REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, July 13, 2021,9:30 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 Bartlett, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE:Supervisor Foley, Second District, led the assembly in the Pledge of Allegiance

I.PRESENTATIONS/INTRODUCTIONS (None)

II.CONSENT CALENDAR (Items 1-14)

43251 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 2, 3, 7, 8 AND 14 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; ITEM 5 WHICH WAS DELETED; AND ITEM 11 WHICH WAS CONTINUED TO 7/27/21, 9:30 A.M.**

BOARD APPOINTMENTS

1. **Chairman Do -** Acting as the Orange County Housing Authority - Housing and Community Development Commission - Reappoint An T. Nguyen, Fountain Valley, for term ending 6/30/23

14235 **APPROVED AS RECOMMENDED**

Vice Chairman Chaffee:

2. Community Action Partnership of Orange County, Inc. - Reappoint Thomas Douglas Wooley, Fullerton, for term concurrent with 4th District Supervisor's term of office
45231 **APPROVED AS RECOMMENDED**

3. Orange County Historical Commission - Reappoint Helen Myers, Anaheim, for term concurrent with 4th District Supervisor's term of office
43251 **APPROVED AS RECOMMENDED**

4. Emergency Medical Care Committee - Reappoint Luis Estevez, Anaheim, for term ending 6/30/23

5. Public Financing Advisory Committee - Reappoint Wallace Rodecker, Fountain Valley, for term ending 6/9/24
43251 **DELETED**

ELECTED DEPARTMENT HEADS

6. **District Attorney -** Approve agreement with City of Westminster for use of shooting range, 8/1/21 - 7/31/22 ($25,000); and authorize County Procurement Officer or authorized Deputy to execute agreement - District 1

OC COMMUNITY RESOURCES

7. Accept Chromebooks, data-enabled hotspots and wireless broadband data plan subscriptions from California State Library and Southern California Library Cooperative, ($65,000); authorize County Procurement Officer or authorized Deputy to execute contract with Mobile Citizen, LLC for wireless broadband subscriptions; and authorize County Librarian or designee to execute letter agreement authorizing Southern California Library Cooperative to pay Mobile Citizen, LLC for hotspots and data plan subscriptions ($65,000) - All Districts
24351 **APPROVED AS RECOMMENDED**
NN

8. Adopt resolution certifying Final Environmental Impact Report No. 633, adopting Mitigation Monitoring and Reporting Program and Findings of Fact for Mile Square Regional Park Master Plan project and other findings; and approve Mile Square Regional Park Master Plan - District 1
31245 **APPROVED AS RECOMMENDED**
RESO: 21-079

GENERAL ADMINISTRATION

Clerk of the Board:

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

10. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Registrar of Voters - All Districts

11. Approve initial Conflict of Interest Code for Orange County Power Authority - Districts 2, 3, 4 and 5 (Continued from 6/22/21, Item 15)
43251 **CONTINUED TO 7/27/21, 9:30 A.M.**

County Executive Office:

12. Adopt resolution approving negotiated exchange of property tax revenue resulting from reorganization and/or change of organization of water and wastewater services between City of San Juan Capistrano and Santa Margarita Water District; and directing County Executive Officer or designee to notify appropriate agencies - District 5
RESO: 21-080

13. Approve license agreement with City of Santa Ana for use of parking garage by Health Care Agency at 420 N. Main Street, Santa Ana, 8/1/21 - 7/31/26 ($168,000); renewable for one additional five-year term; authorize Chief Real Estate Officer or designee to exercise terms and execute related documents under certain conditions; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act and other findings - District 1

14. **Supervisor Wagner -** Adopt resolution approving petitioning Orange County Council of Governments Board to re-instate membership of County of Orange as full dues-paying member and confirming re-approval of Amended and Restated Joint Powers Agreement
34251 **APPROVED AS RECOMMENDED**
RESO: 21-081

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 15-S28C)

