REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, December 6, 2022,*9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
400 W. Civic Center Drive
Santa Ana, California

DOUG CHAFFEE
CHAIRMAN
Fourth District

DONALD P. WAGNER
VICE CHAIRMAN
Third District

ANDREW DO
SUPERVISOR
First District

KATRINA FOLEY
SUPERVISOR
Second District

LISA A. BARTLETT
SUPERVISOR
Fifth District

ATTENDANCE:Supervisors: Bartlett, Chaffee, Do and Foley

EXCUSED:Vice Chairman Wagner

PRESENT:	COUNTY EXECUTIVE OFFICER	Frank Kim
	COUNTY COUNSEL	Leon J. Page
	CLERK OF THE BOARD	Robin Stieler

INVOCATION:Supervisor Do, First District, gave the invocation

PLEDGE OF ALLEGIANCE:Supervisor Bartlett, Fifth District, led the assembly in the Pledge of Allegiance

I.PRESENTATIONS/INTRODUCTIONS

Chairman Chaffee presented a resolution proclaiming December 2022 as "Operation Christmas for our Troops & Their Families Month"

Chairman Chaffee presented a resolution proclaiming December 5 - 9, 2022 as "Employee Learning Week"

Chairman Chaffee commemorated Mexico and the United States for 200 years of Diplomatic Relations

II.CONSENT CALENDAR (Items 1-9)

12354
X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 3, 8 AND 9 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Chairman Chaffee:

1. Orange County HIV Planning Council - Reappoint Jessica Castellon, Sacramento, Dr. Charles "Scott" Huffman, Santa Ana, Wendy N. Lords, Aliso Viejo and Khole Rios-Wyatt, Santa Ana; and appoint Itamar Harari, Huntington Beach and Kristen N. Kowalczyk, Tustin, for terms ending 12/31/24

12354
X

APPROVED AS RECOMMENDED

2. Commission to End Homelessness - Appoint Richard Afable, Newport Beach, Christy Cornwall, Aliso Viejo, Monique Davis, Buena Park, and Sean deMetropolis, Long Beach, for terms ending 12/5/24

Supervisor Do:

3. Orange County Senior Citizens Advisory Council - Reappoint Amina Sen-Matthews, Santa Ana, for term concurrent with 1st District Supervisor's term of office

15234
X

APPROVED AS RECOMMENDED

4. Public Financing Advisory Committee - Reappoint John J. Moohr, Fountain Valley, for term ending 5/1/25

OC COMMUNITY RESOURCES

5. Approve amendment 2 to increase contract MA-012-22011379 with Webco LB, LLC. for street sweeping services, existing term ending 5/4/23 ($120,000; new total $320,000); and to renew contract 5/5/23 - 5/4/24 ($320,000; cumulative total $640,000); authorize County Procurement Officer or Deputized designee to execute amendment; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15301 - All Districts

OC PUBLIC WORKS

6. Receive and file FY 2021-22 Development Fee Deposit Balance Reports; and make related findings - All Districts

GENERAL ADMINISTRATION

County Executive Office:

7. Adopt resolution approving FY 2021-22 Measure M2 Expenditure Report; and authorize Chief Financial Officer or designee to execute and submit report to Orange County Transportation Authority - All Districts
RESO: 22-141

8. Receive and file Report of Minor Real Property Interests obtained under Delegated Authority, 7/1/21 - 6/30/22 - All Districts

RECEIVED AND FILED

9. **Registrar of Voters -** Receive and file certification of election results and Statement of Votes Cast for November 8, 2022 General Election; and declare elected the persons having majority of votes for that office - All Districts

12354 **APPROVED AS RECOMMENDED**
X

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 10-S26G)

ELECTED DEPARTMENT HEADS

10. **Auditor-Controller -** Approve one-time exception to the Personnel & Salary Resolution provisions to allow inclusion of a clause in the At Will agreement for employment of the Chief Deputy Auditor-Controller, to allow the incumbent to return to the previous classification of Administrative Manager III Director of Satellite Accounting Operations or equivalent position - All Districts

52134 **APPROVED AS RECOMMENDED**
NX

Sheriff-Coroner:

11. Ratify donation of 1999 Ford E450 vehicle with minimal value to Riverside County Sheriff's Department - All Districts (4/5 vote of the members present)

12354 **APPROVED AS RECOMMENDED**
X

12. Approve retroactive contract MA-060-22011549 with Purple Communications, Inc. for remote video interpreting services for American Sign Language, 8/23/22 - 8/22/25 ($19,200); renewable for two additional one-year terms; and authorize County Procurement Officer or Deputized designee to execute contract - Districts 2, 3 and 5

52134 **APPROVED AS RECOMMENDED**
X

HEALTH CARE AGENCY

13. Approve contract MA-042-23010574 with Angeles Baseball LP for outreach and community awareness campaign, 1/6/23 - 1/5/26 ($9,618,024); and authorize County Procurement Officer or Deputized designee to exercise cost contingency increase not to exceed 10% under certain conditions and execute contract - All Districts

15234 **APPROVED AS RECOMMENDED**
NX

14. Approve contract MA-042-23010263 with Composite Apps, Inc. for disease control and preventative health technology enabled solution, 1/2/23 - 12/31/24 ($3,446,400); renewable for one additional three-year term; and authorize County Procurement Officer or Deputized designee to exercise cost contingency increase not to exceed 10% under certain conditions and execute contract - All Districts (Continued from 11/29/22, Item 40)

B.O. **DELETED**

JOHN WAYNE AIRPORT

15. Approve Passenger Facility Charge applications 2 and 3 with Federal Aviation Administration for eligible projects; authorize Director or designee to execute applications, amendments and closeouts for eligible projects; and make California Environmental Quality Act (CEQA) exemption findings under Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273 - District 5

52134 **APPROVED AS RECOMMENDED**
X

OC COMMUNITY RESOURCES

16. Approve retroactive amendment 1 to contract CT-012-22010685 with Habitat West, Inc. for invasive plant control and post-fire habitat restoration services, extending term one month with no additional funds, 7/1/22 - 7/31/22; authorize County Procurement Officer or Deputized designee to execute amendment; and make California Environmental Quality Act and other findings - All Districts

25134 **APPROVED AS RECOMMENDED**
X

17. Approve and authorize Director or designee to increase amount of 2020 Supportive Housing Notice of Funding Availability and utilize funds for additional loan financing to CM Mercy House CHDO LLC for development costs associated with Motel 6, 94-unit motel conversion at 2274 Newport Boulevard, Costa Mesa, ($850,000; cumulative total $5,350,000); approve loan commitment to CM Mercy House CHDO LLC with per unit loan limit of $95,000 for 30 units for households experiencing homelessness, exceeding the per unit loan limits under 2020 Supportive Housing Notice of Funding Availability; approve subordination at acquisition, construction and permanent financing to first trust deed loan; authorize Director or designee to increase amount by 10%, subordinate additional senior debt and execute subordination agreements and related documents under certain conditions; approve related Ground Lease with CM Mercy House CHDO LLC; authorize Chief Real Estate Officer or designee to execute Ground Lease and amendments under certain conditions; and make California Environmental Quality Act and other findings - District 5

52134 **APPROVED AS RECOMMENDED**
X

OC PUBLIC WORKS

18. Approve subordinate contract MA-080-23010239 with Omni Enterprise, Inc. for janitorial services at various locations, 12/19/22 - 12/18/25 ($1,499,856); renewable for two additional years; authorize County Procurement Officer or Deputized designee to execute contract; and make California Environmental Quality Act (CEQA) exemption findings under CEQA guidelines section 15301 - All Districts

14235 **APPROVED AS RECOMMENDED**
X

19. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve contracts with various firms for on-call architectural services, three-year term ($1,500,000 each; aggregate total $15,000,000); renewable for two additional years; authorize Director or designee to execute contracts; and make California Environmental Quality Act and other

findings - All Districts
15234 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

20. Ratify non-financial agreement 22-1008 with California Department of Social Services for access to Employment Development Department base wage data, 7/1/22 - 6/30/25; and authorize Director or designee to execute agreement and related documents under certain conditions - All Districts
52134 **APPROVED AS RECOMMENDED**
X

GENERAL ADMINISTRATION

County Executive Office:

21. Approve lease agreement with City of Placentia for a Senior Community Center at Tri-City Regional Park, Placentia, 75-year term; adopt resolution authorizing alcoholic beverage services; authorize Chief Real Estate Officer or designee to execute lease, related documents and amendments and exercise option terms under certain conditions; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines section 15301 - District 4 (4/5 vote of the Board)
41235 **APPROVED AS RECOMMENDED**
X

RESO: 22-142

22. Approve Option to Lease Agreement and Lease Agreement with The Irvine Company for improvements to existing facilities at Balboa Marina and construction of public docks; approve Lease Agreement with City of Newport Beach; adopt resolution finding County Tidelands Property is exempt surplus land pursuant to Government Code Section 54221(f)(1)(H); authorize Chief Real Estate Officer or designee to execute lease agreements, related documents, amendments and option terms under certain conditions; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15301 - District 5
B.O. **CONTINUED TO 12/20/22, 9:30 A.M.**

23. Approve recommended positions on introduced or amended legislation and/or consider other legislative subject matters - All Districts
B.O. **DELETED**

24. Approve grant applications/awards submitted by Health Care Agency, Social Services Agency, Sheriff-Coroner, Public Defender and OC Community Resources, retroactive grant applications/awards submitted by Health Care Agency in 12/6/22 grant report and other actions as recommended; adopt resolution authorizing Social Services Agency Director or designee to submit application, execute grant agreement and amendments with California Department of Education for continued California State Preschool Program funding ($160,000); adopt resolution authorizing Sheriff-Coroner or designee to execute grant assurance and related documents to California Office of Emergency Services for FY 2022 Homeland Security Grant Program ($3,091,412) and approving related actions under certain conditions; adopt resolution approving award agreements

BF-1-21-091 for Orange County Public Libraries - Aliso Viejo project ($2,360,817), BF-1-21-092 for Orange County Public Libraries - Garden Grove Main Library project ($2,718,498), BF-1-21-093 for Orange County Public Libraries - Irvine University Park Library project ($2,861,578), BF-1-21-094 for Orange County Public Libraries - La Habra library project ($1,509,999) and BF-1-21-095 for Orange County Public Libraries - Stanton Library project ($364,752) with California State Library; and authorize OC Public Libraries County Librarian or designee to execute agreements, related documents and amendments; and making California Environmental Quality Act and other findings - All Districts

25134
X

APPROVED AS RECOMMENDED

RESO: 22-143 - 22-145

25. Acting as the Board of Supervisors and Orange County Flood Control District - Approve Cooperative Transfer agreement, Assignment agreement and Quitclaim Deeds with City of Laguna Beach for transfer of County and Orange County Flood Control District owned properties to City and assume all associated operations, maintenance and services of properties; authorize Chief Real Estate Officer or designee to execute agreements and Quitclaim Deeds to carry out terms of agreement and minor modifications under certain conditions; direct Auditor-Controller to make related payments under certain conditions; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15305 and other related findings - District 5 (R.A. #9 requires 4/5 vote of member present)

51234
X

APPROVED AS RECOMMENDED

26. **Chairman Chaffee -** Receive and file 28th Annual Report on Conditions of Children in Orange County 2022

42135
X

RECEIVED AND FILED

Supervisor Bartlett:

S26A. Senior Citizens Advisory Council - Reappoint Patty Barnett Mouton, Laguna Niguel, for term concurrent with 5th District Supervisor's term of office

54123
X

APPROVED AS RECOMMENDED

S26B. Approve addition of Laguna Beach Seniors holiday event to County Events Calendar; and make related findings per Government Code Section 26227

52134
X

APPROVED AS RECOMMENDED

S26C. Approve Orange County Traffic Committee report dated 11/17/22; adopt resolution establishing a traffic signal control at the intersection of Oso Parkway and Coto de Caza Drive; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines section 15301

52134
X

APPROVED AS AMENDED TO INCLUDE APPROPRIATION OF $90,000 FROM DISTRICT 5 DISCRETIONARY FUNDS TO PAY FOR DESIGN OF SIGNAL

RESO: 22-146

S26D. **Chairman Chaffee and Supervisor Do -** Adopt resolution declaring Racism and Inequity as a Public Health Crisis

