

ORANGE COUNTY BOARD OF SUPERVISORS

Agenda Revisions and Supplementals

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

February 27, 2024

PRESENTATION (9:00 A.M.)

Chairman Wagner and Vice Chairman Chaffee will be presenting a resolution proclaiming March 2, 2024 as “Ethiopian American Day”

CONSENT

1. Revised Title to read:
Chairman Wagner - Orange County Workforce ~~Investment~~ Development Board - Appoint Carlos Oregon, Aliso Viejo, for term ending 2/26/26
2. Deleted

DISCUSSION

22. Continued to 3/26/24, 9:30 a.m.
24. Continued to 3/12/24, 9:30 a.m.
41. Revised Title to read:
County Executive Office - Approve grant applications/awards submitted by County Executive Office, Sheriff-Coroner, OC Community Resources, and Health Care Agency and retroactive grant applications/awards submitted by County Executive Office, OC Community Resources, and Health Care Agency in 2/27/24 grant report and other actions as recommended; adopt resolution approving State Standard Agreement HI-2425-22 with California Department of Aging, Certification of Clauses, Information and Security Statement and California Civil Rights Laws Certification, 4/1/24 – 3/31/25 (\$642,131); authorize OC Community Resources Director or designee to execute documents; adopt resolution approving State Standard Agreement CF-2223-22, amendment 1 with California Department of Aging, 10/1/22 – 9/30/25 (\$703,980); and authorize OC Community Resources Director or designee to execute agreement and additional documents as required – All Districts
42. Revised Title to read:
County Executive Office - Approve recommended positions on introduced or amended legislation and/or consider other legislative subject matters; approve 2024 Legislative Priorities; and approve and prioritize Orange County 2024 State and Federal funding requests - All Districts
46. Continued to 3/12/24, 9:30 a.m.

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

REVISIONS AND SUPPLEMENTALS TO FEBRUARY 27, 2024 AGENDA - PAGE 1 OF 2

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 immediately prior to a Board meeting.*

Item: 41 and 42

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

- S46A. **Supervisor Sarmiento** - Orange County Workforce Development Board - Appoint Karen Caswelch, Anaheim, for term concurrent with 2nd District Supervisor's term of office
- S46B. **Chairman Wagner** - Orange County Workforce Development Board - Appoint Robert Knowles, Yorba Linda, for term concurrent with 3rd District Supervisor's term of office
- S46C. Revised Title to read:
County Executive Office - Acting as the Board of Supervisors and Orange County Flood Control District - Approve amendment 6 to Option Agreement with Majestic Realty Co. *for additional time for negotiations with United States Army Corps of Engineers, extending term through term ending 8/28/24;* authorize Chief Real Estate Officer or designee to execute amendment and make minor modifications under certain conditions; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15378 - All Districts
- S46D. **Supervisor Do** – Approve allocation of \$525,000 from First District discretionary funds to City of Seal Beach for San Gabriel River Trash Mitigation Initiative; make related findings per Government Code Section 26227; authorize County Executive Officer or designee to negotiate and enter into agreement as necessary; and direct Auditor-Controller to make related payments
- S46E. **Supervisor Foley** - Approve Memorandum of Understanding (MOU) with City of Dana Point for funding Task 6 of Phase 1 - Preliminary Planning Activities of San Diego Association of Governments' Regional Beach Sand Project III, three-year term effective upon approval (\$49,788.16); authorize Director of OC Community Resources or designee to execute MOU; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15262 and Public Resources Code Section 21150
- SCS2. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Maria De Jesus Baez v. County of Orange, Orange County Superior Court Case No. 30-2022-01248123
- SCS3. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION - Pursuant to Government Code section 54956.9(d)(4):
Number of Cases: One Case



CLERK OF THE BOARD

MEMORANDUM

February 15, 2024

To: Honorable Board of Supervisors

From: Jamie Ross, Assistant Clerk of the Board

Subject: Correction to Title 2/27/24, Item 1

CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS
2024 FEB 15 AM 7:11
RECEIVED

The title of the following agenda item title has been revised due to clerical error by the Clerk of the Board. The name of the Board has been corrected:

Chairman Wagner - Orange County Workforce Development ~~Investment~~
Board - Appoint Carlos Oregon, Aliso Viejo, for term ending 2/26/26

Cc: Leon Page, County Counsel
Frank Kim, CEO



RECEIVED

2024 FEB 21 PM 3: 57

MEMORANDUM

CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

To: Clerk of the Board

From: Chairman Donald P. Wagner, Third District

Date: February 21, 2024

In Agull for DW

RE: Deletion of Item 2

Please delete item 2 from the February 27, 2024 Board of Supervisors agenda.



Continuation or Deletion Request

Date: 2/22/24
To: Clerk of the Board of Supervisors
From: Shari Freidenrich, Treasurer-Tax Collector *SF*
Re: ASR Control #: 24-000117, Meeting Date 2/27/24 Agenda Item No. # 22
Subject: **Receive the Oral and Written 2023 Treasury Oversight Committee
Annual Report**

Request to continue Agenda Item No. # 22 to the 3/26/24 Board Meeting.

Comments: Several Public Members of the Treasury Oversight Committee (TOC) have contacted the Treasurer-Tax Collector (TTC) that they are not able to attend this meeting date. Therefore, the TTC is requesting to move this annual TOC report presentation to a date where more public members are available to attend.

Request deletion of Agenda Item No. # _____

Comments:



Continuation or Deletion Request

Date: 2/27/2024
To: Clerk of the Board of Supervisors
From: Debra Baetz, Agency Director, Health Care Agency *Debra Baetz*
Re: ASR Control #: 23-000665, Meeting Date 2/27/24 Agenda Item No. # 24
Subject:

Request to continue Agenda Item No. # 24 to the 3/12/2024 Board

Meeting. Comments:

Request deletion of Agenda Item No. # _____

Comments:



AGENDA STAFF REPORT

ASR Control 23-001036

MEETING DATE: 02/27/24
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 Approved Resolution to Form	CLERK OF THE BOARD Discussion 3 Votes Board Majority
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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
Levine Act Review Completed: N/A
Prior Board Action: N/A

RECOMMENDED ACTION(S):

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

1. Approve Retroactive Grant Application – County Executive Office – Encampment Resolution Funding (ERF) Program – \$8,966,918.70
2. Approve Grant Award – County Executive Office – Continuum of Care (CoC) Program Coordinated Entry System Support Services Only (SSO) Grant 2023 – \$1,481,239
3. Approve Grant Award – County Executive Office – Continuum of Care (CoC) Program Homeless Assistance Planning Grant – \$1,500,000
4. Approve Grant Award – Sheriff Coroner – 2023/24 California Comprehensive School Security Training Program STOP School Violence – \$142,334
5. Approve Retroactive Grant Award – OC Community Resources – More Pets and People Together: Homeschooled Hounds – \$75,000

6. Approve Retroactive Grant Award – OC Community Resources – Lunch at the Library Summer 2024 – \$135,287
7. Approve Retroactive Grant Award and Adopt Resolution – OC Community Resources – Health Insurance Counseling and Advocacy Program (HICAP) – \$642,131
8. Approve Grant Award and Adopt Resolution – OC Community Resources – SNAP-Ed/CalFresh Healthy Living and CalFresh Expansion, Amendment 1 – \$703,980
9. Approve Retroactive Grant Award – Health Care Agency – Sexually Transmitted Infections (STI) Prevention and Collaboration Grant – \$1,906,900
10. Approve Grant Award – Health Care Agency – Ryan White HIV/AIDS Program Part B-HIV Care Program (HCP) – \$9,925,610
11. Approve Grant Award – Health Care Agency – Community Care Expansion Preservation Program Operating Subsidy Payment and Capitol Projects – \$22,429,704
12. 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

Attachment B - HICAP Resolution

Attachment B - SNAP Resolution



Grants Report

DRAFT

County Executive Office/Legislative Affairs

February 27, 2024
Item No: 41

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 February 27, 2024, the Board of Supervisors will consider the following actions:

RECOMMENDED ACTIONS

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

ACTION ITEMS:

1. Approve Retroactive Grant Application – County Executive Office – Encampment Resolution Funding (ERF) Program – \$8,966,918.70
2. Approve Grant Award – County Executive Office – Continuum of Care (CoC) Program Coordinated Entry System Support Services Only (SSO) Grant 2023 – \$1,481,239
3. Approve Grant Award – County Executive Office – Continuum of Care (CoC) Program Homeless Assistance Planning Grant – \$1,500,000
4. Approve Grant Award – Sheriff Coroner – 2023/24 California Comprehensive School Security Training Program STOP School Violence – \$142,334
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7. Approve Retroactive Grant Award and Adopt Resolution – OC Community Resources – Health Insurance Counseling and Advocacy Program (HICAP) – \$642,131
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9. Approve Retroactive Grant Award – Health Care Agency – Sexually Transmitted Infections (STI) Prevention and Collaboration Grant – \$1,906,900

10. Approve Grant Award – Health Care Agency – Ryan White HIV/AIDS Program Part B-HIV Care Program (HCP) – \$9,925,610 Attachment A
11. Approve Grant Award – Health Care Agency – Community Care Expansion Preservation Program Operating Subsidy Payment and Capitol Projects – \$22,429,704
12. 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.



County Executive Office

Memorandum

February 20, 2024

To: Frank Kim, County Executive Officer

Digitally signed by Frank Kim
 DN: cn=Frank Kim, o=County of Orange, ou=CEO, email=frank.kim@ocgov.co, c=US
 Date: 2024.02.21 12:39:33 -0800'

From: Douglas Becht, Director, CEO Office of Care Coordination

Subject: Retroactive Grant Application – Encampment Resolution Funding (ERF) Program

The Office of Care Coordination is requesting this retroactive grant application authorization for the Encampment Resolution Funding (ERF) Program Round 3 grant proposal submitted to State of California, Business, Consumer Services and Housing Agency (BCSH) on January 31, 2024.

The CEO's Office of Care Coordination worked to submit an ERF-Round 3 Program application by the first application window of January 31, 2024, to address the unsheltered homeless population along Beach Boulevard. The Office of Care Coordination collaborated with the California Department of Transportation and the seven cities – Brea, La Habra, Anaheim, Stanton, Garden Grove, Westminster, Huntington Beach – that Beach Boulevard transverses, along with OC Outreach & Engagement (O&E), Orange County Public Works (OCPW), and other key community stakeholders on the proposal to address unsheltered homelessness along Beach Boulevard. If awarded, a grant award eForm will be submitted to accept grant and work towards the implementation of the proposed project. Given the short timeframe to meet the first application window, the Office of Care Coordination was not able to finalize the application amount requested until late January, thus missing the window to submit a grant e-form for the Board of Supervisors approval in advance of submitting the application to BCSH. As such, this e-grant is being submitted for a retroactive grant application approval by your Honorable Board of Supervisors.

For any questions, please reach out to Douglas Becht at (714) 834-2323.

Thank you,

Doug Becht

CEO Office of Care Coordination Director



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / **GRANT AWARD**

Today's Date:	February 13, 2024
Requesting Agency/Department:	County Executive Office Office of Care Coordination
Grant Name and Project Title:	Encampment Resolution Funding (ERF) Program
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	State of California, Business, Consumer Services and Housing Agency (BCSH)
Application Amount Requested:	\$8,966,918.70
Application Due Date:	January 31, 2024
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? Yes <small>(If yes, attach memo to CEO)</small>	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input checked="" 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:	Round 1 (FY21-2022) Application: \$3,627,030 Award: \$3,627,030
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: No <input checked="" type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	N/A
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
<p>The State of California has established the Encampment Resolution Funding (ERF) Program that was initially authorized in 2021 through Assembly Bill (AB) 140, which allocated \$50 million for the first round of funding. AB 178 allocated an additional \$300 million for ERF-Round 2 funding. ERF-3 was authorized in 2022 through Senate Bill 197. The \$400 million for this third round was appropriated by SB 101. ERF was established to increase collaboration to address homeless encampments between BCSH's California Interagency Council on Homelessness (Cal ICH), Local Jurisdictions (cities and/or counties), and Continuums of Care (CoCs).</p> <p>The ERF Program is a competitive grant program available to assist local jurisdictions in ensuring the wellness and safety of people experiencing homelessness in encampments by providing services and supports that address their immediate physical and mental wellness and result in meaningful paths to safe and stable housing. On October 29, 2021, the ERF-Round 1 Program released a request for applications for the first round of funding. The County of Orange (County) was awarded \$3,627,030 to address the encampment located at Talbert Regional Park in the City of Costa Mesa.</p> <p>On December 1, 2022, the ERF-Round 2 Program released a Notice of Funding Availability (NOFA), the County's Office of Care Coordination and City of Garden Grove collaborated on designing a proposal that was awarded in September 2023. The City of Garden Grove submitted the application for ERF-Round 2 and was awarded in</p>	



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	February 14, 2024
Requesting Agency/Department:	County Executive Office Office of Care Coordination
Grant Name and Project Title:	Continuum of Care Program Coordinated Entry System SSO Grant 2023
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 Housing and Urban Development (HUD)
Application Amount Requested:	\$1,481,239
Application Due Date:	September 28, 2023
Board Date when Board Approved this Application:	August 8, 2023
Awarded Funding Amount:	\$1,481,239
Notification Date of Funding Award:	January 29, 2024
Is this an Authorized Retroactive Grant Application/Award? No <small>(If yes, attach memo to CEO)</small>	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input checked="" 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:	FY2017 Application: \$907,239. Award: \$907,239. FY2018 Application: \$907,239. Award: \$907,239. FY2018 grant combined with a newly awarded grant during the FY2019 grant funding cycle. FY2019 Application: \$1,231,239. Award \$1,231,239. FY2020 Award: \$1,231,239. FY2020 Grant was automatically renewed due to COVID-19. FY2021 Application: \$1,231,239. Award: \$1,231,239 FY2022 Application: \$1,231,239. Award: \$1,231,239 FY2022 grant combined with a newly awarded grant during the FY2023 grant funding cycle. FY2023 Application: \$1,481,239. Award: \$1,481,239
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: 25% No <input type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	In-kind staff time and Contractor's match requirements
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>Orange County's Coordinated Entry System (CES) standardizes the homeless services assessment process and coordinates referrals to homeless services, including available housing resources and supportive services, in the Orange County Continuum of Care (CoC). The intent of the CES is to reduce the number of days that people experience homelessness by prioritizing access to limited housing resources by length of homelessness, vulnerability and needs as determined on a standardized assessment.</p> <p>The CES grant as operated by the County Executive Office's Office of Care Coordination is in compliance with the U.S. Department of Housing and Urban Development (HUD) CoC Homeless Assistance Grant Program and implementation of Federal Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act</p>	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

requirements. All CoC funded programs and a number of State funding sources are required to participate in the CES. Funds will be used for Office of Care Coordination staff time and subrecipients to develop and implement a CES that meets the needs of the homeless population, promotes regional coordination and collaboration across the three Service Planning Areas and aligns with the County's efforts to develop a System of Care.

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 Director of Care Coordination or designee to execute grant agreements and related documents for the Coordinated Entry SSO Grant.

Department Contact:

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

Douglas Becht
Director
Office of Care Coordination
Douglas.Becht@ocgov.com
(714) 834-5000

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:

Douglas Becht
Director of Care Coordination



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	February 14, 2024
Requesting Agency/Department:	County Executive Office Office of Care Coordination
Grant Name and Project Title:	Continuum of Care Program Homeless Assistance Planning Grant
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 Housing and Urban Development (HUD)
Application Amount Requested:	\$1,500,000
Application Due Date:	September 28, 2023
Board Date when Board Approved this Application:	August 8, 2023
Awarded Funding Amount:	\$1,500,000
Notification Date of Funding Award:	January 29, 2024
Is this an Authorized Retroactive Grant Application/Award? No <small>(If yes, attach memo to CEO)</small>	
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 checked="" type="checkbox"/> Amount: 25% No <input type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	In-kind staff time
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 Continuum of Care (CoC) Program is designed to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers, and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.</p> <p>The CoC Program Homeless Assistance Planning Grant is used to support the planning activities associated with the U.S. Department of Housing and Urban Development (HUD) CoC Program and implementation of Federal Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act requirements.</p> <p>The CoC Program Homeless Assistance Planning Grant funds will be used for County Executive Office (CEO) Office of Care Coordination staff and subrecipient contracts with consultants associated with the development and implementation of a comprehensive strategy to address homelessness in Orange County. These planning activities include, but are not limited to, the Point in Time sheltered and unsheltered count, implementation of Coordinated</p>	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

Entry System, enhanced utilization of the Homeless Management Information System, completion of CoC competitive grant application and development of performance measures and monitoring of CoC-funded agencies.

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 Director of Care Coordination or designee to execute grant agreements and related documents for the Continuum of Care Program Homeless Assistance Planning Grant.

Department Contact:

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

Douglas Becht
Director
Office of Care Coordination
Douglas.Becht@ocgov.com
(714) 834-5000

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:

Douglas Becht
Director of Care Coordination



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	February 20, 2024
Requesting Agency/Department:	Sheriff-Coroner Department
Grant Name and Project Title:	2023/24 California Comprehensive School Security (SI) Training Program – STOP School Violence
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 Justice, Office of Justice Programs
Application Amount Requested:	\$142,334
Application Due Date:	December 15, 2023
Board Date when Board Approved this Application:	November 28, 2023
Awarded Funding Amount:	\$142,334
Notification Date of Funding Award:	January 31, 2024
Is this an Authorized Retroactive Grant Application/Award? No <small>(If yes, attach memo to CEO)</small>	
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:	Not Applicable
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: Invitation to Apply
County Match?	Yes <input type="checkbox"/> Amount ____ or ____ % No <input checked="" type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	Not Applicable
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background on why the Board of Supervisors should accept this grant application/award, and how the grant will be implemented.
<p>The purpose of the California Comprehensive School Security (SI) Training Program is to assist California Regional Fusion Centers in delivering the STOP School Violence Grant Program. The STOP grant program is designed to reduce violent crimes in and around schools by providing students, school personnel, and related law enforcement entities the necessary training to help prevent violence on school campuses serving Kindergarten through 12th grades and improve school security and safety by having intervention teams to identify school violence risks.</p> <p>The Orange County Intelligence Assessment Fusion Center will use the funding to provide regional training for Kindergarten through 12th-grade students, teachers, school resource officers, security staff, school administrators, and law enforcement entities on different threat assessment models. Such training includes Behavioral Threat Assessment, Comprehensive School Threat Assessment Guidelines, Basic Vulnerability Assessment, Advanced Threat Assessment, and Active Shooter Drills. This funding will also assist with the purchase of office supplies and cover the 5% Administrative fees. The goal is to provide students, teachers, school personnel, and related law</p>	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

enforcement entities with the tools necessary to recognize, respond quickly to, and help prevent acts of violence on school campuses.

The grant performance period is from October 1, 2023, through September 30, 2024. The Sheriff-Coroner Department will serve as the County fiscal agent, and the Sheriff's grant management personnel will provide oversight of the award and submission of performance and financial reports.

Board Resolution Required.

(Please attach document to eForm)

Yes

No

Deputy County Counsel Name:

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

Recommended Action/Special Instructions

(Please specify below)

Authorize the Sheriff-Coroner or designee to accept the \$142,334 award from the California Governor's Office of Emergency Services (Cal OES) for the STOP School Violence Grant Program.

Department Contact :

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

Alberto Martinez, Criminal Justice Senior Manager

AlbeMart@ociac.ca.gov

(714) 289-3978

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:

Alberto Martinez, Criminal Justice Senior Manager

AlbeMart@ociac.ca.gov

(714) 289-3978

Grant Retroactive/Ratification Memorandum

Date: 2/13/2024
To: County Executive Office
From: Dylan Wright, Director, OC Community Resources
Re: More Pets and People Together
Subject: Request to Approve Retroactive Grant Award

OC Community Resources / OC Animal Care (OCCR/OCAC) requests a retroactive approval to accept the award from UC Davis Cal for All Animals in the amount of \$75,000. OCCR/OCAC was notified of the grant award on December 28, 2023, but was unable to submit the grant award for approval to the Board within 30 days of award notification due to the ongoing discussion with the funder regarding the grant agreement terms. The grant funds will be used to support OC Animal Care dog adoptions. This grant will specifically be applied towards sponsored training for dogs over 25 lbs., dogs adopted with behavior waivers, or some foster dogs over 25 lbs. This grant has the potential to provide over 3,000 dog training sessions for OC Animal Care adopters.



Dylan Wright, Director
OC Community Resources

2/13/24
Date

Approved:



Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County
of Orange, ou=CEO,
email=frank.kim@ocgov.com,
c=US
Date: 2024.02.21 12:42:26
-08'00'

Frank Kim, County Executive Officer
County Executive Office

2/21/24
Date



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	February 2, 2024
Requesting Agency/Department:	OC Community Resources / OC Animal Care
Grant Name and Project Title:	More Pets and People Together – Homeschooled Hounds
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	State of California / Koret Shelter Medicine Program / Cal For All Animals
Application Amount Requested:	\$150,000
Application Due Date:	September 29, 2023
Board Date when Board Approved this Application:	6/27/2023
Awarded Funding Amount:	\$75,000
Notification Date of Funding Award:	December 28, 2023
Is this an Authorized Retroactive Grant Application/Award? (If yes, attach memo to CEO) Yes	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input checked="" 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:	April 2022 : \$5,000 January 2023: \$142,282
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: Allocation of State of California designated funds open to all Municipal Shelters, but requires Grant Application approval.
County Match?	Yes <input type="checkbox"/> Amount ____ or ____ % No <input checked="" type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	N/A
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
This is the third grant received from the UC Davis Cal For All Animals team. The first grant of \$5,000 was received in April 2022 to support life-saving efforts. The second grant of \$142,282, supported spaying and neutering animals. The current grant will support keeping more animals and people together. Grant funds will be used to partner with GoodPup, a virtual dog training service, to fund dog training for dogs meeting the designated criteria. The training will be offered to all OC Animal Care adopters who adopt a dog over 25lbs, adoptions involving a behavior waiver, some foster dogs over 25lbs, and owner surrender requests with behaviors not posing a risk to the community. This grant has the potential to provide over 3,000 sessions of dog training within the parameters listed above. Our goal for this program is to keep pets in their loving homes while promoting the human-animal bond.	
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 (Please specify below)	
Authorize the OC Community Resources Director or designee to accept the grant award and sign all documents required for the grant award.	
Department Contact :	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
Dylan Wright, Director, OC Community Resources (714) 480-2788, Dylan.Wright@occr.ocgov.com	



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

Monica Schmidt, Interim Director, OC Animal Care (714) 796-6414 Monica.Schmidt@occr.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:

Dylan Wright, Director, OC Community Resources

Grant Retroactive/Ratification Memorandum

Date: 2/13/2024
To: County Executive Office
From: Dylan Wright, Director, OC Community Resources
Re: Lunch at the Library Summer 2024
Subject: Request to Approve Retroactive Award

OC Community Resources/ OC Public Libraries (OCCR/OCPL) requests retroactive approval to accept the award from California State Library in the amount of \$135,287. OCCR/OCPL was notified of the grant award on January 23, 2024. OCCR/OCPL was unable to submit the grant award for approval to the Board within 30 days of award notification due to the time required for administrative processes (e.g., reviewing grant agreement terms) and availability of Board of Supervisors meeting dates. Grant funds will be used to offer meals for children in partnership with various school districts; the program will be offered at the following library locations in the summer of 2024: Costa Mesa Donald Dungan, El Toro, Garden Grove Chapman, Garden Grove Main, San Juan Capistrano and Tustin Libraries.



Dylan Wright, Director
OC Community Resources

2/13/24

Date

Approved:



Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County
of Orange, ou=CEO,
email=frank.kim@ocgov.com,
c=US
Date: 2024.02.21 09:39:34
-08'00'

Frank Kim, County Executive Officer
County Executive Office

2/21/24

Date



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	2/20/2024
Requesting Agency/Department:	OC Community Resources/ OC Public Libraries
Grant Name and Project Title:	Lunch at the Library Summer 2024
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	California State Library
Application Amount Requested:	N/A
Application Due Date:	November 29, 2023
Board Date when Board Approved this Application:	6/27/2023
Awarded Funding Amount:	\$135,287
Notification Date of Funding Award:	1/23/2024
Is this an Authorized Retroactive Grant Application/Award? Yes <small>(If yes, attach memo to CEO)</small>	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input checked="" 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:	2019: \$15,000 2020: \$16,400 2021: \$ 5,400 2022: \$ 11,850 2023: \$33,715
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? <small>(Please include the specific budget)</small>	N/A
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
The Lunch at the Library program offers meals for children in partnership with various school districts. It is a school district program that is staffed by the district, while the library coordinates and hosts. The purpose of this grant is to support free summer meals and programming at library sites. In addition, the program connects children, teens and families to locally sourced, sustainable food and provides hands-on food education activities. The Lunch at the Library program will be offered at the following library locations in the summer of 2024: Costa Mesa Donald Dungan, El Toro, Garden Grove Chapman, Garden Grove Main, San Juan Capistrano and Tustin Libraries.	
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 <small>(Please specify below)</small>	
Authorize OC Community Resources Director or designee to sign documents applicable to this award, accept the grant funds and administer the Program utilizing said funds.	
Department Contact:	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
Dylan Wright (714) 480-2788 / Dylan.Wright@occr.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:
Dylan Wright, OCCR Director Julie Quillman, County Librarian	

Grant Retroactive/Ratification Memorandum

Date: 2/13/2024
To: County Executive Office
From: Dylan Wright, Director, OC Community Resources
Re: Health Insurance Counseling and Advocacy Program (HICAP)
Subject: Request to Approve Retroactive Grant Award

HICAP provides free unbiased one-on-one counseling, along with education and assistance to individuals and their families on Medicare, Long-Term Care insurance, planning for Long-Term Care needs, and other health insurance related issues to those over 65 or close to 65 years old.

California Department of Aging (CDA) notified OCCR/Office on Aging of the HICAP contract release on January 19, 2024. However, there was a discrepancy in the funding amount in the contract documents. CDA confirmed the information on January 24, 2024. This delay prevented timely submission for the February 6 Board of Supervisors (Board) meeting and the next available Board date exceeded the 30-day deadline outlined in the Grants Policy Manual.

OCCR/OoA is requesting that the CEO accept this retroactive grant award allocated by CDA for HICAP.



Dylan Wright, Director
OC Community Resources

2/13/24

Date

Approved:



Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County of Orange,
ou=CEO, email=frank.kim@ocgov.com, c=US
Date: 2024.02.21 09:26:41 -08'00'

Frank Kim, County Executive Officer
County Executive Office

2/21/24

Date



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	February 20, 2024
Requesting Agency/Department:	OC Community Resources/OC Community Services
Grant Name and Project Title:	Health Insurance Counseling and Advocacy Program (HICAP)
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	California Department of Aging (CDA)
Application Amount Requested:	N/A
Application Due Date:	N/A
Board Date when Board Approved this Application:	N/A
Awarded Funding Amount:	\$642,131
Notification Date of Funding Award:	January 24, 2024
Is this an Authorized Retroactive Grant Application/Award? Yes <small>(If yes, attach memo to CEO)</small>	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input checked="" 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:	FY 2023 – 24: \$652,425 FY 2022 – 23: \$514,159 FY 2021 – 22: \$621,867 FY 2020 – 21: \$588,635 FY 2019 – 20: \$588,187
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: HICAP funds are allocated by the CDA as a Formula Grant.
County Match?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	N/A
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
Health Insurance Counseling and Advocacy Program (HICAP) provides free unbiased one-on-one counseling, along with education and assistance to individuals and their families on Medicare, Long-Term Care insurance, planning for Long-Term Care needs, and other health insurance related issues. HICAP counselors are trained in Medi-Cal and Medicare to help individuals understand their health insurance options. Counseling services are available to persons 65 years of age or older, who are eligible for Medicare, soon to be eligible for Medicare, or disabled persons younger than age 65 who are eligible for Medicare. During the time frame of April 1, 2023, to December 31, 2023, the current HICAP service provider, Council on Aging – Southern California (COASC), processed 3,966 client intakes and took part in 204 public and media events. The HICAP State Standard Agreement HI-2425-22 is for the term April 1, 2024, through March 31, 2025, for an amount of \$642,131. This funding will be used for baseline program services, as well as to develop and launch a campaign to increase the number of volunteer counselors, explore new methods of service delivery for the Medicare Open Enrollment period and hire additional bilingual staff to increase the number of education/outreach events delivered to the public.	
Board Resolution Required? <small>(Please attach document to eForm)</small>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Deputy County Counsel Name:	John Cleveland



**CEO-Legislative Affairs Office
Grant Authorization eForm**

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

Recommended Action/Special Instructions

(Please specify below)

1. Adopt the resolution as approved by County Counsel to receive \$642,131 in funds from the California Department of Aging for the Health Insurance Counseling and Advocacy Program.
2. Approve the State Standard Agreement HI-2425-22 with the California Department of Aging, Certification of Clauses, Information and Security Statement, and California Civil Rights Laws Certification in the amount of \$642,131 for the term of April 1, 2024, through March 31, 2025.
3. Authorize the OC Community Resources Director, or designee, to execute the State Standard Agreement HI-2425-22, Certification of Clauses, Information Integrity and Security Statement, and California Civil Rights Laws Certification.
4. Authorize the OC Community Resources Director or designee to execute all related documents required to accept the Health Insurance Counseling and Advocacy Program grant award funding.

Department Contact:

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

Renee Ramirez (714) 480-6483 / Renee.Ramirez@occr.ocgov.com
Dylan Wright (714) 480-2788 / Dylan.Wright@occr.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:

Dylan Wright, Director, OC Community Resources

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
February 27, 2024

WHEREAS, OC Community Resources Office on Aging has received State Standard Agreement HI-2425-22 in the amount of \$642,131 from the California Department of Aging containing funding allocations for Older Americans Act Programs; and

WHEREAS, the County of Orange assures that it will abide by the terms and conditions of Agreement HI-2425-22; and

WHEREAS this Board agrees with the terms of the State Standard Agreement and the allocation of funds contained therein.

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

1. Approve the State Standard Agreement HI-2425-22 with the California Department of Aging, Certification of Clauses, Information and Security Statement, and California Civil Rights Laws Certification in the amount of \$642,131 for the term of April 1, 2024, through March 31, 2025.
2. Authorize the OC Community Resources Director or designee to execute State Standard Agreement HI-2425-22, Certification of Clauses, Information Integrity and Security Statement, and California Civil Rights Laws Certification.
3. Authorize the OC Community Resources Director or designee to execute all related documents required to accept the Health Insurance Counseling and Advocacy Program grant award funding.



