



AGENDA

18700 Ward St.
Fountain Valley, CA 92708
(714) 378-3200

PROPERTY MANAGEMENT COMMITTEE MEETING
WITH BOARD OF DIRECTORS *
ORANGE COUNTY WATER DISTRICT
Friday, September 20, 2024 – 12:00 p.m. – Conference Room C-2

*The OCWD Property Management Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act and it provides an opportunity for all Directors to hear presentations and participate in discussions. Directors receive no additional compensation or stipend as a result of simultaneously convening this meeting. Items recommended for approval at this meeting will be placed on **October 2, 2024**, Board meeting Agenda for approval.

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

Computer Audio: You can join the Zoom meeting by clicking on the following link:
<https://ocwd.zoom.us/j/81364630427>

Meeting ID: 813 6463 0427

Telephone Audio: (213) 338 8477

Teleconference Sites:
10382 Bonnie Drive, Garden Grove
19 Cannery, Buena Park
1502 North Broadway, Santa Ana
6148 E Baja Dr, Anaheim
20 Civic Center, Santa Ana

* Members of the public may attend and participate at all locations.

ROLL CALL

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

RECOMMENDATION: Adopt resolution determining need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda (requires two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, a unanimous vote of those members present.)

VISITOR PARTICIPATION

Time has been reserved at this point in the agenda for persons wishing to comment for up to three minutes to the Board of Directors on any item that is not listed on the agenda, but within the subject matter jurisdiction of the District. By law, the Board of Directors is prohibited from taking action on such public comments. As appropriate, matters raised in these public comments will be referred to District staff or placed on the agenda of an upcoming Board meeting.

At this time, members of the public may also offer public comment for up to three minutes on any item on the Consent Calendar. While members of the public may not remove an item from the Consent Calendar for separate discussion, a Director may do so at the request of a member of the public.

CONSENT CALENDAR (ITEM NO. 1)

All matters on the Consent Calendar are to be approved by one motion, without separate discussion on these items, unless a Board member or District staff request that specific items be removed from the Consent Calendar for separate consideration.

1. MINUTES OF PROPERTY MANAGEMENT COMMITTEE MEETING HELD AUGUST 23, 2024

RECOMMENDATION: Approve minutes as presented

MATTER FOR CONSIDERATION

2. AGREEMENT WITH VOIT REAL ESTATE SERVICES FOR DISTRICT'S IMPERIAL HIGHWAY PROPERTY

RECOMMENDATION: Agendize for October 2 Board meeting: Approve and authorize execution of an Agreement with Voit Real Estate Services, exploring bridge access options to the District's Imperial Highway Property for 6-month term, at a rate of \$450 per hour, with a total cost not to exceed \$75,000, subject to legal counsel review and approval

INFORMATIONAL ITEMS

3. 2024 SUMMARY OF THE SURPLUS LAND ACT AND RECENT AMENDMENTS THERETO
4. UPDATE ON PLANNING OF IN-PLACE REMEDIATION FOR THE PRADO LEAD REMEDIATION PROJECT

CHAIR DIRECTION AS TO ITEMS TO AGENDIZE AS MATTERS FOR CONSIDERATION AT THE OCTOBER 2 BOARD MEETING

DIRECTORS' COMMENTS/REPORTS

GENERAL MANAGER'S COMMENTS/REPORTS

ADJOURNMENT

PROPERTY MANAGEMENT COMMITTEE

Committee Members

Steve Sheldon - Chair
Natalie Meeks - Vice Chair
Denis Bilodeau
Bruce Whitaker
Roger Yoh

Alternates

Valerie Amezcua - Alternate 1
Dina Nguyen - Alternate 2
Van Tran - Alternate 3
Erik Weigand - Alternate 4
Cathy Green - Alternate 5

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted at the guard shack entrance and in the main lobby of the Orange County Water District, 18700 Ward Street, Fountain Valley, CA and on the OCWD website not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the District Secretary. Backup material for the Agenda is available at the District offices for public review and can be viewed online at the District's website: www.ocwd.com

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the District Secretary at (714) 378-3234, by email at cfuller@ocwd.com, by fax at (714) 378-3373. Notification 24 hours prior to the meeting will enable District staff to make reasonable arrangements to assure accessibility to the meeting.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda, and can be reviewed at www.ocwd.com. Copies of these materials and other disclosable public records distributed to all or a majority of the members of the Board of Directors in connection with an open session agenda item are also on file with and available for inspection at the Office of the District Secretary, 18700 Ward Street, Fountain Valley, California, during regular business hours, 8:00 am to 5:00 pm, Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Orange County Water District office.

MINUTES OF THE PROPERTY MANAGEMENT COMMITTEE MEETING
WITH BOARD OF DIRECTORS
ORANGE COUNTY WATER DISTRICT
August 23, 2024 @ 12:00 p.m.

Director Sheldon called the Property Management Committee meeting to order in Conference Room C-2. Members of the public also participated via Zoom. The Secretary called the roll and reported a quorum as follows:

Committee

Steve Sheldon
Natalie Meeks
Denis Bilodeau
Bruce Whitaker (absent)
Roger Yoh

Alternates

Valerie Amezcua
Dina Nguyen (absent)
Van Tran
Erik Weigand
Cathy Green

OCWD Staff

John Kennedy, General Manager
Bruce Dosier, Director of IS/Property Management
Daniel Park, Property Manager
Chris Olsen, Executive Director of Engineering
Jason Dadakis, Executive Director Water Quality & Technical Resources
Mehul Patel, Executive Director of Operations
Lisa Haney, Executive Director of Planning & Natural Resources
Jeremy Jungreis, General Counsel
Leticia Villarreal, Assistant District Secretary

CONSENT CALENDAR (ITEMS NO. 1-3)

The Consent Calendar was approved upon motion by Director Meeks, seconded by Director Yoh, and carried [5-0] as follows:

Ayes: Sheldon, Meeks, Bilodeau, Yoh, Amezcua

1. Meeting Minutes

The Minutes of the Property Management Committee meeting held July 26, 2024 were approved as presented.

