REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, November 8, 2022,9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
400 W. Civic Center Drive
Santa Ana, California

DOUG CHAFFEE
CHAIRMAN
Fourth District

DONALD P. WAGNER
VICE CHAIRMAN
Third District

ANDREW DO
SUPERVISOR
First District

KATRINA FOLEY
SUPERVISOR
Second 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 Do, First District, gave the invocation

PLEDGE OF ALLEGIANCE:Supervisor Foley, Second District, led the assembly in the Pledge of Allegiance and Diana Farrell of Lyric Opera of Orange County sang the National Anthem

I.PRESENTATIONS/INTRODUCTIONS

Chairman Chaffee presented a resolution declaring October - November 11, 2022 as "Operation Green Light for Veterans"

Supervisor Bartlett provided a presentation of adoptable animals with staff from OC Animal Care to kick off the 5th District sponsorship of all pet adoptions during the month of November

Chairman Chaffee presented a resolution declaring November 2022, as "National Adoption Awareness Month"

Vice Chairman Wagner presented a resolution recognizing November 13-19, 2022 as "National Nurse Practitioner Week"

II.CONSENT CALENDAR (Items 1-12)

13254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1 AND 2 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Foley -** Orange County Waste Management Commission - Appoint Gloria Alvarado, Santa Ana, for term concurrent with 2nd District Supervisor's term of office

13254 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

2. 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 2023 Plan Year (1/1/23 - 12/31/23); approve related actions; and make related findings - District 5 (Continued from 10/18/22, Item 2)

52134 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

3. Receive and file FY 2021-22 Developer Fee Deposit Balance Report; and make related findings - All Districts

OC PUBLIC WORKS

4. Approve amendment to Antonio Parkway/Oso Parkway Intersection Improvements Funding and Implementation Agreement MA-080-18011570 with RMV Realty, Inc., for traffic flow improvement ($152,987; cumulative total $286,777) - District 5

5. Approve Final Tract Map 19163; approve Subdivision Improvement Agreement S22-070804 with DMB San Juan Investments North, LLC and RMV PA3 Development, LLC; accept bonds guaranteeing construction of improvements; accept dedication of easement for public street, public utility, storm drain and access purposes; and accept vehicular access rights to Williams Way, Saddle Way and Pablo Way - District 5

GENERAL ADMINISTRATION

Clerk of the Board:

6. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Clerk-Recorder - All Districts

7. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Auditor-Controller - All Districts

8. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Office of Independent Review - All Districts

9. Approve proposed amendments to the Conflict of Interest Code Designated Filer

Exhibits for Capistrano Unified School District - District 5

10. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Orange County Mosquito and Vector Control District - All Districts

11. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Orange County Power Authority - All Districts

12. **County Executive Office -** Acting as the Orange County Flood Control District - Approve Offer and Agreement to Purchase Real Property with and Easement Deed to City of Santa Ana for Fairview Bridge Replacement ($255,000); authorize OC Public Works Director or designee to perform related activities and execute related documents under certain conditions; and consider application of Final Mitigated Negative Declaration SCH 2020049015 and other findings - District 2

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 13-S26D)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

13. Approve retroactive amendment 1 to agreement 21-76003-029 with California Department of State Hospitals to coordinate telehealth interviews and evaluations of felony defendants committed to the California Department of State Hospitals as incompetent to stand trial, 7/1/21 - 6/30/24 ($150,000; cumulative total $210,000); and authorize Sheriff-Coroner or designee to execute amendment - All Districts

35124 **APPROVED AS RECOMMENDED**

14. Approve retroactive contract CT-060-22010872 with Life Technologies Corporation for one-time purchase of Rapid DNA Analytical Instrument ($132,049); and authorize County Procurement Officer or Deputized designee to execute contract - All Districts

12354 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

15. Adopt resolution Form CASASP 202 authorizing named individuals to acquire surplus property from California State Office of Fleet and Asset Management and accept responsibility for payments of incidental fees; and authorize Director or designee to submit Eligibility Application for State and Federal Surplus Property Program and execute related documents under certain conditions - All Districts

13254 **APPROVED AS RECOMMENDED**
RESO: 22-135

OC COMMUNITY RESOURCES

16. Acting as the Orange County Housing Authority - Authorize extension of initial term of Housing Assistance payment contract with AMCAL Avenida Fund, L.P., for Avenida Villas