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	February 20, 2024
Requesting Agency/Department:	OC Community Resources/OC Community Services
Grant Name and Project Title:	SNAP-Ed/CalFresh Healthy Living and CalFresh Expansion, Amendment 1
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	California Department of Aging (CDA)
Application Amount Requested:	N/A
Application Due Date:	N/A
Board Date when Board Approved this Application:	N/A
Awarded Funding Amount:	\$703,980
Notification Date of Funding Award:	February 1, 2024
Is this an Authorized Retroactive Grant Application/Award? No <small>(If yes, attach memo to CEO)</small>	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input checked="" 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:	FY 2022-25: \$1,027,806 FY 2019-20: \$94,079
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: CDA allocates funding to the County through a formula grant.
County Match?	Yes <input type="checkbox"/> Amount _____ or _____ % No <input checked="" type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	N/A
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
CalFresh funding was awarded for the Supplemental Nutrition Assistance Program Education/CalFresh Healthy Living (SNAP-Ed/CFHL) and the CalFresh Expansion program under a three-year state standard agreement (FY 2022-25), approved by the Board of Supervisors on 10/18/2022, in the amount of \$1,027,806. SNAP-Ed/CFHL provides eligible participants with evidence-based, nutrition education and obesity prevention activities. The CalFresh Expansion program seeks to inform older adults who are 60 years and older that they may be eligible for CalFresh benefits through pre-screening, application assistance, and outreach activities. State Standard Agreement No. CF-2223-22, Amendment 1 increases the SNAP-Ed/CFHL portion of the funding by \$351,990 for FY 2023-24 and \$351,990 for FY 2024-25, for a new maximum agreement amount of \$1,731,786. Office on Aging is currently in the process of securing a service provider for the SNAP-Ed/CFHL program to provide education sessions to eligible older adults, development of program flyers and brochures in the County threshold languages and forming partnerships to ensure completion of performance expectations.	
Board Resolution Required? <small>(Please attach document to eForm)</small>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Deputy County Counsel Name: <small>(Please list the Deputy County Counsel that approved the</small>	John Cleveland



CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

Resolution)	
Recommended Action/Special Instructions (Please specify below)	
<ol style="list-style-type: none">1. Adopt the resolution as approved by County Counsel to receive \$703,980 in funds from the California Department of Aging for the SNAP-Ed/CalFresh Healthy Living and CalFresh Expansion.2. Approve the State Standard Agreement CF-2223-22, Amendment 1 with the California Department of Aging in the amount of \$703,980 for the term October 1, 2022, through September 30, 2025.3. Authorize the OC Community Resources Director or designee to execute the State Standard Agreement CF-2223-22, Amendment 1.4. Authorize the OC Community Resources Director or designee to execute all documents required to accept additional SNAP-Ed/CalFresh Healthy Living and CalFresh Expansion grant award funding.	
Department Contact:	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
Dylan Wright (714) 480-2788 / Dylan.Wright@occr.ocgov.com Renee Ramirez (714) 480-6483 / Renee.Ramirez@occr.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:
Dylan Wright, Director, OC Community Resources	

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
February 27, 2024

WHEREAS, OC Community Resources Office on Aging has received State Standard Agreement CF-2223-22, Amendment 1 in the amount of \$703,980 from the California Department of Aging containing funding allocations for Older Americans Act Programs; and

WHEREAS, the County of Orange assures that it will abide by the terms and conditions of Agreement CF-2223-22, Amendment 1; and

WHEREAS this Board agrees with the terms of the State Standard Agreement and the allocation of funds contained therein.

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

1. Approve the State Standard Agreement CF-2223-22, Amendment 1 with the California Department of Aging in the amount of \$703,980 for the term October 1, 2022, through September 30, 2025.
2. Authorize the OC Community Resources Director or designee to execute the State Standard Agreement CF-2223-22, Amendment 1 to receive \$703,980 in additional funding from the California Department of Aging.
3. Authorize the OC Community Resources Director or designee to execute all documents required to accept the additional SNAP-Ed/CalFresh Healthy Living and CalFresh Expansion program grant award funding.

Approved By: _____

Chairman of the Board of Supervisors
County of Orange, California



Attachment A
DEBRA BAETZ, MBA
INTERIM AGENCY DIRECTOR

MINDY WINTERSWYK, PT, DPT, PCS
ASSISTANT AGENCY DIRECTOR

REGINA CHINSIO-KWONG, DO
COUNTY HEALTH OFFICER/
CHIEF OF PUBLIC HEALTH SERVICES

PUBLIC HEALTH SERVICES

405 W. 5TH STREET, 7TH FLOOR
SANTA ANA, CA 92701
www.ohealthinfo.com

DATE: February 20, 2024

TO: Frank Kim, County Executive Officer

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County
of Orange, ou=CEO,
email=frank.kim@ocgov.com,
c=US
Date: 2024.02.21 15:06:43
-08'00'

FROM: Debra Baetz, MBA, Agency Director
Mindy Winterswyk, PT, DPT, PCS, Assistant Agency Director
Regina Chinsio-Kwong, DO, County Health Officer, Chief of Public Health
Services

SUBJECT: Retroactive Request to Accept Award for Sexually Transmitted Infections (STI)
Prevention and Collaboration Allocation Grant

This memo is being submitted to request that the County Executive Officer to place the subject grant award on the February 27, 2024, Board of Supervisors (Board) Meeting Agenda.

The California Department of Public Health (CDPH), Sexually Transmitted Diseases Control Branch (STD CB) provides funding to the Orange County Health Care Agency (HCA) to support sexually transmitted infection (STI) prevention and control activities. The funds must be used for public health activities related to monitoring, prevention, testing, and linkage to and retention in care activities for the most vulnerable and underserved individuals living with, or at high risk for, STIs in collaboration with community-based organizations (CBOs) providing services within the Local Health Jurisdiction (LHJ).

On January 24, 2024, CDPH notified the HCA of the Agreement to award funds in the amount of \$1,906,900, for the term of July 1, 2024, through June 30, 2026. The process to accept the funds was initiated, however, based on timing to review documents, along with available Board of Supervisor meeting dates, HCA was unable to present this item within the 30-day timeframe of the Grants policy.

If you have any questions about the grant, please contact Dr. Regina Chinsio-Kwong, Chief of Public Health Services at (714) 834-2729.

Thank you for your consideration,

Debra Baetz, MBA
Interim Agency Director



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	February 20, 2024
Requesting Agency/Department:	Health Care Agency (HCA) /Clinical Services
Grant Name and Project Title:	Sexually Transmitted Infections (STI) Prevention and Collaboration Grant
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	California Department of Public Health (CDPH), Sexually Trasnmitted Diseases Control Branch (STDCB) Branch
Application Amount Requested:	Allocation
Application Due Date:	N/A
Board Date when Board Approved this Application:	8/8/2023 Grant Matrix Report
Awarded Funding Amount:	\$1,906,900
Notification Date of Funding Award:	January 24, 2023
Is this an Authorized Retroactive Grant Application/Award? No <small>(If yes, attach memo to CEO)</small>	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input checked="" 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:	STD Core (7/1/23-6/30/24)=\$231,622 STD Prevention (7/1/23-6/30/24)=\$721,828 STD Core (7/1/22-6/30/23)=\$231,622 STD Prevention (7/1/22-6/30/23)=\$721,828 STD Core (7/1/21-6/30/22)=\$231,622 STD Prevention (7/1/21-6/30/22)=\$422,593
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: Formula Allocation
County Match?	Yes <input type="checkbox"/> Amount No <input checked="" type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	N/A
Will the grant/program create new part or full-time positions?	N/A
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
This allocation award combines the previous STD Core and STD Prevention and Collaboration allocations authorized by California Health and Safety Code (H&SC) Section 120511. The funds must be used for the implementation of public health activities related to monitoring, prevention, testing, and linkage to and retention in care activities for the most vulnerable and underserved individuals living with, or at high risk for, STIs in collaboration with community-based organizations (CBOs) providing services within the local health jurisdiction (LHJ). Key activities for STI prevention and collaboration workplan are to: conduct surveillance and disease investigation activities; conduct STI prevention, testing, linkages to care, care coordination, and treatment, among vulnerable and underserved clients at high risk for STI, with an emphasis on priority settings and populations; and increase community-level capacity to deliver STI prevention, testing, navigation, linkages to care, care coordination, and treatment for vulnerable and underserved people at high risk for STIs. No less than 50 percent of the funds shall be provided to community-based organizations (CBOs) to accomplish these activities. This requirement does not apply to the STD Core component of the combined STI Prevention and Collaboration awards.	



**CEO-Legislative Affairs Office
Grant Authorization eForm**

Board Resolution Required? (Please attach document to eForm)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Deputy County Counsel Name: (Please list the Deputy County Counsel that approved the Resolution)			
Recommended Action/Special Instructions (Please specify below)			
<p>The HCA respectfully requests that the Board of Supervisors (Board) approve the Recommended Actions as follows:</p> <ol style="list-style-type: none"> 1. Accept the award of the STI Prevention and Collaboration Allocation Award, Grant Agreement 24-ST114, for the term of July 1, 2024, through June 30, 2026, in the amount of \$1,906,900. 2. Authorize the Health Care Agency Director, or designee, to sign and execute the Grant Agreement Number 24-ST114, upon review and approval by County Counsel, and authorize the Health Care Agency Director, or designee, to sign and execute related documents for this award and to make such future amendments thereto that do not change the Agreement amount by more than 10% of the original amount and/or make immaterial, ministerial changes to the Agreement. 			
Department Contact :		List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.	
Dr. Regina Chinsio-Kwong rchinsiokwong@ochca.com			
Name of the individual attending the Board Meeting:		List the name of the individual who will be attending the Board Meeting for this Grant Item:	
Debra Baetz dbaetz@ochca.com			



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	February 20, 2024
Requesting Agency/Department:	Health Care Agency (HCA) / Clinical Services Division
Grant Name and Project Title:	Ryan White HIV/AIDS Program Part B - HIV Care Program (HCP)
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	California Department of Public Health (CDPH) – Office of AIDS
Application Amount Requested:	Allocation
Application Due Date:	N/A; funding is awarded based on allocation
Board Date when Board Approved this Application:	08/08/23 (Recurring Grant Matrix Report)
Awarded Funding Amount:	\$9,925,610 (04/01/24-03/31/29)
Notification Date of Funding Award:	January 29, 2024
Is this an Authorized Retroactive Grant Application/Award? No. <small>(If yes, attach memo to CEO)</small>	
Recurrence of Grant	New <input type="checkbox"/> Recurrent <input checked="" 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:	04/01/16-03/31/19: \$7,969,019 04/01/19-03/31/24: \$11,318,579
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: Funding award was based on an allocation method.
County Match?	Yes <input type="checkbox"/> Amount _____ or _____ % No <input checked="" type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	N/A
Will the grant/program create new part or full-time positions?	No
Purpose of Grant Funds:	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
<p>The funds will be used to provide HIV care and treatment services under the Ryan White HIV/AIDS Program Part B to low-income people living with HIV in the County of Orange, which align with the following goals:</p> <ul style="list-style-type: none"> • Minimize new HIV infections; • Maximize the number of people with HIV who access appropriate care, treatment, and support; • Reduce HIV/AIDS-related health disparities. <p>Services provided under this grant include Outpatient Ambulatory Health Services, Early Intervention Services, Medical Case Management, Medical Nutrition Therapy, Non-Medical Case Management, Referral for Health Care Services, Outreach Services, and Oral Health Care Services.</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>	



Recommended Action/Special Instructions (Please specify below)	
<p>HCA respectfully requests that the Board of Supervisors approve the Recommended Actions as follows:</p> <ol style="list-style-type: none"> 1. Accept the award of the Ryan White HIV/AIDS Program, Part B, HIV Care Program Grant Agreement, for the term of April 1, 2024, through March 31, 2029, in the amount of \$9,925,650. 2. Authorize the Health Care Agency Director, or designee, to sign and execute the Grant Agreement, upon review and approval by County Counsel, and authorize the Health Care Agency Director, or designee, to sign and execute Agreement and related documents for this award and to make such future amendments thereto that do not change the Agreement amount by more than 10% of the original amount and/or make immaterial, ministerial changes to the Agreement. 	
Department Contact :	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
<p>Dr. Regina Chinsio-Kwong rchinsiokwong@ochca.com</p>	
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:
<p>Debra Baetz dbaetz@ochca.com</p>	



**CEO-Legislative Affairs Office
Grant Authorization eForm**

GRANT APPLICATION / GRANT AWARD

Today's Date:	February 2/20/24
Requesting Agency/Department:	Health Care Agency
Grant Name and Project Title:	Community Care Expansion Preservation Program Operating Subsidy Payment and Capital Projects
Sponsoring Organization/Grant Source: <small>(If the grant source is not a government entity, please provide a brief description of the organization/foundation)</small>	California Department of Social Services
Application Amount Requested:	17,256,854
Application Due Date:	July 15, 2022
Board Date when Board Approved this Application:	6/28/22
Awarded Funding Amount:	\$22,429,704
Notification Date of Funding Award:	January 29,2024
Is this an Authorized Retroactive Grant Application/Award? <small>(If yes, attach memo to CEO)</small>	
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:	No
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: Noncompetitive allocation
County Match?	Yes <input checked="" type="checkbox"/> Amount___\$1,262,019.90___ or _____ % No <input type="checkbox"/>
How will the County Match be Fulfilled? <small>(Please include the specific budget)</small>	Substance Abuse Mental Health Services Administration / Mental Health Services Act Funds
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.

California has a shortage of adult and senior care facilities that accept individuals receiving or applying for Supplemental Security Income/State Supplementary Payment (SSI/SSP) or Cash Assistance Program for Immigrants (CAPI). It has also seen a decline in the number of SSI/SSP recipients residing in adult and senior care facilities. The Community Care Expansion (CCE) program is to fund capital projects and promote the sustainability of residential adult and senior care facilities and to address historic gaps in the long-term care continuum.

A total of \$195 million is reserved for the CCE Preservation funds, which are intended to immediately preserve and avoid the closure of licensed residential adult and senior care facilities serving qualified residents, including qualified residents who are experiencing or at risk of homelessness. These funds are noncompetitive allocations to counties.

There is a 10% on capital projects (CP) funds and no match on operating subsidy payments (OSP). The goal of OSP funds is to avoid facility closures and increase acceptance of new qualified residents. OSP funds can cover an eligible licensed facility's potential or projected operating deficits. Operating costs are the costs associated with the



**CEO-Legislative Affairs Office
Grant Authorization eForm**

day-to-day physical operation (e.g., staffing, utilities, security, maintenance). OSP funds will cover operating costs that are not covered by existing revenues.

The goal of CP funds is to preserve facilities in need of repairs or required upgrades, thereby potentially preventing a facility closure and exits to homelessness. Funds can be applied to physical repairs and upgrades on an approved facility's property, including inside or outside the facility, within its property line. The CP funds can also be used for repairs needed for facilities to ensure they are compliance with licensing standards.

The County of Orange has been allocated \$9,322,636 Million in OSP and \$13,107,068 million in CP funds. HCA applied and was awarded a total of \$22,429,704 and will work with existing licensed Adult Residential Care Facilities, Residential Care Facilities for the Elderly and Residential Care Facility for the Chronically Ill to allocate funds. HCA's plan for implementation will be to host community engagement with eligible providers to gain interest and ensure funding opportunities are shared throughout Orange County.

The County will return to the Board of Supervisors for approval of any funding agreements with providers through the Agenda Staff Report process.

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 to the California Department of Social Services for the Community Care Expansion Preservation Grant in a total amount of \$22,429,704 for the immediate preservation of qualified licensed residential adult and senior care facilities.

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



Revision to ASR and/or Attachments

Date: 02/23/24
To: Clerk of the Board of Supervisors
CC: County Executive Office
From: **Frank Kim, County Executive Officer**
Re: ASR Control #: 23-001004, Meeting Date 02/27/2024, Item No. # 42
Subject: Legislative Issues

Explanation:

Please include the following attachments: Attachment A and Attachment B

Additionally, please add recommended action items 1 and 2 to include the approval of the 2024 Legislative Priorities and the approval and prioritization of the Orange County 2024 State and Federal Funding Requests.

Revised Recommended Action(s)

1. APPROVE: 2024 Legislative Priorities (Attachment A)
2. APPROVE AND PRIORITIZE: Orange County 2024 State and Federal Funding Requests (Attachment B)
3. Receive and File Legislative Bulletin

Revised Attachments (attach revised attachment(s))

Added Attachment A - Page 2-7

Added Attachment B - Page 8-11



Legislative Bulletin

DRAFT

A Publication of the County Executive Office/Legislative Affairs

February 27, 2024
Item No. 42

County of Orange Positions on Proposed Legislation

The Legislative Bulletin provides the Board of Supervisors with analyses of measures pending in Sacramento and Washington that are of interest to the County. Staff provides recommended positions that fall within the range of policies established by the Board. According to the County of Orange Legislative Affairs Program Guidelines adopted by the Board of Supervisors on January 25, 2022, staff recommendations for formal County positions on legislation will be agendized and presented in this document for Board action at regular Board of Supervisors meetings. When the Board takes formal action on a piece of legislation, the CEO will direct the County's legislative advocates to promote the individual bills as approved by the Board. The Legislative Bulletin also provides the Board of Supervisors with informative updates on State and Federal issues.

The 2023-2024 Legislative Platform was adopted by the Board of Supervisors on December 20, 2022.

On February 27, 2024, the Board of Supervisors will consider the following actions:

RECOMMENDED ACTIONS

- 1. APPROVE: 2024 Legislative Priorities (Attachment A)**
- 2. APPROVE AND PRIORITIZE: Orange County 2024 State and Federal Funding Requests (Attachment B)**
- 3. Receive and File Legislative Bulletin**

INFORMATIONAL ITEMS

- 1. County Position Matrix: CEO-LA**
- 2. Sacramento Legislative Report**
- 3. Washington DC Legislative Report**

RECOMMENDED ITEMS

1. APPROVE: 2024 Legislative Priorities (Attachment A)

Approving the 2024 Orange County State and Federal Legislative Priorities will allow the County to pursue critical policy initiatives in Sacramento and Washington, D.C.

CEO-Legislative Affairs and the County's state and federal advocates recommend approval of eleven state legislative priorities, and eight federal legislative priorities respectively, for Board consideration and approval. The list of priorities summarizes the direction received from individual meetings with Board members and reflects issues of greatest importance to your Board for 2024. The proposed 2024 County Legislative Priorities are listed below, and a full write-up of each on the following pages.

State:

- **Housing & Housing Assistance**
- **Shelters & Temporary Housing**
- **Prevention & Safety Net Assistance**
- **Outreach & Supportive Services**
- **CalAIM**
- **CARE Act Implementation**
- **Climate Change & Sustainability, Disaster Preparedness & Recovery**
- **Elections**
- **OC CARES – Justice Involved Population**
- **Proposition 1 Behavioral Health Services Act (BHSA) Implementation**
- **Southern California Veterans Cemetery**

Federal:

- **Behavioral Health & Recovery Services**
- **Climate Change & Sustainability, Disaster Preparedness & Recovery**
- **Elections**
- **Housing Assistance**
- **Infrastructure**
- **OC CARES-Justice Involved Reform**
- **Southern California Veterans Cemetery**
- **San Onofre Nuclear Generating Station (SONGS) Nuclear Fuel Storage**

Homeless System of Care Coordination Priorities

Housing & Housing Assistance

Restore funding to housing assistance programs for at-risk populations, seniors, veterans and youth, including Homeless Housing, Assistance and Prevention (HHAP) Program, and Housing Disability Advocacy Program (HDAP).

Incentivize permanent supportive housing, workforce housing, and extended Project Homekey investments.

Shelters & Temporary Housing

Promote policies that maximize housing access and system capacity in a way that responds to local needs for permanent supportive housing, adequate shelter, complex service delivery, and reduced building costs.

Maintain funding for bridge housing settings and shelter beds that address the treatment needs of vulnerable groups.

Seek authorization to provide up to six months of transitional rent services to CalAIM-eligible individuals who are homeless or at imminent risk of homelessness.

Prevention & Safety Net Assistance

Restore funding for CalWORKs, Child Welfare Services, Homeless/Housing and other critical safety net programs for vulnerable families, children, seniors, and at-risk foster youth.

Increase funding and local flexibility for new administrative caseload, staffing, and client transportation needs.

Support opioid and fentanyl response funding for Naloxone and testing strip distribution for all substance use disorders to first responders, law enforcement, community-based organizations, and county agencies; support funding for education, testing, recovery and support services.

Outreach & Supportive Services

Increase funding for county outreach efforts to build community awareness of supportive services and improve rates of program uptake among under resourced populations. Adequately fund caseworker safety and protection.

Provide ongoing funding for comprehensive services and care coordination to promote health equity and equitable outcomes for all population groups.

Other County Priorities**CalAIM**

Prioritize regulatory guidance that clarifies County and Medi-Cal managed care plan responsibilities to deliver equitable, enhanced health care management that reduces health disparities. Integrate Community Supports, Behavioral Health & Substance Use Disorder treatment, and homeless prevention initiatives for the most vulnerable County residents including new and existing Medi-Cal eligible clients, individuals experiencing homelessness, children with complex medical conditions, justice-involved populations with significant clinical needs and the aging population.

CARE Act Implementation

As a Cohort One County, support new legislation addressing the timelines for outreach and engagement of respondents, and ensuring the Public Defender receives regular, predictable funding to perform required activities. Ensure sufficient resources and flexibility to serve the gravely disabled population.

Climate Change & Sustainability, Disaster Preparedness & Recovery

Support funding for wildfire mitigation, flood risk reduction, reliable rail service, water supply security, coastal resiliency and climate adaptation. Increase funding for green technology integration, green spaces accessibility and edible food recovery. Advocate for crucial reforms to successfully implement SB 1383 to reduce organic waste in landfills and designation of public-owned processing facilities as essential public services.

Elections

Increase funding for voting accessibility, cybersecurity, and physical security protections to maintain election integrity and administer secure, accurate elections. Enhance penalties for threatening, harassing or intimidating election officials or election workers in the performance of their duties.

OC CARES - Justice Involved Population

Maintain or increase funding for adult and juvenile justice realignment and other programs to ensure high-quality service delivery to the justice-involved population. Expand services for pretrial incarcerated individuals, and advocate for adult and youth diversion while maintaining public safety. Restore and expand funding for the Public Defender Pilot Program and other post-conviction work. Encourage apprenticeship and career technical education opportunities.

Proposition 1 Behavioral Health Services Act (BHSA) Implementation

Ensure non-competitive, equitable distribution guidelines of housing bond funds based on population to large urban counties. Support adequate, sustained funding for new behavioral health services and administrative requirements. Guarantee stringent approval process for funding awards to by-right projects.

Southern California Veterans Cemetery

Expedite CalVet's acquisition of land in Gypsum Canyon to start the design and construction of the Southern California Veterans Cemetery. Seek budget trailer bill language authorizing transfer of \$25 million state funds into the Southern California Veterans Cemetery Master Development Fund.

County-Sponsored Legislation

- AB 2579 (Quirk-Silva) Orange County Property Tax Funding Equity
- SB 1334 (Newman) Licensed Recovery Residences
- AB 2393 (Dixon) Newport Bay Lease Extension
- AB 1957 (Wilson) Best Value JOC Pilot Extension

District Budget Requests

Please see attached table

Behavioral Health & Recovery Services

Maintain federal funding for Community Mental Health Services Block Grant, Substance Use Prevention, Treatment, and Recovery Block Grant and other behavioral health programs.

Pursue innovation pilot opportunities to offset anticipated behavioral health program cuts resulting from likely passage of the Behavioral Health Services Act (Proposition 1.) Streamline Family First Prevention Services Act guidance to empower local approaches and expedite federal funding for a broad spectrum of services.

Climate Change & Sustainability, Disaster Preparedness & Recovery

Support Infrastructure Investment & Jobs Act (IIJA) and Inflation Reduction Act (IRA) grant funding for clean energy, climate resiliency and environmental projects including coastal restoration, water contamination cleanup, green technology workforce development and access improvements to green spaces.

Support green and sustainable programs and infrastructure projects that promote equitable environmental outcomes for all County residents. Increase local wildfire hazard mitigation, raise emergency preparedness funding, and harden energy and transportation infrastructure against wildfires, coastal erosion and other disasters.

Elections

Increase funding for voting accessibility, and for cybersecurity and physical security protections to maintain election integrity and administer secure and accurate elections. Enhance penalties for offenses related to threatening, harassing or intimidating election officials or election workers in the performance of their duty.

Housing Assistance

Increase funding to close the \$14 million gap due to cost-of-living increases for Housing Choice Vouchers, Community Development Block Grant, Emergency Solutions Grants and other flexible housing assistance programs for at-risk populations, seniors, veterans and youth.

Provide ongoing funding for comprehensive services and care coordination that promote equity and equitable outcomes. Reduce regulatory barriers to maximize housing access and system capacity, including navigation or treatment services.

Seek authorization to provide up to six months of transitional rent services to CalAIM-eligible individuals who are homeless or at imminent risk of homelessness.

Infrastructure

Fully fund Infrastructure Investment & Jobs Act (IIJA), Inflation Reduction Act (IRA) programs and other funding to successfully implement Santa Ana River Mainstem and Westminster-East Garden Grove Flood Management projects, John Wayne Airport modernization, and County-owned road, bridge, harbor and transportation improvements. Restore Federal Communications Commission "Affordable Connectivity Program" (ACP) funding for greater broadband access to disadvantaged communities.

OC CARES Justice-Involved Reform

Amend the Medicaid Inmate Exclusion Policy (MIEP) to ensure pretrial adults have uninterrupted access to federal health benefits, and immediate reinstatement of health care benefits upon community reentry.

Maintain or increase funding for the Justice and Mental Health Collaboration Program (JMHC), juvenile justice programs, and other initiatives to ensure high-quality mental health service delivery to the justice-involved population, especially Transitional Age Youth (TAY).

Maintain or increase funding for the Bureau of Justice Assistance Project Safe Neighborhoods Grant program for gun buyback programs, crime lab investigative resources, and early intervention practices.

Southern California Veterans Cemetery

Advocate for federal “Veterans Cemetery Grants Program” designation by the Department of Veterans Affairs for the Southern California Veterans Cemetery in Orange County.

San Onofre Nuclear Generating Station Nuclear Fuel Storage

Advocate for federal actions that provide offsite storage and/or permanent disposal solutions for the spent nuclear fuel at the San Onofre Nuclear Generating Station (SONGS).

Community Project Funding, Congressionally Directed Spending, & Infrastructure Requests

Please see attached table

- **WRDA Requests**

SARM Prado Dam Project:

- Division-Level Appraisal & Settlement Authority
- Reimbursement for Incurred Costs

WEGG:

- Project Partnership Agreement with United States Army Corps of Engineers
- Cost-Share Adjustment for Federal Sponsor

2.APPROVE AND PRIORITIZE: Orange County 2024 Community Project Funding, Congressionally Directed Spending and Infrastructure Requests (Attachment B)

CEO-Legislative Affairs and the County's state and federal advocates have prepared the attached table listing eleven proposed state and federal funding requests. These reflect the anticipated availability of congressionally directed spending and community project funding, infrastructure project funding, While it is doubtful that the Legislature will accept member requests due to the estimated \$73 billion budget deficit, staff is requesting approval if the opportunity presents itself. CEO-Legislative Affairs recommends that the Board select which of the eleven projects to move forward for consideration to the County's state and federal delegation members, and to prioritize those selected projects.

Project Name	\$ Requested	Location	State/Federal	Notes	# Rank
Justice-Involved Workforce Reentry Center Construction	\$2,000,000	District 2, City of Orange	State & Federal	<ul style="list-style-type: none"> Design and construction for supportive, stable, on-site housing in the City of Orange for those participating in the Workforce Reentry program. 	
Senior Affordable Housing Construction	\$3,000,000	District 3, City of Tustin	State & Federal	<ul style="list-style-type: none"> Design and construction in the City of Tustin for approximately 27 dedicated, affordable and supportive housing options for low-income seniors, offering linkages to behavioral health and safety net services. 	
Veterans Center Construction	\$5,000,000	District 3, City of Tustin	State & Federal	<ul style="list-style-type: none"> Design and construction for a Veterans Center in the City of Tustin, which will expand supportive services and access to coordinated care designed specifically for veterans. 	

OC CARES: Reentry Client Case Management Mobile App	\$1,000,000	District 2, City of Orange	State	<ul style="list-style-type: none"> • Client-facing mobile application for justice-involved individuals upon reentry to coordinate access to support and services with case management contact information, appointments, medical prescription information, and links to resources. 	
Westminster East Garden Grove Wintersburg Channel: Tide Gates Removal	\$20,000,000	District 1, City of Huntington Beach	Federal	<ul style="list-style-type: none"> • Removal of tide gate to prepare the channel for improvements as part of the larger WEGG project which will reduce flood risk to 20,000 structures and 250,000 individuals and reduce 6,500 flood policies. 	
Westminster East Garden Grove Wintersburg Channel: Bolsa Bay Outlet Improvements	\$32,700,000	District 1, City of Huntington Beach	Federal	<ul style="list-style-type: none"> • Modify the Warner Avenue Bridge to remove hydraulic constriction caused by upstream channel improvements as part of the larger WEGG project which will reduce flood risk to 20,000 structures and 250,000 individuals and reduce 6,500 flood policies. 	
Los Patrones Parkway Safety Improvements	\$4,610,000	District 5, Los Patrones Parkway between	Federal	<ul style="list-style-type: none"> • Widen existing pathway with no existing shoulder to a full width Class I shared-use 	

		Oso Bridge and Chiquita Canyon Road.		bikeway. Replace existing non-standard cable barriers, curbs, temporary k-rails and metal beam guardrails between the roadway and the bikeway with standard barriers or railings. Improve drainage along the side of the bikeway to improve safety.	
William Mason Regional Park Stormwater Capture Project	\$8,600,000	District 5, City of Irvine, William Mason Regional Park	Federal	<ul style="list-style-type: none"> • Capture and treat dry-weather and stormwater runoff from 737 acres and treat stormwater runoff from 1600 additional acres. Improve the park lake water quality and improve recreational amenities of the park with new walkways and bridges through the natural treatment systems and educational signage. 	
Capistrano Operations Yard Stormwater Capture Project	\$5,800,000	District 5, City of Dana Point, OC Public Works Capistrano Operations Yard	Federal	<ul style="list-style-type: none"> • Capture and treat runoff from an approximately 27-acre tributary drainage area, up to 30,000 gallons per day and 12 acre-feet per year of dry and wet weather runoff. Reduce bacteria and trash loads to San Juan Creek and augment local recycled water supply. 	

Dana Point Harbor Rockfall Mitigation Project	\$3,600,000	District 5, City of Dana Point	Federal	<ul style="list-style-type: none"> • Installation of protective barriers to reduce risk of falling rocks and boulders from bluff face landing on Dana Point Harbor Drive and surrounding landscape areas. 	
Laguna Canyon Road, Road Improvements (Segment 4) (Phases 2 to 4)	\$1,124,000	District 5, El Toro Road to SR-73	Federal	<ul style="list-style-type: none"> • Widen shoulders to facilitate a 3,500 foot Class II bike lane and undergrounding Southern California Edison power poles. Includes drainage culvert, roadway widening, restriping and mitigation. 	

INFORMATIONAL ITEMS

1. County Position Matrix: CEO-LA

The tables below list the bills the Board of Supervisors has taken positions on in the 2023-24 legislative session.

