping requirements imposed by the Office of Inspector General. A recipient with such necessary administrative expenses, such as an ongoing audit continuing past December 30, 2020, that relates to Fund expenditures incurred during the covered period, must report to the Treasury Office of Inspector General by the quarter ending September 2021 an estimate of the amount of such necessary administrative expenses.
Coronavirus Relief Fund
Frequently Asked Questions
Updated as of October 19, 2020

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, updated as of September 2, 2020 (“Guidance”). Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

A. Eligible Expenditures

1. Are governments required to submit proposed expenditures to Treasury for approval?

   No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

   The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

   Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

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1 On August 10, 2020, these Frequently Asked Questions were revised to add Questions A.49–52. On September 2, 2020, Questions A.53–56 were added and Questions A.34 and A.38 were revised. On October 19, 2020, Questions A.57–59 and B.13 were added and Questions A.42, 49, and 53 were revised.

Note that a public function does not become a "substantially different use" merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

4. **May a State receiving a payment transfer funds to a local government?**

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

5. **May a unit of local government receiving a Fund payment transfer funds to another unit of government?**

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

6. **Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?**

No. For example, a county recipient is not required to transfer funds to smaller cities within the county’s borders.

7. **Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?**

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

8. **Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?**

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.
9. Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

13. If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.
14. **May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?**

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

15. **May Fund payments be used for COVID-19 public health emergency recovery planning?**

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

16. **Are expenses associated with contact tracing eligible?**

Yes, expenses associated with contact tracing are eligible.

17. **To what extent may a government use Fund payments to support the operations of private hospitals?**

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

18. **May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?**

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

19. **May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?**

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

20. **Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?**

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.
21. **May recipients create a “payroll support program” for public employees?**

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. **May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?**

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. **May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?**

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. **The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?**

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. **The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?**

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. **May Fund payments be used to assist impacted property owners with the payment of their property taxes?**

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.
27. **May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?**

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

28. **Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?**

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

29. **The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?**

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

30. **The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?**

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

31. **May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?**

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

32. **Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?**

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants or other financial assistance to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.
33. Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government’s per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum $1.25 billion allocation and had one county with a population over 500,000 that received $250 million directly. The State should distribute 45 percent of the $1 billion it received, or $450 million, to local governments within the State with a population of 500,000 or less.

34. May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State’s compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions, such as restrictions on reopening that do not directly concern the use of funds, are not permissible.

35. If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

36. May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and teledwork?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and teledwork have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.
38. **May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?**

No. Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19. Payments from the fund may only be used to cover such hazard pay.

39. **May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?**

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

40. **May recipients use Fund payments to provide loans?**

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

41. **May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?**

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

42. **May funds be used to satisfy non-federal matching requirements under the Stafford Act?**

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance, including FEMA’s Emergency Management Performance Grant (EMPG) and EMPG Supplemental programs, to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA’s determination of eligibility under the Stafford Act.

43. **Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?**

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.
44. **May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?**

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. **May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?**

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. **May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?**

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. **The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?**

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. **May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?**

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.
49. Are States permitted to use Coronavirus Relief Fund payments to satisfy non-federal matching requirements under the Stafford Act, including “lost wages assistance” authorized by the Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019 (August 8, 2020)?

Yes. As previous guidance has stated, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act. States are fully permitted to use payments from the Fund to satisfy 100% of their cost share for lost wages assistance recently made available under the Stafford Act. If a State makes a payment to an individual under the “lost wages assistance” program and later determines that such individual was ineligible for the program, the ineligibility determination has the following consequences:

- The State incurs an obligation to FEMA in the amount of the payment to the ineligible individual. A State’s obligation to FEMA for making an improper payment to an individual under the “lost wages assistance” program is not incurred due to the public health emergency and, therefore, payments made pursuant to this obligation would not be an eligible use of the Fund.

- The “lost wages assistance” payment to the ineligible individual would be deemed to be an ineligible expense for purposes of the Fund, and any amount charged to the Fund (e.g., to satisfy the initial non-federal matching requirement) would be subject to recoupment.

50. At what point would costs be considered to be incurred in the case of a grant made by a State, local, or tribal government to cover interest and principal amounts of a loan, such as might be provided as part of a small business assistance program in which the loan is made by a private institution?

A grant made to cover interest and principal costs of a loan, including interest and principal due after the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”), will be considered to be incurred during the covered period if (i) the full amount of the loan is advanced to the borrower within the covered period and (ii) the proceeds of the loan are used by the borrower to cover expenses incurred during the covered period. In addition, if these conditions are met, the amount of the grant will be considered to have been used during the covered period for purposes of the requirement that expenses be incurred within the covered period. Such a grant would be analogous to a loan provided by the Fund recipient itself that incorporates similar loan forgiveness provisions. As with any other assistance provided by a Fund recipient, such a grant would need to be determined by the recipient to be necessary due to the public health emergency.

51. If governments use Fund payments as described in the Guidance to establish a grant program to support businesses, would those funds be considered gross income taxable to a business receiving the grant under the Internal Revenue Code (Code)?

Please see the answer provided by the Internal Revenue Service (IRS) available at https://www.irs.gov/newsroom/ cares-act-coronavirus-relief-fund-frequently-asked-questions.

52. If governments use Fund payments as described in the Guidance to establish a loan program to support businesses, would those funds be considered gross income taxable to a business receiving the loan under the Code?

Please see the answer provided by the IRS available at https://www.irs.gov/newsroom/ cares-act-coronavirus-relief-fund-frequently-asked-questions.
53. May Fund recipients incur expenses associated with the safe reopening of schools?

Yes, payments from the Fund may be used to cover costs associated with providing distance learning (e.g., the cost of laptops to provide to students) or for in-person learning (e.g., the cost of acquiring personal protective equipment for students attending schools in-person or other costs associated with meeting Centers for Disease Control guidelines).

Treasury recognizes that schools are generally incurring an array of COVID-19-related expenses to either provide distance learning or to re-open. To this end, as an administrative convenience, Treasury will presume that expenses of up to $500 per elementary and secondary school student are eligible expenditures, such that schools do not need to document the specific use of funds up to that amount.

If a Fund recipient avails itself of the presumption in accordance with the previous paragraph with respect to a school, the recipient may not also cover the costs of additional re-opening aid to that school other than those associated with the following, in each case for the purpose of addressing COVID-19:

- expanding broadband capacity;
- hiring new teachers;
- developing an online curriculum;
- acquiring computers and similar digital devices;
- acquiring and installing additional ventilation or other air filtering equipment;
- incurring additional transportation costs; or
- incurring additional costs of providing meals.

Across all levels of government, the presumption is limited to $500 per student, e.g., if a school is funded by a state and a local government, the presumption claimed by each recipient must add up to no more than $500. Furthermore, if a Fund recipient uses the presumption with respect to a school, any other Fund recipients providing aid to that school may not use the Fund to cover the costs of additional aid to schools other than with respect to the specific costs listed above.

The following examples help illustrate how the presumption may or may not be used:

Example 1: State A may transfer Fund payments to each school district in the State totaling $500 per student. State A does not need to document the specific use of the Fund payments by the school districts within the State.

Example 2: Suppose State A from example 1 transferred Fund payments to the school districts in the State in the amount of $500 per elementary and secondary school student. In addition, because State A is availing itself of the $500 per elementary and secondary school student presumption, State A also may use Fund payments to expand broadband capacity and to hire new teachers, but it may not use Fund payments to acquire additional furniture.

54. May Fund recipients upgrade critical public health infrastructure, such as providing access to running water for individuals and families in rural and tribal areas to allow them to maintain proper hygiene and defend themselves against the virus?

Yes, fund recipients may use payments from the Fund to upgrade public health infrastructure, such as providing individuals and families access to running water to help reduce the further spread of the virus. As required by the CARES Act, expenses associated with such upgrades must be incurred by
December 30, 2020. Please see Treasury’s Guidance as updated on June 30 regarding when a cost is considered to be incurred for purposes of the requirement that expenses be incurred within the covered period.

55. How does a government address the requirement that the allowable expenditures are not accounted for in the budget most recently approved as of March 27, 2020, once the government enters its new budget year on July 1, 2020 (for governments with June 30 fiscal year ends) or October 1, 2020 (for governments with September 30 year ends)?

As provided in the Guidance, the “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Furthermore, the budget most recently approved as of March 27, 2020, provides the spending baseline against which expenditures should be compared for purposes of determining whether they may be covered using payments from the Fund. This spending baseline will carry forward to a subsequent budget year if a Fund recipient enters a different budget year between March 27, 2020 and December 30, 2020. The spending baseline may be carried forward without adjustment for inflation.

56. Does the National Environmental Policy Act, 42 U.S.C. § 4321 et seq., (NEPA) apply to projects supported by payments from the Fund?

NEPA does not apply to Treasury’s administration of the Fund. Projects supported with payments from the Fund may still be subject to NEPA review if they are also funded by other federal financial assistance programs.

57. Public universities have incurred expenses associated with providing refunds to students for education-related expenses, including tuition, room and board, meal plans, and other fees (such as activities fees). Are these types of public university student refunds eligible uses of Fund payments?

If the responsible government official determines that expenses incurred to refund eligible higher education expenses are necessary and would be incurred due to the public health emergency, then such expenses would be eligible as long as the expenses satisfy the other criteria set forth in section 601(d) of the Social Security Act. Eligible higher education expenses may include, in the reasonable judgment of the responsible government official, refunds to students for tuition, room and board, meal plan, and other fees (such as activities fees). Fund payments may not be used for expenses that have been or will be reimbursed by another federal program (including, for example, the Higher Education Emergency Relief Fund administered by the Department of Education).

58. May payments from the Fund be used for real property acquisition and improvements and to purchase equipment to address the COVID-19 public health emergency?

The expenses of acquiring or improving real property and of acquiring equipment (e.g., vehicles) may be covered with payments from the Fund in certain cases. For example, Treasury’s initial guidance referenced coverage of the costs of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs, as an eligible use of funds. Any such use must be consistent with the requirements of section 601(d) of the Social Security Act as added by the CARES Act.
As with all uses of payments from the Fund, the use of payments to acquire or improve property is limited to that which is necessary due to the COVID-19 public health emergency. In the context of acquisitions of real estate and acquisitions of equipment, this means that the acquisition itself must be necessary. In particular, a government must (i) determine that it is not able to meet the need arising from the public health emergency in a cost-effective manner by leasing property or equipment or by improving property already owned and (ii) maintain documentation to support this determination. Likewise, an improvement, such as the installation of modifications to permit social distancing, would need to be determined to be necessary to address the COVID-19 public health emergency.

Previous guidance regarding the requirement that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 focused on the acquisition of goods and services and leases of real property and equipment, but the same principles apply to acquisitions and improvements of real property and acquisitions of equipment. Such acquisitions and improvements must be completed and the acquired or improved property or acquisition of equipment be put to use in service of the COVID-19-related use for which it was acquired or improved by December 30. Finally, as with all costs covered with payments from the Fund, such costs must not have been previously accounted for in the budget most recently approved as of March 27, 2020.

59. If a small business received a Small Business Administration (SBA) Payment Protection Program (PPP) or Economic Injury Disaster Loan (EIDL) grant or loan due to COVID-19, may the small business also receive a grant from a unit of government using payments from the Fund?

Receiving a PPP or EIDL grant or loan for COVID-19 would not necessarily make a small business ineligible to receive a grant from Fund payments made to a recipient. As discussed in previous Treasury guidance on use of the Fund, a recipient’s small business assistance program should be tailored to assist those businesses in need of such assistance. In assessing the business’ need for assistance, the recipient would need to take into account the business’ receipt of the PPP or EIDL loan or grant. If the business has received a loan from the SBA that may be forgiven, the recipient should assume for purposes of determining the business’ need that the loan will be forgiven. In determining the business’ eligibility for the grant, the recipient should not rely on self-certifications provided to the SBA.

If the grant is being provided to the small business to assist with particular expenditures, the business must not have already used the PPP or EIDL loan or grant for those expenditures. The assistance provided from the Fund would need to satisfy all of the other requirements set forth in section 601(d) of the Social Security Act as discussed in Treasury’s guidance and FAQs, and the business would need to comply with all applicable requirements of the PPP or EIDL program.

Treasury’s Office of Inspector General has provided the following guidance in its FAQ no. 65 on reporting and recordkeeping that would apply to the recipient:

The prime recipient is responsible for determining the level and detail of documentation needed from the sub-recipient of small business assistance to satisfy [the requirements of section 601(d) of the Social Security Act], however, there would need to be some proof that the small business was impacted by the public health emergency and was thus eligible for the CRF funds.

In the above OIG FAQ, “sub-recipient” refers to the beneficiary of the assistance, i.e., the small business.
B. Questions Related to Administration of Fund Payments

1. Do governments have to return unspent funds to Treasury?
   Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

2. What records must be kept by governments receiving payment?
   A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

3. May recipients deposit Fund payments into interest bearing accounts?
   Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government’s general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

4. May governments retain assets purchased with payments from the Fund?
   Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

5. What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?
   If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

6. Are Fund payments to State, territorial, local, and tribal governments considered grants?
   No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are “other financial assistance” under 2 C.F.R. § 200.40.

7. Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?
   Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.
8. Are Fund payments subject to other requirements of the Uniform Guidance?

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

9. Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?

Yes. The CFDA number assigned to the Fund is 21.019.

10. If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend $750,000 or more in federal awards during their fiscal year.

11. Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

12. If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

13. What are the differences between a subrecipient and a beneficiary under the Fund for purposes of the Single Audit Act and 2 C.F.R. Part 200, Subpart F regarding audit requirements?

The Single Audit Act and 2 C.F.R. Part 200, Subpart F regarding audit requirements apply to any non-federal entity, as defined in 2 C.F.R. 200.69, that receives payments from the Fund in the amount of $750,000 or more. Non-federal entities include subrecipients of payments from the Fund, including recipients of transfers from a State, territory, local government, or tribal government that received a payment directly from Treasury. However, subrecipients would not include individuals and organizations (e.g., businesses, non-profits, or educational institutions) that are beneficiaries of an assistance program established using payments from the Fund. The Single Audit Act and 2 C.F.R. Part 200, Subpart F regarding audit requirements do not apply to beneficiaries.

ATTACHMENT: C
This Subrecipient Agreement (the "Agreement") is made and entered into as of __________, 2020 ("Effective Date") by and between the COUNTY OF ORANGE, a political subdivision of the State of California (hereinafter referred to as "County"), and the BUENA PARK ELEMENTARY SCHOOL DISTRICT, a California school district (hereafter referred to as "Subrecipient") with the County and Subrecipient referred to individually as a "Party," or collectively as the "Parties."

RECITALS

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

WHEREAS, on March 2, 2020, the Board of Supervisors adopted Resolution No. 2020-11 ratifying the local health emergency declared by the County's Health Officer; 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, on March 13, 2020, the President of the United States issued a Proclamation on Declaring a National Emergency Concerning the Coronavirus Disease 2019 ("COVID-19") Outbreak; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security ("CARES") Act was passed by Congress and signed into law by the President of the United States on March 27th, 2020; and

WHEREAS, the CARES Act established the Coronavirus Relief Fund and the County received an allocation of funds from the Coronavirus Relief Fund under section 601(a) of the Social Security Act, as added by section 5001 of the CARES Act; and
WHEREAS, Section 601(a) of the Social Security Act, as added by section 5001 of the CARES Act, which is to be used to make payments for specified uses to States and certain local governments that: (1) are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the Department of Treasury has issued guidance that the County may transfer funds to a unit of government within its borders provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act; and

WHEREAS, the Department of Treasury has issued guidance that payments from the Coronavirus Relief Fund may be used to cover costs associated with providing distance learning or for in-person learning, and that a presumption applies that expenses of up to $500 per elementary and secondary school student are eligible expenditures, along with any expenditures related to expanding broadband capacity; and

WHEREAS, County purchased “One Wi-Fi on Wheels” unit (Equipment) as set forth in for a total amount of $25,000.00 with monies the County received pursuant to the CARES Act; and

WHEREAS, due to the public health emergency with respect to COVID-19, the Subrecipient seeks to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions; and

WHEREAS, in order to establish increased broadband capacity for distance learning, the Parties have agreed that the County shall transfer the Equipment described herein to Subrecipient to be used to facilitate compliance with COVID-19-related public health measures, including educational based measures provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions; and

WHEREAS, the Subrecipient shall use the Equipment to increase broadband capacity for its students or staff to prevent and control the COVID-19 emergency and pandemic and to protect and preserve the public health by providing opportunities for students to access broadband wireless internet while distance
learning in an effort to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions; and

WHEREAS, all provisions of this Agreement shall be read and construed in a manner that is consistent with the stated purpose herein.

AGREEMENT

NOW, THEREFORE, the Parties mutually agree as follows:

1. TERM OF AGREEMENT. The term of this Agreement begins on the date when fully executed by the Parties, and terminates on June 30, 2021, or when all of the Parties’ obligations under this Agreement are fully satisfied, whichever occurs earlier.

2. PURPOSE OF AGREEMENT. The purpose of this Agreement shall be for the County to provide the Equipment to the Subrecipient to allow the Subrecipient to provide broadband and public internet access to students within the school district to prevent and control the COVID-19 emergency and pandemic and to protect and preserve the public health by providing distance learning options in an effort to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions. The Recitals, which provide further explanation of the purpose of this Agreement, are hereby incorporated by reference.

3. EQUIPMENT DELIVERY

a. The County shall make available for pick up at a mutually agreeable time and location, and Subrecipient shall accept and assume ownership, responsibility, and liability for the Equipment.

b. It is understood that the County makes no commitment to fund this Agreement beyond the terms set forth herein. Subrecipient will be responsible for all subscription fees for monthly cellular 4G/LTE service required to provide broadband access to the Equipment. Subrecipient will also be responsible for providing motor vehicles with a hitch and ball component capable of towing a trailer less than 600 lbs.

c. Any Equipment provided by County to Subrecipient not installed, fully operational, or utilized for the purposes consistent with this Agreement and the CARES Act by December 30, 2020 shall be returned by Subrecipient to County at Subrecipient’s expense.
d. Subrecipient agrees that it is familiar with the requirements and restrictions of the CARES Act and agrees that it will utilize the Equipment and related assets consistent with these requirements.

4. STATUTES AND REGULATIONS APPLICABLE TO GRANT. Subrecipient must comply with all applicable requirements of State, Federal, and County of Orange laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this Agreement. Subrecipient must comply with applicable State and Federal laws and regulations pertaining to labor, wages, hours, and other conditions of employment. Subrecipient must comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement. These requirements include, but are not limited to:

a. **Office of Management and Budget ("OMB") Circulars.** Subrecipient must comply with OMB Circulars, as applicable: OMB Circular A-21 (Cost Principles for Educational Institutions); OMB Circular A-87 (Cost Principles for State, Local, and Indian Tribal Governments); OMB Circular A-102 (Grants and Cooperative Agreements with State and Local Governments); Common Rule, Subpart C for public agencies or OMB Circular A-110 (Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations); OMB Circular A-122 (Cost Principles for Non-Profit Organizations); OMB Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations).

b. **Single Audit Act.** Since Federal funds are used in the performance of this Agreement, Subrecipient must, as applicable, adhere to the rules and regulations of the Single Audit Act (31 USC Sec. 7501 et seq.), OMB Circular A-133 and any administrative regulation or field memoranda implementing the Act.

c. **Political Activity Prohibited.** None of the funds, materials, property or services provided directly or indirectly under this Agreement may be used for any partisan political activity, or to further the election or defeat of any candidate for public office. Funds provided under this Agreement may not be used for any purpose designed to support or defeat any pending legislation or administrative regulation.

