



AGENDA

Orange County Council of Governments
Board of Directors Meeting

Orange County Council of Governments

June 24, 2021

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.

Pursuant to Executive Order N-29-20 issued on March 17, 2020, by Governor Gavin Newsom, which directs Californians to follow public health directives including canceling large gatherings, certain provisions of the Ralph M. Brown Act are suspended due to a State of Emergency in response to COVID-19. Consistent with the Executive Order, OCCOG Board meetings will be conducted by teleconference only. Those persons wishing to speak on any item included on the agenda, or on any matter within the subject matter jurisdiction of the OCCOG Board, are invited to submit electronic written comments to eileen@occog.com. If you do not have access to email, you may also call the Board Clerk at (949) 291-3455 before 9:00 a.m. on June 24, 2021, to submit your comments over the phone.

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

Join Zoom Meeting

<https://zoom.us/j/99692520673?pwd=TGhiUmVHRFA4K1EzWFBUM9GN2lEdz09>

Meeting ID: 996 9252 0673

Passcode: 464734

One tap mobile

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 996 9252 0673

Find your local number: <https://zoom.us/u/auqJhy4eY>

In compliance with the Americans with Disabilities Act, if you require a reasonable accommodation to participate in this meeting, please contact the Board Clerk at (949) 291-3455 at least 48 hours prior to the advertised starting time of the meeting.

Any documents produced by the Board and distributed to a majority of the Board regarding any item on this agenda will be posted on the Board's website at <https://www.occog.com/>.

For all other questions, please call the Board Clerk at (949) 291-3455.



AGENDA

June 24, 2021

Zoom Format Only

1 (669) 900-6833 Meeting ID Number 996 9252 0673

Password 464734 - 10:30 a.m. to 12:00 p.m.

Board Members (Voting)

District 19 Chairman Trevor O'Neil

District 13 Vice Chair Wendy Bucknum

District 12 Fred Minagar

District 14 Michael Carroll

District 15 Diane Dixon

District 16 Phil Bacerra

District 17 Letitia Clark

District 18 Kim Nguyen

District 20 Joe Kalmick

District 21 Art Brown

District 22 Marty Simonoff

District 64 Mike Posey

Cities-at-Large Rose Espinoza

Independent Special Districts of Orange County (ISDOC) Mike Scheafer

Orange County Sanitary District (OCSD) David Shawver

Orange County Transportation Authority (OCTA) Brian Goodell

South Coast Air Quality Management District (SCAQMD) Carlos Rodriguez

Transportation Corridor Agency (TCA) Scott Voigts

Ex-Officio Members (Non-Voting)

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

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

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

Caltrans District 12 Ryan Chamberlain

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

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

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

Private Sector (Ex-Officio) Steven LaMotte

University Community (Ex-Officio) Amanda Hughes

Vacant

Health Care/Hospital Industry



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) 291-3455, 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

June 24, 2021

Announcement of Closed Session

Fred Galante, General Counsel

Recess to Closed Session

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

Closed Session

- 1. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION** Fred Galante, OCCOG General Counsel
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9.
Number of cases: One case

Return to Regular Meeting

Chair O'Neil

Announcement of Closed Session Action

Attorney Galante

Consent Calendar (Item Nos. 1 - 5)

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

- 1. Approval of Meeting Minutes for May 27, 2021, Regular Meeting**
Eileen White, OCCOG Clerk of the Board

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

- 2. OCCOG Financial Reports for May 2021** John Hanson, OCCOG Treasurer

Recommended Action: Approve the OCCOG Financial Reports for May 2021.

- 3. Investment Policy** Marnie O'Brien Primmer, Executive Director; John Hanson, Treasurer

Recommended Action: Approve the statement of investment policy as presented or amended.



4. Legislative Update

Wendy Strack, OCCOG Legislative Consultant

Recommended Action: Receive and file Legislative Update

5. Memoranda of Understanding with Orange County Housing Finance Trust and Orange County Housing Trust for Regional Early Action Planning Grant

Fred Galante, General Counsel

Recommended Action: Approve the MOUs for REAP projects with OCHT and OCHFT as presented or amended.

Action Items

6. Approve OCCOG Fiscal Year 2021-22 Budget

Marnie O'Brien Primmer, OCCOG Executive Director

Recommended Action: Approve the OCCOG fiscal year 2021-22 Budget as presented or amended.

7. Approve OCCOG Fiscal Year 2021-22 Work Plan

Marnie O'Brien Primmer, OCCOG Executive Director

Recommended Action: Approve the OCCOG fiscal year 2021-22 Work Plan as presented or amended.

8. FY 2021-22 Contract Renewals for Connected Consulting, Executive Director Services; Aleshire & Wynder LLC, General Counsel; Kathryn Morrison, Clerk of the Board; Wendy J Strack Consulting, OCCOG Legislative Consultant; Lisa Telles, Project Management and Communications Consultant; John Hanson, Treasurer; and KLM Strategies, Strategic Advisement

Fred Galante, OCCOG General Counsel and Marnie O'Brien Primmer, Executive Director

Recommended Action: Approve Contract Renewals as submitted or revised.



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- 9. Contract for FY 2021-22 Marketing and Communications Services with AJ Design** Marnie O'Brien Primmer, OCCOG Executive Director
Recommended Action: Approve Contract for AJ Design as submitted or revised.
 - 10. Approve Letter for Vehicles Miles Traveled Relief Letter**
Marnie O'Brien Primmer, OCCOG Executive Director
Recommended Action: Approve letter as presented or amended.
 - 11. Approve SONGS Coalition Letter**
Marnie O'Brien Primmer, OCCOG Executive Director
Recommended Action: Approve letter as presented or amended.
 - 12. Resolution 2021-01 Approving County of Orange Return to OCCOG**
Marnie O'Brien Primmer, Executive Director
Recommended Action: Approve Resolution 2021-01 Readmitting the County of Orange as a member in good standing to the Orange County Council of Governments.

Discussion Items

- 13. Strategic Planning – OCCOG Governance Models**
Kris Murray, KLM Strategies, OCCOG Consultant

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 agendaized at a future meeting.

- **OCCOG Technical Advisory Committee**
Nate Farnsworth, Technical Advisory Committee Chair
- **Southern California Association of Governments**
Jonathan Hughes, Regional Affairs Officer, SCAG
- **South Coast Air Quality Management District**
Carlos Rodriguez, OCCOG Director; Debra Ashby, Senior Public Information Specialist SCAQMD; Link to May/June/July edition of SCAQMD Advisor Newsletter:
<http://www.aqmd.gov/home/research/publications/advisor-archive/current-edition>
- **Executive Director Report**
Marnie O'Brien Primmer, Executive Director



Orange County Council of Governments

AGENDA

Orange County Council of Governments
Board of Directors Meeting

June 24, 2021

- **Board Member Reports**
- **Member Agency Reports**
- **Staff Member Reports**

Future Agenda Items

Adjournment of Regular Meeting

The next OCCOG Regular Meeting will be on August 26, 2021, at a place to be determined, pending state and local public health orders in force at the time of the meeting.



Call to Order

Chair O'Neil called the Regular Meeting of the Orange County Council of Governments to order at 10:31 a.m. on Thursday, May 27, 2021, via Zoom; at (669) 900-6833, Meeting ID Number 968 5877 0233.

Board Members Present

District 19 Chairman Trevor O'Neil

District 13 Vice Chair Wendy Bucknum

District 12 Fred Minagar

District 14 Michael Carroll

District 15 Diane Dixon

District 17 Letitia Clark

District 18 Kim Nguyen

District 20 Joe Kalmick

District 21 Art Brown

District 22 Marty Simonoff

District 64 Mike Posey

Cities-at-Large Rose Espinoza

Independent Special Districts of Orange County (ISDOC) Mike Scheafer

Orange County Sanitary District (OCS D) David Shawver (Present for Regular Meeting only)

Orange County Transportation Authority (OCTA) Brian Goodell

South Coast Air Quality Management District (SCAQMD) Carlos Rodriguez

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

Association of California Cities, Orange County (ACC-OC) (Ex-Officio) Jenn Lowe (Alternate)

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

Caltrans District 12 (Ex-Officio) Chris Flynn (Alternate)

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

Private Sector (Ex-Officio) Steven LaMotte

University Community (Ex-Officio) Amanda Hughes

Board Members Absent

District 16 Phil Bacerra

Transportation Corridor Agency (TCA) Scott Voigts

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

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

Board Vacancies

Health Care/Hospital Industry (Ex-Officio)



MINUTES

Thursday, May 27, 2021 | 10:30 a.m.

Staff Present

Marnie O'Brien Primmer, Executive Director
Fred Galante, General Counsel
John Hanson, Treasurer
Nate Farnsworth, TAC Chair
Wendy Strack, OCCOG legislative Consultant
Lisa Telles, Consultant
Eileen White, Clerk of the Board
Kathryn Morrison, Administrative Assistant

Others Present

Debra Ashby, Sr. Public Info Spec., SCAQMD
Deborah Diep, Center for Demographic Research Director
Jonathan Hughes, SCAG Public Affairs Officer
Marika Poynter, Principal Planner, City of Irvine
Mark Monin, ISDOC (Alternate)

Pledge of Allegiance led by Chair O'Neil

Public Comments None

Announcement of Closed Session

Fred Galante, General Counsel, recommended the Board recess into closed session to confer with Counsel on the one item of anticipated litigation under the heading of initiation of litigation, as described in the agenda.

Recess to Closed Session

Chair O'Neil recessed the OCCOG Regular Meeting to the Closed Session at 10:35 a.m.

Closed Session Call to Order

Chair O'Neil called the Closed Session to order at 10:37 a.m. via Zoom, Meeting ID 968 5877 0233.

Directors Present

Trevor O'Neil (Chair), Wendy Bucknum (Vice-Chair), Art Brown, Michael Carroll, Letitia Clark, Diane Dixon, Rose Espinoza, Brian Goodell, Joe Kalmick, Fred Minagar, Kim Nguyen, Mike Posey, Carlos Rodriquez, Mike Scheafer, Ward Smith

Directors Absent

Phil Bacerra, David Shawver, Scott Voigts



Staff Present

Executive Director Marnie O’Brien Primmer, Attorney Fred Galante, Attorney June Ailin, TAC Chair Nate Farnsworth, Consultant Kristine Murray, Consultant Wendy Strack, City of Irvine Principal Planner Marika Poynter, Board Clerk Eileen White

Closed Session

- 1. **CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION** Fred Galante, OCCOG General Counsel
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9.
Number of cases: One case

Return to Regular Meeting

Chair O’Neil recessed the Closed Session at 11:49 a.m. and reconvened the Regular Meeting at 11:50 a.m. with the Directors remaining in attendance.

Announcement of Closed Session Action

Attorney Galante announced that by motion of Chair Trevor O’Neil, seconded by Director Brown, the OCCOG Board voted 15-0-3, with Directors Trevor O’Neil (Chair), Wendy Bucknum (Vice Chair), Art Brown, Michael Carroll, Letitia Clark, Diane Dixon, Rose Espinoza, Brian Goodell, Joe Kalmick, Fred Minagar, Kim Nguyen, Mike Posey, Carlos Rodriguez, Mike Scheafer, and Ward Smith voting in favor, and Directors Phil Bacerra, David Shawver, and Scott Voigts absent, to file a petition for writ of mandate against the California Department of Housing and Community Development (HCD) to challenge its application of Regional Needs Housing Assessment (RHNA) statutes in developing the latest RHNA Numbers.

Consent Calendar (Item Nos. 1-3)

The Directors pulled item 3 from the Consent Calendar for a separate discussion.

- 1. **Approval of Meeting Minutes for April 22, 2021, Regular Meeting** Eileen White, OCCOG Clerk of the Board
It was moved by Director Posey and seconded by Director Minagar to receive and file the minutes as presented. Said motion was carried by the following vote:
AYES: (16) BROWN, BUCKNUM, CARROLL, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, NGUYEN, O’NEIL, POSEY, RODRIGUEZ, SCHEAFER, SHAWVER, SMITH
NOES: (0)
ABSTAINING: (0)
ABSENT: (2) BECERRA, VOIGTS
- 2. **OCCOG Financial Reports for April 2021** John Hanson, OCCOG Treasurer
It was moved by Director Posey and seconded by Director Minagar to approve the Financial Reports for April 2021. Said motion was carried by the following vote:



MINUTES

Thursday, May 27, 2021 | 10:30 a.m.

AYES: (16) BROWN, BUCKNUM, CARROLL, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, NGUYEN, O’NEIL, POSEY, RODRIGUEZ, SCHEAFER, SHAWVER, SMITH
NOES: (0)
ABSTAINING: (0)
ABSENT: (2) BECERRA, VOIGTS

- 3. **Legislative Update** Wendy Strack, OCCOG legislative Consultant, provided updates on State and Federal Bills, reports released, and items of interest.

The Board discussed and concurred to recommend an Oppose Unless Amended position on SB 12.

It was moved by Chair O’Neil and seconded by Director Posey to adopt an Oppose Unless Amended position on SB 12. Said motion was carried by the following vote:

AYES: (16) BROWN, BUCKNUM, CARROLL, CLARK, DIXON, ESPINOZA, GOODELL, KALMICK, MINAGAR, NGUYEN, O’NEIL, POSEY, RODRIGUEZ, SCHEAFER, SHAWVER, SMITH
NOES: (0)
ABSTAINING: (0)
ABSENT: (2) BECERRA, VOIGTS

Discussion Items

- 4. **OCCOG Budget/Workplan** Marnie O’Brien Primmer, Executive Director
Executive Director Primmer displayed and reviewed the Draft OCCOG Budget/Workplan.

Discussion ensued regarding the proposed budget. Items of note include no increase in dues, inclusion of Boardmember stipends, increased services provided by the Board and allocation of a small portion of REAP funds to provide REAP-related staff support.

OCCOG Budget/Workplan continued to the next Regular Meeting for further discussion and action.

Reports

- **Technical Advisory Committee**
Nate Farnsworth, TAC Chair, announced that the TAC continues to be focused on the REAP Grant.
- **Southern California Association of Governments (SCAG)**
Johnathan Hughes, SCAG Regional Affairs Officer, congratulated the City of Santa Ana for its Sustainability Award; encouraged Cities reach out for Housing Element flexibility.
- **South Coast Air Quality Management District (SCAQMD)**
Director Rodriguez encouraged all to access the AQMD Advisor for information on zero emissions/air quality goals, environmental mitigations, electric vehicle infrastructure and Clean Air Awards.



MINUTES

Thursday, May 27, 2021 | 10:30 a.m.

Link to South Coast AQMD Advisor Newsletter, May/June/July 2021 Edition:

<http://www.aqmd.gov/home/research/publications/advisor-archive/current-edition>

- **Executive Director's Report**
No report
- **Board Member Reports**
No reports
- **Member Agency Reports**
No reports
- **Staff Member Reports**
No reports

Future Agenda Items

None

Adjournment

There being no other business, Chair O'Neil adjourned the meeting at 12:15 p.m. to the Regular Meeting to be held on June 24, 2021, at a place to be determined, pending state and local public health orders in force at the time of the meeting.



AGENDA ITEM # 2

OCCOG May 2021 Financial Report

STAFF RECOMMENDATION

Approve financial report.

SUMMARY

OCCOG financial information is provided for Board review.

As of May 31, 2021, OCCOG had combined cash and investments of \$486,558.58 consisting of the following: a bank balance of \$120,568.55 at Citizens Business Bank outstanding checks in the amount of \$41,549.73 and an investment balance at the State Local Agency Investment Fund of \$407,539.76.

ATTACHMENTS

- A. OCCOG Fiscal Year 2020-21 Cash and Investments
- B. Citizens Business Bank Statement as of May 31, 2021
- C. State Local Agency Investment Fund (LAIF) Monthly Statement for May 31, 2021
- D. LAIF Performance Report - Period Ending May 2021, Pooled Money Investment Account (PMIA) Average Monthly Effective Yields – February 2021 – March 2021 – April 2021 and PMIA Portfolio Composition at 3/31/21.
- E. OCCOG Fiscal Year 2020-21 Cash Receipts/Disbursements Report

STAFF CONTACT

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

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2020-21**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
July					
		Balance Forward		338,479.65	
7/2/2020	1551	Eileen White	(4,455.00)	334,024.65	
7/2/2020	1552	Connected Consulting	(10,802.99)	323,221.66	Bank of the West 29,548.45
7/2/2020	2047	Wendy J Strack Consulting	(2,500.00)	320,721.66	Citizens Business Bank 181,238.76
7/2/2020	2048	Kathryn Morrison	(1,300.00)	319,421.66	O/S Checks (21,504.44)
7/2/2020	2049	John Hanson	(694.71)	318,726.95	State LAIF 256,195.97
7/2/2020	2050	Aleshire & Wynder, LLP	(2,340.00)	316,386.95	<u>\$445,478.74</u>
7/2/2020	2051	Communications Lab	(1,250.00)	315,136.95	
7/14/2020	2052	Lisa Telles Communications	(1,000.00)	314,136.95	
7/14/2020	2053	City of Placentia	(157.00)	313,979.95	
7/20/2020		Bank of the West	(52.12)	313,927.83	
7/22/2020		Citizens Business Bank	(41.95)	313,885.88	
7/22/2020		City of Stanton	5,833.09	319,718.97	
7/22/2020		City of Los Alamitos	3,926.48	323,645.45	
7/22/2020		City of Newport Beach	11,069.90	334,715.35	
7/22/2020		City of Fountain Valley	8,997.51	343,712.86	
7/22/2020		City of Villa Park	3,524.43	347,237.29	
7/22/2020		Orange County Sanitation District	7,500.00	354,737.29	
7/22/2020		City of Laguna Woods	4,250.55	358,987.84	
7/29/2020		City of Rancho Santa Margarita	6,506.47	365,494.31	
7/29/2020		City of La Palma	4,198.51	369,692.82	
7/29/2020		City of Lake Forest	8,995.82	378,688.64	
7/29/2020		City of Laguna Niguel	9,651.62	388,340.26	
7/29/2020		City of Cypress	2,179.01	390,519.27	
7/29/2020		City of Cypress	4,360.66	394,879.93	
7/29/2020		City of Laguna Beach	4,673.31	399,553.24	
7/29/2020		City of Alsio Viejo	6,593.18	406,146.42	
7/29/2020		City of Costa Mesa	13,079.65	419,226.07	
7/29/2020		City of San Clemente	9,600.68	428,826.75	
7/29/2020		City of Buena Park	8,807.79	437,634.54	
7/29/2020		City of La Habra	7,516.82	445,151.36	
7/29/2020		City of Dana Point	5,422.04	450,573.40	
7/29/2020		City of Placentia	6,693.67	457,267.07	
7/29/2020		City of Tustin	8,695.79	465,962.86	
7/29/2020		Local Agency Investment Fund	1,020.88	466,983.74	
7/31/2020	2054	CALCOG	(2,100.00)	464,883.74	
7/31/2020	2055	John Hanson	(819.45)	464,064.29	
7/31/2020	2056	Aleshire & Wynder, LLP	(1,782.00)	462,282.29	
7/31/2020	2057	Wendy J Strack Consulting	(2,500.00)	459,782.29	
7/31/2020	2058	Connected Consulting	(10,802.99)	448,979.30	
7/31/2020	2059	VOID	-	448,979.30	
7/31/2020	2060	Lisa Telles Communications	(1,000.00)	447,979.30	
7/31/2020	2061	Kathryn Morrison	(1,250.00)	446,729.30	
7/31/2020	2062	Communications Lab	(1,250.00)	445,479.30	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2020-21**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
August					Bank of the West 29,548.45
8/12/2020		City of Santa Ana	31,346.03	476,825.33	Citizens Business Bank 305,784.65
8/12/2020		City of Fullerton	12,956.81	489,782.14	O/S Checks (27,678.18)
8/12/2020		City of San Juan Capistrano	5,641.88	495,424.02	State LAIF 256,195.97
8/12/2020		City of Irvine	22,648.88	518,072.90	<u>\$563,850.89</u>
8/24/2020		City of Anaheim	32,889.68	550,962.58	
8/24/2020		City of Huntington Beach	17,074.85	568,037.43	
8/24/2020		City of Seal Beach	4,856.91	572,894.34	
8/24/2020		Citizens Business Bank	(35.13)	572,859.21	
8/31/2020		City of Yorba Linda	9,882.68	582,741.89	
8/31/2020		City of Brea	8,287.18	591,029.07	
8/31/2020		ISDOC	500.00	591,529.07	
8/31/2020	2063	Aleshire & Wynder	(684.00)	590,845.07	
8/31/2020	2064	John Hanson	(909.91)	589,935.16	
8/31/2020	2065	Communications Lab	(2,500.00)	587,435.16	
8/31/2020	2066	Wendy J Strack Consulting	(2,500.00)	584,935.16	
8/31/2020	2067	Kathryn Morrison	(1,750.00)	583,185.16	
8/31/2020	2068	Lisa Telles Communications	(1,000.00)	582,185.16	
8/31/2020	2069	AJ Design	(4,500.00)	577,685.16	
8/31/2020	1553	Connected Consulting	(10,834.27)	566,850.89	
8/31/2020	1554	Elaine White	(3,000.00)	563,850.89	
September					Bank of the West 15,714.18
9/8/2020		City of Mission Viejo	11,658.11	575,509.00	Citizens Business Bank 333,670.66
9/8/2020		City of San Juan Capistrano	2,000.00	577,509.00	O/S Checks (31,045.43)
9/8/2020		City of Garden Grove	15,239.62	592,748.62	State LAIF 256,195.97
9/22/2020		City of Orange	12,832.19	605,580.81	<u>\$574,535.38</u>
9/30/2020	2070	Wavelength Automation	(1,428.00)	604,152.81	
9/30/2020	2071	Eide Bailly	(6,000.00)	598,152.81	
9/30/2020	2072	Eileen White	(1,500.00)	596,652.81	
9/30/2020	2073	Lisa Telles Communications	(1,000.00)	595,652.81	
9/30/2020	2074	Kathryn Morrison	(1,714.94)	593,937.87	
9/30/2020	2075	Wendy J Strack Consulting	(2,500.00)	591,437.87	
9/30/2020	2076	John Hanson	(1,035.21)	590,402.66	
9/30/2020	2077	Aleshire & Wynder	(2,934.00)	587,468.66	
9/30/2020	1555	Connected Consulting	(10,433.28)	577,035.38	
9/30/2020	1556	Communications Lab	(2,500.00)	574,535.38	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2020-21**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
October					
10/5/2020		OCTA	9,000.00	583,535.38	Bank of the West 2,591.13
10/5/2020		Orange County Water District	50,000.00	633,535.38	Citizens Business Bank 440,588.68
10/15/2020		Local Agency Investment Fund Interest	544.00	634,079.38	O/S Checks (77,305.55)
10/22/2020		Municipal Water District of OC	50,000.00	684,079.38	State LAIF 256,739.97
10/22/2020		SoCal Gas	5,000.00	689,079.38	<u>\$622,614.23</u>
10/29/2020		City of Westminster	9,530.17	698,609.55	
10/31/2020	2078	Kathryn Morrison	(1,759.96)	696,849.59	
10/31/2020	2079	Wendy J Strack Consulting	(2,500.00)	694,349.59	
10/31/2020	2080	John Hanson	(1,036.70)	693,312.89	
10/31/2020	2081	Aleshire & Wynder, LLP	(1,620.00)	691,692.89	
10/31/2020	2082	Communications Lab	(2,500.00)	689,192.89	
10/31/2020	2083	CSUFAS	(26,550.16)	662,642.73	
10/31/2020	2084	CSUFAS	(26,550.16)	636,092.57	
10/31/2020	2085	Lisa Telles Communications	(1,000.00)	635,092.57	
10/31/2020	2086	Connected Consulting	(10,788.57)	624,304.00	
10/31/2020	2087	Eileen White	(1,500.00)	622,804.00	
10/31/2020		Bank of the West	(189.77)	622,614.23	
November					
11/5/2020		City of Laguna Hills	3,768.79	626,383.02	Bank of the West 2,591.13
11/5/2020		TCA	9,000.00	635,383.02	Citizens Business Bank 382,551.92
11/16/2020		City of Garden Grove	2,000.00	637,383.02	O/S Checks (24,899.07)
11/27/2020		City of Tuston	2,000.00	639,383.02	State LAIF 256,739.97
11/30/2020	2088	John Hanson	(941.30)	638,441.72	<u>\$616,983.95</u>
11/30/2020	2089	Aleshire & Wynder	(1,008.50)	637,433.22	
11/30/2020	2090	Communications Lab	(2,500.00)	634,933.22	
11/30/2020	2091	Kathryn Morrison	(1,589.99)	633,343.23	
11/30/2020	2092	Lisa Telles Communications	(1,000.00)	632,343.23	
11/30/2020	2093	Eileen White	(1,500.00)	630,843.23	
11/30/2020	2094	Wendy J Strack Consulting	(2,500.00)	628,343.23	
11/30/2020	2095		(10,783.28)	617,559.95	
11/30/2020	2096	Aleshire & Wynder	(576.00)	616,983.95	
December					
12/11/2020		California Association of Cities	500.00	617,483.95	Bank of the West 2,591.13
12/29/2020		LSA	1,000.00	618,483.95	Citizens Business Bank 368,152.85
12/29/2020		SCAQMD	7,500.00	625,983.95	O/S Checks (10,314.99)
12/31/2020	2097	Communications Lab	(2,500.00)	623,483.95	State LAIF 256,739.97
12/31/2020	2099	Wendy J Strack Consulting	(2,500.00)	620,983.95	<u>\$617,168.96</u>
12/31/2020	2150	Lisa Telles Communications	(1,000.00)	619,983.95	
12/31/2020	2152	Eileen White	(1,500.00)	618,483.95	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2020-21**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
12/31/2020	2153	VOID	-	618,483.95	
12/31/2020	2155	Kathryn Morrison	(1,314.99)	617,168.96	
<hr/>					
January					
1/1/2021	2098	John Hanson	(496.65)	616,672.31	Bank of the West \$2,347.20
1/1/2021	2154	Connected Consulting	(10,783.28)	605,889.03	Citizens Business Bank \$263,682.93
1/4/2021	2151	Eide Bailly	(1,650.00)	604,239.03	O/S Checks (25,617.61)
1/29/2021		Orange County Fire Authority	62,275.00	666,514.03	State LAIF 407,145.91
1/29/2021		TCA	1,500.00	668,014.03	<u>\$647,558.43</u>
1/29/2021		City of Lake Forest	2,000.00	670,014.03	
1/31/2021	2156	Lisa Telles Communications	(1,000.00)	669,014.03	
1/31/2021	2157	John Hanson	(826.67)	668,187.36	
1/31/2021	2158	Kathryn Morrison	(2,427.80)	665,759.56	
1/31/2021	2159	Wendy J Strack Consulting	(2,500.00)	663,259.56	
1/31/2021	2160	Communications Lab	(2,500.00)	660,759.56	
1/31/2021		LAIF	405.94	661,165.50	
1/31/2021	2161	VOID	-	661,165.50	
1/31/2021	2162	Aleshire & Wynder	(1,080.00)	660,085.50	
1/31/2021	2163	Elaine White	(1,500.00)	658,585.50	
1/31/2021	2164	VOID	-	660,085.50	
1/31/2021		Bank Fees	(243.93)	658,341.57	
1/31/2021	2165	Connected Consulting	(10,783.14)	647,558.43	
<hr/>					
February					
02/28/2021	2166	CSUF ASC	(26,050.16)	621,508.27	Bank of West \$0.00
02/28/2021	2167	John Hanson	(772.63)	620,735.64	Citizens Business Bank \$247,172.52
02/28/2021	2168	Praetorian Digital	(1,500.00)	619,235.64	O/S Checks (60,237.95)
02/28/2021	2169	Lisa Telles Communications	(1,000.00)	618,235.64	State LAIF 407,145.91
02/28/2021	2170	Wendy J Strack Consulting	(2,500.00)	615,735.64	<u>\$594,080.48</u>
02/28/2021	2171	VOID	0.00	615,735.64	
02/28/2021	2172	Alissa Pier	(597.46)	615,138.18	
02/28/2021	2173	Aleshire & Wynder, LLP	(3,870.00)	611,268.18	
02/28/2021	2174	Communications Lab	(2,500.00)	608,768.18	
02/28/2021	2175	VOID	0.00	608,768.18	
02/28/2021	2176	Kathryn Morrison	(2,164.56)	606,603.62	
02/28/2021	2177	Connected Consulting	(10,783.14)	595,820.48	
02/28/2021	2178	Elaine White	(1,500.00)	594,320.48	
02/28/2021		Bank of the West	(240.00)	594,080.48	

