



Orange County Council of Governments

AGENDA

Orange County Council of Governments
Board of Directors Meeting

August 24, 2023 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.

Los Olivos Community Center
101 Alfonso Dr. Irvine, CA 92618
1 669 900 6833 Meeting ID Number: 811 8116 5205
Password: 221286- 10:30 a.m. to 12:30 p.m.

NOTICE

Pursuant to Government Code Section 54953(b), this Regular Board Meeting includes teleconference participation by:

District 19 – Director Leon - 200 S Anaheim Blvd, Anaheim, CA 92805

District 16 – Director Amezcua - 20 Civic Center Plaza, Room 813, Santa Ana, CA 92701

Board Members (Voting)

District 13 Chair Wendy Bucknum

County of Orange SCAG Representative Vice Chair Don Wagner

District 12 John Gabbard

District 14 Tammy Kim

District 15 Lauren Kleiman

District 16 Valerie Amezcua

District 17 Jon Dumitru

District 18 Marshall Goodman

District 19 Ashleigh Aitken

District 20 Joe Kalmick

District 21 Art Brown

District 22 Marty Simonoff

District 64 Casey McKeon

Cities-at-Large Rose Espinoza

Independent Special Districts of Orange County (ISDOC) Mike Schaefer

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) Diana Kotler

Association of California Cities, Orange County (ACC-OC) Kris Murray

Business Community (OCBC) Jennifer Bullard



AGENDA

August 24, 2023 at 10:30 AM

Caltrans District 12 Lan Zhou

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

Non-Profit Housing Community Helen O'Sullivan

League of California Cities Erin Sasse

Private Sector Adam Wood

University Community Amanda Hughes

Orange County Hispanic Chamber of Commerce Eddie Marquez

Vacant County-at-Large

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

August 24, 2023 at 10:30 AM

1. Closed Session

Fred Galante, General Counsel

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9:

OCCOG, et al. vs. Gustavo Velasquez, California Dept. of Housing and Community Development
(2nd Appellate Dist. Case No. B317856; Superior Court Case No. 21STCP01970)

Consent Calendar (Item Nos. 2 -4)

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.

2. Approval of Meeting Minutes for June 22, 2023, Regular Meeting and June 29, 2023, Special Meeting

Kathryn Morrison, OCCOG Clerk of the Board

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

3. OCCOG Financial Reports for June and July 2023

Steven Dobrenen, OCCOG Treasurer

Recommended Action: *Approve the OCCOG Financial Reports for June and July 2023.*

4. Approval of Bank Resolution 2023-002 for changing signatories on bank accounts

Steven Dobrenen, OCCOG Treasurer

Recommended Action: *Approval of bank resolution 2023-002 for changing signatories on bank accounts.*

Action Items

5. Legislative Update

Wendy Strack, Legislative Consultant

Recommended Action: That the OCCOG Board of Directors adopt the following positions on legislation: Support AB 744 and SB 617.

6. Approval of Agreement with Pictometry to extend Orange County Data Acquisition Partnership (OCDAP) Cycle 1 Pictometry Connect online platform

Deborah Diep, Center for Demographic Research



Recommended Action: *Approve and authorize OCCOG Executive Director to execute Agreement with Pictometry to extend the Orange County Data Acquisition Partnership (OCDAP) Cycle 1 Pictometry Connect online platform through December 31, 2023.*

- 7. Approval of New Contract with IBIS Consulting, LLC for REAP Project Management Services**
Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve new contract with Ibis Consulting, LLC for REAP project management services in an amount not to exceed \$8000/ month. Project management services included in this contract will be funded entirely with REAP dollars and will not impact OCCOG's Board-approved operational budget. The term of the contract will go through June 2026.*

- 8. Authorization to Update OCCOG's REAP 1.0 Scope of Work Authorization Form and Memorandum of Understanding**
Marnie O'Brien Primmer, Executive Director

Recommended Action: *Authorize OCCOG Executive Director to modify the Regional Early Action planning Grant (REAP) Scope of Work Authorization Form (SAF) and Memorandum of Understanding (MOU) with SCAG to reflect an extension for Task 1.2.3 to a completion date of February 14, 2024. Additionally, authorize the adjustment of task and project totals as-needed to expend all funds by the extended deadline.*

- 9. Authorization to Pursue FY 2024 EPA Brownfield Grant Funding**
Marnie O'Brien Primmer, OCCOG Executive Director

Recommended Action: Authorize OCCOG Executive Director to procure Grant Writing and Implementation Services related to the 2024 EPA Brownfield Grant funding opportunity of up to \$1.5M to support OCCOG jurisdictions rezoning efforts. Authorize the OCCOG Executive Committee to release procurement documents, select successful consultant, and approve grant application submittal, as needed based on program deadlines.

OCCOG Leadership Reports

- 10. Chair's Report**
Wendy Bucknum, OCCOG Chair
- 11. Executive Director's Report**
Marnie O'Brien Primmer, OCCOG Executive Director

Presentations

- 12. Presentation of REAP 1.0 Work Products**
Kendra Chandler, ULI



Recommended Action: *Receive and File.*

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 Chair
- **Southern California Association of Governments**
Sarah Patterson, Manager of Government Affairs, SCAG
- **South Coast Air Quality Management District**
Carlos Rodriquez, OCCOG Director; Debra Ashby, Senior Public Information Specialist SCAQMD;
Link to August edition of SCAQMD Advisor Newsletter:
<http://www.aqmd.gov/home/research/pubs-docs-reports/newsletters/current-edition>
- **Board Member Reports**
- **Member Agency Reports**
- **Staff Member Reports**

Future Agenda Items

Adjournment of Regular Meeting

The next OCCOG Regular Meeting will be on September 28, 2023 at the Quail Hill Community Center.



MINUTES

Thursday, June 22, 2023 | 10:30 a.m.

Call to Order

Chair Bucknum called the Regular Meeting of the Orange County Council of Governments to order at 10:32 a.m. on Thursday, June 22, 2023, via Zoom; at 1 669 900 6833, Meeting ID Number: 864 9259 5650, passcode 004766.

Board Members Present

District 13 Chair Wendy Bucknum

County of Orange SCAG Representative Vice Chair Don Wagner

District 12 John Gabbard

District 14 Tammy Kim

District 17 Jon Dumitru

District 20 Joe Kalmick

District 21 Art Brown

District 22 Ward Smith (Alternate)

Cities-at-Large Rose Espinoza

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

Orange County Sanitary District (OCSD) David Shawver

South Coast Air Quality Management District (SCAQMD) Carlos Rodriguez

Transportation Corridor Agency (TCA) Scott Voigts

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

Private Sector (Ex-Officio) Adam Wood

Caltrans District 12 (Ex-Officio) Chris Flynn on behalf of Ryan Chamberlain

Orange Co. Local Agency Formation Commission (OC-LAFCO) (Ex-Officio) Luis Tapia (Alternate)

Hispanic Chamber of Commerce Eddie Marquez

League of California Cities, Orange County, (LOCC-OC) (Ex-Officio) Connor Medina

Board Members Absent

District 15 Lauren Kleiman

District 16 Valerie Amezcua

District 18 Marshall Goodman

District 19 Ashleigh Aitken

District 64 Casey McKeon

Orange County Transportation Authority (OCTA) Brian Goodell

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

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

Association of California Cities, Orange County (ACC-OC) (Ex-Officio) Kris Murray

University Community Amanda Walsh

Board Vacancies

Health Care/Hospital Industry (Ex-Officio)



MINUTES

Thursday, June 22, 2023 | 10:30 a.m.

Staff Present

Marnie O’Brien Primmer, Executive Director
Fred Galante, General Counsel
Lisa Telles, Consultant
Kathryn Morrison, Clerk of the Board

Others Present

Justin Equina, TAC Chair
Deborah Diep, Center for Demographic Research Director
Sarah Patterson, Manager of Regional Services

Pledge of Allegiance Director Jon Dumitru

Public Comments None

Quorum Present

(Chair) Bucknum (Vice Chair) Don Wagner, Tammy Kim, John Gabbard, Joe Kalmick, Art Brown, Ward Smith, Rose Espinoza, Mark Monin, David Shawver, Carlos Rodriguez, Scott Voigts

Oaths of Office

Fred Galante, General Counsel
o **Council Member John Gabbard**

Council Member, John Gabbard was sworn in to represent SCAG District 12 on the OCCOG Board of Directors. District 12 includes the City of Dana Point.

DW = D. Wagner	JG = J. Gabbard	WB=W. Bucknum	TK= T. Kim	LK= L. Kleiman
VA= V. Amezcua	JD= J. Dumitru	MG = M. Goodman	JK= J. Kalmick	AB = A. Brown
MS = M. Simonoff	CM = C. McKeon	RE = R. Espinoza	MS = M. Scheafer	DS = D. Shawver
	BG = B. Goodell	CR = C. Rodriguez	SV = S. Voigts	

Legend: Y=YES, N=NO, C=CONFLICT, ABS=ABSTAIN, A=ABSENT, P=PRE

1. Closed Session

Fred Galante, General Counsel

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9:
OCCOG, et al. vs. Gustavo Velasquez, California Dept. of Housing and Community Development (2nd Appellate Dist. Case No. B317856; Superior Court Case No. 21STCP01970)

The OCCOG Board received an update on the case and no further reportable action was taken.



Consent Calendar (Item Nos. 2 - 4)

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.

- 2. Approval of Meeting Minutes for June 22, 2023, Regular Meeting**
Kathryn Morrison, OCCOG Clerk of the Board

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

- 3. OCCOG Financial Reports for June and July 2023**
Steven Dobrenen, OCCOG Treasurer

Recommended Action: *Approve the OCCOG Financial Reports for June and July of 2023.*

- 4. Amendment No. 1 to Memorandum of Understanding with SCAG for Regional Early Action Planning (REAP) 1.0 Grant Partnerships and Outreach**
Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve Amendment No. 1 to Memorandum of Understanding with SCAG for REAP 1.0 Grant Partnerships and Outreach.*

Due to lack of quorum consent calendar items 2-4 were not voted on.

Action Items

- 5. Legislative Update**
Marnie O'Brien Primmer, Executive Director

Recommended Action: *Take position legislation as recommended by staff.*

Marnie O'Brien Primmer, Executive Director, provided an update on legislation: Support AB 701, SB 229 and Oppose AB 6, AB 7, AB 976.

Due to a lack of quorum Item 5 was not voted on.

- 6. OCCOG Budget for Fiscal Year 2023-24**
Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve the FY 2023-24 Budget as presented or amended.*
Marnie O'Brien Primmer, Executive Director



Marnie provided an overview of the budget for the fiscal year 2023-24. Due to a lack of quorum Item 6 was not voted on.

7. OCCOG Work Plan for Fiscal Year 2023-24

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve the OCCOG Work Plan for Fiscal Year 2023-24 as presented or amended.*

Marnie provided an overview of the Work Plan for Fiscal Year 2023-24. Due to a lack of quorum Item 7 was not voted on.

8. Approval of OCCOG REAP 2.0 Application

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve OCCOG REAP 2.0 application as presented or amended.*

SCAG granted us an extension for \$3.15 million, the deadline of June 30, 2023, and lack of quorum brings a challenge to meet the deadline. Marnie provided an outline of the 2.0 application and process. Adam Eliason provided an update from the OCHFT and how the REAP process applies to housing. Due to lack of quorum Item 8 was not voted on.

9. 2024 OCCOG Annual Conference Date and Location

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve Annual Conference Date and Location.*

Due to a lack of quorum this item did not voted on.

OCCOG Leadership Reports

10. Chair's Report

Don Wagner, OCCOG Vice Chair

11. Executive Director's Report

Marnie O'Brien Primmer, OCCOG Executive Director

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.



MINUTES

Thursday, June 22, 2023 | 10:30 a.m.

- **OCCOG Technical Advisory Committee**

Justin Equina, Technical Advisory Committee Chair

TAC Chair provided a brief update on call bench services status updates REAP 1.0 and model ordinances on SB9 and ADU's. SCAG is in the process of evaluating and comparing the development review pattern to see if it's better performing. We should hear back early this fall and there are two listening sessions today.

- **Southern California Association of Governments**

Sarah Patterson, Manager of Government Affairs, SCAG

- **South Coast Air Quality Management District**

Debra Ashby, Senior Public Information Specialist SCAQMD;

- Debra Ashby announced SCAQMD's Voucher Incentive Program for On-Road Heavy-Duty Vehicles for companies with fleets of 10 or fewer. For information visit: <http://www.aqmd.gov/home/programs/business/business-detail?title=voucher-incentive-program&parent=vehicle-engine-upgrades>

- **Board Member Reports**

- **Connor Medina** announced his new role at the California League of Cities.

- **Member Agency Reports**

- **Staff Member Reports**

Future Agenda Items

Adjournment of Regular Meeting

The June OCCOG Board of Directors was adjourned at 12:07 PM.

The next OCCOG Regular Meeting will be on August 24, 2023, at the Los Olivos Community Center.



MINUTES

Special Meeting - June 29, 2023 | 11:00 a.m.

Call to Order

Chair Bucknum called the Special Meeting of the Orange County Council of Governments to order at 11:03 a.m. on Thursday, June 29, 2023, via Zoom; at 1 669 900 6833, Meeting ID Number: 850 6019 3848, passcode 170147.

NOTICE

Pursuant to Government Code Section 54953(b), this Special Meeting of the Board of Directors includes teleconference participation by:

Vice Chair Don Wagner – 400 W. Civic Center Drive, Santa Ana, CA 92701
District 16 – Valerie Amezcua – Santa Ana City Hall - 20 Civic Center Plaza, Santa Ana CA 92701
District 18 – Marshall Goodman – Doubletree - 7000 Beach Blvd, Buena Park, CA 90620
District 19 – Carlos Leon – Anaheim City Hall - 200 S. Anaheim Blvd, Anaheim, CA 92805
District 20 – Joe Kalmick – Seal Beach City Hall - 211 8th St. Seal Beach, CA 90740
District 21 – Art Brown – Buena Park City Hall – 6650 Beach Blvd. Buena Park, CA 90622-5009
District 22 – Marty Simonoff – Brea City Hall - 1 Civic Center Cir, Brea, CA 92821
Cities-at-Large – Rose Espinoza – La Habra City Hall - 110 E. La Habra Blvd., La Habra CA 90631
OCSD – David Shawver – Stanton City Hall - 7800 Katella Ave, Stanton, CA 90680
SCAQMD – Carlos Rodriguez – Yorba Linda Public Library – 4852 Lakeview Ave. Yorba Linda, CA 92886

Board Members Present

District 13 Chair Wendy Bucknum

County of Orange SCAG Representative Vice Chair Don Wagner

District 12 John Gabbard

District 16 Valerie Amezcua

District 18 Marshall Goodman

District 19 Carlos Leon (Alternate)

District 20 Joe Kalmick

District 21 Art Brown

District 22 Marty Simonoff

Cities-at-Large Rose Espinoza

Independent Special Districts of Orange County (ISDOC) Mike Scheafer

Orange County Sanitary District (OCSD) David Shawver

South Coast Air Quality Management District (SCAQMD) Carlos Rodriguez

Transportation Corridor Agency (TCA) Scott Voigts

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

Private Sector (Ex-Officio) Adam Wood

Caltrans District 12 (Ex-Officio) Chris Flynn on behalf of Ryan Chamberlain

Hispanic Chamber of Commerce Eddie Marquez

League of California Cities, Orange County, (LOCC-OC) (Ex-Officio) Connor Medina



MINUTES

Board Members Absent

District 14 Tammy Kim

District 15 Lauren Kleiman

District 17 Jon Dumitru

District 64 Casey McKeon

Orange County Transportation Authority (OCTA) Brian Goodell

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

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

Association of California Cities, Orange County (ACC-OC) (Ex- Officio) Kris Murray

University Community Amanda Walsh

Board Vacancies

Health Care/Hospital Industry (Ex-Officio)

Staff Present

Marnie O’Brien Primmer, Executive Director

Fred Galante, General Counsel

Lisa Telles, Consultant

Kathryn Morrison, Clerk of the Board

Pledge of Allegiance Director Art Brown

Public Comments None

Quorum Present

(Chair) Bucknum (Vice Chair) Don Wagner, John Gabbard, Valerie Amezcua, Marshall Goodman, Carlos Leon (Alternate), Joe Kalmick, Art Brown, Ward Smith, Rose Espinoza, Mark Monin, David Shawver, Carlos Rodriguez, Scott Voigts

DW = D. Wagner	JG = J. Gabbard	WB=W. Bucknum	TK= T. Kim	LK= L. Kleiman
VA= V. Amezcua	JD= J. Dumitru	MG = M. Goodman	JK= J. Kalmick	AB = A. Brown
MS = M. Simonoff	CM = C. McKeon	RE = R. Espinoza	MS = M. Scheafer	DS = D. Shawver
	BG = B. Goodell	CR = C. Rodriguez	SV = S. Voigts	

Legend: Y=YES, N=NO, C=CONFLICT, ABS=ABSTAIN, A=ABSENT, P=PRE



1. Closed Session

Fred Galante, General Counsel

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: OCCOG Executive Director

Following adjournment of the closed session, General Counsel Fred Galante reported out that the Board met in closed session on the item as described on the closed session portion of the agenda, discussed the item, and unanimously provided a very positive review of the Executive Director.

Consent Calendar (Item Nos. 2 - 8)

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.

2. Approval of Meeting Minutes for June 22, 2023, Regular Meeting

Kathryn Morrison, OCCOG Clerk of the Board

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

3. OCCOG Financial Reports for June and July 2023

Steven Dobrenen, OCCOG Treasurer

Recommended Action: *Approve the OCCOG Financial Reports for June and July of 2023.*

4. Amendment No. 1 to Memorandum of Understanding with SCAG for Regional Early Action Planning (REAP) 1.0 Grant Partnerships and Outreach

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve Amendment No. 1 to Memorandum of Understanding with SCAG for REAP 1.0 Grant Partnerships and Outreach.*

5. Legislative Update

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Take position legislation as recommended by staff.*

At its regular Board Meeting on June 22, the OCCOG Board heard a report and discussed five bills. The Board voted to take the following positions at a special Board Meeting held on June 29, 2023:



AB 6 (Friedman) – Oppose

This bill would require the State Air Resources Board, after January 1, 2024, and not later than September 30, 2026, to establish additional greenhouse gas reduction targets for 2035 and 2045.

AB 7 (Friedman) – Oppose

On or after January 1, 2025, this bill would require the Transportation Agency, the Department of Transportation, and the California Transportation Commission to incorporate specified principles into their processes for project development, selection, and implementation.

AB 701 (Villapudua) – Support

SB 701 adds fentanyl to current law that imposes additional term upon, and authorize a fine upon a person who is convicted of a violation of, or of a conspiracy to violate, specified provisions of law with respect to a substance containing heroin, cocaine base, and cocaine if the substance exceeds a specified weight.

AB 976 (Ting) – Oppose

This bill would prohibit a local agency from imposing an owner-occupancy requirement on any accessory dwelling unit.

SB 229 (Umberg) – Support

SB 229 would require a local agency that has received a notification of violation regarding disposal of surplus land from Department of Housing and Community Development to hold an open and public session to review and consider the substance of the notice of violation. The bill requires the local agency governing body to provide prescribed notice no later than 14 days before the public session.

6. OCCOG Budget for Fiscal Year 2023-24

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve the FY 2023-24 Budget as presented or amended.*

Marnie O'Brien Primmer, Executive Director

7. OCCOG Work Plan for Fiscal Year 2023-24

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve the OCCOG Work Plan for Fiscal Year 2023-24 as presented or amended.*



The OCCOG Board voted unanimously to approve OCCOG's Fiscal Year 2023-24 Budget and Workplan. The budget and work plan align with the goals identified in the Three-Year Strategic Plan approved in June 2022. The budget includes adequate resources to oversee and execute the remainder of the Regional Early Action Planning Grant (REAP) Subregional Partners Program (SRP) 1.0 program while ramping up the REAP 2.0 SRP grant projects. The budget does not include a change to the dues structure. The increase approved by the Board for FY 2022-23 is adequate to fund the operational activities of the OCCOG in FY 2023-24.

Major initiatives and ongoing projects included in the FY 2023-24 Workplan include:

- 2024 Annual Conference
- Orange County Data Acquisition Partnership (OCDAP)
- Regional Early Action Planning Grant (REAP) and REAP 2021 Program Management
- Support for OCCOG Member regional leadership and engagement
- Regional collaboration
- Advocacy and Legislative Analysis
- Communications

8. Approval of OCCOG REAP 2.0 Application

Marnie O'Brien Primmer, Executive Director

Recommended Action: *Approve OCCOG REAP 2.0 application as presented or amended.*

The OCCOG Board approved for submittal to SCAG OCCOG's Regional Early Action Planning Grant (REAP) 2021 Subregional Partnership (SRP) Program (aka REAP 2.0) at the June Special Board Meeting. Once SCAG accepts the application and an MOU is signed, OCCOG will be receiving \$3,115,000 to fund the following projects that meet the requirements of the REAP 2.0 grant:

- On-Call Services Bench and Housing -related Technical Assistance
- Technology Tools and Outreach to support Affirmatively Furthering Fair Housing (AFFH), Vehicle Miles Traveled (VMT) reduction and Infill Development.
- Missing Middle Pre-Reviewed Plans.
- Funding for an Affordable Housing Project Database that will be developed by the Orange County Housing Finance Trust.

All OCCOG jurisdictions will have access to the full program of projects funded with REAP 2.0. The approach is to offer a menu of options that are available, not mandatory participation. The programs are designed to assist members in meeting the requirements of state housing law by offering an array of technical assistance, staff augmentation, and expertise, and removing the burden of implementation when possible. Funds are scheduled to be available in September 2023.



It was moved by Director Voigts and seconded by Director Amezcua, all in favor to approve consent calendar items 2-8.

WB	DW	JG	TK	LK	VA	JD	MG	CL	JK	AB	MS	RE	MS	DS	BG	CR	SV
Y	Y	Y	A	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y

Action Items

9. Approve Contract Amendments for OCCOG Consultant Resources

Marnie O’Brien Primmer, Executive Director

Recommended Action: *Approve one-year contract extensions without rate increases for 38 Alpha and Lisa Telles, approve one-year contract amendment with a rate increase for AJ Design (\$500/mo. Increase). The approval includes authorizing the Executive Director to execute the documents and approve revisions consistent with this approval, subject to the General Counsel’s approval as to form.*

10. Approve extended Task Order completion dates for OCCOG REAP Consultants

Marnie O’Brien Primmer, Executive Director

Recommended Action: *Approve new task Order completion date of September 30, 2023, for all REAP 1.0 Consultants, consistent with the updated Board-approved MOU between OCCOG and SCAG. The approval includes authorizing the Executive Director to execute the documents and approve revisions consistent with this approval, subject to the General Counsel’s approval as to form.*

11. Approve new contract for Treasurer Services for Steven Dobrenen, CPA

Marnie O’Brien Primmer, Executive Director

Recommended Action: *Approve an initial Contract at an hourly rate of \$70.00 for an amount not to exceed \$18,000 for accounting, bookkeeping, and Treasurer services with Steven Dobrenen, CPA. The approval includes authorizing the Executive Director to execute the documents and approve revisions consistent with this approval, subject to the General Counsel’s approval as to form.*

It was moved by Director Brown and seconded by Vice Chair Wagner, all in favor to approve action items 9-11.

WB	DW	JG	TK	LK	VA	JD	MG	CL	JK	AB	MS	RE	MS	DS	BG	CR	SV
Y	Y	Y	A	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y



MINUTES

12. 2024 OCCOG Annual Conference Date and Location

Marnie O’Brien Primmer, Executive Director

Recommended Action: *Provide direction to staff for selection of Annual Conference date and location.*

The Board reviewed four venue options for OCCOG’s 2024 Annual Conference and chose to hold the event at the Richard Nixon Presidential Library and Museum due to the cost and success of the event’s success at this location in 2023. The 2024 Annual Conference will take place on March 28, 2024, 9 a.m. – 1:30 p.m. The theme will be announced in August.

It was moved by Director Voigts and seconded by Director Shawver, all in favor to move the item with the March 28, 2024, if there is an issue with the date then the OCCOG staff will work to find a different date.

WB	DW	JG	TK	LK	VA	JD	MG	CL	JK	AB	MS	RE	MS	DS	BG	CR	SV
Y	Y	Y	A	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y

Future Agenda Items

Adjournment of Regular Meeting

The June OCCOG Special Meeting was adjourned at 11:45 PM.

The next OCCOG Regular Meeting will be on August 24, 2023, at the Los Olivos Community Center.



AGENDA ITEM # 3

OCCOG June 2023 Financial Report

STAFF RECOMMENDATION

Approve financial report.

SUMMARY

OCCOG financial information is provided for Board review.

As of June 30, 2023, OCCOG had combined cash and investments of \$245,192.34, consisting of the following: a bank balance of \$128,120.76 at Citizens Business Bank outstanding checks in the amount of \$39,769.98 and an investment balance at the State Local Agency Investment Fund of \$156,841.56.

ATTACHMENTS

- A. OCCOG Fiscal Year 2022-23 Cash and Investments
- B. Citizens Business Bank Statement as of June 30, 2023
- C. State Local Agency Investment Fund (LAIF) Monthly Statement for June 30, 2023
- E. PMIA / LAIF Performance Report – Quarter Ended June 30, 2023, Pooled Money Investment Account (PMIA) Average Monthly Effective Yields – January 2023 – February 2023 – March 2023 – April 2023 – May 2023 – June 2023 and PMIA Portfolio Composition at 6/30/23.
- F. OCCOG Fiscal Year 2022-23 Cash Receipts/Disbursements Report

STAFF CONTACT

Steven Dobrenen, CPA OCCOG
Treasurer
714-277-9581
steven@occog.com

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2022-23**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
July					
		Balance Forward		212,323.58	Citizens Business Bank 343,919.03
7/1/2022	2305	Connected Consulting	(15,107.70)	197,215.88	O/S Checks (176,092.86)
7/1/2022	2306	Lisa Telles Communications	(2,500.00)	194,715.88	State LAIF 179,075.32
7/1/2022	2307	WJS Consulting	(2,500.00)	192,215.88	\$346,901.49
7/1/2022	2308	Kathryn Morrison	(3,671.54)	188,544.34	
7/1/2022	2311	John Hanson	(707.32)	187,837.02	
7/14/2022		SCAG	151,691.80	339,528.82	
7/14/2022		City of La Habra	9,010.01	348,538.83	
7/15/2022	2309	WSP USA	(9,192.90)	339,345.93	
7/15/2022	2310	Orange County Housing Finance Trust	(130,000.00)	209,345.93	
7/15/2022		Local Agency Investment Fund	462.55	209,808.48	
7/22/2022		City of Seal Beach	6,090.24	215,898.72	
7/22/2022		City of Placentia	8,173.26	224,071.98	
7/22/2022		City of Los Alamitos	5,065.00	229,136.98	
7/22/2022		City of Villa Park	4,583.65	233,720.63	
7/22/2022		City of Fullerton	15,406.54	249,127.17	
7/22/2022		City of San Juan Capistrano	6,876.73	256,003.90	
7/22/2022		City of Laguna Woods	5,510.90	261,514.80	
7/22/2022		City of Stanton	7,230.53	268,745.33	
7/25/2022		Citizens Business Banks	(46.74)	268,698.59	
7/26/2022		City of Irvine	28,645.17	297,343.76	
7/29/2022		City of Laguna Beach	5,921.12	303,264.88	
7/29/2022		Transportation Corridor Agencies	10,000.00	313,264.88	
7/29/2022		City of Cypress	8,063.09	321,327.97	
7/29/2022		City of Laguna Niguel	9,209.47	330,537.44	
7/29/2022		City of Costa Mesa	12,929.96	343,467.40	
7/29/2022		City of Buena Park	10,720.01	354,187.41	
7/29/2022		City of La Palma	5,338.36	359,525.77	
7/29/2022		City of San Clemente	9,135.50	368,661.27	
7/29/2022		City of Dana Point	6,730.13	375,391.40	
7/29/2022		City of Garden Grove	17,603.05	392,994.45	
7/31/2022	2312	Aleshire & Wynder, LLP	(2,538.00)	390,456.45	
7/31/2022	2313	Trevor O'Neil	(200.00)	390,256.45	
7/31/2022	2314	Tammy Kim	(300.00)	389,956.45	
7/31/2022	2315	Diane Dixon	(300.00)	389,656.45	
7/31/2022	2316	Joseph Kalmick	(300.00)	389,356.45	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2022-23**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
7/31/2022	2317	Arthur Brown	(200.00)	389,156.45	
7/31/2022	2318	David Shawver	(300.00)	388,856.45	
7/31/2022	2319	Pictometry International Inc.	(6,750.00)	382,106.45	
7/31/2022	2320	John Hanson	(1,201.20)	380,905.25	
7/31/2022	2321	Lisa Telles Communications	(2,500.00)	378,405.25	
7/31/2022	2322	Connected Consulting	(12,113.43)	366,291.82	
7/31/2022	2323	WJS Consulting	(3,000.00)	363,291.82	
7/31/2022	2324	Michelle Boehm	(7,000.00)	356,291.82	
7/31/2022	2325	AJ Design	(926.25)	355,365.57	
7/31/2022	2326	AJ Design	(2,034.00)	353,331.57	
7/31/2022	2327	Kathryn Morrison	(3,929.98)	349,401.59	
7/31/2022	2328	Lucy Dunn	(2,500.00)	346,901.59	
August					
8/5/2022		City of Huntington Beach	19,624.11	366,525.70	Citizens Business Bank \$636,497.54
8/5/2022		City of Tustin	10,412.20	376,937.90	O/S Checks (319,904.12)
8/5/2022		City of Newport Beach	10,743.48	387,681.38	State LAIF 179,075.32
8/5/2022		City of Laguna Hills	6,556.82	394,238.20	\$495,668.74
8/5/2022		City of Yorba Linda	9,440.00	403,678.20	
8/5/2022		Orange County Sanitation District	10,000.00	413,678.20	
8/5/2022		City of Rancho Santa Margarita	7,863.07	421,541.27	
8/5/2022		City of Fountain Valley	8,596.85	430,138.12	
8/11/2022		City of Mission Viejo	11,437.99	441,576.11	
8/11/2022		City of Lake Forest	10,984.37	452,560.48	
8/11/2022		City of Santa Ana	28,503.63	481,064.11	
8/18/2022		County of Orange	10,000.00	491,064.11	
8/23/2022		Citizens Business Bank Fees	(32.32)	491,031.79	
8/23/2022		SCAG	19,475.17	510,506.96	
8/29/2022		SCAG	69,472.00	579,978.96	
8/29/2022		SCAG	235,094.00	815,072.96	
8/31/2022	2329	Aleshire & Wynder LLP	(1,115.00)	813,957.96	
8/31/2022	2330	CSUF ASC	(28,731.00)	785,226.96	
8/31/2022	2331	WSP	(8,324.35)	776,902.61	
8/31/2022	2332	WSP	(56,664.85)	720,237.76	
8/31/2022	2333	John Hanson	(1,046.78)	719,190.98	
8/31/2022	2334	AJ Design	(498.75)	718,692.23	
8/31/2022	2335	Orange County Housing Finance Trust	(172,000.00)	546,692.23	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2022-23**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
8/31/2022	2336	September 1 check to Baird Driskell	-	546,692.23	
8/31/2022	2337	WSP	(22,295.25)	524,396.98	
8/31/2022	2338	VOID	-	524,396.98	
8/31/2022	2339	WJS Consulting	(3,000.00)	521,396.98	
8/31/2022	2340	Lisa Telles Communications	(2,875.00)	518,521.98	
8/31/2022	2341	Eide Bailly LLP	(4,925.00)	513,596.98	
8/31/2022	2342	Connected Consulting	(12,489.16)	501,107.82	
8/31/2022	2343	Kathryn Morrison	(4,203.98)	496,903.84	
8/31/2022	2344	AJ Design	(1,235.00)	495,668.84	
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September					
					Citizens Business Bank 357,501.70
9/9/2022		City of Westminster	11,270.29	506,939.13	O/S Checks (41,653.10)
9/15/2022	2345	Michelle Boehm	(4,200.00)	502,739.13	State LAIF 179,075.32
9/22/2022		City of Orange	15,006.98	517,746.11	<u>\$494,923.92</u>
9/22/2022		Independent Special District of OC	1,000.00	518,746.11	
9/28/2022		South Coast Air Quality District	10,000.00	528,746.11	
9/28/2022		City of Brea	7,830.91	536,577.02	
9/30/2022	2346	VOID	-	536,577.02	
9/30/2022	2347	CALCOG	(2,600.00)	533,977.02	
9/30/2022	2348	LSA	(8,613.16)	525,363.86	
9/30/2022	2349	Aleshire & Wynder	(2,664.00)	522,699.86	
9/30/2022	2350	AJ Design	(2,034.00)	520,665.86	
9/30/2022	2351	Kathryn Morrison	(4,178.98)	516,486.88	
9/30/2022	2352	Lisa Telles Communications	(2,850.00)	513,636.88	
9/30/2022	2353	John Hanson	(1,065.45)	512,571.43	
9/30/2022	2354	AJ Design	(451.25)	512,120.18	
9/30/2022	2355	AJ Design	(2,059.00)	510,061.18	
9/30/2022	2356	WJS Consulting	(3,000.00)	507,061.18	
9/30/2022	2357	Connected Consulting	(12,137.26)	494,923.92	
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October					
					0.00
10/10/2022	2358	Orange County Business Council	(150.00)	494,773.92	Citizens Business Bank 311,179.51
10/11/2022	2359	Eric Shen	(3,500.00)	491,273.92	O/S Checks (34,717.82)
10/11/2022		Transtech	900.00	492,173.92	State LAIF 179,685.51
10/11/2022		Southern California Edison	5,000.00	497,173.92	<u>\$456,147.20</u>
10/14/2022		Aleshire & Wynder	1,000.00	498,173.92	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2022-23**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
10/14/2022		City of Orange	5,000.00	503,173.92	
10/14/2022		LAIF Interest	610.19	503,784.11	
10/19/2022	2369	Baird + Driskell	(30,409.00)	473,375.11	
10/21/2022		LSA	2,250.00	475,625.11	
10/21/2022		City of Aliso Viejo	8,139.91	483,765.02	
10/28/2022		Interwest Consulting Group	2,250.00	486,015.02	
10/31/2022	2360	Tammy Kim	(200.00)	485,815.02	
10/31/2022	2361	Diane Dixon	(100.00)	485,715.02	
10/31/2022	2362	Joseph Kalmick	(200.00)	485,515.02	
10/31/2022	2363	Arthur Brown	(100.00)	485,415.02	
10/31/2022	2364	David Shawver	(200.00)	485,215.02	
10/31/2022	2365	KLM Strategies (original checks Voided, Re-issue)	(5,000.00)	480,215.02	
10/31/2022	2366	Aleshire & Wynder	(2,071.53)	478,143.49	
10/31/2022	2367	Interwest Consulting Group	(270.00)	477,873.49	
10/31/2022	2368	LSA	(9,800.00)	468,073.49	
10/31/2022	2369	Issued 10/19 to Baird + Driskell	-	468,073.49	
10/31/2022	2370	John Hanson	(971.70)	467,101.79	
10/31/2022	2371	Lisa Telles Communications	(3,300.00)	463,801.79	
10/31/2022	2372	Kathryn Morrison	(4,207.98)	459,593.81	
10/31/2022	2373	Wavelength Automation Inc	(1,548.00)	458,045.81	
10/31/2022	2374	Casa Del Sol	(1,148.61)	456,897.20	
10/31/2022	2375	VOID	-	456,897.20	
10/31/2022	2376	Wendy J Strack	(3,000.00)	453,897.20	
10/31/2022		SCAG	2,250.00	456,147.20	

November

11/8/2022		Townsend Public Affairs	900.00	457,047.20	Citizens Business Bank 312,641.57
11/8/2022		DTN.TECH	900.00	457,947.20	O/S Checks (55,068.99)
11/11/2022	2377	AJ Design	(2,327.50)	455,619.70	State LAIF 179,685.51
11/11/2022	2378	Connected Consulting	(12,137.26)	443,482.44	<u>\$437,258.09</u>
11/15/2022		Orange County Transit Authority	10,000.00	453,482.44	
11/15/2022		Curt Pringle & Associates	4,500.00	457,982.44	
11/18/2022	2379	Curt Pringle & Associates	(10,025.00)	447,957.44	
11/21/2022		City of Anaheim	31,094.64	479,052.08	
11/21/2022		Urban Land Institute	2,250.00	481,302.08	
11/21/2022		Orange County Business Council	900.00	482,202.08	
11/30/2022	2380	Aleshire & Wynder	(4,395.00)	477,807.08	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2022-23**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
11/30/2022	2381	Interwest Consulting Group	(2,880.00)	474,927.08	
11/30/2022	2382	Shen and Associates LLC	(6,500.00)	468,427.08	
11/30/2022	2383	WJS Consulting	(5,000.00)	463,427.08	
11/30/2022	2384	John Hanson	(1,014.00)	462,413.08	
11/30/2022	2385	Kathryn Morrison	(4,232.98)	458,180.10	
11/30/2022	2386	Connected Consulting	(12,136.76)	446,043.34	
11/30/2022	2387	AJ Design	(2,059.00)	443,984.34	
11/30/2022	2388	AJ Design	(3,500.00)	440,484.34	
11/30/2022	2389	AJ Design	(451.25)	440,033.09	
11/30/2022	2390	Lisa Telles Communications	(2,775.00)	437,258.09	
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December					
					Citizens Business Bank \$410,510.31
12/2/2022		City of Fountain Valley	3,000.00	440,258.09	O/S Checks (225,849.48)
12/9/2022		SCAG	109,844.58	550,102.67	State LAIF 179,685.51
12/12/2022		City of La Habra	3,000.00	553,102.67	<u>\$364,346.34</u>
12/12/2022		Department of Transportation	900.00	554,002.67	
12/12/2022		City of Mission Viejo	3,000.00	557,002.67	
12/12/2022		City of San Clemente	3,000.00	560,002.67	
12/12/2022		City of San Juan Capistrano	3,000.00	563,002.67	
12/15/2022	2391	WSP	(42,156.50)	520,846.17	
12/15/2022	2392	Orange County Housing Finance Trust	(60,000.00)	460,846.17	
12/15/2022	2393	Eagle Aerial Solutions	(95,671.90)	365,174.27	
12/19/2022		Neighborworks OC	900.00	366,074.27	
12/19/2022		Association Ca Cities OC	300.00	366,374.27	
12/19/2022		City of Los Alamitos	3,000.00	369,374.27	
12/19/2022		City of Garden Grove	3,000.00	372,374.27	
12/19/2022		City of Laguna Niguel	3,000.00	375,374.27	
12/19/2022		City of Brea	3,000.00	378,374.27	
12/21/2022		Check Re-Order	(65.85)	378,308.42	
12/22/2022		City of Buena Park	3,000.00	381,308.42	
12/22/2022		City of Tustin	3,000.00	384,308.42	
12/22/2022		City of Yorba Linda	3,000.00	387,308.42	
12/22/2022		City of Newport Beach	3,000.00	390,308.42	
12/31/2022	2394	LSA	(7,776.25)	382,532.17	
12/31/2022	2395	John Hanson	(874.85)	381,657.32	
12/31/2022	2396	Lisa Telles Communications	(2,950.00)	378,707.32	
12/31/2022	2397	Kathryn Morrison	(4,307.98)	374,399.34	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2022-23**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
12/31/2022	2398	WJS Consulting	(5,000.00)	369,399.34	
12/31/2022	2399	Eide Bailly LLP	(3,498.00)	365,901.34	
12/31/2022	2400	Aleshire & Wynder LLP	(1,555.00)	364,346.34	
January					
1/1/2023	2425	Connected Consulting	(12,311.39)	352,034.95	Citizens Business Bank \$462,291.57
1/6/2023		City of Anaheim	6,500.00	358,534.95	O/S Checks (235,061.99)
1/6/2023		City of Laguna Beach	3,000.00	361,534.95	State LAIF 180,624.18
1/6/2023		MWDOC	50,000.00	411,534.95	\$407,853.76
1/13/2023		SCAG	133,471.13	545,006.08	
1/13/2023		LAIF Interest	938.67	545,944.75	
1/15/2023	2401	AJ Design	(5,000.00)	540,944.75	
1/15/2023	2402	VOID	-	540,944.75	
1/15/2023	2403	VOID	-	540,944.75	
1/15/2023	2404	Orange County Housing Finance Trust	(20,000.00)	520,944.75	
1/15/2023	2405	Baird Driskell	(21,769.75)	499,175.00	
1/15/2023	2406	CSUF ASC	(28,731.00)	470,444.00	
1/18/2023		Lake Forest	3,000.00	473,444.00	
1/18/2023		OCFA	58,702.00	532,146.00	
1/18/2023		MWDOC	3,000.00	535,146.00	
1/31/2023	2407	Aleshire & Wynder LLP	(6,020.00)	529,126.00	
1/31/2023	2408	LSA	(8,359.25)	520,766.75	
1/31/2023	2409	Eagle Aerial Solutions	(91,702.00)	429,064.75	
1/31/2023	2410	VOID	-	429,064.75	
1/31/2023	2411	Trevor O'Neil	(100.00)	428,964.75	
1/31/2023	2412	Tammy Kim	(100.00)	428,864.75	
1/31/2023	2413	Diane Dixon	(100.00)	428,764.75	
1/31/2023	2414	Joseph Kalmick	(100.00)	428,664.75	
1/31/2023	2415	Arthur Brown	(100.00)	428,564.75	
1/31/2023	2416	David Shawer	(100.00)	428,464.75	
1/31/2023	2417	AJ Design	(2,034.00)	426,430.75	
1/31/2023		Community Catalyst	1,000.00	427,430.75	
1/31/2023	2418	WJS Consulting	(5,000.00)	422,430.75	
1/31/2023	2419	Lisa Telles Communications	(2,675.00)	419,755.75	
1/31/2023	2420	John Hanson	(1,056.98)	418,698.77	
1/31/2023	2421	38Alpha (Kathryn Morrison)	(4,668.01)	414,030.76	
1/31/2023	2422	AJ Design	(6,177.00)	407,853.76	

**Orange County Council of Governments
Cash and Investments
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Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
February					
					Citizens Business Bank 218,588.58
02/02/2023		WePay	306.52	408,160.28	O/S Checks (117,456.77)
02/03/2023	WIRE	WSP	(12,741.68)	395,418.60	State LAIF 180,624.18
02/03/2023		City of Santa Ana	6,500.00	401,918.60	<u>\$281,755.99</u>
02/03/2023	2423	Connected Consulting	(12,376.92)	389,541.68	
02/13/2023		SCAG	22,691.08	412,232.76	
02/17/2023	2424	Richard Noxon Foundation	(14,255.00)	397,977.76	
02/23/2023		Citizens Business Bank	35.00	398,012.76	
02/24/2023		TCA	1,000.00	399,012.76	
02/28/2023	2426	Aleshire & Wynder	(2,557.00)	396,455.76	
02/28/2023	2427	Eide Bailly LLP	(4,577.00)	391,878.76	
02/28/2023	2428	Eagle Aerial Solutions	(83,000.00)	308,878.76	
02/28/2023	2429	AJ Design	(1,021.25)	307,857.51	
02/28/2023	2430	John Hanson	(968.03)	306,889.48	
02/28/2023	2431	Lisa Telles Communications	(3,450.00)	303,439.48	
02/28/2023	2432	38Alpha (Kathryn Morrison)	(4,558.58)	298,880.90	
02/28/2023	2433	WJS Consulting	(5,000.00)	293,880.90	
02/28/2023	2434	Connected Consulting	(12,124.91)	281,755.99	
02/28/2023	2435	VOID	0.00	281,755.99	
March					
3/1/2023	2436	WSP	(28,868.46)	252,887.53	Citizens Business Bank 122,932.01
3/2/2023		WePay	1,731.40	254,618.93	O/S Checks (49,775.27)
3/7/2023		Placeworks	1,000.00	255,618.93	State LAIF 180,624.18
3/11/2023		Cox Communications	1,000.00	256,618.93	<u>\$253,780.92</u>
3/13/2023		SCAG	64,722.25	321,341.18	
3/15/2023		City of Placentia	3,000.00	324,341.18	
3/15/2023		Citizens Business Bank	(175.62)	324,165.56	
3/16/2023		Citizens Business Bank	(17.94)	324,147.62	
3/24/2023		Dirtonu Inc	1,000.00	325,147.62	
3/31/2023	1001	Aleshire & Wynder LLP	(1,978.00)	323,169.62	
3/31/2023	1002	VOID	-	323,169.62	
3/31/2023	1003	Richard Nixon Foundation	(10,387.00)	312,782.62	
3/31/2023	1004	Placeworks	(10,381.25)	302,401.37	
3/31/2023	1005	Flowerful	(910.49)	301,490.88	
3/31/2023		Citizens Business Bank	(12.70)	301,478.18	
3/31/2023	1006	Sustain SoCal	(1,000.00)	300,478.18	
3/31/2023	1007	Lisa Telles Communications	(5,888.82)	294,589.36	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2022-23**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
3/31/2023	1008	WJS Consulting	(5,000.00)	289,589.36	
3/31/2023	1009	John Hanson	(874.88)	288,714.48	
3/31/2023	1010	LSA	(7,804.00)	280,910.48	
3/31/2023	1011	Eagle Aerial View Solutions	(10,840.00)	270,070.48	
3/31/2023	1012	Kathryn Morrison (38Alpha)	(4,134.58)	265,935.90	
3/31/2023	1013	Connected Consulting	(12,154.98)	253,780.92	
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April					
					Citizens Business Bank 86,408.07
4/11/2023		SoCal Edison	4,500.00	258,280.92	O/S Checks (51,805.87)
4/15/2023		WePay	3,932.49	262,213.41	State LAIF 181,841.56
4/15/2023	1014	InterWest	(10,037.50)	252,175.91	<u>\$216,443.76</u>
4/20/2023		Deloitte	1,750.00	253,925.91	
4/24/2023		WSP	3,000.00	256,925.91	
4/24/2023		Citizens Business Bank	(31.16)	256,894.75	
4/30/2023	1015	AJ Design	(7,059.00)	249,835.75	
4/30/2023	1016	VOID	-	249,835.75	
4/30/2023	1017	Tammy Kim	(200.00)	249,635.75	
4/30/2023	1018	Joseph Kalmick	(200.00)	249,435.75	
4/30/2023	1019	Arhtur Brown	(200.00)	249,235.75	
4/30/2023	1020	David Shawver	(200.00)	249,035.75	
4/30/2023		LAIF Interest	1,217.38	250,253.13	
4/30/2023	1021	AJ Design	(2,059.00)	248,194.13	
4/30/2023	1022	DTN. Tech	(4,025.94)	244,168.19	
4/30/2023	1023	DTN. Tech	(76.47)	244,091.72	
4/30/2023	1024	Aleshire & Wynder LLP	(1,211.00)	242,880.72	
4/30/2023	1025	Lisa Telles Communications	(3,275.00)	239,605.72	
4/30/2023	1026	Scott Voigts	(529.27)	239,076.45	
4/30/2023	1027	John Hanson	(847.34)	238,229.11	
4/30/2023	1028	Kathryn Morrison	(4,554.96)	233,674.15	
4/30/2023	1029	WJS Consulting	(5,000.00)	228,674.15	
4/30/2023	1030	Connected Consulting	(12,230.39)	216,443.76	
<hr/>					
May					
5/1/2023	1031	LSA	(7,040.00)	209,403.76	Citizens Business Bank 95,733.34 O/S Checks (82,436.71) State LAIF 156,841.56

