REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, January 24, 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 invited Rabbi Adam Greenwald, who 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 recognizing January 2023 as "Positive Parenting Awareness Month"

Chairman Wagner presented a resolution recognizing Deputy Juvenile Correctional Officer, Yuri Williams, from Orange County Probation Department for the successful establishment and operation of "A Future Superhero and Friends"

II.CONSENT CALENDAR (Items 1-9)

12453 **APPROVED AS RECOMMENDED**

BOARD APPOINTMENTS

1. **Supervisor Do -** Orange County Waste Management Commission - Appoint Colin J. Edwards, Cypress, for term concurrent with 1st District Supervisor's term of office

ELECTED DEPARTMENT HEADS

Auditor-Controller:

2. Approve Schedule of County Capital Assets Physical Inventory Dates for calendar years 2023 and 2024 - All Districts

3. Receive and file Fund/Budget Control Semi-Annual Report for FY 2022-23 - All Districts

4. Authorize Auditor-Controller to delete damaged, destroyed, dismantled, donated, missing, obsolete, stolen and/or surplused equipment from Health Care Agency capital asset inventory - All Districts

HEALTH CARE AGENCY

5. Approve amendment 1 to standard agreement 20-10191 with California Department of Health Care Services for substance use disorder services, 7/1/20 - 6/30/23; and authorize Director or designee to execute amendment and related documents - All Districts

OC COMMUNITY RESOURCES

6. Approve contract MA-012-23010312 with Community Legal Aid SoCal for Senior Legal Services Program, term ending 12/31/23 ($275,000); and authorize County Procurement Officer or Deputized designee to execute contract and future amendments under certain conditions - All Districts

OC PUBLIC WORKS

Acting as the Orange County Flood Control District:

7. Adopt resolution approving Orange County Flood Control District Design Manual 2nd Edition; and authorize Director to make minor amendments under certain conditions - All Districts (Continued from 1/10/23, Item 5)
RESO: 23-007

8. Approve credit purchase and sale agreement MA-080-23010747 with Land Veritas Corp. for mitigation credits for Carbon Canyon Diversion Channel Project ($500,000) - District 4

GENERAL ADMINISTRATION

9. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for John Wayne Airport - All Districts

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 10-S29I)

ELECTED DEPARTMENT HEADS

10. **Clerk-Recorder -** Approve amendment 3 to contract MA-059-17010305 with Granicus, LLC for continued maintenance and technical support to Clerk-Recorder applications, 2/1/23 - 1/31/25 ($500,668; cumulative total $1,668,076); and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

14253 **APPROVED AS RECOMMENDED**

11. **Sheriff-Coroner -** Approve contract MA-060-23010202 with Best Contracting Services Inc. for glazing, glass repair and replacement services, three-year term ($900,000); renewable for one additional two-year term; and authorize County Procurement Officer or Deputized designee to execute contract - All Districts

12453 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

12. Approve amendment 6 to master agreement MA-042-19010252 and subsequent amendments to contracts with Clean Path Recovery, LLC, Grandma's House of Hope, Roque Center, Inc., The Stephouse Recovery, Inc., The Teen Project, Inc. and The Villa Center, Inc. for recovery residence services, 1/24/23 - 6/30/23 ($400,000; cumulative total $6,680,000); and authorize County Procurement Officer or Deputized designee to execute amendments - All Districts

14253 **APPROVED AS RECOMMENDED**

13. Approve retroactive agreement with Foothill Regional Medical Center to transfer ventilators for treatment of Respiratory Syncytial Virus and other respiratory illnesses; authorize County Procurement Officer or Deputized designee to execute agreement and related documents; and make related findings pursuant to Government Code 26227 - District 2

21453 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

14. Approve amendment 3 to contract MA-012-19010968 with AquaTechnex, LLC for lake management and lake water quality maintenance services, 3/11/23 - 3/10/24 ($855,000; cumulative total $4,158,764); and authorize County Procurement Officer or Deputized designee to execute amendment - Districts 1, 3, 4 and 5