**Orange County Council of Governments
Cash and Investments
Fiscal Year 2020-21**

Date	Check #	Description	Amount	General Ledger Balance	Bank Balances and Reconciliation
March					
					Citizens Business Bank 188,934.57
3/22/2021		Los Alamitos OCDAP	2,000.00	596,080.48	O/S Checks (25,591.79)
3/31/2021	2179	Kathryn Morrison	(2,350.92)	593,729.56	State LAIF 407,145.91
3/31/2021	2180	Lisa Telles Communications	(1,000.00)	592,729.56	<u>570,488.69</u>
3/31/2021	2181	Communications Lab	(2,500.00)	590,229.56	
3/31/2021	2182	John Hanson	(821.73)	589,407.83	
3/31/2021	2183	CSUF ASC	(500.00)	588,907.83	
3/31/2021	2184	Aleshire & Wynder, LLP	(3,636.00)	585,271.83	
3/31/2021	2185	Wendy J Strack Consulting	(2,500.00)	582,771.83	
3/31/2021	2186	Eileen White	(1,500.00)	581,271.83	
3/31/2021	2187	Connected Consulting	(10,783.14)	570,488.69	
April					
					Citizens Business Bank 174,842.78
04/08/2021		City of Irvine	5,000.00	575,488.69	O/S Checks (57,773.79)
04/15/2021		Southern California Edison	5,000.00	580,488.69	State LAIF 407,539.76
04/15/2021		Local Agency Investment Fund	393.85	580,882.54	<u>524,608.75</u>
04/30/2021	2188	Aleshire & Wynder, LLP	(5,007.00)	575,875.54	
04/30/2021	2189	Communications Lab	(2,500.00)	573,375.54	
04/30/2021	2190	CSU Fullerton Auxillary Services	(26,550.16)	546,825.38	
04/30/2021	2191	John Hanson	(857.48)	545,967.90	
04/30/2021	2192	AJ Design	(1,085.00)	544,882.90	
04/30/2021	2193	Eileen White	(1,500.00)	543,382.90	
04/30/2021	2194	VOID	-	543,382.90	
04/30/2021	2195	VOID	-	543,382.90	
04/30/2021	2196	Wendy J Strack Consulting	(2,500.00)	540,882.90	
04/30/2021	2197	Kathryn Morrison	(1,991.01)	538,891.89	
04/30/2021	2198	Lisa Telles Communications	(1,000.00)	537,891.89	
04/30/2021	2199	Connected Consulting	(10,783.14)	527,108.75	
04/30/2021	2100	Kris Murray	(2,500.00)	524,608.75	
May					
					Citizens Business Bank 120,568.55
5/21/2021		Neighbors Housing Services	500.00	525,108.75	O/S Checks (41,549.73)
5/31/2021	2101	Communications Lab	(2,500.00)	522,608.75	State LAIF 407,539.76
5/31/2021	2102	California JPIA	(11,000.00)	511,608.75	<u>486,558.58</u>
5/31/2021	2103	Aleshire & Wynder, LLP	(6,151.80)	505,456.95	
5/31/2021	2104	John Hanson	(978.34)	504,478.61	
5/31/2021	2105	Eileen White	(1,500.00)	502,978.61	
5/31/2021	2106	Kathryn Morrison	(2,074.99)	500,903.62	
5/31/2021	2107	Wendy J Strack Consulting	(2,500.00)	498,403.62	
5/31/2021	2108	Lisa Telles Communications	(1,000.00)	497,403.62	
5/31/2021	2109	Connected Consulting	(10,844.60)	486,559.02	
5/31/2021		Citizens Business Bank	(0.44)	486,558.58	



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 05/28/2021

ORANGE COUNTY COUNCIL OF

Page 1 of 2

Account Number: 591004948

Managing Your Accounts

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

Summary of Accounts

Account Type	Account Number	Ending Balance
ANALYZED BUSINESS PLAN GOVERNMENT SRVCS	591004948	\$120,568.55

ANALYZED BUSINESS PLAN GOVERNMENT SRVCS-591004948

Account Summary

Date	Description	Amount
05/01/2021	Beginning Balance	\$174,842.78
	1 Credit(s) This Period	\$500.00
	11 Debit(s) This Period	\$54,774.23
05/28/2021	Ending Balance	\$120,568.55

Deposits

Date	Description	Amount
05/21/2021	DEPOSIT	\$500.00
		1 item(s) totaling \$500.00

Other Debits

Date	Description	Amount
05/21/2021	Account Analysis Fees	\$0.44
		1 item(s) totaling \$0.44

Checks Cleared

Check Nbr	Date	Amount	Check Nbr	Date	Amount	Check Nbr	Date	Amount
2100	05/28/2021	\$2,500.00	2191	05/05/2021	\$857.48	2198	05/13/2021	\$1,000.00
2188*	05/07/2021	\$5,007.00	2192	05/10/2021	\$1,085.00	2199	05/04/2021	\$10,783.14
2189	05/10/2021	\$2,500.00	2196*	05/11/2021	\$2,500.00			
2190	05/13/2021	\$26,550.16	2197	05/07/2021	\$1,991.01			

* Indicates skipped check number

10 item(s) totaling \$54,773.79

Daily Balances

Date	Amount	Date	Amount	Date	Amount
05/04/2021	\$164,059.64	05/10/2021	\$152,619.15	05/21/2021	\$123,068.55
05/05/2021	\$163,202.16	05/11/2021	\$150,119.15	05/28/2021	\$120,568.55
05/07/2021	\$156,204.15	05/13/2021	\$122,568.99		

Member FDIC

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

STATEMENTS AND IMAGES

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

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

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

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

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

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

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

Attachment C

California State Treasurer
Fiona Ma, CPA



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

June 01, 2021

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

ORANGE COUNTY COUNCIL OF GOVERNMENTS

TREASURER
3972 BARRANCA PKWY
SUITE J127
IRVINE , CA 92606

[Tran Type Definitions](#)

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Account Number: 40-30-020

May 2021 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	407,539.76
Total Withdrawal:	0.00	Ending Balance:	407,539.76



PMIA/LAIF Performance Report as of 05/13/21



PMIA Average Monthly Effective Yields⁽¹⁾

Apr	0.339
Mar	0.357
Feb	0.407

Quarterly Performance Quarter Ended 03/31/21

LAIF Apportionment Rate ⁽²⁾ :	0.44
LAIF Earnings Ratio ⁽²⁾ :	0.00001214175683392
LAIF Fair Value Factor ⁽¹⁾ :	1.001269853
PMIA Daily ⁽¹⁾ :	0.35%
PMIA Quarter to Date ⁽¹⁾ :	0.41%
PMIA Average Life ⁽¹⁾ :	220

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 04/30/21 \$140.8 billion

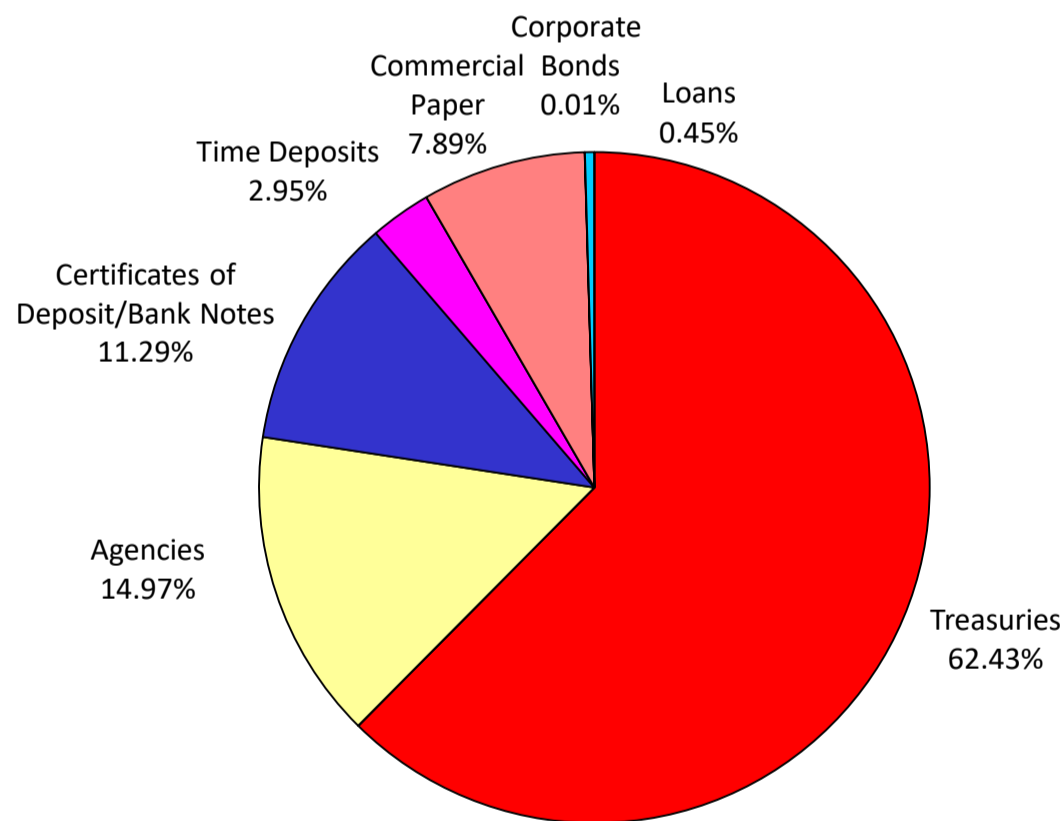


Chart does not include 0.01% of mortgages. Percentages may not total 100% due to rounding.

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

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

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller

**Orange County Council of Governments
Cash Receipts/Disbursements Report
For the Quarter ending June 30, 2021**

Cash Receipts

Date	Payer	Description	Amount
04/08/2021	City of Irvine	Cycle 1 Data Payment	5,000.00
04/15/2021	Southern California Edison	General Assembly Sponsorship	5,000.00
04/15/2021	Local Agency Investment Fund	Quarterly Interest	393.85
5/21/2021	Neighbors Housing Services	General Assembly Sponsorship	500.00
			10,893.85

Cash Disbursements

Date	Check #	Payee	Description	Amount
04/30/2021	2188	Aleshire & Wynder, LLP	March Legal	(5,007.00)
04/30/2021	2189	Communications Lab	Social Media/Web Site March 2021	(2,500.00)
	2190	CSU Fullerton Auxillary Services		(26,550.16)
04/30/2021			4th Quarter CDR	
04/30/2021	2191	John Hanson	March/April Treasurer Services	(857.48)
04/30/2021	2192	AJ Design	OCCOG Housing Videos	(1,085.00)
04/30/2021	2193	Eileen White	April Clerk of the Board	(1,500.00)
04/30/2021	2194	VOID		-
04/30/2021	2195	VOID		-
04/30/2021	2196	Wendy J Strack Consulting	Strategy and Advocacy Services April 2021	(2,500.00)
04/30/2021	2197	Kathryn Morrison	Administrative Assistant April 2021	(1,991.01)
04/30/2021	2198	Lisa Telles Communications	General Assembly Special Events April 2021	(1,000.00)
04/30/2021	2199	Connected Consulting	April Executive Director	(10,783.14)
04/30/2021	2100	Kris Murray (KLM Inc)	Government Relations	(2,500.00)
5/31/2021	2101	Communications Lab	Social Media/Web Site April 2021	(2,500.00)
5/31/2021	2102	California JPIA	Fiscal Year 2021/22 General Liability	(11,000.00)
5/31/2021	2103	Aleshire & Wynder, LLP	April Legal	(6,151.80)
5/31/2021	2104	John Hanson	April/May Treasurer Services	(978.34)
5/31/2021	2105	Eileen White	May Clerk of the Board	(1,500.00)
5/31/2021	2106	Kathryn Morrison	Administrative Assistant May 2021	(2,074.99)
5/31/2021	2107	Wendy J Strack Consulting	Strategy and Advocacy Services May 2021	(2,500.00)
5/31/2021	2108	Lisa Telles Communications	General Assembly Special Events May 2021	(1,000.00)
5/31/2021	2109	Connected Consulting	May Executive Director	(10,844.60)
5/31/2021		Citizens Business Bank	Banking fees	(0.44)
				(94,823.96)



AGENDA ITEM # 3

Statement of Investment Policy

STAFF RECOMMENDATION

Approve the attached Statement of Investment Policy

SUMMARY

The Statement of Investment Policy directs the Treasurer to select investments that are permissible and are in line with the objective of the Orange County Council of Governments (OCCOG). The priorities of the OCCOG's investment strategy, as declared by the Statement of Investment Policy, are safety of principal, liquidity and return on investment, in that order, with the primary objective being the safety of OCCOG funds. All investments must follow Government Code requirements and limitations. On an annual basis, OCCOG must approve the OCCOG's Statement of Investment Policy and delegate authority to invest all funds held by the OCCOG to the Treasurer and Executive Director for a period of one (1) year (Government Code 53607). The OCCOG's Statement of Investment Policy is presented to the Board for approval. There are no changes to the OCCOGs Statement of Investment Policy.

Staff's intent is to continue investing all excess funds with LAIF, and to utilize LAIF exclusively for at least the rest of this fiscal year.

Staff's plan is to evaluate in future years the need for investment vehicles other than LAIF, depending on LAIF performance compared to other investment types and the amount of excess funds available for investment. However, if necessary, the proposed Investment Policy would provide authorization for such alternative investments if the need were to arise prior to that time. The policy specifies no maximum limit for the percentage of OCCOG funds that can be invested in LAIF but does specify a limit of 30% of the portfolio for all other investment pools other than LAIF and 20% of the portfolio for money market mutual funds.

As noted in the policy, staff will report monthly on the status and performance of OCCOG's investments. This additional information will be added to the current monthly financial report. Staff will bring back the investment policy to the Board each year for review and possible updates or changes.



Orange County Council of Governments

ATTACHMENTS

- A. Orange County Council of Governments Statement of Investment Policy

STAFF CONTACT

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



STATEMENT OF INVESTMENT POLICY
FY 2021-22

I. Purpose

This Investment Policy (the Policy) addresses the methods, procedures, and practices which must be exercised to ensure effective and judicious fiscal and investment management of the idle cash of the Orange County Council of Governments (OCCOG).

II. Scope

This Policy applies to activities of OCCOG with regard to investing the financial assets of all funds under its control.

III. Prudence

The standard of prudence to be used by investment officials in the context of managing the overall portfolio shall be the “prudent investor” standard (California Government Code Section 53600.3) which states that when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.”

OCCOG’s overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. OCCOG recognizes that no investment is totally without risk and that the investment activities of OCCOG are a matter of public record. Accordingly, it is recognized that occasional measured losses may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the organization.

The Treasurer, acting in accordance with written procedures and this Policy and exercising due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.



Orange County Council of Governments

STATEMENT OF INVESTMENT POLICY
FY 2021-22

IV. Ethics and Conflicts of Interest

Officers involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair or create the appearance of an impairment of their ability to make impartial decisions. Investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of OCCOG.

V. Delegation of Authority

Authority to manage OCCOG's investment program is derived from California Government Code Sections 6509.5, 6505.5. and 53601.. The Board of Directors delegates to the Treasurer the primary responsibility for the organization's investment program and the authority to invest funds.

VI. Internal Controls

The Treasurer shall establish administrative procedures and internal controls for the operation of the investment program consistent with this Policy. Such procedures shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, or imprudent actions by officers of OCCOG.

VII. Objectives

OCCOG's funds shall be invested in accordance with all applicable OCCOG policies and codes, State statutes, and Federal regulations, and in a manner designed to accomplish the following objectives, which are listed in priority order:

1. Safety of principal: Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. OCCOG shall seek to preserve principal by mitigating the two types of risk, credit risk and interest rate risk. Investment decisions should not incur unreasonable credit or interest rate risks in order to obtain current investment income.



Orange County Council of Governments

STATEMENT OF INVESTMENT POLICY
FY 2021-22

- Credit Risk: Defined as the risk of loss due to failure of the security issuer or backer.
- Interest Rate Risk: Defined as the risk of market value fluctuations due to overall changes in the general level of interest rates.

2. Maintenance of Liquidity: OCCOG's investment portfolio shall remain sufficiently liquid to enable it to meet all operating requirements which might be reasonably anticipated.

3. Return on Investments: OCCOG's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the organization's risk constraints and the cash flow characteristics of the portfolio.

VIII. Permitted Investments

OCCOG's investments are governed by California Government Code, Sections 53600 et seq. Within the investments permitted by the Code, OCCOG seeks to further restrict eligible investments to the guidelines listed below. In the event a discrepancy is found between this policy and the Code, the more restrictive parameters will take precedence. Percentage holding limits listed in this section apply at the time the security is purchased.

Any investment currently held at the time the policy is adopted which does not meet the new policy guidelines can be held until maturity, and shall be exempt from the current policy. At the time of the investment's maturity or liquidation, such funds shall be reinvested only as provided in the current policy.

The portfolio shall be diversified by security type and institution to avoid incurring unreasonable and avoidable risks regarding specific security types or individual issuers.

- **State of California Local Agency Investment Fund (LAIF)**, provided that:
 - OCCOG may invest up to the maximum permitted amount in LAIF; and,
 - LAIF's investments in instruments prohibited by or not specified in this Investment Policy do not exclude it from OCCOG's list of allowable investments, provided that the fund's reports allow the Treasurer to adequately judge the risk inherent in LAIF's portfolio.



Orange County Council of Governments

STATEMENT OF INVESTMENT POLICY
FY 2021-22

- **Local government investment pools (other than LAIF),** provided that:
 - The Treasurer shall conduct a thorough investigation of any pool prior to making an investment, and on a continual basis thereafter. The Treasurer shall develop a questionnaire which will answer the following general questions:
 - A description of eligible investment securities, and a written statement of investment policy and objectives.
 - A description of interest calculations and how it is distributed, and how gains and losses are treated.
 - A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
 - A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
 - A schedule for receiving statements and portfolio listings.
 - A fee schedule, and when and how is it assessed.

No more than 30% of the portfolio shall be invested in local government investment pools other than LAIF and OCCOG's investment in any such pool shall comprise no more than 5% of the market value of the total assets of the investment pool, measured at month-end.

- **Money market mutual funds** that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940:
 - Provided that such funds meet either of the following criteria:
 - Attained the highest ranking or the highest letter and numerical rating provided by not less than two NRSROs; or,
 - Have retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by California Government Code Section 53601 (a through j) and with assets under management in excess of \$500 million.
 - Purchase of securities authorized by this subdivision may not exceed 20% of the portfolio.



Orange County Council of Governments

STATEMENT OF INVESTMENT POLICY
FY 2021-22

IX. Collateralization

In accordance with the provisions of California Government Code Sections 53651, 53652, 53656 and 53657, all deposits of OCCOG, including certificates of deposit and special time deposits in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, shall be secured by a pledge of “eligible securities” with an aggregate “market value” as required by said California Government Code Section 53652.

X. Portfolio Risk Management

Prohibited investment vehicles and practices:

- State law notwithstanding, any investments not specifically described herein are prohibited, including, but not limited to futures and options.

Mitigating credit risk in the portfolio:

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. OCCOG will mitigate credit risk by adopting the following strategies:

- The diversification requirements included in Section VIII are designed to mitigate credit risk in the portfolio;

Mitigating market risk in the portfolio:

Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. OCCOG recognizes that, over time, longer-term portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. OCCOG will mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes. OCCOG adopts the following strategies to control and mitigate its exposure to market risk:

- OCCOG will monitor its cash flow needs and maintain sufficient liquidity for expected disbursements;
- Within the limits of this Policy and State law, to the extent possible, OCCOG will attempt to match its investments with anticipated cash flow requirements.



Orange County Council of Governments

STATEMENT OF INVESTMENT POLICY
FY 2021-22

XI. Performance Standards/Evaluation

The investment portfolio will be managed in accordance with the parameters specified within this policy. OCCOG's portfolio shall be designed with the objective of regularly meeting or exceeding a selected market benchmark. The benchmark for FY 2021-22 will be the LAIF rate of return. Return comparisons of the portfolio to the market benchmark will be calculated on a monthly basis. When comparing the performance of OCCOG's portfolio to the benchmark, portfolio returns shall be calculated net of fees and expenses involved with managing the portfolio.

XII. Reporting

Monthly investment reports will be submitted by the Treasurer to the Board of Directors. These reports will disclose information about the status of the current investment portfolio, its risk characteristics and market value. The reports shall include, at a minimum:

- A management summary report that shows:
 - Cost, market value, average yield and average days to maturity for the investment portfolio;
 - Cash receipts and disbursements for the period.
 - A statement of compliance with the Investment Policy, including a schedule of any transactions or holdings which do not comply with this policy or with the California Government Code, including a justification for their presence in the portfolio and a timetable for resolution; and,
 - A statement that OCCOG has adequate funds to meet its cash flow requirements for the next six months.
- An asset listing showing par value, cost, accurate and complete market value of each security, type of investment, issuer, maturity date and yield to maturity;
- Investment transactions for the period;
- Average maturity of the portfolio;



Orange County Council of Governments

STATEMENT OF INVESTMENT POLICY FY 2021-22

- Sector allocation and maturity distribution of the portfolio;
- Average portfolio credit quality;

Some of the required investment information may be included in the monthly reports from the State of California Local Agency Investment Fund (LAIF) and the local government investment pools, which will be included in the monthly Treasurer's Report.

In addition to the monthly reports, the Treasurer may provide additional reports to the Board at other, unspecified times as needed or requested.

XIII. Investment Policy Adoption

The Investment Policy shall be reviewed annually by the Treasurer to ensure its consistency with the global objective of preservation of investment principal, sufficient liquidity, rate of return and relevance to current laws and financial trends, and to comply with any changes to State law or other regulations and/or laws governing investment of public funds.

The Treasurer shall render the Investment Policy annually to the Board of Directors for review at a public meeting. Any modifications to the Policy must be approved by the Board of Directors at a public meeting.



Orange County Council of Governments

STATEMENT OF INVESTMENT POLICY
FY 2021-22

Summary Table of Permitted Investments

Investment Type	Maximum Maturity Limit	Maximum Percent of Portfolio	Maximum Percent per Issuer	Minimum Ratings
Local Agency Investment Fund (LAIF)	None	*	*	N/A
Local Government Investment Pools, other than LAIF	None	30%	See Policy	N/A
Money Market Mutual Funds	None	20%	N/A	Two Highest Rated Equivalents

**Maximum amount set by State of California Government Code and LAIF Governing Board; as of adoption the maximum amount is \$65,000,000*



Orange County Council of Governments

STATEMENT OF INVESTMENT POLICY
FY 2021-22

Glossary of Investment Terms

- BENCHMARK.** A comparison security or portfolio. A performance benchmark is a partial market index, which reflects the mix of securities allowed under a specific investment policy.
- COLLATERAL.** Securities or cash pledged by a borrower to secure repayment of a loan or repurchase agreement. Also, securities pledged by a financial institution to secure deposits of public monies.
- CREDIT RISK.** The risk that principal and/or interest on an investment will not be paid in a timely manner due to changes in the condition of the issuer.
- DIVERSIFICATION.** Dividing investment funds among a variety of investments to avoid excessive exposure to any one source of risk.
- FEDERAL FUNDS RATE.** The rate of interest charged by banks for short-term loans to other banks. The Federal Reserve Bank through open-market operations establishes it.
- FEDERAL OPEN MARKET COMMITTEE.** A committee of the Federal Reserve Board that establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.
- LIQUIDITY.** The speed and ease with which an asset can be converted to cash.
- LOCAL AGENCY INVESTMENT FUND (LAIF).** A voluntary investment fund open to government entities and certain non-profit organizations in California that is managed by the State Treasurer's Office.
- LOCAL GOVERNMENT INVESTMENT POOL (LGIP).** Investment pools that range from the State Treasurer's Office Local Agency Investment Fund (LAIF) to county pools, to Joint Powers Authorities (JPAs). These funds are not subject to the same SEC rules applicable to money market mutual funds. LGIPs exclude LAIF for the purposes of this Investment Policy.
- MARKET RISK.** The risk that the value of securities will fluctuate with changes in overall market conditions or interest rates.
- MARKET VALUE.** The price at which a security can be traded.
- MARKING TO MARKET.** The process of posting current market values for securities in a portfolio.
- MATURITY.** The final date upon which the principal of a security becomes due and payable.
- MONEY MARKET.** The market in which short-term debt instruments (T-bills, discount notes, commercial paper, and banker's acceptances) are issued and traded.
- MUTUAL FUND.** An entity which pools the funds of investors and invests those funds in a set of securities which is specifically defined in the fund's prospectus. Mutual funds can be invested in various types of domestic and/or international stocks, bonds, and money market instruments, as set forth in the individual fund's prospectus. For most large, institutional investors, the costs associated with investing in mutual funds are higher than the investor can obtain through an individually managed portfolio.
- NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION (NRSRO).** Examples include S&P, Moodys, and Fitch ratings.
- PRUDENT PERSON (PRUDENT INVESTOR) RULE.** A standard of responsibility which applies to fiduciaries. In California, the rule is stated as "Investments shall be managed with the care, skill, prudence and



Orange County Council of Governments

STATEMENT OF INVESTMENT POLICY
FY 2021-22

diligence, under the circumstances then prevailing, that a prudent person, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims to accomplish similar purposes.”

REALIZED YIELD. The change in value of the portfolio due to interest received and interest earned and realized gains and losses. It does not give effect to changes in market value on securities, which have not been sold from the portfolio.

TOTAL RATE OF RETURN. A measure of a portfolio’s performance over time. It is the internal rate of return, which equates the beginning value of the portfolio with the ending value; it includes interest earnings, realized and unrealized gains, and losses in the portfolio.

VOLATILITY. The rate at which security prices change with changes in general economic conditions or the general level of interest rates.

YIELD TO MATURITY. The annualized internal rate of return on an investment which equates the expected cash flows from the investment to its cost.



AGENDA ITEM # 4

LEGISLATIVE UPDATE

STAFF RECOMMENDATION

Receive and file report provided.

SUMMARY

The Legislative Update is provided to keep the OCCOG Board apprised of legislative and regulatory actions that address land use and housing, energy, mobility, air quality and water issues.

BACKGROUND

STATE UPDATE

As the Legislature continues to operate under pandemic restrictions for committee meetings and floor sessions, the Assembly Speaker and Senate Pro Tem have announced in May that Members will be limited to 12 bills in 2021. This number would also include measures that have already passed to the second house should Members elect to have those bills continue forward. Any bills that did not advance out of their House of Origin by June 4th will be able to be considered again in January 2022.

2021 State Legislative Calendar – Remaining Key Dates

July 14 – Policy Committee Deadline
August 27 – Fiscal Committee Deadline
September 3 – Last Day to Amend Bills
September 10 – Last Day to Pass Bills

FY 2021-2022 State Budget

On Monday, June 14th, the Legislature approved a \$267 billion Budget for Fiscal Year 2021-2022. AB 128 (Ting, D-San Francisco) was approved in both houses on a party line vote and is pending action by the Governor. The main budget bill contains topline budget amounts while much of the detail will be contained in future budget trailer bills. Record revenues and Federal COVID relief funding, along with differing future year revenue projections and the potential for exceeding the Gann (state appropriations) limit, appear to be driving discussions regarding focusing on one-time



funding increases versus new ongoing state programs. Additionally, the State Legislative Analyst's Office noted in May that state agencies may not be adequately equipped to spend money as quickly as would be needed to fully expend desired budget levels during the fiscal year. Staff will provide additional information on the final budget agreement as it becomes available.

State Bills of Interest

Due to the COVID-19 Pandemic, local agencies across the state quickly adjusted to the need to remote meeting participation for City Council, Board Meetings, and Appointed Committee meetings. The Orange County Council of Governments (OCCOG) has also modified its meeting procedures in response to the pandemic and has met exclusively virtually for more than a year.

As we begin to emerge from the pandemic, modifications to the Brown Act are needed to continue to allow for both in-person and remote participation opportunities. OCCOG has enjoyed greater participation with remote attendance and would like to continue providing these opportunities in the future. Two key bills remain for 2021 and we anticipate that negotiations surrounding a final structure will continue during the legislative break in July. Below is a summary of the existing versions of the two major bills of interest in this area.

AB 339 (Lee, D-San Jose) Local government: open and public meetings

AB 339 applies to jurisdictions over 250,000 and allows for both in-person and remote participation. All open and public meetings with a remote participation option will be required to provide a teleconference or an internet-based option for members of the public with the same time allotment given to in-person comments. This bill allows teleconferencing by members of the legislative body and in those cases, voting must occur by roll call. Additionally, if in-person attendance is prohibited due to a state of emergency, all meetings must provide some kind of in-person commenting opportunity. The location of this opportunity must be included in the meeting agenda posting. AB 339 is proposed to sunset on December 31, 2023.

