

1. Agenda

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[12-21-20-SPECIAL-AGENDA.PDF](#)

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[12-21-20-PUBLIC-COMMENT.PDF](#)

**CITY OF LOS ALAMITOS**  
**3191 Katella Ave., Los Alamitos, CA 90720**

**CITY COUNCIL AGENDA**  
**SPECIAL MEETING**

**Monday, December 21, 2020 – 6:00 p.m.**

**SAFETY ALERT –NOTICE REGARDING COVID-19**

Due to COVID-19, the City of Los Alamitos City Council Meeting referenced above will be conducted by videoconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20. The public may access the meeting electronically or telephonically.

Pursuant to the Executive Orders and given the current health concerns, **members of the public may not attend the meeting in person.** Members of the public can access the meeting by phone by dialing +1 (301) 715-8592 and enter the Meeting ID: 836 0050 4343. Your microphone will be disabled upon entry for the duration of the meeting.

The public can submit comments to [cityclerk@cityoflosalamitos.org](mailto:cityclerk@cityoflosalamitos.org) with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment). Comments **received by 3:00 p.m.** will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via telephone conference can submit their requests to [cityclerk@cityoflosalamitos.org](mailto:cityclerk@cityoflosalamitos.org) **until the start of the meeting.** The City Clerk will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the City Clerk will announce each speaker, enable the speaker's microphone, and begin the three minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

All speakers shall observe civility, decorum and good behavior. Any item submitted to the City Council during the meeting shall become public record and subject to applicable disclosure laws.

**NOTICE TO THE PUBLIC** – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org) once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the City Council at the same meeting. Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection online at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org).

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made.

**1. CALL TO ORDER**

**2. ROLL CALL**

Mayor Chirco  
Mayor Pro Tem Hasselbrink  
Council Member Bates  
Council Member Doby  
Council Member Nefulda

**3. SPECIAL ORDER OF THE DAY**

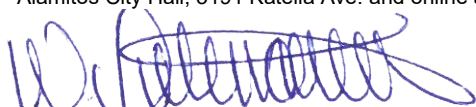
**A. Adopt Resolution No. 2020-43 – Support of Orange County Sheriff's Challenge to a Court Order Releasing Inmates from Orange County Jails (City Manager)**

On December 11, 2020, the Orange County Superior Court ordered Sheriff Don Barnes to release approximately 1,800 inmates from Orange County jails. The City Council will consider approving a resolution in support of Orange County Sheriff Don Barnes' challenge to this order to assist Sheriff Barnes in his efforts to protect the health and welfare of the citizens of Orange County.

Recommendation: Adopt Resolution No. 2020-43, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, IN SUPPORT OF ORANGE COUNTY SHERIFF'S CHALLENGE TO A COURT ORDER RELEASING INMATES FROM ORANGE COUNTY JAILS".

**4. ADJOURNMENT**

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org) not less than 72 hours prior to the meeting.



Windmera Quintanar, MMC, City Clerk  
Dated: December 20, 2020

# **City of Los Alamitos**

## **CITY COUNCIL AGENDA REPORT**

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**MEETING DATE: December 21, 2020**

**ITEM NUMBER: 3A**

**To: Mayor Mark A. Chirco & Members of the City Council**

**Presented By: Chet Simmons, City Manager**

**Subject: Adopt Resolution No. 2020-43 – Support of Orange County Sheriff’s Challenge to a Court Order Releasing Inmates from Orange County Jails**

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### **SUMMARY**

On December 11, 2020, the Orange County Superior Court ordered Sheriff Don Barnes to release approximately 1,800 inmates from Orange County jails. The City Council will consider approving a resolution in support of Orange County Sheriff Don Barnes’ challenge to this order to assist Sheriff Barnes in his efforts to protect the health and welfare of the citizens of Orange County.

### **RECOMMENDATION**

Adopt Resolution No. 2020-43, entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, IN SUPPORT OF ORANGE COUNTY SHERIFF’S CHALLENGE TO A COURT ORDER RELEASING INMATES FROM ORANGE COUNTY JAILS”.

