REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

Tuesday, August 13, 2019, 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

DONALD P. WAGNER
SUPERVISOR
Third District

DOUG CHAFFEE
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 Chaffee, Fourth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairwoman Bartlett presented a resolution to Social Services Agency, Health Care Agency and OC Community Resources in recognition of August 2019 as Eligibility Professionals Month

Vice Chair Steel presented a resolution marking the 74th Anniversary of the National Liberation Day of Korea

II. CONSENT CALENDAR (Items 1-9)

12345 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 1, 8 AND 9 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

BOARD APPOINTMENTS

1. **Supervisor Do -** Orange County Human Relations Commission - Appoint Jennifer S. Wang, Irvine, for term ending 8/12/21

14235 **APPROVED AS RECOMMENDED**

ELECTED DEPARTMENT HEADS

2. **Sheriff-Coroner -** Approve amendment 2 to contract MA-060-18011296 with Bat Jac Glass Inc. forglazing, glass repair and replacement services, 2/6/18 - 2/5/21 ($150,000; cumulative total $450,000); renewable for two additional one-year terms; and authorize County Procurement Officer or authorized Deputy to execute amendment - All Districts

OC COMMUNITY RESOURCES

3. Approve 2019 OC Public Libraries' Code of Conduct for library patrons and authorize OC PublicLibraries to implement updated Code of Conduct immediately for all branch libraries; and authorize the County Librarian to make immaterial changes - All Districts

4. **Acting as the Orange County Housing Authority** - Authorize Orange County Housing Authority'sExecutive Director or designee to enter into a Memorandum of Agreement with Urban Institute and Social Services Agency for Supporting Evidence Building in Child Welfare - Family Unification Program evaluation; **Acting as the Board of Supervisors** - Authorize Social Services Agency's Director or designee to enter into a Memorandum of Agreement with Urban Institute and Orange County Housing Authority for Supporting Evidence Building in Child Welfare - Family Unification Program evaluation, 8/14/19 - 12/31/22 - All Districts

5. **Acting as the Orange County Housing Authority -** Authorize Executive Director or designee andChairperson 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 2018-19 and submit to U.S. Department of Housing and Urban Development - All Districts

OC PUBLIC WORKS

6. Certify completion of public streets, street lights, storm drain, sewer, water, recycled water andmonumentation; adopt resolution and authorize release of bond securities for Tract Map 17563, unincorporated Rancho Mission Viejo, north of Chiquita Canyon Drive; and making related findings - District 5
RESO: 19-076

7. Approve cooperative agreement with Orange County Sanitation District, Orange County Water Districtand Santa Ana Watershed Project Authority for Integrated Regional Water Management Funding in Santa Ana Funding Area; and adopt Santa Ana Watershed Project Authority One Water One Watershed Plan - All Districts

8. Approve final Tract Map 18194, unincorporated Rancho Mission Viejo, north of Cow Camp Road; accept dedication of easements for emergency access, public utility and public service vehicle ingress and egress purposes; approve subdivision improvement agreement S1905-226 with Esencia Retail, LLC and accept bonds guaranteeing construction - District 5

53124 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

9. **Supervisor Do -** Approve addition of 2019 First Annual VNHope Alliance Gala to FY 2019-20 County Events Calendar and make related findings per Government Code Section 26227

14235 **APPROVED AS RECOMMENDED**

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 10-S22D)

ELECTED DEPARTMENT HEADS

10. **Treasurer-Tax Collector -** Approve amendment 7 to agreement MA-074-13010137 with Wells FargoMerchant Services, L.L.C. and Wells Fargo Bank, N.A. for electronic payment acceptance and processing services for non-convenience fee credit cards, debit cards and eCheck transactions, 8/14/19 - 8/13/21 ($5,300,000; cumulative total $16,400,000); and approve amendment 8 to agreement MA-074-13010138 with Wells Fargo Bank, N.A. for internet payment gateway services to accept and process payments via the internet, 8/14/19 - 8/13/21 ($20,000; cumulative total $100,000); and authorize County Procurement Officer or authorized Deputy to execute amendments - All Districts

13245 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

11. Receive bid and award contract to All American Asphalt for Pavement Maintenance and Repair project,one-year term ($1.2 million) - District 2

21345 **APPROVED AS RECOMMENDED**

OC COMMUNITY RESOURCES

12. **Acting as the Orange County Housing Authority -** Approve selection of Jamboree PSH for utilization of 20 Project-Based Veterans Affairs Supportive Housing Vouchers in accordance with the policies and procedures identified in Orange County Housing Authority Administrative Plan and authorize execution of related documents, instruments and agreements; authorize Director or designee to execute commitment letters, agreements, contracts, instructions and instruments necessary or appropriate for commitment of U.S. Department of Housing and Urban Development Project-Based Veterans Affairs Supportive Housing Vouchers; and authorize Director or designee, on behalf of the Orange County Housing Authority, to execute an amendment to Memorandum of Agreement to authorize use and administration of Project Based Vouchers in other housing authority jurisdictions - All Districts

