REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, December 19, 2023, 9:30 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, gave the invocation

PLEDGE OF ALLEGIANCE:Vice Chairman Do, First District, led the assembly in the Pledge of Allegiance

I.PRESENTATIONS/INTRODUCTIONS (None)

II.CONSENT CALENDAR (Items 1-13)

15243 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 2 AND 4 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Chaffee -** Orange County Planning Commission - Appoint John Koos, Brea, for term concurrent with 4th District Supervisor's term of office

41253 **APPROVED AS RECOMMENDED**

2. **Chairman Wagner -** Orange County HIV Planning Council - Reappoint Homero Beltran, Irvine, Adelmo Chan, Stanton, Cindy "Michelle" Gallardo, Long Beach, Dr. Geeta Gupta,

Orange, Fernando Martinez, Fullerton, Dr. Christopher Ried, Fullerton, Ricardo Velasco, Mission Viejo and Dr. Jeffrey Vu, Tustin, for terms ending 12/31/25; and appoint Eder De Leon, Anaheim, for term ending 12/31/25

31245 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

3. **Sheriff-Coroner -** Adopt resolution authorizing expenditures in the amount of $50,000 annually to provide appreciation certificates, letters, plaques, awards, meals and refreshments to volunteers at Sheriff-Coroner Department's Special Operations Division Volunteer Recognition events and trainings; and make related findings per Government Code Section 26227 - All Districts (Continued from 10/31/23, Item 4)
RESO: 23-154

OC COMMUNITY RESOURCES

4. Concur with recommended housing projects using previously allocated County funds as approved by Orange County Housing Finance Trust; and authorize OC Community Resources Director or designee to concur with future funding changes to projects previously recommended and concurred under certain conditions - District 2

25143 **APPROVED AS RECOMMENDED**

5. **Acting as the Orange County Housing Authority acting as the Housing Successor Agency -** Receive and file FY 2022-23 Housing Successor Agency Annual Report and authorize Director or designee to make necessary adjustments under certain conditions - All Districts

OC PUBLIC WORKS

6. Receive and file FY 2022-23 Development Fee Deposit Balance Reports; and make related findings - All Districts

7. **Acting as the Orange County Flood Control District -** Approve agreement MA-080-24010631 for reservation of credits with Land Veritas Corp. for various projects completed under Countywide Long Term Maintenance Permit ($750,000); and authorize Director or designee to execute purchase agreements under certain conditions - All Districts

GENERAL ADMINISTRATION

Clerk of the Board:

8. Adopt resolution approving list of recurring Board of Supervisors resolutions for 2024 and authorizing Chair or other Supervisor to draft and execute resolutions - All Districts
RESO: 23-155

9. Approve initial Conflict of Interest Code for Irvine Chinese Immersion Academy, a California Public Charter School - District 3

10. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Rancho Santiago Community College District - Districts 2 and 3

County Executive Office:

11. Approve Ground Lessor's Consent, Estoppel Certificates and Agreements to Citizens Business Bank to enable Dana Point Harbor Partners, LLC and Dana Point Harbor Partners Drystack, LLC to secure loan to fund construction of various phases of Marina Improvement Project and Commercial Core Parking Structure; approve Ground Lessor's Estoppel Certificate and Agreement form to facilitate Dana Point Harbor Partners, LLC and Dana Point Harbor Partners Drystack, LLC to secure additional financing for Marina, Commercial Core, Hotel and Drystack Components; and authorize Chief Real Estate Officer or designee to execute Ground Lessor's Consent, Certificates, agreements and related documents under certain conditions - District 5

12. Approve fifth amended and restated Retiree Medical Plan document; and authorize Chief Human Resources Officer or designee to execute document - All Districts

13. Receive and file Quarterly Information Technology Projects Progress Report for First Quarter FY 2023-24 - All Districts

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 14-S35H)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

14. Approve amendment 4 to contract MA-060-19010442 with Juguilon Medical Corporation for forensic pathology/autopsy services, 2/1/24 - 1/31/25 ($171,600; new total $3,603,600; cumulative total $18,222,600); renewable for four additional one-year terms; and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

12453 **APPROVED AS RECOMMENDED**

15. Approve contract MA-060-24010232 with Gerstel, Inc. for three Gerstel Headspace Autosamplers, service and preventative maintenance, three-year term effective upon Board approval ($210,953); renewable for two additional one-year terms; and authorize County Procurement Officer or Deputized designee to execute contract - All Districts