15243 **APPROVED AS RECOMMENDED**

15. Approve amendment 2 to contract MA-012-19010782 with Greentech Landscape, Inc. for landscape maintenance services, Saddleback Operations Facilities, 3/1/23 - 2/28/24 ($212,001; cumulative total $1,060,005); and authorize County Procurement Officer or Deputized designee to execute amendment - District 3

34125 **APPROVED AS RECOMMENDED**

16. Approve amendment 11 to contract 20-27-0045 with Community Legal Aid SoCal for Senior Legal Service Program; amendment 14 to contract 20-27-0044 with Council on Aging - Southern California, Inc. for Health Insurance Counseling Advocacy Program; amendment 12 to contract 20-27-0048 with Council on Aging - Southern California, Inc. for Elder Abuse

Prevention and Ombudsman Program; amendment 8 to contract 20-27-0025 with St. Jude Hospital, Inc. dba St. Jude Medical Center for Family Caregiver Support Program; amendment 2 to contract MA-012-22011500 with SER-Jobs for Progress, Inc.-San Joaquin Valley for Senior Community Service Employment Program; amendment 2 to contract MA-012-22011462 with Dayle McIntosh Center for the Disabled for Orange County Aging and Disability Resource Connection Program, terms ending 6/30/23; and authorize County Procurement Officer or Deputized designee to execute amendments and future amendments under certain conditions - All Districts

21453 **APPROVED AS RECOMMENDED**

17. Approve contract MA-012-23010628 with Getsetup, Inc. for Access to Technology Program, 2/1/23 - 12/31/23 ($195,187); renewable for one additional one-year term; and authorize County Procurement Officer or Deputized designee to execute contract and future amendments under certain conditions - All Districts

12453 **APPROVED AS RECOMMENDED**

18. Approve contracts with various cities for eligible projects using reallocated Community Development Block Grant CARES Act funding consistent with FY 2021-22 Annual Action Plan Amendment 2, 1/25/23 - 8/31/23 ($2,428,308); approve providers and projects for public services, housing rehabilitation, public facilities improvements and economic development activities; authorize Director or designee to submit related documents to U.S. Department of Housing and Urban Development and make non-material changes under certain conditions; authorize County Procurement Officer or Deputized designee to execute contracts; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines section 15378 - Districts 1, 3, 4 and 5

45123 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

19. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve amendment 1 to contract MA-080-21011806 with Savala Equipment Company, Inc. for heavy equipment rental with operator services, term ending 10/16/24 ($181,500; cumulative total $1,996,500); authorize County Procurement Officer or Deputized designee to execute amendment; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines section 15378 - All Districts

14253 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

20. Approve amendment 5 to contract MA-299-19010875 with Discovery Science Center of Orange County dba Discovery Cube Orange County for strategic marketing and outreach services, 3/1/23 - 2/29/24 ($191,494; cumulative total $1,708,730); and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

15243A **APPROVED AS RECOMMENDED**

21. Approve amendment 2 to renew contract MA-017-18010491 with e-Builder, Inc. for project information management system, 3/2/23 - 3/1/25 ($230,737; cumulative total $2,798,450); and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

15243 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

22. **County Counsel -** Select law firms of Atkinson, Andelson, Loya, Ruud & Romo, Burke, Williams & Sorenson, LLP, Meyers Nave and Van Dermyden Makus Law Corporation for employment professional investigative services on an as needed basis; and authorize County Counsel or designee to execute agreements - All Districts

21453 **APPROVED AS RECOMMENDED**

County Executive Office:

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

15243 **APPROVED AS RECOMMENDED**

24. Approve lease agreement with CGJP-1 LP for Health Care Agency office space at 14140 Beach Boulevard, Westminster, 2/1/23 - 1/31/33; with three five-year options to extend term; authorize Chief Real Estate Officer or designee to execute subsequent lease options and amendments under certain conditions; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15301 - District 1

15243 **APPROVED AS RECOMMENDED**

25. Acting as the Board of Supervisors and Orange County Flood Control District - Approve master agreement with City of San Juan Capistrano for taxing entity compensation; authorize Chief Real Estate Officer or designee to execute agreement and make minor modifications under certain conditions; and make California Environmental Quality Act and other findings - District 5

