REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 17, 2017, 9:00 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

MICHELLE STEEL
CHAIRWOMAN
Second District

ANDREW DO
VICE CHAIR
First District

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth 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 Bartlett, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Nelson, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Steel presented a resolution to Barry Rondinella and John Wayne Airport staff, in recognition of John Wayne Airport being awarded the J.D. Power Award for Best Large Airport in the 2017 North America Airport Satisfaction Survey

Vice Chair Do presented a resolution to Viet Bao for Writing on America Award, a writing program that started in 2000 sharing the stories of Vietnamese Americans who came to this country and achieved their American Dream

Chairwoman Steel presented a resolution to our local agencies and other community members for their efforts during Canyon Fire 2

II. PUBLIC COMMENTS

Jeff Alter, Randy Hild, Mayor Debra Lewis, James Lenthall, Don Hansen, Jim Miller, Keenan Hicks, Donna Kalez, Noah Blom, Jee Shin, Sherman Stacey, Bryon Ward, Glenn Brumage, Leilani Serrao-Baker, Jon Eschleman, Chris Bauma, Pat O'Connell, Randey Draper, Lindsay Parton, Steven Carpenter, Robert Mardian, Anne Eubanks - Oral Re: Agenda Item 38 (Dana Point Harbor Revitalization)

Michael Klubnikin - Oral Re: Attorney General complaint; Bob Citron and County bankruptcy; Real Estate fraud;tax fraud; opposes Agenda Item S38A and CS-1 (appointment of Adrienne Heckman); sale of beach home

Justin Samson - Oral Re: Conditions of the Santa Ana Riverbed, Plaza of the Flags, and the various homeless encampments in Orange County; Homeless Memorial Day is on December 21, 2017; wondering if the Board will recognize December 21 as Homeless Memorial Day; homeless concerns and County budget; County in 8th year of 10-year plan to end homelessness; Board needs to take responsibility for homeless issues; funding affordable housing for the homeless

Kimberly O'Neill - Oral Re: Homeless issues; fights for homeless rights; news outlets reported individual who came to schools with tainted PVC pipes; Congressman Ed Royce gets money from gun lobbyists; Board Member lunch with Vice President Mike Pence; Canyon 2 Fire; Hepatitis A outbreak

Norris Nguyen - Oral Re: Emails; played basketball at gym; prayed for civil leaders at church; Probation Officer; homework to examine crime trends; graduation on February 2019 in San Diego

Lou Noble - Oral Re: Homeless problems; homeless sees no color or financial status; being homeless could happen to anyone; oppression from law enforcement and depression for homeless; solutions for the homeless; help and facilities for the homeless

Tim Houchen - Oral Re: Formerly homeless living in the Civic Center and now in permanent housing; started non-profit to help the homeless; community awareness event in recognition of National Homeless Persons Memorial Day on December 21; received proclamations from various cities; asked the Board to recognize National Homeless Persons Memorial Day to educate the public; help the community with homelessness issues

Mike Robbins - Oral Re: Governor Brown declared a state of emergency to combat Hepatitis A outbreak; vaccinations for the homeless at the riverbed; need restrooms at the riverbed; housing first for wrap around services

Jeanine Robbins - Oral Re: Supervisor Spitzer's attendance at the City of Anaheim City Council meeting and discretionary funds for homelessness; no follow-up for individuals after they leave Bridges at Kraemer Place in Anaheim; armories opening in Santa Ana and Fullerton; property on Batavia for the homeless; ADA compliance of homeless shelters

Jordan Hoiberg - Oral Re: Concerns with the homeless population in Orange County; sanitation concerns due to lack of restrooms and standing water at various encampments; Hepatitis A vaccinations for the homeless; requests the County revisit their policy regarding easement lean that was not issued for portable restrooms and installation of drainage along the encampments; October 17, 2017 Santa Ana City Council meeting to consider second reading of ordinance to ban tents; requests the Board consider adding the housing crisis as a strategic priority in next years budget

Nick Berardino - Oral Re: Thanked the Board for the resolution presented to local agencies and other community members for their efforts during Canyon 2 Fire and provided an update of the Heroes Hall Museum

Tom Dominguez - Oral Re: President of the Association of Orange County Deputy Sheriffs (AOCDS); closedsession discussion regarding workers compensation claims filed by AOCDS members who were present during the mass shooting event in Las Vegas and whether or not claims will be covered by the County; AOCDS position is that the Sheriff's Department has an expectation that sworn members take whatever actions are necessary to preserve life or property, whatever time of day whether on duty or off; requests the Board look at the claims closely as a whole or individually; provided a legal opinion to the Board regarding the closed session matter.