Apartments from 10-years to 20-years; Acting as the Board of Supervisors - Approve reallocation of Avenida Villas Apartments' Mental Health Services Act (MHSA) Special Needs Housing Program Capitalized Operating Subsidy Reserve balance ($3,800,000) to other developments that do not have project based rental assistance and are drawing down their subsidy reserve balances; and authorize Health Care Agency Director or designee to execute related MHSA Fund Release and Transfer Authorization - All Districts

51234 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

17. Award contract MA-080-23010023 to Huitt-Zollars, Inc. for design services for Los Patrones Parkway Extension, seven-year term ($2,163,771); renewable for two additional one-year terms; approve cooperative agreement MA-080-22011919 with RMV Community Development, LLC for project approval and environmental document for Los Patrones Parkway Extension, effective 10/18/22; and authorize Director or designee to execute contract and future amendments to cooperative agreement under certain conditions - District 5(Continued from 10/18/22, Item 30)

B.O. **CONTINUED TO 11/29/22, 9:30 A.M.**

18. Approve amendment 3 to renew contract MA-280-20010615 with Sterling Energy International, Inc. to extend on-site coverage and increase hourly rates for cogeneration/central utility plant operation, maintenance and environmental compliance services at John Wayne Airport, 1/1/23 - 12/31/24 ($8,611,667; cumulative total $20,410,874); and authorize County Procurement Officer or Deputized designee to execute amendment - Districts 2 and 5

52134 **APPROVED AS RECOMMENDED**

19. Approve contract MA-080-23010374 with Lionakis for architect and engineering services for Criteria Documents Phase 4 - Construction Administration, Orange County Juvenile Hall Youth Transition Center, 11/8/22 - 11/7/25 ($2,063,234); and authorize Director or designee to execute contract - District 2

25134 **APPROVED AS RECOMMENDED**

20. Approve job order contracts with various contractors for elevator services ($4,000,000), painting services ($4,000,000), plumbing services ($4,000,000) and asbestos removal and decontamination services ($1,500,000), 12/12/22 - 12/11/23 (aggregate total $13,500,000); and authorize Director or designee to execute individual contracts - All Districts

53124 **APPROVED AS RECOMMENDED**

21. Approve job order contracts with various contractors for general contracting services, 12/12/22 - 12/11/23 ($5,000,000 each; aggregate total $50,000,000); and authorize Director or designee to execute individual contracts - All Districts

53124 **APPROVED AS RECOMMENDED**

22. Ratify cooperative agreement 22-1374-000-SG with the California Department of Food and Agriculture for reimbursement of inspection costs for high-risk plant shipments, 7/1/22 - 6/30/23 ($587,608); authorize Director or designee to execute agreement; and make California Environmental Quality Act and other findings - All Districts

35124 **APPROVED AS RECOMMENDED**

23. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve design phase services contract MA-080-23010108 for construction manager at-risk services

($256,000) and construction phase services contract MA-080-23010112 ($18,233,000) with Myers & Sons Construction, LLC for East Garden Grove-Wintersburg Channel Bridges Project; authorize Director or designee to execute contracts; and make California Environmental Quality Act and other findings - District 1

13254 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

13254 **APPROVED AS RECOMMENDED**

25. Approve grant applications/awards submitted by Sheriff-Coroner, Health Care Agency, District Attorney and County Executive Office, retroactive grant application/award submitted by Health Care Agency in 11/8/22 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to execute, submit application and grant assurance to California Office of Emergency Services for FY 2022 Emergency Management Performance Grant ($937,117); and execute related actions under certain conditions; adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments with California Office of Emergency Services for Human Trafficking Victim Advocacy Program, 1/1/23 - 12/31/23 ($154,500); and making California Environmental Quality Act and other findings - All Districts

13254 **APPROVED AS RECOMMENDED**
RESO: 22-136 - 22-137

26. Approve amendment 1 to contract MA-017-20011102 with Mercer Investments LLC, dba Mercer Investment Advisers LLC for investment consulting services, 11/19/22 - 11/18/23 ($272,250; cumulative total $956,250); renewable for one additional year ($272,500); and authorize Chief Human Resources Officer or designee to execute amendment- All Districts

32154 **APPROVED AS RECOMMENDED**

Supervisor Bartlett:

S26A. Coto de Caza Planning Advisory Committee - Appoint Garrett Mott, Coto de Caza, for term concurrent with 5th District Supervisor's term of office