5. **COMPLIANCE WITH GRANT REQUIREMENTS.** To obtain the grant funds, the Department of the Treasury required an authorized representative of the
County to agree to certain promises regarding the way the grant funds would be spent. This certification is attached hereto as Exhibit B. By signing this certification, the County made material representations to the Department of Treasury in order to receive payments from the Department of Treasury pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020). In accordance with Paragraph 11, Subrecipient agrees to indemnify, defend, and hold harmless the County of Orange for any Equipment or sums the State or Federal government contends or determines Subrecipient used in violation of the certification. Subrecipient shall immediately return to the County any funds the County or any responsible State or Federal agency, including the Department of Treasury, determines the Subrecipient has used in a manner that is inconsistent with Paragraph 2 of this Agreement. The provisions of this paragraph shall survive termination of this Agreement.

6. REPORTS.

a. Final Report: By January 15, 2021, Subrecipient shall provide a report to the County that shall describe how Subrecipient used the Equipment consistent with the use requirements of Paragraph 2.

b. The Subrecipient shall provide a certification signed by its superintendent that the statements contained in the report are true and that the use of the Equipment through December 30, 2020 complies with the uses permitted under Paragraph 2.

c. Subrecipient shall maintain supporting documentation for the reports required by this Paragraph 6 consistent with the requirements of Paragraph 7.

7. RECORDS MAINTENANCE. Records, in their original form, must be maintained in accordance with requirements prescribed by the County with respect to all matters specified in this Agreement. Original forms are to be maintained on file for all documents specified in this Agreement. Such records must be retained for a period four (4) years after termination of this Agreement and after final disposition of all pending matters. “Pending matters” include, but are not limited to, an audit, litigation or other actions involving records. Records, in their original form pertaining to matters covered by this Agreement, must at all times be retained within the County of Orange unless authorization to remove them is granted in writing by the County.
8. RECORDS INSPECTION. At any time during normal business hours and as often as either the County, Inspector General acting pursuant to the Inspector General Act of 1978, or the Auditor General of the State of California may deem necessary, Subrecipient must make available for examination all of its records with respect to all matters covered by this Agreement. The County, Inspector General, and the Auditor General of the State of California each have the authority to audit, examine and make excerpts or transcripts from records, including all Subrecipient’s invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement. Subrecipient agrees to provide any reports requested by the County regarding performance of this Agreement.

9. INDEPENDENT CONTRACTOR. The Subrecipient shall be considered an independent contractor and neither the Subrecipient, its employees, nor anyone working under the Subrecipient shall be considered an agent or an employee of County. Neither the Subrecipient, its employees nor anyone working under the Subrecipient shall qualify for workers’ compensation or other fringe benefits of any kind through County.

10. PERMITS, LICENSES, APPROVALS, AND LEGAL OBLIGATIONS. Subrecipient shall be responsible for obtaining any and all permits, licenses, and approvals required for performing any work under this Agreement. Subrecipient shall be responsible for observing and complying with any applicable Federal, State, or local laws, or rules or regulations affecting any such work. Subrecipient shall provide copies of permits and approvals to the County upon request.

11. INDEMNITY. The Subrecipient agrees to indemnify, defend with counsel approved in writing by County, and hold County, its elected and appointed officials, officers, employees and agents and those special districts and agencies which County’s Board of Supervisors acts as the governing Board harmless from any claims, demands or liability of any kind or nature, including but not limited to personal injury or property damage, arising from or related to the Subrecipient’s receipt of the Equipment under this Agreement, including any claims that the Equipment transferred by the County under this Agreement was not used consistent with the restrictions on the use of Coronavirus Relief Funds (42 U.S.C. § 801) and the regulations and guidance issued by the Department of Treasury regarding the use of such funds. The provisions of this paragraph shall survive the termination of this Agreement.

12. AS IS, WHERE IS. All Equipment provided to Subrecipient is being provided on an “AS IS, WHERE IS” basis and County has not made, does not make,
and specifically negates and disclaims any representations, warranties, or guaranties of any kind or character whatsoever, whether express or implied, oral or written, concerning or with respect to the Equipment provided.

13. NOTICES. Any and all notices, requests, demands, and other communications contemplated, called for, permitted, or required to be given hereunder shall be in writing. Any written communications shall be deemed to have been duly given upon actual in-person delivery, if delivery is by direct hand, or upon delivery on the actual day of receipt or no greater than four (4) calendar days after being mailed by US certified or registered mail, return receipt requested, postage prepaid, whichever occurs first. The date of mailing shall count as the first day. All communications shall be addressed to the appropriate party at the address stated herein or such other address as the parties hereto may designate by written notice from time to time in the manner aforesaid.

Subrecipient:
Buena Park Elementary School District
ATTN: NAME, TITLE
Address

County:
County of Orange
ATTN: Frank Kim, County Executive Officer
Hall of Administration
333 W. Santa Ana Blvd., Third Floor
Santa Ana, CA 92701

14. DEFAULTS. Should either Party fail for any reason to comply with the contractual obligations of this Agreement within the time specified by this Agreement, the non-breaching Party reserves the right to terminate the Agreement, reserving all rights under State and Federal law.

15. ATTORNEY FEES. In any action or proceeding to enforce or interpret any provision of this Agreement, each Party shall bear its own attorney’s fees, costs, and expenses.
16. ENTIRE CONTRACT: This Agreement contains the entire contract between the Parties with respect to the matters herein, and there are no restrictions, promises, warranties or undertakings other than those set forth herein or referred to herein. No exceptions, alternatives, substitutes or revisions are valid or binding on the parties unless authorized by the Parties in writing.

17. AMENDMENTS. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties; no oral understanding or agreement not incorporated herein shall be binding on either of the Parties; and no exceptions, alternatives, substitutes or revisions are valid or binding on County unless authorized by County in writing.

18. COUNTERPARTS. This Agreement may be executed in counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by any Party shall have the same force and effect as if that Party had signed all other counterparts.
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

BUENA PARK ELEMNTARY, An Elementary School District
COUNTY OF ORANGE, A political subdivision of the State of California

By: ___________________________ By: ___________________________
NAME, Superintendent
Michelle Steel, Chairwoman
Board of Supervisors

Date: ___________________________ Date: ___________________________

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD
OF SUPERVISORS PER GC § 25103, RESO. 79-1535

By: ___________________________
Robin Stieler
Clerk of the Board of Supervisors
County of Orange, California

APPROVED AS TO FORM:

By: ___________________________ By: ___________________________
Attorney for BPESD Deputy County Counsel

Date: ___________________________ Date: ___________________________
ATTACHMENT: D
SUBRECIPIENT AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE ANAHEIM UNION HIGH SCHOOL DISTRICT FOR THE TRANSFER OF PROPERTY TO EXPAND BROADBAND CAPACITY TO CONTROL SPREAD OF COVID-19 AND PRESERVE PUBLIC HEALTH

This Subrecipient Agreement (the “Agreement”) is made and entered into as of _________________, 2020 (“Effective Date”) by and between the COUNTY OF ORANGE, a political subdivision of the State of California (hereinafter referred to as “County”), and the ANAHEIM UNION HIGH SCHOOL DISTRICT, a California school district (hereafter referred to as “Subrecipient”) with the County and Subrecipient referred to individually as a “Party,” or collectively as the “Parties.”

RECATALS

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

WHEREAS, on March 2, 2020, the Board of Supervisors adopted Resolution No. 2020-11 ratifying the local health emergency declared by the County’s Health Officer; 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, on March 13, 2020, the President of the United States issued a Proclamation on Declaring a National Emergency Concerning the Coronavirus Disease 2019 (“COVID-19”) Outbreak; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was passed by Congress and signed into law by the President of the United States on March 27th, 2020; and

WHEREAS, the CARES Act established the Coronavirus Relief Fund and the County received an allocation of funds from the Coronavirus Relief Fund under section 601(a) of the Social Security Act, as added by section 5001 of the CARES Act; and
WHENAS, Section 601(a) of the Social Security Act, as added by section 5001 of the CARES Act, which is to be used to make payments for specified uses to States and certain local governments that: (1) are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the Department of Treasury has issued guidance that the County may transfer funds to a unit of government within its borders provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act; and

WHEREAS, the Department of Treasury has issued guidance that payments from the Coronavirus Relief Fund may be used to cover costs associated with providing distance learning or for in-person learning, and that a presumption applies that expenses of up to $500 per elementary and secondary school student are eligible expenditures, along with any expenditures related to expanding broadband capacity; and

WHEREAS, County purchased “10 Wi-Fi on Wheels” units (“Equipment”) for a total amount of $250,000.00 with monies the County received pursuant to the CARES Act; and

WHEREAS, due to the public health emergency with respect to COVID-19, the Subrecipient seeks to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions; and

WHEREAS, in order to establish increased broadband capacity for distance learning, the Parties have agreed that the County shall transfer the Equipment described herein to Subrecipient to be used to facilitate compliance with COVID-19-related public health measures, including educational based measures provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions; and

WHEREAS, the Subrecipient shall use the Equipment to increase broadband capacity for its students or staff to prevent and control the COVID-19 emergency and pandemic and to protect and preserve the public health by providing opportunities for students to access broadband wireless internet while distance
learning in an effort to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions; and

WHEREAS, all provisions of this Agreement shall be read and construed in a manner that is consistent with the stated purpose herein.

AGREEMENT

NOW, THEREFORE, the Parties mutually agree as follows:

1. TERM OF AGREEMENT. The term of this Agreement begins on the date when fully executed by the Parties, and terminates on June 30, 2021, or when all of the Parties' obligations under this Agreement are fully satisfied, whichever occurs earlier.

2. PURPOSE OF AGREEMENT. The purpose of this Agreement shall be for the County to provide the Equipment to the Subrecipient to allow the Subrecipient to provide broadband and public internet access to students within the school district to prevent and control the COVID-19 emergency and pandemic and to protect and preserve the public health by providing distance learning options in an effort to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions. The Recitals, which provide further explanation of the purpose of this Agreement, are hereby incorporated by reference.

3. EQUIPMENT DELIVERY

    a. The County shall make available for pick up at a mutually agreeable time and location, and Subrecipient shall accept and assume ownership, responsibility, and liability for the Equipment.

    b. It is understood that the County makes no commitment to fund this Agreement beyond the terms set forth herein. Subrecipient will be responsible for all subscription fees for monthly cellular 4G/LTE service required to provide broadband access to the Equipment. Subrecipient will also be responsible for providing motor vehicles with a hitch and ball component capable of towing a trailer less than 600 lbs.

    c. Any Equipment provided by County to Subrecipient not installed, fully operational, or utilized for the purposes consistent with this Agreement and the CARES Act by December 30, 2020 shall be returned by Subrecipient to County at Subrecipient's expense.
d. Subrecipient agrees that it is familiar with the requirements and restrictions of the CARES Act and agrees that it will utilize the Equipment and related assets consistent with these requirements.

4. STATUTES AND REGULATIONS APPLICABLE TO GRANT. Subrecipient must comply with all applicable requirements of State, Federal, and County of Orange laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this Agreement. Subrecipient must comply with applicable State and Federal laws and regulations pertaining to labor, wages, hours, and other conditions of employment. Subrecipient must comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement. These requirements include, but are not limited to:

a. Office of Management and Budget ("OMB") Circulars. Subrecipient must comply with OMB Circulars, as applicable: OMB Circular A-21 (Cost Principles for Educational Institutions); OMB Circular A-87 (Cost Principles for State, Local, and Indian Tribal Governments); OMB Circular A-102 (Grants and Cooperative Agreements with State and Local Governments); Common Rule, Subpart C for public agencies or OMB Circular A-110 (Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations); OMB Circular A-122 (Cost Principles for Non-Profit Organizations); OMB Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations).

b. Single Audit Act. Since Federal funds are used in the performance of this Agreement, Subrecipient must, as applicable, adhere to the rules and regulations of the Single Audit Act (31 USC Sec. 7501 et seq.), OMB Circular A-133 and any administrative regulation or field memoranda implementing the Act.

c. Political Activity Prohibited. None of the funds, materials, property or services provided directly or indirectly under this Agreement may be used for any partisan political activity, or to further the election or defeat of any candidate for public office. Funds provided under this Agreement may not be used for any purpose designed to support or defeat any pending legislation or administrative regulation.

5. COMPLIANCE WITH GRANT REQUIREMENTS. To obtain the grant funds, the Department of the Treasury required an authorized representative of the
County to agree to certain promises regarding the way the grant funds would be spent. This certification is attached hereto as Exhibit B. By signing this certification, the County made material representations to the Department of Treasury in order to receive payments from the Department of Treasury pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020). In accordance with Paragraph 11, Subrecipient agrees to indemnify, defend, and hold harmless the County of Orange for any Equipment or sums the State or Federal government contends or determines Subrecipient used in violation of the certification. Subrecipient shall immediately return to the County any funds the County or any responsible State or Federal agency, including the Department of Treasury, determines the Subrecipient has used in a manner that is inconsistent with Paragraph 2 of this Agreement. The provisions of this paragraph shall survive termination of this Agreement.

6. REPORTS.
   a. Final Report: By January 15, 2021, Subrecipient shall provide a report to the County that shall describe how Subrecipient used the Equipment consistent with the use requirements of Paragraph 2.
   b. The Subrecipient shall provide a certification signed by its superintendent that the statements contained in the report are true and that the use of the Equipment through December 30, 2020 complies with the uses permitted under Paragraph 2.
   c. Subrecipient shall maintain supporting documentation for the reports required by this Paragraph 6 consistent with the requirements of Paragraph 7.

7. RECORDS MAINTENANCE. Records, in their original form, must be maintained in accordance with requirements prescribed by the County with respect to all matters specified in this Agreement. Original forms are to be maintained on file for all documents specified in this Agreement. Such records must be retained for a period four (4) years after termination of this Agreement and after final disposition of all pending matters. "Pending matters" include, but are not limited to, an audit, litigation or other actions involving records. Records, in their original form pertaining to matters covered by this Agreement, must at all times be retained within the County of Orange unless authorization to remove them is granted in writing by the County.
8. RECORDS INSPECTION. At any time during normal business hours and as often as either the County, Inspector General acting pursuant to the Inspector General Act of 1978, or the Auditor General of the State of California may deem necessary, Subrecipient must make available for examination all of its records with respect to all matters covered by this Agreement. The County, Inspector General, and the Auditor General of the State of California each have the authority to audit, examine and make excerpts or transcripts from records, including all Subrecipient's invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement. Subrecipient agrees to provide any reports requested by the County regarding performance of this Agreement.

9. INDEPENDENT CONTRACTOR. The Subrecipient shall be considered an independent contractor and neither the Subrecipient, its employees, nor anyone working under the Subrecipient shall be considered an agent or an employee of County. Neither the Subrecipient, its employees nor anyone working under the Subrecipient shall qualify for workers' compensation or other fringe benefits of any kind through County.

10. PERMITS, LICENSES, APPROVALS, AND LEGAL OBLIGATIONS. Subrecipient shall be responsible for obtaining any and all permits, licenses, and approvals required for performing any work under this Agreement. Subrecipient shall be responsible for observing and complying with any applicable Federal, State, or local laws, or rules or regulations affecting any such work. Subrecipient shall provide copies of permits and approvals to the County upon request.

11. INDEMNITY. The Subrecipient agrees to indemnify, defend with counsel approved in writing by County, and hold County, its elected and appointed officials, officers, employees and agents and those special districts and agencies which County's Board of Supervisors acts as the governing Board harmless from any claims, demands or liability of any kind or nature, including but not limited to personal injury or property damage, arising from or related to the Subrecipient's receipt of the Equipment under this Agreement, including any claims that the Equipment transferred by the County under this Agreement was not used consistent with the restrictions on the use of Coronavirus Relief Funds (42 U.S.C. § 801) and the regulations and guidance issued by the Department of Treasury regarding the use of such funds. The provisions of this paragraph shall survive the termination of this Agreement.

12. AS IS, WHERE IS. All Equipment provided to Subrecipient is being provided on an "AS IS, WHERE IS" basis and County has not made, does not make
and specifically negates and disclaims any representations, warranties, or guaranties of any kind or character whatsoever, whether express or implied, oral or written, concerning or with respect to the Equipment provided.

13. NOTICES. Any and all notices, requests, demands, and other communications contemplated, called for, permitted, or required to be given hereunder shall be in writing. Any written communications shall be deemed to have been duly given upon actual in-person delivery, if delivery is by direct hand, or upon delivery on the actual day of receipt or no greater than four (4) calendar days after being mailed by US certified or registered mail, return receipt requested, postage prepaid, whichever occurs first. The date of mailing shall count as the first day. All communications shall be addressed to the appropriate party at the address stated herein or such other address as the parties hereto may designate by written notice from time to time in the manner aforesaid.

Subrecipient:

Anaheim Union High School District
ATTN: Erik Greenwood, Chief Technology Officer
501 N. Crescent Way
Anaheim, CA 92801
County: Orange

County of Orange
ATTN: Frank Kim, County Executive Officer
Hall of Administration
333 W. Santa Ana Blvd., Third Floor
Santa Ana, CA 92701

14. DEFAULTS. Should either Party fail for any reason to comply with the contractual obligations of this Agreement within the time specified by this Agreement, the non-breaching Party reserves the right to terminate the Agreement, reserving all rights under State and Federal law.

15. ATTORNEY FEES. In any action or proceeding to enforce or interpret any provision of this Agreement, each Party shall bear its own attorney's fees, costs, and expenses.

16. ENTIRE CONTRACT: This Agreement contains the entire contract between the Parties with respect to the matters herein, and there are no restrictions,
promises, warranties or undertakings other than those set forth herein or referred to herein. No exceptions, alternatives, substitutes or revisions are valid or binding on the parties unless authorized by the Parties in writing.

17. AMENDMENTS. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties; no oral understanding or agreement not incorporated herein shall be binding on either of the Parties; and no exceptions, alternatives, substitutes or revisions are valid or binding on County unless authorized by County in writing.

18. COUNTERPARTS. This Agreement may be executed in counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by any Party shall have the same force and effect as if that Party had signed all other counterparts.
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

ANAHEIM UNION,  
A High School District  
By: Jaron Fried, Ed.D  
Assistant Superintendent of Education  
Date: 11/13/20

COUNTY OF ORANGE,  
A political subdivision of the State of California  
By: Michelle Steel, Chairwoman  
Board of Supervisors  
Date: _______________________

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIR OF THE BOARD OF SUPERVISORS PER GC § 25103, RESO. 79-1535

By: Robin Stieler  
Clerk of the Board of Supervisors  
County of Orange, California

APPROVED AS TO FORM:

By: Karl H. White  
Attorney for AUHSD  
Date: 11/18/2020

By: _______________________
Deputy County Counsel  
Date: 11/30/2020
See message below emailed directly to each board member.

-------- Forwarded message --------
From: Jessica Clanahan <jessicae.romero@gmail.com>
Date: Tue, Dec 8, 2020 at 8:13 AM
Subject: Support for Resolution for Local Control
To: <donald.wagner@ocgov.com>, <michelle.steel@ocgov.com>, <andrew.do@ocgov.com>, <fourth.district@ocgov.com>, <lisa.bartlett@ocgov.com>

Good Morning,

I send this message to urge each of you to please listen to our public! Our trust in local governance and state wide governance is waning. Legitimacy is out the window with "do as I say, not as I do" leadership. If you want to look to a small microcosm, look to a family wherein the parent is detached, dismissive and uninterested. The outcomes in such a family are poor—always. As such, look to our State and you'll see the same. Unrest, disbelief and incredulousness at the lack of control we are able to exercise in our lives going on 9 months with no end in sight, all the while we've "done everything right" as a County. Our numbers have maintained within reasonable range for both cases and deaths, even when those metrics were flipped in terms of importance.

I implore you to all support a measure/resolution for local control. When the heads of State have no interest in our local area they make broad sweeping generalizations that have no basis in our day to day reality and operations. Make this happen. Hold the line to preserve our ability to govern ourselves locally. Our needs do not and have never matched those of our regional "partners." There is no logical reason for Orange County to be linked demographically to the remainder of the southern region, except to detract from our positive gains and continued ability to manage this moment properly. If one wanted to remove our progress, linking us to failed partners, such as Los Angeles, is exactly the move they'd make. Please reverse this now by supporting a resolution for local control.

