REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, September 14, 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:Supervisors: Bartlett, Chaffee, Foley and Wagner

EXCUSED:Supervisor Do

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 and Sergeant Christine Carter sang the National Anthem

I.PRESENTATIONS/INTRODUCTIONS

Vice Chairman Chaffee presented a resolution proclaiming September 2021 as "Prostate Cancer Awareness Month"

Supervisor Foley presented a resolution proclaiming September 2021 as "Hunger Action Month"

Chairman Do and Supervisor Bartlett presented a resolution proclaiming September 2021 as "Suicide Prevention Month"

II.CONSENT CALENDAR (Items 1-9)

35241 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 2 AND 3 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Vice Chairman Chaffee -** Assessment Appeals Board No. 3 - Reappoint Rhonda J. McCune, Fullerton, for term ending 9/1/24

45231 **APPROVED AS RECOMMENDED**

X

ELECTED DEPARTMENT HEADS

2. **Auditor-Controller -** Adopt resolution and attachment 1 to resolution approving property tax rates for FY 2021-22 - All Districts

53241 **APPROVED AS RECOMMENDED**

X

RESO: 21-099

3. **Sheriff-Coroner -** Approve amendment 1 to contract CT-060-20011032 with Waterfowler Gear, Inc. dba Evans Gun World, 10/1/20 - 9/30/21 ($17,400; new total $62,400); approve contract CT-060-22010016 with Waterfowler Gear, Inc. dba Evans Gun World, 10/1/21 - 9/30/22 ($135,000) for use of shooting range facilities; and authorize County Procurement Officer or authorized Deputy to execute amendment and contract - District 3

25341 **APPROVED AS RECOMMENDED**

X

HEALTH CARE AGENCY

4. Approve amendment VI to contract with Orange County Health Authority dba CalOptima for coordination of Behavioral Health Care Services to add CalOptima's program of all-inclusive care for elderly, 10/1/21 - 12/31/21; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

5. Approve amendment 9 to contract with Orange County Health Authority dba CalOptima for coordination and provision of public health care services, 10/1/21 - 12/31/21; and authorize Director or designee to execute amendment - All Districts

6. Approve master Memorandum of Understanding (MOU) with various universities and accredited training institutions for Off-Campus Student Training, 12/1/21 - 11/30/24; and authorize County Procurement Officer or authorized Deputy to execute individual MOU's - All Districts

7. Ratify Medi-Cal Administrative Activities/Targeted Case Management agreement and Mental Health Medi-Cal Administrative agreement with County of Santa Cruz for continued participation in claiming processes for reimbursable services, 7/1/20 - 6/30/22 - All Districts

OC COMMUNITY RESOURCES

8. Approve Crawford Canyon Park and Crawford Canyon Road Sidewalk Extension Project; and consider adoption of Final Mitigated Negative Declaration No. IP 21-093 and other findings - District 3

GENERAL ADMINISTRATION

9. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for College and Career Advantage - District 5

END OF CONSENT CALENDAR

III.DISCUSSION ITEMS (Items 10-S24D)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

10. Approve amendment 1 to contract MA-060-20010085 with Stancil Corporation for Stancil Voice Logging Recorders and Network-Attached Storage server maintenance, 10/9/21 - 10/8/22 ($9,384; cumulative total $26,668); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

35241 X **APPROVED AS RECOMMENDED**

11. Approve contract MA-060-21011833 with Omni Enterprise, Inc. for janitorial services at Intake Release Center, Central Jails and Theo Lacy Facility, one-year term ($709,200); and authorize County Procurement Officer or authorized Deputy to execute contract - Districts 1 and 3

35241 X **APPROVED AS RECOMMENDED**

12. Approve retroactive contract MA-060-20010875 with NicheVision Forensics, LLC for DNA Analysis Software System, 1/1/20 - 12/31/22 ($127,813); and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts

32451 X **APPROVED AS RECOMMENDED**

13. Approve contract MA-060-21011761 with Chano and Sons Inc. for janitorial services at Brad Gates Building, three-year term ($718,020); and authorize County Procurement Officer or authorized Deputy to execute contract - District 1

35241 X **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

14. Approve amended agreement MA-042-21010912 with AmerisourceBergen Drug Corporation dba ASD Specialty Healthcare, LLC Besse Medical for Sublocade injection medication to treat opioid use disorder by Correctional Health Services, term ending 11/1/21 ($1,000,000) and 11/2/21 - 11/1/22 ($1,000,000; cumulative total $2,250,000); and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

52341 X **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

15. Ratify cooperative agreement with the California Department of Food and Agriculture for reimbursement authority of costs related to inspection of high-risk plant shipments, 7/1/21 - 6/30/22 ($631,886); authorize Director or designee to execute agreement; and make California Environmental Quality Act and other findings - All Districts

53241 **APPROVED AS RECOMMENDED**

X

16. Approve retroactive payment to Main Graphics for invoice 144329 for printing and mailing services of community engagement materials ($37,329) - All Districts

