REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, January 10, 2023,*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

VICENTE SARMIENTO
SUPERVISOR
Second 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 Do, First District, gave the invocation

PLEDGE OF ALLEGIANCE:Supervisor Foley, Fifth District, lead the Pledge of Allegiance and Orange County Deputy Sheriff Joseph Devela sang the National Anthem

I.PRESENTATIONS/INTRODUCTIONS

Chairman Chaffee presented a resolution recognizing Shari Freidenrich, Orange County Treasurer-Tax Collector, as President of the California Association of County Treasurers and Tax Collectors

Chairman Chaffee presented a resolution declaring January 2023 as "Human Trafficking Prevention Month"

II.CONSENT CALENDAR (Items 1-10)

13254 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 5 WHICH WAS CONTINUED TO 1/24/23, 9:30 A.M.; AND ITEM 3 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Do -** Orange County Airport Commission - Appoint P. Alberto Sandoval, Rossmoor, for term concurrent with 1st District Supervisor's term of office

2. **Chairman Chaffee -** Orange County Juvenile Justice Coordinating Council - Appoint Nora Sanchez, Orange and Vern Burton, Huntington Beach and reappoint Hether Benjamin, Mission Viejo, Megan Medlin, Orange, and Nazly Restrepo, Orange, for terms ending 1/9/2025

ELECTED DEPARTMENT HEADS

3. **Sheriff-Coroner -** Accept Urban Areas Security Initiative funds from City of Anaheim and City of Santa Ana, FY 2021; approve agreement for transfer or purchase of equipment/services; and adopt resolution authorizing Sheriff-Coroner or designee to execute related documents and agreement under certain conditions - All Districts

12354 **APPROVED AS RECOMMENDED**
RESO: 23-001

OC COMMUNITY RESOURCES

4. **Acting as the Successor Agency to the Orange County Development Agency -** Adopt resolution approving Recognized Obligation Payment Schedule, 7/1/23 - 6/30/24; directing submission to Department of Finance; authorizing ministerial changes under certain conditions; and making related findings; direct submission to Countywide Oversight Board and to notify the Board of any changes - All Districts
RESO: 23-002

OC PUBLIC WORKS

5. **Acting as the Orange County Flood Control District -** Adopt resolution approving Orange County Flood Control District Design Manual 2nd Edition; and authorize Director to make minor amendments under certain conditions - All Districts

13254 **CONTINUED TO 1/24/23, 9:30 A.M.**

GENERAL ADMINISTRATION

Clerk of the Board:

6. Approve initial Conflict of Interest Code for Orange County Classical Academy, a California Public Charter School - Districts 2 and 3

7. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Mesa Water District - District 5

8. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for OC Public Works - All Districts

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

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

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 11-S21C)

ELECTED DEPARTMENT HEADS

11. **Sheriff-Coroner -** Approve amendment 1 to contract MA-060-20011517 with Bernards Bros., Inc. increasing construction contingency amount ($13,055,900; cumulative total $26,111,800); adopt resolutions confirming funding sources and providing assurances to State of California, State Public Works Board allowing construction financing for James A. Musick Facility Jail Project, Phases 1 and 2 (Assembly Bill 900 and Senate Bill 1022); and authorize Sheriff-Coroner or designee to execute future amendments under certain conditions - Districts 3 and 5

35124 A **APPROVED AS RECOMMENDED**

RESO: 23-003 - 23-004

JOHN WAYNE AIRPORT

12. Approve Certificated Passenger Airline Lease PM 1121-0300-0095 with Breeze Aviation Group, Inc., 2/16/23 - 12/31/25; authorize Director or designee to allocate three County-Controlled Class A Average Daily Departures and seat capacity; approve early possession for construction and installation of improvements and make minor modifications and amendments under certain conditions - District 5 (4/5 vote of members present)

54123 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

13. Approve amendment 1 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, 1/28/23 - 1/27/24 ($500,000; aggregate cumulative total $3,500,000); renewable for one additional one-year term; and authorize County Procurement Officer or Deputized designee to execute amendments - All Districts

13254 **APPROVED AS RECOMMENDED**

14. Approve contracts with various firms for on-call landfill services, three-year terms ($3,000,000 each; aggregate total $15,000,000); renewable for two additional years; authorize Director or designee to execute contracts; and make California Environmental Quality Act (CEQA) exemption findings under CEQA Guidelines section 15378 - All Districts