HEALTH CARE AGENCY

15. Approve selection of and contract MA-042-21011502 with HealthSpace USA Inc. for Environmental Health Data Management System, 7/1/21 - 6/30/26 ($1,292,148); and authorize County Procurement Officer or authorized Deputy to exercise cost contingency increase not to exceed 10% under certain conditions and execute contract - All Districts (Continued from 6/22/21, Item 45)
13245 **APPROVED AS AMENDED CHANGING TERM OF CONTRACT TO 7/1/21 THROUGH 6/30/24 WITH CONTRACT RENEWABLE FOR TWO ADDITIONAL ONE-YEAR TERMS**

16. Approve retroactive amendment 8 to contract with Orange County Health Authority dba CalOptima for coordination and provision of public health care services, effective 4/12/21; and authorize Director or designee to execute amendment - All Districts
34251 **APPROVED AS RECOMMENDED**

17. Approve contract MA-042-21011542 with Covenant House California for transitional aged youth emergency shelter operations and services, 8/15/21 - 6/30/23 ($893,601); authorize County Procurement Officer or authorized Deputy to exercise cost contingency increase not to

exceed 10% under certain conditions and execute contract - District 4
43251 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

18. Approve amendment 2 to contract MA-012-19010968 with AquaTechnex LLC for lake management and lake water quality maintenance services, 8/1/21 - 3/10/22 ($63,764) and renew contract 3/11/22 - 3/10/23 ($855,000; cumulative total $3,303,764); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts
53241 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

19. **County Counsel -** Approve amendments to Rules 16 and 22 of Board of Supervisors Rules of Procedure and Boards, Commissions and Committees Bylaws template - All Districts
14235 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO DELETE ITEM PREVIOUSLY CONTINUED FROM 6/8/21 (AGENDA ITEM S5F) TO 7/27/21**

County Executive Office:

20. Approve recommended positions on introduced or amended legislation and/or consider other legislative subject matters - All Districts
34251 **APPROVED AS RECOMMENDED**

21. Approve lease agreement with City of Laguna Hills for office space for Clerk-Recorder South Orange County branch office at 24031 El Toro Road, Laguna Hills, 2/1/22 - 1/31/32 ($277,560), with options for two additional five-year terms; authorize Chief Real Estate Officer or designee to execute related documents and amendments and to exercise option terms under certain conditions; direct Auditor-Controller to make related payment;and make California Environmental Quality Act and other findings - District 5
53241 **APPROVED AS RECOMMENDED**

22. Approve retroactive amendment 3 to contract MA-017-16011056 with Sedgwick Claims Management Services, Inc. for third party administration and managed care services for Worker's Compensation Claims Program, 7/1/16 - 6/30/22 ($389,836; cumulative total $23,114,864); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts
53241 **APPROVED AS RECOMMENDED**

23. Adopt 2022 Retiree Insured HMO and PPO Health Plan rates - All Districts
43251 **APPROVED AS RECOMMENDED**

24. Adopt 2022 Employee PPO Health Plan rates for self-funded Wellwise Choice and Sharewell Choice PPO plans; and authorize Chief Human Resource Officer or designee to approve change in County contribution to Sharewell Choice employee only rate under certain conditions - All Districts
43251 **APPROVED AS RECOMMENDED**

25. Approve voluntary temporary opt out of Retiree Health Insurance Plan and Retiree Medical Grant, reserving right to opt back in during open enrollment or within 30 days

of qualifying life event as long as health insurance coverage has been maintained and proof of insurance is provided; authorize Chief Human Resource Officer or designee to administer and amend Retiree Medical Plan document and present Amended Retiree Medical Plan for Board approval on 12/31/21 - All Districts

43251 **APPROVED AS RECOMMENDED**

26. Adopt 2022 Retiree PPO Health Plan rates for self-funded Wellwise and Sharewell retiree health plans; authorize Chief Human Resource Officer or designee to continue to apply for Medicare Part D federal subsidy under Medicare Prescription Drug, Improvement and Modernization Act of 2003 for Wellwise retiree health plan - All Districts