15243 **APPROVED AS RECOMMENDED**

16. Approve amendment 2 agreement MA-060-21011194 with Archico Design Build, Inc. for equitable adjustment for extended overhead for construction services and costs due to unforeseen conditions found during demolition, excavation, and construction for Katella Range Facility Upgrade Project at Sandra Hutchens Regional Law Enforcement Training Center ($880,408; cumulative total $10,983,246); and authorize Sheriff-Coroner Director of Research and Development or authorized designee to execute amendment - District 2 (4/5 vote of members present)

23145 **APPROVED AS RECOMMENDED**

Treasurer-Tax Collector:

17. Adopt resolution approving 2024 Investment Policy Statement and delegating investment authority to Treasurer-Tax Collector; and making related findings - All Districts

51243 **APPROVED AS RECOMMENDED**
RESO: 23-156

18. Authorize continuance of Medalion Signature Guarantee Program with Kenmark Financial Services, Inc. to remain Securities Transfer Agents Medalion Program guarantor, five-year term ($895 annual fee); re-authorize Treasurer-Tax Collector as Program Administrator, to provide services to County departments and agencies and to execute related documents; authorize Manager CEO/Risk Management to annually obtain surety as required; and authorize County departments and agencies to recover costs under certain conditions - All Districts

15243 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

19. **Acting as the Orange County Housing Authority -** Approve selection of Mesa Vista (formerly Motel 6) for utilization of 10 additional Housing Choice Project-Based Vouchers in accordance with policies and procedures identified in Orange County Housing Authority Administrative Plan; and authorize Executive Director of Orange County Housing Authority to execute related documents - District 5

52143 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

20. Approve Public Highway At-Grade Crossing agreement MA-080-24010466 with Union Pacific Railroad Company for construction, use, maintenance and repair of Gilbert Street Improvements at Rail Crossing (Phase 2) Project, effective upon approval (one-time payment $722,631; $11,444 annually); approve and accept Nonexclusive At-Grade Easement Deed for Parcel Z58-252 from Union Pacific Railroad Company for transfer of easement rights; and authorize Director or designee to execute future amendments under certain conditions - District 4

41253 **APPROVED AS RECOMMENDED**

21. Approve contract MA-080-24010644 with Swinerton Builders for pre-construction phase services for John Wayne Airport Terminal Electrical Distribution Upgrades Project, effective upon execution ($14,194,585); authorize Director or designee to execute contract; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines section 15301 - District 5

51243 **APPROVED AS RECOMMENDED**

22. Award contract MA-080-24010619 to Walsh Construction Company II, LLC, for pre-construction phase services for John Wayne Airport Taxiways A, D and E Reconstruction Project, effective upon execution ($984,575); authorize Director or designee to execute contract; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines sections 15301 and 15302 - District 5

B.O. **CONTINUED TO 1/9/24, 9:30 A.M.**

23. Approve amendment 2 to renew contracts MA-080-20010375 with Covello's Pacific AirCare,

Inc. and The Machado Environmental Corporation dba Air Duct Cleaning Company for heating, ventilation and air conditioning equipment and duct cleaning services, 1/28/24 - 1/27/25 ($600,000; aggregate cumulative total $4,100,000); and authorize County Procurement Officer or Deputized designee to execute amendments - All Districts

15243 **APPROVED AS RECOMMENDED**

24. Approve amendment 7 to subordinate contract MA-080-18011696 with Acro Service Corporation for temporary staffing, 1/1/24 - 12/31/25 ($200,000; cumulative total $1,700,000); and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

14253 **APPROVED AS RECOMMENDED**

25. Award contract MA-080-23011507 to Balfour Beatty Construction, LLC for design and construction services for Orange County Youth Transition Center Project, Juvenile Hall, 730-day term ($109,807,314); authorize Director or designee to make amendments under certain conditions and execute contract; approve contract MA-080-24010362 with Vanir Construction Management, Inc. for construction management services for Orange County Youth Transition Center, two-year term ($3,239,452); and authorize Director or designee to execute contract - District 2

25143 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

26. Approve contract MA-299-24010191 with Envent Corporation for mobile thermal oxidizer rental and services, 2/9/24 - 2/8/27 ($9,000,000); renewable for one additional two-year term ($6,000,000); authorize County Procurement Officer or Deputized designee to make minor changes under certain conditions and execute contract; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines sections 15301, 15308 and 15311 - All Districts

15243 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

27. **Probation -** Approve standard agreement 95999 with State Franchise Tax Board for collection of unpaid court ordered fines, forfeitures and penalties, 1/1/24 - 12/31/26; and authorize Chief Probation Officer or designee to execute agreement - All Districts

14253 **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

14253 **APPROVED AS RECOMMENDED**

29. Approve amendment 2 to Development Agreement with Capital Facilities Development Corporation and Griffin Structures, Inc. for separate Master Development Budget to provide additional funds necessary for Civic Center enhancements, additional safety, security and signage enhancements to County Superblock ($773,911; revised cumulative total $27,368,236); authorize Chair of the Board of Directors of Capital