2. Amendment to Pheasant Lease to Elaine Raahauge D.B.A. Mike Raahauge's Shooting Enterprises at Prado Basin for One-Year Extension

Recommended for approval at September 4 Board meeting: Approve and authorize execution of Amendment Twenty to Pheasant Lease to Elaine Raahauge DBA Mike Raahauge's Shooting Enterprises that provides for a one-year extension of the lease through September 30, 2025, with all other terms and conditions remaining the same.

3. Revised Policy Regarding Filming on District Property

Recommended for approval at September 4 Board meeting: Adopt the revised Policy for Film and Photography on Orange County Water District Property.

MATTER FOR CONSIDERATION

4. Termination of the California Department of Transportation (CALTRANS) Decertification of Property at Burris Basin

Director of IS/Property Management Bruce Dosier recalled that the District has filed an application with Caltrans to decertify 1.3 acres of land leased to Caltrans and subleased by the District to The

Islands Golf Center (The Islands). He advised that Caltrans has been reviewing the land for “decertification” at the District’s request since 2018, however, they will only consider decertifying a portion of the land and are requiring an additional \$50,000 deposit to continue the process. He stated because Caltrans will not consider decertifying the entire 1.3 acres, and the portion they are considering does not meet all of the District’s objectives, staff recommends terminating the decertification process with Caltrans. He advised that the District would continue to lease the land from Caltrans and sublease the land to The Islands.

Upon motion by Director Yoh, seconded by Director Meeks and carried [5-0], the Committee recommended that the Board at its September 4 Board meeting: Direct staff to transmit a letter to Caltrans to cease work on and terminate the “decertification” process for the 1.3 acres at Burris Basin.

Ayes: Sheldon, Meeks, Bilodeau, Yoh, Amezcua

INFORMATIONAL ITEMS

5. Status Update on the District’s Imperial Highway Property

Mr. Dosier recalled that the District has an agreement with Adams Streeter to develop an engineering site analysis of the Imperial Highway property. He stated Adams Streeter had submitted their analysis of the boundary, topography and site grading to staff . He advised that part of the report was to develop site access options, but due to delays and lack of endorsement from Caltrans, Adams Streeter was unable to develop any site access from Imperial Highway. He reported that back in May, Adams Streeter informed the District that they would be shutting down their operations. Mr. Dosier noted that he reached out to Michael Heffner from Voit to discuss moving forward with the project.

The Committee directed staff to return to the next Property Committee meeting with the following: 1) proposed consulting agreement with Voit for assistance with Imperial Highway property; and 2) Voit to identify potential acquisition sites and costs along La Palma and the Santa Ana River for Right-of-Way bridge access.

6. Update on Planning of In-Place Remediation for the Prado Lead Remediation Project

Mr. Dosier reminded the committee that planning staff is working with AECOM on doing onsite remediation and completion of the planning phase of the project. He stated since the last update, staff have contacted two consultants, Carlson Land Strategies and AECOM’s Building and Development group for proposals to determine the optimum location of the corrective action management unit (CAMU). He advised that staff is waiting to receive the quotes. He noted that a project briefing was also provided to Department of Toxic Substances Control (DTSC), and a project schedule is being refined based on feedback from DTSC. Mr. Dosier stated that updates will be brought to the Committee at a future meeting.

CHAIR DIRECTION AS TO ITEMS TO AGENDIZE AS MATTERS FOR CONSIDERATION AT THE SEPTEMBER 4 BOARD MEETING

It was agreed to place Items No. 2, 3 & 4 on the on the Consent Calendar at the September 4 Board meeting.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:30 p.m.

Steve Sheldon, Chair

AGENDA ITEM SUBMITTAL

Meeting Date: September 20, 2024

To: Property Management Committee
Board of Directors

From: John Kennedy

Staff Contact: B. Dosier/D. Park

Budgeted: No

Budget Amount: \$0

Cost Estimate: \$450/hour,
not to exceed \$75,000

Funding Source: N/A

Program/Line Item No.: N/A

General Counsel Approval: N/A

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

**Subject: AGREEMENT WITH VOIT REAL ESTATE SERVICES FOR DISTRICT'S
IMPERIAL HIGHWAY PROPERTY**

SUMMARY

The District owns a vacant 19-acre land parcel in the city of Anaheim, located west of Imperial Highway and south of the Santa Ana River (SAR). During the Property Committee meeting on August 23, staff was directed to negotiate a real estate consulting agreement with Voit Real Estate Services (Voit). This scope of work would involve identifying potential access points along East La Palma Avenue for constructing a bridge over the SAR to connect to the District's parcel and to estimate the costs for acquiring these access rights. Voit has submitted a proposal for this work.

RECOMMENDATION

Agendize for October 2 Board meeting: Approve and authorize execution of an Agreement with Voit Real Estate Services, exploring bridge access options to the District's Imperial Highway Property for 6-month term, at a rate of \$450 per hour, with a total cost not to exceed \$75,000, subject to legal counsel review and approval.

DISCUSSION/ANALYSIS

The District owns a 19-acre land parcel in Anaheim (APN 358-291-01) located west of Imperial Highway and south of the Santa Ana River (Property). The Property has access through a gate entrance on the southbound side of Imperial Highway, which passes over a portion of the Santa Ana River Trail. This trail and gate are maintained by the County of Orange, and the District has limited access to the Property for maintenance purposes, as outlined in a Grant Deed transfer in 1973 that conveyed portions of District land to Caltrans. Staff has contacted Caltrans regarding site access and the approval process for a potential tenant to obtain access rights from Imperial Highway to the Property, however this has been inconclusive.

