REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, August 8, 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 Sarmiento, Second District, gave the invocation

PLEDGE OF ALLEGIANCE:Supervisor Chaffee, Fourth District, led the assembly in the Pledge of Allegiance

I.PRESENTATIONS/INTRODUCTIONS

Chairman Wagner presented a resolution proclaiming August 2023 as "Eligibility Professionals Month"

Supervisor Sarmiento presented a resolution proclaiming August 2023 as "American Muslim Appreciation and Awareness Month"

II.CONSENT CALENDAR (Items 1-10)

15243 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 4 AND 8 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Vice Chairman Do -** Acting as Orange County Housing Authority - Housing and Community Development Commission - Reappoint An T. Nguyen, Fountain Valley, for term ending 6/30/25

2. **Supervisor Chaffee -** Orange County Historical Commission - Appoint James Daniel Bacon, Fullerton, for term concurrent with 4th District Supervisor's term of office

COMMENDATIONS/PROCLAMATIONS/REPORTS

3. **Chairman Wagner -** Adopt resolution designating September as Service Clubs Month
RESO: 23-094

JOHN WAYNE AIRPORT

4. Authorize Director to allocate regulated Class A and Class E average daily departures, seat capacity, remain overnight positions and passenger capacity to scheduled commercial passenger, cargo and commuter air carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2024 Plan Year (1/1/24 - 12/31/24); approve related actions; and make related findings - District 5

52143 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

5. Approve amendment 3 to contract MA-012-23010367 with Council on Aging - Southern California, Inc. for Medicare Improvements for Patients and Providers Act services, 9/1/23 - 8/31/24 ($215,901; cumulative total $431,802); and authorize County Procurement Officer or Deputized designee to execute amendment and future amendments under certain conditions - All Districts

OC PUBLIC WORKS

6. Approve amendment 5 to increase contract CT-299-20011092 with Fleming Alliance Architecture, Inc. for architect-engineering services for Frank R. Bowerman Landfill operations building tenant improvement services, 5/14/20 - 10/31/23 ($15,250; cumulative total $83,000); and authorize Director or designee to execute amendment - District 3

7. Approve amendment 1 to cooperative agreement MA-080-20010224 with City of Placentia for funding and construction of the Carbon Canyon Channel Bikeway Project, OC Loop Segment D ($215,682); and authorize Director or designee to execute minor amendments under certain conditions - Districts 3 and 4

8. Approve and adopt OC On the Move Active Transportation Plan; and authorize Director or designee to make modifications under certain conditions - All Districts

25143 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

9. Approve contracts MA-299-23011430 with Adam's Falconry Service, LLC, Airstrike Bird Control, Inc. and Avian Entertainment, LLC for bird abatement services at active landfills, 9/20/23 - 9/19/26 ($945,000); renewable for two additional years; and authorize County Procurement Officer or Deputized designee to make changes under certain conditions and

execute contracts - Districts 3, 4 and 5

GENERAL ADMINISTRATION

10. **Registrar of Voters -** Receive and file Certificate of Nominee to be appointed in lieu of election on 11/8/22; appoint Marc Schwering as Director of Santiago Geologic Hazard Abatement District Board of Directors for four-year term, ending at noon on 12/4/26 - District 3

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 11-S29J)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

11. Approve amendment 2 to contract MA-060-22010470 with NicheVision Forensics, LLC for DNA Analysis Software System and Database Likelihood Ratio software updates, 1/1/24 - 12/31/24 ($46,160; cumulative total $212,411); and authorize County Procurement Officer or Deputized designee to execute contract - District 2

23145 **APPROVED AS RECOMMENDED**

12. Approve amendment 1 to contract MA-060-21011432 with Axon Enterprise Inc for body worn cameras, Taser 10, unmanned ariel vehicles, interview room cameras, Fleet 3 in car video, related equipment, warranties and software, 7/27/2021 - 7/31/33 ($41,281,135); and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

25143 **APPROVED AS RECOMMENDED**

13. Ratify first amendment to agreement with City of Laguna Hills for law enforcement services, 7/1/23 - 6/30/24 ($10,281,109); and authorize Sheriff-Coroner to execute amendment - District 5

52143 **APPROVED AS RECOMMENDED**

14. Approve contract MA-060-23011224 with CRH California Water, Inc. dba Culligan of Santa Ana for water softener system maintenance at central jails, Theo Lacy Facility and James A. Musick Facility, effective upon Board approval for 3 years ($1,292,400); renewable for two additional one-year terms; and authorize County Procurement Officer or Deputized designee to execute contract - Districts 2 and 3