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2022-23**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
5/1/2023	1032	WSP	(105,972.83)	103,430.93	<u>170,138.19</u>
5/1/2023		SCAG	307,212.60	410,643.53	
5/1/2023	1033	PlaceWorks	(66,050.75)	344,592.78	
5/1/2023	1034	Curt Pringle and Associates	(16,950.00)	327,642.78	
5/1/2023	1035	Baird + Driskell	(30,460.75)	297,182.03	
5/1/2023	1036	Interwest	(25,942.50)	271,239.53	
5/1/2023	1037	CSUF ASC	(28,731.00)	242,508.53	
5/5/2023		Jamboree Housing	2,500.00	245,008.53	
5/5/2023		City of Laguna Hills	3,000.00	248,008.53	
5/12/2023	1038	Curt Pringle and Associates	(8,025.00)	239,983.53	
5/16/2023		UC Irvine	4,500.00	244,483.53	
5/22/2023		Citizens Business Bank	(33.63)	244,449.90	
5/31/2023	1039	Baird + Driskell	(40,667.00)	203,782.90	
5/31/2023	1040	VOID	-	203,782.90	
5/31/2023	1041	Aleshire & Wynder LLP	(3,261.69)	200,521.21	
5/31/2023	1042	John Hanson	(999.88)	199,521.33	
5/31/2023	1043	Lisa Telles Communications	(4,975.00)	194,546.33	
5/31/2023	1044	38Alpha (Kathryn Morrison	(5,202.22)	189,344.11	
5/31/2023	1045	WJS Consulting	(5,000.00)	184,344.11	
5/31/2023	1046	Connected Consulting	(12,146.92)	172,197.19	
5/31/2023	1047	AJ Design	(2,059.00)	170,138.19	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2022-23**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
June					Citizens Business Bank 128,120.76
					O/S Checks (39,769.98)
					State LAIF 156,841.56
					<u>245,192.34</u>
6/1/2023	1048	AJ Design	(5,011.25)	165,126.94	
6/9/2023		SCAG	109,744.60	274,871.54	
6/23/2023		SQAMD	10,000.00	284,871.54	
6/23/2023		Citizens Business Bank	(9.22)	284,862.32	
6/30/2023	1049	PlaceWorks	(1,602.60)	283,259.72	
6/30/2023	1050	Aleshire & Wynder LLP	(1,931.00)	281,328.72	
6/30/2023	1051	AJ Design	(3,500.00)	277,828.72	
6/30/2023	1052	Community Planning Collaborative (aka Baird + Driskell)	(18,612.50)	259,216.22	
6/30/2023	1053	Houseal Lavigne Associates	(3,742.50)	255,473.72	
6/30/2023	1054	LSA	(10,281.38)	245,192.34	



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 06/30/2023

ORANGE COUNTY COUNCIL OF

Page 1 of 4

Account Number: 591113097

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	591113097	\$128,120.76

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591113097

Account Summary

Date	Description	Amount
06/01/2023	Beginning Balance	\$95,733.34
	2 Credit(s) This Period	\$119,744.60
	11 Debit(s) This Period	\$87,357.18
06/30/2023	Ending Balance	\$128,120.76

Deposits

Date	Description	Amount
06/23/2023	DEPOSIT	\$10,000.00
		1 item(s) totaling \$10,000.00

Electronic Credits

Date	Description	Amount
06/09/2023	PAYABLES SO CAL ASSOC OF 120	\$109,744.60
		1 item(s) totaling \$109,744.60

Other Debits

Date	Description	Amount
06/23/2023	Account Analysis Fees	\$9.22
		1 item(s) totaling \$9.22

Checks Cleared

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
1038	06/20/2023	\$8,025.00	1043	06/06/2023	\$4,975.00	1047	06/06/2023	\$2,059.00
1039	06/07/2023	\$40,667.00	1044	06/06/2023	\$5,202.22	1048	06/06/2023	\$5,011.25
1041*	06/06/2023	\$3,261.69	1045	06/09/2023	\$5,000.00			
1042	06/02/2023	\$999.88	1046	06/05/2023	\$12,146.92			

* Indicates skipped check number

10 item(s) totaling \$87,347.96

Member FDIC

OUTSTANDING CHECKS		INSTRUCTIONS
		<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><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		
<p>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.</p>		
THE FOLLOWING NOTICE CONCERNING ELECTRONIC TRANSFER APPLIES IF YOUR ACCOUNT IS MAINTAINED FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES.		
<p>IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS CONTACT US AT:</p> <p style="margin-left: 40px;">Telephone: (888) 222-5432 or write us at: Citizens Business Bank P O Box 51000, Ontario, CA 91761</p>		
<p>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:</p> <ol style="list-style-type: none"> 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. <p>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</p>		

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591113097 (continued)

Daily Balances

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
06/02/2023	\$94,733.46	06/07/2023	\$21,410.38	06/23/2023	\$128,120.76
06/05/2023	\$82,586.54	06/09/2023	\$126,154.98		
06/06/2023	\$62,077.38	06/20/2023	\$118,129.98		

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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

July 03, 2023

[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

June 2023 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	156,841.56
Total Withdrawal:	0.00	Ending Balance:	156,841.56



PMIA/LAIF Performance Report as of 07/26/23



Quarterly Performance Quarter Ended 06/30/23

LAIF Apportionment Rate ⁽²⁾ :	3.15
LAIF Earnings Ratio ⁽²⁾ :	0.00008636172883763
LAIF Administrative Cost ^{(1)*} :	0.06
LAIF Fair Value Factor ⁽¹⁾ :	0.984828499
PMIA Daily ⁽¹⁾ :	3.26
PMIA Quarter to Date ⁽¹⁾ :	3.01
PMIA Average Life ⁽¹⁾ :	260

PMIA Average Monthly Effective Yields⁽¹⁾

June	3.167
May	2.993
April	2.870
March	2.831
February	2.624
January	2.425

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 06/30/23 \$178.4 billion

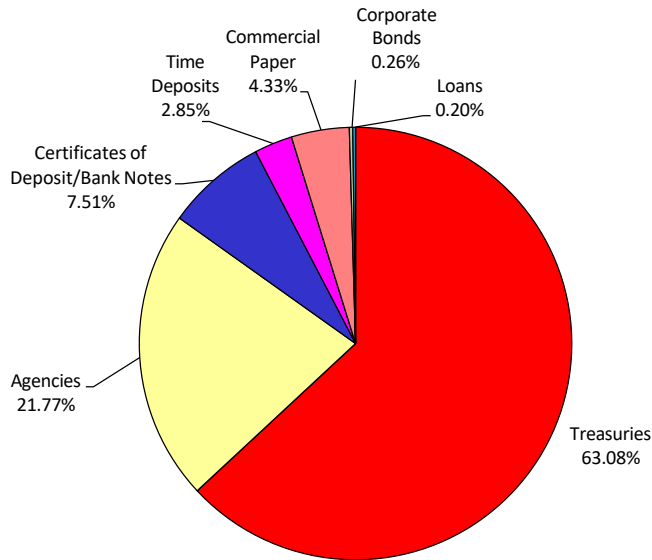


Chart does not include \$2,861,000.00 in mortgages, which equates to 0.002%. Percentages may not total 100% due to rounding.

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).

*The percentage of administrative cost equals the total administrative cost divided by the quarterly interest earnings. The law provides that administrative costs are not to exceed 5% of quarterly EARNINGS of the fund. However, if the 13-week Daily Treasury Bill Rate on the last day of the fiscal year is below 1%, then administrative costs shall not exceed 8% of quarterly EARNINGS of the fund for the subsequent fiscal year.

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 June 30, 2023**

Cash Receipts

Date	Payer	Description	Amount
4/11/2023	SoCal Edison	General Assembly Sponsorship	4,500.00
4/15/2023	WePay	General Assembly Registration	3,932.49
4/20/2023	Deloitte	General Assembly Sponsorship	1,750.00
4/24/2023	WSP	General Assembly Sponsorship	3,000.00
4/30/2023	LAIF	LAIF Interest	1,217.38
5/1/2023	SCAG	REAP Reimbursements	307,212.60
5/5/2023	Jamboree Housing	General Assembly Sponsorship	2,500.00
5/5/2023	City of Laguna Hills	General Assembly Sponsorship	3,000.00
5/16/2023	UC Irvine	General Assembly Sponsorship	4,500.00
6/9/2023	SCAG	REAP Reimbursements	109,744.60
6/23/2023	SQAMD	FY 23-24 Dues	10,000.00

451,357.07

Cash Disbursements

Date	Check #	Payee	Description	Amount
4/15/2023	1014	InterWest	REAP Admin/Coordination December	(10,037.50)
4/30/2023	1015	AJ Design	General Assembly Audio/Video	(7,059.00)
4/30/2023	1016	VOID		-
4/30/2023	1017	Tammy Kim	Board Stipend	(200.00)
4/30/2023	1018	Joseph Kalmick	Board Stipend	(200.00)
4/30/2023	1019	Arhtur Brown	Board Stipend	(200.00)
4/30/2023	1020	David Shawver	Board Stipend	(200.00)
4/30/2023	1021	AJ Design	Social Media March 2023	(2,059.00)
4/30/2023	1022	DTN. Tech	General Assembly Print Media/Banners	(4,025.94)
4/30/2023	1023	DTN. Tech	General Assembly Print Media/Banners Tax	(76.47)
4/30/2023	1024	Aleshire & Wynder LLP	Legal March 2023	(1,211.00)
4/30/2023	1025	Lisa Telles Communications	Communications/Marketing/REAP	(3,275.00)
4/30/2023	1026	Scott Voigts	Travel Reimbursement	(529.27)
4/30/2023	1027		Treasurer April 2023	(847.34)
4/30/2023	1028	Kathryn Morrison	Administrative Assistant/Clerk/REAP April 2023	(4,554.96)
4/30/2023	1029	WJS Consulting	Grant Monitoring April / SCAG Agenda Monitoring	(5,000.00)
4/30/2023	1030	Connected Consulting	Executive Director/REAP April	(12,230.39)
5/1/2023	1031	LSA	Project Management Admin Support REAP	(7,040.00)
5/1/2023	1032	WSP	REAP Geospatial	(105,972.83)
5/1/2023	1033	PlaceWorks	REAP Grant Object Designs	(66,050.75)
5/1/2023	1034	Curt Pringle and Associates	Project Management REAP	(16,950.00)
5/1/2023	1035	Baird + Driskell	REAP Model Development	(30,460.75)
5/1/2023	1036	Interwest	REAP Admin/Coordination	(25,942.50)
5/1/2023	1037	CSUF ASC	CDR Fees 3rd Quarter	(28,731.00)
5/12/2023	1038	Curt Pringle and Associates	Project Management REAP	(8,025.00)
5/22/2023		Citizens Business Bank	May Bank Fees	(33.63)
5/31/2023	1039	Baird + Driskell	REAP Model Development	(40,667.00)
5/31/2023	1040	VOID		-
5/31/2023	1041	Aleshire & Wynder LLP	Legal April 2023	(3,261.69)
5/31/2023	1042	John Hanson	Treasurer May 2023	(999.88)
5/31/2023	1043	Lisa Telles Communications	Communications/Marketing/REAP	(4,975.00)
5/31/2023	1044	38Alpha (Kathryn Morrison)	Administrative Assistant/Clerk/REAP May 2023	(5,202.22)
5/31/2023	1045	WJS Consulting	Grant Monitoring May / SCAG Agenda Monitoring	(5,000.00)
5/31/2023	1046	Connected Consulting	Executive Director/REAP May	(12,146.92)
5/31/2023	1047	AJ Design	REAP Video Production/Social Media	(2,059.00)
6/1/2023	1048	AJ Design	Social Media June 2023 / ADU Toolkit	(5,011.25)
6/23/2023	0000	Citizens Business Bank	June Bank Fees	(9.22)
6/30/2023	1049	PlaceWorks	REAP Grant Object Designs	(1,602.60)
6/30/2023	1050	Aleshire & Wynder LLP	Legal May 2023	(1,931.00)
6/30/2023	1051	AJ Design	REAP Video Production	(3,500.00)
6/30/2023	1052	Community Planning Collaborative	REAP Model Development	(18,612.50)
6/30/2023	1053	Houseal Lavigne Associates	REAP AFFH Analysis	(3,742.50)
6/30/2023	1054	LSA	REAP Project Management	(10,281.38)

(459,914.49)



AGENDA ITEM # 3

OCCOG July 2023 Financial Report

STAFF RECOMMENDATION

Approve financial report.

SUMMARY

OCCOG financial information is provided for Board review.

As of July 31, 2023, OCCOG had combined cash and investments of \$289,920.27, consisting of the following: a bank balance of \$235,226.59 at Citizens Business Bank outstanding checks in the amount of \$18,506.50 and an investment balance at the State Local Agency Investment Fund of \$73,200.18.

ATTACHMENTS

- A. OCCOG Fiscal Year 2023-24 Cash and Investments
- B. Citizens Business Bank Statement as of July 31, 2023
- C. State Local Agency Investment Fund (LAIF) Monthly Statement for July 31, 2023
- E. PMIA / LAIF Performance Report – As of August 4, 2023, Pooled Money Investment Account (PMIA) Average Monthly Effective Yields – July 2023 – June 2023 – May 2023 – April 2023 – March 2023 – February 2023 and PMIA Portfolio Composition at 6/30/23.
- F. OCCOG Fiscal Year 2023-24 Cash Receipts/Disbursements Report

STAFF CONTACT




Steven Dobrenen, CPA OCCOG
Treasurer
714-277-9581
steven@occog.com

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2023-24**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
July					
		Balance Forward		245,192.34	Citizens Business Bank 235,226.59
7/1/2023	1055	California JPIA	(11,740.00)	233,452.34	O/S Checks (18,506.50)
7/1/2023	1056	Interwest	(21,472.50)	211,979.84	State LAIF 73,200.18
7/1/2023	1057	WSP USA	(30,211.42)	181,768.42	<u>\$289,920.27</u>
7/1/2023	1058	Connected Consulting	(12,146.92)	169,621.50	
7/1/2023	1059	38Alpha (Kathryn Morrison)	(5,008.39)	164,613.11	
7/1/2023	1060	Lisa Telles Communications	(3,900.00)	160,713.11	
7/1/2023	1061	Urban Land Institute	(49,905.14)	110,807.97	
7/1/2023	1062	CSUF ASC	(28,731.00)	82,076.97	
7/1/2023	1063	WJS Consulting	(5,000.00)	77,076.97	
7/1/2023	1064	John Hanson	(1,242.88)	75,834.09	
7/11/2023		City of Irvine	30,019.95	105,854.04	
7/18/2023		City of Laguna Woods	5,329.08	111,183.12	
7/18/2023		City of San Juan Capistrano	6,854.01	118,037.13	
7/18/2023		City of Villa Park	4,321.05	122,358.18	
7/18/2023		City of Costa Mesa	13,432.52	135,790.70	
7/19/2023		LAIF Interest	1,358.62	137,149.32	
7/24/2023		City of Brea	7,986.10	145,135.42	
7/24/2023		City of Laguna Niguel	9,414.13	154,549.55	
7/24/2023		City of Dana Point	6,686.82	161,236.37	
7/24/2023		City of Yorba Linda	9,618.67	170,855.04	
7/24/2023		City of San Clemente	9,287.47	180,142.51	
7/24/2023		City of La Palma	5,145.98	185,288.49	
7/25/2023		Citizens Business Bank Fees	(17.86)	185,270.63	
7/30/2023		City of Seal Beach	5,951.28	191,221.91	
7/31/2023		City of Buena Park	11,040.73	202,262.64	
7/31/2023		City of Fountain Valley	8,747.15	211,009.79	
7/31/2023		City of Cypress	8,127.37	219,137.16	
7/31/2023		City of Laguna Beach	5,760.92	224,898.08	
7/31/2023		City of Los Alamitos	4,869.07	229,767.15	
7/31/2023		Orange County Sanitation District	10,000.00	239,767.15	
7/31/2023		City of Placentia	8,359.84	248,126.99	
7/31/2023		City of Rancho Santa Margarita	7,889.45	256,016.44	
7/31/2023		City of Santa Ana	29,724.19	285,740.63	
7/31/2023		City of Stanton	7,199.39	292,940.02	
7/31/2023		City of Westminster	11,644.25	304,584.27	
7/31/2023	1065	Tammy Kim	(400.00)	304,184.27	
7/31/2023	1066	Joseph Kalmick	(400.00)	303,784.27	
7/31/2023	1067	Arthur Brown	(400.00)	303,384.27	
7/31/2023	1068	David Shawver	(400.00)	302,984.27	
7/31/2023	1069	Aleshire & Wynder LLP	(6,271.00)	296,713.27	
7/31/2023	1070	AJ Design	(6,793.00)	289,920.27	

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

IMPORTANT INFORMATION ABOUT YOUR CITIZENS BUSINESS BANK AGREEMENTS

The Citizens Business Bank Disclosure Information and Agreement, Treasury Management Services Agreement, along with the Business Banking Products, Services, and Fees governing your account(s), will be updated effective October 1, 2023. Please review the Addendum Information at the end of your statement carefully and note that you may not be impacted by these changes.

Summary of Accounts

Account Type	Account Number	Ending Balance
ANALYZED BUSINESS PLAN GOVERNMENT SRVCS	591113097	\$235,226.59

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591113097
Account Summary

Date	Description	Amount
07/01/2023	Beginning Balance	\$128,120.76
	6 Credit(s) This Period	\$312,409.42
	16 Debit(s) This Period	\$205,303.59
07/31/2023	Ending Balance	\$235,226.59

Deposits

Date	Description	Amount
07/18/2023	DEPOSIT	\$29,936.66
07/24/2023	DEPOSIT	\$48,139.17
07/31/2023	DEPOSIT	\$113,362.36
		3 item(s) totaling \$191,438.19

Electronic Credits

Date	Description	Amount
07/03/2023	WIRE/IN-202318404098;ORG CALIFORNIA STATE TREASURER;REF 026C397B-A365-79	\$85,000.00
07/19/2023	City of Irvine PAYMENT V67924	\$30,019.95
07/31/2023	CITY OF SEAL BEA 7-27-2023 000730	\$5,951.28
		3 item(s) totaling \$120,971.23

Other Debits

Date	Description	Amount
07/25/2023	Account Analysis Fees	\$17.86
		1 item(s) totaling \$17.86

OUTSTANDING CHECKS		INSTRUCTIONS
		<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><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		
<p>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.</p>		
THE FOLLOWING NOTICE CONCERNING ELECTRONIC TRANSFER APPLIES IF YOUR ACCOUNT IS MAINTAINED FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES.		
<p>IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS CONTACT US AT:</p> <p style="margin-left: 40px;">Telephone: (888) 222-5432 or write us at: Citizens Business Bank P O Box 51000, Ontario, CA 91761</p>		
<p>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:</p> <ol style="list-style-type: none"> 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. <p>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</p>		

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591113097 (continued)**Checks Cleared**

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
1049	07/11/2023	\$1,602.60	1055	07/07/2023	\$11,740.00	1060	07/10/2023	\$3,900.00
1050	07/11/2023	\$1,931.00	1056	07/14/2023	\$21,472.50	1061	07/06/2023	\$49,905.14
1051	07/17/2023	\$3,500.00	1057	07/12/2023	\$30,211.42	1062	07/07/2023	\$28,731.00
1052	07/19/2023	\$18,612.50	1058	07/03/2023	\$12,146.92	1063	07/11/2023	\$5,000.00
1054*	07/14/2023	\$10,281.38	1059	07/11/2023	\$5,008.39	1064	07/03/2023	\$1,242.88

* Indicates skipped check number

15 item(s) totaling \$205,285.73

Daily Balances

Date	Amount	Date	Amount	Date	Amount
07/03/2023	\$199,730.96	07/12/2023	\$61,701.41	07/24/2023	\$115,930.81
07/06/2023	\$149,825.82	07/14/2023	\$29,947.53	07/25/2023	\$115,912.95
07/07/2023	\$109,354.82	07/17/2023	\$26,447.53	07/31/2023	\$235,226.59
07/10/2023	\$105,454.82	07/18/2023	\$56,384.19		
07/11/2023	\$91,912.83	07/19/2023	\$67,791.64		

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California State Treasurer
Fiona Ma, CPA



August 09, 2023

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

[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

July 2023 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Web Confirm Number	Authorized Caller	Amount
7/3/2023	6/30/2023	RW	1731159	N/A	JOHN HANSON	-85,000.00
7/14/2023	7/19/2023	QRD	1734865	N/A	SYSTEM	1,358.62

Account Summary.

Total Deposit:	1,358.62	Beginning Balance:	156,841.56
Total Withdrawal:	-85,000.00	Ending Balance:	73,200.18



PMIA/LAIF Performance Report as of 08/04/23



Quarterly Performance Quarter Ended 06/30/23

LAIF Apportionment Rate ⁽²⁾ :	3.15
LAIF Earnings Ratio ⁽²⁾ :	0.00008636172883763
LAIF Administrative Cost ^{(1)*} :	0.06
LAIF Fair Value Factor ⁽¹⁾ :	0.984828499
PMIA Daily ⁽¹⁾ :	3.26
PMIA Quarter to Date ⁽¹⁾ :	3.01
PMIA Average Life ⁽¹⁾ :	260

PMIA Average Monthly Effective Yields⁽¹⁾

July	3.305**
June	3.167
May	2.993
April	2.870
March	2.831
February	2.624

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 06/30/23 \$178.4 billion

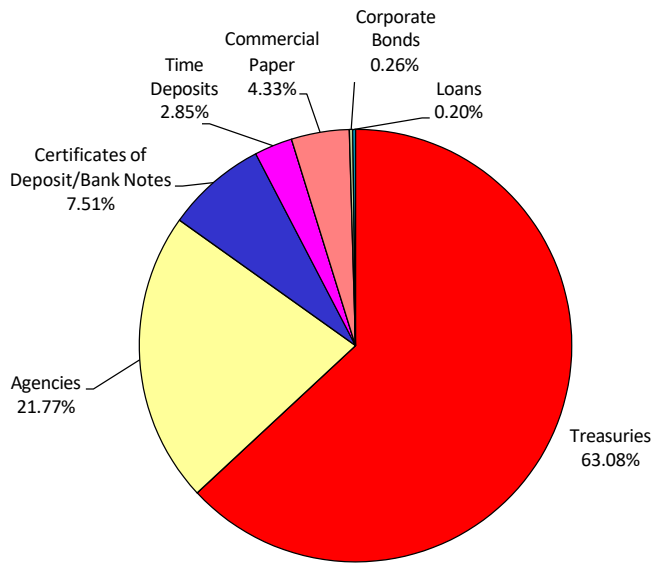


Chart does not include \$2,861,000.00 in mortgages, which equates to 0.002%. Percentages may not total 100% due to rounding.

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).

*The percentage of administrative cost equals the total administrative cost divided by the quarterly interest earnings. The law provides that administrative costs are not to exceed 5% of quarterly EARNINGS of the fund. However, if the 13-week Daily Treasury Bill Rate on the last day of the fiscal year is below 1%, then administrative costs shall not exceed 8% of quarterly EARNINGS of the fund for the subsequent fiscal year.

** Revised

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 September 30, 2023

Cash Receipts

Date	Payer	Description	Amount
7/11/2023	City of Irvine	OCCOG Dues and CDR Fees FY 2023-24	30,019.95
7/18/2023	City of Laguna Woods	OCCOG Dues and CDR Fees FY 2023-24	5,329.08
7/18/2023	City of San Juan Capistrano	OCCOG Dues and CDR Fees FY 2023-24	6,854.01
7/18/2023	City of Villa Park	OCCOG Dues and CDR Fees FY 2023-24	4,321.05
7/18/2023	City of Costa Mesa	OCCOG Dues and CDR Fees FY 2023-24	13,432.52
7/19/2023	Local Agency Investment Fund	Investment Interest	1,358.62
7/24/2023	City of Brea	OCCOG Dues and CDR Fees FY 2023-24	7,986.10
7/24/2023	City of Laguna Niguel	OCCOG Dues and CDR Fees FY 2023-24	9,414.13
7/24/2023	City of Dana Point	OCCOG Dues and CDR Fees FY 2023-24	6,686.82
7/24/2023	City of Yorba Linda	OCCOG Dues and CDR Fees FY 2023-24	9,618.67
7/24/2023	City of San Clemente	OCCOG Dues and CDR Fees FY 2023-24	9,287.47
7/24/2023	City of La Palma	OCCOG Dues and CDR Fees FY 2023-24	5,145.98
7/30/2023	City of Seal Beach	OCCOG Dues and CDR Fees FY 2023-24	5,951.28
7/31/2023	City of Buena Park	OCCOG Dues and CDR Fees FY 2023-24	11,040.73
7/31/2023	City of Fountain Valley	OCCOG Dues and CDR Fees FY 2023-24	8,747.15
7/31/2023	City of Cypress	OCCOG Dues and CDR Fees FY 2023-24	8,127.37
7/31/2023	City of Laguna Beach	OCCOG Dues and CDR Fees FY 2023-24	5,760.92
7/31/2023	City of Los Alamitos	OCCOG Dues and CDR Fees FY 2023-24	4,869.07
7/31/2023	Orange County Sanitation District	OCCOG Dues and CDR Fees FY 2023-24	10,000.00
7/31/2023	City of Placentia	OCCOG Dues and CDR Fees FY 2023-24	8,359.84
7/31/2023	City of Rancho Santa Margarita	OCCOG Dues and CDR Fees FY 2023-24	7,889.45
7/31/2023	City of Santa Ana	OCCOG Dues and CDR Fees FY 2023-24	29,724.19
7/31/2023	City of Stanton	OCCOG Dues and CDR Fees FY 2023-24	7,199.39
7/31/2023	City of Westminster	OCCOG Dues and CDR Fees FY 2023-24	<u>11,644.25</u>
			<u>228,768.04</u>

Cash Disbursements

Date	Check #	Payee	Description	Amount
7/1/2023	1055	California JPIA	FY 23-24 Liability Insurance	11,740.00
7/1/2023	1056	Interwest	REAP Admin/Coordination February	21,472.50
7/1/2023	1057	WSP USA	REAP Geospatial March	30,211.42
7/1/2023	1058	Connected Consulting	Executive Director June 2023	12,146.92
7/1/2023	1059	38Alpha (Kathryn Morrison)	Administrative Assistant/Clerk June 2023	5,008.39
7/1/2023	1060	Lisa Telles Communications	Communications/Marketing/REAP June 2023	3,900.00
7/1/2023	1061	Urban Land Institute	REAP TAP #1	49,905.14
7/1/2023	1062	CSUF ASC	4 th Quarter CDR Fees	28,731.00
7/1/2023	1063	WJS Consulting	Grant Monitoring July / SCAG Agenda Monitoring	5,000.00
7/1/2023	1064	John Hanson	Treasurer service June 2023	1,242.88
7/25/2023		Citizens Business Bank	Bank Fees	17.86
7/31/2023	1065	Tammy Kim	4 th Quarter Board Stipend	400.00
7/31/2023	1066	Joseph Kalmick	4 th Quarter Board Stipend	400.00
7/31/2023	1067	Arthur Brown	4 th Quarter Board Stipend	400.00
7/31/2023	1068	David Shawver	4 th Quarter Board Stipend	400.00
7/31/2023	1069	Aleshire & Wynder LLP	Legal June 2023	6,271.00
7/31/2023	1070	AJ Design	REAP Video, Social Media/Web Site June 2023	<u>6,793.00</u>
				<u>184,040.11</u>



AGENDA ITEM # 4

Establishment of Authorized Signers

STAFF RECOMMENDATION

Approve Resolution # 2023-002 to Authorize OCCOG Executive Director to establish signatories and representatives on checking account #591113097 with Citizens Business Bank.

SUMMARY

OCCOG banking protocol requires either two signatures on checks or a signature and email authorization for any payment. Citizens Business Bank regularly monitors OCCOG checks and requests authorization when any questions arise. When there is a change in any of the check signer's authorized representatives, Citizens Business Bank requires certain documents from an authorized representative, including a resolution from the Board of Directors establishing signatories on a checking account.

On June 30, 2023, the contract with John Hanson as Treasurer ended. On June 29, 2023, a contract with Steven Dobrenen was entered into for services as OCCOG Treasurer. Accordingly, in order to perform the duties outlined in Mr. Dobrenen's contract and the OCCOG Bylaws, certain actions are taken to memorialize the transfer of authority.

The bank requires a resolution for its records memorializing the authorization of signatories on a checking account, at which time, any previous authorizations become null and void. Staff is therefore bringing forward the item for Board approval and will provide the signed resolution to the bank along with a transmittal letter indicating the Authorized Signers and Authorized Representatives for the checking account, and a signature card for those approved individuals.

ATTACHMENTS

Resolution 2023-002 Citizens Business Bank

STAFF CONTACT

Steven Dobrenen
OCCOG Treasurer
Steven@occog.com
714-277-9581

RESOLUTION 2023-002

A RESOLUTION OF THE ORANGE COUNTY COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS AUTHORIZING EXECUTIVE DIRECTOR PRIMMER OR TREASURER STEVEN DOBRENEN TO ESTABLISH SIGNATORY AUTHORITY FOR CHAIR WENDY BUCKNUM, VICE-CHAIR DON WAGNER, EXECUTIVE DIRECTOR MARNIE PRIMMER, AND TREASURER STEVEN DOBRENEN AT CITIZENS BUSINESS BANK ACCOUNT 591113097.

WHEREAS, the OCCOG has a regular business checking account no. 591-113097 with the Citizens Business Bank; and,

WHEREAS, On June 29, 2023, OCCOG Board of Directors appointed Steven Dobrenen as OCCOG Treasurer and Auditor / Controller; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ORANGE COUNTY COUNCIL OF GOVERNMENTS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Authorize the Citizens Business Bank to establish the following signatories on the Citizens Business Bank Checking Account. The following OCCOG Representatives shall have signature authority:

- Wendy Bucknum, OCCOG Chair
- Don Wagner, Vice-Chair
- Marnie Primmer, OCCOG Executive Directors
- Steven Dobrenen, OCCOG Treasurer

SECTION 2. The Clerk of the Board shall certify the adoption of the resolution.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Orange County Council of Governments this 24th day of August, 2023.

Wendy Bucknum, OCCOG Chair

I, KATHRYN MORRISON, Clerk of the Board of the Orange County Council of Governments, do hereby certify that said Resolution was duly and regularly adopted by the Board of Directors of the Orange County Council of Governments at a regular meeting thereof held on the 24th day of August, 2023, by the following votes:

AYES:

NOES:

ABSENT:

Kathryn Morrison
Clerk of the Board



AGENDA ITEM # 5

LEGISLATIVE UPDATE

STAFF RECOMMENDATION

That the OCCOG Board of Directors adopt the following positions on legislation: Support AB 744 and SB 617.

SUMMARY

The Legislative Update is provided to keep the OCCOG Board of Directors apprised of legislative and regulatory actions that address land use and housing, energy, mobility, air quality and water issues. This report provides information on bills of interest for OCCOG and makes recommendations to adopt positions on specified bills.

BACKGROUND

State Update

Governor's Behavioral Health Proposal

The Governor has proposed a major shift in funding allocations from the Mental Health Services Act (MHSA), currently contained in SB 326 (Eggman, D-Stockton) along with a proposed \$4.7 billion bond for behavioral health facilities and housing for veterans contained in AB 531 (Irwin, D-Thousand Oaks).

The MHSA was approved by voters in 2004 and is funded by a 1% tax on personal income over \$1 million. MHSA allocates funding for mental health services mainly to counties through several funding categories. These categories currently include Community Services and Support – which include Full-Service Partnerships (FSPs) (76%), Prevention and Early Intervention (19%), and Innovation Programs (5%).

The Governor's proposal originally in SB 326 shifted funding categories under MHSA, thereby requiring counties to allocate more of these funds towards Full-Service Partnerships (FSPs) and housing. New categorical allocations include Full-Service Partnerships (35%), Housing Interventions (30%), Behavioral Health Services and Supports (30%), and Population-Based Mental Health Substance Use Disorder Prevention (5%). As originally proposed, the Governor's proposal significantly reduced the amount of flexible spending currently afforded to counties under this



program and could impact services for adults, older adults, and services for children that are not provided under FSPs.

SB 326 was amended on July 13th and August 15th to provide additional flexibility for counties under the revised proposal, including allowing 51% of Behavioral Health Services and Support funds to be used for early intervention programs for individuals 25 years of age or younger. In addition, the latest version of the bill allows counties to request the ability to shift funds between programs, up to specified percentages.

AB 531 contains the proposed \$4.7 billion bond for Behavioral Health and Veteran's Housing, aimed for the March 2024 ballot. This bond proposes to construct or rehabilitate up to 10,000 beds in residential settings and housing units for veterans and other individuals experiencing or at risk of homelessness and also experiencing behavioral health challenges. Projects under this program would be deemed in conformity with local zoning rules and exempt from the California Environmental Quality Act (CEQA). Projects funded by this program would be required to operate for at least 30 years. It is not yet clear what entities would be eligible to receive funds.

The bill allocates up to \$865 million for the Housing & Community Development Department (HCD) to award housing grants to eligible entities and \$3.8 billion to be allocated by the Department of Health Care Services (DHCS) to construct and rehabilitate beds in community-based treatment and residential care settings.

It is anticipated that in the closing weeks of the 2023 Legislative Session, this proposal will continue to evolve as negotiations continue.

California Air Resources Board 2030 Climate Goal Update

At their July 27th meeting, California Air Resources Board (CARB) acknowledged that the current greenhouse gas (GHG) emissions reduction target of reducing emissions to 48% below 1990 levels by 2030 may be challenging to meet unless major technologies advance much faster than expected or greater gains from the Cap-and-Trade program are realized. The 2022 Climate Change Roadmap adopted by CARB recently increased this target from 40% to 48%.

Current plans rely on a major expansion in the use of green hydrogen that would reduce emissions slightly more than half of the reductions seen during the pandemic. Without being able to rely on technological advances, the pressure to produce results from the Cap-and-Trade Program may push prices beyond a sustainable level.



Legislation Proposed for Consideration

The following bills are proposed for consideration by the OCCOG Board of Directors

AB 744 (Carrillo, D-Palmdale) California Transportation Commission: data, modeling, and analytic software tools procurement

AB 744 would require the California Transportation Commission to acquire public domain or procure commercially available or open-source licensed data, modeling, and analytic software tools to support the state's sustainable transportation, congestion management, affordable housing, efficient land use, air quality, and climate change strategies and goals. This bill would authorize the commission to provide a direct allocation of funding to local agencies for the above purposes, and would require state and local agencies that receive the funds or access to data, modeling, and analytic software tools to submit reports to the commission no later than August 1, 2026, regarding their use of the data, modeling, and analytic software tools. The bill would require the commission, based on those reports, to submit a report to the Legislature no later than June 1, 2027, regarding the use of the data, modeling, and analytic software tools by state and local agencies. This bill would authorize the commission to establish best practices for use of data in transportation planning and to identify data elements that should be made available to state and local agencies for transportation planning.

OCCOG's adopted 2023-2024 Legislative Policy Guidelines support improved partnerships with the State and AB 744 will provide resources to smaller jurisdictions to perform the data analysis needed to adequately compete for funding that helps local agencies meet state climate and infrastructure goals. **Staff Recommendation: Support**

SB 617 (Newman, D-Fullerton) Public contracts: progressive design-build: local and regional agencies: transit

Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project that treats, pumps, stores, or conveys water, wastewater, recycled water, advanced treated water, or supporting facilities. Current law defines "progressive design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Current law requires the selected entity and its general partners or joint venture members to verify specified information



under penalty of perjury. Current law requires local agencies to report to the Legislature by January 1, 2028, regarding the use of the progressive design-build process, as specified. This bill, until January 1, 2029, would similarly authorize a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency, as described, to use the progressive design-build process for up to 10 public works projects more than \$5,000,000 for each project.

OCCOG's adopted 2023-2024 Legislative Policy Guidelines support expanded Design-build Authority for infrastructure construction. This bill provides our regional transportation partners with enhanced, expanded authority for use on projects over \$5,000,000. **Staff Recommendation: Support**

Key Legislative Deadlines

Below are the remaining key deadlines for bills introduced in 2023:

September 1 Second House Fiscal Committee Deadline
September 8 Last Day to Amend Bills
September 14 Last Day to Pass Bills
October 14 Governor's Sign/Veto Deadline
January 3, 2024 – Legislature Returns

ATTACHMENTS

- A. OCCOG Bills with Positions
- B. OCCOG Bills of Interest

STAFF CONTACTS

Wendy J. Strack
OCCOG Legislative Consultant
951-712-3173
wendy@wisconsult.com

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

Attachment A OCCOG Bills with Positions

[AB 6](#)

(Friedman D) Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.

Last Amend: 3/16/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was TRANS. on 6/14/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 7/14/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires that each regional transportation plan also include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively. This bill would require the state board, after January 1, 2024, and not later than September 30, 2026, to establish additional targets for 2035 and 2045, respectively, as specified.

[AB 7](#)

(Friedman D) Transportation: planning: project selection processes.

Last Amend: 6/28/2023

Status: 7/12/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 4.) (July 11). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/12/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Transportation Agency is under the supervision of the Secretary of Transportation, who has the power of general supervision over the Department of the California Highway Patrol, the California Transportation Commission, the Department of Motor Vehicles, the Department of Transportation, the High-Speed Rail Authority, and the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun. The secretary, among other duties, is charged with developing and reporting to the Governor on legislative, budgetary, and administrative programs to accomplish coordinated planning and policy formulation in matters of public interest, including transportation projects. On and after January 1, 2025, and to the extent applicable and cost effective, this bill would require the agency, the Department of Transportation, and the California Transportation Commission to incorporate specified principles into their existing program funding guidelines and processes.

[AB 701](#)

(Villapudua D) Controlled substances: fentanyl.

Last Amend: 6/20/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. Current law classifies the drug fentanyl in Schedule II. Current law prohibits a person from possessing for sale or purchasing for purposes of sale specified controlled substances, including fentanyl, and provides for imprisonment in a county jail for 2, 3, or 4 years for a violation of this provision. Current law also imposes an additional term, and authorizes a trial court to impose a specified fine, upon a person who is convicted of a violation of, or of a conspiracy to violate, specified provisions of law with respect to a substance containing heroin, cocaine base, and cocaine, if the substance exceeds a specified weight. This bill would impose that additional term upon, and authorize a fine against, a defendant who violates those laws with respect to a substance containing fentanyl.

[AB 914](#)

(Friedman D) Electrical infrastructure: California Environmental Quality Act: review time period.

Last Amend: 7/13/2023

Status: 7/13/2023-Read second time and amended. Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/10/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires each state agency to establish, by

resolution or order, time limits for completing the environmental review of a project where the state agency is the lead agency for the project, as specified. This bill, until January 1, 2031, would require a state agency, acting as the lead agency, to complete its environmental review for an electrical infrastructure project and to approve or deny the project within 2 years of the submission and acceptance of a complete application for the issuance of a lease, permit, license, certificate, or other entitlement for use for electrical infrastructure to the state agency. If the state agency fails to meet this deadline, the bill would require the state agency to submit to the Legislature a report setting forth the reasons that the review could not be completed within the time period and identifying potential impacts to the electrical system that could result from the delay.

AB 976 (Ting D) Accessory dwelling units: owner-occupancy requirements.

Last Amend: 8/17/2023

Status: 8/17/2023-Read third time and amended. Ordered to second reading.

Is Fiscal: N

Location: 8/17/2023-S. SECOND READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law requires a local ordinance to require an accessory dwelling unit to be either attached to, or located within, the proposed or existing primary dwelling, as specified, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. Current law authorizes a local agency to require an accessory dwelling unit to be used for rentals of terms longer than 30 days. This bill, instead, would authorize a local agency to require terms that are 30 days or longer.

AB 1335 (Zbur D) Local government: transportation planning and land use: sustainable communities strategy.

Last Amend: 6/22/2023

Status: 7/12/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 2.) (July 11). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/12/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires specified designated transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, as described. Current law requires the plan to include specified information, including a sustainable communities strategy prepared by each metropolitan planning organization, and requires each transportation planning agency to adopt and submit, every 4 years, an updated plan to the California Transportation Commission and the Department of Transportation. Current law requires the sustainable communities strategy to include specified information, including an identification of areas within the region sufficient to house all the population of the region over the course of the planning period of the regional transportation plan, as specified, and an identification of areas within the region sufficient to house an 8-year projection of the regional housing need for the region, as specified. This bill would additionally require each metropolitan planning organization to include in the sustainable communities strategy the total number of new housing units necessary to house all the population of the region over the course of the planning period of the regional transportation plan, as specified, and the total number of new housing units necessary to house the above-described 8-year projection, as specified.

Notes: CALCOG expressed concerns

SB 226 (Alvarado-Gil D) Controlled substances: armed possession: fentanyl.

Last Amend: 6/13/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was PUB. S. on 6/8/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 7/14/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law classifies certain substances, including cocaine, heroin, and fentanyl, as controlled substances and generally prohibits the possession, sale, transportation, and use of these substances. Current law additionally prohibits the possession of certain of these controlled substances including cocaine, heroin, and methamphetamine while armed with a loaded and operable firearm. A violation of this prohibition is punishable as a felony punishable by incarceration in the state prison. This bill would additionally prohibit the possession of fentanyl, as specified, while armed with a loaded

and operable firearm.

SB 411 (Portantino D) Open meetings: teleconferences: neighborhood councils.

Last Amend: 8/14/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Is Fiscal: N

Location: 8/15/2023-A. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, until January 1, 2026, authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established. The bill would require that, at least once per year, at least a quorum of the members of the eligible legislative body participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

Notes: To be amended to apply to LA

SB 423 (Wiener D) Land use: streamlined housing approvals: multifamily housing developments.

Last Amend: 8/14/2023

Status: 8/14/2023-Read second time and amended. Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/10/2023-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, among others, that the development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate-income housing units required, as specified, remain available at affordable housing costs, as defined, or rent to persons and families of lower or moderate-income for no less than specified periods of time. Current law repeals these provisions on January 1, 2026. This bill would authorize the Department of General Services to act in the place of a locality or local government, at the discretion of that department, for purposes of the ministerial, streamlined review for development in compliance with the above-described requirements on property owned by or leased to the state. The bill would extend the operation of the streamlined, ministerial approval process to January 1, 2036.

SB 537 (Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Last Amend: 8/14/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Is Fiscal: N

Location: 8/15/2023-A. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Ralph M. Brown Act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the

legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

Total Measures: 10

Total Tracking Forms: 10

Attachment B OCCOG All Tracked Bills

AB 6

(Friedman D) Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.

Last Amend: 3/16/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was TRANS. on 6/14/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 7/14/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires that each regional transportation plan also include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively. This bill would require the state board, after January 1, 2024, and not later than September 30, 2026, to establish additional targets for 2035 and 2045, respectively, as specified.

AB 7

(Friedman D) Transportation: planning: project selection processes.

Last Amend: 6/28/2023

Status: 7/12/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 4.) (July 11). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/12/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Transportation Agency is under the supervision of the Secretary of Transportation, who has the power of general supervision over the Department of the California Highway Patrol, the California Transportation Commission, the Department of Motor Vehicles, the Department of Transportation, the High-Speed Rail Authority, and the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun. The secretary, among other duties, is charged with developing and reporting to the Governor on legislative, budgetary, and administrative programs to accomplish coordinated planning and policy formulation in matters of public interest, including transportation projects. On and after January 1, 2025, and to the extent applicable and cost effective, this bill would require the agency, the Department of Transportation, and the California Transportation Commission to incorporate specified principles into their existing program funding guidelines and processes.

AB 9

(Muratsuchi D) Greenhouse gases: market-based compliance mechanism.

Last Amend: 4/17/2023

Status: 6/2/2023-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 6/1/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 6/2/2023-A. 2 YEAR

Desk	Policy	Fiscal	2 year	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board to include the use of market-based compliance mechanisms in regulating greenhouse gas emissions. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would require the state board to initiate a regulatory process to evaluate potential updates to the market-based compliance mechanism, and would require regulatory changes to take effect no later than January 1, 2025. The bill would require the evaluation to focus on specified items, including whether the supply of emission allowances and carbon offsets are consistent with a linear trajectory toward the statewide greenhouse gas emissions reduction goal established in the state board's most recent scoping plan, rules for banking allowances to use for future compliance, and recommendations made by the Independent Emissions Market Advisory Committee and the state board's environmental justice advisory committee. The bill would require the state board, beginning January 1, 2028, and subsequently on a triennial basis, as specified, and in consultation with the Independent Emissions Market Advisory Committee and the environmental justice advisory committee, to conduct an evaluation of the market-based compliance mechanism, as provided.

AB 16

(Dixon R) Motor Vehicle Fuel Tax Law: adjustment suspension.

Status: 3/30/2023-Referred to Com. on TRANS.

Is Fiscal: Y

Location: 3/30/2023-A. TRANS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Existing law requires the department to adjust the tax on July 1 each year by a percentage amount equal to the increase in the California Consumer Price Index, as calculated by the Department of Finance. Article XIX of the California Constitution restricts the expenditure of revenues from the Motor Vehicle Fuel Tax, Diesel Fuel Tax Law, and other taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. This bill would authorize the Governor to suspend an adjustment to the motor vehicle fuel tax, as described above, scheduled on or after July 1, 2024, upon making a determination that increasing the rate would impose an undue burden on low-income and middle-class families. The bill would require the Governor to notify the Legislature of an intent to suspend the rate adjustment on or before January 10 of that year, and would require the Department of Finance to submit to the Legislature a proposal by January 10 that would maintain the same level of funding for transportation purposes as would have been generated had the scheduled adjustment not been suspended.

[AB 42](#)

(Ramos D) Tiny homes: fire sprinkler requirements.

Last Amend: 8/14/2023

Status: 8/14/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/13/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, until January 1, 2027, prohibit a local agency from imposing or enforcing any requirement to provide fire sprinklers for a temporary sleeping cabin with a total floor area of less than 250 square feet that is on a site with 50 or fewer temporary sleeping cabins. The bill would define "temporary sleeping cabin" to mean a nonpermanent fixture that is intended to provide temporary housing to people experiencing homelessness or at risk of homelessness, has a total floor area of less than 250 feet, and does not include plumbing. The bill would require a temporary sleeping cabin with a total floor area of less than 250 square feet that does not include fire sprinklers to comply with alternative fire life and safety standards that include providing, among other things, a smoke alarm and carbon monoxide alarm in the unit, a fire extinguisher in the unit, and ingress and egress that facilitates rapid exit of the temporary sleeping cabin. By requiring local agencies to impose alternative fire life and safety standards for these units, the bill would impose a state-mandated local program.

[AB 45](#)

(Boerner D) Coastal resources: coastal development permits: blue carbon demonstration projects.

Last Amend: 5/25/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Coastal Act of 1976, among other things, requires anyone wishing to perform or undertake any development in the coastal zone, except as specified, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit from the California Coastal Commission, as provided. This bill would authorize the commission to authorize blue carbon demonstration projects, as defined, in order to demonstrate and quantify the carbon sequestration potential of these projects to help inform the state's natural and working lands and climate resilience strategies.

