REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, October 11, 2016, 9:00 A.M.

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

LISA A. BARTLETT
CHAIRWOMAN
Fifth District

MICHELLE STEEL
VICE CHAIR
Second District

ANDREW DO
SUPERVISOR
First District

TODD SPITZER
SUPERVISOR
Third District

SHAWN NELSON
SUPERVISOR
Fourth 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 Nelson, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Vice Chair Steel, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Bartlett presented a resolution commending Rusty Kennedy on his retirement and 40 years of service as the OC Human Relations Commission Director

Chairwoman Bartlett presented a resolution to Elizabeth Hueg and OC Shelter Partners in recognition of their outstanding commitment to reducing the number of animals entering the Orange County Animal Shelter

Vice Chair Steel made a presentation on United Way OC Free Tax Prep Campaign

II. CONSENT CALENDAR (Items 1-8)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 5 WHICH**

WAS CONTINUED TO 11/22/16, 9:30 A.M.; AND ITEMS 3, 4, 7 AND 8 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE

BOARD APPOINTMENTS

1. **Chairwoman Bartlett -** Orange County Historical Commission - Appoint Bob Bunyan, Mission Viejo, for term concurrent with 5th District Supervisor's term of office

ELECTED DEPARTMENT HEADS

2. **Sheriff-Coroner -** Approve agreement MA-060-16012444 with NicheVision Forensics, LLC for one-time purchase, delivery, installation, training, maintenance and 10 licenses of one probabilistic genotyping DNA analysis software system, ($282,250); and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts (Continued from 9/13/16, Item 7)

JOHN WAYNE AIRPORT

3. 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 carriers under Phase 2 Commercial Airline Access Plan and Regulation for 2017 Plan Year; approve related actions; and consider application of prior Environmental Impact Report No. 617 and other findings - District 2

23145 **CONTINUED TO 10/25/16, 9:30 A.M. TO ALLOW THE COUNTY TO RESEARCH WAYS TO PROHIBIT DISCRIMINATION IN THE COUNTY'S LEASE AGREEMENTS WITH AIRLINES DOING BUSINESS AT JWA, AS REQUIRED BY FAA GRANT ASSURANCES**

OC PUBLIC WORKS

4. Approve Final Tract Map 17563, RMV PA 2 Development, LLC; accept dedication of easements for public street, public utility, vehicular access, emergency access, public service ingress and egress, storm drain and public park purposes; do not accept dedication of irrevocable offer of park area for local recreational and park purposes; approve subdivision improvement agreement S1608-206 and accept bonds guaranteeing construction - District 5

53124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

5. Approve amendment 1 to Memorandum of Understanding with Superior Court of California,County of Orange for provisions of services between the County and Courts resulting in modification of Employee Transfer Agreement, effective 10/11/16; and authorize County Executive Officer or designee to execute amendment - All Districts

32145 **CONTINUED TO 11/22/16, 9:30 A.M.**

6. Approve amendment 1 to lease with Catalina Channel Express, Inc. to continue service at Dana Point Harbor, 11/1/16 - 10/31/17; authorize Chief Real Estate Officer to execute subsequent lease amendments that make non-monetary and/or monetary changes under certain conditions; and consider application of prior Final Environmental Impact Report

No 591 and other findings - District 5

7. Adopt resolution supporting United Way of Orange County to conduct the 2016-17 charitable campaign for Orange County employees, including fundraising events; authorize County Executive Officer or designee to issue and execute related permits - All Districts

51234 **APPROVED AS RECOMMENDED; DIRECTED CEO TO EXPLORE BETTER AND MORE EFFICIENT WAYS FOR EMPLOYEES TO MAKE DIRECT CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS THROUGH PAYROLL DEDUCTIONS AND TO RETURN TO THE BOARD WITH OPTIONS**
RESO: 16-093

8. **Supervisor Do -** Receive and file 22nd Annual Report on the Conditions of Children in Orange County

12345 **APPROVED AS RECOMMENDED; DIRECTED STAFF TO FOCUS ON THREE TARGET AREAS INCLUDING THE RATE OF HOSPITALIZATION OF CHILDREN WITH MENTAL HEALTH ILLNESS, HUNGER AND PROPER NUTRITION, AND PRENATAL CARE; CONDUCT COMMUNITY ASSESSMENTS; PREPARE A PLAN FOR POSSIBLE SOLUTIONS TO ADDRESS ISSUES AND REPORT BACK TO THE BOARD WITHIN 60 DAYS**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 9-S21A)