Facilities Development Corporation or designee to execute amendment and all related documents; and direct Auditor-Controller to make related payments - District 2

25143 **APPROVED AS RECOMMENDED**

30. Receive and file 2023 Strategic Financial Plan and OC CARES Annual Report for FY 2022-23 - All Districts

52143 **RECEIVED AND FILED**

31. Approve grant applications/awards submitted by Probation, Sheriff-Coroner, John Wayne Airport and County Executive Office, and retroactive grant applications/awards submitted by Health Care Agency in 12/19/23 grant report and other actions as recommended - All Districts

31245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF RECOMMENDED ACTION #2 WHICH WAS DELETED**

32. Adopt resolution approving 2023 County Equal Employment Opportunity and Anti-Harassment Policy and Procedure; delegate authority to County Executive Officer or designee to make administrative changes and update policy and procedure to comply with legal requirements as needed; and approve removal of Abusive Conduct section from Equal Employment Opportunity and Anti-Harassment Policy and Procedures and designate it as County policy - All Districts

25143 **APPROVED AS RECOMMENDED**
RESO: 23-157

33. Approve contract MA-017-24010706 with Baetz Strategic Consulting for Public Administration services, 1/1/24 - 6/30/24 ($192,000); and authorize County Procurement Officer or Deputized designee to execute contract - All Districts

B.O. **DELETED**

34. **Internal Audit -** Receive and file Executive Summary of Internal Audit Reports for July - September 2023 - All Districts

14253 **APPROVED AS RECOMMENDED**

35. **Supervisor Chaffee and Supervisor Sarmiento -** Adopt resolution opposing any unilateral action by Kaiser Permanente's attempt to reduce mental health therapists' Patient Management Time (PMT) and encourages Kaiser Permanente to spend $150 million pledged funds to correct behavioral health disparity between Northern and Southern California and provide an annual public accounting of how pledged funds were spent (Continued from 10/31/23, Item S23A; 11/7/23, Item S12B; 12/5/23, Item 16)

42153 N **APPROVED AS RECOMMENDED**

RESO: 23-158

County Executive Office:

S35A. Approve and adopt 2023-2026 Memorandum of Understanding (MOU) with Association of Orange County Deputy Sheriffs for Peace Officer and Supervising Peace Officer Units, 6/30/23 - 6/25/26; and authorize County Executive Officer or designee to execute MOU - All Districts

14253 N **APPROVED AS RECOMMENDED**

S35B. Approve and adopt 2023-2026 Memorandum of Understanding (MOU) with Association of County Law Enforcement Managers for Law Enforcement Management Unit, 6/30/23 - 6/25/26; and authorize County Executive Officer or designee to execute MOU - All Districts

31245 N **APPROVED AS RECOMMENDED**

S35C. **Supervisor Sarmiento -** Approve amendments to Rule 37 of the Board of Supervisors Rules of Procedure and proposed Guidelines for District Discretionary Projects Program

B.O. **CONTINUED TO 1/23/24, 9:30 A.M.**

S35D. **Supervisor Foley -** Direct OC Public Works, in consultation with Orange County Traffic Committee, to draft an ordinance updating County of Orange's Municipal Code to adopt Electric Bicycle Safety Regulations

53124 **APPROVED AS RECOMMENDED**

S35E. **Supervisor Chaffee -** Approve addition of County Volunteer Appreciation Day to County Events Calendar; and make related findings per Government Code Section 26227

41253 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

S35F. CalOptima Board of Directors - Select and appoint one candidate to serve in seat designated for current CalOptima member or family member of a current CalOptima member, to complete term ending 8/3/24 - All Districts

45123 **APPOINTED MAURA BYRON TO SERVE ON THE CALOPTIMA BOARD OF DIRECTORS TO COMPLETE TERM ENDING AUGUST 3, 2024**

GENERAL ADMINISTRATION

S35G. **County Executive Office -** Approve Amended and Restated Lease agreement with MSPN, LLC, Royal BP, LLC and Fortunatos, LLC for Health Care Agency office space for Public Health/Women, Infants and Children program at 6301 Beach Boulevard, Buena Park, 1/1/24 - 12/31/33; renewable for one five-year term; authorize Chief Real Estate Officer or designee to execute subsequent documents, exercise option terms and amendments under certain conditions; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines Section 15301 - District 4

41253 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

S35H. **Sheriff-Coroner -** Approve amendment 1 to contract MA-060-23010500 with CASK NC LLC for ServiceNow support services, Human Resources Service Delivery Module Integration and Cask Managed Services support maintenance, term ending 4/30/26 ($877,044; cumulative total $2,378,530; and authorize County Procurement Officer or Deputized designee to execute amendment - All Districts

