



Orange County Council of Governments

AGENDA

Orange County Council of Governments
Board of Directors Meeting

December 6, 2021 at 10:30 AM

As set forth in Orange County Council of Governments Bylaws and Joint Powers Agreement - the Orange County Council of Governments is a voluntary agency established to serve as a sub- regional organization to the Southern California Association of Governments representing Orange County on mandated and non-mandated regional planning activities, to provide a vehicle for Members to engage cooperatively on such activities, and to conduct studies and projects designed to improve and coordinate common governmental responsibilities and services on an area-wide and regional basis.

This meeting is being held in accordance with the Brown Act as currently in effect and will take place in accordance with Government Code section 54953(e) et seq. (AB 361), which allows attendance by the OCCOG Board of Directors, OCCOG staff/consultants, and the public to participate and conduct the meeting by teleconference, videoconference, or both. Those persons wishing to speak on any item included on the agenda, or on any matter within the subject matter jurisdiction of the OCCOG Board, are invited to call in using the teleconference information stated below or, alternatively, may submit electronic written comments to kathryn@occog.com. If you do not have access to email, you may also call the Board Clerk at (949) 357-3342 before 9:00 a.m. on December 6, 2021, to submit your comment over the phone.

If you would like to participate and speak via the teleconference, please use the following link:

Join Zoom Meeting

<https://us06web.zoom.us/j/89045283818?pwd=QWFKd0Q4NEMyYmRWRmYvK3BVSWxKdz09>

Meeting ID: 890 4528 3818

Passcode: 232901

One tap mobile: +16699006833,,89045283818# US (San Jose)

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 890 4528 3818

Find your local number: <https://us06web.zoom.us/j/89045283818?pwd=QWFKd0Q4NEMyYmRWRmYvK3BVSWxKdz09>

In compliance with the Americans with Disabilities Act, if you require a reasonable accommodation to participate in this meeting, please contact the Board Clerk at (949) 357-3342 at least 48 hours prior to the advertised starting time of the meeting. Any documents produced by the Board and distributed to a majority of the Board regarding any item on this agenda will be posted on the Board's website at <https://www.occog.com/>. For all other questions, please call the Board Clerk at (949) 357-3342.



AGENDA

December 6, 2021 at 10:30 AM

Zoom Format Only

1 (669) 900-6833 Meeting ID Number 890 4528 3818

Password 232901 - 10:30 a.m. to 12:30 p.m.

Board Members (Voting)

District 19 Chairman Trevor O'Neil

District 13 Vice Chair Wendy Bucknum

District 12 Fred Minagar

District 14 Michael Carroll

District 15 Diane Dixon

District 16 Phil Bacerra

District 17 Letitia Clark

District 18 Kim Nguyen

District 20 Joe Kalmick

District 21 Art Brown

District 22 Marty Simonoff

District 64 Mike Posey

County of Orange SCAG Representative Donald Wagner

Cities-at-Large Rose Espinoza

Independent Special Districts of Orange County (ISDOC) Mike Scheafer

Orange County Sanitary District (OCS D) David Shawver

Orange County Transportation Authority (OCTA) Brian Goodell

South Coast Air Quality Management District (SCAQMD) Carlos Rodriguez

Transportation Corridor Agency (TCA) Scott Voigts

Ex-Officio Members (Non-Voting)

Anaheim Resort Transportation (ART) (Ex-Officio) Diana Kotler

Association of California Cities, Orange County (ACC-OC) (Ex-Officio) Bruce Channing

Business Community (OCBC) (Ex-Officio) Jennifer Ward

Caltrans District 12 Ryan Chamberlain

League of California Cities, Orange County, (LOCC-OC) (Ex-Officio) Tony Cardenas

Orange Co. Local Agency Formation Commission (OC-LAFCO) (Ex-Officio) Carolyn Emery

Non-Profit Housing Community (Ex-Officio) Helen O'Sullivan

Private Sector (Ex-Officio) Adam Wood

University Community (Ex-Officio) Amanda Hughes

Vacant

County-at-Large

Health Care/Hospital Industry



AGENDA

December 6, 2021 at 10:30 AM

Agenda Descriptions

The agenda descriptions are intended to provide members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action deemed to be appropriate and is not limited by the notice of the recommended action.

Public Comments on Agenda Items

Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker Card and submitting it to the Clerk of the Board. Speakers will be recognized by the Chair at the time the agenda item is considered. A speaker's comments shall be limited to three minutes.

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.occog.com

Accessibility

Any person with a disability requiring a modification or accommodation in order to participate in this meeting should contact the Clerk of the Board at (949) 357-3342, no less than three business days prior to this meeting to enable the Orange County Council of Governments to make reasonable arrangements to assure accessibility to this meeting.

Call to Order

Roll Call

Pledge of Allegiance

Public Comments

Members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors; however, action may not be taken on matters that are not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per speaker, unless different time limits are set by the Chairman, subject to the approval of the Board of Directors.



AGENDA

December 6, 2021 at 10:30 AM

- 1. Approve AB 361 Resolution**
Fred Galante, General Counsel

Recommended Action: *Approve AB 361 Resolution.*

Announcement of Closed Session

Fred Galante, General Counsel

Recess to Closed Session

Chair O'Neil will recess the OCCOG Regular Meeting to the Closed Session. Closed Session attendees have been provided the Zoom link for the meeting. Following the Closed Session, the Regular Meeting will readjourn for the purpose of announcing any action taken at the Closed Session and follow the remainder of the agenda.

Closed Session

- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:** The OCCOG Board will discuss the following pending litigation pursuant to Government Code Section 54956.9(d)(1):

Orange County Council of Governments v. Gustavo Velasquez, Calif. Dept. of Housing and Community Development
(Los Angeles Superior Court, Case No. 21STCP01970)

Return to Regular Meeting

Chair O'Neil

Announcement of Closed Session Action

Attorney Galante

Consent Calendar (Item Nos. 3 - 5)

All matters listed under the Consent Calendar are routine and will be enacted by one vote without separate discussion unless Members of the Board, the public, or staff request specific items be removed for separate action or discussion.

- 3. Approval of Meeting Minutes for October 28, 2021, Regular Meeting**

Kathryn Morrison, OCCOG Clerk of the Board

Recommended Action: *Receive and file the minutes as amended or presented.*

- 4. OCCOG Financial Reports for October/November of 2021**

John Hanson, OCCOG Treasurer

Recommended Action: *Approve the OCCOG Financial Reports for October/November of 2021.*



5. Legislative Update

Wendy Strack, OCCOG Legislative Consultant

Recommended Action: *Receive and file Legislative Update.*

OCCOG Leadership Reports

6. Chair Report

Trevor O'Neil, OCCOG Chair

7. Executive Director Report

Marnie O'Brien Primmer, Executive Director

Action Items

8. Approve Resolution #00021-04 – OCCOG Opposes Southern California Association of Governments (SCAG) Greenprint

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve Resolution #00021-04*

9. Approve Memorandum of Understanding with Ventura County Council of Governments and Gateway Cities Council of Governments for sub-regional partners Regional Early Action Planning (REAP) Grant ADU-related project and authorize release of RFP

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Authorize the Executive Director to enter into a Memorandum of Understanding (MOU) with VCOG and GCCOG for the procurement and execution of the specified ADU-related REAP Project Scope of Work. OCCOG's contribution to this joint project shall not exceed \$125,000. Authorize the Executive Director and/or General Counsel to modify the MOU as to non-material changes that may be needed during the finalization of the MOU. Authorize the release of an RFP for service related to this Scope of Work once the MOU has been approved and signed by all parties.*

Discussion Items

10. Status Report for Special Project: Evaluation of Regional Governance Model(s).

Marnie Primmer, OCCOG Executive Director and Kris Murray, KLM Strategies, OCCOG Consultant

Recommended Action: *Receive and file.*



AGENDA

December 6, 2021 at 10:30 AM

Presentations

3. Presentation from SCAQMD

South Coast AQMD Governing Board Member, Carlos Rodriguez and Dr. Sarah Rees, Deputy Executive Officer, Planning, Rule Development & Area Sources

Brief Reports

This section is set aside for brief reports or presentations from listed agencies. Speakers are requested to keep their comments brief. Any speaker wishing to provide a more detailed discussion should request the discussion be placed on the agenda at a future meeting.

- **OCCOG Technical Advisory Committee**
Nate Farnsworth, Technical Advisory Committee Chair
- **Southern California Association of Governments**
Jonathan Hughes, Regional Affairs Officer, SCAG
- **South Coast Air Quality Management District**
Carlos Rodriguez, OCCOG Director; Debra Ashby, Senior Public Information Specialist SCAQMD; Link to Oct/Nov/Dec edition of SCAQMD Advisor Newsletter:
<http://www.aqmd.gov/home/research/publications/advisor-archive/current-edition>
- **Board Member Reports**
- **Member Agency Reports**
- **Staff Member Report**

Future Agenda Items

Adjournment of Regular Meeting

The next OCCOG Regular Meeting will be on January 27, 2021, at a place to be determined, pending state and local public health orders in force at the time of the meeting.



AGENDA ITEM # 1

Resolution authorizing the use of remote teleconference meetings by the Board

STAFF RECOMMENDATION

Adopt Resolution No. 00021-03 authorizing the use of remote teleconference meetings by the OCCOG Board, as authorized by Government Code Section 54953(e) et seq., for the initial period of December 6, 2021 through January 5, 2022.

SUMMARY

On March 4, 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus, including modification of certain requirements created by the Ralph M. Brown Act (Brown Act), the state's local agency public meetings law. The orders waived several requirements, including provisions in the Brown Act requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting.

At this time, due to a variety of factors related to the circumstances of the State of Emergency, including the highly contagious Delta variant, the anticipated number of attendees, the likely inability to socially distance, it is recommended that the OCCOG Board meetings be conducted by the remote teleconference meeting requirements as authorized by Government Code section 54953(e), as meeting in person would present an imminent risk to the health or safety of meeting attendees due to the aforementioned reasons.

Approval of this item finds that, as a consequence of the State of Emergency, the OCCOG Board meetings shall be conducted by the remote teleconference meeting requirements as authorized by Government Code section 54953(e) et seq. and will allow for observation and participation by the Board Members and the public via Zoom teleconferencing and phone access.

If approved, this authorization will remain valid for 30 days and per Government Code section 54953(e), and will need to be revisited every 30 days thereafter.

ATTACHMENTS

- OCCOG Board of Directors Resolution 00021-03



Orange County Council of Governments

STAFF REPORT December 6, 2021

STAFF CONTACT

Fred Galante
OCCOG General Counsel
(949)250-5410
fgalante@awattorneys.com

RESOLUTION NO. 00021-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY COUNCIL OF GOVERNMENTS ACKNOWLEDGING THE GOVERNOR'S STATE OF EMERGENCY DECLARATION AND AUTHORIZING THE USE OF REMOTE TELECONFERENCE MEETING PROCEDURES BY THE BOARD OF DIRECTORS, AS AUTHORIZED BY GOVERNMENT CODE SECTION 54953(E) ET SEQ., FOR THE INITIAL PERIOD OF DECEMBER 6, 2021 THROUGH JANUARY 5, 2022

RECITALS

WHEREAS, the Orange County Council of Governments (OCCOG) is committed to preserving and nurturing public access, transparency, observation and participation in meetings of the OCCOG Board; and

WHEREAS, all meetings of the OCCOG Board are open and public, as required by the Ralph M. Brown Act, codified in Government Code sections 54950 *et seq.*, so that any member of the public may attend, participate, and observe the OCCOG Board and conduct its business; and

WHEREAS, the Brown Act, as amended by Assembly Bill 361 (2021), codified in Government Code sections 54953(e) *et seq.*, allows for remote teleconferencing observation and participation in meetings by members of a legislative body and members of the public, without compliance with the requirements of Government Code section 54953(b)(3) regarding teleconferencing, subject to the existence of certain conditions; and

WHEREAS, the initial required condition is that a state of emergency is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the OCCOG, caused by conditions as described in Government Code section 8558; and

WHEREAS, on March 4, 2020, pursuant to Government Code Section 8625, Governor Newsom declared the existence of a state of emergency for the State of California, in response to the outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, Government Code section 54953(e) *et seq.* further requires that state or local officials have imposed or recommended measures to promote social distancing; or, the legislative body of the OCCOG finds that meeting in person would present imminent risk to the health and safety of attendees; and

WHEREAS, the OCCOG Board hereby acknowledges that such emergency conditions now exist in the OCCOG, such that meeting in person for the meetings of the OCCOG Board would present imminent risk to the health and safety of attendees as a result of the increased risk of the spread of the COVID-19 virus among those in attendance; and

WHEREAS, the OCCOG Board hereby finds that due to the ongoing State of Emergency and the public health threat posed by COVID-19, the Board seeks to make findings, as required by Assembly Bill 361, that as a result of the COVID-19 State of Emergency, the highly contagious

Delta variant, the anticipated number of attendees, the likely inability to socially distance, and due to the unique characteristics of the size and capacity of its meeting location, meeting in person would present an imminent risk to the health or safety of meeting attendees; and

WHEREAS, the circumstances of the State of Emergency continue to directly impact the ability of the members of the legislative body and members of the public to meet safely in person at the meeting facilities utilized by the OCCOG; and

WHEREAS, the OCCOG Board hereby finds that, as a consequence of the State of Emergency, the OCCOG Board shall conduct its meetings without compliance with Government Code section 54953(b)(3), and shall instead comply with the remote teleconference meeting requirements as authorized by Government Code section 54953(e) *et seq.*; and

WHEREAS, the OCCOG Board affirms that it will allow for observation and participation by Board Members and the public via Zoom teleconferencing and phone access in an effort to protect the constitutional and statutory rights of all attendees.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ORANGE COUNTY COUNCIL OF GOVERNMENTS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The OCCOG Board hereby recognizes and acknowledges the existence and conditions of the State of Emergency as proclaimed by the Governor.

Section 3. Before the State of Emergency, the OCCOG Board met at a facility in the City of Irvine at which approximately 40-60 people would regularly attend, and periodically filling the meeting room and thereby limiting the ability of attendees to socially distance.

Section 4. As a result of the March 4, 2020, State of Emergency, and the highly contagious Delta variant, meeting in person at the meeting facilities of the OCCOG would present an imminent risk to the health or safety of attendees due to the unique characteristics of the size and capacity of its meeting location, the anticipated number of attendees, and the likely inability to socially distance.

Section 5. The Executive Director is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act, for all OCCOG Board meetings.

Section 6. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 5, 2022, or such time the OCCOG Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the OCCOG Board may continue to teleconference without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e) *et seq.*.

ADOPTED, SIGNED AND APPROVED this 6th day of December, 2021.

Chair

APPROVED AS TO FORM:

Aleshire & Wynder, LLP

Fred Galante, General Counsel



MINUTES

Thursday, October 28, 2021 | 10:30 a.m.

Call to Order

Chair O'Neil called the Regular Meeting of the Orange County Council of Governments to order at 10:31 a.m. on Monday, October 28, 2021, via Zoom; at (669) 900 6833, Meeting ID Number: 810 4484 8409

Board Members Present

District 19 Chairman Trevor O'Neil

District 13 Vice Chair Wendy Bucknum

District 12 Fred Minagar

District 15 Diane Dixon

District 17 Letitia Clark

District 18 Kim Nguyen

District 20 Joe Kalmick

District 21 Art Brown

District 22 Marty Simonoff

County of Orange SCAG Representative Donald Wagner

Cities-at-Large Rose Espinoza

Independent Special Districts of Orange County (ISDOC) Mark Monin (Alternate)

Orange County Sanitary District (OCSD) David Shawver

Orange County Transportation Authority (OCTA) Brian Goodell

South Coast Air Quality Management District (SCAQMD) Carlos Rodriguez

Transportation Corridor Agency (TCA) Scott Voigts

Caltrans District 12 (Ex-Officio) Matt Cugini on behalf of Ryan Chamberlain

Non-Profit Housing Community (Ex-Officio) Helen O'Sullivan

Orange Co. Local Agency Formation Commission (OC-LAFCO) (Ex-Officio) Ray Barragan (Alternate)

Private Sector (Ex-Officio) Adam Wood

Board Members Absent

District 14 Michael Carroll

District 16 Phil Bacerra

District 64 Mike Posey

Business Community (OCBC) (Ex-Officio) Jennifer Ward

Anaheim Resort Transportation (ART) (Ex-Officio) Diana Kotler

Association of California Cities, Orange County (ACC-OC) (Ex-Officio) Bruce Channing

Non-Profit Housing Community (Ex-Officio) Helen O'Sullivan

League of California Cities, Orange County, (LOCC-OC) (Ex-Officio) Tony Cardenas

University Community (Ex-Officio) Amanda Walsh



MINUTES

Thursday, October 28, 2021 | 10:30 a.m.

Staff Present

Marnie O'Brien Primmer, Executive Director
Fred Galante, General Counsel
Wendy Strack, OCCOG Legislative Consultant
Lisa Telles, Consultant
Kathryn Morrison, Clerk of the Board

Others Present

Debra Ashby, Sr. Public Info Spec., SCAQMD
Deborah Diep, Center for Demographic Research Director
Gail Shiimoto-Lohr, City of Mission Viejo
Jonathan Hughes, SCAG Public Affairs Officer
District 22 Ward Smith (Alternate)

Pledge of Allegiance led by Director Joe Kalmick

Public Comments None

Announcement of Closed Session

Fred Galante, General Counsel, recommended the Board recess into closed session to confer with Counsel on the one item of existing litigation, Orange County Council of Governments v. Gustavo Velasquez, Calif. Dept. of Housing and Community Development, as described in the agenda.

Recess to Closed Session

Chair O'Neil recessed the OCCOG Regular Meeting to the Closed Session at 10:45 a.m.

Closed Session Call to Order

Chair O'Neil called the Closed Session to order at 10:48 a.m. via Zoom, Meeting ID: 918 1268 8702.

Directors Present

Trevor O'Neil (Chair), Wendy Bucknum (Vice-Chair), Fred Minagar, Letitia Clark, Joe Kalmick, Rose Espinoza, Mark Monin, David Shawver, Brian Goodell, Joe Kalmick, Fred Minagar, Kim Nguyen, Carlos Rodriguez, Ward Smith, Art Brown, Diane Dixon, Don Wagner

Directors Absent

Phil Bacerra, Mike Posey, Michael Carroll



MINUTES

Thursday, October 28, 2021 | 10:30 a.m.