### **BACKGROUND**

In June 2020, the American Civil Liberties Union, on behalf of Orange County inmates, filed a lawsuit alleging that inmates should be released because they are medically vulnerable and at imminent risk of serious illness and death from COVID-19. After considering the arguments, on December 11, 2020, the judge in the case ordered Orange County Sheriff Don Barnes to reduce the Orange County jail inmate population by fifty percent (50%) (“Court Order”). The Court Order provides Sheriff Barnes has until December 30, 2020 to provide a list of names of inmates he intends to release.

### **DISCUSSION**

If forced to comply with the Court Order, Sheriff Barnes would need to release approximately 1,800 inmates, which the Sheriff and Orange County District Attorney have stated unequivocally poses a significant risk to public safety. Specifically, Sheriff Barnes

identified that of the 700 inmates considered medically vulnerable under the Center of Disease Control and Prevention's Guidelines, 59 inmates are incarcerated for murder, 39 inmates for attempted murder, and 90 for child molestation.

This Court Order is especially concerning given that there have already been significant impacts on public safety related to the release of prisoners by the County of Orange and State of California related to COVID-19. For instance, since the pandemic began, the County of Orange has released approximately 1,400 inmates and the State of California Department of Corrections and Rehabilitation has released over 22,000 inmates. The release of so many prisoners in such a short timeframe is straining state and local law enforcement who are not only addressing traditional law enforcement issues but responding to law enforcement issues associated with the pandemic.

Given the serious impact the Court Order will have on Orange County, Sheriff Barnes is challenging the Court Order. A challenge to the Court Order is appropriate because the Court Order does not sufficiently contemplate the risk to the health, safety and welfare of Orange County residents created by the wholesale release of inmates.

While the City recognizes the seriousness of the COVID-19 pandemic and encourages the Orange County Sheriff's Department to continue to take all appropriate steps to safeguard against the spread of the virus, the Court Order puts our community at substantial risk and does not consider the overall impact that such a release would have on Orange County.

### **FISCAL IMPACT**

None.

Submitted and Approved by: Chet Simmons, City Manager

*Attachment: 1. Resolution 2020-43*

## **RESOLUTION NO. 2020-43**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, IN SUPPORT OF ORANGE COUNTY SHERIFF'S CHALLENGE TO A COURT ORDER RELEASING INMATES FROM ORANGE COUNTY JAILS**

**WHEREAS**, in June 2020, the American Civil Liberties Union, on behalf of Orange County inmates, filed a lawsuit alleging that inmates should be released because they are medically vulnerable and at imminent risk of serious illness and death from COVID-19; and,

**WHEREAS**, after considering the arguments, on December 11, 2020, the judge in the case ordered you to reduce the Orange County jail inmate population by fifty (50%) percent ("Court Order"). The Court Order provides the Orange County Sheriff's Department has until December 30, 2020 to provide a list of names of inmates it intends to release; and,

**WHEREAS**, the Court Order will result in the release approximately 1,800 inmates, which both the Orange County Sheriff's Department ("OC Sheriff") and the Orange County District Attorney have stated unequivocally poses a significant risk to public safety. Specifically, the OC Sheriff has stated that of the 700 inmates considered medically vulnerable under the Center of Disease Control and Prevention's Guidelines and subject to release, 59 inmates are incarcerated for murder, 39 inmates for attempted murder, and 90 for child molestation; and,

**WHEREAS**, the City of Los Alamitos recognizes the seriousness of the COVID-19 pandemic and encourages the Orange County Sheriff's Department to continue to take all appropriate steps to safeguard against the spread of the virus; however, the Court Order puts our community at substantial risk and does not consider the impact on the victims of these crimes; and,

**WHEREAS**, the Court Order is especially concerning given that there have already been significant impacts on public safety related to the release of prisoners by the County of Orange and State of California related to COVID-19. Since the pandemic began, the County of Orange has released thousands of inmates and the State of California Department of Corrections and Rehabilitation has released over 22,000 inmates; and,

**WHEREAS**, the release of so many prisoners in such a short timeframe is straining state and local law enforcement who are not only addressing traditional law enforcement issues but responding to law enforcement issues associated with the pandemic. The Court Order does not sufficiently contemplate the risk to the health, safety and welfare of Orange County residents created by the wholesale release of inmates; and,