[AB 53](#)

(Fong, Vince R) Motor Vehicle Fuel Tax Law: suspension of tax.

Status: 3/30/2023-Referred to Com. on TRANS.

Is Fiscal: Y

Location: 3/30/2023-A. TRANS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would suspend the imposition of the tax on motor vehicle fuels for one year. The bill would require that all savings realized based on the suspension of the motor vehicle fuels tax by a person other than an end consumer, as defined, be passed on to the end consumer, and would make the

violation of this requirement an unfair business practice, in violation of unfair competition laws, as provided. The bill would require a seller of motor vehicle fuels to provide a receipt to a purchaser that indicates the amount of tax that would have otherwise applied to the transaction.

AB 62 (Mathis R) Statewide water storage: expansion.

Last Amend: 4/20/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Current law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality. This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the Department of Water Resources, in consultation with the state board, to take reasonable actions to promote or assist efforts to achieve the statewide goal, as provided. The bill would require the department, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the state board, to prepare and submit a report to the Legislature on the progress made to achieve the statewide goal.

AB 68 (Ward D) Land use: streamlined housing approvals: density, subdivision, and utility approvals.

Last Amend: 4/12/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/16/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require a local government to approve a proposed housing development pursuant to a streamlined, ministerial approval process if the development meets certain objective planning standards, including, but not limited to, a requirement that the proposed parcel for the development be a climate-smart parcel, as described, or be included in the applicable region’s sustainable communities strategy as a priority development area. The bill would set forth procedures for approving these developments and would set forth various limitations for these developments. The bill would authorize the Department of Housing and Community Development to review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth by this process.

Notes: Co-Sponsored by California YIMBY and The Nature Conservancy

AB 69 (Waldron R) Transportation: traffic signal synchronization: roadway improvement projects.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/2/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The State Air Resources Board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Current law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Current law authorizes moneys in the fund to be allocated, as specified, for an investment in a traffic signal synchronization component that is part of a sustainable infrastructure project if the component is designed and implemented to achieve cost-effective reductions in greenhouse gas emissions and includes specific emissions reduction targets and metrics to evaluate the project’s effect. This bill would additionally authorize moneys in the fund to be allocated for an investment in a traffic signal synchronization component that is part of a roadway improvement project requiring multiple signals,

including, but not limited to, multimodal redevelopment projects, rail trail projects, urban renewal projects, or a project near transit facilities, if the component is designed and implemented to achieve cost-effective reductions in greenhouse gas emissions and includes specific emissions reduction targets and metrics to evaluate the project's effect.

[AB 251](#) (Ward D) California Transportation Commission: vehicle weight safety study.

Last Amend: 6/7/2023

Status: 6/26/2023-In committee: Referred to APPR. suspense file.

Is Fiscal: Y

Location: 6/26/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law tasks the California Transportation Commission (CTC) with various transportation-related studies and reports to the Legislature. This bill would require the CTC to convene a task force to study the relationship between vehicle weight and injuries to vulnerable road users, such as pedestrians and cyclists, and degradation to roads, and to study the costs and benefits of imposing a passenger vehicle weight fee, or restructuring an existing fee to include consideration of vehicle weight. The bill would require the CTC, by no later than January 1, 2026, to prepare and submit a report to the Legislature, as specified.

[AB 257](#) (Hoover R) Encampments: penalties.

Last Amend: 2/23/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was PUB. S. on 2/2/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under current law, a person who lodges in a public or private place without permission is guilty of disorderly conduct, a misdemeanor. Current law also provides that a person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place is guilty of a misdemeanor. This bill would prohibit a person from camping, as defined, in a street, sidewalk, or other public property within 500 feet of a school, daycare center, playground, or youth center.

[AB 284](#) (Patterson, Joe R) Department of Housing and Community Development: annual report: Homeless Housing, Assistance, and Prevention program.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 2/2/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under current law, grants under the Homeless Housing, Assistance, and Prevention (HHAP) program are allocated in 4 rounds of funding, administered by the California Interagency Council on Homelessness, as provided. Current law requires the Department of Housing and Community Development to submit an annual report to the Governor and both houses of the Legislature on the operations and accomplishments during the previous fiscal year of the housing programs administered by the department. Current law requires that the report include, among other things, the number of units assisted by those programs and the number of individuals and households served and their income level. This bill would additionally require that this report include an evaluation of the HHAP program.

[AB 287](#) (Garcia D) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: competitive grant programs: funding objectives.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the moneys from the Greenhouse Gas Reduction Fund to be used to facilitate the achievement of reductions of greenhouse gas emissions consistent with the California Global Warming Solutions Act of 2006 and, where applicable and to the extent feasible, to maximize economic, environmental, and public health benefits to the state, among other goals. This bill,

beginning July 1, 2025, would require state agencies administering competitive grant programs that allocate moneys from the fund to give specified communities preferential points during grant application scoring for programs intended to improve air quality, to provide for a specified application timeline, and to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications.

[AB 305](#) (Villapudua D) California Flood Protection Bond Act of 2024.

Last Amend: 4/25/2023

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Is Fiscal: Y

Location: 6/14/2023-S. N.R. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

[AB 309](#) (Lee D) The Social Housing Act.

Last Amend: 7/13/2023

Status: 7/13/2023-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (July 12). Read second time and amended. Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/13/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would enact the Social Housing Act and would create, in the Department of General Services, the Social Housing Program, the mission of which would be to ensure that social housing developments are produced on leased state property to help address the housing crisis, as specified. The bill would authorize the program to identify and develop up to 3 social housing projects, as specified, with the intent to use the results to inform public policy related to developing an independent public entity to develop statewide social housing. The bill would require the program to solicit bids to develop social housing units, and prioritize bids that demonstrate long-term revenue neutrality or a cost rent model, as those terms are defined. The bill would require the program to employ 2 different leasing models, the rental model and the ownership model, as specified, in creating social housing. The bill would prohibit a city or county from denying a social housing development authorized under the program. The bill would authorize a city or county to propose objective design review standards, as specified, and authorize a city or county to propose modifications to mitigate any specific, adverse impacts on public health or safety, as specified.

[AB 312](#) (Reyes D) State Partnership for Affordable Housing Registries in California Grant Program.

Last Amend: 3/30/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would establish, subject to appropriation by the Legislature, the State Partnership for Affordable Housing Registries in California Grant Program to provide technical assistance to eligible entities, as defined, for the purpose of creating a state-managed online platform of affordable housing listings, information, and applications. The bill would require the department to administer the program and to adopt guidelines for this purpose. The bill would require the department to develop a housing preapplication to standardize applications for affordable housing and to solicit participation of eligible entities no later than January 1, 2026, and to launch the platform no later than July 1, 2027. The bill would require the department to provide technical assistance to participating entities and to ensure equitable access to database users, as specified. The bill would authorize the department to coordinate with the Office of Data and Innovation to carry out the requirements of the program and to contract with vendors pursuant to existing provisions of state contract law, as specified. The bill would establish minimum requirements for the platform and would require a vendor selected to create and maintain the platform to demonstrate specified capabilities and implement those requirements. The bill would exempt from disclosure as a public record any personally identifiable information collected by the platform or shared between eligible entities and the department in administering the program.

[AB 323](#) (Holden D) Density Bonus Law: purchase of density bonus units by nonprofit housing organizations: civil actions.

Last Amend: 5/18/2023

Status: 8/9/2023-In committee: Set, first hearing. Hearing canceled at the request of author.

Is Fiscal: Y

Location: 7/6/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current property tax law establishes a welfare exemption under which property is exempt from taxation if the property is owned and operated by a nonprofit corporation that is organized and operated for the purpose of building and rehabilitating single-family or multifamily residences for sale, as provided, at cost to low-income families. Current law requires the developer and the city or county to ensure that (1) a for-sale unit that qualified the developer for the award of the density bonus is initially occupied by a person or family of the required income, offered at an affordable housing cost, as defined, and includes an equity sharing agreement, as specified, or (2) a qualified nonprofit housing organization that is receiving the above-described welfare exemption purchases the unit pursuant to a specified recorded contract that includes an affordability restriction, an equity sharing agreement, as specified, and a repurchase option that requires a subsequent purchaser that desires to sell or convey the property to first offer the nonprofit corporation the opportunity to repurchase the property. This bill would instead require the developer and the city or county to ensure that (1) the for-sale unit that qualified the developer for the award of the density bonus is to be initially sold to and occupied by a person or family of the required income, (2) the qualified nonprofit housing organization that is receiving the above-described welfare exemption meets specified requirements, including having a determination letter from the Internal Revenue Service affirming its tax-exempt status, as specified, being based in California, and the primary activity of the nonprofit corporation being the development and preservation of affordable home ownership housing in California that incorporates within their contracts for initial purchase a repurchase option that requires a subsequent purchaser that desires to sell or convey the property to first offer the nonprofit corporation the opportunity to repurchase the property pursuant to an equity sharing agreement or a specified recorded contract that includes an affordability restriction, or (3) the city, county, and city and county has sent a list of buyers who are eligible to purchase the unit to the developer starting at the time the building permit is issued until 90 days after the certificate of occupancy or final inspection is issued or completed for that unit.

[AB 340](#)

(Fong, Vince R) California Environmental Quality Act: grounds for noncompliance.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/9/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.

[AB 356](#)

(Mathis R) California Environmental Quality Act: aesthetic impacts.

Last Amend: 4/18/2023

Status: 7/27/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 116, Statutes of 2023.

Is Fiscal: Y

Location: 7/27/2023-A. CHAPTERED

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Current law, until January 1, 2024, specifies that, except as provided, a lead agency is not required to evaluate the aesthetic effects of a project and aesthetic effects are not considered significant effects on the environment if the project involves the refurbishment, conversion, repurposing, or replacement of an existing building that meets certain requirements. This bill would extend the operation of the above provision to January 1, 2029. The bill would require the lead agency to file a notice with the Office of

Planning and Research and the county clerk of the county in which the project is located if the lead agency determines that it is not required to evaluate the aesthetic effects of a project and determines to approve or carry out that project. By imposing additional duties on lead agencies, the bill would impose a state-mandated local program.

[AB 394](#) (Hoover R) Housing: Building Homes and Jobs Act: report.

Last Amend: 3/1/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 2/23/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The Building Homes and Jobs Act, imposes a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. Current law requires that a county recorder send revenues from this fee, as provided, to the State Controller for deposit in the Building Homes and Jobs Trust Fund. Current law, for moneys collected on and after January 1, 2019, requires 20% of all moneys in the fund, upon appropriation by the Legislature, to be expended for affordable owner-occupied workforce housing. This bill would require the Department of Housing and Community Development to create and submit a report to the Legislature that includes specified information relating to the expenditure of the above-described moneys for affordable owner-occupied workforce housing, including how those moneys are being utilized and the number of new homeowners as a result of the expenditure of those moneys, among other things.

[AB 397](#) (Essayli R) California Global Warming Solutions Act of 2006: scoping plan.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/9/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The State Air Resources Board is required to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would require the state board to include greenhouse gas emissions from wildlands and forest fires in the scoping plan.

[AB 400](#) (Rubio, Blanca D) Local agency design-build projects: authorization.

Last Amend: 6/13/2023

Status: 7/13/2023-Read third time. Passed. Ordered to the Assembly. (Ayes 37. Noes 0.). In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 11 pursuant to Assembly Rule 77.

Is Fiscal: Y

Location: 7/13/2023-A. CONCURRENCE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law authorizes a local agency, as defined, with approval of its governing body, to procure design-build contracts for public works projects in excess of \$1,000,000, awarding the contract either to the lowest bid or the best value. "Local agency" is defined, in part, for this purpose to include specified local and regional agencies responsible for the construction of transit projects, including any joint powers authority formed to provide transit service. Current law, among other requirements for the design-build procurement process, requires specified information submitted by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025. This bill would delete from the definition of "local agency" any joint powers authority formed to provide transit services, and would instead expand that definition to include any joint powers authority responsible for the construction of transit projects, thereby authorizing additional joint powers authorities to use the above-described design-build procurement process. The bill would extend the repeal date to January 1, 2031.

[AB 411](#) (Bennett D) California Recreational Trails and Greenways Act.

Last Amend: 3/16/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the Department of Parks and Recreation to establish the California Recreational Trails and Greenways Program to, beginning in 2024, award competitive grants on a biennial basis for new, expanded, or improved public access opportunities through nonmotorized recreational trail creation, improvement, enhancement, and restoration projects. The bill would create the California Recreational Trails and Greenways Fund in the State Treasury, and would require that specified moneys, including, to the extent consistent with Proposition 68, unexpended Proposition 68 moneys that revert to the administering agency for allocation, upon appropriation by the Legislature, be deposited into the fund and, upon appropriation by the Legislature, be available for allocation by the department for purposes of the program, as specified. In order to reduce the financial burdens associated with frontloaded cost structures and match requirements, the bill would authorize the department to create a loan or grant process for advanced payment and match assistance to reduce barriers to participation in the program.

AB 426

(Jackson D) Unlicensed residential foster care facilities: temporary placement management.

Last Amend: 7/14/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Office of the State Foster Care Ombudsperson to be established in the State Department of Social Services with prescribed powers and duties relating to the management of foster children. Current law authorizes the ombudsperson, as part of the office’s efforts to resolve complaints related to foster care, to conduct whatever investigation reasonably related to the complaint and to foster care that the ombudsperson deems necessary. Current law grants specified rights to all minors and nonminors in foster care, including, among others, the right to receive medical, dental, vision, and mental health services, the right to be informed of these rights in an age- and developmentally appropriate manner, and the right to receive a copy of these rights at specified intervals. This bill would authorize the State Department of Social Services to appoint a temporary placement manager, as defined, if the department has reason to believe, including pursuant to a complaint investigated by the State Foster Care Ombudsperson, that an unlicensed residential foster care facility, as defined, is endangering the welfare of foster children or youth in the facility, including, but not limited to, in violation of any of the rights described above. The bill would require the department to issue an initial statement of allegations, followed by a formal statement of allegations that specifies the factual and legal basis for the appointment of a temporary placement manager to operate the facility 60 calendar days after issuance of the formal statement of allegations. The bill would require the appointment of the temporary placement manager to be effective 61 calendar days after the department issues the statement of causes and concerns, and until the temporary placement manager notifies the department, and the department verifies, that appropriate placements have been arranged for all foster children and youth in the facility, as prescribed. The bill would authorize a residential foster care facility that receives a formal statement of allegations to contest the appointment of a temporary manager by seeking injunctive relief in the superior court sitting in the county in which the facility is located, as specified.

AB 434

(Grayson D) Housing element: notice of violation.

Last Amend: 7/12/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Middle Class Housing Act of 2022 deems a housing development project, as defined, to be an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use, if specified conditions are met, including requirements relating to density, public notice, comment, hearing, or other procedures, site location and size, consistency with sustainable community strategy or alternative plans, prevailing wage, and a skilled and trained workforce. Statutory law proposed by SB 4 would require that a housing development project be a use by right upon the request of an applicant who submits an application for streamlined approval, on any land owned by an independent institution of higher education or religious institution on or before January 1, 2024, if the development satisfies specified criteria. Current law requires the Department of Housing and

Community Development to notify a city, county, or city and county, and authorizes the department to notify the Attorney General, that a city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to that element, or any specified action or failure to act, does not substantially comply with the law as it pertains to housing elements or that any local government has taken an action in violation of certain housing laws. This bill would additionally authorize the department to notify a city, county, city and county, or the Attorney General when the planning agency of a city, county, or city and county fails to comply with the above-described provisions relating to hearings for specified variances, ministerial approval of applications for accessory dwelling units or junior accessory dwelling units, permitting for unpermitted accessory dwelling units constructed prior to January 1, 2018, sale or conveyance of accessory dwelling units, ministerial approval of proposed housing developments, ministerial approval of parcel maps for urban lot splits, housing development projects being deemed an allowable use of parcels within a zone where office, retail, or parking are a principally permitted use, or a housing development project being a use by right on land owned by an independent institution of higher education or religious institution, as provided.

AB 480 (Ting D) Surplus land.

Last Amend: 7/3/2023

Status: 8/9/2023-In committee: Set, first hearing. Hearing canceled at the request of author.

Is Fiscal: Y

Location: 7/11/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires a local agency to take formal action in a regular public meeting to declare that land is surplus and is not necessary for the agency’s use and to declare land as either “surplus land” or “exempt surplus land,” as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency’s policies or procedures. This bill would exempt a local agency, in specified instances, from making a declaration at a public meeting for land that is “exempt surplus land” if the local agency identifies the land in a notice that is published and available for public comment at least 30 days before the exemption takes effect.

AB 510 (Jackson D) Public social services: purposes.

Last Amend: 4/13/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/18/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes various public social services programs, including, among others, CalWORKs and the State Supplementary Program for Aged, Blind and Disabled. Current law sets forth the purposes of public social services for which state grants are made to counties that include, among others, providing reasonable support and maintenance for needy and dependent families and persons. This bill would instead state that providing reasonable support and maintenance for needy and vulnerable children, adults, and families is a purpose of public social services.

AB 519 (Schiavo D) Affordable Housing Finance Workgroup: affordable housing: consolidated application process.

Last Amend: 7/3/2023

Status: 8/9/2023-In committee: Hearing postponed by committee.

Is Fiscal: Y

Location: 7/11/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the Department of Housing and Community Development and sets forth its powers and duties, including promoting the development of affordable housing in the state. Current law creates the California Housing Finance Agency within the department and authorizes the agency to make loans to finance affordable housing. Current law establishes the California Tax Credit Allocation Committee to allocate specified federal low-income housing tax credits. Current law also establishes the California Debt Limit Allocation Committee for the purpose of implementing the volume limit for the state on private activity bonds established pursuant to federal law. Under current law, the committee’s duties include annually determining a state ceiling on the aggregate amount of private activity bonds that may be issued, and allocating that amount among state and local agencies. This bill would require the above-described entities to jointly convene an Affordable Housing Finance Workgroup to develop a consolidated application for housing developers to use to obtain grants, loans, tax credits, tax exempt bonds, credit enhancements, federal funds, as applicable, and other types of financing for building affordable housing, and develop a coordinated review process for the

application, as described.

AB 529 (Gabriel D) Adaptive reuse projects.

Last Amend: 3/30/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, for award cycles commenced after July 1, 2021, awards a city, county, or city and county, that has adopted a housing element determined by the Department of Housing and Community Development to be in substantial compliance with specified provisions of the Planning and Zoning Law and that has been designated by the department as prohousing based upon their adoption of prohousing local policies, as specified, additional points in the scoring of program applications for housing and infrastructure programs pursuant to guidelines adopted by the department, as provided. Current law defines "prohousing local policies" as policies that facilitate the planning, approval, or construction of housing, including, but not limited to, local financial incentives for housing, reduced parking requirements for sites that are zoned for residential development, and the adoption of zoning allowing for use by right for residential and mixed-use development. This bill would add the facilitation of the conversion or redevelopment of commercial properties into housing, including the adoption of adaptive reuse, as defined, ordinances or other mechanisms that reduce barriers for these conversions, to the list of specified prohousing local policies.

AB 531 (Irwin D) The Behavioral Health Infrastructure Bond Act of 2023.

Last Amend: 6/19/2023

Status: 8/14/2023-In committee: Hearing postponed by committee.

Is Fiscal: Y

Location: 7/13/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the Behavioral Health Infrastructure Bond Act of 2023 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,680,000,000 to finance grants for the acquisition of capital assets for, and the construction and rehabilitation of, unlocked, voluntary, and community-based treatment settings and residential care settings and also for housing for veterans and others who are experiencing homelessness or are at risk of homelessness and are living with a behavioral health challenge. The bill would provide for the submission of the bond act to the voters at the March 5, 2024, statewide primary election.

AB 548 (Boerner D) State Housing Law: inspection.

Last Amend: 6/22/2023

Status: 7/3/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 7/3/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law authorizes an officer, employee, or agent of an enforcement agency to enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of the State Housing Law, the building standards published in the State Building Standards Code, and other rules and regulations promulgated pursuant to the provisions of the State Housing Law that the enforcement agency has the power to enforce. This bill would require local enforcement agencies, by January 1, 2025, to develop policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer has determined that a unit is substandard or is in violation of the State Housing Law, and the inspector or code enforcement officer determines that the defects or violations have the potential to affect other units of the building, as specified. If the enforcement agency determines the substandard condition could reasonably affect other units, the bill would require notice be given to the property owner, as specified, and the units reinspected to verify correction of the violations. By imposing new duties on local government officials, this bill would impose a state-mandated local program.

AB 557 (Hart D) Open meetings: local agencies: teleconferences.

Last Amend: 6/19/2023

Status: 6/29/2023-Read second time. Ordered to third reading.

Is Fiscal: N

Location: 6/29/2023-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (2) has previously made that determination.

AB 637 (Low D) Density Bonus Law.

Last Amend: 3/20/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was H. & C.D. on 2/17/2023)(May be acted upon Jan 2024)

Is Fiscal: N

Location: 5/5/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Density Bonus Law requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income, very low income, or senior citizen housing, among other things, and meets other requirements. Current law requires a city or county to grant a proposal for an incentive or concession requested by a developer unless it would not result in identifiable and actual cost reductions, as specified, would have a specific, adverse impact on public health or safety or on specified real property and for which there is no method to avoid or mitigate that impact, as specified, or would be contrary to state or federal law. This bill would additionally except from the requirement that a city or county to grant a proposal an incentive or concession would alter the requirements of a local program, policy, or ordinance that requires, as a condition of the development of residential units, that the development include a certain percentage of residential units that meet specified affordability requirements.

AB 671 (Ward D) CalHome Program: accessory dwelling units.

Last Amend: 4/13/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would specify that neither the CalHome Program nor any administrative rule or guideline implementing the CalHome Program precludes a community land trust, as defined, from using CalHome Program funds to purchase residential real property in fee simple, to construct accessory dwelling units or junior accessory dwelling units on the property, and to separately lease each dwelling unit on the property to separate households or separately convey the dwelling units on separate parcels created pursuant to specified law.

AB 692 (Patterson, Jim R) California Environmental Quality Act: exemption: egress route projects: fire safety.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/26/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, until January 1, 2030, exempt from the the California Environmental Quality Act (CEQA) egress route projects undertaken by a public agency to improve emergency access to and evacuation from a subdivision without a secondary egress route if the State Board of Forestry and Fire

Protection has recommended the creation of a secondary access to the subdivision and certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project is exempt. The bill would require the lead agency, if it determines that a project is not subject to CEQA and approves or carries out that project, to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project will be located.

[AB 701](#) (Villapudua D) Controlled substances: fentanyl.

Last Amend: 6/20/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. Current law classifies the drug fentanyl in Schedule II. Current law prohibits a person from possessing for sale or purchasing for purposes of sale specified controlled substances, including fentanyl, and provides for imprisonment in a county jail for 2, 3, or 4 years for a violation of this provision. Current law also imposes an additional term, and authorizes a trial court to impose a specified fine, upon a person who is convicted of a violation of, or of a conspiracy to violate, specified provisions of law with respect to a substance containing heroin, cocaine base, and cocaine, if the substance exceeds a specified weight. This bill would impose that additional term upon, and authorize a fine against, a defendant who violates those laws with respect to a substance containing fentanyl.

[AB 744](#) (Carrillo, Juan D) California Transportation Commission: data, modeling, and analytic software tools procurement.

Last Amend: 6/21/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, upon the appropriation of funds by the Legislature, require the California Transportation Commission to acquire public domain or procure commercially available or open-source licensed data, modeling, and analytic software tools to support the state’s sustainable transportation, congestion management, affordable housing, efficient land use, air quality, and climate change strategies and goals, as provided. This bill would authorize the commission to provide a direct allocation of funding to local agencies for the above purposes, and would require state and local agencies that receive the funds or access to data, modeling, and analytic software tools to submit reports to the commission no later than August 1, 2026, regarding their use of the data, modeling, and analytic software tools. The bill would require the commission, based on those reports, to submit a report to the Legislature no later than June 1, 2027, regarding the use of the data, modeling, and analytic software tools by state and local agencies. This bill would authorize the commission to establish best practices for use of data in transportation planning and to identify data elements that should be made available to state and local agencies for transportation planning.

[AB 761](#) (Friedman D) Transit Transformation Task Force.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was TRANS. on 6/7/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 7/14/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under current law, the Transportation Agency is under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency. Current law provides for the funding of public transit, including under the Transportation Development Act. This bill would require the secretary, on or before July 1, 2024, to establish and convene the Transit Transformation Task Force to include representatives from the department, the Controller’s office, various local agencies, academic institutions, nongovernmental organizations, and other stakeholders. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit ridership and improve the transit experience for all users of those services. The bill would require the secretary, in consultation with the task force, to prepare and submit a report of findings based on the task force’s efforts to the

appropriate policy and fiscal committees of the Legislature on or before January 1, 2025. The bill would require the report to include a detailed analysis of specified issues and recommendations on specified topics.

AB 799 (Rivas, Luz D) Homelessness: financing plan.

Last Amend: 7/3/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the California Interagency Council on Homelessness to identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California by creating partnerships between federal, state, local, and nonprofit entities. Current law requires the coordinating council to conduct, or contract with an entity to conduct, a statewide assessment to identify state programs that provide housing or services to persons experiencing homelessness or at risk of homelessness, as defined, and collect and analyze data to provide a comprehensive view of the homeless response system. This bill would require the council, in collaboration with continuums of care, counties, and big cities, as defined, and other stakeholders, to establish and regularly update a financing plan to solve homelessness by the year 2035. The bill would require the council to establish and update statewide performance metrics to reduce racial and ethnic disparities in homelessness and to increase successful exits from homelessness to permanent housing by updating the Statewide Action Plan for Preventing and Ending Homelessness in California, no later than January 1, 2025, and would require the council to publish these goals on its internet website, as specified.

AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body.

Last Amend: 3/16/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023) (May be acted upon Jan 2024)

Is Fiscal: N

Location: 5/5/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

Notes: CALCOG Support

AB 821 (Grayson D) Planning and zoning: general plan: zoning ordinance: conflicts.

Last Amend: 6/22/2023

Status: 8/9/2023-In committee: Hearing postponed by committee.

Is Fiscal: Y

Location: 7/6/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of certain land outside its boundaries. Current law requires that county or city zoning ordinances be consistent with the general plan of the county or city by January 1, 1974. Current law authorizes any resident or property owner to bring an action or proceeding in the superior court to enforce compliance with these provisions within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance. Current law requires a zoning ordinance to be amended within a reasonable time so that it is consistent with the general plan in the event that the ordinance becomes inconsistent with the plan by reason of amendment to the plan. This bill would additionally authorize any resident or property owner to bring an action or proceeding in the superior court to enforce compliance with these provisions within 90 days of the failure of a local agency to amend a zoning ordinance within a reasonable time of the zoning ordinance becoming inconsistent with the general plan due to amendment to the plan or to any element of the plan.

AB 850

(Ting D) Homeless Housing, Assistance, and Prevention program: round 4 funds.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 2/23/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law provides for the allocation of funding under the Homeless Housing, Assistance, and Prevention program among continuums of care, cities, counties, and tribes in 4 rounds, which are to be administered by the Interagency Council on Homelessness. Current law requires \$1,000,000,000 be made available, upon appropriation by the Legislature, in the 2022–23 fiscal year for implementing round 4 of the program, and requires all round 4 program funds be expended by June 30, 2027, or revert to, and be paid and deposited in, the General Fund. This bill would instead require all round 4 program funds be expended by July 1, 2027, and would make conforming changes.

AB 894

(Friedman D) Parking requirements: shared parking.

Last Amend: 8/15/2023

Status: 8/15/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/11/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. Current law also authorizes the legislative body of a city or a county to adopt ordinances establishing requirements for parking. When an entity receiving parking is not using that parking to meet public automobile parking requirements, this bill would require a public agency, as defined, to allow entities with underutilized parking to share their underutilized parking with the public, public agencies, or other entities, if those entities submit a shared parking agreement, as defined, to the public agency, and information identifying the benefits of the proposed shared parking agreement. The bill would require a public agency to allow parking spaces identified in a shared parking agreement to count toward meeting automobile parking requirements for a new or existing development or use, including, but not limited to, shared parking in underutilized spaces and in parking lots and garages that will be constructed as part of the development or developments when specified conditions regarding the distance between the entities that will share the parking are met. The bill would require a public agency to approve the shared parking agreement if it includes, among other things, a parking analysis using peer-reviewed methodologies developed by a professional planning association, as specified. The bill would require a public agency to decide whether to approve or deny the shared parking agreement and determine how many parking spaces can be reasonably shared between uses to fulfill parking requirements if the shared parking agreement does not include this parking analysis. If the public agency is required to decide whether to approve or deny an agreement for specified developments under these provisions, the bill would require the public agency to notify all property owners within 300 feet of the shared parking spaces of the proposed agreement and to hold a public meeting if it receives a request to do so within 14 days of notifying property owners, as provided.

AB 914

(Friedman D) Electrical infrastructure: California Environmental Quality Act: review time period.

Last Amend: 7/13/2023

Status: 7/13/2023-Read second time and amended. Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/10/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires each state agency to establish, by resolution or order, time limits for completing the environmental review of a project where the state agency is the lead agency for the project, as specified. This bill, until January 1, 2031, would require a state agency, acting as the lead agency, to complete its environmental review for an electrical infrastructure project and to approve or deny the project within 2 years of the submission and acceptance of a complete application for the issuance of a lease, permit, license, certificate, or other entitlement for use for electrical infrastructure to the state agency. If the state agency fails to meet this deadline, the bill would require the state agency to submit to the Legislature a report setting forth the reasons that the review could not be completed within the time period and identifying potential impacts to the electrical system that could result from the delay.

AB 930

(Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.

Last Amend: 4/26/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/25/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, as defined, and authorizes an authority to, among other things, provide for low- and moderate-income housing and issue bonds, as provided. Current law authorizes a community revitalization and investment plan to provide for the division of taxes within the plan area. This bill would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified.

AB 932

(Ting D) Accessory dwelling units: Accessory Dwelling Unit Program: reports.

Last Amend: 5/18/2023

Status: 8/17/2023-Read third time. Passed. Ordered to the Assembly. (Ayes 38. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

Is Fiscal: Y

Location: 8/17/2023-A. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under existing law, the California Housing Finance Agency (CalHFA) administers the Accessory Dwelling Unit Program, for the purpose of assisting homeowners in qualifying for loans to construct accessory dwelling units and junior accessory dwelling units on the homeowners' property and increasing access to capital for homeowners interested in building accessory dwelling units. Existing law requires the CalHFA to convene a working group to develop recommendations for the program, as specified. This bill would require CalHFA to evaluate the program and report CalHFA's findings to the Legislature by January 1, 2025.

AB 975

(Ta R) Public nuisance abatement: homeless encampments: attorney's fees.

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was JUD. on 2/23/2023) (May be acted upon Jan 2024)

Is Fiscal: N

Location: 5/5/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law defines a nuisance, in part, as anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property and defines a public nuisance as one that affects an entire community, neighborhood, or any considerable number of persons at the same time. Current law authorizes various remedies for nuisances, including remedies to effect abatement and damages. Existing law authorizes a court to award costs, including attorney's fees, in specified cases brought by a government agency. This bill would require a court to award attorney's fees to a prevailing plaintiff in an action to require a governmental entity to abate a public nuisance arising from a homeless encampment.

AB 976

(Ting D) Accessory dwelling units: owner-occupancy requirements.

Last Amend: 8/17/2023

Status: 8/17/2023-Read third time and amended. Ordered to second reading.

Is Fiscal: N

Location: 8/17/2023-S. SECOND READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Current law requires a local ordinance to require an accessory dwelling unit to be either attached to, or located within, the proposed or existing primary dwelling, as specified, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. Current law authorizes a local agency to require an accessory dwelling unit to be used for rentals of terms longer than 30 days. This

bill, instead, would authorize a local agency to require terms that are 30 days or longer.

AB 978 (Patterson, Joe R) California Environmental Quality Act: housing projects: judicial review: bonds.

Last Amend: 4/4/2023

Status: 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was NAT. RES. on 2/23/2023)(May be acted upon Jan 2024)

Is Fiscal: N

Location: 5/5/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would require a person seeking judicial review of the decision of a lead agency made pursuant to CEQA to carry out or approve a housing project to post a bond of \$1,000,000 to cover the costs and damages to the housing project incurred by the respondent or real party in interest. The bill would authorize the court to adjust this bond requirement upon a finding of good cause to believe that the requirement does not further the interest of justice.

AB 1114 (Haney D) Planning and zoning: housing development projects: postentitlement phase permits.

Last Amend: 4/13/2023

Status: 8/17/2023-From Consent Calendar. Ordered to third reading.

Is Fiscal: Y

Location: 8/17/2023-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law relating to housing development approval requires a local agency to compile a list of information needed to approve or deny a postentitlement phase permit, to post an example of a complete, approved application and an example of a complete set of postentitlement phase permits for at least 5 types of housing development projects in the jurisdiction, as specified, and to make those items available to all applicants for these permits no later than January 1, 2024. Current law defines "postentitlement phase permit" to include all nondiscretionary permits and reviews filed after the entitlement process has been completed that are required or issued by the local agency to begin construction of a development that is intended to be at least 2/3 residential, excluding discretionary and ministerial planning permits, entitlements, and certain other permits and reviews. These permits include, but are not limited to, building permits and all interdepartmental review required for the issuance of a building permit, permits for minor or standard off-site improvements, permits for demolition, and permits for minor or standard excavation and grading. This bill would modify the definition of "postentitlement phase permit" to also include all building permits and other permits issued under the California Building Standards Code or any applicable local building code for the construction, demolition, or alteration of buildings, whether discretionary or nondiscretionary.

AB 1183 (Holden D) Streamlined housing projects: construction permits: notice.

Last Amend: 3/14/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/2/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, among others, that the development is a multifamily housing development that contains 2 or more residential units and the development proponent commits to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate-income housing units remain available at affordable housing costs or rent to persons and families of lower or moderate income for no less than 55 years or 45 years, as specified. This bill, if a city or county approves a construction project through the expedited, streamlined permitting described above, would require the city or county to require the development proponent to place a sign of reasonable dimensions and design on the parcel in which the project is located that includes specified information, including the development proponent's contact information,

the construction permit numbers, and a brief project description.

AB 1295 (Friedman D) The Affordable Housing and Sustainable Communities Program: awarded projects: mapping.

Last Amend: 4/20/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-A. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Strategic Growth Council to develop and administer the Affordable Housing and Sustainable Communities Program to reduce greenhouse gas emissions through projects that implement land use, housing, transportation, and agricultural land preservation practices to support infill and compact development and that support other related and coordinated public policy objectives. To support the planning and development of sustainable communities, current law requires the council to manage and award financial assistance to a city or county for preparing, adopting, and implementing a general plan or general plan element that is designed to meet specified objectives, including, among others, reducing greenhouse gas emissions. This bill would require the council, no later than June 1, 2024, in coordination with project and regional agencies, to create a map of the projects awarded funds under the Affordable Housing and Sustainable Communities Program and display that map on a public platform.

AB 1308 (Quirk-Silva D) Planning and Zoning Law: single-family residences: parking requirements.

Last Amend: 3/30/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Is Fiscal: Y

Location: 8/15/2023-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law authorizes the legislative body of any county or city to adopt ordinances that regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes. This bill would prohibit a public agency, as defined, from increasing the minimum parking requirement that applies to a single-family residence as a condition of approval of a project to remodel, renovate, or add to a single-family residence, except as specified. By imposing additional duties on local officials, the bill would impose a state-mandated local program.

AB 1318 (Rivas, Luz D) California Environmental Quality Act: exemption: residential projects.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 5/31/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 7/14/2023-S. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would expand the exemption by increasing the size of a residential project that would qualify for the exemption to include a project of not more than 5 acres in total area. The bill would require a lead agency approving an exempt residential project on an urbanized infill site to file a notice of exemption with the Office of Planning and Research, as specified. This bill contains other related provisions and other existing laws.

AB 1332 (Carrillo, Juan D) Accessory dwelling units: preapproved plans.

Last Amend: 7/10/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Is Fiscal: Y

Location: 8/15/2023-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require the local agency to post preapproved accessory dwelling unit plans and the contact information of the applicant on its internet website. The bill would require a local agency to either approve or deny an application for a permit for a proposed accessory dwelling unit within 30 days that utilizes either an accessory dwelling unit plan preapproved within the current triennial California Building Standards Code rulemaking cycle or a plan that is identical to a plan used in an application for a detached accessory dwelling unit approved by the local agency within the current triennial California Building Standards Code rulemaking cycle.

[AB 1335](#) (Zbur D) Local government: transportation planning and land use: sustainable communities strategy.

Last Amend: 6/22/2023

Status: 7/12/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 2.) (July 11). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/12/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires specified designated transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, as described. Current law requires the plan to include specified information, including a sustainable communities strategy prepared by each metropolitan planning organization, and requires each transportation planning agency to adopt and submit, every 4 years, an updated plan to the California Transportation Commission and the Department of Transportation. Current law requires the sustainable communities strategy to include specified information, including an identification of areas within the region sufficient to house all the population of the region over the course of the planning period of the regional transportation plan, as specified, and an identification of areas within the region sufficient to house an 8-year projection of the regional housing need for the region, as specified. This bill would additionally require each metropolitan planning organization to include in the sustainable communities strategy the total number of new housing units necessary to house all the population of the region over the course of the planning period of the regional transportation plan, as specified, and the total number of new housing units necessary to house the above-described 8-year projection, as specified.

Notes: CALCOG expressed concerns

[AB 1449](#) (Alvarez D) Affordable housing: California Environmental Quality Act: exemption.

Last Amend: 5/1/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Is Fiscal: Y

Location: 8/15/2023-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, until January 1, 2033, exempt from the California Environmental Quality Act (CEQA) certain actions taken by a public agency related to affordable housing projects, as defined, if certain requirements are met. The bill would require the lead agency, if the lead agency determines an action related to an affordable housing project is exempt from CEQA under this provision and approves or carries out the project, to file a notice of exemption with the Office of Planning and Research and the county clerk of each county in which the project is located. By increasing the duties of a lead agency, this bill would impose a state-mandated local program.

[AB 1474](#) (Reyes D) California Statewide Housing Plan.

Last Amend: 3/9/2023

Status: 6/29/2023-From Consent Calendar. Ordered to third reading.

Is Fiscal: Y

Location: 6/29/2023-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the California Statewide Housing Plan to incorporate specified segments, including, among others, a housing strategy that coordinates the housing assistance and activities of state and local agencies, including the provision of housing assistance for various population groups, including, but not limited to, elderly persons, persons with disabilities, and other specific population groups as deemed appropriate by the department. Current law, to the extent possible, requires the department to consult with various state departments, including the California Department of Aging and the State Department of Social Services, in developing that housing strategy. This bill would add veterans to the list of population groups included in the housing strategy described above. The bill would require the department to also consult with the Department of Veterans Affairs in developing the housing strategy, to the extent possible.

AB 1485 (Haney D) Housing element: enforcement: Attorney General.

Last Amend: 3/28/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Is Fiscal: Y

Location: 8/15/2023-S. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law authorizes the Department of Housing and Community Development to notify the office of the Attorney General, that a city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to the housing element does not substantially comply with specified provisions of the Planning and Zoning Law, or that the local government has taken action or failed to act in violation of specified provisions of law relating to housing, including, among others, the Housing Accountability Act, the Density Bonus Law, and the Housing Crisis Act of 2019. Current law provides that an intervention takes place when a nonparty becomes a party to an action or proceeding between other persons by, among other things, joining a plaintiff in claiming what is sought by the complaint. Current law requires the court to permit a nonparty to intervene in the action or proceeding if a provision of law confers an unconditional right to intervene. This bill would permit both the department and the office of the Attorney General to intervene as a matter of unconditional right in any legal action addressing a violation of the specified housing laws described above, including, among others, the Housing Accountability Act, the Density Bonus Law, and the Housing Crisis Act of 2019.

AB 1488 (Wallis R) California Environmental Quality Act: environmental leadership development projects: water storage, water conveyance, and groundwater recharge projects: streamlined review.

Last Amend: 3/23/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Jobs and Economic Improvement Through Environmental Leadership Act of 2021 authorizes the Governor, until January 1, 2024, to certify environmental leadership development projects that meet specified requirements for certain streamlining benefits related to CEQA. The act, among other things, requires a lead agency to prepare the record of proceedings for an environmental leadership development project, as provided, and to include a specified notice in the draft EIR and final EIR. The act is repealed by its own term on January 1, 2026. This bill would extend the application of the act to water storage projects, water conveyance projects, and groundwater recharge projects that provide public benefits and drought preparedness. The bill would authorize the Governor, until January 1, 2025, to certify water storage projects, water conveyance projects, and groundwater recharge projects as environmental leadership development projects. The bill would make other conforming changes. Because a lead agency would be required to prepare the record of proceedings for water storage projects, water conveyance projects, and groundwater recharge projects pursuant to the act, this bill would impose a state-mandated local program.

AB 1490 (Lee D) Affordable housing development projects: adaptive reuse.

Last Amend: 7/10/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under this bill, a housing development that is, among other requirements, an extremely affordable adaptive reuse project on an infill parcel that is not located on or adjoined to a site where more than 1/3 of the square footage on the site is dedicated to industrial use, as specified, would be an allowable use. The bill would authorize a local agency to impose objective design review standards, except as specified. The bill would authorize a local agency to deny the project if it is proposed to be located on a site or adjoined to any site where any of the square footage on the site is dedicated to industrial use and the local agency makes written findings that approving the development would have an adverse effect on public health and safety. The bill would provide that for purposes of the Housing Accountability Act, a proposed housing development project is consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if the housing development project is consistent with the standards specified in these provisions. The bill would require a local agency to determine whether the proposed development meets those standards within specified timeframes. The bill would define an "extremely affordable adaptive reuse project" for

these purposes to mean a multifamily housing development project that involves retrofitting and repurposing of a residential or commercial building that currently allows temporary dwelling or occupancy, and that meets specified affordability requirements, including that 100% of the units be dedicated to lower income households, 50% of which shall be dedicated to very low income households, as specified. Because the bill would require local officials to provide a higher level of service, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

[AB 1508](#) (Ramos D) Department of Housing and Community Development: California Statewide Housing Plan.

Last Amend: 4/10/2023

Status: 7/3/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 7/3/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the California Statewide Housing Plan to serve as a state housing plan for all relevant purposes. Current law requires that the plan incorporate, among other things, a statement of housing goals, policies, and objectives, and requires the Department of Housing and Community Development (department) to update and provide a revision of the plan to the Legislature every 4 years, as specified. Current law requires each update and revision to the plan occurring on or after January 1, 2023, to include an inventory of the number of affordable units needed to meet the state's affordable housing needs for the plan period and to incorporate technical updates and provide technical recommendations, as specified. This bill would require each update and revision to the plan to also include (1) an analysis of first-time home buyer assistance policies, goals, and objectives; (2) recommendations for actions that will contribute to increasing homeownership opportunities for first-time home buyers in California; and (3) an evaluation and summary of demographic disparities in homeownership attainment in California, as specified.

[AB 1567](#) (Garcia D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.

Last Amend: 5/26/2023

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Is Fiscal: Y

Location: 6/14/2023-S. N.R. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

[AB 1587](#) (Ting D) Financial transactions: firearms merchants: merchant category code.

Last Amend: 8/14/2023

Status: 8/14/2023-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/12/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes a firearm industry standard of conduct that requires a firearm industry member to establish, implement, and enforce reasonable controls and to take responsible precautions to ensure that the member does not sell, distribute, or provide a firearm-related product to a downstream distributor or retailer of firearm-related products under specified circumstances. Current law prohibits a firearm industry member from manufacturing, marketing, importing, offering for wholesale sale, or offering for retail sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety in California, as specified. Current law authorizes, among others, the Attorney General to bring a civil action against a firearm industry member for an act or omission in violation of the firearm industry standard of conduct, as specified. Current law defines various terms for these purposes. The bill would, beginning May 1, 2025, require a merchant acquirer to assign to a firearms merchant that merchant category code. The bill would provide that the Attorney General has exclusive authority to enforce these provisions, and would authorize the Attorney General to bring a civil action to enforce these provisions and remedy harm caused by a violation of these provisions. The bill would require a court that determines that a

person or entity has violated these provisions to award specified relief, including a civil penalty in the amount of \$10,000 for each violation. The bill would define various terms for these purposes.

[AB 1592](#) (Dixon R) Interagency Council on Homelessness.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/9/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Existing law requires the Governor to establish the Interagency Council on Homelessness, and requires the council to have specified goals, including, to identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California, and to report to the Governor, federal Cabinet members, and the Legislature on homelessness and work to reduce homelessness. This bill would require the council to report annually to the Governor, federal Cabinet members, and the Legislature, commencing June 30, 2026, on homelessness and work to reduce homelessness, and would require the report to include the cost per person and distribution of funding within United States Department of Housing and Urban Development’s Continuum of Care program by city and census-designated area.

[AB 1633](#) (Ting D) Housing Accountability Act: disapprovals: California Environmental Quality Act.

Last Amend: 7/13/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Housing Accountability Act prohibits a local agency from disapproving a housing development project, as described, unless it makes certain written findings based on a preponderance of the evidence in the record. The act defines “disapprove the housing development project” as including any instance in which a local agency either votes and disapproves a proposed housing development project application, including any required land use approvals or entitlements necessary for the issuance of a building permit, or fails to comply with specified time periods. Current law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if the lead agency finds that the project will not have that effect. This bill, until January 1, 2031, would define “disapprove the housing development project” as also including any instance in which a local agency fails to make a determination of whether the project is exempt from CEQA or commits an abuse of discretion, as specified, or fails to adopt a negative declaration or addendum for the project, to certify an environmental impact report for the project, or to approve another comparable environmental document, if certain conditions are satisfied. Among other conditions, the bill would require a housing development project subject to these provisions to be located on a legal parcel or parcels in any of specified locations and meet or exceed 15 dwelling units per acre.

[AB 1637](#) (Irwin D) Local government: internet websites and email addresses.

Last Amend: 6/29/2023

Status: 7/10/2023-In committee: Referred to APPR. suspense file.

Is Fiscal: Y

Location: 7/10/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, no later than January 1, 2029, require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a “.gov” or “.ca.gov” domain. This bill, no later than January 1, 2029, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

[AB 1657](#) (Wicks D) The Affordable Housing Bond Act of 2024.

Last Amend: 4/17/2023

Status: 8/14/2023-In committee: Referred to APPR suspense file.

Is Fiscal: Y

Location: 8/14/2023-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the Affordable Housing Bond Act of 2024, which, if adopted, would authorize the issuance of bonds in the amount of \$10,000,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to finance programs to fund affordable rental housing and homeownership programs, including, among others, the Multifamily Housing Program, the CalHome Program, and the Joe Serna, Jr. Farmworker Housing Grant Program.

AB 1700 (Hoover R) California Environmental Quality Act: population growth and noise impacts: housing projects.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would specify that population growth, in and of itself, resulting from a housing project and noise impacts of a housing project are not an effect on the environment for purposes of CEQA.

AB 1734 (Jones-Sawyer D) Local Government: Surplus Land Act: exemptions.

Last Amend: 7/12/2023

Status: 8/9/2023-In committee: Hearing postponed by committee.

