



ADMINISTRATION COMMITTEE

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Agenda Report

File #: 2023-3270

Agenda Date: 10/25/2023

Agenda Item No: 10.

FROM: Robert Thompson, General Manager
Originator: Laura Maravilla, Director of Human Resources

SUBJECT:

ORANGE COUNTY OPERATIONAL AREA AGREEMENT

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION:

- A. Approve the updated Orange County Operational Area Agreement; and
- B. Adopt Resolution No. OC SAN 23-20 entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District Approving and Adopting the 2020 Orange County Operational Area Agreement of the County of Orange and Political Subdivisions; and Repealing Resolution No. OCSD 95-115".

BACKGROUND

In accordance with Title 19, California Code of Regulations Section 2409, et seq., all local governments within the county geographic area, including the Orange County Sanitation District (OC San), were required to be organized into a single operational area in 1995 and the Orange County Board of Supervisors was responsible for the establishment of the Orange County Operational Area (OA) Agreement. The OA Agreement provides for prevention, preparedness, response, recovery, and mitigation efforts for the safety of persons and property from the effects of natural, human-caused, or war-caused disasters that may occur to local governments within the geographic area of Orange County, as required by the California Emergency Services Act and SEMS.

The original OA Agreement was last approved and adopted in 1995 by the OC San Board of Directors. An updated agreement went into effect on September 26, 2020 following adoption by the Orange County Board of Supervisors, and all participating jurisdictions were requested to have their governing body approve and adopt the revised agreement. Staff is requesting approval of the updated OA Agreement and adoption of the associated Resolution.

RELEVANT STANDARDS

- Comply with Title 19, California Code of Regulations, Section 2409, Operational Area
- Protect OC San Assets
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

PROBLEM

The Orange County OA Agreement has been updated, replacing the original 1995 document, which requires approval and adoption by the OC San Board of Directors. The document stipulates how participating jurisdictions and organizations such as OC San receive mutual aid from local governments within the County of Orange during a real-world natural, human-caused, or war caused disaster.

PROPOSED SOLUTION

Approve the updated Orange County OA Agreement.

TIMING CONCERNS

The updated OA Agreement went into effect on September 26, 2020 and all participating jurisdictions need to approve and adopt the Agreement.

RAMIFICATIONS OF NOT TAKING ACTION

OC San will delay or not receive mutual aid during a real-world natural, human-caused, or war caused disaster, and not be able to participate in risk mitigation planning exercises and plan development without approval and adoption of the OA agreement.

PRIOR COMMITTEE/BOARD ACTIONS

November 1995 - The Board of Directors adopted Resolution No. OCSD 95-115, titled: "Approving Standardized Emergency Management System Operational Area Agreement (SEMS) with the County of Orange." "A Joint Resolution of the Boards of Directors of County Sanitation Districts Nos. 1, 2, 3, 5, 6, 7, 11, 13 and 14 of Orange County, California, Approving Standardized Emergency Management System Operational Area Agreement (SEMS) with the County of Orange".

ADDITIONAL INFORMATION

The OA Agreement is overseen by an Executive Board with representatives from each emergency response agency. The Executive Board meets on a quarterly basis and is responsible for the development, establishment, and implementation of the policies of the OA Agreement. This group identified the need to update the OA Agreement and a collaborative, multi-jurisdictional OA Agreement Revision Working Group was formed to complete a comprehensive review and revision of the document.

The new OA Agreement has structural and content changes from the original 1995 document. Agreement sections were reorganized to make the document easier to understand and reference. The major content changes are outlined below:

A. New OA Executive Board Members

Five new OA Executive Board seats are added to the body to represent the jurisdictions of the OA more diversely. The new seats are designated for:

- The County Executive Officer
- The OC Social Services Agency Director
- The OA Water/Wastewater Mutual Aid Coordinator
- A representative selected jointly from the OC Community College Districts
- The OC Transportation Authority Chief Executive Officer

B. OC Emergency Management Organization (OCEMO) Update

Since the 1995 OC OA Agreement was approved, OCEMO has transitioned to a simpler model than was outlined in the original document. Several changes are made in the new OA Agreement to reflect the current operational practices of OCEMO and ensure alignment with the new OCEMO bylaws approved in 2018. Another change was the removal of the OCEMO Representative Board, which has not been in use for a decade or more. The new draft also provides clarity on the nature of the administrative support provided to OCEMO by the County of Orange.

C. OA Coordinator Staffing

The 1995 OA Agreement specifically outlined which agencies are responsible for staffing the OA Coordinator position. At the time of approval, this staffing arrangement aligned with the staffing of the Director of Emergency Services position and was meant to outline additional responsibilities for the Director of Emergency Services during an OA-wide incident. Since approval, the County Ordinance that defines staffing for the Director of Emergency Services role was updated by Board Resolution #01-212 on July 17, 2001, created a conflict with the original OA Coordinator staffing arrangement. To rectify this conflict and to prevent similar issues in the future, the language in the approved agreement is streamlined to reference the County Ordinance and Resolution rather than separately defining OA Coordinator staffing.

D. OA Finance

The new OA Agreement includes a significant reworking of language related to OA finances: grant funding and administration. Relevant language once contained in Addendum Two (see Addendums section below) is now incorporated in the main body of the OA Agreement. Language referencing specific grant programs is replaced with broader language that reflects the shifting nature of grant funding and the challenges of grant administration. The new language also addresses lessons learned related to the financial aspects of mutual aid and disaster recovery.

E. Addendums

The 1995 OA Agreement has three addendums that addressed various issues brought forth during the development of the original document. Addendum One clarifies roles and responsibilities for the OA, the OA Executive Board, and the OA Coordinator. Addendum Two

includes documents related to the administration of the Emergency Management Assistance Program grant that no longer exists. Relevant portions of these two addendums are incorporated into the main body of the new OA Agreement as appropriate. Addendum Three is the OA Mutual Aid Plan. This critical document will become an attachment to the Unified County of Orange and OA Emergency Operations Plan. This will put the Mutual Aid Plan on a more defined schedule of review and revision.

F. Naming and Terminology Changes

Several name changes are introduced in the new OA Agreement to clarify the differences between the various bodies and positions created by the document.

CEQA

N/A

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Resolution No. 95-115
- Resolution No. OC SAN 23-20
- Orange County Operational Area Agreement of the County of Orange and Political Subdivisions, January 2020
- OA Agreement Jurisdiction Signature Page