23145 **APPROVED AS RECOMMENDED**

15. **Treasurer-Tax Collector -** Approve amendment 9 to contract MA-074-13010137 with Wells Fargo Merchant Services, L.L.C and Wells Fargo Bank, N.A. for electronic payment acceptance and processing services for non-convenience fee credit and debit cards and eCheck transactions, 8/14/23 - 8/13/24 ($2,400,000; cumulative total $23,400,000); approve amendment 10 to agreement MA-074-13010138 with Wells Fargo Bank, N.A. for internet payment gateway services, 8/14/23 - 8/13/24 ($10,000; cumulative total $130,000); and authorize County Procurement Officer or Deputized designee to execute amendments - All Districts

15243 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

16. Approve amendment 11 to master contract MA-042-20011019 with various providers and subsequent amendments to contracts with Laguna Beach Community Clinic, Inc., AIDS Services Foundation Orange County dba Radiant Health Centers and Shanti Orange County for HIV care services, 8/8/23 - 2/29/24 ($126,218; new total $3,614,280; aggregate cumulative total $16,482,855); and authorize County Procurement Officer or Deputized designee to execute amendments - All Districts

13245 **APPROVED AS RECOMMENDED**

17. Approve master agreement MA-042-20011926 with various licensed clinical providers of professional services, 9/29/23 - 10/3/24 ($5,635,056); authorize Auditor-Controller to apply rates as approved in existing master agreement; authorize County Procurement Officer or Deputized designee to execute individual agreements; and authorize Director or designee to execute subordinate agreements - All Districts

52143 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

18. Approve lease with The Transportation Security Administration for security services support offices, 10/1/23 - 9/30/33; authorize Director or designee to extend lease for two additional five-year terms; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15301 - District 5

52143 **APPROVED AS RECOMMENDED**

19. Approve amendment 2 to Wireless Public Internet Access and Distributed Antenna System Agreement with Concourse Communications Group, LLC ($41,877); approve amendment 3 to Advertising Concession Lease with Lamar Airport Advertising Co. ($1,063,772); approve amendment 5 to Specialty Concession Lease with Hojeij Branded Foods, LLC ($65,905); approve amendment 6 to News and Gift and Specialty Retail Concession Lease with John Wayne NG-AC JV ($873,362); approve amendment 7 to News and Gift and Specialty Retail Concession Lease with Paradies-OC, LLC ($313,425); for concession rent relief pursuant to Coronavirus Response and Relief Supplemental Appropriations Act and American Rescue Plan Act grants administered by the Federal Aviation Administration - District 5

52143 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

20. Approve amendment 3 to contract MA-012-18012188 with Tapia Landscaping for landscape maintenance at regional trails, bikeways and various trailside pocket parks on County-owned land, 9/1/23 - 2/28/24 ($847,500; cumulative total $3,107,500); and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

41253 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

21. Retroactively approve contract PO-080-23011263 with AssetWorks Inc. for fleet related technology and software solutions, 7/1/22 - 12/30/22 ($49,514); and authorize County Procurement Officer or Deputized designee to execute contract - All Districts

14253 **APPROVED AS RECOMMENDED**

Acting as the Board of Supervisors and Orange County Flood Control District:

22. Approve contracts with various firms for on-call land surveying services, three-year terms ($1,750,000 each; aggregate total $10,500,000); renewable for two additional years; and authorize Director or designee to execute contracts - All Districts

25143 **APPROVED AS RECOMMENDED**

23. Approve contracts MA-080-23010821 with AirDev, Inc. and Efficient BPM LLC for maintenance management integration services, three-year term ($1,050,000); renewable for an additional two-year term; and authorize County Procurement Officer or Deputized designee to execute contracts - All Districts

42153 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

24. **County Counsel -** Approve amendment 2 to Professional Legal Services Agreement with One LLP for intellectual property law special advisory and litigation services in area; and authorize County Counsel to execute amendment - All Districts (2/3 vote of the membership)

25143 **APPROVED AS RECOMMENDED**

County Executive Office:

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

54123 **APPROVED AS RECOMMENDED WITH SUPERVISOR SARMIENTO ABSTAINING ON RECOMMENDED ACTION #1**

26. Approve grant applications/awards submitted by District Attorney, OC Waste & Recycling, Health Care Agency, County Executive Office and OC Community Resources, and ratify grant applications/awards submitted by District Attorney and Social Services Agency in 8/8/23 grant report and other actions as recommended; adopt resolution authorizing District Attorney to execute standard agreement S23-005 and District Attorney or designee to execute amendments with California Victim Compensation Board for Victim Compensation Program, 7/1/23 - 6/30/26; and making California Environmental Quality Act (CEQA) exemption findings pursuant to CEQA Guidelines Section 15061(b)(3) and other findings; adopt resolution authorizing OC Waste & Recycling to submit application to State Department of Resources Recycling and Recovery (CalRecycle) for Household Hazardous Waste Grant Program (HD41); adopt resolutions naming Katella Housing Partners LP as new owner of Stanton Inn and Suites and Beach2 Housing Partners LP as new owner of Tahiti Motel, acknowledging and accepting that this new owner is joining standard agreements; authorizing OC Community Resources Director or designee to execute agreements and subsequent amendments under certain conditions and any related documents to Homekey Program funding and as California State Department of Housing and Community Development may deem appropriate - All Districts