Board Vacancies

Health Care/Hospital Industry (Ex-Officio)

Staff Present

Executive Director Marnie O'Brien Primmer, Attorney Fred Galante, TAC Vice Chair Justin Equina, Consultant Kristine Murray, Consultant Wendy Strack, Board Clerk Kathryn Morrison

1. Approve AB 361 Resolution
Fred Galante, General Counsel

Recommended Action: *Approve AB 361 Resolution.*

It was moved by Director Voigts and seconded by Director Simonoff to approve AB 361 Resolution. Said motion was carried by the following vote:

AYES: (16) BROWN, BUCKNUM, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, MONIN, NGUYEN, O'NEIL, RODRIGUEZ, SHAWVER, SIMONOFF, WAGNER, VOIGTS

NOES: (0)

ABSTAINING: (0)

ABSENT: (3) BACERRA, CARROLL, POSEY

Announcement of Closed Session

Fred Galante, General Counsel

Recess to Closed Session

Chair O'Neil will recess the OCCOG Regular Meeting to the Closed Session. Closed Session attendees have been provided the Zoom link for the meeting. Following the Closed Session, the Regular Meeting will readjourn for the purpose of announcing any action taken at the Closed Session and follow the remainder of the agenda.

Closed Session

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: The OCCOG Board will discuss the following pending litigation pursuant to Government Code Section 54956.9(d)(1):

Orange County Council of Governments v. Gustavo Velasquez, Calif. Dept. of Housing and Community Development
(Los Angeles Superior Court, Case No. 21STCP01970)

Return to Regular Meeting

Chair O'Neil recessed the Closed Session at 11:10 am and reconvened the Regular Meeting at 11:11 am With the Directors remaining in attendance.



MINUTES

Thursday, October 28, 2021 | 10:30 a.m.

Announcement of Closed Session Action

General Counsel Fred Galante announced that the Board received an update to the status of the existing litigation matter, entitled OCCOG v. Gustavo Velasquez, in his official capacity, and the CA Department of Housing and Community Development, and that no further reportable action was taken.

Consent Calendar (Item Nos. 3 - 6)

All matters listed under the Consent Calendar are routine and will be enacted by one vote without separate discussion unless Members of the Board, the public, or staff request specific items be removed for separate action or discussion.

3. Approval of Meeting Minutes for September 27, 2021, Regular Meeting

Kathryn Morrison, OCCOG Clerk of the Board

Recommended Action: Receive and file the minutes as amended or presented.

4. OCCOG Financial Reports for September of 2021

John Hanson, OCCOG Treasurer

Recommended Action: Approve the OCCOG Financial Reports for September of 2021.

5. Approval of Laguna Hills Membership Reinstatement Resolution

Marnie O'Brien Primmer, Executive Director

Recommended Action: Receive and file the resolution.

6. Legislative Update

Wendy Strack, OCCOG Legislative Consultant

Recommended Action: Receive and file Legislative Update.

It was moved by Director Brown and seconded by Director Voigts to approve consent calendar items 3-6. Said motion was carried by the following vote:

AYES: (16) BROWN, BUCKNUM, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, MONIN, NGUYEN, O'NEIL, RODRIGUEZ, SHAWVER, SIMONOFF, WAGNER, VOIGTS

NOES: (0)

ABSTAINING: (0)

ABSENT: (3) BACERRA, CARROLL, POSEY



MINUTES

OCCOG Leadership Reports

7. Chair Report

Trevor O'Neil, OCCOG Chair

Nothing to report.

8. Executive Director Report

Marnie O'Brien Primmer, Executive Director

Brief update and convened bylaws committee. If there are suggestions, please reach out to Marnie or Chair O'Neil. The Governance Structure Ad Hoc Committee has met and is conducting Initial meetings with partners. To date, meetings have taken place with OCCMA, TCA staff and OCTA staff.

Action Items

9. OCCOG Response to SCAG Greenprint

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve Resolution/Letter regarding SCAG Greenprint.*

The OCCOG Board discussed SCAG's regional "Greenprint" document and shared concerns about the process SCAG has elected to take for its development. The SoCal Greenprint is a 2016 RTP/SCS mitigation measure that SCAG is working to implement. The board voted to direct staff to send a letter to SCAG outlining its concerns and requests. In addition, it directed staff to bring a resolution, providing specific language to the Board for approval at the December 6, 2021, meeting. Taking the item separately.

It was moved by Chair O'Neil and seconded by Director Brown Approve the letter for distribution to the Board and the Cities. Said motion was carried by the following vote:

AYES: (16) BROWN, BUCKNUM, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, MONIN, NGUYEN, O'NEIL, RODRIGUEZ, SHAWVER, SIMONOFF, WAGNER, VOIGTS

NOES: (0)

ABSTAINING: (0)

ABSENT: (3) BACERRA, CARROLL, POSEY

It was moved by Chair O'Neil and seconded by Vice Chair Bucknum to direct staff to prepare the resolution for consideration at the next meeting, December 6, 2021.



AYES: (16) BROWN, BUCKNUM, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, MONIN, NGUYEN, O'NEIL, RODRIGUEZ, SHAWVER, SIMONOFF, WAGNER, VOIGTS

NOES: (0)

ABSTAINING: (0)

ABSENT: (3) BACERRA, CARROLL, POSEY

10. Determination of Sub-delegation for 2024 RTP/SCS

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Provide direction to staff on whether OCCOG should take Sub-delegation for the 2024 RTP/SCS.*

Executive Director Marnie Primmer gave an overview of the Sub-delegation and that OCCOG would prepare its own sustainable community strategies to be incorporated into the SCAG Region SCS. There have been changes to the Framework and Guidelines for taking on Sub-delegation responsibility for developing Orange County's Sustainable Communities Strategy (SCS) for inclusion in SCAG's 2024 RTP/SCS.

It was moved by Director Goodell and seconded by Director Voigts declining Sub-delegation for the 2024 RTP/SCS.

AYES: (16) BROWN, BUCKNUM, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, MONIN, NGUYEN, O'NEIL, RODRIGUEZ, SHAWVER, SIMONOFF, WAGNER, VOIGTS

NOES: (0)

ABSTAINING: (0)

ABSENT: (3) BACERRA, CARROLL, POSEY

Presentations

11. Presentation from Salvation Army Center of Hope

Ben Hurst, Director of Operations, Captain Nesan Kistan, Divisional Secretary Orange County, Corps Officer Tustin Ranch, Katie Cawelti, Board Chair – Salvation Army Orange County

Ben Hurst, Director of Operations, and Katie Cawelti, Board Chair for the Salvation Army Orange County provided the Board with a presentation about the Center of Hope, a \$100 million comprehensive homeless care campus that is being built on 6.9 acres in an industrial area of Anaheim.



Discussion Items

12. Regional Early Action Planning (REAP) Subregional Partners Program Grant Update

Marnie O' Brien Primmer, OCCOG Executive Director

Executive Director, Marnie Primmer gave an update on the periodic progress report for the REAP program, focusing on the upcoming RFP and gave the Board a head's up at the last board meeting. The Board was updated on news and activities related to OCCOG's on Regional Early Action Planning (REAP) Subregional Partners Program Grant. OCCOG will invite the County Housing Finance Trust to provide an update via the REAP program at the January Meeting in 2022.

Chair O'Neil asked if this would affect the budget. Executive Director, Marnie Primmer ensured this project will enable OCCOG to receive REAP funds from non OCCOG resources for contract staff to produce the scope of work, included in attachment B. OCCOG is acting as a consultant to other COG's. From a budgetary perspective REAP is still funding those tasks, we are then able to use some of the REAP funding instead of reimbursing ourselves.

13. General Assembly Update

Marnie O' Brien Primmer, OCCOG Executive Director

Executive Director, Marnie Primmer gave an update on the General Assembly updating the Board on the status of attendance at 162 attendees and sponsorships have been the strongest to date. She mentioned to the Board that they have all been registered and that they should have received an email from the Disneyland Resorts that include the waiver that should be signed and returned before the event.

Brief Reports

This section is set aside for brief reports or presentations from listed agencies. Speakers are requested to keep their comments brief. Any speaker wishing to provide a more detailed discussion should request the discussion be placed on the agenda at a future meeting.



- **OCCOG Technical Advisory Committee**

Justin Equina, Technical Advisory Committee Vice Chair, brief update on the last TAC meeting on October 5, 2021, update members on two assembly bills that affect housing element deadlines –Assembly bill 215 and 1398 effective January 1, 2022.

AB 215 – Any housing elements submitted after January 1, 2022, HCD would require those jurisdictions to make the first draft revision of the housing element available for public comment for 30 days, then jurisdictions would have to take the public comments into consideration. Those public comments would then need to be incorporated into the draft within 10 days. When that draft is submitted to HCD it takes 90 days to review the first draft, then 60 days to review any subsequent drafts. Have your city consultants contact HCD to recommend jurisdictions to see if this assembly bill applies to them.

AB 1398 – This bill would affect housing elements re-zoning deadlines, for jurisdictions that have not yet adopted housing elements by February 11, 2022. Housing element is every 4 years, this bill removes that requirement. Jurisdictions would be required to rezone by October 15, 2022.

- **Southern California Association of Governments**

Jonathan Hughes, Regional Affairs Officer, SCAG gave an update about the November 4 Regional Council and Policy Committees that will take place virtually and will be the last SCAG meetings for 2021. There will be a presentation about the impacts of SB 9 at the Regional Council meeting. To view Regional Council and Policy Committee agendas visit <https://scag.ca.gov/current-agendas>. SCAG’s Annual Economic Summit will take place virtually on December 2. The elected officials and city managers could participate for free. To register go to: <https://scag.ca.gov/12th-annual-southern-california-economic-summit>

- **South Coast Air Quality Management District**

Carlos Rodriguez, OCCOG Director; Debra Ashby, Senior Public Information Specialist SCAQMD; Link to Oct/Nov/Dec edition of SCAQMD Advisor Newsletter:
<http://www.aqmd.gov/home/research/publications/advisor-archive/current-edition>

Director Rodriguez highlighted the “Annual Check Before You Burn Season” is November 1 through the end of February. It was created to reduce pollution and protect public health from the harmful emissions of wood burning during the winter months. Public can check before you burn and follow SCAQMD on Facebook or IG. November 5 meeting will be in a hybrid format.



MINUTES

Thursday, October 28, 2021 | 10:30 a.m.

- **Board Member Reports**
No Reports
- **Member Agency Reports**
No Reports
- **Staff Member Reports**
No Reports

Future Agenda Items

Adjournment of Regular Meeting – 12:25 PM

The next OCCOG Regular Meeting will be on December 6, 2021, at a place to be determined, pending state and local public health orders in force at the time of the meeting.



AGENDA ITEM #4

OCCOG October 2021 Financial Report

SUMMARY

OCCOG financial information is provided for Board review.

As of October 31, 2021, OCCOG had combined cash and investments of \$423,009.07. consisting of the following: a bank balance of \$63,400.65 at Citizens Business Bank outstanding checks in the amount of \$48,512.45 and an investment balance at the State Local Agency Investment Fund of \$408,120.87.

STAFF RECOMMENDATION

Approve financial report.

ATTACHMENTS

- A. OCCOG Fiscal Year 2021-22 Cash and Investments
- B. Citizens Business Bank Statement as of October 31, 2021
- C. State Local Agency Investment Fund (LAIF) Monthly Statement for October 31, 2021
- E. LAIF Performance Report - Period Ending October 19, 2021, Pooled Money Investment Account (PMIA) Average Monthly Effective Yields – July 2021 – August 2021 – September 2021 and PMIA Portfolio Composition at 9/30/21.
- F. OCCOG Fiscal Year 2021-22 Cash Receipts/Disbursements Report

STAFF CONTACT

John Hanson, CPA
OCCOG Treasure
949-929-0073
jhoccog@gmail.com

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
July					
		Balance Forward		454,998.55	
7/7/2021		Citizens Business Bank	(140.34)	454,858.21	Citizens Business Bank 145,698.92
7/15/2021		Local Agency Investment Fund	332.75	455,190.96	O/S Checks (54,087.09)
7/15/2021	2118	Communications Lab	(2,500.00)	452,690.96	State LAIF 407,872.51
7/19/2021		City of Seal Beach	4,904.68	457,595.64	<u>\$499,484.34</u>
7/19/2021		City of San Juan Capistrano	5,712.70	463,308.34	
7/19/2021		City of Los Alamitos	3,986.60	467,294.94	
7/19/2021		City of Laguna Woods	4,306.59	471,601.53	
7/19/2021		City of Villa Park	3,575.47	475,177.00	
7/22/2021		City of Newport Beach	9,274.33	484,451.33	
7/22/2021		City of Placentia	6,806.29	491,257.62	
7/22/2021		SVA Architects	1,000.00	492,257.62	
7/23/2021		Citizens Business Bank	(20.42)	492,237.20	
7/27/2021		OCTA	9,000.00	501,237.20	
7/27/2021		City of Fountain Valley	7,075.20	508,312.40	
7/27/2021		City of Yorba Linda	7,992.43	516,304.83	
7/27/2021		City of La Habra	7,634.02	523,938.85	
7/27/2021		City of Rancho Santa Margarita	6,593.58	530,532.43	
7/27/2021		City of La Palma	4,264.33	534,796.76	
7/27/2021		City of Laguna Niguel	7,801.91	542,598.67	
7/27/2021		City of Buena Park	8,972.76	551,571.43	
7/27/2021		City of Buena Park	2,000.00	553,571.43	
7/31/2021	2119	Aleshire & Wynder, LLP	(4,376.00)	549,195.43	
7/31/2021	2120	CSU FAS	(27,594.66)	521,600.77	
7/31/2021	2121	VOID	-	521,600.77	
7/31/2021	2122	CALCOG	(2,369.00)	519,231.77	
7/31/2021	2123	Lisa Telles Communications	(2,500.00)	516,731.77	
7/31/2021	2124	John Hanson	(980.20)	515,751.57	
7/31/2021	2125	Kathryn Morrison	(2,659.99)	513,091.58	
7/31/2021	2126	Connected Consulting	(11,107.24)	501,984.34	
7/31/2021	2127	WJS Consulting	(2,500.00)	499,484.34	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
August					
8/2/2021		City of Laguna Beach	4,766.10	504,250.44	Citizens Business Bank 354,784.00
8/2/2021		City of Alisa Viejo	6,709.54	510,959.98	O/S Checks (34,107.72)
8/2/2021		City of Dana Point	5,526.88	516,486.86	State LAIF 407,872.51
8/2/2021		City of Tustin	8,857.72	525,344.58	<u>\$728,548.79</u>
8/2/2021		City of Cypress	6,618.33	531,962.91	
8/9/2021		City of Laguna Hills	5,376.35	537,339.26	
8/9/2021		City of San Clemente	7,723.44	545,062.70	
8/9/2021		City of Lake Forest	9,179.92	554,242.62	
8/9/2021		City of Santa Ana	26,739.83	580,982.45	
8/13/2021		City of Garden Grove	15,435.96	596,418.41	
8/13/2021		City of Anaheim	28,311.99	624,730.40	
8/20/2021		City of Stanton	5,981.05	630,711.45	
8/20/2021		City of Mission Viejo	9,861.53	640,572.98	
8/24/2021		SCAG	125,614.44	766,187.42	
8/31/2021	2128	Aleshire & Wynder LLP	(4,679.40)	761,508.02	
8/31/2021	2129	VOID	-	761,508.02	
8/31/2021	2130	AJ Design	(3,500.00)	758,008.02	
8/31/2021	2131	VOID	-	758,008.02	
8/31/2021	2132	VOID	-	758,008.02	
8/31/2021	2133	AJ Design	(2,000.00)	756,008.02	
8/31/2021	2134	WJS Consulting	(2,500.00)	753,508.02	
8/31/2021	2135	Kathryn Morrison	(2,769.60)	750,738.42	
8/31/2021	2136	Lisa Telles Communications	(2,500.00)	748,238.42	
8/31/2021	2137	Connected Consulting	(11,114.75)	737,123.67	
8/31/2021	2138	KLM	(7,500.00)	729,623.67	
8/31/2021	2139	John Hanson	(1,043.97)	728,579.70	
8/31/2021		Citizen Business Bank Fee	(30.91)	728,548.79	
September					
9/2/2021		City of Orange	12,938.18	741,486.97	Citizens Business Bank 393,165.66
9/2/2021		City of Costa Mesa	11,189.10	752,676.07	O/S Checks (32,703.54)
9/15/2021		City of Brea	6,376.88	759,052.95	State LAIF 407,872.51
9/15/2021		EPD	1,000.00	760,052.95	<u>\$768,334.63</u>
9/15/2021		Orange County Busiess Council	1,000.00	761,052.95	
9/28/2021		Building Industry Association	1,000.00	762,052.95	
9/28/2021		City of Irvine	22,485.22	784,538.17	
9/28/2021		SCAQMD	7,500.00	792,038.17	
9/28/2021		TCA	9,000.00	801,038.17	
9/30/2021	2140	Eide Bailly	(7,000.00)	794,038.17	
9/30/2021	2141	AJ Design	(2,000.00)	792,038.17	
9/30/2021	2142	Aleshire & Wynder	(2,041.00)	789,997.17	
9/30/2021	2143	Wavelength Automation	(1,428.00)	788,569.17	
9/30/2021	2144	City of Anaheim	(342.00)	788,227.17	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
9/30/2021	2145	Lisa Telles Communications	(2,500.00)	785,727.17	
9/30/2021	2146	John Hanson	(712.37)	785,014.80	
9/30/2021	2147	Connected Consulting	(11,107.24)	773,907.56	
9/30/2021	2148	Kathryn Morrison	(3,072.93)	770,834.63	
9/30/2021	2149	Kris Murray	(2,500.00)	768,334.63	
<hr/>					
October					
10/1/2021	2200	WJS Consulting	(2,500.00)	765,834.63	Citizens Business Bank 63,400.65
10/8/2021		County of Orange	9,000.00	774,834.63	O/S Checks (48,512.45)
10/8/2021		City of Huntington Beach	17,171.67	792,006.30	State LAIF 408,120.87
10/15/2021	2201	WSP	(120,189.44)	671,816.86	\$423,009.07
10/15/2021	2202	Disneyland Depository	(47,940.60)	623,876.26	
10/15/2021	2203	SCAG	(153,603.10)	470,273.16	
10/20/2021		Neighborhood Housing Services	500.00	470,773.16	
10/20/2021		Arellano Associates	500.00	471,273.16	
10/31/2021	2204	CSUFAS	(27,594.66)	443,678.50	
10/31/2021	2205	Aleshire & Wynder	(709.53)	442,968.97	
10/31/2021	2206	John Hanson	(983.19)	441,985.78	
10/31/2021	2207	WJS Consulting	(2,500.00)	439,485.78	
10/31/2021	2208	Kathryn Morrison	(3,117.93)	436,367.85	
10/31/2021	2209	Lisa Telles Communications	(2,500.00)	433,867.85	
10/31/2021	2210	Connected Consulting	(11,107.14)	422,760.71	
10/31/2021		Local Agency Investment Fund	248.36	423,009.07	