The Property was previously leased by Sunny Slope to operate a wholesale container tree nursery and is currently vacant. At its November 16, 2022 meeting, the Board authorized staff to engage the services of Voit for six months to market the Property and seek other tenants as appropriate. Voit had a number of inquiries on the Property, however site access was and continues to be an issue for most potential tenants and their intended use. Although the agreement with Voit terminated on May 31, 2023, Voit continues to receive inquiries for the

site.

At its May 17, 2023 meeting, the Board authorized an agreement with Adams Streeter Engineering to prepare a Site Development Analysis of the District's Imperial Highway property to include 1) development of key information about the Property to explore issuing an RFQ/RFP for potential future development (this information includes analyzing the property boundary, plotting existing easements, researching storm drains, sewer, water, and utilities, preparing grading, drainage, and water quality plans), and 2) development of high-level conceptual access options to the Property, meet with Caltrans and City of Anaheim staff to review and solicit feedback regarding the Property access concepts.

On November 1, 2023, District and Adams Streeter staff met with City of Anaheim staff to discuss potential access to the Property. OCWD staff presented several concepts regarding access to the Property, including a roundabout on Imperial Highway and a redesign of the off-ramp from the westbound 91 Freeway at Imperial Highway. The City's staff expressed concern that a roundabout would not be likely as Imperial Highway has eight lanes, far too many for a roundabout, and that it would likely extend out to the bridge over the SAR. As to the redesign of the off-ramp, Anaheim staff stated that the discussion would ultimately be with Caltrans District 12 as Caltrans has jurisdiction over Imperial Highway.

On April 3, 2024, District and Adams Streeter staff met with Caltrans staff to discuss property access concepts, primarily "intersection" and "roundabout" options. Caltrans staff expressed concerns stemming from the access-controlled nature of Imperial Highway, and that an intersection or roundabout could potentially degrade traffic circulation, cause delays, and would necessitate specific justification for any alterations to the existing standards; and suggested that OCWD staff explore an alternative option that did not include Imperial Highway, such as a bridge over the Santa Ana River. Subsequent to the Caltrans meeting, staff met with Adams Streeter and a traffic engineer familiar with projects in the City of Anaheim, Peter Pirzadeh of Pirzadeh and Associates, who confirmed Caltrans' concerns.

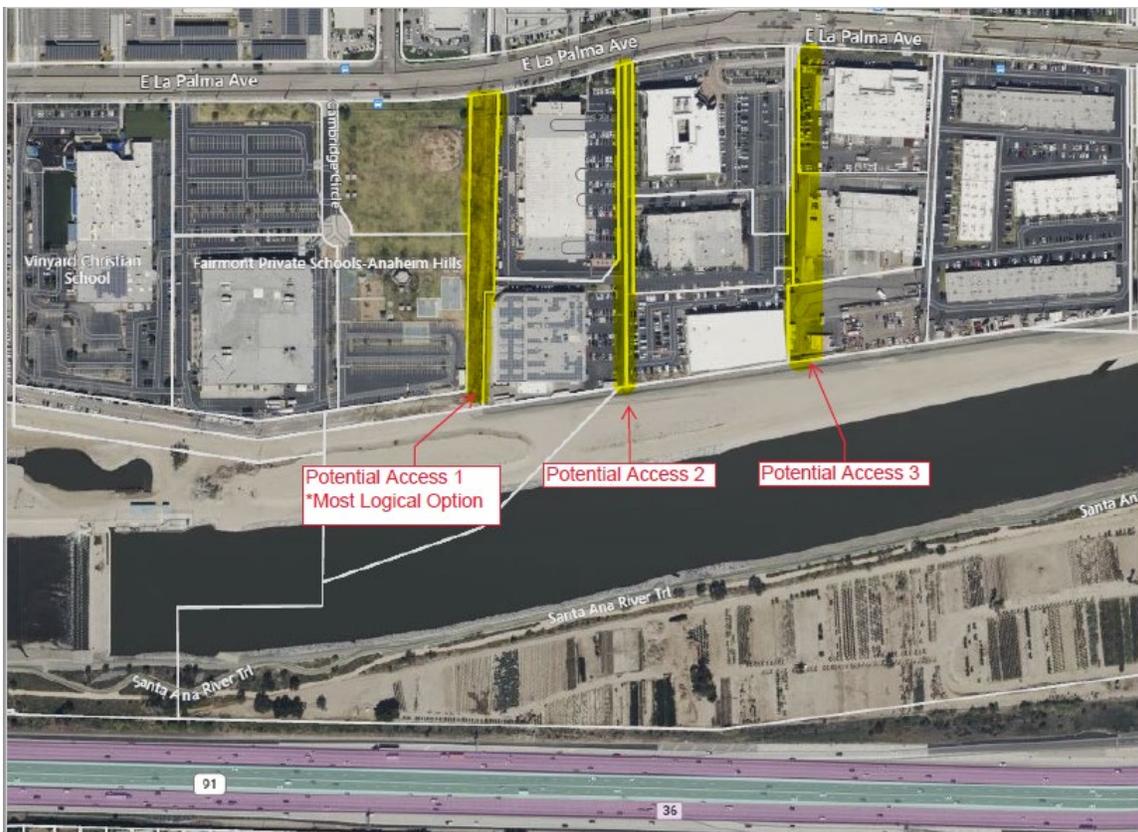
At its April 26 meeting, the Committee directed staff to review an option to develop a roundabout that might incorporate the westbound on-ramp to the 91 freeway and the District's property. Staff reported at the May 17 committee meeting that staff had reviewed the roundabout concept with its consultant, Adams Streeter and its traffic engineer, Pirzadeh and Associates, and it was their advisement that Caltrans would not agree with these designs. Staff advised the Committee that Adams Streeter was directed to finalize the Site Development Analysis, which Adams Streeter did and staff presented the findings to the Committee during its meeting on August 23.