Is Fiscal: Y

Location: 7/11/2023-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires land to be declared surplus land or exempt surplus land, as supported by written findings, before a local agency takes any action to dispose of it consistent with the agency's policies or procedures. Current law sets forth procedures for the disposal of surplus land, including, but not limited to, specified notice requirements, and provides that these procedures do not apply to exempt surplus land. This bill would specify that land disposed of by a local agency for certain purposes, including low barrier navigation centers, supportive housing, transitional housing for youth and young adults, or affordable housing, as described, is not subject to the above-described requirements, if the local agency meets certain prescribed requirements, including, among others, having declared a local emergency related to homelessness, as specified. The bill would require a local agency that disposes of land pursuant to these provisions to submit a specified annual report to the Department of Housing and Community Development.

ABX1 2 (Fong, Vince R) Motor Vehicle Fuel Tax Law: suspension of tax.

Status: 12/6/2022-From printer.

Is Fiscal: Y

Location: 12/5/2022-A. PRINT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would suspend the imposition of the tax on motor vehicle fuels for one year. The bill would require that all savings realized based on the suspension of the motor vehicle fuels tax by a person other than an end consumer, as defined, be passed on to the end consumer, and would make the violation of this requirement an unfair business practice, in violation of unfair competition laws, as provided. The bill would require a seller of motor vehicle fuels to provide a receipt to a purchaser that indicates the amount of tax that would have otherwise applied to the transaction.

ACA 1 (Aguiar-Curry D) Local government financing: affordable housing and public infrastructure: voter approval.

Last Amend: 7/13/2023

Status: 8/14/2023-Re-referred to Com. on APPR.

Is Fiscal: N

Location: 7/12/2023-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.

ACA 2

(Alanis R) Public resources: Water and Wildfire Resiliency Act of 2023.

Status: 4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.

Is Fiscal: Y

Location: 4/20/2023-A. W.,P. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.

ACA 10

(Haney D) Fundamental human right to housing.

Status: 6/7/2023-Coauthors revised. From committee: Be adopted, and re-refer to Com. on APPR. Re-referred. (Ayes 6. Noes 2.) (June 7). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 6/7/2023-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Constitution enumerates various personal rights, including the right to enjoy and defend life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. This measure would declare that the state recognizes the fundamental human right to adequate housing for everyone in California. The measure would make it the shared obligation of state and local jurisdictions to respect, protect, and fulfill this right, by all appropriate means, as specified.

SB 4

(Wiener D) Planning and zoning: housing development: higher education institutions and religious institutions.

Last Amend: 8/14/2023

Status: 8/14/2023-Read second time and amended. Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/10/2023-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit, if the development satisfies certain objective planning standards. The Zenovich-Moscone-Chacon Housing and Home Finance Act establishes the California Tax Credit Allocation Committee within the Department of Housing and Community Development. Current law requires the committee to allocate state low-income housing tax credits in conformity with state and federal law that establishes a maximum rent that may be charged to a tenant for a project unit constructed using low-income housing tax credits. This bill would require that a housing development project be a use by right upon the request of an applicant who submits an application for streamlined approval, on any land owned by an independent institution of higher education or religious institution on or before January 1, 2024, if the development satisfies specified criteria, including that the development is not adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use. The bill would define various terms for these purposes.

SB 5

(Nguyen R) Motor Vehicle Fuel Tax Law: limitation on adjustment.

Status: 5/3/2023-May 3 set for first hearing. Failed passage in committee. (Ayes 2. Noes 2.)
Reconsideration granted.

Is Fiscal: Y

Location: 1/18/2023-S. GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: The Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Current law requires the department to annually adjust the tax imposed by increasing the rates based on the California Consumer Price Index, as specified. This bill would limit the above-described annual adjustment to a maximum of 2% for rate adjustments made on or after July 1, 2023. This bill contains other related provisions.

SB 7

(Blakespear D) The Homeless Housing Obligation Act.

Last Amend: 5/1/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would, by January 1, 2030, require each city and county to provide housing opportunities, as defined, for homeless individuals within its jurisdiction, based on their most recent point-in-time count. The bill would require each city and county to develop a housing obligation plan that describes how the city or county plans to increase housing opportunities in its jurisdiction so that it can offer at least one housing opportunity to each homeless individual, as specified. In this regard, the bill would require a housing obligation plan to include, among other things, goals and plans to fulfill the city or county's housing obligation, including specific projects and completion timelines, and the city or county's progress in reducing the number of homeless individuals in its jurisdiction. The bill would require a housing obligation plan to identify steps taken by the city or county to consult with other jurisdictions to ensure that the plan is consistent with regional homelessness planning efforts. The bill would require a city or county to submit its housing obligation plan to the Department of Housing and Community Development for review and post the plan to its internet website by January 1, 2025. The bill would require a city or county to update its housing obligation plan on or before January 1 of each subsequent year.

SB 12

(Stern D) California Global Warming Solutions Act of 2006: emissions limit.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Under the California Global Warming Solutions Act of 2006, the State Air Resources Board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by no later than December 31, 2030. Under the act, a violation of a rule, regulation, order, emission limitation, emission reduction measure, or other measure adopted by the state board under the act is a crime. This bill instead would require the state board to ensure that statewide greenhouse gas emissions are reduced to at least 55% below the 1990 level by no later than December 31, 2030.

SB 23

(Caballero D) Water supply and flood risk reduction projects: expedited permitting.

Last Amend: 5/1/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream,

or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except under specified conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department. This bill would require a project proponent, if already required to submit a notification to the department, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification. The bill would require the department, under prescribed circumstances, to take certain actions within specified timelines, or within a mutually agreed-to extension of time.

SB 32

(Jones R) Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.

Status: 4/19/2023-April 19 set for first hearing. Failed passage in committee. (Ayes 2. Noes 3.) Reconsideration granted.

Is Fiscal: Y

Location: 3/8/2023-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Global Warming Solutions Act of 2006 requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the State Air Resources Board has adopted the Low Carbon Fuel Standard regulations. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. This bill would suspend the Low Carbon Fuel Standard regulations for one year. The bill would also exempt suppliers of transportation fuels from regulations for the use of market-based compliance mechanisms for one year.

SB 34

(Umberg D) Surplus land disposal: violations: Orange County.

Last Amend: 6/20/2023

Status: 7/12/2023-From committee: Do pass and re-refer to Com. on H. & C.D. (Ayes 6. Noes 2.) (July 12). Re-referred to Com. on H. & C.D. From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 2.) (July 12). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/12/2023-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law prescribes requirements for the disposal of land determined to be surplus land by a local agency. Those requirements include a requirement that a local agency, prior to disposing of a property or participating in negotiations to dispose of that property with a prospective transferee, send a written notice of availability of the property to specified entities, depending on the property's intended use, and send specified information in regard to the disposal of the parcel of surplus land to the Department of Housing and Community Development. Current law, among other enforcement provisions, makes a local agency that disposes of land in violation of these disposal provisions, after receiving notification of violation from the department, liable for a penalty of 30% of the final sale price of the land sold in violation for a first violation and 50% for any subsequent violation. Under existing law, except as specified, a local agency has 60 days to cure or correct an alleged violation before an enforcement action may be brought. Existing law provides for the deposit and use of penalty revenues for housing, as prescribed. This bill, until January 1, 2030, would require the County of Orange, or any city located within Orange County, if notified by the department that its planned sale or lease of surplus land is in violation of existing law, to cure or correct the alleged violation within 60 days, as prescribed. The bill would prohibit an Orange County jurisdiction that has not cured or corrected any alleged violation from disposing of the parcel until the department determines that it has complied with existing law or deems the alleged violation not to be a violation.

SB 63

(Ochoa Bogh R) Homeless and Mental Health Court and Transitioning Home Grant Programs.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/17/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under current law, the Board of State and Community Corrections administers several grant programs, including a mentally ill offender crime reduction grant program, a medication-assisted treatment grant program, and a violence intervention and prevention grant program. This bill would

establish two new grant programs until January 1, 2028: the Homeless and Mental Health Court Grant Program that would, subject to an appropriation by the Legislature, be administered by the Judicial Council and provide grants to counties for the purpose of establishing or expanding homeless courts and mental health courts, as specified; and the Transitioning Home Grant Program that would, subject to an appropriation by the Legislature, be administered by the board and provide grants to county sheriffs and jail administrators to fund programs aimed at reducing homelessness among inmates released from custody, as specified.

SB 69

(Cortese D) California Environmental Quality Act: local agencies: filing of notices of determination or exemption.

Last Amend: 7/12/2023

Status: 8/16/2023-August 16 set for first hearing. Placed on suspense file.

Is Fiscal: Y

Location: 8/16/2023-A. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of determination with the county clerk of each county in which the project will be located, as provided. CEQA authorizes a local agency that determines that a project is not subject to CEQA to file a notice of exemption with the county clerk of each county in which the project will be located, as provided. CEQA requires the county clerk to make the notice available for public inspection and post the notice within 24 hours of receipt in the office or on the internet website of the county clerk, as specified. CEQA requires an action or proceeding challenging an act or decision of a public agency, including a local agency, on the grounds of noncompliance with CEQA to be commenced within certain time periods, as specified. This bill would require a local agency to file a notice of determination with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would authorize a local agency to file a notice of exemption with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would require the notice, including any subsequent or amended notice, to be posted both in the office and on the internet website of the county clerk and by the Office of Planning and Research on the State Clearinghouse internet website within 24 hours of receipt. The bill would specify that the posting of the notice by the Office of Planning and Research would not affect the applicable time periods to challenge an act or decision of a local agency, as described above.

SB 91

(Umberg D) California Environmental Quality Act: exemption: supportive and transitional housing: motel conversion.

Status: 8/14/2023-From consent calendar on motion of Assembly Member Bryan. Ordered to third reading.

Is Fiscal: Y

Location: 8/14/2023-A. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, until January 1, 2025, exempts from the California Environmental Quality Act (CEQA) projects related to the conversion of a structure with a certificate of occupancy as a motel, hotel, residential hotel, or hostel to supportive or transitional housing, as defined, that meet certain conditions. This bill would extend indefinitely the above exemption.

SB 225

(Caballero D) Community Anti-Displacement and Preservation Program: statewide contract.

Last Amend: 6/22/2023

Status: 6/26/2023-Re-referred to Com. on APPR. pursuant to Assembly Rule 96.

Is Fiscal: Y

Location: 6/26/2023-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, upon appropriation, authorizes the Department of Housing and Community Development to make either or both loans and grants to rehabilitate, capitalize operating subsidy reserves for, and extend the long-term affordability of department-funded housing projects that have an affordability restriction that has expired, that have an affordability restriction with a remaining term of less than 10 years, or are otherwise at risk for conversion, as provided. This bill would establish the Community Anti-Displacement and Preservation Program for purposes of funding the acquisition and rehabilitation of unrestricted housing units, as defined, and attaching long-term affordability restrictions on the housing units, while safeguarding against the displacement of current residents. The bill would require the department to issue a request for qualification to select a private sector entity or consortium to manage the program for a period of 5 years. The bill would require the program

manager to make loans to eligible borrowers, as defined, based on underwriting guidelines approved by the department. The bill would authorize the department to issue grants or loans from program funds to local public entities upon request for purposes of allowing the local public entity to use the moneys to issue loans to eligible borrowers within its jurisdiction in accordance with the bill's provisions and department regulations.

SB 226 (Alvarado-Gil D) Controlled substances: armed possession: fentanyl.

Last Amend: 6/13/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was PUB. S. on 6/8/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 7/14/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law classifies certain substances, including cocaine, heroin, and fentanyl, as controlled substances and generally prohibits the possession, sale, transportation, and use of these substances. Current law additionally prohibits the possession of certain of these controlled substances including cocaine, heroin, and methamphetamine while armed with a loaded and operable firearm. A violation of this prohibition is punishable as a felony punishable by incarceration in the state prison. This bill would additionally prohibit the possession of fentanyl, as specified, while armed with a loaded and operable firearm.

SB 229 (Umberg D) Surplus land: disposal of property: violations: public meeting.

Last Amend: 2/23/2023

Status: 7/12/2023-From committee: Do pass and re-refer to Com. on H. & C.D. (Ayes 6. Noes 2.) (July 12). Re-referred to Com. on H. & C.D. From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.) (July 12). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/12/2023-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law prescribes requirements for the disposal of land determined to be surplus land by a local agency. Those requirements include a requirement that a local agency, before disposing of a property or participating in negotiations to dispose of that property with a prospective transferee, send a written notice of availability of the property to specified entities, depending on the property's intended use, and send specified information in regard to the disposal of the parcel of surplus land to the Department of Housing and Community Development. Current law, among other enforcement provisions, makes a local agency that disposes of land in violation of these disposal provisions, after receiving notification of violation from the department, liable for a penalty of 30% of the final sale price of the land sold in violation for a first violation and 50% for any subsequent violation. Under current law, except as specified, a local agency has 60 days to cure or correct an alleged violation before an enforcement action may be brought. This bill would require a local agency that has received a notification of violation from the department to hold an open and public session to review and consider the substance of the notice of violation. The bill would require the local agency's governing body to provide prescribed notice no later than 14 days before the public session.

SB 239 (Dahle R) California Environmental Quality Act: housing development projects: judicial proceedings.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 2/1/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-S. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a court, in an action or proceeding brought challenging any determination, finding, or decision of a public agency on the grounds of noncompliance with CEQA and a finding by the court of such noncompliance, to enter an order that includes one or more of specified mandates, one of which may be a mandate to suspend any or all specific project activity or activities, as provided. CEQA provides that, except as otherwise specified, it is not intended to limit the equitable powers of the courts. This bill would limit the standing to file and maintain the above action or proceeding to the Attorney General. The bill would authorize the court, upon its own motion or of a party, to conduct a hearing to determine if the Attorney General is bringing and maintaining an action or proceeding for nonenvironmental purposes, as defined. If the court determines that the action is brought or maintained for nonenvironmental purposes, the bill would authorize the court to take necessary actions, including the dismissal of the action or proceeding, award of attorneys' fees, or both dismissal and award.

SB 240 (Ochoa Bogh R) Surplus state real property: affordable housing and housing for formerly incarcerated individuals.

Last Amend: 5/2/2023

Status: 8/16/2023-August 16 set for first hearing. Placed on suspense file.

Is Fiscal: Y

Location: 8/16/2023-A. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires a local agency or nonprofit affordable housing sponsor to satisfy certain requirements to be considered as a potential priority buyer of surplus state real property, including that the local agency or nonprofit affordable housing sponsor demonstrate, to the satisfaction of the department, that the surplus state real property, or portion of that surplus state real property, is to be used by the local agency or nonprofit affordable housing sponsor for open space, public parks, affordable housing projects, or development of local government-owned facilities. Current law authorizes the Department of General Services to sell surplus state real property, or a portion of surplus state real property, to a local agency, or to a nonprofit affordable housing sponsor if no local agency is interested in the surplus state real property, for affordable housing projects at a sales price less than fair market value if the department determines that such a discount will enable the provision of housing for persons and families of low or moderate income. This bill would additionally authorize a local agency or nonprofit affordable housing sponsor to be considered as a potential priority buyer of surplus state real property upon demonstration that the property is to be used by the agency or sponsor for housing for formerly incarcerated individuals, subject to the same provisions described above, as specified.

SB 294 (Wiener D) Housing development projects: floor area ratios.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 2/15/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-S. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Current law prohibits a local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units. Current law prohibits a local agency from imposing a lot coverage requirement that would physically preclude a housing development project of not more than 10 units from achieving the floor area ratios described above. This bill would delete the 10-unit maximum for eligible projects, and would prohibit a local agency from imposing a floor area ratio standard that is less than 2.5 on a housing development project that consists of 11 to 20 units. The bill would prohibit a local agency from imposing a floor area ratio standard that is less than 1.25 for every ten housing units, rounded to the nearest ten units, on a housing development project that consists of more than 20 units.

SB 326 (Eggman D) The Behavioral Health Services Act.

Last Amend: 8/15/2023

Status: 8/15/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on HEALTH.

Is Fiscal: Y

Location: 7/11/2023-A. HEALTH

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services. Current law authorizes the MHSA to be amended by a 2/3 vote of the Legislature if the amendments are consistent with and further the intent of the MHSA. Current law authorizes the Legislature to add provisions to clarify procedures and terms of the MHSA by majority vote. If approved by the voters at the March 5, 2024, statewide primary election, this bill would recast the MHSA by, among other things, renaming it the Behavioral Health Services Act (BHSA), expanding it to include treatment of substance use disorders, changing the county planning process, and expanding services for which counties and the state can use funds. The bill would revise the distribution of MHSA moneys, including allocating up to \$36,000,000 to the department for behavioral health workforce funding. The bill would authorize the department to require a county to implement specific evidence-based practices. This bill would require a county, for behavioral health services eligible for reimbursement pursuant to the federal Social Security Act, to

submit the claims for reimbursement to the State Department of Health Care Services (the department) under specific circumstances.

SB 337

(Min D) Environmental protection: lands and coastal waters conservation goal.

Last Amend: 4/20/2023

Status: 8/16/2023-August 16 set for first hearing. Placed on suspense file.

Is Fiscal: N

Location: 8/16/2023-A. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the Secretary of the Natural Resources Agency to prepare and submit, on or before March 31, 2024, and annually thereafter, a report to the Legislature on the progress made in the prior calendar year toward achieving the goal to conserve 30% of California’s lands and coastal waters by 2030. This bill would provide that it is the goal of the state to conserve at least 30% of California’s lands and coastal waters by 2030.

SB 341

(Becker D) Housing development.

Status: 6/29/2023-Read second time. Ordered to consent calendar. From consent calendar on motion of Assembly Member Reyes. Ordered to third reading.

Is Fiscal: Y

Location: 6/29/2023-A. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law awards jurisdictions that are in substantial compliance with specified provisions and that are prohousing additional points or preference in the scoring of applications for specified state programs, including, among others, the Affordable Housing and Sustainable Communities Program and the Infill Incentive Grant Program of 2007. Current law authorizes additional bonus points to be awarded to other state programs when already allowable under state law. Current law establishes the Infill Infrastructure Grant Program of 2019, which requires the department, upon appropriation of funds by the Legislature, to establish and administer a grant program to allocate those funds to eligible applicants, as defined, to fund capital improvement projects that are an integral part of, or necessary to facilitate the development of, a qualifying infill project, qualifying infill area, or catalytic qualifying infill area, as those terms are defined, pursuant to specified requirements. Current law requires the department, in its review and ranking of applications for the award of capital improvement project grants, to rank affected qualifying infill projects and qualifying infill areas based on specified priorities. This bill would remove the Affordable Housing and Sustainable Communities program from the list of specified state programs for which additional points or preference is awarded. This bill, with respect to the Infill Infrastructure Grant Program of 2019, would specify that only the qualifying infill area portion of that program must be awarded additional points or preference. This bill would add the qualifying infill area and catalytic qualifying infill area portions of the Infill Infrastructure Grant Program of 2019 as one of the specified state programs for which additional points or preference is awarded.

SB 356

(Archuleta D) Housing: Code Enforcement Incentive Program: Community Code Enforcement Pilot Program.

Last Amend: 4/24/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the Code Enforcement Incentive Program pursuant to which the Department of Housing and Community Development, upon appropriation by the Legislature, makes funds available as matching grants to cities, counties, and cities and counties that operate local building enforcement programs for more than 3 years, as specified. Current law requires the recipient city, county, or city and county to provide a cash or in-kind local match of at least 25% in the first year, 50% in the 2nd year, and 75% in the 3rd year, and limits the maximum grant to a single recipient under the program to \$1,000,000. Current law requires grant recipients to submit a report to the department on the expanded code enforcement efforts, among other things. Current law requires the department to summarize the reports and transmit the reports to the Legislature within 6 months after the grant recipient’s submission date. Current law requires the department to award grants under the program on a competitive basis, based on criteria weighted for specified applicants, including local government applicants that propose to identify and prosecute owners with habitual, repeated, and multiple code violations that have remained unabated beyond the period required for abatement. This bill would revise the cash or in-kind local match requirement, described above, to instead require a recipient city,

county, or city and county to match at least 35% of the funds awarded over 3 years. The bill would increase the maximum grant to a single recipient under the program from \$1,000,000 to \$2,000,000, and require the department to adjust that amount for inflation at least once every 5 years.

[SB 393](#) (Glazer D) California Environmental Quality Act: judicial challenge: identification of contributors: housing development projects.

Last Amend: 6/19/2023

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 5/26/2023)(May be acted upon Jan 2024)

Is Fiscal: N

Location: 7/14/2023-A. 2 YEAR

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. The act authorizes specified entities to file and maintain with a court an action or proceeding to attack, review, set aside, void, or annul an act of a public agency on grounds of noncompliance with the requirements of the act. This bill would authorize a defendant, in an action brought pursuant to the act relating to a housing development project, to file a motion requesting the plaintiff or petitioner to identify every person or entity that contributes in excess of \$10,000, as specified, toward the plaintiff's or petitioner's costs of the action. The bill would authorize the motion to be heard on shortened time at the court's discretion. The bill would authorize a plaintiff or petitioner to request the court's permission to withhold the public disclosure of a person or entity who made a monetary contribution. The bill also would require the plaintiff or petitioner to use reasonable efforts to identify the actual persons or entities that are the true source of the contributions, to include the exact total amount contributed, and to identify any pecuniary or business interest related to the housing development project of any person or entity that contributes in excess of \$10,000 to the costs of the action, as specified.

[SB 405](#) (Cortese D) Planning and zoning: housing element: inventory of sites: regional housing need.

Last Amend: 4/26/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law requires each county and each city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes specified mandatory elements, including a housing element. Current law also establishes a planning agency in each city and each county with the powers necessary to carry out the Planning and Zoning Law. Current law requires the housing element to include, among other things, an inventory of land suitable and available for residential development. For a housing element or amendment adopted on or after January 1, 2021, existing law requires the planning agency to submit to the Department of Housing and Community Development an electronic copy of its inventory, as specified. Existing law requires a county or city to submit each revision or amendment of its housing element to the department promptly following adoption of the revision or amendment and requires the department, within 90 days, to review the adopted housing element or amendment and report its findings to the planning agency. This bill would expand the requirement to submit an electronic copy of the above-described inventory to the department to additionally require the planning agency to submit a housing element or amendment prepared on or after January 1, 2021.

[SB 406](#) (Cortese D) California Environmental Quality Act: exemption: financial assistance: residential housing.

Last Amend: 6/19/2023

Status: 8/17/2023-Assembly amendments concurred in. (Ayes 38. Noes 0.) Ordered to engrossing and enrolling.

Is Fiscal: N

Location: 8/17/2023-S. ENROLLMENT

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts for its

requirements actions taken by the Department of Housing and Community Development or the California Housing Finance Agency to provide financial assistance or insurance for the development and construction of residential housing, as provided. This bill would extend the above exemption to actions taken by a local agency not acting as the lead agency to provide financial assistance or insurance for the development and construction of residential housing, as provided.

[SB 411](#) (Portantino D) Open meetings: teleconferences: neighborhood councils.

Last Amend: 8/14/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Is Fiscal: N

Location: 8/15/2023-A. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would, until January 1, 2026, authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act. The bill would require an eligible legislative body authorized under the bill to provide publicly accessible physical locations for public participation, as prescribed. The bill would also require that at least a quorum of the members of the neighborhood council participate from locations within the boundaries of the city in which the neighborhood council is established. The bill would require that, at least once per year, at least a quorum of the members of the eligible legislative body participate in person from a singular physical location that is open to the public and within the boundaries of the eligible legislative body.

Notes: To be amended to apply to LA

[SB 415](#) (Durazo D) Air quality: rules and regulations: socioeconomic impacts assessment.

Last Amend: 4/10/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would require a local air district, whenever it intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, to perform an assessment of the socioeconomic impacts of the proposed action on the rule or regulation on families living within the jurisdiction whose annual income is less than \$100,000. The bill would change the definition of "socioeconomic impacts" to, among other things, remove from consideration the types of industry and business, other than small business, that is affected, to remove from consideration the impact of the proposed change on the economy of the region affected, and to include the range of probable costs for families living within the jurisdiction with an annual income of less than \$100,000. By creating an income threshold and changing the parameters of a socioeconomic impacts assessment conducted by a local air district, this bill would increase the requirements on local officials, thereby imposing a state-mandated local program.

[SB 423](#) (Wiener D) Land use: streamlined housing approvals: multifamily housing developments.

Last Amend: 8/14/2023

Status: 8/14/2023-Read second time and amended. Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 7/10/2023-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Planning and Zoning Law authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, among others, that the development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate-income housing units required, as specified, remain available at affordable housing costs, as defined, or rent to persons and families of lower or moderate-income for no less than specified periods of time. Current law repeals these provisions on January 1, 2026. This bill would authorize the Department of General Services to act in the place of a locality or local government, at the discretion of that department, for purposes of the ministerial, streamlined review

for development in compliance with the above-described requirements on property owned by or leased to the state. The bill would extend the operation of the streamlined, ministerial approval process to January 1, 2036.

[SB 450](#) (Atkins D) Housing development: approvals.

Last Amend: 3/16/2023

Status: 7/12/2023-July 12 set for first hearing. Placed on APPR. suspense file.

Is Fiscal: Y

Location: 7/12/2023-A. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided. Current law authorizes a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, except as specified, on the proposed housing development. Current law authorizes a local agency to deny a proposed housing development if specified conditions are met, including that the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, as provided. This bill would remove the requirement that a proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls to be considered ministerially. The bill would prohibit a local agency from imposing objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This bill would remove the authorization for a local agency to deny a proposed housing development if the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon the physical environment.

[SB 537](#) (Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Last Amend: 8/14/2023

Status: 8/15/2023-Read second time. Ordered to third reading.

Is Fiscal: N

Location: 8/15/2023-A. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Ralph M. Brown Act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

[SB 555](#) (Wahab D) Stable Affordable Housing Act of 2023.

Last Amend: 5/22/2023

Status: 8/16/2023-August 16 set for first hearing. Placed on suspense file.

Is Fiscal: Y

Location: 8/16/2023-A. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law establishes the Department of Housing and Community Development and sets

forth its powers and duties. Current law establishes various programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, homeownership for very low and low-income households, and downpayment assistance for first-time homebuyers. This bill, the Stable Affordable Housing Act of 2023, would declare a 10-year goal of creating 1.2 million units of social housing through a mix of acquisition and new production and a 5-year goal of creating 600,000 units of social housing through a mix of acquisition and new production, of which no less than 200,000 units are affordable to extremely low and very low income households, as defined.

SB 617 (Newman D) Public contracts: progressive design-build: local and regional agencies: transit.

Last Amend: 6/28/2023

Status: 8/17/2023-Read second time. Ordered to consent calendar.

Is Fiscal: Y

Location: 8/16/2023-A. CONSENT CALENDAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project that treats, pumps, stores, or conveys water, wastewater, recycled water, advanced treated water, or supporting facilities. Current law defines "progressive design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Current law requires the selected entity and its general partners or joint venture members to verify specified information under penalty of perjury. Current law requires local agencies to report to the Legislature by January 1, 2028, regarding the use of the progressive design-build process, as specified. This bill, until January 1, 2029, would similarly authorize a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency, as described, to use the progressive design-build process for up to 10 public works projects in excess of \$5,000,000 for each project.

SB 638 (Eggman D) Climate Resiliency and Flood Protection Bond Act of 2024.

Last Amend: 6/28/2023

Status: 7/6/2023-July 11 hearing postponed by committee.

Is Fiscal: Y

Location: 6/15/2023-A. W.,P. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

SB 670 (Allen D) State Air Resources Board: vehicle miles traveled: maps.

Last Amend: 4/27/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Current law imposes various requirements related to transportation planning, including a requirement that certain transportation planning agencies prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Current law requires each regional transportation plan to include, among other things, a sustainable communities strategy prepared by each metropolitan planning organization, as specified, which is designed to achieve certain targets for 2020 and 2035 established by the state board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. This bill would require the state board, in consultation with the Office of Planning and Research and the Department of Transportation, to develop a methodology for assessing and spatially representing light-duty vehicle miles traveled and to develop maps accordingly to display average light-duty vehicle miles traveled per capita in the state at the local, regional, and statewide level, as provided. The bill would require the state board to adopt the methodology no later than January 1, 2025, and to publish the maps no later than 6 months after the methodology is adopted. The bill would require the state board to update the methodology and maps at least once every 4 years.

SB 706

(Caballero D) Public contracts: progressive design-build: local agencies.

Last Amend: 6/28/2023

Status: 8/17/2023-Read second time. Ordered to consent calendar.

Is Fiscal: Y

Location: 8/16/2023-A. CONSENT CALENDAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. This bill would, until January 1, 2030, provide additional authority for cities, counties, cities and counties, or special districts to use the progressive design-build process for up to 10 public works in excess of \$5,000,000, not limited to water-related projects, excluding projects on state-owned or state-operated facilities. The bill would require information to be provided under penalty of perjury and would require similar reports due no later than December 31, 2028.

SB 709

(Allen D) Low-Carbon Fuel Standard regulations: biogas derived from livestock manure.

Last Amend: 3/30/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires the State Air Resources Board to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants in the state to achieve, among other things, a reduction in methane emissions to 40% below 2013 levels by 2030. Current law requires the state board, in consultation with the Department of Food and Agriculture, to adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations consistent with the strategy, as specified. Current law requires those regulations to be implemented on or after January 1, 2024, if the state board, in consultation with the department, makes certain determinations. Current law requires the state board to provide guidance on credits generated pursuant to the Low-Carbon Fuel Standard regulations, and the market-based compliance mechanism, adopted pursuant to the act from the methane reduction protocols described in the comprehensive strategy for short-lived climate pollutants. Existing law requires the state board to ensure that projects developed before the implementation of the regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations receive credit under the Low-Carbon Fuel Standard regulations and the market-based compliance mechanism for at least 10 years. Existing law also makes projects eligible for an extension of credits after the first 10 years, as specified. This bill would eliminate the requirement that the state board ensure those projects receive credit for at least 10 years and would eliminate the requirement for those projects to be eligible for an extension of credits after the first 10 years.

SB 713

(Padilla D) Planning and zoning: density bonuses: development standard.

Last Amend: 4/17/2023

Status: 6/22/2023-Read second time. Ordered to third reading.

Is Fiscal: N

Location: 6/22/2023-A. THIRD READING

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The Density Bonus Law requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus, waivers or reductions of development standards, parking ratios, and other incentives or concessions, as specified, if the developer agrees to construct certain types of housing. Current law prohibits a city, county, or city and county from applying any development standard that will have the effect of physically precluding the construction of a development meeting specified criteria at the densities or with the concessions or incentives permitted by the Density Bonus Law. Current law defines "development standard" as including a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation. This bill would specify that "development standard" for these purposes includes these standards adopted by the local government or enacted by the local government's electorate exercising

its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the local government.

[SB 742](#) (Atkins D) Housing: homelessness programs: report.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HUM. S. on 3/1/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-S. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current establishes various programs to provide rental assistance to help eligible households, including, among others, the state rental assistance program. On or before December 30, 2024, and annually thereafter, this bill would require an agency that funds, implements, or administers a program that provides housing or housing-based services to persons experiencing homelessness or at risk of homelessness, including rental assistance programs, to provide prescribed information to specified committees of the Legislature. This bill would authorize an agency to request a city, county, or city and county to provide specified information to that agency if the city, county, or city and county has received state funds from the agency to fund, implement, or administer the program, as defined.

[SB 794](#) (Niello R) California Environmental Quality Act: judicial challenge: identification of contributors: housing projects.

Last Amend: 3/20/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/1/2023) (May be acted upon Jan 2024)

Is Fiscal: Y

Location: 4/28/2023-S. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA authorizes specified entities to file and maintain with a court an action or proceeding to attack, review, set aside, void, or annul an act of a public agency on grounds of noncompliance with the requirements of the act. This bill would require an action or proceeding brought to attack, review, set aside, void, or annul acts or decision of a public agency for a commercial, housing, or public works project that helps to address longstanding critical needs in the project area and that results in an investment of at least \$25,000,000 in the state on the grounds of noncompliance with CEQA to be resolved, to the extent feasible, within 365 days of the filing of the certified record of proceedings with the court.

[SB 834](#) (Portantino D) Housing: California Family Home Construction and Homeownership Bond Act of 2023.

Last Amend: 5/2/2023

Status: 7/12/2023-July 12 set for first hearing canceled at the request of author.

Is Fiscal: Y

Location: 6/8/2023-A. H. & C.D.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the California Family Home Construction and Homeownership Bond Act of 2023 (bond act), which, if adopted, would authorize the issuance of bonds in the amount of \$25,000,000,000 pursuant to the State General Obligation Bond Law to finance the California Family Home Construction and Homeownership Program, established as part of the bond act. The bill would authorize the California Housing Finance Agency to award California Socially Responsible Second Mortgage Loans to eligible applicants to use as a down payment or to pay closing costs on the purchase of a new home. The bill would also authorize the agency to award Family Homeownership Opportunity Infrastructure Improvement Loans to developers to be used for predevelopment infrastructure improvements and other upfront costs typically incurred in connection with new home construction, under specified conditions. The bill would require that moneys received from a loan recipient for the repayment of financing provided under the program be used to pay debt service when due on bonds issued pursuant to the bond act. The bill would also authorize the agency to issue revenue bonds for the purposes of financing the program, as specified.

[SB 861](#) (Dahle R) California Environmental Quality Act: water conveyance or storage projects: judicial review.

Last Amend: 4/24/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

Is Fiscal: Y

Location: 5/19/2023-S. 2 YEAR

Desk	Policy	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House								

Summary: The California Environmental Quality Act requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for specified water projects, as defined, or the granting of any project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects. The bill would require the lead agency to prepare the record of proceedings for a project, as provided, and to include a specified notice in the draft EIR and final EIR for the project.

SB 867

(Allen D) Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.

Last Amend: 6/22/2023

Status: 7/6/2023-July 10 hearing postponed by committee.

Is Fiscal: Y

Location: 6/20/2023-A. NAT. RES.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

SBX1 1

(Jones R) Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.

Status: 3/28/2023-From committee without further action.

Is Fiscal: Y

Location: 12/5/2022-S. RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the state board has adopted the Low Carbon Fuel Standard regulations. The act authorizes the state board to include in its regulation of those emissions the use of market-based compliance mechanisms. Current law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund. This bill would suspend the Low Carbon Fuel Standard regulations for one year. The bill would also exempt suppliers of transportation fuels from regulations for the use of market-based compliance mechanisms for one year.

Total Measures: 116
Total Tracking Forms: 116



AGENDA ITEM # 6

Approval of Agreement with Pictometry to extend Orange County Data Acquisition Partnership (OCDAP) Cycle 1 Pictometry Connect online platform

STAFF RECOMMENDATION

Approve and authorize OCCOG Executive Director to execute Agreement with Pictometry to extend the Orange County Data Acquisition Partnership (OCDAP) Cycle 1 Pictometry Connect online platform through December 31, 2023.

BACKGROUND

In June 2020, Orange County agencies and SCAG partnered to pool resources to purchase online and GIS-accessible aerial imagery and other digital data for Orange County. This joint effort—known as the Orange County Data Acquisition Partnership (OCDAP)—reduces the cost of purchasing aerial imagery and other GIS information that can be used by all departments within an agency without the need for GIS software by including a user-friendly, non-GIS platform; GIS users would have access to GIS data. Some of the goals are to reduce or eliminate duplicate purchases across the region, reduce costs using economies of scale, and allow for unlimited and cross-departmental users within an agency.

DISCUSSION

OCDAP Cycle 1 covered the period of July 2020 through June 2022 and products included 3-inch pixel aerial/ortho imagery, infrared, and building footprints. Cycle 1 services included training, webinars, and a stand-alone online platform (Pictometry Connect, formerly CONNEXplorer) for participating agencies to view and use products without a GIS license. With SCAG declining to participate in Cycle 2 and transferring project management to the County of Orange, there was a gap in services between the two cycles. To reduce this and enable Cycle 1 participants to continue to utilize the data through the Cycle 1 vendor’s online platform, in June 2022, with the support of the OCDAP Steering and Technical Advisory Committee (STAC), the OCCOG Board authorized a one-year extension of the Pictometry Connect online platform. Multiple agencies have found the Cycle 1 online platform helpful, especially the vendor’s complimentary inclusion of oblique imagery. The Center for Demographic Research (CDR) has continued its program assistance in OCDAP Cycle 2 to OCCOG and the County and was granted access to the OCDAP data and platforms. The CDR has also found the online platform and oblique imagery extremely helpful in its 2020 Census benchmarking efforts and is willing to cover the \$2,000 cost of the online platform for a final extension through December 2023. The OCDAP STAC supports the extension with CDR covering the cost. Pictometry was made aware of the OCCOG approval process and the current extension with a grace period will expire on August 31.



Today's request includes the recommendation for the OCCOG Board to authorize the OCCOG Executive Director to execute the Agreement with Pictometry to extend the Orange County Data Acquisition Partnership (OCDAP) Cycle 1 Pictometry Connect online platform through December 2023.

ATTACHMENTS

- A. Draft agreement with Pictometry to extend the Orange County Data Acquisition Partnership (OCDAP) Cycle 1 Pictometry Connect online platform

STAFF CONTACTS

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CDR Director
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(657) 278-4596

**AGREEMENT BETWEEN
 PICTOMETRY INTERNATIONAL CORP.
 AND ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG)**

This order form (“Order Form”) is by and between Pictometry International Corp. and its affiliates, also dba EagleView, (“EagleView”) and Orange County Council of Governments (OCCOG) (“Customer”) for the purchase of the Content and Services set forth in Section A: Product Description, Prices and Payment Terms below. The provision of all such Content and Services is subject to this Order Form and the contract components listed below:

Section A: Product Descriptions, Prices and Payment Terms

Section B: License Terms:

- General Terms
- Product Specific Terms
 - Delivered Content
 - Online Services
 - Web Visualization
 - Software License

Section C: Non-Standard Terms and Conditions

Map(s)

(all of which, collectively, constitute this “Agreement”). In consideration of, and subject to, payment by Customer of the Fees specified in Section A of the Agreement, and subject to the terms and conditions set forth in the Agreement, EagleView agrees to provide Customer with access to and use of the Content and Services specified in Section A of the Agreement in accordance with the terms and conditions of the Agreement. Any purchase order or similar document issued by Customer in connection with this Agreement is issued solely for Customer’s internal administrative purposes and the terms and conditions set forth on any such purchase order shall be of no force or effect as between the parties.

In the event of any conflict among any contract components comprising the Agreement, the order of precedence for resolving such conflict shall be, from highest (i.e., supersedes all others) to lowest (i.e., subordinate to all others): Section C: Non-Standard Terms and Conditions; Section A: Product Descriptions, Prices and Payment Terms; Section B.II: License Terms (Product Specific Terms); and Section B.I: License Terms (General Terms).

The Agreement is hereby accepted and agreed to by the undersigned parties and shall become effective upon the last date of execution by each Customer and EagleView (the “Effective Date”).

PARTIES:

CUSTOMER	EAGLEVIEW
ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) Government	PICTOMETRY INTERNATIONAL CORP. a Delaware corporation
SIGNATURE:	SIGNATURE:
NAME:	NAME:
TITLE:	TITLE:
EXECUTION DATE:	EXECUTION DATE:

SECTION A

PRODUCT DESCRIPTIONS, PRICES AND PAYMENT TERMS

Pictometry International Corp. dba Eagleview
 25 Methodist Hill Drive
 Rochester, NY 14623

ORDER #
LC-10003500

BILL TO
Orange County Council of Governments (OCCOG)
Marnie Primmer
3972 Barranca Pkwy., Suite J-127
Irvine, California 92606
(949) 698-2856
marnie@occog.com

SHIP TO
Orange County Council of Governments (OCCOG)
Marnie Primmer
3972 Barranca Pkwy., Suite J-127
Irvine, California 92606
(949) 698-2856
marnie@occog.com

CUSTOMER ID	SALES REP	FREQUENCY OF PROJECT(S)
A1124979	Arjun Cardoza	N/A

QTY	PRODUCT NAME	PRODUCT DESCRIPTION	LIST PRICE	DISCOUNT PRICE %	AMOUNT ¹
1	Pictometry Connect View - CA	Pictometry Connect View - CA (Custom Access) provides visualization-only access to the Pictometry-hosted custom imagery libraries specified elsewhere in this Agreement via a web application or server based integration. Requires a customer-provided web application or server based application. With respect to imagery available through this product to third parties or the Public, Pictometry reserves the right to reduce the resolution of the imagery available. Term commences on date of activation. The quantity represents the number of years in the Connect term. <i>Product Parameters:</i> Admin User: Marnie Primmer Admin User Email:	\$ 750.00	100%	\$ 0.00
1	Pictometry Connect - CA - 50	Pictometry Connect - CA - 50 (Custom Access) provides up to 50 concurrent authorized users the ability to login and access the Pictometry-hosted custom imagery libraries specified elsewhere in this Agreement via a web-based, server-based or desktop integration. The default deployment is through web-based Pictometry Connect. Term commences on date of activation. The quantity represents the number of years in the Connect term. <i>Product Parameters:</i> Admin User: Marnie Primmer Admin User Email:	\$ 2,000.00		\$ 2,000.00
SUBTOTAL					\$2,000.00

Thank you for choosing EagleView as your service provider.	TOTAL	\$ 2,000.00
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¹Amount per product = ((1-Discount %) * Qty * List Price)

Geofences:

- CA Imperial
- CA Los Angeles
- CA Orange (Primary)
- CA Riverside (Primary)
- CA San Diego

Geofences Products Affected:

Pictometry Connect View - CA
Pictometry Connect - CA - 50

FEES; PAYMENT TERMS

Customer hereby agrees to pay the Fees specified in this Section A of the Agreement in accordance with the following payment terms. All amounts due to EagleView pursuant to the Agreement (the “Fees”) are expressed in United States dollars and do not include any duties, taxes (including, without limitation, any sales, use, ad valorem or withholding, value added or other taxes) or handling fees, all of which are in addition to the amounts shown above and, to the extent applicable to purchases by Customer, shall be paid by Customer to EagleView without reducing any amount owed to EagleView unless documents satisfactory to EagleView evidencing exemption from such taxes is provided to EagleView prior to billing. To the extent any amounts properly invoiced pursuant to this Agreement are not paid within thirty (30) days following the invoice due date, such unpaid amounts shall accrue, and Customer shall pay, interest at the rate of 1.5% per month (or at the maximum rate allowed by law, if less). In addition, Customer shall pay EagleView all costs EagleView incurs in collecting past due amounts due under this Agreement including, but not limited to, attorneys' fees and court costs.

Deposit/Due At Signing	\$0
Due at Delivery/Activation	\$2000.00

I. GENERAL TERMS

These General Terms (the “General Terms”) set forth the terms and conditions that govern Customer’s access to and use of all Content and Services (each as hereinafter defined) provided by EagleView (unless otherwise expressly provided to the contrary herein). As used in these General Terms, the terms “you” and “your” in uppercase or lowercase shall mean the Customer that entered into the Agreement into which these General Terms are incorporated.

1. DEFINITIONS

- a. “Authorized Subdivision” means, if you are a county or a non-state consortium of counties, any political unit or subdivision located totally or substantially within your boundaries that you authorize to have access to any Content pursuant to the Agreement.
- b. “Authorized System” means a workstation or server that meets each of the following criteria (i) it is owned or leased by you or an Authorized Subdivision, (ii) it is located within and only accessible from facilities that are owned or leased by you or an Authorized Subdivision, and (iii) it is under the control of and may only be used by you or Authorized Subdivisions.
- c. “Authorized Users” means Delivered Content Authorized Users and Eligible Users.
- d. “Content” means, collectively, the Delivered Content, the Licensed Content and the WVO Licensed Content.
- e. “Covered Party” means (a) EagleView, and its affiliates, and any officer, director, employee, subcontractor, agent, successor, or assign of EagleView or any of its affiliates; and (b) each third party supplier of any Content or Services, third party alliance entity, their affiliates, and any officer, director, employee, subcontractor, agent, successor, or assign of any third party supplier of any Content or Services, or of any third party alliance entity and their affiliates.
- f. “Delivered Content” means the images, metadata, data layers, models, reports and other geographic or structural visualizations or embodiments included in, provided with, or derived from the information delivered to you by or on behalf of EagleView pursuant to the Agreement (whether via hardware or online (but excluding via the Online Services)), in connection with the EagleView products specified in Section A: Product Description, Prices and Payment Terms.
- g. “Delivered Content Authorized User” means any employee of you or Authorized Subdivisions that is authorized by you to have access to the Delivered Content through an Authorized System.
- h. “Documentation” means any written materials that accompany the EagleView Software.
- i. “Eligible Users” means you, your employees, and temporary or contract employees dedicated to performing work exclusively for you.
- j. “Licensed Content” means images available via the Online Services, and all associated metadata and data layers included in, provided with, or derived from those images.
- k. “Online Services” means the Pictometry Connect online services made available to you by or on behalf of EagleView pursuant to the Agreement, as specified in Section A: Product Description, Prices and Payment Terms.
- l. “EagleView Credential” means the unique login/password assigned to each Eligible User for purposes of accessing any of the Services.
- m. “EagleView Software” means the software that EagleView makes available to you to install (whether via download or otherwise) and view the Delivered Content.
- n. “Project” means a project as specified in Section A: Product Description, Prices and Payment Terms.
- o. “Project Participant” means any employee or contractor of persons or entities performing services for compensation for you or an Authorized Subdivision that has been identified by written notice to EagleView prior to being granted access to Delivered Content and, unless EagleView expressly waives such requirement for any individual, has entered into a written agreement with EagleView authorizing such access.
- p. “Services” means, collectively, any services set forth in Section A: Product Description, Prices and Payment Terms, the Online Services, the WVO Services and the EagleView Software (and accompanying Documentation) and any other services provided by EagleView and agreed upon between the parties from time to time.
- q. “WVO Licensed Content” means the images available in the WVO Services, and all associated metadata and data layers included in, provided with, or derived from those images.
- r. “WVO Services” means the EagleView web visualization offerings made available to you by or on behalf of EagleView pursuant to the Agreement, as specified in Section A: Product Description, Prices and Payment Terms.