54231 **APPROVED AS RECOMMENDED**

27. Adopt 2022 Cigna Healthcare of California and Kaiser Foundation Health Plan employee HMO health plan rates - All Districts

45231 **APPROVED AS RECOMMENDED**

28. Approve grant applications/awards submitted by Sheriff-Coroner and District Attorney in 7/13/21 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments with California Department of Insurance for Worker's Compensation Insurance Fraud Program, 7/1/21 - 6/30/22 ($6,196,115); and making California Environmental Quality Act and other findings - All Districts

32451 **APPROVED AS RECOMMENDED**
RESO: 21-082

SOCIAL SERVICES AGENCY

S28A. Approve contracts MA-063-21011347 with 22nd Century Technologies Inc., Tryfacta Inc. and Lloyd Staffing Inc. for temporary help services, 8/1/21 - 7/31/24 (aggregate total $3,130,000); renewable for one additonal two-year term; and authorize County Procurement Officer or authorized Deputy to execute contracts - All Districts

52341 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

S28B. Approve contract MA-042-21011772 with Charitable Ventures of Orange County acting through its fiscally sponsored Project Kinship, for enhanced care coordination services for reentry in response to COVID-19, 7/13/21 - 1/31/22 ($1,033,855); and authorize County Procurement Officer or authorized Deputy to exercise cost contingency increase not to exceed 10% under certain conditions and execute contract - All Districts

41235 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S28C. **Chairman Do -** Approve addition of various neighborhood, youth and Chamber of Commerce events for District 1 cities to FY 2021-22 County Events Calendar and make related findings per Government Code Section 26227

14235 **APPROVED AS RECOMMENDED**

IV.PUBLIC HEARINGS (Item 29)

OC PUBLIC WORKS

29. Public Hearing to consider adopting resolution confirming and approving annual sewage unit fee ($83) for La Mirada County Service Area No. 13 sewer services; authorizing Auditor-Controller to enter annual fee to parcels in Service Area No. 13; and making California Environmental Quality Act and other findings - District 4

B.O. **CLOSED PUBLIC HEARING**

45231 **APPROVED AS RECOMMENDED**
RESO: 21-083

V.CLOSED SESSION (Items CS-1-SCS6)

GENERAL ADMINISTRATION

County Executive Office:

CS-1. 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. **HELD, COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY AUTHORIZED AND DIRECTED COUNTY COUNSEL TO RETAIN, AND OBTAIN A WRITTEN OPINION FROM, THE RENNE PUBLIC LAW GROUP, WITH LEAD COUNSEL LINDA ROSS AND STEVE CIKES ENGAGED FOR THE PROJECT.**

CS-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location:Former Banning Ranch Property, 384 +/- acres at Pacific Coast Highway and the Santa Ana River, in Unincorporated County of Orange and City of Newport Beach
County Negotiator:Thomas A. Miller, Chief Real Estate Officer
Negotiating Party:Aera Energy LLC
Cherokee Newport Beach, LLC
Trust for Public Lands
Banning Ranch Conservancy
Under Negotiation:Terms of Future Transfer

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

SCS3. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator:Tom Hatch
RE:Terms and conditions of employment for non-represented employees

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

SCS4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957(b):
Title:Executive Director, Office of Independent Review

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

County Counsel:

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case:Max Chance, III v. County of Orange Case Number:30-2021-01188076

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD, ON A VOTE OF 4-0, WITH CHAIRMAN DO, VICE CHAIRMAN CHAFFEE, SUPERVISOR WAGNER AND SUPERVISOR BARTLETT VOTING IN FAVOR AND SUPERVISOR FOLEY NOT PARTICIPATING, APPROVED A PROPOSED $195,000 SETTLEMENT IN THE MATTER OF MAX CHANCE III V. COUNTY OF ORANGE. SUPERVISOR FOLEY IDENTIFIED THE PLAINTIFF'S COUNSEL, THE TRAUT LAW FIRM, HAS BEEN A SOURCE OF LAW FIRM REFERRAL INCOME AND FOR THAT REASON DID NOT PARTICIPATE IN THE DISCUSSION AND TEMPORARILY STEPPED OUT OF THE CLOSED SESSION.**