Given the persistent access challenges to the Property for either leasing or development, staff discussed these access issues with Voit. Michael Hefner, of Voit, suggested exploring the construction of a bridge from East La Palma Avenue over the SAR, which was discussed with the Committee at its meeting on August 23. Mr. Hefner indicated that pursuing this option would likely involve acquiring commercial properties and/or securing the necessary Right-of-Way. Mr. Hefner also noted that under an agreement with the District, they could evaluate properties along East La Palma Avenue to identify potential access points to the SAR and estimate the costs for acquiring these access rights. The Committee directed staff to negotiate the terms of an agreement with Voit and report back with potential acquisition sites and estimated costs.

Voit has proposed three potential access options, as illustrated in Exhibit A. According to Voit, access labeled *Potential Access 1* in Exhibit A is the most viable. This option involves purchasing an easement over relatively underutilized land to the east of the existing school, with an estimated cost of \$6,669,000. This estimate is based on a rate of \$120 per land foot for an estimated area measuring 855 feet in length from La Palma Avenue to the edge of the river and 65 feet in width to accommodate four lanes, curb, and gutter. However, Voit has emphasized that cost estimates can vary depending on various factors and that dimensions will need further evaluation and verification.

Potential Access 2 and 3 would likely require purchasing two or more complete properties and potentially demolishing existing buildings, as creating an adequate access street would significantly impact the buildings' parking and loading areas. These two options would likely be much more costly.

Exhibit A



Voit has proposed to further evaluate the potential access options under a 6-month agreement at a rate of \$450 per hour, with a total not to exceed \$75,000. Staff has reviewed Voit's proposal and has no objections. Staff recommends finalizing and executing an agreement with Voit to further explore the bridge access options for the Property, subject to review and approval by legal counsel.

Summary of Prior Steps Taken:

October 2022	Sunnyslope Trees notifies the District that it will vacate property December 1, 2022
November	Voit hired to market the property for lease
December	Sunnyslope vacated the property
May 2023	Agreement approved with Adams Streeter for Site Development analysis. Agreement with Voit terminated May 31
June	Adams Streeter began work on boundaries and aerial survey of the property.
July	Adams Streeter continues working on boundaries – seeking clarification from Title Company
October	Title Company revises Preliminary Title Report (PTR) – provides update to boundary and ownership
November	Adams Streeter revising aerial survey of property Title Company revises Preliminary Title Report (PTR) – provide another update to boundary and ownership (clarified overlapping boundaries) Meeting with City of Anaheim staff to discuss potential access options
January 2024	Letter sent to Interim Caltrans Director requesting meeting to discuss Property access.
February	Reached out to Assemblyperson Chen and State Senator Chin’s offices for assistance in meeting with Caltrans.
March	Letter received from Caltrans Director Lan Zhou
April	Staff met with Caltrans to discuss letter received from Caltrans Director Lan Zhou and specifically about conceptual ideas for accessing the property
May	Staff review roundabout option with Adams Streeter and traffic engineer Pirzadeh and Associates
July	Site Development Analysis from Adams Streeter

PRIOR RELEVANT BOARD ACTION(S)

5/17/2023, R23-05-61: Authorize the General Manager to negotiate and execute an agreement with Adams Streeter to prepare a Site Development Analysis of the District’s Imperial Highway property to include 1) development of key information about the Property, and 2) development of high-level conceptual access options to the Property, meet with Caltrans and City of Anaheim staff to review and solicit feedback regarding the Property access concepts; at a cost not to exceed \$73,550

3/15/2023, M23-33: Authorize staff to engage an engineering firm to provide conceptual cost estimates for the access options and to develop key information about the Property

11/16/2022, M22-116: Authorize staff to engage the services of Voit Real Estate Services to market the property being vacated by Sunny Slope Tree Farm for Lease

LOCATION MAP



K:\GIS\GISDataStore\OCWD\Property\Management\DanP\MXD\SunnySlopeTreeFarm_APN358-291-01.mxd (5/5/2022)



-  OCWD Owned Parcel (APN 358-291-01)
-  Sunny Slope Tree Farm Leased Area

Sunny Slope Tree Farm Co.
OCWD Lease APN 358-291-01

SOURCE: OCWD (05/2022); OCPW (2021)

AGENDA ITEM SUBMITTAL

Meeting Date: September 20, 2024

To: Property Management Committee
Board of Directors

From: John Kennedy

Staff Contact: B. Dosier/D. Park/A. Dunkin

Budgeted: N/A

Budgeted Amount: N/A

Cost Estimate: N/A

Funding Source: N/A

Program/Line Item No.: N/A

General Counsel Approval: N/A

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

Subject: 2024 SUMMARY OF THE SURPLUS LAND ACT AND RECENT AMENDMENTS THERETO

SUMMARY

The Surplus Land Act (Gov. Code, §§ 54220 et seq) generally requires local agencies to follow specified procedures when selling or leasing publicly owned lands. The Surplus Land Act has been significantly expanded in recent years including in 2014 through Assembly Bill (AB) 2135, in 2019 through AB 1486, in 2020 through AB 1255, and most recently in 2023 through Senate Bill (SB) 747 and AB 480. The California Department of Housing and Community Development (HCD) has also issued guidelines implementing the Surplus Land Act (“Guidelines”). District staff and legal counsel will provide a summary of the current Surplus Land Act as it applies to the District.

Attachment: PowerPoint Presentation from Rutan & Tucker, LLP – 2024 Surplus Land Act Overview

RECOMMENDATION

Informational

DISCUSSION

In general, the Surplus Land Act requires local agencies to take certain steps before entering into negotiations or agreements for the lease or sale of their land. The Surplus Land Act applies to the majority of leases longer than fifteen (15) years or sales by cities, counties, joint powers authorities, successor agencies, housing authorities, and other political subdivisions of the State. However, for special districts, the Surplus Land Act excludes transactions for the “agency’s use” which may include commercial or industrial uses or generation of revenue if the district acts in a public meeting declaring that the transaction (1) will directly further the purpose of district work or operations or, (2) is expressly authorized by the statute governing the district in full compliance with Government Code Section 54233.5 (ie: the OCWD Act). (Gov. Code, § 54221 (c)(2)(B); Guidelines § 102 (d)(2).) This exclusion is generally called the “Agency’s Use” exclusion.