12354 **APPROVED AS RECOMMENDED**

15. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 1 to contracts MA-080-22010909 with Quality Fence Co., Inc. and Valley Cities Gonzales Fence, Inc. for fence and gate repair/maintenance services, 1/10/23 - 6/30/25 ($750,000; aggregate cumulative total $5,895,000); and authorize County Procurement Officer or Deputized designee to execute amendments - All Districts

31254 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

16. Approve contract MA-063-23010611 with Advance OC for OC Healthy Aging Assessment services, 1/10/23 - 1/9/24 ($750,000); renewable for one year; and authorize County Procurement Officer or Deputized designee to execute contract - All Districts (Continued from 12/20/22, Item 24)
31254 **APPROVED AS RECOMMENDED**
N

GENERAL ADMINISTRATION

County Executive Office:

17. Approve retroactive Memoranda of Understanding (MOU) with City of Laguna Beach for allocation of $115,049 of Permanent Local Housing Application funding, 7/1/22 - 6/30/26; and authorize Director of Care Coordination or designee to execute MOU - District 5
52134 **APPROVED AS RECOMMENDED**

18. Approve recommended positions on introduced or amended legislation and/or consider other legislative subject matters - All Districts
35124 **APPROVED AS RECOMMENDED**

19. Approve grant applications/awards submitted by Sheriff-Coroner and OC Community Resources, retroactive grant application/award submitted by OC Community Resources, and ratify grant application/award submitted by OC Community Resources in 1/10/23 grant report and other actions as recommended; adopt resolution authorizing OCCR Director or designee to execute agreement, submit all related documents and amendments under certain conditions with California Department of Water Resources for Laguna Niguel Regional Park irrigation infrastructure replacement and Mile Square Regional Park irrigation improvements; adopt resolution approving standard agreement AP-2223-22, Amendment 1 with California Department of Aging for Older Americans Act Programs, 7/1/22 - 6/30/24 ($832,997); and authorizing OCCR Director or designee to execute amendment and related documents - All Districts
53124 **APPROVED AS RECOMMENDED**
RESO: 23-005 - 23-006

20. **Supervisor Foley -** Direct County Executive Officer to research Community Choice Aggregation (CCA) programs, including but not limited to San Diego Community Power and return to the Board with information pertaining to CCA programs for County to consider joining
54123 **APPROVED AS RECOMMENDED**

21. **Board of Supervisors -** Election of 2023 Officers
43125 **NOMINATED AND ELECTED VICE CHAIRMAN DONALD P. WAGNER AS 2023**
NN **CHAIRMAN AND SUPERVISOR ANDREW DO AS 2023 VICE CHAIRMAN OF THE BOARD**

Chairman Chaffee:

S21A. Orange County Planning Commission - Appoint John Koos, Brea, for term concurrent with 4th District Supervisor's term of office

B.O. **DELETED**

S21B. Orange County Veterans Advisory Council - Reappoint Alex Maslin, Trabuco Canyon, and appoint Michael Radigan, Newport Beach and Stephanie Wade, Seal Beach, for terms ending 1/9/2025; and appoint Steven Vargas, Brea, for term concurrent with 4th District Supervisor's term of office

45123 **APPROVED AS RECOMMENDED**

S21C. **Supervisor Foley -** Orange County Airport Commission - Appoint Susan Dvorak, Newport Beach, for term concurrent with 5th District Supervisor's term of office

52134 **APPROVED AS RECOMMENDED**

IV.PUBLIC HEARINGS (None)

V.CLOSED SESSION

GENERAL ADMINISTRATION

County Counsel:

SCS1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case:Pizzeria Ortica v. County of Orange, et al. (OCSC Case No. 30-2021-01178203); Darya Restaurant, Inc. v. County of Orange, et al. (OCSC Case No. 30-2021-01206315)

B.O. **COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY APPROVED A $1.7 MILLION LITIGATION SETTLEMENT IN THE CONSOLIDATED MATTERS OF PIZZERIA ORTICA V. COUNTY OF ORANGE AND DARYA RESTAURANT V. COUNTY OF ORANGE, TWO PUTATIVE CLASS ACTION LAWSUITS FILED AGAINST THE COUNTY OF ORANGE OVER THE PAYMENT OF ENVIRONMENTAL HEALTH RESTAURANT INSPECTION FEES COLLECTED FROM RESTAURANTS THAT WERE REQUIRED TO CURTAIL OR CEASE INDOOR OPERATIONS DURING THE COVID-19 PANDEMIC. UNDER THE APPROVED SETTLEMENT, AND AMONG OTHER SETTLEMENT TERMS, IN EXCHANGE FOR FULL DISMISSALS OF THE LAWSUITS, RESTAURANTS THAT PAID ANNUAL PERMIT FEES DURING THE RELEVANT PERIOD (I.E., MARCH 17, 2020 TO JUNE 15, 2021) AND ARE STILL IN BUSINESS WILL RECEIVE A CREDIT AGAINST FUTURE PERMIT FEES**

