REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 23, 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 Do, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Spitzer, Third District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Bartlett presented a resolution proclaiming August 2016 as "Eligibility Professionals Month"

Chairwoman Bartlett presented a resolution proclaiming September 2016 as "Prostate Cancer Awareness Month"

Supervisor Do will be presenting a resolution commending Thomas Martinez on his retirement
DELETED

II. CONSENT CALENDAR (Items 1-12)

34125 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 10 AND 11 WHICH WERE DELETED AND ITEM 1 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Nelson -** Orange County Audit Oversight Committee - Appoint Peter Agarwal, Anaheim, for term ending 12/31/19

41235 **APPROVED AS RECOMMENDED**

DEPARTMENT APPOINTMENTS

2. **Health Care Agency -** Approve amended bylaws to Orange County HIV Planning Council and appoint Rigoberto Pimentel Galvan, Orange; Jessica Heskin, Sacramento; Edwin Poon, Orange and Pamela Smith, Fullerton, for terms ending 12/31/18 - All Districts

ELECTED DEPARTMENT HEADS

District Attorney:

3. Adopt resolution approving FY 2015-16 Federal Equitable Sharing Agreement and Certification Report - All Districts
RESO: 16-080

4. Approve Real Estate Fraud Prosecution Annual Report, FY 2015-16 pursuant to Government Code Section 27388 (d) - All Districts

5. **Sheriff-Coroner -** Accept grant award from State Office of Traffic Safety Selective Traffic Enforcement Program, 10/1/16 - 9/30/17 ($510,000); and authorize Sheriff-Coroner or designee to execute grant award agreement and related documents - All Districts

OC COMMUNITY RESOURCES

6. Approve Easement Deed to City of Laguna Beach for trail purposes across Aliso and Wood Canyons Wilderness Park to allow the City of Laguna Beach to complete the community trail connection from Top of the World Drive to Aliso and Wood Canyons Wilderness Park; and consider adoption of prior Final Mitigated Negative Declaration adopted by City of Laguna Beach - District 5

7. **Acting as the Orange County Housing Authority -** Authorize Executive Director or designee and Chairman of the Board of Commissioners to sign Section 8 Management Assessment Program Certification for monitoring key areas of performance of Section 8 Housing Choice Voucher Program, FY 2015-16 and submit to U.S. Department of Housing and Urban Development - All Districts

OC PUBLIC WORKS

8. Approve Final Tract Map 17592, TRI Pointe Homes, Inc.; accept dedication of easements for emergency access, public utility, and public service vehicle ingress and egress purposes; approve subdivision improvement agreement S1605-205 and accept bonds guaranteeing construction, 8/23/16 - 8/22/18 - District 5

9. Approve Final Tract Map 17581, TRI Pointe Homes, Inc.; accept dedication of easements for public streets and public utility, storm drain and access, and vehicular access purposes; approve subdivision improvement agreement S1605-204 and accept bonds guaranteeing construction, 8/23/16 - 8/22/18 - District 5

10. Adopt resolution approving OC Public Works Marketing Plan and authorize Director or designee to pursue marketing, sponsorships and fund raising partnerships with non-profit organizations, private sector organizations and businesses to support programs and events, authorize use of County

resources; and related findings - All Districts
34125 **DELETED**

SOCIAL SERVICES AGENCY

11. Adopt resolution approving Social Services Agency Marketing Plan and authorize Director or designee to pursue marketing, sponsorships and fund raising partnerships with non-profit organizations, private sector organizations and businesses to support programs and events, authorize use of County resources; and related findings - All Districts
34125 **DELETED**

GENERAL ADMINISTRATION

12. **Clerk of the Board -** Approve proposed amendments to the Conflict of Interest Code Designated Filer Exhibits for Anaheim Elementary School District - Districts 3 and 4

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 13-S30D)

ELECTED DEPARTMENT HEADS

District Attorney:

13. Approve renewal of agreement MA-026-14012242 with Microsoft Corporation for software premier support services, 9/2/16 - 9/1/17 ($203,140; cumulative total $378,250); and authorize Purchasing Agent or authorized Deputy to execute agreement and exercise contingency cost increase not to exceed 10% under certain conditions - All Districts
31245 **APPROVED AS RECOMMENDED**

14. Approve amendment 3 to agreements for professional sign language services with Astrid Heather Adair Hagen, 9/1/16 - 8/31/17 ($200,000; cumulative total $800,000) and with Global Works, Inc. dba Western Interpreting Network, 9/1/16 - 8/31/17 ($50,000; cumulative total $200,000); and authorize Purchasing Agent or authorized Deputy to execute amendments - All Districts
14235 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

15. Ratify standard agreement 15-11067 with California Department of Public Health for HIV Care Program, 4/1/16 - 3/31/19 ($7,969,019); authorize Director or designee to execute agreement, CCC-307 Certification Clauses form, Darfur Contracting Act form and Contractor's Release form upon end of agreement - All Districts
43125 **APPROVED AS RECOMMENDED**