**WHEREAS**, the Court Order does not account for the approval of the COVID-19 vaccine, which currently is being distributed and administered throughout the United States (including the State of California). California has received over 300,000 doses so far. Front line healthcare workers are the first to receive the vaccine and, based on the order of priority, prison guards and inmates will likely be next to receive the vaccine. Specifically, the National Commission on COVID-19 and Criminal Justice is recommending prison guards and inmates be prioritized to receive the vaccine. Therefore, the COVID-19 vaccine may be imminently available to inmates and should be factored into any decision regarding the reduction of the Orange County jail inmate population.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:**

SECTION 1. The City Council of the City of Los Alamitos, California, finds that the above recitals are true and correct.

SECTION 2. The City Council of the City of Los Alamitos expresses its support for the Orange County Sheriff's Department's challenge to the Court Order to reduce the Orange County Jail inmate population by fifty (50%) percent.

SECTION 3. The City Council of the City of Los Alamitos, California, directs the City Manager to send copies of this Resolution to the Orange County Sheriff's Department and the office of Orange County Counsel.

SECTION 4. The City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 21<sup>st</sup> day of December, 2020.

\_\_\_\_\_  
Mark A. Chirco, Mayor

ATTEST:

\_\_\_\_\_  
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Windmera Quintanar, MMC, City Clerk, of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a Special meeting of the City Council held on the 21<sup>st</sup> day of December, 2020, by the following vote, to wit:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

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Windmera Quintanar, MMC, City Clerk

## Windy Quintanar

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**From:** karen hernandez [REDACTED] >  
**Sent:** Monday, December 21, 2020 3:45 PM  
**To:** CityClerk  
**Subject:** 12/21 - PUBLIC COMMENT ITEM: Special Order A. Adopt Resolution No. 2020-43 –

I'm a resident of Los Alamitos and a voter. I'm writing to urge you to vote NO on item Special Order A. I strongly oppose filing an amicus brief in support of Sheriff Barnes's appeal. To protect residents of Orange County, including but not limited to incarcerated persons and prison staff, it is essential Sheriff Barnes complies with the court's order.

Recently, I participated in a listening session with the Board of State and Community Corrections (BSCC) about jail conditions, and specifically how jails should be inspected. I listened as person after person detailed the heinous conditions of OC jails and how their loved ones were suffering because of the tremendous neglect of OCSD. The order recognizes that we must not forget the humanity of incarcerated people, and they should not be put in mortal danger. Sheriff Barnes' decision also perpetuates institutional racism; here as elsewhere, a disproportionate number of incarcerated people are poor people, black people, or other communities of color.

OCHA data shows that the cumulative count of inmate covid cases has increased 134% in the last 11 days from 617 on 12/9 to 1446 on 12/20. The Orange County rate of virus spread IN the jails is SIX TIMES the rate outside the jails. Again, this shows tremendous neglect. Who could possibly want to SUPPORT the continuation of this disaster?

OCSD has not taken the necessary steps to protect incarcerated people from the spread of COVID-19, nor have they been honest about the circumstances and risk levels in their facilities. In court, the county, dishonestly argued that nowhere in OC was safer from COVID-19 than the jail, and compared the jail to New Zealand. The county went as far as asking whether it would be deliberate indifference to the wellbeing of incarcerated people to take them from "their safe situation" and transfer or release them. A few days later, Barnes admitted in a December 10 filing, that yet another outbreak had occurred. According to OCSD's website, the jail has 835 confirmed cases as of December 21, and more than 900 pending results. Many people are waiting to be tested and hundreds of people are in quarantine.

To quote Travis Roy "Sometimes, we choose our challenges and dreams, and if we're really lucky, we can reach them. But there are other times in life when the challenges simply choose us, and it's what we do in the face of the challenges that defines who we are. More often than not, the challenges choose you." You will be remembered for your choice in this humanitarian crisis.

Public health experts and epidemiological studies have been clear: This county won't be able to get the pandemic under control unless we're able to get it under control in prisons and jails. Orange County has one of the largest jail systems in the United States, and Judge Wilson's order is an example of what needs to be done to save lives.

