

Revision to ASR and/or Exhibits/Attachments

Date: November 2, 2011

To: Darlene J. Bloom, Clerk of the Board of Supervisors

Cc: Alisa Drakodaidis, County Executive Office

From: Jess A. Carbajal, Director, OC Public Works

ASR Control #(s): 11-001317 Agenda Item(s) # 11 for the November 8, 2011 Board Meeting

Subject: EXPENDITURE OF PUBLIC FUNDS ON PRIVATE PROPERTY

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ORANGE COUNTY
BOARD OF SUPERVISORS

Explanation:

On October 4, 2011, your Board continued Item #13 to November 8, 2011 Board meeting and directed OC Public Works to revise Attachment A - Policy and Procedure for Expenditure of Public Funds on Private Property.

Revised Exhibits/Attachments (attached)

Attachment A, "Emergency Work on Private Property Policy and Procedure" has been revised:

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The Board of Supervisors may make a finding that the expenditure of public funds on private property by the County serves a public purpose to protect and/or preserve the health and safety of Orange County residents, based on certain enumerated factors that will be set forth in the Board's findings related to a particular project.

Factors that may warrant consideration by the Board of Supervisors to support findings for the expenditure of public funds on private property include, but are not limited to, the following:

- Threat of loss to life and property to the general public
- Imminent hazard to public facility and infrastructure
- Community and emergency responders' access
- Likelihood of cascading effect
- Size of area involved (multiple residents)

Emergency Work on Private Property Policy and Procedure

Purpose:

To establish a Policy and Procedure (P&P) for OC Public Works regarding when to engage in work on private property using public funds during a proclaimed emergency event.

Scope:

This P&P applies to OC Public Works employees who, after a proclamation of local emergency by the Board of Supervisors, may conduct work on private property to protect public health and safety and or public property and infrastructure.

A. Emergency Response During an Event

After a proclamation of local emergency by the Board of Supervisors, OC Public Works employees may conduct emergency repairs on private property when necessary to protect human life or public infrastructure, subject to the following minimum requirements:

1. A hazardous condition exists which endangers public health and safety, and immediate action is required to eliminate or mitigate the hazard.
2. Work on private property is necessary to correct the hazardous condition that would impact public infrastructure.
3. Only work/repairs that are necessary to eliminate or mitigate the problem causing the emergency are performed.
4. Written consent of the owner or occupant of the property to enter (right-of-entry) has been obtained using a release of liability form. Emergency work on private property cannot be done without the property owner's permission, absent dire circumstances, such as ongoing fire or flood where there is an imminent threat to life or property.
5. The work has been authorized by the individual or office with delegated authority from the Board of Supervisors to order emergency work.

B. Emergency Recovery Work after a Proclaimed Event

Under emergency circumstances caused by a proclaimed event, OC Public Works may conduct preliminary analyses to determine the need for corrective action on private property. If corrective action is necessary, OC Public Works shall assist private property owners in obtaining necessary federal and state assistance, subject to the following minimum requirements:

1. A hazardous condition exists that may endanger public health and safety in the future if immediate action is not taken to eliminate or mitigate the hazard.
2. The impacted private property area will have a significant impact on regional facilities owned and maintained by the County.
3. The impacted area property owner may qualify for federal and state recovery assistance.
4. If the project qualifies for federal and state recovery assistance requiring local match; require the property owner to pay the local match, unless waived by the Board of Supervisors.

The Board of Supervisors may ~~determine upon~~ make a finding that the expenditure of public funds on private property by the County serves a public purpose for the County of Orange by providing for assistance that are necessary for the ~~to~~ protection and/or preservation of the health and safety of Orange County residents, based on certain enumerated factors that will be set forth in the Board's findings related to a particular project.

Factors that may warrant consideration ~~of waiver~~ by the Board of Supervisors to support findings for the expenditure of public funds on private property include, but are not limited to, the following:

- Threat of loss to life and property to the general public
- Imminent hazard to public facility and infrastructure
- Community and emergency responders' access
- Likelihood of cascading effect
- Size of area involved (multiple residents)