REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 27, 2024,9:00 A.M.

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

DONALD P. WAGNER
CHAIRMAN
Third District

DOUG CHAFFEE
VICE CHAIRMAN
Fourth District

ANDREW DO
SUPERVISOR
First District

VICENTE SARMIENTO
SUPERVISOR
Second District

KATRINA FOLEY
SUPERVISOR
Fifth District

ATTENDANCE:Supervisors Wagner, Chaffee, Sarmiento and Foley

EXCUSED:Supervisor Do

PRESENT:	ACTING COUNTY EXECUTIVE OFFICER	Michelle Aguirre
	COUNTY COUNSEL	Leon J. Page
	CLERK OF THE BOARD	Robin Stieler

INVOCATION:Supervisor Foley, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE:Chairman Wagner, Third District, led the assembly in the Pledge of Allegiance

I.PRESENTATIONS/INTRODUCTIONS

Chairman Wagner recognized the 2024 National Association of Counties Achievement Award Winners

Vice Chairman Chaffee presented a resolution recognizing August 14, 2024 as "Pakistan Independence Day

Supervisor Sarmiento will be presenting a resolution recognizing August 6, 2024 as "Bolivian Independence Day"
DELETED

II.CONSENT CALENDAR (Items 1-12)

52143 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 10 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Foley -** Assessment Appeals Board No. 4 - Reappoint David C. Goldwasser, Costa Mesa, for term ending 9/5/27

Chairman Wagner:

2. Orange County HIV Planning Council - Appoint Roberta E. Cone, Newport Beach, Nsele M. Nsuangani, Sacramento and Karly Rubly, Laguna Niguel, for terms ending 12/31/25

3. Approve revised 2024 Chairman appointment to Orange County Housing Finance Trust

ELECTED DEPARTMENT HEADS

4. **Clerk-Recorder -** Approve and consent to change in ownership structure of Extract Systems LLC to continue providing Auto-Indexing and Redaction Software and maintenance services pursuant to existing contract MA-059-22011525 - All Districts

5. **District Attorney -** Adopt resolution approving FY 2023-24 Federal Equitable Sharing Agreement and Certification Report - All Districts
RESO: 24-094

Sheriff-Coroner:

6. Approve lease agreement with State Department of Forestry and Fire Protection for intermittent, call-when-needed helicopter services, one-year term; and authorize Sheriff-Coroner or designee to execute lease agreement, related documents and subsequent agreements under certain conditions - All Districts

7. Approve agreement 24112123 with State of California Commission on Peace Officer Standards and Training (POST) for coroner training courses, 9/1/24 - 6/30/25 ($195,374); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

8. Approve agreement with City of Anaheim for reimbursement of the Hazardous Device Squad support during special events, 9/1/24 - 8/31/29; and authorize Sheriff-Coroner or designee to execute agreement - Districts 2, 3 and 4

CHILD SUPPORT SERVICES

9. Approve FY 2024-25 Plan of Cooperation with California Department of Child Support Services for administration of Title IV-D Program services, 10/1/24 - 9/30/25, renewable for four additional one-year terms; and authorize Director or designee to execute Plan of Cooperation and renewals under certain conditions - All Districts

OC COMMUNITY RESOURCES

10. **Acting as the Orange County Housing Authority -** Authorize Executive Director or designee and Chairperson of the Board of Commissioners of the Orange County Housing Authority to sign Section 8 Management Assessment Program Certification for monitoring key areas of performance of Section 8 Housing Choice Voucher Program, FY 2023-24 and submit to U.S. Department of Housing and Urban Development - All Districts

42153 X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

11. Acting as the Orange County Flood Control District - Approve Request for Proposals (RFP) to lease up to two segments of Orange County Flood Control property, City of Orange; authorize Chief Real Estate Officer or designee to issue RFP under certain conditions and negotiate Option and Lease and return to Board for final approval; adopt resolution finding proposed Orange County Flood Control District property is exempt surplus land pursuant to Surplus Land Act and other findings; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15301 - District 2
RESO: 24-095