34251 **APPROVED AS RECOMMENDED**

X

17. Approve contract MA-080-21011825 with H.N.W. Building Maintenance Inc. dba Beneficial Maintenance Services Inc. for janitorial services, term ending 2/29/24 ($1,050,000); 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 - All Districts

35241 **APPROVED AS RECOMMENDED**

X

18. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 1 to renew contract MA-080-21010606 with Downstream Services, Inc. for best management practices maintenance services, 10/23/21 - 10/22/23 ($1,000,000; cumulative total $1,200,000); renewable for two additional years; authorize County Procurement Officer or authorized Deputy to execute amendment; and make California Environmental Quality Act and other findings - All Districts

52341 **APPROVED AS RECOMMENDED**

X

GENERAL ADMINISTRATION

19. **County Counsel -** Adopt resolution approving agreement 21-5033 with California Department of Social Services for legal consultation and representation for Resource Family Approval administrative action appeals, 7/1/21 - 6/30/24; and authorize County Counsel or designee to execute agreement - All Districts (2/3 vote of the membership)

52341 **APPROVED AS RECOMMENDED**

X

RESO: 21-100

County Executive Office:

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

35241 **APPROVED AS RECOMMENDED**

X

21. Approve proposed response to FY 2020-21 Grand Jury Report "$28 Billion for a $2.8 Billion Road" - Districts 3, 4 and 5 (Continued from 8/24/21, Item 31)

35241 **APPROVED AS AMENDED TO AMEND PAGE 2, FINDING F4. OF THE**

N X **COUNTY'S FINDINGS AND RESPONSES (ATTACHMENT B) TO READ: THE TCA CAN COVER ITS DEBT OBLIGATIONS WITHOUT THE USE OF DEVELOPMENT IMPACT FEES**

22. Approve grant applications/awards submitted by Health Care Agency, Sheriff-Coroner, District Attorney and Registrar of Voters and retroactive grant applications/awards submitted by Social Services Agency and John Wayne Airport in 9/14/21 grant report and other actions as recommended; adopt resolution authorizing HCA Director or designee to submit application to California Department of Housing and Community Development for Emergency Solutions grants program, Continuum of Care Allocation and execute standard agreement, any subsequent amendments and related documents to the program; adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments with California Office of Emergency Services for Victim/Witness Assistance Program, 10/1/21 - 9/30/22 ($2,961,415); adopt resolution authorizing District Attorney or designee to execute grant agreement and amendments with California Office of Traffic Safety for Alcohol and Drug Impaired Driver Vertical Prosecution Program, ($1,111,504) and California Traffic Safety Resource Prosecutor Training Network, FFY 2021-22 ($833,392); and making California Environmental Quality Act and other findings; adopt resolution approving State of California Standard Agreement 21S10057 for Voter's Choice Act implementation activities ($248,530.18) and authorizing Registrar of Voters or designee to execute standard agreement, amendments, related documents and make non-monetary and non-material changes under certain conditions - All Districts

25341 X **APPROVED AS RECOMMENDED**

RESO: 21-101 - 21-104

23. Approve amendment 6 to Type 2 Work Order NCY1-025 under agreement for managed services network, voice and security services with Science Applications International Corporation, 10/31/21 - 4/30/22 ($105,000; new total $476,280); and authorize Chief Information Officer or designee to execute amendment - All Districts

53241 X **APPROVED AS RECOMMENDED**

24. Approve amendment 2 to Type 2 Work Order CY7-042 under agreement for data center, desktop, applications and service desk services with Science Applications International Corporation for additional labor support to Social Services Agency ($528,940; new total $725,941); authorize Chief Information Officer or designee to execute amendment - All Districts

23451 X **APPROVED AS RECOMMENDED**

S24A. Acting as the Orange County Flood Control District - Approve Amended Right of Entry Permit agreement with City of Irvine for access to property in Marshburn Channel flood control facility to investigate acquisition of permanent easement rights and temporary construction easement rights for construction of bicycle pedestrian bridge over State Route 133; authorize OC Public Works Director or designee to perform all activities specified; authorize Chief Real Estate Officer or designee to execute necessary documents; authorize Auditor-Controller to make related payments under certain conditions; and make California Environmental Quality Act and other findings - District 3

32451 **APPROVED AS RECOMMENDED**
X

SOCIAL SERVICES AGENCY

S24B. Adopt resolution approving Orange County Refugee Three-Year Service Plan, FFYs 2020 - 2023; and authorize Director or designee to submit plan to California Department of Social Services and execute subsequent amendments under certain conditions - All Districts
42351 **APPROVED AS RECOMMENDED**
X

RESO: 21-105

GENERAL ADMINISTRATION

S24C. **County Counsel -** 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 - District 5
34251 **MOTION TO CONTINUE ITEM TO FIRST MEETING IN NOVEMBER 2021 FAILED**
NNX **TO CARRY**