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

B.O. **COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY AUTHORIZED THE FILING OF LITIGATION AGAINST TWO COUNTY SERVICE PROVIDERS. MORE DETAILS CONCERNING THE ACTION, THE DEFENDANTS, AND OTHER PARTICULARS, ONCE LITIGATION IS FORMALLY COMMENCED, WILL BE DISCLOSED TO ANY PERSON UPON INQUIRY**

VI.PUBLIC, CEO, ADJOURNMENT & BOARD COMMENTS

PUBLIC COMMENTS:

Steve Rocco - Oral re: Three lawyers (Mahatma Gandhi, Ho Chi Minh and Fidel Castro) and 1 doctor (Che Guevara); the Americas, Africa and Asia got rid of the European colonists in the 1960s; five lawyers on the current Board of Supervisors; Proposition 187 in 1992 was found unconstitutional; Board does not enforce laws

Debbie Barba - Oral re: Volunteer at OC Animal Care since 2008; Andi Bernard, Director of OC Animal Care has implemented negative policies and procedures and reversed the progress at OC Animal Care; reinstate the trap, neuter and release program

Sharon Logan - Oral re: Logan vs. OCAC and shelter reform at OCAC; euthanasia of healthy adoptable animals needs to stop; placing dogs on the euthanasia list as a ploy for rescues and the public to get dogs out of the shelter; reinstate the trap, neuter and release program; open the shelter to the general public

Name not provided - Oral re: Money provided to companies who are not fulfilling their contracts

Lisa Avery - Oral re: Attorney; no response from emails sent to the Board regarding the OC Animal Shelter; allegations and reasons for keeping adoptions by appointment and not reinstating trap, neuter and release program; Board needs to oversee and require transparency and truth from the OC Animal Care staff to improve the situation at the shelter

Laura Lawther - Oral re: Misuse of taxpayer funds at OC Animal Care; shelter has no public viewing hours to look for adoptable or lost pets; shelter is overcrowded and healthy dogs are euthanized for kennel space; residents looking for lost pets are being turned away

Name not provided - Oral re: Registrar of Voters mailed more ballots than registered voters in the county; activity reports of all votes cast does not equal the certified results; avoid use of drop boxes

Joette - Oral re: Election fraud; Board is guilty of 18 U.S. Code 2381 (treason) and 18 U.S. Code 1031 (major fraud against the United States); poll books on the Internet are in violation of election law 19205; Hart machines are in violation of the closed box software election law 19402; asked why are there more votes than voters; return to in-person voting in precincts and paper ballots on election day

April Josephson - Oral re: Requested to meet with the Board members individually to address issues at OC Animal Care; requested an audit be conducted of the shelter and to replace Andi Bernard, Director of OC Animal Care

Victor Mendez - Oral re: Keeping rents affordable for seniors; negotiating a quality of life petition with the owner; requested the Board find solutions for homelessness

Name not provided - Oral re: Was brought to United States from Cuba and qualified for subsidy; has filed complaint regarding civil rights violation, human right and discrimination; would like to speak to Supervisor Wagner regarding personal complaint

Linda - Oral re: Concerns with OC Animal Care; reinstate public viewing hours at the shelter; intake of healthy animals at the shelter; reinstate the trap, neuter and release program; open the shelter to the general public; Zoom accessible board meetings to allow interaction to the Board and from the community

Bryan Kaye - Oral re: Welcomed Supervisor Sarmiento; communications with Supervisor Foley regarding forged plea agreements; legal system in Orange County is flawed

Nicholas Dibs - Oral re: Teacher; concerned with students committing suicide due to bullying on social media; technology addiction with students and AB2273;requested the County establish a digital youth wellness outreach committee to educate parents and young people regarding the harmful effects of blue light, technology addiction and the increase of suicides, isolation and sleep deprivation and to establish professional training standards

COUNTY EXECUTIVE OFFICER COMMENTS:
None

ADJOURNED:1:26 P.M.

BOARD COMMENTS:

Supervisor Wagner - Oral re: Thanked Chairman Chaffee for his leadership as Chairman of the Board in 2022; looks forward to serving as Chairman in 2023;Orange County's quality of life includes open and transparent government and the challenges threatening it include public safety and liberty

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