Know that you would be joining other counties in adopting such a measure. We would not be the sole county expressing our desire for self governance and representation of our citizens.

I appreciate each of your true and legitimate representation for all of us.

Thank you,

Jessica Clanahan
Fullerton 92832
714-287-6556

Feel free to contact me at any time should you need additional information.
Dear Mr. Page --

Hope this email finds you safe and healthy.

Because of my age I have been advised by health professionals to shelter at home during the COVID outbreak, which renders me unable to attend the Board meeting in person, especially considering the large numbers of unmasked people who I have seen to congregate outside your recent meetings and sometimes inside as well. Therefore, I am submitting a public comment and other comments on a few of the items on the agenda, and I ask that you read these comments into the record at the appropriate time.

**Item S32E:** In an earlier item you talked about measures necessary to protect public health and safety, and now you want to override "region-wide restrictions" because you know better how to protect the public; and yet you don’t even take the most minimal precautions right here in your own chambers! No mandatory mask wearing, no social distancing, you don’t even disinfect the microphone after each speaker. These are scientifically-proven means to avoid further spread of the coronavirus, but you stubbornly choose to ignore them. And we should trust you to make the right decisions for the entire county? I wonder how many of you wear seat belts in your cars or helmets when you ride your bikes? These are common sense safety measures that over time have become second nature to all reasonable even mildly intelligent people. There were individuals back when these laws were put into place who railed and screamed against them, too. But these measures saved and continue to save countless lives, just as science has shown commonsense protections against the Coronavirus like mask-wearing and social distancing will do. To be honest, it's hard to determine if you believe more in science or in your own political posturing. I have news for you: the world is round...and it doesn't revolve around you.

**Item S34A:** After months of asking for it, I am of course very pleased that the TRUTH Act Forum is finally being held. However, what it reveals is quite disturbing. The sheriff reports that in 2019 there were 492 lawful transfers to ICE custody. This number is incredibly high when considering that in Los Angeles County, which has OVER THREE TIMES THE POPULATION OF ORANGE COUNTY, only 457 transfers were realized in that same period. Yes, once again Orange County takes the Number One spot in colluding with federal ICE agents, just like it did a few year ago when it was the last holdout county to still have a 287g arrangement with federal immigration authorities, something that it was forced to give up only because of the passage of the California Values Act, and not out of any concern for the devastation and insecurity that arrangement caused to community members. Another interesting aspect of the Sheriff's report is how he takes a second paragraph to pointedly let us know that of the 1015 people who were released back into the community after they had served their required time, 238 were "rearrested in Orange County for committing new crimes". Notice he says "rearrested" and not "convicted" or even "charged". Maybe the OCSD kept a special eye on these folks looking for the opportunity to bring them in again to prove some point. I would certainly hope not.
I would also hope that for next year's Forum the transfer numbers are markedly lower than they were for 2019, as it would be criminal for the OCSD, who I believe takes pride in the way they have kept the virus numbers down in their own OC jails, to transfer Orange County residents in the middle of this year's pandemic to the Adelanto Detention Center that has become the nation's worst hothouse of COVID infections. I would hope they have more human compassion than that.

PUBLIC COMMENT: Many of the unhoused members of our community struggle with some form of mental illness and they need a stable home situation with wrap-around services to help them deal with their infirmity. So why is it that, instead of earmarking funds to build appropriate housing for them, the Board of Supervisors is spending over $300 million to expand the James A. Musick facility into a "mental health jail"? Apart from the oxymoronic nature of thinking any good can come from people in need of mental health care being locked up in punitive confinement, the jails we have now are not even at capacity! This is so misguided and counterintuitive. Why not use this money to develop treatment facilities or more stable housing environments so community members won't continue to be criminalized for being on the streets in the first place? If you care about helping those who suffer from mental illness, then stop wasting our tax dollars on boondoggles like a "mental health jail", that benefit no one. Sheriff Barnes himself has said (and I quote), "We don’t want to be mental health clinicians, it’s not our goal for law enforcement to deal with mental health issues". And yet, that is precisely what law enforcement will be doing if the Musick jail expansion is allowed to proceed. As Sheriff Barnes rightly observes: "Every dollar spent is a dollar not spent somewhere else." Let’s follow his advice, take the $350 million earmarked for that misbegotten jail project, and use it to build a state-of-the-art facility, staffed with mental health professionals, that can successfully help individuals suffering from mental health issues have the hope of a healthier and happier life. That would be real leadership.

Thank you once again for reading my comments. Stay safe and don't forget to wear your mask --

Felicity Figueroa
Irvine, CA
I am in full support of Supervisor Wagner's resolution for local control regarding Covid 19 and the new state at home orders. I beg you to vote on support of this resolution.

Thank you,

Rebecca Holz
Resident
I became aware that Mr. Wagner wishes to introduce a resolution to go against the governor's order so that we do not need to follow it. While local control is appreciated, Mr. Wagner's attitude toward the safety of our county is not. As a constituent of Mr. Wagner's, I urge both Mr. Wagner and the board at large to reject this idea and instead focus on ways to control the virus so that we can open up safely. If there are other methods or ways to stop the spread and get our businesses back to work, we should consider them.

Respectfully,

Bryana Haus
To whom it may concern,

Hello, my name is Timothy Waterhouse, and I'm the owner of Guac-N-Roll Foods, LLC, a local food catering/truck business located in the city of Placentia.

I'm writing this email to show support for power to be transferred to local authority instead of state control. What happens in Los Angeles county shouldn't be taken in consideration to govern the rest of us that live in Orange County. I'm sick of watching my fellow Orange County food providers shutting doors because Los Angeles is in crisis and mismanaged.

For what it's worth, I throw my support in favor of voting for more local control instead of the good governors power trip, hypocritical orders. We need to band together and decide what's best for us, not have Sacramento make the decisions.

Thank you for your time. We appreciate the dedication and support this board has shown for local businesses and its citizens.

Tim
Guac-N-Roll Tacos 🌿
RE: Item S32E

BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

“One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that ‘an unjust law is no law at all.’”

Martin Luther King Jr.

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” –

Fourteenth Amendment –Section 1 – Constitution of the United States

The letter I am writing is in regards to the systemic attack on the American Dream of small business ownership and the minorities who have sought refuge in the United States to pursue their American Dream.

- African American-owned: 28.6%
- Asian-owned: 18.8%
- Hawaiian/Pacific Islander-owned: 57.5%
- Hispanic-owned: 43.9%
- Native American/Alaskan-owned: -9.5%
- Minority-owned: 32.7%

(sba.gov)

While this attack on small business owners does not surprise me after hearing Gavin Newsom refer to the State of California as a “Nation State” in April of 2020, the constant attack on minority small business owners is surprising since Democrats promise to help and protect minorities above all else.
As elected officials of Orange County is it your responsibility to be aware of many different factors which affect the quality of life of those who live within the County, but your responsibility does not stop there. You must also be aware of the policies and actions being taken not only across the State of California, but across the country as well, policies and actions that affect those who reside within our County.

I am not a small business owner at this time; however, I have been a small business owner in the past. The most recent attack on small businesses in California is by design, a design the follows a long history of attacks on small business which are typically owned by conservatives, conservatives that are not only are natural-born citizens of the United States, but those who have sought refuge here, immigrants who have immigrated into the United States in order to pursue the American Dream.

Many of California’s small business owners are immigrants who have come to the United States to pursue the “American Dream”, some have escaped dire circumstances living under tyrannical governments to start over in the United States in pursuit of the freedoms that America has historically offered. These small business owners, many of who are conservatives, are living under a tyrannical government under the direction of Gavin Newsom and his authoritarian style of managing the State of California.

California has increasingly made it more difficult for small business owners and conservatives to be profitable in the state by implementing higher taxes, higher wages for employees, higher insurance premiums for employees. Recently and in the name of “Clean Energy” and the environment California has also weaponized two of California’s agencies against small business owners, the AQMD, and CARB.

California has taken a stance against small business owners utilizing fines, fees, and penalties using enforcement agencies such as the AQMD (Air Quality Management District) and CARB, (California Air Resources Board). Small business owners have been forced to meet strict California emission standards using statistical matrix analyses employed against companies that cannot compete against larger companies such as Clean Energy Fuels, a company owned by billionaire, T. Boone Pickens.

The new attack on small business owners comes in the form of California utilizing additional agencies to enforce and shut down small business owners. California has utilized State and County Health Departments using statistical analysis matrixes to shut down business owners in the name of Covid 19 outbreaks and spikes throughout the State.

Small business owners operating within the State of California and the County of Orange are being attacked by Governor Gavin Newsom and the State of California who are working to drive small businesses out of the State. The systemic approach is apparent and a class action lawsuit needs to be filed against the State of California and Gavin Newsom. Investigations should be brought against the AQMD and CARB with forensic financial accounts investigating all debits and credits flowing into and out of the agencies.

There is a long history between former Governor Jerry Brown and China, Gavin Newsom, Nancy Pelosi, The Port of Long Beach, the AQMD, CARB, and the restrictions they place upon small business owners to drive them out of business and out of California.
Sincerely,

Tom Durell

Sources Cited:


Tom Durell

Mobile: 562-666-9988
Dear Board of Supervisors,

I am emailing you in support of the resolution initiated by Supervisor Don Wagner to allow OC to have local control over COVID guidelines. It is absolutely IMPERATIVE that OC has control over restaurants being open for dine-in and outside as well as other businesses being open at % the Board sees fit. San Mateo County has already done this.

I ask that you earnestly consider the level of damage that will be done to countless families and local businesses over the holiday season.

We need to stand against ANY government that would overstep their authority to take away our constitutional rights and freedoms when the virus recovery rate is above 97% (ref: https://www.webmd.com/lung/covid-recovery-overview#:~:text=Experts%20don%27t%20have,%25%20and%2099.75%25).

This cannot continue.

Sincerely,
Amanda Clements
Orange Resident

Sent from my iPhone
Guillen, Dora

From: marie.palmquist <mermk1@att.net>
Sent: Monday, December 07, 2020 10:25 PM
To: COB_Response
Cc: mermk1@att.net
Subject: Orange County control over businesses rather than state control

Dear OC Supervisors,
Thank you for fighting for the small business owners and citizens of Orange County. We need local control in this situation. Unfortunately, it seems that our governor enjoys punishing small business and small business people. I don't appreciate the way our governor continues to change the metrics creating “stay-at-home” REGIONS now. No. This needs to stop. Please fight for your constituents against this tyrant, Newsom. We so appreciate all that you are doing for our county.

Thank you 🙌
Marie Palmquist
Irvine, CA

Sent from my iPhone
Please get OC out of the governments hands and let us have local control!! We should be open for business!!
Thank you!
Tammy Reindl
Sent from my iPhone
Hello,

I am writing in support of the resolution that Supervisor Don Wagner is introducing to allow local control of the handling of the response to the COVID pandemic instead of following state orders. The new broad brush orders that are applied to all of California are without merit and do not seem to be based on facts or scientific data and counties should be able to determine their own rules according to the above. A lot has been learned about this virus since the onset and Orange County does not need another lockdown! Please consider passing this resolution.

Sincerely,
Colleen Valles
Huntington Beach Resident
From: Alvin Fischer <Alvin.Fischer@jameshardie.com>
Sent: Monday, December 07, 2020 9:12 PM
To: COB_Response
Subject: Support Don Wagner’s Resolution

OC Board of Supervisors-
I strongly urge you all to support Don Wagner’s resolution to insist that Orange County have autonomy from Newsom’s stay-at-home orders and political power grab. These unnecessary orders will continue to cause hardships – both financially and emotionally to the citizens of Orange County; in addition, the orders are not supported by scientific evidence.
We do not need to be controlled or bullied, but rather need our constitutional rights to be protected in an environment where citizens can implement their own safety protocols as they see fit for their individual circumstances. I trust that you will all make the proper choice as our representatives and represent your constituents’ best interest and refuse to impose fear and control upon our lives.

Alvin Fischer
Strategic Accounts - West
James Hardie Building Products
26300 La Alameda, Suite 400
Mission Viejo, CA 92691
Mobile: 714.697.0155

Customer Service: 1-888-888-3408
Technical Support: 1-800-942-7343

customerfeedback@jameshardie.com
www.JamesHardie.com
www.HardieInstallation.com
www.HardiePro.com
www.aspyre.com
Dear board of Orange County,

I would like you to support the resolution that Don Wagner will introduce tomorrow morning on December 9, 2030 to take control over our county not to be subjected by state orders.

Thank you so much  Best regards Alena Audenis and Patrick Audenis (small business owners)

Sent from my iPhone
I support the pending resolution to separate Orange County from the Governor's recent change to 'regions' inconsideration of COVID stay-at-home orders.

Please save our businesses.

Thank you!

Maria Raymondo
Laguna Niguel, CA

Sent from somewhere other than a desk ...
Please approve local control for Communist Chinese coronavirus policies. Governor Newsom IS NOT a governing in OUR best interest. We need to allow businesses to remain open. Every business and person is essential and winners and losers should not be controlled by the government. Businesses have a vested interest in their customers being safe and if a big box store can remain open then small businesses should as well.

Daniel Harney
San Clemente, Ca
Sent from my iPad
Guillen, Dora

From: Randy Frey <rfrey250@gmail.com>
Sent: Monday, December 07, 2020 8:17 PM
To: COB_Response
Subject: Local control resolution

Dear Board of Supervisors,

I strongly support Supervisor Wagner's resolution returning local control to Orange County concerning all matters involving COVID 19.

I urge you to please unanimously support this resolution and keep the power of the people in our great county!

Respectfully,
Randy Frey
13911 College Street
Westminster 92683
(714) 330-5669

Sent from my iPhone
Dear Board of Supervisors,

I am emailing you in support of the resolution initiated by Supervisor Don Wagner to allow OC to have local control over COVID guidelines. It is absolutely IMPERATIVE that OC has control over restaurants being open for dine-in and outside as well as other businesses being open at % the Board sees fit. San Mateo County has already done this.

I ask that you earnestly consider the level of damage that will be done to countless families and local businesses over the holiday season.

We need to stand against ANY government that would overstep their authority to take away our constitutional rights and freedoms when the virus recovery rate is above 97% (ref: https://www.webmd.com/lung/covid-recovery-overview#:~:text=Experts%20don't%20have,%25%20and%2099.75%25).

This cannot continue.

Sincerely,
Heather Bray
City of Orange ☝️
Dear Orange County Supervisors,
I'm writing to support Supervisor Don Wagner's resolution letting Orange County have local control, not state control, over our Covid response! Please allow restaurants in Orange County, and businesses, to stay OPEN, schools to stay OPEN, and recreational areas to stay OPEN! Thank you!

Jacqueline Groseth
San Clemente Resident

Sent from Jacqui's iPhone ;}
I am a Yorba Linda resident with my family. We are in favor of letting Orange County decide for themselves what to open and when. Thank you for taking this on.

Kira Schmitt
PJ Schmitt
Carson Schmitt
Devon Schmitt

Sent from Mail for Windows 10
Dear O.C Government Officials-

Please accept this written statement as my testimony - I am supporting the proposed Resolution and legal brief that supports O.C not following Gov. Newsom's stay at home orders and therefore, breaking away from what he has enforced throughout California. Like San Mateo County - we need to break away from Newsom's tyranny! Gov. Newsom has no scientific data to support his decisions and we the people of Orange County DO NOT want our economy to suffer anymore! He has violated our Constitutional rights as the government should NOT control any decisions regarding the health of those of us who live in the United States. If we want to eat at a restaurant or get our nails done - that is OUR RIGHT! Gov. Newsom has violated our rights and his position as Governor on many levels - AND EVERYONE KNOWS IT including the Judge who found him guilty of this exact thing in October!

We are not stupid! We know the agenda that Gov. Newsom is following has little to do with COVID 19 - instead, this is being used as his 'excuse' as he continues to place restrictions on us based upon NO scientific data! All the while - experts are telling us - LOCKDOWNS ARE NOT NECESSARY!

PLEASE I BEG YOU...do the right thing and let Orange County separate this tyranny and let our communities once again thrive! As a small business owner and reside, we have to stop ruining our communities...our economy....our families...and our children's futures!

Thank you,
Michelle Harthill
Rancho Santa Margarita

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Michelle Harthill
Office: 949-329-8553
Cell: 314-276-9175
Dear Board of Supervisors,

This is an urgent and loud plea to PLEASE support Supervisor Wagner's Resolution for local control and opposition to Governor Newsom's overreaching powers to continue to destroy our county's businesses, livelihoods and mental wellbeing.

Our communities are suffering, our children are struggling and DYING over these tyrannical "recommendations" that aren't enforceable by law!
My children and many others I know Are severely struggling in school and mentally over these asinine lock-downs, school closures and unreachable metric, equity measures that Newsom has dreamed up.

This can not continue.

It was suggested at the last board meeting that the legislature get involved, and today I believe they are attempting to do just that!

But don't wait for that lengthy process to further stall what I know you know is the "right thing" to do.

Please don't let another child's life or a business owner's ability to feed his/her family hang in the midst of procedural inaction.
If you go against Supervisor Wagner's resolution then you are no better than Newsom himself. He has blood on his hands. He should be and could be charged with murder for every life that was lost due to his ridiculous lockdowns.

Which one of your children, grand children, nieces, nephews, neighbor kids, are you willing to learn about them committing suicide because they just don't see an end to this? Which one are you goin to let become victim to that?

We need ACTION now, lives literally depend on YOU!

Orange County needs to be independent of other counties because the governor's tier and grouping systems are flawed and are designed to further destroy our economy and constitutional rights to freedom and education for our children.

Thank you in advance for showing you have a heart in the face of such global adversity.

Sincerely,

Jade Daniels

Sent from my iPhone
Hello OC Board of Supervisors,

I strongly urge you to support Don Wagner's resolution to insist that Orange County have freedom against Newsom's stay-at-home orders. Our hospitals are absolutely not at capacity. They are actually low for this time of year, which is causing hardship on those who work in hospitals because their hours have been compromised. In a typical year at this time, hospitals are not only able to manage but are highly prepared to manage ICU units at full capacity.

Additionally, the hardships financially and emotionally that this unnecessary order will cause are cruel and shameful. We are the victims in an abusive relationship. We DO NOT need to be controlled, but rather need our constitutional rights to be protected. I would like to trust that you will all make the proper choice as our representatives and truly do that, represent your constituents' best interest and refuse to impose fear and control upon our lives.

Warmly,
Portia Fischer
Sent from my iPhone
Thank you for your hard work on behave if the people. I support totally taking back control of our cities. Please pass this! A concern citizen
From: George Eyles <geelse@verizon.net>
Sent: Monday, December 07, 2020 7:37 PM
To: COB_Response
Subject: OC Control by OC Board of Supervisors

I feel that it is necessary for the good of our county that the OC BOS take control of the decision making process that relates to the health and vitality of our business community. The current control by the state government is destroying both large and small business units in Orange County. In the future the state government may increase taxes to provide some financial recovery to our business base but that will further agitate the citizens of this county and the BOS will be blamed, in part, for the tax increase.

We need to follow the example set by San Mateo County and declare to Sacramento that the OC BOS know what is best for the OC, and we will not be thrown into the general net with other counties. Thank you.

Mr. George Eyles
Brea, CA
562-694-5085
I am in full support of Supervisor Wagner's resolution for local control regarding Covid-19 and the new state at home orders. I beg you to vote on support of this resolution.

Regards,

Kevin Kodzis
Resident and small business owner
For the OC Board meeting, December 8, 2020 at 9 AM.,

I support OC Supervisor Don Wagner's resolution to give Orange County local control, not State control. Current State controls have such strict requirements that our local economy is being destroyed. The State is hurting the 90% or more of the population that does not have Covid-19. Our small business community, which makes up the life blood of our economy, is suffering so much that many have and will close.

We are a free nation. We are not ruled. We are governed by the consent of the People. The People say let us be free, let us work, let us support our families. Please help the People overcome dictatorial subjugation.