14235 **APPROVED AS RECOMMENDED**

X

RESO: 22-147

JOHN WAYNE AIRPORT

S26E. Approve amendment 4 to contract MA-280-19010940 with JBT AeroTech Corporation for Terminals A, B and C Passenger Loading Bridge and Baggage Handling System maintenance services, term ending 1/13/23 ($292,227; new total $5,225,343; cumulative total $17,286,890) and amendment 5 to renew contract, 1/14/23 - 1/13/25 ($15,424,813; cumulative total $32,711,703); and authorize County Procurement Officer or Deputized designee to execute amendments - District 5

52134 **APPROVED AS RECOMMENDED**

X

GENERAL ADMINISTRATION

S26F. **Chairman Chaffee and Supervisor Bartlett -** Approve withdrawal of County from Orange County Power Authority Joint Powers Agreement (JPA); direct County Counsel to send notice to all appropriate parties of County's withdrawal from JPA and demand that Power Authority immediately cease undertaking any activities to procure power for unincorporated residents and desist from incurring any further costs attributable to County

B.O. **CONTINUED TO 12/20/22, 9:30 A.M.**

S26G. **Supervisor Bartlett -** Assessment Appeals Board No. 5 - Appoint Dave Sanner, Newport Beach, to complete term ending 9/1/24

NO ACTION

IV.PUBLIC HEARINGS (Items 27-28)

OC COMMUNITY RESOURCES

27. Public Hearing to consider adopting resolution for revised fee schedule for OC Parks to create an accession fee; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 21080(b)(8) and other related findings - All Districts

B.O. **CLOSED PUBLIC HEARING**

15234 **APPROVED AS RECOMMENDED**

X

RESO: 22-148

OC PUBLIC WORKS

28. Public Hearing to consider adopting resolutions and second readings and adoption of "An Ordinance of the County of Orange, California, Repealing the International Building Code, 2018 Edition; the California Building Code, 2019 Edition; the California Residential Code, 2019 Edition; the California Energy Code, 2019 Edition; the California Green Building Standards Code, 2019 Edition; the California Historical Building Code, 2019 Edition; the

California Existing Building Code, 2019 Edition; Repealing Ordinance 19-006 and Adopting by Reference the California Building Code, 2022 Edition; the International Building Code, 2021 Edition; the California Residential Code, 2022 Edition; the California Energy Code, 2022 Edition; the California Green Building Standards Code, 2022 Edition; the California Historical Building Code, 2022 Edition; the California Existing Building Code, 2022 Edition; with Amendments Thereto"; "An Ordinance of the County of Orange, California, Repealing the 2018 Edition of the Uniform Plumbing Code, Repealing the 2019 Edition of the California Plumbing Code Repealing Ordinance 19-009, and Adopting by Reference the Uniform Plumbing Code, 2021 Edition and the California Plumbing Code, 2022 Edition, Including Appendices, with Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the 2018 Edition of the Uniform Mechanical Code, Repealing the 2019 Edition of the California Mechanical Code, Repealing Ordinance 19-008 and Adopting by Reference the Uniform Mechanical Code, 2021 Edition, and the California Mechanical Code, 2022 Edition, Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the National Electrical Code, 2017 Edition, Repealing the California Electrical Code, 2019 Edition, Repealing Ordinance 19-009 and Adopting by Reference the National Electrical Code, 2020 Edition and the California Electrical Code, 2022 Edition with Amendments Thereto"; "An Ordinance of the County of Orange, California Repealing the California Fire Code, 2019 Edition Ordinance 19-010 and Adopting by Reference the California Fire Code, 2022 Edition with Appendix B, BB, C, CC, and H and Amendments Thereto"; and order further reading of the Ordinances be waived - All Districts (Continued from 11/29/22, Item 52)

B.O. **CLOSED PUBLIC HEARING**

51234 **APPROVED AS RECOMMENDED**
X

RESO: 22-149 - 22-153
ORD: 22-004 - 22-008

V.CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

CS-1. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Orange County Flood Control District owned 95+/- acre property located at the intersection of Mountain Avenue and Bickmore Avenue, Chino, CA
County Negotiator: Thomas A. Miller, Chief Real Estate Officer
Negotiating Party: Majestic Realty Co.
Under Negotiation: Terms and Value of Option and Future Lease