Section 2 of the OCWD Act lists several powers of the District, including but not limited to:

- To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey, or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its powers;
- To provide for the protection and enhancement of the environment within and outside the district in connection with the water activities of the district; and
- To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of the district which shall not interfere, or be inconsistent, with the primary use and purpose of the lands, facilities, and works by the district.

Virtually all OCWD sales and leases of real property will likely fall into the Agency's Use exclusion, and will require the following actions to comply with the Surplus Land Act:

- OCWD must make a declaration at a public meeting that the disposition will either further the purposes of OCWD's work or operations or is expressly authorized by the OCWD Act.
- OCWD must provide a copy of the declaration and documentary support (if any) to HCD.
- HCD will have thirty (30) days to review and object.
- If no objection is received, OCWD may proceed with the transaction.

It is unlikely that OCWD will have a transaction under the current Surplus Land Act where it cannot make the findings required to use the Agency's Use exclusion. However, in the improbable event where OCWD cannot make the required findings for a particular transaction, those transactions would be subject to longer procedures.

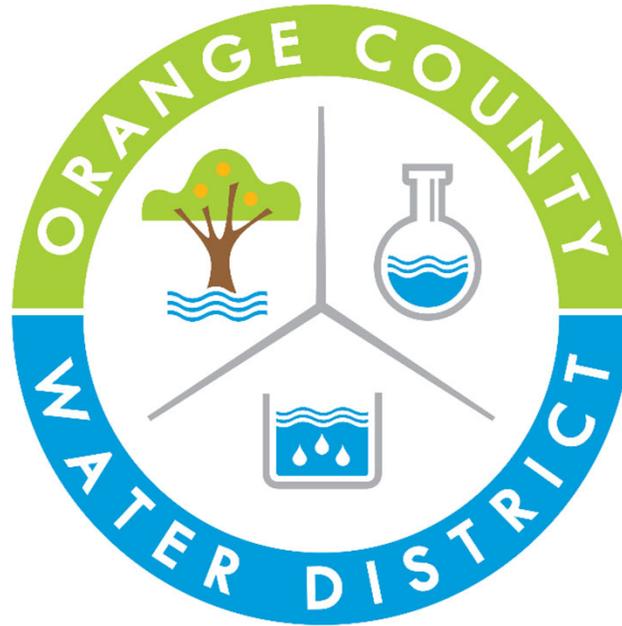
For non-excluded land, the land must be declared "exempt surplus" if it qualifies for one of several categories of exempt land, or "surplus" if it does not. The Surplus Land Act contains many categories of "exempt surplus" including certain small parcels under ½ acre in size, land exchanged in property exchanges, and land with legal restrictions not imposed by the disposing agency that prohibit residential uses on the parcel.

After the declaration, the land is subject to different procedures depending on which category is used. "Exempt surplus" is generally subject to a review period by HCD, while "surplus" is subject to a longer process where OCWD must notify housing sponsors and other entities that the land is available, must negotiate with any party who responds, and must provide HCD notice of the outcome of negotiations all before taking action to lease or sell land to any other party.

The current Surplus Land Act is not as burdensome on districts as it is on other public entities due to the Agency's Use exclusion. However, if the Agency's Use exclusion were to be narrowed or removed, the Surplus Land Act would become a significant step in OCWD lease and sale transactions.

District staff and legal counsel will provide a short summary of the current Surplus Land Act as it applies to the District and other local agencies.

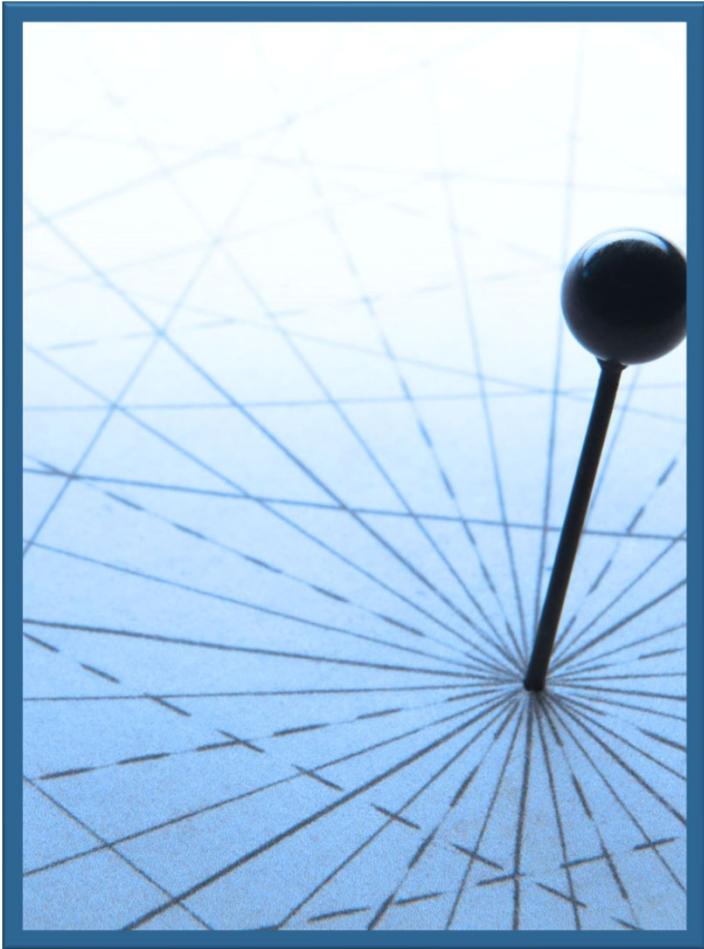
PRIOR RELEVANT BOARD ACTION(S) N/A



2024 Surplus Land Act (SLA) Overview Presented to the Orange County Water District

General Counsel's Office, Jeremy Jungreis & Jess Sanders
Rutan & Tucker, LLP
September, 2024