Sincerely,

Jeanne Mangum
Tustin
Dear Sirs,

I understand that Supervisor Don Wagner is introducing a resolution tomorrow morning so OC would have local control, not state control. I AM TOTALLY IN FAVOR OF THIS!

Thank you!

Dennis Ochocki
11391 Cherry St
Los Alamitos, CA 90720
I am in full support of Supervisor Wagner’s resolution for local control regarding Covid 19 and the new stay at home orders. I beg you to vote on support of this resolution.

Sincerely,

Jeff Klein
Boston Group, Inc.
3002 Dow Avenue, Suite 118
Tustin, CA 92780
Office: 714-972-1586 ext 305
Fax: 714-972-1547
I am in full support of Supervisor Wagner’s resolution for local control regarding Covid 19 and the new state at home orders. I beg you to vote on support of this resolution.

Thank you,
Jennifer Lewis
Resident
Dear Board of Supervisors,

Pursuant to agenda supplemental item S32E. – Please adopt Healthy Communities Resolution. We need to ensure that Orange County is not lumped in with Los Angeles County in this arbitrary Stay at Home order. We need local governance to ensure the safest way for Orange County to balance economic health with ICU capacity. Small businesses can’t survive and children can’t thrive. Please take local action and adopt this resolution today.

More counties adopting this Resolution will send a clear message to Sacramento.

Regards,

Kathy Bonnaud
Orange
I would like to voice my support moving to a county level control model.

The state has lumped Orange County into a Gerrymandered Southern California Region with the apparent intent of shutting down the entire state due to a predicted winter surge in Covid-19 spread.

Another shutdown has an inordinate impact on the population most at risk for financial devastation. Specifically, shutting down outdoor dining with little scientific backing and little financial help for small businesses and their employees will be catastrophic.

Many restaurant employees hold multiple jobs just to make a living, and removing their ability to provide for themselves and their families during the holiday season will have an immediate and drastic effect.

Most small businesses have followed all of the guidelines required to provide a healthy and safe environment for their employees and customers, but now are being asked to bear an inordinate share of the financial burden when regional lockdowns are initiated based on numbers in other Counties with vastly different geographic and demographics issues.

For over 6 months, restaurants have been told outdoor dining is relatively safe if done right. I would encourage the Board of Supervisors to use a science and data driven approach to make these decisions and explore all options to save small business and keep employees employed and keep restaurants open for outdoor dining.

Other Counties throughout the state, including San Mateo County have already begun pushing back against the draconian one size fits all approach the state is implementing.

Aaron Barkenhagen
Founder/CEO
Bootlegger’s Brewery
Cell: 951-741-2650
Guillen, Dora

From: Jenny Benford <socalgreengirl@yahoo.com>
Sent: Tuesday, December 08, 2020 7:48 AM
To: Bartlett, Lisa; Do, Andrew; Steel, Michelle; Chaffee, Doug; Wagner, Donald
Cc: COB_Response
Subject: Orange County Supervisor's meeting today 12/8/20

Supervisors,

I am in full support of Supervisor Wagner’s resolution for local control regarding Covid 19 and the new state at home orders. To be lumped in a group of cities from Central CA and Northern CA is ridiculous, and totally defies both science and logic. Orange County has a larger population than many states. We should have local control over ourselves. Gavin Newsom, by dining with the head of the CA Medical Board indoors and in close quarters, and socializing afterwards indoors in close quarters with no masks, and by sending his children with nannies over Thanksgiving weekend to an out of state soccer tournament when they were supposed to be quarantining, has demonstrated that he does NOT fear this virus. I know so many friends who have had to shut their doors to their small businesses. And I know even more who are leaving the state from OC. The small business owners are leaving!!! And how many suicides in elementary age children in Southern California were there last week- I read of at least 8, including an 11 year old boy who shot himself during a school zoom meeting.

For the love of God, please help us. Please give local control to Orange County!

If you ever wondered if you would've complied during the Mao or 1930's Nazi Germany.....

Your actions over the last few months have shown you.

Jenny Benford
North Tustin Resident
To: Robin Stieler, Clerk of the Board

From: Donald P. Wagner, Third District Supervisor
      Lisa Bartlett, Fifth District Supervisor

Date: December 4, 2020

RE: Supplemental Item for December 8, 2020 Board of Supervisors Meeting - Healthy Communities Resolution

Please add a supplemental item to the agenda for the December 8, 2020 Board of Supervisors meeting. We will be seeking Board approval for the attached Health Communities Resolution.
Healthy Communities Resolution

WHEREAS, The paramount concern of policymakers at all levels is the health and well-being of our constituents, never more so than during what has been called a once-in-a-century pandemic; and

WHEREAS, Decisions affecting the health and well-being of our constituents must be based on empirical evidence without regard to politics or the influence of special interest groups; and

WHEREAS, California has struggled as much as any state during the COVID-19 pandemic, with the third highest unemployment rate in the country, the largest backlog of unpaid jobless claims, and the fifth worst excess death rate west of the Mississippi; and

WHEREAS, California's Blueprint for a Safer Economy provides a one-size-fits-all approach to reopening communities that fails to allow the flexibility to respond in a data-driven way to what is occurring in our county; and

WHEREAS, The Blueprint largely impacts the operation of businesses and schools without any showing that those environments are responsible for COVID-19 cases observed in our county; and

WHEREAS, Our County has seen increases in drug abuse, delayed medical care, depression among our youth, and the overall need for mental health services; and

WHEREAS, Our County is extremely concerned about the impacts to our children of any further delays to in-person education; now, therefore, be it

Resolved by the Board of Supervisors, That these facts demonstrate a need for collective and unified action from our County and surrounding communities; and it be further

Resolved, That the County of Orange approve this Resolution with a commitment to the following principles:

1. That our County is best served by an ability to respond locally to the COVID-19 virus in accordance with our local data and circumstances, as specified, for instance, in the attestation filed with the California Department of Public Health.

2. That our County is geographically diverse and ill-suited for the region-wide restrictions imposed by the State, and the State should enable our COVID-19 response to be managed locally utilizing our local data and circumstances as case levels warrant.

3. That our County supports school districts in our jurisdiction that are able to safely open schools as soon as possible and provide in-person instruction to the greatest extent possible without further delay.

4. That our County requests an extension of time beyond December 31, 2020 to encumber and spend our federal CARES funds, to which we are entitled by law, consistent with our respective local plans and programs.
Dear Mr. Page --

Hope this email finds you safe and healthy.

Because of my age I have been advised by health professionals to shelter at home during the COVID outbreak, which renders me unable to attend the Board meeting in person, especially considering the large numbers of unmasked people who I have seen to congregate outside your recent meetings and sometimes inside as well. Therefore, I am submitting a public comment and other comments on a few of the items on the agenda, and I ask that you read these comments into the record at the appropriate time.

Item S32E: In an earlier item you talked about measures necessary to protect public health and safety, and now you want to override “region-wide restrictions” because you know better how to protect the public; and yet you don’t even take the most minimal precautions right here in your own chambers! No mandatory mask wearing, no social distancing, you don’t even disinfect the microphone after each speaker. These are scientifically-proven means to avoid further spread of the coronavirus, but you stubbornly choose to ignore them. And we should trust you to make the right decisions for the entire county? I wonder how many of you wear seat belts in your cars or helmets when you ride your bikes? These are common sense safety measures that over time have become second nature to all reasonable even mildly intelligent people. There were individuals back when these laws were put into place who railed and screamed against them, too. But these measures saved and continue to save countless lives, just as science has shown commonsense protections against the Coronavirus like mask-wearing and social distancing will do. To be honest, it’s hard to determine if you believe more in science or in your own political posturing. I have news for you: the world is round...and it doesn’t revolve around you.

Item S33A: After months of asking for it, I am of course very pleased that the TRUTH Act Forum is finally being held. However, what it reveals is quite disturbing. The sheriff reports that in 2019 there were 492 lawful transfers to ICE custody. This number is incredibly high when considering that in Los Angeles County, which has OVER THREE TIMES THE POPULATION OF ORANGE COUNTY, only 457 transfers were realized in that same period. Yes, once again Orange County takes the Number One spot in colluding with federal ICE agents, just like it did a few year ago when it was the last holdout county to still have a 287g arrangement with federal immigration authorities, something that it was forced to give up only because of the passage of the California Values Act, and not out of any concern for the devastation and insecurity that arrangement caused to community members. Another interesting aspect of the Sheriff’s report is how he takes a second paragraph to pointedly let us know that of the 1015 people who were released back into the community after they had served their required time, 238 were “rearrested in Orange County for committing new crimes”. Notice he says “rearrested” and not “convicted” or even “charged”. Maybe the OCSD kept a special eye on these folks looking for the opportunity to bring them in again to prove some point. I would certainly hope not.
I would also hope that for next year’s Forum the transfer numbers are markedly lower than they were for 2019, as it would be criminal for the OCSD, who I believe takes pride in the way they have kept the virus numbers down in their own OC jails, to transfer Orange County residents in the middle of this year’s pandemic to the Adelanto Detention Center that has become the nation’s worst hothouse of COVID infections. I would hope they have more human compassion than that.

**PUBLIC COMMENT:** Many of the unhoused members of our community struggle with some form of mental illness and they need a stable home situation with wrap-around services to help them deal with their infirmity. So why is it that, instead of earmarking funds to build appropriate housing for them, the Board of Supervisors is spending over $300 million to expand the James A. Musick facility into a "mental health jail"? Apart from the oxymoronic nature of thinking any good can come from people in need of mental health care being locked up in punitive confinement, the jails we have now are not even at capacity! This is so misguided and counterintuitive. Why not use this money to develop treatment facilities or more stable housing environments so community members won’t continue to be criminalized for being on the streets in the first place? If you care about helping those who suffer from mental illness, then stop wasting our tax dollars on boondoggles like a "mental health jail", that benefit no one. Sheriff Barnes himself has said (and I quote), "We don’t want to be mental health clinicians, it’s not our goal for law enforcement to deal with mental health issues". And yet, that is precisely what law enforcement will be doing if the Musick jail expansion is allowed to proceed. As Sheriff Barnes rightly observes: “Every dollar spent is a dollar not spent somewhere else.” Let’s follow his advice, take the $350 million earmarked for that misbegotten jail project, and use it to build a state-of-the-art facility, staffed with mental health professionals, that can successfully help individuals suffering from mental health issues have the hope of a healthier and happier life. That would be real leadership.

Thank you once again for reading my comments. Stay safe and don’t forget to wear your mask --

Felicity Figueroa  
Irvine, CA
Hi Leon

Here are my comments for the BOS meeting as I continue to shelter in place and unable to attend. With my health restrictions this doesn't appear to be ending anytime soon so I do appreciate your reading them.

Have you actually considered accepting live, virtual comments through the technology available in other county forums? It appears very likely, even with the vaccine, that this will go on throughout 2021.

Thank you for your help

Pat Davis

#29 COVID

I can only imagine what the crowd looks like there today of volatile anti maskers empowered by Don Wagner and Michelle Steel continuing their uninformed and dangerous public statements. As they go on about the unjust closure of businesses and services, which have shown to contribute to the increase in spread of COVID-19, my neighbors are sick and dying.

Last meeting I found it predictable but infuriating that this Board approved $1 million of CARES funding as Cold Weather Grants so restaurants could create heated outdoor spaces for diners knowing this closure was coming. My heart breaks for the status of all our businesses and workers suffering. However, you put nothing up for wages. Nothing for others in need. More motel rooms? How about warming stations for those unable to pay their heating bills? Safe parking for folx living in their cars? Hand washing stations on the street? More will be joining the ranks of the unhoused and all you can do is look away.

You again appear to be "chipmunking" available funds and now asking CARES money spending be extended (Healthy Communities Resolution, Item 32E). Why would you not use it to support all our citizens NOW? I would hope you would do everything in your power to allocate resources to those in need. At least Supervisor Chaffee has come up with a proposal in item 32D to transfer assets and CARES funds to bring internet connectivity to low broadband neighborhoods in support of the distant learning capacities for school children in Anaheim and Buena Park. Again, six months late but still desperately needed.

Surely you all can do better!

S34A TRUTH Act Forum
Once again you as a body, fail to check the Sheriff's department in their practices of turning detainees over to ICE. In 2019, the Orange County Sheriff's Department surpassed all other law enforcement agencies in California by transferring the highest amount of community members over to ICE. Hear that again - Orange County had the highest number of transfers to ICE in California while all ICE collaboration is voluntary and not mandated under federal law. The 2020 numbers will prove even worse seeing what has gone on in so many targeted neighborhoods.

And to double down with the COVID-19 pandemic this year, while responsible Sheriff's Departments across the State of CA have chosen to cede transfers to ICE during this deadly pandemic, Sheriff Barnes continues his unnecessary transfer policy.

To date, ICE has documented 247 COVID-19 cases inside the Adelanto Detention Center in San Bernardino where Orange County residents are currently detained. This outbreak is growing more deadly and unnecessary. ICE has failed miserably and has allowed the virus to spread to community members currently detained.

Sheriff Barnes, along with this Board, must be so proud of these unnecessary and damaging actions. I join with others in calling on the OC Board of Supervisors to pass a moratorium on all transfers to ICE amid the pandemic. End all Transfers! Release them all!

Public Comment:

While all struggle to survive during COVID, you continue to move ahead on the Musick "Mental Health" Jail expansion.

There are so many other needs in our County. A mental health jail is NOT on that list. Especially a facility which has not yet included input from the mental health community on plans or staffing.

In case folks don't know, on May 5, 2020, this Board awarded a contract to Bernards Brothers to begin construction of a $350 million jail expansion near the Great Park in Irvine, CA which is now over 5% completed. In addition to $180 million state dollars, this project will cost the county over $128 million in the first years and over $61.5 million annually to operate. I understand there are also some substantial loans involved. The expansion will add 900 beds to the currently-empty facility. Why when OC jails have many empty beds now? OCSD has called the new Musick facility a "mental health jail". The county's plan is 69 pages long and does not include the words doctor, nurse, psychiatrist, or psychologist. It mentions deputy sheriffs 28 times, and frequently mentions providing deputies with additional training about mental health and substance use disorder. (We sadly know how well training works with the unnecessary deaths at the hands of the Sheriffs.) Jail staff are neither qualified nor positioned to provide care to the people they incarcerate.

It is well known that mental health issues cannot be addressed when a person is inside of a cage. Instead, the expansion of Musick will encourage OCSD to continue to overpolice, criminalize, and incarcerate communities of color and poor people.

How about we transition the Musick Jail to much needed housing for so many housing insecure folks in Orange County? It could make a significant dent in much needed affordable housing units.
Pat Davis

Sent from my phone. Please excuse brevity and typos.
Hello and Good Morning,

I write to you today to implore you to immediately stop all ICE transfers that Sheriff Don Barnes and the OC Sheriff's Dept are responsible for. There is no obligation under federal law for such collaboration and all that I'm asking from you and the Sheriff himself is to show some empathy, especially in light of current Covid outbreaks at the Adelanto detention center. Imagine for a second that it could be your family members, your neighbors and consider the risk that comes along with such unnecessary draconian measures. You have the power to do what is right. Thank you for your time and best wishes.

Michael G.
To the Clerk of the Board of Supervisors,

We are writing to provide public comment in connection with the Truth Act Community Forum, which has been scheduled as part of the OC Board of Supervisors Meeting. We are unable to attend the meeting in person given Regional Stay at Home Order and therefore ask that this comment be read into the record at the appropriate time.

Comment:

The UCI Immigrant Rights Clinic joins fellow members of the Orange County Rapid Response Network in urging the Board of Supervisors to exercise its oversight responsibility over OC officials’ collaboration with ICE and provide an opportunity for true transparency and community accountability.

First, we strongly urge the County to exercise its discretion to cease all transfers of community members from Orange County jails to ICE. In 2019, OCSD transferred 492 people to ICE custody, the highest number of any California law enforcement agency. OCSD has continued to transfer individuals even during the COVID-19 pandemic. Detention during the pandemic is deadly. The Adelanto Detention Facility, where many OC residents are detained, has had two outbreaks in the past several months. Following the first outbreak, a federal court explicitly noted ICE’s dishonesty about its practices and its reckless failure to safeguard the lives of people detained in Adelanto. OC has no obligation to comply with ICE’s request to transfer community members to ICE during the pandemic.

Second, we urge the County to honor the letter and spirit of the TRUTH Act by meaningfully engaging with the public on these issues and seriously considering comments offered by the public during the Community Forum. The Board’s hands-off approach to date has created an accountability deficit. Earlier this year, our clinic filed a lawsuit against the OCSD and the County over the illegal detention of 33-year-old father and Garden Grove resident Kelvin Hernandez Roman. As the complaint alleges, OCSD failed to comply both the California Values Act and the California TRUTH Act in his case. These violations could have been avoided with greater oversight.

Finally, we are concerned about the rhetoric being used to justify transfers to ICE that further criminalizes the immigrant community. Those who were transferred to ICE already paid their debt to society and were deemed eligible for release under state law. As community members, we should be investing in their rehabilitation. It is also important to remember that immigration law can have results we don’t expect. Some people who have only minor criminal history are nevertheless deported, destabilizing an entire family. Others are transferred to ICE based on criminal history may have convictions that are actually considered “safe” for immigration purposes. Even though they may be eligible to remain in the United States, they may still be needlessly detained for months, often without access to an attorney.

We hope you will take these comments under advisement.

Thank you very much for your attention.

Caitlin Bellis, Clinical Fellow
Annie Lai, Clinical Professor of Law
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From: Cricket Jamet <crickettjamet@gmail.com>
Sent: Monday, December 07, 2020 11:56 PM
To: CO8_Response
Subject: Public Comments - TRUTH Act Forum, December 8th 2020

To: Orange County Board of Supervisors
Re: TRUTH Act Forum, December 8th, 2020

As a United States citizen, registered voter and 33-year resident of Orange County, I'm calling on the Orange County Board of Supervisors to pass a moratorium on all Orange County Sheriffs Department transfers to U.S. Immigrations and Customs Enforcement (ICE), prohibiting the use of County resources in transferring people to ICE custody without a judicial warrant amid the COVID-19 pandemic and beyond.

ICE detainment requests that call for the imprisonment of immigrants without due process or probable cause raise serious constitutional concerns. To date, ICE has documented 247 COVID-19 cases inside the Adelanto Detention Center in San Bernardino, where Orange County residents are detained. As outlined in U.S. District Court Judge Terry Hatter Jr.’s court order to drastically reduce the population at the ICE Processing Center amid the COVID-19 outbreak:

"This case involves human lives whose reasonable safety is entitled to be enforced and protected by the court pursuant to the United States Constitution."

The Orange County Sheriffs Department, under the leadership of Don Barnes, has the highest transfer rate to immigration detention centers in the state of California, outpacing Los Angeles County despite triple the population size in L.A. according to 2019 U.S. Census Bureau data. The ongoing transfer of Orange County residents during this outbreak demonstrates a basic disregard for human lives and safety. It is a breach of public trust that undermines the integrity of our communities, and the families and individuals who support Orange County’s robust economy. Our communities deserve better - better transparency, better representation, and better judgement - from our elected and appointed officials. Orange County residents expect and will pursue accountability from the Board of Supervisors, within and beyond the parameters of the TRUTH Act.

Respectfully,

Kristen (Cricket) Jamet
Dana Point, CA
In 2018 I was unlawfully transferred to ICE. I recall the police officers laughing at me as federal agents handcuffed me and took me away. It was one of the most stressful, degrading and dehumanizing moments in my life. The law enforcement agency responsible for my transfer has a glamorous mission statement claiming that human rights are paramount. It appears that their message only applies to US citizens. If you fail to protect the immigrant community and minority groups what does that make you? Transferring hard working friends, good neighbors and hopeful students to ICE custody makes you a bully looking to incite fear through intimidation. There is something terribly wrong with the leadership in this county when you demonstrate a callous disregard for human rights. Don Barnes violates the law and abuses his power to hurt those that need the most protection. You have the responsibility to hold him accountable. Take action.