51243 **APPROVED AS RECOMMENDED**

26. Approve FY 2022-23 Mid-Year Budget Report; approve related budget adjustments and reserve changes; amend master position control; adopt resolution making certain findings pursuant to Government Code 26227 related to contribution of up to $40 million in American Rescue Plan Act funding to Mind OC for pre-construction and construction of Be Well Irvine campus; delegating authority to County Executive Officer or designee to negotiate and enter into an agreement related to this contribution; approve addition of events to FY 2022-23 County Event Calendar; approve and adopt new title descriptions, classification specifications, salary schedule, set pay grades for Orange County Managers Association (OCMA), effective 3/10/23; and authorize Chief Human Resources Officer to enter into related agreement with OCMA; approve deletion of Administrative Manager I, Administrative Manger II, Administrative Manager III-Specialty and County Procurement Officer; approve adjusted pay grades for Behavioral Health Clinician I, Behavioral Health Clinician II, HCA Service Chief I and HCA Service Chief II, Marine Mechanic and Maintenance Supervisor, Harbor, effective 1/27/23; approve revised classification specifications and adjust pay grades for Equipment Welder, Senior Equipment Welder, Traffic Paint Sprayer, effective 1/27/23; approve revised classification specifications for Social Worker I, Social Worker II, effective 1/27/23; approve revised classification specification and adjust recruiting step for Senior Social Worker, effective 1/27/23; approve and adopt new class titles for Campaign Finance and Ethics, Director, Chief Real Estate Officer and Office of Independent

Review, Director, effective 1/27/23; and approve and adopt side letter agreements with Orange County Employees Association, effective 1/27/23 - All Districts (R.A. 1 requires 4/5 vote of members present)

51243 **APPROVED AS AMENDED TO ADD 'HOUSING' TO LAST PARAGRAPH ON ATTACHMENT D, PAGE 1 OF RESOLUTION TO READ, 'WHEREAS, THE PROJECT IS INTENDED TO PROVIDE THE FOLLOWING SERVICES AND USES, AMONG OTHERS, TO THE PUBLIC:WELLNESS AND SOCIAL SERVICES; CRISIS AND STABILIZATION UNIT; SUBSTANCE USE DISORDER INTAKE AND REFERRAL; WITHDRAWAL MANAGEMENT; CRISIS RESIDENTIAL; HOUSING; AND SUBSTANCE USE DISORDER AND CO-OCCURRING RESIDENTIAL TREATMENT; AND'.....; AND TO AMEND THE COUNTY EVENTS CALENDAR TO INCLUDE FUNDING FOR VIGIL OF A COUNTY EMPLOYEE**
RESO: 23-008

27. Receive and file 2022 Strategic Financial Plan and OC CARES Annual Report, FY 2021-22 - All Districts

12453 **APPROVED AS RECOMMENDED**

28. Approve grant applications/awards submitted by Probation, Sheriff-Coroner Health Care Agency, District Attorney, Social Services Agency and OC Public Works in 1/24/23 grant report and other actions as recommended; approve amendment 1 to cooperative agreement with City of Anaheim for housing and supportive services for persons living with HIV, 7/1/22 - 6/30/23 ($17,877; new total $939,029); and authorize HCA Director or designee to execute future amendments under certain conditions - All Districts

15243 **APPROVED AS RECOMMENDED**

29. Approve amendment 2 to lease with Santa Ana CA II SGF, LLC for Public Defender office space at 200 W. Santa Ana Blvd., Suites 190, 600, 625, 650, 675, 800 and 970, Santa Ana; authorize Chief Real Estate Officer or designee to execute subsequent amendments under certain conditions; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15301 - District 2

25143 **APPROVED AS RECOMMENDED**

S29A. **Office of Campaign Finance and Ethics Commission -** Consider first reading of "An Ordinance of the County of Orange, California Amending Section 1-6-5 of the Codified Ordinances of the County of Orange Adjusting the Limitations on Campaign Contributions"; and set second reading and adoption for 2/7/23, 9:30 a.m. - All Districts