State Legislation


As of Thursday, February 22, 2023

Bill No.	Author	Subject	Position	Date of Board Action	Status
<u>AB 1168</u>	<u>Bennett</u>	Emergency Medical Services (EMS): prehospital EMS	Oppose	6.27.23	Senate Floor 2 Year Bill

Federal Legislation

As of Thursday, February 22, 2023

Bill No.	Author	Subject	Position	Date of Board Action	Status
<u>S 24</u>	Feinstein	Fighting Homelessness Through Services and Housing Act	Support	4.25.23	Senate Committee on Health, Education, Labor and Pensions
<u>HR 516</u>	Lieu	Fighting Homelessness Through Services and Housing Act	Support	4.25.23	House Committee on Financial Services
<u>HR 984</u>	Levin	Commitment to Veteran Support and Outreach Act	Support	4.25.23	House Committee on Veteran's Affairs
<u>HR 467</u>	Griffith	Halt All Lethal Trafficking (HALT) of Fentanyl Act	Support	6.06.23	Senate Judiciary Committee
<u>S 971</u>	Cassidy	Due Process Continuity of Care Act	Support	6.06.23	Senate Finance Committee
<u>HR 3862</u>	Levin	Spent Fuel Prioritization Act of 2023	Support	6.27.23	House Committee on Energy and Commerce

 Highlighted sections symbolize a status change.

2. Sacramento Legislative Report

Prepared by Precision Advocacy Group LLC

The February 16 bill introduction deadline has passed, with 2,124 bills introduced in 2024 - 1,505 Assembly bills and 619 Senate bills. Of those bills, 674 are placeholder bills, containing only non-substantive changes or intent language. This is about average for the second year of a two-year legislative session. Of bills introduced, per usual, themes have emerged with housing, crime, fire insurance, and organic waste making up a disproportionate share of new bill introductions this year. We are beginning analysis of legislation and will provide additional info in the coming weeks.

On February 20, the Legislative Analyst's Office increased their estimate of the revenue shortfall from \$68 billion in November to \$73 billion. The continued downward trend will likely impact the governor's May revision as well as the legislature's response to the governor's budget proposal and their own

proposals going into budget season. Orange County, as well as other local jurisdictions and those impacted by the state budget will have to remain cognizant of the deficit as well as prioritize funding conscientiously in the coming months, with the knowledge that funding shortfalls disproportionately impact low income Californians.

The Department of Finance (DOF) and State Controller released reports on January's General Fund revenues as compared to the governor's January forecast.

Tax Revenues	<u>DOF January</u>	DOF YTD	<u>Controller Fiscal YTD</u>
Corporation	\$3 million below forecast	\$980 million below forecast	\$915.115 million below forecast
Personal Income	\$4.998 billion below forecast	\$4.685 billion below forecast	\$5.056 billion below forecast
Sales and Use	\$53 million below forecast	\$199 million below forecast	\$6.359 billion below forecast
Total Revenues	\$4.956 billion below forecast	\$5.882 billion below forecast	

Organized Retail Theft: Assembly Informational Hearing and Proposed Reform Package

The Assembly Joint Select Committee on Retail Theft and Public Safety held an informational hearing titled "Retail Crime: exploring solutions that work" on February 9. Hosted by the City of West Hollywood and chaired by Assemblymember Rick Chavez Zbur (D-Los Angeles), the hearing included Assembly Members Kevin McCarty (D-Sacramento), Mia Bonta (D-Oakland), Stephanie Nguyen (D-Elk Grove), David Alvarez (D-Chula Vista), Pilar Schiavo (D-Santa Clarita), and Eloise Gomez-Reyes (D-San Bernardino) in attendance.

The first panel of the hearing focused on statewide law enforcement efforts to combat organized retail theft. Michael Redding, Special Assistant Attorney General, from the California Department of Justice stressed that organized retail crime is multifaceted and that solving these cases is resource intensive and potentially dangerous. Successfully addressing the issue of organized retail theft requires partnerships and leadership. Sean Duryee, Commissioner from the California Highway Patrol (CHP) discussed the benefits of consistent budget funding, particularly money dedicated to local law enforcement. He emphasized the need for law enforcement agencies at all levels to work together on this issue because of the sophisticated nature of the crime rings and noted the CHP's involvement as a cross jurisdictional coordinator. He recognized Orange County as being the first with a dedicated "vertical prosecutor" on the issue. Shawna Pacheco, Captain, California Highway Patrol described fencing operations, sometimes located in residential areas, where organized retail theft participants would sell stolen goods to organized crime rings who would then consolidate the goods for resale.

Kathleen Howard, Executive Director, California Board of State and Community Corrections (BSCC) talked about two major grant programs, supported by BSCC, to address prevention and vertical prosecution. The [Organized Retail Theft \(ORT\) Prevention Grant](#) will provide \$242 million over 3 years and the [ORT Vertical Prosecution Grant](#) for District Attorneys totals \$28.5 million over 3 years. She commented that there were more applicants than available money for the competitive grants, indicating a real interest in the programs at the local level. As part of the BSCC ORT Prevention grants outlined by Director Howard, the Orange County Sheriff's Department received \$15,127,350, with the city police departments of Irvine, Brea, Anaheim, Costa Mesa, and Garden Grove also

receiving sizable grants. The Orange County District Attorney's office received \$2,050,000 as part of the vertical prosecution grant.

The second group of panelists discussed successful local efforts underway and included Paul Kim, Deputy District Attorney, Los Angeles District Attorney's Office; Sean McDonald, Head Deputy Public Defender, Los Angeles Public Defender's Office; Erica Shehane, Director, LEAD, Office of Diversion and Reentry, Los Angeles County Department of Health Services; and Saun Hough, Vocational Services Administrator, SHIELDS for Families. Panelists detailed recent retail theft incidents involving "flash mobs" arguing that the intimidating nature of the robberies warranted a tougher punishment for the defendants. Panelists and committee members made important distinctions between small petty thefts and larger organized criminal gangs.

The final panel addressed fencing and reselling and included Jay Mastick, Commander, Los Angeles Police Department; Andrea Deveau, TechNet Representative; and Mike Carson, Director, Regulatory Policy Group, EBay. Panelists emphasized the importance of collaboration between brick-and-mortar retailers, online retailers, and law enforcement to address the issue. One example of this is EBay searching for specific high dollar items being resold in areas where there have been major brick and mortar retail thefts of those same items. Under questioning from lawmakers, Ms. Deveau talked about the practical difficulties of online marketplaces being able to provide a certificate of origin or proof of purchase for many high-priced items including antiques, unwanted gifts, and handmade items. Mr. Carson noted EBay's targeted approach of identifying high risk items and high-risk sellers, rather than requiring proof of purchase across the board.

In their remarks, many of the panelists and subcommittee members noted that the state has made several investments, such as the BSCC grants, that need to be seen through the implementation stage. Assemblymember Schiavo commented that state grants need to be given time to be implemented and agreed with the approach of targeting larger organized gangs rather than increasing punishments for petty theft. Echoing the comments of several legislators and members of the public, Assemblymember Reyes said "we cannot go back to mass incarceration."

Following the informational hearing, Assembly Speaker Robert Rivas demonstrated his prioritization of the issue. He joined Assemblymembers Zbur and McCarty last Friday for a press conference in Sacramento, saying "organized retail theft is having a chilling effect on our communities. Crime, like everything, evolves. And criminal enterprises are using new and different ways to get around current prohibitions.... It is our responsibility to ensure that our laws are addressing the situation at hand."

During the press conference, lawmakers announced the "[California Retail Theft Reduction Act](#)" as a comprehensive package of reforms that would allow police to arrest shoplifters based on witness testimony or security footage, and permit officials to aggregate the value of merchandise stolen from multiple retailers so prosecutors can pursue grand theft charges instead of petty theft charges. Online sellers would be required to keep records showing that their goods were acquired legally, and certain large retailers would be compelled to submit data on thefts to the state. The bill would not amend the provisions of Proposition 47, which raised the threshold for which crime can be prosecuted as a felony from \$400 to \$950.

We will continue to track and monitor the legislation as it moves forward in the process and will update the County on any new grant funding opportunities that become available to address the issue.

Upcoming Hearings

Agendas are typically posted on the committee websites in the [Assembly](#) and [Senate](#) a few days prior to the hearings. To view hearings after they take place, you may access them in the [Assembly](#) or [Senate](#) media archives where they are generally available within a few hours of committee adjournment.

Monday, February 26, 2024, 10 a.m.

Assembly Joint Hearing Assembly Select Committee on California's Mental Health Crisis and Senate Select Committee on Mental Health and Addiction

Location: 1021 O Street, Room 1100

Informational Hearing: What's Working and What's Coming: Opportunities in Addressing California's Mental Health Crisis

Monday, February 26, 2024, 2:30 p.m.

Assembly Budget Subcommittee No. 1 on Health

Location: State Capitol, Room 127

Department of Health Care Services, Major DHCS Policy Changes, Budget Change Proposals, Trailer Bill Language Proposals, MCO Tax, Oversight Issues, Medi-Cal and Family Health Estimates

Monday, February 26, 2024, 2:30 p.m.

Assembly Budget Subcommittee No. 6 on Public Safety

Location: State Capitol, Room 437

Oversight Hearing: Organized Retail Theft, Department of Justice, Department of California Highway Patrol, California Law Revision Commission

Tuesday, February 27, 2024, 1:30 p.m.

Assembly Budget Subcommittee No. 5 on State Administration

Location: State Capitol, Room 447

Labor and Workforce Development Agency, Employment Development Department, Department of Industrial Relations, California Workforce Development Board, and Agricultural Labor Relations Board

Tuesday, February 27, 2024, 1:30 p.m.

Assembly Privacy and Consumer Protection

Location: State Capitol, Room 126

Informational Hearing: Understanding AI: Myths, Magic, and Machine Learning

Wednesday, February 28, 2024, 9:00 a.m.

Assembly Budget Subcommittee No. 7 on Accountability and Oversight

Location: 1021 O Street, Room 1100

Oversight Hearing: Oversight of the Statewide Broadband Network Implementation

Thursday, February 29, 2024, 9:30 a.m. or upon adjournment of Session

Senate Budget and Fiscal Review Subcommittee No. 2 on Resources, Environmental Protection, and Energy

Location: 1021 O Street, Room 1200

Natural Resources Agency, Ocean Protection Council, Environmental Protection Agency, Office of Planning and Research, Office of Emergency Services, California Tahoe Conservancy, California Conservation Corps, Energy Resources Conservation and Development Commission, Department of Conservation, Department of Forestry and Fire Protection, Department of Fish and Wildlife, Wildlife Conservation Board, State Coastal Conservancy, Department of Parks and Recreation, Santa Monica Mountains Conservancy, San Gabriel and Lower Los Angeles River and Mountains Conservancy, Sierra Nevada Conservancy, Department of Water Resources, Sacramento-San Joaquin Delta Conservancy, California Air Resources Board, State Water Resources Control Board, Department of Toxic Substances Control, Department of Resources Recycling and Recovery, Department of Food and Agriculture, and California Public Utilities Commission

Thursday, February 29, 2024, 9:30 a.m. or upon adjournment of Session

Senate Budget and Fiscal Review Subcommittee No. 3 on Health and Human Services

Location: 1021 O Street, Room 2200

California Health and Human Services Agency, California Health Facilities Financing Authority, Emergency Medical Services Authority, Department of Health Care Access and Information, California Health Benefit Exchange

Thursday, February 29, 2024, 9:30 a.m. or upon adjournment of Session
Senate Budget and Fiscal Review Subcommittee No. 5 on Corrections, Public Safety, Judiciary, Labor, and Transportation

Location: State Capitol, Room 112
Department of Corrections and Rehabilitation

Monday, March 04, 2024, 2:30 p.m.
Assembly Budget Subcommittee No. 1 On Health

Location: State Capitol, Room 127
Department of Public Health, Annual State of the State's Public Health Report, Major CDPH Policy Changes, Budget Change Proposals, Trailer Bill Language Proposals, and Oversight Issues

Monday, March 04, 2024, 2:30 p.m.
Assembly Budget Subcommittee No. 6 on Public Safety

Location: State Capitol, Room 437
Judicial Branch and Board of State and Community Corrections

Monday, March 04, 2024, 2:30 p.m.
Assembly Emergency Management

Location: State Capitol, Room 444
Oversight Hearing: Communities Recovering from Disasters

Wednesday, March 06, 2024, 9:30 a.m.
Assembly Budget Subcommittee No. 4 on Climate Crisis, Resources, Energy, and Transportation

Location: State Capitol, Room 447
Department of Water Resources, State Water Resources Control Board, Department of Fish and Wildlife
Salton Sea Management Program Project Delivery and Operational Needs, Natural Resources Agency
Salton Sea Management Program Project Delivery and Operational Needs

Thursday, March 07, 2024, 9:30 a.m. or upon adjournment of Session
Senate Budget and Fiscal Review Subcommittee No. 1 on Education

Location: 1021 O Street, Room 2100
California State Library; University of California; California State University; UC College of the Law, San Francisco; California Community Colleges; and California Student Aid Commission

Thursday, March 07, 2024, 9:30 a.m. or upon adjournment of Session
Senate Budget and Fiscal Review Subcommittee No. 2 on Resources, Environmental Protection, and Energy

Location: 1021 O Street, Room 2200
Energy Infrastructure Safety Office, Energy Resources Conservation and Development Commission, and California Public Utilities Commission

Thursday, March 07, 2024, 9:30 a.m. or upon adjournment of Session
Senate Budget and Fiscal Review Subcommittee No. 3 on Health and Human Services

Location: 1021 O Street, Room 1200
Department of Aging, Department of Community Services and Development, Department of Social Services: In-Home Supportive Services, SSI/SSP, Adult Protective Services, and Community Care Licensing

Thursday, March 07, 2024, 9:30 a.m. or upon adjournment of Session
Senate Budget and Fiscal Review Subcommittee No. 4 on State Administration and General Government

Location: State Capitol, Room 113

Government Operations Agency, Office of Planning and Research, Department of Cannabis Control, Department of Alcoholic Beverage Control, Department of Real Estate, Military Department, Department of Veterans Affairs

Thursday, March 07, 2024, 9:30 a.m. or upon adjournment of Session

Senate Budget and Fiscal Review Subcommittee No. 5 on Corrections, Public Safety, Judiciary, Labor, and Transportation

Location: State Capitol, Room 112

Judicial Branch and Board of State and Community Corrections

Governor's Press Releases

Below is a list of the governor's press releases beginning February 14.

February 20: [Governor Newsom Announces Appointments 2.20.24](#)

- Glynnis Vaughan, of Sacramento, has been appointed Deputy Director of Public Affairs at the California Department of Cannabis Control
- Arturo "Roberto" Arias III, of Brawley, has been appointed Warden of Calipatria State Prison
- Bryan D. Phillips, of San Luis Obispo, has been appointed Warden of Substance Abuse Treatment Facility and State Prison, Corcoran
- Naginder Dhillon, of Sacramento, has been appointed Deputy Director of Program Support in the Division of Rehabilitative Programs at the California Department of Corrections and Rehabilitation
- Robert Doyle, of Novato, has been reappointed to the Peace Officer Standards Accountability Advisory Board
- Joyce E. Dudley, of Santa Barbara, has been reappointed to the Peace Officer Standards Accountability Advisory Board
- Emily Sheffield, of Sacramento, has been appointed to the Board of Parole Hearings
- Eric Taylor, of Hollister, has been appointed to the Board of State and Community Corrections

February 20: [Governor Newsom Welcomes Swedish Delegation to California, Signs Climate Partnership](#)

February 20: [TODAY: Governor Newsom to Sign Climate Partnership with Sweden](#)

February 19: [Governor Newsom Secures Presidential Major Disaster Declaration to Support Storm Recovery Efforts in San Diego](#)

February 19: [Governor Newsom Proclaims A Day of Remembrance: Japanese American Evacuation 2024](#)

February 18: [Ahead of Severe Winter Storm, Governor Newsom Activates State Operations Center](#)

February 16: [Homekey Funds Another 370 Homes, Helping Californians at Risk for Homelessness in Oakland and Across the State](#)

February 16: [Governor Newsom Announces Appointments 2.16.24](#)

- Matt Baker, of San Carlos, has been appointed to the California Public Utilities Commission
- Amy Bernardino-Fabi, of Vacaville, has been appointed to the First 5 California Children and Families Commission
- Denny Chan, of Elk Grove, has been appointed to the Civil Rights Council
- Hemant Dhingra, of Clovis, has been appointed to the Medical Board of California
- Nisha Devi Rodrigo, of San Francisco, has been appointed to the Commission on the Status of Women and Girls
- Lamont Nguyen, of Costa Mesa, has been appointed to the Emergency Medical Services Commission
- Sheryll Casuga, of San Francisco, has been reappointed to the California Board of Psychology
- Shacunda Rodgers, of Elk Grove, has been reappointed to the California Board of Psychology
- Kenneth "Ken" Tang, of Alhambra, has been reappointed to the California State Teachers' Retirement Board

- Karen Yamamoto, of Sacramento, has been reappointed to the California State Teachers' Retirement Board
- Maggie Hallahan, of San Francisco, has been appointed to the California Boating and Waterways Commission
- Katie Hawkins, of Truckee, has been reappointed to the California Boating and Waterways Commission

February 15: [Governor Newsom Announces Appointments 2.15.24](#)

- Christine Casey, of Sacramento, has been appointed Deputy Secretary of Freight Policy at the California State Transportation Agency
- Ana Jovel Melendez, of Sacramento, has been appointed Deputy Secretary of Legislative Affairs at the California Environmental Protection Agency
- Pedro Galvao, of Greenbrae, has been appointed Strategic Initiatives and Policy Advisor at the Business, Consumer Services and Housing Agency
- Jonathan Cousimano, of Washington D.C., has been appointed Director of Federal Affairs in the Office of Governor Gavin Newsom
- Thomisha Wallace, of Stockton, has been appointed Executive Director of the California Youth Empowerment Commission
- Jeffrey Keil, of Roseville, has been appointed Labor Relations Officer at the California Department of Human Resources
- Mary Leslie, of Los Angeles, has been reappointed to the California Independent System Operator Board of Governors
- Stacey Luna Baxter, of Sacramento, has been appointed to the Gambling Control Commission

February 14: [California Building Bigger, Better Zero-Emission Charging Network](#)

3. Washington DC Legislative Report

Prepared by Townsend Public Affairs, Inc.

LEGISLATIVE BRANCH ACTIVITY

The House and Senate were both out of session this week. The Senate is scheduled to return to Washington, DC on February 26 and the House is scheduled to return on February 28.

[Key Appropriators Continue FY2024 Appropriations Momentum into Recess](#)

The House will return to session only two days before a portion of government funding is set to lapse on March 1. However, key Committee leaders are working remotely during the recess to avert the possibility. Subcommittee leaders sent some of their toughest to party leaders for negotiation. Multiple House Appropriations Subcommittee chairs have stated negotiators made good progress and should have time to vote ahead of the March 1st and 8th deadlines.

House Majority Whip Tom Emmer expressed optimism in passing a full fiscal year 2024 package on time. He said, "When we come back the key is what packages are put on the floor," he said. "We should be there before the first deadline of March 1." He added, "You are not going to get another continuing resolution out of our conference." Ruling out another short-term spending bill.

Policy riders are still a core disagreement between the parties. House Republicans included a variety of controversial riders throughout their appropriations bills on several issues prompting Democratic Leadership oppose. However, bipartisan House Appropriations Committee leaders, despite this minor setback, have said they will be ready to proceed on the bills once the recess concludes.

County Relevance

- Fiscal Year 2024 appropriations fund many County services including homelessness and housing funding, mental health programs, infrastructure, and flood control infrastructure.

Lawmakers Nearing WIC Deal

Congressmembers are nearing a deal on funding for the Women Infant and Children (WIC) program that could unlock a key piece of the appropriations logjam on Capitol Hill. A funding deal on WIC would alleviate one of the issues holding up the appropriations process and help pave the way for Congress to pass a full suite of appropriations bills for the fiscal year of 2024.

As it stands, the proposal involves adding a pilot program named SNAP-Choice to the agriculture spending bill. SNAP-Choice places limitations on future SNAP recipients, and has substantial backing from Conservatives. In exchange, extra funding would be allocated to the WIC program, a measure that was pushed for by Democrats. The proposal is supported by the Appropriations Subcommittee on Agriculture, Rural Development, FDA Chair Andy Harris thus signaling strong support. The framework for the deal has been passed to leadership for further negotiations.

County Relevance

- According to recent data approximately 15 percent of Orange County children receive benefits through WIC.
- More than 60,000 households in Orange County benefit from the program.

Top House Leaders Announce Bipartisan AI Task Force

Speaker Mike Johnson and Minority Leader Hakeem Jeffries announced a bipartisan task force to explore potential legislation to address concerns around artificial intelligence. This comes after a robocall imitating President Biden sought to discourage people from voting for him in the New Hampshire Democratic primary election. Strong attention was brought to this issue thus prompting the Federal Communications Commission to rule that AI-generated phone calls are illegal shortly after. Speaker Johnson and Leader Jeffries have each appointed twelve members to the Task Force on Artificial Intelligence that represent key committees of jurisdiction. Congressman Jay Obernolte (CA-23) is the Chairman of the 24 member task force and Congressman Ted Lieu (CA-36) is the Co-Chair. To read their joint statement click [here](#).

EXECUTIVE BRANCH ACTIVITY

US Forest Service Announces Additional Funding to Reduce Wildfire Risk

This week the US Forest Service announced an additional \$500 million was made available to expand work on the Forest Service's Wildfire Crisis Strategy. Approximately \$400 million of these funds will go toward ongoing efforts on 21 designated priority landscapes, one of which is in the Cleveland National Forest of eastern Orange County.

The Foerst Service initiated the [Wildfire Crisis Strategy](#) in January 2022 with the stated goal of safeguarding communities by reducing hazardous fuels to reduce wildfire risk. More than 4.3 million acres of wildlands and forests were treated in 2023 under the plan marking a 1 million acre increase over 2022. With this additional funding the Forest Service aims to expand the amount of treated acres in 2024.

County Relevance

- Communities in eastern Orange County will benefit from lower wildfire risk.
- Less intense wildfires improve forest health and lower the risk of other hazards such as mudslides and flooding.

EPA Announces \$5.8 Billion investment into Clean Water and Drinking Water State Revolving Funds

This week the EPA announced a \$5.8 billion investment through the Clean Water and Drinking Water State Revolving Funds (SRF). This multi-billion-dollar investment will fund state-run, low-interest loan programs to address key water infrastructure challenges, with \$2.6 billion going to the Clean Water

SRF for wastewater and stormwater infrastructure and \$3.2 billion going to the Drinking Water SRF for drinking water infrastructure. Almost half of this funding will be available as grants or principal forgiveness loans, ensuring funds reach underserved communities most in need of investments concerning water infrastructure.

For information on California's previous base allotment and FY2024 projections please visit the [Drinking Water State Revolving Fund](#) website.

County Relevance

- California will receive \$510,054,000 for the Clean Water and Drinking Water State Revolving Fund.
- County cities and water districts can apply for funding for drinking water and wastewater infrastructure through the State Water Resources Control Board.

[EPA to Hold Webinars on Final Rule to Reduce Methane from Oil and Natural Gas Operations](#)

The U.S. Environmental Protection Agency will hold multiple public webinars in February and March on the agency's [final rule](#) to sharply reduce methane and other harmful air pollutants from the oil and natural gas industry. The EPA is scheduled to host their webinar for local communities on Feb. 29 at 6:00 p.m. ET. To register for the webinar please visit [epa.gov](#).

County Relevance

- The County's legislative platform seeks to support programs and funding for clean energy projects aimed at reducing air pollutants.
- Orange County is home to a significant oil and gas industry.

[HUD Announces \\$128 million to HUD-Assisted Families for Financial Stability](#)

The U.S. Department of Housing and Urban Development (HUD) announced over \$128 million to 835 Public Housing Agencies (PHAs) and Project Based Rental Assistance (PBRA) owners for the 2023 Renewal and New Family Self Sufficiency (FSS) Program grants. The FSS program is a voluntary initiative offered to families in HUD-assisted housing. Participants receive coaching, referrals to services, and establish a family escrow savings account.

County Relevance

- The Orange County Housing Authority received \$429,864 and the Housing Authority of the City of Santa Ana received \$260,079. To view the full list of recipients please visit [hud.gov](#).

LEGISLATION INTRODUCED BY ORANGE COUNTY DELEGATION

Rep. Katie Porter

- **H.R. 7338 VA Home Loan Guaranty Resiliency and Concurrency Enhancement (GRACE) Act** - would help families buy a home at a new duty station, easing the transition when relocating to another base by increasing the maximum guarantee amount for loans made to certain veterans under the laws administered by the Secretary of Veterans Affairs.
- **H.R. 7359 CFPB Student Loan Integrity and Transparency Act** - would direct both the Consumer Financial Protection Bureau (CFPB) and Department of Education to oversee student loan servicers by providing a framework for the Bureau of Consumer Financial Protection and the Department of Education to coordinate in aiding.

If you or your staff have any questions or require additional information on any of the items in this bulletin, please contact Peter DeMarco at 714-834-5777.



Board of Supervisors

Memorandum

To: Robin Stieler, Clerk of the Board

From: Supervisor Vicente Sarmiento, 2nd District

Date: 02/26/2024

RE: Continue item 46 to the March 12, 2024 Board Meeting Agenda

Supervisor Sarmiento is requesting to continue item 46 for the March 12, 2024 Board Meeting.

cc: Yasie Goebel, Chief of Staff, BOS-2
Valerie Sanchez, Chief Deputy Clerk, COB

CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

2024 FEB 26 PM 3:11

RECEIVED



Board of Supervisors

Memorandum

To: Robin Stieler, Clerk of the Board
From: Supervisor Vicente Sarmiento, 2nd District
Date: February 20, 2024

Vicente Sarmiento

#S46A

**RE: Add Supplemental Item to February 27, 2024 Board Meeting Agenda –
Appoint Karen Caswelch to the Orange County Workforce Development**

Supervisor Sarmiento requests a supplemental item be placed on the February 27, 2024 Board of Supervisors agenda to appoint Karen Caswelch to the Orange County Workforce Development Board for the term concurrent with the 2nd District Supervisor's term of office. Karen will be replacing Lauray Holland Leis.

cc: Yasie Goebel, Chief of Staff, BOS-2
Valerie Sanchez, Chief Deputy Clerk, COB

CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

2024 FEB 20 PM 2:19

RECEIVED



APPLICATION FOR COUNTY OF ORANGE
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

Return to: Clerk of the Board of Supervisors
400 W. Civic Center Dr., 6th Floor
Santa Ana, California 92701
Email: response@ocgov.com
Website: https://cob.ocgov.com/

Instructions: Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration and attach a resume. 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 <https://cob.ocgov.com/boards-commissions-committees/bcc-name-list-and-contact-information>

OCWDB

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

APPLICANT NAME AND RESIDENCE ADDRESS:

Karen	Elizabeth	Caswelch	
_____	_____	_____	_____
First Name	Middle Name	Last Name	
_____	Anaheim	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. **A RESUME MUST BE ATTACHED TO 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.

<u>ORGANIZATION/SOCIETY</u>	<u>FROM (MO./YR.)</u>	<u>TO (MO./YR.)</u>
Fraternity of Delta Psi	1/2013	present
MAP2 Apprentice Board (Orange County Commu	8/2022	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 POSTRIAL 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 Attached

DATE: February 20, 2024

APPLICANTS SIGNATURE: *Karen SM*

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: <input type="checkbox"/> BOS District 1 <input type="checkbox"/> BOS District 2 <input type="checkbox"/> BOS District 3 <input type="checkbox"/> BOS District 4 <input type="checkbox"/> BOS District 5	
<input type="checkbox"/> All BOS <input type="checkbox"/> BCC Contact Person Name _____	

KAREN CASWELCH

EXECUTIVE-LEVEL LEADERSHIP

I represent 20+ years of cross-industry, international, entrepreneurial and progressive success within senior-level leadership capacities. Resourceful and adaptable, I bring achievements in various disciplines boosting value, driving revenues, maximizing profits, reducing costs, ensuring quality, gaining exposure and leading teams to top performance. I focus on quality during the transformation process, thriving in fast-paced, competitive deadline-driven environments. I have been recognized by colleagues, supervisors and employees for honesty and integrity in all situations.

Expertise: Business Transformation • Operational Alignment • Business Development • Process Improvement • International Business • Change Management • Operations Management • Team Leadership • Building Vendor Relations • Operational Streamlining • Quality Assurance • Supply Chain Management • Cost Control • Purchasing • Contract Negotiations • Budgeting • Digital Manufacturing Process Integration • Digital Thread

CAREER HISTORY

Archytas Automation • Irvine, CA, founded in November, 2020 2020–present

Affordable Automation for Small and Medium Sized Businesses

Chief Operating Officer

- Implemented Digital Thread using Acumatica ERP as core technology, including end to end quality tracking.
- Built and delivered 41 robots on time to customer within first 7 months of starting business.
- Won regional Harvard Business School Alumni New Venture competition.
- Awarded 2022 BASF Forward AM Innovation International Grand Prize.
- Developed low volume, high quality robot assembly process, improving build time from 36 hours to 15 hours.
- Created end-to-end micro factory concept, bringing local manufacturing close to end customer.

bridged robotics • Irvine, CA 2023–present

Making Robotics Easy to Teach and Learn (spin-off from Archytas Automation)

Chief Executive Officer

- Selected to participate in CSU Fullerton Entrepreneurship Incubator.
- Developed partnerships with Saddleback Community College and Chapman University.

SciArt Software, Inc / SciArt LLC • Madison, WI 2018–2020

Generative Design Software Company

Chief Executive Officer

- Raised \$750K in Seed funding.
- Selected to participate in first Techstars Space Cohort.
- Delivered sales to MITRE Corp, NASA JPL and US Air Force.

KAC Health • Indianapolis, IN 2017–2018

Pre-revenue Digital Health Start-up Company

Chief Operating Officer

- Developed Supply Chain strategy to assign and ship medical digital devices directly to patients.
- Identified existing software critical to developing corporate patents.

Full Spectrum Laser • Las Vegas, NV 2016–2017

Desktop CO2 Laser Cutters, 3D printers, Importing Industrial Laser Cutters

Chief Operating Officer

- Grew business profitably by 46% from \$8.9M to over \$12M.
- Decreased voluntary turnover by 50%.
- Increased production efficiency by 35% by addressing quality issues, improving inventory ordering procedures and improving production floor culture.

MatterFab • San Francisco, CA 2014–2015

\$6.25M venture capital backed start-up company, designing a 3D metal printer for the production market.

CEO (Interim), VP of Business Development

- Identified product and market mismatch, and refocused the company to create alignment.
- Recruited Engineering leadership and hired team.
- Signed 18 month Joint Research funded Agreement with Fortune 50 Manufacturing Company.

KAREN E. CASWELCH

Akoya, Inc. • Naperville, IL 2009–2014
\$2M venture capital backed start-up company which provides intelligence for supply chain management.

CEO

Hired to conduct turnaround of product costing software business.

- Created new, agile product, rapidly evolving software from tactical to strategic focus.
- Negotiated and delivered 18 month, \$3M contract with founding customer.
- Successfully negotiated and closed sale of business, managing a process with over 20 interested parties.

Allison Transmission, Inc. • Indianapolis, Indiana 2001–2008
\$1.8B world leader in automatic transmissions for commercial and military vehicles.

Vice President, Purchasing

Directed all purchasing functions. Controlled \$16M budget while leading 72 personnel. Ensured timely delivery and quality of all supplied parts, for over \$900M in total material purchases. Developed and led purchasing program to build low-cost automatic transmissions for passenger vehicles in China and Korea. Created progression and succession plans.