2. RIGHTS; RESTRICTIONS ON USE; OWNERSHIP

- a. Usage Rights. Your rights with respect to your (and to the extent applicable your Authorized Users') access to and use of the applicable Content and Services is set forth in Section B.II: License Terms (Product Specific Terms).
 - b. Restrictions. You agree to the following restrictions in connection with your access to and use of the Content and Services:
 - i. You may not copy, distribute or make derivative works based upon the Content or Services in any medium, except to the extent expressly permitted in the Agreement. Without limiting the foregoing, except to the extent expressly permitted in the Agreement, you may not copy or retain copies of the Content, or any portions thereof, on any computer or storage device or media including for the purpose of creating or maintaining one or more databases of that Content for use in substitution for subsequent access to the Content, nor will you authorize or permit any user of the Services to do so.
 - ii. You may not distribute or otherwise make available any Content to Google or its affiliates, either directly or indirectly.
 - iii. Except to the extent expressly permitted in the Agreement, you may not exploit the goodwill of EagleView, including its trademarks, service marks, or logos, without the express written consent of EagleView.
 - iv. You may not remove, omit, alter or obscure copyright or other notices or legends (including confidentiality markings) contained on or included in the Content or Services and you will reproduce all such information on all copies made hereunder. You will keep the Content and EagleView Software free of all claims, liens and encumbrances.
 - v. You may not offer any part of the Content or Services for commercial resale or commercial redistribution in any medium.
 - vi. You may not, and will not enable others to decompile, reverse engineer, disassemble, attempt to derive the source code of, decrypt, modify, create derivative works of, or tamper with or disable any security or monitoring features within the Services. Any attempt to do so is a violation of the rights of EagleView and its licensors.
 - vii. To the extent any of the Content or Services are provided to you online, you may not access such Content or Services (or both) via mechanical, programmatic, robotic, scripted or any other automated means. Unless otherwise agreed by EagleView in writing, use of such Content and Services is permitted only via manually conducted, discrete, human-initiated individual search and retrieval activities.
 - viii. Except to the extent expressly permitted in the Agreement, you may not make the Content or Services available to any other party.
 - ix. To the extent EagleView Credentials are assigned to you or any of your Eligible Users in connection with the Agreement, such EagleView Credentials shall only be used by the person or entity to whom they were originally assigned and may not be shared with, or used by, any other person, including other Eligible Users. You will use reasonable commercial efforts to prevent unauthorized use of the EagleView Credentials assigned to you or any of your Eligible Users and will promptly deactivate any EagleView Credentials you suspect are lost, stolen, compromised, or misused.
 - c. Reservation. All right, title, and interest (including all patents, copyrights, trademarks, trade secrets, and other intellectual property rights) in the Content and the Services, and any written materials that accompany the Services, in any media or form, are and will remain in EagleView or its third party suppliers (as applicable). Neither you nor any users of the Content or the Services acquire any proprietary interest in the Content, the Services, or any copies thereof, except the limited use rights expressly granted under the Agreement. EagleView reserves all rights not expressly granted to you in the Agreement. You will not assert any right, title or interest in any of the Content or Services provided to you under the Agreement, except for the express license granted to you under the Agreement.
 - d. Updates. Except to the extent expressly provided to the contrary in the Agreement, the Content, the Services, and the features and functionality within the Services may be enhanced, added to, withdrawn, or otherwise changed by EagleView without notice.
3. CONFIDENTIALITY. The Content, EagleView Software and Documentation consist of commercially valuable, proprietary products owned by EagleView, the design and development of which reflect an investment of considerable time, effort, and money. The parties agree that the Content, EagleView Software, Documentation, and the terms and conditions of the Agreement ("Confidential Information") are (and are treated by EagleView as) confidential and contain valuable trade secrets and confidential commercial information (including financial information) of EagleView. You agree that you will not disclose, provide a copy of, or disseminate the Confidential Information (other than as expressly permitted in Section B.II: License Terms (Product Specific Terms) of the Agreement) or any part thereof to any person in any manner or for any purpose inconsistent with the licenses granted to you pursuant to the Agreement. You agree to use your best efforts to assure that your personnel, and any others afforded access to the Confidential Information, protect the Confidential Information against unauthorized use, disclosure, copying, and dissemination, and that access to the Confidential Information and each part thereof will be strictly limited. You agree that you will use the Confidential Information solely as expressly permitted in Section B.II: License Terms (Product Specific Terms) of the Agreement and for no other purpose. To the extent you are required to disclose the Confidential Information (or any part thereof)

pursuant to applicable law, you will (i) notify EagleView reasonably in advance of such requirement prior to disclosure, (ii) use all reasonable efforts to limit such disclosure, including asserting and applying, as appropriate, the exemption in 5 USC 552(b)(4) (or any analogous state or local laws or regulations) with respect to such information, (iii) only disclose such information to the extent required to comply with applicable law, and (iv) subject to applicable law, permit EagleView to challenge or limit such disclosure prior to the disclosure thereof.

4. TERM; SUSPENSION; TERMINATION; EFFECT OF TERMINATION

- a. Term. The term of the Agreement will commence on the Effective Date and will terminate following delivery of the various Projects (including any Services) set forth in Section A (Product Description, Prices and Payment Terms).
- b. Suspension. In the event of a breach of the Agreement by you, any Authorized User or someone using your EagleView Credential, or end-users who are permitted to use the WVO Services and WVO Licensed Content pursuant to the Agreement, EagleView may temporarily suspend or discontinue providing access to the applicable Services or Content (or both) to you and/or any or all Authorized Users or end-users (or both) without notice and EagleView may pursue any other legal remedies available to it.
- c. Termination. EagleView may terminate the Agreement immediately in the event you: (a) do not pay in full the Fees or do not pay the Fees in accordance with the terms of the Agreement, or (b) fail to comply with any other term of the Agreement.
- d. Effect of Termination. Upon termination of the Agreement, except to the extent expressly set forth in the Agreement, you shall immediately cease all use of the applicable Content and Services, promptly purge all copies of the applicable Content, EagleView Software and Documentation from all workstations and servers on which any of it may be stored or available at the time, and return any hard drive/media containing the applicable Content, EagleView Software or Documentation (or any combination thereof) to EagleView. The provisions of the Agreement that by their nature would survive its termination will survive indefinitely.

5. LIMITED WARRANTY; DISCLAIMER OF WARRANTIES; WAIVER

- a. Limited Warranties. EagleView represents and warrants to Customer:
 - i. That the Delivered Content will contain true and usable copies of the designated imagery as of the date of capture; and
 - ii. That it has the right and authority to make the applicable Services and the applicable Content available to you, and to the extent applicable, your Authorized Users, as authorized expressly by the Agreement.

As your sole and exclusive remedy for any breach of Section 5(a)(i) with respect to the Delivered Content, EagleView shall use reasonable efforts to correct any deficiency that precludes use of the Delivered Content in the manner intended.

- b. Disclaimers. EXCEPT AS EXPRESSLY PROVIDED IN SECTION 5(A) OF THE AGREEMENT, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THE SERVICES AND CONTENT ARE PROVIDED ON AN "AS IS", "AS AVAILABLE" BASIS AND "WITH ALL FAULTS" AND EAGLEVIEW, AND EACH THIRD PARTY SUPPLIER OF THE CONTENT OR SERVICES, EXPRESSLY DISCLAIM ALL OTHER WARRANTIES OF ANY KIND (WHETHER EXPRESS, IMPLIED OR STATUTORY), INCLUDING THE WARRANTIES OF MERCHANTABILITY, NON-INFRINGEMENT, FITNESS FOR A PARTICULAR PURPOSE, ACCURACY, THAT THE SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE OR THAT DEFECTS IN THE CONTENT OR SERVICES WILL BE CORRECTED. Without limiting the foregoing, the Services and the Content are not to be relied upon to precisely locate or determine property boundaries and should not be used in lieu of a professional survey where the accuracy of measurements, distance, height, angle, area and volume, may have significant consequences. The Services and the Content are provided for visualization purposes only, are not authoritative or definitive, and do not constitute professional engineering or surveying services. All measurements and reports generated by the Services or from the Content are based upon second order visualization and measurement data that do not provide authoritative or definitive measurement results suitable for professional engineering or surveying purposes. Contour information obtained from the Services or contained in the Content is generated from undersampled elevation data, is provided for informational purposes only, and is not suitable for use as the basis for hydrographic computations, estimations or analyses. While the Services and the Content may be considered useful supplements for life critical applications, they are not designed or maintained to support such applications and EagleView, and its third party suppliers of the Content or Services, hereby disclaim all liability for damages, claims and expenses arising from such use. Your reliance on the Services and the Content should only be undertaken after an independent review of their accuracy, completeness, efficacy, timeliness and adequacy for your intended purpose. EagleView and each third party supplier of any portion of the Content or Services assume no responsibility for any consequences resulting from the use of the Services or the Content. EagleView, and each third party supplier of any portion of Content or Services, hereby disclaim all liability for damages, claims and expenses arising from or in any way related to the accuracy or availability of the Services and the Content.
- c. Waiver of Rights. By accepting these General Terms or by using any of the Services or the Content, you waive any and all rights you may have against a Covered Party, each third party supplier of any portion of the Content or Services, and each of their directors, officers, members and employees, arising out of use of or reliance upon the Services or the Content.

6. LIMITATION OF LIABILITY

- a. **Limitation of Liability.** No Covered Party shall be liable for any loss, injury, claim, liability, or damage of any kind resulting in any way from, as applicable, (a) any errors in or omissions from the Services or the Content, (b) the unavailability or interruption of the Services or any features thereof or of the Content, (c) your or any other party's use of the Services or the Content, (d) the loss or corruption of any data or equipment in connection with the Services or the Content, (e) the content, accuracy, or completeness of the Content, all regardless of any assistance received in the use of the Services from a Covered Party, (f) any delay or failure in performance beyond the reasonable control of a Covered Party, or (g) any content retrieved from the Internet even if retrieved or linked to from within the Services.
- b. **Consequential Loss Exclusion.** To the fullest extent permissible by applicable law, neither you nor the Covered Parties will be liable under any cause of action of any kind arising out of or related to the Agreement (including under theories involving tort, contract, negligence, strict liability or breach of warranty) for any special, indirect, incidental, or consequential damages of any kind whatsoever (including, without limitation, lost profits and attorneys' fees) even if a party has been advised of the possibility of such damages. The foregoing limitation of liability shall not apply to your (and your Authorized Users' or end-users (or both)) infringement of any intellectual property rights or misappropriation of proprietary data (including Content) or confidential information belonging to EagleView or any of its third party suppliers.
- c. **Liability Cap.** To the fullest extent permissible by applicable law, under no circumstances will the aggregate liability of the Covered Parties in connection with any claim arising out of or relating to the Services or the Content or the Agreement exceed the lesser of (i) your actual direct damages, or (ii) the amount you paid for the impacted Services or Content in the twelve (12) month period immediately preceding the date the claim arose.
- d. **Defend and Hold Harmless.** If there is a breach of the warranties in Section 5(a) above, then EagleView, at its option and expense, shall either defend or settle any action and hold you harmless against proceedings or damages of any kind or description based on a third party's claim of patent, trademark, service mark, copyright or trade secret infringement related to your use or, to the extent applicable, your Authorized Users' use, of the Services or the Content, excluding any Services or Content supplied by a third party, asserted against you by any third party provided: (i) all use of the applicable Services and the applicable Content was in accordance with the Agreement; (ii) the claim, cause of action or infringement was not caused by you modifying or combining the applicable Services or the applicable Content with or into other products, applications, images or data not approved by EagleView in writing; (iii) you give EagleView prompt notice of such claim; and (iv) you give EagleView the right to control and direct the investigation, defense and settlement of such claim. You, at EagleView's expense, shall reasonably cooperate with EagleView in connection with the foregoing.
- e. **Right to Mitigate.** In addition to Section 6(d), if any of the Services, the operation thereof or any of the Content become, or in the opinion of EagleView are likely to become, the subject of a claim of infringement, EagleView may, at its option and expense, either: (i) procure for you the right to continue using the applicable Services or the applicable Content, (ii) replace or modify the applicable Services or the applicable Content so that they become non-infringing; or (iii) terminate the Agreement (including the applicable licenses granted to you) on notice to you and grant you a pro-rata refund or credit (whichever is applicable) for any pre-paid Fees.
- f. **Sole / Exclusive Remedy.** Your right to monetary damages in the amount of the liability cap, as specified in Section 6(c) above, shall be in lieu of all other remedies which you may have against any Covered Party. The provisions of Sections 6(d) and (e) of the Agreement shall constitute your sole and exclusive remedy for the respective matters specified therein.
- g. **Notification of Claims.** You shall (a) notify EagleView in writing of any claims or proceedings involving any of the Content and/or the Services within ten (10) days after you learn of the claim or proceeding, and (b) report promptly to EagleView all claimed or suspected defects in the Content and/or the Services.

7. MISCELLANEOUS

- a. **Restricted Rights.** The Content and Services acquired with United States Government funds or intended for use within or for any United States federal agency are provided with "Restricted Rights" as defined in DFARS 252.227-7013, Rights in Technical Data and Computer Software and FAR 52.227-14, Rights in Data-General, including Alternate III, as applicable.
- b. **Trade Restrictions.** The parties acknowledge that certain information, software technology, accompanying documentation and technical information may be subject to United States export control laws. You will not directly or indirectly export or re-export the Content or Services in violation of the Export Administration Regulations of the U.S. Department of Commerce.
- c. **Patriot Act.** You are aware and understand that any user data collected or stored by the Online Services or the WVO Services may be accessed by US law enforcement agencies under the US PATRIOT Act. You hereby release, and agree to hold EagleView harmless from, all claims against EagleView with respect to such access.
- d. **Non-Compete.** You may not use the Services or the Content (or both) to compete with any businesses of EagleView.
- e. **FCR.** You may not use information included in the Services or the Content to determine an individual consumer's eligibility for (a) credit or insurance for personal, family, or household purposes; (b) employment; or (c) a government license or benefit.

The term “consumer” is defined in the United States Fair Credit Reporting Act at 15 USC §1681.

- f. Amendments / Modifications. Any modifications, amendments or supplements to the Agreement must be made in writing and be signed by duly authorized officers of each party. Furthermore, the Agreement may not be modified, amended or supplemented by email exchange, even if the email contains a printed name or signature line bearing signature-like font. The foregoing does not prohibit the execution of electronic contracts bearing electronic signatures of authorized representatives of both parties, provided such signatures include digital certifications or are otherwise authenticated.
- g. Payment on Breach. In the event of a breach of your obligations under the Agreement, including your payment obligations, you agree to pay all of EagleView's costs of enforcement and collection, including court costs and reasonable attorneys' fees.
- h. Notices. All notices and other communications hereunder shall be in writing or, solely with respect to the Online Services, displayed electronically in the Online Services by EagleView. Notices shall be deemed to have been properly given on the date deposited in the mail, if mailed; on the date first made available, if displayed in the Online Services; or on the date received, if delivered in any other manner. Legal notices to EagleView should be sent to EagleView, Attn: General Counsel, 25 Methodist Hill Drive, Rochester, New York 14623.
- i. No Waiver. No waiver of a breach of any term of the Agreement will be effective unless in writing and duly executed by the waiving party. No such waiver will constitute a waiver of any subsequent breach of the same or any other term of the Agreement. No failure on the part of a party to exercise, and no delay in exercising any of its rights hereunder will operate as a waiver thereof, nor will any single or partial exercise by a party of any right preclude any other or future exercise thereof or the exercise of any other right.
- j. Assignment. Neither you nor any Authorized User may assign or otherwise transfer your rights or delegate your duties under the Agreement without the prior written consent of EagleView. Any attempt by you or any Authorized User to assign, transfer or delegate your rights or obligations under the Agreement without EagleView's consent shall be void, and shall also void the limited license granted to you by the Agreement. The Agreement and any amendment thereto shall be binding on, and will inure to the benefit of the parties and their respective successors and permitted assigns.
- k. Governing Law. This Agreement will be governed by the laws of the State of Customer, without regard to conflict of law principles. The parties agree that any claims, legal proceedings, disputes and litigation arising out of or in connection with this Agreement will be brought solely in the state or federal courts located in the jurisdiction in which the Customer is based.
- l. Force Majeure. Except with respect to Customer's payment obligations for Content or Services (or both) provided, each party will be excused from performance under the Agreement, will not be deemed to be in breach hereof, and will have no liability to the other party whatsoever if either party is prevented from performing any of its obligations hereunder, in whole or in part, as a result of a Force Majeure Event. A “Force Majeure Event” means an event or occurrence beyond the control of the nonperforming party, such as an act of God or of the public enemy, embargo or other act of government in either its sovereign or contractual capacity, government regulation, travel ban or request, court order, civil disturbance, terrorism, war, quarantine restriction, epidemic, virus, fire, weather, flood, accident, strike, slowdown, delay in transportation, electrical power outage, interruption or degradation in electronic communications systems, inability to obtain necessary labor, materials or manufacturing facilities, and other similar events. In the event of any delay resulting from a Force Majeure Event, any date of delivery hereunder will be extended for a period equal to the time lost because of the delay.
- m. Severability. The Agreement will be enforced to the fullest extent permitted by applicable law. If any provision of the Agreement is held to be invalid or unenforceable to any extent, then (a) such provision will be interpreted, construed and reformed to the extent reasonably required to render it valid, enforceable and consistent with its original intent and (b) such invalidity or unenforceability will not affect any other provision of the Agreement.
- n. Third Party Beneficiary. Where applicable, each affiliate of EagleView and each third party supplier of the Content or Services has the right to assert and enforce the provisions of the Agreement directly on its own behalf as a third party beneficiary.
- o. Entire Agreement. The Agreement constitutes the entire agreement of the parties with respect to its subject matter and replaces and supersedes any prior written or verbal communications, representations, proposals or quotations relating to that subject matter.
- p. Construction. The headings in the Agreement are for convenience only. They do not constitute a portion of the Agreement and will not be used in any construction of it. The terms “include” and “including” are not limiting.

II. PRODUCT SPECIFIC TERMS

A. DELIVERED CONTENT. These terms apply to Delivered Content only. If you receive, access or use Delivered Content under the Agreement, the following terms apply to you.

1. Grant of Rights. Subject to the terms and conditions of the Agreement, you are granted nonexclusive, nontransferable, limited rights to:
 - a. install the Delivered Content on Authorized Systems;
 - b. permit access and use of the Delivered Content through Authorized Systems by:
 - i. Delivered Content Authorized Users for performance of public responsibilities of you or Authorized Subdivisions that are to be performed entirely within facilities of you or Authorized Subdivisions;
 - ii. Project Participants under the supervision of Delivered Content Authorized Users for performance of tasks or preparation of materials using only hard copies (or jpg copies) of Delivered Content solely for fulfilling public responsibilities of you or Authorized Subdivisions to be performed entirely within facilities of you or Authorized Subdivisions; and
 - iii. individual members of the public (each a “Permitted Public Member”), but only through Delivered Content Authorized Users and solely for the purpose of making hard copies or jpg copies of images of individual properties or structures (but not bulk orders of multiple properties or structures) to the individual members of the public requesting them.
2. Delivered Content Authorized User, Authorized Subdivision and Permitted Public Compliance. You shall at all times be responsible for compliance by each Delivered Content Authorized User, Authorized Subdivision and Permitted Public Member with the terms and conditions of the Agreement including these Delivered Content terms and conditions.
3. Project Participants. Each notice to EagleView identifying a potential Project Participant shall include a detailed description of the scope and nature of the Project Participants’ planned work and the intended use of the Delivered Content in such work. EagleView retains the right to restrict or revoke access to Delivered Content by any Project Participant who does not comply with the terms of the Agreement including these Delivered Content terms and conditions.
4. Geographic Data. If available, you agree to provide to EagleView geographic data in industry standard format (e.g., shape, DBF) including digital elevation models, street centerline maps, tax parcel maps and centroids, which data, to the extent practicable, shall be incorporated into the Delivered Content. You agree that any of this data that is owned by you may be distributed and modified by EagleView as part of its products and services, provided that at no time shall EagleView claim ownership of that data.
5. STANDARD ORTHO MOSAIC PRODUCTS.
 EagleView standard ortho mosaic products are produced through automated mosaicking processes that incorporate digital elevation data with individual EagleView ortho frames to create large-area mosaics on an extremely cost-effective basis. Because these products are produced through automated processes, rather than more expensive manual review and hand-touched corrective processes, there may be inherent artifacts in some of the resulting mosaics. While EagleView works to minimize such artifacts, without limitation to anything set forth in the Agreement, the EagleView standard ortho mosaic products are provided on an 'AS IS' basis with respect to visible cutlines along mosaic seams resulting from the following types of artifacts:
 - i. Disconnects in non-elevated surfaces generally caused by inaccurate elevation data;
 - ii. Disconnects in elevated surfaces (e.g., roadways, bridges, etc.) generally caused by elevated surfaces not being represented in the elevation data;
 - iii. Building intersect and clipping generally caused by buildings not being represented in the elevation data;
 - iv. Seasonal variations caused by images taken at different times during a season, or during different seasons;
 - v. Ground illumination variations caused by images taken under different illumination (e.g., sunny, high overcast, morning light, afternoon light, etc.) within one flight day or during different flight days;
 - vi. Single GSD color variations caused by illumination differences or multiple-aircraft/camera captures;
 - vii. Mixed GSD color variations caused by adjacent areas being flown at different ground sample distances (GSDs); and
 - viii. Water body color variations caused by multiple individual frames being used to create a mosaic across a body of water (e.g., lakes, ponds, rivers, etc.).

Other EagleView products may be available that are less prone to such artifacts than the EagleView standard ortho mosaic products.

6. RapidAccess—Disaster Response Program (“DRP”)
 - A. Disaster Coverage Imagery – If Section A: Product Description, Prices and Payment Terms provides EagleView will provide DRP, then EagleView will, upon request of Customer, provide standard quality imagery of up to 200 square miles of affected areas (as determined by EagleView) upon the occurrence of any of the following events during any period Customer is eligible for DRP:

- Hurricane: areas affected by hurricanes of Category 2 and higher.
- Tornado: areas affected by tornados rated EF4 and higher.
- Terrorist: areas affected by damage from terrorist attack.
- Earthquake: areas affected by damage to critical infrastructure resulting from earthquakes measured at 6.0 or higher on the Richter scale.
- Tsunami: areas affected by damage to critical infrastructure resulting from tsunamis.

Imagery captured through DRP will be captured “as-is”.

- B. Discounted Rate – Coverage for areas affected by the events set forth above exceeding 200 square miles will be, subject to EagleView resource availability, offered to Customer at the then current DRP rates. Also, coverage for areas affected by hurricanes below Category II, tornadoes below EF4 or earthquakes rated below 6.0 on the Richter scale, flooding meeting or exceeding the major flood stage, wildfires impacting population centers, or other disasters as agreed to between the customer and EagleView, will be, subject to EagleView resource availability, offered to Customer at the then current DRP rates.
- C. Online Services – Use of Pictometry ConnectExplorer™ – EagleView’s DRP includes the use of Connect Explorer for a term of ninety (90) days from the date of delivery of the DRP imagery. Customer shall have access to the DRP imagery for as long as they maintain an active Connect account.

- 7. Use of EagleView’s Marks. You agree not to attach any additional trademarks, trade names, logos or designations, whether registered or not (“Marks”) to any Delivered Content or to any copies of any Delivered Content without prior written approval from EagleView. You may, however, include an appropriate government seal and your contact information so long as the seal and contact information in no way obscure or deface the EagleView marks. You further agree that you will not use any EagleView trademark, trade name, logo, or designation in connection with any product or service other than the applicable Delivered Content. EagleView grants you a nonexclusive, non-sublicensable, non-transferable right to use EagleView’s Marks to display such Marks to the extent they appear on the Delivered Content and for no other purpose and your right is coterminous with the license granted to you pursuant to the Agreement. You will only use EagleView’s Marks as advised by EagleView from time to time and any and all goodwill accruing from your use of such Marks will inure to the benefit of EagleView.
- 8. License Term. The license granted to you pursuant to these Delivered Content terms and conditions is perpetual, subject to EagleView’s right to terminate the license in the event you do not pay in full the Fees, unless the Agreement is terminated for any reason other than a breach of the Agreement by EagleView, or as otherwise provided in the Agreement.

B. ONLINE SERVICES. These terms apply to the Online Services and Licensed Content only. If you access or use the Online Services or Licensed Content under the Agreement, the following terms apply to you.

- 1. Grant of Rights. You are granted a nonexclusive, nontransferable, limited right to access and use the Online Services and the Licensed Content obtained or derived from the Online Services solely for your internal business purposes and not for resale or redistribution. The rights granted to you include, subject to the restrictions otherwise set forth in the Agreement, the right to copy limited portions of the Licensed Content onto your computer to facilitate preparation of hardcopies and work product records, and the right to make hardcopies of the Licensed Content, provided that the Licensed Content and the permitted copies thereof may not be sold, leased, loaned, distributed, or copied for use by anyone other than you.
- 2. Access. Only Eligible Users are eligible to access and use the Online Services and the Licensed Content pursuant to the Agreement. Each Eligible User shall be assigned a EagleView Credential for the purposes of accessing the Online Services. You will promptly deactivate an Eligible User’s EagleView Credential in the event the Eligible User no longer meets the eligibility requirements or you otherwise wish to terminate the Eligible User’s access to the Online Services. You are responsible for all use of the Online Services accessed with EagleView Credentials issued to your Eligible Users, including associated charges, whether by Eligible Users or others.
- 3. License Term. Unless otherwise set forth in Section A (Product Description, Prices and Payment Terms), the license granted to you pursuant to these Online Services terms and conditions will continue for the duration of the term of the Agreement, unless terminated earlier by EagleView in accordance with the terms of the Agreement.

C. WEB VISUALIZATION. These terms apply to the WVO Services and WVO Licensed Content only. If you access or use the WVO Services or WVO Licensed Content under the Agreement, the following terms apply to you.

1. Grant of Rights. You are granted a nonexclusive, nontransferable, limited right to use and to provide public access to, and use of, the WVO Services solely for purposes of providing access to WVO Licensed Content in response to human-initiated, discrete location-specific requests through a single website operated exclusively by or for you to serve you and your public constituencies and not for resale or redistribution or commercial use of any nature.
2. End-User Access. You shall provide to all end-users of the WVO Services on the page through which they access such services conspicuous notice of the following terms of access: (a) WVO Licensed Content available through the WVO is copyrighted material, (b) end-users of the WVO Services are granted the right to access and view the WVO Licensed Content through the WVO Services for personal use only and not for commercial purposes of any type, (c) end-users of the WVO Services are prohibited from reproducing, reselling, transferring, redistributing or creating derivative works from WVO Licensed Content, (d) all right, title, and interest (including all copyrights, trademarks and other intellectual property rights) in the WVO Services and the WVO Licensed Content in all media belongs to the Covered Party , and (e) EagleView takes no responsibility for and shall not be liable for the WVO Licensed Content of its third party suppliers.
3. License Term. Unless otherwise set forth in Section A (Product Description, Prices and Payment Terms), the license granted to you pursuant to these WVO Services terms and conditions will continue for the duration of the term of the Agreement, unless earlier terminated by EagleView in accordance with the terms of the Agreement.

D. SOFTWARE LICENSE. These terms apply to the EagleView Software and the Documentation only. If you download, receive access to or use the EagleView Software or the Documentation (or both) under the Agreement, the following terms apply to you.

1. Grant of Rights. Subject to the terms and conditions of the Agreement, you are granted a limited, non-transferable, terminable, non-sublicenseable, non-exclusive license to install and use the EagleView Software and the Documentation solely for internal use. Use of the functionality provided by the EagleView Software other than for your internal use is prohibited, except with the prior written approval of EagleView. You may make one copy of the EagleView Software in machine-readable form for backup purposes only; provided that the backup copy must include all copyright and other proprietary notices contained in the original.
2. License Term. The license granted to you pursuant to these Software License terms and conditions will terminate automatically (i) upon termination or expiry of the Agreement for any reason, or (ii) without notice from Pictometry if you fail to comply with any term of the Agreement.

[END OF LICENSE TERMS]

SECTION C:

NON-STANDARD TERMS AND CONDITIONS

1. The term of the Connect products set forth in Section A shall be from the Effective Date of this Agreement until December 31, 2023.



AGENDA ITEM # 7

Approve Contract with Ibis Consulting, LLC for REAP Program Management Services

STAFF RECOMMENDATION

Approve new contract with Ibis Consulting, LLC for REAP program management services in an amount not to exceed \$8000/ month. Program management services included in this contract will be funded entirely with REAP dollars and will not impact OCCOG's Board-approved operational budget. The term of the contract will start September 1, 2023 and go through June 30, 2026.

SUMMARY

Staff is requesting approval by the OCCOG Board of Directors to authorize a new contract for services to be provided by Erin Gardner, as IBIS Consulting, LLC, starting September 1, 2023, and proceeding until June 30, 2026 for REAP 1.0 Project Closeout and REAP 2.0 Program management services. These services align with the Board-approved 2022-25 Strategic Plan and 2023-24 Work Plan which address the increasing needs of the OCCOG, including administering the dual REAP Grants.

BACKGROUND

Consistent with the proposed FY 2023-24 Budget approved by the OCCOG Board of Directors on at the special meeting held June 29, 2023, staff is requesting the Board approve a contract with Ibis Consulting, LLC. OCCOG Executive Director Primmer has identified Ms. Gardner as meeting the needs of the agency in terms of skill sets, experience, and availability and proposes to enter into a contract for professional services for the remainder of the REAP 1.0 term period and throughout the REAP 2.0 performance period. The Executive Director has worked directly with Ms. Gardner for the past five years. Ms. Gardner most recently served as Operations Manager for FuturePorts where she was responsible for managing the operations of the organization including planning and executing the annual Strong Ports= Strong California conference, bimonthly member meetings, six standing committees, developing content and graphic design of communications assets, and managing special projects undertaken by the non-profit organization. The scope of Ms. Gardner's engagement is spelled out in the Professional Services Agreement Contract Attachment A and below:



REAP Program Management. Assist Executive Director with management and implementation of all OCCOG REAP projects, acting as REAP Manager for OCCOG. Specific project management activities include, but are not limited to:

Task 1 – REAP 1.0 Project Closeout:

- Conduct closeout activities for the approximately \$3,577,000.00 OCCOG REAP 1.0 contract portfolio, under the oversight of the OCCOG Executive Director.
- Ensure all reporting and deliverables are complete, accurate, and submitted in accordance with SCAG direction and timelines.
- Act as a direct liaison with SCAG, on behalf the Executive Director, for REAP-related activities, administration, and reporting.
- Prepare remaining SCAG-required Quarterly and Annual reports and invoices in conjunction with OCCOG Treasurer,
- Manage consultant contracting budgets and schedules, and deliverable submittals for REAP Projects 1, 2, 3, and 4.

Task 2 – REAP 2.0 Program Management. Specific tasks include but are not limited to:

- Under direction from Executive Director work with SCAG staff and OCCOG consultants to ensure approval of OCCOG’s already-submitted REAP 2.0 application.
- Prepare or adjust any further required REAP-related planning documents, including staff reports and required forms to enable OCCOG to access the subregional partners program funding for REAP 2.0.
- Act as a direct liaison with SCAG, on behalf the Executive Director, for REAP 2.0-related activities, administration, and reporting.
- Working with the OCCOG Treasurer and Executive Director, prepare SCAG required Quarterly and Annual reports, modify SCAG SAF, as required, monitor and track consultant REAP 2.0 invoicing and program budget
- Manage consultant contracting budgets and schedules, and deliverable submittals for all SCAG-approved OCCOG REAP 2.0 Projects.



- Under direction from the Executive Director, develop procurement documents and manage procurements for all consultant services required to implement the approximately \$3,155,000 OCCOG REAP 2.0 program once approved by SCAG.
- Ensure all projects under the REAP 2.0 grant adhere to grant requirements including promoting infill development, affirmatively furthering fair housing, and reducing vehicle miles traveled.
- Administer and oversee the OCCOG REAP 2.0 On-call Services program and work with members to identify needs related to REAP 2.0 activities and connect them to consultant resources on a task order basis.
- Provide direct oversight of REAP 2.0 consultants, collaborate on content, and provide support for meeting strategy and scheduling.
- Collaborate with other COGs as required for any joint projects that may emerge as part of the REAP 2.0 program.
- At the completion of the program, conduct closeout activities for the REAP 2.0 grant and ensure all reporting and deliverables are complete, accurate, and submitted in accordance with SCAG direction and timelines.

Task 3 – Communications:

- Develop content as needed for staff reports for OCCOG Board and TAC meetings, and newsletters to be distributed to OCCOG Members.
- Present updates at OCCOG Board and TAC on REAP activities and SCAG committee meetings.
- Assist OCCOG Executive Director in outreach to OCCOG member jurisdictions via regularly schedule TAC meetings and EMC meetings, survey vehicles to TAC members, City Managers, and Planning Directors, and one-on-one meetings as directed by OCCOG to ensure that all stakeholders are aware of and make use of OCCOG's REAP 2.0 program.

Task 4 – Other REAP-related duties as requested by OCCOG Executive Director:



- Other work related to the administration and execution of the OCCOG REAP 1.0 and 2.0 grants may be required.

The hourly rate for services shall be \$75 with a monthly maximum of \$8000 monthly for services. These are REAP-related activities that will be reimbursed by SCAG and will therefore not impact OCCOG's operational budget.

ATTACHMENTS

- A. Professional Services Agreement with Ibis Consulting, LLC for REAP Program Management Services.

STAFF CONTACT

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

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

**AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
IBIS CONSULTING LLC**

THIS AGREEMENT FOR CONTRACT SERVICES (herein “Agreement”) is made and entered into this 24th day of August, 2023 by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California joint powers authority (“OCCOG”) and IBIS CONSULTING LLC, a California limited liability company (“Consultant”). OCCOG and Consultant are sometimes hereinafter individually referred to as “Party” and hereinafter collectively referred to as the “Parties.”

NOW, THEREFORE, the parties hereto agree as follows:

1. SERVICES OF CONSULTANT

1.1 Scope of Services. In compliance with all of the terms and conditions of this Agreement, the Consultant shall perform the work or services set forth in the “Scope of Services” attached hereto as Exhibit “A” and incorporated herein by reference. Consultant warrants that it has the experience and ability to perform all work and services required hereunder and that it shall diligently perform such work and services in a professional and satisfactory manner.

1.2 Compliance With Law. All work and services rendered hereunder shall be provided in accordance with all ordinances, resolutions, statutes, rules, and regulations of the OCCOG and any Federal, State or local governmental agency of competent jurisdiction.

1.3 Licenses, Permits, Fees and Assessments. Consultant shall obtain at its sole cost and expense such licenses, permits, and approvals as may be required by law for the performance of the services required by the Agreement.

2. COMPENSATION

2.1 Contract Sum. For the services rendered pursuant to this Agreement, Consultant shall be compensated in accordance with the “Schedule of Compensation” attached hereto as Exhibit “B” and incorporated herein by this reference, but not exceeding the maximum contract amount of Eight Thousand and 00/100 Dollars (\$8,000.00) (“Contract Sum”), billed at the rate and in the manner set forth at Exhibit “B”.

2.2 Invoices. Each month Consultant shall furnish to OCCOG an original invoice for all work performed and expenses incurred during the preceding month in a form approved by OCCOG’s Treasurer. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the Agreement. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor contracts. Sub-contractor

charges shall also be detailed by such categories. Consultant shall not invoice OCCOG for any duplicate services performed by more than one person.

OCCOG shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by OCCOG, OCCOG will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice; however, Consultant acknowledges and agrees that due to OCCOG warrant run procedures, the OCCOG cannot guarantee that payment will occur within this time period. In the event any charges or expenses are disputed by OCCOG, the original invoice shall be returned by OCCOG to Consultant for correction and resubmission. Review and payment by the OCCOG of any invoice provided by the Consultant shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

2.3 Additional Services. OCCOG shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Contract Sum for the actual cost of the extra work, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Consultant. Any increase in compensation of up to ten percent (10%) of the Contract Sum or in the time to perform of up to ninety (90) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by the OCCOG Council. No claim for an increase in the Contract Sum or time for performance shall be valid unless the procedures established in this Section are followed.

3. TIME FOR PERFORMANCE

3.1 Time of Essence. Time is of the essence in the performance of this Agreement.

3.2 Schedule. Consultant shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the Scope of Services attached hereto as Exhibit "A" and incorporated herein by this reference. When requested by the Consultant, extensions to the Term may be approved in writing by the Contract Officer but not exceeding thirty (30) days cumulatively.

3.3 Term. Unless earlier terminated in accordance with Article 6 of this Agreement, this Agreement shall continue in full force and effect commencing September 1, 2023 until completion of the services but no later than June 30, 2026 .

4. COORDINATION OF WORK

4.1 Representative of Consultant. Erin Gardner is hereby designated as being the representative of Consultant authorized to act on its behalf with respect to the work and services specified herein and make all decisions in connection therewith. All personnel of

Consultant and any authorized agents shall be under the exclusive direction of the representative of Consultant. Consultant shall utilize only competent personnel to perform services pursuant to this Agreement. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, and shall keep OCCOG informed of any changes.

4.2 Contract Officer. Marnie O'Brien Primmer, Executive Director, is hereby designated as being the representative the OCCOG authorized to act in its behalf with respect to the work and services specified herein and to make all decisions in connection therewith ("Contract Officer").

4.3 Prohibition Against Subcontracting or Assignment. Consultant shall not contract with any entity to perform in whole or in part the work or services required hereunder without the express written approval of the OCCOG. Neither this Agreement nor any interest herein may be assigned or transferred, voluntarily or by operation of law, without the prior written approval of OCCOG. Any such prohibited assignment or transfer shall be void.

4.4 Independent Consultant. Neither the OCCOG nor any of its employees shall have any control over the manner, mode or means by which Consultant, its agents or employees, perform the services required herein, except as otherwise set forth. Consultant shall perform all services required herein as an independent contractor of OCCOG with only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of OCCOG, or that it is a member of a joint enterprise with OCCOG.

5. RECORDS, REPORTS, AND RELEASE OF INFORMATION

5.1 Records. Consultant shall keep, and require subcontractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to OCCOG and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services and shall keep such records for a period of three years following completion of the services hereunder. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of OCCOG, including the right to inspect, copy, audit and make records and transcripts from such records.

5.2 Reports. Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement or as the Contract Officer shall require.

5.3 Ownership of Documents. All studies, surveys, data, notes, computer files, reports, records, drawings, specifications, maps, designs, photographs, documents and other materials (the "documents and materials") prepared by Consultant in the performance of this Agreement shall be the property of the OCCOG and shall be delivered to the OCCOG upon request of the Contract Officer or upon the termination of this Agreement, and Consultant shall have no claim for further employment or additional compensation as a result of the exercise by the OCCOG of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Moreover, Consultant with respect to any documents and materials that may

qualify as “works made for hire” as defined in 17 U.S.C. § 101, such documents and materials are hereby deemed “works made for hire” for the OCCOG.

6. ENFORCEMENT OF AGREEMENT AND TERMINATION

6.1 California Law. This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Los Angeles, State of California. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in the County of Los Angeles, State of California.

6.2 Disputes; Default. In the event that Consultant is in default under the terms of this Agreement, the OCCOG shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default. Instead, the OCCOG may give notice to Consultant of the default and the reasons for the default. The notice shall include the timeframe in which Consultant may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, if circumstances warrant. During the period of time that Consultant is in default, the OCCOG shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. If Consultant does not cure the default, the OCCOG may take necessary steps to terminate this Agreement under this Article.

6.3 Termination Prior to Expiration of Term. This Section shall govern any termination of this Agreement except as specifically provided in the following Section for termination for cause. Either party reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days’ written notice to the other party, except that where termination is due to the fault of the Consultant, the period of notice may be such shorter time as may be determined by the Contract Officer. Upon receipt of any notice of termination, Consultant shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Except where the Consultant has initiated termination, the Consultant shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer. In the event the Consultant has initiated termination, the Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder, but not exceeding the compensation provided therefore in Exhibit “B”. In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 6.2.

6.4 Termination for Default of Consultant. If termination is due to the failure of the Consultant to fulfill its obligations under this Agreement, OCCOG may, after compliance with the provisions of Section 6.2, take over the work and prosecute the same to completion by contract or otherwise, and the Consultant shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the OCCOG shall use reasonable efforts to mitigate such damages), and OCCOG may withhold any payments to the Consultant for the purpose of set-off or partial payment of the amounts owed the OCCOG as previously stated.

7. MISCELLANEOUS

7.1 Covenant Against Discrimination. Consultant covenants that, by and for itself, its heirs, executors, assigns and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry, or other protected class in the performance of this Agreement. Consultant shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry, or other protected class

7.2 Non-liability of OCCOG Officers and Employees. No officer or employee of the OCCOG shall be personally liable to the Consultant, or any successor in interest, in the event of any default or breach by the OCCOG or for any amount, which may become due to the Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

7.3 Notice. Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the OCCOG, to the OCCOG, 3972 Barranca Pkwy. Ste. J127, Irvine, CA 92606; and in the case of the Consultant, to the person(s) at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

7.4 Integration; Amendment. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.

7.5 Severability. In the event that part of this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining portions of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

7.6 Waiver. No delay or omission in the exercise of any right or remedy by non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. A party's consent to or approval of any act by the other party requiring the party's consent or approval shall not be deemed to waive or render unnecessary the other party's consent to or approval of any subsequent act. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.7 Attorneys' Fees. If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which any be

granted, whether legal or equitable, shall be entitled to reasonable attorney's fees, whether or not the matter proceeds to judgment.

7.8 Interpretation. The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

7.9 Warranty & Representation of Non-Collusion. No official, officer, or employee of OCCOG has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of OCCOG participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of "financial interest" shall be consistent with State law and shall not include interests found to be "remote" or "noninterests" pursuant to Government Code Sections 1091 or 1091.5. Consultant warrants and represents that it has not paid or given, and will not pay or give, to any third party including, but not limited to, any OCCOG official, officer, or employee, any money, consideration, or other thing of value as a result or consequence of obtaining or being awarded any agreement. Consultant further warrants and represents that (s)he/it has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to any third party including, but not limited to, any OCCOG official, officer, or employee, as a result of consequence of obtaining or being awarded any agreement. Consultant is aware of and understands that any such act(s), omission(s) or other conduct resulting in such payment of money, consideration, or other thing of value will render this Agreement void and of no force or effect.

7.10 Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

OCCOG:

ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California joint powers authority

ATTEST:

OCCOG Clerk

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

Fred Galante, OCCOG General Counsel

CONSULTANT:

IBIS CONSULTING LLC, a California limited liability company

By: _____
Erin Gardner

Its: _____

Address: _____

EXHIBIT “A”

SCOPE OF SERVICES

Consultant will perform the following services within the times requested by the OCCOG Contract Officer, with the understanding that timing is critical to assure that all tasks and deliverables described below are delivered timely to allow the Event, as defined below, to be a success:

Task 1 – REAP 1.0 Project Closeout:

- Conduct closeout activities for the approximately \$3,577,000.00 OCCOG REAP 1.0 contract portfolio, under the oversight of the OCCOG Executive Director.
- Ensure all reporting and deliverables are complete, accurate, and submitted in accordance with SCAG direction and timelines.
- Act as a direct liaison with SCAG, on behalf the Executive Director, for REAP-related activities, administration, and reporting.
- Prepare remaining SCAG-required Quarterly and Annual reports and invoices in conjunction with OCCOG Treasurer,
- Manage consultant contracting budgets and schedules, and deliverable submittals for REAP Projects 1, 2, 3, and 4.

Task 2 – REAP 2.0 Program Management. Specific tasks include but are not limited to:

- Under direction from Executive Director work with SCAG staff and OCCOG consultants to ensure approval of already-submitted REAP 2.0 application.
- Prepare or adjust any further required REAP-related planning documents, including staff reports and required forms to enable OCCOG to access the subregional partners program funding for REAP 2.0.
- Act as a direct liaison with SCAG, on behalf the Executive Director, for REAP 2.0-related activities, administration, and reporting.
- Working with the OCCOG Treasurer and Executive Director, prepare SCAG required Quarterly and Annual reports, modify SCAG SAF, as required, monitor and track consultant REAP 2.0 invoicing and program budget
- Manage consultant contracting budgets and schedules, and deliverable submittals for all SCAG-approved OCCOG REAP 2.0 Projects.
- Under direction from the Executive Director, develop procurement documents and manage procurements for all consultant services required to implement the approximately \$3,155,000 OCCOG REAP 2.0 program once approved by SCAG.

- Ensure all projects under the REAP 2.0 grant adhere to grant requirements including promoting infill development, affirmatively furthering fair housing, and reducing vehicle miles traveled.
- Administer and oversee the OCCOG REAP 2.0 On-call Services program and work with members to identify needs related to REAP 2.0 activities and connect them to consultant resources on a task order basis.
- Provide direct oversight of REAP 2.0 consultants, collaborate on content, and provide support for meeting strategy and scheduling.
- Collaborate with other COGs as required for any joint projects that may emerge as part of the REAP 2.0 program.
- At the completion of the program, conduct closeout activities for the REAP 2.0 grant and ensure all reporting and deliverables are complete, accurate, and submitted in accordance with SCAG direction and timelines.

Task 3 – Communications:

- Develop content as needed for staff reports for OCCOG Board and TAC meetings, and newsletters to be distributed to OCCOG Members.
- Present updates at OCCOG Board and TAC on REAP activities and SCAG committee meetings.
- Assist OCCOG Executive Director in outreach to OCCOG member jurisdictions via regularly schedule TAC meetings and EMC meetings, survey vehicles to TAC members, City Managers, and Planning Directors, and one-on-one meetings as directed by OCCOG to ensure that all stakeholders are aware of and make use of OCCOG's REAP 2.0 program.

Task 4 – Other REAP-related duties as requested by OCCOG Executive Director:

- Other work related to the administration and execution of the OCCOG REAP 1.0 and 2.0 grants may be required.

EXHIBIT “B”

SCHEDULE OF COMPENSATION

Consultant shall be paid up to the Contract Sum, which is based on the following breakdown:

Consultant support shall be charged the hourly rate of \$75.00, not to exceed \$8,000/month for the Term of the Agreement (subject to adjustment per Section 2.3 of this Agreement), billed on a monthly basis, which billing shall be subject to reimbursement pursuant to the MOU between OCCOG and the Southern California Association of Governments (SCAG) for the relevant REAP 1.0 and 2.0 services.



AGENDA ITEM # 8

Authorization to Update OCCOG's REAP 1.0 Scope of Work Authorization Form and Memorandum of Understanding

STAFF RECOMMENDATION

Authorize OCCOG Executive Director to modify the Regional Early Action planning Grant (REAP) Scope of Work Authorization Form (SAF) and Memorandum of Understanding (MOU) with SCAG to reflect an extension for Task 1.2.3 to a completion date of February 14, 2024. Additionally, authorize the adjustment of task and project totals as-needed to expend all funds by the extended deadline.

SUMMARY

OCCOG has received grant funding from SCAG for the REAP Subregional Partners Program (SRP) in the amount of \$3.57M. OCCOG currently has a completion date for all REAP-related work of September 30, 2023. However, statute allows OCCOG to perform work through February 2024. Several technical assistance and staff augmentation projects for OCCOG jurisdictions are underway and the project recipients have notified OCCOG that a time extension would be appreciated to allow work to continue beyond the September 30, 2023 deadline. Additionally, there are REAP funds remaining to be expended from at least one task that could be re-allocated to Task 1.2.3. The total available to be re-allocated is in the range between \$50,000 and \$100,000. OCCOG staff is therefore requesting:

- 1) that the On-Call Services (OCS) Bench, Task 1.2.3 in the REAP program, be authorized to continue work through February 14, 2024 and that
- 2) all remaining REAP funds remaining subsequent to project completion September 30, 2023 be directed to Task 1.2.3, and
- 3) administrative expenses be modified as-needed to oversee the work and to complete REAP 1.0 project closeout activities.

With Board approval, OCCOG's Executive Director and General Counsel will work with SCAG staff to modify the SAF and the MOU documents.