14253 **APPROVED AS RECOMMENDED**

IV.PUBLIC HEARINGS (None)

V.CLOSED SESSION (Items CS-1-SCS2)

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), Association of County Law Enforcement Managers (ACLEM), Teamsters, and other non-represented employees
RE:Terms and Conditions of Employment
B.O. **HELD, NO REPORTABLE ACTION**

SCS2. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case:Tomasa Noriega v. Orange County Sheriff's Department Orange County Superior Court Case No. 30-2022-01249901
B.O. **HELD, NO REPORTABLE ACTION**

VI.PUBLIC, CEO, ADJOURNMENT & BOARD COMMENTS

PUBLIC COMMENTS:

Steve Rocco - Oral Re: France gifted Statue of Liberty to the United States; Emma Lazarus poem regarding the Statue of Liberty; Former Presidents Lincoln, Truman, Roosevelt and Johnson and ugly people; 'beautiful' versus 'ugly'; ugly people want revenge and should not be in positions of authority

Dinorah - Oral Re: United States government brought her from Cuba to the United States and she is protected under the federal government; Sheriff Deputies should make more money because they have to deal with criminals and keep everyone safe; grateful to be in America; thanked Supervisor Foley for help in getting voucher that was stolen from her in Anaheim

Bryan Kaye - Oral Re: Supervisor Foley shared painful part of her past; 'Happy Day' and story of friend who was a Korean war veteran

Amy Parker - Oral Re: Functions of the Board of Supervisors is setting County policy including funding levels and supporting the needs of the people at all governmental levels, not fighting off scandals and internal disputes; vital County agencies continue to go underfunded; Board needs to provide more funding to Orange County Transportation Authority and cities to support alternative transportation methods; advocacy power of the Board is unused; banning Pride flags from County buildings

Joette - Oral Re: OC Register article regarding funding approved without Supervisor Do publicly disclosing family connection, his resignation from CalOptima, State investigation by the California State Auditor's Office of Supervisor Do's hiring and pay practices, Supervisor Do accused of living outside his District, District 1 aides pled guilty to laundering campaign money

Charles Kerr - Oral Re: Voting machines and fraudulent activity

Ilya Tseglin - Oral Re: Demands resignation of Chairman Wagner due to coverup of organized crimes and corruption of all infrastructure of County Departments including criminal coverup of Orange County Regional Center, Larry Landauer and Nancy Bartman; treatment, kidnap and torture of his son Nate and

disrespects rule of law and the constitution

Michelle Morgan - Oral Re: Election concerns and anomalies related to election were not addressed by Registrar of Voters Bob Page; requested a discussion item be placed on the agenda to opt out of the Voters Choice Act and to return to precinct voting model

Name not provided - Oral Re: Read first paragraph of letter from Judicial Watch and Libertarian Party of California to Secretary Weber regarding violation of Section 8 of the National Voter Registration Act of 1993

Mary - Oral Re: Concerns and reasons to return to the Voters Choice Act; requested a discussion item be placed on the agenda to opt out of the Voters Choice Act

Kate - Oral Re: Orange County fraudulent elections; recited 'Our Father' for the Board Members, County Executive Officer and County Counsel to release evil bestowed upon them; requested a discussion item be placed on the agenda regarding precinct voting with an allotted time

Eileen McDermott - Oral Re: Election fraud in 2020 election; Supreme Court case 'Moore vs IRS'

Name not provided - Oral Re: Requested discussion and public debate of election system in Orange County; Bob Page not qualified to run elections; provided sample of a paper ballot system

Louise Solomon - Oral Re: Website 'prescintactivators.com'; election fraud is occurring in Orange County; requested a discussion item be placed on the agenda regarding removal of election machines; vote Frances Marquez for District 1 Supervisor

Roseann - Oral Re: Orange County Chair for New California State; Chriss Street's comments regarding California shortfall is closer to $238 billion; provided signatures requesting the banning of Voter's Choice Act and machines; New California State will conduct a demo election on January 27, 2024

COUNTY EXECUTIVE OFFICER COMMENTS:
None

ADJOURNED:1:13 P.M.
23145 **Adjourned in memory of Jean Sutherland Wahlberg**

31245 **Adjourned in memory of Dennis Wayne Cooley**

BOARD COMMENTS:

Supervisor Sarmiento - Oral re: Requested County Executive Office work with County Counsel to provide timeline related to procurement process of contracts approved by the Board and to share results with the Board offices

Supervisor Foley - Oral Re: Announced District 5 recruitment for winter fellowship and internship program and to send resumes to Katrina.Foley@ocgov.com; wished everyone a Merry Christmas

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