REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, November 7, 2023,*9:00 A.M.

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

DONALD P. WAGNER
CHAIRMAN
Third District

ANDREW DO
VICE CHAIRMAN
First District

VICENTE SARMIENTO
SUPERVISOR
Second District

DOUG CHAFFEE
SUPERVISOR
Fourth District

KATRINA FOLEY
SUPERVISOR
Fifth District

ATTENDANCE:All Present

EXCUSED:None

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

INVOCATION:Supervisor Foley, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE:Vice Chairman Do, First District, led the assembly in the Pledge of Allegiance

I.PRESENTATIONS/INTRODUCTIONS

Chairman Wagner presented a resolution proclaiming November 2023 as "Adoption Awareness Month"

Chairman Wagner presented a resolution proclaiming November 2023 as "Family Caregivers Month"

Chairman Wagner and Vice Chairman Do presented a resolution proclaiming November 11, 2023 as "Veterans Day"

II.CONSENT CALENDAR (Items 1-4)

12453 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 1 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

ELECTED DEPARTMENT HEADS

1. **Sheriff-Coroner -** Approve donation of out-of-date bomb disposal suit and unusable Pedsco Remote Mobile Investigator (RMI) robot to Orange County Sheriff's Museum & Education Center; and make related findings - All Districts

15243 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

2. **Acting as the Orange County Housing Authority -** Approve amended Housing and Community Development Commission Bylaws to limit unexcused member absences to three consecutive meetings or half the regular meetings in a calendar year, remove the duplication of public comments in the order of business and clarify the establishment and term for ad hoc committees - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

3. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for South Orange County Wastewater Authority - Districts 3 and 5

4. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Anaheim Union High School District - Districts 2 and 4

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 5-S12H)

ELECTED DEPARTMENT HEADS

5. **Sheriff-Coroner -** Approve amendment 4 to contract MA-060-20010263 with Everbridge, Inc. for public mass notification system services, 12/31/23 - 12/30/24 ($485,050; cumulative total $2,290,200); and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

15243 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

6. Approve Intergovernmental agreements regarding transfer of public funds with California Department of Health Care Services for county non-federal share of Medi-Cal payments for specialty mental health services and Drug Medi-Cal services, 7/1/23 - 12/31/26; authorize Director or designee to execute agreements; and direct Auditor-Controller to make related payments - All Districts

25143 **APPROVED AS RECOMMENDED**

7. Approve agreement 23-30117 with California Department of Health Care Services for Drug Medi-Cal Organized Delivery System services, 7/1/23 - 6/30/27; authorize Director or designee to execute agreement and related documents; authorize related expenditures for non-monetary assistance for community planning, outreach and training; and authorize Auditor-Controller to

make related payments - All Districts
12453 **APPROVED AS RECOMMENDED**

8. Approve Nurse-Family Partnership Implementation Agreement MA-042-21010608 with Nurse-Family Partnership for public health nurse home-visiting program, 1/1/24 - 12/31/26 ($300,000); renewable for one additional two-year term; and authorize County Procurement Officer or Deputized designee to execute agreement - All Districts
51243 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

9. Approve amendment 2 to contract MA-012-23010628 with Getsetup, Inc. for Access to Technology Program, 1/1/24 - 9/30/24 ($84,338; cumulative total $279,525); and authorize County Procurement Officer or Deputized designee to execute amendment and execute future amendments under certain conditions - All Districts
14253 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

10. Approve recommended positions on introduced or amended legislation and/or consider other legislative subject matters - All Districts
53124 **APPROVED AS RECOMMENDED**

11. Approve grant applications/awards submitted by Health Care Agency and Social Services Agency in 11/7/23 grant report and other actions as recommended; adopt resolution authorizing Health Care Agency Director or designee to submit application to Department of Resources Recycling and Recovery for Waste Tire Enforcement Grant 31st Cycle and execute related documents; and adopt resolution authorizing Social Services Agency Director or designee to apply, accept, execute application, amendments and deliver any related documents for Housing Navigation and Maintenance Program Round 2 ($601,841), Transitional Housing Program Round 5 ($1,085,580) and THP - Plus Housing Supplement Program Round 3 ($199,077) from California Department of Housing and Community Development; and making related findings - All Districts
52143 **APPROVED AS RECOMMENDED**
RESO: 23-137 - 23-138