B.O. **HELD, NO REPORTABLE ACTION**

County Counsel:

SCS2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case:Daniel Aikin v. County of Orange
Case Number:ADJ11233967

B.O. **COUNTY COUNSEL READ: ON A VOTE OF 4-0, WITH CHAIRMAN CHAFFEE, AND SUPERVISORS DO, FOLEY, AND BARTLETT VOTING AYE, AND SUPERVISOR WAGNER ABSENT, THE BOARD APPROVED A WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF**

$307,287.42 IN EXCHANGE FOR A COMPROMISE AND RELEASE. THE APPLICANT, DANIEL AKIN, WORKED AS A SUPERVISING DEPUTY CORONER AND CLAIMED CUMULATIVE TRAUMA TO HIS LOWER BACK, HIPS, AND LEFT KNEE

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case:Orange County Catholic Worker, et al. v. County of Orange, et al., United States District Court Case No. 8:18-cv-00155-DOC-(JDEx). David Ramirez, et al. v. County of Orange, United States District Court Case No. 8:18-cv-0220-DOC-(KESx)

B.O. **COUNTY COUNSEL READ: ON A VOTE OF 4-0, WITH CHAIRMAN CHAFFEE, AND SUPERVISORS DO, FOLEY, AND BARTLETT VOTING AYE, AND SUPERVISOR WAGNER ABSENT, THE BOARD AUTHORIZED AND DIRECTED COUNTY COUNSEL TO EXECUTE AN AMENDMENT TO THE CATHOLIC WORKER LITIGATION SETTLEMENT AGREEMENT, AND A STIPULATION WITH THE DISTRICT COURT, TO EXTEND THE COURT'S JURISDICTION UNTIL JULY 2025, AND TO AUTHORIZE THE PAYMENT OF ATTORNEY'S FEES, IN AN AMOUNT NOT TO EXCEED $100,000 PER YEAR, TO PLANTIFFS' COUNSEL FOR ONGOING MONITORING ACTIVITIES**

VI.PUBLIC, CEO, ADJOURNMENT & BOARD COMMENTS

PUBLIC COMMENTS:

Brigitte - Oral re: Board disrespect for peace officers in the room; public is not evil; ignoring public speakers create adversarial response; abuse of power and authority

Steve Rocco - Oral re: Charles Manson learned about politics in prison; all serial killers want civic insurrection, to be famous and they want something to be done

Bryan Kaye - Oral re: List of items the Board members are grateful for

Carolyn - Oral re: Don't allow vaccine passports which track social media scores; played audio regarding China piloting facial recognition cameras that are tied to vaccine passports

Kim Sorgente - Oral re: Two year anniversary of being attacked by violent thugs who were punching women with brass knuckles and throwing American flags in the gutter; Santa Ana Police Department did not take statements from victims and witnesses and thugs were released

Denise - Oral re: Stop COVID and RSV emergency orders and do not vote for vaccine passports and PCR tests; adverse disorders of vaccines are increasing

Ilya Tseglin - Oral re: Reason for coming to every meeting is because the Board does not work for the people but for mafia bosses and con-artists Larry Landauer, court, Public Defender and Social Services Agency; family has been targeted byLarry Landauer and corrupted court for 20 years

Name not provided - Oral re: Former County employee;need taxpayers to pay the Board's salaries; everyone needs to speak English to get a job

Anna M. - Oral re: Opposes vaccine passports and COVID-19 vaccines; informed consent for medical treatment of vaccines including ingredients, side effects and lack of provider liability

COUNTY EXECUTIVE OFFICER COMMENTS:
None

ADJOURNED:2:16 P.M.
24135 **Adjourned in memory of Evelyn Reese Hart, Peter Keller and Mary Adams Urishima**
X

BOARD COMMENTS:
None

KEY

Left Margin Notes

1. = Supervisor Do
2. = Supervisor Foley
3. = Supervisor Wagner
4. = Supervisor Chaffee
5. = Supervisor Bartlett

A.=Abstained
X.=Excused
N.=No
BO=Board Order

ORD.= Ordinance
RESO. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

Chairman, Orange County Board of Supervisors

Orange County Clerk of the Board