

ORANGE COUNTY BOARD OF SUPERVISORS

A g e n d a R e v i s i o n s a n d S u p p l e m e n t a l s

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.

August 23, 2022

DISCUSSION

- 29. Continued to 9/13/22, 9:30 a.m.
- 31. Revised Title to read:
County Executive Office - Approve grant applications/awards submitted by *OC Public Works and Social Services Agency, and retroactive grant application/award submitted by Health Care Agency in 8/23/22* grant report and other actions as recommended - All Districts

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

Items: 31

S u p p l e m e n t a l I t e m (s)

- S37A. **Vice Chairman Wagner** - Approve to allow any police and/or fire department in Orange County, including Orange County Sheriff's Department and Orange County Fire Authority, to use the Hall of Administration for tactical S.W.A.T rescues and training purposes from 9/14/22 - 9/30/22; authorize CEO Real Estate to extend training period past 9/30/22 if timeline to demolish is postponed or delayed
- S37B. **Supervisor Bartlett** - Approve addition of Pet Project Foundation events in support of San Clemente-Dana Point Animal Shelter to County Events Calendar; and make related findings per Government Code Section 26227
- S37C. **Supervisor Bartlett** - Coto de Caza Planning Advisory Committee - Appoint Michael King, Trabuco Canyon, for term concurrent with 5th District Supervisor's term of office
- S37D. **Vice Chairman Wagner** - Assessment Appeals Board No. 1 - Reappoint William Baker, Jr., Villa Park, for term ending 8/31/25
- S37E. **Vice Chairman Wagner** - Approve agreement with United States Department of Agriculture and Natural Resources Conservation Service for Silverado Emergency Sediment and Debris Removal Project at Silverado Creek, Wildcat Creek and Anderson Creek; authorize use of public funds on private property pursuant to County of Orange Policy and Procedure, adopted on 11/8/11; authorize OC Public Works Director or designee to execute agreement; and make California Environmental Quality Act and other findings

ORANGE COUNTY BOARD OF SUPERVISORS

A g e n d a R e v i s i o n s a n d S u p p l e m e n t a l s

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.

- S37F. **Supervisor Foley** - Approve addition of Friends of Santa Ana Zoo, Make A Wish Foundation, Court Appointed Special Advocates for Children – Orange County (CASA-OC), Alzheimer’s Association - Orange County Chapter, Community College and University, Orange County Bar Association, Gun Buyback, City of Newport Beach, City of Costa Mesa, City of Huntington Beach, and City of Seal Beach events to County Events Calendar; and make related findings per Government Code Section 26227
- S37G. **Supervisor Foley** - Approve use of \$5,000,000 from Second District allocation of discretionary ARPA funding for gas relief grants and programs, gun violence prevention, public safety, family health service, coastal preservation/environmental stewardship, animal care, housing assistance funds that aid residents experiencing or at risk of homelessness, workforce development programs, education and childcare grants for nonprofits and schools, meal gap programming for seniors, persons with disabilities and other individuals experiencing food insecurity, economic support to arts-related small businesses and non-profit organizations, small business and non-profit incentive grants and support local programs that educate and address alarming rise of hate-related incidents in Orange County and around Country; make related findings per Government Code Section 26227; and direct County Executive Officer or designee to negotiate and enter into agreements as necessary
- S37H. **Supervisor Bartlett** - Authorize County to withdraw from Orange County Power Authority Joint Powers Agreement (JPA); and direct County Counsel to send notice to all appropriate parties of JPA and demand that Power Authority immediately cease undertaking any activities to procure power from unincorporated residents and incurring any further costs attributable to County
- S37I. **Vice Chairman Wagner** - Approve addition of Orange County Iranian American Chamber of Commerce Business Awards Luncheon to County Events Calendar; and make related findings per Government Code Section 26227
- S37J. **County Executive Office** - Approve proposed response to FY 2021-22 Grand Jury Report “County Land Transactions: Will the Public Notice?” - All Districts
- S37K. **Sheriff-Coroner** - Approve FY 2021-22 Federal Equitable Sharing Agreement and Certification reports for federally forfeited property or proceeds received for Sheriff-Coroner Department – All Districts
- SCS2. **County Counsel** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Colette Farnes, Chief Human Resources Officer
Unrepresented Employee: represented and unrepresented employees
RE: Terms and Conditions of Employment
- SCS3. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Susan Bennett v. County of Orange, et al. Case Number: 8:20-cv-00166-CJC-JDE
- SCS4. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Sandra Quinones v. County of Orange Case Number: 8:20-cv-00666

REVISIONS AND SUPPLEMENTALS TO AUGUST 23, 2022 AGENDA - PAGE 2 OF 3

ORANGE COUNTY BOARD OF SUPERVISORS

A g e n d a R e v i s i o n s a n d S u p p l e m e n t a l s

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.

- SCS5. **Sheriff-Coroner** - CONFERENCE WITH SHERIFF-CORONER - THREAT TO PUBLIC SERVICES OR FACILITIES - Pursuant to Government Code Section 54957(a):
Title of Officer: Don Barnes, Orange County Sheriff-Coroner
- SCS6. **County Executive Office** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Colette Farnes
Employee Organization: Association of Orange County Deputy Sheriffs (AOCDS)
RE: Terms and Conditions of Employment



Continuation or Deletion Request

Date: August 10, 2022
To: Clerk of the Board of Supervisors
From: Frank Kim, County Executive Officer
Re: ASR Control #: 22-000651, Meeting Date 8/23/22 Agenda Item No. # 29
Subject: 2022 Personnel and Salary Resolution

☒ Request to continue Agenda Item No. # 29 to the 9/13/22 Board Meeting.

Comments:

☐ Request deletion of Agenda Item No. # _____

Comments:



AGENDA STAFF REPORT

31

ASR Control 22-000649

MEETING DATE: 08/23/22
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
Julie Bechtol (714) 834-2009

SUBJECT: Grant Applications/Awards Report

CEO CONCUR
Concur

COUNTY COUNSEL REVIEW
No Legal Objection

CLERK OF THE BOARD
Discussion
3 Votes Board Majority

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 Application – OC Public Works – Safe Streets and Roads for All (SS4A) – \$820,000
2.	Approve Grant Application – OC Public Works – Bridge Investment Program – \$12,028,800
3.	Approve Grant Application – OC Public Works – Highway Safety Improvement Program (HSIP) – \$1,188,000
4.	Approve Grant Award – Social Services Agency – Afghanistan Supplemental Appropriation Funds – \$685,000
5.	Approve Retroactive Grant Award – Health Care Agency – Mental Health Student Services Act (MHSSA) – \$1,619,403
6.	Receive and File Grants Report

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



Grants Report

DRAFT

County Executive Office/Legislative Affairs

August 23, 2022
Item No: 31

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 August 23, 2022 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 Application – OC Public Works – Safe Streets and Roads for All (SS4A) – \$820,000
2. Approve Grant Application – OC Public Works – Bridge Investment Program – \$12,028,800
3. Approve Grant Application – OC Public Works – Highway Safety Improvement Program (HSIP) – \$1,188,000
4. Approve Grant Award – Social Services Agency – Afghanistan Supplemental Appropriation Funds – \$685,000
5. Approve Retroactive Grant Award – Health Care Agency – Mental Health Student Services Act (MHSSA) – \$1,619,403
6. Receive and File Grants Report.

If you or your staff have any questions or require additional information on any of the items in this report, please contact Julie Bechtol at 714-834-2009.



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☒ GRANT APPLICATION / ☐ GRANT AWARD

Today's Date:	August 23, 2022
Requesting Agency/Department:	OC Public Works
Grant Name and Project Title:	Safe Streets and Roads for All (SS4A) Grant Program - Orange County Local Road Safety Plan (LRSP)
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	U.S. Department of Transportation Infrastructure Investment and Jobs Act (also referred to as the "Bipartisan Infrastructure Law" or "BIL")
Application Amount Requested:	\$820,000
Application Due Date:	September 15, 2022
Board Date when Board Approved this Application:	N/A
Awarded Funding Amount:	N/A
Notification Date of Funding Award:	N/A
Is this an Authorized Retroactive Grant Application/Award? (If yes, attach memo to CEO) No	
Recurrence of Grant	New <input checked="" type="checkbox"/> Recurrent <input type="checkbox"/> Other <input type="checkbox"/> Explain:
If this is a recurring grant, please list the funding amount applied for and awarded in the past:	This is a <u>NEW</u> grant, which will be recurring annually for five years; we have not applied for or been awarded this grant in the past.
Does this grant require CEQA findings?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What Type of Grant is this?	Competitive <input checked="" type="checkbox"/> Other Type <input type="checkbox"/> Explain:
County Match?	Yes <input checked="" type="checkbox"/> Amount <u>\$205,000</u> No <input type="checkbox"/>
How will the County Match be Fulfilled? (Please include the specific budget)	Fund 115
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented. The purpose of the grant funds is to develop a comprehensive safety action plan, referred to as, Local Road Safety Plan (LRSP). The LRSP will lay the framework for identifying, analyzing, and prioritizing roadway safety improvements on the County's local roads, and provide eligibility for future grant awards for implementation of safety improvement projects, identified in the LRSP. The process of developing a LRSP results in a prioritized list of issues, risks, actions, and improvements catered towards reducing fatalities and serious injuries. This systematic process not only considers engineering, but also the other "E's" such as equity, engagement, education/encouragement, and evaluation, when developing the LRSP, allowing the County to be proactive, rather than reactive, in its efforts to increase roadway safety. The total cost of developing a LRSP is estimated at \$1,025,000. The requested grant amount is \$820,000 (80%) and the local match is \$205,000 (20%).
Board Resolution Required? <small>(Please attach document to eForm)</small>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Deputy County Counsel Name: <small>(Please list the Deputy County Counsel that approved the Resolution)</small>	N/A
Recommended Action/Special Instructions <small>(Please specify below)</small>	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

<ol style="list-style-type: none">1. Request the U.S. Department of Transportation to allocate Safe Streets and Roads for All (SS4A) funds to the County of Orange in the amount specified in the SS4A Comprehensive Safety Action Plan Grant application;2. Authorize the Director of OC Public Works, or designee, to submit the application, to sign the cooperative agreements with the U.S. Department of Transportation, and to invoice, if successful in obtaining grant approval, for the development of a Comprehensive Safety Action Plan;3. Authorize the Director of OC Public Works, or designee, to sign a commitment letter to provide all required matching funds for the Comprehensive Safety Action Plan;	
Department Contact :	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
Sonica Kohli, 714/647-3910, Sonica.Kohli@ocpw.ocgov.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:
Kevin Onuma, County Engineer, OC Public Works Nardy Khan, Deputy Director, OC Infrastructure Programs, OC Public Works	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☒ GRANT APPLICATION / ☐ GRANT AWARD

Today's Date:	August 23, 2022
Requesting Agency/Department:	OC Public Works
Grant Name and Project Title:	Bridge Investment Program Trabuco Canyon Road Bridge Replacement
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	U.S. Department of Transportation
Application Amount Requested:	\$ 12,028,800
Application Due Date:	September 8, 2022
Board Date when Board Approved this Application:	N/A
Awarded Funding Amount:	N/A
Notification Date of Funding Award:	
Is this an Authorized Retroactive Grant Application/Award? (If yes, attach memo to CEO) No	
Recurrence of Grant	New <input checked="" type="checkbox"/> Recurrent <input type="checkbox"/> Other <input type="checkbox"/> Explain:
If this is a recurring grant, please list the funding amount applied for and awarded in the past:	This is a <u>NEW</u> grant, which will be recurring annually for five years; we have not applied for or been awarded this grant in the past.
Does this grant require CEQA findings?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What Type of Grant is this?	Competitive <input checked="" type="checkbox"/> Other Type <input type="checkbox"/> Explain:
County Match?	Yes <input checked="" type="checkbox"/> Amount <u>\$3,007,200</u> No <input type="checkbox"/>
How will the County Match be Fulfilled? (Please include the specific budget)	Fund 174
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.
<p>The purpose of the grant funds is to replace the Trabuco Canyon Road bridge over Trabuco Creek (Bridge Number 55C0008) with a higher and longer bridge to provide a safer vehicle access during storm events, add shoulders to accommodate Class II bike lanes on the bridge, and restore a continuous Trabuco Creek channel bed for fish migration. The approaching roadway on both ends of the bridge will also be reconstructed for a smooth transition to match the new bridge profile.</p> <p>The total project cost estimate for the bridge replacement is approximately \$ 15,036,000. The requested grant amount for is \$12,028,800 (80%) and the local match is \$3,007,200 (20%).</p>	
Board Resolution Required? <small>(Please attach document to eForm)</small>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Deputy County Counsel Name: <small>(Please list the Deputy County Counsel that approved the Resolution)</small>	N/A
Recommended Action/Special Instructions <small>(Please specify below)</small>	
1. Request the U.S. Department of Transportation to allocate Bridge Investment Program funds to the County of Orange in the amount specified in the Trabuco Canyon Road Bridge Replacement Project application;	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

<p>2. Authorize the Director of OC Public Works, or designee, to submit the application, to sign the cooperative agreements with the U.S. Department of Transportation, and to invoice, if successful in obtaining grant approval, for the Trabuco Canyon Road Bridge Replacement Project;</p> <p>3. Authorize the Director of OC Public Works, or designee, to sign a commitment letter to provide all required matching funds for the project;</p>	
Department Contact :	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
Sonica Kohli, 714/647-3910, Sonica.Kohli@ocpw.ocgov.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:
Kevin Onuma, County Engineer, OC Public Works Nardy Khan, Deputy Director, OC Infrastructure Programs, OC Public Works	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☒ GRANT APPLICATION / ☐ GRANT AWARD

Today's Date:	August 23, 2022
Requesting Agency/Department:	OC Public Works
Grant Name and Project Title:	Highway Safety Improvement Program (HSIP) Cycle 11 - Countywide Signal Vehicle Head Upgrade Project
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	US Department of Transportation/Federal Highway Administration (FHWA)/ State of California Department of Transportation
Application Amount Requested:	\$1,188,000
Application Due Date:	September 12, 2022
Board Date when Board Approved this Application:	N/A
Awarded Funding Amount:	N/A
Notification Date of Funding Award:	N/A
Is this an Authorized Retroactive Grant Application/Award? (If yes, attach memo to CEO) No	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input checked="" type="checkbox"/> Other <input type="checkbox"/> Explain: Every 2 Years
If this is a recurring grant, please list the funding amount applied for and awarded in the past:	1. Santiago Canyon Road Safety Improvements, Cycle 7 - \$1,942,740 2. Live Oak Canyon Road Highway Safety Improvements, Cycle 6 - \$1,500,000 3. Trabuco Canyon Road Highway Safety Improvements, Cycle 6 - \$1,132,300 4. Gilbert Street Improvements, Cycle 5 - \$900,000
Does this grant require CEQA findings?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What Type of Grant is this?	Competitive <input checked="" type="checkbox"/> Other Type <input type="checkbox"/> Explain:
County Match?	Yes <input checked="" type="checkbox"/> Amount <u>\$132,000</u> No <input type="checkbox"/>
How will the County Match be Fulfilled? (Please include the specific budget)	Fund 174
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented. The purpose of this grant is to upgrade all traffic signal backplates within the County to be retroreflective in order to improve safety at signalized intersections. Retroreflective backplates improve signal head (red-yellow-green indication) visibility by providing a conspicuous 1 to 3-inch yellow retroreflective border around each signal head. Backplates with retroreflective borders are proven countermeasures known to reduce crashes as the added visibility helps increase drivers' awareness of an upcoming intersection. The total cost of upgrading all signal backplates within the County is estimated at \$1,320,000. The requested grant amount is \$1,188,000 (90%) and the local match is \$132,000 (10%).
Board Resolution Required? <small>(Please attach document to eForm)</small>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Deputy County Counsel Name: <small>(Please list the Deputy County Counsel that approved the Resolution)</small>	
Recommended Action/Special Instructions	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

(Please specify below)	
<ol style="list-style-type: none">1. Request Federal Highway Administration and/or the State of California Department of Transportation to allocate Highway Safety Improvement Program (HSIP) funds to the County of Orange in the amount specified in the Countywide Signal Vehicle Head Upgrade Project Application;2. Authorize the Director of OC Public Works, or designee, to submit the application, to sign the cooperative agreements with Federal Highway Administration and/or State of California Department of Transportation, and to invoice, if successful in obtaining grant approval for the Countywide Signal Vehicle Head Upgrade Project;3. Authorize the Director of OC Public Works, or designee, to sign a commitment letter to provide all required matching funds for the Project;	
Department Contact :	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
Sonica Kohli, 714/647-3910, Sonica.Kohli@ocpw.ocgov.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:
Kevin Onuma, County Engineer, OC Public Works Nardy Khan, Deputy Director, OC Infrastructure Programs, OC Public Works	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☐ GRANT APPLICATION / ☒ GRANT AWARD

Today's Date:	8/23/22
Requesting Agency/Department:	Social Services Agency
Grant Name and Project Title:	Afghanistan Supplemental Appropriation Funds
Sponsoring Organization/Grant Source: (If the grant source is not a government entity, please provide a brief description of the organization/foundation)	California Department of Social Services/Refugee Programs Bureau
Application Amount Requested:	\$685,000
Application Due Date:	7/15/2022
Board Date when Board Approved this Application:	7/26/2022
Awarded Funding Amount:	\$685,000
Notification Date of Funding Award:	8/15/2022
Is this an Authorized Retroactive Grant Application/Award? (If yes, attach memo to CEO) No	
Recurrence of Grant	New <input checked="" type="checkbox"/> Recurrent <input type="checkbox"/> Other <input type="checkbox"/> Explain:
If this is a recurring grant, please list the funding amount applied for and awarded in the past:	N/A
Does this grant require CEQA findings?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What Type of Grant is this?	Competitive <input checked="" type="checkbox"/> Other Type <input type="checkbox"/> Explain:
County Match?	Yes <input type="checkbox"/> Amount _____ or _____ % No <input checked="" type="checkbox"/>
How will the County Match be Fulfilled? (Please include the specific budget)	N/A
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors should accept this grant application/award, and how the grant will be implemented.
<p>On July 31, 2021, the U.S. Operation Allies Refuge began evacuating Afghan citizens and nationals from Afghanistan who were at-risk due to political instability. The federal government continues to support Afghans as they resettle in the United States.</p> <p>On June 8, 2022, the California Department of Social Services (CDSS) Refugee Programs Bureau (RPB) released Refugee Coordinator Letter (RCL) 22-03 asking counties to submit requests for funding to address the unmet needs of Afghan newcomers in California, which was provided to the state through federal appropriation via the Afghanistan Supplemental Appropriation (ASA) 2022. The RCL did not include a due date or application details, but did request an informal notification of interest to receive details regarding the application. On June 22, 2022, the Social Services Agency (SSA) contacted RPB to express interest in the funding opportunity. On June 30, 2022, SSA was provided with the grant application and notified that the application due date was July 15, 2022. Upon receipt of the application, SSA staff immediately began working on the request. On July 14, 2022, SSA staff submitted the application for ASA funds in the amount of \$685,000 to support case management/employment services, transportation, nutrition assistance, translation of health-related materials and other incidental costs to meet the needs of Afghanistan arrivals. The Board approved the grant application on July 26, 2022. On August 15, 2022, CDSS issued RCL 22-04E awarding the full amount of \$685,000.</p> <p>The project period for ASA funds is from October 1, 2021, through September 30, 2024. In order to meet the urgent need for services and adhere to state and County requirements regarding ASA expenditures, SSA is requesting that Auditor-Controller</p>	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

be authorized to pay ASA related expenditures to vendors or grant recipients directly including, but not limited to case management and employment services; transportation assistance; nutrition and food assistance; incidentals such as professional clothing and haircuts; translation services; and other program related expenses to support the needs of Afghanistan arrivals in accordance with all applicable program requirements and laws.