16. Accept grant funding and ratify grant agreement ORNG-01 with California Health Facilities Financing Authority for Investment in Mental Health Wellness Program, 5/26/16 - 12/31/17 ($3,076,811); and authorize Director or designee to execute agreement and carry out related transactions - All Districts
32145 **APPROVED AS RECOMMENDED**

17. Approve amendment 1 to agreement with The Regents of the University of California, on behalf of University of California, Irvine University Physicians & Surgeons for primary medical care physician

services for HIV Ambulatory Care Clinic, 3/1/15 - 2/28/17 ($230,000); authorize Director or designee to exercise cost contingency increase of agreement not to exceed 10% under certain conditions and execute amendment - All Districts

41235 **APPROVED AS RECOMMENDED**

18. Approve agreement with OneOC for administrative support services for Waste Not OC Coalition, 9/1/16 - 6/30/17 ($100,000); and authorize Director or designee to execute agreement - All Districts

45123 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

19. Approve amendment 8 to agreement MA-280-12010034 with Flagship Airport Services, Inc. for janitorial services, 10/1/16 - 3/31/17 ($2,336,845.86; cumulative total $24,067,268.10); authorize Purchasing Agent or authorized Deputy to execute amendment and exercise cost contingency increase not to exceed $30,863 under certain conditions - District 2

24135 **APPROVED AS RECOMMENDED**

20. Receive bids and award contract to All American Asphalt for Pavement Maintenance and Repair project, 8/23/16 - 8/22/17 ($1,300,000) - District 2

21345 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

21. **Acting as the Board of Supervisors and Orange County Flood Control District -** Approve amendment 1 to agreements for on-call architect-engineer flood control project services, D14-005 with PSOMAS extending term to 3/31/18 ($250,000; cumulative total $650,000) and D14-061 with CH2M HILL Engineers, Inc., 3/24/15 - 3/23/18 ($250,000; cumulative total $750,000) - All Districts

14235 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

22. Approve agreement MA-299-16012357 with Habitat Restoration Sciences, Inc. for native plant habitat management and landscape maintenance services, South Region Landfills, 9/1/16 - 8/31/19 ($4,200,000); renewable for two additional one year periods; authorize Purchasing Agent or authorized Deputy to execute agreement; and make California Environmental Quality Act and other findings - Districts 2, 3 and 5

32145 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

23. **Probation -** Approve agreement MA-057-16012135 with North Orange County Regional Occupational Program for vocational training and pre-employment counseling services at Juvenile Hall, Youth Leadership Academy, Youth Guidance Center and Joplin Youth Center, 9/1/16 - 8/31/19 ($2,153,100); and authorize Chief Probation Officer or designee to renew agreement under certain conditions, 9/1/19 - 8/31/21 ($1,435,400; cumulative contract total $3,588,500) - Districts 1, 3 and 5

15234 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

24. **County Counsel -** Select Dentons US LLP, Burke Williams & Sorensen and Glaser Weil to provide special advisory and litigation services on an as-needed basis in area of real property law; authorize County Counsel to execute agreements - All Districts (4/5 vote of the membership) (Continued from 7/26/16, Item 31)

B.O. **DELETED**

County Executive Office:

25. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
13245 **APPROVED AS RECOMMENDED**

26. Approve grant applications/awards submitted by District Attorney, Sheriff-Coroner, OC Community Resources, Health Care Agency and OC Public Works and ratify grant application/award submitted by OC Community Resources in 8/23/16 grant report and other actions as recommended; adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments with California Department of Insurance for Life and Annuity Consumer Protection Program, 7/1/16 - 6/30/17 ($155,000); and make California Environmental Quality Act and other findings; adopt resolution authorizing Sheriff-Coroner or designee to execute and submit application and grant assurance to California Office of Emergency Services for FY 2016 Homeland Security Grant Program ($3,285,915); and to take related actions under certain conditions; and adopt resolution authorizing Director of OC Community Resources or designee to negotiate, execute and submit applications, related documents and amendments to State Department of Parks and Recreation for Habitat Conservation Fund Program - All Districts
31245 **APPROVED AS RECOMMENDED**
RESO: 16-081 - 16-083

27. Approve proposed response to FY 2015-16 Grand Jury Report "Our Brothers' Keeper: A Look at the Care and Treatment of Mentally Ill Inmates in Orange County Jails." - All Districts
35125 **APPROVED AS RECOMMENDED**

28. Approve proposed response to FY 2015-16 Grand Jury Report "Orange County's $4.5 Billion Unfunded Pension Liability & Retirement Plans." - All Districts
12345 **APPROVED AS RECOMMENDED**

29. Approve lease agreement with Small Giant, LLC for storage space on 4th, 7th and 8th floors at 1200 North Main Street, Santa Ana for District Attorney; authorize Chief Real Estate Officer to terminate the four leases at 811 N. Broadway, Santa Ana on 2nd through 6th floors and to execute subsequent lease amendments that make non-monetary and/or monetary changes under certain conditions; and make California Environmental Quality Act and other findings - District 1
13245 **APPROVED AS RECOMMENDED**

