

RESOLUTION NO. OC SAN 25-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF ORANGE COUNTY SANITATION DISTRICT AUTHORIZING THE GENERAL MANAGER TO ACQUIRE PROJECT-RELATED PERMANENT EASEMENTS, RIGHT-OF-WAY, AND OTHER INTERESTS IN REAL PROPERTY FOR \$150,000 OR LESS AND TO ACQUIRE TEMPORARY CONSTRUCTION EASEMENTS OF LESS THAN FIVE YEARS FOR PROJECTS APPROVED BY THE BOARD OF DIRECTORS, AND REPEALING RESOLUTION NO. OCSD 98-44

WHEREAS, the Orange County Sanitation District (“OC San”) is a governmental agency formally organized under the laws of the State of California (Government Code §§ 6500 et seq.);

WHEREAS, OC San may acquire any interest in real property necessary or convenient for the construction, maintenance, and operation of a sewerage system as a sanitation district pursuant to the California Health and Safety Code section 4740;

WHEREAS, California Government Code section 27281 provides that a governmental agency may, by resolution, authorize one or more of its officers or agents to acquire, accept, and consent to deeds or grants conveying an interest in or easement upon real estate for public purposes;

WHEREAS, OC San has heretofore authorized the General Manager to purchase, without approval by the Board, supplies, services and equipment to carry out Board policy;

WHEREAS, Resolution No. OCSD 98-44 passed and adopted by the Board on August 26, 1998, specifically authorized the General Manager (or his designee) to purchase easements that cost One Hundred Thousand Dollars (\$100,000) or less which are necessary for projects approved by the Board without prior submittal of such purchases to the Board for approval;

WHEREAS, Ordinance No. OC-SAN-61 passed and adopted by the Board on July 26, 2023, authorized the General Manager to approve and execute non-real estate contracts and applicable renewals for budgeted procurements for One Hundred Fifty Thousand Dollars (\$150,000) or less (“Contract Threshold”);

WHEREAS, it is frequently necessary to acquire rights-of-way and easements to facilitate construction projects which have been approved by the Board of Directors, sometimes with very little time to avoid project delays;

WHEREAS, requiring formal action from OC San's Board of Directors for each conveyance for project construction can result in administrative delays and inefficiencies that impede timely project delivery;

WHEREAS, the Board of Directors finds that the acquisition of permanent easements, right-of-way, and other real estate interests costing One Hundred Fifty Thousand Dollars (\$150,000.00) or less should be left to the discretion of the General Manager for the timely completion of OC San projects;

WHEREAS, the Board of Directors finds that the acquisition of temporary construction easements of any value with a term of five (5) years or less should be left to the discretion of the General Manager;

WHEREAS, the Board of Directors has reviewed this Resolution and now desires to (i) authorize the General Manager to consent to the acquisition of permanent easements, right-of-way, and other real property interests costing One Hundred Fifty Thousand Dollars (\$150,000) or less, consistent with the Contract Threshold, and (ii) to authorize the General Manager to acquire temporary construction easements of any value with a term of five (5) years or less, in order to facilitate efficient construction activities for projects approved by the Board of Directors.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated as findings.

Section 2. Authorization to Acquire Easements and Right-of-Way. That the General Manager, or the General Manager's designee, is hereby authorized to acquire easements, right-of-way, and other interests in real property that cost One Hundred Fifty Thousand (\$150,000.00) Dollars or less, necessary for projects approved by the Board of Directors related to the construction, installation, operation, maintenance, repair, or replacement of OC San facilities or infrastructure, without prior submittal of such purchases to the Board of Directors for approval. All such acquisitions shall be executed in a form approved by General Counsel.

Section 3. Authorization to Acquire Temporary Construction Easements. That the General Manager, or the General Manager's designee, is hereby authorized to acquire deeds or grants conveying to OC San temporary construction easements that are (i) necessary for the construction of projects approved by the Board of Directors for the construction, installation, operation, maintenance, repair, or replacement of OC San facilities or infrastructure and (ii) have a term not exceeding five (5) years. Such acquisitions may be made without prior submittal to the Board of Directors for approval. This delegation further authorizes the General Manager, or their designee, to take any actions reasonably necessary, including execution of any related

documentation, to facilitate recordation consistent with Government Code section 27281. All such documentation shall be executed in a form approved by General Counsel.

Section 4. Reporting of Easements. The General Manager shall report to the Board of Directors all right-of-way, easements, and other interests purchased or accepted pursuant to this delegation of authority no less than on a quarterly basis. This report shall include the location, purpose, and relevant terms of the purchase or acceptance.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board of Directors hereby declares that it would have approved this Resolution, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, or the application thereof, are held invalid.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption.

Section 7. California Environmental Quality Act ("CEQA"). The Board finds that this Resolution is not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines (Chapter 3 to Title 14 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 8. Conflicting Resolutions. This Resolution shall supersede and rescind any prior resolutions or portions thereof only to the extent they conflict with or are contrary with the provisions set forth herein. To this end, Resolution No. OCSD 98-44 is hereby repealed.

PASSED AND ADOPTED at a Regular meeting of the Board of Directors held
July 23, 2025.

Ryan P. Gallagher
Board Chairman

ATTEST:

Kelly A. Lore, MMC
Clerk of the Board

APPROVED AS TO FORM:

Scott C. Smith
General Counsel

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE) ss

I, Kelly A. Lore, Clerk of the Board of Directors of the Orange County Sanitation District, do hereby certify that the foregoing Resolution No. OC SAN 25-09 was passed and adopted at a regular meeting of said Board on the 23rd day of July 2025, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Orange County Sanitation District this 23rd day of July 2025.

Kelly A. Lore, MMC
Clerk of the Board of Directors
Orange County Sanitation District