AB 339 is currently supported by the League of Women Voters of California, California League of Conservation Voters, California Association of Nonprofits, San Bernardino County Board of Education, California YIMBY, NextGen California, California News Publishers Association, Orange County Emergency Response Coalition, People for Housing – Orange County, and Housing is a Human Right – Orange County.



The bill is opposed by the League of California Cities, the California Special Districts Association, California School Boards Association, California Municipal Utilities Association, City of Huntington Beach, the Orange County LAFCO, and the Urban Counties of California.

Their objections largely center around the significant cost of implementation for agencies that are already seeing reduced revenues during the pandemic. In addition, there are concerns surrounding the ability to continue to conduct the meeting should internet or telephone services fail during a meeting as well as concerns regarding disruptions and meeting takeovers by nefarious individuals. Lastly, there are unresolved concerns regarding the ability of individuals to use technical lapses during a meeting to seek damages related to an alleged Brown Act violation.

AB 361 (Rivas, D-Hollister) Open meetings: local agencies: teleconferences

AB 361 would allow a local agency to use teleconferencing without complying with the Brown Act's physical access and quorum requirements for teleconferenced meetings during a state of emergency, to declare a state of emergency, or where attendance in-person during a state of emergency is determined to be a risk to health or safety without providing a physical location where the public may attend or comment. In order for this to be permitted, the legislative body must give notice of the meeting, allow the public to address the legislative body, and provide either a teleconference or internet based remote commenting opportunity for the public. In the event the remote participation technology is disrupted, the legislative body can take no action until the service is restored.

To continue this ability, the legislative body must reaffirm the need to continue teleconferencing every 30 days. While this bill meets the needs for local agencies operating under emergency conditions, it does not meet the needs of OCCOG to continue to provide remote participation opportunities on an ongoing basis.

AB 361 is supported by the California Special Districts Association, Association of California Water Agencies, California State Association of Counties, California Municipal Utilities Association, League of California Cities, and the City of Huntington Beach.

ATTACHMENTS

- A. OCCOG Bills with Positions
- B. OCCOG All Tracked Bills



Orange County Council of Governments

STAFF REPORT June 24, 2021

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**Attachment A
OCCOG Bills with Positions**

AB 617

(Davies R) Planning and zoning: regional housing needs: exchange of allocation.

Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was H. & C.D. on 2/25/2021)(May be acted upon Jan 2021)

Is Fiscal: N

Location: 5/7/2021-A. 2 YEAR

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

Summary: Would authorize a city or county, by agreement, to transfer all or a portion of its allocation of regional housing need to another city or county. The bill would allow the transferring city to pay the transferee city or county an amount determined by that agreement, as well as a surcharge to offset the impacts and associated costs of the additional housing on the transferee city. The bill would also require the transferring city or county and the transferee city or county to report to the council of governments and the department specified information about the transfer, as provided.

Notes:

OCCOG - Support
ACCOC - Support

AB 687

(Seyarto R) Joint powers authorities: Riverside County Housing Finance Trust.

Status: 6/10/2021-From committee: Do pass and re-refer to Com. on HOUSING with recommendation: To Consent Calendar. (Ayes 5. Noes 0.) (June 10). Re-referred to Com. on HOUSING.

Is Fiscal: N

Location: 6/10/2021-S. HOUSING

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

Summary: Would authorize the creation of the Western Riverside County Housing Finance Trust, a joint powers authority, for the purposes of funding housing specifically assisting the homeless population and persons and families of extremely low, very low, and low income within the County of Riverside as specified.

Notes:

OCCOG - Support
SCAG - Support

AB 787

(Gabriel D) Planning and zoning: housing element: converted affordable housing units.

Last Amend: 5/3/2021

Status: 6/9/2021-Referred to Com. on HOUSING.

Is Fiscal: Y

Location: 6/9/2021-S. HOUSING

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

Summary: Current law requires the planning agency of a city or county to provide an annual report that includes specified information by April 1 of each year to specified entities, including the Department of Housing and Community Development. Among other things, existing law requires that this report include the progress in meeting the city's or county's share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing, as specified. This bill would authorize a planning agency to include in its annual report the number of units in an existing multifamily building that were converted to deed-restricted rental housing for very low, low-, or moderate-income households by the imposition of affordability covenants and restrictions for the unit.

Notes:

OCCOG - Support
ACCOC - Support

AB 816

(Chiu D) State and local agencies: homelessness plan.

Last Amend: 5/4/2021

Status: 6/9/2021-Referred to Coms. on HOUSING, HUMAN S. and JUD.

Is Fiscal: Y

Location: 6/9/2021-S. HOUSING

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

Summary: Current law requires the Governor to create the Homeless Coordinating and Financing

Council and to appoint up to 19 members of that council, as provided. Current law specifies the duties of the coordinating council, including creating partnerships among state agencies and departments, local government agencies, and specified federal agencies and private entities, for the purpose of arriving at specific strategies to end homelessness. This bill, upon appropriation by the Legislature or upon receiving technical assistance offered by the federal Department of Housing and Urban Development (HUD), if available, would require the coordinating council to conduct, or contract with an entity to conduct, a statewide needs and gaps analysis to, among other things, identify state programs that provide housing or services to persons experiencing homelessness and create a financial model that will assess certain investment needs for the purpose of moving persons experiencing homelessness into permanent housing.

Notes:

OCCOG - Oppose

AB 1258 (Nguyen R) Housing element: regional housing need plan: judicial review.

Last Amend: 3/22/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/4/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 4/30/2021-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 the Department of Housing and Community Development, in consultation with each council of governments, determines each region’s existing and projected housing needs. Under existing law, upon making that determination, the council of governments may object to the determination, and the department is required to respond to an objection by making a final written determination. Current law requires that, based on the determination of the department, a council of governments, or for cities and counties without a council of governments, the department, adopts a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. This bill would subject the department’s final written determination of a region’s housing needs to judicial review in an action brought by the council of governments. The bill would also subject the final regional housing need plan adopted by the council of governments or the department, as the case may be, to judicial review.

Notes:

OCCOG - Support

ACCOC - Support

SB 5 (Atkins D) Affordable Housing Bond Act of 2022.

Last Amend: 3/10/2021

Status: 3/18/2021-Re-referred to Coms. on HOUSING and GOV. & F.

Is Fiscal: Y

Location: 3/18/2021-S. HOUSING

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 2022, which, if adopted, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to fund affordable rental housing and homeownership programs. The bill would state the intent of the Legislature to determine the allocation of those funds to specific programs. This bill would provide for submission of the bond act to the voters at the November 8, 2022, statewide general election in accordance with specified law.

Notes:

OCCOG - Watch

ACCOC - Watch

SB 6 (Caballero D) Local planning: housing: commercial zones.

Last Amend: 4/12/2021

Status: 5/24/2021-Read third time. Passed. (Ayes 32. Noes 2.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Is Fiscal: Y

Location: 5/24/2021-A. DESK

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. This bill, the Neighborhood Homes Act, would deem a housing development project, as defined, an allowable use

on a neighborhood lot, which is defined as a parcel within an office or retail commercial zone that is not adjacent to an industrial use. The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction.

Notes:

OCCOG - Oppose
 ACCOC - Oppose
 OCBC - Support If Amended

SB 7

(Atkins D) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.

Last Amend: 2/18/2021

Status: 5/20/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 19, Statutes of 2021.

Is Fiscal: Y

Location: 5/20/2021-S. CHAPTERED

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

Summary: Would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, which would reenact the former leadership act, with certain changes, and would authorize the Governor, until January 1, 2024, to certify projects that meet specified requirements for streamlining benefits related to CEQA. The bill would additionally include housing development projects, as defined, meeting certain conditions as projects eligible for certification. The bill would, except for those housing development projects, require the quantification and mitigation of the impacts of a project from the emissions of greenhouse gases, as provided. The bill would revise and recast the labor-related requirements for projects undertaken by both public agencies and private entities. The bill would provide that the Governor is authorized to certify a project before the lead agency certifies the final EIR for the project.

Notes:

OCCOG - Support
 SCAG - Support
 ACCOC - Watch

SB 8

(Skinner D) Housing Crisis Act of 2019.

Last Amend: 6/1/2021

Status: 6/1/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on H. & C.D.

Is Fiscal: Y

Location: 5/28/2021-A. H. & C.D.

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

Summary: Would clarify, for various purposes of the Housing Crisis Act of 2019, that "housing development project" includes projects that involve no discretionary approvals, projects that involve both discretionary and nondiscretionary approvals, and projects that include a proposal to construct a single dwelling unit. The bill would specify that this clarification is declaratory of existing law.

Notes:

OCCOG - Watch
 BIA - Support
 ACCOC - Oppose

SB 9

(Atkins D) Housing development: approvals.

Last Amend: 4/27/2021

Status: 6/10/2021-From committee: Do pass and re-refer to Com. on H. & C.D. (Ayes 5. Noes 1.) (June 9). Re-referred to Com. on H. & C.D.

Is Fiscal: Y

Location: 6/9/2021-A. H. & C.D.

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

Summary: The Planning and Zoning Law 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. This bill, among other things, would require 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, but not limited to, that the proposed housing

development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

Notes: OCCOG - Oppose
 ACCOC - Oppose
 League of California Cities - Oppose
 SCAG - Oppose Unless Amended
 OCBC - Support

SB 10 (Wiener D) Planning and zoning: housing development: density.

Last Amend: 6/14/2021

Status: 6/14/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on H. & C.D.

Is Fiscal: N

Location: 6/10/2021-A. H. & C.D.

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

Summary: Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act.

Notes:
 OCCOG - Oppose Unless Amended
 ACCOC - Watch
 SCAG - Support If Amended
 OCBC - Support

SB 12 (McGuire D) Local government: planning and zoning: wildfires.

Last Amend: 5/4/2021

Status: 6/10/2021-Referred to Coms. on L. GOV. and H. & C.D.

Is Fiscal: Y

Location: 6/10/2021-A. L. GOV.

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

Summary: Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Notes:
 OCCOG - Oppose Unless Amended
 BIA - Oppose Unless Amended
 OCBC - Oppose Unless Amended

SB 15 (Portantino D) Housing development: incentives: rezoning of idle retail sites.

Last Amend: 5/20/2021

Status: 6/2/2021-In Assembly. Read first time. Held at Desk.

Is Fiscal: Y

Location: 6/1/2021-A. DESK

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

Summary: Current law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local

assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households. This bill, upon appropriation by the Legislature in the Budget Act or other act, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of housing, as defined.

Notes:

OCCOG - Support
 ACCOC - Support
 OCBC - Watch
 SCAG - Support

SB 261

(Allen D) Regional transportation plans: sustainable communities strategies.

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021) (May be acted upon Jan 2022)

Is Fiscal: Y

Location: 4/30/2021-S. 2 YEAR

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

Summary: current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Notes:

OCCOG - Oppose Unless Amended
 SCAG - Oppose Unless Amended
 OCTA - Oppose Unless Amended
 OCBC - Oppose
 CALCOG - Oppose
 BIA - Oppose
 ACCOC - Oppose

SB 478

(Wiener D) Planning and Zoning Law: housing development projects.

Last Amend: 5/20/2021

Status: 6/3/2021-Referred to Coms. on H. & C.D. and L. GOV.

Is Fiscal: Y

Location: 6/3/2021-A. H. & C.D.

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

Summary: The Planning and Zoning Law requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the 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. Would prohibit a local agency, as defined, from imposing a floor-to-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. The bill would prohibit a local agency from imposing a lot coverage requirement that would preclude a housing development project from achieving the floor-to-area ratios described above.

Notes:

OCCOG - Oppose
 ACCOC - Oppose

SB 623

(Newman D) Electronic toll and transit fare collection systems.

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was JUD. on 4/13/2021) (May be acted upon Jan 2022)

Is Fiscal: Y

Location: 4/30/2021-S. 2 YEAR

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

Summary: Current law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system in compliance with specified objectives, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Current law authorizes operators of toll facilities on federal-aid highways engaged in an interoperability program to provide only specified information regarding a vehicle's use of the toll facility. This bill would authorize those operators to provide instead only the information specified in functional specifications and standards adopted by the department and operators of toll facilities in this state on federal-aid highways for purposes of interstate interoperability.

Notes:

- OCCOG - Support
- OCTA - Support
- OCBC - Support
- TCA - Support
- SCAG - Support

SB 765

(Stern D) Accessory dwelling units: setbacks.

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HOUSING on 3/3/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 4/30/2021-S. 2 YEAR

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

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 prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure. This bill would remove the above-described prohibition on a local agency's accessory dwelling unit ordinance, and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible.

Notes:

- OCCOG - Support
- League of California Cities - Support

Total Measures: 17

Total Tracking Forms: 17

**Attachment B
OCCOG All Tracked Bills**

Attachment B

[AB 68](#)

(Quirk-Silva D) Department of Housing and Community Development: California Statewide Housing Plan: annual reports.

Last Amend: 6/1/2021

Status: 6/7/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/7/2021-S. RLS.

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, which serves as a state housing plan for all relevant purposes, that incorporates a statement of housing goals, policies, and objectives, as well as specified segments. Current law requires the Department of Housing and Community Development to update and provide a revision of the plan to the Legislature every 4 years, as provided. This bill would revise and recast those provisions related to the California Statewide Housing Plan. The bill would, starting with any update or revision to the plan on or after January 1, 2023, require the plan to include specified information, including, among other things, an inventory number of affordable units needed to meet the state's affordable housing needs and an identification of strategies to help individuals experiencing homelessness.

[AB 71](#)

(Rivas, Luz D) Homelessness funding: Bring California Home Act.

Last Amend: 5/24/2021

Status: 6/3/2021-Ordered to inactive file at the request of Assembly Member Luz Rivas.

Is Fiscal: Y

Location: 6/3/2021-A. INACTIVE FILE

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

Summary: The Personal Income Tax Law, in conformity with federal income tax law, generally defines gross income as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. Current federal law, for purposes of determining a taxpayer's gross income for federal income taxation, requires that a person who is a United States shareholder of any controlled foreign corporation to include in their gross income the global intangible low-taxed income for that taxable year, as provided. This bill, for taxable years beginning on or after January 1, 2022, would include a taxpayer's global intangible low-taxed income in their gross income for purposes of the Personal Income Tax Law, in modified conformity with the above-described federal provisions.

Notes:

ACCOC - Watch

OCBC - Oppose

[AB 72](#)

(Petrie-Norris D) Environmental protection: Natural Resources Agency: coastal adaptation projects: sea level rise: regulatory review and permitting: report.

Status: 6/9/2021-Referred to Com. on N.R. & W.

Is Fiscal: Y

Location: 6/9/2021-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 Coastal Adaptation Permitting Act of 2021. The bill would require the agency to explore, and authorize it to implement, options within the agency's jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects, as defined. The bill would require the agency to submit, by July 1, 2023, a report to the Legislature with suggestions and recommendations for improving and expediting the regulatory review and permitting process for coastal adaptation projects.

Notes:

ACCOC - Watch

[AB 106](#)

(Salas D) Regions Rise Grant Program.

Last Amend: 5/3/2021

Status: 6/9/2021-Referred to Com. on B., P. & E.D.

Is Fiscal: Y

Location: 6/9/2021-S. B., P. & E.D.

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

Summary: Would establish the Regions Rise Grant Program within the Office of Planning and Research for the purpose of supporting inclusive, cross-jurisdictional, and innovative engagement processes that lead to inclusive strategies to address barriers and challenges confronting communities in creating economic prosperity for all. The bill would define "region" as a geographic area composed of one or more counties and cities that form a functional economy.

[AB 215](#) (Chiu D) Housing element: regional housing need: relative progress determination.

Last Amend: 4/5/2021

Status: 6/9/2021-Referred to Com. on HOUSING.

Is Fiscal: Y

Location: 6/9/2021-S. HOUSING

Desk	Policy	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. That law requires the Department of Housing and Community Development to determine whether the housing element is in substantial compliance with specified provisions of that law. This bill, starting with the 6th housing element revision, would require the department to determine the relative progress toward meeting regional housing needs of each jurisdiction, council of governments, and subregion, as specified. The bill would require the department to make this determination based on the information contained in the annual reports submitted by each jurisdiction, as specified.

Notes:

ACCOC - Oppose

League of California Cities - Oppose

[AB 284](#) (Rivas, Robert D) California Global Warming Solutions Act of 2006: climate goal: natural and working lands.

Last Amend: 4/14/2021

Status: 6/9/2021-Referred to Coms. on E.Q. and N.R. & W.

Is Fiscal: Y

Location: 6/9/2021-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 Air Resources 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, when updating the scoping plan and in collaboration with the Natural Resources Agency and other relevant state agencies and departments, to take specified actions by January 1, 2023, including, among others, identifying a 2045 climate goal, with interim milestones, for the state's natural and working lands, as defined, and identifying practices, policy and financial incentives, market needs, and potential reductions in barriers that would help achieve the 2045 climate goal.

[AB 336](#) (Villapudua D) Enhanced infrastructure financing districts: public financing authority: members: joint powers authorities.

Status: 6/14/2021-Read second time. Ordered to Consent Calendar.

Is Fiscal: N

Location: 6/10/2021-S. CONSENT CALENDAR

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

Summary: The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any power common to the contracting parties, as specified. Current law authorizes the agreement to set forth the manner by which the joint powers authority will be governed. This bill would specify that any member of the legislative body of a participating affected taxing entity who serves as a member of the public financing authority of an enhanced infrastructure financing district, as described above, may also serve as a member of the governing body of an agency or entity formed pursuant to an agreement for the joint exercise of power that the participating affected taxing entity has entered into in accordance with the Joint Exercise of Powers Act.

[AB 339](#) (Lee D) Local government: open and public meetings.

Last Amend: 5/4/2021

Status: 6/3/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/3/2021-S. RLS.

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

Summary: Would, until December 31, 2023, require all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option. The bill would require all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option, as provided.

Notes:

OCTA - Neutral
 ACCOC - Oppose
 League of California Cities - Oppose
 Transportation Corridor Agencies - Oppose

AB 345 (Quirk-Silva D) Accessory dwelling units: separate conveyance.

Last Amend: 3/9/2021

Status: 6/9/2021-Referred to Coms. on HOUSING and GOV. & F.

Is Fiscal: Y

Location: 6/9/2021-S. HOUSING

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 local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires a local agency that has not adopted an ordinance to ministerially approve an application for an accessory dwelling unit, and sets forth required ordinance standards, including that the ordinance prohibit the sale or conveyance of the accessory dwelling unit separately from the primary residence. Current law, notwithstanding the prohibition described above, authorizes a local agency to, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. This bill would require each local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if the above-described conditions are met.

AB 361 (Rivas, Robert D) Open meetings: local agencies: teleconferences.

Last Amend: 5/10/2021

Status: 5/27/2021-Referred to Coms. on GOV. & F. and JUD.

Is Fiscal: N

Location: 5/27/2021-S. GOV. & F.

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

Summary: Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body determines, by majority vote, that meeting in person would present imminent risks to the health or safety of attendees.

AB 363 (Medina D) Carl Moyer Memorial Air Quality Standards Attainment Program.

Last Amend: 5/25/2021

Status: 6/9/2021-Referred to Coms. on E.Q. and TRANS.

Is Fiscal: Y

Location: 6/9/2021-S. E.Q.

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

Summary: Current law requires the State Air Resources Board to establish or update grant criteria and guidelines for covered vehicle and infrastructure projects as soon as practicable, but not later than July 1, 2017. The state board's program guidelines describe the minimum criteria and requirements for on-road heavy-duty vehicles and the types of projects that can be incentivized to provide surplus emissions reductions from on-road heavy-duty vehicles through contracts or through the On-Road Heavy-Duty Voucher Incentive Program (VIP). The VIP guidelines allow for the early retirement of existing on-road heavy-duty vehicles, allowing these high-polluting vehicles to be replaced with newer, lower emission vehicles. The VIP guidelines further describe the minimum criteria and requirements for eligibility in the VIP, including, but not limited to, limiting the fleet size and vehicle weight class of eligible vehicles, excluding from program eligibility vehicles subject to the solid waste collection vehicle

rule and the fleet rule for transit agencies, and prohibiting the leasing of replacement vehicles. This bill would require the state board, upon appropriation by the Legislature, to develop project grant criteria and guidelines for a new On-Road Heavy-Duty Vehicle Incentive Program (VIP2) that shall provide additional incentives for projects eligible for program funding that are deployed in disadvantaged communities, as defined.

[AB 411](#) (Irwin D) Veterans Housing and Homeless Prevention Bond Act of 2022.

Last Amend: 3/1/2021

Status: 5/20/2021-In committee: Hearing postponed by committee.

Is Fiscal: Y

Location: 5/5/2021-A. APPR. SUSPENSE FILE

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

Summary: Would enact the Veterans Housing and Homeless Prevention Bond Act of 2022 to authorize the issuance of bonds in an amount not to exceed \$600,000,000 to provide additional funding for the VHHPA. The bill would provide for the handling and disposition of the funds in the same manner as the 2014 bond act.

[AB 464](#) (Mullin D) Enhanced Infrastructure Financing Districts: allowable facilities and projects.

Last Amend: 3/25/2021

Status: 6/14/2021-Read second time. Ordered to Consent Calendar.

Is Fiscal: N

Location: 6/10/2021-S. CONSENT CALENDAR

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

Summary: Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community, including, but not limited to, the acquisition, construction, or repair of industrial structures for private use. This bill would include, in the list of facilities and projects the district may fund, the acquisition, construction, or repair of commercial structures by the small business, as defined, occupant of such structures, if certain conditions are met, and facilities in which nonprofit community organizations provide health, youth, homeless, and social services.

[AB 482](#) (Ward D) Housing authorities: City of San Diego, County of San Bernardino, and County of Santa Clara: middle-income housing projects pilot program.

Last Amend: 3/17/2021

Status: 5/12/2021-Referred to Com. on HOUSING.

Is Fiscal: N

Location: 5/12/2021-S. HOUSING

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

Summary: The Housing Authorities Law authorizes a housing authority of a city or county to, among other things, prepare, carry out, acquire, lease, and operate housing projects and housing developments for persons of low income, as provided. Current law, until January 1, 2022, authorizes a housing authority located in the City of San Diego, the County of San Bernardino, or the County of Santa Clara to implement a pilot program to develop and finance a middle-income housing project, as defined, if the project receives gap financing, as defined. Current law requires any gap financing to be approved by the housing authority's legislative body, as provided. Current law requires the housing authority to provide a report to the Legislature, as specified, on and before January 1, 2020, and on or before January 1, 2022. This bill would extend the authority of a housing authority located in the City of San Diego, the County of San Bernardino, or the County of Santa Clara to implement the above-described pilot program from January 1, 2022, to January 1, 2026.

[AB 500](#) (Ward D) Local planning: permitting: coastal development.

Last Amend: 4/19/2021

Status: 6/9/2021-Referred to Coms. on N.R. & W., GOV. & F. and HOUSING.

Is Fiscal: Y

Location: 6/9/2021-S. N.R. & W.

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

Summary: Current law specifies various development standards with respect to development within the coastal zone and requires that lower cost visitor and recreational facilities be protected, encouraged, and, where feasible, provided. This bill would additionally require that housing

opportunities for persons of low and moderate income be protected, encouraged, and provided under those provisions. The bill would also require that new development in nonhazardous areas preserve and enhance the supply of higher density residential, multifamily residential, and mixed-use development in areas with adequate public transit.

Notes:

League of California Cities - Oppose

AB 571 (Mayes I) Planning and zoning: density bonuses: affordable housing.

Last Amend: 5/3/2021

Status: 6/9/2021-Referred to Coms. on HOUSING and GOV. & F.

Is Fiscal: Y

Location: 6/9/2021-S. HOUSING

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 in the city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to, among other things, construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents, including lower income students. Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would prohibit affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, from being imposed on a housing development's affordable units.

Notes:

BIA - Support

AB 585 (Rivas, Luz D) Climate change: Extreme Heat and Community Resilience Program.

Last Amend: 5/24/2021

Status: 6/3/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/3/2021-S. RLS.

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

Summary: Would establish the Extreme Heat and Community Resilience Program and would require the Office of Planning and Research to administer the program through the Integrated Climate Adaptation and Resiliency Program. Under the Extreme Heat and Community Resilience Program, the bill would require the Office of Planning and Research, as provided, to coordinate the state's efforts to address extreme heat and to facilitate the implementation of local, regional, and state climate change planning into effective projects through the awarding of competitive grants to eligible entities for implementation of those projects. The bill would establish the Extreme Heat and Community Resilience Fund in the State Treasury and would require the Office of Planning and Research, upon appropriation by the Legislature, to expend moneys in the fund for the implementation of the Extreme Heat and Community Resilience Program.

Notes:

League of California Cities - Support

AB 602 (Grayson D) Development fees: impact fee nexus study.

Last Amend: 5/4/2021

Status: 6/9/2021-Referred to Coms. on GOV. & F. and HOUSING.

Is Fiscal: Y

Location: 6/9/2021-S. GOV. & F.

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

Summary: Current law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions. This bill, among other things, would require, on and after January 1, 2022, a city, county, or special district that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.

Notes:
 BIA - Support
 League of California Cities - Oppose Unless Amended

AB 604 (Daly D) Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest.
Status: 6/3/2021-In Senate. Read first time. To Com. on RLS. for assignment.
Is Fiscal: Y
Location: 6/3/2021-S. RLS.

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

Summary: Would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to the Department of Transportation for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program.

AB 617 (Davies R) Planning and zoning: regional housing needs: exchange of allocation.
Status: 5/7/2021-Failed Deadline pursuant to Rule 61(a)(3). (Last location was H. & C.D. on 2/25/2021)(May be acted upon Jan 2021)
Is Fiscal: N
Location: 5/7/2021-A. 2 YEAR

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

Summary: Would authorize a city or county, by agreement, to transfer all or a portion of its allocation of regional housing need to another city or county. The bill would allow the transferring city to pay the transferee city or county an amount determined by that agreement, as well as a surcharge to offset the impacts and associated costs of the additional housing on the transferee city. The bill would also require the transferring city or county and the transferee city or county to report to the council of governments and the department specified information about the transfer, as provided.

Notes:
 OCCOG - Support
 ACCOC - Support

AB 634 (Carrillo D) Density Bonus Law.
Last Amend: 4/20/2021
Status: 6/3/2021-Referred to Com. on HOUSING.
Is Fiscal: N
Location: 6/3/2021-S. HOUSING

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 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 prescribes an application process for a city or county to follow in this regard. Current law specifies that, if permitted by local ordinance, that law is not to be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in these provisions for a development that meets specified requirements or from granting a proportionately lower density bonus than what is required for developments that do not meet these requirements. This bill would also provide that, if permitted by local ordinance, the Density Bonus Law is not to be construed to prohibit a city, county, or city and county from requiring an affordability period that is longer than 55 years for any units that qualified the applicant for the award for the density bonus developed in compliance with a local ordinance that requires, as a condition of development of residential units, that a development include a certain percentage of units that are affordable to, and occupied by low-income, lower income, very low income, or extremely low income households and that will be financed without low-income housing tax credits.

AB 687 (Seyarto R) Joint powers authorities: Riverside County Housing Finance Trust.
Status: 6/10/2021-From committee: Do pass and re-refer to Com. on HOUSING with recommendation: To Consent Calendar. (Ayes 5. Noes 0.) (June 10). Re-referred to Com. on HOUSING.
Is Fiscal: N
Location: 6/10/2021-S. HOUSING

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

Summary: Would authorize the creation of the Western Riverside County Housing Finance Trust, a joint powers authority, for the purposes of funding housing specifically assisting the homeless population and persons and families of extremely low, very low, and low income within the County of

Riverside as specified.

Notes:

OCCOG - Support
SCAG - Support

AB 713

(Garcia, Cristina D) State Air Resources Board: greenhouse gas emissions scoping plan: comprehensive health analysis.

Last Amend: 5/24/2021

Status: 6/9/2021-Referred to Com. on E.Q.

Is Fiscal: Y

Location: 6/9/2021-S. E.Q.

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

Summary: The State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state 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 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 This bill would require the state board to conduct a comprehensive health analysis in conjunction with the development of each update of the scoping plan that includes a framework to provide an overview of the breadth of health impacts and health benefits that may accrue from the outcomes in the scoping plan, as specified.

AB 787

(Gabriel D) Planning and zoning: housing element: converted affordable housing units.