Board Resolution Required?

(Please attach document to eForm)

Yes ☐

No ☒

Deputy County Counsel Name:

(Please list the Deputy County Counsel that approved the Resolution)

Recommended Action/Special Instructions

(Please specify below)

1. Authorize the Social Services Agency Director, or designee, to accept Afghanistan Supplemental Appropriation funds in the amount of \$685,000.
2. Authorize the Social Services Agency Director, or designee, to manage the Afghanistan Supplemental Appropriation funds and pay related expenditures to vendors or grant recipients directly including, but not limited to case management and employment services; transportation assistance; nutrition and food assistance; rental assistance; incidentals such as professional clothing and haircuts; translation services; and other program related expenses to support the needs of Afghanistan arrivals in accordance with all applicable program requirements and laws.
3. Authorize the Auditor-Controller to pay the aforementioned expenditures upon receipts of a Payment Request Form approved by the Social Services Agency Director or designee.

Department Contact:

An Tran, 714-541-7712, An.Tran@ssa.ocgov.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:

An Tran, 714-541-7712, An.Tran@ssa.ocgov.com



CLAYTON CHAU, MD, PhD, MASL
AGENCY DIRECTOR

MINDY WINTERSWYK, PT, DPT, PCS
ASSISTANT AGENCY DIRECTOR


CHI RAJALINGAM, PhD, CHC, CHPC
ASSISTANT AGENCY DIRECTOR

OFFICE OF THE DIRECTOR

405 W. 5th STREET, 7th FLOOR
SANTA ANA, CA 92701

www.ocalthinfo.com

DATE: August 17, 2022

TO: Frank Kim, County Executive Officer 

FROM: Clayton Chau, MD, PhD, MASL, Agency Director

SUBJECT: Retroactive Request to Accept Mental Health Student Services Act (MHSSA)
003 Extension Grant

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=CEO,
ou=County Executive Office,
email=Frank.Kim@ocgov.com,
c=US
Date: 2022.08.17 16:24:37
-0700

This memo is being submitted to request that the County Executive Officer place the subject grant application on the August 23, 2022, Board of Supervisors (Board) Meeting Agenda. The Mental Health Services Oversight & Accountability Commission notified the Health Care Agency, Mental Health and Recovery Services (MHRS) of the grant award on July 6, 2022. MHRS is still waiting for MHSSOAC to submit the grant agreement and due to the current grants policy deadlines MHRS is submitting a request to accept fund only at this time and will return to the Board at a later date once the grant agreement is received. This request is a retroactive request due to the notice of award being beyond the 30-day deadline.

In partnership with the Orange County Department of Education (OCDE), all 28 school districts in Orange County, and one participating charter school, this grant extension program to extend and expand the existing model of services will go through December 31, 2026. The \$1.6 million award will be used to continue funding for seven existing Regional Mental Health Coordinators (RMHCs), for an additional 28 months, who work closely with multiple school districts in their assigned region, as well as with HCA and community-based behavioral health providers, to improve access to on-campus and community-based services and supports for students and families, focusing on creating a coordinated system of access and care.

HCA plans to return to the Board with the grant agreement upon approval.

If you have any questions about the grant, please contact Veronica Kelley, Chief of Mental Health and Recovery Services at (714) 834-7024.

Thank you for your consideration,



Clayton Chau, MD, PhD, MASL
Agency Director



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☐ GRANT APPLICATION / ☒ GRANT AWARD

Today's Date:	August 16, 2022
Requesting Agency/Department:	Health Care Agency – Mental Health and Recovery Services
Grant Name and Project Title:	Mental Health Student Services Act (MHSSA) 003 extension grant
Sponsoring Organization/Grant Source: (If the grant source is not a government entity, please provide a brief description of the organization/foundation)	Mental Health Services Oversight & Accountability Commission (MHSOAC)
Application Amount Requested:	\$6,966,733
Application Due Date:	June 17, 2022
Board Date when Board Approved this Application:	June 7, 2022
Awarded Funding Amount:	\$1,619,403
Notification Date of Funding Award:	July 6, 2022
Is this an Authorized Retroactive Grant Application/Award? (If yes, attach memo to CEO)	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input type="checkbox"/> Other <input checked="" type="checkbox"/> Explain:
If this is a recurring grant, please list the funding amount applied for and awarded in the past:	This grant is an extension of the existing MHSSA grant that was awarded in round 1 in 2020.
Does this grant require CEQA findings?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What Type of Grant is this?	Competitive <input type="checkbox"/> Other Type <input checked="" type="checkbox"/> Explain: A total of \$1,090,743 is allocated to Orange County; however, grantees are allowed to request more, in the event that all eligible counties do not apply and additional funds are available
County Match?	Yes <input type="checkbox"/> Amount _____ or _____ % No <input checked="" type="checkbox"/>
How will the County Match be Fulfilled? (Please include the specific budget)	
Will the grant/program create new part or full-time positions?	Services will be contracted out. No new County positions will be required.
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.
<p>The Mental Health Services Oversight & Accountability Commission (MHSOAC) administers the Senate Bill 82 Investment in Mental Health Wellness Act which provides local assistance funds to expand mental health crisis services. The 2019 Budget Bill included the creation of the Mental Health Student Services Act (MHSSA), to establish and strengthen partnerships between the mental health and educational systems. In December of 2019, a Request for Applications (RFA) was released under the MHSSA program, focused on funding partnerships between educational and county mental health agencies with the goal of increasing access to mental health services in locations that are easily accessible to students and their families. Orange County received a \$6,000,000 grant under this RFA, with a contract from September 1, 2020 through August 31, 2024. The Budget Act of 2021 provided additional funding under the MHSSA program, which is now being made available to existing grantees to extend and/or expand their current grant program.</p> <p>In partnership with the Orange County Department of Education (OCDE), all 28 school districts in Orange County, and one participating charter school, HCA Mental Health and Recovery Services (MHRS) plans to submit an application under this</p>	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

grant extension program to extend and expand the existing model of services through December 31, 2026. Funding will be used to continue funding for seven existing Regional Mental Health Coordinators (RMHCs), for an additional 28 months, who work closely with multiple school districts in their assigned region, as well as with HCA and community-based behavioral health providers, to improve access to on-campus and community-based services and supports for students and families, focusing on creating a coordinated system of access and care. RMHCs also provide and facilitate access to mental health trainings for school staff, parents, and students, and work with district mental health leads to improve district and school policies and practices for supporting student and staff mental health. RMHCs also provide care coordination and crisis response when requested by districts. In addition to extending the current model through 2026, we are proposing the addition of three specialized mental health coordinators who will collaborate with the existing RMHCs to provide targeted support to districts across the county, beginning in September 2022 and continuing through 2026. The three specialized Coordinators will include: 1) A Board Certified Behavior Analyst, who will support districts in providing specialized training to educator, school administrators, school-based mental health professionals, and families on how to respond to undesirable behaviors. Since returning to school after remote and hybrid learning, schools report a dramatic increase in behavioral disruptions and problems. This Coordinator will also work with administrators to establish and refine behavioral intervention practices and policies, to address behavioral incidents more effectively, as well as to link students to needed supports; 2) A coordinator, with certification in alcohol and drug use treatment, will provide training and support to school-based mental health (SBMH) staff, in order to build capacity for schools to identify and provide early intervention and service linkage to students who may be engaging in substance use. Many schools provide substance use prevention programs. However, few, if any, provide screening or intervention for substance use. 3) Finally, a WellSpace Coordinator will be added to the team, who will collaborate with existing OCDE and Children's Health Orange County (CHOC) staff to plan, establish, and support the development of additional student wellness centers, called WellSpaces, in schools across Orange County. The mission of WellSpaces is to remove barriers for all students to receive mental health support and to send a universal message that mental health and wellness matters. Now, more than ever, we recognize the importance of WellSpaces on school campuses.

HCA will return to the Board with a contract from MHSOAC and authorization to execute the agreement once it is received.

Board Resolution Required?

(Please attach document to eForm)

Yes ☐

No ☒

Deputy County Counsel Name:

(Please list the Deputy County Counsel that approved the Resolution)

Recommended Action/Special Instructions

(Please specify below)

- 1) Authorize the Health Care Agency Director, or designee, to accept the grant funds for the Mental Health Student Services Act 003 grant program.

Department Contact :

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

Veronica Kelley, Chief of Mental Health and Recovery Services

vkelly@ochca.com phone: 714-834-7024

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:

Veronica Kelley, Chief of Mental Health and Recovery Services

vkelly@ochca.com phone: 714-834-7024



MEMORANDUM

To: Clerk of the Board

From: Donald P. Wagner, Vice Chairman, Third District

Date: August 15, 2022

RE: Supplemental Item for August 23, 2022

I would like to add a supplemental item to the August 22, 2022 Board of Supervisors meeting. I will be requesting the Board of Supervisors to support and approve allowing any police and/or fire department in Orange County, including the Orange County Sheriff's Department and Orange County Fire Authority, to use the Hall of Administration for tactical, S.W.A.T, rescues, and other training purposes from September 14, 2022 through September 30, 2022. If the timeline to demolish the Hall of Administration is postponed or delayed, CEO Real Estate will be able to extend the training period past September 30, 2022.

RECEIVED
2022 AUG 15 PM 2:56
CLERK OF THE BOARD
BOARD OF SUPERVISORS



Board of Supervisors

Memorandum

August 16, 2022

To: Clerk of the Board

From: Supervisor Lisa Bartlett, 5th District

Subject: Addition to the County Events Calendar

S37B

Please add the following item to the Supplemental Calendar for the August 23, 2022 Board Agenda.

Supervisor Bartlett:

Add to the County Events Calendar - Pet Project Foundation events in support of the San Clemente-Dana Point Animal Shelter and make related findings per Government Code Section 26227.


Supervisor Lisa Bartlett, 5th District

RECEIVED
AUG 16 2022
CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS



Board of Supervisors

Memorandum

August 16, 2022

To: Clerk of the Board

From: Supervisor Lisa Bartlett, 5th District

Subject: Appointment to Coto de Caza Planning Advisory Committee (CPAC)

S37C

Please add the following item to the supplemental calendar for the August 23, 2022 Board meeting agenda. The title of the item should read:

Supervisor Bartlett:

Coto de Caza Planning Advisory Committee (CPAC) – Appoint Michael King, Trabuco Canyon, as Advisory Committee Member 6 for term of office concurrent with Supervisors term of office.


Supervisor Lisa Bartlett, 5th District

RECEIVED
2022 AUG 16 AM 11:13
CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS



APPLICATION FOR COUNTY OF ORANGE
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

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](http://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT)):

Coto de Caza Planning Advisory Committee

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

APPLICANT NAME AND RESIDENCE ADDRESS:

Michael Donovan King
First Name Middle Name Last Name

Trabuco Canyon 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: Orange

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

ORGANIZATION/SOCIETY	FROM (MO./YR.)	TO (MO./YR.)
Koll-Irvine Association	06/2018	Present
Hubbs-Seaworld Research Institute	07/2022	Present
California Fisheries and Seafood Institute	12/2018	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.

See resume. I would like to help guide future development, growth, and preservation in Coto de Caza.

DATE: 8/11/2022

APPLICANTS SIGNATURE: Michael King

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 _____

Michael King

Director of Real Estate & Development

Contact	Objective Participate in the local community and contribute to future success while shepherding graceful development in our area.
Education University of Southern California, B.S. Policy Planning and Development	Experience <i>May 2021 - Present</i> Director of Real Estate & Development • King's Seafood Company <i>May 2018 – May 2021</i> Real Estate & Development Manager • King's Seafood Company <i>January 2014 – May 2021</i> Purchasing Manager • King's Seafood Distribution Currently oversee the Real Estate & Development from site selection to construction for a \$200 million restaurant company.
Key Skills Project Management, Procurement, Budgeting, Training, Lease Negotiation, Concept Development	Communication Provide consistent and informative updates and insight on current projects and the industry at large. Enjoy speaking to groups and presenting new plans and strategy. Work with executive team to develop concept and execute projects. Leadership Active in the community and maintain multiple board memberships which include Koll-Irvine Business Park, California Fisheries and Seafood Institute, the Hubbs-SeaWorld Research Institute and the Tesoro High School Wrestling Booster Club. References Available upon request.



MEMORANDUM

To: Clerk of the Board

From: Vice Chairman Donald P. Wagner, Third District

Date: August 15, 2022

[Handwritten signature] #S37D

RE: Re-appointment of William Baker, Jr. to the Assessment Appeals Board No. 1

I would like to reappoint William Baker, Jr. to the Assessment Appeals Board No. 1 for a term of September 5, 2022 through August 31, 2025. Please add this as a supplemental item to the Tuesday, August 23, 2022 Board of Supervisors meeting.

RECEIVED
2022 AUG 15 AM 9:16
CLERK OF THE BOARD
BUTLER, DONALD P. JR.



APPLICATION FOR COUNTY OF ORANGE
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

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](http://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT)):

OC Assessment Appeals Board Number 1

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

APPLICANT NAME AND RESIDENCE ADDRESS:

William Earl Baker, Jr
First Name Middle Name Last Name
Villa Park 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: Orange

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

ORGANIZATION/SOCIETY	FROM (MO./YR.)	TO (MO./YR.)
Calif Bar Ass'n	12/1974	7/2022
OC Bar Ass'n	1976	2022
Boy Scouts of America	1957	2022

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 wish to continue to serve our County by service on this

Board. My 48 years as a lawyer is very helpful.

DATE: 7/7/2022

APPLICANTS 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 _____

WILLIAM E. BAKER, JR.

July 8, 2022

PROFESSIONAL ACTIVITIES

LEGAL EDUCATION AND BACKGROUND

**Long Beach City College - AA, 1969 (ASB Vice President and President)
University of Southern California, B.S., 1971;
University of the Pacific, McGeorge School of Law - Juris Doctor, 1974;**

**Admitted to State Bar of California 1974;
U.S. Supreme Court;
U.S. Court of Appeal - Ninth Circuit;
Central District of California;**

**California Bar Association 1974-present; Real Property and Business Litigation Sections;
Orange County Bar Association; Section Chairman, Creditors Rights (1994-1995);
Orange County Bar Association Delegate to State Bar Convention, Resolutions Committee member(1997-2007). Presiding Judge, Whittier Law School Trial Advocacy Mock Trials (1999),
Orange County Superior Court Temporary Judicial Officer (2000 to 2005);**

Super Lawyer designation, 2005 - present;

**California Association of Realtors Legal Panel 1984 to present;
Guest Columnist "Real Estate Law" in East Orange County News .
AV rating by Martindale Hubble**

**William P Gray Legion Lex American Inn of Court: Master Benchers, 1995-present
Bill has been an active participant and presenter at the monthly meeting of the Inn attended by Judges and lawyers to promote professionalism and civility in the practice of law**

COMMUNITY ACTIVITIES

Director, Chapman College Athletic Foundation 1978-1981

Before becoming a University, Bill assisted Chapman College in developing its athletic programs and its hiring of professionals (ie, Walt Hazard as its basketball coach), development of a Campus football program, and assisted in campaigns for funds to develop athletic facilities on and near campus.

Civic Activities in Villa Park

Celebration USA - actor and singer 1980
Second City Performance - actor & performer 1982
City Dancer with Rams Cheerleaders at Rams Halftime 1984
Villa Park Women's League (2d Male member)
Member - Organizing Committee for first Villa Park Dry Land Boat Parade 1983 to 1986 +/-

Founding Director, Villa Park Community Access Television Corporation 1983 to 1997

When Cable Television was first introduced to Southern California, Bill Baker helped start and operate the Villa Park television station, and developed and hosted Meet the Mayor where he interviewed the Mayor on topics of interest to the residents. He also helped develop independent programming by residents on topics of interest.

Founding Director, Mercy House Transitional Living Centers 1988 to present

Mercy House was formed by Fr. Jerome Karcher to assist the Homeless in Orange County. Bill Baker was an original Board Member and has loyally supported the organization so that today it is the pre-eminent provider of services and programs for the Homeless in Orange, Riverside, Los Angeles and San Bernardino Counties, with residences and shelters providing short term (overnight) and long term housing (months). Bill, and his family, volunteer at the winter Armory Housing facility welcoming the homeless men and women into a warm and dry shelter during the bitter cold and wet winters. Bill also frequently provides his legal experience to the Board and Staff when needed on a pro bono basis.

Founder, initial Chairman & Board member, Friends of Villa Park Library, Inc. 1995 - present

When the County bankruptcy threatened closure of the Villa Park Branch of the County Library, Bill incorporated the Friends of the Villa Park Library to raise funds and contract with the County to pay for the retention of the Branch. After successful fund-raising under Bills Chairmanship, the Branch was saved and the contract Bill drafted and negotiated with the County allowed extended hours and staffing, all financed by the FOVPL. Since the termination of the Bankruptcy, the FOVPL has paid for the expansion of the Library Facility, its renovation with all new shelving and furniture, and the donation of tens of thousands of dollars each year in books and related library material purchases. Bill is currently its Chairman.

Charter & Founding Member Villa Park Rotary Club (1996 to present),

Rotarian of the Year@ 2004 - 2005

Officer & Board Member 1998-9, 2004-5

Charter Organization Representative for Pack 850, & Troop 850, Crew 222

International Fellowship of Scouting Rotarians -Membership Chair 2012 - present

Paul Harris Fellow (level 6)

Cliff Dochterman Award (Scouting & Rotarian Award) March, 2007

When Rotary District Governor, Dr. Mike Abdalla, expressed a desire to establish a Rotary Club in Villa Park, Bill was one of the first to answer "Yes". In conjunction with Dr. Mike, Bill and a cadre of like minded men and women started the club. Now, over the past 22 years, it has developed it into a vibrant and strong club of over 50 men and women active in civic affairs In Villa Park, the County and Internationally. Bill encouraged the Club to become the Charter partner of Pack and Troop 850, and Rotarians have worked shoulder to shoulder with the Scouts on Eagle Projects and Scout activities.