A Financial Services Company

PO Box 3938, Ontario, CA 91761

ORANGE COUNTY COUNCIL OF GOVERNMENTS
 3972 BARRANCA PKWY STE J127
 IRVINE CA 92606-1204

Statement Ending 10/29/2021

ORANGE COUNTY COUNCIL OF

Page 1 of 2

Account Number: 591004948

Managing Your Accounts

	Phone Number	888.222.5432
	Website	cbbank.com
	Email	customersupport@cbbank.com

Summary of Accounts

Account Type	Account Number	Ending Balance
ANALYZED BUSINESS PLAN GOVERNMENT SRVCS	591004948	\$63,400.65

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591004948

Account Summary

Date	Description	Amount
10/01/2021	Beginning Balance	\$393,165.66
	2 Credit(s) This Period	\$27,171.67
	14 Debit(s) This Period	\$356,936.68
10/29/2021	Ending Balance	\$63,400.65

Deposits

Date	Description	Amount
10/08/2021	DEPOSIT	\$26,171.67
10/20/2021	DEPOSIT	\$1,000.00
		2 item(s) totaling \$27,171.67

Checks Cleared

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
2140	10/06/2021	\$7,000.00	2145	10/07/2021	\$2,500.00	2200*	10/15/2021	\$2,500.00
2141	10/06/2021	\$2,000.00	2146	10/05/2021	\$712.37	2201	10/20/2021	\$120,189.44
2142	10/07/2021	\$2,041.00	2147	10/12/2021	\$11,107.24	2202	10/20/2021	\$47,940.60
2143	10/06/2021	\$1,428.00	2148	10/06/2021	\$3,072.93	2203	10/19/2021	\$153,603.10
2144	10/28/2021	\$342.00	2149	10/14/2021	\$2,500.00			

* Indicates skipped check number

14 item(s) totaling \$356,936.68

Daily Balances

Date	Amount	Date	Amount	Date	Amount
10/05/2021	\$392,453.29	10/12/2021	\$389,475.79	10/20/2021	\$63,742.65
10/06/2021	\$378,952.36	10/14/2021	\$386,975.79	10/28/2021	\$63,400.65
10/07/2021	\$374,411.36	10/15/2021	\$384,475.79		
10/08/2021	\$400,583.03	10/19/2021	\$230,872.69		

Member FDIC

California State Treasurer *Fiona Ma, CPA*



Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

November 01, 2021

[LAIF Home](#)
[PMIA Average Monthly Yields](#)

ORANGE COUNTY COUNCIL OF GOVERNMENTS

TREASURER
3972 BARRANCA PKWY
SUITE J127
IRVINE , CA 92606

[Tran Type Definitions](#)

Account Number: 40-30-020

October 2021 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Web Confirm Number	Authorized Caller	Amount
10/15/2021	10/14/2021	QRD	1687227	N/A	SYSTEM	248.36

Account Summary

Total Deposit:	248.36	Beginning Balance:	407,872.51
Total Withdrawal:	0.00	Ending Balance:	408,120.87



PMIA/LAIF Performance Report as of 10/19/21



PMIA Average Monthly Effective Yields⁽¹⁾

Sep	0.206
Aug	0.221
Jul	0.221

Quarterly Performance Quarter Ended 09/30/21

LAIF Apportionment Rate ⁽²⁾ :	0.24
LAIF Earnings Ratio ⁽²⁾ :	0.00000661958813242
LAIF Fair Value Factor ⁽¹⁾ :	0.999873661
PMIA Daily ⁽¹⁾ :	0.20%
PMIA Quarter to Date ⁽¹⁾ :	0.22%
PMIA Average Life ⁽¹⁾ :	321

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 09/30/21 \$179.1 billion

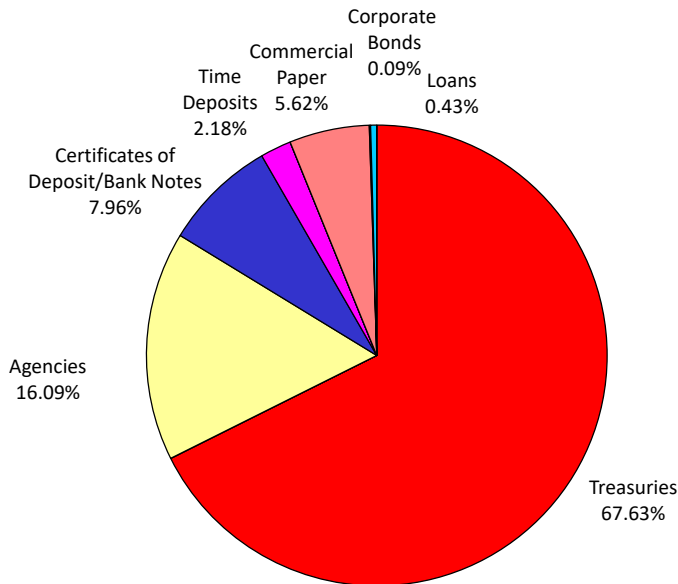


Chart does not include \$8,243,000.00 in mortgages, which equates to 0.004603%. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller

**Orange County Council of Governments
Cash Receipts/Disbursements Report
For the Quarter ending December 31, 2021**

Cash Receipts

Date	Payer	Description	Amount
10/8/2021	County of Orange	OCCOG Dues	9,000.00
10/8/2021	City of Huntington Beach	OCCOG Dues and Fees	17,171.67
10/20/2021	Neighborhood Housing Services	General Assembly Sponsorship	500.00
10/20/2021	Arellano Associates	General Assembly Sponsorship	500.00
10/31/2021	Local Agency Investment Fund	Local Agency Investment Fund Interest	248.36
			\$ 27,420.03

Cash Disbursements

Date	Check #	Payee	Description	Amount
10/1/2021	2200	WJS Consulting	Strategy and Advocacy Services September 2021	(2,500.00)
10/15/2021	2201	WSP	REAP Grant Geospatial (SCAG Reimbursement)	(120,189.44)
10/15/2021	2202	Disneyland Depository	Hotel conference for November 2021 General Assembly	(47,940.60)
10/15/2021	2203	SCAG	Remit to SCAG Cycle 1 Data collected by OCCOG	(153,603.10)
10/31/2021	2204	CSUFAS	Cal State Fullerton CDR Fees 1st Quarter	(27,594.66)
10/31/2021	2205	Aleshire & Wynder	Legal September 2021	(709.53)
10/31/2021	2206	John Hanson	Treasurer service October 2021	(983.19)
10/31/2021	2207	WJS Consulting	Strategy and Advocacy Services October 2021	(2,500.00)
10/31/2021	2208	Kathryn Morrison	Administrative Assistant/Clerk October 2021	(3,117.93)
10/31/2021	2209	Lisa Telles Communications	General Assembly, Special Events, REAP October 2021	(2,500.00)
10/31/2021	2210	Connected Consulting	October Executive Director	(11,107.14)
				\$(372,745.59)



AGENDA ITEM # 4

OCCOG November 2021 Financial Report

SUMMARY

OCCOG financial information is provided for Board review.

As of November 30, 2021, OCCOG had combined cash and investments of \$396,767.97. consisting of the following: a bank balance of \$72,864.00 at Citizens Business Bank outstanding checks in the amount of \$34,216.90 and an investment balance at the State Local Agency Investment Fund of \$358,120.87.

STAFF RECOMMENDATION

Approve financial report.

ATTACHMENTS

- A. OCCOG Fiscal Year 2021-22 Cash and Investments
- B. Citizens Business Bank Statement as of November 30, 2021
- C. State Local Agency Investment Fund (LAIF) Monthly Statement for November 30, 2021
- E. LAIF Performance Report - Period Ending November 17, 2021, Pooled Money Investment Account (PMIA) Average Monthly Effective Yields – August 2021 – September 2021 – October 2021 and PMIA Portfolio Composition at 10/31/21.
- F. OCCOG Fiscal Year 2021-22 Cash Receipts/Disbursements Report

STAFF CONTACT

John Hanson, CPA
OCCOG Treasure
949-929-0073
jhoccog@gmail.com

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
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7/15/2021		Local Agency Investment Fund	332.75	455,190.96	O/S Checks (54,087.09)
7/15/2021	2118	Communications Lab	(2,500.00)	452,690.96	State LAIF 407,872.51
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7/27/2021		City of La Palma	4,264.33	534,796.76	
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7/27/2021		City of Buena Park	8,972.76	551,571.43	
7/27/2021		City of Buena Park	2,000.00	553,571.43	
7/31/2021	2119	Aleshire & Wynder, LLP	(4,376.00)	549,195.43	
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8/9/2021		City of Santa Ana	26,739.83	580,982.45	
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8/13/2021		City of Anaheim	28,311.99	624,730.40	
8/20/2021		City of Stanton	5,981.05	630,711.45	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**




Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
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8/31/2021	2128	Aleshire & Wynder LLP	(4,679.40)	761,508.02	
8/31/2021	2129	VOID	-	761,508.02	
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9/15/2021		EPD	1,000.00	760,052.95	<u>\$768,334.63</u>
9/15/2021		Orange County Busiess Council	1,000.00	761,052.95	
9/28/2021		Building Industry Association	1,000.00	762,052.95	
9/28/2021		City of Irvine	22,485.22	784,538.17	
9/28/2021		SCAQMD	7,500.00	792,038.17	
9/28/2021		TCA	9,000.00	801,038.17	
9/30/2021	2140	Eide Bailly	(7,000.00)	794,038.17	
9/30/2021	2141	AJ Design	(2,000.00)	792,038.17	
9/30/2021	2142	Aleshire & Wynder	(2,041.00)	789,997.17	
9/30/2021	2143	Wavelength Automation	(1,428.00)	788,569.17	
9/30/2021	2144	City of Anaheim	(342.00)	788,227.17	
9/30/2021	2145	Lisa Telles Communications	(2,500.00)	785,727.17	
9/30/2021	2146	John Hanson	(712.37)	785,014.80	
9/30/2021	2147	Connected Consulting	(11,107.24)	773,907.56	
9/30/2021	2148	Kathryn Morrison	(3,072.93)	770,834.63	
9/30/2021	2149	Kris Murray	(2,500.00)	768,334.63	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2021-22**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
October					
					Citizens Business Bank 63,400.65
10/1/2021	2200	WJS Consulting	(2,500.00)	765,834.63	O/S Checks (48,512.55)
10/8/2021		County of Orange	9,000.00	774,834.63	State LAIF 408,120.87
10/8/2021		City of Huntington Beach	17,171.67	792,006.30	<u>423,008.97</u>
10/15/2021	2201	WSP	(120,189.44)	671,816.86	
10/15/2021	2202	Disneyland Depository	(47,940.60)	623,876.26	
10/15/2021	2203	SCAG	(153,603.10)	470,273.16	
10/20/2021		Neighborhood Housing Services	500.00	470,773.16	
10/20/2021		Arellano Associates	500.00	471,273.16	
10/31/2021	2204	CSUFAS	(27,594.66)	443,678.50	
10/31/2021	2205	Aleshire & Wynder	(709.53)	442,968.97	
10/31/2021	2206	John Hanson	(983.19)	441,985.78	
10/31/2021	2207	WJS Consulting	(2,500.00)	439,485.78	
10/31/2021	2208	Kathryn Morrison	(3,117.93)	436,367.85	
10/31/2021	2209	Lisa Telles Communications	(2,500.00)	433,867.85	
10/31/2021	2210	Connected Consulting	(11,107.24)	422,760.61	
10/31/2021		Local Agency Investment Fund	248.36	423,008.97	
November					
					Citizens Business Bank 72,864.00
11/10/2021		Townsend Public Affairs	500.00	423,508.97	O/S Checks (34,216.90)
11/10/2021		ISDOC	500.00	424,008.97	State LAIF 358,120.87
11/10/2021		Orange County Transit Authority	7,500.00	431,508.97	<u>\$396,767.97</u>
11/15/2021	2211	Aleshire & Wynder	(8,658.77)	422,850.20	
11/17/2021	2212	AJ Design	(4,406.74)	418,443.46	
11/17/2021	2213	AJ Design	(3,500.00)	414,943.46	
11/17/2021	2214	Kathryn Morrison	(1,131.38)	413,812.08	
11/17/2021		The Richman Group	2,500.00	416,312.08	
11/17/2021		City of Westminster	9,672.79	425,984.87	
11/17/2021		Transtech	2,500.00	428,484.87	
11/22/2021	2215	KLM Strategies	(2,500.00)	425,984.87	
11/24/2021		SCAG	2,500.00	428,484.87	
11/30/2021	2216	Eide Bailly LLP	(1,000.00)	427,484.87	
11/30/2021	2217	KLM Strategies	(2,500.00)	424,984.87	
11/30/2021	2218	AJ Design	(2,000.00)	422,984.87	
11/30/2021	2219	John Hanson	(1,052.75)	421,932.12	
11/30/2021	2220	WJS Consulting	(2,500.00)	419,432.12	
11/30/2021	2221	Lisa Telles Communications	(3,225.89)	416,206.23	
11/30/2021	2222	DTN.TECH	(4,919.76)	411,286.47	
11/30/2021	2223	Kathryn Morrison	(3,411.26)	407,875.21	
11/30/2021	2224	Connected Consulting	(11,107.24)	396,767.97	

ORANGE COUNTY COUNCIL OF GOVERNMENTS
3972 BARRANCA PKWY STE J127
IRVINE CA 92606-1204

Managing Your Accounts

	Phone Number	888.222.5432
	Website	cbbank.com
	Email	customersupport@cbbank.com

Summary of Accounts

Account Type	Account Number	Ending Balance
ANALYZED BUSINESS PLAN GOVERNMENT SRVCS	591004948	\$72,864.00

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591004948

Account Summary

Date	Description	Amount
10/30/2021	Beginning Balance	\$63,400.65
	4 Credit(s) This Period	\$75,672.79
	11 Debit(s) This Period	\$66,209.44
11/30/2021	Ending Balance	\$72,864.00

Deposits

Date	Description	Amount
11/10/2021	DEPOSIT	\$8,500.00
11/17/2021	DEPOSIT	\$14,672.79
		2 item(s) totaling \$23,172.79

Electronic Credits

Date	Description	Amount
11/01/2021	WIRE/IN-202130504290;ORG CALIFORNIA STATE TREASURER;REF 0282BDCC-C33E-91	\$50,000.00
11/24/2021	PAYABLES SO CAL ASSOC OF 2021-100	\$2,500.00
		2 item(s) totaling \$52,500.00

Checks Cleared

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
2204	11/08/2021	\$27,594.66	2208	11/08/2021	\$3,117.93	2212	11/19/2021	\$4,406.74
2205	11/08/2021	\$709.53	2209	11/08/2021	\$2,500.00	2213	11/19/2021	\$3,500.00
2206	11/04/2021	\$983.19	2210	11/23/2021	\$11,107.24	2214	11/23/2021	\$1,131.38
2207	11/17/2021	\$2,500.00	2211	11/22/2021	\$8,658.77			

* Indicates skipped check number

11 item(s) totaling \$66,209.44

Daily Balances

Date	Amount	Date	Amount	Date	Amount
11/01/2021	\$113,400.65	11/08/2021	\$78,495.34	11/17/2021	\$99,168.13
11/04/2021	\$112,417.46	11/10/2021	\$86,995.34	11/19/2021	\$91,261.39

OUTSTANDING CHECKS		INSTRUCTIONS
No.	Amount	<p style="text-align: center;">PLEASE EXAMINE THIS STATEMENT AT ONCE AND IMMEDIATELY NOTIFY THE BANK OF ANY ERRORS.</p> <p style="text-align: center;">ALL ITEMS CREDITED ARE SUBJECT TO FINAL PAYMENT.</p> <ol style="list-style-type: none"> 1. Compare each paid check with your check stub or register and mark as paid. 2. Bank balance shown on front of your statement..... _____ 3. Compare any deposits shown on statement, including bank originated credits, with those entered in your check register. Add any not shown on statement..... _____ 4. Subtotal..... _____ 5. Subtract total of outstanding checks..... _____ 6. Account Balance..... _____ 7. Your check book balance..... _____ 8. Subtract any bank charges including monthly service charge or transfers you have authorized and have been deducted on this statement..... _____ 9. Adjusted check book balance..... _____ <p style="font-size: small; margin-top: 10px;"><i>*Denotes a point at which one or more check serial numbers are unaccounted for this statement period. It may indicate outstanding checks or checks shown on previous statements.</i></p>
TOTAL		

STATEMENTS AND IMAGES

Your account statement will include the following information with respect to each check paid against your account during the statement cycle: (1) the check number (2) the amount of the check; and (3) the date of the payment. Copies of checks can be requested by calling customer service at (888) 222-5432. Please refer to our Bank Product and Service Information for applicable fees under Research Requests.

THE FOLLOWING NOTICE CONCERNING ELECTRONIC TRANSFER APPLIES IF YOUR ACCOUNT IS MAINTAINED FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES.

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS CONTACT US AT:

Telephone: (888) 222-5432
or write us at:
Citizens Business Bank P O Box 51000, Ontario, CA 91761

Contact us as soon as you can if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or a receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared. If you have a question concerning your statement, please be prepared to:

1. Provide your name and account number (if any).
2. Provide the dollar amount of the suspected error.
3. Describe the error or the transfer you are unsure about and clearly explain why you believe it is an error or why you need more information.