ELECTED DEPARTMENT HEADS

9. **Sheriff-Coroner -** Approve license agreement GA1227-100-2 with City of Orange for use of office space for Orange County Intelligence Assessment Center, 10/20/16 - 10/19/21; with option to renew for one additional five-year period ($2,500 per month; cumulative total $30,000 per year); authorize Sheriff-Coroner to execute licence agreement; authorize Auditor-Controller to make related payments; and make California Environmental Quality Act and other findings - District 3

35124 **APPROVED AS RECOMMENDED**

10. **Treasurer-Tax Collector -** Adopt resolution authorizing investment of monies in the Local Agency Investment Fund in accordance with Government Code Section 16429.1 for purposes of investment - All Districts

12345 **APPROVED AS RECOMMENDED**
RESO: 16-094

11. **Auditor-Controller, Vice Chair Steel, and Supervisor Spitzer -** Adopt resolution requiring designated County officials to take anti-fraud training provided by Auditor-Controller (Continued from 9/13/16, Item S36A; 9/27/16, Item 24)

B.O. **CONTINUED TO 10/25/16, 9:30 A.M.**

HEALTH CARE AGENCY

12. Approve master agreement MA-042-16011691 with Persimmony International, Inc. for Electronic Nurse Case Management System, 11/1/16 - 6/30/19 ($1,035,956); renewable for two additional one-year periods; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

12345 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

13. Approve selection of providers for State Emergency Solutions grant activities and model agreement; authorize Director or designee to execute individual agreements with Interval House ($200,000), Mercy House Living Centers, Inc. ($97,000), Fullerton Interfaith Services dba Pathways of Hope ($200,000) and Illumination Foundation ($78,526) for rapid re-housing services, 11/1/16 - 6/30/18; and Interval House ($200,000), Mercy House Living Centers, Inc. ($200,000) and Fullerton Interfaith Services dba Pathways of Hope ($200,000) for emergency shelter services, 11/1/16 - 6/30/18; approve model amendments and authorize Director or designee to exercise cost contingency increase not to exceed 10% and make line item budget transfers and amendments under certain conditions - All Districts (Continued from 9/27/16, Item 32)

13245 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

14. Approve agreement MA-299-17010347 with Tetra Tech BAS, Inc. for construction management, quality assurance/quality control and archaeo/paleo support services for South Region Landfills, 10/12/16 - 10/11/21 ($6,500,000); and authorize Director or designee to execute agreement - Districts 2, 3 and 5

34125 NNN **MOTION TO CONTINUE ITEM TO 10/25/16 TO AMEND CONTRACT TO A THREE YEAR TERM WITH RENEWALS AT YEARS 4 AND 5 AND TO BRING BACK THE PROCUREMENT MANUAL FOR AMENDMENTS FAILED TO CARRY**

52134 **APPROVED AS RECOMMENDED**

15. Receive bids and award contract to KEC Engineering for Wagon Wheel Creek Restoration and Storm water Management project ($3,607,431); and authorize Director or designee to execute contract - District 5

51234 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

16. Approve agreement MA-063-17010362 with TFC Consultants, Inc. for Web Parent Daily Report,certification, technical support and services, 11/1/16 - 10/31/19 ($32,604); renewable for one additional two-year term; and authorize Purchasing Agent or authorized Deputy to execute agreement - All Districts

21345 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

41235 **APPROVED AS RECOMMENDED**

18. Acting as the Legislative Body of Community Facilities District No. 2016-1 (Village of Esencia) - Adopt resolution authorizing issuance of bonds in a principal amount not to exceed $93,110,000; approve related documents and direct Auditor-Controller to establish appropriations and estimated revenues, pursuant to Government Code Section 29130 - District 5 (R.A. #2 4/5 vote of members present and voting)

51234 **APPROVED AS RECOMMENDED**
RESO: 16-095

19. Approve amendment 2 to Protocol Agreement with The Irvine Company LLC and PH Finance LLC for prepayment of Limited Obligation Improvement Bonds for Irvine Coast Assessment District No. 88-1; and authorize Public Finance Director to execute agreement - District 2