Founding Board Member, Villa Park Elementary School Restoration Corporation, 1998-2009

The historic original school structure at Villa Park Elementary School was threatened with Demolition and further deterioration due to the lack of funds in the School District. Mandatory earthquake remediation was required. Bill incorporated the VPESRC, drafted and negotiated a Lease/Lease back with the OUSD to allow access and development of site and building plans, and assisted in raising over \$75,000 used needed to pay the professionals for the Plans.

Crystal Cove Alliance (now Crystal Cove Conservancy)

Executive Board Member (2003- to 2017),

Vice-Chair (2009 - 2012),

Chairman (2012 -2015)

When the State Parks removed all of the tenants from Crystal Cove Historic District, it had several options for the land: restore the historic cottages for use, lease the land to a resort, or remove everything back to nature. Laura Davick, who grew up in the Cove, banded together several of her like minded citizens and incorporated the Alliance to Save Crystal Cove seeking to have it restored. Bill came into the Board, changed the name to Crystal Cove Alliance, and participated as a Board member, Secretary, Vice Chairman and Chairman. While on the Board, in various capacities, Bill participated in the fund-raising activities which generated the money needed to give over \$8,000,000.00 CCA raised to the under-funded State Parks to allow the first cottages to be renovated, the development of the Beachcomber Café and the CCA's operation of the Cottage rentals for the State Park system. Under Bill's leadership as Chairman, the CCA negotiated a thirty year extension of its Concession agreement and expansion of its educational activities in conjunction with UCI and the OCC BSA. Scout programs and Eagle projects are welcome activities at Crystal Cove.

California Hethushka, 2009 - present.

The Hethushka is a warrior's dance society of the Ponca Tribe. The dance of the Hethushka is a formal, structured organization and dance commencing on a Friday night and ending Sunday evening.. The Hethushka Dance has maintained its structure and organization over the years. Members of these societies still work to help the elders, veterans, orphans, and widows. The elegant clothes of these dancers is just one sign of their dedications and commitment to a way of life. The Ponca have Agiven the drum@ to The California Hethushka. Bill has been dancing in Pow Wows since 1965 while a member f the Tribe of Tahquitz Honor Scout Organization. He was asked to become a member of the California Hethushka in 2009 after dancing and participating for several years.. After joining , Bill discovered that the Organization was in need of legal work including incorporation as a non-profit, and qualification as a Non-profit under State and Federal regulations. Bill maintains his involvement in this organization and has encouraged local Order of the Arrow members to participate.

ORANGE COUNTY ASSESSMENT APPEALS BOARD MEMBER/HEARING OFFICER.

In 2021, Bill was appointed to the Property Tax Assessment Appeals Board by Supervisor Don Wagner. Since his appointment he has served as a Hearing Officer on many Tribunals, hearing and determining appeals of tax assessments.

BOY SCOUTS OF AMERICA

Bill has been a registered Member of the Boy Scouts since joining as a Cub Scout in 1957, in Long Beach, and since 1974 in Orange County. He is an Eagle Scout (January, 1965) , a Lifetime Member of NESA (National Eagle Scout Association) and remains an active Adult Scouter, currently Charter Representative for a Troop 850, Pack 850, and ANew Unit Commissioner for a new Pack 863 (5 years), as well as an Executive Board member of the Orange County Council, Boy Scouts of America.

1964 National Jamboree Participant - Valley Forge, Pennsylvania

1967 World Jamboree - Host Corp, Assistant Senior Patrol Leader, Farragut State Park, Coeur d'Alene, Idaho

Eagle Scout - 1965

National Eagle Scout Association (NESAs) - Life Member

National Outstanding Eagle Scout Award - 2018 (NOESA)

The National Eagle Scout Association - Outstanding Eagle Scout Award (NOESA) was established during the BSAs 100th Anniversary in 2010 and was created to recognize notable Eagle Scouts who had performed distinguished service at the local, state, or regional level.

**Tribe of Tahquitz, Long Beach Area Council Honor Scout Organization, 1965 - present,
Officer 1966-1967,**

**Chairman of Chiefs Council, 1967;
Crew 228 Member - Long Beach Area Council**

As a youth Member, Bill Baker was a volunteer Staff member at Camp Tahquitz for 8 weeks per summer for three years, interrupted in 1967 when he attended the World Jamboree as a Unit Ranger for Japanese and Australian Troops. As an adult, Bill has supported the continued development of Camp Tahquitz and promotion of its Indian lore program. Bills son, Will , also became a member of the Tribe and was on Camp staff for two years. Bill is still registered in the Long Beach Area Council (consistently since 1957) as an adult member of Crew 228.

**Order of the Arrow, 2009 - present,
Brotherhood Member 2010,
Vigil Member June, 2013;
Koshare Chapter Indian Affairs Advisor, 2013 - 2015**

While the Advisor for Indian Affairs, Bill introduced members to authentic regalia and dancing as part of Koshares' Camp Promotion program. During his tenure, Koshare won Wiatava recognition in Indian Affairs and Camp Promotion.

BSA Western Region Board of Directors, 2012 - 2016

Voting Delegate to the National Meeting of the Boy Scouts of America - 2009 - 2013

Orange County Council Boy Scouts of America;

Bill's Involvement and commitment to Scouting is evident and obvious to all who know him. He has been continuously registered as a Scout in his hometown of Long Beach since 1957. After moving to Orange County in 1974, Bill Baker immediately visited the Scout headquarters and registered as an Adult. He soon became active in his local District (Santiago) years before he had children. He was advancement chair, District vice-chair and District Chairman several times. When Bill's son, William, became of Cub Scout age, Bill formed a Pack, became Cubmaster, and soon had over 50 Cubs. Many of the Cubs became Scouts. Bill was Assistant Scoutmaster of two different Troops Will joined, the second to help re-establish the Troop as a youth leader. Bill has earned or received so many training, leadership and award knots that they do not fit on his uniform

**Board of Directors 1997- 2020,(resigned to become Legal Counsel to OCC BSA)
Executive Committee 2000-2003, 2009 - 2020;
Council Commissioner, 2009 - 2010 - 2011 - 2012
Vice-Chair Outdoor Activities 2013 - 2020
Scout-O-Rama Chairman 1997, 1998
Activities Chair 1998-2000,
Program Chair 2000-2003, Vice-Chair -Programs**

In 2020, with the Bankruptcy of the National Council - Boy Scouts of America,

Bill resigned his positions on the Executive Board and Board of Directors to be able to act as Counsel to the Orange County Council during the Bankruptcy, overseeing the rights and properties of the Council until the Bankruptcy is resolved. Upon completion of his duties as the Attorney for OCC-BSA, he has been invited to rejoin both Boards.

Council Award of Merit, 1992

Silver Beaver Recipient 2000

The **Silver Beaver Award** was introduced in 1931 and is a council-level distinguished service **award** of the Boy Scouts of America. Recipients of this **award** are registered Scouters who have made an impact on the lives of youth through service given to the council.

Silver Beaver Alumni Association - Life member

OCC BSA Man of Character 2011

James E West Fellowship (2)

Heritage Society

Wood Badge WE4-39-1-10 May, 2011

Canyons District

Committee Member 2010 - 2014

Chairman, 2013-2014

District Award of Merit Recipient 1994

New Unit Commissioner 2013 - 2019 for St. Norbert's Pack 863 and Troop 863

Santiago District

Committee Member 1976 - 1979

Chairman, 1977 -1978

Cub Master 1990 - 1994;

Assistant Scoutmaster 1994 - 2001

Philmont Trek, 1997

FAITH BASED ACTIVITIES (Roman Catholic Church)

Parish Activities (St. Norberts Parish):

Octoberfest. Paige & Bill were volunteers each year for the Octoberfest, joining other couples in various booth activities or cooking to serving food and drinks to the participants over a 3 day period.

Renew: Paige & Bill were a host couple for the Renew Parish program and hosted other Parishioners in renewing their faith and commitment as members of the St.

Norbert Catholic Community.

Parish Baptism Program: created by Paige & Bill in 1984 with their Parish Priest, this program was conducted for several years. This Program prepared parents for the Baptism of their children and focused on the family religious participation in their child's life.

Worldwide Marriage Encounter Team Couple 1980 - 1988

Bill and Paige presented Marriage Encounter weekends for over eight years to hundreds of couples seeking to enrich their marriage, and presented at the National Meetings.

Equestrian Order of the Holy Sepulcher, 2000- present,

This Roman Catholic Heraldic organization has as its sole purpose the support of the Christian Church in the Holy Land. Bill is an active participant and leader during the annual meetings.

Legatus 2008 - 2021

Vice-President (2014);

President (2015)

Board member - 2014 - 2016

Legatus is the world's premier membership organization for Catholic business leaders committed to learn, live and spread the Catholic Faith. Bill is an active member and past President.



MEMORANDUM

To: Clerk of the Board

From: Vice Chairman Donald P. Wagner, Third District

Jim Agall for DW

Date: August 17, 2022

RE: Supplemental Item for August 23, 2022 Board of Supervisors Meeting

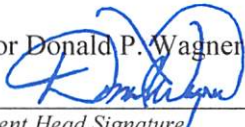
S37E

Please add the attached item regarding the agreement with the Natural Resources Conservation Service for the Silverado Emergency Sediment and Debris Removal Project at Silverado Creek, Wildcat Creek and Anderson Creek to the Tuesday, August 23, 2022 Board of Supervisors meeting as a supplemental item.

RECEIVED
2022 AUG 17 AM 10:43
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS



SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

MEETING DATE: 8/23/2022
 LEGAL ENTITY TAKING ACTION: Board of Supervisors
 BOARD OF SUPERVISORS DISTRICT(S): 3
 SUBMITTING AGENCY/DEPARTMENT: Supervisor Donald P. Wagner - District 3
 DEPARTMENT HEAD REVIEW: 
 DEPARTMENT CONTACT PERSON(S): Tara Campbell 714-834-3330
 Edward Frondoso 714-245-4596

RECEIVED
 2022 AUG 17 AM 10:43
 CLERK OF THE BOARD
 ORANGE COUNTY
 BOARD OF SUPERVISORS

SUBJECT: Approve Agreement with Natural Resources Conservation Service

CEO CONCUR <u>N/A</u>	COUNTY COUNSEL REVIEW <u>N/A</u> <i>Action</i>	CLERK OF THE BOARD Discussion
<hr/> CEO Signature	<hr/> County Counsel Signature	3 Votes Board Majority

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

Prior Board Action: 1/11/2022 #S33D, 11/8/2011 #11

RECOMMENDED ACTION(S)

- Find that the subject project is statutorily exempt from CEQA pursuant to Section 15269(c) of the CEQA Guidelines.
- Find that the Silverado Emergency Sediment and Debris Removal Project at Silverado Creek, Wildcat Creek and Anderson Creek will address a hazardous condition that may endanger public health and safety in the future if action is not taken, that the impacted area will have a significant impact on regional facilities owned and maintained by the County of Orange (a County-owned bridge and Silverado Canyon Road) if not addressed, the Silverado Emergency Sediment and Debris Removal Project at Silverado Creek qualifies for federal assistance and due to the primary benefit to County of Orange facilities, the County of Orange is the proper entity to provide the local match needed to obtain federal assistance for this Silverado Emergency Sediment and Debris Removal Project at Silverado Creek.

3. Authorize OC Public Works Director or designee to execute a reimbursement Agreement with the United States Department of Agriculture and Natural Resources Conservation Service for the Silverado Emergency Sediment and Debris Removal Project at Silverado Creek, Wildcat Creek and Anderson Creek.
4. Authorize the use of public road funds on private property for the Silverado Emergency Sediment and Debris Removal Project at Silverado Creek, Wildcat Creek and Anderson Creek pursuant to the County of Orange Policy and Procedure for Emergency Response and Recovery Work on Private Property, adopted by the Board of Supervisors on November 8, 2011.

SUMMARY:

Authorizing OC Public Works to execute a reimbursement Agreement with the United States Department of Agriculture and Natural Resources Conservation Service for the Silverado Emergency Sediment and Debris Removal Project at Silverado Creek, Wildcat Creek and Anderson Creek will facilitate reestablishing creek conveyance, reduce potential for flooding and mudslide and maintain roadways for accessibility.

BACKGROUND INFORMATION:

On December 3, 2020, the Bond Fire burned over 6,686 acres in Silverado Canyon. Beginning on December 14, 2021, a series of heavy rainstorms over the Bond Fire burn scar area induced debris flows in Silverado Canyon that obstructed roads and creeks, causing flooding and damage to private property, including rendering some homes too dangerous to inhabit. On December 30, 2021, the Governor declared a state of emergency in several counties, including Orange County, as a result of the storms and resulting debris flows.

In December 2021 and January 2022, representatives from the United States Department of Agriculture and Natural Resources Conservation Service (NRCS) performed a field assessment of the damage resulting from the storms in unincorporated Orange County. NRCS determined the residual sediment material and debris build up within the creeks, along the banks and on private property presented a significant hazard to both public and private facilities. NRCS identified potential projects that would qualify for funding through their Emergency Watershed Protection (EWP) program.

On January 11, 2022, the Board of Supervisors (Board) authorized OC Public Works to submit a request to NRCS to serve as the local sponsor for two projects identified by NRCS (collectively referred to as the Project):

- Silverado Creek and Anderson Creek: debris and obstruction removal of deposited material only upstream of the County of Orange (County) owned Kitterman Bridge
- Silverado Creek and Wildcat Canyon Creek: channel clearing/debris removal upstream of the County owned culvert under Silverado Canyon Road

The Project will decrease the potential for damage to both public and private facilities in the event of future debris flows caused by rainstorms over the Bond Fire burn scar area.

On January 11, 2022, the Board also authorized the OC Public Works Director, or designee, to apply for federal funding through the EWP program for the Project and to negotiate an agreement with NRCS for federal funding.

On August 12, 2022, NRCS approved the Project for funding under their EWP program and issued a reimbursement agreement. NRCS will reimburse OC Public Works for up to 75 percent of the Project costs. The remaining 25 percent will be paid for by OC Public Works as the sponsor.

The Project is located on private property and OC Public Works has obtained consent letters from the affected property owners to facilitate this emergency debris removal. The local Silverado Canyon community is in support of the Project.

OC Public Works will deliver the Project using Job Order Contracts. Per NRCS EWP program guidelines, OC Public Works must first secure contracts with the construction contractor prior to the approval of the reimbursement agreement and the contractors have 220 days from approval of the reimbursement agreement to complete the Project. On June 16 and June 17, 2022, OC Public Works contracted with MIK Construction Inc. and SJD&B, Inc. for the Project.

Compliance with CEQA: The subject activity is statutorily exempt from review under CEQA pursuant to Section 15269(c) of the CEQA Guidelines as an emergency Project because approval of a reimbursement Agreement with the NRCS for the Project will facilitate actions necessary to prevent or mitigate an emergency.

FINANCIAL IMPACT:

Appropriations for the Project were included and encumbered in the FY 2021-22 Budget for OC Road-Capital Improvement Projects, Fund 174.

The proposed Agreement is intended to seek a 75 percent reimbursement of the Project's Cost from NRCS. The reimbursement of \$1,789,744 will be deposited into OC Road-Capital Projects, Fund 174.

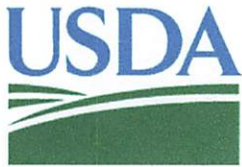
Total Project cost estimate:	\$2,332,091
Total Project funding estimate:	\$2,332,091
NRCS EWP Grant (75% or \$1,789,744)	
OC Road-Capital Improvement Projects, Fund 174 (25% or \$542,347)	

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A - Agreement with Natural Resources Conservation Service
Attachment B - Project Location Map



U.S. Department of Agriculture
Natural Resources Conservation Service

NOTICE OF GRANT AND AGREEMENT AWARD

1. Award Identifying Number NR229104XXXXC012	2. Amendment Number	3. Award /Project Period Date of NRCS signature - 02/02/2023	4. Type of award instrument: Cooperative Agreement
5. Agency (Name and Address) Natural Resources Conservation Service 430 G Street, Suite 4164 Davis, CA 95616		6. Recipient Organization (Name and Address) OCPW OC PUBLIC WORKS 601 N ROSS ST SANTA ANA CA 92701-4091 UEI Number: N9LEV9CL4BP3 EIN:	
7. NRCS Program Contact Name: Gregory Norris Phone: (530) 792-5609 Email: greg.norris@usda.gov	8. NRCS Administrative Contact Name: MOIRA SANFORD Phone: (614) 255-2495 Email: MOIRA.SANFORD@USDA.GOV	9. Recipient Program Contact Name: Joe Nguyen Phone: (714) 647-3959 Email: joe.nguyen@ocpw.ocgov.com	10. Recipient Administrative Contact Name: Joe Nguyen Phone: (714) 647-3959 Email: joe.nguyen@ocpw.ocgov.com
11. CFDA 10.923	12. Authority 33 U.S.C. 701b-1, PL 117-58	13. Type of Action New Agreement	14. Program Director Name: Joe Nguyen Phone: (714) 647-3959 Email: joe.nguyen@ocpw.ocgov.com
15. Project Title/ Description: EWP Project 5222, CA, Orange County Public Works, DSR 06-45-22-5222-041 OC-White and Wildcat Canyon debris removal, due to Debris Flows Post Bond Fire, 6000023524, IJA Project			
16. Entity Type: B = County Government			
17. Select Funding Type			
Select funding type:	<input checked="" type="checkbox"/> Federal	<input checked="" type="checkbox"/> Non-Federal	
Original funds total	\$1,789,744.38	\$542,346.78	
Additional funds total	\$0.00	\$0.00	
Grand total	\$1,789,744.38	\$542,346.78	
18. Approved Budget			

Personnel	\$0.00	Fringe Benefits	\$0.00 Attachment A
Travel	\$0.00	Equipment	\$0.00
Supplies	\$0.00	Contractual	\$0.00
Construction	\$1,627,040.35	Other	\$162,704.03
Total Direct Cost	\$1,789,744.38	Total Indirect Cost	\$0.00
		Total Non-Federal Funds	\$542,346.78
		Total Federal Funds Awarded	\$1,789,744.38
		Total Approved Budget	\$2,332,091.16

This agreement is subject to applicable USDA NRCS statutory provisions and Financial Assistance Regulations. In accepting this award or amendment and any payments made pursuant thereto, the undersigned represents that he or she is duly authorized to act on behalf of the awardee organization, agrees that the award is subject to the applicable provisions of this agreement (and all attachments), and agrees that acceptance of any payments constitutes an agreement by the payee that the amounts, if any, found by NRCS to have been overpaid, will be refunded or credited in full to NRCS.


Name and Title of Authorized Government Representative Carlos Suarez State Conservationist	Signature	Date
Name and Title of Authorized Recipient Representative Edward Frondoso Deputy Director OC Operations & Maintenance	Signature	Date

NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

PRIVACY ACT STATEMENT

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. Section 522a).