43125 **APPROVED AS RECOMMENDED**

OC PUBLIC WORKS

13. Consider second reading and adoption of "An Ordinance of the County of Orange, California, Amending Title 4 of the Codified Ordinances of the County of Orange by Adding

Division 15, Article 1 through Article 5, Section 4-15-1 through Section 4-15-14, Regarding Onsite Wastewater Treatment Systems in Unincorporated Orange County" - All Districts (Continued from 6/25/19, Item 54)

B.O. **CONTINUED TO 12/17/19, 9:30 A.M.**

14. Adopt Job Order Contract unit price book and technical specifications; approve bid documents and set bid opening for 9/4/19, 2:00 p.m. for Job Order Contracts for general contracting services, painting services, asbestos removal and decontamination services and plumbing services - All Districts

14235 **APPROVED AS RECOMMENDED**

Acting as the Board of Supervisors and Orange County Flood Control District:

15. Approve job order contract MA-080-19011812 with All American Asphalt, MA-080-19011816 with R.J. Noble Company, MA-080-19011815 with Pub Construction, Inc., MA-080-19011814 with PALP, Inc. dba Excel Paving Company, MA-080-19011813 with Bitech Construction Company, Inc. for paving maintenance services, 8/19/19 - 8/18/20, ($4,980,000 each); authorize Director or designee to execute job order contracts under certain conditions; and authorize return of bid guarantees to all bidders upon execution of contracts - All Districts

14235 **APPROVED AS RECOMMENDED**

16. Approve job order contract MA-080-19011819 with Sol Construction, Inc., MA-080-19011821 with Pub Construction, Inc., MA-080-19011822 with Bitech Construction Company Inc., MA-080-19011853 with SJD&B, Inc., MA-080-19011870 with KEC Engineering, MA-080-19011871 with C J W Construction, Inc., MA-080-19011874 with Palp, Inc. dba Excel Paving Company for general engineering services, 8/19/19 - 8/18/20, ($4,980,000 each); authorize Director or designee to execute job order contracts under certain conditions; and authorize return of bid guarantees to all bidders upon execution of contracts - All Districts

12345 **APPROVED AS RECOMMENDED**

OC WASTE & RECYCLING

17. Approve Mitigation Agreement with Irvine Ranch Conservancy for removal of vegetation at GothardStreet Landfill and restore 7.5 acres of coastal sage scrub, Crystal Cove State Park, 10 year term ($750,000); authorize Director or designee to execute agreement; and consider adoption of Final Mitigated Negative Declaration No. 678 and other findings - District 2

23145 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

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

12345 **APPROVED AS RECOMMENDED**

19. Approve 2019 Contract Policy Manual, effective 10/1/19 and implement Local Small

BusinessPreference Policy, effective 1/1/20; and provide direction to staff on increasing County Procurement Officer authority on service contracts from $100,000 up to $200,000 - All Districts

51234 **APPROVED AS RECOMMENDED; DIRECTED COUNTY PROCUREMENT OFFICE TO AMEND THE CONTRACT POLICY MANUAL (CPM) TO INCREASE FROM $100,000 TO $200,000 THE BOARD OF SUPERVISORS APPROVAL THRESHOLD FOR SERVICE CONTRACTS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 25502.5 (a)**

20. Approve grant applications/awards submitted by County Executive Office, Health Care Agency, Sheriff-Coroner and OC Community Resources and retroactive grant applications/awards submitted by Health Care Agency in 8/13/19 grant report and other actions as recommended; accept grant amount of $4,500,00 from California Office of Emergency Services to implement First Responder Intelligence, Survey and Reconnaissance System pilot program and make related budget adjustments; approve Grant Funds Transfer agreement with Orange County Fire Authority; direct Auditor-Controller to disburse $4,500,000 to Orange County Fire Authority in accordance with State FY 2019 Budget Act for local assistance upon receipt of grant funds - All Districts (RA 1c requires 4/5 vote of members present)

53124 **APPROVED AS RECOMMENDED**

21. Approve sole source contract CT-017-19011503 with Gartner, Inc. for consulting services,8/19/19 - 11/15/19 ($400,000); and authorize County Procurement Officer or authorized Deputy to execute contract - All Districts (Continued from 7/30/19, Item S24C)

32145 **APPROVED AS RECOMMENDED**

22. Adopt resolution establishing County Business Travel and Meeting Policy, supersedingResolution 16-010 - All Districts (Continued from 7/30/19, Item 21)