ATTACHMENTS



Orange County Council of Governments

STAFF REPORT August 24, 2023

- A. DRAFT of OCCOG's Regional Early Action Planning Grant (REAP) Scope of Work Authorization Form (SAF) Update #2 submittal
- B. DRAFT Updated REAP MOU with SCAG

STAFF CONTACT

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

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



Regional Early Action Planning (REAP) Grant
Subregional Partnership Program
Scope of Work Approval Form - Project Summary

Subregional Partner: Orange County Council of Governments (OCCOG)

- Original Scope of Work Approval Add or Remove Project Manager
 Revision Requested to Projects (Please check all that apply)
 Revise/Delete a Previously Approved Project or Task Change Funding Allocation Between Projects
 Add a New Project Project/Task Date Change Change in Deliverable
 RHNA Adjusted Allocation Initiated by SCAG

Other (Please describe)

SCAG Approval Date: _____

Revision No. 2

Revision Effective Date: 9/1/23

Approved Summary of Projects and Activities (original SAF executed 12/3/21)

	Project/Activity Name	Total Project Funding
1	Housing Production Planning Activities	\$1,093,000
2	Geo-Spatial Planning Solution and 3-D Site Visualization Tools	\$1,458,000
3	OCHT Strategic Plan, CDE/CDFI Certifications and Grant Application	\$90,000
4	Orange County Housing Finance Trust (OCHFT)	\$570,000
	Administrative Costs	\$34,000
	Total Approved Funding Amount	\$3,245,000

Please check the box below if you are intending to use funding for administrative costs. If you do not elect to utilize the 5% admin allowance, the award amount will not be affected, but all funds must be used for program activities. This decision cannot be changed later, so please choose carefully.

- A portion of the requested funding amount above will be applied as “administrative costs”, which can be up to 5% of the total project funding.

If you checked the box above, please indicate if you plan to utilize:

- The entire 5% allowable under the grant terms.
 A different percentage: [Click or tap here to enter text.](#)
 A specific dollar amount: \$66,500



Regional Early Action Planning (REAP) Grant
 Subregional Partnership Program
 Scope of Work Approval Form - Project Summary

Approved Summary of Projects and Activities (Revision) *If a revision is requested, please also update the appropriate individual project outline(s) on the following pages.*

	Project/Activity Name and Requested Change	Total Amount
1	Housing Production Planning Activities	\$1,425,551
2	Geo-Spatial Planning Solution and 3-D Site Visualization Tools	\$1,483,000
3	OCHT Business Plan and Organizational Development	\$2,500
4	Orange County Housing Finance Trust (OCHFT)	\$600,000
	Administrative Costs	\$66,500
	Total Approved Funding Amount	\$3,577,551

Note: This revised total is comprised of 1) RHNA correction to original allocation (\$3,250,049); 2) the 5% additional allocation in the amount of \$162,502 (\$3,250,049 x 0.05); 3) and \$94,000 from GCCOG and \$71,000 from VCOG for the joint ADU project.

Approval Requested By:
 SUBRECIPIENT PROJECT MANAGER
 Marnie Primmer, Executive Director

Approved By:
 SCAG PROJECT MANAGER
 Gwendy Silver

Signature _____ Date _____ Signature _____ Date _____

Note to Subrecipient(s):

If the approved Scope of Work includes the adoption or amendment of ordinances or any other support activities, those activities, e.g., ADU ordinances, must support the creation of additional housing and be in compliance with applicable current State and Federal laws and statutes. If the project is found to be non-compliant with any current laws or statutes, reimbursement will be denied, and any funds previously disbursed may be subject to repayment by the Subrecipient. If the Subrecipient is unclear as to the legality of their proposed ordinance or amendment, the SCAG Project Manager can offer technical assistance. The California Department of Housing and Community Development has a website for current ADU law and resources for agencies at <https://www.hcd.ca.gov/policy-research/accessorydwellingunits.shtml>.



Project Metrics: Each REAP project requires a metric to quantitatively measure the outcome of the project. Project metrics selected on this form will be included in the REAP SRP quarterly progress reporting form for your subregion. *Please select **all metrics** that will apply to your approved projects:*

1. Accessory dwelling unit projects
 - Number of ordinances updated or adopted resulting from the project
 - Range of weeks (or other time period) saved to approve permits from streamlined process (*compared to baseline/current conditions*)
 - Units permitted under project implementation/affordable units permitted under project implementation
 - Number of pre-approved plans designed and approved
 - Other: *ADU Amnesty Program*
2. Outreach/public engagement projects
 - Number of events/meetings
 - Number of participants
 - Number of elected official/decisionmaker participants
 - Number of website hits
 - Number of video hits
 - Number of tool users or downloads
 - Other: *Jurisdictional Focus Groups*
3. GIS-related projects
 - Increase in total residential capacity and/or affordable residential capacity
 - Other: *Number of 3-D site renderings provided; Number of participants in tool training webinars; number of new housing sites identified via Geospatial tool.*
4. AFFH-related projects
 - Number of adopted/implemented programs that increase access to fair housing
 - Other: *(please specify)*
5. Housing trust fund projects
 - Number of loan documents generated
 - Number of additional identified funding sources and amounts
 - Grants applied for and awarded if successful
 - Other: *(please specify)*
6. Plans and/or policies for implementation that are not related to ADUs (e.g., zoning ordinance updates, streamlined permitting processes, adoption of zoning strategies, etc)
 - Additional unit capacity resulting from drafting or adopting plan (*compared to baseline/current conditions*), *Project 1*
 - Range of weeks (or other time period) saved to approve permits from streamlined process
 - Other: *(please specify) Number of jurisdictions who adopt ordinances developed in Project 1*

Other projects: Number of rezoned commercial sites to residential land use.

1	Housing Production Planning Activities
<input checked="" type="checkbox"/> Metrics for this project have been selected in the “Project Metrics” portion of this form.	
<u>2</u> Procurements Expected for this Project (1 for On-Call Services and 1 joint procurement with VCCOG and GCCOG for ADU project.	
<p>Task 1.1: Housing and ADU Website + Model Ordinances + Housing Explainer Videos OCCOG has identified several activities under this task that comprise the Joint OCCOG/GCCOG/VCOG Housing & ADU Website Collaboration Project, Model Ordinances and Housing OC/SoCal Videos. This work includes:</p> <ul style="list-style-type: none"> • Housing/ADU Website • ADU How-To Toolkit • ADU Model Plan Look-Up • ADU Address Look-Up • Model Ordinances • Housing OC/SoCal Videos <p>These tasks are described in more detail below.</p> <p>Task 1.1.1 – 1.1.6 OCCOG + OCCOG/GCCOG/VCOG Housing/ADU Website COG jurisdictions have been working diligently over the past two years to implement changes to their cities ADU rules and permitting processes to be compliant with recent changes to state law. Many jurisdictions see embracing ADUs as a strategy for meeting their RHNA housing production goals. Educating the public about the opportunities to add an ADU or JADU to their property is an important aspect of increasing the number of ADUs built. OCCOG+GCCOG+VCOG are proposing several projects that address this need by supporting jurisdictions with public-facing communications tools. OCCOG is proposing to develop an interactive website for use by residents across several COG regions who are seeking information about ADUs. The website will be similar to https://napasonomaadu.org</p> <p>Key Deliverables/Tasks/ Performance Indicators</p> <ul style="list-style-type: none"> • OCCOG proposes to develop a website, that may nest within the OCCOG website, and focus on housing-related information. The website will provide information and tools for property owners interested in learning more about ADUs. Elements of the website will include: <ul style="list-style-type: none"> 1.1.3 Housing SoCal/ADU Website 1.1.4 ADU How-To Toolkit 1.1.5 ADU Model Plan Look-Up 1.1.6 ADU Address Look-Up <p>Associated deliverables in the toolkit include material that jurisdictions can use to communicate about ADU opportunities. Such as:</p> <ul style="list-style-type: none"> • “ADU How-To” branded social media posts for Facebook, Twitter, Instagram and LinkedIn • “ADU How-To” branded printed materials such as checklists, workbooks, brochures, fliers, and pamphlets* • “ADU How-To” PowerPoint presentation(s) • Infographics that support the “ADU How-To” messaging • Best Practices related to ADU amnesty programs, and affordable development 	

Nexus to Housing Production

ADUs are an important tool for adding gentle density to a community. Recent changes to legislation allow more property owners than ever before to use this tool to add housing capacity. OCCOG and our member jurisdictions have identified ADUs as an important tool to enable jurisdictions to reach their Regional Housing Needs Assessment (RHNA) Cycle 6 objectives and increase available housing options for very low, low and moderate-income residents.

Expected Outcome

Providing this communications toolkit will enable our member jurisdictions to educate the public about opportunities for ADU production. The digital and printed assets created here will have consistent themes, look, and feel in order to establish a unified approach to encouraging eligible property owners to explore building an ADU across several large areas of Southern California. Educating the public about the opportunities to build ADUs and providing tools for them to research and prepare for building an ADU will facilitate a smoother application process, reduce the burden on City building departments and plan check desks, and thus expedite housing production in many of our member jurisdictions.

OCCOG expects that providing best practices and expert advice regarding ADU Legalization and Affordable ADU Development Program scenarios, and Case Studies will expedite the adoption of housing-friendly approaches and housing production at the jurisdictional level in Orange, Ventura, and parts of Los Angeles County, and create an environment where property owners and developers are able to build more housing. All materials prepared as part of this task will first and foremost focus on legal sufficiency and compliance with all current HCD rule making.

Additional Funding Sources

OCCOG is collaborating with two other subregions on this project: GCCOG and VCOG.

**Note: printing will be handled individually by jurisdictions according to their needs*

*** OCCOG intends the ADU plans to be used in conjunction with the ADU How-To Toolkit*

Task 1.1.7 HOUSING-RELATED MODEL ORDINANCES

OCCOG+GCCOG+VCOG identified the need to provide assistance to our member jurisdictions considering new housing-related ordinances. New ordinances could be needed to update a city’s compliance with state housing law or as a reaction to other legislation passed in Sacramento. New ordinances may also be warranted with changes to a jurisdiction’s general plan housing element. In cases where multiple jurisdictions may be considering the same housing-related issues, there is a benefit to developing a model ordinance that can be adopted by multiple jurisdictions, and/or modified to suit their needs.

Key Deliverables/Tasks/ Performance Indicators

- Conduct scoping meeting with OCCOG staff and TAC representatives
- Develop draft housing-related model ordinances identified by TAC
- Progress meetings with OCCOG staff and TAC representatives
- Model ordinances could include but may not be limited to:
 - Motel conversions
 - ADU development

- Zoning changes
- Other housing production-related ordinances identified by the TAC
- Hold (2) 2-hour info sessions answering jurisdiction questions, recorded

Nexus to Housing Production

Updated housing-related ordinances that reflect the current housing needs, coupled with compliant housing elements is the foundation of a jurisdiction’s ability to work with the development community and property owners to build more housing that will meet the needs of residents at all income levels. By providing a menu of model ordinances for our jurisdictions to choose from, OCCOG will assist jurisdictions with developing opportunities for new housing production within the context of their respective communities and their identified needs and challenges.

Expected Outcome

OCCOG expects that providing a menu of housing-related model ordinances will expedite the adoption of housing-friendly ordinances at the jurisdictional level in Orange County and create an environment where property owners and developers are able to build more housing.

Additional Funding Sources

OCCOG is collaborating with two other subregions on this project: GCCOG and VCOG.

Task 1.1.8 HOUSING 101 POLICY EXPLAINER VIDEOS

In August 2019, OCCOG and ACC-OC partnered to develop a list of videos that would help residents understand the RHNA process, housing element development, recent changes to housing law, opportunities presented by ADUs and other housing-related topics. OCCOG has produced the first two videos envisioned in the series and is proposing to develop the final 9 videos as part of the REAP subregional partners program. For this task, OCCOG proposes to use the same team of contract staff and consultants to complete the remaining videos. No procurement is anticipated.

Key Deliverables/Tasks/ Performance Indicators

OCCOG proposes to develop up to 11 videos to be used on the OCCOG website, made available to our member jurisdictions, and disseminated via social media channels. All videos are available in Spanish as well as English. Video topics may include:

- What is RHNA? (Part 1 and 2)
- Why do we have RHNA?
- Specifics of SCAG Region 6th Cycle RHNA
- What does the RHNA Mean for My City?
- What is a Housing Element and Why Do We Need One?
- Orange County’s Diverse Housing Future
- Housing Funding Sources
- Housing Law and How It Impacts You
- ADU “How-To”
- Why We Need More Housing

Nexus to Housing Production

Having an informed community around housing issues is an important component of building a pro-housing environment. People live their lives online more and more, so a series of video explainers on housing policies meets people where they are, on social media and doing internet research. Coupled with the other proposed tools for supporting ADU development, including the OCCOG Housing OC website, these videos are a powerful tool for educating the public about housing policy and the need to meet our RHNA goals by increasing housing production, especially around affordable housing opportunities.

Expected Outcome

OCCOG expects to make one video available each month beginning in April 2021 for 9 months. The videos will have both short 30 second clips and a longer 2 to 3-minute play time to enable use in a variety of formats. OCCOG will make the videos available to member jurisdictions for their use as well as embed the videos on our housing website.

Additional Funding Sources

OCCOG is using its own funds, along with REAP funds to complete all 11 planned Videos.

**Note: The housing website is being developed as part of another REAP project.*

*** OCCOG has produced the first two videos in the series already. Videos 3-11 are proposed to be part of this project and funded via REAP grant.*

TASK 1.2 HOUSING ELEMENT AND HOUSING PRODUCTION SUPPORT ACTIVITIES INCLUDING STAFF AUGMENTATION AND TECHNICAL ASSISTANCE

OCCOG is providing a broad suite of projects via the REAP grant funding made available from SCAG through the Subregional Partnership Program. However, we know that some jurisdictions may need additional support including staff augmentation and on-call consulting services. OCCOG is proposing to set aside a portion of this REAP grant to allow jurisdictions to access as-needed services procured by OCCOG for their housing planning purposes. Housing-related activities that this project will support could include, but are not limited to:

- Housing element production
- ADU permitting
- Additional Counter staff to expedite housing permits
- Zoning-related activities
- Public outreach for housing-related issues and specific housing projects
- Site evaluation and selection
- Customizing tools provided by OCCOG in other project for jurisdiction use (for example model ordinances, ADU toolkit information, pre-approved ADU plans, etc.)
- Technical support for rezoning Commercial/Industrial/Retail land uses to residential

OCCOG understands that this Subregional Partnership REAP grant requires specific work products and deliverables that can be justified as supporting housing production. The application that we develop for our jurisdictions to access the consultant resources will require jurisdictions to provide specific deliverables and timelines in order to receive consultant resources.

Key Deliverables/Tasks/ Performance Indicators

- Working with the OCCOG TAC, develop an application for jurisdictions to access consultant resources equitably;
- Application to include specific housing production-related deliverables the consultant will help produce; and
- OCCOG will provide project management to ensure all grant requirements are complied with, including development of deliverables with a direct nexus to housing production.

Nexus to Housing Production

One hurdle to increased housing production is a lack of staff within local jurisdictions to review and approve plans. Coupled with budgetary limitations, especially in light of the impacts to city budgets from COVID-19, having access to on-call staff that can provide assistance to overburdened staff or provide additional expertise on a temporary basis is a cost-effective way to bring more housing online.

Expected Outcome

OCCOG expects that jurisdictions will be able to undertake housing-supportive activities that would not otherwise be possible but for this additional on-call staffing resource. Examples of outcomes could include expedited permitting for new housing projects including ADU structures, greater community support for new housing projects throughout Orange County, new housing-supportive ordinances, and HCD-compliant updated housing elements completed by the October 2021 deadline.

Additional Funding Sources

OCCOG is not using any additional funding sources for this project.

Alignment with SCAG Connect SoCal regional priorities: Overall, OCCOG/GCCOG/VCOG believe joint aspects of Project #1 address several SCAG Connect SoCal regional priorities. Specifically:

1.1.1-1.1.4 “HOUSING SoCal” WEBSITE/ADU TOOLKIT

This project aligns and advances the goals and objectives of Connect SoCal and SCAG’s Housing Program. Specifically, it:

- Advances Connect SoCal sustainable development goals including supporting local jurisdictions in promoting housing in priority growth areas to increase access to jobs and transit and reduce environmental impacts;
- Directs resources toward programs and activities that complement and increase the competitiveness of the SCAG region for other funding programs, including by increasing the number of jurisdictions that are designated by HCD as “pro-housing”, as specified in AB 101, qualifying them to receive additional points in the scoring of program applications for housing and infrastructure programs pursuant to guidelines adopted by HCD;
- Builds longer term capacity at SCAG and in the region to address housing issues and facilitates compliance with State housing laws; and
- Provides needed planning resources to local jurisdictions for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing.

Southern California jurisdictions are embracing ADU/JADU development as a key strategy for bringing new housing opportunities to mature communities and adding “gentle density” to single family neighborhoods that

are in proximity to jobs and transit. This Housing SoCal website will enable consistent communication of ADU/JADU opportunities and requirements to residents and developers. Coupled with the additional deliverables planned in other projects, specifically the housing explainer videos, ADU How-To Toolkit, ADU pre-approved plans, and model ordinances, this project will support SCAG Connect SoCal goals that provide planning resources to jurisdictions “for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing” and addressing housing issues by facilitating compliance with state housing law.

1.1.5-1.1.6 ADU ADDRESS LOOK-UP AND MODEL PLAN LOOK-UP / SAMPLE PLANS

This project aligns and advances the goals and objectives of Connect SoCal and SCAG’s Housing Program.

- Advances Connect SoCal sustainable development goals including supporting local jurisdictions in promoting housing in priority growth areas to increase access to jobs and transit and reduce environmental impacts;
- Directs resources toward programs and activities that complement and increase the competitiveness of the SCAG region for other funding programs, including by increasing the number of jurisdictions that are designated by HCD as “pro-housing”, as specified in AB 101, qualifying them to receive additional points in the scoring of program applications for housing and infrastructure programs pursuant to guidelines adopted by HCD;
- Builds longer term capacity at SCAG and in the region to address housing issues, and facilitates compliance with state housing law; and
- Provides needed planning resources to local jurisdictions for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing.

One of the costliest components of developing an ADU are the building plans. OCCOG/VCOG/GCCOG propose to work with our member jurisdictions to develop plan options for ADU and JADUs that would be easily approved by planning departments and meet existing design standards. This will enable residents and developers across Southern California to expedite their applications for ADU permits. Coupled with the additional deliverables planned in other projects, specifically the ADU How-To Toolkit, housing explainer videos, Housing SoCal website, and model ordinances, this project will support SCAG Connect SoCal goals that provide planning resources to jurisdictions “for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing” and addressing housing issues by facilitating compliance with state housing law.

1.1.7 MODEL ORDINANCES

This project aligns and advances the goals and objectives of Connect SoCal and SCAG’s Housing Program. Specifically, it:

- Aligns resources with allocation methodology for the 6th Cycle of RHNA to support local jurisdictions in addressing identified housing needs;
- Advances Connect SoCal sustainable development goals including supporting local jurisdictions in promoting housing in priority growth areas to increase access to jobs and transit and reduce environmental impacts;
- Directs resources toward programs and activities that complement and increase the competitiveness of the SCAG region for other funding programs, including by increasing

the number of jurisdictions that are designated by HCD as “pro-housing”, as specified in AB 101, qualifying them to receive additional points in the scoring of program applications for housing and infrastructure programs pursuant to guidelines adopted by HCD;

- Builds longer term capacity at SCAG and in the region to address housing issues by facilitating compliance with state housing law; and
- Provides needed planning resources to local jurisdictions for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing.

By providing resources and expertise for local jurisdictions to update housing-related ordinances, OCCOG/VCOG/GCCOG are enabling our members to bring their ordinances up-to-date to comply with current housing law. Additionally, jurisdictions may choose to implement new ordinances that create a more “pro-housing” environment within their jurisdiction. Ordinances around ADU permitting and development, motel conversions, etc. can help property owners build more housing even in “built out” locations and are likely to specifically assist jurisdictions to address the supply of low and very-low income housing options in these communities.

1.1.8 “HOUSING 101” POLICY EXPLAINER VIDEOS

This project aligns and advances the goals and objectives of Connect SoCal and SCAG’s Housing Program. Specifically, it:

- Advances Connect SoCal sustainable development goals including supporting local jurisdictions in promoting housing in priority growth areas to increase access to jobs and transit and reduce environmental impacts;
- Directs resources toward programs and activities that complement and increase the competitiveness of the SCAG region for other funding programs, including by increasing the number of jurisdictions that are designated by HCD as “pro-housing”, as specified in AB 101, qualifying them to receive additional points in the scoring of program applications for housing and infrastructure programs pursuant to guidelines adopted by HCD;
- Builds longer term capacity at SCAG and in the region to address housing issues;
- Provides needed planning resources to local jurisdictions for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing; and
- Helps communities understand important issues around housing and build support for more housing in communities that may see themselves as “built out” in order to foster a more pro-housing environment and assist policy makers to approve more housing closer to job centers and transit facilities.

The videos OCCOG is proposing on a variety of housing-related topics enable consistent communication on housing topics to residents and developers across Orange County, and Southern California. Coupled with the additional deliverables planned in other projects, specifically the ADU How-To Toolkit, Housing SoCal website, ADU pre-approved plans, and model ordinances, this project will support SCAG Connect SoCal goals that provide planning resources to jurisdictions “for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing” and addressing housing issues by facilitating compliance with state housing law.

1.2 HOUSING ELEMENT AND HOUSING PRODUCTION SUPPORT ACTIVITIES INCLUDING STAFF AUGMENTATION AND TECHNICAL ASSISTANCE

This project aligns and advances the goals and objectives of Connect SoCal and SCAG’s Housing Program. Specifically:

- Align resources with allocation methodology for the 6th Cycle of RHNA to support local jurisdictions in addressing identified housing needs;
- Maximize funding allocations by providing technical assistance and capacity building necessary to support local agencies in applying for and expending program resources;
- Build longer term capacity at SCAG and in the region to address housing issues, including by:
 - Facilitating compliance with state housing law
 - Strengthening regional/sub-regional partnerships, collaborations and funding models
- Provide needed planning resources to local jurisdictions for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing; and
- Develop local plans that support the implementation of key strategies and goals outlined in Connect SoCal and the Sustainable Communities Strategy.

This project, by providing a variety of consultant resources to our member jurisdictions on an as-needed basis, underpins the other activities proposed by OCCOG in this application and aligns with SCAG’s desire to provide technical assistance to jurisdictions to promote housing production, better align growth in jobs rich and transit rich locations, and to facilitate compliance with housing law. Even before COVID-19 many jurisdictions did not have adequate resources to have full-time counter staff, dedicated staff for ADU permitting, preparation of an updated housing element, evaluation of jurisdiction ordinances for compliance with state law, or public outreach in support of new housing production. Under this project, jurisdictions may request consultant support for housing production-related activities that their budget does not provide for.

OCCOG emphasizes that we are mindful that deliverables are a key component for any project proposed under this Subregional Partner REAP grant program, and we will work closely with SCAG contract staff to develop the application and reporting so that all grant requirements are met for any consultant support provided under this project.

This project proposes to will further support local jurisdictions with work required to comply with 6th RHNA Cycle requirements by:

- Surveying jurisdictions to assess needs across the county to meet the accelerated deadlines associated with AB 1398;
- Summarizing the survey results and developing a hierarchy of need for the types of services (advisory services, technical support, staff support), as well as technical support most in demand;
- Providing advisory assistance and informative white papers and training sessions in the areas of highest demand including the expansion of redevelopment opportunities with property currently zoned for retail, office, and industrial uses; and
- Addressing other specific areas of highest need as identified through the survey and data gathering process.



1	Housing Production Planning Activities
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Task and Sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
Task 1.1: Housing and ADU Website + Model Ordinances					
1.1.1 Consultant Procurement	Staff	\$3,000	1/6/2022	4/15/2022	RFP, Consultant Proposal, and Executed Contract
1.1.2 Program Management, Surveys, Communication, Project Updates, Coordination, Consistency Review, Technical Support and Writing, Collateral	Staff	\$59,500	5/1/2022	9/30/2023	Meeting Agenda, minutes, action items, surveys, coordination between OCCOG, GCCOG, VCOG, consistency/interoperability of website and website plug-ins, and review of materials for consistency across all three jurisdictions, writing and research for collateral materials.
1.1.3 Housing/ADU Website	Staff	\$50,000	5/1/2022	9/30/2023	Published website on branded domain to include elements relevant to OCCOG, GCCOG, VCOG and plug-ins, case studies/success stories, and house the public-facing information produced in tasks 1.4-1.7, and some of the Videos produced in Task 1.8. Additionally, hosts a member-only portal to access REAP-produced tools for jurisdictions (model ordinances, affordable ADU memo and ADU amnesty memo, and ADU toolkit assets).
1.1.4 ADU How-To Toolkit	Both	\$90,000	5/1/2022	9/30/2023	ADU Legalization and Affordable ADU Development scenarios, ADU Calculator tool, social media, Powerpoints, Infographics, FAQs, branded brochures, pamphlets, fliers, handouts, checklists.
1.1.5 ADU Model Plan Look-Up	Both	\$50,000	5/1/2022	9/30/2023	Gallery of model and pre-reviewed plans that allows homeowners to view ADU plans. Homeowners will be able to scan the gallery and then work directly with architects and their respective jurisdiction to customize the plans for final site-specific approval. A



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Task and Sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
					guidance and technical memo detailing data sources, modeling assumptions, and processing steps will be made available.
1.1.6 ADU Address Look-Up	Both	\$50,000	5/1/2022	9/30/2023	ADU address lookup tool so homeowners can enter their address and understand the rules about building an ADU that apply to them. The tool will examine existing zones, zoning, and standards and generate a custom message for the homeowner listing essential information.
1.1.7 Model Ordinances	Consultant	\$70,000	5/1/2022	9/30/2023	Outreach to jurisdictions and guidance on ordinance selection, final six model ordinances (adoption ready to extent possible) + website landing page to access them, (2) 2-hour info sessions answering jurisdiction questions, recorded.
1.1.8 Housing OC Videos	Staff	\$45,000	5/1/2021	05/30/2023	Nine (9) 2-3 minute videos, with up to 4 snippets per video and Spanish translation. The full package includes 2 additional videos previously produced by OCCOG using other funds.
Task 1.1 Subtotal		\$417,500			
Task 1.2: Housing Element/ Housing Production Support					
1.2.1 Consultant Procurement	Staff	\$8,000	3/15/2022	05/01/22	RFP, Consultant Proposal, and Executed Contracts
1.2.2 Program Management, Surveys, Communication Materials, Coordination, Funding Distribution, TOs, Support Services	Staff	\$69,750	5/1/2022	10/15/23	Meeting agendas, minutes, and action items, surveys, application for jurisdictions to access consultant resources that includes expected housing related deliverables, various housing support functions requested by jurisdictions, technical writing and research.



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Task and Sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
1.2.3 On-Call Consultant Program	Both	\$830,301	5/1/2022	2/15/24	Deliverables will vary, may include: public outreach plans, housing element, ADU or housing development permits approved, housing ordinances, objective design standards, etc.
1.2.4 Technical Support for Commercial to Residential Program and other Community Partnership Activities	Both	\$100,000	5/1/2022	8/31/2023	Conducted two Technical Assistance Programs resulting in two completed reports 1) Conversion of commercial properties to housing and 2) Preparing for infill housing in office/retail developments.
Task 1.2 Subtotal		\$978,051			
Project 1 Total		\$1,425,551			

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2	Geo-Spatial Planning Solution and 3-D Site Visualization Tools
<input checked="" type="checkbox"/> Metrics for this project have been selected in the “Project Metrics” portion of this form.	
__1__ Procurement Expected for this Project	
<p>OCCOG is proposing to build on the SCAG Regional Data Project by utilizing a GIS-based tool to assist with site selection for Housing Element. We are proposing two activities under this project: GIS-Based Site Selection Tool and Site Visualization.</p> <p>Task 2.1 GIS-BASED SITE SELECTION</p> <p>OCCOG understands that the top priority for our member jurisdictions in meeting their RHNA objectives is preparing a compliant housing element. OCCOG further understands that SCAG is making ArcGIS Urban available to all jurisdictions as part of the SCAG Data Program. Building on that tool, OCCOG proposes to assist our member jurisdictions by developing a RHNA Community Snapshot, provide an ArcGIS Urban-based Opportunity Finder and Reporting tools, and provide professional advisement services to OCCOG member jurisdictions to gain an understanding of the eligibility requirements and scoring criteria for the Pro-housing Designation Program.</p> <p>Key Deliverables/Tasks/ Performance Indicators</p> <ul style="list-style-type: none"> • RHNA Community Snapshot <ul style="list-style-type: none"> ○ Countywide 3D Base-map ○ Countywide RHNA contextual indicators and baseline data • RHNA Opportunity Finder (uses ArcGIS Urban, to be provided by SCAG) <ul style="list-style-type: none"> ○ HCD Compliant RHNA reporting dashboards ○ Capacity Metrics for <ul style="list-style-type: none"> ▪ New Households ▪ Population and demographics ▪ ADU potential ▪ Parking demand and Supply ▪ Fair Housing and Environmental Justice • Pro-housing Designation Professional Advisement Services <ul style="list-style-type: none"> ○ Online Workshops (14) ○ Workshop Summaries ○ Office Hour Sessions (9) <p><u>Nexus to Housing</u></p> <p>Finding appropriate sites for housing development is a key facet of encouraging housing production. Based on recent changes to housing law, it has become more challenging for jurisdictions to find acceptable sites for development, especially in older more densely populated communities. Assisting jurisdictions to better visualize their development opportunities will help city leadership and policy makers during the housing element update.</p> <p><u>Expected Outcome</u></p> <p>This tool is intended to assist jurisdictions to easily identify development opportunities based on HCD approved criteria, and will greatly assist jurisdictions in producing their RHNA-compliant housing element by the October 2021 deadline.</p>	

Additional Funding Sources

OCCOG is not using any additional funding sources for this project.

**Note: OCCOG understands that SCAG is making ArcGIS Urban available to all member jurisdictions.*

Task 2.2 SITE DEVELOPMENT VISUALIZATION TOOL

One of the biggest challenges to housing development comes from community resistance to proposed development. OCCOG understands that communicating how a development will look and interact with existing structures and communities is an important tool for reducing barriers to development. OCCOG is proposing to provide an online 3D visualization tool to assist jurisdictions to work with developers and the public to highlight the features and benefits of planned developments, overcome objections and/or envision new solutions. This tool varies in cost depending on project size and complexity of the rendering. It will be necessary for OCCOG to develop an equitable process to enable jurisdictions to access this tool if interested.

Key Deliverables/Tasks/ Performance Indicators

- 1) Develop an application to enable equitable access to this tool for OCCOG member jurisdictions.
- 2) For each project selected, the deliverables will be:
 - o Land plan and site design
 - o Detailed capacity metrics (building on data developed in OCCOG REAP Project #6)
 - o High-fidelity 3D models with exterior facades, landscaping and parking shown
 - o Immersive video-game like interactive interface

Nexus to Housing

Finding appropriate sites for housing development is a key facet of encouraging housing production. Based on recent changes to housing law, it has become more challenging for jurisdictions to find acceptable sites for development, especially in older more densely populated communities. Assisting jurisdictions to better visualize their development opportunities will help city leadership and policy makers during the housing element update.

Expected Outcome

This tool is intended to assist jurisdictions to better communicate planned housing development features and opportunities. Rather than relying on two dimensional drawings this technology allows residents and policy makers to experience the planned housing projects in a way that will promote new housing opportunities and help dispel misinformation and defuse concerns.

Additional Funding Sources

OCCOG is not using any additional funding sources for this project.

Alignment with SCAG Connect SoCal regional priorities:

Task 2.1 GIS-BASED SITE SELECTION

This project aligns and advances the goals and objectives of Connect SoCal and SCAG’s Housing Program. Specifically:

- Align resources with allocation methodology for the 6th Cycle of RHNA to support local jurisdictions in addressing identified housing needs;
- Advance Connect SoCal sustainable development goals including supporting local jurisdictions in promoting housing in priority growth areas to increase access to jobs and transit and reduce environmental impacts;
- Maximize funding allocations by providing technical assistance and capacity building necessary to support local agencies in applying for and expending program resources
- Build longer term capacity at SCAG and in the region to address housing issues, including by:
 - Facilitating compliance with state housing law
 - Defining a sustainable role for SCAG that marries housing with transportation objectives
 - Strengthening regional/sub-regional partnerships, collaborations and funding models
 - Establishing regional/subregional vision as basis for future funding
- Provide needed planning resources to local jurisdictions for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing;
- Encourage regional planning strategies to reduce motorized Vehicle Miles Traveled (VMT) and greenhouse gas (GHG) emissions, particularly in environmental justice communities where there is the highest need for air quality improvements; and
- Develop local plans that support the implementation of key strategies and goals outlined in Connect SoCal and the Sustainable Communities Strategy.

OCCOG is planning to provide an ArcGIS-based tool that will build upon the work that SCAG is currently doing in this area. We have been in regular contact with SCAG’s data team to ensure that the proposed tool will complement not overlap or duplicate SCAG’s plans. The importance of this tool in enabling jurisdictions to work on their housing elements efficiently, gaining insights at the parcel level to potential new housing sites cannot be understated. Additionally, this tool could be “scaled up” to eventually become available to other jurisdictions outside the OCCOG subregion, and other subregions have shown interest in developing a similar tool for their member jurisdictions as well. The tool, as envisioned, will have data overlays for parking analysis, social justice factors, and GHG reduction capacity, and transit access. Additionally, it will complement the other ADU-related tools, with an overlay that will help analyze ADU suitability. This powerful user-friendly interface will be a tool that can be leveraged for other non-housing element purposes as well, and will help jurisdictions in a variety of housing-related planning activities.

Task 2.2 SITE DEVELOPMENT VISUALIZATION TOOL

This project aligns and advances the goals and objectives of Connect SoCal and SCAG’s Housing Program. Specifically:

- Align resources with allocation methodology for the 6th Cycle of RHNA to support local jurisdictions in addressing identified housing needs;
- Advance Connect SoCal sustainable development goals including supporting local jurisdictions in promoting housing in priority growth areas to increase access to jobs and transit and reduce environmental impacts;
- Maximize funding allocations by providing technical assistance and capacity building necessary to support local agencies in applying for and expending program resources;
- Build longer term capacity at SCAG and in the region to address housing issues;
- Provide needed planning resources to local jurisdictions for active transportation and multimodal planning efforts, sustainability, land use, and planning for affordable housing; and

- Develop local plans that support the implementation of key strategies and goals outlined in Connect SoCal and the Sustainable Communities Strategy.

OCCOG understands the importance of building new housing in a community that embraces the unique quality of life and addresses community concerns of existing neighborhoods. In fact, one of the most pervasive roadblocks to new housing is resistance to change from community opposition. Given the controversial nature of adding density to mature neighborhoods, or re-purposing retail or commercial property for new housing, OCCOG understands that our jurisdictions need support to communicate effectively with residents regarding zoning changes and specific development opportunities that will support the goals of Connect SoCal and align with the RHNA 6th cycle methodology. An immersive virtual experience is an excellent way to “see” a project before it is built. This innovative 3D visualization tool will allow jurisdictions to accelerate housing production by bringing the project to life earlier in the project approval cycle, helping to identify potential areas of concern, debunk project impacts, and allow a hands-on approach to community input.

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2	Geo-Spatial Planning Solution and 3-D Site Visualization Tools
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Task and sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
Task 2.1 Geo-Spatial Planning Solution					
2.1.1 - Consultant Procurement (will be procured with Geospatial Planning Solution)	Staff	\$2,000	2/4/2021	2/25/2021	RFP, Consultant Proposal, and Executed Consultant Contract
2.1.2 - Project Meetings	Both	\$1,500	2/25/2021	5/31/2021	Meeting agendas, minutes, and action items
2.1.3 - Countywide 3-D base-map	Consultant	\$50,000	1/28/2021	5/31/2021	Countywide 3D base map
2.1.4 - Countywide RHNA contextual indicators and baseline data	Consultant	\$50,000	1/28/2021	5/31/2021	Countywide RHNA contextual indicators and baseline data
2.1.5 - RHNA Community Snapshot	Consultant	\$96,000	1/28/2021	5/31/2021	RHNA Community Snapshot
2.1.6 - Project Meetings	Both	\$1,500	4/1/2021	9/30/2023	Meeting agendas, minutes, and action items
2.1.7 - HCD-Compliant RHNA reporting dashboards	Consultant	\$42,000	4/1/2021	9/30/2023	HCD-Compliance RHNA reporting dashboards
2.1.8 - RHNA Opportunity Finder	Consultant	\$100,000	4/1/2021	9/30/2023	RHNA Opportunity Finder
2.1.9 -RHNA Reporting Tools	Consultant	\$100,000	4/1/2021	9/30/2023	RHNA Reporting Tools
2.1.10 - Capacity Metrics	Consultant	\$330,000	4/1/2021	9/30/2023	Capacity Metrics for: new households, population and Demographics, ADU potential, parking demand and supply, fair housing and Environmental Justice
2.1.11 – Prohousing Professional Advisement Services	Consultant	\$50,000	4/1/2021	9/30/2023	Online workshops (14) navigating the pro-housing designation program and workshop summaries, 3-hour office hour sessions (9) for jurisdictions.



Task and sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
2.1.12 - Training for Jurisdictional Staff	Consultant	\$27,000	4/1/2021	9/30/2023	Training curriculum for planning staff to use the new tools
Task 2.1 Subtotal		\$850,000			
Task 2.2 3-D Site Visualization Tool					
2.2.1 - Consultant Procurement (Will be procured with Geospatial Planning Solution)	Staff	\$0	2/5/2021	2/25/2021	RFP, Consultant Proposal, and Executed Consultant Contract
2.2.2 - Project Meetings	Both	\$2,500	6/1/2021	9/30/2023	Meeting agendas, minutes, and action items
2.2.3 - Develop Application for Jurisdiction Access to Tool	Staff	\$2,500	6/1/2021	8/1/2021	Guidelines and application for use by jurisdictions interested in this tool
2.2.4 - Land Plans and Site Designs	Consultant	\$35,000	6/1/2021	9/30/2023	Land Plans and Site Designs
2.2.5 - Detailed Capacity Metrics	Consultant	\$40,000	6/1/2021	9/30/2023	Detailed capacity metrics similar to RHNA Housing Opportunity Mapping tool
2.2.6 - High-Fidelity 3-D Models	Consultant	\$253,000	6/1/2021	9/30/2023	High-Fidelity 3D Models with exterior facades, landscaping, and parking
2.2.7 - Completed Virtual Environment	Consultant	\$275,000	6/1/2021	9/30/2023	Immersive video game-like experiences
2.2.8 - Training for Jurisdictional Staff	Consultant	\$25,000	6/1/2021	9/30/2023	Training curriculum for planning staff to use the new tools
Task 2.2 Subtotal		\$633,000			Price of each virtual experience will vary depending on site size and complexity



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Task and sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
Total Project 2 Cost		\$1,483,000			

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3	OCHT Business Plan and Organizational Development Roadmap
<input checked="" type="checkbox"/> Metrics for this project have been selected in the “Project Metrics” portion of this form.	
<u> 1 </u> Procurements Expected for this Project	
Brief Description of Project: <i>As provided in initial approved application</i>	
<p>Task 3.1 BUSINESS PLAN</p> <p><u>Key Deliverables/Tasks/ Performance Indicators</u></p> <p>OCHT is currently operated as a fund of Neighborworks OC (NWOC). As such it is a disregarded entity and not eligible to become a CDFI/CDE. As part of a broader strategy for Orange County to capture more resources to support the development of housing OCHT will prepare a Business Plan and identify the steps that must be taken to become a full-fledged organization fully eligible to be designated a CDFI/CDE. Included in the Plan will be separation from NWOC and the creation of a separate organization with dedicated staff, etc. As part of the Business Planning process further research will be conducted to assess the full impact of the separate on NWOC, and the costs, to determine the benefits of the separation and confirm the ability to continue to focus dollars on capital investments. The plan will also include information regarding best practices and the feasibility of developing a large capital fund.</p> <p>Next step included in the Business Plan will include an exploration of the pros and cons of separating NWOC and OCHT, a review of fundraising challenges related to splitting donations, rather than increasing total donations, and a roadmap that sets the stage for 1) OCHT to disengage from NWOC and become a stand-alone organization, grow staff, etc., or 2) OCHT continuing to operate as a fund through NWOC with a clear plan for more substantial fund growth.</p> <p>The business plan will also identify a pathway to certification as either a Community Development Financial Institution or Community Development Entity to attract housing development funding to Orange County.</p> <ul style="list-style-type: none"> • OCHT will contract a consultant to facilitate business planning sessions with its Board of Directors and stakeholders to determine which certification path best aligns with the planned strategies and goals • Consultant to prepare business plan setting forth next steps and goals, including outcomes and key performance indicators. <p><u>Nexus to Housing Production</u></p> <p>Development of a business plan will provide focus to the organization’s efforts to establish the most effective entity and approach for attracting and distributing housing financing over the next 3 years, including acquisition of private funding to support affordable housing development and to align deployment of funding to assessed community needs.</p> <p><u>Expected Outcome</u></p> <p>A plan for acquisition of additional private and federal funding to support affordable housing development in Orange County. Financing of housing production is essential to the successful development of affordable housing. Private sector funding as well as federal funding in the form of grants or low-cost loans will encourage housing production. The US Treasury is a significant funder of financing and tax credit projects to infuse capital in housing development. Certification of CDFI/CDE may be the best strategy to access low- and no-cost capital for the financing of affordable housing development from federal source (USDoT) through either its New Markets Tax Credit program or its Community Development Financial Institutions program.</p>	



Related Tasks/ Other funding sources

No other resources will be accessed to fund the strategic planning. The Orange County Housing Trust will contribute staff time to work with strategic planning consultant and temporary staff to provide data, coordinate board and stakeholder access, and facilitate meetings.

Alignment with SCAG Connect SoCal regional priorities:

By creating a Business Plan and advancing towards separation from Neighborworks OC (NWOC) OCHT will be better able to support accelerated housing production in Orange County. OCHT's process will include reaching out to cities to assess housing needs as well as developers to assess types of housing finance needed. The Business Plan will provide a roadmap for separating from NWOC to become a stand-alone organization cable of then becoming designated as a CDFI/CDE and thus eligible for the acquisition of capital from public and federal sources to support the development of affordable housing with outcomes and progress to deliverables communicated to its Board of Directors.

In addition to new construction financing of affordable housing, financing for the preservation and rehabilitation of affordable housing that prevents displacement is a funding purpose that is eligible for Department of Treasury grant awards. Through its strategic planning process and the implementation of its completed strategic plan, OCHT's activities aligns with and advances Connect SoCal and Housing Program regional priorities and framework by:

- Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies.
- Enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region.
- Continue to support long range planning efforts by local jurisdictions

OCCOG supports providing funding to the Orange County Housing trust via this Subregional Partnership REAP Grant because we understand the importance of having private sector and nonprofit support for affordable housing. While the OCCOG region was able to exceed the overall 5th cycle RHNA goal, we struggled, as did many jurisdictions, to meet the specific goals set for low- and very low-income housing units. Setting up OCHT as a separate entity eligible to be designated as a CDFI/CDE represents an important support system for attracting private and federal funding to Orange County to meet the needs of all residents regardless of income level.



3	OCHT Business Plan and Organizational Development
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Task and sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
Task 3 OCHT Business Plan and Organizational Development					
3.1. - Consultant Procurement	Consultant	\$0	1/1/2021	12/18/2021	RFP, Consultant Proposal, and executed Consultant Contract
3.2 – Draft and Final Business Plan and Organizational Development RoadMap	Both	\$2500	1/18/2021	9/30/2023	Meeting agendas, minutes, and action items, tables, plans, charts, notes, interviews, draft and final business plan and roadmap
Total Project 3 Cost		\$2500			

DRAFT

4	Orange County Housing Finance Trust (OCHFT)
<input checked="" type="checkbox"/> Metrics for this project have been selected in the "Project Metrics" portion of this form.	
<u>2</u> Procurements Expected for this Project	
<p>Brief Description of Project:</p> <p>4.1 CREATE AND UPDATE NOFA</p> <p>REAP funding will be utilized to prepare templates for a NOFA document and NOFA application for future funding availability. It is anticipated that the Trust will utilize the template for the NOFA on an annual basis for each funding cycle, which will require all applicants to also prepare a response NOFA application form.</p> <ul style="list-style-type: none"> • Conduct pre-application meeting with applicants; • Respond to applicant questions and prepare Frequently Asked Questions document; • Review NOFA responses; and, • Approve funding recommendation. <p>Subsequent to the creation of the initial NOFA document and application template, the Trust will undertake an update of the NOFA document and application including:</p> <ul style="list-style-type: none"> • Research changes to funding sources to ensure the NOFA template complies with all available and funding requirements; • Update NOFA Template with specific dollar amounts available, schedule of NOFA issuance through funding award, and any other necessary changes to the NOFA Template to comply with funding sources; • Update Trust website; • Update NOFA Application form for any changes made for current year NOFA; • Conduct pre-application meeting with applicants; • Respond to applicant questions and prepare Frequently Asked Questions document; • Review NOFA responses; and, • Approve funding recommendation. <p>Key Deliverables/Tasks/Performance Indicators</p> <ul style="list-style-type: none"> • Board approved 2021 NOFA • Board approved 2022 NOFA • Board approved 2023 NOFA <p>Nexus to Housing Production</p> <p>The creation of the NOFA document and application template is necessary to ensure the Trust can efficiently and fairly award loans to affordable development projects throughout Orange County without the need for creating a new NOFA each year. The NOFA document and application template will help directly finance the development of new affordable and PSH that will extend into the future.</p> <p>Expected Outcome</p> <ul style="list-style-type: none"> • The Trust Board will approve the NOFA document and NOFA application and Trust Staff will manage an application process with affordable housing developers that will eventually lead to the Trust Board approving loans that will be used to create new affordable and PSH. 	

Related Tasks/ Other Funding Sources

No other funding source is necessary for this project.

PREPARE AND IMPLEMENT NOFA DEVELOPER OUTREACH STRATEGY AND PROPERTY SELECTION CRITERIA FOR REAL ESTATE BROKERAGE COMMUNITY

The goal of this activity is to increase affordable housing developer interest in OC that in turn results in the increased supply of affordable and PSH units. This activity will include reaching out to existing developers in OC and research other high-quality developers outside OC. Based upon their feedback, a strategy document will be created that will include property selection criteria so that commercial real estate brokers can know and understand the acquisition criteria for affordable housing developers.

Key Deliverables/Tasks/Performance Indicators

- NOFA developer outreach strategy
- Identify and deliver/discuss with the top 10 commercial brokerage companies the affordable housing property selection criteria

Nexus to Housing Production

The outreach to meet with the real estate brokerage community will promote the development of critically needed affordable and PSH housing production in Orange County.

Expected Outcome

- Retain and increase the supply of affordable and PSH housing developers in OC and create a document that commercial real estate agents can utilize to locate qualified affordable and PSH housing properties for development.

Related Tasks/ Other Funding Sources

No other funding source is necessary for this project.

Task 4.2 PREPARE NOFA INTERNAL UNDERWRITING POLICY AND PROCEDURES

This implementation activity will provide the various review and underwriting policy and procedures used to make recommendations to the Board for Trust funding. It will include one round of actual review of NOFA applications based upon the underwriting policy and procedures.

Key Deliverables/Tasks/Performance Indicators

- NOFA internal underwriting policy and procedures

Nexus to Housing Production

The internal underwriting policy and procedures is part of the funding review process. The direct result of this activity is a high-quality recommendation to the Trust Board to fund another development of affordable and PSH.

Expected Outcome: NOFA internal underwriting policy and procedures

Related Tasks/ Other Funding Sources

No other funding source is necessary for this project.