- Sold Allison Transmission for \$5.5B in 2007 and identified over \$8.0M in savings during transition.
- Improved warranty costs over \$40M and boosted quality from 550 parts per million (PPM) to 10-13 PPM.
- Achieved \$12M reduction in materials costs, 30% improvement in supplier defect rate, and departmental budget savings of \$2M within 1 year.
- Improved quality 98%; achieved over \$130M in cost reductions; and delivered 35% headcount reduction over 5-year period.
- Achieved \$4M in net savings and identified over \$50M in pipeline savings via cross functional teams.

General Motors Corporation • Singapore/Asia-Pacific 1997–2001
\$178B leading global automaker manufacturing vehicles across 34 countries.

Director, Order to Delivery (2000-2001)

Promoted to develop Asia-Pacific regional strategy for supply chain management. Led 7-member team in region, while supervising implementation of Order to Delivery across Japan, India, China, Australia, Taiwan, Indonesia and Thailand. Created market strategies based on sales models within each country.

- Realized over \$12M in company savings across 3-year project lifecycle.
- Delivered country specific business models within 6 months.

Director, Manufacturing & Quality Planning (1997-2000)

Administered manufacturing functions region-wide, organized by country unit. Built teams for various initiatives, with focus on capacity planning and quality improvement.

- Saved over \$1,600 per vehicle in tax and tariffs through manufacturing footprint strategy based on tax laws.
- Realized 30% improvement in "JD Power Initial Quality" metrics.
- Developed Manufacturing plan for \$7.0B bid from GM to purchase Daewoo from Korean government.

ACADEMIC CREDENTIALS & AFFILIATIONS

Harvard Graduate School of Business Administration: Master of Business Administration

Massachusetts Institute of Technology: Bachelor of Science, Mechanical Engineering

Canvas GFX, Independent Board Member (2023–present)

Fraternity of Delta Psi, Vice President; President; Executive Committee; (2012–2015)

1847, Inc, President and Chairman of the Board (2016–present)

St. Anthony Educational Foundation, BOD (2016–present)

Indianapolis Airport (IND) Authority Board, Finance Committee; Nominating Committee; Hired award winning Executive Director (2012–2015)

Board of Directors, International School of Indiana, Marketing Committee Chairman (2007–2013)

MIT Corporation Visiting Committee (1996–2008)

Why I wish to serve on the OC Workforce Development Board

It's forecasted that there will be 2M unfilled Manufacturing jobs in the US by 2030. I am already engaged with the Orange County Community Colleges who are trying to support education in automation careers through apprenticeships. I was introduced to workforce boards through the previous effort. I'm interested in supporting programs that enhance upskilling for people. I would be honored to be a member of the Orange County Workforce Development Board.

Karen Caswelch



MEMORANDUM

To: Robin Stieler, Clerk of the Board

From: Chairman Donald P. Wagner, Third District

Date: February 21, 2024

In April for DW

RE: Appointment to the Orange County Workforce Development Board

S46B

Please place a supplemental item on the February 27, 2024 Board of Supervisors agenda to appoint Robert Knowles to the Orange County Workforce Development Board. Robert's term will be concurrent with the Third District Supervisor's term of office. He will serve in the Business position that is currently vacant but last held by Barbara Mason.

CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

2024 FEB 21 PM 1:29

RECEIVED



APPLICATION FOR COUNTY OF ORANGE
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

Return to: Clerk of the Board of Supervisors
400 W. Civic Center Dr., 6th Floor
Santa Ana, California 92701
Email: response@ocgov.com
Website: <https://cob.ocgov.com/>

Instructions: Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration and attach a resume. 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 <https://cob.ocgov.com/boards-commissions-committees/bcc-name-list-and-contact-information>

OC Workforce Development Board

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

APPLICANT NAME AND RESIDENCE ADDRESS:

Robert Stanton Knowles
First Name Middle Name Last Name

Yorba Linda 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. **A RESUME MUST BE ATTACHED TO 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: _____

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

<u>ORGANIZATION/SOCIETY</u>	<u>FROM (MO./YR.)</u>	<u>TO (MO./YR.)</u>
Board Member - Irvine Valley College Foundation	11/2022	Present
Association for Talent Development (ATD)	02/20/2020	Present
Life Sciences Trainers and Educators Network (LTEN)	02/09/2021	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.

Possession of illegal fireworks. Bought fireworks for the
 4th of July in Nevada and drove them in to CA.

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

Given my passion for and career in training and talent
 development, I would like to shape that for Orange County

DATE: 02/20/2024

APPLICANTS SIGNATURE:

Robert
 Knowles

Digitally signed by
 Robert Knowles
 Date: 2024.02.21
 07:18:41 -08'00'

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: <input type="checkbox"/> BOS District 1	<input type="checkbox"/> BOS District 2
<input type="checkbox"/> All BOS	<input type="checkbox"/> BCC Contact Person Name _____
<input type="checkbox"/> BOS District 3	<input type="checkbox"/> BOS District 4
<input type="checkbox"/> BOS District 5	

SUMMARY

Results-oriented, proven leader in the medical device industry. Recognized for managing resource, product, and process improvements, compliance to standards, and data driven decisions which have helped enable a #1 market position. Strategic and tactical oriented manager driving innovation in the organization's product, services, and training portfolio. Team builder who maximizes employee engagement and organizational agility through change management and development planning. Fluent in Spanish. Well versed in instructional design processes (ADDIE, SAM) and training impact models.

EXPERIENCE

Senior Director – Global Technical Training

Edwards Lifesciences

Irvine, CA (July 2016 – Present)

- Oversee a 70+ person International training operations with responsibilities centered on employee performance maximization across Irvine, Singapore, and Costa Rica.
- Strategic targets to improve are reduction in total time to train, increasing employee efficiency at point of technical certification, minimizing the learning curve on the manufacturing floor, and maximizing employee retention throughout the technical screening and training stages of the hiring funnel.
- Deployed a variety of adult learning tactics, training innovation, and multi-media tools to support the rapid growth of Edwards such as animation, video-based instructional design, interactive eLearning, Trainer development around 14 international competencies from IBSTPI impacting 4000+ employees.
- Additional focal points surround design and launch of a Learning Management System (LMS), organizational development, change management, new product launch, and lean initiatives.

Senior Manager – Global Product Training / Professional Development

Beckman Coulter, Inc.

Brea, CA (Jan 2013 – May 2016)

- Led the customer, service, and applications training operations with best in class rating 2 years in a row (IMV Survey data)
- Achieved a 16% reduction in the \$8.6M annual budget
- Improved Field Service productivity (KPI) by 22% as an ROI measure of training effectiveness
- Enhanced the eLearning portfolio enabling remote training across 200+ web-based modules and job aids
- Led and developed a 31-person organization (6 direct reports with 2 managers)

Robert Knowles, MBA, CPTD

Yorba Linda, CA 92870

EDUCATION

California State University - Fullerton, Fullerton, CA

Master of Business Administration

Whittier College, Whittier, CA

B.A in Chemistry and Spanish

LANGUAGE SKILLS

Fluent in Spanish

AFFILIATIONS

Association for Talent Development

Member since 2000

Life Sciences Trainers and Educators Network

Member since 2021

Board Member – Irvine Valley College Foundation

Member since 2022

AWARDS AND SIGNIFICANT ACHIEVEMENTS

Global Supply Chain & Quality Excellence Award Winner – 2018, 2021, 2022, Edwards Lifesciences.
For Talent and Organizational Development, Innovation, and Rapid Product Launch

Graduated Summa Cum Laude with a GPA of 3.93, Whittier College

4 Year Letter Winner, Quarterback, Whittier College Football Team

REFERENCES

Available Upon Request



Revision to ASR and/or Attachments

Date: 2/22/2024
To: Clerk of the Board of Supervisors
CC: County Executive Office
From: **Thomas A. Miller, Chief Real Estate Officer, CEO Real Estate**
Re: ASR Control #: N/A, Meeting Date 2/27/2024, Item No. # S46C
Subject: Approve Sixth Amendment to Option Agreement with Majestic Realty Co.

Explanation:

The Legal Entity Taking Action, is revised to state Board of Supervisors and Orange County Flood Control District.

The Recommended Action section, Recommended Action 2 is revised to provide more specific information on the agreement and purpose of the action.

Revised Recommended Action(s)

2. Authorize the Chief Real Estate Officer or designee to execute the Sixth Amendment to Option Agreement, with Majestic Realty Co., extending the option ~~term agreement~~ ~~through~~ from February 28, 2024 to August 28, 2024, in substantially the form attached with minor modifications that do not increase the liability or cost to the County, upon approval by County Counsel, to provide additional time for Majestic to finalize negotiations with the United States Army Corp of Engineers so that Majestic may execute the Master Lease Agreement with the County, which was previously approved by the Board of Supervisors for the development of a parcel owned by the Orange County Flood Control District.

Make modifications to the:

Subject Background Information Summary Financial Impact

Revised Attachments (attach revised attachment(s) and redlined copy(s))



County Executive Office

5466C

Memorandum

February 21, 2024

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=County of Orange, ou=CEO, email=frank.kim@ocgov.co
m, c=US
Date: 2024.02.21 12:41:23 -0800

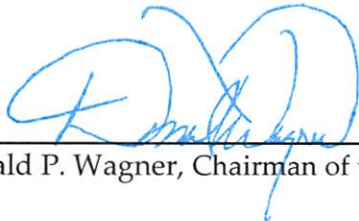
2024 FEB 22 AM 11:26
CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS
RECEIVED

The County Executive Office is requesting a Supplemental Agenda Staff Report for the February 27, 2024, Board Hearing.

Agency: County Executive Office
Subject: Approve Sixth Amendment to Option Agreement with Majestic Realty Co.
Districts: All

Reason Item is Supplemental: The Option Agreement extension request was received from Majestic Realty Co. on January 9, 2024, and the Agenda Staff Report and attachments for this item were finalized after the filing deadline to the Clerk of the Board.

Justification: This item requires action by the Board of Supervisors at the February 27, 2024, meeting date or current term to the Option Agreement will terminate on February 28, 2024.

Concur: 
Donald P. Wagner, Chairman of the Board of Supervisors

cc: Board of Supervisors
County Executive Office
County Counsel



SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT

Agenda Item 546d
Clerk's Use Only

MEETING DATE: 02/27/24
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: Co. [Signature] Office
DEPARTMENT HEAD REVIEW: [Signature]
DEPARTMENT CONTACT PERSON(S): Thomas A. Miller (714) 834-6019
Brian Bauer (714) 834-5663

RECEIVED
2024 FEB 22 AM 11:26
CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

SUBJECT: Approve Sixth Amendment to Option Agreement with Majestic Realty Co.

CEO CONCUR

[Signature]
Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County of Orange, ou=CEO, email=frank.kim@ocgov.com, c=US
Date: 2024.02.21 12:40:42 -08'00'

CEO Signature

COUNTY COUNSEL REVIEW

Approve as to form

Action
Michael A. Haubert
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:

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A

County Audit in last 3 years: No

Levine Act Review Completed: Yes

Prior Board Action: 2/28/2023 #S41C, 9/25/2018 #36, 10/25/2016 #S49G

RECOMMENDED ACTION(S)

- 1. Find that the subject activity is not a project within the meaning of CEQA guidelines Section 15378 and is therefore not subject to review under CEQA.
2. Authorize the Chief Real Estate Officer or designee to execute the Sixth Amendment to Option Agreement, with Majestic Realty Co., extending the option agreement through August 28, 2024, in substantially the form attached with minor modifications that do not increase the liability or cost to the County, upon approval by County Counsel.

SUMMARY:

Approval of the Sixth Amendment to Option Agreement will provide Majestic Realty Co. with six additional months of option term on its Option Agreement, for the purpose of finalizing negotiations with the United States Army Corps of Engineers so that Majestic may enter into the Ground Lease, previously approved by the Board of Supervisors, for the development of Orange County Flood Control District property in Chino, also known as the Majestic Chino Heritage Project.

BACKGROUND INFORMATION:

The Orange County Flood Control District (District) owns an approximately 95-acre vacant parcel located in the City of Chino, California (Property). The Property is located at the southeast corner of Mountain Avenue and Bickmore Avenue, in an industrial area within the Prado Flood Control Basin. The Property was acquired by the District for the Prado Dam element of the Santa Ana River Mainstem Project, to provide for the storage of floodwaters within the planned expansion of the Prado Dam Reservoir.

On October 25, 2016, in response to a Request for Proposals, the Board of Supervisors (Board) selected Majestic Realty Co. (Majestic) to lease and develop the site and authorized the Chief Real Estate Officer or designee to execute an Option Agreement (Option), Fill Dirt License and Master Lease with Majestic, upon satisfaction of conditions to the Option. Majestic paid the District \$10,000 upon execution of this Option.

Majestic received City entitlement approvals for the Project in June 2021, which included two industrial buildings, totaling 2,082,174 square feet, pursuant to the Option Agreement with the County of Orange dated October 25, 2016. On June 29, 2022, the United States Corps of Engineers (Corps) issued an approval of the Project with various conditions and restrictions, outlined in the Corps Decision Letter and Section 408 Permit Approval and Conditions (Permit), which is attached hereto as Attachment B. The Permit conditions and restrictions, as written, would have significantly impacted the development of the Project as currently planned.

Majestic has been working with the Corps on the scope of the required Permit, including coordination with the local Corps staff and lobbying efforts in Washington, D.C., with congressional officials and the Assistant Secretary of the Army. As a result of this work, on December 20, 2023, the Corps issued a Memorandum for Commanding General, U.S. Army Corps of Engineers (Memorandum), which is attached hereto as Attachment C, which reconsiders the requirement for the project to receive a Section 408 Permit and directs the Corps to complete certain action items for the Project to move forward. Majestic continues to coordinate with the Corp and County/District staff on those action items.

The approval of the contract and multiple amendments were approved by the Board or delegated authority as follows:

Prior Board Actions

Board Date	Contract/Amendment	Action
October 25, 2016		Board selected Majestic Realty Co. and authorized the Chief Real Estate Officer or designee to execute an Option Agreement
September 25, 2018	First Amendment	Board approved amendment extending the term for an additional 36 months and to obtain all entitlements necessary for development of the Project
N/A	Second Amendment	Term extended for four months per emergency COVID-19 authority to obtain entitlements with the Army Corps.
N/A	Third Amendment	Term extended for seven months per emergency COVID-19 authority to obtain entitlements with the Army Corps.
N/A	Fourth Amendment	Term extended for three months per emergency COVID-19 authority to obtain entitlements with the Army Corps.

February 28, 2023	Fifth Amendment	On 2/28/2023 Term was extended for 12 months until 2/28/2024 per Board approval.
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In a letter from Majestic, dated January 9, 2024, which is attached hereto as Attachment D, Majestic requests an additional six months of Option term to continue to work with the Corps and District to address the final action items and work with County staff to meet all other conditions precedent to exercising the Option. Once conditions of the Option Agreement are fulfilled, the District and Majestic will enter into the previously Board approved Master Ground Lease Agreement and Fill Dirt License Agreement, which will allow for development of the Property.

Discussions with the Corps did successfully result in the Memorandum, however there are still open action items to complete. CEO Real Estate is bringing this action to the Board less than 30 days prior to the Option expiration, which while not in accordance with the Board directed procedure, is unavoidable.

Compliance with CEQA:

The proposed project was previously determined not to be a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA since it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change as determined on October 25, 2016, when the original option and lease agreement was approved by the Board of Supervisors.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

- Attachment A – Sixth Amendment to Option Agreement
- Attachment B – Corps Decision Letter & 408 Permit Approval & Conditions
- Attachment C – Corps Memorandum
- Attachment D – Majestic Request for Extension Letter, dated January 9, 2024



**SIXTH AMENDMENT TO
OPTION AGREEMENT**

THIS SIXTH AMENDMENT TO OPTION AGREEMENT (“**Sixth Amendment**”) is made as of February 27, 2024 (“**Commencement Date**”), by and between the ORANGE COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter called “**District**”), and MAJESTIC REALTY CO., a California corporation (together with its successors and/or assigns, hereinafter called “**Optionee**”). District and Optionee may sometimes hereinafter individually be referred to as “**Party**” or jointly as the “**Parties**.”

Recitals

- A. The Parties previously entered into that certain Option Agreement dated October 25, 2016 (“**Option Agreement**”), to allow the Optionee to: (i) investigate the development potential of the Premises, as defined in the Option Agreement; (ii) pursue certain Entitlements, as defined in the Option Agreement; (iii) enter into a Ground Lease, as defined in the Option Agreement, for the leasing and development of the Premises; and (iv) investigate the potential to utilize, excavate and remove certain soil and fill dirt located on the Excess Fill Dirt Site for use at the Premises, and acquire certain rights and interest in the Excess Fill Dirt Site pursuant to the Ground Lease, all as more fully set forth in the Option Agreement.
- B. The Parties amended the Option Agreement pursuant to a First Amendment to Option Agreement dated September 25, 2018 (“**First Amendment**”), which, among other things, extended the Option Term, and included Excess Dirt Site Fill #2, Excess Dirt Site Fill #3, Excess Dirt Site Fill #4, Excess Dirt Site Fill #5 and Excess Fill Dirt Site #6 (as defined therein) as part of the definition of Excess Fill Dirt Site (as defined in the Option Agreement) on the terms set forth therein.
- C. The Parties further amended the Option Agreement pursuant to a Second Amendment to Option Agreement dated December 13, 2021 (“**Second Amendment**”), to revise the Option Term, as set forth therein.
- D. The Parties further amended the Option Agreement pursuant to a Third Amendment to Option Agreement dated May 19, 2022 (“**Third Amendment**”), to again revise the Option Term, as set forth therein.
- E. The Parties further amended the Option Agreement pursuant to a Fourth Amendment to Option Agreement dated December 7, 2022 (“**Fourth Amendment**”), to again revise the Option Term to expire on February 28, 2023.

Attachment A

- F. The Parties further amended the Option Agreement pursuant to a Fifth Amendment to Option Agreement dated February 28, 2023 (“**Fifth Amendment**”), to again revise the Option Term to expire on February 28, 2024.
- G. The Parties now desire to further amend the Option Agreement, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment to further extend the term of the Option Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and in the Option Agreement, and other good and valuable consideration the receipt of which is hereby acknowledged, the Parties agree to amend the Option Agreement as follows:

- 1. All terms not specifically defined herein shall have the meaning set forth in the Option Agreement, as amended.
- 2. Section 3 of the Option Agreement, entitled “TERM,” as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment, is hereby deleted from the Option Agreement and the following is substituted:

“3. TERM (PM05.1 N)

The term of this Option Agreement commenced on October 25, 2016 and shall terminate on August 28, 2024 (“**Option Term**”) unless further extended by the Parties; provided that the duration of the Option Term and all obligations hereunder shall be tolled during any period of time, whether occurring before, on or after the date of the Sixth Amendment to this Lease, in which a lawsuit, action or court proceeding is pending that challenges or involves any Entitlements or otherwise challenges the validity of this Option Agreement, as well as during any period of time that a Force Majeure Event, as defined in Section 34 hereafter, exists.”

- 3. Except as specifically amended herein all terms and conditions of the Option Agreement, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment shall remain in full force and effect. To the extent there are conflicts between the Option Agreement, as amended by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment and Sixth Amendment, this Sixth Amendment shall control.


[Intentionally left blank – signature pages follow]

Attachment A

IN WITNESS WHEREOF, the Parties have executed this Sixth Amendment the day and year first above written.

OPTIONEE:

MAJESTIC REALTY CO.,
a California corporation

By: 
Name: Edward P. Roski, Jr.
Title: President and Chairman of the Board

By: _____
Name:
Title:

DISTRICT:

ORANGE COUNTY FLOOD CONTROL
DISTRICT,
a body corporate and politic

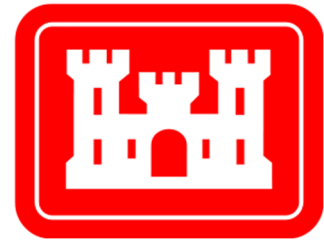
Thomas A. Miller, Chief Real Estate Officer
County of Orange, Pursuant to Minute Order
Dated February 27, 2024

APPROVED AS TO FORM:
COUNTY COUNSEL

By: Michael A. Haubert
Deputy



DEPARTMENT OF THE ARMY
33 U.S.C. § 408 PERMISSION
U. S. Army Corps of Engineers
Los Angeles District



REQUESTER / NON-FEDERAL SPONSOR: Orange County Flood Control District, 300 North Flower Street, Santa Ana, CA 92703-5000

THIRD-PARTY PERMITTEE: Majestic Realty Co., 13191 Crossroads Parkway North Sixth Floor, City of Industry, CA 91746-3497

PERMISSION NUMBER: 408-SPL-2022-0009

ISSUING OFFICE: U.S. Army Corps of Engineers, Los Angeles District (USACE-SPL)

USACE-SPL SECTION 408 COORDINATOR: Mr. Rafi Talukder, (213) 452-3745,
spl.408permits@usace.army.mil

AFFECTED USACE PROJECT AND DESCRIPTION: Prado Dam, a feature for flood control in the Santa Ana River Main Stem flood control system (USACE Project)

LOCATION: LAT 33.957541° N, LONG -117.662515° W

APPROVED ALTERATION OF THE USACE PROJECT:

Majestic Chino Heritage Project: 1) excavate 600,000 cubic yards of material from five sites on Orange County Flood Control District-owned land within the Prado Dam Reservoir; 2) place the excavated material as fill on Orange County Flood Control-owned land encumbered by a USACE flowage easement and construct two warehouses; and 3) construct a 48-inch Reinforced Concrete Pipe (RCP) drain connection to Cypress Channel (Section 408 Activity).

The “approved plans and specifications,” dated 14 April 2019, upon which this Permission is based are retained by USACE-SPL and filed under the Permission Number listed above.

I. General Conditions

1. USACE-SPL acknowledges that the Section 408 Activity shall be carried out by the Third-Party Permittee and that this Permission is being issued to the Requester, pursuant to the Requester’s obligations under any applicable U.S. Army Corps of Engineers (USACE) project agreement(s) and as codified in 33

U.S.C. 2213 (j). USACE-SPL reserves the right to enforce all conditions stated herein against the Requester directly. The Requester, Third-Party Permittee, and their contractor(s), shall comply with all General Conditions and Special Conditions detailed herein.

2. This permission doesn't grant any property rights or exclusive privileges to the Requester and the Third-Party Permittee. The flowage easements remain on the property as is and no change shall be made or imputed to the Project Cooperation Agreement affirming that the property shall remain in public ownership and limited to uses compatible with the Prado Dam Project, including inundation to any elevation for project operations.
3. The Requester and the Third-Party Permittee shall not build any structure within the existing flowage easement areas, to include any portion of the proposed commercial warehouses. Any request to encroach upon the flowage easement to construct surface parking lots, loading docks, utilities, and any other structure must be approved by the District prior to initiation of any such activity.
4. The Requester and the Third-Party Permittee shall not build any underground storage tanks, and on-site waste storage on the property. Above ground storage tanks, vehicles, storage containers, or any other article that could float during a flood must each be adequately anchored to prevent it from becoming dislodged due to buoyancy and/or swift currents.
5. In the event the Third-Party Permittee fails to maintain the Section 408 Activity in good condition and in conformance with the terms and conditions of this Permission or the agreement or separate permit referenced in General Condition 3 and Special Conditions, below, the Requester shall be responsible for taking any and all actions necessary to prevent or mitigate any interference with the operation and maintenance of the USACE Project that may result from the Third-Party Permittee's failure, in accordance with the following:
 - a. Except when immediate action is necessary to prevent or minimize injury to persons or damage to property or the environment, the Requester shall, prior to commencing any such actions other than the Section 408 Activity, provide notice to USACE-SPL of the proposed actions and obtain USACE-SPL's approval.
 - b. When the Requester takes immediate action to prevent injury to persons or damage to property or the environment, the Requester shall notify the USACE-SPL Section 408 Coordinator of such actions as soon as reasonably practicable and shall obtain USACE-SPL's approval of any additional actions reasonably necessary to prevent or mitigate the interference with the operation of the USACE Project.
 - c. In the event that the Requester fails to prevent interference or potential interference with the operation of the USACE Project resulting from

modifications or alterations by the Third-Party Permittee, the Requester then shall be responsible to remove the Section 408 Activity in a manner acceptable to USACE-SPL. Removal shall be conducted only after consultation with USACE-SPL and upon amendment of this Permission.

6. The Requester shall be bound by the following requirements, and prior to the commencement of any construction related to the Section 408 Activity, the Requester shall enter into an agreement with, or issue a separate permit to, the Third-Party Permittee which shall impose the following requirements on the Third-Party Permittee:
 - a. This Permission only authorizes the Third-Party Permittee and the Requester to undertake the Section 408 Activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 408). This Permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This Permission does not grant any property rights or exclusive privileges, and the Third-Party Permittee and the Requester must have appropriate real estate instruments in place prior to construction and/or installation.
 - b. Any Lease or Sub-Lease instrument shall include an indemnification clause binding the Requester fully indemnifying the United States, the Secretary of the Army, the Army Corps of Engineers, or any officer or employee thereof, from any future claim for damages to property, injuries to persons, or lives lost as a proximate or indirect result of inundation of the property pursuant to the operation of Prado Dam. Any Lease or Sub-Lease instrument shall also include a waiver clause binding the Third-Party Permittee fully waiving and affirmatively disclaiming any future claim against the United States, the Secretary of the Army, the Army Corps of Engineers, or any officer or employee thereof, for any and all damages to property, injuries to persons, or lives lost as a proximate or indirect result of inundation of the property pursuant to the operation of Prado Dam. Such indemnification and waiver clauses shall be disclosed to the USACE for timely review and approval prior to the signing of any real estate instrument between the Requester and the Third-Party Permittee, and the Third-Party Permittee and any sub-lessee.
 - c. The time limit for completing the Section 408 Activity ends two (2) years after the effective date of this Permission. If the Third-Party Permittee finds that it requires more time to complete the Section 408 Activity, the Requester shall submit a request for a time extension to USACE-SPL for consideration at least one month before the above time limit is reached. Should construction activities fail to commence within two (2) years after the effective date of this Permission, this Permission shall be immediately revoked.

- d. Without prior written approval of the USACE, the Third-Party Permittee and the Requester must neither transfer nor assign this Permission nor grant any interest, privilege, or license whatsoever in connection with this Permission. Any sublet of the premises must be reviewed and approved by the USACE prior to signing of the real estate instrument to ensure that all appropriate indemnification and waiver clauses are fully and accurately addressed. Failure to comply with this condition will constitute noncompliance for which the Permission may be revoked immediately by the USACE.
- e. The Third-Party Permittee and the Requester understand and agree that, if future operations by the United States require the removal, relocation, or other alteration of the Section 408 Activity herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of the USACE Project authorized design, the Third-Party Permittee and the Requester will be required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.
- f. The United States will in no case be liable for:
 - 1. any damage or injury to the structures or work authorized by this Permission that may be caused or result from future operations undertaken by the United States, and no claim or right to compensation will accrue from any damage; or
 - 2. damage claims associated with any future modification, suspension, or revocation of this Permission.
- g. The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by the Third-Party Permittee or by the Requester, nor for damages to the property or injuries to the Third-Party Permittee's or the Requester's officers, agents, servants, or employees, or others who may be on the Third-Party Permittee's or the Requester's premises or project work areas or the USACE Project(s) rights-of-way. By accepting this Permission, the Third-Party Permittee and the Requester hereby agree to fully defend, indemnify, and hold harmless the United States and USACE from any and all such claims, subject to any limitations in law.
- h. Any damage to the water resources development project or other portions of any USACE Project(s) resulting from the Third-Party Permittee's activities must be repaired at the Third-Party Permittee's expense. The repairs shall be accomplished to the satisfaction of USACE-SPL.

- i. The determination that the activity authorized by this Permission would not impair the usefulness of the USACE Project and would not be injurious to the public interest was made in reliance on the information the Requester and Third-Party Permittee provided.
- j. USACE-SPL, at its sole discretion, may reevaluate its decision to issue this Permission at any time circumstances warrant, which may result in a determination that it is appropriate or necessary to modify or revoke this Permission. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - 1. The Third-Party Permittee or Requester fails to comply with the terms and conditions of this Permission;
 - 2. the information provided in support of the Requester's Section 408 Permission request proves to have been inaccurate or incomplete; or
 - 3. significant new information surfaces which this office did not consider in reaching the original decision that the activity would not impair the usefulness of the water resources development project and would not be injurious to the public interest.
- k. The Third-Party Permittee is responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed as a result of environmental compliance.
- l. Work/usage allowed under this Permission must proceed in a manner that avoids interference with the inspection, operation, and maintenance of the USACE Project.
- m. In the event of any deficiency in the design or construction of the Section 408 Activity, the Requester and Third-Party Permittee are responsible for taking remedial action to correct the deficiency.
- n. The right is reserved to the USACE to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to operate and/or to make any other use of the lands as may be necessary in connection with government purposes, and the Third-Party Permittee and the Requester will have no claim for damages on account thereof against the United States or any officer, agent or employee thereof.
- o. The Requester must provide copies of pertinent design, construction, and/or usage submittals/documents. The USACE may request that survey

and photographic documentation of the alteration work and the impacted project area be provided before, during, and after construction and/or installation.

- p. The USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work.
- q. If the scope of the Section 408 Activity changes from the approved plans and specifications upon which this Permission is based, the Requester must resubmit the Section 408 Permission request with the Permission Number and revisions clearly identified. Work associated with the Section 408 Activity that does not pertain to the revised portion of the project may continue while the revisions are being reviewed unless USACE-SPL indicates otherwise. If USACE-SPL determines that changes in scope or details have an impact outside approved alteration area, a new Section 408 Permission request will be required.
- r. The Requester shall comply with any USACE review requirements for all design elements. The Requester shall fund for all major milestones (i.e. 35%, 65%, and 95%) review and ensure the final design elements meet USACE requirements.
- s. The Third-Party Permittee shall notify the USACE-SPL Section 408 Coordinator and the Requester of the start date for construction and submit a copy of the construction schedule at least two (2) weeks prior to starting. Updated construction schedules shall be made available upon request. Construction activities shall not impair USACE-SPL access to perform maintenance services, inspections, and patrolling activities. Routine construction progress report will be required. An invitation shall be sent to USACE-SPL for any kick-off meetings and final walk-through, as applicable.
- t. Upon completion of construction of the Section 408 Activity, the Third-Party Permittee shall submit to USACE-SPL and the Requester electronic copies of the as-built plans showing the new work as it relates to identifiable feature of the USACE Project with post compilation of topographic survey information. The as-built plans must be signed by the Third-Party Permittee's Engineer of Record. Electronic copies of the as-built plans shall be submitted in .pdf format to the Requester and USACE-SPL. As-built plans must be provided within 60 days of construction completion.
- u. O&M Manual Updates. The Requester is responsible for O&M of this basin of the USACE Project. However, the Lessee of the property will be responsible for the O&M of the proposed Section 408 Activity and such requirement shall be incorporated into any Lease and Sub-Lease instruments. So long as Third-Party leases the property, it shall be

responsible for the O&M of the proposed Section 408 Activity and such requirement shall be incorporated into any Lease and Sub-Lease instruments. The Requester and Third-Party Permittee shall have their own O&M agreement for the proposed alteration and shall provide an executed copy to the USACE within 10 days of construction completion.

- v. The Third-Party Permittee and the Requester must maintain the Section 408 Activity in good condition and in conformance with the terms and conditions of this Permission. The Third-Party Permittee and the Requester shall not be relieved of this requirement even if the Section 408 Activity is abandoned. Should the Third-Party Permittee or the Requester wish to cease to maintain the Section 408 Activity or desire to abandon it, the Requester must obtain an amendment of this Permission from USACE-SPL and may be required to perform additional construction activities prior to abandonment of the facility.