Last Amend: 5/3/2021

Status: 6/9/2021-Referred to Com. on HOUSING.

Is Fiscal: Y

Location: 6/9/2021-S. HOUSING

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

Summary: Current law requires the planning agency of a city or county to provide an annual report that includes specified information by April 1 of each year to specified entities, including the Department of Housing and Community Development. Among other things, existing law requires that this report include the progress in meeting the city's or county's share of regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing, as specified. This bill would authorize a planning agency to include in its annual report the number of units in an existing multifamily building that were converted to deed-restricted rental housing for very low, low-, or moderate-income households by the imposition of affordability covenants and restrictions for the unit.

Notes:

OCCOG - Support
ACCOC - Support

AB 816

(Chiu D) State and local agencies: homelessness plan.

Last Amend: 5/4/2021

Status: 6/9/2021-Referred to Coms. on HOUSING, HUMAN S. and JUD.

Is Fiscal: Y

Location: 6/9/2021-S. HOUSING

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

Summary: Current law requires the Governor to create the Homeless Coordinating and Financing Council and to appoint up to 19 members of that council, as provided. Current law specifies the duties of the coordinating council, including creating partnerships among state agencies and departments, local government agencies, and specified federal agencies and private entities, for the purpose of arriving at specific strategies to end homelessness. This bill, upon appropriation by the Legislature or upon receiving technical assistance offered by the federal Department of Housing and Urban Development (HUD), if available, would require the coordinating council to conduct, or contract with an entity to conduct, a statewide needs and gaps analysis to, among other things, identify state programs that provide housing or services to persons experiencing homelessness and create a financial model that will assess certain investment needs for the purpose of moving persons experiencing homelessness into permanent housing.

Notes:

OCCOG - Oppose

[AB 897](#)

(Mullin D) Office of Planning and Research: regional climate networks: climate adaptation action plans.

Last Amend: 4/19/2021

Status: 6/3/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/3/2021-S. RLS.

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

Summary: Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state’s climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor’s office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.

Notes:

League of California Cities - Support

[AB 950](#)

(Ward D) Department of Transportation: sales of excess real property: affordable housing, emergency shelters, and feeding programs.

Last Amend: 5/27/2021

Status: 6/2/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/2/2021-S. RLS.

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

Summary: This bill would authorize the Department of Transportation to sell its excess real property to the city, county, or city and county where the real property is located if the city, county, or city and county agrees to use the real property for the sole purpose of implementing affordable housing, emergency shelters, or feeding programs, as specified. The bill would exempt these sales from the California Environmental Quality Act.

[AB 970](#)

(McCarty D) Planning and zoning: electric vehicle charging stations: permit application: approval.

Last Amend: 5/10/2021

Status: 6/2/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: N

Location: 6/2/2021-S. RLS.

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

Summary: Would require an application to install an electric vehicle charging station to be deemed complete if, 5 business days after the application was submitted, the city, county, or city and county has not deemed the application to be incomplete or issued a written correction notice detailing all deficiencies in the application, as specified. The bill would require an application to install an electric vehicle charging station to be deemed approved if 20 business days after the application was deemed complete, (1) the city, county, or city and county has not approved the application, (2) the building official has not made a finding that the proposed installation could have an adverse impact upon the public health or safety or required the applicant to apply for a use permit, (3) the building official has not denied the permit, and (4) an appeal has not been made to the planning commission of the city, county, or city and county, as specified.

Notes:

League of California Cities - Oppose

[AB 977](#)

(Gabriel D) Homelessness prevention programs: Homeless Management Information System.

Last Amend: 4/19/2021

Status: 6/9/2021-Referred to Coms. on HUMAN S., HOUSING and JUD.

Is Fiscal: Y

Location: 6/9/2021-S. HUM. S.

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

Summary: Would require, on or before July 1, 2022, that a grantee or entity operating specified state homelessness programs, including the No Place Like Home Program, as a condition of receiving state

funds, to enter the collected data elements on the individuals and families it serves into its local Homeless Management Information System, unless otherwise exempted by state or federal law. The bill would require the Homeless Coordinating and Financing Council to specify the form and substance of the required data elements. The bill would apply the data entry requirements to all new state homelessness programs that commence on or after July 1, 2022.

[AB 989](#) (Gabriel D) Housing Accountability Act: appeals: Housing Accountability Committee.

Last Amend: 5/3/2021

Status: 6/2/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/2/2021-S. RLS.

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, or conditioning approval in a manner that renders infeasible, specified housing development projects, including projects for very low, low-, or moderate-income households and projects for emergency shelters that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, unless the local agency makes specified written findings based on a preponderance of the evidence in the record. This bill would establish a Housing Accountability Committee, and would prescribe its membership.

Notes:

League of California Cities - Oppose

[AB 1029](#) (Mullin D) Housing elements: prohousing local policies.

Status: 6/3/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/3/2021-S. RLS.

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

Summary: Would add the preservation of affordable housing units through the extension of existing project-based rental assistance covenants to avoid the displacement of affected tenants and a reduction in available affordable housing units to the list of specified prohousing local policies.

[AB 1035](#) (Salas D) Department of Transportation and local agencies: streets and highways: recycled materials.

Last Amend: 4/5/2021

Status: 6/9/2021-Referred to Com. on TRANS.

Is Fiscal: Y

Location: 6/9/2021-S. TRANS.

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

Summary: Would require the Department of Transportation and a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method. The bill would require, on and after January 1, 2025, a local agency that has jurisdiction over a street or highway, to the extent feasible, to apply standard specifications that allow for the use of recycled materials in streets and highways, as specified. By increasing the duties of local agencies, this bill would impose a state-mandated local program.

Notes:

League of California Cities - Oppose Unless Amended

[AB 1049](#) (Davies R) Public Transportation Account: loan repayment.

Status: 3/4/2021-Referred to Com. on TRANS.

Is Fiscal: Y

Location: 3/4/2021-A. TRANS.

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

Summary: Current law requires the transfer of a specified portion of the sales tax on diesel fuel to the Public Transportation Account, a trust fund in the State Transportation Fund. Current law requires funds in the account to be allocated to various public transportation and transportation planning purposes, with specified revenues in the account to be allocated by the Controller to specified local transportation agencies for public transportation purposes, pursuant to the State Transit Assistance (STA) Program. Current law provides for each STA-eligible operator within the jurisdiction of the

allocating local transportation agency to receive a proportional share of the revenue-based program funds based on the qualifying revenues of that operator, as defined. The Budget Act of 2013 and the Budget Act of 2014 require the Controller, upon the order of the Director of Finance, to transfer specified amounts totaling up to \$55,515,000 as loans from the Public Transportation Account to the High-Speed Passenger Train Bond Fund. This bill would require \$54,000,000 from these loans to be repaid to the Public Transportation Account and would provide that these repaid funds are available, upon appropriation by the Legislature, to help offset the loss of revenues incurred by transit operators during the COVID-19 pandemic.

AB 1147 (Friedman D) Regional transportation plan: Active Transportation Program.

Last Amend: 6/10/2021

Status: 6/10/2021-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on E.Q.

Is Fiscal: Y

Location: 6/9/2021-S. E.Q.

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

Summary: Current law requires the Strategic Growth Council, by January 31, 2022, to complete an overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs. This bill would require the council to convene key state agencies, metropolitan planning agencies, and local governments to assist the council in completing the report.

AB 1220 (Rivas, Luz D) Homelessness: California Interagency Council on Homelessness.

Last Amend: 5/4/2021

Status: 5/20/2021-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 5/20/2021-S. RLS.

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

Summary: Would rename the Homeless Coordinating and Financing Council to the California Interagency Council on Homelessness and remove authorization for the Secretary of Business, Consumer Services and Housing's designee to serve as chair of the council. The bill would also change the composition of the council, as specified, including by creating and specifying the membership of an advisory committee to the council. The bill would also provide that the appointed members of the council or committees serve at the pleasure of their appointing authority. The bill would also require that upon request of the council, a state agency or department that administers one or more state homelessness programs, as described, to participate in council workgroups, task forces, or other similar administrative structures and to provide to the council any relevant information regarding those state homelessness programs.

AB 1258 (Nguyen R) Housing element: regional housing need plan: judicial review.

Last Amend: 3/22/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/4/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 4/30/2021-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 the Department of Housing and Community Development, in consultation with each council of governments, determines each region's existing and projected housing needs. Under existing law, upon making that determination, the council of governments may object to the determination, and the department is required to respond to an objection by making a final written determination. Current law requires that, based on the determination of the department, a council of governments, or for cities and counties without a council of governments, the department, adopts a final regional housing need plan that allocates a share of the regional housing need to each locality in the region. This bill would subject the department's final written determination of a region's housing needs to judicial review in an action brought by the council of governments. The bill would also subject the final regional housing need plan adopted by the council of governments or the department, as the case may be, to judicial review.

Notes:

AB 1260 (Chen R) California Environmental Quality Act: exemptions: transportation-related projects.

Status: 6/3/2021-Referred to Com. on E.Q.

Is Fiscal: Y

Location: 6/3/2021-S. E.Q.

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

Summary: CEQA includes exemptions from its environmental review requirements for numerous categories of projects, including, among others, projects for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use and projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission transit buses. This will would further exempt from the requirements of CEQA projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains.

AB 1322 (Rivas, Robert D) Land use: local measures: conflicts.

Last Amend: 5/4/2021

Status: 5/19/2021-Referred to Coms. on GOV. & F., JUD. and HOUSING.

Is Fiscal: N

Location: 5/19/2021-S. GOV. & F.

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

Summary: Current law authorizes the legislative body of any county or city to adopt ordinances that do certain things related to land use, including, but not limited to, regulating the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes, regulating the size and use of lots, yards, courts, and other open spaces, and the intensity of land use. This bill, among other things, would authorize a governing body, defined as a city council or board of supervisors, to commence proceedings pursuant to specified provisions, to determine whether a local measure, defined as any provision of the charter, general plan, or ordinances of the city, county, or city and county that has been approved by the electorate, is in conflict with any of the specified state laws regarding housing. The bill would provide that the governing body cannot be compelled to undertake those proceedings.

AB 1384 (Gabriel D) Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.

Status: 6/9/2021-Referred to Coms. on N.R. & W. and E.Q.

Is Fiscal: Y

Location: 6/9/2021-S. N.R. & W.

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

Summary: Would require the Strategic Growth Council to develop and coordinate a strategic resiliency framework that makes recommendations and identifies actions that are necessary to prepare the state for the most significant climate change impacts modeled for 2025, 2050, and beyond, among other goals. The bill would require state agencies identified in the strategic resiliency framework to collaboratively engage with regional entities to enhance policy and funding coordination and promote regional solutions and implementation and to proactively engage vulnerable communities whose planning and project development efforts have been disproportionately impacted by climate change, as provided. The bill would authorize the Treasurer, and the financing authorities that the Treasurer chairs, to assist state agencies by leveraging public and private capital investment to help with loans and other incentives to attain the goals identified in the strategic resiliency framework.

AB 1395 (Muratsuchi D) Greenhouse gases: carbon neutrality.

Last Amend: 5/4/2021

Status: 6/7/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/7/2021-S. RLS.

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

Summary: Would declare the policy of the state to achieve carbon neutrality as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter. The bill would require the State Air Resources Board to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals, to ensure that by 2045 statewide anthropogenic greenhouse gas emissions are reduced to at least 90% below the 1990 level, and to prioritize the use of nature-based solutions in California to achieve

carbon neutrality. The bill would require the state board to work with relevant agencies to establish criteria for the use of technology-based solutions for purposes of achieving these policy goals. The bill would impose other requirements on state agencies relating to working toward these policy goals.

[AB 1401](#) (Friedman D) Residential and commercial development: parking requirements.

Last Amend: 4/19/2021

Status: 6/2/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/2/2021-S. RLS.

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

Summary: Would prohibit a local government from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile walking distance of public transit, as defined. The bill would not preclude a local government from imposing requirements when a project provides parking voluntarily to require spaces for car share vehicles. The bill would prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a new multifamily or nonresidential development to provide electric vehicle parking spaces or parking spaces that are accessible to persons with disabilities, as specified.

Notes: League of California Cities - Oppose

[AB 1499](#) (Daly D) Transportation: design-build: highways.

Last Amend: 5/24/2021

Status: 6/2/2021-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 6/2/2021-S. RLS.

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

Summary: Current law authorizes regional transportation agencies, as defined, to utilize design-build procurement for projects on or adjacent to the state highway system. Current law also authorizes those regional transportation agencies to utilize design-build procurement for projects on expressways that are not on the state highway system, as specified. Current law repeals these provisions on January 1, 2024, or one year from the date that the Department of Transportation posts on its internet website that the provisions described below related to construction inspection services for these projects have been held by a court to be invalid. This bill would extend the operation of these provisions until January 1, 2034. The bill would require the department to submit a report to specified committees of the Legislature on or before January 1, 2033, on its experience with design-build procurement.

Notes:
OCTA - Support

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

Status: 4/22/2021-Referred to Coms. on L. GOV. and APPR.

Is Fiscal: N

Location: 4/22/2021-A. L. GOV.

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, or city and county, as applicable, and the proposition includes specified accountability requirements.

Notes:
ACCOC - Watch
SCAG - Support
OCBC - Oppose

[SB 1](#) (Atkins D) Coastal resources: sea level rise.

Last Amend: 3/23/2021

Status: 5/28/2021-Referred to Com. on NAT. RES.

Is Fiscal: Y

Location: 5/28/2021-A. NAT. RES.

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

Summary: The California Coastal Act of 1976 establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as provided. This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as provided. The bill would delete the timeframe specified above by which the commission is required to adopt these procedures.

Notes:

ACCOC - Watch
OCBC - Watch
League of California Cities - Support

[SB 5](#)

(Atkins D) Affordable Housing Bond Act of 2022.

Last Amend: 3/10/2021

Status: 3/18/2021-Re-referred to Coms. on HOUSING and GOV. & F.

Is Fiscal: Y

Location: 3/18/2021-S. HOUSING

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 2022, which, if adopted, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to fund affordable rental housing and homeownership programs. The bill would state the intent of the Legislature to determine the allocation of those funds to specific programs. This bill would provide for submission of the bond act to the voters at the November 8, 2022, statewide general election in accordance with specified law.

Notes:

OCCOG - Watch
ACCOC - Watch

[SB 6](#)

(Caballero D) Local planning: housing: commercial zones.

Last Amend: 4/12/2021

Status: 5/24/2021-Read third time. Passed. (Ayes 32. Noes 2.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Is Fiscal: Y

Location: 5/24/2021-A. DESK

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. This bill, the Neighborhood Homes Act, would deem a housing development project, as defined, an allowable use on a neighborhood lot, which is defined as a parcel within an office or retail commercial zone that is not adjacent to an industrial use. The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction.

Notes:

OCCOG - Oppose
ACCOC - Oppose
OCBC - Support If Amended

[SB 7](#)

(Atkins D) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.

Last Amend: 2/18/2021

Status: 5/20/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 19, Statutes of 2021.

Is Fiscal: Y

Location: 5/20/2021-S. CHAPTERED

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

Summary: Would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, which would reenact the former leadership act, with certain changes, and would authorize the Governor, until January 1, 2024, to certify projects that meet specified requirements for streamlining benefits related to CEQA. The bill would additionally include housing development projects, as defined, meeting certain conditions as projects eligible for certification. The bill would, except for those housing development projects, require the quantification and mitigation of the impacts of a project from the emissions of greenhouse gases, as provided. The bill would revise and recast the labor-related requirements for projects undertaken by both public agencies and private entities. The bill would provide that the Governor is authorized to certify a project before the lead agency certifies the final EIR for the project.

Notes:

OCCOG - Support
 SCAG - Support
 ACCOC - Watch

SB 8

(Skinner D) Housing Crisis Act of 2019.

Last Amend: 6/1/2021

Status: 6/1/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on H. & C.D.

Is Fiscal: Y

Location: 5/28/2021-A. H. & C.D.

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

Summary: Would clarify, for various purposes of the Housing Crisis Act of 2019, that "housing development project" includes projects that involve no discretionary approvals, projects that involve both discretionary and nondiscretionary approvals, and projects that include a proposal to construct a single dwelling unit. The bill would specify that this clarification is declaratory of existing law.

Notes:

OCCOG - Watch
 BIA - Support
 ACCOC - Oppose

SB 9

(Atkins D) Housing development: approvals.

Last Amend: 4/27/2021

Status: 6/10/2021-From committee: Do pass and re-refer to Com. on H. & C.D. (Ayes 5. Noes 1.) (June 9). Re-referred to Com. on H. & C.D.

Is Fiscal: Y

Location: 6/9/2021-A. H. & C.D.

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

Summary: The Planning and Zoning Law 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. This bill, among other things, would require 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, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

Notes:

OCCOG - Oppose
 ACCOC - Oppose
 League of California Cities - Oppose
 SCAG - Oppose Unless Amended
 OCBC - Support

SB 10

(Wiener D) Planning and zoning: housing development: density.

Last Amend: 6/14/2021

Status: 6/14/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on H. & C.D.

Is Fiscal: N

Location: 6/10/2021-A. H. & C.D.

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

Summary: Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act.

Notes:

- OCCOG - Oppose Unless Amended
- ACCOC - Watch
- SCAG - Support If Amended
- OCBC - Support

SB 12

(McGuire D) Local government: planning and zoning: wildfires.

Last Amend: 5/4/2021

Status: 6/10/2021-Referred to Coms. on L. GOV. and H. & C.D.

Is Fiscal: Y

Location: 6/10/2021-A. L. GOV.

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

Summary: Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.

Notes:

- OCCOG - Oppose Unless Amended
- BIA - Oppose Unless Amended
- OCBC - Oppose Unless Amended

SB 15

(Portantino D) Housing development: incentives: rezoning of idle retail sites.

Last Amend: 5/20/2021

Status: 6/2/2021-In Assembly. Read first time. Held at Desk.

Is Fiscal: Y

Location: 6/1/2021-A. DESK

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

Summary: Current law establishes, among other housing programs, the Workforce Housing Reward Program, which requires the Department of Housing and Community Development to make local assistance grants to cities, counties, and cities and counties that provide land use approval to housing developments that are affordable to very low and low-income households. This bill, upon appropriation by the Legislature in the Budget Act or other act, would require the department to administer a program to provide incentives in the form of grants allocated as provided to local governments that rezone idle sites used for a big box retailer or a commercial shopping center to instead allow the development of housing, as defined.

Notes:

- OCCOG - Support
- ACCOC - Support
- OCBC - Watch
- SCAG - Support

SB 44

(Allen D) California Environmental Quality Act: streamlined judicial review: environmental leadership transit projects.

Last Amend: 4/27/2021

Status: 6/3/2021-Referred to Coms. on NAT. RES. and JUD.

Is Fiscal: Y

Location: 6/3/2021-A. NAT. RES.

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

Summary: Would establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for an environmental leadership transit project, as defined, proposed by a public or private entity or its affiliates. The bill would require the Judicial Council, on or before April 1, 2022, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 calendar 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 an environmental leadership transit project. The bill would require the environmental leadership transit project to meet certain labor requirements.

Notes:

SCAG - Support

[SB 45](#)

(Portantino D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.

Last Amend: 4/8/2021

Status: 6/1/2021-Ordered to inactive file on request of Senator Portantino.

Is Fiscal: Y

Location: 6/1/2021-S. INACTIVE FILE

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

Summary: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,595,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

[SB 83](#)

(Allen D) Sea Level Rise Revolving Loan Program.

Last Amend: 5/20/2021

Status: 6/3/2021-Referred to Com. on NAT. RES.

Is Fiscal: Y

Location: 6/3/2021-A. NAT. RES.

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

Summary: Current law establishes in state government the Ocean Protection Council. Current law requires the council to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Current law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing and administering various programs intended to preserve, protect, and restore the state's coastal areas. This bill would require the council, in consultation with the conservancy, to develop the Sea Level Rise Revolving Loan Program for purposes of providing low-interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property, as provided.

[SB 99](#)

(Dodd D) Community Energy Resilience Act of 2021.

Last Amend: 4/12/2021

Status: 5/28/2021-Referred to Com. on U. & E.

Is Fiscal: Y

Location: 5/28/2021-A. U. & E.

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

Summary: This bill, the Community Energy Resilience Act of 2021, would require the commission to develop and implement a grant program for local governments to develop community energy resilience plans and expedite permit review of distributed energy resources. The bill would authorize a community choice aggregator or other regional energy collaborative to apply for funding and prepare a community energy resilience plan on behalf of one or more of the local governments it serves upon request of that local government. The bill would set forth guiding principles for plan development, including equitable access to reliable energy, as provided. The bill would require plans to be consistent with the city, county, or city and county general plan and other local government planning documents.

[SB 214](#)

(Bates R) Neighborhood electric vehicles: County of Orange: Ranch Plan Planned Community.

Status: 5/20/2021-Referred to Com. on TRANS.

Is Fiscal: Y

Location: 5/20/2021-A. TRANS.

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

Summary: Current law, until January 1, 2022, authorizes the County of Orange to establish a neighborhood electric vehicle (NEV) transportation plan for the Ranch Plan Planned Community in that county. Current law requires the plan to include specified elements, including provisions relating to parking, charging, NEV only lanes, and shared use with conventional vehicle lanes. Current law makes operating a NEV in violation of certain provisions an infraction. This bill would repeal the January 1, 2022, sunset date, thereby indefinitely extending the County of Orange’s authority to establish a NEV transportation plan for the Ranch Plan Planned Community.

Notes:

OCBC - Support

[SB 261](#)

(Allen D) Regional transportation plans: sustainable communities strategies.

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/15/2021) (May be acted upon Jan 2022)

Is Fiscal: Y

Location: 4/30/2021-S. 2 YEAR

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

Summary: current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires that each regional transportation plan include a sustainable communities strategy developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 established by the State Air Resources Board. This bill would require that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the board. The bill would make various conforming changes to integrate those additional targets into regional transportation plans.

Notes:

- OCCOG - Oppose Unless Amended
- SCAG - Oppose Unless Amended
- OCTA - Oppose Unless Amended
- OCBC - Oppose
- CALCOG - Oppose
- BIA - Oppose
- ACCOC - Oppose

[SB 274](#)

(Wieckowski D) Local government meetings: agenda and documents.

Last Amend: 4/5/2021

Status: 5/13/2021-Referrred to Com. on L. GOV.

Is Fiscal: Y

Location: 5/13/2021-A. L. GOV.

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

Summary: The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

Notes:

- OCTA - Neutral
- Transportation Corridor Agencies - Oppose

[SB 290](#)

(Skinner D) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.

Status: 5/28/2021-Referrred to Coms. on H. & C.D. and L. GOV.

Is Fiscal: Y

Location: 5/28/2021-A. H. & C.D.

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

Summary: Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would require a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based. The bill would require a city or county to grant one incentive or concession for a student housing development project that will include at least 20% of the total units for lower income students.

[SB 339](#)

(Wiener D) Vehicles: road usage charge pilot program.

Last Amend: 6/14/2021

Status: 6/14/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.

Is Fiscal: Y

Location: 6/10/2021-A. TRANS.

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

Summary: Current law requires the Chair of the California Transportation Commission to create a Road Usage Charge (RUC) Technical Advisory Committee in consultation with the Secretary of Transportation. Under existing law, the purpose of the technical advisory committee is to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system. Current law requires the technical advisory committee to study RUC alternatives to the gas tax, gather public comment on issues and concerns related to the pilot program, and make recommendations to the Secretary of Transportation on the design of a pilot program, as specified. Current law repeals these provisions on January 1, 2023. This bill would extend the operation of these provisions until January 1, 2027.

Notes:

OCTA - Support
CALCOG - Support

[SB 342](#)

(Gonzalez D) South Coast Air Quality Management District: board membership.

Last Amend: 5/26/2021

Status: 6/4/2021-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 6/3/2021)(May be acted upon Jan 2022)

Is Fiscal: N

Location: 6/4/2021-S. 2 YEAR

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

Summary: Current law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board, consisting of 13 members. This bill would add 2 members to the district board, appointed by the Senate Committee on Rules and the Speaker of the Assembly. The bill would require the 2 additional members to reside in and work directly with communities in the South Coast Air Basin that are disproportionately burdened by and vulnerable to high levels of pollution and issues of environmental justice. The bill would also require a candidate for these positions to meet other specified requirements.

Notes:

OCBC - Oppose

[SB 477](#)

(Wiener D) General plan: annual report.

Last Amend: 5/20/2021

Status: 6/3/2021-Referred to Coms. on H. & C.D. and L. GOV.

Is Fiscal: Y

Location: 6/3/2021-A. H. & C.D.

Desk	Policy	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. That law requires the planning agency of a city or county to provide, by April 1 of each year, an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of applications submitted, the location and total number of developments approved, the number of building permits issued, and the number of units constructed

pursuant to a specific streamlined, ministerial approval process. This bill would, commencing January 1, 2024, require a planning agency to include in that annual report specified information on costs, standards, and applications for proposed housing development projects and specified information on housing development projects within the jurisdiction.

[SB 478](#) (Wiener D) Planning and Zoning Law: housing development projects.

Last Amend: 5/20/2021

Status: 6/3/2021-Referred to Coms. on H. & C.D. and L. GOV.

Is Fiscal: Y

Location: 6/3/2021-A. H. & C.D.

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

Summary: The Planning and Zoning Law requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the 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. Would prohibit a local agency, as defined, from imposing a floor-to-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. The bill would prohibit a local agency from imposing a lot coverage requirement that would preclude a housing development project from achieving the floor-to-area ratios described above.

Notes:

OCCOG - Oppose

ACCOC - Oppose

[SB 581](#) (Atkins D) General plan.

Status: 6/9/2021-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 8. Noes 0.) (June 8). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 6/8/2021-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 a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide by April 1 of each year an annual report to, among other entities, the Department of Housing and Community Development. The law requires that the annual report include, among other specified information, the number of housing development applications received and the number of units approved and disapproved in the prior year. This bill would additionally require the planning agency include in the annual report whether the city or county is a party to a court action related to a violation of state housing law, and the disposition of that action.

[SB 582](#) (Stern D) Climate Emergency Mitigation, Safe Restoration, and Just Resilience Act of 2021.

Last Amend: 5/20/2021

Status: 6/4/2021-Failed Deadline pursuant to Rule 61(a)(8). (Last location was INACTIVE FILE on 6/3/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 6/4/2021-S. 2 YEAR

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

Summary: Would require the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to at least 40% and up to 80% below the 1990 level by 2030. By expanding the scope of a crime, this bill would imposed a state-mandated local program. The bill would adopt a state policy to lead a global effort to restore oceanic and atmospheric concentrations of greenhouse gas emissions to preindustrial levels as soon as possible to secure a safe climate for all, and to restore community health and reverse the impacts from the damage and injustice climate change is causing to the people, the economy, and the environment of California. The bill would require the Secretary of the Natural Resources Agency, in coordination with the Secretary for Environmental Protection and the State Air Resources Board, and concurrent with the scoping plan, to develop a climate restoration plan that specifies carbon removal targets, before 2035, as necessary to facilitate achievement of those goals.

Notes:

OCBC - Oppose

SB 623

(Newman D) Electronic toll and transit fare collection systems.

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was JUD. on 4/13/2021) (May be acted upon Jan 2022)

Is Fiscal: Y

Location: 4/30/2021-S. 2 YEAR

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

Summary: Current law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system in compliance with specified objectives, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Current law authorizes operators of toll facilities on federal-aid highways engaged in an interoperability program to provide only specified information regarding a vehicle's use of the toll facility. This bill would authorize those operators to provide instead only the information specified in functional specifications and standards adopted by the department and operators of toll facilities in this state on federal-aid highways for purposes of interstate interoperability.

Notes:

- OCCOG - Support
- OCTA - Support
- OCBC - Support
- TCA - Support
- SCAG - Support

SB 640

(Becker D) Transportation financing: jointly funded projects.

Last Amend: 5/20/2021

Status: 6/10/2021-Referred to Com. on TRANS.

Is Fiscal: Y

Location: 6/10/2021-A. TRANS.

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

Summary: Current law provides for the deposit of various funds, including revenues from certain increases in fuel taxes and vehicle fees, for the program into the Road Maintenance and Rehabilitation Account. After certain allocations for the program are made, existing law requires the remaining funds available for the program to be continuously appropriated 50% for allocation to the department for maintenance of the state highway system or for the State Highway Operation and Protection Program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Current law requires a city or county to submit to the California Transportation Commission a list of proposed projects, as specified, to be eligible for an apportionment of those funds. This bill would authorize cities and counties to propose projects to be jointly funded by the cities and counties' apportionments of those funds, as specified.