30. **Registrar of Voters -** Approve agreement MA-031-160122171 with DFM Associates for software lease and maintenance on Election Information Management System, 10/1/16 - 9/30/21 ($967,759.80); authorize Purchasing Agent or authorized Deputy to execute agreement and make future non-monetary and non-material changes under certain conditions - All Districts
32145 **APPROVED AS RECOMMENDED**

S30A. **County Counsel -** Select Burke Williams & Sorensen and Glaser Weil to provide special advisory and transactional services on an as-needed basis in area of real property law; and authorize County Counsel to execute agreements - All Districts
13245 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

Sheriff-Coroner:

S30B. Ratify agreement 16112123 with State of California for coroner training courses for Commission on Peace Officer Standards and Training, 7/1/16 - 6/30/17 ($126,071); accept reimbursement for training costs; and authorize Sheriff-Coroner or designee to execute agreement - All Districts

32145 **APPROVED AS RECOMMENDED**

S30C. Accept grant award from U.S Department of Justice for 2016 Edward Byrne Memorial Justice Assistance Grant Program ($377,708); approve form of agreement to transfer funds to participating cities; and authorize Sheriff-Coroner or designee to execute individual city agreements - All Districts

25134 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

S30D. **Chairwoman Bartlett -** Adopt resolution approving South Orange County Water Expo Marketing Plan for term ending 10/31/16 to pursue sponsorships with non-profit organizations, private sector organizations and businesses in support of the event administered by 5th District board office and applicable County staff; and make related findings

53124 **APPROVED AS RECOMMENDED**

RESO: 16-084

IV. PUBLIC HEARINGS (Item 31)

ELECTED DEPARTMENT HEADS

31. **Clerk-Recorder -** Public Hearing to consider adopting resolution approving micrographics fee termination and updating first page recording fee cost recovery services performed by the Clerk-Recorder; repealing Resolutions 81-252 and 95-141; and making California Environmental Quality Act and other findings - All Districts

B.O. **CONTINUED TO 9/27/16, 9:30 A.M.**

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

GENERAL ADMINISTRATION

CS-1. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Robert Hernandez v. County of Orange, Workers' Compensation Appeals Board Case Nos. ADJ3487748; 129313

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT AGREEMENT IN THE CASE OF ROBERT HERNANDEZ 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.**

County Executive Office:

CS-2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:
Property Location: County Owned Properties at the Santa Ana Civic Center

County Negotiator: Scott D. Mayer, Chief Real Estate Officer
Negotiating Party: Griffin Structures
Under Negotiation: Terms and Value of Future Development and Leases

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

CS-3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Pursuant to Government Code Section 54956.8:

Property Location:	County Owned Properties 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. **DELETED**

Human Resource Services:

CS-4. 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**

SCS5. PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):Title: Ethics Officer

B.O. **DELETED**

SCS6. **County Counsel -** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: County of Orange v. Tata Consultancy Services Ltd., et al., United States District Court Case No. SACV13-683 JST (JCx)

B.O. **HELD, COUNTY COUNSEL READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A WRITTEN SETTLEMENT IN THE CASE OF COUNTY OF ORANGE V. TATA CONSULTANCY SERVICES LTD., ET AL. A COPY OF THE SETTLEMENT AGREEMENT MAY BE OBTAINED FROM THE CLERK OF THE BOARD.**

SCS7. **Human Resource Services -** PUBLIC EMPLOYEE APPOINTMENT - Pursuant to Government Code Section 54957(b):
Title: Executive Director of Ethics Commission

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

SCS8. **County Executive Office -** 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 - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Cases: Steve Castillo v. County of Orange, Code Enforcement, Orange County Superior Court Case No. 30-2014-00763116; Diane Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763184; Thanh Le v. County of Orange Code Enforcement, Orange County Superior Court Case No. 30-2014-00763189

B.O. **DELETED**

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Ilya Tseglin - Oral Re: Group homes and institutions, Orange County Regional Center

Robert Tseglin - Oral Re: Nate Tseglin, Orange County Regional Center, Social Services Agency, Police

Theresa Boyd - Oral Re: Served on CalOptima, running for Sheriff in Fountain Valley, attacked by man in Fullerton, applied for work as a Park Ranger, childhood photo posted at Garden Grove library

Michael Klubnikin - Oral Re: Trust and deception, term limits, Ethics Commission and Director, anti-Semitism, Ilya Tseglin, no oversight of Public Defender and District Attorney by the Board of Supervisors

COUNTY EXECUTIVE OFFICER COMMENTS:

None

BOARD COMMENTS:

None

ADJOURNED: 2:32 P.M.

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*** 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)

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Chairwoman, Orange County Board of Supervisors

Orange County Clerk of the Board