II. Special Conditions

1. If previously unknown historic or archaeological remains are discovered while carrying out the Section 408 Activity, the Third-Party Permittee shall immediately cease activity and protect the site in conformance with 36 C.F.R. § 800.13. Within 24 hours of the discovery, the Requester shall notify USACE-SPL Section 408 Coordinator. The Third-Party Permittee shall not resume construction or activity in the area containing the potential cultural resources until USACE-SPL issues a notice to proceed to the Requester.
2. The Third-Party Permittee and any contractors must have in place accidental spill prevention and response plan for all hazardous materials that may be used on site. In the event of a spill or release of hazardous substances at the site, the spill and/or release shall be immediately contained, excavated, and treated per federal and state regulations developed by the U.S Environmental Protection Agency as well as local hazardous waste ordinances.
3. The Third-Party Permittee shall implement Best Management Practices (BMPs) such as sediment control and erosion control measures as necessary to ensure water quality is not adversely affected by the Section 408 Activity in compliance with federal, state and local ordinances.
4. The Third-Party Permittee shall post "Construction Zone" and detour signs for vehicular traffic and pedestrians per local ordinances.
5. To reduce noise to the maximum feasible extent, the Third-Party Permittee shall maintain construction equipment with properly functioning mufflers on all internal combustion and vehicle engines used during construction. Construction must

comply with local noise ordinances.

6. Work shall not begin in waters/navigable waters of the United States until the Requester first obtains a separate, additional Department of the Army permit for activities which involve the discharge of dredge or fill material into waters of the United States or work or structures in or affecting navigable waters of the United States, pursuant to the provisions of Section 404 of the Clean Waters Act, as amended (33 U.S.C. 1344) and/or Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 403).
7. The requester and the third party shall comply with all commitment measures and conditions included in the environmental assessment document of June 2022.
8. The requester and the third party shall not store any construction material or any construction equipment's inside flowage easement area and shall remove all the debris by the end of each working day.
9. Ensure all evacuation routes within the development are above 566-ft.
10. Clear signage with direction toward evacuation routes must be placed outside, and inside of all facilities and ensure signage for elevation 566-ft line is clearly identified in at least six places along the property line.
11. Sufficient internal and external egress for vertical evacuation (finished floor to roof) must be available and accessible for all employees at workplace. A vertical evacuation plan must be prepared and included with the Flood Emergency Action Plan. The vertical evacuation plan must be kept on-site.
12. The Requester and the third-party permittee shall develop a Flood Emergency Action Plan (e.g. Contingency Plan referenced in SPD Regulation 1110-2-1), specific to the Majestic project, and update it annually. The Flood Emergency Action Plan must be briefed to all employees upon employment and annually thereafter and a copy of the current Emergency Action Plan must be regularly provided to the USACE-SPL. The Flood Emergency Action Plan must include requirements listed in SPD Regulation 1110-2-1, paragraph 6, but is not limited to the following topics: 1) flood preparedness, 2) announcement/notification of flood threat to all occupants, 3) evacuation routes (with maps) and 4) biennial tabletop exercises to simulate flood threat. The Applicant OCFCD will provide all tabletop exercise invitations to USACE. Applicant OCFCD will fund USACE participation in the reference tabletop exercises.

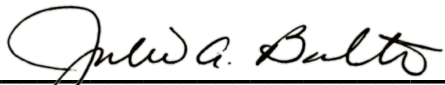
Nothing in this Permission shall be construed as abrogating or otherwise diminishing the responsibility of the Requester and the Third-Party Permittee to hold and save the USACE, its officers and agents, free and harmless from all liability and damages of any nature arising from construction, operation, maintenance, repair, rehabilitation, or

replacement of the USACE Project and any alterations, including any alteration approved herein, except to the extent caused by the fault or negligence of USACE-SPL.

By signing this Permission, the signatory to this Permission hereby represents and warrants that they are duly authorized to execute and bind Orange County Flood Control District to the terms and conditions contained within this Permission. This Permission shall become effective upon signature below by USACE-SPL official.

Thomas A. Miller
Chief Real Estate Officer
Orange County Flood Control District

Date



JULIE A. BALTEN
COL, EN
Commanding
Los Angeles District
U.S. Army Corps of Engineers

Date



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

SACW

20 December 2023

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Prado Dam, Majestic-Chino Warehouse Development

1. References:

- a. Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC § 408).
- b. Engineering Circular (EC) 1165-2-220.
- c. Policy Guidance Letter No. 32, Use of Corps Reservoir Flowage Easement Lands, dated April 1993.
- d. Project Cooperation Agreement (PCA) Between the Department of the Army and Orange County Flood Control District for Construction of the Prado Dam, dated 11 February 2003.
- e. Real Estate Planning Report, Prado Dam Expansion as Separable Element, dated February 2000.

2. Background.

a. Prado Dam in Riverside County, California, is approximately two miles west of the city of Corona on the Santa Ana River and approximately 30 miles upstream from the river's termination in the Pacific Ocean. The dam was initially constructed pursuant to the Flood Control Act of 1936 (Pub. L. 74-738), as amended. The Corps acquired the right to flood, either by ownership in fee or by easement, all reservoir lands up to elevation 556-ft NGVD, the original real estate take line for the reservoir. Congress subsequently authorized the raise of Prado Dam and the non-Federal sponsor, Orange County Flood Control District (OCFCD), purchased the required lands as part of its obligation to acquire the right to flood this new area. The real estate take line for the raised dam project moved from elevation 556-ft to 563-ft NGVD, plus an additional three feet of reasonable freeboard allowance in accordance with 32 CFR § 644.4(b)(1)(ii), the maximum water surface of the updated standard project flood (SPF). The USACE Real Estate Planning Report (Reference 1.e.), pursuant to which this property was acquired, determined that the "existing Government owned flowage easements will remain in effect." The plan further states that "Los Angeles District, Corps of Engineers would

SACW

SUBJECT: Prado Dam, Majestic-Chino Warehouse Development

continue to be responsible for compliance with the deed restrictions of these flowage easements, as they apply, to ensure that the project is operated and maintained consistent with the authorized project purposes.”

b. Third-party permittee Majestic seeks to construct two commercial warehouses totaling approximately 2.1 million square feet (~48 acres) on the OCFCD property, which is subject to flooding for project purposes. Majestic proposes to build its warehouse pads above elevation 566-ft by importing approximately 340 acre-feet of fill from five separate borrow sites lower in the reservoir, owned in fee by OCFCD. The current development proposal includes parking lots that are at-grade and loading docks surrounding the two warehouses that are up to six feet below the real estate take line of elevation 566-ft NGVD. Generally, under current regulation and practice, surface parking lots, susceptible to inundation, are considered an acceptable land-use in reservoirs.

c. In accordance with Reference 1.b., OCFCD and Majestic applied for a Section 408 Permission, pursuant to 33 USC. § 408. Notwithstanding the submission of a Section 408 application, Majestic proposed the request be processed as a real estate action consisting of consents to construction, consent to borrow, and a release of the flowage easements. In 2022, the District Commander declined to release the flowage easements. After that decision, OCFCD and Majestic requested that the District continue to process its Section 408 application. After several years of review and consideration, the engineering analyses concluded that the proposed improvements would not impair the function and usefulness of the project, provided that certain evacuation and safety measures were imposed on the warehouses’ construction and operation as conditions of the Section 408 Permission. The District Engineer was therefore able to conclude that the proposal was compatible with the authorized purposes of the project in accordance with the PCA. The Corps issued a Section 408 permission for the warehouse development that would approve the development, if accepted by the applicants. Majestic then requested that the ASA(CW) reconsider the applicability of Section 408 in favor of proceeding as a real estate action.

3. Section 14 of the Rivers and Harbors Act of 1899 (33 USC § 408) makes it unlawful to take possession of, make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct, or in any manner whatever impair the usefulness of any work built by the United States. Section 14 further provides that the Corps may grant permission for the alteration of such public works when, in the judgment of the Secretary, such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work. Finally, Section 14 was amended in WRDA 2018 to specifically provide that “the term ‘work’ shall not include unimproved real estate owned or operated by the Secretary as part of a water resources development project, if the Secretary determines that modification of such real estate would not affect the function and usefulness of the project.” (33 U.S.C. § 408(d)).

Attachment C

SACW

SUBJECT: Prado Dam, Majestic-Chino Warehouse Development

4. Section 408(d) does not exempt unimproved lands from Section 408. However, it does specifically provide that if the Secretary determines the proposed alteration does not affect the function and usefulness of the project, then Section 408 does not apply to that area of the project for the purposes of that specific alteration. Accordingly, if the modification of the unimproved real estate would not affect the function and usefulness of the project, then a Section 408 permit is not legally required. For example, farmers using unimproved project lands for grazing would not need a Section 408 permission if the livestock's presence would not affect the project's operation or function. My determination, which applies to unimproved real estate owned or operated by the Army, is specific to the particular activity. Any other activity proposed for that parcel would require a separate determination from me of whether the activity would affect the function and usefulness of the project or whether it could otherwise be authorized under Section 408.

5. Here, OCFCD and Majestic have requested permission to build two warehouses on unimproved lands used in the operation of the project for flood storage. Considering the potential application of Section 408(d), I requested additional information from the Corps. On August 14, 2023, the Corps advised that the impact of the proposed warehouse development would be local and *de minimis*, based upon the Corps' engineering expertise, experiences, and understanding of current conditions; the information Majestic has provided to date; and the assumption that appropriate safety measures will be implemented. In other words, there will be essentially no impact on the operation of this specific project. I understand that the proposed modification will import 600K cubic yards of fill from borrow areas within the Prado Basin to construct the building pads and to make the finished floor elevation at 567-ft NGVD. The Corps District has estimated the potential borrow sites contain a total of 835K cubic yards of potential contributed fill material, so there may be no net change to overall flood storage volume resulting from the planned borrow and fill. Further, in response to my questions, the Corps acknowledged that the proposed grading could even potentially provide a slight increase in flood storage volume below 566-ft NGVD if the borrow sites were fully used for the fill. Thus, I find that the proposed modification on unimproved real estate operated as part of the Prado Dam does not affect the function and usefulness of the project. My finding is based on the facts and history specific to this request and does not establish a precedent for the application of Section 408(d) or for other development at this project or any other project.

6. With respect to Majestic's request to reconsider the applicability of Section 408 in favor of proceeding as a real estate action, I am directing the Corps to dispose of flowage easement rights over Parcels 510 and 511 to the underlying fee owner, OCFCD, for no consideration, and subject to certain conditions intended to ensure that OCFCD exercises its responsibilities as the non-federal sponsor to retain interests in public ownership and satisfy all of its Operation, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) requirements, including, but not limited to prohibiting human habitation and any other safety measures required by the Corps. Such conditions and measures will be set forth in an agreement between the Army and

SACW

SUBJECT: Prado Dam, Majestic-Chino Warehouse Development

OCFCD and in all documentation between OCFCD and Majestic. After the United States' acquisition of a flowage easement, when the real estate take line for the raised dam project changed, OCFCD acquired a fee interest in the subject property for the project pursuant to the PCA executed between OCFCD and the Army. Specifically, Article III.A. of Reference 1.d. obligates OCFCD to "ensure that lands that the Government determines to be required for the operation and maintenance of the Project and that were provided by OCFCD are retained in public ownership for uses compatible with the authorized purposes of the Project." In accordance with Section 221 of the Flood Control Act of 1970, as amended, and Section 103 of the Water Resources Development Act of 1986, as amended, PCAs are legally binding agreements enforceable in District Court. When OCFCD acquired the fee interest, the Government's easement became superfluous to the project since OCFCD acquired all ownership and the right to use and possess the property. As detailed above, OCFCD is also obligated to ensure that this property remains in public ownership for uses compatible with the project. Accordingly, the flowage easement rights are no longer needed for use, occupancy, and control for project needs.

7. Under Article VIII.A of Reference 1.d., OCFCD is obligated to "manage and maintain all lands, easements, and rights-of-way provided by the Non-Federal Sponsor in accordance with Article III.A of this Agreement, in a manner compatible with the project's authorized purposes and in accordance with . . . specific directions prescribed by the Government in the OMRR&R Manual and any subsequent amendments thereto." Consistent with the paragraph six above, I am specifically directing the Corps to ensure the OMRR&R manual is clear that any non-project alterations occurring on the project lands must be secondary to, and compatible with, the project purposes. I am providing a copy of this memo to OCFCD to ensure they are aware of my determination regarding the release of the easement, that the lands remain project lands subject to inundation pursuant to project operation, and my direction with respect to the OMRR&R manual prohibiting any activities on this property incompatible with the project, including human habitation, which is prohibited because of the potential for flooding.

8. I understand that the remaining requests for a storm drain easement and construction license for proposed grading on Corps land are noncontroversial and can be addressed through local processes.

9. As a general matter, I recognize that there may be many potential modifications of projects that may affect a project's function and usefulness, yet do not rise to the level of impairing the usefulness of the project. Clearly there are categories of modifications that would not affect the project function and usefulness and others that would require specific review of the proposed modification's potential affects. The Corps is directed to develop options for implementing Section 408(d), recognizing that even small effects can have substantive impacts to the function or manner of a project's operation and thus may require a permission pursuant to Section 408(a). Further, I am directing the Corps to develop and propose an approach for elevating future Section 408 decisions above District level when the real estate acquisition requirements for flood risk reduction

SACW

SUBJECT: Prado Dam, Majestic-Chino Warehouse Development

reservoir projects are at issue, like Prado. The Corps' proposal will be reviewed by my staff and subject to my final approval.

10. I appreciate that local interests might perceive Corps project lands as available space for development, that sponsors may wish to offset project construction costs by allowing development, and that the Corps may have permitted similar development previously. Nonetheless, the Corps is reminded that if a modification would impair the function and usefulness of a project, including its operation, or if the modification is injurious to the public interest, then the Section 408 request must be denied. As indicated in paragraph five above, my determinations pertaining to the application of Section 408(d) and the disposal of flowage easements in this specific scenario may *not* be relied upon to support the development of any other project on real estate owned or operated by the Army or its non-federal project partners.

11. The Corps will expeditiously complete the actions in paragraphs six through eight above and provide my staff with biweekly status updates until the conclusion of such actions. The Corps is also directed to provide a briefing on the actions in paragraph nine above within six months of the date of this memorandum. The Corps Headquarters is responsible for ensuring execution of the directives in this memorandum and any associated actions.

12. Questions regarding this matter may be directed to Stacey Jensen, Acting Director of Policy and Legislation, Office of the Assistant Secretary of the Army (Civil Works), at (703) 459-6026 or stacey.m.jensen.civ@army.mil.



MICHAEL L. CONNOR
Assistant Secretary of the Army
(Civil Works)

CF:
OCFCD



January 9, 2024

Orange County Flood Control District
Attn: Director, OC Public Works
300 North Flower Street, 7th Floor
Santa Ana, CA 92703

County of Orange, c/o CEO/Corporate Real Estate
Attn: Chief Real Estate Officer
333 West Santa Ana Blvd., 3rd Floor
Santa Ana, CA 92702

Re: Status Update and Request by Majestic Realty Co. to extend the Option Term for
Majestic Chino Heritage (MCH)

Dear Mr. Treadaway and Mr. Miller:

I am writing to provide a status update on the Majestic Chino Heritage development, as well as a request to extend the term of the Option agreement between the Orange County Flood Control District and Majestic.

GOOD NEWS: ARMY MEMORANDUM

As I believe you are aware, on December 21, 2023 the Assistant Secretary of the Army for Civil Works (ASA), Mr. Michael Connor, issued a Memorandum dated 20 December 2023 with a subject line of "Prado Dam, Majestic-Chino Warehouse Development" (attached for your reference). This Memorandum provides a number of beneficial results for our joint OCFCD/Majestic development known as Majestic Chino Heritage (MCH), primarily that the MCH development will not be subject to a Section 408 Permission, and therefore not subject to the numerous impractical conditions that the Army Corps had previously included in its proffered 408 permission. The ASA's Memorandum also directs the Army Corps to remove the old 1940's flowage easement encumbrances, for no compensation, from the MCH development site owned by OCFCD.

Needless to say, this Memorandum is very good news for our joint MCH development.

MEMORANDUM ACTION ITEMS

The ASA's Memorandum directs the following action items:

- Army Corps to dispose of its flowage easement rights (Section 6)
- Army Corps to enter into an agreement with OCFCD to memorialize conditions and measures and ensure that the OMR&R Manual is clear (Sections 6 and 7).
- Army Corps to issue (i) a Perpetual Storm Drain Easement, and (ii) a Temporary Construction License for Grading on Corps Land (Section 8). Please Note that Majestic

Attachement D



Orange County Flood Control District

Re: Majestic Status Update and Request to Extend Option Term for the Majestic Chino Heritage

January 9, 2024

Page 2 of 2

provided drafts of these documents to the ASA and Corps Headquarters in October of 2023.

Majestic's counsel is working with the ASA's office to identify the specific responsible parties at the Army Corps and the detailed next steps on each of these action items. We will share this information with you as soon as we get it.

TIMING

Further good news in the ASA's Memorandum is that it directs the Corps to "expeditiously complete" the above-mentioned action items and to provide ASA Staff biweekly status updates until conclusion of such actions. Nevertheless, the Army Corps has proven to be methodical and extremely slow in completing tasks. Accordingly, we are very concerned that they will not complete these remaining items by the February 28, 2024 expiration of the term of the Option Agreement between Majestic and OCFCD.

REQUEST

On behalf of Majestic Realty Co., I am writing to formally request an extension to the term of the Option Agreement between Orange County Flood Control District and Majestic Realty Co. We are committed to acting with diligence, speed and efficiency on these final action items, but it is difficult to anticipate how long it will take for the Army Corps to act on the remaining steps. Accordingly, we believe an extension of six (6) months is warranted. In the meantime, please know that Majestic's goal is to exercise the Option as soon as possible.

Thank you for your partnership in this promising endeavor. We are at the goal line, and look forward to bringing this mutually beneficial project to fruition.

Sincerely,

MAJESTIC REALTY CO.

A handwritten signature in blue ink that reads "Ed Konjoyan".

Ed Konjoyan

R.E. License #01403186 (CA)

Senior Vice President, Majestic Realty Co.

Enclosure

cc: Edward P. Roski, Jr., President and Chairman, Majestic Realty Co.
Reon Roski, Chief Executive Officer, Majestic Realty Co.
Trent Wylde, Senior Vice President, Majestic Realty Co.



RECEIVED

2024 FEB 22 PM 3:25

546D

CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

MEMORANDUM

Date: February 22, 2024
To: Robin Stieler, Clerk of the Board
From: Supervisor Andrew Do, First District

For Approval for DW
Clear for A.D.

RE: SUPPLEMENTAL ITEM FOR THE FEBRUARY 27 MEETING OF THE BOARD OF SUPERVISORS

Please add a Supplemental Agenda Item to the February 27, 2024 Board of Supervisors meeting:

I am requesting Board approval of \$525,000 from District 1 discretionary funds to the City of Seal Beach for the San Gabriel River Trash Mitigation Initiative. These funds will be used to conduct a Feasibility/Alternative Recommendations Study ("Study"), beach clean-up of trash, and beach raking operations for the 2024 calendar year.

The City of Seal Beach has been experiencing significant trash accumulations on its public beach with recent data reflecting an impact of nearly 400 tons per year, not counting trash already collected from area bins and dumpsters. Upon receiving updates on this issue, Assemblywoman Diane Dixon convened a working group made-up of key stakeholders including the following entities:

- State Assemblywoman Diane Dixon
- State Assemblyman Josh Lowenthal
- Orange County Supervisor Andrew Do
- Los Angeles County Supervisor Janice Hahn
- City of Seal Beach
- City of Long Beach
- Surfrider Foundation (North Orange County & Long Beach Chapters)

After comprehensive research efforts were completed and presented to the Working Group on January 19, 2024, follow-up action items were established and allocated to various Working Group members. One of the initial actions included the development of high-level cost estimates to implement a long-term mitigation strategy over various phases and to identify near-term and future funding sources. The preliminary phases include the Study, Final Design, and Implementation.

The Study phase proposes to conduct initial outreach to key stakeholders (including public agencies having jurisdiction), environmentally focused organizations, scientific entities (such as the Aquarium of the Pacific), regional watershed management committees, and other interested or impacted parties identified as the Study progresses.

While the cost of the entire initiative is estimated at roughly \$6 million over the next three to five years for all phases, the costs of the initial Study and supporting resources to procure services, coordinate stakeholder engagement, and oversee execution of the Study along with beach clean-up of trash and beach raking operations for the 2024 calendar year, are estimated at \$525,000.

The San Gabriel River Trash Mitigation Initiative will help improve public beach quality and experiences for Orange County residents. The City of Seal Beach will be the agency receiving these funds and will perform all future activities to execute associated services, including applicable public procurement actions and oversight of external resources use to effectuate the efforts as outlined above.

Recommended Actions:

1. Approve the use of \$525,000 from District 1 discretionary funds to the City of Seal Beach for the San Gabriel River Trash Mitigation Initiative.
2. Find under Government Code section 26227 that this expenditure is necessary to meet the social needs of County residents.
3. Authorize and direct the County Executive Officer, or designee, to negotiate and enter into an agreement with the City of Seal Beach as necessary to effectuate the purposes of this allocation, including, but not limited to, the execution of the agreement with the City of Seal Beach.
4. Authorize and direct the Auditor-Controller, or designee, to make related payments as necessary to effectuate the purposes of this allocation, including, but not limited to Cal-Card, electronic fund transfers or check payments.



RECEIVED

2024 FEB 23 AM 11:49

CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

Memorandum

Date: February 23, 2024
To: Robin Stieler, Clerk of the Board
From: Katrina Foley, Fifth District Supervisor
Re: Supplemental Agenda Item for the February 27, 2024 Meeting of the Board of Supervisors

NA for KF
See Conf for DW

S46E

Please add a supplemental item to the February 27, 2024 Board of Supervisors agenda to consider the Memorandum of Understanding with the City of Dana Point for the Regional Beach Sand Project III, Phase I.

**SUPPLEMENTAL AGENDA ITEM
AGENDA STAFF REPORT**



MEETING DATE: 02/27/24
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): 5
SUBMITTING AGENCY/DEPARTMENT: Supervisor Foley, 5th District
DEPARTMENT CONTACT PERSON(S): Nick Anas (714) 834-3550
Alyssa Napuri (714) 834-3550

SUBJECT: Approve Memorandum of Understanding with the City of Dana Point to Join Sand Replenishment Study

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

Budgeted: Yes	Current Year Cost: \$49,788.16	Annual Cost:
Staffing Impact: No	# of Positions:	Sole Source: No
Current Fiscal Year Revenue: N/A		
Funding Source: OC Parks Fund 405: 100%		County Audit in last 3 years No
Levine Act Review Completed: N/A		
Prior Board Action: N/A		

RECOMMENDED ACTION(S)

- Find that the proposed project is Statutorily Exempt from CEQA, pursuant to Section 21150 of the Public Resources Code and Section 15262 of the CEQA Guidelines.
- Approve the Memorandum of Understanding between the County of Orange and the City of Dana Point for funding Task 6 of Phase 1 — Preliminary Planning Activities of the San Diego Association of Governments' Regional Beach Sand Project III, effective upon Board approval for a term of three years, in the amount of \$49,788.16.
- Authorize the Director of OC Community Resources or designee to execute the Memorandum of Understanding between the County of Orange and the City of Dana Point.

SUMMARY:

Approval of the Memorandum of Understanding with the City of Dana Point will support a study to include the evaluation of Orange County beaches in the initial planning of the Regional Beach Sand Project III, which may lead to the delivery of sand to County beaches to help maintain public access to amenities, protect critical infrastructure from erosive events and create habitat for coastal wildlife.

BACKGROUND INFORMATION:

OC Community Resources/OC Parks manages various coastal facilities, among them Capistrano Beach, situated within the City of Dana Point. This beach is within the boundaries of the Oceanside Littoral Cell, a distinct geographic segment of the California coastline extending from Dana Point to La Jolla where sediment movement is contained (Attachment D). The littoral cell and its sand or sediment budget are essential planning tools for regional coastal resiliency planning and shoreline management.

The County is committed to protecting our shorelines, coastal communities, and coastal infrastructure from the dangers of coastal erosion. In June 2023, Supervisor Foley worked with County staff on the Capistrano Beach and Doheny State Beach Sand Replenishment Project, which delivered an estimated 45,000 cubic yards of sand material to depleted county beaches in the Fifth District.

The San Diego Association of Governments (SANDAG) is the Metropolitan Planning Organization for the San Diego region and plays an important role in coordinating projects of a regional nature and scope. SANDAG has an established Shoreline Preservation Working Group (SPWG), whose mission is to conduct regional shoreline monitoring and implement beach replenishment projects. SPWG members include elected officials from the coastal cities, tribal representatives, community groups, property owners, non-governmental organizations, state and federal agencies.

In 2001, SANDAG implemented its first Regional Beach Sand Project, which delivered two million cubic yards of sand to beaches in San Diego County. A second Regional Beach Sand Project was implemented in 2012. Collectively, these two projects added approximately 3.5 million cubic yards of sand to the beaches in San Diego County with 85 percent of construction cost grant funded.

In late 2022, SANDAG initiated efforts among San Diego cities to begin planning for a third Regional Beach Sand Project (Project) and invited local jurisdictions within the Oceanside Littoral Cell to explore their interest in participating in the Project. This spurred the opportunity to explore participation for the benefit of Orange County beaches within the Oceanside Littoral Cell. Phase 1 of the Project will include updating the Feasibility and Economic Analysis done in 2007, investigating offshore sand sources, determining lessons learned, identifying streamlining and cost-saving options, and estimating the total cost for engineering, environmental review and construction. Interested Cities were asked to enter a Memorandum of Understanding (MOU) with SANDAG to support the Project's planning phase, and other interested public agencies may contribute financially toward the Project through a separate MOU or agreement with those participating Cities. Supervisor Katrina Foley, the City of San Clemente, and the City of Dana Point (City) expressed interest in supporting the initiative. Since Capistrano Beach is located within the City of Dana Point, it is proposed that the County enter into a MOU (Attachment C) with the City to contribute toward participation in Phase 1 of the Project. The inclusion of Task 6 to expand the study to the Dana Point area is proposed to cost \$124,576.32. Capistrano Bay District has dedicated \$25,000 toward the effort and the remaining balance of \$99,576.32 is split evenly with the City. The MOU authorizes the County to pay the City the amount of \$49,788.16 and includes mutual indemnification.

Through this action, the Board of Supervisors authorizes the Director of OC Community Resources or designee to execute the MOU with the City for Task 6, Phase 1 of the Project, effective upon Board approval for a term of three years, in an amount of \$49,788.16. SANDAG will be responsible for overall Project management and administration and will continue coordination with participating jurisdictions, including submitting annual budgets to the parties of SANDAG's Memorandum of Understanding with the participating Cities (including the City of Dana Point) for review and approval.

Participation in Phase 1 of the Project activities does not commit the City, and thereby the County to working on any portion of Project beyond Phase 1 per the terms of the MOU. It is expected that SANDAG will distribute a cost-sharing proportional model for Project Phase 2 tasks based on either the length of shoreline nourished or the volume of sand to be placed in cubic yards. If the County maintains an interest in participating in the subsequent phase of the Project, future board action will be necessary and will be presented as appropriate. Past Regional Beach Sand Projects have sought and obtained 85 to 100 percent grant funding for Phase 2 (environmental permitting) and Phase 3 (implementation) tasks.

Compliance with CEQA: The proposed project is Statutorily Exempt from review under CEQA as an agreement for a feasibility and planning study project pursuant to Section 21150 of the Public Resources Code and Section 15262 of the State CEQA Guidelines.

FINANCIAL IMPACT:

Appropriation for this MOU is included in the OC Parks Fund 405 FY 2023–24 Budget.

Either party may terminate the MOU without cause by providing sixty (60) days written notice to the other party. The terminating party shall be responsible for financial obligations to the extent incurred in accordance with the MOU by the party prior to the effective date of termination.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

OC Community Resources/OC Parks

ATTACHMENT(S):

- Attachment A – Supervisor Foley Letter of Interest to Participate in SANDAG RBSP III, Phase I
- Attachment B – Supervisor Foley Support Letter – Agenda Item No.13 – MOU to Participate in the SANDAG Regional Beach San Project III, Phase 1
- Attachment C – Memorandum of Understanding with the City of Dana Point
- Attachment D – Location Maps



KATRINA FOLEY

ORANGE COUNTY BOARD OF SUPERVISORS
FIFTH DISTRICT

COUNTY ADMINISTRATION NORTH
400 W. CIVIC CENTER DR., SIXTH FLOOR
SANTA ANA, CA 92701
(714) 834-3550
Katrina.Foley@ocgov.com

January 9, 2024

Mr. Dwight Worden, Chair
SANDAG Shoreline Preservation Working Group
401 "B" Street, Suite 800
San Diego, CA 92101

Re: Letter of Interest to Participate in SANDAG RBSP III, Phase I

Dear Chair Worden and Members of the Shoreline Preservation Working Group:

As Orange County's Fifth District Supervisor I write to submit this letter of interest to you, the staff, and all other members of the SANDAG Shoreline Preservation Working Group regarding County of Orange's participation in the upcoming SANDAG Regional Beach Sand Project (RBSP) III, Phase I scope of work.

As you know, the Oceanside Littoral Cell extends from Dana Point Harbor at the north to the Scripps Canyon offshore of La Jolla at the south, encompassing both San Diego and Orange County jurisdictions. RBSP I in 2001 and RBSP II in 2012 were successful in placing sand on eroded beaches in San Diego County.

Within my district sits the stretch of Orange County shoreline that is wholly within Oceanside Littoral Cell – including Capistrano and Poche Beaches. These beaches share the same shoreline erosion and coastal sediment deficit problems experienced by other jurisdictions in the Oceanside Littoral Cell. Due to our property interest in the coast and our operations of two beaches within the cell, we are interested in participating with SANDAG on RBSP III. While optimistic, our interest is predicated upon receipt of grant funding in future phases and that our financial commitment will be commensurate with the amount of shoreline under the County's jurisdiction in the project area.

I believe that broader regional coordination and collaboration on coastal resiliency projects will result in overall cost savings and enhanced benefits to all jurisdictions participating in RBSP III. As you begin the Feasibility Study and Economic Analysis for RBSP III, we request consideration of extending the project limits to the entire Oceanside Cell. Please contact Alyssa Napuri, my Deputy Chief of Staff, at Alyssa.Napuri@ocgov.com to discuss this request further. Thank you in advance for your consideration.

Respectfully submitted,


Katrina Foley
Orange County Supervisor, Fifth District

Proudly serving the cities of Aliso Viejo, Costa Mesa, Dana Point, Irvine, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Newport Beach, San Clemente, San Juan Capistrano and the unincorporated areas of Coto de Caza, Emerald Bay, Ladera Ranch, Las Flores, Rancho Mission Viejo, Stonecliffe, and Wagon Wheel



KATRINA FOLEY

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(714) 834-3550
Katrina.Foley@ocgov.com

February 5, 2024

City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

**Re: SUPPORT - Agenda Item No. 13 - MOU to Participate in the SANDAG's
Regional Beach Sand Project III, Phase 1**

Dear Mayor Federico and Members of the City Council:

I write to reiterate my support for Item 13 on your February 6, 2024 City Council Agenda to formalize participation with the San Diego Association of Governments' (SANDAG) in the Regional Beach Sand Project (RBSP) III, Phase 1. Addressing coastal erosion remains a top priority for our community, and broader regional coordination will result in overall cost savings and a more resilient coastline.