Notes:

- League of California Cities - Support
- OCTA - Support

SB 649

(Cortese D) Local governments: affordable housing: local tenant preference.

Last Amend: 4/19/2021

Status: 5/20/2021-Referred to Com. on H. & C.D.

Is Fiscal: N

Location: 5/20/2021-A. H. & C.D.

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

Summary: Would establish a state policy supporting local tenant preferences for lower income households, as defined, that are subject to displacement risk, and, further, permit local governments and developers in receipt of local or state funds, federal or state tax credits, or an allocation of tax-exempt private activity bonds designated for affordable rental housing to restrict occupancy by creating a local housing preference for lower income households subject to displacement risk. The bill, subject to certain requirements and limitations, would authorize a local government to allow a local tenant preference in an affordable housing rental development to reduce displacement of lower income households with displacement risk beyond local government boundaries by adopting a program that allows preferences in affordable rental housing acquired, constructed, preserved or funded with state or local funds or tax programs.

SB 671

(Gonzalez D) Transportation: Clean Freight Corridor Efficiency Assessment.

Last Amend: 4/28/2021

Status: 6/3/2021-Referred to Coms. on TRANS. and NAT. RES.

Is Fiscal: Y

Location: 6/3/2021-A. TRANS.

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

Summary: Would establish the Clean Freight Corridor Efficiency Assessment, to be developed by the California Transportation Commission, in coordination with other state agencies. In developing the assessment, the bill would require the commission to identify freight corridors, or segments of corridors, throughout the state that would be priority candidates for the deployment of zero-emission medium- and heavy-duty vehicles. The bill would require the commission to submit a report containing the assessment’s findings and recommendations to certain committees of the Legislature by December 31, 2023. The bill would require the assessment’s findings and recommendations to be incorporated into the development of the California Transportation Plan.

[SB 726](#)

(Gonzalez D) Alternative fuel and vehicle technologies: Sustainable Transportation Strategy.

Last Amend: 4/21/2021

Status: 6/10/2021-Referred to Coms. on NAT. RES. and TRANS.

Is Fiscal: Y

Location: 6/10/2021-A. NAT. RES.

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

Summary: Would require the state board and the State Energy Resources Conservation and Development Commission, in coordination with specified state agencies, to jointly develop, no later than January 1, 2024, a comprehensive transportation sustainability strategy to be known as the Sustainable Transportation Strategy. The bill would require the strategy to identify overall greenhouse gas emissions reductions goals and criteria pollutant reduction goals for the transportation sector, and to identify the sustainable transportation goals and programs that are intended to reduce emissions in the transportation sector to achieve those emissions reductions goals. The bill would require the strategy to develop deployment goals for each sustainable transportation goal and program identified in the strategy and would require specified state agencies to adopt those deployment goals.

[SB 728](#)

(Hertzberg D) Density Bonus Law: purchase of density bonus units by nonprofit housing organizations.

Last Amend: 4/15/2021

Status: 6/10/2021-Referred to Coms. on H. & C.D. and L. GOV.

Is Fiscal: Y

Location: 6/10/2021-A. H. & C.D.

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

Summary: Current law, commonly referred to as 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, among other options, specified percentages of units for moderate-income or, lower, or very low income households and meets other requirements. Current law requires the developer and the city or county to ensure that the initial occupant of a for-sale unit that qualified the developer for the award of the density bonus is a person or family of very low, low, or moderate income. This bill, as an alternative to ensuring that the initial occupant of a for-sale unit is a person or family of the required income, would authorize the developer and the city or county to ensure that 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, 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.

[SB 765](#)

(Stern D) Accessory dwelling units: setbacks.

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was HOUSING on 3/3/2021)(May be acted upon Jan 2022)

Is Fiscal: Y

Location: 4/30/2021-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, 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 prohibits a local agency’s accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or

a new structure constructed in the same location and to the same dimensions as an existing structure. This bill would remove the above-described prohibition on a local agency's accessory dwelling unit ordinance, and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible.

Notes:

OCCOG - Support
 League of California Cities - Support

SB 778 (Becker D) Planning and zoning: accessory dwelling units: mixed-use or multifamily structures.

Last Amend: 5/3/2021

Status: 5/28/2021-Referred to Coms. on H. & C.D. and L. GOV.

Is Fiscal: Y

Location: 5/28/2021-A. H. & C.D.

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 ministerially approve an application for a building permit within a residential or mixed-use zone to create multiple accessory dwelling units within the portions of an existing multifamily dwelling structure that are not used as livable space, if each unit complies with state building standards for dwellings. Current law requires a local agency to allow at least one accessory dwelling unit within an existing multifamily dwelling structure and up to 25% of the existing multifamily dwelling units. This bill, until January 1, 2025, would specify that a local agency is required to allow an accessory dwelling unit under these provisions within an existing mixed-use or multifamily structure, and that the accessory dwelling unit may be constructed within portions of the structure used for commercial space, industrial space, retail space, or other vacant space if each unit complies with state building standards for dwellings.

SCA 2 (Allen D) Public housing projects.

Status: 4/29/2021-From committee: Be adopted and re-refer to Com. on E. & C.A. with recommendation: To consent calendar. (Ayes 9. Noes 0.) (April 29). Re-referred to Com. on E. & C.A.

Is Fiscal: N

Location: 4/29/2021-S. E. & C.A.

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

Summary: The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as specified. This measure would repeal these provisions.

Notes:

SCAG - Support

Total Measures: 75

Total Tracking Forms: 75



AGENDA ITEM # 5

Memorandums of Understanding with OCHT and OCHFT for Use of REAP Funds

STAFF RECOMMENDATION

Approve the following Memorandums of Understanding for the Use of REAP funds:

1. Memorandum of Understanding with Orange County Housing Trust (“OCHT”)
2. Memorandum of Understanding with Orange County Housing Fund Trust

SUMMARY

Staff is requesting approval by the OCCOG Board of Directors of the separate Memorandums of Understanding between the OCCOG and OCHT and OCHFT for the Use of REAP funds.

BACKGROUND

OCCOG is approved to receive Regional Early Action Planning (“REAP”) grant funding to support the preparation of housing elements, provide jurisdictions with support on multiple ways for implementation of updated housing-related laws, and support the development of housing for low- and very low-income residents, including permanent supportive housing for the County’s most vulnerable populations.

OCHT is a 501(c)(3) nonprofit private capital-funded housing trust to provide gap financing for the acquisition, development or construction of supportive and affordable housing projects for developers with the goal of addressing homelessness in Orange County. OCHFT, a joint powers authority comprised of the County of Orange and 23 Orange County cities, helps provide financing for affordable and permanent supportive housing for the lowest-income households and homeless communities. At its August 27, 2020 Board meeting, funding was approved for both OCHT and OCHFT for various projects that further the purpose and intent of the REAP grant funding.

OCCOG’s General Counsel prepared a separate Memorandum of Understanding with OCHT and OCHFT to implement the Board’s approval of the services to be provided by each entity. Each Memorandum of Understanding obligates the contracting entity to comply with all aspects of the MOU with SCAG for the administration of the REAP Grant. The services to be provided by each entity are as follows:

01115.0001/723831.1



1. **OCHT Memorandum of Understanding Tasks:**

- Strategic Plan. OCHT shall develop a strategic plan supporting certification as either a Community Development Financial Institution or Community Development Entity to attract housing development funding to Orange County. OCHT will contract with a consultant to facilitate strategic planning sessions with its Board of Directors and stakeholders to determine which certification path best aligns with the planned strategies and goals. OCHT or its consultant shall prepare strategic plan setting forth goals for a 3-year period, including outcomes and key performance indicators.
- CDE/CDFI Certifications. OCHT will seek Certification as a Community Development Entity (“CDE”) or Community Development Financial Institutions (CDFI) to bring additional funding to Orange County to promote affordable housing options and accelerate the building of new housing in our communities. The Department of Treasury’s CDFI and New Markets Tax Credit Funds disburse millions of dollars each year to CDFI’s and CDE’s as no cost grants or low-cost loans. Certification as a CDE or CDFI will assist OCHT in accessing low cost or no cost capital that will be used to accelerate housing production in Orange County, leveraging capital raised in the private sector.

2. **OCHFT Memorandum of Understanding Tasks:**

- NOFA and Applications. OCHFT has secured commitments for funding from the County and will secure additional matching capital funding from the State of California for the next 4 years. This capital funding will be awarded to affordable housing developments that have gone through a Notice of Funding Availability (NOFA) application process. OCHFT will prepare templates for a NOFA document and NOFA application for future funding availability. It is anticipated that OCHFT 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.
- Loan Agreement Templates. OCHFT will provide loans to developers producing Permanent Supportive Housing (PSH) units in Orange County to meet its goal of producing 2,700 new PSH units by 2025. OCHFT will develop templates for both the construction and permanent loan agreements it intends to issue to qualified developers.
- Loan Compliance Monitoring. OCHFT will prepare Loan Compliance Monitoring Checklists for both construction and permanent loans issued by OCHFT. These checklists will ensure that borrowers are meeting the terms of the loans issued by OCHFT and will ensure that the housing production that OCHFT has committed to is realized and action items are completed in a timely manner.
- Strategic Planning. OCHFT will update its Five-Year Strategic Plan help identify new sources of funding for housing production, and to ensure that OCHFT is using existing funding as efficiently as possible.

01115.0001/723831.1



- Housing Opportunities Mapping. OCHFT will update its website GIS map to identify communities within Orange County that are most in need of housing resources, and to track the progress of the development of 2,700 new PSH units by 2025.
- Capital Funding Procurement. OCHFT will seek out and apply for funding to aggregate and loan out to affordable housing developers in Orange County, with the goal of producing 2,700 new PSH units by 2025.

ATTACHMENTS

- A. Memorandum of Understanding between OCCOG and OCHT for the Use of REAP Funds.
- B. Memorandum of Understanding between OCCOG and OCHFT for the Use of REAP Funds.

STAFF CONTACT

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

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

MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

THIS MEMORANDUM OF UNDERSTANDING FOR USE OF REAP FUNDS (“**Agreement**”) by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California Joint Powers Authority (“**OCCOG**”) and the ORANGE COUNTY HOUSING TRUST, INC., a California non-profit public benefit corporation (“**OCHT**”) is made and entered into , on this ____ day of May, 2021. OCCOG and are sometimes individually referred to as “**Party**” and collectively as “**Parties.**”

RECITALS

- A. OCCOG has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the services defined and described particularly in Article 1 of this Agreement.
- B. OCCOG has been approved to receive Regional Early Action Planning (“REAP”) grant funding of \$3,245,000 to support the preparation of housing elements, provide jurisdictions with support on multiple ways for implementation of updated housing-related laws, and support the development of housing for low- and very low-income residents, including permanent supportive housing for our most vulnerable populations.
- C. OCHT is a 501(c)(3) nonprofit private capital-funded housing trust to provide gap financing for the acquisition, development or construction of supportive and affordable housing projects for developers with the goal of addressing homelessness in Orange County.
- D. At its August 27, 2020 Board meeting, the OCCOG Board approved a list of projects for submittal to the Southern California Association of Governments (“SCAG”) under the sub-regional partnership component of the REAP and was approved to provide funding to OCHT for various OCHT activities that further the purpose and intent of the REAP grant funding.
- E. The Parties desire to formalize the selection of OCHT for performance of those services defined and described particularly in Exhibit “A” of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

NOW, THEREFORE, OCCOG and OCHT agree as follows:



MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

1. Scope of Services.

a. OCHT shall provide the services set forth in **Exhibit A** (“Program”) during the term of this Agreement and in accordance with the budget attached as **Exhibit A** and **Exhibit B** are attached hereto and incorporated herein by this reference.

b. OCHT shall oversee the implementation and administration of the Program, including supervising staff, supervising and monitoring the Program, advertising the Program to the public, and providing supplies for the Program

c. OCHT activities that are subject to this Agreement shall at all times abide by and, as OCCOG’s consultant, accept obligations imposed on OCCOG under the terms of the Memorandum of Understanding (“SCAG-OCCOG MOU”) between OCCOG and SCAG for the Subregional REAP Grant dated March 25, 2021, a true and correct copy of which is attached as **Exhibit C**.

2. Performance.

a. In performing the Program, OCHT shall comply will all federal, state, and local requirements applicable to projects funded by REAP grants, including as outlined in the SCAG-OCCOG MOU. in the event of a conflict between the reap grant requirements and the other provisions of this Agreement, the REAP grant requirements shall prevail.

b. OCCOG shall monitor the Program and notify OCHT of any substandard performance. OCHT shall endeavor to correct the substandard performance as and within the time required by OCCOG and work with OCCOG to address any deficiencies.

c. OCHT shall perform the Program within the term of the Agreement as set forth in Section 4.

3. Term of Agreement.



MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

a. This Agreement shall begin on June 1, 2021 and shall expire upon completion of the tasks described in the Program, which completion shall in no event be later than June 30, 2023.

b. Notwithstanding the expiration of the Agreement, OCHT shall remain subject to the provisions of this Agreement as long as Program income or assets obtained with REAP funds remain, and the close-out period has not ended. During the close-out period, OCHT shall make final payments to its consultants, contractors and subcontractors, deploy Program assets and return to SCAG any unused REAP funds.

4. Suspension and Termination.

a. OCCOG may suspend or terminate this Agreement if OCCOG's Executive Director determines that OCHT materially failed to comply with any term of this Agreement or the grant award consistent with the SCAG-OCCOG MOU.

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

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

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

5. Compensation.



MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

a. Subject to any limitations set forth in this Agreement, OCCOG agrees to pay OCHT the amounts specified in the Budget attached hereto as **Exhibit B** and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00), which shall be inclusive of all fees, costs and expenses of any kind (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.10.

b. OCHT shall provide OCCOG detailed invoices, using the form invoice required by SCAG (the form of which is shown on Exhibit C of the SCAG-OCCOG MOU), no more often than once per month showing specified tasks or the percentage of completion of the Program, as further described below in this Section 5.b, not to exceed the Contract Sum. All invoices shall be submitted by email to Marnie Primmer, OCCOG Executive Director. Each invoice is to include:

- i. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.
- ii. Line items for all materials and equipment properly charged to the Services.
- iii. Line items for all other approved reimbursable expenses claimed, with supporting documentation.
- iv. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.

c. OCCOG shall independently review each invoice submitted by the OCHT 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 OCHT which are disputed by OCCOG, or as provided in this Agreement, OCCOG will use its best efforts to cause OCHT to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice. OCHT acknowledges and hereby agrees that payment of each invoice will be made by OCCOG after prepayment by SCAG pursuant to the terms of the SCAG-OCCOG MOU attached as Exhibit C hereto. In the event any charges or expenses are disputed by OCCOG or SCAG, the original invoice shall be returned by OCCOG to OCHT for correction and resubmission. Review and payment by OCCOG for any invoice provided by the OCHT shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

6. Records.



MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

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

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

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

c. OCHT shall maintain client data demonstrating affordable income client eligibility for housing services provided, if applicable. Such data shall include, but not be limited to, the client's name, address, income level or other basis for determining eligibility, and a description of the services provided to the client. OCHT shall maintain the confidentiality of client data and shall not disclose client data, except as required by law or as required by the administration of OCCOG and OCHT's duties under this Agreement.

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



MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

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

7. Reports.

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

8. REAP Program Recognition.

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

9. Conflict of Interest.

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

10. Equal Employment Opportunity.

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

11. Contracting.



MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

a. OCHT shall consult and collaborate with OCCOG on any contract funded in whole or in part with REAP funds. OCHT shall ensure that all contracts funded whole or in part with REAP funds are awarded after fair and open competition and in accordance with the provisions of the SCAG-OCCOG MOU.

b. OCHT shall provide OCCOG with all contracts funded in whole or in part with REAP funds along with documentation of the award process.

12. Amendment.

Any modifications to this Agreement shall be effective only when agreed to in writing by the duly authorized representatives of both OCCOG and OCHT.

13. Entire Agreement.

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

[SIGNATURES ON FOLLOWING PAGE]



Orange County Council of Governments

MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

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

OCCOG

OCHT

**ORANGE COUNTY COUNCIL OF
GOVERNMENTS**

ORANGE COUNTY HOUSING TRUST, INC.

Marnie O'Brien Primmer

Helen O'Sullivan

APPROVED AS TO FORM

Fred Galante, General Counsel



MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

EXHIBIT A

SCOPE OF SERVICES

OCHT shall perform the following tasks comprising the Program covered by this Agreement, which tasks shall be accomplished within the Contract Sum:

Key Deliverables/Tasks/Performance Indicators:

STRATEGIC PLAN

OCHT shall develop a strategic plan supporting certification as either a Community Development Financial Institution or Community Development Entity to attract housing development funding to Orange County. OCHT will contract with a consultant to facilitate strategic planning sessions with its Board of Directors and stakeholders to determine which certification path best aligns with the planned strategies and goals. OCHT or its consultant shall prepare strategic plan setting forth goals for a 3-year period, including outcomes and key performance indicators.

By creating its 3-year strategic plan, OCHT will be increasing planning to accelerate housing production in Orange County. OCHT's strategic planning process will include reaching out to cities to assess housing needs as well as developers to assess types of housing finance needed. The 3-year strategic plan will provide a roadmap for 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,



MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

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

CDE/CDFI CERTIFICATIONS

SCAG promotes partnerships between the private sector and public sector, commonly known as PPPs. Further, SCAG's Connect SoCal plan champions the development of housing for all income levels in jobs rich and transit rich areas of our region. OCHT has been a positive force for bringing new housing to Orange County for over a decade. Certification as a Community Development Entity ("CDE") or Community Development Financial Institutions (CDFI) is a natural progression for OCHT to seek to bring additional funding to Orange County to promote affordable housing options and accelerate the building of new housing in our communities.

The Department of Treasury's CDFI and New Markets Tax Credit Funds disburse millions of dollars each year to CDFI's and CDE's as no cost grants or low-cost loans. Certification as a CDE or CDFI will assist OCHT in accessing low cost or no cost capital that will be used to accelerate housing production in Orange County, leveraging capital raised in the private sector.

Certification of CDFI/CDE is a key strategy in accessing low- and no-cost capital for the financing of affordable housing development from federal source (US Department of Treasury) through either its New Markets Tax Credit program or its CDFI program. OCHT seeks to obtain certification to supplement private sector capital raising. To access these tools to raise capital, OCHT must become certified.

Expected Outcome



MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

Plan for acquisition of additional private and federal funding sources to support affordable housing development in Orange County. This includes awards of new markets tax credits to be sold to the private sector for-profit companies or a financial assistance or capital magnet fund award, which will provide a match for private sector funds raised for financing affordable housing production.

Related Tasks/ Other funding sources

No other resources will be accessed to fund the strategic planning. OCHT will contribute staff time to work with its strategic planning consultant and temporary staff to provide all required data to produce the deliverables required by this Agreement.



Orange County Council of Governments

MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

EXHIBIT B

PROGRAM BUDGET



Orange County Council of Governments

MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY COUNCIL OF
GOVERNMENTS AND THE ORANGE COUNTY HOUSING TRUST
FOR THE USE OF REAP FUNDS

EXHIBIT C

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

[See following pages]



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

THIS MEMORANDUM OF UNDERSTANDING FOR USE OF REAP FUNDS (“**Agreement**”) by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California Joint Powers Authority (“**OCCOG**”) and the ORANGE COUNTY HOUSING FUND TRUST, a California Joint Powers Authority (“**OCHFT**”) is made and entered into on this ____ day of May, 2021. OCCOG and are sometimes individually referred to as “**Party**” and collectively as “**Parties.**”

RECITALS

- A. OCCOG has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the services defined and described particularly in Article 1 of this Agreement.
- B. OCCOG has been approved to receive Regional Early Action Planning (“REAP”) grant funding of \$3,245,000 to support the preparation of housing elements, provide jurisdictions with support on multiple ways for implementation of updated housing-related laws, and support the development of housing for low- and very low-income residents, including permanent supportive housing for our most vulnerable populations.
- C. OCHFT is a joint powers authority comprised of the County of Orange and 23 Orange County cities that helps provide financing for affordable and permanent supportive housing for the lowest-income households and homeless communities and was selected by the OCCOG to perform those services.
- D. At its August 27, 2020 Board meeting, the OCCOG Board approved a list of projects for submittal to the Southern California Association of Governments (“SCAG”) under the sub-regional partnership component of the REAP and was approved to provide funding to OCHFT for various OCHFT activities that further the purpose and intent of the REAP grant funding.
- E. The Parties desire to formalize the selection of OCHFT for performance of those services defined and described particularly in Exhibit “A” of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

NOW, THEREFORE, OCCOG and OCHFT agree as follows:



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

1. Scope of Services.

a. OCHFT shall provide the services set forth in **Exhibit A** (“Program”) during the term of this Agreement and in accordance with the budget attached as **Exhibit A** and **Exhibit B** are attached hereto and incorporated herein by this reference.

b. OCHFT shall oversee the implementation and administration of the Program, including supervising staff, supervising and monitoring the Program, advertising the Program to the public, and providing supplies for the Program

c. OCHFT activities that are subject to this Agreement shall at all times abide by and, as OCCOG’s consultant, accept obligations imposed on OCCOG under the terms of the Memorandum of Understanding (“SCAG-OCCOG MOU”) between OCCOG and SCAG for the Subregional REAP Grant dated March 25, 2021, a true and correct copy of which is attached as **Exhibit C**.

2. Performance.

a. In performing the Program, OCHFT shall comply will all federal, state, and local requirements applicable to projects funded by REAP grants, including as outlined in the SCAG-OCCOG MOU. in the event of a conflict between the reap grant requirements and the other provisions of this Agreement, the REAP grant requirements shall prevail.

b. OCCOG shall monitor the Program and notify OCHFT of any substandard performance. OCHFT shall endeavor to correct the substandard performance as and within the time required by OCCOG and work with OCCOG to address any deficiencies.

c. OCHFT shall perform the Program within the term of the Agreement as set forth in Section 4.

3. Term of Agreement.



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

a. This Agreement shall begin on June 1, 2021 and shall expire upon completion of the tasks described in the Program, which completion shall in no event be later than June 30, 2023.

b. Notwithstanding the expiration of the Agreement, OCHFT shall remain subject to the provisions of this Agreement as long as Program income or assets obtained with REAP funds remain, and the close-out period has not ended. During the close-out period, OCHFT shall make final payments to its consultants, contractors and subcontractors, deploy Program assets and return to SCAG any unused REAP funds.

4. Suspension and Termination.

a. OCCOG may suspend or terminate this Agreement if OCCOG's Executive Director determines that OCHFT materially failed to comply with any term of this Agreement or the grant award consistent with the SCAG-OCCOG MOU.

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

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

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



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

5. Compensation.

a. Subject to any limitations set forth in this Agreement, OCCOG agrees to pay OCHFT the amounts specified in the Budget attached hereto as **Exhibit B** and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed SIX HUNDRED THOUSAND AND 00/100 DOLLARS (\$600,000.00), which shall be inclusive of all fees, costs and expenses of any kind (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.10.

b. OCHFT shall provide OCCOG detailed invoices, using the form invoice required by SCAG (the form of which is shown on Exhibit C of the SCAG-OCCOG MOU), no more often than once per month showing specified tasks or the percentage of completion of the Program, as further described below in this Section 5.b, not to exceed the Contract Sum. All invoices shall be submitted by email to Marnie Primmer, OCCOG Executive Director. Each invoice is to include:

- i. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.
- ii. Line items for all materials and equipment properly charged to the Services.
- iii. Line items for all other approved reimbursable expenses claimed, with supporting documentation.
- iv. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.

c. OCCOG shall independently review each invoice submitted by the OCHFT 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 OCHFT which are disputed by OCCOG, or as provided in this Agreement, OCCOG will use its best efforts to cause OCHFT to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice. OCHFT acknowledges and hereby agrees that payment of each invoice will be made by OCCOG after prepayment by SCAG pursuant to the terms of the SCAG-OCCOG MOU attached as Exhibit C hereto. In the event any charges or expenses are disputed by OCCOG or SCAG, the original invoice shall be returned by OCCOG to OCHFT for correction and resubmission. Review and payment by OCCOG for any invoice provided by the OCHFT shall not constitute a waiver of any rights or remedies provided herein or any applicable law.



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

6. Records.

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

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

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

c. OCHFT shall maintain client data demonstrating affordable income client eligibility for housing services provided, if applicable. Such data shall include, but not be limited to, the client's name, address, income level or other basis for determining eligibility, and a description of the services provided to the client. OCHFT shall maintain the confidentiality of client data and shall not disclose client data, except as required by law or as required by the administration of OCCOG and OCHFT's duties under this Agreement.

d. At any time during normal business hours, OCHFT shall make its records pertaining to this Agreement available to OCCOG, SCAG, the State of California, or any of their duly authorized representatives, as often as such agencies deem necessary, to audit, examine, copy, excerpt or transcribe. Within thirty (30) days of OCHFT's receipt of any audit report that notes deficiencies in such records, OCHFT shall fully correct such deficiencies. Failure to do so



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

will constitute a violation of this Agreement and may result in OCCOG requesting that SCAG withhold future allocations or transfers until such deficiencies are corrected.

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

7. Reports.

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

8. REAP Program Recognition.

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

9. Conflict of Interest.

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

10. Equal Employment Opportunity.

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

11.



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

12. Contracting.

a. OCHFT shall consult and collaborate with OCCOG on any contract funded in whole or in part with REAP funds. OCHFT shall ensure that all contracts funded whole or in part with REAP funds are awarded after fair and open competition and in accordance with the provisions of the SCAG-OCCOG MOU.

b. OCHFT shall provide OCCOG with all contracts funded in whole or in part with REAP funds along with documentation of the award process.

13. Amendment.

Any modifications to this Agreement shall be effective only when agreed to in writing by the duly authorized representatives of both OCCOG and OCHFT.

14. Entire Agreement.

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

[SIGNATURES ON FOLLOWING PAGE]



Orange County Council of Governments

MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

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

OCCOG

OCHFT

ORANGE COUNTY COUNCIL OF GOVERNMENTS

ORANGE COUNTY HOUSING FUND TRUST

Marnie O'Brien Primmer

Adam B. Eliason

APPROVED AS TO FORM

Fred Galante, General Counsel



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

EXHIBIT A

SCOPE OF SERVICES

OCHFT shall perform the following tasks comprising the Program covered by this Agreement, which tasks shall be accomplished within the Contract Sum:

1) NOFA and Applications: OCHFT has secured commitments of \$20,000,000 from the County of Orange and will secure additional matching capital funding from the State of California for the next 4 years. This capital funding will be awarded to affordable housing developments that have gone through a Notice of Funding Availability (NOFA) application process.

REAP funding will be utilized to prepare templates for a NOFA document and NOFA application for future funding availability. It is anticipated that OCHFT 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.

The creation of the NOFA document and application templates is necessary to ensure OCHFT can efficiently and fairly award loans to affordable development projects throughout Orange County without the need for creating a new NOFA each year. Creating the NOFA document and application templates will be a one-time effort and expense that will build OCHFT's capacity that will extend into the future.

2) Loan Agreement Templates: OCHFT intends to provide loans to developers producing Permanent Supportive Housing (PSH) units in Orange County in order to meet its goal of producing 2,700 new PSH units by 2025. As a new regional housing trust, OCHFT must develop templates for both the construction and permanent loan agreements it intends to issue to qualified developers.

These loan agreement templates will make it more efficient for OCHFT to issue loans to developers building PSH units in Orange County for all future projects funded by OCHFT.

3) Loan Compliance Monitoring: As a new regional housing finance trust, OCHFT must ensure that it is a good steward of both public and private dollars that it has been entrusted with



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

to produce housing in Orange County. To that end, OCHFT has identified the need to develop Loan Compliance Monitoring Checklists in its Strategic Plan. OCHFT Strategic Plan - Task #3 of Strategic Components, Perform Accountability and Compliance Monitoring, states, “Develop loan compliance monitoring checklist and procedures in accordance with [OCHF] loan documents.”

OCHFT will prepare Loan Compliance Monitoring Checklists for both construction and permanent loans issued by OCHFT. These checklists will ensure that borrowers are meeting the terms of the loans issued by OCHFT and will ensure that the housing production that OCHFT has committed to is realized and action items are completed in a timely manner.

4) Strategic Planning: Each fiscal year, OCHFT will update its Five-Year Strategic Plan. Reviewing and updating the Strategic Plan provides the OCHFT 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 OCHFT is meeting the needs of Orange County residents and those in need of housing.

