REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 28, 2021,9:00 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

ANDREW DO
CHAIRMAN
First District

DOUG CHAFFEE
VICE CHAIRMAN
Fourth District

KATRINA FOLEY
SUPERVISOR
Second District

DONALD P. WAGNER
SUPERVISOR
Third District

LISA A. BARTLETT
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, Second District, gave the invocation

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

I.PRESENTATIONS/INTRODUCTIONS

Supervisor Foley presented a resolution honoring Firefighters who assisted with County's vaccination efforts in 2021

Chairman Do presented a resolution recognizing Stacy Blackwood on her retirement

Supervisor Foley presented a resolution proclaiming September 2021 as "Child Awareness Month"

II.CONSENT CALENDAR (Items 1-17)

42351 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 2, 3 AND 17 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Chairman Do -** Orange County Workforce Development Board - Appoint Christopher Horton, Orange, for term ending 9/27/24

43251 **APPROVED AS RECOMMENDED**

2. **Supervisor Wagner -** North Tustin Advisory Committee - Reappoint Kendra Carney, North Tustin, to complete term ending 3/31/24 and Peter Schneider, Santa Ana, to complete term ending 3/31/23

34251 **APPROVED AS RECOMMENDED**

Vice Chairman Chaffee:

3. Public Financing Advisory Committee - Reappoint Wallace Rodecker, Fountain Valley, to complete term ending 6/9/24

43251 **APPROVED AS RECOMMENDED**

4. Assessment Appeals Board No. 5 - Reappoint Edward Lampkin, Jr., Fullerton, to complete term ending 9/1/24

ELECTED DEPARTMENT HEADS

Auditor-Controller:

5. Authorize Auditor-Controller to delete damaged, dismantled, donated, missing, obsolete, stolen and/or surplused equipment from OC Community Resources, OC Waste & Recycling, Sheriff-Coroner and Social Services Agency capital asset inventories - All Districts

6. Receive and file Annual Reports of Cash Difference Funds, Cash Shortages and Overage Funds for FY 2020-21 - All Districts

7. Receive and file Annual Report of Revolving Funds for FY 2020-21 - All Districts

8. Receive and file Fund/Budget Control Semi-Annual Report for FY 2020-21 - All Districts

9. Receive and file Report of Refunds for FY 2020-21 - All Districts

OC COMMUNITY RESOURCES

10. Approve amendment 3 and Assignment Agreement to assign Modular Building Services contract MA-012-20011080 from Design Space Modular Buildings PNW, LP to McGrath RentCorp to extend lease of two modular buildings and purchase one modular building, Irvine Ranch Historic Park, extending term to 11/30/21 ($40,000; cumulative total $323,913); and authorize County Procurement Officer or authorized Deputy to execute amendment and agreement - District 3

OC PUBLIC WORKS

11. Approve security bonds furnished by Rutter Santiago, LP to replace original security bonds furnished by Santiago Saddle Crest LLC for streets, street lights, sewer, water, storm drain and

monumentation for Tract Map 17388; accept bonds guaranteeing completion of remaining construction; and authorizing release of security bonds for Tract Map 17388 - District 3

12. Award contract CT-012-22010055 to SJD&B, Inc. for Irvine Regional Park Falcon Flats Shade Structure Project, 150-day term ($586,110); authorize Director or designee to execute contract; authorize return of bid guarantees to all bidders upon execution of contract; and make California Environmental Quality Act and other findings - District 3

13. **Acting as the Orange County Flood Control District -** Approve joint funding agreement with U.S Geological Survey for operation and maintenance of streamgaging station at Santiago Creek, 10/1/21 - 9/30/22 ($16,890); authorize Director or designee to execute subsequent amendments and future agreements under certain conditions; and make California Environmental Quality Act and other findings - All Districts

GENERAL ADMINISTRATION

14. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Yorba Linda Water District - Districts 3 and 4