Overview



Introduction

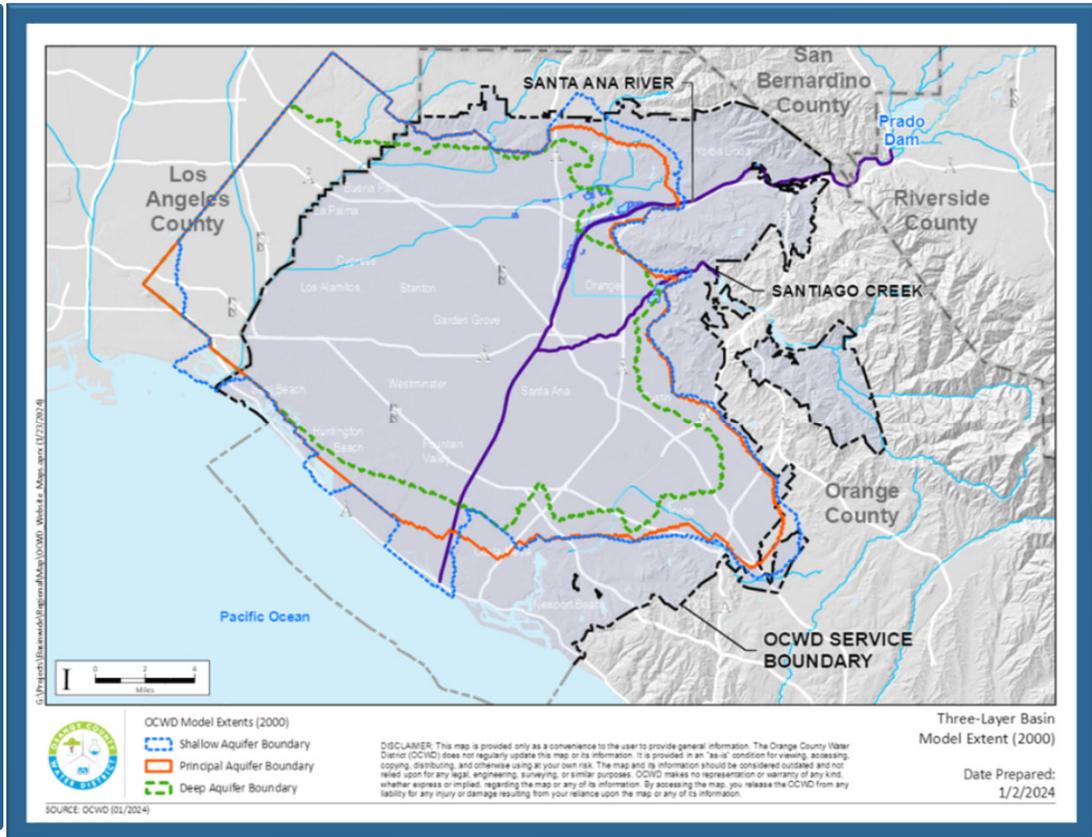
Scope and Exclusions

Surplus Land & Exempt
Surplus Land

Wrap Up

Introduction – What is the Surplus Land Act (SLA)?

- Gov. Code, §§ 54220 et seq and Guidelines issued by HCD.
- Generally, requires local agency to complete a specialized process before beginning to negotiate selling land, or leasing land for more than 15 years (including extensions/renewals). The SLA refers to either of these actions as “dispositions.”
- When the SLA applies, the local agency **cannot even begin to negotiate the transaction** before completing the SLA process.
- Failure to comply = potential litigation and monetary penalties up to 50% of the transaction value.



Scope and Exclusions

General Rule: All sales of local agency land or leases longer than 15 years. However, some transactions are excluded.

EXCLUSION 1: Lands Necessary for the “Agency’s Use.”

- Most important for OCWD.
- See next slide.

EXCLUSION 2: Lands Exempted by Specific Statute.

EXCLUSION 3: Lands Subject to the 2019 SLA.

- Land Subject to an ENA entered prior to Sept. 30, 2019.
- Affordable Housing subject to competitive bidding issued before Sept. 30, 2019.
- Land held in the Community Redevelopment Property Trust Fund or in a LRMP subject to an ENA entered into before Dec. 31, 2020.

Scope and Exclusions – The Agency’s Use Exclusion

For Districts: “Agency’s use” may include commercial or industrial uses or generation of revenue if the district takes action in a public meeting declaring that the site (1) will directly further the purpose of district work or operations or, (2) is expressly authorized by the statute governing the district in full compliance with Government Code Section 54233.5.

Make declaration at a public meeting containing one of the two findings.



Submit the declaration document to HCD and provide thirty (30) days to review.



Following the review period, if HCD has not objected, proceed with the sale/lease.