Approved as to form: 
Deputy
County Counsel

Purpose

The purpose of this agreement is for the United States Department of Agriculture, Natural Resources Conservation Service, hereinafter referred to as the "NRCS", to provide technical and financial assistance to the Orange County Public Works, hereinafter referred to as the "Sponsor", for EWP Project # 06-45-22-5222-041 in Orange County, California for implementation of recovery measures, that, if left undone, pose a risk to life and/or property.

Objectives

The design and installation of EWP measures as detailed in the individual Damage Survey Reports (DSR) and described here:

- DSR 06-45-22-5222-041– Recovery Measure - \$2,169,387.13

Budget Narrative

The official budget described in this Budget Narrative will be considered the total budget as last approved by the Federal awarding agency for this award.

Amounts included in this budget narrative are estimates. Reimbursement will be based on actual expenditures, not to exceed the amount obligated.

Total Estimated Project Budget: \$2,332,091.16

The budget includes:

Financial Assistance (FA) Costs:

Construction Costs (75% NRCS \$1,627,040.35 + 25% Sponsor \$542,346.78): \$2,169,387.13

Technical Assistance (TA) Costs:

100% NRCS (7.5% of total construction cost): \$162,704.03

1. NRCS pays up to 75 percent of eligible construction costs and Sponsor pays 25 percent of construction costs. NRCS will contribute up to 7.5 percent of the total construction cost for contract administration and construction management costs. It is possible that technical and administrative costs will exceed this amount, requiring the Sponsor to contribute resources to complete technical and administrative work

2. NRCS funding for this project is provided to the Sponsor in two separate NRCS funding accounts, one for financial assistance (FA) and one for technical assistance (TA). FA costs are associated with construction activities; TA costs are associated with services. These expenditures shall be accounted for separately in order for expenses to be eligible for reimbursement.

3. NRCS will provide FA for actual costs as reimbursement to the Sponsor for approved on-the-ground construction costs, subject to above limits. If costs are reduced, reimbursement will be reduced accordingly. Construction costs are associated with the installation of the project measures including labor, equipment and materials.

4. NRCS will provide TA reimbursement to the Sponsor for technical and administrative costs directly charged to the project, subject to the above limits. If costs are reduced, reimbursement will be reduced accordingly. These costs include

a. engineering costs include, but not limited to, developing a project design that includes construction drawings and specifications, an operation and maintenance plan, a quality assurance/inspection plan and an engineer's estimate of the project installation costs in addition to providing necessary quality assurance during construction.

b. contract administration costs include, but not limited to, soliciting, evaluating, awarding and administering contracts for construction and engineering services, including project management, verifying invoices and record keeping.

5. The Sponsor will contribute funds toward the total construction costs in either direct cash expenditures, the value of non-cash materials or services, or in-kind contributions. The value of any in-kind contribution shall be agreed to in

Responsibilities of the Parties:

SPONSOR RESPONSIBILITIES

If inconsistencies arise between the language in the Statement of Work (SOW) in the agreement and the general terms and conditions, the language in the SOW takes precedence.

1. Perform the work and produce the deliverables as outlined in this Statement of Work.
2. Comply with the applicable version of the General Terms and Conditions.
3. Accomplish construction of the EWP project measures by contracting, in-kind construction services, or a combination of both.
4. Ensure and certify by signing this agreement that its cost share obligation is from a non-Federal source.
5. Acquire adequate real property rights (land and water), permits and licenses in accordance with local, state, and Federal laws necessary for the installation of EWP project measures at no cost to NRCS prior to construction. This includes any rights associated with required environmental mitigation. Costs related to land rights and permits are the Sponsor's responsibility and ineligible for reimbursement.
6. Accept all financial and other responsibility for excess costs resulting from their failure to obtain, or their delay in obtaining, adequate land and water rights, permits and licenses needed for the Project.
7. Provide the agreed-to portion of the actual, eligible and approved construction cost. These costs may be in the form of cash, in-kind construction services, or a combination of both. Final construction items that are eligible construction costs will be agreed upon during the pre-design conference. These costs consist of costs from contracts awarded to contractors and eligible Sponsor in-kind construction costs for materials, labor, and equipment. The Sponsor shall provide NRCS documentation to support all eligible construction costs. Construction costs incurred prior to the Sponsor and NRCS signing this agreement are ineligible and will not be reimbursed.
8. Be responsible for 100 percent of all ineligible construction costs and 100 percent of any unapproved upgrade to increase the level of protection over and above that described in the DSR.
9. Account for and report FA and TA expenditures separately in order for expenses to be eligible for reimbursement. NRCS funding for this project is provided to the Sponsor in two separate NRCS funding accounts, one for TA and one for FA, requiring this separation.
10. The contracts for design services and construction described in this Agreement shall not be awarded to the Sponsor or to any firm in which any Sponsor's official or any member of such official's immediate family has direct or indirect interest in the pecuniary profits or contracts of such firms. Reference 2 CFR § 200.318 regarding standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts.
11. For in-kind construction services (materials, labor, and/or equipment supplied by the Sponsor), develop a Plan of Operations describing the construction services to be performed including estimated quantities and values. The Plan of Operations shall be concurred in by NRCS at the pre-design conference. In-kind construction services for equipment shall not exceed published FEMA equipment rates unless otherwise documented and concurred in advance by NRCS.
12. The following documentation is required to support the Sponsor's request for reimbursement of in-kind construction services:
 - a. Invoices covering actual costs of materials used in constructing the eligible EWP project measures.
 - b. Records documenting the type, quality, and quantities of materials actually used in constructing the eligible EWP project measures.
 - c. Daily time records for each employee showing name, classification, wage rate, hours, and dates actually employed for constructing the eligible EWP project measures.
 - d. Equipment operating records showing the type and size of equipment, hourly rate, actual hours of operation and dates used to install the eligible EWP project measures. Equipment idle time is not eligible in-kind construction services, even if on the job site, and should not be included in the equipment operating records.

13. Ensure that any special requirements for compliance with environmental and/or cultural resource laws are incorporated into the project.

Attachment A

14. The Sponsor must secure at its own expense all Federal, State, and local permits and licenses necessary for completion of the work described in this agreement as well as any necessary natural resource rights and provide copies of all permits and licenses obtained to NRCS.

15. Will arrange and pay for any necessary location, removal, or relocation of utilities. EWP program regulations prohibit NRCS from reimbursing the Sponsor or otherwise paying for any such costs; nor do the costs qualify as a Sponsor cost-share contribution.

16. Ensure that technical and engineering standards and specifications of NRCS are adhered to during construction of the Project, as interpreted by NRCS Program/Technical Contact. Provide NRCS Program/Technical Contact progress reports as necessary and agreed to. Progress reports should include technical on-site inspections of work accomplished for the period, work planned, results of material tests, deficient work products and/or tests with corrective actions taken, modifications anticipated, technical problems encountered, contractual issues and other relevant information.

17. Ensure that all contractors on NRCS assisted projects are performing their work in accordance with OSHA regulations and the Contract Work Hours and Safety Standards Act (40 USC 3701-3708) as supplemented by Department of Labor regulations (29 CFR Part 5). The Sponsor is responsible for periodically checking the contractor's compliance with safety requirements.

18. Provide PE-certified as-built drawings and quantities for the project. A copy of the as-built drawings will be submitted to the NRCS Program/Technical Contact.

19. Pay the contractor(s) for all work performed in accordance with the agreement and submit a SF 270, "Request for Advance and Reimbursement," with all documentation to support the request. Payments will be withheld until all required documentation is submitted and complete.

20. Ensure that information in the System for Award Management (SAM) is current and accurate until the final financial report (SF-425) under this award or final payment is received, whichever is later.

21. Take reasonable and necessary actions to dispose of all contractual and administrative issues arising out of the contract(s) awarded under this Agreement. This includes, but is not limited to disputes, claims, protests of award, source evaluation, and litigation that may result from the Project. Such actions will be at the expense of the Sponsor, including any legal expenses. The Sponsor will advise, consult with, and obtain prior written concurrence of NRCS on any litigation matters in which NRCS could have a financial interest.

22. Sponsor must indemnify and hold NRCS harmless to the extent permitted by State law for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the Sponsor in connection with its acquisition and management of the Emergency Watershed Protection Program pursuant to this agreement. Further, the Sponsor agrees that NRCS will have no responsibility for acts and omissions of the Sponsor, its agents, successors, assigns, employees, contractors, or lessees in connection with the acquisition and management of the Emergency Watershed Protection Program pursuant to this agreement that result in violation of any laws and regulations that are now or that may in the future become applicable.

23. Retain all records dealing with the award and administration of the contract(s) for 3 years from the date of the Sponsor's submission of the final request for reimbursement or until final audit findings have been resolved, whichever is longer. If any litigation is started before the expiration of the 3-year period, records are to be retained until the litigation is resolved or the end of the 3-year period, whichever is longer. Make such records available to the Comptroller General of the United States or his or her duly authorized representative and accredited representatives of the Department of Agriculture or cognizant audit agency for the purpose of making audit, examination, excerpts, and transcriptions.

24. Be liable to the NRCS for damages sustained by the NRCS as a result of the contractor failing to complete the work within the specified time. The damages will be based upon the additional costs incurred by the NRCS resulting from the contractor not completing the work within the allowable performance period. These costs include but are not limited to personnel costs, travel, etc. The NRCS will have the right to withhold such amount out of any monies that may be then due or that may become due and payable to the Sponsor. This liability is not applicable to the extent that the contract performance time is extended by court judgment unless such judgment results from actions of the Sponsor not concurred in by NRCS.

25. Take necessary legal action, including bringing suit, to collect from the contractor any monies due in connection with the contract, or upon request of NRCS, assign and transfer to NRCS any or all claims, demands, and causes of action of every kind whatsoever that the Sponsor has against the contractor or his or her sureties.

Attachment A

26. Submit reports and payment requests to the Farm Production and Conservation (FPAC) Grants and Agreements Division via email to FPAC.BC.GAD@usda.gov as outlined in the applicable version of the General Terms and Conditions. For payments ezFedGrants does not have a process for construction line items. Reporting frequency is as follows:

Performance reports: annual

SF425 Financial Reports: annual

NRCS RESPONSIBILITIES

1. Assist Sponsor in establishing design parameters; determine eligible construction costs during the pre-design conference.
2. If applicable designate a Government representative (GR) to serve as liaison with the Sponsor and identify that person's contact information with this executed agreement.
3. Review, comment and concur in preliminary and final plans, specifications, O&M Plan, Plan of Operations (if required) and QAP.
4. Make periodic site visits during the installation of the EWP project measures to review construction progress, document conformance to engineering plans and specifications, and provide any necessary clarification on the Sponsor's responsibilities.
5. Upon notification of the completion of the EWP project measures, NRCS shall promptly review the performance of the Sponsor to determine if the requirements of this agreement and fund expenditures as agreed have been met.
6. Make payment to the Sponsor covering NRCS' share of the cost upon receipt and approval of Form SF-270 and supporting documentation, withholding the amount of damages sustained by NRCS as provided for in this agreement. In the event there are questions regarding the SF 270 and supporting documentation, NRCS will contact the Sponsor in a timely manner to resolve concerns.

SPECIAL PROVISIONS

1. The furnishing of financial, administrative, and/or technical assistance above the original funding amount by NRCS is contingent on there being sufficient unobligated and uncommitted funding in the Emergency Watershed Protection Program that is available for obligation in the year in which the assistance will be provided. NRCS may not make commitments in excess of funds authorized by law or made administratively available. Congress may impose obligational limits on program funding that constrains NRCS's ability to provide such assistance.
2. In the event of default of a construction contract awarded pursuant to this agreement, any additional funds properly allocable as construction costs required to ensure completion of the job are to be provided in the same ratio as construction funds are contributed by the parties under the terms of this agreement. Any excess costs including interest resulting from a judgment collected from the defaulting contractor, or his or her surety, will be prorated between the Sponsor and NRCS in the same ratio as construction funds are contributed under the terms of the agreement.
3. Additional funds, including interest properly allocable as construction costs as determined by NRCS, required as a result of decision of the CO or a court judgment in favor of a claimant will be provided in the same ratio as construction funds are contributed under the terms of this agreement. NRCS will not be obligated to contribute funds under any agreement or commitment made by the Sponsor without prior concurrence of NRCS.
4. The State Conservationist may make adjustments in the estimated cost to NRCS set forth in this agreement for constructing the EWP measures. Such adjustments may increase or decrease the amount of estimated funds that are related to differences between such estimated cost and the amount of the awarded contract or to changes, differing site conditions, quantity variations, or other actions taken under the provisions of the contract. No adjustment will be made to change the cost sharing assistance provided by NRCS as set forth in this agreement, nor reduce funds below the amount required to carry out NRCS' share of the contract.
5. NRCS, at its sole discretion, may refuse to cost share should the Sponsor, in administering the contract, elect to proceed without obtaining concurrence as set out in this agreement.
6. Once the project is completed and all requests for reimbursement submitted, any excess funding remaining in the agreement will be de-obligated from the agreement.

Expected Accomplishments and Deliverables

Attachment A

1. Prepare design, construction specifications, and drawings in accordance with standard engineering principles that comply with NRCS programmatic requirements; and/or contract/install the designed construction. Any design services will be by a professional registered engineer. Sponsor will obtain NRCS review and concurrence on the design, construction plans, and specifications. The Sponsor must ensure description of work is reviewed, concurred, and approved by NRCS. A copy of the final signed and sealed plans and specifications shall be provided to NRCS.
2. Contract for services and construction in accordance with the Code of Federal Regulations (CFR), 2 CFR § 200.317 through 200.326, applicable State regulations, and the Sponsor's procurement regulations, as appropriate. (See general terms and conditions attached to this agreement for a link to the CFR.) In accordance with 2 CFR § 200.326, contracts must contain the applicable provisions described in Appendix II to Part 200. Davis-Bacon Act would not apply under this Federal program legislation.
3. Provide copies of site maps to appropriate Federal and State agencies for environmental review. Sponsor will notify NRCS of environmental clearance, modification of construction plans, or any unresolved concerns as well as copies of all permits, licenses, and other documents required by Federal, state, and local statutes and ordinances prior to solicitation for installation of the EWP project measures. All modifications to the plans and specifications shall be reviewed and concurred on by NRCS.
4. Prepare and submit for NRCS concurrence an Operation and Maintenance (O&M) Plan, if applicable, prior to commence of work. The O&M Plan shall describe the activities the Sponsor will do to ensure the project performs as designed. Upon completion of the project measures, the Sponsor shall assume responsibility for O&M.
5. Prior to commencement of work and/or solicitation of bids, submit for NRCS review and concurrence a Quality Assurance Plan (QAP). The QAP shall outline technical and administrative expertise required to ensure the EWP project measures are installed in accordance with the plans and specifications, identify individuals with the expertise, describe items to be inspected, list equipment required for inspection, outline the frequency and timing of inspection (continuous or periodic), outline inspection procedures, and record keeping requirements. A copy of the final QAP shall be provided to NRCS prior to commencement of construction.
6. Provide construction inspection in accordance with the QAP.
7. Arrange for and conduct final inspection of completed project with NRCS to determine whether all work has been performed in accordance with contractual requirements. Provide a PE certification that the Project was installed in accordance with approved plans and specifications.

Resources Required

See the Responsibilities of the Parties section for required resources, if applicable.

Milestones

Milestones shall include, but not limited to, the following items:

1. Obtaining permits: estimated month 1
2. Completing quality assurance plan: estimated month 1
3. Solicit bids: estimated month 1
4. Award contract: estimated month 2
5. Date of estimated completion of construction
6. Complete close-out activities

Attachment A

GENERAL TERMS AND CONDITIONS

Please reference the below link(s) for the General Terms and Conditions pertaining to this award:
<https://www.fpacbc.usda.gov/about/grants-and-agreements/award-terms-and-conditions/index.html>

Exhibit A - PROJECT LOCATIONS SILVERADO CANYON SEDIMENT AND DEBRIS REMOVAL PROJECT

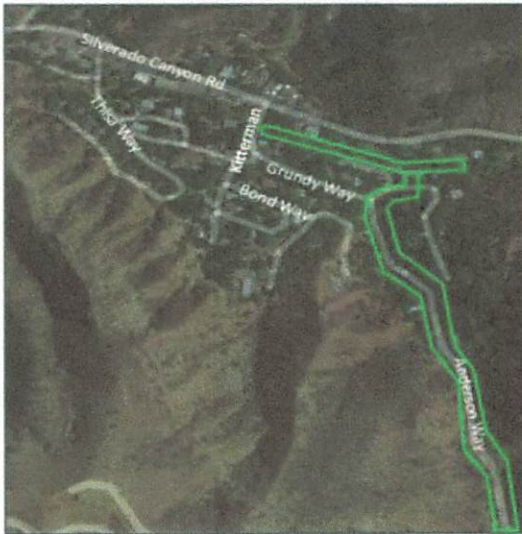
AREA 1

Silverado Creek:

- From Kitterman Bridge to approximately 750 feet upstream

Anderson Creek:

- From Silverado Creek to approximately 2,000 feet upstream
- Anderson Way, from Grundy Way to end



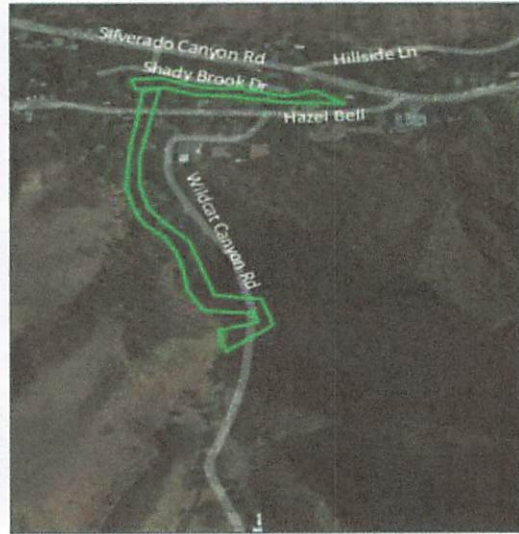
AREA 2

Silverado Creek:

- From Silverado Canyon Road bridge to approximately 600 feet downstream
- Silverado Creek, at the intersection of Silverado Canyon Road and Olive Drive

Wildcat Creek:

- From Silverado Creek to approximately 750 feet upstream
- Hazel Bell Drive, 100 feet east and west of Wildcat Creek



AREA 3

- North and south of Silverado Canyon Road at intersection with Olive Drive (includes pipe crossing beneath Silverado Canyon Road)





Board of Supervisors

Memorandum

RECEIVED

2022 AUG 17 AM 11:05

CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

To: Robin Stieler, Clerk of the Board
From: Supervisor Katrina Foley, Second District
Date: 8/17/2022
Subject: Supplemental Item for August 23, 2022 Board of Supervisor's Meeting

NA fr KF

S37F

Please add a supplemental item to the agenda for the August 23, 2022 Board of Supervisor's meeting to approve the addition of the following to the County Events Calendar: Friends of Santa Ana Zoo events, Make A Wish Foundation events, Court Appointed Special Advocates for Children – Orange County (CASA-OC) events, Alzheimer's Association – Orange County Chapter events, Community College and University events, Orange County Bar Association events, Gun Buyback event, City of Newport Beach events, City of Costa Mesa events, City of Huntington Beach events, and City of Seal Beach events.