We will investigate your complaint and will correct any error promptly. If we take more than 10 business days to do this, we will credit your account for the amount you think is in error, so that you will have the use of the money during the time it takes us to complete our investigation

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591004948 (continued)**Daily Balances (continued)**

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
11/22/2021	\$82,602.62	11/23/2021	\$70,364.00	11/24/2021	\$72,864.00

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California State Treasurer *Fiona Ma, CPA*



Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

December 02, 2021

[LAIF Home](#)
[PMIA Average Monthly Yields](#)

ORANGE COUNTY COUNCIL OF GOVERNMENTS

TREASURER
3972 BARRANCA PKWY
SUITE J127
IRVINE , CA 92606

[Tran Type Definitions](#)

Account Number: 40-30-020

November 2021 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Web Confirm Number	Authorized Caller	Amount
11/1/2021	11/1/2021	RW	1689790	N/A	JOHN HANSON	-50,000.00

Account Summary

Total Deposit:	0.00	Beginning Balance:	408,120.87
Total Withdrawal:	-50,000.00	Ending Balance:	358,120.87



PMIA/LAIF Performance Report as of 11/17/21



PMIA Average Monthly Effective Yields⁽¹⁾

Oct	0.203
Sep	0.206
Aug	0.221

Quarterly Performance Quarter Ended 09/30/21

LAIF Apportionment Rate ⁽²⁾ :	0.24
LAIF Earnings Ratio ⁽²⁾ :	0.00000661958813242
LAIF Fair Value Factor ⁽¹⁾ :	0.999873661
PMIA Daily ⁽¹⁾ :	0.20%
PMIA Quarter to Date ⁽¹⁾ :	0.22%
PMIA Average Life ⁽¹⁾ :	321

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 10/31/21 \$174.8 billion

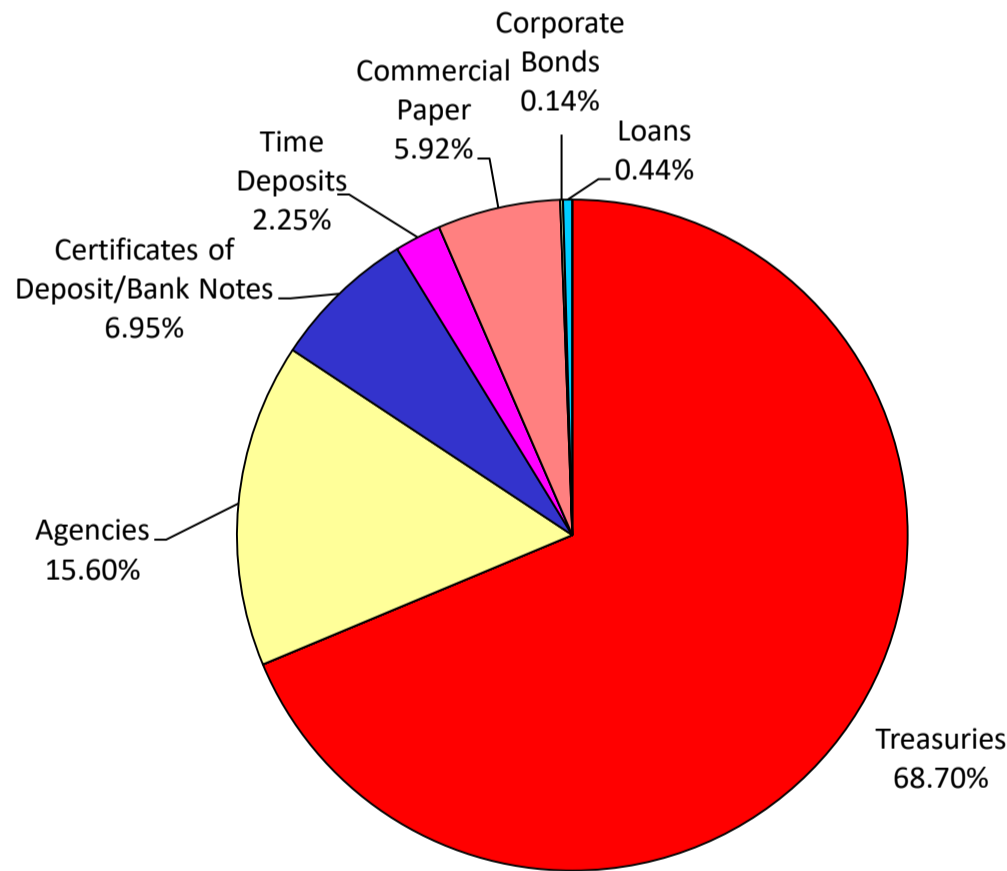


Chart does not include \$7,685,000.00 in mortgages, which equates to 0.004396%. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller

**Orange County Council of Governments
Cash Receipts/Disbursements Report
For the Quarter ending December 31, 2021**

Cash Receipts

Date	Payer	Description	Amount
10/8/2021	County of Orange	OCCOG Dues	9,000.00
10/8/2021	City of Huntington Beach	OCCOG Dues and Fees	17,171.67
10/20/2021	Neighborhood Housing Services	General Assembly Sponsorship	500.00
10/20/2021	Arellano Associates	General Assembly Sponsorship	500.00
10/31/2021	Local Agency Investment Fund	Local Agency Investment Fund Interest	248.36
11/10/2021	Townsend Public Affairs	General Assembly Sponsorship	500.00
11/10/2021	ISDOC	OCCOG Dues	500.00
11/10/2021	Orange County Transit Authority	OCCOG Dues	7,500.00
11/17/2021	The Richman Group	General Assembly Sponsorship	2,500.00
11/17/2021	City of Westminster	OCCOG Dues and Fees	9,672.79
11/17/2021	Transtech	General Assembly Sponsorship	2,500.00
11/24/2021	SCAG	General Assembly Sponsorship	2,500.00
			\$ 53,092.82

Cash Disbursements

Date	Check #	Payee	Description	Amount
10/1/2021	2200	WJS Consulting	Strategy and Advocacy Services September 2021	(2,500.00)
10/15/2021	2201	WSP	REAP Grant Geospatial (SCAG Reimbursement)	(120,189.44)
10/15/2021	2202	Disneyland Depository	Hotel conference for November 2021 General Assembly	(47,940.60)
10/15/2021	2203	SCAG	Remit to SCAG Cycle 1 Data collected by OCCOG	(153,603.10)
10/31/2021	2204	CSUFAS	Cal State Fullerton CDR Fees 1st Quarter	(27,594.66)
10/31/2021	2205	Aleshire & Wynder	Legal September 2021	(709.53)
10/31/2021	2206	John Hanson	Treasurer service October 2021	(983.19)
10/31/2021	2207	WJS Consulting	Strategy and Advocacy Services October 2021	(2,500.00)
10/31/2021	2208	Kathryn Morrison	Administrative Assistant/Clerk October 2021	(3,117.93)
10/31/2021	2209	Lisa Telles Communications	General Assembly, Special Events, REAP October 2021	(2,500.00)
10/31/2021	2210	Connected Consulting	October Executive Director	(11,107.24)
11/15/2021	2211	Aleshire & Wynder	Legal October 2021	(8,658.77)
11/17/2021	2212	AJ Design	Social Media/Web Site September/October 2021	(4,406.74)
11/17/2021	2213	AJ Design	REAP Grant Videography (SCAG Reimbursement)	(3,500.00)
11/17/2021	2214	Kathryn Morrison	General Assembly Florist Reimbursement	(1,131.38)
11/22/2021	2215	KLM Strategies	Government Relations October	(2,500.00)
11/30/2021	2216	Eide Bailly LLP	Audit Fees 2020/21	(1,000.00)
11/30/2021	2217	KLM Strategies	Government Relations November	(2,500.00)
11/30/2021	2218	AJ Design	Social Media/Web Site November 2021	(2,000.00)
11/30/2021	2219	John Hanson	Treasurer service November 2021	(1,052.75)
11/30/2021	2220	WJS Consulting	Strategy and Advocacy Services November 2021	(2,500.00)
11/30/2021	2221	Lisa Telles Communications	General Assembly, Special Events, REAP November 2021	(3,225.89)
11/30/2021	2222	DTN.TECH	General Assembly Media Services	(4,919.76)
11/30/2021	2223	Kathryn Morrison	Administrative Assistant/Clerk November 2021	(3,411.26)
11/30/2021	2224	Connected Consulting	November Executive Director	(11,107.24)
				\$(424,659.48)



AGENDA ITEM # 5

LEGISLATIVE UPDATE

STAFF RECOMMENDATION

Receive and File the Legislative Update.

SUMMARY

The Legislative Update is provided to keep the OCCOG Board apprised of legislative and regulatory actions that address land use and housing, energy, mobility, air quality and water issues. This report provides an overview of federal funding actions, state legislative priorities, and grant opportunities.

BACKGROUND

Federal Update

Build Back Better (BBB) Plan Update

After negotiating on the overall size of the BBB, the \$1.75 trillion spending package is pending in the Senate following passage in the House on November 19th by a vote of 220-213. The Senate is currently planning to vote on the measure during the week of December 13th.

The BBB plan includes \$200 billion for a one-year extension of expanded child tax credits, \$400 billion for universal pre-K and childcare funding, \$200 billion for expanded paid leave, \$550 billion for climate investments, \$165 million for expanded healthcare access, \$150 billion for in-home care services, and \$150 billion for affordable housing,

Federal Budget Actions

With the current continuing resolution set to expire on Friday December 3rd, there appears to be agreement in the House to pass a continuing resolution to fund government operations through February 18, 2022. As of the writing of this report, it is not yet clear how the Debt Ceiling is impacted



by this deal nor is it clear how the Senate will respond to the House deal. The Debt Ceiling must be increased by mid to late December in order to avoid defaulting on government debt.

Infrastructure Investment and Jobs Act Passage

Signed by the President on November 15th, the \$1.2 trillion Infrastructure Investment and Jobs Act is set to bring a significant amount of funding for Infrastructure to California. The State estimates that the measure will provide:

- \$25.3 billion for Highways
- \$9.45 billion for Public Transit
- \$4.2 billion for Bridges
- \$3.5 billion for Water
- \$1.5 billion for Airports
- \$384 million for a network of electric vehicle chargers
- \$100 million for broadband infrastructure
- \$84 million for Wildfire Prevention
- \$40 million for Cyber Security

State Update

Legal Right to Housing

In November, Attorney General Rob Bonta shared that he intends to advocate for a legally enforceable right to housing when the Legislature returns in January. When in the Assembly, the Attorney General introduced a constitutional amendment to create an enforceable right to housing that did not advance. The Governor also vetoed a similar bill in 2020 due to high enforcement costs.

The California Department of Justice also announced the creation of a Housing “Strike Force” that will work with other state agencies to enforce state housing laws, including by forcing local governments to meet established housing targets.

LAO Projects Budget Surplus

The State Legislative Analyst’s Office (LAO) is projecting that California will have a \$31 billion surplus in the 2022-2023 fiscal year. With high retail sales and corporate profits, the \$31 billion projection represents a mid-range estimate that could go as high as \$60 billion. The LAO did caution that the



surplus should not be viewed as ongoing due to the unique nature of pandemic spending, but that over the next four years there could be surpluses in the \$3 to \$8 billion range.

The increased revenues will continue to create pressures for the State as they bump up against the Gann Limit. The State will already have to deal with approximately \$14 billion in funds that need to be addressed from 2020-2021 and 2021-2022.

Grants Update

The application period for the Clean California Local Grant program is now open through February 1, 2022. This program provides \$296 million over two years to beautify and improve local streets and roads, tribal lands, parks, pathways, and transit centers. The California Department of Transportation (Caltrans) has posted information about the program as well as the application at <https://cleancalifornia.dot.ca.gov/local-grants/workshops-milestones>.

STAFF CONTACTS

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AGENDA ITEM # 8

Resolution in Opposition to Southern California Association of Governments (SCAG) Greenprint

STAFF RECOMMENDATION

Approve resolution regarding opposition to SCAG Greenprint.

SUMMARY

SCAG, as part of its mitigation efforts for the 2016 RTP/SCS process, has undertaken an effort to develop a regional “greenprint” document. A greenprint is a guiding document that, “is a strategic conservation plan that recognizes the economic and social benefits that parks, open space, and working lands provide communities. Such benefits include recreation opportunities through the use of parks and trails, habitat protection and connectivity, clean water, agricultural land preservation, and increased resilience to climate change.” (Nature Conservancy website) SCAG has engaged the Nature Conservancy to create the Greenprint for the SCAG region.

The selection of the Nature Conservancy, and the process that SCAG has elected to take in the development of the Greenprint have been problematic. OCCOG member jurisdictions and ex-officio partners have expressed grave concerns with both the process and the content of the Greenprint as-is. While OCCOG is committed to working with SCAG to implement a constructive means of moving the Greenprint, as a Regional Council-approved mitigation measure, forward in a transparent, accountable manner, at the October 28, 2021 meeting of the Directors, the OCCOG Board directed staff to send a letter to SCAG and to develop a resolution to bring back for review and approval at the December 6, 2021 meeting. The letter to SCAG was sent and the resolution is before the Board today for consideration.

BACKGROUND

SCAG first contacted OCCOG Executive Director Marnie Primmer in fall of 2020 to provide a briefing on the Greenprint project. SCAG staff provided a briefing to the OCCOG Technical Advisory Committee in February 2021. The OCCOG TAC members present provided feedback and asked questions of SCAG staff aimed at ensuring that the information included in the Greenprint would be properly vetted, sourced and labeled; serve a regional planning purpose; and that potential negative impacts on housing development could be averted. During this timeframe, the



SCAG Technical Working Group, the brain trust of staff-level technical experts most likely to use the Greenprint tool professionally, was disbanded while SCAG re-envisioned the purpose and purview of the group. This had implications for the adoption of the Greenprint because it limited the feedback that SCAG was likely to receive from technical staff of the subregions and local jurisdictions. While the TWG was not meeting, the subregional directors group did meet with SCAG Executive Director Kome Ajise and SCAG staff to receive a briefing on the Greenprint and offer input. The Executive Directors requested SCAG to better engage with the subregions on issues such as the Greenprint and to better prepare the subregions so that we could support our respective Regional Council members in complex policy issues. We also reiterated that concerns raised by the business community had been communicated to our elected officials and needed to be addressed before SCAG should move forward.

In July 2021, SCAG brought forward the Greenprint as an information item for the Regional Council. At that time, the RC directed SCAG staff to pause further work, conduct a public hearing, and work with stakeholders to address concerns that had been raised. In particular, the nature of the sole source procurement of the Nature Conservancy to steward the Greenprint gave pause to some who found their involvement troubling. As conservators of open space, they were perceived by some to have a built-in conflict of interest. Additionally, while SCAG did outreach to jurisdictions via the subregions, there was some concern over the lack of direct engagement with the jurisdictions during the scoping of the Greenprint as well as a failure to respond to concerns regarding the sources and accuracy of some of the data layers proposed to be included in the Greenprint. Further, some jurisdictions as well as members of the development and business community have raised issues regarding the Greenprint's use in CEQA challenges and its potential to be weaponized against jurisdictions looking to develop open space therefor raising home prices even higher.

On August 24, 2021, SCAG held a virtual public hearing to discuss the Greenprint. The meeting was sparsely attended by Regional Council members, possibly because it was scheduled on a Tuesday night which tends to be City Council meeting nights for many jurisdictions. Concerns have also been raised about the timeliness of the meeting notification and distribution to SCAG member jurisdictions as well as some stakeholders.

On October 7, 2021, SCAG held a public hearing as part of its monthly Regional Council meeting. The discussion was robust amongst a cross section of stakeholders from throughout the region. Subsequent to the public hearing, SCAG's Regional Council asked SCAG staff to continue the pause on the work being done on Greenprint and to continue to engage with the public to address concerns that have been raised. Regional Council oversight of the Greenprint was enacted, in the form of a five-member task force to be selected by the SCAG President.



At the October 28, 2021 Board meeting the OCCOG Board had a discussion about Greenprint and directed staff to send a letter to SCAG detailing our concerns. The Board also instructed staff to return with a draft resolution for review and approval at the December 6, 2021 meeting. That resolution is included as an attachment for Board consideration.

ATTACHMENTS

- A. Draft Resolution 00021-04 Regarding Greenprint
- B. OCCOG letter to SCAG regarding Greenprint dated 10-28-21
- C. [SCAG Greenprint Staff Presentation dated October 7, 2021](#)
- D. [Supplemental SCAG Staff Report dated October 7, 2021](#)
- E. [SCAG Staff Greenprint Presentation July 1, 2021](#)
- F. [Minutes of the July 1, 2021 SCAG Regional Council Meeting](#)

STAFF CONTACT

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RESOLUTION NO. 00021-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY COUNCIL OF GOVERNMENTS OPPOSING THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS' SOCAL GREENPRINT PROCESS

RECITALS

WHEREAS, as part of its mitigation efforts for the 2016 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"), the Southern California Association of Governments ("SCAG") has undertaken an effort to develop a regional "Greenprint" document ("SoCal Greenprint");

WHEREAS, the Orange County Council of Governments ("OCCOG") Board finds that SCAG developed the SoCal Greenprint process in a manner that was not transparent in that the only jurisdiction involved in the development of the project was the County of Los Angeles;

WHEREAS, the SoCal Greenprint was not reviewed or vetted by the SCAG Technical Working Group, prior to it being introduced to the policy committees for approval;

WHEREAS, the consultant selected to lead the SoCal Greenprint effort was not fully vetted and may not be impartial in its selection of data layers;

WHEREAS, the SoCal Greenprint data layers suffer from the following problems:

- The data layers have not been vetted or approved by SCAG's member agencies, the local jurisdictions, and should not be publicly available without disclaimers that the data may not be the most up-to-date or accurate information,
- They are not publicly accessible and require a special log-in to access information;
- They are not based in scientific fact and include information written by advocates or provided by citizens in an open database.
- Several data layers include information that is not applicable to the SCAG region and a connection of why this information may apply to the SCAG region has not been made.
- Several of the data layers may include data that is in conflict with a jurisdiction's existing General Plan or could provide project information that is hypothetical.
- The proposed list of data layers for the SoCal Greenprint has been modified at least three times over the past six months, without notification to member agencies or interested parties that the data layer has been modified.
- Several of the data layers include information at a geography that would not be usable for the SCAG region (national or state geographies), or require special manipulation to be usable at a local level for development project assessment.

WHEREAS, SCAG pursued a sole source procurement of the Nature Conservancy to steward the SoCal Greenprint, which, as conservators of open space, many believe may have a built-in conflict of interest;

WHEREAS, SCAG has continued to ignore the legitimate concerns with SoCal Greenprint identified by a variety of parties, including member jurisdictions, over the past six months.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ORANGE COUNTY COUNCIL OF GOVERNMENTS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. In light of the concerns described in the Recitals above, the OCCOG Board hereby opposes the SoCal Greenprint and requests that SCAG consider the OCCOG's concerns and respond to OCCOG addressing such concerns. The OCCOG Board further requests that SCAG include OCCOG on any SoCal Greenprint "task force" or other ad hoc committee convened by SCAG and that the SCAG Technical Working Group be the technical body that is authorized to provide feedback on, and otherwise vet, any draft of the SoCal Greenprint before such draft is returned to SCAG's Community, Economic and Human Resources Committee.

Section 3. The Executive Director is hereby authorized and directed to deliver a copy of this Resolution to SCAG and take all actions necessary to carry out the intent and purpose of this Resolution.