As part of the Strategic Plan Review and Update for FY 20-21, FY 22-23 and FY 23-24 covered by this Agreement, OCHFT will perform outreach to community stakeholders. These interviews are intended to update OCHFT’s goals and identify accomplishments. This effort tends to generate better outcomes and a greater sense of ownership to the plan and direction OCHFT is heading by the community stakeholders. Annual updates of the Strategic Plan will help identify new sources of funding for housing production, and to ensure that OCHFT is using existing funding as efficiently as possible.

5) Housing Opportunities Mapping: OCHFT currently has a limited map showing the location of affordable housing developments that OCHFT and the County of Orange have contributed to since June 2018. However, as part of OCHFT’s Strategic Plan, OCHFT has identified the need for an “updated website GIS mapping of affordable and PSH units to monitor pipeline and progress toward 2025 goal.”

The updated website GIS map will help OCHFT identify communities within Orange County that are most in need of housing resources, and to track the progress of the development of 2,700 new PSH units by 2025. The website will include existing affordable housing



MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

developments throughout Orange County, 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.

6) Capital Funding Procurement: Each year, OCHFT will seek out and apply for funding to aggregate and loan out to affordable housing developers in Orange County, with the goal of producing 2,700 new PSH units by 2025. It is expected that OCHFT will apply to multiple jurisdictions, agencies, and organizations for funding to secure funding for the development of PSH units in Orange County. In addition, for FY 20-21, FY 22-23 and FY 23-24 covered by this Agreement, OCHFT 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). OCHFT will prepare a report summarizing the philanthropic opportunities available for further funding of PSH units in Orange County.

Once OCHFT has identified philanthropic opportunities, it will work to secure funding from each of the possible opportunities. As OCHFT pursues these opportunities it will update a Funding Outreach Status Report that will be prepared at the end of each fiscal year.



Orange County Council of Governments

MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

EXHIBIT B

PROGRAM BUDGET



Orange County Council of Governments

MEMORANDUM OF UNDERSTANDING
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
THE ORANGE COUNTY HOUSING FUND TRUST
FOR THE USE OF REAP FUNDS

EXHIBIT C

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

[See following pages]



AGENDA ITEM # 6

Approve FY 2021-22 OCCOG Budget

STAFF RECOMMENDATION

Approve the FY 2021 budget as presented or amended.

SUMMARY

Staff is **requesting** approval of the FY 2021-22 budget. Staff initially provided the Board with an overview of the proposed FY 2021-22 work plan and supporting budget on April 28, 2021 and a detailed draft budget for consideration May 27, 2021. Staff has incorporated the feedback and direction received from the Board; there have been no changes to the budget since the May 27, 2021 meeting. The budget as proposed expands the services OCCOG can provide to member agencies without a proposed increase in dues. A special assessment may become necessary if some Board-directed special projects or potential litigation move forward.

BACKGROUND

The proposed FY 2021-22 Budget includes the following Programs and Work Plan Activities:

General Assembly Planning and Execution

- 2021 GA November 17, 2021 in-person at Disney Grand Californian Hotel and Spa
- Event planning support is required and will be provided by Lisa Telles under an amended contract.

Regional Early Action Planning Grant

- Staff is administering one contract currently, the largest scope in the \$3.2 M REAP program, Contract 00021-01 geo-spatial planning solution/ 3-D visualization.
- Several other contracts starting imminently for additional services per OCCOG's approved REAP application.
- New contract staff services are required for administrative support and



project management related to the REAP through June 2023.

Board-Directed Special Projects

- Additional consultant services may be required for special projects and are included in the budget (strategic consulting, legal services, administrative support).

Communications

- Board-approved 2021-22 Communications Plan includes current communications vehicles and adds a more robust online presence that requires a greater funding level. Budget includes \$200/month for boosting posts. Project management support for communications-related projects is also included in the budget.
- Current marketing consultant Communications LAB has resigned effective June 30, 2021.
- AJ Design, currently producing OCCOG's Housing OC video series and supporting the GA as stage manager is proposed to take over the marketing contract on July 1, 2021.
- Additional legislative outreach and continued coordination with partners including member jurisdictions and ex-officio organizations is contemplated in the budget.

Operations

- Existing contract staff services will continue to be retained for financial bookkeeping, counsel, executive director, legislative tracking and analysis, grant-writing, marketing/communications, and administrative support.
- Kathryn Morrison will take over as Clerk of the Board effective July 1, 2021.
- A contract amendment for a time extension and a modest 3% COLA increase in compensation is requested for Connected Consulting to continue with Executive Director services. A three-year contract term is requested.
- Connected Consulting is proposing to provide additional staff to provide administrative, communications and project management support as needed beginning July 1, 2021.



Planning Document Preparation

- The budget does not currently contemplate that OCCOG will take on sub-delegation for RTP/SCS purposes.
- SCAG is currently updating the framework and guidelines for the RTP/SCS (ConnectSoCal).
- OCCOG staff will review and comment on the framework and guidelines when they become available. Staff anticipates that they will be similar to the framework and guidelines developed for the 2020 cycle.
- Staff will prepare a cost-benefit analysis for the Board to consider when making the sub-delegation decision.
- OCTA concurrence will be necessary to take sub-delegation.
- Sub-delegation may require a mid-year budget adjustment that could result in a special assessment or dues increase.

Orange County Data Acquisition Partnership (OCDAP)

- Project is ongoing, the current cycle ends June 2022; cycle 2 begins July 2022
- SCAG has indicated that they will not administer the project starting in cycle 2.
- OCCOG is working with current data consortium members to identify resources for managing the project.
- If OCCOG manages the project a new contract staff position will be required starting in FY 2022-23.

Budget Spotlight:

- CDR fees will increase slightly by \$4,178 in total per previously-approved MOU
- OCCOG will continue to hold funds in reserve for OCDAP cycle 2 use.
- The draft FY 2021-22 budget proposes no OCCOG member dues increase for the 10th consecutive budget cycle.
- To be consistent with similar organizations, and ensure parity among Board members serving, the FY 2021-22 budget includes a stipend for Board members not already receiving compensation from their agency. The monthly stipend of \$100 per Board member reflects the time and level of effort required to oversee the work of the OCCOG and provide direction to staff.
- OCCOG Board of Directors may need to approve a withdrawal from reserve funds to cover operational and work plan-related activities as outlined in the draft budget and work plan.



The draft FY 21-22 Budget anticipates total revenues of \$3,454,409 and expenditures of \$3,592,457, and a reimbursement of OCCOG administrative cost of approximately \$80,200 from REAP funding for a net decrease in fund balance of \$59,670. There is a projected opening fund balance estimated at \$425,275, \$205,275 of which is currently set aside for OCDAP use leaving \$220,000 available for reserves and OCCOG operations in FY 21-22. FY 20-21 available reserves are projected to be consistent with Board policy but lower than projected due to the postponement of the 2021 GA, which will now be held in FY 21-22. The FY 21-22 ending balance fund balance at June 30, 2022 is projected to be \$160,330, which is sufficient to meet the OCCOG reserve policy and accomplish the goals of this year's aggressive work plan.

ATTACHMENTS

- A. Draft FY 2021- 2022 Budget for Board approval.

STAFF CONTACT

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Marnie O. Primmer
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AGENDA ITEM #7

APPROVE FY 2021-22 OCCOG Work Plan

STAFF RECOMMENDATION

Provide staff with additional direction related to the FY 2021-22 Work Plan.

SUMMARY

The OCCOG has chosen to operate using contract staff to conduct its business in a cost-effective and efficient manner. The 2021-2022 draft Work Plan reflects the resources available to the OCCOG for the 2021-2022 fiscal year and the priorities the Board has expressed. The FY 21-22 Work Plan includes several major initiatives and ongoing projects:

- 2021 General Assembly (GA)
- Orange County Data Acquisition Partnership (OCDAP)
- Regional Early Action Planning Grant (REAP) Program Management
- Advocacy and Legislation
- Communications
- Regional Collaboration
- Governance, Planning and Administration
- Board-Directed Special Projects

The team of consultant resources will be managed by the Executive Director and will work cooperatively to achieve the goals and support the mission of the OCCOG. The Work Plan is intended to support OCCOG's member jurisdiction activities, including providing support for grant writing, legislative tracking and analysis, facilitating discussion and continued education on important policy areas including water, energy, land use and housing, transportation, and air quality, and delivering educational tools to support public engagement on policy issues important to members.

2021 General Assembly

Due to COVID 19 restrictions, OCCOG postponed and ultimately cancelled our planned 2019-2020 General Assembly. In January of this year with restrictions still in place, the Board decided to postpone our planned FY 2020-2021 General Assembly to fall 2021, pushing it forward to the 2021-22 FY. The Board wanted to convene in person safely and anticipated that as vaccinations increased and restrictions relaxed this would be possible later in the year. To date, staff has been



planning the program, soliciting sponsorships and updating the theme and graphics for the 2021 event.

The theme for the 2021 General Assembly is “Time to Work the Plan: Turning Resilience into Action” and program will include topics that address the infrastructure issues that cross city borders and require collaboration between elected official, planners, and the private sector. The plan is for this event to take place in person so networking and social activities will also be included in the program. Staff’s goal is 300 attendees and 30 sponsors to support the cost of the program.

The FY 21-22 budget expects that we will plan only one general assembly in this fiscal year cycle. The Board should decide if they would like to keep the GA in the fall, move it back to a spring timeframe, or even shift from an annual to biannual event.

Orange County Data Acquisition Partnership

FY 2021-22 concludes the first two-year cycle (Cycle 1 ends June 30, 2022) of Orange County’s aerial imagery data consortium. The Orange County Data Acquisition Partnership (OCDAP) has been spearheaded by CDR’s Director, Deborah Diep, and is largely funded by the Southern California Association of Government (SCAG) with contributions from over twenty Orange County partner agencies. In addition to providing funding, OCCOG acts as the pass-through billing agency for the consortium. SCAG has notified OCCOG that it does not intend to administer the program in Cycle 2, but will continue to provide funding. OCCOG is working with consortium partners to identify resources needed for the administration of the project moving forward. Additional agencies continue to join as we move forward, as the data provided is economical and very useful to multiple jurisdictions and functional units within agencies.

Regional Early Action Planning Grant Sub-Regional Partnership Program

In FY 2021-22 OCCOG will continue to move forward with the regional early action planning grant (REAP) sub-regional partners program, with funding totaling \$3,245,000. Elements of the SCAG-approved program of projects includes funding the work of the Orange County Housing Finance Trust and Orange County Housing Trust, as well as several projects aimed at accelerating housing production in Orange County. Developing an ADU How-To Toolkit, a Housing OC website and video series, pre-approved ADU plans and designs, model ordinance development and staff augmentation for planning-related activities are among the projects in this important program. The FY 2021-22 Work Plan includes added project management and additional administrative support to ensure that the REAP program delivers much-needed resources to OCCOG’s member jurisdictions.



Legislation and Advocacy

The OCCOG Board of Directors has adopted guiding principles for the 2021-2022 Legislative Session centered around Housing/Homelessness, Water, Transportation, Environment, Infrastructure, Governance, Funding, Taxes, and COVID-19 relief. These principles guide OCCOG's Legislative Advocacy program at the State and Federal Level. As the economy begins to reopen following the COVID-19 pandemic, economic recovery is a key priority for all levels of government. Additionally, as housing remains a strong focus at the state level, OCCOG will continue to advocate for local control over the development of housing and to retain the authority for local jurisdictions to develop a mix of housing types that best fit the needs and character of the surrounding community. As the Surface Transportation Reauthorization nears its expiration in fall 2021, OCCOG will work with our regional partners to advance funding programs and policies that meet the needs of our county. OCCOG has taken on a coordinating role with regards to legislative tracking in FY 200-21 that will continue into the next fiscal year.

Communications

In January 2021, the OCCOG Board of Directors approved an 18-month communication plan that runs through June 30, 2022. The plan includes goals, outline of audiences, messages, tactics and metrics. Implementation of the plan began in February 2021 and many of the metrics are on target to be met. During the 2021-22 fiscal year the consultant team will focus on the following goals included in the plan:

- Raise the awareness of the accomplishments of the OCCOG Board Members and jurisdictions in OCCOG's five policy areas – air quality, water, energy, mobility, and land use/housing.
- Build the OCCOG mailing list with 100 secondary audience contacts.
- Implement consistent social media presence that includes boosting posts with high engagement to build credibility for the organization
- Conduct an audience awareness survey to set benchmarks and test messages to support the communication plan. Information from this survey will be used to update the communication plan for the following fiscal year.

Regional Collaboration

OCCOG is making connections with our partners in the region at the technical, policy and executive leadership levels. FY 2021-22 contemplates that OCCOG's Executive Director will



continue to function as the sub-regional directors group chair, and that OCCOG will seek out opportunities to engage with our ex-officio partners to advance our shared policy objectives. Orange County can often feel like an island, but relationship-building with stakeholders across the region with similar objectives can help us move forward with our goals. OCCOG will therefore work to revive forums for collaboration such as the sub-regional coordinators group, and will actively participate in SCAG working groups.

Governance, Planning and Administration

The FY 2021-22 Work Plan includes added resources to enable OCCOG to address some governance issues and expand the administrative support needed to advance our expanded work plan. Administrative support for the executive, technical, communications, legislative, and project management teams will allow these resources can focus on important value-added tasks while still accomplishing the many critical operational activities of the OCCOG are completed.

- The strategic plan is outdated and needs to be refreshed.
- The ad hoc bylaws committee will be meeting to revamp OCCOG's bylaws and bring them in line with the direction OCCOG is heading.
- Administrative projects, such as updating our physical and electronic archives, and developing a records retention policy are important.
- The Board handbook needs to be updated to reflect changes since 2017 when it was approved by the Board.
- Board communications is key. A strong clerk of the board and administrative support will improve board relations and facilitate timely reporting and information-sharing.

Board-Directed Special Projects

The OCCOG Board is considering several special projects that will require staff time and additional consulting resources. Deepening relations with the County and the Orange County legislative delegation as we seek to move forward with Board-directed special projects requires a higher level of relationship-building and strategic counsel, so the Work Plan contemplates augmenting current staffing with strategic consulting resources to assist the Executive Director to execute on the Board's direction. The FY 21-22 budget includes these augmented resources, and the Work Plan will be developed as the board provides staff additional direction on these time-sensitive and high-profile projects. Additional detail will be provided at a future meeting, and a revised work plan will reflect the direction provided by the Board.



2024 Connect SoCal Sub-delegation

At this time, the FY 2021-22 Work Plan does not contemplate OCCOG preparing our own Sustainable Communities Strategy via sub-delegation. We are continuing to work with SCAG staff to understand the framework and guidelines for the 2024 Connect SoCal plan and will advise the Board if sub-delegation becomes a viable option what resources in terms of funding and staffing are required.

ATTACHMENTS

- A. Draft FY 2021- 2022 Work Plan for Board approval.

STAFF CONTACT

Marnie O'Brien Primmer
OCCOG Executive Director
949-698-2856
marnie@occog.com



ACTIVITY	CATEGORY	RESPONSIBLE STAFF	BUDGET IMPACT	TIME FRAME
TIME-BOUND INITIATIVES				
1. Under direction from EMC, update OCCOG Strategic Plan.	Governance/ Admin	Marnie Primmer Lisa Telles	No added program cost	Q2
2. Working with Bylaws Ad Hoc committee, update OCCOG Bylaws. a. OCCOG officer elections procedures b. OCCOG TAC meetings c. Composition of Board d. Other changes as identified by committee	Governance/ Admin	Marnie Primmer Fred Galante	No added program cost	Q1
3. Under direction from EMC, review policies and procedures: a. Record-keeping b. Other policies identified by EMC	Governance/ Admin	Marnie Primmer Fred Galante John Hanson	No added program cost	Q3
4. Update OCCOG's approved legislative guidelines as needed. Develop priorities for 2022, aligned with the updated Strategic Plan.	Advocacy/ Legislation	Wendy Strack	No added program cost	Q2
5. Update OCCOG's Communications Plan for 2022-2023 to include tactics and metrics for success. a. Develop and distribute audience awareness survey, use to inform Communications Plan update.	Communications	Lisa Telles	TBD	Q4
6. Board-directed Special Projects	Special Projects	Marnie Primmer Kris Murray Fred Galante		Q1-Q4



ACTIVITY	CATEGORY	RESPONSIBLE STAFF	BUDGET IMPACT	TIME FRAME
7. Working with the EMC and ex-officio partners, plan and execute a General Assembly in Fall 2021. Specific tasks include: <ul style="list-style-type: none"> a. Develop budget b. Identify event theme c. Identify sponsorship packages and seek sponsors/exhibitors d. Identify and invite speakers e. Determine format and develop program f. Publicity: direct mail, partner publications, social media, website g. Design and manage online registration h. Design, send and evaluate post-event participant survey 	General Assembly	Marnie Primmer Lisa Telles Attila Juhas	\$50,000	Q1/Q2
8. Produce one video per month on housing topics to support member jurisdictions. (REAP) <ul style="list-style-type: none"> a. Develop script including translation b. Storyboard c. Draft for review/approval d. Final video approved and posted to Housing OC website 	REAP	Lisa Telles Marnie Primmer Attila Juhas	\$35,000	Q1-Q4
9. In partnership with the TAC, develop Housing OC website <ul style="list-style-type: none"> a. Housing OC videos and snippets b. ADU How-To toolkit c. Interactive ADU checklists d. Pre-approved plans and designs e. Other information as requested 	REAP	Marnie Primmer Attila Juhas	\$25,000	Q3



STAFF REPORT
JUNE 24, 2021

Orange County Council of Governments

ACTIVITY	CATEGORY	RESPONSIBLE STAFF	BUDGET IMPACT	TIME FRAME
10. In partnership with the TAC, develop ADU How-To Toolkit	REAP	Marnie Primmer Attila Juhas	\$10,000	Q2
11. In partnership with the TAC and building inspection staff of members, develop ADU plans that meet jurisdiction requirements	REAP	Marnie Primmer	\$100,000	Q1-Q4
12. Provide funding to OCHFT for their projects	REAP	Marnie Primmer John Hanson	\$600,000	2021-2023
13. Provide funding to OCHT for their projects	REAP	Marnie Primmer John Hanson	\$90,000	2021-2023
14. Provide staff augmentation to support OCCOG member jurisdictions with their housing elements and other housing-related activities	REAP	Marnie Primmer	\$887,000	2021-2023
15. Based on input from the TAC, develop model ordinances.	REAP	Marnie Primmer	\$50,000	2021-2023
16. Geospatial Planning and 3-D site visualization	REAP	Marnie Primmer (WSP/Esri)	\$1,445,000	Q1
17. PLACEHOLDER FOR OCDAP ACTIVITIES (contribution in FY 20-21 covers Cycle 1's 2 FYs)	OCDAP	Deborah Diep	\$0 FY 21-22	Q2
ONGOING ACTIVITIES				
18. Procure and manage contracts for projects included in the \$3.245M REAP program. a. REAP grant-related invoicing and reporting	REAP	Marnie Primmer Nate Farnsworth	See breakdown above	2021-2023



ACTIVITY	CATEGORY	RESPONSIBLE STAFF	BUDGET IMPACT	TIME FRAME
b. Ensure all project deliverables meet grant requirements				
19. Working with SCAG’s project manager and OCDAP partner agencies, act as payment clearinghouse for OCDAP.	OCDAP	John Hanson	No new program cost	Ongoing
20. Working with EMC, TAC, CDR and in cooperation with OCTA and SCAG staff, provide accurate and detailed information to OCCOG Board, OCCMA, and member jurisdictions regarding RTP/SCS and other planning activities.	Governance/ Admin	Marnie Primmer Nate Farnsworth	No added program cost	Ongoing
21. Oversee operations of OCCOG including work of consultant team.	Governance/ Admin	Marnie Primmer	No added program cost	Ongoing
22. Develop monthly EMC and Board of Directors meeting agenda and prepare staff reports.	Governance/ Admin	Marnie Primmer Kathryn Morrison	No added program cost	Ongoing
23. Provide regular updates to the Board regarding activities of the OCCOG and progress on Strategic Plan and Work Plan.	Governance/ Admin	Marnie Primmer	No added program cost	Quarterly/ As-needed
24. Monitor SCAG agendas and prepare briefings for Board and SCAG committee representatives in advance of committee and regional council meetings so that OC representation is prepared.	Advocacy/Legislation	Marnie Primmer	No added program cost	Monthly
25. As appropriate, develop strategic guidance for OCCOG representatives, and work to develop consensus around policy issues to position Orange County as a leader within the SCAG region and to influence regional planning in a direction favorable to Orange County.	Advocacy/Legislation Collaboration	Marnie Primmer	No added program cost	As needed



STAFF REPORT
JUNE 24, 2021

Orange County Council of Governments

ACTIVITY	CATEGORY	RESPONSIBLE STAFF	BUDGET IMPACT	TIME FRAME
26. Work with CDR to develop Orange County's projections.	Collaboration	Deborah Diep OCCOG TAC	No added program cost	Ongoing
27. Identify opportunities for OCCOG to provide additional services to member jurisdictions and to generate new revenue sources allowing diversification from dues-based income.	Collaboration	Marnie Primmer Nate Farnsworth	TBD	Ongoing
28. Represent OCCOG at regional planning meetings and industry events, such as, but not limited to: <ul style="list-style-type: none"> a. SCAG Technical Working Group b. Sub-regional Executive Directors (Chair) c. CalCOG meetings d. CDR MOC meetings as needed e. OCCMA monthly meetings f. Member agency events & meetings g. SCAG policy committee and Regional Council meetings, general assembly, and summits h. Ex-officio partner networking events and board meetings as appropriate 	Collaboration	Marnie Primmer	No added program cost	Monthly
29. Assist OCCOG Board to actively engage in development of SCAG strategic documents and governance.	Advocacy/Legislation Collaboration	Marnie Primmer	No added program cost	Ongoing
30. Identify areas where OCCOG can partner with other sub-regions.	Collaboration	Marnie Primmer Nate Farnsworth	TBD	Ongoing
31. Coordinate legislative advocacy efforts with partners and member jurisdictions.	Advocacy/Legislation	Wendy Strack	No added program cost	Ongoing



**STAFF REPORT
JUNE 24, 2021**

Orange County Council of Governments

ACTIVITY	CATEGORY	RESPONSIBLE STAFF	BUDGET IMPACT	TIME FRAME
32. Track relevant legislation and OCCOG/partners positions.	Advocacy/Legislation	Wendy Strack	\$1,000/year tracking software	Ongoing
33. Board Spotlight monthly board-only communication	Communications	Lisa Telles/ Attila Juhas	No added program cost	Monthly
34. OCCOG Update monthly newsletter	Communications	Lisa Telles/ Attila Juhas	No added Program Cost	Monthly
35. Communications Calendar to include newsletters, social media posts, housing video release, etc.	Communications	Lisa Telles/ Attila Juhas	Possible monthly cost for scheduling software	Monthly
36. Social Media Posts, including boosted posts, content developed per the calendar	Communications	Attila Juhas	\$300/month to boost posts	Ongoing
37. Maintain Distribution Lists	Communications	Lisa Telles/ Kathryn Morrison	No added program cost	Ongoing
38. Conduct audit of electronic files and archive/organize for easy retrieval via OneDrive <ul style="list-style-type: none"> a. Consistent file nomenclature b. Remove duplicates c. Ensure shared access among all OCCOG team members 	Governance/ Admin	Kathryn Morrison	No added program cost	Ongoing



Orange County Council of Governments

STAFF REPORT
JUNE 24, 2021



AGENDA ITEM # 8

Contract Renewals And Amendments for OCCOG Contract Staff and Consultants for Fiscal Year 2021-22

STAFF RECOMMENDATION

Approve contract renewals for OCCOG contract staff and consultant resources including Connected Consulting for Marnie Primmer's services as Executive Director; Aleshire & Wynder LLP for Fred Galante's General Counsel Services; John Hanson for bookkeeping and Treasurer Services; Kathryn Morrison for support services and Clerk of the Board; Wendy Strack for Legislative Analysis and Project Management Support; Lisa Telles for Communications, General Assembly, and Project Management support; and KLM Strategies for Strategic Advisement and Government Relations by Kris Murray.

SUMMARY

Staff is requesting approval by the OCCOG Board of Directors of amendments to support services agreements with various consultants to assure the OCCOG continues to address the directives of the Board and mission of the OCCOG. The contracts include standard term extensions to cover an additional year, starting July 1, 2021, and services needed to address the increasing needs of the OCCOG, including administering the REAP Grant. Specific amendments and terms are described below.

Further, staff is requesting approval by the OCCOG Board of Directors of Amendment No. 4 to the agreement with Connected Consulting for Executive Director Services to extend the term for 3 years, establish a set cost-of-living adjustment applicable to Contractor's compensation of 3% annually and add a provision to compensate the Executive Director for additional support services secured beyond the scope of Contractor's Executive Director duties.

Finally, staff is requesting to increase the hourly rate for Aleshire & Wynder, LLP for the first time since 2009 and implement a cost-of-living adjustment applicable to Contractor's compensation of 3% annually.

BACKGROUND

Consistent with the proposed FY 2021-22 Budget included for Board consideration today, the following contract amendments and renewals are provided for the Board's consideration:



1. **Executive Director Services.** The OCCOG Board initially contracted with Ms. Marnie Primmer per its October 22, 2015 contract with her for independent contractor services to serve as the OCCOG's Interim Executive Director Services ("Interim Agreement").
 - a. On November 19, 2015, the Board approved the assignment and amendment to the Interim Agreement from Ms. Primmer to her firm, Connected Consulting ("ED Agreement"). The term of the Executive Director Agreement is set to expire on June 30, 2021.
 - b. Ms. Primmer through Connected Consulting is interested in continuing to serve in the capacity of contract Executive Director and proposes a 3-year extension ending on June 30, 2024 through the amendment attached to this report.
 - c. The proposed Amendment also reflects an annual cost of living increase of 3%, beginning July 1, 2021. The adjusted monthly retainer will be \$11,046.75, which shall increase annually during the term on July 1 by such cost of living increase.
 - d. Additionally, the proposed Amendment provides for the reimbursement to the Executive Director on a time and materials basis for any additional support services related to administration, project management or communications activities in the Board Approved budget and work plan beyond the scope of those Executive Director services provided in the Agreement.
 - e. The additional services will be billed at the actual hourly rates payable to any subcontractor, consistent with budgeted amounts and for a rate not to exceed \$50.00 per hour in a total amount not to exceed the FY budget approved by the Board of Directors, subject to the advance approval of the Board Chair.

2. **General Counsel Services Agreement.** Amendment No. 1 to agreement with Aleshire & Wynder, LLP by Fred Galante. The general counsel has not received any rate increases in approximately 12 years since the agreement was approved following his service in a pro-bono capacity. To catch up with inflation for those 12 years, the general counsel proposes increasing the hourly rate from \$180 to \$215 per hour, plus a 3% annual cost-of-living increase hereafter.

3. **Financial Bookkeeping, Auditor/Controller and Treasurer Services.** Amendment No. 2 to extend the term of the Agreement with John Hanson for 1 year to cover the entire Fiscal Year 2021-22 and expiring June 30, 2022.



4. **Support Services Agreement.** Amendment No. 2 to the agreement with Kathryn Morrison Amendment No. 2 extends the term for 1 year to cover the entire Fiscal Year 2021-22 and expiring June 30, 2022 and includes additional tasks to include clerk of the Board of Directors duties.
5. **Legislative Policy Analysis, Advocacy and Grant Services Agreement.** Amendment No. 2 to the agreement with Wendy J. Strack extends the term for 1 year to cover the entire Fiscal Year 2021-22 and expiring June 30, 2022.
6. **General Assembly Preparation, Joint Communications and Coordination Services Agreement.** Amendment No. 2 to the agreement with Lisa Telles extends the term for 1 year to cover the entire Fiscal Year 2021-22 and expiring June 30, 2022 and includes the originals scope of work plus additional tasks to related to the management and oversight of the REAP Grant.
7. **Government Relations/Strategic Advisement Agreement.** Amendment No. 1 to agreement with KLM Strategies, performed by Kris Murray to extend the term from its current expiration of May 31, 2021 until November 1, 2021. The monthly retainer for these services will increase from \$2,000 to \$2,500 to adequately cover consultant for the increased tasks and time spent addressing the Board's directives.