Find under Government Code section 26227 that : Friends of Santa Ana Zoo events, Make A Wish Foundation events, Court Appointed Special Advocates for Children – Orange County (CASA-OC) events, Alzheimer's Association – Orange County Chapter events, Community College and University events, Orange County Bar Association events, Gun Buyback event, City of Newport Beach events, City of Costa Mesa events, City of Huntington Beach events, and City of Seal Beach events; 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; that County staff and resources may be used in furtherance of such events; and that County staff may solicit donations of funds and services for such events.



Board of Supervisors

Memorandum

RECEIVED

2022 AUG 17 AM 11:05

CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

To: Robin Stieler, Clerk of the Board

From: Supervisor Katrina Foley, Second District

Date: 8/17/2022

Subject: Supplemental Item for August 23, 2022 Board of Supervisor's Meeting

NA f. KP

5376

Please add a Supplemental Agenda Item to the August 23, 2022 meeting of the Board of Supervisors to approve the use of \$5 million from the 2nd District's discretionary ARPA funding allocation towards for following uses.

- Gas Relief grants and programs for individuals experiencing the financial impact of rising prices
- Gun violence prevention grants and programs
- Public Safety related grants and programs
- Family Health Service grants and programs
- Coastal Preservation/Environmental Stewardship grants and programs
- Animal Care related grants and programs
- Housing assistance funds that aid residents experiencing or at risk of homelessness, including, but not limited to, emergency housing voucher assistance, VASH utilization, and legal assistance.
- Workforce development programs, including but not limited to, pre-apprenticeship programs to connect Orange County youth with high-quality, high-skilled jobs.
- Education and Childcare Grants for nonprofits and schools, including but not limited to, facility upgrades to meet new COVID-19 safety requirements or other improvements and childcare programs for working families.
- Meal Gap Programming for seniors, persons with disabilities and other individuals experiencing food insecurity
- Economic support to arts-related small businesses and non-profit organizations
- Small Business and Non-Profit incentive grants to promote sustainable practices.
- Support local programs that educate and address the alarming rise of hate-related incidents in Orange County and around the Country.

1. Find under Government Code section 26227 that these expenditures are necessary to meet the social needs of the population, particularly in the areas of health, law enforcement, public safety, rehabilitation, welfare, education, and legal services, and/or the needs of physically, mentally and financially handicapped persons and aged persons.
2. Authorize and direct the County Executive Officer, or his designee, to negotiate and enter into agreements as necessary to effectuate the purposes of this allocation, including, but not limited to, the execution of agreements with fund recipients, as identified by the Second District Supervisor.



Board of Supervisors

Memorandum

August 17, 2022

To: Clerk of the Board

From: Supervisor Lisa Bartlett, 5th District

Subject: Addition of Supplemental Item to the August 23, 2022 Board Agenda

S37H

Please add a supplemental item to the agenda for the August 23, 2022 Board of Supervisors meeting to:

- (1) Authorize the County to withdraw from the Orange County Power Authority (Power Authority) Joint Powers Agreement (JPA).
- (2) Direct County Counsel to send notice to all appropriate parties of the County's withdrawal from the JPA and demand that the Power Authority immediately cease undertaking any activities to procure power for unincorporated residents and incurring any further costs attributable to the County.

According to Section 6.1.2 of the JPA, a party may withdraw from the Power Authority by providing at least 180 days advance written notice, which notice will be effective in this case at the beginning of the Power Authority's fiscal year on July 1, 2023.

Supervisor Lisa Bartlett, 5th District

Chairman Doug Chaffee

RECEIVED
2022 AUG 17 PM 4:07
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

Lopez, Maria [COB]

From: SHARI CIKO <shariciko@cox.net>
Sent: Friday, August 12, 2022 6:32 PM
To: COB_Response
Cc: Susan Skinner
Subject: Grand Jury report regarding land transactions

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

I am writing with regard to the attempted Newport Beach/Back Bay Land Sale.

Please help Newport protect County Parkland, specifically in the Back Bay area which is an amazing nature reserve and resource - a precious little jewel within our town.

I know that our residents have a myriad of concerns about this park parcel - the most significant and important being the removal of the fence and requiring the county to put the easement and dedication restrictions on title so that no one can sell the property.

Thank you for your time and consideration to this email.

Shari Ciko

Lopez, Maria [COB]

From: Susana Hegstrom <susanastarr@gmail.com>
Sent: Thursday, August 11, 2022 10:30 AM
To: COB_Response
Cc: susanskinner949@gmail.com
Subject: Grand Jury Report Regarding Land Transactions

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

1) The county did not record the conservation easements and the dedication of park land to the Public Trust. Thus, they didn't know that they were not legally allowed to sell this park land. They need to properly record easements and dedications on the deed and title of park lands. 2) The county printed notice of the proposed sale in the most obscure newspaper possible and did not post info about the sale properly at the site. They need to tighten their processes of notification. 3) The park land still has a fence around it, effectively privatizing the parcel and keeping the public off of their own land. The County claims that because there are no public amenities on that parcel, they don't need to remove the fence. The darn fence needs to come down!

Lopez, Maria [COB]

From: Anderson, Krystal (OCM - X41417) <Krystal.Anderson@hklaw.com>
Sent: Friday, August 12, 2022 7:43 AM
To: COB_Response
Subject: Re: Grand Jury Report regarding land transactions

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Dear OC Board of Supervisors,

I am a lifetime resident of Newport Beach, having grown up in Corona Del Mar, attended Corona Del Mar High School, and now living both in my childhood home in Corona Del Mar and my separate home in Huntington Beach.

I am also an attorney practicing complex commercial litigation, currently focused on high-stakes real estate and developer litigation in Newport Beach.

I was extremely surprised to hear about the County's sale of Back Bay public land, which was conducted in an inappropriate manner. Per the grand jury report, the County apparently disregarded covenants and easements on the land (which should have been and should still be recorded) and failed to properly and clearly notify residents of the sale. Further, the County has maintained a fence around the public property in anticipation the sale will move forward despite the grand jury report.

But I am most surprised that the County shamefully purports to take away some of the limited natural public land available to Newport Beach residents to feel at peace, and give it to one adjacent homeowner, which will certainly have a massive impact on the value of his home, and will have zero positive impact for the County or the public, for only \$13,000. This is highly suggestive of bad faith political favors being conducted behind the scenes.

I am also positive conservation groups could easily raise far greater funds than that if necessary to preserve and maintain this area of land as public park land. The County could likely also request funds from the State if needed to preserve and maintain this public park land. I would even, and gladly, personally pay far more than \$13,000 for this property, and would keep it public park land. Instead, the County wants to just sell it to one man at an extreme discount to expand the square footage of his property.

Please reconsider this sale altogether, and then clean up and enforce the processes required for any future sale considered, so residents can continue to trust in their OC leadership.

Thank you,
Krystal

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

Lopez, Maria [COB]

From: ME Morris <m_e_morris@hotmail.com>
Sent: Friday, August 12, 2022 5:21 PM
To: COB_Response
Subject: Re: 2021/2022 OC Grand Jury report regarding land transactions

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Dear OC Supervisors:

I am writing to encourage the Board majority to do the right thing for the residents of Orange County and fully implement the recommendations made by the 2021/2022 OC Grand Jury in its report entitled: "County Land Transactions: Will the Public Notice?".

Implementing, without delay, Recommendations 1 through 7 is the only way that public resources (e.g. park land placed in the public trust) will be preserved for public use and not be subject to exploitation by political dealings nor lost through poor processes and/or oversight. The Board's draft responses to the OC Grand Jury's report are disappointing in their denial of existing process shortcomings and over reliance on the "County Park Abandonment Ordinance" as the bulwark that protects against precisely that which happened (i.e., below-market sale of a public trust parcel to a politically connected donor). If the "County Park Abandonment Ordinance" covers most of the OC Grand Jury's recommendations, then how did Mr. Johns attempts to snatch-away public lands get to near fruition? The existing processes are clearly inadequate when political meddling intended to circumvent such protections is involved.

Please revisit the topic and implement or improve-upon the recommendations of the OC Grand Jury. The public and future generations are depending on you.

Sincerely,
Michael Morris
m: (562)412-2684
email: m_e_morris@hotmail.com
OC Grand Jury 2015/2016

From: Trish Sweeney <trish@sweeney.zone>
Sent: Saturday, August 13, 2022 11:38 AM
To: COB_Response
Subject: Land transactions Grand Jury Report

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Dear OC Supervisors:

I **urge** you to protect public resources by tightening your processes immediately. Were it not for an alert public, we wouldn't be where we are today re: the Back Bay parkland. No mistakes or errors? No political influence (for a high-value property on the block for a mere 13K)? No plan to change processes? Really? Why? So this can happen *again* elsewhere? I'm sorry but the public is simply not buying what you're selling. Literally.

A blistering Grand Jury report on this is bad enough. Now, we need to take action, especially in view of these **facts**:

The county did **not** record the conservation easements and the dedication of park land to the Public Trust. Thus, they didn't know that they were not legally allowed to sell this park land. They need to properly record easements and dedications on the deed and title of park lands.

The county printed notice of the proposed sale in the most obscure newspaper possible and did **not** post info about the sale properly at the site. The County needs to tighten their processes of notification to correct this.

The park land **still** has a fence around it, effectively making the parcel private and keeping the public off of their own land. The County claims that because there are no public amenities on that parcel, they don't need to remove the fence. On its face, this claim rings hollow: there are many public areas—including wilderness areas that the County is responsible for—that do **not** feature public amenities.

As someone who lived in Newport Beach for many, many years, this fence **must** come down and clear steps taken to ensure that this sorry saga is *never* repeated. Putting the onus on the public to discover what's going on, file formal complaints and then work to rectify what's happened here is simply not acceptable.

Thank you,

Patricia Sweeney
Orange County Resident since 1985



County Executive Office

Memorandum

August 17, 2022

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Subject: Exception to Rule 21

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=CEO, ou=County
Executive Office,
email=Frank.Kim@ocgov.com, c=US
Date: 2022.08.17 14:04:03 -0700

RECEIVED
2022 AUG 18 AM 11:12
CLERK OF THE BOARD
OF SUPERVISORS
COUNTY OF ORANGE

S37J

The County Executive Office is requesting a Supplemental Agenda Staff Report for the August 23, 2022, Board Hearing.

Agency: County Executive Office


Subject: "County Land Transactions: Will the Public Notice?" Grand Jury Response

Districts: All Districts

Reason Item is Supplemental: This item was deleted from the August 9, 2022, Board agenda to allow staff additional time to review the proposed responses to the Grand Jury report.

Justification: Agendizing the item as a supplemental for the August 23, 2022, Board meeting will allow transmittal of the approved responses to the Presiding Judge of the Superior Court prior to the September 6, 2022, 90-day deadline. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur:


Doug Chaffee, Chairman of the Board of Supervisors

cc: Board of Supervisors
County Executive Office
County Counsel




SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

MEETING DATE: 8/23/22

LEGAL ENTITY TAKING ACTION: Board of Supervisors

BOARD OF SUPERVISORS DISTRICT(S): All Districts

SUBMITTING AGENCY/DEPARTMENT: County Executive Office

DEPARTMENT HEAD REVIEW: 
Department Head Signature

DEPARTMENT CONTACT PERSON(S): Mat Miller (714) 834-6019
Lala Oca Ragen (714) 834-7219

RECEIVED
2022 AUG 18 AM 11:12
CLERK OF THE BOARD
OFFICE 2021/7/20
BOARD OF SUPERVISORS

SUBJECT: "County Land Transactions: Will the Public Notice?" Grand Jury Response

CEO CONCUR


Digitally signed by Frank Kim
DN: cn=Frank Kim, ou=CEO, ou=County
Executive Office,
email=frank.kim@ocgov.com, c=US
Date: 2022.08.17 14:09:26 -0700

CEO Signature

COUNTY COUNSEL REVIEW
No Legal Objection


Action
Digitally signed by James C. Harman, Chief Assistant County
Counsel
DN: cn=James C. Harman, Chief Assistant County Counsel,
ou=Office of County Counsel, ou=County of Orange,
email=james.harman@ocgov.com, c=US
Date: 2022.08.17 12:08:08 -0700

County Counsel Signature

CLERK OF THE BOARD
Discussion

3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

of Positions: N/A

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)

1. Approve proposed response to FY 2021-22 Grand Jury Report entitled "County Land Transactions: Will the Public Notice?".
2. Direct the Clerk of the Board to forward this Agenda Staff Report with attachments to the Presiding Judge of the Superior Court and the FY 2021-22 Grand Jury no later than August 26, 2022.

SUMMARY:

Approval of proposed response to FY 2021-22 Grand Jury Report entitled "County Land Transactions: Will the Public Notice?" will fulfill the County's required response to the Grand Jury.

BACKGROUND INFORMATION:

On June 9, 2022, the Orange County Grand Jury released a report entitled "County Land Transactions: Will the Public Notice?". The report directed responses to findings and recommendations to the Board of Supervisors. Attachment B is the County's proposed response to the Grand Jury.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A – Grand Jury Report

Attachment B – Draft Response

Attachment C – Draft Transmittal Letter

County Land Transactions: Will the Public Notice?



Table of Contents

SUMMARY	1
BACKGROUND	1
REASON FOR THE STUDY	2
METHOD OF STUDY	2
INVESTIGATION AND ANALYSIS.....	3
<i>Case Study: Newport Back Bay Parcel APN 439-051-14</i>	<i>3</i>
<i>Request to Purchase APN 439-051-14</i>	<i>4</i>
<i>The Staff Report and Initial Vote</i>	<i>7</i>
<i>Getting the Word Out: Notice and Posting Requirements</i>	<i>8</i>
<i>Stopping the Sale</i>	<i>9</i>
<i>Case Study: Land Adjacent to Peter's Canyon Regional Park</i>	<i>12</i>
<i>Effective Notice</i>	<i>12</i>
COMMENDATIONS	13
FINDINGS	13
RECOMMENDATIONS.....	14
RESPONSES	15
REFERENCES.....	17
GLOSSARY.....	18

SUMMARY

Some of the most valuable and treasured assets of Orange County are the public beaches, wildlife refuges, parks, and recreational areas that grace our County. Responding to complaints about the sales - and near sale - of public park land to private citizens, the Orange County Grand Jury (OCGJ) investigated the procedures for the sale of such land.

In its investigation, the OCGJ found that the procedures intended to put the public and interested agencies, such as the California Coastal Commission, on notice of proposed sales are not sufficient. Notice efforts should include mailings, property depictions, and other information that properly inform citizens impacted by the sale. This information should also be displayed on appropriate websites and published in a manner that will reach the intended audience.

Furthermore, the OCGJ is concerned that the intervention of the office of a former Orange County Supervisor influenced the way in which a particular public land sale was handled. Ultimately, after the successor District 2 Supervisor put the sale on hold, enough signatures were gathered to legally bar the sale. Nonetheless, a private fence that is unquestionably on property owned by the County remains in place. By allowing the fence to surround the very property that could not be sold, that parcel has been inappropriately ceded to private use and the fence should be removed to restore that property to its designated status as public trust land.

BACKGROUND

The County of Orange owns an estimated 80,000 acres of land designated as park property. Public lands, and particularly lands designated as public trust land specific to coastal lands, are held in trust by the County, State, or designated government agency (such as the California State Land Commission or the Coastal Commission) for the benefit of the public. The function of the California State Land Commission is to provide effective stewardship of the lands, waterways, and other resources that have been entrusted to its care. Similarly, the Coastal Commission is committed to protecting and enhancing California's coastline and ocean for present and future generations.

Typically, when land has been conveyed to the County, that land must remain subject to any easement or restriction already burdening it. In some cases, it makes sense for the County to auction or sell land to private parties. However, if the land has been dedicated as park land, open space, or designated as public trust land, any sale should be carefully scrutinized in order to avoid the loss of valuable conservation land and to ensure that concessions are not being made to particular individuals for political or other imprudent reasons.

The sale of County land may take place according to the following procedure as provided in Orange County Codified Ordinance (OCCO) Section 2-5-301:

The Board of Supervisors may abandon all or any portion of a park restricted to park purposes under Section 2-5-300 of this Code, and may sell the land

comprising it pursuant to this section or use the land for other County purposes, *if it finds that all of the park*, where all is to be abandoned, or the portion to be abandoned is not being used by the public for park purposes and that all of said park, or the portion to be abandoned if less than all, *is not appropriate, convenient or necessary for park purposes.* (Emphasis added.)

It is incumbent upon the Orange County Board of Supervisors (BOS) to ensure that public land up for sale is “not appropriate, convenient, or necessary for park purposes,” and has not been permanently protected as conservation land before approving that sale.

REASON FOR THE STUDY

This issue came to the attention of the OCGJ after it received citizen complaints citing incidents of Orange County land designated as public space or parks being sold to private individuals. The complainants believed not only that these properties were under conservation easements that made the transfers inappropriate, but also that the assessed prices presented to the involved parties were unreasonably low. In particular, the nearly completed sale of a parcel of land located in the Newport Beach Back Bay Reserve raised significant concerns about a private individual purchasing this land and the land’s assessed price.

Based on these complaints, the OCGJ endeavored to evaluate County land sale procedures, the County’s adherence with applicable use and conveyance restrictions, and the appraisal procedures for setting the land purchase price for County lands designated as parks, open space, or property held in public trust.

METHOD OF STUDY

The OCGJ took the following steps in investigating this issue.

- Identified and interviewed key personnel who participated in the decision-making for selling County-owned public land, including several members of the Orange County Board of Supervisors, representatives of CEO Real Estate, and County citizens who had voiced concerns about selling County land.
- Reviewed documents including the following:
 - Relevant state statutes and county ordinances
 - Website information and news articles
 - County property records, including deeds, resolutions, and proclamations
 - Orange County BOS agendas, minutes and staff reports
 - Newspaper articles
 - Photographs
 - Complaint letters with attachments
- Members of the OCGJ toured Newport Back Bay and walked the perimeter of the land parcel that was the subject of citizen complaints.

INVESTIGATION AND ANALYSIS

Case Study: Newport Back Bay Parcel APN 439-051-14

In 1989, The Irvine Company (TIC) gifted land it owned to the County under the condition that the land remain dedicated park land. Situated within Newport Beach's Back Bay Reserve, this land is managed under the auspices of the County and the California Coastal Commission. Although recorded by the County Recorder's Office, this dedication was not recorded by the California Coastal Commission.¹ The transfer of this land to the County was made on the condition that the land remain open space and that "The County shall maintain and use the Property solely for passive recreational use by the Public."² The parcel APN 439-051-14 is a 13,785 square foot portion of this land.³

In 2003, the BOS adopted Resolution No. 03-385 offering to dedicate the County's Upper Newport Bay Nature Preserve (including APN 439-051-14) as state public trust land. In doing so, the BOS declared that the Nature Preserve was "an integral part of the ecological system that constitutes Upper Newport Bay" and that dedicating it as public trust land would allow "public use and enjoyment of this property."