-Edgar from Laguna Beach
Hello OC Board of Supervisors,

This presentation was created by the UCI School of Law Immigrant Rights Clinic. I am sharing this for your records and reference.

Best,

Roberto Carlos Herrera
Pronouns (They/Them/Theirs)
Director of Community Engagement
Resilience Orange County
1415 E 17th St Suite 100B Santa Ana, CA 92705
Email: roberto@resilienceoc.org
www.resilienceoc.org

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Overview of the OCRRN

After the 2016 election, immigrant rights advocates, faith, community, and legal service organizations came together as the OC Rapid Response Network (OCRRN). Organizational partners in the OCRRN share the following common goals:

- Documenting & disseminating information to the public about immigration enforcement in the county
- Respond to dehumanizing policies
- Supporting and enforcing local policies that advance and defend immigrants
- Informing the community about their rights and connecting them to legal resources
- Educating public officials on the value of developing policies to protect the immigrant community
Presentation will cover

- Statewide protections
- Made possible because of advocacy by the immigrant community
- Implementation and community concerns
TRUTH Act (AB2792)

- Effective as of January 1, 2017
- Provides protections to individuals
  - Requires local law enforcement—prior to allowing ICE to interview a person in custody—to obtain the person’s informed written consent (form must be available in multiple languages)
  - Requires local law enforcement to inform a person if they receive an ICE detainer request and whether local law enforcement intends to comply with the request
TRUTH Act (AB2792)

- Mandates transparency with the public
  - Local governing bodies must hold a community forum each year to provide the public with information about ICE access in the prior year and to receive and consider public comment
- ICE access includes: responding to ICE hold, notification, and transfer requests; providing ICE with release dates/times or other private information such as home or work addresses; allowing ICE to interview an individual; providing ICE with information about probation or parole check-ins
TRUTH Act Implementation & Concerns

- Unclear whether individuals are **timely** receiving notification of an ICE detainer request and whether OC Sheriff’s Department (OSCD) intends to comply

- Unclear whether individuals are being **promptly** informed when OCSD provides notification to ICE about their release date that OCSD has done so

- Concern that statements about OC Probation Department not having provided ICE information about any juveniles or adults in its custody or under its supervision are **not accurate**
California Values Act (SB 54)

- Effective as of January 1, 2018
- Further limits the entanglement between local law enforcement agencies and ICE
  - Brought an end to 287(g) agreements in California – OC had the last one
  - Prohibits law enforcement agencies from inquiring about an individual’s immigration status
- Bars notification of release dates and transfer for many individuals – local law enforcement has discretion to extend to all persons
- Bars holding an individual for extra time on an ICE detainer for all persons
California Values Act (SB 54)

- Further limits the entanglement between local law enforcement agencies and ICE (cont.)
  - Bars provision of office space for ICE inside a local law enforcement facility
  - Bars new contracts with ICE to house federal detainees
  - Bars participation in a joint task force with ICE that has a primary purpose of immigration enforcement
### 2019 Transfer Statistics

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Individuals in OSCD custody with ICE detainers</td>
<td>1,507</td>
</tr>
<tr>
<td>Transferred to ICE</td>
<td>492 (33%)</td>
</tr>
<tr>
<td>Released</td>
<td>1,015 (67%)</td>
</tr>
</tbody>
</table>
Values Act Implementation & Concerns

- OC is an outlier – according to data provided by California law enforcement agencies, OCSD transferred the highest number of community members to ICE out of any other agency in the state in 2019.

- Unlike some other jurisdictions, OCSD has continued to transfer community members to ICE during the COVID-19 pandemic, despite ICE’s gross failure to protect detainees at federal detention centers, including at the nearby Adelanto Detention Facility.

- OC officials’ use of rhetoric to justify transfers paints the immigrant community with a broad brush of criminality and incites fear and division rather than facilitating rehabilitation and encouraging reasoned policy deliberation.
For the past two years immigrant rights activists have shown up to the OC Truth Act Forum to seek accountability and transparency from OC Sheriff Don Barnes and for the past two years Don Barnes has evaded accountability and transparency. In 2019, the Orange County Sheriff’s Department transferred the highest amount of community members over to ICE, more than any other law enforcement agency in the state of California. This year the COVID-19 pandemic has challenged and changed every facet of life in Orange County and across the country. National reporting has shown that Immigration Detention Centers have been new hotspots for the virus this year. These few cases in early summer have turned to outbreaks in the fall. To date, ICE has documented 247 COVID-19 cases inside the Adelanto Detention Center in San Bernardino where Orange County residents are currently detained. Don Barnes is actively working with ICE to deport community members even with the pandemic in the backdrop and the rise of COVID-19 cases. He has publicly stated that he will work to the “greatest extent of the law” to effectuate arrests for ICE. The Orange County Board of Supervisors have a responsibility to hold Don Barnes accountable when his departments violate the law. We call on the Board to pass a moratorium on transferring anyone over to ICE amidst this global pandemic. The Board must act now!
ATTN: OC Board of Supervisors

We wish to make comment regarding current policy on Transfers to ICE for the scheduled public Trust Forum Dec. 7, 2020.

Transfers to ICE have continued during the coronavirus pandemic and we know that Sheriff Don Barnes policy and practice has put people’s health at risk as coronavirus cases continue to rise in detention centers.

We ask that the Board of Supervisors consider our public comment under Truth Act § 7283.1(d) provisions and direct the Sheriff to stop Transfers to ICE based on public health conditions in order to protect individuals in custody as well as all personnel and staff.

Karen Lawson, Council Representative
CA39 District Action Council
From: Michelle Antenesse <mantenesse@hotmail.com>
Sent: Monday, December 07, 2020 10:05 AM
To: COB_Response
Subject: ICE Transfers

I am writing to request that the Board of Supervisors and the Orange County Sheriff stop all ICE transfers. Particularly during the COVID pandemic, transfers are dangerous to person being transferred as well as those in the facility they are being transferred to. As the COVID outbreak becomes worse throughout the state, and within the county, it is irresponsible and cruel to continue these transfers. Please stop them immediately.

Thank you,

Michelle Antenesse
Laguna Niguel, 92677
County Counsel Leon Page,

I am submitting public comment to be read during item S34A - TRUTH Act Forum.

My name is Ana Ramirez, community organizer at Resilience OC. I hope that this year the board of supervisors listens to the community and gets answers from Sheriff Don Barnes on the extent to which his department has been doing the job of federal authorities despite the fact California state law prohibits them from doing so.

Sheriff Don Barnes has been clear about his anti-immigrant stance and doing the dirty job of ICE. The California Department of Justice data shows that in 2019, Don Barnes worked to deport close to 500 orange county residents becoming the county to transfer the most people to ICE in the state of California. Sheriff Don Barnes does not respect California State law nor does he care about public safety. His transfers have led to putting community members in danger of contracting COVID-19.

I'd like to ask the following questions to Sheriff Don Barnes:

1. Why does the Sheriff's office use local taxpayer dollars to do ICE’s job and allow agents to access Orange County jails for civil immigration purposes?

2. There is a lack of transparency on how much the county spends, and by extension local residents, in aiding ICE. Can you commit to providing the public with exact figures?

3. How does it make the public more safe to facilitate the deportation of community members who already have served their time, destabilizing their families, instead of focusing on rehabilitation?

Regards,
Ana Ramirez Zarate
Community Organizer
Pronouns (She, Her, Hers)

Resilience Orange County
We’ve moved, here is our new address:
1415 E 17th St Suite 100B, Santa Ana, CA 92705
www.resilienceoc.org
Email: ana@resilienceoc.org

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November 30, 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 (ASR) for the December 8, 2020, Board Hearing Meeting.

Agency: County Counsel
Subject: TRUTH Act Community Forum
Districts: All Districts

Reason for supplemental: Conducting the public hearing and receiving and filing information regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2019 will meet the requirements of California's Transparent Review of Unjust Transfers and Holds (TRUTH) Act, Government Code sections 7283 and 7283.1.

Concur: Chairwoman Michelle Steel, Supervisor, Second District

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

MEETING DATE: 12/08/20
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Counsel
DEPARTMENT HEAD REVIEW:

DEPARTMENT CONTACT PERSON(S): Leon J. Page (714) 834-3300
Nicole A. Sims (714) 834-3319

SUBJECT: Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum

<table>
<thead>
<tr>
<th>CEO CONCUR</th>
<th>COUNTY COUNSEL REVIEW</th>
<th>CLERK OF THE BOARD</th>
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<tbody>
<tr>
<td>[Signature]</td>
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<td>Public Hearing</td>
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<td></td>
<td></td>
<td>3 Votes Board Majority</td>
</tr>
</tbody>
</table>

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

Staffing Impact: N/A  # of Positions: Sole Source: N/A
Current Fiscal Year Revenue: N/A  County Audit in last 3 years N/A
Funding Source: N/A

Prior Board Action: N/A

RECOMMENDED ACTION(S)

1. Pursuant to Government Code section 7283.1, conduct public hearing regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2019.

2. Receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement’s access to individuals in 2019.

SUMMARY:

California’s Transparent Review of Unjust Transfers and Holds (TRUTH) Act (Government Code sections 7283 and 7283.1) requires that a Community Forum be held each year, to provide the public with
information about what access to individuals had been provided to Immigration and Customs Enforcement (ICE) by County law enforcement departments during the preceding year.

**BACKGROUND INFORMATION:**

Government Code section 7283, subdivision (d), defines "ICE access" as follows:

"ICE access" means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:

1. Responding to an ICE hold, notification, or transfer request.
2. Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
3. Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
4. Allowing ICE to interview an individual.
5. Providing ICE information regarding dates and times of probation or parole check-ins.

**Sheriff-Coroner Department**

Following the enactment of state laws limiting law enforcement agencies' cooperation with ICE except as provided, the Sheriff-Coroner Department (OCSD) implemented a jail policy and created forms to meet the laws' requirements. OCSD's jail policy 1206 (Attachment B) prohibits any transfer of an inmate to ICE's custody unless in accordance with state law. Following the enactment of the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, OCSD created forms by which OCSD requests an inmate's written consent to be interviewed by ICE (TRUTH Act Interview Consent Form) and also notifies an inmate if the inmate qualifies to be transferred to ICE's custody following the inmate's release from OCSD's custody (TRUTH Act Notification Form) (Attachment C).

OCSD provided the following information for 2019:

- In 2019, a total of 1,507 inmates in the Orange County Jail had ICE detainers, meaning ICE requested that OCSD notify them when the inmates were being released and transfer the inmates to ICE's custody. OCSD transferred 492 inmates to ICE upon completion of their time in local custody from January 1, 2019, to December 31, 2019. Those transferred were all individuals whose criminal convictions met the state law's requirement for transfer to ICE's custody.

- State law prohibited OCSD from notifying ICE of the release of 1,015 inmates who had ICE detainers. Of the 1,015 inmates with ICE detainers who were released back into the community, 238 have been rearrested in Orange County for committing new crimes, including assault and battery, rape and robbery.
Probation Department

The Probation Department (Probation) does not permit ICE to have access to any juvenile in Probation’s custody or under Probation’s supervision. This is in accord with Welfare and Institutions Code section 831, which prohibits disclosure of juvenile information to federal officials absent a court order from the Juvenile Court.

Probation has briefed its Probation Officers about the legal requirements for ICE access to adults. Probation has not had a situation where it has allowed ICE access to an adult in Probation’s custody or under Probation’s supervision in 2019.

FINANCIAL IMPACT:
N/A

STAFFING IMPACT:
N/A

REVIEWING AGENCIES:
Sheriff-Coroner Department
Probation Department

ATTACHMENT(S):
Attachment A -- Government Code sections 7283, 7283.1 & Welfare and Institutions Code section 831
Attachment B -- OCSD’s Jail Policy Section 1206 (Immigration)
Attachment C -- OCSD’s Inmate Interview Consent Form and Notification Form
§ 7283. Definitions, CA GOVT § 7283

For purposes of this chapter, the following terms have the following meanings:

(a) “Community forum” includes, but is not limited to, any regular meeting of the local governing body that is open to the public, where the public may provide comment, is in an accessible location, and is noticed at least 30 days in advance.

(b) “Hold request” means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D.

(c) “Governing body” with respect to a county, means the county board of supervisors.

(d) “ICE access” means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:

(1) Responding to an ICE hold, notification, or transfer request.

(2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.

(3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.

(4) Allowing ICE to interview an individual.
§ 7283. Definitions, CA GOVT § 7283

(5) Providing ICE information regarding dates and times of probation or parole check-ins.

(e) "Local law enforcement agency" means any agency of a city, county, city and county, special district, or other political subdivision of the state that is authorized to enforce criminal statutes, regulations, or local ordinances; or to operate jails or to maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.

(f) "Notification request" means an Immigration and Customs Enforcement request that a local law enforcement agency inform ICE of the release date and time in advance of the public of an individual in its custody and includes, but is not limited to, DHS Form I-247N.

(g) "Transfer request" means an Immigration and Customs Enforcement request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE, and includes, but is not limited to, DHS Form I-247X.

Credits
(Added by Stats.2016, c. 768 (A.B.2792), § 3, eff. Jan. 1, 2017.)

Current with urgency legislation through Ch. 372 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.
§ 7283.1. Individuals in local law enforcement custody; ICE interviews; ICE hold, notification or transfer requests; records relating to ICE access; community forum

Effective: January 1, 2017

(a) In advance of any interview between ICE and an individual in local law enforcement custody regarding civil immigration violations, the local law enforcement entity shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. The written consent form shall also be available in any additional languages that meet the county threshold as defined in subdivision (d) of Section 128552 of the Health and Safety Code if certified translations in those languages are made available to the local law enforcement agency at no cost.

(b) Upon receiving any ICE hold, notification, or transfer request, the local law enforcement agency shall provide a copy of the request to the individual and inform him or her whether the law enforcement agency intends to comply with the request. If a local law enforcement agency provides ICE with notification that an individual is being, or will be, released on a certain date, the local law enforcement agency shall promptly provide the same notification in writing to the individual and to his or her attorney or to one additional person who the individual shall be permitted to designate.

(c) All records relating to ICE access provided by local law enforcement agencies, including all communication with ICE, shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. Records relating to ICE access include, but are not limited to, data maintained by the local law enforcement agency regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means.

(d) Beginning January 1, 2018, the local governing body of any county, city, or city and county in which a local law enforcement agency has provided ICE access to an individual during the last year shall hold at least one community forum during the following year, that is open to the public, in an accessible location, and with at least 30 days' notice to provide information to the public about ICE's access to individuals and to receive and consider public comment. As part of this forum, the local law enforcement agency may provide the governing body with data it maintains regarding the number and demographic
characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided, and whether
the ICE access was provided through a hold, transfer, or notification request or through other means. Data may be provided
in the form of statistics or, if statistics are not maintained, individual records, provided that personally identifiable information
shall be redacted.

Credits
(Added by Stats.2016, c. 768 (A.B.2792), § 3, eff. Jan. 1, 2017.)

Notes of Decisions (1)
West's Ann. Cal. Gov. Code § 7283.1, CA GOVT § 7283.1
Current with urgency legislation through Ch. 372 of 2020 Reg.Sess. Some statute sections may be more current, see credits
for details.

End of Document
§ 831. Confidentiality of juvenile court records regardless of immigration status; disclosure

Effective: January 1, 2016

Currentness

(a) It is the intent of the Legislature in enacting this section to clarify that juvenile court records should remain confidential regardless of the juvenile's immigration status. Confidentiality is integral to the operation of the juvenile justice system in order to avoid stigma and promote rehabilitation for all youth, regardless of immigration status.

(b) Nothing in this article authorizes the disclosure of juvenile information to federal officials absent a court order of the judge of the juvenile court upon filing a petition as provided by subparagraph (P) of paragraph (1) of subdivision (a) of Section 827.

(c) Nothing in this article authorizes the dissemination of juvenile information to, or by, federal officials absent a court order of the judge of the juvenile court upon filing a petition as provided by subparagraph (P) of paragraph (1) and paragraph (4) of subdivision (a) of Section 827.

(d) Nothing in this article authorizes the attachment of juvenile information to any other documents given to, or provided by, federal officials absent prior approval of the presiding judge of the juvenile court as provided by paragraph (4) of subdivision (a) of Section 827.

(e) For purposes of this section, “juvenile information” includes the “juvenile case file,” as defined in subdivision (e) of Section 827, and information related to the juvenile, including, but not limited to, name, date or place of birth, and the immigration status of the juvenile that is obtained or created independent of, or in connection with, juvenile court proceedings about the juvenile and maintained by any government agency, including, but not limited to, a court, probation office, child welfare agency, or law enforcement agency.

(f) Nothing in this section shall be construed as authorizing any disclosure that would otherwise violate this article.

(g) The Legislature finds and declares that this section is declaratory of existing law.

Credits
(Added by Stats.2015, c. 267 (A.B.899), § 2, eff. Jan. 1, 2016.)
Notes of Decisions (1)

Current with urgency legislation through Ch. 372 of 2020 Reg.Sess. Some statute sections may be more current, see credits for details.
1206– Immigration

Although enforcing immigration law is a federal government responsibility and not shared by members of OCSD, OCSD may allow members of Immigration and Customs Enforcement (ICE) into our custodial facilities for the purpose of interviewing inmates for immigration violations, provided the requirements of Government Code section 7283, et seq (the “Truth Act”) are met. Members of this Department may not transfer an individual in Department custody to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or that individual has been convicted of the crimes, or otherwise has met the criteria set forth in Government Code sections 7282 and 7282.5 (the “Trust Act” as amended by Senate Bill 54 (the “California Values Act”)).

1206.1 – Definitions

a) **Hold Request** means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D.

b) **Notification Request** means an Immigration and Customs Enforcement request that a local law enforcement agency inform ICE of the release date and time in advance of the public of an individual in its custody and includes, but is not limited to, DHS Form I-247N.

c) **Transfer Request** means an Immigration and Customs Enforcement request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE, and includes, but is not limited to, DHS Form I-247X.

d) **Judicial Probable Cause Determination** means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

e) **Judicial Warrant** means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

1206.2 – Immigration Interview Procedure

a) The Facility Watch Commander shall be notified of an ICE Agent’s arrival and request to interview inmates for immigration violations.

b) Prior to being interviewed, a Classification Deputy will provide the inmate with a written consent form (Truth Act Interview Consent Form) which is available in one of eight languages as follows:

1. English
2. Chinese
3. Farsi
4. Korean
5. Spanish
6. Tagalog
7. Vietnamese
8. Arabic

c) The form will explain the purpose of the interview, the voluntary nature of the interview, and that the inmate may decline to be interviewed or may choose to be interviewed only with his or her attorney present.

d) If the inmate chooses to have his or her attorney present, the interview will be postponed until the attorney can be present.

e) Upon completion of the written consent form, the inmate will be provided with a duplicate copy and the original will be placed in the inmate’s record jacket.

f) If the inmate agrees to be interviewed, a Classification Deputy will be assigned to escort the inmate to the ICE Agent’s location.
1206.3 – Receiving a Notification/Transfer Request

a) Upon receiving a Notification/Transfer Request, Inmate Records shall provide a copy of the Notification/Transfer Request for the referenced inmate to Classification.

1. This includes a Notification/Transfer Request placed by persons outside of OCSD, or already lodged on an inmate prior to their intake or after intake when the OCSD becomes aware of such Notification/Transfer Requests.

b) The on-duty Classification Sergeant, or in his or her absence, the on-duty Operations Sergeant will designate an on-duty Classification deputy or other deputy to provide a copy of the Notification/Transfer Request to the inmate and inform the inmate whether OCSD intends to comply with the Notification/Transfer Request in accordance with Government Code section 7282, et seq. (the “Trust Act”, as amended by Senate Bill 54 (the “California Values Act”)).

c) The on-duty Classification Sergeant, or in his or her absence, the on-duty Operations Sergeant will designate an on-duty Classification deputy or other deputy to provide the Truth Act Notification form to the inmate to complete the name and address of the inmate’s attorney or other person whom the inmate may designate for the purpose of OCSD providing notice to that attorney or other person if ICE is notified of the inmate’s release date.

d) Upon completion of the top portion of the Truth Act Notification form, the Classification deputy or other deputy will return the form to Inmate Records and the form will be placed in the inmate’s Inmate Record Jacket.