The Oceanside Littoral Cell encompasses both Orange County and San Diego County jurisdictions and includes beaches located within Dana Point. Beaches throughout this littoral cell are experiencing similar shoreline erosion and coastal sediment deficit problems. During RBSP I in 2001 and RBSP II in 2012, SANDAG brought in millions of cubic yards of sand to eroded beaches in San Diego County without use of federal dollars, demonstrating the success and worthiness of this model. Now, the opportunity to participate in the next iteration of this project has been extended to Orange County.

As the Orange County Supervisor representing the City of Dana Point, addressing coastal resiliency is a top priority. Our community is witnessing the retreat of our once sandy beaches and the destruction brought by coastal flooding and severe weather incidents. I am a strong proponent of regional partnerships and believe that broader coordination on coastal resiliency projects will produce an overall cost savings and enhance benefits to all participating jurisdictions.

Protecting our coast is a team effort. The County of Orange is enthusiastic to have a role in RBSP III, as stated in my letter to SANDAG's Shoreline Preservation Working Group (Supporting Document C). For these reasons, I applaud the City of

Proudly serving the cities of Aliso Viejo, Costa Mesa, Dana Point, Irvine, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Newport Beach, San Clemente, San Juan Capistrano and the unincorporated areas of Coto de Caza, Emerald Bay, Ladera Ranch, Las Flores, Rancho Mission Viejo, Stonecliffe, and Wagon Wheel

City of Dana Point
February 1, 2024
Page 2 of 2

Dana Point's efforts to protect and restore our coastline by participating in SANDAG's RBSP III. If you have any questions or need additional information regarding my support of this item, please contact Alyssa Napuri, my Deputy Chief of Staff, at (714) 834-3550 or Alyssa.Napuri@ocgov.com. Thank you for your consideration.

Respectfully submitted,



Katrina Foley
Orange County Supervisor, Fifth District

Ec: Mike Killebrew, City Manager

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF DANA POINT AND THE COUNTY OF ORANGE FOR
PRELIMINARY PLANNING ACTIVITIES RELATED TO SAN DIEGO ASSOCIATION
OF GOVERNMENT'S REGIONAL BEACH SAND PROJECT
CONTRACT NO. 6000053**

This Memorandum of Understanding (MOU) is made and entered into effective as of the last signature date below, by and between the City of Dana Point ("CITY") and the County of Orange ("COUNTY"), with CITY and COUNTY sometimes individually referred to as "PARTY", or collectively referred to as "PARTIES".

EXHIBITS

This MOU is comprised of this document and the following Exhibits, which are attached hereto and incorporated by reference into this MOU:

- A. Project Scope of Work
- B. Project Budget
- C. Project Schedule
- D. Memorandum of Understanding between City of Dana Point and SANDAG

RECITALS

WHEREAS, in 1996, the San Diego Association of Governments (SANDAG) adopted the Shoreline Preservation Strategy (Strategy) that outlines an extensive beach building and maintenance program for the critical shoreline erosion areas in the region, containing a comprehensive set of recommendations on the beach building program and on financing and implementation; and

WHEREAS, in 2001, SANDAG successfully implemented a Regional Beach Sand Project that placed 2.1 million cubic yards of sand on 12 beaches in the San Diego region; and

WHEREAS, in 2012, SANDAG successfully implemented a second Regional Beach Sand Project that placed 1.5 million cubic yards of sand on 8 beaches in the San Diego region; and

WHEREAS, in 2021, SANDAG adopted the 2021 Regional Plan, which includes a Sustainable Communities Strategy that promotes nature-based climate solutions as a climate adaption strategy; and

WHEREAS, the State of California has identified beach nourishment as a type of nature-based climate solution; and

WHEREAS, the Oceanside Littoral Cell extends from Dana Point Harbor to Scripps Canyon offshore of La Jolla. The cities located in the Oceanside Littoral Cell include portions of Dana Point, San Clemente, Oceanside, Carlsbad, Solana Beach, Encinitas, Del Mar, and portions of the City of San Diego; and

WHEREAS, beaches managed by COUNTY are located in the Oceanside Littoral Cell and share similar shoreline erosion and coastal sediment deficit problems experienced by Oceanside Littoral Cell cities; and

WHEREAS, the COUNTY believes collaboration on regional-scale sediment management beach nourishment will reduce costs and enhance benefits to all agencies located in the littoral cells; and

WHEREAS, the region's coastal cities' representatives on the SANDAG Shoreline Preservation Working Group have expressed an interest and desire to initiate Regional Beach Sand Project III (RBSP III); and

WHEREAS, a number of benefits, including recreational, economic, public safety enhancements, protection of infrastructure, and increases in habitat would occur as a result of beach nourishment; and

WHEREAS, the first Phase of a RBSP III consists of the preliminary planning activities as identified in Exhibit A to this MOU such as updating the Feasibility and Economic Analysis done in 2007, determining lessons learned, identifying streamlining and cost saving options, an investigation of offshore sand sources, and estimating the total cost for engineering, environmental, and construction for a RBSP III (Preliminary Planning Activities) funded by local jurisdictions and managed by SANDAG; and

WHEREAS, on January 9, 2024, the Fifth District Supervisor, who represents the County's Fifth District Supervisorial District which includes the County beaches existing within the Oceanside Littoral Cell, submitted a Letter of Interest to SANDAG to participate in Phase 1: Preliminary Planning Activities; and

WHEREAS, SANDAG has expressed a preference to enter into direct MOUs with participating Cities, although other agencies may contribute financially toward the RBSP III effort through a separate MOU or agreement with those participating Cities; and

WHEREAS, SANDAG led a Request for Proposals through its Environmental On-Call to solicit Phase 1 - Preliminary Planning Activities that included an Optional Task to include the City of San Clemente to the Scope of Work. A contract was awarded to a team lead by AECOM in November 2023; and

WHEREAS, on or about December 5, 2023, the City of San Clemente and SANDAG entered into an MOU for RBSP III, Phase 1 activities and authorized payment in the amount of \$109,511.85; and

WHEREAS, SANDAG then led a request to add an Optional Task 6 to include the City of Dana Point in the Scope of Work for a proposed cost of \$124,576.32; and

WHEREAS, on or about February 7, 2024, the City of Dana Point agreed to authorize the City Manager to enter into a Memorandum of Understanding to commit funding toward Preliminary Planning Activities for Phase 1 of RBSP III; and

WHEREAS, the CITY and COUNTY have discussed memorializing COUNTY participation in RBSP III, Phase 1 through this separate MOU with the CITY; and

WHEREAS, this MOU does not and is not intended to commit any of the parties to working on any portion of the RBSP III beyond the stage of Preliminary Planning Activities for Phase 1 of RBSP III; and

WHEREAS, Capistrano Bay District committed \$25,000 toward the study. An equal split of the remaining balance of \$99,576.32 with the CITY equates to the total contribution for COUNTY to participate a fixed amount of \$49,788.16, which will be made to the CITY to contribute towards SANDAG's Preliminary Planning Activities necessary for the development of RBSP III; and

WHEREAS, the parties wish to memorialize their agreement in this MOU to carry out the purposes set forth above.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

CITY AGREES:

1. To use COUNTY's contribution solely to pay for Preliminary Planning Activities identified in Exhibit A to evaluate the potential for SANDAG's RBSP III project, which includes updating the Feasibility Study to include Dana Point. The County's funds will be given to the CITY and reimbursed in full to SANDAG to be held by SANDAG in an interest-bearing account with any accrued interest to be credited to COUNTY and prorated to reflect COUNTY's contribution to the Preliminary Planning Activities as compared to CITY's contributions, until the completion of the Preliminary Planning Activities. CITY shall return any unused funds to COUNTY on a similarly pro-rated basis.
2. To retain the original records for at least five (5) years from the date of the SANDAG RBSP III, Phase 1 Preliminary Planning Activities completion and make them available to the COUNTY upon request.
3. To not proceed beyond SANDAG RBSP III, Phase 1 Preliminary Planning Activities without assurances that each participating agency has entered into a subsequent MOU reflecting the jurisdiction's desire and commitment to participate in the RBSP III and reflecting approvals of appropriations for the phases of the RBSP III after Preliminary Planning Activities, the aggregate of which will fund the RBSP III.
4. CITY agrees to indemnify, defend with counsel approved in writing by County, and hold County, its elected and appointed officials, officers, employees, agents and those special districts and agencies which County's Board of Supervisors acts as the governing Board ("County Indemnitees") harmless from any claims, demands

or liability of any kind or nature, including but not limited to personal injury or property damage, arising from or related to the services, products or other performance provided by CITY pursuant to this MOU. If judgment is entered against CITY and COUNTY by a court of competent jurisdiction because of the concurrent active negligence of COUNTY or COUNTY Indemnitees, CITY and COUNTY agree that liability will be apportioned as determined by the court. Neither party shall request a jury apportionment.

THE COUNTY AGREES:

1. The COUNTY will contribute \$49,788.16, to CITY for the SANDAG RBSP III, Phase 1 Task 6 Preliminary Planning Activities, which funds will be reimbursed through and paid by CITY to SANDAG prior to the start date of the Preliminary Planning Activities.
2. COUNTY agrees to indemnify, defend with counsel approved in writing by CITY, and hold CITY, its elected and appointed officials, officers, employees, agents and those special districts and agencies which City's Council acts as the governing Board ("City Indemnitees") harmless from any claims, demands or liability of any kind or nature, including but not limited to personal injury or property damage, arising from or related to the services, products or other performance provided by County pursuant to this MOU. If judgment is entered against CITY and COUNTY by a court of competent jurisdiction because of the concurrent active negligence of CITY or CITY Indemnitees, CITY and COUNTY agree that liability will be apportioned as determined by the court. Neither party shall request a jury apportionment.

THE PARTIES MUTUALLY AGREE:

1. That all obligations of COUNTY under the terms of this MOU are subject to the CITY's appropriation and contribution of the CITY's required resources to SANDAG and the approval of the City Council.
2. Any notice required or permitted under this MOU may be personally served on the other party, by the party giving notice, or may be served by certified mail, return receipt requested, to the following addresses:

For CITY
 33282 Golden Lantern
 Dana Point, CA
 Attn: City Manager

For COUNTY
 13042 Old Myford Road
 Irvine, CA 92602
 Attn: Director of OC Parks

3. This MOU shall continue for a term of three (3) years from the date of execution of this MOU unless terminated by either PARTY. Either PARTY to this MOU may terminate this MOU without cause by providing 60 (sixty) days written notice to the other PARTY. If either PARTY terminates this MOU after any COUNTY funds have

been provided to CITY or SANDAG, then CITY shall return those funds to COUNTY within ninety (90) days of the written notice of termination by either PARTY.

4. The indemnification and defense provisions of this MOU shall survive termination of the MOU.
5. This MOU shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this MOU, the action shall be brought in a state or federal court situated in the County of Orange, State of California.
6. All terms, conditions, and provisions hereof shall inure to and shall bind each of the PARTIES hereto, and each of their respective heirs, executors, administrators, successors, and assigns.
7. For purposes of this MOU, the relationship of the PARTIES is that of independent entities and not as agents of each other or as joint ventures or partners. The PARTIES shall maintain sole and exclusive control over their personnel, agents, consultants, and operations.
8. No alteration or variation of the terms of this MOU shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on any of the PARTIES hereto.
9. Nothing in the provisions of this MOU is intended to create duties or obligations to or rights in third parties to this MOU or affect the legal liability of the PARTIES to this MOU as to any third party.
10. Nothing in the provisions of this MOU commits either of the PARTIES to working on and/or providing additional funding for any portion of the beach sand replenishment project beyond the stage of preliminary planning activities.
11. This MOU may be executed in any number of identical counterparts, each of which shall be deemed to be an original, and all of which together shall be deemed to be one and the same instrument when each party has signed one such counterpart.
12. This MOU may be executed and delivered by electronic signature.

IN WITNESS WHEREOF, the PARTIES hereto have executed this MOU effective as of the last date a PARTY provides an electronic signature below.

CITY OF DANA POINT

COUNTY OF ORANGE

DocuSigned by:
 2/21/2024
E56BA08A08BE4B0

City Manager

Director, Orange County Community Resources

APPROVED AS TO FORM:

APPROVED AS TO FORM:

DocuSigned by:
 2/21/2024
822190F37CB5458

Office of the City Attorney

DocuSigned by:
 2/21/2024
A264932A53084EF

Sr. Deputy County Counsel

Regional Beach Sand Project III (RBSP III) Phase I - Preliminary Planning Activities Scope of Work AM 2

INTRODUCTION:

SANDAG is the Metropolitan Planning Organization (MPO) for the San Diego region and plays a key role in the regional coordination of a variety of projects. The San Diego region has 19 jurisdictions, 10 of which are located in the coastal zone and collectively manage approximately 70 miles of coastline which can be accessed via transit, highways, roadways, and bicycle and pedestrian facilities. A number of these facilities are at risk from the impacts of rising seas, high tides, and strong storms. As such, access to beaches, residences, and public facilities may be impacted. This would be particularly impactful to disadvantaged populations living in the cities of Oceanside, Carlsbad, City of San Diego, National City, Chula Vista, and Imperial Beach which have populations that fall in the 70-100 percentile of the demographic index (source: EJSCREEN).

SANDAG proposes to conduct a feasibility study for a regional beach sand nourishment project which would use information from SANDAG's Round 1 SB 1 Caltrans Adaptation Planning Grant effort to identify transportation facilities that will be impacted by sea-level rise and may benefit from beach nourishment. Implementation of a regional beach sand project would involve dredging beach quality sand from offshore borrow sites and placing it on highly eroded beaches in the San Diego region. Beach nourishment is being considered as a sea-level rise adaptation strategy by a number of cities in the San Diego region who have updated their Local Coastal Programs to align with the California Coastal Commission's Guidance on sea-level rise. Wide beaches can help protect coastal communities and coastal transportation facilities by acting as a buffer to alleviate some of the impacts from sea-level rise, strong storm events, and high tides. SANDAG has previously completed two regional beach sand nourishment projects in 2001 and 2012 (RBSP I and RBSP II, respectively), adding approximately 3.5 million cubic yards of sand to the region's local beaches. In addition, SANDAG has an established regional forum (the Shoreline Preservation Working Group) where elected officials are engaged in regional adaptation projects, such as beach nourishment.

SANDAG will coordinate closely with city staff, city council members who serve on SANDAG's Shoreline Preservation Working Group (SPWG), and other technical advisors on this project. Work efforts from this project will be summarized in two final deliverables: the Feasibility Study and the Offshore Borrow Site Survey Plan.

SANDAG has also been in contact with jurisdictions in Orange County on beach nourishment planning efforts, in part because sand transport in the Oceanside littoral cell extends generally from Dana Harbor south to the undersea canyon off La Jolla.

RESPONSIBLE PARTIES

SANDAG has retained a consulting team to complete two deliverables: Feasibility Study (with economic analysis) and Offshore Borrow Site Survey Plan. Generally, SANDAG will be responsible for overall project management and administration and will play a role in coordinating with local jurisdictions as well as drafting and editing the feasibility study. The consultant will be responsible for the majority of other tasks including the review of existing

Exhibit A – Scope of Work

ATTACHMENT C

monitoring data, completing the Offshore Borrow Site Survey Plan, completing the Economic Analysis, and finalizing the Feasibility Study.

OVERALL PROJECT OBJECTIVES:

- Identify beach erosion areas in the three littoral cells of the San Diego region, which extends from the U.S. border with Mexico to Dana point Harbor in southern Orange County, that may impact coastal transportation and other public infrastructure through review of existing data and coordination with coastal jurisdiction staff.
- Evaluate the economic costs and benefits of implementing a regional beach nourishment project and several alternatives to that project that may include one pilot sand retention strategy.
- Complete a Feasibility Study for a future regional beach nourishment project and alternatives, including potential programmatic strategies.
- Identify lessons learned from the past two regional beach sand projects administered by SANDAG and other southern California beach nourishments efforts and identify how to expedite project delivery and minimize project costs compared to prior efforts.
- Create a plan for surveying offshore sand borrow sites to ensure adequate quantities of sand are available to nourish the San Diego region's beaches.

The current scope of work addresses these two deliverables in the San Diego region and City of San Clemente (Tasks 1-5). This Amendment 2 provides scope and funding for similar evaluation in the City of Dana Point (Task 6)

1. Task 1: Project Management and Administration

SANDAG will hold a kick-off meeting with the consultants to review the procedures and project expectations, including invoicing, quarterly reporting, scope of work, timeline, communication protocols, and other relevant project information. A meeting summary shall be documented by the Consultant. SANDAG will coordinate with the consultants through regular communication (including in-person meetings and/or conference calls) to ensure project remains on time and within budget. Meeting notes shall be documented by the Consultant. The consultant shall invoice SANDAG and provide a brief summary of work efforts on a monthly basis. Time spent preparing invoices shall be included in the Consultant's overhead cost. SANDAG shall not pay for time spent preparing billing for SANDAG.

Task 1 Deliverables

- Meeting Notes and Summaries
- Subcontractor Agreements
- Quarterly Progress Reports

Task 1 Assumptions

- 1 in person kickoff meeting attended by AECOM (3 staff), M&N (1 staff), CFC (1 staff), Merkel (1 staff), Phil King
- 1 field site visit attended by AECOM (2 staff), M&N (1 staff), Merkel (1 staff), Phil King on same day as kick off (to maximize travel efficiency).

Exhibit A – Scope of Work

ATTACHMENT C

- 8 meetings (virtual and in person) attended by AECOM with associated agenda/meeting notes/action items

2. Task 2: Economic Analysis

Using actual costs from RBSP II, the consultant shall prepare an economic analysis that includes the following components: preliminary cost estimates of a range of project alternatives that may include one pilot sand retention strategy, a benefit/cost analysis of the project alternatives, and a discussion of economic impacts. This economic analysis shall be summarized in the feasibility study and included as an appendix to the final document. The consultant shall evaluate the Benefit Cost Analysis (BCA) prepared by the U.S. Army Corps of Engineers for the Encinitas-Solana Beach Coastal Storm Damage Reduction Project and the economic analysis conducted for the 2007 Feasibility Study (prepared for RBSP II) in order to provide a methodology for the analysis for approval by SANDAG. The BCA should be developed to allow federal agencies to evaluate the benefit to cost ratio of the project and various subsegments of the project (by littoral cell or jurisdiction).

The methodology approach below will be finalized as a deliverable prior to undertaking the analysis. The quantitative analysis is anticipated to address two elements 1) “non-market value” of recreational benefits of RBSP III, which will be incorporated into a benefit-cost analysis and) 2) an estimate of the economic impacts—additional spending, jobs, and local taxes generated by RBSP III.

- **Data Collection:** Consultant will collect the following data: (a) daily attendance data at all State and local beaches where available (most); (b) data from San Diego County assessor’s office which includes geospatial data, currently assessed (property tax) value; (c) data from local governments on the value of their property, which is not assessed for property tax purposes; (d) data on beach width/area before and after nourishment and over the 5-10 year life of the project as pulled from past shoreline monitoring; (e) any available data on beach spending patterns; (e) data on the likely costs of RBSP III including compliance costs.
- **Data Analysis:** The following analyses will be performed with the data collected:
 - **Estimates of local property value:** The analysis will use the best available public data (e.g., Zillow) to estimate the value of local property.
 - **Analysis of non-market benefits of nourishment:** The analysis of beach value incorporates daily attendance and capacity constraints. Since fill sites do not always correspond with beach jurisdictions (e.g., Oceanside), adjustments to attendance at these sites will be made.
 - **Analysis of economic impacts:** The additional recreation and tourism will generate additional spending and taxes. The analysis will estimate: (i) increases in local spending; (ii) increases in local taxes, in particular sales and transient occupancy taxes; (iii) indirect and induced impacts as well as job creation, applying IMPLAN or similar software.
- The benefits of storm damage reduction will not be addressed quantitatively because the USACE modeling requirements are extensive and not within the budget parameters. The team will identify locations that are potentially vulnerable to flooding/storm damage (from existing Cosmos data, team knowledge and possibly land managers/city staff). Then qualitatively address how the project may benefit/reduce potential damage.

Exhibit A – Scope of Work

ATTACHMENT C

- **Benefit/Cost Analysis:** Consultant will conduct a benefit/cost analysis over the life of the project, using a discount rate agreed to by SANDAG, but consistent with federal assumptions (likely NOAA and not USACE). This analysis will examine the “net benefits”—whether the benefits exceed the cost, including a benefit/cost ratio where necessary. As with RSBP II, this analysis will be broken down by individual fill receiver sites. The benefits and costs will also be delineated into recreational (non-market) benefits and economic and tax impacts. Possible benefits to private and public property from storm damage reduction as linked to potentially vulnerable locations will be noted. The study will generate a BCA but not using the exact same methods/inputs as the standard USACE approach.

There is also interest in considering potential sand nourishment projects along the shoreline of San Diego Bay. For purposes of this analysis, we assume one existing public beach location in the Bay may be identified from the Feasibility Study. The economic analysis will qualitatively describe net benefits. The communities that could benefit (considering proximity and observations) will be noted.

The consultant should assume three rounds of comments in the preparation of the Draft Economic Analysis as follows, comments by SANDAG on the draft, comments from the members of the Shoreline Preservation Working Group on the draft, and comments from the public.

Task 2 Deliverables

- Finalized Methodology Approach for the Economic Analysis
- Draft Economic Analysis Technical Appendix
- Final Economic Analysis Technical Appendix

Task 2 Assumptions

- Technical Appendix >30 pages, ~ 10 power point slides for SPWG meeting
- Budget assumes a set of up to 12 fill site envelopes derived from RBSP I and II, with alternative variations from retention features or other refinements at up to 6 sites, for no more 18 alternatives/configurations. If additional sites or program configurations are developed, the economic analysis and assumptions may be revisited for additional scope and fee.

3. Task 3: Regional Beach Sand Replenishment Project (RBSP III) Feasibility Study

Using information obtained from Tasks 2, the consultant shall draft a feasibility study for a future regional beach sand project (RBSP III). The 2007 Feasibility Study that was prepared for RBSP II will be used as a template and the updated Feasibility Study shall address the same major topics including, but not limited to: a statement of the problem, a description of existing site conditions, consideration of project alternatives and ways to extend the life between beach nourishment cycles, methods to reduce costs and leverage other efforts in southern California, and economic considerations. The Feasibility Study shall also include an explanation of how beach nourishment can be used to protect coastal critical infrastructure in the region from sea level rise, examples from other regions should be provided. The Feasibility Study shall identify the various permits and approvals that would be needed for the implementation of this project. As part of the Feasibility Study, or a separate report, the consultant shall address the lessons learned from prior RBSP I and II, and opportunities to expedite project delivery and reduce costs. The consultant shall specifically address the following:

Exhibit A – Scope of Work

ATTACHMENT C

1. Ways to streamline environmental clearance under CEQA/NEPA (e.g., use of Mitigated Negative Declarations and focused EIRs, Supplementing EIR/EIS prepared for Encinitas-Solana Beach Coastal Storm Damage Reduction Project, development and tiering of Program EIR, etc.), and regulatory permits;
2. Ways to leverage opportunities arising from the Encinitas-Solana Beach Coastal Storm Damage Reduction Project and other southern California beach nourishment or sand bypass projects;
3. Opportunities to reduce cost mobilization of dredging (e.g., utilization of dredge under contract by U.S. Army Corps of Engineers, shared purchase of a hopper dredge for southern California nourishment efforts, etc.);
4. Analysis of issues that led to the damages resulting from the sand placement in Imperial Beach during RBSP II and ways to avoid damages in the future; and
5. Opportunities to reduce post-construction monitoring based upon past efforts.

The Feasibility Study shall also address the needs of the sand nourishment, if any, of jurisdictions fronting the San Diego Bay (e.g., Coronado's Grand Caribe Isle located in the Coronado Cays).

Consultant has developed one possible Annotated Table of Contents (provided below) with approach/scope of work described in more detail in the following text.

**DRAFT Feasibility Study
San Diego Regional Beach Sand Project III
Annotated Table of Contents**

1.0 INTRODUCTION

1.1 Purpose

1.2 Scope

2.0 SITE CONDITIONS (*Largely from 2007 Feasibility Study and 2009 Coastal Regional Sediment Management Plan with readily available current information*)

2.1 Sediment Budgets and Longshore Sediment Transport Rates

2.2 Wave Climate

2.3 Beach Profiles

2.4 Sediment Grain Size

2.5 Shoreline Position

2.6 Other Related Projects (ongoing, planned, potential)

3.0 LESSONS LEARNED AND RECOMMENDATIONS FOR EFFICIENCIES

3.1 CEQA/NEPA and Permitting

3.2 Design

3.3 Construction

3.4 Beach Fill Performance

4.0 ALTERNATIVES CONSIDERED (*Creative brainstorming by entire team w/SANDAG*)

4.1 Single Project Maximum Rebuild (2001 RBSP I, recognizing 2012 RBSP II)

4.2 Single Project Reduced Rebuild (Eliminate Solana Beach/Encinitas)

4.3 Programmatic and/or Opportunistic Nourishment Regime

4.4 Oceanside Feeder Beach

4.5 Retention Feature (Pilot)

4.6 San Diego Bay

5.0 ECONOMIC CONSIDERATIONS

5.1 Economic Benefit Cost Analysis (BCA)

5.1.1 Project Configuration (Receiver Sites, Borrow Sites, Retention Features)

5.1.2 Output

5.2 Regional Funding Options

6.0 CONCLUSIONS AND DECISIONS TO BE MADE

7.0 REFERENCES

Appendices

Borrow Site Investigation Scope of Work

Economic Benefit Cost Analysis

Exhibit A – Scope of Work

ATTACHMENT C

Site condition patterns are relatively similar over the past few decades, so will be described based on the two primary sources (2007 Feasibility Study and 2009 Coastal Sediment Management Plan) plus monitoring data collected annually as shared with the SPWG. Consultant will also consolidate information on other related projects (ongoing, planned, potential) which will be key to considering creative regional approaches to routine beach nourishment. Chapter 3 will address items 1-5 noted above. Regarding CEQA/NEPA and Permitting, the study will disclose various document types and possible permits relative to the various alternatives considered. The potential ocean dredging projects and beach nourishment efforts in Section 2.6 will be explored in terms of leveraging opportunities based on timing and ability to share equipment. Documenting lessons learned from RBSP II in Imperial Beach will provide for best practices that can be applied elsewhere. Regarding post-construction monitoring, Consultant will develop a list of possible monitoring elements for various phases of RBSP III and conduct an analysis as to the likelihood that each could be eliminated or reduced based on lessons learned from RBSP I, RBSP II, San Elijo and others.

Consultant team will focus their collective knowledge and expertise in working session(s) to explore the broad suite of alternatives and document the outcome in Chapter 4. The list above is intended as preliminary ideas and not complete.

The Feasibility Study will address the economic issue via the BCA results (which are useful for grant funding opportunities) and exploration of regional funding options. The study will summarize the project configuration used to calculate the BCA. There is a world of project variations given the number of potential sites, amount of material that could be placed per site, location of retention (if included), location of borrow site(s), etc. Based on discussions with SANDAG, existing designs plus monitoring data from RBSP I and II, Consultant team will identify a prototype project for the BCA. Chapter 5 will describe that prototype project and the resulting modelled BCA (by site and/or by littoral cell). The economic study will be an appendix. The feasibility study will also explore finance options available to city and county governments to raise revenues to pay for future nourishments. This study will examine options such as special property tax districts like Geologic Hazard Abatement District (GHAD) or Community Finance Districts, increases in transient occupancy taxes (TOTs), or reducing restrictions on short-term (STRs) to generate sales tax increases. The study will note where else in California these revenue options have been, or are, under consideration. Finally, the study will note possible approaches to reduce high-cost items, like the dredge, that could substantially lessen the overall price-tag.

A meeting shall be scheduled with interested stakeholders (city staff, members of the SPWG, members of the public, etc.) to review the draft feasibility study and solicit feedback. SANDAG will likely use a scheduled SPWG meeting as the forum for this discussion. Comments from stakeholders may also be submitted in writing and revisions to the feasibility study shall be made as needed. The consultant shall incorporate comments from SANDAG staff and interested stakeholders into a final version of the feasibility study.

Task 3 Deliverables

- Draft Feasibility Study
- Host meetings to discuss draft Feasibility Study
- Finalize Feasibility Study

Task 3 Assumptions

Exhibit A – Scope of Work

ATTACHMENT C

- Up to 8 alternatives addressed in Chapter 4.0, not all at equal level of detail.
- Present draft finding at SPWG meeting in person (AECOM, M&N) and virtual (Merkel, CFC, King).

4. Task 4: Off-Shore Borrow Site

The consultant shall conduct a literature review of offshore investigations completed for Regional Beach Sand Projects I and II (RBSP I and RBSP II) to identify any additional candidate borrow sites in the northern portion of San Diego County that could be utilized to implement a future beach nourishment project. The consultant shall prepare a plan and scope of work to conduct an investigation of a minimum of three offshore borrow sites to determine the outer boundaries of the two offshore borrow sites used for RBSP II (MB-1 and SO-5) and at least one new borrow site in the northern portion of San Diego County. Once completed, these surveys will help to estimate the quantity of sand available for beach nourishment on the San Diego coastline.

Consultant's approach to this task leverages their experience from two prior RBSP efforts and more recent research. Consultant will update ArcGIS model with available coastal, geophysical and geologic and geoarchaeology literature post RBSP II to focus on North County and MB-1. We recommend the offshore borrow investigations for RBSP III be planned similar to the RBSP II approach carried out at that time. The investigation plan will provide the exploration methodology starting with permitting and agency coordination needs for the eventual offshore field work. No field work will be performed at this stage.

Task 4 Deliverable

- Perform Off-Shore Borrow Site existing data review
- Prepare Off-Shore Borrow Site Plan and Scope of Work for Three Sites

5. Optional Task 5: San Clemente Nourishment Planning

This is an optional task, so no work will be performed without prior authorization from the City of San Clemente via entering into a MOU with SANDAG for Phase I – Preliminary Planning Activities. If exercised, Tasks 1-4 will be expanded upon to cover possible beach nourishment for the City of San Clemente. The consultant shall review the San Clemente component of the U.S. Army Corps of Engineer Storm Damage Reduction Project and what additional areas need beach nourishment in the City of San Clemente. Additional areas will be included in the economic analysis BCA and included in the Feasibility Analysis. The consultant shall evaluate one additional offshore borrow site located in the Northern extent of the Oceanside Littoral cell in addition those identified in Task 4 for possible beach sand nourishment in San Clemente.

Consultant would revise the table of contents for the Feasibility Study to include information for San Clemente. For example, Site Conditions would address Wave Climate (and other topics in Chapter 2) in the San Diego region as a subsection and there would be a new subsection for the San Clemente Wave Climate. Other Related Projects (Section 2.6) would be expanded into Orange County. While the Lessons Learned (Chapter 3.0) would remain largely focused on San Diego, the Recommendations for Efficiencies could consider this new opportunity. If San Clemente were formally a part of RBSP III, then "possible" efficiencies in shared dredge would

Exhibit A – Scope of Work

ATTACHMENT C

become more certain. Alternatively, the approach to CEQA streamlining may become more complex as decisions would need to be made regarding lead agency or lead agencies. The universe of alternatives would expand so Section 4 would expand as well. For costing purposes, we assume up to two receiver sites could be identified (one each north and south of the USACE site).