We must not forget, a humanitarian crisis continues to unfold in OC jails, and Sheriff Barnes and public officials have a moral and legal responsibility to respond to it. Regardless of whether a person has been convicted of a crime, being sent to the Orange County Jail should never be a death sentence.

I therefore urge you NOT to file an amicus curiae brief and to vote NO on item Special Order A. Do not join Sheriff Barnes' appeal.

Thank you,  
Karen Hernandez

**From:** [Court Val](#)  
**To:** [CityClerk](#)  
**Subject:** PUBLIC COMMENT ITEM #3A  
**Date:** Monday, December 21, 2020 6:36:14 PM

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My name is Courtney and I ask you to strongly oppose the recommended action of item #3A.

In court, the county dishonestly argued that nowhere in OC was safer from COVID-19 than the jail, and compared the jail to New Zealand. The county went as far as asking whether it would be deliberate indifference to the wellbeing of incarcerated people to take them from “their safe situation” and transfer or release them. Just a few days later, Barnes admitted in a December 10 filing, that yet another outbreak had occurred. According to OCSD’s website, the jail has 835 confirmed cases as of December 21, and more than 900 pending results. Many people are waiting to be tested and hundreds of people are in quarantine.

The order recognizes that we must not forget the humanity of incarcerated people, and they should not be put in mortal danger. The order will save lives and stop the spread of COVID-19 – inside and outside the jail. OCSD has not taken the necessary steps to protect incarcerated people from the spread of COVID-19, nor have they been honest about the circumstances and risk levels in their facilities.

Public health experts and epidemiological studies have been clear: This country won’t be able to get the pandemic under control unless we’re able to get it under control in prisons and jails. Orange County has one of the largest jail systems in the United States, and Judge Wilson’s order is an example of what needs to be done to save lives.

A humanitarian crisis continues to unfold in OC jails, and Sheriff Barnes and public officials have a moral and legal responsibility to respond to it. Many of the people who are in the jail have not been tried or convicted of a crime, and are innocent in the eyes of the law. And even if they have been convicted of a crime, being sent to the Orange County Jail should never be a death sentence.

Urge the Sheriff to comply with the order, as is his duty and legal responsibility. Do NOT let his fear mongering and false information cost Orange County lives and further the spread of COVID-19 in our jails and communities.

Thank you,

Courtney Valentine

**From:** [Felicity](#)  
**To:** [CityClerk](#)  
**Subject:** Re: I would like to give a comment on item 3 this evening  
**Date:** Monday, December 21, 2020 6:36:55 PM

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I'm listening to the council discussion and getting more and more frustrated! They are NOT releasing CONVICTED individuals, they are releasing some that have been CHARGED, which is completely different. The quantity of misleading statements being made here is deplorable. Those making them should be ashamed --

Felicity Figueroa

-----Original Message-----

From: Felicity [REDACTED] >  
To: cityclerk@cityoflosalamitos.org <cityclerk@cityoflosalamitos.org>  
Sent: Mon, Dec 21, 2020 5:55 pm  
Subject: Re: I would like to give a comment on item 3 this evening

BTW, my cell number ends 3165

-----Original Message-----

From: Felicity [REDACTED] >  
To: cityclerk@cityoflosalamitos.org <cityclerk@cityoflosalamitos.org>  
Sent: Mon, Dec 21, 2020 5:07 pm  
Subject: I would like to give a comment on item 3 this evening

Felicity Figueroa

**From:** [Karen Swenson](#)  
**To:** [CityClerk](#)  
**Subject:** STOP release of jail inmates  
**Date:** Tuesday, December 22, 2020 7:53:20 AM

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As a citizen of the community of Los Alamitos, I plead with you to stand with our Sheriff; do not release inmates into a community which due to the Virus continues to suffer financially and emotionally. Our community continues to keep the laws; our daily church services at St Hedwig are conducted at 8:30 in freezing temperatures to a congregation sitting on camp stools, our restaurants are all closed as are our forms of entertainment and salons & barbers. DO NOT LET THOSE WHO HAVE BROKEN THE LAW be released to prey upon the law-abiding citizens.

Karen Swenson