County Executive Office:

15. Approve amendment 3 to contract MA-017-17019493 with Mercer Health & Benefits LLC for benefits consulting and actuarial services, term ending 12/31/21; and authorize Chief Human Resource Officer or designee to execute amendment - All Districts

16. Approve fifth amended and restated Sharewell Choice and Sharewell Retiree Health Plan documents and sixth amended and restated Wellwise Choice and Wellwise Retiree Health Plan documents, effective 1/1/22; and authorize Chief Human Resource Officer or designee to execute documents - All Districts

17. **Internal Audit -** Receive and file Executive Summary of Internal Audit Reports for April - June 2021; receive and file Annual Report on Independence; receive and file Key Performance Indicators Results for FY 2020-21; and approve changes to Audit Oversight Committee Administrative Procedure Number 1 governing audit report distribution and Number 2 governing reporting on external audits - All Districts

53241 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 18-S35G)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

18. Approve amendment 3 to contract MA-060-18010186 with TriTech Software Systems for software support, 11/15/21 - 11/14/22 ($383,525; cumulative total $1,807,650); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

54231 **APPROVED AS RECOMMENDED**

19. Approve amendment 1 to agreement with various entities to transfer funds for 2020 Emergency Management Performance Grant Program; authorize Sheriff-Coroner or designee to execute amendment and individual agreements with participating jurisdictions and perform related actions under certain conditions - All Districts

45231 **APPROVED AS RECOMMENDED**

20. Approve amendment 1 to agreement with various entities to transfer funds for 2020 Emergency Management Performance Grant Program COVID-19 Supplemental Program; authorize Sheriff-Coroner or designee to execute amendment and individual agreements with participating jurisdictions and perform related actions under certain conditions - All Districts

42351 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

21. Approve contract MA-012-22010183 with Merchants Landscape Services, Inc. for landscape maintenance services at Haster Basin Recreational Park and Irvine, Laguna Niguel, Mason, Mile Square and Yorba regional parks, 11/1/21 - 10/31/24 ($2,549,800 per year); renewable for two additional one-year terms; authorize County Procurement Officer or authorized Deputy to execute contract; and make California Environmental Quality Act and other findings - Districts 1, 3 and 5

15234 **APPROVED AS RECOMMENDED**

22. Approve amendment 2 to contracts MA-012-21010403 with Age Well Senior Services, Inc. and MA-012-21010485 with St. Jude Hospital, Inc. dba St. Jude Medical Center and amendment 3 to contract MA-012-21010392 with Council on Aging - Southern California, Inc. for Older Americans Act support services, extending terms to 9/30/22; and authorize Director or designee to execute amendments - All Districts

53241 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

23. Approve FY 2021-22 OC Civic Center Parking Maintenance Fund 828 Budget ($6,530,547); authorize Auditor-Controller to make related payments and transfer funds from Parking Facilities Fund 137 to Fund 828; and make California Environmental Quality Act and other findings - District 1

13245 **APPROVED AS RECOMMENDED**

24. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve contract MA-080-21011806 with Savala Equipment Company, Inc. for heavy equipment rental with operator services, three-year term ($1,815,000); renewable for one additional two-year terms; and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts

42351 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

25. Approve amendment 2 to contract MA-063-18010245 with BIT California LLC dba Document Fulfillment Services for CalWIN client correspondence printing and mailing

services, 11/1/21 - 12/31/23 ($6,200,000; cumulative total $28,281,675); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

43251 **APPROVED AS RECOMMENDED**

26. Approve amendment 2 to contract CT-063-21011625 with Omni Enterprise Inc. for janitorial and day porter services at various Social Services Agency facilities, 8/25/21 - 6/30/22 ($1,090,000; cumulative total $1,288,000); and authorize County Procurement Officer or authorized Deputy to execute amendment, make related changes and exercise cost contingency not to exceed 10% under certain conditions - All Districts