ATTACHMENTS

- A. Amendment No. 4 to Independent Contractor Agreement for Executive Director Services with Connected Consulting.
- B. Amendment No. 1 to General Counsel Services Agreement with Aleshire & Wynder, LLP.
- C. Amendment No. 2 to Financial Bookkeeping, Auditor/Controller and Treasurer Services Agreement with John Hanson.
- D. Amendment No. 2 to Support Services Agreement with Kathryn Morrison.
- E. Amendment No. 2 to Legislative Policy Analysis, Advocacy and Grant Services Agreement with Wendy J. Strack.
- F. Amendment No. 2 to General Assembly Preparation, Communications and Coordination Services Agreement with Lisa Telles.
- G. Amendment No. 1 to Government Relations/Public Affairs Agreement with KLM Strategies.



Orange County Council of Governments

STAFF CONTACT

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

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



AMENDMENT NO. 4 TO INDEPENDENT CONTRACTOR AGREEMENT FOR EXECUTIVE DIRECTOR SERVICES

This AMENDMENT NO. 4 TO INDEPENDENT CONTRACTOR AGREEMENT FOR EXECUTIVE DIRECTOR SERVICES (“Amendment”) by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California Joint Powers Authority (“OCCOG”), and CONNECTED CONSULTING, a California corporation (“Contractor”) is approved as of the 24th day of June, 2021 and effective on July 1, 2021.

RECITALS

WHEREAS, on October 20, 2015, the OCCOG and Contractor entered into an Independent Contractor Agreement for Interim Executive Director Services (“Agreement”) for Ms. Marnie O’Brien Primmer to serve as the OCCOG’s contract Interim Executive Director and provide professional services required of such position to the OCCOG;

WHEREAS, on November 19, 2015, the OCCOG Board approved an assignment and amendment to the Agreement from Ms. O’Brien Primmer to her firm, Connected Consulting, which expired on June 30, 2017;

WHEREAS, on August 25, 2017, the OCCOG Board approved Amendment No. 2 to extend the term of Agreement for an additional two (2) years and also revise Section 2.1 thereof to require OCCOG to pay Contractor’s invoices upon receipt rather than after 30 days, as is consistent with OCCOG payment practices;

WHEREAS, on April 25, 2019, the parties approved Amendment No. 3 to extend the term for an additional two (2) years and remove the hourly rate and increase the Monthly Cap payable to Contractor to reflect a cost of living increase applicable since the Agreement was originally approved; and

WHEREAS, the parties now wish to amend the Agreement again to extend the term for three (3) years, establish a set cost-of-living adjustment applicable to Contractor’s compensation of three percent (3%) annually and add a provision to compensate Contractor for additional support services secured beyond the scope of Contractor’s Executive Director duties.

NOW, THEREFORE, in consideration of performance by the parties of the covenants and conditions herein contained, the parties hereto agree as follows:

- 1. Payment of Compensation.** Section 2.1 of the Agreement, entitled “Compensation”



AMENDMENT NO. 4 TO INDEPENDENT CONTRACTOR AGREEMENT FOR EXECUTIVE DIRECTOR SERVICES

shall be amended to increase the Contract Sum by 3% annually, which amended clause shall read as follows :

“2.1 Compensation. “Commencing on July 1, 2021, and for the services rendered pursuant to this Agreement, Contractor shall be compensated, excluding incidental expenses per Section 2.2, at the retainer amount of Eleven Thousand Forty-Six and 75/100 Dollars (\$11,046.75) per month (“Compensation”) during the term of this Agreement, which Compensation shall be increased annually beginning July 1, 2022, by three percent (3%) to provide Contractor a cost-of-living adjustment. Contractor agrees to abide by the provisions of Sections 1.1 and 1.2 and accepts the risk that some work may not be compensated beyond the maximum monthly amount reflected by the Compensation. In addition to the Compensation, Contractor will be reimbursed on a time and materials basis for any additional support services secured by Contractor to provide further support to the OCCOG beyond the scope of those Executive Director services provided in this Agreement, which services shall be billed at the actual hourly rates payable to any subcontractor, consistent with budgeted amounts and for a rate not to exceed Fifty and 00/100 Dollars (\$50.00) per hour. Board Chair shall authorize use of additional resources in advance and total amount billed shall not exceed budgeted amount in Board-approved annual budget. Contractor shall be solely responsible for the payment of all taxes and similar matters. The Compensation shall be Contractor’s sole compensation for its services under this Agreement. Contractor shall invoice OCCOG for the services rendered pursuant to this Agreement. The invoice shall be provided to OCCOG no more frequently than every 30 days. OCCOG shall pay Contractor invoices upon receipt, consistent with OCCOG’s standard procedure for the payment of contracts or invoices, including review by the Chair of the Board and approval by the OCCOG Board through the warrant run process.”

2. Term. Section 3.2 of the Agreement, entitled “Term” shall be amended in its entirety to read as follows:

“3.2 Term. This Agreement, as amended by this



AMENDMENT NO. 4 TO INDEPENDENT CONTRACTOR AGREEMENT FOR EXECUTIVE DIRECTOR SERVICES

Amendment shall be in effect between July 1, 2021 until June 30, 2024. Any extension beyond such date shall be evidenced by a writing signed by both parties.”

3. Full Force and Effect. The parties further agree that, except as specifically provided in this Amendment, the terms of the Agreement shall remain unchanged and in full force and effect.



Orange County Council of Governments

**AMENDMENT NO. 4 TO INDEPENDENT CONTRACTOR AGREEMENT FOR
EXECUTIVE DIRECTOR SERVICES**

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written in the preamble above.

ORANGE COUNTY COUNCIL OF
GOVERNMENTS

Trevor O'Neil, Chair of the Board

APPROVED AS TO FORM

Aleshire & Wynder, LLP

OCCOG Counsel

CONTRACTOR:

CONNECTED CONSULTING, a California
corporation

By: Marnie O'Brien Primmer

Title: _____

AMENDMENT NO. 1 TO GENERAL COUNSEL FEE AGREEMENT

This AMENDMENT NO. 1 TO GENERAL COUNSEL FEE AGREEMENT (“Amendment”) by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California Joint Powers Authority (“OCCOG”), and ALESHIRE & WYNDER, LLP (“A&W”) is approved as of the 24th day of June, 2021 and effective on July 1, 2021.

RECITALS

WHEREAS, on September 24, 2009, OCCOG and A&W entered into that certain General Counsel Fee Agreement (“Agreement”) for A&W, but Fred Galante, Esq., to serve as General Counsel to the OCCOG and render such legal services as customarily rendered by a general counsel to the OCCOG;

WHEREAS, the Agreement has never been amended and General Counsel has deferred any request for a rate increase in the approximately 12 years since the time of the Agreement;

WHEREAS, the parties now wish to amend the Agreement to provide an increase top the applicable billing rate to \$215 per hour for general services and update the firm’s address.

NOW, THEREFORE, in consideration of performance by the parties of the covenants and conditions herein contained, the parties hereto agree as follows:

1. Legal Fees. Sections 3 and 4 of the Agreement, entitled “Legal Fees, Billing Practices & Personnel” and “Bond or Financial Services”, respectively, shall be amended to read as follows :

“3. LEGAL FEES, BILLING PRACTICES & PERSONNEL

A&W’s fees will be charged on an hourly basis for all time actually expended. The compensation schedules are set forth in Exhibits “A” and “B” attached hereto and incorporated herein by this reference. Blended rates are computed based upon the hours of service irrespective of the rate of the attorney. Blended rates are also shown for legal assistants.

4. BOND OR FINANCIAL SERVICES

Bond or Financial Services shall mean those situations where A&W acts as Bond Counsel for OCCOG with regard to the issuance of



AMENDMENT NO. 1 TO GENERAL COUNSEL FEE AGREEMENT

securities by OCCOG on a flat fee non-contingent basis of Three Hundred Dollars (\$300) per hour as shown on Exhibit "A". OCCOG may retain independent counsel to review any proposed issue."

- 2. Notice.** Section 10 of the Agreement, entitled "Notices" shall be amended to update A&W's address to read follows:

"A&W: Aleshire & Wynder, LLP
18881 Von Karman Avenue, Suite 1700
Irvine, California 92612
(949) 223-1170 (office)
fgalante@awattorneys.com
Attention: Fred Galante, Esq."

- 3. Full Force and Effect.** The parties further agree that, except as specifically provided in this Amendment, the terms of the Agreement shall remain unchanged and in full force and effect.



AMENDMENT NO. 1 TO GENERAL COUNSEL FEE AGREEMENT

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written in the preamble above.

"OCCOG"

ORANGE COUNTY COUNCIL OF
GOVERNMENTS

Trevor O'Neil, Chair of the Board

CONTRACTOR:

"A&W"
ALESHIRE & WYNDER, LLP

Fred Galante, Esq, Equity Partner



AMENDMENT NO. 1 TO GENERAL COUNSEL FEE AGREEMENT

EXHIBIT "A" **FEE ARRANGEMENT**

(1) General legal services will be billed at the rate of Two Hundred Fifteen Dollars (\$215) per hour. The hourly rates shall increase by three percent (3%), beginning July 1, 2022 and annually thereafter.

(2) For public finance services, including bond counsel, disclosure counsel, and counsel to the issuer, the fee shall be \$300 per hour for attorneys and \$150 per hour for paralegals and/or law-clerks. Fees are not contingent but are payable when the decision is made to proceed or not. The total fee for each service with respect to a series of bonds shall not exceed a reasonable amount for the work based on the fees charged on similar transactions in the marketplace, and in no event shall such fee for any service on any series exceed \$80,000.

Expenses for a bond issue shall be charged at a flat rate of \$2,500 per series plus any fees for special tax counsel to the firm which will be passed through at the cost thereof, not to exceed \$7,000. Fees shall be invoiced monthly and shall be paid within thirty days after receipt of an invoice after either the closing of the bond issue or the decision not to issue bonds.

(3) In addition to the foregoing, A&W would be reimbursed for out-of-pocket expenses including: telecopier, messenger, courier, and other communication costs; reproduction expense; computer research services; court reporters; mileage cost to court and administrative proceedings; travel expenses outside of Orange County; and other costs and expenses incurred on OCCOG's behalf. Notwithstanding the foregoing, A&W does not charge for word processing, routine computer-assisted legal research, local calls, or mileage to OCCOG Board or staff meetings in Orange County. In exchange, when on-site, we would have the ability to use OCCOG copiers and telephones without charge.

(4) The blended rate for legal assistants, irrespective of matter, shall be Ninety-Five Dollars (\$95) per hour, and for document clerks shall be Forty-Five Dollars (\$45) per hour.

AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT FOR
FINANCIAL BOOKKEEPING, AUDITOR/CONTROLLER AND TREASURER SERVICES

This AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT FOR FINANCIAL BOOKKEEPING, AUDITOR/CONTROLLER AND TREASURER SERVICES ("Amendment") is made and entered into this 24th day of June, 2021, by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California Joint Powers Authority ("OCCOG") and JOHN HANSON, C.P.A. ("Contractor").

RECITALS

WHEREAS, on January 25, 2018, the OCCOG and Contractor entered into a Contract Services Agreement for Financial Bookkeeping, Auditor/Controller and Treasurer Services, as amended, (collectively, "Agreement") for Contractor to provide various financial services to the OCCOG, as further provided in the Agreement;

WHEREAS, on June 25, 2020, the parties entered into that certain Amendment No. 1 to the Agreement to extend the term of the Agreement by one year and clarify that the maximum compensation payable to Consultant shall be in the amount set by the OCCOG Board in its annual budget; and

WHEREAS, the parties now wish to amend the Agreement to further extend the term.

NOW, THEREFORE, in consideration of performance by the parties of the covenants and conditions herein contained, the parties hereto agree as follows:

1. Term. Section 5.1 of the Agreement, entitled "Term", shall be amended to read as follows:

"5.1 Term. Unless earlier terminated in accordance with Section 5.3 below, this Agreement shall begin on the Effective Date and continue in full force and effect until June 30, 2022"

2. Full Force and Effect. The parties further agree that, except as specifically provided in this Amendment, the terms of the Agreement, as previously amended, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date written in the preamble above.

ORANGE COUNTY COUNCIL OF
GOVERNMENTS



Orange County Council of Governments

AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT FOR
FINANCIAL BOOKKEEPING, AUDITOR/CONTROLLER AND TREASURER SERVICES

Trevor O'Neil, Chair of the Board

ATTEST:

OCCOG Secretary

APPROVED AS TO FORM
Aleshire & Wynder, LLP

OCCOG Counsel

CONTRACTOR

By: John Hanson, C.P.A.



**AMENDMENT NO. 2 TO AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND KATHRYN MORRISON**

This AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT ("Amendment") is made and entered into this 24th day of June, 2021, by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California Joint Powers Authority ("OCCOG") and KATHRYN MORRISON an individual ("Consultant").

RECITALS

WHEREAS, on or about July 25, 2019, the OCCOG and Consultant entered into a Contract Services Agreement ("Agreement"), as amended, for Consultant to provide various support administrative tasks to the OCCOG, such as scheduling, filing, note taking, meeting coordination, etc., as further described in the Agreement;

WHEREAS, on June 25, 2020, the parties amended the Agreement pursuant to that certain Amendment No. 1 to extend the term of the Agreement and clarify that the maximum compensation payable to Consultant shall be in the amount set by the OCCOG Board in its annual budget; and

WHEREAS, the parties now wish to amend the Agreement by this Amendment to further extend the term and add clerk of the Board of Directors duties to the Scope of Services to be performed by Consultant.

NOW, THEREFORE, in consideration of performance by the parties of the covenants and conditions herein contained, the parties hereto agree as follows:

1. Term. Section 3.3 of the Agreement, entitled "Term", shall be amended to read as follows:

"3.3 Term. Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not later than June 30, 2022, except as otherwise provided in the Scope of Services (Exhibit "A")."

2. Scope of Services. Exhibit "A" to the Agreement entitled Scope of Services shall be supplemented to add Clerk of the Board duties to the services provided by Consultant, as shown on Exhibit "A" to this Agreement.



AMENDMENT NO. 2 TO AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND KATHRYN MORRISON

3. Full Force and Effect. The parties further agree that, except as specifically provided in this Amendment, the terms of the Agreement, as previously amended, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date written in the preamble above.

ORANGE COUNTY COUNCIL OF
GOVERNMENTS

Trevor O’Neil, Chair of the Board

ATTEST:

OCCOG Secretary

APPROVED AS TO FORM
Aleshire & Wynder, LLP

OCCOG Counsel

CONSULTANT

KATHRYN MORRISON

By: _____
Name: Kathryn Morrison



**AMENDMENT NO. 2 TO AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND KATHRYN MORRISON
EXHIBIT "A"**

SUPPLEMENTAL SCOPE OF SERVICES

In addition to those services provided by Consultant pursuant to the Scope of Services attached as Exhibit "A" to the Agreement, Consultant shall provide the following additional services as part of her duties in accordance with the terms of the Agreement:

- Attend all monthly Board meetings, take notes and compile minutes from notes
- Provide minutes within 1 week of each Board meeting to Executive Director
- Conduct roll call and Board votes during the monthly Board meeting held on the 4th Thursday of the month from 10:30 a.m. to 12:00 p.m.
- Prepare and distribute all election documents to jurisdictions, eligible candidates and nominees in line with OCCOG and SCAG bylaws
- Collect nominations for Board and OCCOG-appointed positions
- Conduct elections for new Board members during appropriate meeting
- Conduct election for OCCOG officers during the April meeting each year.
- Receive forms 700 and swear-in new Board members as needed
- Format and compile all staff reports and supporting materials into a Board packet monthly for review by Executive Director at least 1 week prior to each monthly Board meeting
- Distribute the board packet via email to Board members and interested parties
OCCOG distribution list
- Make sure the agenda is posted at least 72 hours in advance of each meeting.



AMENDMENT NO. 2 TO AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
WENDY J. STRACK CONSULTING, LLC

This AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT ("Amendment") is made and entered into this 24th day of June, 2021, by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California Joint Powers Authority ("OCCOG") and WENDY J. STRACK CONSULTING, LLC, a California limited liability company ("Consultant").

RECITALS

WHEREAS, on or about July 25, 2019, the OCCOG and Consultant entered into a Contract Services Agreement ("Agreement") to provide various services to OCCOG, including for legislative policy analysis and legislative advocacy and assist OCCOG member agencies with grant writing as needed, as further described in the Agreement;

WHEREAS, on June 25, 2020, the parties entered into that certain Amendment No. 1 to the Agreement to extend the term of the Agreement by one year and clarify that the maximum compensation payable to Consultant shall be in the amount set by the OCCOG Board in its annual budget; and

WHEREAS, the parties now wish to amend the Agreement to further extend the term.

NOW, THEREFORE, in consideration of performance by the parties of the covenants and conditions herein contained, the parties hereto agree as follows:

1. Term. Section 3.3 of the Agreement, entitled "Term", shall be amended to read as follows:

"3.3 Term. Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not later than June 30, 2022, except as otherwise provided in the Scope of Services (Exhibit "A")."

2. Full Force and Effect. The parties further agree that, except as specifically provided in this Amendment, the terms of the Agreement, as previously amended, shall remain unchanged and in full force and effect.



AMENDMENT NO. 2 TO AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
WENDY J. STRACK CONSULTING, LLC

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date written in the preamble above.

ORANGE COUNTY COUNCIL OF
GOVERNMENTS

Trevor O’Neil, Chair of the Board

ATTEST:

OCCOG Secretary

APPROVED AS TO FORM
Aleshire & Wynder, LLP

OCCOG Counsel

CONSULTANT

WENDY J. STRACK CONSULTING, LLC, a
California limited liability company

By: _____
Name: Wendy J. Strack
Title: Managing Member



Orange County Council of Governments

AMENDMENT NO. 2 TO AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
LISA TELLES, CONSULTANT

This AMENDMENT NO. 2 TO CONTRACT SERVICES AGREEMENT ("Amendment") is made and entered into this 24th day of June, 2021, by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California Joint Powers Authority ("OCCOG") and LISA TELLES an individual ("Consultant").

RECITALS

WHEREAS, on or about January 23, 2020, the OCCOG and Consultant entered into a Contract Services Agreement ("Agreement"), as amended, for Consultant to provide various services to OCCOG, including General Assembly preparation, joint communications and coordination with ACC-OC materials and events and website development relating to resources available to member jurisdiction as they update their housing elements, as further described in the Agreement;

WHEREAS, on June 25, 2020, the parties entered into that certain Amendment No. 1 to the Agreement to extend the term of the Agreement and clarify that the maximum compensation payable to Consultant shall be in the amount set by the OCCOG Board in its annual budget; and

WHEREAS, the parties now wish to amend the Agreement again by this Amendment to further extend the term and add additional tasks to Consultant to perform tasks related to the management and oversight of the REAP Grant awarded to OCCOG.

NOW, THEREFORE, in consideration of performance by the parties of the covenants and conditions herein contained, the parties hereto agree as follows:

1. Term. Section 3.3 of the Agreement, entitled "Term", shall be amended to read as follows:

"3.3 Term. Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not later than June 30, 2022, except as otherwise provided in the Scope of Services (Exhibit "A")."

2. Scope of Services. Exhibit "A" to the Agreement entitled Scope of Services shall be supplemented to add Clerk of the Board duties to the services provided by Consultant, as



Orange County Council of Governments

**AMENDMENT NO. 2 TO AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
LISA TELLES, CONSULTANT**

shown on Exhibit "A" to this Agreement.

3. Full Force and Effect. The parties further agree that, except as specifically provided in this Amendment, the terms of the Agreement, as previously amended, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date written in the preamble above.

ORANGE COUNTY COUNCIL OF
GOVERNMENTS

Trevor O’Neil, Chair of the Board

ATTEST:

OCCOG Secretary

APPROVED AS TO FORM
Aleshire & Wynder, LLP

OCCOG Counsel

CONSULTANT

LISA TELLES

By: _____
Name: Lisa Telles



Orange County Council of Governments

**AMENDMENT NO. 2 TO AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
LISA TELLES, CONSULTANT**

EXHIBIT "A"

SUPPLEMENTAL SCOPE OF SERVICES

In addition to those services provided by Consultant pursuant to the Scope of Services attached as Exhibit "A" to the Agreement, Consultant shall provide the following additional services as part of her duties in accordance with the terms of the Agreement:

General Assembly:

- Sponsor campaign and management
- Support program development
- Copy writing

REAP Grant Project Management:

- Housing Orange County Video Series – research and write video scripts, project manage production and distribution – one video each month. Identify segments of script for 2-3 snippets for use on social media
- ADU How To Tool Kit – project management support
- Housing OC Website – project management support

General Communications:

- OCCOG Board Meeting Spotlight -- Write and coordinate approval and distribution after each Board Meeting.
- OCCOG Update -- write one unique story each month and coordinate the Chair's Corner.
- Project manage OCCOG Board Meeting Spotlight and OCCOG Update approvals, distribution and mailing list.
- Produce and keep up to date a strategic communication calendar to include newsletters, social media posts, housing video release, etc. in coordination with Attila Juhas.
- Conduct audience awareness survey in coordination with the update to OCCOG's Strategic Plan.
- Support update to OCCOG Strategic Plan
- Communication plan project management
- Support management of distribution lists.
- Update OCCOG's Communication Plan for FY 2022-2023



AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT FOR BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND KLM STRATEGIES, INC.

This AMENDMENT NO. 1 TO CONTRACT SERVICES AGREEMENT ("Amendment") is made and entered into this 25th day of June, 2020, by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California Joint Powers Authority ("OCCOG") and KLM STRATEGIES, INC. ("Consultant").

RECITALS

WHEREAS, on or about March 15, 2021, the OCCOG and Consultant entered into a Contract Services Agreement ("Agreement"), for Consultant to provide government relations, public affairs, and program development services to achieve defined project objectives enumerated therein;

WHEREAS, the parties now wish to amend the Agreement pursuant to this Amendment to extend the term of the Agreement and increase the monthly compensation payable to Consultant.

NOW, THEREFORE, in consideration of performance by the parties of the covenants and conditions herein contained, the parties hereto agree as follows:

1. Term and Payment for Services. Section 2 of the Agreement, entitled "Term and Payment for Services", shall be amended to read as follows:

"2 Term and Payment for Services

a) This agreement for project phase will be in effect as of March 1, 2021 until November 31, 2021

b) Beginning on July 1, 2021, OCCOG shall pay Consultant a flat monthly retainer of \$2,500 for performance of services as defined above, which includes routine administrative (such as parking, mail, copying) and mileage expenses. Consultant shall be paid by the first day of the month following each month of service provided by Consultant to the OCCOG.

c) OCCOG and Consultant may extend contract, following the project phase, to assist OCCOG with implementation of the program. The term and payment of the extended agreement will be set by mutual consent of the Parties.



AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT FOR BETWEEN THE ORANGE
COUNTY COUNCIL OF GOVERNMENTS AND
KLM STRATEGIES, INC.

Contract to be negotiated on a monthly basis with defined metrics. Consultant will provide monthly billing statement for extended contract on the first of the month payable by OCCOG on Net 15 terms.”

2. Full Force and Effect. The parties further agree that, except as specifically provided in this Amendment, the terms of the Agreement, as previously amended, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date written in the preamble above.

ORANGE COUNTY COUNCIL OF
GOVERNMENTS

Trevor O’Neil, Chair of the Board

ATTEST:

OCCOG Secretary

APPROVED AS TO FORM
Aleshire & Wynder, LLP

OCCOG Counsel

CONSULTANT

KLM STRATEGIES, INC.

By: _____
Name: Kris Murray



AGENDA ITEM #9

Approve Contract with AJ Design for Marketing and Communications Support Services

STAFF RECOMMENDATION

Approve Contract with AJ Design, with a monthly retainer amount of \$2000. The annual contract amount will not exceed the amount budgeted in the OCCOG approved FY 2021-22 budget.

SUMMARY

The current contract between OCCOG and Communications LAB for marketing and communications support services ends June 30, 2021. Communications LAB has resigned the contract effective upon the contract termination. A new contract is required to replace their services.

BACKGROUND

AJ Design is currently supporting OCCOG via in-kind stage management services for the General Assembly and also video production for the Housing OC video series. OCCOG staff has negotiated with AJDesign to take over the Communications LAB scope of services as marketing and communications contract staff at a monthly retainer of \$2000, a savings of \$500 per month for the OCCOG. AJ Design will be supporting OCCOG's external facing communications by publishing our monthly newsletter and social media posts, handling general assembly publicity and graphic design needs such as signage and programs (virtual or printed), and annual report. The annual contract amount will not exceed the approved OCCOG Budget. Additionally, AJDesign has capabilities and capacity to support OCCOG in implementing REAP-related marketing and communications tasks, such as the ADU How-To Toolkit, Housing OC website and video series. Such project assignments, if assigned, will be compensated on a time and materials basis at an hourly rate in addition to the monthly retainer and will be managed and invoiced per the REAP grant guidelines.

ATTACHMENTS

- A. Contract with proposed Scope of Services



Orange County Council of Governments

STAFF REPORT June 24, 2021

STAFF CONTACT

Marnie O'Brien Primmer
OCCOG Executive Director
949-698-2856
marnie@occog.com



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

THIS AGREEMENT FOR CONTRACT SERVICES (herein “Agreement”) is made and entered into this 24th day of June, 2021 by and between the ORANGE COUNTY COUNCIL OF GOVERNMENTS, a California joint powers authority (“OCCOG”) and AJ DESIGN, a _____ (“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 Twenty-Four Thousand and 00/100 Dollars (\$24,000.00) (“Contract Sum”), payable at the flat retainer amount of Two Thousand and 00/100 Dollars (\$2,000.00) per month.

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



**AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN**

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. PERFORMANCE SCHEDULE

3.1 Time of Essence. Time is of the essence in the performance of this Agreement.



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

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 time period(s) specified in the Schedule of Performance 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 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not exceeding one (1) year from the date hereof, except as otherwise provided in the Scope of Services (Exhibit "A").

4. COORDINATION OF WORK

4.1 Representative of Consultant. _____ 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 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



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

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. INSURANCE AND INDEMNIFICATION

5.1 Insurance Coverages. The Consultant shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to OCCOG, during the entire term of this Agreement including any extension thereof, the following policies of insurance which shall cover all elected and appointed officers, employees and agents of OCCOG:

(a) Commercial General Liability Insurance (Occurrence Form CG0001 or equivalent). A policy of comprehensive general liability insurance written on a per occurrence basis for bodily injury, personal injury and property damage. The policy of insurance shall be in an amount not less than \$1,000,000.00 per occurrence or if a general aggregate limit is used, either the general aggregate limit shall apply separately to this contract/location, or the general aggregate limit shall be twice the occurrence limit.

(b) Worker's Compensation Insurance. A policy of worker's compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Consultant against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by the Consultant in the course of carrying out the work or services contemplated in this Agreement.

(c) Automotive Insurance (Form CA 0001 (Ed 1/87) including "any auto" and endorsement CA 0025 or equivalent). A policy of comprehensive automobile liability insurance written on a per occurrence for bodily injury and property damage in an amount not less than either (i) bodily injury liability limits of \$100,000 per person and \$300,000 per occurrence and property damage liability limits of \$150,000 per occurrence or (ii) combined single limit liability of \$1,000,000. Said policy shall include coverage for owned, non-owned, leased, hired cars, and any other automobile.

(d) Professional Liability. Professional liability insurance appropriate to the Consultant's profession. This coverage may be written on a "claims made" basis, and



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

must include coverage for contractual liability. The professional liability insurance required by this Agreement must be endorsed to be applicable to claims based upon, arising out of or related to services performed under this Agreement. The insurance must be maintained for at least 5 consecutive years following the completion of Consultant's services or the termination of this Agreement. During this additional 5-year period, Consultant shall annually and upon request of the OCCOG submit written evidence of this continuous coverage.

(e) Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

5.2 General Insurance Requirements.

All of the above policies of insurance shall be primary insurance and shall name the OCCOG, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by OCCOG or its officers, employees or agents may apply in excess of, and not contribute with Consultant's insurance. The insurer is deemed hereof to waive all rights of subrogation and contribution it may have against the OCCOG, its officers, employees and agents and their respective insurers. The insurance policy must specify that where the primary insured does not satisfy the self-insured retention, any additional insured may satisfy the self-insured retention. All of said policies of insurance shall provide that said insurance may not be amended or cancelled by the insurer or any party hereto without providing thirty (30) days prior written notice by certified mail return receipt requested to the OCCOG. In the event any of said policies of insurance are cancelled, the Consultant shall, prior to the cancellation date, submit new evidence of insurance in conformance with this Section 5.1 to the Contract Officer. No work or services under this Agreement shall commence until the Consultant has provided the OCCOG with Certificates of Insurance, additional insured endorsement forms or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the OCCOG. OCCOG reserves the right to inspect complete, certified copies of and endorsement to all required insurance policies at any time. Any failure to comply with the reporting or other provisions of the policies including breaches or warranties shall not affect coverage provided to OCCOG.