1206.4 – Screening Inmates in Accordance with the Trust Act and the California Values Act

a) All inmates who have a Notification/Transfer Request will be evaluated in accordance with Government Code sections 7282 and 7282.5, which criteria are set forth in CCOM 1206.6. The evaluation will be conducted by an on-duty Classification Deputy designated by the on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant.

b) OCSD will comply with Notification/Transfer Requests by notifying ICE and releasing the inmate to ICE custody when the referenced inmate qualifies in accordance with Government Code sections 7282 and 7282.5.

1. Inmates who qualify under Government Code sections 7282 and 7282.5 may be processed for release at Sentence Ending Date (SE Date) or Pre-trial release and released in-custody to ICE.

   i. These inmates will not be held past their release date.

   ii. No inmate will be detained or held on the basis of an ICE Hold Request.

2. ICE will be notified in a timely manner for all inmates who qualify under Government Code sections 7282 and 7282.5 to afford ICE the opportunity to pick up the inmate. ICE will not be notified if the inmate does not qualify under Government Code sections 7282 and 7282.5.

1206.5 – Release of Inmates with a Notification/Transfer Request

a) Records Supervisors will notify the on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant when an inmate with a Notification/Transfer Request is preparing for release.

b) The on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification deputy to screen the inmate per section 1206.4 above.

c) When ICE is notified that an inmate is being, or will be released, on a certain date, the on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification Deputy to promptly complete the bottom portion of the Truth Act Notification form and provide a copy of the original to the inmate, mail a copy of the original to the inmate’s attorney or other person designated by the inmate and return the original to the inmate’s Inmate Record Jacket.

d) Members of this Department may not transfer an individual in Department custody to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or that individual has been
convicted of the crimes or otherwise has met the criteria set forth in Government Code sections 7282 and 7282.5 (see CCOM 1206.6).

1206.6—Criteria for Responding to a Notification/Transfer Request

a) OCSD personnel may provide information in response to a Notification Request, or may transfer an inmate to immigration authorities only under the following circumstances, as permitted by Government Code sections 7282 and 7282.5:

1. The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code. (See below for list of serious felonies and violent felonies)

2. The individual has been convicted of a felony punishable by imprisonment in the state prison.

3. The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

   i. Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

   ii. Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

   iii. Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 242, 601, and 11418.5 of the Penal Code.

   iv. Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

   v. Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

   vi. Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

   vii. Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

   viii. Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

   ix. Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

   x. Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

   xi. Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

   xii. Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

   xiii. An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

   xiv. Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

   xv. Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.
xvi. An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

xvii. A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

xviii. Possession or use of a firearm in the commission of an offense.

xix. An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

xx. False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

xxi. Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

xxii. Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

xxiii. A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

xxiv. Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

xxv. A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

xxvi. Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

xxvii. Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

xxviii. An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

xxix. Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

xxx. Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

xxxi. A violation of subdivision (c) of Section 20001 of the Vehicle Code.

4. The individual is a current registrant on the California Sex and Arson Registry.

5. The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

6. In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

7. In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

b) Serious Felonies identified in Penal Code section 1192.7(c)

1. Murder or voluntary manslaughter;

2. Mayhem;
3. Rape;
4. Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
5. Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
6. Lewd or lascivious act on a child under 14 years of age;
7. Any felony punishable by death or imprisonment in the state prison for life;
8. Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
9. Attempted murder;
10. Assault with intent to commit rape or robbery;
11. Assault with a deadly weapon or instrument on a peace officer;
12. Assault by a life prisoner on a non-inmate;
13. Assault with a deadly weapon by an inmate;
14. Arson;
15. Exploding a destructive device or any explosive with intent to injure;
16. Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
17. Exploding a destructive device or any explosive with intent to murder;
18. Any burglary of the first degree;
19. Robbery or bank robbery;
20. Kidnapping;
21. Holding of a hostage by a person confined in a state prison;
22. Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
23. Any felony in which the defendant personally used a dangerous or deadly weapon;
24. Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
25. Any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
26. Grand theft involving a firearm;
27. Carjacking;
28. Any felony offense, which would also constitute a felony violation of Section 186.22;
29. Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
30. Throwing acid or flammable substances, in violation of Section 244;
31. Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
32. Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5;
33. Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246;
34. Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
35. Continuous sexual abuse of a child, in violation of Section 288.5;
36. Shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100;
37. Intimidation of victims or witnesses, in violation of Section 136.1;
38. Criminal threats, in violation of Section 422;  
39. Any attempt to commit a crime listed in this subdivision other than an assault;  
40. Any violation of Section 12022.53;  
41. A violation of subdivision (b) or (c) of Section 11418; and  
42. Any conspiracy to commit an offense described in subdivision (c) of Section 1192.7.  

c) Violent Felonies identified in Penal Code Section 667.5(c)  
1. Murder or voluntary manslaughter.  
2. Mayhem.  
3. Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.  
4. Sodomy as defined in subdivision (c) or (d) of Section 286.  
5. Oral copulation as defined in subdivision (c) or (d) of Section 288a.  
6. Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.  
7. Any felony punishable by death or imprisonment in the state prison for life.  
8. Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.  
10. Arson, in violation of subdivision (a) or (b) of Section 451.  
11. Sexual penetration as defined in subdivision (a) or (j) of Section 289.  
13. A violation of Section 18745, 18750, or 18755.  
15. Assault with the intent to commit a specified felony, in violation of Section 220.  
16. Continuous sexual abuse of a child, in violation of Section 288.5.  
17. Carjacking, as defined in subdivision (a) of Section 215.  
18. Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.  
19. Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.  
20. Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.  
21. Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.  
22. Any violation of Section 12022.53.  
23. A violation of subdivision (b) or (c) of Section 11418.  

1206.7—Public Access to Records  

a) Upon receiving any request pursuant to the California Public Records Act, GOVT. CODE §§ 6250 – 6276.48 for information related to ICE's access to individuals, responsive records shall be produced consistent with the Act's requirements.
TRUTH Act Interview Consent Form
Cal. Government Code §7283.1

____________________, Booking Number __________

☐ I voluntarily consent to speak with an Immigration and Customs Enforcement officer, for the purpose of determining my immigration status. This consent is made with the knowledge that I have the right to refuse to be interviewed. No promises, threats, or coercion have been made to induce me to relinquish this right and I do waive it freely and voluntarily. I understand that I may choose to be interviewed with my attorney present.

☐ I request my attorney to be present during the interview.

☐ I do not request my attorney to be present during the interview.

☐ I do not consent to speak with an Immigration and Customs Enforcement officer.

Signature ___________________________ Date ________________

Completed by Deputy/PIN: __________________________

Copies: Original (inmate file) | Copy (Inmate)
TRUTH Act Notification Form
Cal. Government Code §7283.1

Print Name ____________________________ Booking Number ____________________________

You have an immigration notification and/or transfer request by the Department of Homeland Security, Immigration and Customs Enforcement (DHS-ICE). Based on Government Code sections 7282 – 7282.5 and your criminal history, you may or may not qualify to be transferred into the custody of DHS-ICE at the time of your release. If you do qualify, then the Orange County Sheriff’s Department intends to comply with DHS-ICE’s request and transfer you into the custody of DHS-ICE at the time of your release.

If you have a question or complaint regarding this immigration request, you can contact the ICE ERO Detention Reporting and Information Line, toll-free, at 1-888-351-4024.

If we notify DHS-ICE that you are being, or will be released, on a certain date, we will provide notification in writing to you and to your attorney or one other person whom you may designate. Please complete the information below.

□ I request my attorney be notified.

Name: __________________________________________
Mailing Address: __________________________________________

OR

□ I request the following person be notified:

Name: __________________________________________
Mailing Address: __________________________________________

Inmate Signature ____________________________ Date ______________

Completed by Deputy/PIN: ____________________________

Complete when inmate is being released and ICE is notified:

ICE Notified On: _______ Time: _______

Release Date: _______ Time: _______

By: ____________________________ Deputy/PIN: ____________________________

Copies: Original (inmate file) | Copy 1 (Inmate) | Copy 2 (2nd Notification)

Revised 03/29/18
December 1, 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 December 8, 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: 12/08/20
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 Head Signature
DEPARTMENT CONTACT PERSON(S): Thomas A. Miller (714) 834-6019
James Treadaway (714) 667-9700

SUBJECT: Condemnation Action, Riverside & San Bernardino Counties, Prado Dam Project

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CEO CONCUR

COUNTY COUNSEL REVIEW

CLERK OF THE BOARD
Public Hearing

2/3 Vote

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Budgeted: Yes  Current Year Cost: See Financial Impact Section Annual Cost: N/A

Staffing Impact: N/A  # of Positions:  Sole Source: N/A
Current Fiscal Year Revenue: N/A
Funding Source: Fund 404: 100% County Audit in last 3 years No

Prior Board Action: 10/06/2020 #4, 10/06/2020 #19, 01/28/2003 #40, 12/07/1999 #49

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RECOMMENDED ACTION(S)

Acting as the governing board of the Orange County Flood Control District:

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 K 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 interests in real property as described in the attached Resolutions of Necessity.

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 Treasurer’s Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount as described in the Resolutions 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 to transfer funds as may be requested by County Counsel; 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 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 a Project Cooperation Agreement and Second Modification to the Local Cooperation Agreement for the Santa Ana River Mainstem Project and, on October 6, 2020, your Board authorized Amendment Number 1 to the Project Cooperation Agreement with the Recommended Actions including authorizing the Director of OC Public Works or designee to execute ancillary documents or Relocation Agreements approved by County Counsel not to exceed $1 million per utility or property owner relocation need per fiscal year. The Project Cooperation Agreement requires 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 Counties of Riverside and 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 permanent flowage easement interests in the Project Parcel Numbers described more fully in the Resolution of Necessity (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. 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, 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 OC Public Works 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 OC Public Works 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/Infrastructure Programs/Flood Programs request the 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 Bergman Dacey Goldsmith, 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 Attachments E through K.

Although the Subject Property Interests are located in the Counties of Riverside and San Bernardino, they are within the reach of the District’s extraterritorial power of eminent domain pursuant to Sections 2 and 16 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 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 $11,967,300 in the amounts and from the Fund Nos listed below to be made upon Board approval of the proposed recommended actions.

<table>
<thead>
<tr>
<th>Property Owner Name</th>
<th>Amount</th>
<th>JCN</th>
<th>Account Coding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perez (two parcels split accounting)</td>
<td>$755,516</td>
<td>ESP2100</td>
<td>404-080-404-LS08-4100-ESP2100</td>
</tr>
<tr>
<td></td>
<td>$837,484</td>
<td>ESP2149</td>
<td>404-080-404-LS58-4100-ESP2149</td>
</tr>
<tr>
<td>Boytor</td>
<td>$235,500</td>
<td>ESP2102</td>
<td>404-080-404-LS10-4100-ESP2102</td>
</tr>
<tr>
<td>Macomber</td>
<td>$26,100</td>
<td>ESP2220</td>
<td>404-080-404-L43S-4100-ESP2220</td>
</tr>
<tr>
<td>Yao</td>
<td>$97,800</td>
<td>ESP2103</td>
<td>404-080-404-LS11-4100-ESP2103</td>
</tr>
<tr>
<td>Galvan</td>
<td>$29,400</td>
<td>ESP2136</td>
<td>404-080-404-LS45-4100-ESP2136</td>
</tr>
<tr>
<td>PTI</td>
<td>$375,500</td>
<td>ESP2052</td>
<td>404-080-404-L362-4100-ESP2052</td>
</tr>
<tr>
<td>Vander Weerd (previous action 10-06-20 re-adopting due to new legal description.)</td>
<td>$9,610,000</td>
<td>ESP2105</td>
<td>404-080-404-LS14-4100- ESP2105</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$11,967,300</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:**

Treasurer-Tax Collector
OC Public Works

**ATTACHMENT(S):**

Attachment B - OC Public Works Memorandums  
Attachment C - Real Estate Acquisition Questionnaire  
Attachment D - Final Supplemental Environmental Impact Statement and Report No. 583  
Attachment E - Resolution of Necessity (E01PD-40-059 and 40-060, Perez)  
Attachment F - Resolution of Necessity (E01PD-40-061, Boytor)  
Attachment G - Resolution of Necessity (E01PD-15-788, Maconber)  
Attachment H - Resolution of Necessity (E01PD-40-062, Yao)  
Attachment I - Resolution of Necessity (E01PD-40-064, Galvan)  
Attachment J - Resolution of Necessity (E01PD-26-009, PTI)  
Attachment K - Resolution of Necessity (E01PD-46-018, Vander Weerd)  
Attachment L - Notice of Intent to Consider Adoption of a Resolution of Necessity (E01PD-40-059 & 40-060, Perez)  
Attachment M - Notice of Intent to Consider Adoption of a Resolution of Necessity (E01PD-40-061, Boytor)  
Attachment N - Notice of Intent to Consider Adoption of a Resolution of Necessity (E01PD-15-788, Maconber)  
Attachment O - Notice of Intent to Consider Adoption of a Resolution of Necessity (E01PD-40-062, Yao)  
Attachment P - Notice of Intent to Consider Adoption of a Resolution of Necessity (E01PD-40-064, Galvan)  
Attachment Q - Notice of Intent to Consider Adoption of a Resolution of Necessity (E01PD-26-009, PTI)  
Attachment R - Notice of Intent to Consider Adoption of a Resolution of Necessity (E01PD-46-018, Vander Weerd)
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.
MEMORANDUM

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

From: James Treadaway, Director

Date: November 30, 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: December 8, 2020) E01PD 40-059 & 40-060

Synopsis:
On December 8, 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, Murphy & Evertz 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 Trinidad Perez Jr. ("Owner"), which real property is two adjacent parcels located at 14821 and 14835 Chandler St. in the City of Eastvale in Riverside County and which Subject Property Interests are described as follows:

Permanent flowage easement in real property that is legally described and depicted by Attachments 1 and 2 attached to the proposed Resolution, which total easement area is approximately 1.98 acres (.94 acres on 40-059 and 1.04 acres on 40-060) is referred to by the District as Project Parcel No. E01PD-40-059 and 40-060, and which covers portions of Riverside County Assessor’s Parcel Nos. 144-080-10 and 144-080-011 (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.

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 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 November 3, 2020 and continue. Real Estate staff followed up November 10, 2020. 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 Eastvale ("City") as required by the Code. The City responded on June 22, 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.

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 the total estimated just compensation in the amount of
$1,593,000, paid from two funds. The amount of $755,516 from Fund No. 404-080-404-LS08-4100-ESP2100, and $837,484 from Fund No. 404-080-404-LS58-4100-ESP2149 which is based on the appraisal previously obtained.

3. Relocation Assistance.

The District anticipates that the acquisition of a flowage easement over a portion of the properties will not displace any occupants. Therefore, at this time the District has not assigned a Relocation Consultant to this acquisition. If the District later discovers there will be displacement as a result of the acquisition, a Relocation Company will be assigned to explain the Relocation Assistance Program to any displaced person or business ("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, Murphy & Evertz 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: December 1, 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: December 8, 2020) E01PD 40-061

Synopsis:
On December 8, 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 & Sorenson, 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 Charlotte A. Boytor-Lowery Trustee of the Charlotte A. Boytor-Lowery 2015 Revocable Trust, dated March 30, 2015, ("Owner") which real property is located at 14811 Chandler St. in the City of Eastvale in Riverside 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 0.72 acres) is referred to by the District as Project Parcel No. E01PD-40-061, and which covers Riverside County Assessor’s Parcel No. 144-100-020 (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.

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 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 November 8, 2020 and continue. Real Estate staff followed up November 16, 2020. Negotiations will continue, however, in order to proceed with timely acquisition of the Subject Property Interests 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 Eastvale ("City") as required by the Code. The City responded on June 22, 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.**

2. **Funds.**
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 (Board of Supervisors’ Meeting Date: December 8, 2020) E01PD 40-061

December 1, 2020
Page 4 of 4

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 $235,500, which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS10-4100, Job No ESP2102.

3. Relocation Assistance.

The District anticipates that the acquisition of a flowage easement over a portion of the Parcel will not displace any occupants. Therefore, at this time the District has not assigned a Relocation Consultant to this acquisition. If the District later discovers there will be displacement as a result of the acquisition, a Relocation Company will be assigned to explain the Relocation Assistance Program to any displaced person or business ("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 & Sorenson 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: Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

From: James Treadaway, Director

Date: December 1, 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: December 8, 2020) Eo1PD 15-788

Synopsis:
On December 8, 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 & Sorenson, 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 Maureen A. Macomber Trustee of the Family Trust of Maureen A. Macomber (15-788), dated September 13, 2006, which real property is located at 1659 Melrose Drive in the City of Corona in Riverside 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 1,832 square feet (0.042 acres) is referred to by the District as Project Parcel No. Eo1PD-15-788, and which covers Riverside County Assessor’s Parcel No. 121-231-001 (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.

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 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 November 9, 2020 and continue. 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 Corona ("City") On October 27, 2020 as required by the Code. To the City has not responded as to whether or not the Project is consistent with the City's General Plan.

D. Other Considerations:

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

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 $26,100, which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-L43S-4100, Job No ESP2220.

3. Relocation Assistance.

The District anticipates that the acquisition of a flowage easement over a portion of the properties will not displace any occupants. Therefore, at this time the District has not assigned a Relocation Consultant to this acquisition. If the District later discovers there will be displacement as a result of the acquisition, a Relocation Company will be assigned to explain the Relocation Assistance Program to any displaced person or business ("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 & Sorenson, 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: December 1, 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: December 8, 2020) E01PD 40-062

Synopsis:
On December 8, 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 & Sorenson, 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 Alwen Mianwen Yao and Wenny Wenjun Pu Yao Trustees of the Yao Family Trust (40-062), dated December 4, 2018, which real property is located at 14751 Chandler St. in the City of Eastvale in Riverside 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 18,617 square feet (0.43 acres) is referred to by the District as Project Parcel No. E01PD-40-062, and which covers Riverside County Assessor's Parcel No. 144-100-019 (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.

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 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 November 10, 2020 and are ongoing. 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 Eastvale ("City") as required by the Code. The City responded on _June 22, 2016_ that the Project is not consistent with the City's General Plan.

D. Other Considerations:

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

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 $97,800, which
is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS11-4100, Job No ESP2103.

3. **Relocation Assistance.**

The District anticipates that the acquisition of a flowage easement over a portion of the properties will not displace any occupants. Therefore, at this time the District has not assigned a Relocation Consultant to this acquisition. If the District later discovers there will be displacement as a result of the acquisition, a Relocation Company will be assigned to explain the Relocation Assistance Program to any displaced person or business ("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 & Sorenson, 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.
Attachment B

MEMORANDUM

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

From: James Treadaway, Director

Date: December 1, 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: December 8, 2020) E01PD 40-064

Synopsis:
On December 8, 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, Murphy & Evertz, 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 Eduardo Galvan and Margarita Galvan (40-064), which real property is located at 14769 Chandler St. in the City of Eastvale in Riverside 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 5,069 Square feet (0.12 acres) is referred to by the District as Project Parcel No. E01PD-40-064, and which covers Riverside County Assessor’s Parcel No. 144-100-017 (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.

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 of 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 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 October 15, 2020 and continue. Real Estate staff followed up on October 16, 22, 29 and November 5 and 12, 2020. 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 Eastvale ("City") as required by the Code. The City responded on June 9, 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.

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 $29,400, which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS45-4100, Job No ESP2136.