12453 **APPROVED AS RECOMMENDED**
RESO: 23-095 - 23-098

27. Approve proposed response to FY 2022-23 Grand Jury Report “Historic Rain Yet

Drought Remains" - All Districts

52143 NNN **MOTION TO APPROVE AMENDED RESPONSE TO FINDING 3 AS PRESENTED BY SUPERVISOR FOLEY FAILED TO CARRY (AMENDMENT ON FILE WITH THE CLERK OF THE BOARD)**

13245 N N **APPROVED WITH AMENDMENT TO RESPONSE FOR FINDING 3 TO READ AS FOLLOWS: DISAGREES PARTIALLY. THE COUNTY DOES NOT HAVE THE TECHNICAL EXPERTISE, EXPERIENCE, INDUSTRY SPECIFIC TRAINING OR KNOWLEDGE TO MAKE THIS DETERMINATION. THE COUNTY ACKNOWLEDGES AND SUPPORTS EFFORTS TO MITIGATE CLIMATE CHANGE IMPACTS ON ORANGE COUNTY RESIDENTS. THE COUNTY WORKS TO SUPPORT REGIONAL WATER SUPPLY THROUGH WATER RECLAMATION, RECYCLING, CONSERVATION AND REUSE. THE COUNTY RECENTLY APPLIED TO JOIN THE ENVIRONMENTAL PROTECTION AGENCY'S CLIMATE POLLUTION REDUCTION GRANT COHORT WITH LA COUNTY. ORANGE COUNTY HAS CREATED A DIRECTOR OF SUSTAINABILITY POSITION WITHIN OC WASTE AND RECYCLING AND HAS BEGUN THE WORK TO START A CLIMATE ACTION PLAN.**

28. Approve proposed response to FY 2022-23 Grand Jury Report "Gimme Shelter and a Pound of Advice. " - All Districts

31245 N N **APPROVED AS RECOMMENDED**

29. Approve proposed response to FY 2022-23 Grand Jury Report "The ABC's of Educating Children Experiencing Homelessness in Orange County." - All Districts

14253 NN **APPROVED AS RECOMMENDED**

Supervisor Sarmiento:

S29A. Orange County Planning Commission - Appoint Maria Ceja, Anaheim, for term concurrent with 2nd District Supervisor's term of office

25143 **APPROVED AS RECOMMENDED**

S29B. Orange County Historical Commission - Appoint Philip Chinn, Santa Ana, for term concurrent with 2nd District Supervisor's term of office

25143 **APPROVED AS RECOMMENDED**

S29C. **Chairman Wagner -** Approve allocation of $1.7 million from Third District discretionary funds from FY 2023-24 for Orange County Sheriff Department to continue fighting against fentanyl in our community; make related findings per Government Code Section 26227 and 53069.5; authorize County Procurement Officer or Deputized designee to execute agreements or amendments as necessary; and direct Auditor-Controller to make related payments

35124 **APPROVED AS RECOMMENDED**

S29D. **Supervisor Sarmiento -** Adopt resolution recognizing August as "Chicano Heritage Month"

23145 **APPROVED AS RECOMMENDED**

RESO: 23-099

S29E. **Supervisor Foley -** Development Processing Review Committee - Reappoint Jeffrey Okamoto, Rancho Santa Margarita, for term concurrent with 5th District Supervisor's term of office

53124 **APPROVED AS RECOMMENDED**

S29F. **Chairman Wagner -** Community Action Partnership of Orange County - Appoint John Park, Irvine, for term concurrent with 3rd District Supervisor's term of office

32145 **APPROVED AS RECOMMENDED**

County Executive Office:

S29G. Approve and adopt 2023-2026 Memorandum of Understanding (MOU) with Orange County Attorneys Association, 6/30/23 - 6/25/26; and authorize County Executive Officer or designee to execute MOU - All Districts

35124 **APPROVED AS RECOMMENDED**

S29H. Approve and adopt side letter agreement with International Union of Operating Engineers - Local 501 for dental insurance benefits to employees in Craft and Plant Engineer Unit; and authorize Chief Human Resources Officer or designee to execute agreement - All Districts_