Once defined, the project envelopes for the economic analysis would be evaluated to generate BCA. The same methodology would be applied, but new data would need to be collected in Orange County for property value and attendance.

For the Offshore Borrow Site Study, the team would review offshore investigations for potential sites identified by USACE and published studies. Candidate borrow sites are anticipated to include current borrow sites identified by USACE including Oceanside and other potential sites along Camp Pendleton and Orange County. Consultant will develop a work plan for a future offshore investigation. The work plan objectives would involve confirming known sites, as needed, or further investigating beach material suitability at one new potential borrow site (where only limited investigations have been performed historically).

The program management approach would remain as proposed but there would be additional time required to facilitate coordination and communication with a broader group. A second kick-off meeting would be scheduled with San Clemente and SANDAG staff, with a site visit that same day. Attendees in person will include team members from AECOM, M&N, and Dr. King with others virtual. The complexity and cost of adding the San Clemente location is minimized if the option is exercised very soon after the Feasibility Study project is kicked off, so for costing purposes we assume the authorization is received within a month of project initiation.

Task 5 Deliverable

- Expanded Economic Analysis and Feasibility Study
- Perform Off-Shore Borrow Site existing data review
- Prepare Off-Shore Borrow Site Plan and Scope of Work for fourth area

Task 5 Assumptions

- Authorization to proceed received one month after NTP for RBSP III San Diego region. The longer between initiation of the San Diego region project and adding San Clemente, the less efficient and there may be need for additional funding.
- 1 field site visit attended by AECOM (2 staff), M&N (1 staff), and Phil King: CFC (1 staff) and Merkel (1 staff) virtual kick off.
- No more than 2 alternative receiver sites added to Chapter 4.0 of the Feasibility Study (excluding the site under consideration by USACE).

6. Task 6: Dana Point Nourishment Planning (Doheny/Capo Beach)

The consultant shall review existing documentation from Dana Point and Orange County Parks to evaluate additional locations for beach nourishment in the City of Dana Point.

The consultant shall evaluate one possible location for beach nourishment within publicly owned property south of San Juan Creek with an estimated total placement volume of up to approximately 500,000 cubic yards (cy). This area is generally Doheny Beach and Capistrano Beach (or Doheny/Capo Beach).

Exhibit A – Scope of Work

ATTACHMENT C

Consultant shall revise the table of contents for the Feasibility Study to include information for Dana Point. Information may be integrated into each section of the Feasibility Study or maybe a separate chapter of the report. For example, Site Conditions would address Wave Climate (and other topics in Chapter 2) in the San Diego region as a subsection and there would be a new subsection for Dana Point Wave Climate. Other Related Projects (Section 2.6) would be expanded into Dana Point. While the Lessons Learned (Chapter 3.0) would remain largely focused on San Diego, the Recommendations for Efficiencies could consider this new opportunity. If Dana Point were formally a part of RBSP III, then “possible” efficiencies in sharing a dredge would become more certain. Alternatively, the approach to CEQA streamlining may become more complex as decisions would need to be made regarding lead agency or lead agencies. The universe of alternatives would expand so Section 4 would expand as well.

Once defined (based on engineering and marine biology considerations), the project envelope of this general location would be evaluated to generate economic benefits relative to cost (BCA). The methodology for economic analysis would focus on recreational benefits, as is being performed in San Diego County and San Clemente, but new data would need to be collected in Orange County for property value and attendance in Dana Point. Potential benefits to recreational facilities would also be qualitatively evaluated (including public parking and sports equipment/facilities).

No new borrow site evaluations would be completed as the research for San Clemente would also apply to Dana Point.

The program management approach would remain as proposed but there would be additional time required to facilitate coordination and communication with a broader group. A kick-off meeting would be scheduled with Dana Point, Orange County Parks and SANDAG staff, with a site visit that same day. Attendees in person will include team members from AECOM, M&N, Coastal Frontiers, Merkel, and Dr. King. The complexity and cost of adding the Dana Point location is minimized if the option is exercised very soon after the Feasibility Study project is kicked off, so for costing purposes we assume the authorization is received in February 2024.

Task 6 Deliverable

- Expanded Economic Analysis and Feasibility Study for Dana Point (Doheny/Capo Beach stretch)

Task 6 Assumptions

- Authorization to proceed received in February 2024 to maximize efficiencies from kicking off RBSP III in the San Diego region.
- 1 field site visit attended by AECOM (3 staff), M&N (2 staff), Phil King, CFC (1 staff), and Merkel (1 staff).
- One alternative receiver site added to Chapter 4.0 of the Feasibility Study (Dohoney/Capo Beach).
- The marine biology information would be based on existing materials from the City and others, no field surveys will be performed. The level of detail, extent of coverage relative to the sites, and season collected/age of data is unknown.

COST PROPOSAL FORM

Project: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III
 Consultant: AECOM Technical Services

Prime: AECOM Technical Services, Inc.			Labor Hrs	Labor
Task	WBS Description			
6.0	City of Dana Point (Doheny/Capo Beach)		202	\$ 32,390.00
		Total Labor:	202	\$ 32,390.00
Subconsultant 1: M&N			Labor Hrs	Labor
Task	WBS Description			
6.0	City of Dana Point (Doheny/Capo Beach)		140	\$ 35,796.00
		Total Labor:	140	\$ 35,796.00
Subconsultant 2: Merkel			Labor Hrs	Labor
Task	WBS Description			
6.0	City of Dana Point (Doheny/Capo Beach)		48	\$ 7,488.00
		Total Labor:	48	\$ 7,488.00
Subconsultant 3: King			Labor Hrs	Labor
Task	WBS Description			
6.0	City of Dana Point (Doheny/Capo Beach)		85	\$14,450.00
		Total Labor:	85	\$ 14,450.00
Subconsultant 4: Coastal Frontiers			Labor Hrs	Labor
Task	WBS Description			
6.0	City of Dana Point (Doheny/Capo Beach)		134	\$ 32,710.42
		Total Labor:	134	\$ 32,710.42
AECOM & SUB ODC:				
Task	WBS Description			
6.0	City of Dana Point (Doheny/Capo Beach)			\$ 1,741.90
		Total ODC's=		\$ 1,741.90
Task 6.1 AECOM & SUB LABOR & ODC				
Task	WBS Description		Labor Hrs	Labor
6.0	City of Dana Point (Doheny/Capo Beach)		609	\$ 122,834.42
ODC - 6.0				\$ 1,741.90
		Total Labor & ODC:	609	\$ 124,576.32
Grand Total=			\$	124,576.32

COST PROPOSAL (PRIME)

Project Name: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III

Prime Consultant Name: AECOM

Total Proposal Amount (Prime & Sub): \$124,576.32

DIRECT LABOR COSTS

¹ Includes overhead, fringe benefits and general administrative expenses

Task No.		Hours	Loaded Hourly Rate ¹	Total
6	City of Dana Point Nourishment Planning			
6.0	City of Dana Point (Doheny/Capo Beach)			
	Contract Manager Fenner, Teri	4.00	\$ 285.00	\$ 1,140.00
	Task Manager Kinkade, Cynthia S	60.00	\$ 217.00	\$ 13,020.00
	Technical Expert Schug, David	6.00	\$ 249.00	\$ 1,494.00
	Project Controls - 3 Race, Shannon	8.00	\$ 168.00	\$ 1,344.00
	Project Controls - 2 McConnell-Willis, Wendy	8.00	\$ 127.00	\$ 1,016.00
	Admin - Senior Fabrigas, Marisa	8.00	\$ 141.00	\$ 1,128.00
	Admin - Senior Tempereau, Therese	8.00	\$ 141.00	\$ 1,128.00
	Planner - 2 Wise, Kandiss	40.00	\$ 138.00	\$ 5,520.00
	Planner - 1 Durrett, Kelsey	60.00	\$ 110.00	\$ 6,600.00
		<u>202.00</u>		<u>\$32,390.00</u>
	Subtotal Direct Labor Costs (Prime):		\$	32,390.00
	Subtotal Direct Labor Costs (M&N):		\$	35,796.00
	Subtotal Direct Labor Costs (Merkel):		\$	7,488.00
	Subtotal Direct Labor Costs (King):		\$	14,450.00
	Subtotal Direct Labor Costs (Coastal Frontiers):		\$	<u>32,710.42</u>
	TOTAL DIRECT LABOR COSTS:			\$122,834.42

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Mileage Task 6.0		400.00	\$0.655	\$ 262.00
2			0.00	\$0.00	-
3			0.00	\$0.00	-
4			0.00	\$0.00	-
5			0.00	\$0.00	-
					<u>TOTAL ODCs: \$ 262.00</u>
					Subtotal ODCs (Prime): \$ 262.00
					Subtotal ODCs (M&N): \$ 98.25
					Subtotal ODCs (Merkel): \$ 131.00
					Subtotal ODCs (King): \$ 1,100.00
					Subtotal ODCs (Coastal Frontiers): <u>\$ 150.65</u>
					TOTAL ODCs: \$ 1,741.90

COST PROPOSAL (Subconsultant)

Project Name: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III

Subconsultant Name: M&N

Total Proposal Amount: \$35,894.25

DIRECT LABOR COSTS

¹ Includes overhead, fringe benefits and general administrative expenses

Task No.			Loaded Hourly		Total
			Hours	Rate ¹	
6	City of Dana Point Nourishment Planning				
6.0	City of Dana Point (Doheny/Capo Beach)				
	Engineer - Senior	Webb, Chris	60.00	\$ 286.00	\$ 17,160.00
	Engineer - Principal	Alcorn, Alan	12.00	\$ 306.00	\$ 3,672.00
	Engineer - 2	Taylor, Matt	20.00	\$ 237.00	\$ 4,740.00
	Engineer - 1	O'Day, Chris	24.00	\$ 213.00	\$ 5,112.00
	Engineer - 1	Frampton, Craig	24.00	\$ 213.00	\$ 5,112.00
			140.00		\$35,796.00

Total Task Labor: \$35,796.00

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Mileage Task 6.0		150.00	\$0.655	\$ 98.25
2				\$0.00	\$ -
3				\$0.00	\$ -
4				\$0.00	\$ -
5				\$0.00	\$ -
				TOTAL ODCs:	\$ 98.25

COST PROPOSAL (Subconsultant)

Project Name: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III

Subconsultant Name: Merkel

Total Proposed Amount All Tasks: \$7,619.00

DIRECT LABOR COSTS

¹ Includes overhead, fringe benefits and general administrative expenses

Task No.		Loaded Hourly		Total
		Hours	Rate ¹	
6	City of Dana Point Nourishment Planning			
6.0	City of Dana Point (Doheny/Capo Beach)			
	Biologist - Senior			
	Honma, Lawrence	48.00	\$ 156.00	\$ 7,488.00
		48.00		\$7,488.00

Total Task Labor: \$7,488.00

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Mileage Task 6.0		200.00	\$0.655	\$ 131.00
2			0.00	\$0.00	-
3			0.00	\$0.00	-
4			0.00	\$0.00	-
5			0.00	\$0.00	-
TOTAL ODCs:					\$131.00

COST PROPOSAL (Subconsultant)

Project Name: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III

Subconsultant Name: King

Total Proposed Amount All Tasks: \$15,550.00

DIRECT LABOR COSTS

¹ Includes overhead, fringe benefits and general administrative expenses

Task No.			Loaded Hourly		Total
			Hours	Rate ¹	
6	City of Dana Point Nourishment Planning				
6	City of Dana Point (Doheny/Capo Beach)				
	Scientist Principal	King, Dr. Phil	85.00	\$170.00	\$14,450.00
			85.00		\$14,450.00

Total Task Labor: \$14,450.00

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Travel to/from Dana Point Site Task 6.0	Airfare/Rental Car	1.00	\$1,100.00	\$ 1,100.00
2			0.00	\$0.00	\$ -
3			0.00	\$0.00	\$ -
4			0.00	\$0.00	\$ -
5			0.00	\$0.00	\$ -
TOTAL ODCs:					\$1,100.00

COST PROPOSAL (Subconsultant)

Project Name: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III

Subconsultant Name: Coastal Frontiers

Total Proposed Amount All Tasks: \$32,861.07

DIRECT LABOR COSTS

¹ Includes overhead, fringe benefits and general administrative expenses

Task No.			Loaded Hourly		Total
			Hours	Rate ¹	
6	City of Dana Point Nourishment Planning				
6.0	City of Dana Point (Doheny/Capo Beach)				
	Engineer Principal	Hearon, G	74.00	\$ 303.63	\$ 22,468.62
	Engineer Senior	Scott, C	20.00	\$ 222.65	\$ 4,453.00
	Scientist 3	Dodds, L	40.00	\$ 144.72	\$ 5,788.80
			<u>134.00</u>		<u>\$32,710.42</u>
				Total Task Labor:	\$32,710.42

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Mileage Task 6.0	miles	230.00	\$0.655	\$ 150.65
2		miles		\$0.655	\$ -
3		person days		\$257.00	\$ -
4		sum		\$2,000.00	\$ -
5		sum		\$3,680.00	\$ -
6			0.00	\$0.00	\$0.00
				TOTAL ODCs:	\$150.65

Regional Beach Sand Project III (RBSP III) Preliminary Planning Activities				
Task Name		Description	State Date	End Date
1	Project Management and Administration	SANDAG to monitor Project Management and Administration	NTP	15 months from NTP
2	Economic Analysis	Subconsultant to prepare an updated Economic Analysis	NTP	12 months from NTP
3	Regional Beach Sand Replenishment Project (RBSP III) Feasibility Study	Draft RBSP III Feasibility Study, Review, and Finalize	NTP	14 months from NTP
4	Off-shore Borrow Site Plan	Consultant will prepare an Offshore Borrow Site Plan and Scope of Work for Three Sites	NTP	15 months from NTP
5	Optional Task: City of San Clemente Nourishment Planning	Consultant will expand upon the Feasibility Study, Economic Analysis, and Offshore Borrow Site Plan to include the City of San Clemente	TBD Upon SANDAG authorization	13 months from NTP
6	City of Dana Point Nourishment Planning	Consultant will expand upon the Economic Analysis and Feasibility Study to include for the City of Dana Point generally Doheny/Capo Beach area.	TBD Upon SANDAG authorization	TBD Upon SANDAG authorization

ACTION DOCUMENT A: Draft MOU between the City and SANDAG

**MEMORANDUM OF UNDERSTANDING
BETWEEN SAN DIEGO ASSOCIATION OF GOVERNMENTS
AND THE CITY OF DANA POINT
REGARDING PRELIMINARY PLANNING ACTIVITIES FOR A
REGIONAL BEACH SAND PROJECT**

SANDAG CONTRACT NO. 6000053

This Memorandum of Understanding (MOU) is made and entered into effective as of the last signature date below, by and between the San Diego Association of Governments ("SANDAG") and the City of Dana Point.

RECITALS

WHEREAS, in 1996, SANDAG adopted the Shoreline Preservation Strategy (Strategy) that outlines an extensive beach building and maintenance program for the critical shoreline erosion areas in the region, containing a comprehensive set of recommendations on the beach building program and on financing and implementation; and

WHEREAS, in 2001, SANDAG successfully implemented a Regional Beach Sand Project (RBSP) that placed 2.1 million cubic yards of sand on 12 beaches in the San Diego region; and

WHEREAS, in 2012, SANDAG successfully implemented a second Regional Beach Sand Project (RBSP II) that placed 1.5 million cubic yards of sand on 8 beaches in the San Diego region; and

WHEREAS, in 2021, SANDAG adopted the 2021 Regional Plan, which includes a Sustainable Communities Strategy that promotes nature-based climate solutions as a climate adaption strategy; and

WHEREAS, the State of California has identified beach nourishment as a type of nature-based climate solutions; and

WHEREAS, the San Diego region is committed to implementing the Strategy; and

WHEREAS, the region's coastal cities representatives on the SANDAG Shoreline Preservation Working Group have expressed an interest and desire to initiate a Regional Beach Sand Project III (RBSP III); and

WHEREAS, a number of benefits, including recreational, economic, and public safety enhancements, protection of infrastructure, and increases in habitat, would occur as a result of beach nourishment; and

WHEREAS, the first Phase of a RBSP III would consist of preliminary planning activities that include updating the Feasibility and Economic Analysis completed in 2007, Phase I is funded by local jurisdictions and managed by SANDAG.; and

WHEREAS, the preliminary planning activities as identified in attachments to this MOU include updating the feasibility study and economic analysis done in 2007, determining lessons learned, identifying streamlining and cost saving options, and estimating the total cost for engineering, environmental and construction for a RBSP III (Preliminary Planning Activities); and

WHEREAS, on November 16, 2023, the City of Dana Point submitted a Letter of Interest in participating in Phase I: Preliminary Planning Activities; and

WHEREAS, the Oceanside Littoral Cell extends from Dana Point Harbor to Scripps Canyon offshore of La Jolla. The Cities located in the Oceanside Littoral Cell are Dana Point, San Clemente, Oceanside, Carlsbad, Solana Beach, Encinitas, Del Mar, portions of Orange County Parks, and portions of the City of San Diego; and

WHEREAS, the City of Dana Point is located in the Oceanside Littoral Cell and shares similar shoreline erosion and coastal sediment deficit problems experienced by Oceanside Littoral Cell cities; and

WHEREAS, the City of Dana Point believes approaching regional beach nourishment as a super-regional collaboration will reduce costs and enhance benefits to all cities located in the littoral cells; and

WHEREAS, SANDAG led a Request for Proposals through its Environmental On-Call to solicit Phase I - Preliminary Planning Activities that included an Optional Task to include the City of San Clemente to the Scope of Work. A consultant was awarded in November 2023; and

WHEREAS, activities identified within the Scope of Work include determining a lump sum cost for participating cities located outside the San Diego region (including the Cities of San Clemente and Dana Point) in order to participate in Phase I - Preliminary Planning Activities; and

WHEREAS, SANDAG requires a written funding commitment for each participating Coastal City prior to work beginning on the Preliminary Planning Activities; and

WHEREAS, this MOU does not and is not intended to commit any of the parties to working on any portion of the RBSP III beyond the stage of Preliminary Planning Activities; and

WHEREAS, the total contribution for the City of Dana Point to participate is \$124,576.32 (lump sum) for Preliminary Planning Activities necessary for the development of RBSP III; and

WHEREAS, the parties wish to memorialize their agreement in this MOU to carry out the purposes set forth above;

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

SANDAG AGREES:

1. To use the City of Dana Point contribution solely to pay for Preliminary Planning Activities to evaluate the potential for RBSP III, which includes an investigation of offshore sand sources and preliminary project design for the preparation of a regional beach sand project. Funds will be kept by SANDAG in an interest-bearing account with interest credited to the City of Dana Point prorated to reflect its contribution to the Preliminary Planning Activities as compared to each participating City's contributions, until the completion of the Preliminary Planning Activities. Unused funds will be returned to each participating City on a similarly pro-rated basis.
2. To retain the original records for at least 5 years from the date of the Preliminary Planning Activities completion and make them available to the City of Dana Point upon request.

3. To not proceed beyond the first phase of Preliminary Planning Activities without assurances that each participating City has entered into a subsequent memorandum of understanding reflecting the jurisdiction's desire and commitment to participate in the RBSP III, reflecting approvals of appropriations for the phases of the RBSP III after Preliminary Planning Activities, the aggregate of which will fund the RBSP III.
4. Neither City of Dana Point, nor any officer thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by SANDAG under or in connection with any work, authority, or jurisdiction delegated to SANDAG under this MOU. It is understood and agreed that, pursuant to Government Code Section 895.4, SANDAG shall fully defend, indemnify, and save harmless City of Dana Point, all officers, and employees from all claims, suits, or actions of every name, kind, and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by SANDAG under or in connection with any work, authority, or jurisdiction delegated to SANDAG under this MOU.

CITY OF DANA POINT AGREES:

5. The City of Dana Point will approve an appropriation of \$124,576.32, such amount being its total contribution to SANDAG for the Preliminary Planning Activities, which funds will be paid to SANDAG prior to the start date of the Preliminary Planning Activities.
6. Neither SANDAG nor any officer thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by City of Dana Point under or in connection with any work, authority, or jurisdiction delegated to City of Dana Point under this MOU. It is understood and agreed that, pursuant to Government Code Section 895.4 as well as the terms of this MOU, City of Dana Point shall fully defend, indemnify, and save harmless SANDAG, its Board of Directors, all its officers, and all its employees from all claims, suits, or actions of every name, kind, and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by the City of Dana Point under or in connection with any work, authority, or jurisdiction delegated to City of Dana Point under this MOU.

THE PARTIES MUTUALLY AGREE:

1. That all obligations of SANDAG under the terms of this MOU are subject to the appropriation of the required resources by SANDAG and the approval of the SANDAG Board of Directors.
2. Any notice required or permitted under this MOU may be personally served on the other party, by the party giving notice, or may be served by certified mail, return receipt requested, to the following addresses:

For SANDAG	For City of Dana Point
401 B Street, Suite 800	33282 Golden Lantern
San Diego, CA 92101	Dana Point, CA 92629
Attn: Courtney Becker	Attn: John Ciampa

3. This MOU shall continue in effect unless and until a party to the MOU gives 60 (sixty) days written notice of its desire to withdraw from the MOU.

4. In accordance with Public Utilities Code section 132354.1(b)(4), all parties shall maintain and make available for inspection all books, documents, papers, accounting records, emails and other evidence pertaining to the performance of the Agreement, including but not limited to, the costs of administering the MOU to the SANDAG Independent Performance Auditor. All parties shall make such materials available at their respective offices at all reasonable times during the MOU period and for three years from the date of final payment under the MOU.
5. The indemnification and defense provisions of this MOU shall survive termination of the MOU.
6. This MOU shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this MOU, the action shall be brought in a state or federal court situated in the County of San Diego, State of California.
7. All terms, conditions, and provisions hereof shall inure to and shall bind each of the parties hereto, and each of their respective heirs, executors, administrators, successors, and assigns.
8. For purposes of this MOU, the relationship of the parties is that of independent entities and not as agents of each other or as joint ventures or partners. The parties shall maintain sole and exclusive control over their personnel, agents, consultants, and operations.
9. No alteration or variation of the terms of this MOU shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.
10. Nothing in the provisions of this MOU is intended to create duties or obligations to or rights in third parties to this MOU or affect the legal liability of the parties to this MOU.
11. Nothing in the provisions of this MOU commits either of the parties to working on and/or providing additional funding for any portion of the beach sand replenishment project beyond the stage of preliminary planning activities.
12. This MOU may be executed in any number of identical counterparts, each of which shall be deemed to be an original, and all of which together shall be deemed to be one and the same instrument when each party has signed one such counterpart.
13. This MOU may be executed and delivered by electronic signature.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU effective as of the last date a party provides an electronic signature below.

SAN DIEGO ASSOCIATION OF
GOVERNMENTS

CITY OF DANA POINT

COLEEN CLEMENTSON
Chief Deputy Executive Director

MIKE KILLEBREW
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Office of General Counsel

Legal Counsel

Exhibits:

- Project Scope of Work
- Project Budget
- Project Schedule

SUPPORTING DOCUMENT B: SANDAG RBSP III, Phase I Scope of Work

Inclusion of Task 6 – City of Dana Point

January 12, 2024

**Regional Beach Sand Project III (RBSP III)
Phase I - Preliminary Planning Activities
Scope of Work AM 2****INTRODUCTION:**

SANDAG is the Metropolitan Planning Organization (MPO) for the San Diego region and plays a key role in the regional coordination of a variety of projects. The San Diego region has 19 jurisdictions, 10 of which are located in the coastal zone and collectively manage approximately 70 miles of coastline which can be accessed via transit, highways, roadways, and bicycle and pedestrian facilities. A number of these facilities are at risk from the impacts of rising seas, high tides, and strong storms. As such, access to beaches, residences, and public facilities may be impacted. This would be particularly impactful to disadvantaged populations living in the cities of Oceanside, Carlsbad, City of San Diego, National City, Chula Vista, and Imperial Beach which have populations that fall in the 70-100 percentile of the demographic index (source: EJSscreen).

SANDAG proposes to conduct a feasibility study for a regional beach sand nourishment project which would use information from SANDAG's Round 1 SB 1 Caltrans Adaptation Planning Grant effort to identify transportation facilities that will be impacted by sea-level rise and may benefit from beach nourishment. Implementation of a regional beach sand project would involve dredging beach quality sand from offshore borrow sites and placing it on highly eroded beaches in the San Diego region. Beach nourishment is being considered as a sea-level rise adaptation strategy by a number of cities in the San Diego region who have updated their Local Coastal Programs to align with the California Coastal Commission's Guidance on sea-level rise. Wide beaches can help protect coastal communities and coastal transportation facilities by acting as a buffer to alleviate some of the impacts from sea-level rise, strong storm events, and high tides. SANDAG has previously completed two regional beach sand nourishment projects in 2001 and 2012 (RBSP I and RBSP II, respectively), adding approximately 3.5 million cubic yards of sand to the region's local beaches. In addition, SANDAG has an established regional forum (the Shoreline Preservation Working Group) where elected officials are engaged in regional adaptation projects, such as beach nourishment.

SANDAG will coordinate closely with city staff, city council members who serve on SANDAG's Shoreline Preservation Working Group (SPWG), and other technical advisors on this project. Work efforts from this project will be summarized in two final deliverables: the Feasibility Study and the Offshore Borrow Site Survey Plan.

SANDAG has also been in contact with jurisdictions in Orange County on beach nourishment planning efforts, in part because sand transport in the Oceanside littoral cell extends generally from Dana Harbor south to the undersea canyon off La Jolla.

RESPONSIBLE PARTIES

SANDAG has retained a consulting team to complete two deliverables: Feasibility Study (with economic analysis) and Offshore Borrow Site Survey Plan. Generally, SANDAG will be responsible for overall project management and administration and will play a role in coordinating with local jurisdictions as well as drafting and editing the feasibility study. The consultant will be responsible for the majority of other tasks including the review of existing monitoring data,

Exhibit A – Scope of Work

completing the Offshore Borrow Site Survey Plan, completing the Economic Analysis, and finalizing the Feasibility Study.

OVERALL PROJECT OBJECTIVES:

- Identify beach erosion areas in the three littoral cells of the San Diego region, which extends from the U.S. border with Mexico to Dana point Harbor in southern Orange County, that may impact coastal transportation and other public infrastructure through review of existing data and coordination with coastal jurisdiction staff.
- Evaluate the economic costs and benefits of implementing a regional beach nourishment project and several alternatives to that project that may include one pilot sand retention strategy.
- Complete a Feasibility Study for a future regional beach nourishment project and alternatives, including potential programmatic strategies.
- Identify lessons learned from the past two regional beach sand projects administered by SANDAG and other southern California beach nourishments efforts and identify how to expedite project delivery and minimize project costs compared to prior efforts.
- Create a plan for surveying offshore sand borrow sites to ensure adequate quantities of sand are available to nourish the San Diego region's beaches.

The current scope of work addresses these two deliverables in the San Diego region and City of San Clemente (Tasks 1-5). This Amendment 2 provides scope and funding for similar evaluation in the City of Dana Point (Task 6)

1. Task 1: Project Management and Administration

SANDAG will hold a kick-off meeting with the consultants to review the procedures and project expectations, including invoicing, quarterly reporting, scope of work, timeline, communication protocols, and other relevant project information. A meeting summary shall be documented by the Consultant. SANDAG will coordinate with the consultants through regular communication (including in-person meetings and/or conference calls) to ensure project remains on time and within budget. Meeting notes shall be documented by the Consultant. The consultant shall invoice SANDAG and provide a brief summary of work efforts on a monthly basis. Time spent preparing invoices shall be included in the Consultant's overhead cost. SANDAG shall not pay for time spent preparing billing for SANDAG.

Task 1 Deliverables

- Meeting Notes and Summaries
- Subcontractor Agreements
- Quarterly Progress Reports

Task 1 Assumptions

- 1 in person kickoff meeting attended by AECOM (3 staff), M&N (1 staff), CFC (1 staff), Merkel (1 staff), Phil King
- 1 field site visit attended by AECOM (2 staff), M&N (1 staff), Merkel (1 staff), Phil King on same day as kick off (to maximize travel efficiency).
- 8 meetings (virtual and in person) attended by AECOM with associated agenda/meeting notes/action items

Exhibit A – Scope of Work**2. Task 2: Economic Analysis**

Using actual costs from RBSP II, the consultant shall prepare an economic analysis that includes the following components: preliminary cost estimates of a range of project alternatives that may include one pilot sand retention strategy, a benefit/cost analysis of the project alternatives, and a discussion of economic impacts. This economic analysis shall be summarized in the feasibility study and included as an appendix to the final document. The consultant shall evaluate the Benefit Cost Analysis (BCA) prepared by the U.S. Army Corps of Engineers for the Encinitas-Solana Beach Coastal Storm Damage Reduction Project and the economic analysis conducted for the 2007 Feasibility Study (prepared for RBSP II) in order to provide a methodology for the analysis for approval by SANDAG. The BCA should be developed to allow federal agencies to evaluate the benefit to cost ratio of the project and various subsegments of the project (by littoral cell or jurisdiction).

The methodology approach below will be finalized as a deliverable prior to undertaking the analysis. The quantitative analysis is anticipated to address two elements 1) "non-market value" of recreational benefits of RBSP III, which will be incorporated into a benefit-cost analysis and 2) an estimate of the economic impacts—additional spending, jobs, and local taxes generated by RBSP III.

- **Data Collection:** Consultant will collect the following data: (a) daily attendance data at all State and local beaches where available (most); (b) data from San Diego County assessor's office which includes geospatial data, currently assessed (property tax) value; (c) data from local governments on the value of their property, which is not assessed for property tax purposes; (d) data on beach width/area before and after nourishment and over the 5-10 year life of the project as pulled from past shoreline monitoring; (e) any available data on beach spending patterns; (e) data on the likely costs of RBSP III including compliance costs.
- **Data Analysis:** The following analyses will be performed with the data collected:
 - **Estimates of local property value:** The analysis will use the best available public data (e.g., Zillow) to estimate the value of local property.
 - **Analysis of non-market benefits of nourishment:** The analysis of beach value incorporates daily attendance and capacity constraints. Since fill sites do not always correspond with beach jurisdictions (e.g., Oceanside), adjustments to attendance at these sites will be made.
 - **Analysis of economic impacts:** The additional recreation and tourism will generate additional spending and taxes. The analysis will estimate: (i) increases in local spending; (ii) increases in local taxes, in particular sales and transient occupancy taxes; (iii) indirect and induced impacts as well as job creation, applying IMPLAN or similar software.
- **The benefits of storm damage reduction will not be addressed quantitatively because the USACE modeling requirements are extensive and not within the budget parameters. The team will identify locations that are potentially vulnerable to flooding/storm damage (from existing Cosmos data, team knowledge and possibly land managers/city staff). Then qualitatively address how the project may benefit/reduce potential damage.**
- **Benefit/Cost Analysis:** Consultant will conduct a benefit/cost analysis over the life of the project, using a discount rate agreed to by SANDAG, but consistent with federal assumptions (likely NOAA and not USACE). This analysis will examine the "net benefits"—whether the

Exhibit A – Scope of Work

benefits exceed the cost, including a benefit/cost ratio where necessary. As with RSBP II, this analysis will be broken down by individual fill receiver sites. The benefits and costs will also be delineated into recreational (non-market) benefits and economic and tax impacts. Possible benefits to private and public property from storm damage reduction as linked to potentially vulnerable locations will be noted. The study will generate a BCA but not using the exact same methods/inputs as the standard USACE approach.