12. Approve Memorandum of Understanding (MOU) with Second Harvest Food Bank of Orange County for rent-free license of up to 125 parking spaces, 100 Acre Parcel, MCAS El Toro, Irvine, term ending 1/1/29; authorize Chief Real Estate Officer or designee to execute MOU and related documents and perform related actions under certain conditions; adopt resolution making findings pursuant to Government Code 26227; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15301 - District 3
RESO: 24-096

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 13-S22E)

HEALTH CARE AGENCY

13. Approve amendment 2 to Master Contract MA-042-23010987 and individual contracts with various providers of on-site psychiatry and telepsychiatry services, term ending 3/31/26 ($830,000; cumulative aggregate total $23,503,660); and authorize County Procurement Officer or Deputized designee to execute amendments - District 2

25143 X **APPROVED AS RECOMMENDED**

14. Approve amendment 3 to Master Contract MA-042-22010436 and individual contracts with America On Track, Community Action Partnership of Orange County and OneOC for CalFresh Healthy Living services, 10/1/24 - 9/30/25 ($931,278; cumulative aggregate total

$4,188,556); renewable for one additional one-year term; and authorize County Procurement Officer or Deputized designee to execute amendments - All Districts

25143 X **APPROVED AS RECOMMENDED**

15. Approve Master Contract MA-042-20011926 with various licensed clinical providers of professional services, 10/4/24 - 10/2/25 ($4,434,907); and authorize County Procurement Officer or Deputized designee to execute individual contracts - All Districts

25143 X **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

16. Approve amendment 4 to contract MA-012-23010452 with Orange County's United Way dba Orange County United Way for CalFresh Expansion services, 10/1/24 - 9/30/25 ($135,253; cumulative total $277,879); and authorize County Procurement Officer or Deputized designee to execute amendment and future amendments under certain conditions - All Districts

24153 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

17. Award contract MA-012-24011060 to C.W. Driver, LLC for pre-construction phase services ($186,193); approve model contract MA-012-24011666 with C.W. Driver, LLC for construction phase services ($14,298,807) for Garden Grove and La Habra Libraries Project; authorize Director or designee to execute contracts; and make California Environmental Quality Act (CEQA) Class 2 exemption findings under CEQA Guidelines section 15302 - Districts 1 and 4

43125 X **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

Probation:

18. Approve amendment 1 to contract MA-057-22011675 with Universal Protection Service, LP dba Allied Universal Security Services for security guard services, 10/1/24 - 9/30/25 ($1,300,000; cumulative total $4,055,000); renewable for one additional one-year term; and authorize County Procurement Officer or Deputized designee to exercise cost contingency increase not to exceed 10% under certain conditions and execute amendment - Districts 1, 2 and 5

24153 X **APPROVED AS RECOMMENDED**

19. Approve amendment 7 to contract MA-057-21010069 with Redwood Toxicology Laboratory, Inc. for drugs and alcohol screening products and services, 10/1/24 - 9/30/25 ($3,000,000; cumulative total $11,152,669); and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

52143 X **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

20. Approve amendment 3 to agreement WGM0719-A3 with Access California Services for refugee social services, 10/1/24 - 9/30/25 ($690,530; cumulative total $4,119,268); and authorize County Procurement Officer or Deputized designee to make future non-material changes under certain conditions and execute amendment - All Districts

B.O. **CONTINUED TO 9/10/24, 9:30 A.M.**

GENERAL ADMINISTRATION

County Executive Office:

21. Approve recommended positions on introduced or amended legislation and/or consider other legislative subject matters - All Districts

54123 XX **APPROVED AS RECOMMENDED**

22. Approve grant applications/awards submitted by Health Care Agency, OC Community Resources, District Attorney, OC Public Works and Sheriff-Coroner in 8/27/24 grant report and other actions as recommended; adopt resolutions authorizing District Attorney or designee to execute grant award agreements with California Department of Insurance for Disability and Healthcare Insurance Fraud Program ($1,095,984), Life and Annuity Consumer Protection Program ($116,906), and Workers' Compensation Insurance Fraud Program ($8,553,472), 7/1/24 - 6/30/25; and making California Environmental Quality Act (CEQA) exemption findings pursuant to CEQA Guidelines Section 15061(b)(3) and other findings - All Districts