3. Relocation Assistance.

The District anticipates that the acquisition of a flowage easement over a portion of the properties will not displace any occupants. Therefore, at this time the District has not assigned a Relocation Consultant to this acquisition. If the District later discovers there will be displacement as a result of the acquisition, a Relocation Company will be assigned to explain the Relocation Assistance Program to any displaced person or business ("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 Murphy & Evertz, 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.
Attachment B

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

From: James Treadaway, Director

Date: December 1, 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: December 8, 2020) E01PD 26-009-51

Synopsis:
On December 8, 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 a leasehold interest 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, Bergman Dacey Goldsmith (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 Orange County Flood Control District since 4/30/2015, which real property is located at 14925 River Road, in the City of Eastvale, California in Riverside County and which Subject Property Interests are described as follows:

Tenants leasehold interest including the acquisition of certain Improvements Pertaining to the Realty located on real property that is legally described and depicted by Exhibits A and B attached to the proposed Resolution, which leasehold interest covers an area of approximately 4.956 acres that is referred to by the District as Project Parcel No. E01PD-26-009-51 and encompasses Riverside County Assessor’s Parcel No.130-030-020 (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:
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 (Board of Supervisors' Meeting Date: December 8, 2020) E01FD 26-009-51

December 1, 2020
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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.

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.

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In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board 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 October 28, 2020 and continue. Real Estate staff Has followed up on several occasions and is currently working with the owner towards a settlement. 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 Eastvale (“City”) as required by the Code.

D. **Other Considerations:**

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

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 $375,500, which
is based on the appraisal previously obtained and will be paid from Fund 404-080-404-L362-4100, Job No ESP2052.

3. Relocation Assistance.

The acquisition of this leasehold interest will displace PTI Sand and Gravel Inc. The District has assigned Del Richardson and Associates a Relocation Consulting Company to interview the tenant and determine PTI's eligibility for benefits. The Relocation Consultant has explained the Relocation Assistance Program to the Lessee ("Claimant") and is currently working with them to assist in their relocation to a new location. The District will coordinate with the relocation consultant firm to ensure that relocation benefits are provided to the Claimant 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, 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: Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

From: James Treadaway, Director

Date: December 1, 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: December 8, 2020) E01PD-46-018

Synopsis:
On December 8, 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, the firms of Burke, Williams & Sorensen and 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 Subject Property Interests, which pertain to and affect real property that is owned as a matter of record title by J/R Ranch, a California Limited Partnership, as to a 50% interest, Richard S. Price and Gale M. Price, Trustees of the Price Family Trust dated November 20, 1995, as to a 5% interest, and Hoby Brenner and Franklin J. Brenner, as their interest appears of record as to the remainder ("Owner"), which real property is located on the east side of Euclid Avenue plus or minus 600 feet south of Bickmore Avenue and south side Bickmore Avenue plus or minus 850 feet east of Euclid Avenue in the City of Chino, County of San Bernardino 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 (16.765 acres) is referred to by the District as Project Parcel No. E01PD-(46-018), and which covers San Bernardino County Assessor’s Parcel Nos. 1056-251-01, 1056-251-02 and 1056-261-02 (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.

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 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 June 8, 2020 and continue. Real Estate staff followed up on July 14, 2020 and the Owner responded that he was working through some issues but would reply shortly. Real Estate staff followed up with another email on August 13, 2020, and received a response the same day stating that the owners had a meeting scheduled with Shea but was rescheduled to August 27, 2020 and that they would contact the District after that meeting has taken place. 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.
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 $9,610,000, which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS14-4100, Job No ESP2105.

3. **Relocation Assistance.**

The District has made several attempts to negotiate the purchase of this property. To date the offer has been accepted. Pending offer acceptance, County’s Special Counsel has engaged and assigned Del Richardson and Associates, a Relocation Consulting Company to interview the owner and any tenants to determine their eligibility for benefits. The Relocation Consultant will explain the Relocation Assistance Program to the Owner and any eligible tenants or occupants 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 either an Order of Possession or when the property is acquired 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, the firm of 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 the proposed Resolution.

Should you have further 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 REAL PROPERTY

December 8, 2020

WHEREAS, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Trinidad Perez Jr. (“Owner”) and located at 14821 and 14835 Chandler Street in the City of Eastvale, County of Riverside, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described in Exhibit A and depicted on Exhibit B to Attachment 1 and Attachment 2 to the proposed Resolution, consisting of project parcel no. E01PD-40-059 and E01PD 40-060, which covers a portion of Riverside County Assessor’s Parcel Numbers (“APNs”) 144-080-010 and 144-080-011, (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title and interest in and to the structures and improvements now situated on said Easement Area. No structures for human habitation shall be constructed or maintained on the Easement Area. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the authorized representative of the easement holder. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area.
shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

WHEREAS, on or before November 23, 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, *inter alia*, at the address shown by the last equalized Riverside 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 (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of December 8, 2020;

WHEREAS, said notice by the Clerk notified the Owner of its right to appear and to be heard at a December 8, 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 December 8, 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 December 8, 2020 Supplemental 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 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 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 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
firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts
with the District, to initiate condemnation proceedings to condemn the following interest in real
property: Permanent flowage easement interest in real property referred to by the District as Project
Parcel No. E01PD-40-059 and 40-060, which covers portions of Riverside County Assessor’s
Parcel Nos. 144-080-10 and 144-080-11.

3. Direct and authorize the Auditor-Controller, upon request by County Counsel, to
cumber 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 $1,593,000,
Job Nos. ESP2100 and ESP2149; to be paid $755,516 from Fund No. 404-080-404-LS08-4100-

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 Riverside 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.

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 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, Burke, Williams & Sorensen and 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 the required funds in the amount of $755,516 from Fund No. 404-080-404-LS08-4100-ESP2100, and $837,484 from Fund No. 404-080-404-LS58-4100-ESP2149.
and to issue funds, as necessary and requested by County Counsel, in the total amount of up to $1,593,000 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 funds as may be requested by County Counsel, and as 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 funds 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 $1,593,000.

**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.
Attachment 1

Exhibit A Legal Description and Exhibit B Depiction of E01PD 40-059 (Perez)
EXHIBIT A

LEGAL DESCRIPTION

Santa Ana River – Prado Dam Basin
Facility No: E01PD
Parcel No.: 40-059

That portion of Lot 50 of Persimmon Republic Acres, in the City of Eastvale, County of Riverside, State of California as per map filed in Book 12, Page 98 of Maps, in the office of the County Recorder of said County, described whole as follows:

COMMENCING at the intersection of the easterly line of said lot with the southerly line of Parcel 2230-5 as shown on Record of Survey filed in Book 57, Pages 94-97 inclusive in the Office of said County Recorder;

Thence continuing along said easterly line South 00°47'16" West 19.81 feet to the intersection of the southeasterly line of an easement for flood control as described in Decree of Condemnation recorded in Book 586 page 534, of Official Records, in the office of County Recorder of said County, said point being the TRUE POINT OF BEGINNING;

Thence continuing along said easterly line of said lot South 00°47'16" West 284.87 feet;

Thence leaving said easterly line, South 62°25'11" West 45.81 feet;

Thence North 89°45'43" West 57.86 feet;

Thence North 69°18'41" West 71.13 feet to a point on the westerly line of said Lot 50;

Thence continuing along said westerly line of said lot North 00°47'19" East 157.25 feet to the intersection of the southeasterly line of said easement for flood control;

Thence along said southeasterly line of said easement for flood control North 45°43'18" East 129.48 feet;

Thence continuing along said southeasterly line of said easement for flood control North 65°56'38" East 81.09 feet to the TRUE POINT OF BEGINNING;

Containing an area of 40852 Square Feet, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.99998915 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

Date: 8-13-2020

By: Wade Douglas Weaver, L.S. 4337
Attachment 2

Exhibit A Legal Description and Exhibit B Depiction of E01PD 40-060 (Perez)
EXHIBIT A

LEGAL DESCRIPTION

Santa Ana River – Prado Dam Basin
Facility No: E01PD
Parcel No.: 40-060

That portion of Lot 51 of Persimmon Republic Acres, in the City of Eastvale, County of Riverside, State of California as per map filed in Book 12, Page 98 of Maps, in the office of the County Recorder of said County, described whole as follows:

COMMENCING at the intersection of the westerly line of said lot with the southerly line of Parcel 2230-6 as shown on Record of Survey filed in Book 57, Pages 94-97 inclusive in the Office of said County Recorder;

Thence continuing along said westerly line South 00°47'16" West 19.81 feet to the intersection of the southerly line of an easement for flood control as described in Decree of Condemnation recorded in Book 586 page 534, of Official Records, in the office of County Recorder of said County, said point being the TRUE POINT OF BEGINNING;

Thence continuing along said westerly line of said lot South 00°47'16" West 284.87 feet;

Thence leaving said westerly line, North 72°59'16" East 146.75 feet;

Thence South 34°20'26" East 43.99 feet to a point on the easterly line of said lot;

Thence along said easterly line North 00°47'15" West 262.16 feet to the intersection of the southerly line of said easement for flood control;

Thence along said southerly line of said easement for flood control North 53°18'01" West 57.89 feet to a point on the southerly line of said Parcel 2230-6

Thence along the southerly line of said parcel North 89°21'43" West 75.44 feet to the intersection of the southerly line of said easement for flood control;

Thence along southerly line of said easement for flood control South 65°46'47" East 47.12 feet to the TRUE POINT OF BEGINNING;

Containing an area of 45284 Square Feet, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.99998915 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

Date: 8-13-2020

By: Wade Douglas Weaver, L.S. 4337
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

December 8, 2020

WHEREAS, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Charlotte A Boytor-Lowery, Trustee of The Charlotte A Boytor-Lowery 2015 Revocable Trust, under Declaration of Trust dated March 30, 2015 (“Owner”) and located at 14811 Chandler Street in the City of Eastvale, County of Riverside, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described by Exhibit A and depicted on Exhibit B to the proposed Resolution, consisting of project parcel no. E01PD-40-061, which covers Riverside County Assessor’s Parcel Number (“APN”) 144-100-020, (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title and interest in and to the structures and improvements now situated on said Easement Area. No structures for human habitation shall be constructed or maintained on the Easement Area. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the authorized representative of the easement holder. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the

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

LA #4821-3670-4459 v1

Page 1 of 10
rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

**WHEREAS**, on or before November 23, 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, *inter alia*, at the address shown by the last equalized Riverside 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 (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of December 8, 2020;

**WHEREAS**, said notice by the Clerk notified the Owner of its right to appear and to be heard at a December 8, 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 December 8, 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 December 8, 2020, Supplemental 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 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 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 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 firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the following interest in real property. Permanent flowage easement interest in real property referred to by the District as Project Parcel No. E01PD-40-061, which covers portions of Riverside County Assessor’s Parcel No. 144-100-020.

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 $235,500.00, Job No ESP2102; to be paid from Fund 404-080-404-LS10-4100-ESP2102.

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 Riverside 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.

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 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, Burke,
Williams & Sorensen and 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
erminent 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 (Job No. ESP2102; to be paid from Fund 404-080-
404-LS10-4100-ESP2102) and to issue funds, as necessary and requested by County Counsel, in
the total amount of up to $235,500.00 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

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offer made to the owner; and to encumber such additional funds, and issue such additional funds as may be requested by County Counsel, and as 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 funds 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 $235,500.00.

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

LEGAL DESCRIPTION

Santa Ana River – Prado Dam Basin
Facility No: E01PD
Parcel No.: 40-061

That portion of Lot 52 of Persimmon Republic Acres, in the City of Eastvale, County of Riverside, State of California as per map filed in Book 12, Page 98 of Maps, in the office of the County Recorder of said County, described whole as follows:

COMMENCING at the intersection of the westerly line of said lot with the southerly line of Parcel 2230-7 as shown on Record of Survey filed in Book 57, Pages 94-97 inclusive in the Office of said County Recorder;

Thence continuing along said westerly line South 00°47'15" West 34.07 feet to the intersection of the southerly line of an easement for flood control as described in Decree of Condemnation recorded in Book 586 page 534, of Official Records, in the office of County Recorder of said County, said point being the TRUE POINT OF BEGINNING;

Thence continuing along said westerly line of said lot South 00°47'15" West 262.16 feet;

Thence leaving said westerly line, North 18°50'49" East 56.86 feet;

Thence North 84°50'46" East 81.33 feet;

Thence North 55°42'57" East 81.27 feet to a point on the easterly line of said lot, said point being measured along said easterly line a distance of 187.48 feet from the southerly line of said Parcel 2230-7;

Thence along said easterly line North 00°47'13" East 187.48 feet to a point on the southerly line of said Parcel 2230-7;

Thence along the southerly line of said parcel North 89°21'43" West 126.08 feet to the intersection of the southeasterly line of said easement for flood control;

Thence along the southeasterly and southerly line of said easement for flood control the following courses:

South 59°10'08" East 67.21 feet;

Thence South 34°23'08" East 104.81 feet;

Thence North 61°27'58" East 164.95 feet;

Thence North 53°18'08" East 14.24 feet to the TRUE POINT OF BEGINNING;

Containing an area of 31368 Square Feet, more or less.
ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.99998915 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

___________________________________ Date: 8-13-2020

By: Wade Douglas Weaver, L.S. 4337
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

December 8, 2020

WHEREAS, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Maureen A. Macomber, Trustee (“Owner”) and located at 1659 Melrose Drive in the City of Corona, County of Riverside, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described by Exhibit A and depicted on Exhibit B to the proposed Resolution, consisting of project parcel no. E01PD-15-788, which is a portion of Riverside County Assessor’s Parcel Number (“APN”) 121-231-001, (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title and interest in and to the structures and improvements now situated on said Easement Area. No structures for human habitation shall be constructed or maintained on the Easement Area. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the authorized representative of the easement holder. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.
WHEREAS, on or before November 23, 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, inter alia, at the address shown by the last equalized Riverside 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 ("Project"), through eminent domain proceedings, and of the date set for a hearing thereon of December 8, 2020;

WHEREAS, said notice by the Clerk notified the Owner of its right to appear and to be heard at a December 8, 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 December 8, 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 December 8, 2020, Supplemental 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 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 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 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 firms
   of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with
the District, to initiate condemnation proceedings to condemn the following interest in real property. Permanent flowage easement interest in real property referred to by the District as Project Parcel No. E01PD-15-788, which covers portions of Riverside County Assessor’s Parcel No[s]. 121-231-001.

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 $26,100, Job No ESP2220; to be paid from Fund 404-080-404-L43S-4100-ESP2220.

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 Riverside 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.

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 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, 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-L43S-4100, Job No. ESP2220) and to issue funds, as necessary and requested by County Counsel, in the total amount of up to $26,100 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 funds as may be requested by County Counsel and 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 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 $26,100.

**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

Santa Ana River – Prado Dam Basin
Facility No: E01PD
Parcel No.: 15-788

That portion of Lot 67 of Tract No. 2896, in the County of Riverside, State of California, as shown by Map on file in Book 53, Pages 71 through 73, in the Office of the County Recorder of said County and described as follows:

COMMENCING at the northwest corner of said Tract;

Thence along the northerly line of said Tract, North 89° 07 ' 19" East 283.05 feet to the northeast corner of said Lot, said corner also being the TRUE POINT OF BEGINNING;

Thence along the easterly line of said Lot, South 10° 19' 35" East 25.10 feet;

Thence leaving said easterly line South 88° 22' 15" West 87.32 feet to the easterly line of the Flowage Easement as displayed on said Tract, and described in Book 542, Page 35 in the Office of the County Recorder of said County;

Thence along said easterly line, North 43° 32' 05" East 36.27 feet to the northerly line of said Lot 67;

Thence along the northerly line of said Lot, North 89° 07 ' 19" East 57.81 feet to the TRUE POINT OF BEGINNING.

Containing an area of 1832 Square Feet, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.9999833 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

_____________________________ Date: 10-15-2020

By: Wade Douglas Weaver, L.S. 4337
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

December 8, 2020

WHEREAS, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Alwen Mianwen Yao and Wenny Wenjun Pu Yao, trustees of the Yao Family Trust dated December 4, 2018 (“Owner”) and located at 14751 Chandler Street in the City of Eastvale, County of Riverside, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described by Exhibit A and depicted on Exhibit B to the proposed Resolution, consisting of project parcel no. E01PD-40-062, which is a portion of County Assessor’s Parcel Number (“APN”) 144-100-019, (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title and interest in and to the structures and improvements now situated on said Easement Area. No structures for human habitation shall be constructed or maintained on the Easement Area. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the authorized representative of the easement holder. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of
the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

WHEREAS, on or before November 23, 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, *inter alia*, at the address shown by the last equalized Riverside 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 (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of December 8, 2020;

WHEREAS, said notice by the Clerk notified the Owner of its right to appear and to be heard at a December 8, 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 December 8, 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 December 8, 2020, Supplemental 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 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 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 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 firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the following interest in real property. Permanent flowage easement interest in real property referred to by the District as Project Parcel No. E01PD-40-062, which covers portions of Riverside County Assessor’s Parcel No[s].144-100-019.

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 $97,800, Job No ESP2103; to be paid from Fund 404-080-404-LS11-4100- ESP2103.

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 Riverside 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.

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 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, Burke, Williams, & Sorensen LLP and Murphy and Evertz 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-LS11-4100, Job No. ESP2103) and to issue funds, as necessary and requested by County Counsel, in the total amount
of up to $97,800.00 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 funds as may be requested by
County Counsel and as 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 funds 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 $97,800.

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

Santa Ana River – Prado Dam Basin
Facility No: E01PD
Parcel No.: 40-062

That portion of Lot 53 of Persimmon Republic Acres, in the City of Eastvale, County of Riverside, State of California as per map filed in Book 12, Page 98 of Maps, shown as Parcel 1 of Record of Survey filed in Book 50, Page 90 in the office of the County Recorder of said County, described whole as follows:

BEGINNING at the intersection of the westerly line of said Lot 53, said westerly line also being the westerly line of said Parcel 1, with the southerly line of Parcel 2230-8 as shown on Record of Survey filed in Book 57, Pages 94-97 inclusive in the Office of said County Recorder;

Thence along said westerly line South 00°47'13" West 187.48 feet;

Thence leaving said westerly line South 46°19'33" East 112.52 feet, to a point on the easterly line of said Parcel 1, said point being measured along said easterly line a distance of 264.27 feet from the southerly line of said Parcel 2230-8;

Thence along said easterly line, North 00°46'41" East 264.27 feet, to a point on the southerly line of said Parcel 2230-8;

Thence along southerly line of said parcel North 89°21'43" West 82.40 feet to the POINT OF BEGINNING

Containing an area of 18617 Square Feet, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.99998915 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

___________________________________   Date: _____________
By: Wade Douglas Weaver, L.S. 4337

LICENSED LAND SURVEYOR
NO. 4337
STATE OF CALIFORNIA

Page 8 of 9
EXISTING U.S. GOV. FLOOD EASEMENT PER BK 586 PG 534 O.R.
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

December 8, 2020

WHEREAS, this Resolution of Necessity ("Resolution") seeks to acquire property interests in the real property currently owned by Eduardo Galvan and Margarita Galvan, husband and wife as joint tenants ("Owner") and located at 14769 Chandler Street in the City of Eastvale, County of Riverside, California, and whereas the property interests to be acquired ("Subject Property Interests") consist of:

A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described by Exhibit A and depicted on Exhibit B to the proposed Resolution, consisting of project parcel no. E01PD-40-064, which is a portion of Orange County Assessor’s Parcel Number ("APN") 144-100-017, located at 14769 Chandler Street, Eastvale, California (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title and interest in and to the structures and improvements now situated on said Easement Area. No structures for human habitation shall be constructed or maintained on the Easement Area. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the authorized representative of the easement holder. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of
the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

WHEREAS, on or before November 23, 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 the address shown by the last equalized Riverside 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 (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of December 8, 2020;

WHEREAS, said notice by the Clerk notified the Owner of its right to appear and to be heard at a December 8, 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 December 8, 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 December 8, 2020, Supplemental 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 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 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 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 firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the following interest in real property. Permanent flowage easement interest in real property referred to by the District as Project Parcel No. E01PD-40-064, which covers portions of Riverside County Assessor’s Parcel No[s]. 144-100-014.