There is also interest in considering potential sand nourishment projects along the shoreline of San Diego Bay. For purposes of this analysis, we assume one existing public beach location in the Bay may be identified from the Feasibility Study. The economic analysis will qualitatively describe net benefits. The communities that could benefit (considering proximity and observations) will be noted.

The consultant should assume three rounds of comments in the preparation of the Draft Economic Analysis as follows, comments by SANDAG on the draft, comments from the members of the Shoreline Preservation Working Group on the draft, and comments from the public.

Task 2 Deliverables

- Finalized Methodology Approach for the Economic Analysis
- Draft Economic Analysis Technical Appendix
- Final Economic Analysis Technical Appendix

Task 2 Assumptions

- Technical Appendix >30 pages, ~ 10 power point slides for SPWG meeting
- Budget assumes a set of up to 12 fill site envelopes derived from RSBP I and II, with alternative variations from retention features or other refinements at up to 6 sites, for no more 18 alternatives/configurations. If additional sites or program configurations are developed, the economic analysis and assumptions may be revisited for additional scope and fee.

3. Task 3: Regional Beach Sand Replenishment Project (RBSP III) Feasibility Study

Using information obtained from Tasks 2, the consultant shall draft a feasibility study for a future regional beach sand project (RBSP III). The 2007 Feasibility Study that was prepared for RSBP II will be used as a template and the updated Feasibility Study shall address the same major topics including, but not limited to: a statement of the problem, a description of existing site conditions, consideration of project alternatives and ways to extend the life between beach nourishment cycles, methods to reduce costs and leverage other efforts in southern California, and economic considerations. The Feasibility Study shall also include an explanation of how beach nourishment can be used to protect coastal critical infrastructure in the region from sea level rise, examples from other regions should be provided. The Feasibility Study shall identify the various permits and approvals that would be needed for the implementation of this project. As part of the Feasibility Study, or a separate report, the consultant shall address the lessons learned from prior RSBP I and II, and opportunities to expedite project delivery and reduce costs. The consultant shall specifically address the following:

1. Ways to streamline environmental clearance under CEQA/NEPA (e.g., use of Mitigated Negative Declarations and focused EIRs, Supplementing EIR/EIS prepared for Encinitas-Solana Beach Coastal Storm Damage Reduction Project, development and tiering of Program EIR, etc.), and regulatory permits;

Exhibit A – Scope of Work

2. Ways to leverage opportunities arising from the Encinitas-Solana Beach Coastal Storm Damage Reduction Project and other southern California beach nourishment or sand bypass projects;
3. Opportunities to reduce cost mobilization of dredging (e.g., utilization of dredge under contract by U.S. Army Corps of Engineers, shared purchase of a hopper dredge for southern California nourishment efforts, etc.);
4. Analysis of issues that led to the damages resulting from the sand placement in Imperial Beach during RBSP II and ways to avoid damages in the future; and
5. Opportunities to reduce post-construction monitoring based upon past efforts.

The Feasibility Study shall also address the needs of the sand nourishment, if any, of jurisdictions fronting the San Diego Bay (e.g., Coronado's Grand Caribe Isle located in the Coronado Cays).

Consultant has developed one possible Annotated Table of Contents (provided below) with approach/scope of work described in more detail in the following text.

**DRAFT Feasibility Study
San Diego Regional Beach Sand Project III
Annotated Table of Contents**

1.0 INTRODUCTION

- 1.1 Purpose
- 1.2 Scope

2.0 SITE CONDITIONS (Largely from 2007 Feasibility Study and 2009 Coastal Regional Sediment Management Plan and readily available current information)

- 2.1 Sediment Budgets and Longshore Sediment Transport Rates
- 2.2 Wave Climate
- 2.3 Beach Profiles
- 2.4 Sediment Grain Size
- 2.5 Shoreline Position
- 2.6 Other Related Projects (ongoing, planned, potential)

3.0 LESSONS LEARNED AND RECOMMENDATIONS FOR EFFICIENCIES

- 3.1 CEQA/NEPA and Permitting
- 3.2 Design
- 3.3 Construction
- 3.4 Beach Fill Performance

4.0 ALTERNATIVES CONSIDERED (Creative brainstorming by entire team w/SANDAG)

- 4.1 Single Project Maximum Retards (2001 RBSP I, incorporating 2012 RBSP II)
- 4.2 Single Project Reduced Retards (Eliminate Solana Beach/Encinitas)
- 4.3 Programmatic and/or Opportunistic Nourishment Regime
- 4.4 Down-drift Feeder Beach
- 4.5 Retention Feature (RFB)
- 4.6 San Diego Bay

5.0 ECONOMIC CONSIDERATIONS

- 5.1 Economic Benefit Cost Analysis (EBCA)
 - 5.1.1 Project Configuration (Receiver Sites, Borrow Sites, Retention Features)
 - 5.1.2 Output
- 5.2 Regional Funding Options

6.0 CONCLUSIONS AND DECISIONS TO BE MADE

7.0 REFERENCES

Appendices
Borrow Site Investigation Scope of Work
Economic Benefit Cost Analysis

Site condition patterns are relatively similar over the past few decades, so will be described based on the two primary sources (2007 Feasibility Study and 2009 Coastal Sediment Management Plan) plus monitoring data collected annually as shared with the SPWG. Consultant will also consolidate information on other related projects (ongoing, planned, potential) which will be key to considering creative regional approaches to routine beach nourishment. Chapter 3 will address items 1-5 noted above. Regarding CEQA/NEPA and Permitting, the study will disclose various document types and possible permits relative to the various alternatives considered. The

Exhibit A – Scope of Work

potential ocean dredging projects and beach nourishment efforts in Section 2.6 will be explored in terms of leveraging opportunities based on timing and ability to share equipment. Documenting lessons learned from RBSP II in Imperial Beach will provide for best practices that can be applied elsewhere. Regarding post-construction monitoring, Consultant will develop a list of possible monitoring elements for various phases of RBSP III and conduct an analysis as to the likelihood that each could be eliminated or reduced based on lessons learned from RBSP I, RBSP II, San Elijo and others.

Consultant team will focus their collective knowledge and expertise in working session(s) to explore the broad suite of alternatives and document the outcome in Chapter 4. The list above is intended as preliminary ideas and not complete.

The Feasibility Study will address the economic issue via the BCA results (which are useful for grant funding opportunities) and exploration of regional funding options. The study will summarize the project configuration used to calculate the BCA. There is a world of project variations given the number of potential sites, amount of material that could be placed per site, location of retention (if included), location of borrow site(s), etc. Based on discussions with SANDAG, existing designs plus monitoring data from RBSP I and II, Consultant team will identify a prototype project for the BCA. Chapter 5 will describe that prototype project and the resulting modelled BCA (by site and/or by littoral cell). The economic study will be an appendix. The feasibility study will also explore finance options available to city and county governments to raise revenues to pay for future nourishments. This study will examine options such as special property tax districts like Geologic Hazard Abatement District (GHAD) or Community Finance Districts, increases in transient occupancy taxes (TOTs), or reducing restrictions on short-term (STRs) to generate sales tax increases. The study will note where else in California these revenue options have been, or are, under consideration. Finally, the study will note possible approaches to reduce high-cost items, like the dredge, that could substantially lessen the overall price-tag.

A meeting shall be scheduled with interested stakeholders (city staff, members of the SPWG, members of the public, etc.) to review the draft feasibility study and solicit feedback. SANDAG will likely use a scheduled SPWG meeting as the forum for this discussion. Comments from stakeholders may also be submitted in writing and revisions to the feasibility study shall be made as needed. The consultant shall incorporate comments from SANDAG staff and interested stakeholders into a final version of the feasibility study.

Task 3 Deliverables

- Draft Feasibility Study
- Host meetings to discuss draft Feasibility Study
- Finalize Feasibility Study

Task 3 Assumptions

- Up to 8 alternatives addressed in Chapter 4.0, not all at equal level of detail.
- Present draft finding at SPWG meeting in person (AECOM, M&N) and virtual (Merkel, CFC, King).

Exhibit A – Scope of Work**4. Task 4: Off-Shore Borrow Site**

The consultant shall conduct a literature review of offshore investigations completed for Regional Beach Sand Projects I and II (R BSP I and R BSP II) to identify any additional candidate borrow sites in the northern portion of San Diego County that could be utilized to implement a future beach nourishment project. The consultant shall prepare a plan and scope of work to conduct an investigation of a minimum of three offshore borrow sites to determine the outer boundaries of the two offshore borrow sites used for R BSP II (MB-1 and SO-5) and at least one new borrow site in the northern portion of San Diego County. Once completed, these surveys will help to estimate the quantity of sand available for beach nourishment on the San Diego coastline.

Consultant's approach to this task leverages their experience from two prior R BSP efforts and more recent research. Consultant will update ArcGIS model with available coastal, geophysical and geologic and geoaerchaeology literature post R BSP II to focus on North County and MB-1. We recommend the offshore borrow investigations for R BSP III be planned similar to the R BSP II approach carried out at that time. The investigation plan will provide the exploration methodology starting with permitting and agency coordination needs for the eventual offshore field work. No field work will be performed at this stage.

Task 4 Deliverable

- Perform Off-Shore Borrow Site existing data review
- Prepare Off-Shore Borrow Site Plan and Scope of Work for Three Sites

5. Optional Task 5: San Clemente Nourishment Planning

This is an optional task, so no work will be performed without prior authorization from the City of San Clemente via entering into a MOU with SANDAG for Phase I – Preliminary Planning Activities. If exercised, Tasks 1-4 will be expanded upon to cover possible beach nourishment for the City of San Clemente. The consultant shall review the San Clemente component of the U.S. Army Corps of Engineer Storm Damage Reduction Project and what additional areas need beach nourishment in the City of San Clemente. Additional areas will be included in the economic analysis BCA and included in the Feasibility Analysis. The consultant shall evaluate one additional offshore borrow site located in the Northern extent of the Oceanside Littoral cell in addition those identified in Task 4 for possible beach sand nourishment in San Clemente.

Consultant would revise the table of contents for the Feasibility Study to include information for San Clemente. For example, Site Conditions would address Wave Climate (and other topics in Chapter 2) in the San Diego region as a subsection and there would be a new subsection for the San Clemente Wave Climate. Other Related Projects (Section 2.6) would be expanded into Orange County. While the Lessons Learned (Chapter 3.0) would remain largely focused on San Diego, the Recommendations for Efficiencies could consider this new opportunity. If San Clemente were formally a part of R BSP III, then "possible" efficiencies in shared dredge would become more certain. Alternatively, the approach to CEQA streamlining may become more complex as decisions would need to be made regarding lead agency or lead agencies. The universe of alternatives would expand so Section 4 would expand as well. For costing purposes, we assume up to two receiver sites could be identified (one each north and south of the USACE site).

Exhibit A – Scope of Work

Once defined, the project envelopes for the economic analysis would be evaluated to generate BCA. The same methodology would be applied, but new data would need to be collected in Orange County for property value and attendance.

For the Offshore Borrow Site Study, the team would review offshore investigations for potential sites identified by USACE and published studies. Candidate borrow sites are anticipated to include current borrow sites identified by USACE including Oceanside and other potential sites along Camp Pendleton and Orange County. Consultant will develop a work plan for a future offshore investigation. The work plan objectives would involve confirming known sites, as needed, or further investigating beach material suitability at one new potential borrow site (where only limited investigations have been performed historically).

The program management approach would remain as proposed but there would be additional time required to facilitate coordination and communication with a broader group. A second kick-off meeting would be scheduled with San Clemente and SANDAG staff, with a site visit that same day. Attendees in person will include team members from AECOM, M&N, and Dr. King with others virtual. The complexity and cost of adding the San Clemente location is minimized if the option is exercised very soon after the Feasibility Study project is kicked off, so for costing purposes we assume the authorization is received within a month of project initiation.

Task 5 Deliverable

- Expanded Economic Analysis and Feasibility Study
- Perform Off-Shore Borrow Site existing data review
- Prepare Off-Shore Borrow Site Plan and Scope of Work for fourth area

Task 5 Assumptions

- Authorization to proceed received one month after NTP for RBSP III San Diego region. The longer between initiation of the San Diego region project and adding San Clemente, the less efficient and there may be need for additional funding.
- 1 field site visit attended by AECOM (2 staff), M&N (1 staff), and Phil King: CFC (1 staff) and Merkel (1 staff) virtual kick off.
- No more than 2 alternative receiver sites added to Chapter 4.0 of the Feasibility Study (excluding the site under consideration by USACE).

6. Task 6: Dana Point Nourishment Planning (Doheny/Capo Beach)

The consultant shall review existing documentation from Dana Point and Orange County Parks to evaluate additional locations for beach nourishment in the City of Dana Point.

The consultant shall evaluate one possible location for beach nourishment within publicly owned property south of San Juan Creek with an estimated total placement volume of up to approximately 500,000 cubic yards (cy). This area is generally Doheny Beach and Capistrano Beach (or Doheny/Capo Beach).

Consultant shall revise the table of contents for the Feasibility Study to include information for Dana Point. Information may be integrated into each section of the Feasibility Study or maybe a separate chapter of the report. For example, Site Conditions would address Wave Climate (and other topics in Chapter 2) in the San Diego region as a subsection and there would be a new subsection for Dana Point Wave Climate. Other Related Projects (Section 2.6) would be expanded into Dana Point. While the Lessons Learned (Chapter 3.0) would remain largely

Exhibit A – Scope of Work

focused on San Diego, the Recommendations for Efficiencies could consider this new opportunity. If Dana Point were formally a part of RBSP III, then “possible” efficiencies in sharing a dredge would become more certain. Alternatively, the approach to CEQA streamlining may become more complex as decisions would need to be made regarding lead agency or lead agencies. The universe of alternatives would expand so Section 4 would expand as well.

Once defined (based on engineering and marine biology considerations), the project envelope of this general location would be evaluated to generate economic benefits relative to cost (BCA). The methodology for economic analysis would focus on recreational benefits, as is being performed in San Diego County and San Clemente, but new data would need to be collected in Orange County for property value and attendance in Dana Point. Potential benefits to recreational facilities would also be qualitatively evaluated (including public parking and sports equipment/facilities).

No new borrow site evaluations would be completed as the research for San Clemente would also apply to Dana Point.

The program management approach would remain as proposed but there would be additional time required to facilitate coordination and communication with a broader group. A kick-off meeting would be scheduled with Dana Point, Orange County Parks and SANDAG staff, with a site visit that same day. Attendees in person will include team members from AECOM, M&N, Coastal Frontiers, Merkel, and Dr. King. The complexity and cost of adding the Dana Point location is minimized if the option is exercised very soon after the Feasibility Study project is kicked off, so for costing purposes we assume the authorization is received in February 2024.

Task 6 Deliverable

- Expanded Economic Analysis and Feasibility Study for Dana Point (Dohony/Capo Beach stretch)

Task 6 Assumptions

- Authorization to proceed received in February 2024 to maximize efficiencies from kicking off RBSP III in the San Diego region.
- 1 field site visit attended by AECOM (3 staff), M&N (2 staff), Phil King, CFC (1 staff), and Merkel (1 staff).
- One alternative receiver site added to Chapter 4.0 of the Feasibility Study (Dohoney/Capo Beach).
- The marine biology information would be based on existing materials from the City and others, no field surveys will be performed. The level of detail, extent of coverage relative to the sites, and season collected/age of data is unknown.

Exhibit C – Project Schedule

Regional Beach Sand Project III (RBSP III) Preliminary Planning Activities				
Task Name	Description	State Date	End Date	
1	Project Management and Administration	SANDAG to monitor Project Management and Administration	NTP	15 months from NTP
2	Economic Analysis	Subconsultant to prepare an updated Economic Analysis	NTP	12 months from NTP
3	Regional Beach Sand Replenishment Project (RBSP III) Feasibility Study	Draft RBSP III Feasibility Study, Review, and Finalize	NTP	14 months from NTP
4	Off-shore Borrow Site Plan	Consultant will prepare an Offshore Borrow Site Plan and Scope of Work for Three Sites	NTP	15 months from NTP
5	Optional Task: City of San Clemente Nourishment Planning	Consultant will expand upon the Feasibility Study, Economic Analysis, and Offshore Borrow Site Plan to include the City of San Clemente	TBD Upon SANDAG authorization	13 months from NTP
6	City of Dana Point Nourishment Planning	Consultant will expand upon the Economic Analysis and Feasibility Study to include for the City of Dana Point generally Doheny/Capo Beach area.	TBD Upon SANDAG authorization	TBD Upon SANDAG authorization

COST PROPOSAL FORM

Project: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III
Consultant: AECOM Technical Services

Prime: AECOM Technical Services, Inc.				
Task	WBS Description		Labor Hrs	Labor
6.0	City of Dana Point (Doheny/Capo Beach)		202	\$ 32,390.00
Total Labor:			202	\$ 32,390.00
Subconsultant 1: M&N				
Task	WBS Description		Labor Hrs	Labor
6.0	City of Dana Point (Doheny/Capo Beach)		140	\$ 35,796.00
Total Labor:			140	\$ 35,796.00
Subconsultant 2: Merkel				
Task	WBS Description		Labor Hrs	Labor
6.0	City of Dana Point (Doheny/Capo Beach)		48	\$ 7,488.00
Total Labor:			48	\$ 7,488.00
Subconsultant 3: King				
Task	WBS Description		Labor Hrs	Labor
6.0	City of Dana Point (Doheny/Capo Beach)		85	\$ 14,450.00
Total Labor:			85	\$ 14,450.00
Subconsultant 4: Coastal Frontiers				
Task	WBS Description		Labor Hrs	Labor
6.0	City of Dana Point (Doheny/Capo Beach)		134	\$ 32,710.42
Total Labor:			134	\$ 32,710.42
AECOM & SUB ODC:				
Task	WBS Description			
6.0	City of Dana Point (Doheny/Capo Beach)			\$ 1,741.90
Total ODC's=				\$ 1,741.90
Task 6.1 AECOM & SUB LABOR & ODC				
Task	WBS Description		Labor Hrs	Labor
6.0	City of Dana Point (Doheny/Capo Beach)		609	\$ 122,834.42
ODC - 6.0				\$ 1,741.90
Total Labor & ODC:			609	\$ 124,576.32
Grand Total=				\$ 124,576.32

COST PROPOSAL (PRIME)

Project Name: **TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III**

Prime Consultant Name: **AECOM**

Total Proposal Amount (Prime & Sub): **\$124,576.32**

DIRECT LABOR COSTS

¹ includes overhead, fringe benefits and general administrative expenses

Task No.		Hours	Loaded Hourly Rate ¹	Total
6	City of Dana Point Nourishment Planning			
6.0	City of Dana Point (Doherty/Capo Beach)			
	Contract Manager	4.00	\$ 285.00	\$ 1,140.00
	Task Manager	60.00	\$ 217.00	\$ 13,020.00
	Technical Expert	6.00	\$ 249.00	\$ 1,494.00
	Project Controls - 3	8.00	\$ 168.00	\$ 1,344.00
	Project Controls - 2	8.00	\$ 127.00	\$ 1,016.00
	Admin - Senior	8.00	\$ 141.00	\$ 1,128.00
	Admin - Senior	8.00	\$ 141.00	\$ 1,128.00
	Planner - 2	40.00	\$ 138.00	\$ 5,520.00
	Planner - 1	60.00	\$ 110.00	\$ 6,600.00
		202.00		\$32,380.00
				Subtotal Direct Labor Costs (Prime): \$ 32,380.00
				Subtotal Direct Labor Costs (M&N): \$ 35,798.00
				Subtotal Direct Labor Costs (Merkel): \$ 7,488.00
				Subtotal Direct Labor Costs (King): \$ 14,450.00
				Subtotal Direct Labor Costs (Coastal Frontiers): \$ 32,710.42
				TOTAL DIRECT LABOR COSTS: \$122,834.42

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Mileage Task 6.0		400.00	\$0.655	\$ 262.00
2			0.00	\$0.00	-
3			0.00	\$0.00	-
4			0.00	\$0.00	-
5			0.00	\$0.00	-
					TOTAL ODCs: \$ 262.00
					Subtotal ODCs (Prime): \$ 262.00
					Subtotal ODCs (M&N): \$ 98.25
					Subtotal ODCs (Merkel): \$ 131.00
					Subtotal ODCs (King): \$ 1,100.00
					Subtotal ODCs (Coastal Frontiers): \$ 150.85
					TOTAL ODCs: \$ 1,741.90

COST PROPOSAL (Subconsultant)

Project Name: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III

Subconsultant Name: M&N

Total Proposal Amount: \$35,894.25

DIRECT LABOR COSTS

¹ Includes overhead, fringe benefits and general administrative expenses

Task No.			Loaded Hourly		Total
			Hours	Rate ¹	
6	City of Dana Point Nourishment Planning				
6.0	City of Dana Point (Doheny/Capo Beach)				
	Engineer - Senior	Webb, Chris	60.00	\$ 286.00	\$ 17,160.00
	Engineer - Principal	Alcorn, Alan	12.00	\$ 306.00	\$ 3,672.00
	Engineer - 2	Taylor, Matt	20.00	\$ 237.00	\$ 4,740.00
	Engineer - 1	O'Day, Chris	24.00	\$ 213.00	\$ 5,112.00
	Engineer - 1	Frampton, Craig	24.00	\$ 213.00	\$ 5,112.00
			140.00		\$35,796.00
				Total Task Labor:	\$35,796.00

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Mileage Task 6.0		150.00	\$0.655	\$ 98.25
2				\$0.00	-
3				\$0.00	-
4				\$0.00	-
5				\$0.00	-
				TOTAL ODCs: \$	98.25

COST PROPOSAL (Subconsultant)

Project Name: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III

Subconsultant Name: Merkel

Total Proposed Amount All Tasks: \$7,619.00

DIRECT LABOR COSTS

¹ Includes overhead, fringe benefits and general administrative expenses

Task No.		Loaded Hourly		Total
		Hours	Rate ¹	
6	City of Dana Point Nourishment Planning			
6.0	City of Dana Point (Doheny/Capo Beach)			
	Biologist - Senior			
	Honma, Lawrence	48.00	\$ 156.00	\$ 7,488.00
		48.00		\$7,488.00
Total Task Labor:				\$7,488.00

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Mileage Task 6.0		200.00	\$0.655	\$ 131.00
2			0.00	\$0.00	-
3			0.00	\$0.00	-
4			0.00	\$0.00	-
5			0.00	\$0.00	-
TOTAL ODCs:					\$131.00

COST PROPOSAL (Subconsultant)

Project Name: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III
 Subconsultant Name: King

Total Proposed Amount All Tasks: \$15,550.00

DIRECT LABOR COSTS

¹ Includes overhead, fringe benefits and general administrative expenses

Task No.	Description	Unit	Loaded Hourly		Total
			Hours	Rate ¹	
6	City of Dana Point Nourishment Planning				
6	City of Dana Point (Doherty/Capo Beach)				
	Scientist Principal	King, Dr. Phil	85.00	\$170.00	\$14,450.00
			85.00		\$14,450.00
			Total Task Labor:		\$14,450.00

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Travel to/from Dana Point Site Task 6.0	Airfare/Rental Car	1.00	\$1,100.00	\$ 1,100.00
2			0.00	\$0.00	-
3			0.00	\$0.00	-
4			0.00	\$0.00	-
5			0.00	\$0.00	-
TOTAL ODCs:					\$1,100.00

COST PROPOSAL (Subconsultant)

Project Name: TO#1 AMD#2 Phase 1 - Preliminary Planning Activities for RBSP III

Subconsultant Name: Coastal Frontiers

Total Proposed Amount All Tasks: \$32,861.07

DIRECT LABOR COSTS

¹ Includes overhead, fringe benefits and general administrative expenses

Task No.			Loaded Hourly		Total
			Hours	Rate ¹	
6	City of Dana Point Nourishment Planning				
6.0	City of Dana Point (Doheny/Capo Beach)				
	Engineer Principal	Hearon, G	74.00	\$ 303.63	\$ 22,468.62
	Engineer Senior	Scott, C	20.00	\$ 222.65	\$ 4,453.00
	Scientist 3	Dodds, L	40.00	\$ 144.72	\$ 5,788.80
			134.00		\$32,710.42
			Total Task Labor:		\$32,710.42

OTHER DIRECT COSTS (ODCs)

² All ODCs will be reimbursed at the actual cost incurred by the Consultant, as supported by receipts, and will not exceed the maximum amounts allowable for state employees, as indicated on the CalHR website: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.

Item #	Description of Item	Unit	Quantity	Unit Cost ²	Total
1	Mileage Task 6.0	miles	230.00	\$0.655	\$ 150.65
2		miles		\$0.655	\$ -
3		person days		\$257.00	\$ -
4		sum		\$2,000.00	\$ -
5		sum		\$3,680.00	\$ -
6			0.00	\$0.00	\$0.00
			TOTAL ODCs:		\$150.65



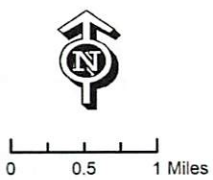
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

DESIGNED AND PRODUCED BY:
 OCCCR
 OC Parks GIS

DATA SOURCE:
 - OC Parks; OCPW

The County of Orange and OCCCR/OC Parks/Survey/GIS/LIS make no representations or warranties regarding the registration or accuracy of the data from which this map was derived. Neither the County nor OCCCR/OC Parks/Survey/GIS/LIS shall be liable under any circumstances for any direct, indirect, special, incidental or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of this map.

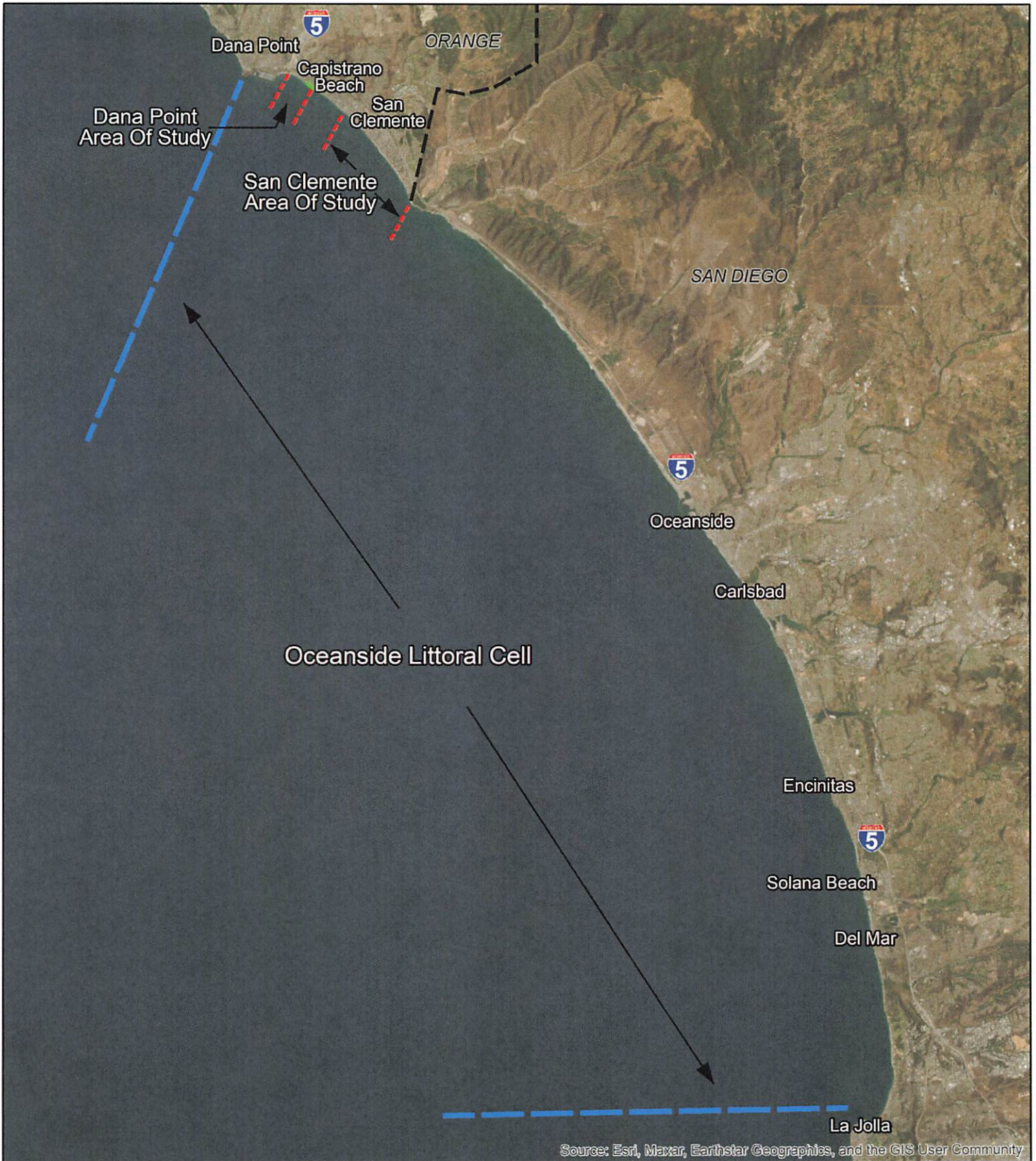
DATE: February 09, 2024



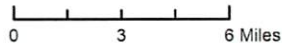
County Of Orange Portion Of SANDAG Regional Beach Sand Project

County Managed Beach





DESIGNED AND PRODUCED BY: OCCR OC Parks GIS
DATA SOURCE: - OC Parks; OCPW
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DATE: February 09, 2024



 County Managed Beach

Oceanside Littoral Cell SANDAG Regional Beach Sand Project



LEON J. PAGE
COUNTY COUNSEL

RECEIVED
2024 FEB 20 PM 2:00
CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE

400 West Civic Center Drive, Suite 202
Santa Ana, California 92701
Direct No.: (714) 834-3303
E-Mail: leon.page@coco.ocgov.com

Agenda Item No. SCS- 2
February 27, 2024

MEMORANDUM

February 20, 2024

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, February 27, 2024, 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: *Maria De Jesus Baez v. County of Orange*
Orange County Superior Court Case No. 30-2022-01248123.

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

LJP:vl

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



LEON J. PAGE
COUNTY COUNSEL

RECEIVED

2024 FEB 20 PM 2:00

CLERK OF THE BOARD
COUNTY OF ORANGE
BOARD OF SUPERVISORS

OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE

400 West Civic Center Dr., Suite 202
Santa Ana, CA 92701
Direct No.: (714) 834-3303
E-Mail: leon.page@coco.ocgov.com

Agenda Item No. SCS- 3
February 27, 2024

M E M O R A N D U M

February 20, 2024

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 to be held on Tuesday, February 27, 2024, for the Board to consider the initiation of litigation pursuant to Government Code section 54956.9(d)(4).

Accordingly, please prepare the Agenda Item to read:

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

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

LJP:vl

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