54123 X **APPROVED AS RECOMMENDED**

RESO: 24-097 - 24-099

S22A. **Chairman Wagner -** North Tustin Advisory Committee - Reappoint John (Pat) Welsh, Santa Ana, for term ending 3/31/26

32145 X **APPROVED AS RECOMMENDED**

S22B. **Supervisor Foley -** Approve addition of Olympian Parade, Dana Point Harbor, to County Master Events Calendar; and make related findings per Government Code Section 26227

52143 X **APPROVED AS RECOMMENDED**

S22C. **County Executive Office -** Approve amendment 2 to lease agreement, revised Offer to Convey and revised Purchase and Sale Agreement with Centurion Partners Santa Ana, LLC for 1928 South Grand Avenue, Santa Ana ($100); authorize Chief Real Estate Officer or designee to execute amendments and related documents under certain conditions; authorize additional expenditure ($50,000; new total $400,000) for due diligence and other related costs; direct Auditor-Controller to make related payments; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines 15301 - District 2

24153 X **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

S22D. Adopt resolution approving form of Facility Sublease with State Department of Corrections and Rehabilitation, designating Chair of the Board of Supervisors, County Executive Officer, Chief Financial Officer, Sheriff-Coroner and Sheriff-Coroner's Executive Director or their interim or designees as Authorized Officers to execute the Facility Sublease, related documents, amendments and agreements and carry out related actions for execution of sublease and issuance of bonds for James A. Musick Facility (AB 900 and SB 1022) project - Districts 3 and 5

35124 X **APPROVED AS RECOMMENDED**

RESO: 24-100

S22E. Approve FY 2023-24 Federal Equitable Sharing Agreement and Certification for federally forfeited property or proceeds received for Sheriff-Coroner Department - All Districts

54123 X **APPROVED AS RECOMMENDED**

IV.PUBLIC HEARINGS (Item 23)

ELECTED DEPARTMENT HEADS

23. **District Attorney and Clerk-Recorder -** Public Hearing to consider approving District Attorney Real Estate Fraud Prosecution Annual Report, FY 2023-24; adopting resolution approving increase to real estate fraud protection fee collected by Orange County Clerk-Recorder from $3 to $8 on certain specified real estate instruments, 10/1/24 - 9/30/27; rescinding Resolution No. 24-017; and make California Environmental Quality Act (CEQA) exemption findings under Public Resources Code 21080(b)(8) and CEQA guidelines Section 15273 and other findings - All Districts

B.O. **DELETED**

V.CLOSED SESSION

GENERAL ADMINISTRATION

County Executive Office:

SCS1. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: County Executive Officer

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

SCS2. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator:Jeff Griffin, Acting Chief Human Resources Officer
Unrepresented Employee:County Executive Officer

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

County Counsel:

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Marcus Rodriguez III et al. v. County of Orange, et al., United States District Court Case No. 3:23-cv-00823-W-DDL

B.O. **COUNTY COUNSEL READ: ON A VOTE OF 4-0, WITH SUPERVISOR DO ABSENT, THE BOARD APPROVED THE DELEGATION OF LIMITED SETTLEMENT AUTHORITY TO RISK MANAGEMENT TO RESOLVE THE MATTER OF MARCUS RODRIGUEZ III ET AL V. COUNTY OF ORANGE, A CASE THAT INVOLVES ALLEGATIONS OF FALSE ARREST, EXCESSIVE FORCE, AND CIVIL RIGHTS VIOLATIONS ON THE PART OF DEPUTY SHERIFF PERSONNEL WHO WERE INVESTIGATING CRIMES ALLEGEDLY COMMITTED BY PLAINTIFF'S SON.**

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Peter Cunningham v. County of Orange, et al., San Bernardino Superior Court Case No. CIVSB2126796

B.O. **COUNTY COUNSEL READ: ON A VOTE OF 4-0, WITH SUPERVISOR DO ABSENT, THE BOARD APPROVED THE DELEGATION OF LIMITED SETTLEMENT AUTHORITY TO RISK MANAGEMENT IN THE MATTER OF PETER CUNNINGHAM V. COUNTY OF ORANGE, A MATTER THAT INVOLVES AN AUTOMOBILE ACCIDENT AND AN ALLEGED DANGEROUS CONDITION ON LIVE OAK CANYON ROAD IN TRABUCO CANYON.**