In accordance with that Resolution, on April 5, 2004, the California State Lands Commission voted to designate those same land parcels as public trust land "to be held by the County in Trust.... thereby allowing for public use and enjoyment of the property, as well as supporting the Upper Newport Bay Ecological Preserve, with its unique natural resources."⁴ The BOS resolution also noted that the California State Lands Commission leased this property to the State's Department of Fish and Game "as open space and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area."

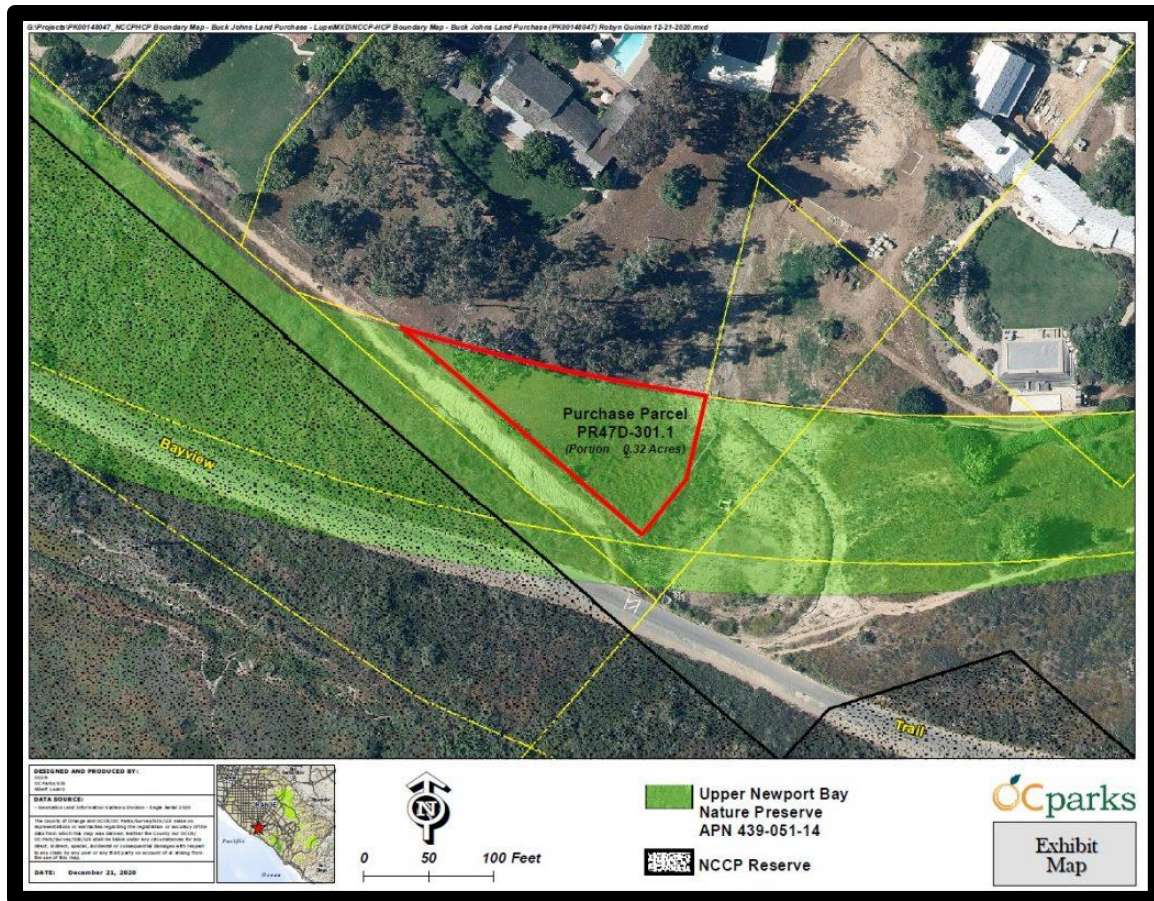
¹ Responding to a citizen's inquiry, correspondence from the Regional Manager of the California State Coastal Conservancy confirmed the conservation dedication but could not explain why it was not recorded at that time.

² Irrevocable Offer of Dedication from TIC to the County of Orange for the Westbay and Bluff parcels, recorded as document 89-388787; https://nbgis.newportbeachca.gov/images/pdf/OR/OR_89-388787.pdf

³ Prior to 1990, the County had negotiated with TIC to secure portions of the land referred to herein in order to extend University Avenue and connect Jamboree Blvd. with Newport Ave. That plan was abandoned in or about 1989 and the land remained the property of TIC. These transactions preceded the 1990 TIC land dedication and are not relevant to this investigation and analysis.

⁴ Dec. 16, 2003, Resolution of the Board of Supervisors, Orange County, Res. No. 03-385, and California State Lands Commission, Minute Item No. 24 (Calendar Item C24), April 5, 2004; https://www.slc.ca.gov/Meeting_Summaries/2004_Documents/04-05-04/Items/040504C24.pdf

County Land Transactions: Will the Public Notice?



Shortly thereafter, on August 27, 2004, then-Governor Arnold Schwarzenegger signed AB-425 which specified that the subject land be accepted as assets of the public trust and held in trust by the County of Orange, noting that the lands are “integral to the operation of the Upper Newport Bay Ecological reserve and provide ecological benefits in the form of habitat that supports adjacent tide and submerged lands.”⁵

Request to Purchase APN 439-051-14

CEO Real Estate is a public agency that manages County-owned land. The agency provides real estate analysis, counsel, land development services, leasing representation, and lease management services to the County. CEO Real Estate is under the direction of and reports directly to the County Executive Officer and BOS. With approval from the BOS, the Transactions and Special Projects team within CEO Real Estate purchases and sells real estate and related assets on behalf of Orange County. CEO Real Estate works actively to preserve public park land. However, it is fair to say that individual Supervisors have significant influence when it comes to decisions made about public land located in their district, and the BOS ultimately directs the actions of CEO Real Estate.

⁵ AB 425 1(g) and 2(a) (amending Section 2 of Chapter 317 of the Statutes of 1997 and adding Sections 4.5 and 5.5 to Chapter 74 of the Statutes of 1978).

In the majority of cases, when CEO Real Estate receives a proposal from a private citizen to purchase County park land, the County is not interested in relinquishing park property and no action is taken. This was the case initially when a private citizen with a home overlooking the Newport Beach Back Bay approached CEO Real Estate and the OC Parks Commission to purchase parcel APN 439-051-14 which abuts the homeowner's property. However, after the intervention and active support of the then-County Supervisor for District 2, the homeowner's proposal moved forward.



As discussed above, APN 439-051-14 was designated as public trust land under the auspices of the County, State Land Commission, and the Coastal Commission. Upon inspection of the land, the OCGJ observed that the identified parcel, which is surrounded by a chain link fence, overlooks the Newport Back Bay. While the land stretches some distance from the nearest home, the fence borders a dirt walking path and stands as little as 40 feet from a paved pathway that is popular for recreational use. Walkers, bicyclists, and equestrians all use this pathway while taking in the natural beauty of the Back Bay. The pathway connects Newport Blvd. to Jamboree Road.



With the support of the then-District 2 Supervisor, steps were taken to sell the land *with no restrictions* despite the predated covenants and restrictions and without regard to the Board of Supervisors and the California State Land Commission's resolutions that the land shall be held in trust under the stewardship of the State's Department of Fish and Game. The homeowner/purchaser commissioned and paid for an appraisal of APN 439-051-14 which came back in October 2020. The appraisal came in at only \$13,000⁶ even though the parcel would add

⁶ CBRE Appraisal Report for Vacant Land APN 439-051-14, December 10, 2020. The appraisal was prepared by an approved County appraiser, CBRE. A County-hired appraiser affirmed the CBRE valuation of \$13,000. Appraisals take into consideration, among other factors, (i) the accessibility of the land, (ii) the marketability of the land, (iii) any zoning issues or use restrictions, (iv) the contour of the property, and (v) comparable property sales. Appraisals do not consider the value added for a particular homeowner. Therefore, although the addition of APN 439-051-14 would significantly enhance the value of the prospective buyer's own property, this was not a factor in the land appraisal. However, the appraisal included an assumption that the covenants would remain in place, making this land "unbuildable." If the sale had gone through, those covenants would not have survived, and the purchaser would have been free to build an additional unit on that land. The appraisal process is not at issue in this report.

close to three-eighths of an acre of open space to the homeowner's property, was without restrictions, and would substantially increase the home's value. In addition to the appraised price of \$13,000, the County and homeowner agreed that an administrative fee of \$20,000 would be paid to the County to complete the land purchase. This discretionary fee was set by the County to offset the costs the County would incur to complete the sale.

The Staff Report and Initial Vote

The procedure for selling public land includes the following:

Before abandoning all or any portion of a park, the Board of Supervisors shall adopt a resolution of intention by unanimous vote of all its members describing the park or portion of it proposed to be abandoned and fixing a time at least sixty (60) days after the adoption of the resolution when it will meet to take final action.⁷

On January 26, 2021, without discussion, the BOS voted to move forward with the resolution and sale. The BOS Staff Report prepared in anticipation of the vote did not mention the previous Board Resolutions designating the property as public trust land or the oversight granted to the State Land Commission, the Coastal Commission, and the State's Department of Fish and Game. The Staff Report indicated that the parcel was subject to restrictive covenants per TIC, but that TIC had removed these restrictions.

An examination of the BOS Staff Report, the Park Commission Staff Report, and TIC's consent to rescind its restrictions indicates that the people that prepared those reports repeated the homeowner's inaccurate version of the history of the parcel. The CEO Real Estate questionnaire attached to the BOS Staff Report contained the completely erroneous statement that the property was being considered for conveyance "To allow [homeowner name] to *regain* ownership of a portion of APN 439-051-14, that was previously acquired by the County for the University Drive extension, which has been cancelled." (Emphasis added.) The "University Drive extension" was a plan that was abandoned well before the 1989 dedication. There is no documentary evidence or other suggestion that the current homeowner ever owned or had any claim on this parcel, and TIC's account, as well as other historical accounts, memorandum from CEO Real Estate and documentary evidence all belie this contention.⁸

Furthermore, the BOS Staff Report stated that the OC Parks Commission had approved the sale.⁹ According to the OC Parks Commission meeting minutes of January 7, 2021, the misconception

⁷ OCCO § 2-5-301.

⁸ CEO Real Estate Real Property Conveyance Questionnaire for APN 439-051-14, attachment F to January 26, 2021 BOS Agenda Staff Report, Abandonment and Conveyance of Property in Upper Newport Bay.

BOS Staff Report submitted with the minutes for the BOS meeting of January 26, 2021; OC Parks Commission meeting minutes of January 7, 2021; April 30, 2019, email from TIC VP/Assistant General Counsel to homeowner/potential purchaser and counsel; December 16, 2020 TIC Termination of the Restriction and Reversionary Interest.

⁹ *Ibid.* The Staff Report also stated that the Orange County Parks Commission voted for Board Approval with three votes of the five Commissioners present. This was somewhat misleading as a revision memo dated January 14, 2021, addressed to the BOS Clerk stated that the Parks Commission "did not recommend approval based on only three voting in the affirmative (4 yes votes would be necessary for a majority of the body.)"

that the homeowner had previously owned the land parcel was repeated so that the Park Commissioners voted to approve the transfer and allow that homeowner to “reacquire” his property. Again, the documentation, as well as the appraisal prepared by CBRE at the buyer’s request, specifically contradicts this claim.¹⁰

TIC’s relinquishment of restrictions also relied upon the representation that the land had been fenced off by the homeowner since 1970. Photographic records reveal that the fence had not remained intact and, in fact, had been extended significantly several times.¹¹ As reflected in a memo dated April 30, 2019, from TIC to the homeowner, TIC’s authorization to release its restrictions was based on the history provided by the homeowner and as a concession to the County if it was willing to convey that parcel.¹² Notably, TIC rescinded this covenant release as soon as the sale of the land was aborted.¹³

The BOS Staff Report makes no mention of the 2003 BOS Resolution to *permanently* dedicate this parcel “as public trust land to be held by the County of Orange in trust...” Instead, the Staff Report included a conclusory statement to satisfy the Abandonment Act that the land “will not be used by the public and is not appropriate, convenient, or necessary for park purposes.” This assessment was made even though the CEO Real Estate questionnaire attached to the Staff Report indicated that there had been no analyses performed as to whether to convey the property.¹⁴

According to the proposed sale documentation, if this sale had gone through, the homeowner would own the land with no use restrictions.

Getting the Word Out: Notice and Posting Requirements

Under OCCO Section 2-5-301, once the BOS has adopted, by unanimous vote, a resolution of intent to sell, the resolution shall be published in the following manner:

“in a newspaper of general circulation in the County printed and published nearest the park all or a portion of which is proposed to be abandoned and in the newspaper of greatest circulation in the County if that newspaper is not the one printed and published nearest to such park.”

The newspaper notice was printed in the OC Reporter. The Reporter publishes state and local legal, business, and real estate news in addition to public notice advertising. The publication comes out three times a week. Although the OC Reporter prints some articles of general interest, this publication exists primarily to provide a vehicle for legal notices. It is not within the spirit of the law to claim that this is the newspaper with the greatest circulation in order to provide notice to local citizens. For the Newport Back Bay, one would expect to see a notice of this sort in the

¹⁰ CBRE Appraisal Report for Vacant Land APN 439-051-14, December 10, 2020.

¹¹ Private citizens cannot acquire ownership of County land through adverse possession by fencing off or otherwise taking control of the property.

¹² *Ibid.*

¹³ May 5, 2021, TIC Revocation of Termination of Use Restriction and Reversionary Interest for APN 439-051-14.

¹⁴ CEO Real Estate Real Property Conveyance Questionnaire for APN 439-051-14, attachment F to January 26, 2021 BOS Agenda Staff Report, Abandonment and Conveyance of Property in Upper Newport Bay. BOS Staff Report submitted with the minutes for the BOS meeting of January 26, 2021.

Orange County Register or Daily Pilot. In addition, the legal notices published do not provide average interested citizens true notice of what is being sold as the notices are purely legal in nature and the properties are often described by plot number and other technical identifiers.

The Ordinance also requires the following:

Not less than four (4) copies of the resolution shall be posted conspicuously not more than one hundred (100) feet apart at the point where any public highway or highways or park road or roads providing access into or through such park across the park boundaries and along the route of such highways or roads within the park boundaries.

Despite CEO Real Estate following the postings requirements, there is no official record documenting the postings, nor is there evidence that these notices provided effective notice to adjacent homeowners, the citizens that routinely enjoy the Back Bay pathways, or the general public interested in preserving park land. Unsurprisingly, news of the proposed sale reportedly only came to light through neighborhood word of mouth.

Stopping the Sale

On April 13, 2021, the BOS was scheduled to vote to approve the sale. Had the Supervisor representing District 2 remained in office, the sale of this land would most likely have gone through. However, newly elected District 2 Supervisor Katrina Foley became aware of the pending sale and asked to table that vote. As a result, Item 45 was taken off the agenda and moved to May 11, 2021.

Meanwhile, having learned of the proposal to abandon this public land by word-of-mouth, a petition was circulated by concerned citizens seeking to stop the sale. Under the Government Code and local ordinance, a petition carrying a minimum of 200 voters is sufficient to force the BOS to either stop the sale or put it to a countywide public vote.¹⁵ On May 7, 2021, Supervisor Foley sent out a newsletter stating:

More than 790 residents signed a petition to oppose the sale and many of you have reached out to me to express frustration and concern with the loss of open space. I decided to remove this item from the agenda instead of moving forward with a vote. OC Parks will work to revoke the fence.

The petitioners, which ended up numbering more than 1300, were successful in causing the scheduled vote on the sale of APN 439-051-14 to be deleted from the May 11, 2021 agenda. No further official action has been taken with respect to the sale of that parcel.

Of concern is that the parcel in question remains fenced off by the homeowner who attempted to purchase the land. As discussed above, the fenced-off parcel sits adjacent to a pathway that has been established for recreational use and has a view of the back bay. It is also within 40 feet of the paved pedestrian road/bikeway/equestrian trail that runs around the Back Bay. If the fence were not there, the property would remain as originally intended and would provide additional open space for the public as well as the wildlife found in the Back Bay.

¹⁵ OCCO § 2-5-301.

After the failed attempt to purchase the property and the movement to remove the fence was underway, on July 8, 2021, the law firm of Rutan and Tucker sent a letter on behalf of the homeowner threatening to sue the County if they followed through with their intention to remove the fence. Their argument was, in part, based on the claim that the homeowner and, allegedly, the County, believed the Subject Property belonged to the homeowner. This is nonsensical in view of his attempt to purchase the land and at no time has the County (or the City of Newport Beach¹⁶) indicated that the land was not County property. After a closed session hearing, the BOS directed CEO Real Estate to respond by confirming that although the land remained County property, no action would be taken with respect to the fence. This letter was sent out on July 14, 2021.



In addition to being an eyesore, the existing fence restricts public and wildlife access to land that has consistently been identified as public land trust property and declared an “integral part” of the adjacent tidelands. It was reported to the OCGJ that the decision to allow the fence to remain in place was to avoid the homeowner from reclaiming a small section of land that exists just outside of his fence and is part of the walking path. However, this very small swath of land is not comparable to the property that he has fenced off that belongs to the public. Furthermore, if the

¹⁶ In response to a citizen inquiry in August 2021, a representative from the City of Newport Beach wrote that the fence in question “is on County land” and the County has jurisdiction to remove the fence.

homeowner were to enclose his property, the walking pathway would be adjusted accordingly with little impact. It is, therefore, not a reasonable trade-off.



Ironically, the Coastal Commission has a sign posted upon entering the Back Bay entitled “Making Stewardship a Priority” that emphasizes the need to protect that land and ecosystem for present and future generations. The County remains the owner of the property and the homeowner may not build on the land. However, with the chain link fence in place, the homeowner has effectively usurped that valuable land parcel at no cost and without the permission of the State Land Commission or the Coastal Commission. The fence is an eyesore. It is inconsistent with the purpose and goals of the public trust designation put in place by the Orange County Board of Supervisors, the Coastal Commission, and the State Land Commission.

Case Study: Land Adjacent to Peter’s Canyon Regional Park

The Back Bay parcel was not the only subject of the complaints that the OCGJ received regarding public land sales. Complainants contend that public land located in the City of Orange adjacent to Peter’s Canyon Regional Park was sold in January 2021 without following the proper procedures. It was alleged that this was against the public interest and amounted to another improper gift of public lands. However, further examination into this land transfer did not raise the same concerns as the Newport Back Bay proposed transaction.