PREPARE CONSTRUCTION AND PERMANENT LOAN TEMPLATE

The Trust intends to provide loans to developers producing affordable and PSH units in OC. As a new regional housing trust, the Trust must develop templates for a construction and permanent loan agreement it intends to issue to qualified developers selected through their NOFA process. These loan agreement templates will make it more efficient for the Trust to issue loans to developers building affordable and PSH units in OC for all future projects funded by the Trust. This will include a review and comment from developers and their construction and permanent loan financial institutions.

Key Deliverables/Tasks/Performance Indicators: Construction and Permanent Loan Template

Nexus to Housing Production

Construction and permanent loan templates will ensure that funded projects meet affordability requirements and precious affordable housing dollars are repaid with interest to fund additional affordable housing.

Expected Outcome: The creation of one or two documents that will serve as the loan agreement and all other related loan documents that fund and provide the covenants necessary to preserve long term affordability.

Related Tasks/ Other Funding Sources: No other funding source is necessary for this project.

Task 4.3 PREPARE AND UPDATE TRUST FIVE-YEAR STRATEGIC PLAN

Each fiscal year, the Orange County Housing Finance Trust will update its Five-Year Strategic Plan. Reviewing and updating the Strategic Plan provides the Trust with the opportunity to take a step back from the day-to-day operations and articulate where the organization is headed, including setting short- and long-term goals, time specific objectives, and tasks for achieving them. These updates are intended to ensure that the Trust is meeting the needs of Orange County residents and those in need of housing.

As part of the Strategic Plan Review and Update, the Trust will perform outreach to community stakeholders. These interviews are intended to update the Trust’s goals and identify accomplishments. This effort tends to generate better outcomes and a greater sense of ownership to the plan and direction the Trust is heading.

Key Deliverables/Tasks/Performance Indicators

- Board approved updated 5 Year Strategic Plan
- Board approved updated 2022 Strategic Plan
- Board approved updated 2023 Strategic Plan

Nexus to Housing Production

The Trust Strategic Plan provides an organizational blueprint to provide direction to Staff and the Board on the mission of the Trust which is to increase the supply of affordable and PSH.

Expected Outcome

- Updated Annual Trust Strategic Plan

Related Tasks/ Other Funding Sources

No other funding source is necessary for this project.

Task 4.4 CREATE AFFORDABLE & PSH HOUSING OPPORTUNITIES AND ACCOMPLISHMENTS MAPPING SYSTEM

The Trust desires to update the existing website mapping of affordable PSH units to monitor progress toward their housing production goal for 2025 and beyond. This request would update the existing mapping to a more comprehensive mapping system that will help the Trust identify communities within Orange County that are most in need of housing resources. The new website will include links to housing resources for residents in need of housing assistance, and statistical information about neighborhoods throughout the County collected from the US Census and the Orange County Homeless Point-in-Time Count to identify where the housing needs are most acute in Orange County.

This information will be used to generate support for housing development and assistance where it is most needed, and to ensure that existing housing resources are being deployed to meet the most demand. Once the updated website GIS map is online, the Trust will publicize the map and ensure both local leaders and community partners are aware of the map and the information it provides.

Key Deliverables/Tasks/Performance Indicators

- Completion of update website mapping online

Nexus to Housing Production

The new and updated mapping and information system will provide critically needed information to residents, developers, local government staff and policy makers the information they need that is unique and comprehensive.

Expected Outcome

- A new and updated mapping and information system.

Related Tasks/ Other Funding Sources

No other funding source is necessary for this project.

Task 4.5 TARGET AND SECURE NEW FINANCIAL RESOURCES

The Trust approved Funding Plan will provide direction to Staff and the Trust Board on funding sources to aggregate and loan out to affordable housing developers in OC that will support the Trusts goal of producing 2,700 new PSH units by 2025.

This activity will allow the Trust to hire consultants to aid in securing funding from various government jurisdictions (State, County, Local) (non-applicant PLHA funding), agencies, and organizations. In addition, each year, the Trust will research, identify, and outreach to key philanthropic opportunities with individuals and private sector entities to explore appropriate mechanisms for financial contributions (i.e. donations, legacy gifts). The Trust will prepare a report summarizing the philanthropic opportunities available for further funding of PSH units in Orange County. Once the Trust has identified philanthropic opportunities, it will work to secure funding from each of the possible opportunities. As the Trust pursues these opportunities it will update a Funding Outreach Status Report that will be prepared at the end of each fiscal year.

Key Deliverables/Tasks/Performance Indicators

- Board approved 2021 Capital & Administrative Funding Plan
- Board approved 2022 Capital & Administrative Funding Plan
- Board approved 2023 Capital & Administrative Funding Plan

Nexus to Housing Production

The Funding Plan and the new and recurring sources of funding that comes as a result of this effort will directly result in the production of more affordable and PSH housing units.

Expected Outcomes

- Board approved 2021 Capital & Administrative Funding Plan
- Board approved 2022 Capital & Administrative Funding Plan and Funding Outreach Status Report.
- Board approved 2023 Capital & Administrative Funding Plan and Funding Outreach Status Report.

Related Tasks/ Other Funding Sources

No other funding source is necessary for this project.

Task 4.6 DEVELOP AND IMPLEMENT A STRATEGY TO RETAIN AND INCREASE TRUST MEMBERSHIP THROUGHOUT ORANGE COUNTY

This activity will create a strategy plan to retain and increase Trust membership. This will include materials to explain and promote the Trust and their efforts to finance the development and production of affordable and PSH units. The outreach efforts of this plan will not only include the current membership but also attempt to attract the remaining 11 cities in the County that are not members of the Trust.

Key Deliverables/Tasks/ Performance Indicators

- Completion of Strategy to Retain & Increase Trust Membership

Nexus to Housing Production

A united regional Trust membership helps local policy makers and State legislators, and departments support further efforts in OC to develop affordable and PSH. It also allows the Trust to explore additional opportunities for regional solutions to the affordable housing crisis.

Expected Outcome

- Meet or contact all the cities within OC and the County to provide an update on the Trust accomplishments, benefits and upcoming efforts.

Related Tasks/ Other Funding Sources

No other funding source is necessary for this project.

Alignment with SCAG Connect SoCal regional priorities: *As provided in initial approved application*

Task 4.1 CREATE AND UPDATE NOFA

The Trust NOFA document and application template will help to strengthen regional partnerships, collaborations, and funding models by providing certainty regarding project funding requirements for future years. This will allow local jurisdictions and affordable housing developers to rely upon the requirements and

scoring formulas in the NOFA document when evaluating potential sites for new affordable & PSH projects and continue to support long range planning efforts by local jurisdictions. These critically needed housing units further support the local jurisdictions Regional Housing Needs Assessment requirements. The NOFA process eventually leads to the Trust to support and fund high quality projects that complement and increase the competitiveness of the SCAG region for other funding programs to support these developments.

PREPARE AND IMPLEMENT NOFA DEVELOPER OUTREACH STRATEGY AND PROPERTY SELECTION CRITERIA FOR REAL ESTATE BROKERAGE COMMUNITY

This activity advances Connect SoCal's sustainable development goals including supporting local jurisdictions in promoting housing in priority growth areas to increase access to jobs and transit and reduce environmental impacts. The eventual increase in the supply of housing supports compliance with state housing law related to RHNA.

PREPARE NOFA INTERNAL UNDERWRITING POLICY AND PROCEDURES

The internal underwriting policy and procedures allow the Trust to support and fund high quality projects that complement and increase the competitiveness of the SCAG region for other funding programs to support these developments.

Task 4.2 PREPARE CONSTRUCTION AND PERMANENT LOAN TEMPLATE

The loan agreements will ensure repayment of Trust funds and provide a sustainable source of funding and contain all the appropriate covenants, conditions, and restrictions to ensure long term affordability. This aligns Connect SoCal priorities to:

1. "Pursue funding opportunities to support local sustainable development implementation projects."
2. "Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies"
3. "Continue to support long range planning efforts by local jurisdictions."

Task 4.3 PREPARE AND UPDATE TRUST FIVE-YEAR STRATEGIC PLAN

The annual review and update of the Orange County Housing Finance Trust's Five-Year Strategic Plan will help identify funding opportunities for new workforce and affordable housing development, enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region through the stakeholder interviews, and continue to support long range planning efforts by local jurisdictions by providing updated guidance on where the housing needs are most urgent in Orange County.

Task 4.4 CREATE AFFORDABLE & PSH HOUSING OPPORTUNITIES & ACCOMPLISHMENTS MAPPING SYSTEM

The Housing Opportunities Mapping will provide local decision makers, staff, the development community, media, and the public information regarding where housing is most needed in Orange County and help establishing a regional vision as basis for future funding. In addition, it will support long range planning efforts by local jurisdictions by providing them the information necessary to understand where the housing is most in need in their communities.

Task 4.5 TARGET AND SECURE NEW FINANCIAL RESOURCES

The Annual Capital Funding Procurement will help identify funding opportunities for new workforce and affordable housing development, in accordance with SCAG Connect SoCal regional priorities. This activity also leads the Trust to support and fund high quality projects that complement and increase the competitiveness of the SCAG region for other funding programs to support these developments.

Task 4.6 DEVELOP AND IMPLEMENT A STRATEGY TO RETAIN AND INCREASE TRUST MEMBERSHIP THROUGHOUT ORANGE COUNTY

This activity aligns with Connect SoCal priorities to “Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies” and to “Continue to support long range planning efforts by local jurisdictions.” Membership within the Trust allows developers to apply for Trust funding which supports local jurisdiction’s goal of meeting their RHNA numbers.

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4	Orange County Housing Finance Trust (OCHFT)
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Task and sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
Task 4.1 Prepare NOFA and related materials					
Task 4.1.1 Prepare model NOFA Application	Consultant	\$30,000	09/03/20	06/30/21	NOFA Application
Task 4.1.2 Research and prepare 2022 NOFA updates to all documents	Consultant	\$20,000	07/01/21	06/30/22	Board approved 2022 NOFA
Task 4.1.3 Research and prepare 2023 NOFA updates to all documents	Consultant	\$20,000	07/01/22	9/30/2023	Board approved 2023 NOFA
Task 4.1.4 Prepare NOFA developer outreach strategy and property selection criteria for real estate brokerage community	Consultant	\$10,000	02/01/21	9/30/2023	NOFA developer outreach strategy
Task 4.1.5 Implement NOFA developer outreach and strategy to meet with real estate brokerage community	Consultant	\$25,000	06/01/21	9/30/2023	Identify and deliver/discuss with the top 10 commercial brokerage companies the affordable housing property selection criteria.
Task 4.1.6 Prepare NOFA internal underwriting policy and procedures	Consultant	\$40,000	09/03/20	06/01/21	NOFA internal underwriting policy and procedures
Task 4.1 Subtotal		\$145,000			
Task 4.2 Prepare Loan Templates					
Task 4.2.1 Prepare Construction and Permanent Loan Template	Consultant	\$15,000	09/03/20	06/01/21	Construction and Permanent Loan Template
Task 4.2 Subtotal		\$15,000			



Regional Early Action Planning (REAP) Grant
Subregional Partnership Program
Scope of Work Approval Form – New Project Sheets

Task and sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
Task 4.3 Prepare and update Trust Strategic Plan(s)					
Task 4.3.1 Prepare and update Trust 2021 Strategic Plan	Consultant	\$25,000	09/03/20	07/31/21	Board approved updated Strategic Plan
Task 4.3.2 Prepare and update Trust 2022 Strategic Plan	Consultant	\$20,000	08/01/21	10/01/22	Board approved updated Strategic Plan
Task 4.3.3 Prepare and update Trust 2023 Strategic Plan	Consultant	\$20,000	08/01/22	9/30/20233	Board approved updated Strategic Plan
Task 4.3 Subtotal		\$65,000			
Task 4.4 Create Affordable Housing Mapping System					
Task 4.4.1 Create Affordable & PSH Housing Opportunities and Accomplishments Mapping System	Consultant	\$71,000	09/03/20	07/15/2023	Completion of update website mapping online
Task 4.4 Subtotal		\$71,000			
Task 4.5 Target and Secure New Financial Resources					
Task 4.5.1 Target and secure new financial resources 2021	Consultant	\$100,000	09/03/20	09/03/22	Board approved 2021 Capital & Administrative Funding Plan
Task 4.5.2 Target and secure new financial resources 2022	Consultant	\$72,000	10/01/21	9/30/2023	Board approved 2022 Capital & Administrative Funding Plan
Task 4.5.3 Target and secure new financial resources 2023	Consultant	\$72,000	10/01/22	9/30/2023	Board approved 2023 Capital & Administrative Funding Plan



Regional Early Action Planning (REAP) Grant
 Subregional Partnership Program
 Scope of Work Approval Form – New Project Sheets

Task and sub-tasks	Consultant/ Staff/Both	Estimated Cost	Begin Date	End Date	Deliverable
Task 4.5 Subtotal		\$244,000			
Task 4.6 Develop Membership Growth and Retention Strategy					
Task 4.6.1 Develop and implement a strategy to retain and increase Trust membership throughout Orange County	Consultant	\$60,000	09/03/20	10/01/22	Completion of Strategy to Retain & Increase Trust Membership
Task 4.6 Subtotal		\$60,000			
Total Project 4 Cost		\$600,000			

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**AMENDMENT NO. 02
SCAG MEMORANDUM OF UNDERSTANDING
No. M-013-21**

**BETWEEN THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG)
AND THE
ORANGE COUNTY COUNCIL OF GOVERNMENTS
FOR OCCOG REGIONAL EARLY ACTION PLANNING (REAP) GRANT
PARTNERSHIPS AND OUTREACH**

(SCAG Project/OWP No. 300-4889Y0.01)

This Amendment No. 02 (“Amendment No. 1”) to the Memorandum of Understanding No. M-013-21 (“MOU” or “Agreement”) is by and between the **Orange County Council of Government** (“Sub-Recipient”), for **OCCOG Regional Early Action Planning (REAP) Grant Partnerships and Outreach**, subsequently herein referred to as “Project.” SCAG and the Sub-Recipient are individually referred to herein as “Party” and may be collectively referred to herein as “Parties.”

RECITALS

WHEREAS, SCAG and the Sub-Recipient are parties to that certain Agreement dated March 25, 2021;

WHEREAS, Section 10 of the Agreement permits the parties to amend the Agreement through written amendment;

WHEREAS, California Senate Bill 197 amended the expenditure deadline for the Local Government Planning Support Grants Program and requires each recipient of funds under the Local Government Planning Support Grants Program to expend the funds no later than December 31, 2024;

WHEREAS, SCAG has realized cost savings in implementing the REAP 1.0 programs and is shifting the cost savings to the Subregional Partnership Program;

WHEREAS, the original agreement dated March 25, 2021, awarded Three Million Two Hundred and Forty-Five Thousand Dollars (\$3,245,000) based on the Sub-Recipient’s estimated RHNA allocation;

WHEREAS, the revised amount awarded to the Sub-Recipient became Three Million Two Hundred Fifty Thousand and Forty-Nine Dollars (\$3,250,049) based on the adopted Sixth Cycle RHNA allocation;

WHEREAS, on June 29, 2023, SCAG and the Sub-Recipient entered into that certain Amendment No. 1 (“Amendment No. 1”) to the Agreement extending the term of the Agreement until October 15, 2023 and amend the funding award by five percent (5%) for program management or approved tasks as identified in the executed Scope of Work Approval form for a total maximum amount of Three Million Five Hundred Seventy-Seven Thousand and Five Hundred Fifty-One Dollars (\$3,577,551);

WHEREAS, the purpose of this Amendment No. 02 is to extend the period of performance to February 14, 2024.

NOW THEREFORE, IT IS MUTUALLY AGREED THAT:

1. Section 3 (Term) is amended to read as follows:

The Term of this Agreement shall begin on the Effective Date of the Agreement and continue until February 14, 2024, hereinafter referred to as the “Completion Date,” unless terminated earlier as provided herein. Time is of the essence in the performance of services under this MOU. All consultant work must be completed by February 14, 2024, and all invoices and reports related to the Project must be received by SCAG from Sub-Recipient by March 14, 2024.

In all other respects, the terms and conditions of the Agreement, as amended by Amendment No. 1 shall remain in full force and effect.

[Signatures on Following Page]

**SIGNATURE PAGE TO
AMENDMENT NO. 02
MEMORANDUM OF UNDERSTANDING
No. M-013 -21**

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 2 to be executed by their duly authorized representatives as of the dates indicated below:

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (“SCAG”)

By: _____
Cindy Giraldo
Chief Financial Officer
Date _____

APPROVED AS TO FORM:

By: _____
Jeffery Elder
Senior Deputy Legal Counsel
Date _____

ORANGE COUNTY COUNCIL OF GOVERNMENTS (“Sub-Recipient”)

By: _____
Marnie O’Brien Primmer
Executive Director
Date _____

APPROVED AS TO FORM:

By: _____
Fred Galante
General Counsel
Date _____



AGENDA ITEM # 9

Authorization to Pursue FY 2024 EPA Brownfield Grant Funding

STAFF RECOMMENDATION

Authorize OCCOG Executive Director to procure Grant Writing and Implementation Services related to the 2024 EPA Brownfield Grant funding opportunity of up to \$1.5M to support OCCOG jurisdictions rezoning efforts. Authorize the OCCOG Executive Committee to release procurement documents, select successful consultant, and approve grant application submittal, as needed based on program deadlines.

SUMMARY

Staff is requesting approval by the OCCOG Board of Directors to authorize the Executive Director to pursue grant funding available from US EPA for brownfield assessment and rezoning activities. The EPA definition of “brownfield” is broad and the grant could be used to support OCCOG jurisdictions’ rezoning efforts related to the 6th cycle Regional Housing needs Assessment (RHNA). Due to the anticipated grant application period timeline and OCCOG Board meeting schedule, the Executive Director is requesting the Board delegate the selection of the successful consultant to the Executive Committee, consistent with the OCCOG Bylaws dated April 22, 2022. Procurement documents will be approved by OCCOG Counsel as to form prior to release, and will be reviewed by OCCOG TAC leadership and approved by Executive Committee prior to release. The successful Consultant will be selected in accordance with federal procurement guidelines and OCCOG’s procurement policy. The grant-writing portion of this procurement would require a budget adjustment. Implementation services would be funded from the grant award, if OCCOG is successful; no implementation services would be required, and thus no funding needed, if OCCOG is not selected as a grant recipient.

BACKGROUND

OCCOG has recently become aware of funding available from US EPA for planning activities related to brownfield redevelopment. Orange County is traditionally underserved in this program, in part because we may not have chosen to apply in past cycles. Staff has reviewed available information about the program scope and eligibility and believes that OCCOG, on behalf of our member jurisdictions, could be a successful applicant for these funds. Further, staff believes that if OCCOG were successful, the funds awarded from this program could leverage the already-secured Regional Early Action Planning Grant (REAP 2.0) funding OCCOG will shortly be receiving.



The Brownfield Assessment Grant program awards up to \$1.5 Million in funding for approved activities including:

Planning activities to initiate brownfields revitalization:

- Equitable Development Activities
- Brownfields Area-Wide Planning
- Site Reuse Assessment
- Land Use Assessment
- Market Study
- Infrastructure Evaluation
- Community Health Assessment
- Site Disposition Strategy

Planning activities to prepare your brownfields site for reuse:

- Site Reuse Vision
- Resource Roadmap
- Revitalization Plan
- Evaluation of Market Viability

As a recipient of federal funds, OCCOG would need to follow federal procurement and project management guidelines. OCCOG has capacity to manage the work but would need to secure the services of an experienced grant-writer and firm familiar with implementation of similar EPA grants to support jurisdictions interested in participating in this multi-year effort. OCCOG is aware of several consulting firms locally that can provide these specialized services.

Based on past EPA Brownfield Assessment grant cycles, OCCOG anticipates that the Notice of Funding Availability (NOFA) will be released prior to our September Board of Directors meeting, and that the grant application will be due prior to our November Board meeting. Based on this timeline and the federal procurement guidelines, staff is requesting the Board delegate authority to the Executive Committee as needed to approve the submission of the grant application, release of the procurement documents and selection of the successful consultant team in compliance with OCCOG procurement policy and federal guidelines, pursuant to the Board-Approved Bylaws dated April 22, 2022 for an amount up to and not exceeding \$1.5 million or such lesser amount made available for such purpose in any grant award. Procurement documents would be prepared and approved as to form by OCCOG's General Counsel and reviewed for technical acumen by the OCCOG TAC leadership



team prior to release. If needed, staff is further requesting the Board to delegate the authority to review and approve the application to EPA, with consultation from the OCCOG TAC, if grant application deadlines would prohibit Board review of the final application prior to submittal.

ATTACHMENTS

- A. EPA Brownfield Grant program Information URL:
<https://www.epa.gov/brownfields/multipurpose-assessment-rlf-and-cleanup-marc-grant-application-resources>
- B. EPA Brownfield Assessment Grant Fact Sheet
- C. EPA Procurement Fact Sheet

STAFF CONTACT

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fgalante@awattorneys.com

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



EPA Brownfields Assessment Grants: Interested in Applying for Funding?

Here's what you need to know...

What Is EPA's Brownfields Program?



Salt Lake City, Utah (before)

The U.S. Environmental Protection Agency's (EPA) [Brownfields and Land Revitalization Program](#) provides funds to empower states, Tribal Nations, communities, and other stakeholders to

work together to prevent, assess, safely clean up, and sustainably reuse brownfield sites. EPA provides financial and technical assistance for brownfields activities protect human health and the environment, encourage sustainable reuse, promote partnerships, strengthen local economies, and create jobs. By providing funds and technical assistance to assess, cleanup, and plan for site reuse, EPA enables communities to overcome the environmental, legal, and fiscal challenges associated with brownfield properties.

EPA's investments in communities across the country help local leaders eliminate uncertainties, clean up contaminated properties, and transform brownfield sites into community assets.



Salt Lake City, Utah (after)

A brownfield is defined as: real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The Brownfields Law further defines the term to include a site that is: "contaminated by a controlled substance; contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance'; or mine-scarred land."

What Are Assessment Grants?

Assessment Grants provide funding for a recipient to:

- ✓ **Inventory Sites:** Compile a listing
- ✓ **Characterize Sites:** Identify past uses
- ✓ **Assess Sites:** Determine existing contamination of hazardous substances and/or petroleum contamination
- ✓ **Conduct Planning Around One or More Brownfield:** Initiate site revitalization and prepare for site redevelopment
- ✓ **Conduct Site-specific Cleanup and Redevelopment Planning:** Scope and plan process
- ✓ **Conduct Community Involvement:** Inform and engage community

What Types Of Assessment Grants Are Available?

Community-Wide Grants

- ✓ A Community-wide Assessment Grant is appropriate for communities that are beginning to address their brownfield challenges, as well as for communities that have ongoing efforts to bring sites into productive reuse.
- ✓ Applicants may request up to \$500,000 to carry out eligible activities.

Assessment Coalition Grants

- ✓ An assessment coalition is comprised of one lead member and at least two, but not more than four, partners.
- ✓ Applicants may request up to \$1 million to carry out eligible activities. Recipients will be required to assess a minimum of two sites in each member's geographic area.
- ✓ Applicants will not be allowed to substitute another site where the subject site is determined to be ineligible.

Community-wide Assessment Grants for States and Tribes

- ✓ Funding is available to states, tribal nations, and eligible native corporations in Alaska.
- ✓ Applicants should target work in disadvantaged communities and work with communities that do not have capacity to apply for and manager their own Brownfields Grant.
- ✓ Applicants may request up to \$2 million to carry out eligible activities. Recipients will be required to assess a minimum of 10 brownfield sites.

Important: This document is not a substitute for the EPA Brownfields Assessment Grant Application Guidelines located on the Brownfields Program website at www.epa.gov/brownfields.

Who Is Eligible To Apply For A ... Community-wide Assessment Grant?

- ✓ General Purpose Unit of Local Government.
- ✓ Land Clearance Authority or another quasi-governmental entity that operates under the supervision and control of, or as an agent of, a general purpose unit of local government.
- ✓ Government Entity Created by State Legislature.
- ✓ Regional Council or group of General Purpose Units of Local Government.
- ✓ Redevelopment Agency that is chartered or otherwise sanctioned by a state.
- ✓ State.
- ✓ Indian tribe other than in Alaska.
- ✓ Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community.
- ✓ Nonprofit organization described in section 501(c)(3) of the Internal Revenue Code.
- ✓ Limited liability corporation/partnership in which all managing members/general partners are 501(c)(3) nonprofit organizations or limited liability corporations whose sole members are 501(c)(3) nonprofit organizations.
- ✓ Qualified community development entity as defined in section 45D(c)(1) of the Internal Revenue Code of 1986.

... An Assessment Coalition Grant?

- ✓ State.
- ✓ County government.
- ✓ Regional Council established under governmental authority (e.g., regional planning commissions).
- ✓ Group of General Purpose Units of Local Government (e.g., councils of governments).
- ✓ Indian tribe other than in Alaska.
- ✓ Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community.

... A Community-wide Assessment Grant for States and Tribes?

- ✓ State.
- ✓ Indian tribe other than in Alaska.
- ✓ Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community.

How Long Is The Assessment Grant Period?

The performance period for a Community-wide and Coalition Assessment Grant is four years, and a Community-wide Assessment Grant for States and Tribes is five years.

How Do I Apply For An Assessment Grant?

Copies of the Application Guidelines can be obtained from EPA's Brownfields Program website at www.epa.gov/brownfields or www.grants.gov. Applicants submit an application through www.grants.gov. Applications should be concise and well organized, and must provide the information requested in the guidelines. Applicants must demonstrate that they meet threshold criteria requirements and must respond to ranking criteria. Factual information about your proposed project and community must be provided.

What Is The Evaluation/Selection Process?

Responses to threshold criteria are evaluated on a pass/fail basis. If the application does not meet the threshold criteria, the application will not be evaluated. In limited circumstances, EPA may seek additional information.

Brownfields Grants are awarded on a competitive basis. Evaluation panels consisting of EPA staff and other federal agency representatives assess how well the applications meet the threshold and ranking criteria outlined in the Application Guidelines. The Office of Brownfields and Land Revitalization will provide to the Selection Official a ranking list of applicants to select based on the application's final score, availability of funds, and as appropriate, the other factors described in the Application Guidelines.

Is Pre-Application Assistance Available?

If resources permit, EPA Regions may conduct open meetings with potential applicants. Check with your regional office for date and location information. Your regional Brownfields Program contacts can be found at www.epa.gov/brownfields/brownfields-contacts-epa-regional-offices.

EPA can respond to questions from applicants about threshold criteria, including site eligibility and ownership. EPA staff cannot meet with applicants to discuss draft applications or provide assistance in responding to ranking criteria.



**Orange County/
Inland Empire**

Preparing for Infill Housing in Retail & Office Developments

Technical Assistance Panel #2 for OCCOG

MARCH 30-31, 2023



ULI'S MISSION

The mission of the ULI is to shape the future of the built environment for transformative impact in communities worldwide.

TAP Sponsor:

Orange County Council of Governments (OCCOG)



Technical Assistance Panel (TAP)

- Objective, multidisciplinary advice on land use and real estate issues developed over the course of two days
- ULI Orange County/Inland Empire members from across the region volunteer their time to participate as panelists





TAP Panel Members

Panel Chairs

Karen Gulley, Managing Principal, Placeworks
Julia Malisos, Principal, WHA, Inc.



Panel Members

- **Jason Moody**
 - Principal, Economic & Planning Systems
- **Jim Vanderpool**
 - City Manager, City of Anaheim
- **Rob Reitenour**
 - Senior Vice President, LOWE
- **Morgan Gallagher**
 - Partner, Cox Castle & Nicholson
- **Alex Leonard**
 - Senior Director, Development, Greystar
- **Andrew Nelson**
 - Principal, Red Oak Investments



Context of This TAP

- This is the 2nd TAP in a series
- TAP 1 (June 21-24, 2022) explored the general idea of converting commercial land uses into housing
- This TAP focused on the technical, practical & financial considerations of these conversions

Orange County Council of Governments Technical Assistance Panel

*Conversion from
Commercial to Housing*
June 21st - 24th, 2022

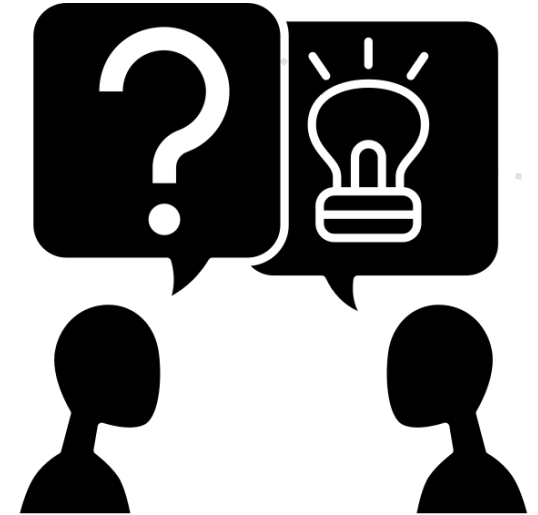
TAP Process

- Review briefing documents
- Interview stakeholders
- Conduct panel discussions
- Complete research
- Formulate recommendations
- Produce report



Questions Being Addressed

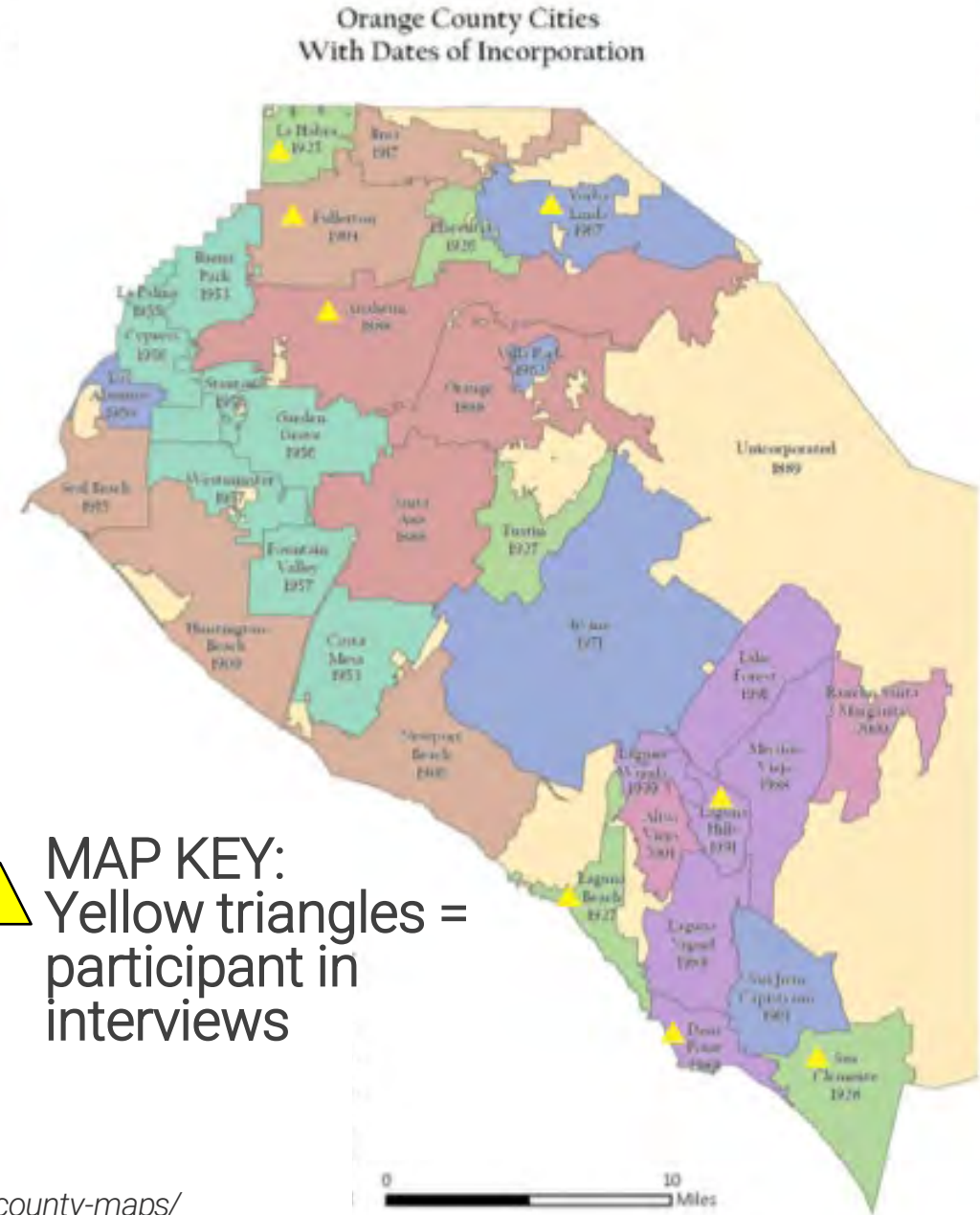
- Fiscal Considerations: Does redevelopment of retail to residential use result in a net reduction of tax revenue?
- What are the latest trends in the retail & office markets and what are the considerations for adding residential into the mix? What are the good & bad examples?
- What can jurisdictions do to support existing successful commercial centers? Are successful centers at risk?
- What are the important design factors in creating livable mixed-use environments, especially along commercial corridors?
- What are the implications of the most recent state laws on a range of typical strip commercial centers?



Insights from Stakeholder Interviews

- Strong interest in preserving successful centers and bolstering existing centers
- Conducting studies to identify underperforming centers
- Looking for solutions that embrace uniqueness
- Developers looking for public realm / infrastructure assistance
- Barriers: height restrictions, parking requirements, adjacency to single family, public opposition

▲ MAP KEY:
Yellow triangles =
participant in
interviews



Insights from Stakeholder Interviews

- Local politics are the primary determining factor in dealing with existing retail
- Forcing mixed use
- Owners of retail centers want their sites included in housing element
- General plan updates to include residential



IMAGE SOURCE: <https://www.travellens.co/free-things-to-do-in-fullerton-ca/>

ORANGE COUNTY

Report Themes



Fiscal Picture

Does redevelopment of commercial to residential use result in a net reduction of local tax revenue?

What recent case studies have been done to evaluate the complete fiscal picture?

Conversion to Residential: Impact on City Budgets

Key Factor / Consideration	Best Case Scenario	Worst Case Scenario
Property tax from existing commercial	Low – due to Prop. 13	High - property recently sold and/or improved
Assessed Value of New Residential	High - it's a dense, market rate project	Low - project includes many deed restricted, tax-exempt units
Property Tax Allocation to City	High - e.g., 15% or more	Low - e.g., less than 10%
Sales Tax from existing commercial	Low - high vacancy and / or underperforming tenants	High - high occupancy and quality tenants
Sales tax from new residential	High - project adds many affluent residents	Low - new residents are low-income

Use Conversion Formula

The net impact of conversion from commercial to residential/mixed-use to the City's sales tax and property tax revenues on an annual basis can be calculated as noted below:

$$\begin{aligned} & - \text{Sales Tax Lost to City} \\ & + \text{Increased Property Tax} \\ & + \text{New Sales Tax} \\ & \quad \text{(Allocation to City)} \\ \hline & \text{Net Tax Gain/Loss} \end{aligned}$$



Use Conversion Formula: In-Depth

This calculation is further clarified in the example below. Cities can apply this formula to evaluate the net impact of replacing under-performing retail with residential development.

STEP 1 Calculate Sales Tax to City	STEP 2 Calculate Increase In Property Tax	STEP 3 Calculate New Sales Tax Allocation	SUMMARY
$\frac{\text{Retail GLA to be demo'd} \times \text{Gross Sales/SF}}{\text{<Total Gross Sales Lost>}} \times \text{Sales Tax Allocation to City}$ <p><Sales Tax Lost to City></p>	$\frac{\text{Residential Development Area} \times \text{Density}}{\text{DU Count}} \times \frac{\text{Estimated DU Value at Completion}}{\text{Est. Assessed Value of Development}} \times \text{Property Tax Rate}$ $\text{Reassessed Prop Tax Generation} - \text{<Less Prior Assessed Tax Value of the Demo Area>}$ <p>Increased Property Tax</p>	$\text{DU Count} \times \text{Average Household income} \times \text{Percent Income Spent on Retail} \times \text{Percent Retail Capture in City} \times \text{Sales Tax Allocation to City}$ <p>New Sales Tax Allocation to City</p>	<p>- Sales Tax Lost to City + Increased Property Tax + New Sales Tax (Allocation to City)</p> <hr/> <p>Net Tax Gain/Loss</p>

Use Conversion Formula: Example

The following example demonstrates residential development's ability to replace sales tax revenue through increased property value.

STEP 1 Calculate Sales Tax to City	STEP 2 Calculate Increase In Property Tax	STEP 3 Calculate New Sales Tax Allocation	SUMMARY
<p>Retail GLA to be demo'd (130,680 sf) Gross Sales/SF x\$(175)</p> <hr/> <p><Total Gross Sales Lost> (22,869,000) Sales Tax Allocation to City x1.00%</p> <hr/> <p><Sales Tax Lost to City> \$(228,690)</p>	<p>Residential Development Area 130,680 sf xDensity (80 DU/Acre)</p> <hr/> <p>DU Count (240 DUs) Estimated DU Value at Completion x\$600,000</p> <hr/> <p>Est. Assessed Value of Development \$144,000,000 Property Tax Rate x1.00%</p> <hr/> <p>Reassessed Prop Tax Generation \$1,440,000 <Less Prior Assessed Tax Value of the Demo Area> -\$(302,400)</p> <hr/> <p>Increased Property Tax \$1,137,600</p>	<p>DU Count - 240 Average Household income x\$85,000 Percent Income Spent on Retail x30% Percent Retail Capture in City x20% Sales Tax Allocation to City x1.00%</p> <hr/> <p>New Sales Tax Allocation to City \$12,240</p>	<p>- Sales Tax Lost to City (228,690) + Increased Property Tax \$1,137,600 + New Sales Tax (Allocation to City) \$12,240</p> <hr/> <p>Net Tax Gain \$921,150</p>

Fiscal Benefits of Commercial to Residential Conversion

Housing development can help revitalize struggling commercial corridors and provide net fiscal gains to cities, because:

- Successful commercial corridors adapt to changing retail landscape
- Housing development drives retail demand and sales tax (e.g., “retail follows rooftops” & foot traffic)
- Property tax gains from higher density housing development will more than offset sales tax loss from prior uses
- Successful commercial properties are unlikely to convert to housing (should remain safe)



Impact of Incentivizing New Housing: Filtering Up

- Market rate housing can support households at all income levels
- Market rate/luxury housing opens units on the lower ends of the spectrum



Stimulating Housing Development

- Local
 - Defer fees from permit to occupancy, or waive fees based on the property tax increase.
 - Allow flexibility in land uses (E.g., redefine commercial zoning to include Multi-Family development with a Conditional Use Permit)
 - Publish objective standards.
 - Expedite processing timelines.
- State
 - Equalize property & sales tax.



Conversion of Retail to Residential: Fiscal Impact, Example #1

The following example demonstrates residential/mixed-use development's ability to replace sales tax revenue through increased property value:



BEFORE – Property Tax bill: \$18,376 (2017-18)



AFTER – Property Tax bill: \$1,133,681 (2022-23)

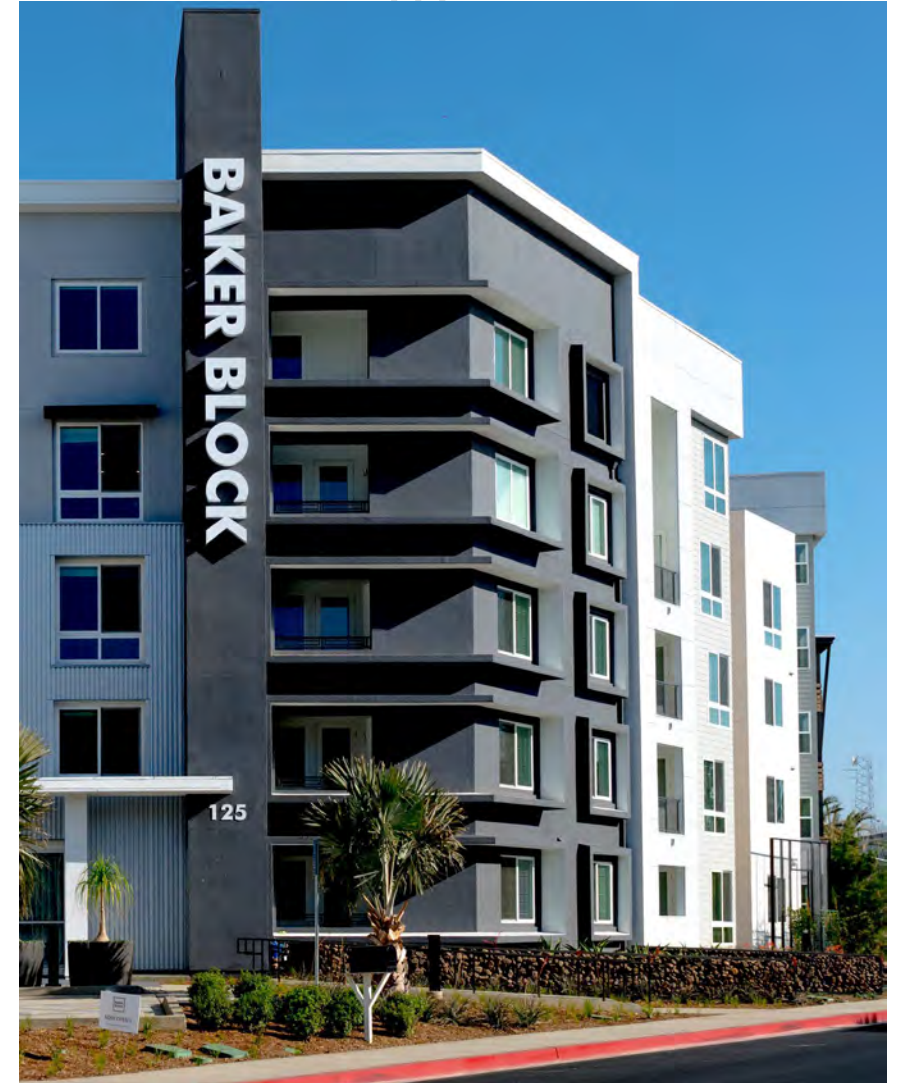
Conversion of Retail to Residential: Fiscal Impact, Example #2

The following example demonstrates residential/mixed-use development's ability to replace sales tax revenue through increased property value:



BEFORE – Property Tax bill: \$90,575 (2014)

**AFTER -
Property
Tax bill:
\$1,379,911
(2022)**



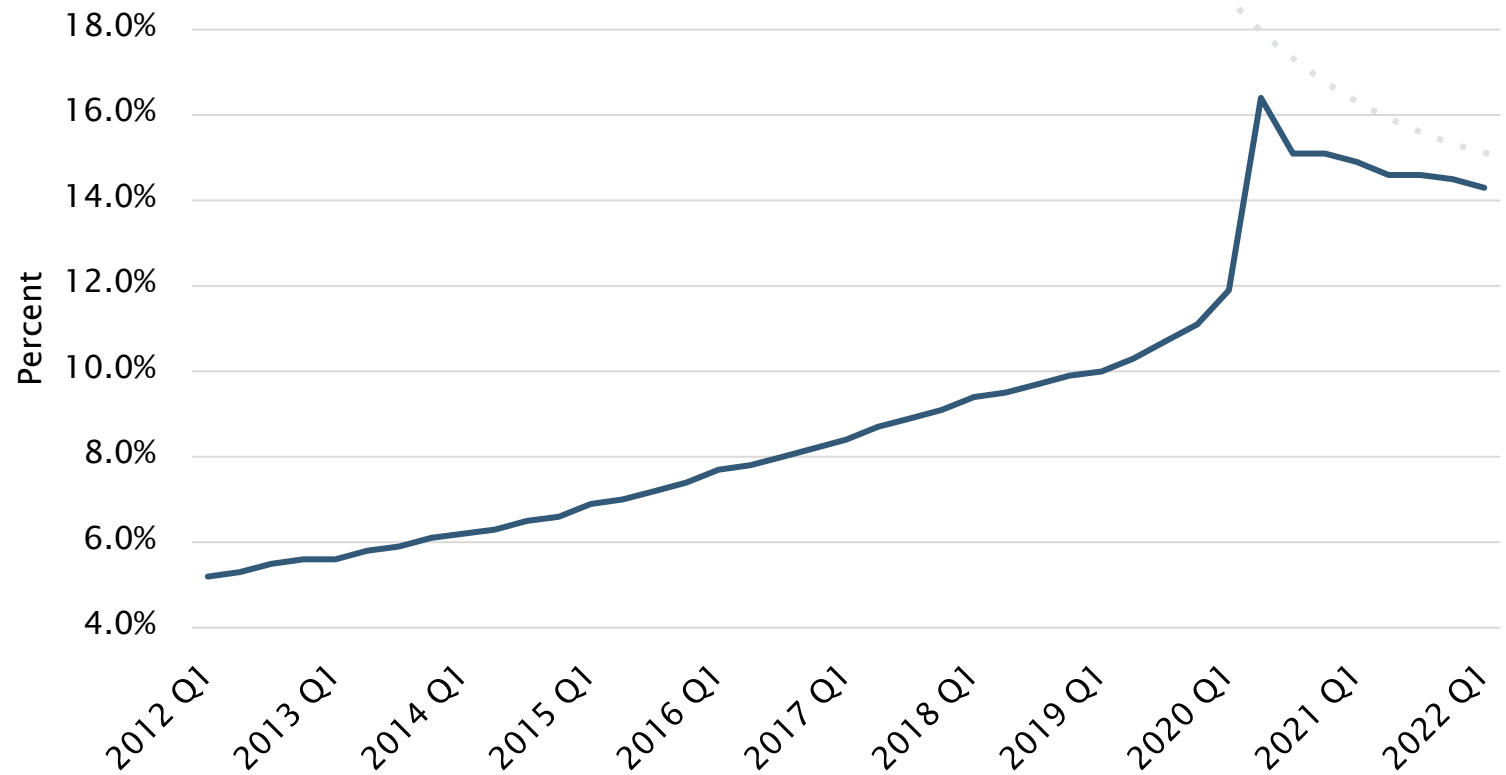
“Brick & Mortar” Retail In Flux

On-line sales and pandemic contributing to structural shifts in shopping patterns

“Flight to Quality”

- Experiential and internet resistance retail gaining ground...
- ...but the conventional “commercial strip” is struggling

E-Commerce as a Percent of Total Retail Sales



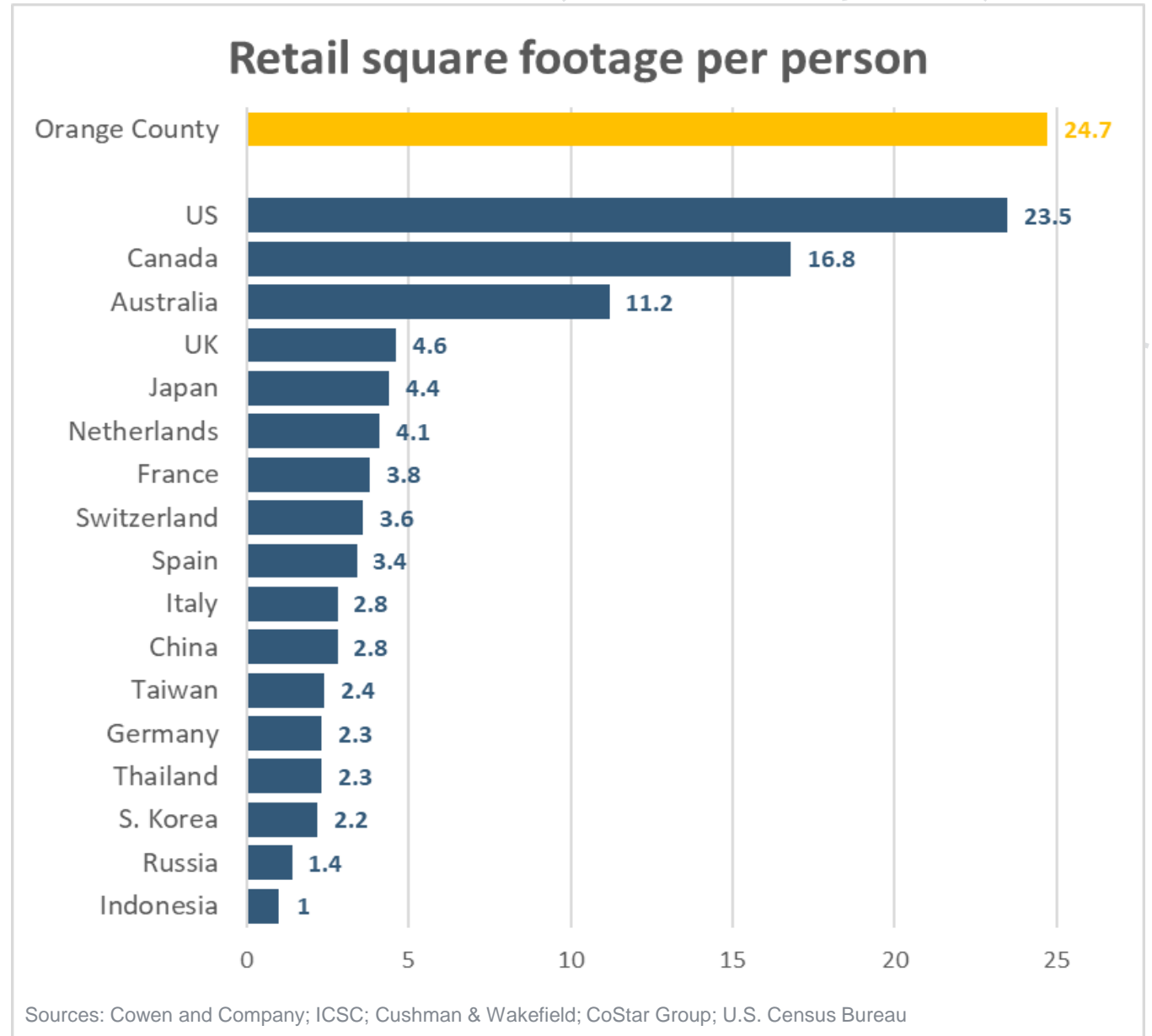
A Glut of Retail Space

U.S. and OC retail space per capita far exceeds all other countries

Many OC shopping centers are repositioning:

- Westminster
- Main Place
- Laguna Hills
- Brea Mall

Quality “place” is replacing unproductive “space”



*data for Orange County per CoStar Group total inventory retail square footage and Census data for the total population, scaled down to the above value based on relationship to corresponding data sources for US value.