24135 **APPROVED AS RECOMMENDED**

20. Approve grant applications/awards submitted by OC Public Works in 10/11/16 grant report andother actions as recommended; adopt resolutions authorizing Director of OC Public Works or designee to apply for and execute grant with Orange County Transportation Authority's Comprehensive Transportation Program's Measure M2 Regional Capacity Program, Arterial Capacity Enhancement for Cow Camp Road - Segment 2A & 2B Project and Ortega Highway Widening Project, accept grant monies and execute related documents - All Districts

52134 **APPROVED AS RECOMMENDED**
RESO: 16-096 - 16-097

21. **Chairwoman Bartlett -** Adopt resolution establishing Coto de Caza Planning Advisory Committee and adopt bylaws; appoint Samuel Kallenbaugh, Laer Pearce, Lucy Dunn and Gilad Ganish for terms ending 1/31/19 and appoint Laura Eisenberg, Diane Ontko and Richard Roy, for terms ending 1/31/18, all from Coto de Caza

54123 **APPROVED AS RECOMMENDED**
RESO: 16-098

S21A. **Supervisor Nelson -** Direct County Counsel and Airport Director to research ways to prohibit gender discrimination by common carriers doing business at John Wayne Airport and report back to the Board

23145 **CONTINUED TO 10/25/16, 9:30 A.M. TO ALLOW THE COUNTY TO RESEARCH WAYS TO PROHIBIT DISCRIMINATION IN THE COUNTY'S LEASE AGREEMENTS WITH AIRLINES DOING BUSINESS AT JWA, AS REQUIRED BY FAA GRANT ASSURANCES**

IV. PUBLIC HEARINGS (None)

V. CLOSED SESSION (Items CS-1-SCS9)

GENERAL ADMINISTRATION

CS-1. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Brenda Diederichs
Employee 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 Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA), 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 employees
RE: Terms and Conditions of Employment

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

County Counsel:

SCS2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Joe Guzman v. County of Orange, Workers' Compensation Appeals Board Case No ADJ9144498

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JOE GUZMAN V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Beverly Parr v. County of Orange, Workers' Compensation Appeals Board Case No. ADJ3797170

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF BEVERLY PARR V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS4. **Human Resource Services -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: Performance Audit Director

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

County Counsel:

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Protect Our Homes and Hills, et al., v. County of Orange, et al., Orange County Superior Court Case No. 30-2015-00797300-CU-TT-CXC

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

SCS6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(2):
Number of Cases: One Case

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

County Executive Office:

SCS7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: Orange County Flood Control District owned +/- 95 acre property located at the intersection of Mountain Avenue and Bickmore Avenue, Chino, CA
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Majestic Realty Sares-Regis Group
Under Negotiation: Terms and Value of Future Lease

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

SCS8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: County Owned Property at Former MCAS El Toro
County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: City of Irvine
Lowe Enterprises Real Estate Group
Future Lessees
Under Negotiation: Terms of and Value of Development and Future Leases

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

SCS9. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Ilya Tseglin - Oral Re: Nate Tseglin, Public Defender, Judges, OC Regional Center, oversight of offices under the Board of Supervisors jurisdiction

Robert Tseglin - Oral Re: Nate Tseglin, kidnapped by Irvine Police Department, Adult Protective Services

Robert Lauten - Oral Re: Child Protective Services, ACLU report on homelessness, rapid rehousing services item

Michael Klubnikin - Oral Re: Reports provided to Kamala Harris, Ilya Tseglin and Nate Tseglin, Performance Audit Director

Anna Mae Gonzalez - Oral Re: Help and housing for the homeless

Joanne Mershon - Oral Re: Homelessness and mentally ill homeless persons

Linda Lehnkering - Oral Re: Anaheim Poverty Task Force, permanent and funding of affordable housing for the homeless

Eve Garrow - Oral Re: ACLU of Southern California, recommendations for ending homelessness, funding of affordable housing for the homeless

Brooke Weitzman - Oral Re: Homelessness and affordable housing, de-criminalize homelessness

Cynthia Sanchez - Oral Re: OC Congressional Community Organization, homelessness housing trust funds

Lou Noble - Oral Re: Homeless advocate, homelessness, homeless persons in flood channels, open safe zones and shelters in every city for the homeless

Myra Neben - Oral Re: Elimination of part-time pages at local libraries

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
None

ADJOURNED: 3:40 P.M.
None

*** 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)

_____
Chairwoman, Orange County Board of Supervisors

_____
Orange County Clerk of the Board