Bryan Kaye - Oral Re: Homelessness and clean up of trash and debris at the riverbed; photos of wedding shoot at same location where trash and debris was removed

Sheena Innocente - Oral Re: Homelessness; County needs to assist families waiting for Section 8 housing; families paying over 30 percent of their income on housing; lack of affordable housing; exploitation of homeless individuals

Mohammed Aly - Oral Re: Voice of OC published an op-ed regarding the Dana Point Harbor Revitalization Plan;recognizing National Homeless Persons Memorial Day; October 17, 2017 Santa Ana City Council meeting to consider second reading of ordinance to ban tents; Hepatitis A outbreak and circulation of flyers to prevent Hepatitis A epidemic; purchased trailer with portable restrooms which will be parked adjacent to the riverbed

Mark Daniels - Oral Re: Action regarding homeless situation in Orange County; San Diego created area for homeless to be housed while waiting for Section 8 housing or permanent housing; Utah created area for people to get various services from the County or other organizations; Orange County should follow lead of San Diego and Utah; locate property to adopt Alfresco Gardens Plan

Daisy Ramirez - Oral Re: Jails Project Coordinator at ACLU; report provided regarding the conditions inside of the Orange County jail system; ACLU urges Board to create an Oversight Board to investigate allegations of abuse misconduct and negligence by the Orange County Sheriff's Department; Inmate Welfare Expenditure Report should be audited annually and by an independent auditor

Kenneth Batiste -Oral Re: Coalition for the homeless; cannot ignore the homeless situation

III. CONSENT CALENDAR (Items 1-21)

43152 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 10 WHICH WAS DELETED; ITEM 21 WHICH WAS CONTINUED TO 10/31/17, 9:30 AM.; AND ITEM 20 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

Supervisor Nelson:

1. Emergency Medical Care Committee - Reappoint Timothy Greco M.D., Fullerton, for termending 6/30/19

2. Buena Park Library District Board of Trustees - Appoint Ramalingum Vurdien, Buena

Park, tocomplete term ending 12/4/18

3. Senior Citizens Advisory Council - Appoint Susan Petrella, Fullerton, to complete term ending12/31/18

DEPARTMENT APPOINTMENTS

4. **Health Care Agency -** Orange County Alcohol and Drug Advisory Board - Reappoint MargaretFleitman, Mission Viejo, for term ending 10/27/20; Debra Kelsey, Westminster, and Frederick Williams, Santa Ana, for terms ending 10/28/20 - All Districts

ELECTED DEPARTMENT HEADS

5. **Sheriff-Coroner -** Receive and file annual Inmate and Welfare Fund Revenue and Expenditure Reportsfor FY 2016-17 - All Districts

JOHN WAYNE AIRPORT

6. Authorize Director or designee to allocate regulated Class A and Class E average daily departures, seatcapacity, remain overnight positions and passenger capacity to scheduled commercial passenger, cargo and commuter carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2018 Plan Year; and approve related actions - District 2

OC PUBLIC WORKS

7. Approve Final Tract Map 17813; approve Subdivision Improvement Agreement with Magnolia Cerritos 53 LLC, and accept bonds guaranteeing construction; accept dedication of easements for public street and public utility purposes over lots E, F and G Cerritos Avenue, pedestrian access, and emergency ingress and egress purposes over Lots H through L - District 4

8. Adopt resolution vacating portions of easements for emergency and public security ingress and egresspurposes, Rancho Mission Viejo Planning Area 2 development; and make related findings - District 5
RESO: 17-125

9. Approve Grant Deed and Easement Deed from Aera Energy LLC for Valencia Avenue to allow forCounty inspection and maintenance of existing street improvements - District 4