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. **HELD, NO REPORTABLE ACTION**

VI.PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Diane - Oral Re: Requested to listen to 'We the People' and govern by consent of the people; opposes Agenda Item 7, experimental vaccine mandates for businesses, schools and general population, contract tracers door to door or through electronic means and mask mandates

Victoria Winters - Oral Re: Boat owner in Dana Point Harbor; opposes proposed increases in boat slip fees for Dana Point Harbor as proposed by Dana Point Harbor Partners

Wayne Addision - Oral Re: Boat owner in Dana Point Harbor; opposes proposed increases in boat slip fees for Dana Point Harbor as proposed by Dana Point Harbor Partners

George Hughes - Oral Re: Lives on boat in Dana Point Harbor; opposes proposed increases in boat slip fees for Dana Point Harbor as proposed by Dana Point Harbor Partners; the Board of Supervisors, particularly Supervisor Bartlett, has responsibility to ensure Dana Point Harbor Partners methodology of calculating comparative rates are accurate per the master lease agreement

Dennis Winters - Oral Re: Attorney in Orange County and boat owner;opposes proposed increases in boat slip fees in Dana Point Harbor; lack of consultation with Dana Point Harbor Boaters Association regarding proposed rate increases; problems with methodology of comparative rates;requested to review use of tide land property at Dana Point Harbor

Dell - Oral Re: Retired corporate Chief Financial Officer; rents boat slip in Dana Point Harbor; requested public financial and environmental audit of the harbor regarding use of funds received for slip rentals; rates are not comparable to slips in Newport Beach

Kevin Riggs - Oral Re: Opposes proposed increases in boat slip fees for Dana Point Harbor as proposed by Dana Point Harbor Partners; rents boat slip in Dana Point Harbor; requested the Board provide direction or advice regarding the proposed increases

Brigitte - Oral Re: COVID response of the Board to the pandemic; County Counsel allowed Supervisors to commit fraud and concealed ordinance on the agenda; Board deceived the public to increase terms of office; Ethics Director should file criminal complaint against the Board of Supervisors with the Fair Political Practices Commission

Robert Lauten - Oral Re: Direct Dr. Chau publish on the Health Care Agency's website that he was never in favor of 1) force vaccinating children 12 years of age and older with any COVID-19 vaccine or gene altering therapy, 2) not in favor of forcing vaccination anyone regardless of age and, 3) opposes legislation, federal, state or local that exempts employers from prosecution or lawsuits for forcing employees to be vaccinated with any COVID-19 vaccines or gene altering therapy on condition of employment; fire any future directors of the Health Care Agency in favor of COVID-19 vaccines or gene altering therapy

Michelle - Oral Re: Abuse of public trust and violating the constitution; deaths and debilitating symptoms resulting from vaccines; use of private entities and institutions to carry out the Board's agenda; studies show that masks increase disease; forcing people to wear masks; Health Department failed to issue guidelines for COVID-19 therapies

Lauren Hernandez - Oral Re: Member of 'Let Them Breathe' which advocates for mask choice in K through 12 schools; California Department of Public Health does not follow science or base recommendations on factual evidence; lift mask requirements for schools and support mask choice to protect children

Bryan Kaye - Oral Re: Loves the Board members; positive healthy meetings with Supervisors; County took Brigitte's home; attends meetings to speak for his wife, mother and family; pulled over and searched due to forged plea agreement in his name and ignored petitions

Elana - Oral Re: Behavior of the Board, violations of people's rights and ignoring pleas of the people; will pull children out of school so they do not have to wear masks; all Board members act in conflict of interest; Brown Act violations

Bobby McDonald - Oral Re: Veteran, member of the Veterans Advisory Council and Member of Valor; thanked the Board for efforts regarding veterans cemetery in Gypsum Canyon; continued support from the Veterans Advisory Council