B.O. **DELETED**

Vice Chair Steel:

S22A. Orange County Waste Management Commission - Appoint David C. Harrington, Aliso Viejo, to complete term ending 1/31/21

21345 **APPROVED AS RECOMMENDED**

S22B. Campaign Finance and Ethics Commission - Reappoint H. Josh Ji, Irvine, for term ending 8/21/22

21345 **APPROVED AS RECOMMENDED**

S22C. **Supervisor Wagner -** North Tustin Advisory Committee - Appoint John (Pat) Welch, Santa Ana, tocomplete term ending 3/31/20

32145 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

S22D. Approve license agreement with Fletcher Jones Motorcars Inc., one-year term; authorize Director ordesignee to execute agreement; and make California Environmental Quality Act and other findings - District 2

23145 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Item 23)

OC PUBLIC WORKS

23. **Acting as the Board of Supervisors and Orange County Flood Control District -** Consider firstreading of "An Ordinance of the County of Orange, California Amending Section 1-4-13 Article 2, Division 4, of Title 1 of the Orange County Codified Ordinances Regarding Duties of Purchasing Agent - Specific"; set second reading and adoption for 8/27/19, 9:30 a.m.; adopt resolution authorizing Directors, County officials or designees from OC Public Works, Sheriff-Coroner and John Wayne Airport to advertise bids for performance of public projects under certain conditions; approve 2019 Design and Construction Procurement Policy Manual amending key procurement policies; and authorize Director or designee to execute and implement 2019 Design and Construction Procurement Policy Manual incorporating all revised policies - All Districts

51234 **APPROVED AS RECOMMENDED (Item was moved from Public Hearing Calendar to the Discussion Calendar)**
RESO: 19-077

V. CLOSED SESSION (Items CS-1-SCS7)

GENERAL ADMINISTRATION

CS-1. **County Executive Office -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Tom Hatch
Employee Organizations: Orange County Employees Association (OCEA), Orange County Managers Association (OCMA), Association of County Law Enforcement Management (ACLEM), American Federation of State, County and Municipal Employees (AFSCME), Teamsters Local 952 (Teamsters), Orange County Attorneys Association (OCAA), Association of Orange County Deputy Sheriffs (AOCDS), International Union of Operating Engineers (IUOE), and other non-represented employees
RE: Terms and conditions of employment

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

County Counsel:

SCS2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

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

SCS3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Michael Wheatley v. County of Orange,
WCAB Case No.: ADJ10801017; ADJ Unassigned; ADJ4615900

B.O. **COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY APPROVED A PROPOSED SETTLEMENT IN THE MATTER OF MICHAEL WHEATLEY V. COUNTY OF ORANGE, WCAB CASE NO. ADJ10801017 AND ADJ4615900. THE PROPOSED AGREEMENT REMAINS SUBJECT TO THE**

FINAL APPROVAL OF OTHERS. WHEN THE AGREEMENT IS FINALIZED, COPIES OF THE AGREEMENT WILL BE MADE AVAILABLE THROUGH THE OFFICE OF CEO RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.

SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Mark McCormick v. County of Orange,
WCAB Case No.: ADJ6781803

B.O. **COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY APPROVED A PROPOSED SETTLEMENT IN THE MATTER OF MARK MCCORMICK V. COUNTY OF ORANGE, WCAB CASE NO. ADJ6781803. THE PROPOSED AGREEMENT REMAINS SUBJECT TO THE FINAL APPROVAL OF OTHERS. WHEN THE AGREEMENT IS FINALIZED, COPIES OF THE AGREEMENT WILL BE MADE AVAILABLE THROUGH THE OFFICE OF CEO RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant toGovernment Code Section 54956.9(d)(1):
Name of Case: Jennifer Westfield v. County of Orange, Deputy Alexander Flynn
OCSC Case No.: 30-2017-00952753

B.O. **COUNTY COUNSEL READ: THE BOARD UNANIMOUSLY APPROVED A PROPOSED SETTLEMENT IN THE MATTER OF JENNIFER WESTFIELD V. COUNTY OF ORANGE, DEPUTY ALEXANDER FLYNN, CASE NO. 30-2017-00952753. THE PROPOSED AGREEMENT REMAINS SUBJECT TO THE FINAL APPROVAL OF OTHERS. WHEN THE AGREEMENT IS FINALIZED, COPIES OF THE AGREEMENT WILL BE MADE AVAILABLE THROUGH THE OFFICE OF CEO RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

SCS6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -
INITIATION OF LITIGATION - Pursuant to Government Code Section 54956.9(d)(4):
Number of Cases: One Case