ADOPTED, SIGNED AND APPROVED this 6th day of December, 2021.

Chair

APPROVED AS TO FORM:

Aleshire & Wynder, LLP

Fred Galante, General Counsel



Orange County Council of Governments

Orange County Council of Governments (OCCOG)
3972 Barranca Parkway, Ste. J127
Irvine, CA 92606

info@occog.com

October 28, 2021

President Clint Lorimore and Regional Council Members
Southern California Association of Governments
900 Wilshire Blvd., Suite 1700
Los Angeles, CA 90017

RE: Comments on the SoCal Greenprint and Request that the Southern California Association of Governments Regional Council Redirect the Development of Greenprint to be Consistent with Local Control and the Authorizing Language in Connect SoCal

Dear President Lorimore and Regional Council Members:

The Orange County Council of Governments (OCCOG) would like to express our concerns about the Southern California Association of Governments problematic development of the SoCal Greenprint. Over the past several months, a diverse coalition of business and community interests have expressed concern over the proposed SoCal Greenprint on a variety of issues. OCCOG supports the public comments and concerns expressed by both the building industry and business coalition, as well as those previously expressed by the City of Irvine. In particular OCCOG concurs with the City on the following aspects of elements.

At the July 2021 meeting the Regional Council voted to pause work on the Greenprint so that the Regional Council could grasp and debate the concerns about the path on which the Greenprint development was headed. Further, the Regional Council has continued the pause on the Greenprint work while SCAG redoubles its efforts to work with stakeholders to ensure there are no lasting unintended consequences from implementation of this mitigation measure.

Part of the July motion to pause the Greenprint included a request for a public hearing on the item. A “public hearing” held on Tuesday, August 24, 2021 that OCCOG Board and staff were unable to attend. In fact, only a handful of Regional Council members were in attendance. OCCOG would like to request that future Greenprint outreach efforts include at the minimum our Board, including Ex-Officio members, the OCCOG Executive Director and OCCOG Technical Advisory Committee, and that any outreach meetings held in Orange County are coordinated with OCCOG prior to scheduling and publishing dates/time.



Several OCCOG member jurisdictions, and OCCOG staff have consistently expressed concern with SCAG's creation of a centralized open data platform, including SoCal Greenprint, and we continue to request that the data being utilized accurately reflects our jurisdictions' adopted General Plans. We are disappointed with the lack of engagement with our members, and particularly with the fact that the Technical Working Group was not involved in the initial development of the Greenprint nor in the subsequent vetting of the tool as it has been developed, resulting in a what we feel is likely to be a flawed tool that would undercut efforts to provide sufficiently robust job, infrastructure, and housing opportunities in the years and decades ahead and could make our local governments' challenges even more daunting, and even inadvertently hand housing opponents the ammunition to delay and prevent greatly-needed housing projects.

OCCOG reiterates the questions and concerns previously submitted by the City of Irvine regarding the overall SoCal Greenprint project, as follows:

Conflicts with General Plans and Local Jurisdiction Policy Impacts

- How do jurisdictions reconcile local General Plan data sources and analyses that were used for General Plan Environmental Impact Report (EIR) analyses, including any output from the SoCal data sources? Is the SoCal dataset envisioned to be recommended for use for environmental analyses and subsequent mitigation? What happens if the data conclusions conflict with local analyses?
- How does the data output and any value statements from SoCal Greenprint mesh with a local jurisdiction's policy framework, especially if there is not consistency?
- There is concern that some of the data sources in SoCal Greenprint do not just identify data, but simply propose a best management practice, as a future course of action. SCAG should disclose how all policy implications of SoCal Greenprint data tools were derived.
- Will SoCal Greenprint be used or referenced by SCAG as part of the Intergovernmental Review Program (IGR)?



Concern with Procurement of Consultant and Conflict of Interest

Although SCAG tasked itself with undertaking a “multi-year effort” to develop a Regional Greenprint “to help prioritize land conservation *based on best available scientific data[,]*” SCAG has since delegated the developmental responsibilities to The Nature Conservancy, which is an organization whose sole mission and business model is the management of lands placed in conservancies and trusts. Thus, they are the beneficiaries of dedicated open spaces and are naturally inclined to limit and preclude land development. SCAG thus chose as the leader of the Greenprint effort an entity that is inherently biased when it comes to marshalling and balancing the many competing factors that must be carefully weighed in any sound land use decision-making. SCAG’s choice of the The Nature Conservancy to lead the Greenprint effort is unwise at best and has the appearance of prejudicing the Greenprint process. ***SCAG must now employ a higher standard of care to assure that all other interests and stakeholders are heard and respected, that land use data sets in Greenprint are balanced, and that data is properly vetted, especially for scientific validity and acceptance, before proceeding to a final Greenprint.***

Reliance on Faulty, Biased, or Incomplete Data

Although the mitigation measure denominated SMM BIO-2 in the adopted 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) “Connect SoCal” calls for a “multi-year effort” to marshal “best available scientific data,” SCAG reported out to stakeholders interested in the Greenprint process that the Greenprint process has already gathered 166 different data sets which they propose should all potentially overlie land use planning in the SCAG region. Generally the sources and qualities of many of these data sets are problematic by degree. Many of them are products of neither meaningful public processes nor the careful balancing that realistically must adhere to sound land use decision-making. Concerning the 166 data sets, a quick review indicates that 21 were compiled by non-governmental organizations (potentially having their own agendas and biases), 14 were compiled by academics (potentially the same), and 38 reflect various constraints and data sets compiled over time by SCAG’s staff. Concerning the latter, some are the products of SCAG’s ad hoc working groups, which are typically populated through self-selection and often by single-issue advocates having different levels of real-world land use policy expertise. Such products cannot serve as substitutes for the kind of informed factual analysis and careful balancing that takes place within the respective local jurisdictions when they undertake land use decision-



making. That is why it is particularly troubling that the 166 different data sets currently proposed to populate the Greenprint do not include locally-approved general plans and land use designations, which are perhaps the most important and relevant data of all. This cannot be regarded as consistent with SCAG's often-repeated pledge to respect and adhere to local control in land use planning.

OCCOG TAC members have reviewed all 166 data sets and identified a significant number of broken links that do not provide any relevant data, links that require a log-in, links or data that was removed as of August 31, 2021, and links that direct the user to a general website for a department or agency that has no relevant data. Noticing the high percentage of errors or issues with the individual data sets, OCCOG is concerned that there has been a lack of oversight by SCAG staff on the work product developed by SCAG's consultant, and that this is indicative of overall lack of quality control for the project.

Concerns with Specific Datasets

Additionally, OCCOG's member jurisdictions have identified the following data sets that contain significant errors:

- Dataset #24 Entitlements (2018): It is noted that this dataset is not comprehensive, as it only includes volunteered information from jurisdictions. The SCAG entitlement dataset is only updated every four years as part of the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Local jurisdictions should be the only source of entitlement data and at a minimum this should be updated on an annual basis.
- Dataset #77, #78, #79 CalEnviroScreen Pollution Burden, CalEnviroScreen Percentile, and Disadvantaged Communities: The City of Irvine has reached out to the California Office of Environmental Health Hazard Assessment (OEHHA) over the past several years to update its data for the City. Specifically, OEHHA is utilizing outdated information from the Department of Navy and demographic information from the 2010 Census that does not reflect the recent development throughout the City. As we have noted before, the data sets should include a disclaimer alerting users that the data has not been vetted or approved by local jurisdictions and might not reflect the most up to date information.
- Dataset #98: Environmental Justice Areas: Areas throughout Orange County have been identified in this data set by SCAG staff as an Environmental Justice Area based ONLY on the fact that a non-white population is the majority ethnicity. According to the description of



this data layer on SCAG's webpage, "Environmental Justice Area Traffic Analysis Zones (TAZs) were identified if they had a higher concentration of minority population or households in poverty than is seen in the greater SCAG region." While it is important to identify areas with minority populations, it is also critical to include other factors, including access to schools, parks, and services and household income. There also needs to be recognition of historic ethnic settlements and neighborhoods that are culturally based decisions rather than generalized assumptions based on one indicator.

- Dataset #102: High Quality Transit Areas (HQTAs): A number of Orange County cities have repeatedly stated concern with the utilization of 2045 High Quality Transit Areas (HQTAs) throughout the 2020 RTP/SCS and the Regional Housing Needs Assessment (RHNA) process. Specifically, there are several HQTAs identified in the 2045 data are associated with two Bus Rapid Transit (BRT) routes that are hypothetical and are in the earliest of planning stages. To date, the Orange County Transportation Authority (OCTA) has not appropriately vetted the proposed BRT station stops along the Interstate 5 corridor with the City of Irvine and the BRT station stop along State Route 55 had been introduced despite concern expressed by City of Irvine staff. The HQTA stops at Alton Parkway, the Jeffrey Road Park and Ride, and Spectrum Center were provided to SCAG by OCTA without consultation with the City of Irvine. While the City understands the inclusion of these hypothetical HQTAs by OCTA for funding purposes in the 2020 RTP/SCS, they should not be included in SoCal Greenprint. Additionally, Caltrans has recently announced the planned construction on SR-55 between Interstate 5 and 405 and nowhere in the plan is there mention of offramps at Alton Parkway, further providing evidence that a separate BRT with a HQTA/TPA at Alton Parkway is highly unlikely. Additionally, the City of Huntington Beach has repeatedly expressed concern with the inclusion of non-vetted transit routes in the 2045 RTP/SCS. Instead, the HQTA data posted should be consistent with other transportation data and should be based on the 2016 base year data.
- Dataset #103: Transit Priority Areas (TPAs): Consistent with the comment for dataset #102, any transportation or transit data should be based on the 2016 base year data, not 2045 due to the hypothetical nature of the projects identified as HQTAs or Transit Priority Areas (TPAs).



Applicability of Greenprint Must be Limited

Based on the comments and concerns listed above, OCCOG respectfully requests SCAG to pivot when considering further development and ultimate use of the SCAG region's Greenprint. SCAG can and should appropriately limit the Greenprint in terms of its spatial applicability. Specifically, within the SCAG region, ***the Greenprint should apply only where the respective local jurisdiction has identified areas as permanent open space/agricultural land.*** OCCOG firmly reminds SCAG that the ***Greenprint should have no applicability to areas where the relevant local jurisdiction has identified land as suitable for development.*** Specifying such a limitation on the applicability of the Greenprint is needed so that local governments will be free to redesignate developable land for housing, infrastructure, and other appropriate uses. Similarly, SCAG's ***Greenprint should have no applicability where further land use approvals can and should be readily anticipated, such as within spheres of influence, where local governments may have dormant, but foreseeable, land use discretion.***

OCCOG anticipates that if SCAG does not limit the spatial applicability of the Greenprint, then the Greenprint is likely to be abused by opponents of growth, infrastructure, and housing to attack general plans and projects under the California Environmental Quality Act (CEQA), which requires consideration and discussion (rationalization) of the consistency of approvals with regional plans.¹ In other words, SCAG should not elevate each of the 166 potential data sets thus far identified by SCAG's staff to constitute 166 separate points of contention for potential litigants to grasp upon and advance. Nor should local governments be forced to marshal substantial evidence to counter each of the potentially 166 or more data sets, or their countless respective underpinnings in order to amend or even to maintain and reconfirm or effectuate their existing land use plans and designations. Unless an appropriate spatial limitation on the Greenprint's applicability is put in place to protect local jurisdictions' existing, approved plans and visions, the SCAG Greenprint will be used by opponents of land uses to undermine and negate plans and approvals based on endless considerations, some of which by degree are dubious or merely arguable.

If the development and applicability of SCAG's Greenprint is properly constrained and its underlying data is limited to that which is appropriate for its purpose, then additional data sets that were not

¹ CEQA Guidelines section 15125(d) generally requires local jurisdictions acting as lead agencies to discuss and rationalize "any inconsistencies between the project and regional plans."



appropriate for inclusion in the Greenprint may still be made available by SCAG for strictly informational purposes through its online mapping and data sets. In this way, additional data could be made available, but without any prejudicial effect under CEQA. The data sets that are being preferred by various non-governmental organizations and academics for potential inclusion should be excluded, especially, if they were compiled and published without undergoing the necessary public participation processes that governmental agencies must administer.

OCCOG is concerned that if SCAG refuses to qualify and limit the Greenprint as recommended above, then SCAG's Greenprint will constitute a radical expansion of SCAG's level of detailed prescription over local land use decisions, undertaken under the guise of conserving habitat and agricultural lands.

Clear Data Labeling

During OCCOG's review of the data sets available online, it became clear that SCAG was not updating the labels on the Greenprint when new data was added or incorrect data was updated. It is imperative for transparency in the process, and for users of the Greenprint to know what version of data they are using. Any time data is added to or modified on the site, a label or tag should be added to enable users to know when the data was last changed or the date it was added. This best practice should be standard procedure not only for the Greenprint but for any open data sets accessible to the public via SCAG's website.

Enhance Oversight by SCAG Regional Council

In light of the concerns stated above, OCCOG supports the recent calls for SCAG Leadership and the Regional Council to take charge of the Greenprint process. In doing so, we ask the Regional Council to move the Greenprint forward in a manner and scope that is consistent with SCAG's mitigation measures (SMM BIO-2 and SMM AG-2) that call for its establishment. Through the Regional Council's involvement, SCAG must assure that the Greenprint will not conflict with local governments' existing land use plans and prerogatives. The result should be a Greenprint that is focused appropriately on the natural and agricultural lands most suitable for conservation and preservation.

OCCOG emphatically requests that anything related to the SoCal Greenprint process should be labeled with a disclaimer indicating that the data included in the Greenprint includes data that has



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not been vetted by jurisdictional staff, is not updated regularly, and may include abstracts or journal articles written to reflect the opinions of the author. Users of the SoCal Greenprint should be advised to contact member jurisdictions for the most updated information.

We greatly appreciate SCAG's attention to the issues raised in this letter. We look forward to working with you over the weeks and months ahead to ensure that the SoCal Greenprint is appropriately crafted.

Sincerely,

Hon. Trevor O'Neil
Chairman, Orange County Council of Governments

Cc: OCCOG Board of Directors
Jim Vanderpool, Chair Orange County City Managers Association
Nate Farnsworth, Chair OCCOG Technical Advisory Committee



AGENDA ITEM # 9

Approve Memorandum of Understanding with Ventura County Council of Governments and Gateway Cities Council of Governments for sub-regional partners Regional Early Action Planning (REAP) Grant ADU-related project and Authorize Release of RFP

STAFF RECOMMENDATION

Authorize the Executive Director to enter into a Memorandum of Understanding (MOU) with VCOG and GCCOG for the procurement and execution of the specified ADU-related REAP Project Scope of Work. OCCOG's contribution to this joint project shall not exceed \$125,000. Authorize the Executive Director and/or General Counsel to modify the MOU as to non-material changes that may be needed during the finalization of the MOU. Authorize the release of an RFP for consultant services related to this Scope of Work once the MOU has been approved and signed by all parties.

SUMMARY

Staff is asking for approval to enter into a Memorandum of Understanding (MOU) with two subregional councils of governments, the Gateway Cities Council of Government (GCCOG) and Ventura County Council of Governments (VCCOG) to complete a specified scope of work related to ADU production, model ordinance development, and completion of the housing website.

BACKGROUND

OCCOG is receiving \$3.245M in sub-allocated funds from the Southern California Association of Governments (SCAG) as part of the Subregional Partners Program of the Regional Early Action Planning (REAP) Grant Program. OCCOG has four projects that we submitted with our application for the REAP program. SCAG has recently indicated that they will provide an additional 5% funding increase, total \$162,000 for the OCCOG region. OCCOG staff has worked closely with two other subregional councils of governments to develop a cooperative project that will benefit the jurisdictions in each of our subregions, as described below.



- Initial plan for pre-approved ADU plans and specifications was modified based on feedback from OCCOG jurisdictions
 - Moved away from procuring consultant for developing plans and specs
 - Instead, provide a clearinghouse for plans/specs already available
 - Work with building departments on securing approvals for plans and specs already procured via SCAG and other jurisdictions.
 - Interactive data-driven website that will enable property owners to see what plans are available at their address. Checklist that will help simplify the ADU permitting process.
 - Vendor portal/marketplace that will include financing, contractors, designers/architects.
- In cooperation with Ventura County Council of Governments and Gateway Cities Council of Governments we have developed an MOU based on a Scope of Work that will provide support for our member jurisdictions related to ADU development, adoption and permitting.
 - Jointly work together on a new approach to ADU pre-approved plans and specifications, a housing resource website and model ordinance development.
 - Each COG will bring REAP funding to the table. Each Board will approve the MOU.
 - Opportunity for already-budgeted OCCOG staff time to be funded in part by contributions from the partners, allowing us to stretch our REAP dollars further.
 - SCAG to provide access to their already procured bench of consultants to shorten procurement time and provide invoicing support, easing some administrative burden on OCCOG. Will be offset by some of our REAP funds being used for administration.
 - Scope will now include the model ordinance development as that can also be used across the region and will have a cost savings by pooling resources.