12. Approve contract MA-017-24010367 with Friendship Shelter, Inc. for regional care coordination services in South Service Planning Area, 12/15/23 - 6/30/25 ($1,577,498); and authorize County Procurement Officer or Deputized designee to exercise cost contingency increase not to exceed 10% under certain conditions and execute contract - Districts 3 and 5
53124 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

S12A. Approve Memorandum of Understanding (MOU) between County of Orange, CalOptima Health, and Jamboree Housing Corporation for CalOptima Health pilot program for residents of supportive housing developments; and authorize Director or designee to execute MOU -

Districts 1 and 4 (Continued from 10/31/23, Item 12)
45123 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S12B. **Supervisor Chaffee and Supervisor Sarmiento -** Adopt resolution opposing any unilateral action by Kaiser Permanente's attempt to reduce mental health therapists' Patient Management Time (PMT) (Continued from 10/31/23, Item S23A)
B.O. **CONTINUED TO 12/5/23, 9:30 A.M.**

County Executive Office:

S12C. Approve 2024 Contract Policy Manual, effective 1/1/24; and adopt resolution authorizing OC Public Works Director, Sheriff-Coroner or those qualified County officials or department designees to advertise bids in manner set forth in Public Contract Section 22037 for performance of public projects described in Public Contract Code Section 22032(c) - All Districts (Continued from 10/31/23, Item 23)
B.O. **CONTINUED TO 11/28/23, 9:30 A.M.**

S12D. Approve and adopt 2023-2026 Memorandum of Understanding (MOU) with American Federation of State, County and Municipal Employees Council 36, Local 2076, AFL-CIO, 6/30/23 - 6/25/26; and authorize County Executive Officer or designee to execute MOU - All Districts
52143 **APPROVED AS RECOMMENDED**

S12E. **Supervisor Chaffee -** Approve addition of Adopt-a-Family Holiday campaign event to County Events Calendar; and make related findings per government Code Section 26227
41253 **APPROVED AS RECOMMENDED**

S12F. **Chairman Wagner -** Approve addition of Veteran and Military events to County Events Calendar; and make related findings per government Code Section 26227
35124 **APPROVED AS RECOMMENDED**

S12G. **County Counsel -** Approve retroactive agreement with Baker & McKenize LLP for legal services, effective 10/25/23 - All Districts
25143 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

S12H. Authorize Director to require a mandatory withdrawal of seat capacity during 2023 Plan Year to ensure continued compliance with 11.8 million annual passenger limitation, consistent with requirements set forth in Section 6, Phase 2 Commercial Airline Access Plan and Regulation - District 5
52143 **APPROVED AS RECOMMENDED**

IV.PUBLIC HEARINGS (None)

V.CLOSED SESSION (Items CS-1-SCS7)

GENERAL ADMINISTRATION

CS-1. **County Executive Office -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator:Colette Farnes, Chief Human Resources Officer
Employee Organizations:Association of Orange County Deputy Sheriffs (AOCDS), Association of County Law Enforcement Managers (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Teamsters, and other non-represented employees
RE:Terms and Conditions of Employment

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: Orange County Flood Control District v. JRJ Ranch, L.P., et al., San Bernardino Superior Court Case No. CIVSB2026475