The property in question, identified as APN 104-290-19 and 104-290-26 (together, the “Orange Parcels”), was given to the County via an “irrevocable dedication” by TIC in 1992. The property was designated as open space but was never classified as public trust land. It also was not within the perimeter fencing of Peter’s Canyon Regional Park. This property was situated behind the property of a private homeowner and was inaccessible to the public. The homeowner requested that he be allowed an access easement for another entrance to his property and to purchase the Orange Parcel located directly behind his property.

Unlike the staff report for the Newport Back Bay transaction, the staff report completed for the Orange property indicated investigation and analysis had gone into the process.¹⁷ The parcel was appraised at \$130,000. This was charged to the purchaser along with a processing fee of \$2,500. The purchase agreement also required that before any construction began, the owner must create and maintain a designated fuel modification zone where drought-tolerant and fire-resistant vegetation would replace existing plants.

Given the positioning of this land parcel, the fact that it was not a part of Peter’s Canyon Regional Park, and was not designated as public trust land, its sale does not raise the same concerns as the Back Bay property.

Effective Notice

When the County is considering selling land that has been designated as park land, open space or land encumbered by conservation restrictions or easements, the government is charged with being a steward for that land. In the case of dedicated public trust land, the Public Trust Doctrine places a *duty* on the government to protect the people’s common heritage of trust resources.

Even if the BOS comes to its own conclusion that the sale of public park or public trust land is appropriate, it is incumbent upon the County to ensure that the public is properly advised of the proposed sale. Unfortunately, the legal requirements for public notice and postings intended to provide awareness do not achieve that goal. If the “publication of general circulation” used is no more than a legal transaction reporter and posted notices are limited to a small area with only minimal detail, that does not provide proper information or transparency to the public.

Similarly, Section 2-5-301 of the County’s land abandonment ordinance requires the following with respect to postings:

¹⁷ January 26, 2021 BOS Agenda Staff Report, with attachments, for Conveyance of Real Property and Access Easements at Peter’s Canyon Regional Park.

Not less than four (4) copies of the resolution shall be posted conspicuously not more than 100 feet apart at the point where any public highway or highways or park roads or roads providing access into or through such park across the park boundaries and along the route of such highways or roads within the park boundaries.

Portions of a park or natural habitat may be “off the beaten path,” but are still important to the overall environment, wildlife, and conservation values. In addition, citizens who do not currently live nearby or regularly visit the property also wish to preserve natural habitats and park land; these open spaces are not only for current residents and visitors, but also for future generations.

To be effective, notices must: 1) be clear in describing and depicting the land in question, 2) be placed in publications and physical areas that are readily observed, 3) provide notice to interested parties that may not physically visit the property during the notice period, and 4) be written in a manner that is easily understood by the public. To this end, the OCGJ encourages that mailers, social media, meaningful newspaper notices, and physical postings all be utilized to provide proper notice to the public at large

COMMENDATIONS

CEO Real Estate for its consistent and conscientious efforts to protect the County’s public land and assets.

FINDINGS

- F1 Public land trust dedications and other conservation easements affecting County land are not always properly recorded in County or State records, which impacts later County land sales decisions and notice requirements.
- F2 Owing to the influence of the office of the District 2 Supervisor at the time, the Board of Supervisors Staff Report and the OC Park Commission Staff Report prepared for the 2021 potential sale of Newport Beach Back Bay parcel APN 439-051-14 were conclusory, incomplete, and contained inaccurate statements.
- F3 Posting and notice requirements by the State and County fail to provide adequate information to interested citizens of the proposed sale of public land designated for park or open space use.
- F4 There is no public record of the State Coastal Commission being notified of the potential sale of a parcel of the Newport Beach Back Bay which was in the Commission’s jurisdiction.
- F5 By allowing the owner-installed fence surrounding APN 439-051-14 to remain in place, the County has permitted the homeowner to inappropriately privatize this parcel at no cost to the homeowner and in a manner inconsistent with the well-established public trust designation.

RECOMMENDATIONS

- R1 CEO Real Estate should ensure that conservation easements, designations of public trust land, and similar restrictions are properly researched and recorded with the County Recorder prior to any sale. F1 Timeline: Immediate and ongoing.
- R2 The Orange County Board of Supervisors, CEO Real Estate, and OC Parks Commission should establish and follow procedures to ensure that staff reports are factually accurate, complete, and include any conservation easements or public trust designations. F2 Timeline: Immediate and ongoing.
- R3 Private individuals attempting to purchase public park land that will not be put up for public auction should pay for mailings of the relevant Board of Supervisor Resolution (including photographs accurately and clearly depicting the subject property) to all owners of property adjacent to the subject property and all property/ homeowners within one-quarter mile radius (1,320 feet) of the subject property. F3 Timeline: Effective date no later than December 31, 2022.
- R4 In addition to the posting requirements found in Section 2-5-301 of the County's land abandonment ordinance, during the same proscribed time, CEO Real Estate should post copies of the relevant BOS Resolution around the perimeter of the subject property in a conspicuous manner and at reasonable distance intervals as determined by CEO Real Estate. CEO Real Estate should take the following additional measures: check the status of the posting at least once during the posting period and maintain photographs documenting the postings. F2 Timeline: Immediate.
- R5 The CEO Real Estate website should list all proposed land transactions and provide a link to the related Board of Supervisors Resolution and transaction documents, if any. F3 Timeline: Effective Date no later than December 31, 2022.
- R6 CEO Real Estate should establish and follow a procedure to notify the Coastal Commission and any other applicable agency at least 45 days in advance of a Board of Supervisors vote to sell any public land that has been entrusted to that agency. F4 Timeline: Effective Date no later than December 31, 2022.
- R7 The Orange County Board of Supervisors should order the removal of the chain link fence surrounding APN 439-051-14 along with any other encroachments on that parcel to return the land to its natural (original) state. F5 Timeline: Removal to occur on or before December 31, 2022.

RESPONSES

California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g., District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

County Land Transactions: Will the Public Notice?

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required or requested from the following governing bodies within 90 days of the date of the publication of this Report:

Responses required and requested:

90 Day Response Required	F1	F2	F3	F4	F5
OC Board of Supervisors	X	X	X	X	X

90 Day Response Required	R1	R2	R3	R4	R5	R6	R7
OC Board of Supervisors	X	X	X	X	X	X	X

90 Day Response Requested	F1	F2	F3	F4	F5
CEO Real Estate	X	X	X	X	X

90 Day Response Requested	R1	R2	R3	R4	R5	R6	R7
CEO Real Estate	X	X	X	X	X	X	X

90 Day Response Requested	F1	F2	F3	F4	F5
OC Parks Commission		X			X

90 Day Response Requested	R1	R2	R3	R4	R5	R6	R7
OC Parks Commission		X					X

REFERENCES

AB 425 1(g) and 2(a) (amending Section 2 of Chapter 317 of the Statutes of 1997 and adding Sections 4.5 and 5.5 to Chapter 74 of the Statutes of 1978).

California Civil Code section 1009.

California State Lands Commission, Minute Item No, 24 (Calendar Item C24), April 5, 2004.
CEO Real Estate file for proposed conveyance of APN 439-051-14;
https://www.slc.ca.gov/Meeting_Summaries/2004_Documents/04-05-04/Items/040504C24.pdf

County Park Abandonment Law, Cal. Government Code section 25580, et. seq.

Correspondence from TIC VP/Assistant General Counsel to homeowner/ potential purchaser and counsel April 30, 2019.

Correspondence between Rutan and Tucker and OC Board of Supervisors dated July 8, 2021, and response from CEO Real Estate dated July 14, 2021 re APN 439-051-14. <https://spon-newportbeach.org/wp-content/uploads/2021/07/Thomas-A-Miller-letter-to-Buck-Johns-2021-07-14.jpeg>

Irrevocable Offer of Dedication from TIC to the County of Orange for the Westbay and Bluff parcels, recorded as document 89-388787;
https://nbgis.newportbeachca.gov/images/pdf/OR/OR_89-388787.pdf.

Codified Ordinances of the County of Orange, Sec. 2-5-300, et. seq.

Orange County Board of Supervisors Board Meeting agenda and minutes, January - May 2021, with related documents, Staff Reports and attachments.

Orange County Board of Supervisors Agenda Staff Report, January 26, 2021: Abandonment and Conveyance of Property in Upper Newport Bay;
http://cams.ocgov.com/Web_Publisher_SAM/Agenda01_26_2021_files/images/A20-001239.HTM

Orange County Board of Supervisors Agenda Staff Report, January 26, 2021: Conveyance of Real Property and Access Easements at Peter's Canyon Regional Park.
http://cams.ocgov.com/Web_Publisher_SAM/Agenda01_26_2021_files/images/A20-001245.HTM

Orange County Board of Supervisors Resolution No. 03-385, adopted December 16, 2003.

Orange County Parks Commission meeting agenda and minutes, January 7, 2021.

TIC Termination of the Restriction and Reversionary Interest, December 16, 2020.

TIC Revocation of Termination of Use Restriction and Reversionary Interest for APN 439-051-14, May 5, 2021.

GLOSSARY

BOS	Orange County Board of Supervisors
CEO Real Estate	A public agency that provides real estate analysis, counsel, land development services, leasing representation and lease management services to the Orange County BOS as well as other departments within the County of Orange.
OCCO	Orange County Codified Ordinances
OCGJ	Orange County Grand Jury
TIC	The Irvine Company



County of Orange

County Executive Office

August 26, 2022

Honorable Erick L. Larsh
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Response to Grand Jury Report, "County Land Transactions: Will the Public Notice?"

Dear Judge Larsh:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the County Executive Office.

If you have any questions, please contact Lala Oca Ragen of the County Executive Office at 714-834-7219.

Sincerely,

Frank Kim
County Executive Officer

Enclosures

cc: Orange County Grand Jury
Lilly Simmering, Deputy County Executive Officer
Lala Oca Ragen, Director, Performance Management and Policy
Elizabeth Guillen-Merchant, Director, Performance Management and Policy



**DRAFT Responses to Findings and Recommendations
2021-22 Grand Jury Report:**

“County Land Transactions: Will the Public Notice?”

SUMMARY RESPONSE STATEMENT:

On June 9, 2022, the Grand Jury released a report entitled “County Land Transactions: Will the Public Notice?”. This report directed responses to findings and recommendations to the Orange County Board of Supervisors. The responses are below:

FINDINGS AND RESPONSES:

- F1. Public land trust dedications and other conservation easements affecting County land are not always properly recorded in County or State records, which impacts later County land sales decisions and notice requirements.**

Response:

Disagrees partially with finding. Prior to completing any sale of County land, the County fully reviews all applicable internal and external records related to the property, including reviewing title reports. The County is unaware of any deficiencies in its processes related to such review. The County cannot speak to the completeness or proper recordation of the State’s records.

- F2. Owing to the influence of the office of the District 2 Supervisor at the time, the Board of Supervisors Staff Report and the OC Parks Commission Staff Report prepared for the 2021 potential sale of Newport Beach Back Bay parcel APN 439-051-14 were conclusory, incomplete, and contained inaccurate statements.**

Response:

Disagrees wholly with finding. Staff reports for the Board of Supervisors (“Board”) and the OC Parks Commission (“Commission”) are prepared by County staff based on staff’s own research and analysis to ensure that the facts contained therein are accurate. As a matter of procedure, County staff conduct real estate investigations, including research and review of appraisals, real estate instruments, title reports, etc. when producing reports that are presented to the Board and the Commission on real property transactions. The staff reports submitted to the Commission and the Board regarding this potential sale are not conclusionary, incomplete or contain inaccurate

statements. Neither the Second District Supervisor nor their office exercised any improper influence.

- F3. Posting and notice requirements by the State and County fail to provide adequate information to interested citizens of the proposed sale of public land designated for park or open space use.**

Response:

Disagrees wholly with finding. The County complied with all legal requirements for posting and noticing.

- F4. There is no public record of the State Coastal Commission being notified of the potential sale of a parcel of the Newport Beach Back Bay which was in the Commission's jurisdiction.**

Response:

Disagrees partially with finding. While the County is not aware of any specific notice being provided to the California Coastal Commission, the County is also not aware of a requirement that the California Coastal Commission be provided notice of the transaction.

- F5. By allowing the owner-installed fence surrounding APN 439-051-14 to remain in place, the County has permitted the homeowner to inappropriately privatize this parcel at no cost to the homeowner and in a manner inconsistent with the well-established public trust designation.**

Response:

Disagrees partially with finding. The County agrees that the owner-installed fence that has enclosed parcel APN 4359-051-14 for many decades has not been removed. The focus of the Board item on this issue was primarily focused on the matter of property conveyance rather than the chain link fence.

RECOMMENDATIONS AND RESPONSES:

- R1. CEO Real Estate should ensure that conservation easements, designations of public trust land, and similar restrictions are properly researched and recorded with the County Recorder prior to any sale. F1 Timeline: Immediate and ongoing.**

Response:

The recommendation has been implemented. County staff conduct real estate investigations, including research and review of appraisals, real estate instruments, title reports, etc. when producing reports that are presented to the Board and the Commission on real property transactions. Any conservation easements or designations of public trust that are required to be recorded on County real property will continue to be so recorded.

R2. The Orange County Board of Supervisors, CEO Real Estate, and OC Parks Commission should establish and follow procedures to ensure that staff reports are factually accurate, complete, and include any conservation easements or public trust designations. F2 Timeline: Immediate and ongoing.

Response:

The recommendation has been implemented. County staff reports should be factually accurate, complete, and include any conservation easements or public trust designations, and procedures are already in place to address this need. County staff conduct thorough research in preparing and presenting staff reports for Board and Commission consideration. The process of developing staff reports includes the verification of information by multiple staff members and across various County departments when applicable. Further, County staff conduct real estate investigations, including research and review of appraisals, real estate instruments, title reports, etc. when producing reports that are presented to the Board and the Commission on real property transactions. County staff with expertise in relevant discussion items also attend Board and Commission meetings in order to provide additional information and respond to inquiries. During public meetings, County staff are fully engaged and are available to answer questions. In the event that further research is required, the Board or Commission is able to request that County staff conduct further investigation and return at a future meeting to provide more information when needed.

R3. Private individuals attempting to purchase public park land that will not be put up for public auction should pay for mailings of the relevant Board of Supervisor Resolution (including photographs accurately and clearly depicting the subject property) to all owners of property adjacent to the subject property and all property/homeowners within one-quarter mile radius (1,320 feet) of the subject property. F3 Timeline: Effective date no later than December 31, 2022.

Response:

The recommendation will not be implemented because it is not warranted or is not reasonable. The County Park Abandonment Ordinance contains noticing procedures that are consistent with the law set forth in the State Park Abandonment Act. The County does, and will continue to, comply with applicable law when noticing land transactions. The additional cost to the County and/or a private individual does not appear warranted.

- R4. In addition to the posting requirements found in Section 2-5-301 of the County's land abandonment ordinance, during the same proscribed time, CEO Real Estate should post copies of the relevant BOS resolution around the perimeter of the subject property in a conspicuous manner and at reasonable distance intervals as determined by CEO Real Estate. CEO Real Estate should take the following additional measures: check the status of the posting at least once during the posting period and maintain photographs documenting the postings. F2 Timeline: Immediate.

Response:

The recommendation will not be implemented because it is not warranted or is not reasonable. As stated above in response to Recommendation R3, the County Park Abandonment Ordinance contains noticing procedures that are consistent with the law set forth in the State Park Abandonment Act. The County does, and will continue to, comply with applicable law when noticing land transactions. The additional cost to the County and/or a private individual does not appear warranted.

- R5. The CEO Real Estate website should list all proposed land transactions and provide a link to the related Board of Supervisors Resolution and transaction documents, if any. F3 Timeline: Effective Date no later than December 31, 2022.

Response:

The recommendation has been implemented. CEO Real Estate has an external website on which any available Requests for Proposals or available property is posted. This procedure will be followed when there is an agenda item to be proposed to the Board for approval of the sale of real property to a private party. In such event, a notice will be posted on the CEO Real Estate website at ocreprojects.com.

- R6. CEO Real Estate should establish and follow a procedure to notify the Coastal Commission and any other applicable agency at least 45 days in advance of a Board of Supervisors vote to sell any public land that has been entrusted to that agency. F4 Timeline: Effective Date no later than December 31, 2022.

Response:

The recommendation will not be implemented because it is not warranted or is not reasonable. The County Park Abandonment Ordinance contains noticing procedures that are consistent with the law set forth in the State Park Abandonment Act. The County does, and will continue to, comply with applicable law when noticing land transactions.

- R7. The Orange County Board of Supervisors should order the removal of the chain link fence surrounding APN 4359-051-14 along with any other encroachments on that parcel to return the land to its natural (original) state. F5 Timeline: Removal to occur on or before December 31, 2022.

Response:

The recommendation will not be implemented because it is not warranted or is not reasonable. The County agrees that the owner-installed fence that has enclosed parcel APN 4359-051-14 for many decades has not been removed. The property at issue is a slope that has no public recreational amenities located on the fenced-in real property and provides no apparent public park benefit.

DRAFT



County Executive Office

Memorandum

August 17, 2022

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer *Frank Kim*

Subject: Exception to Rule 21

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=CEO,
ou=County Executive Office,
email=Frank.Kim@ocgov.com,
c=US
Date: 2022.08.17 14:33:01 -0700

RECEIVED
2022 AUG 18 PM 12:20
CLERK OF THE BOARD
COUNTY
BOARD OF SUPERVISORS

S37K

The County Executive Office is requesting a Supplemental Agenda Staff Report for the August 23, 2022, Board Hearing.

Agency: Sheriff-Coroner
Subject: FY 2021-22 Federal Equitable Sharing Agreement and Certification
Districts: All Districts

Reason Item is Supplemental: The County Executive Office is requesting this item be placed on the August 23, 2022, Board agenda in order to comply with the Federal Equitable Sharing Program from the U.S. Department of Justice and U.S. Department of the Treasury, which requires the Equitable Sharing Agreement and Certification to be submitted no later than September 1, 2022.