NEXT STEPS

- VCCOG and GCCOG Boards will review and approve the MOU and Scope of Work
- OCCOG will release RFP for consultant services, return to Board for approval in March 2022
- OCCOG Staff is working on an RFP for on-call consultant resources to support member jurisdictions to be released in January 2022
- OCCOG Staff will invite OCHFT and OCHT to provide an update to the OCCOG Board on their REAP-funded activities in early 2022
- Return to the Board in January 2022 with recommended changes to the REAP project list



Page Break

DRAFT SCOPE OF WORK

Task Description	Responsible Party	Budget
<p>Outreach to Jurisdictions: Focus groups and jurisdiction outreach to ensure features included in website meet needs/expectations of jurisdictions we serve, includes scoping meeting with partners and COG-identified stakeholders, develop a survey for COG jurisdictions, administer survey, provide and interpret results</p>	Consultant	\$10,000
<p>ADU Workbook: Prepare an "ADU How-to toolkit" For Jurisdictions to use in explaining/promoting ADUs to their communities</p> <ul style="list-style-type: none"> • brochure for counter (printing cost not included) • presentation template for outreach • social media campaign, customizable posts for jurisdictions (does not include paid reach/boosted posts) • ADU How-To video (part of OCCOG’s video series, budgeted separately from this project) • checklist customizable to the jurisdiction • all materials branded with “ADU How-To” and/or “Housing SoCal” brand 	OCCOG	\$10,000
<p>ADU Website:</p> <ul style="list-style-type: none"> • Secure the website domain(s) and ISP • mobile-friendly site with the features described • include ADU how-to information • stories/case studies of successful ADU projects • marketplace of ADU vendors • site look-up tool for specific plans and permitting requirements (to be created by consultant and embedded in site) • Maintain the website for a term of 3 years, including monitoring SEO and metrics, 	OCCOG	\$35,000



report same to SCAG and/or HCD as required per REAP terms		
ADU clearinghouse for website: <ul style="list-style-type: none"> • Site/Jurisdiction-specific information to include in website • Building dept. outreach for each jurisdiction • Catalogue requirements for ADU permitting for each jurisdiction in each subregion <ul style="list-style-type: none"> • Build Database of zoning/standard plans by jurisdiction, make searchable via address look-up, embed in website use consultant team • Develop criteria for vetting vendors for marketplace • Apply criteria and develop list of vendors to include on site 	Consultant	\$65,000 PLUS Possible \$15,000 for Symbium’s “Can I Build an ADU Tool”
Spanish Translation of Website/Materials	Consultant	\$10,000
ADU Standard Plans <ul style="list-style-type: none"> • for a pre-approved design program modeled after San Jose’s 	Consultant	\$45,000
Model Ordinance Development <ul style="list-style-type: none"> • ADU • SB9/10 implementation • Motel conversion or up to five other housing-specific ordinances as requested by jurisdiction during the focus groups/surveys/outreach 	Consultant	\$50,000
Artist renderings for plans	Consultant	\$10,000
Legalization Program for ADUs Built Without Permits (Amnesty) <ul style="list-style-type: none"> • Design and develop a program to allow homeowners to fix life/safety issues with their unpermitted ADUs without fear of penalties or sanctions. Work with cities on implementing the provisions of SB 13. 	Consultant	\$18,000



Affordable ADU Development <ul style="list-style-type: none"> Explore various programs to promote or incentivize homeowners to rent their ADUs at affordable levels. The goal would be to identify which programs have the most promise and flesh out a basic program overview of how they would work. 	Consultant	\$12,000
Project Management: <ul style="list-style-type: none"> Prepare monthly/quarterly/annual progress reports as required by REAP 	OCCOG	\$10,000
TOTAL BUDGET: Source: \$125,000 OCCOG, \$94,000 GCCOG, \$71,000 VCCOG		\$290,000

PROPOSED TIMELINE

- October –December 2021 Approval of MOU and REAP Scope Change
- January 6, 2022 Release RFP for response
- February 3, 2022 RFP deadline
- week of February 14-18, 2022 Interviews (if needed)
- February- March 2022 Approval of selected consultant contract by respective Boards
- March 2022 NTP
- March 2022 Kickoff meeting with partners and key stakeholders
- March-April 2022 Stakeholder meetings/focus groups
- March-April 2022 Website framework developed
- March- June 2022 Development of ADU How-To materials
- March-October 2022 Consultant work: plans/specs; building department outreach and coordination; development of interactive tool
- August-September 2022 Website Beta developed
- October 2022 Website testing

ATTACHMENTS

- A. Draft MOU with VCCOG and GCCOG for ADU-related Scope of Work



Orange County Council of Governments

STAFF REPORT December 6, 2021

STAFF CONTACT

Marnie O. Primmer
OCCOG Executive Director
(949)216-5288
marnie@occog.com

DRAFT FOR REVIEW AND APPROVAL

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE GATEWAY CITIES COUNCIL OF GOVERNMENTS AND VENTURA COUNTY
COUNCIL OF GOVERNMENTS FOR THE USE OF REAP FUNDS**

THIS MEMORANDUM OF UNDERSTANDING FOR THE USE OF REGIONAL EARLY ACTION PLANNING GRANT FUNDS (“MOU”), is made and entered into this ____ day of _____, 2021 (“Effective Date”), by and between the Orange County Council of Governments (“OCCOG”) on the one hand, and the Gateway Cities Council of Government (“GCCOG”) and Ventura County Council of Governments (“VCCOG”) on the other hand, each being a California Joint Powers Authority. The OCCOG, GCCOG and VCCOG are sometimes individually referred to as “Party” and collectively as “Parties.”

RECITALS

- A. The Parties are planning organizations that are organized to work in collaboration with the Southern California Association of Governments, the region’s federally designated Metropolitan Planning Organization (“SCAG”). SCAG is primarily responsible for developing the regional transportation plan and transportation improvement program for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. OCCOG collaborates as one of the subregional planning organizations within the County of Orange, GCCOG collaborates as one of the subregional planning organizations within the County of Los Angeles and VCCOG collaborates as one of the subregional planning organizations within the County of Ventura.
- B. The primary source of funding for the services described in this MOU is allocated to SCAG pursuant to the State of California Department of Housing and Community Development (“Department”) under the Regional Early Action Planning (“REAP”) Grant Program, the regional component of the Local Government Planning Support Grants Program (as described in Health and Safety Code section 50515.02).
- C. SCAG and the OCCOG have entered into that certain Memorandum of Understanding (collectively “SCAG MOU”), effective as of March 25, 2021 whereby SCAG has provided grant funding to OCCOG as sub-recipient under the REAP program, with such funds being subject to and conditioned on the terms of the SCAG MOU (a true and correct copy of the SCAG MOU is attached as Exhibit “B”).
- D. OCCOG is receiving \$3,245,000 in sub-allocated funds from SCAG as part of the Subregional Partners Program of the REAP Grant Program.
- E. GCCOG and VCCOG are interested in partnering with OCCOG to implement planning projects that further the development of housing, and specifically to provide related to accessory dwelling unit (“ADU”) production, model ordinance development, and completion of the housing website, as such services are further described in Exhibit “A” attached hereto (“Services”).
- F. SCAG has informed OCCOG that some of the funding from previous REAP list of projects may be reallocated if OCCOG partners with VCCOG and GCCOG, and furthermore, that SCAG will be making an additional 5% of funds already allocated available for the Subregional Partners Program, for a total additional \$162,000 for the OCCOG region.

G. The Parties wish to delineate their respective obligations for the use of the REAP Grant Program funding by having OCCOG retain a consultant (“Consultant”) to provide the Services within the respective planning areas of the Parties.

TERMS OF MOU

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

1. Scope of Services.

a. The Parties hereby agree that they will jointly participate in the preparation of a description of the Services (“Scope of Services”) to be provided by the Consultant. The Parties hereby agree that a portion of the Services may be performed by current or future OCCOG contract staff and shall further be the basis of a request for proposals (“RPF”) to be prepared by OCCOG to secure additional required services from the Consultant. The draft of the RFP shall be provided by OCCOG to VCCOG and GCCOG for any comments and input. VCCOG and GCCOG shall assist with the preparation of the Scope of Services and provide any suggested changes within twenty (20) days of OCCOG’s provision of the draft RFP. OCCOG will endeavor to include such suggested changes in the final RFP; provided that OCCOG shall have the sole discretion to approve the final Scope of Services. The RFP shall require Consultant to perform the Services within the times set forth in the schedule of performance to be developed by OCCOG based on the proposed timeline set forth in Exhibit “A”.

b. The RFP will require Consultant to oversee the implementation and administration of the Services, including supervising staff and consultants, supervising and monitoring the Services, advertising the Services to the public, and providing supplies for the Services.

c. OCCOG shall oversee the implementation and administration of the Services, including supervising its contract staff and the Consultant.

d. In performing the Services, the Consultant shall be required to comply will all federal, state, and local requirements applicable to projects funded by REAP grants, including as outlined in the SCAG MOU. In the event of a conflict between the REAP grant requirements and the other provisions of this MOU, the REAP grant requirements shall prevail.

2. Performance and Deliverables of the Parties.

a. **Funding.** The Parties shall provide the following contributions to secure the Services:

- i. OCCOG shall contribute (i) REAP Grant funding of up to \$125,000.
- ii. VCCOG shall contribute REAP Grant funding of up to \$71,000.
- iii. GCCOG shall contribute REAP Grant funding of up to \$94,000.

b. **OCCOG Duties and Deliverables.** In addition to the REAP Grant funding provided in Section 2.a above, OCCOG shall provide the following deliverables:

- i. Prepare the initial draft of the Scope of Services and work with the other Parties to finalize same per Section 1 above.

- ii. Provide services of contract staff to manage the Services.
- iii. Provide services of contract staff to design the website, infographics, logos, complementary printed assets for use by VCCOG and GCCOG (not including printing costs), presentation(s), social media posts, etc..
- iv. Provide the services of contract staff to develop content for the website and accessory dwelling units (“ADU”) How-To materials including FAQs, checklist(s), presentation(s), handouts/brochures, social media posts, etc.
- v. Prepare monthly invoices of the Services for SCAG approval and payment.
- vi. Prepare quarterly reports of the Services provided for SCAG Approval.
- vii. Timely pay all contract staff and the Consultant upon receipt of SCAG payments applicable to each invoice.

c. **GCCOG and VCCOG Duties and Deliverables.** In addition to the REAP Grant funding provided in Section 2.a above, GCCOG and VCCOG shall provide the following deliverables:

- i. Review the initial draft of the Scope of Services and work with the other Parties to finalize same per Section 1 above.
- ii. Provide a representative of their COG to participate in the RFP selection committee.
- iii. Provide a representative for regular project progress meetings.
- iv. Participate in stakeholder outreach/focus groups; identify any stakeholders that need to participate from their COG or subregion; and provide contact information for jurisdictions.
- v. Participate in beta testing of the website that is part of the Services.
- vi. Provide comments during editing of ADU How-To and website tools that are part of the Services.
- vii. Review and approve monthly, quarterly, and annual reporting provided by OCCOG per Section 2.b above.

3. Term of Agreement.

a. The Term of this MOU shall begin on the Effective Date as first written above and, unless terminated earlier as provided in Section 4 below, continue until the completion of the Services by the Consultant, but not later than _____, 202__.

b. Notwithstanding the expiration of the MOU, the Parties shall remain subject to the provisions of this MOU as long as income or assets obtained with REAP funds remain, and the close-out period has not ended. During the close-out period, OCCOG shall make final payments to its current contract

staff and the Consultant, deploy any REAP Grant Program assets and return to SCAG any unused REAP funds.

4. Suspension and Termination.

a. Should OCCOG materially fail to comply with any term of this MOU or the grant award consistent with the SCAG-OCCOG MOU, GCCOG and/or VCCOG may suspend or terminate this MOU as to either Party or entirely after providing OCCOG with at least thirty (30) days' written notice to cure such material failure and OCCOG fails to do so within such thirty (30) days.

b. This MOU is valid and enforceable only if sufficient funds are made available through SCAG using REAP funding, the Parties agrees that OCCOG's obligation to pay any sum to GCCOG or VCCOG under any provision of this MOU is solely contingent upon the availability of sufficient REAP funding made available for the Services herein from SCAG.

c. If REAP funding is reduced or falls below estimates contained within this MOU or the SCAG-OCCOG MOU, OCCOG shall have the option to either cancel this MOU with no duty, obligation nor liability occurring to OCCOG or offer an amendment to this MOU to GCCOG and VCCOG to reflect a reduced amount.

d. It is mutually agreed that if available REAP funds fall below estimates or are not made available for the current year and/or any subsequent years covered under this MOU, this MOU shall have no further force and effect. In this event, neither OCCOG nor any member agency, shall have no liability to pay any funds whatsoever to GCCOG or VCCOG or to furnish any other considerations under this MOU and GCCOG or VCCOG shall not be obligated to perform any provisions of this MOU.

5. Records.

a. OCCOG shall maintain all records required by the SCAG-OCCOG MOU that are pertinent to the Services. Such records include, but are not limited to:

- i.** Records fully describing each activity undertaken consistent with this MOU.
- ii.** Records demonstrating that each activity undertaken meets one of the objectives of the Program.
- iii.** Records required to determine the eligibility of activities.
- iv.** Records documenting compliance with the REAP.

b. OCCOG shall retain all records pertinent to expenditures made under this MOU for three (3) years after the termination of all activities funded by this MOU, or after the resolution of any audit findings, whichever occurs later. OCCOG shall retain records of nonexpendable property acquired with REAP funds for three (3) years after the final disposition of such property. OCCOG shall retain records for any displaced person for three (3) years after such person has received final payment.

c. OCCOG shall maintain client data demonstrating affordable income client eligibility for housing services provided, if applicable. Such data shall include, but not be limited to, the client's name, address, income level or other basis for determining eligibility, and a description of the services provided to the client. The Parties shall maintain the confidentiality of client data and shall not

disclose client data, except as required by law or as required by the administration of the Parties' duties under this MOU.

d. At any time during normal business hours, GCCOG and VCCOG shall make their records pertaining to this MOU available to OCCOG, SCAG, the State of California, or any of their duly authorized representatives, as often as such agencies deem necessary, to audit, examine, copy, excerpt or transcribe. Within thirty (30) days of OCCOG's receipt of any audit report that notes deficiencies in such records, GCCOG or VCCOG, as applicable, shall fully correct such deficiencies. Failure to do so will constitute a violation of this MOU and may result in OCCOG requesting that SCAG withhold future allocations or transfers until such deficiencies are corrected.

e. GCCOG and VCCOG shall work with OCCOG to conduct an audit that complies with OCCOG's policies concerning sub-recipient audits.

6. Reports.

GCCOG and VCCOG shall submit to OCCOG reports concerning the Services in the form and with the content specified by OCCOG and the SCAG-OCCOG MOU and as needed to comply with the record keeping and audit requirements provided in the SCAG-OCCOG MOU.

7. REAP Program Recognition.

When publishing materials that concern this MOU, the Parties shall ensure recognition of the REAP program by including a reference to REAP funds.

8. Conflict of Interest.

No employee, agent, consultant or officer of any of any of the Parties who exercises or has exercised any functions or responsibilities with respect to REAP activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a REAP-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a REAP-assisted activity, or with respect to the proceeds of the REAP-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

9. Equal Employment Opportunity.

The Parties agree that all persons employed by the Parties shall be treated equally by the Parties without regard to or because of race, color, religion, ancestry, national origin, disability, sex, marital status, age, or any other status protected by law, and in compliance with all anti-discrimination laws of the United States of America and the State of California.

10. Amendment.

Any modifications to this MOU shall be effective only when agreed to in writing by the duly authorized representatives of all Parties.

11. Entire Agreement.

This MOU constitutes the entire agreement of the Parties regarding the subject matter described herein and supersedes all prior communications, agreements, and promises, either oral or written.

ATTACHMENT A

[SIGNATURES ON FOLLOWING PAGE]

ATTACHMENT A

IN WITNESS WHEREOF, the Parties have executed this MOU as of the date first written above.

OCCOG

GCCOG

ORANGE COUNTY COUNCIL OF GOVERNMENTS

GATEWAY CITIES COUNCIL OF GOVERNMENTS

Marnie O'Brien Primmer

APPROVED AS TO FORM

APPROVED AS TO FORM

Fred Galante, General Counsel

_____, General Counsel

VCCOG

VENTURA COUNTY COUNCIL OF GOVERNMENTS

APPROVED AS TO FORM

_____, General Counsel

EXHIBIT A

SCOPE OF SERVICES

OCCOG Contract Staff will be responsible for the following:

- Secure the website domain(s) and ISP
- Design a mobile-friendly responsive website, including applicable logo and branding
- Design public-facing ADU How-To Tool Kit including: customizable checklists, brochures/handouts, presentation, social media posts
- Provide content for website and toolkit including FAQs for website, infographics, narrative etc.
- Work with Baird & Driscoll to secure access to Chan Zuckerberg-funded tool
- Incorporate the interactive Chan Zuckerberg-funded ADU calculator tool into the website
- Incorporate the property-specific tool developed by the consultant into the website
- Maintain the website for a term of 3 years, including monitoring SEO and metrics, report same to SCAG and/or HCD as required per REAP terms

Consultant will be responsible for the following:

- Conduct scoping meeting with partners and COG-identified stakeholders
- Develop a survey for COG jurisdictions, administer survey, provide and interpret results
- Conduct stakeholder outreach/ focus groups with COG jurisdictions
- Identify already-designed plans and specs that are to be listed on the site
- Secure rights to plans as needed, including payment if required
- Work with building departments in jurisdictions across the subregions to secure approval of use of those plans and specs
- Develop a database/ lookup tool that can be accessed via the website that will bring up ordinances, permitting requirements including covenants/agreements, specific plans and specs that can be used at that property and zoning rules for that property
- Develop a framework for an online vendor marketplace to be included on the website to include designers/architects/engineers, contractors, funding tools/ approaches, financial institutions
- Assist in identifying property owners to feature as case study or success stories on the website

ATTACHMENT A

- Provide Spanish translation for website or assist OCCOG to enable Spanish translation of the website
- Under direction from COG staff, develop of model ordinances for use by COG jurisdictions for at least the following:
 - o ADUs
 - o SB 9, 10
 - o Motel Conversions
 - o Up to 5 other housing production-related ordinances as directed by COG staff
- Additional services, as requested by participating COGs could include public outreach services
- Prepare monthly/quarterly/annual progress reports as required by REAP

Proposed Timeline:

October –December 2021 Approval of MOU and REAP Scope Change

January 6, 2022 Release RFP for response

February 3, 2022 RFP deadline

week of February 14-18, 2022 Interviews (if needed)

February- March 2022 Approval of selected consultant contract by respective Boards

March 2022 NTP

March 2022 Kickoff meeting with partners and key stakeholders

March-April 2022 Stakeholder meetings/focus groups

March-April 2022 Website framework developed

March- June 2022 Development of ADU How-To materials

March-October 2022 Consultant work: plans/specs; building department outreach and coordination; development of interactive tool

August-September 2022 Website Beta developed

October 2022 Website testing

EXHIBIT B

**MEMORANDUM OF UNDERSTANDING (“SCAG-OCCOG MOU”) BETWEEN OCCOG AND
SCAG FOR THE SUBREGIONAL REAP GRANT DATED MARCH 25, 2021**

[See following pages]



AGENDA ITEM # 10

Status Report for Special Project: Evaluation of Regional Governance Model(s).

STAFF RECOMMENDATION

Receive and file.

SUMMARY

At the May 27, 2021, OCCOG Board of Directors meeting, staff was directed to provide the Board with information about the governing structure of the Southern California Association of Governments (SCAG), other statewide Master Planning Organizations (MPOs) and to explore options for structural changes and reforms to better serve the SCAG region. At the Board's subsequent meeting on August 26, 2021, the board discussed a strategic assessment of its governing role in the SCAG region. Following board discussion and review of the strategic planning report prepared by OCCOG's staff and consultant team, staff was directed to conduct stakeholder meetings within Orange County, as well as with regional, state, and federal officials to seek feedback on SCAG's governing processes, bylaws, and next steps that may be considered by OCCOG's board to improve regional governance.