B.O. **COUNTY COUNSEL READ:THE BOARD UNANIMOUSLY APPROVED A PROPOSED $22.275 MILLION SETTLEMENT IN THE EMINENT DOMAIN MATTER, ORANGE COUNTY FLOOD CONTROL DISTRICT V. JRJ RANCH, L.P.THE MONETARY SETTLEMENT REPRESENTS JUST COMPENSATION FOR A 16.765 FLOWAGE EASEMENT OBTAINED BY THE OC FLOOD CONTROL DISTRICT, ON BEHALF OF THE U.S. ARMY CORPS OF ENGINEERS, ON A 31.5 ACRE PROPERTY IN SAN BERNARDINO COUNTY FOR USE IN THE SANTA ANA RIVER MAINSTEM PROJECT.AS PART OF ITS APPROVAL, THE BOARD AUTHORIZES AND DIRECTS COUNTY COUNSEL AND OUTSIDE COUNSEL TO FILE AND EXECUTE ALL NECESSARY DOCUMENTS, INCLUDING A STIPULATION FOR JUDGMENT AND A PROPOSED FINAL ORDER IN CONDEMNATION, TO EFFECTUATE THIS SETTLEMENT FOR THE NECESSARY FLOWAGE EASEMENT.THE BOARD ALSO AUTHORIZES AND DIRECTS THE AUDITOR-CONTROLLER TO ENCUMBER AND TRANSFER FUNDS UP TO THE AMOUNT OF $4,975,000 FROM THE FUND 404 RESERVE ACCOUNT. FINALLY, THE BOARD AUTHORIZES ALL ACTIONS NECESSARY TO ACCOMPLISH THESE DIRECTIVES BY COUNTY COUNSEL AND AUDITOR-CONTROLLER.**

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: County of Orange and Orange County Flood Control District vs. Southern California Edison and T Mobile, Orange County Superior Court Case No. 30-2023-01353934

B.O. **COUNTY COUNSEL READ:THE BOARD UNANIMOUSLY (1) RATIFIED THE FILING OF AN AMENDED COMPLAINT ADDING THE ORANGE COUNTY FLOOD CONTROL DISTRICT AS AN ADDITIONAL NAMED PLAINTIFF IN THE MATTER OF COUNTY OF ORANGE AND ORANGE COUNTY FLOOD CONTROL DISTRICT VS. SOUTHERN CALIFORNIA EDISON AND T-MOBILE, LITIGATION RELATED TO THE SILVERADO FIRE; AND (2) AUTHORIZED COUNTY COUNSEL TO SIGN AN AGREEMENT TO RETAIN BERGER KAHN, BARON & BUDD AND DIXON DIAB & CHAMBERS, LLP LAW FIRMS JOINTLY, TO ASSIST COUNTY COUNSEL IN REPRESENTING THE OCFCD IN THE LITIGATION.**

SCS4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One Case

B.O. **COUNTY COUNSEL READ:THE BOARD UNANIMOUSLY APPROVED A PROPOSED SETTLEMENT AGREEMENT WITH CHEVRON U.S.A., INC., WHEREIN CHEVRON AGREES TO PAY THE COUNTY $1.25 MILLION FOR A RELEASE AND WAIVER OF CLAIMS FOR COSTS INCURRED BY THE COUNTY IN CONNECTION WITH THE CLEAN-UP AND REMEDIATION OF THE OCTOBER 2022 TALBERT CHANNEL OIL PIPELINE LEAK. THE COUNTY RESERVES ITS RIGHT TO PROCEED AGAINST OTHER PARTIES IN CONNECTION WITH THIS SPILL AND WILL CONTINUE TO VIGOROUSLY ENFORCE REIMBURSEMENT RIGHTS UNDER FEDERAL AND STATE ENVIRONMENTAL LAWS FOR THE PROTECTION OF ALL RESIDENT TAXPAYERS. COPIES OF THE AGREEMENT, WHEN FINALIZED, WILL BE MADE AVAILABLE THROUGH THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: In re Bed Bath and Beyond, Inc., U.S. Bankruptcy Court, District of New Jersey Case No. 23-13359 (VFP)