54123 **APPROVED AS RECOMMENDED**

S26B. Orange County Parks Commission - Appoint William Eldien, Laguna Niguel, for term concurrent with 5th District Supervisor's term of office

54123 **APPROVED AS RECOMMENDED**

S26C. **Chairman Chaffee -** Approve addition of United Domestic Workers Food Drive to County Events Calendar; and make related findings per Government Code Section 26227

42135 **APPROVED AS RECOMMENDED**

S26D. **County Executive Office -** Approve lease agreement with T-C Fairway Center II LLC for office space located at 675 Placentia Avenue, Brea, 6/1/23 - 3/31/39 ($43,838,496); with three

five-year options to extend term; authorize Chief Real Estate Officer or designee to execute lease, exercise expansion right, subsequent documents and amendments under certain conditions; and make California Environmental Quality Act and other findings - District 4

45123 **APPROVED AS RECOMMENDED**

IV.PUBLIC HEARINGS (Item 27)

OC COMMUNITY RESOURCES

27. Public Hearing to consider adopting FY 2023-24 Funding Allocation Policy and Process for Housing and Community Development activities; approve substantial amendment 2 to FY 2021-22 Annual Action Plan reallocating Community Development Block Grant - Corona Virus funds ($2,428,308) to cities implementing existing Housing Rehabilitation programs and permanent supportive and affordable housing programs - All Districts

B.O. **CLOSED PUBLIC HEARING**

15234 **APPROVED AS RECOMMENDED**

V.CLOSED SESSION

GENERAL ADMINISTRATION

County Counsel:

SCS1. 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. **COUNTY COUNSEL READ: ON A VOTE OF 4-0, WITH CHAIRMAN CHAFFEE, VICE CHAIR WAGNER, AND SUPERVISORS DO AND BARTLETT VOTING AYE, AND SUPERVISOR FOLEY ABSENT, THE BOARD APPROVED A PROPOSED $100,000 SETTLEMENT WITH CLAIMANTS ALEXIS MENDOZA AND DYANIRA CINCO. ON SEPTEMBER 23, 2021, THE CLAIMANTS WERE THE DRIVER AND PASSENGER, RESPECTIVELY, IN AUTOMOBILE ACCIDENT OCCURRING ON THE 55 FREEWAY, WHEN THEIR VEHICLE WAS REAR ENDED BY A TRUCK DRIVEN BY A COUNTY EMPLOYEE. CLAIMANTS CLAIMED PROPERTY DAMAGE AND PERSONAL INJURIES**

SCS2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases:One Case

B.O. **COUNTY COUNSEL READ: ON A VOTE OF 4-0, WITH CHAIRMAN CHAFFEE, VICE CHAIR WAGNER, AND SUPERVISORS DO AND BARTLETT VOTING AYE, AND SUPERVISOR FOLEY ABSENT, THE BOARD AUTHORIZED COUNTY COUNSEL TO RETAIN THE LAW FIRM RING BENDER LLP TO ASSIST THE OFFICE OF COUNTY COUNSEL IN POTENTIAL LITIGATION ARISING FROM A RECENT, MINOR (AND NOW SEEMINGLY CONTAINED) OIL LEAK IN THE TALBERT FLOOD CONTROL CHANNEL IN HUNTINGTON BEACH. THE OIL LEAK WAS DISCOVERED ON OCTOBER 6, 2022, WHEN AN ORANGE COUNTY FLOOD**

CONTROL DISTRICT CONTRACTOR WAS DRIVING SHEET PILE INTO THE TALBERT FLOOD CONTROL CHANNEL WALL AND STRUCK AND RUPTURED AN ABANDONED, BURIED CHEVRON CRUDE OIL PIPELINE, LEADING TO THE RELEASE OF AN ESTIMATED 500 GALLONS OF CRUDE OIL INTO THE CHANNEL. RING BENDER LEAD ATTORNEY JEFFREY RING'S HOURLY RATE IS $495/HOUR, AND ATTORNEY PATRICK "KIT" BOBKO'S HOURLY RATE IS $450/HOUR

VI.PUBLIC, CEO, ADJOURNMENT & BOARD COMMENTS

PUBLIC COMMENTS:

Ian Jameson - Oral re: California Leftists for Freedom; Respiratory Syncytial Virus (RSV) is not an emergency; Moderna's press release last year regarding fast-tracking new vaccine for RSV and coincidental announcement by Pfizer regarding their RSV vaccine the day before the County declared a state of emergency for RSV; data shows Covid vaccines caused RSV in children during vaccine trials; cases happening in hospitals now were caused by the Covid vaccine; end the state of emergency for Covid and RSV

Len Beckman - Oral re: 56 signers of the Declaration of Independence and 56 days until hearings begin on what has happened over the last few years; Covid vaccine is the greatest medical malpractice in history; good science is most important; so much is built on fake and faulty science; important to start listening to each other

Brigitte - Oral re: Don't need vaccinations; six years ago on election day a businessman Donald Trump beat Hillary Clinton and same day the Board attempted to silence the public by co-mingling public comments; County criminal mafia organization covering up for County attorneys, the Public Guardian and Public Administrator removed Quitclaim deed from a trust, falsified official recorded documents and forced conservatorships

Ilya Tseglin - Oral re: Honored to speak after other members of the public; reason for coming to every meeting is to plead assistance for son Nate who was kidnapped three times by Social Services in order for OC Regional Center to steal public funding reserved for his son's services; Son was abducted, neglected, abused, isolated, tortured and forcibly addicted to dangerous drugs

Michelle - Oral re: Forgives members of the Board; grace changes the hearts of evil persons; when we forgive we free the other person but we also set ourselves free; practice forgiveness

Laura M - Oral re: Supervisors say they are here to serve but have instead contributed to mental health issues, housing crisis and small business losses based on policies blindly following misinformation and disinformation from the CDC and the FDA; no emergency declaration for a disease that has 0% death rate and highly treatable; Remdesivir causes problems and symptoms similar to snake bites

Cheryl - Oral re: Serious problems with election processes; Registrar of Voters (ROV) says they have no authority to confirm citizenship; ROV should be shut down for violating sanctity of votes; the Board of Supervisors holds the purse strings over the ROV; Voters Choice Act is a voters cheat act

Dawn Thomas - Oral re: Witnessed fraud as an observer on 6/8/22; was women's overall body building champion; studied science and health since childhood; daughters child was vaccinated and got very sick; Pfizer employees asked to go to Wuhan; Gavin Newsom is a warlock

Joette - Oral re: Supervisors absent during public comments; fraudulent elections where there were more votes than voters; movie 2000 Mules proved ballot boxes allowed ballot trafficking; clean up voter rolls; violations of election laws, major fraud and corruption; Board calling meeting with less than 72 hours notice is a violation of law

David - Oral re: Opposes state of emergency for another healthcare non-crisis; people are fearful that this will lead to more mandates; extreme to declare state of emergency for crowded hospital beds and Board should come up with a different solution

Bryant Rumbaugh - Oral re:Phrase "In God We Trust" shows that God's law is above the rest; laws of common sense, grammar; respect, morality and truth; truth has been escaping the public; Constitution gives three opportunities to vote; cannot waive the consent of the governed; left state refund card to show people are not interested in inflation

Kim Sorgente - Oral re: Feedback from public means the public does not support this; freedom of speech for people to come tell the Board what is going on; secret meetings to push some agenda; this Board is failing the people and have not served them well; keep your hands off the kids and hands off everything; optics are terrible

Kathleen - Oral re: The extended voting centers are empty; drop boxes are not being collected because gas is too expensive; election process costs $16 million; return to one day in-person voting with voter ID means the County could save millions of dollars; one person one vote; be the light for election integrity for California

Mrs. A - Oral re: Cause morality was approved; Karen Kingston proves that emergency use authorization does not work; cannot vote for emergency use; now vaccine has been approved we can know what they put in the vaccines; head of Moderna was arrested by the White House; patents on what is in gene therapies

Roseann - Oral re: Orange County Chair for New California State which will be the 51st state; Vice President of Finance for New California State is Chris Street who advises that erroneous reporting on financials show that California is actually on brink of bankruptcy because revenues are down 42%

COUNTY EXECUTIVE OFFICER COMMENTS:
None

ADJOURNED:12:52 P.M.
54123 **Adjourned in memory of Fred Swegles**

BOARD COMMENTS:
None

KEY

Left Margin Notes

1. = Supervisor Do	A.=Abstained
2. = Supervisor Foley	X.=Excused
3. = Supervisor Wagner	N.=No

4. = Supervisor Chaffee
5. = Supervisor Bartlett

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