



# County of Orange

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County Executive Office

September 14, 2021

Honorable Erick L. Larsh  
Presiding Judge of the Superior Court of California  
700 Civic Center Drive West  
Santa Ana, CA 92701

Dear Judge Larsh,

The Orange County Board of Supervisors (Board) provides this letter in response to the Grand Jury Report (Report) titled, "\$28 Billion for a \$2.8 Billion Road" released on June 21, 2021. The Board does not typically issue informal letter responses to Grand Jury reports; however, in this case, the Board desires to address the Grand Jury's erroneous assumption concerning the Board's jurisdictional authority over the Transportation Corridor Agency (TCA) (comprised of two agencies and two governing boards: The San Joaquin Hills Transportation Corridor Agency (SJHTCA) and the Foothill/Eastern Transportation Corridor Agency (F/ETCA).)

**The Board of Supervisors is not the governing body of TCA, and therefore, the findings and recommendations of the Grand Jury Report are not properly directed at the County.<sup>1</sup> The TCA is a Joint Powers Authority organized under state law and Joint Exercise of Powers Agreements ("JPAs").** While the County is a signatory to the JPAs, so are most Orange County Cities.<sup>2</sup> Though three members of the Board of Supervisors do sit as representatives on the TCA Boards of Directors, they sit on the TCA Boards of Directors with 28 other Directors, and thus, do not comprise even a simple majority membership of the TCA Boards of Directors. Members of the Board of Supervisors, who serve on the TCA Boards of Directors voted on TCA's official response to this Grand Jury Report on August 12, 2021.

Findings 1-6 and Recommendations 1-3 in the Report concern the TCA's financial strategy for completing and maintaining the toll roads, debt repayment plans, and construction projects. The TCA Boards of Directors are responsible for evaluating and

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<sup>1</sup> See Section 2.2 of the TCA's Revised and Amended Administrative Codes: <https://thetollroads.com/revised-amended-and-restated-administrative-codes>

<sup>2</sup> Background information about TCA can be found here: <https://thetollroads.com/about/background>

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making decisions pertaining to those operational and financial functions, not this Board. While the report mentions County projects in South Orange County and collaborations and/or discussions with TCA, these projects were not the focus of the report's Findings and Recommendations. As the report itself makes clear in the Summary, the subject of the report are roads that the TCA – and not the County – has the legal authority to collect tolls for and construct.

Thank you for your consideration of this response and we welcome further discussions with the Grand Jury.

Sincerely,



Frank Kim

County Executive Officer

Enclosures

cc: Orange County Grand Jury

Lilly Simmering, Deputy County Executive Officer

Lala Oca Ragen, Director, Performance Management and Policy