B.O. **COUNTY COUNSEL READ:THE BOARD UNANIMOUSLY AUTHORIZED COUNTY COUNSEL TO ENTER INTO A LEGAL SERVICES AGREEMENT FOR RIMON, P.C. TO REPRESENT THE TREASURER TAX COLLECTOR IN THE BED BATH AND BEYOND BANKRUPTCY, WHICH IS PENDING IN THE NEW JERSEY BANKRUPTCY COURT.ATTORNEY JACQUELINE CHOI AT RIMON, P.C., WILL SERVE AS LEAD COUNSEL, AND IS EXPECTED TO RETAIN LOCAL NEW JERSEY LEGAL COUNSEL, ATTORNEY JOHN S. MAIRO AT PROZIO, BROMBERG & NEWMAN.BOTH MS. CHOI AND MR. MAIRO WILL CHARGE THE COUNTY $495/HOUR FOR THEIR SERVICES.**

SCS6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION pursuant to Government Code section 54956.9(d)(2):
Number of Cases: One Case

B.O. **COUNTY COUNSEL READ:THE BOARD UNANIMOUSLY APPROVED A $109,000 LEGAL SETTLEMENT OF A CLAIM FILED BY CLAIMANT BYRON ALVIZURES. THE CLAIM RELATED TO AN AUTOMOBILE ACCIDENT, IN WHICH A VEHICLE DRIVEN BY AN ORANGE COUNTY SHERIFF'S DEPUTY COLLIDED WITH CLAIMANT'S 2016 TOYOTA TACOMA AND CAUSED PERSONAL INJURIES AND PROPERTY DAMAGE. LIABILITY WAS NOT DISPUTED. WHEN THE SETTLEMENT IS FINALIZED, COPIES OF THE AGREEMENT WILL BE MADE AVAILABLE THROUGH CEO-RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS7. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION pursuant to Government Code section 54956.9(d)(4):
Number of Cases: One Case

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

VI.PUBLIC, CEO, ADJOURNMENT & BOARD COMMENTS

PUBLIC COMMENTS:

Steve Rocco - Oral re: Board members should not resign; presentations are a waste of time; public and private partnerships and laundering money; created a dictatorship and organized crime to kill, kidnap and arrest people

Ilya Tseglin - Oral re: Public demands immediate resignation of Chairman Wagner and revoking his license to practice law; complicit with Larry Landauer, Director of Orange County Regional Center; investigation of financial corruption and stealing public money; ignoring the public regarding elections

Pearl - Oral re: Voting in Orange County and comments made by Chairman Wagner at the October 17 Board meeting regarding elections; presentation by Registrar of Voter Bob Page did not provide answers to public concerns regarding elections; requested to return to precinct voting; reduction in voter turnout

Libby - Oral re: Election integrity and Registrar of Voters Bob Page's presentation; no trust in elections and no accountability; agendize Voters Choice Act on the next agenda

Roseanne - Oral re: Chair of New California State; Chriss Street's review of legal analyst office report; California in financial demise; County and City officials are leaving their posts

Kate - Oral re: Opposition to Proposition 1; Board members are made in the image ofGod and are loved despite their imperfections; requested the Board write a letter to the Governor opposing Proposition 1 and to support life

Florita - Oral re: Santa Ana Board member willing to speak about elections; 16% drop in voter turnout since moving to vote centers; agendize discussion item regarding Voters Choice Act and people's right to define government

Eileen McDermott - Oral re: Recognized military and Donald Trump for bringing Space Force; election was stolen; Federal, State and Local officials are paid, bribed or blackmailed to not do the work of the people; Board members are guilty of treason; homeless veterans living on the streets

Louise Solomon - Oral re: People are mobilizing; should hold Board meetings in the evening when people who work can attend meetings; wheels of justice turn slowly but they do turn; symbols are not reality; want free and fair elections

COUNTY EXECUTIVE OFFICER COMMENTS:

None

ADJOURNED:12:50 P.M.

53124 **Adjourned in memory of Gloria Zigner and Vivian Folkenflik**

BOARD COMMENTS:

None

KEY

Left Margin Notes

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

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