10. Approve Item A of Orange County Traffic Committee Report dated 7/20/17 regarding traffic study inRossmoor; adopt recommendation to Orange County Traffic Committee to remove existing time period parking restrictions; adopt Resolution rescinding Resolution No. 80-1411 that established time period parking restrictions; and adopt the Orange County Traffic Committee Rules of Procedure - District 2

43152 **DELETED**

11. Adopt May 2017 Job Order Contract Construction Task Catalog and Job Order Contract TechnicalSpecifications and set bid opening for 11/8/17, 2:00 p.m. for Job Order Contracts for general contracting, painting services, asbestos removal & decontamination services, and plumbing services; and make California Environmental Quality Act and other findings - All Districts

SOCIAL SERVICES AGENCY

12. Approve Phase II Memorandum of Understanding (MOU) with Anaheim Workforce Development Board to facilitate services for one-stop centers, 11/1/17 - 8/31/20; and authorize Director or designee to execute MOU and make amendments under certain conditions - District 4

GENERAL ADMINISTRATION

Clerk of the Board:

13. Approve 2018 Board of Supervisors regular meeting schedule - All Districts

14. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forCapistrano Unified School District - District 5

15. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forPlacentia-Yorba Linda Unified School District - Districts 3 and 4

16. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forYorba Linda Water District - Districts 3 and 4

17. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forYorba Linda Water District Financing Authority - Districts 3 and 4

18. Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits forYorba Linda Water District Public Financing Corporation - Districts 3 and 4

19. **County Executive Office -** Adopt resolution recognizing Orange County Mosquito and Vector Control District 70th Anniversary - All Districts
RESO: 17-126

20. **Vice Chair Do -** Receive and file 23rd Annual Report on the Conditions of Children in Orange County
15342 **RECEIVED AND FILED**

21. **Office of Campaign Finance and Ethics Commission -** Adopt amended AB1234 Ethics Training Policy to transition responsibilities from Clerk of the Board of Supervisors to Executive Director of the Campaign Finance and Ethics Commission to maintain, track, notify and retain records - All Districts
43152 **CONTINUED TO 10/31/17, 9:30 A.M.**

END OF CONSENT CALENDAR

IV. DISCUSSION ITEMS (Items 22-S38E)

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

22. Receive and file status report and approve continuance of local emergency related to Theo LacyFacility for repair to inoperable elevator used for public, legal visits and emergency egress for inmates; set review to determine need for continuing local emergency for 10/31/17, 9:30 a.m. and every regularly scheduled meeting thereafter until terminated - District 3 (4/5 vote of the members present) (Continued from 9/26/17, Item S46E)
31452 **APPROVED AS RECOMMENDED**

23. Ratify amendment 1 to agreement MA-060-15010542 with Global Tel*Link Corporation forinmate telephone services for existing term with amendment 1, effective 6/20/16 (annual revenue reduced to $3,168,000); renew agreement 11/25/17 - 11/24/18 with option to renew for six additional one-year terms (annual revenue $3,168,000; $22,000 reimbursement fee per month; cumulative total $8,700,000); and authorize Sheriff-Coroner or designee to execute amendment - All Districts
13452 **APPROVED AS RECOMMENDED**

24. Approve agreement MA-060-17011987 with Intoximeters Inc. for Alco-Sensor Instruments parts and accessories, 10/22/17 - 10/21/19 ($209,982); renewable for three additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute agreement - All Districts
13252 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

25. Adopt resolution ratifying grant agreement D17-08-003 with State Water Resources Control Board forLocal Oversight Program, 7/1/17- 6/30/18 ($1,004,107); authorize Director or designee to execute agreement and any subsequent non-monetary amendments; and adopt resolution approving grant agreement with State Water Resources Control Board for Local Oversight program, 7/1/18 - 6/30/19 and 7/1/19 - 6/30/20 ($1,004,107 per year); and authorize Director or designee to execute agreements and amendments under certain conditions - All Districts
51342 **APPROVED AS RECOMMENDED**
RESO: 17-127 - 17-128

26. Ratify retroactive Medi-Cal Administrative Activities/Targeted Case Management ConsortiumParticipation agreement for FY 2017-18 with County of Plumas for continued participation in claiming processes for services reimbursements; and authorize Director or designee to execute agreement - All Districts
51342 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