43251 **APPROVED AS RECOMMENDED**

27. Approve amendment 2 to contract MA-063-19010383 with Omni Enterprise Inc. for janitorial and day porter services at 800 and 840 North Eckhoff Street in Orange, 11/1/21 - 10/31/21 ($974,000; cumulative total $1,787,300); and authorize County Procurement Officer or authorized Deputy to execute amendment and exercise cost contingency increase not to exceed 10% under certain conditions - District 3

31245 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

RECEIVED AND FILED

29. Approve in concept issuance of short-term Taxable Pension Obligation Bonds for early payment of County's FY 2022-23 employer pension obligation; and select Fieldman, Rolapp & Associates, Inc. as municipal advisor and Orrick Herrington & Sutcliffe, LLP as bond counsel - All Districts

34251 **APPROVED AS RECOMMENDED**

30. Approve Type 2 Work Order NCY3-001 under agreement for managed services network, voice and security with Science Applications International Corporation for services to implement network and voice infrastructure at new County Administration North building ($494,750); and authorize Chief Information Officer or designee to execute work order - District 1

13245 **APPROVED AS RECOMMENDED**

31. Adopt resolution determining no exchange of property tax revenues will occur for Santa Ana River Reorganization to City of Anaheim as a result of detachment of property from Municipal Water District of Orange County - District 3

34251 **APPROVED AS RECOMMENDED**

RESO: 21-106

32. Approve grant applications/awards submitted by Health Care Agency and OC Community Resources and retroactive grant applications/awards submitted by John Wayne Airport in 9/28/21 grant report and other actions as recommended; adopt resolution approving standard agreement AP-2122-22 Amendment 1 with California Department of Aging for Older Americans Act Programs, 9/28/21 - 6/30/22 ($1,121,404); and authorizing OC Community Resources Director or designee to

execute amendment and related documents under certain conditions - All Districts

23451 **APPROVED AS RECOMMENDED**
RESO: 21-107

33. Approve contract MA-017-22010299 with Mercer Health & Benefits LLC for benefits consulting and actuarial services, 1/1/22 - 12/31/24 ($1,845,000); renewable for two additional one-year terms; and authorize Chief Human Resource Officer or designee to execute contract - All Districts

53241 **APPROVED AS RECOMMENDED**

34. Approve sublease with Aviation Facilities, Inc. for Sheriff-Coroner use of two hangars at Fullerton Municipal Airport, 10/1/21 - 9/30/28; and make California Environmental Quality Act and other findings - District 4

45231 **APPROVED AS RECOMMENDED**

35. Approve FY 2020-21 September Budget Report and related budget adjustments; amend master position control; receive and file FY 2020-21 Charitable Organization Summary Report; approve addition of events to FY 2021-22 County Event Calendar and make related findings; approve revised classification specifications and adjust pay grades for Equipment Operator, Power Equipment Operator, Landfill Equipment Operator series and delete Power Equipment Operator Trainee, effective 10/8/21; approve Side Letter agreement with Orange County Employees Association to modify General Employee and Supervisory Management MOU to add major accident reconstruction team and Board Certification premium pay, effective 10/8/21; approve Side Letter agreement with Orange County Managers Association to modify Administrative Management MOU for salary placement in performance range, effective 10/8/21; adopt resolution authorizing Chief Human Resource Officer to access state and federal level summary criminal history information for all Animal Control Officers; authorize Chief Human Resource Officer or designee to file required documentation with California Department of Justice in order to be issued Live Scan Originating Agency Identification Number code; and approve OCIT projects and authorize Chief Information Officer or designee to execute related agreements - All Districts (R.A. 1, 2, 4, 6 and 7 require 4/5 vote of members present)

23451 **APPROVED AS RECOMMENDED**
RESO: 21-108

S35A. **Supervisor Wagner and Supervisor Bartlett** - Adopt resolution commending Orange County Soccer Club for its dedicated service