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 $29,400, Job No ESP2136; to be paid from Fund 404-080-404-LS45-4100- ESP2136.

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 Riverside 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.

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 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, Burke, Williams & Sorenson and Murphy & Evertz 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-LS45-4100, Job No. ESP2136) and to issue funds, as necessary and requested by County Counsel, in the total amount
of up to $29,400.00 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 funds as may be requested by County Counsel, and as 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 funds 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 $29,400.

**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

Santa Ana River – Prado Dam Basin
Facility No: E01PD
Parcel No.: 40-064

PARCEL A

That portion of Lot 54 of Persimmon Republic Acres, in the City of Eastvale, County of Riverside, State of California as per map filed in Book 12, Page 98 of Maps, shown as Parcel 3 of Record of Survey filed in Book 50, Page 90 in the office of the County Recorder of said County, described whole as follows:

BEGINNING at the intersection of the westerly line of said Lot 54, said westerly line also being the westerly line of said Parcel 3, with the southerly line of Parcel 2230-10 as shown on Record of Survey filed in Book 57, Pages 94-97 inclusive in the Office of said County Recorder;

Thence along said westerly line South 00°47'53" West 11.89 feet;

Thence leaving said westerly line South 89°39'40" East 22.17 feet;

Thence North 75°01'52" East 43.75 feet to a point on the southerly line of said Parcel 2230-10;

Thence along southerly line of said parcel North 89°21'43" West 64.27 feet to the POINT OF BEGINNING

Containing an area of 520 Square Feet, more or less.

PARCEL B

That portion of Lot 54 of Persimmon Republic Acres, in the City of Corona, County of Riverside, State of California as per map filed in Book 12, Page 98 of Maps, shown as Parcel 3 of Record of Survey filed in Book 50, Page 90 in the office of the County Recorder of said County, described whole as follows:

BEGINNING at a point on the westerly line of said Lot 54, said westerly line also being the westerly line of said Parcel 3, said point being measured along said westerly line a distance of 279.73 feet from the southerly line of Parcel 2230-10 as shown on Record of Survey filed in Book 57, Pages 94-97 inclusive in the Office of said County Recorder;

Thence along said westerly line North 00°47'53" West 93.58 feet;

Thence leaving said westerly line South 59°07'35" East 39.45 feet;

Thence South 30°52'20" East 51.35 feet;

Thence South 02°33'09" West 40.72 feet;

Thence South 73°07'18" West 35.84 feet;

Thence North 49°19'44" West 33.50 feet to the POINT OF BEGINNING;
Containing an area of 5069 Square Feet, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.99998915 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

___________________________________ Date: 8-13-2020

By: Wade Douglas Weaver, L.S. 4337
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

December 8, 2020

WHEREAS, this Resolution of Necessity (“Resolution”) seeks to acquire the leasehold interest of PTI Sand & Gravel Incorporated (“Tenant”) in the real property currently owned by the Orange County Flood Control District (“District” or “Owner”) and located at 14925 River Road, at the northeastern corner intersection of Hellman and River Road, in the City of Eastvale, County of Riverside, California, also identified by Riverside County Assessor’s Parcel Number (“APN”) 130-030-020 (“Property”), and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

PTI Sand & Gravel Incorporated’s leasehold interest in the property located at 14925 River Road, Eastvale, California 92880, in the County of Riverside.

WHEREAS, on or before November 17, 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, inter alia, at the address shown on the operative lease agreement between the Tenant and the District, 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 December 8, 2020;
WHEREAS, said notice by the Clerk notified the Tenant of its right to appear and to be heard at a December 8, 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 Tenant;

WHEREAS, on December 8, 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 December 8, 2020 Supplemental 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 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 EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed and fully analyzed project

Resolution No.____, Item No.____
Santa Ana River Mainstem/Prado Dam Project
Acquisition by Eminent Domain of Real Property for Flood Control Purposes
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 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 firms of Bergman Dacey Goldsmith, Burke Williams & Sorensen, and Murphy and Evertz, pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the Subject Property Interests.

3. Direct and authorize the Auditor-Controller, upon request by County Counsel, to encumber funds and wire 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 $375,550, Job No. ESP2052; to be paid from Fund 404-080-404-L362-4100.

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 Riverside 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.

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 Tenant, 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 Tenant.

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, Bergman Dacey Goldsmith, 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-L362-4100, Job No. ESP2052) and to issue funds, as necessary and requested by County Counsel, in the total amount of up to $375,550, representing 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 Tenant; 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, 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 funds 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 $375,550.

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.
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

December 8, 2020

WHEREAS, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by JRJ Ranch, a California Limited Partnership, as to a 50% interest, Richard S. Price and Gale M. Price, Trustees of the Price Family Trust dated November 20, 1995, as to a 5% interest, and Hoby Brenner and Franklin J. Brenner, as their interest appear of record as to the remainder (“Owner”) and located on the east side of Euclid Avenue plus or minus 600 feet south of Bickmore Avenue and south side Bickmore Avenue plus or minus 850 feet east of Euclid Avenue in the City of Chino, County of San Bernardino, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described by Exhibit A and depicted on Exhibit B to the proposed Resolution, consisting of project parcel no. E01PD-46-018, which is a portion of San Bernardino County Assessor’s Parcel Number (“APN”) 1056-251-01, 1056-251-02 & 1056-261-02, located on the east side of Euclid Avenue plus or minus 600 feet south of Bickmore Avenue and south side Bickmore Avenue plus or minus 850 feet east of Euclid Avenue in the City of Chino, California (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title and interest in and to the
structures and improvements now situated on said Easement Area, excepting those improvements listed in Exhibit C. No structures for human habitation shall be constructed or maintained on the Easement Area by Grantor or District. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the OC Public Works Director of the County of Orange or designee, or other authorized representative of the District. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without District approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

WHEREAS, on or before November 23, 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 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 (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of December 8, 2020;

WHEREAS, said notice by the Clerk notified the Owner of its right to appear and to be heard at a December 8, 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 December 8, 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 December 8, 2020 Supplemental 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
An 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 firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the following interest in real property. Permanent flowage easement interest in real property referred to by the District as Project Parcel No. E01PD-46-018, which covers portions of San Bernardino County Assessor’s Parcel No[s]. 1056-251-01, 1056-251-02 & 1056-261-02.

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 $9,610,000, Job No _ESO2105; to be paid from Fund 404-080-404-LS14-4100-ESP2105.

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 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.

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 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 & 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-LS14-4100, Job No. ESP2105) and to issue funds, as necessary and requested by County Counsel, in the total amount of up to $9,610,000 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, 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 to the District. Using those encumbered funds 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 $9,610,000.

**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.

**IT IS FURTHER RESOLVED** that this Resolution shall replace Resolution No. 20-142 adopted by the Board on October 6, 2020.
LEGAL DESCRIPTION

Prado Basin Vander Weerd Parcels
Facility No.: E01PD
Parcel No.: 46-018

Those portions of Lots 16, 17, and 18, 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, as shown on the Map of Subdivision recorded August 8, 1887 in Book 6, Page 15 of Maps, in the Office of the County Recorder of said county, together with that portion of Euclid Avenue and Sultana Avenue which would pass by operation of law upon abandonment, all as shown on a map filed June 5, 1992 in Book 94 Pages 88 through 91 of Records of Survey in said County Recorder’s Office, described as a whole as follows:

Beginning at the centerline intersection of said Euclid Avenue with the westerly prolongation of the southerly line of said Lot 16; thence North 00°33'59" East, 510.37 feet along said centerline; thence, leaving said centerline, the following eighteen courses:

1) North 89°59'29" East, 44.00 feet;
2) South 00°33'59" West, 251.31 feet;
3) North 68°30'24" East, 445.35 feet;
4) North 78°18'09" West, 105.00 feet;
5) North 68°32'11" West, 108.00 feet;
6) North 74°41'15" East, 118.00 feet;
7) North 83°39'18" East, 244.00 feet;
8) North 89°59'29" East, 181.00 feet;
9) South 16°01'08" East, 232.00 feet;
10) North 63°22'04" West, 129.00 feet;
11) North 00°00'31" West, 103.00 feet;
12) North 53°54'26" East, 279.00 feet;
13) South 86°45'54" East, 283.00 feet;
14) South 14°44'59" East, 167.00 feet;
15) North 89°59'29" East, 43.00 feet;
16) North 11°11'41" East, 34.00 feet;
17) South 89°21'39" East, 23.00 feet;
18) North 02°37'22" East, 153.81 feet to the easterly prolongation of the northerly line of said Lot 18; thence South 89°44'11" East, 20.01 feet along said prolongation to the intersection with the centerline of said Sultana Avenue; thence South 00°19'10" West, 369.63 feet along said centerline; thence, leaving said centerline, the following five courses:

1) South 31°31'43" West, 121.00 feet;
2) South 52°32'42" West, 116.00 feet;
3) South 54°30'47" East, 159.27 feet;
4) North 00°19'10" East, 86.42 feet;
5) South 39°44'34" East, 37.59 feet to said centerline of Sultana Avenue; thence South 00°19'10" West, 82.27 feet along said centerline to the intersection with the easterly prolongation of the southerly line of said Lot 18; thence North 89°43'09" West, 1,106.34 feet along said prolongation and southerly line; thence, leaving said southerly line, the following nine courses:

1) North 00°00'31" West, 117.13 feet;
2) South 89°59'29" West, 74.00 feet;
3) North 00°00'31" West, 26.00 feet;
4) South 89°59'29" West, 261.00 feet;
5) South 60°58'12" West, 80.00 feet;
6) North 30°34'35" West, 124.56 feet;
7) South 00°33'59" West, 198.20 feet;
8) South 89°43'09" East, 237.00 feet;
9) South 00°33'59" West, 11.00 feet to the southerly line of said Lot 16; thence North 89°43'09" West, 281.00 feet along said line to the Point of Beginning.

Containing 16.765 Acres, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED, DIVIDE A GRID DISTANCE BY 0.99999179 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

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

By: Wade Douglas Weaver, L.S. 4337

Date: 5-2-18
EXHIBIT C

Improvements within Easement Area

1. Existing/prior dairy milking facility structure
2. Animal pens and structures related to existing/prior dairy and agricultural uses
3. Miscellaneous sheds and structures and fencing
4. Drainage improvements
5. Other improvements to be determined upon inspection.
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, an easement for flowage purposes over certain real property 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:

A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described by Exhibits A and depicted on Exhibit B of Attachment 1 and Attachment 2 to the proposed Resolution, consisting of project parcel no. E01PD-40-059 & 40-060, which is a portion of Riverside County Assessor’s Parcel Number (“APN”) 144-080-010 & 144-080-011, located at 14835, 14817 & 14821 Chandler Street in the City of Eastvale, California (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title and interest in and to the structures and improvements now situated on said Easement Area. No structures for human habitation shall be constructed or maintained on the Easement Area. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the authorized representative of the easement holder. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of
the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

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 December 8, 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 Robin Stieler, Clerk of the Board of Supervisors at (714) 834-3324.
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

____________________________________, ______________________________________, on behalf of the County of Orange, CEO Real Estate Department, hereby declares as follows:

That on November 23, 2020, 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>Trinidad Perez c/o Jose Perez</td>
</tr>
<tr>
<td>2137 E. Mission Road</td>
</tr>
<tr>
<td>Fallbrook, CA 92028</td>
</tr>
<tr>
<td>Trinidad Perez</td>
</tr>
<tr>
<td>14835 Chandler Street</td>
</tr>
<tr>
<td>Eastvale, CA 92880</td>
</tr>
<tr>
<td>Trinidad Perez</td>
</tr>
<tr>
<td>2500 San Carlos Drive</td>
</tr>
<tr>
<td>Fullerton, CA 92831</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, an easement for flowage purposes over certain real property 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:

A perpetual right, power, privilege and easement in, on, over, under, and across
the surface of that real property legally described by Exhibit A and depicted on
Exhibit B to the proposed Resolution, consisting of project parcel no. E01PD-40-
061, which is a portion of Orange County Assessor’s Parcel Number (“APN”) 144-100-020 , located at 14811 Chandler Street, Eastvale, California (the
“Easement Area”), to overflow, flood and/or submerge such real property
including the right to cause, without limitation, erosion and/or deposition and
associated damages to said Easement Area and any and all structures and
improvements situated thereon, in connection with the operation, maintenance,
repair, rehabilitation, restoration and improvement of the Prado Dam and
reservoir/basin, together with all right, title and interest in and to the structures
and improvements now situated on said Easement Area. No structures for human
habitation shall be constructed or maintained on the Easement Area. No other
structures shall be constructed or maintained within the Easement Area, except as
may be approved in writing by the authorized representative of the easement
holder. No excavation, drilling or mining shall be conducted, and no landfill
placed on the Easement Area without easement holder approval as to the location
and method of excavation, drilling, mining, and/or placement of landfill. The
Subject Property Interests are subject to existing easements for public roads and
highways, public utilities, railroads and pipelines; reserving, however, to
underlying fee owner all such rights and privileges as may be used without
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the Easement Area shall be subject to all applicable laws including, but not
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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 December 8, 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.
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 Robyn Quinlan, CEO Real Estate Department at (714) 834-7211.
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 November 23, 2020, 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
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<table>
<thead>
<tr>
<th>Notice Recipients – Names and Addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlotte A Boytor-Lowery- 14811 Chandler Street, Eastvale, CA 92880</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
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domain proceedings, an easement for flowage purposes over certain real property 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:

A perpetual right, power, privilege and easement in, on, over, under, and across
the surface of that real property legally described by Exhibit A and depicted on
Exhibit B to the proposed Resolution, consisting of project parcel no. E01PD-15-788,
which is a portion of Riverside County Assessor’s Parcel Number (“APN”) 121-231-001,
located at 1659 Melrose Drive, Corona, California (the “Easement Area”), to overflow, flood and/or submerge such real property including the right
to cause, without limitation, erosion and/or deposition and associated damages to
said Easement Area and any and all structures and improvements situated thereon,
in connection with the operation, maintenance, repair, rehabilitation, restoration
and improvement of the Prado Dam and reservoir/basin, together with all right,
title and interest in and to the structures and improvements now situated on said
Easement Area, No structures for human habitation shall be constructed or
maintained on the Easement Area. No other structures shall be constructed or
maintained within the Easement Area, except as may be approved in writing by
the authorized representative of the easement holder. No excavation, drilling or
mining shall be conducted, and no landfill placed on the Easement Area without
 easement holder approval as to the location and method of excavation, drilling,
mining, and/or placement of landfill. The Subject Property Interests are subject to
existing easements for public roads and highways, public utilities, railroads and
pipelines; reserving, however, to underlying fee owner all such rights and
privileges as may be used without abridging the rights and easement hereby
acquired, and provided that any use of the Easement Area shall be subject to all
applicable laws including, but not limited, to laws regarding the environment.
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 December 8, 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 Robin Stieler, Clerk of the Board of Supervisors at (714) 834-3324.
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

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>Maureen A. Macomber, Trustee of the Family Trust of Maureen A. Macomber dated 9/13/06 1659 Melrose Drive, Corona, CA 92880-1207</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)
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, an easement for flowage purposes over certain real property 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:

A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described by Exhibit A and depicted on Exhibit B to the proposed Resolution, consisting of project parcel no. E01PD-40-062, which is a portion of Riverside County Assessor’s Parcel Number (“APN”) 144-100-019, located at 14751 Chandler Street, Eastvale, California (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title and interest in and to the structures and improvements now situated on said Easement Area, No structures for human habitation shall be constructed or maintained on the Easement Area. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the authorized representative of the easement holder. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.
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 December 8, 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.
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 Robin Stieler, Clerk of the Board of Supervisors at (714) 834-3324.
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>Alwen Mianwen Yao and Wenny Wenjun Pu Yao Trustees</td>
</tr>
<tr>
<td>of the Yao Family Trust dated 12/04/18</td>
</tr>
<tr>
<td>14751 Chandler Street</td>
</tr>
<tr>
<td>Eastvale, CA 92880</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, an easement for flowage purposes over certain real property 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:

A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described by Exhibit A and depicted on Exhibit B to the proposed Resolution, consisting of project parcel no. E01PD-40-064, which is a portion of Orange County Assessor’s Parcel Number (“APN”) 144-100-017, located at 14769 Chandler Street, Eastvale, California (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title and interest in and to the structures and improvements now situated on said Easement Area, No structures for human habitation shall be constructed or maintained on the Easement Area. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the authorized representative of the easement holder. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.
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 December 8, 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  

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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 November 23, 2020, 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>Eduardo Galvan and Margarita Galvan, 1011 E. Philadelphia Street, Ontario, CA 91761</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 HEARBY 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”) determining the necessity to acquire, through eminent domain proceedings, the property interest described below (the “Subject Property Interests”) for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project (the “Project”).

The street address where the Subject Property Interests proposed for acquisition by the District is located is 14925 River Road, Eastvale, California 92880, County of Riverside. The Subject Property Interests consist of the following:

PTI Sand & Gravel Incorporated’s leasehold interest in the property located at 14925 River Road, Eastvale, California 92880, in the County of Riverside

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 from 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 HEARBY FURTHER NOTIFIED that the public hearing by the Board to consider adoption of the proposed Resolution is set for 9:30 a.m. (or as soon thereafter as the Board reached the agenda item relating to this hearing) on December 8, 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

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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 November 23, 2020, 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 Tenant at the address shown on the operative lease agreement between the Tenant and the District. 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>Michael Elena, PTI Sand &amp; Gravel</td>
</tr>
<tr>
<td>14925 River Rd.</td>
</tr>
<tr>
<td>Corona, CA 92880</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 revised resolution of necessity (the “Resolution”), a copy of
which as proposed is attached to this Notice, replacing Resolution No. 20-142 adopted by
the Board on October 6, 2020 and determining the necessity to acquire, through eminent
domain proceedings, an easement for flowage purposes over certain real property 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:

A perpetual right, power, privilege and easement in, on, over, under, and across the
surface of that real property legally described by Exhibit A and depicted on Exhibit
B to the proposed Resolution, consisting of project parcel no. E01PD-46-018,
which is a portion of San Bernardino County Assessor’s Parcel Number (“APN”) 1056-251-01, 1056-251-02 & 1056-261-02, located on the east side of Euclid Avenue plus or minus 600 feet south of Bickmore Avenue and south side Bickmore Avenue plus or minus 850 feet east of Euclid Avenue in the City of Chino, California (the “Easement Area”), to overflow, flood and/or submerge such real
property including the right to cause, without limitation, erosion and/or deposition
and associated damages to said Easement Area and any and all structures and
improvements situated thereon, in connection with the operation, maintenance,
repair, rehabilitation, restoration and improvement of the Prado Dam and
reservoir/basin, together with all right, title and interest in and to the structures and
improvements now situated on said Easement Area, excepting those improvements
listed in Exhibit C. No structures for human habitation shall be constructed or
maintained on the Easement Area by Grantor or District. No other structures shall
be constructed or maintained within the Easement Area, except as may be approved
in writing by the OC Public Works Director of the County of Orange or designee,
or other authorized representative of the District. No excavation, drilling or mining
shall be conducted, and no landfill placed on the Easement Area without District approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

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 December 8, 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

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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>JRJ, Ranch a California Limited Partnership</td>
</tr>
<tr>
<td>1804 S. Shenandoah</td>
</tr>
<tr>
<td>Visalia, California 93277</td>
</tr>
<tr>
<td>Attention: Ron A. Vander Weerd</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 30, 2020

TO: Robin Stieler, Clerk of the Board of Supervisors
FROM: Leon J. Page, County Counsel
SUBJECT: Request for Supplemental Closed Session; Anticipated Litigation/Initiation of Litigation

I am requesting a supplemental closed session to be held on Tuesday, December 8, 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.

LJP:nr

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