27. Receive bids and award contract to Sully-Miller Contracting Company for Terminal C Taxi Staging Area Project, 120 day term ($543,000) - District 2
24135 **APPROVED AS RECOMMENDED**

28. Approve amendment 7 to agreement S1000000270 with Orange County Fire Authority for AircraftRescue Fire Fighting (ARFF) services, term ending 11/30/22 ($26,489,759.65; cumulative total $91,105,584); authorize County Procurement Officer or authorized Deputy to

execute amendment; and make California Environmental Quality Act and other findings - District 2

21345 **APPROVED AS RECOMMENDED**

29. Approve amendment 3 to renew agreement MA-280-15010355 with Sterling Energy International Inc. for Cogeneration/Central Utility Plant Operation Services, 1/1/18 - 12/31/18 ($3,500,000; new total $8,664,731.35); renewable for one additional year; and authorize County Procurement Officer or authorized Deputy to execute amendment - District 2

21345 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

30. Consider second reading and adoption of "An Ordinance of the County of Orange, California Amending Sections 4-1-23 and 4-1-95 of the Codified Ordinances of the County of Orange to Amend the Definitions Applicable to Potentially Aggressive Dogs in the County and Make Various Other Amendments to Facilitate the Implementation of Safety Restrictions on Such Dogs" - All Districts (Continued first reading from 8/22/17, Item 39; 9/12/17, Item 22; 9/26/17, Item 29)

21345 **APPROVED AS RECOMMENDED (OPTION 1, STATE LANGUAGE AMENDMENT)**
N N

ORD: 17-009

OC PUBLIC WORKS

31. Ratify contract CT-080-17010519 with Good-Men Roofing & Construction, Inc. for Osborne ElevatorControls Replacement Project, issued on 12/14/16 ($1,245,083.97); and make California Environmental Quality Act and other findings - District 1

12345 **APPROVED AS RECOMMENDED**

32. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approveamendment 3 to renew agreement with Natures Image, Inc. for mitigation maintenance services 12/1/17 - 11/30/18 ($400,000; cumulative total $1,600,000) renewable for one additional year; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

51342 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

33. Approve amendment to agreement with City of Garden Grove, Child Guidance Center, Interval Houseand Team of Advocates for Special Kids, Inc. for services promoting safe and stable families; remove Boys Town California, Inc. and replace with Child Guidance Center, Magnolia Park Family Resource Center - District 1

12345 **APPROVED AS RECOMMENDED**

34. Approve master agreement CJC0717 for group home services or short term residential therapeuticprogram services with qualified California licensed group home providers, 10/18/17 - 12/31/18 (cumulative total $18,029,237); and authorize Director or designee to execute individual agreements - All Districts

51342 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

35. Acting as the Board of Directors of South Orange County Public Financing Authority - Approve in concept proposed refunding of South Orange County Public Financing Authority Special Tax Revenue Bonds 2005 Series A; approve selection of and agreements with Fieldman, Rolapp & Associates, Inc. as municipal advisor ($61,000) and with Stradling Yocca Carlson & Rauth as bond and disclosure counsel ($65,000), effective upon execution for two years, renewable for one additional one-year term; and select Stifel Nicolaus & Company as underwriter; and authorize Public Finance Director to execute agreements; Acting as the Legislative Body of Assessment District No. 01-1 Newport Coast Phase IV - Approve in concept proposed refunding of Assessment District No. 01-1 Newport Coast Phase IV Limited Obligation Improvement Bonds, Fixed Rate Series 2003 B; Assessment District No. 01-1 Limited Obligation Improvement Bonds, Group One; Assessment District No. 01-1 Limited Obligation Improvement Bonds, Group Two; and Assessment District No. 01-1 Limited Obligation Improvement Bonds, Group Three; approve selection of and agreements with Fieldman, Rolapp & Associates, Inc. as municipal advisor ($61,000) and with Norton Rose Fulbright US LLP as bond and disclosure counsel ($75,000), effective upon execution for two years, renewable for one additional one-year term; and select Piper Jaffray & Company as underwriter; and authorize Public Finance Director to execute agreements - Districts 2 and 5 (Continued from 8/22/17, Item 50 originally continued to 10/17/17; Item heard on 9/12/17, Item 29)