52341 **MOTION TO APPROVE ITEM AS RECOMMENDED FAILED TO CARRY**
NNX

NO ACTION TAKEN

OC COMMUNITY RESOURCES

S24D. Approve contract MA-012-22010276 with Getsetup, Inc. for training, ongoing technological client support and access to online platform subscription, term ending 6/30/22 ($241,700); renewable for three additional one-year terms; and authorize Director or designee to execute contract, purchase up to 2,200 iPads with data plans included ($2,189,000) and allocate $24,100 for Office on Aging administrative oversight of technology support for older adults - All Districts
25341 **APPROVED AS RECOMMENDED**
X

IV.PUBLIC HEARINGS (None)

V.CLOSED SESSION (Items CS-1-SCS4)

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case:Nachtrieb v. County of Orange Case Number: 30-2011-00467326
B.O. **HELD, COUNTY COUNSEL READ: BY A VOTE TO 4 TO 0, WITH VICE CHAIRMAN CHAFFEE, AND SUPERVISORS FOLEY, WAGNER, AND BARTLETT VOTING IN FAVOR, AND CHAIRMAN DO ABSENT, THE BOARD APPROVED THE PURSUIT OF AN APPEAL IN THE MATTER OF NACHTRIEB V. COUNTY OF ORANGE.**

CS-2. **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:

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Scott Baker v. County of Orange WCAB Case Number:ADJ12256983; ADJ362033

B.O. **HELD, COUNTY COUNSEL READ: BY A VOTE TO 4 TO 0, WITH VICE CHAIRMAN CHAFFEE, AND SUPERVISORS FOLEY, WAGNER, AND BARTLETT VOTING IN FAVOR, AND CHAIRMAN DO ABSENT, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE MATTER OF SCOTT BAKER 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.**

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Donna Jefferson v. County of Orange WCAB Case Number:ADJ11364276

B.O. **HELD, COUNTY COUNSEL READ: BY A VOTE TO 4 TO 0, WITH VICE CHAIRMAN CHAFFEE, AND SUPERVISORS FOLEY, WAGNER, AND BARTLETT VOTING IN FAVOR, AND CHAIRMAN DO ABSENT, THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE MATTER OF DONNA JEFFERSON 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: Masks are not appropriate for children and We The People decide what happens with their children; stop controlling people with mask mandates and vaccines

Name not provided - Oral re: Urged everyone to vote yes on the recall of Governor Newsom; and stated reasons to recall Governor Newsom

Wayne Addison - Oral re: Boat owner in Dana Point; opposes proposed increases in boat slip fees for Dana Point Harbor; Dana Point Harbor market rate is not comparable to Newport Harbor; proposed increases do not comply with the terms of the agreement signed by the County and Dana Point Harbor

Partners, and requirements of the Tidelands Act and grant

George Hughes - Oral re: Vietnam disabled veteran; cannot afford the proposed increases in boat slip fees at Dana Point Harbor; has not received response from Board members regarding proposed boat slip fee increases at Dana Point Harbor; Dana Point Harbor market rate is not comparable to Newport Harbor

Carrie - Oral re: Difference in rental increases for tenants in Dana Point Harbor versus boat owner slip fees; suggested to grandfather boat owners into the Tidelands Act market values

Paul - Oral re: Opposes proposed increase in boat slip fees for Dana Point Harbor; Dana Point Harbor methodology of determining slip feesis not accurate by private purveyor; Dana Point Harbor is not comparable to Newport Harbor; current leaseholder has changed rules and allows transfer of slips without going on waitlist; excluding individuals from a public harbor

Brigitte - Oral re: Hold elected officials accountable while in office and abuse of power and criminal activity; 9/11 anniversary and support of first responders

Bryan Kaye - Oral re: Speakers attending Board Meetings are ignored; Board needs to respond and communicate with the public to help them succeed

Felicity Figueroa - Comments read by County Counsel: Government's lack of concern for unhoused community; names of individuals who died without fixed abode in August 2021

Pat Davis - Comments read by County Counsel: Increases in the number of individuals who have died without a fixed abode; mismanagement of funds to provide life-saving services and resources for housing; Sheriff's mismanagement of jails and failure to implement fair and human practices; names of individuals who died without fixed abode in August 2021

David Duran - Comments read by County Counsel: Names of individuals who died without fixed abode in August 2021

Dismayed Resident & Voter in Newport Beach - Comments read by County Counsel: Failure to enact mask requirements and vaccination status for entry at County sites; dismissing and silencing experts on COVID-19 related matters

Carol Elliot - Comments read by County Counsel: State of emergency does not exist in the County; cities in the County have removed their state of emergency due to honor and requests the County to do the same

COUNTY EXECUTIVE OFFICER COMMENTS:
None

ADJOURNED:2:30 P.M.

24351 **Adjourned in memory of John Emme**
X

54231 **Adjourned in memory of Gayle Garner Roski and Jim Cox**
X

34251 **Adjourned in memory of Bill Vardoulis**
X

42351 **Adjourned in memory of Marc Hanson and Juel Farquhar**
X

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

Chairman Do - Comments read by Vice Chairman Chaffee: Resolution recognizing September as Recovery Month celebrating the bravery and resilience of those who enter recovery; Be Well OC Orange Campus provides a safe place for individuals to recover from drug or alcohol addiction; find more information at BeWell.org or ochealthinfo.com

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