Scope and Exclusions – The Agency’s Use Exclusion

For Districts: “Agency’s use” may include commercial or industrial uses or generation of revenue if the district takes action in a public meeting declaring that the site (1) will directly further the purpose of district work or operations or, (2) **is expressly authorized by the statute governing the district in full compliance with Government Code Section 54233.5.**



Section 2 of the OCWD Act lists the District’s powers, including “*To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey, or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its powers.*”

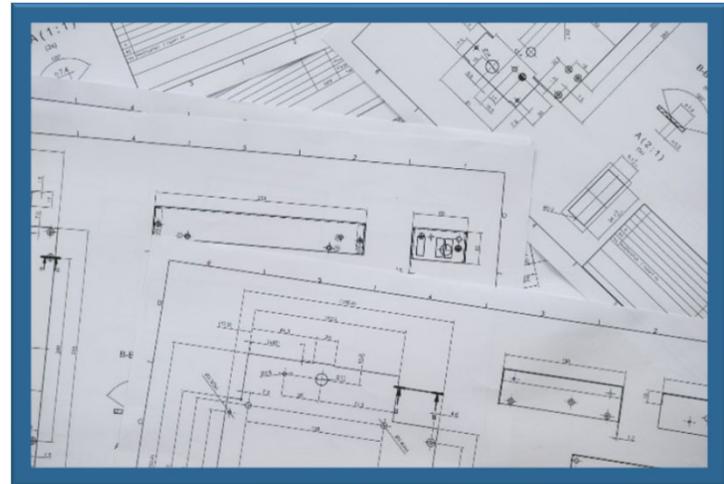
Surplus Land & Exempt Surplus Land

For non-excluded transactions, OCWD must declare the land either “exempt surplus” or “surplus.”

“Exempt Surplus:” Land meeting one of several definitions in the SLA, including:

- Small parcels (under ½ acre) and not beside affordable/open space uses.
- Property exchanges.
- Inter-agency transfers.
- Certain affordable developments.
- Land with legal restrictions preventing the development of housing.

“Surplus:” Everything else.



Surplus Land & Exempt Surplus Land – Procedure

Surplus Land

- Send notice of availability to required entities (housing sponsors, some other public agencies) and give 60 days to respond. Provide copy of notice to HCD.
- Negotiate in good faith for at least 90 days with any entity that responds, in order of priority.
- Begin discussions to sell/lease the property to one of the responding entities OR conclude negotiations.
- Submit summary of negotiations, affordability covenant, and supporting documentation (if any) to HCD, and provide 30 days to review.

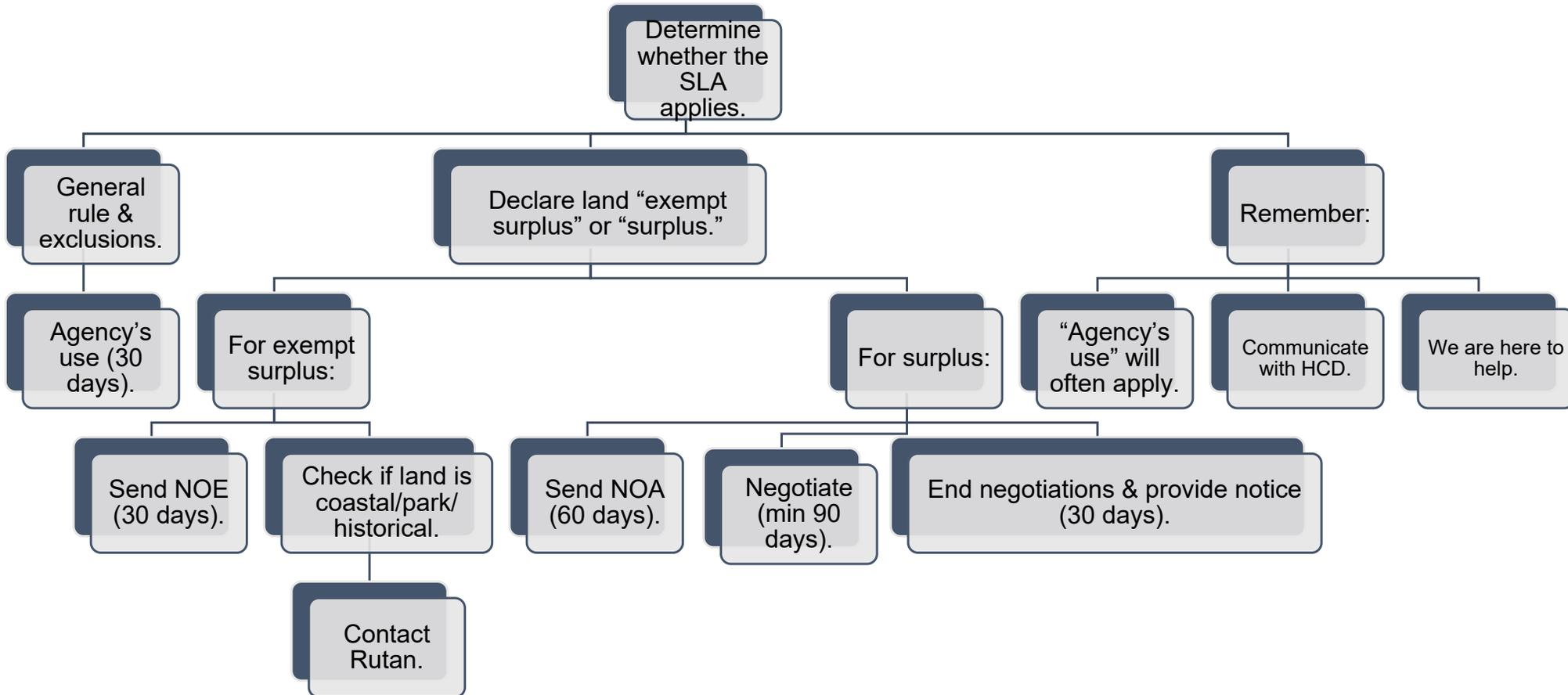
Exempt Surplus Land

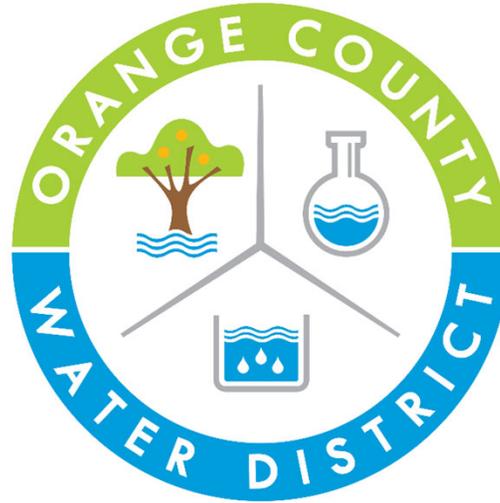
- Send notice of exemption & documentation to HCD, and provide 30 days to review.
- *Additional procedures apply to coastal land, land adjacent to some State Parks, land on or eligible for the National Register of Historic Places, and land near Lake Tahoe.