BACKGROUND

Orange County is a thriving county of over 3.2 million residents, with 34 unique cities, world-class entertainment destinations, beaches, and sports venues. In nearly any other geographic location, such a populous and vibrant county would be able to exercise a greater level of self-determination over its planning activities. Instead, Orange County is part of the largest Metropolitan Planning Organization (MPO) in the country, the Southern California Association of Governments (SCAG), and beholden to the policy decisions that come forward via its regional governing body.

SCAG is comprised of 191 cities and six counties, representing 19 million residents, making it by far the largest MPO. Throughout SCAG's history, management of such a large and diverse region has become increasingly difficult.

The past eighteen months has been fraught with tension between the region's largest city, Los Angeles, and other parts of the SCAG region – not only as a result of the Regional Housing Needs Assessment (RHNA) but for myriad other policy and programmatic reasons. As part of this strategic planning effort, OCCOG is exploring other MPO and subregional governing models authorized in California and reviewing options for reform that include:



- Work within SCAG to adopt reforms resulting in greater local control, transparency, and governing parity for Orange County and all subregions;
- Consider merging with other subregion(s) or Metropolitan Planning Organization (MPO) with shared county borders, similar demographics, and/or governing objectives.
- Establish Orange County as its own MPO in California.

Since August, staff has conducted extensive outreach within Orange County and with regional stakeholders representing: Transportation, housing, economic, and community interests. The purpose of the stakeholder meetings is to obtain a comprehensive understanding of any potential impacts to transportation, housing, and land use planning as a result of reforms under consideration.

To date, meetings have been held with the Orange County City Managers Association, Building Industry Association of Orange County, Jamboree Housing, County of Orange, Orange County Transportation Authority, and the Transportation Corridor Agencies.

Additional meetings are planned over the next couple of months with Orange County mayors, additional housing advocates, California Department of Transportation, South Coast Air Quality Management District (AQMD), SCAG, SANDAG, Southern California BIA, Los Angeles Metropolitan Transportation Authority, City of Los Angeles, as well as state and federal officials in the region.

A complete report on all stakeholder feedback and recommendations will be provided to the OCCOG board in March 2022.

ATTACHMENTS

- A. OCCOG Strategic Planning: Options to innovate regional planning for Orange County and all Southern California communities
- B. List of County, Regional, State, Federal Stakeholders

STAFF CONTACT

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OCCOG Executive Director
949-216-5288
marnie@occog.com

OCCOG STRATEGIC PLANNING

Options to innovate regional planning paradigm for Orange County and all Southern California communities.

AUGUST 26, 2021

PREPARED BY:

KRIS MURRAY, OCCOG CONSULTANT



Executive Summary

Consideration of New Regional Planning Governance Model(s)

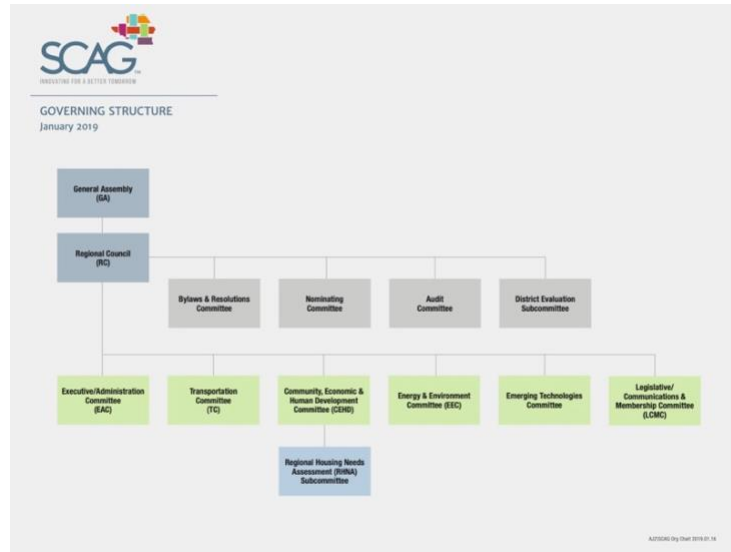
Southern California contends with the most severe multi-modal congestion and air quality in the country, an escalating housing crisis and unprecedented levels of homelessness, widespread disparities and access to quality jobs, education, water resources, and health care. Regional collaboration to address these vital issues is of paramount importance.

Federal law established metropolitan planning organizations (MPOs) to facilitate regional cooperation as the most effective way to address community planning, housing, transportation, and land-use matters that extend beyond individual jurisdictions. The intent was for regional planning agencies to foster collaboration and work with their local communities to plan for the future. Southern California counties, with the exception of San Diego, are governed by the Southern California Association of Governments (SCAG) the largest MPO in the United States.

Orange County is the sixth largest county in the United States (by population) and more populous than eight of the top 10 cities in the country. Representing 3.2 million people and 35 jurisdictions, Orange County is larger than 21 states. The county is significant not only for its size and population, but is also home to world-class coastal communities, resort districts, and championship sports teams. Some of the state and nation's most esteemed universities and largest employers, including entertainment, technology, manufacturing, and health care industries choose Orange County to operate their businesses.

However, as it pertains to regional planning for state and federal housing, transportation, and land-use planning for the region, Orange County regularly loses out on funding and policy discussions that have long-term impacts for its residents. The Orange County Council of Governments (OCCOG) is one of 15 designated subregional planning agencies in the SCAG region. SCAG oversees six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura), 191 incorporated cities, and more than 19 million people.

SCAG’s policy direction is guided by an 86-member Regional Council, which serves as its official governing board. Throughout SCAG’s history, given its size and scope, compliance with and implementation of regional transportation and housing programs has occasionally caused contention among the subregions. As state and federal regulations become more complex, it has become increasingly difficult for SCAG’s Regional Council to reach consensus on these critical regional issues.



Southern California is facing unprecedented challenges, from intensifying wildfire seasons and historic drought, responding to a global pandemic and the subsequent economic fallout, to an escalating housing crisis. It is essential to have a functional and responsive regional MPO that works cooperatively to improve our region’s resiliency and sustainability, as well as to ensure the quality of life and access to opportunities for all residents.

Recognizing the need for improvements, OCCOG’s board instructed staff to explore alternative MPO and subregional governing models legally authorized in California and to bring back a comprehensive report on options for reform to improve local control, transparency, and parity for regional planning. Specifically, OCCOG’s board is exploring several options as enumerated below:

1. Work internally within SCAG to adopt reforms resulting in greater local control, engagement, and leadership for Orange County and all subregions;
2. Consider merging with another subregion(s) or Metropolitan Planning Organization (MPO) such as the San Diego Association of Governments (SANDAG), with shared county borders, similar demographics, and governing objectives.
3. Establish Orange County as its own MPO in California.

What is an MPO and Why Does it Matter to Orange County?

As mentioned, MPO's were originally legislated by Congress as part of the Federal-Aid Highway Act of 1962 to ensure regional cooperation in transportation and land-use planning. Subsequent federal transportation authorization bills expanded the regulatory and programmatic roles of MPOs.

Under the 1973 Highway Act and the Urban Mass Transit Act, MPOs were designated to perform significant planning and programming of federally funded highway and transit projects.

Under federal transportation legislation in the 1990s, the Long Range Transportation Program (LRTP) and the Transportation Improvement Program (TIP), further expanded regional MPOs role in programming transportation projects. In addition, MPOs have a more significant role in regional transportation planning, with additional resources and powers authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Efficiency Act for the 21st Century (TEA-21).

In addition, with the passage of ISTEA, federal law was amended to make it more difficult to break up the SCAG region into independent MPOs. Specifically, federal law was amended to give the City of Los Angeles veto power over any other jurisdiction in the SCAG territory wishing to form its own MPO.

MPOs are federally funded and regulated for all urbanized areas (UZA) with more than 50,000 residents. In total, there are 408 MPOs in the United States. In the State of California, there are 18 MPOs, four of which are multi-county MPOs that coordinate planning in three or more counties. The legislative and regulatory role of MPOs at the state and federal level have long-term impacts on local communities as it pertains to housing, land-use, and transportation programming.

STATE AND FEDERAL COMPLIANCE

As the Southern California region's MPO, SCAG is responsible for overseeing significant state and federal program requirements for transportation, housing, clean air, and natural resources. Managing a federal and state regulatory framework that evolves on an annual basis is a massive undertaking for

a region of SCAG's size and complexity. The ability to maintain state and federal regulatory compliance has a direct nexus on the region's apportionment of hundreds of millions in state and federal funding. The two most significant long-range planning programs include the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the Regional Housing Needs Assessment (RHNA). SCAG also serves as the pass-through agency for state and federal transportation funding for the region.

REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY

The 2020-2045 Regional Transportation Plan (RTP) is a federally mandated long-term planning document that is the basis for federal transportation fund distribution. It must be updated every four years. The Sustainable Communities Strategy (SCS) was first mandated in 2012 as an outcome of new state legislation, SB 375, aimed at reducing greenhouse gas emissions (GHG's). Combined these two planning efforts are the region's long-range plan that projects future mobility and housing needs taking into account economic, environmental, and public health objectives. As the regional MPO, SCAG, develops the RTP/SCS, now called "Connect SoCal" in consultation with local governments, county transportation commissions (CTCs), tribal governments, non-profit organizations, businesses, and community stakeholders within the SCAG region. Currently, the 2024 ConnectSoCal planning process is underway and the framework and guidelines will be brought before the Regional Council in fall 2021 for approval.

SCAG's Connect SoCal document includes over 4,000 transportation projects, including highway improvements, railroad grade separations, transit programs, as well as pedestrian and bicycle lanes all intended to reduce emissions and improve mobility. The projects included in the RTP/SCS are provided to SCAG by each of the six county transportation commissions (CTCs). In Orange County this effort is led by the Orange County Transportation Authority (OCTA). The RTP/SCS is an important planning document for the region to qualify for significant federal funding. The planning accounts for operations and maintenance costs to ensure reliability, sustainability, and cost-effectiveness.

The adopted plan must also consider future growth projections and contemplates transportation and land-use strategies that achieve state greenhouse gas emission reduction goals and federal Clean Air

Act requirements, improve public health and roadway safety, support goods movement, and preserve open space.

REGIONAL HOUSING NEEDS ASSESSMENT (RHNA)

The RHNA process is mandated by State Housing Law as part of updating local Housing Elements for municipal General Plans. The California Department of Housing and Community Development (HCD) regulates the RHNA process, which is undertaken every eight years to quantify the need for housing units for residents in specified income ranges within each jurisdiction.

Communities use RHNA in land-use planning, to prioritize local resources, and decide how to address identified existing and future housing needs resulting from population, employment, and household growth. RHNA was developed and intended to be a resource for cities to plan for anticipated growth, so that collectively the region and subregion can grow in ways that enhances quality of life, improves access to jobs, and enhances transportation mobility. Most importantly, RHNA is intended to provide a roadmap for building enough housing to meet the needs of all California residents.

SCAG's process for allocating housing units through the RHNA process is influenced by political processes that create conflicts, rather than regional cooperation, between its diverse jurisdictions. In addition, the process for allocation of housing units to the SCAG region by HCD is a point of regional contention. This was the case most recently with the adoption of SCAG's 6th Cycle RHNA Allocation Plan. The outcome was a wide disparity in the distribution of new housing units regionally.

Ultimately, the private sector must provide the capital, financing, and labor to build new housing, including affordable housing for very low- and low-income residents, on the sites that jurisdictions identified through the RHNA process.

Options to Improve OCCOG'S Leadership Role and Local Control

The purpose of this report is to provide comprehensive data for OCCOG's board to consider viable options to improve local control, transparency, and governing parity for Orange County and all subregions represented by SCAG. All of these options would require varying degrees of expense, time, and staff resources to pursue.

Orange County agencies and officials have considered separating from SCAG multiple times since the early 1990s. In each instance, county officials ultimately determined to stay with the current system due to the complexities, as well as potential regulatory and funding impacts of separating from SCAG to form an independent MPO.

What has not been fully vetted in past considerations by Orange County officials, are the breadth of options OCCOG's Board is currently considering. In addition to possibly forming a new, independent MPO, additional options include merging with another MPO or combining with other subregions to create a new, multi-jurisdiction MPO. There are also steps OCCOG and other jurisdictions could take to reform SCAG's governing structure and committee processes.

Below are the three options under consideration:

a) Develop reforms within SCAG to achieve greater governing integrity and parity among the Regional Council members and subregions.

The composition of SCAG's Regional Council and governance has not been substantially changed in decades. Collectively, the local jurisdictions within Los Angeles County have a significant governance advantage based on the Regional Council's membership and voting structure. As such, all other member jurisdictions are constrained by funding, planning, and regulatory decisions influenced by the Los Angeles delegation. There are reforms OCCOG could assist in leading with other regional partners to amend SCAG's bylaws to create a level playing field and in the long-term, ensure greater regional collaboration.

b) PROCESS

SCAG is governed by a set of bylaws that can only be changed through a process that requires action by the Regional Council, as well as approval during the annual General Assembly. The process requires notification to SCAG's President at least 45 days in advance of the annual General Assembly. OCCOG's Board would be required to submit proposed changes as a resolution to the Regional Council. A Resolutions Committee would then be formed by SCAG's President to review the changes and make recommendations to

the Regional Council. With approval by the Regional Council, the resolution would be agendized for consideration at the General Assembly.

c) ADVANTAGES

OCCOG and other jurisdictions could achieve a more collaborative governance structure, as well as planning and policy reforms, while maintaining the current SCAG structure. This option has far less legal, regulatory, and legislative requirements than forming a new MPO. If successful, reforms could be implemented much more quickly and at much less expense. Rather than separating from SCAG, this option is diplomacy-based and could strengthen Orange County's leadership role in the region.

d) DISADVANTAGES

Every decade for the past 30 years, Orange County has considered the option of separating from SCAG. The reasons are consistent over time, primarily a lack of local control and negative impacts on Orange County cities as a result of policy decisions made by SCAG's Regional Council. This option would not provide independence for Orange County that separating from SCAG and establishing a new MPO would provide.

e) Consider joining another MPO or forming a MPO among other subregions

There are 15 Councils of Government (COGs) in the SCAG region. OCCOG shares a border with the Western Region Riverside Council of Governments (WRCOG) and Gateway Cities Council of Governments (GCCOG), two subregions that have developed innovative programming within the SCAG region. OCCOG also shares a border with the San Diego Association of Governments (SANDAG) and could initiate the process to leave SCAG and join SANDAG or consider joining another MPO.

a. PROCESS

The same process to form an independent MPO is required to separate from SCAG (see below). In addition, OCCOG would need to secure approval by the appropriate jurisdiction(s) to join another MPO or to combine with one or more subregions to form a new MPO.

b. ADVANTAGE

By working with another MPO that shares the same objectives for local control, transparency, and governing parity, OCCOG would assist in the formation and development of governing principles to ensure the county’s planning and regulatory objectives are met.

c. DISADVANTAGE

The steps, resources, and time required to pursue this option are significant. In addition, Orange County would not achieve full independence and self-determination for planning of housing, transportation, and land-use planning.

f) Create a New MPO

The process for Orange County to create a new MPO is complex, requires changes in federal law, and a complex approval process by local, state, and federal officials. If a subregion within an existing metropolitan planning area pursues forming their own MPO, the steps within existing state and federal law are extensive and enumerated below.

a. PROCESS

Phase I: Initial Legal Steps

- g) Largest incorporated city in the subregion (OCCOG’s is Anaheim) must agree;
- h) 75 percent of the city councils within the county must agree (34 cities);
- i) U.S. Census Bureau must approve creating (1) Urbanized Area out of (2) – can be done every 10 years through the census.
 - a. Los Angeles-Long Beach-Anaheim, CA UZA
 - b. Mission Viejo-Lake Forest-San Clement, CA UZA

Phase II: If initial legal steps are met, SCAG redesignation is triggered and the following actions are required.

- j) City of Los Angeles must approve;
- k) A majority of SCAG’s Regional Council must approve (covering 75 percent of population for SCAG region);
- l) SCAG Bylaws must be amended, which requires:

- a. Regional Council approval; and
 - b. General Assembly approval.
- m) California’s Governor must approve.

a. ADVANTAGES

- n) Orange County would directly receive federal planning funds for MPO functions.
- o) Provides Orange County greater local control in determining planning priorities and eliminates impacts of decisions made by jurisdictions with different or conflicting interests.
- p) MPO would be smaller, more nimble, and responsive to Orange County’s cities, residents, businesses and community stakeholders.

a. DISADVANTAGES

- q) Orange County has a much smaller state and federal delegation than SCAG’s to compete for funding and legislative priorities.
- r) Orange County would assume full liability for transportation (RTP/SCS), housing (RHNA), and state and federal requirements for greenhouse gas emissions and targets.
- s) Orange County would remain in the South Coast Air Basin and would be required to submit regional conformity findings regardless of MPO boundaries.
- t) Establishing a MPO would require significant investment to stand-up and operate a new agency. Requires voluminous data bases and software to perform MPO compliance analyses.
 - a. Significant duplication of SCAG resources that would not be available to OCCOG as an MPOResources/funds needed (compare OCCOG's SCAG dues to SCAG's budget)

b. facilities

c. capital equipment

d. software

e. personnel: staff, consultants, auditors, counsel.

u)

CONCLUSION

MPOs were established in federal law to create regional entities that work collaboratively to implement state and federal programs. As this report outlines, there are numerous models, sizes, and governance structures for MPOs within the State of California. The SCAG region has some unique federal requirements for any subregion or jurisdiction to easily separate from SCAG and form its own MPO. There are also significant funding and policy implications if OCCOG were to separate from SCAG in any capacity.

As one of SCAG's 15 subregional planning organizations, OCCOG has the ability to take a leadership role, in collaboration with other jurisdictions, to develop and advocate for reforms to SCAG's bylaws focused on improving the quality of regional planning and governance. Alternatively, OCCOG can take the necessary steps to form its own MPO, align with another MPO, or form a new MPO with other subregions.

Following the Board's consideration of these options, addressing identified questions, and Board direction on next steps, it is recommended that the Board's executive leadership and staff conduct extensive outreach within Orange County and with regional stakeholders, representing transportation, housing, economic, and community interests, to obtain a comprehensive understanding of any potential impacts. OCCOG staff will then be better-equipped to develop a strategic plan, budget, and resources needed to advise the Board further on how best to proceed.