Jan - Oral Re: VAERS data regarding adverse reactions to the vaccine including hospitalizations, disabilities, heart attacks, miscarriages and deaths; no safety data from the FDA and CDC; report from Dr. Geert Bossche who warned vaccines be stopped; Pfizer vaccine is 99% graphine oxide; lawsuits against World Health Organization by Robert Fuellmich for the 'COVID scandal'

Mrs. G - Oral Re: Dr. Chau indicated wearing masks is a guidance, not a mandate; opposes children wearing masks at school; daughter cut her hair and stepped down from honor classes

Name not provided - Oral Re: Asked if Board Members have children or grandchildren; initiative for healthy kids and mask choice for children who have to go back to school in the fall; data for transmission among children in schools is not available; children should not have to wear masks; suicides among kids

during the pandemic

Ronald Bengechea - Oral Re: Vietnam veteran in support of veterans cemetery in Orange County; encouraged by progress for the veterans cemetery in Gypsum Canyon; requested Board continue support of the veteran cemetery so it will be available for veterans and their families

Laura Duncan - Oral Re: Licensed physical therapist; end the state of emergency, eliminate mask mandates, cancel the Othena contract; opposes extension of Board term limits; read from the living word of God; changes in healthcare system, choices and misinformation about COVID-19 vaccine

Name not provided - Oral Re: Thankful for efforts to provide a veterans cemetery in Gypsum Canyon in Orange County

Name not provided - Oral Re: Freedoms guaranteed by constitution and Bill of Rights; end mask mandates, lift the State of Emergency, fire Dr. Chau and abandon contract incentives, budget allocations and outreach attempts pertaining to the COVID-19 vaccine

Mitesh - Oral Re: Lack of understanding of science and facts about the immune system, health and COVID-19 vaccine; money for COVID-19 programs

Name not provided - Oral Re: Opposes proposed increases in boat slip fees for Dana Point Harbor as proposed by Dana Point Harbor Partners; concerns with lack of transparency and data behind the rationale for rate increase; comparison of rates with Newport Beach not an accurate comparison and electric rates should not have factored into the decision; requested the County work with the Partners to moderate the rate increase

Marcus - Oral Re: Doorwatchers checking vaccine status is unconstitutional; complaints against Supervisor Do; Supervisor Wagner's faith is false and all Supervisors have violated their oath in supporting the 'plandemic'; denial and ignorance of VAERS data; will not tolerate a Delta variant lock down in the fall

Elena Robbins - Oral Re: Faith in political leaders prior to COVID-19; hydroxychloroquine saved a family member's life; opposes masks; suicide rates and children wearing masks cause addiction and mental health disorders; vaccine affects reproductive system; Supervisors do not care about the people, are segregating people and creating trauma in their lives

Victoria S - Oral Re: People who came from former socialist countries know what the Board is doing; promoting fascism; divide and conquer between vaccinated people and non-vaccinated people; atrocities of Germans during war and history; taught at university and received emails from students not feeling well due to second dose of vaccine; people died after getting vaccinated

Marlene Bronson - Oral Re: Received a traffic ticket and case was delayed due to COVID; could not pay the fine and left her homeless; wrongful divorce case; constitutional rights were not upheld and rule of law was not followed; community court required community service, employment and place to live but due to COVID lost her employment

Lisa C - Oral Re: Deaths during wars; Americans fighting and dying for freedom; Board implements measures for money, power and fear; son laid off from work for refusing COVID-19 vaccine

Name not provided - Oral Re: State of emergency and receiving Federal funds; Board can make public policy decision independent of Sacramento; requested the Board end the state of emergency

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Chairman Do - Oral re: Beginning with the July 27th Board Meeting, the 9:00 a.m. presentation of Board Meetings will be reinstated. Also, for the remainder of term as Chairman of the Board, Supervisors will provide Board Comments after adjournments in the open session.

ADJOURNED:3:35 P.M.

31245 **Adjourned in memory of Fred Maynard Whitaker**

51234 **Adjourned in memory of Richard Deffenbaugh**

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

Orange County Clerk of the Board