Wrap Up

Before negotiating to lease or sell OCWD land . . .





Thank You



Jeremy N. Jungreis
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(714) 338 1882

Jess Sanders
jsanders@rutan.com
(714) 662 4617

AGENDA ITEM SUBMITTAL

Meeting Date: September 20, 2024

To: Property Management Committee
Board of Directors

From: John Kennedy

Staff Contact: K. O'Toole / L. Haney

Budgeted: N/A

Budget Amount: N/A

Cost Estimate: N/A

Funding Source: N/A

Program/Line Item No.: N/A

General Counsel Approval: N/A

Engineers/Feasibility Report: N/A

CEQA Compliance: N/A

Subject: UPDATE ON PLANNING OF IN-PLACE REMEDIATION FOR THE PRADO LEAD REMEDIATION PROJECT

SUMMARY

The District is working with the Department of Toxic Substances Control (DTSC) to address soil contamination at former shooting areas at Pigeon Hill and the Former Clay Target Range (FCTR) in Prado Basin. The Board directed staff to pursue In-Place Remediation and approved an Updated Scope of Work and Budget to complete the Planning of this project. Staff will update the committee.

RECOMMENDATION

Informational

DISCUSSION/ANALYSIS

OCWD leases property in Prado Basin for hunting and shooting related activities. Areas formerly used for shooting related activities are known to be contaminated with residual lead shot, lead in soil and polyaromatic hydrocarbons (PAHs) contained in clay targets. At the Property Committee in April of 2024, the Board directed staff to pursue In-Place Remediation with a corrective action management unit (CAMU) at the FCTR and soil capping at Pigeon Hill.

In July the Committee approved an updated scope of work and budget with AECOM to complete the planning phase of the project. This includes development of a remedial action plan, CEQA documentation, geotechnical studies and CAMU designs. At this meeting the committee directed that staff solicit input from a developer to assist in determining the optimum location of the CAMU to optimize future land uses. As a result, staff requested proposals from Carlson Strategic Land Solutions (Carlson) and AECOM's Building and Development group for this task. Staff received a proposal from Carlson, which outlines a budget of \$2,940 for 12 hours of work. As staff has not yet received a proposal from AECOM, staff is moving forward with the Carlson proposal.

PRIOR RELEVANT BOARD ACTIONS

8/7/2024, R24-8-92 Authorize execution of Amendment #9 to Agreement No.1321 with AECOM in the amount of \$445,989 to complete the Remedial Action Plan, Initial Study and Mitigated Negative Declaration (IS/MND) for CEQA compliance and conduct the remedial design for the In-Place Remediation, including conducting a supporting geotechnical study and vertical profile soil sampling.

9/7/2022,R22-9-123 - 1) Authorize the General Manager to negotiate and execute Amendment No. 1 to the District's agreement with the Department of Toxic Substances Control Authorize to update the scope of work for preparation of the Remedial Action Plan, DTSC's Community Participation process, and revise the boundaries of the site; Authorize preparation of a Remedial Action Plan for the remediation of the Former Clay Target Range and Pigeon Hills area; and Approve and authorize execution of Amendment No. 7 to Agreement No. 1321 with AECOM to prepare a Remedial Action Plan for the Former Clay Target Range and Pigeon Hill area for an amount not to exceed \$155,048

6/1/2022, R22-6-67 - 1) Identify Alternative 4 (waste consolidation at Pigeon Hill site) with Land Use Scenario C (unrestricted land use at entire Former Clay Target Range site) as the tentatively identified preferred remedy, subject to completion of environmental documentation; and 2) Approve and authorize execution of Amendment No. 6 to Agreement No. 1321 with AECOM to prepare an Initial Study/Mitigated Negative Declaration for the former Prado shooting areas Pigeon Hill and Former Clay Target Range for an amount not to exceed \$94,128

9/15/2021, R21-9-143 - Approve and authorize execution of Amendment No. 5 to Agreement No. 1321 with AECOM to prepare an updated RI/FS for the former Prado shooting areas for an amount not to exceed \$87,998.

12/16/2020, R20-12-165 - Authorize approval of Amendment No.4 to Agreement No. 1321 with AECOM to conduct additional field sampling for an amount not to exceed \$74,411; authorize reimbursement for Department of Toxic Substances Control oversight expenses for the period from July 1, 2020 to June 30, 2021 for an amount not to exceed \$62,752

5/6/2020, R20-5-55 - Approving Amendment No. 3 to Agreement No. 1321 with AECOM to support a Supplemental Remedial Investigation, Focused Remedial Investigation/Feasibility Study and Remedial Action Plan for the Prado Shooting Areas for an amount not to exceed \$215,937.

9/18/19, M19-122 - Authorize \$67,068 additional funding for finalization of the risk assessment and waste consolidation plan at the Prado Shooting Range to be paid as follows: DTSC \$42,268 and AECOM \$24,800.

10/7/2015, R15-10-141 - Authorize the General Manager to finalize negotiations and

execute an Agreement with AECOM Technical Services Inc. for an amount not to exceed \$222,938 for a focused remedial investigation and feasibility study of the Prado shooting areas.

7/1/15, M15-104 - Authorize issuance of a revised Request for Proposals for a Focused Remedial Investigation & Feasibility Study of the Prado Shooting Areas (to include a 20-year and 30-year study period).

02/04/15, M15-22, Authorizing Board President to appoint Property ad hoc Committee to review issues related to Elaine Raahauge d.b.a. Mike Raahauge's Shooting Enterprises.