B.O. **DELETED; ITEM WAS HEARD ON 9/12/17, (AGENDA ITEM 29)**

36. Approve recommended positions on introduced or amended legislation and consider otherlegislative subject matters - All Districts

15342 **APPROVED AS RECOMMENDED**

37. Approve grant applications/awards submitted by OC Public Works, Social Services, OCCommunity Resources/OC Parks, District Attorney and Sheriff-Coroner in 10/17/17 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to submit and execute grant agreement and amendments with California Department of Insurance for Automobile Insurance Fraud Program, 7/1/17 - 6/30/18 ($1,050,000); and make California Environmental Quality Act and other findings - All Districts

13452 **APPROVED AS RECOMMENDED**
RESO: 17-129

38. Select Dana Point Harbor Partners LLC as primary and Dana Point Partners LLC as alternate for lease, development and management of certain portions of Dana Point Harbor; authorize negotiation of agreements for Board approval; and make California Environmental Quality Act and other findings - District 5

52134 **APPROVED AS RECOMMENDED**

County Counsel:

S38A. Approve appointment of Adrienne Heckman as an Extra Help Working Retiree AdministrativeManager III Specialty to perform the role of Supervising Deputy County Counsel for legal services to the District Attorney-Public Administrator pursuant to Section 7522.56 (f) of the Public Employee's Pension Reform Act 2013 - All Districts

31452 **APPROVED AS RECOMMENDED**

S38B. Authorize conflict of interest waiver for Norton Rose Fulbright US LLP, appointed by the Board as Bond and Disclosure Counsel for refunding various assessment bonds, allow Norton Rose Fulbright US LLP to advise a company which is involved in ongoing litigation with County on assurance that no attorneys or personnel involved with the litigation will also be involved with the bond matters - All Districts

15342 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

S38C. **Sheriff-Coroner -** Receive and file status report and approve continuance of local emergency related toCanyon 2 Fire; and set review to determine need for continuing local emergency for 11/14/17, 9:30 a.m. and every 30 days thereafter - All Districts (Continued from Special Meeting 10/12/17, Item 1)

31452 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

S38D. Approve license with California Military Department for implementation of Armory Emergency ShelterProgram to shelter homeless individuals and families at Santa Ana and Fullerton Armory Facilities, FY 2017-18 - Districts 1 and 4

41345 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S38E. **Vice Chair Do -** Receive and file update on County's efforts to address homelessness and providedirection to staff as appropriate

RECEIVED AND FILED

V. PUBLIC HEARINGS (None)

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

GENERAL ADMINISTRATION

CS-1. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:

Property Location: Future County of Orange 85 +/- Parcel at Former MCAS Tustin
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Department of the Navy
City of Tustin
Under Negotiation: Terms and Value of Future Conveyance

B.O. **HELD, NO REPORTABLE ACTION**

CS-2. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:Agency Negotiator: Brenda DiederichsEmployee Organizations: Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), International Brotherhood of Teamsters, Local 952, In-Home Supportive Services (IHSS), International Union of Operating Engineers (IUOE),

Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA), Orange County Managers Association (OCMA) and other non-represented employeesRE: Terms and Conditions of Employment

B.O. **DELETED**

SCS3. **County Executive Office -** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Dana Point Harbor, Dana Point, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Dana Point Harbor Partners, LLC
Dana Point Partners, LLC
Under Negotiation: Terms and Value of Future Lease

B.O. **HELD, NO REPORTABLE ACTION**

SCS4. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -SIGNIFICANT EXPOSURE TO LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: Multiple Cases

B.O. **HELD, NO REPORTABLE ACTION**

VII. CEO, BOARD COMMENTS & ADJOURNMENT

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
None

ADJOURNED: 1:02 P.M.

12345 **Adjourned in memory of Joseph M. D'Angelo**

52134 **Adjourned in memory of Denise "Denny" Welch**

52134 **Adjourned in memory of Colene Schwant**

52134 **Adjourned in memory of Victor Link**

*** KEY ***

Left Margin Notes

1. = Supervisor Do
2. = Supervisor Steel
3. = Supervisor Spitzer
4. = Supervisor Nelson
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)

_____

Chair, Orange County Board of Supervisors

_____

Orange County Clerk of the Board