25143 **APPROVED AS RECOMMENDED**

S29B. **Chairman Wagner -** Orange County Human Relations Commission - Appoint Michael Kent, Irvine, for term ending 1/23/25

31245 **APPROVED AS RECOMMENDED**

S29C. **Supervisor Foley -** Orange County Parks Commission - Appoint Hallie Jones, Laguna Beach, for term concurrent with 5th District Supervisor's term of office

52143 **APPROVED AS RECOMMENDED**

S29D. **County Executive Office -** Approve contract MA-017-23010366 with PATH dba People Assisting the Homeless (PATH) for cold weather emergency shelter services, 1/24/23 -

4/15/23 ($595,112); authorize County Procurement Officer or Deputized designee to execute contract; approve license agreement with City of Fullerton for use of Independence Park by PATH for cold weather emergency shelter services ($7,500 per month); and authorize Chief Real Estate Officer or designee to execute license agreement - District 4

41253 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

S29E. **District Attorney -** Approve amendment 2 to contract MA-026-21011173 with Dr. Katie Parsons for consulting services for Data Research Team, 3/1/21 - 2/28/23 ($85,000; cumulative total $160,000); and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

15243 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S29F. **County Executive Office -** Acting as the Orange County Flood Control District - Approve license agreement with Caltrans for emergency work on portions of SR-73 and Oso Creek flood facility, 1/19/23 - 1/31/33; authorize Chief Real Estate Officer or designee to execute agreement, perform all activities specified, related documents necessary for implementation and subsequent amendments under certain conditions; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15269 (b) and (c) and other related findings - District 5

15243 **APPROVED AS RECOMMENDED**

S29G. **Supervisor Foley -** Acting as the Orange County Housing Authority - Appoint Stephanie Oddo, Laguna Niguel, to complete term ending 6/30/23

12453 **APPROVED AS RECOMMENDED**

S29H. **Chairman Wagner -** Direct staff to write and send letter from entire Board of Supervisors in support of Senator Umberg's bill: SB44 Alexandra's Law to continue fight against fentanyl

35124 **APPROVED AS RECOMMENDED**

S29I. **Clerk of the Board -** Approve 2023 Chairman's appointments of board members to various boards, commissions and committees; and adopt California Form 806 - Agency Report of Public Official Appointments - All Districts

42153 **APPROVED AS AMENDED TO REPLACE SUPERVISOR FOLEY WITH SUPERVISOR SARMIENTO ON THE ONE WATER, ONE WATERSHED COMMITTEE; AND TO CONTINUE THE APPOINTMENTS AND ADOPTION OF RELATED RESOLUTIONS APPOINTING BOARD MEMBERS TO ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS TO 2/7/23, 9:30 A.M.**

IV.PUBLIC HEARINGS (None)

V.CLOSED SESSION

GENERAL ADMINISTRATION

County Counsel:

SCS1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case:Delux Public Charter, LLC D/B/A JSX Air and JetSuitex, Inc. v. County of Orange, et al., United States District Court Central District of California - Southern Division, Case No. 8:20-CV-02344

B.O. **COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY AUTHORIZED COUNTY COUNSEL TO AMEND THE LEGAL SERVICES AGREEMENT WITH ANDERSON KRIEGER FOR THE DELUX PUBLIC CHARTER LITIGATION, ADJUSTING THE HOURLY RATES AS FOLLOWS:MELISSA ALLISON, PARTNER $565/HOUR (A $30 INCREASE OVER PRIOR RATES), CHRISTINA MARSHALL, PARTNER $490/HOUR (A $40 INCREASE OVER PRIOR RATES), ASSOCIATES UP TO $400 (PREVIOUSLY THE RANGE WAS $290-$390), AND PARALEGALS UP TO $210 (PREVIOUSLY THE RANGE WAS $180-$210)**

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. 7360 Pine Avenue, LLC, et al.,
San Bernardino Superior Court Case No.CIVSB2026999

