



**Health & Human Services  
Agency  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** June 27, 2017

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
PubliSelf Help Enterprisesd Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised PubliSelf Help Enterprisesd Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Andrew Lockman    PHONE: 559-624-8000

**SUBJECT:** Approve an agreement with Self Help Enterprises

**REQUEST(S):**

That the Board of Supervisors:

1. Approve an agreement with Self Help Enterprises governing the transition of the County's Household Tank Program to a Self Help Enterprises successor program, beginning on July 1, 2017 or whenever the last party signs, whichever is earlier;
2. Find that, given the continued drought; the potential health, safety, and welfare problems that face households and communities with no access to domestic potable water; and the limited affordable housing options in Tulare County, working with Self Help Enterprises to transition the current Household Tank Program to a potential successor program, including allowing Self Help Enterprises access to County's current potable water sources to the extent feasible and allowing Self Help Enterprises time to transition Household Tank Program equipment off County property, would be in the public interest and would serve several public purposes, including (1) protecting the health, safety, and welfare of the public by reducing the possibility of public nuisances or homelessness caused by lack of domestic water supplies; and (2) allowing additional time for communities to organize and investigate potential permanent solutions to the lack of potable water;
3. Find that, to the extent that County has any ownership interest in the tanks, pumps or other materials purchased by Self Help Enterprises for the Household Tank Program and reimbursed with California Disaster Assistance Act funds, it is in the public interest and serves a public purpose to transfer

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and convey such interests to Self Help Enterprises for the purpose of continuing to provide relief to County residents impacted by a lack of domestic water supply beyond June 30, 2017, (1) to protect the public health, safety and welfare by preventing public nuisances and by reducing potential homelessness related to the combination of a lack of affordable housing and a lack of reliable domestic water supplies in some communities; and (2) to allow additional time for communities to organize and investigate potential permanent solutions to the lack of potable water;

4. Authorize the Health & Human Services Agency to allow Self Help Enterprises to access County's water sources contracted for the Household Tank Program through a reimbursement process, if feasible and appropriate, subject to the terms of this agreement and the terms of the County's agreements with the water suppliers; and
5. Authorize the Chairman of the Board to sign four (4) copies of the agreement.

**SUMMARY:**

In accordance with your Board's direction in April and May of this year, the County's formal drought response efforts are demobilizing as of June 30, 2017, to coincide with the termination of California Disaster Assistance Act funding for the drought. These drought response efforts include the County's Household Tank Program (in which there are approximately 440 households still enrolled), as well as the non-potable fill station tanks and the East Porterville Drought Resource Center including the mobile showers and sanitation facilities. These programs are terminating in part because of changing demand, and in part because the County does not have sufficient funding to continue these drought programs once drought California Disaster Assistance Act funding ends. Your Board has been apprised of and expressed concern programmatic and financial concerns regarding leaving tanks in place beyond June 30, 2017.

Though aware of County's concerns, Self Help Enterprises has nonetheless expressed an interest in assuming the role of providing temporary, emergency water deliveries, beginning July 1, 2017, to Tulare County households that are enrolled in the County's Household Tank Program when that program ends. Self Help Enterprises anticipates applying for the Emergency Water Tank Continuation Program announced on June 8, 2017, by the Governor's Office of Emergency Services to pay for this continued water delivery program. Since Self Help Enterprises has expressed a willingness to assume these future liabilities, at the May 23, 2017 meeting, the Board directed staff to develop a memorandum of understanding with Self Help Enterprises to govern the transition of the County's Household Tank Program to a potential successor program to be administered by Self Help Enterprises.

The attached memorandum of understanding represents the framework by which the current Household Tank Program will be transitioned to Self Help Enterprises'

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successor program. This agreement memorializes Self Help Enterprises' commitment to continuing the delivery of potable water for residents' health and safety, while also addressing County's concerns regarding safety, cost, and liability. Some of the primary provisions include:

- Ensuring that the tanks are either removed, or come into compliance with all relevant building codes, standards, and land use restrictions for permanent fixtures prior to June 30, 2018. The County Building Official has indicated a willingness to allow temporary building permits issued in relation to the installation and inspection of household tanks for the current Household Tank Program to remain open for a period of time for any participants who reenroll in Self Help Enterprises' successor program by July 31, 2017.
- Removing references to the County and the other Household Tank Program partners from program documents and participant agreements, to make it clear that the program is being operated solely by Self Help Enterprises.
- Self Help Enterprises' assumption of responsibility and liability for all successor program activities, including the purchase and delivery of water and the removal and/or disposal of tanks after California Disaster Assistance Act funding is discontinued.
- Ensuring that surplus tanks are removed from County facilities by September 30, 2017, and allowing the County to dispose of the equipment at Self Help's expense or charge rent after that date for any remaining equipment.