5.3 Indemnification. To the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the OCCOG, its officers, employees and agents



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Consultant, its officers, employees, agents, subcontractors, invitees, or any individual or entity for which Consultant is legally liable ("indemnitors"), or arising from Consultant's or indemnitors' reckless or willful misconduct, or arising from Consultant's or indemnitors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, except claims or liabilities occurring as a result of OCCOG's sole negligence or willful acts or omissions. The indemnity obligation shall be binding on successors and assigns of Consultant and shall survive termination of this Agreement.

6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 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.

6.2 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.

6.3 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



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

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.

7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 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.

7.2 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.

7.3 Termination Prior to Expiration of Term. This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The OCCOG reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days’ written notice to Consultant, 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. In addition, the Consultant reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days’ written notice to OCCOG, except that where termination is due to the fault of the OCCOG, the period of notice may be such shorter time as the Consultant may determine. 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



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

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 7.2.

7.4 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 7.2, 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.

8. MISCELLANEOUS

8.1 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

8.2 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.

8.3 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



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

shall be in writing and either served personally or sent by email in the case of the OCCOG, to marnie@occog.com 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.

8.4 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.

8.5 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.

8.6 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.

8.7 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.



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

8.8 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.

8.9 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.

8.10 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 APPEAR ON FOLLOWING PAGE]



Orange County Council of Governments

AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

OCCOG: ORANGE COUNTY COUNCIL OF GOVERNMENTS

Trevor O’Neil, Chair

ATTEST:

OCCOG Clerk

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

Fred Galante, OCCOG General Counsel

CONSULTANT:

AJ DESIGN

By: _____

Name: _____

Title: _____

Address: _____



AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
AJ DESIGN

EXHIBIT "A"

SCOPE OF SERVICES

Consultant shall 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:

General Assembly:

- Graphic support including production of event program and signage at the event.
- Email blasts and social media posts to support General Assembly attendance
- Develop and update General Assembly webpage including registration process.
- Run of show day of event.
- Production of year in review/state of OCCOG video to show at event.

General Communications

- Produce and keep up to date a strategic communication calendar to include newsletters, social media posts, housing video release, etc. in coordination with Lisa Telles.
- Compile stories, create graphics and produce monthly OCCOG Update e-newsletter to be distributed the first Wednesday of each month using Mail Chimp.
- Design and post minimum of two social media posts **across platforms** each week as identified in the strategic communication calendar.
- Manage design and distribution of email blasts using Mail Chimp.
- Support maintenance of distribution lists.
- **Suggest and implement enhancements to social media and electronic communications activities that improve online engagement as measured by common metrics (click thrus, open rate, stickiness, likes/shares, etc.**
- **Custom graphics as needed for website/ social media**
- **Other communications tasks as needed by OCCOG**



AGREEMENT FOR CONTRACT SERVICES
 BETWEEN THE ORANGE COUNTY COUNCIL OF GOVERNMENTS AND
 AJ DESIGN

EXHIBIT "B"

SCHEDULE OF COMPENSATION

Consultant shall be paid up to the Contract Sum, which is based on the following breakdown:

Annual cost of \$24,000.00, which includes the following activities by Consultant:

- (1) preparation of twelve (12) monthly email newsletters;
- (2) preparation of twelve (12) monthly social media calendar updates;
- (3) preparation of forty-eight (48) social media postings, four (4) times per month;
- (4) assistance with media relations as needed and directed by OCCOG's Contract Officer, and
- (5) graphic design support for General Assembly.

This annual cost of \$24,000.00 is broken down into monthly costs of \$2,000.00.

Tasks & Timeline	
Item	Sequence
Email Newsletter	Once Per Month
Social Media Calendar	Once Per Month
Social Media Postings	Eight (8) Times Per Month
Media Relations	As Needed
Graphic Design	As directed + Gen. Assembly



AGENDA ITEM # 10

Approve Vehicles Miles Traveled Relief Letter

STAFF RECOMMENDATION

Direct OCCOG staff to prepare a letter to the Governor similar to the one provided by CBIA to circulate to the Orange County legislative delegation and request their support for the request that the VMT regulation be modified to be applied only in Urbanized Transit Priority Areas until a more equitable solution can be achieved. This change is consistent with SB 743's original intent.

SUMMARY

OCCOG has been requested to provide a letter similar to the sample letter attached by the California Building Industry (CBIA) requesting that the VMT regulation be modified to be applied only in Urbanized Transit Priority Areas until a more equitable solution can be achieved. OCCOG has previously written similar letters requesting that the State provide a time extension for implementing elements of SB 743 that added the analysis of Vehicle Miles Traveled (VMT) impacts of new development projects. Additionally, OCCOG remains concerned that the state's emphasis on reduction of VMT as the singular path to reducing greenhouse gases (GHG's) conflicts with the State's approach to addressing the housing crisis and will negatively impact funding for all modes of transportation.

BACKGROUND

Pursuant to SB 743, in December 2018, the California Natural Resources Agency adopted new regulations for the implementation of the California Environmental Quality Act (CEQA). The new CEQA Guidelines contain many provisions that will increase the likelihood that housing projects will be subject to litigation and cost increases. Among them was the newly-proposed impact known as VMT which would replace the previous analysis of traffic impacts called Level of Service (LOS).

Whereas LOS analysis examines the delay created by a new project, and therefore the impact



to the overall mobility system, SB 743 requires VMT to be the new metric for transportation impacts under CEQA. This new analysis requires local governments to analyze the vehicular trips generated by future development projects. This will require housing projects to quantify how many miles home buyers, renters, and tenants will drive to work, to the store, for recreation, and other purposes. Commercial and industrial projects will also be required to quantify the miles generated by the employees and services related to such uses.

The ideological approach of reducing VMT is to get people to choose alternative mobility options such as walking, biking, carpooling, or public transit over their personal single occupancy vehicle. By examining increased VMT rather than the deterioration of LOS, congestion is no longer considered “bad” since it slows down traffic and incentivizes individuals to use alternative forms of transit. Improvements like road widening are considered a negative impact on greenhouse gas reductions because they increase commuter speeds which the regulation assumes will encourage people to drive longer distances. The Administration through executive orders is pushing California go on a "road diet" and calls into question whether the voters understood this when they approved an increase in the gas tax.

In addition to existing laws, which require the quantification and mitigation of air quality impacts, including greenhouse gas emissions from tail pipes, VMT introduces a new impact, and added costs, to the environmental review process. Disturbingly, it will apply even once we convert to 100% zero emission vehicles. And, not coincidentally, since we fund transportation improvements, including transit service and active transportation infrastructure as well as highways and local streets and roads, from the state gas tax, as we see VMT drop and more alternative fuel vehicle on our roads, funds that support our transportation network will drop as well.

Our partners in the development community are once again sounding the alarm that VMT regulation will increase, not decrease, the cost of housing. CBIA is reporting that

*“In response to the state’s VMT regulation, the County of San Diego recently proposed a VMT mitigation fee ranging from \$50,000 to \$2 million **per new home**. Other jurisdictions are proposing VMT mitigation fees starting at \$40,000 **per new home**. Of course, none of these requirements are imposed on already existing homes that may be for sale right across the street despite having the same VMT impact.*”



It was recently reported that the median home price in California had risen to an eye-popping \$800,000 for the month of April. That number pales in comparison to some proposed VMT fees. In California, a \$1,000 increase in the cost of a home prices 12,361 households out of the housing market. It should not be hard to see that adding even a \$50,000 fee to the cost of a home is simply a moratorium on new housing. A \$2 million fee is just laughable.”

Having just completed the 6th cycle Regional Housing Needs Assessment, our member jurisdictions know first-hand how many housing units we need to zone for in the coming eight years and the magnitude of the challenge before us. That there are fees mounting on new home building that will put homeownership- the primary method of establishing economic stability, community participation and economic growth- that much farther out of reach for thousands of our residents should be of grave concern.

OCCOG staff is recommending the Board consider sending a letter in line with the sample provided by CBIA to members of the Orange County legislative delegation in Sacramento to let them know that we can ill afford to be putting more hurdles to home ownership in place as we seek to provide housing for residents across the economic spectrum.

ATTACHMENTS

- A. CBIA sample VMT Relief Letter
- B. Letter re VMT dated June 10,2020, to Gov. Newsom from OCCOG

STAFF CONTACT

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

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814



June XX, 2021

The Honorable Gavin Newsom
Governor of California
California State Capitol
Sacramento, California 95814

Kate Gordon
Director, Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Gustavo Velasquez
Director, California Department of Housing & Community Development
2020 West El Camino Avenue
Sacramento, CA 95833

RE: Amendment Request for the Vehicle Miles Traveled Regulations to Protect Statewide Housing Production Goals

Dear Governor Newsom, Director Gordon, and Director Velasquez:

We would like to thank you for your leadership and commitment to meeting the housing needs of a growing California population while pursuing California's audacious climate goals. We believe that these two goals are not in conflict but can be achieved, together.

Thanks to California's attention to energy and water efficiency standards, a new home in California is 70% more energy efficient than a home built 15 years ago. Likewise, a new home is 50% more water efficient than a home built 20 years ago. New homes now come with energy generated from solar panels (usually installed on rooftops) and electric vehicle-ready systems installed in garages. All this means that California's new homes are far better for the environment and have a lower carbon footprint than homes built years earlier. **Living in a newly constructed California home is one of the best things one can do for the environment.**

As you know, last July California's Vehicle Miles Traveled (VMT) regulation went into effect. The regulation's authorizing legislation, SB 743 (2013), directed OPR to come up with an

alternative to the traditional way of analyzing traffic impacts of new developments in urbanized infill areas. The impetus for SB 743 was to ameliorate the inherent conflict created by new state policies encouraging infill development, and the traditional analysis of traffic impacts under the California Environmental Quality Act (CEQA) which penalized infill home builders for bringing additional people, and therefore traffic, to urban streets by utilizing a “Level of Service” standard. Since the conflict only existed in urbanized infill areas, SB 743 only required VMT to be applied in urban or Transit Priority Areas (TPA). Unfortunately, the VMT regulation has expanded to apply statewide and will have a disastrous effect on housing production in the state.

In response to the state’s VMT regulation, the County of San Diego recently proposed a VMT mitigation fee ranging from \$50,000 to \$2 million **per new home**. Other jurisdictions are proposing VMT mitigation fees starting at \$40,000 **per new home**. Of course, none of these requirements are imposed on already existing homes that may be for sale right across the street despite having the same VMT impact.

It was recently reported that the median home price in California had risen to an eye-popping \$800,000 for the month of April. That number pales in comparison to some proposed VMT fees. In California, a \$1,000 increase in the cost of a home prices 12,361 households out of the housing market. It should not be hard to see that adding even a \$50,000 fee to the cost of a home is simply a *moratorium on new housing*. A \$2 million fee is just laughable.

Those who will be hardest hit by the application of VMT statewide are people of color, millennials and middle-class Californians who pay a disproportionately high percentage of their income for housing. These constituencies are regularly forced to choose between having a roof over their head or having healthcare, food, electricity or water. As more Californians are pushed into poverty, they become more dependent on government funded services, and they are pushed into homelessness and its concomitant shorter life expectancy.

Lack of housing that is affordable has a tremendous impact on California’s economy by making hiring difficult for employers and forcing many workers who can’t afford housing to live hours from their jobs, forcing long commutes (increasing VMT). This takes a real toll on productivity, personal health and jeopardizes quality family life, as well as driving up GHG emissions. This is a lose-lose outcome for everyone.

In the County of San Diego, VMT fees will have create a significant obstacle to meeting their regional housing needs allocation. The County of San Diego was allocated 6,700 dwelling units in their Cycle 6 regional housing needs allocation but only 507 units meet their VMT requirements. There are not enough subsidies – public or private – to meet the existing need. Early data suggest that this impact will be felt in other counties as well. Fresno County indicated that small rural communities who are desperate for affordable units will be unable to encourage development because of the VMT fee.

In the final analysis, targeting new homes with these heavy burdens drives the few Californians who can still afford a home into older homes with larger carbon footprints or to other states that do not meet our environmental standards. Accordingly, we believe that the VMT regulation, while well intentioned, is now working *against* both our climate and housing goals.

Therefore, we respectfully request that the VMT regulation be modified to be applied only in Urbanized Transit Priority Areas until a more equitable solution can be achieved. This change is consistent with SB 743's original intent.

Thank you again for your leadership and commitment in addressing our mutual interest in achieving California's housing and climate change goals.

Sincerely,

Anna M. Caballero
Senator, 12th District

Cc: Jim Deboo, Executive Secretary, Office of Governor Gavin Newsom
Ana Matosantos, Cabinet Secretary, Office of Governor Gavin Newsom
Wade Crowfoot, Secretary, California Natural Resources Agency
Lourdes Castro Ramirez, Secretary, Business, Consumer Services & Housing Agency
Dee Dee Myers, Senior Advisor to the Governor and Director of the Governor's Office of
Business and Economic Development
Jason Elliott, Senior Counselor to Governor Gavin Newsom



Orange County Council of Governments

Orange County Council of Governments (OCCOG)
3972 Barranca Parkway, Ste. J127
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www.occog.com

June 10, 2020

Hon. Gavin Newsom
Governor of the State of California
California State Capitol
Sacramento, CA 95814

Subject: Extension of July 1 VMT Implementation

Dear Governor Newsom:

On behalf of the Orange County Governments (OCCOG), I would like to thank you for your leadership and prompt and decisive action to protect our state from the COVID-19 pandemic. By taking this threat seriously and taking the necessary actions to prevent its rapid spread, you have likely reduced the impacts on our healthcare system, economy, and housing that are sure to come. It is in this spirit that I bring to your attention a regulation that will dramatically impact the ability for many Californians, including young families, essential workers, and communities of color, to purchase a home - Vehicle Miles Travelled (VMT), and respectfully request the extension of the implementation date of the integration of VMT analyses in CEQA, to July 1st, 2022.

Pursuant to SB 743, in December 2018, the California Natural Resources Agency adopted new regulations for the implementation of the California Environmental Quality Act (CEQA). The new CEQA Guidelines contain many provisions that will increase the likelihood that housing projects will be subject to litigation and cost increases. Among them was the newly-proposed impact known as VMT which would replace the previous analysis of traffic impacts called Level of Service (LOS).

Whereas LOS analysis examines the delay created by a new project, and therefore the impact to the overall mobility system, the CEQA implementation of SB 743 will now require VMT to be the new metric for transportation impacts under CEQA. This new analysis requires local governments to analyze the vehicular trips generated by future development projects. This will require housing projects to quantify how many miles home buyers, renters, and tenants will drive to work, to the store, for recreation, and other purposes. The VMT analysis will also require commercial and industrial projects to quantify the miles generated by the employees and services related to such uses.

The ideological approach of VMT is to get people to abandon their individual vehicles and use alternative mobility options such as walking, biking, carpooling, and public transit. The regulation views road congestion as a good thing, since it slows down traffic and incentivizes individuals to use alternative forms of transit. Improvements like road widening are considered a negative impact on greenhouse gas reductions because it increases commuter speeds which the regulation assumes will encourage people to



drive longer distances. The new regulation advocates that California go on a "road diet" and calls into question whether the voters understood this when they approved an increase in the gas tax.

In addition to existing laws, which require the quantification and mitigation of air quality impacts, including greenhouse gas emissions, from tail pipes, VMT introduces a new impact, and added costs, to the environmental review process. Disturbingly, it will apply even once we convert to 100% zero emission vehicles. And, not coincidentally, since we fund transportation improvements, including transit service and active transportation infrastructure as well as highways and local streets and roads, from the state gas tax, as we see VMT drop and more alternative fuel vehicle on our roads, funds that support our transportation network will drop as well.

VMT regulation disproportionately impacts communities of color, and those farther away from job centers, which are often the most affordable areas. Not surprisingly then, these locations provide much needed housing for low- and middle-class Californians. Measures to mitigate VMT, especially in rural areas, significantly drive up the costs of residential development.

Our partners in the development community are sounding the alarm that VMT regulation will increase, not decrease, the cost of housing. They have identified that every \$1,000 increase in the cost of a home eliminates 8,870 households from the ability to afford a home, putting the American dream of homeownership - the primary method of establishing economic stability, community participation and economic growth - further out of reach for those struggling to afford a home today. OCCOG is concerned that this will have its greatest impacts on classes protected by the federal and state constitutions and a variety of federal and state laws prohibiting housing discrimination.

While our member jurisdictions are taking steps to ready themselves to make the transition from LOS to VMT analysis, I would be remiss if I did not point out to you how big of a disconnect there is between the aspirations of SB743 and the implications of the implementation of the VMT impact on the housing crisis and our ability to pay for critical transportation infrastructure improvements. Further, there is still a critical missing piece in the implementation puzzle: a more comprehensive approach on how to effectively implement VMT mitigation. Researchers are concluding that on-site mitigation alone cannot effectively reduce project-level VMT to local government-adopted targets. Thus, the time extension requested, would allow our regional and county transportation partners to not just study, but implement regional and area-wide approaches for VMT mitigation that can be achieved collaboratively and with support of our development community partners. OCCOG is ready to assist in this effort.

There are also special impacts from the COVID-19 health crisis, which has already produced dramatic reductions in VMT, that should result in further refinement of how VMT is implemented to ensure equity and a steady funding source for transportation investments across our state. Therefore, we respectfully request that you extend the implementation of the VMT regulation for two years, to July 1, 2022. Thank



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you again for your leadership during these challenging times and know that we stand ready to assist you in our mutual effort to address the housing crisis in California.

Sincerely,

Marnie O. Primmer
Executive Director



AGENDA ITEM # 11

Approve SONGS Coalition Letter

STAFF RECOMMENDATION

Authorize Executive Director to add OCCOG to the Actions for Spent Fuel Now coalition. Approve sending a letter of support for the SONGS-related coalition.

SUMMARY

Staff is requesting approval by the OCCOG Board of Directors regarding the SONGS Coalition Letter dated May 10, 2021.

BACKGROUND

As Orange County's designated sub-regional planning organization, the Orange County Council of Governments (OCCOG) addresses five policy areas: water, energy, transportation, air quality and land use/housing. OCCOG is a voluntary joint-powers agency providing a forum for member agencies to engage cooperatively on matters important regionally and to the county, thus the issue of the decommissioning of the San Onofre Nuclear Generating Station (SONGS) and long-term disposition of spent fuel presently on site at SONGS is a matter of interest for OCCOG. With the cessation of energy production at SONGS and dismantlement ongoing, we look forward to the eventual restoration of the SONGS site to its pre-industrial condition and return to public control. At the same time, we share the concerns of many about solutions for the permanent storage of spent fuel. It is clear that the federal government must fulfill its responsibility under the Nuclear Waste Policy Act of 1998 to provide a federally-licensed facility away from our coastline for spent fuel in order for Southern California Edison to complete in full the SONGS decommissioning process and restore the site.

OCCOG staff is recommending that the Board of Directors authorize a letter supporting the SONGS Coalition. Other coalition members include both the Orange County and San Diego County boards of supervisors, SCE, Pacific Gas & Electric, numerous local elected officials, community non-profits, labor organizations, and others. These stakeholders support the efforts of the Actions for Spent Fuel Now coalition to urge federal policymakers to fulfill their obligation to provide an off-site solution for SONGS' spent fuel.



Orange County Council of Governments

STAFF REPORT June 24, 2021

ATTACHMENTS

- A. Sample SONGS Coalition Letter – Subject: Actions for Fuels Spent Now

STAFF CONTACT

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



Orange County Council of Governments

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

info@occog.com

June 24 2021

Re: Actions for Spent Fuel Now

To Whom it May Concern:

The Orange County Council of Governments (OCCOG) is Orange County's sub-regional planning organization. As a voluntary joint-powers agency which provides a vehicle for member agencies to engage cooperatively on matters important regionally and to the county, the issue of the dismantlement of the San Onofre Nuclear Generating Station (SONGS) and long-term disposition of spent fuel presently on site at SONGS is a matter of interest for OCCOG.

With the cessation of energy production at SONGS and dismantlement ongoing, we look forward to the eventual restoration of the SONGS site to its pre-industrial condition and return to public control. At the same time, we share the concerns of many about solutions for the permanent storage of spent fuel. It is clear that the federal government must fulfill its responsibility under the Nuclear Waste Policy Act of 1998 to provide a federally licensed facility away from our coastline for spent fuel in order for Southern California Edison to complete in full the SONGS decommissioning process and restore the site.

We join with both the Orange County and San Diego County boards of supervisors, SCE, Pacific Gas & Electric, numerous local elected officials, community non-profits, labor organizations, and more, in joining the efforts of the Actions for Spent Fuel Now coalition to urge federal policymakers to fulfill their obligation to provide an off-site solution for SONGS' spent fuel.

Sincerely,

Marnie Primmer
Executive Director, OCCOG



AGENDA ITEM #12

Approve Resolution 2021-01 Enabling the County of Orange to Return to OCCOG Membership Upon Board of Supervisor Approval

STAFF RECOMMENDATION

Approve Resolution 2021-01 to enable the return of the County of Orange (County) to OCCOG Membership upon an affirmative vote of the County Board of Supervisors (BOS).

SUMMARY

The County withdrew from OCCOG Membership during the budget process of 2016. Since that time, OCCOG staff has been working with County staff to continue a strong partnership and ultimately secure the return of the County to a full membership in the OCCOG. The County is undertaking its annual budgeting process and would be able to return to membership in the OCCOG with a resolution and payment of dues. OCCOG staff understands that County may wish to use in-kind support for administering the Orange County Data Acquisition Program (OCDAP) when SCAG withdraws its support in lieu of monetary dues. Staff does not object to the use of these services as an in-kind membership dues payment if the Board concurs with that proposal.

OCCOG Bylaws, dated October 2015, require that a returning member secure a resolution of their governing Board to return and that the OCCOG Board of Directors also pass a resolution accepting the application to return. Resolution 00021-01 will serve as the instrument for enabling the County to return to the OCCOG upon passage of a resolution by the County BOS. Should the County opt to return there will be 100% participation in the OCCOG in FY 2021-22.

ATTACHMENTS

- A. OCCOG Board of Directors Resolution 2021-01
- B. Letter to County Board of Supervisors Chairman Andrew Do dated June 17, 2021

STAFF CONTACT

Marnie O'Brien Primmer
OCCOG Executive Director
949-698-2856
marnie@occog.com



RESOLUTION NO. 2021-01

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE ORANGE COUNTY COUNCIL OF GOVERNMENTS (“OCCOG”)
APPROVING THE PETITION FROM THE COUNTY OF ORANGE TO BECOME A DUES-
PAYING MEMBER OF THE OCCOG**

WHEREAS, the OCCOG Board is in receipt of a Resolution duly adopted by the Board of Supervisors of the County of Orange (“County”) on June ____, 2021 to rejoin the OCCOG as a dues-paying member;

WHEREAS, in accordance with Section 3.1 of the OCCOG Bylaws, the OCCOG Board shall review the petition of any public agency located within the geographical boundaries of Orange County to become a member of the OCCOG and, upon the OCCOG Board’s review of the qualification of agency to become a member, may approve or disapprove the petition; and

WHEREAS, the Board has considered the petition of the County to join the OCCOG and wishes to document its approval of such petition by this Resolution shall be re-instated as a member of the OCCOG’s Amended and Restated Joint Powers Agreement approved by the OCCOG Board on June 25, 2009 (“JPA Agreement”).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the OCCOG as follows:

Section 1. The OCCOG Board hereby finds that the above Recitals are true and correct.

Section 2. As described in the above Recitals, the OCCOG Board is in receipt of the Resolution of the County’s Board of Supervisors petitioning the OCCOG Board to re-instate its membership as a full dues-paying member of the OCCOG. As an agency qualified to be a member of the OCCOG, the County is hereby approved as a full dues-paying member of the OCCOG. The OCCOG Board shall, by separate action, authorize a member of the County to be sworn in as a voting member of the OCCOG Board and fill the seat designated for the County-At-Large Representative identified in Section 5.1.B. (2) of the OCCOG Bylaws.

Section 3. The OCCOG Board further authorizes an addendum to the JPA Agreement, with the Board Chair authorized to sign same, confirming the approval of the County as a dues-paying member of the OCCOG.



RESOLUTION NO. 2021-01

Section 4. The OCCOG Clerk of the Board shall certify as to the adoption of this Resolution.

ADOPTED, SIGNED AND APPROVED this 24th day of June, 2021.

Chair

APPROVED AS TO FORM:

Aleshire & Wynder, LLP

Fred Galante, General Counsel



Orange County Council of Governments

Attachment B

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

info@occog.com

June 17, 2021

The Honorable Andrew Do
Chairman
Orange County Board of Supervisors
333 W. Santa Ana Boulevard
Santa Ana, California 92701

Dear Chairman Do:

Subject: Consideration to Re-Join the Orange County Council of Governments

As the Chair and Vice-Chair of the Orange County Council of Governments and Regional Council representatives of the Southern California Association of Governments, we have been actively involved in key planning issues that have directly impacted all Orange County jurisdictions. Of key highlight are the discussions and actions of the Regional Housing Needs Assessment (RHNA) process and how the allocation of the state's share of housing need to the SCAG region, severely impacted Orange County and all subregions within SCAG. With the preparation of the next update to SCAG's Regional Transportation Plan and Sustainable Communities Strategy already underway, we are concerned that Orange County jurisdictions will continue to be impacted with intensified growth assumptions, far greater than our "fair share," to address the region's greenhouse gas emissions targets for the next regional plan.

The key question is: how can Orange County move forward decisively and strategically, to ensure that the concerns and recommendations of our Orange County elected officials, residents and employees are heard and integrated into these regional plans?

One action, which we respectfully offer for your consideration, is for the County of Orange to re-join the Orange County Council of Governments.

OCCOG and SCAG currently have a common and important alignment: shared city representation on their respective governing boards. What is missing, however, is our County voice and County alignment. While the County of Orange is a SCAG member agency, we have sorely missed the representation of the County of Orange on the OCCOG Board of Directors since 2016.

And we cannot overemphasize the vacuum that this omission represents.



As you may recall, OCCOG is one of fifteen official subregions of SCAG, and as an official SCAG subregion, OCCOG has the distinction of having a recognized role on regional policy making to SCAG.

This is an invaluable alignment, as it allows for a consistent message and directive on local policy making at the OCCOG Board of Directors level, to be maintained and carried forth by the same individuals at the SCAG Regional Council level.

This alignment provides a critical Orange County voice on housing, transportation, and land use policymaking.

As we all know, the past two years with the state-mandated RHNA planning process was a challenging one. The planning process shed light on how vast the SCAG region is, and how different counties have distinct and differing perspectives on how best to plan for the region. But what Orange County can bring to the table –as members of both OCCOG and SCAG – is a unified position and a show of strength that can continue to make a difference and counter any rubber-stamping of regional policy positions.

As such, we strongly urge the Board of Supervisors to take official action as part of your upcoming budget process to ensure the County of Orange rejoins OCCOG. As individual jurisdictions within Orange County, we must work together collectively to continue to push for a voice of reason against “one-size fits all” directives coming down from Sacramento and impinging upon local control at the regional and county levels. Through OCCOG and through Orange County’s representation on SCAG committees and Governing Board, we can better represent our constituents as one unified voice for Orange County to ensure that the issues and concerns of our cities, and of Orange County in general, are respected and considered. We cannot effectively achieve that mission without the solidarity of the County of Orange and all our Orange County jurisdictions.

With your upcoming budget adoption next week, we urge you and your colleagues to include the County’s annual dues of \$9,000 for OCCOG membership and the attached resolution as part of your final approval. In addition to other membership benefits, OCCOG is administering a \$3.245M sub-regional partner Regional Early Action Planning Grant program that as an OCCOG member the County would benefit from. Projects included in this grant program include \$600,00 in support for the Orange County Housing Finance Trust, pre-approved ADU plans and specifications, access to on-call staff resources, and the GIS-based site selection dashboard and 3-D site visualization tool.



Orange County Council of Governments

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Please reach out to us with any questions. County and your district staff may also contact OCCOG Executive Director Marnie Primmer at marnie@occog.com with questions or assistance with this request.

Thank you for your leadership and consideration of this time sensitive budget request.

Respectfully,

Trevor O'Neil
Councilman
City of Anaheim

Wendy Bucknum
Mayor Pro Tem
City of Mission Viejo

Chair
Orange County Council of Governments

Vice-Chair
Orange County Council of Governments

cc: Orange County Board of Supervisors
Orange County CEO Frank Kim
OCCOG Executive Director Marnie O'Brien Primmer