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Syed Raza Hussain v. County of Orange, United States District Court Case No. 8:22-cv-02100

B.O. **COUNTY COUNSEL READ: ON A VOTE OF 4-0, WITH SUPERVISOR DO ABSENT, THE BOARD APPROVED A PROPOSED $1,050,000 SETTLEMENT IN THE MATTER OF SYED RAZA HUSSAIN V. COUNTY OF ORANGE. IN THIS CASE INVOLVING AN OFFICER-INVOLVED SHOOTING, PLAINTIFF ALLEGES UNLAWFUL SEARCH AND SEIZURE, UNLAWFUL DETENTION AND ARREST, AND STATE LAW CLAIMS FOR BATTERY, NEGLIGENCE, AND VIOLATIONS OF THE BANE ACT IN CONNECTION WITH LAW ENFORCEMENT'S RESPONSE TO A 911 CALL CONCERNING A DOMESTIC DISPUTE IN PLAINTIFF'S HOME. THE SETTLEMENT AGREEMENT REQUIRES THE FINAL APPROVAL OF OTHERS. WHEN THE SETTLEMENT IS FINALIZED, COPIES OF THE SETTLEMENT AGREEMENT WILL BE MADE AVAILABLE THROUGH THE OFFICE OF CEO-RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Stewart Rawlings v. County of Orange, WCAB Cases: ADJ15172159; ADJ12664596; ADJ564936

B.O. **COUNTY COUNSEL READ: ON A VOTE OF 4-0, WITH SUPERVISOR DO ABSENT, THE BOARD APPROVED A PROPOSED $244,858.50 SETTLEMENT IN THE MATTER OF STEWART RAWLINGS V. COUNTY OF ORANGE. IN THIS WORKERS' COMPENSATION CASE, THE APPLICANT IS AN ORANGE COUNTY SHERIFF'S DEPARTMENT SERGEANT WHO RETIRED AFTER 30 YEARS OF SERVICE, AND ALLEGED CUMULATIVE TRAUMA TO HIS BACK, RIGHT SHOULDER, AND CARDIOVASCULAR SYSTEM. THE SETTLEMENT AGREEMENT REQUIRES THE FINAL APPROVAL OF OTHERS. WHEN THE SETTLEMENT IS FINALIZED, COPIES OF THE SETTLEMENT AGREEMENT WILL BE MADE AVAILABLE THROUGH THE OFFICE OF CEO-RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS7. 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 at. v. County of Orange, United States District Court Case No. 8:18-cv-0220-DOC-(KESx)

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

. **COUNTY COUNSEL READ: WITH RESPECT TO THE MATTER OF DAMON TUCKER V. COUNTY OF ORANGE, ORANGE COUNTY CASE NO. 30-2021-01200119, THE PLAINTIFF IN THIS EMPLOYMENT CASE, A DISTRICT ATTORNEY INVESTIGATOR, HAS REPORTEDLY ACCEPTED THE BOARD'S COUNTEROFFER, WHICH HAD BEEN APPROVED BY THE BOARD, ON A VOTE OF 3 TO 0, WITH CHAIRMAN WAGNER AND SUPERVISOR DO ABSENT, AS PART OF CS-1 ON JULY 23, 2024. THE SETTLEMENT AGREEMENT WILL REQUIRE THE FINAL APPROVAL OF OTHERS. WHEN THE SETTLEMENT AGREEMENT IS FINALIZED, COPIES OF THE SETTLEMENT WILL BE MADE AVAILABLE THROUGH THE OFFICE OF CEO-RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

VI.PUBLIC, CEO, ADJOURNMENT & BOARD COMMENTS

PUBLIC COMMENTS:

Steve Rocco - Oral Re: Received property tax bill with penalties attached and appealed penalty; running for public office and has the same enemies as Trump including Chapman University; monopoly on crime and can kill anybody you want through consolidation; number of words allowed under his name on ballot is different than others; selling advertising in Registrar of Voter pamphlets mailed to registered voters; election fraud and Bob Page; Pakistani Day and killing of children in England; assassination on Trump