Staff would also like to call to the Board's attention that, given the compressed timeline to implement the transition, the agreement includes a provision by which the County agrees to cooperate with Self Help Enterprises to provide access to the potable water sources to which the County had access for purposes of the Household Tank Program, until such time as Self Help Enterprises can obtain its own source water agreements or until existing agreements expire, whichever is sooner. This provision allows County to determine the mechanism for providing Self Help Enterprises with access to the County's water sources, including potential assignment of contracts or reimbursement arrangements. This provision provides 100% reimbursement to the County for all incurred costs, and transfers all associated liabilities with obtaining water for the successor program, or allowing participants to keep tanks on their properties after June 30, 2017, to Self Help Enterprises. Additional provisions governing reimbursement arrangements are included in the agreement. Please be aware that Paragraph 11 would allow the County Health and Human Services Agency Director to approve requests by Self Help Enterprises' Executive Director to access specific water sources under such reimbursement arrangement, pursuant to the terms of the agreement. Any assignment of a County water contract, however, would be brought back to your Board for approval.

Finally, although staff does not believe the County has any ownership interest in the tank systems purchased by Self Help Enterprises for the Household Tank Program, staff suggests including a provision in the Memorandum of Understanding to formally convey and/or transfer to Self Help Enterprises any potential interest that the County may have in the tanks, pumps, or other materials purchased by Self

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Help Enterprises for the Household Tank Program and reimbursed by Governor's Office of Emergency Services with California Disaster Assistance Act funds. Furthermore, in the event that any of the County's rights or interests are transferred to Self Help Enterprises, staff believes such a conveyance or transfer serves several important public purposes, including protecting the public health, safety, and welfare by preventing public nuisances, and by reducing potential homelessness related to the lack of affordable housing combined with a lack of reliable domestic water supplies in some communities. Furthermore, conveying its interest in the property to Self Help Enterprises may save the County money, as the tanks likely only have salvage value, and the County's interest in such tanks, if any, would be too small to be worth trying to recover.

**FISCAL IMPACT/FINANCING:**

This successor program approach limits potential financial risk to the County after June 30, 2017. There is not anticipated to be any cost to entering into the agreement, as Self Help Enterprises is agreeing to be fully responsible for the cost of the successor program. Moreover, Self Help Enterprises is expected to receive 100% funding from the State of California for services rendered. However, technically, Self Help Enterprises has not yet been approved for the grant funding, nor has the California State Legislature appropriated the funds for this program.

The agreement allows for Self Help Enterprises to utilize County's contracts for potable source water until such time as Self Help Enterprises can establish its own agreements, with Self Help Enterprises agreeing to reimburse County for 100% of the costs incurred by County. For illustration, the current rate of expenditure for source water under the current program is approximately \$9,000 a month, and this expense is expected to decrease and eventually terminate within the period of this agreement as replacement source water contracts are obtained.

While we do not anticipate a Net County Cost to the General Fund, the County could incur a cost of approximately \$18,000 for two months of source water expenses if Self Help were to not reimburse the County as a result of unforeseen circumstances. Both expenses and revenue are included in the proposed Fiscal Year 2017/18 budget.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Safety and Security element, with an initiative to plan and provide coordinated emergency preparedness, response, recovery and mitigation capabilities for both natural and man-made disasters. This action supports ongoing recovery by ensuring a continuation and smooth transition of services, while improving operational efficiency and overall value by engaging a partner organization with the appropriate resources and core competencies to execute the program going forward.

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**ADMINISTRATIVE SIGN-OFF:**



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Jason T. Britt  
Agency Director

cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

Attachment(s) Agreement

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE AN )  
AGREEMENT WITH SELF HELP ) Resolution No. \_\_\_\_\_  
ENTERPRISES ) Agreement No. \_\_\_\_\_  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD \_\_\_\_\_  
\_\_\_\_\_, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Approved an agreement with Self Help Enterprises governing the transition of the County's Household Tank Program to a Self Help Enterprises successor program, beginning on July 1, 2017 or whenever the last party signs, whichever is earlier;
2. Found that, given the continued drought; the potential health, safety, and welfare problems that face households and communities with no access to domestic potable water; and the limited affordable housing options in Tulare County, working with Self Help Enterprises to transition the current Household Tank Program to a potential successor program, including allowing Self Help Enterprises access to County's current potable water sources to the extent feasible and allowing Self Help Enterprises time to transition Household Tank Program equipment off County property, would be in the public interest and would serve several public purposes, including (1) protecting the health, safety, and welfare of the public by reducing the possibility of public nuisances or homelessness caused by lack of domestic water supplies; and (2) allowing

additional time for communities to organize and investigate potential permanent solutions to the lack of potable water;

3. Found that, to the extent that County has any ownership interest in the tanks, pumps or other materials purchased by Self Help Enterprises for the Household Tank Program and reimbursed with California Disaster Assistance Act funds, it is in the public interest and serves a public purpose to transfer and convey such interests to Self Help Enterprises for the purpose of continuing to provide relief to County residents impacted by a lack of domestic water supply beyond June 30, 2017, (1) to protect the public health, safety and welfare by preventing public nuisances and by reducing potential homelessness related to the combination of a lack of affordable housing and a lack of reliable domestic water supplies in some communities; and (2) to allow additional time for communities to organize and investigate potential permanent solutions to the lack of potable water;
4. Authorize the Health & Human Services Agency to allow Self Help Enterprises to access County's water sources contracted for the Household Tank Program through a reimbursement process, if feasible and appropriate, subject to the terms of this agreement and the terms of the County's agreements with the water suppliers; and
5. Authorized the Chairman of the Board to sign four (4) copies of the agreement.