

13. AUTHORIZATION AND DELEGATION TO CONDUCT PUBLIC HEARING IN ORANGE COUNTY ON AGREEMENT BETWEEN ORANGE COUNTY HARBOR DISTRICT AND AVCO COMMUNITY DEVELOPERS, INC.; W 503.621.

After consideration of Calendar Item 8 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE HOLDING OF A PUBLIC HEARING IN ORANGE COUNTY ON THAT CERTAIN AGREEMENT DATED SEPTEMBER 22, 1971, ENTERED INTO BY AND BETWEEN THE ORANGE COUNTY HARBOR DISTRICT AND THE AVCO COMMUNITY DEVELOPERS, INC.
2. DESIGNATES THE EXECUTIVE OFFICER, THE ASSISTANT EXECUTIVE OFFICER--MANAGEMENT, AND THE MANAGER OF THE STATE LANDS PROGRAM AS DELEGATED OFFICERS AND EMPLOYEES OF THE COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 6110, PUBLIC RESOURCES CODE, FOR THE PURPOSE OF CONDUCTING THE PUBLIC HEARING REQUIRED BY CHAPTER 1209, STATUTES OF 1971.

Attachment:

Calendar Item 8 (2 pages)

8.

AUTHORIZATION AND DELEGATION TO CONDUCT PUBLIC HEARING IN ORANGE COUNTY ON AGREEMENT BETWEEN ORANGE COUNTY HARBOR DISTRICT AND AVCO COMMUNITY DEVELOPERS, INC.

Chapter 1209, Statutes of 1971 (Assembly Bill 1668), gives legislative approval to an agreement dated September 22, 1971, between the Orange County Harbor District and AVCO Community Developers, Inc. The legislation contains an urgency clause and is effective at once. The agreement provides for release to AVCO of any rights of the public in described beach front property in exchange for AVCO conveying to the County certain beaches, beach accesses, and parking areas. Before the approval by the Legislature can become effective, the following is required under the terms of the act:

1. Approval of the agreement by the Orange County Board of Supervisors and the State Lands Commission.
2. Separate public hearings in Orange County by the Board of Supervisors and the State Lands Commission.
3. Findings by the Board and by the Commission that the agreement is in the best interests of the public.

The statute requires that before approval by the State Lands Commission, the Commission seek the advice of the Attorney General, who is to render a report on several factors in the agreement and make a recommendation. Prior to rendering the report, the Office of the Attorney General would like to consider any comments or information generated by the required public hearing. Holding the public hearing is the logical first step for the Commission's approval processing.

Section 6110 of the Public Resources Code reads in part:

"6110. The State Lands Commission may, by resolution, designate an officer or employee of the commission to conduct the public hearings which the commission is required to hold under Sections 126 and 11425 of the Government Code, or any other state law (emphasis added)"

Because of the urgency nature of the statute, it appears desirable to hold the hearing as soon as possible.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE HOLDING OF A PUBLIC HEARING IN ORANGE COUNTY ON THAT CERTAIN AGREEMENT DATED SEPTEMBER 22, 1971, ENTERED INTO BY AND BETWEEN THE ORANGE COUNTY HARBOR DISTRICT AND THE AVCO COMMUNITY DEVELOPERS, INC.

CALENDAR ITEM 8. (CONTD.)

2. DESIGNATE THE EXECUTIVE OFFICER, THE ASSISTANT EXECUTIVE OFFICER-MANAGEMENT, AND THE MANAGER OF THE STATE LANDS PROGRAM AS DELEGATED OFFICERS AND EMPLOYEES OF THE COMMISSION, PURSUANT TO THE PROVISIONS OF SECTION 6110, PUBLIC RESOURCES CODE, FOR THE PURPOSE OF CONDUCTING THE PUBLIC HEARING REQUIRED BY CHAPTER 1209, STATUTES OF 1971.