RESOLUTION OF THE BOARD OF SUPERVISORS OF

ORANGE COUNTY, CALIFORNIA

November 19, 2019

WHEREAS, the State of California and the County of Orange (“County”) recognize homelessness is a national and statewide problem that affects our cities and counties; and

WHEREAS, homelessness affects people of all races, gender, and age, and there is a growing need for every city and county to plan for addressing people experiencing homelessness; and

WHEREAS, the causes of homelessness in the County are numerous and stem from many distinct origins, including such factors as mental illness, substance abuse, prison release, and lack of affordable housing; and

WHEREAS, conditions of homelessness, if left unabated, result in a threat to health and safety for those experiencing homelessness and thus create a vulnerable population in the County; and

WHEREAS, addressing the needs of those experiencing homelessness requires swift action and delay will only exacerbate the many hardships inflicted upon those who experience homelessness; and

WHEREAS, the County is committed to address homelessness and has developed a plan to undertake multiple efforts at the local level to combat homelessness effectively; and

WHEREAS, California Government Code section 26227 (“Section 26227”) authorizes the Board of Supervisors to expend money from the general fund of the County to establish County programs or to fund other programs deemed by the Board of Supervisors to be necessary to meet the social needs of the population of the County, including but not limited to, the areas of health, law enforcement, public safety, rehabilitation, welfare, education, and legal services, and the needs of physically, mentally and financially handicapped persons and aged persons; and

WHEREAS, Section 26227 further authorizes officers and employees to use County resources and property to carry out any such program established by the Board of Supervisors; and

WHEREAS, the County, through Orange County Community Resources (“OCCR”), the Health Care Agency (“HCA”) and CEO Real Estate, have partnered with HomeAid Orange County (“HomeAid”), a California non-profit corporation who specializes in building and renovating development projects throughout the County, as well as across the entire homeless Continuum of Care spectrum, to provide facilities such as emergency shelters, transitional/bridge housing, and permanent supportive housing and to construct a transitional center for individuals experiencing homelessness, with related services, on County owned property located at 2229 South Yale St., Santa Ana, CA (“Project”); and

WHEREAS, the Project is intended to provide, among other things, the following services and uses to the public: Wellness and Social Services; Crisis and Stabilization Unit; Substance Use Disorder Intake and Referral; Withdrawal Management; Crisis Residential; and Substance Use Disorder and Co-Occurring Residential Treatment; and

WHEREAS, the need to create facilities to provide the County’s homeless population with such services requires an expeditious response and responsible use of valuable County resources; and

WHEREAS, calling upon organizations such as HomeAid to provide their expertise will result in a more expeditious response to complete the Project when compared to alternative, multi-step processes, thus providing significant value to the County while preserving its valuable resources; and

WHEREAS, HomeAid will construct, or cause to be constructed, the Project pursuant to a ground lease (“Ground Lease”) with the County; and

WHEREAS, design and construction costs for the Project will primarily be funded by the County and HomeAid will leverage other stakeholders to support such design and construction; and

WHEREAS, the project engineer estimate totals $29,234,623, and with HomeAid’s involvement, the County anticipates expending no more than $25,275,703 ; and

WHEREAS, HomeAid’s delivery of the Project on an expedited project schedule will result in reduced cost of funding of approximately $1,644,447; and

WHEREAS, engaging HomeAid to deliver the Project in an expeditious and cost-effective manner will assist, in part, the County fulfilling its goal of providing homeless services for the County’s homeless population; and

WHEREAS, the Project will assist the County in fulfilling its mission of providing all the above described services to the residents of the County; and

WHEREAS, the purpose of the public bidding statutes which would otherwise apply to the County are to “guard against favoritism, improvidence, extravagance, fraud and corruption; to prevent the waste of public funds and to obtain the best economic result for the public.” *Graydon v. Pasadena Redevelopment Agency,* 104 Cal.App.3d 631, 636 (1980); and

WHEREAS, “one exception [to the requirement for public bidding] is where the nature of the subject of the contract is such that competitive proposals would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable, impractical, or impossible.” *Id*; and

WHEREAS, engaging HomeAid to deliver the Project will result in the delivery of the Project and its attendant public benefit for less than it would cost through a competitive bidding process and significantly more quickly*.*

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Find that the conditions of homelessness, if left unabated within the County, will result in a threat to health and safety for those experiencing homelessness and thus create a vulnerable population in the County and that addressing the needs of those experiencing homelessness requires swift action and delay will only exacerbate the many hardships inflicted upon those who experience homelessness and threaten the public health, welfare and safety of the those living within the County.
2. Find the activities described in the Ground Lease and the approval of the Ground Lease, with a $1.00 per year rent, are in the best interest of the County and the general public, support the services offered by HCA, meet the social needs of the population of the County and therefore will further the goals of the County by enhancing HCA’s ability to provide mental health services to the residents of the County, and improving the County’s ability to provide shelter and services to those experiencing homelessness.
3. Deem the public-purpose programs proposed by the Project to be necessary to assist OCCR, HCA and CEO Real Estate in meeting the aforementioned needs of the County.
4. Approve the Ground Lease with HomeAid for the construction of a transitional center for individuals experiencing homelessness at the County owned property at 2229 South Yale Street, Santa Ana, CA, and authorize the Chief Real Estate Officer or designee to execute the lease agreement in substantial conformance with the attached form, with approval of County Counsel.
5. Include the Project as a County program for the purposes of the County Sponsorship Program Marketing Plan and authorize County staff, agencies, departments, and Board offices to pursue marketing, sponsorships, and fundraising partnerships with non-profit organizations, private sector organizations and businesses in support of the Project, including the solicitation of funds and services.
6. Authorize the use of County resources, including, but not limited to, funds, property and employee administration of such programs, to support the above-described services and the Project.
7. Find that the County may forgo the competitive bidding process for the construction of the Project because the process would not result in an economic advantage for the County.