51243 **APPROVED AS RECOMMENDED**

S29J. **Chairman Wagner -** Approve allocation of $15,000 from Third District discretionary funds to Children's Education Foundation of Orange County; make related findings for Government Code Section 26227; authorize County Executive Officer or designee to negotiate and enter into agreement as necessary; and direct Auditor-Controller to make related payments

31245 **APPROVED AS RECOMMENDED**

IV.PUBLIC HEARINGS

GENERAL ADMINISTRATION

S29I. **County Executive Office -** Acting as the Orange County Flood Control District - Public Hearing to consider adopting Resolutions of Necessity acquiring by eminent domain real property for Santa Ana River Mainstem/Prado Dam Project located in Riverside and San Bernardino Counties; authorizing County Counsel and/or outside eminent domain counsel to take steps to initiate and facilitate the condemnation action; directing and authorizing Auditor-Controller to make related payments; and considering application of Final Environmental Impact Statement and Final Supplemental Environmental Impact Statement/Environmental Impact Report 583, Addendum No. 1 (IP 21-0211) and other findings - All Districts (2/3 vote of membership)

B.O. **CLOSED PUBLIC HEARING**

13245 **APPROVED AS RECOMMENDED**
RESO: 23-100 - 23-101

V.CLOSED SESSION (Item CS-1)

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), Orange County Attorneys Association (OCAA), International Union of Operating Engineers (IUOE), Association of County Law Enforcement Managers (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Orange County Managers Association (OCMA), Teamsters, and other non-represented employees
RE:Terms and Conditions of Employment

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

VI.PUBLIC, CEO, ADJOURNMENT & BOARD COMMENTS

PUBLIC COMMENTS:

Steve Rocco - Oral re: Neighbor of California Motors Direct who pay for protection by conducting criminal acts for Todd Spitzer; burned trees in his back yard, gunshots fired, assault and battery, steal cars, run gasoline generators all day and night, trespass and steal, throw dead animals over his wall and torture of homosexuals

Sharon Logan - Oral re: Shed light why OC Animal Care may be diligent about dog bites; dogs with behavioral issues increased under prior OC Animal Care Director Kaviani; CBS investigation regarding OC Animal Care not revealing information about dangerous dogs that are up for adoption; public safety matters with homeless hiding on the tracks

Paul Hyke - Oral re: Shelter at Kraemer; let the homeless run the shelters; Julio Sanchez is trafficking illegal drugs, illegals and undocumented; people who want to work at the shelters; shelter should be a no walk-in shelter; staff facility with people who want to work and help people who are homeless; need daycare in the shelters; people hiding on railroad tracks

Joette - Oral re: Comments from Board members including limiting responses to Grand Jury, cold and callous responses regarding OC Animal Care and climate change verification; election fraud

Esther - Oral re: Election process and paper ballots; statistics on voter information; voting machines numbers can be changed; secret Chinese bio-lab that was abandoned in California and funded by Governor Newsom received tax credit and is where viruses like COVID and malaria were discovered; audit of the animal shelter

Name not provided - Oral re: Video regarding issues with voter rolls in San Joaquin County; requested fair and safe elections

Name not provided - Oral re: National debt; George Soros funded BLM and ANTIFA that attached the American public and good law enforcement; federal, state, county and city politicians attacked law and order when BLM and ANTIFA was occurring; why report COVID statistics and not children who are trafficked; mask mandates and vaccines during COVID; changes in election procedures was unlawful; wars under the last three administrations

Name not provided - Oral re: Election Day should be a holiday to vote; voter confusion, fraud, expensive elections and lack of voter confidence; Tweet by Kari Lake

Bryan Kaye - Oral re: Recordings from Cities of Anaheim and Fullerton and Sheriff Department; address and dismiss false charges; man who jumped from Disneyland parking structure; forged plea agreements

Linda Shepherd - Oral re: Requested Board support AB1314 to return parents' rights of notification within three days of the school noticing a child is interested or displaying behavioral of changing genders and parents are involved in next step decisions; requested Board refuse to provide taxpayer funds or grant monies to any gender affirming clinics and programs in Orange County

COUNTY EXECUTIVE OFFICER COMMENTS:
None

ADJOURNED:1:11 P.M.
53124 **Adjourned in memory of Annabelle Isky and Dr. Suzanne Savary**

31245 **Adjourned in memory of Rusty Richards and Robert "Bob" Bernard Lyons**

BOARD COMMENTS:

Supervisor Chaffee - Oral re: Climate change is inevitable; continue doing what can be done to prevent climate change

Supervisor Sarmiento - Oral re: Recognized District staff including Yasie Goebel, Chief of Staff for her 15 years of service to the County; Mia Verdin, Intern for her service to the County and wished her success at UC Berkeley; and wished Manuel Escamilla a happy birthday

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