APPENDIX A

MPOs and their Governing Models Operating in California

As referenced, there are 18 MPOs in the State of California. They vary by geography, demographics, governing models, and voting structures. A summary of all 18 MPOs operating in the State of California is posted below as a reference:

- v) Association of Monterey Bay Area Governments (AMBAG)**
- w) Designated MPO and Council of Governments (COG)
- x) Regional MPO Governance: 24 Members
 - a. 18 cities; three counties

- b. Each member city has one representative on the board; Each member county has two representatives on the board.

y) 1 Subregional COG: San Benito Council of Governments (SBCOG)

- a. Joint Powers Agreement (JPA) with County of San Benito, and cities of Hollister and San Juan Bautista.
- b. Local Transportation Authority (LTA)
- c. Airport Land Use Commission (ALUC)
- d. Service Authority for Freeways and Expressways (SAFE)
- e. Measure A Authority (MEA)

z) Butte County Association of Governments (BCAG)

aa) Five cities; one county (Butte)

bb) Regional MPO Governance: Five Members

- a. One representative from each member city, and
- b. Five County Supervisors each have one seat on the board.

cc) Fresno Council of Governments (FresnoCOG)

dd) 15 cities; one county (Fresno)

ee) Regional MPO Governance: 16 Members

- a. Chairman of the County Board of Supervisors or their designated elected official.
- b. Mayors of each incorporated city.
- c. Voting System:
 - i. Fresno COG has a “double-weighted” voting system to ensure urban/rural balance.
 - 1. Each member has a percentage of the vote based on population.
 - ii. To approve any action the vote must pass two tests:
 - 1. Agencies representing over 40 percent of the population must be in favor of an action, AND

2. A majority of all the members must support the action (9 of 16).

ff) Kern Council of Governments (KCOG)

gg) 11 cities; one county (Kern)

hh) Regional MPO Governance: 13 Members two ex-officio representatives.

- a. One elected official from each of the 11 incorporated cities,
- b. Two Kern County Supervisors, and
- c. Ex-officio members representing Caltrans and Golden Empire Transit District.

ii) Kings County Association of Governments (KCAG)

jj) Four cities; one county (Kings)

kk) Regional MPO Governance: Six Members

ll) One Representative for each city.

mm) Two Representatives from County Board of Supervisors.

nn) Caltrans District 6 staff serves in advisory capacity.

oo) Madera County Transportation Commission (Madera CTC)

pp) Two cities; one county (Madera)

qq) Regional MPO Governance: Six Members

rr) 3 Members from the Madera County Board of Supervisors,

ss) 2 Members from the City of Madera,

tt) 1 Member from the City of Chowchilla, and

uu) Caltrans District 6 staff serves in advisory capacity.

vv) Merced County Association of Governments (MCAG)

ww) Six cities; one county (Merced)

xx) Regional MPO Governance: 11 Member Board

yy) One elected official from each of the six incorporated cities, and

zz) Five County Supervisors – one from each of the five county districts.

- aaa) Metropolitan Transportation Commission (MTC)**
- bbb) 101 cities; nine counties
- ccc) One Subregion – Association of Bay Area Governments (ABAG) Not AMBAG, listed above.
- ddd) Regional MPO Governance: 21 Commissioners; 18 of them voting members, representing all nine Bay Area counties.
- eee) Alameda and Santa Clara counties each have three representatives, one selected by the county Board of Supervisors; one selected by the mayors of the cities in each county; and one appointed by the mayors of the counties' largest cities, Oakland and San Jose.
- fff) San Francisco is represented by three members as well, one appointed by the Board of Supervisors; one by the mayor; and a third selected by the Bay Conservation and Development Commission (BCDC), whose representative is required by state law to be a San Francisco resident.
- ggg) Contra Costa and San Mateo counties each have two representatives, one selected by each county's Board of Supervisors; and the other selected by the mayors of the cities in each county.
- hhh) Marin, Napa, Solano, and Sonoma counties each appoint one MTC commissioner to represent both their Board of Supervisors and the cities within each county.
- iii) ABAG also selects a local elected official from its board to sit on MTC.
- jjj) Three ex-officio non-voting members represented by:
 - kkk) U.S. Department of Transportation
 - lll) U.S. Department of Housing and Urban Development
 - mmm) California State Transportation Agency
- nnn) Sacramento Area Council of Governments (SACOG)**
- ooo) 22 cities; six counties
- ppp) Regional MPO Governance: 28 Members

qqq) Each member county may appoint one representative who must be a county supervisor and appointed by the Board of Supervisors of the appointing county (with the exception of Sacramento County).

rrr) Sacramento County Board of Supervisors may appoint one, two or three representatives from the Board of Supervisors.

sss) City of Sacramento shall appoint one or two representatives from the Mayor or City Council.

ttt) Every other city shall appoint one representative from the Mayor, City Council, or County of the appointing City.

uuu) Voting System:

a. **Population:** Each director's vote shall be counted as the total population of the Director's appointing agency. Action by the board shall require an affirmative vote of at least a majority of the total population.

b. **Member Cities:** Each director appointed by a City shall have one vote, except as provided below for the City of Sacramento. Action by the board shall require an affirmative vote from at least a majority of the Directors representing member Cities present and voting.

c. **Member Counties:** Each Director appointed by a County shall have one vote, except as provided below for the County of Sacramento. Action by the board shall require an affirmative vote from at least a majority of the Directors representing member counties present and voting.

vvv) Director(s) appointed from the County of Sacramento shall have a total of three votes, divided equally among those Directors present and voting.

www) Director(s) appointed from the City of Sacramento shall have a total of three votes, divided equally among those Directors present and voting.

xxx) San Diego Association of Governments (SANDAG)

yyy) 18 cities; one county (San Diego)

zzz) Regional MPO Governance: 19 member agencies constitute the Board of Directors.

aaaa) In all votes except when electing the Chair and First Vice Chair (see below) a majority vote of the Board Members present on the basis of one vote per agency

(tally vote) is required. After the tally vote of the Board Members, a weighted vote may be called by the Board Members of any two Member Agencies unless otherwise required by law. Approval under the weighted vote procedure requires the vote of not less than four board members representing separate Member Agencies and not less than 51% of the total weighted vote to supersede the original action of the board.

bbbb) The election of the Chair and First Vice Chair shall require of the weighted vote procedure. For the weighted vote, there shall be a total of 100 votes. Each member agency shall have that number of votes determined by an apportionment formula outlined in bylaws.

cccc) San Joaquin Council of Governments (SJCOG)

dddd) Seven cities; one county (San Joaquin)

eeee) Regional MPO Governance: 12 Members

ffff) One representative from cities of Ripon, Escalon, Lathrop, Lodi, Manteca, and Tracy;

gggg) Three representatives from the city of Stockton; and

hhhh) Three representatives from the county Board of Supervisors.

iiii) Advisory representatives from Caltrans District 10, San Joaquin Regional Transit District, and Port of Stockton.

a. San Joaquin Valley Regional Policy Council is an Advisory Board that also provides guidance on San Joaquin Valley-wide subject matters.

jjjj) San Luis Obispo Council of Governments (SLOCOG)

kkkk) Seven cities; one county (San Luis Obispo)

llll) Regional MPO Governance: 12 Delegates

mmmm) Five members from the County Board of Supervisors, and

nnnn) One Representative from each of the seven member cities: One representative from each member city: Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach and San Luis Obispo.

oooo) Santa Barbara County Association of Governments (SBCAG)

pppp) Eight cities; one county (Santa Barbara)

qqqq) Regional MPO Governance: 13 Members

- a. Five county supervisors, and
- b. One city council member from each of the eight cities within the County.
- c. Quorum requires a simple majority with at least one representative from the County.

rrrr) Shasta County Regional Transportation Planning Agency (SCRTPA)

ssss) Three cities; One county (Shasta County);

tttt) Regional MPO Governance: Seven Members

- a. Three members of the Shasta County Board of Supervisors,
- b. One member from each of the three cities, and
- c. One member Redding Area Bus Authority.

uuuu) Southern California Association of Governments (SCAG)

vvvv) 191 cities, six counties (Orange, Los Angeles, Imperial, Riverside, San Bernardino, Ventura)

wwww) 15 Sub-Regions

xxxx) Imperial County Transportation Commission (CTC)

yyyy) Arroyo Verdugo Cities

zzzz) City of Los Angeles

aaaaa) Gateway Cities Council of Governments (GCCOG)

bbbbbb) Las Virgenes/Malibu Council of Governments

cccc) North Los Angeles County

dddddd) San Gabriel Valley Council of Governments (SGVCOG)

eeeeee) San Fernando Valley Council of Governments (SFVCOG)

fffff) South Bay Cities Council of Governments (SBCCOG)

ggggg) Westside Cities Council of Governments (WCCOG)

hhhhh) Orange County Council of Governments (OCCOG)

iiiiii) Coachella Valley Council of Governments (CVAG)

jjjjj)Western Riverside Council of Governments (WRCOG)

kkkkk) San Bernardino County Transportation Authority (SBCTA)/San Bernardino Council of Governments (SBCOG)

lllll)Ventura Council of Governments (VCOG)

mmmmm) Regional MPO Governance: 86 Members

nnnnn)The Regional Council is composed of 67 Districts that include one elected representative of one or more cities of approximately equal population that have a geographic community of interest. Exception, City of Long Beach has two representatives.

ooooo)SCAG's Regional Council includes one representative from each county Board of Supervisors (except the County of Los Angeles, which has two representatives).

ppppp)One representative of the Southern California Native American Tribal Governments.

qqqqq)All members representing the Los Angeles City Council and the Mayor of Los Angeles who serves as the city's At-Large Representative.

rrrrr) Stanislaus Council of Governments (StanCOG)

sssss) 9 Cities; 1 County (Stanislaus)

ttttt) Regional MPO Governance: 16 Members

uuuuu)3 Representatives from the Modesto City Council

vvvvv) 1 Representative from each of the other 8 City Councils

wwwww) 5 representatives from the Stanislaus County Board of Directors

xxxxx) Tahoe Metropolitan Planning Agency (TMPA)

yyyyy) 14 Member Governing Board (with non-voting federal representative)

a. 7 members from California

b. 7 members from Nevada

zzzzz) Tulare County Association of Governments (TCAG)

aaaaa) Eight cities; one county (Tulare)

bbbbb) Regional MPO Governance: 17 Members

- a. Five members from the Board of Supervisors,
- b. One elected representative from each City, and
- c. Three Residents (over the age of 18) appointed by majority vote of elected members.

APPENDIX B

Glossary of Terms

ABAG	Association of Bay Area Governments
ALUC	Airport Land Use Commission
AMBAG	Association of Monterey Bay Area Governments
AQMP	Air Quality Management Plan
BCAG	Butte County Association of Governments
BDAC	Bay Conservation and Development Commission
CEQA	California Environmental Quality Act
COG	Councils of Government
CTC	County Transportation Commissions
CVAG	Coachella Valley Council of Governments
EIR	Environmental Impact Report
FresnoCOG	Fresno Council of Governments
GCCOG	Gateway Cities Council of Governments
GHG	Greenhouse Gas Emissions
HCD	California Department of Housing and Urban Development
ImperialCTC	Imperial County Transportation Commission
JPA	Joint Powers Agreement
KCAG	Kings County Association of Governments
KCOG	Kern Council of Governments
LRTP	Long Range Transportation Program
LTA	Local Transportation Authority
MaderaCTC	Madera County Transportation Commission
MCAG	Merced County Association of Governments

MPO	Metropolitan Planning Organization
MTC	Metropolitan Transportation Commission
OCCOG	Orange County Council of Governments
OCTA	Orange County Transportation Authority
RHNA	Regional Housing Needs Assessment
RTP	Regional Transportation Plan
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
Connect SoCal	Name for SCAG Region’s RTP/SCS document
SACOG	Sacramento Area Council of Governments
SAFE	Service Authority for Freeways and Expressways
SANDAG	San Diego Association of Governments
SBCAG	Santa Barbara County Association of Governments
SBCOG	San Bernardino Council of Governments
SBCCOG	South Bay Cities Council of Governments
WRCOG	Western Riverside Council of Governments
VCOG	Ventura County Council of Governments



**OCCOG Stakeholder Meetings
Strategic Planning: Options for Regional Planning Governance Models**

September 2021 – February 2022

I. Meetings conducted by December 6, 2021

OCTA – October 25 at 11am

Brian Goodell, Board Member

Darrell Johnson

Lance Larson

Transportation Corridor Agencies – October 25 at 12pm

Samuel Johnson

OCBC – October 29 at 10am

Lucy Dunn

OC City Managers Association – October 27 at 11am

Jim Vanderpool, Chairman

Member Cities

OC Building Industry Association – November 8 at 10am

Adam Wood

Jamboree Housing – November 9 at 3pm

Laura Archuleta

Kelsey Brewer

County of Orange – November 22 at 11am

Frank Kim

City of Garden Grove – December 3 at 9am

Mayor Steve Jones

II. Meetings to be conducted by March 1, 2022

Mayors of 10 Largest OC Cities: Requested and waiting confirmation

Anaheim Mayor Harry Sidhu

Santa Ana Mayor Vince Sarmiento

Irvine Mayor Farrah Khan

Newport Beach Mayor Brad Avery

Orange Mayor Mark Murphy

Costa Mesa Mayor John Stephens

Fullerton Mayor Bruce Whitaker

Laguna Beach Mayor Bob Whalen

Housing Advocates: Requested and waiting confirmation

Irvine Company

Steve Schuyler
Steve LaMotte

Five Points/Lennar

Greg McWilliams
Patrick Strader

Rancho Mission Viejo

Mike Balsamo

Department of Transportation

David Kim

SCAG

Kome Ajjise

SANDAG

Hasan Ikhata

Southern California BIA

Jeff Montejano

Assembly

Members of Orange County Delegation

Senate

Members of Orange County Delegation

U.S. House of Representatives

Members of Orange County Delegation

LA Metro

Stephanie Wiggins
Michael Turner

Metrolink

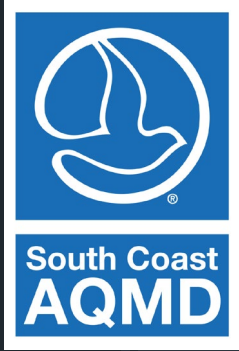
Orange Mayor Mark Murphy, Board Member
Darren Kettle

City of Los Angeles

Mayor Garcetti's office
Appropriate Transportation and Housing Staff

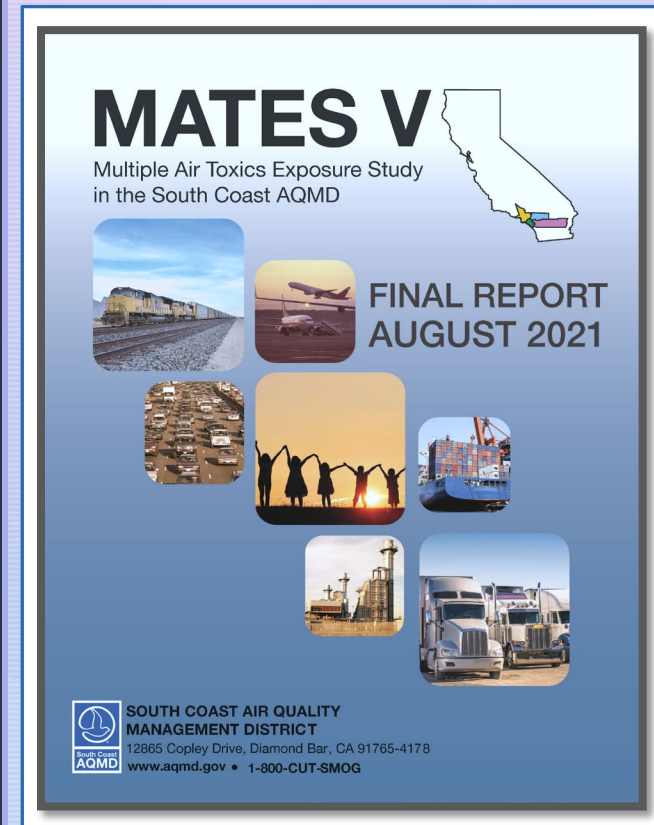
AQMD

Supervisor Lisa Bartlett, Board Member
Yorba Linda Councilman Carlos Rodriguez, Board Member
OC Rep, Debra Reed



Multiple Air Toxics Exposure Study V (MATES V)

Planning, Rule Development, and Area Sources
South Coast Air Quality Management District



OCCOG BOD Meeting

December 6, 2021

MATES V Report Components

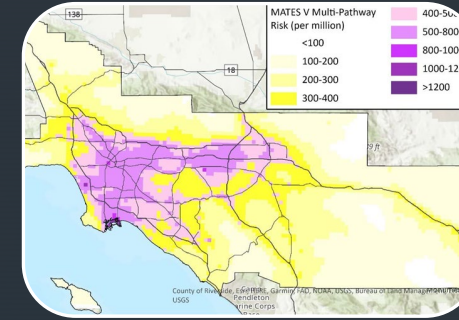
Air Monitoring



Emissions Inventory



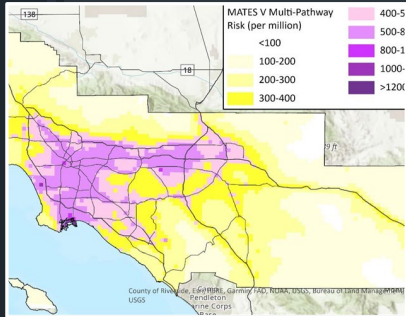
Health Risk Modeling



- MATES analyses conducted approximately every 6 years
 - Multi-year approach provides ability to view toxics impacts through time
 - >60 staff involved
 - >100 Pollutants Measured
- Approach:
 - Year-long monitoring campaign for a comprehensive suite of toxic air pollutants with measurements every 6th day at 10 stations
 - Comprehensive modeling analysis using emissions inventories for all sources

Analysis provides most comprehensive picture of cumulative air toxics risk in region

MATES V: Summary of Results



Air toxics cancer risk decreased by ~50% since 2012, but risks are still high



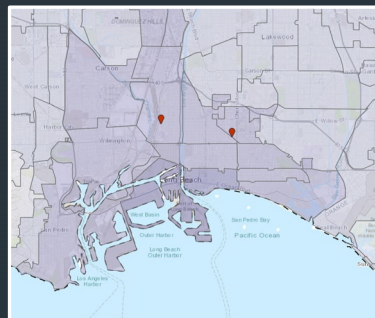
EJ communities also had decreased air toxics levels, but still higher compared to Basin averages



Diesel PM is the main contributor to air toxics cancer risk



Air toxics cancer risks were higher along goods movement corridors and major freeways



Visualization of results with interactive data displays

- Monitoring data dashboard
- Data visualization tool