32451 **APPROVED AS RECOMMENDED**
RESO: 21-109

HEALTH CARE AGENCY

S35B. Approve contracts MA-042-22010163 with Institute for Healthcare Improvement for population health and equity partnership services ($1,761,531); MA-042-22010253 with Multi-Ethnic Collaborative of Community Agencies for partner outreach engagement and grants administrative support services ($15,300,000); MA-042-22010254 with Wilson and Associates Coaching and Consulting, LLC for consultative services ($240,000); MA-042-22010255 with Advance OC for OC Health Equity Map Community Engagement and Platform Enhancements services ($600,000); MA-042-22010251 with Desert Vista Consulting, LLC for grant activities evaluation services ($450,000); MA-042-22010256 with Public Health Institute for health

equity technical assistance services ($200,000) and MA-042-22010330 with Celery Design Collaborative, LLC. for OC Health Equity Coalition Media and Communication Campaign services ($200,000), 9/28/21 - 9/13/23; and authorize County Procurement Officer or authorized Deputy to exercise cost contingency increase not to exceed 10% under certain conditions and execute contracts - All Districts

B.O. **CONTINUED TO 10/5/21, 9:30 A.M.**

GENERAL ADMINISTRATION

S35C. **Supervisor Wagner -** Foothill/Trabuco Specific Plan Review Board - Reappoint Robert Borland III, Trabuco Canyon, to complete term ending 6/30/23

31245 **APPROVED AS RECOMMENDED**

S35D. **Supervisor Bartlett -** Approve cooperative agreement with Orange County Transportation Authority and City of San Clemente affirming three major transportation projects as solution to enhance South Orange County regional mobility and protecting City of San Clemente open space and conservation easement areas from future construction

52341 A **APPROVED COOPERATIVE AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY AND CITY OF SAN CLEMENTE, AS AMENDED, AFFIRMING SUPPORT FOR THREE MAJOR TRANSPORTATION PROJECTS TO ENHANCE SOUTH ORANGE COUNTY REGIONAL MOBILITY AND PROTECTING CITY OF SAN CLEMENTE OPEN SPACE AND CONSERVATION EASEMENT AREAS FROM FUTURE CONSTRUCTION**

HEALTH CARE AGENCY

S35E. Approve amendment 4 to contract MA-042-20010886 with Charitable Ventures of Orange County for early childhood and youth mental health consultation services, 9/29/21 - 6/30/22 ($1,000,000; cumulative total $3,140,301); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

B.O. **CONTINUED TO 10/5/21, 9:30 A.M.**

GENERAL ADMINISTRATION

S35F. **Chairman Do and Supervisor Bartlett -** Direct County Executive Officer or designee to allocate American Rescue Plan funds to OC Hunger Alliance for purchase of emergency food to address immediate needs related to COVID -19 ($3,000,000) and purchase of food and water storage equipment to aid in event of a disaster or emergency ($2,000,000); and make related findings per Government Code Section 26227

15234 **APPROVED AS RECOMMENDED**

S35G. **Supervisor Foley -** Approve letter of support from Orange County Board of Supervisors concurring proposed jurisdiction shift for Naval Weapons Station Seal Beach

25341 **APPROVED AS RECOMMENDED**

IV.PUBLIC HEARINGS (Item 36)

GENERAL ADMINISTRATION

36. **County Executive Office -** Public Hearing to consider approving updated 2021 Redistricting calendar and timeline - All Districts

B.O. **CLOSED PUBLIC HEARING**

35241 **APPROVED AS RECOMMENDED**

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

GENERAL ADMINISTRATION

CS-1. **County Executive Office -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957:6:
Agency Negotiator: Tom Hatch
Employee Organization: Association of Orange County Deputy Sheriffs (AOCDS)
Re: Terms and Conditions of Employment

B.O. **DELETED**

County Counsel:

SCS2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Eul Yun Rha, et al.v. County of Orange Case Number:8:20-cv-01885-JVS
HELD, COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY APPROVED THE MEDIATOR'S PROPOSAL FOR A $1.5 MILLION GLOBAL SETTLEMENT IN THE MATTER OF EUL YUN RHA V. COUNTY OF ORANGE. THE SETTLEMENT REMAINS SUBJECT TO THE FINAL APPROVAL OF OTHERS.WHEN THE AGREEMENT IS FINALIZED, COPIES OF THE DOCUMENT WILL BE MADE AVAILABLE THROUGH THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Joshua Waring v. County of Orange Case Number:8:20-cv-00667

B.O. **COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY APPROVED A PROPOSED $595,000 SETTLEMENT IN THE MATTER OF JOSHUA WARING V. COUNTY OF ORANGE. THE SETTLEMENT REMAINS SUBJECT TO THE FINAL APPROVAL OF OTHERS. WHEN THE AGREEMENT IS FINALIZED, COPIES OF THE DOCUMENT WILL BE MADE AVAILABLE THROUGH THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

VI.PUBLIC, CEO, ADJOURNMENT & BOARD COMMENTS

PUBLIC COMMENTS:

Name not provided - Oral re: Boat owner in Dana Point; opposes proposed increases in boat slip fees for Dana Point Harbor; proposed rates do not comply with the terms of the requirements of the Tidelands Act

Name not provided - Oral re: Opposes proposed increases in boat slip fees for Dana Point Harbor; lawsuit was filed and judge will decide on matters related to increased boat slip fees in Dana Point Harbor

Victoria S - Oral re: Waiting for the government to uphold the constitution in the right of the citizens

Name not provided - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Name not provided - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Name not provided - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Name not provided - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Name not provided - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Name not provided - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Angie - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Name not provided - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Name not provided - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Pammy Jean - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Name not provided - Oral re: Read from the County Settlement Covenant in Orange County notice dated September 10, 2021

Anita Rhodes - Oral re: Support constituents and reject critical race theory and sex education curriculum; systemic race system does not exist in the California and the United States

Name not provided - Oral re: Speakers followed rules and spoke for three minutes at the September 14, 2021 Board meeting

Name not provided - Oral re: Reason for the continuance of Agenda Item S35B to 10/5/21 Board meeting

Lisa L - Oral re: Registered nurse; hospitals are empty and media is lying about COVID and vaccines

Krishna Murphy - Oral re: Opposes masks for children; state laws are being violated and children are suffering

Name not provided - Oral re: Board does not serve the people who elected them

Karen Hernandez - Comments read by County Counsel:Little attention is paid in true outreach efforts to engage the OC Community in the County's strategic financial planning and budget development processes and use of the ARPA funds; Board's handling of the pandemic efforts of 2020; stop shifting millions of dollars to the Sherriff's Dept without any public input and invest in the community

Felicity Figueroa - Comments read by County Counsel:Supervisor Foley's adjournment for Rich Gillock

David Duran - Comments read by County Counsel: Lack of transparency is deadly for residents of Orange County; keeping the public ignorant of the dangers of COVID and its variants and ignoring need for public safety; provide live updates regarding COVID and post updates on County website including vaccination locations

Pat Davis - Comments read by County Counsel: County budgeting process workshop; create a community members advisory group for the County's budgeting process

COUNTY EXECUTIVE OFFICER COMMENTS:

Frank Kim - Oral re: Public Workshop on Thursday, September 30, 2021 to educate the public on the County's strategic financial plan, budget development process as well as the use of American Rescue Plan Act (ARPA) funds; workshop will be streamed on the County's website and on Facebook and a call-in line will be available for questions

ADJOURNED:2:32 P.M.

21335 **Adjourned in memory of Richard Gillock**

BOARD COMMENTS:

Supervisor Foley - Oral re: Provided an overview of District 2 activities and updates

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