B.O. **COUNTY COUNSEL READ: THE BOARD ON A VOTE OF 4 TO 1, WITH CHAIRWOMAN BARTLETT, AND SUPERVISORS STEEL, WAGNER, AND CHAFFEE VOTING IN FAVOR, AND SUPERVISOR DO OPPOSED, THE BOARD AUTHORIZED COUNTY COUNSEL TO RETAIN THE RENNE PUBLIC LAW GROUP TO FILE AN AMICUS BRIEF ON BEHALF OF THE COUNTY TO PETITION THE UNITED STATES SUPREME COURT TO REVIEW THE NINTH CIRCUIT'S DECISION IN MARTIN V. BOISE**

ELECTED DEPARTMENT HEADS

SCS7. **Sheriff-Coroner -** CONFERENCE WITH SHERIFF-CORONER - THREAT TO PUBLIC SERVICES OR FACILITIES - Pursuant to Government Code Section 54957(a):
Title of Officer: Don Barnes, Orange County Sheriff-Coroner

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

VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Nick Kolev - Oral re: Military and armed forces which liberated Korea; brother-in-law was a Marine who was subject to Jewish ritual murder in the base in Okinawa, Japan; attended Board meeting to address County Counsel; is scared for his life and is expecting the Central Intelligence Agency to form a death squad to kill him; Alex Odeh Memorial.

Michael Tucker - Oral re: Unexplained deaths of Anthony Aceves, Shakira Kelly and Eric Denton in Orange County jails while under County supervision; urged the Board to make the Orange County jails safer.

Samuel Vance - Oral re: OC Racial Justice Collaborative; deaths at Tiananmen Square while people were protesting for democracy; despicable treatment of protestors at Hong Kong airport; mistreatment and deaths in Orange County jails.

Tiffany Tabares - Oral re: Son was shot by a City of Huntington Beach Police Officer at a 7-11 convenience store in Huntington Beach on 9/22/17; wants to set the record straight regarding the death of her son; will be attending every City of Huntington Beach City Council and Orange County Board of Supervisors meetings every week.

Michelle Alexander - Oral re: Representing citizens who have been in danger by failure to handle the transient population that has been thrust on counties and cities; County has no follow up plan to mitigate the impact of the transient population that has created a public safety issue and public health hazard.

Michelle Brooks - Oral re: San Clemente resident; transient problem in the City of San Clemente was caused by the County of Orange and now there is a health and safety crisis; transients use of drugs, graffiti, and mental illness; settlement does not provide addiction and mental health treatment.

Ilya Tseglin - Oral re: Has attended Board Meetings for 7 years pleading to save his son's life; need to invest money to improve people's live; Judges, Public Defender, judicial doctors and lawyers are liars; Board needs to provide oversight to prevent deaths.

Robert Tseglin - Oral re: His brother was kidnapped three times, placed in group homes and was released by Writs of Habeas Corpus; constitutional violations and petition filed to remove conservatorship; physical and psychotropic abuse; Dr. Nathan testified autistic persons should not be placed on psychotropic drugs; cover-up of mental, psychotropic and physical abuse; perjury, fraud and Public Defender.

Brigitte - Oral re: State and local courts, corrupt judges and organized cover-up; past and present Board of Supervisors are corrupt.

Gianni Castellanos - Oral re: OC Racial Justice Collaborative continues to bring attention to the issues and conditions in County jails; information regarding deaths of Anthony Aceves, Shakira Kelly and Eric Denton not provided to their families; combining positions of Sheriff and Coroner is a conflict of interest.

Bryan Kaye - Oral re: Was abused as a child; text messages containing offensive language from City of Anaheim Police Officer and Sheriff Deputies; requested Board Member meet with him, the Tseglins and Brigitte.

Janice Sherertz - Oral re: Four areas of need concerning the proposed rebuilt library in Laguna Niguel City CenterProject including size, parking, library program room and Friends of the Library; Laguna

Niguel Friends of the Library is dedicated to raising funds for the library.

Peggy Schwartz - Oral re: President of the Laguna Niguel Friends of the Library; focus on the ways the library can contribute to the Laguna Niguel City Center Project.

COUNTY EXECUTIVE OFFICER COMMENTS:
None

BOARD COMMENTS:
Supervisor Do - Oral re: Inaugural Chalk and Talk event held on Saturday, August 10, 2019 at the Civic Center in Santa Ana; thanked County Departments and their staff and community groups for their help and participation in the event.

ADJOURNED: 2:14 P.M.
35124 **Adjourned in memory of Eric Woolery**

52134 **Adjourned in memory of Eric Woolery**

*** KEY ***

Left Margin Notes

1. = Supervisor Do
2. = Supervisor Steel
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)

_____
Chair, Orange County Board of Supervisors

_____
Orange County Clerk of the Board