Carol Graves - Oral Re: Jurisdiction of the horses and animal cruelty by the Orange County Fairgrounds CEO, Michelle Richards and her staff at the OC Fairgrounds; horses have not been able to exercise which has led to dangerous situation for the horses, handlers and riders; advocate for horses because they helped her child who is autistic; horses should not be pawns in a contract dispute and receive exercise per codes and regulations of stalled animals; requested Board intervene, change the situation and have safety restored for horses, children and handlers

Mark Richard Daniels - Oral Re: Requested Supervisor Do resign from office

Paul Hyek - Oral Re: Recycling symbol displayed on some products but not others; Ventura County requires eBike vendors to have a M1 license by the Department of Motors Vehicles and cannot be purchased by anyone under the age of 18

Jeff Weaver - Oral Re: Biofuel farm project for landfill at Prima Deshecha

Richard Larsen - Oral Re: Concerns with those advocates against Orange County's election system are without merit; recommended not changing Orange County's voting system

Jackie Cordova - Oral Re: Resident of Santa Ana; Supervisor Do and use of children as a political ploy; misuse of COVID relief funds; We the People filed a formal complaint against the County of Orange, Frank Kim, Bob Page, Registrar of Voters and the Board of Supervisors; Anaheim business leader probe in corruption of COVID testing money

Name not provided - Oral Re: Dr. Douglas Frank's analysis of voter rolls; requested to schedule time to review evidence regarding massive voter fraud in California and the unreliability of voting machines; return to one day voting with paper ballots, no machines, proof of citizenship, identification, signatures, hand counts and totals produced and verified at the precinct level

Kate - Oral Re: Election fraud and certification of the 2020, 2021 Newsom recall and 2022 elections; Kamala Harris was appointed and not voted in by constituents for the 2024 election

Mary - Oral Re: Multiple issues and laws have been ignored after numerous requests for the Board to host a special meeting; active lawsuits regarding elections; get rid of the Voters Choice Act, require proof of citizenship and voting precincts; meeting regarding lithium battery plant storage

Bryan Kaye - Oral Re: Petitions and forged criminal plea agreement; criminal defense attorney Rene Garcia committed fraud on the court by recommending psychiatric evaluation

Gibran Stout - Oral Re: Criminal neglect and abuse of horses at OC Fairgrounds; OC Animal Care is responsible for enforcing all local, state and federal laws; abuse of animals is criminal and a solution is needed

Cheryl - Oral Re: Misinformation about whether or not Bob Page and the Registrar of Voters has been alerted to the concerns of elections; State is not allowing Orange County to ensure free and fair elections; requested meeting to discuss issues and concerns regarding voting system; stop providing discretionary funds until audits are conducted

COUNTY EXECUTIVE OFFICER COMMENTS:

Michelle Aguirre - Oral Re: Accepting public comments for the 2024 Strategic Financial Plan on the County's website through August 30, 2024

ADJOURNED:1:11 P.M.

BOARD COMMENTS:

Vice Chairman Chaffee - Oral Re: Metrolink is offering a $10 Holiday Pass on Labor Day

Supervisor Sarmiento - Oral Re: In-person townhall on August 28 at Grijalva Park in the City of Orange to discuss the County's Fiscal Year 2024-2025 budget; County budget staff will present information and answer questions; investigation that has been opened against Viet American Society that the County does business with which is unsettling for the public and County staff; demanded Supervisor Do step down from office; requested the Board censure Supervisor Do

Supervisor Foley - Oral Re: Hosting General Plan Update Workshop tonight at the Muth Center in Back Bay, Newport Beach; hosting an Orange County Public Works Active Transportation Community Open House on August 28 at the Muth Center in Back Bay, Newport Beach; hosting Olympian Parade at Dana Point Harbor on September 8; announced the International Irish Step Dancing Day Showcase at the William R. Mason Regional Park on September 17; called on Supervisor Andrew Do to immediately resign from the Board of Supervisors; will pursue all legal avenues to have Supervisor Do removed if he does not resign; agenda item to remove Supervisor Do from all board/Chairman committee assignments on September 10; thanked County staff during this time, advised them that they are supported and will not be put in harms way, do not have to fear reaching out would cause any concern for their position and can report any lapses in integrity by calling our Fraud Hotline at 714-834-3608.

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