Latest Trends in the Retail & Office Markets

What are the latest trends in the retail and office markets and what are the considerations for adding residential into the mix?

What are the good and bad examples?

Latest Trends in Office Markets



- Further segmentation of successful vs failing office properties
- Flight to highest quality to draw workers back to the office
- Firms reducing rental area by ~20% when relocating
- Falling office valuations dampen reinvestment in improvements & reduce property tax revenue at reassessment
- Foreclosures are coming
- Conversion to residential is challenging:
 - Large floorplate building geometry not conducive to residential
 - Conversion is often cost prohibitive

Office Markets: Recommendations For Jurisdictions

- Action is needed
- Anticipate office redevelopment
- Include older office sites in housing elements
- Initiate City-led rezoning to allow residential development
- Incentivize redevelopment to avoid blight
 - Expedited planning and plan check reviews
 - Deferral or waiver of impact fees
- Redevelopment will boost property tax revenue



IMAGE SOURCE: <https://lowe-re.com/buildings-beyond/park-ford/>



Supporting Existing Successful Commercial Centers

What can jurisdictions do to support existing successful commercial centers?

Are successful centers at risk?

SOURCE: <https://www.bellaterra-hb.com/bella-terra-garden>



Important Design Factors in Creating Livable Mixed-use Environments

What are the important design factors in creating livable mixed-use environments, especially along commercial corridors?

Making Mixed-use Development Viable and Livable

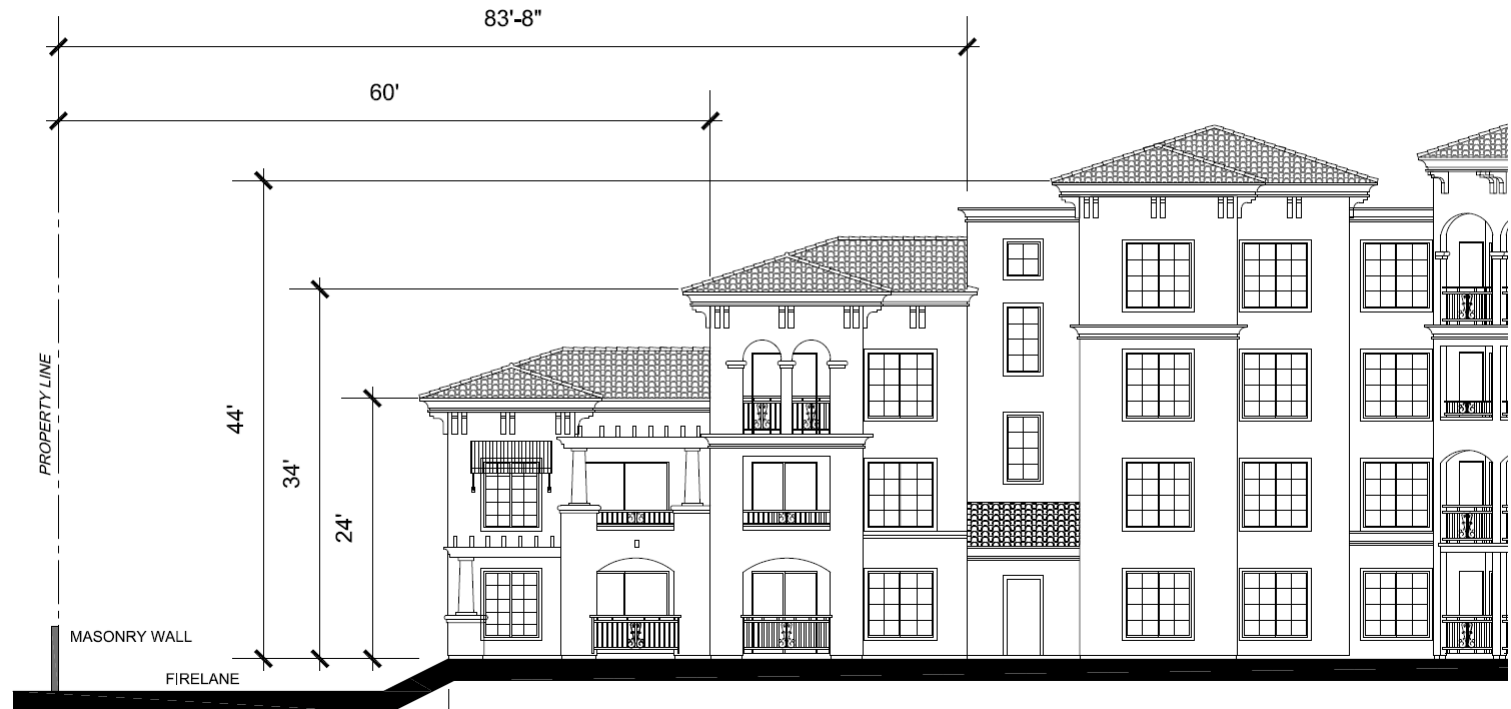
Best design practices:

- **Density** Cluster residential, commercial, retail uses together to promote walkability and create a sense of community
- **Public Spaces** Create parks, public plazas and community centers to facilitate social interaction
- **Walkability** create pedestrian connections within and to adjacent properties that are safe and appealing
- **Amenities** Allow liberal sharing of private residential open space and commercial area amenities.



Making Mixed-use Development Viable and Livable

- **Adjacencies** Design with sensitivity to adjacent uses. Use step-downs and setbacks.
- **Shared Parking** allow residential guest parking requirements to be fulfilled by commercial parking
- **Ground Floor Retail** Don't force it; not a solution for retail tax loss. Vacant/under-performing ground floor retail reduces property value, property tax



Making Mixed-use Development Viable and Livable

- **Public Transportation** Reduce the need for cars by integrating access to public transit or other transit hubs accompanied by a reduction in parking ratio
- **Safety** Incorporate measures including well-lit streets, security cameras. Avoid secluded areas with limited visibility



OCCOG 194



Implications of Recent State Laws

What are the implications of the most recent state laws on commercial centers?

Housing Crisis Act

- **The Housing Crisis Act (SB 330 and SB 8)** applies to residential and mixed-use projects that are at least 2/3 residential. Among other components, the Housing Crisis Act streamlines the entitlement process, vests applicable fees, and limits applicable standards to those that are objective.
- Since adoption of the Housing Crisis Act, developers have been submitting project applications for residential and mixed-use projects, including projects on existing commercial sites, through the Housing Crisis Act's Preliminary Application process.
- **Cities should prepare a Preliminary Application form** and a compilation of objective standards to provide to applicants. Cities should also be prepared to review applications within timeframes required by the Housing Crisis Act.
- **Developers should prepare a comprehensive Preliminary Application** that includes all required elements for review by the City.

AB 2011 & SB 6

	AB 2011 Mixed-Income	AB 2011 100% Affordable	SB6
Streamlined Process	Yes	Yes	No
Ministerial Decision (CEQA Exempt)	Yes	Yes	No
Prevailing Wages	Yes	Yes	Yes
Skilled and Trained Workforce	No	No	Yes
Affordable Units	Yes	Yes	No
Tenant Relocation Payment	Yes	No	Yes
Commercial Corridor Requirement	Yes	No	No
Prior Residential Use Restrictions	Yes	No	No

SOURCE: <https://www.coxcastle.com/publication-governor-signs-new-housing-legislation-allowing-residential-development-on-commercial-properties>

- AB 2011 and SB 6, which go into effect in July 2023, allow residential development on existing commercial sites under limited circumstances, one of which is that prevailing wage is required.
- Developers may start to submit AB 2011 and SB 6 applications for residential developments on existing commercial properties and cities should be prepared to review those and guide applicants on applicable residential density and objective standards.
- The differences between AB 2011 and SB 6 are outlined in the adjacent chart.

AB 2097

- Limits an agency from imposing or enforcing minimum parking requirements on certain development projects within ½ mile of either a “high-quality transit corridor” or a “major transit stop”, with several exceptions.
 - A high-quality transit corridor is a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours.
 - A major transit stop is a site containing (i) an existing rail or bus rapid transit station, a (ii) ferry terminal served by bus or rail, or (iii) the intersection of two or more major bus routes with a frequency of 15 minutes or less during peak commute periods.

Builder's Remedy

- Builder's Remedy is a housing development streamlining tool that allows applicants to disregard General Plan and zoning standards if a jurisdiction's Housing Element has not been certified by HCD and the project consists of either 20% low-income units or 100% moderate units.
- Builder's Remedy applications are pending Statewide. There are currently many jurisdictions that do not have Housing Elements that have been certified by HCD.



Q&A

Preparing for Infill Housing in Retail & Office Developments

Technical Assistance Panel



Orange County/ Inland Empire

PREPARING FOR INFILL HOUSING IN RETAIL AND OFFICE DEVELOPMENTS



Technical Assistance Panel Report | MARCH 30-31 2023

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THIS REPORT IS SPONSORED BY:
The Orange County Council of
Governments (OCCOG)

ON THE COVER: Orange County welcome
sign, located on the corner of Artesia Blvd &
Firestone Blvd in Buena Park, CA.



Find this report and hundreds of others on Knowledge Finder,
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studies, videos and webinars, books, and more.

knowledge.uli.org

About the Urban Land Institute

The Urban Land Institute is a global, member-driven organization comprising more than 45,000 real estate and urban development professionals dedicated to advancing the Institute's mission of shaping the future of the built environment for transformative impact in communities worldwide. ULI's interdisciplinary membership represents all aspects of the industry, including developers, property owners, investors, architects, urban planners, public officials, real estate brokers, appraisers, attorneys, engineers, financiers, and academics. Established in 1936, the Institute has a presence in the Americas, Europe, and Asia Pacific region, with members in 81 countries. ULI's extraordinary impact on land use decision-making is based on its members' sharing expertise on a variety of factors affecting the built environment, including urbanization, demographic and population changes, new economic drivers, technology advancements, and environmental concerns. Peer-to-peer learning is achieved through the knowledge shared by members at thousands of convenings each year that reinforce ULI's position as a global authority on land use and real estate. Drawing on its members' work, the Institute recognizes and shares best practices in urban design and development for the benefit of communities around the globe.

More information is available at [uli.org](https://www.uli.org). Follow ULI on [Twitter](#), [Facebook](#), [LinkedIn](#), and [Instagram](#).

About ULI Orange County/ Inland Empire

ULI Orange County/Inland Empire is a non-profit real estate and land development organization supported by nearly 1000 public and private sector members. Our mission is to promote leadership in the responsible use of land to create sustainable and thriving communities. We provide our members with independent forums for discussion and debate about city building issues and best practices.

The Urban Land Institute stands at the forefront of the land use and real estate industry, a steadfast leader in the best practices for a changing world. For over eight decades, ULI has been a unique and trusted forum where members come together to share and exchange ideas, information and experiences – to shape tomorrow's horizon and improve the way communities grow.

ULI Advisory Services: National and Global Programs

Since 1947, the ULI Advisory Services program has assembled well over 700 ULI-member teams to help sponsors find creative, practical solutions for complex land use challenges. A wide variety of public, private, and nonprofit organizations have contracted for ULI's advisory services. National and international panelists are specifically recruited to form a panel of independent and objective volunteer ULI member experts with the skills needed to address the identified land use challenge. The program is designed to help break through obstacles, jump-start conversations, and solve tough challenges that need an outside, independent perspective. Three- and five-day engagements are offered to ensure thorough consideration of relevant topics.

An additional national offering is the project analysis session (PAS) offered at ULI's Fall and Spring Meetings, through which specific land use challenges are evaluated by a panel of volunteer experts selected from ULI's membership. This is a conversational format that lends itself to an open exchange of ideas among diverse industry practitioners with distinct points of view. From the streamlined two-hour session to the "deeper dive" eight-hour session, this intimate conversational format encourages creative thinking and problem solving.

Learn more at americas.uli.org/programs/advisory-services.

ULI Advisory Services identify creative, practical solutions for complex land use and development challenges.

Technical Assistance Program (TAP)

Each panel team is composed of highly qualified professionals who volunteer their time to ULI. They are chosen for their knowledge of the panel topic and are screened to ensure their objectivity. ULI's interdisciplinary panel teams provide a holistic look at development problems. A respected ULI member who has previous panel experience chairs each panel.

The agenda for a two-day TAP is tailored to meet a sponsor's needs. ULI members are briefed by the sponsor, engage with stakeholders through in-depth interviews, deliberate on their recommendations, and make a final presentation of those recommendations. A report is prepared as a final deliverable.

Because the sponsoring entities are responsible for significant preparation before the panel's visit—including sending extensive briefing materials to each member and arranging for the panel to meet with key local community members and stakeholders in the project under consideration—participants in ULI's TAP assignments can make accurate assessments of a sponsor's issues and provide recommendations in a short time.

A major strength of the program is ULI's unique ability to draw on the knowledge and expertise of its members, including land developers and owners, public officials, academics, representatives of financial institutions, and others. In fulfillment of the mission of the Urban Land Institute, this TAP report is intended to provide objective advice that will promote the responsible use of land to enhance the environment.

Technical Assistance Panel and Project Staff

Panel Members

Panel Chairs

Karen Gulley

Managing Principal
PlaceWorks

Julia Malisos

Principal
WHA, Inc.

Panel Members

Jason Moody

Principal
Economic & Planning Systems

Jim Vanderpool

City Manager
City of Anaheim

Rob Reitenour

Senior Vice President
LOWE

Morgan Gallagher

Partner
Cox Castle & Nicholson

Alex Leonard

Senior Director, Development
Greystar

Andrew Nelson

Principal
Red Oak Investments

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Kendra Chandler

Executive Director, ULI Orange County/Inland Empire

Dan Majewski

Technical Writer & Designer

Acknowledgments

ULI Orange County/Inland Empire would like to thank the Orange County Council of Governments (OCCOG) for inviting us to do a TAP on this important topic. We would also like to thank Placeworks for graciously hosting the panel in their office. Additionally, these panels would not be possible without the hard work of ULI Member volunteers who serve on them.

ULI



Lantern District, Dana Point, CA

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The scope of this TAP was all of Orange County, California. This map shows the location of the county as it relates to neighboring counties, as well as the cities within the county.

BACKGROUND

In 2022, the Orange County Council of Governments (OCCOG) commissioned ULI Orange County / Inland Empire (OC/IE) to complete two technical assistance panels (TAP) on the topic of planning for housing production. The first TAP was conducted in June 2022 and focused on the selection of existing commercial or office sites that could potentially be redeveloped to residential to satisfy RHNA obligations. This second TAP was conducted in March 2023 and is the summary of that effort, focusing on the technical, practical, and financial considerations of converting or infilling commercial properties with residential uses.

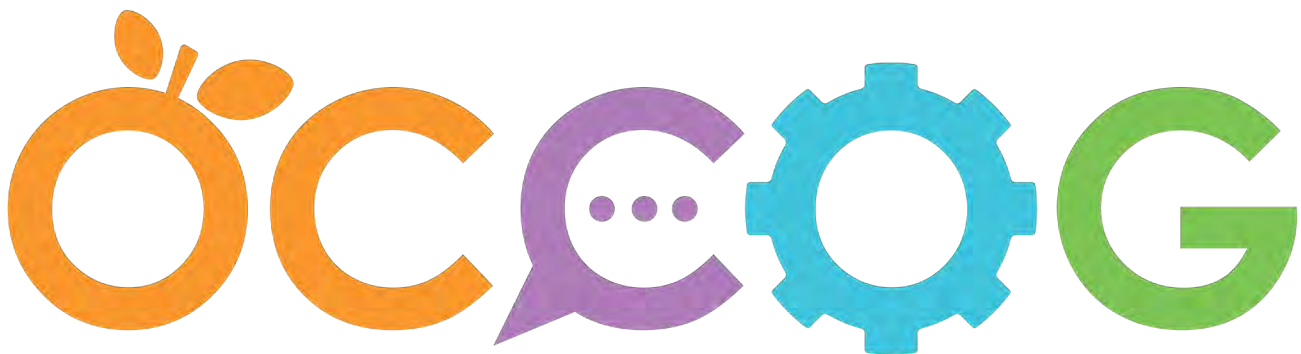
[Click here to explore the first TAP report from this series.](#)

About the Orange County Council of Governments

The OCCOG serves as Orange County's subregional planning organization. In partnership with the Southern California Association of Governments (SCAG), the metropolitan planning organization, OCCOG leads the development of Orange County's required planning

documents so that the county can compete for state and federal funding. OCCOG representatives on the SCAG board make sure Orange County's voice is heard for regional policy making.

OCCOG is a voluntary, joint-powers agency that provides a vehicle for member agencies to engage cooperatively on matters important to the county. They conduct studies and projects designed to improve and coordinate common governmental responsibilities across the county.



INTRODUCTION

Over the past decade, housing costs in California have increased dramatically, and supply has not kept up with demand. California is facing an unprecedented housing shortage. This is causing various challenges in the SCAG region, including homelessness and displacement. The challenge faced by most municipalities in Orange County is the lack of appropriately zoned and developable land. Many communities are fully “built out” or have very little vacant land remaining.

Given recent state legislation, jurisdictions must be ready for the anticipated housing development applications in previously nonresidential zones, whether in the form of complete redevelopment of a site, or incremental infill within a commercial development that will largely remain in place. There are also two new state laws (AB 2011 and SB 6) that further incentivize the development of housing on any parcels where office, retail, or parking are the primarily permitted uses.

OCCOG jurisdictions have expressed concern about losing retail sales tax dollars and property tax dollars while absorbing increases in service costs associated with residential uses. There is also a general concern about losing neighborhood- and regional-serving commercial uses that serve residents. These issues provided the basis for convening the Technical Advisory Panel.



TAP panelists being briefed on the subject matter

Report Themes

This report examines 5 key questions:

1. Does redevelopment of retail or office to residential result in a net reduction of tax revenues?
2. What are the latest trends in the retail and office markets?
3. What is the best way to support existing successful commercial centers?
4. What are the important design factors in creating livable mixed-use environments?
5. 5. What are the implications of recent state laws on different types of retail/office environments?

Insights from Stakeholder Interviews

As a part of this process, the panel interviewed six planners from various municipalities in different parts of Orange County. The goal was to better understand the challenges faced by these communities as they work to enable more housing development. Some of the takeaways were:

- Stakeholders had a strong interest in preserving successful centers and bolstering existing commercial centers.
- Some communities are considering or conducting studies to identify underperforming centers. They are looking for solutions that embrace uniqueness.
- Developers approaching municipalities are looking for public realm and infrastructure assistance, financial or otherwise.
- Some of the barriers to residential development/conversion are height restrictions, parking requirements, adjacency to single family, and public opposition.
- Local politics play a major role in a jurisdiction's approach to addressing underperforming retail centers.
- Mixed use, specifically ground-floor retail in multistory buildings, should not be forced.
- Many owners of retail commercial centers want their sites to include the potential for housing.



TAP panelists doing research and discussing ideas

FISCAL PICTURE

When the panel interviewed municipalities in Orange County, a common theme was a concern about lost sales tax revenue. Typically, municipalities rely on sales tax revenue from commercial developments to fund services. The concern is that the property tax revenue from a residential or mixed-use development would not fill that gap. Some community leaders expressed a desire to keep commercial developments unoccupied with the hope that they would one day be reoccupied vs. redeveloping the sites with residential. Fortunately, there is a growing body of data from local projects that demonstrate a significant net revenue gain is often achievable by redeveloping a struggling commercial site into residential. Of course, actual results will vary by jurisdiction, type of redevelopment, and other factors.

For example, municipalities with a low property tax allocation rate (i.e., the portion of property tax the accrues to a city’s General Fund) will fare worse than those with a high rate.

Conversion to Residential: Impact on City Budgets

Below is a formula that was developed by the panel to help municipalities understand the various criteria and factors to consider when pursuing conversion from commercial to residential. The “Best Case Scenario” column lists factors

that are likely to lead to generally positive fiscal outcomes from the conversion of commercial to residential uses. The “Worst Case Scenario” lists factors that likely lead to the opposite outcomes. For example, if a relatively unsuccessful retail center whose assessed property values have been suppressed by Proposition 13 (e.g., held in same ownership for many years) is converted into a dense, market-rate condo or apartment complex, it is likely to increase tax revenue to the jurisdiction. The formula can help municipalities better understand the potential financial outcomes of redevelopment, based on key factors.

Key Factor / Consideration	Best Case Scenario	Worst Case Scenario
Property Tax from Existing Commercial	Low Due to Proposition 13	High Property Recently Sold or Improved
Assessed Value of New Residential	High Dense, Market-Rate Project	Low Project Includes Many Deed-Restricted, Tax-Exempt Units
Property Tax Allocation to City	High E.g., 15% or More	Low E.g., less than 10%
Sales Tax from Existing Commercial	Low High Vacancy and/or Underperforming Tenants	High High Occupancy and Quality Tenants
Sales Tax from New Residential	High Project Adds Many Affluent Residents	Low New Residents Are Low-Income

This chart shows the various fiscal outcomes of a commercial to residential use conversion based on a variety of factors.

Use-Conversion Formula

The net impact of conversion from commercial to residential/mixed-use on the City’s annual sales tax and property tax revenues can be calculated as shown in the following:

$$\begin{aligned}
 & - \text{Sales Tax Lost to City} \\
 & + \text{Increased Property Tax} \\
 & + \text{New Sales Tax} \\
 & \times \text{Allocation of Property and Sales Tax to the City} \\
 \hline
 & \text{Net Tax Gain/Loss}
 \end{aligned}$$

Use-Conversion Formula: In-Depth

The use-conversion formula is further clarified in the following example. Cities can apply this formula to evaluate the net impact of replacing underperforming retail with residential development.

STEP 1 Calculate Sales Tax to City	STEP 2 Calculate Increase In Property Tax	STEP 3 Calculate New Sales Tax Allocation	SUMMARY
Retail GLA to be demo'd xGross Sales/SF <Total Gross Sales Lost> xSales Tax Allocation to City <Sales Tax Lost to City>	Residential Development Area xDensity DU Count xEstimated DU Value at Completion Est. Assessed Value of Development xProperty Tax Rate Reassessed Prop Tax Generation <Less Prior Assessed Tax Value of the Demo Area> Increased Property Tax	DU Count xAverage Household income xPercent Income Spent on Retail xPercent Retail Capture in City xSales Tax Allocation to City New Sales Tax Allocation to City	- Sales Tax Lost to City + Increased Property Tax + New Sales Tax (Allocation to City) Net Tax Gain/Loss

Use-Conversion Formula: Example with Numbers

The following example demonstrates residential development’s ability to replace sales tax revenue through increased property value.

STEP 1 Calculate Sales Tax to City	STEP 2 Calculate Increase In Property Tax	STEP 3 Calculate New Sales Tax Allocation	SUMMARY
Retail GLA to be demo'd <i>(130,680 sf)</i> Gross Sales/SF x\$ <i>(175)</i> <Total Gross Sales Lost> <i>(22,869,000)</i> Sales Tax Allocation to City x1.00% <Sales Tax Lost to City> \$ <i>(228,690)</i>	Residential Development Area <i>130,680 sf</i> xDensity <i>(80 DU/Acre)</i> DU Count <i>(240 DUs)</i> Estimated DU Value at Completion x\$ <i>600,000</i> Est. Assessed Value of Development \$ <i>144,000,000</i> Property Tax Rate x1.00% Reassessed Prop Tax Generation \$ <i>1,440,000</i> <Less Prior Assessed Tax Value of the Demo Area> -\$ <i>(302,400)</i> Increased Property Tax \$ <i>1,137,600</i>	DU Count - <i>240</i> Average Household income x\$ <i>85,000</i> Percent Income Spent on Retail x30% Percent Retail Capture in City x20% Sales Tax Allocation to City x1.00% New Sales Tax Allocation to City \$ <i>12,240</i>	- Sales Tax Lost to City <i>(228,690)</i> + Increased Property Tax \$ <i>1,137,600</i> + New Sales Tax (Allocation to City) \$ <i>12,240</i> Net Tax Gain \$ <i>921,150</i>



Note: these numbers are an example and do not represent an actual project. However, they are meant to be realistic. In this example, there is close to a \$1 million net tax gain for the municipality.



Downtown Fullerton, Orange County, California

Conversion of Retail to Residential: Fiscal Impact, Regional Example #1

AmpliFi: 600 W Commonwealth Ave, Fullerton, CA 92832

The following example demonstrates residential/mixed-use development's ability to replace sales tax revenue through increased property value.



BEFORE:

**Property tax bill -
\$18,376 (2017-18)**

This property in Fullerton was a used car lot, generating a minimal value from property tax. There were some sales tax benefits but they were marginal.



AFTER: Property tax bill - \$1,133,681 (2022-23)

When the land was developed into market-rate housing, the property tax revenue for Fullerton increased by over 900 percent. The other benefits to the city were over 300 new residents living in Fullerton, an improved streetscape, and increased walkability. The 300+ residents of this market-rate development spend in other areas of the city, supporting existing successful commercial centers. When accounting for the additional sale tax revenue from local purchases, the total fiscal benefit to the City of Fullerton is even greater.

Conversion of Retail to Residential: Fiscal Impact, Regional Example #2



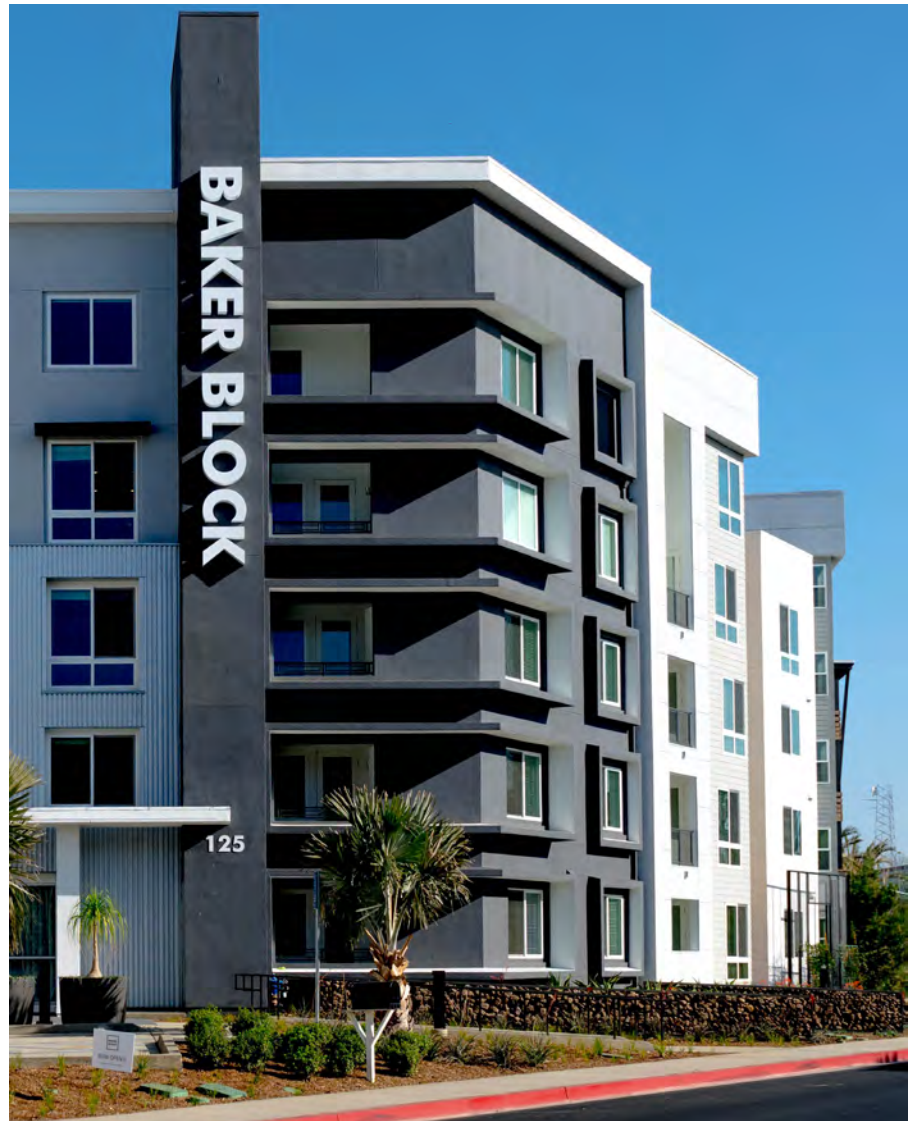
*Baker Block: 125 Baker St.,
Costa Mesa, CA 92626*

**BEFORE: Property tax bill -
\$90,575 (2014)**

Before this property was redeveloped, it was a vacant low-rise office building. This particular use type is a great candidate for redevelopment.

**AFTER: Property tax bill -
\$1,379,911 (2022)**

The Baker Block now generates over 10 times more property tax revenue than it did before redevelopment. The 240+ new residents of this market-rate complex spend in other areas of the city, supporting existing successful commercial centers.

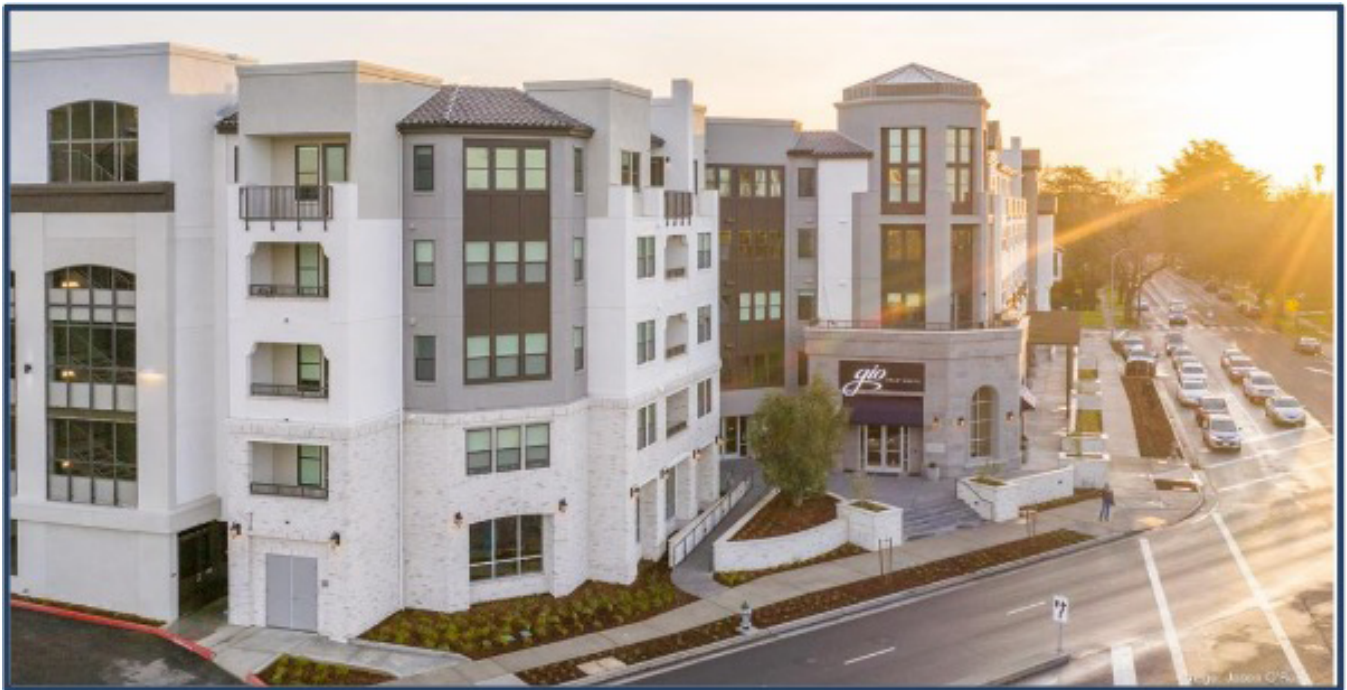


Conversion of Retail to Residential: Fiscal Impact, Example from Other Parts of California #1

GIO Apartments: 3675 T St., Sacramento, CA 95816



BEFORE: AT&T Call Center - Assessed Value (AV), ~\$17M



AFTER: 213 residential units and 4,300 square feet of retail - AV, ~\$87.4M

Source: HOUSING AND THE STRIP: Rethinking the Fiscal Paradigm, prepared by Economic & Planning Systems, July 14, 2022.

Conversion of Retail to Residential: Fiscal Impact, Example from Other Parts of California #2

11000 Tyler Ave, El Monte, CA 91731

BEFORE: Car Dealership



AFTER: \$31 million net gain in assessed value



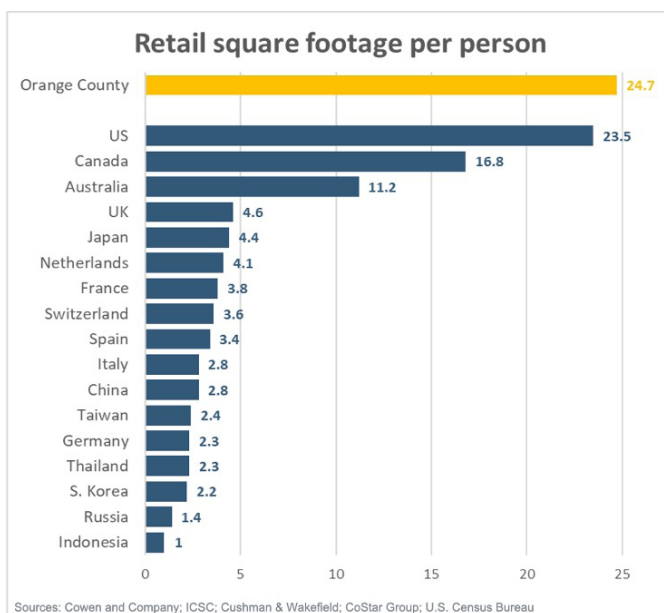
Source: HOUSING AND THE STRIP: Rethinking the Fiscal Paradigm, prepared by Economic & Planning Systems, July 14, 2022.

TRENDS IN RETAIL & OFFICE MARKETS

Retail

Though claims of the “death of retail” are greatly exaggerated, some major structural shifts are affecting the success of many centers and locations. These trends are directly linked to the growing role of the internet in shaping shopping patterns, a phenomenon that was accentuated by the pandemic.

Perhaps the most important trend in retail is the growing importance of the quality of place over sheer space. Since so many items can now be purchased online, the “brick & mortar” establishment must compete by offering experiences and services that can’t be obtained online. One important outcome of this trend is an abundance of antiquated retail space. This is especially true in Orange County, which already had an above-average amount of retail square feet per capita compared to the U.S. overall. And the U.S. has significantly more retail per capita than other countries, as shown in the below chart.



*data for Orange County per CoStar Group total inventory retail square footage and Census data for the total population, scaled down to the above value based on relationship to corresponding data sources for US value.

The oversupply of retail space means that many struggling commercial centers may not thrive again due to flat or decreasing demand and abundant competition. This is particularly true for retail that primarily sells items that can easily be purchased online. This creates an opportunity for redevelopment of these centers into residential or mixed use.

Though some types of retail are struggling, plenty of other types are thriving. Experiential retail, such as interactive experiences, virtual reality (VR), and pop-ups are doing well. Other “internet-resistant” retail includes grocery and food and beverage businesses (coffee shops, breweries, etc.).

The increased emphasis on experiential retail favors highly amenitized centers, often in vibrant mixed-use districts—vertical or horizontal. However, it is recommended that any requirement for vertical mixed-use be limited to already walkable and highly trafficked locations. In most cases, the commercial space on the ground floor is subsidized by the units above, increasing the cost of housing. In general, the more suburban the location, the more likely that ground-floor commercial will sit vacant.

Office

The office market is currently weak due to remote working trends and economic uncertainty. The market is experiencing higher vacancies and lower valuations. This is leading to higher rates of owner disinvestment as properties fail to thrive. Though Class A office continues to experience some demand, Classes B and C office are weaker. These are prime targets for conversion to housing.



An example of a semi-vacant retail center in Orange County.



An example of a successful recent office to residential conversion - Park Ford. Though it is possible, there are significant challenges involved when converting office to residential.

The best candidates for reuse are low-rise, weaker office buildings with low lot coverage. Though office towers might be adaptively reused as residential, it is difficult due to the complexity of conversion, code requirements, and other barriers. It is not the lowest hanging fruit in most situations.

Regional Examples of Successful Mixed-Use Development

Prado: 34137 CA-1 #100, Dana Point, CA 92629

- Positive elements: project interacts well with the streetscape; connects well to the area around it; used on-street parking to narrow the street, slow auto speeds
- Lessons learned: the ground-floor retail has struggled to fill all the way, even in this relatively walkable area.



The Village at La Floresta: 3301–3477 E Imperial Hwy, Brea, CA 92823

- Example of a successful mixed-use project. The retail is complemented by the adjacent high-density residential. It's an example of a mixed-use project that does not have ground-floor retail but includes a strong commercial element.



Bella Terra: 7777 Edinger Ave, Huntington Beach, CA 92647

- Another example of a successful mixed-use commercial to residential conversion. This development includes a limited amount of ground-floor retail under residential. Most of the commercial space is separate from the residential though on the same site.



SUPPORTING EXISTING SUCCESSFUL COMMERCIAL CENTERS

There are a variety of strategies that can be used to support existing successful commercial centers.

- **Embracing the redevelopment of vacant or struggling centers can strengthen other existing, stronger centers**, partially through an increase in rooftops to support existing retail.
- **Flexibility around zoning and permitting** can also help. Simplifying and streamlining development and permitting regulations can make it easier for commercial projects to succeed. For example, some communities in Orange County and beyond are **eliminating parking minimums**. This allows developers to build the amount of parking they know they'll need based on their target markets. More uniformity in retail and restaurant parking requirements would be beneficial, especially for centers seeking to lease existing space. Forcing more parking than is needed increases the cost of development. **Signage standards could also be loosened** to allow more interesting and unique signage.
- **Building relationships with commercial brokers is a great way for communities to support commercial development**. This gives jurisdictions more insights into the needs and challenges faced by the development community. Jurisdictions and regional planning agencies like OCCOG can also support commercial developers with data such as economic analysis for a given area.
- **If a jurisdiction has retail concentrated in a particular district, programming that area with events and providing desirable gathering areas will support the district**. Additional strategic investments, such as festival lights and walkability improvements, can also make the area more successful. Temporary programs during the pandemic that encouraged outdoor dining should continue to be supported or brought back if they were eliminated. One successful regional example is the San Juan Capistrano downtown district. In these areas, parking districts and shared parking are successful. They allow customers to “park once” and walk. They also increase the predictability and accessibility of parking.
- In districts and commercial corridors, planners can **make it easier for people to access commercial retail centers by improving transportation options** such as public transit, bike lanes, and pedestrian-friendly streets.
- **Access to electric car chargers** and increasing the ease of installing them in commercial centers could also support commercial areas.

IMPORTANT DESIGN FACTORS

When developing livable mixed-use or residential developments, there are many important design factors to consider.

- **Density of population and of uses realize the greatest benefits.** Clustering residential, commercial, and retail uses promotes walkability and creates a sense of community.
- **A livable mixed-use environment should be pedestrian friendly,** with safe and easy-to-navigate sidewalks, crosswalks, and intersections. This encourages residents to walk, bike, or use public transportation, which can reduce traffic congestion and promote a healthy lifestyle—appropriate when residential uses have been injected into commercial locations.
- Beyond walkability, **pedestrian connectivity to and through projects is important.** The Raintree Project Footbridge in Dana Point is a good local example to emulate.
- **Access to public transportation** is critical to the success of a mixed-use development. The development should be within walking distance of a transit station, bus stop, or another transportation hub.
- **Shared parking** is another best practice that can reduce the cost and impact of mixed-use developments. For example, a single parking lot could be used for commercial during the day and residential at night. A best practice is the guest component of residential parking shared with retail.
- **Public spaces, such as parks, plazas, and community centers, are essential** to livable mixed-use environments. These spaces provide opportunities for social interaction and community building. One way to achieve better public spaces is to create more flexibility around open-space requirements. Many jurisdictions have current regulations that lead to the creation of many small spaces, which are not always functional. Allowing for the consolidation of multiple small spaces might be the better approach for a particular project.
- The **quality of the design and architecture of the development** is critical to creating a livable environment. New residential buildings need to coordinate with and complement the existing architecture. The buildings should be visually appealing and contribute to the character and identity of the neighborhood.
- **Well-designed developments can have a positive impact on safety and security.** A livable mixed-use environment should be safe and secure, with well-lit streets, security cameras, and other safety measures. The design should encourage residential and commercial uses to face toward the public spaces, allowing for more “eyes on the street.”

The Dana Point Footbridge connects a recently completed residential development to the beach. It is also a gateway/placemaking feature.



IMPLICATIONS OF RECENT STATE LAWS

Most of the stakeholders interviewed have not noticed that recent State legislation has made an impact on redevelopment of commercial centers. However, this could change as time passes. The panel highlighted a few recent State laws that jurisdictions should be aware of.

SB 330

Passed in 2019 and known as the Housing Crisis Act, this is currently the most useful tool for developers. If a developer submits a development application, the jurisdiction has a 30-day window to deem the application complete. Once it does so, everything is locked in, including impact fees. This helps to reduce the cost of development by increasing predictability.

The legislation applies to residential and mixed-use projects that are at least 2/3 residential. The Housing Crisis Act streamlines the entitlement process, vests applicable fees, and limits applicable standards to those that are objective. Since adoption of the Housing Crisis Act, developers have been submitting project applications for residential and mixed-use projects, including projects on existing commercial sites, through the Housing Crisis Act's Preliminary Application process.

Cities can support developers by preparing a Preliminary Application form and a compilation of objective standards to give to applicants. Jurisdictions should also be prepared to review applications within the timeframes required by the Housing Crisis Act. Developers should prepare a comprehensive Preliminary Application that includes all required elements for review by the City.

AB 2011 and SB 6

These laws go into effect in July 2023 and allows residential development on existing commercial sites under limited circumstances, one of which is that



prevailing wage for construction is required. Developers may start to submit AB 2011 and SB 6 applications for residential developments on existing commercial properties, and cities should be prepared to review them and guide applicants about residential density and objective standards.

The differences between AB 2011 and SB 6 are outlined in the chart on the following page.

	AB 2011 Mixed-Income	AB 2011 100% Affordable	SB6
Streamlined Process	Yes	Yes	No
Ministerial Decision (CEQA Exempt)	Yes	Yes	No
Prevailing Wages	Yes	Yes	Yes
Skilled and Trained Workforce	No	No	Yes
Affordable Units	Yes	Yes	No
Tenant Relocation Payment	Yes	No	Yes
Commercial Corridor Requirement	Yes	No	No
Prior Residential Use Restrictions	Yes	No	No

Provided courtesy of Cox Castle

AB 2097

This legislation limits an agency from imposing or enforcing minimum parking requirements on certain development projects within ½ mile of either a “high-quality transit corridor” or a “major transit stop,” with several exceptions.

For the purposes of this legislation, a high-quality transit corridor is a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours. A major transit stop is defined as a site containing (i) an existing rail or bus rapid transit station, (ii) a ferry terminal served by bus or rail, or (iii) the intersection of two or more major bus routes with a frequency of 15 minutes or less during peak commute periods.

Builder’s Remedy

Builder’s Remedy is a housing development streamlining tool that allows applicants to disregard General Plan and zoning standards if a jurisdiction’s Housing Element has not been certified by HCD and the project consists of either 20 percent low-income units or 100 percent moderate-income units. Builder’s Remedy applications are pending statewide. As of the publishing of this report, many jurisdictions’ housing elements have not been certified by HCD.



Rendering of the under construction OC Streetcar

CONCLUSION

The goal of this TAP was to explore the fiscal implications of converting commercial properties into housing to increase the supply of housing. The variety of examples demonstrated that a positive fiscal impact could be achieved in a commercial or office conversion to residential. The specific outcome depends on the existing tax revenue, the tax allocation to the jurisdiction, and the assessed value of the future residential project. Though affordable housing should be always be a goal, a larger percentage of market-rate housing would result in greater direct and indirect fiscal benefits.

The formula developed by the panel would be a great way for OCCOG and jurisdictions to quickly determine the fiscal impact of converting a specific site from commercial to residential or mixed use. This would allow communities to more strategically determine the potential impacts of a zone change.

To support existing successful commercial centers, jurisdictions should encourage and possibly assist with improvements that create gathering spaces with shade and amenities, expanded outdoor dining opportunities, updated facades, and other design elements that activate the center.



Underutilized office park, Orange County

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