B.O. **COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY APPROVED A $10.6 MILLION MEDIATED SETTLEMENT TO RESOLVE THE EMINENT DOMAIN LITIGATION FILED BY THE ORANGE COUNTY FLOOD CONTROL DISTRICT CONCERNING THE TAKING OF A FLOWAGE EASEMENT AT 7360 PINE AVENUE IN SAN BERNARDINO COUNTY.THE BOARD AUTHORIZED AND DIRECTED COUNTY COUNSEL AND OUTSIDE COUNSEL TO FILE AND EXECUTE ALL NECESSARY DOCUMENTS, INCLUDING A STIPULATION TO AMEND THE COMPLAINT, STIPULATION FOR INTERLOCUTORY JUDGMENT AND A PROPOSED INTERLOCUTORY JUDGMENT, TO EFFECTUATE THIS SETTLEMENT FOR THE PROPERTY.IN ADDITION, THE BOARD AUTHORIZED AND DIRECTED PAYMENT,AS WILL BE SET FORTH IN THE STIPULATED JUDGMENT, THE ADDITIONAL SUM OF $9,872,000 FOR A SUM TOTAL OF $10.6 MILLION IN JUST COMPENSATION, AND AUTHORIZED AND DIRECTED THE AUDITOR-CONTROLLER TO ENCUMBER AND TRANSFER FUNDS IN THE AMOUNT OF $9,872,000 FROM THE FUND 404 RESERVE ACCOUNT**

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Elizabeth Hueg, et al. v. OC Animal Care, et al., Orange County Superior Court Case No. 30-2022-01282419-CU-WM-CJC

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

VI.PUBLIC, CEO, ADJOURNMENT & BOARD COMMENTS

PUBLIC COMMENTS:

Steve Rocco - Oral re: Male gender's job is to protect his family; America has never been a nation and race, religion and culture have been destroyed; people that want to be an American are looking for diversity

Carol Markel - Oral re: Uncle was a councilmember in Santa Ana; election fraud includes not voting in person, drop boxes are stuffed with fraudulent ballots, unregistered citizens voting and election results are manipulated

Joette - Oral re: Governor Newsom tells Board what to do; California highest debt in history; continuing with emergency status even though pandemic has ended; Hart Machines not certified

Susan - Oral re: Corruption of elections in Orange County including approved Voters Choice Act which included drop boxes and mail in voting; letter from the Conservative Patriots of Orange County requesting hearing to allow input regarding elections

Bea Clever - Oral re: Plandemic is over; Ken Burns series regarding the United States and the holocaust; history of Port Arthur in Australia; AB2098 and false information for financial gains; continuing local emergency allows continuance of federal funding that comes from taxpayers pockets

Name not provided - Oral re: Election fraud, 2000 Mules, Hart Machines, violation of Election Law 19025, remove ballots boxes and require in-person voting with identification required

Eloise Oh - Oral re: Avoiding voter fraud; Mexico has voter identification card; requested voter identification, one day elections and paper ballots for elections

Bryan Kaye - Oral re: Death of Public Defender Elliot Blair; requested evidence of crimes and convictions on his record; Public Defender does not provide information when requested; Martin Luther King quote

Belen - Oral re: Belen means Bethlehem; vaccines and mandates

Kate - Oral re: Agenda Item #17; company on contract located out of state, no contact number or address on website; need audits of approved contracts with the County

Name not provided - Oral re: Karen Kingston Report

Nicolas Dibs - Oral re: Complaint filed by a school district against a social media company regarding the abuse of children; AB2273 signed by the Governor; requested the County establish a digital youth wellness outreach committee and leadership team to educate parents and young people regarding technology addiction and prevention

COUNTY EXECUTIVE OFFICER COMMENTS:

None

ADJOURNED:12:27 P.M.

31245 **Adjourned in memory of Dane Bullock**

23145 **Adjourned in memory of Elliot Blair**

BOARD COMMENTS:

Supervisor Chaffee - Oral re: Commended Chairman Wagner on his first meeting as Chairman of the Board of Supervisors

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