Justification: The FY 2021-22 Federal Equitable Sharing Agreement and Certification was unavailable to go as a regular agenda item on the August 23, 2022 Board meeting. This agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur:


Doug Chaffee

Doug Chaffee Chairman of the Board of Supervisors

cc: Board of Supervisors
County Executive Office
County Counsel



SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

MEETING DATE: 8/23/22
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Sheriff-Coroner Department
DEPARTMENT HEAD REVIEW: 
Department Head Signature
DEPARTMENT CONTACT PERSON(S): Brian Wayt (714) 647-1803
Andrew Stephens (714) 647-1833

RECEIVED
2022 AUG 18 PM 12:20
CLERK OF THE BOARD
CLERK OF SUPERVISORS

SUBJECT: FY 2021-22 Federal Equitable Sharing Agreement and Certification

CEO CONCUR

Digitally signed by Frank Kim
DN: cn=Frank Kim, ou=CEO, ou=County
Executive Office,
email=Frank.Kim@ocgov.com, c=US
Date: 2022.08.17 14:27:05 -0700

CEO Signature

COUNTY COUNSEL REVIEW

approved as to form

Action

County Counsel Signature

CLERK OF THE BOARD

Discussion

3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: N/A

of Positions: N/A

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A

County Audit in last 3 years 2021

Prior Board Action: 8/24/2021 #S33G, 6/22/2021 #29, 8/25/2020 #S34C, 8/27/2019 #39C

RECOMMENDED ACTION(S)

Approve and authorize the execution of the Federal Equitable Sharing Agreement and Certification for FY 2021-22, pertaining to federally-forfeited property or proceeds of such property received for the Sheriff-Coroner Department.

SUMMARY:

Approval of the Federal Equitable Sharing Agreement and Certification for the Sheriff-Coroner Department will allow the Sheriff-Coroner Department to comply with the guidelines of the Federal Equitable Sharing Program.

BACKGROUND INFORMATION:

The Sheriff-Coroner Department (Sheriff) participates in the Federal Equitable Sharing Program. The Federal Equitable Sharing Program is a U.S. Department of Justice and U.S. Department of the Treasury program designed to enhance cooperation among federal, state and local law enforcement agencies through the sharing of proceeds resulting from federal narcotics forfeitures. The Federal Equitable Sharing

Agreement and Certification (ESAC) is required for participation in the Federal Equitable Sharing Program. The document pertains to narcotics forfeiture assets that are received by and are attributable to the law enforcement efforts of the Sheriff.

The ESAC binds Sheriff and the Board of Supervisors (Board) to the statutes and guidelines that regulate shared assets for participating in the Federal Equitable Sharing Program and the restrictions upon the use of federally-forfeited property or proceeds from such property that is equitably shared. The ESAC indicates that Sheriff and the Board certify that the accounting of funds received and spent by Sheriff during the preceding fiscal year is accurate and in compliance with the guidelines and statutes that govern the equitable sharing program. If the recipient agency fails to comply with the provisions of the ESAC, the recipient agency could be barred from further participation in the sharing program; could be subject to civil actions to enforce the agreements; or, where warranted, could be subject to federal criminal prosecution for false statements or fraud involving theft of federal program funds.

Macias, Gini & O'Connell LLP conducted the annual Single Audit (Audit) for the year ended June 30, 2018. The Audit disclosed that six equipment purchases did not reconcile with the location indicated on Sheriff's property records, one equipment purchase did not have the correct serial number on Sheriff's property records and six assets were not tagged with an asset identification number for tracking purposes. It was recommended that Sheriff make the appropriate corrections. Sheriff complied with the request.

Additionally, the U.S. Department of the Treasury conducted an audit of Regional Narcotics Suppression Program (RNSP) in 2019 for fiscal years ending in 2015, 2016 and 2017. The U.S. Department of the Treasury had an audit finding: In FY 2014-15, RNSP overstated U.S. Department of the Treasury equitable sharing receipts by \$5,477.09. To correct this error, RNSP was directed to amend its most recently filed ESAC and report \$5,477.09 on Line M, Non-categorized expenditures. RNSP complied with the directive.

The Board approved the closeout ESAC report for Fund 118 and Fund 125 at its June 22, 2021, meeting. Based on the July 2018 Equitable Sharing Program guidelines, agencies participating in task forces may designate one task force member agency to serve as the fiduciary agency for the task force. The fiduciary agency may submit one Equitable Sharing Request form and one ESAC on behalf of the task force. In order for Sheriff to comply with the guidelines, the RNSP Fund 118, RNSP - U.S. Department of Justice and Fund 125, RNSP - U.S. Department of Treasury were closed in FY 2020-21 and the residual account balances were transferred to Sheriff Fund 132, Sheriff Narcotics Program - U.S. Department of Justice and Fund 139, Sheriff Narcotics Program - U.S. Department of the Treasury.

U.S. Department of Justice (DOJ) Office of the Inspector General conducted an audit of Sheriff's DOJ equitable sharing funds for FY 2018-19 and FY 2019-20. During the Audit, DOJ found a discrepancy in the ESAC reported for FY 2018-19 ending balance and subsequent FY 2019-20 beginning balance. The discrepancy had previously been corrected in the Sheriff FY 2020-21 ESAC filing. Therefore, no additional actions were required.

In addition, the Board approved past ESACs on August 24, 2021, August 25, 2020, August 27, 2019, and August 14, 2018. The reports that are required to be submitted are based on data collected throughout the fiscal year end. Sheriff requests that the Board approve the ESAC for Sheriff-Coroner Department for FY 2021-22 as referenced in the Recommended Actions. The ESAC is submitted electronically; the Sheriff has reviewed and approved the FY 2021-22 ESAC.

FINANCIAL IMPACT:

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A – FY 2021-22 Agreement and Certification for the Sheriff-Coroner Department



Equitable Sharing Agreement and Certification



NCIC/ORI/Tracking Number: CA0300000
Agency Name: Orange County Sheriff-Coroner Department
Mailing Address: 320 N. Flower St. Suite 108
Santa Ana, CA 92703

Type: Sheriff's Office

Agency Finance Contact

Name: Jamili, Daphne
Phone: 7148346057 Email: DJamili@ocsheriff.gov

Jurisdiction Finance Contact

Name: Chung, Lindsay
Phone: 7148346622 Email: LDChung@ocsheriff.gov

ESAC Preparer

Name: Jamili, Daphne
Phone: 7148346057 Email: DJamili@ocsheriff.gov

FY End Date: 06/30/2022

Agency FY 2023 Budget: \$11,925,899.00

Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds ¹	Treasury Funds ²
1	Beginning Equitable Sharing Fund Balance	\$12,509,984.62	\$1,912,170.21
2	Equitable Sharing Funds Received	\$29,526.06	\$159,541.78
3	Equitable Sharing Funds Received from Other Law Enforcement Agencies and Task Force	\$0.00	\$0.00
4	Other Income	\$7,345.14	\$0.00
5	Interest Income	\$4.16	\$10,547.05
6	Total Equitable Sharing Funds Received (total of lines 2-5)	\$36,875.36	\$170,088.83
7	Equitable Sharing Funds Spent (total of lines a - n)	\$1,174,322.29	\$230,253.74
8	Ending Equitable Sharing Funds Balance (difference between line 7 and the sum of lines 1 and 6)	\$11,372,537.69	\$1,852,005.30

¹Department of Justice Asset Forfeiture Program Investigative Agency participants are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA

²Department of the Treasury Asset Forfeiture Program participants are: IRS-CI, ICE, CBP and USSS.

Summary of Shared Funds Spent		Justice Funds	Treasury Funds
a	Law Enforcement Operations and Investigations	\$452,960.96	\$991.79
b	Training and Education	\$45,109.92	\$0.00
c	Law Enforcement, Public Safety, and Detention Facilities	\$159,220.91	\$197,652.93
d	Law Enforcement Equipment	\$314,620.62	\$29,572.88
e	Joint Law Enforcement/Public Safety Equipment and Operations	\$0.00	\$0.00
f	Contracts for Services	\$138,890.01	\$0.00
g	Law Enforcement Travel and Per Diem	\$62,886.29	\$2,036.14
h	Law Enforcement Awards and Memorials	\$633.58	\$0.00
i	Drug, Gang, and Other Education or Awareness Programs	\$0.00	\$0.00
j	Matching Grants	\$0.00	\$0.00
k	Transfers to Other Participating Law Enforcement Agencies	\$0.00	\$0.00
l	Support of Community-Based Programs	\$0.00	
m	Non-Categorized Expenditures	\$0.00	\$0.00
n	Salaries	\$0.00	\$0.00
Total		\$1,174,322.29	\$230,253.74

Equitable Sharing Funds Received From Other Agencies

Transferring Agency Name	Justice Funds	Treasury Funds

Other Income

Other Income Type	Justice Funds	Treasury Funds
Other-Expense reversal and surplus	\$7,345.14	

Matching Grants

Matching Grant Name	Justice Funds	Treasury Funds

Transfers to Other Participating Law Enforcement Agencies

Receiving Agency Name	Justice Funds	Treasury Funds

Support of Community-Based Programs

Recipient	Justice Funds	

Non-Categorized Expenditures

Description	Justice Funds	Treasury Funds

Salaries

Salary Type	Justice Funds	Treasury Funds

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Money Laundering and Asset Recovery Section at 1400 New York Avenue, N.W., Washington, DC 20005.

Privacy Act Notice

The Department of Justice is collecting this information for the purpose of reviewing your equitable sharing expenditures. Providing this information is voluntary; however, the information is necessary for your agency to maintain Program compliance. Information collected is covered by Department of Justice System of Records Notice, 71 Fed. Reg. 29170 (May 19, 2006), JMD-022 Department of Justice Consolidated Asset Tracking System (CATS). This information may be disclosed to contractors when necessary to accomplish an agency function, to law enforcement when there is a violation or potential violation of law, or in accordance with other published routine uses. For a complete list of routine uses, see the System of Records Notice as amended by subsequent publications.

Single Audit Information**Independent Auditor**

Name: Andersen, Jessica
Company: EideBailly, LLC
Phone: (949) 420-5107

Email: jandersen@eidebailly.com

Affidavit

Under penalty of perjury, the undersigned officials certify that they have read and understand their obligations under the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (Guide)* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. The undersigned officials certify that the information submitted on the Equitable Sharing Agreement and Certification form (ESAC) is an accurate accounting of funds received and spent by the Agency.

The undersigned certify that the Agency is in compliance with the applicable nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the Agency, and (3) the Agency's governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited funds, property, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By submitting this form, the Agency agrees that it will be bound by the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. Submission of the ESAC is a prerequisite to receiving any funds or property through the Equitable Sharing Program.

1. Submission. The ESAC must be signed and electronically submitted within two months of the end of the Agency's fiscal year. Electronic submission constitutes submission to the Department of Justice and the Department of the Treasury.

2. Signatories. The ESAC must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body head is the head of the agency that appropriates funding to the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, administrator, commissioner, and governor. The governing body head cannot be an official or employee of the Agency and must be from a separate entity.

3. Uses. Shared assets must be used for law enforcement purposes in accordance with the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations.

4. Transfers. Before the Agency transfers funds to other state or local law enforcement agencies, it must obtain written approval from the Department of Justice or Department of the Treasury. Transfers of tangible property are not permitted. Agencies that transfer or receive equitable sharing funds must perform sub-recipient monitoring in accordance with the Code of Federal Regulations.

5. Internal Controls. The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury, funds from state and local forfeitures, joint law enforcement operations funds, and any other sources must not be commingled with federal equitable sharing funds.

The Agency certifies that equitable sharing funds are maintained by its jurisdiction and the funds are administrated in the same manner as the jurisdiction's appropriated or general funds. The Agency further certifies that the funds are subject to the standard accounting requirements and practices employed by the Agency's jurisdiction in accordance with the requirements set forth in the *Guide*, any subsequent updates, and the Code of Federal Regulations, including the requirement to maintain relevant documents and records for five years.

The misuse or misapplication of equitably shared funds or assets or supplantation of existing resources with shared funds or assets is prohibited. The Agency must follow its jurisdiction's procurement policies when expending equitably shared funds. Failure to comply with any provision of the *Guide*, any subsequent updates, and the Code of Federal Regulations may subject the Agency to sanctions.

6. Single Audit Report and Other Reviews. Audits shall be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards. The Agency must report its equitable sharing expenditures on the jurisdiction's Schedule of Expenditures of Federal Awards (SEFA) under Assistance Listing Number 16.922 for Department of Justice and 21.016 for Department of the Treasury. The

Department of Justice and the Department of the Treasury reserve the right to conduct audits or reviews.

7. Freedom of Information Act (FOIA). Information provided in this Document is subject to the FOIA requirements of the Department of Justice and the Department of the Treasury. Agencies must follow local release of information policies.

8. Waste, Fraud, or Abuse. An Agency or governing body is required to immediately notify the Department of Justice's Money Laundering and Asset Recovery Section and the Department of the Treasury's Executive Office for Asset Forfeiture of any allegations or theft, fraud, waste, or abuse involving federal equitable sharing funds.

Civil Rights Cases

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?

☐ Yes ☒ No

Agency Head

Name: Barnes, Don
Title: Sheriff-Coroner
Email: ddbarnes@ocsheriff.gov

Signature:  Date: 8/17/22

To the best of my knowledge and belief, the information provided on this ESAC is true and accurate and has been reviewed and authorized by the Law Enforcement Agency Head whose name appears above. Entry of the Agency Head name above indicates his/her agreement to abide by the Guide, any subsequent updates, and the Code of Federal Regulations, including ensuring permissibility of expenditures and following all required procurement policies and procedures.

Governing Body Head

Name: Chaffee, Doug
Title: Chairman, Board of Supervisors
Email: doug.chaffee@hoa.ocgov.com

Signature: _____ Date: _____

To the best of my knowledge and belief, the Agency's current fiscal year budget reported on this ESAC is true and accurate and the Governing Body Head whose name appears above certifies that the agency's budget has not been supplanted as a result of receiving equitable sharing funds. Entry of the Governing Body Head name above indicates his/her agreement to abide by the policies and procedures set forth in the Guide, any subsequent updates, and the Code of Federal Regulations.

☐ I certify that I have obtained approval from and I am authorized to submit this form on behalf of the Agency Head and the Governing Body Head.

APPROVED AS TO FORM
OFFICE OF THE COUNTY COUNSEL
ORANGE COUNTY, CALIFORNIA

By 
Deputy

Date 8/17/22



County Executive Office

Memorandum

August 10, 2022

To: Clerk of the Board of Supervisors

From:

Colette Farnes, Chief Human Resources Officer

Concur:

Frank Kim, County Executive Officer

Digitally signed by Frank Kim
DN: cn=Frank Kim, ou=County of
Orange, ou=CEO,
email=frank.kim@ocgov.com,
c=US
Date: 2022.08.10 16:13:45 -0700

Subject: Request for a Supplemental Closed Session for August 23, 2022

RECEIVED
2022 AUG 10 PM 4:17
CLERK OF THE BOARD OF SUPERVISORS
ORANGE COUNTY

SCS2

Human Resource Services requests a Supplemental Closed Session on August 23, 2022, with the County's designated negotiating representative, Colette Farnes, to discuss terms and conditions of employment for represented and unrepresented employees, pursuant to Government Code Section 54957.6.

Accordingly, please prepare the Agenda item to read:

CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6

Agency Negotiator: Colette Farnes, Chief Human Resources Officer

Unrepresented Employee: represented and unrepresented employees

RE: Terms and Conditions of Employment

Recommended Action: Conduct Closed Session.

Thank you.

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



RECEIVED

2022 AUG 17 AM 11:16

CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE

333 West Santa Ana Boulevard, Suite 407
Santa Ana, California 92701
Direct No.: (714) 834-3303
E-Mail: leon.page@coco.ocgov.com

LEON J. PAGE
COUNTY COUNSEL

Agenda Item No. SCS-3
August 23, 2022

MEMORANDUM

August 17, 2022

TO: Robin Stieler, Clerk of the Board of Supervisors
FROM: Leon J. Page, County Counsel
SUBJECT: Request for Supplemental Closed Session

I am requesting a supplemental closed session on Tuesday, August 23, 2022, to discuss with the Board the status of existing litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

"CONFERENCE WITH LEGAL COUNSEL --
EXISTING LITIGATION Pursuant to Government Code Section
54956.9(d)(1).
Name of Case: *Susan Bennett v. County of Orange, et al.*
Case Number: 8:20-cv-00166-CJC-JDE

RECOMMENDED ACTION: Conduct Closed Session."

Thank you.

LJP:jb

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



RECEIVED
2022 AUG 17 AM 11:20
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE

333 West Santa Ana Boulevard, Suite 407
Santa Ana, California 92701
Direct No.: (714) 834-3303
E-Mail: leon.page@coco.ocgov.com

LEON J. PAGE
COUNTY COUNSEL

Agenda Item No. SCS- 4
August 23, 2022

MEMORANDUM

August 17, 2022

TO: Robin Stieler, Clerk of the Board of Supervisors
FROM: Leon J. Page, County Counsel
SUBJECT: Request for Supplemental Closed Session

I am requesting a supplemental closed session on Tuesday, August 23, 2022, to discuss with the Board the status of existing litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

"CONFERENCE WITH LEGAL COUNSEL --
EXISTING LITIGATION Pursuant to Government Code Section
54956.9(d)(1).
Name of Case: *Sandra Quinones v. County of Orange*
Case Number: 8:20-cv-00666

RECOMMENDED ACTION: Conduct Closed Session."

Thank you.

LJP:jb

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



ORANGE COUNTY
SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

OFFICE OF THE SHERIFF

August 17, 2022

To: Robin Stieler, Clerk of the Board
From: Don Barnes, Sheriff-Coroner
Subject: Request for Closed Session for August 23, 2022

RECEIVED
2022 AUG 17 PM 1:53
CLERK OF THE BOARD
OF SUPERVISORS
BOARD OF SUPERVISORS
SCSS

As authorized by Government Code Section 54957(a), I am requesting a closed session on Tuesday, August 23, 2022 to discuss with the Board of Supervisors threats to security at county facilities.

Accordingly, please prepare the Agenda item to read:

**"THREAT TO PUBLIC SERVICES OR FACILITIES
Consultation with Sheriff-Coroner- Pursuant to Government Code section 54957(a);**

RECOMMENDED ACTION: Conduct Closed Session"

Thank you.

Cc: Members, Board of Supervisors
Frank Kim, County Executive Officer
Leon J. Page, County Counsel



County Executive Office

Memorandum

August 17, 2022

To: Clerk of the Board of Supervisors

From:

Colette Farnes, Chief Human Resources Officer

Concur:

Frank Kim, County Executive Officer

Subject: Request for a Supplemental Closed Session for August 23, 2022

RECEIVED
2022 AUG 17 PM 3:08
CLERK OF THE BOARD OF SUPERVISORS
ORANGE COUNTY

SCSC6

The Human Resource Services department requests a Supplemental Closed Session on August 23, 2022, with the County's designated negotiating representative, Colette Farnes, to discuss terms and conditions of employment for employees represented by the Association of Orange County Deputy Sheriffs (AOCDS) pursuant to Government Code Section 54957.6.

Accordingly, please prepare the Agenda item to read:

Human Resource Services requests a Supplemental Closed Session on August 23, 2022, with the County's designated negotiating representative, Colette Farnes, to discuss terms and conditions of employment for employees represented by the Association of Orange County Deputy Sheriffs (AOCDS) pursuant to Government Code Section 54957.6.

RECOMMENDED ACTION: Conduct Closed Session

Thank you,

cc: Members, Board of Supervisors
Frank Kim, CEO
Leon J. Page, County Council